

**Present at Meeting:**

James Dewar, Vice-Chair  
Rich Nawrot  
Ross Schoembs  
Troy Scripture

**Also Present:** Bob Olson, Larry and Yvonne Bell

**Pledge**

In the absence of Chair Cheryl Erickson, Vice-Chair Jim Dewar called the meeting to order at 7:00 p.m.

**Review of Minutes:** Rich Nawrot made a motion to accept the July 26, 2022, minutes as written. Second by Ross Schoembs. **ALL AYES.**

**NEW BUSINESS:**

**File # 2022-06 AV**  
**Tax Map 105.2-1-43**  
Crystal Lake Preserve Homeowner's Association  
Crystal Lake Road (Beach)  
Brant Lake, NY 12815

Requesting a variance from **Section 6.10 for a Shoreline setback** variance of 3' for a pavilion structure to sit at 72' from the lake where 75' is required. Requesting a Roadway setback variance of 13'.1" for the pavilion structure to sit 46'9" from the centerline of the road where 60' is required.

Larry Bell representing the Crystal Lake Preserve Homeowner's Association was presenting the requested variances for the pavilion at Crystal Lake Beach. Larry stated that a new application has been submitted to the Board for review because the APA overturned the previous approval by the ZBA for the pavilion at the beach lot. So, in the new application the variance requests have changed. They have moved the pavilion 4' closer to the road and 4' away from shoreline. The shoreline variance request is now 3' and the pavilion will sit at 72' from the shoreline where 75' is required. Larry stated that based on his conversation with Zoning Administrator Matt Magee the APA would like to see the pavilion moved further away from the shoreline. While it does increase the size of the roadway variance request this is a private roadway that goes through the community and constitutes a parking area that goes past the beach. The speed limit is strictly enforced in the community and safety is of the utmost importance. The entire beach area is also fenced in along the road so that no one is running out from the beach area into the roadway. The Homeowner's Association worked for 2 years with the community holding meetings and had 27 different proposals and the members of the HOA decided this is the best sized pavilion to meet the needs of the community. The change to this proposal is locating the pavilion 4' away from the shoreline.

Vice-Chair Jim Dewar asked if Larry Bell would feel comfortable that by not reducing the size of the pavilion would it be adequate for APA approval this time.

Larry Bell stated the 27 different proposals had many different sizes. The size that was chosen is a scaled back square footage in the final proposal to meet the needs of the community.

Vice-Chair Jim Dewar stated that the APA had issue with the Increase in size of the structure within the shoreline setback as well.

Rich Nawrot stated that his understanding from the conversation that Zoning Administrator Matt Magee had with the APA was to move the structure back 4' from the shoreline which would be more acceptable to the APA.

Larry Bell stated that is correct.

Ross Schoembs asked Larry Bell what the function and capacity of the structure is.

Larry Bell responded it is usable space for picnic tables, a gathering spot and based upon the size of the temporary tent used in the past they needed to grow from the temporary structure to accommodate the community usage.

Ross Schoembs asked what will be placed in the new structure.

Larry Bell stated it is usable space for picnic tables, and a gathering spot for families.

Ross Schoembs asked what the use of the new permanent pavilion will be.

Larry Bell responded it is a place to sit out of the sun, for barbeques they have during the 4<sup>th</sup> of July weekend, families gather there for dinners. A place to get out of the rain, playing cards. It is a community amenity.

Ross Schoembs asked if there are typically tables under the structure when functions take place.

Larry Bell responded we now have tables spread out around the area and when we have functions, we move the tables underneath the pavilion.

Ross Schoembs asked what the approximate number of families that the pavilion will accommodate.

Larry Bell responded six tables can fit under the structure.

Vice-Chair Jim Dewar asked if this is used seasonally.

Larry Bell responded in the past yes, they moved and stored the tables in the clubhouse; however, with the new permanent structure they will be able to store the tables under the pavilion during the winter. The beach is closed off during the winter and tape is put around the beach area to prevent the snowmobiles from going over the beach.

Vice-Chair Jim Dewar asked if the pavilion will be used only about six months out of the year.

Larry Bell responded yes, that is correct.

Ross Schoembs stated that Larry Bell mentioned the road is a private road and is used for access to the parking exclusively.

Larry Bell responded that the road passes by the beach and is used to access the parking area as well as access to Fox Hill Road and other structures in the community.

Ross Schoembs asked if any alternate sites for the pavilion were considered.

Larry Bell stated they looked at relocating to the tennis court side of the road but placing it there removed the utility of having a structure by the beach which is the lake access and swimming area. Being as close to the swimming area gives us more utility. Moving it back more towards the roadway out of the shoreline setback would make the request

for the roadway variance to become almost and 18' variance. We feel that this is the best option and now only a request for a 3' variance for the shoreline. And based upon the discussion that Mr. Magee had with the APA we feel that this will get the approval.

Ross Schoembs asked if other sites were considered as well.

Larry Bell responded yes, A group was of the opinion to move the pavilion to the tennis court side of the road; however, putting it there removes the utility to the beach. We really think we have a good balance with this site. Mr. Magee, the Zoning Administrator came to the site and looked at the other site by the tennis courts and he said don't even think about putting the pavilion on that side of the road.

Ross Schoembs asked how far the pavilion's location is from the homes across the lake.

Larry Bell responded that the lake itself is about 50 acres and is a round lake, so it is far enough away from the other homes on the far side of the lake. They are part of the Crystal Lake Homeowner's Association as well.

Ross Schoembs asked if you will be impeding any other home's view from that side of the lake.

Larry Bell responded that no, it would not impede their views and the lake is surrounded by members of the community as well.

Ross Schoembs asked if there were any objections from the members of the community.

Larry Bell responded not to my knowledge. They kept the membership well informed. They have been absolutely transparent. The committee action that has been taken did not have negative comments. All of the members are on board with this construction. There was one letter submitted at a previous meeting that stated they did not like construction in the woods; however, they do feel the pavilion is a good use for the community. Everyone is very excited about this project.

Ross Schoembs asked what the project discussion was from start to finish with the members of the community.

Larry Bell responded first they announced to the entire membership two years ago the proposed project. They had several meetings and walked the property. They asked for recommendation and received forty-nine responses and then had more committee meetings. They decided on using Garden Time and they gave the committee twenty-seven proposals with the costs, and they were circulated to the community and committee. Then they drove stakes in the ground to look at the placement of the pavilion with Garden Time present. This past July 2<sup>nd</sup> it was announced and approved the project at the annual meeting of the community.

Vice-Chair Jim Dewar stated he misspoke earlier and wanted to clarify that the slab is 24' x 40' and the pavilion is 20' x 36'.

Larry Bell responded that is correct.

Rich Nawrot stated that the APA's main objection is the shoreline setback.

Vice-Chair Jim Dewar asked Larry Bell if that lake is spring fed.

Larry Bell responded that it is a spring fed lake.

Being no further questions or comments Rich Nawrot made a motion to deem the application complete and scheduled a Public Hearing for September 27, 2022. Second by Troy Scripture. **ALL AYES.**

**Reminders:** None

**Correspondence:** None

**Public Comments:** None

**Board Comments:**

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

**Adjourn:** 7:20 PM

**Next meeting date:** September 27, 2022

Respectfully Submitted,  
*Terri Katsch*, Secretary