

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Ross Schoembs
Troy Scripture
Brian Logan, Alternate

Also Present: Attorney Brian Reichenbach, Zoning Administrator Scott Olson, Steve and Cindy DeCarlo, Zach Monroe of Winchip Engineering.

Pledge

Review of Minutes: Troy Scripture made a motion to accept the August 25, 2020 minutes as written. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

File 2020-06
Tax Map # 71.20-1-16
Steve DeCarlo
6822 State Route 8
Brant Lake, NY 12815

Requesting Area Variances from Section 6.10 for a Shoreline setback for a 1.5 story 20' x 26' garage to sit 35' from the shoreline where 50' is required and a Roadway setback for the structure to sit at 43' from the roadway where 50' is required.

Steve DeCarlo spoke about his proposed 1.5 story garage project. Steve stated that his wife and he purchased the property earlier this summer and they created a vision for the development for a home located on the opposite side of the lake and a 1.5 story garage on the lakeside. Primarily our objective is to create a space for our family to come and enjoy the lake and not have to cross Route 8 where there is a sharp curve and dangerous. In doing so initially their desire to have gazebo on the lakeside but they did not want a lot of out buildings. They will build a home and want to maximize the beauty of the lake so they would like to put a 1.5 story garage instead of gazebo in order to store the fishing boat, tools, and winter toys. They would also like to put a deck on the half of story on the garage to view the lake and watch the kids play. The location of the garage would be out of the direct view of the home and when the home is built it will also have a view of the lake. The reason the garage needs a variance of 35' from the shoreline is because the roof line over the deck and 43' from the road. The footing at the foundation is actually 45' from the lake. I tried to center it between the shoreline and the road.

Chair Cheryl Erickson asked if there will be a driveway into the parcel.

Steve DeCarlo stated that he did not want to have a driveway because the grass is firm enough to drive on and he did not want to highlight a driveway because the building is a nice little accessory building and is using it to store a fishing boat. We do not see a need for a driveway at this time. The driveway will be associated with the house once the house is built on the property across the road from the lakeside.

Chair Cheryl Erickson asked if Mr. DeCarlo will be putting any type of flooring under the overhanging porch.

Steve DeCarlo stated that they intend to do decorative pavers or cobblestones.

Chair Cheryl Erickson asked if there is any intention to put any plumbing in the building.

Steve DeCarlo responded no intention for any plumbing but will bring in electric to the building.

Jim Dewar Vice-Chair asked if this needs an APA permit.

Attorney Brian Reichenbach responded that it will have to go the APA for review; however, it does not need an APA permit.

Vice-Chair Jim Dewar asked about the square footage of the building.

Steve DeCarlo responded that it is 520 square feet on the garage level. 260 square feet on the ½ story level that is usable. The roof pitch is 12/12. A total of 780 square feet. The 26' measurement was selected due to the size storage he needs for the fishing boat and trailer.

Vice-Chair Jim Dewar asked if all this property shown on the map is part of that parcel.

Steve DeCarlo responded yes. It has 3 lots associated with the one tax map and showed Vice-Chair Jim Dewar where each is found on the map.

Chair Cheryl Erickson asked if we have deed for this parcel.

Secretary Terri Katsch responded yes there is a deed on file.

Brian Logan asked about the water level on that property and whether it will get close to the structure.

Zoning Administrator Scott Olson responded that it will not get close to the proposed structure.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to deem the application complete and set a Public Hearing for October 27, 2020. Second by Brian Logan. **ALL AYES.**

PUBLIC HEARING: **File # 2020-05 AV**
 Tax Map # 71.12-1-28
 Nils Soderman
 241 Palisades Road
 Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Shoreline setback for a structure to sit at 57' where 75' is required, a roadway setback for a structure to sit at 38.5' where 60' is required, a rear yard setback for a structure to sit at 30' where 50' is required.

Zach Monroe from Winchip Engineering is here to speak on behalf of Mr. Soderman for the proposed variances. The proposal is to remove an existing home and build a new one. The allowable buildable area on the site does not allow construction of a new residence which will meet zoning setbacks. The new structure is to be pushed further back on the lot into the bank to maximize the variance requests distances from the road and the lake setbacks rather than keep the rear setback. The setback from the shoreline needs to be changed from 59' to 57'. That was an incorrect measurement on the application and the measurement was changed with everyone in agreement. There is an existing shed and patio that will be removed and will just be the new home. They received the approval from the Town Board for the septic.

Ross Schoembs asked Zach Monroe what the factors were making it necessary to push the rear yard setback only to 30'.

Zach Monroe responded the slope of the land caused us to move the rear yard setback not as close to the rear due to the slope and would not want to dig out the bank which would make it more difficult. They would end up with a height issue and would not make sense.

Vice-Chair Jim Dewar asked if we received any feedback from the neighbors.

Zoning Administrator Scott Olson responded that he spoke with one neighbor who came to the office to review the plans and has no problem with the proposed requests.

Chair Cheryl Erickson summarized that they are taking an older home that was built in the 1950's that burned down and was rebuilt in the 1980's with a square footage of 1124 sq. ft. (existing building) and the foundation on the existing building is block or rock, standard old building foundation. This will be built to new standards and will be a four-season home. The new home will be 2449 square feet. They will be eliminating the shed and patio so the increase would be roughly 737 square feet that includes the new deck. The old timber wall will be eliminated and cleared up. Driveway will be straightened out as well.

Vice-Chair Jim Dewar asked if the foundation will have windows.

Zach Monroe responded that this will be a walk out at the street side and a door to the back near the retaining wall.

Chair Cheryl Erickson asked if it will be similar to the neighbors' homes and in keeping with the character of the neighborhood.

Zach Monroe responded yes, the walk out basements are common for steep lots around the lake.

Troy Scripture asked about the location of the well.

Zach Monroe responded that they will be wrapping the stairs off the dock around the well location.

Chair Cheryl Erickson asked if they are changing the bedrooms.

Zach Monroe stated no it is a 3-bedroom home and will remain a 3-bedroom home.

Ros Schoembs asked if the total square feet will be 2400 square feet.

Zach Monroe stated yes that is the footprint including the deck. It will be a whole new lot coverage. The existing is 1700 square feet and the new home will be approximately 2400 square feet which includes the roof line and a whole new lot coverage.

Vice-Chair Jim Dewar asked where they are going to put their car.

Zach Monroe showed Vice-Chair Jim Dewar the location on the map of the new garage and how they will access the garage.

Chair Cheryl Erickson asked about any landscaping in the front.

Zach Monroe responded will be flowers and grass planted.

Being no further questions or comments Chair Cheryl Erickson closed the Public Hearing.

The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety, and welfare of the community.

The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant because it is a substandard lot and is limited so moving back a way from road is the best he can do. It will all be updated to current standards.
2. There will not be an undesirable change in the neighborhood character or undesirable change to the nearby lake properties. No, it will be an improvement and in keeping with the character along Palisades Road that have a lot of walk out basement homes.
3. The request is substantial; however, this is not detrimental to the approval. It is a substandard lot and using the existing footprint as much as he can and cleans up the area.
4. There will be no adverse physical environmental effects on the property or to the neighboring properties. This proposed project will not be removing any trees but possibly only one. By increasing the grass on the front that will be less runoff from the lot. The new impervious surfaces will be less than what the Lake George Park Commission regulations allow. If you are creating 1000 square feet of impervious surface nothing needs to be done and our increase would only be about 500 square feet. So, any runoff from the house will get into the lot and not the road. There will be a drainage system in the back of the house and will do something similar with some form of greenspace reducing run off. They have an approved NORWECO system for the lot as well.
5. The proposed project is self-created; however not detrimental to the approval of the proposal.
6. This is the minimum variance necessary because it is not an excessively large home on the property and has reasonable setback requests given the restrictions on the lot. This is the best use of the lot.

Being no further discussion Vice-Chair Jim Dewar made a motion to approve the requested Area Variance from **Zoning Code 6.10** for a Shoreline setback for the structure to sit 57' from the shoreline where 75' is required, a Roadway setback for the structure to sit 38,5' from the center line of the road where 60' is required, and a Rear yard setback for the structure to sit at 30' from the rear where 50' is required with conditions as follows: Second by Troy Scripture. **ALL AYES.**

1. **If the Warren County Impact statement has a negative impact, we will re-open and look at the proposal again. (Warren County Impact Statement was received after the meeting and there is no county impact).**
2. **Storm water runoff to be included in the design of the home.**

PUBLIC HEARING:

File # 2020-04 AV
Tax Map # 105.2-1-4
James and Sarah Hayes
79 Hayesburg Rd.
Brant Lake, NY 12815

TABLED UNTIL Deed is received

Requesting an Area Variance for a Roadway Setback from **Section 6.10** for the addition of a 28' x 32' detached garage.

Reminders: None

Correspondence: Training Webinar REMINDER

Public Comments: Scott Olson, Zoning Administrator stated that the Town Board has picked a second alternate for the ZBA and will have more information about the new hire.

Board Comments: None

Being no further comments Ross Schoembs made a motion to adjourn the meeting. Second by Brian Logan. **ALL AYES.**

Adjourn: 7:50 PM

Next meeting date: October 27, 2020

Respectfully Submitted,
Terri Katsch, Secretary