

PLANNING BOARD
MINUTES
PUBLIC HEARING & REGULAR MEETING
JUNE 26, 2013

PUBLIC HEARING

Chairman Johnston called the Public Hearing to Order at 7:03 P. M. with the following members present: Mrs. Evelyn Brant, Mr. Ken White, Ms. MaryLou Fitzgerald, Mr. Chris Maron and Mr. Dwight Anson. Alternates, Ms. Cynthia Fairbanks and Mr. Brian Houseal, were excused. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer and Secretary, Ms. Barbara Breyette. Guests in attendance, Mr. John Crandall, Mrs. Simone Stephens and Mr. John Tefoe.

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

Crandall Subdivision - John & Robin Crandall - Tax Map No. 66.1-1-31.100 - Two-Lot Minor Subdivision - I'm going to briefly explain the Purpose of the Hearing. This Hearing is a mandatory requirement of our Subdivision Regulations. I'm going to give the Project Sponsor an opportunity to explain what the project is. I'll give the Planning Board members an opportunity to ask questions, then I'll give the public an opportunity to ask questions and then finally, we'll get to statements by the public, if there are any statements about the proposed project.

Because of the fan causing background noise I'm going to request that anyone who speaks, to please speak very loudly, so that the tape recorder records what you say. I'm going to move on now to the Project Sponsor, Mr. John Crandall, would you explain your project, please.

Mr. Crandall - Basically, I'm been trying to find out where I own, to start off with and that's what this dotted line (referring to is approximately so far, what we can figure out that I probably own and my neighbor, who is actually a renter. The property that we're trying to cut out, he rents from me and what he wants to do is upgrade his property and put a pad underneath his house, only he doesn't want to do that if he doesn't own it, I can see that, not putting money into something you don't own and I

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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, June 26, 2013, at 7:00 P. M. at the Town Hall, 22 Champlain Avenue, Westport, New York for the purpose of considering the following project:

- Crandall, John & Robin -
Tax Map No. 66.1-1-31.000 -
Two-lot Minor Subdivision.

William Johnston
Chairman
Town of Westport
Planning Board
Dated: May 30, 2013

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

1A

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don't want to pay the taxes on it, once he does that and builds a barn, if that's what he's going to do. I've agreed to cut this piece out, if everybody is willing and able and I eventually find out what I own. Then I can do that and he can go on his merry way and do what he has to do. That's it in a nutshell and just trying to make this guy happy.

Chairman Johnston - Thank you, Mr. Crandall.
Do any members of the Planning Board have any questions of Mr. Crandall?

None voiced.

Chairman Johnston - Do any members of the public have any questions of Mr. Crandall?

None voiced.

Chairman Johnston - Do any members of the public want to make a statement about this proposed project?

No statements.

Chairman Johnston - Ok, therefore, I'm going to ask for a "motion" to close the Hearing.

Ms. Fitzgerald - I so move.

Mrs. Brant - Second.

Chairman Johnston - Any discussion? All in favor, carried.

Public Hearing closed 7:12 P. M.

Mr. Hainer - Is this a shared driveway at all, John?

Mr. Crandall - The driveway, actually, is in my ownership, only and one of the things that hopefully we're going to resolve, before this is all done, is they have some kind of easement possibly to get in there across my property.

Mr. Hainer - That's on your neighbor to the north? I mean going to the mobile home, is that here.

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Mr. Crandall - When you look right there, they are 26 feet from my barn, that's the ROW for me to get up and beyond, my barn and up into the back field, if I go that way.

Mr. Hainer - He has enough to get back in there. Is the mobile home staying there, or is he moving it.

Mr. Crandall - I don't know that for sure, but I do know that I've got 26 feet, plus or minus, between my barn and the edge, I'll be able to use my part of that driveway and he has enough of the apron still left that he can use the same one that he's using now. According to what Kevin has here on the map, 43 feet from that line to the end of the house.

Mr. Hainer - There's one principal building right associated with that lot, that 1.4 acres.

Mr. Crandall - That's correct.

Mr. Hainer - And, on the side here, Kevin has the breakdown of the remaining properties. We have to get in the habit of assigning building rights pertaining to the property, so they're on the map. The calculations are here, (attached, Page 3A), so, look over those, make sure they're right.

Mr. Crandall - If there are any changes that you need to make on there, Kevin just asked that you write them down, whatever changes you want on the map to make them the way they're supposed to be. To his knowledge, these are correct. If you find out there is something wrong with them, please let him know, so we can get that change filed.

Ms. Fitzgerald - Can you explain to me again your agreement on the driveway as is, in say 30 to 50 years from now, someone buys that piece of property; what you're doing now carry over to the next property owner?

Mr. Crandall - Yes, because, right now the driveway is wide enough, where I can come in on mine and he can come in on his. We're going to actually, the agreement that, I talked to Kevin tonight, somewhere in the area, right here, that could be the set-up point, right off the end of the barn so that we know who is who. We're not going to put it out here near the road, because it will just be destroyed.

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Mr. Maron asked a question of Mr. Crandall but could not pick up on tape.

Mr. Crandall - No, this is the driveway, it comes over into mine and goes this way, he can use his own driveway there, and right now we use it together.

Mr. Maron - Right now it looks like he doesn't own that part.

Mr. Crandall - On my side he wouldn't have a ROW-

Could not hear Mr. Hainer.

Mr. Crandall pointed out the apron on the "map".

There was various discussions which could not be picked up due to the fan noise.

Chairman Johnston - John, another question - I think we closed the Hearing too early, but, how would someone get access to this substantial amount of property, in the back?

Mr. Crandall - Because, we've left the 26 feet beside my barn, I can go up this way, which I do now, anyway, drive along the edge of the woods, on the little roadway that goes up to the back field. Also, you come to the other side of the property, driveway that I own over here, I drive up here now, go beside the barn and up into here. Otherwise, if you don't go through here, you can't get there, because it's all ledge, everywhere else.

Chairman Johnston - It might be a good idea for Kevin to actually show on the map what that corridor is to get access, those two ways that you described. You might consider restricting any building in those corridors, so that you don't block access to that back land.

Mr. Crandall - Right. So, by doing that what would you like him to do, draw some kind of a different kind of line that comes up through here, as possible access?

Chairman Johnston - Future access -

Ms. Fitzgerald - It depends on which way down the road, if you sell that property behind you and someone builds there,

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and you become enemies or something, are you going to allow them to go closer to your house or do you want them to go farther away from your house, that's something you have to consider.

Mr. Crandall - If I was going to do that, I would probably have him do this way.

Ms. Fitzgerald - It's certainly not an issue, right now, but 50 years from now it might be.

Chairman Johnston - We've had a situation like this before, and it happened in all innocence. It happened with Manny Audino's property. You probably know where his property is,

Mr. Crandall - Yes.

Chairman Johnston - He started selling some lots, but did not have an adequate ROW to his property, it created a problem that persists to this day. I think it would be a good idea to provide a wide enough ROW to that back acreage, so that there is no problem in the future. Would you suggest 50 feet, George?

Mr. Hainer - Yes.

Chairman Johnston - Fifty feet would probably be a good fit for a ROW.

Mr. Anson - How many acres for that back -

Mr. Crandall - I have 15.7 acres, total. I don't know exactly what this is, compared to this, I don't know.

Ms. Fitzgerald - Where's that runoff go, does it come down into your driveway, close to the house.

Mr. Crandall - Strangely enough, this runoff comes out, down the side of this road, comes down to about here, where I just learned, it goes underneath the center of my garage. I just put in the pipe to go from here up to the woods, so this is all new and dumps into this drain, right here.

Mr. Anson - What's the building lot size up there?

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Mr. Hainer - There's three zones, here, back here, this is the Town, this little triangle is in the Town part, 8.5 acres, but this is VIL- RES II, which is a half acre parcel and there's 20 principal building rights in that area.

Ms. Fitzgerald - Wow.

Mr. Hainer - Which is substantial.

Ms. Fitzgerald - Could be a lot of runoff.

Chairman Johnston - Also it's a substantial amount of land that might be utilized in the future for development, that conceivably could be land locked.

Ms. Fitzgerald - Right.

Mr. Hainer - Yes.

Mr. Anson - If there's more than five building lots up there, you have to have a ROW of 50 feet, anyway.

Mr. Crandall - What do I have to do to make that happen? Right now, there's a road big enough here I could drive my pickup in there, because I've done it. It's not really a road, it's more of a wood road.

Mr. Anson - That's a Town Law, right?

Chairman Johnston - He's not proposing to dedicate a road or anything like that, but I think what you ought to do is, on a map, show this 50-foot ROW and perhaps, a way to deal with it legally, would be to actually insert language in the deed that this ROW is reserved for future access to the back parcel, and that no building should take place in the ROW.

Mr. Anson - And, you have to have so many feet to the road and so many feet for your utilities.

Mr. Crandall - Who knew this was all going to be a problem, when I said to my neighbor, "yes, you can have that little piece, so you can put this one in also".

Chairman Johnston - I don't think it's a big deal, but, you're the owner of this back property and you or your

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heirs may want to sell that or develop it, in the future and you don't want to inadvertently create a situation where you can't do that.

Mr. Crandall - I agree.

Mr. White - At this point, all that is needed is to have it noted on the map.

Chairman Johnston - Right, and I'm certain how you would do this, there ought to be a reference to this in the deed, there is a ROW and that no building is allowed to take place in the ROW.

Mr. Anson - The buildings will have to have legal setbacks -

Mr. Crandall - When I make my thing coming up through here, this barn may not be able to be there? Is that existing now.

Mr. Anson - Yes.

Chairman Johnston - George, if the barn is on the edge of the ROW, that shouldn't be a problem, the road itself, if there's a road in the future, the road itself would probably be anywhere from 18 to 20 feet. You would not have a 50 foot wide road.

Mr. Hainer - Also, the idea, you have the ROW, but if you only had four lots back there, you could get by with a 15 foot wide road, but then in the future, if you wanted to subdivide and sell all the lot, you have the ROW there you could do it. If you don't have the ROW there, then the Planning Board is not going to issue, like up at Audino's when you had the amount of lots, you want to sell them, it's really up to you.

Mr. Maron - I think we may be trying to do too much. If he's simply trying to subdivide that lot, he's not trying to subdivide the whole parcel, even though we're trying to plan ahead and make arrangements so that when that's ever done and done appropriately - if he does want to subdivide he will have to come back to the Planning Board. He has the access there.

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Mr. Anson - I think it's good that we brought it up so he knows that.

Mr. Maron - Yes, definitely.

Mr. Anson - Except, do you want to do it now, probably the easiest time to do it, rather than to wait if somebody wanted a couple of lots, it would be something else that would hold you back, maybe. It's up to you, just so you know what's in the future.

Mr. Crandall - Right.

Chairman Johnston - Ok, are we finished with the questions. Let's move on then and I'm going to call the Regular Meeting to Order at 7:26 P. M.

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REGULAR MEETING

Chairman Johnston -- The Meeting has been called to Order.

The **Minutes** of the May 22, 2013 Meeting, everyone has received them. May I have a Motion to approve the Minutes.

Mr. White - I so move.

Chairman Johnston - Thank you.

Mrs. Brant - Second.

Chairman Johnston - Second, Evelyn, any discussion or comments? Being none, all in favor, carried.

Crandall, John & Robin - Tax Map No. - 66.1-1-31.000 -

We have 60 days from the close of the Public Hearing to take action on this subdivision. We could either take action tonight or we could take action at next month's meeting.

To Mr. Crandall - Do you want to think about this ROW issue, John, between now and next month and discuss it with Kevin and see if he has any reactions to this?

Mr. Crandall - I can do that.

Chairman Johnston - Ok, why don't we do that. Would it seriously inconvenience you to postpone a decision until next month?

Mr. Crandall - Not on my end.

Chairman Johnston - What about your purchasers end.

Mr. Crandall - The longer we wait the closer it will be, he just wants to get the concrete poured before it's cold.

Chairman Johnston - Ok, we'll take action next month, then, that alright, Planning Board? Ok, you discuss the ROW issue with Kevin and get back to George or get back to us with what you've decided to do, ok.

Mr. Crandall - Sure.

Mr. Crandall left at 7:27 P. M.

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Chairman Johnston - Ok, I'm going to go out of order, Mrs. Stephens is here, let's take up her matter, at this time. Mrs. Stephens, do you want to address the Planning Board?

Stephens, Simone S. - Tax Map No. 76.2-1-28.000 & 76.2-1-29.100 - Lot-Line Adjustment -

Mrs. Stephens - I have two contiguous lots I just want to move the line of one lot, so that my entire driveway is on the lot that has the house on it. Looking at the map, it's pretty clear. Kevin indicated a proposed new line, because currently my house sits on 2.2 acres and the land that goes up the hill behind me is another four acres, that lot has the end of the driveway. It seems to make more sense to have the entire driveway on the two-acre lot, which has the house on it so we have proposed to have the two lots that are more or less, three acres. It's just moving one line, which doesn't affect anybody else, because it separates my two lots.

Chairman Johnston - George, is pointing this out to the members.

Mr. White - Basically, a lot-line adjustment.

Chairman Johnston - Basically, a lot-line adjustment, a Minor Division. I think that we have a provision in our subdivision regulations for what's called a Minor Division. If we deem this a Minor Division, that's the end of it, you can go ahead with this, without any further action by the Planning Board.

Ms. Fitzgerald - Great.

Chairman Johnston - Would someone offer a Motion,

Ms. Fitzgerald - So moved.

Mr. White - Second.

Chairman Johnston - Any discussion. None. All in favor, carried.

We have deemed this a Minor Division, there's no further requirements by the Planning Board.

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Mrs. Stephens - Ok, thank you very much. To make that correct, I just contact Kevin and get him to do a final plan?

Chairman Johnston - Right. The Minutes will reflect the fact that we've deemed this a Minor Division, and that will be the end of it.

Mrs. Stephens - Thank you very much.

Mrs. Stephens left at this time.

Chairman Johnston - **Barber Homestead Park Expansion - Tax Map No. 76.2-1-31.000** - George, we've had some interesting developments with this between the last meeting and this meeting.

Ms. Fitzgerald - We sort of thought it was a simple deal and now they're -

Chairman Johnston - It hasn't become all that complicated, more complicated, it could have. What the APA was proposing to do was to turn this project back to the Planning Board. This is contrary to their past practice. Their past practice has been that they initially issue a B Permit and there's reason sometime in the future to amend the Permit they retain the jurisdiction over that particular project. That's how this expansion began, but then George was contacted by the Review Officer who stated, "they were thinking about turning it back to the Town". George and I both said, "we didn't think this was a good idea". If they turn this back to the Town, it's going to start the clock at square "one". This would become a Special Permit project and we would have to go through the Special Permit procedure, which would be, it would add a lot of time, time consuming to the whole process. Once they realized what would happen, they then changed their mind and decided to retain jurisdiction of the project. So, the Park Agency is going to issue the Permit for the expansion.

We don't know what they're going to do in the future about projects where they've issued Class B permits, whether they will retain jurisdiction over those projects or whether they will turn them back to the Town. Something that I don't think they fully appreciated, was the fact that their

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Law, Executive Law, and our Law, Town Law, are really quite different.

When we review projects, Special Permit Projects, we have the procedure to follow that's spelled out in Town Law. It's a completely different process than they use, when they review projects. We don't know if they're going to actually provide any written policy on this or not. It seems a little unclear at the time. George, do you want to add anything?

Mr. Hainer - No, I think that explains it all.

Mr. Anson - Who wrote the Town Law?

Chairman Johnston - The State Legislature.

Mr. Anson - State Legislature.

Chairman Johnston - We operate under the jurisdiction, the authority of Town Law, ok. That's the body of NYS Law that enables us to do to operate as a Planning Board. They operate under another body of Law, called Executive Law. If you go downstairs to the Court Room, the Law Library. It's a combination of Law Library and Court Room, there's about six or eight feet of books that are all NYS Law. There's Town Law, Village, City, General Municipal Law, Highway, Executive, Retirement Law, there's a book for everything. We operate under Town Law, that's our Legal Authority. They operate under Executive Law and it was surprising to me that they didn't realize that what the consequences were of this saying, "here, you take it". Once that was explained to them, they decided to retain jurisdiction.

Ms. Fitzgerald - What's the intent of this letter?

Chairman Johnston - That's the next point. I've received a phone call from Sue-Ellen Frisbee Albright, who stated that she had concerns or her family has concerns about the impact of the camp ground, the trespassing and noise are problems and Mr. Shapiro wrote this letter (on file) also, raising concerns about the project. At the same time, the Park Agency would like us, the Planning Board, to make some sort of final comment on this project in writing. That's why I asked Barbara to give everybody a copy of the minutes from April 24, 2013, because the April minutes, this is what we said in April. In light of the phone call that I

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received from Sue-Ellen Frisbee Albright, and the letter from Joel Shapiro, I'm putting it to the Planning Board, do we want to add anything to what we said in April. Do you want to add anything about the impact of the campground on the neighbors. In other words, should there be, perhaps, a condition that the campground has to have some policy in place or some plan in place to deal with noise and trespassing?

Ms. Fitzgerald - Are they there year round or are they in and out? Is Sue-Ellen there all the time, yet.

Mr. Anson - Going to be, shortly. But, all the ones on the other side of her are just in and out during the summer. Except, Brian Peralta, he's up on weekends.

Chairman Johnston - The Shapiro/Fallons are here in the summertime and that's when the campground is operational.

Ms. Fitzgerald - Have there been incidents, reports of undue noise from the campground?

Chairman Johnston - Sue-Ellen Frisbee Albright told me that they have been bothered by noise and trespassing.

Mr. Anson - People where over there, where they built?

Chairman Johnston - I have no idea, I'm only reporting what she told me.

Mr. Anson - Wow, that seems very unlikely.

Mr. Maron - When they had the first permit, it sounds like it was sort of contentious. Did the APA cut back on the number of sites that they were allowed, originally proposed?

Chairman Johnston - I don't know, that was before my time.

Mr. Maron - It seems to me that if APA has dealt with the matter and then made any kind of adjustments that when they have another project that comes up at the same place, that we should at least be apprised of what happened previously. When the original permit went through, if it were scaled back, they know were not put in, you can't put in the number you want, you have to put in this number because of

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the public outcry and then years later they try to come back and get the 14 additional sites which may have not been allowed in the first place.

Mr. White - That's a good point. I think this is all they requested originally.

Mr. Hainer - The original permit usually has what, the pros and cons written into the permit.

Mr. Maron - But, with the original permit, how many did they apply for, did they apply for more than they were granted.

Ms. Fitzgerald - I can't imagine there's more noise from the campground than there is from Camp Dudley. They're cheering and etc. for games.

Mr. Hainer - There are currently 41 RV sites with electric and water and direct sewer service there are 20 sites.

Mr. Maron - How many more were originally proposed?

Mr. Hainer - Barbara's going to go get the original permit.

Waiting for Secretary to return.

Ms. Fitzgerald - The neighbors all have a chance to come here and comment, they had a chance at the Public Hearing didn't they?

Chairman Johnston - This was a Class B project, but the APA held the Public Hearing. The thing that I want to point out here is that on page 5 of these minutes, (attached, Page 14A*), what we said to them was, "Would someone---that this is approvable".

We said "approvable", fine, but there's no reason why we can't add a comment to the effect that while it's approvable, the applicant ought to have a plan to deal with the potential for noise and trespassing.

Ms. Fitzgerald - I'm not opposed to that.

Mr. Anson - I'm not either. I've seen on some campgrounds where there's signs posted that noise has to be down by a certain time and -

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Mr. Hainer - That it's approvable, we don't have any conditions or any issues.

* Chairman Johnston - Would someone like to offer a motion that we send a comment to the Park Agency that this is approvable.

Mr. Anson - So move.

Ms. Fitzgerald - Second.

Chairman Johnston - Any discussion, all in favor, carried.
George, can you convey that message. It's in the Minutes.
The Barber's left at 7:13 P. M.

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Mr. Maron - I think they have one up there right now.

Ms. Fitzgerald - I think so.

Mr. Maron - Ten o'clock.

Mr. Hainer - Here's the original establishment of campground.

Mrs. Brant - If someone in a trailer is making a lot of noise, you're going to ask them to quiet down.

Mr. Hainer - It says, "the applicant has provided the list of campground rules", which was received by the Agency in 1993".

Chairman Johnston - Maybe they need to review the rules to make sure the rules adequately deal with impact on neighbors, such as trespassing and noise.

Mr. Maron - The thing about that really is, that no one is enforcing it. You call the State Police or George in the middle of the night and say, "the neighbors are making a lot of noise". If they were, originally, were not allowed to have a certain number, and they've come back and re-applied to get and increase in numbers, then I think that issue should really be looked at. So if we make any comments, I think we should say something, "if they trying to get an increase of sites, they had originally been denied, then this matter should be looked at, much more closely".

Ms. Fitzgerald - I'd rather address the noise, something put in about the trespassing.

Mr. Maron - We have a notice about barking dogs, right, my neighbor has five beagles, they bark all the time, I'm not going to call up George, or call the Dog Enforcement Officer, I've talked to the owner several times -

Ms. Fitzgerald - But that's noise, everyone is listening to them.

Mr. Maron - Well, it is annoying, what else can I do? I don't want to make an enemy out of my neighbor, so, if

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you're down there and you have neighbors that aren't there all the time.

Mrs. Brant - I think the Barber's would say something to the campers if they were too rowdy.

Ms. Fitzgerald - I think we should bring it to their attention that these factors have just come in. I think we should allow them, we've already said, "it's approvable".

Mr. Maron - We should add something, saying, "if they have already been denied -

Many voiced against this.

Mr. Hainer - I think they applied for 40 and they received 40, I think whatever they submitted.

Mrs. Brant - I think back then they thought the 40 would be -

Mr. White - I think it is worth looking at and we've done it, they're not trying to skirt the issue by increasing the number to an additional permit. I feel good knowing that.

Mr. Hainer - Technically, the application hasn't been deemed complete, once it's deemed complete, they will send us notification, the APA, at which time they will want written comment. That could be next week, it could be -

Chairman Johnston - So, you're saying we could postpone written comment till next month.

Mr. Hainer - I could email everybody a copy of this, and you can come up with whatever you feel, and by next month, if Tom, if they do act on it and they want a quicker approval, I don't know if you can pre-approve anything pending.

Mr. Anson - I'd like to, my opinion is that we talk about it all together, individually.

Mrs. Brant - If you don't have to give them a written statement until they send their -

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Mr. Hainer - Notice of complete application, once they get that notice, then from that point, their clock ticks and they have to issue a permit within so many days.

Chairman Johnston - How many days is it, George?

Mr. Hainer - Either 30 or 45, unless it's one of those expedited ones, 15 days, I'm not sure, this may be one of them.

Mr. Maron - Will there be a public hearing?

Mr. Hainer - If they don't have a public hearing, they do on occasion.

Chairman Johnston - I spoke with Tom Saehrig, I asked him if he had heard from anyone other than Sue-Ellen Frisbee Albright and the Barbers, and he said, "no, he hadn't".

Mr. Anson - Colin Wells hasn't said anything and he lives there year round and he isn't that far.

Chairman Johnston - So, they had two people contact them, one by letter and the other by phone (Albright). Everybody down there is not up in arms, on the other hand, I think we have to take into account those concerns about trespassing and noise, I think that's part of our responsibility, and if you look at the special permit regulations, this is the kind of thing we would have to address as part of the special permit review. "Will not result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances." (Section 5.042, g.), so we would have to address that, if we were reviewing it and I think we ought to bring it to the attention of the Park Agency and they can write a condition in the Permit, I don't know what they would say, I'm not going to write the condition for them, I could, but I'm not going to unless asked. There ought to be a condition that addresses noise and trespassing.

Mr. White - I agree. I sympathize with both sides, certainly the Shapiro's and others have made their homes before the park was there and now there's a change. At the same time I like to see the Barbers able to expand their trailer park. I agree with what Bill is proposing, there has to be these two issues dealt with, the noise and trespassing. If you need a motion for that tonight, I

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would make that **Motion, that when we get the permit back when we're asked by the APA for our input, we let them know those are two concerns of ours that they should address.**

Chairman Johnston - There's a motion on the floor, does anyone wish to second the Motion.

Ms. Fitzgerald - I'll second it.

Chairman Johnston - Thank you, MaryLou. The Shapiro's live in the house that's known as Conjocatdy, just beyond the lighthouse. Go down to the lighthouse and make a left, on the Barber Road.

Mrs. Brant - Has Barber received any complaints, where they might feel the noise is coming from? I know they had fireworks on Father's Day when they had the antique tractor show. It was a lot of noise for that, but that's not every night. That brings in a lot of people from everywhere, Vermont, NY State.

Mr. Anson - I think Ken has a good idea.

Mr. Maron asked for the motion to be read again.

Mr. White - That we address the noise, the trespassing and give it to the attention of the APA, regarding our concerns. I may want to amend that Motion, but perhaps we should include all the 24 rules that the Barber's have maybe have a review of those rules, I don't want to muddy the waters throwing that in now.

Mr. Maron - Some residents might feel they are still being confronted; that was approved how many years ago and now are faced with the fact that where they are living has been impacted by the change. To expand 14 more sites, that's 28 more trips down the dirt road, they have to deal with everyday. The point I'm getting to, I think we should also make reference that we would certainly hope the APA will consider public comments from the neighbors who are most affected by it. Not to say whether we approve or disapprove just that we would certainly hope the APA consider the neighbor's opinion.

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Ms. Fitzgerald - Again, the campground is not open year round, to say that traffic going up and down everyday is excessive, that's not true.

Mr. Hainer - That road is going to be paved, if it's not paved already, this year.

Chairman Johnston - Ok, there's been a Motion made and a second, we've had some discussion. I'm not sure I can say word-for-word what you're Motion was, Ken, you want try to restate -

Mr. White - The noise and trespassing, which are what the two correspondents responded to as well, but I think they have to be noted to the APA as well, within our comments.

Chairman Johnston - George just showed me the rules, (attached, page 19A) and the rules do address trespassing and noise, so, I think perhaps maybe what needs to be, I'm not sure what the APA should do, but maybe they just need to emphasize in the comment that whatever rules are in place, should be enforced. We should mention the fact that noise and trespassing has been brought to our attention.

Mr. Maron - We're essentially saying that noise and trespassing has been brought to our attention, and concerns of the neighbors that should be considered in issuing the permit. I certainly would like to see it expand, but I also feel for the people who live there and enjoy living there and all the sudden feel like they have something plopped down in front of them that affect their quality of life.

Ms. Fitzgerald - Then we go back to the idea of negative growth in the area.

Mr. Maron - How would you feel with all those RV's next to you?

Ms. Fitzgerald - They have the rules, they enforce the rules.

Mr. Maron - It doesn't sound like the rules are enforced, already, why would they be enforced now?

WELCOME TO BARBER HOMESTEAD RV PARK
Rules and Regulations

Hours of operation for admission to the RV Park will be from 8:00 a.m. to 8:00 p.m.. Check-out time will be 1:00 p.m.

The main gate to the Park will be closed at 9:00 p.m. . Visitors and guests will be required to park their vehicles in the registration parking area if they return after 9:00 p.m.

Campers are allowed to park vehicles in their preregistered sites only. Parking on the Park's access roads and Barber Road is not permitted.

Operation of off-road vehicles is not allowed inside the park.

Access to Lake Champlain is not allowed.

Campers and guests must stay within the Park boundaries at all times. Complaints of trespassing by the surrounding land owners will result in immediate expulsion from the campgrounds.

To report an emergency contact the attendant at the administration building between the hours of 8:00 a.m. and 8:00 p.m. After 8:00 p.m. call 962-4355.

Quiet hours: 10:00 p.m.--8:00 a.m. Children must be at site. No loud radios, noise etc.

No open fires, only in fire ring or fireplace. No firearms or BB guns are allowed in the park. No fireworks allowed.

Five (5) M.P.H. in park at all times.

All pets must be on leash at all times. Please use dog walk area and pick up after your pet.

Restrooms/Showers are open 24 hours. Adult must accompany children under 8 years of age.

Absolutely no black or gray water to be dumped on ground.

PLEASE RECYCLE SEPARATE CANS, CLEAR GLASS AND #2 PLASTIC.

NOTICE TO CAMPERS: Disorderly conduct, obscene acts, language or intoxication will not be tolerated.

Guests and their pets must not disturb fellow campers or surrounding neighbors at all times.

Cutting or defacing trees is not allowed.

Littering is not allowed.

Electric generators are not allowed.

RV holding tanks can only be emptied at the dump station.

When you leave this Campground please turn right off Barber Road onto Camp Dudley Road to Route 22.

The camp site store will provide camp supplies. Groceries and other goods are available from other fine establishments in the Town of Westport.

If you have any complaints, comments, questions or suggestions please let us know. We are here to help you enjoy a pleasant camping experience.

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Mr. White - I look at it even differently, you come up to an area, in this case, Westport, and you buy a piece of property and the house because of what exists there. Then ten years later, it changes, drastically, just not what you really came up for, but if it could be controlled, that's a good thing. But if it's something that really bothers you, because it can't be controlled, then it changes your whole area, your house in the mountains is no longer your little hide away in the mountains, it's something else.

Ms. Fitzgerald - As well as my pad has become, not the same.

Chairman Johnston - I'm going to read what Chris just said, I think he expressed it well. This is not a complete sentence - "noise and trespassing have been brought to our attention and these issues should be addressed by the APA in issuing the permit".

We're not saying, "don't issue the permit", were not saying, "this project shouldn't happen", we're saying, "we said previously, "this project, is approvable" and now we're adding, "please take into account, noise and trespassing".

Mr. Maron - May I go beyond that and say, "and the concerns of neighboring property owners".

Chairman Johnston - "by neighboring property owners". "Noise and trespassing have been brought to our attention by neighboring property owners and these issues should be addressed by the APA in issuing the permit".

What if our comment is simply that, nothing more, nothing less.

Mr. White are you telling me now that your Motion now is, "Noise and trespassing have been brought to our attention by neighboring property owners and these issues should be addressed by the APA in issuing the permit".

Mr. White - I am.

Chairman Johnston - That's what Mr. White moved, we seconded, Mrs. Fitzgerald.

Any further discussion, all in favor, carried.

Let's move on.

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There are two Resolutions that we approved at the last meeting and I have written them up in more expanded form. The first has to do with the **Gravel Pit** (attached, page 21A). There's one change that I want to make to what you have. The change is down it the "Now therefore it be resolved", George recommends that we use the same date as the DEC date, and we don't know what that is yet.

Mr. Anson - Date concerning what.

Chairman Johnston - The extension of the permit, the end date. I put in "June 16, 2017, because that was four years on top of where we are now, but the DEC hasn't issued the permit yet, so we're not sure that is going to be the date. George recommends and I agree with his recommendation, that our date and the DEC date should be the same date. So cross out June 16th and once we get the permit, we can put in the date the permit was renewed and what its termination date is. Is everyone ok, with this Resolution. Would someone move that approve the language of this Resolution.

Ms. Fitzgerald - I move we approve the language of this Resolution.

Mr. White - Second.

Chairman Johnston - Second, no discussion, all in favor, carried.

The second Resolution, **Special Permit Application -- William Palmer - Tax Map No. 66.2-1-30.112** - (Attached, page, 21B). Please look this over and let's determine if this language is suitable.

Ms. Fitzgerald - I move for approval of this Resolution.

Chairman Johnston - Thank you, MaryLou. Second.

Mr. White - Second.

Chairman Johnston - Second, Ken, any discussion. All in favor, carried.

I would say that we should wrap this up with "Other Business". Is there any Other Business.

**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 that 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 the 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 _____, 2013

—> Now Therefore Be It Resolved, that the Class B Permit issued on March 25, 2009 is hereby extended to June 16, 2017 unless an application for renewal has been filed no later that May 16, 2017, in which case the permittee may continue to operate under the terms of this permit until the renewal process is completed.

Moved: Ms. Fitzgerald

Seconded: Mr. Houseal

Approved unanimously

21A

RESOLUTION and SPECIAL PERMIT
APPROVING SPECIAL PERMIT APPLICATION
OF WILLIAM PALMER
MAP NO. 66.2-1-30.112

Whereas, application Number 2 of 2013 has been submitted for a Special Permit to place a mobile home in the RR 5 District, a land use requiring a Special Permit; and

Whereas, said application is a non-jurisdictional project in respect to the APA Act, although the applicant caused a wetlands law violation in constructing the driveway, in response to which the APA entered into a settlement agreement with Mr. Palmer affecting the location of the mobile home on the property in order to meet wetland setback requirements and in the construction of the driveway; 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 27, 2013; and

Whereas, a site visits were made on March 25, 2013 and May 17, 2013; and

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

- Technical review by the Code Enforcement Officer: visibility of the mobile from the public road was an initial concern which is mitigated by the revised location of the mobile home on the property
- Planning Board:
 - SEQR: No "Adverse Effects" were identified.
 - Site Visit: There was concern about the initial, proposed location of the mobile home due to its visibility from the public road and the proximity of the septic system to a wetland ;
- Public Hearing: No comments.

Now Therefore Be It Resolved, that said Special Permit Use is Approved with the revised location of the mobile home and septic system, subject to the following condition:

The mobile home must be removed from the property within one year from the date of issuance of a Certificate of Occupancy for a single family dwelling.

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

Moved: Mr. Anson

Seconded: Mrs. Brant

Approved unanimously.

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Mr. Maron - A real quick on, going back to Complete Streets Committee. I put the names down of people that I would consider to be on the Committee, which I will pass around. I pretty much took it from people walking around the Town and also others that have some issues regarding wheel chairs, etc. I asked Heather Mann, because the sidewalks are supposed to go further in that direction. I checked with Denny Westover. If you have some other names, please e-mail me within the next couple of days.

Chairman Johnston - Thank you, Chris.

Mr. White - How many people would you like to have on the Committee?

Mr. Maron - I don't know, probably the more the merrier, twelve or so. I'm going to send a letter to everyone. I put Mr. McNamera's (APA) name on because he's with the ?. I'm not sure where this is going but I really want to get a spectrum of people that -

Chairman Johnston - Chris, I just drove around the Village the other day, and I'm amazed at how many new houses are right in the center of Westport Village. I'm going back five or ten years or so, there's a tremendous number of new houses. I think this is wonderful, this is really terrific and it shows that living in this Village is something that people desire. You know people want to live here because of the quality of the Village, it's a wonderful Village; I was here for 12 years and I loved every minute of it. I think that we are recognized that we really have something special here with the historic character, the beautiful views, the sidewalks - there are a lot of walkers around here and I think we ought to do everything we can to reinforce these positive assets. So many Adirondack Villages aren't in good shape, they're not places people want to live in, there places people want to leave from. We're just the opposite, I think it's really wonderful. And Wadhams, too. Wadhams is a thriving Hamlet. I just wish there was a sidewalk to the Park.

Mr. Anson - I went by the Park the other night, there must have been a dozen people there.

Chairman Johnston - That's wonderful.

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Mr. Anson - Lot of boys on the basketball court and least five or six cars down there.

Chairman Johnston - That's terrific.

Mrs. Brant - That's it, they have to drive down, if they have small children, they don't dare let them walk.

Chairman Johnston - You can't walk down Route 22. You take your life in your hands.

Mrs. Brant - We could have had the pathway from the cemetery across, it would have -

Chairman Johnston - Is that a dead issue, Evelyn?

Mrs. Brant - The money disappeared, they had money and I got clippings from the paper where they had the Hearing, where they had so much money that they were going to put the new sidewalk back, that was supposed to have been done when they did the sewer system and also when they put the new water pipe in. They were supposed to replace the sidewalk that they dug up.

Chairman Johnston - I think that would be a high priority, Chris, if you can figure out how to get a sidewalk, bike path into the Park from Church Street. That's what was in the original plan and that would really contribute to the quality of life in Wadhams.

Mr. Maron - I just sent the Consolidated Funding Applications Grant, Gov. Cuomo just put in place, maybe this is an idea for a grant proposal. Try to get some funding for that, I think this is a broader issue.

Chairman Johnston - I think you're right, a sidewalk alone is not a competitive kind of project, but a sidewalk in conjunction with some other things might be better. That ought to be, I would urge you to put that very high on your priority list.

Mr. Maron - Also, to tie in with the new bridge.

Mrs. Brant - Tie it in to use a sidewalk to get to the Library.

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Chairman Johnston - Do we have any "Other Business".

Mr. White - I make a motion to adjourn.

Ms. Fitzgerald - Second.

Chairman Johnston - All in favor, carried.
Meeting adjourned, 8:15 P. M.

Respectfully submitted,

Barbara A. Breyette
Secretary