

Board Members:

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

Others Present:

Legal Counsel, Mary Kissane
Zoning Admin, Craig Leggett
Zoning Clerk, Julie Marinelli

Meeting to be Called to Order: 6:32 pm

Pledge of Allegiance

Minutes Approval: For January 28, 2025—Mr. Dewar approved, and Mr. Schoembs seconded.

Public Hearing:

File # 2025-01
Tax Map # 36.11-1-15
Erin Lynn and Adam Griffin
400 East Shore Drive
Adirondack, NY 12808

Applicant seeks an area variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements for a roadway setback and shoreline setback. The proposed shoreline setback with the cabana is 6' where 50' is required. The Roadway setback variance request is for 35' and 2", where 50' is required. The shoreline setback variance request is for 44' and the roadway setback variance request is for 14' and 10".

Mike Phinney from the Phinney Principal Design Group approached the podium and provided a review of the project.

He explained that they are dealing with an existing deck and a retaining wall, along the shoreline, both of which are in poor condition. The Phinney Design Group proposes replacing the existing retaining wall. Mr. and Mrs. Griffin would like to replace what the existing retaining wall with a new stone retaining wall, as the mean-high water mark is a concern. Mr. Padykula, also of the Phinney Design Group, showed the board the revised plans, with the mean-high water mark, as requested by the ZBA at the last meeting. He explained that the existing stairs will be replaced with new ones, and the

deck will be replaced with a patio featuring pervious pavers, which allow rainwater to infiltrate through their surface into the underlying soil, effectively reducing stormwater runoff. Since the homeowners will live across the road, they propose adding a cabana to serve as storage for small items. They ensured that the structure is under 10x10 feet and remains below the 100 SF threshold. Chair Erickson clarified that, as the ZBA includes the eaves, the cabana structure is 14x14 feet.

Chair Erickson asked if they are considering plumbing water into the cabana. Mr. Phinney replied that they are planning for a water source on the patio. She noted that a neighbor had inquired about this via email, and it would be a point of discussion.

Chair Erickson asked about the height of the cabana. Mr. Padykula responded that it is approximately 10 feet. Chair Erickson noted that, according to the original plans, the cabana is about 9 feet 10 inches. Mr. Padykula confirmed that this IS correct, as shown in the January 27th plans.

Mr. Schoembs asked how far the cabana will be from the road. Mr. Padykula responded that it is roughly 10 to 12 feet away. Mr. Phinney added that the highest point of the roof, with the eaves, will not be above the road.

Mr. Dewar asked about the purpose of the cabana. Mr. Padykula and Mr. Phinney stated that it is intended for storage, such as towels and coolers.

Mr. Nawrot inquired about the water source for the patio. Mr. Phinney explained that it would be used for rinsing off sand and that the water source would possibly come from the house. Mr. Nawrot asked if bathrooms would be included. Mr. Phinney replied that they would not. Chair Erickson asked if the water source would come from the house via a line under the road. Mr. Phinney confirmed this.

Chair Erickson reviewed an email from a neighbor expressing concern about the water source on the patio and the potential risk of lake contamination.

Mr. Phinney explained that the water would be used for rinsing off sand after being on the beach and would not be used for washing dishes or any other activities that could contaminate the lake.

Mr. Nawrot pointed out that, despite the intended use, any water from the hose used for domestic purposes and become gray water.

Chair Erickson reviewed the following with Mr. Phinney and Mr. Padykula: they are increasing the height of the retaining wall by twelve inches to keep it within the current survey of the mean high-water mark, they plan to install a patio with railings around the corners, as well as a bench that attaches to the corner. She noted that these structures are all connected and that the shoreline retaining wall is not a replacement in kind due to the expansion and new additions. The patio, since it will butt up against the retaining wall, will be considered part of the total structure in aggregate. The back retaining wall

is new and serves to abate erosion. Regarding the cabana, Chair Erickson explained that a shed was present in 2008 but is no longer there, and according to our code, section 14.20, if there is no structure at the location within five years, or more, you no longer have a grandfathered clause and therefore, the cabana is a new structure. She stated that the ZBA will be looking at the project as a whole and address any problems with the individual new structures.

Mr. Padykula stated that the stairs are considered a replacement “in kind” according to the APA. Chair Erickson replied that since the stairs will be moved, they are not a replacement “in kind” but she acknowledged that the stairs are necessary and not likely an issue.

Chair Erickson asked if there were any questions before we close the public hearing.

Mr. Nawrot stressed that the addition of a water source that could create gray water, still needs to be addressed. Mr. Phinney explained that the intention is to have a hose for hosing things down and rinsing off sand. Mr. Nawrot noted that while this may be the intended use, similar situations in the past have led to water sources being used for unintended purposes. Mr. Phinney added that the water source would come from the house, which will require drilling under the road. This is something the owners would need to decide on, but they would like to have the ability. Chair Erickson reiterated that the neighbors were concerned with the possibility of lake contamination due to the use of adding a water element. Mr. Phinney responded that yes, technically, it could be gray water.

Chair Erickson asked about the materials being used for the patio. Mr. Phinney explained that this is one of the improvements from the current deck. The current deck is wood, deteriorated and any water runs off it into the lake. He explained that the pervious pavers will have 2 feet of crushed stone beneath them, which will help catch runoff from the hill and the cabana, preventing it from reaching the lake. He noted that this design is a significant improvement over current conditions.

Chair Erickson asked how the pavers would function compared to a lawn. Mr. Phinney explained that a lawn is less pervious, whereas the pavers serve as a more efficient means of absorbing runoff, functioning similarly to a drainage grate. Chair Erickson pointed out that the existing deck extends nine feet from the shore and that the new patio will extend twenty-two feet from the shore. The deck area is expanding from 288 SF to 704 SF—two and a half times more—so the water management plan must account for this increase. Mr. Phinney agreed that, yes, the stormwater management plan will be a key part of this design. It allows to capture and contain the water from not only the hill, but also the roof of the cabana.

Mr. Padykula explained that the cabana’s roof will be a green roof, planted with a soil medium and vegetation. This green roof will also absorb a lot of water, as it has a 6-inch-deep engineered soil. Chair Erickson noted that the traditional roof would not be visible from the road, only the plants. Mr. Phinney elaborated that the green roof will

help significantly reduce runoff. He further explained that sedum plants are well-suited for green roofs due to their adaptability to harsh conditions, including drought and extreme temperatures, making them ideal for dramatically reducing stormwater runoff. He adds that the pervious pavers will also add to the improved drainage situation.

Mr. Phinney addressed Mr. Nawrot's concerns about the hose water, adding that any water will be absorbed by the patio pavers and percolate back into the soil. Mr. Padykula explained that they are also designing the patio structure to capture road runoff.

Chair Erickson asked about the square footage of the back retaining wall. Mr. Padykula responded that yes, it will be under 100 SF, likely around 70 SF. Mr. Phinney added that the retaining walls will be constructed to stabilize the hill and reduce the erosion.

Mr. Scripture inquired about the placement of the hose, asking if it would be inside or alongside the cabana. Mr. Padykula responded that it would be alongside the cabana.

Chair Erickson confirmed the patio and cabana dimensions as being 4 feet deep (with the storage space) and 6 feet deep facing the water. She asked if this could potentially be converted into a dining area. Mr. Phinney responded that this is not the intent. He reviewed the plans with Chair Erickson, explaining that the patio is not large enough for dining. It is designed to store coolers, a beverage fridge, snacks, and supplies, leaving approximately two feet for walking space.

Chair Erickson asked if there would be electricity. Mr. Phinney confirmed that there would be. She also confirmed that there are no plans for a sink or any plumbing.

Mr. Schoembs noted that similar past projects had been converted into outdoor kitchens, so the board remains cautious about allowing running water.

Mr. Scripture asked about the vegetation on the cabana roof and its height. Mr. Padykula explained that the sedum plants are drought-tolerant, hearty and grow to about six inches in height. They will be grown in six inches of medium, which will also help with the water run-off.

Mr. Dewar remarked that the structural design is clearly aimed at counteracting erosion.

Chair Erickson asked if the shoreline retaining wall would be backfilled. Mr. Padykula stated that, yes, clean fill would be used.

Chair Erickson asked about the accessibility of the pathway and how it will appear from the road. Mr. Padykula explained that a landscape architect will use native plants and natural boulders to create a natural look. While the pathway will be accessible, someone in a wheelchair would still require assistance due to the slope. The design also facilitates carrying loads down the slope.

Chair Erickson inquired about the stairs to the left of the patio. Mr. Phinney explained that they will be made of natural stone slabs with boulders surrounding them. Chair Erickson asked about the square footage of the stairs as part of the structure. Mr. Phinney estimated the stairs to be roughly 3.5 feet wide and 12 inches deep, with five steps spaced apart.

Chair Erickson asked if they considered any alternatives to the cabana. Mr. Phinney responded that the client would like a 10x10' cabana for storage and that the overhangs are to protect the cabana from decay. He reiterates how the roof would be used as a mixed green roof. They weighed the pros and cons, but the cabana will provide the storage that is needed. The owners are not interested in a boathouse. Mr. Nawrot noted that boathouses are not allowed on Schroon Lake. Chair Erickson asked what the cabana walls and floors would be constructed with. Mr. Padykula explains the walls will be a cedar and poly-ash and the floors will be a type of tile, all very sturdy materials.

Mr. Dewar noted the neighbors' concerns with the cabana and running water, but that the project is well explained and if needed, conditions will be imposed.

Chair Erickson closes the Public Hearing as a Type 2 action with no SEQRA review required. She then reads the Warren County Impact statement, which finds that the proposed action has no significant inter-community or county wide impacts. Chair Erickson introduced the balance test, which weighs the benefit to the applicant against potential detriment to the health, safety, and welfare of the community. Two variance requests will be considered: A 50' shoreline variance for the shoreline retaining wall to sit 0' from the shoreline and a 34' roadway setback variance for the stairs to sit 16' from the centerline of the road. This project is being considered in aggregate and these two variances, if approved, will allow all parts of this project to be completed. Conditions may still be placed on any part of this project that may be of concern.

1. Can the benefit be achieved in any other way?

This shoreline property has fallen into disuse and decay and the owners are unable to use it in this condition. Mr. Schoembs notes that repairs to the shoreline retaining wall and the addition of a rear retaining wall are necessary to prevent further erosion to the area and enhance the usability of the area near the shore. In the public hearing, the design engineers were asked to compare the patio (using pervious pavers) vs. planting a lawn in this 704 sq ft area. They stated that the pavers will have two feet of small, crushed stone beneath them to serve as a catchment area for storm water runoff. Thus, a patio of this design is preferable to the lawn, which would not have these enhanced absorption qualities, and would allow more water runoff into the lake in large storm. This proposed plan, in aggregate, was designed with storm water management and erosion prevention in mind and allows the owners to use this area of shoreline for recreational purposes.

2. Does this plan create an undesirable change in the community?

Mr. Scripture states that the plan enhances the lakefront in this neighborhood

and is consistent with other structures. Small outbuildings, decks and sitting areas are commonly seen throughout this shoreline community. The proposed enhancements to this property will visually improve this area of the shoreline. There was unanimous agreement that this proposed plan is in keeping with the character of the neighborhood.

3. **Is the request substantial?**

Chair Erickson stated that this project has several different components, but we are looking at the project in aggregate, which means that we will look at the largest variance requests required to do this project in its entirety. The shoreline retaining wall requires a variance of 50 feet, to sit at zero feet from the shoreline. This is the nature of a shoreline retaining wall, which in this case, is replacing an existing shoreline retaining wall in the exact same location and of the exact the same length. We are not considering it an in-kind replacement due to the enlargement in the height (~ 12") of the retaining wall due to a new survey of the mean high water mark, the fortification of the handrail, which will now go around the corners, the attached seating benches, and finally, it's connection to the patio. On the road side of this project, the variance of 34' from the centerline, so that the stairs can sit 16' from the centerline is also substantial, though not determinative. The stairs, to be useful, need to start at the top of the incline. These new stairs are in a slightly different place so do not meet the definition of in-kind replacement, but they are a necessary component of the project and the variance request is not that different from the one for the existing decrepit stairway. All other components of this project are covered by these two variance requests. From this perspective, yes, these two variance requests are substantial, but not determinative.

4. **Will the request have an adverse environmental effect?**

The overall project is a significant improvement, including the retaining walls, patio, and cabana. No trees will be removed to accomplish this project and some of the existing trees will be "shored up" a little to ensure the health of the trees. While constructing the path down to the patio, multiple additional native plants will be added for both aesthetic reasons and for erosion mitigation. The only environmental concern we have with this project is the plan to bring potable water to the cabana and have it accessed with a hose. Chair Erickson states that if the hose is connected to the cabana, it would be within twelve feet of the lake. The presence of running water could have a substantial adverse effect on the environment. There was extensive discussion about the cabana, and the board was assured that there would be no sink or grey water area associated with this project. The hose was to be used to wash things (i.e., boats, feet, etc....) outside of the cabana. Mr. Scripture notes that the concern revolves around the hose being used in ways that could be detrimental to the lake. Mr. Scripture adds that the impact depends on the hose's size and the direction in which it is pointed when used. Mr. Phinney states that he has never encountered this level of scrutiny over a hose. Chair Erickson raises the scenario of someone using the hose to clean objects with solvents, leading to runoff into the lake and creating gray water. Mr. Padykula suggests that a pump could run up to the house instead. Chair Erickson explains that the current design allows for the

potential misuse of the hose in ways that could harm the lake. Therefore, having running water at the cabana poses a risk of adverse environmental effects.

5. **Is this alleged difficulty self-created?**

Yes, the difficulty is self-created; however, the applicants are improving the overall condition of the area.

6. **Is this the minimum variance necessary and do any reasonable conditions need to be imposed?**

Yes. All members of the board agreed that this was the minimum variance necessary to complete the project, and imposed the following conditions:

- No running water shall be permitted to the cabana.
- The professional landscaping plans must be submitted and completed as designed.

Board Member Comments

Adjourned 8:00 pm

Next meeting: March 25, 2025