

**Town of Horicon  
Zoning Board of Appeals**

**September 24, 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:** Town Legal Counsel Brian Reichenbach, Carol and Kent Molino, Gene Viani, Ray McGee Gary Frenz, Jim and Cathy Kearney, Michael Black, Bob Olson and Jim Steen, Zoning Administrator

**Pledge**

**Review of Minutes:** Vice-Chairperson Scott Olson made a motion to accept the August 27, 2019 minutes as written. Second by Jim Dewar. **ALL AYES.**

Chairperson Cheryl Erickson appointed Troy Scripture, Alternate # 1 to take a seat at the Board in the absence of Ross Schoembs.

**NEW BUSINESS:**       **File 2019-09 AV**  
                              **Tax Map # 19.4-2-10**  
                              Hodges Realty LLC. (Carol and Kent Molino)  
                              588 East Shore Drive  
                              Adirondack, NY 12808

Requesting an Area Variance from **Zoning Code 6.10** for a roadway setback in order to construct a staircase (with a total of 99.5 square feet) to the beachfront to sit at 15' from the roadway where 60' is required. (The total square footage is under 100 square feet and therefore exempt from the shoreline setback).

Kent Molino of 588 East Shore Drive spoke about his request for a 45' variance from the center line of the road in order to construct a straight, safe staircase from the road to the lake. Currently old logs and crushed stone form a very curvy staircase to the lake that is not very safe. This staircase is about 8' from the North Boundary of the property. At the end of newly constructed staircase he wants to place a dock as well. It would not infringe on the sides of the property and it is a safer way for the family to utilize the beachfront.

Jim Dewar asked if one of the graphs presented is an elevation detail.

Kent Molino responded it is one of his renderings.

Rich Nawrot asked if he will be removing any trees.

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Kent Molino responded no trees will be removed only some scrub brush 1" to 1 ½" in diameter that will be removed. Nothing of significance.

Rich Nawrot stated that he agreed that it is a very steep slope there.

Chairperson Cheryl Erickson asked if the new staircase is in a different location than the current older staircase.

Kent Molino responded yes it is on the left of the south rock jetty about mid property.

Rich Nawrot asked if the old staircase will be removed.

Kent Molino stated he does not know what to do with that yet.

Troy Scripture asked if the old staircase is a safety hazard.

Kent Molino responded yes it is a safety hazard.

Chairperson Cheryl Erickson asked if he can remove or block off the old staircase.

Kent Molino stated yes he can remove or block it off.

Being no further questions or comments Scott Olson made a motion to deem the application complete and set a Public Hearing for October 22, 2019 and a SEQRA form will be supplied at that Public Hearing. Second by Rich Nawrot. **ALL AYES.**

**Reminder:**

**Correspondence:** Email from Michael Dorick the President of Crystal Lake Preserve Homeowner's Association for a request to withdraw the Appeal of the Zoning Administrators determination issuing ZCC # 2013-18 at the Public Hearing held on July 22, 2014.

Chairperson Cheryl Erickson asked Zoning Administrator Jim Steen to speak about the process. Zoning Administrator Jim Steen stated that the Crystal Lake Homeowner's Association submitted the appeal and then the Crystal Lake Homeowner's Association withdrew the appeal.

**Public Comments:** Ray McGee, Gene Viani, Cathy Kearney and Jim Kearney, all members of the Crystal Lake Homeowners Association, came to express their objections to the Crystal Lake Homeowners Association (HOA) President's correspondence effectively withdrawing the Appeal of the Zoning Administrators determination issuing ZCC # 2013-18.

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They asserted that their HOA was not informed of this action and that their president is consequently not acting with the full backing of the Association and is therefore outside his rights to make this request without a vote of the HOA members. They also questioned whether the Appeal could be withdrawn by the President of the HOA due to the lawsuit which was filed with the state on behalf of the Crystal Lakes Homeowners Association and is still being litigated by the New York State Supreme Court. There were additional concerns regarding future development of the larger tract of land in question with regard to environmental issues and the transferring of lake rights outside of the HOA charter.

After a lengthy discussion on this matter Chairperson Cheryl Erickson stated that this cannot be adjudicated by the Zoning Board of Appeals as there is no action to be taken and the matter has to be taken up with the Crystal Lake Homeowner's Association members and homeowners in the Crystal Lake Homeowner's Association.

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

**Board Comments:** none

**Adjourn:** 8:00 PM

**Next meeting date:** October 22, 2019(cancelled)

Respectfully Submitted,  
*Terri Katsch, Secretary*