

Board Members Present:

___ Bill McGhie, Chairperson
___ Dan Freebern,
___ William Siegle
___ Barbara French, Alternate # 1
___ David Iasevoli, Alternate # 2

Others Present: Town Legal Counsel Leah Everhart, Drew Cappabianca, Tom Johansen, Matt Simpson, Christine Hayes, Cindy Smith, Barbara Blum, Richard Blum, Jean Roth, Don Rosbozom, Frank Hill and Bob Olson,

Meeting Called to Order: 7:00 PM

Chairman Appoints Barbara French as voting member in absence of Joe Turcotte and David Iasevoli in the absence of Steve Mullins.

Pledge

Review of Minutes: William Siegle made a motion to accept the September 18, 2019 minutes as written. Second by Vice-Chairperson Dan Freebern. **ALL AYES.**

PUBLIC HEARING:

File # 2019-02 CU
Tax Map # 88.7-1-1
Mill Pond ADK Holdings, LLC
3 New Street
Brant Lake, NY 12815

Requesting a Conditional Use from **Section 5.20** for Boat Storage, Commercial

Drew Cappabianca spoke about his request for a Conditional Use. He completely understands all of the opposition from the Town residents for this proposed project. With this proposed project he wants to add to the Town and not detract from the Town. The only way for that parcel of land to have a return on investment would be something low risk without a large upfront investment. He submitted a list of limitations he is willing to perform to make it a little more pleasing to the residents. The number of boats would not exceed 25, only white shrink wrap will be used, boats will be removed by Memorial Day weekend, boats may be stored beginning after Labor Day weekend but not shrink wrapped, boats may be shrink wrapped after Columbus Day weekend and following a period of one year after commercial boat storage begins, a review will be conducted to determine if additional screening is required. He does not have anything lined up at this present time. This was something he thought about because it costs him money every year for this parcel. The parcel is used by the Town as excess parking for some events and he deals with all of the trash and issues that arise from that. He submitted pictures that he took from Route 8 across the pond. Because Route 8 is a lower elevation than Market Street and it already has deciduous trees that provide a natural screen you would not really see the stored boats. He would be willing to add other screening after a one year evaluation from when the boat storage begins. He wants to refute from some of the letters submitted by residents and their concerns that Brant Lake will only be known for Boat Storage. Drew indicated that there was a phenomenal write up in the paper recently about his newly created recreational opportunity that brings visitors to the pond. He is already bringing positive attention to the Town. He does not have any boats lined up yet and if approved there may be 20 boats or there could be only 3 boats.

Bill Siegle asked what would be the maximum number of boats.

Drew Cappabianca responded there is 235 feet from side to side of the parcel and he would need about 10 feet between boats so he figured the maximum number of boats would be about 25 boats.

Chairman Bill McGhie stated that the Board would have to know the maximum number of boats and the Planning Board might have to set the number of Boats.

Chairman Bill McGhie stated that at the last meeting they talked about a buffer on the parcel.

Drew Cappabianca stated he submitted a map and on the map it shows a buffer diagram.

Dan Freebern stated that Drew sounds like he does not really like the idea of a tree buffer.

Drew Cappabianca stated that he does not want to put in trees as that is expensive and he has no boats to put in there yet. There is vegetation on the property already that he thinks is a buffer. Trees are not cheap and he doesn't have any boats ready to go yet with a guaranteed income so that's why he suggested a review after one year of having the boat storage up and running.

Chairperson Bill McGhie stated that having the tree buffer in place would help the application along a bit.

Dan Freebern stated that one of the marina owners came to you about the boat storage to ask if you could store some of their boats.

Drew Cappabianca responded he would like to clarify that. It started with me asking them if they needed additional space. The initial response was yes because they are full but upon further conversations they did not seem as interested. The reason they initially stated they would need more space is because people now have bigger boats that require more space to store.

Chairperson Bill McGhie asked if they would just be boat trailers stored.

Drew Cappabianca responded yes.

Barbara French asked about some concerns regarding gas or oil spills.

Drew Cappabianca responded that as Joe pointed out at the last meeting they are minimal to negligible at all. Some of the cars that park there for fishing are probably have more risk of leaking than boats. All of the tanks are in the hull which adds another layer of protection. He would not want boats on the property that are leaking.

Bill Siegle asked if there would be a size limit on the boats stored on the property.

Drew Cappabianca responded yes he would like that and it sounds very reasonable.

Chairperson Bill McGhie asked Zoning Administrator Jim Steen if Drew would need a permit from the APA.

Zoning Administrator Jim Steen responded no he would not.

Chairperson Bill McGhie stated that there is one part of the statement Drew made about the Pocket Park and if he planted trees and the pocket park comes to fruition then he would have to rip the trees out. Could you explain?

Drew Cappabianca stated that the recreation plan that they are currently working on calls for part of that parcel to be used to make a parking lot for the park if it comes to fruition. If he planted trees he would have to rip out the trees to make the parking lot.

Chairperson Bill McGhie asked if he would have any night lighting.

Drew Cappabianca responded no night lighting.

Bill Siegle asked Drew to show him on the map where the trees would be planted.

Drew Cappabianca showed Bill Siegle where on the map the trees would be planted if needed.

Chairperson Bill McGhie asked Drew to show the whole Board what he was showing Bill Siegle on the site plan submitted.

Drew Cappabianca did show the rest of the Board members where he would plant trees if needed.

Chairperson Bill McGhie stated that he did not see where a Conditional Use is allowed in that Zone.

Town Legal Counsel Leah Everhart stated that this is an allowed under Conditional Use in the CR 20,000 acre zone. There are 21 uses that the Town Board identified as being generally appropriate and harmonious with that zone. That is what prompted the Conditional Use application.

Chairperson Bill McGhie stated they are working on the Mill Pond area and they are trying to beautify the area and Drew is part of that committee.

Chairperson Bill McGhie called the first person on the list of those who wish to speak to this proposal.

Christine Hayes spoke about her objections to the commercial boat storage area. She commended Drew for the wonderful job he does with his business. She is opposed to this proposal. She would not like to see white or blue shrink wrapped boats. She feels the Town already has plenty of boat storage for example, Palmer Brothers, Bernie Hill and Bernie Hill's new one that will be expanding and the boat storage near Jason Hill's house that is not seen. The scenic Mill Pond is going downhill with some of the properties around the pond and is starting to look bad. She would love to see Drew making money with this property but not with boat storage. This would be an eyesore.

Richard Blum who lives on New Street is not against Drew making money but he does not want to be looking at shrink wrapped boats. He would like to see the Mill Pond dressed up and not with boats. He feels there would be a better use for that land.

Frank Hill a resident of Adirondack stated that everyone has boats and he has no qualms about boat storage but he does not think it's necessary in the Mill Pond area. He stated that the Town has spent a lot of money on flowers, grass, stonewalls and has a new dam. He just does not think this is the right spot for boat storage.

Don Rosbozom lives on New Street. He explained that he came here from Schenectady to enjoy the fishing in the area. He is one of the volunteers who plants flowers around the Mill Pond area. He submitted a five page letter into the record that outlines his objections to this boat storage in the Mill Pond area which included part of the 2010 Comprehensive Plan for the Town of Horicon that indicates the type of development that should be done in the Town. There were nine other letters expressing their opposition to this proposal for commercial boat storage submitted into

the record.

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

The Board members now discussed this proposal.

Chairperson Bill McGhie stated that he personally has objections to this Conditional Use request for commercial boat storage and feels it would be an eyesore especially without some type of buffer to block the view of the boats. He would want the trees planted as a buffer before any boats are to be stored.

Bill Siegle stated that he loves this area and he hates to see a man being stopped from making income but it cannot be at the expense of the community. He would like to see something else besides boat storage and he would have to vote no on this particular request.

Dan Freebern stated there is no question that this proposal is contrary to the 2010 Comprehensive Plan for the Mill Pond area.

Chairperson Bill McGhie stated that a lot of money was spent to beautify the Mill Pond area.

Barbara French stated she was born and brought up here and she would hate to see this in the Mill Pond area and it would be an eyesore. She is very thankful for Drew and the awesome job he has done with the Hub and is very thankful for his business here in the Town.

David Iasevoli stated that Drew represented his case very well but the majority of opinions expressed here tonight would be that the proposal is not a good look for the Mill Pond area.

Town Legal Counsel Leah Everhart stated that there are two aspects to this proposal being considered. One is Conditional Use approval and second is Site Plan approval. For Conditional Use approval what the Planning Board is looking at is whether the uses the Town has identified as generally being harmonious with that zoning district not necessarily appropriate for every parcel in that zoning district. She wants to make sure the focus of the Planning Boards attention is on whether or not there is something intrinsic about this property that makes it not appropriate for boat storage. A lot of you have identified its location and proximity to the Mill Pond and that is a legally appropriate basis for identifying issues. Some of you identified a potential negative outcome as a result of storage of boats. Where negative outcomes are identified, Boards should discuss and consider ways to mitigate them. The Public Hearing provides the opportunity for the Public to come forward with facts so that the Board can base their decision on as much information as possible it is not a vote of the community on what can be done with the property. If it is well supported that does not mean you should approve it or if it is objected to by many in the community that does not mean you should deny it.

Chairperson Bill McGhie stated it is his opinion that this proposal is not in keeping with what is expected on Mill Pond and without a buffer it would be the wrong thing in this area.

Bill Siegle stated that he got on this Board so that he could have a say in keeping the community beautiful.

Town Legal Counsel Leah Everhart explained the SEQRA review process and the initial requirement that the action be classified. She explained that SEQRA Type II actions are exempt from SEQRA review and one of the actions listed on the "Type II list" exempts projects which include only minor or temporary uses of land that will have negligible or no permanent impacts on the environment. She reminded the Board that, even if a project is a Type II

action that only means it's exempt from SEQRA review, it does not mean the project itself has to be approved.

Dan Freebern thought the project would not fall within this Type II category and the majority of the Board agreed and decided to conduct the SEQRA review.

Town Legal Counsel Leah Everhart then explained that the SEQRA Environmental Assessment Form was used to conduct SEQRA review. She explained that part 1 was filled out by the Applicant and set forth project specific information. Part 2 is the part that the Planning Board must discuss and reach agreement on. Part 2 sets forth questions that should each be considered and discussed by the Board and, for each question, the Board must answer either "no or small" or "moderate to large". Ms. Everhart then read each of the questions set forth in Part 2 of the SEQRA Environmental Assessment Form and after discussion, the Board answered each. In response to questions 2, 3 and 8 the Board answered "moderate to large". For all other questions, the Board answered no or small.

Town Legal Counsel Leah Everhart then read the direction to Part 3 of the Environmental Assessment Form and explained the Board's obligation to now determine whether of the "moderate to large" impacts were likely to be "significant" and discussed with the Board they types of considerations it must make and clearly state.

At this point, the Applicant withdraw the application and the Board ceased conducting SEQRA review.

Reminder:

Correspondence: APA request for consultation from Chairman of the Planning Board on the Doherty/Houck Boundary Line Adjustment.

Public Comments: Matt Simpson on behalf of the Town Board expressed appreciation on the Planning Board's performance.

Don Rosbozom expressed his appreciation for the Town's improvements in the Mill Pond area.

Board Member Comments:

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

Meeting adjourned: 8:20 pm

Next Meeting: November 20, 2019

Respectfully Submitted,
Terri Katsch, Secretary