

**Town of Horicon
Zoning Board of Appeals**

**February 28, 2017
Minutes**

Present at Meeting:

Thad Smith, Chairperson
Cheryl Erickson
Pat Farrell
Scott Olson
James Dewar Alternate # 1

Also Present:

John Dunn, Don Studler, Kevin Kobel, Zoning Administrator Jim Steen.

Agenda Items:

**File # 2017-01 AV Tax Map # 89.9-1-10 and 89.9-1-9 Undersized lot and Road Frontage
File # 2017-02 Tax Map # 72.13-2-48 Retaining Wall permit and roadway setback**

Pledge

Chairperson Thad Smith called the meeting to order at 7:00 p.m.

Review of Minutes: Vice-Chairperson Cheryl Erickson made a motion to review the January 24, 2017 minutes and vote on them at the next meeting on March 28, 2017. Second by Scott Olson. **ALL AYES.**

Chairperson Thad Smith welcomed Scott Olson as a permanent member of the Zoning Board of Appeals.

NEW BUSINESS:

**File # 2017-01 AV
Tax Map # 89.9-1-10 and 89.9-1-9**
Don Studler
Duell Hill Road
Brant Lake, NY 12815

Seeking an Area Variance from Zoning Code 6.10 for 2 undersized lots of 2.84 acres and 2.24 acres where 5 acres are required and on lot 1 roadway frontage of 200' where 300' is required.

Don Studler spoke on behalf of his proposed project for undersized lots and road frontage. Don Studler stated that he purchased his property and home 23 years ago and at that time it was already subdivided. He would like to straighten that boundary line in the center of the property so it makes sense. Kevin Kobel is purchasing the other lot. There is a natural ridge that separates the two lots. He will not be increasing density and will be decreasing the road frontage from 300' to 200' on one lot. The house will be way up in the back and not visible from the road. He stated that he has already contacted the APA and the APA has no problem with the proposal.

Chairperson Thad Smith stated that he must have a survey to apply for this variance.

Don Studler has contacted surveyors and no one is able to do the survey until the spring. He has contacted Jim Nestor the surveyor and he can do the survey in the spring.

Chairperson Thad Smith asked if the Board members have any problem with getting the survey in the spring.

Vice-Chairperson Cheryl Erickson stated it's fine because there is a lot of information provided in the application, there is everything but the survey.

Pat Farrell asked about the wetlands on the property.

Don Studler stated that the APA has been out to the property and has flagged the wetlands and it will not affect the line being moved.

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Pat Farrell asked where the well, septic and home are located on the map.

Don Studler showed Pat Farrell where everything is located on the map. Both his own home that is already built and the new home to be built after boundary line is adjusted.

Chairperson Thad Smith stated then it's already pre-existing.

Vice-Chairperson Cheryl Erickson would like to deem the application complete tonight and schedule a Public Hearing.

Zoning Administrator Jim Steen stated that if the survey comes out with different numbers and a Public Hearing was noticed then the application will have to be re-submitted and start all over again.

The Board members had a discussion on whether or not they could deem the application complete and schedule the Public Hearing. The Board agreed that there has been a lot of information provided by Don Studler in his application and these are two non-conforming parcels that will not increase in density. The Boundary Line will not be encroaching on anyone's property. This request is for a variance for undersized lots and a reduction in road frontage from 300' to 200' on lot 1.

Don Studler showed Vice-Chairperson Cheryl Erickson where the line is that will be adjusted on the map.

After a discussion between the Board members regarding whether to deem the application complete tonight, Vice Chairperson Cheryl Erickson made a motion to deem the application complete and schedule a Public Hearing for March 28, 2017. Second by Scott Olson.
ALL AYES.

NEW BUSINESS:

File #2017-02 AV
Tax Map # 72.13-2-48
Brant Lake Heights Homeowner's Association
Route 8 and Grassville Road
Brant Lake, NY 12815

Seeking an after the fact Area Variance from **Zoning Code 6.10** for a retaining wall to sit 40' from shoreline where 50' is required and a roadway setback to sit 36' where 60' is required.

The Board members had a short discussion on recusal because Scott Olson is a member of the Brant Lake Heights Homeowner's Association. It was decided that Scott Olson could sit to deem the application complete and at the Public Hearing he could recuse himself if need be.

John Dunn representing Brant Lake Heights Homeowners Association is applying for an after the fact variance for a retaining wall and presented photographs to the Board members of the project that was done. They did not realize that this type of project needed a permit at the time it was completed. They did not change the shoreline at all they just cut into the bank. The purpose of the project was to control the erosion on the beach. They put in rip rap and fixed the drainage so the water went into the culvert to Route 8.

Chairman Thad Smith stated then this was not done to increase the beach size.

John Dunn stated that is correct. It was done to alleviate the water runoff. He then showed the Board members another older picture, for historical purposes that was taken prior to the docks being changed and showed the beach lot at that time and it is the same size today after the retaining wall was installed. The water was run into the vegetation as well.

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Scott Olson stated that he did not understand why this needs a variance because there was always a cut or drop there.

Zoning Administrator Jim Steen stated that according to the APA once boulders are placed there it is considered a structure. The APA and Jim Steen met there this past summer to discuss it with John Dunn.

John Dunn stated that this was a made sense project. One more thing that they are going to do is place native plants back into the roadside for more traditional erosion control.

Vice Chairperson Cheryl Erickson made a motion to deem the application complete and schedule a Public Hearing for March 28, 2017. Second by Jim Dewar. **ALL AYES.**

Communications: None

Public Comments: None

Board Comments: Chairperson Thad Smith spoke about the upcoming training at Lake Placid in April 2017 and the Septic Summit to take place on Thursday, March 30, 2017 from 8:00 am to 4:30 pm at the Six Flags Great Escape Lodge in Lake George. Board members should register themselves for the Septic Summit in Lake George. Chairperson Thad Smith asked if anyone from the ZBA will be attending the Adirondack Park Local Government Day Conference in Lake Placid. No one from the ZBA is going to attend.

Adjourn: 7:40 pm

Next Meeting Date: March 28, 2017

Respectfully Submitted,
Terri Katsch, Secretary