

**Town of Horicon  
Planning Board**

**April 22, 2015  
MINUTES**

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**Present at Meeting:** Bill McGhie, Chairperson  
Teri Schuerlein, Vice-Chair  
William Siegle  
Dan Freebern  
Joe Turcotte, Alternate #2

**Also Present:** Jim Steen Zoning Administrator,  
Mike Hill, Esq., Town Attorney

Rich Pond, Gary Scidmore and John Foster

**ADENDA ITEMS:** File #2015-05-SPR, Tax Map # 36.11-1-6, Richard Pond and Katherine Ferguson  
File #2015-03-BLA, Tax Map # 71.16-1-3 (Parcel #1) and Tax Map # 71.16-1-6 (Parcel #2), Teri Schuerlein and John Caruso  
File #2015-06-BLA, Tax Map # 72.13-1-39, John Foster and Gary Scidmore

**Pledge**

Chairperson, William McGhie appointed alternate, Joe Turcotte as a voting member in absence of Mike Raymond.

Chairperson, William McGhie called the meeting to order at 7:00 p.m.

**Approval of minutes:** Teri Schuerlein made a motion to approve the minutes from February 18, 2015 as written, second by Dan Freebern. All AYES.

**New Business:** File #2015-05-SPR  
Tax Map # 36.11-1-6  
Richard Pond and Katherine Ferguson  
360 East Shore Drive  
Adirondack, NY  
Site Plan Review for dock length of 64' where 40' is allowed.

Richard Pond reviewed his application for a proposed dock with the Planning Board members. Mr. Pond indicated that the lake water at his location is relatively shallow and varies greatly in depth so in order to get a three foot (3) depth of water for safe docking of a boat he is requesting the dock length of sixty-four feet (64) where forty feet (40) is allowed.

Teri Schuerlein asked if the existing dock on the Exhibit A sketch submitted with the application belongs to Mr. Pond or his neighbors. Richard Pond responded it is his neighbors dock and it is approximately one hundred-forty feet (140) feet away from his proposed dock.

Bill Siegle asked would there be more than two (2) boats at a time using the dock and Mr. Pond responded that no more than two (2) boats at a time would be using the proposed dock.

Chairperson, Bill McGhie asked if the dotted lines shown on the Exhibit A sketch are his boundary line and how far from the boundary line is the proposed dock. Mr. Pond responded the proposed dock is twenty feet (20) from boundary line.

Teri Schuerlein asked Mr. Pond if he has a beach area near the stairs to the left as indicated on the Exhibit A sketch and Mr. Pond responded yes there is a beach and a swimming area in that location.

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Zoning Administrator, Jim Steen explained to the Board members the sideline setbacks in the Town of Horicon regulations and that this proposal meets all the Town of Horicon regulations and only exceeds the dock length regulation and that is why Mr. Pond is requesting a dock length of twenty-four (24) feet over the forty foot (40) allowed.

Teri Schuerlein stated for clarification that at the forty feet (40) point there is not a three foot (3) depth of water. Mr. Pond responded no it is only barely a two foot (2) depth. Teri Schuerlein asked if the proposed dock is similar to others in the area and Mr. Pond responded the shore varies dramatically even within several yards because of the bottom profile of the lake. Some docks are thirty feet (30). Chairperson William McGhie concurred with Mr. Pond that along that strip of shoreline there is a variation of lake water depth.

Chairperson, Bill McGhie asked Mr. Pond what the closest dock to his proposed dock is on the other side of his property and Mr. Pond responded the closest dock on the other side of his property is about two-hundred (200) feet away.

Chairperson Bill McGhie asked if he will drive posts in and Mr. Pond responded the posts will be set on the bottom and will have screw posts to give the dock stability and the entire dock will be removed each fall.

Dan Freebern asked if there is a bare minimum side yard setback of the shoreline in order to install a dock. Zoning Administrator, Jim Steen indicated that no dock shall be constructed having a side yard setback of less than twenty percent (20%) of the shoreline width of the lot in question and in no event shall the side yard setback be less than five (5) feet. The bare minimum would be five feet (5').

Mr. Pond brought up the APA guidelines and Chairperson, Bill McGhie explained to Mr. Pond that and the Town regulations supersede the APA guidelines and the Town can be more restrictive than the APA but not less restrictive and that the Town has the jurisdiction over approving proposed docks.

Dan Freebern asked what size boat does Mr. Pond have and Mr. Pond responded he has a twenty-three (23) ft. boat.

Joe Turcotte asked if there was a dock in place last year and Mr. Pond responded no.

Being no further questions or comments from the Board Teri Schuerlein made a motion to deem the application complete and to schedule a Public Hearing at the next Planning Board meeting on May 20, 2015. This file will also be referred to the Warren County Planning Department for review. 2<sup>nd</sup> by Dan Freebern. ALL AYES.

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**NEW BUSINESS:**

File #2015-03-BLA  
Tax Map # 71.16-1-3 (Parcel #1) and Tax Map # 71.16-1-6 (Parcel #2)  
Teri Schuerlein and John Caruso  
#1: 187 Palisades Road- Teri Schuerlein  
#2: 199 Palisades Road – John Caruso  
Brant Lake, NY 12815  
Boundary Line Adjustment- selling a waterfront parcel #1 to an adjoining waterfront parcel #2.

Teri Schuerlein recused herself from File #2015-03-BLA as she is proposing to move the boundary line on her parcel to an adjacent parcel belonging to John M. Caruso.

Teri Schuerlein spoke on behalf of this application proposing to move the boundary line from her parcel (Tax Map # 71.16-1-3 Parcel #1) to be included in the adjoining lot of John Caruso's parcel (Tax Map # 71.16-1-6 (Parcel #2) which will make John Caruso's parcel a more conforming parcel.

Chairman Bill McGhie asked Teri Schuerlein for clarification on the boundary line on the map that is included in the file.

The Board members went over both deeds for both properties.

Jim Steen, Zoning Administrator spoke to the Planning Board regarding moving Boundary lines, creating new parcels and new deeds. In the past some Subdivisions were not tracked to completion therefore resulting in unintended creation of non-conforming parcels that could be separately conveyed.

Attorney Mike Hill told the Board members that because of that lack of follow through the Town does not get informed and the map gets filed and leaves the parcel out there to be conveyed as a separate parcel.

In order to avoid situations in the future of creating non-conforming parcels, as a policy matter, for boundary line adjustments, and for subdivisions involving proposed mergers, going forward the Board will be requiring applicants to (1) include a note on the Mylar clearly indicating the pieces of property to be merged and stating that they will be merged, (2) submit a proposed deed incorporating effective merger language for Attorney's review prior to Board approval of the Boundary Line Adjustment or Subdivision, (3) following the Board's approval of the Boundary Line Adjustment or Subdivision, provide a copy of the fully-executed deed as a prerequisite to the Chairman stamping and signing the Mylar (if applicable, any map filing reference information could be hand-written or typed into the deed after the map is filed and before the deed is recorded) and (4) provide the Board with a copy of the recorded deed.

With regard to Teri Schuerlein's application, Attorney Mike Hill indicated that steps 1 and 2 have already been accomplished. Teri Schuerlein's application has everything needed in order to deem the application complete.

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Jim Steen, Zoning Administrator asked the Town Attorney, Mike Hill if this can be done as matter of policy by the board? Attorney Mike Hill responded that there is no need for this to become part of zoning regulations but standard practice for the Planning Board to prevent substandard parcels from being created. The Town Attorney can provide a memo to the Zoning Office that can be distributed along with the application with the language needed before the first meeting so that all of the necessary paperwork can be submitted from the start. Boundary Line Adjustments can be better dealt with in this matter in a single meeting by having all paperwork up front. This will streamline the process.

Mike Hill, Town Attorney completed a SEQRA review with the Planning Board members on the Teri Schuerlein and John Caruso file. The Board members responded to each question in the negative. A negative SEQRA declaration was made and it was determined there will not be any negative environmental impacts.

After The Board members discussed and reviewed the SEQRA application Dan Freebern made a motion to declare a negative SEQRA declaration. Second by Joe Turcotte. ALL AYES.

Considering all the materials presented Joe Turcotte made a motion waive the public hearing. Second by Dan Freebern. ALL AYES.

The Planning board determined that the proposed Boundary Line Adjustment will make John Caruso's parcel more conforming and will not make Teri Schuerlein's parcel non-compliant.

Being no further questions or comments after review by the Board members Dan Freebern made a motion to approve the proposed Boundary Line Adjustment subject to the following four conditions:

1. Counsel to approve the form of the deed.
2. A copy of the signed deed be provided to the Planning Board Chairman
3. Planning Board Chairman does not sign the map until receipt of the copy of the signed deed.
4. A copy of the recorded deed gets provided to the Zoning Office.

Second by Bill Siegle. ALL AYES.

**NEW BUSINESS:**

**File #2015-06-BLA  
Tax Map # 72.13-1-39  
John Foster and Gary Scidmore  
Boundary Line Adjustment to divide a jointly owned lot and join it with the owners' adjoining property.**

Teri Schuerlein rejoined the Board at this time to discuss the John Foster and Gary Scidmore proposed Boundary Line Adjustment application.

John Foster spoke to the board about his proposal to divide a jointly owned lot (owned by himself and Gary Scidmore) into two six and one half (61/2) foot parcels and join them to their adjoining respective properties.

Chairperson, Bill McGhie asked for clarification on the width of the lot to be split. John Foster responded it is a thirteen (13) foot lot.

John Foster gave the Board members a copy of the survey as well as proposed deed language for their review.

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Discussion ensued between the Board members and Mr. Foster regarding the width of the lot to be divided. Standing at the shoreline looking at the properties, Mr. Foster's lot is on the right and Mr. Scidmore's on the left and between those two lots is a jointly owned lot. The applicants are proposing to take the jointly owned lot and divide it down the middle and convey half to each other.

Jim Steen, Zoning Administrator gave a brief history of the middle parcel and how Mr. Foster and Mr. Scidmore came to own that parcel. The original owner came before the Zoning Board of Appeals with a proposal for a dock and because of the size of the lot the Zoning Board denied the application for a dock so the original owner decided to sell the lot. Mr. Foster and Mr. Scidmore decided to purchase the lot. Two docks, one on Mr. Foster's property and one on Mr. Scidmore's property are Grandfathered.

Chairperson Bill McGhie stated that the proposed merger will result in two more confirming parcels.

A Jurisdictional Determination was received from the APA stating no permit or variance is needed from the APA.

Attorney Mike Hill suggested to the applicants that they get formal deeds of merger prepared, one for each of them.

Dan Smith, Attorney for Mr. Foster and Mr. Scidmore will have the draft deeds provided to the Board members and a Mylar will be needed in order to file with the county. The Jim Nestor map and survey has the merger language on the survey already so the essentials are there on the survey.

Jim Steen pointed out that the names on the deeds and the maps need to be identical. Attorney Mike Hill noted that the applicants should make sure their attorney gets the names identical on all of the paperwork submitted to the Planning Board as well as Warren County.

Attorney Mike Hill informed the applicants to have Attorney Dan Smith prepare proposed deeds and submit to the Town Attorney's office and the Board for review. At next meeting the proposed deeds will be in good order and the Board will be able to move ahead. The APA language needs to be correct as well. A SEQRA short form was prepared by the applicants and is submitted with the file.

Teri Schuerlein asked if the language "the lot will be eliminated" is needed on the map. Attorney Mike Hill stated no the map does not need to be revised. When it comes from the County after approval the lot will be eliminated.

The Planning Board members decided not to deem the application complete until all paperwork is received.

The Planning Board members discussed waiving the public hearing and decided they will be able to waive the public hearing on this file.

Planning Board members asked if the current docks on the properties are wooden. Mr. Scidmore responded yes, one wood and one metal. Mr. Scidmore stated he will be replacing his dock with a metal dock.

Teri Schuerlein made a motion to table the application pending the receipt of the updated deeds and Mylar map. Second by Dan Freebern. **ALL AYES.**

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Chairperson, Bill McGhie asked the Board members to inform himself and Terri Katsch by e-mail whenever they are not able to attend a meeting.

Chairperson, Bill McGhie discussed with the Board members a letter received from the APA on the Clearwater Lake Dam project. It would be a good opportunity for the Board members to respond to the APA as a matter of courtesy and to foster good relations with the APA to let them know the Planning Board is unanimous in its opinion that this project will restore the area to its previous state.

Jim Steen, Zoning Administrator discussed with the Planning Board members previous Boundary Line Adjustments that were never merged and that deed scrutiny needs to be done prior to approval by the Planning Board.

Chairperson Bill McGhie stated that the APA is willing to provide training to the Planning and Zoning Board members on map reading. Chairperson Bill McGhie will contact the members once a date has been set.

Teri Schuerlein made a motion to adjourn the meeting at 9:45pm. Second by Dan Freebern. ALL AYES.

Respectfully submitted,  
*Terri Katsch*  
Secretary