

# Town of Horicon

## ZONING BOARD OF APPEALS

### Minutes of February 24, 2009

**Members Present:** Gary Frenz, Curt Castner, Dan Smith, Alternates Cheryl Erickson James Steen

**Members Absent:** Priscilla Remington Marion Luce

**Others Present:** Counsel to Boards Cathi Radner, Zoning Administrator Gary McMeekin, Town Board Member Bob Olson, Planning Board Member Harry Balz

**Guests Present:** Erin and Mike Hayes, Cynthia Hill, Nathan Hill, Bernie Hill, Tom Johanson, Bill McGhie, Charles Jelenick, Jeanne Haggerty, Jack Haggerty, Roscoe and Nancy Chase, Craig Campanaro, Peter and Honore Beletti, Pat and Micky Butler.

### PUBLIC HEARINGS:

**File #2008-44 Tax Map 55.14-1-5 James Fisher** seeking area variance to construct a boathouse with attached permanent dock on parcel located on Palisades Rd. Erin Hayes, representing the applicant sent a letter requesting this application be tabled. Gary Frenz asked if anyone had any comments or questions. Being no comments or questions Dan Smith made a motion to table this application until the March 24<sup>th</sup> ZBA meeting, 2<sup>nd</sup> by Curt Castner. All Ayes.

**File # 2008-46 AV Tax Map 38.15-1-14 Craig Campanaro** seeking a 40' shoreline setback variance to extend northwest side of existing structure 24 feet located on 53 Clearwater Lake Rd in the LC-10 acre zone. The applicant stated that the home sites in the middle of the lot and is restricted by the lot size of 170' x 70'. Jim Steen asked if the deck would be on the front of the house. Craig Campanaro stated that the deck will be moved to the addition 12' out, there will be no new bathrooms, no septic changes, the septic is located 15' off the back of the house. Being no further comments or questions, Jim Steen made a motion to close the public hearing, 2<sup>nd</sup> by Curt Castner. All Ayes.

**File # 2009-02AV Tax Map 20.10-1-50 Adirondack Lodges HOA Inc.** Seeking variances to build a Gabion retaining wall on parcel located at 39 Mill Creek Rd in the CR-20,000 and R1-1.3 acre zones. Harry Balz stated that he is the Corporate Secretary of the HOA, and a member of the Town Planning Board explaining the project to stated that the wall work will be done on the beachfront to stop erosion of the county road, 74 families utilize this beach and the wall will be 3' high and 150' long. Dan Smith asked why the HOA chose this method over another method. Harry Balz stated that other methods were more expensive, timber (curb) would not be appropriate this type of Gabion wall will blend in well to the neighboring property and this will be visually more attractive and only seen from the lake not the road. Gary Frenz read the Warren County Planning Board recommendation of No County Impact asking if anyone had any comments or questions. Being no further comments or questions, Jim Steen made a motion to close the public hearing, 2<sup>nd</sup> by Cheryl Erickson. All Ayes.

The Regular meeting of the ZBA was called to order by Vice-Chair Gary Frenz. Curt Castner made a motion to approve the January minutes with corrections, 2<sup>nd</sup> by Dan Smith. All Ayes.

### UNFINISHED BUSINESS:

**File # 2008-46 AV Tax Map 38.15-1-14 Craig Campanaro** seeking a 40' shoreline setback variance to extend northwest side of existing structure 24 feet located on 53 Clearwater Lake Rd in the LC-10 acre zone. Discussion ensued amongst board members. Gary Frenz asked Zoning Administrator Gary McMeekin as to the need for variances from the high water mark since the "lake" does not exist today. Gary McMeekin stated that he still considers this an existing lake due to the expectation that the dam could get fixed and water would return. Dan Smith stated that this is a modest addition adding 576 sq. ft. to a dwelling of 672 sq. ft. with no additional bathrooms, adding 1 bedroom. Jim Steen added that this home is currently on piers. Craig Campanaro stated that the new addition would be built on a slab. Dan Smith stated that the septic placement and the side-yards limits an alternative to this project then made a motion to approve this variance as there would be no undesirable change to the character of the neighborhood or detriment to nearby properties as this is a modest expansion, the benefits sought can not be achieved by other means due to the width of the parcel and the septic placement, the request is moderately substantial and 576 sq. ft. addition to a single family dwelling, no environmental impact on the conditions in the neighborhood or district as this is a one family use with no additional bathrooms and no