

# *Town of Horicon*

## *Planning Board Minutes*

February 21, 2007 - Approved 3/21/07

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

Others Present: Counsel to Boards Mike Hill, Zoning Officer Gary McMeekin

Guests Present: Ken and Sue Dott, Harvey and Herta Leidy, Marcus Magee, Brandon Himoff, Georgia McMeekin, David and Mary King, Susan Millington

### **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 stated that they are still working on the Stormwater Management plan requesting the board table the application. Bill Bruce stated that money will need to be deposited into the escrow account before work will be done by the Town Engineering Firm. Doug Paton made a motion to table the application, 2<sup>nd</sup> by Ruth Ann Assmann, All Ayes.

**File # 2006-49 Tax Map 36.12-1-58 and 36.12-1-63 Blue Sky Estates and Valerie Hoffman** seeking a Boundary Line Adjustment to parcel located on Lakeview Dr. Brief discussion ensued regarding the applicant not being present. Doug Paton made a motion to table the public hearing, 2<sup>nd</sup> by Ruth Ann Assmann. All Ayes. **Regular Meeting of the Planning Board** was called to order by Chairperson, Bill Bruce. A motion to approve the December 2006 minutes was made by Ruth Ann Assmann, 2<sup>nd</sup> by Doug Paton. All Ayes

### **Unfinished Business:**

**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 present. Doug Paton made a motion to table this application and draft a letter to the applicant regarding the intentions of this project, 2<sup>nd</sup> by Ruth Ann Assmann. All Ayes.

**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. Ruth Ann Assmann stated that Tom Magee is currently in Florida and the LA Group is working on the Storm Water Management portion of the application and could be ready to continue at next month's meeting. Doug Paton made a motion to table the application, 2<sup>nd</sup> by Steven Smith. Ruth Ann Assmann recused herself of the vote. The board was polled. Doug Paton Aye Steven Smith Aye Bill Bruce Aye. The motion to table the application was passed.

**File # 2006-47 Tax Map 39.13-2-15 Niska Beach Association** seeking a Conditional Use to increase boat slips from 8 to 12. Ruth Ann Assmann stated that the board had requested a survey of the lake bottom but received a drawing done by Dock Dr's. Steven Smith questioned Dave King, HOA member if there is any information within the Association (by-laws etc) regarding the number of boats slips available to the members. Dave King responded that the by-laws or deeds do not address boat slips. Bill Bruce stated that this board requested a survey from an Engineering or Surveying firm with an official seal. Steven Smith stated that he has safety concerns that needs to be addressed by professionals, such as 'bubblers' in the winter and a safety flag in the summer. Dave King stated that the HOA's intent is to remove the docks in the winter and the use of 'bubblers'

will not be necessary and the docks would not extent out any further than some swimming floats in the bay. Doug Paton stated that he visited the site and the shoreline did not appear as shallow and extending the dock out 72' sets a precedents, in excess of the ordinance. Dave King reiterated that the deeds indicate "lake access only" there is no mention of docks. Doug Paton suggested that the applicant return to the Dock Dr's to obtain a survey with an Engineering Stamp and redesign the dock. Steven Smith made a motion to table this application awaiting more information as requested. Mike Hill stated that the board should identify the requirements in the motion in order to clarify the request for the applicant. Brief discussion ensued regarding the board's request. Ruth Ann Assmann made a motion to request the applicant provide a floor survey from a licensed engineer or surveyor at mean low water mark, for the first 50' from shoreline at 5' intervals, all done from the center of dock system. Steven Smith stated that there should be a clear method to reconfigure docks that would not extend 72' into the water. Doug Paton 2<sup>nd</sup> the motion. All Ayes.

### **New Business:**

**File # 2007-01SD Tax Map 54.-1-2 Thomas and Nadine Magee** seeking a 3 lot subdivision of parcel located at 669 Pease Hill Rd. in the R2-5 and LC-10 acre zones. Dan Smith representing the applicant explained the subdivision requesting the application be deemed complete and schedule a public hearing. Mike Hill questioned Ruth Ann Assmann as to her relationship with the applicant and whether she believed she could be objective and impartial in reviewing this application. Ruth Ann Assmann confirmed that she could be objective and impartial. After a brief discussion, Doug Paton made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Steven Smith. All Ayes.

**File # 2007-02CU Tax Map 106.-1-31 Thomas & Janet Geiger** seeking a Conditional Use to build a 34' x 48' single family dwelling on parcel located on Woodridge Dr. in the LC-42.6 acre zone. Brief discussion ensued regarding the home site, acreage and requirement of a conditional use. Bill Bruce stated that he would like to see a deed for this parcel making a motion to deem the application incomplete requesting a plot plan and deed, 2<sup>nd</sup> by Doug Paton. The board was polled.. Bill Bruce Aye Doug Paton Aye Ruth Ann Assmann Aye Steven Smith No The motion passed by majority vote.

**File # 2007-03BL Tax Map 106.-1-4.2 and 89.-1-74 Carol Meyer and Howard Amann** seeking a boundary line adjustment for parcel located on Hayesburg and Alder Brook Rd in the R2-5 and LC-10 acre zones. Susan Millington representing the applicant stated that Howard Amann and Carol Meyer executed a deed for the 3+/- acres parcel adjoining Lot 1 of the Carol Meyer subdivision and Alder Brook Rd. Susan Millington then stated that at the November 17, 2004 Planning Board meeting, Attorney, Dan Smith requested direction from the board about whether this Boundary Line Adjustment would require the portion conveyed to be merged with the adjoining parcel. On November 17, 2004, the Planning Board adopted a resolution stating that it would require merger as a condition of any future approval of a proposed boundary line adjustment. As noted at the November 17, 2004 meeting no action was taken on a boundary line adjustment as it was not approved or determined at that time. Ruth Ann Assmann made a motion to approve the Boundary Line Adjustment with the condition of the merger with Lot 1 of the Carol Meyer subdivision, Tax Map 106.-1-4.2, waiving the public hearing, 2<sup>nd</sup> by Doug Paton. All Ayes.

**File # 2007-04CU Tax Map 53.-3-57 James and Madeline Wallace** seeking a Conditional Use to build a garage on parcel located at 4088 East Schroon River Rd in the RRD-10 acre zone. Bill Bruce stated that this parcel contains two (2) single family residences and two (2) garages, one (1) attached and one (1) detached and that the applicant wishes to build another garage. Gary McMeekin stated that the detached garage to the left will be demolished. Brief discussion ensued regarding the deed and the distance of the parcel from the river and the indication that the new detached garage indicates no living space. Steven Smith made a motion the deem the

application incomplete, requesting the applicant provide a deed and a map, 2<sup>nd</sup> by Doug Paton. Steven Smith then amended his motion to include the zoning compliance application be dated and the dimensions of the garage be included on line H). Doug Paton agreed with the amendment. All Ayes.

### **Privilege of the Floor:**

**Section 14.10 Deer Wood Acres Subdivision** - Padanarum Road. Ken and Susan Dott stated that they have gradually purchased a total of thirteen (13) lots from John Palermo in the Deer Wood Acres Subdivision located off Padanarum Spur and Woodridge Dr, the subdivision was approved in 1973. As per Resolution 58 of 2005 omitting "except lots in the pre-existing subdivision" he has discovered that purchasing adjoining lots and placing them into the same names, they have become one (1) lot, as they are unable to be used a separate building lots and unable to be subdivided without variance approval, unless they conform to lot size and frontage requirements. Deer Wood Acres Subdivision is located in the LC-42.6 acre zone, and the lots approved for subdivision in 1973 created lots with an average of approx 2 acres each. Ken Dott then asked how Resolution 58 of 2005 originated and what can be done about reversing the resolution. Bill Bruce stated that the original Resolution 96 of 2003, omitting except lots in a pre-existing subdivision, was brought up before the Town Board without recommendation from the Planning Board and did not originate with the Planning Board or the Zoning Office. Resolution 96 of 2003 was put to a public hearing and passed by the Town Board then sent to the APA for adoption. The process for APA approval took two (2) years and was again adopted by the Town Board - Resolution 58 of 2005 accepting the changes to the zoning ordinance Section 14.10 again without any recommendations from the Planning Board. Bill Bruce then suggested that this matter be addressed at the Town Board level.

**Section 14.10 Brant Lake Estates Subdivision** - Brant Lake Estates Rd. Thomas Longe parcels. Dan Smith stated that when Tom Longe purchased the parcel in 1976, there were no provisions for pre-existing subdivisions. Lengthy discussion ensued as to the history of the parcels and the name that were place on the deeds throughout the years. Gary McMeekin suggested that this matter be turned over to the Town Counsel's office for further review as to the ownership of the adjoining parcels. Dan Smith citing Section 14.10 of the Zoning Ordinance stated that "The determination as to whether a subdivision qualifies as "pre-existing" under this Ordinance will be made by the Town Planning Board." and is requesting the board to 1) determine this is a pre-existing subdivision 2) Lot #16 can be conveyed to his client and 3) permit a single family dwelling be constructed on Lot #16. Bill Bruce stated that the only determination this board can make is determining if this is a "pre-existing" subdivision, this board can not make any determinations as to the conveyance of a parcel or if a single family dwelling can be constructed. After lengthy discussion regarding the ownership of the lots, Ruth Ann Assmann made a motion to that this is deemed a legal lot and may be conveyed. Gary McMeekin questioned Dan Smith regarding the board's ability to make the determination of ownership. Bill Bruce stated this board can make the decision as to ownership of the lots but can not make a determination that the lots are buildable, which is the Zoning Administrator's determination. Steven Smith asked if Mike Hill had any comments. Mike Hill stated that he will need time to review all of the information. After lengthy discussion of dates of deeds and ownership the motion was 2<sup>nd</sup> by Bill Bruce.

The board was polled. Ruth Ann Assmann Aye Bill Bruce Aye Doug Paton Aye Steven Smith Aye. The motion was passed.

Being no further business, Chairperson, Bill Bruce adjourned the meeting at 9:18 PM

Respectfully Submitted  
Christine Smith-Hayes, Secretary