

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of June 24, 2008

Members Present: Priscilla Remington, Gail Serrine, Curt Castner, Gary Frenz, Dan Smith, Alternate Marion Luce

Others Present: Counsel to Boards Mike Hill, Town Board Member Bob Olson, Zoning Administrator Gary McMeeKin, Planning Board Members Dennis Doyle, Doug Paton, Jim Remington and Joe Dooris

Guests Present: Erin Hayes, Nathan and Bernie Hill, Josephine Flammer, Cliff and Mary Jane Bouchard, Frank Dagostino, Lester Van, Stephen and Mary Kregler, Elaine Smith, Harry Mansfield, Tom Johanson, Tina Sweetser, Mary Probst, Alice Altieri, Kim Frasier, Jennie and Lou Lazaro, James Steen, Carolyn Anderson, Dan Plumley, Martin and Phyllis Korn, Anita Drgt, Pat and Herb Lyons, Jeffrey Meyer, Matthew Masiello, Anita Ozdoba, Bill and Norma O'Malley, Chuck and Susan Frank, Terry Gottesman, Harold and Eleanor Lane, George and Connie HeaberK , Charles Jelinek, Henry and Linda Rauche, Greg and Patricia Sella, Jerry and Mary DiGiovanni, Mike Waples, Serge Tarasenko, Bill Mcghie, Bill Hoff, Charley Jeneneck, Carol and Steve Fahey, Jane Smith, Vince Blando. Anne Pieper, Heidi Lane, Moria Goldfarb, Rich Rozell, Laura Coppola, Charles Dean, F Douglas Jones, Louise and William Trudsoe, Gary Falk, Mike Hayes Jr. Kathy and Ted Naumowicz, Nicolette and Armond Graziano, Dan Smith, and others.

PUBLIC HEARINGS:

File #2008-12AV Tax Map 39.17-1-7 McHugh and Cuomo seeking a 44' shoreline setback variance, a 26' roadway setback variance and a 9' side yard setback variance to replace existing gazebo and install steps to parcel located at State Rte 8. Attorney Dan Smith explained the project stating that the movement of the gazebo was not acceptable to the proposed buyer. Lengthy discussion ensued regarding the setbacks or the proposed setbacks of the new gazebo the need for a DEC permit, and the adjoining parcel. Gary Scidmore stated that he has concerns regarding the safety of the existing structure. Gary McMeeKin stated that he spoke with the potential buyer and he was not opposed to moving the new gazebo to meet the required sideyard setback. Being no further comments or questions, Gary Frenz made a motion to close the public hearing, 2nd by Curt Castner. All Ayes.

File 2008-04AV Tax Map 71.16-1-2 (Corrected Tax Map Number) Robert Henshaw seeking an area variance for rear yard setback to build a garage on parcel located at 163 Palisades Rd. Erin Hayes adjoining property owners stated that she welcomes the proposed garage as it will improve have a positive visual impact on the neighborhood. Being no further comments or questions, Gary Frenz made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

File # 2008-14AV Tax Map 55.17-1-21 Altieri and Probst seeing a 52' shoreline setback a 46' roadway setback and a 5' side yard setback variance to build a small cottage on existing footprint of two (2) car garage, Parcel is located on Palisades Rd. Erin Hayes, representing the applicant explained the project stating that the garage is 85 yrs old and the applicant would like to convert the structure to a one (1) bedroom cottage not modifying the existing footprint, the board has been provided a proposed septic system, further stating that the project will not alter the remaining property and the building has dilapidated over time. Priscilla Remington asked Erin Hayes about a water supply. Erin Hayes responded that the applicant will drill a well on an adjoining lot. Alice Altieri stated that the neighbors, Kriz has given them permission to use their well or drill on new well on their parcel. Gary McMeeKin stated that in regards to the septic system an alternate system would be under the Town Board's

jurisdiction and can not be used in non-conforming uses. Gerald Byrne stated that he is one lot over from this property and stated that an applicant can before this board in 2003 to attempt to build on this parcel and the variance was denied, stating his concerns over the wetlands and closeness of the structure to the road, drainage issues, safety and stating he is opposed to the granting of the variance. Erin Hayes presented photos of the parcel. Discussion ensued regarding the wetlands, reported or unreported accidents on the road, water level to garage, history of the two subdivisions that surround this parcel. Being no further comments or questions Priscilla Remington made a motion to continue the public hearing until next month so that the applicant can submit information regarding the 1) wetlands 2) proposed well location and 3) high water determination 2003/2004. Erin Hayes stated that she will contact the APA for a site visit.

File # 2007-36 UV Tax Map 53.-3-1 Vandermark (EZ Marine & Storage) seeking a Use Variance and Area Variances to establish a Commercial Marina on parcel located on East Schroon River Rd. Bernie Hill stated that he is in the process of obtaining further information and request the public hearing be continued. Several members of the audience spoke in favor and opposed to the project. Bob Olson corrected an audience member stating that this parcel is located in the Recreational River District not in a scenic river district. Priscilla Remington addressed the audience stating that this is a long process and this board will consider all information that is submitted and weigh all evidence before making any determinations. Audience members requested the use and area variance criteria be read repeatedly. Bernie Hill reiterated that he is requesting the public hearing be continued in September as further information is anticipated. Gary Frenz made a motion to continue the public hearing Sept 23, 2008, 2nd by Curt Castner. All Ayes.

The Regular meeting of the ZBA was called to order by Chair Priscilla Remington. Gary Frenz made a motion to accept the May minutes as printed, 2nd by Priscilla Remington. Priscilla Remington Aye Gary Frenz Aye Curt Castner Aye Marion Luce Aye, Gail Serrine and Dan Smith abstained as they were not present for the May meeting. Dan Smith made a motion to accept the April minutes as printed, 2nd by Curt Castner. All Ayes.

UNFINISHED BUSINESS:

File #2008-12AV Tax Map 39.17-1-7 McHugh and Cuomo seeking a 44' shoreline setback variance, a 26' roadway setback variance and a 9' side yard setback variance to replace existing gazebo and install steps to parcel located at State Rte 8. Warren County Planning Board recommendation states No County Impact. ZBA Member Dan Smith stated that replacing the gazebo would not make a major change to the neighborhood, the request is substantial, there would be no adverse impact on the physical or environmental condition, requesting the boards opinion and stating there would be no adverse financial impact as the applicant wishes to replace the gazebo with a completely new structure. Curt Castner stated that he agrees with ZBA Member Dan Smith's interpretation. Gail Serrine stated that she approves the recommendation to move the gazebo and eliminate the sideyard setback variance. ZBA Member Dan Smith made a motion to approved the 45' shoreline setback variance for a 12' x 12' structure and a roadway setback variance, as needed, to replace the existing gazebo as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties as this will be improved by a newer, safer building, the benefit sought by applicant cannot be achieved by other means, as these variance requests will eliminate the need for the side yard setback variance, this is a substantial request but is the best plan in this situation, no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created as the gazebo is pre-existing and being replaced, 2nd by Gail Serrine. All Ayes.

File 2008-04AV Tax Map 71.16-1-2 (Corrected Tax Map Number) Robert Henshaw seeking an area variance for rear yard setback to build a garage on parcel located at 163 Palisades Rd. Warren County Planning Board stated No County Impact. After a brief discussion Dan Smith made a motion to approve the 37' rearyard setback variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties as this will be improvement to the property and well-being of the neighbors, the benefit sought by applicant cannot be achieved by other means as an existing concrete slab exists in this location, this is not a substantial request, no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was self created but pre-empted by the location of a old garage slab floor, 2nd by Gary Frenz. All Ayes.

File # 2008-09 AV Tax Map 36.3-3-12.2 Ross and Mary Schoembs seeking a 2' dock surface area variance to add to an existing dock on parcel located at 213 East Shore Drive. After a brief discussion regarding the dock placement on the parcel Gary Frenz made a motion to approve the 2' dock surface area variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought by applicant cannot be achieved by other means, this is not a substantial request, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, subject to the subject dock being moved 20% to the west within a reasonable time period, 2nd by Curt Castner. All Ayes.

NEW BUSINESS:

File # 2008-17 AV Tax Map 36.3-3-8 Watson (Larschan) Linda seeking a 50' shoreline setback variance to extend fence for containment and safety of pets and to prevent trespassing and vandalism located at 215 East Shore Dr. Gary McMeekin stated that the applicant is requesting a variance for a 6' high stockade fence. Gail Serrine made a motion to deem the applicant complete and schedule a public hearing for July 29th, 2nd by Dan Smith. All Ayes.

File #2008-18 AV Tax Map 39.9-1-27 Stuart Mead (Frank Dagostino) seeking an area variance to add a second bedroom, small porch and unattached deck to travel trailer located at 7 Constitution Ave. Gary McMeekin stated that the addition was built last year without proper permits and Section 9.70 states no travel trailer camp shall permit permanent structural additions to any travel trailer. Gail Serrine made a motion to deem the application complete and schedule a public hearing on July 29th, requesting the applicant submit a proper Authorization form, 2nd by Dan Smith. All Ayes.

File # 2008-19 AV Tax Map 72.13-2-48 Brant Lake Heights HOA (Olson Development Inc) seeking shoreline setback, dock surface area side yard setback, dock configuration and dock length variance to add ten (10) additional docks to parcel located on State Rte 8. Priscilla Remington stated that a correctly executed authorization form was needed. Discussion ensued regarding the questions answered on the application dissimilar to the Zoning Administrator's determination as to the requested variances. Bob Olson stated that the Zoning Administrator's determination was correct and will instruct his Attorney Dan Hogan to amend the application as such. After a brief discussion Dan Smith made a motion to deem the application complete, pending the authorization form submission, refer this to the Warren County Planning Board and Town Planning Board for their recommendations and schedule a public hearing, 2nd by Gary Frenz. All Ayes

File #2008-20 AV Tax Map 71.12-1-29 Pine Tree Properties LLC seeking a area variance for density to construct a multi-family townhouse unit on existing footprint located at 233 Palisades Rd. Erin Hayes explained the project proposing four (4) units under one roof not altering the footprint of Briarcliff which existed as a

sixteen (16) bedroom hotel reducing the number of bedroom to twelve (12) stating that the regulations require certain density for multi-family dwelling. Gary McMeekin stated that the project also requires Conditional Use approval through the Planning Board. ZBA member Dan Smith asked how the building is situated relating to the lot. Erin Hayes stated that a survey is being prepared showing improvements and topography. Dan Smith made a motion to deem the application complete, refer this to the Warren County Planning Board and Town Planning Board, schedule a public hearing requesting the applicant to submit a current deed and plot plan, 2nd by Curt Castner. All Ayes.

Board Privilege:

There being no further business before the board, Chair, Priscilla Remington adjourned the meeting at 11:10 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary