

**Town of Horicon
Zoning Board of Appeals**

**January 27, 2015
Minutes**

Present at Meeting: Cheryl Erickson, Vice Chair
Thad Smith
Carl Heilman
Pat Farrell, Alternate #1
Scott Olson, Alternate #2

Also Present: Jim Steen, Zoning Administrator
Mike Hill, Esq., Town Attorney

Bob Olson, Town Board Member, Bill McGhie, Planning Board member, Paul Cleveland, contractor and Larry McAvey, contractor

Agenda Items: **File # 2015-01 AV - Maureen and Robert Diaz, Adirondack General Store –
Tax Map # 20.10-1-14**
File # 2014-10 AV - Pilgrim Camp Inc. - Tax Map # 39.-1-16.1

Pledge

Vice-Chair, Cheryl Erickson in the absence of Gary Frenz, Chairperson, called the meeting to order at 7:00 p.m.

Vice-Chair, Cheryl Erickson announced that Pat Farrell and Scott Olson would be seated as voting members tonight in the absence of ZBA Board members Charles Lewis and Gary Frenz.

Approval of Minutes: Vice-Chair, Cheryl Erickson announced the review of the December 16, 2014 minutes. Pat Farrell made a motion to accept the December 16, 2014 minutes as noted with corrections, 2nd by Scott Olson. ALL AYES.

NEW BUSINESS: **File # 2015-01 AV**
Tax Map # 20.10-1-14
Maureen & Robert Diaz/Adirondack General Store
899 East Shore Drive

Area Variance for two (2) roadway setbacks to add a 12' x 19' deck to a pre-existing non-conforming structure.

Larry McAvey, contractor for file # 2015-01 AV is proposing a 12' x 19' deck with a pergola to be added on to Adirondack General Store to allow customers to sit upon, which will free up space in the store. The existing structure is close to the road and the proposed deck is triggering the need for the variances. When a pre-existing, non-conforming structure is altered a variance is required (section 15.10 Town of Horicon Zoning Code Regulations). The proposed deck does not meet the roadway setbacks (as per section 8.10 in the Town of Horicon Zoning Code Regulations). The proposed deck will only be accessed from inside the building and has a railing around the entire deck with no stairs. There are no plans to add stairs to the proposed deck.

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Jim Steen, Zoning Administrator indicated that the structure meets the sideline and rear yard setbacks.

Jim Steen, went on to state that the pre-existing, non-conforming structure is close to both roads, Redwing Road and East Shore Drive and that variances are needed for the roadway setbacks and for the deck itself. Discussion ensued among the board members about the roadway setbacks and amount of variances being sought.

Thad Smith asked if this property is located in the Hamlet. Larry McAvey, contractor, responded yes.

Jim Steen, Zoning Administrator also indicated the proposed structure is non-jurisdictional for the APA because it is located in the Hamlet.

Discussion ensued among Board members and Larry McAvey about other feasible placements for the proposed deck.

Larry McAvey stated that the proposed deck location is the most feasible as there is a septic area in the rear of the store which prevents the deck being placed off the rear of the building and other options would require major renovations that would not be feasible for the applicant.

Attorney, Mike Hill asked if the file will be sent to Warren County. Jim Steen, Zoning Administrator responded yes, once the application is deemed complete this file will be sent to Warren County.

A motion to deem the application complete and set a public hearing for February 24, 2015 was made by Thad Smith, 2nd by Pat Farrell. ALL AYES.

PUBLIC HEARING:

File # 2014-10AV

Tax Map # 39.-1-16.1

Pilgrim Camp Inc.

1542 Palisades Road

Area Variance for Roadway setback of 36' where 50' is required to expand a pre-existing, non-conforming cabin with 203 square feet addition.

Paul Cleveland, contractor representing applicant Pilgrim Camp Inc. is proposing to square off the pre-existing, non-conforming structure of Shepherd's Cabin at Pilgrim Camp and enlarge the bathrooms. The proposed addition will bring the structure three (3) feet closer to the road. The structure will sit at thirty-six (36) feet from the roadway where fifty (50) feet is required which will necessitate a variance of fourteen (14) feet.

Cheryl Erickson asked if the existing bathrooms are on both sides of the pre-existing non-conforming structure.

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Paul Cleveland responded yes.

Paul Cleveland continued to state that the pre-existing non-conforming structure will be squared off thus bringing one corner of the building closer to the road.

Cheryl Erickson stated that the pre-existing non-conforming structure is currently thirty-nine (39) feet away from the roadway and after completion of the proposed addition one corner of the structure will be brought thirty-six (36) feet away from road.

Jim Steen stated that the building is not parallel to the roadway and is on an angle which necessitates the request for the variance.

Cheryl Erickson asked if there will be any tree removal and Paul Cleveland responded that there will not be any tree removal and shrubs to create a buffer area, will be planted to provide a visual screening to the cabin and will minimize the effects from the building process.

Cheryl Erickson asked about the current structure's square footage.

Jim Steen stated that the current square footage received from the Assessor's office is four-hundred and eighty one (481) square feet and the proposed addition increase will be two-hundred and three (203) square feet.

Attorney, Mike Hill asked Paul Cleveland if the existing baths that are in place are near the back of the cabin and Paul Cleveland responded yes and all the plumbing is in place making this the most feasible option for the enlargement.

Cheryl Erickson asked if the existing bathrooms will be made handicap accessible and Paul Cleveland responded yes as per the Department of Health regulations.

Cheryl Erickson asked when the original cabin was built and Paul Cleveland responded that it was built in the 1940's. The camp is a non-profit organization that is rented out over the summer and are public accommodations and handicap accessibility is very important.

Carl Heilman asked if there are any other feasible options for placing the addition.

Paul Cleveland responded that on one side there is ledge which would involve blasting, which is not feasible and that the lakeside is not an option either as it would require extensive renovations. Therefore, enlarging the rear of the cabin is the most feasible.

Being no further discussion or questions, Pat Farrell made a motion to close the public hearing. 2nd by Thad Smith. All AYES.

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UNFINISHED BUSINESS: **File # 2014-10AV**
 Tax Map # 39.-1-16.1
 Pilgrim Camp Inc.
 1542 Palisades Road

Area Variance for Roadway setback of 36' where 50' is allowed to expand a pre-existing, non-conforming cabin with 203 square feet addition.

The Board reviewed the Area Variance criteria:

The ZBA further finds that variances from Section **8.10 Roadway setback** of the 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) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties: Entire similar structures/size on property. The structure is part of a larger camp and will be an improvement to the property architecturally and is hidden from the road. There will be no unnecessary vegetative cutting.
- 2) The benefits sought by applicant could not be achieved by any other means as the applicant's proposed design will allow for the minimal disturbance of the property because the ledge on the north side of the structure prevents extension of the baths and two (2) units. The proposed placement of the addition is the only way to extend both units at the same time. The proposed placement eliminates the need for tree removal and any alternate location would require tree removal.
- 3) The requested variance is not substantial, the structure is a pre-existing, non-conforming structure that sits thirty-nine (39) feet back from the road and with the addition the structure, at the corner will sit thirty-six (36) feet from the road due to the configuration of the current building there are no other options to change the distance. There will be a request for a fourteen (14) foot set-back variance which is a relatively small change in the pre-existing, non-conforming structure setback.
- 4) There are no adverse physical or environmental effects as the cabin is hidden, the septic is suitable for the proposal to update the bathrooms, which will be handicapped accessible. Additional shrubs will be planted to create a buffer area, which will provide a visual screening to the cabin and will minimize the effects from the building process.
- 5) The alleged difficulty was not self-created because the proposed changes are on a pre-existing, non-conforming structure and due to existing laws regarding handicapped accessible bathrooms the bathrooms need to comply with current regulations. Topographic constraints prevent addition from being put anywhere else.
- 6) This is the minimum variance necessary.

Conditions: None

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Noting that this project is exempt from SEQRA.

An Area Variance for Roadway Setback should be granted because the benefit to the applicant outweighs the potential detriment to the health, safety and welfare of the community.

Scott Olson made a motion to approve the Pilgrim Camp fourteen (14) foot roadway set-back variance without any conditions, per the ZBA Board's discussion of the criteria. 2nd by Pat Farrell. All AYES.

PUBLIC COMMENTS: NONE

BOARD COMMENTS: NONE.

Cheryl Erickson, Vice-Chair reminded the Board members attending the Saratoga Planning and Zoning Conference on January 28, 2015 that the first class will begin at 8:30 am.

Being no further comments or questions, Thad Smith made a motion to adjourn the meeting at 8:00 PM, 2nd by Pat Farrell. All AYES

NEXT MEETING: February 24, 2015

Respectfully Submitted,
Theresa Katsch
Secretary

