

**Town of Horicon
Zoning Board of Appeals**

**February 27, 2018
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson
Pat Farrell
James Dewar

Also Present: Fred Spezza, Deb Spezza, Maclane Hadden, Todd Levinson, Bob Olson, and Jim Steen, Zoning Administrator.

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

Pledge

Review of Minutes: Pat Farrell made a motion to accept the January 23, 2018 minutes as written. Second by James Dewar. **ALL AYES.**

NEW 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.

There was no one present to speak on this proposed project so the Board members tabled this application until the end of the meeting.

NEW 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.

Fred Spezza was present to speak about his proposed project. He stated that he is looking to enclose an existing concrete deck for more living space. There will be no change to the outside dimensions and will be on the same footprint as the existing concrete deck.

Scott Olson asked if the concrete deck is on ground level.

Frank Spezza responded that there are concrete footings and has a four (4') foot elevation at one end and goes into the hill. He has contacted the Warren County building inspector and spoken to him about this project.

Pat Farrell wants to know what the building inspector said.

Frank Spezza stated that the building inspector wanted to know about the integrity of the concrete deck itself.

**Town of Horicon
Zoning Board of Appeals**

**February 27, 2018
Minutes**

Chairperson Cheryl Erickson asked if the house was built in 1977.

Frank Spezza stated that the original house was built in 1963 and the new owners took over in 1977 and put the addition and concrete deck in the back at that time.

Zoning Administrator Jim Steen clarified for the board members that the forty (40') foot setback is from Palisades Loop within the Homeowners Association. It is a subdivision road that is privately maintained.

Pat Farrell asked if it is a physical road.

Zoning Administrator Jim Steen stated that it is on the tax maps and is a road.

Chairperson Cheryl Erickson stated that it looks like neighboring house has concrete deck on their house that looks like it needed a variance as well.

Zoning Administrator Jim Steen responded that he will have to look into that.

Chairperson Cheryl Erickson asked if there are any wetlands in the area.

Zoning Administrator Jim Steen responded no wetlands and this project is non-jurisdictional to the APA.

Scott Olson asked if the addition will be a ½ porch and what else?

Frank Spezza stated that will be a bedroom.

Chairperson Cheryl Erickson asked Frank Spezza when you say, "look different" are you referring to the exterior or the interior.

Frank Spezza stated that the draft the Board members have in front of them shows the roof line into the building with glass across the front and will be re-siding the whole thing.

Chairperson Cheryl Erickson asked if Zoning Administrator Jim Steen can find out how far the neighbors concrete deck is from the road.

Zoning Administrator Jim Steen responded yes.

Scott Olson stated that there is a shared septic system on the property.

Frank Spezza responded yes there is a shared septic system.

Scott Olson asked about the number of bedrooms.

Frank Spezza responded each place is limited to three (3) bedrooms.

Frank Spezza responded that he will have two (2) baths only and he is just relocating one of the baths and will maintain three (3) bedrooms.

Zoning Administrator Jim Steen stated that he did address this with Mr. Spezza when he first spoke with him about the proposed project.

**Town of Horicon
Zoning Board of Appeals**

**February 27, 2018
Minutes**

Frank Spezza stated that he has a legal agreement with the neighbor that was issued by Gary McMeekin and the septic system was designed by Charles Scudder Engineering for six (6) bedrooms, three (3) bedrooms for each home. It is an Elgin bed system.

Scot Olson stated that they need a drawing of the three (3) bedroom configuration.

Chairperson Cheryl Erickson stated that the Board will need a drawing of the interior of the home showing the three (3) bedrooms and the bath relocation.

Chairperson Cheryl Erickson asked Mr. Spezza to get a copy of the formal agreement regarding the septic system, the current floor plan, the remodeled floor plan and the distance from the neighbor's concrete pad to the road prior to next month's Public Hearing.

Scott Olson made a motion to accept the application and set a Public Hearing for March 27, 2018 and in addition Mr. Spezza is to provide the following prior to the Public Hearing:

Formal agreement for shared septic system on the property
Hand drawn current and remodeled floor plan
Distance of neighbor's concrete pad to the roadway (from Zoning Administrator Jim Steen).

Second by James Dewar. **ALL AYES.**

NEW 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.

Todd Levinson the spouse of Dina Liuzzi spoke about his proposed project to raise the current rip-rap shore wall approximately three (3') feet to allow shore line to be above the high water mark and create a ramp to access the shoreline and prevent erosion. The current rip-rap wall at the shoreline is not high enough above the water mark and prevents any useable shoreline. It floods out in the spring causing erosion and the lake come up in June as well wreaking havoc at the shoreline. Next to the road there is erosion as well and he wants to create a ramp at the roadway to the shoreline. He has received DEC approval for the proposed project and provided the DEC approval copies to the members of the Board.

Scott Olson asked if the small building shown on the map is part of the property.

Todd Levinson responded yes and it is a shed.

Scott Olson asked if the additional rip-rap will go up to the base of the small building.

Todd Levinson responded he is just adding existing rocks to the shoreline and create a little flat area above.

Scott Olson asked if the ramp to the lake is a boat launch ramp.

Todd Levinson responded no just a ramp to get to the lake

**Town of Horicon
Zoning Board of Appeals**

**February 27, 2018
Minutes**

Scot Olson asked Todd how he currently accesses the lake.

Todd Levinson stated currently we have a staircase that I would like to get rid of and just use the ramp.

Scott Olson wanted to know how they currently access the water.

Todd Levinson responded from a dock that is currently at that location.

Scott Olson asked where the dock starts.

Todd Levinson responded that the dock goes from the top of the rocks out to the water.

Pat Farrell asked if the rocks that he is calling rip-rap are the type of material he intends to use.

Todd Levinson responded yes.

Pat Farrell stated that the rocks there are called round cob rock and boulders. Pat stated that type of material moves when water washes over it. He might want to consider using a Gibbon box which is a wired box to hold the rocks in place.

A short discussion ensued between Pat Farrell and Todd Levinson regarding the Gibbon box, the type of material he will use and the DEC approval.

Chairperson Cheryl Erickson suggested to Todd Levinson to look at a home further up the road from his property that has that type of rock at the shoreline so he can see what it looks like.

Scott Olson made a motion to deem the application complete and schedule a Public Hearing for March 27, 2018. Second by James Dewar. **ALL AYES.**

NEW 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 open picnic area attached to the garage to sit seventy-eight (78') 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. Building on the north end of the property is not conducive as it would be cutting off access to get around the garage. The north side 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. The other side of the garage is next to the driveway so he cannot put it there. He would like to establish this area next to the garage for boat storage and is the best location as it is a higher elevation area. He wants to add some more planting of trees and plantings there as well. He has made it shorter in size having reduced the length from 38' to 36' too as this will be adequate for boat storage. A retractable awning is not an option due to the unpredictable, gusty high winds coming across the river. Also underground boulders on the north side make it very difficult for excavation and construction so this is not an option.

James Dewar asked if this application was submitted with any recommendation from the APA.

**Town of Horicon
Zoning Board of Appeals**

**February 27, 2018
Minutes**

Maclane Hadden stated no, he wanted this for enhancement of his property and he would like to use it for boat storage for possibly two boats. He would like to add more trees to the property and vegetation as well. This is more for a necessity of use.

James Dewar stated that in a previous letter from The APA they did talk about vegetation planting to screen structure and storm water management.

Maclane Hadden stated that the yard has a gradual elevation and does not have runoff issues from that area right now. He could put in additional stone for water management.

James Dewar asked Maclane Hadden if you are going to use this area for boat storage how would the water be retained.

Maclane Hadden stated that if a gutter system is required he is willing to put that in. If a drywell will help he will put one of those in as well.

Zoning Administrator James Steen stated that APA letter sent in 2015 had indicated the ZBA should make conditions on further variances requested. Garages are a necessity; however, a covered picnic area is a want. Boat storage is more of a necessity. The Board should condition variances with screening and discuss feasible alternatives.

Pat Farrell suggested that he come back with a plan next month as to where the trees will be planted and the type of trees to be planted.

Chairperson Cheryl Erickson asked if he is planning on planting trees on each end of the area.

Maclane Hadden stated he would like to plant cedar trees on each end and arborvitaes in front of the area. He went on to state that this project will not involve any additional fill and will use the existing elevation.

Zoning Administrator Jim Steen suggested addressing the runoff with gutters or a French drain to contain the runoff.

Scott Olson stated that if the boat is eight (8') feet wide why then do you need it to be sixteen (16') feet wide.

Maclane Hadden stated that he will most likely put two boats in the covered area.

The north end is not an option because there are cedar trees in there that he would like to build up and the septic is on the opposite side of the garage as well as the leach fields so it is not recommended to build there.

Scott Olson suggested that the Board members individually visit the site and the Board members agreed.

Chairperson Cheryl Erickson stated that she highly recommends the Board members individually go visit the site and that the SEQR application be added to this application.

Scott Olson made a motion to accept the application and set a Public Hearing for March 27, 2018. Second by James Dewar. **ALL AYES.**

**Town of Horicon
Zoning Board of Appeals**

**February 27, 2018
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NEW BUSINESS:

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

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The ZBA went back to the first application to discuss.

No one was present to speak about this application so Zoning Administrator Jim Steen went over the application and the violation letter that Rob Gilchrist received with the Board members. He gave a brief history of the property

Pat Farrell made a motion to deem the application complete and schedule a Public Hearing for March 27, 2018 and requested the previous variance that was approved in 1997 be included with the application. Second by James Dewar. **ALL AYES.**

Communications: Chairperson Cheryl Erickson stated that the Board members were provided with an updated schedule of meetings due to the change in the June 2018 meeting. She also stated that Rich Nawrot is the new Alternate member of the ZBA and will attend his first meeting on March 27, 2018. The APA Local Government Day is scheduled and anyone interested in going please return the Registration form to the Zoning Office and let Terri know if a room should be reserved.

Public Comments:

Board Comments:

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

Adjourn: 8:15 PM

Next Meeting Date: March 27, 2018

Respectfully Submitted,
Terri Katsch, Secretary