

**APPROVED**  
**LAKE GEORGE VILLAGE ZONING BOARD MEETING**  
**April 7, 2010 - 7:00PM**  
**VILLAGE ADMINISTRATION BUILDING**  
**26 OLD POST ROAD - LAKE GEORGE, NY**

**BOARD MEMBERS PRESENT:**

Ron Mogren - Chairman, Dick Butler, Virginia Henry, and Kevin Merry

**BOARD MEMBERS ABSENT:** Tim Hill

**OTHERS PRESENT:**

Doug Frost (Enforcement Officer), Debra McKinney (Secretary), Sean Quirk (Applicant), and Attorney Mark Rehm

Chairman Mogren called the meeting to order at 7:00 PM for the following application:

**TAX MAP: 251.18-3-57**

**OWNER/APPLICANT: SEAN QUIRK**

**ADDRESS: 204 CANADA ST**

**ZONE: COMMERCIAL RESORT**

**VARIANCE APPLICATION #1007**

Applicant is seeking to use a building which was originally used as a ticket booth and more recently a storage shed as a retail/food business.

Chairman Mogren asked Attorney Mark Rehm to review the applicant's request. He noted the following:

- There is no undesirable change because of the variance.
- Applicant would hate to see structure go unused. It has been used for more than 20 years in same general area.
- No adverse effect on environment
- The alleged difficulty was not self-created. The structure has been there for 20 plus years. He is simply trying to allow the applicant to uphold his obligation with the lease and preserve use of the building.

Chairman Mogren opened the Public Hearing at 7:06 p.m noting that there was no one from the public in attendance.

He polled the Board for opinions on the permanency of the building.

Chairman Mogren said that he went and looked at the building. He noted that it does appear to be a permanent structure to him, it appears to be built into the wall and the utilities are hooked up.

Dick Butler mentioned that he measured the building; it is 8' X 6' which is 48 square feet. He was wondering about the 100 square feet listed as the building size on the application. Mr. Quirk commented that he had estimated the size to be 10' X 10'. Dick went on to say that the building fits with the décor.

Kevin Merry pointed out that it's not much different than the surrounding buildings and it would not be an undesirable change.

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Virginia Henry pointed out that the building has been there for years and agrees with the rest of the board.

Mr. Butler inquired as to how the building is listed on the tax roll. Attorney Rehm replied that it is not separate. It's part of the larger parcel 251.18-3-57.

Mr. Merry inquired as to the intended purpose of the building. Mr. Quirk responded that he has a five-year lease to serve Hawaiian ice which operated for the first year last year. He would like to continue with the lease.

Discussion ensued about the 50' setback requirement. As an existing building the board agreed that this is grandfathered. Chairman Mogren made note that this is an existing structure and therefore grandfathered for the 50' setback from the APA requirement. The building has been there for more than 20 years. The building was constructed when the mall was owned by "Jones".

**MOTION:** Ron Mogren made a motion to classify the building as a permanent structure based on the following conditions:

- The structure is built into the walls.
- The building has utilities.
- There is flashing on the building.

**MOTION 2<sup>ND</sup>:** Virginia Henry

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Aye	Absent	Aye

Ayes = 4 Nays = 0. Motion carried.

**MOTION:** Ron Mogren made a motion to close the public hearing.

**MOTION 2<sup>ND</sup>:** Virginia Henry

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Aye	Absent	Aye

Ayes = 4 Nays = 0. Motion carried.

**MOTION:** Ron Mogren made a motion to accept the variance to allow a 50 square foot building and to waive the dimensional requirements of a minimum floor area for each retail business of 500 square feet. Based on the following Fact Finding items.

1. The benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because it is not a detriment to the health, safety and welfare of the neighborhood or community.
2. The variance will not have an undesirable effect on the character of the neighborhood because it is an existing structure that fits in with the character of the Village Mall.
3. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because the structure is an existing permanent structure which he wants to use for outdoor retail/food sales.

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4. The requested area variance is not substantial because it has no ill effects on anyone.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because it is an existing structure that's been there for more than 20 years.
6. The alleged difficulty was not self-created.

**MOTION 2<sup>ND</sup>:** Dick Butler

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Aye	Absent	Aye

Ayes = 4 Nays = 0. Motion carried.

Chairman Mogren made a motion, seconded by Kevin Merry to close the public hearing at 7:23 p.m. Ayes – 4, Nays – 0 Motion carried.

**MINUTES:**

November 4, 2009

**MOTION:** Ron Mogren made a motion to approve the November 4, 2009 minutes without changes.

**MOTION 2<sup>ND</sup>:** Virginia Henry

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Aye	Absent	Aye

Ayes = 4 Nay = 0. Motion carried.

Motion by Ron Mogren, seconded by Kevin Merry and carried unanimously to adjourn at 7:30 p.m.

Respectfully submitted,

Deb Mckinney/Carol Sullivan  
4/8/2010