

Town of Horicon  
Planning Board

May 18, 2016  
MINUTES

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

**Also Present:** Town Attorney, Leah Everhart, Bob Olson, Town Board member, Jim Steen, Zoning Administrator, Bernie Hill, Paul Smith, Town Highway Superintendent, Christopher Norcross, Stephanie Norcross, Alyssa Hayes, Scott Hayes, Jason Willette.

**ADENDA ITEMS:** File 2016-03 CU, Tax Map # 88.10-1-7  
File 2016-04 CU and File 2016-02 SD Tax Map # 39.-1-17.1  
File #2016-01 CU, Tax Map # 55.-2-6

**Pledge**

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

**Approval of minutes:** Vice-Chairperson Teri Schuerlein made a motion to amend the April 20, 2016 minutes with changes on page two. Scott Hayes file. Second by Dan Freebern. **ALL AYES.**

**PUBLIC HEARING:** File 2016-03 CU  
Tax Map # 88.10-1-7  
Scott Hayes  
6523 State Route 8  
Brant Lake, NY 12815  
Conditional Use approval for Section 8.20 Retail Services, Commercial

Scott Hayes spoke on behalf of his proposed Conditional Use to be able to operate a small engine repair shop on the property.

Chairperson William McGhie asked if there will be any new buildings at the site and Scott Hayes responded no new buildings will be placed on the site. He will use the existing building. People will only drop off and pick up the equipment to be repaired.

Dan Freebern asked for clarification on placement of any signs and Scott Hayes responded that once the Conditional Use is approved he will apply for a sign permit from the Town of Horicon to place a sign on the existing building. Vice-Chairperson Teri Schuerlein asked if he will be selling or storing equipment outside and Scott Hayes responded there may be some intermittent sales and if any storing of equipment is done it will be behind the building. Vice-Chairperson Teri Schuerlein asked that the minutes from April 20, 2016 be amended as Scott Hayes did indicate at the prior meeting there would be some selling and storing of equipment outside behind the building.

Leah Everhart, Town Attorney stated that the Warren County referral was received with a finding of No County Impact.

Being no further questions or comments Mike Raymond made a motion to close the Public Hearing. Second by Dan Freebern. **ALL AYES.**

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**UNFINISHED BUSINESS:**      **File 2016-03 CU**  
   **Tax Map # 88.10-1-7**  
   Scott Hayes  
   6523 State Route 8  
   Brant Lake, NY 12815

Conditional Use approval for Section 8.20 Retail Services, Commercial

The Board reviewed the proposed project and determined that this is a permitted use in the CR 20,000 zoning district and the building, and future sign to be placed are compatible with the surrounding area. The proposed action will not impair the character or quality of the existing community.

The Planning Board discussed whether or not to place conditions on the approval of the proposed project and decided that no conditions need to be imposed.

The SEQRA form was reviewed by the Planning Board members and based on information presented, adopted a negative declaration finding no significant adverse environmental impact likely to occur.

Mike Raymond made a motion to adopt a SEQRA negative declaration finding no significant adverse environmental impact. Second by Dan Freebern. **ALL AYES.**

Being no further questions or comments Vice-Chairperson Teri Schuerlein made a motion to approve the Conditional Use for Retail Services, Commercial. Second by Dan Freebern. **ALL AYES.**

**PUBLIC HEARING:**                **File 2016-04 CU**  
   **Tax Map # 39.-1-17.1**  
   Christopher Norcross  
   8083 State Route 8  
   Brant Lake, NY 12815

Conditional Use approval to build a single family home in LC-42.6 acre zone.

**File 2016-02 SD**  
   **Tax Map # 39.-1-17.1**  
2 Lot Subdivision

Christopher Norcross stated his proposed intention to subdivide lot 39.-1-17.1 and build a single family dwelling for his parents.

Chairperson William McGhie stated that the Town received a letter from the APA requesting the Planning Board's opinion on the subdivision. Town Attorney, Leah Everhart stated that the letter was received because this is a Class A project. This proposed project falls under both the Town and the APA's jurisdiction and needs approval from both. The Planning Board Chairman, William McGhie stated that if the proposed project is approved a letter will be sent to the APA indicating the Planning Board's approval of this proposed project.

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Dan Freebern stated that he drove up to the site and found it to be well situated up on a knoll, way off the road and did not seem to be in a flood plain. Dan Freebern went on to state that the roughed in driveway looked good and is in keeping with the neighborhood's surrounding properties.

Being no further questions or comments, Dan Freebern made a motion to close the Public Hearing. Second by Teri Schuerlein. **ALL AYES.**

**UNFINISHED BUSINESS:**      **File 2016-04 CU**  
    **Tax Map # 39.-1-17.1**  
    Christopher Norcross  
    8083 State Route 8  
    Brant Lake, NY 12815  
                                  **Conditional Use** approval to build a single family home in LC-42.6 acre zone.  
                                  **File 2016-02 SD**  
                                  **Tax Map # 39.-1-17.1**  
**2 Lot Subdivision**

Chairperson William McGhie stated that the Town received a finding from Warren County Planning Department indicating no County impact for the proposed project but did suggest the Planning Board pay attention to the site distances.

Chairperson William McGhie and Dan Freebern both indicated that they see no problem with the property site distances.

The SEQRA form was reviewed by the Planning Board members and based on information presented, adopted a negative declaration finding no significant adverse environmental impact likely to occur.

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

Being no further questions or comments Vice-Chairperson Teri Schuerlein made a motion to approve the two (2) lot subdivision. Second by Mike Raymond. **ALL AYES.**

Vice-Chairperson Teri Schuerlein made a motion to approve a Conditional Use for a single family dwelling. Second by Dan Freebern. **ALL AYES.**

**PUBLIC HEARING:**              **File 2016-02 CU**  
    **Tax Map # 88.10-1-63**  
    Bernie Hill  
    6514 State Route 8  
    Brant Lake, NY 12815  
                                  **Conditional Use** approval for Retail Business, General

Bernie Hill is seeking a Conditional Use approval for a retail business to place boats for sale on this piece of property. There is an issue with the placement of the boats and traffic safety due to poor visibility at the intersection of Town Shed Road and State Route 8 during the winter when the boats are shrink wrapped.

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Bernie Hill clarified for Board Members that the boats are placed there for sales and not storage.

Chairperson William McGhie stated that the problem exists only during the winter months when the boats are shrink wrapped thus preventing the Town of Horicon Highway Department trucks from safely making a left hand turn from Town Shed Road onto Route 8. There have been quite a few "near misses" with the highway trucks and traffic coming down Route 8 due to visibility over the shrink wrapped boats.

Mike Raymond asked if the problem still exists even with the removal of the trees that was done on the Town of Horicon property. Bernie Hill referred Mike Raymond to the traffic study that was done by KB Engineering and Consulting at the previous meeting.

Town of Horicon Highway Department Supervisor, Paul Smith commented that a little more research was done after the last meeting. A truck was loaded, weighing 77,000 lbs. (approximate weight of loaded snow plow truck during a storm) with a plow on the truck. At this time of year they were able to see the oncoming traffic; however the trucks move very slowly due to the weight. Paul Smith stated that during winter storms *each* truck comes out of Town Shed Road five (5) to six (6) times per storm. When the fully loaded truck tries to make a left hand turn to go west onto State Route 8, the truck has the nose on the white line and the driver is not able to see over the shrink wrapped boats. Paul Smith stated that this is only a problem in the winter.

Vice-Chairperson Teri Schuerlein asked at what height is the driver sitting. Zoning Administrator James Steen responded 8'3".

Bernie Hill stated when the pontoon boats are in the front and shrink wrapped that causes a problem for the sight distance needed for the Town Highway trucks and he will not be putting the pontoons in the front row but will be placing the smaller boats in the front.

Chairperson William McGhie asked what the height is on smaller boats. Bernie Hill responded that his garage door where the boats are shrink wrapped has a height of 12 feet and none of the shrink wrapped boats will be over 9.5 feet.

Chairperson William McGhie asked Zoning Administrator James Steen what the height was when we were there. Zoning Administrator James Steen explained to the Board members that he, William McGhie and Terri Katsch did an unscientific survey and took pictures which were then explained to the Board Members. Zoning Administrator James Steen stated the height would need to be at 7' 8" in order not to obstruct the view. The boats would need to be 31' from the white line that runs parallel to Bernie Hill's property in order for the trucks to have the necessary sight line to see the oncoming traffic. Because the property curves going up the road the top of the property needs 42' from white line to have necessary sight line.

Bernie Hill stated that the current pontoon boat Biminis are now at 9' 5" and Bernie Hill stated he can see up the road in a bus sitting at 8'3" (the same as a truck driver would be sitting) without any problems.

James Steen Zoning Administrator stated the problem is when the boats are shrink wrapped the view is obstructed.

Sight distance needed by the Town of Horicon Highway Department is approximately 336'.

William Siegle asked if the drivers have expressed concerns for safety and Paul Smith indicated that his employees expressed their concerns regarding their safety when trying to make that left turn with a plow truck.

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Mike Raymond discussed the possibility of getting an electronic speed sign. Mike Raymond indicated an electronic speed sign was funded by the Boy's Camp in Brant Lake. Paul Smith stated that he has been trying to get the county to do something for years but has not been successful.

William Siegle indicated that he would approach the state senators to try to get a resolution to the speed issue.

Vice-Chairperson, Teri Schuerlein spoke with Craig Leggitt regarding getting a speed sign at that location similar to the one on Route 9 in Chestertown.

Lengthy discussion ensued regarding ideas to get speed signs at that location to try to help the situation and what compromises could be reached to correct the safety issues and still have the boats for sale on the property.

Chairperson William McGhie stated that there are two problems visibility and speed.

James Steen Zoning Administrator suggested leaving the Public Hearing open until solutions could be reached.

Town Attorney Leah Everhart stated that there would be no reason to keep Public Hearing open at this time because all of the paperwork is in order and she would not suggest leaving the Public Hearing opened just to wait for information from the State Highway Department which may or may not have some bearing on the review of this application.

Another discussion ensued regarding compromises for placing boats on the property and how many boats will be placed on the property. Dan Freebern suggested that this is only a problem during the winter and perhaps the Board could place conditions on placement of the boats during a certain period of the year.

Mike Raymond asked Bernie Hill what would his solution be to this problem and Bernie stated that he would be willing to keep the smaller shrink wrapped boats twenty-five (25') feet from the white line of the road during the winter months.

Town of Horicon Highway Department Supervisor Paul Smith stated that that would not be acceptable and he is not trying to impede the business of EZ Marine; however, he has a responsibility to ensure the safety of his workers.

The Board continued to have a lengthy discussion to try to reach a compromise between Bernie Hill and Paul Smith regarding the safety issue and sight distances needed by the Highway Department and Bernie Hill's use of his property to sell boats.

Town Attorney Leah Everhart stated that the Planning Board has absolutely no authority over the Highway Department and to put conditions on this property owner that would put the Highway Department in a better condition is outside of the Board's purview.

Bernie Hill and the Board members continued another very lengthy discussion on conditions that would be amenable to both himself and the Town of Horicon Highway Department.

Board members started to discuss the setback off of State Route 8 where the boats could be placed for the safety issue. The property is curved and this makes it more difficult for Bernie Hill to have full use his property which he is not amendable to doing.

Vice-Chairperson Teri Schuerlein indicated she has a problem with impeding Bernie Hill's business and suggested a

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compromise by placing a one year condition with concrete limits on distances and dates for this Conditional Use application as suggested by Zoning Administrator James Steen.

Chairperson William McGhie asked if there is any further discussion on this file and indicated that Bernie Hill has agreed to put the smaller boats, thirty (30') feet back from the side white line of east bound lane of State Route 8, and he will place the bigger boats in the back row and will agree to the Planning Board making a one year conditional use only applicable during the period from November 1, 2016 through April 15, 2017. The height will be no higher than 9.5' of covered boat inventory in the front row.

Chairperson William McGhie agrees with Vice-Chairperson Teri Schuerlein regarding business growth in the Town of Horicon but is also charged with keeping in mind the safety of the citizens.

Vice-Chairperson Teri Schuerlein made a motion to close the Public Hearing. Second by William Siegle. **ALL AYES.**

**UNFINISHED BUSINESS:**        **File 2016-02 CU**  
    **Tax Map # 88.10-1-63**  
    Bernie Hill  
    6514 State Route 8  
    Brant Lake, NY 12815  
    Conditional Use approval for Retail Business, General

The Planning Board members reiterated the conditions to be placed on this Conditional Use application during their discussion and to waive the fee when the applicant returns. The applicant Bernie Hill has agreed to these conditions.

The SEQRA form was reviewed by the Planning Board members and based on information presented, adopted a negative declaration finding no significant adverse environmental impact likely to occur.

Chairperson William McGhie made a motion to adopt a SEQRA negative declaration finding no significant adverse environmental impact. Second by Mike Raymond. **ALL AYES.**

Being no further discussions or comments Vice-Chairperson Teri Schuerlein made a motion to adopt a one year Conditional Use approval for a thirty (30') foot setback from the white line of the east bound lane, no pontoon boats in the front row between the period November 1, 2016 through April 1, 2017 and the maximum height of shrink wrapped boats in the front row running parallel to State Route 8 not to exceed 9.5'. Fee to be waived upon return of applicant for review. Second by Mike Raymond. **ALL AYES.**

Mike Raymond made a motion to adjourn the Planning Board meeting. Second by William Siegle. **ALL AYES.**

**BOARD COMMENTS:** Chairperson William McGhie asked the secretary Terri Katsch to send a letter to the APA indicating the Planning Board's approval of **File 2016-04 Conditional Use** and **File 2016-02 Subdivision** for the Christopher Norcross proposal to build a single family home for his parents.

Meeting adjourned at 8:54 p.m.

Next meeting: June 15, 2016