

**DRAFT**

July 23, 2024

Board Members Present:

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

Also Present:

Craig Leggett, Zoning Administrator  
Brian Richenbach, Legal Council  
Annika Prisco, Property Owner  
Robert Ackerman, Property Owner

Meeting Called to Order: 7:05 pm

Pledge

Chair Cheryl Erickson welcomes and informs everyone that Board member Ross Schoembs is unable to attend tonight's meeting therefore Larry Bell will be sitting in for him.

**NEW BUSINESS:**     **File: 2024-05 AV**  
                              **Tax Map # 36.11-1-3**  
                              **Robert Ackermann**  
                              **346 East Shore Drive**  
                              **Adirondack, NY 12808**

Applicant seeks an After The Fact Variance from **Section 8.32 – Shoreline Retaining Wall** for a Roadway Variance request of 35' (code minimum 60', amount applied for 25') and a Side Yard Variance of 12' (code minimum 15', amount applied for 3') in order to remove and replace a 20'x40' concrete patio slab with "sitting wall".

Chair Erickson asks Mr. Ackerman to stand and explain his project to the board.

Mr. Ackerman explained that over the years the preexisting concrete slab has eroded and he desired to replace it with a new concrete slab. ~~The~~ contractor he hired recommended to put a sitting wall.

Chair Erickson asked if Mr. Ackerman has poured the slab yet. Mr. Ackerman stated he was ordered to stop work and has not poured the foundation yet.

Chair Erickson asked how high the "sitting wall" was. Mr. Ackerman replied he believes it will be about 2 feet above the ground after the surrounding ground is graded.

A Board member asks Mr. Ackerman what exactly a sitting wall is. Mr. Ackerman answers that it is just a ledge around the border that you can sit on top of.

Mr. Ackerman continues to state that he has openings in the "wall" to be able to move things in and out or around the patio.

Chair Erickson states that "sitting wall" being so elevated off the preexisting "patio slab" is what has triggered these variances and brought this project to come before the Board.

A Board member asks how far back this sitting wall is from the waters' edge. Mr. Ackerman replies it is greater than 50 feet but that he has a zero variance request, but he believes its about 70 feet from the mean high-water mark.

Chair Erickson asks if he has any intentions of building upwards because the structure closely resembles a foundation. Mr. Ackerman responds that he has no intentions of using the structure for anything other than a patio. Mr. Ackerman continues to state that the contractors he has used encouraged him to put the wall around the slab to prevent possible future erosion of the slab.

Chair Erickson asks if the rest of the work that needs to be done is just pouring the slab inside the "sitting wall". Mr. Ackerman stated that along with the slab, he would like to grade the property so there is a nice transition from the patio to the ground, and that he would also like to seed the area for grass.

Chair Erickson asks about the neighboring property due to both property owners now having structures very close to the property line. Mr. Ackerman states that he is ok with everything but that he can't speak for someone else, but there doesn't seem to be any problems.

Mr. Ackerman states that he didn't realize he needed to contact the town for this project, that he contacted and spoke with the County Building office and was unaware he needed anything further.

Chair Erickson states that there are pictures available, but that everyone should visit the project in person.

Chair Erickson asks if anyone would like to deem the application complete.

Board member Troy Scripture deems the application complete.

Board member James Dewar seconds.

All in favor, **AYE**.

## **Motion Carries.**

Chair Erickson states that the Public Hearing will be August 27.

**Public Hearing:       File: 2021-04 AV**  
**Tax Map: 55.12-2-2**  
**Mike and Annika Prisco**  
**7626 State Route 8**  
**Brant Lake, NY 12815**

Requesting a Variance(s) from Section 6.10 – Schedule of Intensity and Dimensional Requirements for a Shoreline variance of 36’ and a Roadway variance of 31’1 in order to build a 17x16 sq.ft screened porch on the top of the existing 24x16 sq.ft concrete block storage shed that will sit 28’11 from the center line of the road and 14’ from the shoreline. Per code, 50’ shoreline setback and 60’ centerline of road setback is required.

Chair Erickson stated that the setbacks in the application are incorrect, but that if the owner would allow, these errors can be corrected before proceeding with the discussion.

Chair Erickson changes the variance shoreline setback request from 36’ to 47 feet, which is significant, but it is due to the attached concrete slab which is 3 feet from the mean high-water mark.

Chair Erickson asks Mrs. Prisco if she reduced the size of the eaves as previously requested. Mrs. Prisco states that they did reduce them. Mrs. Prisco also states that they will be replacing the railings with the same as previous railings as well.

A Board member asks more about the eaves, Mrs. Prisco states that the eaves will overhang one foot on each side as described on the plans.

Chair Erickson asks if this is going to be **only** a day use structure. Mrs. Prisco insures it will be a day use structure only.

As stated in earlier meetings, this property has an existing variance that was placed on it in 1978 with three conditions: 1) No running water or plumbing fixtures of any kind are ever to be installed in the building. 2) The structure is to be shielded from sight from Route 8 by a planting of shrubs. 3) That no future additions be permitted which would exceed the planned elevation as shown in (the original) request.

Mrs Prisco addressed a violation of the first of these conditions and stated that they had removed the pump and the plumbing that had been installed in the original "shed" and she showed the boards pictures which supported her statement. She also confirmed that they had plans to plant shrubs that would provide privacy along the road once the proposed building was completed. Mrs. Prisco addressed some concerns of the Board from last month's meeting

regarding increased water runoff into the lake and provided a sketch of their plans for providing extra drainage under the eaves to increase absorption and reduce the runoff to the lake. She confirms that they are asking for relief from the third condition regarding placing a structure atop the existing "shed" structure.

Chair Erickson states that the applicants have made some nice changes from their earlier plans.

Chair Erickson states that due to the overhangs, the roadway setback needs to be changed to 32 feet 1 inch.

Chair Erickson asks if anyone has further questions for Mrs. Prisco.

No further questions.

Chair Erickson closes the Public Hearing.

Chair Erickson continues the discussion based on the balance test, which shall balance the benefit to the applicant with the detriment to health, safety and welfare of the community.

Chair Erickson asked the Board if the benefit could be achieved by other means feasible to the applicant. One member noted that this application has been denied initially and that the architectural design of the new application is more in keeping with the owner's stated intention of having a gazebo and sundeck to enjoy the lake while being out of the sun and protected from the rain. A discussion ensued about the use of the property that is across the road for such a structure. Also, the option of putting a temporary shade canopy on top of the shed structure was discussed and dismissed as not in keeping with the character of the neighborhood. The Board agreed that the new architectural plans were targeted to make the structure a four sided screened in porch with a roof that would be for day use only and that it could not be converted into a small shelter for overnight stays. This is agreed it would be the best way to achieve the goals of the applicant.

Chair Erickson asked the Board if this would create an undesirable change in the neighborhood. Several members stated that this structure is very close to both the road and the shoreline, but that there were many homes along Route 8 that are also very close to the road and the shoreline. The architectural design of the screened in structure will be more in keeping with the character of the neighborhood than any type of temporary structure they might place on top of the existing shed. The closest neighbor has looked at the plans and voiced support for the project.

Chair Erickson asked if the request is substantial. The Board members were unanimous in stating that yes, the variance requests are substantial. However, these requests are triggered because the structure is coming off the original footprint of the existing non-conforming building by one foot on each side of the newly proposed roofline, so in effect it will only decrease the distance to the centerline of the road by one foot. The shoreline setback will not change from that of the existing non-conforming structure. The overall effect will be very minimal from what exists right now.

Chair Erickson asked whether the request will have adverse physical or environmental effects. Board member Scripture had addressed the potential for increased ground water runoff to the

lake during the public discussion and agreed that Mrs. Prisco had presented a diagram of a plan that would mitigate this problem. There were also several large trees (pines) that were removed prior to coming before the board. This was also brought up in the discussion and the Priscos are planning of planting several "replacement" trees between their project and the neighbors house as a privacy buffer. No other adverse effects were noted.

The Board unanimously agreed that the alleged difficulty was self created, but that this was not necessarily a determinative factor. The Chair stated that if approved, the Board will grant the minimum variance necessary and may impose reasonable conditions. Discussion ensued about the conditions to be placed on this project. The following three conditions will be made part of this variance, if granted.

1) Everyone agreed that the condition of the initial 1978 variance on the property regarding "No running water or plumbing fixtures of any kind are ever to be installed in the shed or the future screened in porch" should remain in effect. There is no place for grey water to drain, except almost directly into the lake.

2) The Board decided that the planting of large shrubs along State Route 8 to help screen the structure from the road, as well as between the proposed structure and the neighbors house in order to recreate the natural screen that was lost when the larger trees were removed, should be made a condition of this variance.

3). And finally, Chair Erickson states that there should be a condition placed on this property that prohibits this screened in porch from being converted into a structure with solid walls. Should such a structure ever be proposed for that location, the issues of water, septic, and drainage and "other means feasible to the applicant" become extremely important and would need to be revisited.

Chair Erickson asks for a motion based upon this discussion.

Board member Dewar motions to approve the project with shoreline setback variance of 47 feet and roadway setback variance of 32 feet 1 inch, and include three conditions: 1) No running water or plumbing fixtures of any kind are ever to be installed in the shed or the future screened in porch. 2) The "day use only" screened in porch, will at no time in the future be converted to a structure that has solid walls. 3) Large shrubs or small trees will be planted and maintained along State Route 8 and along the side yard property line to provide a natural buffer from the road and between the neighboring property.

Board member Larry Bell seconds motion.

All in Favor, **AYE**.

**Motion Carries.**

**Public Hearing:      File: 2024-03 AV**

**Tax Map # 88.10-1-5**

**Dean Wood**

**6509 State Route 8**

**Brant Lake, NY 12815**

Applicant seeks an After The Fact Variance from Section 8.12 – Fencing and Screening for a setback variance of 8' from center of road for a solid wood fence. Per code, 40' from center of road is required and applicant requests 32' setback from center of road.

**Chair Erickson states that the Public Hearing will be closed due to no one attending.**

Chair Erickson and the Board members review the application using the Balancing Test.

The Chair asked if the benefit could be achieved by other means feasible to the applicant. This is an after the fact variance and the Board decided that though the applicant may have been able to make small adjustments to the existing fence, it does achieve the benefits of privacy, and the safety of the dog near a heavily trafficked area.

The Chair asked if this fence created an undesirable change in the neighborhood. Although some board members did not think this was in keeping with the neighborhood in general, the applicants did paint it green so that it would blend into the landscape and they also planted flowers and shrubs along the outside of the fence to mitigate the size and solid nature of their project. The overall effect was positive and the Board decided it complemented the neighborhood.

The Chair asked whether the request was substantial. The Board noted that the new fence was farther from the road and more with the code than the original fence,

The Chair asked about adverse environmental effects and the Board agreed there were none.

The Chair and the Board all agreed that the alleged difficulty was self-created, but not determinative.

There were no conditions that the Board saw fit to put on this variance application.

Board member Dewar motions to approve variance request.

Board member Scripture seconds motion.

All in Favor, **AYE.**

**Motion Carries**

Chair Erickson asks if the Board has reviewed the minutes from June 25 meeting and if someone would like to motion to approve the minutes.

Board member Bell motions to approve the minutes.

Board member Scripture seconds the motion.

All in Favor, **AYE**.

**Motion Carries.**

Being no further comments or questions Vice-Chair Dewar made a motion to adjourn the meeting. Board Member Scripture seconds.

ALL AYES.

Meeting Adjourned: 8:00pm.

Next meeting date: August 27, 2024

Respectfully Submitted,

Gina DePace

Zoning Clerk