

Town of Horicon
Planning Board Minutes

October 18, 2006 - Approved 11/15/06

Members Present: Chairperson Bill Bruce, Ruth Ann Assmann, Doug Paton, Jim Remington, Steven Smith, Alternate: Dennis Doyle

Others Present: Counsel to Boards Mark Schachner, Zoning Officer Gary McMeekin, ZBA Chairperson Priscilla Remington, Town Board Member Bob Olson

Guests Present: Brandon Himoff, Marcus Magee, Tom and Nadine Magee, Jim Peck, Jeff Anthony, Kevin Hastings, Tom Ulasewicz, Larry and Claudia Wood, Norma Bowdy, Jim Miller, Jim Connors and others.

Public Hearings were called to order at 7:30 PM

File # 2005-04 Tax Map 89.-1-76, 88.-1-15, 89.-1-2 Jabe Pond Partners seeking a 18 lot subdivision, parcels located off Jim Younes Rd. Brandon Himoff requested the public hearing be continued. Doug Paton made a motion to continue the public hearing, 2nd by Ruth Ann Assmann. All Ayes.

Ruth Ann Assmann recused herself from the Brant Lake Creek application.

File # 2005-29 Tax Map 88.-2-10, 88.7-1-20, 88.7-1-19 Brant Lake Creek seeking a 16 lot subdivision located at 6732 & 6744 State Rte 8. Tom Ulasewicz representing the applicant stated that the issues raised by the board regarding lighting are included in the HOA offering plan, requesting preliminary approval. Dennis Doyle referred to the Chazen letter of October 4, 2006 stating that issues # 5,6,10 need to be addressed. Jim Connors from Chazen Companies stated that the DEC will review the document for stormwater and will be looking at the dry wells as there is a deviation from the criteria. Lengthy discussion ensued regarding the stormwater criteria. Mark Schachner asked if there are any correspondence from the DEC. Jeff Anthony stated he has only spoken with the staff (Bill Lupo) of the DEC. Bill Bruce stated that the applicant may need a permit from the Army Corps of Engineers for the dock system and the present dock system exceeds the Town's requirements for square footage. Jeff Anthony stated that the docks will be 3' wide x 18' long x 7 docks = 378 sq. ft and the final drawings will be corrected. Jim Remington stated that Lot 6's septic is too close to wetlands. Brief discussion ensued between Kevin Hastings and Gary McMeekin regarding the separation distances for a septic from the wetlands. Mark Schachner asked if there is an APA Jurisdictional determination letter? Jeff Anthony stated only a statement made by Brian Grisi, APA representative that this project is located in the Hamlet and is non-jurisdictional. Steven Smith stated that the applicant should get a written opinion from the APA. Dennis Doyle stated that the items of concern should be conditions upon the preliminary approval. Mark Schachner indicated that the board can close the public hearing, review the long SEQRA form and include any conditions for preliminary approval. Doug Paton suggested the October 16, 2006 letter from Chazen Companies to the LA Group be addressed. Steven Smith asked the Chazen Companies representatives if they had any concerns regarding the docks, stormwater, DEC review. After a brief discussion Dennis Doyle made a motion to close the public hearing, 2nd by Doug Paton. All Ayes.

Ruth Ann Assmann rejoined the board and took over as acting Chairperson for the next public hearing, Bill Bruce recused himself from his application.

File # 2006-39 Tax Map 71.20-1-28 and 71.20-1-16 William Bruce seeking a 2 lot subdivision of parcel located on State Rte 8. Bill Bruce explained the proposed project stating that the deeds do not match the tax maps and would ultimately like the deeds to closely reflect the tax map descriptions of the parcels. Lengthy discussion ensued regarding the legal notification as it only indicated tax map 72.20-1-28. Rachel Maresca a neighbor stated she was confused about this subdivision and how this would affect her parcel. Doug Paton made a motion to continue the public hearing and republish the legal notice, 2nd by Dennis Doyle All Ayes.

William Bruce rejoined the board as Chairperson.

File # 2006-30B Tax map 20.-1-54 Larry and Claudia Wood seeking a 4 lot subdivision on parcel located at 326 Johnson Rd. Larry Wood stated that there are no new structures to be built on these parcels and the neighbors Carr and Brown are in contract to purchase and merge th adjoining parcels. Being no further comments or questions, Ruth Ann Assmann made a motion to close the public hearing, 2nd by Doug Paton. All Ayes.

Regular Meeting of the Planning Board was called to order by Chairperson, Bill Bruce. A motion to approve the September 2006 minutes was made by Doug Paton, 2nd by Dennis Doyle. All Ayes

Unfinished Business:

Ruth Ann Assmann recused herself from the Brant Lake Creek application

File # 2005-29 Tax Map 88.-2-10, 88.7-1-20, 88.7-1-19 Brant Lake Creek seeking a 16 lot subdivision located at 6732 & 6744 State Rte 8. The SEQRA long form was reviewed in detail by the board:

Question 1 - Will the proposed action result in a physical change to the project site?

Answer: Yes - Small to moderate impact: Construction will continue for more than 1 year or involve more than one phase or stage.

Question 2, 3, 4 - No

Question 5 - Will proposed action affect surface or groundwater quality or quantity?

Answer: Yes - Small to moderate impact: Proposed action will require a discharge permit.

Question 6 - Will proposed action alter drainage flow or patterns or surface water runoff?

Answer: Yes - creation of impervious surfaces requiring stormwater management system.

Question 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 - No

Determination of Significance: Part 1 and Part 2 A - The project will not result in any large and important impact(s) and therefore is one which will not have a significant impact on the environment, therefore a

negative declaration will be prepared. Steven Smith made a motion to declare a negative declaration based on the answers given to the Long SEQRA form, 2nd by Jim Remington. All Ayes. Steven Smith would like

conditions set to 1) APA review of the possible wetlands with appropriate action to be taken if wetlands exist. 2) Army Corps of Engineers review of docks and 3) DEC - stormwater and any deviation be reviewed. Dennis Doyle made a motion to approve the preliminary application based on the conditions noted in the Chazen letter dated 10/16/05 page 2 # 4,5,6,7 & 10 and a non-jurisdictional letter from the APA regarding Lot 6 & 7 (wetlands). Steven Smith asked if the HOA materials should be reviewed. Dennis Doyle stated that that will be part of the final review. Motion 2nd by Steven Smith. All Ayes.

Ruth Ann Assmann rejoined the board.

File # 2006-30B Tax map 20.-1-54 Larry and Claudia Wood seeking a 4 lot subdivision on parcel located at 326 Johnson Rd. SEQRA form was reviewed by the board. Ruth Ann Assmann made a motion to declare a negative declaration, 2nd by Doug Paton. All Ayes. Steven Smith made a motion to approve the subdivision, 2nd by Ruth Ann Assmann. All Ayes.

File # 2006-40 Tax Map 38.-1-45.1 and 38.-1-45.2 Theresa and Bryan Sica seeking an 8 lot subdivision of parcel located on Dorset Rd. No new information was received and no representative is present. Steven Smith made a motion to table this application, 2nd by Ruth Ann Assmann. All Ayes.

New Business:

File # 2006-44 Tax Map 73.-1-12 Richard Diehl seeking a Conditional Use to build a 24' x 36' detached garage and 22' x 20' addition to home on parcel located at 484 Grassville Rd. After a brief discussion, Steven Smith made a motion to deem the application complete and schedule a public hearing, 2nd by Ruth Ann Assmann. All Ayes.

Referrals:

File # 2006-42 Tax Map 71.-1-58 Patricia Fish seeking an area variance to allow daughter and family to occupy the second mobile home on parcel situated at 78 and 88 Davis Rd. A discussion of the history of the variances granted in 1984 and 1999 ensued. Mark Schachner reminded the board that they must relate a variance to the land not individuals and this board's responsibility is to only recommend approval or denial to the ZBA. Ruth Ann Assmann made a motion to recommend the ZBA deny the variance request as the original variance approvals intention was that the mobile home be removed years ago and the increased density was

extended by the last two variances, time to put an end to the variances, 2nd by Doug Paton. Steven Smith asked if the second mobile home had its own septic system and well. The applicant stated that the mobile home had its own well and septic system. Steven Smith stated that this could be treated as a guest cottage and the applicant could apply for a variance to subdivide the parcel. Gary McMeekin stated that the definition of a guest cottage requires that it is used on an occasional basis and not be a mobile home.

The board was polled: Ruth Ann Assmann Yes Doug Paton Yes Bill Bruce Yes

Jim Remington No Steven Smith No.

The recommendation for the ZBA to deny the variance was passed by majority vote.

File # 2006-42 Tax Map 56.5-1-6 John and Gerry Farrell seeking a shoreline setback variance to build addition on home located at 7756 State Rte 8. Jim Miller from Northfield design representing the applicant explained the project. Steven Smith stated that this addition will be no closer to the lake than the existing cottage. Brief discussion ensued regarding the previous application denied by the ZBA in Feb. 2006. Bill

Bruce read the Planning Board minutes of Feb. 2006. Steven Smith made a motion to recommend that the ZBA approve the variance request as the expansion is no closer to the lake, providing the septic system complies with the board of health regulations, 2nd by Ruth Ann Assmann. All Ayes

Board Privilege: Brian Johnson Subdivision, Beaver Pond Rd. Information received from Warren Co Real Property Tax Agency that the lots in question do not match the variances received. Chairperson Bill

Bruce stated that a letter should be sent by the Zoning Administrator.

Thomas Connolly, Boundary Line Adjustment at Eagle Point Ln. Information received from the Warren Co. Real Property Tax Agency that the lot in question was not merged with the adjoining parcel. Chairperson Bill Bruce stated that he will contact Mr Connolly's representative.

Being no further business, Steven Smith made a motion to adjourn the meeting, 2nd by Ruth Ann Assmann. All Ayes, the meeting was adjourned at 9:00 PM

Respectfully Submitted
Christine Smith-Hayes