

Present at meeting:	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Robert Olson	Councilman
	Kenneth Higgins	Councilman
	Matthew Simpson	Councilman
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Paul Holmes, Jim Himoff, Brandon Himoff, ZA Gary McMeekin, Harry Balz, Bill McGhie, Thad and Jane Smith, Tom Johansen, Gary and Gail Frenz, Elna Meader, Andy and Edna Trumble, HS Paul Smith, Harvey Leidy, Bob and Lynn Miller, Gordon Hayes, Dennis Doyle, Mike Raymond, Paul Carstensen, Josh French, Robert Smith, Tom Monaco, Teri Schuerlein, Dana Ayres, Barbara Thomas, Joan Henshaw, Tom and Nadine Magee, Cindy Mead, Sue Mead, Vince Blando, Carl Heilman, Thom Randall, Ann Pieper, Al and Jess LaFountain, Wayne Butler, Tom Turcotte, Georgia McMeekin, Steven Smith, Joyce and Lloyd Greenidge, Dave and Mary King, Dan and Jane Perry, Tom and Jayne Wynne, and many others.

Supervisor Bentley called the meeting to order at 7:05 PM and re-convened the Public Hearing.

PUBLIC HEARING: *Continuation of the May 17th Public Hearing regarding the proposed changes to the Town of Horicon Zoning Ordinance and Subdivision Regulations.*

-Doug Paton introduced himself as the Chairman of the Zoning and Planning Review Committee and gave a brief background of what has been happening with the proposed revisions to the Zoning Ordinance.

-Jim Himoff asked Doug Paton for the names of the Zoning and Planning Review Committee members and asked which ones had voting power. Doug Paton said the members of the Committee were himself, Gary McMeekin, Cheryl Erickson, Matt Simpson, Bob Olson, Mike Raymond, Bill McGhie, Dennis Doyle (appointed by Doug Paton), and Christine Hayes. Doug stated that all of these individuals had voting power with the exception of ZA Gary McMeekin. Councilman Olson noted that Christine Hayes was originally appointed by the Town Board as a consultant and secretary with no voting privileges.

-Doug Paton went over the itemized list of changes to the Horicon Zoning Ordinance and Subdivision Regulations as proposed by the Zoning and Planning Review Committee at their meeting on July 12th. He also gave the history of the Comprehensive Plan and how it ties into the Zoning Ordinance revisions. Doug said the R1 zone was heatedly debated with the Committee ultimately deciding to allow boathouses, one and two family dwellings, and home occupations as uses by right. He said Bed and Breakfasts, multiple family dwellings, and public utilities would be permitted by site plan approval. Doug said the initial vote was 6 to 3 in favor of keeping the R1 zone as is, and since that time one vote has been rescinded so the final vote was 7 to 2. He added that all changes were voted upon either unanimously or by a majority.

-Councilman Olson noted that the Committee had worked closely with Dr. Lamb and, according to his recollection, the changes in the R1 were brought forth by Dr. Lamb because they were changes the APA might look kindly upon. He noted the vision for the R1 district is "predominantly residential interspersed with tourism and resort establishments, as well as other small businesses that serve the year round and seasonal population", and to "provide for tourism and resort oriented businesses consistent with traditional land uses found along the town's lakeshores, and provide for small and/or home based businesses that would support but not detract from the scenic residential environment". He said this has its foundation in the discussions of the R1 zone.

-Brandon Himoff expressed his appreciation for the thorough review of the Zoning Ordinance, but said he felt the overall Plan has been lost. He discussed the focus groups and the goals of those groups in relation to encouraging businesses, especially tourism based businesses. He said he felt the Zoning and Planning Review Committee avoided the major issues.

-Jim Himoff said that when he came to the area thirty years ago tourism operations were included in the R1 zone by right and as a result he was able to build a business that created forty-five year-round jobs and one hundred seventy-five summer jobs. He pointed out that with the proposed Zoning Ordinance, those uses are not included by right, by site plan approval, or by conditional use which means they are a prohibited use in the R1 zone. Jim said he was told by Committee Member Dennis Doyle that the community has changed and it is not like it was years ago; instead it is now a residential community where the taxpayers do not want these businesses. Jim said the Town either wants to be a quiet, residential community which limits and restricts jobs, or it wants to encourage businesses to develop further and create more jobs.

-Paul Carstensen said they need to keep the area rural but do something where businesses will work like, for example, in the Mill Pond District.

-ZA Gary McMeekin said they need to correct statements that were just made. He said the only District that is going to be maintained as a residential district is the R1/1.3 acre district. The other districts will be open for businesses to go into.

-Doug Paton noted that the APA has a copy of the Comprehensive Plan and they are not going to make a statement on it because the APA does not feel it needs comment or change.

-Harvey Leidy re-visited the Community Development Strategic Plan and asked Councilman Olson what has been accomplished by the Economic Development Committee since its inception in January. Councilman Olson explained to Harvey that he has reported to the Town Board on several occasions regarding what is happening with his Committee.

-Jim Himoff referred to the vision for the R1 zone in the Comprehensive Plan which was to provide for tourism and resort-oriented businesses consistent with traditional land uses found along the lakeshore. He pointed out that the businesses that have endured over the years are the tourism related businesses. Jim stated it does not make sense to accept this in the Comprehensive Plan and then prohibit it in the Zoning Ordinance. He urged the Board not to prohibit what would create jobs for the community.

-Dennis Doyle said the Comprehensive Plan clearly states what the people want. He said the Zoning and Planning Review Committee tried to follow the guidelines and the objectives set by the people of the community in the Comprehensive Plan which was to keep it as a residential community. He pointed out that if the uses in the R1 zone are permitted by right then you automatically give people the opportunity to do them. The fact that they are not permitted by right does not preclude people from doing them. Dennis said the applicant would still have the right to go through the Planning Board which would then give the Community the opportunity to be heard. He urged the Board to move forward with the Zoning Ordinance changes as proposed by the Zoning and Planning Review Committee.

-Mike Raymond said the information is misleading. He said the R1 District was created to protect the little guy. He said prohibiting uses from a zone protects people from things being put in that zone that they do not want.

-Paul Holmes said the Board needs to look at the future of the Town. He said that changing the uses in the R1 zone would be commercializing the shores of Brant Lake and what they should be doing instead is protecting Brant Lake. Paul asked for those on the Zoning and Planning Review Committee to show him how changing the R1 zone is going to improve the quality of the lake. He said there are other ways to create jobs and he noted that people could use the train, for example, to get to jobs down below or to attend colleges. Paul said he feels it would be a huge mistake to change the R1 zone.

-Teri Schuerlein asked for clarification on the definitions in the R1 zone. She asked if, for example, she wanted to re-open Seminole Lodge would that be allowed under the current R1 zone rules. ZA McMeekin said that application would have to go before the Planning Board as a conditional use and because it was a pre-existing business it would likely be approved.

-Jim Himoff noted that he does not disagree with a lot of what has been said. He stated that he does not believe tourism should be permitted by right but it should be a conditional use.

-In response to that comment, Supervisor Bentley stated that the Board wishes to change the definition of "Inn". Councilman Simpson read the new definition for "Inn" that is being proposed and noted that it would be allowed in all zones with a minimum parcel size of 3.2 acres.

-Carl Heilman asked about the school designation and whether or not someone teaching lessons would be considered a school. Supervisor Bentley said he would qualify no matter how he applied.

-Paul Holmes asked why the acreage requirement in R1 is 1.3 acres but the Inn designation requires 3.2 acres.

-Councilman Simpson responded that the 3.2 acres allows for parking, septic, etc. He said the lot size would keep with the character of the area, provide lodging, and promote tourism. He said it is very hard to promote tourism when there is nowhere to put people. They want people to come but there is nothing here and this is something that can be done right.

-Paul Holmes said it can be done right but not on the shoreline.

-Mike Raymond said he thinks the Inn is a terrific compromise. He said it allows people to come in and build buildings, it allows for tourism, and if someone wants to build something bigger they can look to less restrictive zones.

-Harry Balz noted that all the focus is on Brant Lake, but this will mean changes for Adirondack as well and he does not believe there is room for this in Adirondack.

-Brandon Himoff noted that other uses should be looked at as well that are not tourism based such as professional offices, home based occupations, etc. He pointed out that professional offices of a certain variety would be acceptable and the Board should be careful not to prohibit those uses in the R1 zone, but allow them as a conditional use. In addition, he said he thinks that group camps should be a conditional use also.

-Wayne Butler noted that there is no Town in the Adirondacks that has not lost business. He said an Inn is a great way to promote tourism and encouraged the Board to move forward.

-Bob Ostrander asked the Board if the process is revised then what will happen down the road. He stated that eliminating the appeal process is not a good thing.

-Paul Carstensen stated that the process will still be in place and everyone will have a say.

-Jim Himoff asked if someone wanted to establish a business in the R1 zone that was presently a prohibited use, not a conditional use, is that something that would go before the Planning Board. Counselor Schachner said you cannot lawfully appear before the Planning Board if it is a prohibited use, but instead you would first have to seek either a zone change or a variance from the Zoning Board of Appeals. Jim stated he does not think any of these things should be uses by right. He feels things are being further complicated by prohibiting them rather than making them conditional uses.

-Carl Heilman asked for clarification on Section 11.50 under home occupation in terms of selling goods. Counselor Schachner said that based on the wording, if one is professionally engaged in the purchase or sale of economic goods then that person would not be considered a home occupation. Carl pointed out that the law should be a little more lenient so that someone with a home occupation would also have the option of selling the goods they are making.

-Paul Holmes stated that if the amount of energy tonight was spent on bringing in the things the Town needs to sponsor economic development it would be great. He urged those in attendance to seek grants to try and solve some of the issues.

Supervisor Bentley closed the Public Hearing at 8:30pm.

REGULAR MEETING:

Approval of Minutes: Minutes of June 21, 2012 were approved by Motion of Messrs. Simpson and Hill, all Ayes.

Approval of July 19, 2012 Vouchers and Abstracts:

RESOLUTION #94-2012

Messrs. Hill and Simpson introduced Res. No. 94 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF JULY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the July 19, 2012 Vouchers and Abstracts as follows:

General Vouchers	# 192-230	\$ 40,604.97
Highway Vouchers	# 93-107	\$ 105,129.64
General Abstracts	# 18-19	\$ 15,957.02
Highway Abstracts	# 18-19	\$ 15,869.94

Correspondence to the Board:

- Warren Co. RE: Request of support to name an unnamed summit in Horicon "Keil Mountain"
- AATV RE: One year extension granted to burn brush at Landfill
- Jennifer Monroe RE: Letter in support of Adirondack Day Camp using the Adirondack Schoolhouse
- Laurie Hughes RE: Letter in support of Adirondack Day Camp using the Adirondack Schoolhouse

Resolutions:

RESOLUTION #95-2012

Messrs. Higgins and Hill introduced Res. No. 95 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS

RESOLVED, that the Horicon Town Board does hereby authorize the Bookkeeper to make the following fund transfers:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
<i>General:</i>		
1420.1 (Atty-Pers)	1420.4 (Atty-Contr)	\$ 40,000.00
1990.4 (Contin.)	1920.4 (Dues)	\$ 65.00
9060.8 (Med. Ins.)	7310.4 (Youth-Contr)	\$ 5,000.00
1990.4 (Contin.)	7410.4 (Lib-Contr)	\$ 214.07
8010.4 (Zon-Contr)	8020.4 (Plan-Contr)	\$ 3,000.00
1990.4 (Contin.)	8510.4 (Beaut.-Contr)	\$ 4,000.00
1990.4 (Contin.)	8810.4 (Cemet-Contr)	\$ 2,000.00
1990.4 (Contin.)	9055.8 (Disab.)	\$ 729.50
1990.4 (Contin.)	9050.8 (Unemp.)	\$ 948.00
<i>Highway:</i>		
5148.4 (Svc Other Govts)	5142.4 (Snow-Contr)	\$ 13,936.69
5148.4 (Svc Other Govts)	9055.8 (Disab.)	\$ 643.80

RESOLUTION #96-2012

Messrs. Hill and Olson introduced Res. No. 96 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE TEMPORARY CLOSURE OF TANNERY RD. AND LANDFILL RD. ON JULY 29, 2012

WHEREAS, on Sunday, July 29, 2012 Hudson Headwaters will be holding the Care for Kids 5K race, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Horicon, in consideration of the safety of the participants of the 5K Race, does hereby authorize the closing of Tannery Road and Landfill Road between 9:00 AM and 11:00 AM on Sunday, July 29, 2012.

Old Business: Cemetery fence will be discussed at next meeting.

New Business:

Adirondack Day Camp: Al LaFountain gave the Board a summary regarding the Adirondack Day Camp program. He noted that they had moved the program to the Adirondack Schoolhouse this year which provided them an excellent facility for their program. He noted that it was a safer area for them, it has sanitary restrooms, and it has increased their ability for art and science enrichment due to the surroundings. Al said they wanted to tell the Board, and the community, that it is an excellent fit for their program and they hope to be there next year. He also stressed that this is not a day care program, it is a teaching environment. Nadine Magee told the Board that her grandsons attended the camp and it is a great program. Several other parents also addressed the Board as to what a wonderful program this is. There were several comments from residents of Adirondack as to the length of time the building is being used. Jess LaFountain explained that when they approached the Board in March about using the Adirondack Schoolhouse they did explain what their timeframe was for the camp and no one took any issue with it, so they did schedule that amount of time.

A lengthy discussion followed regarding the fact that residents of Adirondack are upset that the Day Camp has reserved the Schoolhouse for a five week period. They do not believe that one group should be allowed to occupy the building for an extended period of time at the expense of another group that may want to use it. The Board noted that the Day Camp only uses the building during the week for a set number of hours each day, and once they leave the building for the day it is then available to anyone else that may want to use it on evenings and on weekends.

Proposal to name summit "Keil Mountain":**RESOLUTION #97-2012**

Messrs. Olson and Higgins introduced Res. No. 97 and moved its adoption, all Ayes:

RESOLUTION TO SUPPORT NAMING KEIL MOUNTAIN

WHEREAS, the Warren County Board of Supervisors has received notification from the US Board on Geographic Names concerning a proposal to name an unnamed summit off of Valentine Pond Road in the Town of Horicon "Keil Mountain" in honor of Henry Richard Keil, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby support the naming of the unnamed summit on the Keil property "Keil Mountain".

Workplace Violence Prevention Policy:**RESOLUTION #98-2012**

Messrs. Simpson and Higgins introduced Res. No. 98 and moved its adoption, all Ayes:

RESOLUTION TO ADOPT INTERIM WORKPLACE VIOLENCE PREVENTION POLICY

WHEREAS, the Town of Horicon is now required to have a Workplace Violence Prevention Policy, AND WHEREAS, the Town has begun work on drafting a Workplace Violence Prevention Policy which will require additional revisions before it can be finalized, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the draft Workplace Violence Prevention Policy as an interim version to which further revisions will be necessary before final adoption as the official Workplace Violence Prevention Policy of the Town.

North Country Clean Energy Conference: Councilman Olson reported to the Board on the North Country Clean Energy conference he recently attended. He learned about hydro projects which he thinks is a project the Town may want to consider for the upper dam. He said that with the Board's support he would like to research available funding and get a feasibility study done for this type of project on the upper dam. The Board felt it was worth looking into.

Privilege of the Floor:

-Tom Magee, Chairman of the Community Fund for Gore Mountain Region, explained to the Board that this is the fund that arranged for one of the grants that was used for the Adirondack Schoolhouse last year and they have also awarded them another one for this year. He said he was pleased to go back to the members of the Community Fund to tell them that the grant works. He said he is glad to hear there is a lot of use for that building and that the funds are being used for something like this.

-Gary Frenz asked the Board if it would be possible to get a permanent fire ring put in at the Pavilion. Supervisor Bentley said they have thought about it.

-Paul Carstensen advised the Board that there is a safety issue with the fencing around the lower dam and suggested the Board look into it.

-Rich Nawrot told the Board that the street signs are disappearing and he wanted to know what was being done about it. HS Smith responded that he currently has seventeen signs ordered to replace the ones that have been taken.

-Councilman Simpson invited everyone to attend Horicon Day on Saturday, August 4th.

-Doug Paton asked the Board for a vote on the proposed changes to the Zoning Ordinance. Counselor Schachner said the Board could not *adopt* the revised Zoning Ordinance and Subdivision Regulations until the APA has reviewed it and the SEQRA review is completed. Dennis Doyle questioned why the Board could not adopt the changes. Counselor Schachner clarified that the Board cannot *adopt* the

Ordinance until other steps are completed first. Dennis asked if the Board could accept the language changes instead of adopting the Ordinance. Counselor Schachner said yes.

RESOLUTION #99-2012

Messrs. Higgins and Simpson introduced Res. No. 99 and moved its adoption, all Ayes:

RESOLUTION TO ACCEPT PROPOSED CHANGES TO THE HORICON ZONING ORDINANCE AND SUBDIVISION REGULATIONS AND FORWARD TO THE APA

RESOLVED, that the Town Board of the Town of Horicon does hereby accept the proposed changes to the Town of Horicon Zoning Ordinance and Subdivision Regulations as proposed by the Zoning and Planning Review Committee and further authorizes a copy of the proposed Zoning Ordinance and Subdivision Regulations be sent to the APA for review.

Executive Session:

Councilman Higgins made a motion, seconded by Councilman Hill, to move to Executive Session to discuss CSEA negotiations, all in favor. The Board moved to Executive Session at 9:20 PM.

The Board returned from Executive Session at 9:45 PM and Councilman Olson made a motion to return to Regular Session, seconded by Councilman Simpson, all in favor. CSEA negotiations were discussed and no decisions were made.

Adjourn... There being no further business to attend to the meeting was adjourned at 9:46 PM by MOTION of Messrs. Olson and Higgins, all in favor.

Respectfully Submitted:

Town Clerk