

PLANNING BOARD MEETING
CANAAN, NY 12029

APRIL 18, 2016

The meeting was called to order at 7:03pm. New member Mark DeSanctis was present and Jeff Sotek was absent.

Commercial Site Plan Review for Gutchess Lumber Co. for expansion of the log storage facility on Flints Crossing Road

Andy Didio from Taconic Engineering represented the application. Mr. Jon Kie was in the audience. Chad Lindberg recused himself and left the room. Mr. Didio presented a written response to the Board's comments and outstanding items.

Changes made to the Site Plan:

1. Pond has been increased in size for Stormwater Management. The new drainage plan is shown on the map and it will slope away from the road. The swale is to be to the South corner. The swale runs away from the property to the pond. The pond will be about ¼ acre to ½ acre with grading. The overflow will go to the creek.
2. The location of the proposed second entrance has been changed to closer to the house. Mr. Didio met with the Highway Superintendent. There will be a paved apron back 50 feet from the edge of the road. The rest of the driveway will be gravel (detailed on page 2 of the map) with 4 inch asphalt.

Pierre asked if DEC has addressed the maintenance of the pond. Mr. Didio said there is a plan on file. Pierre said the pond is over the bank and asked how they will access it? Mr. Didio said they have done 2 deep tests (1 was 7 ½ feet and the other was 8 feet). There is no problem to build the pond where it is proposed. They will need to cut down some trees and they will have a berm there.

Outstanding items:

1. Traffic- information provided on additional traffic. Pierre said he has contacted DOT, no comment from them. **okay**
2. Stormwater- addressed with the new materials (including map) provided **okay**
3. Driveway- Pierre asked if they will build the second driveway and Mr. Didio said yes. A letter was provided from the Highway Superintendent with his approval. Mr. Didio asked the Board to approve the second driveway. He said the applicant had asked for an internal driveway connection at the last meeting. Pierre said he had spoken to the Town Attorney and the Attorney does not see a problem with it however Pierre is not in favor of *only* one entrance for safety reasons. If a connector is used, it needs an emergency access. Since

Gutchess does not own both properties, if an argument occurred they could not access the current property. Pierre wants a legal agreement for access. He is in favor of 2 driveways and the Board agreed. **okay**

- 4. Residential use- has been explained **okay**
- 5. Federal guidelines- has been covered **okay**
- 6. Railroad ROW- explained. No comment from CSX **okay**

This application still has to go to the ZBA for a Special Permit and they meet next week. The applicant would like approval contingent upon the Stormwater approval. Pierre said the Board can approve it tonight with conditions but the bad news is that the County Planning Board does not meet until the night after we do normally. This month County Planning meets on Thursday (4/21). The County has to sign off on it *before* the Planning Board can approve it. The ZBA cannot issue the Special Permit *until* the Planning Board approves it. David asked if the Board can approve it and then wait on the County ; Pierre said no. Pierre said a Special Meeting can be held after hearing back from the County and before the ZBA meeting. The Board decided on a tentative meeting on Tuesday the 26th at 6:30pm, just before the ZBA meeting. Pierre, Marlene, David and Mark said they could be at the meeting. Marlene asked the Clerk how much time she needed to advertise the meeting and the Clerk said with a Special Meeting, the newspaper only needs to be notified. A Public Notice is not necessary.

Pierre said he had heard back from DOT and they did not have a problem with the application. He has not heard back from CSX and does not expect to.

Pierre filled out the SEQR form (Part 2) as he read it aloud. He read aloud Part 1 of the SEQR as well as the ZBA comments. The Board determined there was a negative declaration on this.

**MOTION TO DECLARE A NEGATIVE DECLARATION-David Birch
Second-Pierre Gontier**

Roll call Chairman Pierre Gontier-yes
 David Birch-yes
 Marlene Tuczinski-yes **adopted**
 Jens Braun-yes
 Mark DeSanctis-abstain

**MOTION TO DEEM THE APPLICATION COMPLETE AND THE SEQR
COMPLETE- David Birch
Second- Jens Braun**

Roll call Chairman Pierre Gontier-yes
 David Birch-yes
 Marlene Tuczinski-yes adopted
 Jens Braun-yes
 Mark DeSanctis-abstain

The Board will continue with this application (for approval) at the Special Meeting.

* Note- Chad returned to the Board.

Boundary Line Adjustment/Commercial Site Plan Review for Dorothy Meppen and Meppens Hardware on Routes 295 and 22

Mark Meppen and Matthew Bowe, surveyor were present. Mr. Meppen said he wants a BLA so the driveway is wholly within his mother’s property. The property line currently runs thru the middle of the driveway.

Pierre said he did an extensive site visit and after that feels this is less complicated than he had thought. He said the current site plan is not in compliance (trailers are not parked in the approved locations). Mr. Meppen said they plan to move the metal building and trailers at that site.

The mobile home is in the commercial zone and the house is in residential. The mobile home is grandfathered. Mr. Meppen wants access to the mobile home to be thru the commercial property from Route 22. The zoning law says you can’t access a non-conforming property (house/mobile home) thru a conforming property (hardware store). To change the driveway to the mobile home will make the non conforming parcel more conforming.

Mr. Meppen and Mr. Bowe brought new maps forward to the Board. The map shows the house with garage as 1.081 acres and .432 acres within the commercial zone will be added by BLA to the residential parcel. If a BLA is done, the parcel will still be nonconforming(not required 2 acres) but more conforming. By doing the BLA, it will increase the residential acreage and the access for the mobile home will be wholly within the commercial parcel instead of part in commercial and part in residential (with the house).

David is concerned that the BLA will change the line from residential to commercial and create a new lot. Pierre disagrees. David said he is not in favor of any BLA that will change a parcel in a commercial zone. Mr. Bowe said if the BLA goes thru, it that parcel still considered residential or is it a hybrid now? The line is to move about 127 feet. It is approximately 50 feet from Route 22 to the corner of the mobile home (as the crow flies),

per Mr. Bowe. David suggested a different BLA to add the mobile home to the house parcel. Pierre said that can't be done. Mr. Meppen said he does not want the mobile home added to the house. Marlene asked about a second driveway and Mr. Meppen said he does not want to have to deal with DOT.

David said an easement could be written instead of doing a BLA. Mr. Meppen said he only wants it this way; he does not want the mobile home on the property with the house. Chad said the house should be a 2 acre parcel and is not; even after the BLA it will not be. It will be still be nonconforming at about 1.5 acres. Pierre said that does not matter. Chad said it did since the nonconforming lot will still be non conforming. David said the BLA will upset the grandfathering of the mobile home due to new access. Pierre said no. Chad said he has a real problem with the creation of a non conforming lot (new non conforming lot). Pierre said it will be more conforming after the BLA. Chad said the Planning Board will be creating a non conforming lot by allowing the BLA and he will not do that. Chad said they could make the lot bigger so it reached 2 acres or they could go to the ZBA for a variance. Chad then read the zoning law pertaining to non conforming lots aloud.

Pierre asked if they go the ZBA with this, are there any other issues? David said he does not want or like commercial land taken away and added to residential. Chad agreed. Pierre said it is only an issue if it was a large piece of land (like 15/20 acres) taken from commercial use. David said it is not a good policy to take away commercial property nor to take away the driveway from the residential. David said it is the Planning Board's job to follow the law; it is not to change zones and use. Marlene said she does not support at all access to the mobile home thru the commercial property. Marlene feels access to the mobile home should only be thru the residential property and does not see any reason to change the way it is accessed now(the driveway that goes with the house).

The Board discussed the possibility that the property is more within the commercial zone that Mr. Bowe drew on the maps. Chad read the description of C2 zone aloud. Now Mr. Bowe said he will redraw the maps, changing the line to be closer to the garage. There was no agreement from the Board that the lines were not drawn correctly nor that the commercial zone is further up Route 295 than shown on the maps. Chad said even if the line is changed his position is still the same. It is still non conforming. Pierre said if the Planning Board turns it down as non conforming then the applicant will have to get a variance.

**MOTION TO DENY THE APPLICATION BECAUSE THE PROPOSED LINE IS NON CONFORMING TO THE ZONING LAW. THIS IS TO BE REFERRED TO THE ZBA-Chad Lindberg
Second- David Birch**

Roll call Chairman Pierre Gontier-yes
David Birch-yes

Marlene Tuczinski-yes	adopted
Chad Lindberg-yes	
Jens Braun-yes	
Mark DeSanctis-abstain	

Pierre said he will contact the ZBA.

Review and approval of the March 21st minutes

MOTION TO APPROVE AS AMENDED- Pierre Gontier
Second- David Birch

Roll call Chairman Pierre Gontier-yes
 David Birch-yes
 Marlene Tuczinski-abstain absent on 3/21/16
 Chad Lindberg-yes adopted
 Jens Braun-yes
 Mark DeSanctis-abstain

Revote of the Deputy Chairman due to no voting quorum

MOTION TO REAPPOINT CHAD LINDBERG AS DEPUTY CHAIRMAN FOR 2016-
Pierre Gontier Second- David Birch

Roll call Chairman Pierre Gontier-yes
 David Birch-yes
 Marlene Tuczinski-yes adopted
 Chad Lindberg-abstain
 Jens Braun-yes
 Mark DeSanctis-yes

Additional business

1. Marlene has put together some information on ROW's and driveways. She will send it to Pierre for review and then it can be discussed by the Board.
2. Pierre said there is a problem with County Planning. They need 12 day advance notice for referrals. That is a problem for this Planning Board since we meet the night before the County meeting. That would mean any referrals from this Board would delay any action by the County for at least a month. Patrice Perry said she would accept applications by email to meet the 12 day requirement. Pierre said he does not want to send applications to the County that the Board has not seen in advance. David said he should.

MOTION TO ALLOW PIERRE TO REFER APPLICATIONS TO THE COUNTY (IF NEEDED) BEFORE THIS BOARD HAS SEEN THEM- David Birch

Second- Chad Lindberg

All in Favor

Roll call Chairman Pierre Gontier-yes

David Birch-yes

Marlene Tuczinski-yes

adopted

Chad Lindberg-yes

Jens Braun-yes

Mark DeSanctis-yes

There was no more business before the Board.

MOTION TO ADJOURN- David Birch Second-Chad Lindberg

The meeting adjourned at 9:20pm.

Respectfully submitted,


Tammy C. Flaherty
Planning Board Clerk