

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of May 23, 2006

Members Present: Chairperson Priscilla Remington, Dan Smith, Curt Castner, Harry Balz, Jason Hill
Absent: Gail Serrine

Others Present: Counsel to Boards Mike Hill, Zoning Administrator Gary McMeekin,

Guests Present: William Duffy, James Farmer, Erin Hayes, Roberta Clench, Elizabeth St. Claire, Jeff Provost, Attorney Dan Smith, Tracy and Tricia Shimer, Charles Slocik.

PUBLIC HEARINGS:

2006-20 Tax Map 38.16-1-14.1 Joseph and Anne Fitzpatrick seeking a 15' shoreline setback and a 7' sideyard setback variance to build a screen porch on parcel located at 36 Horicon Birches Rd. Attorney Dan Smith, presented photos of the parcel stating it is physically impossible to build on the west side of the building and the neighbor has no objections to the project. Being no comments or questions the public hearing was closed.

2006-16 Tax Map 72.10-1-15 Randy and Elizabeth St. Claire seeking 27'9" variance from shoreline setback and a 26' 5 1/2" variance from roadway setback to build a garage, a 25'8" variance from shoreline setback and a 17' 6" variance from roadway setback to build a shed overhang on parcel located at 7117 State Rte 8. Elizabeth St Claire presented photos showing her parcel and the parcel across the road. Neighbors Charles Slocik, Tracy and Tricia Shimer made comments and suggestions regarding enclosing the shed, concern over the height of the garage blocking their view to the lake, the septic tank (holding tank), location and the ability to safely exit and enter from the driveway onto State Rte 8. After a lengthy discussion, Mike Hill, Council to Board approached the display board suggesting the applicant expand the driveway to allow vehicles to exit and enter the parcel in a safer manner. Gary McMeekin stated that the driveway could not be expanded due to the future wastewater treatment system being examined. The applicant was asked if the roof line could be lowered and the driveway safety issue could be addressed. Harry Balz questioned the neighbors (Shimer) as to the height of their parcel and the ability to view the lake. Attorney, Dan Smith stated that the garage is expanding thirteen feet (13') to the west and the neighbors will still have forty-nine feet (49') to view the lake. Curt Castner questioned the Shimer's if they currently own any lake frontage. The Shimer's stated they own 60' of lake frontage on Brant Lake in common with adjoining neighbors. Harry Balz made a motion to hold the public hearing open so the applicant can submit information to this board regarding the roof and driveway safety issues, 2nd by Dan Smith, All Ayes

Regular Meeting of the ZBA was called to order by Chairperson, Priscilla Remington. Harry Balz made a motion to approve the minutes as written, 2nd by Dan Smith. All Ayes.

UNFINISHED BUSINESS:

2006-20 Tax Map 38.16-1-14.1 Joseph and Anne Fitzpatrick seeking a 15' shoreline setback and a 5' sideyard setback variance to build a screen porch on parcel located at 36 Horicon Birches Rd. SEQRA form was reviewed by the board. Harry Balz made a motion to declare a negative declaration, 2nd by Dan Smith, All Ayes. Harry Balz made a motion to approve the variances with the condition that the screen porch can not be converted to living space, as the request does not change the character of the neighborhood, the existing structure is closer to the

property line than what is proposed, the benefits sought can not be achieved by other means (rock out crops exist on the parcel), the request is substantial but fits into the character of the neighborhood, there are no adverse effects on the physical or environmental conditions in the neighborhood and this was not self created, 2nd by Curt Castner. All Ayes.

2006-16 Tax Map 72.10-1-15 Randy and Elizabeth St. Claire seeking 27'9" variance from shoreline setback and a 26' 5 1/2" variance from roadway setback to build a garage, a 25'8" variance from shoreline setback and a 17' 6" variance from roadway setback to build a shed overhang on parcel located at 7117 State Rte 8. Harry Balz stated that he feels this board has heard concerns regarding 1) the holding tanks which the applicant is addressing with the Zoning Administrator by installing a new wastewater treatment system, 2) the traffic issue as to the applicant having to enter and exit onto State Rte 8, 3) the height of the structure which is lower than the existing home, 4) the shed issue, the applicant has agreed to close it in and 5) the negative impact in expanding the driveway as trees would need to be removed and the wastewater system would be affected. The applicant stated that she will request the architect to review the roof and report if the roof pitch can be lowered adding that there are driveways to the east of her that have much more dangerous entries and exits as her parcel has a straight-away for easy entrances and exits. Gary McMeekin stated that pavement could only be placed to the east of the parcel as to not effect the new wastewater treatment system. Curt Castner stated that Gersten's four-car garage is only twenty feet (20') from State Rte 8 which is common in the area. Harry Balz stated that the NYS DOT must have issued permits for driveways all along State Rte 8. The applicant stated that she is on a straight portion of the road, backs out of her driveway every day and has not had any problems entering or exiting her parcel. Jason Hill stated that this board is not liable for accidents that occur on the someone's property and it would be physically impossible to build the garage with a side entrance. Harry Balz made a motion that the applicant look at the roof pitch and driveway issues and report back to the board next month, 2nd by Curt Castner. All Ayes.

2005-56 Tax Map 36.15-1-12.1 Erling Asheim seeking a 31.24' and a 29.62' variance from road frontage to subdivide parcel located on East Shore Dr. This application is tabled until the June 2006 meeting. Applicant requested that this matter be tabled until "runoff" information is received.

NEW BUSINESS:

2006-24 Zora Persek Living Trust seeking an Appeal of Determination by the Zoning Administrator Section 8.20 and 9.20. Robet Farrell representing the applicant stated that a Major Subdivision known as Park Mtn (Classic Development) was approved by the Town Planning Board as a Class A Project, the applicant is beginning to build homes on the approved parcels and does not agree that the process for a Conditional Use is a necessary in order to begin construction. Gary McMeekin stated that he discussed this matter with Brian Grisi, APA and agrees that any construction of a Single Family Dwelling is not permitted by right but a Conditional Use whereas the applicant will need to apply to the Planning Board for an approval. Jason Hill asked if the approval of a Class A Subdivision is for the Subdivision of the parcel, not for any proposed construction. Robert Farrell referred to Section 9.20 of the Zoning and Project Review. Gary McMeekin stated that he interprets Section 9.20 to pertain to the division of land not for the construction of homes on that land. Jason Hill referred to Section 10.80 of the Zoning and Project Review. After a brief discussion Dan Smith made a motion to deem the application complete and schedule a public hearing, 2nd by Harry Balz. All Ayes.

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

Respectfully Submitted,
Christine Smith-Hayes