

**Town of Horicon
Planning Board**

**October 19, 2016
MINUTES**

Present at Meeting: Chairperson William McGhie
Vice-Chairperson Teri Schuerlein
Michael Raymond
Bill Siegle

Also Present: Roger Daby, Matt Steves, Town Board member Bob Olson, Zoning Administrator James Steen and Town of Horicon Assessor, Christine Hayes.

ADENDA ITEMS: File 2016-06 CU, File 2016-03 SD

Pledge

Chairperson, William McGhie called the meeting to order at 7:05 p.m.

Approval of minutes: Mike Raymond made a motion to approve the September 21, 2016 minutes as written. Second by Vice-Chairperson Teri Schuerlein. **ALL AYES.**

NEW BUSINESS: **File 2016-06 CU**
Tax Map # 88.10-1-38
Roger Daby
6584 State Route 8
Brant Lake, NY 12815

Conditional Use approval for Section 8.20 Retail Business, General/Restaurant Fast Food

Vice Chairperson Teri Schuerlein recused herself.

Roger Daby asked the Board members if the newly submitted photos and sketch plan were what they were asking for from the previous meeting. The Board responded yes. Roger Daby spoke about the fence he would like to include. It will be of a see through design and not a junk yard fence.

Mike Raymond asked what the height of the fence would be.

Roger Daby responded that he would like it to be about three (3) feet in height.

Mike Raymond asked how far from the road it will be.

Roger Daby responded he is not sure and asked for recommendations from the Board.

Chairperson William McGhie stated that the property looks better now as it has been cleaned up and Mike Raymond agrees.

Zoning Administrator Jim Steen read the Town of Horicon fencing regulations to the Board.

Mike Raymond stated that if you have fencing that is less than four (4) feet then the fence would be exempt from setback regulations.

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Roger Daby stated that it would be a three (3) foot fence and not be less than twenty-five feet from the road.

Mike Raymond stated that if the fence will be of a see through design and only be a three (3) foot fence then it would be exempt from setback regulations. Mike Raymond asked Roger Daby if the fence will be of a see through design and Roger Daby stated that it will be a see through design. It would be a 50/50 picket style fence.

Chairperson Bill McGhie stated that a 50/50 design would be great.

Roger Daby stated that it will not be a permanent fence. He would like it to be removed in the winter so the fence would be in sections for easy removal.

Chairperson Bill McGhie stated the three (3) foot design would be perfect.

Chairperson Bill McGhie asked Roger Daby if there will be any consignment brought in to this proposal. Roger Daby asked if that would matter. Mike Raymond stated that it may matter and gave an example of consignment.

Roger Daby stated there will not be any consignment. He wants to keep it small and discourage people from bringing things in and the tracking would be difficult.

Chairperson Bill McGhie asked if Roger Daby will keep the vendors down in the back.

Roger Daby stated that he is exploring that option of bringing vendors in only on a weekend basis and they would be located down in the back of the property at certain times, not on an everyday basis.

A discussion was held regarding the scheduling of a Public Hearing on this file because Roger Daby will not be available until March 2017.

Being no further questions or comments Mike Raymond made a motion to table the application for the March 2017 meeting at which time the application will be deemed complete and a Public Hearing will be scheduled. Second by Bill Siegel. **ALL AYES.**

Vice Chairperson Teri Schuerlein rejoined the Board at this time.

NEW BUSINESS:

File # 2016-03 SD
Tax Map # 38-1-12
Jack and Gail DeGregorio
10 Clearwater Lake Road
Brant Lake, NY 12815

3 Lot Subdivision

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Matt Steves, representing Jack and Gail DeGregorio stated that this application consisting currently of three (3) tax parcels is proposing after mergers, lot line adjustment and subdivision to create three (3) tax parcels. Matt Steves presented a map to the Board in order to clarify for the Board members the actual proposal. Matt Steves went on to state that this property is located on Clearwater Lake Road and Palisades Road. There will be a proposal to do two mergers, a Boundary Line Adjustment and a three (3) lot subdivision with properties of Degregorio's tax map parcels 38.-1-12 and 38.15-1-34.1 and shoreline lot across the road on the Brant Lake side that after created by the subdivision a merger will be done into DeGregorio's tax map parcel 38.-1-26.

Matt Steves met with the APA regarding this proposal and they have no problems with the requested proposal.

Chairperson Bill McGhie asked if any of the lots will become smaller.

Matt Steves stated that all of the lots will become larger and more conforming.

Matt Steves went on to explain that Hutchins Engineering was at the DeGregorio's Tax Map # 38.-1-12 parcel today in order to site for a septic and a well. Once the subdivision is approved that will become Lot 1. There will be a Boundary Line adjustment with portions of the DeGreorio Tax Map # 38.15-1-34.1 parcel to San Antonio's Tax Map parcel 38.15-34.2 after Planning Board approval. The leftover portion of tax map # 38.15-1-34.1 will be merged with Degregorio's tax map # 38.-1-12 to create Lot 1.

Mike Raymond asked if there was a house on the property that will be merged with the San Antonio property because the San Antonio's own a piece of property on the corner of Palisades and Clearwater Lake Roads.

Matt Steves stated that property is not part of this proposal.

Town of Horicon Assessor Christine Hayes stated that the San Antonio's do own the lot on the corner of Palisades Road and Clearwater Lake Road, but this is not part of the proposal.

Zoning Administrator Jim Steen showed the Board members the maps that Town Assessor Christine Hayes prepared and stated that Christine Hayes has to do the mergers first. Jim Steen went on to state that the proposed lot 2 is currently before the ZBA for a variance of an undersized lot approval. The APA concedes to the 1.43 acre lot that will be created after the subdivision.

Matt Steves stated he met with Tracy Darrah from the APA and she has no issue with the smaller lot that will be created with the lands of DeGregorio after the subdivision to be called Lot 2. They are trying to retain all the wetlands on one large parcel (the larger parcel 38.-1-12). Then prove out one building site. Hutchins Engineering and Bernie Bolton were at the site today and found a beautiful area for a home site on this parcel. There is a proposed new house site.

Chairperson Bill McGhie asked what the road access will be for Lot 1.

Matt Steves stated the road access will be off of Clearwater Lake Road. Currently there is a Clearwater Lake Association road that exists.

Mike Raymond asked if that road is a legal road and how does it work with the Town of Horicon regulations on frontages?

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Matt Steves stated that the private road is legal and is associated with the Clearwater Lake Association and it complies with the Town of Horicon regulations on road frontages. The new home that would be built would be part of the Clearwater Lake Association. In the past the DeGregorio's owned the road and sold it to the Clearwater Lake Association which is now the private Clearwater Lake Association road.

Vice Chairperson Teri Schuerlein asked why the little strip that the DeGregorio's own is not merged to San Antonio's property. Matt Steves stated they can do that, it would be no problem and he has authority to act on behalf of the DeGregorio's. Matt Steves stated that a section of Tax Map #38.15-1-34.1 would be merged into the lands of San Antonio parcel 38.15-34.2 and 38.15-1-27.

Mike Raymond asked if there is four-hundred (400') feet of frontage on Clearwater Lake Road and Matt Steves responded yes, there is four-hundred (400') feet of road frontage on that road.

Mike Raymond asked about the DeGregorio's Tax Map # 38.-1-12 parcel on the Brant Lake side where the DeGregorio's own a house on the Tax Map # 38.-1-26 parcel.

Matt Steves stated that part of Tax Map # 38.-1-12 parcel will be merged with the 38.-1-26 (DeGregorio's lakeside parcel) to make that parcel larger on the Brant Lake side.

Town of Horicon Assessor Christine Hayes asked if there is any access to that parcel like a Right of Way on what will become Tax Map # 38.-1-26. Matt Steves responded yes there is a Right of Way.

Zoning Administrator Jim Steen commented that the Boundary Line Adjustment will have to be done simultaneously with the subdivision and mergers or it will be leaving undersized parcels. In order to do the subdivision there has to be a condition that part of Tax Map # 38.15-1-34.1 to be merged with Tax Map # 38.-1-12 and the same with a portion of Tax Map # 38.-1-12 has to be merged with Tax Map # 38.-1-26. Boundary Line Adjustments do not require a Public Hearing and if the application is submitted to the Zoning Office prior to the next Planning Board meeting there will not be a problem and can be wrapped up all at once. Procedurally the only thing missing right now is the Boundary Line Adjustment application.

Town Assessor Christine Hayes stated that she is here tonight because of the merger. She went on to state that only the Assessor has the authority to do mergers and when the Boundary Line Adjustment is done the deed has to be in the same exact name as it is currently on the Tax Map. This takes time to complete. The Planning Board cannot do the mergers. This proposal is not just a straight subdivision.

Matt Steves stated that the subdivision will be conditioned upon the mergers and the Boundary Line Adjustment being done. As soon as the mergers are complete he (Matt Steves) will give the descriptions to the attorney in order to put the San Antonio's name in the deed.

Mike Raymond stated that right now the DeGregorio's own the house south of Palisades Road on the Brant Lake side (Tax Map # 38.-1-26) which is currently .8 acres. He asked if this parcel will be merged will be merged with part of Tax Map #38.-1-12.

Matt Steves responded yes, they will take the portion south of the road and merge into the smaller parcel. Tax Map # 38.-1-26 will go from .8 acres to 4.67 acres. A portion will have to be merged by Town of Horicon Assessor Christine Hayes and deed will be changed prior to subdivision being done.

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Matt Steves once again went over the map with the Board to show the before and after of the proposal in order to clarify for the Board members what the exact proposal looks like.

Vice Chairperson Teri Schuerlein made a motion to deem the application complete with the recommendation that the Boundary Line Adjustment be submitted to the Town of Horicon Zoning Office in the next few days and set a Public Hearing for the Subdivision to be scheduled at the November 16, 2016 Planning Board meeting. Second by Mike Raymond. **ALL AYES.**

PUBLIC COMMENTS: None

BOARD COMMENTS: Chairperson Bill McGhie wanted feedback from the Planning Board members regarding a situation that comes up often at the Planning Board meetings. Bill McGhie spoke to Town Attorney Mark Schachner and asked what the correct procedure would be when a Planning Board member is absent and the alternate sits in on a proposal and then at the next meeting the Planning Board member returns. Who then sits at the table the alternate or the Planning Board member? Mark Schachner said it can go either way. The Planning Board would decide what to do in that instance. The Board discussed the procedure and decided that in that situation the alternate would sit in until the proposal is completed.

Being no further questions or comments Mike Raymond made a motion to adjourn the meeting. Second by Dan Freebern. **ALL AYES.**

Meeting adjourned at 7:50 p.m.

NEXT MEETING: November 16, 2016