

# Town of Horicon

## ZONING BOARD OF APPEALS

Minutes of February 26, 2008- approved

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

Others Present: Town Board Member Bob Olson and Frank Hill, Zoning Administrator Gary McMeekin

Guests Present: Donald Butler, Keith Wilkinson, Jason Hill, Bernie Hill, Nathan Hill, Steve Kruegler, Abe Gadjo, Bill McGhie, Charles Johnson, Steven L Smith, Poul Carstensen, Debbie and Jay Close, Josephine Flammer, Leroy Flammer, Jeff Whiteside, Don Studler, Jessica Perkins, Barbara Lynn Miller, Rob Miller, Craig Kennedy

### PUBLIC HEARING:

**File # 2007-36UV 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 in the RRD-10 acre zone. Attorney Dan Smith, representing the applicant stated that the applicant has contacted Warren County regarding the buy back of the 4/10th of an acre parcel, adding that the study of Schroon Lake has been submitted to the board and would like that to be part of the record showing that the lake is not over burdened, the applicant has submitted a report from Certified appraisers Tom Orr and Gerald Swan reviewing the criteria 1) financial information submitted 2) showing hardship is unique to this parcel 3) stating that this project would not alter the essential character of the neighborhood and 4) stating this was not self created. Attorney Dan Smith continued requesting that this board resubmit this new information to the Warren County Planning Board addressing their concerns and would like a continuation of the public hearing.

Bernie Hill thanked the board and the community for their participation and input and would like the opportunity to address the public's concerns:

- 1) docks are located in the no wake zone as to minimize shoreline erosion.
- 2) there would not be a visual impact on the neighbors as there is one home within the 500' radius, Word Of Life would have a direct line site to the property but there would be minimal tree removal, the building's exterior would be in keeping with the Adirondacks brown siding with green roof and docks would have a natural color on the surface.
- 3) There would not be an impact on the navigation as the channel width is between 70' and 300'.
- 4) the increase in the boating traffic would have a positive effect on the area.
- 5) Over usage of the lake: Report submitted indicates that 40% of the traffic on Schroon Lake is non-motorized
- 6) Competition: the eroding nature of businesses in the area, this project will give the consumer a choice.
- 7) Major repairs would be done off site, minor repairs such as a battery charge, change of a prop or spark plug would be done on site.
- 8) Plan is to be done in phases, 1<sup>st</sup> phase would be dock rentals, parking and office space. 29 dock slips for summer rental, the remaining would be rented weekly/daily. Boat sales would be limited in the 1<sup>st</sup> phase and the 2<sup>nd</sup> phase would include a 30' x 30' store and gas dock.

Comments and questions were taken:

Steve Kruegler indicated that this project is on the river not the lake adding that the applicant is making a bad investment and is against the project.

Poul Carstensen stated that there is a need for businesses here and this is the perfect spot for a Marina as it promotes local growth, people have to travel to Essex Co for gas on Schroom Lake.

LeeRoy Flammer stated that he does not agree with the Attorney's statement that this would not change the character of the neighborhood as this is a residential area and this would establish a commercial use and does not agree regarding the reasonable profit of the owner.

Greg Beckler, President North Warren Chamber of Commerce and local business owner stated that this area attracts 30,000 people each year and feels this is a good business opportunity and would attract tourism to the area

Bill McGhie stated that he interpreted the survey of the Comprehensive Master Plan that people are against development near lake shores.

Jeff Whiteside stated that there are six (6) properties that view this site, this is located on the river not the lake, as the river is tight, shallow and there are wetlands present and is concerned with the gas storage, traffic under the bridge, the character of the neighborhood and the limited access and was against the location.

Bob Olson stated that he is a town board member and stated that he remembers when the discussion came before the board regarding Palmer Bros Marina on Brant Lake that the concerns were the same as now the opponents are now customers of the Marina.

Steven L Smith stated that he feels this would have a positive impact on the economy and an even more positive effect on the environment as the number of boats would stay docked instead of being placed in and out of the lake each day, less pollution in the lake due to cars backing in and out at the launch along with less milfoil

Harry Balz stated that the applicant has submitted further formation: Warren County Highway Permit, the lake study and an appraisal from Orr, requesting that the appraiser's credentials be also submitted, asking if an application has been submitted to the Warren County Highway Dept?

Bernie Hill stated that he has applied to Warren County for a permit.

LeeRoy Flammer asked if there would be notification to adjoining owners regarding the application being resubmitted to the Warren County Planning Board and how the 4/10ths of an acre is bought back and if just anyone could purchase the parcel.

Attorney Dan Smith stated that he has dealt with a highway taking and it is only offered to an adjoining owner.

Harry Balz stated that the variance requests before the board do not include the additional acreage.

Attorney Dan Smith stated that the larger acreage may eliminate the need for the density variance.

After a lengthy discussion ensued regarding the highway taking, the sale of the County parcel and the notification to the Chester Town Board, ZBA Member Dan Smith made a motion to continue the public hearing and resubmit the revised plans to the Warren County Planning board for their review, 2<sup>nd</sup> by Harry Balz. Brief discussion ensued. **Dan Smith then amended his motion to continue the public hearing and resubmit the application to the Warren County Planning Board with the additional information for their consideration, 2<sup>nd</sup> by Harry Balz. All Ayes.**

The Regular meeting of the ZBA was called to order by Chair Priscilla Remington. Harry Balz made a motion to approve the minutes of the December meeting, 2<sup>nd</sup> by Dan Smith All Ayes. Harry Balz made a motion to approve the minutes of the January meeting, 2<sup>nd</sup> by Dan Smith. All Ayes.

**NEW BUSINESS:**

**File #2008-01AV Tax Map 55.10-1-17 Mark Treichel** seeking a 30' and a 38' shoreline setback variance to build a 8' x 16' second floor covered balcony over existing deck and a two story side addition to home located at 10 Sand Beach Way in the R1-10 acres zone. Don Studler of Eric & Eric representing the applicant explained the project stating that the additions would not be closer to the lake than the existing structure. After a brief discussion Harry Balz made a motion to schedule a public hearing, referring this to the County Planning Board, not referring this to the Town Planning Board, 2<sup>nd</sup> by Dan Smith. All Ayes.

There being no further business before the board, Chair, Priscilla Remington adjourned the meeting at 9:05 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary