

State of New York  
County of Fulton  
Town of Caroga

Minutes of a meeting held by the Zoning Board of Appeals on August 24, 2022 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by roll call.

Present:

Kathy Ellerby

Chairman: Anthony Russitano

Kenneth Coirin

John Byrnes

Motion made to approve the minutes from the last meeting by Kenneth Coirin seconded by Chairman Russitano. All in favor

Present were Jennifer Blowers (Code Enforcement), 6 members of the public including Lilka Lichtneger and Daniel Richardson.

Meeting went into Open Session

First application to be considered is Z2022-04 from Daniel Richardson.

Mr. Richardson is requesting a variance in order to gain safe access to the lake. He explained that there is a 10 foot deeded piece of property to provide access to the lake. This lot does provide access, but it is not entirely safe since there is a drop-off. He had the property surveyed last year to confirm that it was 10 feet. He misunderstood the regulations and subsequently constructed an 8x 10 foot platform. DEC granted approval of this structure and told him that he needed to go to the local boards for approval. The design conforms with designs that are prevalent around the lake. He plans on making his long term permanent residence on the 10 acre parcel that he owns.

Chairman Russitano asked if there was any comment from the public.

Aric Dicruttalo - 159 Vrooman Rd, neighbor, addressed the board. He mentioned that the public notice states that Mr. Richardson proposes to build a deck. He stated that the deck is already built. Mr. Dicruttalo also stated that the offsets between the properties are a foot or less. Which is in violation of the setbacks. He also argued whether or not the property was a steep drop-off or an incline. Mr. Dicruttalo also pointed out that the structure is permanent. Mr. Dicruttalo questioned why an appeal for a variance was being heard after the fact. Ken Coirin explained that the meeting was being held to hear his appeal.

Merrilyn D'Errico, of Vrooman Road, spoke in support of the proposed deck. This will enable him to enjoy the lake. She stated that she had looked at the property and didn't feel that Mr.

Richardson was asking for anything unreasonable. Her property is located 2 lots down from Mr. Richardson.

Mr. Richardson showed photos of the lot to the board. Including photos of other docks to show the character of the other docks around the lake. Mr. Dicruttalo showed pictures as well to show the property offsets along with the dock.

Open session was closed.

Questions from the board: John Byrne asked Mr. Dicruttalo if he was against the structure. Mr. Dicruttalo stated that he is against the structure being permanent. A permanent structure is not within the zoning ordinance. Mr. Richardson pointed out that the upper platform was smaller than Mr. Dicruttalo

No other questions from the board.

John Byrne confirmed that Mr. Richardson did not get a permit initially. Chairman Russitano asked what would have to be done to conform with code. Jennifer Blowers explained that he would need to use pavers in order to comply (a non permanent structure). If the deck came out and pavers were put in would this comply with code? Yes.

John Byrnes asked if the lower portion would be in the lake. Mr. Richardson said yes that's why he contacted DEC who granted him permission to extend into the lake. The lower deck would extend from the shoreline and go out. The stairs would come down from the upper deck in order to fasten the stairs to something. John Byrnes attempted to clarify what the structure is that is being proposed because there needs to be a structure for the stairs to land on. Mr. Richardson explained that the top level isn't flat enough to do pavers instead of a deck.

Jennifer read correspondence from DEC in Raybrook, Beth Magee. Mr. Richardson stated that his plan was to have the stairs land on the lower dock so that there would be no need for excavation or shoreline disturbance. The upper end of the stairs would sit on 2 concrete blocks that are on top of the soil on top of the embankment. There would be no physical disturbance to the site. Ms. Magee stated that based on that description he would not need any permits from DEC and stated that there shouldn't be any sediments or pollutants discharged into the water. John Byrnes asked if the town can allow him to build a permanent structure that's basically in the lake. Kathy Ellerby pointed out that the lower portion would be removed in the winter. Mr. Richardson would have blocks that would be put in in the spring and removed in the fall. John Byrnes asked if the stairs would be connected to the platform. Mr. Richardson then clarified that the platform that goes into the lake would be removed, but the one that the stairs attached to would not, and would be sitting on blocks essentially. Mr. Richardson wondered if other docks were sitting on blocks. It was explained that most docks have metal legs that they stand on. Mr. Richardson stated that he would get direction from the town on how to construct the lower dock. John Byrnes confirmed that both platforms and the stairs are permanent structures since they're not coming out. Jennifer Blowers stated that she thinks that her denial letter is incorrect based on this description. If the deck is removed in the winter some of the problem will be alleviated.

There is some question on whether DEC understood exactly what was being constructed and whether or not what is being proposed is legal. The question is whether the permanent parts of the structure, 2 platforms and the stairs, need to be removed.

Chairman Russitano stated that he has a problem with the permanent dock on top. He pointed out that Mr. Richardson created his own hardship. If he went through the proper process this wouldn't be an issue. The stairs aren't at issue since they can be removed. John Byrnes thinks that it needs to be tabled in order to find out what the rules are pertaining to a permanent dock on the shore line. Jennifer Blowers stated that since it doesn't float it's a structure and is therefore within the jurisdiction of the Zoning Board, and not considered a dock.

John Byrnes made a motion to table the application in order to get some more information. Seconded by Kathy Ellerby. All in favor. Motion tabled. John Byrnes wants to know from the town if Mr. Richardson can build a permanent structure on the water in the lake. The APA and the DEC need to grant approval before it gets to the Zoning Board. Jennifer Blowers asked if the upper dock can remain until the town gets an answer from the APA. The board agreed that the upper dock can remain until there is an answer from the APA and DEC. Jennifer will contact the APA and DEC to find out what needs to be done exactly.

Z2022-05 Lilka Lichtneger

Proposes to build a 10x10 addition for a dining area. She stated that her house is small and she is asking to extend it to facilitate family gatherings. It will be on pilings so there's no foundation involved. The neighbor, Adams, doesn't have a problem since it follows along the same lines. The addition will not be any closer to the lake since there is a deck and a porch, which is closer to the lake than the proposed addition. The addition will square off the house. The construction will not start until the spring. Ken Coirin pointed out that the building permit is only valid for one year so she should plan her construction accordingly.

No public comment and no correspondence. Ms. Lichtneger stated that her neighbor Rosemary Lee said she sent in correspondence but it hasn't been received.

Public session closed.

Motion made to approve application Z2022-05 by Chairman Russitano. Seconded by John Byrnes. All in favor. Application approved.

Ms. Lichtneger thanked Jennifer Blowers for her help.

Motion made to adjourn by Ken Coirin, seconded by Kathy Ellerby. All in favor. Meeting adjourned at 7:45.

Submitted by Laura Nealon, Clerk, Zoning Board of Appeals  
9/7/2022