

**PLANNING BOARD MINUTES  
APRIL 28, 2010  
PUBLIC HEARING & REGULAR MEETING**

**PUBLIC HEARING  
PROPOSED WESTPORT MUNICIPAL CENTER**

Chairman Johnston called the Public Hearing to Order at 7:05 P. M. with the following members present: Chairman Johnston, Ms. Mary Lou Fitzgerald, Mr. Dwight Anson, Mrs. Evelyn Brant, Mr. Alan Hipps. Mr. White and Mr. Maron arrived at 7:08 P. M. and Dr. Russell arrived at 8:00 P. M. Also present, Town Supervisor, Dan Connell, Mr. George Hainer, Building Codes/Zoning Officer and Barbara Breyette, Secretary. Guests in attendance, Mr. Lyn R. Lobdell, Ms. Cynthia Fairbanks, Ms. Elizabeth Kroeplin, Mr. John McWilliam, Mr. George Maffey, and Mr. Courtney Fair.

Chairman Johnston began by reading the Public Hearing Notice, (attached, page 1A). Following our standard Hearing Agenda, we will start the Hearing by asking Planning Board members if they have any questions they want to ask of the sponsor, about the project. Dan is here, Town Supervisor, representing the sponsor, Town of Westport. Does anybody have any questions?

Mr. Anson - I was wondering, I thought I saw something when I was reading it, how many buses were going to be parked up there, everything was blank there.

Supervisor Connell - The School decided that they're not going to park buses up there; the School's involvement of this, will be, they will use the maintenance facility and they will use the fueling facility, but they decided, as I understand it, because most of their bus drives, I guess, are also custodians, that it creates a problem for them to park the buses some place else. They're going to continue to park the buses at the School. Their mechanic, however that works out, I think many of us are thinking there will be one mechanic hired to work for the entire entity or one and a half, that will all be up there along with the fueling facility but they're going to keep the buses parked at School, is our understanding.

Mr. Anson - Ok.

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Supervisor Connell - The original building that was designed, was designed for buses, but that's all been taken out.

Mr. Hipps - Dan, I know years past that the School employees had a problem every year having a place to inspect buses, when you had to take them to Ausable Valley or down in Moriah or different places, will this have a lift that we can inspect the buses.

Supervisor Connell - Yes, that's one of the real strong points in this consolidation, when we did the cost analysis, there's substantial savings to the taxpayer in having a facility in Town, so this will have a lift. There's been quite a bit of discussion about also doing a portable lift, what we're going to do, we've talked to people that have both, and they said, "don't replace your good in-floor lift for the portable one, if you want portable get that separate". The buses will be inspected in this facility. It will save transportation, paying someone to drive them to Moriah or Ausable Valley, etc. The facility is set up for washing of all vehicles, so hopefully, all the vehicles will be washed every day, trucks and buses, so that we can expand the life on them, again, another part of this whole project where we can save part of the costs of construction through the maintenance program that's going to extend the life of all these vehicles.

Chairman Johnston - Do any of the other Planning Board members have any questions they want to ask about the project? The next on our Hearing Agenda, going to give an opportunity for members of the public to ask questions and this is different from making a statement into the record, this is just an opportunity to ask any questions that you might have about the project. If you have any questions you would like to ask, this is the time.

Ms. Fairbanks - Will the Wadhams Fire Department move into this facility?

Chairman Johnston - Dan will be answering these questions.

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Supervisor Connell - That's a really good question. No. For a number of reasons. Basically, if Wadhams moved down here, the insurance rate would sky rocket, because of the distance away. Secondly, we have that railroad crossing, if you have a fire in Wadhams, you have a freight train coming through, you might as well send the trucks back to the station. This happened when we had the bus accident on the Morrison Road, thankfully, nobody was hurt, but the ambulance ended up sitting for over five minutes at the crossing waiting for a freight to go through, we were twenty minutes before the ambulance got there. The Wadhams station meets all codes. What happened there, a few years ago they actually raised the roof, jacked it up, put blocks under the roof to get it high enough to get all the vehicles will fit in the Wadhams station. To make sure that the northern end of the Town has immediate fire protection, Wadhams will stay where it is.

Chairman Johnston - Thank you Dan. Are there any other questions from the general public? Now we'll move on to the portion of the Hearing where members of the public may make a statement into the record about the project. Anyone care to make a statement?

Hearing is closed, 7:11 P. M.

Mr. Anson asked if he could ask Dan a quick question?

Chairman Johnston - You want me to re-open the Hearing? Go ahead.

Mr. Anson - Dan, does Wadhams own the station house now?

Supervisor Connell - No, Wadhams Fire House is owned by a corporation. That was built by individuals in Wadhams.

Mr. Anson - I knew it was.

Supervisor Connell - they still own it. The Fire District leases it from the corporation, nobody makes any money on it, the money just goes right back into the building. It's a small lease to maintain the building. It is still owned by a corporation.

Mr. Maron - So is the corporation locally based group to help out Wadhams?

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Supervisor Connell - It was a group of gentlemen who lived in Wadhams, who saw a need, years ago, I think Lyn's father was probably involved in that, too. They built the station, with their own money and labor, they had to form a corporation to have an entity, partly to protect themselves from liabilities and what have you. They used to contract with the Town, but, when the Westport Village dissolved, the Town could not have two separate fire companies, so they went to a fire district and the fire district, Wadhams, is part of that fire district, but because Wadhams, there's a separate corporation set up to own the building, they still own the building, and the fire district gives them a couple thousand dollars a year to keep up the maintenance on the building. It is also New York State Incorporated.

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

REGULAR MEETING

Chairman Johnston - I'm going to call the Regular Planning Board meeting to order at 7:12 P. M.

The first item on our Agenda, is the approval of minutes, the March 25, 2010, meeting. May I have a motion please to approve the minutes, Mrs. Evelyn Brant, second, Mr. Ken White, thank you. Any comments regarding the minutes. All in favor, approving the minutes, carried.

We're going to move on now to the

**Proposed Westport Municipal Center - Tax Map Nos.**  
**66.2-1-30.120 & 66.2-1-32.000** -- RR - 5 District -  
"Community Facility" Industrial Commercial District.  
Class B - Special Permit -

This is going to be a major part of our meeting tonight. I hope everyone has had a chance to study the CD rom. I think Dan has put the books here, in the event you need to reference the book.

This is a Class B project and just to refresh your memories, it's a Class B project that also requires a Special Permit. What our Zoning Law states, "we have to follow the procedures in the Special Permit section" rather than in the Class B review section. Before we do that, we need to go through the Class B checklist, we have to in order to issue a Class B permit, we have to find that the project will not have an undue adverse impact upon the "natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park nor upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project".

We have to go through this checklist before we can make this finding.

I'm glad that MaryLou, Evelyn and Chris were up to take a look at the building, the existing buildings, as well as to hear about the proposed buildings. I had never been to

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

that facility close up and I've never been inside the Highway Garage, so I had no idea what I was going to find there and quite frankly, I think the condition of those buildings is appalling. Dan commented while we were there, that he's concerned about the insurability of these buildings, they're so bad, so old, they're so deteriorated, they're so inadequate, in so many different ways. I think this new project, this proposed project will besides bringing about a certain increase in efficiencies, by consolidating services, it will also eliminate some really substandard buildings and eliminate any liability associated with those buildings. Also, it will clean up the appearance of that portion of Route 22. All of the storage, materials will be behind the new building, be out of sight. Those existing buildings which are fairly shabby looking, will be gone, there will be a nice modern building in its place. It will be a real improvement for the Town, both in terms of the efficiency, safety and appearance.

This report here, prepared by AES, I went through it, page by page, it's very thorough, it's not the final design -- final design will not be undertaken until the project is actually approved. There's going to be a referendum on this, right Dan, in June.

Supervisor Connell - Fifteenth (15<sup>th</sup>) of June. Anyone who is a resident of the Town, who is not a registered voter, wants to vote on this, needs to register at least 30 days before, it's just like any other election, it follows NYS Election Law, you have to be a legal resident of the Town, registered to vote. It will happen in this building from 12 noon, until 8 P. M., I believe it is.

Mr. Hipps - There's no Wadhams voting station that day?

Supervisor Connell - No, under Election Law, for a special referendum like this, you can do it in one place, so, to save money, we'll hold it here. There are absentee ballots available, too.

Chairman Johnston - If the project is approved by the voters, at that point, then you would go to final design.

Supervisor Connell - Right. If it's approved by the voters, we go to final design, and hopefully we would be

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

going to bid no later than early winter, start construction, frost out of the ground, in the spring.

Chairman Johnston - That's an important consideration, certainly, because the final design is probably going to be hundreds of thousands of dollars, so you wouldn't do that -

Supervisor Connell - You see, there's two major things we have to do - final design, is going to cost a lot of money and this memorandum of the inter-municipal agreement, it's going to be a monster, I've seen them other places, it's going to be approximately 65 pages, what it's going to cost for legal fees is going to be substantial, so all of that is on hold, we're not spending another dollar until the vote. We can do final design and the inter-municipal agreement, all of that will come out of this contract we have with the Secretary of State's office, this grant we have with them. None of that is going to cost the local voters, it's going to cost them 10 per cent, but it's a \$600,000 grant. We aren't going to spend anymore of that grant until this passes; if it doesn't pass, then we're done, the money that's left in that grant goes back to the State, we'll cancel the other applications, we have two applications out right now, one for \$300,000 with the Secretary of State and for a million with basically, I think it's Homeland Security, they have some fire grants out there, we'll cancel both of those.

Chairman Johnston - I think that given the condition of the buildings, if this project doesn't pass, I'm sure there will be some kind of project that will come back in the future.

Supervisor Connell - It won't be eligible for any of these monies.

Chairman Johnston - Monies will be lost.

Supervisor Connell - Monies are gone if this doesn't pass.

Chairman Johnston - Getting back to the report and Class B Checklist, the report as I said, is quite thorough, there's geo-technical report in here on soils conditions, there's an environmental assessment of whether or not there are any hazardous materials, cultural resources survey, and I was interested to read, apparently they dug 69 test pits -

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Supervisor Connell - Whatever is in that report, there's been a lot of work up there.

Chairman Johnston - That's pretty amazing. There was a conditions assessment of the existing building, then they developed a program, an architectural program, they looked at what the needs were of the various users, came up with their preliminary design and cost estimate schedule, including a site plan, it's not a detailed site plan, it's a preliminary site plan, a lot has been done. So let's go through the Class B Checklist. Everyone has a copy in front of you (the entire form is attached to these minutes).

Chairman Johnston read the criteria, comments from the Board are noted in the margins. Some of the criteria may not be applicable, if they are applicable, there would be a small to moderate impact, potentially large impact or if there is an impact, can it be mitigated by project change. (Attached, pages 8A - 8P).

Mr. Hipps - I just have one question, I'm not sure it's really a Class B question, but, I was just wondering about the "utilities" in the building, right now you stated, the heat, in particular, that would be LP?

Supervisor Connell - I believe that's what the design is.

Mr. Hipps - And, that makes sense for today, but I'm just thinking about in the future, this is just something I could ask you about, another time, the cost of fuel and LP and everything is going to go up, with a steep curve, I was just wondering if there's any consideration in the design to use something else that might be produced locally in the future, pellets or something like that.

Supervisor Connell - We use wood right now and there is discussion of putting a high-efficiency, we'll get rid of the one we have right now,

Mr. Hipps - That's not high efficiency.

Supervisor Connell - There is consideration of going to a high-efficiency wood, whether it would be pellet or -

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Mr. Hipps - I was just wondering if there is a design consideration for that, that really doesn't have to do with what we're talking about, here, it is an impact. It takes more space probably, to have that kind of a system than an LP system.

Supervisor Connell - You would have to design a spot outside for this, because it would be an outside furnace, I would assume, I don't know if there would be room in the building.

Mr. Hipps - That's the good thing about pellets, there's a very low amount of heat that comes out the exhaust.

Supervisor Connell - There has been some discussion on it, but it's not designed in this facility, that's a decision that has to be made by the design.

Mr. Hipps - Twenty years from now it could just be a really expensive retro-fit.

Supervisor Connell - What we are now using is waste oil, we have a waste-oil furnace that supplements, we buy very little fuel oil right now between the wood and the waste oil, about 95 per cent of the energy is produced that way for heat.

Mr. Hainer - I think if it can be designed so the headers can accept another - it's not a big cost.

Supervisor Connell - And this building is designed so that we could continue north, with additional phases or what have you.

Chairman Johnston - We've gone through the Class B Checklist and nothing popped out, that would cause any concern, therefore, I'll read the resolution and ask someone to move it:

**RESOLVED,** that the Town of Westport Planning Board determines that the proposed Class B project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park nor upon the ability of the public to provide supporting facilities and services made necessary by the project

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.

**Moved: Mr. Ken White**

**Seconded: Ms. MaryLou Fitzgerald**

**No discussion.**

**All in favor, carried.**

**Dated: April 28, 2010**

This Resolution is also completed on page 8P of the Class B Checklist.

Chairman Johnston - Now, we're going to move to the **Special Permit Procedures** (attached, pages 10A - 10E). One of the steps in the procedure is SEQOR compliance and we took care of that last month, we determined that this was a **Type II Action**, therefore, no further SEQOR consideration and there's been no fall out from that, has there, Dan?

Supervisor Connell - No.

Chairman Johnston - This was referred to the County Planning Board, George,

Mr. Hainer - Yes.

Chairman Johnston - By-the-way, on your forms, these dates have been noted. The Planning Board, the action here, is the Planning Board (attached, **Section 5.038 Action**, page 10B a.)

Tape Change.

Action 5.038 b. (attached, page 10B), through "future citizens"

We have to find here in granting or denying Special Permits the Planning Board shall take into consideration---**Section 5.040 Findings Required**, (attached, page 10E).

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Under **Major Projects Section 5.042, (attached, page 10B & C)** we have a list of specific written findings we have to make, I will go through these and, I think what I will do, I will write up these findings, in a "draft" Class B Permit, which I will prepare for our next meeting, is that alright with everyone?

Mr. Hipps - Yes.

Chairman Johnston - Ok. These are the things we have to make findings, a. through j, pages 10B & C. Does anyone want to make a statement, about this?

Mr. Maron - We'll accomplish all this.

Chairman Johnston - Ok, so it will comply. Does anyone mind that I use poetic license and expand that to 25-50 words.

The following are responses to 5.042.

- a. See page 10B
- b. No.
- c. NA

Ms. Fitzgerald - Bill excuse me, let's go back to "b". Do you want to say no to b or yes to b?

Chairman Johnston - I said, "no".

Ms. Fitzgerald - It will not be detrimental, yes, it will not be detrimental. I think it should be "yes", don't you?

Chairman Johnston - Ok.

Ms. Fitzgerald - I don't know, I'm asking you.

Chairman Johnston - Yes, I think you're semantics are correct.

Ms. Fitzgerald - Ok.

Chairman Johnston - "Yes", it will not be detrimental.

- d. Yes, it will not cause undue traffic congestion.
- e. Following Mary Lou's logic, I think that's a "yes".
- f. Yes, it will be suitable.

Mr. Maron - It will be an improvement.

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

g. True.

Mr. Maron - It will be an improvement there, too.

Chairman Johnston - A lot of the operations will be moved further back on the site, which will be less visible.

h. Chairman Johnston - I think this is a "yes", but I think we should make some mention of the fact that there ought to be a landscaping plan, as part of the final design.

Mr. Anson - Is that in there?

It is part of the final design.

Mr. Anson - Was that part of the building design?

Chairman Johnston - I didn't see it.

Mr. Anson - The picture, that we saw, it showed landscaping.

Chairman Johnston - That was like a rendering. I don't think that the site plan, in here has been taken to that level of detail, yet, where they're showing actual plantings, trees, bushes, etc.

Mr. Maron - It's just a schematic plan.

Mr. Hipps - Just like there will be a final design for the building, we'll have a final design for the landscaping.

Mr. Fair - What happens to where the buildings were?

Chairman Johnston - They're going to be removed, the paving will be removed, I guess any soil that has been affected by the vehicular use, will be removed, that will all be replaced with topsoil, it will be seeded, graded and landscaped, right, Dan?

Supervisor Connell - Right, some of that -

Mr. Fair - It's not parking, essentially it's part of the landscape?

Chairman Johnston - Some of it will not be parking -

Planning Board Public Hearing

Regular Meeting

Westport Municipal Center

April 28, 2010

Supervisor Connell - Some will be paved, some will be parking, it's a combination. The old building, obviously, has to come down and then that's got to be -

Chairman Johnston - The new building is going to be behind the old building.

Mr. Fair - Around the bend a bit?

Chairman Johnston - No, it's more or less directly behind it.

Mr. Anson - Where the sand piles are.

Chairman Johnston - But that pole shed, over to the south, that's going to go and I don't think there will be anything there, Dan.

Supervisor Connell - No, that's going to get moved, hopefully that's going to be moved to the back.

Chairman Johnston - That area will be -

Mr. Hipps - The site plans are on our web site.

Chairman Johnston - Does anyone object to suggesting that there be a landscape plan in the final design?

No.

Mr. Anson - From seeing the pictures, I thought it was already in there.

Supervisor Connell - That's just preliminary design, we're not going to object to the Planning Board putting something in there about landscaping, etc. that's -

Mr. Hipps - They would probably do it anyway.

Supervisor Connell - It's going to be done, but this way you're doing your job.

Mr. Hipps - Yes.

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Chairman Johnston -

- i. I think this finding here, we should say something to the affect that "it has been extremely difficult to find any site suitable for this use, and the existing site is about the best one there is and it's not in the Village, but it's not really a realistic turn to put it in the Village, either.

Mr. Hipps - You can't just say "NA" to that, you have to say something.

Chairman Johnston - Would that be an accurate statement to say?

Ms. Fitzgerald & Mr. Anson - Yes, and Mr. Maron.

Chairman Johnston - Ok.

- j. comply with **Section 5.063 (attached, page 10C)** let's take a look at that. The criteria of 5.063, this is specifically dealing with site planning and landscaping. I think that we should say something to the affect that "we presume it will apply, but we would like to take a look at a final site plan, when it's available".

Mr. Hipps - And the design professional should be familiar with Section 5.063.

Chairman Johnston - Yes, good suggestion.

Mr. Maron - One of the criteria here is "lighting", seems like it's fairly appropriate.

Chairman Johnston - Ok.

- k. I would say, "based upon everything we've looked at", the answer is, "yes", right, Mary Lou?

Ms. Fitzgerald - Yes, or true, either way.

**Chairman Johnston - What I would propose then, that the Planning Board move to approve this project, subject to the Planning Board's final approval of the Class B Permit at the next month's meeting. So moved, Ms. Brant, second, Mr. Anson, no discussion, all in favor, carried.**

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Chairman Johnston - Dan, what I'm going to do, because it's a Class B Project, I will draft a Class B Permit between now and the next meeting (May 26, 2010) and the Planning Board will read over the proposed permit at the next meeting, either approve the permit or not or send me back to the drawing board.

Supervisor Connell - We can't do anything until the 15<sup>th</sup> of June, we have plenty of time for that process to take place without having any affect at all on the overall project, can't do anything until the 15<sup>th</sup> of June, anyway.

Chairman Johnston - Ok, I think we're done with that one. George, anything more we have to do here?

Mr. Hainer - No, I think that touched all the bases. Final approval, the action.

Chairman Johnston - Let's move on to the next item and that is:

**Bessboro Farm LLC Project -- Various Tax Map Nos. -**

You have in front of you a map and a list of lots (attached, pages 15A-D). What is happening here is that the Treadwell's are disposing of their properties and they have hired Kevin Hall to help them get through the permitting process and at this point a Jurisdictional Inquiry has been sent to the APA and George tells me that a response has not been received-

Mr. Hainer - Right.

Chairman Johnston - the APA would determine what is jurisdictional and it may very well be the case that nothing is jurisdictional because there are actually very few subdivisions that are part of this; most of the sales of these proposed parcels, these parcels are numbered, Lots 1-14, and there's a lot called the Wood Lot. These lots that are being offered for sale are comprised of parcels of land that are separate lots of record that are being combined, in some cases to make larger parcels, larger lots. There is a subdivision that we know of, in that the swimming pool is going to be, some of the land around it is going to be separated from a lot that's largely an

Planning Board Public Hearing

Regular Meeting

Westport Municipal Center

April 28, 2010

agricultural lot, and that's going to be merged with the Stone House. The other potential subdivision, George,

Mr. Hainer - The Frisbie Farm.

Chairman Johnston - This is the one where the road divides the parcel. There's a situation where there's a parcel that is divided by a road and they want to separate those two, that's kind of like a subdivision we saw last month with the Cynthia Johnston property.

Mr. Hainer - Lots seven (7) and nine (9), right, seven, eight and nine all have the same tax map number 76.2-1-59.1, so probably -

Chairman Johnston - There is another issue here, and that is Lot 1, which is the lot where Sandy Treadwell's house is located, is contained within Lot 2, and there doesn't appear to be, at this point at least, any provision for access, driveway easement or utility easements, so that's a detail that has to be addressed.

In some cases, I think it would be useful to know how many building rights are associated with some of these parcels. In the case of quite a few of the lots there are conservation easements that cover the number of building rights and the building rights are quite limited and they're confined to identify building envelopes. But, there are a couple of parcels, particularly those in the former Village, where there is a number of building rights, I think it would be helpful to determine what theoretical number of building rights are on these parcels, because we may be looking at in the future, potentially subdivision of some of the parcels in the Village where there's four or five different building lots, somebody might buy, just for example, Mrs. Treadwell's house and property and decide they want to put five or six houses in there, that's conceivable, I think it would be useful to try to pin down now while all this is happening, what the number of building rights are.

George, why don't you jump in here if you have any thoughts or concerns that you -

Mr. Hainer - I think what Kevin, until we get the APA's response back to see what is jurisdictional to them, we can't do much in the Town part; the Hamlet part, the area where Lot 1 and 2 are, is divided up between a 42 acre,

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

what's Resource Management in our Hamlet area, which is Village Management, that area is down in the lower part, here, and that area takes, probably takes about a half of Lot 2 and part of Lot 3, but the other side of that is one and a half acre zoning, which is around Sandy's house and that whole area, there's quite a bit of potential there, and as Bill said, "if we could get a build out". We do have a "build out" under current zoning that Saratoga Associates has provided us in this grant that we're doing right now, it does give us an indication of the amount of houses.

Chairman Johnston - I think Kevin ought to be able to compute the acreage in these various land-use categories pretty easily and then just dividing by the density guideline would give you a theoretical number of building rights.

Mr. Hainer - Right. Kevin did say that these parcels would be sold off in various quantities, people could buy certain ones, combine them, we don't know exactly how they are going to be offered for sale, whether people have asked about D & L Motors, the former D & L Motors, whether someone could buy that and open it as a garage, again, we don't know if that's going to be offered as a separate entity to the general public or if it will be offered to somebody that buys other parts of the farm that would want that. These are questions that we could certainly ask for answers.

Mr. Anson - Where does the Hamlet line end, going south?

Mr. Hainer - Just past Chet DeGroff, Gladys Mauran is just on the edge, goes out into the field.

At this point the Board viewed the map to determine Hamlet boundaries.

No discernible discussion at this time.

Chairman Johnston - As of this point in time, the Town hasn't received any application for anything.

Mr. Hainer - No, and that's the other question, is exactly how are we going to handle this; is it going to be individual applications, I guess it would be for each

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

subdivision and exactly where, is there any issue with merging of lots. I think the APA will shed quite a bit of light on the whole situation when we receive the letter from them.

Chairman Johnston - We've sort of segued in to our next item - and that is discussion of "Merging of Lots", item number four (4)

George, you've asked the Town Attorney if he has any thoughts about "merging of lots"

Mr. Hainer - Right, if there's going to be any issues with particularly with this quantity of land being divided, merged, etc., he's concerned about Lot 1 and 2, access, easements, etc. Whether Lot 3, whether there is a building right associated with Lot 3, I think we need to assess, go over lot by lot and look at the history, he was also concerned about legal lots of record, are these legal lots of record, I don't know what the chain is as far as, I know the big map has the chain of the history behind each lot where they came from and how they were created. Hopefully, the APA will be doing a lot, they're usually pretty good reading deeds and tracing that information. Mr. Hainer asked for the notes that we went over each lot separately. It appears out of approximately 1,411 acres, there's actually only going to be created, probably two new building, single-family dwellings that would be allowed to be built. The Wood Lot has a camp on it and that would be allowed to remain or to be a single-family dwelling, be replacing the camp. The Smith Farm on the Dudley Road, they have all those barns that were converted, a single-family dwelling could be created there. The Frisbie Farm, out toward the Napper Road, at the other end, has a building envelope for a single-family dwelling. Other than that, everything else is in a conservation easement. All those building rights are locked up, once we know, that will be good information, just at this time with the Saratoga Associates and the study we're doing now to be able to possibly use that in order to get our Hamlet expansion in other areas. I don't think they'll transfer the building rights, but if we've lost them, then it should be something that we could make our case.

Ms. Fitzgerald - Is someone ready to buy any parcels, yet, I've heard that -

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Mr. Hainer - There's rumors out there.

Ms. Fitzgerald - I heard that someone had bought something on the east side, there.

Mr. Hainer - I know that I talked to somebody the other day, and they said they're really not advertising anything yet until this goes through, until the merging -

Mr. Maron - Just to clarify, the easement covers 1,200 acres, so when you look at the map, it's everything north of the Treadwell Farm, the Smith Farm is not part of the easement. So that's the Treadwell property, Mr. Maron pointed out what isn't covered by the easement, all the rest is. So excluding that, you can build a house, here and build a house there and here's there's no easement, so that is in compliance with whatever the zoning is.

Mr. Hainer - Ok, that's good, Chris. That's Lot 14 (attached, page 15D), so that would be 190 acres. It doesn't appear that they've restricted that.

Mr. Maron - Yes, 14 isn't restricted.

Mr. Hainer - So that would be approximately four (4) building rights.

Mr. Maron - Yes, plus parts of Sandy's.

Mr. Hainer - That's one-and-a-half acre zoning in that area.

Chairman Johnston - I'd like to keep moving here, we have some more business to do, George you want to convey to Kevin the questions that the Planning Board has about the properties that are in the former Village, where the Town zoning lines are.

Mr. Hainer - Let's get this down now; you want zoning designations, where the Village and the Town, what the districts are -

Chairman Johnston - Yes, right.

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Mr. Hainer - And you want building rights designated, numbers calculated and -

Chairman Johnston - I don't think it's necessary on all the conservation easement properties, that's pretty cut and dry but for those properties that are not covered by the conservation easement, especially those that are in an area where a higher intensity of development that is permissible. Just so we know what we might be faced with.

Mr. Hainer - Basically, the Hamlet area here, around Lot 2 and 11.

Chairman Johnston - I think the majority of 14 is in Resource Management, but still it would be nice to know how many building rights are there.

On this issue of merging of lots, subject to Gary Wilson overruling me, I don't think that we have any jurisdiction over the merging of lots.

Mr. Hainer - It's just a procedure, I asked the assessor, he stated, you used to be able to go the assessor and say, "I want to put two lots together", he said now, "I won't do it unless you put it together in a deed, file it and then I'll do it".

Chairman Johnston - Yes.

Mr. Hainer - I think that covers everybody, because you want to make sure the tax is paid up on the lots, that you're not going to have a situation that we've been faced with before, where you have two lots owned by one person and the barn is on these two lots and they failed to pay the taxes on one of the lots and they go up for tax sale and the County sells them at the auction and now you're faced with a situation where you have the owner living in the house and the garage is next door and you're faced with a real tough situation. In that respect the merging of lots have to be done correctly and you have to make sure it's done right and it's not going to come back to haunt you.

Chairman Johnston - We're here to the last part of our agenda. ALTERNATE INTERVIEW. The three people that are interested in the Alternate position are back tonight. I asked Dan if it would be OK for us to have a brief

Planning Board Public Hearing  
Regular Meeting  
Westport Municipal Center  
April 28, 2010

Executive Session with the Alternates individually, just to have a chance to talk to them briefly about why they're interested in the Planning Board and get a little bit of information on their background. I have three pieces of paper here, numbered 1, 2 and 3, this is the order which we will talk to you.

Executive Session called at 8:24 P. M.

Before going into Executive Session Mr. Hainer asked the Board to review the two publications distributed regarding DEC Proposes stiffer outdoor-boiler regulations and Amtrak Bulletin on Handicapped Accessibility Location Plan (attached, pages 21A,B &C) Scope of Work and General Notes on the Project.

Recorder Off.

Everyone left, but the Planning Board and the three potential alternates.

Respectfully submitted,

Barbara A. Breyette  
Secretary