

PLANNING BOARD
MINUTES
FEBRUARY 25, 2015

Chairman Maron called the Meeting to Order at 7:10 due to completion of the Local Government Day Registration forms by members of the Board. The following members were in attendance, Chairman Maron, Mr. Dwight Anson, Mrs. Evelyn Brant, Ms. Cynthia Fairbanks, Ms. MaryLou Fitzgerald, Mr. Ken White and Alternate, Mr. Dave Reckahn. Mr. Alan Hipps was excused. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer. No guests were in attendance.

Appointment of Chairman of Planning Board and Secretary of the Planning Board -

Mr. White made a Motion to appoint Mr. Chris Maron as Chairman and Ms. Barbara Breyette as Secretary, with a second by Ms. Fitzgerald. All in favor, carried, no opposition. Thank you.

Chairman Maron - The next item is I am very pleased to introduce and welcome Mr. David Reckahn as our new Planning Board Alternate. One thing I like about our Planning Board is the Alternates play a major role, some Planning Boards, my understanding they just sit and listen, on our Board your welcome to ask questions and be involved, and your voting takes place if our people asked to be recused, or if we don't have enough members for a quorum. We're really welcome to have you and I'm not sure if you want to introduce yourself and talk a little about yourself. I know you've had a lot of experience on this.

Mr. Reckahn - I see mostly familiar faces, but for anyone who doesn't know, I've been a resident here in Westport for five years. I'm District Manager for the Essex County Soil and Water Conservation District. I moved here from Wyoming County. I was Chairman of the Planning Board for the Town of Gainsville, for three or four years. While I was there I was sitting on, they have a regular full County Planning Board, which had 13 members, and I would come and give reports regularly, so they said they would put me on as an Alternate, because you are here consistently, so I was an Alternate on that Board. And actually the County here, they don't really have a Planning Board, they do the County

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Planning activities on the Economic Development Council so that was the committee that Soil and Water gave their reports to, when I first came, so I was actually on that. Now I've actually been moved so I sit on the DPW Committee. While I was in Wyoming County they actually got hit with the wind towers, and there are up to, I think now they have (so many bars) potentially they will have 800 windmills in the County. That's some of my experience. I've also been involved, as we were discussing earlier I do road _____, site-plan training. I just became certified, I'm now certified trainer in emergency stream intervention, which is a training program, which is up to a three-day training program, with our local Towns and contractors. Not where you have a small erosion problem on one stream these are the streams when something that we had in 2011 here in Westport, where the whole stream came down and blew out one of the big culverts on the Mountain Spring Road, and took out most of Mountain Spring Road almost to the Fish and Game, in half a dozen spots. That's the kind of projects we're trying to get the highway departments to kind of understand how to rebuild those streams so they better mimic major _____. It's not necessarily, it's also for the habitat but also if they get built correctly, they're going to be much more flood resilient.

Mr. Anson - The County put ditches on all one side and did a lot of work and a major storm washed it all out, didn't do it right to hold it.

Mr. Reckahn - The events are just getting larger and harder to handle. You can only build your loads to a certain point and you get a major storm, you get a hundred or two-hundred year storm and it's harder to handle.

Mr. Anson - Yes.

Chairman Maron - We're happy to have you, you're expertise will be great.

Next item is the **MINUTES** from December 17, 2014 - May I take a motion for approving those, or any corrections to them.

Ms. Fitzgerald - So moved.

Chairman Maron - MaryLou, moves.

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Mr. Anson - Second.

Chairman Maron - Dwight, seconds. All in favor. Minutes are approved.

LOCAL GOVERNMENT DAY REGISTRATION FORMS - Completed before the meeting.

Mr. Hainer - **Finalize subdivision maps. Anne Sherman and Paul Mudie.** Kevin called me and he's not going to be here tonight. Both of these maps were approved, they just haven't been signed yet.

Chairman Maron - Ok.

Mr. Hainer - Our Law states upon signing them you have sixty days to file them with the County Clerk. They've been approved, Kevin has to finish preparing the maps, nothing has changed from the approval or the maps themselves, but he will get you the maps or you can stop at his office in Elizabethtown and then they can be filed. We just want to indicate in the Minutes, the maps were approved in the past and the maps will be ready to sign, when he prepares the final maps.

Chairman Maron - Ok, we've already approved these and when the maps are ready I will sign them.

Next is Status of Bobby McGee's Special Permit Application
-- We extended the Permit 90 days and those have past. Has he come in to talk to you, George?

Mr. Hainer - No, he has not. I stopped there a couple of times, but no one was there. I'm not sure if he's working at School anymore, or not.

Mr. Anson - Yes.

Mr. Hainer - He is.

Chairman Maron - I called him up about a week ago. He stated he's been very busy and driving down to Albany, twice a day sometimes, taking trucks and vehicles down there, he said to contact him by email to set up a time for George and I to go to his property to see what he wants to do so we can get this moving along and I sent him an email and he has not responded.

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Ms. Fitzgerald - I do remember that we made the comment that it wasn't a big deal to extend it another "x" number of times, if we need to do that in lieu, or just let it idle and see what happens.

Mr. Hainer - I keep getting confronted by the complainer, "what are we doing".

Ms. Fitzgerald - We have to know if he's in accordance, currently or not.

Mr. Hainer - I keep telling him it's a Special Permit, what do we do "revoke it" and run another business out of Town, or try to work with the guy, I don't know. I'm in a no-win situation.

Mr. Anson - Let's try to work with him.

Mr. Hainer - I think the best thing to do is go down and talk with him, no matter what happens, I think there's always going to be an issue here because there's always going to be times when there will be a lot of cars there, then someone will complain, there's always going to be an issue because of where it's located.

Mr. Anson - The thing that I keep thinking about, I hate to loose the towing business. He goes 24 hours a day.

Chairman Maron - The current status, if I'm not mistaken, the extension for his permit is over or almost over, once that expires, then he's in violation of whatever permit there is, so it's not so much a question of revoking it, it's just that he hasn't come in to get it renewed. The next question is, and what I told him, was that, I don't think it's so much a question of the permit not being approved, it's just a question of what conditions are going to be put on it. Obviously, whatever conditions there might be, they probably have to do with putting up some sort of a physical barrier so it isn't so visible. In some ways I don't think there is any reason for him to be worried about coming back and applying for a permit because it will probably be approved. It's just what conditions do we want to put on it.

Mr. Hainer - The issue is, if you put this barrier back where it is and now you have all this space in front, the

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stuff is going to be parked, whether it's vehicles, not junk vehicles, he keep the junk behind it. Is that a problem, because you move the barrier to the front, right to the edge of the road or within the setback, now it's got to be tall because you're going to be able to see over it, the road is up so high. I don't know.

Chairman Maron - I think the kind of barrier we might imagine, is just some trees or vegetation that they have those willow shrubs that grow 10 or 12 feet tall. Somebody could come up with some sort of vegetative plan, put up some pine or cedar trees there and pretty much block it. Of course, there's the cost of that and -

Ms. Fitzgerald - We're also talking about this time of year which is pretty hard to -

Chairman Maron - I know you can't do it now, but sometime in the future.

Mr. Hainer - There has been some success transplanting from the woods, forests.

Mr. Reckahn - It depends on what you're getting. Something like, you were just talking about cedar, which makes a nice hedge, that wants to grow in the woods to begin with. Unable to hear Mr. Reckahn.

Mr. Hainer - You have seedlings coming out (Soil & Water program) -

Mr. Reckahn - Yes, we have cedars, things like that, which come up in the Spring.

Mr. Hainer - But, they're basically pretty small.

Mr. Reckahn - We try to get them as big as we can, 18 inches to two-foot trees, we have to have bare root, we're not supposed to compete with the nurseries, conservation, windbreak, or something to fit in those categories.

Mr. Hainer - And that comes up in April?

Mr. Reckahn - Coming up in April, April 24th. That would be the time now, if you were going to do something like that. The other requirement would be, if you could find them, in

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the woods, or you start purchasing something four or five feet tall -

Mr. Hainer - Or you could intermix something from the woods and the smaller ones, stagger them.

Ms. Fitzgerald - About the fence, you've gone from one extreme to the other, what about something half way, so if it were possible if there was a fence there, then the work-day vehicles are going to come in the morning, stay there till afternoon, could they be put inside that barrier, would that help any?

Mr. Hainer - There again, who's going to be enforcing the thing, am I going to go down there every day, checking to make sure, you know the way people are. They don't want to do anymore work than they have to, park the vehicle the closest spot, where they have to move or walk to, open up the gate, close the gate,

Mr. Anson - That's not very realistic.

Mrs. Brant - It's a business and as long as it's kept reasonably clean and neat, I hate to come off that road and see a big fence, board fence, that to me is disgusting, I'd rather look and see, lately, McGee goes up our road during the night with those lights on, if he brings in a car at night and it's late, and cold like it has been, I don't see anything wrong with it. Trying to close up everything so you can't see anything, you just don't. If he could start a cedar hedge on the roadside, that's more natural.

Mr. Hainer - The Agway tanks, we specified the screening, the cedars have grown up around there, they hide the 10,000 gallon tank.

Mr. Anson - Some of them didn't make it and they replaced them.

Chairman Maron - At Rolling Hills they planted the cedars on the corner of Dudley Road a couple didn't make it and they were replaced, and they were tall, they block a lot there.

Mr. Anson - Yes, I think they bought them.

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Chairman Maron - I'm sure they did. Bobby does a nice business, and if people are asked to be supportive of him and they have an idea of what it might cost, maybe people might help him out. That's something to think about and I think if Bobby has a plan for what he's going to do, maybe have some vegetative screening along the road, then a fence, part way back, then he could see what the cost is and see how he could afford it.

Mrs. Brant - He's trying to grow his business as he can afford to do it.

Mr. Anson - He's mentioned before that he does everything with cash in his hand. He said he's not going to go in debt.

Ms. Fairbanks - Something was said at the last meeting he's going to ----- (not able to hear).

Mr. Hainer - He's talking about mountain tires, batteries or something.

Chairman Maron - I think the reality is, all of these are great ideas, is that the Permit he has to be operating his business is either in a time limit or about to be there. In order to have him still be in compliance, with our Town Law, we should either send him a letter, stating he is not in compliance and he needs to change things or there could be a motion to extend another temporary permit and recommend that he come in and apply for a full permit.

Mr. Reckahn - He's never had an original permit for a business?

Chairman Maron - He came in and he had a Special Permit - here's the property where his house and buildings are -

Mr. Reckahn - Yes.

Mr. Maron - to have a small engine repair on the property. He bought the one next to it and that's where he has the tow truck and in the Zoning here in order to have a business, it's an allowed use, but he has to have a Special Permit. He's never had a Special Permit for this lot here. We've asked him to apply for a Special Permit, that's what we're asking him to do. The question is, on the original permit, is that still in compliance, because that was a

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small engine repair shop and he parks his tow trucks and does other things over there, there's a question of, is that Permit still valid?

Mr. Hainer - It was a home occupation, he was running, a tow truck business out of his home, and then he expanded the tow truck to the other piece of property. The whole issue of the home occupation, that's a slippery slope.

Chairman Maron - It seems the most obvious thing is to grant another temporary permit and with a letter ask him to come in and apply for a full-time permit.

Ms. Fitzgerald - I think, at this time, that sounds logical.

Mr. Anson - With the frost in the ground, you aren't going to do anything until May.

Mr. Reckahn - It would be a good time for him to come in with a plan.

Mr. Anson and Mrs. Brant - Agree.

Chairman Maron - Shall we have a Motion to extend his permit, another 60 days.

Mr. White made a statement, not able to hear.

Mr. Hainer - I would have an answer.

Chairman Maron - The way it would help George, if we don't grant a permit, then George would have to go out there and do something, if there's a temporary Permit, it becomes something that he comes in 60 days and discuss the issue.

So we will issue a Permit for 60 days, Motion by Mr. White, second, Ms. Fitzgerald,

Ms. Fairbanks -- So, that's 60 days from this meeting?

Chairman Maron - That's right, ok, I'd say along with the letter granting that, we should note that he needs to come in and apply for a permit, cause, he's really gone beyond -

Ms. Fitzgerald - I think he should go out -

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Chairman Maron - Any further discussion? All in favor of extending Bobby McGee's Permit for 60 days, carried.

Next item, I actually jumped over **Heather Liberi - Tax Map No. 66.66-6-9.130** - Shared dock with adjoining neighbors -

Mr. Hainer - This is a concept, there's three people down there, one that just bought Hoffmann's, Heather Liberi and the person that bought Carroll's, Paul Garnett. They each own access rights to the Lake and rather than building separate structures, three dock structures, stairs, etc., they want to try and share a dock. The concept sounds good, but I think there will be legal issues between them. They can do it as long as they're under a hundred square feet of deck area, stairs, if they go over a hundred square feet they will have to get a variance. I was just wondering what the Planning Board is going to require. It's in that Village Center, Special District. In the past we have issued a permit to the other cottage, before Hoffmann's.

Mr. Anson - That's only a hundred square feet for three?

Mr. Hainer - That's it, you can have a hundred square feet per person, but not when they're combined, because -

Chairman Maron - It doesn't turn into 300 -

Mr. Hainer - No, I mean it could if you go for a variance. In a way it's better that they shared it, but who knows. Then there's issues with who owns it, they have insurance issues, they have if they sold it, what happens, there's all sorts of issues. Legally, I don't know if they thought through those yet.

Ms. Fitzgerald - Who else gets involved in this issue, besides the Planning Board?

Mr. Hainer - The Zoning Board of Appeals, if they require a variance.

Ms. Fitzgerald - No other outside State -

Mr. Hainer - No, the APA wouldn't be involved, I've already talked to them, I talked to Brian, I had talked to him about the number of boats, if there an was issue with four boats tied up along the dock, would it be considered a

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marina, he didn't have any problem. She wants me to get back to them and then they'll make an application to the Town.

Chairman Maron - Does anyone have any thoughts, do you have any thoughts?

Ms. Fitzgerald - I think they ought to get together a little bit more, have more ideas to go on, the legalities, down the road, particularly, not necessarily the three of them today.

Chairman Maron - Does one dock or three, which seems better to you?

Mr. Hainer - The three docks would be on their own individual rights of way-

Ms. Fitzgerald - I could certainly see some problems, coordinating usage.

Mr. White made a statement regarding sharing but was not able to hear him.

Ms. Fairbanks - Question regarding placing the one or three docks. (Unable to hear).

Chairman Maron - Your thoughts, Dwight.

Mr. Anson - The one dock sounds good, but it's still only going to be a 10 x 10.

Mr. Hainer - Not the dock so much, it's the deck, a 10 x 10 deck that they want to sit on and then go to the dock. I'm not sure of the elevation there, it would probably be on Heather's property, which is between Jim Carroll's and Hoffmann's ROW. They want a platform to sit on or grill, on the land level and then the steps go down to the dock and the floating dock shouldn't be a problem.

Ms. Fitzgerald - A 10 x 10 is not very big.

Mr. Hainer - No, that's why they may have to go for a variance, if they want it bigger.

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Mr. Anson - They may not realize right now how small that would be with three families. If they get company, etc., that's pretty small.

Mr. Hainer - There's a lot of issues here legally.

Mr. Anson - I have nothing against what they're talking about, I'm just thinking, I don't think they realize how small, I think it's too small.

Chairman Maron - You'd be ok if there was one dock instead of three, but they need to work out the details.

Mr. Anson - Yes, I think they should realize all these like George is talking about before they make any decisions. Plan it out.

Ms. Fairbanks - I agree generally, the one dock sounds good, but then if they would go for a variance probably.

Mr. Hainer - The structure could be bigger, the dock, the floating dock.

Ms. Fitzgerald - That couldn't be seen from the road.

No.

Chairman Maron to Mrs. Brant - How do you feel?

Mrs. Brant - One dock is fine, but there's a lot of questions that could come up if they don't have it in writing.

Mr. Hainer - It's not a 10 x 10 dock, it's a 10 x 10 deck that leads down to the dock, but the dock could be big enough to put four boats on, the dock, they called the Doc Doctor for a plan -

Mr. Anson - Ok, I don't think that would be all bad either.

Mr. Hainer - The question is whether they're going to go beyond the hundred square feet for the deck, which includes the staircase.

Could not hear Mr. Reckahn.

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Mr. Reckahn - The issue with the three people, I don't think affects us too much, they have to work it out. They can sort it out. It looks better for us, we're going to be hopefully approving one dock.

Chairman Maron - The thoughts I have for them, they all have use of that shoreline, rather see one place instead of three. A question if they get a variance and it's larger than a hundred square feet, in five years someone decides they want their own dock, then you have another platform -

Mr. Hainer - I think that's where you going to have to have something regarding that.

Mr. Anson - These are the things they should discuss and know about.

Chairman Maron - In summary, the Planning Board is ok with them combining it and they need to be aware of whatever legal issues they may get in to. Chances are if they proceed they may be limited to only one dock, deck instead of building one of their own after that.

Mr. Anson - Unless they state that before they get started.

Ms. Fairbanks - Will they give you preliminary comments and come before us prior to the application.

Mr. Hainer - Yes. They just wanted to check on the concept.

Chairman Maron - It sounds like something we could entertain.

Other Business: How the Planning Board could be more supportive of business and also Status of Hamlet Expansion.

Dick Sherman stopped by my office a while ago with a couple of issues: Hamlet Expansion and mentioned the Planning Board needs to be more supportive of business.

Maybe we should have a short discussion among us if we perceive ourselves not being supportive of business. How could we be more supportive and what our role is. To start off I'd say that our role is to look at what our call is on evaluating proposals and if they comply with our Town Laws and there's proper procedures that the people in business need to go through. We need to work to make those

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happen. If we're supportive or not supportive, a lot of people don't like to go through a process, some perceive any process a hassle to go through and any objections seem to be against them, where we're just trying to get the process clarified.

Other statements: Do you have any idea what Mr. Sherman's concern is.

Chairman Maron - I think his Industrial Park. An of course this goes along with the Hamlet Expansion, ie., the sewer lines going out there and he hasn't been able to do anything out there. I'm not sure if he sees the Planning Board being an impediment or not.

Mr. Hainer - I had a meeting with Brian Grisi (APA) a while ago, I discussed with him that CV Milling was moving to Willsboro. The industrial park in Willsboro is split between the Hamlet and the Town, height limit already is in the Zoning, already noted and approved, and there is already an existing building. Those are two things going against us. Something we have no control over. I asked Brian about an 80 foot tower, is that a problem here. He stated "no", just have to go through the process, the over 40 foot height limitation, apply for a permit from the APA for that, it's not a shovel-ready park, but it is an approved business park. The sewer really isn't a problem for a small business, it's not a big demand on a septic system, not like a home with laundry, showers, etc.

Mr. White - Where's the industrial park in Willsboro.

Mr. Anson - Up on top of the hill where National Paper used to be.

Chairman Maron - Sounds like there's two issues. The Mill and the Industrial Park.

Some more issues: if there was a sewer there, there would be a much better chances of selling places.

The septic could handle small business.

The reality of it. There's 20 people between the boat launch site and the industrial park that would have to bear the cost of the sewer system.

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The last projection we had on the sewer system was \$750,000. We had a grant to put that up there, when General Composites was looking at it and now it's about a million.

You have to look at the economic. If you don't have a grant, who would spell a million dollars in anticipation that maybe someone is going to go up there.

Our conditional map amendment is predicated that we could get approval from the APA, conditionally approved hamlet expansion up there, but it wouldn't actually happen until the sewer was in the ground. A developer could come up and sell it to somebody and they would come up with a plan to put 50 houses up there, industrial park with "x" number of buildings, you have a plan, now you can approach and try to find the funding for the sewer because we have a commitment from somebody, but just to go up there and put the sewer up there in hopes that someone is going to come in, is wishful thinking.

It all boils down to economics.

We've lost General Composites, the Mill, the SPCA, the Vets have consolidated.

All this has happened because of the Planning Board?

Many people think so, too many hoops to jump through.

Consolidation of services, head up to cities with more services, prices are better, hard to do business locally. People are mobile.

Jeff is starting another business here.

People have to spend money to come up with a plan.

Reference to Rolling Hills. Put up \$XXX money in escrow and spend \$XXX on plans, that is the way to do a project and people don't like to do that because they don't want to spend all the money up front and wonder if they're going to get approval or not, how many hoops do I have to jump through. That's a big issue. Spend money to get stamped plans from an architect, an engineer, go through a site plan, all sorts of studies, etc., just so I can get to a point that I can introduce it, but that's the way it is in

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the real world. That's what we're up against that's what the Law calls for.

Maybe we could do something to articulate and make the process clearer. Do you need an architect, etc. Review plans and let an applicant know how long the process is and what's involved.

Have a video with a plan, sketch plan, surveyors, concept, and nuts and bolts of what you want to do.

We have a conditional map amendment, we're the first in the Park, to have this go forward. Give the concept of the builders the ability to sell the property with the hopes with the conditional map amendment that it would be a hamlet and the sewer would be extended up there. There would have to be commitments on both ends. To have 20 people support a sewer extension, it's not going to happen, price you right out, unless you get grant money.

In defense of the Mill the building is not able to support what the business needs to do.

It should say something that Jeff came here grew his business had to move and has returned to Westport that is a positive side. He didn't get started in Willsboro, he started in Westport.

Summary: It would be nice to put a document together so people would know what to expect, no surprises. We do have a subdivision packet that explains the steps.

Zoning Amendments: We have let this slide. I'd like to pick up on that. Get our committee going on that.

Mr. Hainer - What I would suggest that you do is read them, they're a lot more restrictive than what we have now. Look them over. We're very restrictive. The rounding factor, for minimum lots, that has worked out.

Chairman Maron - Please take a look at them, if you don't have them, talk to Barbara and get another copy.

Mr. Hainer - Our Law is in three sections, The Village, Town and General, which will be combined into two sections, we want to combine the Village and the Town, it's tough to

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do, with definitions, etc. They're more restrictive in the Hamlet than the Town.

Chairman Maron - The next meeting we'll pick that up again.

Mr. White - I move we adjourn.

Ms. Fitzgerald - I'll second.

Chairman Maron - All in favor carried. Thank you everybody.

Meeting adjourned at

Respectfully submitted,


Barbara A. Breyette