

PLANNING BOARD MINUTES
JUNE 23, 2010

Chairman Johnston called the meeting to order at 7:07 P. M. with the following members present; Mrs. Evelyn Brant, Ms. MaryLou Fitzgerald and Alternate, Mr. Courtney Fair. Guests in attendance, Ms Cynthia Fairbanks and Mr. Kevin Hall, Land Surveyor. Others in attendance, Mr. George Hainer, Building Codes/Zoning Officer and Barbara Breyette, Secretary.

Chairman Johnston - I'm going to designate Mr. Fair as a member today.

Chairman Johnston - First item of business, the **Minutes** of May 26, 2010. Did everybody have a chance to read them? Mrs. Brant and Ms. Fitzgerald stated they had read the minutes, but were not in attendance at the May meeting. Courtney, would you like to move that they be approved.

Mr. Fair - I would.

Chairman Johnston - Any discussion or comment, I second, by the way, all in favor, carried.

COLLINS OIL COMPANY - Tax Map No. 66.2-1-34.220 - Two-lot subdivision for the conveyance of a 2 ± acre lot containing existing oil storage tanks and storage sheds and retaining a 4.15 ± acre lot containing an existing single-family dwelling and on-site wastewater treatment system. -

Mr. Hall - On the first one, the Collins Oil project, I've been asked to put that one off until next month.

Bramich-Brack, Kathleen and Brack, Gregory J. - Tax Map No. 56.4-1-12.000 - Minor Subdivision. Subdivide the 18.31 acres into two lots. -- Mr. Hall displayed Preliminary Map, dated June 15, 2010. I believe the Board is familiar with this property. It was approved as a cell tower last year. Bramich's owned an 18 plus acres located on Boyle Road. Their house and garage is on Lot 1, they propose to set that out with 4.26 acres, then the remainder 14.05 acres will go with Lot 2 and that includes the easement area for the cell tower. In 2007 the Bramich's hired me to do work to come up with a lot configuration and they've hired an engineer to check the soils. They found suitable soils there. The project was put on hold, they decided to

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and in 2010 they decided to sell it. They actually want to sell both lots, so Lot 2 will be sold with the rights to build a single-family dwelling with an on-site water and septic. In 2007 the same lot configuration was presented to the APA, a letter of Non-Jurisdiction was received, which I copied to you. I was mentioned in the permit that was issued for the cell tower.

Chairman Johnston - Kevin, you said there were soils tests.

Mr. Hall - Yes. They're not shown on here, the soils tests and I've got to locate them yet, Bill, they're back in this area, here. There is a ROW that goes through Lot 1 and 2 that accesses Forcier's property, there's a note on the map; Forcier has a right to come along this wood road to get to the back. The soils tests and location, I'm sorry they weren't. I have to go out and locate them.

Ms. Fitzgerald - So, the soils tests are not here.

Mr. Hall - There isn't, no, and actually they would be proposing to build back in here. There's some talk of using the ROW as a driveway, I don't know why they're not looking at this, I think they want to minimize their expense to develop the property, so instead of hiring an engineer to find soils over here, since we have suitable soils here, which is back here in this area, they're going to access those. It meets the minimum lot requirements.

Mr. Hainer - Are their building rights going to be remaining with this or are they going -

Mr. Hall - I would have to ask them, I mean mathematically there would be, yes.

Mr. Hainer - Yes, quite a few, so, to put that on the map, there's one here and probably three or four there, right.

Mr. Hall - Ok, this is actually my mark-up map, so you want to have a "Note" on there with regard to the PBR's. I'll confirm that they don't want to put a second one on Lot 1.

Mr. Hainer - Yes, however they want to distribute --

Mr. Hall - Distribute them, but I'll clearly denote that. I read the APA permit, but did a building right, is that associated with the tower, under your regs?

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Mr. Hall - Distribute them, but I'll clearly denote that. I read the APA permit, but did a building right, is that associated with the tower, under your regs?

Mr. Hainer - I think it is, if it's, over 300 square feet - is it over 300 square feet?

Mr. Hall - It didn't mention it in the APA Permit, so, I'm not sure, maybe if there's a "Note" that a PBR is used there then -

Chairman Johnston - That's surprising, there's a big fuss in Essex about their water tank -

Mr. Hainer - Well, here they waived the PBR on the water tank yes, --

Chairman Johnston - Maybe, that's their new policy, because there was a big fuss in Essex. So, this ROW would that be shared by Joseph Forcier, the owner of Lot 2 and the other owner of Lot 1.

Mr. Hall - It would be three parties involved with the ROW if they use that, that's correct.

Mr. Hainer - But at any point they could all put in their own.

Mr. Hall - They could, road frontage and they do have, the grades aren't, I asked her, and I haven't walked this property myself, in this area to see it, but supposedly there is a place -

Chairman Johnston - Will they need to improve this at all, Kevin, this driveway?

Mr. Hall - Yes. It's a wood road so, it would have to be brought up to make a suitable, permanent driveway, that's for sure.

Chairman Johnston - Are there any other questions, by the Planning Board members? So this is a **Minor Subdivision**, we will need to do SEQR on this, right, George?

Mr. Hainer - Yes.

Mr. Hall - I didn't complete a SEQR.

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Chairman Johnston - We can do that at the next meeting. Would you be ready, Kevin for a Public Hearing at our next meeting?

Mr. Hall - Yes, if you would like to go through with this, I didn't know if anyone wanted to make a site visit, we can do that as well.

Chairman Johnston - Yes. I was thinking about it, just mainly to take a look at the road and kind of get an idea what the terrain is like back there. Unfortunately, we don't have a big turnout tonight. We can **schedule a site visit** and let people know be email-

Ms. Fitzgerald - I think we should schedule it.

Mr. Hainer - That area, I know that there was a lot of logging done up there, did that clear out a space for that site or anything.

Mr. Hall - No. I haven't been back there since 2007, George.

Mr. Hainer - I know when Denny was building his house he had a massive chipper in there, I don't know how close that site is to this house, where is it right in here, that they were looking at -

Mr. Hall - Yes. I walked out the day they did the test.

Mr. Hainer - That's probably about the same area.

Chairman Johnston - Ok, how about a week from Friday, that work for a site visit.

Secretary - The second.

Chairman Johnston - Yes.

Ms. Fitzgerald - July 2nd, is that the fourth of July weekend?

Yes.

Ms. Fitzgerald - Will that interfere with anybody?

Chairman Johnston - If we do it first thing in the morning.

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Ms. Fitzgerald - It's ok with me.

Mr. Fair - I'll be out, but that's ok.

Chairman Johnston - Why don't we meet at the Bramich home at 9 A. M. Do it sooner than later.

Mr. Fair - I was wondering about the cell tower, is that a dead proposition?

Mr. Hainer - That's been approved and ready to roll, they called me up a couple of weeks ago for building permits.

Mr. Hall - The "Note" is on there because as of, I submitted this to you (the map) last week, the permit had not been filed.

Mr. Hainer - I was going to check that today, that's only 60 days, right.

Mr. Hall - Twenty-ninth (29th), they have until the 29th.

Chairman Johnston - Are they changing their mind about building this tower?

Mr. Hall - I don't know anything about that.

Mr. Hainer - Verizon called, Verizon is ready to roll on a building permit, I sent them information last week.

Mr. Hall - There is an APA permit.

Mr. Hainer - If the APA permit hasn't been filed yet, then there not going to be moving on it until they do, till somebody files it.

Mr. Hall - That's right, it has to be recorded to be validated by the 29th of this month.

Chairman Johnston - It's kind of odd that they're selling it, are they selling the income that comes with the lease, as well?

Mr. Hall - I don't know. They didn't tell me, they may or may not.

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Chairman Johnston - Sort of makes pricing a lot a little tricky.

Mr. Hall - That would.

Mr. Hainer - The way technology is changing.

Ms. Fitzgerald - Did I understand, you saying, they're selling both so it means, they're not staying?

Mr. Hall - That's my understanding, that both will be on the market.

Ms. Fitzgerald - Including their current house?

Mr. Hall - Yes.

Chairman Johnston - I'd like to suggest that we schedule a Public Hearing for our next meeting, Barbara.

Mr. Hainer - You have a list in here for the 500 foot notification.

Secretary - Yes, I do.

Chairman Johnston - Anything else on this particular project, questions?

Ms. Fitzgerald - Kevin, since you're the go between, they don't have to be there, you going to be there?

Mr. Hall - I'll be there. If I can't be there, one of them will be there, but right now it works for me.

Mr. Hainer - Kevin, so you're going to locate the deep-hole tests and the perc tests on the map, the building right calculations on each lot and the location of the house site,

Mr. Hall - Right.

Mr. Hainer - and then we'll look at the building right on that cell tower to see if there was one -

Mr. Hall - If you can let me know on that, Bill.

Mr. Hainer - Make a note of that, Barb.

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Mr. Hall - I didn't know whether to put the setbacks on this, there not substantial in that area -

Mr. Hainer - Thirty (30) feet.

Mr. Hall - I looked at those and actually, you look at the ROW to the cell tower is only 30 feet, so that setback line would be basically along the edge of that ROW into the cell tower site.

Mr. Hainer - The house site is going to be dictated by how far they want to be from the septic system or else find another perc.

Chairman Johnston - George, about the driveway, is that something you would require be addressed when they apply for the building permit for the house.

Mr. Hainer - As far as what?

Chairman Johnston - Would you require, under the Building Code, any sort of improvement of the driveway?

Mr. Hainer - Generally, you have to have the Fire Chief look at that, to make sure a fire truck can make it, so that would depend on the situation, how bad it was.

Chairman Johnston - Is that something we should consider "conditioning", in the approval?

Mr. Hainer - You could. Let's take a look at it and see what it's like. I know up to this point it must be pretty good. I would imagine, if they build here, I'm sure they're going to improve it.

Ms. Fitzgerald - You get a little steeper off the road, probably, if they set it up here, anyway.

Mr. Hainer - You start having concrete trucks and everything else, dump trucks, etc., to build, the roads will be improved to meet the minimum, 15 foot width, that you need to pass the Building Code, as far as having access to the fire people.

Chairman Johnston - Anything else, anyone wants to say or ask about this -let's move on - Thank you, Kevin.

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Mr. Hall - Thank you.

Chairman Johnston - George, what we have next, I guess, is an announcement -

Mr. Hainer - Announcement?

Chairman Johnston - Aren't you announcing the **APA Map Amendment**.

Mr. Hainer - The APA Map Amendment, the Wadhams Map Amendment in the Hamlet - Wadhams, finally, it was never corrected on the official APA map, it was still coded as Resource Management, that area from Church Lane down Route 22 and back around following the Boquet. About two months ago, Darlene Gough called the APA and got this going, she wants to sell her house and wanted to build a garage and wanted to straighten it out before she sold her house. So, that actually got the ball rolling again, by her formally submitting something. Hopefully, in the next month or two they will get that corrected, it will be Hamlet like our Zoning states it is. Not that there's any build out there at all, but it will be "Hamlet".

Chairman Johnston - Under item six (6), "**Other**" - Is there any "Other", that anyone wants to bring up.

Ms. Fitzgerald - I have a question on the Field's building, business, at Exit 31 - I was led to believe with the "conditions", everything is supposed to be either in the building or in trailers and there's still edging, they're beginning to edge out and not that it's bad at the moment, but if that edging out, coming out slowly, gets more and more, that could be a concern, it's really not completely neat yet. They have some tables up, it's not our jurisdiction, I know that, but -

Mr. Hainer - We could read the APA permit and I could call over there and talk with someone and see - he was going to build an addition on the back there, I haven't received any application for a building permit.

The only **other** thing that I have is, if anyone is interested in the power line that they want to put down the Lake, I have all the documentation, about a thousand pages. It's really interesting, the whole project.

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Chairman Johnston - George, is there any likely impact on the land, Town of Westport, on this?

Mr. Hainer - I don't think so, I don't know what - they're going down, they're going to take a water power jet, they're going to etch out the bottom of the Lake and going to lay four transmission cables and then at some point they're going to go overhead, they have two various routes. If anybody wants, just out of curiosity, read any of the information, I could e-mail it to you, it's interesting.

Chairman Johnston - I looked at some of it on line.

Mr. Hainer - The technology is amazing, they're going to run it from Canada, Hydro-Quebec, all the way down to Yonkers and Connecticut, Bridgeport and different parts of Connecticut, and feed this high-voltage DC (direct current) and then convert it, it's just amazing. I don't know if we're getting any tax benefit out of it or anything.

Mr. Fair - They're crossing the Lake, south of us.

Mr. Hainer - They're coming right down the Lake on the New York side. When you look at the map, it looks like it's under Bill's boat or something, probably more towards the imaginary line, and that's the Army Corps, that controls the Lake.

Chairman Johnston - The bottom of the Lake on New York State -

Mr. Hainer - Yes, but the Army Corps -

Chairman Johnston - They regulate usage.

Mr. Hainer - Everybody is involved, they sent all the Towns the information.

Ms. Fitzgerald - Is there anymore communications on the little ugly thing at the railroad track, that they're proposing.

Mr. Hainer - The fact that they're starting it in August, yes, they are, it's temporary, probably 20 or 30 years.

Ms. Fitzgerald - At the last meeting we were hoping to get them to -

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Mr. Hainer - The issue there, was the parking. It has to be close to the handicapped parking, that's the only spot for the handicapped parking. They're 15 years behind the time when they should have completed this handicapped accessibility and this is an interim fix until they can put in handicapped siding, which will probably -

Chairman Johnston - You mean the raised platform.

Mr. Hainer - Right, the regular siding. That little thing will probably cost them \$150 to 200K. It looks like a fishing shanty.

Wadhams is progressing. Evelyn's house, I don't know how you're coming with that.

Mrs. Brant - I called the APA and talked to Virginia. I need to fill out the last questionnaire that she sent us and mentioned we didn't want to put the sewer line in if we weren't going to get an approval to build. She mentioned that wasn't a problem, she just needed the paperwork. She mentioned they're shouldn't be any problem, and go ahead with our plans.

Mr. Hainer - Yes, right. They're building the road down to the new water plant, the contractors have started, they're going to actually start digging for the building. They've roughed out the road

Mrs. Brant - The ROW is cut out.

Chairman Johnston - I think a motion to adjourn is in order.

Ms. Fitzgerald - I so move.

Mrs. Brant - Second.

Chairman Johnston - All in favor, carried. Meeting adjourned 7:30 P. M.

Respectfully submitted,

Barbara A. Breyette, Secretary