

PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING
MINUTES
JULY 22, 2015

Chairman Maron called the Public Hearing to Order at 7:22 P. M. with the following members present: Ms. MaryLou Fitzgerald, Mrs. Evelyn Brant and Mr. Dwight Anson. Also in attendance, Mr. George Hainer, Building Codes/Zoning Officer. Guests in attendance, Mr. Steve Denton, Plant and Property Manager, Camp Dudley, Margot Marcus, Sue-Ellen F. Albright, Bill Kuntz, Bob Chase, Fred Marcus, Edward J. Albright, Ron Robinson and Heather Liberi.

Chairman Maron made the public aware that this is a Public Hearing and read the Notice of Public Hearing, (attached, cover page, 1A).

The way we have this organized, we will ask Heather to explain what she is proposing, then the Planning Board members will question the sponsor, Heather, then the public may ask questions of the sponsor. The questions are moderated by me, my name is Chris Maron, I am Chairman of the Planning Board, and then there can be statements from the public directed to us and then we close or recess the Hearing, by motion.

Ms. Fitzgerald – Before we start, Chris, usually we have them introduce themselves.

Chairman Maron – Ok, when they get up and speak, you mean.

Ms. Fitzgerald – No, before we start.

Chairman Maron – Ok, that's a nice idea. As MaryLou suggested we will have everyone please introduce yourselves, and we will start with Heather. (As listed above). Ok, Heather, I would like to have you explain what your proposal is.

The preliminary map regarding Ms. Liberi's project was displayed.

Chairman Maron – This is on Old Arsenal Road, next to Ballard Park, in the Hamlet of Westport.

Ms. Liberi -- Ms. Liberi pointed out her house and the house next door. The subdivision would be, through the middle.

Chairman Maron – Ok. Thank you, so she is proposing a two-lot subdivision, there are two structures, houses, on the property and she's proposing to have each on their own separate lot. Are there any questions from the Planning Board members?

None voiced.

Chairman Maron – The question I have is remind me Heather what happened in the first place that there were two houses built on the one lot and then, usually individual houses

TOWN OF WESTPORT
PLANNING BOARD
NOTICE OF PUBLIC HEARING

Please be advised the Town of Westport Planning Board will hold a Public Hearing, Wednesday, July 22, 2015, at 7:00 P. M. at the Town Hall, 22 Champlain Avenue, Westport New York for the purpose of considering the following projects:

- 0 Heather Liberi - Tax Map No. 66.66-6-10.000
Two-Lot Subdivision.
- 0 Camp Dudley - Tax Map No. 76.2-1-56.000 -
Construction of Multi-Use Facility for
Leadership and Programs.

Chris Maron
Chairman
Town of Westport
Planning Board
Dated: June 29, 2015

NOTICE
OF
HEARING
In 7/16 edition of ^{press} Republican

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are built on their own individual lot, so please remind us what happened that there were two houses built on one lot, and you're coming to us to have two lots.

Ms. Liberi – Because there were two building rights on the lot, so I was able to build two houses.

Chairman Maron – Ok, are there any questions from the Planning Board?

None voiced.

Chairman Maron – So, now the public may ask questions of the sponsor. If you have a question, please raise your hand.

Person did not identify themselves. – What size are the lots?

Ms. Liberi – Quarter of an acre.

Chairman Maron – Each, ok.

Ms. Liberi -- That's right, George.

Mr. Hainer – These are located in our V-BUS District, Section 21.050, (attached, 2A) of our Local Law and the residential density shall not exceed 1 (one) dwelling unit for each ¼ acre – (21.050 (c) and no lot shall be smaller than 7,500 square feet, which the ¼ acre per lot, the total acreage of the parcel, I think, is .67, so they meet the minimum lot size, the density, they meet our Zoning qualifications – the deed specifies that there are two development rights, that go with the property, so as far as complying with the Zoning, they meet our Zoning guidelines.

Chairman Maron – Ok. If there are no questions, I will move on to “statements from the public”. Does the public have any statements? Mr. Kuntz.

Mr. Kuntz – I wasn't sure that this was going to go forward tonight, so I submitted a letter (included in file), this matter, a little bit of the history matters, this property, the house that I had on the Main Street, all the way down to the Lake, used to be owned by Dr. Harris. There were three building lots, which this Board, 10, 11, 12, 13 years ago, subdivided into two lots, each lot got 1 ½ building rights, as I understand it and it seems to me that, the assumption that we're going to build another house, and we're going to be able to subdivide it, is basically a burden upon the applicant. The subdivision should have come before the building, aside from the dubious location of the properties and if you look at the last page that I submitted, the property is already on the market for sale, so they're presuming that the Board is just going to rubber stamp this and the Board is going to have to go back and look at what it did a decade ago when Mrs. Goodroe was here on behalf of the Cerf's, which basically took three lots, which they had and do two lots. It's really your problem. I have obviously an interest in the property, economically, but nobody seems to want to resolve that, so I'm just here to point those problems out.

computing total project area, all land areas within the project shall be counted. The common open space may be of three types:

1. Centrally located major open space serving the entire project, or, in the event the project is divided into large segments, serving each such segment. Such space shall be predominantly left in its natural state and accessible from all dwelling units served.
 2. Satellite open space areas serving groups of dwellings. Each such area shall be useful and attractive for active and passive recreation and readily accessible from the group of dwellings served.
 3. Linear open space connectors, attractively designed and landscaped, linking the various residential and amenity elements of the project.
- j. Such usable common open space shall, at all times, be accessible to all residents of the project, appropriately improved for common use, and protected against any development inconsistent with its common open space character. As a condition of its approval of such a plan, the Planning Board shall require that the project sponsor submit a restrictive declaration for filing in the land records or other suitable guarantee insuring compliance with the above.
- k. The project shall be designed and constructed in a manner sensitive to the topography and other natural resource considerations, and shall reasonably apply the guidelines of the Village Plan. Existing native vegetation shall be retained to the maximum extent feasible. A detailed landscaping plan shall be required with any Special Permit or subdivision application.
1. To the extent feasible, the parking shall be clustered in common landscaped areas, but not concentrated to an unaesthetic degree.

21.040 District V-RES III

- a. Permitted uses: single-family dwelling, two-family dwelling, public park, church, gardens, home occupation, accessory use, accessory apartment, guest cottage. (amended 2010)
- b. Uses allowable by special permit: group home, nursing home, guest home, public utility, major public utility; the following additional uses within the LM/C Subdistrict only: light commercial, light manufacturing, water bottling facility. (amended 2010)
- c. Residential density shall not exceed one dwelling unit for each 1/4 acre. The minimum lot size shall be 7,500 square feet.
- d. Each project shall provide not less than 2 off-street parking spaces per dwelling unit.
- e. No building shall exceed 30 feet in height, measured from the first floor above the building's foundation to the highest portion of the roof.
- f. No building or any portion thereof shall be closer than 20 feet from any lot line, nor closer than 40 feet from the near edge of the road bed of a public highway, except that in developed areas where, among existing buildings adjacent to or neighboring the site in question, there is an established pattern of setback from a public highway, then a new building shall follow the established pattern.
- g. No lot shall have any dimension less than 75 feet.

21.050 District V-BUS

- a. Permitted uses: single-family dwelling, two-family dwelling, multi-family dwelling, light commercial use, transient accommodation, library, public park, government office, fire station, marine base, gardens, accessory use, home occupation, accessory apartment. (amended 2010)
- b. Uses allowable by special permit: group home, public utility, major public utility. (amended 2010)
- c. Residential density shall not exceed 1 dwelling unit for each 1/4 acre, or 1 transient unit for each 1/10 acre. No lot shall be smaller than 7,500 square feet.
- d. Each project shall provide off-street parking spaces at the rate of not less than (1) 1 space per transient unit or 200 square feet of light commercial space, (2) 13 spaces per dwelling unit, provided where application of such rate results in a fractional number, the result shall be adjusted upward to the next whole number.
- e. No building shall exceed 35 feet in height, measured from the first floor above the building's basement to the top portion of the roof.
- f. Building setbacks shall generally follow the established patterns of existing buildings adjacent to or neighboring the site unless, as part of an overall site development plan, a deviation therefrom is reasonable.
- g. The percentage of lot coverage and other criteria related to site design shall be reasonable and appropriate for the site taking into account the character of the surrounding area and other considerations listed in Section 26.042 hereof.

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Chairman Maron – Any other comments from the public?

None voiced.

Chairman Maron – Without there being any further questions or comments, I will take a motion to close the Hearing.

Ms. Fitzgerald – So move.

Chairman Maron – MaryLou, motion to close the Public Hearing. There a second.

Mr. Anson – Second.

Chairman Maron – By, Dwight, all in favor, carried.

Public Hearing is closed for Heather Liberi portion.

The second part of the Public Hearing is for Camp Dudley – Tax Map No. 76.2-1-56.000 – Construction of Multi-Use Facility for Leadership Programs.

Chairman Maron – To Mr. Denton – Would you please explain your project to the public.

Mr. Denton – Sure. It's pretty well explained in the packet that was passed around and that you have. The intention of this is to be a multi-use facility, it's main purpose will serve during the Camp season, it's going to serve our leadership, which is about 41 leaders, it will provide a place for them to go to relax during their days off, have a place to go during what we call the "after third", which is night time, hoping this will serve as a place that they will want to go and relax maybe, rather than go out to Lake Placid in bars, or wherever, we're hoping that we can keep them on campus. The place would be a place for them to go, be away from campus, but still be on campus. "After third" is an on-going issue that is constant with our Director, hoping that all our young leaders come back to Camp safe and sound. So, we're hoping that this will serve as a good place for them to go during this "after third". It's also going to serve in the off-season, which is the majority, it will serve as a program area, we do things with Westport School, Elizabethtown School, we do sustainability classes with them, so we would be using this building rather than our McLean Lodge. We would be using this building instead. If we have the commercial kitchen, we would be using the food and vegetables that we get from the local farms, we would be getting more of it and now that we have a full-time food service director, he would be spending the off-season, the early part of the off-season, canning, preserving, making various things, but utilizing that kitchen. During the off-season we don't have a commercial kitchen, the only kitchen that we have and many of you, I'm sure have been in McLean, is that small kitchen in McLean, so, we would like to put that kitchen in here and it would give us a year round, ability to do more things.

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It also would serve, we are a shelter for Westport Central School, so we hold a partnership in that, if it was during the school year and something happened there where they needed to move the children from Westport School, we allow them to come to Dudley and they serve the same purpose if we had a situation at Camp Dudley during summer Camp, we use their facilities. It would broaden it a little bit, especially during the off-season, where we could be able to put more children on the campus, if need be. That's basically it, this is the structure, what it would be, we wanted to make it appropriate with the surroundings, barn, so it looks like a barn, that's what the Director, Matt, really wanted to bring out was the old look of a barn. As you know we had to bring down the old Rowe barn, because it was basically condemned. It was in ill repair. We do plan to make it, as you can see, look like a barn and again it's a place mainly during camp season for our leadership to go and spend time there. This would not mean we're accepting more campers, that is not what this is about, we would not be increasing on enrollment or staff enrollment, this is just an extra place where the leaders would be able to have a place. That is about it. Thank you.

Chairman Maron – Questions from the Planning Board?

Ms. Fitzgerald – You might want to explain how they're going to get in and out of the building and anything about the driveway. This is an example not a spec of the diagram, correct?

Mr. Denton – Yes. If you took one of the pamphlets that George gave you, looking at that building, that would be as if you were standing on the Dudley Road, looking at it, so this would be looking at it from the Dudley Road. We would make no driveway into it, we would use the existing north lot, which is right there, existing, and then we would make basically a sidewalk to it, we would have no driveway, no expanded parking lot, we would use the present lot, because there are no more cars coming in. The cars that are there for the summer, would be there, and those cars that are there are the leaders cars, mainly the leaders. It would be graded around, grass, what it looks like in this depiction on this pamphlet. No driveways, in.

Mr. Hainer – Low light level.

Mr. Denton – Absolutely, only what we would need according to Code.

Chairman Maron – Any questions? I would ask you to please explain the enlargement by 25 per cent and how that fit in so it didn't need a Special Permit but granting an enlargement of a building within a larger area.

Mr. Denton – May I have George help me with that?

Mr. Hainer – Yes, it does fall under needing a Special Permit and not a variance from the Variance Board because it's a non-conforming, non-complying use and according to our Law, non-complying use may be expanded up to 25 per cent of the floor area of the original floor or land areas as of January 1, 1995. This lot happens to have the land area,

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is 50 something acres, and the building area is tremendous because it takes into account how many buildings on the property, takes in account the director's home, the gym, this substantial quantity of buildings and when you do the math, this is well under the 25 per cent increase. So, that would qualify it for this section of our Code. That's what the Special Permit process is for, give notification to the neighbors, go through this process, the Long SEQR form and various rules that we have to read through when we get to the Regular Meeting part.

Chairman Maron – Any more questions from the Planning Board members? Now the public may ask questions of the sponsor.

Not identified – George, is that zoned for over 43 acres on that side of Dudley?

Mr. Hainer – Yes, it is – 42.7 –

It's like 8.5 on the other side.

Mr. Hainer – Right. The other option is to go through what is called a “map amendment”, which was a consideration, it's a longer process, it may take six months to a year to go through, in which case, I mean this land really, when the APA came through they divided the land by major areas, roads streams, major differentiations zones and one side of the road is 8.5 and this side is 42.7, so conceivably we could have gone to the APA and asked for a map amendment that would have taken each parcel and put it with the 8.5, rezoned it 8.5 acres. This little section of our law, because it's under 25 percent, we're allowed to do that, if it was over 25 percent then we would have to go a different route, which would have been the map amendment.

Not identified – How far the setback from the Dudley Road will the building actually be?

Mr. Denton – I will pass this one around, this one shows, if you're familiar with where our north lot, parking lot is, and where ___ house is, there's a little, I put a little “x” and a little, very rough, thing there, so it would be set back, it doesn't show it, but it would be, if you were looking right at it, it would be –

Question from audience (Lady) – The size of the building?

Mr. Denton – I don't have the sketches, exactly, George has the –

Mr. Hainer – Twenty-five hundred ninety-two square feet, it shows here on the first floor, 66 x 60 –

Unidentified Lady: So if you're going to shelter the school, I don't know who said that, what's the occupancy limit of your building?

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Mr. Denton – We haven't determined that yet, it would be whatever the 3,000, it's under 3,000 square feet, so I'm not sure exactly what the occupancy, and again it's not stay overnight, it would just be emergency situations, where we could bring –

Mr. Hainer – It would be somewhere around 100 to 150, depending on the assembly space area.

Ms. Albright – I noticed that it's basically enclosed, so if you have 30, 20-year olds, Dudley has changed it's philosophy on the noise limits that is coming out of Dudley, they've been amplifying music throughout their athletic fields several times a session and it's loud, I mean, so my point is that has nothing to do with that, is this going to be contained or are we going to have another noise limit in the summer nights coming with 30 young people –

Mr. Denton – No, it will not, knowing Matt and what we want this to be, it's not going to be a frat house. It's a place where we expect them to be respectful and responsible for what they have.

Ms. Albright – Because things are changing, but that was part of the issue of adding to what has been changed.

Mr. Denton – Yes, I will –

Chairman Maron – Would you please state your name again, Sue Ellen Albright. Sue Ellen Albright is the one who brought up this question, now Mr. Albright will ask a question.

Mr. Albright – What's the height?

Mr. Denton – Approximately, 30 feet.

Ms. Albright – It sounds like a good idea, I'm not –

Mr. Denton – That's alright, questions are good.

Chairman Maron – And the first gentleman with a question was Ron Robinson, and also Mr. Fred Marcus, the first question. Have you had your question answered about the height. Chairman Maron asked for clarification of who was speaking for the benefit of the transcriber.

Mr. Albright – Yes.

Mr. Chase – During the off season, do you anticipate outside groups utilizing the facility?

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Mr. Denton – Yes, through our normal procedure which is all through contract and most likely alumni. That's who we let mainly use our facility is alumni, that would come, we do a, one thing with Cornell medical group, Cornell sends a group of doctors and they come on campus for about a week to ten days, and this would be something they would also use, they come in and do wilderness type first aid, they come to Dudley and use our facilities, we would let them, most likely, use that. Other than that, it would be something that we would do with schools, and I'm not talking a large amount, not weekly, it would be sporadic, here and there, and some alumni may choose to come, they come up and ski for the weekend, they might have a group that might come up to stay. We would still use our other facilities, McLean, for that purpose.

Mr. Chase – Thank you.

Ms. Margo Marcus – I just have a question, this is going to be drawing water, again from the Town right,

Mr. Denton – Yes, it is.

Ms. Marcus – another building that's going to be drawing water from the Town, and that was no problem, getting more water?

Mr. Denton – I don't think so, because we're not increasing our capacity, if the kids, or I should say young adults, are using the water, they would be using the water on campus, anyway, so if they're going to shower, if they shower there, they would shower on campus. We don't see that much of a load more coming from this building, I mean, if they weren't using it at this building they would be using it somewhere else on campus.

Ms. Marcus – You said a commercial kitchen, that's sort of applies to a heavy –

Mr. Denton – That would be the only, probably in the off season, cleaning dishes, etc. but in the off season, our water usage for three months that we're here and for eight to nine months, off season very low.

Ms. Marcus – So this also involves a new sewage system?

Mr. Denton – It would connect into our present system which we would put a solid tank and then we would allow it to gravity feed into our system, into our present system which would be in over towards behind Rowe House and then that would be pumped into our filter beds. Again, it really wouldn't, during the on season when camp is in session, we don't think, it wouldn't add because if they were going to use the bathroom they would use it on campus versus at that building, so we don't feel there would be that much added flow.

Mr. Hainer – And you're regulated by the Department of Environmental Conservation.

Mr. Denton – We are.

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Mr. Hainer – So, if you have to increase your SPEDES permit, or something –

Mr. Denton – We have, we do, we have a permit to generate, I believe it's 30,000 gallons a day, during the summer is our high time, during the winter months we generate really nothing.

Mr. Hainer – And you're also under New York State Department of Health –

Mr. Denton – Yes, the DOH would also be involved in this, they dictate a lot of what we do.

Mr. Marcus (?) – That's a real wet lot, they're going to remove a lot of fill from there.

Mr. Denton – Yes, it is a wet lot, there's a lot of work to do, I'm sure you saw as our neighbor, he couldn't mow it for about three weeks, earlier this year.

Mr. Marcus – I've watched this over the years, I know it's wet.

Chairman Maron – Are there any other questions from the public.

Ms. Albright – Is there any projections there will be an increase in traffic? Either the building of it or –

Mr. Denton – The stoppage of the route –

Ms. Albright – During parents coming and going, I thought it was a public road, but it was closed. In building this building or groups coming and going for whatever reason, is there any projection that the flow of the road –

Mr. Denton – that we would close the road because of something else?

Ms. Albright – Yes.

Mr. Denton – No, the only reason that we close the road, is this proper to answer –

Chairman Maron – Sure.

Mr. Denton – the only reason we close the road is for children's safety, it became such a problem that's when we went to the Town and the Town approved of us closing that road. We have upwards of 1,500 people on campus that day. You know, as a neighbor, the amount of traffic, but it's unavoidable, that's our business and we have to get the kids on and off campus. We sat down, put our heads together and tried to come up with the best solution and that was it to keep the kids safe, that was it, you know people drive up and down that road, we thought it was the best. This building will not cause more of that, it's twice a year that we do it, this is the second year that we've done it and it's been successful and we hope to be good neighbors, too, and let everybody know, and we try to

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do it in a good and orderly manner, it is working for us. It's an inconvenience, but we do our best. This building will add none of that.

Chairman Maron – Other questions? Now we ask for the public to make statements of this project and direct them to the Planning Board.

Any statements from the public?

? – Only question that I have. The project is fine, is it going to be any economic impact, helping the Town?

Chairman Maron – that's a good question.

? – I don't know from Dudley, are you going to have people come in and stay, extra staff, more people living in the area, will there be any impact on that, or no.

Chairman Maron – This is the time for statements and that's a question.

? – Ok, I'm sorry.

Chairman Maron – But, I will go ahead and have the question answered.

Mr. Denton – I really don't know, I mean it could. These groups that use our facilities in the off season, if they use that building, it would be the same people, we don't really plan to increase the staff much, because of this building. We plan to let alumni use it, and I do know there are a few people that come here in the winter time to go skiing at Whiteface and they stay here, unfortunately, I can't say that it would have a huge impact on businesses during that period of time.

Chairman Maron – Any other statements and if you have a question, you might put it in the form of a statement.

None voice. Thank you, without there being any further statements, I will take a motion to close the Public Hearing.

Mrs. Brant – So moved.

Ms. Fitzgerald – Second.

Chairman Maron – All in favor of closing the Public Hearing. Carried.
Thank you, this Public Hearing is closed. Thank you all for coming.

No time noted.

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REGULAR MEETING

Chairman Maron – Called the Regular Meeting to Order with those in attendance, at the Public Hearing at 7:56 P. M.

MINUTES: Minutes of June 24, 2015. May I have a Motion to approve the Minutes.

Ms. Fitzgerald – So moved.

Mrs. Brant – Second.

Chairman Maron – There any questions or changes to the Minutes? None voiced. All in favor of approving the Minutes, carried.

Heather Liberi – Tax Map No. 66.66-6-10.000 – Two-Lot Subdivision – We’ve had the Public Hearing, sounds like there might be some issues with the history of the property, what they’re being three lots and then combining them into two and now the proposal to having three lots again. With the one lot there were two building rights on it, those have been exercised and the proposal is to divide that lot so that each house is on it’s own lot. Are there any issues that –

Ms. Fitzgerald – The mortgage.

Chairman Maron – The mortgage is one.

Ms. Fitzgerald – Was that taken care of?

Chairman Maron – I don’t know.

Mr. Hainer – There was not anything listed on the application. There wasn’t any lien holders on it, unless there’s something listed, I don’t think we’re under any obligation to, I’ve spoken to the Attorney for the Town.

Ms. Fitzgerald – You have.

Mr. Hainer – Yes, and it is being advertised with scenic views of the Lake, so if it were to be approved I would think that you would need a scenic easement, because there’s two lots, two houses, someone could conceivably put a fence all the way down to the road and it would cut the views off. So the limit of the fence should be such that it’s not going to cut the view off.

Ms. Fitzgerald – Right.

Mr. Hainer – And Kevin, can probably address that in his survey and the location of the lots and everything. The other thing is the sewer and electric easement. Those would have to be put on the map. Kevin is waiting to get the sewer line easement to see exactly

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where it's coming in. There's the Deed that we have and the Deed specifies that the Harris Lot has two development rights, a total of .50 acres. The lot itself is .63, the total, Charlie Cerf has taken .18 of this lot and .45 acres of the lot, the east lot on the Lake. It's taken the building rights off from that amount of acreage.

Ms. Fitzgerald – Out of both of those, or just –

Mr. Hainer – Out of both, so that he's transferred that .63 to what's called the "wood lot", which I think is the lot next to this lot and he's left .50 acres on the Harris Lot, which according to our Law, is a quarter acre per dwelling. That's what each lot, the lot here, .35 and .33, those lots. That's what the Deed says. If there is a private covenant some where or something else, unless the Town is authorized to enforce private covenants, in which case we generally aren't, I don't know what to tell you, except that this complies with our Law.

Mr. Anson – Are both places for sale or just one.

Mr. Hainer – Just the one at this point.

Chairman Maron – Let you know too, there's also a ROW and a foot path that connects Ballard Park over to the Yacht Club, so the public has the right to travel by foot or bicycle or other non-motorized vehicle between those two areas. If the Yacht Club should cease existence, then this ingress and egress also expires, but if within five years the Yacht Club opens up again, then this right of ingress and egress is also reinstated.

Mr. Hainer – Right, and that's on the east lot, which is a totally separate tax map parcel and is not part of this lot.

Chairman Maron – and I note that just because I've noticed with the sort of patio they've sort of built there, it seems like that the ingress and egress is not so apparent, someone that would think they could walk might not think they couldn't, I think that's something to keep in mind, although again it doesn't affect these two lots we're being asked to subdivide.

Mr. Hainer – Is the actual path still there, is it worn, is it differentiated?

Chairman Maron – There's some gravel there, the patio seems like it's less apparent. I guess the question is, do we fill out the SEQR today, is that something we have to move forward with?

Mr. Hainer – Short SEQR.

Chairman Maron – Ok. So we will complete the SEQR

Secretary's Note: (the completed SEQR is in the file – comments will be reflected in the Minutes). Ms. Liberi completed Part 1.

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Chairman Maron began with Part 2.

All questions in Part 2 were checked “No, or small impact may occur”.

Mr. Hainer – I think there was one issue, remember Dave brought up the way the drain, the runoff, I went there today and you could see where there’s a well-worn ditch being created and I talked to Heather that something has to be addressed there to manage the runoff.

Ms. Fitzgerald – She’s aware of that.

Mr. Hainer – Yes.

Ms. Fitzgerald – Should we put “slight” on that?

Chairman Maron – The action is to subdivide, it’s not about –

Ms. Fitzgerald – exactly.

Chairman Maron – We could put a comment about that, saying that, “from previous building there is erosion taking place that should be addressed”.

Mr. Anson – There’s a previous building there?

Chairman Maron – The previous approval of the building, that it resulted in erosion taking place, need to address it.

Ms. Fitzgerald – They put the lawn in there was a big _____, washed it out.

Mr. Hainer – That was a tough lawn.

Part 3, the box was checked, which determined there will not be any significant adverse environmental impacts – Signed by Chairman Maron and dated 22 July 2015.

I think we’re at the point where we can make a **Motion to approve the subdivision.**

Mrs. Brant – I make the Motion to Approve the Subdivision.

Mr. Anson – Second.

Ms. Fitzgerald – Do we need to read Mr. Kuntz’s letter. The fact that it was submitted at the Public Hearing.

Chairman Maron read the letter and it is included in the file.

We have a number of letters from a couple of banks relating to this, (included in file).

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Chairman Maron to Mr. Kuntz -- I would be happy to have you comment on that, I'm not really understanding the issue.

Mr. Kuntz – the first letter is from Community Bank, the second, third and fourth are from the Planning Board and the receipt from the FOIL that's been embargoed for at least a decade, that basically goes back to the original change from the three lots to the two lots. I understand from today that Mr. Cerf shaved off part of his property and gave it to, I'm not really sure. It seems at that point, to my understanding, they should have come in and that's when they should have come up with the subdivision. It's very nice that I want to subdivide this, build a house, I've offered it for sale, now I'm coming to the Planning Board, could they please give me the rubber stamp. I've already served a notice of claim to the Town for embargoing these records, which I don't believe was the Planning Board decision and there's potentially a lot of money at stake here that their title insurance company, their bank hasn't seemed to want to deal with, that's fine, you talk about scenic views, if you look at the map, the scenic view from the Harris house and from the Toomey house have been completely obliterated by these nuevo riche structures. They have no architectural qualities, they're new, they're not sited well, basically just plopped directly behind the lot lines, there wasn't any consideration of the views of the Toomey's house, which is now for sale. My wife's house, the Harris house, these are significant older properties, and then here you go, and it's really a case, I understand the situation, "we build a house and now we want to subdivide it". Who was the contractor who built the house? It seems to me rather foolish that if you have a three, four page deed, somebody says you have building rights, that you come to the Planning Board and say, "clarify this, ratify this, give me the subdivision before I build a house". If it were up to me, and I'm right on my legal theories, and acquired a lot with a substantial price list and what they're offering, I'd tear that second house down. There's some significant problems, that's why the bank wrote this whole comfort letter and they're just playing ostrich. I basically just happened to come along and like I was ten years ago, I'm not asking for any favors, I'm not asking for this, I'm simply saying, there's a contract that's filed over in Elizabethtown, twenty-five years ago, that gives me certain legal rights on those building lots and Mrs. Goodroe, Cerfs, everybody else is like, "ok, well we'll just ignore that", well, sooner or later the chickens are going to come home to roost". Somebody asked me the other day, "why didn't you do this earlier". I said, "because, now the economic risk, the theory the bank has, is significant, \$300,000, because we build a house and now we can't subdivide the lot. They could go to Mr. Cerf and buy off his property, and then move the lot lines. My understanding, the original intention is the house that's built on the Harris lot is going to be lower, lower than Arsenal Road and not really impugn the Toomey's view, my wife's view. It's really sort of a repeat of what happened with the Carrolls' house, there was a deed restriction, the deed restriction, was one floor and it went up to the next floor, which I understand, that's what these maps are on the wall here, repress economic development, money and new construction. Advertising the property before you get approval, that seems to be rather, naïve. I'm just speaking, frankly.

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Chairman Maron – Again, do you feel you have the “right of first refusal on this property”?

Mr. Kuntz – I know I have a right of first refusal.

Chairman Maron – I look at the deed and I don’t really see anything referencing that, what I usually see under deeds, it would cite right of first refusal.

Mr. Kuntz – Who’s deed is it?

Chairman Maron – the deed that’s right here, from 1997.

Mr. Kuntz – You’d have to go back another 15 years.

Chairman Maron – Usually, I’ve seen “right of first refusal” they carry on with the deed and if it’s sold to someone else and that right isn’t exercised, then that right is no longer in place.

Mr. Kuntz – You know what they say out west, (could not hear the statement). I don’t know who drafted that deed, I’ve never seen that, it’s no relevance to me, because my dealings came when the Cerf’s bought the Harris property, the for instance is an understanding, when the Cerf’s bought the Harris property, they were drawing each deed out to common ownership of the property, had they received different legal advise, what they would have done, they would have set up each property and then conveyed, separate deeds before conveying again. I own half the beach by the Yacht Club, it’s all common law, whatever, it’s just like you’re talking about footpaths, which Mr. Hoffmann completely extinguished, the footpath leading from Arsenal Road down to the Yacht Club, he just took his tractor and fenced it off and covered it up, planted grass and that was that. Those are the common law, rights to footpaths goes back nobody knows how long and nobody seemed to care and that’s basically the whole Ballard Park situation.

Ms. Fitzgerald – Mr. Chairman, without any other deeds in front of us, I think we have to go with what’s in front of us.

Mrs. Brant – I agree. I understand we had the property, where the person had the first right of refusal, once they refused it and it was sold and then it was sold again, that didn’t carry on. That’s what we were told by our lawyer.

Mr. Kuntz – Unfortunately, that never happened.

Chairman Maron – It seems like, usually when someone buys property, they do title insurance and that’s pointed out.

Ms. Fitzgerald – It’s beyond our responsibility, at this point, right.

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Chairman Maron – Yes. So before us, is whether to allow this two-lot subdivision, and what's being proposed is we can only go by the assumption that the legal work for these lots has been completed and it's good. Any further discussion.

Mr. Anson – Is that agreeable, what he's saying with you, George?

Mr. Hainer – I'm not the legal thing, I'm just referring to zoning, our zoning, if he complies with our zoning. I'm not going to get involved with reading deeds and applying deeds.

Ms. Fitzgerald – And ours as well.

Chairman Maron – Is there further discussion? All in favor, carried. No opposition, subdivision approved.

Mr. Hainer – With the scenic easement.

Chairman Maron – Right, with the scenic easement, so the Motion is to approve the subdivision with the scenic easement that can't be blocked for these two houses and the house behind.

Mr. Hainer – The sewer easement and electric easement are located on the map.

Chairman Maron – and the sewer easement and electric easement are located on the map.

Ms. Fitzgerald – and the ditch is addressed.

Chairman Maron – Ok, Motion is to approve the subdivision with the scenic easement in place and sewer and electric easements located on the map and erosion on the one lot is addressed.

Mr. Hainer – I don't know if it's necessary to put in a maintenance easement when they go in to dig it up, correct it and fix it

Chairman Maron – Ok, in addition there be a maintenance for the sewer and electric. With that as a motion I guess we'll take that as a vote, all in favor, all in favor, no opposition, carried.
Thank you.

Now we will move on to **Camp Dudley – Tax Map No. 76.2-1-56.000 – Construction of Multi-Use Facility for Leadership Programs.** – SEQR on this one, George.

Mr. Hainer – Long SEQR, Part 2 and 3.

Ms. Fitzgerald – Excuse me, first of all, what are our choices in answering?

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Chairman Maron – “No, or small impact may occur”, Moderate to large impact may occur”.

Mr. Hainer – Once you define whether there’s an impact to begin with, impact on land, yes or no, if there isn’t then you just go on to the next one. (Secretary’s note, this will hold true through all 18 impacts).

Part 2 and 3 are included in the file, comments will be reflected in the Minutes.

Mr. Hainer – There is water that would pool there, they would have to do site work to drain the water away.

Ms. Fitzgerald – One calendar year or 12 months?

Mr. Hainer – Generally, they finish in less than a year, they don’t drag it out. The building permits are only issued for a year.

Mr. Hainer – It is in a Historic District.

Chairman Maron – We need to answer “Yes” on this one (a) small impact.

Mr. Anson – Mr. Denton stated the lighting would be low. There was concern about noise, but he also said that would be low, during camp season. Answer is “No”.

Number 17, was confusing, but when referred to Part 1, C 1 which was answered “yes”, this question was “No”.

Mr. Hainer – Part 3 is the Determination.

Chairman Maron -- It was Determined “This project will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.”
I think, that’s our answer right there.

With that underway, we need a Motion to approve Camp Dudley Construction Multi-Use Facility for Leadership Programs.

Mr. Hainer – We have to go to Section 5, Special Permit.

Chairman Maron – Section 5.042, (a) – (k). (attached, page 16A). and Section 5.063 (attached, 16B & 16C).

Chairman Maron read from Section 5.038 Action, (attached, 16D). A & B, referring to the Planning Board may impose “conditions”. I guess this is the time to consider if we wish to put any conditions on what is being proposed. The only thing we heard at the Public Hearing was about noise limits, that’s one that came up and the question about

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

- permits or agreements for off-site disposal shall be provided to the Planning Board.
- e. Rural Siting Guidelines
- In all Town Districts other than the Hamlet Districts, the following guidelines shall be observed for subdivisions and the siting of residences, businesses, and accessory structures.
1. Wherever feasible, retain and reuse existing old farm roads and country lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
 2. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
 3. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.
 4. Unless buildings are designed traditionally and located close to the road in the manner historically found in the Town, use existing vegetation and topography to buffer and screen them.
 5. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
 6. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
 7. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas. Use best management practices for erosion and sedimentation control, as recommended by the Essex County Soil and Water Conservation District or other natural resource agencies.

SECTION 6 APPEALS AND VARIANCES

6.010 Zoning Board of Appeals

6.011 Establishment

- a. The Town Board shall appoint a Zoning Board of Appeals (ZBA), shall designate its chairperson, and shall provide for such expenses as may be necessary and proper. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.
- b. Members, except for those appointed to the first Board, shall serve terms of five years. Such terms shall expire at the end of the calendar year. In the creation of the new Zoning Board of Appeals, the appointment of members of the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such member was initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term which shall be equal in years to the number of members of the Board.
- c. If a vacancy occurs other than by the expiration of a term, it shall be filled by the Town Board for the period of the unexpired term.

6.012 Conduct of Business

- a. The Zoning Board of Appeals may employ such clerical or other staff or consulting assistance as may be necessary, provided that it shall not incur expenses beyond the amount of appropriations made available by the Town Board for such purposes.
- b. The Zoning Board of Appeals shall have the power to promulgate written rules of procedure, by-laws, and forms in order to fulfill its responsibilities under this Local Law.

- 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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closing the road. So the noise limits, if we want to put a condition, it would be about limiting the noise or encouraging them not to play a lot of rock-n-roll music –

Mr. Anson – I think that he announced it, they would take care of that.

Chairman Maron – Ok. I think we will note in what we write up that one of the issues raised was noise and we would certainly hope Camp Dudley would be sensitive to the neighbors and be sure that the people using that facility do not play loud music that would impact the neighbors.

I think we will make a Motion to approve this application.

Mr. Anson – So moved.

Mrs. Brant – Second.

Chairman Maron – Discussion? Without any further discussion, all in favor, no opposition, carried.

Mr. Hainer – The actual permit is going to take a little time, at least a week or two to get write it, because it's going to be a little involved.

Chairman Maron – The next item on the Agenda **Bobby McGee – Tax Map No. 66.2-2-24. 120 & 200** – Resubmission of Special Permit Application – I think we can look over that for the next month, consider that at the next meeting.

Zoning Amendments – We will address this at the next meeting.

Other Business – Last meeting we talked about writing a letter about the sign at the Suburban Facility. I think it might be easier to talk to the Forcier's, rather than send them a letter.

Ms. Fitzgerald – I was thinking of a different building, when we were talking about sending a letter, I don't see problem with talking with them.

Chairman Maron – Ok.

Mrs. Brant – I'm ok with it, too.

Mr. Anson – I think the trees are blocking it more than the sign is.

No further "Other Business".

Motion to Adjourn, please.

Mrs. Brant – So moved.

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Ms. Fitzgerald – Second.

Chairman Maron – All in favor, carried. Meeting adjourned approximately, 9:00 P. M.

Respectfully submitted,

Barbara A. Breyette