

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Rich Nawrot
Ross Schoembs
Troy Scripture,
Brian Logan, Alternate # 1

Also Present: Attorney Brian Reichenbach, Zoning Administrator Scott Olson, Kent and Carol Molino, Bret Winchip and Jim Hayes.

Pledge

Review of Minutes: Jim Dewar made a motion to accept the June 16, 2020 minutes as written. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

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.

Kent Molino, also known as Hodges Realty, presented his proposal to the ZBA members. This is the same project presented last year; however, the property has changed. It is the vacant lot that is considered lakefront property that they were going to use last fall. There is a 14' drop off so the staircase is necessary and cannot access the lakefront from the road. They have received the Revocable License from Warren County to build on the property that Warren County owns.

Chairperson Cheryl Erickson asked if they own two adjoining properties.

Kent Molino responded that yes, the one parcel is vacant and the other has the crooked staircase. Staircase as proposed is 30' from one side and is 70" from the Dominique property. Based on the Dock Doctors drawings of the dock the staircase is proposed at 115' square feet and after speaking with Mike Hill who will be doing the work and based on his information there may be a possibility that this will be only 100 square feet in size. Cannot be sure until Mike Hill gets back to him.

Rich Nawrot is this staircase going to attach to the current dock.

Kent Molino responded that was the original plan however; the staircase might not end as close to the water line as anticipated. At this point I am not sure. The rocks need to be crossed somehow. He is still waiting to speak with Mike Hill who may not be able to get back to him until August.

Rich Nawrot stated that he is asking for a 50' shoreline variance and will the staircase come right up to the mean high-water mark

Kent Molino responded yes, somewhere in that neighborhood; however, Mike Hills proposed is closer to the road than the shoreline.

Jim Dewar will this dock fold up.

Kent Molino stated yes it will be a floating dock and will be stored on their vacant property across the road.

Chairperson Cheryl Erickson stated that the Molino's own both properties.

Kent Molino stated yes, that is correct.

Chairperson Cheryl Erickson asked if the deeds are included with this application.

Secretary Terri Katsch responded yes; they are on file.

Rich Nawrot stated that the 15' variance requested is for the roadway setback. Is that where stairs begin.

Kent Molino responded yes the staircase will be approximately 5' off the gravel that is located there.

Rich Nawrot stated it will be 45' from the center line of the road.

Kent Molino responded yes, that is correct.

Being no further questions or comments James Dewar made a motion to deem the application complete and set the Public Hearing for August 25, 2020. Second by Troy Scripture. **ALL AYES.**

NEW BUSINESS:

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

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

James Hayes presented his proposed project to the Board members for a Roadway Setback. James stated that the property drops off steep and it was filled in about 15 years ago, so he wants to move it back away from the drop off. The property joins Hayesburg Road but this is on a second piece of property and this proposed garage is on a second piece of property that he acquired and is off a subdivision in Crystal Lake that is private road on a dead end cul de sac that only goes to my house that is only used by him.

Chairperson Cheryl Erickson stated that on the application James Hayes indicated that if the variance is not received you would have to cut down dozens of trees; however, if the variance is approved then no trees will need to be cut.

James Hayes responded yes that is correct.

Where is house in relation to the garage.

The house is on a property below the property where the garage will be located. Currently its two separate lots part of the Beadnells agreement subdivision on Fox Hill It will be joined to his property to transfer the lake rights to the Beadnells. It will be combined to my property which will all become one parcel.

Chairperson Cheryl Erickson stated that the Quit Claim deed presented is not signed by the Beadnells and asked if the completed deed was filed yet.

James Hayes stated that he is not sure it has been filed yet.

Chairperson Cheryl Erickson asked that he present the filed deed to the Zoning Office prior to the next meeting.

James Hayes responded yes; he will do that.

Jim Dewar asked if there was a little shed there now.

James Hayes responded yes but once the garage is built that will go away.

Chairperson Cheryl Erickson stated that once you build the garage the shed will be removed.

James Hayes responded yes, that is correct.

Jim Dewar asked how many acres is the property that borders Hayesburg Road.

James Hayes responded it is 3.1 acres.

Jim Dewar asked why not build the garage on your property with the house

James Hayes responded it is too steep off Hayesburg Road. Most people won't even use my driveway. There is no flat land there.

Jim Dewar asked if that road is plowed by the Town.

James Hayes responded that he plows the driveway and the road or he has it done.

Being no further questions or comments James Dewar made a motion to deem the application complete, provided that the filed deed be provided to the Zoning Office prior to the Public Hearing on August 25, 2020. Second by Rich Nawrot. ALL AYES.

PUBLIC HEARING:

File # 2020-02 AV
Tax Map # 72.13-1-23
Susan Goldrick
13 Brant Lake Estates Loop
Brant Lake, NY 12815

Requesting an Area Variance for a rear-yard setback from **Section 6.10** for the addition of a rear deck.

Brett Winchip representing the Goldrick family presented the proposal to the Board as he stated last month. He is asking for a rear yard setback of 19.6" for the addition of a deck. The family is doing additions and updates. The current residence lies within the rear yard setback. With the addition of the deck they will get 7' closer to the rear yard setback. The rear line of this parcel is an inside corner which is driving this request and the parcel was subdivided this way instead of a straight line across the rear. They are trying to keep the house in line with the other homes on the street and would have to cut the tree buffer on the road and the structure would have to come closer to the road and they don't want to have to do that. The Town Board approved the septic variances and the Homeowners Association has approved the proposed project as well provided the Town approves the proposal. The President of the Homeowners Association is the neighbor behind this parcel and he is in favor of the project.

Chairperson Cheryl Erickson asked if the Board members have that letter.

Bret Winchip stated yes, they do. It was presented with the original application received at last month's hearing on June 16, 2020. Bret also stated that the President of the Homeowners Association was very happy with the approvals and how the proposed project will be done.

Chairperson Cheryl Erickson asked if there were any letters received from neighbors either for or against the proposed project.

Secretary Terri Katsch responded nothing has been received and the Public Notices were sent out and posted in the Legal Notices in the Post Star.

Chairperson Cheryl Erickson asked how much of the house is being rebuilt.

Bret Winchip stated there is a second-floor screen porch which will be torn off and a new deck being built which will provide egress for the second floor. Other than there are renovations to the additions on the home on the left side.

Chairperson Cheryl Erickson asked Bret Winchip to show the Board members on the map where the rear setback inside corner is located.

Bret Winchip showed the Board members the map and explained the reason for the setback in the corner which forms a 90° angle. It is due to the way the Subdivision not being done in a straight line in the rear of the property.

Rich Nawrot asked what is going into this addition.

Bret Winchip responded that a 2-car garage with 2 bedrooms above. New entrance on the front on the roadside and the new deck on the back which gets 7' closer to the inside corner of the rear sideline.

Rich Nawrot asked about the septic on the lot.

Bret Winchip responded that they have already received approval for the septic from the Town Board and complemented the owner on the upgrade because they eliminated nonconforming issues as well. Chairperson Cheryl Erickson the distance to the inside corner is already non-conforming.

Bret Winchip responded yes, it is non-conforming presently 37.4' going down to 30.4'.

Chairperson Cheryl Erickson Second floor door provides a second egress.

Bret Winchip responded yes, that is a means of egress from the second floor.

Being no further questions or comments from the Public Jim Dewar made a motion to close the Public Hearing. Second by Troy Scripture. **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 rear line was not put in a straight line when the Subdivision was created causing this rear yard setback in only one specific area. The Homeowners Association approves provided the Town approves the request. The configuration of the lot is non-conforming, pre-existing and this will provide a second-floor egress for the residence.
2. There will not be an undesirable change in the neighborhood character or undesirable change to the nearby properties. It is consistent with other homes in the neighborhood that have second floors with nice porches. The Homeowners Association is happy with this request
3. The request is substantial; however, not that substantial because it will only cause a slight change to a non-conforming pre-existing lot. It was 37' from the rear and now will be 30' from the rear corner which is a 7' difference.
4. There will not be any adverse physical environmental effects on the property or to the neighboring properties. The overall project will help improve the area and it is not a controversial project.
5. The proposed project is self-created but not fatal to the application and it has the benefit of the creating the second-floor egress.
6. This is the minimum variance necessary and will not present any problems for the neighbors or neighborhood.

Being no further questions or comments Jim Dewar made a motion to approve the Area Variance for a rear-yard setback from **Section 6.10** for the addition of a rear deck. Second by Ross Schoembs. **ALL AYES.**

Reminders:

Correspondence: None

Public Comments: None

Board Comments: None

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

Adjourn: 7:50 PM

Next meeting date: August 25, 2020

Respectfully Submitted,
Terri Katsch, Secretary