

Present at Meeting:

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

Also Present: Town Attorney Brian Reichenbach, Zoning Administrator Kristena Williams, Matthew and Irene Spinelli, Scott and Margaret Springli, Garrett Lee and John Hall.

Pledge

Review of Minutes: Vice-Chair Jim Dewar made a motion to approve the May 16, 2023, minutes with changes. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

File 2023-04 AV
Tax Map # 105.2-1-9
Matthew and Irene Spinelli
101 Summit Road
Brant Lake, NY 12815

Requesting Roadway setback from **Section 6.10** for a 12' x 21' carport to sit at 39' where 60' is required. The variance request is for 21'.

Matthew Spinelli stated that they put a metal structure with a polycarbonate roof over it with a car under it. This is an after the fact variance and the structure is already existing. They were given a variance in 2009 for a much bigger structure to be attached to the garage with footings; however, they never put that in.

Chair Cheryl Erickson asked if this is a smaller structure.

Irene Spinelli stated yes this is much smaller without any footings.

Ross Schoembs asked where the structure that you were given a variance for in 2009 going to sit.

Matthew Spinelli stated it was going to be attached to the garage in the exact same spot the current structure is sitting. This one is not attached to the garage.

Ross Schoembs asked if this is bolted into the asphalt.

Matthew Spinelli responded yes.

Ross Schoembs asked the reason you did not seek a variance for this current structure.

Matthew Spinelli responded that he did not know he needed one because it's not attached to anything.

Vice-Chair Jim Dewar asked how big the original carport that you did not put in back in 2009 would have been.

Matthew Spinelli responded it was 33' long and the width was going to be 14' off the garage with precast 48" footings.

Being no further questions or comments Vice Chair Jim Dewar made a motion to deem the application complete and to set a Public Hearing for July 25, 2023. Second by Rich Nawrot. **ALL AYES.**

NEW BUSINESS: **File 2023-05 AV**
 Tax Map # 36.12-1-59
 Scott and Margaret Springli
 35 Lake View Drive
 Adirondack, NY 12808

Requesting Roadway setback from **Section 6.10** for an addition, a dormer and stairs to sit at 54' where 60' is required. The variance request is for 6'.

Scott Springli spoke about his project. He stated he wants to add 8' of depth to the ground floor and above put a dormer where a 6' crawl space is currently. It will give us more height and be able to put a bathroom up there. Where the variance comes in is for the portico and the corner of the deck will be extended and that is where the 6' variance is needed.

Rich Nawrot stated that the variance needed is really off the deck.

Margaret Springli stated there is a deck currently and what we will be doing is putting stairs off the deck on the corner so the new platform will need the variance and the new front stairs will need the variance as well for 6'.

Scott Springli stated that the road curves so the stairs coming off the deck are the closest point to the road.

Being no further questions or comments Vice-Chair Jim Dewar made a motion to deem the application complete and set a Public Hearing for July 25, 2023. Second by Troy Scripture. **ALL AYES.**

NEW BUSINESS: **File 2023-01 Use Variance**
 Tax Map # 36.12-1-8
 101 Pine Lane
 Adirondack, NY 12808

Requesting a Use Variance from **Section 6.10** to add a solar panel array to their property.

Garrett Lee was present to speak for Henzler's project. He stated that they will be installing a ground mounted solar array to offset their electric bill and moving forward with another project to replace the kerosene heated home. They are elderly and living on a fixed income. They qualify for affordable solar which is a program by New York State. They are still working at 70+ years old and want to stay in the house and save some money. The array will be in the back yard of the home near the rear boundary line. It will be 50' wide end to end. The side profile will be seen by the neighbors to the east and north of them. There is a decent buffer. The neighbors will be able to see it in the fall and winter.

Rich Nawrot asked the length and width of the array.

Garrett Lee responded it is 50' wide and 19' deep.

Ross Schoembs asked the height of the array.

Garrett Lee responded it will go with the grade and be 13' 1" high.

Chair Cheryl Erickson asked if they will be able to sell back electricity.

Garret Lee responded yes.

Chair Cheryl Erickson asked if the Henzler's live here year-round.

Garrett Lee responded yes.

Rich Nawrot asked how efficient these are on a cloudy day.

Garrett Lee responded on a cloudy day they get 100 watts per panel and have 42 panels.

Garrett Lee told the Board members how the solar array system works. They will get credit from the grid and it's designed to produce 1800 kilowatt hours. On a person's electric bill, they will see the credit for the energy stored which cuts down on their electric bill.

Chair Cheryl Erickson asked if this array could be made smaller.

Garrett Lee responded they could but they are replacing the kerosene heat in the home and will be producing their own electricity on site. No need for any delivery of kerosene will be needed.

Brian Reichenbach, Attorney stated that Kristena Williams and he had a conversation today about this project. Brian stated that he does not see anything in the Code that addresses the solar arrays. It's his opinion that he does not see this as a use variance but more like an interpretation of a determination. He sees this as more of an accessory use. This is really considered an accessory structure, but it is Kristena Williams determination on whether to call it an accessory structure for a residence or a Use Variance.

Chair Cheryl Erickson stated that she does not see anything in the Code that prohibits the use of ground mounted solar panels. Cheryl asked Kristena Williams, Zoning Administrator if she agrees. Kristena responded yes. So, Chair Cheryl Erickson recommends that at this point if the applicant would like to change this to an Appeal of the Interpretation of a Decision by the Zoning Administrator and Garrett Lee responded yes, he would. So Chair Cheryl Erickson stated that this will be changed from a Use Variance to an Appeal of the Interpretation of a Decision by the Zoning Administrator and will have to set a Public Hearing for next month on July 25, 2023. There is no variance needed as the applicant meets the setbacks for the Accessory Structure.

Being no further questions or comments were necessary as this is determined by the Board not to be a Use Variance, nor will any variance be needed at all. Vice-Chair Jim Dewar made a motion to set a Public Hearing for an Appeal to a Determination made by the Zoning Administrator on July 25, 2023. 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 and retaining wall to sit at 0' where 100' is required. Also needs a variance for a retaining wall greater than 200

square feet. The retaining wall requested is 500 square feet for a variance request of 300 square feet in area. 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 at last month's hearing. He has made the request smaller and closer to the house. The retaining wall will now be 10' x 30' which is 300 square feet instead of the request of 500 square feet. The retaining wall can be moved down the property a little. They have a buried propane tank near where they want to dig so it was suggested by the excavator to move it down about 15' in order to avoid the propane tank and two oak trees.

Chair Cheryl Erickson asked if it will be a 50' retaining wall instead of a 70' retaining wall.

John Hall stated yes that is correct.

Chair Cheryl Erickson asked how many trees will be cut down with the new proposed area.

John Hall responded about 4 – 5 mature trees and some saplings will be removed.

Chair Cheryl Erickson stated the land has a steep hill and will be challenging for the excavator to get the equipment down there for digging. You will be digging down at least 4'. How will you keep the sand on the beach without eroding into the lake.

John Hall responded that the DEC will let you dig down to water level and I have to use pressure treated board or something to prevent the sand from washing down into the lake. There will still be water running through the stone.

Ross Schoembs stated that a silt fence in front of the retaining wall will stop some of the erosion and when you have a beach inevitably there will be some sand that goes into the lake.

Chair Cheryl Erickson asked if Bernie will be taking out all of the excavated materials.

John Hall responded yes; he will take it off site.

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. They also have a lawn access in front of their house and access to the public beach at the Mill Pond. The excessive variance of the request is a concern as well according to Chair Cheryl Erickson and Troy Scripture. Ross Schoembs, Rich Nawrot and Vice-Chair Jim Dewar do not think this can be achieved by other means feasible to the applicant because if you want a beach for access to the water there is no other feasible water access, and the applicant is asking for a beach.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because you will not be able to see this from the road only from the lake and will be a minimal impact. Troy Scripture thinks it will create an undesirable change in the neighborhood character because it will change the natural shoreline, and will be very visible from the lake.

3. The request is a substantial variance request because they are requesting a 100' variance from the shoreline for the retaining wall that will be 400 square foot wall, which is needed to stop the sand from going into the water. Half of the retaining wall will be 4' high on the sides and 10' along the back. It will require a lot of movement of the topography at the location.

4. This request will not have adverse physical or environmental effects to neighboring properties because there is already natural erosion at the site that will occur, and the erosion will be mitigated by the retaining wall. Though multiple mature trees will have to be removed.

5. This proposed project is self-created.

6. This is the minimum variance necessary because the applicant amended the original proposal by creating a smaller beach with a smaller retaining wall closer to his house.

The following motion was made to approve the variance for the shoreline setback for the retaining wall 5' to 10' tall where 2' is the maximum allowed and the retaining wall will be 400 square foot where 200 square feet is allowed and will sit at 0' at the shoreline where 100' is allowed.

Chair Cheryl Erickson voted NOT APPROVED

Troy Scripture voted NOT APPROVED

Ross Schoembs voted YES TO APPROVE AS AMENDED

Rich Nawrot voted YES TO APPROVE AS AMENDED

Vice-Chair Jim Dewar voted YES TO APPROVE. AS AMENDED

With 3 out of 5 members voting for approval the approval passed THE AMENDED APPLICATION.

Reminders: None

Correspondence: None

Public Comments: None

Board Comments: None

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

Adjourn: 8:45 PM

Next meeting date: July 25, 2023

Respectfully Submitted,
Terri Katsch, Secretary