

# TOWN OF CAROGA

## OFFICE OF CODE ENFORCEMENT

MUNICIPAL OFFICE BUILDING  
1840 STHWY 10, P.O. BOX 328  
CAROGA LAKE, NY 12032  
Telephone: (518) 835-4211 ext. 25  
Email: carogacodes@nycap.rr.com

## DENIAL NOTICE

Date: September 12, 2018  
To: Town of Caroga Zoning Board of Appeals (ZBA)  
Subject: Maddalone, Christopher  
108 Montayne Lane  
Caroga Lake, NY 12032  
Mailing Address: 525 Union Street  
Schenectady, NY 12305  
SBL#: 83.9-2-25  
Zoned: LF- 2.5 – Lakefront 2.5 Acre

The property owner proposes to build a single family dwelling that replaces a demolished single family non-conforming structure.

Section 4.050 of the Zoning Ordinance lists the uses permitted by right, the uses permitted by site plan review and dimensional requirements for each zoning district established by section 4.101 of this ordinance. LF- 2.5 zoning districts have a building setback of 75 feet from the shoreline, 20 feet from the rear and side lines of the property, and 10% lot coverage. The structure and porches would cover 960 square feet and the property allows only 579 square feet. A variance for the lakefront setback and the lot coverage would be required prior to review of any building plans which would include review by the Adirondack Park Agency (APA). If the rear of the structure is less than 20 feet from the rear property line, the review would also include a decision about the rear setback. If the variance is granted by the ZBA, and the APA, building plans would then be reviewed and a determination would be made about whether to issue a building permit.

Sincerely,

John Duesler  
Code Enforcement Officer  
Town of Caroga

9/12/18 -  
I left voice mail  
re: the property  
size and the  
front setback for  
Chris on his  
office phone.  
H.S. 9/12/18

## Town of Caroga Code Enforcement

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**From:** Town of Caroga Code Enforcement <carogacodes@nycap.rr.com>  
**Sent:** Wednesday, September 12, 2018 11:10 AM  
**To:** 'Chris Maddalone'  
**Subject:** RE: 108 Montanye Lane  
**Attachments:** Application To Planning and or Zoning Board 3.13.2013.docx; Worksheet for Zoning Board of Appeals or Planning Board Review.docx

Hello Chris. As we discussed this morning, the process would likely involve the Zoning Board of Appeals (ZBA), the Planning Board (PB), as well as the Adirondack Park Agency (APA). I've attached the two-page worksheet and the overview of the process.

I plan to type up the official Denial Letter which would be signed by John Duesler, CEO for the Town of Caroga. My last three days in this office are this coming Monday-Wednesday, after which you would need to speak with John Duesler on 518.835.4211 ext. 25.

My thanks -- Tor

Tor Shekerjian, Code Enforcement Assistant  
For  
John Duesler, Code Enforcement Officer

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**From:** Chris Maddalone [<mailto:Chris@maddalone.net>]  
**Sent:** Monday, September 10, 2018 10:45 AM  
**To:** Town of Caroga Code Enforcement  
**Subject:** 108 Montanye Lane

John and Tor,

Hope all is well; spoke with Tor the other day regarding our building plans.. can you please advise me as to how we can go about a Variance.. so that we can include the additional sqft we are looking for with the new design....

We know it may be a stretch but we think we might have a case since we just took down a building on that other lot that we was covering more than 1200sqft of area space .. we are only looking to add a total of 304sqft.. of which 144 of that is a front porch.. I would hope that the council would see that we are not looking to be greedy in anyway but just be comfortable..

Please advise.. or a call would be great to hear your thoughts.. 518.376.6980

Best Regards,

Christopher Maddalone

## Town of Caroga Code Enforcement

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**From:** Chris Maddalone <Chris@maddalone.net>  
**Sent:** Monday, September 10, 2018 10:45 AM  
**To:** Town of Caroga Code Enforcement  
**Subject:** 108 Montanye Lane

John and Tor,

Hope all is well; spoke with Tor the other day regarding our building plans.. can you please advise me as to how we can go about a Variance.. so that we can include the additional sqft we are looking for with the new design....

We know it may be a stretch but we think we might have a case since we just took down a building on that other lot that we was covering more than 1200sqft of area space .. we are only looking to add a total of 304sqft.. of which 144 of that is a front porch.. I would hope that the council would see that we are not looking to be greedy in anyway but just be comfortable..

Please advise.. or a call would be great to hear your thoughts.. 518.376.6980

Best Regards,

Christopher Maddalone

Discussion With Chris Maddalone Regarding New SFD on SBL: 83.9-2-25  
108 Montayne Lane

Called Chris on 9.6.2018 at 8:45AM regarding his plans, not yet fully reviewed, show his replacement new SFD larger than his original footprint. John measured the original footprint as 39' 7" by 20' 6".

I said that unless he shrank the size of the structure to meet these measurements, he would have to get a variance; of which first approval would have to be the Zoning Board of Appeals (ZBA), and second approval would have to be the Adirondack Park Agency (APA). I advised that the Park Agency looks very strictly at proposals that push structures into the waterfront setbacks, and that they can overturn a ZBA approval. I also advised there was no guarantee that a variance would be granted.

He asked if it would be okay to reduce the size of the building, remove the front porches, and only have a stoop at the back of the house, while staying within his original footprint. I said that as long as the materials and other specifications pass review, that John might be able to use these plans with the knowledge that this dwelling was being reduced in size only.

I said that I'd be speaking with John this coming week, and one of us would get back to him. Chris said that he'd wait to hear from us, as his company is building the house.

Respectfully, Tor

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## DENIAL NOTICE

Date: September 12, 2018  
To: Town of Caroga Zoning Board of Appeals (ZBA)  
Subject: Maddaloni, Christopher  
108 Montayne Lane  
Caroga Lake, NY 12032  
Mailing Address: 525 Union Street  
Schenectady, NY 12305  
SBL#: 83.9-2-25  
Zoned: LF- 2.5 – Lakefront 2.5 Acre

*NEW REVISED  
w/ COMBINING (2)  
DENIAL DONE  
LOT 105 & 108*

The property owner proposes to build a single family dwelling that replaces a demolished single family non-conforming structure.

Section 4.050 of the Zoning Ordinance lists the uses permitted by right, the uses permitted by site plan review and dimensional requirements for each zoning district established by section 4.010 of this ordinance. LF- 2.5 zoning districts have a building setback of 75 feet from the shoreline, 20 feet from the rear and side lines of the property, and 10% lot coverage. Side yard relief is available by Section 8.010 making it 8 feet. The new structure and porches would cover 1136 square feet and the property allows only 579 square feet. The rear porch and steps would project into the shoreline setback approximately 41 feet from the mean high water mark. Currently the structure sits 51 feet from the shoreline. If 105 Montayne Lane is combined with 108 Montayne Lane an additional 291 allowable square footage would be available for ground cover, totaling 870 square feet. Still 266 square feet short of the 1136 square feet of structure coverage. A variance for the lakefront setback and the lot coverage would be required prior to review of any building plans which would include review by the Adirondack Park Agency (APA). If the variance is granted by the ZBA, and the APA, building plans would then be reviewed and a determination would be made about whether to issue a building permit.

Sincerely,

John Duesler  
Code Enforcement Officer  
Town of Caroga

## Town of Caroga Code Enforcement

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**From:** Town of Caroga Code Enforcement <carogacodes@nycap.rr.com>  
**Sent:** Monday, September 17, 2018 11:06 AM  
**To:** 'Chris Maddalone'  
**Cc:** Linda Gilbert  
**Subject:** RE: Denial letter.  
**Attachments:** Chris Maddalone Denial Letter.pdf

Chris – You need to submit your Zoning Board of Appeals (ZBA) application to the Town Clerk's Office (Linda Gilbert) with fee per the email I sent you on 9/12/2018. I attached the application and checklist to that email. The Denial Notice was prepared for you and signed by John Duesler on 9/12/2018, pending the information I just noted. Typically, the Denial Notice and applicant materials are given to Linda . I have attached a scan of the Denial Letter with John Duesler's signature on it. You must provide a plot plan of your planned single family dwelling (SFD) as part of your application for a variance along with a written description of the reasons for your building a SFD this large. As I shared in my voicemail to you on 9/12/18, you would need to submit all of this information for consideration by the ZBA to Linda Gilbert, Town Clerk along with the fee.

Linda Gilbert schedules Zoning Board of Appeals (ZBA) meetings, and I have copied her on this email. It is John Duesler's and my understanding that your Request For Variance application would be reviewed by the ZBA and a separate review would be conducted by the Adirondack Park Agency (APA), if the ZBA approved your request for a variance.

Thank you – Tor Shekerjian, Code Enforcement Assistant  
To  
John Duesler, Code Enforcement Officer  
Town of Caroga

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**From:** Chris Maddalone [<mailto:Chris@maddalone.net>]  
**Sent:** Monday, September 17, 2018 8:44 AM  
**To:** [carogacodes@nycap.rr.com](mailto:carogacodes@nycap.rr.com)  
**Subject:** Denial letter.

Good morning I did not receive the denial letter from my application on 108 montanye ln can you please send over today thank you

Christopher Maddalone

Discussion With Chris Maddalone Regarding New SFD on SBL: 83.9-2-25

108 Montayne Lane  
518.376.6980(office)

Called Chris on 9.6.2018 at 8:45AM regarding his plans, not yet fully reviewed, show his replacement new SFD larger than his original footprint. John measured the original footprint as 39' 7" by 20' 6".

I said that unless he shrank the size of the structure to meet these measurements, he would have to get a variance; of which first approval would have to be the Zoning Board of Appeals (ZBA), and second approval would have to be the Adirondack Park Agency (APA). I advised that the Park Agency looks very strictly at proposals that push structures into the waterfront setbacks, and that they can overturn a ZBA approval. I also advised there was no guarantee that a variance would be granted.

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I said that I'd be speaking with John this coming week, and one of us would get back to him. Chris said that he'd wait to hear from us, as his company is building the house. I called Chris back and informed him that I'd spoken with John, and that John would be able to review these plans, if approved through a variance, with a decrease in size.

Subsequently, this office received an email from Chris indicating that he wasn't going to reduce his plans' size and to contact him regarding the next steps for a variance.

Update 9.12.2018 – Tor called and spoke with Chris Maddalone at the above number.

Called and spoke with Chris. Advised that his current plans would require a variance for waterfront setback, but that sideline relief would allow him to build as close as 10' from the side lines. I also advised that if the project was approved by all parties, that he'd need fully engineered plans for the building and wastewater treatment system prior to submitting a building permit for review by Code Enforcement. Unfortunately, he didn't provide a plot plan for his extant building plans, so it's impossible to determine whether or not the rear of the structure is 20' from the property line (there is no public road). I called him subsequently, leaving voicemail, to advise that the variance would also review for the size of the structure, as it exceeds the 10% lot coverage allowed. Made him aware that John is not in the office the week of 9/17, but that my last week was 9/17-9/19.