

**APPROVED**  
**LAKE GEORGE VILLAGE ZONING BOARD MEETING**  
**OCTOBER 5, 2011- 7:00PM**  
**VILLAGE ADMINISTRATION BUILDING**  
**26 OLD POST ROAD - LAKE GEORGE, NY**

**BOARD MEMBERS PRESENT:**

Ron Mogren - Chairman, Dennis Barden, Kevin Merry, Tom Sullivan.

**BOARD MEMBERS ABSENT:** Virginia Henry

**OTHERS PRESENT:**

Doug Frost (Enforcement Officer), Carol Sullivan (Secretary), Carl Alberino (Owner, Mayflower Realty has authorized Carl to act on their behalf).

Ron Mogren opened the ZBA meeting and the Public Hearing at 7:00 PM. Ron noted there was no public attendance this evening.

**TAX MAP: 251.14-3-9**

**OWNER/APPLICANT: MAYFLOWER REALTY LLC**

**ADDRESS: 43 AMHERST ST. (LAKE GEORGE BAKING CO. – CARL ALBERINO)**

**ZONE: COMMERCIAL MIXED USE**

**VARIANCE APPLICATION #V04-2011 – PUBLIC HEARING**

Owner/Applicant is applying for an area variance. Owner/Applicant is seeking relief from the 5 foot setback requirement for outdoor dining or drinking areas. The owner/applicant is seeking a zero (0) setback zero for a deck located at the northwest corner Of Lake George Baking Company at 43 Amherst St.

Owner/applicant has constructed a deck in this area, however, Lake George Village ZBA and Planning Board approval is required before Warren County can issue a Certificate of Occupancy for the deck.

Carl explained to the board that his son constructed the deck. His son's business is deck construction and when his son had some free time he was able to construct the deck. Carl explained he never gave any thought to permits or what the requirements might be. He explained that if the 5 foot setback was enforced he would not be able to have a deck because the area would be too small.

The board discussed the location of the deck and since it was at the rear of the property and not on Canada St., they felt allowing for a zero foot setback would not present a problem.

Noting there was no public attendance, Ron Mogren made a motion to close the Public Hearing at 7:10.

**MOTION 2<sup>ND</sup>:** Tom Sullivan

Ron Mogren	Dennis Barden	Ginny Henry	Kevin Merry	Tom Sullivan
Aye	Aye	Absent	Aye	Aye

Ayes = 4 Nays = 0. Motion carried.

**MOTION:** Ron Mogren made a motion to grant the variance for a zero foot setback 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 there is no detriment to

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the health and safety of the neighborhood and the deck adds to the business character of the area.

2. The variance will not have an undesirable effect on the character of the neighborhood because again, having a deck at this location adds to the character of the neighborhood.
3. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because this is the only area where the deck can be located and imposing a five foot setback would not provide enough room to have the deck.
4. The requested area variance is not substantial because the location of the deck is at the rear corner and building it to the property line does not pose a problem with potential foot traffic.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because the deck actually enhances the neighborhood and when the building was built stormwater control methods were built into the neighboring parking lot. Storm water on the deck will run through the deck to the ground below.
6. The alleged difficulty was not self-created because this space is the only space where the deck can be built and to impose a 5 foot setback would not provide enough space for a deck.

**MOTION 2<sup>ND</sup>:** Kevin Merry

Ron Mogren	Dennis Barden	Ginny Henry	Kevin Merry	Tom Sullivan
Aye	Aye	Absent	Aye	Aye

Ayes = 4 Nays = 0. Motion carried.

Ron Mogren made a motion to adjourn the meeting at 7:30 PM, seconded by Kevin Merry and unanimously carried.

Aye – 4 Nay - 0 Motion carried.

Respectfully submitted,  
Carol Sullivan  
October 6, 2011