

Present at Meeting: Harry Balz, Chairman
Bill McGhie, Member
Teri Schuerlein, Member
Georgia McMeekin, Alternate
William Siegle, Alternate
Michael Hill, Esq.-Town Counsel

Also Present: Matt Simpson, Supervisor
Bob Olson, Town Board Member
Gary Frenz, Zoning Board Chairman

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

Pledge

Ed & Sandra Ragule, Frank & Drew Cappabianca, Clementina & Samuel Maltbie, Noah Leggett

Chairman appoints Georgia McMeekin and Bill Siegle as voting members in absence of Mike Raymond and board vacancy.

Approval of minutes: Bill McGhie made a motion to approve minutes amended by counsel. 2nd by Teri Schuerlein. ALL AYES

**Agenda Items: File # 2013-10CU Tax Map 88.10-1-21 Drew Cappabianca
File# 2013-11CU Tax Map 72.13-2-48 Brant Lk. Heights Homeowners Assoc**

Communications:

**Public Hearing File # 2013-10CU
Tax Map 88.10-1-21
27 Market Street
Drew Cappabianca
Conditional Use to operate retail business, retail services and restaurant**

Teri Schuerlein recused herself from application 2013-10 CU since she was presently completing a project similar in nature to what was being proposed. Alternate Georgia McMeekin took her place to review application 2013-10CU.

Applicant Drew Cappabianca appeared before the Board to present an application for a conditional use to operate a restaurant, retail business and retail service. The core of the business is to operate a venue for bike riding. The applicant compared his business to that of skiing which has a lodge and golf which has a clubhouse. He will be serving coffee drinks, light fare, beer and wine inside the café/restaurant as well as providing outdoor seating. The applicant proposes limited retail services for his biking clients if a problem may occur limiting use of their ride, he will be providing repair services and supplies so that the bikers day is not cut short because service and supplies are not available nearby. In addition, the applicant proposes renting kayaks and canoes. Drew Cappabianca, applicant also stated that his proposed business has more than adequate parking for bicyclists and space for warm up and dressing facilities.

Clementina Maltbie addressed the Planning Board in favor of application 2013-10CU. She grew up on Market Street and was very pleased to have future business moving back into the vacant Town Hall building. She hoped that Brant Lake would once again be a thriving business community.

Chairman, Harry Balz read correspondence received by the Zoning Office in favor of the proposed project. The letter was submitted by Michael McClure, a town resident.

Being no further questions or comments Bill McGhie made a motion to close the public hearing. 2nd by Georgia McMeekin. ALL AYES.

UNFINISHED BUSINESS: File #2013-10CU

Tax Map 88.10-1-21

Drew Cappabianca

Conditional Use to operate a restaurant, retail services & business

Chairman, Harry Balz stated that the well and septic issues had already been discussed at the last Planning Board meeting and that the owners of the property Frank Doberman and John Palermo would be addressing any issues regarding the utilities.

Attorney Mike Hill reviewed the SEQRA form with the Planning Board Members. The Board determined that there would not be any significant adverse environmental impact.

Bill McGhie made a motion to declare a negative declaration. 2nd by Bill Siegle. ALL AYES.

Attorney Mike Hill suggested to the Planning Board that they review Section 9.61, requirements for conditional use approval applicable to all conditional uses before making a motion regarding application 2013-10CU. In order to approve any conditional use, the Planning Board shall find that:

- 1.) The use complies with all other requirements of this ordinance including the dimensional regulations of the zoning district in which it is proposed to be located except as those may be specifically increased by the Town Board in approving the conditional use.
- 2.) If approved, the use would be in harmony with the general purpose and intent of this ordinance specifically taking into account the location, character and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase in the burden on supporting public services and facilities which will follow the approval of the proposed use.
- 3.) The establishment, maintenance or operation of the proposed use would not, under the circumstances of the particular case, create public hazards from traffic, traffic congestion, or the parking of automobiles or be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.

After reviewing the requirements to approve conditional uses the Planning Board was Unanimous that application 2013-10CU was in compliance with section 9.61.

Bill McGhie made a motion to approve application 2013-10 CU for applicant Drew Cappabianca to operate a restaurant, retail business and retail services. 2nd by Bill Siegle. ALL AYES

Teri Schuerlein rejoined the Board.

NEW BUSINESS: File #2013 -11CU

Tax Map 72.13-2-48

Brant Lake Heights Homeowners Association

Multiple Access dock system

Chairman, Harry Balz made a motion to table File #2013-11CU due to litigation matters. 2nd by Bill McGhie. ALL AYES

Chairman, Harry Balz informed the Planning Board that he had attended a Storm water conference and shared his educational experiences with the Planning Board members

Public Comments: None

Next Meeting: March 19, 2014

Being no further business before the board Chairman, Harry Balz made a motion to adjourn the January meeting 2nd by Bill McGhie. ALL AYES

Respectfully submitted

Dorothy Johnson, Secretary

