

# *Town of Horicon*

## ZONING BOARD OF APPEALS

Minutes of November 28, 2006 - approved 1/23/07

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

Others Present: Counsel to Boards Mark Schachner, Zoning Officer Gary McMeekin,

Guests Present: Henry & Betty Heym, Colleen Delcore, Steven Smith

### **PUBLIC HEARINGS:**

**File # 2006-45 Tax Map 70.-2-28 Henry and Betty Heym** seeking a 116' shoreline setback variance and a 34' roadway setback variance to build a 20' x 40' single family dwelling, replacing existing mobile home, on parcel located at 3585 East Schroon River Rd. Mr Heym stated that he would like to replace the old trailer and patio with a single family dwelling. Gary McMeekin stated that the septic system will be reviewed for compliance. Warren County Planning Board stated No County Impact with Stipulation, the condition a compliant wastewater and water source are obtained as well as a determination of APA jurisdiction. Dan Smith questioned the applicant if there is room to drill a well on the property. The applicant stated that there is room to drill a well. Gary McMeekin stated that the applicant may have to install an aerobic wastewater treatment system. Being no further comments or questions, Harry Balz made a motion to close the public hearing, 2<sup>nd</sup> by Dan Smith. All Ayes.

**File # 2006-43 Tax Map 70.-2-11.2 Steven L Smith** seeking an area variance to install a toilet and sink in existing 28' x 44' detached garage with approved septic system on parcel located at 215 Valentine Pond Rd. Colleen Delcore, representing the applicant stated the applicant has identified the difficulty of having a recreation facility for the children with the inconvenience of not having a rest room to use. The detached garage will have no detriment to the health, safety and welfare of the neighborhood, no undesirable change to the character of the neighborhood, no other feasible method, not a substantial request as there is no setback issue and a legal septic plan will be submitted. After a lengthy discussion regarding the amendments to the zoning ordinance before the town board Gail Serrine made a motion to close the public hearing, 2<sup>nd</sup> by Harry Balz. All Ayes

**The Regular meeting of the ZBA** was called to order by Chairperson Priscilla Remington. Motion to accept minutes as corrected was made by Harry Balz, 2<sup>nd</sup> by Curt Castner. All Ayes.

### **UNFINISHED BUSINESS:**

**File # 2006-45 Tax Map 70.-2-28 Henry and Betty Heym** seeking a 116' shoreline setback variance and a 34' roadway setback variance to build a 20' x 40' single family dwelling, replacing existing mobile home, on parcel located at 3585 East Schroon River Rd. Harry Balz posed a question to Mark Schachner stating that if the applicant were replacing the mobile home on the same footprint, would they be before this board for variances. Mark Schachner stated that Section 15 of the Zoning Ordinance regarding Non-conforming use and structures illustrates the need for the applicant to be before this board. Harry Balz then asked how this board interprets that this new use is not a substantial change from the existing dwelling but when reviewing the amount of the variances needed the request appears substantial. Mark Schachner advised that this board can take into account the

existing structure and use that as a factor in the boards decision. Harry Balz made a motion to grant the variance as there is no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought by the applicant can not be achieved by other means, the variance is not substantial as the new footprint is exceeding the existing footprint dimensions by four (4') feet. The request will not have an adverse effect on the physical or environmental conditions of the neighborhood as the existing docking and decks will remain intact and the request was not self created as this will create a building that is useable. Adding that the applicant will have to comply with sanitary and water supply requirements, 2<sup>nd</sup> by Dan Smith. All Ayes.

**File # 2006-43 Tax Map 70.-2-11.2 Steven L Smith** seeking an area variance to install a toilet and sink in existing 28' x 44' detached garage with approved septic system on parcel located at 215 Valentine Pond Rd. Warren County Planning Board stated No County Impact with Stipulation, the condition the septic system to be used for the garage is compliant. Town of Horicon Planning Board recommended the that ZBA grant the variance. Gail Serrine made a motion to grant the variance as there is no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought by the applicant can not be achieved by other means, the variance is not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood. The request was not self created, 2<sup>nd</sup> by Dan Smith. The board was polled Gail Serrine Aye Dan Smith Aye Harry Balz No Curt Castner No Priscilla Remington recused herself at this point of the vote, Alternate Jason Hill Aye The motion was passed by majority vote.

#### **NEW BUSINESS:**

None

Board Privilege: The December meeting is scheduled for Tues the 26<sup>th</sup>, being it falls the day after Christmas the board choose to move the meeting date to Thursday, Dec 28<sup>th</sup> at 7:30 PM.

There being no further business before the board, Chairperson, Priscilla Remington adjourned the meeting at 8:45 PM

Respectfully Submitted.  
Christine Smith-Hayes, Secretary