

**PLANNING BOARD REGULAR MEETING, April 19, 2023 at 7:28 pm**

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**Members present:** Alan Hipps, Chris Maron, Mary Lou Fitzgerald, Ken White, Elisha Bartlett, Daniel Berheide, and (Cheri Phillips- alternate).

**Guests Present:** George Hainer, Catherine Simmer, Pat Troyan, Mattieu Baillargeon, Jordon Sauter, Benji White, Laura McDaniel, Cena Abramo, Michael Fergot, Michael T. Tyler, Nellie Vargas, Wendy Meguid, Keith Hoffnagle, Taylor Haskins, Josh Kingzack, Michael K. Tyler, Conner Williams, Nancy Page, and Bill Johnson.

The OMNM, LLC, 6679 Main St, Tax Map # 66.56-1-22.002, Special Permit, Public Hearing was held prior to the regular meeting. The public hearing closed at 7:27 p.m.

Vice- Chairperson Alan Hipps: Opened the Regular Meeting at 7:28 p.m. Our first order of business is to accept the resignation of Robin Severance.

Ken White: I nominate Elisha Bartlett as Chair.

Mary Lou Fitzgerald: I second that nomination.

Elisha Bartlett: Thank you for the nomination. I accept and ask for guidance from the Board.

Vice- Chairperson Alan Hipps: Elisha is very qualified. This is a good choice.

Mary Lou Fitzgerald: I am excited and happy.

- **Resolution 2023-19 Nominate and Appoint Elisha Bartlett as the Town of Westport, Planning Board Chairperson.**

**Resolved:** To nominate and appoint Elisha Bartlett as the Town of Westport, Planning Board Chairperson.

**Moved by:** Ken White

**Unanimous second:** Chris Maron, Mary Lou Fitzgerald, Ken White, Daniel Berheide, and Vice- Chairperson Alan Hipps.

Vice- Chairperson Alan Hipps: Would you like to start with this meeting?

Elisha Bartlett: If it is okay with you and the Board, I would prefer to start fresh with the next meeting.

Vice- Chairperson Alan Hipps: I think that is acceptable. Does anyone have any corrections or comments about the March 22, 2023 public hearing and regular meeting minutes?

Elisha Bartlett: I move to accept the minutes.

Mary Lou Fitzgerald: I second that motion.

- **Resolution 2023-20 Approval of the Hoffnagle Public Hearing and Regular Meeting Minutes from March 22, 2023**

**Resolved:** Accept the Hoffnagle Public Hearing Minutes and Regular Meeting Minutes from March 22, 2023 as submitted.

**Moved by:** Chairperson Elisha Barlett

**Seconded by:** Mary Lou Fitzgerald

**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.

**Opposed:** None

Vice- Chairperson Alan Hipps: We need to discuss the OMNM, LLC public hearing first.

Chris Maron: I move we approve the project.

Ken White: I second that motion.

Vice- Chairperson Alan Hipps: We need to discuss the parking.

The Board discusses the finding of the OMNM, LLC public hearing. There are concerns about enough parking for the business that will be located in the OMNM, LLC building. Concerns include: number of spaces for each use, location of parking spaces, ease of flow for parking, and overlap of spaces for multiple uses. The Board reviewed Section 29 of the Land Use Law pertaining to parking. The project applicants are just as concerned about parking spaces as the Town. The applicants want the businesses to be successful.

Taylor Haskins: We need to provide 16 spaces for this first project, which we have done.

George Hainer: Section 29 of the Land Use Law clearly states the parking requirements.

Daniel Berheide: They have exceeded the parking requirements for this special permit request.

George Hainer: If you look at the time of day the restaurant, store, and bakery will be operating, they don't overlap, plus the six spaces needed for the apartments. There are enough spaces for what is there now.

Vice- Chairperson Alan Hipps: The restaurant/pub has 37 seats and requires 16 spaces. There are 22 parking spaces on the plan.

Chairperson Elisha Bartlett: It is important to know the demand, and properly allocate parking spots accordingly. I know we have had multiple discussions about parking and transportation. The building is going to have multiple uses. It would be in your best interest for each use to map out times for use and parking allocation. You should also get written agreements in place.

Taylor Haskins: Ideally, the County would let us use their parking at the Fairgrounds. We would figure it out in a safe way. We know we need more parking.

Chairperson Elisha Bartlett: On the site plan the parking is on the side, the rear and in the front of the building. According to the Land Use Law Section 29.041 the parking is not supposed to be in the front of the building.

Josh Kingzack: We need those spaces to fulfill the parking requirement.

Chairperson Elisha Bartlett: We need to maintain look and safety. I am not arguing for more parking spaces but less spaces.

Josh Kingzack: Losing space in the front would be detrimental to our business.

Daniel Berheide: Parking out front is not necessary. The original plan showed the ability to drive all the way around the building.

Taylor Haskins: Yes, that was the original plan, but we needed to have a dumpster. The need for the dumpster and truck access changed the flow of vehicles around the building. We are bound by Westport regulations.

Chris Maron: There is something to be said about parking in the front; it draws attention that something is happening at the location. Cars parked out front will alert people that there is a business.

Benji White: Why is there all this emphasis on parking? They have met the requirement. Problem solved.

Vice- Chairperson Alan Hipps: Our ordinance states it's preferred.

Chairperson Elisha Bartlett: I would like to defer to George.

Vice- Chairperson Alan Hipps: The requirement is 16 parking spaces they have provided 22.

Chairperson Elisha Bartlett: Read aloud Section 29.041 of the Land Use Law, Design of Parking Areas, Location and Screening. This is a section of our law that was not previously covered.

Vice- Chairperson Alan Hipps: It is good that it is brought up. We need to complete the SEQR. This is a Type 2 Action.

Vice- Chairperson Alan Hipps: Read aloud the SEQR and the Board completed the form. The SEQR Part 2 and 3 are permanently attached to the minutes. (Exhibit 1)

Chris Maron: I move we approve the project as presented.

Ken White: I second that motion.

- **Resolution 2023-21 Approval of the OMNM, LLC, 6679 Main St, Tax Map # 66.56-1-22.002, Special Permit**  
**Resolved:** Approve the OMNM, LLC, 6679 Main St, Tax Map # 66.56-1-22.002, Special Permit as presented  
**Moved by:** Chris Maron  
**Seconded by:** Ken White  
**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.  
**Opposed:** None

Vice- Chairperson Alan Hipps: Our next project is a Site Plan Review for OMNM, LLC, Red Oak Food Company special permit application. Please tell us about your application.

Jordan Sauter: This will not be a retail space. I may occasionally give bread to the market to sell. I am the only employee. I will be in sometime between 4 am and 6 am to bake, I will be out for deliveries by 11:00 am.

Vice- Chairperson Alan Hipps: This application does not require a public hearing. We have required each applicant for OMNM, LLC to come before us with a special permit. Does the Board have any questions or comments?

Chris Maron: I move we approve the project as presented. There is a staggered parking situation. This project will cause no undue burden on the current parking situation.

Daniel Berheide: I second that motion.

- **Resolution 2023-22 Approval of the OMNM, LLC, 6679 Main St, Tax Map # 66.56-1-22.002, Red Oak Food Company, Special Permit**  
**Resolved:** Approve the OMNM, LLC, 6679 Main St, Tax Map # 66.56-1-22.002, Red Oak Food Company, Special Permit as presented  
**Moved by:** Chris Maron  
**Seconded by:** Daniel Berheide  
**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.  
**Opposed:** None

Vice- Chairperson Alan Hipps: Keith Hoffnagle, special permit for light manufacturing of beer and cider in rear section of the former Westport Fire District building, 38 Champlain Ave., Tax Map #66.58-2-31.000 has been withdrawn. We are in receipt of a response from Joel Russell, Esq. to clarify sections of our Town Land Use Law. He was the attorney that initially wrote of Land Use Law.

Daniel Berheide: I move we enter the response into record without being read aloud.

Chairperson Elisha Bartlett: Please read the conclusion.

Vice- Chairperson Alan Hipps: Read aloud the conclusion.

George Hainer: Interpreted the letter to state-basically, storage, which is a non-conforming use, will still be allowed since the Fire District was still using the space for storage.

Daniel Berheide: Does this mean it is up to the Planning Board?

Chris Maron: We need to amend the law to align with the APA. We need to change our non-conforming use from 1 year to 5 years.

Mary Lou Fitzgerald: I agree.

George Hainer: We are currently amending our sign law; we can add this change. The Planning Board needs to advise the Town Board of this change.

Chris Maron: I suggest we make that recommendation.

Vice- Chairperson Alan Hipps: Let's take the time to get the wording right.

Chris Maron: It makes a good point that it protects the residents but it is also hurting the Town.

Vice- Chairperson Alan Hipps: Please attach letter from Joel Russell, Esq. to the minutes. (Exhibit 2)

Vice- Chairperson Alan Hipps: We've received an involved Agency letter sent to the Planning Board from the County Manager, Michael Mascarenas for the SEQR of a proposed Essex County Fairgrounds project, which Alan Hipps read aloud, and noted that we can be involved or interested.

Narrative: Essex County has proposed to build a new building next to the current Cooperative Extension Building. They intend to be the lead agency on this project, pursuant to 6NYCRR Part 617, SEQR. The Town has the right to be an interested agency and possibly an involved agency. We may possibly be an involved agency because of the impact on culture and the fact that the building is next to an Historic Building and one of the Town's Landmark Buildings. The County has the right to be the lead agency. The Town is not considered to be the lead agency.

Discussion: Daniel and Elisha suggest we remain an interested or involved agency. The Town and the people will still have a voice. Nancy Page and Bill Johnson have provided the Planning Board with a list of concerns. This is an opportunity for the Town to voice their concerns and question what their plans are for the space. The new building has not been designed yet. The Town is being asked to comment on something that has not been designed yet.

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Benji White: Does that relieve the burden of the Town to be an interested agency? Can the Town be lead agency?

Vice- Chairperson Alan Hipps: I'm not sure we can be the lead agency.

Chairperson Elisha Bartlett: What is the zoning of the fairgrounds?

Michael K. Tyler: We have done similar projects in the past, we don't want to be lead agency. Trust me, the County will do what they need to do to maintain the historic nature of the building.

Daniel Berheide: The Town and the people of the Town will still have a voice.

Benji White: So that relieves the burden from the Town.

Mary Lou Fitzgerald: Should we fight to be lead?

Chris Maron: The lead agency has the decision making power. Is it a conflict to be lead agency and the applicant?

Vice- Chairperson Alan Hipps: No, that is very common.

Nancy Page: The County must hold a public hearing. The County said the Town is an involved agency. This is an opportunity for the Town to get its foot in the door.

Vice- Chairperson Alan Hipps: We control the zoning. The Cornell Cooperative Extension building is one of our Landmark Buildings and is a historical building. This project will need to go before the Architectural Review Board.

Nancy Page: We would like the County to look at the two buildings together not separately.

Vice- Chairperson Alan Hipps: What is the typical timeline?

Chairperson Elisha Bartlett: 30 days

George Hainer: 20 days to determine significance

Nancy Page: We need to respond by May 1<sup>st</sup>. A decision needs to be made tonight about any points the Planning Board wants to make.

Benji White: Does the Town have a position on this project? Are we pushing for this project?

Keith Hoffnagle: They want to make the old Cornell Building a three season building.

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Benji White: Can we present a unified front?

Michael K. Tyler: We need to be careful. We fought hard a year ago or so to save this building from demolition. We saved the building but we need to tread lightly. Some people would just assume to see the building torn down. We know it is a four season building. Let them rehab it to a three season building. We will have both buildings. If we fight they will walk away. There is an attitude at the County about this project. Let the County be lead and we can have an opinion. Let us have the new building and the old one. I agree there are concerns. If we push too hard they may walk away and let the building deteriorate.

Bill Johnson: The new building is proposed to be 8000 sqft. and cost 6-8 million dollars. The existing building would cost half of that to renovate with less impact.

Chris Maron: What is the position of the Town? I agree with Nancy and Bill.

Michael K. Tyler: Let the County be the lead agency.

Daniel Berheide: I make a motion to be an involved agency.

Chris Maron: I motion to amend that motion to read. "As an involved agency we do not object to the County being the lead agency in the SEQR process." The County has already stated that we are an involved agency.

- **Resolution 2023-23 The Westport Planning Board as an involved agency with no objection to Essex County being the lead agency for the purpose of the SEQR**  
**Resolved:** As an involved agency the Westport Planning Board does not object to the County being the lead agency in the SEQR process.  
**Moved by:** Daniel Berheide  
**Seconded by:** Chris Maron  
**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.  
**Opposed:** None

George Hainer: This building is one of the Town's fourteen Landmark Buildings. The Planning Board is obligated under the Town's Land Use Law, Section 25, Landmark Preservation to save this Landmark Building. We must do whatever we can to save this building.

Chris Maron: I move we adapt the comment letter and add site plan review.

Chairperson Elisha Bartlett: I second that motion.

- **Resolution 2023-24 The Planning Board will send a letter to the County with concerns and ask for a site plan review.**

**Resolved:** To send a letter to the County addressing concerns and requesting a site plan review.

**Moved by:** Chris Maron

**Seconded by:** Chairperson Elisha Bartlett

**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.

**Opposed:** None

Daniel Berheide: I motion we encourage the Town Board to also send a letter to the County regarding the Fairgrounds proposed construction.

Chris Maron: I second that motion.

- **Resolution 2023-25 Send a letter to the Town Board encouraging them to send a letter to the County regarding the Fairgrounds proposed construction.**

**Resolved:** To send a letter to encourage the Town Board to send a letter to the County regarding the proposed construction.

**Moved by:** Daniel Berheide

**Seconded by:** Chris Maron

**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.

**Opposed:** None

Bill Johnson: It would be a good idea to also send your letter to the State Historic Preservation Office. This will need to be reviewed at the Federal and State levels.

Vice- Chairperson Alan Hipps: Is there any other business?

Chairperson Elisha Bartlett: There were some Planning Board members in attendance at the EDC meeting the other night. There was some discussion about a Comprehensive Plan for the Town.

George Hainer: We don't have a Comprehensive Plan but there are plans that have been done over the years.

Chairperson Elisha Bartlett: In 2008 there was an Economic Development Plan. The Town should have a vision. We should have a Comprehensive Plan. It would help with a lot of the issues that have been arising recently, like the non-conforming use and zoning questions. We should have some discussion about a Comprehensive Plan at future meetings.

The Planning Board members all agreed this is worth a discussion.



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Benji White: Inquired about placing a sign as visitors are entering town to alert them of what is ahead such as local businesses, restaurants, and the electric charger. Also, I have had a few people tell me the new EV Charger pricing is higher than average. The price per kilowatt is high and the idol fee is high. The charger was also not working. They all called the number on the charger.

Chairperson Elisha Bartlett: Things like that need to be included in a Comprehensive Plan. This needs to be a collective effort among groups. The goal would be to come up with a plan that could be adopted by the Town Board.

Mary Lou Fitzgerald: I move we adjourn.

Daniel Berheide: I second that motion.

- **Resolution 2023-26 Adjournment**

**Resolved:** To adjourn the meeting at 9:20 pm.

**Moved by:** Mary Lou Fitzgerald

**Seconded by:** Daniel Berheide

**In Favor:** Chris Maron, Mary Lou Fitzgerald, Ken White, Chairperson Elisha Bartlett, Daniel Berheide, and Vice- Chairperson Alan Hipps.

**Opposed:** None

Respectfully submitted,

Catherine L. Simmer, Secretary