

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, Kevin Dermody, Laura Gumrer, and Bob Olson.

Pledge

Review of Minutes: Ross Schoembs made a motion to table the September 27, 2022, minutes to update the minutes with corrections for approval at the November 29, 2022, meeting. Second by Rich Nawrot. **ALL AYES.**

PUBLIC HEARING:

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** for a variance of 2' 3" for the structure to sit at 12' 9" where 15' is required.

Chair Cheryl Erickson asked Kevin Dermody if he needed to refresh the Boards' memory for his proposed project for a 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'.

Vice-Chair Jim Dewar asked if any correspondence was received in favor or opposed to this project.

Chair Cheryl Erickson stated a letter of support was received from Carol Molino, a neighbor in favor of the requested variance. No other correspondence was received regarding the proposed project. Pictures were looked at again by the Board members.

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 move the shed out of the setback; however, due to the topography it would be difficult. This is the most pragmatic placement for the shed.
2. There will not be any undesirable change in the neighborhood character or undesirable change to nearby properties because it is a small structure (10' x 14") well off the road. There is a vacant lot next to the

property so no effect on nearby properties. The neighbor has sent a letter of support for this proposed project.

3. This request is not substantial because it is a small shed (10' x 14') and the variance request is only for 2' 3".
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because there is a vacant lot next to this property and the neighbor has no objection to the placement of the shed.
5. This proposed project is self-created but not prohibitive.
6. This is the minimum variance necessary.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to approve File # 2022-08 AV Tax Map 19.4-2-12 for Kevin Dermody's variance request from **Section 6.10 for a side yard setback of 2' 3"** for the shed to sit at 12'9" where 15' is required. Second by Troy Scripture. **ALL AYES.**

PUBLIC HEARING:

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.

Chair Cheryl Erickson asked Todd Beadnell if he would like to add anything more to his proposal.

Being Todd Beadnell had no new information to add to his proposal Chair Cheryl Erickson stated that this proposal is for 285 square feet of dock surface area. No further correspondence was received regarding this proposed project.

Ross Schoembs stated it is his understanding that this new request came from the mismeasurement of the original request. Is that correct.

Todd Beadnell responded that there was an incorrect measurement at that initial meeting, and I was not present at that meeting; however, he understands that there was not enough room between the fingers to have 6 fingers on the existing dock.

Chair Cheryl Erickson stated that the Board asked that the 6th finger be removed, and it was never removed. It was put in after the approval was for 5 fingers only.

Ross Schoembs stated that is not how I remember it, your dad said to me he agreed to remove the sixth finger from the dock and have 5 fingers only.

Chair Cheryl Erickson stated it was her understanding that the sixth finger would be taken out as agreed to by Andy Beadnell; however, it was not taken out as found out later after the approval for 5 fingers. It was her understanding that he was told to take that 6th finger out, but it never happened.

Todd Beadnell stated after a conversation with the Zoning Administrator and knowing that there was an incorrect measurement in the original application, it was supposedly going to be fixed or something like that.

Chair Cheryl Erickson stated that the Zoning Administrator does not have the authority to fix it on his own. The correct way to have handled this would have been to immediately come back to the Board (before putting in that 6th finger) with a new application with the correct measurements. Then a whole summer goes by with the 6th finger installed and you were told by the Zoning Administrator that he was going to fix it, and I do not know how he was going to do that without coming back before the Board.

Todd Beadnell stated as they were asked, they came back with the new application with the correct measurements. The original application did have 6 fingers on it.

Chair Cheryl Erickson stated that after conversation with your father, Andy Beadnell, and the actual variance is in writing with conditions that there were only to be 5 fingers. There was a handshake deal with the Zoning Administrator afterwards. Those type of things are hard for the ZBA to handle. It does not look good on you or the ZBA and makes the ZBA look ineffective if you think that the Zoning Administrator can make a handshake deal to fix it. So, what should have been done was to come back here with the correct measurements. You came back with a second application that had so many errors that we asked you to come back again with a new application that had all the correct measurements on it.

Ross Schoembs stated it is problematic for him that they were approved for 5 fingers and 6 fingers were installed.

Chair Cheryl Erickson asked Todd Beadnell if he was issued a violation.

Todd Beadnell stated no.

Chair Cheryl Erickson stated that he was supposed to have gotten a violation last summer but that never happened. A handshake deal should never be accepted by anyone, nor should you ask for one.

Chair Cheryl Erickson stated that we cannot go backwards now and if this happens again the Zoning Administrator will issue a violation.

Interim Zoning Administrator Christine Hayes stated she was confused about the current map indicating 24 parking spaces and Planning Board approval was for 20 parking spaces with 5 fingers off the existing dock,

Chair Cheryl Erickson stated the current map is showing in error 24 parking spaces. Do we have two different maps with the same date? How does that happen. How do we distinguish between the 20 and 24 parking spaces.

Ross Schoembs stated that the Zoning Law states for each slip there should be two parking spaces.

Lengthy discussion ensued regarding the parking spaces.

Attorney Brian Reichenbach stated that the current map has the revisions on it for 24 parking spaces. The Planning Board has the charge to approve special uses, such as a Commercial Marina. The ZBA has the charge to approve variances. The variance before you have a request for square footage for dock slips for 6 fingers. If the applicant gets approval for 6 fingers, then the parking spaces are given according to the Zoning Law, which states each slip gets two parking spaces per slip.

Chair Cheryl Erickson stated that the current map before the ZBA tonight has the correct measurements with the correct number of parking spaces.

Chair Cheryl Erickson asked Todd Beadnell what the current request for the variance is and how much is he allowed.

Todd Beadnell stated they are allowed 976 square feet and the maximum square footage is 400 square feet and the variance request is for 285 square feet to bring us up to 1261 square feet.

Chair Cheryl Erickson stated that if they took one finger away there would still be a need for a variance. It is a benefit to the applicant to keep the variance request of 285 square feet.

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 not be achieved by other means feasible to the applicant because would have to take a dock away and will need a variance one way or other. There is no other way feasible to achieve.
2. There will not be any undesirable change in the neighborhood character or undesirable change to nearby properties because there is no visibility from the road that residents would be able to see.
3. This request is not substantial because it is only a 23% variance request and not much more than they are authorized to have.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because the floating fingers have no impact and the APA has inspected the project already and confirmed no permit is necessary for the dock and will have no effect on the wetlands.
5. This proposed project is self-created.
6. This is the minimum variance necessary for the arrangement of the docks and the parking spaces for the commercial marina to have 24 parking spaces for the fingers as per the March 2, 2022, revision map and the current map.

Being no further comments or questions Vice-Chair Jim Dewar made a motion to approve File # 2022-07 AV Tax Map 53-3-1 for the square footage of the dock to add a sixth finger from **Section 6.10 for a variance of 285 square feet** for a total of 1261 square feet where 40 square feet is required. Second by Troy Scripture. **4 AYES** (Chair Cheryl Erickson, Vice-Chair Jim Dewar, Rich Nawrot and Troy Scripture.), **1 NAY** (Ross Schoembs).

Zoning Administrator Christine Hayes stated that the Beadnells never completed the process after the last approval. There was no dock application that was approved and the next step for the Beadnells after approval is to come into the Zoning Office with a completed Dock application for approval.

Chair Cheryl Erickson stated that it was frustrating that the first application that was approved was not followed and the Beadnells just went and put in the 6th finger and made the finger larger that approved by the ZBA. The Zoning Administrator should have given them a violation and I was told by the Zoning Administrator that a violation was issued; however, I was later told a violation was never issued. This has been approved and please do not put the ZBA in this position again by doing something different than we just approved. The code must be enforced equally for everyone.

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".

There was no one present to speak on this proposed project and no members of the Public were present either. Chair Cheryl Erickson reminded the Board of last month's description of the project. It will not be moving off the footprint and they will be putting cinderblocks under the cabin to raise the cabin 16" to prevent flooding as other members of Sand Point Beach have done. The variance is requested because this is a pre-existing non-conforming structure that is changing in height by 16"

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 not be achieved by other means feasible to the applicant because raising it is not going off the footprint and is to prevent flooding.
2. There will not be any undesirable change in the neighborhood character or undesirable change to nearby properties because there is no visibility from the road that residents would be able to see. Many other cabins in the Association have raised their cabins as well.
3. This request is not substantial because it is a pre-existing non-conforming cabin already.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because it will improve the cabin to prevent flooding and it will not exceed the 40' maximum in building height.
5. This proposed project is not self-created because he is mitigating flooding.
6. This is the minimum variance necessary, and no conditions are necessary.

Being no further questions or comments Rich Nawrot made a motion to approve the 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". Second by Vice-Chair Jim Dewar. **ALL AYES.**

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.

Reminders: None

Correspondence: None

Public Comments: Bob Olson spoke about the upcoming training with Mark Schachner. Mark would be happy to do the training for the Boards and asked to have questions submitted to him in writing prior to the training and what applications the Board wants to revisit for a case study. He is looking at March of 2023 for the training. This may be moved up according to Mark's availability.

Board Comments: Chair Cheryl Erickson would like an after-action report on a few of the previously approved applications.

Zoning Administrator Christine Hayes advised the Board members of the handouts they were given tonight on Zoning Board duties from the State of New York as well as from our own Zoning Law.

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

Adjourn: 8:15 PM

Next meeting date: November 29, 2022

Respectfully Submitted,
Terri Katsch, Secretary