

Town of Horicon Planning Board

Minutes of July 18, 2012

Members Present: Doug Paton, Harry Balz, Bill McGhie, Jim Remington, Mike Raymond, Alternates: Georgia McMeekin and Paul Holmes

Members Absent: None

Others Present: Mike Hill, Town Attorney, Gary McMeekin ZA, Priscilla Remington ZBA Member, Bob Olson Town Board Member

Guests Present: Harvey & Herta Leidy, Teri and Paul Shuerlein, Maureen and Richard Dwyer, Robert & Kay Pickering, Tom Ryan, Tom and Nadine Magee, Ron Gersten, Wanda Lange, Linda Carlstons,

Pledge

The regular meeting of the Planning Board was called to order by Chair, Doug Paton at 7:00 PM. Harry Balz made a motion to approve the May minutes , 2nd by Jim Remington, All Ayes.

PUBLIC HEARING:

File #	2012-14 CU
Tax Map#	54.1-1-18
Property Location:	705 Valentine Pond Road
Property Owner:	Robert and Kathryn Pickering
Project:	Conditonal Use to replace a shed located in a flood zone.

Robert Pickering stated that he received the Elevation Certificate and the pond is 822.63' and the shed placement will be 13.7' above the pond level, has submitted this to the Warren County Building Department Mr. Wallace will be speaking with Karen Putney for review. Robert Pickering continued to state that they have been assured a permit with the anchoring of the shed to the ground and the shed must be 1' above flood stage level.

Harry Balz stated that he wanted to clarify the situation that the applicant applied to the Town for a Zoning Compliance Certificate, and asked what the County was looking for.

Gary McMeekin stated that the applicant was issued a Zoning Compliance Certificate but the County kicked it back due to the fact that the property is located in flood zone A.

Doug Paton stated that the County was waiting for the elevation certificate.

Harry Balz stated that the request was approved by the Town and a Zoning Certificate was issued then the ball is in the County court, if the County issues a permit then it's over.

Mike Hill clarified that a Conditional Use is required for an accessory structure in a flood zone.

Gary McMeekin stated that Page 51 Section 9.70 are the flood hazard area regulations and the shed meets the setback requirements

Discussion regarding Planning Board approval on conditions, and holding a special meeting once the

County Building Department and County Planning Board has rendered their decisions.

Mike Raymond suggested that this Board hold a special meeting once the decisions are received from the County.

Tom Magee stated that this Board has taken the bad rap over the years and he now sees that this board is doing all it can to accommodate these applicants.

Gary McMeekin stated that it takes an act of god to change the FEMA map.

Harry Balz stated that the public hearing is still open

Tom Magee stated that he will contact Roger VanGuilder and help the Pickerings get a release from the flood map.

Mike Hill suggested that the public hearing be held open until the board receives responses from the County.

Bill McGhie made a motion to table this matter and stipulated that the board hold a special meeting as soon as responses are received from the County, 2nd by Mike Raymond. All Ayes.

PUBLIC HEARING:

File #	2012-12 CU
Tax Map#	71.16-1-18
Property Location:	Palisades Road
Property Owner:	Dwyer Richard and Maureen, Erickson Peter & Carol and Schwaltji, James
Project:	Conditional Use for a Multiple Access Dock system

Doug Paton stated there are three owners of this property and the board has received two owner's signatures and the third signature is required before proceeding with this matter.

Richard Dwyer stated that Joe Schwaltji pays all the bills and has been away for a month and only the father is on the deed.

Mike Raymond stated that this board needs a complete application.

Doug Paton stated that this needs to be tabled til next month as information is missing.

Richard Dwyer stated that only came up last month

Bill McGhie stated that all of this was mentioned last month

Richard Dwyer stated that he did not know about it and when Joe comes back he can get the signature.

Doug Paton read the letter that was sent to Richard Dwyer dated June 4th, 2012 and stated that the signature was needed for the June meeting.

Richard Dwyer stated that he did not know about it in June, the father is gone for two months and thinks the boy (James) is in New Jersey.

Jim Remington wanted to make clear that three people own the property.

Richard Dwyer stated that Schwaltji's, Erickson's and himself and the son will not go against the father.

Maureen Dwyer stated that the letter they received told them that the property was turned over to the son but Joe did not mention it to them and they got permission from Joe and asked if the complaint was filed in August (2011) why was nothing done until January (2012)

Mike Raymond asked was the date of the application (to this board) was.

Richard Dwyer stated May, as they are away in the winter months, contacted Gary McMeekin as soon as they returned from Florida. Continuing on to state that these are the same docks that were there in 1983 and they were allowed to have seven docks, the docks meets the setback requirements and nothing additional being added.

Harry Balz asked Richard Dwyer if the property was turned over to the son and this board does not have the son's signature

Maureen Dwyer stated that the son is the new owner

Richard Dwyer stated that the deed transfer is to the son

Paul Holmes stated that the Conditional Use of for the docks and it has been established that James, not Joseph is the owner and this board can not go any further until the signature comes in.

Doug Paton stated the recorded transfer dated 5/25/2011 conveying the property ownership from Joseph to James at PO Box 6087 Hillsborough, NJ 08844, and we don't know if the square foot of the dock system is in compliance, but has been moved away from the neighbors property line and the pontoon boat has been moved to the other side.

Richard Dwyer stated that the system was moved eight feet further, was in compliance before and there is eighty three feet between the raft and the dock.

Doug Paton stated that the Richard Dwyer also removed the ramp and asked what can be acted on without the third signature.

Maureen Dwyer stated: "if we had known the address in New Jersey", Erickson received their letter, talked to Joe and he never said he turned the property over to his son".

Doug Paton stated that the public hearing cannot be closed and if anyone wanted to speak on this matter, they may do so.

Ron Gersten stated that he lives on Pease Hill Road and does not want people to go around the committee (Planning Board) with something that was done prior, backwards, feels that families disagree, stated that Dwyer rents out dock spaces and he told the board that dock spaces were never rented out, Dwyer lied. Ron Gersten continue to talk about the 15' easement on another property that he shares with Richard Dwyer and the history, current and past, between the two.

Richard Dwyer stated that Mr Gersten does not have a right to the dock.
Argument between Ron Gersten and Richard Dwyer ensued.

Ron Gersten stated that Richard Dwyer does not tell the truth about anything.

Don Lewis stated that the Dwyer docks have existed for some twenty years, why is this an issue, they were metal now they are wooden.

Mike Raymond stated that this is a new application based on a complaint and there are other issues.

Richard Dwyer stated that this is not new, this has been in the same place since before 1983.

Ron Gersten: "I don't think they've been commercial though".

Richard Dwyer: "Yup, they still are commercial"

Ron Gersten: "don't think he'd be allowed to make his house into a hotel without approval".

(Illegible arguing between Gersten and Dwyer)

Richard Dwyer stated that Mike Raymond is right on some of those things, "when I put my application in, I had to do certain things to put that application in, I've done everything the setbacks and everything with those docks I am in compliance with".

Mike Raymond: "So far, we have not said that you're not".

Richard Dwyer: everything has been done like we discussed only thing we should be here about is if those docks are in compliance, I'll get that letter from the son.

Doug Paton asked if anyone else wanted to speak.

Harry Balz made a motion to continue the public hearing on this matter til the next meeting on the condition that the third signature is received, 2nd by Mike Raymond. All Ayes.

Harry Balz. If Dwyer is not able to get that signature - if he does not have it by the next meeting, we can't hold the meeting.

Richard Dwyer: You will have that letter. Joe will be back next week.

Request to have James sign and notarize the authorization form provided by the Planning Board.

BOARD PRIVILEGE:

Doug Paton stated that the Zoning Committee met at the request of the Town Board and the Town Board will be reviewing their suggestions at the meeting tomorrow night 7 PM.

Being no further business before the board, the Meeting was adjourned at 8:00 PM

Respectfully submitted
Christine Hayes