

Town of Horicon Planning Board

Minutes of November 20, 2007 - **approved**

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

Others Present: Town Counsel Mike Hill, Town Board Member Bob Olson, ZBA Chairperson Priscilla Remington.

Guests Present: Ken Dott, Tom Johansen, Martin Meade, Christopher Johnson, Erin and Mike Hayes Jeanine and Larry Lawler, Karen Kowalczyk, Andy Liebelt, Cindy Mead.

Public Hearings were called to order at 7:30 PM

File # 2007-31CU Tax Map # 88.10-1-21 Palermo (Adirondack Building Blocks Inc.) seeking a Conditional Use to operate a Nursery School and Therapy Resources Center located at 25 Market St in the CR-20,000 zone. Chairperson Bill Bruce asked if there were any questions or comments from the audience or board? Being no comments or questions, Doug Paton made a motion to close the public hearing, 2nd by Dennis Doyle. 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 submitted the licence of Andrew Liebelt to the board for review. Dennis Doyle questioned the representative as to any safety measures being taken. Erin Hayes stated that the guns and ammo are locked in a fireproof safe. A brief discussion ensued regarding this type of business within a school zone. Being no further comments or questions, Dennis Doyle 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 minutes was made by Doug Paton, 2nd by Dennis Doyle. All Ayes.

Unfinished Business:

File # 2007-31CU Tax Map # 88.10-1-21 Palermo (Adirondack Building Blocks Inc.) seeking a Conditional Use to operate a Nursery School and Therapy Resources Center located at 25 Market St in the CR-20,000 zone. SEQRA form was reviewed by the board. Doug Paton made a motion to declare a negative declaration, 2nd by Dennis Doyle. All Ayes. Dennis Doyle made a motion to approve the Conditional Use, 2nd by Doug Paton. All Ayes. Steven Smith then made a suggestion that the town or highway dept place a sign stating children at play/school zone. It was noted that Market St. is a County highway. Mike Hill suggested that if the board chooses the motion should be revised to include the suggestion. Dennis Doyle accepted the addition to the motion, 2nd by Doug Paton. 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. SEQRA form was reviewed by the board. Doug Paton made a motion to declare a negative declaration, 2nd by Jim Remington. All Ayes. Steven Smith made a motion to approve the Conditional Use, 2nd by Doug Paton. All Ayes.

Unfinished Business:

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. Dennis Doyle made a motion to continue this application, 2nd by Doug Paton, All Ayes.

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, Steven Smith made a motion to continue this application, 2nd by Doug Paton, All Ayes.

Discussion ensued regarding File # 2007-23CU and 2007-40SD as to keeping the applications on the agenda. Mike Hill suggested that the board leave the files open but not place them on the agenda until further information is submitted.

New Business:

File # 2007-33SD Tax Map 38.16-1-8.2 James Malanchuck seeking a 2 lot subdivision on parcel located on Horicon Birches Rd in the R1-1.3 acre zone. John Silvestri representing the applicant explained the project stating that the lots to be created at 1.3+/- acres each and will be merged into the adjoining lots, the a covenant will be placed in the deeds to prevent any further subdivision of these parcels. John Silvestri continued stating that the APA application has not been completed yet and the lots are being merged to create a buffer for the neighbors. Steven Smith stated that he feels this could be a boundary line adjustment, not a subdivision. Bill Bruce stated that the acreage exceed the zone requirement and does not meet the boundary line adjustment criteria. Mike Hill agreed with Bill Bruce's statement that this does not meet the criteria for a boundary line agreement. John Silvestri stated that the APA is involved because there are wetlands on the parcel. Dennis Doyle stated that this subdivision and merger will put the lots back to the original lot sizes per the Horicon Birches Subdivision. Doug Paton made a motion to deem the application complete and schedule a public hearing, 2nd by Jim Remington. All Ayes
Steven Smith questioned the ability to proceed knowing that the APA is involved regarding the wetlands.

File # 2007-34CU Tax Map 105.2-1-1.2 Berness Bolton seeking a Conditional Use to build a single family dwelling on parcel located at 49 Hayesburg Road in the RRD-3.2 acre zone. Christopher Johnson, representing Berness Bolton stated that the zoning ordinance requires a Conditional Use approval for any structures in the Recreational River District. After a brief discussion Doug Paton made a motion to deem the application complete, schedule a public hearing, 2nd by Jim Remington. All Ayes.

Board Privilege:

Section 14.10 regarding Pre-Existing Subdivisions: Lengthy discussion ensued regarding the language submitted by the APA listing Appendix E list of "pre-existing" subdivisions. Brant Lake Estates, Brant Lake Heights, Deerwood Acres, Blue Sky Estates , Curt Castner subdivision (Duell Hill Rd) and Schroon River Estates (Delaney Dr). Doug Paton stated that there could be other subdivision on the list that are unknown at this time. Steven Smith suggested that the language "leave the door open" for additional information. Dennis Doyle made a motion not to accept the APA's language but to reinstate the 2005 language, 2nd by Doug Paton. Bill Bruce stated that the Planning Board had already tried to get the 2005 language reinstated and that the APA did not accept that language. Dennis Doyle stated that he would like an applicant coming before the board to provide the information so that this board could make the determination as to "pre-existing". Mike Hill stated

that the 4th paragraph of Section 14.10 could be some recourse to additional subdivisions on the list. Steven Smith stated that he would like the APA to acknowledge that Appendix E may not be complete and clarify that this board has the ability to make the determination in the future, possibly stating included but not limited to, reiterating that he does not have a problem with the list but any exceptions to the list are the responsibility of the Planning Board. Bob Olson stated that this board should convey to the Town Board that any negotiations should be conducted with the APA and the Planning Board, not the Town Board. Bill Bruce stated that there is a motion and a 2nd on the table. Dennis Doyle made a motion not to accept the APA's language but to reinstate the 2005 language, 2nd by Doug Paton. All Ayes.

Being no further business, Chairperson, Bill Bruce adjourned the meeting at 8:55 PM

Respectfully Submitted
Christine Smith-Hayes, Secretary