

Town of Horicon Planning Board

Minutes of December 17, 2008 - draft

Members Present: Bill Bruce, Doug Paton, Jim Remington, Harry Balz, Alternate: Dennis Doyle,
Absent: Georgia McMeekin

Others Present: Counsel to the Boards Mike Hill, Zoning Administrator Gary McMeekin, ZBA members: Gary Frenz

Guests Present: Dan and Carol Feldt, Gail Frenz, Frank DeSantis

PUBLIC HEARING:

File #2008-39 CU Tax Map 71.12-1-10 Gary and Gail Frenz seeking a Conditional Use to operate a home occupation (quilting classes) on parcel located at 285 Palisades Rd. Gary Frenz stated that there will be no more than three (3) students at a time being taught. Bill Bruce read a letter from Van Bramer in favor of the project. Being no further comments or questions, Doug Paton made a motion to close the public hearing, 2nd by Harry Balz. All Ayes.

The regular meeting of the Planning Board was called to order by Chair, Bill Bruce. Motion for approval of minutes is tabled due to the absence of the majority of the board present at the November 25th meeting. (Doug Paton, Jim Remington and Georgia McMeekin)

UNFINISHED BUSINESS:

File #2008-39 CU Tax Map 71.12-1-10 Gary and Gail Frenz seeking a Conditional Use to operate a home occupation (quilting classes) on parcel located at 285 Palisades Rd. Brief discussion ensued regarding the continuation of the home occupation if the present owner sells the parcel. Harry Balz made a motion to approve the Conditional Use to operate a home occupation (quilting classes) on the condition that the approval does not transfer to a new owner, 2nd by Doug Paton. All Ayes.

NEW BUSINESS:

File #2008-41 SD Tax Map 37.-1-81 Frank, Charles and Susan seeking a 3 lot subdivision located on Shaw Hill Rd. Frank DeSantis representing the applicant stated that the board has received the map showing the proposed subdivision, the letter from Edna Trumble regarding the acquisition of the parcel and the recent deed to the parcel as requested, continuing on to state that the lot is pre-existing and the extent of the wetlands is being flagged by the APA and will submit a survey map with the designated wetlands as soon as the APA has completed their findings. Gary Frenz reaffirmed the applicant's representative statement that the Adirondack Park Agency process is pending. Frank DeSantis confirmed that he is here only to report to the board. Being no further questions, Doug Paton made a motion to table the application until the APA process is complete, 2nd by Harry Balz. All Ayes.

File # 2008-42 SD Tax Map 37.-1-69 Feldt, Dan and Carol seeking a 2 lot subdivision involving wetlands located on Shaw Hill Rd. Bill Bruce stated that the zoning boundaries of LC-10 and R2-3.2 acres are not indicated on the survey map. Dan Feldt stated that the proposed parcels are more than ten (10) acres each and more than 400' of road frontage for each lot. Doug Paton asked the applicants what would be proposed on Lot B. Dan Feldt stated that he would like to sell the parcel with the house to their daughter and build a home on Parcel B approx 200 - 250' from the road and sideyards continuing on to state that there are wetlands located on Lot A and an APA Project Permit 2008-132 issued July 21, 2008 is included with the boards packet. Being no further comments or questions, Doug Paton made a motion to deem the application complete and schedule a public hearing, 2nd by Harry Balz. All Ayes.

Board Privilege:

Tax Map 72.13-2-9.4 Yvonne Butler seeking a modification of a Boundary Line Adjustment approval granted to Olson Development. Lengthy discussion ensued regarding the Boundary Line Adjustment approval granted by this board in 2003. Doug Paton stated that this information has now come to light due to the fact that Yvonne Butler wants to sell her parcel. Wes Butler stated that he has never cut off the applicants right-of-way and submitted a map showing a ten foot (10') right-of-way he is willing to give the effected parcel. Jim Remington asked if there is an existing right-of-way to the lot north of this lot formally labeled on the map [Lands now or formerly of: Yvonne S Micheli L: 976 P:143]. Wes Butler stated that the lot is part of Butler Loop. Don Butler stated that no one has a written right-of-way and explained the families access to their parcels continuing to state that if a non family member purchases any of the lots, the right-of-way disappears. Doug Paton asked how the little house (labeled on map) accesses their property. Don Butler stated that Yvonne and Jim Butler sold that parcel to Endres, Mrs Endres is family and family can access their parcel. Howard Krantz stated that NYS Law allows use of all roads and the boundary line adjustment approval eliminated all legal access to Yvonne's lot, requesting that the Board rescind that Boundary Line adjustment granted in 2003. Discussion ensued between Howard Krantz and Wes Butler regarding dues to the HOA, and Wes Butler's proposal as to access through Wes Butler's lot labeled Lot 21 on map. Dennis Doyle asked if the Yvonne Butler is in agreement as to the proposed right-of-way offered by Wes Butler. Howard Krantz stated that it is unknown at this point and Yvonne Butler may or may not agree to this proposal. Wes Butler stated that Yvonne Butler was present at the Homeowners Association (HOA) meeting that discussed this boundary line adjustment and was in agreement to the adjustment because she did not want the traffic going by her house and also stated that the house encroaches onto what was the subdivision road. Dennis Doyle suggested that this board could fix both issues 1) the right-of-way and 2) the encroachment. Discussion continued between Howard Krantz and Wes Butler. The board suggested that Howard Krantz speak to his client Yvonne Butler and discuss the proposal among themselves and inform this board as to that outcome. Bill Bruce stated that this board will continue this item on the agenda pending further information from the applicant.

Tax Map 71.-1-45.4 Paul and Theresa Hicks discussion of a Conditional Use approval time limit. Gary McMeekin stated that the Planning Board granted the applicants a Conditional Use approval with the condition that the property owners apply for the Zoning Compliance/Building permit within four (4) years of the approval and that the mobile home would need to be removed from the parcel within one (1) year of the completion of the home. Dennis Doyle stated that the applicant should be apprized of the upcoming deadline. Jim Remington stated that he did not agree with the condition of the approval. Bill Bruce stated that he would write a letter to the property owners.

Vice-Chair designation for 2009: Bill Bruce made a motion to nominate Doug Paton for Vice-Chair, 2nd by Harry Balz. All Ayes.

Training - Saratoga January 29, 2009 : Bill Bruce, Harry Balz and Gary Frenz stated that they would like to attend.

Master Plan update. Bill Bruce stated that the Steering Committee will be making their presentation to the Town Board January 8th, 2009 indicating that this is not the Final presentation.

Harry Balz stated that he read the NY Planning Federation Brochure wants the board to be informed regarding changes to SEQRA adding that he attended the Contractors Association seminar directed towards developers regarding the Storm Water management on sites.

Being no further business, Chair Bill Bruce adjourned the meeting at 8:40 PM

Respectfully Submitted
Christine Smith-Hayes, Secretary