

Board Members Present:

__ Bill McGhie, Chairperson
__ Dan Freebern, Vice-Chairperson
__ William Siegle
__ Joe Turcotte

Others Present: Leah Everhart, Town Legal Counsel, Jim Steen, Zoning Administrator, Bob Olson, Troy Scripture, Tom Hutchins from Hutchins Engineering.

Meeting Called to Order: 7:00 PM

Pledge

Review of Minutes: Dan Freebern made a motion to accept the November 14, 2018 minutes as written. Second by Bill Siegle. **ALL AYES.**

NEW BUSINESS:

File 2018-03 CU/SPR
Tax Map # 122.-3-3 and 122.-3-2
95 Riding Hy Ranch Road

Requesting a Conditional Use and Site Plan Review to remove an existing rental house and replace with a Tourist Accommodation connected to the Main Lodge.

Tim Beadnell the owner of Ridin- Hy Ranch was present to speak on his project. As everyone knows with the fire that occurred last October Ridin-Hy lost their main lodge. That project is now complete and they will have the new Certificate of Occupancy tomorrow and should be open for business next week. The old Lodge had eight (8) rooms and when the new lodge was rebuilt they lost the eight (8) rooms because new additional space was needed to be in compliance with ADA codes, the staircases were made bigger and an elevator had to be included. This current proposed project is a follow up building that will be connected to the new main lodge through a hallway and is at the same grade level as the main lodge. There is a new septic system in place and effluent will be pumped away from the lake. The building will keep the same siding as the new lodge. They colors blend in with nature very well. As far as location goes on the site they were required to get a shoreline setback variance for the project and that was granted by the ZBA at the December 18, 2018 meeting. They received a variance for the structure to sit at 79.7 feet from the lake where 100' is required. Tim showed the Board the renderings of the new building and the site itself. It is all treed near the lake. Their property is the only property that will be able to see the new building from the lake. It is not as visible from the lake as the last building. They will be taking down a five (5) bedroom house and connecting a new building to the main lodge which will replace the eight (8) lost rooms in the old main lodge.

Chairperson Bill McGhie asked the septic system is adequate for the accommodations.

Tim Beadnell responded that the septic information was sent to the NY State Board of Health. They have a 12,000 gallon septic tank and a pump station. They have extra capacity for the new building. The NY State Department of Health has allowed them to move forward with the new main lodge building but the field size must be increased to accommodate the new proposed building which will all go through the NY State Department of Health for approval.

Dan Freebern asked if they have any plans for clearing along the shoreline.

Tim Beadnell stated that there are no plans for clearing along the shoreline. There will be four (4) trees removed

from around the house that will be demolished.

Bill Siegle asked what is the distance for the pumping of the septic tank.

Tim Beadnell showed the Board members on the maps where the septic system pumps from to the other side of the pool and then is gravity fed from there to a field away from the lake.

Chairperson Bill McGhie asked if anything was received from Warren County Planning Review department.

Secretary Terri Katsch responded that this has not been sent to Warren County Planning Review department yet because we are only in the process of declaring this application complete. Once it is deemed complete it will not have to go to Warren County for review as it is not located near any State Road.

Chairperson Bill McGhie asked if there are any wetlands on the property.

Tim Beadnell responded no wetlands.

Chairperson Bill McGhie asked if he applied for a Jurisdictional Inquiry from the APA.

Tim Beadnell responded that if it was a new tourist accommodation he would have to apply for the JIF; however, this is existing and he had not applied for the JIF because he is not increasing the size by 25% and by his estimate he is only increasing the capacity of the resort by 17%.

Chairperson Bill McGhie stated that he trusts Tim's figures but he then asked Zoning Administrator Jim Steen if it should go to the APA for a JIF.

Zoning Administrator Jim Steen stated that he does not have the authority to make that determination.

Tim Beadnell stated that the other part of the equation is that the approved variance request went to the APA for review and if it requires a JIF the APA will let him know after reviewing the variance request.

Leah Everhart, Town Legal Counsel stated if this is deemed complete tonight we have the benefit of the two step process giving us some time to figure out how this is classified at the park commission. We need to figure this out whether it is a Class A or Class B project from the APA decision.

Jim Steen, Zoning Administrator stated that the APA stated it's a Class A if it never existed however it is existing and if it increases by 25% then it is a Class A. They base their determination on Classes by the structures and the number of beds.

Tim Beadnell stated yes they base it on the structures and the accommodations.

Bill McGhie stated then the suggestion is to file for a JIF to find out if it is a Class A.

Leah Everhart Town Legal Counsel stated we have to figure if this is a Class A or not. She is not suggesting the applicant file a JIF but the Planning Board will have to figure that out.

Chairperson Bill McGhie asked Tim Beadnell if he will file a JIF with the APA.

Tim Beadnell responded that he would rather not and wait to see if during the Variance Review process the APA indicates that this is a Class A Project. If he has to file the JIF he will do that of course. His goal is to start this project after the summer season.

Chairperson Bill McGhie would like a judgement from the APA on whether or not this is going to be determined as a Class A project.

Leah Everhart, Town Legal Counsel stated that if this turns out to be a Class B project then the Planning Board would conduct the review and the APA would not be involved.

Leah Everhart, Town Legal Counsel asked the Board member if there are any other materials needed by the Board to deem this application complete.

Chairperson Bill McGhie asked Tim Beadnell to show the Board members on the map where the connection near the hallway to the main building is located.

Tim Beadnell went over the map with the Board members.

Chairperson Bill McGhie asked Tim Beadnell about the storm water runoff.

Tim Beadnell stated the storm water runoff will go to the back of the building and run behind the new lodge. It then flows into a low lying field and a culvert into a pasture. The storm water runoff is all captured on their own property.

Chairperson Bill McGhie stated that it's being taken away from the Lake which is good.

Leah Everhart, Town Legal Counsel told the Board members will have to complete a SEQR form for this project.

Chairperson Bill McGhie asked if there were any further questions.

Being no further questions or comments Joe Turcotte made a motion to deem the application complete and set a Public Hearing for January 16, 2019 and that the applicant complete a JIF form for the APA in order to receive direction and determination on whether or not this is a Class A project. Second by Dan Freebern. **ALL AYES.**

NEW BUSINESS:

File2018-01 BLA
Tax Map # 122.-3-3 and 122.-3-2
95 Riding Hy Ranch Road

Requesting a Boundary Line Adjustment in order to remove the need for a side line setback variance for the new structure.

Tim Beadnell spoke about this project for the Boundary Line Adjustment. He wants to demolish a 5 bedroom house on parcel 122-2-2 and combine part of that parcel with parcel 122-3-3. Ridin-Hy Ranch owns both of these parcels. They will build a new building connected to the main lodge. Right now the Boundary Line for the 122-3-3 goes right through the new lodge. He wants to take about an acre out of 123-3-2 and move the boundary line in order to eliminate the side yard setback variance for the new structure.

Chairperson Bill McGhie asked Tim Beadnell how many acres will be left on each parcel if the BLA is completed.

Tim Beadnell stated that on 122-3-2 there is about 84.8 acres and after taking about 1 acre out of that parcel the remaining acreage will be 83.8 acres. They are both very large parcels. Tim went on to state that last night at the ZBA meeting the variance application received an approval with the condition that the approval be contingent upon the Boundary Line Adjustment being approved.

Chairperson Bill McGhie asked if there were any further questions or comments.

Leah Everhart, Town Legal Counsel asked Zoning Administrator Jim Steen if a Public Hearing is necessary for a Boundary Line Adjustment.

Zoning Administrator Jim Steen stated that is solely at the Planning Board's discretion whether or not to hold a Public Hearing for a Boundary Line Adjustment.

Leah Everhart, Town Legal Counsel stated that the Board members could if they wish deem the application complete tonight and stated that a condition for a survey map to be presented to the Board members at the January 16, 2019 Planning Board meeting be imposed.

Dan Freebern made a motion to deem the application complete and waive the requirement for a Public Hearing with a condition that the applicant provide a Survey to the Board by the January 16, 2019 Planning Board meeting. Second by Joe Turcotte. **ALL AYES.**

**PUBLIC HEARING:
(Continued)**

**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 from Hutchins Engineering was present to represent the applicant Scott Campbell for the Wesleyan Church Conditional Use application. Tom Hutchins refreshed the Board's memory regarding the proposal to turn the Church into a Theatre. Last month the Board asked him to address the parking plan for the theatre in more detail with a parking plan. He has prepared a parking plan to show to the Board members that will be compliant with the Town Ordinance which is based on size of space of the parking spot and does not dictate number of spaces. Parking space should be 10' x 20' so laying it out right now there can be 14 compliant spaces. The old Town ordinance dictated number of spaces however the new ordinance dictates the size of the spaces. Right now there are 14 compliant parking spaces. They are able to expand the parking back to the East to get another 9-10 spaces for a total of 23 spaces. In terms of the number required it is up to the Board. The general practice for parking in other places is 1 space for every 5 people in a car. According the old Town of Horicon Zoning regulations you needed 1 space for every 5 people in a car, (that would be 20 spaces). They can come into compliance with the old regulations but not with the new ordinance. There was concern about access to the Scripture's property and they are willing to control access to the neighboring property (the Scripture's) with a fence, maybe some type of rail fence.

Dan Freebern asked how many compliant spaces you can get in there now.

Tom Hutchins stated 23 spaces.

Leah Everhart, Town Legal Counsel asked if the plan includes any cutting into the bank and some grading done that Mr. Campbell is not willing to do. Does this present plan show what he is willing to do? Are those parking spaces in the area where he does not want to do any grading?

Tom Hutchins responded yes, this shows what he is willing to currently do. There will be no cutting on the bank but there would be some grading work that would have to be done. We are staying away from the significant grade. He does not want to do this but he is willing to go with this parking plan as presented tonight.

Troy Scripture asked about removable signs instead of fences to keep people for parking on his property.

Troy Scripture stated that if a fence was there he would not be able to plow there. He has always maintained that small piece of property. He would prefer something with removable sides and not a fence so he can continue to get a plow through that section because he has taken care of that piece of property for the church for the last 32 years.

Tom Hutchins will speak with Mr. Campbell to find something other than a fence.

Tom Hutchins indicated that less than 3' of grading would be needed but not cut into the bank and this plan is showing what Mr. Campbell is willing to do.

Zoning Administrator Jim Steen stated that when the Town Ordinance was changed for parking regulations it was proposed to be left up to the Planning Board for the Site Review on how many spaces would be appropriate. The old Zoning Ordinance had to go to both the Planning Board and the Zoning Board for the number of parking spaces. The change in the ordinance gave the Planning Board more authority to determine how much parking is needed.

Leah Everhart, Town Legal Counsel stated that one alternative the Board can consider is that they approve the minimum number of spaces identified and bank the additional. You can require the minimum and just know that if more is required it can be done.

Bill McGhie thinks 23 spaces are sufficient based on Ordinances.

Dan Freebern would like to see more than 23 spaces.

Tom Hutchins stated that the applicant has had conversations with the Town Board for additional parking; however, they cannot rely on that and the plan presented tonight is the best they can come up with.

Troy Scripture stated that he lived there for 32 years and parking always overflows across the road. He thinks 23 cars is a low number for parking at that location.

Dan Freebern and Bill Siegle would like to see at least 40 spaces as originally requested.

Tom Hutchins stated that cannot be accomplished.

Chairperson Bill McGhie stated that he does think the 23 spaces are sufficient and would like to see it work.

Leah Everhart, Town Legal Counsel stated that it is up to the Planning Board to determine how many spaces are necessary.

Joe Turcotte thinks 23 spaces is sufficient for the property.

Discussion ensued regarding parking and the amount of spaces should be necessary and if 23 spaces would be enough.

After the discussion the Planning Board members determined that they all agreed 23 spaces would be sufficient for the properties parking.

Troy Scripture asked what kind of theatre this will be.

Tom Hutchins responded it will be a seasonal theatre for concerts and some weekday and primarily weekend events not to go past 10 pm. Perhaps some craft shows as well.

For clarification Leah Everhart, Town Legal Counsel asked the Board members if their goal is to end up with the 23 parking spaces from day one of opening or did they want to see what can be done if needed.

Chairperson Bill McGhie responded that the Board's goal is to have the applicant have the 23 parking spaces from day one of the opening as per the site plan presented tonight.

Dan Freebern does not want to see any asphalt nor paint the spaces for the cars.

Tom Hutchins stated that it would remain a gravel parking area with enough room for the 23 vehicles as presented on the plan.

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

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

UNFINISHED BUSINESS: **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.

During the Unfinished Business review discussion Chairperson Bill McGhie stated that the applicant has shown a willingness to provide 23 vehicle parking spaces that the Board members agree is sufficient. The application is complete. The Public hearing has been completed. An Environmental review will be completed as well. The received the Warren County Planning Department review and have found no county impact with the proposed application.

Joe Turcotte asked about the septic system.

Tom Hutchins stated the Town Board of Health approved the septic system which is sized accordingly.

Leah Everhart, Town Legal Counsel went over the SEQR form with the Board members.

Dan Freebern made a motion that the Board determined this is an unlisted action and the Board decided to conduct an uncoordinated review and adopt a SEQR negative declaration. Second by Bill Siegle. **ALL AYES.**

Being no further questions or comments Dan Freebern made a motion to approve the Conditional Use and Site Plan of the proposed site plan with the sole exception that the fence depicted on the proposed site plan will not be required. Second by Bill Siegle. **ALL AYES.**

Tom Hutchins stated that he will call Mr. Campbell and inform him of the approval.

Bob Olson wanted to thank the Board for their professionalism and how they take into account what is right. He said this is the best Board has seen and appreciates the expertise of the Board and extends on behalf of the Town Board a Merry Christmas and a Happy New Year.

Chairperson Bill McGhie stated that the Holiday Party was very nice and a lot of you missed it. It is a nice time to get together and the food was outstanding.

Reminder: NONE

Correspondence: NONE

Public Comments: NONE

Board Member Comments: NONE

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

Meeting adjourned: 8:26 pm

Next Meeting: January 16, 2019

Respectfully Submitted,
Terri Katsch, Secretary