

**Town of Horicon  
Zoning Board of Appeals**

**September 22, 2015  
Minutes**

**Present at Meeting:** Gary Frenz, Chairperson  
Pat Farrell  
Thad Smith  
Scott Olson, Alternate #1

**Also Present:** Leah Everhart, Town Attorney, Jim Steen, Zoning Administrator, Maclane Hadden, Tom Jones, Bob Olson, Town Board Member, Bill McGhie, Planning Board Chairman, Constance from MH Imperial Homes representing Konczeski.

**Agenda Items:**        **File # 201511AV Tax Map #56.5-1-7**  
                                 **File # 2015-09AV Tax Map # 55.14-1-10.2**  
                                 **File # 2015-12 AV Tax Map # 39.9-1-22**

**Pledge**

Chairperson Gary Frenz appointed Scott Olson as a voting member tonight in the absence of ZBA member Charles Lewis.

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

**Review of Minutes:** Scott Olson made a motion to approve the August 25, 2015 minutes as written. Second by Pat Farrell. **ALL AYES.**

**NEW BUSINESS:**                **File 2015-11AV**  
                                 **Tax Map # 56.5-1-7**  
                                 Tom and Shannon Jones  
                                 7765 State Route 8  
                                 Brant Lake, NY 12815

**Variances for Dormer and Entry Porch:**

**Dormer 12' x 25'** - Section 11.24 Shoreline Setback: 50' required, 0' proposed  
                                 Section 8.10 Roadway Setback: 50' required, 47.5' proposed  
                                 Section 8.10 Side yard Setback: 15' required, 9.9' proposed  
**Entry Porch 4' x 4'** - Section 11.24 Shoreline Setback: 50' required, 24' proposed  
                                 Section 8.10 Roadway Setback: 50' required, 31.5' proposed

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Jim Steen, Zoning Administrator addressed the Board regarding **File # 2015-11 AV** - Tom Jones' proposed dormer and front porch entry. Jim showed sketches of the proposed dormer and front porch entry to the Board members and gave the dimensions of all the setback proposals. Tom Jones then spoke to the Board members regarding his proposal for the dormer and entry porch. He stated that the house is a Cape style with a metal roof to be used year round. When snow covers the roof it causes a danger walking in and out the front door because there is no covering over the entryway. The proposed covered entry way will take care of that hazard. The proposed dormer would provide useful space as well as natural lighting in the house.

Scott Olson asked if the entry porch needs a variance for the roadway or the shoreline. Jim Steen answered both the shoreline and roadway. Jim Steen stated that he spoke with Robyn Burgess at the APA who also verified that the pre-existing, non-conforming structure cannot be altered without a variance. The dormer will sit further from the road and the entry porch will sit further away from the lake.

Scott Olson made a motion to deem the application complete and schedule a public hearing on October 27, 2015. Second by Thad Smith. **ALL AYES.**

**NEW BUSINESS:**

**FILE 2015-12AV**

**Tax Map # 39.9-1-22**

Robert and Nancy Konczeski  
13 Maine Blvd  
Brant Lake, NY 12815

Section 8.10 Roadway Setback:	50' required, 33.6' proposed
Section 8.10 Right Side yard Setback:	15' required, 10' proposed
Section 8.10 Left Side yard Setback:	15' required 9' proposed
Section 8.10 Rear yard Setback:	50' required 32.2' proposed

This is a lot located in Mead's Cottages on Palisades Road and proposes to take down an old mobile home and replace with a two-story home and an attached garage. The homeowner went to Mead's HOA with the proposal and the Mead's HOA has approved this proposal. This proposal does center the home on the lot. Jim Steen, Zoning Administrator showed the Board members the roads going into the property and went over the dimensions for the variance requests. Jim pointed out where the original structure currently sits and indicated it is no closer than it is now. On the left side the garage makes it a little closer to the property line and a little closer to road but still further back from the rear than the original. The residential septic system is located next to this property which all the homeowners in the association share.

Scott Olson asked if this property utilizes the residential septic system. Jim Steen stated yes and explained that each lot was assigned a certain number of bedrooms prior to purchase of lots and he believes this lot is assigned for a four bedroom home. Scott Olson asked what the difference is in square footage between the new home and the old home. Jim Steen stated that information can be produced at the next meeting on October 27, 2015.

Gary Frenz asked if there is a deed on file for this property and indicated that the deed and the square footage of this property must be submitted at the next meeting on October 27, 2015.

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Pat Farrell asked what the homeowners use for water. Jim Steen indicated that the water is piped above ground from a drilled well and the pump house sits down by the lake and may possibly draw water from the lake in addition to the well. That information will be produced prior to the next meeting on October 27, 2015.

Pat Farrell stated if they drill their own well that it seems like a substantial investment for seasonal use. Jim Steen stated if they did drill their own well they would have to be 100' from the leach field or only continue to use it seasonally.

Thad Smith asked if all homeowners use same water and Jim Steen responded yes.

Gary Frenz stated that the ZBA will need the deed, and whatever other easements needed for shared septic and water. A document will be produced for the ZBA called Declaration of Covenants, Restrictions, Easements, Charges and Liens from Mead's Homeowner's Association (to make sure the homeowner has the right to use the shared septic and water) at the next meeting on October 27, 2015.

Scott Olson made a motion to deem the application complete and schedule a Public Hearing for October 27, 2015 conditioned upon receipt of the above stated documentation showing the homeowner has the right to use the shared septic and water as well as producing the deed for the file. Second by Thad Smith. **ALL AYES.**

**PUBLIC HEARING:**

**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.

Chairperson Gary Frenz opened the public hearing.

Maclane Hadden reiterated his proposal to build a two (2) car garage with a loft, twenty-eight (28') feet by forty (40') feet.

Scott Olson stated that the proposed garage is substantially bigger than a two car garage and what is the reason for this size garage.

Maclane Hadden responded that he is moving from a home in Queensbury and he has a vintage car, two other cars, a boat and wants space for a workspace in the garage. This garage will have a loft with storage and the interior staircase will impact space in the garage.

Pat Farrell asked if there will be any water to the garage and Mr. Hadden responded no.

This garage will alleviate one shed now and will allow Mr. Hadden to keep belongings indoors.

Chairperson Gary Frenz read the Warren County Planning Department response that determined this issue is of a local nature

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without any significant impacts on County properties or resources. Therefore, there is no county impact.

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

**UNFINISHED 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.

**This is a TYPE II action and therefore exempt from SEQRA.**

Pat Farrell made a motion to note that this is a TYPE II action and exempt from SEQRA. Second by Scott Olson. **ALL AYES.**

The Board reviewed the Area Variance criteria:

The ZBA finds that variances from **Section 8.32 Shoreline setback** and **Section 8.10 Roadway setback** of the Town of Horicon Zoning Code regulations are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The ZBA further finds:

1. The benefit cannot be achieved by any other means feasible to the applicant due to restrictions on the property and with the flood plain, the proposed placement is the most logical placement for the garage.
2. There will be no undesirable change in the neighborhood character or to nearby properties as the proposed garage will blend in with the house and the neighborhood and be esthetically pleasing. All the homes in that area are non-conforming.
3. The request is substantial, the roadway setback is 28%; however, no matter what size the proposed garage is it will need variances and because of the flood plain the APA would like it to be further away from the river than the road.
4. There will be no adverse physical or environmental effects. This proposed garage is not changing the shoreline and there are trees on the shoreline which will filter the view of the structure from the river to the proposed garage.
5. The alleged difficulty was not self-created because the proposed structure cannot be placed any closer to the road due to the septic and leach fields and the placement of the proposed structure in this location is the best use for the piece of property.
6. This is the minimum variance necessary. Although the proposed garage is somewhat larger than a typical garage the use intended is reasonable. If the proposed garage was smaller it would still require the same variances.

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Thad Smith made a motion following the Boards discussion of this request to approve the application. Second by Pat Farrell. **ALL AYES.**

**PUBLIC COMMENTS:**

**BOARD COMMENTS:** Chairperson Gary Frenz reminded the Board about the upcoming Southern Adirondack Planning and Zoning Forum and the North Country Storm water Tradeshow and Conference. Vouchers for 2015 and the meeting schedule for 2016 were provided to the Board members.

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

**Meeting adjourned 7:55 pm.**

**Next meeting:** October 27, 2015

Respectfully Submitted,  
*Theresa Katsch*, Secretary