

State of New York
County of Fulton
Town of Caroga

Minutes of a meeting held by the Zoning Board of Appeals on September 21, 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:

Chairman: Anthony Russitano
Kenneth Coirin
Pat Cooper

Absent:

Kathy Ellerby
John Byrnes

Motion made to approve minutes from August's meeting. Seconded by Ken Coirin. All in favor. Minutes approved.

Correspondence from Albanese and Albanese addressed to Chairman Russitano was read by the Clerk and submitted into the minutes. It is attached hereto.

Chairman Russitano opened the meeting to public session.

Chris Simon - 219 Morey Road. He spoke in favor of the construction of the platform and how he didn't perceive it to be a detriment to the town.

Dan Richardson - Applicant - Thanked the board for their time. He redefined that he only wants safe access to the lake. He explained the nature of the terrain and why he considers it to be unsafe without the platform and stairs. He also explained again that he misunderstood the limitations as to what he could construct. He has revised his drawing to comply with the DEC requirements. He has lowered the platform and reduced the size of the platform that receives the stairs.

Chairman Russitano asked if a revised application was submitted. Jennifer Blowers stated that she did not receive the revision if it was.

Neighbor - Marilyn D'Errico - spoke in favor of the platform and said that she thought that they should be afforded the privilege of lake access.

No more comments. Open portion closed

Chairman Russitano stated that he felt that Mr. Richardson created his own difficulty. Mr. Richardson should have started at the Codes Office first where he would have been provided

with guidance on how to proceed properly. Ken Coirin noted that the platform had to be behind the high water mark according to Beth McGee from DEC. Mr. Richardson indicated that his revised drawing allowed for that. Jennifer Blowers provided correspondence to the Board from DEC and APA. Ken Coirin confirmed that Mr. Richardson cut back the 4x8 dock sections to 2. Mr. Richardson provided updated drawings for his project to follow the DEC recommendations. Chairman Russitano asked Anthony Fancher, Code Enforcement Officer, if the existing deck were removed what would the remedy be. Anthony said that he would suggest a ground patio made of pavers, and the stairs could then be attached to a 6x6 head wall for example. This way the stairs could be removed completely from the water. The pavers could stay, but the stairs need to be removed completely so there isn't anything in the 10x10 section. Mr. Richardson asked the difference between a permanent patio and pavers. Anthony stated that pavers don't cast a shadow, and a structure does. Mr. Richardson asked what the stairs would land on. Anthony stated that they would land on rocks and there would be a walkway that goes from the stairs to the dock. The walkway would be attached to the stairs - since they don't need to be built to interior specifications. Mr. Richardson clarified that Code Enforcement is looking for structures that aren't permanent. Anthony confirmed that yes, that is what they are looking for. The upper platform, if it's on wheels, is not ground level. Anthony stated that the problem is that if it's a structure (permanent) then it's too close to the property line. If it's a stone patio then it's not a structure therefore the encroachment is no more than landscaping. The setback is the issue. The pavers would be considered landscaping. Landscaping ties are permissible as well. Mr. Richardson clarified that the stairs would have to be removed in the winter. Anthony explained that yes they would have to be removed.

Ken Coirin asked Mr. Richardson if this was something that he would consider doing. He stated that he would if necessary. But he reiterated that he didn't understand why he was not allowed to do what other people have around the lake. It was explained to Mr. Richardson that it has to do with the setbacks.

Chairman Russitano went through the area variance criteria:

- 1 - Can the benefit be achieved through other means feasible to the applicant - yes, yes, yes
- 2 - Will there be an undesirable change in neighborhood quality or a detriment to the near by properites -no, no, no
- 3 - Is the request substantial - yes, yes, yes
- 4 - Will the request have an adverse physical and environmental effect - yes, no, yes
- 5 - Is the alleged difficulty self created, which is relative but not detrimental yes, yes, yes

Z2022-04 Chairman Russitano made a motion to deny the variance. Seconded by Kenneth Coirin. All in favor. Motion carried.

No other business to discuss. Motion made to adjourn the meeting at 7:32.

Submitted by Laura Nealon, ZBA Clerk 10/4/2022