

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of June 23, 2009

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

Members Absent: none

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

Guests Present: Erin Hayes Bill McGhie, Roscoe Chase, Gary Scidmore, Timmy and Thomas Hanaburgh, John Foster, Attorney Dan Smith, Frank (illegible) and others.

PUBLIC HEARINGS:

File # 2009-03 Tax Map 55.-1-6 Roscoe and Nancy Chase seeking a 326.58' and a 231.52' roadway frontage variances to subdivide parcel located at 248 S. Ike Hayes Rd. Roscoe Chase stated that the Town Board is reviewing the road situation. Mike Hill stated that he attended the Town Board meeting and the Town Board will look into the process to extend South Ike Hayes Rd approx. 400'. Bob Olson stated that he spoke with Paul Smith, Highway Superintendent to meet with Mr. Chase and report back to the Town Board. Mike Hill suggested to the board the public hearing be continued pending further information after the Town Board reviews the matter. Cheryl Erickson made a motion to continue the public hearing pending information from the Town Board, 2nd by Dan Smith. All Ayes.

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 explained that the applicant would like to use the waterfront for docking but there are wetlands on the parcel, Priscilla Remington stated that she is concerned that this dock/walkway would infringe on the neighbors ability to place a dock on their parcel. Discussion about the Nolan's dock on another parcel ensued. Erin Hayes stated that the lakefront lot that her client has access to is owned by Caro Smith, deceased, and there are four property owners that have different levels of rights on that parcel and her client would like to install a dock on their own land. Priscilla Remington asked if the neighbor had a right to place a dock on their parcel. Erin Hayes stated that Lamey, Cowley, Nolan and Higgins all have varying degrees of use based on the diagram, the Nolan's dock would be parallel with the Higgin's dock and not interfere with them and the APA will do a site visit on July 17th. Dan Smith asked how the ice movement will affect this walkway/dock. Erin Hayes stated that bubbler's are not permitted in wetlands. Lengthy discussion ensued regarding requesting the applicant submits a revised map showing any impact this project would have on the neighbors and getting a statement from the Engineer regarding the effects on the walkway through the winter. Cheryl Erickson made a motion to continue the public hearing requesting more information, 2nd by Gary Frenz. All Ayes.

File #2009-12AV Tax Map 72.13-1-39 John Shatraw seeking a side yard setback variance and a 34' sq. ft dock surface area variance to construct a 32' x 2' dock on a ten foot (10') wide parcel located on State Rte 8. John Shatraw explained the project and stating that he owns a 10' strip of land between two other 10' and 12' strips owned by Foster and Scidmore. Dan Smith stated that he visited the property and took photos, submitting the photos to the board. John Shatraw stated that there was a dock on the parcel previous but did not know when it was removed. Gary Scidmore stated that there is no way to safely place another dock between the two existing docks as there is 9'3" of space, the parcel is all wetlands and stated that he does not remember a dock on that parcel. Curt Castner stated that there was no dock per say, just access to the lake. Mr Foster stated that there is not enough room for another dock. Dan Smith asked how the applicant is going to access the dock through the wetlands. John Shatraw stated that he would make a driveway and doze a road down the middle of the parcel. Jim Steen stated that that would not be allowed through the wetlands. Lengthy discussion ensued regarding the applicant getting access through the wetlands, moving existing docks, width of docks and boats, uses of neighbors property for access. Being no further comments or discussion, Cheryl Erickson made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes.

Regular Meeting: Minutes of May 2009. Priscilla Remington made a motion that the board table the approval of the minutes in order for the members to digest all of the information, 2nd by Gary Frenz. All Ayes.

UNFINISHED BUSINESS:

File #2009-12AV Tax Map 72.13-1-39 John Shatraw seeking a side yard setback variance and a 34' sq. ft dock surface area variance to construct a 32' x 2' dock on a ten foot (10') wide parcel located on State Rte 8. Priscilla Remington stated the Warren County Planning Board, no county impact. Lengthy discussion ensued regarding the ZBA criteria. Dan Smith made a motion to deny the 34 sq. ft dock surface area variance as the dock would fit on the parcel but there would be a detriment to nearby properties due to the narrowness, the benefit sought by the applicant cannot be achieved by other means but property used as lake (canoe) access only. The request at minimum is substantial, there would be an adverse effect on the environmental conditions as there is high growth of vegetation and wetlands, this is not self created but created by the parcel, 2nd by Gary Frenz. Dan Smith amended his motion to add that the Foster and Scidmore docks are pre-existing and adding an additional dock to between the existing dockage creates a tight situation with potential safety issues. Amended motion 2nd by Gary Frenz. The board was polled. Dan Smith Aye, Gary Frenz Aye, Curt Castner Aye, Cheryl Erickson Aye, Priscilla Remington Aye. The motion passed by majority vote.

File # 2009-10A Tax Map 72.13-2-48 Brant Lake Heights HOA seeking an Appeal of the Zoning Administrator's determination dated March 9, 2009 review of Conditional Use application. Priscilla Remington stated that the board has not received draft decisions from the Town Attorney. Gary Frenz made a motion to table the application until the July 28th meeting, 2nd by Dan Smith. All Ayes.

NEW BUSINESS:

File #2009-14 AV Tax Map 72.-1-57.8 David O'Connor seeking a 50' shoreline setback variance to build a 8' x 10' deck over rocks on shore. Parcel located at 7131 State Rte 8. Gary McMeekin stated that this deck is 100 square feet which still requires a variance due to the 50' shoreline setback requirement. 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.

File #2009-16 AV Tax Map 122.16-1-2 Morris, William and Judy seeking a 100' shoreline setback after the fact variance to replace an existing boathouse roof with a flat roof/porch. Parcel located on 48 Bridle Lane. Attorney Dan Smith, representing the applicant explained that the applicant converted the boathouse to a screened in porch and built a deck on the roof,unaware of the need for a variance, stating that his client would like to convert the structure back to a boat house keeping the deck structure on the roof and requesting the application be deemed complete and a public hearing be scheduled. Brief discussion ensued regarding the neighbors boat house. ZBA member Dan Smith made a motion to deem the application complete and schedule a public hearing, 2nd by Gary Frenz. All Ayes.

Board Privilege:Priscilla Remington stated that she would like to step down as Chairperson and would like to recommend Dan Smith to the Town Board. Dan Smith stated that he would accept the nomination.

There being no further business before the board, Chair Priscilla Remington adjourned the meeting at 9:10 PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary