

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of August 25, 2009

Members Present: Priscilla Remington, Gary Frenz, Curt Castner, Dan Smith, Cheryl Erickson,

Members Absent: Alternate: James Steen and Thad Smith

Others Present: Counsel to Boards Mike Hill, Zoning Administrator Gary McMeekin, Town Board Member Bob Olson,

Guests Present: Erin Hayes, Roscoe Chase, Tom Johansen, Mike and Kathy Hill, Meridith VanVorst, John Rifenburg and others.

Pledge

PUBLIC HEARINGS:

File #2009-13AV Tax Map 72.5-1-6 Paul and Randi Nolan seeking a 400 sq. ft. dock surface variance and a 160' dock length variance to construct a 100' x 4' wetlands walkway with attached 100' x 4' floating dock on parcel located at 339 Palisades Rd. Erin Hayes, representing the applicant submitted amended plans to the board for their review. Being no further comments or questions, Dan Smith made a motion to close the public hearing, 2nd by Curt Castner. All Ayes.

File # 2009-17AV Tax Map 55.-1-10.2 Metzger, Ellen and John seeking a 44.2 feet side yard setback variance, a 206 square feet dock surface area variance and a 50 foot dock length variance to build a dock on parcel located at 62 Counter Point Lane. Priscilla Remington asked if the applicant's representative was present. Cheryl Erickson stated that she would like response from the Attorney regarding the correspondence received from Susan Parker, APA then made a motion to table the public hearing so that the representative can be present, 2nd by Dan Smith. All Ayes.

File #2009-18AV Tax Map 38.20-1-10 Cavanna, Joan seeking a 10'3" shoreline frontage variance to replace home on parcel at 17 Horicon Birches Rd. Doug Wilk, Architect stated that there is an existing home on the parcel and the applicant would like to replace that home with a new home in the same location. Being no further comments or questions, Dan Smith made a motion to close the public hearing, 2nd by Cheryl Erickson. All Ayes.

Regular Meeting Called to order

UNFINISHED BUSINESS:

File #2009-13AV Tax Map 72.5-1-6 Paul and Randi Nolan seeking a 400 sq. ft. dock surface variance and a 160' dock length variance to construct a 100' x 4' wetlands walkway with attached 100' x 4' floating dock on parcel located at 339 Palisades Rd. Priscilla Remington read a portion of the correspondence received from Susan Parker at the APA. Lengthy discussion ensued regarding the project into the wetlands. Erin Hayes stated that the APA re-mapped the area and the project requires APA permitting. Cheryl Erickson stated that if this board approves this project a precedence would be set for any future wetland projects, requesting a definition of value 1 and value 2 wetlands and the effect the props of the boats would have on the lily pads in the area. Brief discussion ensued regarding the ownership of parcel located in front of the Lamey parcel and the existing dockage. Gary Frenz stated that the applicants presently dock 25 to 30 yards further east on the aforementioned parcel. Dan Smith stated that other boats are already using the area and this project would have no effect on the lily pads. Gary Frenz stated that the water depth could be 15' in that area depending on the lake level, the average boat needs 8'10", more for draft of the boat, slow speed area, and there is no milfoil in that area. Dan Smith added that this would have a minimum amount of disturbance and the reason for the design change. Curt Castner stated that the Dock Dr's have taken everything into consideration. Dan Smith stated he reviewed the 5 criteria, 1,3,5 are straight forward 2 & 4 need to be reviewed. Gary Frenz stated that the applicants have a dock on a common parcel. Cheryl Erickson asked if that dock would be removed. Erin Hayes responded that the walkway/dock structure is a different type of dock system and it would be up to the three other owners of the parcel if they want to use the dock, the first 100' would be a permanent structure and the 2nd 100' would be a floating dock that is removed each year. Cheryl

Erickson stated that criteria #4 feasible alternatives to the applicant, if the intent is to get a boat in the water, then they have access. Dan Smith stated that if this project is approved it would avoid problems with the joint ownership of that parcel. Erin Hayes stated that the language in the deeds is ambiguous and putting a dock on the applicant's parcel would avoid future conflict with the neighbors. Cheryl Erickson asked how this board should handle the wetlands issue and how approval of this project would set a precedence for all future wetlands applications before this board and the wetlands vs. property owners rights to the lake, the kids are not going to want to swim there this is for egress and ingress of boats, other docks in the area were placed there prior to 1973, there would be adverse physical and environmental effects, this is a substantial request and people need to learn to get along. Dan Smith stated that the walkway would be raised above the wetlands, there would be a one time disturbance, the vegetation would receive sunlight. Gary Frenz stated that the floating dock would be a yearly disturbance. Dan Smith stated that this board were not wetlands experts and can use their judgement. Lengthy discussion ensued regarding the reduction of the dock width from 4' wide to 3' wide and possible increase in the walkway length to avoid the wetlands. Erin Hayes stated that the applicant would prefer the 200' walkway/dock length x 3' wide proposal, requesting that the application be tabled so that she may speak with her client regarding the board's suggestion to amend the application. Gary Frenz made a motion to table the discussion and vote until the September 22nd meeting, 2nd by Dan Smith. All Ayes.

File #2009-18AV Tax Map 38.20-1-10 Cavanna, Joan seeking a 10'3" shoreline frontage variance to replace home on parcel at 17 Horicon Birches Re. Cheryl Erickson stated that there would be no other way to achieve as moving the building back would be destructive to the environmental conditions as to the removal of trees and additional excavation and this is no closer to the lake than the existing home. Gary Frenz stated that the growth by the shore will be kept in tact. Dan Smith stated that this is not a substantial request and the applicant is using an existing footprint, this is not self created and the applicant is replacing an existing use. Cheryl Erickson stated that this is not an undesirable change but a positive change in the neighborhood. Gary Frenz stated that this would not be detrimental to the neighboring properties making a motion to approve the requested shoreline frontage variance as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties as they are using the same footprint, the benefit sought by applicant cannot be achieved by other means, this is not a substantial request, there is no adverse effect or impact on the physical or environmental conditions in the neighborhood, as it would be more detrimental to the environment if the home was moved further from the lake, the alleged difficulty was not self created, but created by the rocks, and the land. Adding that the applicant is upgrading the septic system, benefitting the lake and this is the minimum variance necessary for the applicant to achieve their objective, 2nd by Cheryl Erickson. All Ayes.

NEW BUSINESS:

File# 2009-19AV Tax Map 36.3-3-14 Robert Vanvorst seeking a 10' roadway setback variance to construct a 3' x 10' ramp onto a conforming deck on parcel located at 210 East Shore Drive. Mike Hill, representing the applicant explained that the applicant wants to add a handicap ramp onto a new deck and this would be the logical placement for the ramp. After a brief discussion, Dan Smith made a motion to deem the application complete and schedule a public hearing, 2nd by Cheryl Erickson. All Ayes.

File # 2009-20AV Tax Map 19.4-2-17 Patrick McCullough seeking a 4' roadway setback variance to build a deck on front of new home located at 562 East Shore Dr. The applicant was not present. Gary McMeekin stated that this is an after-the-fact variance request as the new home is under construction and the contractor made a measurement error. After a brief discussion, Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2nd by Cheryl Erickson. All Ayes.

2009-21 AV Tax Map 55.10-1-11 Sandra and Michael Raymond seeking a 35' shoreline setback variance to build a carriage house on parcel located at 12 Sand Beach Point Rd. Mike Raymond stated that he is a member of the Planning Board and would like no special consideration, explaining that he would like to build a 32' x 36' carriage house on a parcel that is 206' wide, previous shoreline setback was 50', shoreline setback changed in 2002 to 100' setback. Priscilla Remington asked if there would be living quarters upstairs. Mike Raymond stated that there could be living quarters in the future, but at this time would only be a garage with attic storage upstairs and a sink/toilet on the first level. Dan Smith asked if a variance would be necessary if the applicant changes the garage to living space. Gary McMeekin stated that it could be converted to a guest house with an upgraded septic. Dan Smith stated that the sideline setback dimension is blurry on the plot plan but read the sideline setback to be 15'. Gary Frenz asked if the septic would be hooked up to the existing house septic. Mike Raymond answered yes. Brief discussion ensued regarding the scaled drawing. Mike Raymond stated that the drawing submitted is drawn to scale. Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2nd by Cheryl Erickson. All Ayes.

2009-22 AV Tax Map 72.13-1-17 John Rifenburg seeking a 7'6" dock length variance, a 10' side-yard setback variance, a 240 sq. ft. dock surface variance, a 1' dock width variance and a 12' dock width variance to build a boathouse/dock/deck on parcel located at **32** Brant Lake Estates Loop. The applicant's architect explained the project and discussing modifying the variance requests stating that the intended purpose of the deck is a canopy cover for the second boat slip and is an open structure also stating that the applicant has received DEC and Army Corps approvals. Lengthy discussion ensued regarding reducing the amount of variance requests by reducing the dock surface area and dock width. The board requested that the applicant reduce the dock surface variance request from 240 square feet to 188 square feet and eliminate the one foot dock width variance request. Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2nd by Dan Smith. All Ayes. The architect asked the board if they could start work on the dredging as they are required to be out of the water by October 1st. The board suggested the applicant speak to the Zoning Administrator.

BOARD PRIVILEGE: File # 2009-03 AV Tax Map 55.-1-6 Roscoe Chase seeking roadway frontage variances for a 3 (three) lot subdivision on South Ike Hayes Road. The Town Board is finalizing the re-opening of the portion of South Ike Hayes Road that requires the applicant to apply for the variances. Information has been received from the Town Board that the road will be re-opened which will eliminate the need for variances by the applicant.

There being no further business before the board, Chair Priscilla Remington adjourned the meeting at 9:30 PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary