

Town of Horicon Planning Board

Minutes of October 17, 2007 **-approved**

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

Absent: Alternate Georgia McMeekin

Others Present: Zoning Administrator Gary McMeekin, Town Counsel Mark Schachner, Town Board Member Bob Olson

Guests Present: Erling Asheim, Tom Johansen, Dan Smith, Jeanine and Larry Lawler, Karen Kowalczyk, Andy Liebelt, Herta Leidy, John Silvestri, Erin Hayes, Cindy Mead.

Public Hearings were called to order at 7:30 PM

File #2007-22SD Tax Map 36.15-1-12.1 Erling Asheim seeking a 2 lot subdivision of parcels located on East Shore Dr in the R1-1.3 acre zone. Bill Bruce read letter submitted by Harry Balz questioning the driveway/road that has been established on the property. Bill Bruce then asked if there was any information from the Engineer regarding the planned runoff. John Silvestri representing the applicant stated that DL Dickinson and the County Engineer spoke regarding the runoff onto the neighboring properties. Bill Bruce read the letter from Dickinson with his certification. Steven Smith commented that the Engineer did consider the neighbors. Ruth Ann Assmann asked who is to maintain the system. John Silvestri stated that the obligation could be instituted into the deed for future owners to maintain the culverts and ditch. Lengthy discussion ensued regarding the driveway and the flow of the runoff. Doug Paton made a motion to close the public hearing, 2nd by Jim Remington. All Ayes.

Regular Meeting of the Planning Board was called to order by Chairperson, Bill Bruce. A motion to approve the minutes was made by Ruth Ann Assmann, 2nd by Jim Remington. All Ayes.

Unfinished Business:

File #2007-22SD Tax Map 36.15-1-12.1 Erling Asheim seeking a 2 lot subdivision of parcels located on East Shore Dr in the R1-1.3 acre zone. The SEQRA form was reviewed by the board. Steven Smith made a motion to declare a negative declaration, 2nd by Doug Paton. All Ayes. After a short discussion, Jim Remington made a motion to approve the subdivision with the condition that the property owners are responsible for the maintenance of the drywell, ditch and box culvert and that the deeds indicate that responsibility and that the Engineer certify, by written means to the Planning Board, that the construction conforms to the design standard set forth, 2nd by Steven Smith. The board was polled: Steven Smith Aye Doug Paton Aye Bill Bruce Aye Jim Remington Aye Ruth Ann Nay. The motion was approved by majority vote.

File # 2007-23CU Tax Map 106.-1-4.3 Carol Meyer seeking a Conditional Use to build a multiple family dwelling on parcel located on Hayesburg Rd in the R2-5 acre zone. As no additional information was submitted, no action was taken by the board.

File # 2007-40SD Tax Map 38.-1-45.1 and 38.-1-45.2 Theresa and Bryan Sica seeking an 8 lot subdivision of parcels located on Dorset Rd in the R2-2, R2-5 and LC-10 acre zone. As no additional information was submitted, no action was taken by the board.

NEW BUSINESS:

File # 2007- 29BL Tax Map # 36.3-3-25 and 36.3-3-26 Muller and Riihiluoma seeking a Boundary Line Adjustment for parcels located on 181 and 185 East Shore Dr in the R1-1.3 acre zone. Bill Bruce stated that the road frontage requirement in the zone is 100' also stating that this boundary line adjustment will make one lot more conforming. Steven Smith made a motion to accept the application as complete, waiving the public hearing as it obviously has no effect on the neighbor, 2nd by Doug Paton. The board was polled: Steven Smith Aye Doug Paton Aye Bill Bruce Aye Jim Remington Aye Ruth Ann Assmann Nay stating that she had concerns of the shoreline. The motion passed by majority vote. Steven Smith made a motion to approve the boundary line adjustment, 2nd by Doug Paton. The board was polled: Steven Smith Aye Doug Paton Aye Bill Bruce Aye Jim Remington Aye Ruth Ann Assmann Nay. The motion passed by majority vote.

Steven Smith recused himself from the Caruso and Johansen application and sat in the audience stating that the applicant is a client.

Dennis Doyle participated in the Caruso & Johansen application.

File # 2007-30BL Tax Map # 71.16-1-6 and 71.16-1-3 Caruso and Johansen seeking A Boundary Line Adjustment for parcels located on 187 and 199 Palisades Rd in the R1-3.2 acre zone. Attorney Dan Smith, representing the applicant stated the boundary line adjustment will make one lot more conforming. After a brief discussion and an interruption of sirens and lights, Doug Paton made a motion to accept the application as complete, waiving the public hearing, 2nd by Ruth Ann Assmann. All Ayes. Doug Paton made a motion to approve the boundary line adjustment, 2nd by Ruth Ann Assmann. All Ayes.

Steven Smith returned to the table.

File # 2007-31CU Tax Map # 88.10-1-21 Palermo seeking a Conditional Use to operate a Nursery School and Therapy Resources Center located at 25 Market St in the CR-20,000 zone. Karen Kowalczyk and Jeanine Lawler introduced themselves stating that they are licenced therapists and have rented the annex building at the old town hall and would like to run a nursery school and speech therapy services for children. Doug Paton questioned the applicants as to the amount of work that will need to be done to the building. Jeanine responded that a lot of the work will be cosmetic and they will follow New York State regulations hoping to expand in the future if the need is presented. After a brief discussion ensued regarding the rest room the number of children and the fenced in area in the back of the building Doug Paton made a motion the deem the application complete and schedule a public hearing, 2nd by Steven Smith. All Ayes.

File # 2007-32CU Tax Map # 88.10-1-41 Erickson seeking a Conditional Use to operate a gun shop located at 6578 State Rte 8 in the CR-20,000 zone. Erin Hayes, representing the applicant stated that Andy Liebelt is the tenant of the property and he would like to operate a gun shop on site that would include repairing, selling and purchasing guns, requesting that the public hearing be waived as this use is continuance of retail space. Erin Hayes also stated that Mr. Liebelt is working with the ATF regarding any licenses that are necessary to operate a

gun shop. Ruth Ann Assmann stated that the board would like a copy of the license on file. Erin Hayes reiterated that due to the current hunting season and the fact that an applicant cannot have a stagnant license on file with the ATF, she again requested that the public hearing be waived. Mark Schachner stated that the Town of Horicon regulations **Section 9.50 Conditional Use Application Hearing and Decision** requires a public hearing be held and the board cannot waive a public hearing on a Conditional Use application. Ruth Ann Assmann made a motion to deem the application complete and schedule a public hearing, 2nd by Steven Smith. The board was polled Ruth Ann Assmann Aye Steven Smith Aye Bill Bruce Aye Jim Remington Aye Doug Paton Nay. The motion was approved by majority vote. A lengthy discussion ensued regarding the ability to waive the public hearing in order to expedite this matter. Bill Bruce stated that a public hearing is required but the board could hold a special meeting. Lengthy discussion ensued regarding publication of the legal notice, notification of adjoining property owners and availability of the community center. Steven Smith made a motion to hold a special meeting the week of Monday the 12th through the 16th based on availability of the community center, 2nd by Doug Paton. All Ayes. Discussion continued as to the regular monthly planning board meeting be moved to the special meeting date as to eliminate the need for a second meeting in November and to include the Conditional Use application for the Nursery School/Therapy Resources Center. Steven Smith agreed to amend his motion to include the Nursery School/Therapy Resources Center's application, 2nd by Doug Paton, All Ayes.

Board Privilege:

Training for Planning Board and ZBA members is scheduled for Monday, October 29th 7 - 9 PM here at the Town of Horicon Community Center

Section 14.10 regarding Pre-Existing Subdivisions was discussed. The APA has made a suggestion to shift the determination if a subdivision is pre-existing from the Town Planning Board to the Adirondack Park Agency. The APA has also determined that the only subdivisions that would be included have been determined to be BL Estates, BL Heights, Deerwood Acres, Blue Sky and Delaney subdivisions. Ruth Ann Assman made a motion to recommend to the Town Board that this board does not agree with the suggestion that the APA shift the determination of pre-existing subdivisions from the Town Planning Board to the APA, 2nd by Doug Paton. All Ayes.

Being no further business, Chairperson, Bill Bruce adjourned the meeting at 9:05 PM

Respectfully Submitted
Christine Smith-Hayes, Secretary