

**PLANNING BOARD  
MINUTES  
JULY 23, 2014**

Chairman Maron called the Meeting to Order at 7:02 P. M. with the following members present: Ms. MaryLou Fitzgerald, Mr. Ken White, Mrs. Evelyn Brant and Mr. Dwight Anson. Excused, Vice-Chairman, Alan Hipps and Alternate, Cynthia Fairbanks. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer. Guests in attendance, Supervisor, Town of Westport, Mr. Dan Connell, Town Board Member, Mr. Russ Paquette, Mrs. Brenda McGee, Mr. Bob McGee, Mr. Peter Gibbs, P.E., Vice President, Engineering Ventures, PC, representing Mr. Bruce Grosse also in attendance. Ms. Karlee McGee, Mr. Randy J. Montville.

Chairman Maron – Welcome everyone we're ready to have the Planning Board Meeting of July 23, 2014. There's a number of materials on your desk, that pertain to some of the projects. The Town project and other things that we have going on.

The first item on hand is the minutes of June 25, 2014, is there a motion to accept the minutes.

Mr. White – So moved.

Chairman Maron – Second?

Ms. Fitzgerald and Mr. Anson – Their computers were down.

Chairman Maron – We will postpone the approval of the Minutes until the August meeting.

Chairman Maron continued – at the last meeting there was comments about trying to keep the meetings moving forward and ending at a reasonable time. Also, the situation on how to deal with the minutes. Up to now the minutes have been transcribed from Barbara and during the minutes we have general discussion that really doesn't pertain to any specific matter at hand and there's always been a question she's had whether she should be writing down what's said during the meeting. In meeting with her and George, what we would like to do is follow more of a Robert's Rules of Order and what that means is that our general discussions will be that someone makes a motion to take an action, somebody seconds it and then we talk about it. Then we don't have a free flow of conversation that doesn't really go anywhere. Nevertheless, it is nice occasionally, to have free-flow conversations, so what we'll do is start off the meeting and see if there's anything anyone wants to talk about and unless it's really substantive that part isn't going to be transcribed. The minutes will just say, "there was general discussion". As we get into specific topics then there will be information presented and a motion made whether to take action on it. Then there's discussion about that motion.

Mr. Anson – Is that on now?

Chairman Maron – Yes. Also, in Robert's Rules of Order, people aren't supposed to interrupt each other, comments are supposed to be made to the chair and not back and forth with each other. To try to get peoples attention, many times people have gavels, I brought along this hammer, if things get out of hand I will use it to get people's attention. This will keep us moving forward and gets the meetings done in time and we'll have conversations that deal with what we have in hand and don't go into other things. With that in mind, are there any general topics that anyone wants to bring up for discussion?

None voiced.

The first project is the **Town Municipal Building Project – Tax Map Nos. 66.2-1-30.120 & 66.2-1-32.000 – (Westport Town Tool Sheds) – DPW and Fire Station** – I'll make a couple of comments about this as we go forward. This is a community facility and it's in the RR-5 District, Commercial/ Industrial District. It requires a Special Permit from the Planning Board and it also requires the issuance of a Class B Permit pursuant to the APA. The project is generated by the Town of Westport and it's construction of a

new municipal building. We have Dan here to talk about it. A brief description of the project is the Town of Westport proposes to construct a 16,714 square foot shared services facility that will be utilized by the Town of Westport and Westport Fire District. The facility will be owned by the Town, the facility will contain storage and offices needed for the operation of both the DPW and the Westport Fire District. So pursuant to the Zoning Regulations, this is a Class B Project and George has determined that we have a complete application. That meets the requirements of a Special Permit type of project. One thing is you usually have to do a SEQR, but apparently we don't have to do a SEQR for this one, because it's under technicalities here, Section 617.5, Type II Actions, (refer to minutes of March 25, 2010, attached, page 2A & B). Nevertheless, we are going to have to go through Special Permit and Class B procedure, which is very much like SEQR. While we don't actually get to the project itself, we'll let Dan talk and what we're looking to move forward to have a public hearing and then move forward to the Special Permit. So, Dan, I'll turn it over to you.

Supervisor Connell – Number one, you approved this project in 2010, the only thing now the Town Hall has been taken out of it, the School is not a part of it, so obviously this decreases part of the project. The reason the school is not part of it, DEC came in and cited us as we knew they were going to when we didn't move forward with the other project, so we put in a joint facility, much smaller and much less technical. It's downsizing the building, we upgraded all the paperwork, the paperwork shows it's a much smaller building. The only other comment I'll make is, we ask that you not schedule a public hearing at this point in time because we discovered late last week that we may not be able bond this, the Town may not be able to do the bonding, it may have to be done by both the Fire District and the Town. If that happens then we may even have to come back to you. There's a lot of questions, we have everybody from the Governor's office to the local attorneys, working on this project. Because, it was approved before by everyone, as you know we went to a vote on it before, the voters disapproved, but now it's been discovered, it's a constitutional issue, it's not a statute of state law, it's a constitutional issue, which you can't make go away, that takes a minimum of two years to get a change of constitution. The project is basically the same as it was before, without the Town Hall in it and without the School involved. Chris gave the square footage on it, you have all the paperwork. It's a 13 page form this time around of a 21 page form, the 13 page form asks for way more information than the 21 page form, and you have that in front of you.

Chairman Maron – I guess the question I have, if the application is complete, do we then vote on it being complete or do we a hearing when it's complete. Ok. We're waiting to schedule a public hearing –

Supervisor Connell – My understanding is, what we're asking, and George, please correct me if I'm wrong, we're asking you tonight if you're so inclined to “deem the application complete” so we know where we are with SEQR because bond counsel can't do anything until that either SEQR has been completed or SEQR does not have to be completed because of Class B. And, if you do that, then when we get this bonding issue straightened out we'll come back to you and ask you to schedule a public hearing. At least we'll have one step behind us.

Chairman Maron – Ok. I'll entertain a motion to “deem the application complete”. Ken White moves, is there a second?

Ms. Fitzgerald – Second.

Chairman Maron – Is there any discussion about the application being deemed complete?

Ms. Fitzgerald – I didn't know we had to vote on deeming the application complete.

Chairman Maron – I wasn't sure too, it sounds like having us vote on it being deemed complete, crosses the “t's” and dots the “l's”. Any further discussion? Ok, all in favor the application being deemed complete. No opposition. Application is complete, so you can go on to the next phase.

Supervisor Connell – I will come back, as soon as we get this bonding issue straightened out.

Chairman Maron – Thank you.

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regular positions, so there's a progression here. The only item of business that we have today is a project that has been generated by the Town of Westport and that is the construction of the new Municipal Building, proposed construction of same, I should say. What we're going to do is go through some of the procedural steps for this project. George Hainer, our Code Enforcement Officer, is the intake person, people that are undertaking a project go to George and George will tell them whether or not they need a permit, if they need a permit, what kind of permit. It's very convenient that Dan's office is right next to George; Dan submitted an application to George and George you discovered, found that this is a **"community facility"**, it's in an RR-5 District, Commercial-Industrial District, it requires a **"Special Permit"** from the Planning Board and it also requires issuance of a Class B Permit, pursuant to the Adirondack Park Agency Act. The Town of Westport is empowered to issue Class B Permits, not that many towns in the Park are empowered to issue Class B Permits, but Westport is one of the 16 or so that can do that. I'm just going to start by reading a brief description of the project (attached, Page 2A), this is from the State Environmental Quality Review Act, paperwork. That's a description of the project. Pursuant to the Zoning Regulations, this is a Class B Project, George has **determined that is a "complete application"**, he's made that determination and it has to meet the application requirements for the Special Permit type of project and George has made that determination. The next step in what we're going to do is, we're going to go to the Special Permit procedures in the Zoning Law. One of the first things that we have to do under the Special Permit procedure, is we have to follow the procedures of the State Environmental Quality Review Act and it states here in the Regulations, "upon receipt of application, materials deemed complete, the Planning Board shall initiate the SEQR process". In amongst all the papers you have, you should have a SEQR Application Part I, Description of the Project (see, 2A). Here's the good news, this particular action, is a Type II Action, (see, SEQRA FLOW CHART, attached, 2B), I will read from the SEQR Regulations. This is under Section 617.5, Type II Actions, (see, 2C & D) Sub-paragraph 36. "Actions subject to the Class A or B Regional Project Jurisdiction of the APA or a local government, pursuant to Section 807, 808, 809 of Executive Law, are Type II Action". So, this is a Type II Action. Under the description of Type II Actions, it states, "Actions or

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Classes of Actions, identified in Sub-Section C, of this Section are not subject to review under this Part; these Actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Section 8. Because it's a Class B Project, it's Type II, therefore, there's no review done under SEQOR. We can designate this, we find this is a Type II Action and that's the end of the SEQOR process. Any comments, questions?

Nevertheless, we're going to have to go through the Special Permit and Class B procedures, which are very much like SEQOR. Why don't we actually get to the project itself; in front of you, you have a copy of the project manual and also you have, has everyone been given a CD rom -

Mr. Hainer - Chris is number 5, Dwight, 6 -

Chairman Johnston - What this is, Dwight and Chris, Barbara has taken this manual, this project manual for this project and she's put it on a CD rom, so everyone has one and what I would like you to do is between now and the next meeting is to put this in your computer and look at it because you need to familiarize yourself with the project, so that when we go through the Class B process and the Special Permit process, we're able to answer the questions. I'd also like to schedule a **site visit**, so we can go and look around. Dan, who would be the appropriate person to conduct a site visit for us?

Supervisor Connell - Probably, Jerry, and if he's not available, myself.

Chairman Johnston - Ok. Would it be alright if we picked a date, now?

Supervisor Connell - Sure.

Chairman Johnston - Ok. Our next meeting is the 28<sup>th</sup> of April, right, would it make sense to do this before you look at the CD roms, or after you look, which would you prefer? I think we should look at the CD roms, first, everybody ok with that? How about the 23<sup>rd</sup> of April, that's a Friday, 9:00 o'clock, we meet there. Since Dan is here does anyone have any questions they want to ask Dan about the project, at this point?

2D

Supervisor Connell – Thank you.

Chairman Maron – Next on the Agenda. **Bruce M. & Sharon Grosse – Tax Map No. 66.2-2-22.121 – Bank Stabilization.** – This is a bank stabilization project.

Mr. Anson – Where is it?

Chairman Maron – It's the Grosse property, on the North Shore. Jim Starbuck used to own it.

Mr. Anson – Behind Mobil.

Chairman Maron – Yes. So, Peter, tell us about the Grosse project, bank stabilization. I understand there were some bats that you had to look into.

Mr. Gibbs – Ok, sure. I'm here with Bruce tonight. As was discussed it was a lot in Jim Starbuck's subdivision, on Furnace Point Road and the lot right next to the Mobil property. This would be Lake Champlain on the bottom of the sheet and the Mobil property would be right here on the left-hand side of the sheet. To start with what happened, Mr. Grosse purchased the lot in 2006 and in 2009 there was a slope failure, a rotational failure. The Lake chewed into the bottom of the slope, which happens every year to many of the properties along Lake Champlain and the slope got saturated and it failed rotationally. What that means is that the top of the bank drops down, it slides pretty much in an arc shape, there's soil wedges that are moving, so the top drops down, the bottom bulges up and you get a bulge at the bottom. Sometimes the bulge actually goes out into the Lake. The most recent example was down at Camp Dudley, if you remember that one during, I think that was 2011, actually there was an island formed in the Lake, that was the bulge, the top dropped down, the bulge actually went out into the Lake. Mr. Grosse's property didn't actually go out into the Lake, it just went out into the –

Mr. Grosse – it was sheared at the top.

Mr. Gibbs – So, the first picture (the colored pictures are included in Mr. Grosse's file) is what dropped down at the top, and you can see throughout that the top is dropping down and then it actually bulged out right on the beach, that's what the later pictures are. That's what actually happened down there. Why are we here? In the original subdivision of Mr. Starbuck's property, there was a condition that any grading of the lot, any of these subdivided lots would require the applicant to come back and ask for permission to do any grading on the lot. So, that's why we're here, we would like to grade the lot. We would like to do two things, we would like to protect that bulge of soil, if you go out there today, a lot of that bulging soil has already been eroded on the Lake, and there's a clear vertical face and all that material has gone out into Lake Champlain, silted up, very natural type of occurrence, but that's what it's doing. Over time the Lake will take that entire bulge out, it will erode that entire bulge and it will go back into the slope and form another situation where another rotational failure could happen. That might be ten years, a hundred years from now, it depends a lot on the exposure, the height of the Lake in the springtime, there are many factors. There's a couple of different ways to stop this, the easiest way is to armor the toe, when we talk about armoring the toe, large rocks down there, so that the wave energy that hits that property, hits that bulge of clay, that wave energy is dissipated in the rock and protects the clay that's behind it and then it allows that area to stabilize with vegetation. It is a very simple type of operation in order to stabilize the toe, so there's no more erosion and we don't continually have rotational failures on that slope. I got permission from the DEC, we have a current permit from DEC and we're going to put rocks down at the bottom. We have a non-jurisdictional determination from the APA and we have an application in to the Army Corps of Engineers in order to put the rock down at the bottom of the slope. One of the things, is that we need to actually get down to the bottom of the slope, you can't get down there, it's very hard to walk right now, because that top of the slope has dropped down three, four feet and there's little shelves that have formed all the way down, so it's very hard to walk down, much less get a piece of equipment, so we need to make a path, a construction road that goes down, in order to put that rock down there and that bulge that we talk about, we would like to regrade because it's quite high, and the trees are all tilted back, they're dying and we would like to use that material in order to build up the road and to make a more

gradual slope that can be vegetated. In that process we found out that there is, there may be habitat for the Indiana bat, and that's still a question of whether there is habitat there or not and we met with the Army Corps of Engineers yesterday, and we're still trying to determine whether there is habitat there or not and they're going to get back to us, we're going to give them a little bit more information about where exactly we would like disturb and that's why I put this red line on the map, it's just basically what we sketched out, where the area of disturbance would be. Where we would take trees out and then the bats live in the trees during the spring, summer and fall. We want to make sure where the exact limits of disturbance and then classify the trees that are within that area of disturbance four inches in diameter or above, so the type of tree and the number of trees and then there will be a determination whether there is potential bat habitat. Army Corps of Engineers said yesterday, they did not see any sign of actual Indiana bats on the property. How they determine that, I do not know. But, it makes a difference in timing for us, if there is no bat habitat, with their permit, with the DEC permit and with the local permit, construction could start as soon as the permits are issued. If there is potential bat habitat we would just have to wait, Mr. Grosse would have to wait until October in order to do the construction, until the bats hibernate. That's what the issue is. It's not a problem with them that we actually take, if there is potential habitat there, that we take the habitat away, by taking down a few trees, they just don't want to do it when the bats are active in the trees, or have the potential to be in the trees. That's what the review of the Corps of Engineers, the Corps of Engineers didn't have any problem with the plants, they were fine, that's good, protect the lakeshore, stop the erosion from happening, the clay and silt going out into the Lake, stabilize it so the shoreline doesn't go back in anymore, revegetate the area, wonderful, the only comment that they did make, is that they said, "you might want to protect a little bit higher", we had rock going up to about elevation 100 and they suggested, "well, you might want to go a little bit higher than that". That's ok, that's fine, so we could add a little bit more rock, we would use the same size rock, we're talking about large size rock, probably around about four by four by four or larger, down at the bottom. There's some rock there on the shoreline right now that we would use up higher, higher than elevation 100, so we probably would probably use what's there. The discussion with the Army Corps of Engineers and the pending permit application had to do with the potential of Indiana bat habitat and whether the construction would happen immediately and there was no habitat, they're trying to figure that out right now, we have to give them a little bit more information about the exact area of disturbance, the number of trees, the type of trees disturbed and if there's a determination that there's not enough bat habitat to worry about, they would give the permit right away, if they are saying that there isn't bat habitat to worry about, let's push off the construction until October. So that's where we are, so we're in front of you right now to ask for permission to get a local permit, building permit –

Mr. Hainer – basically a plot plan permit that I would issue as part of a project permit with any comments or conditions of the Planning Board, concerns that they may have.

Mr. Gibbs – Did I miss anything?

Mr. Grosse – I think you got most of it. Right in the middle of the side, there's a five to eight foot high knoll, that has pushed up from the slide and you can't walk down from the lot to the water without navigating that spot, so the idea being, if once we do the grading, and the grading is under your jurisdiction, we would, there's a few trees, like five trees, on that side, they're pine if I remember right, Pete,

Mr. Gibbs – Right.

Mr. Grosse – they weren't habitat according to the Army Corps yesterday, they're all kind of leaning backward, so then the roots are all exposed, if you go on by shoreline, look up, you'll see the bottom of the root, exposed, so they're not going to make it. We were trying to propose to take down these five or six trees, take this knoll back down and bring it back to the grade of the shore and then graduate it up the hill, filling in the shears, that you saw from those pictures, but filling it in, in such a way that it would not hopefully shear off right away. We would kind of maybe tier it or stagger it down the slope a little differently. We're only talking about the center of the property where those shears were primarily, and to fill it back in, so you could somewhat navigate down hill without breaking your legs stepping off one of those shears.

Mr. Gibbs – The other thing that I meant to say, was about width, the Grosse's property is about 200 –

Mr. Grosse – Two-hundred forty, shoreline.

Mr. Gibbs – Ok, the APA rules is 30 per cent, you're allowed to disturb 30 per cent of the vegetation along your shoreline, in that 35 per strip –

Mr. Grosse – Forty-one foot back from the high-water mark.

Mr. Gibbs – Ok. So, that's all we're proposing, a 30 per cent, and that equates to about 70 linear feet.

Mr. Grosse – Approximately, 72,

Mr. Gibbs – Seventy-two, linear feet, right in the middle of the lot, so, it's not the entire 240 feet of lakeshore, it's that 72 feet, right in the middle –

Mr. Grosse – It would leave the trees on the side, not going to take those down just right in the middle, kind of come in with that rock, the boulders coming up, you bring them up the slope a little bit, where that big knoll is now, you take the knoll out and kind of stagger it out nicely.

Chairman Maron – Any questions from the Board?

Ms. Fitzgerald – Who's doing the work on this project, will DEC follow you.

Mr. Grosse – We have a permit from them and we have to file notice when we start construction.

Ms. Fitzgerald – So, they will come and check you.

Mr. Grosse – Yes, there will be a notice of construction, I have to give them a timeline, I can't do it yet, till I know when I can start.

Chairman Maron – So, the question before us if we issue a permit for you to do this work.

Mr. Grosse – Subject to the Army Corps of Engineers. We would not, until they approve us, if they say, "it's a habitat", then we'll have to wait until October 1<sup>st</sup> or November 1<sup>st</sup>, whatever that date is. If they say it's "no habitat" then I could start – I can't touch the waterline until the water recedes a little more, because I need equipment in there and I don't want to muck up, I don't want to put silt in there, I don't want to muck up the water. You're going to be digging up rock along that edge of the high-water mark, so you don't want to silt up the water anymore than what it is, so I have to wait.

Mr. Anson – What's the soil that's falling down, is it soft –

Mr. Grosse – It's silky, Peter, clay?

Mr. Gibbs – It's clay. You walk out there today, it's hard, except when you get down to the shoreline, where it's eroding. That's what Bruce is saying, if you try to get on that beach, right now, you wouldn't get your machine out, if everyone comes back next week, and says, "it's good, you're going" you're not going to put that rock in there.

Mr. Grosse – When this raised, you could see three, four feet down all the clay layers, right into the ground, ledged open like a fissure, amazing, also black clay, green clay –

Mr. Anson – would you plan on leaving that soil there?

Mr. Grosse – yes. I'd be somehow stabilizing it, pulling it back up the slope and try to re-stabilize it.

Mr. Anson – the rocks would have to go front then.

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Mr. Grosse and Mr. Gibbs – yes.

Mr. Grosse – the wall that’s been created by the tide, the water action.

Mr. Anson – the water action gets pretty high on that shore.

Mr. Gibbs – yes, and that was the suggestion actually from the Corps of Engineers to keep taking that rock up probably to at least elevation 104, 105.

Mr. Grosse – the high-water mark has just been rising.

Chairman Maron – anymore questions? Is there a motion?

Mr. White – I move we approve the work they would like to do for the permit.

Chairman Maron – so your approving the bank stabilization project, --

Ms. Fitzgerald – subject to DEC conditions.

Chairman Maron – DEC conditions.

Ms. Fitzgerald – I’ll second.

Chairman Maron – Any discussion. One thing I’d like to say, looking at the conditions, I think that they require a silt fence, and the one condition I’d like to see is to make sure the silt, I didn’t see anything about that being removed and so many projects you see silt fences, they do a good job and then they, I’d doubt you’d leave them there, because it’s your property and you’d want to make it look nice --

Mr. Grosse – One of the things the Army Corps guys wanted to see the snow paths along the safe tree line, that’s fine –

Chairman Maron – is there any other discussion?

Mr. Gibbs – I think you said in the motion “subject to the DEC” also Army Corps.

Chairman Maron – yes, Army Corps, also, ok, if it’s ok with you Ken, and remove the silt fence too.

Mr. White – Yes, ok.

Chairman Maron – All in favor, to allow the stabilization project subject to conditions of Department of Environmental Conservation (DEC), Army Corps of Engineers and removal of silt fence” all in favor. No opposition.

Mr. Grosse – thank you very much.

Brief discussion regarding the bats going under the bark, especially the shaggy bark of trees.

Chairman Maron – One thing that I would like to go over the letter we approved for Bill Johnston, asking for all of our signatures, some of us are here, so I will pass this around if you would just sign by your name. Thank you.

Next on the Agenda – **Verizon – Tax Map No. 57.1-1-12.100** – Property owned by Riverat, which is Matt Foley – Is anyone here on behalf of Verizon? No. The proposed project is to construct a new 112 foot tall telecommunications tower with four (4) lightning rod and associated antenna, requires an Agency permit. I guess the question before us is do we have comments about it and do we want to have a site inspection and

I'll open for discussion about whether we want to have someone from Verizon come and talk or do we think that the information we already have is currently enough and to sign off and letting them go ahead.

Mr. Anson – They came and talked to us when they put the other one up over here. It didn't amount to much.

Mr. White – Has anything been said about improving the reception here? Where's their target?

Chairman Maron – Looking at the information, looked like it was just along a stretch of 22 and over part of Wadhams, so you probably know more about it than I do.

Mr. White – I'd like to hear what they have to say.

Mr. Hainer – Before hand our law did not allow telecommunication towers in the Town, they had to go for a variance. When the last one came in on the Boyle Road, and we had to go for a variance, there were many meetings, and Verizon came in and made a presentation. Since then we've amended our law in 2010, streamlined the whole process because we were doing duplication, the APA was the lead agency, Class A Permit, and we were doing duplication, so we amended our allow telecommunication towers in all districts and that allows the APA to go ahead with it as a Class A project, and just ask for our comments, because they do a very thorough review when it comes to the telecommunication towers and they've become pretty much routine. They will send us, when the application is complete, they will send us notification if you want to go out there, do a site visit, see the balloons, look at the areas and see the location of the tower, height of the tower, etc. We amended our law, streamlined the process, it's important to get these towers up, important for everything, safety, business, that was that, if you want Verizon to make a presentation, the law firm of Nixon, Peabody, the same firm that came down last time. The reason why they came down the first time, probably two times, they did the tower at the golf course, was because we had a more lengthy process that required a variance and a Planning Board special permit on it, whereas, this one is already designated a Class A project, when we amended our law and streamlined the process.

Mr. Anson – Class A is the APA, right.

Mr. Hainer – Right, so it is a Class A project, the APA will review it, then they will ask for our comment, and they will notify us when the site visit with them.

Chairman Maron – I guess the question is do we want them to come in and make a presentation? Does someone want to make a motion for that?

Mr. Anson – I make a motion they come and talk to us.

Chairman Maron – Is there a second on that?

Mr. White – I'll second.

Chairman Maron – Speaking for or against, what are your opinions about it? You don't have to say anything, I was just wondering if anyone has any comments about having them come and appear before us.

Mr. Anson – No. The more we can find out the better, to make sure it's going to do what they say it will do, not like the one at the golf course.

Chairman Maron – There being no further discussion, all in favor of inviting Verizon to come in and make a presentation to us about the cell tower. No opposition, carried.

The next item is **Robert McGee – Tax Map No. 66.2-2-24.200** – Some of the background on this is that they were issued a permit on December 13, 2006 to authorize the use of an existing 24 by 20 foot garage for conducting lawn and garden equipment sales, repair shop and construction of a 12 by 16 foot extension on the back for the same purpose and that's what the project was. It was granted with certain conditions,

those conditions were not followed, so the permit was revoked as of August 30, 2014 and he was asked to submit another application. A question is, is this a new application or is it an amendment to an existing application? I guess we can figure that out. The existing application is one tax map number and application is for an additional tax map number, so it may be a new use. This is in the Village Growth area, allows commercial use with a special permit, the actions taking place on one of those lots does not have a permit. There's a number of questions this has raised as we evaluate it. One of them is, is it a minor project or is it a major project. As we look at the definition of a major project and a minor project, a minor project, among other things usually relating to buildings is minor project is an alteration and active use of 5,000 square feet or less of land, with or without structures. It looks to me like this is more than 5,000 square feet of land that's being used, so it is probably a major project.

Another question is, is it a Class B or Class A project. This is sort of a funny definition, a Class B project, which would be Town jurisdiction is anything less than 2,500 square feet. For a Class A project, anything greater than 2,500 square feet and here they add in floor space. I'm not sure if they left out floor space or they didn't put in floor space. For Class B project it states, "anything less than 2,500 square feet". That can be a building or land or whatever. For Class A project it's "anything greater than 2,500 square feet of floor space". That's the question, is it Class A or Class B?

Another question is, is it a "junkyard"? If you look at definitions of "junkyard", any open lot for storage, for sale, parts, scrap of used or wrecked motor vehicles. That's a "junkyard", and then when you look at the definition of a "junk automobile", it states, "any unregistered vehicle no longer intended for condition for legal use on a public highway". That's a "junk automobile" and for "automobile junkyard" it's a any place of storage whether in connection with another business or not, where two or more unregistered vehicles, no longer intended or in condition for legal use on the public highways. I guess it's a combination of being unregistered and not in condition for being on a public highway.

Mr. Anson – I don't agree with that.

Chairman Maron – That's what the law says right here.

Mr. Anson – the cars are registered, inspected, current –

Chairman Maron – yes, right, so I'm not only saying that's anything different there, it says two or more unregistered vehicles that are no longer intended for legal use, so if you have –

Mr. Anson – they are registered, they're still registered.

Chairman Maron – so if you have registered vehicle then even if they're not in a condition for legal use, that doesn't qualify as "automobile junkyard". What you're saying is right.

Ms. Fitzgerald – In the application it says, "the Zoning Inspector to complete as below as applicable" and prior to this our Code Officer has helped us decide what type of project we have. I don't understand then the about face and why we're starting at this point.

Chairman Maron – that's the question we need to figure out.

Ms. Fitzgerald – I understand that, he usually gives us input as to why it's in one section or another.

Chairman Maron – right.

Ms. Fitzgerald – Are you saying, he's not going to do that now?

Chairman Maron – I think he's going to, I'm just spelling out some of the questions.

Ms. Fitzgerald – Ok, fine.

Chairman Maron – Westport doesn't allow junkyards or automobile junkyards. The APA does, but you need to have a permit. I think part of the question we need to figure out is, do we need to know from the

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APA if they have jurisdiction on this or if it's a Town matter. That brings us to where we are now and then we have an application before us and the question we need to answer is, "is it a complete application" or "an incomplete application". That's what our question is before us, today.

Mr. Anson – Ok, is the application for the lot that's been there or the new one?

Chairman Maron – It's for, I assume both, because on the application he both of him down here. (Secretary's note, Mr. McGee has listed two (2) tax map numbers on his application). He has one lot and the other lot.

Mr. Anson – Ok. Before, a little earlier, you were reading about something and there was a statement about some footage or something –

Chairman Maron – Yes.

Mr. Anson – I didn't understand what you meant by it.

Ms. Fitzgerald – You used the term "5,000 footage or something".

Chairman Maron – Right. The difference between a minor project and a major project, in what kind of an application you turn in. A minor project is anything less than 5,000square feet –

Mr. Anson – Right. I heard that, I think it was after that.

Chairman Maron – The second one was, then they have a Class A project, which is APA jurisdiction, and a Class B project, which is Town jurisdiction. And, this is the confusing part, and one of the confusing parts, because for a Class B project, it states, "it's anything less than 2,500 square feet" – 2,500 feet doesn't really put any qualifiers on it, then it states for a Class A project, "it's anything greater than 2,500 square feet of floor space". It seems like floor space in one and 2,500 feet in the other, it's like they left out some words or something. In any case, that's a bit of the background and some of the questions and I think we should ask Bobby to see if he could speak.

Mr. McGee -- I thought the question was you wanted to be sure with the letter you sent us, you wanted to revoke the property where my small engine shop is, we still do business out of there and there's no tow vehicles on that side, there's a reason for that. We live on a very sharp corner and my neighbors have planted up so much growth you can't see coming out of that driveway. The lot that's beside us, we've moved all of our tow trucks, all my trucks are registered, inspected, insured, trailers, everything and my thing is, I'm so aware about junk around, it's not a junkyard, anything that I get into there is owned by the insurance company, just as soon as the insurance company deems that they're not paying on it, stuff like that, I load them up to George Moore, or I have buyers that come in and picks them up. As a matter of fact, there's two right now that will be picked up tomorrow, that I pushed out last night. I'm in the middle of putting a fence around it with a sixteen (16) foot opening, just a matter of time and money. I can't build on a ledge, so I've asked the phone company to come and drill the last six (6) post holes for me. Like I said, you guys want to revoke my permit for my small engine shop, that was on the first lot and we used to have a fence there, but when we had the tractors and stuff out front, you couldn't see past it, we took it down before somebody got killed coming around that corner and I have a portable dome building, we had it cleaned out that's where we kept our tractors, they were out of sight, other than what was for sale. We don't advertise, the small engine shop has a fixed scale basis (?), because the small engine shop, when we first put it up was a secondary way of income for us, if you live in Westport, I'm sorry you can't make it on property business alone. We acquired the towing business, like I said, that's what I did with the other lot, just put it up. My plans are to, that little horseshoe that I created around there, my plans were to eventually build a 12 by 16 addition on to that for kind of a retail part of it and to try to split my home and business for it. I've got everything to put on the side of my house, fence, topsoil, we're just tearing stuff down now that was over there. Like I said, tape change, -- I acquired the second lot which is across from the Donaldson's and next to Mr. Trienens in May of 2010, it was an APA approved building lot, had many options to me, Town water in front yard and nobody wanted it, it was all brushed up and grown up, so we made it a place

to park my trucks and trailers, so they're out of my yard. My idea is to landscape my yard, my residential yard, and at some point in time I do want to put a building next door, I have four years I can retire, I going to fix stuff, odds and ends, somebody comes up with a flat tire, or you come around at two-o'clock in the morning, I go get you, I can help you out, get you down the road. We offer a lot to Westport even with the tow business and stuff, Dudley keeps it busy when they're open, we get frantic calls from people locking their keys and everything else in their cars and stuff. I've always wanted what I have to do, but I want to landscape it, I complain every night to have the trucks lined up so they look alright, put up a little more fence, I'm at a stopping point going across, the phone company has to dig the last six post holes. I have sixteen sections of fence left, I'm outlining it so you can't see it. Anything I've got in there is like what I acquired from auto accidents and stuff like that, it's before they're put into that yard, they're drained of oil, antifreeze and anything that could be a possible leak. You walk any part of that yard, there's not a drop of oil. It's all just a matter of paying for it, I'm in hock enough as it is from the trucks and payroll, eventually when I get to it, it will have cedar trees, Christmas trees, in front of my fence, things will be painted. I've been out of school for 33 years, I'm trying to pay for it like the old school, not a piece of plastic, this letter was like a kick in the butt about it. I'm sure the fellow that wrote it didn't have the particulars, I just wish he would have come to see me. I bend over backwards and I'd give this Town the shirt off my back. Whether it be two o'clock in the morning, a locked car with a screaming kid in a car seat in the middle of summer, I would just do it. George has pictures, retrieved a boat at the boat launch, flipped airplanes back over at the airport, I'm trying to keep my business, I want it to be a family business, for me, it goes to Randy and Karlee, just a matter of getting there, it's slow. My big question is what goes on with the small engine shop revoking it in 30 days, because I'm still working there, look, there's not tractors outside, four-wheeler outside belongs to one of Randy's kids, anything left out there now is in the dome building, to be worked on. I've got a lot of paint to spread and that's some of this falls projects, got to get there.

Chairman Maron -- Thank you. Before we go on with any motions, are there any questions, from anyone.

Brenda McGee – My question is what are you considering a junkyard, when like he said we have licensed and registered vehicles, hard to come up the Northway, they're licensed and registered. We're just waiting for the insurance company to come and get them. They're within two to three days. What I'm saying, "what is a junkyard"?

Chairman Maron – The answer is, Ken.

Mr. White -- The answer is, that's what I was going to bring up, too. The thing about the definition of a junkyard, specifies only time of vehicles here. I think, in my mind, that's the difference between "junkyard" and "storage" that you have, where the insurance company is coming to get it. It's not something that's going to be stored there and it's going to be another car on top of it and then another car on top of that, and it's going to be there for somebody to go and look for a used radio or something.

Mr. McGee – After 60 days there's a form that I file with the State of New York, I take possession of it and that's how I get paid for some of it. I just sent two off, they were there 60 days, I contact the owner, send a registered letter and after that, they're gone. I'm not a junk collector, I have it just so.

Mr. White – there is a difference.

Chairman Maron – The question comes down to on a junkyard, again looking at the definition from the Town, it says, " any open lot or area --- (attached, page 10A) it doesn't say "anytime", you're right, because it doesn't say "anytime" one can assume that you can never have a junk, wrecked vehicle there or does it mean you can have one for two days or five days or three years.

The second question is, if they rotate through and there's a junk car there for a two days and then that one is taken off and there's another one that's there, it might be two or three that are there and those leave in two or three days to two or three more replace them, that even though they're being rotated on or off the property, looking at this definition, it's an area of storage ---, of wrecked motor vehicles. That's just a question again of what specifically goes to a junkyard. That's where the question comes in about wrecked vehicles and I think the point you make, which is something that we need to consider is that with the permit you currently have, that's threatened to be revoked, is on one lot and if the use on that lot is as it was

conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

**County.** Essex County.

**County Planning Board.** The Essex County Planning Board, established pursuant to Article 12B of the General Municipal Law.

**Day.** Calendar day, including Sundays and holidays, unless otherwise specified.

**Dwelling Unit.** Any one of the following: single-family dwelling, mobile home, each unit of a two-family dwelling or multi-family dwelling.

**Family.** A single individual occupying a dwelling, or two or more individuals occupying a dwelling and maintaining a common household.

**Farm Operation.** Land used in agricultural production, farm buildings, equipment, and farm residential buildings.

**Forestry.** Use or management, including logging, of a forest, woodland, or tree plantation, and related research and educational activities, including the construction, alteration, or maintenance of roads, skidways, landings, fences, forest drainage systems, barns, sheds, garages, and research, educational, or administrative buildings or cabins directly and customarily associated with forestry use.

**Group Camp.** Any land or facility for seasonal housing and recreational, educational, or business related use by private groups or semi-public groups, such as boy or girl scout camp, fraternal lodge or university, or college conference center.

**Group Home.** A residential facility for children or adults who require special care or supervision, such facility being operated by, under contract with, or licensed by a state or county agency.

**Guest Cottage:** Not more than one residential structure which is associated with an accessory use to a single family dwelling located on a lot that meets the minimum lot size for the district where proposed and which: (a) is used only on an occasional basis; (b) is used only by guests of the resident(s) of the associated single family dwelling; (c) is not for rent or hire separately from the associated single family dwelling; and (d) contains one-half (1/2) or less of the enclosed floor space of the associated single family dwelling or 1,250 square feet, whichever is less. (amended 2010)

**Home Occupation.** Professional office or business use of a residential property by the occupant, conducted within the residence or an accessory structure, occupying no more than 3,000 square feet of floor space and/or outdoor yard space, which does not change the residential character of the premises or employ more than 5 non-resident employees.

**Hunting and Fishing Cabin:** A cabin, camp, lean-to or other similar structure designed and used only for occasional occupancy and primarily for hunting, fishing and similar purposes that (a) is a one-story structure but may include a sleeping loft; (b) is built on posts or piers and does not have a permanent foundation; (c) is served by a sanitary pit privy or chemical toilet and does not have a conventional, on-site waste water treatment system; (d) does not have pressurized or indoor plumbing except for a kitchen sink with appropriate graywater leach pit; (e) is not connected to any public utilities such as electric, phone, cable television, water or sewer systems; (f) is less than 500 square feet in size (g) not more than one (1) is allowed per 20 acres; and (h) meets a 150 foot shoreline building setback. (amended 2010)

**Industrial Spring/Well:** A spring or well, its accessory structures, intended to supply a large quantity of water to supply an industrial use. (amended 2010)

**Industrial Use.** Any manufacturing, production, or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term does not include mineral extractions, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills, and similar wood-using facilities. An industrial use may include product display, wholesale, warehousing, and retail operations as accessory uses, provided such activity is incidental and subordinate to the principal use to which it is accessory. This term shall not include uses of the above nature which are separately defined in this local law.

**In Existence.** With respect to any land use or development, including any structure, that such use or development has been substantially commenced or completed.

**Junk Automobile.** Any unregistered, old, or second hand motor vehicle, no longer intended or in condition for legal use on the public highways. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in agricultural, forestry, or mining activities.

**Junkyard.** Any open lot or area for dismantling, storage, or sale, as parts, scrap, or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials, or other discarded material.

**Land.** The earth, on or below the surface of the ground, including water and air above, the flora and fauna.

**Land Use Area.** Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet," "Moderate Intensity Use," "Low Intensity Use," "Rural Use," "Resource Management," and "Industrial," and such portions of those areas as are located within the town, and delineated on the Adirondack Park Land Use and Development Plan Map.

**Land Use or Development.** Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping, grading, or excavation which is not intended to be used in connection with another land use, or ordinary repairs or

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allowed in that permit, then there really wouldn't be any grounds for revoking. What we could be essentially looking at here is on the existing permit if it's not in violation, well then there's not grounds to revoke it. So, we're at a new permit for a commercial use on the additional lot you have, which would be for a towing service.

Mr. White – That seems to make sense.

Ms. Fitzgerald – and your definition of –

Chairman Maron – It's not my definition, it's the Town's definition.

Ms. Fitzgerald – in the definition you're reading, it has the word "dismantle" and the wrecked cars as they come in, towed in, they're not "dismantled", they just rest there for a time until they can be hauled off.

Mr. McGee – I don't sell used car parts, scrap, nothing, I'm not a scrap collector, I don't want to be, I don't buy cars for scrap.

Ms. Fitzgerald – My point is, I don't agree that it's a junkyard, either. I think that seems to be your opinion, a few of us don't have that same opinion.

Mr. White – I'm not sure Chris is calling it a junkyard, maybe I'm wrong.

Chairman Maron – I just have a question about it, "its any area for dismantling, comma, storage, comma, or sales, as parts, scrap or salvage of used or wrecked motor vehicles" –

Ms. Fitzgerald – they're not selling them.

Chairman Maron -- you can either dismantle, you can't dismantle them, one , you can't store them, two. They're being stored there for a day or two and there's always one there, a few there. Looking at that, someone might say it is a "junkyard", cause they're storing wrecked motor vehicles. And, you might use them, to sell them or to take them apart, but you can't really store looking at it that way and again that's one way of looking at it. I'm not a lawyer and they ask a lawyer or someone to tell us what the case actually is.

Mr. Anson – I sure don't agree with that.

Mrs. Brant – He has a business there, if the Troopers call him to the Northway, they've got those vehicles off the Northway –

Chairman Maron – Ok.

Mrs. Brant – where are they going to put them?

Chairman Maron – that's a good question. I think that what we're determining now is the application complete or incomplete. We're not debating whether it's a junkyard or anything, is the application complete or incomplete.

Mr. White – on the first property.

Chairman Maron – Actually, that's a good question, first property and second property. That's a good question about splitting it into two.

Mr. McGee – My first property is in accordance with that, then we're just, in the garage we're just talking about three tractors, couple weed whackers and a chain saw and there's nothing outdoors.

Chairman Maron – Ok.

Mr. McGee – There's still inventory in the garage, there always has been.

Mr. Maron – I think for your existing lot, that would probably be a matter for the Code Enforcement Officer, to go out and make a determination if on the existing lot, if it's in compliance with the permit. When it came before the Planning Board, I guess the last Board meeting or the one before, we made the assumption that the business on the, on one lot it spread into the other and what you're saying is, really it didn't really spread, you just created another business on the other lot which would say the other one isn't liable to be revoked. So, I think that's a question the Codes Enforcement Officer would look at the existing lot and see if it's in violation.

Mr. McGee – The only thing that really changed is that I've taken the trucks and trailers, I have taken them away from my home and put them into the other lot.

Chairman Maron – Ok.

Ms. Fitzgerald – Bob, you say nothing has changed, but something has changed because in the original permit you were selling lawnmowers –

Mr. McGee – Right.

Ms. Fitzgerald – you're no longer doing that, so it has changed. Maybe you didn't need that permit.

Mr. McGee – It was to sell and repair.

Ms. Fitzgerald – and repair.

Mr. McGee -- I could buy a tractor up in Plattsburgh for \$300 cheaper than I could buy it from the same company so that was kind of wasting my money.

Ms. Fitzgerald – So I guess our question is, is your intent to combine the two lots, is your intent to get a permit on each lot or is your intent to –

Mr. McGee – I would like to have both lots permitted.

Ms. Fitzgerald – as one?

Mr. McGee – As one permit. What I have is, my house lot is financed with a bank and I have the other one, which I have a purchase agreement with another person and the purchase price that I paid for it was far more than the assessed value of it, I'd like to get 80 per cent, so my plans are in the future when I get it down to the 80 per cent of the assessed value even with the fence and improvements and stuff that I've done and cleaning the lot up, is that some day I will combine them to make it, as long as I can keep the building right on that other piece of property. Someday, I'd either like to have a shop or my daughter will have that behind her home, that's their future, Randy and Karlee's, livelihood.

Chairman Maron – It seems again the question is do we have a complete or incomplete application.

Ms. Fitzgerald – I'm still not sure what's the checkmark use, is current use, small engine repair, he's not repairing lawn mowers, he's not repairing small engines – now your are.

Mr. McGee – I have been.

Ms. Fitzgerald – you have been.

Mr. McGee – I am. I'm taking care of the local people, from six in the morning until three in the afternoon, evenings, Randy was doing what he could during the day plus tow trucks.

Mrs. Brant – what part would make it considered “incomplete”?

Chairman Maron – Make it complete.

Ms. Fitzgerald – make it incomplete.

Chairman Maron – What would make it incomplete is, if it adequately describes what is being proposed and if application states everything that is there. So if it’s for example about a possible future building, so that isn’t something we can really make an opinion about, because a possible future building isn’t a proposed building, it’s either going to be a building or not be a building –

Ms. Fitzgerald – but that’s not in the application, is it, possible future building, is not in the application, anywhere, it’s not mentioned.

Chairman Maron – It’s in the supplemental information, if I’m not mistaken, especially in the Environmental Assessment Form.

Mr. McGee – Even if I did build a shop at some point, I’d like to put something out back, my tow trucks under for the winter months because you go out early in the morning and you have the snow on top of them.

Chairman Maron – Let’s look at the permit application. You have the property address, the land-use district, that isn’t filled in, parking spaces isn’t filled in, lot area, isn’t filled in, I guess there won’t be a building footprint now, other type of activity, is it a new use, so it seems that should probably be filled in for it to be a complete application. I guess the question I have, in an application, is it just this application form itself, or the supplemental information that is also part of the application, application for commercial uses, is also part of the application.

Ms. Fitzgerald – I think you should ask George.

Mr. Hainer – Yes, that is part of the application.

Chairman Maron – And, there is parts of this that there are questions about.

Ms. Fitzgerald – Where are you now?

Chairman Maron – The application for commercial use. On four (4) when he mentions, future parking (page 2 of 15), is that something we’re really voting on “future parking” or “parking”?

Mr. McGee – What I’m looking at, I use to park my trucks in front of my fence, anything that I get that has been wrecked or if from the State Police, I have six or seven trucks, between the property business and the tow company, my personal home, is behind the fence, behind my bobcat and John Deere tractor.

Chairman Maron – Ok.

Mr. McGee – Over in the other lot it’s basically employees from the summertime.

Ms. Fitzgerald – On number three, on subdivision of land, is that under one tax map or two tax maps?

Chairman Maron – That’s a good question for him, he says “no” because the land’s not being subdivided, right now it’s two tax maps and I guess what’s the size.

Ms. Fitzgerald – I’m still confused as to what we’re looking at, you have two parcels, you got two tax maps and you have an old use that might that want to be modified and a new use that hasn’t, that we don’t have anything and here it’s got repair shop in the future, parking. The reason I bring this up to all of us is that

we go before a Public Hearing, they will scrutinized us word-for-word. We want to make it pretty clear so that everybody is on the same page, what we're talking about.

Mr. McGee -- Maybe the easiest way is just a tow yard and if I was to build a building I was to come back and ask for a permit to build a building, just leave it right off. I don't see it happening for at least four years.

Chairman Maron -- Say it again.

Mr. McGee -- Just move the building that's on the second map, because I don't see it happening three or four years, put it in as a possibility down the road.

Chairman Maron -- Ok.

Ms. Fitzgerald -- that might be easier, it might make this point clear.

Mr. McGee -- Just until the money is approved. I just need a place to put my wrecked cars and the tow truck and in the winter time a small pile of sand.

Chairman Maron -- Right. I think again looking at number 7, application for commercial uses, Describe the -- (see attached, Page 14A), which is blank, it seems that needs to be filled in.

Mr. McGee -- It's a gully.

Chairman Maron -- It's a gully, but also you have houses on the other side of the street and you have a house next to yours, so it could be a residential area, too. The nearby one would be across the street.

My thinking is, again I'm just putting this out there, to entertain a motion, is to deem this "incomplete" and to extend the revocation of the permit for 90 days so that he's not threatened with having his permit taken away and in the meantime he can look and see parts of this that haven't been filled out that would give strong enough information so when there is a public hearing that there aren't questions --

Mr. McGee -- at some point I'd like to have George come up and go over with me, like I said I just didn't get it.

Chairman Maron -- ok, and exactly true, so within that 90 days, then George can come out there and mention on this lot where the permit is, it's in compliance with it and you've got a new use being proposed for the lot you bought and so let's make sure that application really describes that well so we can have public input and make a decision and I think extending the permit 90 days allows you to go, "great" and the thing is to, it's not like in 90 days, we say, "we're all done", we can just extend it.

Mr. McGee -- I'd like George to help me clarify things.

Chairman Maron -- We could have a JIF turned into the APA to clarify things, like the 2,500 square foot thing, could be an APA thing.

Mr. McGee -- What about behind the fence is that considered the 2,500 feet?

Chairman Maron -- we're talking about the whole property, covers 2,500 square feet, so that's where that comes in.

Mr. White -- Does it make any sense to divide the two properties at this point, keep it separate and have two separate permits, in other words the permit for the existing small engine repair is in compliance and that can be so stated and then Bobby can make a separate application, second business on the second lot for the towing and --

b) Proposed Conditions, including all:

- 1) new principal and accessory buildings (label use, size, and materials),
- 2) retaining walls, fencing and other structures (label size and materials),
- 3) all new roadway and parking areas (label size and materials),
- 4) new sidewalks, stairways and other pedestrian facilities (label size and materials),
- 5) proposed property lines, lot lines, and easement lines,
- 6) construction limit lines,
- 7) grading limit lines and final grading shown at 2 foot intervals,
- 8) permanent stormwater management facilities (label size and materials),
- 9) new or relocated private and public utilities,
- 10) new guide rail and signs,
- 11) fuel and bulk chemical storage and dispensing facilities,
- 12) docks, bulkheads, piers and other waterfront facilities,
- 13) temporary access roads and work pads,
- 14) temporary stream diversions,
- 15) limits of vegetative cutting,
- 16) new landscape development, and
- 17) limits of wetland fill and wetland mitigation areas.

7. Character of the Area/Adjoining Land Uses

Describe the natural and human made character of the nearby and adjoining land uses including the type and density of existing commercial, industrial and residential development, roads, State lands, public recreation /open space recreational facilities (e.g., hiking trails, boat launches).

8. Proposed Construction and Operation Dates

- a) Estimated Start of Construction Date:
- b) Estimated Construction Completion Date:
- c) Estimated Start of New or Expanded Commercial Activity Date:

8. Proposed Site Access

- a) Describe the location, type of material, and size of any proposed temporary construction access drives to the project site:  
 No temporary access drives

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Chairman Maron – wait, my interpretation and the answer to your question is that’s actually what this idea does, it basically says, “ok you have, your current location is extended 90 days”. So, we can clarify if you even need to include that in the application and if you don’t, if it’s in compliance then you turn in an application just covering the lot you bought and then it doesn’t even cover where your house is and your business is. Then during a public hearing people can be talking about the lot where the towing business is and there’s no discussion about the small engine repair because it’s in compliance, so I think what you’re saying is exactly correct.

Mr. Hainer – I think based on the draft letter that I sent to the Planning Board basically said he was in compliance on the first lot that his first lot, except for selling lawnmowers, and the fence was taken down, but other than that he was in compliance.

Ms. Fitzgerald – Is there no need for a fence now on the first lot, the original lot? That fence was an issue.

Chairman Maron – That’s a good question.

Mr. Hainer -- The fence was to put the lawnmowers behind and he stopped doing a lot of major repairs and you stopped selling lawnmowers, consequently the fence didn’t serve a purpose.

McGee – I think everything that was written to me was about the tow yard, I think that was the main issue. Tow trucks and trailers were by the side of my house, I’m trying to make everything look residential.

Chairman Maron – To move this along –

Ms. Fitzgerald – I have one other comment, while you’re doing this Bob, one of the original issues was, not only your primary site but as people coming down the road knew that area and to adding in mind there might be houses going up for sale, how does that look when there is messy apparatus next to it. If we could deal with all those things and all those items will come up at a public hearing. In the application, somehow you need to be thinking about, you mentioned earlier a sixteen-foot gate, that’s up there, that’s closed, all this might need to be stated, I don’t know if it’s all necessary in the application, but it’s going to be a difficult situation when you come in for the public hearing.

Mr. McGee – My goal is to have the gate and grow grass by the next meeting to get it so it does look –

Chairman Maron – What you’re saying is fine and good but the reality is your not really allowed to be doing anything, except for maybe parking one vehicle, because you’re using that as a commercial space and the only commercial use allowed there is with the Special Permit and you don’t have that Special Permit for your towing business.

Mr. McGee – So, where do you want me to park the tow trucks.

Chairman Maron – That’s the question that you may have thought of before you started parking there. But I think the issue before us now is to whether we deem this application “complete or incomplete” and I guess I’d like to hear a “motion to deem it incomplete, to extend his Permit revocation for 90 days, and also to have a JIF sent in to the APA to see if this is jurisdictional for them”.

I have a question from the audience.

Mr. Paquette – Keeping this all in common sense, you know we’re running businesses out of Town, would you agree with that.

Chairman Maron – That’s irrelevant.

Mr. Paquette – It’s not irrelevant if you have to live here.

Chairman Maron – That’s irrelevant, we’re talking –

Mr. Paquette – It's part of your job –

Chairman Maron – No, our job is to do the planning and looking at permits for the Town of Westport, the thing that's before us now, is whether we're deeming this complete or incomplete, it has nothing to do with other businesses in Town, that might come up during the public hearing when we're discussing the merits of the business, right now we're talking is the application complete or is it incomplete.

Mr. Paquette – George told you, he's the only one that knows on that Board right there, that the first one is complete yes, the second one, he's parking his trucks there, that's his livelihood, to support his family. It's common sense for any Board you sit on to take the whole thing into perspective not just a written law that your not enforcing in half the Town.

Chairman Maron – Irrelevant, irrelevant. What we're talking about, is the application complete or incomplete, the Planning Board has the jurisdiction –

Mr. Paquette – No, your not. Your talking about pulling his --

Chairman Maron – I'm not talking about that –

Mr. Paquette – You did, you sent him a letter, now you've got vehicles parked in places around here –

Chairman Maron – Out of order.

Mr. Paquette – You don't pull and out of order in Westport.

Chairman Maron – Out of order, please, this is irrelevant, we're talking about is this complete or incomplete.

Mr. Paquette -- No, it's not irrelevant, it's what you've got in your mind, because your Board is not fully involved with this, just your mind, that you're going to change or push a piece of property out of business –

Chairman Maron – It's irrelevant, Russ, what you're talking about –

Mr. Paquette – just pull it back and let him sit down with George and get the proper wording and everything so you can feel good about it, you, and then he'll resubmit it and say this is what I've got in mind and George will help me go through it. I'll bet you a quarter you're going to pass it, because George knows more about it than you'll ever know. Looking at it from that standpoint, why not do your 90 days, let him sit down with George, get the permit just right –

Chairman Maron – Russ, that's exactly what I'm saying –

Mr. Paquette – Then do it.

Mr. White – You're both saying the same thing.

Chairman Maron – We're saying the same thing.

Mr. Paquette – Just do it, you're going around in circles.

Chairman Maron – I'm asking for a motion to deem the application incomplete to extend his permit for 90 days and to have a JIF sent to the APA to see if it's their jurisdiction.

Ms. Fitzgerald – why the JIF.

Chairman Maron – Because of the question about the 2,500 square feet, if it's a Class A or B project.

Ms. Fitzgerald – Have you asked George’s opinion about that?

Chairman Maron – He’s not sure either, I asked him about it.

Mr. Hainer – In light of bringing up this information, there seems to be a conflict, I originally thought it was a Class B Minor project, that’s where I put it, seems like maybe a possibility that it’s a Major, Class A, but hope not.

Mr. White – So, we need clarification.

Mr. Hainer – We need clarification. You’re going to get into the public hearing and all this will come out. You have a complaint, the public hearing when the neighbors are notified, there will be people here, at least the people that are complaining, I hope they come, otherwise, we’re going through all this, they don’t come and voice their concerns, we’ll know.

Mr. Paquette – George, if he sits down with you and changes some of those numbers, so it doesn’t revert back to Albany on our APA and got it so it fits into our jurisdiction, where does that put him in a better light and this thing will go away before he’s out of Town, he can’t do it by himself, there’s only 24 hours a day.

Mr. Hainer – I think in light of the recent discovery and then with the whole issue of junkyard and everything else that’s coming up, I think we have to get clarification from the lawyer, because that’s going to come up, there are people that are pushing issues around. We’re in a no-win situation.

General discussion regarding storage around Town.

Chairman Maron – What precipitated this was a letter of complaint and the Town is supposed to act on this. If you have a problem with other properties you can write a letter of complaint.

More general discussion regarding complaints.

Chairman Maron – Let’s get, like Russ stated, get the application deemed complete, give him 90 more days so we can deal with where his current permit is, have the APA give us some guidance regarding the 2,500 square feet means and that’s the way to move forward.

Mr. McGee – I’ll just sit down with George so we can get this behind us. I still have to park the truck somewhere.

Chairman Maron – until you mentioned the property where your small engine repair is, the mind in what I saw it was just one thing, clarifying, that seems to be in compliance, being confused with the towing service, I think that is a good clarification, could we have a motion about it being incomplete, give him 90 days and have a JIF sent in then we can move forward.

Mr. White – Does that work for you, at this point.

Mr. McGee – I’ll sit down with George, I’ve been doing this since 2010, I would like to put it in the permit, where it should be, there’s things I’d like to do and I’ll sit down with George.

Chairman Maron – I’d be happy to sit down with you, too.

Mr. McGee – I’ll sit down with both of you.

Mr. White – I’ll make the motion.

Chairman Maron – Ok, second, The motion is to deem it incomplete (the application) extend it 90 days (the existing special permit) have a JIF by the APA and then move forward.

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Mr. Anson – Second.

Ms. Fitzgerald – I oppose the APA involvement but go along with the 90 days. You can take it without my vote.

Chairman Maron – The remainder of the Planning Board accepted the motion. Carried, that it's deemed incomplete, 90 days extension on the revocation have a JIF sent in to the APA.

Mr. McGee – I thought you said the small engine shop yard was in compliance.

Chairman Maron – No, George will go out and see if it's in compliance.

Mr. McGee – I thought you already said it was in compliance.

Chairman Maron – If I did I might have misspoke. I think since you have that letter, George ought to go out and do a specific inspection and come back that he deems it in compliance and vote and take the revocation back.

Mr. Hainer -- I wrote a draft letter when this started and I went out and did an investigation, I didn't consider a lot of the issues out of compliance, other members said they were and that's the way –

Ms. Fitzgerald – he hasn't finished his statement yet –

Mr. Hainer – I've been by there the last three or four days and I'm comfortable that section of it is –

Chairman Maron – I know the whole evaluation of it was confused by the fact that we were looking at the towing service and meanwhile you have your small engine repair and your essentially saying on the lot where the towing service is, where the small engine repair is that's what it is.

Mr. McGee – That's the second lot on the permit that's where the post rail fence is the property line.

Mr. Maron – Ok, Is there any other business, there being none, thank you everybody.

Ms. Fitzgerald – I move we adjourn.

Mr. White – Second.

No time was recorded for the adjournment.

Respectfully submitted,

Barbara Breyette, Secretary