

**Board Members:**

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

**Others Present:**

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

**Meeting to be Called to Order:** 6:30 PM**Pledge of Allegiance**

**Minutes Approval:** For June 24, 2025: Approved by Mr. Schoembs, seconded by Mr. Dewar. All ayes.

**New Business:**

**File # 2025-10-AV  
Tax Map # 39.17-1-16  
Robert & Carolyn Shafer  
7837 SR 8, Brant Lake, 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. The proposed Roadway Setback is 23' where 60' is required. The Roadway Setback variance request is 37'. The proposed left Side Yard Setback is 2' where 15' is needed. The left Side Yard Setback variance request is 13'. The proposed right Side Yard Setback is 4' where 15' is needed. The right-Side Yard Setback variance request is 11'. The proposed Shoreline Setback is 15' where 50' is needed. The Shoreline Setback variance request is 35'.

**Proposal**

Representing the Shafers is Mr. Rob Shafer. He described the location of his cabin that was built in the early 1950s. They would like to rebuild on exactly the same footprint. They will be leaving the decks and screen porch as is. They would like to replace the one-story cabin and add a second story, reducing the size of the downstairs with a smaller front, while leaving the decks intact. The original cabin is a trailer that was added on to and oddly shaped. They are hoping to clean it up and create a more aesthetic and functional structure. The second story will go straight up and expand about six feet over the existing screened porch. It is a 0.24-acre lot, so they are keeping the cabin small.

To minimize the impact, they are not planning a foundation, the house will sit on piers, to leave as many trees as possible. The cabin will have cedar siding and be in an Adirondack style. By staying in the same footprint, the build will be the least intrusive.

### **Board Q&A**

Chair Erickson asked where the septic is located. Mr. Shafer replied that there is a holding tank where the driveway is. It was updated in 2015 by Brent Winchip Engineering. He would like to drill a well, but the small dimensions of the lot will not allow them to. Water is drawn from the lake and is not an issue.

Mr. Schoembs asked how many bedrooms will be in the house. Mr. Shafer stated that they only have the one bedroom on the first floor of the current cabin, and they will be moving it upstairs in the proposed new cabin. The downstairs will be living space only.

Mr. Dewar asked about the dimensions of the existing cabin and clarification on the drawings. Mr. Dewar would like to see an overlay with the old cabin and the new construction.

Chair Erickson asked what the current roadway setback was. She stated that the proposed setback is 23' from the roadway, and he stated they are pulling the construction back from the road. Mr. Shaffer stated that the proposed will be 23' from the roadway, and it is currently slightly closer to the road due to the odd shape of the wall. Chair Erickson stated that the proposed construction would be only slightly more compliant as it would be farther from the road. She added that any-construction would require flaggers during the demo, as the property is located on a bend in the road and there is extremely limited parking and no room for construction vehicles at this site. Mr. Shafer concurred that this would be a challenge during construction.

Mr. Dewar asked if it would be a seasonal home. Mr. Shafer stated they would like to occasionally stay there in the winter, so they are planning on insulating the flooring and possibly using a product called heat-line from the water source to keep pipes from freezing.

Mr. Scripture asked if there are existing stairs off the porch. Mr. Shafer replied that there are a set of stairs going off the screen porch to the lakeside, and they are hoping to leave them in place.

Chair Erickson asked if they intend to leave the lakeside porch intact. Mr. Shafer replied that this is what they are hoping for, and that it is a stand-alone deck.

Mr. Scripture asked about overhangs, as it affects the overall variance request. Mr. Scripture is having a hard time visualizing as the current plan does not include the existing cabin.

Chair Erickson asked if the eaves were measured as part of the plan. Mr. Shafer responded that the eaves are not going out any farther than they currently are.

Mr. Dewar asked about the dimensions of the upstairs which he believes are going to be 34', whereas the downstairs will be 26'. Mr. Schaffer explained that the living space will continue over the screened porch and will be. This will be a 6' addition downstairs. There was more discussion concerning the overhangs and that these needed to stay within the footprint.

Mr. Shaffer explained that the cabin is designed a bit skinnier and shorter than the original to keep it within the footprint.

Mr. Dewar asked about the plans, as there are a few pages that are missing. Mr. Shafer shows him the missing pages which show the structural elements. The chair asked Mr. Dewar if feels the other pages would help to create a more complete packet for the next meeting. Mr. Dewar agrees that they would.

Mr. Scripture expressed the importance of being sure that the overhangs are included in the plans. Mr. Shafer responded that he will be sure of this.

Mr. Shafer is asked to bring the following additional documents to the public hearing to deem the application complete: An overlay of the existing and proposed cabin with dimensions, a couple of pictures of the existing cabin and the complete plans with the dimensions.

### **Closing Remarks**

The chair asked for a motion to deem the application complete with the additional documents provided at the hearing. Mr. Schoembs made a motion to deem the application complete and Mr. Dewar seconded it. All ayes.

### **Public Hearing:**

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

Applicant seeks an Area Variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements to construct 17' x 16' screened gazebo on top of existing storage structure. The proposed roadway setback is 27.11 where 60' is required. The Roadway setback variance request is 32' 1". The shoreline setback is 6' where 50' is required. The shoreline setback variance request is for 44'.

Attorney Reichenbach explained to the Priscos that they can table tonight as several members of the board are absent. Mrs. Prisco declined.

### **Proposal**

Speaking for the Priscos is Mrs. Prisco. She explained that they are here tonight with a new proposal as last year's proposal was approved by the ZBA but was denied by the APA due to the structure being labeled as a boathouse. The Priscos have since completed the APA's request by moving the door to the side, so that the structure is not labeled as a boat house. They also are planning to remove a concrete slab in the front, which will allow them to move the setback back further and decrease the footprint. They are planning to stay within the footprint, without removing any trees and add screened in the structure to enjoy the area without dealing with insects.

### **Board Q&A**

Chair Erickson reviewed that the point of moving the gazebo at the previous ZBA meeting was to provide shelter from the sun, but no screening was mentioned. Mrs. Prisco replied that they are wishing to have the screen due to the ticks and other pests.

Chair Erickson explained that they still need to abide by the conditions in the variance. She reviewed that there can be no running water, removal of plantings, and no additions that would expand the planned elevation of route 8. She sees that they did add some shrubbery. Chair Erickson stated that as we didn't have all the information last year, until the variance went to the APA last year. Now as we have the information, we will consider it a new application. Mrs. Prisco explained that when they bought the property, they were told that the covered dock was considered a boathouse, not the garage.

Chair Erickson asked what changes have been made since the last application, as she was at the site, and it looked as if the covered dock had been updated. Mrs. Prisco replied that the structure was not moved, and no structures were added, but some of the elements were replaced, such as the floorboards, pillars, and roof. It all stayed within the same footprint. Also, one of the dock areas was closed off for more storage. Chair Erickson asked why they could not use this area as a covered seating area, citing that they now had a 16' x 24' area that was shaded from the sun, as opposed to a new gazebo. Mrs. Prisco explained that the covered dock area was flooded in the spring, therefore not a functional place for seating. Mrs. Prisco shows the Chair a picture when the covered deck area when it was underwater.

Mr. Scripture asked if some excavation work will need to be done for the side door. Mrs. Prisco replied that it would.

Mrs. Prisco stated that the current structure does not account for any water run-off, but the new addition will mitigate any rainwater run-off using the plan submitted with the first application.

The chair asked if the powerline would be an issue with the height of the roof. Mrs. Prisco explained that it was not and that the architect measured to be sure.

Mrs. Prisco showed the board a picture of the neighbor's structure, explaining that theirs will be similar to keep the character of the neighborhood.

Chair Erickson asked if they are planning to build across the road. Mrs. Prisco replied that this is their dream, but not in plans now. The current proposed structure is solely for day use.

Chair Erickson asked again of the purpose for the gazebo. Mrs. Prisco stated that the gazebo would provide them with shade, and a screened in sitting area away from the elements.

No one was here to speak publicly, so Chair Erickson closed the public hearing. Chair Erickson reviews with the board all the elements that need to be approved by the APA.

### **Board discussion:**

Chair Erickson stated that 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. Schoembs stated that they could put the gazebo across the road, but they would defeat the purpose of being lakeside. Chair Erickson asked if they could do without the gazebo all together. Mr. Schoembs stated that to be comfortable and sheltered from the bugs and sun, while being lakeside, that they could not. The chair stated that they could have shade under the covered dock. Mr. Scripture and Mr. Schoembs stated that due to flooding, the area under the deck is not a feasible solution. Chair Erickson stated that there is electricity at the dock, so they could have bug zappers. Mr. Schoembs stated that there are two types of recreation, one type is a screened in gazebo that will allow them to enjoy the lake front in any kind of weather. If they put a gazebo across the road it would need to meet setbacks also. Mr. Scripture added that it is dangerous crossing the road this time of year, especially, if they were to put a screened in structure across the road. He also stated that a gazebo across the road would defeat the purpose of enjoying the lakeside of the property. He explained that they could screen in a portion under the boat dock, but if flooding is an issue, it could still not be used dependably. He added that another purpose of a screened in area is to leave the sitting area set up, as an outdoor recreation area, for the season. This would allow the applicant to not have to worry about the weather conditions ruining the furniture or it is ending up in the lake. Mr. Scripture also stated that the ice in the winter could cause issues with a screened in, covered dock.

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

Reasons: The proposed gazebo will not cause any visual barriers. The neighbor next door wrote a letter last year and consented to their approval. They are not removing any plants, but adding to them, and they have removed the plumbing. The property would be more in keeping with the character of the neighborhood and would be an improvement overall. It is consistent with what others have in this area. The fact that

it was a foundation with a railing on it before, it looked like an incomplete structure. It would now look like a finished project.

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

Reasons: All the variances are on the existing structure, and it is three feet away from the shoreline. The structure has been reduced to stay on the existing footprint.

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

Reasons: The concrete pad is coming out, giving them a permeable area. Water run-off will be addressed using the plan in the first application, with a small rock absorption area under the eaves and plantings therefore it will not be an issue. No other trees are coming down. They are also in the process of adding more plantings.

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

Reasons: As they have corresponded with the APA and made changes so the structure cannot be confused with a boat house. The original gazebo structure meets all the other criteria.

6. Do any conditions need to be imposed? Yes.

- A. To remove the garage door and close off the shoreline side of the building and create an entry door on the side of the building so that it cannot be used as a boathouse.
- B. This screened-in gazebo is intended for day use only and at no point will the walls be made solid, and the gazebo changed into a small house.
- C. At no time will there be water plumbed into this structure.
- D. Additional plantings will be maintained along the road to decrease the visual impact from the road.

**Motion:** Mr. Scripture made a motion to approve the variance for a screened in gazebo above an existing storage structure. Mr. Dewar seconded the motion. All voted in favor.

**Tabled (TBD)**

**File # 2025-08-AV  
Tax Map # 71.12-1-21  
Victor and Donna Novello  
5 Chippewa Loop  
Brant Lake, NY 12815**

Applicant seeks an Area Variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements for a 20'w x 25'l x 15' h detached garage. The applicant received approval of a variance for a 20'w x 20'l x 15' h detached garage in November

2024 (2024-11 AV) and seeks to amend the size of the garage. The proposed Front Yard Setback is 24' where 60' is required. The Front Yard Setback variance request is 36'. The proposed Side Yard Setback is 8' where 15' is needed. The Side Yard Setback variance request is 7'.

**File # 2025-09-AV**  
**Tax Map # 36.12-1-70.2**  
**Raymond Pinto**  
**450 East Shore Drive**  
**Adirondack, NY 12808**

Applicant seeks an Area Variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements and Section 14.10 – Continuation to accommodate renovations of the second-floor bedroom and bathroom. The existing left Side Yard Setback is 4.7' where 15' is required. The left Side Yard Setback variance request is 10.3'. The existing right Side Yard Setback is 12.8' where 15' is required. The right-Side Yard Setback variance request is 2.2'.

### **Proposal**

Mr. Pinto is speaking for himself. The chair asked if the new construction was going towards the rear of the house. He explained that the dormer is going to go all the way to the back of the house. There is a vaulted ceiling, so you can not add to the right of the house. The dormer will be raised to 8' high and because of this the ridge of the house will be set back farther. Mr. Pinto added that the back of the house has low ceilings.

### **Board Q&A**

Chair Erickson asked the board if they were able to go out and look at the house.

She reviewed with Mr. Pinto that there is a vaulted ceiling, and they are only adding to the left side of the house to be even with the eaves. In addition, they are staying on the footprint, but the two variances needed are in the side yards, as they are close to neighbors' houses. Going vertical does not cause any variance issues. He can increase the bulk and the height on a noncomplying property.

There are no public comments.

### **Board Discussion**

Chair Erickson closes the public hearing and opens the Balance Test stating that 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. Schoembs stated it's the least invasive way to add headroom to the bedroom, without infringing on neighbors. He's not building additional structures.

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

Reasons: will not be visible from the road. It will have minimal visual impact and be keeping with the character of the neighborhood.

3. Is the request substantial? No.

Reasons: They are staying on the same footprint and the request is minimal.

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

Reasons: He's not creating more run-off, as it is the same amount of roof area.

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

Reasons: it's an improvement to the house and keeping with the neighborhood.

7. Do any conditions need to be imposed?

No.

Warren County impact statement states no county impact, and it is a type 2 SEQRA, no action required. The application will still need to be forwarded to the APA for approval.

**Motion:** Warren County impact statement, no impact, still needs to go to the APA and is a type 2 SEQRA action.

Mr. Scripture made a motion to approve the variance for a second story addition. Mr. Dewar seconded the motion. All voted in favor.

Tabled until 8/26

File # 2025-10-AV  
Tax Map # 36.11-1-9  
Thomas & Gina Osika  
364 East Shore Drive  
Adirondack, NY 12808

Applicants seek an Area Variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements and Section 8.08 – Docks to construct a new 6' X 12' open deck with railing and a total of 15' X 3' 8" stairway. The proposed Roadway Setback is 14.5' where 60' is required. The Roadway Setback variance request is 45.4'. The proposed Side Yard Setback is 7.5' where 15' is needed. The Side Yard Setback variance request is 7.5'. The proposed Shoreline Setback is 1' where 50' is needed. The Shoreline Setback variance request is 49'. The proposed dock of 248 SF creates a total Dock Surface Area of 438 SF for the entire shoreline lot where up to 400 SF is allowed. The Dock Surface Area variance request is 38 SF.



**File # 2025-11-AV**  
**Tax Map # 38-15-1-19**  
**Kristen Brown**  
**45 Clearwater Lake Road**  
**Brant Lake, NY 12815**

Applicant seeks an Area Variance from Section 6.10 – Schedule of Intensity and Dimensional Requirements to construct a 24' X 28' house exclusive of an attached deck & porch, plus entrance stairs of 6.5' x 8'. The proposed Roadway Setback is 56' where 60' is required. The Roadway Setback variance request is for 4'. The proposed Shoreline Setback is 40'.3' where 100' is required. The Shoreline Setback variance request is 59'-9'.

### **Proposal**

Presented by Anthony DeGregorio explained this is a small lot, very narrow and tight, also in an LC-10 ZONE, they need two variances. The dimensions have been updated and he did stake out where the new construction is proposed.

### **Board Q&A**

The chair asked Mr. DeGregorio to confirm that the stairs are coming off the front and the side of the house. He states that the shoreline setback is 40' 3" from the corner of the porch stairs to the shoreline, the side-yard is 22' 7" to the stairs and the distance from the stairs at the front of the house to the centerline of the road is 56' 6".

The board reviewed the new dimensions. Mr. DeGregorio explained that the proposed house would be 24' by 28" with an 8 x 16' porch. He asked the Chair if the variances were from the 24' by 28' house, excluding the detached porch. The chair responded that it is inclusive of the porch. She explained that the covered porch is part of the structure. He did measure from the bottom of the stairs. Chair Erickson and Mr. DeGregorio reviewed the plans.

The chair asked about the staked-out property and how they determined where they wanted the house. *Chair Erickson stated that the proposed house seemed closer to the shoreline than the neighboring properties. Mr. DeGregorio explained that the shoreline juts out more where the center of the house is, so it can appear that it is closer. They measured the house from corner to corner.*

The Chair explained that any variance granted will need to be the minimum variance necessary. Currently, the Shoreline Setback variance request is far larger than the Roadway Setback request. The shoreline in this situation would be something we would want to protect, more so than the one lane dirt road setback. Is it possible to move the house further from the shore and closer to the road? These two variance requests should

be more balanced. Mr. DeGregorio explained that the septic needs to be 20 feet from the house, according to DOH. Mr. DeGregorio explained that they are asking for a variance for the septic to get it closer to the road. There is a right of way there and a giant rock that would act as a barricade to people driving over the septic. This would allow them to move the house even farther back to maintain the 20-foot separation.

Chair Erickson asked where the water was located. Mr. DeGregorio responded that the water is 43.4 feet from the house. They are using a Presby enhancement treatment system and it meets enhancement treat standards, which gets approved through the Town Board. It was sent to the APA for both septic and the house. No jurisdiction was needed for either concern.

The Chair asked if they could move the septic over and put the gravel driveway on the other side of the house, then perhaps they could move the house back farther. Mr. DeGregorio said they would be closer to the septic, and they are just at 20 feet. Chair Erickson asked the size of the septic system. Mr. DeGregorio responded that he wasn't exactly sure, but they are sending it to the Town engineer for Cedar Wood to review it.

Mr. Schoembs asked why they would move the house back. Chair Erickson responded that it was to move it farther from the shore. Also, the property appears fairly level, so there is no reason not to move the house back further.

Mr. DeGregorio explained that where the proposed house is, it also accommodates the walkout basement.

Chair Erickson stated that with the large, paved area, it would be even more pertinent to move the house further back. Mr. DeGregorio stated that he thought the paved area on the plans was more for narrative purposes, but if they did pave this, they would use permeable pavers. Chair Erickson explained that they would have to use permeable pavers being this close to the lake. She added that when she was at the property there looked to be room to move the house back. The APA needs the house to be 75 feet away from the shore, and the ZBA needs them to be 100 feet away. You are currently 40 feet from the shoreline. They are more in compliance with the roadway setback, than the shoreline setback. To balance this, she feels they should move the structure farther back from the shoreline.

Mr. DeGregorio stated that they are a minimum of 10 feet off the road and it is tough with the septic. He said with the Right of Way, the setbacks are from the center of the road to the front steps. They are asking for a three-foot variance for the septic, so they can move the house back from the shoreline.

Chair Erickson asked Mr. DeGregorio where the property line is. He responded that the property line is in the middle of the neighbor's driveway. He added that the property looks large, but the right of way is huge, so the property line starts way off the road. In addition, the septic is three feet from the property line.

Mr. Dewar asked if there was a reason why the proposed design is so narrow. Mr. DeGregorio responded that it is due to the shape of the lot. A discussion ensued regarding the design of the house.

Chair Erickson asked if the patio in the front is being considered as part of the structure, or not, as it extends farther into the shoreline. She explains that if it was considered part of the structure, it would bring the variance much farther out. She directed this question to Mr. Leggett. Mr. Leggett replied that anything at ground level is exempt from planning requirements for building codes. Mr. DeGregorio responds that the patio on the plans was more for illustrative purposes, and he doesn't believe the applicant intends on putting in a patio. The applicant, Ms. Brown, approaches the podium and states that she is not planning on building a patio there. The chair asked if a patio was built out front, would it be built from permeable materials, so there is no runoff into the lake. Ms. Brown explains that she is planning on many plantings for this area. If there was a patio, she would use minimal materials and ones as natural as possible, such as paving stone, along with native plants. To protect the runoff into the water she will have a drip edge and drainage. There will be a stone edge around the house and the lower patio will be natural flagstone. All materials and plantings used would be to absorb rainfall. She has been a professional gardener and landscaper for over twenty years and understands the importance of design based on function with respect to the environment.

There is no public present to speak.

### **Board Discussion**

Chair Erickson closed the public hearing and opens the Balance Test stating that 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. Dewar stated it is a small project and well positioned on the property. Mr. Schoembs states that the septic and large right of way, along with preserving the lake front, the size and shape of the property, create many obstacles and this is the best compromise. Mr. Scripture stated he was looking at moving the septic to the other side, but then they would be closer to the neighbor's well, and require a 200-foot setback, so with this in mind the plans are laid out very well. They are applying for septic variances already. Chair Erickson summarizes that she agrees with everyone that this is a small lot and an appropriately sized house. Moving the septic to the other side of the property near the road would place it too close to the neighbor's well. These obstacles make the variance requests appropriate.

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

Reasons: The proposed house is in keeping with the neighborhood even though it is a small lot. The overall design will be an improvement to the neighborhood.

3. Is the request substantial? Yes

Reasons: The shoreline variance request is for 60% relief; and, the roadway setback is less than 10%. Increasing the distance from the shoreline to reduce the size of the variance request is not possible due to the limited options for the placement of the septic.

Due to the property size of a quarter acre, it has created many limitations, with the septic, neighbor's well and shoreline. With consideration to these challenges, the property owner has done a good job on the design.

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

Reasons: They intend to increase the native plantings and will have proper drainage around the house. If there is a patio it will need to be made permeable. No trees will need to come down. The only excavation is for the walkout basement. The neighbors will not be impacted in any way.

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

Reasons: It is a small buildable lot with many challenges. All lots in the subdivision are of similar size and the Department of Health approved this site for a system.

6. Do any conditions need to be imposed? Yes

If a patio is built it must be permeable bricks.

**Motion:** Chair Erickson asked for a motion to approve a roadway setback variance of 4', for the house to sit 56" from the roadway where 60' is required, and a shoreline setback variance of 59' 9", for the house to sit 40' 3" from the shoreline, where 100' is required, with the following condition: If a patio is built it must be permeable with drainage stone around the house and with plantings to make the environment natural, functional and mitigate water run-off.

Mr. Dewar made a motion to approve, and Mr. Schoembs seconded the motion. All voted in favor. This is a type 2 SEQRA.

**Adjourned 9:00 PM  
2025**

**Next meeting: August 26,**

Respectfully Submitted,

*Julie Marinelli*