

Mr. Anson – In my opinion, if he put a fence around the whole thing, so you couldn't see it, what would be the violations, and come in and get a permit for the other lot.

Chairman Johnston – I think he should put a fence up, and I think he should get a permit for the other lot, but if there are violations, they ought to be removed.

Mr. Anson – The way I understood when Chris was speaking, he was just displaying junk cars. Now you have to define the difference between wrecked cars and junk cars and then explain that he can't move them for 30 to 60 days until the State police --

Chairman Johnston – I think he should find another place for those cars.

Ms. Fitzgerald – The displays that Chris was talking about were for the small lawn mowers, stuff that he was originally going to sell on the first permit.

Mr. Maron – That's right.

Ms. Fitzgerald – And, that's no longer, cause he's not doing that business.

Mr. Hainer – But we agree that those are going to be displayed on the roadside –

Ms. Fitzgerald – but, he's not doing it, he's not talking about displaying the junk cars.

Mr. Hainer – we were talking about displaying all the new equipment on the roadside.

Mr. Anson – I remember that.

Mr. Hainer – Now the vehicles in his driveway, he has all sorts of vehicles there. He has an extended family, all sorts of people that visit there, he has a lot of toys, he's a guy that likes vehicles, cars, trucks.

Mr. Anson – They're all licensed.

Mr. Hainer – He's always getting new ones, that part is located in a very visible part of Town that people come and the go. People from out of town pass by there.

Mr. White – I think the first thing he's got to get a permit for the second, the newer property.

Chairman Johnston – Ken, I don't think we can contemplate him showing another permit until he brings what he's doing now into compliance. In fact I would vote against, be totally opposed to a second permit until he brings his current operation into compliance with the permit.

Mr. Anson – Where he's got the cars parked, that's his second lot? Not his equipment, the wrecked cars that he's towed in.

Chairman Johnston – It's a dynamic situation, constantly changing.

Mr. Hainer – Here's what was here today (pictures). Three tow trucks, his personal car, there was his house site today.

Chairman Johnston – I think you could argue that these three tow trucks, is a tow truck storage yard.

Ms. Fairbanks – I see it everyday.

Planning Board Meeting
April 23, 2014

Mr. Anson – I'll tell you something, I broke down near Middlebury, Vermont about four or five hours waiting for him to come because he only had one tow truck and that was on the road doing another job, and I was partially in the road –

Ms. Fairbanks – I don't think anyone wants to put him out of business, if he's growing he's in the wrong area. Lot of little kids live around there and people come around that corner, when I come down Sherman Road, you have to look and run for it because you never know.

Mr. Anson – I'm aware of that, that's not his fault –

Ms. Fairbanks – If he wants to grow his business, I think that's not the right place, especially that size.

Mr. Anson – The thing of it is, it's been there for a long time and who has the money to just pick up and move.

Chairman Johnston – Can we try to get back moving forward on this.

Mr. Hainer – **The wrecked vehicles, is a violation.**

Chairman Johnston – What else is a violation?

Ms. Fitzgerald – Not enough fence.

Mr. Maron – If we look at the Permit, citing number 1 again, page 8A, as described in the application. The application was for a garage and the lawn and garden service. **Right there is a violation.** Project site, has to comply with the findings of fact, the site description states it's on tax parcel number 66.2-2-24.200. The site's accessible by one existing loop driveway. So it's not in compliance with that. No construction, building or subdivision of land of other land use or development, not expressly authorized by this permit shall be undertaken without additional permit from the Town Planning Board. I'd imagine that's probably not complying with that.

Ms. Fitzgerald – Bill, remove junk that's not buried.

Mr. Maron – Junk that's not buried is really part of his permit, (couldn't hear remainder of Mr. Maron's comment).

Chairman Johnston – That's gone away for the moment.

Mr. Maron – It really hasn't gone away, it's just covered up, I'm not sure if it got covered up today.

Mr. Hainer – The tires are supposedly good tires and they're stacked, I didn't see the tires today.

Ms. Fitzgerald – Tires are not junk.

Mr. Anson – Absolutely, not.

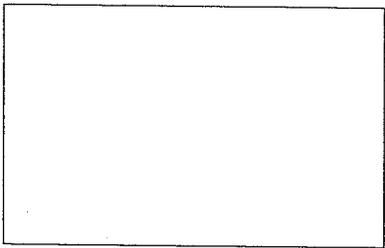
Mr. Maron – I think the short of it, he's not in compliance with the Permit.

Ms. Fitzgerald – Bill's asking for a list of things.

Chairman Johnston – I think we need to get more specific, Chris. You're saying, "not as described in application". Let's try to get more specific.

Ms. Fitzgerald – Suggest something, Bill.

Mr. Maron – Let's see, the Site Description (attached, 10A & B) states that the Project Site -----



The Town of Westport
Planning Board
22 Champlain Avenue
P.O. Box 465
Westport, New York 12993-0465
(518) 962-4419

**In the Matter of the Application of
Robert McGee – Lawn and Garden Sales and Repair Shop**

**for a permit pursuant to Local Law No.1 1995 of
the Town of Westport Local Land Use Law**

**PERMIT
Project**

AUTHORIZATION

This permit authorizes the use of an existing 24 x 28 foot garage for conducting a lawn and garden equipment sales and repair shop and the construction of a 12' x 16' extension off the back for the same purpose provided that the project is undertaken as described in the Application (Special Permit Application) and the Findings of Fact herein and in compliance with the Conditions herein. Failure to undertake the project in accordance with the Application, Findings of Fact and Conditions may be a violation of law and grounds for revocation of the permit.

FINDINGS OF FACT

Site Description

The project site is the current home of Robert McGee and is more particularly described as tax parcel number 66.2-2-24.200. The site is accessible by one existing driveway. No

10A

site preparation will be required to ready the site for the shed addition required for the project.

Project Proposal

The project proposal is described in the application and was discussed in the minutes of the Planning Board dated November 15, 2006 and December 13, 2006. Mr. McGee explained his need to display a few new lawn and garden tractors in front and beside the garage. He also expressed a need to construct a pole barn behind a fence so that the doors could be closed and the tractors could be hidden from view. He explained his intention to construct a 6-foot, stockade fence with two doors for storage of equipment to be serviced. Also requested was a sign measuring 30 inches by 30 inches. The applicant stated that the hours of operation of the business are 8am to 5pm Monday through Friday and 8am to 1pm on Saturday. Mr. McGee explained that the hours of delivery are 10am to 3pm and the most of them are around 9am. He also explained that the delivery vehicles and customers would be using the existing driveway.

Project Impacts

Objections and concerns were raised during the public hearing.

During the Planning Board discussion following the close of the hearing, and in the process of filling out the SEQR Part 2 form, impacts were considered from the size of the garage, the traffic on the Lake Shore Road, the business sign and lighting of the sign, the hours of operation, the hours of delivery to the business, the number of tractors to be displayed, and the size (as evidenced by engine horsepower) of the equipment, the adequacy of on-site parking, and the construction of a screening fence.

CONDITIONS

1. The project shall be undertaken as described in the Application and Findings of Fact herein, and in compliance with Conditions herein. Failure to comply may be a violation of law and grounds for revocation of the permit.
2. No construction of buildings, subdivision of land, or other "land use or development" as defined by the Town of Westport Local Land Use law not expressly authorized by this permit shall be undertaken without an additional permit from the Town of Westport Planning Board as may be necessary.
3. This permit is binding on the applicant and any person undertaking the project. If the project is not substantially commenced within 2 years of the date the permit is recorded, it may not be undertaken or continued unless a new or renewed permit is issued.

Planning Board Meeting
April 23, 2014

“The property appears to be in violation of the Permit, because more property of said tax parcel, is being used by the business approved by this Permit”.

Chairman Johnston – Ok, so that’s the first thing, he’s expanded on to a parcel number that is not permitted.

The wrecked vehicles, you say that, George, is a violation.

Mr. Hainer – **Yes, that’s not allowed under the permit.**

Chairman Johnston – MaryLou, you said not enough fence. What is he required to do, in terms of the fence, George?

Ms. Fitzgerald – He stated, **“everything he has coming into the yard, he would open the gates and put everything behind the fence –**

Mr. Hainer – **“out of sight”.**

Ms. Fitzgerald – **“and close the gate. Bring his truck and material out the next day.”**

Chairman Johnston – Did he say, “that all of his trucks and equipment would be behind a fence”?

Ms. Fitzgerald – Have to go back and check the minutes, for sure.

Chairman Johnston – Well, here they are. I’ll read them over, **but he stated, “everything would be behind the fence”.**

Mr. Maron – The project proposal stated, “used to display a few new lawn and garden tractors, front and side of garage”.

Mr. Hainer – He gave a number of eight or ten.

Mr. Maron – What he has there appears to be a junkyard and towing service, not lawn, garden and tractor sales place.

Chairman Johnston – If we deal with the wrecked vehicles, --

Ms. Fitzgerald -- It will be put in this barn and behind a fence. He stated, “all I really want is to be able to display two tractors up front and side of the shop and keep the other part of my yard, which is my home and mother nature finally accommodated us so we can put up a pole barn to house all the items I work on will be put in this barn and behind a fence”.

Chairman Johnston – Ok, thank you, MaryLou.

Ms. Fitzgerald – “I will be able to close the door, you’re not going to see any tractors all over the yard”.

Chairman Johnston – Chris, in respect to calling it a junkyard, because, aren’t we addressing that by addressing the wrecked vehicles?

Mr. Maron – Yes, but also the towing service, that’s not a lawn and garden, tractor sales.

Mr. Anson – But, it’s not really a junkyard, either.

Mr. Maron – It’s a take-away junkyard, and towing service. That isn’t what we gave the Permit for, we gave him a Permit to sell lawn and garden and tractor supply.

Ms. Fitzgerald – But, he didn’t need a permit to bring a tow truck on to his own yard, I think.

Mr. Maron – He probably would, he’s operating a business.

Mr. Hainer – In here it says, “the permitted use, right in the minutes, Residential Home Occupation – Home Occupation is allowed, Bobby is running a home occupation, ----- (see, page, 3C), that was the flavor of what was talked about. Bobby stated, “if I get too big, I’m going to have to move somewhere else”.

Mr. Maron read the definition of “Home Occupation”, taken from Town Law – “business or profession which is conducted in entirely within a dwelling or it’s accessory structures” --

Chairman Johnston – We haven’t permitted a “home occupation” here.

Mr. Maron – I didn’t think so, I thought it was a Class B --

Mr. Hainer – I think at the same time that this towing service was in effect, that he had one tow truck that he would bring home and then he would go out and was sort of like I said, an unregulated home occupation.

Chairman Johnston – But, isn’t it one or the other –

Mr. Hainer – that people bring it home.

Chairman Johnston – no, what I’m saying is, we’ve given him a permit for a business, a special permit, doesn’t that then supersede any home occupation?

Mr. Hainer – for that particular thing, yes. If he was running a home occupation for a small engine repair shop out of there at the same time.

Chairman Johnston – But, I don’t think this is a home occupation he’s got there.

Mr. Maron – Looking through the minutes, it looks like, we talked about home occupation, but when the permit was given, it was Class B, commercial.

Couldn’t recognize voice – It was a Special Permit, right?

Mr. Hainer – We’re confusing this tow truck end, which he had at the time, was not brought into the mix. The tow truck business was there at the same time. But here again, it was probably just one tow truck and it was something like someone bringing the oil truck home at night and then goes out and works and comes back.

Chairman Johnston – You’re saying here, George, that the small engine repair and the equipment sales that was the business issued the Special Permit.

Mr. Hainer – Right.

Chairman Johnston – The towing service was “home occupation”.

Mr. Hainer – It was home occupation, it wasn’t part of the –

Chairman Johnston – I think the towing service, if you’re saying it started as a home occupation, it’s certainly not a home occupation, anymore.

Mr. Hainer – Right.

Chairman Johnston – I mean that’s ludicrous.

Planning Board Meeting
April 23, 2014

Mr. Hainer – Right.

Chairman Johnston – I think he should apply for a permit for his towing service.

Mr. White – I agree with that.

Mr. Hainer – I think that will straighten a lot of this out, because it would have to do with that lot and then it's going to be a Special Permit on that lot, you're going to have a Public Hearing –

Mr. White – put stipulations on it, if we didn't want any of the wrecked cars, there, that could be noted and he would have to find someplace else, whether it be the State trooper barracks, some lot in Elizabethtown, I know they used to bring wrecked cars over there.

Chairman Johnston – I would like our Attorney for the Town to draft this letter, I don't feel qualified.

Mr. Hainer – He's fine with that, I talked with him, once we get all these minutes and everything else.

Mr. White – I would also like to see our letter be a non-threatening letter, but one that indicates we'd like to work with him, but strong enough that he notices there has to be some changes made.

Mr. Anson – I agree with that, Ken.

Ms. Fitzgerald – And, we have to agree on something with them before the application for the next permit, seek some resolution for the current problem.

Chairman Johnston – I totally agree with you MaryLou.

Mr. Hainer – You cannot apply for a Special Permit until you've been denied.

Chairman Johnston – I think we're talking two permits here, one would be a permit for the second site –

Mr. Hainer – right.

Chairman Johnston – which is off the table for the present. The other is a permit for the towing operation. It's more from the home occupation into a business. So the main violations here are, let me try to recap this.

1. He shouldn't have wrecked vehicles there.
2. He said everything would be behind a fence, we're not going to see anything.
3. The not as described in the application points

Tape change – Side B

That Chris has made, that the towing operation which was supposedly a home occupation is now morphed into a business and he should apply for an amendment to his permit to have this towing operation.

So once these steps are done, then come in and apply for a second permit.

Is that where we stand on this?

Mr. Maron – Another thing too, he's in violation of the permit that was issued.

Chairman Johnston – That's the points we were just addressing, reiterated.

What I would like to do is, I will write this up in out-line form, convey this to the Attorney for the Town and let him turn it into a letter, is that alright?

Yes from everyone.

Planning Board Meeting
April 23, 2014

Mr. Anson – I think from the looks here mother nature ought to be taken into consideration. We get a lot of rain, it's going to be muddy down there. If he can put up a fence I'd like to see a fence up and try to work around his other –

Mr. Hainer – the fence is there in the back, it's pretty wet.

Mr. Anson – It's pretty good, but these cars parked up here, this picture, they're not there now.

Mr. Hainer – No. I have new pictures. The only thing that's really there are those three tow trucks.

Ms. Fairbanks – tonight there were at least six or eight –

Mr. Hainer – there's always people there.

Ms. Fairbanks – the owner was there, and there was a camper, in the lot there's another dozen or so cars.

Mr. Anson – there's quite a few cars behind the fence, but there wasn't any in the other lot tonight.

Mr. Hainer – I'm telling you the physical fence is stacked up in the back, it hasn't been erected yet because the ground is too wet back there. You can see where the State highway just drains down there. It comes into that lot, he's trying to get the County to put a trench, there's a culvert by his second driveway. If they can get the water down there, it won't go on to the property itself.

Mr. Maron – Just a question, if Town Law states you're not allowed to have a junkyard, how about junk cars there, putting up a fence screens them from the road but on the other hand it's still an automobile junk yard.

Chairman Johnston – that's point 1. , Chris, that we'll have in this letter. The wrecked vehicles have to be removed.

Mr. Maron – Ok.

Chairman Johnston – They can't be stored there.

Mr. Anson – Even if the whole place is fenced?

Chairman Johnston – No, it's a junkyard, it's a residential neighborhood, not a junkyard.

Mr. Anson – what is George Moore in Keeseville.

Chairman Johnston – I don't care what he is, that's irrelevant, this is a residential neighborhood, it's on a heavily traveled road, the person that filed the complaint, is an adjoining landowner, he's concerned about the negative impact on his property values. He's trying to sell it, how could you sell it when you have that mess next to you?

Mr. Anson – I know what you're saying, but there's parts of it that are very picky and I know that he doesn't have a permit to park the cars there but –

Chairman Johnston – it's not just going to go away by having a permit to park the cars.

Ms. Fitzgerald – he said, "I'm not going to be over run and that is what he's actually done. I'm trying to keep things out of sight".

Mr. Hainer – If you read the minutes, he's all for keeping everything beautiful, so read the minutes.

Ms. Fitzgerald – He stated, "he hopes to be out of there in five or 10 years.

Planning Board Meeting
April 23, 2014

Ms. Fitzgerald – Yes.

Mr. Anson – I don't agree with this stuff here.

Mr. Maron – what are you pointing at.

Mr. Anson – the trash over the bank.

Ms. Fitzgerald – Whether you agree with it or not it can't be there unless it's buried.

Mr. Hainer – the only way it could be buried is if it was his home lot.

Ms. Fitzgerald – right.

Mr. Hainer -- and that's a crazy law. I called DEC and talked with them, and they said, "anything you generate on your lot, you can bury it", that's an exemption in the law.

Mr. Maron -- not hazardous waste?

Mr. Hainer – there's certain things you can't, but if you generate –

Mr. Maron – the tires too, don't want to add to that.

Chairman Johnston – Anything else? As I said, I'll try to get this into an outline and I'll ask George to circulate it so you can look at the outline and try to keep it as brief and objective and unemotional as I can and then we'll turn it over to the Attorney for the Town and he'll turn it into a letter.

Mr. White – That's a good idea.

Mr. Maron – the tone of the letter, he appears to be in violation, come before the Planning Board and address these concerns, please clean everything up –

Chairman Johnston – I don't think he should come before the Planning Board, I think he should do what has to be done.

Mr. Maron – Ok.

Chairman Johnston – What's the point of coming before the Planning Board –

Mr. Anson -- He gets a letter telling him what the objections are, should be appropriate.

Chairman Johnston – Alright, we're on to "Other Business".

Mr. White – I move we adjourn.

Ms. Fitzgerald – Second.

Chairman Johnston – All in favor, carried. Meeting adjourned, 8:30 P. M..

Respectfully submitted,

Barbara A. Breyette
Secretary

**RESOLUTION
APPROVING WITH A CONDITION
Paul Mudie & Kathleen Kelley
Tax Map No. 57.3-1-17.120**

Whereas, application number 2 of 2014 has been submitted for approval of a two-lot subdivision, which is a re-subdivision of a lot created by the Miele-Regucci Subdivision approved on August 24, 2011; and

Whereas, the conditions contained in the resolution approving the Miele-Regucci Subdivision have been addressed to the satisfaction of the Code Enforcement Office;

Whereas, said application is a non-jurisdictional project in respect to the APA Act; and

Whereas, in respect to the State Environmental Quality Review Act, the proposed project is an Unlisted Action for which a Negative Declaration has been issued; and

Whereas, a Public Hearing was held on March 26, 2014 and

Whereas, a site visit was made on November 12, 2010 in connection with the original Miele-Regucci subdivision; and

Whereas, the following findings were made as a result of:

- Technical review by the Code Enforcement Officer:
None
- Planning Board:
 - Review of the application plans and other Information: None
 - SEQR: Completed at the Regular Meeting of March 26, 2014

With a Negative Declaration.

- Public Hearing: No Statements were made.
- Other Information: No Comment Letter received from Essex County Planning Office, dated March 25, 2014

Now Therefore Be It Resolved, that said subdivision is approved subject to the following condition, which shall

Paul Mudie & Kathleen Kelley
Resolution - 2014
Page 2

be noted on the plat: Site Plan review and approval is required from the Town of Westport Planning Board prior to construction on the lot, and the Planning Board Chairman is hereby authorized to sign the plat map; and

Be It Further Resolved, that anything shown on the signed plat map is hereby **approved** irrespective of use of conditional words such as, but not limited to "proposed".

RESOLUTION
APPROVING WITH A CONDITION

Anna Sherman

TAX MAP NOS. 57.4-2-11.001, 57.4-2-16.000
57.4-2-18.000, 57.4-2-20.200, 57.4-2-21.000
& 66.2-2-2.000

Whereas, application Number 1 of 2014 has been submitted for approval of a two-lot subdivision, and

Whereas, said application is a non-jurisdictional project in respect to the APA Act; and

Whereas, in respect to the State Environmental Quality Review Act, the proposed project is an Unlisted Action for which a Negative Declaration has been issued; and

Whereas a Public Hearing was held on March 26, 2014; and

Whereas, the following findings were made as a result of:

- Technical Review by the Code Enforcement Officer:
None.
- Planning Board:
 - 0 Review of the application plans and other information:
A letter submitted by Carl Aiken, P. E. on April 19, 2014 states that based on the findings of two deep hole test pits that "this site will provide for the design of a shallow trench treatment system. This design will require approximately 24 inches of borrowed fill." Perc and Deep hole test locations and results shall be shown on the final plat.
 - 0 SEQR: No Adverse Effects were identified.
 - 0 Public Hearing: No statements were made.
 - 0 Other Information: No Comment Letter received from Essex County Planning Office - Not Required.

Now Therefore Be It Resolved, that said subdivision is approved subject to the following condition, which shall be

Anna Sherman
Resolution - 2014
Page 2

noted on the plat: **Site plan review and approval is required from the Town of Westport Planning Board prior to construction on the lot.**

and the Planning Board Chairman is hereby authorized to sign the plat map; and

Be It Further Resolved, that anything shown on the signed plat map is hereby **approved** irrespective of use of conditional words such as, but not limited to, "proposed".

**RESOLUTION and PERMIT
APPROVING A CLASS B PROJECT APPLICATION
OF
MICHAEL AND LORRAINE GRANT
TAX MAP NO. 87.2-1-4.000**

Whereas, application Number 3 of 2014 has been submitted for approval of a Class B Permit to construct a single family dwelling and accessory structures. The application includes submissions by the applicant's architect (house plans), landscape architect (site plan and landscaping plan), and civil engineer (on-site wastewater disposal system design); and

Whereas, said application is a non-jurisdictional project in respect to the APA Act; and

Whereas, in respect to the State Environmental Quality Review Act, the proposed project is a Type II Action because the project requires a Class B Permit from the Town of Westport Planning Board; and

Whereas a public hearing was held on March 26, 2014; and

Whereas, a site visit was made by the code enforcement officer on March 25, 2014; and

Whereas, the following findings were made as a result of:

- Technical review and site visit by the Code Enforcement Officer: No issues were identified.
- Completion of Class B Findings Checklist by Planning Board: No issues were identified.
- Public Hearing: No comments.

Now Therefore Be It Resolved, that said Class B Project is Approved.

Be It Further Resolved, that due to the minor nature of this Class B Project, this Resolution will also serve as the Permit for this project.

**Resolution Extending the Permit of John W. Sheehan & Sons,
Inc.**

To Operate the Barber Sand & Gravel Pit, Stevenson Road

Whereas, John W. Sheehan & Sons, Inc., was issued a Class B Permit on March 25, 2009, to operate the Barber Sand & Gravel Pit on Stevenson Road until June 16, 2013, unless an application for renewal has been filed no later than May 16, 2013, in which case the permittee may continue to operate under the terms of this permit until the renewal process is completed, and

Whereas, John W. Sheehan & Sons, Inc., submitted an application for renewal of said permit on May 14, 2013, and

Whereas, the Code Enforcement Officer has advised the Planning Board at its regular monthly meeting on May 22, 2013 that nothing has changed in their operation, that he has not received any comments or complaints whatsoever on the mining operation over the past four years, and that he recommends extending the permit for another four years; and

Whereas, NYS Department of Environmental Conservation renewed John W. Sheehan & Sons, Inc., permit to operate the Barber Sand & Gravel pit on April 9, 2013.

Now Therefore Be It Resolved, that the Class B Permit issued on March 25, 2009, is hereby extended to April 8, 2019, unless an application for renewal has been filed no later than March 8, 2019, in which case the permittee may continue to operate under the terms of this permit until the renewal process is completed.

Moved: Ms .Fitzgerald

Second: Mr. Houseal

Approved: Unanimously

April 22, 2014 4:30 PM Draft Report

I met with Bobby McGee to go over a complaint I received on his home lot and the adjoining lot. I explained to Mr. McGee that I was going to report to the planning board on Wednesday 4-23-2014 with regards to this complaint and that he could attend this meeting.

Mr. McGee was very accommodating and explained to me that he was in the middle of cleaning up his house lot and that he was moving some of his possessions to his adjoining lot. He said he eventually would have the fence up that will screen all of his cars that he owns and that the area would be grassed in and landscaped. The ground is very wet and he is unable to work in that area (run off from the county highway drains directly on that property-- he has asked the county to redirect the runoff to a drainage tile on the other side of his property.) until the soil dries out.

- 1.) Looking at the house lot it is apparent that he has cleaned and organized it. His special permit allowed for storage of his tractors and repairs to small engines to be located behind a fence to the left of his house. He has moved this area to his adjoining lot. He expressed to me that he may merge the 2 lots, but was unsure of what this would do to any building rights. He also intends some day to erect a garage on the adjoining lot.
- 2.) Mr. McGee expressed to me that he is trying to do this on a pay as you go basis as it is very tough to make a living in this area while being in too much debt. He is a struggling small business that is providing a needed service to the surrounding community.
- 3.) I asked him about the solid waste that was discarded over the bank. He stated that it was some of his personal possessions and that he pointed to a swimming pool on his house lot that had been struck and destroyed by a tree. He stated that some of the metal liner was thrown over the bank, some wooden pallets and brush, and some household solid waste. I told him that according to DEC regulations that he was in violation because it wasn't his house lot. He was unaware that his adjoining lot didn't allow him to landfill his personal household waste. The small area that had solid waste in it was completely covered over as Sheehan & Sons is excavating down the road and they brought in 4 or 5 truck loads of fill to Mr. McGee site. Mr. McGee said that he would not throw anything else over the bank.
- 4.) I asked him about the tires and he stated that the tires have 75-80% good rubber on them and that they were his tires for his vehicles and that they would be located out of site.
- 5.) I asked him about the junk vehicles on his adjoining property. He stated that 4 of the vehicles were his and the other ones were going to George Moore's for crushing. The accident cars have to be kept 30-90 days and await release from the State Police.
- 6.) I asked him about his current small engine repair and sales business. He stated that he no longer was selling equipment, as he can't be competitive with the big box stores, but that he still does some repairs for local people. but that his main business was mowing, home care as well as towing, and car hauling. He plans on erecting the fence along the back of his adjoining property and then place his vehicles and personal possessions behind the fence out of site.
- 7.) He also stated that he could move everything from his adjoining land back to his house site if need be, but that it was a dangerous corner and he preferred not to. He bought the second piece of property so that he could regain his house site and then locate his other stuff on the adjoining land where it could be better hidden from site and make a safer entry onto the County highway.

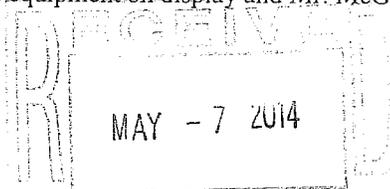
With regards to the complaint

Failure to comply with the Special permit #5,7,8,9

The special permit deals with a small engine repair and sales business, it doesn't deal with the towing or car hauling business. Should it? That's another question

#5 The business will be limited to the current garage that measures approx 24X28 feet and will include the addition of a 12X16 ft addition: I believe that the small engine repair business is still using this structure and he has not expanded it.

#7- The number of new lawn and garden equipment that will be on display will not number more than 10 at any given time.—There are no lawn and garden equipment on display and Mr. McGee no longer sells any new equipment.



#8- A six foot fence shall be constructed to screen all equipment to be serviced. I didn't see any small equipment that was being serviced and a six-foot fence was moved from his house lot site to his adjoining lot. Mr. McGee plans on doing very little repairs to equipment, but has erected a fence on his other lot.

#9—All powered equipment shall have an engine rating not exceeding 30 HP (or such equivalent) As far as the lawn mower business I didn't see any equipment over 30 hp.

With regards to his adjoining Lot—Change of use, no permit for new land acquisition between 10-20 cars and trucks in driveway. Dumping over bank. Three times as large as original permit.

Change of Use: A permit may be needed for a change of use on a tract of land. The land is classified as Residential Vacant Land. It adjoins his house lot, but is not merged.

No permit for new land acquisition—No permit needed to purchase a piece of land or to clear it.

10-20 Cars and trucks in driveway- Cars and trucks in his house lot driveway are not regulated by his special permit. A home occupation? Other cars on his lot has to do with his job. We have never regulated people bringing home their work vehicles and parking them in their driveways. If we did they would have to be considered a home occupation, because otherwise they would not be permitted in most parts of the town. Some places regulate large commercial vehicles they require them to be parked elsewhere or else be located in a garage. Other vehicles on the adjoining lot – Are accident vehicles still registered and licensed, some are personal vehicles and others are work related vehicles.(see below)

Junk cars

section 32.040 Individual Junk Automobiles—No individual junk automobiles shall be so located as to be visible from public roads, trails, or boat or canoe routes, or from neighboring properties.

Wrecked vehicles(still licensed and inspected) are in storage until released by the State Police they can either be permitted with conditions by special permit or else they will have to be located to another place.

Dumping over the bank—All solid waste is covered over he will not dump any more solid waste over the bank.

Three times larger than original permit – This business was not permitted

May qualify as a home occupation if lots merged – If secondary lot is not merged and is vacant residential then possible a special permit to use lot for towing service business.

Conclusions of complaint:

With regards to his special permit except for relocating his fence to his adjoining property I don't believe he is in violation of this special permit as written.

With regards to using his adjoining lot as a new landuse. He purchased this land as he stated in the minutes when first applying for his special permit. He is using it partly for personal use and partly for business use.

I believe that he needs to amend his special permit to extend to his adjoining lot and that any temporary storage of vehicles due to his towing and car hauling business (if allowed) should be included in his special permit. If not allowed or a limited amount allowed then the special permit should state the conditions.

I believe that Mr. McGee has made a very strong effort to comply and clean things up and that he will continue to do so. I believe that we have to express in a letter what our expectations are and give him some time to comply with our regulations. In the event he doesn't comply then we can turn this over to the Attorney for the Town.