

Board Members Present:

__ Bill McGhie, Chairperson
__ Dan Freebern, Vice-Chairperson
__ William Siegle
__ Georgia McMeekin, Alt #1

Others Present: Leah Everhart, Town Legal Counsel, Jim Steen, Zoning Administrator, Bob Olson, Gail Scripture, Tom Hutchins from Hutchins Engineering and Attorney Bruce Carr.

Chairman Appoints Georgia McMeekin as voting member in absence of Mike Raymond.

Meeting Called to Order: 7:00 PM

Pledge

Review of Minutes: September 19, 2018 and October 17, 2018. Georgia McMeekin made a motion to accept the September 19, 2018 minutes as written. Second by Bill Siegle. **ALL AYES.** Dan Freebern made a motion to accept the October 17, 2018 minutes as written, Second by Bill Siegle. **ALL AYES.**

PUBLIC HEARING: **File 2018-02 CU**
 Tax Map # 88.7-1-30
 Brant Lake Wesleyan Church
 6692 State Route 8
 Brant Lake, NY 12815

Requesting a Conditional Use to change the property that was a former church that is now vacant to a Theater.

Tom Hutchins and Bruce Carr were present to represent the applicant Scott Campbell for the Wesleyan Church Conditional Use application. Tom Hutchins stated that neither he nor Mr. Carr were present at the earlier meeting. Tom Hutchins refreshed the Board's memory regarding the proposal to turn the Church into a Theatre.

Chairperson Bill McGhie stated at that meeting the principal concern was the septic system.

Tom Hutchins stated that they received approval by the Town Board acting as the Local Board of Health for the septic variance plans. Tom Hutchins showed the Board members on the site plan where the wastewater system and wells are located on the property.

Chairperson Bill McGhie stated that since the Board of Health approved the septic we can move on from that issue but parking is now an issue.

Tom Hutchins stated his office has not looked at parking at the site. There is a space with minimum parking available that can be expanded into the hill on the property to get more off street parking; however, he cannot tell how many more spots can be made. They have not done a parking layout yet. Tom Hutchins stated that he understands the parking issues approvals are at the discretion of the Planning Board.

Zoning Administrator Jim Steen stated that a parking space standard is 10' x 20' and he figures about 24 cars can be parked in the lot that is currently available.

Chairperson Bill McGhie asked if Mr. Campbell cut into the hill how many more cars can he fit into that area. Zoning Administrator Jim Steen stated he could possibly double the spaces if he cuts into the hill.

Town Counsel Leah Everhart asked Zoning Administrator Jim Steen for a list of criteria for Conditional Use. Town Counsel Leah Everhart told the Board she would peruse the criteria while the Planning Board continued their discussion.

Georgia McMeekin asked what the capacity of the church was when it was a church and if he is planning on removing the benches inside. She does not remember their being a parking problem when the church was active.

Mrs. Gail Scripture, a neighbor to the church property stated her concerns. She stated that when the church was active they had issues with people parking on their property. She is very concerned about parking on her property or blocking her driveway. Their well is located up behind the power pole on the north side of the driveway and there are problems with getting in and out of their driveway in the summer with all the traffic on Route 8. There is the possibility for an accident to occur. Even now without the church open it is a big concern for them pulling out of their driveway.

Chairperson Bill McGhie stated it would be a good idea for them to cut into the hill to expand the parking area.

Dan Freebern asked Bob Olson if there is a possibility to use the field area behind the church by the cemetery and would they need a permit from the Town Board to use that property for excess parking.

Bob Olson responded that it would be up to the Town to permit private use of the cemetery lot.

Town Counsel Leah Everhart asked if the applicant is planning on submitting subsequent information on this file.

Attorney Bruce Carr stated that the Campbells intention is not to create any problems with the neighbors and he wants to do something that is helpful for the community. Steps will be taken to make sure not to intrude on the Scripture's property.

Town Counsel Leah Everhart stated that no plans for the layout of a parking plan has been submitted to the Planning Board. There has been some discussion on parking that needs to be reviewed in more detail and the Board would need a parking layout.

Attorney Bruce Carr stated that Mr. Campbell has no intent to increase the capacity and if he did he would need additional review. Currently the occupancy is based on 100 people and the parking should then be based on that current occupancy.

Chairperson Bill McGhie wants to see a site plan that would show at least 40 spaces. Dan Freebern and Georgia McMeekin would like to see a site plan with at least 50 spaces.

Attorney Bruce Carr stated that Mr. Campbell would be willing to present a site plan for parking.

Georgia McMeekin would like to see some kind of a buffer or barrier from the Scriptures property so that no one would be able to park on the Scriptures property.

Chairperson Bill McGhie stated that they will hold the Public Hearing open until the next month's meeting on December 19, 2018. At that time the Board would like to have a site plan submitted for the proposed parking and buffering barrier proposal to prevent parking on the Scripture property and blocking the driveway to protect the neighbors' concerns.

Bob Olson stated that Mr. Campbell has mentioned on several occasions that he may like to have a theatre like he has in Las Vegas and Bob would like the Planning Board to restrict any adult entertainment from taking place at the theatre.

Zoning Administrator Jim Steen stated that the Town Zoning Law prohibits any adult entertainment in that zone so that should not be an issue.

Town Counsel Leah Everhart stated that the applicant is being asked to provide additional information, a site plan for the parking. The goal of the Planning Board is to see where the proposed boundaries of the parking area are located and how many spaces that would provide. Parking spaces have to be disability compliant as well and at this point the Planning Board is not in the position to make a judgement without seeing a parking plan.

Attorney Bruce Carr stated he disagrees with that statement. He stated that if you know its 200 people then a reasonable standard would be 1 space for 2 ½ people. He would like for the Planning Board to specify the number of parking spaces they want to see.

Georgia McMeekin thinks 50 spaces is a good number and Chairperson Bill McGhie thinks 40 spaces if a good number.

Chairperson Bill McGhie stated he would like to see a site plan of the parking area with lines on the map indicating where the parking spaces will be.

Tom Hutchins stated that he can layout a parking plan to submit to the Planning Board.

Mrs. Scripture stated that she does not want people blocking her driveway and she would like to know what the hours of operation will be at the theatre. She does not want the noise from the theatre.

Attorney Bruce Carr stated that he does not believe this will be an every night occurrence and it should be over by 10:00 pm. It will also be indoors and is not sure she will hear the noise.

Zoning Administrator Jim Steen stated there is a Town of Horicon noise ordinance that states:

Individuals in Public Places.

(l) Yelling, shouting, calling, whistling, hooting, singing or otherwise using one's voice and/or playing a musical instrument and/or using any device or thing, whether or not intended for use in producing sound, resulting in sounds at a level in excess of 60 decibels between the hours of 10:00 p.m. and 7:00 a.m.

And Zoning Administrator Jim Steen further stated that the Warren County Sheriff would enforce the law.

Being no further questions or comments Chairperson Bill McGhie stated that the Planning Board will leave the Public Hearing open for next month's hearing on December 19, 2018. A site plan that includes a drawing with the proposed parking and should also document the trees or whatever separation to the Scriptures property that will address their concerns will be presented at that time for the Board to review in order to make a determination.

UNFINISHED BUSINESS: **File 2018-02 CU**
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Reminder: NONE

Correspondence: Secretary Terri Katsch went over the correspondence that was given to the Planning Board members, the vouches, Holiday Party and the 2019 Schedule of Meetings was presented.

Public Comments: NONE

Board Member Comments: NONE

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

Meeting adjourned: 8:00 pm

Next Meeting: December 19, 2018

Respectfully Submitted,
Terri Katsch, Secretary