

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of January 27, 2009

Members Present: Gary Frenz, Curt Castner, Dan Smith, Alternates Cheryl Erickson James Steen
Members Absent: Priscilla Remington Marion Luce

Others Present: Counsel to Boards Mark Schachner, Zoning Administrator Gary McMeekin, Town Board Member Bob Olson, Planning Board Member Harry Balz

Guests Present: Erin Hayes, Jim Fisher, Josephine Flammer, Lee Flammer, Cynthia Hill, Nathan Hill, Carolyn Anderson, May Bush, Debbie Close, Bernie Hill, Tom Johanson, Jay Close, Kawana Smith, Maryjane Bouchard, Jane Smith, Dawn Sevettza, Bill McGhie, Stephen Krugler, Charles Jelenick, Poul Carstenson, Jeanne Haggerty, Jack Haggerty, Cindy Mead, John Hagen Jr. and others.

PUBLIC HEARINGS:

File # 2008-45 AV Tax Map 37.-1-68 Debbie and Jay Close seeking 223.37' road frontage variance to subdivide parcel located on 207 Shaw Hill Rd in the R1-3.2 and LC-10 acre zones. Gary Frenz asked if anyone had any comments or questions. Being no comments or questions Curt Castner made a motion to close the public hearing, 2nd by Dan Smith, All Ayes.

File #2008-44 Tax Map 55.14-1-5 James Fisher seeking area variance to construct a boathouse with attached permanent dock on parcel located on Palisades Rd. Erin Hayes, representing the applicant explained the project stating that the boathouse would be 85' from the side yard and would be within the required setback, the lakefront was narrow and close to the road and the boathouse would create a landing to use the lakefront, this parcel is located on a busy section of the road and this would create a safe way to use the lakefront, this will fit into the character of the neighborhood as there are two (2) boathouses to the North of this parcel, requesting that the public hearing be held open as the applicant is waiting for a DEC permit. Gary Frenz asked if anyone in the audience had any comments or questions. Jack Haggerty submitted a handout to the board stating that he has spoken with neighbors and feels there are significant details lacking and is not in favor of the variance due to location, width of waterfront, requesting that if the variance is granted require the boathouse to be 120' north of his boundary line which may place the boathouse in an area that would be safer, he then stated he is concerned with the traffic and negative visual impact. Erin Hayes stated that her client has taken those factors into consideration as the boathouse is being placed where there would be minimal shoreline disturbance and minimal environmental impact. Jack Haggerty stated that the stone steps were placed on the shoreline last summer for a small dock and kayak reiterating concerns. Gary Frenz read Warren County Planning Boards recommendations of No County Impact. Being no further comments or questions, Curt Castner made a motion to keep the public hearing open 2nd by Dan Smith. All Ayes.

File # 2008-34 AV Tax Map 72.13-2-52 and 72.13-2-53 Larry and Judy Long seeking a 1'8" roadway setback variance a 4'7" shoreline setback variance from the south stream and a 19'7" shoreline setback variance from the north stream to build a single family dwelling parcel is located on

State Rte 8 in the R1-1.3 acre zone. Clark Wilkinson stated that after hearing the board's concerns at last month's meeting the applicant has reduced the size of the home 200 sq. ft. which reduces the variance requests. Gary Frenz asked if anyone had any comments or questions. Being no further comments or questions, Curt Castner made a motion to close the public hearing, 2nd by Cheryl Erickson. All Ayes.

The Regular meeting of the ZBA was called to order by Vice-Chair Gary Frenz. Dan Smith made a motion to approve the November minutes as written, 2nd by Curt Castner. All Ayes. Curt Castner made a motion to approve the December minutes as written 2nd by Dan Smith. All Ayes.

UNFINISHED BUSINESS:

File # 2008-45 AV Tax Map 37.-1-68 Debbie and Jay Close seeking 223.37' road frontage variance to subdivide parcel located on 207 Shaw Hill Rd in the R1-3.2 and LC-10 acre zones. After a brief discussion regarding SEQRA requirements, Dan Smith made a motion to approve the 223.37' road frontage variance as There will be no undesirable change to the character of the neighborhood or detriment to nearby properties as this is a rural area and this project fits with the residential neighborhood. The benefits sought by applicant could not be achieved by an other means, as this is the best configuration of the proposed parcels. This request is moderately substantial. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood, the only future impact will be the placement of a driveway. The alleged difficulty was not self created, 2nd by Curt Castner. All Ayes

File # 2008-34 AV Tax Map 72.13-2-52 and 72.13-2-53 Larry and Judy Long seeking a 1'8" roadway setback variance a 4'7" shoreline setback variance from the south stream and a 19'7" shoreline setback variance from the north stream to build a single family dwelling parcel is located on State Rte 8 in the R1-1.3 acre zone. Brief discussion ensued regarding two (2) variance requests that are minimal and one (1) variance request that is substantial, stream classifications. Dan Smith stated that there could be drainage issues. Gary Frenz stated that the drainage must be maintained. Dan Smith stated that this board could not regulate the drainage maintenance. Cheryl Erickson stated that the assumption is the storm drainage would go toward the lake and with the fill that has been brought in the grade is lower in the surrounding area there could be a negative impact on the neighbors. Clark Wilkinson stated for the house to sit on the property correctly the material had to be brought in keeping above the 100 year flood elevation explaining the depressions in the property to drain the storm-water. Dan Smith stated that he feels the present homes will not be severely impacted and the applicant is combining two (2) lots into one (1) making non-conforming lots more conforming. Dan Smith stated that the applicant has made an adjustment to the building making it smaller in size lessening the variance impact, the height of the home is 32' well under the maximum allowable of 40'. Dan Smith then made a motion to approve the roadway and shoreline variances as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties as this is a residential building being placed in a residential neighborhood and detrimental runoff will be minimal on neighboring parcels due to absorption ability of the lake. The benefits sought by applicant could not be achieved by an other means. The applicant has already reduced his original request for house size by 200 sq. ft. and combined two parcels into one. Two of the requested variances are minimal and the third substantial but the impact is being placed on the less major stream. There will be minimum storm-water runoff which would adversely effect or impact on the physical or environmental conditions in the neighborhood. The alleged difficulty was not self created, 2nd by Curt

Castner. All Ayes.

Jim Steen recused himself and sat in the audience.

Gary Frenz announced to the audience that this is a public hearing and there have been many public hearings held on this matter requesting that if someone has spoken before to please not speak again unless there is new information to be presented.

File # 2007-36UV Angela Vandermark (EZ Marine and Storage) seeking a Use Variance and Area Variances to establish a Commercial Marina on parcel located on East Schroon River Rd in the RRD-10 acre zone. Poul Carstensen stated that he is in support of this project as there are no gas sales available at the south end of the lake, the only available gas is nine (9) miles away, this would be a good location for business and this will be operated in an environmentally successful way. Bill McGhie stated that he is opposed to the project as there is not real hardship proven concerning the financial aspect, this is self created, the marina does not protect the natural character, there is no need for a marina. Gary Falk stated that he is opposed to the project asking what basis the board could use on the environmental impact or the impact on the community and the applicant is creating the hardship. Carolyn Anderson stated that her concerns are the wetlands, water level, 140 year old trees, the character of the neighborhood, the hardship, the proposed septic system, the assessment, safety and impact of the environment regarding gas spillage. Bernie Hill thanked the board for the efforts stating that the Town requested information from the APA before the project was complete and there has been substantial changes to the project, explaining the relationship of this project to existing marinas in the area, the process in which the APA will review this project as a whole, requesting that he receive a impartial decision. Dan Smith asked the applicant to respond to the question of the septic system location. Bernie Hill stated that the right-of-way grade will need to be raised up approx four feet (4') to drain properly but other options are available as this is considered a Class A project. Carolyn Anderson asked if the APA would look at this project again, reiterating her concerns again regarding wetlands and other possible septic options. Gary McMeekin stated that this is a Class A project and will require permits. Tin Sweetser stated that she has written a letter requesting information, given the board information stating her concerns regarding the filling of the swale, water on the parcel. Poul Carstensen stated that a new Dam has been built and the water level can now be controlled. John Francisco stated that the marina would bring revenue back to Horicon. Mary DiGiovanni stated that this project would pollute the river. Steve Kruegler stated he is opposed to the project due to runoff citing the letter to Gary McMeekin from the APA. Mary Bush stated that she is opposed to the project due to the location, safety issues. Tom Johansen stated that a gas station existed on the parcel in the 1920's. Brief discussion ensued between the board members regarding the closing of the public hearing and the time limit. After a length discussion regarding board procedures Curt Castner made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

Jim Steen returned to the board

NEW BUSINESS:

File # 2008-46 AV Tax Map 38.15-1-14 Craig Campanaro seeking a 40' shoreline setback variance to extend northwest side of existing structure 24 feet located on 53 Clearwater Lake Rd in the LC-10 acre zone. Applicant was not present, Gary McMeekin explained the project. After a brief discussion Dan Smith stated that the application looked complete, accurate and a drawing with the setbacks is attached making a motion to deem the application complete and schedule a public hearing, 2nd by

Curt Castner. All Ayes

File # 2009-02AV Tax Map 20.10-1-50 Adirondack Lodges HOA Inc. Seeking variances to build a retaining wall on parcel located at 39 Mill Creek Rd in the CR-20,000 and R1-1.3 acre zones. Harry Balz Secretary to the HOA Corp. stated for the record that he is a former member of this ZBA and a present member of the Town Planning Board, explained the project of the necessity to place a Gavion retaining wall 150' long 3' high along the beach in order to prevent the erosion of the County road and to maintain the width of the beach. Continuing on to state that the wall will not be visible from the road only from the lake explaining to the board that Gavion wall are wire baskets that hold stone and the wall will stop 10' from the property line. Harry Balz also stated that the HOA has not filed any paperwork with the APA at this time. After a brief discussion, Dan Smith made a motion to deem the application complete and schedule a public hearing, 2nd by Curt Castner. All Ayes.

Board Privilege: Training reminder Saratoga Jan 28th

Dan Smith asked if Town Counsel could explain the definition of reasonable return. Mark Schachner stated that there is no magic dollar amount, percentage or number, in essence whatever the board deems is reasonable, not a maximum return and it is the judgement of the board.

There being no further business before the board, Vice-Chair, Gary Frenz adjourned the meeting at 9:15 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary