

**Horicon Planning Board
Regular Meeting**

**September 18, 2013
7:00PM**

Present at meeting: Harry Balz Chairman
Bill McGhie, Member
Mike Raymond, Member
Jim Remington, Member
Teri Schuerlein, Member
Georgia McMeekin, Alternate
Paul Holmes, Alternate
Mike Hill, Esq. Town Attorney

Also Present: Jim Steen, Zoning Administrator
Matt Simpson, Town Board Member
Bob Olson, Town Board Member

Tom Johanson, Harvey Leidy, Gerald Hill, Mike Lewis, Attorney Dan Smith

Agenda Items:	File # 2013-09CU	Tax Map 88.10-1-22	Ragule, Sandra
	File# 2013-08CU	Tax Map 71.-1-45.1	Lewis, Mike & Brenda
	File# 2013-09SD	Tax Map 37.1-27.1	Young, Monica Jean

Chairperson, Harry Balz called the meeting to order at 7:00 PM

Pledge

APPROVAL OF MINUTES: Bill McGhie made a motion to accept the August minutes with corrections. 2nd by Mike Raymond. All Ayes

COMMUNICATIONS: None

NEW BUSINESS: File # 2013-09CU
Tax Map# 88.10-1-22
Ragule, Sandra
6600 State Route 8
Conditional Use to operate a Retail Business

Jim Steen researched the prior conditional use application that Carl Heilman had applied for in 2009. Carl Heilman was planning on operating a retail store among other uses. He is asking the board to help determine if Sandra Ragule would fall under prior conditional use.

Mike Raymond asked if Carl Heilman's application is the last Conditional Use application on record.

Jim Steen answered yes.

Jim Steen asked the board if the Conditional Use would carry over to what Sandra Ragule is presently operating as St. Teresa's Treasures.

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Mike Raymond stated that he remembered the previous owner, Richard Kruse, asking the Town for permission to utilize the septic and had assumed that he had made application for conditional use to operate an antique store.

Jim Steen stated that no conditional use application for Richard Kruse was found in the file just documentation that the Town had approved use of the Town's septic.

Jim Steen made a request to change the conditional use application to add a new line which would read: Specific Proposed use listed in Section 8.20 of the Town of Horicon Zoning and Project Review. This would clarify which allowable use in section 8.20 the applicant is applying for, because any use not listed is a prohibited use.

Jim Steen asked Attorney Mike Hill if conditional use applications expire or do they get passed on to new owner like variances.

Attorney Mike Hill states that conditional use ends with change in ownership and that it was not similar to variance, in addition according to section 9.50 of the zoning ordinance it is required to hold a public hearing for a conditional use application.

Chairman Harry Balz suggested that applicant Sandra Ragule "start fresh" and continue application process with newly changed application and asked Jim Steen to print out new application with Sandra Ragule's information.

Sandra Ragule stated that she assumed she could operate antique store because previous owner Richard Kruse had.

Being no further questions or comments Mike Raymond made a motion to approve change to conditional use application and schedule a public hearing for October 16.
2nd by Bill McGhie. ALL AYES

**PUBLIC HEARING File# 2013-08CU
 Tax Map 71.-1-45.1
 Lewis, Michael & Brenda
 109 Bean Road
 Conditional Use to add 25 additional RV sites**

Mike Lewis reviewed for the Planning Board his proposed plans for adding 25 additional RV sites to the already existing campground, and stated that these sites would not be visible from the road, because they are located approx. 100 feet from the road.

Teri Schuerlein asked Mike Lewis how many total lots were existing on campground and if there was a formula for determining the total number of allowed camp sites per acre.

Mike Lewis stated that there were 70-75 sites and there were 2 exits for fire safety purposes but was not aware of formula for determining allowable sites per acre.

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Jim Steen stated that there was no formula or zoning regulations determining sites per acre and that the project was a 25 percent increase in size and added that the APA had initially deemed this a Class A project but after further review changed its determination to a Class B project since Mike Lewis was not building any new sites near the wetlands.

Chairman Harry Balz asked if there were any additional comments or questions and suggested that the public hearing be closed.

Being no further questions or comments Mike Raymond made a motion to close the public hearing. 2nd by Jim Remington. **ALL AYES**

**UNFINISHED BUSINESS: File# 2013-08CU
Tax Map 71.-1-45.1
Lewis, Michael & Brenda
109 Bean Road
Conditional Use to add 25 additional RV sites**

Teri Schuerlein asked if there were any correspondence from the adjoining owners and was answered no there was not.

Teri Schuerlein questioned the August meeting minutes referring to the updated site map showing the septic design.

Jim Steen explained that the applicant was seeking Planning Board approval of 25 sites before having engineer update site map, because if the Planning Board does not approve the application that it was a lot of money for applicant to spend unnecessarily.

The board reviewed the SEQRA form.

Bill McGhie made a motion to declare a negative declaration. 2nd by Mike Raymond. **ALL AYES**

Being no further questions or comments Bill McGhie made a motion to approve the conditional use application up to 25 sites with the following restrictions outlined by the APA:

- 1) Due to the close proximity of the wetlands located around the construction site, silt fencing was required around the perimeter of the campground expansion construction site to provide protection for the wetlands. The silt fencing must be installed prior to any excavation or grading, and must remain in place for the duration of the project and until the site is stabilized.
- 2) The project must be undertaken in accord with the Agency regulations implementing the Freshwater Wetlands Act, which prohibits subdividing, polluting, filling, dredging, draining or construction in a wetland unless an Agency permit is first obtained.
- 3) A new on-site sewage disposal system may not be located within 100 feet of any wetlands without an Agency permit. Sewage disposal systems are measured horizontally from the closest part of a leaching facility to the edge of the wetlands.

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The New York State Department of Health has additional sewage disposal system standards which must also be met.

4) The local land use regulations administered by the Town also limit the use of property and specify lot size and dimensions, setbacks for structures, building height and septic system requirements.

5) No structure other than residential radio and television antennas and certain agricultural structures may exceed 40 feet in height without an Agency permit. For Agency purposes, height is measured from the highest point of the structure to the lowest point of finished or natural grade.

2nd by Mike Raymond. ALL AYES

**PUBLIC HEARING: File# 2013-09SD
Tax Map 37.1-1-27.1
Young, Monica Jean
Dorset Road 5 lot subdivision**

Attorney Dan Smith was present to represent the land owner Monica Jean Young. Monica Jean Young and Jason Hill are proposing a 5 (five) lot subdivision. Property extends into the 10 acre zone which means that the road frontage has to comply with the density requirements though any proposed building would probably be in the R2-5 acre zone which requires only 300 feet of frontage. Lot #5 is proposed to be 8.077 acres where 10 acres is required. Attorney Dan Smith continued to state the owners received road frontage variances for lots #4 and 5 and a density variance for lot #5 from the Zoning Board. The APA agency staff reviewed the variance determination by Zoning Board and determined no further APA review was needed.

Attorney Dan Smith continued on by explaining that lot #3 was proposed to be sold to Dana and Ginger Langworthy and merged with their present adjoining property.

Being no further questions or comments Bill McGhie made a motion to close the public hearing. 2nd by Jim Remington. ALL AYES.

**UNFINISHED BUSINESS: File # 2013-09SD
Tax Map # 37.-1-27.1
Young, Monica Jean
Dorset Road
5 lot subdivision**

There was no necessity to review the SEQRA, the Zoning Board of Appeals had completed in July and a negative declaration had been determined.

Being no further questions or comments Bill McGhie made a motion to approve the subdivision.

Attorney Dan Smith made a suggestion that a condition for approval be part of motion, since there is no independent road access to lot #3. The condition for approval being that conveyance of lot #3 to Dana and Ginger Langworthy.

Bill McGhie made a motion to approve the subdivision contingent upon the transfer of lot#3 to Dana and Ginger Langworthy. 2nd by Mike Raymond. ALL AYES

A lengthy discussion ensued regarding retaining audio tapes and meeting minutes for more than six months.

Attorney Mike Hill stated that the statute of limitation time period is 60 days and that the Town would be opening itself to litigation with the ability to FOIL saved audio recordings. The Town could be undercut in litigation if there is an ability to listen to audio recordings of old meetings. Consistency and accuracy in written minutes was the important factor.

(Note: In reviewing the draft version of these Meeting Minutes, Mike Hill noted that the statute of limitations is actually 30 days, not 60 days)

Chairman Harry Balz asked Attorney Mike Hill to discuss this topic with his constituents in his firm and make a determination to be addressed next month at the October meeting.

PUBLIC COMMENTS: none

BOARD COMMENTS: none

NEXT MEETING: October 16, 2013

Being no further business before the board, the meeting was adjourned at 8:20PM.

Respectfully submitted

Dorothy Johnson, Secretary