

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of January 22, 2008 - approved

Members Present:, Dan Smith, Harry Balz, Curt Castner, Gary Frenz

Absent: Priscilla Remington Gail Serrine, Alternate Jason Hill

Others Present: Town Counsel Mark Schachner, Town Board Member Bob Olson, Zoning Administrator Gary McMeekin

Guests Present: Lee Fish, Norma Bowdy, Steve and Mary Kruegler, Josephine Flammer, Jay and Debbie Close, Ray Coffey, Donald Melulik, Rober Malatesta, Linda Milsom, Mary Bunct, Carolyn Anderson, Peter Mars, Jason Dell, Bernie and Nathan Hill, Nancy Belluscio, Diana Taliaferro, Dan Smith, William Smith, Jeff Whiteside, Bill and Noram O'Malley, Bill McGhie, Kim Frazier, Wayne Lewis, Harry Balz, Craig Kennedy, Charles Jelinek, Thad Smith, John Cain, Terry Gottesman, Kathy Bilfield, Peter Oberdorf, Roger Freidman and others.

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 he is not related to Dan Smith the Acting Vice Chair of the ZBA. He then when on to explain the proposal stating that the present owner of the parcel was unable to sell the parcel for four (4) years and the applicant would submit an appraisal done by Tom Orr, requesting that the public hearing be held open so that information could be submitted regarding the property line, driveway issue. Bernie Hill owner of EZ Marine & Storage explained that this project would be completed in three (3) phases. The first phase consisting of docks, second phase to include a marine store with gas service and the third phase to include minor food service.

Comments and questions were taken:

Peter Mars, Schroon Lake asked if a traffic study has been done.

Steven Kruegler, Schroon River Rd stated that the water level at it's lowest point is 14" deep or less, there is a sand bar and a cable in the middle of the river.

Harry Balz stated that the river is 347', 391' and 345' across clarifying that permits have not been obtained at this time.

Attorney Dan Smith stated that his client is applying for the use and area variances and understands there is a long road ahead.

Leroy Flammer 145 East Shore Dr. Read a statement that was submitted to the board regarding the view and establishing a commercial use in a residential neighborhood.

Carolyn Anderson whose father is a neighbor of Flammers stated that she feels there would be a negative visual impact, concerned with pollution, wetlands and a change in the character of the neighborhood.

Acting Chair Dan Smith asked about the gas service area requesting the applicant give a brief description.

Bernie Hill stated that the gas would be mandated by NYSDEC and would contain a retractable hose system

and must meet all DEC and NYS codes.

Kathy Bilfield, Schroon Lake stated concerns of the wetlands.

Attorney Dan Smith stated that this is the first step of many as the applicant may need an APA permit a DEC permit a County Highway permit, possibly a storm water permit and if the use and area variances are granted will still need to apply to the Town Planning Board for approval. Dan Smith continued to state that this is a very long process and would not happen this summer.

Mark Schachner asked the applicant if a APA determination has been made, if an application has been made to the NYSDEC, if the Army Corps of Engineers has been contacted and has there been any contact with the Warren County Highway Dept.

Attorney Dan Smith stated that a letter is going to the APA and he has spoken with Rita Quinn, they have not yet applied to the NYSDEC , the applicant understands he will need a permit from the Army Corps of Engineers for a retaining wall and an application to the Warren County Highway Dept will be submitted next week.

Mark Schachner explained to the audience that the applicant is here seeking Use and Area Variances, if granted the applicant is subject to Conditional Use approval at the Town Planning Board for the multiple dock system.

Gary Falk, East Shore Dr. stated concerns regarding tree removal, entrance to property with the speed and curve, the navigation on the river the night time lighting and the parking.

Don Mekulik East Schroon River Rd stated that a Use Variance is difficult to obtain and has concerns over the documentation of fair market analysis, the shallow area regarding the channel, the increase in traffic under the bridge, stating that this marina would be on the river not the lake.

Jason Dell 12 Camp Way Dr. stated that his family is opposed to the project as there is a functional marina at the north end of the lake, concerns of traffic, sharp turn, beach, boats backing out into the flow and questioning the septic system requesting the board ask the APA to be involved regarding the septic, gas storage facility, docking system(engineered) special lighting and wildlife affect.

Mary Bunch East Shore Dr stated that the boat launch is in view and is concerned with flooding, ice shifts.

Bill O'Malley Valley Farm Rd stated that he does not feel this is a good business idea as the season is two (2) months long.

Diana Talifarro 103 East Shore Dr stated she does not want a Walmart/Home Depot in the neighborhood and concerned with boat and jetski traffic by her home as the no wake zone is not enforced.

John Hagen 11 Camp Way Rd stated concerns regarding fisherman, boat traffic on the weekends and holidays, the signs are not observed, gas, food etc would attract traffic to the area, environmental issues, flooding.

William Smith 4191 Glendale Rd stated that his mother resides across the street from Word of Life concerned with the change in the character of schroon lake, fuel pumps, increased traffic and the children swimming in the river.

Wayne Lewis 149 East Shore Dr stated that he is not against progress but is opposed to this project because of traffic concerns.

Terry Gottesman 416 Shaw Hill Rd stated that this is a high impact project and has concerns on the wildlife.

Tina Sweetser 36 Sunset Dr questioned Mr Hill regarding the number of slips, who controls the size of the boats who controls the overnight stays and who directs where people park.

Bernie Hill stated that overnight stays are not allowed, the dock size will limit the boat size, he is working on increasing the parking spots available and there will be no service work done on site.

Jay Close 849 East Shore Dr stated that he is opposed to the project due to the location, the environmental

impact and the negative visual impact.

Diana Talifarro stated she is against this project due to the size of the lake and that Scharoon Manor is being developed, requesting the board to ask the developer to cut back on the proposal.

Don Mekulik stated that he feels with the number of people present opposed to this project that the board should move to close the public hearing and deny the application.

Bill O'Malley stated that he has concerns regarding finger docks on the river and heavy flooding. Mary Bunch spoke about the summer of 2007 stating that she has a degree in meteorology, she lives in Albany and the river was shallow and boats washed away when the river rose.

Bernie Hill stated that this would be a floating dock system.

Terry Gottesman requested that the board take an opinion poll.

Mark Schachner stated that the law obligates the board to process applications as they are received, the board can not selectively decide based on popularity of a project. Mark continued reading Section 16.40 of the Town of Horicon Zoning Law.

Carolyn Anderson 115 East Shore Dr stated that there would be a change in the character of the neighborhood and has concerns regarding the septic system.

Acting Chair Dan Smith stated that twenty-four (24) letters have been received.

Gary McMeekin stated that the Engineered septic system is under review for this project.

Wayne Lewis asked what is contained in the letters.

Mark Schachner stated that he does not feel that the board members should be characterizing the letters and that they are part of the public record if anyone would like to review them.

Steven Kreugler stated that the lake flows south towards the Starbuckville Dam and has concerns of the septic, gas and pollution on the river.

Harry Balz asked if the Warren County Planning Board had a recommendation.

Acting Chair Dan Smith read the County Planning Board Recommendation: Deny, for the following reasons:

1) Gas service safety, 2) Sanitary facility adequacy 3) boat repair operation impact on the river 4) additional review by other agencies 5) over use of land with multiple use appears to be dense and inadequate parking for all uses.

Bernie Hill requested that the public hearing be continued on order to provide the board with more information.

A brief discussion ensued regarding additional comments, notification of the public hearing and question as if any variances were approved for the parcel in the past. Harry Balz made a motion to continue the public hearing with a second legal notice be placed in the Town's official newspaper, 2nd by Curt Castner. All Ayes

The Regular meeting of the ZBA was called to order by Acting Chairperson Dan Smith. The minutes of the December 2007 meeting were not voted on due to lack of members present at the December meeting. Dan Smith welcomed Gary Frenz to the ZBA as an alternate member.

Board Privilege:

There being no further business before the board, Acting Chairperson, Dan Smith adjourned the meeting at 9:05 PM

Respectfully Submitted. Christine Smith-Hayes, Secretary