

Present at Meeting:

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

Note: Vice-Chair, Dewar and Chair Erickson switched roles for this meeting, as the Chair has laryngitis.

Also Present: Craig Leggett, Zoning Administrator, Attorney, Brian Reichenbach, Zoning Assessor, Christine Hayes.

Pledge

Review of Minutes: Larry Bell approved the minutes and Rich Nawrot seconded the motion.

ALL AYES.

Meeting to be Called to Order: 7:00pm

Pledge of Allegiance

Minutes Approval: For October 22, 2024:

New Business:

File # 2024-13-AV
Tax Map # 21.-1-9
Bill and Karen Lajeuneses
44 Pharaoh Road
Adirondack, NY 12808

Applicant seeks an Area Variance from **Section 6.10 – Schedule of Intensity and Dimensional Requirements** to remove an existing 5' X 24' screened porch and replace with a 9' X 24' screened in porch. The proposed front yard setback is 28' where 60' is required. The front yard setback variance request is for 32'.

No one was here to speak for the Lajeuneses'. Mr. Bell explained that this looks to be a Roadway Setback and the applicant is looking to replace a 5-foot wide porch with a 9-foot wide porch. The application looks to be complete. The drawings show the existing porch and the proposed porch with the 2-foot overhang.

The applicant is on the schedule for the next meeting. A motion is made by Mr. Bell and seconded by Mr. Schoembs to deem the application complete. All ayes. The **public hearing** is scheduled for the next meeting on **December 17, 2024**,

Public Hearings:

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

Applicant seeks an area variance from **Section 6.10 – Schedule of Intensity and Dimensional Requirements** for a front yard setback and shoreline setback to construct a 13' X 16' addition to a single-family dwelling. The existing building front yard setback is 21' where 60' is required. The front yard setback variance request is for 39'. The existing building shoreline setback is 15' where 50' is required. The shoreline setback variance request is for 35'.

Joe Moyle, who is speaking for Sean Doyle approaches the podium and explained that they are adding 13x16 foo addition to the south side of the building. They are improving the visual aesthetic of the existing structure by making the front more symmetrical and keeping the roofline consistent with the house. It is a one and a half story home, and the new addition will be used for an office space.

Mr. Nawrot confirmed with Mr. Moyle that the roofline will be symmetrical with the house. Mr. Schoembs confirmed with Mr. Moyle that no trees will be cut down.

Chair Erickson stated that there will be no additional encroachment on the shoreline because of this project, nor would the addition be any closer to the road than the existing home. The variance requests are triggered by the pre-existing, non-conforming part of the structure, but because the addition is coming off the existing footprint, we have to examine this addition in light of the existing variances.

Mr. Doyle explained that the window on the south side will be replaced with a door into the office.

Mr. Dewar stated that they are improving a pre-existing structure.

Mr. Nawrot clarified that no other new structures will be added. Mr. Bell asked if anything has been changed to the house since 1913. Chair Erickson explained that another small addition was added to the other side of the house approximately ten years ago.

She also asked if the proposed addition will be 13 feet in length. Mr. Moyle replies that it is. Mr. Dewar asks if there was any correspondence. There is one letter from a neighbor that approves of the addition.

Balance Test

1. Can the benefit be achieved in any other way? **It is the most feasible way to add a small office to the existing structure.**
2. Does this plan create an undesirable change in the community? **No, as it is a small addition that will improve the look of the road and does not encroach on any other homes as the south side property is relatively undeveloped. It is keeping with the other structures along the shoreline.**
3. Is the request substantial? **It is not a substantial request because the new addition would not increase any of the variances on the pre-existing, non-conforming home/structure.**
4. Will the request have an adverse environmental effect? **It will not have any adverse effects. This addition is relatively small and no trees will need to be removed to make room for the addition. This addition does not involve plumbing and any additional runoff from the roof will drain onto a porous surface.**
5. Is this alleged difficulty self-created? **It is self-created but not relevant.**
6. Do any conditions need to be imposed? **Mr. Schoembs notes that the project does not need any conditions.**

Mr. Schoembs makes a motion **to approve application # 2024-12 AV and Chair Erickson seconds it. All AYES.**

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

(Public Hearing continued from October 22, 2204)

Applicant seeks an Area Variance from **Section 6.10 – Schedule of Intensity and Dimensional Requirements** and **Section 8.08 – Docks**. The proposed dock side yard setback is 10' where 15' is required. The proposed dock surface area is 320 square feet where 150 square feet is allowed. The side yard variance request is for 5' and the surface area variance is for 170 square feet.

Mr. Molino is representing the Adirondack Lodges. He reviewed the first proposal, replacing an 80-foot straight line dock with a safer design, which is a U shaped design, bringing them closer to shore. This requires the 10 feet variance to the south side. He asks if Mr. Leggett received the email with the deeds and the note from the dock expert of Schroon Lake Marina, Craig Kennedy. He states that the new plans include two different configurations, Option 2 and Option 3. Option 2 is an E shape and consist of a 62-foot run coming out into the lake with two 20-foot fingers. All designs were sent to Mr. Kennedy. Mr. Kennedy's opinion was that the "new dock design, Option 2, would

be dangerous to homeowners. The original U-shaped design “would be far less obtrusive than this long dock protruding out into the lake.”

Mr. Molino explained that design Option 3, is a U design and similar to option 1 but moved 5 feet to the north. He said that the two docks that come out into the lake, would each be 10 feet from the adjacent property lines, 10 feet to the north and 10 feet to the south. It would require a 5-foot variance on each side. Consequently, this design would be in the middle of the 50-foot property and require a variance of 5 feet on both sides. Being 344 square feet total, it would require a square foot variance of 194 feet. He remarks that due to the circumstances, he feels this is the best design, as it is the safest and will not infringe upon the neighbors.

Mr. Molino asked if there are any questions.

A discussion ensued with Chair Erickson asking Mr. Molino if he could reconfigure various aspects of the design.

Mr. Molino explained that Option 3 is the safest, as the boats would be facing the shoreline.

Mr. Nawrot remarked that in Option 2 the boats would be sideways. Mr. Molino replies that yes, they would be sideways, broadside and therefore vulnerable to the elements. Option 2 would also require another variance.

Mr. Nawrot stated that if they consider Option 2 or Option 3 the square footage is an issue.

Mr. Bell asked how many families use the boat dock. Mr. Molino replied four families use the slips and explained that this is defined in the deeds.

Chair Erickson asked if Adirondack Lodges is a part of the Mill Creek subdivision. She stated that in the Town of Horicon’s Zoning Code the ADK Lodges and Mill Creek, are not exempt as they were established after the code was written. This 50 feet of undeveloped shoreline was gifted to the ADK Lodges to provide waterfront access to the Mill Creek Subdivision homes, which are not located along, or near, the shoreline. This was done to increase the value of the homes at point of sale and, at the time of construction, the single 4’ x 80’ foot long dock complied with the Zoning Code. She explains that it is very difficult to put four slips in this small space. She asks about the moorings, as two neighbors were not satisfied with the project, adding that this area is dealing with traffic congestion and a lack of places to park, which also causes significant safety issues.

Mr. Molino explains that one of the dock owners spoke with two of the neighbors, and neither were bothered by the newly proposed dock. He also stated that they are prohibited the use of moorings for motorized boats, via the same agreement.

Chair Erickson asks again if there is another dock inside the ADK Lodges that can be used for the fourth homeowner, instead of building another slip.

Mr. Molino replied that there are no unassigned dock slips that are available among the Adirondack Lodges docks.

Chair Erickson reiterated that parking is an issue, and she hesitates to approve this request for more dock space when there is not room to park.

Mr. Molino explained he understands the issue the Board has; he also explains that two homeowners use ATVs to get to the dock and park the cars that are needed by these owners to use these docks.

Mr. Schoembs added that these are current owners and who knows what the future hold. The property could be sold at any time. If there are four assigned docks than there should be room to park four cars.

Mr. Molino stated that parking issues are always going to be a problem, but this does not address the safety of the dock.

Mr. Dewar proposed that the homeowners could keep their boats in the Marina. Mr. Molino explained that one of the owners is planning to sue the Association due to the lack of safety on the docks.

Chair Erickson noted that the safety surrounding the docks and the traffic on the roads are both issues. She asks Mr. Molino if they could take the dock slips out the deeds. Mr. Molino was unsure of this. Discussion ensued about the confusing language in the Mill Creek Homeowners Association deed.

Attorney Reichenbach explained that the resolutions in a deed are between the Association and the homeowners. The Town of Horicon is not bound to the deed and its conditions.

Mr. Bell interjected that the Governmental Regulations, Article XIV, Section 15.01. state Boat Docking Rights for Lots 1, 2, 3 and 4 and references a map for Adirondack Lodges filed May 13, 1988. He asked if there is a way to view this map to see if it required four boat slips.

Chair Erickson questioned if you could not use a mooring for a pontoon boat.

Mr. Molino replied that if you have a 26' pontoon boat tied to a mooring rope the boat will drift around, creating a circle with a diameter of 50 feet, making that situation untenable.

Mr. Reichenbach stated that we can review the map but asks when the Zoning Codes were established. Christine Hayes, the town assessor responds that the codes were established in 1974. Attorney Reichenbach said that the town is still not bound to the map, as the codes are written beforehand, but we can look at the map and consider if there are any specifics that can be gleaned from it, such as if this issue is self-created, or not.

Mr. Nawrot stated that we should look at the filed map to see if it shows slips for four boats. Administrator Leggett came forward to show the map from 1988 that he pulled up on his laptop and states that it does not show the docks for the four slips.

Discussion ensues about what is on the map and whether, it is binding, or can shed any light on the issue.

Chair Erickson further reads from one of the deeds and notices that the language is nonspecific to four slips. Mr. Molino agrees there is conflicting language and tries to clarify what the document may refer to. Mr. Molino reviews the document with Chair Erickson and they discuss what may be inferred. Chair Erickson states that the document does not refer to specific dock rights.

Chair Erickson restates the safety issue involved in having no parking, traffic congestion and a road with no shoulder.

Mr. Schoembs states that he is not sure if this is a town issue or an association issue. Chair Erickson clarifies that this is the Adirondack Lodges issue.

Mr. Molino remarks that if it was agreed to on paper that this was not an issue, even if it was not done correctly, but based on what a prior town board agreed to.

Attorney Reichenbach asks if there was a dock in this area since the subdivision was created and was it compliant with the zoning laws.

Mr. Molino replied that the dock was there upon the subdivision and that it was compliant. The dock design was the straight line 80' dock that the Association is now trying to change due to the hazardous conditions it has created for the homeowners.

Attorney Reichenbach explained that the issue would be that the people who granted the subdivision lots to everyone, said that they could have four boats on the dock and that there was a way under the zoning code to have four slips. It met the requirements of the law. Now Mr. Molino is asking for a variance from the law. Mr. Reichenbach explained that he believes the law was in place before the subdivisions.

***After looking into this: there were no dock regulations in the Town Zoning local law before 2002.

Mr. Dewar feels that Option 1 is not much different from Option 3. Chair Erickson explains that it is still excessive.

A discussion ensued about the Mill Creek Subdivision pedestrian right of way. Mr. Reichenbach says that it is relevant to the discussion, but it is not binding. He also adds that the Association can change their rules about parking.

Mr. Bell explained that the issue is looking at the safety of all, including pedestrians and Association residents. If they can propose a parking solution that help make a stronger case to the Zoning Board, along with researching the map filed in 1988 is relevant.

Mr. Molino agrees to investigate the parking issue with Adirondack Lodges, along with the filed map. **The public meeting will remain open and continue December 17, 2024.**

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

Applicant seeks an area variance from **Section 6.10 – Schedule of Intensity and Dimensional Requirements** for a front yard setback to construct a 23' X 12' garage onto an existing single-family dwelling. The proposed front yard setback is 44' where 60' is required. The front yard setback variance request is for 16'.

Contractor Mike Hill is representing Mark SanAntonio. Mr. Hill approached the podium and reviewed the project involving replacing the current deck with a new one. He explained that this project will require removing a 200 square foot deck, following the same footprint, but encroaching on the road 3 feet and adding 276 square feet, which is an extension of the garage bay below at the foundation level. The upper level is an extension of the master bedroom which is currently 12 by 14 feet. The applicant wants to add 12 feet to the existing bedroom.

Mr. Dewar comments that this is a seasonal and private road.

Chair Erickson noted that the measurements have been changed from the previous meeting. Mr. Leggett explained that he went out to measure the property and the correct measurement stands as 44 feet from the road.

Chair Erickson asked if there are separate tax #s, as the house sits along the property and it looks like it needs a side yard setback. She addressed the attorney Reichenbach with this question and he replies this is a Zoning Administrator's decision. Mr. Leggett explains that it does not need a variance as it does not sit as "close to the road" as shown on the GIS.

Mr. Dewar inquired if there have been any objections from the neighborhood. The clerk replied that the public notices were sent, and there has not been any correspondence.

Mr. Dewar moved on to the balance test.

Balance Test:

1. Can the benefit be achieved in any other way? **Mr. Nawrot states that in relation to the layout of the structure and the rest of the house, the plan is appropriate.**
2. Does this plan create an undesirable change in the community? **It does not as**

there are no nearby properties.

3. Is the request substantial? **It is moderately substantial, but the original deck will be removed and replaced by a structure that will only encroach on the road 3 feet more than the original non-conforming structure. The overall change in the distance from the road will be small.**
4. Will the request have an adverse environmental effect? **It will not as there are no trees being cut down and this is an open wide space.**
5. Is this alleged difficulty self-created? **Yes, but it is not determinative.**
6. Do any conditions need to be imposed? **There are no restrictions.**

Mr. Nawrot makes motion to approve application # 2024-10 AV and Mr. Bell seconds. All Ayes.

**File # 2024-11 AV
Tax Map # 71-12.1.21
Victor Novello
5 Chippawa Loop
Brant Lake, NY 12815**

Applicant seeks an area variance from **Section 6.10 – Schedule of Intensity and Dimensional Requirements** for a front yard setback to construct a 20' X 20' free-standing single-story garage with a deck on top. The proposed front yard setback is 24' where 60' was required. The variance request is for 36'. The proposed side yard setback is 8' where 15 is required. The variance request is for 7'.

Mr. Novello approaches the podium. He reviews the variance request that will allow him to build a garage on the lower portion of the property. The purpose for the garage is to have an accessible place to store outdoor equipment and cars during the winter. Currently the equipment, such as bikes and Kayaks need to be carried up and down the stairs. They also are planning to make this residence a permanent home and will use the garage for their cars.

He explains that Chippawa Loop is a private road and the setback in the front is within this road. He explains that the plan is for a detached garage and his contractor, Mr. Bedell suggested that they go for a 10-foot cushion away from the post of the house, for stability purposes. The excavator, Bernie Bolton, suggested he could place the garage even closer at 5 feet. The ultimate plan is to ensure stability for the posts of the house, and this will be decided as they move forward. They would like the garage as close to the house as it can be. The patio would be level with the roof of the garage.

Discussion ensues regarding the placement of the garage and the stairs. Mr. and Mrs. Novello review with the board the placement on the site map.

Mr. Schoembs asks how high the garage will be as the Novello's have a neighbor with a deck and he is concerned about visual issues it may cause. Mr. and Mrs. Novello reply

that the garage will be 9 feet high and that this will not interfere with their neighbor's view. Mr. Schoembs asks about the railing. They explain it would be a cable railing system.

Chair Erickson asked if there was any correspondence from neighbors, or any issues with the HOA. She explains that a stand-alone garage would be out of character for that neighborhood. She also asked if they were putting in a driveway. Mr. Novello states that they are not putting in a driveway and that there is nothing in the bylaws involving a garage, and none he is aware of with the neighbors. He stated that the garage would not cause any visual barriers to others. The only area it would block is the shuffleboard court. The clerk confirms that the legal notices were posted and there has been no correspondence.

Mr. Dewar asks why they would not consider an attached garage to the home. Mr. Novello explains that he is trying to get it as close to his patio as he can, but there is nowhere to attach it.

Chair Erickson asks about the reason they do not build a shed, instead of a garage? The Novello's explain that they plan on this home being their permanent residence soon and will also be using it for their cars.

Mr. Nawrot asks about the roadway setback, and Mr. Dewar explains there is no roadway setback. It is green space. Chair Erickson asks about what the outside will look like and Mr. Novello reviews the structure's appearance. Mr. Dewar addresses the board to ask if there are any more questions, of which there are not.

The public hearing is closed, and the Board moves on to the balance test.

Balance Test:

- 1. Can the benefit be achieved in any other way? It is a free-standing garage that can not be achieved any other way, as the garage is necessary. They intend to use the garage for their equipment and cars.**
- 2. Does this plan create an undesirable change in the community? Chair Erickson believed it to be a concern as it may affect the character of the neighborhood, but there were no complaints from the neighborhood and the garage will blend with the home.**
- 3. Is the request substantial? No as it is a garage and visually it will not be an issue. Mr. Bell adds that the road is on the other side of the property, so it is not substantial.**
- 4. Will the request have an adverse environmental effect? Mr. Schoembs states that hardscape will be put down, but the property will have ample drainage.**

5. Is this alleged difficulty self-created? **Yes, it is self-created but necessary.**

6. Do any conditions need to be imposed? **The garage should always remain a garage with no plumbing and will no point be converted to a habitable structure.**

Chair Erickson makes a motion to approve the application based on the balance test discussion and with the stated conditions. Mr. Schoembs seconds it. All ayes.

Meeting adjourned at 9:00 pm.

Next meeting: December 17, 2024