

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Rich Nawrot
Ross Schoembs
Troy Scripture

Also Present: Town Attorney Brian Reichenbach, Bob Olson, **Zoning** Administrator Matthew Magee, Greg Mattison (for Morgan's), Al Puppo, Vic Novello, John Robinson, Nicole Robinson, and Teri Schuerlein.

Pledge

Review of Minutes: Vice-Chair Jim Dewar made a motion to accept the December 28, 2021 minutes as written. Second by Ross Schoembs. Rich Nawrot made a motion to accept the January 25, 2022 minutes with changes. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

File # 2022-01 AV
Tax Map #: 39.17-1-35
Stephanie and Elizabeth Morgan
1593 Palisades Road
Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Roadway setback for a variance of 17'1" for the structure to sit at 42'3" where 60' is required and a Rear Yard setback for a variance of 15'6" for the structure to sit at 34'6" where 50' is required.

Greg Mattison, representing the Morgans asked the Board to look at pages C 1 and C 2 which shows the rear and front variance requests. On C1 you can see the current structure in red is superimposed on the proposed. The green shaded area is what is allowable, and the black is the proposed structure. C 2 shows the dimensional changes and the variances that are requested being 17'1" in the front and 15'6" in the rear.

Chair Cheryl Erickson asked how old is the existing structure.

Greg Mattison responded that the existing structure was built sometime in the 1930's or 1940's. The family has been on the property since the 1950's and this is the third deed transfer. The existing building has safety issues and is ready for an update.

Rich Nawrot asked if the current structure is moving closer to the road.

Greg Mattison stated it is moving back a couple of feet.

Chair Cheryl Erickson stated he is making it slightly more conforming.

Rich Nawrot asked if the deck on the rear of the structure is within the setbacks.

Greg Mattison stated that he does not have that measurement and can get it for the Board.

Chair Cheryl Erickson asked when that deck was built.

Greg Mattison stated that he was told it was built in the 1970's.

Vice-Chair Jim Dewar asked if the shed is still there.

Greg Mattison stated yes that little shed is still there being held up by tree branches.

Chair Cheryl Erickson asked if they will be adding more bathrooms and upgrading the septic system.

Greg Mattison stated yes, they are adding 1 bathroom, there is currently one bathroom in the existing structure and will be adding another bathroom in the proposal, making the proposed structure a 2-bathroom home. There is an intention to upgrade the septic.

Rich Nawrot asked how many bedrooms will be in the new structure.

Greg Mattison responded there will be 3 bedrooms in the new structure and in the current structure there are 2 bedrooms.

Rich Nawrot asked what the height of the proposed structure will be.

Greg Mattison responded it will be 26' in height.

Zoning Administrator Matt Magee asked how they currently access the property.

Greg Mattison responded that they access the property through Hoyt's trailer park Road.

Rich Nawrot asked about an existing easement.

Zoning Administrator Matt Magee stated the easement to access the property is in the deed.

Discussion ensued between Greg Mattison and the Board members regarding the placement of his new septic.

Being no further questions Chair Cheryl Erickson asked if there is a motion to deem the application complete.

Rich Nawrot made a motion to deem the application complete and set a Public Hearing for March 22, 2022. Second by Troy Scripture. **ALL AYES.**

PUBLIC HEARING:

File # 2021-13 AV
Tax Map # 17.12-1-19
John Robinson
11 Chippewa Loop
Brant Lake, NY 12815

Requesting Area Variances from **Section 6.10** for a Roadway and Side yard setbacks to replace a single-story structure (on footers) with a two-story structure on a walk-out basement foundation. The Roadway setback request is for the house to sit at 12' 2" where 60' is required and the Side yard setback request is for the structure to sit at 9'8" where 15' is required. The requested variances are 47'10" for the Roadway and 5'4" for the Side yard.

John Robinson was present to speak about the changes he made to his proposed variance request. He took the Boards guidance and went back and made significant changes to the plans. The area of the parcel to be covered is

29%, which is under the 30% requirement. The square footage of the proposed is now 2675 square feet. The existing square footage is 1924 square feet. He proceeded to tell the Board members some square footages of the other homes in the area. He showed the Board some pictures of the original homes in Chippewa Loop. He also showed the Board pictures of homes that were updated in Chippewa Loop. He will be removing the office and den and be converting one bedroom to an office. The full bath on the second floor was changed to a half-bath. He has made a change to the Side yard setback variance request to 5'4" from 2'10" for the structure to now sit at 9'8" on the Side yard. The Roadway variance request remains the same. He changed the roof lines as well.

Rich Nawrot asked how high is the chimney above the ridge line.

John Robinson responded it is 3' above which is the minimum.

Chair Cheryl Erickson stated that Mr. Robinson made significant changes to the design. She also stated that there are a lot of trees in the back of the home and wanted to know what the plans are for the trees.

John Robinson responded they will be going into the bank and will only have to remove a minimum amount of the trees. The trees that block the roof line to Mr. Puppa's home will remain.

Chair Cheryl Erickson asked what type of building materials will be used on the structure.

John Robinson responded it will be a dark color and a dark colored roof.

Al Puppa was there to speak to John Robinson's proposed project. He placed pictures on the Bulletin Board for the Board members to see. He stated that he has objections to the setback variance requests and states they are non-conforming. He stated his house is 10' away from his property line and with Mr. Robinson's variance request from his Side yard he will only be about 18' from John Robinson's house. He showed the Board members the pictures of the views he has from his home porch and deck.

Chair Cheryl Erickson asked Mr. Puppa if he would admit that he has a nice view of the lake.

Mr. Puppa responded yes and even if they built the proposed project, he would still have a view of the lake. That was never the contention. The problem is being able to see the communal area where his seven-year-old grandson plays on the playground.

A lengthy discussion ensued regarding the trees, foliage, and Mr. Puppa's views from his porch and deck.

Chair Cheryl Erickson stated that Mr. Robinson has made significant changes to mitigate Mr. Puppa's concerns. Mr. Puppa will have a tapered view with the tapered roof line from Mr. Robinson's structure.

Mr. Puppa stated that he feels the quality on his life, property values and views will be impacted.

Being no further questions or comments, Chair Cheryl Erickson read new letters received into the record. The first one from Jill Brady a realtor stated that interrupting any views might deter any purchases and possibly lower offer on a home. John Mayer submitted a letter of support for Mr. Robinson's proposal for expansion. Maureen and Harry Robinson, parents of John Robinson submitted a letter of support of John Robinson's proposed project stating they do not feel there will be any change in views of the lake and is in keeping with the character of the neighborhood.

Being no further questions or comments the Public Hearing was closed.

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 of the small size of the property. The applicant amended his plans and sacrificed some features of the home.
2. The size of the house will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because there are other homes just as large. Although one neighbor will have a limited change in view it does not affect his view of the lake, nor of most of the common area. It does add a solid structure to an area where his view is currently blocked by tree foliage in the summer months. The overall impact on his view, however, will be a small one and is not prohibitive.
3. The original side yard setback request was a substantial variance request. Now with the new side yard setback the structure will sit at 9'8" from the side yard which is reasonable and more conforming.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because he mitigated erosion by the changes, and he will have to remove only one pine tree. There may be a little more runoff from the roof line, but it will divert the water more effectively.
5. This proposed project is self-created; however, it has not been improved upon since 1997 and the need for a nicer home is requested for a full-time year-round residency.
6. These are the minimum variance necessary and Mr. Robinson took consideration to change the requests to be more in line with the Boards expectations and on the hillside by Mr. Puppa's house those trees will be maintained along with the vegetation.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to approve the amended **File # 2021-13 AV** requested variances of 47'10" for the Roadway and 5'4" for the Side yard with a condition. Second by Troy Scripture **ALL AYES.**

Condition: Maintain as much foliage and trees along the back bank by Mr. Puppa's house and if any trees are accidentally knocked down during construction they be replaced.

Reminders: None

Correspondence: None

Public Comments: None

Board Comments: None

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

Adjourn: 9:22 PM

Next meeting date: March 22, 2022

Respectfully Submitted,
Terri Katsch, Secretary