

**Town of Horicon
Zoning Board of Appeals**

DRAFT

**December 19, 2017
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson
James Dewar

Also Present: Town Attorney Justin Grassi, Bob Olson, Bill McGhie, Richard and Joanne Nawrot, Mac Hadden, Jim Steen.

Chairperson Cheryl Erickson called the meeting to order at 7:00 p.m.

Pledge

Review of Minutes: Scott Olson made a motion to accept the November 28, 2017 minutes as written. Second by James Dewar. **ALL AYES.**

NEW BUSINESS:

**File 2017-20 AV
Tax Map # 70.15-1-12**
Maclane Hadden
3519 East Schroon River Road
Brant Lake, NY 12815

Requesting an Area Variance for a shoreline setback from Zoning Code 6.10 to place a covered open picnic area attached to the garage to sit 78' from the shoreline where 150' is required.

Maclane Hadden was there to speak about his project. He wants to finish an ongoing project for the garage. The side garage wall is very tall and he would like to put up a covered area and finish up his landscaping and plantings. He would like to make it look nice. He had Zoning Administrator Jim Steen out to the property to show him what he wanted to do and now he wants to move forward with the proposed project. He would like to add plantings up front and has included illustrations. Mac stated that he included photos of the house and the building and how the roof lines will match up.

Chairperson Cheryl Erickson asked about the dimensions of the proposed covered patio.

Mac Hadden responded that they are 16' out with a slant roof and 38' in length and will be narrower than the length of the building.

Scott Olson asked what the dimensions of the distance of the current deck on the house to the river.

Mac Hadden stated that is 35' from the river line.

Scott Olson does not see the retaining wall in the pictures.

Mac Hadden showed Scott Olson and the Board members the retaining wall on the pictures that were submitted. He explained that the elevation will match the rest of the elevation on the property. He will not be filling in any more of the property.

Being no further questions or comments Scott Olson made a motion to deem the application complete and set a Public Hearing for January 23, 2018. Second by James Dewar. **ALL AYES.**

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PUBLIC HEARING: **File 2017-19 AV**
 Tax Map # 19.4-2-18.1
 Richard and Joanne Nawrot
 550 East Shore Drive
 Adirondack, NY

Requesting an Area Variance for a roadway and shoreline setback from **Zoning Code 6.10** to remove existing walkway to lake; expand existing raised area at lakefront by +/- 20'; install new retaining wall at roadside; and a new walkway to lake.

Rich Nawrot was present to speak about his proposal. He is doing some restructuring of what is already existing by moving materials around on the shore to curtail problems at the lakeside. He went to the APA and DEC and they approved the proposal. There are safety reasons for restructuring the walkway at roadside. He will have a new rock wall at roadside and will be widening the walkway coming down from the roadside or a set of stairs to the raised area at the lakeside. He is expanding his lawn area by about 20' and pushing it back.

Chairperson Cheryl Erickson stated that the concern at the last meeting was filling in the lake but you will not be filling in the lake.

Rich Nawrot stated no he is not filling in the lake. The picture submitted shows the period of time during high water flooding from spring thaw.

Chairperson Cheryl Erickson asked about the retaining wall at the lakeside and if he will be raising it up to match the existing stone wall at the lakeside.

Rich Nawrot explained that he will be removing the existing stairwell and shoring up the road bank and putting in a new walkway to the lake which will be a much gentler slope to the lakeside.

Chairperson Cheryl Erickson asked Mr. Nawrot what he will put in there in order that it not be washed out when the high water spring runoff happens.

Rich Nawrot stated that he will use the existing boulders and natural material already at the site that will be removed from current walkway will be used for the raised area and topped off with sand and soil.

Zoning Administrator Jim Steen asked if the Board members had the copy of the DEC permit and he stated that the permit was issued by the DEC "to expand the existing lawn area along the Shore of Schroon Lake by rearranging the existing rock retaining wall and fill. Rocks must be placed along the existing shoreline and must not extend out into the lake. All work to be done in accordance with the plans referenced in and made part of this permit".

Scott Olson asked if the same plans that were submitted to the DEC were the same as submitted to the ZBA.

Zoning Administrator Jim Steen showed the Board members the plans submitted to the DEC and they are the same as what is submitted to the ZBA for the proposed project.

Chairperson Cheryl Erickson asked who will be doing the work.

Rich Nawrot responded not sure yet but has asked Andy McNally.

Scott Olson asked Zoning Administrator Jim Steen what he knows about the mean high water mark. Jim Steen responded that it is set at 811 feet above sea level.

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Town Attorney Justin Grassi stated that the DEC has jurisdiction here and if the Board wanted to condition this they could use the DEC wording.

Chairperson Cheryl Erickson stated that you can see the rocks are pre-existing along the shoreline.

Zoning Administrator Jim Steen stated that the DEC is more concerned with the shoreline than the mean high water mark and the APA sets the mean high water mark.

Bill McGhie stated that as a resident of East Shore Drive what is being proposed by Mr. Nawrot is in compliance with what other residents have along East Shore Drive.

Being no further questions or comments Scott Olson made a motion to close the Public Hearing. Second by James Dewar. **ALL AYES.**

Scott Olson made a motion to deem this a TYPE II SEQRA action and no further SEQRA review is necessary. Second by James Dewar. **ALL AYES.**

Chairperson Cheryl Erickson also noted for the record that they have a DEC permit and a letter from the APA stating no permit needed and the Warren County Planning Review states there will be no county impact from this proposal.

Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community.

The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant because this property is in need of improvement and will make a safer access to the shoreline. The overall benefit from the retaining wall will prevent lake erosion.
2. There will be no undesirable change in the neighborhood character or undesirable change to any nearby properties because it is consistent with the other homes in the neighborhood. There will be very little added to what is already existing and will improve erosion and create a nicer beachfront area.
3. The requested variance for the roadway is substantial; however, is mitigated by repairing what is already there for safety reasons. It is a narrow pre-existing non-conforming piece of property.
4. The request will have no adverse physical or environmental effects on the property or to neighboring properties and will be environmentally friendly. It will clean up the shoreline with a nice retaining wall which will mitigate erosion and is designed to prevent further erosion into the lake. It is a good design and safer for people using it.
5. The alleged difficulty is self-created but that does not necessarily preclude this as a denial. It is an aged piece of property with erosion which will be corrected.
6. This is the minimum variance necessary for these setbacks because it does not ask for more than what is already there and is correcting what is there currently.

Being no further questions or comments and based on the previous discussions, Scott Olson made a motion to approve the request from **Zoning Code 6.10** for a shoreline wall to sit 50' where 50' is required, and a roadside wall to sit 33' where 50' is required. And a Roadway setback for a shoreline wall of 6' where 60' is required and a roadside wall request of 42' where 60' is required.

Second by James Dewar. **ALL AYES.**

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Communications: **None**

Public Comments: Town Board member Bob Olson extended on behalf of the Town Board their thanks to the ZBA for service to the community and that their services is very much appreciated. He wished everyone Happy Holiday's as well.

Board Comments: **None**

Being no further comments or questions Scott Olson made a motion to adjourn the meeting. Second by James Dewar. **ALL AYES.**

Adjourn: **7:40 PM**

Next Meeting Date: January 23, 2018

Respectfully Submitted,
Terri Katsch, Secretary