

Town of Horicon Planning Board

Minutes of April 21, 2010

Members Present: Bill Bruce, Jim Remington, Harry Balz, Doug Paton, Mike Raymond, Alternate Georgia McMeekin

Members Absent: Alternate Dennis Doyle

Others Present: ZBA member Gary Frenz, Town Board Member Bob Olson, Zoning Administrator Gary McMeekin

Guests Present: Tim Beadnell, Bill McGhie, Tom Johanson, John Palermo, Bob and Lillian Fedor, Steve Farrell, Dan Smith Attorney.

Pledge

The regular meeting of the Planning Board was called to order by Chair, Bill Bruce. Doug Paton made a motion to approve the January minutes as presented, 2nd by Mike. The board was polled of members present at the January meeting: Bill Bruce Aye, Doug Paton Aye, Jim Remington Aye.

PUBLIC HEARING:

File # 2009-32 SD Tax Map 54.-1-2.1 Thomas and Nadine Magee seeking a 2 lot subdivision on parcel located on Pease Hill Rd. Dan Smith explained the project stating that there are wetlands on the parcel and an APA permit was needed, a site visit was done, requesting the board close the public hearing and grant approval on the condition an APA permit is received.

UNFINISHED BUSINESS:

File # 2009-32 SD Tax Map 54.-1-2.1 Thomas and Nadine Magee seeking a 2 lot subdivision on parcel located on Pease Hill Rd. Being no discussion Doug Paton made a motion to approve the 2-lot subdivision on the condition that an APA permit be obtained, 2nd by Harry Balz. All Ayes.

PUBLIC HEARING:

File # 2010-012 CY Tax Map 122.-3-7 Tim Beadnell seeking a Conditional Use to build a 24' x 62' garage on parcel located at 2283 Burnt Pond Road. Being no comments or questions, Harry Balz made a motion to close the public hearing 2nd by Jim Remington. All Ayes

UNFINISHED BUSINESS:

File # 2010-012 CY Tax Map 122.-3-7 Tim Beadnell seeking a Conditional Use to build a 24' x 62' garage on parcel located at 2283 Burnt Pond Road. Doug Paton stated that this use is consistent with how the property has been used for years and meets all setbacks making a motion to approve the Conditional Use, 2nd by Harry Balz. All Ayes

PUBLIC HEARING:

File # 2010-13 CU Tax Map 88.10-1-21 John Palermo ETAL seeking a Conditional Use to convert the Nursery School Building into (2) two apartments. Parcel is located on Market Street Brant Lake. John Palermo stated that the building was used as a Nursery School and would like to convert it into two apartments it meets all the setback requirements and is unsure as to what the main building will be used for at this time. Tina Maltbie stated that she spoke with her father and approves of the project. Harry Balz made a motion to close the public hearing, 2nd by Doug Paton. All Ayes.

UNFINISHED BUSINESS:

File # 2010-13 CU Tax Map 88.10-1-21 John Palermo ETAL seeking a Conditional Use to convert the Nursery School Building into (2) two apartments. Parcel is located on Market Street Brant Lake. Harry Balz stated that he would like the Zoning Administrator to confirm the septic location and would like to know if it is an independent system separate from the main building. John Palermo stated that he spoke with Ralph Bentley, Supervisor and he feels that there is a 1,000 gallon tank with a leach field behind the building, but if the septic is not sufficient than it would be upgraded and is unsure if this septic system is independent from the main building. Doug Paton stated that he would welcome business in the area and this would be an enhancement. Bill Bruce stated Warren County Planning Board recommended No County Impact. Doug Paton made a motion to approve the Conditional Use, 2nd by Mike Raymond. All Ayes.

NEW BUSINESS:

File # 2010-17 BL Tax Map 71.-1-53 and 71.-1-52 Hayes and Clute seeking a Boundary Line Adjustment to parcel locate on Valentine Pond Road. Attorney Dan Smith stated that the tax map does not match the deed description and that all of the parties involved agree with this adjustment as the 25 year old fence is located on the property line and the Clute barn will end up on the Clute property requesting the public hearing be waived. Bill Bruce stated that he had no issue with this project. Mike Raymond asked if any of the neighbors were present. Dan Smith stated that all vested parties have signed the authorization. Doug Paton made a motion to deem the application complete and waive the public hearing, 2nd by Harry Balz. The board was polled Bill Bruce Aye, Doug Paton Aye, Jim Remington Aye, Harry Balz Aye, Mike Raymond Opposed. Motion passed by majority vote. Doug Paton made a motion to approve the boundary line adjustment, 2nd by Jim Remington. All Ayes.

Mike Raymond recused himself from the Golden Pond/Farrell application and sat in the audience

REFERRAL:

File #2010-10 AV Tax Map 55.10-1-22 Golden Pond/Farrell seeking a 45 foot shoreline setback variance to build a new home on parcel located at 686 Palisades Rd. Steve Farrell stated that the ZBA recommended the size of the home, and the proposed house have been reduced from the original plan of 3,800 square feet to 3,500 square feet and is now presenting this board with a 3,300 square foot home. Bill Bruce stated that the Warren County Planning Board recommendation is No County Impact but was noted that the Warren County Planning Board reviewed the 3,500 square foot proposed home. Harry Balz reviewed the recently submitted topography map from Jim Hutchins. Steve Farrell stated that the house has been moved back five more feet from the original footprint, downsized the home and eliminated the side-yard setbacks reading from a prepared statement, showing the height of the proposed home to be 39'4", submitting the new plans to this board. Question was asked if the applicant is amending the application with the ZBA as the plan of 3,500 square feet was referred to this board but the applicant is now submitting a plan of 3,300 square feet that the ZBA has not reviewed. Harry Balz asked what elevation the applicant starting from to determine the height of

the structure. Doug Paton stated that the boards have been concerned with the height from the initial application. Discussion ensued regarding the percentage of lot coverage of this proposed home and the slope of the property to the lake. Gary McMeekin stated that the topography map submitted was for septic placement purposes only and it would be difficult to determine the elevation of the property from that map. Harry Balz stated that he would like to see an elevation map and is concerned because this is a different proposal than what was submitted to the ZBA. Gary McMeekin stated to the applicant that they must come up with concrete numbers as to the size of the home. Steve Farrell stated that the house size is coming down. Harry Balz reiterated that he has an issue with the height and this board will need to know the starting point of the structure recommending that the ZBA request a topography map showing the lowest point of the grade closest to the lake. Doug Paton stated that the size is still a problem and drainage is an issue. Harry Balz asked how the roof runoff would be collected. Gary Frenz, ZBA Chairman stated that the ZBA is concerned with the building, the storm-water runoff and the septic placement as there is a small camp next door and the ZBA's questions have not been answered. Harry Balz stated that the runoff cannot be put onto the neighbors property and needs to be self contained on site. Gary McMeekin stated that a swale is proposed but not shown on this map because the map submitted is the proposed septic system map. \

The remainder of this file was transcribed:

Bill Bruce: Can you concisely state therefore what your recommendation is to the Zoning Board of Appeals.

Harry Balz: Point #1 that the height of the structure as detailed on his architectural plans, that the ground elevation be set at the closest point to the lake side as the starting point of the measurements.

Bill Bruce: Lowest point of the structure at the closest point to the lake.

Harry Balz: Lake, Yes, Point #2 is that we request that the engineer of record produce a storm-water run off plan indicating exactly how he is going to contain this on-site. That's my two points, Doug you have something else you want to.

Doug Paton: Well, when we saw this the first time we recommended the denial of the variances due to the size of the house on the lot. On the side, on the lot that you are looking at from the lake, even though there is acreage behind you which you own. It's the appearance of the house which we define as being, in our view, oversized and I think you've dealt with that to a degree, I'd like to see you to continue to wrestle with that if you can. Our recommendations when we saw this in December referred more to the size of the house and the runoff and so I think we're still wrestling with the runoff and how that's actually going to be contained. Because I think, in the neighborhood, the houses on either side of you, have spoken up in a public hearing, I remember in December, so I think beyond that now, you've made some serious adjustments. I may ask you to consider making those adjustments to be more in keeping with the neighborhood, the camps on either side of you are reasonably small.

Steve Farrell: No, they're all, there no more summer star cottages, there are two statements in February and March, it details of the 16 homes in that cove, more than half are now two story, year round residences. I was going to read this statement to you but it would take some time, it's to your advantage to read that and see where we are with this, I mean, I read to the last meeting with the Zoning Board. It clearly states that there are a lot of homes that are oversized to the property and they have been approved before, now when does it stop, do we become the scapegoat example? Give me a number what's oversized, you keep saying well, cut it down here cut it down there, how much further can I cut it? I have a 2400 square foot home now I just want to add another 1000 square feet to it plus maybe another 300 with decks or something which aren't considered living space.

Doug Paton; No

Harry Balz: *Understand one thing this board has got a referral from that ZBA, they've asked for our opinion, we are sending this opinion back to them, it is up to them to wrestle with how they grant this approval. I think we said our piece and want to let the ZBA run with it.*

Bill Bruce: *The board happy with our statement?*

Harry Balz: *I'll put that in the form of a motion including the comment of my co-board member, Mr. Doug here.*

Bill Bruce: *Second, I will Second. Those in favor please signify by saying Aye.*

Board Members: *Aye*

Bill Bruce: *Carried.*

Mike Raymond returned to the board.

Board Privilege: Bill Bruce stated that there should be limits on the size of structures versus size of lots. Gary McMeekin stated that the APA has guidelines. Bill suggested that a joint meeting of the ZBA and Planning Boards be held to discuss this matter.

Being no further business, Chair Bill Bruce adjourned the meeting at 8:15 PM

Respectfully Submitted
Christine Smith-Hayes, Secretary