

**PLANNING BOARD
PUBLIC HEARING MINUTES
MARCH 27, 2013**

Chairman Johnston called the Public Hearing to Order at 7:05 P. M. with the following members present: Chairman Johnston, Mrs. Evelyn Brant, Mr. Dwight Anson, Mr. Alan Hipps, Ms. MaryLou Fitzgerald, Alternate, Ms. Cynthia Fairbanks, and Mr. Chris Maron. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer. Excused, Ms. Barbara Breyette, Secretary. Guests in attendance, Mr. Tony Salerno, representing Darlin Realty, Ms. Anne delaChapelle, Mr. William Palmer, Cliff and Maryanne Connery, and Ms. Heather Liberi.

Chairman Johnston read the Notice of Public Hearing, attached, Page 1A.

I'm just going to briefly explain the Agenda, we follow with the Public Hearing. I open the Public Hearing, that's been done, I read the Notice of Public Hearing, that's been done.

Now, the purpose, we have two projects tonight, and we'll take each project in turn, one-by-one, the first is a Special Permit for the construction of a new single-family dwelling and as it happens, it's in an overlay district in the Village, which requires that we go through some additional procedures. Normally, a single-family dwelling is an, as-of-right use, but in this case, because of it's location, additional procedures are applicable.

In the case of the second project, the single-wide mobile home is located in a district where a Special Permit is required.

That's the purpose of the Hearing. Next, I'm going to give the project sponsor an opportunity, if they choose, this is optional, to describe their project.

Then I'm going to give the Planning Board members the opportunity to ask questions of the Sponsor, if they have any questions.

Then, I'll allow the public, opportunity to ask questions and I will moderate this.

Finally, we'll take statements from the public, and again I will moderate the statements.

Lastly, I'll close the Hearing. That is the procedure, the Agenda we will follow for the Hearing. I'm going to get to the first project, the Single-family dwelling, the sponsor, is Heather Liberi.

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PLANNING BOARD
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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 27, 2013, 7:00 P. M. at the Town Hall, 22 Champlain Avenue, Westport, New York for the purpose of considering the following project:

- **Heather Liberi - Tax Map No. 66.66-6-10.000**
Special Permit for construction of new Single-family dwelling in V-BUS District within Special Village Center District.
- **William Palmer - Tax Map No. 66.2-1-30.112** - Special Permit to locate Single-Wide mobile home RR-5 District.

William Johnston
Chairman
Town of Westport
Planning Board
Dated: March 1, 2013

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

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Heather Liberi - Tax Map No. 66.66-6-10.000 - Special Permit for construction of new single-family dwelling in V-BUS District within Special Village Center District.

Heather you're here tonight, did you want to say anything about your project, do have anything to describe that we don't already know?

Ms. Liberi - I don't think so.

Chairman Johnston - Ok. Now it's time for the Planning Board members, do you have any questions, Planning Board members?

Ms. Fitzgerald - Do you hope to start as soon as possible?

Could not hear Ms. Liberi's response.

Mr. Anson - We had a pretty good explanation last meeting. The site plan straightened out some things I didn't realize, I'm pretty well set with it.

Chairman Johnston - Chris, do you have any questions? Cynthia?

Chairman Johnston - Ok, good. I have a question. Do you plan to do any landscaping?

Ms. Liberi - I'll wait until I see the house completed.

Chairman Johnston - Alright. We'll move on now for members of the public, do any members of the public have any questions, they want to ask.

Could you please say your name.

Maryanne Friedel - Six-four-four-eight (6448) Main Street. We'll be neighbors.

Ms. Liberi - Hi.

Maryanne Friedel - We're wondering, orientation, that's your home up there (easel)?

Ms. Liberi - Yes.

Ms. Friedel - The front will face the Lake?

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Ms. Liberi - Yes.

Ms. Friedel - Ok, and do you have a garage?

Could not hear Ms. Liberi's response.

Ms. Friedel - That will be off Old Arsenal Road?

Ms. Liberi -- Right, off the top - couldn't hear remainder of statement.

Chairman Johnston - George, are you going to show the site plan?

Mr. Hainer was at the easel and could not pick up the conversation.

Secretary's note: Due to the fact the secretary was not in attendance, there was no hard-copy notes and much of the discussion was not picked up on the tape.

Ms. Friedel - And the height is comparable to the neighborhood?

Couldn't hear Mr. Hainer's response.

Mr. Hipps - So, that's not quite two full floors, right.

Mr. Hainer - (Returned to table) It's two full stories.

Mr. Hipps - It is two full stories.

Mr. Hainer - The height is approximately 25 feet from the first floor.

Ms. Fitzgerald - Everybody is speaking too low.

Mr. Hainer - The height, as it is on here, height, approximately 25 feet from first floor, is what is written on the plans, here. In that district you can be 30 feet from the first floor, that's from the first floor, not the ground elevation.

Chairman Johnston - Anne, do you have a question?

Ms. DelaChapelle - I was just wondering, speaking to Ms. Liberi and could not hear either response.

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At this point Chairman Johnston asked everyone to speak up.

Mr. Salerno --Is there a way that I could get the specifications as far as square footings for Mr. Renkoff (Darlin Realty).

Chairman Johnston - Yes, the plans are there, and they've been submitted to George, the Code Enforcement Officer. You can look at the plans and may be possible to copy both portions of it.

Mr. Salerno - Ok.

Chairman Johnston - You will have to speak to George on that.

Mr. Hainer - You could come in tomorrow.

Mr. Salerno - Mr. Renkoff, did he ask for anything like that yet?

Mr. Hainer - No. He just asked what the reason for the Hearing . I told him because it was an overlay district and the fact that it was a "legal lot of record".

Mr. Anson - Could you ask people to introduce themselves?

Chairman Johnston - Do you want to go around the room?

Mr. Anson - Yes, some I don't know.

Chairman Johnston - We're going to have a pause in the Hearing for introductions.

The following people introduced themselves - Tony Salerno, Anne delaChapelle, Heather Liberi, Bill Palmer, Cliff Connery, Maryanne Friedel.

Chairman Johnston - Thank you, we'll resume. Are there any other questions?

Mr. Hipps - I have a question that I'm sure you covered last month, but I wasn't here. There were two lots, are you erasing the line and building on both?

Couldn't hear Ms. Liberi.

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Mr. Hipps - You're building on one.

Couldn't here Ms. Liberi.

Mr. Hipps - Ok.

Mr. Hainer - Here's the two lots.

Mr. Hipps - Ok.

Chairman Johnston - If there are no other questions,

Ms. DelaChapelle - Couldn't hear or Ms. Liberi's response.

Mr. Connery - Same issue.

Mr. Hainer - But, that waterfront goes with this lot?

Couldn't hear response.

Mr. Hainer - That goes with this lot, they're not building on the Lake side.

Could not hear Mr. Connery, again.

Chairman Johnston - If there are no further questions, I'd like to move on to the next part of the Hearing, And make a statement. Does anyone wish to make a statement?

No statements from public.

There being no statements to be made, I will then declare this portion of the Hearing ended and we will move on to the next project.

William Palmer - Tax Map No. 66.2-1-30.112 - Special Permit to locate single-wide mobile home. RR-5 District.

Going back in the Agenda, Mr. Palmer, do you want to describe your project, to the Planning Board?

Mr. Palmer - Well, initially I started and wanted to build a home, right now we have changed to put in a mobile home, that's it.

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Chairman Johnston - Ok. Do any Planning Board members have a question they would like to ask Mr. Palmer?

None voiced.

Chairman Johnston - Ok. Do any members of the public have a question or questions they would like to ask Mr. Palmer?

Ms. delaChapelle - I just remember years ago, when there were no mobile homes.

Mr. Hainer - That's in the Village.

Ms. delaChapelle - Ok.

Chairman Johnston - I believe there is a district in the Village where mobile homes are allowed.

Ms. delaChapelle - Ok.

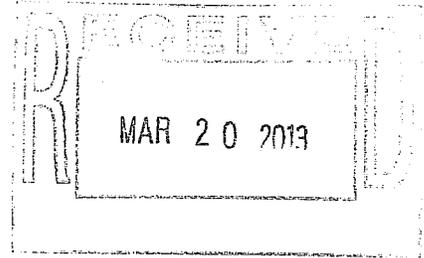
Chairman Johnston - This district is not the district I'm alluding to, but there is in the Village somewhere, I think it's out near the railroad station, there is a district where mobile homes are allowed.

Ms. Fairbanks - Has it been clarified about the wetlands.

Chairman Johnston - No, that is an issue and Mr. Palmer was sent a letter by the APA, dated March 20th, that does raise that issue. If the members of the Planning Board aren't familiar with this I can briefly read it or describe it, would you like me to (attached, Page 6A)? There is a potential violation here, and we made a site visit the other day, as you know, and I think this letter was received after the site visit, George.

Mr. Hainer - No, it was before.

Chairman Johnston - It was before. In any event, until this violation is resolved, potential violation is resolved, I think we should hold off taking action on this, but the Hearing has been scheduled and we have 60 days after the close of the Hearing to take action. When this came about after the Hearing Notice had already been posted, I felt there was no reason not to have the Hearing, we should have the Hearing and then wait and see what happens with the resolution of this issue. In the event that Mr. Palmer has



March 20, 2013

William Palmer
239 State Route 22
Westport, NY 12993

Re: E2013-0030
Tax Map Parcel 66.2-1-30.112
Location: Bessboro Lane
Town of Westport, Essex County

Dear Mr. Palmer:

I am writing to seek your cooperation in investigating a **possible** violation of New York State law on the above-referenced property as follows:

Culvert installation/fill in a wetland without the necessary Adirondack Park Agency permit

Accordingly, I would like to meet with you at the property to review the site and determine compliance with the applicable law. Please contact me no later than March 29, 2013 to schedule a meeting. I can be reached at Agency offices at the number listed below, or you may leave a message after hours at extension 254.

Thank you in advance for your cooperation.

Sincerely,

Trevor Fravor
Environmental Program Specialist

TSF:sas

Copy: George Hainer, Code Enforcement Officer, Town of Westport

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to change his plans, we may have to have a new Hearing. I think we have to wait and see what happens in respect to this possible violation.

Ms. Fitzgerald - Will we hear directly from the APA through George?

Chairman Johnston - George, they communicate with you, don't they?

Mr. Hainer - Generally they do.

Mr. Anson - No appointment yet?

Mr. Hainer - I think Bill is.

Mr. Palmer - Unable to hear Mr. Palmer's response.

Chairman Johnston - So we're still up to questions phase of the Hearing. Are there any other questions that people may have? Planning Board or public?

Mr. Palmer - I have a question. What happens if the APA tells me I can't go across there? If I have to have a different route on that lot, we have to go through it again.

Chairman Johnston - It's possible. If you're project substantially changes -

Mr. Palmer - It's still a mobile home on the same lot, if I have to move the road, basically what I'm asking for is it permitted to put it there regardless of the route I have to go on my property to get there.

Chairman Johnston - I don't want to give you a definite answer to that, because if you have to re-route the road, now we may need to take a look at the road, to make sure that the intersection with whatever road it intersects with is a safe intersection. Right now, I think you have a good location for an access road, because there's hardly any traffic on Bessboro Lane. If you have to move it on to Route 22, I think the Planning Board ought to take a look at where your driveway access is. Route 22 is a heavily travelled road -

Mr. Palmer - I know.

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Chairman Johnston - and if you have to relocate your access road to Route 22 I think that would be, I would say would be unfortunate.

Mr. Palmer - Right. Is that Mark Bonfey?

Chairman Johnston - Yes.

Mr. Palmer - If we have to look at a possible driveway on Route 22, (couldn't hear rest of sentence).

Chairman Johnston - Yes.

Mr. Palmer - So, they will tell me what is permitted and what isn't.

Chairman Johnston - Yes. Do you have an appointment with Mr. Bonfey?

Mr. Palmer -I do.

Chairman Johnston - Would you mind if either the Code Enforcement Officer or members of the Planning Board were at that appointment?

Mr. Palmer - You can come right down there and be with us, that's fine.

Chairman Johnston - When is the appointment?

Mr. Palmer - Friday morning.

Chairman Johnston - What time.

Mr. Palmer - Ten o'clock. Nine o'clock. Same location.

Chairman Johnston - Yes. I am not available then, but are any other members of the Planning Board available.

Mr. Anson - I might be, I don't know for sure.

Chairman Johnston - Dwight, if you are available, would you and George agree to meet there.

Mr. Anson - Yes.

Chairman Johnston - Then you could report back to us.

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Mr. Anson - Ok.

Chairman Johnston -- Any other questions. Let's move on to the statements part of the Hearing. Does anyone have a statement they wish to make? Ok, if there are no statements, I would ask for a motion to close the Public Hearing.

Ms. Fitzgerald - So moved.

Mr. Anson - Second.

Chairman Johnston - Any discussion, all in favor, please say aye, carried. Hearing is closed.

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REGULAR MEETING
FOLLOWING PUBLIC HEARING
MARCH 27, 2013

Chairman Johnston - I'm going to Call the Planning Board Meeting to Order, Regular Planning Board Meeting.

Minutes: Minutes of the February 27, 2013 Meeting, I think everybody has either been emailed or has been provided hard copy of those minutes. May I have a motion to approve, please.

Mrs. Brant - I'll make the motion.

Chairman Johnston - Thank you, Evelyn. Second.

Ms. Fitzgerald - I'll second.

Chairman Johnston - Second, MaryLou. Are there any comments or discussion on the minutes? There being none, all in favor, please say aye. Carried.

We now have the **Heather Liberi Project - Tax Map 66.66-6-10.000** - I'd like to take this up at this time. It states here, we shall issue a Special Permit, this is under the Village Center District (Section 26.042 Regional Finding, attached, Page 10A, underlined). As I explained at the last meeting, this "isometric", was drawn in 1977, and at the time the future of the Westport Hotel property, Westport Inn property, excuse me, was in doubt, it was on the market and there was a possibility it might be developed for some sort of commercial use and these guidelines, design guidelines, were developed, which were incorporated into the Zoning. In the mean time, as we all know, the property was purchased by Mrs. Cerf and she subsequently donated the property for a park. This "isometric" drawing of a future commercial development no longer is relevant. Furthermore, in looking at this "isometric" drawing I notice that the property in question isn't even included in the "isometric". I think that these conformity items really don't apply. I will read through them and see if the Planning Board agrees with me, if not, please say so. (The Development Guidelines "a-i" are also listed on Page 10A, attached). The following will be the responses to "a-i". a. Does anyone see an issue here that is triggered by this project? None voiced. b. None voiced. c. does not apply. d.- i. None voiced.

26.040 New Construction

26.041 Special Permit

Within the Special Village Center District, construction of any new, or substantial enlargement or substantial alterations of any existing building shall be only pursuant to a special permit issued by the Planning Board in accordance with this Section.

26.042 Regional Finding

The Planning Board shall issue such special permit where it finds that, to the extent feasible and appropriate, the proposed construction is compatible with the Westport Village Development and Preservation Program, as expressed in the Development Guidelines Isometric. In particular, the Planning Board shall consider the proposed construction's conformity with the Development Guidelines Isometric with respect to the following:

- a. Building location, configuration, and scale, including height, roofline, and set back (if any) from street
- b. Facades including crenellation, materials, transparency, porches
- c. Character and location of uses including ground floor retail, residential uses, and proposed inn
- d. Preservation of landmark buildings
- e. Preservation of view corridors
- f. Road extensions
- g. Beach-promenade easement
- h. Street and sidewalk improvements
- i. Open space improvements

26.043 Application

An application for a special permit under this Section shall be filed in 5 copies with the Zoning Inspector, and shall include a site plan of the property in question drawn to scale and plans for the proposed new building.

26.044 Procedure

The procedure for a special permit under this Section shall be that set out in Section 5.030 hereof.

SECTION 27 SPECIAL OPEN SPACE DISTRICT (V-OSP)

27.010 Findings and Purpose

It is hereby found and declared that

- a. There are within the Village particular open spaces which are of special visual and scenic significance and value to the public as open space, or which are so located or of such character that their development in most cases would present unacceptable adverse environmental consequences,
- b. That the conservation and protection of such open spaces is a public necessity and is required in the interest of the health, safety, and welfare of the people. The purpose of this Section is to conserve and protect the visual and environmental quality of the Village through the conservation and protection of such open spaces.

27.020 General

27.201 Application of Regulations

The regulations contained in this Section apply within the Special Open Space District which appears on the Zoning Map over open spaces having special visual or environmental character.

27.202 Relation to Other Districts

The special Open Space District is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of such other districts. Except as so modified or superseded, the regulations of the underlying districts remain in effect.

27.030 Projects Within District

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Mr. Hipps - Beach-promenade easement? That's not on this building site but it's on the property that's associated with it. There's a ROW on a beach that goes from the Marina to the Yacht Club.

Chairman Johnston - That's right.

Mr. Hipps - Is that something that we should discuss now, or does it not relate to, it's on the associated property - does everybody know what we're talking about?

Mr. Maron - Baflyn?

Mr. Hipps - Right.

Mr. Maron - that's on the bluff.

Mr. Hipps - Right, just on top of the bluff.

Mr. Connery - It's right on our property as well.

Chairman Johnston - I believe that easement was put in when the property was subdivided and while it's hoped that pathway is never closed, there is I believe, a termination clause in the easement, in the event that the restaurant at the Yacht Club is no longer operated as a restaurant. I believe there is a termination provision.

Mr. Hipps - You remember that Cliff when you -

Could not hear Mr. Connery's response.

Chairman Johnston - I hope it's never terminated, but I think there is a termination provision.
Are you aware of this easement, Heather?

Ms. Liberi - The view would be covered by the fact - couldn't hear rest of response.

Chairman Johnston - Well, I think really the intention, going back to this "isometric", this Village Center Isometric, was that if there were a large commercial development on this site, that it wouldn't block off, totally block off a view of the Lake, I think that was the issue.

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Ms. Liberi - The house is not in line. (?)

Chairman Johnston - Not really, no.

Mr. Hipps - the property that would be most impacted, other than delaChapelle would be George Toomey and his has a carriage house or guest house right behind it, and it's pretty heavily treed, also. Just to the west of this property are a lot of trees.

Chairman Johnston - I'm going to now refer to the procedure of Special Permit, it states that the procedure that we should follow is Section 5.030. This is the Procedure, there's supposed to be an application, which has been done. SEQR compliance (attached, Page 12A) we determined at the last meeting that it's a Type II Action. Referral to the County Planning Board, George advised me this is not applicable in this case. Notice and Hearing, we've had a Notice and Hearing. We're now down to Action, Section 5.038, (attached, Page 12B). Chairman Johnston read 5.038, a.

I think we are at a point now where a motion is in order, would someone care to offer a motion.

Mrs. Brant - I'll make the motion.

Chairman Johnston - To what, to approve the project -

Mrs. Brant - to approve the project, yes.

Chairman Johnston - Is there a second.

Mr. Hipps - Second.

Chairman Johnston - Any discussion? All in favor, please say aye. Approved. You're all set.

Now on to Mr. Palmer - **William Palmer - Tax Map No. 66.2-1-30.112** - I think I really covered this point during the Hearing and that is that before we can really go any further on this, we need to know what's going to happen with the APA. Also, we're going to need to know what is going to be the outcome of the meeting with Mark Bonfey at the DOT. I think we should defer action on this until next month's meeting when we see what has occurred in the meantime. Everyone agree on that.

- a. A Major Project application form.
- b. A Site Plan, as described in Section 5.060, Review of Site Plans, and an agricultural data statement as defined in Section 30, if required by Section 32.132 of this Local Law.
- c. A narrative report describing how the proposed use will satisfy the criteria set forth in Subsection 5.042, as well as any other applicable requirements relating to the specific use proposed.
- d. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
- e. The Major Project application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

5.022 Minor Projects

An applicant for a Minor Project Special Permit shall submit:

- a. A Minor Project application form.
- b. A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision, and an agricultural data statement as defined in Section 30, if required by Section 32.132.
- c. A brief narrative describing the proposed use.
- d. A short-form Environmental Assessment Form (EAF) (unless the Planning Board determines that the proposed Special Permit is a Type I action, in which case a long-form EAF shall be required).
- e. The Minor Project application fee as established by the Town Board, and an escrow deposit (if required).

5.030 Procedure

5.031 Application

- a. Application for a Special Permit shall be made to the Planning Board, on forms prescribed by the Planning Board.
- b. If an application is for a parcel or parcels on which more than one use requiring a Special Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of determining whether the application is a Major or Minor Project (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.

5.032 Informal Meeting

Before filing an application, an informal meeting with the Planning Board is recommended to discuss the nature of the proposed use and to determine the information that will need to be submitted.

5.033 Mediation

At any point in a project review process the Planning Board may, if it deems appropriate and the parties consent, appoint a mediator to work informally with the applicant, neighboring property owners, and other interested parties to address concerns raised about the proposed Special Permit use. Any party may request mediation. Such mediation may be conducted by a member of another municipal board, by the Planning Board's consultant, or any other qualified and impartial person acceptable to the parties and the Planning Board. The mediator shall have no power to impose a settlement or bind the parties or the Planning Board, and any settlement reached shall require Planning Board approval to assure compliance with all provisions of this Local Law. The cost, if any, of such mediation may be charged to the applicant as part of the cost of project review, with the applicant's written consent. Such cost may also be shared by other parties in interest with their written consent.

5.034 SEQRA Compliance

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Local Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to NYCRR Section 617.8(b)(1) or the issuance of a negative declaration.

5.035 Referral to County Planning Board

- a. Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Essex County Planning Board any application for a Special Permit affecting real property within 500 feet of the boundary of the Town of Westport, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-1 and 239-m, as amended.
- b. No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.
- c. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to grant any Special Permit which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

5.037 Notice and Hearing

- a. If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Special Permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.
- b. The Planning Board shall hold a public hearing on a complete Special Permit application within 31 days for a Minor Project and within 62 days for a Major Project. The applicant shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least five days prior to the date thereof.

5.038 Action

- a. The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing for a Major Project and within 31 days for a Minor Project. Any decision on a Major Project shall contain written findings explaining the rationale for the decision in light of the standards contained in Section 5.042 of this Local Law.
- b. In permitting the development, undertaking, reconstruction, enlargement or substantial alteration of a use allowable by special permit, the Planning Board may impose any conditions which it considers necessary to protect the health, safety and welfare of the Town and its present and future citizens and the best interests of the surrounding property, the neighborhood or the Town as a whole. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities, and requiring action by the applicant, including the posting of performance bonds and furnishing of guarantees to insure the completion of the project in accordance with the terms and conditions applicable thereto.

5.039 Expiration, Change of Use, Revocation, and Enforcement

- a. A Special Permit shall expire if the Special Permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Project Permit or fails to comply with the conditions of the Special Permit within 18 months of its issuance, or if its time limit expires without renewal.
- b. A Special Permit shall apply to the use for which it has been granted, as well as to any subsequent use of the property which complies with all terms and conditions of the Special Permit (as determined by the Zoning Inspector in issuing a Certificate of Compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Special Permit shall require the granting of a new Special Permit or a Special Permit amendment.
- c. A Special Permit may be revoked by the Planning Board if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit.
- d. Any violation of the conditions of a Special Permit shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided herein.

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Mr. Hipps - Yes. And then we can't go beyond the next meeting because we come up on the 60 days.

Chairman Johnston - Unless Mr. Palmer agrees to an extension.

Mr. Hipps - Right, ok.

Chairman Johnston - We're up to **Alternate Recommendations**. Decided to hold off until have an opportunity to interview second candidate.

Review of Zoning Amendment Definitions - Chairman Johnston proposed that approximately half an hour would be spent on this item, at this point. Until the Planning Board actually decides on specific changes and votes upon those changes, then the changes will become part of the minutes.

Local Government Day - Planning Board members completed their forms to be given to the Secretary to forward to the APA for the April 25, 2013 Conference.

Motion to adjourn made by Ms. Fitzgerald, second, Mr. Anson. All in favor, carried. Meeting adjourned
8:20 P. M.

Respectfully submitted,

Barbara A. Breyette, Secretary