

TOWN OF WESTPORT
PLANNING BOARD
MINUTES
OCTOBER 24, 2012

Chairman Johnston called the Meeting to Order at 7:03 P. M. with the following members present; Mr. Alan Hipps, Mr. Ken White, Alternate, Ms. Cynthia Fairbanks. Excused, Mrs. Evelyn Brant and Ms. Mary Lou Fitzgerald. Mr. Maron arrived at 7:08 P. M. Mr. Anson arrived at the close of the Meeting. Also in attendance, Mr. George Hainer, Building Codes/Zoning Officer and Secretary, Barbara Breyette. Guests in attendance, Mr. Kevin Hall, Land Surveyor and Mrs. Kathy Hall.

Chairman Johnston - In view of the fact that we do not have a quorum of regular Board members present this evening, I'm going to exercise the right that we have to appoint our Alternate, Cynthia Fairbanks as a voting member of the Planning Board. That provides us with a quorum.

The first business item on the Agenda is to approve the **Minutes** of the Public Hearing and the Regular Meeting of September 26, 2012. Those Minutes were emailed to you, very impressive in their length. Thank you, Barbara. May I have a motion please to approve the Minutes.

Mr. White - I move to approve the Minutes of the Public Hearing and the Regular Meeting.

Chairman Johnston - Thank you, Mr. White, a second, please.

Ms. Fairbanks - I'll second.

Chairman Johnston -- Thank you, Cynthia. Is there any discussion? None voiced. All in favor of approving the Minutes. All in favor, carried.

The next item of business is a proposed Minor Division. Kevin, would you like to have the floor to present this.

Mr. Hall - **Agnes K. Tanneberger - Tax Map No. 76.4-1-28.000 & Dee Stewart Way - Tax Map No. 76.4-1-23.000 - Minor Division** - Mr. Hall emailed a packet of information for each Board member regarding this project.

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Chairman Johnston - Mr. Hall, could you please begin at square one.

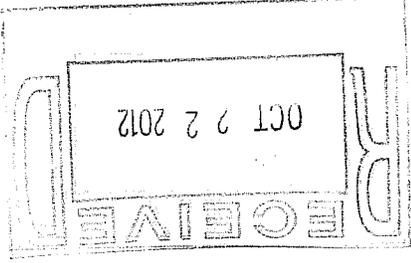
Mr. Hall - Ok. The Tanneberger's have a small camp lot, on the Lake and Dee Way has the property in "orange" (maps attached, Page 2A & B), that adjoins the Tanneberger's property. The Tanneberger's is in "green". This is an old 1952, Spencer Johnson subdivision map that created these lots. The proposal is to eliminate that, that's a 33 foot sliver that goes up into the Tanneberger's property and the Tanneberger's would be giving up, what is "blue" on this map, which is a portion on the "green", in exchange for the "yellow". It's a quarter of an acre. Basically, you're going to cut that tongue off, or whatever you want to call that. That's the Tanneberger's "owner in fee", and what will happen, they will put a Right-of-Way across the driveway, their boundary will now be what's in "yellow". We've left the lakeshore alone, so we haven't changed the Lake frontage, so it's an existing lot as it is, which is a legal lot, of record. We kept the 30 foot setback from the two buildings. You have the Tanneberger's camp, here, Dee Way's house, here (map, 2B), the closest point I've held to be 30 feet from the new line, which is the Town's setback, here and here. Actually, the Tanneberger's are parking up in this "yellow" area here, boat storage and it's more to clean it up and to get a boundary around what they're using and eliminate this for Dee, this is Dee's garage up here in this picture, so that would leave feet in front of the garage. The current driveway doesn't go within that strip, so we will adjust the ROW to include the driveway. There's no acreage change, there's a quarter of an acre exchange from each, the end result is the same.

Chairman Johnston - Are there any questions, for Kevin?

Mr. White - This is in a sense to clean it up?

Mr. Hall - And it does on the ground. The Tanneberger's are now encroaching on the Way's property, so now, once we're, if this gets approved and once it's done, they will own what they're using, that will make it a little cleaner, there's the other detail, there's a service meter that was placed on Way's property that is actually the service meter for the Tanneberger's, and with the line adjustment, at

SIN



Lake Champlain

NYS RTS 9N/22.1515(C)

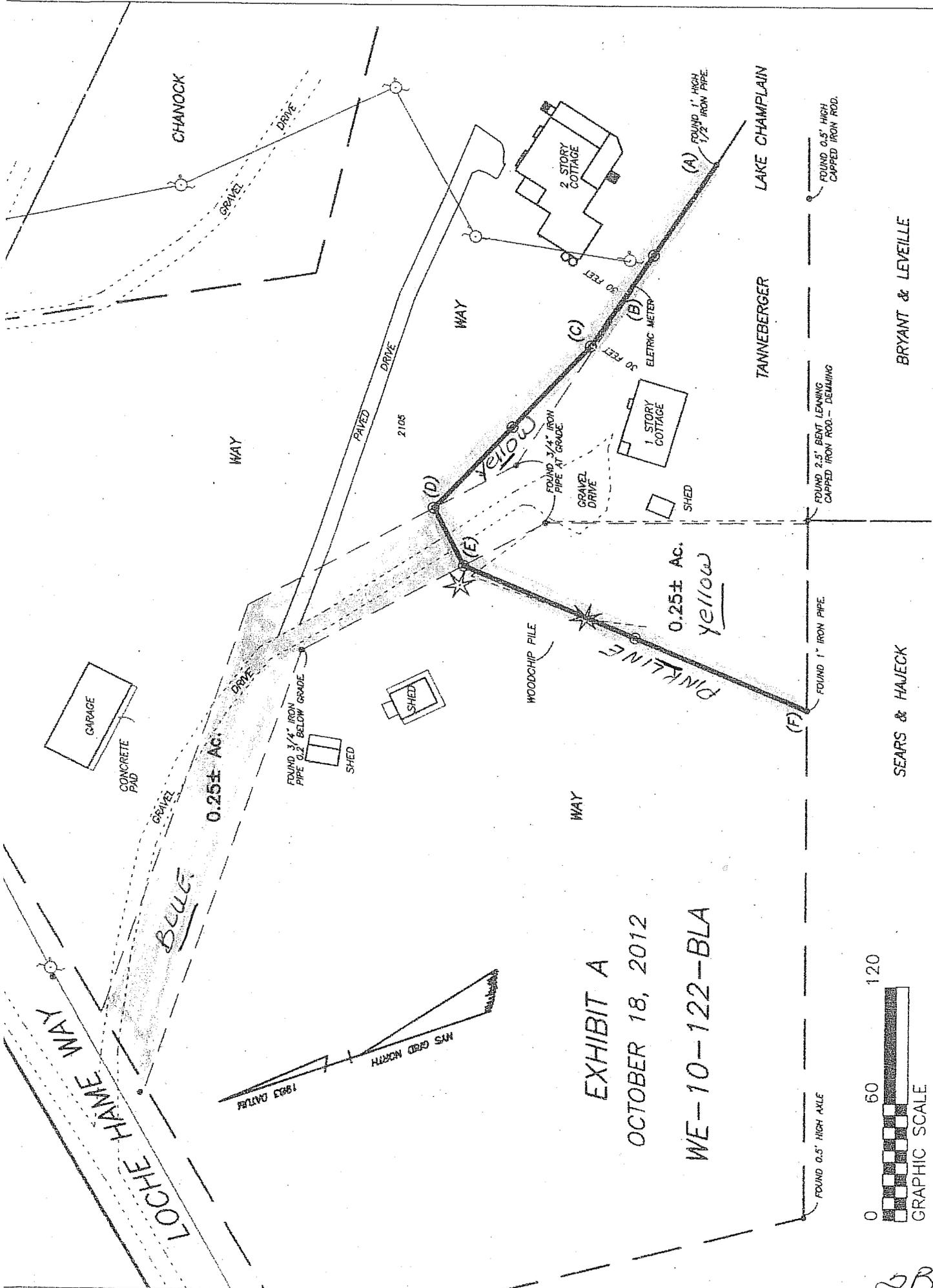
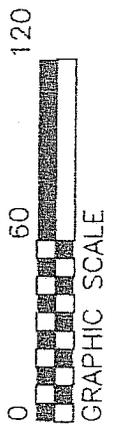


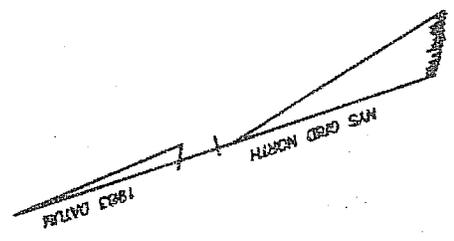
EXHIBIT A
 OCTOBER 18, 2012
 WE-10-122-BLA



SB

SEARS & HAJECK

BRYANT & LEVEILLE



FOUND 0.5" HIGH AXLE

FOUND 1" IRON PIPE

FOUND 2.5' BENT LEANING CAPPED IRON ROD - DEMAINING

FOUND 0.5" HIGH CAPPED IRON ROD.

FOUND 1" HIGH 1/2" IRON PIPE

ELECTRIC METER

WOODCHIP PILE

FOUND 3/4" IRON PIPE AT GRADE

PAVED DRIVE

2105

WAY

BLUE

LOCHE HAMME WAY

CHANOCK

DRIVE

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least it will put it on the line as opposed to on the Way property.

Chairman Johnston - George, do you have any observations or comments?

Mr. Hainer - The ROW will be in there and any maintenance will be in agreement.

Mr. Hall - They have a maintenance agreement now that seems to be sufficient, is what I understand, and will continue.

Mr. Hipps - I didn't note the width of that ROW.

Mr. Hall - The new ROW, this is 33 feet, what's in "blue" the gravel driveway is actually outside of it and will probably make that more like a 20-foot ROW, at this point, will include the driveway and a little bit of area for snow.

Chairman Johnston - George, I notice that the there's a Short Environmental Assessment Form included, is this likely to be a Type II Action.

Mr. Hainer - I believe so, yes.

Chairman Johnston - So, we can dispense with the Form, then.

Mr. Hainer - Right.

Mr. Hall - Ok, I wasn't sure.

Chairman Johnston - I wasn't sure either, that's why I checked with George. So, if there are no further questions, let's move forward on this then. Upon the advise of the Code Enforcement Officer, we will **"Deem this a Type II Action, for which no further SEQRA requirements apply"** and we will also, **"Deem this a Minor Division"** and would someone offer a motion to Deem this Proposed Action a Minor Division.

Mr. White - So move.

Mr. Hipps - Second.

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Chairman Johnston - Any questions, comments? I think what I will do, I will follow my recent past practice of actually writing out the "resolution" with some "whereas'" so we can approve the language at the next meeting. Why don't we approve this today, voting upon Mr. White's motion, approve this and then we can approve the language of the resolution at the next meeting. All in favor, carried.

It's approved, Kevin.

Mr. Hall - Thank you.

Chairman Johnston - Like I did with the previous Minor Division, I think I will write up a "resolution" so we can put that in the -

Mr. Hall - I actually added that map, I noted on the map for Mehr, once you get a copy of that deed you will see that. Is there a "resolution" on the Mehr's, as well?

Chairman Johnston - Yes, I drafted a "resolution".

Secretary - Yes.

Chairman Johnston - And we approved the language.

Secretary - Yes.

Mr. Hall - May I have a copy of that.

Secretary - I will email it to you tomorrow.

Mr. Hall - Thank you.

Mr. Maron arrived at 7:08 P. M.

Chairman Johnston - Next Item - **Special Planning Board Meeting** - I've talked to Gary Wilson about the need to have his guidance for this pending decision on what to do about the Lever situation and what I'd like to propose is that we have a Special Planning Board Meeting on November 5, 2012 at 9:00 A. M. He often times is here on Monday's, it's a good time for him and the Special Meeting would be just limited to having a discussion with him about this proposal by Lever.

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Mr. Hipps - So, we'd call this a "working session"?

Chairman Johnston - No, it's going to be a "legally noticed" meeting.

Mr. Hipps - Ok.

Chairman Johnston - It is a Planning Board meeting, it's a Special Meeting.

Mr. Hipps -- Ok.

Chairman Johnston -- I don't propose that we plan to take any action, just merely to meet with the Attorney. Now, because of the interest in this, and the fact that there will be legal notice, we may have observers at the meeting, I think that's likely -- Mr. Lever, Mr. Giles and perhaps Mr. Starbuck. Ken, I know it's not likely that you can make it.

Mr. White - I will try.

Chairman Johnston - That's why I don't propose to take any action at the meeting because I know that not all the members can be here, but I think we'll have this discussion with the Attorney with as many Planning Board members as possible, that are available.

Would someone move to act on my recommendation that we have a Special Meeting on the 5th.

Mr. Hipps - So move.

Mr. White - Second.

Chairman Johnston - Any discussion, all in favor, carried.

Zoning Amendments - When I asked Barbara to put this on the Agenda, I was unaware of the Concert, this evening at the Library and some of the Planning Board members would like to attend that concert, I would propose that we reschedule the Zoning Amendment review until a future meeting. Is that acceptable?

All members agreed.

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Chairman Johnston - Other Business. None voiced. Mr. Maron apologized for being late.

Mr. White - I move we adjourn.

Mr. Hipps - Second.

Chairman Johnston - All in favor, carried.

Meeting adjourned at 7:13 P. M.

Respectfully submitted,

Barbara A. Breyette, Secretary