

SPECIAL PUBLIC HEARING OF THE ZBA BOARD

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson
Pat Farrell
James Dewar
Rich Nawrot
Ross Schoembs

Also Present: Tim Beadnell, Troy Beadnell, Patience Beadnell, Carri Beadnell, Bob Olson, Jim Steen, Zoning Administrator,

Chairperson Cheryl Erickson called the meeting to order at 6:00 p.m.

Pledge

PUBLIC HEARING:

NEW BUSINESS:

File 2018-05 AV

Tax Map # 122.-3-3

Ridin-Hy Ranch
64 Riding High Ranch Road

Requesting an Area Variance for a shoreline setback from **Zoning Code 6.10** to add a second story to a non-confirming first story to sit 55' 5" from the shoreline where 75' is required.

Tim Beadnell was present to speak about his proposed project. He went over the proposal again for the Board members. He stated that his grandfather started the ranch in the 1940's which predated the APA or Town of Horicon Zoning laws. It was partially one story, then partially two stories. That building burned in 1982 and it was rebuilt on the same footprint and same distance from the lake, that building was mostly one story but partial two story. Seventy percent of the old building was about two story and eight rooms were added to the second story during that reconstruction.

On October 27, 2017 they lost that building to a fire and are now in the process of rebuilding. They want to go two stories on this rebuild and it will be built on the same footprint. This building will be a complete two story. A portion of the new two story faces the lake and does not meet the shoreline setback. The old bldg. was about 120' x 100'. The new building will also be 120' x 100' and will adding a portico and vestibule to the west side of the building that is about 125' – 130' from the lake, so that meets the setbacks. The proposed height of the new building will be 35' where the original structure lost to the fire was 33' in height. The increase in height is due to the current updated building codes, much thicker floor framing and the insulation envelope for roof framing is much thicker. The only portion outside of that main footprint will be the portico and vestibule (which will be 30' x 60' total) and is 125' from the lake which is in the conforming area. Within the 75' setback from the lake there is approximately 1300 square feet and will be two stories which will be about the same. The reason to go up is due to changes in the building codes which requires additional stairways, to be ADA compliant with wider hallways and the mechanical systems that take up more room. They have to add an elevator as well. Two stories are necessary due to lack of space due to meeting new code requirements. We could have added square footage by extending to the east; however, that would have had a greater effect on visual impact from the lake. There will be less impact on disturbance of ground and impervious soils and such by adding the second story. As far as visual impact of the new building versus the new structure there

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is a minimal impact. There is only about a 2' difference as you can see from the diagram which shows the original structure in black and the new structure rising only 2' above the old structure.

They are not proposing any additional screening because the original lodge that was built in the 1940's was pretty open from the building to the shoreline and the building in 1982 had the same view to the lake. Anybody with a home on the lake or boating on the lake has been looking at this structure from the lake with the same view since the 1940's and they have been very complimentary over the years to the Ranch. To the southeast corner of the building there is a large grove of oak trees that goes down the shoreline of the lake and that provides screening of two thirds of the lake when you look towards the ranch that maintains the building silhouette from the lake. Tim showed the Board a map of Sherman Lake itself and stated the green dots are existing vegetative screening. The orange outline are private residences that received the written notice of this project and this property across the lake is his brother's house. His brother and sister-in-law submitted a letter indicating they are in favor of the project. All the orange area are private residences that have submitted their support for the project in writing and the vast majority of homes on the lake cannot see the building from their homes.

Tim Beadnell stated that the issue of storm water is being addressed by Zach Monoroe of Winchip Engineering and showed the Board members a preliminary plan for the storm water. Tim stated that they don't have a final plan due to the snow on the ground and not being able to get a full topography, but they are optimistic. Tim also stated that by the DEC regulations they are required to capture 100% of any new impervious surface water and 25% of the existing as well. When the map gets done they will have to capture about 7800 square feet of impervious surface and will be capturing over 10,000 square feet so they will be doing more than the requirements. We will have catch basins and gutters on surfaces and the pool building. The new building will be able to capture and evacuate the water to the north. One of the benefits of going to a two story will raise the roof level and help remove the storm water from discharging to the lake. It will daylight in the middle of a lower area on the ranch. They will be capturing from the back side of the building where the roof is higher and will be daylighting out over another area of the resort in front of where the horses are located. There is not a formal storm water plan yet because of the topographical data; however, they have shot preliminary grades and they will be doing a formal plan and can confidently say based on the preliminary plan this will work. There was also a question of why can't they move the back 20' and the reason is because of another existing building.

Chairperson Cheryl Erickson asked if they are adding more rooms.

Tim Beadnell said they are actually losing rooms and he indicated that the septic is being worked on with the NYS Department of Health.

Scott Olson asked in looking at the setback area what square footage will be added?

Tim Beadnell stated about +/-1300 square feet that will be within the 75' setback.

Chairperson Cheryl Erickson asked about the square footage of the entire building.

Tim Beadnell stated that the main building without the portico is roughly 12,000 square feet.

Chairperson Cheryl Erickson asked if the building that burned was also 12,000 square feet.

Tim Beadnell stated yes it is the same footprint.

Pat Farrell stated that he was more than satisfied with this presentation.

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Bob Olson speaking as a resident of the town stated that he is favor of this proposal and the Ranch is a substantial economic entity in the town.

Zoning Administrator Jim Steen asked how much square footage will be lost.

Tim Beadnell stated they are losing eight rooms but lost significantly more than 1300 square feet due to the new building codes, mechanical system requirements, the stairs and the elevator. They are adding one additional staircases inside the building as opposed to one staircase in the previous building to meet the egress requirements. Plus an elevator was added.

Scott Olson made a motion to close the Public Hearing. Second by Jim Dewar. **ALL AYES.**

Town Attorney Leah Everhart stated that the Board will now address the SEQRA form.

Scott Olson made a motion to adopt a SEQRA negative impact declaration as there are no significant adverse environmental impacts likely to result from this project. Second by Pat Farrell. **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 the previous building is gone and a new building has to be built that is code and ADA compliant. The footprint will remain essentially the same, just going up one story. It is less disruptive to go up than to expand out. He really cannot expand out because of the large pool building to the north, another building to the east, they can't get closer south because that is the lake and to the west is the established driveway and other camp infrastructure. It's not new construction just reconstruction.
2. There will be no undesirable change in the neighborhood character or undesirable change to any nearby properties because it is part of an established business and it will need to be code compliant. The exterior will have a very appealing Adirondack look appropriate to the area. Each time it's been rebuilt it becomes nicer and nicer. It is their business to be attractive to the outside community and they have at least ten people in the neighborhood who have submitted letters that indicate it will be an enhancement to the neighborhood and their properties as well. The plans are beautiful. There have been no negative comments at all about this proposed project. The visual impact will be improved with a new beautiful Adirondack style wall with windows seen from the lake instead of a flat roof. They have addressed all of the impacts of the expanded structure on the storm water and are in the process of developing a formal storm water plan with Winchip Engineering. Given that Tim Beadnell had already started the process for a formal storm water runoff plan and was unable to finalize it because of the snow on the ground, the Board decided they were satisfied with the information they had and that the correct steps were being taken by Ridin-Hy and therefore did not feel it was necessary to condition the variance for a final storm water plan and hold up the rebuilding of this structure. They talked about the possibility any vegetative screening to mitigate any visual impacts from the second story and found that any planting to hide the second story would probably not be effective, nor be required. The second story is visually pleasing and would present a better view from the lake and the second story was always visible from the lake. The additional part of the building would not cause any negative impacts. The area specifically discussed for vegetative planting is the recreational beach area used for swimming and sunning. If vegetative plantings were used in that area they would be right in the middle of this beach making the swimming and sunning activities at the ranch unfavorable.
3. The requested variance is not substantial numerically and the part triggering the variance is even less substantial because they are only going 55'.5" away from the shoreline which is a 15' (20%) request for a variance. It is not changing the original footprint and if this was not a second story there would be no need for a variance at all.

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4. The request will have no adverse physical or environmental effects on the property or to neighboring properties. The storm water issue has been addressed and will actually improve the impact on the storm water area from what was there previously. The old building had the water running to the lake. The majority of the roof of the proposed second story within the shoreline setback will be pitched to the sides directing roof runoff laterally as opposed to the roofs of the previous structure which directed roof runoff toward the lake. The appearance of the new building is more aesthetically pleasing than the previous building. There is only a 2' difference in the view from the lake in the new building (looking at the view on the drawing submitted by the applicant). There is no additional vegetative screening proposed because there is quite a lot there on the periphery already. The neighbors are very used to the view which has been there since the 1940's. You can't visually hide the second story by adding vegetation. The foliage around the building has been existing and will not change. They have mature trees on the south east side that are about 70' tall. The added portico and vestibule are not within the 75' shoreline setback and there is no physical or environmental effect and not subject to a variance.
5. The alleged difficulty is not self-created as the fire was an accident that was caused by a guest. The additional second story is needed due to new building code regulations and ADA regulations which requires more room in the halls, the bathrooms, the stairwells and the addition of another stairwell inside the building as well as an elevator. They have lost eight rooms and will only be adding +/- 1300 square feet.
6. This is the minimum variance necessary for this setback because there are no other options. The requested variance is building on the same footprint and part of the building triggering the variance does not extend any closer to the lake than the previous building. They cannot move back away from the lake because there is a pool building behind this building. To the east there are a couple of smaller buildings and to the west would not get any further away from lake and is where their access roads and infrastructure is located such as driveways.

Being no further questions or comments and based on the previous discussions, Scott Olson made a motion to approve the Area Variance for a shoreline setback from **Zoning Code 6.10** to add a second story to a non-confirming first story to sit 55' 5" from the shoreline where 75' is required. Second by Pat Farrell. **ALL AYES.**

Minutes Review: Scott Olson made a motion to accept the March 13 2018 minutes as amended. Second by Pat Farrell. **ALL AYES.**

Chairperson Cheryl Erickson made a motion to make Scott Olson the Vice-Chairperson of the ZBA. Second by Jim Dewar. **ALL AYES.**

Scott Olson made a motion to adjourn the meeting. Second by Rich Nawrot. **ALL AYES.**

Adjourn: 8:00 PM

Next Meeting Date: March 27, 2018

Respectfully Submitted,
Terri Katsch, Secretary