

PLANNING BOARD
PUBLIC HEARING
MINUTES
MARCH 26, 2014 - 7:00 P. M.

Chairman Johnston called the Public Hearing to Order with the following members present: Ms. MaryLou Fitzgerald, Mrs. Evelyn Brant, Mr. Dwight Anson and Mr. Ken White. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer. Guests in attendance, Mr. Richard M. Sherman, Mr. Jerry Tromblee, Mr. Alan Stokes, Mr. Kevin Hall, Land Surveyor, Ms. Elizabeth Lee and Mr. Paul Mudie.

Chairman Johnston - Normally, I read the Public Hearing Notice, but we don't have a copy here for me to read, so I will just say, "we're going to hold a Public Hearing tonight on three (3) projects. The first project is proposed by Anna Sherman, a Two-Lot Minor Division, the second project on which we're going to hold a Public Hearing is proposed by Michael & Lorraine Grant, a single-family dwelling, because of the Park Agency jurisdictional requirements, it's a Class B Review, that we, the Westport Planning Board is entitled to review. And then, the third Public Hearing is on a Two-Lot Subdivision, by Paul Mudie and Kathleen Kelley.

The way we hold these Public Hearings is that we first give the applicant an opportunity, if they so desire, to explain their project and the Planning Board has the opportunity to ask questions and then I will give the public an opportunity to ask questions and finally after any questioning is completed, there will be an opportunity for the public to make a statement, if they so desire about the project. Then I'll close the Hearing.

We're going to begin with the **Anna S. Sherman project - Tax Map Nos. 57.4-2-11.001, 54.4-2-a6.000, 57.4-1-18.000, 57.4-20.100, 57.4-2-21.000 and 66.2-2-2.000 - Two-Lot Minor Subdivision.** Kevin, I'm going to give you the opportunity if you desire, to explain the project.

Mr. Kevin Hall - I will.

Chairman Johnston asked Mr. Hall if he would point the easel in the direction for everyone to see.

Mr. Hall - This is the Sherman Road here (reference to the map), lines indicating where the farmhouse is, Hald Road is up here. The total property is 270 acres, Anna Sherman

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TOWN OF WESTPORT
PLANNING BOARD
NOTICE OF PUBLIC HEARING

Please be advised the Town of Westport Planning Board will hold a Public Hearing, Wednesday, March 26, 2014, 7:00 P. M. at the Town Hall, 22 Champlain Avenue, Westport, New York for the purpose of considering the following project:

- Anna S. Sherman - Tax Map Nos. 57.4-2-11.001, 57.4-2-16.000, 57.4-2-18.000, 57.4-2-20.100, 57.4-2-20.200, 57.4-2-21.000 and 66.2-2-2.000 - Two-Lot Minor Subdivision.
- ✓ ◦ Michael J. & Lorraine Grant - Tax Map No. 87.2-1-4.000 - Class B Project. Locate a single-family dwelling in AL District (Section 31.020).
- Paul Mudie & Kathleen Kelley - Tax Map No. 57.3-1-27.120 - Two-Lot Minor Subdivision.

William Johnston
Chairman
Town of Westport
Planning Board
Dated: February 27, 2014

William Johnston, Chairman - Alan Hipps, Vice Chairman
Barbara Breyette, Secretary
Dwight Anson-Evelyn Brant-MaryLou Fitzgerald-Chris Maron-Donald K. White
Alternates - Cynthia Fairbanks & Brian L. Houseal

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proposes to subdivide it into two lots. Lot 1 would be the farm lot, with the existing farm buildings in all of the Agricultural Lands, except for a small strip here. Lot 2 would be, it's an odd shaped lot, but the way the rules are applied to this, to keep it two lots subdivision, to keep lands that Anna wants to hopefully retain for her family, would be, there's about a 10 acre piece that's on Hald Road, then there's a hundred-foot strip of land that takes you all the way to the South part of the property which is called number eight (8) lot, which is all wooded. It is my understanding that they've hunted that place over the years, so you have a house site on Hald Road, with a corridor to get you up to the back lot. Lot 2 doesn't have any development on it, so it's proposed for a single-family dwelling, one, with a jurisdictional determination we received from the APA, soil tests are yet to be done. This was subdivided this way to make the farm a little more marketable, reduces obviously the farm lot to 170 acres instead of 270 acres in hopes that maybe some of these young farmers that are creating farms would be able to acquire more acreage.

Chairman Johnston - Thank you, Kevin.

Now it would be the Planning Board members turn, any of the Planning Board members have a question for Kevin, please direct your questions to Kevin.

No questions for Kevin.

Ok, I'll open it up to the public, does any member of the public wish to ask a question of Kevin?

Mrs. Dayton did not sign either the Public Hearing or Regular Meeting sign-in sheet.

Mrs. Dayton - It's my understanding if they create both the farming and the other 170 acres, can be divided into eight-and-a-half acre lots?

Chairman Johnston - Yes. This is a theoretical building right, the reason I say it's theoretical, is that you take the Land Use Classification for the area, you divide it into the acreage, and that gives you a theoretical number of building rights. It's a requirement if once this land is subdivided and a future buyer wishes to re-subdivide it, it's a requirement that any proposed house site be buildable. In other words, it have adequate access, that sewage disposal can be handled by the soils and so forth.

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This number that you get by dividing 8.5 into the acreage is only a theoretical number.

Mrs. Dayton - So, for example, if somebody bought the 100 acre lot with the 90 acres off in the woods, if they decided to develop that property, there could be, if it's feasible, they could put a development in there?

Chairman Johnston - Correct.

Mr. Hall - In the farm lot, that's the same, the farm lot would be, you'd take the 170 acres, divide that by 8.5, that's your theoretical principal building right, PDR, it's called.

Mrs. Dayton - So, what role does the Planning Board play in that scenario?

Chairman Johnston - In that scenario, what you're talking about would be a re-subdivision and in that scenario there would have to be an application to the Planning Board pursuant to the Subdivision Regulation and we would review the project and the kind of project you're describing is a very large-scale project. The review, I can assure you, would be very intensive. We, as you probably know, we reviewed a large-scaled project proposed for the Treadwell property, and because of the size of that project, it required the applicant to make a payment into an account so that we could hire a professional engineer and an attorney to assist us to review the project. We would do that if our law our Subdivision Regulations or Zoning Law, give us the right to do this and if we had a large-scale project, something that was beyond our ability, technically to review, we would do that. Typically, we don't see projects like that, what we typically see are projects like this one, a two-lot subdivision or maybe a three-lot subdivision.

Mr. Richard Sherman - I was curious about something you just said Kevin, about the farm lot subdivision, that could also be divided into 8.2.

Mr. Hall - that the land use, and everything east of -

Mr. Sherman - I understand that, I'm curious only because, I'm 42 across the road, soil types are all the same. I'm just wondering -

Mr. Hall -- how that came to be? That was when they created the Park, they set those land uses up.

Mr. Sherman - I understand that, I just never would have guessed that, at all.

Mr. Hall - We could spend a lot of time on that topic. To tell you one thing, logistically, I'd walked this Lot 2, there's not likely that you're going to be able to exercise your building right.

Mrs. Dayton - I understand that. I think in some of the literature it says, "for logging", which isn't feasible because it has been almost clear cut already. It has, it says, "hunting", right and a "hunting camp" or a "hunting preserve" there. This concerns me.

Chairman Johnston - Yes. Well, Anna Sherman is the landowner and she -

Mrs. Dayton - I understand there's nothing, she can do with her land as she wants -

Chairman Johnston - Within the limitations -

Mrs. Dayton - It's ongoing, what the Planning Board oversees is what will happen at that point.

Chairman Johnston - Yes, Elizabeth.

Ms. Lee - I have a question about the, if there's only one anticipated building on that corner of Halds Road, what if they elect not to build their one house there, but actually in the interior property?

Chairman Johnston - When we approve this, we're going to be approving that particular building envelope, because there's going to be a perc test at that point. If they don't want to build there, they want to build somewhere else, we would have to have another perc test to insure that an alternative location is feasible.

Ms. Lee - The second question that I had - are there any restrictions on the type of road that would go there.

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Chairman Johnston - Along that 100 foot strip. No, I don't believe so.

Mr. Hainer - It would have to be a minimum 15 feet wide, for emergency vehicles. Typically, we like them 20.

Ms. Lee - If there are no buildings in the back part of the lot, would it have to be acceptable to emergency vehicles?

Chairman Johnston - Yes, that's something we would look at, but there is not a building being proposed for that area.

Ms. Lee - That's what I mean, if there was no building proposed for that area, it doesn't have to be acceptable for emergency vehicles.

Chairman Johnston - No, there's no reason, we wouldn't require a road if there was no -

Ms. Lee - That makes sense to me, I was just clarifying, but it is possible if they did have perc tests for a building site back there, that they might pave that.

Chairman Johnston - I suppose that is possible.
Are there any other questions about the subdivision.

Ok, if there aren't any questions, does anybody want to make a statement about the proposed subdivision?

If there's no statement, we'll end this part of the Hearing and we'll move on to the second part of the Hearing, which concerns the proposal to build a single-family dwelling -

Michael J. & Lorraine Grant - Tax Map No. 87.2-1-4.000 - Class B Project - Locate a single-family dwelling in A1 District. (Section 31.020).

Kevin, I believe you're going to provide a description of this project. George will you pass this book around. This is a book that was submitted by the architect for the project that I'll let you pass around, take a look at.

Mr. Hall - Joan Heaton is the architect involved. I'm going to show you the site plan, which was prepared by me, initially. This has previously been approved as a two-lot subdivision by the Planning Board, creating a 70-acre lot. Mr. Hall pointed out, on the map, Route 9 and Route 22 is out here, this is the railroad here, heading west, Westport

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is up here, Port Henry, down here. The White's are over here. A new driveway, if you're familiar with it stretches across the way up the hill. The house site is located in a field, up in the back. From that house site, George was there yesterday, took some pictures. In my opinion there's limited impact on the siting from the road, with the trees. The biggest view I saw was Vincent Place's house, actually from the house site. Carl Aiken is the engineer, he did the perc holes and the deep holes tests and he's designed the septic and that's met the NY State standards. They're proposing a house and a barn. The barn has car garage, apartment above it, a swimming pool on 70 acres. This was pre-approved by the Planning Board. I have house plans if you're interested in those.

Mr. Dan White - I'd like to know how the subdividing happened, when there's supposed to be 42 acres, per lot?

Mr. Hall - That was back in -

Mr. White - I don't know why we got this notice, this lot here is no where near connected --

Mr. Hall - It's 70 acres, the lot that he's building on -

Mr. White - It's supposed to be 84.

Mr. Hall - No, the one --

Mr. White - It's already subdivided, and there's talk that he wants to propose for a third.

Mr. Hall - To be honest he's talked to me about a third, but he doesn't have three building rights. You do the math, he has two building rights. He's proposing to exercise one, at this point. Back to the original subdivision, I'm not sure you're following me on that. He has 70 acres, he isn't subdividing, he's building on 70 acres.

Mr. White - Right, but, that's for the one building lot.

Mr. Hall - Yes, that's all he's proposing at this time.

Mr. White - Ok.

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Mr. Maron - That little - was that subdivided at some point in time --

Mr. Hall- The existing farmhouse that was on the east side of the road, when was it subdivided?

Mr. Maron - That part of it was subdivided?

Mr. Hall - I'm sure at one time, but, long before Planning Boards. Did that answer your question or no?

Mr. White - Just from here say he wanted to go to three, when we got the notice that's what we thought.

Mr. Hall - No, this is just, he looked at that and at this point he's just building the house and the barn. Any other questions on that?

? - You were going to take us through -

Mr. Hall - Yes,--

Chairman Johnston - I'd like to try to have this discussion be more formalized so that when our secretary tries to make sense out of the tape, she understands what's been going on. Ok.

Mr. Hall - Yes.

Chairman Johnston - Ok, so, Kevin, you've explained the project and we're going to move on to the next part of the Hearing, where we're going to allow Planning Board members, if they have any questions, to ask questions.

Mr. Anson - We're all set.

Chairman Johnston - Ok, this side of the table is set.

Chairman Johnston - We'll move on now, do any members of the Public have any questions about what is being proposed?

None voiced.

Chairman Johnston - Alright, if there aren't any questions, do any members of the public want to make a statement about the project.

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Kevin, the stakes that are up there now -

Chairman Johnston -- Could you please say your name so our
-

Mr. Stokes - Alan Stokes.

Chairman Johnston - Ok, go ahead, please.

Mr. Stokes -- The stakes that are in there now,

Mr. Hall - the wood stakes -

Mr. Stokes - what do they signify?

Mr. Hall - They were staked, initially staking by the engineer, Carl Aiken, so the landowner could come up and look at it. After seeing those stakes and evaluating the site, they don't mean anything right now. They're too close to the property line for what's being depicted on the site plan of where he's proposing it. However, when I was there two weeks ago they were froze in the ground so that I couldn't remove them and there are nails set in the ground with pink and blue ribbons that signify the corners as shown on the site plan. They're about 30 feet east of the stakes. The whole thing, if we look at (referring to the map), this is the hedgerow here, these are the four stakes you see, the stakes are actually located in this area, they're only like 25 to 30 feet off the south of 9 (Route) and then there's four stakes over here and they signify the main four corners of that dwelling, but they're actually located in, too close to the fence line, the traffic line, they split, after seeing those stakes, they split east, probably 45 feet.

Mr. Stokes - Where the stakes are then, that's the approximate location of where the house is going?

Mr. Hall - Approximately, but not, it's too close. But the general location for conceptual that George was up there to look at and the landowner looked at, that was the general location of the house site. Are you familiar with this, that's the stakes up there, two of them signify the barn, there are four here and four over there. When he staked out the house, he staked it close to the property, the landowner looked at it and the landscape architect didn't like that and he put it east.

Chairman Johnston - Ok, back to the statements, does anybody wish to make a statement.

Mr. Maron - I have a question.

Chairman Johnston acknowledged a "lady"

? - I had a question before, I didn't have a chance to look at the book, but, my question is, what's the difference between a barn and a garage, it's a two-car barn?

Chairman Johnston - I'm going to ask our Code Enforcement Officer to explain the difference.

Mr. Hainer - Typically a barn is for agricultural purposes, sometimes they define a barn, but they put a loft in them, they have sleeping quarters, it's really a designation by the architect until I actually see what the use is, inside of it, whether it's going to be for storage of vehicles, without a dwelling or some sort of living quarters above it. Garage is typically attached, they have a different character to them, I believe Joan would probably build a barn-looking structure, but I don't know.

Mr. Hall - I think there was a detail in there, what's she's proposing.

Mr. Hainer - It really goes down to the use, what they're ultimately -

? - This is my thought, that's why I was curious why a two-car barn, garage?

Chairman Johnston - I think it would be considered an accessory structure, except that this was a farm and then the barn would be an agricultural structure. That right.

Mr. Hainer - Right. A garage can be a barn.

Chairman Johnston - Does anyone else want to make a statement?

Mr. Hall - I'd like to make one statement, on the public notice, it says a Class B project, a Class B project is, the APA has two _____ classifications, Non Jurisdictional and then the lower level Class B Project, which is the

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simpler projects and then Class A Project. This is the building of a single-family dwelling in Resource Management, so that's a Class B project and that's why the Public Notice stated that.

Chairman Johnston - We normally don't review single-family dwellings.

? - I was just wondering because of this tax map, it's so far away, that's way across the road from Stevenson -

Mr. Hall - The 500 foot radius, they notify people within 500 feet of any of the boundary lines, ok, it's part of the Town's requirements.

Chairman Johnston - Does anyone else want to make a statement.

Mr. Maron - I have a question. Do we have any idea about the size of the house, how tall it's going to be?

Chairman Johnston - MaryLou, could you pass the book around, please. Chris, why don't you look at that, while we move on to the next part of the Hearing here, and if you have other questions, we can get to that during the Regular Meeting.

Mr. Hainer - The house measures 29 feet from grade to ridge and another three (3) feet to the top of the chimney for a total of 32 feet.

Chairman Johnston - Ok, we're going to end this part of the Hearing, the second part of the Hearing and now we're going to move to third part of the Hearing, which is the **"proposed two-lot subdivision" by Paul Mudie and Kathleen Kelley - Tax Map No. 57.3-1-27.120 -**

Paul, Kathy, do you want to explain your project, do you have a map or anything.

Mr. Mudie - We have a map.

Mr. Hainer - I have a map, here it is right here.

Chairman Johnston - I think the Planning Board is familiar with this, but members of the public need to see this.

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Mr. Mudie - It's on Route 22, north of the railroad tracks and we're proposing to take a, roughly 58 acre lot and subdivide 17.8 acres on the southern tip of it where there is already an approved building envelope. Do I need to say more?

Chairman Johnston - I think that's probably adequate for the moment.

Mr. Mudie - Ok.

Chairman Johnston - We'll start now with the Planning Board, do any members of the Planning Board have questions? Ok, we'll now move on to the public, do any members of the public have a question.

Ms. Lee - You have a couple of landmarks on there.

Mr. Mudie - Ok, you know where the property right across from where we live, just before Sam Spear Road, we are approximately a half mile north of the railroad tracks, so that property starts just below -

Ms. Lee - it's right on the corner.

Mr. Mudie - It's right on the corner, almost where it comes to that little triangle. It extends to the railroad tracks and then up to the Jerry Sherman property.

Ms. Lee - I'm all done.

Chairman Johnston - Barbara, do you have a question?

Mrs. Barbara Dayton - I guess I'm confused as to land division. He's dividing out a 17 acre out of 50 -

Mr. Mudie - Yes, 58.

Mrs. Dayton - and this other land can be divided into half acres, I know our land can't be divided because we have two 40-acre pieces, it's pretty confusing.

Chairman Johnston - The APA map is really the main controlling factor, as you probably know, there are five (5) different classifications, there's green, which is Resource Management, there's yellow, which is Rural Use, there's orange, which is Low Intensity, there's red, which

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is moderate intensity and there's brown, which is Hamlet. In each of these areas there's what's called an intensity guideline and that is a number that you can use to calculate how many building rights, theoretically exists on a piece of property, ok. I think the piece of property in question here is yellow, that's right, Paul. No.

Mr. Hall - No, it's in two different land uses, Rural Use, the division line is in this particular subdivision is along the line that changes from yellow to green. This is the railroad here, this area here is, moving to the Kelley home, is an 8.5 acre zone, everything north of this heavy line here is in 42 acre zone. Under the APA's guidelines, they already see these two lines, because you can't cross the land uses. But under the Town's regulations, it's all one, so they're dividing along the land uses, it does get complicated, when you look at the acreages and the colors.

Chairman Johnston - Are we under statements, now. Does anyone want to make a statement, about this, from the public?

There being, none I'd like a motion to adjourn the Hearing,

Ms. Fitzgerald - I'll move.

Chairman Johnston - Thank you, MaryLou.

Mr. Anson - Second.

Chairman Johnston - Second, Dwight. Any discussion. All in favor, carried.

The Public Hearing on the three projects is closed and we're just going to take a 30 second breather and then we'll start the Planning Board Meeting.

PLANNING BOARD
REGULAR MEETING
FOLLOWING THE PUBLIC HEARING
MARCH 25, 2014

Chairman Johnston called the Planning Board Meeting to Order.

The first item of business is the approval of the --

Minutes: February 26, 2014 Meeting, someone offer a Motion to approve, please -

Mr. Anson - So move.

Chairman Johnston - Is there a second.

Mr. Maron - Chris.

Chairman Johnston - Any discussion, all in favor, please say aye. Cynthia, by the way, I would like to appoint you to be a voting member this evening. Thank you, I should have done this before the Meeting, I apologize.

Before we get into a discussion of these projects, I just want to inform the Planning Board of the letter that I received. I'm really sorry to report that our Alternate, Brian Houseal, because of a position he's taken with SUNY College of Forestry, he feels he's not able to continue to serve as an Alternate, and he has tendered his resignation. I'm sorry that we've lost Brian because he really hasn't been here very long, we've hardly gotten to know him and also he's a person with a lot of experience and expertise and I think his loss is going to be a real blow to the Planning Board. We have a further problem that we don't at the moment have a pool to draw from to ask the Town Board to appoint another Alternate. In a way I almost feel we shouldn't accept his resignation and until we can at least get some more candidates into a pool for others to fill these Alternate positions. I just wondered if any Planning Board member had any feelings on this as well.

Ms. Fairbanks - Is there any number of meetings, that you are allowed to miss?

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Chairman Johnston - I'm not aware of any limitation. Some organizations do if you miss three consecutive meetings, I'm not aware that we have such a rule.

Mr. Maron - Have you talked to him?

Chairman Johnston - Brian? Yes I have.

Mr. Maron - Maybe you could talk him back into it.

Chairman Johnston - I told him that we weren't going to accept his resignation, he laughed.

Mr. Anson - Bill, what's this rule we have to have our meetings on Wednesday nights.

Chairman Johnston - I hate to mess with what we've got, because you know all of us here, I'm sure, have other meetings, other nights and you start tinkering with one part of it and everything else gets affected.

Mr. Anson - It was just a thought.

Ms. Fitzgerald - Like Alan, Alan comes with , now when we need him.

Chairman Johnston - That's right.

Ms. Fitzgerald - Maybe, Brian in the immediate future, could do the same for a bit.

Chairman Johnston - That's kind of my thinking.

Mr. Anson - As far as I know, he has to be in Syracuse every Wednesday.

Chairman Johnston - Yes. My feeling is that, let's suppose we had a project, a complicated project, that we could use the benefits of a person who's a trained landscape architect, we could ask him to participate in a site review or something like that and then offer his advise. It probably isn't going to work out on a long-term basis, but you know I hate to loose him right now when there's nobody waiting in the wings to come in his place.

Ms. Fitzgerald - I say, we sort of ask him for that, we may be able to do that with him. See what his response is.

Chairman Johnston - Ok, how do others feel about that?

Mr. White - If he gives a positive response, take advantage of it.

Chairman Johnston - Ok, Chris, do you have a thought.

Mr. Maron - The only thing I was thinking about (couldn't hear Mr. Maron) I'd certainly like Brian to figure out a way to do it. Maybe they'll change his meeting in Syracuse.

Ms. Fairbanks - Maybe, Skype.

Chairman Johnston - I think, if it's alright, I will ask him if he would be willing to continue to serve under these circumstances, at least for the time being.

Mrs. Brant - Maybe, we need to advertise or something, to see if there is anyone interested -

Chairman Johnston - Get a pool of candidates, like we did before. Ok, I'll discuss this with our Town Supervisor, as well.

Let's move on to the three projects, the first project the -

Anna S. Sherman - Tax Map Nos. 57.4-2-11.001, 57.4-2-16.000, 57.4-2-18.000, 57.4-2-20.100, 57.4-2-20.200, 57.4-2-21.000 and 66.2-2-2.000 -- Two-Lot Minor Subdivision.

We don't have a perc test, at this point, we do have 62 days following the Close of a Public Hearing, to take action. If we don't take action, the Subdivision is approved by default.

What are your thoughts about the situation here where we don't have a perc test. Should we approve, contemplate approving this with a condition or should we hold off taking action until next month when hopefully, possibly we will have a perc test or maybe even later.

Mr. Hall - May I make a comment on that, if you don't mind, Bill?

Chairman Johnston - Ok.

Mr. Hall - Before you decide, this is a non-jurisdictional letter from the APA, so we're not under their guidelines

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for the septic system on this lot. Therefore, that opens up a standard septic system of whatever is set forth by the State of NY, which is a mound system, an engineered system. There isn't a site that can't have a septic system built on it if you don't put enough money into it. This would actually fall under one of those type of sites. The fact that ----perc, allows you to put standard system in, but if we go out and find no perc, only to force us to do an engineered system, it doesn't change the building envelope or where we propose to build here, so in this case, I don't know whether the perc is really critical.

Chairman Johnston - Yes.

Ms. Fitzgerald - I think at last month's meeting, we decided or we talked about going ahead and what happens down the road happens, we can make a decision then. We can go ahead and approve at this time.

Chairman Johnston - What was, George, could you refresh our memory, what we did with the subdivision on the Stevenson Road -

Mr. Hainer - The Polo Club?

NO, NO.

Ms. Fitzgerald - Severance.

Mr. Hainer - That was a "conditional approval" that they would bring in the soil, that had to be a built-up system, because there was less than 12 inches above seasonal high-ground water and they had to bring in, go through a freeze/thaw cycle, so that was a "conditional approval". Our septic, we do have to follow the APA guidelines, Appendix K, or Q, our Class B jurisdiction requires us to follow that. Our septic system ordinance requires us -

Mr. Hall - For Class B Projects.

Mr. White - Is there an urgency -

Mr. Hainer - Our's says, "for any new lot created", any new lot. So you need at least 12 inches above seasonal high-ground water, then you can bring in the necessary soil.

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Mr. Hall - Alright, so that was actually, be arrived, not from the perc tests, but the deep-hole -

Mr. Hainer - Right, the deep-hole tests and then the perc tests, right.

Mr. Hall - You need to know there's 12 inches, before it can be an approved lot.

Mr. Hainer - Right.

Mr. Hall - Would the Board consider doing that if there isn't 12 inches, then it wouldn't be a valid lot. Chances are we can do it, it was just something I thought about and there will be a time that this question comes, and it will be time sensitive.

Chairman Johnston - I just wanted to let the Planning Board weigh in on this.

Ms. Fitzgerald - I think we should move forward with the project.

Mr. White - Approve it with "conditions".

Ms. Fitzgerald - With "conditions".

Mr. White - I agree.

Mr. Anson - I think Jerry will be around the last of April.

Chairman Johnston - Before we do this, we have to do the SEQOR, Short Form. Does everyone have a copy. Mr. Hainer passed copies to the Planning Board. We should go through Part I. This is a new form, first time we've seen this, and just glance at it. The applicant fills out Part 1, I want to just take a look at what has to be filled out. I'm not going to read all of this. They are pretty straightforward questions. (Entire copy in file).

Kevin, I noticed that you've checked that there's public transportation (number 8, b.) available, is there a bus stop there?

Mr. Hall - Did I check, that, first time I've used this form, too. (A lot of laughter).

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Chairman Johnston - or a subway station. Let's go on now to the "impact assessment" (Part 2, to be completed by Lead Agency, Planning Board).

There's two categories here, the category is either "no impact or small impact may occur". The other category is "moderate to large impact may occur". I will read through these, and let's decide whether it's going to be either "none or small" or "moderate or large".

Number 1, no, clearly, Number 2, it would be small, Number 3, no, what is proposed, will not, Number 4, there is no critical environmental area, so that's NA. Number 5, that's what you were worried about Kevin, the answer being, no, Number 6, hardly applicable, if at all, Number 7, there are no utilities there, so again, that's NA.

Mr. Maron - There's power there, though.

Chairman Johnston - That's correct, Chris, but the question specifically asks about water and sewer.

Number 8, again, either none or small, Number 9, again, what is proposed would have zero or small, Number 10, again, that should be either no, or small and Number 11, again, no or small.

Determination of Significance - Not Required.

Now, we have to make the finding, here -

Mr. White - Box 2.

Chairman Johnston - Box 2, ok, "check this box if you have determined, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts".

Ken, would you like to offer a motion, to that effect.

Mr. White - Yes, I'll move that we check the second box.

Chairman Johnston - Ok, second, please.

Mrs. Brant - I'll second.

Chairman Johnston - Any discussion.

Mr. Maron - One thing that I would like to mention. Shouldn't we mention that Coon Mountain is right across the street, the, a popular destination, it's away from the

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parking area, but on the other hand it is a nature preserve, take that into consideration.

Chairman Johnston - Ok. We can mention that. Is that alright with everyone, everyone comfortable with that.

Mr. Anson - Does that lot go down as far as the trail?

Ms. Fitzgerald - No, it's across the road.

Mr. Maron - The boundary is across the street.

Chairman Johnston - We have a motion and a second. All in favor, carried.

What we've discussed here is approving this, what should we do here George, are we conditionally approving this or approving this with a condition.

Mr. Hainer - Approving with a condition.

Chairman Johnston - So, we're approving this "with a condition" and I can't write word-for-word what the condition is, I think what I should do is go back and see what we said with that other subdivision, but we will do here is we will move this with a condition that whatever the results of the perc tests and the deep-hole tests pit are, that before the lot can be sold, whatever remedial action is necessary, will be taken, to that effect. You moved that MaryLou?

Ms. Fitzgerald - I do.

Chairman Johnston - Second.

Mr. Anson - I'll second

Chairman Johnston - Any discussion.

Mr. White - Question. Before it is sold? Or would it be before it's developed by the next buyer?

Mr. Hainer - The buyer has to know that it's capable of supporting a septic system and that the location and what is necessary. We've run into issues in the past where it was not put on the map and it was not done. The lots were sold and ---

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Chairman Johnston - I think George makes a very good point, we approve this and somebody buys it, turns out they can't develop the septic system and then they come back -

Mr. White - I was questioning whether there had to be in the case there would be an above the ground, would that have to be constructed before the sale?

Mr. Hainer - They would have to know what they're getting into.

Mr. White - to note it on the map.

Mr. Hainer - it could be potentially expensive.

Mr. White - Right.

Mr. Hainer - They need to know what the deep hole tests and the perc.

Chairman Johnston - You're saying George it would not necessarily have to be constructed, but it would have to be designed.

Mr. Hainer - Right. You'd have to know the parameters, what the design would be, that the deep hole tests was "x" and the perc tests were "y" and what that entails.

Chairman Johnston - Ok.

Mr. Hainer - A conventional system you can get an estimate from any contractor, what it is, these more expensive systems are going to be more expensive.

Chairman Johnston - One more point of clarification, we're passing this with a condition, and I will write the resolution, which we will review at next month's meeting, but would it also be appropriate to be a note on the map to this effect?

Mr. Hainer - Yes.

Chairman Johnston - Ok. Everyone ok with that?

Mr. Maron - and the condition is, we have the results of the perc tests and the soils, I mean just the results, right?

Chairman Johnston - Yes.

Ms. Fitzgerald - No, no.

Chairman Johnston - and also that there be the notation on the map that explains what in essence the findings are. We will work this out.

Ms. Fairbanks - There's still a time frame, if for some reason the ground is too frozen.

Chairman Johnston - An approval with conditions, there is no time limit on that, is there, George?

Mr. Hainer - No, and the other one they changed so you don't have to renew it every 90 days.

Chairman Johnston - With a conditional approval it would expire, but we're going to approve it with a condition, so it would not expire.

Ms. Fairbanks - So, there's no way to foul up, it could just linger.

Mr. Hall - The note has to be on the map, so I have to wait until the tests are done, so when the tests are done, I can finish my map, I would then bring it to the Planning Board. It will not be forgotten, because you wouldn't have a signed map.

Chairman Johnston - Unless there's any further discussion, shall we vote, all in favor, carried. Great.

Let's move on to the **Michael J. & Lorraine Grant - Tax Map No. 87-2-1-4.000 - Class B Project - Locate a Single-family dwelling in AL District. (Section 31.020)** -- Because this is Class B, we need to go through the Class B Findings Checklist and

Tape Side 2

This is just like the SEQR Checklist that we went through except it's longer. Because of the nature of this project, I think there's a presumption here that the impacts are going to be small to moderate, is everyone in agreement with that.

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Let's try to move through this reasonably quickly.

The Checklist in its entirety is in the Grant file. The following will be comments relating to same in this part of the minutes. Comments will be agree or if, disagree with reason. (All will be agree unless otherwise noted)

1. A. Soils. Zero to small to moderate. Agree.
B. This is an agricultural parcel, but a small development, one corner of the ag parcel, so we are not precluding use of the balance of the parcel. This is fair to say. Small to moderate impact. Agree.
2. Topography. Minimal alterations proposed. Small to moderate.
3. A. Water Quality & Eutrophication. This project will create a very small impact on runoff and I know that a landscape architect is going to be doing the site planning. I think we can be reasonably assured that the landscape architect will do a good job in developing the site plan. Small to moderate.
B. Surface Waters. Small to moderate.
C. Floodplains. NA.
4. Groundwater. Small to moderate if any.
5. Shoreline. There is no shoreline.
6. Mineral Resources. NA.
7. Air Quality. NA.
8. Noise Levels. NA
9. Wetlands. No wetlands. Small stream. Small to moderate.
10. Aquatic Communities. If any impact, small to moderate.
11. Terrestrial Vegetation. A. Vegetation, General. Again, there will be a plan produced by the landscape architect.
B. Rare & Endangered Terrestrial Wildlife Species. Small to moderate.
12. Fragile Ecosystems at Higher Elevations. NA.
13. Terrestrial Vegetation. A. Vegetation, General -
We believe this will be accomplished. Small to moderate.
B. Rare and Endangered Terrestrial Wildlife Species.
At this point there is a duplication in the form.
14. Aesthetics. A. Aesthetics, General. The project site is pretty well not visible. On one side of the property. Small to moderate.
B. Scenic Vistas. Not impacting.
C. Travel Corridors. Not visible.
15. Open Space. Project is such low intensity, certainly not impacting Open Space. Small to Moderate.
B. Outdoor recreation. No impact.

16. Adjoining & Nearby Land Uses. A. Surrounding Land Uses, General. This is not incompatible. Small to moderate.
B. Adjacent State Land. There is none. NA.
17. Wild, Scenic & Recreational Rivers. NA.
18. Historic Sites. Small to moderate.
19. Special Interest Areas. Small to moderate.
20. Government Considerations. Service & Finance. Government won't have any problems servicing this. Small to moderate.
B. Regulation. This conforms with development regulations. Small to moderate.
21. Public Utilities & Community Resources. The only utility is electricity. Not a problem.
B. (1) Streets and roads. None. NA.
(2) Siting & Construction of Buildings. Small to moderate.
(3) Sewage Disposal. On site. Small to moderate
(4) Storm Drainage. Addressed on the site planning. Small to moderate
(5) Water Supply. NA.
(6) Solid Waste Disposal. Small to moderate
(7) Pesticides & Herbicides. Whatever a homeowner might use. Small to moderate.
(8) Shoreline Development. NA.
(9) Noise. NA.
(10) Signs. There are no signs. NA.
(11) Utilities. NA.

We've gone through this and we now need to "Resolve, the Planning Board determined that the proposed Class B project will not have an undue -----" see form for complete determination.

Would someone please move this.

Mr. Anson - So moved.

Chairman Johnston - Second.

Mr. White - Second.

Chairman Johnston - No discussion. All in favor, carried.

Secretary - So noted on the "Resolved" page of Checklist.

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Chairman Johnston - We've gone through the Class B checklist, we don't need to do SEQR. I think at this point a motion would be in order to approve the project.

Mr. White - So moved.

Chairman Johnston - Second.

Mrs. Brant - Second.

Chairman Johnston - This is approving the project as submitted. With that understanding.

No discussion. All in favor, carried.

Chairman Johnston - We'll move on to the **Paul Mudie & Kathleen Kelley - Tax Map No. 57.3-1-27.120 - Two-Lot Minor Subdivision --**

We need to fill out a SEQR form for this project.

Mr. Hainer - There's a "No Comment" letter from the County, too.

Chairman Johnston - Ok. George just advised me that was sent to the County under the Section 239 Referral Requirement, they sent a letter that there is "no comment". We'll take a quick look at Part 1. No surprises. Part 2 Impact Assessment. Remember again, there's two choices, either, no, or small the other choice is moderate to large. I'm just going to assume again, there's a presumption that it will be either "no" or "small", unless something pops out.

1. No., 2. No, 3.No, 4. No, there is a CEA (Critical Env. Area, there by virtue of the APA Law, but there is not a CEA, in the DEC sense, is that right, George. Mr. Hainer, the Town didn't establish their own. No. 5.No, 6.No or small. 7. NA both A & B. 8. No. 9. No. 10. No. 11. No.

We didn't check any moderate to large boxes, so there's no need to address Part 3. We now come down to the "determination", the second box, checked, "will not result in any significant adverse environmental impacts."

Would someone make a motion to that effect.

Mr. Anson - So moved.

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Chairman Johnston - Second.

Ms. Fairbanks - Second.

Chairman Johnston - Any discussion, all in favor, carried.

Now we are up to a motion to approve the subdivision and George, there's no reason for any kind of condition.

Mr. Hainer - No, we have soils test, we have the DOT, everything.

Chairman Johnston - Ok, everything is in order.

Mr. White - I move we approve the subdivision.

Chairman Johnston - Ok, thank you Mr. White.

Mrs. Brant -- I second.

Chairman Johnston - Second, Evelyn, any discussion, all in favor, carried.

You are all set. They have to file a map, correct, within 60 to 62 days, are you aware Paul and Kathy of the filing requirements?

Mr. Mudie and Ms. Kelley - No.

Chairman Johnston - Ok. You better talk to George.

Mr. Hainer - Kevin has to prepare a mylar.

Mr. Hall - we haven't had a lot of conversations, but I'll talk to them.

Chairman Johnston - Ok. I think we're up to Item 6 on the Agenda - is there any "Other".

Ms. Fitzgerald - I have a question on the Resolution. Is it pertinent to put "without conditions" or it's not necessary.

Chairman Johnston - I think in the past, if there's not "conditions", we just approve it.

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Mr. Hainer - Is there any conditions on the house site, that's what we usually do.

Chairman Johnston - There's the building envelope. What would we be looking for George?

Mr. Hainer - Just anything. This is on the main highway, there are two building sites.

Chairman Johnston - I apologize, that was my oversight. When we review these subdivisions, we don't always, in fact we rarely review the kind of detail that you would typically see in a subdivision, so what we do we put a "note" on the map that before there's any development, the site plan has to be submitted to the Code Enforcement Officer for his review and any issues and if there are any issues he brings them to the Planning Board.

Ms. Kelley - so the site plan is for the building envelope.

Chairman Johnston - It would be how the buildings are laid out in the building envelope. What else would you be looking for, George?

Could not hear Mr. Mudie.

Chairman Johnston - We need to go back and amend our Resolution.

Mr. White - I made the motion, I will amend it, to add a note regarding site plan review is required.

Mrs. Brant - Second.

Chairman Johnston - Thank you, any further discussion. All in favor, say aye, carried.

Ms. Kelley - How long does it typically to have that approved. We're just thinking about the process, now.

Chairman Johnston - It doesn't take very long at all. You would bring the site plan to George, he would look at it, if there were any issues he would bring them to the Planning Board, but typically, there aren't any issues.

Ms. Kelley - Alright.

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Mr. Hainer - It's not a Class B, it would probably be one meeting.

Chairman Johnston - It's not a big deal. It's not like this, it's not a protracted process.

Ms. Kelley - We'll talk to George.

Chairman Johnston - Ok, any other business.

Mr. Maron - When I looked at the North Shore from Town looking to see Grosse, it's amazing how much it has been cleared of trees, I just wondered if the Town or APA, I know they have regulations about how much can be cleared on the shoreline. The lot that Starbucks and the one next to him have been denuded.

Mr. Hainer - Within 35 feet, you're allowed 10 per cent, anything past that. On Grosse's lot, Peter Gibbs, I sent an email, he's going to come back over the summer and make a presentation on how they will deal with the rotational slide and he will present a cutting plan to remove what trees need to be removed and basically restore to some stable condition and then the Army Corps is going to apply to the Army Corps in October for their permit once they get the Town Permit.

Mr. Anson - Is that the first lot.

Mr. Hainer - The first lot going past the Mobil site.

Mr. White - Do you have a question.

Mr. Mudie - We had a question on the way out. The next step, the property is subdivided. We have this 17 acre piece of property, the building lot. We understand before the final process has to be some type of plan that shows the orientation of the structure.

Mr. Hainer - That would be who you sold it to.

Mr. Hall - The subdivision is approved, there will be a note like on the original map, prior to construction, site plan review is needed. If it's your brother, he gets ready to build, he's not going to be able to just come in and get a permit form George, he will have to come in and present a

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plan to the Planning Board, showing I'm going to build the house here, you're locked in where the driveway is already. That's fixed. Your septic is somewhat fixed, due to perc tests. Where the house sits in that envelope and what it looks like, these folks get to review and see if it falls within the regulations.

Ms. Kelley - So, he will be going before the Board.

Mr. Hall - Right.

Mr. Mudie - Ok, great.

Chairman Johnston - The subdivision process is done, ok, now that it's done, it's approved. That's why the map that I referred to has to be finalized and filed at the County Clerk.

Mr. Mudie - Ok, great.

Ms. Kelley - Thanks.

Chairman Johnston - Anything else.

Mr. Maron - Just one more thing. In a conversation regarding the railroad, CP, they indicated that the bridge by the Depot Theatre, is set to be replaced sometime in the next 10 years.

Chairman Johnston - Really.

Mr. Maron -- When the person talked to them, Joe Sepanari, actually the background was, they're talking about painting the bridge, saying "Welcome to Westport". The CP rail said "no way". They said they just let the bridge rot, they never paint them because they get into problems with the EPA, when they scrape it, so they said, "they would just rather let them rot". They would allow a banner to be put up, so there could be a banner, and the RR might chip in and help pay for it. In the course of the conversation, they stated it's pretty rusty right now, due to be replaced sometime in ten years and some of the ideas, the buttress was brought up and there's no way that they're going to change that. The desire is to make that wider so people can walk through it or two cars could actually get in there

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Chairman Johnston - I think you have an interesting issue here, potentially conflicting issue, because I don't know if the railroad would have to go to the State Historic Preservation Office or not, but they might -

Mr. Maron - you mean with the buttress?

Chairman Johnston - Yes.

Mr. Maron - It's just sort of a heads up that I know there has been talk in the past about trying to widen that and if there's any thinking about it you have about 10 years for making the case.

Chairman Johnston - To think about it.

Mr. Anson - I know it's nip and tuck with trying to get the trucks through there.

Ms. Fitzgerald - I move that we adjourn...

Chairman Johnston - There has been a motion.

Mr. White - Second.

Chairman Johnston - All in favor, carried. Meeting adjourned.

Respectfully submitted,

Barbara A. Breyette
Secretary

Secretary's Note: The time of adjournment was not noted and many people did not sign in. Secretary also inserted the "Notice of Public Hearing".