PLANNING BOARD MINUTES
FEBRUARY 24, 2016

Chairman Maron Called the Meeting to Order at 7:07 P. M. with the following members present;
Mr. Dwight Anson, Mr. Alan Hipps, Mr. Dave Reckahn and Ms. Cynthia Fairbanks. Ms. MaryLou Fitzgerald was excused. Absent, Mr. Ken White. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer. There was no one in attendance from the Public.

MINUTES: The Minutes of the January 27, 2016 Meeting were approved on a Motion by Mr. Hipps, with a second by, Mr. Reckahn, all in favor, carried.

Chairman Maron – The subject for tonight is Mr. **Robert McGee – Tax Map No. 66.2-2-24.120 &.200** – To review the findings and to discuss the Special Permit. We had emailed the findings and a copy of what showed the changes that were being made and then also one that had those changes as accepted. Before we discuss those, just let you know what the plan is tonight. We will go ahead and review those, then we'll look at the Special Permit. The Special Permit was also sent out by email with the red line showing the changes that were suggested from the last meeting and then a copy with those changes accepted. One of the things that was up in the air from the last meeting was the vegetative screening plan and we had a map which I had put together using a photograph of the lot the County Tax Mapping Service. Bobby had indicated that he had a different idea which sounded at the time something that would be ok and I asked him to bring in a plan for that. He had put this in the door tonight that Dwight found, "Bobby can't be here this evening because his wife has a medical issue". So he's not able to make it tonight. Looking at this vegetative screening, this is the road and the idea was to have the vegetative screening screen the facility or the thing from the road. It looks like his screening is sort of behind were all the action might be so I think that we may need to –

Mr. Reckahn – He's trying to put stuff back in there too, because if that's in line with the building –

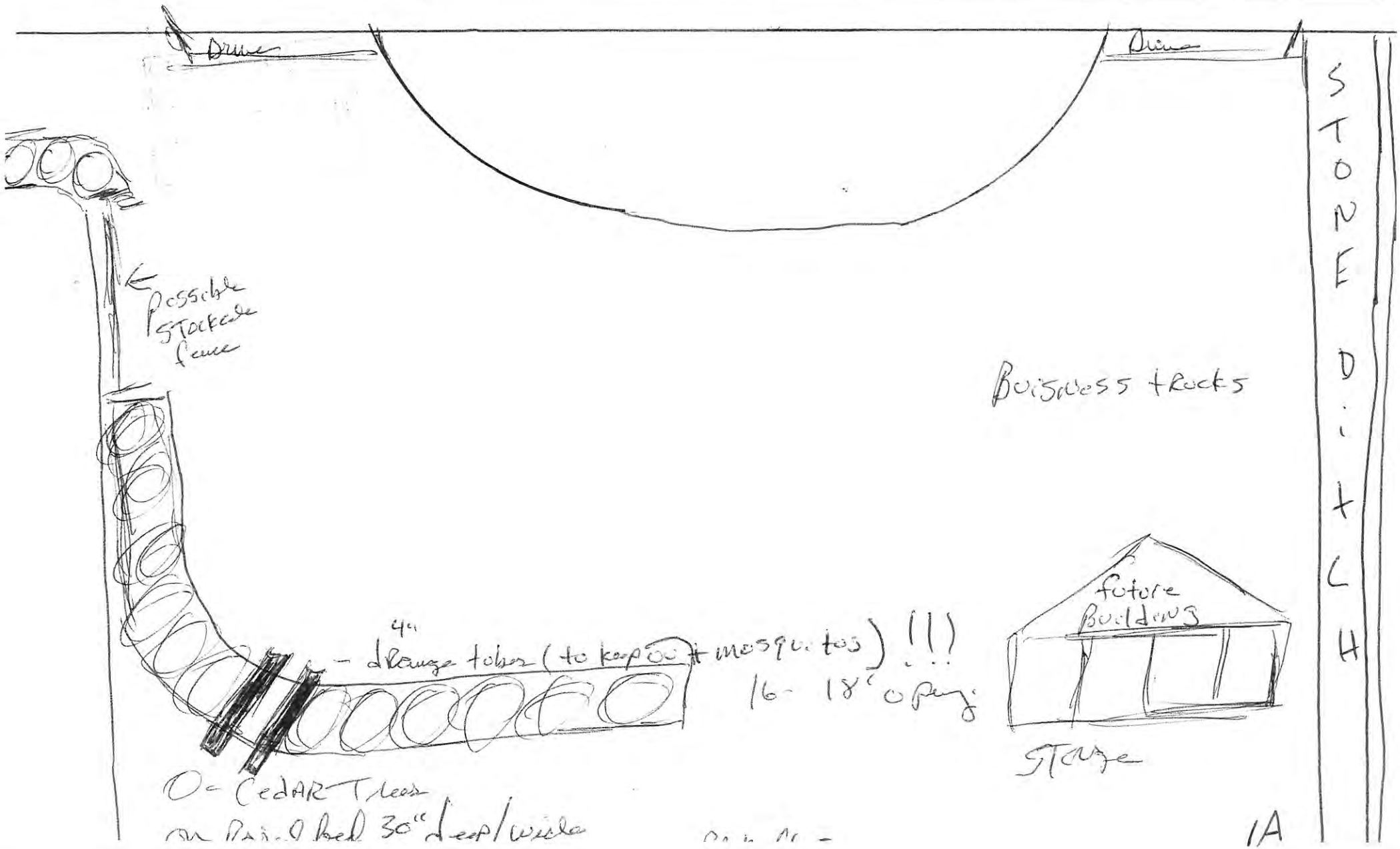
Chairman Maron – here's the –

Mr. Reckahn – The building is supposed to be close enough to the road so he can put the equipment behind it –

Chairman Maron – I think it's a little unclear how it's going to be, so I think what we will do tonight is look at the permit and findings and if those are ok with everybody, then we will go ahead and tentatively accept those then invite him in at the next meeting, so we can really discuss what the vegetative screening plan really is.

Mr. Hipps – It' hard, your right in part Dave, I know because in part Dave, because it says "back of lot" right at the bottom of the page behind the screening. (attached Page 1A.)

McGee PROPERTY
116 Lakeshore Rd
Westport NY



1A

Mr. Hipps – But, just looking at the scale of it, compared to the lot, it does look out of wack. It would be hard to approve what he's given us. What he's given us isn't what we discussed. I'll put it that way, maybe he just doesn't have the proportions correct. It could be as simple as that.

Chairman Maron – Actually, what you say is sort of interesting, I pictured the building as being back, but it seems like he put it up closer to the road that could act as part of the screening too.

Mr. Reckahn – That's what I kept talking about the building was going to be used because it was going to be a nice building then he was going to put some of the junk tires behind it so you're using the building as screening. If the building is back that far and the screening is in behind it – he can't use the screening too much, cover it all up, then he can't get in behind the building.

Chairman Maron -- Yes and he has a little 16 to 18 feet opening he says.

Mr. Hipps – That should be plenty.

Chairman Maron – I think what we'll do is go through the permit and findings and have him come back at the next meeting. One thing that he did say, there's some sort of conference going on in Saratoga, he talked about something, for the lack of a better word, landscape architect, although he didn't say that word, that he was, and again these were his words, he was going to meet with, consult with, come up with a better plan.

Mr. Hipps – A lot of the garden supplies, the very large ones, planting providers, these days, have a landscape architect on staff.

Chairman Maron – Ok.

Mr. Hipps – Maybe it is what he's talking about, I don't know. We didn't require that. That would be excellent.

Chairman Maron – Let's go ahead and look at the short SEQR, determination of significance.
The forms are attached to these Minutes, one reflects additions and deletions and the second form, reflects the actual wording to be accepted, (pages, 2A-2G).

Mr. Hainer – The copies with the pink marks are the originals.

Chairman Maron – Those are the ones that you can see where the changes have been made.

Ms. Fairbanks to Mr. Anson – Anything with a line under it, indicates a change.

1st DRAFT

Short Environmental Assessment Form
Part 3 Determination of Significance

The Westport Planning Board reviewed the **McGee's LLC Property Services, Towing and Recovery, and Small Engine Repair** Special Permit Application using the Short Environmental Assessment Form. We determined that the answers to Questions 1 – 3 concerning the proposed action would be "moderate to large impact may occur." Questions 4 – 11 would have "no to small impact." The more detailed answers and comments are:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Finding: The Planning Board's determination of "moderate to large impact may occur" is based on the location of the Property in an area zoned as "Village Growth Area" which is "where residential growth can best be accommodated." The intended use of this zoning designation is to promote residential development. The proposed action, which has already been established without a permit, has the potential to detract from the desirability of this area for residential use because:

- There is now and will likely continue to be a cleared area devoid of vegetation in a prominent location within the Village Growth Area.
- There is parking of numerous vehicles including tow trucks, flatbed auto carriers, trucks, and cars.
- There is "temporary" storage of wrecked vehicles. While each individual wrecked vehicle may only be parked for several days, the combined effect of temporarily-stored wrecked vehicles is that there may almost always be wrecked vehicles on the lot.
-

Resolution: The potential for a moderate to large impact to occur can be reduced by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Screening the site from public view, orderly parking of vehicles, and unobtrusive placement of wrecked vehicles. The applicant said that building a fence is impractical because of the short distance to bedrock and the Christmas trees he planted died because of shallow soils. Nevertheless, planting and maintaining shrubs that can survive in shallow soils would shield the site from public view and reduce its impact. Cedar trees can survive on shallow soils and with watering in the first few years and should be able to survive to maturity. Another option might be to plant willow shrubs. Any planting needs to be pruned to allow for appropriate site distance for those entering Lakeshore Road. Vegetative screening is more desirable than a fence for aesthetic reasons.

2. Will the proposed action result in a change in the use or intensity of land?

Finding: The applicant has already altered the lot to accommodate his proposed action. Thus the proposed action, except for constructing the proposed building has already taken place. Those actions were to clear vegetation from about 0.3 acres of the property, install two driveways, fill part of the ravine, park vehicles, and temporarily store wrecked vehicles. The former use was as a vegetated field with some trees. Therefore the use or intensity of use of the land has changed from "vacant" and "vegetated" to what might be described as "industrial" or "tow truck, large vehicle, and temporary wrecked car storage on an area devoid of vegetation with a dirt or item #4 fill surface."

Resolution: The action is allowed by special permit however the action is already in place before the special permit has been issued. The proposed use can be made less visible by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Screening the property in a manner described in Question 1.

3. Will the proposed action impair the character or quality of the existing community?

Finding: Before the applicant put in place the proposed action making this decision basically an approval of an existing, non-permitted use, the existing community was residential development along Lakeshore Road, one of the gateways to and from Westport. ~~Considering this proposal in light of how the existing community was before the proposed action was implemented, the nearby residences were low-to-moderate value modular homes and one-story houses of poor to fair quality. Residences farther north on and off of Lakeshore Road were and are of higher value because of larger size, proximity to Lake Champlain, scenic views, and better construction.~~ For those approaching or exiting Westport, the view was of a residential entry/exit into/from the village. Immediately south of the property is a large field available for residential development with scenic views of Lake Champlain ~~where high-value residences could be constructed~~.

The proposed and now existing action has changed the residential character of the neighborhood and the "existing community" one experiences while traveling to and from Westport on Lakeshore Road. Thus the project has a "moderate to large impact on the character and quality of the existing neighborhood."

Resolution: The proposed and existing action's effect on the character or quality of the existing community can be lessened by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Screening the property in a manner described in Question 1.

4. Critical Environmental Areas – **Finding:** "Not applicable" because there are no CEAs on or near the Property.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or a walkway?

Finding: The proposed action may have some impact on the level of traffic but this was determined to be a "small impact" with no need for resolution.

6. Energy use – **Finding:** "No impact"

7. Water supplies and wastewater treatment – **Finding:** "No impact"

8. Historic, archeological, architectural or aesthetic resources – **Finding:** "No impact"

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna?

Finding: "Small impact may occur" to ~~waterbodies (the brook in the ravine)~~the water quality in the intermittent stream and flora and fauna in the ravine and forest to the east if fill is continued to be deposited in and along the ravine and the affected site is expanded into the woods along the east side of the existing action.

Resolution: The proposed and existing action impact on the natural resources can be lessened by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Preventing the placement of fill in and along the slopes of the ravine and expansion into the forest areas. A fence or other form of demarcateion may best delineate the areas not to be filled or cleared.

10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Finding: It may have a "small impact" on erosion and drainage problems because water can flow across the non-vegetated lot and erode the soil. This might create drainage problems.

Resolution: The proposed and existing action's effect on erosion and drainage problems can be lessened by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Monitoring the flow of water and if there are problems, installing appropriate devices to slow or alter the flow to reduce erosion and drainage problems.

11. Environmental resources and human health

Finding: "No impact." However, the applicant indicated that he may temporarily store tires outside. Tires can hold water that breeds mosquitoes which can carry diseases which could have human health effects.

Resolution: The proposed and existing action's effect on erosion and drainage problems can be lessened by:

- Denying the permit application and requiring the removal of all tires stored outdoors.
- Requiring all tires to be placed or stored indoors or if outside, that they be covered.

Proposed Planning Board Conditions to address the potential impacts noted in this report:

- Install and maintain vegetative screening so that the vegetation limits views of the property from Lakeshore Road and adjoining properties. Planting and maintaining cedar trees, willow shrubs, or a similar species at areas noted on Exhibit A will address this impact. The applicant may propose an alternative location of the vegetative screening which the Planning Board can approve. The planted vegetation must be pruned to allow for appropriate site distance for those entering Lakeshore Road. If and when any vegetative screening dies, new replacements must be planted during the growing season and maintained. ~~beginning in the present, or if after September 1st, the next growing season~~

- Install a fence or other demarcation noting where the proposed action cannot expand eastward into the forest or south into or along the top of the ravine.
- Exterior lighting shall be shielded and directed downward so as not to cast light onto adjoining properties or illuminate the night sky.
- Sponsor shall submit plans for metal structure to Planning Board for site plan review before beginning construction and shall not begin such construction before approval is granted by the Planning Board.
- Sponsor shall not place or store tires outside that are not covered.
- ~~Sponsor shall reimburse the Town of Westport for its legal costs to enforce and litigate compliance with this Special Permit and to rescind the Special Permit if the Sponsor shall violate it and any of its conditions.~~

Tentative
FINAL

Short Environmental Assessment Form
Part 3 Determination of Significance

The Westport Planning Board reviewed the **McGee's LLC Property Services, Towing and Recovery, and Small Engine Repair** Special Permit Application using the Short Environmental Assessment Form. We determined that the answers to Questions 1 – 3 concerning the proposed action would be "moderate to large impact may occur." Questions 4 – 11 would have "no to small impact." The more detailed answers and comments are:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Finding: The Planning Board's determination of "moderate to large impact may occur" is based on the location of the Property in an area zoned as "Village Growth Area" which is "where residential growth can best be accommodated." The intended use of this zoning designation is to promote residential development. The proposed action, which has already been established without a permit, has the potential to detract from the desirability of this area for residential use because:

- There is now and will likely continue to be a cleared area devoid of vegetation in a prominent location within the Village Growth Area.
- There is parking of numerous vehicles including tow trucks, flatbed auto carriers, trucks, and cars.
- There is "temporary" storage of wrecked vehicles. While each individual wrecked vehicle may only be parked for several days, the combined effect of temporarily-stored wrecked vehicles is that there may almost always be wrecked vehicles on the lot.
-

Resolution: The potential for a moderate to large impact to occur can be reduced by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Screening the site from public view, orderly parking of vehicles, and unobtrusive placement of wrecked vehicles. The applicant said that building a fence is impractical because of the short distance to bedrock and the Christmas trees he planted died because of shallow soils. Nevertheless, planting and maintaining shrubs that can survive in shallow soils would shield the site from public view and reduce its impact. Cedar trees can survive on shallow soils and with watering in the first few years and should be able to survive to maturity. Another option might be to plant willow shrubs. Any planting needs to be pruned to allow for appropriate site distance for those entering Lakeshore Road. Vegetative screening is more desirable than a fence for aesthetic reasons.

2. Will the proposed action result in a change in the use or intensity of land?

Finding: The applicant has already altered the lot to accommodate his proposed action. Thus the proposed action, except for constructing the proposed building has already taken place. Those actions were to clear vegetation from about 0.3 acres of the property, install two driveways, fill part of the ravine, park vehicles, and temporarily store wrecked vehicles. The former use was as a vegetated field with some trees. Therefore the use or intensity of use of the land has changed from "vacant" and "vegetated" to what might be described as "industrial" or "tow truck, large vehicle, and temporary wrecked car storage on an area devoid of vegetation with a dirt or item #4 fill surface."

2E

Resolution: The action is allowed by special permit however the action is already in place before the special permit has been issued. The proposed use can be made less visible by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Screening the property in a manner described in Question 1.

3. Will the proposed action impair the character or quality of the existing community?

Finding: Before the applicant put in place the proposed action making this decision basically an approval of an existing, non-permitted use, the existing community was residential development along Lakeshore Road, one of the gateways to and from Westport. For those approaching or exiting Westport, the view was of a residential entry/exit into/from the village. Immediately south of the property is a large field available for residential development with scenic views of Lake Champlain.

The proposed and now existing action has changed the residential character of the neighborhood and the "existing community" one experiences while traveling to and from Westport on Lakeshore Road. Thus the project has a "moderate to large impact on the character and quality of the existing neighborhood."

Resolution: The proposed and existing action's effect on the character or quality of the existing community can be lessened by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Screening the property in a manner described in Question 1.

4. Critical Environmental Areas – **Finding:** "Not applicable" because there are no CEAs on or near the Property.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or a walkway?

Finding: The proposed action may have some impact on the level of traffic but this was determined to be a "small impact" with no need for resolution.

6. Energy use – **Finding:** "No impact"

7. Water supplies and wastewater treatment – **Finding:** "No impact"

8. Historic, archeological, architectural or aesthetic resources – **Finding:** "No impact"

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna?

Finding: "Small impact may occur" to the water quality in the intermittent stream and flora and fauna in the ravine and forest to the east if fill is continued to be deposited in and along the ravine and the affected site is expanded into the woods along the east side of the existing action.

Resolution: The proposed and existing action impact on the natural resources can be lessened by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Preventing the placement of fill in and along the slopes of the ravine and expansion into the forest areas. A fence or other form of demarcateion may best delineate the areas not to be filled or cleared.

10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Finding: It may have a "small impact" on erosion and drainage problems because water can flow across the non-vegetated lot and erode the soil. This might create drainage problems.

Resolution: The proposed and existing action's effect on erosion and drainage problems can be lessened by:

- Denying the permit application and requiring the applicant to restore the site to its previous use.
- Monitoring the flow of water and if there are problems, installing appropriate devices to slow or alter the flow to reduce erosion and drainage problems.

11. Environmental resources and human health

Finding: "No impact." However, the applicant indicated that he may temporarily store tires outside. Tires can hold water that breeds mosquitoes which can carry diseases which could have human health effects.

Resolution: The proposed and existing action's effect on erosion and drainage problems can be lessened by:

- Denying the permit application and requiring the removal of all tires stored outdoors.
- Requiring all tires to be placed or stored indoors or if outside, that they be covered.

Proposed Planning Board Conditions to address the potential impacts noted in this report:

- Install and maintain vegetative screening so that the vegetation limits views of the property from Lakeshore Road and adjoining properties. Planting and maintaining cedar trees, willow shrubs, or a similar species at areas noted on Exhibit A will address this impact. The applicant may propose an alternative location of the vegetative screening which the Planning Board can approve. The planted vegetation must be pruned to allow for appropriate site distance for those entering Lakeshore Road. If and when any vegetative screening dies, new replacements must be planted during the growing season and maintained.
- Install a fence or other demarcation noting where the proposed action cannot expand eastward into the forest or south into or along the top of the ravine.
- Exterior lighting shall be shielded and directed downward so as not to cast light onto adjoining properties or illuminate the night sky.
- Sponsor shall submit plans for metal structure to Planning Board for site plan review before beginning construction and shall not begin such construction before approval is granted by the Planning Board.
- Sponsor shall not place or store tires outside that are not covered.

Chairman Maron – Maybe the best way to do this, go through each finding and if you have a comment, we will note that. The thing is if we are going to be looking at the screening month, it might be appropriate to have everyone take this home and really look at it and next month, this is the first time maybe some people may be seeing this. It was emailed but sometimes we don't always print it. Does that sound ok?

Mr. Hipps – Regarding, Finding 1, we were ok with that it was just the resolution, where you just had the one line.

Chairman Maron – Ok, the orderly parking. If an item is underlined it's added, if the line is through it, it's deleted. Item 3, regarding neighborhood. Number 9, impact on natural resources. Took out water bodies, brook and ravine because the stream is an intermittent stream that only flows when there is water and doesn't flow other times. It may impact water quality during the intermittent stream.
The resolution was to put up a fence or some other form of demarcation. It's basically saying he can deal with small impact with the water fall and the small intermittent stream and the flora and fauna in the forest by either denying the permit application, which we didn't do or replace any fill along the slopes of the ravine and expansion into the forest areas. Also, the fence or other form of demarcation along the areas to keep them from being filled.
Environmental resources and human health. He's talking about having tires there now. He stated that they should be either stored indoors or if outside they should be covered. We added that in.
With regard to the drawing we noted that there was areas of impacts and the conditions that might be placed by the Planning Board. We noted there should be vegetative screening, along Lake Shore Road to keep the property from being highly visible or the actions being highly visible from Lake Shore Road and the adjoining properties. We recommended that there be planting of cedar trees or other appropriate species. We added in the applicant may propose an alternative location of the vegetative screening which the Planning Board can approve. That's what he submitted here, which we will look at in more detail the next time. Those are the changes there, I think the best thing to do is go ahead and spend the next month looking these over again and if anybody has any concerns we can talk about them at the next meeting. Hopefully not and we can just get it all done.

Now we go on to the Special Permit – Attached (Pages #A- S). And again, this will be the same format, but the changes are in "red". In the Special Permit, the part about the, "jurisdiction", that part isn't appropriate in the title, so it's there in some parts but not others.
Number 3, Project description, made a couple changes there. The next changes actually start taking place on page 4. The one of substance is near the bottom of the page, the third bullet – we took out, regarding, "temporary" storage of wrecked vehicles---- instead of "will" be it's "may" always be wrecked vehicles on the lot". Took out the sentence, "Therefore, it would appear the property is a permanent storage of wrecked vehicles".

1st Draft

TOWN OF WESTPORT PLANNING BOARD
22 Champlain Avenue, P.O. Box 465
Westport, NY 12993
(518) 962-4419
FAX (518) 962-2098
Needs history corroborated

SPECIAL PERMIT with continuing jurisdiction

McGee's LLC Property Services, Towing and Recovery, and Small Engine Repair

I. Findings and Decision

Re: Application by McGee LLC for a Special Permit under Section 5 of the Town of Westport Land Use Law

Date of Application: July 16, 2014

Date of Decision: January 27, 2016

Summary of Decision: The Town of Westport Planning Board hereby grants a Special Permit with Continuing Jurisdiction for the **McGee's LLC Property Services, Towing and Recovery, and Small Engine Repair** under the terms and conditions stated below. All such terms and conditions must be satisfied for the continuance of operation taking place on the property that are not now permitted. These terms and conditions are legally enforceable under the Land Use Law of the Town of Westport.

II. Use

The proposed use is to be Commercial Use in the Village Growth Area which may be approved pursuant to a Special Permit granted in accordance with Section 5 of the Land Use Law.

The parcels in question are 66.2-2-24.200 and 66.2-2-24.120.

III. Project Description

The ~~proposed~~ McGee's LLC Property Services, Towing and Recovery, and Small Engine Repair Project will~~would~~ upgrade the Special Permit for the existing small engine repair facility on Tax Parcel Number 66.2-2-24.200 to include vehicle tire changes, oil changes, light mechanical repair, and state-licensed inspection of vehicles as well as approve a towing service with parking of tow-trucks, pick-up trucks, and flatbed auto carriers, and temporary storage of wrecked and insurance-recovery vehicles on Tax Parcel Number 66.2-2-24.120 that has been in place for over a year without a Special Permit. The project would include the construction of a 42' x 30' metal storage building on 66.2-2-24.120. Access to the repair shop would be by the existing driveway to the shop and the applicant's residence. Access to the tow-truck lot would be by two driveways that may have existed before the property was put into its present use.

3A

IV. Procedural History

1. The applicant had a special permit for a small engine repair shop on Tax Parcel 66.2-2-24.200 (Home Lot). He acquired the neighboring lot, 66.2-2-24.120 (Adjacent Lot) and began parking tow trucks and temporarily storing wrecked vehicles there. On July 18, 2014, he submitted a revised application to amend the special permit. This was not complete and while the Planning Board could have revoked his Special Permit, the Board granted several extensions of the Special Permit to allow him to continue being in business while he prepared a new application.

2. July 23, 2014, the Westport Planning Board granted a 90-day extension on the Special Permit for the small engine sales and repair business on tax parcel 66.2-2-24.200 for the applicant to check with the Adirondack Park Agency about their jurisdiction over the business of providing tow service and temporary storage of wrecked cars on tax parcel 66.2-2-24.120. The APA responded by not taking jurisdiction on the project.

3. November 19, 2014, despite the fact that the applicant did not submit an application for a Special Permit for Commercial Use on the Adjacent Lot, the Westport Planning Board voluntarily extended the Special Permit on the Home Lot for 90 days, or until February 19, 2015. Meanwhile applicant continued his actions on the Adjacent Lot without a Special Permit.

4. February 25, 2015, the Planning Board voluntarily extended the Special Permit on the Home Lot for 60 days, until April 26, 2015 and again, applicant's actions continued on the Adjacent Lot without a Special Permit.

5. April 22, 2015, Applicant submitted an updated Special Permit Application, Short Environmental Assessment Form, and Application for Commercial Uses Supplemental Information Request. This application was deemed by the Planning Board to be incomplete on May 15, 2015.

6. May 15, 2015, Planning Board sent letter to Applicant describing what must be done to make the application complete.

7.. June 24, 2015, Applicant resubmitted the Application for Commercial Uses Supplemental Information Request.

8. July 22, 2015, Planning Board deemed the resubmission incomplete.

9. August 6, 2015, Planning Board sent letter to Applicant describing what must be done to make the application complete.

10. October 27, 2015, Applicant resubmitted application.

11. November 18, 2015, Applicant submitted picture of property and drawing of proposed location of building and activities. Planning Board deemed application complete and set public meeting for December 16, 2015.

3B

12. November 24, 2015, Town notified adjacent property owners of public meeting and information sent to Plattsburgh Press Republican about a Public Hearing scheduled for December 16, 2015.

13. December 9, 2015, Entire packet submitted to Essex County Planning Board.

14. December 15, 2016, Essex County Planning Board responded that applicant apply for county work permit for project that would directly impact a county road.

15. December 16, 2016, Westport Planning Board held public meeting and completed its part of the SEQR Form.

16. The Town of Westport Planning Board approved a Negative Declaration under SEQR on January 27, 2016, the date of this Special Permit with the conditions noted in Section IX.

17. As a result of the foregoing actions, the Town of Westport Planning Board approved this Special Permit.

V. Criteria for Granting Major Project Special Permits

Under Section 5.042 of the Town of Westport Land Use Law, the Planning Board must make specific written findings as to whether the proposed Major Project:

a. Will comply with all provisions and requirements of this and other local laws and regulations, and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law.

b. Will not be detrimental to adjacent uses.

c. Will not adversely affect the availability of affordable housing in the Town.

d. Will not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing, and condition, will have appropriate parking, and will be accessible to fire, police, and other emergency vehicles.

e. Will not overload any public water, drainage, or sewer system, or any other municipal facility, or degrade any natural resource or ecosystem.

f. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

g. Will not result in excessive noise, dust odors solid waste, or glare, or create any other nuisances.

h. Will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation of the use as may be necessary to ensure compatibility with -surrounding uses and to protect the natural, historic, and scenic resources of the Town

i. Will be consistent with the goal of concentrating retail uses in villages and hamlets, avoiding

3C

strip commercial development and locating non-residential uses that are incompatible with residential use on well-buffered properties

j. Will comply with the criteria in Section 5 063 of the Land Use Law relating to Site Plans.

k. Will have no greater overall impact on the site and its surroundings than would-full development of uses of the property permitted by right, considering environmental, social, and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, or glare, or any other nuisances.

VI. Criteria for Granting Special Permit

The Planning Board evaluated if ~~the~~ McGee's LLC Property Services, Towing and Recovery, and Small Engine Repair Project complies with:

1. The criteria for to all Major Project Special Permits listed in Section V above,
2. The criteria stated in the short EAF which the Planning Board completes, and
3. All other applicable laws.

VII. Findings

The Town of Westport Planning Board developed the following findings for the "Criteria for Granting Major Project Special Permits" as to whether the project:

a. Will comply with all provisions and requirements of this and other local laws and regulations, and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law.

Finding: The ~~proposed~~ Project requires a special permit use pursuant to Sections 5 of the Land Use Law of the Town of Westport. The ~~proposed~~ Project is in area zoned under Section 31.059 as "Village Growth Area" which is "where residential growth can best be accommodated." The intended use of this zoning designation is to promote residential development. The Project, which has already been established without a permit, has the potential to detract from the desirability of this area for residential use because:

- There is now and will likely continue to be a cleared area devoid of vegetation in a prominent location within the Village Growth Area;
- There is parking of numerous vehicles including tow trucks, flatbed auto carriers, pick-up trucks, and cars.
- There is "temporary" storage of wrecked vehicles. While each individual wrecked vehicle may only be parked for several days, the combined effect of temporarily stored wrecked vehicles is that there ~~will~~ may always be wrecked vehicles on the lot. ~~Therefore, it would appear the property is a permanent storage of wrecked vehicles.~~
- There will be increased noise from the back-up alarms on the tow trucks and similar vehicles as well as air compressors and air-powered lug wrenches to remove lug nuts holding tires onto vehicles. The applicant stated that these activities would occur inside his buildings which would reduce the noise levels.

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