

Public Hearing held on August 14, 2017 at 5:30 P.M. for Proposed Local Law #1 Amending Town of Schroon Zoning Ordinance and Map to Rezone 7 Dock Street from B-2A to B-1 Zone at the Town Hall in Schroon Lake N.Y.

Present:

Supervisor: Michael Marnell

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

Town Clerk: Patricia Savarie

Town Attorney: Mark Schachner

Also Present: Don Miller, Bob Smith, Emily and David Snook, Lori Messing, David and Jane Jenks, Albert May, Fran and Skip Mahler, Steven Cass, Steven Kinley Glen and Sue Repko, Wally and Shelley Thomas, Paul Ceresnak, Stefanie Bitter, Marlene and Johnnie Whitehead, David Harder, Joan Cunningham, Cathie Mick, Chris Stone, Lisa Hess-Marks, Stephen Jabaut, Lance Miller, Jean Strothenke, Al and Dottie Schwarz, Larry Graziano, Matt Fuller and Richard Schoenstadt

Supervisor Marnell called the meeting to order at 5:30 P.M. asking the Town Clerk, Patricia Savarie to read the Public Notice.

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW AMENDING
TOWN OF SCHROON ZONING ORDINANCE AND MAP
TO REZONE 7 DOCK STREET FROM B-2A ZONE TO B-1 ZONE**

NOTICE IS HEREBY GIVEN that the Schroon Town Board will hold a public hearing on August 14, 2017, beginning at 5:30 P.M. at the Town Hall, 15 Leland Avenue, Schroon Lake, New York, concerning proposed Local Law No. 1 of 2017. Proposed Local Law No. 1 would amend the Town's Zoning Ordinance and Map to rezone 7 Dock Street, Tax Map Parcel number 147.54-2-30.000, from Resort Business (B-2A) to General Business (B-1) to allow construction of a new Stewart's Shop.

A copy of the proposed Local Law is on file and available for review at the Town Clerk's office during normal business hours.

PLEASE TAKE FURTHER NOTICE that at the time and place of the Public Hearing all interested persons will be given an opportunity to comment on proposed Local Law # 1 of 2017

Supervisor Marnell went over the rules for a Public Hearing.

Rules for Public Hearing

1. Comments will be 3 minutes in length.
2. You will get one chance to speak to the Board.
3. We don't need multiple chances and I will do the timing and I will ask that you keep your topic to the Zone Change.
4. Please state your name and address for the Town Clerk for the minutes.
5. Again 3 minutes speaking once. Thank You

Wally Thomas, 6 Taylor Street, If this law goes into effect I will loose at least \$50,000.00 in equity in my home. I don't know who is going to compensate me for that, I don't see anyone stepping

up to the plate or if I'm just suppose to take one for the team. When we vote for a president or elected official its a popularity contest. When the supreme Courts vote they have to follow the rules and regulations. Does it change the characteristics of the neighborhood? How do the neighbors feel about it? Is there any other route to go? Yes, it destroys a neighborhood of five homes. Yes, there is another route to take and yes by all our attorneys we are against it.

Paul Ceresnak, 10 Taylor Street, I have spoken to the board four or five times and not once have I heard of any facts or figures that will show that this is a long term or short term benefit for the Town. There are no financial or traffic analysis and no homework done on the project. Stewart's drew up a few nice plans and showed them to you folks. There are problems with parking in that plan, boats will not be able to get in and out of there and it's going to be worse then what you got. Your traffic plans are your traffic problems, this new plan will not solve it. You claiming there will be two new jobs, however their volume will go up. It's a fact that nobody is making a special trip to come to this Town to go to Stewart's. It's just the same old people who are in Town going to Stewart's. If their volume goes up those same old people are going to spend more at Stewart's and will stop purchasing at some other place. You can kiss Alpine good-bye, Decease's is going to sell less. This is not and economic plan, this is a gift to a large Corporation who are not paying there far share in taxes. We are assessed at four times the rate that their Commercial property is. If you can tell me that you are going to raise the rate similar to mine and get the income out of this that the Town is getting from the house that's going to be torn down, I will eat my hat, because it is not going to happen. I know what is going to happen, this is a bad plan, your putting diesel next to your street by the Lake, that Lake is your future. This is causing a financial hardship. The loading dock, ice cream window and everything is going to be moved directly into our neighborhood. How can you do this? It is amazing, no one has given a fact that this is a boom for this Town.

Joan Cunningham, 1063 US Route 9, the way Stewart's is right now on the corner and in the front of the building, it's a safety issue, anybody in this Town can see that and it needs to be rearranged, it cannot continue the way it is. It is not just in the summer months, it is year round. People have to turn into Stewart's and people on the other side don't see the stop sign before Stewart's and they need to stop so people can get through. If you try to cross at the cross walk, forget it, you can't even get them to stop at the crosswalk. I think the new architectural design is going to enhance Schroon Lake far more than the current site. I would hoping Stewart's would be able to litigate with the neighbors but I guess that was not possible. I still believe making these changes, even just for the safety issues is for the good of Schroon Lake, let alone for architectural design to enhance the downtown area which needs

it very badly.

Stephanie Bitter, attorney for the neighbors on Taylor Street, I would like to submit an updated Protest petition for the record. Your Town Attorney had emailed me with validation to the Protest petition and I have since gotten more signatures in the 100 foot radius. The reason for that Protest Petition it will trigger 901.4 which requires a super majority vote for the zoning that is proposed. The concern is, who has answered these questions as how this relates to the Comprehension Plan and how it is in conjunction with your codes. Who has identified what the economic benefits are? How is the traffic actually going to be better? What are the architectural plans and how will it be pleasing not only from the road but from the lake? You're pushing a commercial business closer to the lake, which is actually a fuel business, to the environmental factor it has to be weighed. What was the recommendation from the Schroon Lake Planning Board and the Essex County Planning Board?

Cindy Buell, Whatever happens to that corner, it is just a bad corner. If they could find a different spot that would be a better option, I think.

Kitty Vondrak, 75 Wood Thrush Way, I'm wondering how much more dangerous it's become since Stewart's was first there. The real danger on that street is all the big trucks double parking because they have to make deliveries. There will be no alleviation from the traffic problem as far as I can see. When you make a zoning change it's under the policy power of the state and so you must be either doing it to help the general welfare of the Town. The people who live here have a right to live on their property in quite enjoyment. I still stay it is spot zoning which is "A change in the local zoning ordinance to permit a particular use inconsistent with zoning classification of the area. The reclassification of a small area of land in such a matter as to disturb the character of the neighborhood." Spot Zoning is not favored by the law, this change will benefit one group, Stewart's, that has lots of money, and they don't need any more money from us. How much more property rent will you receive if they own the property, if they build on that property or don't? I've heard talk that the people who own houses pay more property taxes than Stewart's does now. Which really is more important to you they do donate a \$1000.00 or more every year to some of the organizations, that's very nice of them. That is no reason to do this for them, it is going to hurt the neighborhood and the people who live there. I understand that half the Town is for it and half the Town is against it but that's not what you look at when you are trying to do this. Its your job to look at what is the best interest for the people of this Town.

Don Miller, 1455 Route 9, I have listened to a lot of arguments, I haven't been to all the meetings but I remember at the first meeting regarding this proposal and that a gentlemen who lives in

that neighborhood said he would be very reluctant to invest any money into upgrading his house. Well he either knows something we don't, because he's pouring tens of thousand of dollars into his house, why? He either feels very confident that this won't happen or basically he knows he is not going to lose the valuation in his house. Regarding the actual properties its my understanding that it is a commercial piece of property that we are talking about. If I were to buy a house in that neighborhood I would of done my homework to check out the zoning. When you allow so many different things on that property, hotel, motel restaurant, bar and even a marina, everything but a convenient store it is sad. The Town was not thinking of that when that happened, they were not thinking about what we have right now. I strongly disagree with the fact that we don't need this. If you go to all the Towns around us that have benefited from having a brand new Stewart's, it is the focal point where people go. When I was in business I didn't want to see other businesses come, but guess what, competition is good. As far as that goes I don't think it will hurt anything. We had two brothers in this Town that made a huge investment in a piece of property to build us a brand new Grand Union and why because the people in this Town wanted it. I don't know where the people are getting 50/50 idea, I will tell you its a sad fact that the people who want this are not in this room right now, but the majority of the people that I have talked to, want it. There is no reason not to have it and every reason to have it. I would ask you to seriously consider it. I would hope this Board would listen to a majority of your constituents that you work for and approve the plan.

Lori Messing, 65 Burgey Road, I would ask the board to make the decision in favor of Stewart's because I think that will be a major benefit . I agree with Don in that the other towns who have been putting in new stores are reaping the benefits. I believe if it is one job or a part time job it will help one or two working families to be able to put money away for school, for college for other things they might want to do. Summer here in Schroon Lake is never quiet, there is always something going on. The benefit in Schroon Lake is it is a small community. The Town needs to take into consideration the people who live here on a year round basis, those people will benefit more then anything. The traffic problem is bad right now. Looking at their plans it looks like it will take away the diagonal so drivers are not cutting you off. Drivers will now have to enter and go around or enter at Route 9, that will be a huge benefit to this Town because right now as it stands there are people who can get hurt an drivers are always cutting over in a diagonal and cross over in front of people and its very unsafe. I think the Town does need this project. This is about your year rounders versus the people who come for a few months and I think it will be a huge benefit to this Town and I would like this Board to take in consideration all of the above.

Alan Press, Nesa Road, I understand both sides of his discussion. I understand why Stewart's wants to expand and I understand why many people want Stewart's to expand, I also understand the people who live on Taylor Road and Dock Street are very concerned that the value of their property will decline. For most of us our homes are the most valuable asset we have and if these people think that their most valuable asset will decline by this construction it would seem to me that their concerns are legitimate. These people are full time residents of Schroon Lake and they have enormous investments in their homes, those investments should be respected by this Board. When Zoning comes up back home and it seems like the Board is going to approve the request for a variance we put in conditions like adequate screening, it is put in as a requirement for the variance. We do everything we can to protect the interest of the property owners who live near by who are concerned of the loss of the home value.

Lisa Hess Marks, 1079 US Route 9, I think your vote seems very premature before all the homework was done and make sure every concession is made so the homeowners quality of life remains the same. Has there been any traffic study's done and if so will it elevate the traffic problem? I would love a new Stewart's but we want the building to enhance our downtown. WE should have guidelines that Stewart's needs to follow. I don't think these things have been discussed so I feel a vote at this time is premature.

Bob Smith, 16 Cedar Hill Drive, at a previous meeting I attended I think it was already concluded that no matter what went into that piece of property, the people who are complaining would not agree with it. They did not do their due diligence with this commercial property. What we are looking at is just adding one phrase "convenient store" to the already commercial zoning. You can put a bar, restaurant or anything else on this piece of property except a convenient store. Stewart's is a wonderful business to Schroon Lake. It is a hub of the community who live here, they are a great neighbor, they support all the organizations in town. They are supporting your library right now with a matching grant. There is no one who can go on that commercial property and be more adapted to the Town, someone else could buy that property and really make a mess of it. They will have more room for trucks and traffic that go in there. If you visit all these other towns they have new stores, they are bright, they are clean and the people enjoy it. The local people of the Town use Stewart's as a hub, all your contractors do business there. They pay their employees good and offer benefits and retirement. I feel sorry for the neighbors but they bought in commercial zoning and I don't see them agreeing to anything going in there. What better people than Stewart's going in there, they have already been supportive of the community. To deny them over a word in the zoning ordinance, I just don't think it

is fair to our community.

Cathie Mick, 3 Tannery Lane, I'm all for enhancing Main Street, but my concern is lack of compromise. I don't understand why there can't be compromise with the size of the expansion. The way the present Stewart's looks now, they don't seem to be willing to come in and clean up the building, it's dirty and the trash cans are overflowing. I don't understand why a new Stewart's will be better at the sacrifice of the zoning change.

Emily Rossi Snook, 1280 US Route 9, One of the most beautiful parts of our Town is the park, so now we are going to put in a business with blaring lights, it is inappropriate. I think it would diminish and be an eyesore on our beautiful Town Park. We need to take out the emotions here and look at the facts, the law, and you're charged with supporting the law that is written. We have a culture in this Town and it has been here forever and it's a culture of support and kindness towards each other. We don't have the facts on how it is going to improve it.

Steve Jabaut, 58 Hemlock Drive, I'm stumped how building a bigger Stewart's is going to help the traffic flow. It is a mess now and it will be a mess after. What I think would be a good plan for Stewart's and the Town is to find a different spot and give that lot to the Town. Pave it or green it up and have it be a nice open space for the Town. Let Stewart's build wherever they want and however they want and that would take that congestion out of downtown. The Board should change how that area is zoned so this does not happen again, I think that would be a good solution for everybody.

Steve Cass, 25 Fairfield Avenue, the lake is our biggest asset you look up our Town and it is beautiful. You want to take this house that is surrounded by trees and rip it down and put a building that is lit 24/7 with bright lights, you will have glaring lights straight down the lake, it is not going to enhance it. No one is against a new Stewart's, I would love a new Stewart's it is just not the right way to do it. They need to discuss with the Town and they need to negotiate. If they do a new building it should not be a color that stands out and the lights should point down not up. The wall should be river stone to match the park. These are all things as a Town Board you should think about and should negotiate for it.

Larry Graziano, 26 Fowler Avenue, I would just like to know if this variance is granted it sets a precedent and what's going to happen to the next group that says this would be a great idea to put up a factory here or let's put a store where that house used to be. When you set a precedent you have to think all the way down the road at some point the Town is going to come to a real problem and it is going to be much worse.

Lance Miller, Tannery Road, I have watched the Town build the wall stone by stone in the Park

and the Band Stand twice. I have watched the lights go in and the walk way. It is the most delightful spot to watch that Town Park. I support a Stewart's but in a different location because all that effort to enhance the Park and now you will see a Stewart's from the lake. It is just philosophically the opposite direction of all the effort you have put in to enhance the Town. I just think this is the wrong direction to go in and I wish there was a compromise and I do believe the current Stewart's can be revitalized and do believe that there is a way to expand it. I urge you to have Stewart's reconsider expanding the existing Stewart's as best they can, there needs to be some kind of compromise and I appreciate all the people who want to enhance Stewart's.

Shelly Thomas, 6 Taylor Street, I would just like to address a couple of things. I would like to read right here out of your own Comprehensive Plan that you adopted last month. Under Residential Commercial – “These are areas that because of the unique character of the community are suited generally for residential purpose. Some commercial uses, especially for tourist accommodations, are desirable as long as they do not detract from the residential characteristics of the area and , if close to a lake, will not affect the visual qualities of the lake.” You have this in your actual Comprehensive Plan that you just adopted last month and yet here you stand talking about voting against the same thing you passed a month ago. Under your Town Zoning Ordinance it states:

“In making it's determination for an area variance the Board of Appeals shall balance the interests of the applicant, if the variance is granted, against any detriment to the health, safety and welfare of the community. In making such determination the board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

So here you are about to vote on your own rules and people are saying they are going to vote against that and I don't understand why we have these rules if your just going to turn around and just say no.

Rich Schoenstadt, 1140 US Route 9, just so it is clear this is not a Zoning variance this a Zoning change. I agree with a lot of these people. I don't think you looked at this thoroughly enough Once you change the zoning here to Commercial Zoning in our Town you have lost control over that piece of property. So all these suggestions about buffer strips, lights, and looking at different issues like that, may change once you pass this and you wont be able to do anything about it. This is a very tight lot for Stewart's, I have looked at a number of their designs, this is not a lot of space. I don't think

they have made any effort to address these issues. I walk a lot at night and there are a lot of pretty spots. Right now you have trees for the buffer strips for light and sound. You have a row of trees that will come down and they act as a buffer for these neighbors which makes it dark, peaceful and pretty. I don't know if you can work these things out, you may not be able to with the space that is given. The Park is one of the most beautiful parks in the Adirondacks and most people when they do something like this would develop that site in the context of the Park. I think your going to fast.

Steve Kinley. Real Estate Representative for Stewart's, the store was open in June of 1980 and has been around for 37 years. We have done additions since then, we have upgraded flooring and lighting and again this store came to a point where it was time to do something new. What we typically do is called a standard upgrade but we saw issues with this site, partially internally with the traffic problems, where the gas is, where the parking is and so to alleviate that the only way to do that is to get more property to get bigger land. We looked at the neighboring property and we put a contract on the .3 acres behind us which is zoned Resort Business 2A. In the attempt to build the store behind, so we could correct the traffic problem as much as we could that was in front. Typically for a store like that we would purchase half and acre to 2 acres of property. With the store right now being a smaller store we feel with new habits developing over 37 years, how people tend to graze to eat, more cars, bigger boats, peoples taste have evolved so therefore we wanted to build a new store. The zoning where the store is now is General Business, the property behind us is Resort Business. The use there is cottages, hotel, motel, restaurant, bar and marina, even a camp area with a special permit. One of the things we see as a value to this, if the amendment is approved, you wont be adding additional use behind. If Stewart's stays the way it is now it will continue to operate, but someone can come along and open up a bar, restaurant or motel and your adding another use and intensity to that area. With Stewart's you know what your getting. With looking at the plans as presented:

1. We would like to go with a more Adirondack color scheme with changing the color to a chestnut brown on the trim and a khaki for the siding.
2. On the site plan s following these meetings and the meetings with neighbors the first plan was to use Taylor Street, we realized that was going to be a problem with the neighbors and we took that out.
3. We had lighting on the back of the store so we took that out. You have a whole building now as a buffer for the lights.
4. We had lighting by Taylor Street and we are special ordering back shield lighting for those lights.

5. The noise was an issue with air conditioning and heating units so we have special ordered reduced noise heating and air conditioning units for the back of the building.
6. The dumpsters we have upgraded to a white vinyl fencing enclosure.

Based on that I would ask that you would vote yes to the amendment tonight but understand that we will not close Stewart's, we have a viable operating business that we like. We wanted to upgrade the building and the offerings to the residence of Schroon Lake and if we can not do that, we can not do that.

Matt Fuller, Attorney for Stewart's, Steve just went through all the changes in attempt to sway the concerns of the neighbors and one thing that Steve and I talked about was some planting around the street, but I think the trade off for that would further impact the view for the neighbors, the trees would grow up and the view would be gone. Stewart's has made some concessions. One of the comments I heard earlier that in use of taxpayers dollars, commercial development does not use nearly as much as taxpayers dollars, as do residential. The fact is commercial property pays taxes but uses very little of the Towns services compared to residential property. It was brought up that it was amendment versus variance, it is not a variance, any taxpayer or municipality is allowed to petition their government and ask for an amendment, zoning is not set in stone. You have a Public Hearing and weigh the pros and cons and always free to petition your government and ask for repress and that is what Stewart's is doing. They are a good Corporate taxpayer and don't think people can fault them for what they do for their community. You get a very positive feed back from the stores. I have a lot of municipalities that have towns and some say make them go some where else. That will push it in the out skirts of the Town and most municipality's are trying to create more walkable areas to bring people down town to redevelop the down town property, please don't take a green space property and build something new. Stewart's is proposing to do that, it would certainly be cheaper to develop a green space and turn it into a resort but they're willing to make the investment in this property and I think that is something the Town should preserve.

Craig Maisonville, 6 Leland Avenue, I'm very disappointed in the attitudes here, very disappointed. There isn't anything going on here that is worth this. It can be done in an appropriate manner with respect and stability.

Councilman Sage made a motion to adjourn the Public Hearing at 6:38 P.M., seconded by Councilwoman Phibbs; 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: August 29, 2017 _____

Town Clerk