

Present at Meeting:

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

Also Present: Attorney for the Town, Brian Reichenbach, Zoning Administrator Christine Smith, Todd Beadnell, Laurie Smalley, Bret Winchip, Devin Dermody, Robert Breault and Bob Olson.

Pledge

Review of Minutes: Ross Schoembs made a motion to accept the August 17, 2022, minutes as written. Second by Troy Scripture. **ALL AYES.**

NEW BUSINESS:

File # 2022-08 AV
Tax Map # 19.4-2-12
Kevin Dermody
580 E. Shore Drive
Adirondack, NY 12808

Requesting a variance from **Section 6.10 for a side yard setback** variance of 2' 3" for the structure to sit at 12' 9" where 15' is required.

Kevin Dermody was present to speak about his proposed project. Kevin stated there is a required setback from his side yard of 15'. The left rear corner impinges on the setback by 2' 3" and the right rear clears the 15'.

Chair Cheryl Erickson stated a letter of support was received from a neighbor in favor of the requested variance. Pictures were also submitted of the shed and indicate where the request for the variance will be.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to deem the application complete and to set a Public Hearing for October 25, 2022. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

File # 2022-07 AV
Tax Map # 53-3-1
Andy and Susan Beadnell
E Schroon River Rd
Brant Lake, NY 12815

Requesting a variance from **Section 8.07 Commercial Marina** for the square footage of the dock to add a sixth finger.

Todd Beadnell was present to speak about his proposed project. Todd stated the new application request is for a total of 1261 square feet of dock surface area. There are wetlands associated with this project; however, the proposed project will not affect the wetlands.

Chair Cheryl Erickson stated that the first time this proposal was submitted the measurements were wrong.

Todd Beadnell stated that originally the existing dock was incorrectly measured at 82' and it is currently about 135'.

Chair Cheryl Erickson stated that she will go out and measure at the site to verify the measurements. Other Board members are also welcomed to go and take the measurements to verify.

Being no further questions or comments Ross Schoembs made a motion to deem the application complete and set a Public Hearing for October 25, 2022. Second by Vice-Chair Jim Dewar.

NEW BUSINESS: **File # 2022-09**
 Tax Map # 36.3-3-5
 Sand Point Beach Association
 Robert Breault
 219 East Shore Dr. **CABIN 24**
 Adirondack, NY 12808

Requesting a variance from **Section 6.10 for a shoreline setback** variance of 15' for the structure to sit at 35' where 50' is required to raise the cabin 16".

Robert Breault was present to speak about the proposed project to raise his cabin at Sand Point Beach Association 16". The cabin will be placed on two blocks.

Ross Schoembs asked why are you raising the cabin.

Robert Breault stated to protect the cabin from flooding and preserving for children and grandchildren.

Chair Cheryl Erickson asked if there will be any porches added to the cabin and asked if he will be moving off the footprint.

Robert Breault stated no he will not be adding anything to the cabin or moving off of the current footprint. Just raising it up 16".

Being no further questions or comments Vice-Chair Jim Dewar made a motion to deem the application complete and set a Public Hearing for October 25, 2022. Second by Ross Schoembs. **ALL AYES.**

PUBLIC HEARING: **File # 2022-05 AV**
 Tax Map 71.20-1-5
 Rich Gordon
 6799 State Route 8
 Brant Lake, NY 12815

Requesting a variance from **Section 6.10 for a Roadway setback** of 16' 2" where 50' is required. The structure will sit at 33' 8" from the center line of the Road.

Brett Winchip is representing the Gordon family. Rich Gordon wishes to add a second floor to the existing garage. He will stay on the same footprint. A separate wastewater system will be installed for the garage and accessory cottage above the garage. Existing setback is the same as the original setback. Brett asked if we received the deed language updated. Christine Smith Hayes printed out the deed language for the board members.

Chair Cheryl Erickson asked if there will be any additional bedrooms or bathrooms with showers in the guest cottage structure.

Bret Winchip responded that the accessory structure will have 1 bedroom and 1 bathroom with a shower.

Chair Cheryl Erickson asked how many bedrooms does the new home to be built have?

Brett Winchip responded that the new home to be built will have 6 bedrooms, but I designed the wastewater system to handle 9 bedrooms as there will be 2 bunks in some bedrooms. There will be 1 bedroom in the guest cottage.

Chair Cheryl Erickson asked about setback from the shoreline.

Bret Winchip stated that the house will move closer to the lake but shifts down into the lawn area. They will not need a shoreline variance because it will meet the required shoreline setback. The new home will open the view from Route 8.

Chair Cheryl Erickson is concerned about parking.

Brett Winchip stated that the parking will be closer to Route 8.

Troy Scripture asked how far back the house will be pushed from the road.

Brett Winchip responded approximately 90'.

Chair Cheryl Erickson has concerns about renting out the structure and our Zoning Law states accessory cottages cannot be rented and must be used only occasionally and only by family of the main residence.

Brett Winchip responded that Mr. Gordon is not going to rent this out.

Chair Cheryl Erickson stated that if the house and accessory structure were sold in the future it could become an ARBNB with the excessive bedrooms. However, the deed language does state that the accessory structure cannot be rented.

Chair Cheryl Erickson is concerned about the parking and should be considered heavily in this decision.

Brett Winchip responded by showing the Board members on the plans where a parking area or two could be located.

There was a lengthy discussion regarding parking areas after the new home is built.

Zoning Administrator Christine Smith stated that the previous owner of that home applied for a B&B and at that time the County had concerns about parking for a 5-bedroom home.

Chair Cheryl Erickson stated that the Warren County impact statement was received from Warren County and they concur with the findings of the Board.

Chair Cheryl Erickson stated a letter of support for this proposed project was provided and they just asked that it not become a VRBO. Chair Cheryl Erickson stated that right now they are only looking at the guest Cottage and the language from our code regarding Guest cottages will be in the draft deed.

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 could be achieved by other means feasible to the applicant because they could just make the house to be built bigger and add additional bedrooms there. However, it is not feasible to the applicant because they want to retain the garage structure on the same footprint and just add the guest cottage above the garage to meet their purposes and it is not feasible to move the garage back.
2. There will not be any undesirable change in the neighborhood character or undesirable change to nearby properties because they will be creating a new home which may seem substantial because it will be taller than the garage, but it will not be an undesirable change. It will change for the better.
3. This request is not substantial because they are staying on the same footprint and just increasing height by adding the guest cottage and the increase in height will be 9'. The garage is pre-existing and that makes it less substantial but for a new building it would be substantial.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because they will have a separate septic system for the garage and cottage, and they are staying on the same footprint so the water shedding will be the same and they are not removing any trees.
5. This proposed project is self-created because they want to keep the existing garage and add the guest cottage to the top of the garage. They could add additional bedrooms in the house to be built.
6. This is the minimum variance necessary.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to approve File # 2022-05 AV Tax Map 71.20-1-5 for Rich Gordon's variance from **Section 6.10 for a Roadway setback** of 16' 2" where 50' is required. The structure will sit at 33' 8" from the center line of the Road. Second by Rich Nawrot. **ALL AYES.**

With the following conditions:

- 1.
2. **Any approval for the permit will include parking spaces for a minimum of 8 vehicles set back at least 15' from the pavement must be created.**
3. **The deed must include the language as written in the draft deed.**

PUBLIC HEARING:

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

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

Larry Bell representing the Crystal Lake Preserve Homeowner's Association was presenting the requested variances for the pavilion at Crystal Lake Beach. This has been a multi-year process with meetings, committees, proposals, and locations and ultimately decided to enlarge the pavilion at our lake. They decided to erect a 24' x 36' pavilion on a slab which will be installed by Garden Time. 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. They have speed bumps at both sides of the roadway and a strict 10 mile an hour speed limit is enforces. The community agrees that this pavilion will be an improvement to the beach area.

Ross Schoembs if we approved this before and the APA raised a concern that was satisfied through negotiations how much deliberation should we put into this discussion.

Brian Reichenbach stated they should go through the balancing test because there is now a slightly different application with a different setback.

Ross Schoembs stated they have had the discovery with this application and the conversations and so forth we can all lip sync it pretty closely.

Chair Cheryl Erickson asked Larry Bell if the APA has suggested this.

Larry Bell stated yes, they crunched their numbers so down into the weeds that they had worked out the square footage of the violation with them relocating the pavilion 4' away from the shoreline. They had another proposal. Instead of constructing the pavilion by elongating it they could turn it 90 degrees; however, after discussion with the HOA they decided to just move the pavilion 4' back away from the lake shoreline.

Chair Cheryl Erickson if anyone had any opinions on the proposal.

Lori Smalley was present, and she is a member of the Crystal Lake Homeowners Association, and she is in favor of the proposed pavilion.

The Public Hearing was closed.

Troy Scripture once again stated that the pad will need to be modified because the haunch on the side will not touch the post.

Larry Bell responded by saying they discussed that with Garden Time, and they understand what needs to be done and will do it correctly.

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 could not be achieved by other means feasible to the applicant because they are seeking the pavilion to run lengthwise along the beach, and it is better that way because you will be able to see the swimmers easier and get out there fast if necessary.
2. There will not be any undesirable change in the neighborhood character or undesirable change to nearby properties because all the properties are members of the Association and have no objections to the addition of the pavilion and is an improvement instead of a temporary pop-up tent. It does not impede anyone's view of the lake.
3. This request is substantial for the roadway setback; however, that road is a private seasonal road with speed bumps. The shoreline setback is not substantial because there is a limited area, they are restricted to place the pavilion and it is only a 3' requested variance.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because although they have more roof area and will have some run off on the beach but not enough to cause concern and will not affect the road at all.
5. This proposed project is self-created however, the pop-up tent needs to be replaced and enlarged due to the increase in the Homeowners in the Association.
6. This is the minimum variance necessary.

Being no further comments or questions Troy Scripture made a motion to approve **File # 2022-06 AV, Tax Map 105.2-1-43** for the Crystal Lake Preserve Homeowners Association for the requested variances from **Section 6.10 for a Shoreline setback** variance of 3' where 75' is required for the structure to sit at 72' from the lake. Requesting a Roadway setback variance for 13'.1" where 60' is required for the structure to sit 46'9" from the centerline of the road. Second by Vice-Chair Jim Dewar. **ALL AYES.**

With the following condition:

1. **That the speed bumps be maintained seasonally on the private roadway due to the public and recreational use of the pavilion.**

Reminders: None

Correspondence: None

Public Comments: None

Board Comments: Discussion on training for 2023. The Board would like training by Mark Schachner. They would like to discuss a case study on previous approvals and have topics more pertinent to the ZBA and Planning Boards.

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

Adjourn: 9:15 PM

Next meeting date: October 25, 2022

Respectfully Submitted,
Terri Katsch, Secretary