

**APPROVED**  
**LAKE GEORGE VILLAGE ZONING BOARD MEETING**  
**FEBRUARY 1, 2012- 7:00PM**  
**VILLAGE ADMINISTRATION BUILDING**  
**26 OLD POST ROAD - LAKE GEORGE, NY**

**BOARD MEMBERS PRESENT:**

Ron Mogren - Chairman, Dennis Barden, Tom Sullivan

**BOARD MEMBERS ABSENT:** Virginia Henry, Kevin Merry

**OTHERS PRESENT:**

Doug Frost (Enforcement Officer), Carol Sullivan (Secretary), Kristen DePace, Bruce Mowery, Fred Austin, Ed Esposito, Tom Zappierri

Ron Mogren opened the ZBA meeting and the Public Hearing at 7:05 PM.

**TAX MAP: 251.14-1-20**

**OWNER/APPLICANT: KRISTEN DEPACE**

**ADDRESS: 50 WEST STREET**

**ZONE: RESIDENTIAL MIXED USE**

**VARIANCE APPLICATION #V01-2012 – PUBLIC HEARING**

Applicant is applying for an area variance. Applicant is seeking relief from the 10 foot side yard setback requirement for the construction of a carport on the west side of the single family residential home. Applicant is seeking a zero foot setback.

- Bruce Mowery addressed the Board. Bruce is the builder. He explained the need for the carport, last year with the heavy snow accumulation there was an accumulation of ice and snow on the roof which would fall to the driveway below. This created an unsafe situation as the driveway is right next to the house on the western side.
- The curb cut is on West St. There is no curb cut on Cooper St. There is a grassy area on Cooper St. which is approximately 2 or 3 feet higher than the driveway. The zero setback is needed because the western edge of the driveway sits on the property line, however, the carport will not be right next to Cooper St. because of the raised grassy area between the street and the property line.
- Ron suggested a possible alternative of putting the carport further to the rear of the property. Bruce explained because of the width needed for the carport there would not be enough room for the needed turning circle to get to the carport. The Board agreed that tonight's proposal seemed to be the only practical way to have vehicle coverage.
- Tom asked if the side of the carport, closest to Cooper St., will be posts. Bruce indicated there will be standing posts with an open side. The roof will be shingle in order to prevent snow slides onto Cooper St.
- Ron asked for public comment and hearing none closed the Public Hearing.

**MOTION:** Ron made a motion to close the Public Hearing at 7:15 PM.

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

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

Ayes = 3 Nays = 0. Motion carried.

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**MOTION:** Ron Mogren made a motion to grant the variance for a 0 (zero) foot setback at the west side of the existing single family structure so a carport can be built. This motion is 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 and the carport will eliminate the dangerous situation of snow and ice falling off the roof into the driveway.
2. The variance will not have an undesirable effect on the character of the neighborhood because the carport will enhance the single family residence and add 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 the driveway is an existing driveway on the west side of the home and there is no room at the rear of the house for the carport to be constructed.
4. The requested area variance is not substantial because it is a side yard variance which is next to Cooper St. There is enough property between Cooper Street and the property line to allow for some room between the carport and the street.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because the carport will be next the road and not next to a neighboring property.
6. The alleged difficulty was not self-created because the driveway was in the current location when the home was purchased and there is no other feasible location for the driveway.

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

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

Ayes = 3 Nays = 0. Motion carried.

**TAX MAP: 251.18-3-71**

**OWNER/APPLICANT: ADIRONDACK ENTERTAINMENT & RECREATION INC.**

**ADDRESS: 4 BEACH RD**

**ZONE: COMMERCIAL RESORT**

**VARIANCE APPLICATION #V02-2012 – PUBLIC HEARING**

Doug and Carol explained to the Board that after further review it was determined that a variance was not needed for the proposed changes to 4 Beach Road.

This property sits on the corner of Beach Road and Canada Street. The Village Code states: § 220-21. B. (1) \*\*\* Each side of a corner lot which abuts a street shall be deemed a front yard.

The setback for a front yard in the commercial resort zone is zero. In the area of the proposed project there is a State right-of-way which this property owner must maintain as green space. Therefore, the new amusements will not be right next to the fence which separates the property from the sidewalk.

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The proposed addition to an existing patio at the Sub Shop will be set back 5 feet from the property line and this complies with the requirement set forth in:

§ 220-39. Outdoor area for dining or drinking.

Any outdoor area utilized or intended to be utilized for the consumption of beverages or food shall have a setback according to the following: first floor, five feet from the public right-of-way; second or third floor, 10 feet from the public right-of-way. In no event may the outdoor area exceed 50% of the inside service area of the same establishment, excluding bathrooms.

**MINUTES**

**MOTION:** Ron made a motion to approve the January 4, 2012 minutes.

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

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

Ayes = 3 Nays = 0. Motion carried.

**MOTION:** Ron made a motion to adjourn the meeting at 7:20 PM

**MOTION 2<sup>ND</sup>:** Dennis Barden

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

Ayes = 3 Nays = 0. Motion carried

Respectfully submitted,

***Carol Sullivan***

February 10, 2012