

Board Members:

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

Others Present:

Legal Counsel, Brian Reichenbach
Zoning Admin, Craig Leggett
Zoning Clerk, Julie Marinelli

Meeting to be Called to: 6:30 PM

Pledge of Allegiance

Minutes Approval: For March 25, 2025: Approved by Mr. Dewar, seconded by Mr. Schoembs.

Public Hearing:

File # **2025-02-AV**
Tax Map # **55.17-1-19**
Dennis Fagan
511 Palisades Rd.
Brant Lake, NY 12815

Applicant seeks an Area Variance from **Section 6.10 – Schedule of Intensity and Dimensional Requirements** to remove an existing dock system and replace with a permanent 34' 1" X 27' 1" boathouse along with two decks and two stairways totaling 188 SF and a 12' X 8" attached dock. The proposed roadway setback is 13' where 60' is required. The roadway setback variance request is for 47'.

Chair Erickson reviewed the application and invited Mr. Savioli of The Dock Doctors, representing Mr. Fagan to present. Mr. Savioli explained the proposal involves replacing a pre-existing, nonconforming dock system with a code-compliant boathouse. The new construction will not encroach beyond the current footprint. A roadway setback variance of 47' is required due to the lot's configuration.

Chair Erickson asked if there were any public comments.

Public Comment: Linda Beadnell, a resident on Palisades Road, asked if there will be any environmental impact on the lake.

Mr. Savioli responded that no fill would be added to the lake and that the project would reduce boat capacity from five to three. He emphasized compliance with environmental standards and zoning regulations and noted that all noncompliant materials would be removed.

Mr. Schoembs asked if there will be any changes to the shoreline.

Mr. Savioli replied that the only change would be adding one bridge, running back to the shoreline and adjacent to the seawall, but they are not bringing in any fill and removing all the noncompliant materials that are currently there. He also noted that they have worked with the client to ensure that the new dock system is within the same footprint. The overall footprint from end to end would be 34' X 27'.

Mr. Scripture asked how deep the lake is at this point. Mr. Savioli responded that it is 25' deep.

Mr. Savioli handed Mrs. Beadnell the plan for the project so she could review it.

Chair Erickson asked if the project ensures they are avoiding any erosion and if there will be a retaining wall. Mr. Savioli pointed out the plans and showed the board where there is a pre-existing concrete retaining wall, which will be left in place.

Mrs. Beadnell asked if it is an open boathouse.

Mr. Savioli replied that it is open sided with an open cable rail on the sundeck.

Chair Erickson asked if the sundeck rail will be slightly above the road. Mr. Savioli replied that he believes it will be, adding that the height will be within code.

Chair Erickson asked about the dimensions of the sundeck. Mr. Savioli replied that they would be 34' X 27', 918 SF. The APA allows for 1200 SF.

He reviewed the plans with the board and explained that the bridge is at roadside elevation and there would be three to four steps up to the sundeck. This may be shortened a bit deepening on the final design drawings for the boat house.

Mr. Savioli stated that they will be bringing it up to code and cleaning it up from its current decaying state.

Chair Erickson asked if anyone else has any comments, in which there were none.

Chair Erickson asked for a motion to close the public hearing. Mr. Schoembs made a motion and Mr. Scripture seconded it.

Chair Erickson opened the Balance Test: No Area Variance will be granted without consideration by the board of the following factors:

1. Can the benefit be achieved in any other way? Yes, but it is not practically.

Reasons: Mr. Dewar stated that the most feasible way would be to not have a sundeck, but they are improving the overall structure. Mr. Schoembs added that the sundeck will suit the owners purpose as there is nowhere else to sit. Chair Erickson stated that there are significant improvements to the overall structure.

2. Does this plan create an undesirable change in the community? No

Reasons: Mr. Dewar explained that there are other boathouses around and Mr. Nawrot noted its's an improvement from the current dock system. Chair Erickson also agreed that it is keeping with character of the neighborhood.

3. Is the request substantial? Yes, but it is not determinative.

Reasons: Mr. Schoembs explained that due to the size of the project on the narrow road it is substantial. Chair Erickson noted that it is only changing by four feet, and it gives the owners direct access from the roadside. This will also make for a safer egress from the road.

4. Will the request have an adverse environmental effect? No

Reasons: Mr. Dewar explained that the retaining wall will stay, and they are improving the overall current state of the dock system by bringing it up to code and cleaning up debris. Chair Erickson stated that when she visited the site, she noticed the areas that are degrading and that they would be making it more standardized. The Army Core Engineers have reviewed the project, and the APA and Warren County stated no issues.

5. Is this alleged difficulty self-created? No

Reasons: Time has degraded the overall current dock space.

6. Do any conditions need to be imposed? No

Reasons: This is the minimum variance that can be granted for this project. Mr. Scripture and Mrs. Erickson asked if there will be any power at the deck and what the

existing water pump is for. Mr. Savioli explained that there is a water pump that goes down to the house but, he has not discussed this with the owners. It is not a drain, just a pump up to the house. It goes through the retaining wall and up to the house. They will have power for minimal lighting. There will be bubblers and The Dock Doctors educate their clients that they should only be a few feet out into the lake, along with the timeframe of which they should be in the water.

Chair Erickson reviewed that this is a Type 2 action. We have received the Warren Country Impact statement, and the APA and DEC deemed the project non-jurisdictional. She asked for a motion to approve the project.

A motion to approve the project was made by Mr. Nawrot and seconded by Mr. Scripture. All ayes.

Public Hearing:

File # **2025-03-AV**
Tax Map # **72.13-1-7**
MJH Brant Lake Property
67 Brant Lake Estates Rd.
Brant Lake, NY 12815

Applicant seeks an Area Variance from **Section 6.10– Schedule of Intensity and Dimensional Requirements, Section 9.40 – Shoreline Exemptions, and Section 14.10 - Continuation--** to add a second story addition over a pre-existing non-conforming single-family dwelling. The proposal is for an increase in height of **5.8' where 2' is allowed. The variance request is for 3.8'. The shoreline setback is proposed to be 22.1' where 50' is required. The variance request is for 27.9'.**

Chair Erickson reviewed the application and invited Mr. Albright from MJH Brant Lake Property LLC present. Mr. Albright passed out an additional picture to the board. He is asking for the variance for a second story addition over the existing footprint. It is a nonconforming lot, and they are asking for a variance to extend the height by 5.8' higher than the existing structure going from chimney to chimney.

The mean highwater mark from the existing deck to the stairs is 19.4'. They are removing these stairs and attaching new ones to the existing deck area, which will make them more compliant. They are pulling back from 22.1', but not making them fully compliant due to the nature of the building.

Mr. Nawrot asks if this includes the chimney. Mr. Albright replied that the overall height would be 35' from the lowest grade to the top of the chimney.

Mr. Albright explained that the picture passed out earlier shows the before and after of the project. He added that the existing structure is noncompliant as it covers 35% of the lot. They are removing a pre-existing compacted gravel walkway that goes from the driveway down to the lake. This will bring the lot coverage in compliance at 29.8%.

Chair Erickson asked what they are replacing the gravel pathway with. Mr. Savioli replied that it will be replaced with grass. Mr. Nawrot asked why they were removing the walkway. Mr. Albright stated that the client would prefer guests to use the front door.

Mr. Schoembs asked if they are building off from the existing footprint. Mr. Albright replied that yes, they were and there would be no changes to the property other than moving the stairway and extending the height of the chimney.

Chair Erickson asked what would be put in place of the stairs that are being removed. Mr. Albright replied that there is existing crushed stone.

Mr. Schoembs stated that currently there is water run-off into the lake and this project will allow for it to be more evenly dispersed, running off to the sides. Mr. Scripture stated that from the pictures he believes that they are mitigating the run-off with a water system.

Chair Erickson asked if there are any further questions, in which there were not. She closed the public hearing and moved on to the Balance Test: No Area Variance will be granted without consideration by the board of the following factors:

1. Can the benefit be achieved in any other way? No

Reasons: Mr. Scripture, replied that it could not if they want a second story on the house. Mr. Albright further explained that the chimney needs to be two feet higher than any structure within ten feet. Therefore, they are lifting the ridge up higher to accomplish the second story addition and will be 3.8 feet above the existing chimney. From ridge to ridge it will be 6.4 feet difference.

2. Does this plan create an undesirable change in the community? No

Reasons: It does not as it is only going up a couple of feet, a standard size.

3. Is the request substantial? No

Reasons: It is not as it will be more compliant than the existing.

4. Will the request have an adverse environmental effect? No

Reasons: The shoreline setback is an improvement. The lot coverage is compliant and the height change is driven by code. No trees will be removed or any other changes to the environment. Chair Erickson asked about water run-off and if they have a drainage system in place. Mr. Albright has discussed gutters to control the water, but he does not know what the client has planned currently.

5. Is this alleged difficulty self-created? Yes, but it's not determinative.

Reasons: They are improving their home with the minimum variance necessary.

6. Do any conditions need to be imposed? No

Reasons: None needed.

The chair reviewed that the Warren County Impact Statement was signed at the previous meeting, the project has been deemed non-jurisdictional by the APA and it is a Type 2 action. She asked for a motion to be made to approve the project.

Mr. Dewar made a motion, and Mr. Schoembs seconded it. All ayes.

New Business:

File # **2025-04-AV**
Tax Map # **122.12-3-6**
Marc Makely
58 Bridle Lane
Horicon, NY 12815

Applicant seeks an Area Variance from **Section 6.10– Schedule of Intensity and Dimensional Requirements and Section 14.10 - Continuation** to replace a pre-existing non-conforming single-family dwelling on the original footprint but increasing the height and bulk of the building. The proposed roadway setback is 16.5' where 60' is required. The variance request is for 43.5'. The proposed side yard setback is 6.5' where 15' is required. The variance request is for 8.5'.

Chair Erickson reviewed the application and asked Mr. Ken Stontisch, who owns Adirondack Customs LLC and is representing Mr. Makely, to approach the podium and further explain the project. Mr. Stontisch explained that the client would like to replace two cabins that were removed due to disrepair. These are two different tax map numbers in the same area, but have been divided by a right of way. He stated that Mr. Makely would like to rehabilitate the structures. A tree fell on the roof of one of the cabins and the other cabin was in poor shape.

Chair Erickson stated that she visited the site but could not tell which parcel was which. Mr. Stontisch replied that his brother, Kevin, also present, is the expert on this, but they have labeled them Cabin 1 (tax map # 122.12-3-6) and Cabin 2 (tax map # 122.16-1-1).

Mr. Stontisch explained that Mr. Makely contacted Adirondack Customs three years ago after recently purchasing the property. Two winters ago, Cabin 1 had a tree fall through the roof that destroyed the ridge, but that both cabins were in disrepair due to neglect. They returned to the demo phase and found several other issues, such as several cesspools and a significant amount of trash buried under the building, along with old building materials and several steel tanks. They have since cleaned this up.

They have discussed with Mr. Makely that they are going to stay on the same footprint in order to be code compliant. For Cabin 2, they decided to build up to add another bedroom in order to conform to the size they needed. For Cabin 1, Mr. Makely indicated that he would like a garage, so they decided to put this underneath it. However, after excavating the perc test revealed that the water table was too high to allow them to drop into the soil, so they worked up from the grade. The goal is to comply with the zoning code as closely as possible, but still replace the two cabins.

Chair Erickson asked Mr. Stontisch to put the plans for both cabins up for the board to see. Mr. Stontisch showed the board which is Cabin 1 and 2.

Chair Erickson asked about the lots and if there is a foundation. They are waiting for the building permits before they lay a foundation. Mr. Stontisch further clarifies where each cabin will be on the parcels.

Cabin 1 is right up against the driveway, whereas Cabin 2 is closer to the lake. Chair Erickson. asked if he can include a survey of where the structures will be for the next meeting. Cabin 2, they would like to build a garage beneath it.

Mr. Leggett explained that the survey they have is from 2023. Mr. Stontisch stated that the demo was completed in 2024. Cabin 1 was a story and a half with a large bunk room and Cabin 2 was a single-story structure. The Makely's would like to add a bedroom to Cabin 2, but it does not conform to the current code, unless they build it up.

Chair Erickson explained that as there are no existing footprints, and they are building a structure from the ground up. She stated that it should be as close to code as possible for a new design. Attorney Reichenbach explained that he believed it is Mr. Leggett's determination and this has to do with whether there is a limitation in the code regarding discontinued use after a certain amount of time. Mr. Leggett stated that the current code specifies, under Article 14.20 - Discontinuance, "When any nonconforming use has been discontinued for a period of five years, further use of the property or structure shall conform to the local law." He further explained that the deed, under Schedule "A" and Schedule "B" refers to Parcel 1 and 2 as one lot.

Attorney Reichenbach asked when Cabin 1 was removed. Mr. Stontisch replied that it was taken down in October 2024 due to it being a safety hazard, which is demonstrated in the photographs. Chair Erickson asked when Cabin 2 was taken down. Mr. Stontisch replied that it was taken down November 2024. Chair Erickson asked when the trees were taken down. Mr. Stontisch stated it was December 2024. Chair Erickson adds there were many very large trees cut down on the property.

Attorney Reichenbach stated that as Administrator Legget made the determination prior, then it is nonconforming. He will investigate this matter further.

Mr. Nawrot asked Mr. Stontisch if they were using the existing footprint for the new buildings. Mr. Stontisch replied that, yes, they were, for both cabins. He added that they are staying in the exact location also. Chair Erickson asked if they could place the cabins on a better place on the property. She added that this is important to consider as Cabin 2 is very close to the lake. As they are building from the foundation up, there could be a better place for it.

Mr. Reichenbach noted that after five years they are exempt from complying to current codes and can (can not?) build on the same footprint.

Mr. Dewar asked about the size of the cabins. Mr. Stontisch replied that Cabin 2 is 23.6 X 23.6, Cabin 1 is 27' X 4" by 44'.

Chair Erickson asked if they wanted to build in the same place. Mr. Stontisch explained that the client wants to have the project completed as soon as possible. He added that he believed the client would be agreeable to move the cabin that is closest to the lake farther back if needed.

Mr. Dewar asked if there is currently power at these building locations.

Mr. Stontisch replied that there and National Grid is putting in another pole. Chair Erickson asked about the septic for the cabins. Mr. Stontisch replied that both cabins already have an engineered and approved septic.

Mr. Scripture asked if there were sketches of the building plans.

Mr. Leggett gave Mr. Stontisch and the Planning Board copies of the plans. Mr. Stontisch described the plans to the board, along with the floor plan for Cabin 1.

Chair Erickson stated that the stairs would be off the footprint. Mr. Stontisch replied that the cabin was brought back farther to keep it in the same footprint. 27.4 X 44, which includes the porch and the overhangs. Chair Erickson explained how the stairs do not fall within the footprint. Mr. Stontisch replied that they could be agreeable to keep it on the footprint and change the stairs.

Chair Erickson stated that the dimensional drawings of the old and new cabins should be in the packet for the next meeting in order as a condition to deem the application complete. Mr. Leggett replied that we will have them for the next meeting. Mr. Stontisch will also bring pictures of old cabins. He explained that they are marked out in the 2023 survey and will show how the new cabins will compare to the old.

Chair Erickson asked if there is a Warren County Impact Statement. Mr. Leggett replied that one is not needed as it is not within 500 feet of a county road.

Chair Erickson asked for a motion to deem the application complete on the condition that the photographs and surveys, including the elevation of the old cabins will be included at the next meeting. Chair Erickson also asked that they stake out where the structures will be, so the board can physically see the location.

Mr. Scripture made the motion to deem the application complete and Mr. Dewar seconded it. All ayes.

File # **2025-05-AV**
Tax Map # **122.16-1-1**
Marc Makely
58 Bridle Lane
Horicon, NY 12815

Applicant seeks an Area Variance from **Section 6.10– Schedule of Intensity and Dimensional Requirements, Section 9.4 – Shoreline Regulations Exemptions, and Section 14.10 - Continuation** to replace a pre-existing non-conforming single-family dwelling on the original footprint but increasing the height and bulk of the building. The proposed side yard setback is 2' where 15' is required. The variance request is for 13'.

The proposed shoreline setback is 13.5' where 100' is required. The variance request is for 86.5'.

(SEE File # 2025-04-AV for minutes, as both properties were discussed in unison.)

The public hearing for both Tax Map # 122.12-3-6 and Tax Map # 122.16-1-1 will be on May 20, 2025.

File # **2025-06-AV**
Tax Map # **39.9-1-15**
Richard & Amy Mooney
13 Old Beach Rd
Brant Lake, NY 12815

Applicant seeks an Area Variance from **Sections 6.10 – Schedule of Intensity and Dimensional Requirements** to construct a 16' x 18' open deck. The proposed roadway setback is 23' where 60' is required. The variance is for 37'. The proposed rear yard setback is 24' where 50' is required. The variance is for 26'. The proposed shoreline setback is 23' where 50' is required. The variance is for 27'.

***Note:** The shoreline setback was revised to 5' where 50' is required. The variance is for 45'.

Chair Erickson asked Mr. James Steen who is representing the applicants, to approach the podium and elaborate on the Mooney's project. Mr. Steen explained that Mr. Mooney is proposing to build an open deck, 16X18 feet. The reason for the new deck is because the land is sloped, and you cannot sit chairs and tables near the beach. Warren County advised the Mooneys to not physically attach the deck to the house. This approach would not require the need for any footings into the ground. This would be less of a disturbance to the property. The entire structure does not have four feet footings, so attaching it would cause issues between the deck and the house. There will be no railings on the deck. The height is less than thirty inches, approximately 24". The view from the lake would not be intrusive. The plans are shown to the board to reveal how far the structure would be from the water. Mr. Steen explained that all the decks in this neighborhood are nonconforming. He also showed the board the roadway setback and rear yard setback.

Chair Erickson asked if the deck would move them any closer to existing houses. Mr. Steen replied that it would not.

Mr. Dewar asked if there was a driveway. Mr. Steen replied that there was not and that this an association property. He points to a road on the map and stated that it is Old Beach Road, which allows for access to the properties. He stated that he will provide more photographs at the next meeting that show the adjoining properties and how close they are. He added that the deck would be 288 SF.

Mr. Scripture asked if there is a reason the deck needs to be this large.

Mr. Steen said the Mooney's would probably be willing to decrease it if needed.

Mrs. Mooney explained that the size is to utilize the property, as there is no level ground outside. They do have a screened in porch but want an outside area.

Mr. Steen states that he should be able to provide photographs from the lake to the property, along with more specific measurement of the deck height at the next meeting.

Mr. Nawrot asked for a copy of the arial photo of the property. Mr. Steen passes copies out to the board.

Chair Erickson asked for a motion to deem the application complete on condition that the photographs will be provided at the next meeting. Mr. Dewar makes a motion and Mr. Schoembs seconds.

The public hearing will be on May 20, 2025.

Adjourned at 8:25 pm

Next meeting: May 20th, 2025 (Tuesday)

Respectfully,

Julie Marinelli