

ZBA BOARD
October 22, 2024 | 7:00pm

Board Members:

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

Others Present:

Legal Counsel, Brian Reichenbach
Zoning Admin, Craig Leggett

Meeting to be Called to Order: 7:00pm
Pledge

Minutes Approval: Chair Cheryl Erickson asks if all Board members have reviewed the minutes from the September 24th meeting. No changes were needed, and Jim Dewars makes a motion to approve, seconded by Troy Scripture.

Public Hearing:

Continued from 10/22/2024:

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 for a side yard setback for a dock to sit at 5 ft from the side yard property line, where 15 feet is required. The variance request is for 10 feet. Also a variance for a dock surface area of 320 square feet, where 150 square feet is allowed. A variance for an additional dock surface area of 170 square feet is requested.

Chair Erickson reviews the first hearing and asks the representative for Adirondack Lodges to step up to the podium and summarize the request.

Mr. Molino summarizes the current eighty foot straight line dock that sits in 16 to 24 feet of occasionally quite turbulent water: There have been two damaged boats, one that filed over a \$5000 claim to his insurance and many homeowners have fallen off the dock due to the instability of this dock. After consulting with dock owners and four marinas, the agreed upon solution to make the dock safer, while retaining the same square footage is to reconfigure the straight dock design into the shape of a U, bringing them closer to shore. This requires the 10 foot variance to the south side. Mr. Molino said that the neighbors have no objections to this variance request. He added that the homeowners were to write to the ZBA regarding their support. Chair Erickson stated that the only one they did not receive was from the neighbor who owns the property they would be encroaching upon. Mr. Molino replied that he talked with this owner several times and there was no opposition. He also added that the closest dock is 135 feet away; with this new configuration, the distance would be 120 feet away. From the north the setback would remain the same.

Mr. Dewar asked how many boats dock here? Mr. Molino responded that there are four boats that used this dock space, belonging to the four property owners and required by the HOA Declaration.

Chair Erickson asked if there are any more questions from the board, in which there were none. She then asked if anyone else would like to speak.

Dominic Scicchitano stepped up to the podium. His family lives alongside the lot and he and Larry Scorzella, who could not attend the meeting, have some concerns. He said that he does not have any outward objections but needs some clarifications. He asked about the proximity of the new dock. Mr. Scicchitano understands the need for a new more stable dock, and he understands the extent of the design. He asked if the new design applies to marine use only, with no additions to a new structure, or enlargements on an existing structure.

Chair Erickson confirmed with Mr. Molino that the plans show that this is correct. Mr. Scicchitano also confirmed with the Chair that the dock space is for four boats. He then questioned if the dock needed to accommodate four slips for four boats, as quite often he sees only three boats on the dock.

Chair responded that there are four property owners with dock rights. Mr. Scicchitano said reducing this design to three boats would eliminate the need for a the setback variance. He added that if there is need for another dock slip, there is space available at the cove. He also noted that a few of the boats were large. He asked for assurance that if this new dock is configured, it will not change and the dock, will not be a permanent structure and will be removed at the end of the season. He added that on

his side of the property there would need to be a 15 foot setback (his property is at an angle, not from road).

Mr. Molino approaches the podium and explains that unfortunately there are often four boats and that there is also nowhere else for these homeowners to put their boats. The fourth owner has been docking in someone else's slip, as the dock became too unsafe for his family.

The Chair confirms with Mr. Molino that he is speaking for the Lodges HOA, not for personal owners. She then asks how large the boats are.

Mr. Molino responds that there are two 8.5 foot boats for the inner docks, and two pontoon boats and approximately 22 feet long, which would be docked on the outside.

Mr. Schoembs asks if there are set limits by the association to the size of the boats. Mr. Molino replied that yes there are. The set limit is 8 feet, 2 inches wide and no more than 22 feet long.

Chair Erickson asks if they will be encroaching on the property line when the boats are parked on either side of the dock? Molino replies that they will not, but on the other side they would be encroaching a few feet.

Chair Erickson asks if they have considered a design that looks like a T. Mr. Molino states that the current design requires the fewest number of variances. Everything they have tried would require a setback.

Chair Erickson asks if it is possible to have mooring buoys? Molino responds that the moorings would pull more square footage and that the homeowners also have declarations. The HOA would be held accountable if an owner did not have their own dock space.

Chair Erickson states that the Town of Horicon also has codes and they are looking to accommodate the need of both sides. She addresses the board for solutions or questions.

Mr. Dewar states that he does not recall the rules for mooring and dock space. Mr. Scripture responds that you lose 30 square feet of dock space per mooring buoy.

Chair Erickson asks when the homes were built. Mr. Molino responds that they predate the Association and have been in place since 1989. Mr. Molino responded that this 50 feet of shoreline was granted to the Adirondack Lodges Association and the dock rights were granted to the developer for these four properties at the formation of the Association in 1989.

Mr. Scripture asked if all shapes were considered?

Mr. Molino said that they considered the T, L and F shapes, but all required more square footage and variances.

Mr. Dewar confirms that the dock floats on the surface and would be removed at the end of the season.

Mr. Scripture asks if they considered less space. He agrees that the water on the main part of the lake, combined with the wind, does require adequate space.

He asks if a Y shape with a ramp at the bottom with the two arms coming out to the side.

Mr. Molino was not sure if you could make a dock this way.

Mr. Scripture noted it would be a custom-made dock.

Mr. Molino notes that this would push them farther out into the lake, as there needs to be distance between them.

Chair Erickson asks about a one-pronged L shaped dock, or a three-finger design. Mr. Molino states that this would require more square footage. The Chair asks if he could look into this, as this could be more stable and suit all.

Mr. Molino states that he looked at many configurations and that it pushes the end of the dock back into deeper water.

Mr. Scripture notes that it would be a more stable dock. Chair Erickson reiterates that this is a solution that would stay within the town codes, and not encroach on neighbors' properties. She asks if we can table this until next month to look at a more creative design and consider a mooring buoy, if needed.

Mr. Molino agrees with tabling the hearing and states that he has no problem with more square footage and looking at a three-finger design.

Mr. Scicchitano approaches the podium and states that the Mr. Scorzelli asked him if the docks need to be this wide? Mr. Molino replied that it does to be more stable.

Chair Erickson Moved to table the public hearing until next month, Mr. Scripture seconds it. **ALL AYES.**

File: 2024-07 AV
Tax Map # 71.12-1-11
Thomas and Joan Speziale

27 Chippewa Loop, Brant Lake, NY 12815

Requesting Area Variance from **Section 6.10 intensity and dimensional requirements for an attached deck to sit 3 feet from the rear yard property line, where the code minimum is 50 feet. A rear yard setback variance of 47 feet is requested.**

Mr. Speziale steps up to the podium and explains he is applying for a 47' variance to build an uncovered deck on their home. He explains that their proposed deck would not be visible from the other homes in their HOA, aside from the one home shares the property line. He also added that they have had no objections from neighbors.

Chair Erickson noted that she looked at the property and asked about three large trees that were cut down.

Mr. Speziale replies that one tree caused damage to the house and the others were too close to the home and were cut down in anticipation of building the porch.

The Chair asks if he has considered another design. He stated it is a small deck, and they originally wanted to go closer to the property line, but out of consideration for their neighbor they cut back 3 feet. He wants to connect the front porch to rear kitchen door for better traffic flow.

Mr. Scripture asks how he came up with 12 feet.

Mr. Speziale responded that he started with 1 ft from the property line, but ended up seeing that he needed 3 feet from the house.

Mr. Scripture said he understood that it is three feet, but it is rather luxurious. A 12X24 foot deck is quite large.

Mr. Speziale replied that he needs 24 feet to get back to the kitchen door. He explained that he called his neighbor that shared the property line the deck is the closest to, and there are no issues.

Chair Erickson questioned that the neighbor has not written anything opposing this variance.

Mr. Speziale responds that he did not know a letter was required.

Chair Erickson said that it is always helpful, and she always requests a letter when you are building this close to someone else's property line.

Chair Erickson asks where is the septic is located?

Mr. Speziale notes it is in the circular road. He also mentions that seven out of ten homes in the

HOA have substantial decks, much larger than his. His deck would be smaller than many of them.

Larry Bell asks if there was nothing behind the house before the proposed deck, just landscape and trees. Chair Erickson replied that there is no landscaping, it goes straight back to the rocks.

Mr. Dewar asks why not go out towards the lake more and that this design would likely not encroach on anything.

Mr. Speziale replied that the reason he did not do this is that the grade drops off very quickly and he wanted to keep it on the same level as the porch. It would also involve more columns and deck skirting.

The Chair asks if there are any other questions or any comments from the public. There are none. Mr. Speziale has a seat.

Chair Erickson thanks Mr. Speziale and closes the public hearing. She announces that we will move on to the **Balance Test which is** to balance the benefit applicant with the detriment to the health and safety of the community.

- 1. Can the benefit be achieved in any other way?** All agree that it can be achieved through other means and reducing the size of the deck. That both locations could be accessed with a six-foot deck. An 11.6 Foot deck is very large, and we need to grant the minimum variance to achieve the purpose.
- 2. Does this plan create an undesirable change in the community?** No, as it is a condensed area and it cannot be seen by the neighbors, aside from one. There could be a condition placed to create a shrub barrier to add a buffer between the deck and the closest neighbor.
- 3. Is the request substantial?** Yes, the variance request is asking for a 96% variance.
- 4. Will the request have an adverse environmental effect?** It does not as the trees that were removed could have caused damage.
- 5. Is this alleged difficulty self-created?** Yes it is.

Chair Erickson reiterated that If this variance is approved we will impose the minimal amount and conditions that we deem necessary. A discussion ensues about reducing the size of the deck from 11.5 feet wide to 6 feet wide, thereby reducing the variance request from 94% to 83% with other conditions being to add a natural screen.

All agreed that this sounded reasonable.

Chair Erickson addressed Mr. Speziale regarding these requirements and if he agrees to them. Mr. Speziale asks to speak again.

Mr. Speziale approached the podium and said that the neighbor wanted the tree cut down. Also, there are much larger decks in the neighborhood. With chairs and a table they cannot move around. This is a usable area and these conditions are not equitable.

Chair Erickson explains that we have codes that states we need 15 feet from the property lines. The board needs to balance the need to follow the Town of Horicon codes and try to accommodate the request within reason.

Mr. Speziale states again that this is not equitable and there are others with larger decks that can be seen but are not a problem. In addition, he can get a letter from the closest neighbor.

Mr. Schoembs notes that we need to consider the land, the zoning codes and how this could apply to future residents. He asks if Mr. Speziale has thought about going towards the backside?

Mr. Speziale responds that it would require excavation and more work.

Chair Erickson asks for a compromise by suggesting that he look at an 8 foot deck, even though it goes a bit too close to the neighbors.

Mr. Speziale responds that 8 feet is too small and asks for a compromise of 10 feet.

Chair Erickson replies that this requires a 91% variance request, which is still excessive. Mr. Dewar agrees. Mr. Schoembs states that it is not the only place to build the deck and regardless of if where they want the deck, we must consider the ordinances. He understands both sides, but we need to approve the minimum variance. Mr. Bell and Mr. Scripture agree that the variance request is too excessive and there are other, less excessive options.

Chair Erickson explains she would like to split the difference and go with the 6 feet. He could go towards the road and not encroach, be more conforming with the zoning codes.

The Chair addresses the attorney. Do we deny first and then asks for a modification? Attorney Reichenbach replies he can modify, but if he disagrees it would be denied.

Chair Erickson explains this to Mr. Speziale and explains the conditions to reduce the side deck request to 6 feet and make a larger deck lakeside, which would not require a variance.

Attorney Reichenbach clarifies that if he agrees to modify the request tonight he would not need to come to the next meeting.

Chair Erickson asks if Mr. Speziale if would like to modify the request to make the deck 8-feet, 6 inches, thereby making the rear yard setback 6' where 50' is required with a 44' variance. Mr. Speziale accepted the modification.

The conditions would be to provide natural screening to buffer between the neighbors.

Mr. Leggett defines natural screening.

The Chair asks for a motion to approve the amended variance for a rear yard setback for a deck to sit at 8 feet, 6 inches from the side property line, where 50 feet is required. The variance granted for 41.5 feet. This variance is conditioned upon planting and maintaining natural

screening to create a buffer between two properties. Mr. Scripture makes a motion and Mr. Schoembs seconds. **ALL AYES.**

FILE 2024-08 AV
Tax Map #36.3-3-2
Sherry 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’).**

Mr. and Mrs. Conklin approach the podium. The beachfront along the road is at the bottom of a short, but steep decline. Over the years, several large rocks have fallen off the hill and are strewn along the beach. They are looking to restore the beachfront, by pulling back the fallen boulders and returning them to the base of the hillside, to anchor the rest of the hill. They have a contractor who will be doing the work. They have the county road work permit and have applied for the JIF from the APA. Chair Erickson asks if they were able to get the Warren County Impact Statement. Mr. and Mrs. Conklin respond that they are waiting for it. Both documents should be received by the Zoning office within the next few weeks.

Chair Erickson describes how it is a steep grade at the shoreline. Mr. Conklin explains that he believes the rock was put in by the county seventy years ago and is now crumbling. They are repairing the damage done by years of erosion. Chair Erickson asks if this is going to be in code with the county for preventing erosion from the road. Mrs. Conklin explains that the contractor will put the bigger rocks on the bottom and the smaller ones near the top. Mr. Ross asks if the county knows what they are doing. The Conklins replied that they spoke with the County, and they agreed this was a satisfactory solution.

Chair Erickson asks if there is a written plan. The Conklin’s have submitted the plan to the APA. Chair Erickson explained that the Zoning Board would need to know the concerns of Warren County Highway Department and the Adirondack Park Agency before any decision on this project could be made. After consultation with the Attorney, Chair Erickson explained that given the likelihood that both the aforementioned documents would come back supporting this project, that the board can proceed with the Balance Test. If the Board decides to approve the request, we can condition the approval based on the Warren County impact statement and the APA Jurisdiction Inquiry Form.

The Public Hearing was Closed.

- 1. Can the benefit be achieved in any other way?** The proposed project cannot be

achieved by other means feasible to the applicant as the erosion needs to be replaced with new boulders and stones.

2. **Does this plan create an undesirable change in the community?** The proposed project will not create any undesirable change in the neighborhood character or undesirable change to nearby properties because the project will in fact improve and make a positive impact and will help to maintain the road.
3. **Is the request substantial?** The request is a substantial variance request due to the nature of the project but there is no way around it. The pre-existing, non-conforming stairs to the water along the edge of the property, will be moved to comply with the 15' side yard setback.
4. **Will the request have an adverse environmental effect?** This request will have no adverse physical or environmental effects to neighboring properties.
5. **Is this alleged difficulty self-created?** This proposed project is not self-created, it is an act of nature.

The chair asks for a motion to approve the variance contingent upon no county impact, a determination of non-jurisdiction from the APA, or if there is jurisdiction, any required permit.

Mr. Schoembs makes a motion to approve the variance, and Mr. Dewar seconds: **ALL AYES!**

File: 2024-19 AV
Tax Map # 88.14-1-11
Matthew and Krista Wood
11 Town Landfill Road
Brant Lake, Ny 12815

Requesting Area Variance for **Section 6.10 intensity and dimensional requirements -Road Frontage Variance of 100' (code minimum is 100', amount applied for is 100')**.

Larry Turcotte, contractor, representing the Woods, approached the podium and stated they have closed on the property. He displayed the plans explaining that it is a three-lot subdivision. Mr. Turcotte describes where each lot is on the map. The only encroachment is on the Town Transfer Station. They are currently addressing this. The problem faced by the Woods is that they need an access to the third lot in this subdivision as it is currently landlocked. They have examined several options. They are trying to avoid the issue with the traffic to the transfer station. The proposed option is to place the driveway coming in from the west side from Lot 3. This would be a right of way road frontage access to Lot 3.

Chair Erickson. asks if this is the best place as it is very steep. Mr. Turcotte explains that it is flat at the top and the access would need to be graded to level it for whomever develops this lot.

Mr. Scripture asks if it would encroach on the Wood's? Mr. Turcotte responds that it would not.

Chair Erickson asked the attorney what rights a future owner would have to change the terrain

features if given this Right of Way.

Attorney Reichenbach said it depends on the language of the easement. He also added that the Woods are his clients, but they have not discussed this element at all. He does not see it as adversarial.

Attorney Reichenbach explained that if what you are doing is not increasing a burden on the owner of the land it is not an issue and should not be considered.

Mr. Dewar clarified we are not approving the easement; we are approving the variance. Mr. Turcotte explained that Lots 1 and 3 will have the proper language in the deeds. The attorney will write these in relation to what is approved.

Chair asks if anyone else would like to speak. She then closed the public hearing and proceeded with the **Balance Test**:

1. **Can the benefit be achieved in any other way?** Mr. Schoembs noted that in negotiation with the town, this is the best decision. Chair Erickson added that other options were considered but could not be achieved without complications.
2. **Does this plan create an undesirable change in the community?** No, It is a right of way easement that follows the property line and no structures will be build on this easement.
3. **Is the request substantial?** Yes, 100%.
4. **Will the request have an adverse environmental effect?** No, but it will need to be graded when the Lot 3 is sold.
5. **Is this alleged difficulty self-created?** Yes, as the property was divided into three lots, one of which is land-locked.

Mr. Dewar made a motion to approve the plan and Mr. Bell seconds the motion. **ALL AYES.**

New Business:

File # 2024-10 AV
Tax Map # 38.15-1-27
Mark SanAntonio
20 Clear Water Lake RD.
Brant Lake, NY 12815

Applicant seeks a Variance(s) from Section 6.10 – a front yard setback to construct a garage onto an existing single-family dwelling. The variance request is 10' where 60' is required.

Mike Hill, contractor, representing Mr. SanAntonio, explained that this is a bedroom addition over a garage addition, two-story house. They would like to extend the garage 12 feet out and extend the bedroom above it 12 feet out also, toward the private road. They are 53 feet over from the center of the road and they need 60 feet and are asking for 10 feet. This is the easiest way to achieve without disrupting anymore property. There are no trees, hills, or grades. They are on a road where most buildings are much closer to 60 feet.

The original home was built in 1983. The chair asked Mr. Hill to show her the building on the map. Mr. Hill showed Chair Erickson where it is on the map.

Chair asked if there is an existing variance for the current deck. Mr. Hill explained that there have been many changes to the roads in this area and he does not know. Chair Erickson asks to be shown the property line. She then asked if Mr. San Antonio subdivided the property. Mr. Hill replied that he did not, that he bought the property and doubled the size of the lot. Mr. Hill comments that the county lines on the maps are not always accurate.

Chair Erickson asked Mr. SanAntonio if there are any surveys on the lots? Mr. San Antonio explained that he has a survey for his current property. Mr. Leggett explained that there was no variance application in their file, there is a boundary line adjustment that expanded the resident's lot. Mr. Hill showed Chair Erickson what he originally owned on the property and what he bought to make the lots bigger. Chair Erickson asked if they are all separate tax #s. Mr. SanAntonio explained it is all one tax #, his house is next to the boundary line. The board discussed how over the years, a number of roads were moved, so the lines on the county map are not exact. Twelve years ago, the house was updated, and there were never any variances. Mr. Hill shows Chair Erickson the specific corner that the variance required. Chair Erickson asks the board if there is any other information needed. There are no further questions.

Mr. Dewar motions the application is complete and Mr. Schoembs seconds it. Chair Erickson states that they next ZBA meeting will be November 19th.

File # 2024-11 AV
Tax Map # 71.12-1-21
Victor Novello
5 Chippewa Loop
Brant Lake, NY 12815

Applicant seeks an area variance from sections 6.10 from a front yard setback for a 20X20 single story garage with a deck on top. The variance request is for 36' where 60' was required.

Mr. Novello approaches the podium explaining that this variance will allow them to build the garage on the ground level. They have a walk out basement and at the end of the patio there are twelve steps currently that lead down to a sloping ground level. It has become a great labor, over the years, to function with this set-up. The garage would be a great service to them as it will be a shelter for the car, but more importantly allow them to retain a healthy and active lifestyle. It will also allow them to maintain the property, such as being able to use a snowblower during inclement weather.

Chair Erickson asks about the construction of the patio. Mr. Novello responds that they are concrete and it is a walk out basement.

Mr. Scripture asks about the size of the garage. Mr. Novello replies that it would be 20X20.

Mr. Dewar asks who the contractor is. Mr. Novello replies that it is Brian Bedell and Bernie Bolton we do the excavation. Discussion of where the lake and the private road is to confirm the barriers.

Mr. Dewar asks about the roadway setback. Chair Erickson yard setback. Chair Erickson asks if they are referring to this as a side road setback, or roadway setback.

Mr. Leggett approaches the podium and explains that there is a wide swatch that is common property and that this is a front road setback.

Mr. Scripture makes the motion that the application is complete and Mr. Dewar seconds it. The public hearing will be the 19th of November.

File # 2024-12 AV
Tax Map # 20.10-1-44
Sean Doyle
821 East Shore Drive
Adirondack, NY 12808

Requesting an area variance from sections 6.10 for a roadway setback for a 13X16 addition to a single-family dwelling. The variance request is for 20' where 60' is required.

Joe Morrill the engineer is speaking for Mr. Doyle. They have an addition to the property. He shows pictures that he brought of the existing camp and of the addition. He explains that the addition adds 12 feet to the end of the building on the south side (where the proposed office addition is on the map). The issue is the setback from the highway, but as the building is there, they are adding to it.

Chair Erickson clarifies with Mr. Morill that the new addition does not extend the deck, and they will not be any closer than the deck.

She also clarifies with Mr. Leggett that for roadway setback that it would be from the corner of the deck to the center of the road. The new addition does trigger a new variance application so that Mr. Doyle is in compliance.

Mr. Schoembs motions to deem the application complete and Mr. Dewar seconds it. **ALL AYES.** The public hearing will be November 19th.

Board Member Comments

Adjourned 10:10 PM

Next meeting: November 19, 2024