

Board Members:

Steve Mullins, Chair
David Iasevoli, Vice Chair
Melanie Fuerst,
Philip Smith, Alternate

Others Present:

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

Meeting to be Called to Order: 6:00 PM

Pledge of Allegiance

Minutes Approval: For June 18, 2025: A motion is made by Mr. Iasevoli and seconded by Mr. Smith.

Public Hearings:

File # **2025-01-CU**
Tax Map # **55.14-1-2**
Adirondack Acres Association Inc.
Palisades Road
Brant Lake, NY 12815

Applicant seeks **Conditional Use** as per **Section 5.20 - Land Use Regulations by Zoning District** for a **Multiple Access Dock**. The applicant proposes to increase the Association's existing dock system by extending the dock length from 65' to 96' and adding three dock slip components to increase dockage from 8 boats to 12 boats.

Applicant Presentation

Mr. Mullins opened the hearing and invited the Adirondack Acres Association to present their proposal. Representing the Association was Director Paul Valerio.

Mr. Valerio presented a PowerPoint to the Board and the public, outlining the differences between the current proposal and past applications. He emphasized the Association's intent to accommodate the boating needs of all 17 lot members, noting that the current dock, featuring 8 slips and three dock fingers, is insufficient. He clarified that the Association comprises members with modest-sized boats (18 feet or less) and reiterated their commitment to never using roadside parking.

Mr. Valerio showed two slides depicting the current dock and neighboring properties, including distances from adjacent docks. He explained the proposed dock's cone-shaped design and identified each of the new boat slip positions on a diagram. Three of the slips would allow for direct navigation from the lake. A side-by-side comparison slide revealed the proposed expansion would occupy 640 sq. ft., extending 96 feet into the lake—just 24 feet farther than the existing dock. He stressed that the new boat slips do not project farther than earlier configurations and that three of the four new slips would not contribute to increased lateral movement or traffic.

Mr. Valerio concluded by noting the Association's efforts to minimize environmental and aesthetic impacts and to respect neighboring properties.

Board Questions

Mr. Smith asked whether all 17 members have boats and whether the Association might eventually seek further expansion. Mr. Valerio responded that not all members have boats and that the Association is exploring alternative docking options elsewhere. He reiterated that they have no plans to extend the dock beyond this proposal.

A discussion followed regarding the dock's projection into the lake.

Public Comments

John Caffry, of Caffry & Flower, Attorneys at Law, represented neighbor Mr. Haggerty. He stated he had previously opposed similar proposals by the Association in 1989 and 2004. In 1989, the variance was denied and upheld in court. In 2004, the application was withdrawn.

Mr. Caffry questioned the legal status of the existing multi-access dock, noting no deed or permit evidence. He presented a 1973 subdivision map, asserting the dock lot was not included in the original subdivision and that an unfiled survey raises questions about its legality.

He also distributed several documents, including a 1984 deed from Mr. Hobart Rosen to Adirondack Acres. According to Mr. Caffry, the deed grants beach access but not dock rights. He cited zoning Section 8.09B, arguing the lot, being only 0.38 acres in Zone R1-10, lacks the required 100 feet of shoreline. He suggested the Association explore alternate docking at their wider beach lot. Mr. Caffry also questioned enforcement of navigational boundaries and concluded that the proposal does not comply with zoning laws.

Mr. Smith asked if Mr. Caffry was claiming the current dock is illegal. Mr. Caffry replied that the property owner should provide documentation to prove legality. If the dock is illegal, he argued, it should not be expanded.

Ms. Fuerst noted that in 1989, the Zoning Board found the Association had installed three docks without permission. In 2004, a withdrawal letter was received from the Association.

Mr. Mullins stated for the record that the board received four letters of objection from Gail Vilord, Patricia Boynton, Jeri Hepworth, and Ann Mrazek, all supporting Mr. Haggerty's opposition.

Mr. Reynar countered, stating that all 17 Association members support the current proposal.

Jack Haggerty, of 583 Palisades Road, voiced personal and family concerns. He cited rejections of similar proposals in 1993 and 2004. He displayed photos of his home and swimming area, warning of increased boat traffic affecting safety and enjoyment. He presented a handout outlining zoning laws (Article 8.08 A-C), indicating that the proposed number of boats exceeds allowed limits based on shoreline footage. He concluded that the project does not meet zoning standards and harms property values and views.

Nick Mahoney, representing the Boyntons, echoed these concerns. He noted the current dock already exceeds riparian rights and the Association's bubbler affects ice safety.

Linda Rauche, a resident since 1979, explained that her deed includes access to the beach and dock lot, though she acknowledged no permits exist. She stated that original docks were installed in 1984 and that opposition began in 1989.

Mr. Reynar rebutted Mr. Caffry's legal claims, noting he could find no court decision declaring the dock illegal. He presented evidence that the subdivision was "grandfathered in" and reviewed documents from the Town of Horicon confirming prior approval of 9 boat slips and acknowledgment of the subdivision's dock rights.

Mr. Valerio addressed safety concerns regarding the bubbler and stated the Association is open to relocating it. He reaffirmed that the proposal was designed with care and minimal impact.

Mr. Reynar returned to clarify that the Association complied with past violations by removing dock fingers and that the docks do not infringe on neighbors' riparian rights. He asserted that current legal and physical configurations fall under special provisions for older subdivisions.

Closing Public Hearing

Mr. Mullins closed the public hearing after confirming no further speakers.

Board Discussion and Legal Counsel

Attorney Reichenbach stated that the application had been deemed complete by Zoning Administrator Mr. Leggett and should be reviewed under Section 8.09A and Conditional Use standards in Section 11.30.

Ms. Fuerst reviewed the four standards in Section 8.09A regarding multiple access docks.

Mr. Iasevoli expressed concerns but had no questions.

Mr. Smith asked if the number of allowed boats or shoreline requirements had changed. Attorney Reichenbach clarified that Section 8.09A does not impose specific numerical boat-to-shoreline ratios; the standards are subjective.

Mr. Mullins acknowledged valid concerns on both sides. He noted the proposal was designed to reduce impacts and asked the Association about alternative future slip options.

Mr. Reynar stated the beach lot was considered but not approved by all members.

Mr. Smith inquired about converting the dock to a boat launch. Mr. Valerio and Ms. Fuerst both stated it was not feasible due to space constraints, wetlands, and road access.

Review of Conditional Use System (Section 11.30)**A-1: Impact on Surrounding Properties**

Ms. Fuerst stated the applicant demonstrated minimal encroachment using two navigational line methods.

A-2: Laws of Navigation (Noise, Pollution, Safety)

Ms. Fuerst and Mr. Smith agreed there may be minimal environmental impact. Mr. Smith suggested a courtesy light at the dock's end and bubbler area.

A-3: Use of Adjacent Properties

No adverse impact was noted.

B-C: Vehicular Access, Traffic, Nuisance, Safety

The Board agreed the Association provides adequate parking, with no need for new driveways.

D-G: Buffers, Landscaping, Drainage, Erosion

Not applicable.

Water Quality

Consensus was reached that the impact is not significant, though Mr. Smith noted concerns regarding children swimming in the area. Petroleum waste is monitored by authorities (APA).

Attorney Reichenbach confirmed that if approved, only a marker light would be permitted. No wastewater systems are allowed, and the town's noise ordinance would apply. The Board agreed.

Decision**Motion:**

Ms. Fuerst moved to approve the Conditional Use application for the Adirondack Acres Association to extend the dock.

Seconded by: Mr. Iasevoli

Vote: Passed 3-1 (Mr. Smith opposed)

Condition: No lighting except for a marker light.

Motion to Close Meeting:

Made by Mr. Iasevoli, seconded by Ms. Fuerst.

Adjourned 9:00 pm

Next meeting: August 20, 2025