

**Town of Horicon
Zoning Board of Appeals**

**December 17, 2019
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson, Vice-Chairperson
James Dewar
Rich Nawrot
Ross Schoembs
Troy Scripture, Alternate # 1
Brian Logan, Alternate # 2

Also Present: Robert Boutelle, Rick Wolfe and Bob Olson.

Pledge

Review of Minutes: Vice-Chairperson Scott Olson made a motion to accept the November 19, 2019 minutes as written. Second by Rich Nawrot. **ALL AYES.**

PUBLIC HEARING: **File 2019-10 AV**
Tax Map # 55.-2-11.3
Robert and Tracy Boutelle
7457 State Route 8
Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback in order to stabilize roughly 80' of shoreline with large rocks/boulders 4'-5' in height to sit at 0' from the shoreline where 50' is required.

Robert Boutelle was in attendance to speak about his proposed project. He refreshed the Board's memory reminding them they have 80' of shoreline with a steep grade that will require an area variance to install large boulders 4' – 5' in height to prevent erosion close to the water. He thought the boulders would be the least invasive and the most cohesive to the existing shoreline and will also install shrubs and vegetation to prevent runoff into the lake and keep it looking as natural as possible. They had runoff further up on their lawn about a month ago that they will be addressing in the spring.

Jim Dewar asked if there was access to get down to the site at the shoreline with equipment.

Rob Boutelle stated there is access; however, they had their docks removed and they put the docks right across the access point. So in terms of correcting what just happened they will have to wait until the spring to address that issue and their excavator Bernie Bolton said that with the ground freezing it will be fine until the springtime.

Jim Dewar stated that he thought there was a concern previously with large boulders.

Chairperson Cheryl Erickson stated that she walked around at the site and from the beach area up to the shelf is terraced up and those sized boulders would be the appropriate size.

Chairperson Cheryl Erickson also stated that the shoreline does need that stability and the boulders will improve the look of the shoreline as well.

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Jim Dewar asked if there will be a natural lawn put in above where the boulders will be placed.

Rob Boutelle responded that yes there is existing sod down already and they kept the construction fence up between the sod and the place of the retaining wall site and once the shoreline stability is put in place they will remove the construction fence and it will come together nicely.

Chairperson Cheryl Erickson passed pictures of the site to other Board members that she had taken on Sunday for them to review.

Jim Dewar asked if there are any other plans for culverts or drainage on the property.

Rob Boutelle responded no they have already put drainage on the sides of the property during the construction of the home and there should not be any other need for drainage.

Scott Olson recollected a previous project that was similar to this project and what the Board members should look at during these discussion of these types of projects.

Chairperson Cheryl Erickson stated that the project he was talking about was very different from this project. The one Scott was referring to was a more difficult project.

The Board discussed the two projects and the differences between the two.

Chairperson Cheryl Erickson asked if there were any other questions or comments and for the record there are two letters from adjoining neighbors in support of the project.

Chairperson Cheryl Erickson also stated that the Warren County Planning project review was received and it indicated that the project will not create any significant municipal or county-wide impacts.

Scott Olson made a motion to declare this a SEQR Type II action and not subject to SEQR review. Second by Rich Nawrot. **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 cannot be achieved by other means feasible to the applicant because there really is not any place else to locate this retaining wall on the property. The applicants are trying to restore the rocky shoreline to rectify a situation using all-natural materials and boulders would be more in keeping with the lakefront.
2. There will be no undesirable change in neighborhood character or undesirable change to nearby properties. It is in keeping with the rest of the shorelines in the area and there are two letters from adjoining owners in support of this project.
3. The request is substantial; however, it is just a shoreline setback request to create a retaining wall on the shoreline which is not prohibitive.
4. The request will not have any adverse physical or environmental effect on the property or to neighboring properties in fact it will have a positive effect by stabilizing the shoreline and preclude runoff.

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5. The proposed project is not self-created. It is a natural bank as it is and will be stabilized with natural materials.
6. This is the minimum variance necessary. It is matching with the natural shoreline. Being it is not an engineered project the Board will impose conditions.

Being no further discussion and based on the previous discussion Scott Olson made a motion to approve the requested variance for a shoreline setback in order to stabilize roughly 80' of shoreline with large rocks/boulders 4'-5' in height to sit at 0' from the shoreline where 50' is required **with the following conditions:**

1. Adequate silt prevention barrier installed during construction and behind the wall which will be permanent. Temporary silt fencing in front of the wall to prevent any disturbance during and after construction.
2. Restore natural vegetation in and around the rocks to prevent further runoff. Second by Ross Schemes. **ALL AYES.**

PUBLIC HEARING: **File # 2019-11 AV**
 Tax Map # 105.2-1-29
 Myla Pitt
 20 Chestnut Drive
 Brant Lake, NY 12815

Requesting an Area Variance from Zoning Code 6.10 for a roadway setback to enclose a 12' x 20' new deck with a screen porch.

Rick Wolfe stated he is representing Myla Pitt in order to put a porch addition on her home and screen it in.

Chairperson Cheryl Erickson asked if the location of the garbage cans is where the porch will end.

Rick Wolfe responded yes.

Jim Dewar asked if the side of the house and back door would remain and would there be any electric.

Rick Wolfe responded that yes there would be a ceiling fan and with a couple of outlets.

Jim Dewar asked if this would be a peaked roof with a ceiling.

Rich Wolfe responded it will be a finished ceiling.

Chairperson Cheryl Erickson stated that she was out at the site on Sunday and there is a whole stand of trees in front of where the porch is located and will make it very hard to tell a porch is there.

Rick Wolfe stated he is going to be raise it up to door height to get it off the ground a little more.

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

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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 cannot be achieved by other means feasible to the applicant because you would have to put the porch somewhere else on the house which would not be feasible. It is not a big variance request and it will make the porch more usable for the homeowner as a screened in porch in this wooded area is a necessity.
2. There will be no undesirable change in neighborhood character or undesirable change to nearby properties because it fits in perfectly with the character and nearby properties that have larger porches than this project.
3. The request is not substantial because it is just the corner of the porch that is only requesting a 3' variance and is barely visible from the road.
4. The request will not have any adverse physical or environmental effect on the property or to neighboring properties.
5. The request is self-created because the homeowner wants a bigger porch, only 4' larger and screening it in is not prohibitive.
6. This is the minimum variance necessary because it is already screened in by trees and there will be no cutting of trees.

Scott Olson made a motion to approve **File # 2019-11 AV** for the requested Area Variance from **Zoning Code 6.10** for a roadway setback to enclose a 12' x 20' new deck with a screen porch. Second by Jim Dewar. **ALL AYES.**

Reminder: None

Correspondence: None

Public Comments: Bob Olson, Town Board member extended his thanks and appreciation from the Town Board to the ZBA members for their dedication and the fine job they perform. They control over 100 million dollars' worth of development every year in the Town. He wished the Board members Happy Holiday's.

Board Comments: None

Being no further comments Scott Olson made a motion to adjourn the meeting. Second by Jim Dewar. **ALL AYES.**

Adjourn: 7:35 PM

Next meeting date: January 28, 2020

Respectfully Submitted,
Terri Katsch, Secretary