

**Present at Meeting:**

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

**Also Present:** Town Attorney Brian Reichenbach, Zoning Administrator Kristena Williams, Christine Smith Hayes, Preston Graham, Kirk Vazal, Kurt Petersen, David Smith, Debbie Ferree, Jeri Hepworth and John Hall,

**Pledge**

**Review of Minutes:** Vice-Chair Jim Dewar made a motion to approve the March 28, 2023, minutes with changes. Second by Ross Schoembs. **ALL AYES.**

**PUBLIC HEARING:**      **File 2023-02 AV**  
                                 **Tax Map # 55.10-1-4**  
                                 John and Ann Hall  
                                 736 Palisades Road  
                                 Brant Lake, NY 12815

Requesting a Shoreline setback variance from **Section 8.32** for a retaining wall and construction of a beach to sit at 0' where 100' is required. Also needs a variance for a retaining wall greater than 200 square feet in length. The retaining wall requested is 500 square feet for a variance request of 300 square feet in length. And the retaining wall to be 5 feet to 15 foot tall where two feet in height is the maximum.

John Hall was present to refresh the Board's memory regarding his proposed application. He stated the grandchildren keep asking for a beach. I have 429' of shoreline and want to put a 50' beach in along with the place where the beach will sit is undulating and will have to dig in maybe 5' other places are 15'.

Vice-Chair Jim Dewar said he is not familiar with the DEC permit process.

John Hall responded he has the DEC permit and APA said they do not require a permit from the Agency.

Chair Cheryl Erickson said that she walked the shoreline, and it is quite a bit above the water line and asked if they have to dig down to reach the water level for the full 50' length.

John Hall responded that the DEC will not let you dig down to water level and I have to have pressure treated board or something to prevent the sand from washing down into the lake.

Chair Cheryl Erickson asked if there were any members of the Public that would like to speak to this proposal.

Kurt Peterson of 769 Palisades Road, stated that he was here to support the proposed project by John Hall.

Dave Smith of 15 Hillside Drive, stated he was also there to support John Hall's beach proposal.

Jeri Hepworth, 627 Palisades Road. Before she makes her comments she wants to commend the Horicon Fire Department. There was a devastating fire on Sunday and her neighbor, Ed Taylor lost his home to the fire. She is very grateful to the Fire Department for the work they did. She is here to support John Hall's beach proposal as well.

Chair Cheryl Erickson stated that the Board received several emails. One from Andrew Tarvin who supports John Hall's beach proposal. Mike Raymond sent an email stating it is an excessive request and could not attend the meeting as he received his notice on May 8, 2023. The notices were sent out on May 3, 2023 within 13 days prior to the meeting, which is what the law requires. He would like to postpone this meeting until he can be present at the meeting. Sally Clark requests a continuance in order to allow time to view, study and research the application and its impact on Brant Lake (Sally Clark was not a neighbor within the 500' buffer of neighbors needing notification). Doug Henshaw, also not one of the neighbors needing to be notified as he is not within the 500' buffer for notification, sent an email stating he has significant concerns and would like to adjourn the hearing for one month to allow environmentally concerned citizens to view the application and attend and participate in the proceedings.

Chair Cheryl Erickson stated we received the Warren County Planning Department statement which indicating No County Impact for this proposed project.

Rich Nawrot said that the beach will be 50' long and wanted to know how deep the water is along that area and if there would be any steps going down to the beach because it is not shown here on your plan.

John Hall responded the depth is approximately a 10' deep drop off after the shallow part at the water line and yes, he will have stairs; however but he is not sure how he is going to do it. He wants slab stairs the same as he has going to his dock.

Chair Cheryl Erickson asked if he will have access from his driveway.

John Hall responded he is not sure yet where the access will be located.

Rich Nawrot said that it would be quite a ways to the beach from your driveway.

John Hall responded that he is not sure if you mean from our garage out going north or from our driveway going east.

Rich Nawrot said from the driveway towards the lake,

John Hall said oh then going east. There are some places that are too close and we have a septic system buried in there and also a propane tank in that location.

Ross Schoembs wanted to make sure that the adjoining owners notices went out on time according to the procedures. Notices were mailed out on May 3, 2023 that was 13 days prior to the meeting which is well within the time frame for adjoining notices to be mailed.

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 can be achieved by other means feasible to the applicant because they do have access to the water from their dock but there is gradual access to water from the grass. The excessive variance of the request is a concern as well.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because the neighbor has done the same thing on her property.
3. The request is a very substantial variance request because they are requesting a 100' variance from the shoreline and the size of the retaining wall is significantly greater than the allowed 200 square feet. It will also require a lot of moving of the topography at the location.
4. This request will have adverse physical or environmental effects to neighboring properties because they will be disturbing the shoreline by making a sandy beach and a large retaining wall.
5. This proposed project is self-created.
6. The minimum variance was not indicated tonight as the Board discussed reasonable conditions to be placed on the approval. The applicant is willing to create a smaller beach with a smaller retaining wall closer to his house and how he will access that beach. The applicant will submit these changes at the next month's meeting on June 27, 2023.

Chair Cheryl Erickson made a motion to table this proposal until the June 27, 2023 hearing. Second by Ross Schoembs. ALL AYES.

**PUBLIC HEARING:**      **File 2023-03 AV**  
                                 **KinderSun LLC**  
                                 276 East Shore Dr.  
                                 Adirondack, NY 12808

Requesting a Roadway setback from **Section 6.10** for a variance of 31' for a 14' x 34' carport over the existing paved driveway to sit at 29' where 60' is required.

Kirk Vazal is the Executive Director of KinderSun LLC and the owner of the property. He is asking for a variance for a Roadway setback to build a carport on the existing driveway that's paved as you can see on the plot plan submitted. This makes the most sense as there are other structures and septic on the property that precludes us from locating the carport any other place on the property.

Chair Cheryl Erickson asked why a boat is there parked on top of the property by the cabin and why that is not a good place to put the carport.

Kirk Vazal responded 60' from the end of the asphalt on the top area is a barn that was made into a 1 bath dwelling that is now a storage shed. That is not a good location because there is a cesspool there and he has to put in a new septic in that location. The best place to put the carport for cost is where the proposed location is because there is a driveway already there.

Ross Schoembs said that it is less pleasing to the eye for the neighbors, and it is very close to the road probably only 10' -15' from the edge of the property, not the center line. Anyone driving by can see it.

Kirk Vazal said now you can see more of the area since the County plowed that road and cleared the edge of the road.

Rich Nawrot stated that the structure will be 21' high and only about 12' off of the edge of the property.

Kirk Vazal stated that the 21' height measurement is incorrect; it is more like 17' +/- in height with open sides.

Rich Nawrot said that looking at the property have you considered putting the carport on the hill near the house.

Kirk Vazal responded it would be on a hill and it's better to be on a flat surface and straddling the 2 property lines.

Rich Nawrot asked how many cars will be parked.

Kirk Vazal responded maybe 2 at the most.

Rich Nawrot asked if he considered the carport on the driveway in front of the house.

Kirk Vazal proposed to the North of us is an easement to use that part of the driveway.

Ross Schoembs stated you have a lot of land there and you're not restricted to the area you requested.

Rich Nawrot asked if he considered doing a temporary shelter.

Kirk Vazl responded he does not think it would look good and would make the neighborhood look bad.

Chair Cheryl Erickson asked about planting a row of trees of arborvitae for a natural barrier.

Ross Schoembs stated he thinks the County would not allow trees to be planted near the ditch.

Kirk Vazal said that maybe a trellis with vines to hide the open structure. The general feedback from the neighbors is that it's a nice design as is.

Ros Schoembs asked if he gets a lot of snow blowing by the plow in the winter.

Kirk Vazal responded I don't know.

Chair Cheryl Erickson asked if he considered putting the carport where the boat is now.

Kirk Vazal said that is on the corner of the proposed septic. The Boat is 10' off of the stone wall and that s pot is for the proposed septic and leach fields and there is not enough room to put the carport and the septic.

Rich Nawrot said it seems to be enough distance from the property line of your neighbor to your house.

Kirk Vazal responded that neighbor has the easement on that area.

Ross Schoembs asked if the basket ball courts are still being used.

Kirk Vazal responded yes, it is used for playing basketball and other KinderSun events.

Chair Cheryl Erickson said that we have exhausted all the alternative places to put this carport.

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

Chair Cheryl Erickson stated that the Warren County Review was received and this project will have no county impact.

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 have extensively exhausted any other areas on the property to place the carport. A temporary shelter could be used but is not practical nor appealing.
2. The proposed project will create an undesirable change in the neighborhood character or undesirable change to nearby properties because there are no other structures that close to the road in the neighborhood and it is an open sided structure.
3. The request is substantial variance request because it is a 50% variance from the center line of the road but only 12' from the edge of the road.
4. This request will not have adverse physical or environmental effects to neighboring properties because they are not removing any trees, the asphalt is already there and the rain from the roof will drain into the county ditch.
5. This proposed project is self-created; however, he is trying to make improvements, and he has no garage, and needs a carport.
6. This is the minimum variance necessary. The only place to put this carport for the purposed of storage, he has no garage and will maintain the vegetation.

Based on the previous discussion the following motions were made:

Vice Chair Jim Dewar voted to approve the application for the variance  
Chair Cheryl Erickson voted to approve the application for the variance  
Larry Bell voted to approve the application for the variance.  
Rich Nawrot voted not to approve the application for the variance.  
Ross Schoembs voted not to approve the application for the variance.

Based on the previous votes Vice-Chair Jim Dewar made a motion to approved the Roadway variance application for the carport. Second by Larry Bell. **3 AYES, 2 NAYS.**

**PUBLIC HEARING:**  
**File # 2023-01 AV**  
**Tax Map # 55.14-1-12**  
**Preston Graham**  
**655 Palisades Road**  
**Brant Lake, NY 12815**

Requesting a variance from **Section 6.10 for a Roadway setback** for a variance of 22.5' for a boathouse structure to sit at 37.5' where 60' is required.

Preston Graham presented updated forms and plans to the Board members tonight. Preston stated that he repositioned the dock parallel to the shore. Its prior boathouse went out 39' into the lake and now after repositioning it will go out only 28' into the lake and is parallel to the shoreline. The requested stamped plans are presented to you tonight. Down at the waterline they will have 2'-3' boulders and they want to keep. They will keep a lot of the vegetation for a significant buffer as well. The new alignment addresses the neighbors concerns. The dock to be build will be above the high water line. They lowered the height of the sundeck to 14' from 15' as well. There will be one slip on the left and 1 on the right. They will have a 20' side yard setback and they moved as far to the left without violating the left side yard setback. The left side setback will be 21' and the right side is 38' from the other side yard. He referenced the Hepworth boathouse is only 13.2' from the Center Line of the road and ours is 37.5' from the Center Line of the road.

Chair Cheryl Erickson asked how much dock space is outside of the boathouse.

Preston Graham stated it is 293 square feet.

Chair Cheryl Erickson and the Board members did not have the same numbers for the dock outside the boathouse and were working on the numbers to come up with the actual dock square footage outside of the boathouse.

The Board members had a long discussion regarding the square footage of the dock space and the square footage of the boathouse. Once the correct square footage was determined the square footage of the boathouse is within the allowable square footage; however, it was determined that the dock square footage will be 354.8 square feet where 315 square feet is allowed. Therefore, a dock surface area variance of 39.8 square feet variance will be necessary.

Chair Cheryl Erickson asked Preston Graham if he is amenable to amending the dock surface area variance of 39.8 square feet and Preston Graham agreed to the amendment and did initial the page where the amendment was made.

Chair Cheryl Erickson asked if Preston is having a landscaper do any work on the property.

Preston Graham responded yes, Bernie Bolton is doing the work and Bernie did make a parking area on the property and will be doing the excavation.

Chair Cheryl Erickson stated that she had been on the property and saw the parking area and she stated you could probably park 5 cars in that area.

Chair Cheryl Erickson asked if there were any members of the Public who would like to comment.

Jeri Hepworth spoke and wanted to clarify a few things that were said. Her boathouse was a rebuild of the original that was built in the 1950's so it was grandfathered. Her concerns are having a boathouse without a house and without toilet facilities with multiple cars on a very quiet residential area. She thinks it's a precedent piece. She feels that 6 cars are excessive.

Chair Cheryl Erickson said that Ed Taylor who was at the prior meeting had concerns but he was not able to be here tonight because his house burned down on Sunday. Chris Jay who had concerns about toilet facilities and the size of the project was not able to be here tonight.

Rich Nawrot stated that at the last meeting someone mentioned having a port-a-potty.

Ross Schoembs stated that having toilet facilities could be taken care of by having a port-a-potty,

Preston Graham stated we do have electric on the property and do plan to have the electric in order to get a bubbler. We do have a little boat potty on the boat for the grandkids. They may look into the port-a-potty and having something that is aesthetically pleasing.

Being no further questions or comments the Chair Cheryl Erickson closed the Public Hearing.

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 cannot get the roadway setback without the variance. The applicant has addressed the neighbors' concerns about the site lines and he has turned the boathouse parallel to the shore instead of going so far out into the lake. He has also reduced the roadway setback request to 37.5' from the previous 46'. The dock surface area is not a significant request.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because there are other boathouses in the area. He has taken mitigating steps to address the neighbors concerns
3. The request is substantial, however there is not much land where he is building the boathouse and there is no other option but to request the roadway variance. The dock surface area request is not substantial only about 12%.
4. This request will not have adverse physical or environmental effects to neighboring properties because they are not removing any trees, they will not disturb the shoreline and only dead trees will be removed.
5. This proposed project is self-created.
6. This is the minimum variance necessary. The Boards concerns about sanitary concerns is in the record.

Being no further comments Vice-Chair Jim Dewar made a motion to approve the requested 22.5 ' Roadway and the variance of 39.2 square feet of dock surface area variance for File # 2023-01 AV. Second by Ross Schoembs. **ALL AYES.**

**Reminders:** None

**Correspondence:** None

**Public Comments:** None

**Board Comments:** None

Being no further comments or questions Ross Schoembs made a motion to adjourn the meeting. Second by Larry Bell. **ALL AYES.**

**Adjourn:** 10:05 PM

**Next meeting date:** June 20, 2023 (change made due to Election date)

Respectfully Submitted,  
*Terri Katsch*, Secretary