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ATTORNEY FOR THE TOWN

### ZONING BOARD OF APPEALS MEETING MINUTES April 1, 2019

#### MEMBERS PRESENT

John Hopkinson  
Linda Friedlander  
Todd Rissberger  
Charlie Roscoe  
Bill Morris

#### MEMBERS ABSENT

#### ALSO PRESENT

Bill Kissell, Board Attorney  
Terry Tubridy, Planning & Zoning Coordinator  
Mike Orticelle, Code Enforcement Officer

Mr. Hopkinson calls the meeting to order at 4:03 PM.

#### Dual Development/Quality Inn (Case #168) – Area Variance/Shoreland Overlay

Mr. Hopkinson noted the meeting was for Board member discussion only. The record for applicant information and public comment was closed on 3/25/19 after several months of input. Today's meeting is for final review of the findings of fact and for a final vote on the approval or denial of the variance request.

Mr. Kissel noted the Board has not yet made a decision. The vote taken on March 25, 2019, was a "straw" vote and is not official. The formal decision will be made today.

The Board was asked if there were any questions or issues with the findings of fact. There were none.

Mr. Kissel introduced Exhibit A – List of Primary Documents from applicant and public – and Exhibit B – Lake Placid Hospitality, LLC, Variance Application Findings of Fact.

Ms. Friedlander made a motion to accept Exhibits A and B for the record.  
Mr. Morris seconded the motion.  
All members voted in favor. The motion passed 5-0.

The Board conducted the formal vote and motion for a decision to approve or deny the variance as follows:

**1. Will the requested variance produce a detriment to nearby properties or undesirable changes in the character of the neighborhood?**

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: NO; Mr. Morris: YES; and Mr. Hopkinson: YES.

The Board answered YES with a 3-2 vote.

**2. Are there other feasible alternatives to the requested variance that the applicant could pursue?** [This was Question #3 in the minutes of March 25, 2019]

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: YES; Mr. Morris: YES; and Mr. Hopkinson: YES.

The Board answered YES with a 4-1 vote.

**3. Is the requested variance substantial?** [This was Question #4 in the minutes of March 25, 2019]

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: YES; Mr. Morris: YES; and Mr. Hopkinson: YES.

The Board answered YES with a 4-1 vote.

**4. Will the requested variance produce an adverse effect on the physical or environmental condition in the neighborhood?** (This was Question #2 in the minutes of March 25, 2019)

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: NO; Mr. Morris: YES; and Mr. Hopkinson: YES.

The Board answered YES with a 3-2 vote.

**5. Is the alleged difficulty self-created?**

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: NO; Mr. Morris: NO; and Mr. Hopkinson: YES.

The Board answered NO with a 3-2 vote.

**After taking the above five factors into consideration, does the benefit to the applicant outweigh the detriment to the neighborhood or the community?**

Mr. Rascoe: DOES; Ms. Friedlander: DOES NOT; Mr. Rissberger: DOES; Mr. Morris: DOES NOT; and Mr. Hopkinson: DOES NOT.

The Board answered DOES NOT with a 3-2 vote.

Ms. Friedlander made a motion to DENY the area variance.

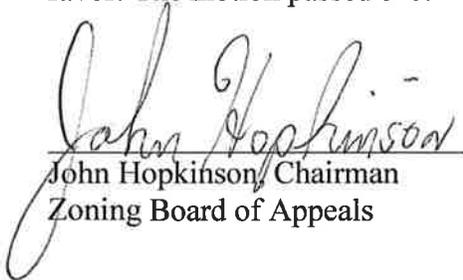
Mr. Morris seconded the motion.

Ms. Friedlander, Mr. Morris and Mr. Hopkinson voted in favor. Mr. Rascoe and Mr. Rissberger voted against. The motion passed with a 3-2 vote.

Case closed.

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These minutes were reviewed by the Board on 5/6/2019. Ms. Friedlander made a motion to approve the minutes as amended. Mr. Rissberger seconded the motion. All members voted in favor. The motion passed 5-0.

  
John Hopkinson, Chairman  
Zoning Board of Appeals

<b>RECEIVED</b>	
Date	<u>7/2/19</u>
Town Clerk	<u>[Signature]</u>
Date	<u>7/3/19</u>
Village Clerk	<u>[Signature]</u>

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Todd Rissberger  
Charlie Roscoe  
Bill Morris

#### MEMBERS ABSENT

#### ALSO PRESENT

Bill Kissell, Board Attorney  
Terry Tubridy, Planning & Zoning Coordinator  
Mike Orticelle, Code Enforcement Officer

#### Board Business

#### Meeting Minutes of 2/25/19

Mr. Rissberger made a motion to approve the minutes as amended during this meeting.  
Mr. Hopkinson seconded the motion.  
All members voted in favor. The motion passed 5-0.

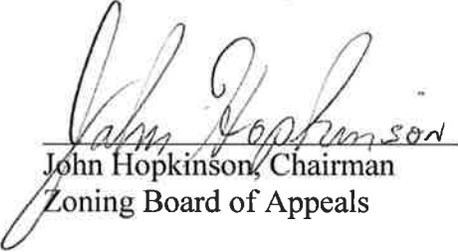
#### Next Meeting

The Board rescheduled the regular Board meeting of April 29 to May 6. The regular May 20 meeting will occur.

Mr. Rascoe made a motion to adjourn the meeting.  
Mr. Morris seconded the motion.  
All members voted in favor. The meeting adjourned at 4:42 PM.

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These minutes were reviewed by the Board on 5/6/2019. Ms. Friedlander made a motion to approve the minutes as amended. Mr. Rissberger seconded the motion. All members voted in favor. The motion passed 5-0.

  
John Hopkinson, Chairman  
Zoning Board of Appeals

**RECEIVED**  
Date 7/2/19  
Town Clerk Laurel Dudley  
Date 7/5/19  
Village Clerk Amanda R. Esby