

Present at Meeting: Chairperson William McGhie
Vice-Chairperson Teri Schuerlein
Dan Freebern
Mike Raymond
Bill Siegle
Georgia McMeekin, Alternate # 1
Joe Turcotte, Alternate # 2

Also Present: Town Attorney Leah Everhart, Gloria and Victor Mangano, Emma Jones, John Gary Kearns, Rob Simon, Cindy Mead and Town Board Member Bob Olson.

ADENDA ITEMS: File 2017-01 SD - Tax Map # 38.-1-28
File 2017-02 SPR - Tax Map # 105.-1-6
File 2017-04 CU - Tax Map # 88.10-1-53.1

Pledge

In the absence of the Chairperson Bill McGhie, Vice-Chairperson Teri Schuerlein will chair the meeting tonight and Vice-Chairperson Teri Schuerlein announced that, Georgia McMeekin Alternate # 1, would be seated as voting member.

Vice-Chairperson Teri Schuerlein called the meeting to order at 7:00 pm

Approval of minutes: Dan Freebern made a motion to approve the June 21, 2017 minutes with corrections as noted. Second by Georgia McMeekin. **ALL AYES.**

NEW BUSINESS: File 2017-01 SD
Tax Map # 38.-1-28
Debra Irene Wassman, Jonathan Lanman and David Darst
Palisades Road
Brant Lake, NY 12815

4 Lot Subdivision

Attorney Rob Simon is representing the owners on this Subdivision. This proposed subdivision has a huge piece on the other side of the road and three (3) lots on the shoreline. The shoreline lots each have at least 100' of shoreline, they are in the 1.3 acre zone. There is a wetland that extends across the road and for that reason will have to go to the APA for a permit.

They are proposing three (3) single family residences on the three (3) shorefront lots.

Mike Raymond are you proposing that the lot across the road have no access to the lake? Rob Simon responded yes. The problem is if a right of way is given it effects the value of the three lots on the shoreline. The location of a right of way would end up near the wetlands and would complicate the subdivision.

The only structure on the property is a boathouse on Lot # 3 on the shoreline.

Georgia McMeekin asked is any family going to remain on the property or will new owners take the property.

Cindy Mead from Gallo Realty is working with the applicant and agrees that the large parcel across the road should be given access to the lake; however the owner does not want access or a Right of Way. The owner wants to sell the farmhouse which has a nice view of the lake without access to the lake.

Rob Simon stated that it would complicate the subdivision for the three (3) lake front lots with the farmhouse having filtered view of the lake only.

Mike Raymond stated that he thinks that is very short sighted to not give the farmhouse access to the lake.

Zach Monroe from Winchip Engineering stated the only way to provide access to the lake is to give an easement which is a problem. No one wants to buy lots with easements.

Rob Simon stated if given a deeded access on the shoreline it creates a problem due to the wetlands.

Dan Freebern stated that he does not think it is the Planning Boards decision to make any of these type of suggestions to the owners.

Town Attorney Leah Everhart asked Jim Steen is there a requirement that the entirety of the lot be shown on the subdivision map and not just a portion of it as in Lot # 4. Leah Everhart stated that the Board can waive that aspect of the subdivision map.

Rob Simon stated that it is there and pointed out where on the map the Lot # 4 is shown.

Discussion ensued regarding if showing Lot # 4 in its entirety is necessary for final plat for the county. Zoning Administrator Jim Steen showed the regulations requested regarding what is to be shown on the subdivision map to Town Attorney Leah Everhart and she read aloud the requirements for final subdivision plats. In this case there is no practical way for the applicant to show the level of detail on Lot #4 due to its size and applicant would not be able to show that with the scale that is required. So the Board can waive the requirement.

Dan Freebern made a motion to deem the application complete and schedule a Public Hearing for August 16, 2017. Second by Mike Raymond. **ALL AYES.**

UNFINISHED BUSINESS: **File 2017-02 SPR**
 Tax Map # 105.-1-6
 Victor and Gloria Mangano
 67 Horicon Avenue
 Horicon, NY 12815

Seeking a Site Plan Review to place a Mobile Home on the property.

Gloria Mangano spoke to the Planning Board stating that they were here last month and back again regarding her proposed placement of a mobile home on her property. She stated that she went before the ZBA for a variance for a shoreline setback.

Vice-Chairperson Teri Schuerlein had a question and she asked Zoning Administrator Jim Steen why Roger and Jane Daby were not allowed to stay in their 5th wheel travel trailer in a similar situation.

Zoning Administrator Jim Steen asked if that was hooked up to a septic system.

Mike Raymond responded yes that was hooked up to a septic system.

Jim Steen responded that probably had another house on the property and only one principal building is allowed on a property.

Mike Raymond stated that was not the case as the house had burned down.

Jim Steen would have to look at the records in order to determine why they were not allowed to use the Travel trailer.

Dan Freebern stated he is a little confused because this proposal states to place a mobile home and he was down to look at it and it is a Travel trailer.

Mike Raymond stated that it does fit the definition of a Travel trailer.

Zoning Administrator Jim Steen handed out definitions and information from the APA regarding travel trailers and told the Board how he reached the determination that this structure is a mobile home.

Lengthy discussion ensued between Zoning Administrator Jim Steen and the Planning Board members regarding the regulations in the Town of Horicon Zoning Law on Travel trailers and interpretation.

Vice-Chairperson Teri Schuerlein stated that the law regarding Travel trailers is a bigger issue that needs to be addressed by the Town Board.

Town Attorney Leah Everhart stated that there is only one person in this room that gets to make this determination and it is the Zoning Administrator and it was already made. There is only one Board that gets to review that determination and it's not the Planning Board. If this Board has concerns about this determination they can certainly speak with the ZBA as the ZBA has the authority to overturn Zoning Administrator's decision. This proposal is here before the Planning Board for Site Plan Review only. The use is lawful as it stands.

Board members continued to have a lengthy discussion regarding the Travel trailer Town of Horicon Zoning Law and Zoning Administrator Jim Steen's determination regarding this proposal.

Vice-Chairperson Teri Schuerlein asked what the Planning Board can do at this point regarding the Site Plan Review.

Town Attorney Leah Everhart explained the typical Site Plan review deals with development and whether there will be any adverse environmental impacts or any impacts to the character of the neighborhood for this proposed action.

Mike Raymond stated that what was done to the property is better than what was previously there.

Vice-Chairperson Teri Schuerlein stated that the applicant has done a beautiful job with the property.

Mike Raymond asked if this will go to a Public Hearing.

Vice-Chairperson Teri Schuerlein stated that a Public Hearing was waived at the last Planning Board meeting for this proposal.

Zoning Administrator Jim Steen handed out information to the Board for Site Plan Approval criteria to be considered when making a decision from Section 11.30 in the Town of Horicon Zoning Law.

Town Attorney Leah Everhart explained to the Board members their ability to craft conditions to mitigate any impacts that might occur from the Board's findings.

Mike Raymond stated that what has been done to the property already mitigates any concerns regarding visual impacts. His concern is the Travel trailer definition in the Town of Horicon Zoning Law and thinks it needs to be looked at by the Town Board for clarification.

Town Attorney Leah Everhart read the results from the Warren County Planning Review referral that states No County Impact will occur as a result of this proposal and this is a local compliance issue.

Town Attorney Leah Everhart reviewed the SEQRA EAF form with the Board members.

A discussion ensued on small to no impact versus moderate to large impacts on visual and environmental impacts that occur with this proposal.

Town Attorney Leah Everhart provided guidance for the Board members explaining the process of a positive versus negative SEQRA declaration.

After the review of the EAF form the Board determined that there will be no to small impacts on this proposed action.

Dan Freebern made a motion to declare a negative SEQRA declaration finding there will be no significant adverse environmental impacts from this proposed action. Second by Bill Siegle. **ALL AYES.**

The Planning Board members further discussed the proposed project and decided there would be no impact upon surrounding properties, no problems with vehicular access, the landscaping that was done is acceptable, and there are no erosion or storm water control issues.

Being no further issues or comments to be discussed Mike Raymond made a motion to approve the Site Plan Review to place a mobile home on the property. Second by Bill Siegle. **ALL AYES.**

PUBLIC HEARING: **File 2017-04 CU**
 Tax Map # 88.10-1-53.1
 Emmaline Jones
 6514 State Route 8
 Brant Lake, NY 12815

Seeking Conditional Use approval for Boat Storage, Commercial for seasonal boat storage in the CR-20,000 Zone under **Section 5.20** of the Zoning Law.

Emmaline Jones stated that they were here last month to discuss this project. John Kearns is passing around photos and map of the property and drawing of the layout of the boats to the Board members. John stated that they shrink wrap the boats in white and the boats stored on their property will be shrink wrapped in white. He stated that they will store about 40 boats depending on the size of the boat.

Georgia McMeekin asked what the actual size of the property is and asked if he could fit 40 boats on less than one acre.

John Kearns stated the property is approximately .88 acres plus or minus, not quite an acre. He explained the pictures of the property and the screening they would use to screen from Battle Hill apartments. They are thinking about privacy hedges in this section. It's fairly private because there are already trees in the back and along the property line. John suggested hemlocks be used to screen the area of the property from the Battle Hill apartments.

Bill Siegle asked if the boats will be stored in the front or the rear of this house.

John Kearns responded the boats will be stored only in the back as shown on the drawing submitted. Two will be stored in the garage as well.

Vice-Chairperson Teri Schuerlein asked Zoning Administrator Jim Steen if there are any regulations regarding the size of the property needed to store boats.

Zoning Administrator Jim Steen stated there used to be; however, that was changed and commercial boat storage in this zone is allowed.

Mike Raymond asked if they are required to meet the setbacks for this zone.

Zoning Administrator Jim Steen stated yes standard setbacks must be met.

Vice-Chairperson Teri Schuerlein asked if they meet those setbacks can they put as many boats as they want on the property.

Town Attorney Leah Everhart explained to the Board if they identify things about this property that are problematic they can condition approval on the number of boats to be stored.

John Kearns stated most likely people will not see the boats from the road. There are trees surrounding the perimeter of the property and Battle Hill apartments will see some boats.

Vice-Chairperson Teri Schuerlein asked if any letters of opposition or support were received from Battle Hill regarding this project.

Zoning Administrator Jim Steen stated no letters were received.

Mike Raymond asked about the vegetation on the property that was asked about at the last meeting.

John Kearns stated he would like to get hemlocks for screening on part of the property between this property and Battle Hill apartments.

Georgia McMeekin asked the secretary Terri Katsch if adjoining owner notices were sent to the owners of the Battle Hill apartments and Terri Katsch responded yes they were sent the notices.

Georgia McMeekin stated that John Kearns will be coming from Docks Landing in Hague and he will be hauling 40 boats from Hague twice a year and she asked what your largest boat will be.

John Kearns stated the largest boat they have at Docks is a 27' boat; however, they will not be towing the larger boats. Most of the boats are between 18' and 23'.

Mike Raymond asked if he is taking any trees down to accommodate these boats.

John Kearns stated no trees, just some saplings. He is really not clearing the lot.

Vice-Chairperson Teri Schuerlein asked John Kearns if he will be personally driving these boats.

John Kearns stated yes or maybe one of the other employees, Rich Stolen or Scott Olson.

Vice-Chairperson Teri Schuerlein has concerns on that section of the road and the visibility to make the turn to go into his property. There was just an accident at that site on Route 8 today.

John Kearns stated that he will be as careful as possible and feels he has the same risk with pulling in a car. The driveway will accommodate a truck and a trailer.

Vice-Chairperson Teri Schuerlein stated that she would like The Town Board to be asked about flashing lights at that section of Route 8.

Bob Olson, a Town Board member, speaking just for himself not as a Town Board member, he would like to know the length of the driveway and will he be able to get the whole assembly off the road.

John Kearns stated that his driveway is quite long and he thinks he would be able to fit multiple boats and trailers on the driveway without sticking out into the road.

Mike Raymond stated he has at least 128' of driveway shown on a portion of the map submitted.

Zoning Administrator Jim Steen stated that the angle at the beginning of the driveway makes it easier to come in off of Route 8. There is about at least 170' of driveway so he has plenty of room.

John Kearns stated that the front of the driveway has an almost circular entrance that makes easy access onto the driveway.

Being no further questions or comments, Mike Raymond made a motion to close the Public Hearing. Second by Bill Siegle. **ALL AYES.**

UNFINISHED BUSINESS: **File 2017-04 CU**
 Tax Map # 88.10-1-53.1
 Emmaline Jones
 6514 State Route 8
 Brant Lake, NY 12815

Seeking Conditional Use approval for Boat Storage, Commercial for seasonal boat storage in the CR-20,000 Zone under **Section 5.20** of the Zoning Law.

Town Attorney Leah Everhart read the results from the Warren County Planning Review referral that states No County Impact will occur as a result of this proposal and this is a local compliance issue. Leah also stated that they received the EAF form completed by the applicant and the Board can now review the EAF form.

After the review of the EAF form the Board determined that there will be no to small impacts on the environment for this proposed action.

Mike Raymond made a motion to declare a negative SEQRA declaration finding there will be no significant adverse environmental impacts resulting from the proposed action. Second by Dan Freebern. **ALL AYES.**

Georgia McMeekin asked John Kearns how far from the road is the house.

Zoning Administrator Jim Steen stated that the house is 135' from the road.

Georgia McMeekin would like to propose a condition that no boats be stored in the front yard.

The Board decided to make a condition that the boats are to be stored according to the site plan submitted. No boats stored outside of the area highlighted in orange on the site plan on record.

Being no further questions or comments Georgia McMeekin made a motion to approve the Conditional Use approval for Boat Storage, Commercial for seasonal boat storage in the CR-20,000 Zone under **Section 5.20** of the Zoning Law with the following condition that the boats are to be stored according to the site plan submitted. No boats stored outside of the area highlighted in orange on the site plan submitted. Second by Bill Siegle. **ALL AYES.**

REMINDER:

COMMENTS:

PUBLIC COMMENTS:

BOARD MEMBER COMMENTS: Vice-Chairperson Teri Schuerlein wants to adopt a resolution recommending the Town Board clarify the mobile home versus a travel trailer regulations. Bob Olson a member of the Town Board resolved that he, Sylvia Smith and Jim Steen will meet to come up with language and bring it before the Town Board. He hopes to get it done after Labor Day.

Mike Raymond stated that the resolution is so moved. Second by Dan Freebern. **ALL AYES.**

Being no further questions or comments Georgia McMeekin made a motion to adjourn. Second by Bill Siegle. **ALL AYES.**

Meeting adjourned: 9:10 pm

Next Meeting: August 16, 2017

Respectfully Submitted,
Terri Katsch, Secretary