

**Town of Horicon  
Zoning Board of Appeals**

**DRAFT**

**February 26, 2019  
Minutes**

**Present at Meeting:**

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

**Also Present:** Karen and Jake McCauley, Melissa Lescault, Tim Barber, Bob Olson and Jim Steen, Zoning Administrator

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

**Pledge**

Chairperson Cheryl Erickson appointed Troy Scripture, Alternate # 1 in the absence of Board member Rich Nawrot at tonight's meeting.

**Review of Minutes:** Scott Olson made a motion to accept the December 18, 2018 minutes as written. Second by Jim Dewar. **ALL AYES.**

**NEW BUSINESS:**

**File # 2019-01 AV  
Tax Map 20.10-1-59  
Karen McCauley  
1 Church Street  
Adirondack, NY 12808**

Requesting an Area Variance from Zoning Code 6.10 to build a 9' x 12' woodshed for firewood storage to sit 2' from the side yard where 10' is required.

Karen McCauley was present to speak about her proposed project to build a four pole slanted 9' x 12' roof woodshed for firewood storage instead of covering it with tarps.

Chairperson Cheryl Erickson stated if it was 10' x 10' you would not need a variance.

Zoning Administrator Jim Steen stated yes they would because it is a request for a side yard setback.

Chairperson Cheryl Erickson asked what is on the neighbor's property right next to that location.

Karen McCauley stated just dirt and small trees.

Chairperson Cheryl Erickson asked how far the next door neighbor's residence is away from that side yard where they want to place the wood shed.

Karen McCauley stated at least 75' to 80' away from the property line.

Scott Olson asked Karen McCauley about her garage and is that new.

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Karen McCauley stated no it is attached to the house and was built with the house.

Scott Oslon asked Karen McCauley to show him on the map where the shed will be located.

Karen McCauley showed Scott Oslon and the other Board members where the shed would be located.

Chairperson Cheryl Erickson stated that from the garage to the side yard the setback is 15' and so you will have about 4' between the garage and shed.

Karen McCauley stated yes and there is a side door right there to be able to access the wood. The wood will be stored there and they would rather have the storage shed instead of an ugly tarp covering the wood.

Scott Oslon said that if they put it on the side of the driveway it would be 10' away from the side line.

Karen McCauley stated they cannot do that because the driveway is right there and her garden is right there. There is an underground propane tank located there and the septic is under the driveway.

Chairperson Cheryl Erickson stated that the goal of the Board should be to go out to look at the property before next month's meeting.

Ross Schoembs wanted to know what would be the problem with putting it over the buried propane tank.

Karen McCauley stated there are two big rocks located there.

Chairperson Cheryl Erickson wanted to know how much wood they normally store.

Karen McCauley stated about 4 cords at least.

Chairperson Cheryl Erickson stated then that is a heavy load to put on top of the buried propane tank.

Chairperson Cheryl Erickson asked how long has the raised garden bed been established.

Karen McCauley stated since 1997.

Chairperson Cheryl Erickson stated that it is a 20 – 30 year old well established garden that should not be disturbed.

James Dewar asked if there is any way to do an attachment to the garage.

Karen McCauley stated that would block us from going around the house to the back.

Ross Schoembs asked about the height of the shed.

Karen McCauley stated the front part of the roof will be 9' and 7 ½ 'to the back because it is a sloped roof.

Chairperson Cheryl Erickson asked what type of roofing will be used.

Karen McCauley stated they will use metal.

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Being no further questions Scott Olson made a motion to deem the application complete and set a Public Hearing for March 26, 2019. Second by James Dewar. **ALL AYES.**

**NEW BUSINESS:**                      **File # 2019-02 AV    AFTER THE FACT VARIANCE**  
   **Tax Map 39.13-1-4.2**  
   Tim Barber  
   22 Horicon Birches  
   Brant Lake, NY 12815

Requesting an AFTER THE FACT Area Variance from Zoning Code 6.10 for a shoreline setback for a 298 square foot retaining wall to sit 14' from the shore where 50' is required.

Zoning Administrator Jim Steen gave some background on this application for those on the Board who were not present for the previous application request. The last round of variances was approved by the ZBA but had a 500 square foot patio and on lakeside of wall. It went to the APA and the APA overturned it. So Tim Barber downsized the retaining wall and removed the flagstone patio.

Attorney Melissa Lescault stated that in addition to removing the flagstone patio portion they have added to the landscaping plan. In order to shield the retaining wall he will plant 7 arborvitae 4' – 5' tall in front of the wall as well as have evergreen myrtle or periwinkle cascading over the wall. Both the arborvitae and myrtle will screen the stonescape from the lake. The retaining wall will be 298 square feet. The patio now will be a porous surface of grass sod over sand that will reduce the peak discharge rate into the lake and this method is favorable by the NYSDEC storm water regulations. They asked the engineer to be more specific about alternatives which is shown in Exhibit H. The engineer will be attending the March 20, 2019 meeting to further explain. They are now at 14' from the shoreline where 50' is required and he reduced the side wall, it is no longer there.

Chairperson Cheryl Erickson stated that the patio will be returned to grass.

Tim Barber stated yes and he will be putting a layer of sand and then sod on top to prevent erosion that is a DEC approved mix.

Attorney Melissa Lescault stated that the engineer went into more specifics about alternative solutions instead of the retaining wall in Exhibit H. The engineer said in his letter that in order to gain access to the Lake as well as stabilize the slopes without retaining walls a zig zag pattern through the slope would have to be excavated to create a gentle path down the slope; however, this would cause soil erosion issues. Another option that was considered was to install steps down to the lake; however, that creates a more impervious surface than the natural stone wall which according to the engineer would be an eyesore and lead to greater run off into the lake.

Jim Dewar asked if the Exhibit A chart is now the newest application.

Attorney Melissa Lescault stated yes and it shows the arborvitae, grass area, the slope and included the square footage of the wall. The inset map shows the slope as well.

James Dewar asked Tim Barber if the edge of the new home footprint is the foundation of the new home.

Tim Barber responded yes that is correct and it meets all of the setbacks.

Chairperson Cheryl Erickson asked how you are dealing with the side yard setback.

Tim Barber stated that wall has been removed and there is nothing there now and they sloped the bank so it is stable now.

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Attorney Melissa Lescault stated that in Exhibit D the picture shown is prior to Tim removing the side wall which reduced the retaining wall to 298 square feet.

Scott Olson stated that the only variance they are making a determination on is the retaining wall that now sits 14' back from the shoreline where 50' is required.

Chairperson Cheryl Erickson stated yes that is correct.

James Dewar asked if the proposed garage is new.

Tim Barber stated no it was always there on the plans.

Scott Olson asked if that meets all the setbacks.

Zoning Administrator Jim Steen stated yes it meets all the setbacks.

Being no further questions or comments Scott Olson made a motion to deem the application complete and set a Public Hearing for March 26, 2019. Second by James Dewar. **ALL AYES.**

**Reminder:** 2019 APA Local Government Day Conference on April 3, 2019 and April 4, 2019.

**Correspondence:** none

**Public Comments:** none

**Board Comments:** Chairperson Cheryl Erickson told the Board members that they would be receiving information via email on homes that are larger than 3,000 square feet in the Town of Horicon and around Brant Lake in order to get an idea of the character of the neighborhood for comparison of the Thurston file. Scott Olson also asked about the outcome of the Henshaw file and where it now stands. Zoning Administrator Jim Steen explained to the Board members what is taking place and that the Town Board is waiting for completion of all the work before moving forward on that file.

Being no further reminders or comments Scott Olson made a motion to adjourn the meeting. Second by Ross Schoembs. **ALL AYES.**

**Adjourn:** 7:30 PM

**Next meeting date:** *March 26, 2019*

Respectfully Submitted,  
Terri Katsch, Secretary