

**Board Members Present:**

\_\_Steve Mullins, Chairman

\_\_David Iasevoli

\_\_Melanie Fuerst

**Absent:** \_\_Phil Smith, Alternate

**Others Present:** Zoning Administrator Craig Leggett, Barbara Kelleher, Jeff Kelleher, Larry Turcotte, Barb French

**Meeting Called to Order:** 7:05 pm

**Pledge of Allegiance**

**Review of Minutes:** Melanie Fuerst made a motion to accept the July 31, 2024, meeting minutes, with corrections (as noted in **BOLD**):

Page 1 – “Mr. Winchip continues to state they have had a survey done and have acquired the **APA** Jurisdiction of Determination as well.”

Page 2 – “.... properly constructed footing drains inside **and** out, and backfilled....”

Page 2 – “Mr. Winchip explains that they had a shallow test pit showing **mottling** soil...”

Page 2 – “Project No. 24-012, ST-001, **and ST-002**”

Second by Dave Iasevoli. **ALL AYES**

**NEW BUSINESS:**

**BLA 2024-4**

Lot #1

Tax Map#: 36.15-1-30

John G. Watson

194 East Shore Drive, Adirondack, NY 12808

Lot #2

Tax Map #: 36.15-1-5

Kindersun, LLC

278 East Shore Drive, Adirondack, NY 12808

Applicant seeks to convey 10.63 acres from Lot #1 and merge with Lot #2.

Barbara Kelleher, acting as representative for property owner John G. Watson, explained that Mr. Watson had wanted to convey 10 acres to his neighbor, Kindersun, LLC, which would end up making that property 10.6 acres. Due to an earlier incorrect map, this was not presented, and the application submitted seeks to convey 10.63 acres.

Chair Mullins said that when the Planning Board looked at this, and when they consulted their attorney and the APA, the application only minimally met the qualifications for a Boundary Line Adjustment (BLA); it falls under the Minor Subdivision rules, as it exceeds the minimum lot size for that zoning district for a BLA, under the definition of a BLA for the Town of Horicon.

ZA Leggett stated that the lot also covers two different zones – one for 1.3 acres, and the other for 10 acres; another reason it is not just a Boundary Line Adjustment.

Chair Mullins stated that the biggest difference between a BLA and a Subdivision is that a subdivision application would have to have a public hearing. This would mean postponing action on this for another month in order to hold a public hearing.

Barb Kelleher said that originally, the lot was attached to the wrong lot. She then approached the table to look at the map Steve Mullins had; ZA Leggett brought up his computer, showing essentially the same map, but with more detail.

Barb Kelleher also asked if, in order to put in a driveway off East Shore Drive, they would need a curbcut. Melanie Fuerst believes that would have to go first to the Town of Horicon, then to Warren County, as East Shore Drive is a county road.

Jeff Kelleher asked what needed to be done to move forward. Chair Mullins replied that there would have to be a public hearing. If no one objects to anything, it would just go through, the same as a BLA. It can be moved along as a Minor Subdivision with a public hearing.

Melanie Fuerst then read aloud the definition of Boundary Line Adjustment: “A Boundary Line Adjustment is the transfer of a parcel of real property between individuals, corporations or businesses consisting of less than minimum lot size required in the zoning district wherein the property is located. A Boundary Line Adjustment can only occur between adjacent property owners.”

Chair Mullins summarized that this was not a BLA, in fact. Melanie Fuerst made a motion to change the application from a BLA (Application #2023-02) to become a Minor Subdivision application. Second by Dave Iasevoli. **ALL AYES**

Melanie Fuerst requested a change to the application in regards to the tax map number listed for Lot #2 – the tax map number should be “36.15-1-4” instead of “36.15-1-5”.

Melanie Fuerst made a motion that the application before them was for a Minor Subdivision and not a BLA. Second by Dave Iasevoli. **ALL AYES**

Chair Mullins reviewed the checklist of documents needed for a Minor Subdivision.

Melanie Fuerst then made a motion to deem the application complete for the Minor Subdivision, with the two additional comments (application was now a Minor Subdivision, and tax map # correction). Second by Dave Iasevoli. **ALL AYES**

ZA Leggett provided the Kellehers with the additional forms and paperwork needed.

It was decided that there would not have to be perc tests, as there are no plans to construct a building on the newly created lot.

Melanie Fuerst made a motion to deem Application 2023-02, a Minor Subdivision, incomplete as presented, to be resubmitted as a Minor Subdivision application, and comply with all of the regulations that go with a minor subdivision "MSD." Second by Dave Iasevoli. **ALL AYES**

Melanie Fuerst made a motion to set the Public Hearing for the Watson / Kindersun, LLC MSD for Oct. 15; second by Dave Iasevoli. **ALL AYES**

#### **SD 2024-04**

Tax Map #: 88.14-1-11

Matthew & Krista Wood

11 Town Landfill Rd., Brant Lake, NY 12815

Application submitted requesting a Minor Subdivision of lands being conveyed to the Woods, to be divided into three lots.

Larry Turcotte, professional licensed surveyor, as representative for the Woods, presented two maps, one showing the boundary line survey, and the other showing the proposed three-lot subdivision.

Proposed Lot #1 is 0.94 acres; two front yard and two rear yard setbacks. None of the structures (a house and shed) are encroaching on the setbacks. There is also a well and on-site wastewater. The object of the subdivision is to split off the single-family residence (Lot #1); split off the commercial building (Lot #2) and create a vacant lot (Lot #3).

Chair Mullins asked what the access to the vacant lot would be, and Larry Turcotte replied there is a proposed easement, approximately 30' wide, from Tannery Road, and cutting across Lot #1 to get to Lot #3. This does not meet the necessary zoning code requirements, so will be going to the Zoning Board of Appeals on Sept. 24.

Proposed Lot #2 has a commercial building on it.

Melanie Fuerst pointed out that the road that loops around the Town Landfill drop-off encroaches on Lot #2. Larry Turcotte replied that he wasn't sure what to do about this, that is more of an

administrative road. Since this is a Town road, Melanie asked if the Town Board should be asked about how it wants to handle this, and Chair Mullins agreed that the Town needs to be aware of the issue. A subdivision can't happen as is, with an "existing easement" or existing encroachment that isn't currently on the books.

Chair Mullins asked what the dotted line at the easement at the top of Lot #1 was, to which Larry Turcotte answered that it was an exception in the deed (there had been various other deeds relating to that boundary line).

Larry Turcotte pointed out that both Proposed Lots #1 and #2 have their own wells and own septic. On Lot #2, the well is under the existing building, and the wastewater location is under the driveway. Chair Mullins asked if there was a concrete septic tank, and Larry Turcotte replied that Mr. Wood was not sure what is there, but its functioning.

In answer to Dave Iasevoli's question regarding the 8' snowmobile trail as shown on the map running through the property, Larry Turcotte said it is no longer a useable trail.

Melanie Fuerst mentioned that the gravel parking lot on Lot #2 encroaches on Lot #1. Chair Mullins said right now it looks like a common driveway. Larry Turcotte said most of the gravel driveway is, and will stay, on the Woods' side (Lot #2); the corner of Lot #2 comes out to where the Woods' apron is, and this would be kind of a common corner between everybody.

Larry Turcotte said that because Lot #3 is currently a vacant lot, it would be best to get preliminary engineering done in the form of a septic suitability letter (which was included in the packets). There were also some perc tests done in the Lot #3 area. Melanie Fuerst asked about the deep hole perc tests, that she didn't see the rate of flow for the perc test. Larry Turcotte replied that the results were on Aaron Jeffords' letterhead, included. Chair Mullins said that there is no proposed building on the lots, so he didn't believe perc tests were required. However, Melanie Fuerst said it was required by NYDOH for any proposed buildable lot. Larry Turcotte said he would notate, on the survey map, the findings from Mr. Jevons.

Larry Turcotte also stated that he sent the same description that was on the application with the jurisdictional inquiry form to the APA, and they replied it was non-jurisdictional and there were no wetlands. According to Larry Turcotte, however, the Short Environmental Assessment Form, using the DEC EAF mapper, does indicate there are wetlands on the property (although no wet spots were visible by Larry Turcotte when he walked the area).

This proposal will go to the Zoning Board as there is zero road frontage for Prop. Lot #3.

Since the next Town Board meeting would be the following night (Oct.19), ZA Leggett said he would bring up the issue of the easement of the Town road during Privilege of the Floor so that it could get on next month's Zoning Board meeting, and the process could move forward. Larry Turcotte asked if there would be a Public Hearing, and Chair Mullins said it was dependent on if the Woods and the Town Board could come to an agreement quickly on the easement issue at the Town Board meeting but saw no reason not to hold the Public Hearing next month.

Melanie Fuerst made the motion that, as the Boundary Line map and the survey map for the Minor Subdivision had been reviewed, Larry Turcotte could file the survey map with Warren County; second by Dave Iasevoli. **ALL AYES.**

Chair Mullins said there was no issue with the second map (proposed subdivision); other than the encroachment issue and adding a 30' designation to the map (running from Tannery Rd. to Lot #3 along Lot #1) on the subdivision map, everything looked fine. At Melanie Fuerst's request, Larry Turcotte will draw contour lines on the subdivision map.

Melanie Fuerst reviewed the Environmental Assessment Form with the other members of the Board, and all were favorable with it. She made a motion to accept the Short Environmental Assessment Form, Part 1; second by Dave Iasevoli. **ALL AYES.**

Dave Iasevoli made a motion to deem the Minor Subdivision application complete in preliminary fashion, pending the Town Board discussion and judgement on the access road to the Landfill encroaching into the subdivision; second by Melanie Fuerst. **ALL AYES.** He also moved to set the Public Hearing for Oct. 15, 2024; second by Melanie Fuerst. **ALL AYES.**

ZA Craig Leggett said this will also be going to the ZBA at the next meeting (Sept. 24, 2024).

Motion to adjourn was made by Dave Iasevoli; second by Melanie Fuerst. **ALL AYES.**

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

