

**Town of Horicon
Zoning Board of Appeals**

**August 25, 2015
Minutes**

Present at Meeting: Gary Frenz, Chairperson
Pat Farrell
Thad Smith
Charles Lewis
Scott Olson, Alternate #1
James Dewar, Alternate #2

Also Present: Leah Everhart, Town Attorney, Jim Steen, Zoning Administrator, Jeri Hepworth, Mclane Hadden, Bob Olson, Town Board Member, Bill McGhie, Planning Board Chairman.

Agenda Items: **File # 201510AV Tax Map #70.15-1-12**
 File # 2015-09AV Tax Map # 55.14-1-10.2

Pledge

Chairperson Gary Frenz called the meeting to order at 7:00 p.m.

Chairperson Gary Frenz announced that Scott Olson would be seated as a voting member tonight in the absence of ZBA Vice-Chair, Cheryl Erickson.

Review of Minutes: Thad Smith made a motion to approve the July 28, 2015 minutes as written. Second by Pat Farrell. ALL AYES.

NEW BUSINESS: **File # 2015-10AV**
 Tax Map #70.15-1-12
 Maclane Hadden
 3519 East Schroon River Road
 Horicon, NY 12815

Requesting Shoreline Setback from Zoning Code 8.32 of 93' where 150' is required for a variance of 57'. And for a Roadway Setback from Zoning Code 8.10 of 47' from centerline of road where 65' is required for a variance of 18' in order to build a garage.

Maclane Hadden presented his proposal to build a two (2) car garage with a loft, twenty-eight (28') feet by forty (40') feet. There are height requirements for flood plain that will require a retaining wall be built to box it in and the retaining wall will go around to the garage to match the pipe. Lot is split level and this is the easiest way to continue the wall and square it off and build a foundation under it and the driveway would lead into that existing elevation.

**Town of Horicon
Zoning Board of Appeals**

**August 25, 2015
Minutes**

Mr. Hadden stated that Jim Steen did walk the property with him and they both determined the proposed placement is the most logical placement for the garage.

Scott Olson asked if there is anywhere on this lot that would not require a variance and Mr. Hadden responded that is correct. Scott Olson asked if he was replacing any structure and Mr. Hadden stated that this was a new structure that he is proposing to build.

Jim Steen explained to the Board members that previously in March of 2012 the board approved a variance to replace a mobile home which sat thirty (30') feet from the shoreline with a single family house forty-five (45') feet from the shoreline and due to the placement of the septic and leech fields this is the only place on the lot to build the proposed garage.

Mr. Hadden proposes to build a wall off of the pre-existing retaining wall and will backfill the low lying area under the garage. He looked at other options for placement of the proposed garage and this will have the least impact to the lot.

Chairperson Gary Frenz stated for the record that a deed is on file from the previous variance request.

Mr. Hadden stated that the proposed garage will be modular just like the house that was built and therefore will be pleasing to the eye and consistent with other properties in the area.

Charles Lewis asked if the retaining wall will be part of the proposed garage foundation and Mr. Hadden stated yes and went on to explain that he will have to backfill under the proposed garage in order to be at the same elevation as the existing house.

Charles Lewis questioned Mr. Hadden about an answer to question # 9 on the SEQRA form regarding electric being to code. Mr. Hadden explained that this will be a straight up garage, no heat, no plumbing and just electricity to State code.

Being no further questions or comments Charles Lewis made a motion to deem the application complete and set a public hearing for September 22, 2015. Second by Scot Olson. ALL AYES.

PUBLIC HEARING:

File # 2015-09AV

Tax Map # 55.14-1-10.2

Jeri Hepworth

Roadway setback from Zoning Code 8.10 to build a boathouse that will sit 13.2' from the roadway where 50' is required.

Chairperson Gary Frenz opened the public hearing.

**Town of Horicon
Zoning Board of Appeals**

**August 25, 2015
Minutes**

Jeri Hepworth restated for the Board members a brief history of her property and the boathouse that her grandparents built in the 1940's. Bernie Bolton remove the boathouse in June 2011 due to disrepair and safety concerns. Ms. Hepworth's proposing to rotate the new boathouse 90° to protect it from the weather. The concrete piers will be removed and replaced with a cribbing system (a non-displacing system which does not disturb the flow of the water). The proposed replacement structure will sit further away from the road than the original structure.

Zoning Administrator, Jim Steen made a comment that there are two boathouses approximately 200' south of Ms. Hepworth's boathouse with a similar distance from the road and one other boathouse around the corner with the similar roadway distance. This proposed boathouse is in keeping with the character of the neighborhood.

Being no further questions or comments Pat Farrell made a motion to close the public hearing. Second by Charles Lewis. ALL AYES.

Leah Everhart stated that the Warren County referral was received with a finding of No County Impact and since this is a residential property and only requires an area variance this request is a SEQRA Type II action and therefore exempt from SEQRA. Thad Smith made a motion to accept that this is a SEQRA Type II action and therefore exempt from SEQRA. Second by Pat Farrell. ALL AYES.

UNFINISHED BUSINESS:

File # 2015-09AV

Tax Map # 55.14-1-10.2

Jeri Hepworth

Roadway setback from Zoning Code 8.10 to build a boathouse that will sit 13.2' from the roadway where 50' is required.

The Board reviewed the Area Variance criteria:

The ZBA further finds that variances from **Section 8.10 Roadway setback** of the Town of Horicon Zoning Code regulations is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

1. The benefit cannot be achieved by any other means feasible to the applicant. Ms. Hepworth will be replacing a dangerous structure with a safer structure and the proposed structure will sit further from the roadway than the original structure.
2. There will be no undesirable change in the neighborhood character or to nearby properties. The neighbors have submitted in writing their support of the new structure and the proposed boathouse will blend in with the other boathouses in the neighborhood.
3. The request is substantial. However it is within the norm for the pre-existing, non-conforming structure it is replacing.
4. There will be no adverse physical or environmental effects. This proposed boathouse will be an improvement due to the open crib system which is a non-displacing system which does not disturb the flow of the water.

**Town of Horicon
Zoning Board of Appeals**

**August 25, 2015
Minutes**

5. The alleged difficulty was not self-created because it was built by Ms. Hepworth's grandparents in the 1940's and was destroyed by weather in 2007.
6. This is the minimum variance necessary. Any boathouse in this area would require a roadway setback variance due to the road being close to the lake in this area.

Charles Lewis made a motion to approve the variance request for the Roadway setback from Zoning Code 8.10 to build a boathouse that will sit 13.2' from the roadway where 50' is required as discussed by the Board. Second by Pat Farrell. ALL AYES.

PUBLIC COMMENTS: Bob Olson, Town Board member stated that there have been no Zoning Compliance Certificates issued for the month of August 2015. He also stated that the Town has increased its assessed valuations by 5 million dollars as compared to the Town of Chester which has only increased their assessed valuations by 2 million dollars.

BOARD COMMENTS: Chairman Gary Frenz mentioned the upcoming SEQRA Basics workshop training to take place in Chestertown Town Hall on August 31, 2015 from 6:00 pm to 8:00 pm.

Being no further discussions or questions, Thad Smith made a motion to adjourn the ZBA meeting. Second by Pat Farrell. ALL AYES.

Meeting adjourned at 7:30 pm.

Next meeting: September 22, 2015

Respectfully Submitted,
Theresa Katsch, Secretary