

Board Members Present:

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

Also Present:

Craig Leggett, Zoning Administrator
Larry Bell, ZBA Alternate
Robert Ackermann, Property Owner

Meeting Called to Order: 7:00 pm

Pledge

Review of Minutes: Chair Erickson states that due to the minute taker being unavailable for last months meeting, and the minutes being very difficult to hear via recordings, she is going to postpone approving July's minutes until September, that way notes from Board members can be reviewed to ensure the minutes and balance test results are correct.

Public Hearing:

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

Requesting an After The Fact Variances from **Section 8.01 – Accessory Buildings & Structures, Special Regulations** 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".

Zoning District: R1-1.3 **Location:** 346 East Shore Drive.

Chair Erickson welcomes Mr. Ackermann to the meeting and asks him to step up to the podium and start at the beginning and explain his project. Chair Erickson mentions that the maps she reviewed from 1987 there is no slab pictured.

Mr. Ackermann states that Mr. Leggett had to obtain pictures from a neighboring property to show that the slab was present when he originally purchased the property and insured that the original slab was there when he purchased the property. Mr. Ackermann informed the Board that he doesn't recall the exact date or year, but that it was there prior to when he purchased the property and that the slab was originally a handball court for a previous local resort.

Chair Erickson asked what Mr. Ackermann has been using the original slab for and how it has evolved to his current project.

Mr. Ackermann replies that he was previously using it as a pad to store his old, small sailboat on for the winter and that he also allowed neighbors to store their jetskis on it as well. The slab has continued to deteriorate and grow grass between the cracks of slab etc, due to those reasons he began reaching out to contractors for ideas and estimates to repair the slab. In doing so, his chosen contractor recommended him to add a “sitting wall” to strengthen the slab to prevent it from deteriorating like the previous slab did.

Chair Erickson asked what his vision for the completion of this project would look like.

Mr. Ackermann states that he intends to have patio furniture on it, and that’s it.

Chair Erickson asks if he intends to ever enclose the slab or put a roof on it.

Mr. Ackermann replies that at maximum he would maybe put a small enclosure to hold patio furniture.

Chair Erickson asked him to elaborate on the small enclosure.

Mr. Ackermann stated that he really hasn’t considered the enclosure very deeply, that it was just an idea to store the patio furniture.

Chair Erickson states that the height of the “sitting wall” is roughly 3ft tall, not the stated 2ft tall. Chair Erickson continues to explain that she has done further research and the current structure that he has is called a “stem wall” which could be used for a foundation with a crawl space for a future building. Chair Erickson also stated that she did confirm that having a stem or “sitting” wall would strengthen the slab.

Chair Erickson continues that this is very comparable to a foundation, and that it is very possible that Mr. Ackermann could potentially turn this project into something undesirable for the location.

Mr. Ackermann provides the Board with invoices and drawings from Northwoods Concrete describing the structure as a 4” slab with a sitting wall.

Chair Erickson passes the drawings and invoices to Board member Troy Scripture to review.

Board member Schoembs asked Mr. Ackermann if he’s ever had high-water problems.

Mr. Ackermann stated that he has only had one high-water issue where the water almost reached the slab.

Chair Erickson asked if he would still be planning to use the slab to store his boat or if the “sitting wall” would prevent that.

Mr. Ackermann replied that he no longer owns the sailboat and would no longer be using the slab to hold any watercraft for the winters.

Board member Scripture finished reviewing the drawings and invoices from Northwoods Concrete and stated that based off the information provided, it would be unsafe to build any future building using the “slab” as a foundation.

Chair Erickson asked Mr. Ackermann if his neighbors have any issues with his project.

Mr. Ackermann said that his two neighbors bordering him have confronted him inquiring about his project and both have said that they do not have any issues.

Chair Erickson asks the Board members if they have any further questions for Mr. Ackermann.

Board members all state they have no further questions.

Chair Erickson closes the Public Hearing at 7:21.

Chair Erickson moves onto the meeting, and begins by going over the Balance Test. The Balance test will balance the benefits of the applicant with the detriment to the health safety and welfare of the community. The Board of Appeals will consider whether this benefit can be achieved by other means feasible to the applicant.

Chair Erickson asks Mr. Ackermann if he was aware that if he didn't add the "sitting walls" and if he were to come to the board prior to beginning this project, as he should have, that he would have only needed zoning approval for replacing "like with like" and the board most likely would have requested that he move the slab further from his property boundary lines resulting in much less variance requests.

Mr. Ackermann stated that he was unaware of that, and that moving the location of the slab would have required much more property disturbance.

Chair Erickson asks if this project creates an undesirable change in the neighborhood character or to nearby properties?

A Board member states that they don't believe it is anymore undesirable than the large shed next to it.
A Board member states that the fact that it looks like an unfinished foundation makes it very undesirable and unpleasant to look at from neighboring properties or passerby's.
Chair Erickson states that the unpleasant look of the slab and sitting wall just doesn't fit into the rest of the scenery and properties located in the area of East Shore Drive.
Board members all agree.

Chair Erickson states that this project does change the character of the neighborhood even though Mr. Ackermann has stated that his neighbors have ok'd the project.

Chair Erickson asks if this request is substantial?

Chair Erickson and Board members agree the request for side yard, and roadside are both very substantial and also could have been mitigated if the applicant came to the board prior to starting the project.

Chair Erickson asks if this request will have any adverse physical or environmental effects?

Chair Erickson comments that she doesn't think this will affect the lake because she believes the side walls will retain any rain or water/debris within the structure instead of running into the water.

Mr. Ackermann replies that the slab will be slightly pitched for proper drainage.

Board members reply that the drainage from the slab will drain into surrounding ground/soil and not into the lake.

Chair Erickson states that he will not be taking down any trees, so there won't be any other environmental effects.

Chair Erickson asks if this alleged difficulty is self-created?

The Board unanimously replies "absolutely".

Chair Erickson asks if these variances are approved, they shall grant the minimum necessary variances.

Chair Erickson states that due to the appearance of an unfinished foundation, this structure will always have an undesirable appearance and stand out in a negative way compared to the surrounding area. Chair Erickson asks Mr. Ackermann what he can do to remedy the negative appearance of his structure.

Mr. Ackermann states that he really hasn't thought much about the interior, but regarding the exterior he plans on doing landscaping surrounding the structure, including bushes and hydroseeding. He states that he is just looking for reasonable landscapers. Mr. Ackermann continues saying that on the interior he plans to have patio furniture and beach canopy.

Chair Erickson states that they will be placing conditions tonight to ensure that the appearance will be changed in a positive way.

Board member Scripture comments that there are numerous options for finishes for the "sitting wall" that would improve the appearance drastically.

Board member Schoembs mentions possibly pushing off approval for a month to give Mr. Ackermann time to look into different finishing options and come up with a plan to bring back to the Board.

Mr. Ackermann asks Board member Scripture for more information on the finish options he mentioned previously for the exterior of the sitting wall.

Board members also comment that Mr. Ackermann could simply paint or whitewash the exterior and that would be an improvement, but that there are many options that he should look into himself and consider before making a final decision.

Chair Erickson states that Mr. Ackermann should avoid any industrial look.

Chair Erickson asks Mr. Ackermann if he would like a month to consider his options and then return to the board.

Mr. Ackermann states that he is concerned about timing due to him returning to Florida for the winter in a couple of months.

Chair Erickson asks if he would ideally get the slab poured before winter.

Board members reply that he could easily have the slab poured before winter if he chooses to wait a month.

Chair Erickson asks Mr. Ackermann if he could return in a month with a plan, drawing, etc. of his final plan for his structure including landscaping, color themes, finishing for the walls, etc.

Mr. Ackermann states that he would like to look into the before mentioned ideas. But that he would prefer to get approval sooner rather than later.

Chair Erickson asks the board if they could put detailed conditions onto Mr. Ackermanns approval so he could avoid having to wait a month.

Chair Erickson states that the conditions would include:

- The structure could never include anything with any additional height, ever.
- Finish the appearance, add vegetation, paint, etc.
- Having a plan for future landscaping.
- No longer have the look of an unfinished foundation.

Mr. Ackermann asks to show Chair Erickson an image of a canopy he would ideally like to put inside the structure. The image shows a large canopy for shade. Chair Erickson asks if this would be a removable item, Mr. Ackermann states that it would be bolted to the concrete and therefore would not be removable. Chair Erickson informs him that would be considered a permanent structure and would need further variance approval, and under his current variance application this canopy would not be permitted. Mr. Ackermann states that he would look into other options.

Board member Schoembs states that he believes the Board owes it to the community to see Mr. Ackermanns finished plans before approving this application.

Multiple Board Members agree, due to the failure of the Balance Test that they would like to see a final plan from Mr. Ackermann prior to approving anything.

Chair Erickson addresses Mr. Ackermann restating the conditions stated previously and informs him that they need to see his plans to remedy all of the conditions at next months meeting. She informs him that he just needs to have a final plan, but that he could wait to implement the plan come spring time if needed.

Mr. Ackermann asks if it would be easier to just remove the poured sitting wall and just simply repour a slab in the footprint of the previous slab.

Chair Erickson and Board members commented that they would hate to see him waste his time and finances by removing something he has already paid for, but that ultimately it would be his decision and that approval would be easier and quicker for him by doing so, but at this point the wall is already there so he should weigh the expense of finishing the exterior and landscaping vs removing the wall and repouring the slab.

Mr. Ackermann asks Board member Scripture if he has the "sitting wall" cut down to grade and then pours the slab, if the remaining part of the "wall" would still structurally support and strengthen the slab. Board member Scripture said yes, it would still strengthen the slab.

Mr. Ackermann states that he is now considering that as the best option.

Chair Erickson states that he will have a month to come up with a decision and plan and bring it back to the Board next month.

Mr. Ackermann agrees to that plan.

Board member Schoembs motions to table the application until we see plans in September.
Board member Scripture seconds the motion.

Board member Nawrot motions to adjourn the meeting.
Board member Scripture seconds the motion.
All in Favor. **AYE.**
Motion Carries.

Meeting adjourned at 8:05.

Reminders: None.

Correspondence: None.

Public Comments: None.

Board Comments: None.

Meeting Adjourned: 8:05 pm.

Next meeting date: September 24, 2024

Respectfully Submitted,
Gina DePace
Zoning Clerk