

**PLANNING BOARD REGULAR MEETING FEBRUARY 24, 2021 AT 7:00PM**

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**Members present:** Chairwoman Severance, Alan Hipps, Dwight Anson, Cynthia Fairbanks, MaryLou Fitzgerald, Ken White & Elisha Bartlett

**Guest Present:** Catherine Simmer & Kevin Hall

**OPEN THE REGULAR MEETING AT 7:04 PM ON FEBRUARY 24, 2021**

Chairwoman Severance: Called this regular meeting to order at 7:04 pm.

Chairwoman Severance: Has everyone had a chance to review the minutes?

Chairwoman Severance: Do we have a motion to approve the minutes?

Mr. Anson: I'll make that motion.

Mr. White: I'll second that motion.

Chairwoman Severance: All in favor? Approved.

- **Resolution 2021-4 Approval of Minutes**

**Resolved:** To approve the minutes of December 16, 2020.

**Moved by:** Mr. White

**Seconded by:** Mr. Hipps

**In Favor:** Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Mr. White and Chairwoman Severance

**Opposed:** None

**CHAIRWOMAN SEVERANCE OPENED THE PUBLIC HEARING AT 7:05 PM.  
Please see separate minutes for the February 24, 2021 Shetler Public Hearing.**

**CHAIRWOMAN SEVERANCE RESUMED THE REGULAR MEETING AT 7:14 PM.**

Chairwoman Severance: Reads aloud the SEQR form and the board discusses and answers each question. Once completed inquired about putting something in writing since the APA has already reviewed this project.

Mr. Hall: You should provide a statement about the APA determination and that there are no environmental impacts.

Mr. White: I make the motion to authorize Chairwoman Severance to sign the SEQR on the Shetler Project.

Mr. Anson: I second that motion.

Chairwoman Severance: All in favor?

- **Resolution 2021-6 Classification of Shetler SEQR Forms**

**Resolved:** To accept the determination that the proposed project will not result in any significant adverse environmental impacts and authorize Chairperson Severance to sign Part 3 of the Short Environmental Assessment Form.

**Moved by:** Mr. White

**Seconded by:** Mr. Anson

**In Favor:** Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Mr. White and Chairwoman Severance

**Opposed:** None

Chairwoman Severance: Kevin Hall is here to present us with the Rath Project.

Mr. Hall: We are looking at a proposed boundary line adjustment between the two parcels owned by Paul and Marcia Rath. The proposed project is a “Minor Division” to change the location of the boundary line between Tax Map #66.58-2-3.000 and Tax Map #66.58-2-4.120. This would then create a larger building envelope on 66.58-2-4.120. These lots were acquired by Paul & Marcia Rath on November 14, 2019, by deed book 1975 at page 177. The proposed boundary line adjustment is located in V-RES II(t) Zoning for the Town of Westport.

Existing Lots:

1. Tax Map #66.58-2-3.00 is described in Parcel I and Parcel III of deed book 1975 at page 177. This has an existing single-family dwelling built in 1881 and serviced by Town Water and Sewer. Access for this lot is from Champlain Avenue, A.K.A. as NYS Route 22. The current size of the parcel is 0.42± acre.
2. Tax Map #66.58-2-4.120 is described in Parcel II of deed book 1975 at page 177. This is a vacant lot with a right to build a single-family dwelling to be serviced by Town water and Sewer. This lot was created by a subdivision in 1991 for Jean A. Kratz and shown on Essex Filed Map No. 4259. Access for this lot is from Fire Fly Lane, F.K.A. as Sisco Street Extension. The current size of the parcel is 0.33± acre.

The attached PDF file of the Preliminary Map of Survey prepared for Paul and Marcia Rath dated February 16, 2021 is highlighted as follows:

The location of the line to be removed is highlighted in a dashed orange line and will create the following:

1. The existing House Lot reduced by 0.18± acre, creating a 0.24± acre lot outlined in green on the attached map. This lot would have the existing single-family dwelling built in 1881 and serviced by Town Water and Sewer. Access for this lot is from Champlain Avenue. No new development is planned at this time for this lot.

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2. The vacant Lake Lot would be increased by 0.18± acre creating a 0.51± acre lot outlined in pink and blue along the lake. The acreage will be rounded down to 0.5± acre, because of the shoreline. This is being done to increase the building envelope on this lot. The proposed house would be serviced by Town Water and Sewer and accessed over the strip of land created in 1991 to Fire Fly Lane.

Mr. Hipps: Does this meet the minimum lot size for the area? Is this a minor division?

Mr. Hall: Yes, it meets the minimum size. It meets the requirements for a minor division. No SEQR is required. It is a minor division; the boundary line is being adjusted. No variance is needed since it meets the minimums.

Mr. Anson: I'll make a motion.

Mr. Hipps: I'll second that motion.

Chairwoman Severance: All in favor?

- **Resolution 2021-7 Rath Minor Division; Boundary Line Adjustment.**  
**Resolved:** To approve the minor division of TM#66.58-2-3.000 & TM#66.58-2-4.120- Boundary Line Adjustment at 52 Champlain Ave, Westport, NY and authorize Chairwoman Severance to sign necessary documents.  
**Moved by:** Mr. Anson  
**Seconded by:** Mr. Hipps  
**In Favor:** Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Mr. White and Chairwoman Severance  
**Opposed:** None

Chairwoman Severance: Mr. Hall has a second project for us this evening.

Mr. Hall: We are looking at a proposed Boundary Line Adjustment & Variance Request: Gatti 53 Loch Hame Way, Westport - TM#76.4-1-26.000 & Krueger 49 Loch Hame Way, Westport - TM#76.4-1-25.000. A little history on the properties involved.

Gatti ~ 53 Loch Hame Way, Westport ~ TM#76.4-1-26.000, This lot is improved by a single-family dwelling built in 1950. This dwelling is serviced by onsite septic and lake water. Note: The dwelling is approximately 30 feet from the Mean High-Water Line of Lake Champlain and the reputed location of the Septic System is approximately 45 feet from the Mean High-Water Line of Lake Champlain.

Krueger ~ 49 Loch Hame Way, Westport ~ TM#76.4-1-25.000, This lot is improved by a single-family dwelling built in 1945. This dwelling is serviced by a private community water system (Graeff Water supply NY 1500308) and onsite septic. This lot was expanded on March 5, 2020 by acquiring a strip of land between Parcel IV (Krueger) and

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Parcel V (Denton) from Way. The additional strip of land was merged into the original Krueger parcel. Note: No new development is proposed for the Krueger Lot.

Krueger has agreed to modify the boundary line between their lot and the Gatti's lot in order to allow the Gatti's to create a larger building envelope to meet the setback requirements. The existing lot is a pie shaped being largest at the lake, east side and narrowing on the west side. This boundary line adjustment is being presented to the Westport Planning Board for their review and approval.

Gatti proposed to remove the existing dwelling and septic system and construct a year-round dwelling within the proposed building envelope shown and install a new septic system to the west side on the lot being more than 100 feet from the Mean High-Water Line of Lake Champlain. The building setback is proposed to be 75 feet as required by the APA. A Variance request is being presented to the Town of Westport Zoning Board of Appeals. The new dwelling will attach to the private community water system (Graeff Water supply NY 1500308).

The APA has declared this non-jurisdictional.

Chairwoman Severance: Was the 50- foot setback for any reason?

Mr. Hall: It was intended to be a lake access strip. The Krueger's didn't want anyone to access it, that's why they bought it. Now it is just part of the Krueger's lot.

Mr. Hall: The Gatti's are improving the lot by adding space, removing the old cottage and moving the dwelling back. We are looking for approval for the Boundary Line adjustment and a recommendation to the ZBA.

Mr. White: I think this is a good solid plan.

Mr. Hipps: I agree.

Chairwoman Severance: The board has no concerns with a Boundary Line adjustment.

Mr. Hall: If the ZBA doesn't grant relief of the 150- foot setback the Gatti's may have to look at this property differently.

Mr. White: I'll make a motion.

Mr. Hipps: I'll second that motion.

Chairwoman Severance: All in favor?

- **Resolution 2021-8 Gatti Minor Division; Boundary Line Adjustment.**  
**Resolved:** To approve the minor division of TM#76.4-1-26.000 and TM#76.4-1-25.000 with a boundary line adjustment including a note to the ZBA recommending allowing the 75- foot setback with a condition that a site plan must be presented to the planning board.  
**Moved by:** Mr. White  
**Seconded by:** Mr. Hipps  
**In Favor:** Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Mr. White and Chairwoman Severance  
**Opposed:** None

Ms. Bartlett: A comment for the group; I noticed today there was a submission to the Wilmington Planning Board for a Dollar General. I know Chris has been concerned.

Chairwoman Severance: A lot of people go through that area. They have a lot more people traffic.

Ms. Bartlett: It just seems like they have been fishing around the area. Just a piece of news.

Mr. White: I motion to adjourn.

Mr. Hipps: I second that motion.

Chairwoman Severance: All in favor? Adjourned.

- **Resolution 2021-9 Adjournment**  
**Resolved:** To adjourn the meeting at 8:06 p.m.  
**Moved by:** Mr. White  
**Seconded by:** Mr. Hipps  
**In favor:** Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Mr. White and Chairwoman Severance  
**Opposed:** none

Respectfully submitted,

Catherine L. Simmer, Secretary