

**Town of Horicon
Planning Board**

**November 19, 2014
MINUTES**

Present at Meeting: Bill McGhie, Vice-Chair
Teri Schuerlein
William Siegle
Georgia McMeekin, Alternate #1
Dan Freebern, Alternate #2

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

Matthew Fuller, Attorney, Dan Smith, Attorney

**ADENDA ITEMS: File # 2014-02SD Caroll Point I LLC Tax Map 55.-2-11
File # 2014-01SD Brant Lake Farm LP Tax Map 55.-2-5.1 and
72.-1-17**

Pledge

Vice-Chair William McGhie called the meeting to order at 7:00 p.m.

Vice-Chair William McGhie as Acting Chairman appointed Dan Freebern as voting member due to death of Chairman, Harry Balz and appointed Georgia McMeekin as voting member in absence of Mike Raymond.

Approval of minutes: Teri Schuerlein made a motion to approve the minutes from the September 17, 2014 as amended, second by William Siegle. All AYES.

New Business: File # 2014-02-SD
Tax Map 55.-2-11
Caroll Point I, LLC
East of 7491, State Rte. 8
Three (3) Lot Subdivision

**Town of Horicon
Planning Board****November 19, 2014
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Attorney Dan Smith representing Carroll Point I, LLC reviewed the project with the Board going over the map and the proposed subdivision location(s).

Attorney Dan Smith stated that the property was surveyed, the submitted survey map indicates contours, 50' shoreline setbacks, 100' septic setbacks and 65' center line road setbacks. Attorney Dan Smith continued to state that all three lots meet the minimum acreage of 1.3 acres, 100' lake frontage and 100' road frontage. Attorney Dan Smith indicated where the septic systems will be proposed to be located on each lot, stating that all three septic systems are pump ups and that there are alternative septic locations if the proposed septic systems that are not suitable as indicated. Attorney Dan Smith stated that he has received a non-jurisdictional letter stating that an APA permit is not needed, requesting that the application for a three (3) lot subdivision be deemed complete and a public hearing be scheduled.

Georgia McMeekin asked Jim Steen about NORWECCO systems. Jim Steen stated that NORWECCO systems would require variances from the Town Board of Health as advised by Attorney Mark Schachner. The only advantage to installing a NORWECCO system is to reduce the required setback from bodies of water. Jim Steen stated that he believes that the approval of the NORWECCO system was originally intended to give the Zoning Administrator the ability to approve such systems at the Zoning Office level. Upon further review, and unbeknownst to the Zoning Office and Zoning Administrator at the time, the final approval of the resolution was sent up to APA in November of 2004 and then approximately six (6) months later was returned to the Town indicating that a NORWECCO system, not meeting the required setbacks must be referred to the Town Board of Health for a variance.

Attorney Dan Smith said that the NORWECCO'S are frowned upon for new construction for vacant lots and should be used only for replacement of pre-existing systems that are failing, not for new construction.

Bill McGhie asked about the placement of Lot 2 septic system on Lot 1. Attorney Dan Smith stated that the septic will pass under the driveway and will be covered.

Discussions ensued regarding placements of septic systems for Lot 2 and Lot 1, and that there will be language regarding septic easements written into the deed(s).

**Town of Horicon
Planning Board**

**November 19, 2014
MINUTES**

Jim Steen stated that he has discussed this previously with Winchip Engineering and it was found that the soil is not suitable for any other placement, the only septic placement is what is shown and the deed (s) will indicate the proper easement language.

Teri Schuerlein asked if Lot 3 will have an easement for the septic. Attorney Dan Smith stated no, as there is only one spot for Lot 3 to place septic and it will not need easement.

Teri Schuerlein asked if the lots are currently up for sale. Attorney Dan Smith responded yes.

Town Attorney Mike Hill asked about reserves for septic systems. Attorney Dan Smith responded yes and pointed out the reserves for the septic systems on the map.

Town Attorney Mike Hill asked if the completed SEQRA form was included in the application. Attorney Dan Smith indicated that the form is included in the file.

Jim Steen pointed out that the septic systems are the acceptable size for a four (4) bedroom home.

Town Attorney Mike Hill asked about PERC tests and Attorney Dan Smith stated that five (5) PERC tests were completed and the results are provided on page one (1) of the map also indicating the locations of the proposed wells.

Bill McGhie asked if there is will be any problem getting a pipe underneath the stream. Attorney Dan Smith stated that this will not be a problem and will submit engineered plans showing the culvert and septic pipe where it crosses the stream.

Being no further discussion or questions, Dan Freebern made a motion to deem the application complete and set a public hearing for December 17, 2014, seconded by William Siegel. ALL AYES.

File # 2014-01SD

Tax Map 55.-2-5.1 and 72.-1-17

Brant Lake Farm

St. Rte. 8 & Grassville Road

Modification of boundary line of approved subdivision

Jim Steen stated that this Board previously approved a subdivision of these lots on September 17, 2014, however, when the applicant submitted the Jurisdictional Inquiry Form (JIF) to the APA, the APA flagged the wetlands and indicated that the subdivision boundary line must be two-hundred (200') feet from the flagged wetlands. In order to accomplish this, the applicant has requested this board modify the boundary line of the previously approved subdivision.

Attorney Matt Fuller representing the applicant, stated that the APA superimposed their map over the map of the property and the boundary line was adjusted to prevent any problems in the future, avoiding APA jurisdiction. The updated map being provided tonight for the Board's review indicates that the subdivision is not under APA jurisdiction as the new boundary line is two-hundred feet (200') from the flagged APA wetlands.

Bill McGhie stated that what we have is just a modification of the boundary line to the previously approved subdivision.

Town Attorney Mike Hill suggested that the board review if anyone at the previous public hearing spoke about any issues with the subdivision.

Jim Steen stated there was no concern in regards to the property line in the area.

Attorney Matt Fuller stated there is no material change in the subdivision, just a move to the current boundary line to keep the obligatory setback from the wetlands.

Town Attorney Mike Hill asked if the signed survey map had been filed at the County level at this time.

Attorney Matt Fuller stated that the map has not been filed.

Town Attorney Mike Hill suggested that the Board discuss any environmental impact(s) if the boundary line is modified.

Bill McGhie stated that there was no discussion at the previous meeting regarding the boundary line on that section of the subdivision, the only objections expressed at the public hearing was concern of who was purchasing the land.

Bill McGhie asked if there are any further questions or comments.

**Town of Horicon
Planning Board**

**November 19, 2014
MINUTES**

Town Attorney Mike Hill suggested that the Board members review the SEQRA negative declaration.

Terri Schuerlein made a motion to confirm the prior SEQRA negative declaration and that the proposed change will have no significant adverse environmental impact, 2nd by William Siegel. All Ayes.

Attorney Matt Fuller stated that he will submit a MYLAR and paper copies for the Vice-Chair Bill McGhie to sign and stamp.

Dan Freebern made a motion to approve the proposed subdivision with amended boundary line, as previously stated, 2nd by Teri Schuerlein. ALL AYES.

Public Comments: None

Board Comments: Bill McGhie stated that the Boards vouchers are in the packets and must be returned to Teri Katsch or Dawn Higgins by December 1st.

Teri Schuerlein requested that the applications for new applications to be discussed at the future Planning Board meetings be scanned and sent via email prior to the meeting to the Board Members.

Business cards and Planning Board IDS were discussed and the means to obtain them if necessary.

Dan Freebern made a motion to adjourn, 2nd by Terri Schuerlein.

Meeting adjourned at: 7:40 p.m.

Respectfully Submitted,
Terri Katsch, Secretary