

Board Members:

Cheryl Erickson, 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 Order: 6:30**Pledge of Allegiance**

Minutes Approval: For April 22, 2025: Approved by Mr. Schoembs, seconded by Mr. Nawrot. All ayes.

Alternative Larry Bell is sat in for Vice-chair, James Dewar.

New Business:

File # 2025-07
Tax Map # 55.12-2-2
Michael and Annika Prisco
7626 State Route 8
Brant Lake, NY 12815

The applicants seek an Area Variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements, to construct a 17' x 16' screened gazebo on top of an existing storage structure. The proposed roadway setback is 27.11', where 60' is required, resulting in a variance request of 32'11". The proposed shoreline setback is 6', where 50' is required, resulting in a variance request of 44'.

Mrs. Prisco was invited to the podium to present the variance request. She explained that when they were last present in August 2024 for a public hearing, the ZBA approved a variance to build a screened-in porch atop their existing block storage shed. However, the APA reversed the approval in October, determining the structure to be a boathouse as of 1978. Because the APA does not approve additions to boathouses, the original variance was deemed noncompliant.

The Priscos were informed by the APA that to satisfy its requirements, they needed to remove the garage door, replace the windows, remove the concrete pad on the shoreline side, and move the door to the side of the structure. The new plans now

include these modifications, along with additional plantings and improvements to water mitigation.

Board Discussion:

Chair Erickson asked whether the plans she was reviewing differed from previous submissions and inquired about the presence of rocks. Mrs. Prisco clarified that the rocks shown in the drawing have always been along the shoreline. The plans submitted are new, but the photographs are the same as those submitted previously. The structure's footprint remains unchanged.

Chair Erickson asked to review the architectural drawings and site plan from the previous application. Mr. Leggett stated that these documents will be available for the public hearing. The Chair also requested that the minutes from the August 2024 meeting and the 1978 variance be included.

Mrs. Prisco further explained that new plantings will be added in front of the structure and along the roadside. A dead tree has been removed. She noted that the change in setbacks is due to the removal of the concrete pad; otherwise, the structure dimensions remain the same and are now farther from the shoreline.

Chair Erickson called for a motion to deem the application complete.

Mr. Nawrot made the motion, seconded by Mr. Bell. All voted in favor. The public hearing is scheduled for the July 22 meeting, as the Priscos will not be available in June.

Public Hearings:

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

The applicant seeks an Area Variance from Section 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, resulting in a variance request of 37'. The proposed rear yard setback is 24', where 50' is required, resulting in a variance request of 26'. The proposed shoreline setback is 5', where 50' is required, resulting in a variance request of 45'.

Mr. Steen, representing the Mooneys, presented revised plans and explained that the proposed deck size has been reduced from 16' x 18' to 16' x 12', decreasing the overall footprint from 256 square feet to 192 square feet. With this change, the proposed shoreline setback increases from 5 feet to 11 feet, while the rear and roadway setbacks remain unchanged.

Mr. Steen presented new photographs illustrating the reduction in deck size. The images had been digitally modified to remove the staircase and railing to better visualize the proposed distance from the shoreline. He explained that the walking surface of the deck would not be visible from the lake, and that the structure would be painted brown to help it blend with the natural surroundings. Additional photographs showed side views from the beach and the relative setbacks compared to neighboring properties, which also feature decks—some closer to the shoreline than the Mooneys' proposal. Mr. Steen emphasized that the proposed deck would be less visually intrusive than others nearby and pointed out one neighboring deck that extends over the water.

Board Discussion:

Mr. Schoembs asked the purpose of the deck. Mr. Steen responded that the Mooneys wish to enjoy the outdoors with a table and chairs on a level surface. He acknowledged the deck is a significant structure but noted that the steep slope of the land makes it a practical solution.

Mr. Nawrot inquired whether the deck would be attached to the house. Mr. Steen stated it would not; instead, it would be built one inch away from the house. This design avoids the need for footers, which would disturb the landscape and potentially cause erosion. The deck height will be approximately 30 inches, so no railing will be required. A 3' x 3' platform will be added to provide entry into the house.

Mr. Bell asked why the deck size was reduced. Mr. Steen replied that the applicants realized the original proposal was too large. They wanted to better comply with zoning regulations and APA guidelines, and the revised size better suits their needs, as they do not intend to entertain large groups.

Public Comments:

Mr. Ted Wilson, a member of the Mead Association, asked how far the deck would be from the lake's edge. Mr. Steen stated that the original proposal was 5 feet, but the revised plan places the deck 11 feet from the shoreline. Mr. Wilson noted that the Mead Association's setbacks differ from the Town's and asked whether those standards were considered.

Chair Erickson stated she was unaware of the Mead Association's specific requirements but confirmed that the association had approved the Mooneys' original 16' x 18' deck proposal. She then read a letter from the Mead Architectural Committee:

"Based on the information provided by the Mooneys, and the fact that the measurements have been reviewed and initialed by the Zoning Administrator for accuracy, the Architectural Committee of Mead's Homeowners Association, Inc. has agreed to approve the proposed deck."

Mr. Wilson reiterated that his main concern is the proximity of the deck to the lake. While he is not opposed to the Mooneys having a deck, he feels the size and location relative to the lake and nearby structures are cause for concern.

Ms. Angie Mead approached the podium and stated that she owns two of the camps in the association. While supportive of property improvements, she expressed concern that this project might set a precedent, as she is not aware of any other structures built this close to the shoreline. She also noted that the deck would reduce beach space and alter the character of the neighborhood. Ms. Mead added that the area was once the largest open camp in the area, but it has become increasingly crowded over time.

Additional Board Discussion:

Mr. Schoembs responded that the location of the proposed deck is not in a designated public beach area and would not infringe on association property. Ms. Mead replied that the adjoining 50 feet of shoreline would be visually affected, changing the “vibe” of the area. While she appreciated that the revised plan moves the deck farther from the shore than originally proposed, she remained concerned about the overall visual impact.

Chair Erickson stated that photographs show the deck is unobtrusive and consistent with the character of the neighborhood. Mr. Bell reiterated that Mead’s Architectural Committee had formally approved the project.

Chair Erickson closed the public hearing and initiated the **balance test**, stating that no area variance shall be granted without consideration of the following factors:

1. Can the benefit be achieved by other means?

The applicant would like to create a level outdoor area where they can place furniture and sit outside to enjoy the lake. A discussion ensued about the merits of leveling the ground in front of the cabin. To create a level seating area, the applicant would likely need to excavate and add fill, causing significant disruption to the shoreline. Mr. Schoembs noted that the proposed porch is the most practical way to create a level outdoor seating area given the natural slope of the property with the least impact on the environment.

2. Will it cause an undesirable change to the character of the neighborhood?

No.

All the nearby properties feature decks that are closer than 50 feet from the shoreline, and the adjoining neighbor has a deck that is zero feet from the shoreline. The applicant’s proposed deck will not be visually obtrusive from either the adjoining beach or from the water, as the only vertical visual impact is from the posts underneath and the 8” fascia board. The height is under 30” feet, so the deck does not require railings.

3. Is the request substantial?

Yes, but it is not determinative.

The shoreline setback is substantial, but the applicant has asked to reduce the deck size from the original application for a 16’ x 18’ deck to a smaller 16’ x 12’ deck, which reduces the shoreline variance request to 39’ (vice the original 45’). The Architectural Committee of Mead’s Homeowners Association has reviewed this project and approved the original plan for a 16’ x 18’ deck, which

was closer to the lake. The other two variance requests are on the pre-existing non-conforming cabin and are not affected by the addition of this project.

4. Will it have an adverse environmental effect?

The deck will be flat with spaces between the boards for diffused water runoff. The deck will not have footings that would require disturbing the natural shoreline. No trees will be removed, no fill will be added or removed, and the soil will not be disturbed, avoiding erosion or lake impact.

5. Is the difficulty self-created?

Yes, but it is not determinative.

The Mooneys seek to improve their enjoyment of the property with a small deck to enjoy the lake while sitting outside, which is reasonable given the site's natural conditions.

6. Should any conditions be imposed?

No: The deck size has been reduced to the minimum necessary, and the planned color will blend with the environment.

Motion:

Mr. Nawrot made a motion to approve the variance for a shoreline setback of 11 feet. Mr. Schoembs seconded the motion. All voted in favor.

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

The 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. The new structure will be built on the original footprint but will increase the height and bulk of the building. The proposed roadway setback is 16.5 feet, where 60 feet is required—a variance request of 43.5 feet. The proposed side yard setback is 6.5 feet, where 15 feet is required—a variance request of 8.5 feet.

Mr. Makely was represented by Kevin and Ken Stontisch of Adirondack Customs. Chair Erickson acknowledged that the variance request had been revised since the agenda was published and invited Mr. Makely to explain the changes.

Mr. Stontisch explained that the original variance request for Cabin 1 included a measurement error. The initial plan indicated the cabin would remain on the same footprint, which was inaccurate. After consultation with Mr. Leggett, the decision was made to move the cabin farther from the road, resulting in increased zoning compliance. The revised plan requires only one variance—for a roadway setback of 37 feet (23 feet less than required)—and eliminates the need for a side yard setback. Although the footprint will be expanded, the updated proposal is more compliant.

Board Member Discussion:

Chair Erickson emphasized the importance of minimizing non-compliance. Mr. Stontisch stated the cabin dimensions would be 47 feet by 38 feet, 4 inches, including overhangs. Mr. Stontisch later confirmed that the dimensions would be 46'-11" X 36'-11" with eaves, deck and porch.

Mr. Scripture asked to review the floor plan. Mr. Leggett provided the full set of building plans. Mr. Stontisch explained the plans did not currently include stairs, but they could be added on the lakeside to avoid additional setback requirements. Mr. Scripture recommended stairs begin at the landing and remain at the front of the porch, so not to encroach upon the side-yard setback. Mr. Stontisch agreed and said the stairs would likely be attached to the front of the deck.

Mr. Stontisch also noted a neighbor had inquired whether the cabin would be used as an Airbnb. He confirmed it would not.

Public Comment:

No members of the public were present to speak.

Chair Erickson closed the public hearing and opened the Balance Test, stating that no area variance shall be granted without consideration of the following factors:

1. Can the benefit be achieved by other means?

No. The applicant's goal is to replace an old cabin that was recently torn down. The applicant originally intended to rebuild on the footprint of the original cabin but has revised his plans to move the new structure to a location that will require the minimum variance(s) necessary to comply with the Zoning Code.

2. Will the proposed variance create an undesirable change in the community?

No. The new construction is an improvement over the previous structure, which was in poor condition. Mr. Schoembs noted the rebuild is consistent with other homes in the area.

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

The variance requests on this application were indeed substantial, as the applicant intended to rebuild on the same footprint as the original cabin that was torn down last fall. But, after discussing this project with the applicant last month, they have revised their plans to build a brand new structure situated on the property in a way that minimizes the variance requirements. The new location will require only one variance for the structure to sit 37' from the road where 60' is required. The roadway variance request has been reduced from 43.5' to 23'. The need for a side yard setback has been eliminated. Due to the size and shape of the lot, a cabin of this size could not otherwise fit.

4. Will the request have an adverse environmental effect?

The cabin will have no impact on the shoreline. While some trees have already been removed, additional tree removal will be limited to areas required for the engineered septic system. Old cesspools have been removed, and the new septic system will serve both cabins. All old, buried trash piles have been

removed. Overall, there will be an improved environmental impact on the land and the lake by upgrading to an engineered septic system.

5. Is the difficulty self-created? Yes, but not determinative.

The previous cabin was deteriorating, and the replacement structure is a substantial improvement.

6. Are conditions necessary? Yes.

Mr. Scripture stated that stairs must be placed parallel to the front of the deck and stepped in a minimum of 3' from the right side to avoid the requirement for another variance request. Mr. Stontisch will meet with the Zoning Administrator to determine the shed's placement and obtain the necessary zoning compliance permit prior to rebuilding the shed.

Chair Erickson confirmed that APA approval will be required, but a Warren County Impact Statement will not be needed, as the property is more than 100 feet from a county road. This is a Type II action under SEQRA.

Motion:

Mr. Scripture made a motion to approve a roadway setback of 23 feet. Mr. Nawrot seconded the motion.

All voted in favor.

Applicant: Marc Makely

Location: 58 Bridle Lane, Horicon, NY 12815

File #: 2025-05-AV

Tax Map #: 122.16-1-1

The 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. The new structure will increase the height and bulk while remaining on the original footprint. The proposed side yard setback is 2 feet (where 15 feet is required)—a variance request of 13 feet. The proposed shoreline setback is 13.5 feet (where 100 feet is required)—a variance request of 86.5 feet.

Kevin and Ken Stontisch of Adirondack Customs explained that the proposal for Cabin 2 had been revised. The cabin will now be moved farther from the shoreline to a setback of 20 feet, 11 inches. All other setbacks and the footprint will remain as initially proposed. It was noted that the parcel falls under LC10 zoning.

Board Member Discussion:

Mr. Schoembs asked if the cabin could be shifted 9 feet from the side yard line to achieve compliance. The Stontischs replied that they would need to ensure a minimum 10-foot distance from the shoreline, which complicates the placement.

Chair Erickson inquired about the cabin stairs. The Stontischs confirmed that stairs would be located at the rear of the cabin, off Bridle Lane. The proposed deck would be 3 to 4 feet off the ground. An open front deck is also planned.

Cabin dimensions were originally going to be 23.6 feet by 23.6 feet, with 18-inch overhangs. The revised plans show the dimensions as 31' 6" X 30' 1" with eaves, deck, and porch.

Mr. Stontisch asked whether moving the cabin might subject the project to additional APA scrutiny. Chair Erickson clarified that the APA will be reviewing this application and because the proposed cabin is larger and no longer on the original footprint, it is considered new construction. It is the ZBA's job to ensure that this project is as compliant with the zoning code as possible, given the size of the parcel and the physical constraints of the property. She asked if the cabin could be moved an additional 20 to 30 feet back. Mr. Stontisch explained that a berm would make such a move difficult due to elevation changes. Additionally, digging farther into the hillside would require removing more trees and vegetation. No shoreline trees have been removed to date. Chair Erickson noted that at least 16 large trees have been removed from the property, several of which are within 35 feet of the shoreline.

Mr. Bell noted the presence of a utility wire across the property. Mr. Stontisch said they are awaiting a neighbor's permission to move the wire, which connects a neighboring property.

Mr. Stontisch agreed to move the cabin a minimum of 26 feet from the shoreline, with the possibility of increasing the setback a few additional feet, if possible, given the topography. The proposed cabin will also be moved at least 15 feet from the side yard boundary, to eliminate the need for a side yard setback. The applicant stated that the location of the septic and the slope of the land restrict options for placement of the cabin.

Public Comment:

No members of the public were present to speak.

Chair Erickson closed the public hearing and opened the Balance Test, stating that no area variance shall be granted without consideration of the following factors:

1. Can the benefit be achieved by other means?

The applicant intended to rebuild a new cabin on the same footprint as the old cabin that was recently removed. He initially proposed staying on the same footprint and building a second story to increase livability. This would require significant shoreline and side yard variance requests. At the public hearing, the applicant presented a revised plan that increased the size of the cabin but moved it to eliminate the need for a side yard setback variance. We discussed the need to move as far from the shoreline as possible, which the applicant agreed to. A discussion ensued about how far from the shoreline the cabin could be moved, given the topography and the placement of the septic lines. It was agreed that placing the cabin no closer than 26 feet from the shoreline would be feasible but moving it farther back would be challenging due to the terrain features.

2. Will the proposed variance create an undesirable change in the community? No.

The new cabin location is farther from the neighbor's property and will constitute an upgrade to the neighborhood.

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

The request has been revised for increased compliance. The revised proposal has eliminated the original side yard setback variance request of 13 feet (87%) and doubled the distance from the shoreline from 13 feet to 26 feet, reducing the shoreline variance request from 87% to 74%. The contractors are working with the Zoning Administrator to ensure the cabin is sited as far back as possible given the land's constraints. The closest the cabin will sit with respect to the shoreline is 26 feet.

4. Will the request have an adverse environmental effect?

This project will have many positive environmental effects. An engineered septic system will be installed with a line connecting the two cabins to the same septic system on the adjoining property for Cabin 1, which is farther from the lake. Old wells and cesspools will be eliminated. Buried trash pits will be removed. The cabin will be moved further from the shoreline (26' vs 13'). The roofline will be changed to slope away from the lake.

5. Is the difficulty self-created? Yes.

The old cabin was in disrepair and had been torn down to be replaced with an improved structure.

6. Are conditions necessary? Yes.

The structure must be moved to eliminate the side yard setback. The shoreline setback shall be a minimum of 26 feet or greater, subject to final site evaluation by the ZA. Stairs and septic placement must also comply with these constraints and meet all Town and County codes.

Chair Erickson confirmed that, as with the other file, APA approval will be required, but a Warren County Impact Statement will not be needed, as the property is more than 100 feet from a county road. This is a Type II action under SEQRA.

Motion:

Mr. Scripture made a motion to approve a shoreline variance request of 74' for the structure to sit 26' from the shoreline, dependent upon the following conditions: No side yard setback variance will be granted, and if the cabin can be moved further away from the shoreline, then it will be moved accordingly. Mr. Schoembs seconded.

All voted in favor.

Meeting adjourned at 9:00 PM

Next meeting: June 24, 2025

Respectfully Submitted,

Julie Marinelli