

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Rich Nawrot
Ross Schoembs
Troy Scripture,

Also Present: Attorney Brian Reichenbach, Zoning Administrator Scott Olson, Kent and Carol Molino, Zach Monroe.

Pledge

Review of Minutes: Ross Schoembs made a motion to accept the July 28, 2020 minutes as written. Second by Rich Nawrot. **ALL AYES.**

NEW BUSINESS:

File # 2020-05 AV
Tax Map # 71.12-1-28
Nils Soderman
241 Palisades Road
Brant Lake, NY 12815

Requesting an Area Variance from Section 6.10 for a Shoreline setback for a structure to sit at 59' where 75' is required, a roadway setback for a structure to sit at 38.5' where 60' is required, a rear yard setback for a structure to sit at 30' where 50' is required.

Zach Monroe from Winchip Engineers is here to speak on behalf of Mr. Soderman for the proposed variances. The proposal is to remove an existing home and build a new one. The allowable buildable area on the site does not allow construction of a new residence which will meet zoning setbacks. The new structure is to be pushed further back on the lot into the bank to maximize the variance requests distances from the road and the lake setbacks rather than keep the rear setback.

Rich Nawrot asked what the existing structure setbacks are.

Zach Monroe stated the existing setbacks are 39.7' to lake, 22.3' from the Center line of road and 33.4' to the rear.

Chair Cheryl Erickson stated that you are going from 39' feet to 59'.

Zach Monroe yes we are going from 39.7' to 57' moving back about 20'.

Chair Cheryl Erickson that is an improvement.

Vice-Chair Jim Dewar asked will the existing foundation be removed.

Zach Monroe responded yes; the existing foundation will be removed.

Ross Schoembs stated as you look at the buildable part of the lot how far will the structure be pushed back to the rear property line.

Zach Monroe responded we are already violating the rear yard setback and because the bank in the back is very steep it would not make sense to cut anymore into the bank. They would end up with a height issue and would not make sense. Trying to maintain a reasonable slope to the house

Ross Schoembs responded then you will be improving the front and lake setbacks which is a better compromise and improvement.

Chair Cheryl Erickson asked if the well and septic are all in at the location.

Zach Monroe responded we are in front of the town board for septic variances.

Chair Cheryl Erickson asked what the change to the square footage of the structure will be.

Zach Monroe responded that off the top of his head he does not know and will have that information ready for the Board at the next meeting.

Being no further questions or comments Jim Dewar made a motion to deem the application complete and set a Public Hearing for September 22, 2020. Second by Ross Schoembs. ALL AYES.

PUBLIC HEARING:

File # 2020-03 AV
Tax Map # 19.4-2-11
Hodges Realty (Carol and Kent Molino)
Vacant Property East Shore Drive
Adirondack, NY

Requesting an Area Variance from **Section 6.10** of the Town of Horicon Zoning law for a shoreline setback and a roadway setback.

Chair Cheryl Erickson stated that we have received the Revocable License from Warren County which means that Warren County Board of Supervisors has given the go ahead to Hodges Realty (as long as they carry the appropriate amount of insurance and name the County as additional insured on said premises) the right to use the land, although they are not ceding it to the Molino's. The License may be revoked by either party at any time.

Kent Molino spoke about his proposed project. The proposed project is on a vacant piece of land and they want to build a straight staircase to the lakefront and have a dock section as well to get up the staircase to store on the property across the road. There is a 14' drop off so the staircase is necessary in order to access the lakefront from the road. They own the adjacent property as well that they were before the Board last year; however, they are not using that parcel for the lakefront access. They have now moved to the other adjacent vacant parcel.

Kent Molino clarified for Chair Cheryl Erickson that they will have one access on each parcel and that will improve the existing unsafe one eventually by ties with gravel base for steps in instead of logs. Not ready to do that project yet.

Vice-Chair Jim Dewar asked if this is the existing diagram that we are looking at to approve.

Kent Molino responded no that was from Dock Doctors for another dock and it is more so you can see the elevation of the property. As I mentioned at last meeting Mike Hill, Greg Sella or Mountain Builders that will come out to build the staircase.

Rich Nawrot asked if he has a drawing yet.

Kent Molino responded no because Mike Hill is the only one that has gotten back to us regarding the construction and I don't have a drawing yet.

Rich Nawrot said that Kent Molino stated at the last meeting that Mike Hill is going to try to keep it under 100 square feet.

Kent Molino responded it might be smaller than that and I am just going off that diagram right now.

Ross Schoembs asked if the staircase ends before the water.

Kent Molino responded yes and what Mike Hill was saying it could be 20' before the water.

Chair Cheryl Erickson what does it land on. Are you building a platform?

Kent Molino responded it lands on rocks.

Chair Cheryl Erickson asked if he is building a deck.

Kent Molino stated no we are thinking of using a gangway as indicated by the dock doctors drawing over the rocks or a removable aluminum staircase to get from where the staircase ends to the beachfront over the rocks that exist so they can have the Marina bring the docks up the steps.

Rich Nawrot asked these are the boulders you want to go over in this picture.

Kent Molino stated yes, those are some of the rocks that they will have to go over, the staircase would likely go over those rocks and there are similar rocks by the water.

Vice-Chair Jim Dewar asked if Mr. Molino will use these numbers on the drawing.

Kent Molino responded yes, based on Dock Doctors drawing.

Jim Dewar stated that Molino's are requesting a shoreline setback of 0' and a roadway setback of 15'. I just want to make sure these numbers are correct.

Kent Molino stated yes, and the shoreline setback might be less.

Vice-Chair Jim Dewar asked if there are any letters from the Public on this proposed project.

Chair Cheryl Erickson stated we have received a No County Impact statement from Warren County.

Vice-Chair Jim Dewar clarified that he wanted to know if the adjoining owners that were notified had any opinions on the proposed project.

Secretary Terri Katsch stated that no letters either for or against the proposed project were received from the adjoining owners who were notified.

Chair Cheryl Erickson stated this will give improved access to the lakefront for this parcel. If you do decide to put a deck added to the dock will you come back before the Board.

Kent Molino responded we will never put a deck; we will just use a removable aluminum staircase depicted as 4'x5' or a gangway.

Vice-Chair Jim Dewar asked if there is a beachfront?

Kent Molino responded depending on where the water level is it's about 15' to the end of rocks and about 10' of sand give or take. Maybe 12'.

Chair Cheryl Erickson asked in the area where you are building the stairs will you be removing any trees.

Kent Molino responded no trees there to be removed.

Chair Cheryl Erickson wanted to know if all the safety regulations for a staircase will be met.

Kent Molino responded yes.

Vice-Chair Jim Dewar asked if they have any plans to improve the vegetation at the site.

Kent Molino responded he does not know what that would entail. It is currently a very steep drop so there is not much you can do. It drops about 15' down.

Ross Schoembs asked if it would be safe to say that there will be barely anything visible from the road.

Kent Molino responded yes; you may just see the railing.

Being no further questions or comments Chair Cheryl Erickson closed the Public Hearing.

The Board reviewed the Area Variance criteria:

Chair 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 they need to have access to the water, and this is the only way to achieve that goal.
2. There will not be an undesirable change in the neighborhood character or undesirable change to the nearby lake properties. Many properties along this road have the same type of staircases in order to access the water. This is consistent with the neighborhood and the community.
3. The request is substantial; however, this is the nature of the project that makes it substantial. Getting from the road to the shore this is the safest way possible.
4. There will be no adverse physical environmental effects on the property or to the neighboring properties. This proposed project will not be removing any trees. The staircase will prevent any erosion into the lake and improve what is there now.
5. The proposed project is self-created. They purchased this property knowing there was no access to the lake.

6. This is the minimum variance necessary because it allows Hodges Realty to achieve access to the shore with the least disturbance to the bank as possible and is the safest way to achieve that goal.

Being no further discussion Vice-Chair Jim Dewar made a motion to approve the requested Area Variance from **Zoning Code 6.10** for a Shoreline setback and a Roadway setback in order to construct a staircase from the roadway to the lakefront. A Roadway setback will sit at 15' where 60' is required and the Shoreline setback is to sit at 0' where 50' is required. Second by Troy Scripture. **ALL AYES.**

PUBLIC HEARING:

File # 2020-04 AV
Tax Map # 105.2-1-4
James and Sarah Hayes
79 Hayesburg Rd.
Brant Lake, NY 12815

TABLED UNTIL 9.22.2020

Requesting an Area Variance for a Roadway Setback from **Section 6.10** for the addition of a 28' x 32' detached garage.

Reminders: None

Correspondence: Training Webinar

Public Comments: None

Board Comments: None

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

Adjourn: 7:35 PM

Next meeting date: September 22, 2020

Respectfully Submitted,
Terri Katsch, Secretary