

**Town of Horicon
Zoning Board of Appeals**

**August 27, 2019
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson, Vice-Chairperson
James Dewar
Rich Nawrot
Ross Schoembs
Troy Scripture, Alternate #1

Also Present: Kristi Drinkwater, Michael Bagley, Don Sweetser, Michael Black, Bob Olson and Jim Steen, Zoning Administrator

Pledge

Review of Minutes: Vice-Chairperson Scott Olson made a motion to accept the July 23, 2019 minutes as written. Second by Ross Schoembs. **ALL AYES.**

PUBLIC HEARING: **File 2019-07 AV**
 Tax Map # 36.12-1-66
 Blue Sky Estates Association, Inc.
 East Shore Drive
 Adirondack, NY 12808

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback in order to construct a 3' x 120' stone retaining wall along upper beach to prevent erosion to sit at 0' where 50' is required.

Donald Sweetser, an officer of the corporation is representing Blue Sky Estates Association and he spoke about the proposed project. He stated that a couple of years ago in coordination with Warren County Soil Conservation and the DEC, they put a natural stone wall in down by the lake to prevent erosion and to prevent sand from getting into the lake. They put in drainage lines and a few other things as requested by the DEC and Warren County. On the upper wall at the time they used coconut matting and grass seed to hold the upper wall in place. The problem this year because the water stayed high for about three weeks, there was serious erosion that caused this wall to fail and it will continue to fail unless they come up with a different solution which would be putting a stone wall with fabric and drainage behind it and plant ivy on top of the wall. The wall will extend from the large pine tree by lower beach and run up towards our parking lot. They will be putting in stone steps about 4 feet wide by the flagpole to get from the lower beach to the upper beach as well.

Chairperson Cheryl Erickson stated that this is the beach for the entire association and about how many families are in the association.

Don Sweetser responded there are about 59 homes, so about 59 families and they are very busy from Memorial Day through Labor Day. He has been a full time resident since 1987.

Chairperson Cheryl Erickson asked when the last time the DEC was out to the site.

Don Sweester stated that they were there about three years ago.

Chairperson Cheryl Erickson asked if at that time you talked about the retaining wall with them.

**Town of Horicon
Zoning Board of Appeals**

**August 27, 2019
Minutes**

Don Sweetser stated no, it was not necessary at that time because they put a drainage ditch in at that time on the opposite side which worked fine.

Chairperson Cheryl Erickson stated that from the pictures you presented you can see that the area needs a retaining wall.

Rich Nawrot stated that he looked at the site and the water this year was unusually high.

Don Sweetser stated that this year it was from all of the wave action that happened as well as the water.

Rich Nawrot stated that he believes they need a stone wall there because it will just keep happening again and again if not fixed properly.

Ross Schoembs stated he would just be throwing money away if you don't fix it properly with a stone wall and looks very consistent with the rest of the area.

Zoning Administrator Jim Steen stated that this is the only feasible fix for the section to be repaired.

Chairperson Cheryl Erickson asked Don Sweetser about the drainage ditch in front of the retaining wall at the lower beach.

Don Sweetser stated that in front of the retaining wall there is a drainage ditch which keeps all the silt out of the lake. The new wall will have a drainage ditch as well.

Vice-Chairperson Scott Olson asked if he would be using large stone or rip rap.

Don Sweetser stated that they will be using larger stones.

Chairperson Cheryl Erickson asked if there were any other questions or comments.

Being no further questions or comments Vice-Chairperson Scott Olson made a motion to close the Public Hearing. Second by Rich Nawrot. **ALL AYES.**

Chairperson Cheryl Erickson stated that the Warren County review was received and that the County states this project will not create any significant municipal or county wide impacts.

The SEQRA form was reviewed by the Board members and Vice-Chairperson Scott Olson made a motion that based on the information and analysis and any supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Second by Ross Schoembs. **ALL AYES.**

The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety and welfare of the community.

**Town of Horicon
Zoning Board of Appeals**

**August 27, 2019
Minutes**

The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant because they tried unsuccessfully to stop the problem of silt washing into the lake and the erosion by placing the silt fence and grass to remediate. This failed a number of times. The large rocks will do a better job of preventing erosion. This is the most responsible solution.
2. There will not be an undesirable change in the neighborhood character or undesirable change to the nearby lake properties. This is consistent with the neighborhood and the community. It is also consistent with what is already at the lakeside on this beach property.
3. The request is substantial; however, this will protect what is already existing at the site on the Association Beach.
4. There will be no adverse physical environmental effects on the property or to the neighboring properties. This proposed project will create positive environmental effects by limiting the amount of silt into the lake and improve what is there now. It will prevent silt from washing into the lake and it is a durable solution that will contain the lawn.
5. The proposed project is not self-created. The changing nature of the lake and the unusually rainy spring that we had created the problem.
6. This is the minimum variance necessary because it is just adding to what is already there and will be exceeding what is there making a considerable improvement.

Being no further discussion Vice-Chairperson Scott Olson made a motion to approve the requested Area Variance from **Zoning Code 6.10** for a shoreline setback in order to construct a 3' x 120' stone retaining wall along upper beach to prevent erosion to sit at 0' where 50' is required. Second by James Dewar. **ALL AYES.**

PUBLIC HEARING: **File 2019-08 AV**
 Tax Map # 106-1-9
 Adirondack Mt. Land LLC – Michael Black, owner
 Hayesburg Road
 Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for lot size of **Lot 1: 22.63** acres and **Lot 2: 30.19** acres where 42.6 acres is required.

Michael Black spoke about his proposed project. He owns 53 acres on Hayesburg Road where he proposes to do the subdivision. The issue with the property is it is located in 3 different zones. A 5 acre zone in front, a 10 acre zone in the center and a 42.6 acre zone in the back of the property. According to the Town Law you use the most restrictive zone when doing a subdivision. The APA requires only 8.5 acres in this Rural Area. I received a non-jurisdictional letter from the APA that is enclosed with the application stating a permit is not needed for this proposed project. There are no wetlands on the property. The Planning Board has approved the Subdivision with the condition that the ZBA and the APA approve the requested variances as well.

Chairperson Cheryl Erickson asked Michael Black if he has the adequate road frontage.

Michael Black responded yes the road frontage is adequate he will just need the variance for the undersized lots to be created.

Being no further questions or comments Vice-Chairperson Scott Olson made a motion to close the Public Hearing. Second by Ross Schoembs. **ALL AYES.**

**Town of Horicon
Zoning Board of Appeals**

**August 27, 2019
Minutes**

The SEQRA form was reviewed by the Board members and Vice-Chairperson Scott Olson made a motion that based on the information and analysis and any supporting documentation, the proposed action will not result in any significant adverse environmental impacts. Second by James Dewar. **ALL AYES.**

The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety and welfare of the community.

The ZBA further finds:

1. The proposed project might be achieved by other means feasible to the applicant but that would create one small lot and one very large lot which would not be beneficial to the community and less desirable. It is better to have two good sized lots. It's more feasible for the applicant to create the 22.63 acre lot and the 30.19 acre lot. That is more consistent with the community.
2. There will not be an undesirable change in the neighborhood character or undesirable change to the nearby properties because it fits nicely with the neighborhood and it fits better than what would be permissible under the Town Zoning Law. It will be a positive change and it makes more sense to subdivide the land as proposed.
3. The request is substantial on paper; however, the characteristic nature of the lots make this less substantial and a very logical request. It makes more sense to create a 22.63 acre lot and a 30.19 acre lot. The APA does not have the same regulations as the Town Zoning Law does (using the most restrictive zone in split zones). The way he is proposing to divide the property is more environmental friendly and will preserve the wilderness area behind the homes.
4. There will be no adverse physical environmental effects on the property or to the neighboring properties. They have plenty of road frontage and will be adding two new driveways having no impact on the neighborhood. There will still be wilderness behind the proposed homes.
5. The proposed project is not self-created because the 53 acre property was purchased and it was not known that it was in three different zones, so the Zoning Law dictates this variance.
6. This is the minimum variance necessary because it is a reasonable request and the property will be split right down the middle retaining the wilderness area behind the proposed homes.

Being no further discussion Vice-Chairperson Scott Olson made a motion to approve the requested Area Variance from **Zoning Code 6.10** for lot size of **Lot 1: 22.63** acres and **Lot 2: 30.19** acres where 42.6 acres is required. Second by James Dewar. **ALL AYES.**

Reminder: Registration forms were received and sent to Town Board for approval on August 15, 2019 for the upcoming September 26, 2019 training at Ft. William Henry in Lake George. The Town Board approved the attendees for training.

Correspondence:

Public Comments: none

Board Comments: none

Adjourn: 7:40 PM

Next meeting date: September 24, 2019

Respectfully Submitted,
Terri Katsch, Secretary

