

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

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

Matthew Fuller, Esq., John Caffry, Esq., Herta and Harvey Leidy, Richard Dwyer, Eric and Kit Isachsen, Bruce Conroe, Doug Paton, Jim Sidford, Dave Iasevoli, Gary McMeekin, Wayne Butler, Richard King, Frank and Donna Noon, Jane and Bob Levit, Jon and Valerie Olin, Don and Darlene Butler, Keith Wilkinson, Wayne Cioffari

**Agenda Items:** File# 2012-12CU Tax Map # 71.16-1-18 Dwyer, Erickson and Schwalji;  
Conditional Use for multiple-access dock system  
  
File 2013-11CU Tax Map# 72.13-2-48 Brant Lake Homeowners Assoc.;  
Conditional Use for multiple-access dock system

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

**Pledge**

**Approval of minutes:** Chairman, Harry Balz tabled the approval of minutes until the June meeting to give the Planning Board Members an opportunity to review them.

Chairman appoints Georgia McMeekin as a voting member in absence of Michael Raymond

**New Business:** File# 2012-12CU  
Tax Map# 71.16-1-18  
Richard Dwyer, Pete Erickson, and Joe Schwalji  
Resuming conditional use application for multiple access dock system

Member Teri Schuerlein recused herself regarding file # 2012-12CU as she had written a letter in favor of the Dwyer, Schwalji dock in 2012.

Chairman, Harry Balz stated that the reason File#2012-12CU was before the Planning Board and not the ZBA was that the Applicants produced evidence to the Zoning Administrator that the dock configuration was pre-ordinance and is grandfathered in. The file had been before the ZBA but had been withdrawn. Chairman, Harry Balz continued on to say that the public hearing was still open from 2012 therefore the Planning Board had an obligation to re-advertise the application to notify the public that the public hearing was still

open. Therefore a motion was needed to table this application until next month when the public had an opportunity to attend such meeting.

Bill McGhie made a motion to table file# 2012-12CU since the public hearing was still open until the public had been re-notified. 2nd by William Siegle. ALL AYES.

Jim Steen stated that each member had copies of the previous meeting minutes regarding file # 2012-12CU to bring members up to speed.

**PUBLIC HEARING: File#2014-01 Site Plan Review**  
**Tax Map # 72.5-1-3**  
**Richard Roth and Myrna Miller**  
**321 Palisades Road**  
**Project: 4 foot by 100 foot dock above wetlands**  
**(Dock exceeds exceeding 40 feet on length)**

Teri Schuerlein rejoined the Board

Chairman, Harry Balz asked the public if anyone was here to present information regarding public hearing File#2014-01SPR. No one in attendance.

Bill McGhie made a motion to close public hearing File#2014-01SPR. 2<sup>nd</sup> by William Siegle. All Ayes

**UNFINISHED BUSINESS: File#2014-01SPR**  
**Tax Map # 72.5-1-3**  
**Richard Roth and Myrna Miller**  
**321 Palisades Road**  
**Project: 4 foot by 100 foot dock above wetlands,**  
**(Dock exceeds 40 feet in length)**

Chairman, Harry Balz read the Warren County Planning Board recommendation regarding File# 2014-01SPR, the issues appear to be of a local nature involving local issues without any significant impact on county properties or resources.

Chairman, Harry Balz asked the Planning Board members if they had any question regarding this file.

Teri Schuerlein stated that she felt that all of the answers were addressed at the last meeting.

Bill McGhie stated that residents in the community have similar dock issues where the water depth is too shallow to dock their boats. That he felt this was a common problem.

Jim Steen made a suggestion to the Planning Board Members that they make this approval conditional upon receiving APA approval. They have applied for the permit but have not received it as yet. Chairman, Harry Balz added an additional condition that stipulated that no more than two boats may be docked at any one time.

Bill McGhie made a motion to approve File#2014-01SPR for a 4 foot by 100 foot dock above wetlands.

Attorney Leah Everhart asked the Planning Board if they had conducted a SEQRA review for the dock project and, after discussion, it was determined that this application is a Type II action under SEQRA and that no SEQRA is required.

The Motion was 2<sup>nd</sup> by William Siegle, ALL AYES.

**PUBLIC HEARING: File#2013-11CU  
Tax Map# 72.13-2-48  
Brant Lake Heights Homeowners Association (BLHHA)  
State Route 8  
Project: Multiple-access boat dock system. twenty-six  
(26) boats and extend out approx. One hundred eighty feet (180') into Brant  
Lake, Ninety-six feet (96') in its widest point.**

Chairman, Harry Balz Teri Schuerlein and Georgia McMeekin recused themselves regarding File# 2013-11CU. Vice Chair Bill McGhie takes Chair and Dan Freebern came forward to the head table.

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 the time limit was 5 minutes
3. Please come to podium to speak introduce themselves and state address
4. Refrain from talking amongst themselves
5. Please do not represent information already introduced. There was extensive history given on this project last month and the month before.

Bill McGhie stated that they would be reviewing File #2013-11CU with the following criteria 9.7 10(b) found on page 54 in the zoning and project review book and section 9.61 found on page 41.

Attorney Matt Fuller, representing the BLHHA applicants stated that they had received the Warren County Planning Department Project Review and Referral Form stating that the County had received additional information which has satisfied the county's concerns raised in the previous recommendation. The county does recommend that NYS DOT be contacted to

determine if advanced signal/signs are warranted along Route 8. Attorney Matt Fuller continued on to say they had been in contact with Tom Jarrett who had talked with Warren County and that the Brant Lake Heights Homeowners Assoc. was prepared to pay for any pedestrian crossing sign as designated to be needed. In addition, Attorney Matt Fuller stated that he had provided a Navigation Analysis to the Planning Board members as there had been some concern raised regarding safety. Since July 2008, 18 slips have been located on this parcel, in addition to those of the Butler Loop. As the site has been utilized, there have been no navigation complaints and no environmental complaints which would lead to the merit of Tom Jarrett's analysis. Attorney Matt Fuller continued on to state that he had reviewed many of the comment letters written by the neighbors which were just a rehash of false information inaccurately provided. The false hood of the proposed dock structure projecting way out into the lake is a misconception. The truth is the need to get out past the emergent wetlands is the major factor. The dock structure will prevent boaters from tearing thru wetlands, beaching themselves and carving out those scars because they will have dock access. Attorney Matt Fuller continued on to review the parameters of 9.70 10(b) and stated that the Planning Board should consider the following:

**1. Any dock design parameters specific as part of the subdivisions original approval.**

There are no specific parameters included in the subdivision approval that were adopted in 1972. There are no applicable prior design parameters that need to be considered.

**2. Width of shore in relation to the size of the proposed dock**

There is 266 feet of lake frontage and extends 180 feet into the water. This is adequate for both the docks and the swim area. There is a reasonable amount of frontage for the number of docks requested.

**3. Dock locations on adjacent parcels**

Neighboring parcels would not be negatively impacted from this proposed dock structure. The adjacent parcel to the north is 300 feet and the adjacent parcel to the south is 200 feet away.

**4. Lake Bottom conditions; and the impact the proposed dock will have on general navigation.**

Based on the surveys conducted of the lake bottom which indicated where the vegetation was found, the opinion of the engineers and conservationists were there would be no impact on navigation, or impacts to aquatic and vegetative life.

Attorney Matt Fuller reserved his final comments upon completion of the public hearing.

Bill McGhie opened questions to the Planning Board and stated that he was concerned about the safety of individuals crossing the road. Attorney Matt Fuller responded and said that ultimately it would be a state or county decision, but that he and the Association would like to see signs placed where Homeowners are trailering there boats and exiting out on to Route 8 and the beach. The Association is prepared to provide the signs once determined. There has been some discussion regarding striping which would be the financial responsibility of the State. In addition Bill McGhie asked about parking and was told by Attorney Matt Fuller that a

stipulation would be present in the covenants and restrictions when finalized about no parking on State Highway that there was internal parking on Association roads for the homeowners.

William Siegle asked if the Association had stickers and was answered that it also would be a part of the covenants and restrictions. There would be a tracking system in place to inventory both Homeowner stickers and boat registrations.

Dan Freebern asked what constitutes a craft. Attorney Matt Fuller responded by stating that it would be written one vessel per boat slip, you cannot place more than 1 vessel per slip. There would be no renting of boat slips, one owner one craft.

Bill McGhie asked if there was a port-a-john located on beach area and was answered by Frank Noon no, there is a storage shed for chair storage but no restroom facilities. Association members are within walking distance to home.

William Siegle asked if there will be a sign indicating for members only private beach and was told by Frank Noon that one was already there.

Dan Freebern asked if there would be a condition that there would be no refueling at dock and asked where do the Association members refuel. Frank Noon responded at Palmers Marina that the covenants and restrictions required the Association members to refuel at Palmers.

William Siegle asked if there would be a sign posted no beaching of boats and Attorney Matt Fuller replied yes.

Dan Freebern asked about speed limit of boats and was told by Bill McGhie that the speed limit was 5 miles per hour within 100 feet of the shore and docks and was answered that the speed limit on the open water was 40 miles per hour.

The public hearing was opened at this time and **Doug Paton, Palisades Road** was the first person to speak and stated that he thought that this was the very best beach on Brant Lake he would still be there enjoying if he and his wife had not purchased shorefront property but stated that there was great danger to the swimmers in the area, in particular when boats are backing up to get into the dock space they would be backing into the swim area. In addition Doug Paton had concerns that the dock did not need to extend out 6 feet to accommodate emergent wetlands and that when the last 10 lots were sold in the BLH Association that they would be looking for more boat slips. Doug Paton also stated that he thought the view would be impaired for neighboring property owners like the Webster's and the 14 of us.

**Jim Sidford, Palisades Road** was in disbelief that they were still talking about this BLH dock project, he thought last fall that it was it a dead issue then. He stated that this project had been denied at various levels. He cannot believe there will be 26 boats docked extending out into the lake 180 feet and compared the Community Room extending to Mill Pond as an example of 180 feet. He continued on to say that if this was not a marina it sure looked like one. He felt that this was not in character with the R-1 Residential zone and could not believe that the APA would approve such a structure but he could not get them to approve a dock enlargement at his property with just one boat.

**Attorney John Caffry, Caffry and Flower, Glens Falls, representing the Webster and Panzer families,** Attorney John Caffry stated that he felt that this application was still not complete because it does not show all of the structures on the site, in particular the Butler Loop group's dock with 10 boats. Even if The Butler Loop party is not part of the application he felt that the application should still show all of the structures to give the board the cumulative effect of 36 boats not just the 18 new docks added. In addition covenants and restrictions have been discussed at length but they have not been introduced for the board to consider and make a condition of approval. Another issue of his clients would be the overcrowding and safety issue that will result on such a small lot. The lot size is only ½ of an acre in a residential area with 36 boat slips this is not only going to impact the character of the neighborhood but set a precedent as well for other residents. Attorney John Caffry also stated that he felt that there would be fuel spills when refueling. He continued on to say that he feels that this project does not fill any of the criteria of Zoning Law section 9.70 10 (b) and listed the reasons:

1. **The original dock design parameters**-There were no original dock design parameters when the subdivision was approved, which shows that there was no intent to have docks at all.
2. **The width of shoreline in relation to the docks**-The width of the proposed dock would cover 96' of the 266' wide lot which is 1/3 of the width of the lot. With the Butler Loop docks the width would be 176' of 266' wide lot which would be 2/3 of the total width of the lot.
3. **The location of docks on adjacent parcels**-with 36 boats there will be a greater risk of accidents.
4. **The lake bottom conditions at the site**-the application fails to analyze the cumulative impacts of the full 36 boats and related.
5. **The effect on navigation**-There has been no assessment of the navigation impacts of the additional boats on the immediate neighbors. The navigation analysis did not look at the effect of the BLHHA being so close to the neighbors' docks and the swimming area and the safety risks posed by the coming and going of these boats.

A SEQRA positive declaration should be adopted and Environment Impact study should be prepared. The project would have significant adverse environmental impacts, including visual, water quality and safety impacts therefore adopt a positive declaration.

**Gary McMeekin, Palisades Road,** stated that he wanted to clarify a few things. The Town Board ordered removal of the 10 docks in July 2008 when the Town thought there was no issue with the Supreme Court ruling until the paperwork appeared and issued an order to have the docks removed, Gary McMeekin only enforced what the Town had ordered. In addition, Meads docks do not coincide with the BLHHA docks in anyway, they were existing before the APA act and the Town Zoning Law and lastly the letters signed by the Planning and ZBA were requested by the APA. He and Christine Hayes were requested to personally come to the APA and at that time the letters were requested to be sent to them.

**Harvey Leidy, Brant Lake, read a prepared statement. See attachment #1**

**Wayne Butler, State Route 8, President of the Brant Lake Association,** Wayne Butler stated that he was before the Planning Board as a resident of Brant Lake and not as the Association President. He was speaking on behalf of himself and these were solely his opinions. Wayne Butler stated that in fairness of all of the taxpayers in the Town of Horicon that everyone should have been notified of this dock project including seasonal residents, he continued on to state that he felt that this project should be tabled so that every taxpayer and seasonal resident had an opportunity to be made aware of the BLHHA dock application as it affects everyone in the Town.

**Don Butler, State Route 8,** Don Butler stated why is the opinion that the Town has no obligation, the Town approved the subdivision in 1972. They were aware that these 40 lots had dock rights. These taxpayers in the BLH Association purchased lots and dock. These people over on Palisades Road and Carpenter lane are not going to even be effected by these 26 docks. He continued on to say this is not a safety issue there are ropes and a swim float for protection of our children. Thousands of dollars have been spent not only by the Association but the Town, he spoke directly to the 3 voting Planning Board members and said "You Guys got to do the right thing, don't let the Town stand still for another 10 years"

**Keith Wilkinson, BLH Homeowner,** Keith Wilkinson stated that for the last 7 years it's been the same old stuff, the docks have been in the water for 20 years-No problem. Whether there are 100 docks or 5 docks the same people are going down to the beach from the Association. They have no safety issue in their protected cove, the safety issues exist in other parts of the lake like in front of Jimbo's where there is an overpopulation of boats. The inexperienced camp counselors are navigating boats pulling out in front of you without looking, you have kayakers and water skiers. If you do not pay attention there are problems, this is the narrowest part of the lake with more boat activity. BLH should not be the safety concern where the proposed dock system sits back in their own little cul- de- sac. There was a reason that the Judge left 2 applications open in the Town of Horicon

**Wayne Cioffari, State Route 8,** Wayne Cioffari stated that he lives 150 Yards from the proposed dock system he also is a property owner of the 14 of us, he is not a newcomer to this area he has been coming here every summer of his life. Wayne Cioffari stated that this should not be up to the Planning Board to make a decision, it's a civil issue and should be up to the court system.

**Jim Steen** stated the Zoning office did what they were legally obligated to do when notifying the public about this application. They notified the residents by mail, placed a notice in the local newspaper and placed notices in the post offices and in the Town office. They did no more or less than any other application. The Zoning office is neutral on every project and treats every project the same. It would be up to the Town Board to change the Zoning Law regarding notifying the public and the Zoning Office will make no exception to notifying the public until told to do so by the Town Board.

**Attorney Matt Fuller** stated that he wanted to clarify some topics discussed, Mr. Paton mentioned there are more lots to be sold and there would be more dock applications coming.

There are no more dock rights to be deeded out by the Association which is bound by the covenants and restrictions, and Olson Development does not have the legal right to deed out any more dock rights. This is a phased project initially the Association would be placing 18 dock slips and would be an eventual 26 slips total. In addition Mr. Paton questioned why the dock proposal was extended out into the lake so far, that he felt that was not necessary. Attorney Matt Fuller replied that the Association wished that they did not have to go out that far, that there's been an 18-24 month derailment on the application process. They had to hire a surveyor to survey the entire lake front and points in lake. The reason the Association is out 6 feet is because of the emergent wetlands and that is what the APA is requiring. The next point to be clarified is that these docks have been repeatedly denied. Attorney Matt Fuller states that they have not been repeatedly denied, that the application by Olson Development was denied in 1989 but the application was revised and approved by the ZBA in 1990. The decision was overturned by the courts because of a technicality of SEQRA. It has taken the homeowners of the Association 8 years to get to the point where they are, to be heard. Attorney Matt Fuller stated that Gary McMeekin was not telling the truth when he said that the APA requested those letters signed by the Planning and Zoning Board Members. The facts do not support what Gary McMeekin is saying. The members of both boards were misled to sign letters that were not discussed in an open meeting forum. The time stamp of Tom Jarrett's computer was 6 months after Gary submitted those letters to the APA, the application was not even prepared or presented at that time so therefore Gary McMeekin submitted letters to the APA prior to the actual application being filed with the Zoning office. One last point to clarify was, it was not the Judge who made the multiple dock exception 9.7 10(b) it was the Town of Horicon who adopted a New Zoning Law for the two developments Adirondack Acres and the BLHHA. The Town Zoning Law section 9.7 10(b) for multiple access dock associated with subdivision approved after May 3, 1963 and before November 12, 1987. It was the Town Board that carved out an exception and gave the Association a remedy to come before the Planning Board with this application, after tens of thousands of dollars spent.

**Wayne Butler, Brant Lake,** Wayne Butler stated that Jim Steen was absolutely correct about the legal notification of this application but with respect to the residents of the Town of Horicon that they leave the Public Hearing open so that all residents, every taxpayer had the opportunity to speak on their own they have a right to participate on their behalf.

**Doug Paton, Palisades Road** Doug Paton asked if there are no more dock rights to be conveyed, why is it called Phase 1 and was answered by Attorney Matt Fuller that all 26 boat slips will not be issued at once.

**Gary McMeekin, Palisades Road,** disputed what Attorney Matt Fuller stated about sending the application to the APA and repeated that the Butler Loop docks are not properly reflected on the application.

Attorney Matt Fuller stated that the Butler Loop docks are properly reflected on the proposal and asked that the Planning Board move ahead and complete the SEQRA form.



Vice Chair Bill McGhie asked if there were further public comments. No one spoke and Bill McGhie requested a motion to close the public hearing.

Dan Freebern made a motion to close the public hearing for File #2013-11CU Tax Map 72.13-2-48 BLHHA proposing a multiple –access boat dock system 2<sup>nd</sup> by William Siegle. ALL AYES

**UNFINISHED BUSINESS: File#2013-11CU  
Tax Map# 72.13-2-48  
State Route 8**

**Project: Applicant proposes a multiple-access boat dock system. The proposed dock system would berth twenty-six (26) boats and extend approx. One hundred eighty feet (180') into Brant Lake, and would be approx. Ninety-six (96') in its widest point**

Attorney Leah Everhart explained the SEQRA process. She explained that the applicant completes Part 1 of the Environmental Assessment Form and that the Planning Board will complete Part 2 by answering questions and determining whether aspects of the action will have “no to small” impacts or “moderate to large” impacts and then check which box on Part 2 best applies to the question. The purpose of SEQRA is to identify if there are potentially significant adverse environmental impacts that might result in the project, in this case the completion of the dock system. Attorney Leah Everhart reviewed the SEQRA form with the Planning Board. The Board then read each questions in Part 2 aloud and answered each questions individually after discussion. The Board identified no “moderate to large” adverse impacts, and identified some positive impacts that would result from the action. Attorney Leah Everhart stated that the Board is in the position to adopt a SEQRA negative declaration..

Dan Freebern made a motion to adopt a SEQRA negative declaration on File#2013-11CU, BLHHA multiple access boat dock system 2<sup>nd</sup> by William Siegle. ALL AYES

Vice Chair Bill McGhie opened the discussion regarding File#2013-11CU between the voting Planning Board members and stated while this docking system will extend further into the lake it will result in reducing the impact on the shoreline environment. Moving the boats further out

Into the lake and further away from the swim area will reduce the likelihood of a boat hitting a swimmer. This will also have the effect of moving the 5 MPH speed limit out 100 feet beyond the dock or 280 feet from the shore.

Vice Chair, Bill McGhie continued on to say, I am concerned about people crossing State Route 8 but they will have to cross it anyway and hopefully the association will take steps to reduce that risk. Members Dan Freebern and William Siegle agreed. We have been assured the renting out of dock space or the filling of gas tanks at the dock will not be allowed, we have also been assured that there will be no more than 26 boats docked and the association will rope off the swim area.

Vice Chair, Bill McGhie stated this dock system 180 feet long, 96 feet wide, and 1517 square feet is certainly one of the larger docks and is not typical of the docks in Horicon. However there are other similar docks on both Brant Lake and the Horicon portion of Schroon Lake.

Vice Chair, Bill McGhie stated that more boats will be docked in this area and this may result in an increase in boating activity on Brant Lake. This small increase in the number of boats will not have a detrimental impact on the lake. The dock, being in a recessed area of Brant Lake, should not have an impact on normal boat traffic. The applicant has stated that no boats larger than 24 feet will be allowed at the dock.

Dan Freebern stated that he does not think the multiple access dock system is a great idea but he does not see any reason to not approve the project. The applicants have covered any questions that he may have had.

William Siegle stated that he firmly agrees that Brant Lake is a great lake. Although, this is a difficult position to be put into making a determination granting this multiple dock system, he sees both sides of the argument. He stated that he felt that the applicant has done a great job preparing documentation and answering all of the concerns discussed. William Siegle stated change is perpetual and you cannot stop it.

Vice Chair, Bill McGhie asked the voting Planning Board members if they were ready to consider a motion.

Dan Freebern stated that he saw the negatives of this proposal but was recommending a conditional use approval. William Siegle agreed.

Jim Steen reminded the Planning Board members if they were opposed to any portion of the multi-access dock application that this was the time that they must make conditions when approving this conditional use application.

Attorney Leah Everhart, confirmed what Jim Steen had stated and added that reasonable conditions may be placed upon approval and that such conditions would then be reflected in the Association bylaws.

Vice Chair, Bill McGhie stated that he would like to introduce a RESOLUTION APPROVING APPLICATION of BRANT LAKE HEIGHTS HOMEOWNERS ASSOCIATION, INC. FOR A CONDITIONAL USE PERMIT IN CONNECTION WITH A MULTIPLE ACCESS DOCK SYSTEM

WHEREAS, the Brant Lake Heights Homeowners Association, Inc. (Applicant) has applied for a Conditional Use Permit for construction of a Multiple Access Dock System to accommodate 26 boat slips for the use and enjoyment of lot owners within the Brant Lake Heights development; and The Applicant owns property on the North side of State Route 8 (tax map 72.13-2-48) which has approximately 300 feet of lake frontage on Brant Lake and is in the R-1 zoning district; and

Brant Lake Heights development residents currently use the waters close to shore for swimming and the Applicant indicates that residents without boat slips currently use a portion of the shoreline for “beaching” their boats; and Wetlands are located along the shore; and

There is currently a dock located at the property to be removed and replaced by the proposed Dock System; and

The Applicant’s proposed Dock System resembles a “T” and extends approximately 180 feet into the waters of Brant Lake; and The Dock System is proposed to be 96 feet at its widest point which is also the furthest point from the shore and the majority of the Dock System is proposed to be approximately half this width; and the Dock System is proposed to be located approximately 116 feet from the nearest neighboring dock; and

A public hearing was held on April 23, 2014 and May 21, 2014 at which time all members of the public were given the opportunity to speak and to submit written comments; and

The Planning Board has reviewed the Applicant’s proposal, all materials submitted by the Applicant, all comments submitted by the public and has further reviewed the standards for conditional use permits set forth in Sections 9.61 and 9.70.10 (b) of the Horicon Town Code; and

This Application constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).

NOW, THEREFORE, IT IS HEREBY RESOLVED, that after reviewing Part 1 of the Environmental Assessment Form and all other Application materials, this Board hereby finds that the proposed Action is not likely to result in any significant adverse

Board has considered the factors set forth in Town Code Section 9.61 and makes the following findings:

1. The proposed Dock System complies with all other requirements of the Town Code and the dimensional limitations set forth in Town Code Section 11.60 do not apply to this project.
2. The proposed Dock System is in harmony with the general purpose and intent of the Town Code. Increasing the number of dock slips at this location will decrease the number of boats being “beached” along the shore. This will decrease the instances of boaters crossing the paths of swimmers and will also decrease negative impacts to wetlands.
3. The proposed Dock System will not result in increased traffic, traffic congestion or the parking of automobiles provided that use of the dock slips is limited to lot owners within the Brant Lake Heights development and provided that parking along Route 8 is prohibited.
4. The proposed Dock System will generally not be otherwise detrimental to the health, safety or general welfare of those living or working in the neighborhood at issue as the Dock System will help to promote an orderly use and storage of boats without further disturbing the wetlands

along the shoreline and by decreasing the instances of boaters and swimmers coming into conflict. However, the health, safety and welfare of the general public could be negatively affected by petroleum products if spilled into the lake.

IT IS HEREBY FURTHER

RESOLVED, that this Board has considered the factors set forth in the Town Code Section 9.70.10 (b) and makes the following findings:

1. While the original subdivision approval may have contemplated docks, there were no design parameters specified as part of that subdivision approval.
2. The shoreline available at this location is approximately 300 feet. While the proposed Dock System is 96 feet at its widest point, the majority of the proposed Dock System is about half this width. The widest part of the Dock System is also the part furthest from the shoreline and from swimmers.
3. There is a dock located on an adjoining property which is approximately 116 feet from the proposed Dock System. Given this distance of separation, navigability of this portion of the Lake will not be impacted.
4. There are no lake bottom conditions which would be impacted by this application and the location of the proposed Dock System will not have an impact upon navigability of Brant Lake as the proposed location is along a stretch of shoreline that is recessed. In addition, the first 100 to 125 feet of the Dock System as it extends from the land will be "pass thru decking" which will allow sun to penetrate through the dock in that location and reach the water; and be it further

RESOLVED, that the Planning Board approves the Conditional Use Permit with the following conditions:

1. Boats that will be moored to the Dock System may not exceed 20 feet in length. This will help ensure effective navigability of boats in the available area and to minimize potentially dangerous conflicts between boats and swimmers.
2. That no person may add fuel to any boat while at or near the Dock System to help ensure that the waters of Brant Lake are not polluted by accidental fuel spills.
3. That no slips may be used by non-residents of the Brant Lake Heights development as a number of this Board's findings are based upon the Applicant's statements that the Dock System will not result in increased intensity of use.
  - 3B. "The swimming area must be roped off.
4. No boats may be "beached" or stored along the shoreline at this property as a number of this Board's findings are based upon the Applicant's statements that approval of this

Application will minimize boat traffic and help preserve wetlands by ending the current practice of “beaching” boats.

5. No boats may be stored along the Dock System except in one of the designated slip areas and no more than 26 boats may use the Dock System at any one time.

5B. No more than one water vessel per dock slip.

6. No vehicles are to be parked along State Route 8.

7. No construction of this Dock System may occur until the above conditions are incorporated into the Applicant’s [By-Laws and an amended conditions and restrictions document reflecting the above conditions is recorded].

Attorney Matt Fuller raised concerns regarding the 20-foot limitation in condition #1 as it related to pontoon boats would exceed this limitation. Attorney Fuller reminded the Board that the Applicant previously identified this length.

The Planning Board members discussed this and agreed to change condition #1 to limit the size of pontoon boats to 24 feet and all other boats to 20 feet in length.

The Planning Board members further added condition 3B as follows: “The swimming area must be roped off”.

The Planning Board members also added condition 5B as follows: “No more than one water vessel per dock slip”.

Jim Steen questioned enforceability of the BLHHA multi-access docking system and it was decided that registrations of the Association boats would need to be on record to determine lawfulness.

Attorney Matt Fuller stated that the Association covenants and restrictions would be amended to comply with the stated conditions and filed with Warren County.

William Siegle made a motion to accept the resolution to approve File#2013-11CU Tax Map 72.13-2-48 BLHHA multi-access boat dock system with Conditions as set forth. 2<sup>nd</sup> by Dan Freebern. ALL AYES

With the motion approved Chairman, Harry Balz and members returned to the Planning Board Vice Chair, Bill McGhie thanked Dan Freebern and William Siegle for their participation.

**Public Comments:** None

**Board Comments:** Chairman, Harry Balz thanked the three Planning Board members and stated that these people with little experience were thrown into a difficult situation.

**Next Meeting:** June 18, 2014

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

Respectfully submitted,

**Dorothy Johnson, Secretary**