

Town of Lake Luzerne
Zoning Board of Appeals Minutes
April 11, 2024

After reciting the pledge of allegiance, Chairman Matthew Palitsch called the Zoning Board of Appeals meeting to order at 7:03pm with the following present: Rayl Zubal, Michael Bordeau, Kayla Jarrell, Zoning Enforcement Officer Karen Putney, Deputy Zoning Enforcement Officer Kristopher Kassay, and Town Attorney Mary Kissane. Also present: Renee Elliott, Richard Buys, and Jack Abbott.

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

- I. Public Hearing: 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. Accept minutes: March 14, 2024

- III. Old/new business

I. Public Hearing: Area Variance 2023AV-9

Renee Elliott and Richard Buys are seeking relief from Local Law No.3 of 2019, Ancillary Structures which references Article VI-General Regulations, Accessory Structures.

The preferred location of the proposed 12’x12’ shed has been changed so that the variance request is for a 27-foot Front Yard Setback from the center of East River Drive where the required setback is 60 feet from the center of the road. An alternate location for a 10’x10’shed on the Harris Avenue side of the dwelling has also been indicated on the submitted plot plan for consideration if the preferred location is deemed to be unacceptable by the Zoning Board of Appeals. This location would require a variance for a side yard setback of 5’ from the side property line where the required setback is 10 feet from the property line.

The applicant is also seeking relief of fence height restrictions to permit an existing 6-foot-high fence facing East River Drive where 4 feet is the maximum height allowed in the Zoning Ordinance.

SEQR: Exempt per 617.5 (c) (12) and (16)

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

APA: Non-jurisdictional letter in file

Matthew Palitsch opened the public hearing for 2023AV-9 at 7:05pm.

One letter was received in opposition to the granting of a 5-foot relief of the side-yard setback requirement on the Harris Avenue side of the dwelling by neighboring vacant landowner Helen Schaefer.

Jack Abbott of 45 Harris Avenue expressed concern over potential safety issues with granting a 5-foot relief of the side-yard setback requirement on the Harris Avenue side of the dwelling. ZEO Putney responded by providing a history of the reasoning for the side-yard setback requirement in both Town and County codes.

Matthew Palitsch closed the public hearing for 2023AV-9 at 7:14pm.

Matthew Palitsch made a motion to approve Area Variance application 2023AV-9 for a 6-foot fence height on the East River Drive side of 44 Harris Avenue for the life of the fence, seconded by Michael Bordeau.

**Palitsch: Aye
Zubal: Aye
Bordeau: Aye
Jarrell: Aye**

All in favor: 4, Opposed: 0, motion carried.

Matthew Palitsch made a motion to approve Area Variance application 2023AV-9 for the location of a 12'x12' ancillary structure with a 27-foot setback measured from the center of the East River Drive at 44 Harris Avenue, seconded by Michael Bordeau.

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

All in favor: 3, Opposed: 1, motion carried.

II. Accept minutes: March 14, 2024

Matthew Palitsch made a motion to accept minutes from March 14, 2024, seconded by Michael Bordeau.

All in favor: 4, Opposed: 0, motion carried.

III. Old/New Business

The Zoning Board of Appeals needs an alternate member. There has been one application received and the Town Board will be interviewing the applicant Sonya Harris at the upcoming Town Board meeting on May 7, 2024.

Matthew Palitsch made a motion to adjourn at 7:54 PM, seconded by Rayl Zubal.

All in favor: 4, Opposed: 0, motion carried.

Respectfully submitted,
Kristopher Kassay