

PLANNING BOARD MEETING
CANAAN, NY 12029

AUGUST 15, 2016

The meeting was called to order at 7:09pm. Chad Lindberg and Marlene Tuczinski were absent.

Revision to the previously approved Site Plan for Meppens Hardware on Route 22

Mark Meppen and Matthew Bowe, surveyor appeared for the application. The Board has previously looked at the Site Plan revisions however they could not approve it until County Planning had reviewed it. It was reviewed by the County on 7/19/16 and they found no significant countywide or intercommunity impacts with it. They said the Canaan Planning Board could take final action.

Pierre read a resolution aloud to approve the Site Plan.

MOTION TO APPROVE THE SITE PLAN-Pierre Gontier Second- Jens Braun

Roll call Chairman J. Pierre Gontier-yes

Jens Braun-yes

David Birch-no

Jeff Sotek-yes

adopted

Mark DeSanctis-yes

A fee of \$75.00 was collected.

Boundary Line Adjustment for the Wilson Trust on Mercer Mountain

Represented by Carl Matuszek, surveyor.

Mr. Matuszek had appeared previously before the Board to ask for a subdivision on this property; the subdivision was for 8 acres. However, our zoning law requires 10 acre in this zone. So the Board told Mr. Matuszek he had 3 options:

1. Make the parcel larger to create a 10 acre parcel to meet zoning requirements
2. Go to the ZBA for a variance
3. Do a BLA with the neighbor parcel

Mr. Matuszek's client has spoken to the neighbor (Rozenshsteins) and they would like to buy the Wilson parcel (8.78 acres) and add it to theirs. Mr. Matuszek presented preliminary BLA maps to the Board. The Board reviewed the maps and came up with the following outstanding items:

1. All buildings must be shown on both parcels, if there are any
2. Septic and well(s) must be shown, if they exist
3. All driveways and improvements must be shown on both parcels
4. Need a letter from the Mercer Mt. Homeowners Association stating that the

Association is not opposed to this BLA.

5. Need proof that the Wilson land is allowed on the road they use for access to their parcel.

6. The Clerk advised Mr. Matuszek that he needed to present a notarized application for the Rozenshteins as well as a notarized letter for him to appear on behalf of the application from the Rozenshteins. Note- all required letters and documents are already on file from the Wilsons.

Mr. Matuszek said he has not been on the Rozenshtein property yet. He took back the maps and will present new maps at a later date.

Review & Approval of the July 18th minutes

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

Roll call Chairman J. Pierre Gontier-yes

Jens Braun-yes

David Birch-yes

Jeff Sotek-abstain

Mark De Sanctis-yes

adopted

absent on 7/18/16

Revision to the Solar Law

Pierre sent the revisions the Board discussed at the last meeting to the Supervisor. Those suggestions were incorporated into this new document the Board is looking at tonight.

Solar farms- David asked why the Town would not want them. Mark said while some might want them, it is an issue of what people are going to see. The visual impact is huge. David thinks this is very beaucratic. He thinks this Board should get involved and take a stand that the solar farms are ok. Pierre said the Town Board does not want them.

Jeff and Jens think the definition on small commercial systems needs to be refined; it is confusing. The definitions need to match the chart and as it is written does not seem to match. Jeff said he could reword the chart so it made more sense and leave the definition as is, if the Board wanted. The Board said yes.

Mark said overall he is happy with this version of the document. His issue (minimum of 3 acres versus 5 acres) was taken care of.

The other issue was that the Board feels the definition on density requirements needs to be clarified.

David wants his views put into writing as the Board views. Mark said they would not do

that since the Board is not unified on that. David's views are not shared by the Board. The revisions the Board discussed last month are encompassed into this new version of the law. Pierre said David could voice his personal opinion at the Public Hearing. David said he wanted his view in writing and he wants it to come from the Board. The Board would not agree.

Jeff said he is okay with this law but at the end of the day, it may prevent some people from doing this. Pierre said you can never allow everything for everyone. Mark said this reflects a responsible vote for the Town but it is not too heavy handed.

Pierre said doing Site Plans is very important to protect neighbors and it can allow (in many cases) thru the Site Plan process solar in places where it might not be allowed if only under a permitted use.

Mark said ground solar systems cost \$20,000 to 25,000 and doing site plans would cost much much less maybe only a \$1000 or \$2000. Pierre said the Board can waive things that are pertinent or necessary.

David asked Board members for support to change items in the law. Pierre said there are only two things the Board is looking at for change or clarification:

1. Revise the chart wording as discussed (which Jeff said he would do)
2. Question the density requirements

Pierre said the law is not that restrictive but it is a good law and shows responsibility on the Town's part. If this still does not address all the issues, then people can go for a variance. This law allows people to get solar and at the same time reflects the concerns of the neighbors.

Discussion on suggested zoning law changes

Pierre wrote up some suggestions for the Board to discuss. This was tabled to September.

There was no more business before the Board.

MOTION TO ADJOURN-Jeff Sotek Second- Mark DeSanctis All in Favor
Adjourned at 9:07pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk

NOTE: The 8/15/16 minutes were approved as written (on 12/19/16) however Board member David Birch wanted the below statements in the minutes. What Mr. Birch wrote (below) was NOT said in the meeting and is NOT reflected in my minutes or on the tapes. The Clerk re-reviewed those minutes and wrote up a transcript for the Board. Mr. Birch still wanted the comments below in the minutes.

The Board voted to approve the minutes as written but allow Mr. Birch's to be added even though he did not say any of those comments in the meeting.

David thinks it is a mistake to ban solar farms and contrary to a sensible green energy policy for the Town of Canaan and the State of New York. It would be far better to adopt a sensible system of regulation.

David suggested that the Planning Board suggest to the Town Board that it would be far better to leave the regulation of non attached solar installations to the Canaan Town Enforcement Officer than require such proposed installations to come before the Planning Board. Requiring such installations to appear before the Planning Board for site review is needlessly bureaucratic and costly to the individual and the town. Such a review process will have the effect of inhibiting non-attached solar energy installations rather than a sensible policy encouraging green energy.