

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Ross Schoembs
Rich Nawrot
Troy Scripture
Brian Logan, Alternate # 1
Neil Brandmeir, Alternate #2

Also Present: Town Attorney Brian Reichenbach, Zoning Administrator Jim Steen, Peter, Eileen, Lynn and Julia Purcciarelli, Mark Deyo, Matt Deyo, Roy Deyo, Dan Galusha, Yvonne Butler and Linda Marcella, representing Yvonne Butler.

Pledge

Review of Minutes: Ross Schoembs made a motion to accept the March 23, 2021 minutes with one correction on page 3, the date of the Public Hearing (April 27, 2021). Second by Rich Nawrot. **ALL AYES.**

NEW BUSINESS:

File # 2021-03 AV
Tax Map # 88.7-1-5
Peter Pucciarelli
27 New Street
Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a **Roadway setback** for a covered patio 12' x 16' covered patio and a smaller 14' x 12' stamped concrete patio to sit 10' from the road where 50' is required. Also requesting a **Shoreline setback** for the structures to sit at 15' where 50' is required.

Eileen Pucciarelli was present to speak about her project. Eileen stated that they live at 27 New Street and have waterfront. They would like to place a 20' x 16' covered patio and a smaller 14' x 12' stamped concrete patio on the waterfront side.

Rich Nawrot asked the exact location of the home because he was looking at the area the other day and could not locate the home.

Eileen Pucciarelli responded they are the green house which is the fourth house in on the street.

Troy Scripture pointed out that the covered patio on the plan is 20' x 16' and on the application it is 12' x 16' which needs to be changed. The applicant and the Board members agreed to make the change.

Zoning Administrator Jim Steen stated that he needed to make some clarifications. The sketch shows the location of the covered patio as 10' from the front and it is actually 15' from the center line of the road. He also stated that because the 12' x 14' patio stamped concrete patio is flush with the natural ground, it does not require a variance. The applicant and the Board members made the corrections to the application to reflect the change in the setbacks and removed the stamped concrete patio from the variance request.

Vice-Chair Jim Dewar asked if the covered patio is different from the stamped concrete patio.

Zoning Administrator Jim Steen responded yes that's correct. The stamped concrete patio is flush with the ground and does not need a variance. We are only considering the covered patio.

Chair Cheryl Erickson asked where the home is located on the parcel.

Eileen Pucciarelli stated it is across the road from where they are requesting the covered patio.

Vice-Chair Jim Dewar asked if the covered patio will be enclosed.

Eileen Pucciarelli responded no, it will be open on all sides.

Chair Cheryl Erickson clarified the setback changes to include the covered patio to sit 15' from the center line of the road where 50' is required making the actual variance request 35'. It will also sit 15' from the shoreline where 50' is required making that variance request also 35'.

Being no further questions or comments Vice-Chair Jim Dewar made a motion to deem the application complete and set a Public Hearing for May 18, 2021. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS: **File # 2021-04 AV**
 Tax Map # 36.3-3-17
 James Guyatte
 201 East Shore Drive
 Adirondack, NY

Requesting an Area Variance from **Section 6.10** for a Side yard setback for a Pole Barn to sit at 10' where 15' is required.

The applicant was not present at the meeting to speak about the project. Zoning Administrator Jim Steen needed to make a clarification on the application it states the pole barn would sit 10' from the side yard and on the sketch provided it indicates sitting 5' from the side yard. The correction was made on the application to reflect the correct setback.

Chair Cheryl Erickson asked secretary Terri Katsch to call and ask Mr. Guyatte to provide a plat with all of the structures on the property and clarify the setbacks at the next meeting on May 18, 2021.

Because there was no applicant to speak Vice-Chair Jim Dewar made a motion to table this requested proposal until the May 18, 2021 meeting. Second by Troy Scripture. **ALL AYES.**

NEW BUSINESS: **File # 2021-05 AV**
 Tax Map # 55.10-1-5
 Jason Letts
 18 N. Sand Beach Rd.
 Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Side yard setback for a residential cottage (+/- 1,071 square foot) residential cottage with an attached 319 square foot screened in porch to sit at 25' from the shoreline where 100' is required and 10' from the side yard where 15' is required.

The applicant was not present to speak about this project. A representative from CT Male Associates was supposed to be present to represent Mr. Letts; however, he was not present either.

Zoning Administrator Jim Steen explained to the Board that the engineer from CT Male was at the Town Board meeting regarding the septic for this property which is being referred to Cedarwood Engineering for review of the septic plans. This also has an error on the application. It looks as if the variance requests are really smaller than he has indicated. Jim stated that he would call the engineer to advise he revise the map and the application. The roof line is actually inside the dotted pink line which will make his variance requests smaller than he indicated on the application and map.

Bob Olson, Town Councilman spoke about this proposal to the Board members. He informed them that the Town Board has a parallel project for a septic on this property. There are problems with the septic variance request, and it is being referred to Cedarwood Engineering for review. It may not be ready to approve at the next meeting in May.

Chair Cheryl Erickson stated that we will just look at the property and the location on the property separate from the Town Board issues. She stated that we should table this application as well because of the differences on the application and maps with setbacks. She stated that the variances look like they are larger than he may actually need.

Being no further comments or questions, Vice-Chair Jim Dewar made a motion to table this application until May 18, 2021 until the engineer can explain more of the project to the Board members. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS;

**File # 2021-06 AV
Tax Map # 19.4-2-18.2
Daniel Galusha
556 East Shore Drive
Adirondack, NY**

Requesting an Area Variance from **Section 6.10** for a Shoreline Setback of 13.42', a Roadway setback of 23.75' and a side yard setback of 14.45' for a new building.

Dan Galusha was present to speak about his proposed project to remove an existing building and building a new one. You can see on the three large maps the way the new building will be situated. What he wants to do is remove the existing building and reconfigure it. The reason is the old building is 26 years old. They will be building a new home across the street and they want to mirror what the new home will look like with the new lakeside building.

Rich Nawrot asked if he's talking about the new house here.

Dan Galusha responded no; he is talking about the new lakeside building. What I am trying to do is get everything inside the building. We have incorporated everything inside the building.

Rich Nawrot asked if he's just tearing the old building down.

Dan Galusha responded he is going to redo the building and use concrete and overlaying it with salt and pepper granite, do the landscaping and the lighting.

Rich Nawrot asked if he is moving the new building over closer to the fireplace?

Dan Galusha showed Rich Nawrot on the map what he is actually planning for the proposed project. Dan Galusha stated that the red line is the height of the existing building, the blue line is the top of the existing rail, the green line is the peak of the new roof because the existing building had a flat roof but the new one will have a pitched roof.

Vice-Chair Jim Dewar asked about the utilities.

Dan Galusha responded there will be power into the building. We are putting a new E1 pump station. We have an existing bathroom there now. We will put the new system and hook up to the existing line.

What is an E1 system? Is it a grinder pump?

Dan Galusha responded yes, a grinder pump.

Vice-Chair Jim Dewar asked if there will be a shower.

Dan Galusha responded no just a bathroom.

Chair Cheryl Erickson asked if he had one existing bathroom there now.

Dan Galusha responded yes and will reconfigure it a bit.

Rich Nawrot asked if he will be increasing the square footage.

The Board members discussed the square footage of the new building and the setbacks. The shoreline setback was incorrect, and the math was corrected for the amount of variance request to 36.58'.

Dan Galusha responded the square footage will increase in size a little due to the overhang now on the new proposed building. If you look at the map you will see the new building is parallel to the water and the old building was built into the curve of the wall.

Rich Nawrot asked Dan Galusha about the pergola.

Dan Galusha responded that at one time he and his wife were considering a pergola but that is now not part of the plan.

Vice-Chair Jim Dewar asked the reason for the new roadway setback.

Zoning Administrator Jim Steen stated that if a pre-existing non-conforming structure is enlarged, extended it has to meet the current code. So, the proposed building has now been shifted away from the side yard, the lake and the road and will be more conforming than the current structure.

Rich Nawrot asked about the building materials.

Dan Galusha responded it will be stone on the bottom with cedar shakes with a window that opens like a cabana.

Being no further questions or comments and the corrections were made Vice-Chair Jim Dewar made a motion to deem the application complete and schedule a Public Hearing for May 18, 2021. Second by Troy Scripture. **ALL AYES.**

PUBLIC HEARING: **File # 2021- 01AV**
 Tax Map # 72.13-2-9.3
 Yvonne Butler
 28 Butler Loop
 Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Roadway setback for South West and North West corners to sit at 26' from the Roadway and 14' 6" for a side yard setback.

Linda Marcella, the real estate agent for the buyer who has the Authority to Act as Agent from Yvonne Butler was present to speak about the Yvonne Butler area variance request. Linda stated that in the past a lot of permits had not been done in the past in order to obtain a CO. Everything there at the house must be updated to meet current codes. The variance issues must be addressed first before anything else can be done. The road on the side of the house was determined by previous Zoning Administrator Scott Olson to be the front of the house and it needs to be 60' from the center line of the road. The rear of the house was determined by previous Zoning Administrator was determined to be the side yard. Nothing is being done on the outside of the house everything on the inside of the house has to be updated.

Chair Cheryl Ericson asked if anything will be expand and asked if their intentions were just trying to get the variances to bring the house into compliance. Cheryl clarified the road and side yard setbacks as determined by previous Zoning Administrator Scott Olson. All parties agreed on the front and side yard setback requests. Cheryl stated that back in 2006 lot line adjustments were done but the paperwork was not completed. This is just correcting an administrative error in order to get the house a CO to be able to sell the home.

Zoning Administrator Jim Steen asked Linda Marcella if there will be any other letters needed from the Zoning Office if the variances are approved.

Linda Marcella responded no, nothing else needed.

Being no further questions or comments from the Public and no negative feedback was received the Public Hearing was closed.

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 this is the only way to correct the administrative error.
2. There will be no undesirable change in neighborhood character or undesirable change to nearby properties. It is in keeping with the rest of the area and will not change anything.
3. The request is substantial; however, this is a pre-existing, non-conforming home and will not change the site of the home that was built about 20 years ago, which is not prohibitive.
4. The request will not have any adverse physical or environmental effect on the property or to neighboring properties. It is just an administrative correction.

5. The proposed project is self-created because things were not correctly done 20 years ago.
6. If approved this will be the minimum variance necessary and no conditions attached.

Being no further discussion and based on the previous discussion Vice-Chair Jim Dewar made a motion to approve the requested 34' variance for a roadway setback where 60' is required (to the front boundary line is 14.5') and a 6" side yard setback. Second by Rich Nawrot. **ALL AYES.**

Reminders: None

Correspondence: None

Public Comments: Town Councilperson Bob Olson thanked the ZBA members for their service and commended them on an excellent job.

Board Comments: None

Being no further comments Vice-Chair Jim Dewar made a motion to adjourn the meeting. Second by Troy Scripture. **ALL AYES.**

Adjourn: 8:30 PM

Next meeting date: May 18, 2021

Respectfully Submitted,
Terri Katsch, Secretary