

**Present at Meeting:** Cheryl Erickson, Chair  
James Dewar Vice-Chairperson  
Rich Nawrot  
Ross Schoembs  
Troy Scripture

**Also present:** Town Zoning Administrator, Craig Leggett  
Becky Ross, Secretary

7:00 PM meeting called to order

Pledge of Allegiance

Motion made by James Dewars to accept July 23,2024 minutes, with corrections.

Seconded by Ross Schoembs

**ALL AYES**

Motion made by James Dewars to accept August 27, 2024 minutes, with corrections.

Seconded by Ross Schoembs

**ALL AYES**

**OLD BUSINESS**

**FILE 2024-05 AV  
Tax Map #36.11-1-3  
Robert Ackerman  
346 East Shore Drive  
Adirondack, NY 12808**

Applicant seeking an After the Fact Variance 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.

At the August's meeting, Mr. Ackerman's application was tabled after a discussion about giving him a variance with conditions so his structure would be in keeping with the character of the neighborhood. He was given a month to come up with a new plan, which he did. This plan removes the lakeside part of the "sitting" wall and covers the inside surface of the concrete "sitting" wall with a stone veneer. The Concrete would not be exposed except on the side by the neighbor's shed (by the tree in the drawing).

Mr. Ackerman also brought up plans to put up a gazebo, but this would require a new application and would not be able to be addressed at this meeting.

After some discussion of the newly submitted plan, Chair Erickson asked if Mr. Ackerman was happy with this new plan. He stated he would like to extend the concrete wall on the side nearest the side property line by the neighbor's shed to create a boundary on that side. Mr. Ackermann said that he would cover the stone wall with stone veneer (on the inside) as well. He would also plant bushes on the rough concrete side to hide the concrete. Troy Scripture added to the sketch Mr. Ackerman had provided to show what that extension might look like.

James Dewar asked, in reference to the last meeting, that if the slab did not need a variance because it's level with the terrain, if the slab is extended, the wall impacts the variance, and the setbacks, and is it along the lines of a retaining wall. Ross agreed that it is more of a retaining wall now. Chair Erickson said they would limit the discussion to the foundation, and the 2-3 foot sitting wall, which would not become any higher, so it does not look, or function like a retaining wall. At the last meeting the Board did the Balance Test and tabled the discussion before the vote, but now needed to revisit the Balance Test with the new plans in mind.

For the Balance Test, the Board will consider the benefit to the applicant, and the health, safety and welfare of the community. Can this benefit be achieved by other means feasible to the applicant? James Dewar said he didn't believe the project could be done any other way. The benefit is erosion control is addressed. Chair Erickson said that as this is an after-the-fact variance, it is too late to remove the slab to reduce the variances requested. Mr. Ackerman has made changes to the plan to be more acceptable to the Board.

Ross Schoembs said he thought it could be done another way, but he's ok with the accommodations Mr. Ackerman is working with. He agreed with Chair Erickson that if Mr. Ackerman had submitted his variance request prior to pouring any concrete, the Board would have had him move the structure, but because this is an after-the-fact variance, he is limited in his options, and this option is better than the original plan.

In reference to Change to the Neighborhood and Nearby Properties, Ross Schoembs said it is very consistent, and Troy Scripture said it enhances the neighborhood.

Is the Request Substantial? All agreed it is, but not determinative.

Any Adverse Physical or Environmental Effects? Ross Schoembs said no, because the slab was there before, and Chair Erickson said he was not taking down any trees.

Is this Alleged Difficulty Self-Created? Yes, but not determinative.

If approved, the Board will grant the minimum variance necessary and impose reasonable conditions. The minimum variance is the one Mr. Ackerman requested, because he cannot move the project. The reasonable conditions asked for would be that Mr. Ackerman carry out the plan he brought to the Board as diagrammed, to include: 1) take out the sitting walls that are closest to the lake; 2) extend the northern sitting wall the full length of the slab (20'); 3) add stone veneer to cover the inside of the

concrete “sitting wall” and plant shrubbery to hide the exposed concrete wall; 4) add fill and landscape per the submitted diagram.

**Troy added the sketch of the extended wall to Mr. Ackermann’s application.**

A Motion was made by James Dewar to approve the variance request of 35’ where code is 60’, and side yard variance of 12’ where code is 15’, subject to the conditions stated; second by Rich Nawrot. **ALL AYES**

Chair Erickson said this will need to go to the APA. Also, the Board did do a Warren County Planning Project Review and Referral Form, and the County said there was no significant intercommunity or county-wide impact. Mr. Ackerman was advised not to do any further work, as this project is along the shoreline, until he has checked with ZA Leggett for the APA’s response.

**NEW BUSINESS**

**FILE 2024-06 AV**  
**Tax Map # 20.13-1-16**  
Adirondack Lodges HOA  
Vacant Lot between 738 and 746 East Shore Drive  
Adirondack, NY 12808

Requesting Area Variance for **Section 6.10** intensity and dimensional requirements and 8.08 – docks for side yard setback variance request of 10’ (code minimum 15’, amount applied for 5’), and variance for dock area of 170 square feet “SF” (whereas 150 SF is allowed and 320 SF and variance is applied for).

Ken Molino of Adirondack Lodges HOA explained that currently, the 80’ long dock has become unsafe and dangerous. The fourth section the HOA was allowed was put in. They’re requesting a 10’ variance from the ---side yard setback. After consulting with dock professionals, it was decided that the design the HOA submitted to the Board was the only one that would really work.

The current dock is 72’ from the neighbor’s dock to the north; the proposed configuration will be 67’. The dock is also currently 135’ from the neighbor’s staircase to the south; the proposed configuration will make that 120’, of which his neighbor had no apparent problems with this plan.

Ross Schoembs asked if there were just the four boats there now, and Mr. Molino replied yes. Troy Scripture asked if there would ever be more than the four boats, and Mr. Molino said no.

Chair Erickson advised Mr. Molino that there would need to be a variance for dock surface space, as the new configuration will exceed the 150 sq. ft. allowed. Chair Erickson said that the request for the additional 170 sq. ft. of dock surface space could be added to the current variance, for a total of 320 sq. ft. This square footage also includes the ramp (4’ x 10’).

Ross Schoembs deemed the application complete and set the Public Hearing for October 22, 2024. Second by Rich Nawrot. **ALL AYES**

**FILE 2024-07 AV**  
**Tax Map #71.12-1-11**

THOMAS AND JOAN SPEZIALE  
27 Chippawa Loop  
Brant Lake, NY 12815

Requesting an Area Variance for section 6.10 intensity and dimensional requirements for an attached deck for a rear yard setback variance of 47' (code minimum 50', amount applied for 3').

Mr. Speziale seeks to construct a 372 SF exterior deck attached to the existing residence. This would bring the deck within 3' from the neighbors' Felthousens' property line, which he said the Felthousens are fine with, or he would not have pursued the project.

Mr. Speziale stated that Felthousens' driveway is approximately 8-10' from the edge of their property line. The deck would not impede Felthousens' view of the lake, and there will be no roof over the deck.

Ross Schoembs and Chair Erickson agreed that it would be nice to have a drawing showing a plot plan that would also show the neighbors' house, as the properties and this project are so close together. ZA Leggett said that a photo was included in the packet that showed the area, including the surrounding properties. (Because the house roof color blends in with the ground color, it was hard to delineate the properties and structures.) ZA Leggett stated that there is 44' between the buildings; with the new deck, the distance would be 32.5 feet, approximately.

Mr. Speziale was asked if he planned to take down any trees, and he replied that he had taken down two, due to hazard risk to the home, as well as to make room for the deck. Chair Erickson advised him that he could not take all the trees down, and Mr. Speziale said he had no plans to do so.

A motion was made by James Dewar to deem the application complete and to schedule the Public Hearing for October 22, 2024; second by Troy Scripture. **ALL AYES**

**FILE 2024-08 AV**  
**Tax Map #36.3-2**  
SHERI CONKLIN / CONKLIN FAMILY TRUST  
248 East Shore Drive  
Adirondack, NY 12808

Requesting Area Variance for **Section 6.10 intensity and dimensional requirements and section 8.32 – shoreline retaining wall for shoreline setback variance of 44' (code minimum is 50', amount applied for 6'), Roadway setback variance of 34' (code minimum 60', amount applied for 26'), and side yard setback variance of 15' (code minimum 15', amount applied for 0')**.

Ms. Conklin passed out photos of the area being addressed and explained that they wished to restore the shoreline as it had been. The rocks had been there have fallen away. They're also trying to prevent erosion. To do this, they will be using the rocks currently there, as well as bringing in additional boulders. They will also be moving the existing stairs to 15' from the property line to be in compliance when they put the boulders in.

Rich Nawrot confirmed with the Conklins that the wall will be 6' high, and tapers to the back.

Mr. Conklin said years ago the county had put up boulders along the cliff face (across the road), but those have fallen away over time. The Conklins contacted the county about replacing the shotrock to combat the erosion problem, but they were told that if the county did it for them, they'd have to do it for everyone along the road.

Ross Schoembs commented that the property on the other side of the road has a very steep pitch with a lot of water run-off during storms and causes more erosion on the lake-side of the road. Rich Nawrot asked if this project is on the lakeside of the road, and Ms. Conklin said it is.

Chair Erickson verified with the Conklins that the wall would not be entirely vertical, only the area where the boulders will be, and then it would be stepped back with smaller rocks. Troy estimated that from the beach to the road, the total height would be 10-15'.

Chair Erickson reminded everyone that a Warren County Impact Statement would be needed.

Two variance requests will be needed, so the application will need to be amended for 1) the stone wall and 2) for the stairs, as they will be less than 50' from the shoreline.

They will also need a roadway setback and a shoreline setback for the stairs.

The application was approved, with the amended variance requests.

Ross Schoembs requested dimensional drawings, indicating the 6' wall with the tapered back.

Rich Nawrot directed the Board to look at page 5 of the Warren County Planning Board questions, and address the two unanswered questions (#1, #2).

ZA Leggett advised that the applicants would have to get a roadway work permit from Warren County DPW. This should be able to be done within a month.

James Dewar made motion to conditionally deem the application complete conditioned on getting the Warren County DPW Permit to Work in County Right of Way and set the public hearing. Second by Troy Scripture. **ALL AYES**

**FILE 2024-09-AV**

**Tax Map #88.14-1-11**

MATT and KRISTA WOOD

Seeking a variance for road footage within a Minor Subdivision. Requesting an Area Variance for Section 6.10 intensity and dimensional requirements – Road Frontage Variance of 100 ft (code minimum is 100', amount applied for is 100').

Larry Turcotte, representing the Woods, explained the variance request as a 30' wide easement (along Proposed Lot #1) to access Proposed Lot #3 (of the Minor Subdivision project) and give it road frontage, as it is currently landlocked, and would not be a buildable lot. James Dewars asked if 30' is a standard

width; Larry Turcotte replied “no”, but due to the Town Transfer Station traffic patterns, there were no other feasible options. He also said that, at this time, there is no proposed construction on Lot 3.

James Dewars deemed the application complete and set the Public Hearing for October 22, 2024; second by Ross Schoembs. **ALL AYES**

There was no correspondence.

ZA Leggett informed the Board that there is a proposed training session for Hague, Horicon and Chestertown Planning and Zoning Boards in November. More information will be passed along as it becomes available.

ZA Leggett introduced Julie Marinelli as the new clerk for the Zoning Office.

Motion to adjourn was made by Ross Schoembs; seconded by Rich Nawrot. **ALL AYES**

Motion adjourned at 8:45 p.m.