

**Town of Horicon
Zoning Board of Appeals**

**May 15, 2018
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson, Vice-Chairperson
Gary Frenz
Pat Farrell
James Dewar
Rich Nawrot, Alternate # 1
Ross Schoembs, Alternate # 2

Also Present: Town Attorney, Justin Grassi, Doug Henshaw, Marilyn Henshaw, Ralph Bartlett, Bret Winchip, Bill McGhie, Sandra Smith, Bob Olson, and Jim Steen.

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 April 24, 2018 minutes as written. Second by Scott Olson. **ALL AYES.**

NEW BUSINESS:

**File # 2018-08 AV
Tax Map # 55.10-1-15**
Terrence Lynch
12 Sand Beach Way
Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a front yard setback of 19' where 60' is required and a shoreline setback of 51.5' where 100' is required in order to alter the roof line and build a 12' x19' dormer with a 4' x 10' balcony within the existing structure.

Terrence Lynch was present to speak about his proposed project. He showed the Board members the house plans for the dormer and the balcony. The roof slopes will be changed so that water will drain to the sides of the house rather than the front to alleviate water seepage into the basement. A dormer bedroom will be added and a first floor bedroom will be converted to den space that is open to the living room. All of this work will be within the existing footprint and the house will not exceed 3 bedrooms. This was part of the Palisades Hotel property. Mr. Lynch stated that this home was originally built in 1989 on the existing hotel property. In 2003 approvals were received to add an addition. Mr. Lynch stated that in 1989 he installed a 1000 gallon septic tank. This is a seasonal home and they now need more space for the grandkids. The road setback is now different now because in 2005 the County named Sand Beach Way a road (it was a common use driveway).

James Dewar asked if the footprint will remain the same and is the setback for the dormer.

Terrence Lynch responded yes the same footprint and the setback is for the dormer.

Chairperson Cheryl Erickson asked if the original house is 3 bedrooms and will it remain 3 bedrooms.

Terrence Lynch responded yes, it is currently 3 bedrooms and will remain 3 bedrooms.

Being no further questions or comments Pat Farrell made a motion to deem the application complete and to schedule a Public Hearing for June 27, 2018. Second by Scott Olson. **ALL AYES.**

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NEW BUSINESS: **File # 2018-09**
 Tax Map # 55.10-1-12
 Douglas and Marilyn Henshaw
 18 Sand Beach Way 12815

Requesting an Area Variances from **Zoning Code 6.10** for a shoreline setback of 18.5' where 100' is required in order to build a staircase, patio, retaining wall and house. A Roadway setback on Sand Beach Way for a garage and retaining wall to sit 28.5' where 60' is required. A Roadway setback on Sand Beach Point of 31.9' where 60' is required. A Northwest side yard setback of 1' where 15' is required and a Northeast side yard setback of 3.3' where 15' is required.

Douglas Henshaw spoke about his proposed project. His original cottage was built before 1900 and used to be part of the Palisades Hotel. A lot of the cottages there were reconfigured in the 1960's. His parents purchased this in the 1970's and he wants to create a new home on the basic footprint and wants it hidden from the road. Dimensions will remain the same. He has no frontage on Palisades Road and they use Sand Beach Way (which is a shared driveway and all of the cottages share the maintenance). What he proposes is to demolish an existing 879 square foot seasonal cottage that was built 110 years ago. The cottage has no basement or slab and is built on piles resting on the ground. So the proposal is to construct a new 3560 square foot single family house with an attached garage and part of the structure will have a crawl space and the majority of the structure will be on a concrete slab. This will enable us to follow the contours of the property and avoid any blasting or ledge rock removal. The current house has a pre-existing cesspool that will be replaced with a state of the art septic system. The home is located no closer to the lake and remains in the same location just like the other former cottages in the area. The home will not be visible from Palisades Road as the land slopes toward the lake thus shielding the home from view. The home will become a 3 bedroom home instead of a 2 bedroom home.

Pat Farrell stated that he noticed there are 2 wells within 50' of each other and the septic will be less than 100' from those 2 wells.

Doug Henshaw responded that his father drilled one well that is down about 50' to 60' and the other well is in the Right of Way because Mike Raymond, owner of the property let those people drill that well because of restraints on the property. He can get that information on the depths of the other well for the Board for the next meeting.

Pat Farrell stated that he is doing very aggressive remodeling to a small lot and trying to pack a lot into a small area however, they have to be concerned with the Public Health.

Doug Henshaw responded he understands his concerns; however, all of the other lots in the area have very similar square footage.

Scott Olson asked Mr. Henshaw what the height of the building is on the lake side.

Doug Henshaw responded that it is about 38' in height. Less than the 40' maximum.

Chairperson Cheryl Erickson asked if that information is on one of his plans.

Doug Henshaw responded yes and if not the architect will include on the plans.

Chairperson Cheryl Erickson asked if this will become a four season home.

Doug Henshaw responded yes; however, we will still use the house only seasonally.

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PUBLIC HEARING: **File 2018-07 AV**
 Tax Map # 55.-2-12
 Lawrence and Karen Meltzer
 7491 Route 8
 Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback to continue to use the base of a pre-existing boathouse as a deck which extends 45' into the lake where a 50' shoreline setback for structures is required.

Board member Gary Frenz stated that he would have to recuse himself from this application because of his association with the Meltzer's.

Chairperson Cheryl Erickson then asked Alternate #1, Rich Nawrot to join the Board for this application.

Ralph Bartlett who owns Stockfarm Construction is representing Lawrence and Karen Meltzer for this proposed project. The Meltzer's boathouse that was there for 30 years was irreparably damaged due to the ice and inclement weather and had to be demolished. As requested at the last meeting Ralph produced pictures of the Boat House prior to demolition. The remaining structure is not in compliance with the Town and APA as a dock. The Meltzer's would like to save the structure that is left. If they rebuild a boat house it will be on the same footprint.

Rich Nawrot looked at this property and he reviewed the damage and it is extensive. The Boat house is gone.

Ralph Bartlett stated that the Meltzer's said that if this structure cannot be saved they will remove it and replace it with a conforming dock.

Chairperson Cheryl Erickson stated that at last month's meeting Ralph Bartlett indicated there are some pylons that are of questionable worthiness.

Ralph Bartlett stated that there is no question that the pylons will have to be replaced but if they cannot fix the pylons they will not fix the remaining deck. With enough effort it can be saved; however, that may not be financially prudent.

Scott Olson asked if deck cannot be saved would it then be brought into compliance.

Ralph Bartlett stated if it can't be saved they will remove it and put in docks that would be compliant.

Chairperson Cheryl Erickson asked if part of the bump out on the structure could be removed in order to bring the structure into compliance.

Ralph Bartlett stated he cannot cut that bump out away and maintain the integrity of the deck. Pylons will have to be replaced on the right side at the walkway where it is pulled apart and has to be brought back together and leveled. He does not know what supports will be ok and they need a lot of repair to make the deck level again. The birth is ok. The left side is the most damaged and could not just cut off the right side. The way it's framed underneath it is not feasible to do that. The 6 x 6 holds the frame and they have to get underwater to do the framing.

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Discussion ensued regarding framing of the deck and replacing the 6 x 6 pylons. Ralph Bartlett stated it is an unknown until they get in the water and they are not able to get in the water to inspect the damage yet.

Zoning Administrator Jim Steen showed Chairperson Cheryl Erickson the plan of the deck and explained why one side of the deck cannot be cut off.

Jim Dewar asked if this is a repair and if it will not be any larger than what is already shown.

Ralph Bartlett stated that the only change is the roof is removed and it will be the same footprint.

Chairperson Cheryl Erickson stated that two letters supporting the project were received from neighbors Debbie and Kevin Reeth as well as Annemiek and Richard Gersten.

Chairperson Cheryl Erickson stated that the Warren County Planning Department review was received and indicated there will be no county impact from this project.

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

UNFINISHED BUSINESS: **File 2018-07 AV**
 Tax Map # 55.-2-12
 Lawrence and Karen Meltzer
 7491 Route 8
 Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback to continue to use the base of a pre-existing boathouse as a deck which extends 45' into the lake where a 50' shoreline setback for structures is required.

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 they are repurposing a pre-existing boathouse deck that was destroyed by ice and inclement weather. There is no cribbing underneath and they are not moving anything.
2. There will be no undesirable change in the neighborhood character or undesirable change to nearby properties and neighbors on both sides sent in letters in support of this proposed project.
3. The request is very substantial, however, it is mitigated by the fact that it already exists and will cause no environmental impact and being repaired on the pre-existing footprint.

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4. The request will have no adverse physical or environmental effects because it already is existing and just being repurposed.
5. The proposed project is not self-created because the boathouse was destroyed by the effects of snow and ice.
6. This is the minimum variance necessary and if the deck cannot be salvaged then the new dock system would have to be brought into compliance. If the Boathouse was to be re-built then it would have to be in the same location.

Being no further comments or questions Scott Olson made a motion to grant the Area Variance for a shoreline setback of 95' where 50' is required with the following conditions:

1. If the structure is to be repaired it must be on the same footprint.
2. If the structure is removed any new docks installed must be compliant with the Town of Horicon Zoning Law.
3. If a new Boathouse is to be built it will be built at the same location.

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

Town Attorney Justin Grassi went over the Part II SEQRA form with the Board members.

Scott Olson made a motion to adopt a SEQRA negative impact declaration as there are no significant adverse environmental impacts likely to result from this project. Second by James Dewar. **ALL AYES.**

UNFINISHED BUSINESS:

**File 2018-06 AV
Tax Map # 88.10-1-38
Roger Daby
6584 State Route 8
Brant Lake, NY 12815**

Requesting an Area Variance for a roadway setback for a 4' x 20' deck from **Zoning Code 6.10.** to sit 32' from the centerline of the road where 50' is required.

Gary Frenz returned to his seat on the Board for this application and Rich Nawrot returned to the Alternate # 1 seat.

Being there was no one here to speak on this project Scott Olson made a motion to close the Public Hearing. Second by Pat Farrell. **ALL AYES.**

Chairperson Cheryl Erickson stated that we received the Warren County Planning Review and found no county impact will be caused from this proposed project.

The Board members discussed the requested variance for the roadway setback to build a 4' x 20' deck.

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.

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The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant because this is the most logical way to create another egress from the house by installing a door to a 4' x 20' porch sitting area. He will use ladders or ship stairs to get off the deck. The other side of the house is not an option because it is on the grade. The back of the house is not an option either.
2. There will be no undesirable change in the neighborhood character or undesirable change to nearby properties as it will have no effect on any neighbors.
3. The request is not substantial as it is really only 4' closer to the roadway and the porch is not an excessive size.
4. The proposed project will not have any adverse physical or environmental effects
5. This is the minimum variance necessary and if at a later date if he want to add stairs the Board stated that stairs may be permitted so long as he utilizes this roadway setback and does not trigger any additional variances.

Being no further questions or comments Scott Olson made a motion to approve the roadway setback variance with the following condition:

1. That stairs may be permitted at a future date so long as they utilize this roadway setback and does not trigger any additional variances.

Second by Pat Farrell. **ALL AYES.**

This is a Type II SEQRA action and no SEQRA review is necessary.

Sandra Smith a neighbor of Roger Daby was there to support the proposed project.

Communications: None

Public Comments: None

Board Comments: None

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

Adjourn: 8:40 PM

Next Meeting Date: June 27, 2018

Respectfully Submitted,
Terri Katsch, Secretary