

**Horicon Planning Board  
Regular Meeting**

**April 24, 2013  
7:00PM**

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**Present at meeting:** Harry Balz Chairman  
Bill McGhie, Member  
Jim Remington, Member  
Teri Schuerlein, Member  
Georgia McMeekin, Alternate  
Paul Holmes, Alternate

**Also Present:** Gary Frenz, ZBA Chair  
Dan Smith, Tom Johanson, John Palermo, Tom and Jayne Wynne

**Agenda Items:**

**File # 2013 22SD Tax Map 88.10-1-21 Palermo & Doberman 2-lot subdivision**

**File # 2012-17SD Tax Map# 38.16-1-16 Clemente Property 3-lot subdivision**

**File #2013-04CU Tax Map #88.-1-4 Schuerlein Garden Center/greenhouses/store & cafe'**

Pledge

Chairperson, Harry Balz called the meeting to order at 7:00 PM and stated that Georgia McMeekin will be a voting member in absence of a Mike Raymond.

**APPROVAL OF MINUTES:** Bill McGhie made a motion to approve the March 2013 minutes, 2<sup>nd</sup> by Teri Schuerlein, All Ayes, except Georgia McMeekin as she was absent at the March meeting.

**COMMUNICATIONS:** None

**PUBLIC HEARING:** File # 2012-22SD  
Tax Map 88.10-1-21  
Palermo and Doberman  
Two (2) lot subdivision  
25-27 Market St.

Harry Balz stated that the applicant has provided the information that the board requested and a memo from Zoning Administrator Jim Steen is in the boards packets.

John Palermo stated that there is a 1000 gal tank and the new proposed leach field is indicated on the map

Harry Balz asked if there is a new well proposed for the apartment building.

John Palermo stated that when the parcels are separated and sold, they would drill a new well for the apartment building and it will meet all required setbacks.

Paul Holmes asked about the culvert that is shown on the map and asked who owned the culvert.

John Palermo stated that the culvert runs under the road.

Jim Remington stated that the Town installed the culvert and assumed it was owned by the property owners.

Harry Balz stated that Market Street is owned by the County.

Discussion ensued regarding the culvert and the responsibility of replacement if the culvert failed.

Harry Balz asked if anyone else had any comments or questions.

Bill McGhie made a motion to close the public hearing, 2<sup>nd</sup> b y Jim Remington. All Ayes.

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**UNFINISHED BUSINESS:** File # 2012-22SD  
Tax Map 88.10-1-21  
Palermo and Doberman  
Two (2) lot subdivision  
25-27 Market St.

Harry Balz stated that the applicant has made statements and any motion should include all of the statements (conditions) regarding another well, septic from the Town Hall site and a the installation of a new septic when necessary, continuing on to state that the Zoning Administrator thinks that the proposal would work, referring to the memo submitted.

Mike Hill stated that if the subdivision is approved, a potential issue could arise if either of the parcels is sold because they would be sharing the one existing well and one existing septic system. This situation could be addressed by an Agreement spelling out the rights and responsibilities for the shard use and maintenance of the well and septic. We have seen this approach used with other proposed subdivision in other towns. If that is the approach the applicant wants to take, we recommend that the Board have the applicant submit a proposed draft Agreement for the Boards approval. Or, if the applicant prefers, the situation could be avoided if each parcel had its own well and septic. This could be accomplished by a condition of subdivision approval requiring that prior to any sale there would be separate wells and septic serving each of the individual parcels an o Certificate of Occupancy (CO) would be granted following a sale unless and until there is a well and septic system on each parcel.

John Palermo stated that there is no desire to share the well or the septic and is chooses to drill a well for the apartment building (liquor store) and install a compliant septic system.

Jim Remington stated that the leach field is in back of the Carlino house as he helped put it in, there are three (3) runs of infiltrators within ten (10) feet of the back line.

John Palermo stated that Jim Steen checked out the Carlino's septic and felt that the new proposed well would be 100' away from the existing leach field.

Jim Remington stated that the well would only be ninety (90) feet from the leach field.

Dan Smith stated that the well could be moved forward.

John Palermo stated that the well would be moved closer to the road.

Jim Remington stated that the septic tank is in back of the house, then the septic is pumped up to the back area.

Harry Balz stated that if this board wants to grant approval then it must conform to the sanitary code.

John Palermo stated that he would agreeable to conditions such as 1) No plans to share well or septic; 2) Within thirty (30) days of the sale of the apartment building (liquor store)a new well would be drilled and; 3) Old Town Hall building - prior to the issuance of a Certificate of Occupancy (CO), the appropriate septic system would be installed.

The board reviewed the SEQRA form: Bill McGhie made a motion to declare a negative declaration, 2<sup>nd</sup> by Jim Remington. All Ayes.

Bill McGhie made a motion to approve the two (2) lot subdivision with conditions that prior to sale a well is installed on Lot #2, building 25 (Apartment Building). If lot #1, building 27 (Town Hall building) is sold, a new septic is installed before a CO is issued, adding the Zoning Administrator inspect the existing leach field condition on Lot #2 (Apartment building), 2<sup>nd</sup> by Jim Remington. All Ayes.

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**NEW BUSINESS:** File #2012-17AD  
Tax Map 38.16-1-16  
Clemente, Ryan & Debari  
Three (3) lot subdivision  
1114 Palisades Road

Dan Smith stated that he represents the owners and a variance for road frontage was obtained by the ZBA Georgia McMeekin asked if there are wetlands on the property

Dan Smith stated that there are wetlands on Lot #1

Georgia McMeekin stated that the lots are not marked out.

Dan Smith stated that there are monuments on the corners only and there may be some flagging.

Georgia McMeekin stated that proposed lot #3 is under water right now, approximately 200 feet wide 10 -12" deep and the neighbors are concerned with fill, storm-water

Dan Smith stated that it drains out in the summer and there is a storm-water plan and called that area a vernal pond. The vernal pond is not over an acre in size and drains every summer there is fill line and will not discharge into the lake.

Teri Schuerlein asked if the APA allows someone to fill in a vernal pond.

Dan Smith stated that the lots were discussed with the APA and Lot #3 is not subject to Agency Jurisdiction and the map shows the sediment control.

Lengthy discussion ensued between members and amongst members and the applicants representative that was inaudible.

Dan Smith stated no, asking for approval with receipt of APA permit, the only remaining issue is where the septic is going.

Harry Balz stated that on drawing sheet 2 a septic tank and pump station is indicated going up the roadway.

Dan Smith stated 300', need 100' from wetland.

Georgia McMeekin asked about the Lot #3 house setback from the lake.

Dan Smith stated more than a 50' setback.

Georgia McMeekin asked if the home, septic and driveway would be on top of the vernal pond area.

Dan Smith stated that the house will be on "no grade", needs 6' of fill and 11' of fill on one point. Suggested that the engineer come to the next meeting to address the boards concerns.

Mike Hill stated that there are element of the common driveway as of shared use and shared maintenance.

Dan Smith stated that he could get a letter stating the driveway agreement.

Mike Hill stated that the board may want more formal agreement then a letter.

Dan Smith stated that the board could put a condition of approval on map.

Harry Balz asked if there were any further comments or questions at this time.

Bill McGhie made a motion to deem the application complete and schedule a public hearing for May 15<sup>th</sup>, requesting that the Engineer be present regarding the water management and vernal pond along with the location of the pumping station.

Dan Smith stated that there was a minor modification to the map a couple days ago.

Harry Balz stated that the leach field is on two (2) lots and will reserve comments until the new drawing is presented.

Teri Schuerlein recused herself from the next application and sat in the audience.

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Harry Balz stated that Paul Holmes will be a voting member for the next application

**NEW BUSINESS:** File #2013-04CU  
Tax Map 88.-1-4  
Schuerlein, Teri and Paul  
Conditional Use: Garden Center/Greenhouses/General Store & cafe'

Teri Schuerlein stated that she is a member of the Planning Board and does not expect to be treated any differently than any other applicant before this board. Teri continued on to state that she and her husband recently purchased Brant Lake Supply and would like to re-open it as a Garden Center with greenhouses, a general store and a small café' like the Adirondack General Store, marketing local artisan's products.

Harry Balz asked if there were any comments or questions.

Paul Holmes made a motion to deem the application complete, and schedule a public hearing, 2<sup>nd</sup> by Bill McGhie. All Ayes.

Teri Schuerlein returned to the board

**REMINDER: APRIL TRAINING SESSION:** April 29<sup>th</sup> 4-8:30PM.

**ID PHOTO BADGES:** Members were all given a number to call Jodi at the North Warren Central School to set up their appointments to have their picture taken.

**PUBLIC COMMENTS:** Gary Frenz stated that he spoke with Brian Grisi, APA and is very receptive to do a two (2) hour training session here in July.

**BOARD COMMENTS:** Harry Balz stated that he attended a 6 hour training for water operator certification and subdivision developments were discussed.

**NEXT MEETING:** May 15th, 2013 7 PM

Being no further business before the board, the meeting was adjourned at 8:30 PM.

Respectfully submitted

*Christine Hayes, Secretary*