

**Present at Meeting:**

Cheryl Erickson, Chair  
James Dewar, Vice Chair  
Rich Nawrot  
Troy Scripture  
Brian Logan  
Neil Brandmaier, Alternate #2

**Also Present:** Town Attorney Brian Reichenbach, **Jason** Letts, David D'Amore, Anne Vandevonder, Andrew Tarvin, Don Van Wely, Bret Winchip, Judge John Hall.

**Pledge**

Chair Cheryl Erickson appointed Brian Logan to sit on the Board in the absence of Ross Schoembs.

**Review of Minutes:** Vice-Chair Jim Dewar **made** a motion to accept the October 26, 2021 minutes as written. Second by Rich Nawrot. **ALL AYES.**

**NEW BUSINESS:**

**File # 2021-12 AV**  
**Tax Map #: 106.-1-11**  
Chris Williams  
728 Hayesburg Road  
Brant Lake, NY 12815

Requesting an Area Variance **from Section 6.10** for a Roadway setback to renovate an existing single-family residence and to construct an addition to the residence with the garage to remain. The roadway setback request is for 9.9' for the structure to sit at 50.1' where 60' is required.

Bret Winchip from Winchip Engineering is representing the Williams proposed project. Bret stated that Chris Williams is proposing to do demolition of two porches and renovate the existing structure to approximately 31' wide by 8' deep front porch and a 31' wide by 8' deep rear porch behind a 31' wide 7' deep rear addition. Also to do a 24' wide by 26' deep right-side addition with a 16.5' wide by 18' deep rear screen porch behind that. They also plan to install a new wastewater disposal system to eliminate a non-conforming drywell disposal area. The garage will remain.

Vice-Chair Jim Dewar asked if the garage is attached to the house.

Bret Winchip responded no it is a stand-alone garage.

Troy Scripture asked if the residence is non-conforming now.

Bret Winchip responded it is within the setbacks as is.

Chair Cheryl Erickson asked if they are staying on the original footprint.

Bret Winchip responded the existing residence is partially outside of the roadway setback as well as the new addition.

Rich Nawrot stated that they are going from 47.6' to 50.1 feet.

Bret Winchip responded yes. Bret Winchip also stated that he did a Jurisdictional Inquiry Form with the APA and received a response that stated the expansion of the single-family residence does not require APA approval and the proposal will not impact any wetlands.

There was a discussion on the elevations and whether they were presented. It was determined that the Board did receive the elevations.

Rich Nawrot asked the overall height of the new structure.

Bret Winchip responded it is not over 39' and will get the exact measurement for next month's meeting.

Chair Cheryl Erickson stated that they do have the JIF submitted to the APA and the response from the APA that no wetlands will be affected by this proposal.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to deem the application complete and set a Public Hearing for December 28, 2021. Second by Troy Scripture. **ALL AYES.**

**PUBLIC HEARING:**                      **File # 2021-11 AV**  
   **Tax Map #: 55.10-1-5**  
   Jason Letts  
   18 North Sand Beach Rd.  
   Brant Lake, NY 12815

Requesting an Area Variances from **Section 6.10** to build a +/- 1,071 sq. ft. residential cottage with an attached 319 sq. ft. screened in porch. Requesting a Shoreline setback for the cottage to sit at 30.7' where 100' is required. Requesting a Roadway setback for the cottage to sit at 44.4' where 60' is required and a Side-yard setback for the cottage to sit at 12.5' where 15' is required.

David D'Amore from CT Male Associates was present to speak about the proposed project. He refreshed the Board's memory by going over the proposal again. They would like to build a +/- 1000 sq. ft. cottage. The building lot predates the Zoning Law. It was a Subdivision created in 1960. They would like to build a low-profile structure to minimize its mass with some advantage of a view, and consistent with the neighboring properties on each side. It will have a 300 sq. ft. porch on the lakeside. There is an undulation to the site, it's not flat by any means and the house will be situated where it is not as steep to minimize excavation. It will have a grass rooftop to minimize the overall impact of the site. Elevations, plans, and renderings were submitted to the Board members as requested at the previous meeting. From the lakeside you will see a porch with the dimensions of 47.8' side to side. The overall height on the lakeside will not exceed 12'.

Rich Nawrot asked if the open lawn area will have a retaining wall.

David D'Amore responded no it will be graded earth flattened out a bit.

Chair Cheryl Erickson asked if there will be railings on the roof to be walked upon.

David D'Amore responded no, it will be a green surface giving the appearance of a meadow on top of the cottage.

Rich Nawrot stated that they are asking for the structure to sit at 30' from the lake which is a 70' variance which is significant, so have you thought about moving the cottage back more.

David D'Amore responded yes, however, if the cottage is moved back it would impede the vehicles to enter the site.

Chair Cheryl Erickson asked about the Right of Way. One of the neighbors has concerns about cars being parked in Right of Way on Sand Beach Way Road.

David D'Amore stated there will be no parking or blocking of the Right of Way on Sand Beach Way Road.

Chair Cheryl Erickson asked if the septic system is a NORWECO system or pumped out system and will a septic truck be able to get down to the septic tank.

David D'Amore stated it is a NORWECO system and the Septic Engineer and State Board of Health have no objection to this system and there won't be any trouble for a septic truck to get into the property.

Vice-Chair Jim Dewar stated that it had come up in the last meeting that this a seasonal residence and he wonders if we can make that a condition of any approval.

Chair Cheryl Erickson stated we can't make that a condition.

Chair Cheryl Erickson asked how storm-water mitigation will be done on this property.

David D'Amore stated that the structure is set into the landscape and the rainwater will be captured on each side of the structure to be slowed and concentrated so as not to run off to the other properties. The water will be diverted and funneled to gutters and flow around the house and from the roof it will be collected slowly.

Rich Nawrot asked how they would stop the flow to the lake.

David D'Amore stated it will discharge to surface over stone to prevent soil from eroding and it flows down to the lake slower. There is no State regulation that says we have to collect rainwater runoff.

Chair Cheryl Erickson stated seems like a lot of additional rainwater will make the lot somewhat wet. The property without a structure was able to absorb the water but with the structure the rainwater runoff is concerning. The neighbors both have concerns about that as well. It is on a pretty steep incline and creating a non-permeable area with the addition of a structure.

David D'Amore stated they can look at mitigating factors like well-placed swales that would prevent water from going to neighboring properties and some well-placed riprap to slow down its trip to the lake.

Chair Cheryl Erickson stated we may make that a condition if approved.

Troy Scripture stated it is a steep slope and we have torrential downpours and I have concerns with it being able to be absorbed into the soil and prevent it from going into the lake.

David D'Amore stated they will make sure that a storm water mitigation can be addressed and not cause a problem.

Rich Nawrot stated he is still concerned with the 70' variance request from the lake and is there any way to push the structure back.

David D'Amore stated there could be other options in order to find the right balance. If it moved uphill it cuts into the shallow slope where you would want to park a car without effecting the septic. It would be an improvement to the shoreline setback if we can move it back.

Chair Cheryl Erickson stated that the structure could be moved more to the middle of the property and therefore require a smaller variance to the lake and creating more permeable area towards the lake. It would not be limiting to place it more towards the road. What are the options to move it away from the lake and place it more towards the road? We still want to allow for the septic area and parking areas available.

David D'Amore stated that there are a number of options to pursue in order to get less of a setback from the lake. As far as mitigating stormwater runoff concerns, we can certainly go back to the drawing board. There are some options.

Vice-Chair Jim Dewar stated it does fit well on the property but maybe making the structure two stories would prevent having such significant variances.

Rich Nawrot stated the other option is to have the porch not as wide.

Chair Cheryl Erickson stated maybe the porch could be moved back a little so as to not be so close to the lake.

Chair Cheryl Erickson stated she has concerns about tree removal. Many trees have been removed already and still will have to take out some more and what I hate to see is for the property to be clear cut, which leads to erosion.

David D'Amore stated he does not want to put a retaining wall and can use grading a lower slope to taper away from the house and put some lawn chairs out in that area. They are not planning on clear cutting the property.

Chair Cheryl Erickson said that she is thankful for David D'Amore's willingness to work with the board.

Chair Cheryl Erickson asked how big the bedrooms are.

David D'Amore stated they are more like sleep pods, 9' x 12' just enough to sleep in.

Chair Cheryl Erickson asked if there are any members of the Public who wish to speak on this proposal.

Judge John Hall stated that he is the neighbor to the north of the Letts property. He is right next door. He stated that Jason is a nice young man with a nice family, and he has nothing against him. However, he has serious concerns about the storm water runoff. But a crucial concern of his is a danger to health regarding the effluence running into my well. It is a danger to the community. My well is just 99' from Letts septic which concerns him. This whole lot is super steep. Any effluence that leaks will go right down to his well and into the lake. The neighbor on the other side's well is only 70' from Letts septic and the Letts well is only 50' from his own septic. He is in danger of poisoning his own well and the neighboring wells. He stated this is an un-buildable lot. By allowing Jason Letts to place a septic system on that lot is very concerning. The past septic systems that Jason Letts brought before the Town Board acting as the Town Board of Health were turned down by the Town Board. It was also referred to Cedarwood Engineering and they concurred that it would be a hazard to the other wells. Then the Letts family went back to the Town Board with an incinerator septic that would cause me to smell their human waste. The Town Board turned down this septic as well and Cedarwood agreed. I would urge you to deny the application.

Chair Cheryl Erickson stated that application that is before us is for variances from the roadway, lake, and side-yard. The septic is not being considered by the ZBA for completion or approval. The Town Board will hear the request for variances for the septic and this will not impact the ZBA decisions for this application.

Andrew Tarpin lives at 6 Sand Beach Way and I object to the 70' variance request from the shoreline. I also want to point out that Sand Beach Way is deeded access to other properties and would not want cars parked on the right of way.

Chair Cheryl Erickson clarified that no cars will be parked on Sand Beach Way Road.

Ann Vandevonder stated she lives at 3 Sand Beach Way and she is worried about her well and the septic and the setback from the lake is very significant.

Jason Letts stated that there have been long conversations that I believe are misunderstood. They are trying to create a structure to vanish into the landscape as much as possible. We will have a green roof and won't be visible from the road and they will have plantings and wildflowers planted as well. We don't want to clear cut the property and make it as woodsy as possible and make very little impact on the land. It's amazing that other people can ask for so much and we are asking for so little and yet they get approval. The other neighbors are closer to the lake than we are. Regarding the septic the ZBA is not basing their decision on the septic that is included in the plan. That is for another Board to make that determination.

Jeff Clark spoke and said he sold the property to the Letts family and was part of Raymond's Cottages. We had dreams to build on that property. The reason it was not sold for so long is that they decided to go in a different direction. We had applied for a building permit and septic permit; however, we decided to not build. Mr. Hall has stated he does not want neighbors and has a stone wall to block any septic from leaking into his well.

Hannah Van Wely, Jason Letts spouse stated that they like the outdoors and care about the environment. Our other property is on a Certified National Wildlife property. They have taken great pains on that property to plant sun gardens and shade gardens. If anyone is concerned about tree removal on this current property due to construction, we would of course replant trees in the same areas.

Don Van Wely who lives at 20 East Shore Drive and is Hannah's uncle. He stated that he is supportive of this proposed project and what the Letts's have told you is the truth. It would be a benefit to have people like them here in the Town.

Chair Cheryl Erickson stated this is about the land and we are looking at the setback variances according to the Zoning Law of the Town and if the residents can achieve their objectives and still come into compliance with Town code. There is a difference between a non-conforming structure versus a non-conforming property. There were statements made about Judge John Hall's property and that structure was pre-existing non-conforming so his is closer to the lake. There was no favoritism, it is about the land. Please don't think we don't like you but again it is about the land. If your neighbors have something different than you it was there before the Zoning Code existed.

Chair Cheryl Erickson stated that we will leave the Public Hearing open and since the Letts's are willing to rework their plan and work with the Board.

David D'Amore stated that you don't really have an objection to the floor plan it is the impinging on the shoreline that is the problem. Perhaps we can put the house further up the hill and concerns about storm water mitigation can be addressed.

Chair Cheryl Erickson does not want David D'Amore to have to move the structure back and then impinge on the septic system.

David D'Amore stated that he may be able to do grading and move the structure into the hillside but not sure how far back he will be able to move the structure. He stated he will try to move the porch back and the structure back and come back next month with the redesign to be address at the next meeting.

Chair Cheryl Erickson stated that David D'Amore will get the new redesigned plan submitted to the Zoning Office by December 14, 2021 and will present the new redesign at the December 28, 2021 meeting.

**Reminders:** None

**Correspondence:** None

**Public Comments:** None

**Board Comments:** Chair Cheryl Erickson asked if the Board members had their vouchers in to the Zoning Office.

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

**Adjourn:** 9:00 PM

**Next meeting date:** December 28, 2021

Respectfully Submitted,  
*Terri Katsch, Secretary*