

**Town of Horicon  
Planning Board**

**February 17, 2016  
MINUTES**

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**Present at Meeting:** Bill McGhie, Chairperson  
Teri Schuerlein, Vice-Chair  
William Siegle  
Dan Freebern  
Joe Turcotte, Alternate #2

**Also Present:** Town Attorney, Leah Everhart, Bob Olson, Town Board member, Jim Steen, Zoning Administrator, Steve Alheim from Eric and Eric Construction.

**ADENDA ITEMS:** File #2016-01 CU, Tax Map # 55.-2-6  
File #2016-01-SD, Tax Map # 88.10-1-53

**Pledge**

Chairperson, William McGhie called the meeting to order at 7:00 p.m.

Chairperson, William McGhie appointed alternate member Joe Turcotte as a voting member in the absence of Mike Raymond.

**Approval of minutes:** Teri Schuerlein made a motion to approve the January 20, 2016 minutes as written. Second by Joe Turcotte. **ALL AYES.**

**NEW BUSINESS:** File 2016-01 CU  
Tax Map # 55.-2-6  
Brant Lake Farm – David and Kirsten Carmel  
19 Lake House Road  
Brant Lake, NY 12815

Conditional Use approval to add an addition in a flood plain

Steve Alheim, Project Manager from Eric and Eric Construction, representing David and Kirsten Carmel is before the Planning Board seeking a Conditional Use to add approximately an additional 600 square feet to an existing structure in a flood plain. David Carmel is wheelchair bound and elevating the addition is not an option for him.

Chairperson William McGhie asked if they are adding any bedrooms and Steve Alheim stated no bedrooms will be added they will be relocating one bedroom.

Zoning Administrator Jim Steen stated this is currently before the Zoning Board for a variance for a shoreline setback and relief from Section 9.70 # 3 and # 4 of the Town of Horicon Zoning Ordinance that states if a home is located in a flood plain you must build one (1) foot higher than the estimated flood level determined by FEMA.

The addition will have a separate septic system provided the system be located out of the flood zone. If the system cannot be located out of the flood zone a Zoning Compliance certificate will not be issued. Currently there is a septic system installed in 2008 to service the main house and the garage. Zoning Administrator Jim Steen passed around a map that shows the location of that septic system to the Board members.

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Vice-Chairperson Teri Schuerlein asked when the last renovation was done and Steve Alheim responded in 2012 the structure was updated to enable wheelchair accessibility.

Zoning Administrator Jim Steen stated that the current assessment records indicate the structure was first built in 1965 and updated in 1985 to a cottage and there is no information on the septic from that time.

Chairperson William McGhie asked if the house is currently above the flood plain and Steve Alheim responded that it is not above the flood plain.

Zoning Administrator Jim Steen told the Board members the he spoke with the Warren County Building Department and was told if the addition's cost is less than 50% of the value of the home a flood plain certificate is not required by Warren County.

Chairperson William McGhie stated that he is not comfortable approving the application at this time because he would like to look at the site. Vice-Chairperson Teri Schuerlein and Dan Freebern agreed that they would like more time as well.

Zoning Administrator Jim Steen referred the Board members to the Flood Hazard Area section of the Town Ordinance and section 9.61 in order for them to read the provisions applicable to the Planning Board.

Vice-Chairperson Teri Schuerlein asked if the ZBA will be ruling on this next week and Zoning Administrator Jim Steen stated that a Public Hearing is scheduled on Tuesday, February 23, 2016 for this file.

Town Attorney Leah Everhart advised the Planning Board members they can deem the application complete and that does not close the door on the process. During the review process the Board can ask the applicant to provide additional information in order to make a decision.

Chairperson William McGhie asked if by deeming the application complete a time frame would be involved. Zoning Administrator Jim Steen explained that closing of the Public Hearing starts the clock. A Public Hearing can be scheduled and if the Board is still not satisfied with the information provided the Public Hearing can be held open.

Dan Freebern made a motion to deem the application complete and schedule a public hearing for March 16, 2016. Second by William Siegle. **ALL AYES.**

**PUBLIC HEARING:**

**File #2016-01-SD  
Tax Map # 88.10-1-53  
Bernie Hill  
6514 State Route 8  
Brant Lake, NY 12815**

**Proposed two (2) lot Subdivision**

Vice-Chairperson Teri Schuerlein recused herself from this proposed project as her business is located directly across the road from Bernie Hill's property.

Chairperson William McGhie stated that he went to look at the property and there is a steep bank going down the property that will prevent the lot from being seen from the road.

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Jim Steen stated that Bernie Hill did provide the survey showing all of his property as requested by Georgia McMeekin at the last Planning Board meeting and the survey was reviewed by the Board members.

Town Attorney Leah Everhart asked if the gravel driveway will remain as access to the current home on Lot (1) one, if so, she stated that that any approval allowing the subdivision should include a condition to address this.

The SEQRA form was reviewed and the Board determined based on information presented and after conducting an environmental review that this project is an unlisted action, is declaring a negative declaration finding no significant adverse environmental impact likely to occur.

Dan Freebern made a motion to adopt a SEQRA negative declaration finding no significant adverse environmental impact likely to occur. Second by William Siegel. **ALL AYES.**

Town Attorney Leah Everhart suggested to the Board that, if it was inclined to approve the Application, a condition be imposed that either the driveway on lot (1) one be reconfigured so that it does not encroach on lot (2) two or grant an easement for lot (1) one and let the attorneys review and approve.

Being no further questions or comments Joe Turcotte made a motion to approve the subdivision with the condition that either the driveway on lot (1) one be reconfigured so that it does not encroach on lot (2) two or if an easement for lot (1) one is applied the attorneys will review and approve that easement. Second by Dan Freebern. **ALL AYES.**

Vice-Chair Teri Schuerlein rejoined the Board at this time.

Town Board member Bob Olson stated that the Town Board decided not to supply paper copies of the revised Zoning Ordinance that was sent via email as it is too much of an expense at this time because it is an unfinished document. He also stated that the workshop meeting on the review of the Zoning Ordinance will be determined at a future date.

The Planning Board members had a short discussion on cluster developments and open space.

Being no further discussions or comments Dan Freebern made a motion to adjourn the meeting. Second by Teri Schuerlein. **ALL AYES.**

Meeting adjourned at 8:10 pm

Next meeting: March 16, 2016

Respectfully submitted,  
*Terri Katsch*  
Secretary