

**Town of Horicon  
Planning Board**

**December 17, 2014  
MINUTES**

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**Present at Meeting:** Bill McGhie, Chairperson  
Teri Schuerlein  
William Siegle  
Dan Freebern  
Mike Raymond  
Georgia McMeekin, Alternate #1

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

Attorney, Matthew Fuller, Attorney, Dan Smith, Bob Olson, Town Board member and Gary Frenz, ZBA member.

**ADENDA ITEMS:**       **File # 2014-03SD Brant Lake Farm LP Tax Map 55.-2-5.1,  
55.-2-5.2 and 55.-2-6  
File # 2014-02SD Caroll Point I LLC   Tax Map 55.-2-11**

Pledge

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 as written from the November 19, 2014, 2nd by Dan Freebern. All AYES.

**New Business:**       **File # 2014-03SD**  
Tax Map 55.-2-5.1, 55.-2-5.2 and 55.-2-6  
Brant Lake Farm LP  
State Route 8  
Proposed 3 Lot Subdivision

Attorney Matt Fuller, representing the owner/applicants of Brant Lake Farm LP gave an explanation of the proposal to collapse and carve out of the current property a three (3) lot subdivision. A Jurisdictional Inquiry form was sent to the APA by Matt Fuller and the response received indicated avoidance of any wetlands.

There is a driveway that physically separates one lot into two (2) parcels; however, it is still considered one (1) lot. Zoning Administrator, Jim Steen contacted Ron Dixon, Warren County Real Property Tax Services Department and he stated that this will possibly result in two (2) Tax Map numbers being assigned to that one (1) parcel.

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Bill McGhie stated that the Board would be setting a precedent if they approve non-adjointing lots. A discussion ensued regarding subdivisions, precedents and easements.

Attorney Matt Fuller will have language placed on the maps and the deed to show this is one parcel with unusual proportions.

Attorney Matt Fuller asked that this application be tabled until the January 21, 2015 Planning Board meeting in order for him to have the opportunity to discuss the easement with the owners.

Being no further discussion or questions, Teri Schuerlein made a motion to table file # 2014-03-SD to the January 21, 2015 Planning Board meeting. 2<sup>nd</sup> by Dan Freeburn. ALL AYES.

**PUBLIC HEARING:**                      **File # 2014-02SD**  
Tax Map 55.-2-11  
Caroll Point I LLC  
3 Lot Subdivision

Attorney Dan Smith representing Caroll Point I LLC reviewed the project with the Board introducing new maps and engineer's drawings for the wells and septic systems locations for all three (3) proposed subdivision location(s).

Attorney Dan Smith stated the proposed septic and leach field from Lot 2 will be placed on Lot 1. It will be a forced main that will be in a tube or (sleeve) and run under the stream. The reason for this placement being the engineer's determination that the soil is unsuitable on Lot 2 for leach fields.

Mike Raymond questioned if all three (3) lots meet all of the setbacks. Attorney Dan Smith responded that all of the lots meet the required setbacks for dwelling, septic and wells.

Discussion ensued regarding placement of wells, septic systems and any conditions to be placed on the approval.

After discussion with the Board Members, Attorney Dan Smith agrees to have the maps noted as follows:

This subdivision is shown on three (3) sheets, Survey and Map by Russell E. Howard and Engineering drawings, Brett W. Winchip Engineering P.C., two (2) sheets. All three sheets shall be filed in the Warren County Clerk's Office.

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Wells (Lots 1 and 2) and septic systems (all three lots) shall be installed in the locations shown, and constructed as shown, on two (2) sheets of Engineering plans by Bret W. Winchip Engineering P.C., any well installed on Lot 3 shall be placed at least fifty (50) feet east of the west line of Lot 3.

For any or all Lots, the Town Zoning Administrator in his or her discretion may require erosion and storm water control plans prepared by a licensed Professional Engineer and reviewed and approved by the Town Zoning Administrator.

Being no further discussion or questions, Mike Raymond made a motion to close the public hearing. 2<sup>nd</sup> by Teri Schuerlein.

**UNFINISHED BUSINESS: File # 2014-02SD**  
Tax Map 55.-2-11  
Caroll Point I LLC  
3 Lot Subdivision

**SEQRA REVIEW for CAROL POINT I LLC – Subdivision Application**

On Part 2 of the SEQRA Assessment form under "Impact Assessment" for questions one (1) through eight (8), the Board found that the "No to small" box should be checked off, as there would be either no impact or only a small potential impact.

For questions number nine (9) through eleven (11), the Board found that the "moderate" potential impact for each and directed that the "Moderate to large" box be checked off.

On Part 3 – "DETERMINATION OF SIGNIFICANCE" of SEQRA Short Environmental Assessment Form ("EAF") the following applies:

In discussing Questions nine (9), ten (10) and eleven (11), some of the Board members expressed concerns that storm water runoff could have a detrimental effect on the Lake if the driveways on the lots are long and houses are large, creating a significant amount of impervious surface area. In those circumstances, the volume and speed of runoff could cause erosion, causing silt to build up in the Lake, adversely affecting aquatic plant growth. In addition, high volumes of rainwater could cause salt and/or other pollutants to be carried into the Lake. Overall, the Board thought that the storm water runoff could potentially result in "Moderate" adverse impacts to the Lake.

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The Board thought that detrimental effects from storm water runoff seem probable only if long driveways and/or large houses are constructed on the lots. However, the Board noted that the lots would be prime lakefront lots that would likely be expensive, and would likely attract buyers seeking to build large homes. So, the Board found it reasonably probable that adverse effects to the Lake could occur without mitigation of storm water runoff and that the negative effects could be long-lasting and extend beyond the lakefront near the three lots as siltation and contamination spread through the water.

The applicant offered to have a licensed engineer prepare storm water and erosion control plans for any of the three lots if, when proposed building plans are submitted, the Town's Zoning Administrator determines that such plans are needed due to the size of impervious area proposed, even if the impervious area on any lot less than the 1-acre threshold that would trigger DEC's requirement for such plans. The Board believes that such professionally-prepared plans, which would include any storm water control / retention measures necessary, would be effective in preventing siltation of the Lake and would also prevent dissolved salt and other pollutants from contaminating the Lake water. Therefore, to mitigate potential storm water runoff impacts, at the suggestion of the applicants attorney, the Board will impose a condition of approval to require the submission of storm water and erosion control plans if the Zoning Administrator finds that the extent of proposed development on any or all of the three lots makes it prudent to have such plans, and any storm water control features specified in the plans, to help prevent erosion and water-quality impacts to the Lake.

Dan Freebern made a motion to declare a negative SEQRA declaration and to mitigate any potential storm water runoff impacts, the Board will require the submission of storm and erosion control plans prepared by a Professional Engineer at the discretion of the Town Zoning Administrator if those plans are necessary. 2<sup>nd</sup> by Teri Schuerlein.  
ALL AYES.

Dan Freebern made a motion to approve the subdivision of **File # 2014-02SD**, with amended notes added to the maps and submitted for review. 2<sup>nd</sup> by Teri Schuerlein.

**CORRESPONDENCE:** Saratoga Planning and Zoning Conference on January 28, 2015 was discussed and all six(6) Planning Board Members will be attending.

Bill McGhie appointed Teri Schuerlein as Vice- Chair for calendar year 2015.  
Dan Freebern made a motion to approve Teri Schuerlein as Vice-Chair for 2015. 2<sup>nd</sup> by Mike Raymond. ALL AYES.

Being no further discussion or questions, Mike Raymond made a motion to adjourn the Planning Board meeting. 2<sup>nd</sup> by Teri Schuerlein. ALL AYES.

Respectfully Submitted,

*Terri Katsch*  
Secretary