

**Present at Meeting:**

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

**Also Present:** Attorney Brian Reichenbach, Zoning Administrator Kristena Williams, Rena and Brad Zeppetelli, Tom Osika, Kent Molino and Sue and Richard Pond.

**Pledge**

**Review of Minutes:** Rich Nawrot made a motion to approve the November 28, 2023, minutes with changes. Second by Ross Schoembs. **ALL AYES.**

**NEW BUSINESS:**

**File: 2023-09 AV**  
**Tax Map #: 36.3-3-52**  
Chris Clarke  
116 East Shore Drive  
Adirondack, NY

Requesting an Area Variance from **Section 6.10** for a **Rear Yard Setback** for a 10' x 14' accessory structure shed to sit 18' from the rear yard setback where 22.5' is required. The variance request is for 4.5'. This is an after-the-fact variance request.

Chris Clarke was present to speak about his project. He stated that he made the mistake of purchasing and placing the shed without a permit and it is too close to the rear yard setback.

Chair Cheryl Erickson noted that the application had to be changed with the applicant's approval to a rear yard setback of 22.5' required and the variance request is now 4.5' request.

Chair Cheryl Erickson asked Chris Clarke where on the property will this shed be located.

Chris Clarke stated this is the only structure on the property.

Chair Cheryl Erickson asked what the address of this property is.

Chris Clarke stated it is 116 East Shore Drive.

Vice-Chair Jim Dewar asked if this shed will have any utilities.

Chris Clarke responded that there are no utilities in this shed, it is a very small shed.

Ross Schoembs asked if the applicant put anything down under the shed.

Chris Clarke responded he had someone put down gravel.

Being no further questions or comments Vice Chair Jim Dewar made a motion to deem the application complete and set a Public Hearing for 1/23/2024. Second by Rich Nawrot. **ALL AYES.**

**PUBLIC HEARING:**                      **File: 2023-06 AV**  
   **Tax Map #: 19.4-2-11**  
   Hodges Realty LLC (Carol Molino)  
   East Shore Drive  
   Adirondack, NY

Requesting an Area Variance from **Section 6.10** for a **Roadway Setback** to build a 24' x 3' lakefront staircase to sit at 15' from the road where 60' is required to provide lake access for the parcel. The variance request is for 45'.

Kent Molino refreshed the Board members on his project. He stated that this is a variance request that was approved previously. The file number at that time was 2020-03 AV. That variance expired and they are here tonight with a similar request and are going through the process again. There will be no need to remove any trees at chest height that are 6" in diameter.

Vice-Chair Jim Dewar asked if this staircase was going anywhere.

Kent Molino responded it will be attached to their dock.

Rich Nawrot asked how far is the beginning of the ramp to the edge of the road.

Kent Molino responded 5'.

Chair Cheryl Erickson stated we have two letters in support of this project from Kevin Dermody and his wife as well as John Couse and his wife who are neighbors of the Molino's.

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

Chair Cheryl Erickson stated that we received the Warren County Planning Department Project Review back indicating the County concurs with the Local Board.

Chair 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 this is the only way to get to the water. It is a standard solution.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because this is a standard way to get to the water in this neighborhood.
3. The request is not a substantial variance request; however, the strip of land is very narrow and does not have a lot of frontage.
4. This request will have no adverse physical or environmental effects to neighboring properties because they are not taking down any trees.
5. This proposed project is self-created, but it is not prohibitive.
6. This is the minimum variance necessary and requires no conditions.

Based on the previous discussion Vice-Chair Jim Dewar made a motion to approve **File: 2023-06 AV, Tax Map #: 19.4-2-** for a **Roadway Setback** to build a 24' x 3' lakefront staircase to sit at 15' from the road where 60' is required to provide lake access for the parcel. The variance request is for 45'. Second by Troy Scripture. **ALL AYES.**

**PUBLIC HEARING:**                      **File: 2023-07 AV**  
   **Tax Map #: 20.10-1-42**  
   Stuart and Jennifer Green  
   816 East Shore Drive  
   Adirondack, NY 12808

Requesting an Area Variance from **Section 6.10** for a **Roadway Setback** for a 10' x 10' gazebo to sit at 35' from the road where 60' is required. The variance request is for 25'. This is an after-the-fact variance request.

The contractor, Aaron Mosher, was present to speak about this project. He built a 10' x 10' gazebo on a previously built flat area that used to be a deck.

Chair Cheryl Erickson asked if he applied for a variance when you started building.

Aaron Mosher responded no he did not.

Chair Cheryl Erickson asked if he received a Stop Work Order once he started building.

Aaron Mosher responded that the applicant, Jennifer Green received the Stop Work Order.

Chair Cheryl Erickson stated that she did and asked why you never saw the Stop Work Order.

Aaron Mosher said what happened was Jennifer Green called him up and told him to go ahead and start building and he thought she had gotten the permit from the Town because he told her to get the permit from the Town.

Chair Cheryl Erickson asked Aaron Mosher if he saw the Stop Work Order and he stated no he did not and he got the information on the Stop Work Order from Jennifer Green. By that time, he was already finished with the gazebo.

Chair Cheryl Erickson stated the Stop Work Order was sent by certified mail on September 6, 2023 to Ms. Green. It was issued on September 1, 2023.

Aaron stated as soon as Ms. Green notified him of the Stop Work Order he came into the office to fill out the paperwork and to present the plans to the Zoning Administrator.

Zoning Administrator Kristena Hill stated that Ms. Green was having surgery at that time as well.

Chair Cheryl Erickson stated so the information got crossed somehow during that time.

Chair Cheryl Erickson stated that we received a letter from Maltbie in favor of the project.

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

Chair Cheryl Erickson stated that we received the Warren County Planning Department Project Review back indicating the County concurs with the Local Board.

Chair 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 this is the only place on the property to place the gazebo. It was placed on a pre-existing slab from a previous deck.
2. The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because there are a number of other gazebos in the neighborhood, it sits down low so you cannot really see it from the road. .
3. The request is a substantial variance request; however, there is no other place on the property for the gazebo to be located.
4. This request will have no adverse physical or environmental effects to neighboring properties because they are not taking down any trees or vegetation. It is consistent with the neighboring properties, sits low enough not to be seen from the road. As you go up and down the lake you see many gazebos in that area. The increase in impervious surface from the roof is pitched towards the lake. There are drains in every corner of the foundation and come out at one point and this will not contribute to any more erosion.
5. This proposed project is self-created, but it is not prohibitive.
6. This is the minimum variance necessary and requires no conditions.

Attorney Brian Reichenbach asked Kristena Hill if the application for the variance will remedy the violation.

Kristena Hill responded yes it remedied the violation.

Being no further questions or comments Vice-Chair Jim Dewar made a motion to approve the requested Area Variance from **Section 6.10** for a **Roadway Setback** for a 10' x 10' gazebo to sit at 35' from the road where 60' is required. The variance request is for 25'. Second by Ross Schoembs. **ALL AYES.**

**PUBLIC HEARING:**

**File: 2023-08 AV**

**Tax Map # 36.11-1-9**

Rena Zeppetelli, Thomas Osika and Robert Staudt  
East Shore Drive  
Adirondack, NY

Requesting an Area Variance from **Section 6.10** for dock surface area where (400 square feet is the maximum). They have a total of 414 square feet allowable (138 square feet x 3 = 414 square feet) and they are asking for 3 docks (and 2 moorings) that will have a combined surface area of 620 square feet. The variance request is for 206 square feet.

Chair Cheryl Erickson stated the calculations on the application were incorrect and with the approval of the three applicants the calculations were changed as above on the application to be considered.

Thomas Osika spoke on behalf of the applicants for the docks. The three of us, the Zeppetelli's, the Staudt's and my wife and myself each share 138' of waterfront on this one parcel. Mr. Staudt has had a mooring for years. All three of us had approval for docks last year and now we found out that this is considered one property so, we each put in the joint variance request for the three docks and two moorings.

Rich Nawrot stated that this is one parcel shared by three homeowners.

Mr. Osika stated that it is one parcel informally shared with three slivers.

Rich Nawrot stated I am referring to the deeds and it is only 1 parcel shared by three homeowners. In the drawing you submitted you split this into three parcels, and it cannot be split. It is one parcel shared by three homeowners as noted in your deeds.

Chair Cheryl Erickson stated that this parcel cannot be subdivided and in each deed the language states, "this is an undivided one-third ownership interest." in a 138' shoreline. This is a big variance request for one parcel.

Chair Cheryl Erickson stated that there are limits to how long docks can be, the maximum dock length is 40'. You will have to apply to the Planning Board for the dock length beyond 40'.

Rich Nawrot stated there is plenty of depth of water for one dock to be shared by all three of the homeowners.

Mr. Osika stated they are looking for three different docks because they are three different families.

Chair Cheryl Erickson stated we look at the land in our determination not the families. Our focus is on the land only. We are to go by the Code and what is allowed in the Code.

Chair Cheryl Erickson stated the neighbors on each side have submitted quite detailed letters and are not in favor of this project. Typical spacing between docks is 100' apart and if you put three docks they would not even come close to being 100' apart on that shoreline.

Rich Pond who lives at 360 East Shore Drive commented that they had gotten a variance for our dock, we are two away from this property and the water is very shallow there. They got the variance for a dock that goes 68' out in order to have adequate water for the boat to be docked.

Chair Cheryl Erickson told the applicants that the Board could table this application tonight and the applicants can come back with some different options or we can move forward with the decision tonight.

A discussion ensued with the applicants and Board members and the applicants decided they would like to table this tonight and come back with some different options in time before the next meeting on January 23, 2024.

Being no further questions or discussions Chair Cheryl Erickson made a motion to table this **file 2023-08 AV** and the Public Hearing remains open. Second by Troy Scripture. **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 Troy Scripture. **ALL AYES.**

**Adjourn:** 8:10 PM

**Next meeting date:** January 23, 2024

Respectfully Submitted,  
*Terri Katsch*, Secretary