

PLANNING BOARD
MINUTES
MAY 22, 2013

Chairman Johnston called the Meeting to Order at 7:00 P. M. and stated that there was a bare minimum quorum of four (4) this evening so he appointed the two Alternates Cynthia and Brian. Brian, do you know everybody and does everybody know Brian. Mr. Houseal thanked everyone for approving him. Planning Board members in attendance, Mrs. Evelyn Brant, Ms. MaryLou Fitzgerald, Mr. Dwight Anson, Mr. Chris Maron and the two Alternates, Ms. Cynthia Fairbanks and Mr. Brian Houseal. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer. Excused, Ms. Barbara Breyette, Secretary. Guests in attendance, Mr. William Palmer.

Chairman Johnston - The first item on our Agenda is the approval of the Minutes of April 24, 2013. May I have a motion to approve. So moved, Mrs. Brant, second, Mr. Anson. Any conversation, discussion on the Minutes, being none, all in favor, carried.

Next item on the Agenda is the Special Permit that started two-months ago. We had the Public Hearing.

William Palmer - Tax Map No.66.2-1-30.112 - Special Permit to locate a mobile home on a piece of property that Mr. Palmer owns. We had a pause in the process because there was a violation, wetland violation, that the APA discovered and I think that has been resolved. George can you bring us up-to-date on that.

Mr. Hainer - Yes, the APA went out to meet with Mr. Palmer, I was out there, they looked at the area, they determined that there was a violation and an order to correct it, they sent him a settlement agreement which required him to improve the driveway. The material that was brought in and the culvert that was under it, he had to place some stones and rocks along the edge to keep it from eroding. The APA will come back and look at that section. They also flagged all the wetlands and the other area is he has to maintain a hundred feet from his leech field and the wetlands. So the settlement agreement, I sent everyone a copy of it, requires the driveway to be upgraded, with a fine and it requires him to get approval from the Town to place his mobile home and septic system and if he fails to get

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approval then he has restore the site back to the original condition.

Chairman Johnston - A number of us went out there and made a site visit before the meeting, two months ago and I went out with George, today to take a look at the site and a new location for the mobile home has been selected. I think the new location is a very good location, actually, I think it was a good location in the sense that it provides additional natural screening for the mobile home and the leeching field will be down, sort of in front of where the mobile home was originally proposed to be located. The hundred-foot setback will be satisfied and the site for the mobile home will be satisfied. I think that we are in a position to go ahead and act on this. It is a Special Permit, but it's a "minor" Special Permit, so the procedure is very abbreviated. One of the first things we need to do is, we need to go through the Short Form SEQRA and fill that in. Brian, since you're new to this process, what we're about to do, may come as a bit of a surprise to you, we do the SEQR forms, the short forms, do them fairly expeditiously.

Mr. Houseal - I think I understand that, Bill, but does the re-location of the mobile home trigger any APA revision or review again to up the process that you went through?

Chairman Johnston - No.

Mr. Houseal - Ok.

Chairman Johnston - They're only concerned about the road.

Mr. Houseal - Ok, thank you. It doesn't go back to the APA?

Chairman Johnston - They're concerned about the wetlands and the road, the wetlands have been flagged, the road has been looked at. Mr. Palmer has had Mark Buckley, PE, design the septic system.

Mr. Houseal - The APA is good to go, now it's up to us -

Chairman Johnston - They have to sign off on the road.

Mr. Houseal - Alright.

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Chairman Johnston - That is the issue that they are concerned about. I don't think at this point, I believe, we have any issues, as a Planning Board, do we?

Mr. Hainer - No.

Mr. Anson - I don't, that's for sure.

Chairman Johnston - We will go through Part II of the Environmental Assessment. (Part II is attached, Page 3A). Part A & B No. Part C. I think the answer here is, there is a slight potential but I believe the APA is going to address it with their review of the road. 1. Slight potential with road, will be mitigated by APA inspection and sign off.

Mr. Anson - In other words, it's the potential obstruction, is the road?

Chairman Johnston - They're going to have to agree that the road has been adequately improved, as per their requirements.

Mr. Anson - Ok.

Chairman Johnston - That will be mitigated by the APA's inspection and sign-off on the road.

C2-7 - All, "none". C5 - Non-applicable. D. None.
Part III - So we now have the "Determination of Significance" - I would entertain a motion that the "proposed action will not have a significant impact on the environment".

Ms. Fitzgerald - Before you bring that up, does the new relocation area of the temporary have enough screening because at one time we were asking that old trailer be removed?

Chairman Johnston - The old trailer?

Ms. Fitzgerald - The temporary one, after their house was up.

Chairman Johnston - I would say that is probably a potential condition for the Special Permit.

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? Yes No If No, a negative declaration may be superseded by another involved agency.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)
 C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

Slight potential w/road, will be mitigated by APA inspections and sign-off

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

None

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

None

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

None

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

N/A

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

None

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

None

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 AND provide on attachments as necessary, the reasons supporting this determination:

TOWN OF WESTPORT

Name of Lead Agency

William B. Johnston
 Print or Type Name of Responsible Officer in Lead Agency

Chairman, Planning Board
 Title of Responsible Officer

WBJ
 Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

5-22-2013

Date

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Ms. Fitzgerald - Cause you said the screening is and I don't know where the new site is.

Chairman Johnston - Can you, George has a photograph.

Mr. Hainer - Did you go up to the site?

Ms. Fitzgerald - I went up the first time.

Mr. Hainer - Right, when you go straight up the driveway, the mobile home is right here -

Ms. Fitzgerald - Right.

Mr. Hainer - Now, it's off to the side, here, and it's all screened.

Ms. Fitzgerald - All screened, ok.

Mr. Hainer - You were facing it before, now

Ms. Fitzgerald - Now, as long as it's screened, it's ok.

Mr. Hainer showed pictures of how it is screened.

Mr. Palmer - You have to look hard to see it from the road.

Mr. Anson - You can't see it from 22.

Mr. Palmer - No. Once we build the house, of course we're going to remove it (trailer).

Ms. Fitzgerald -- Ok.

Chairman Johnston - Why don't you bring it up, MaryLou when we're discussing the Special Permit and we can put that in as a condition.

Ms. Fitzgerald - Ok.

Chairman Johnston - I'm looking for a motion that the "proposed action" WILL NOT result in any significant adverse environmental impacts."

Mrs. Brant - I'll make the motion,.

Mr. Anson - Second.

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Chairman Johnston - Any discussion, all in favor, carried. Now, this is the procedure, special permit procedure. This is a "minor project", Section 5.041 attached and Section 5.042 attached (Page 5A) and it says generally satisfied, the missing word here - "shall determine that the criteria for Major Projects listed in Section 5.042 below are "generally satisfied", ok, "generally satisfied". I'm just going to read through the requirements, here for Major Projects and if you, let's presume that these criteria will be "generally satisfied" unless somebody says otherwise, ok. (Chairman Johnston read "a-k"). "i" is not applicable.

Section 5.063, are design criteria, I'm not going to read through all of these, although there is one criteria, "landscaping", 1. (Attached, page 5B). Chairman Johnston finished by reading "k", Section 5.042, I believe the answer there, "is not".

Ms. Fitzgerald - Now again, we are speaking of the temporary use of the trailer?

Chairman Johnston - Right.

Ms. Fitzgerald - We're not talking about a house, yet?

Chairman Johnston - Right.

Ms. Fitzgerald - Ok.

Chairman Johnston - A house does not require "special permit".

Ms. Fitzgerald - Right.

Chairman Johnston - I would entertain a motion to approve this "special permit".

Could not discern who made the motion.

Ms. Fitzgerald - **With the condition** "that there will be screening".

Chairman Johnston - How do you want to specify that?

Ms. Fitzgerald - If necessary, so that at some future time that old trailer is not seen from the roadway.

5.040 Findings Required

In granting or denying Special Permits, the Planning Board shall take into consideration the scale of the proposed project, the possible impact of the proposed project on the functioning of nearby farm operations, and the rural tradition of freedom of land use where such use does not harm others, as well as any proposed conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic and historic character of the Town. Within the Village area, the Planning Board shall consider the need to maintain the historic, close-knit building pattern and the need for compatibility among adjoining land uses.

5.041 Minor Projects

A Minor Project shall be presumed to be acceptable if it complies with applicable health laws and other specific provisions of this Local Law and if no credible expert testimony is presented in opposition to it. Before granting a Minor Project Special Permit, the Planning Board shall determine that the criteria for Major Projects listed in Section 5.042 below are generally satisfied.

5.042 Major Projects

Before granting or denying a Major Project Special Permit, the Planning Board shall make specific written findings as to whether the proposed Major Project:

- a. Will comply with all provisions and requirements of this and other local laws and regulations, and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law.
- b. Will not be detrimental to adjacent uses.
- c. Will not adversely affect the availability of affordable housing in the Town.
- d. Will not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing, and condition, will have appropriate parking, and will be accessible to fire, police, and other emergency vehicles.
- e. Will not overload any public water, drainage, or sewer system, or any other municipal facility, or degrade any natural resource or ecosystem.
- f. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.
- g. Will not result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances.
- h. Will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation of the use as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.
- i. Will be consistent with the goal of concentrating retail uses in villages and hamlets, avoiding strip commercial development, and locating non-residential uses that are incompatible with residential use on well-buffered properties.
- j. Will comply with the criteria in Section 5.063.
- k. Will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right, considering environmental, social, and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, or glare, or any other nuisances.

5.050 Amendments

The terms and conditions of any Special Permit may be amended in the same manner as required for the issuance of a Special Permit, following the criteria and procedures in this Section. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a Special Permit amendment.

5.060 Review of Site Plans

The Planning Board shall review Site Plans for all Major Projects and for those Minor Projects which, because of their scale, intensity, or potentially disruptive nature, require careful layout, design, and placement on a site. The principal purpose of Site Plan review is to ensure compliance of a particular Special Permit use with the purposes and performance criteria contained in this Local Law.

5.061 Required Information for Major Project Site Plan

An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Site Plans shall be prepared by a registered professional engineer, architect, or landscape

- r. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.
- s. Long-form Environmental Assessment Form or Draft Environmental Impact Statement.

5.062 Waivers

In the case of Major Projects that are likely to have a minimal impact on the surrounding area, the Planning Board may waive information requirements in Section 5.061 above, as it deems appropriate.

5.063 Criteria

The Planning Board, in reviewing Site Plans, shall consider the criteria set forth below. The Planning Board may adopt or recommend illustrated design guidelines to assist applicants in complying with this Section 5.063.

a. Layout and Design

1. All structures in the plan shall be integrated with each other and with adjacent structures, shall have convenient pedestrian and vehicular access to and from adjacent properties, and shall, wherever possible, be laid out in a pattern consistent with the traditional forms found in the Town of Westport.
2. Individual structures shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement, and shall harmonize with traditional elements in the architectural fabric of the area.
3. Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
4. The Planning Board shall encourage the creation of landscaped parks or plazas easily accessible by pedestrians.

b. Landscaping

1. Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
2. Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should be appropriate to the growing conditions of the Town's environment.
3. Where appropriate, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.
4. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall shall be planted and maintained at 25- to 50-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.

c. Parking, Circulation, and Loading

1. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
2. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate.
3. Off-street parking and loading requirements of this Local Law shall be fulfilled, and parking areas shall be located behind buildings wherever possible.
4. Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, County, State, and Federal, to the extent that said Highway Department or Departments have jurisdiction over such access.
5. All structures shall be accessible by emergency vehicles.

d. Miscellaneous Standards

1. Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be attractive and easily maintained.
2. The light level at the lot line shall not exceed two-tenths (0.2) footcandle, measured at ground level. To achieve this, luminaires shall be shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. Where residential uses adjoin commercial uses, light standards shall be restricted to a maximum of 20 feet in height.
3. Drainage of the site shall recharge ground water to the extent practical, and surface waters flowing off-site shall not adversely affect drainage on adjacent properties or public roads.
4. Additional Site Plan requirements and standards for review set forth in other Sections of this Local Law shall be fulfilled.
5. Requirements for proper disposal of construction and demolition waste shall be fulfilled, and any necessary

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Mr. Houseal - Bill, if I understood the conversation, the idea is to build a new unit, a house -

Chairman Johnston - eventually, that's what Mr. Palmer wants to do.

Mr. Houseal - and at which point,

Chairman Johnston - the trailer would be removed.

Mr. Houseal - the commitment to remove the trailer.

Chairman Johnston - right.

Mr. Houseal - so wouldn't that be a permit condition?

Ms. Fitzgerald - as long as it's removed, yes, that would be better, that would be the best thing.

Mr. Houseal - so, the one triggers the next.

Ms. Fitzgerald - he's already said, "definitely it would be removed", so, I would think that might be enough, because the codes officer would see that is true.

Mr. Palmer - it's just that, what's the term of the time frame for removal?

Mr. Hainer - The house, I issue a CO on the house.

Ms. Fitzgerald - That sounds practical, and in the mean time, as long as it's screened, possibly can't happen right away.

Mr. Anson - If it's temporary, why are we talking about so much screening?

Chairman Johnston - I think we're talking now about removal, once the house is built.

Mr. Houseal - that's what I'm saying, Dwight, that once the house gets the CO, that there be a permit condition to get the old trailer off the site.

Mr. Anson - Right.

Chairman Johnston - Would six months be -

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Mr. Houseal -- I don't care that much about the screening-

Chairman Johnston - Would six months be reasonable?

Yes.

Ms. Fitzgerald - I'd say nine, six months, preferably. If it's in the middle of the winter, it might be difficult to remove.

Mr. Houseal - Within a year.

Ms. Fitzgerald - Within a year, would be fine.

Chairman Johnston - Ok. We have a motion here, and who made the motion? Dwight made the motion to approve this, was there a second.

Mrs. Brant - I'll second.

Chairman Johnston - And under discussion, we have talked about **adding a condition, that the mobile home be removed within one year after the issuance of the CO of the house.**

Mr. Palmer - Ok.

Chairman Johnston - Everybody, in agreement with that?

Mr. Maron - How about lighting, shining over everything, I'd like to see a condition about lighting be downcast.

Chairman Johnston to Mr. Palmer - Are you thinking about putting in lighting?

Mr. Palmer - No. To Mr. Maron - A porch light.

Mr. Maron - No, big light, security light.

Mr. Palmer - No, not at all.

Chairman Johnston - In a motion to approve subject to the condition that within one year after the issuance of a CO the mobile home will be removed, all in favor, carried. Now, Mr. Palmer, the way we usually work this, this has been approved, ok, but what I will do, I will draft a resolution prior to the next Planning Board meeting which

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the Planning Board meeting will then, they will approve the language of the resolution and that will go in the Minutes.

Mr. Palmer - I don't have that much time.

Chairman Johnston - It's approved.

Mr. Palmer - Ok.

Chairman Johnston - I'm telling you this is approved, but you won't actually have a written resolution until after I write it.

Mr. Palmer - That's fine, so we're all set.

Chairman Johnston -- You're done

Mr. Palmer - I appreciate it, thank you.

Chairman Johnston - The next item on the Agenda, **Kathleen Bramich - Tax Map No. 65.2-1-14.400** - This is really more of a information item, as much as anything and George, I'll turn to you to provide us with the information.

Mr. Hainer - This is a four-lot subdivision, approved in 2005. The three lots that we're talking about, the fourth lot is the one Mr. Bramich built his new house on, by the Northway, on the Boyle Road. The three lots are behind the old trooper barracks, the Veterans building. Lot 4 is where his daughter wants to build a house. At the time of the subdivision approval, there were a couple of questions that had to do with the proposed septic system which have since then been engineered, so that was one of the issues. The other one had to do with a common driveway coming across here. There was a condition that they couldn't sell, sale of lots three and four, not allowed until road is approved to satisfaction of Building Inspector. That will be approved when this house lot gets developed.

Mr. Anson - That's going to be his daughter's lot?

Mr. Hainer - The daughter's lot, the last one here, so the access road, from the Boyle Road all the way down here. I think Herb Clark is down there doing site work.

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Mr. Anson - I know I helped him drag some fill towards the road.

Mr. Hainer - There's going to be a wider area, a pass by.

Mr. Anson - Yes, we talked about that.

Mr. Hainer - The screening, the old trooper barracks, there's a lot of screening, here, and she has a lot of trees on her property, too, I don't think screening is going to be an issue. The other thing I sent you is pictures of what it was going to look like, rough sketch. The height of the house is approximately 30 feet.

Ms. Fitzgerald - There not building down in front of the house where they were living? That's still a buildable lot?

Mr. Hainer - Right, it's the last one, you can see on the big map. His house is about right there, her house is Lot 4. Lot 3 and 2, are still available.

Ms. Fitzgerald - When you say, "his lot", George.

Mr. Hainer - The father.

Ms. Fitzgerald - Ok. Point out where the cell tower is.

Mr. Hainer - The cell tower is way over here, up the Boyle Road, her house site, which is past Legacy's, which I believe is over here, on top of the mountain.

Ms. Fitzgerald - Ok.

Mr. Anson - Has that been put in service yet?

Mr. Hainer - Yes, and the APA has just issued another upgrade and another carrier doing an upgrade on the Young's Road.

Chairman Johnston - George, we don't need to do anything, as I understand it.

Mr. Hainer - I don't believe so, because it's already a subdivision process, the only two issues that came up on the checklist are what we just discussed. The only other

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issue was the soil and erosion control, revegetation of disturbed soil and that's a natural, they have to do that.

Chairman Johnston - Ok, thank you, George. Let's move on to **Barber Mining Permit Lease Renewal - Tax Map Nos. 76.3-1-11.000 (44.00 Acres) & 76.3-1-29.000 (53.10 Acres) - Renewal of Lease Agreement (Sheehan's)** - George, can you brief us on that please.

Mr. Hainer - Yes, APA approached us, this was a permit they had forever and they decided to give it back to the Town. We took it and did a review of it four years ago and this is a renewal for continuation of the operation as originally proposed.

Ms. Fitzgerald - Does that happen every year?

Mr. Hainer - Every four years. If the permit expires, they (Sheehans) have until May 15 to submit an application for renewal, otherwise it would have lapsed and they would have to go back and start the entire process again. Sheehan's submitted a renewal application by May 15th and nothing has really changed in their operation. I have not received any written or verbal complaints on the mining operation or the effects on the vegetation, having received any input from anybody in the last four years.

Mr. Anson - Any input or anything.

Mr. Hainer - Have not received anything to do with the operation.

Mr. Houseal - George, does the new Mann construction, subdivision substantially increase the extraction possibilities from this site?

Mr. Hainer - They do take some, the medical center all the fill from the medical center, the new expansion has come from this site.

Mr. Houseal - It's not significant enough to concern the traffic issues -

Mr. Hainer - They're still doing the same numbers approximately of trips that they're planning on.

Mr. Houseal - I was just curious.

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Mr. Anson - Somebody approached me about the amount of traffic on that road and they put a counter up there and there wasn't even a quarter of it being of what the road was designed for.

Chairman Johnston - Even less than that. The capacity of a two-lane road would astound you. George, this is also, this time frame is brought about by DEC, isn't it?

Mr. Hainer -It's a DEC permit that runs for four years, same time frame. As far as, we have a section of our Law, 5.039 (attached, 11A), Expiration, Change of Use, Revocation, and Enforcement, the only place in our Law that speaks about a Special Permit, referring to "a." The time limit of this, didn't expire, they renewed it before the time limit expired, so the Special Permit can be renewed. Considering the fact that there hasn't been any complaints and the operation, the application submitted is substantially the same, that's what they've been doing, my recommendation would be to extend the permit for another four years.

Ms. Fitzgerald - I so move.

Mr. Houseal - I'll second.

Chairman Johnston - Any discussion -

Ms. Fairbanks - Do we get a reminder when the permit is up.

Mr. Hainer - The DEC, reminds us, they're right on top of it.

Chairman Johnston - We have a motion to extend the permit another four years to run concurrently with the DEC permit and there was a second by Mr. Houseal. Is there any other discussion? None voiced. There being none, all in favor, carried.

Item Six (6) John & Robin Crandall - Tax Map No. 66.1-1-31.000 - Submission of Sketch Plan and Application for a Two-lot Minor Subdivision - George,

Mr. Hainer -- We have a Minor Subdivision. On the way out of Town, towards the Northway, Robin and John Crandall, the right hand side, the mobile home just past,

- 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-l 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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Chairman Johnston - The mobile home is occupied by somebody other than the Crandall's, right?

Mr. Hainer - Right. Steve Smith.

Mrs. Brant - Steve Smith, he's been there for many years.

Mr. Hainer - The Crandall's own about 15, 16 acres of land, in that area, I sent everyone this -

Chairman Johnston - They're proposing to sell him a lot?

Mr. Hainer - They're proposing to sell the 1.57 acres to be subdivided from their holdings and the remaining 14.93 acres. So, this is technically an application for a sketch plan. Kevin (Kevin Hall, Land Surveyor) has been employed to do a survey and we review the sketch plan and at the next meeting they will bring in a map, make formal presentation.

Chairman Johnston - George, this looks pretty straight forward to me.

Mr. Hainer - Yes.

Chairman Johnston - Is there anything that I'm missing that you should point out?

Mr. Hainer - No, actually the three zoning districts in this area, there's V RES III, V RES II(t)(a) (transient accommodations, and agriculture) and then there's Rural 8.5, back here. Kevin will have these zoning districts marked out, but I think the mobile home is going to be all within V RES III. Only one building right will be associated with this and the rest of the transfer, to the remaining property.

Chairman Johnston - Now, did I hear you say that the mobile home was actually going to be re-located on the property?

Mr. Hainer - That was the initial thought, but right now they're not looking at that, they're looking at just pouring a slab under it and maintaining the way it is.

Mr. Houseal - Then it meets the existing zoning for R II.

Mr. Hainer - V RES III.

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Chairman Johnston - It's a non-conforming use, isn't it?

Mr. Hainer - Right.

Chairman Johnston - It's a pre-existing, non-conforming use.

Mr. Houseal - Alright.

Chairman Johnston - George, if they're going to pour a slab, wouldn't it be simpler to just pour the slab and then move the mobile home, rather than lift it up and pour the slab.

Mr. Hainer - They are going to move the mobile home back, pour the slab and then move it back on. He since has given up the idea of moving the mobile home off, making a garage here.

Chairman Johnston - Any reason why.

Mr. Hainer - I don't know, maybe cost, the amount of work, grade, it's a higher grade.

Ms. Fairbanks - It's pretty hard to put a slab under a mobile home. What's the advantage to put the slab under a mobile home?

Mr. Hainer - Right now, it keeps it level, frost and everything, helps it to stay in place. Can we set a Public Hearing?

Chairman Johnston - Let me ask the Planning Board, this is a sketch plan, does anyone have any comments on the sketch plan.

None voiced.

Ok, if there are no comments on the sketch plan, George would you convey to the Crandalls that there's no comments on the sketch plan and that they should go ahead and have Kevin prepare a plat.

Mr. Maron - The only thing I thought to look at very quickly. It was not clear what the larger acreage was, staying with the -

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Chairman Johnston - Staying with the Crandalls', you mean?

Mr. Maron - When I looked at the map, it was a little difficult here.

Chairman Johnston - There just lopping off a piece for this mobile home. We need to schedule a Public Hearing for this and is there any reason why can't do the Public Hearing at our next meeting (June 26th), George.

Mr. Hainer - Ok.

Mr. Anson - I would move we have the Public Hearing on June 26th.

Ms. Fitzgerald - Second.

Chairman Johnston - Any discussion, all in favor, carried. Ok, we will have a Public Hearing prior to the next Planning Board Meeting.

We're moving right along, Item 7, Other, is there any "Other" business that anyone would like to bring up?

Mr. Maron - A month ago we considered the Complete Streets Resolution and the Town has drawn up a committee. I'm putting it out to the Planning Board to see if anyone would serve on it.

Chairman Johnston stated he would serve on it and Ms. Fairbanks, as did Ms. Fairbanks.

Ms. Fairbanks - Could you explain it a little more, please.

Mr. Maron - The goals are when any transportation projects are considered, that not just consider automobiles but other forms of transportation, walking and bicycling. It pretty much calls that they consider it and if something isn't in place, then ask yourself, "why isn't it", could be the road isn't wide enough to handle it. It's a way to promote other kinds of transportation. One thing that it will do for us, for the Town, it puts us in the position to get grants for putting in a crosswalk, and other kinds of infrastructure that would help support that. It's pretty interesting to me, they've actually done a review of Westport of where crosswalks are and we all think

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crosswalks are everywhere, but there's only a few places where they are.

Mrs. Brant - Don't forget Wadhams.

Mr. Maron - And, don't forget Wadhams, is actually true, yes. At least it's a way to start looking at that.

Ms. Fitzgerald - Have you received any response from, as you mentioned before, the inability to bicycle down, the side of School Street (Sisco) without hitting obstruction and being unsafe.

Mr. Maron - I haven't had any response but that definitely should be brought up to the committee.

Mr. Houseal - I sit on a steering committee for Empire State Future Coalition, which is Smart Growth Coalition for NYS. I'd be happy to work on this committee, but from the standpoint of seeing if we can identify available grants and funding to make this happen.

Ms. Fitzgerald - Good.

Chairman Johnston - Great idea, Brian. We've talked in the past about trying to get some of those automatic speed devices, which I believe, based upon my own psychological behavior, how amazingly effective -

Mr. Houseal - There are places, I know my wife points out, that up by the library and Main Street, if that could all be pedestrians, so that people could slow down to 15 MPH, because we all know, trucks come barreling down -

Chairman Johnston - And, they do, and I'll tell you there's no rhyme or reason to the speed limits and furthermore, the speed limit that you can set is controlled by NYS DOT, it is not a local option. There's a process that you have to go through in order to get them to approve a speed change and it's a process that is where the deck is stacked, in favor of the automobile. The reason I say that is that when sufficient pressure is brought on the DOT the Traffic Safety Division, they will request the NYS Police to set up a speed measuring device, and they will measure the prevailing speed and there's a theory that drivers intuitively know what is a safe speed. If you try to set a speed limit that is below what the driver intuitively knows

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is a safe speed, the driver's going to break the speed limit, time-and-time again. Therefore, NYS DOT is _____ to lower the speed limit. They will determine what is a consensus safe speed limit, and that's it. The deck is stacked in favor of the automobile, through the center of the Village, a driver may intuitively sense that 45 is fine, but that's not fine for pedestrians.

Mr. Anson - No.

Chairman Johnston - The thing is, unless you can bring extraordinary political pressure, on DOT, you just can't get them to change the speed limit. And obviously, this has worked in some places, there are places that I drive through where there's a 25 MPH speed limit, and you ask yourself, why? I could be zooming through here at 50 and it's 25, up in Willsboro, for example, I guess it's 30 in Willsboro, just before you get into the center of the Hamlet. It's 35 through our Hamlet, and most people don't even drive 35. If you're in any position by virtue of your participation on this committee, try to get them to rethink how they determine a speed limit for a Hamlet, a community, that would be tremendous. But, also if you are in any position to help us get funding, because not only would both Wadhams and Westport benefit, in my opinion, from these automatic speed devices, but also, there are places in Westport where a sidewalk would be nice.

Mr. Houseal - Sure.

Chairman Johnston - The section of South Main Street in front of Ballard Park for example, there ought to be a sidewalk there, there was a sidewalk years ago, it's gone, but once you get down past Liberty Street, or Old Arsenal Way, there is a sidewalk, there are places where we could use sidewalks.

Ms. Fitzgerald - Is it illegal for the Town to put any type of signage up, indicating anything to the contrary, isn't it.

Chairman Johnston - A speed sign, absolutely.

Ms. Fitzgerald - Can a group, a school group, or anything like that say, "we're trying to reduce speed for children or for individuals walking", does any of that have any merit?

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Chairman Johnston - I think you could probably put up caution signs, there are two types of signs. There are signs that are regulatory, in other words, the speed limit signs, and then there are signs that are advisory, when you see signs with horses or children at play, they're advisory.

Mr. Anson - The yellow signs are advisory, the white signs, command.

Ms. Fitzgerald - I'm just thinking of something more individual, I don't know.

Chairman Johnston - It sounds like you have passion about this issue, sort of like a candidate for Chris's committee.

Mr. Houseal - I think, back to Chris, I think there are other members of the community that care about this, there might be an opportunity for other people we know -

Unable to hear Mr. Maron.

Mr. Houseal - If Westport and Wadhams were actually to say, "we the people, want this to happen", it does carry some weight.

Chairman Johnston - Yes.

Mr. Houseal - And, you are a very small voice from the Adirondacks to Albany, but they find it difficult in Albany if talking with one voice to ignore us. I could follow through with this.

Ms. Fitzgerald - Not that it has to be on the road sign, a legal road sign, or DOT sign, I mean off to the, they come around a bend and they see this sign and it has a little -

Mr. Houseal - Keene Valley and Keene got those -

Ms. Fitzgerald - We'd like to have them.

Mr. Houseal - The guilt factor works.

Chairman Johnston - Elizabethtown has them now.

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Mr. Anson - The ones E'town has, if we're going to get them and want them, the ones in Willsboro work really well, the ones in Keene work really well but Lewis and E'town, in fact Lewis there's one they had to take down this winter because it didn't work.

Chairman Johnston - There's an obvious difference in the appearance of them and probably one is just a better quality make than the other.

Mr. Anson - Right, and they're always on instead of the ones E'town and Lewis, sometimes they're not even operating.

Mr. Hainer - Are they solar powered or -

Mr. Maron - I think they're solar --

Mr. Houseal - Sometimes the bulbs are out if you're not maintaining them and again, once in a while if you get someone for speeding, then the word gets around.

Mr. Hainer - Right.

Chairman Johnston - Is there any "Other" business?

Mr. Maron - Could not hear.

Chairman Johnston - In view of the lateness of the hour, and MaryLou's recent return from Texas, I'm going to suggest we move on to Item 9 on the agenda.

Mr. Hainer - Before you do that could I bring up one item, on Rolling Hills. They are looking to move some rock fill to an area across from the temporary construction road, the triangle on the Dudley Road, they want to bring in the rock, and build a retaining wall in that area

Mr. Anson - Where's it going?

Mr. Hainer - You know that triangle, on the right, going down the Dudley Road, across from the garage, that area. There's natural drainage, an area in there where it drops way off, and they have a lot of rock fill they have to get rid of, they're looking for a place on their property, a natural place, where it wouldn't interfere with anything.

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Mr. Anson - It would help secure the bank, there.

Mr. Hainer - Right, but I have to -

Mr. Houseal - It depends on how much cut and how much fill. Your talking about a drain way there, aren't you?

Mr. Hainer - The lower part is, but the elevation is substantial. What they described is they have limestone, big slabs, what they were planning on doing to come back from that drainage area in 2013 and placing the big rocks, then up and back.

Chairman Johnston - I don't know if this is an off-the-wall suggestion, but Al Ulmer and Terry Dennin own a quarry in Essex, where they mine rock like this to build stone walls and front steps and things like that, would any of these stone masons around here in the area, besides Al and Terry, I think they are both retired now, but would any of the stone masons have any interest in using these stones for their construction projects?

Mr. Hainer - I don't know. What they're looking at is just getting rid of the little ones, rough stuff. But, they will place some of the larger stones to contain. There was a quarry at one time on the Treadwell property and what they did was quarry the rock out and dumped all the tailings and small stone in the hole and now they're digging the foundation and everything and they're uncovering a lot of this rock, limestone.

Mr. Houseal - They're looking for some place to spoil it. Can they spoil it in an area where they just sort of cover it up and grade it into the landscape?

Mr. Hainer - That's what they wanted to do here. This may not be the spot.

Mr. Houseal - I think you all know, I'm a landscape architect, George, if you want to call me and we'll go out and look at it. I'm not around tomorrow, but I'll be around Friday and next week.

Mr. Hainer - Ok.

Chairman Johnston - I think George is doing the right thing in contacting the APA, we don't want George saying, "this

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is ok" and have the APA turn around and saying, "it's not ok" then George will get blamed. I don't want to hold them up but if you and Brian and the APA can come up with a plan, that would be fine.

Mr. Houseal - Who's the project review officer for this project?

Chairman Johnston - They didn't have a project review officer, because it was non-jurisdictional.

Mr. Houseal - that's right.

Mr. Hainer - This is the Hamlet, but because of the drain -

Mr. Houseal - Will it trigger an APA

Mr. Hainer - Maybe, because of the drainage.

Mr. Houseal - Well, give me a call and I'll be happy to go out, and take a look at it with you.

Chairman Johnston - Is everybody comfortable with Brian, George and the APA dealing with this?

Ms. Fitzgerald - We are.

Chairman Johnston - We are. Chris moves we adjourn, second.

Mrs. Brant - I'll second.

Chairman Johnston - Everybody in favor, carried.

Meeting adjourned, time not noted.

Respectfully submitted,

Barbara A. Breyette
Secretary