

Town of Lake Luzerne

Zoning Board of Appeals Minutes

February 8, 2024

After reciting the pledge of allegiance, Chairman Matthew Palitsch called the Zoning Board of Appeals meeting to order at 7:00pm with the following present: Burgess Ovitt, Rayl Zubal, Michael Bordeau, Kayla Jarrell, Zoning Enforcement Officer Karen Putney, Deputy Zoning Enforcement Officer Kristopher Kassay, and Town Attorney Mary Kissane. Also present: Kenneth Smuk, Amy Smuk, Terrance Dwyer, and Toni Ann Dwyer.

**Chairman Palitsch opened the Zoning Board of Appeals meeting with the following items on the agenda.**

- I. Date Correction: Area Variance 2023AV-9  
Owner/Applicant: Renee Elliott and Richard Buys  
Location: 44 Harris Drive  
Parcel Number: 317.16-1-50  
Lot Size: 0.14 Acres  
Town Zone: HR (Hamlet Residential)  
APA Land Use Classification: Moderate Intensity
- II. Reaffirm Vote: Area Variance 2023AV-8  
Owner/Applicant: Amy and Kenneth Smuk  
Location: 22 Squire Circle  
Parcel Number: 292.11-1-7  
Lot Size: 1.12 Acres  
Town Zone: HR (Hamlet Residential)  
APA Land Use Classification: Moderate Intensity
- III. Public Hearing: Area Variance 2023AV-10  
Owner/Applicant: Terrance Dwyer  
Location: 67 Davern Drive  
Parcel Number: 305.8-1-27  
Lot Size: 0.23 Acres  
Town Zone: HR (Hamlet Residential)  
APA Land Use Classification: Moderate Intensity
- IV. Accept minutes: January 11, 2023
- V. Old/new business

## **I. Date Correction: Area Variance 2023AV-9**

Date of the Public Hearing for 2023AV-9, Renee Elliot was changed to March 14, 2024, it was incorrectly set for March 7<sup>th</sup>, 2024 at the January 11, 2024 meeting.

## **II. Reaffirm Vote: Area Variance 2023AV-8**

It was determined that the previous meeting's decision was invalid due to a procedural error, so the vote had to be reaffirmed.

**Matthew Palitsch requested an Attorney-Client Privilege Session at 7:03 PM, public meeting resumed at 7:07 PM.**

**Matthew Palitsch made a motion to approve Area Variance application 2023AV-8, seconded by Michael Bordeau.**

**Palitsch: Nay**

**Zubal: Aye**

**Burgess: Aye**

**Bordeau: Aye**

**Jarrell: Aye**

**All in favor: 4, Opposed: 1, motion carried.**

## **III. Public Hearing: Area Variance 2023AV-10**

67 Davern Drive Owner/applicant Terrance Dwyer is seeking a side yard setback variance for an addition to an existing building. The minimum side yard setback is 10 feet from the property line, applicant is proposing a 1.2-foot setback for an attached carport to the existing structure.

SEQR: Exempt per 617.5 (c) (16)

County Planning: No significant inter-community or county-wide impact.

APA: Non-jurisdictional determination received and on file.

Mr. Dwyer stated that the building is being used for storage but is subject to flooding when the Hudson River level rises so he is seeking variance for existing carport within side yard setback on side of building least susceptible to flooding.

**Matthew Palitsch closed the Public Hearing for Area Variance application 2023AV-10 at 7:16 PM. Matthew Palitsch made a motion to approve Area Variance 2023AV-10, seconded by Rayl Zubal.**

**Palitsch: Nay  
Zubal: Aye  
Burgess: Nay  
Bordeau: Nay  
Jarrell: Aye**

**All in favor: 2, Opposed: 3, motion failed.**

**Matthew Palitsch made a motion to deny Area Variance 2023AV-10, seconded by Burgess Ovitt.**

**Palitsch: Aye  
Zubal: Nay  
Burgess: Aye  
Bordeau: Aye  
Jarrell: Nay**

**All in favor: 3, Opposed: 2, motion carried.**

#### **IV. Accept Meeting Minutes**

**Rayl Zubal made a motion to accept minutes from January 11, 2023, seconded by Matthew Palitsch.**

**All in favor: 5, Opposed: 0, motion carried.**

#### **V. Old/New Business**

The Zoning Board of Appeals needs an alternate member. There has been no response from the notice that was posted on the website.

**Rayl Zubal made a motion to adjourn at 7:37 PM, seconded by Michael Bordeaux.**

**All in favor: 5, Opposed: 0, motion carried.**

Respectfully submitted,  
Kristopher Kassay