

**Present at Meeting:** Harry Balz, Chairman  
Bill McGhie, Member  
Teri Schuerlein, Member  
William Siegle, Member  
Georgia McMeekin, Alternate  
Dan Freebern, Alternate  
Mark Schachner, Esq. Town Counsel

**Also Present:** Jim Steen, Zoning Administrator  
Bob Olson, Town Board Member  
Gary Frenz, Zoning Board of Appeals Chairman

**See attached sign in sheet for additional meeting attendees**

Chairman Harry Balz called the meeting to order at 7:05 PM

Pledge

**Chairman appoints Georgia McMeekin as a voting members in absence of Mike Raymond.**

**Approval of minutes: Attorney Mark Schachner tabled the approval of minutes, All AYES**

**Agenda Items: File # 2014-01SPR Tax Map 72.15-1-3 Richard Roth & Myrna Miller**  
**File# 2013-11CU Tax Map 72.13-2-48 Brant Lake Heights Homeowners Assoc.**

**Communications: None**

**New Business:** File#2014-01 Site Plan Review  
Tax Map 72.5-1-3  
Richard Roth and Myrna Miller  
Site Plan Review for dock length exceeding 40 feet as per section 11.6 (4): Four foot (4') by One-hundred foot (100') dock above wetlands.

Zoning Administrator, Jim Steen asked to speak regarding file # 2014-01 he stated the reason why the Applicant's are before the Planning Board rather than the ZBA, because the Planning Board has the exclusive authority as per section 11.60 of the Zoning and Project Review to make a determination regarding dock extensions when adequate water depth cannot be provided for boat mooring at a dock 40 (forty) feet in length. This was verified by Brian Grisi of the APA by phone conversation.

Eric Isachsen from Eric and Eric was present to represent the applicants.

Teri Schuerlein asked how far the neighbors were from the proposed dock. Eric Isachsen answered one-hundred feet (100') away. Chair, Harry Balz asked how many boats would be utilizing the proposed dock and was there size restriction for the boat. Eric Isachsen answered there would be one pontoon boat and the size was twenty-five feet (25') in length.

Chair, Harry Balz asked if the proposed dock would be year round or seasonal. Eric Isachsen answered year round.

Bill McGhie asked if there would be see-thru decking. Eric Isachsen answered in the affirmative.

Jim Steen stated that this application would be before the APA and that the Planning's Board involvement was the length of the dock.

Chair, Harry Balz suggested that they have lighting on proposed dock and suggested solar lighting.

Bill McGhie made a motion to deem the application complete and schedule a public hearing for May 21, at 7:00 pm. 2<sup>nd</sup> by Teri Schuerlein. ALL AYES

**Public Hearing: File # 2013-11CU**

**Tax Map 72.13-2-48**

**Brant Lake Heights Homeowners Association (BLHHOA)**

**Seeking a CU Approval for a multiple-access boat dock system. The Proposed dock system would berth twenty-six (26) boats and extend approximately, One hundred eighty feet (180') into Brant lake, and would be approx. ninety-six (96') in width at its widest point.**

Chair, Harry Balz recused himself from application 2013-11CU, Vice-Chair Bill McGhie took his place as acting Chairman. In addition, Teri Schuerlein and Georgia McMeekin also recused themselves as well.

Bill McGhie asked Alternate #2, Dan Freebern to join the Board in absence of member Teri Schuerlein.

Paul Holmes stood and stated that in light of Board Members recusals was inquiring of status of remaining members.

Vice-Chair, Bill McGhie stated what guidelines would be in place for tonight's meeting:

1. The meeting would be adjourned on or about 9:30pm.
2. Everyone was welcome to speak, but it limited to 5 minutes.
3. You must come to the podium to speak, introduce yourself and state your address.
4. Refrain from talking amongst yourselves.
5. Please do not represent (repeat) information already introduced.

Bill McGhie then read a prepared statement recognizing that he had a personal relationship with Town Councilman, Bob Olson and has served on several boards with him, but would be open minded and fair when considering this Conditional Use application. Planning Board members William Siegle and Dan Freebern stated that they were impartial participants and were open minded when considering File 2013-11CU as well.

Attorney Matt Fuller introduced himself and stated that he was present to represent the BLHHOA and provided a printed timeline (in bold) for reference. Attorney Fuller gave detail on timeline history (non Bolded) as provided:

**Mid 1950 Gilbert Schlierer deeds out interior lots**

Deeded out smaller lots now known as the Butler Loop.

**1959 Schlierer deeds to Brant Lake Shores, Inc. all lands encompassing Brant Lake Heights development**

All lands as well as the lake front and the shore bottom. This parcel is unique from neighboring/adjoining properties because of the lake bottom conveyance.

**1960s Brant Lake Shores, Inc. conveys some property****1970 Brant Lake Shore, Inc. case decided in court. Brant Lake Shores Inc. owns lake bottom, some of the lots have beach easements only.**

There was a lawsuit in the late 1960's which granted Brant Lake Shores ownership of the lake bottom and granted several easements along the shore front. This case decided those boundaries.

**1971 Brant Lake Shores Inc. conveys to Sinkora & Salluzzo**

This conveyance led to the Brant Lake Heights subdivision map to be filed

**1972 Sinkora & Salluzzo Brant Lake Heights subdivision map****1970s-mid 80s Sinkora & Salluzzo convey off various lots****1988 Sinkora & Salluzzo sell to Olson Development Inc. (ODI) All lots, lake bottom, except those conveyed off and reserved previously.**

Olson Development Inc. was conveyed the remainder of the subdivision with the exception of a few lots. The Homeowners Association was formed and the restrictions and covenants were filed.

**1989 First round of variances-denied**

First round of variances for docks applied for which is part of this critical discussion. The neighboring opposition to the west made alot of this but you can make a Red Herring argument that this point is mute because of actions taken by the Town at a later time.

**1989-90 Second round of variances-approved but overturned on Article 78 (Oct 90)**

Second round of variances applied for and approved but ultimately overturned for SECRA purposes. The zoning provisions were being rewritten and Judge Kroggman was Counsel to the Town at this time.

**1990s-Mid 2000s OLSON DEVELOPMENT INC. (ODI) conveys various dock rights**

The drafting of these deeds consisted of five to six different wordings, some deeds including dock numbers, some dock rights, or to be determined was also used. The drafting of these deeds was not good but dock rights are clearly there.

**2002 Town of Horicon adopts new Zoning Law- 9.70.10 (b) effectively overrules 1990 Art. 78**

This is a critical point. The Town Board has the power to review and amend new zoning. As the zoning law is worded it provided relief to certain subdivisions, Adirondack Acres and BLHHOA.

**2006-07 BLHHOA applies via Olson Development for approvals for docks**

This is when I (Attorney Matt Fuller) became involved with the Association and when reviewing the deeds saw there were 26-27 docks deeded out on an existing 18 dock structure

**2008-09 Approvals and plans continue****2009 Gary McMeekin determines that section 11.60 (area requirements) applies to BLHHOA**

Area requirements meaning square footage, length, width, and shore frontage. Our belief was that Gary McMeekin was incorrect and the Association appealed the ZBA.

**July 2009 ZBA reverses Gary McMeekin, says that 11.60 does not apply**

Area requirements of section 11.60 do not apply to the BLHHOA dock

**2009-10 BLHHOA begins work on APA applications****Jan 2010 Gary McMeekin sends fax to APA warning of incoming application**

**Feb 2010 ZBA and Planning Board send APA letters opposing application-no application had been filed or plans finalized**

**March-June 2010 APA receives letters from neighbors in opposition**

There was clearly a background of outside conversations that was based on false information given to neighbors outside of meeting forum

**July 2010 BLHHOA sends Gary McMeekin letter requesting Local Compliance form for APA-ignored****Sept 17, 2010 BLHHOA files application with APA****Sept 21, 2010 APA sends Major Project notices to property owners and Town****July 2011 Gary McMeekin sends letter to APA once again asserting applicability of section 11.60**

For two years the Brant Lake Heights Association combating with a zoning issue which does not apply clearly a frustrating situation to contend with

**July 2011 APA issues revised letter asserting partial jurisdiction**

Partial jurisdiction to a six foot water depth where emergent wetlands are prevalent

**Fall 2011 BLHHOA returns to Town to address jurisdiction & Feb 2010 letters to Adirondack Park Agency (APA).**

**2012 Town reasserts jurisdiction****Fall 2012 BLHHOA appeals determination in Art 78**

**Fall 2013 Warren County Supreme Court decides Art 78 partially granting and denying Art 78 finding bias by some PB and ZBA members-2010 letters resolved partially in favor of the town and association relating to bias.**

**Dec 2013 Conditional Use application to Planning Board & request for recusal**

The Planning Board deemed the Conditional Use application complete in March 2014 and were asked to consider the criteria for zoning section 9.7 10(b) when making a decision on this project. Attorney Matt Fuller reviewed the criteria with the Planning Board for multiple access docks associated with subdivisions approved after May 3, 1963 and before November 12, 1987.

After finalizing discussion regarding timeline Attorney Matt Fuller responded to some of the letters sent in from concerned residents of Brant Lake. Attorney Matt Fuller addressed parking on the beach and stated that the association members leave their cars within the development. The association members do not want parking on their private beach. Many of the submitted letters referred to Bob Olson as applicant when in reality it is BLHHOA. In addition letters referring to buyers that should have known better before purchasing, when in reality when a prospective buyer called the Town and asked about 18 docks they were told they were permitted. Also encroachment of property by an adjoining neighbor, which is not the BLHHOA but the Butler Loop docks which are not a part of this application. Attorney Matt Fuller stated that this proposed dock is providing a proper structure for the BLHHOA. They are not adding people or boats to the water. Any person or persons can launch a boat on Brant Lake using the public boat launch. In addition, there will be no refueling on the shorefront, this will be addressed with the revised Association covenants and restrictions. In addition, this is not an invitation for multiple access docks- applicants have to fit into the 24 year span outlined in section 9.7 10B and this will not be setting precedent for future multiple access docks as they would have to receive a variance as well. Attorney Matt Fuller summarized by stating the #1 reason for the proposed multiple access dock would be to get the boats off the beach and keep the association children safe.

Bill McGhie asked Attorney Matt Fuller if there would be boat size limitation in the covenants and restrictions and Attorney Matt Fuller stated the amended covenants and restrictions would be recorded in the County Clerk's office and would outline the following topics: **1.** parking on beach prohibited **2.** Dedicated slips for BLHHOA Homeowners with numbers, if house is rented the boat slip will go with house. No outside boat rentals to non-homeowners. **3.** Time frame when boats need to be placed and removed seasonally. **4.** Assessments and how maintained **5.** Detail of dock phasing, present need 17 eventual number of boat slips 26 and an explanation of how that will take place as association "builds out" In addition the APA will have conditions that will be outlined in the amended covenants and restrictions

Bill McGhie asked if the swimming area would be roped off and Attorney Matt Fuller stated that matter would be addressed and that the roped swim area would be approx. 75 feet.

Attorney Mark Schachner questioned Attorney Matt Fuller if he was aware this application was subject to Warren County Planning Board Review. Matt Fuller responded yes and that he had contacted them, Attorney Mark

Schachner stated then you are aware that the County Planning Board has denied this application. Attorney Matt Fuller stated that no he was not aware and asked for what reason was there a denial. Attorney Mark Schachner responded by reading the project review and referral form, "the County cannot undertake a review without a site drawing showing location of the proposed docks, access to the shore and what safety measures are in place or proposed for pedestrian crossing of State Route 8 to access the docks and beach. Deny without prejudice". Attorney Matt Fuller stated that the County Planning Board will reconsider with additional information and stated that he would prepare documentation and forward to the Zoning office to be sent to the County for further consideration. Attorney Mark Schachner stated that action by the county was a delegation of authority of County Planning Staff to Horicon Planning Board. A discussion detailing super majority vote then followed.

Bill McGhie asked Attorney Mark Schachner if they could proceed with the public hearing without the county approval. Attorney Mark Schachner answered yes they could proceed that it does not impact the board's ability to make a decision, that it might impact the effect of that decision. The public hearing was opened at this time with Paul Holmes, Grassville Rd. being the first speaker who read from a prepared statement. **SEE ATTACHMENT #1**

There was question about passing of time and amount of time allowed for speaking. Attorney Mark Schachner clarified by stating that no "donation" or aggregation of time from others was allowed and the Planning Board has the absolute legal right to limit public comments to 5 minutes. Additionally the number of times that any one person may speak was limited to one until every person has spoken.

Gary McMeekin, Palisades Road, stated that this project has been before the boards for the last 25 years, that what matters is the proper land use. It's about the zoning and project review code 9.60 and 9.61 not section 9.7 10B. Gary McMeekin urged the Planning Board Members to take the time to review the materials in the boxes containing the history, minutes and decisions of the past 25 years before making a choice. He continued on by saying the Planning Board was the only board with the authority to approve or deny this application for a multiple access dock, there has never been another application that has come before the boards to change that 1988 decision. The 18 docks is the 1988 decision is legal. Judge Dier's decision. The code has changed but the decision has not.

Frank Noon, President of the BLHHOA read a prepared statement. **SEE ATTACHMENT #2**

Don Butler, Route 8 spoke of when he was a kid this beach was called the Brant Lake Beach. There were at times 300 people on the beach and 50-75 boats. Everybody had a good time and nobody got hurt. You Spent \$3.00 for a locker and you stayed for the day. They rented out boats and canoes and you walked across the street and got ice-cream. He continued on by stating he is overwhelmed by the negativity of neighbors who have complained that doesn't even affect them, making reference to a homeowner who complained that you would see so many boats, he replied by saying it's a lake you're going to see boats. He made mention of the thousands of dollars spent by not only the homeowners but the Town for this project when simply the homeowners are just trying to get docks. He stated that the past clientele and climate of Horicon residents have put people out of business. He asked the Planning Board to move forward like the Town of Horicon is, by bringing in businesses and approving this application.

Rob Boutelle, BLHHOA resident, submitted a copy of the Rules and Regulations of the BLHHOA. **SEE ATTACHMENT #3** Rob Boutelle stated he was currently the dock master for the Association and could make a good case by saying the rotation system is more dangerous than a fixed dock system. Every Sunday we are rotating boats out of slips, 8 coming out 8 going in. There is a risk entering and exiting the association with a trailer because there is a rise in the road and the speed limit on route 8 is 45 mile per hour. Someone is going to get hurt eventually, whether it's one of our relative's a neighbor or just a bystander. In addition, it makes the beach busy as well people placing and removing boats. He stated if the application is denied this rotation system is a danger to our members.

Patricia Shimer, 7118 Route 8. Patricia Shimer stated that she was completely for the ability of enjoying Brant Lake. She stated that she was held by a standard set by a deed. She felt that this was an unfortunate situation but the BLHHOA residents needed to be held by the same standard that she was expected to. She stated that the original deeds conveyed to these homeowners did not contain dock rights therefore they are not owing to them. She stated that she does not utilize her beach because it is too busy and that the waves created by boats moves her dock.

Bill Olin, BLHHOA resident, Bill Olin stated that when he purchased a lot he saw 18 docks on the lake it looked good, subsequently he built a house on his lot, now at age 66 he's sharing a dock. He stated that because of the rotation system he comes up to Brant Lake a lot less, his kids come up a lot less, subsequently spending less money in Town. The system is not only a hassle but a hazard. He asked what's right for the Town of Horicon, he responded by saying "keep property values up, spend money on contractors, spend money in restaurants." In addition, he is concerned about pulling out onto Route 8 with his trailer, he stated that it is dangerous and someone eventually is going to get hurt. He asked the Planning Board Members to approve the application so that he could come up more and enjoy.

Peter Polimino, BLHHOA resident & Board member, Peter Pulimino stated that he and his family purchased property in BLHHOA hoping to retire there. Not only his family but the entire BLHHOA community respect the lake and its rules. They have no interest in harming the lake. As an administrator of the Assoc. he is before the Planning Board requesting the opportunity to have the tools to effectively handle amending the covenants and restrictions for the homeowners to abide by. He also reiterated the danger issue of pulling out onto Route 8. Peter Pulimino stated that also like Mr. Olin he spent the holiday week-end in Newport Beach but would have rather spent it in Brant Lake.

Attorney John Caffry associated with Caffry & Flower, Glens Falls, Attorney John Caffry represents the Webster Family Trust and the Panzer Family, purchasers of the larger Webster parcel. His clients have a deeded easement to utilize the BLHHOA beach. Attorney Caffry stated that he has been involved with this case for 26 years, that he was the attorney that sued the Town and was a factor in Judge Dier's reversal in overturning the ZBA's decision and was very familiar with the history of this project. In 1989-90 there was only 8 docks approved at the time but Olson Development built 10 more docks without approval from the Town. Attorney Caffry continued on to say that enforcement actions were ignored and eventually he and his client's the Webster's gave up. Meanwhile the 18 docks remained and purchasers were buying in the Association under the impression that 18 docks were allowed when only 8 were legal. Olson Development sold dock rights to homeowners that he didn't have the right to sell.

Homeowners no doubt were taken advantage of. In 2008 when this case came up again the 18 dock slips were still there until then Zoning Administrator, Gary McMeekin, enforced removal of 10 dock slips leaving BLHHOA with 8 and Butler Loop 10. Attorney McCaffrey stated that Mr. Noon was incorrect with the statement that was made in his presentation when stating that the ZBA unanimously approved the variance request, the ZBA did not have the jurisdiction to approve they were just following the zoning code. Attorney Caffry continued on to state that with a total of 36 boats he felt that the BLHHOA dock project was equivalent to a Marina and that he felt this application was incomplete because it does not show the Butler Loop docks when they are located on the Association property and stated that their status was questionable. Attorney Caffry continued on his presentation by stating in 2009 Mr. McMeekin made a ruling that they had to show the Butler Loop docks on plans when filing applications to Town. He stated that the Butler Loop docks were on the Association property therefore had a cumulative effect on the overall impact. At this time Attorney Caffry's 5 minutes were up and asked to continue after everyone who had wished to speak had the opportunity.

David King, Brant Lake Resident stated that he was part of a small Association on the Lake and he felt that this application was unfair. Recently his Association decided they were going to abandon their legacy docks, they hired Dock Doctor's to get approvals and implement the new system. The Association wanted 12 slips that would extend 60 feet into the lake. They went before the Planning Board and were denied. Dock Doctors prepared an alternate design with a new configuration which was less efficient and had 1 less dock slip. The Planning Board did approve that application but ultimately one of their homeowners does not have a dock slip. Mr. King continued on to state they are just a small Association and didn't have the resources to dispute the Planning Board's decision nor hire an Attorney, Marine Biologist or Engineer.

Bob Olson, Town Board Member, Bob Olson stated that he was a Town Councilman and anticipated being treated no better or worse than any other. Mr. Olson read from a prepared statement. **SEE ATTACHMENT#4**

Paul Holmes Grassville Road, Mr. Holmes did not have an opportunity earlier to complete his presentation and spoke before the public that was present and the Planning Board. He read the remainder of his prepared statement. **SEE ATTACHMENT #1**

Attorney John Caffry associated with Caffry & Flower, Glens Falls. Attorney John Caffry spoke again stating that his clients have several concerns regarding this dock proposal:

1. Overcrowding- Additional boats going past their docks and swimming area
2. Safety Issues-Having so many boats in such a small area
3. Visual Impact-Marina like structure located in a strictly residential area. Impact on the character of the neighborhood
4. Gas Spills-The BLHHOA say's that this will not happen but there is no proof. We have not seen amended covenants or are they entered in the record.
5. Very small lot- This is a half-acre lot in a residential 1.3 acre zone. No dock design according to zoning code 9.7(10b). Mr. Caffrey also stated that pertinent uses documented are subject to the rules.
6. Width of shoreline in relation to the dock-Attorney Caffry considers apples to apples and considers width to width. There is 176 feet out of 266 feet of shoreline covered by docks that is two thirds of the shoreline.

7. Lake Bottom-36 boats would shade the lake bottom, boats are not made of mesh like the docks. Attorney Caffry felt the cumulative impact of 36 boats shading the lake bottom was substantial.
8. Navigation-Attorney Fuller's opinion that there will be no problem with navigation. Attorney Caffry stated that there is no assessment of that fact or the impact it would have on the lake.
9. The dock design could hold more than 26 boats and that since beaching of boats is not unlawful it would still exist. Attorney Caffry stated that ultimately there could be more than 36 boats in that small cove.

Attorney Caffry stated that the criteria of zoning and project review 9.61-Conditional Use should be revisited by the Planning Board Members and also the objection and concerns of this project by previous Planning Board and ZBA members from the past.

Attorney Caffry stated that this project does not comply with all other requirements of this ordinance including the dimensional regulations of the zoning district in which it is proposed to be located, is not in harmony with the general purpose and intent specifically taking into account the location, character and size of the proposed use, and this use would not be in harmony of the neighborhood and would create public hazards from traffic, traffic congestion and would be detrimental to the health, safety and welfare of persons residing in the neighborhood.

Attorney Caffry also stated that the proposed dock structure was not compatible with the Residential use in the R-1 zone regarding purpose and intent. Attorney Caffry's five minutes were exhausted and asked to be seated.

Keith Wilkinson, BLHHA Resident, stated that the boating season is only 10 weeks a year, what it really comes down to is the homeowners. They have had 18 docks for years and there was never a problem. No one complained. This issue shouldn't be politically motivated, nor personality conflict or personal vendettas. They've had to utilize the rotation system now for 8 years. In Brant Lake as property gets more expensive everyone wants what they want, but doesn't want anyone else to have anything. Keith Wilkinson continued on to state that there was a good reason why the zoning section 9.7(10b) was created to prevent situations like this from happening. He spoke to the Planning Board and stated that "you members have an opportunity to make a decision with a good conscious. That's why there is no business in Brant Lake, everyone needs a fair shake."

Maureen Cronin Rossley BLHHA resident, Maureen Cronin Rossley has been affiliated with Town of Horicon for a long time her grandfather owned Cronin's store-prior to Daby's. Her maternal grandfather owned the barber shop. She was born in Brant Lake, her parents are from Brant Lake like many of her relatives. Maureen Cronin Rossley continued on to say her heart is here in Brant Lake, it's a great community except for this unbelievable nightmare with the dock problem. She continued on to say it's a total embarrassment, there are a few interlopers-foreigners that have turned this topsy-turvy. They have written cookie cutter form letters complaining about something they know nothing about. She addressed the comment of Paul Holmes' about resale values and said she had many realtors who would disagree with his comment. Homeowners are selling their properties in the Association because of the dock issue for less than there are worth.

Bob Olson Town Councilman stated that the Webster's have five (5) docks for themselves, why they object to the BLHHA have one (1) dock per person is beyond him. Who are the people in the BLHHA? They are people seeking to enjoy their homes and common waterfront that was approved in 1972. There has been substantial resources expended by the Town and the homeowners concerning this project. The Planning Board members have

an opportunity to finalize this action by approving this conditional use permit and end this nightmare, these people only want to live, enjoy Brant Lake and be part of the community and get there needed dock slips.

Attorney John Caffry associated with Caffry & Flower, Glens Falls, Attorney Caffry responded to a speaker that said "that we had 18 docks for years and nobody complained" Attorney Caffry stated that his clients the Webster's complained numerous times but the Town never did anything about it until the newly appointed Zoning Administrator, Gary McMeekin did the right thing and enforced the removal of ten (10) docks. Attorney Caffry continued on to state that deeded rights do not supersede zoning. Zoning ordinances have control and the Town has the power to enforce those rules. Attorney Caffry stated that it is not up to the Town of Horicon to bend the rules and make these homeowners whole. Olson Development Inc. was wrong and the homeowners should seek recompense by suing Olson Development, the lawyers involved and the title insurance company. Attorney Caffry addressed the Planning Board and stated that this is not a Class A project and subject to SECRA, they should consider all issues wetlands, boat traffic, incompleteness of the project and declaration for largest boat dock when completing the Environmental impact statement.

Jean Olson former Town Supervisor, stated that when she was the Town Supervisor she was very careful to remove herself from projects and discussions involving BLHHA. In addition stated that Attorney Caffry should be careful who he accuses when discussing missing paperwork. **SEE ATTACHMENT #5**

Attorney Matt Fuller stated that he does not envy the position of the Planning Board Members that they are in a difficult position because of the difficult decision that they will have to make, he continued on to state that Zoning and Planning has become a referendum for what the public wants. This is not a popularity contest nor the criteria for decision making. Attorney Fuller stated that he would ask the Planning Board to table the Public Hearing so that his clients and he had an opportunity to address Warren County Planning Department's concerns. His firm would prepare documents that would be forwarded to the Zoning Office for submission to the Planning Department. Attorney Fuller stated that there was a false statement made by one of the residents and would like to correct, the original deeds did include dock rights. All deeds from Olson Development included varying rights to docks and dock rights. There has been a significant hardship placed on the BLHHA homeowners, the deeding of dock rights created this hardship. The burden was created by developer Olson Development Inc., he continued on to say that Bob Olson was not the sole owner of Olson Development, Attorney Larry Long was a driving force behind Olson Development and was instrumental in the development of BLHHA until his death in 2008. The undercurrent here is that it's all about what Bob Olson did when he was not the only shareholder. The most important factor here is righting the wrong and providing adequate docks for deeded lots.

Attorney Matt Fuller stated that the impression is we are creating a safety issue by increasing the number of boats on the lake and users to the beach front. The homeowners in the assoc. are legally prohibited from deeding off dock rights so therefore will not be any new users and they (the homeowners) are already utilizing the lake and beach front.

Attorney Matt Fuller stated there are several Red Herring issues brought up by Attorney Caffry that need to be addressed:

1. The application that was filed did not include the Butler Loop docks.

2. The Feb. 2008 letters filed with the APA was not procedural, it was an obvious concerted effort based on false facts.
3. The multiple access dock system could hold a lot more than 26 more boats. The BLHHOA eventual need is for 26 boat slips. They are not misrepresenting themselves and have outlined how the covenants and restrictions would prohibit more than 26 boat slips.

Attorney Matt Fuller stated that Attorney Caffry was right about the improper deeding of dock and rights did not supersede the Town Zoning Law. That he admired Attorney Caffry for his record keeping and providing the Town and everyone involved with the supporting documents that were missing providing proof of the ZBA decision reversal.

Attorney Matt Fuller stated that in 1990 when the Town Board changed the Zoning Law it gave the BLHHOA an opening to come back and apply for multiple access dock system. The homeowners have a right to be there before the Planning Board to apply for a Conditional Use.

It was decided the public hearing discussion would continue at the May 21 meeting of the Planning Board.

Vice Chair, Bill McGhie excused himself and asked Chair, Harry Balz to resume with the remainder of the meeting. Bill McGhie thanked everyone present for their courteous participation.

Teri Schuerlein and Harry Balz returned to rejoin the Planning Board Members and Dan Freebern was excused.

**Public Comments:** None

**Board Comments:** A discussion ensued regarding the next meeting date because Mark Schachner, Town Counsel was not available on June 21. Several dates were discussed and it was determined that Dawn Higgins, the Supervisors secretary would need to be involved since she controlled the Community Room Calendar availability.

**Next Meeting:** May 21, 2014 or alternative date

Being no further business before the board Vice Chairman, Harry Balz made a motion to adjourn the April meeting 2<sup>nd</sup> by Bill McGhie. ALL AYES

Respectfully submitted,

*Dorothy Johnson, Secretary*