

Present at Meeting:

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

Also Present: Attorney for the Town Brian Reichenbach, Roger Houck, Gary Frenz, Larry Bell, Zoning Administrator Matthew Magee, Town Supervisor, Mike Geraci, Lauri Smalley, and Tod Beadnell.

Pledge

Chairperson Cheryl Erickson called the meeting to order at 7:00 p.m.

Review of Minutes: Chair Cheryl Erickson stated that the May 17, 2022, minutes will be reviewed at the July 26, 2022, ZBA meeting.

NEW BUSINESS:

**File # 2020-01 AV Amendment Request
Tax Map 53.3-1**
Anthony and Susan Beadnell
East Schroon River Road
Adirondack, NY

Requesting an amendment to **2020-01 AV** from **Section 8.07** Commercial Marina to add three feet by fifteen feet (3'x 15') sixth finger to the existing dock structure for a dock surface area variance.

Tod Beadnell was present to speak about this amended request for a previously approved variance. Tod stated that when the original application material was submitted Attorney Rob Simon indicated the length of the dock eight-two feet (82') long, which was incorrect. They want to have the sixth finger back on the existing dock because the existing dock correct measurement is one-hundred and thirty-eight feet (138') in length as measured by the Zoning Administrator Matt Magee. The dock fingers are four feet by nineteen feet (4' x 19') not three feet (3') by fifteen feet (15') as noted in the original variance request. The total square footage they are now asking for with the sixth finger is one-thousand, one hundred and seventy square feet (1170 square feet).

Rich Nawrot stated that originally application came in for six (6) fingers and we approved five (5) fingers, but you put in six (6) fingers anyway that still exist so can you explain why you did not comply with the Boards decision.

Tod Beadnell stated that his father had a conversation with the Zoning Administrator at that time and was told he could put the sixth finger on the existing dock because of the error in the length of the existing and was not rented out at first but was eventually rented.

Rich Nawrot told Tod Beadnell that the Zoning Administrator does not have the authority to circumvent the decision of the ZBA Board.

Chair Cheryl Erickson asked if the sixth finger is off now.

Tod Beadnell said it comes out every fall.

Rich Nawrot stated it comes out in the wintertime. It never came out of the water; it was always there.

Troy Scripture stated he is confused because there are like six (6) different dimensions on the length and width in the application presented.

Zoning Administrator Matt Magee stated he went up to measure with the wheel and those actual fingers are attached with plywood hinges that make the fingers flex and that's why the strange dimension, actually four feet (4') wide and nineteen feet (19') long off the cribbing to the finger as presented in the plot plan of the shoreline.

Chair Cheryl Erickson asked where Rob Simon made the mistake.

Tod Beadnell stated that Rob Simon indicated the existing dock was eight-two feet (82') long and is really one-hundred and thirty-eight feet (138') long as verified by the Zoning Administrator Matt Magee's measurements.

Chair Cheryl Erickson stated that the Board previously approved five fingers (5) three feet by fifteen feet (3' x 15') and you put in six (6) fingers but now they are four feet by nineteen feet (4' x 19'). You did not follow the variance that was granted to you previously.

Troy Scripture stated the Board originally reduced the request for six (6) fingers because of the space needed between the boats would only be eighteen feet (18') apart and would not have enough room to put the boats side by side with the overall length at eighty-two feet (82') of existing dock.

Chair Cheryl Erickson stated this is really a new variance request because the so many things have changed. The docks are not the same size as originally approved, the length of the dock has changed, and the surface area has changed due to the increase of the length of the existing dock.

Zoning Administrator Matt Magee stated that one of the things in researching this variance was looking into how we look at docking in this town. The concept of multiple access docks instead of a commercial marina is a better fit for this application. Zoning Administrator Matt Magee read the Board Members **Section 8.09, letter B** from the Zoning Law on multiple access docks.

Chair Cheryl Erickson stated that is not what the applicant is asking for in this case.

Tod Beadnell stated that the existing dock was there already. Putting fingers on the existing dock was the plan to have campers from the RV Park to have docks. So, in trying to match up to the Zoning Law if they are renting spaces a Commercial marina would be what we had to ask for. We rent the spaces to the campers and a few other docks are for the family to dock their boats. They are not selling fuel, just asking to rent a space. The sixth finger would fit in fine with plenty of room for navigation.

Rich Nawrot asked what the actual frontage of the shoreline is.

Tod Beadnell stated that was the problem with the original variance request it had errors in the length of the existing dock and it is longer than originally stated.

Chair Cheryl Erickson stated that the length of the original dock was eighty-two feet (82') and the current dock is one-hundred and thirty-eight feet (138'). Additionally, there are now other changes such as the increased size of the dock fingers and the square footage of the dock. Chair Cheryl Erickson requested that a Jurisdictional Information Inquiry form be sent by Tod Beadnell to the APA and that they submit a new cleaned-up application indicating what they are now proposing using the accurate measurements. This application is not complete. She said that the Board would

be happy to look at the application again and they can come back to the Board with the new materials for the July 26, 2022, ZBA meeting.

PUBLIC HEARING: **File # 2022-03 AV**
 Tax Map # 105.2-1-43
 Crystal Lake HOA
 Crystal Lake Road (Beach)
 Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Shoreline setback for the structure to sit at sixty-eight feet (68') where seventy-five (75') is required and a Roadway setback for the structure to sit at fifty feet (50') where sixty feet (60') is required. Variance request for shoreline is seven feet (7') and variance request for roadway setback is ten feet (10'). The proposal is to remove a pre-existing ten feet (10') x fifteen feet (15') pavilion and build twenty feet (20') x thirty-six feet (36') pavilion on twenty-four feet (24') x forty feet (40') concrete slab.

Larry Bell a member of the Crystal Lake Board of Directors for the Homeowners Association was present to speak about the proposed project and he gave a summary of what the proposal includes. Larry Bell indicated that this proposed pavilion is welcomed by all the members of the Crystal Lake Preserve Homeowner's Association (HOA). They were all polled and there were no objections from the members of the HOA. It will not have a negative impact and a Jurisdictional Inquiry Form (JIF) was sent to the APA and a response from the APA was received indicating the APA has no jurisdiction.

Rich Nawrot asked if he has any documentation to prove you polled the members of the HOA.

Larry Bell responded the members have been talking and having meetings about this proposal for two years. They have had a temporary plastic tent added on to the original pavilion to make more room and now just want to eliminate the plastic tent from the pavilion with the new structure.

Chair Cheryl Erickson asked if that is the footprint they are now asking for?

Larry Bell responded it will be wider and not as long. The wider section is going towards the road and not the lake.

Rich Nawrot stated the reason he asked if there are any objections is because we received a letter of objection from a homeowner.

Larry Bell stated he is not aware of any objections that he has seen.

Troy Scripture asked if they will be cooking in the pavilion.

Larry Bell stated no cooking in the pavilion. They buy gas grills for the community and will maintain that practice. They have a fire pit with large cooking grills to grill chicken for the Fourth of July barbecues. Those are not inside the pavilion but in a different area of the beach.

Chair Cheryl Erickson stated the letter of objection we received indicated a concern about the infringement on the natural beauty of the preserve. However, it does sound like you have done your due diligence and had meetings regarding this project. The Board is only concerned with the setbacks according to the Town Law.

Troy Scripture had one point, that the pad will need to be modified because the haunch on the side will not touch the post.

Larry Bell stated that Garden Time is doing the installation and construction and he will bring that to their attention.

Chair Cheryl Erickson stated that they received a letter of support of the project and a letter of objection and one member of the public present who voiced support of the proposed project.

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 they are replacing the existing pavilion with something a little larger and more suitable for the members utility of a beach pavilion would be diminished if across the road. The HOA is grown and now has 75 members and in need of a larger pavilion.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because this is an improvement to the beach area available to the owners in the Crystal Lake Preserve HOA and will look much better than the plastic tent that exists next to the current.
3. The request is not a substantial variance request. It is less than 10% and a small request.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because they already have an existing pavilion and abutting tent structure that will be replaced with one slightly larger framed roof and look nicer and not significantly increase the runoff from the roof. This will not effect the property owners in the area because this is a community space and there are no private homes nearby.
5. This proposed project is self-created; however, it is not determinative.
6. This is the minimum variance necessary. Although the structure is larger than the existing pavilion, it maintains the 68' distance from the shoreline (which is pre-existing) and given priority to expanding towards the private road in the rear.

Conditions were considered but it was determined that no conditions would be needed to approve this application.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to approve the **File # 2022-03 AV, Tax Map # 105.2-1-43** for the Crystal Lake HOA requested shoreline setback for the structure to sit at sixty-eight feet (68') where seventy-five (75') is required and a Roadway setback for the structure to sit at fifty feet (50') where sixty feet (60') is required. Variance request for shoreline is seven feet (7') and variance request for roadway setback is ten feet (10'). The proposal is to remove a pre-existing ten feet (10') x fifteen feet (15') pavilion and build twenty feet (20') x thirty-six feet (36') pavilion on twenty-four feet (24') x forty feet (40') concrete slab. No conditions to be applied. Second by Rich Nawrot. **ALL AYES.**

PUBLIC HEARING: **File # 2022-04**
 Tax Map # 39-1-18
 William Houck
 8102 State Route 8

Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a rear yard setback for the structure to sit at twelve feet (12') where fifty feet (50') is required. The variance request is for thirty-eight feet (38'). He proposed adding a twelve feet two inch (12' 2") by fourteen feet four inch (14' 4") roofed open porch to be added in order to redirect water run-off away from the foundation and add a five feet (5') by sixteen feet (16') three-season room with a concrete wall to support roof improvements designed to fix the sag and leak in roof.

Roger Houck was present to represent William Houck for this proposed project. Roger reminded the Board members that this proposed project is on a small lot that his father purchased. It is close to NY State land in the rear. The state land pitches the grade towards the building and an attempt to fix that is to put in the extension requested. It is less than fifty feet (50') to the State line.

Vice-Chair Jim Dewar asked when the original building was constructed.

Roger Houck responded in the early 1920's.

Rich Nawrot asked if the proposed open porch would shed water off the roof away from the house.

Roger Houck responded yes; into the corner it drops off water but will be corrected by the new building. The water coming from the rear State land will be fixed with bringing out the corner of the building and the new roof pitch and the grade.

Vice-Chair Jim Dewar asked if the APA would need to be involved.

Roger Houck stated a JIF was completed and there are no wetlands involved.

Chair Cheryl Erickson asked if there are any more questions or comments.

Being no further questions or comments were made Chair Cheryl Erickson stated that the Public Hearing is 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 they are only asking for a thirty-eight-foot (38') variance by squaring up the building and it will fix the water problems.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because this is an improvement to character of the neighborhood and the variance request is in the rear going up to the State land.
3. The request is not a substantial variance request. It is a pre-existing structure and already sits twelve feet (12') from the rear property line. There is no other option for him.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because it will have positive effects by re-directing the water problem.
5. This proposed project is not self-created; they are fixing the problems from the original building.

6. This is the minimum variance necessary.

Being no further comments Vice-Chair Jim Dewar made a motion to approve the requested Area Variance from **Section 6.10** for a rear yard setback for the structure to sit at twelve feet (12') where fifty feet (50') is required. The variance request is for thirty-eight feet (38'). He proposed adding a twelve feet two inch (12' 2") by fourteen feet four inch (14' 4") roofed open porch to be added in order to redirect water run-off away from the foundation and add a five feet (5') by sixteen feet (16') three-season room with a concrete wall to support roof improvements designed to fix the sag and leak in roof. Second by Troy Scripture. **ALL AYES.**

Reminders: None

Correspondence: None

Public Comments: None

Board Comments: None

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

Adjourn: 8:14 PM

Next meeting date: July 26, 2022

Respectfully Submitted,
Terri Katsch, Secretary