

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of December 20, 2011

Members Present: Gary Frenz, Cheryl Erickson, Priscilla Remington, Thad Smith Alternate: Carl Heilman and Bob Miller

Members Absent: Curt Castner

Others Present: Zoning Administrator Gary McMeekin, Planning Board Member: Matt Simpson, Town Attorney Mike Hill

Guests Present: Matt Fuller, Bill McGhie, Harvey Leidy, Tom Johanson

Pledge

The regular meeting was called to order by Chair, Gary Frenz. Gary Frenz welcomed new Alternate member Bob Miller and stated that due to the absence of Curt Castner, Carl Heilman will be a voting member.

Cheryl Erickson made a motion to accept the minutes as corrected, 2nd by Priscilla Remington, All Ayes.

PUBLIC HEARING:

File # 2011-16A Tax Map 39.13-1-7.1 G Leon Cochran ETAL seeking an Appeal of Determination. The applicant is being represented by Matt Fuller.

Matt Fuller stated the history of the boathouse in length.

Gary McMeekin stated that this matter is not new to this board along with past Zoning Administrator's determinations regarding shoreline variances, continuing on to state that a boathouse on Schron Lake was removed in the early 2000's because it was built larger than what was permitted.

Lengthy discussion ensued regarding Dick Silvernail and the FOIL request regarding shoreline variances before the ZBA from 1976 to 2002.

Gary McMeekin requested the board to look at the definition of a boathouse now and in the previous zoning ordinance. Discussion ensued regarding kayak/canoes being stored on the upper deck.

The board requested Town Attorney Mike Hill to explain their duties with this application.

Mike Hill stated that the Zoning Administrator, has made a determination that the deck that exists on the boathouse requires a shoreline setback variance approval before he can issue a zoning compliance certificate, which is needed for the applicant to apply for a Warren County Building Permit. The applicant is appealing that determination or arguing that he feels the deck does not require a shoreline variance. ***This board must decide: 1) Uphold the Zoning Administrator's determination [agree that the deck does require a shoreline setback variance] or 2) Overturn the Zoning Administrator's determination [the deck does not require a shoreline setback variance].***

Matt Fuller stated that the zoning ordinance does not prevent someone from having a deck on a boathouse.

Town Attorney Mike Hill stated that Gary McMeekin has determined that a deck is not a function of a boathouse and thus requires a shoreline setback variance as has been done in the past.

Priscilla Remington asked if the upstairs of the boathouse has a fireplace.

Town Attorney Mike Hill stated that the upstairs is not at issue for this board at this time, the board must focus on the issue before them, which is the deck.

Gary McMeekin stated that the inquiry letter from the APA defined a boathouse, the DEC issued a permit.

Discussion ensued regarding the Bolton boathouse and variance received.

Town Attorney Mike Hill clarified that the first set of plans showing the deck on the front of the boathouse were dated Aug 22, 2002 , seven months after the zoning compliance certificate was issued by Dick Silvernail.

Cheryl Erickson stated that the letter from APA in 1999 and the Town's zoning ordinance at the time required that a boathouse not be designed for lodging or residency. It appears that the boathouse designed changed over time and the changes never came to the town because it would have needed variances. Cheryl Erickson continued on that the notes from Silvernail, the 2001 Zoning Administrator had seen the original design and looked at a boathouse of 20'x 26'.

Lengthy discussion ensued regarding past practices of shoreline variances under the old ordinance requesting the Secretary research the minutes from 1976 to 2002 and list any shoreline variances per Matt Fuller's FOIL request.

Priscilla Remington made a motion to table the public hearing so that the research can be done, 2nd by Thad Smith. All Ayes.

BOARD PRIVILEGE: Saratoga Planning and Zoning Conference Wednesday, January 25, 2012.

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 9:00 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary