

Town Board Meeting held May 1, 2017 at 6:00 P.M. at the Town Hall in Schroon Lake N.Y.

Present:

Town Supervisor: Michael Marnell

Councilpersons: Clara Phibbs, Roger Friedman, Meg Wood and Don Sage

Town Clerk: Patricia Savarie

Highway Superintendent: Dana Shaughnessy

Also Present: Albert May, Fran and Skip Mahler, Steven Cass, Gail Simon, Carole Ann Greig, Steven Kinley, David and Alana Clark, Glen and Sue Repko, Juliana Carattina, Wally and Shelley Thomas, Lisa Hess-Marks, Punky Whitty, John Mousaw, Paul Ceresnak, Don Miller, Jane and Brian Bouchard, Tom and Lorraine Erikson, Albert and Dorothea Schwarz, Paul McCann Sr, Richard Dumoulin, Richard Schoenstadt

Supervisor Marnell called the meeting to order at 6:00 P.M. with a salute to the Flag.

Presentation from Stewart's Shop – Steven Kinley

Steven Kinley stated that he had gone over most of the details at the last meeting and he said he met with the neighbors earlier today to go over some of the revisions that they will make. We need to figure out the process and move forward and follow that process.

Public Participation

Steve Cass asked why are we looking at changing the Zoning Ordinance? Why isn't Stewart's going to the Zoning Board of Appeals? Councilman Sage stated that it does not go to the Zoning Board of Appeals it goes to the Planning Board. Steve Cass stated O.K. So the Planning Board, since it isn't zoned correctly would have to turn it down? Councilman Sage stated they have the option of turning it down, approving it, approving it with a waiver and make recommendations to changing the Zoning Law. They have a lot of options. Steve Cass stated the options would have to be based on Public Participation. Councilman Sage stated after the Planning Board goes through their steps it comes back to us and then it goes out to the public. Councilman Friedman stated no, that's not correct. With Zoning, when it goes to the Planning Board and they say its not in our Zoning Ordinance then it goes to the Zoning Board of Appeals. Steve Cass asked why are we proposing to change the Zoning Ordinance? Why are we not letting it go through the proper channels to the Zoning Board of Appeals? Supervisor Marnell stated it is an option the Board has. Steve Cass asked why is the Town taking this option, when it will cost taxpayers money. Stewart's will make their case why they want a change and then the Zoning Board of Appeals will make their decision. Then it is on Stewart's, if you do it your way you are proposing a Zoning change possibly to let this project go ahead and then it will be our problem to

defend it. If you go the other way its Stewart's position to take care of it, not ours. Supervisor Marnell stated no, even if it is approved tonight, it will go to the Planning Board and they will send a letter of comment and then we have to advertise for a Public Hearing. Steve Cass asked but why wouldn't you do it the other way, let Stewart's spend their money so we don't spend our money. Supervisor Marnell stated that it appears from the majority of the Town that they are in favor of the change and if it goes to the Zoning Board of Appeals and gets disapproved, it's done. Steve Cass stated so do it, that way then it is not our problem it's their problem. You're spending our tax money and you have to stop that.

Supervisor Marnell stated you try to do things for the Town for the majority of the people. Steve Cass stated you need to listen to the people who live around them, you are going to change the character of the neighborhood. You want a Stewart's so you decide this is the best way of doing it and it is not, you need to follow the procedure and that is Zoning request, disapprove, Zoning Board of Appeal if it gets disapproved, it's up to Stewart's to come back and take it to Court not spend our money. Supervisor Marnell stated as it is zoned right now it can be a hotel, bar, restaurant, marina but no boats. A marina sells parts and supplies for boats, so that is retail, the ordinance contradicts itself.

Paul Ceresnak stated it could be a lot of those things, but it should not be a Stewart's because I look right at the back of the building. I'm probably the most affected by this plan. I talked to Steve and thanks for the time, I appreciate your time. My house looks directly at the back of it, the dumpster is within 50 feet from my front porch, I'm going to be looking at the gas pumps, it's blocking 100% of my view. I have rights, this Board is ignoring my rights, this procedure is not correct, it's not even spot zoning. The zoning is being changed to suit the project, that's not how it gets done. The way it is supposed to be done is the Town Board needs foresight plans to change the zoning in the hopes that a project will come, that's spot zoning, what you are doing is illegal. I will hire counsel and the whole neighborhood will. What I would like to suggest is to postpone the item for changing the zoning until all the neighbors are here and we postpone that vote until we can be represented by counsel. You are totally destroying our neighborhood. Our property values are going to be going down. You spent thousands of dollars to improve the lake front. I moved here 35 years ago and it's always been about the preserving the Adirondacks and now with one decision you're going to put a Stewart's there with blazing lights right down the lake. There are other ways to approach this project, there are other properties, but they did not meet Stewart's need. What his words mean is, it doesn't meet his budget, and he said there would not be enough room. There is different ways to do this project or move it or don't do it at all. I doubt their business is going to grow so much that it is going to benefit this Town and create more jobs, maybe seasonal employees. This is not a money maker for this Town, I don't

understand what the Town has in it. Supervisor Marnell stated the one thing is the safety issues, time and time again you see boats and motor homes out in the streets and not enough room for them to get in and out safely. There is no defined entry off of Dock Street. Paul stated I disagree with that, I think you are being misled. If they are expecting more traffic how is this going to be eliminated? The corner of Main Street and Dock Street is busy all summer long. This project is not going to give this area relief, if anything it will stay the same and the additional traffic that these people expect will probably head out Dock Street and come out by the Town Hall and plug up that street. The cars will come and you will have to put them somewhere. This is not going to clean up this mess. Supervisor Marnell stated it may not make it perfect but at the last meeting Steve went over the traffic flow.

Carol Ann Grieg stated I'm sure this has happened in other towns and I was wondering is Stewart's willing to step outside the box of their normal design and spend the extra money to make our Stewart's, which we need, into a shape or style with a project solution so employees have room and it is safe? It seems like a package could be put together by your large company, even if you had to go up another story and is this the only property that is for sale? Steve stated we have 337 stores so we do try to keep them consistent as possible by the color, style, layout and the size. The size is very important because inside all the equipment is placed in certain spots for a good flow. With a two level store it would not be handicapped accessible and we try to keep it convenient for our customers. Other properties we looked at were too small.

Wally Thomas stated he had permission from Paul Mieras to speak for him and he is open to negotiations. Apparently he was talking with Stewart's, I don't know how it ended, but he would be glad to hear about any proposal. The last thing I want to say is, should the Schroon Lake Town Board persist in voting, what may or may not be spot zoning, we will have to hire counsel to guide us through legal avenues. We need to pursue not just to stop this change but to seek punitive damages for what we perceive as to be an unlawful act being perpetrated against us. This will cause stress, hardship and financial loss. We have no wish to pursue this action but we feel we have no other option, since our elected officials would be acting in disregard of us. their constituents, as well as the Town itself. I would just like to go out in my boat and fish, that's what I came here for. I didn't come here to fight, you're going to take my little piece of heaven and put a dumpster 20 feet from my front door where my wife sits and reads and talks on her phone and looks down the lake. For the Town of Schroon Lake you're going to make a big black eye sore on that corner. Up the lake you're going to see it and on the corner.

Paul Ceresnak stated one of the things I have is, why not have the store 2500 square feet and

talk to Paul Mieras about buying his property for more parking. Why is everyone concerned about Stewart's budget because that's all this means to them. It doesn't fit into our plan, which means our budget. The Board and anybody should not be concerned about their budget. I'm going to be impacted, it hurts my budget, I'm a taxpayer too. The store can be expanded differently, it should not be in front of the park, and it should not be in front of me or any of the neighbors. How does this fit in with your Waterfront Revitalization? It can't possibly fit in with that.

Supervisor Marnell stated if they wanted to reconfigure that store and tear down that house and make it an L shape they could put all their food and restaurant items on the east section of the store where the house sits and it would be perfectly legal according to our Zoning Ordinance for that piece of property. It can be a restaurant, bar, hotel, motel and a marina right now the way it reads.

Don Miller stated I totally support the project, the bottom line is we have people here that have concerns about their properties. The property as I understand it, you can build almost anything on there but a retail store. Supervisor Marnell stated yes but it says you can have a marina there but no boat storage, but a marina is a retail store selling parts and equipment for boats, so the Ordinance contradicts itself. Don Miller stated so let's say we build a bar and it fits on that piece of property and its legal, there is no way you can say it is not legal, like it or not. That would have a greater impact, twice over what any Stewart's would. The dumpster could be in the same place and all of this would mean nothing to the taxpayers that are here representing their property because they couldn't do anything about it. Now because we are splitting hairs between retail and convenient food they don't want it. I understand it to a degree but the bottom line is if you took a poll of the people in this community they want this store. We won't have that congestion that we have right now. The Town will gain, it will be more tax revenue, more employees hired. I have had three businesses in this town and have employed many, many teenagers for years and they need jobs too and it is seasonal. It will provide more parking, a safer environment off of Route 9 because it will be fully curbed around. If I came to this Board and said, I want to take Lake View Storage and I will put \$1,500,000.00 into it, I don't think there's anybody that would complain. We have a company that wants to invest \$1,500,000.00 into our community. Will it impact a few people? Yes, the house will be gone, Stewart's will be lower and I believe there will be a better view and if there is not, it can't be any worse than it is now. They're going to make the road better, this is better, better, better all the way. I hope everyone of you on this Town Board support this because your constituents in this town fully support this project.

Steve Cass stated the purpose of the Zoning that we currently have is to add to the economic health of the city. If someone was to put a hotel or restaurant and yes they would have dumpsters, but it would add something the community needed. We have a Stewart's it has a good space and it could be bigger if you took the building next door so it could improve its parking and it would be on the Main Street where it belongs. The way it was zoned years ago they were probably hoping to have something that enhanced our beach. The Town does not need a huge Stewart's, they are not investing money in our Town they are investing money in their business for their own purpose. You could build a smaller Stewart's on the property that Paul Meiras owns and it would fit. Your job is to protect our property and do what's best for this Town. Let the process go the way it is suppose to go so this is on Stewart's not the Town. Supervisor Marnell stated during the winter months there isn't a place to get gas, a sandwich or a place to go to the bathroom, except for Stewart's.

Richard Dumoulin stated I have seen over the past few years that our elected board and committees have destroyed our chance of getting Woods Lodge up in running, Davis Motel being redone and we tend to be so worried about protecting the Town that we are destroying the Town. This Town in the past 30 years is falling apart, we have no tourism. I'm the only motel operating year round in Town and that's terrible. I've heard a few people complaining about taking down the big pines so maybe you can ask Stewart's to keep them if they can, but come on, what are you going to do, soak everything out of Stewart's, they could turn around and say the heck with it we will leave it the way it is. Its time for this Town to get back to somewhere like it use to be 30, 40 and 50 years ago. The tourism is gone and the only ones who bring anything into Town are second home owners and they don't even use our grocery stores. They use the Golf Course, Tennis Courts and beach. You are going to kill all our infrastructure in Town, lets be getting serious and be thinking about how we can grow this Town.

Sue Repko stated what a wonderful neighbor Stewart's is with helping out the community organizations with donations and matching funds. I think they are wonderful neighbors.

Paul Ceresnak stated yes, they are good neighbors, I don't think they are going to stop if this project does not happen. Nobody comes to Schroon Lake just for Stewart's. That is not an attraction its a convenience's store. People come to Schroon Lake because they love Schroon Lake, but Stewart's is not the attraction. Why are you doing this?

Larry Graziano asked why are we getting away from the Zoning Board of Appeals? If the Towns people are for this project then wouldn't they have a chance to voice their opinion at the Zoning Board of Appeals. If there is an established process for doing these things, where people can make one

case and then another, either for or against it, I think this is the proper way to go about it. Supervisor Marnell stated when you get vibes that the Zoning Board is not in favor of it, you figure you're going to lose the fight.

Richard Schoenstadt stated you can shut that down right now. I'm on the Zoning Board. The problem with the Zoning Board is the only way that works is technically the Zoning Board of Appeal can not do a use variance from a legal aspect. The only time it works is that you can get everyone to agree on it and nobody opposes it. If someone legally challenges it, you will lose in court. The standards for Zoning use variance are so strict, you can ask for a change in zoning but there is a process to go through. That process is looking at all the facts, weighing the pros and cons and once you fully discuss it, then the Board can vote on it.

Cycle Adirondack

Doug Haney with Cycle Adirondacks stated that Cycle Adirondacks is an award winning, fully supported road cycling tour of New York's Adirondack Park. The 2017 tour is scheduled for August 19-25 and will feature the host communities of Schroon Lake, Keene Valley and Saranac Lake, with two consecutive nights at each. The event is expected to draw over 200 cyclists from an estimated 35 U.S. states and Canadian provinces and engage a total of 150 community volunteers. At its heart, Cycle Adirondacks is about Adirondack communities, people and landscape. We pride ourselves in telling the stories of this special place through community engagement and the power of providing our guests with an instant and lasting sense of place. The result is an event that celebrates Adirondack communities and culture at every opportunity.

Format

Cycle Adirondacks is designed so that our guests create true connections with communities and for communities to make true connections with our guests. Our 2017 event is planned in a way that allows cyclists of all ability levels to participate and enjoy the Adirondacks. Sure, it may be a six-day bicycle tour, but Cycle Adirondacks prides itself on providing more experience options than most any other tour in America. The 2017 format features three amazing overnight communities with two consecutive nights at each, meaning guest can choose to take some time off the bike during the week, riding as few as three days or as many as six. Think:

- More Ride Distances & Options than Ever
- More Off Bike Activities
- More Community Experience
- More Breathtaking Scenery & Quiet Roads
- And... Less Packing and Moving

Schedule

Aug. 19: Check-in, dinner, explore - Schroon Lake
Aug. 20: Out-and-back rides (two distances, optional) - Schroon Lake
Aug. 21: All Ride - Schroon Lake to Keene Valley
Aug. 22: Out-and-back rides (two distances, optional) - Keene Valley
Aug. 23: All Ride - Keene Valley to Saranac Lake
Aug. 24: Out-and-back rides (two distances, optional) - Saranac Lake
Aug. 25: All Ride, Finish Line lunch - Saranac Lake to Schroon Lake

Conservation Focused

Cycle Adirondacks features a unique conservation program managed by Wildlife Conservation Society (WCS), which connects our guests to the landscape and communities like never before. For example, a rest stop isn't just a place to fill your water bottle. It's an opportunity to learn about wildlife, their threats and the opportunities for conservation from scientists working locally to help protect the Adirondacks.

More than a Bike Ride

Cycle Adirondacks features world-class locally sourced dining, NY craft beer and wine, nightly entertainment, massage therapy and yoga...and a community connection like no other tour in the country. In fact, our event is built around showcasing our incredible Adirondack communities and the people who make them so special by making the event about the community – not the other way around. Just listen to what our previous guests have said:

"If you've never done a multi-day bike tour before, start here. Cycle Adirondacks cares deeply about both your experience and the setting. You will be taken care of every mile."

"A truly genuine connection with not just the natural landscape, but with the amazing small towns and villages that complement and connect this special part of the world."

"Cycle Adirondacks offered me an up-close and carefully curated view of a beautiful region only a few hours' drive from NYC – with the added bonus of committed and passionate environmentalists as our friendly and enthusiastic guides."

Cyclists

In a recent survey by the Bicycle Tour Network, more than 3,000 riders from 11 different bike tours across the U.S. responded to a series of questions that revealed important information about the average bike-tour participant. A few highlights:

Gender Ratio: 63 percent male, 37 percent female

Average Age: 53.7 (70 percent are 45-64)

Average Household Income: \$129,015 (57 percent above \$100K)

Children: 33 percent have children in the household

Discretionary Spending on Bicycling: 11.4 percent of income

These riders are serious about cycling and fitness; they own, on average, three bikes. More than 90 percent of them ride 2 or more times per week. More than half of them list camping, walking and hiking as other favorite recreational activities, and more than a quarter list running, snow skiing, boating and water sports.

Volunteers

There are two types of volunteer on Cycle Adirondacks – week long and community.

Our week long volunteers number around 50 and come to the event from across the U.S. to support the tour. Each volunteer receives an event meal plan, plus exclusive “Roadie” outerwear (2 T shirts, Hoodie, Hat), our undying gratitude and an incredible week in the Adirondacks.

We also field roughly 50 more community volunteers from each overnight stop and the surrounding area. In exchange for their assistance, Cycle Adirondacks seeds an Adirondack Gives campaign designed to raise funds for a community project. We promote the campaign via our marketing channels and directly to our cyclists in order for our guests and potential guest to get an instant sense of each community and how they're registration fees are helping it.

Cycle Adirondacks Entertainment Pavilion – Concessions Service

Cycle Adirondacks will offer concessions service each evening of the tour, featuring New York beer and wine as well as non-alcoholic drinks. The garden will be operated by event vendor Good Nature Farm Brewery, and will be open to our riders and the general public. Good Nature will also work with local breweries to feature their products.

Beer and Wine Garden Policy

- The beer and wine service and consumption area will be a completely enclosed by temporary fencing, covered with a 30x30 tent and will be monitored with one entry/exit point.
- The entry/exit point will be staffed by Good Nature Farm Brewery and all guests wishing to enter will have their identification checked. Once approved, they will receive a non-transferable event wristband for that evening. Cycle Adirondacks participants who are of legal drinking age will receive a week-long wristband at event registration.
- The garden will be open from approximately 3 to 9 p.m.
- The garden will be positioned so that guests within can easily see and hear the evening's live entertainment on stage, but will be either adjacent to or behind the open-audience area.

- Cycle ADK will provide over a dozen 72-inch round tables and approximately 100 chairs for guests in the garden.
- Good Nature Farm Brewery will secure all local alcohol licensing/permitting; will procure, transport and serve the alcoholic beverages; and will provide licensed servers as well as alcohol monitors.

Doug stated he would like to get permission to use the Town Park for the entertainment and the Beer and Wine Garden for a two day event. Supervisor Marnell stated that the Town has a Open Container Law and there is no alcohol allowed on Town property. Doug asked the Board if they had any suggestions as to where they could hold it. Councilman Sage suggested the Schroon Lake Fish and Game Club.

Resolution #103 to Approve Minutes

Councilman Sage moved a resolution to accept the minutes for April 3, 2017 at 3:00 P.M. and April 3, 2017 for the Regular Town Board Meeting at 6:00 P.M., seconded by Councilwoman Wood; carried.

Resolution #104 to Pay Vouchers

Councilman Sage moved a resolution to pay the bills as reviewed, seconded by Councilwoman Phibbs; carried.

General Fund \$26,475.92 Sewer \$2059.71 Highway \$42,183.08 Water \$10,373.53
 CDBG-RLF \$762.86 Water Revitalization \$7806.70

Resolution #105 Payment of the New Loader for Highway Department

Councilwoman Phibbs moved a resolution to finance the new loader for the Highway Department for three years, the cost of the new loader is \$165,546.00 with the sale of the old loader \$46,201.00 as a down payment, seconded by Councilman Sage; carried.

Resolution #106 Approve Golf Course Rangers

Councilman Friedman moved a resolution to approve the Golf Course Rangers, seconded by Councilman Sage; carried.

Golf Course Rangers – Dave Valentine, Tom Ringrose, Fred Fleming, Larry Belluscio

Resolution #107 Approve New Fees at Golf Course

Councilman Sage moved a resolution to approve new fees at the Golf Course, seconded by Councilman Friedman; carried.

New Fees For Golf Course

High School Students, College Students, 80+ Seniors and Employees \$75.00/season
 Membership for season Single -\$325.00 Couples \$600.00
 Trail Fee \$100.00
 Club Rental \$10.00
 Cart fees for 9 Holes \$9.00 and \$13.00 for two people
 Green Fees 9 Holes \$15.00 18 Holes \$21.00

Lockers \$20.00
Pull Carts \$2.00

Resolution #108 Appoint James Chadbourne to the Parks Commissioners

Councilman Friedman moved a resolution to appoint James Chadbourne as a Park Commissioner, second unanimously; carried.

Discussion to Restrict Traffic at Keplers Beach

Councilwoman Phibbs moved to table the discussion on Keplers Beach until they have more information and have a plan to address this, seconded by Councilwoman Wood; carried.

Resolution #109 Accept Sand Quote for Highway

Councilwoman Phibbs moved a resolution to accept the Sand Quote for \$3.70 per yard with Berness Bolton Exc. Co. Inc., seconded by Councilman Sage; carried.

Resolution#110 To have Planning Board combine Business District for Zoning Ordinance

Councilman Sage moved a resolution to ask the Planning Board to combine all the Business District into one district and combine all options into one district, seconded by Supervisor Marnell; resolution was not carried.

Roll Call Vote

Supervisor Marnell	Aye
Councilman Sage	Aye
Councilwoman Phibbs	Nay
Councilwoman Wood	Nay
Councilman Friedman	Nay

Resolution #111 Authorize Council for Proposed Changes to the Zoning Ordinance

Councilwoman Phibbs moved a resolution to authorize Council to carry us through the process to Proposed Changes to the Zoning Ordinance, seconded by Councilman Sage; carried.

Roll Call Vote

Supervisor Marnell	Aye
Councilman Sage	Aye
Councilwoman Phibbs	Aye
Councilwoman Wood	Aye
Councilman Friedman	Nay

Councilman Friedman stated first I would like to say I,m not against the project. If the Board was pro active and had said we don't think the Zoning of the Town works and certain changes were adopted before the horse is in the chute, that is legitimate. You have a horse in the chute right now, the presentation has been made to the Town Board right now and when you change zoning, zoning is not a majority rule. Mike is correct when he says that 80% of the people in Town support the project presented by Steve, but zoning is not a majority. Zoning is passed by a majority, but is to protect the

minority. In this case we have about five homes that feel encroached upon. Unfortunately they sent notice to the Board, with their issues, so when you go to change zoning, after this is done, and when you litigate you loose. I don't want to spend a dollar on a lawsuit.

Resolution #112 Appoint Club House Attendant's and Golf Course Laborers

Councilwoman Phibbs moved to appoint Club House Attendants and Golf Course Laborers at the rate of \$11.08 an hour, seconded by Councilman Sage; carried.

Club House Attendance- Laurie Bruce, Brad DeZalia, Tom Erickson and Deanne Bowen

Resolution #113 Accept Lake Stewards

Councilman Friedman moved a resolution to accept the Lake Stewards at the rate of \$11.08 an hour, seconded by Councilman Sage; carried.

Paradox Lake – Alyson Bruce, Mackenzie Bertsche, Marianna Shaffer

Schroon Lake - Liam Wilson, Harrison Gereau

Resolution #114 Accept Resignation of Bella Boardway from Revolving Loan Committee

Councilman Sage moved a resolution to accept Bella Boardway's resignation from the Revolving Loan Committee with regret, seconded unanimously; carried.

Resolution #115 Accept Christine Caunter as Chairperson for the Revolving Loan Committee

Councilman Sage moved a resolution to accept Christine Caunter as Chairperson for the Revolving Loan Committee, seconded unanimously; carried.

Apology from Town Supervisor

Supervisor Manell stated at the last meeting he had made a statement which was inappropriate about a Town employee and he would like to apologize for that action.

Councilwoman Phibbs moved to adjourn at 7:32 P.M., seconded by Councilman Sage; carried.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: May 17, 2017_____

Town Clerk