

**APPROVED - MINUTES
LAKE GEORGE VILLAGE ZONING BOARD MEETING
NOVEMBER 7, 2012- 7:00 PM
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: Ginny Henry

OTHERS PRESENT: Carol Sullivan (Secretary),

Ron Mogren opened the ZBA meeting and the Public Hearing 7:00 PM.

OWNER/APPLICANT: JOHN CARR

TAX MAP: 264.06-2-40

ADDRESS: 33 CANADA ST.

ZONE: COMMERCIAL MIXED USE

VARIANCE APPLICATION #V11-2012 – PUBLIC HEARING

Application is to construct an L-shaped accessory structure at the northwest corner of the property. This new structure will replace the existing accessory structure. At this location the side yard setback in the Commercial Mixed Use zone is 10 feet. Applicant is proposing a .5 foot setback at the closest point which is the northeast corner of the new proposed building. Relief sought 14.5 feet. Applicant is also seeking relief from the rear yard setback requirement which is 15'. Applicant is proposing a 10 feet setback. Relief sought is 5 feet.

John Carr was absent from tonight's meeting however, the Board agreed to review his application. Carol explained to the Board that the current Zoning Law in the CMU district requires a 10 foot side yard setback if the commercial establishment is next to a single family residence. The previous code did not have this requirement. She also explained that the house is currently vacant and has been for some time. The house is positioned right next to the Village sidewalk. The property extends to Dieskau St. however, the rear of the property has a steep slope and is not developed; it is completely wooded. John's proposal abuts the rear of this next door property.

The Board discussed John's proposal and asked if parking spaces would be eliminated. Carol mentioned she had discussed this and the location with John when he submitted the application. Parking spaces will not be eliminated because there is a much smaller storage building in this area and John uses this outdoor corner to store some of his business items such as equipment, etc. In addition, moving the new proposed structure to meet the setback requirements would eliminate some green space and position the new structure in an area which would be make it more visible.

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

MOTION 2ND: Kevin Merry

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| 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 approve the variance as applied for. 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.
2. The variance will not have an undesirable effect on the character of the neighborhood because it will actually create a buffer for the neighboring properties.
3. The benefit sought by the applicant cannot be achieved by some other method feasible because there is a need for a larger accessory shed and the rear corner is the best location.

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4. The requested area variance is not substantial because it is located next to an area of the neighboring lot which is vacant and not used.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because it will provide a buffer to the neighboring properties.
6. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

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

Ayes = 3 Nays = 0. Motion carried.

MOTION: Tom Sullivan made a motion to accept the September 5, 2012 minutes as presented.

MOTION 2ND: Ron Mogren

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

Ayes = 3 Nays = 0. Motion carried.

MOTION: Ron Mogren made a motion to adjourn the meeting at 7:30 PM.

MOTION 2ND: Tom Sullivan

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

Ayes = 4 Nays = 0. Motion carried.

Respectfully submitted,
Carol Sullivan
November 8, 2012