

TOWN OF NORTH HARMONY  
PLANNING BOARD  
TUESDAY, FEB. 26, 2008 7:00 PM

**PLANNING BOARD MEMBERS PRESENT:** JOHN P. RICE, WALTER GEIST, STEVE SENSKE,  
RICHARD SENA, RICHARD JOHNSON, JULIE LESCYNSKI

Councilmembers Rob Yates, Art Thomas, Ralph Whitney; Brad Lawson, Zoning CEO; Sally Carlson, Supervisor; Nancy Thomas, Town Clerk; Bonnie Coulter, Deputy Town Clerk

**OTHERS PRESENT:** Nick Dean, Post Journal; Charles Rugg, AFD Chief; Matt Ryan, AFD Asst. Chief; Greg Peterson & Jennifer Dougherty, Phillips Lytle; Joseph & Betsy Bergen; Clayton & Helen Emick, Susan Kalfas, Mark Schlemmer; John Jablonski, CWC

A request was submitted by the Bootey Bay Hotel developer to review a proposed zoning law creating an R6 Resort District. This change would allow a 10 story structure up to about 125 feet to be constructed in the township. This may be the first 10 story structure that has been asked to be approved in about 100 years.

One of the big issues expressed is fire safety. Charles Rugg, fire chief for Ashville attended this meeting and assured the council that the fire department is prepared to handle a situation of this size. This building would be on its own emergency alarm with a radius of 10 miles. The county offers free training for this type of structure which the fire department can attend. The hotel would have a backup generator in case of an electric loss, as well as its own sprinkler system and two 4,500 gallon tanks of water. The fire trucks can also pump water from the lake into their truck so water is not going to be a problem. There will always be a back up for an emergency situation. The only equipment the fire department feels it will need that they do not have are high rise packs that would enable the firemen to bring travel hoses into the building.

Pat Rice asked Brad Lawson if the ground would be supportive to a structure of this size. Mr. Lawson said you can build almost anywhere but soil samples would have to be provided to see if the ground can hold the weight, if not a product called flowable fill would be used to cover the area that you could then build on top of. All of this would be included in the building and building permit process.

Another issue raised is the possible creation of an R6 District. We need to think about how many other people would come to us and fit into this district or if the district is going to be made specifically for this project. Will there be room in the district for others, or do we need an R6 District. What type of variance do they need for this project?

The Zoning Code as it stands now with a two and a half story height limit would prohibit the Zoning Board of Appeals from legally being able to grant an area variance for that height. But there is more potential for buildings like that. Without an R6 District this project and others similar to it could not just receive a variance and go through. The Zoning Board looks at the criteria of Town Law Section 267. The town attorney has said at many meetings that this would be too much of a variance. The board looks at what is substantial and what isn't such as setbacks and local laws. Two years ago when the project was introduced to the town the developer was asking for eight stories which is much higher than zoning allows.

The hotel would sit on 10.98 acres with 50% coverage. The building is to be 125 feet high. The board now needs to decide if they should ask for some changes. It was suggested to ask for a height change or even building out instead of up. We also need to think about what we are willing to live with as far as height in an R6 district now and in the future with other developers. Placing height limits so

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that buildings stay level with the tree lines has also been suggested. The height of the proposed project would be a very big change for the area. The visual impact could be noticed all around the lake.

The hotel would have a minimum standard from the lake to meet building codes such as providing at least 50 feet to bring in fire trucks. There would also be job opportunities available with this project. The hotel would be what is considered a one phase project which means the hotel will be constructed as one project. The construction is thought to take one year to complete. There would be 18.49 undeveloped acres belonging to the project.

Property owners have shown concern about added costs to themselves and to the town. If water and sewer were brought in to the area the sewer would likely come from South and Center via hooking into existing lines at Sunrise Cove. The water and sewer usage would have a monthly fee as well as a maintenance fee. Creating a municipal sewer and water district would allow a smaller lot size per developer. Others asked if tax abatement may be available for the town if the project is approved. There would also definitely be a traffic increase for the Stow area. People are concerned about spacing between the project and private property owners.

The Planning Board has agreed to think about what they may want to negotiate and what they are willing to live with. It was also a suggestion to meet with Mr. McGraw and discuss some of the changes he has made in his plans as well before a decision is made. Brad Lawson is going to try and provide an idea on paper of how the hotel project could be changed in height by next meeting as well.

Bonnie Coulter – Planning Board Clerk