

HORICON TOWN BOARD
PUBLIC HEARING & REGULAR MEETING

**** DRAFT****

MAY 17, 2012
7:00 PM

Present at meeting:	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Robert Olson	Councilman
	Kenneth Higgins	Councilman
	Matthew Simpson	Councilman
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Harvey and Herta Leidy, Jim Himoff, Brandon Himoff, Jane Smith, Bill McGhie, Andy and Edna Trumble, Eric and Kit Isaachsen, Mark Younes, Bob Miller, Steve Smith, Gerry Hill, Doug Paton, Gary and Gail Frenz, Rick Morehouse, Dan and Nancy Freebern, Trevor LaBarge, Brad Joy, Teri Schuerlein, Tom Johansen, Deanne and Victoria Paull, Carl Heilman, Bernie Bolton, ZA Gary McMeekin, Bob and Sylvia Smith.

PUBLIC HEARING: *Proposed Changes to the Town of Horicon Zoning Ordinance and Subdivision Regulations.*

Supervisor Bentley called the meeting to order at 7:00 PM and opened the Public Hearing. He stated the purpose of the Public Hearing is to hear comments regarding the proposed changes to the Horicon Zoning Ordinance and Subdivision Regulations. He then opened the floor for comments.

-Bill McGhie noted that nowhere in the Zoning Ordinance does it address cleaning out a septic system when a property is sold. He suggested that it should be required that a septic system be cleaned out at the time a property is sold. Counselor Schachner noted that this is something that would typically be addressed in the Sanitary Regulations rather than the Zoning Ordinance.

-Brandon Himoff addressed the Board regarding how the Comprehensive Master Plan and the Strategic Plan should tie in with the Zoning Regulations. He pointed out that the revisions made to the Zoning Ordinance, however, do not support the goals of the Strategic Plan. Brandon spoke at length citing numerous items that were either omitted, incorrectly referenced, or that should, in his opinion, be removed from the revised Zoning Ordinance altogether. He asked the Board to make the changes he noted, pointing out that a lot of work went into the Comprehensive Master Plan and the goals outlined in that document should be considered in revising the Zoning Ordinance.

-Councilman Olson responded, noting that he felt the entire process was too lengthy and that Brandon has some valid points. He explained that the Committee had originally focused on ten items, which were problematic for the Planning Board, to bring them into compliance with the Comprehensive Plan. He noted that some additional things were added, then Dr. Lamb came back into the process, and then it became a comprehensive review. Councilman Olson said many of the concerns did not translate to the revised Zoning Ordinance in relation to the Comprehensive Plan ideas. He suggested they re-panel the Committee in light of Brandon Himoff's review and go back through the Zoning Ordinance.

-Jim Himoff expressed his disappointment over the fact that after three years of work, this is what is being presented. He suggested the Board consider re-working the document, making the changes noted by Brandon Himoff, and then use that as the review document. He noted that something needs to be done.

-Councilman Hill said he thought this would be a good idea. He pointed out that a lot of the regulations make Zoning too tight. He added that these regulations are forcing subdivisions out of existence.

-Bernie Bolton pointed out that subdivisions are all dead because of the money needed to meet the requirements of the Subdivision Regulations. He noted that between stormwater runoff plans, engineering, and all the other requirements it becomes too costly of a process to provide affordable housing when they are finished.

-Councilman Olson posed the question as to whether or not the Town should be involved with stormwater review. He said if it is regulated by DEC and they accept the stormwater plan then the Town should accept it.

-Bernie Bolton noted that sometimes it is easier to get the DEC permit than it is the Town permit. He added that if DEC accepts the stormwater plan then the Town should approve it.

-Brandon Himoff pointed out that the Town used to have a lot more here. He said the Town needs to do what they can to hang on to what they have left and look at bringing in business, providing jobs, and providing affordable housing among other things.

-Jim Himoff said his business works very hard to create year-round jobs in Brant Lake and that is difficult in the winter. He noted that they lose a lot of money doing this but they feel it is necessary to keep their businesses open to provide jobs and they also feel it is good for the community. He pointed out that the Zoning Ordinance makes it more difficult to keep winter jobs, and again urged the Board to go back to the Comprehensive Plan and turn it into a Zoning Ordinance that everyone can be excited about.

-Carl Heilman said that after what was brought forth in the Comprehensive Plan he did not expect the Zoning Ordinance to be so restrictive. He used home-based businesses as an example noting that if he were to start a home-based business now there would be an extensive permit process he would need to go through. Carl then asked if there were any restrictions on the size of a boathouse. ZA Gary McMeekin responded that there is basically no size restriction but there are setback requirements. Carl also noted that he feels Agricultural Use should not be prohibited in R1 District.

-Councilman Higgins noted that they did loosen the restrictions on the keeping of animals.

-Harvey Leidy urged the Board to re-convene the Committee and go through the Zoning Ordinance again with Brandon Himoff's guidance.

-Deanne Paull asked for clarification on the restrictions on animals. Supervisor Bentley said they had removed all but a few restrictions in Section 11.10 regarding the Keeping of Animals. He told Ms. Paull that the only restriction in her district, for example, would be that the animals need to be fifty feet from the property line and well.

-The Board agreed they should re-convene the Zoning and Planning Review Committee and send the Zoning Ordinance "back to the drawing board". The Public Hearing will be left open until such time as the Review Committee has a new draft and the Board will re-convene the Public Hearing at that time.

The Board moved back into Regular Session at 8:00 p.m.

REGULAR MEETING:

Approval of Minutes: Minutes of April 19, 2012 were approved by Motion of Messrs. Higgins and Olson, all Ayes.

Approval of May 17, 2012 Vouchers and Abstracts:

RESOLUTION #71-2012

Messrs. Hill and Simpson introduced Res. No. 71 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF MAY ABSTRACT

RESOLVED, that the Town Board does hereby authorize the payment of the May 17, 2012 Vouchers and Abstracts as follows:

General Vouchers	#115-148	\$ 21,528.84
Highway Vouchers	# 60-80	\$ 40,819.78
General Abstracts	12 & 13	\$ 15,222.09
Highway Abstracts	12 & 13	\$ 16,312.69

Correspondence to the Board:

- AATV RE: Membership meeting notice for June 3rd and 4th
- NYSDOT RE: CHIPS notification letter
- Kelly Baldwin RE: Letter expressing her sadness at how the Town looks

Resolutions:

RESOLUTION #72-2012

Messrs. Hill and Higgins introduced Res. No. 72 and moved its adoption, all Ayes:

RESOLUTION TO SET STANDARD WORKDAY

BE IT RESOLVED, that the Town of Horicon hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Standard Name & Title	Work Day	Term Begin/Ends	Participates in Employer's Time Keeping System	Days/Mo.
Ralph Bentley (Supervisor)	7	1/1/12-12/31/13	No	20
Krista Wood (Town Clerk)	7	1/1/10-12/31/13	No	20
Paul Smith (Highway Supt.)	7	1/1/12-12/31/15	No	20
James Murphy (Justice)	6	1/1/11-12/31/14	No	7
Kenneth Higgins (Town Councilman)	6	1/1/12-12/31/15	No	5
Matthew Simpson (Town Councilman)	6	1/1/12-12/31/15	No	5
Robert Olson (Town Councilman)	6	1/1/10-12/31/13	No	5

Old Business:

Fuel and Propane Bids: One bid was received from Mountain Petroleum.

RESOLUTION #73-2012

Messrs. Hill and Simpson introduced Res. No. 73 and moved its adoption, all Ayes:

RESOLUTION TO AWARD BIDS FOR FUEL AND PROPANE FOR 2013

WHEREAS, the Town Board advertised for bids for heating oil and kerosene for Town buildings and also for propane for the Highway Garage, AND

WHEREAS, one bid was received and opened on May 17, 2012 at 1:00 PM, NOW, THEREFORE BE IT, RESOLVED, that the Town Board does hereby award the bids as follows:

Fuel Oil and Kerosene	Mountain Petroleum	.30 cents over rack
Propane	Mountain Petroleum	.30 cents over rack

New Business:

Amend Real Property Tax Exemption Limit: Supervisor Bentley proposed raising the exemption limits to match the recently amended County limits. Supervisor Bentley noted that the senior exemption up to \$24,000 would give seniors a fifty percent cut and it would be graduated from there.

RESOLUTION #74-2012

Messrs. Higgins and Hill introduced Res. No. 74 and moved its adoption, all Ayes:

RESOLUTION TO SET A PUBLIC HEARING FOR PROPOSED INCREASE TO THE REAL PROPERTY TAX EXEMPTION LIMIT

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Public Hearing for Thursday, June 21, 2012 at 7:00 PM at the Horicon Community Center. The purpose of the Public Hearing is to discuss amending Resolution #91-2005 to increase the Real Property Tax Exemption Limit for person sixty-five (65) years of age or over in combination with sliding scale of increment levels of exemption. All those wishing to attend will be heard.

Adirondack Schoolhouse - Roof repair:

The roof of the Adirondack Schoolhouse has been leaking. Slate Valley Construction has inspected the roof and determined that the slate hooks are rusting off which will continue to happen as the roof is quite old. He submitted a bid to repair the leak and another to replace the entire roof. The Board agreed that at this time they would repair the leak.

RESOLUTION #75-2012

Messrs. Hill and Olson introduced Res. No. 75 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE ROOF REPAIRS ON THE ADIRONDACK SCHOOLHOUSE

RESOLVED, that the Horicon Town Board does hereby authorize the repairs to the roof of the Adirondack Schoolhouse building to be done by Slate Valley Construction for the quoted price of \$1,550.00.

Adirondack Schoolhouse - Furnace/heat:

Councilman Hill had asked Mountain Petroleum to check the furnace at the Adirondack Schoolhouse. Mountain Petroleum inspected the old furnace and they determined it was too old to repair and suggested purchasing either one or two wall-mount propane heating units that would be more economical. Mountain Petroleum provided a quote for two of these units. The Board discussed it and decided they would wait and approve the heating units at Budget time in the fall.

Pavilion – Bids for materials: Councilman Hill and Councilman Simpson obtained four quotes for building materials for the Adirondack Pavilion and Curtis Lumber was the low bidder.

RESOLUTION #76-2012

Messrs. Higgins and Hill introduced Res. No. 76 and moved its adoption, all Ayes:

RESOLUTION TO ACCEPT BID FOR PAVILION MATERIALS

WHEREAS, the Town Board has four bids from area lumber yards for building materials for the Adirondack Pavilion, NOW, THEREFORE BE IT

RESOLVED, that the Horicon Town Board does hereby accept the bid from Curtis Lumber (Warrensburg) and authorizes the materials for the Adirondack Pavilion be purchased from them.

Cemeteries: Councilman Simpson brought up several items in the cemeteries that need to be addressed. There was discussion regarding fencing that needs to be replaced, lot sales, and overtime fees for burials. Supervisor Bentley suggested that the burial fee be based on an hourly rate and Councilman Olson agreed with that. Councilman Olson asked if the fences could be repaired but Councilman Simpson said they were in such disrepair they would need to be replaced. He and Councilman Hill will look into this further. Next there was discussion on whether or not new corner markers should be ordered in the event a lot is sold from one person to another. Councilman Simpson also suggested revising the dates the cemetery is closed and opened. The Board agreed that the burials should be taken on a case by case basis and if weather permits then the burial can take place. The wording of the Cemetery Rules will state the cemetery will be closed but will be contingent upon the weather. Councilman Simpson then addressed how lot sales are handled. He suggested that in the event a lot owner has unused lots and wishes to sell them they should be required to sell them back to the Town for what they paid for the lot. Counselor Schachner will review this particular issue and let the Board know what he finds.

Reception window for Justice Court: Councilman Simpson told the Board that the Justice Clerk had recently been to training where office security issues had been discussed and the importance of separation between the public and the Court staff. He noted that currently people have to enter the Court Office to pay fines, etc. and this creates some possible issues. He suggested installing a service window in the Court office both for safety and privacy. Councilman Simpson has obtained a quote and believes they can get what they want for under \$500.00.

RESOLUTION #77-2012

Messrs. Olson and Higgins introduced Res. No. 77 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PURCHASE OF WINDOW FOR JUSTICE COURT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the purchase of a service window for the Justice Court for security purposes. The cost of the window is not to exceed \$500.00.

Landfill – tire removal: Supervisor Bentley said there is presently a large pile of tires at the Landfill and the Landfill Superintendent has found a company that will remove them for approximately \$400.00.

RESOLUTION #78-2012

Messrs. Hill and Higgins introduced Res. No. 78 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE DISPOSAL OF TIRES FROM THE LANDFILL

RESOLVED, that the Horicon Town Board does hereby authorize the Landfill Superintendent to have the pile of tires at the Landfill removed for a cost of approximately \$400.00.

Supervisor Bentley asked the Board if they have any issue with John Vice (Rt. 8) having a porta-john on his property for the summer. He noted that the Town has several in place. No one had any objections.

Supervisor Bentley suggested to the Board that the Delaney parcel the Town recently purchased be surveyed so they know exactly where the property lines are because he believes there may be a violation there.

RESOLUTION #79-2012

Messrs. Higgins and Olson introduced Res. No. 79 and moved its adoption:

RESOLUTION TO AUTHORIZE SURVEY OF DELANEY PARCEL

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to have the recently

purchased Delaney property surveyed and authorizes the Supervisor to contact the surveyor to have this done.

Councilman Olson asked the Board if he could get approval to attend the North Country Clean Energy Conference June 21 to June 22, 2012 in Lake Placid. He would like the chance to get information on grants for projects such as a hydro-plant for the Upper Dam.

RESOLUTION #80-2012

Messrs. Higgins and Simpson introduced Res. No. 80 and moved its adoption:

RESOLUTION TO AUTHORIZE ATTENDANCE AT NORTH COUNTRY CLEAN ENERGY CONFERENCE

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Bob Olson to attend the North Country Clean Energy Conference June 21 to June 22, 2012 in Lake Placid.

The cost is \$50.00 plus reimbursement for mileage, lodging and meals.

AYES – 4 (Higgins, Simpson, Hill, Bentley) NAYS – 0 ABSTAIN – 1 (Olson)

Privilege of the Floor:

-Brandon Himoff addressed the Board on behalf of the Tri-Lakes Business Alliance. He explained that Tri-Lakes will be putting advertising sign holders up throughout the area. They will choose three to four designs and each sign will feature one of these designs in an effort to promote business in the area. There will be fifteen signs in each village. He showed the Board a sample of one of the signs and asked the Board if they would be interested in putting these up in Brant Lake and Adirondack. The Board members agreed this would be nice.

RESOLUTION #81-2012

Messrs. Olson and Hill introduced Res. No. 81 and moved its adoption:

RESOLUTION TO AUTHORIZE TRI-LAKE BUSINESS ALLIANCE FLAGS

RESOLVED, that the Town Board of the Town of Horicon wishes to allow the Tri-Lakes Business Alliance to provide promotional flags for the villages of Brant Lake and Adirondack.

-Jane Smith told the Board that DEC is accepting applications for a household hazardous waste State assistance program. She said that municipalities are eligible and can apply for a fifty percent reimbursement. She asked if this was anything the Town has already done or if they need anything like this. Councilman Simpson said he thought it would be a great thing.

-Supervisor Bentley noted there is a company that will now come and remove electronic waste from the Landfill at no charge.

RESOLUTION #82-2012

Messrs. Olson and Hill introduced Res. No. 82 and moved its adoption:

RESOLUTION TO STOP CHARGING FOR ELECTRONICS AT THE LANDFILL

RESOLVED, that the Town Board of the Town of Horicon does hereby change the Landfill policy of charging for electronics. There will no longer be a charge for disposing of electronics at the Landfill.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:55PM by MOTION of Messrs. Olson and Higgins all in favor.

Respectfully Submitted:

Town Clerk

Brandon-

-R1 District. Quoted Comprehensive Plan on this. ZO has prohibited uses as Group Camps (all of grp camps are in R1), hotels, motels, inns, boarding houses, resorts. CP says they should be compatible with R1 – PB can't even allow. Also prohibited sm retail, schools, prof ofcs, restaurants, agric/agric use structures – we do live in woods. Some uses s/b added in R1A – a/a use struc added by right -

-R2 – prohibibted – schools (from every zone)

-Comp Plan wanted to simplify - avoid obstructions to process – p. 33 – reqm't for landscaping plan – gd idea for visible properties –not reasonable for larger parcels – change to areas visible to neighbors
P. 33 – Item K – ref Noise – Noise Ordinance addresses – just make reference to existing NO instead
P. 34 – Hamlet Des. Review – applicability. Limitation of hamlet des stand. – doesn't apply to residence but does apply to home biz. Change to 9.30 – including home occup. 5 lines down)
p.45 – restaurants – spec recomm. Of Laberge – 1.11 – front porch on rest. ZO prohibits porches on rest. – Item A makes no sense – strike.

Item C – l/scape buffer – seems unreasonable – overreg.

Sign Ord. – not limited to mktg related – speed limit signs exceed regs – should change traffic and speed – remove

p. 57 – D. Prohibits signs being supp by trees, rocks, natl objects – reasonable – no. Strike

M – Not more than 2 signs erected on property. Strike "Or otherwise relating to"

p. 58 – spec prov zones – R1 on Rt. 8 – smaller dimensions for signs- increase to 20sf

p. 64 – Off street pkg reqmts – not reasonable here. 1 pkg spot per 100'sf is not approp. – maybe spot per 300sf better.

Subdivision regs – references not right

p.11 ref 6.1 s/b 7.21

p.13 topo contours ref USCGS – now may be NGS

Bigger point catch 22 w/s-divis. Have to submit final stormwater design at preliminary design stage – can't have any changes – doesn't make sense. Want final approved design – created unsurmountable issues. If p. 14 #8 stormwater plan – change to preliminary – under a & B put subj to further DEC review. Don't want to make development impossible just difficult maybe.

p. 17 – 7.31 #1- ref sect 6.21 now 7.21

p. 19 – reqmt open space – s/div under 8.20 Open Sp #3 – any open space requires clear cut – strike clear and – doesn't meet rural character – don't want to clearcut.

p.20 – pub impvmts – all developments s/have streets, curbs, water mains, sanitary waste disposal, gutters, water supplies, fire hydrants, storm drainage, sidewalks, st lights – makes sense if ur in Nassau Co. – ok in CR and MP Zone – not approp in LC zone. Four items are always waived but limit to CR and MP – curbs, gutters, water mains, fire hydrants and st lights.

p.37 – ref sect 12 under waivers ref now to sect 13

p. 42 – under subgrade – 3rd par – subgd reqmts – believes 0 s/b a D

p. 46 – 47 – re-scan so legible.