

**Town of Horicon  
Zoning Board of Appeals**

**March 27, 2018  
Minutes**

**Present at Meeting:**

Cheryl Erickson, Chairperson  
Scott Olson  
Pat Farrell  
James Dewar  
Rich Nawrot, Alternate # 1  
Ross Schoembs, Alternate # 2

**Also Present:** Town Attorney, Justin Grassi, Fred Spezza, Deb Spezza, Gerri Groff, Maclane Hadden, Rob Gilchrist, Todd Levinson, Bob Olson, and Jim Steen, Zoning Administrator.

Chairperson Cheryl Erickson called the meeting to order at 7:00 p.m.

Chairperson Cheryl Erickson appointed Rich Nawrot, Alternate # 1 as a voting member in the absence of Gary Frenz.

**Pledge**

**Review of Minutes:** Pat Farrell made a motion to accept the March 23, 2018 minutes with changes as noted. Second by Scott Olson. **ALL AYES.**

Scott Olson made a motion to accept the February 27, 2018 minutes as written. Second by James Dewar. **ALL AYES.**

**PUBLIC HEARING:**

**File 2018-01 AV  
Tax Map # 70.15-1-5  
Rob Gilchrist  
3566 E. Schroon River Road  
Pottersville, NY 12860**

Requesting an after the fact Area Variance for a roadway and side yard setback for a covered porch; a roadway setback for a shed and a roadway setback for a screen porch from **Zoning Code 6.10**. The covered porch needs a roadway setback for structure to sit 44.5' feet where 60' is required and a side yard setback for structure to sit at 0' feet where 15' is required. The shed needs a roadway setback for the structure to sit 36' feet where 60' is required and the screen porch needs a roadway setback to sit 41.5' feet where 60' is required.

Rob Gilchrist was present to speak about his proposed projects. He stated that he has lived in that house since 1999 and his father was the prior owner since 1984. He put in a new shed over the summer (2017) on the same footprint as the existing shed and it was the same distance from the road. He also put in a screen porch in 2012 that sits back from the road 41.5' and the front of the house sits back 30' from the road. When he put the screen porch on he did not think it was an issue. There is a covered porch on the other side of the house to keep snow off of the propane cylinders for safety reasons to protect the propane lines and the side of his house.

Chairperson Cheryl Erickson asked when he put up the covered porch.

Rob Gilchrist stated last fall (2017).

Chairperson Cheryl Erickson asked if the original shed is on the exact same footprint.

Rob Gilchrist stated that the old shed was built by his father and was about 10' x 10' with an extension off the side. And it was pretty close to where the new shed sits.

Chairperson Cheryl Erickson said so it does not sit exactly on the same footprint.

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Chairperson Cheryl Erickson asked if Eric and Eric built the screen porch.

Rob Gilchrist stated no prior to buying in the early 1990's they did work but did not build the shed but an enclosure with glass in the front of the house closer to the road.

Chairperson Cheryl Erickson asked if he got a Zoning Compliance Certificate from the Zoning Office for the shed or the porch.

Rob Gilchrist stated no he did not.

Rich Nawrot asked if he got a Zoning Compliance Certificate for the covered porch over the propane tanks.

Rob Gilchrist stated no he did not.

Zoning Administrator Jim Steen stated there was a Zoning Compliance Certificate issued in 1995 for an 8' x 20' solarium placed within the original footprint done by his father. Eric and Eric did the back extension and received a variance in 1997 that needed a side yard setback that was approved. As far as the shed goes the Assessors record had it down as a 7' x 15' shed and in 2016 a Zoning Compliance Certificate was issued for a deck on the other side of the property that showed it was an 8' x 8' shed and now it is a 12' x 16' shed as shown on the application.

Rob Gilchrist stated the 12'x16' shed was built by Garden Time is currently the one on the property.

Zoning Administrator Jim Steen stated that when he was riding by the house he noticed a new wood shed on the side of the property and a covered porch. That is how this all came about.

Chairperson Cheryl Erickson said that it looks like the neighbor has something right on the property line on his side of the fence next to Rob Gilchrist.

Rob Gilchrist stated it is a dilapidated shed on the neighbor's property and so he put up a fence in between the two properties in order to hide that shed and that is right on his property line by the propane tanks at 0' side yard.

Jim Dewar wanted to clarify what is at 0' clearance.

Rob Gilchrist stated the covered porch over the propane tanks is at the property line at 0' clearance from the side yard.

Pictures were passed around showing the old and the new structures on the property for the Board to review.

Zoning Administrator Jim Steen stated that his policy is not get involved in prior Zoning Compliance Administrator's approvals only approvals since he became the Zoning Administrator. This did occur when he was first hired as the Zoning Administrator; however, he just noticed it recently because there were extenuating circumstances when he was first hired as Zoning Administrator.

Rich Nawrot asked if anyone told him he needed to get a Zoning Compliance Certificate or a permit for the shed. Did Garden Time tell you that a permit was necessary?

Rob Gilchrist responded no.

Bob Olson addressing the Board as a town resident stated he has been involved in land use since 1972 and he is very concerned about the covered porch over the propane tanks being built right on the property line. He feels it would be a dangerous precedent to set to approve something to be built right on the property line at 0' clearance from the side yard.

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Cheryl Erickson asked Zoning Administrator Jim Steen if the shed is on the property line does he have at least 15' from the back property line.

Zoning Administrator Jim Steen stated that he has the required rear yard setback.

James Dewar stated that all the snow on the roof over the propane tanks is going on the neighbor's property.

Rob Gilchrist stated that it goes right on the property line, which is not exactly 0' and the snow on his shed falls in the same place.

Jim Dewar stated that he can appreciate an overhang but 10' is a good size.

Rob Gilchrist stated that Suburban Propane suggested the propane tanks go 10' away from the house for safety reasons.

James Dewar asked if he could have relocated them.

Rob Gilchrist stated that they could not be moved without significant excavation.

Chairperson Cheryl Erickson asked if the propane tanks prior to being moved were 3' from the house and was that not a good distance from the house.

Rob Gilchrist stated that Suburban Propane is the one that recommended the tanks be at least 10' away from the house and exhaust.

Zoning Administrator Jim Steen asked how many propane tanks are there.

Rob Gilchrist responded two 100 gallon tanks.

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

**UNFINISHED BUSINESS:**            **File 2018-01 AV**  
   **Tax Map # 70.15-1-5**  
   Rob Gilchrist  
   3566 E. Schroon River Road  
   Pottersville, NY 12860

Requesting an after the fact Area Variance for a roadway and side yard setback for a covered porch; a roadway setback for a shed and a roadway setback for a screen porch from **Zoning Code 6.10**. The covered porch needs a roadway setback for structure to sit 44.5' feet where 60' is required and a side yard setback for structure to sit at 0' feet where 15' is required. The shed needs a roadway setback for the structure to sit 36' feet where 60' is required and the screen porch needs a roadway setback to sit 41.5' feet where 60' is required.

Chairperson Cheryl Erickson stated that they would now review the application using the Balance Test and asked if the Board would like to review all three variances together or separately.

Town Attorney Justin Grassi stated that he suggests the Board review each variance request separately.

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Scott Olson agreed and he would like to do the screen porch first, then the shed and then the covered porch over the propane tanks last.

This is a Type II SEQRA action and therefore no action is needed.

The variance request is for the pre-existing screened porch built in 2012 to sit 41.5' away from the centerline of the road where 60' is required.

Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community.

The ZBA further finds:

1. The benefit cannot be achieved by other means feasible to the applicant because it could not be put on any other side of the house and he put it in behind the entry porch which fits in nicely and is a good use of the space. It does not get any closer to the road.
2. There will be no undesirable change in the neighborhood character or to nearby properties because it fits in nicely and is an improvement to the property.
3. The request is substantial at 30% but still a worthy project.
4. The request will not have adverse physical or environmental effects because it is not a big enough project, it fits in nicely with the neighborhood and a screen porch in the Adirondacks is kind of necessity.
5. This alleged difficulty is not self-created because it's a small lot and he has made the most of his property with the layout. It does not encroach any further to the roadway.
6. This is the minimum variance necessary.

Based on the previous discussion Scott Olson made a motion that the Board approve the screen porch for **File 2018-01 AV, Tax Map # 70.15-1-5**, Rob Gilchrist located at 3566 E. Schroon River Road for an area variance for a roadway setback for the screen porch to sit 41.5' away from the road where 60' is necessary. Second by Pat Farrell. **ALL AYES.**

Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community for the shed built by Garden Time in 2017 for an after the fact variance that is not exactly on the same footprint.

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The ZBA further finds:

1. The benefit cannot be achieved by other means feasible to the applicant because he could not move it back because of steep grade behind the shed. In the absence of a garage a shed is needed.
2. There will be no undesirable change in the neighborhood character or to nearby properties because it cleans up the neighborhood and is an improvement. It complements the house and fits on the property better than the prior shed.
3. The request is substantial however it cannot be moved further back due to the steep grade behind it. All the houses in the neighborhood are close to the road and this shed does not look out of place.
4. The request will not have any adverse physical or environmental effects because there is a small roof area on this shed and no impervious ground located there and there is plenty of place for the runoff to soak in and is approximately the same size as the previous shed.
5. The alleged difficulty is not self-created because the property owner is limited by the size of the lot and there is no garage on the property. It is used for storage in place of a garage.
6. This is the minimum variance necessary and there are no conditions needed. It is the minimum variance necessary because he cannot go back any further from the road due to the incline behind the shed.

Based on the previous discussions Scott Olson made a motion to approve the variance for File # 2018-01 AV, Tax Map 70.15-1-5 for Rob Gilchrist located at 3566 E. Schroon River Road for a roadway setback for a shed to sit 44.5' from the road where 60' is required. Second by James Dewar. **ALL AYES.**

Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community for an after the fact variance for a covered porch that sits 44.5' from the roadway where 60' is required and side yard setback that sits 0' where 15' is required that was put up in 2016.

The ZBA further finds:

1. The benefit can be achieved by other means feasible to the applicant; it can be moved and does need to be in that location. The propane tanks could be moved and the lines buried. There is a requirement for the propane tanks to be at least 10' away from the house for safety reasons and if moved they could achieve that goal. Also, if approved there will be a precedent set for pre-existing non-conforming structures to sit at a 0' side yard. The overhang of 10' is excessive.
2. There will be an undesirable change in the neighborhood character and to nearby properties there are no 0' side yard lot line setbacks in that neighborhood and the board has denied further distances in the past.
3. The request is substantial because it is 100% request which is looked at negatively.
4. The request will not have any adverse physical or environmental effect but will set a bad precedent.
5. The alleged difficulty is self-created. The propane tanks were moved at a recommendation by the propane company but did not tell the homeowner to put up a roof.

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Based on the previous discussion Pat Farrell made a motion to deny the variance for **File 2018-01 AV, Tax Map # 70.15-1-5**, Rob Gilchrist located at 3566 E. Schroon River Road for an area variance for the covered porch due to the substantial request for the side yard setback of 0' where 15' is required and the roadway setback of 44.5' where 60' is required. Second by Scott Olson. **ALL AYES.**

Chairperson Cheryl Erickson told Rob Gilchrist that two of the requested variances for the screen porch and the shed were approved; however, the covered porch request was not approved and he would have to make accommodations for the propane tanks and the covered porch must be removed.

**PUBLIC HEARING:**                      **File 2018-02 AV**  
   **Tax Map # 39.13-2-11**  
   Fred and Deb Spezza  
   1578 Palisades Road  
   Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a side yard setback of five (5') feet where fifteen (15') is required and a roadway setback to sit forty (40') feet where sixty (60') feet is required in order to enclose a concrete deck.

Fred Spezza was present to speak about his proposed project. Since he was last here he sent in a revised floor plan and the septic agreement between himself and Mr. Howells as requested. He stated he is here to answer any questions the Board may have.

Zoning Administrator Jim Steen stated we received two letters opposing the proposed project from neighbors, Mr. Howells and Mr. King. The Board members read the letters and the site plan that was submitted by neighbor Mr. Howells.

Chairperson Cheryl Erickson said to Fred Spezza in speaking to the concern of the neighbor Mr. Howells, you will have a tub, bathroom and additional area in your proposed project.

Fred Spezza stated yes; however, the septic system that he shares with Mr. Howells was engineered for six bedrooms and he will be staying within the parameters of the Septic Agreement being three bedrooms for each home.

Chairperson Cheryl Erickson stated that Mr. Howells will see the addition every time he enters his house.

Fred Spezza stated that there are no windows on Mr. Howells home on that side to be able to see the addition. From the front of his house from his screen porch he can see his lawn. Fred Spezza went on to state his camp is a very narrow camp, 20' wide and by building on the concrete slab it would make it much more livable space. This is a year round home. He does not see it as intrusive for anyone looking up from the lake towards Palisades Road.

Chairperson Cheryl Erickson asked if he is adding extra bathrooms.

Fred Spezza said the house is currently three bedrooms and two baths and he will be adding one extra bath. He is proposing to make a pantry out of an existing small bath with a shower, adding a new full bath in the bedroom and the other bathroom will be a half bath as well.

Zoning Administrator Jim Steen asked Fred Spezza what the dimensions are on the two bedrooms.

Fred Spezza responded that they are small 10' x 8' bedrooms.

Chairperson Cheryl Erickson stated to Fred Spezza that since the last time he appeared before the Board he was going to find out if a Warren County was going to find out about the stability for building on that slab.

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Fred Spezza said that he spoke to the Building Inspector at Warren County and he suggested an engineer inspect the slab to see if it's suitable with the footings to build on. So he will not continue until he gets an answer about the variance.

Scott Olson stated that in order to address Mr. King's concern can he build up instead of on the slab.

Fred Spezza stated he does not think it would look as nice if he builds up. There is a two level roof there already. If the slab was not there he would not do this project.

Scott Olson asked if he did not have the slab there then what would you do.

Fred Spezza answered that he would just probably sell the house.

Chairperson Cheryl Erickson said that she walked the property and the concrete pad faces Mr. Howells house and he won't have a lot of room because the entrance to the Howells house is on the side of his property by the concrete slab.

Scott Olson stated is there any way to mitigate this situation with the visual concerns of Mr. Howells. Is there something that he could build into the project like foliage?

Fred Spezza stated that he is not able to put an oak tree there because there is not enough room.

Chairperson Cheryl Erickson asked how Fred Spezza could address this question in order to address Mr. Howells concerns.

Fred Spezza said he has no answer to that question. He does not feel Mr. Howell is losing anything, in fact the windows on that side of the entry door of Mr. Howells side of the house is a bedroom with a window that is up high on purpose because it's next to another house. That wall would be solid and he could possibly pull the addition back and shorten it up a bit but he does not know if that would satisfy Mr. Howells. He's tight there and he's so close to my lot line and he parks his car there.

Chairperson Cheryl Erickson asked Town Attorney Justin Grassi if the concrete pad grandfathers an addition in this area for Mr. Spezza and she asked if it can be moved to another part of the house just as easily rather than on the concrete pad or is there some benefit because of the existing pad.

Town Attorney Justin Grassi stated there is no grandfathering in on this project because it is just a concrete pad and has no livable space on the concrete pad. He might not be able build up either because that would be an alteration to a pre-existing non-conforming structure so that it might require a variance.

Scott Olson asked if he wanted to put the concrete pad in now and it was not already existing would it require a variance.

Zoning Administrator Jim Steen stated that if the concrete pad was at ground level he would not need a variance but this concrete pad is three or four feet off the ground.

Chairperson Cheryl Erickson stated that this concrete pad might not be structurally sound so if it has to be removed is there another place to put this proposed project.

Fred Spezza stated that the lot is very narrow and there is no room on the other side of his house to place the addition. That side with the concrete pad would be the most likely side to place the addition. Because of the cost of a new foundation he would not consider it.

Jim Dewar asked if it is three or four feet high is there any way to get under it to see the footings.

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Fred Spezza stated no, it's three sided and backfilled with concrete and six inches deep.

Chairperson Cheryl Erickson asked for the dimensions of the pad.

Fred Spezza responded the dimensions are 15' x 25'.

Jim Dewar stated that the fact that it's pre-existing does help with this proposed project, in his opinion.

Chairperson Cheryl Erickson stated that when she was on the property she did see that Mr. Howells house is very close to Mr. Spezza's house.

Rich Nawrot stated that Mr. Howells house is a total of 28' from this proposed structure.

A short discussion ensued between the Board members regarding the structural stability of the concrete pad and the distance between Mr. Spezza's house and Mr. Howells house.

Zoning Administrator Jim Steen stated that if the existing structure does not go down 4' then Warren County will say he would not be able to build on it.

Chairperson Cheryl Erickson asked if Mr. Spezza is told by an engineer that he cannot build on the slab then what will he do.

Fred Spezza stated that he would have to give it some consideration then because of the cost and not sure if he could do it.

The Board members discussed possibly putting conditions on the variance if granted. They discussed if Mr. Spezza was told by an engineer the slab is not usable then Mr. Spezza will have to come in with a new proposal and the Board would waive the fee for the new application because it would just be a modified variance.

Being no further questions or discussion Scott Olson made a motion to close the Public Hearing. Second by Pat Farrell. **ALL AYES.**

**UNFINISHED BUSINESS:**            **File 2018-02 AV**  
   **Tax Map # 39.13-2-11**  
   Fred and Deb Spezza  
   1578 Palisades Road  
   Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a side yard setback of five (5') feet where fifteen (15') is required and a roadway setback to sit forty (40') feet where sixty (60') feet is required in order to enclose a concrete deck.

Chairperson Cheryl Erickson stated that the Warren County Planning Review was conducted and found that there is no county impact with this proposed project.

Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community for an Area Variance from **Zoning Code 6.10** for a side yard setback of five (5') feet where fifteen (15') is required and a roadway setback to sit forty (40') feet where sixty (60') feet is required in order to enclose a concrete deck.

The ZBA further finds:



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1. The benefit cannot be achieved by other means feasible to the applicant because due to the fact that there is a non-conforming concrete deck on the property, the extension would make the impact less than the other means available to the applicant. Fred Spezza is constricted in his lot size due the terrain. If the slab is structurally sound and usable the only other means to achieve the goal of adding one bedroom and bathroom would be to put a second story on the house which would have a worse visual impact on the neighborhood. He is closer to the other neighbor on the other side of the house and is restricted in that area as well, so to use the existing concrete deck is the most feasible option.
2. The proposed project will not cause an undesirable change in the neighborhood character or to nearby properties although one neighbor has complained and has objections, the neighborhood is made up of small houses on small lots. One bedroom will not change the character of the neighborhood. All of the houses in the neighborhood are close to the road. The impact towards the lake view is minimal. Although close to the Howells property this is not a pristine undisturbed area. There is a car parked there which provides a little buffer. This is a nice improvement to the neighborhood and not a detriment.
3. The request is substantial because of the side yard setback but is mitigated by the concrete slab being pre-existing.
4. There will be no adverse physical or environmental effect. The roofline on the new addition is already an impervious surface and the roofline is perpendicular to the house.
5. The alleged difficulty is self-created but the pre-existing small home would benefit from the small addition of living space.
6. This is the minimum variance necessary.

Being no further discussion Scott Olson made a motion to approve the Area Variance from **Zoning Code 6.10** for a side yard setback of five (5') feet where fifteen (15') is required and a roadway setback to sit forty (40') feet where sixty (60') feet is required in order to enclose a concrete deck. Second by Jim Dewar. **ALL AYES. The Board imposed the following conditions:**

1. The entire building not have any more than three bedrooms and no other rooms can ever be converted into bedrooms.
2. Any code required egress and/or stairs need to be placed so as not to require any additional variances.
3. Sufficient foliage screening is to be placed on the northwest side of the pre-existing foundation to shield the view to the neighbor's property. A hedge row is to be planted to shield the foundation of the concrete pad from the neighbor and shall be at least 4' in height when planted or the planting of small trees.
4. If the pre-existing slab is determined not to be suitable by Warren County then they will have to come back for a variance modification to ensure that the addition gives the minimal variance necessary in order to achieve their stated desires. If that occurs then a new application would not be necessary and fees would be waived.
5. The project needs to be completed in two years and prior to the issuance of the Warren County Certificate of Occupancy the Zoning Administrator must have a walkthrough inspection of the project to ensure there are no more than three bedrooms.

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**PUBLIC HEARING:**                   **File 2018-03 AV**  
  **Tax Map # 20.13-1-23**  
  Dina Liuzzi  
  712 East Shore Drive  
  Adirondack, NY

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback of 0' where 50' is required to raise the current rip-rap shore wall three (3) feet'. Create a ramp to access the shoreline from the road with a variance request of 10' – 20' for a rip-rap wall from the road where 60' is required and a roadway setback of 25' -40' for a ramp where 60' is required.

Todd Levinson, the spouse of Dina Liuzzi spoke to the Board on the proposed project. He stated that there is a current shore wall at the lakefront that is not high enough to keep floodwaters from covering their shoreline. In the spring and summer the area floods from the rains and the shoreline becomes unusable. So he wants to raise that shore wall up higher than the flood line and back fill behind it to create a usable shoreline. He is also looking to create an access ramp down to the shoreline which will do two things. One make it easier to get down to the shoreline and two there is an area of erosion close to the road which will be corrected with the new ramp. He has received DEC approval for the proposed project.

Chairperson Cheryl Erickson said that he stated last time he was before the Board he will use the existing rocks at the shoreline.

Todd Levinson stated yes, the existing rocks will form the base on the new wall and adding new rocks on top and backfill. The existing flat part of the shoreline will be shrinking due to the angle of the new wall. The DEC is requiring them to keep the existing rocks.

Chairperson Cheryl Erickson asked about the existing shed and if it will be moved.

Todd Levinson stated no it will remain.

Chairperson Cheryl Erickson asked about the access ramp and if any more trees will be removed.

Todd Levinson stated they will be only removing two (2) trees.

Scott Olson asked if the ramp will be a car ramp.

Todd Levinson stated no it will be a cart ramp in order to get a lawnmower down there.

Chairperson Cheryl Erickson asked if they will be leaving the other stairs there.

Todd Levinson said for now but they eventually will be removed because they are in bad shape.

Chairperson Cheryl Erickson asked about the straight lines on the plot plan.

Todd Levinson stated that the DEC requested they plant aquatic plantings there that would help with any erosion and in front of the backfill area as well.

Chairperson Cheryl Erickson asked if the DEC specified what type of aquatic plantings.

Todd Levinson stated no just whatever is naturally occurring in that area.

Chairperson Cheryl Erickson asked if the DEC gave any other guidance.

Todd Levinson stated no.

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Chairperson Cheryl Erickson asked if they planned to put in stairs to the water.

Todd Levinson yes, the DEC recommended that as well and they will be stone stairs.

Chairperson Cheryl Erickson asked if the DEC gave final approval.

Todd Levinson stated yes.

Rich Nawrot asked if he has someone who will be doing the work for him.

Todd Levinson yes, Bernie Bolton will be doing the work.

Rich Nawrot asked if this went to the APA.

Zoning Administrator Jim Steen stated that it will go to the APA after an approval by the ZBA.

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

**UNFINISHED BUSINESS:**           **File 2018-03 AV**  
  **Tax Map # 20.13-1-23**  
  Dina Liuzzi  
  712 East Shore Drive  
  Adirondack, NY

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback of 0' where 50' is required to raise the current rip-rap shore wall three (3) feet'. Create a ramp to access the shoreline from the road with a variance request of 10' – 20' for a rip-rap wall from the road where 60' is required and a roadway setback of 25' -40' for a ramp where 60' is required.

The SEQRA review was read by Town Attorney Justin Grassi and all members responded “no to small” impact for each question.. Based on the review Scott Olson made a motion to declare a negative SEQR declaration as there will be no significant or adverse impacts from this project. Second by James Dewar. **ALL AYES.**

Chairperson Cheryl Erickson stated for the record that the Warren County Planning Review was received and they found that the project will not create any significant impacts.

Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community for an Area Variance from **Zoning Code 6.10** for a shoreline setback of 0' where 50' is required to raise the current rip-rap shore wall three (3) feet'. Create a ramp to access the shoreline from the road with a variance request of 10' – 20' for a rip-rap wall from the road where 60' is required and a roadway setback of 25' -40' for a ramp where 60' is required.

The ZBA further finds:

1. The benefit cannot be achieved by any other means and this project attempts to ensure the least possible disturbance of the property and to mitigate the erosion and degradation of the shoreline caused by high water levels in the lake. Overall it will improve the environmental character of the property.
2. There will be no undesirable change to the neighborhood character or to nearby properties as it will be an improvement and in keeping with the properties on either side of this property.
3. The request is substantial because the nature of the project involves working on the water's edge.

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4. The request will not have any adverse physical or environmental effects because it will improve the lake front creating less erosion and there will be less erosion coming down the ramp from the road down to the lake. The applicant has worked with the DEC to make this as an appropriate project as possible. He has DEC approval and will comply with the vegetative plantings and rocks to be used. The Board had a short discussion on conditioning the approval. The DEC will require a start work form and will come and inspect the project at their will.
5. The alleged difficulty is self-created but ice, nature and water levels along with continued erosion on Schroon Lake so it is a combination of both a want and a need.
6. This is the minimum variance necessary and will impose a condition that he follow the DEC stipulations.

Being no further questions or comments Scott Olson made a motion to approve the a shoreline setback of 0' where 50' from the mean high water mark is required to raise the current rip-rap shore wall three (3) feet'. Create a ramp to access the shoreline from the road with a variance request of 10' – 20' for a rip-rap wall from the road where 60' is required and a roadway setback of 25' -40' for a ramp where 60' is required. Second by Jim Dewar. **ALL AYES. With the following condition:**

1. That the DEC stipulations are followed as approved by the DEC.

**PUBLIC HEARING:**

**File 2018-04-AV  
Tax Map # 70.15-1-12  
Maclane Hadden  
3519 East Schroon River Road**

Requesting an Area Variance for a shoreline setback from **Zoning Code 6.10** to place a covered winter boat storage/open area attached to the garage to sit eighty feet (80') from the shoreline where one-hundred and fifty (150') feet is required.

Maclane Hadden was present to speak about his new application for a covered area next to his garage to use as boat storage. He stated that he spent time today going over choices of trees and shrubbery to enhance the area. He decided at least 3 or 4 of birch trees, also arborvitaes and evergreens and hemlocks in front of structure. He is also going to put a dry well in the ground and/or gutters to absorb the runoff for the roof. He stated this will serve a dual purpose in winter for boat storage and in summer to get out of the sun. He has considered a retractable awning per APA feedback but this would not be an appropriate change in order to mmet his intended goals of the project.

Chairperson Cheryl Erickson asked how he changed this from the original application.

Maclane Hadden stated that he shortened it up a bit. It will be 15' off of the building and 36' wide and will match the roof line of his house so when looking at his property it will all look like it was well thought out and very cohesive.

Chairperson Cheryl Erickson asked if the North side of the building is the road side.

Maclane Hadden stated no. There is a driveway that comes into that side and gives access to get around building with a treed area and he wants to put more trees in that area to give more shelter to the driveway and the structure that is there. It will make a better buffer. To build on that side would he would lose access to go around the garage so the North side infringes on the area where he wants to fill in with the trees not cut have to cut more trees. He has a walking path there as well. The North side does infringe on the driveway. He wants to plant trees on each corner and the roof line of the new structure will match the house roof line.

Maclane Hadden showed the Board members the plan he has for the trees on the site plan.

Jim Dewar asked if with the installation of the new Starbuck dam have you noticed a difference in water level at your property.

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A discussion ensued between Maclane Hadden and the Board members regarding the water moving down the river and the effect on his property. Maclane Hadden stated he is very satisfied with the results of the dam and the water does not come up onto his property at all. In the spring of 2001 and 2011 he had some flooding issues; however, it goes only to his flood height elevation and it recedes and drops back pretty fast.

There was a discussion of flooding between Maclane Hadden and the Board members. There is no flooding on his property and the water remains pretty consistent. When the house was built he had to make sure to keep the house above the 100 year flood elevation as is the whole property.

Chairperson Cheryl Erickson asked if he is coming out 15' why it needs to go out that far.

Maclane Hadden stated he wants to get the most out of the area and with the boats going in there he needs that amount of space.

Scott Olson asked if it is 36' long could he not put the boats end to end.

Maclane Hadden stated that the wind coming in from the front of the structure at that width gives more protection underneath the roof. If too narrow it will look like an afterthought and he wants it to look like it was well planned, will be in keeping with the neighborhood and have a nice Adirondack style. If it's too short it would defeat the purpose. If he has to come in to 14' he would be willing to do that. He wanted to keep the depth for protection from the snow that comes in there and the wind. Maclane Hadden agreed to the width coming in at 14'. He already agreed to go to 36' length. His boat trailer is about 8' wide and he wants 3' around the building and the boats to walk in between.

Chairperson Cheryl Erickson stated that the shrubs and hedges will mitigate the wind and snow blowing in there.

Scott Olson asked if he envisions putting the boats in from the house side or the North side.

Maclane Hadden building on the North side of the property is not conducive as it would be cutting off access to get around the garage. The Northside has a steep incline and not conducive to parking or backing up. An established tree area is already in place and he wants to build up with more trees so that is not feasible to put the boats in from that side.

The Board also discussed conditioning the gutter and the drywell.

Maclane Hadden stated he would be installing gutters and a drywell. He does not have a problem with flooding on the property; however, he would put in gutters to drain into the drywell.

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

**UNFINISHED BUSINESS:**      **File 2018-04-AV**  
   **Tax Map # 70.15-1-12**  
   Maclane Hadden  
   3519 East Schroon River Road  
   Brant Lake, NY 12815

Requesting an Area Variance for a shoreline setback from **Zoning Code 6.10** to place a covered winter boat storage/picnic area attached to the garage to sit eighty feet (80') from the shoreline where one-hundred and fifty (150') feet is required.

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Chairperson Cheryl Erickson stated that the ZBA shall now balance the benefit to the applicant with the detriment to the health, safety and welfare of the community for an Area Variance from **Zoning Code 6.10** to place a covered winter boat storage/open area attached to the garage to sit eighty (80') from the shoreline where one-hundred and fifty (150') feet is required.

The ZBA further finds:

1. The benefit cannot be achieved by other means feasible because the North side is not suitable because of established trees in that area and he would not be able to get the boats into the structure from that side. He would have to put in a new driveway and remove more trees. This proposed area is the only area that would work to be able to achieve the benefits for the applicant of the proposed structure for boat storage. He has agreed to shrink the width of the structure from 16' to 14' minimizing the amount of variance he is requesting and it serves a dual purpose for boat storage and to be used as a covered area to get out of the brutal sun in the summer. He cannot place boat storage in the middle of the lawn area. A retractable awing on the existing deck to provide relief from the sun is not desirable due to the high winds in the river corridor.
2. There will be no undesirable change in the neighborhood character or to nearby properties because he will be planting more trees for screening, which will be an improvement on the view from the river. The color scheme is in keeping with the neighborhood. He has a lot of open green space and in that neighborhood most houses are closer to the river than he is. All of the structures are on the perimeter of the property and he has a nice established tree line.
3. The request is substantial about a 47% variance request but is attached to a non-conforming structure and this is the only location on the structure to be attached.
4. There will not be any adverse physical or environmental effects because it will be mitigated by placing gutters, drywell and additional plantings. The applicant will be planting about 12 large arborvitae and 4 large mature trees as depicted on the site plan. Visual impacts are to be mitigated by the plantings depicted on the site plan.
5. The alleged difficulty is self-created but in no way does it factor in for disapproval.
6. This is the minimum variance necessary. The applicant cannot accomplish this proposed project any other way because he cannot have appropriate boat storage in the middle of the lawn area.

Being no further questions or comments Jim Dewar made a motion to approve the application requesting an Area Variance for a shoreline setback from **Zoning Code 6.10** to place a covered winter boat storage/picnic area attached to the garage to sit eighty feet (80') from the shoreline where one-hundred and fifty (150') feet is required. Second by Rich Nawrot. **ALL AYES. With the following conditions:**

1. Applicant will reduce the size of the project width from 16' to 14' so that the variance approved will be for 80' from the shoreline so that he can pull in a boat trailer and have room to walk around it on either side which is the minimum variance necessary and will reduce the length of the building to 36' from 38'.
2. The plantings to be done are 12 screening arborvitae and 4 large mature trees as depicted on the site plan.
3. The gutter system will be placed on the length of the roof line and drain down to a drywell for addressing the storm water runoff.

Scott Olson reaffirmed the previous SEQRA negative declaration findings. Second by Rich Nawrot. **ALL AYES.**

Chairperson Cheryl Erickson stated that The Warren County Planning Review was received and it will not create any significant municipal or county wide impacts.

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**Public Comments:** Bob Olson wanted to extend his thanks and appreciation for the ZBA members for the Ridin-Hy Ranch application.

**Communications:**

**Board Comments:**

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

**Adjourn:** 9:55 PM

**Next Meeting Date:** April 24, 2018

Respectfully Submitted,  
*Terri Katsch*, Secretary