

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of September 28, 2010

Members Present: Gary Frenz, Dan Smith, Cheryl Erickson, Jim Steen, Curt Castner, Alternate Thad Smith

Members Absent: Alternate Priscilla Remington

Others Present: Counsel to Boards Mike Hill, Zoning Administrator Gary McMeekin, Planning Board Members Mike Raymond and Matt Simpson,

Guests Present: Bill McGhie, Tommy Johansen, Brian Carroll, Fred and Jamie Peters, Steve Farrell, John MacMillen, Cookie (Karen) McCauley, Kathy and Mike Hill, Gail Frenz..

Pledge

Regular Meeting called to order by Chairman, Gary Frenz and stated that the minutes of the August meeting can not be voted on as a full quorum of the board that was present are not present to vote tonight.

NEW BUSINESS:

File # 2010-32 AV Tax Map 55.17-1-23 Byrne, Gerald seeking a fifty-three foot shoreline setback variance to expand home with a new entry, screen porch and dining room on parcel located at 500 Palisades Road, the applicant is being represented by John MacMillen. John MacMillen stated that this is a pre-existing non-conforming lot and the application shows the current and proposed footprint of the home. After a brief discussion, Gary Frenz requested the applicant submit a scaled plot plan. Dan Smith made a motion to deem the application complete and schedule a public hearing for October 26th, pending receipt of the scaled plot plan, 2nd by Curt Castner. All Ayes.

PUBLIC HEARING:

File # 20190-28 UV Tax Map 39.13-1-7.1 Leon Cochran seeking a Use Variance to maintain the bathroom/kitchen facility in boathouse located at 6 Horicon Birches Road Extension. Gary Frenz stated that the applicant has requested this matter be tabled until the October meeting. Dan Smith made a motion to table this matter, 2nd by Cheryl Erickson. All Ayes.

PUBLIC HEARING:

File #2010-29 AV Tax Map 53.-3-34 Donald Alger, Owner (Brian Carroll - Contract Vendee) seeking a 44' rear yard setback variance to replace a mobile home on parcel located at 4062 East Schroon River Road. Existing mobile home to be removed. Brian Carroll submitted a scaled drawing as requested by the board stating that the septic would be the Elgin system (NORWECCO). Gary McMeekin stated that the septic system will be determined at a later date. Dan Smith stated that the parcel to the rear of this parcel is a large wooded parcel. Gary Frenz asked if there were any comments or questions. Being no further comments or questions, Dan Smith made a motion to close the public hearing, 2nd by Cheryl Erickson. All Ayes.

UNFINISHED BUSINESS:

File #2010-29 AV Tax Map 53.-3-34 Donald Alger, Owner (Brian Carroll - Contract Vendee) seeking a 44' rear yard setback variance to replace a mobile home on parcel located at 4062 East Schroon River Road. Existing mobile home to be removed. Dan Smith stated that the proposal is to place a new mobile home as far to the rear of the property, avoiding any negative noise and visual impacts from the road and there are not any homes in the rear of the parcel. Gary Frenz asked if the applicant had researched the possibility of purchasing some of the property in the rear for a feasible alternative. Brian Carroll stated that he does not have that kind of information. Jim Steen stated that this could not be

done without rear setback variances as the property is only 100' wide. Discussion regarding the character of the neighborhood criteria ensued. The board agreed that this would be a desirable change and there are homes of equal size on both sides and room for egress to the backyard. The board agreed that this is a substantial request but not extreme since it is offset by the front-yard setbacks. The board agreed that this will not have any adverse physical or environmental effects as it will improve the property visually and with a new septic and well. The board agreed that this is not self created as the existing mobile home was destroyed by a tree. The board discussed options to decrease the variance request by eliminating the rear deck, increasing the rear-yard setback by four feet (4'). The board and the applicant agreed that a patio, flush with ground level would be an acceptable alternative to the 8' deck on the rear of the property. Discussion regarding the stairs and landing ensued where the board and applicant agreed that a 4' x 4' landing with steps parallel with the mobile home would reduce the variance request to 40'. Dan Smith made a motion to approve the 40' rear-yard setback variance removing the 8' deck in the rear and replacing it with a 4' x 4' landing and stairs, based upon the discussion, 2nd by Curt Castner. All Ayes.

PUBLIC HEARING

File #2010-27 AV Tax Map 20.10-1-56 Peters Properties, LLC, Fred Peters seeking a 15' roadway setback variance and a 12" rear-yard setback variance to build a new 36' x 36' home with 2 decks on parcel located at 879 East Shore Drive. Existing home to be demolished. Fred Peters explained that the new home would be 2-stories with a full foundation. Discussion regarding decks ensued. Fred Peters stated that the side deck would be a grade level, the rear deck would have 3 steps and the new deck would be at the 1st floor elevation above the walk-out basement. Mike Hill, Contractor/Neighbor stated that the new home would be 34' in height. Gary Frenz asked if anyone had any comments or questions. Karen McCauley asked where the septic would be placed. Fred Peters stated that a NORWECCO system is being investigated as there is not enough room for a conventional system. Mike Hill, Contractor/Neighbor stated that he is in favor of the project as this will not be any taller than other structures in the area. Jim Steen asked if the basement will be finished. Fred Peters stated that the basement would be for storage only. Being no further comments or questions, Cheryl Erickson made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

UNFINISHED BUSINESS:

File #2010-27 AV Tax Map 20.10-1-56 Peters Properties, LLC, Fred Peters seeking a 15' roadway setback variance and a 12" rear-yard setback variance to build a new 36' x 36' home with 2 decks on parcel located at 879 East Shore Drive. Existing home to be demolished. The board reviewed the criteria: 1) Whether the benefit can be achieved by other means feasible to the applicant: The board agreed that there would be no way to reduce the variance requests as the property is narrow and is pre-existing. 2) Would there be an undesirable change in the neighborhood character or the nearby properties: The board agreed that there would be no impact on the neighborhood and would be an improvement of a year round home versus a seasonal residence, the new home will not obstruct the view from any neighbors and there would not be an undesirable change. 3) Whether the request is substantial: The board agreed that the request seems substantial but the applicant is basically building on the same footprint, there is no more encroachment on the neighbors, the total square footage of the home is modest and in keeping with the neighborhood. 4) Whether the request will have any adverse physical or environmental effects: The board agreed that the NORWECCO system is appropriate for this lot, the roof line is the same and there would be no additional runoff and this home sits against a hill and will not stand out. 5) Whether the alleged difficulty is self-created: The board agreed that this was not self created as the applicant is staying within the footprint with a minor addition to the square footage and the applicant could not build anywhere else on the property. The board also agreed that this is the minimum variance necessary as this is not a overly large house, there are decks existing to the rear of the parcel. Cheryl Erickson made a motion to approve the 15' roadway setback variance and the 12' rear yard setback variance based on the discussion. Discussion ensued to clarify that the 12' rear-yard setback is for the decks as shown on the plan and this is not encroaching any further than what exists currently. The motion was 2nd by Dan Smith. All Ayes.

PUBLIC HEARING

File # 2010-10 AV Tax Map 55.10-1-22 Golden Pond LLC/Farrell seeking a 45' shoreline setback variance to build a new home on parcel located at 686 Palisades Road.

PUBLIC HEARING

File #2010-23 AV Tax Map 70.-2-16 Hayes, Charles seeking a 3.650

UNFINISHED BUSINESS:

File #2010-23 AV Tax Map 70.-2-16 Hayes, Charles seeking a

BOARD PRIVILEGE:

Dan Smith stated that he has stepped down as a regular member of the board effective October 21st, 2010 requesting the Town Board to assign him as to an alternate position.

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 11 PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary