

# *Town of Horicon Planning Board*

Minutes of March 18, 2009

**Members Present:** Bill Bruce, Harry Balz, Michael Raymond, Jim Remington  
**Absent:** Doug Paton, **Alternates:** Dennis Doyle and Georgia McMeekin

**Others Present:** Counsel to the Boards Mike Hill, ZBA Chairperson Priscilla Remington,  
ZBA member: Gary Frenz

**Guests Present:** Howard Krantz, Tom Johansen, Todd Beadnell, John Fransico,

## **PUBLIC HEARING:**

**File # 2009-05 Tax Map(s) 72.13-1-9.3, 72.13-2-9.43 and 72.13-2-9.42 Yvonne Butler** seeking a cancellation and reversal of a previously approved Boundary Line Adjustment (File #2003-11) reconfiguring portions of certain roads in the Brant Lake Heights subdivision. The applicant is being represented by Howard Krantz. Howard Krantz presented the board with his position stating that the PB approved the Brant Lake Heights subdivision in 1972 with a map showing the roads, August 4, 1996 his clients Yvonne and Jim Butler purchased Lot #14, June 2003 due to Jim's illness, ½ interest was turned over the Yvonne Butler making Yvonne Butler sole owner of the parcel, July 2003 upon request the Planning Board reconfigured the roads into lot #15 and #21. Citing case law, submitted to the board, stating inherent rights and built in easement to access the property requesting this Board rescind the prior approval placing the road's back to the original configuration. Wes Butler stated that he tried to come to an agreement with Yvonne Butler and that he is willing to give her a right-of-way that will only benefit Yvonne Butler, objecting to the reversal stating that everyone in the development is happy where the roads are now. Howard Krantz stated that Wes Butler's proposal is unacceptable, his statement that the HOA is against it is inaccurate, his client has the right to full use of the subdivision roads. Wes Butler stated that the HOA voted to switch roads in 2003 for better plowing and access. Lengthy discussion ensued between Howard Krantz and Mike Hill regarding the case law submitted and the process in which the boundary line adjustment was accomplished. Jim Remington stated that the roads were in existence as he built the roads. Howard Krantz confirmed that the roads existed and the 2003 Boundary Line Adjustment land locked Yvonne Butler's parcel. Mike Hill stated that the relief that Yvonne Butler is seeking does not reside with this board. Howard Krantz stated that his client is entitled to use of the roads in the subdivision and the offer from Wes Butler for a right-of-way is not acceptable to his client. Wes Butler stated that there is another issue of Yvonne Butler's home encroaches the adjoining parcel. Harry Balz stated that after reviewing the documents and listening to the arguments he feels that this can not be solved at this level and does not feel this board is capable of making such a decision. Mike Raymond made a motion to close the public hearing, 2<sup>nd</sup> by Harry Balz. All Ayes.

**File #2009-06 CU Tax Map 88.10-1-22 Roman Catholic Church (Carl Heilman)** seeking a Conditional Use to operate an Art Gallery, workshop, bookstore, office space, framing, programs and small café from parcel located at 6600 State Rte 8. Bill Bruce stated that Warren County Planning Board recommended No County Impact with Stipulation that additional plan details include parking arrangements and access; also other details if applicable to the project such as landscaping, lighting and signage. Carl Heilman stated that he has spoken with Ralph Bentley, Supervisor regarding the parking. After a brief discussion regarding ownership of land, parking, septic Harry Balz made a motion to close the public hearing, 2<sup>nd</sup> by Jim Remington. All Ayes.

**File # 2009-07 SD Tax Map 88.-2-2.11 Bernie Bolton** seeking a four (4) lot subdivision of parcel located on Horicon Ave. Bill Bruce stated that Warren County Planning Board recommendation deny without prejudice requesting a clarification of parking, access information, septic and water arrangements, storm-water and erosion control measures, lighting and landscaping. Discussion ensued regarding the number of lots, the prior boundary line adjustment, variance, subdivisions and conditional use approvals on this parcel. Harry Balz made a motion to close the public hearing on the subdivision, 2<sup>nd</sup> by Jim Remington.

**File #2009-07CU Tax Map 88.-2-2.11 Berness Bolton** seeking a Conditional Use to build three (3) duplex homes on parcel located on Horicon Ave in the CR-20,000 zone. Bernie Bolton presented the board with a plan of the duplex stating that he would build one now and if the project isn't viable he would built single family dwellings on the lots, continuing on to state the each building would have their own septic, well and driveway, he would build a berm planting trees in the spring, there is no lighting at the storage buildings, no extra lighting on the duplexes planning on four cars per building supplying ample parking maintaining as much back yard as possible. Harry Balz stated that he would like to see a site plan indicating septic done by an Engineer. Discussion ensued regarding the size of the buildings. Mike Raymond made a motion to table the public hearing requesting the applicant address the septic and access issues, 2<sup>nd</sup> by Jim Remington. All Ayes.

The regular meeting of the Planning Board was called to order by Chair, Bill Bruce. No quorum of members present to review February 2009 and November 2008 minutes. March 12, 2009 Special Meeting minutes to be reviewed at the April 15<sup>th</sup> regular meeting.

#### **UNFINISHED BUSINESS:**

**File # 2009-05 Tax Map(s) 72.13-1-9.3, 72.13-2-9.43 and 72.13-2-9.42 Yvonne Butler** seeking a cancellation and reversal of a previously approved Boundary Line Adjustment (File #2003-11) reconfiguring portions of certain roads in the Brant Lake Heights subdivision. The applicant is being represented by Howard Krantz. A draft decision was submitted to the board for their review and corrections were made. After brief discussion regarding the process Harry Balz made a motion to deny request to rescind the 2003 Boundary Line Adjustment incorporating the Resolution Denying Request of Yvonne Butler for Recision of Boundary Line Adjustment as corrected 2<sup>nd</sup> by Mike Raymond. All Ayes.

**File #2009-06 CU Tax Map 88.10-1-22 Roman Catholic Church (Carl Heilman)** seeking a Conditional Use to operate an Art Gallery, workshop, bookstore, office space, framing, programs and small café from parcel located at 6600 State Rte 8. SEQRA form was reviewed by the board. Harry Balz made a motion to declare a negative declaration, 2<sup>nd</sup> by Jim Remington. All Ayes. Length discussion ensued regarding the Warren County Planning Boards recommendation and a handicap ramp. Carl Heilman stated that the ramp would be located in the rear of the building near an existing door and the possibility of adding solar panels to the roof. Harry Balz stated that this type of project would be what he would like to see in this area, this would be an advantage the Mill Pond area and would like the applicant to address the parking arrangements, septic system landscaping, lighting as a sign is already on the parcel suggesting that the applicant get a letter from the Town Board the making a motion to table the application requesting the applicant get a formal letter from the Town Board regarding parking and septic, advising this board as to the landscaping, lighting and signage issues, and submit a sketch of the proposed handicap ramp. Discussion ensued as to the authority regarding the handicap ramp. Motion was 2<sup>nd</sup> by Mike Raymond, All Ayes.

**File # 2009-07 SD Tax Map 88.-2-2.11 Bernie Bolton** seeking a four (4) lot subdivision of parcel located on Horicon Ave. SEQRA form was reviewed by the Board. Jim Remington made a motion to declare a negative declaration, 2<sup>nd</sup> by Harry Balz. All Ayes. After a brief discussion Harry Balz made a motion to approve the four (4) lot subdivision, 2<sup>nd</sup> by Jim Remington. All Ayes. Brief discussion ensued between Bill Bruce and Bernie Bolton regarding any future plans with the remaining 100+ acres. Bernie Bolton stated that he does not have any plans, the parcel is being used for snowmobiling, hunting, horseback riding.

#### **NEW BUSINESS:**

**File #2009-08 BL Tax Map(s) 122.-3-2 and 122.12-1-21 Beadnell, Todd and Anthony** seeking a Boundary Line Adjustment of parcels located on N Sherman Lake Rd in the R2-3.2 acre zone. Todd Beadnell stated that his well is located on his parents property and would like that portion added to his lot. Brief discussion ensued regarding the surrounding lots being non-conforming and the deeded access to the adjoining lots and the necessity of a public hearing. Jim Remington made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Mike Raymond. All Ayes.

**Board Privilege:** Bill Bruce stated that the Steering Committee for the Comprehensive Master Plan will not meet again until the Town Board has finalized their review.

Being no further business, Chair Bill Bruce adjourned the meeting at 9:35 PM

Respectfully Submitted  
Christine Smith-Hayes, Secretary