

PLANNING BOARD MEETING  
CANAAN, NY 12029

FEBRUARY 20, 2017

The meeting was called to order at 7:00pm. Marlene Tuczinski and Jeff Sotek were absent. Mr. Sotek was excused from the meeting.

Site Plan Review for the East Chatham Food Company on Route 295 to add an outdoor patio eating area

Rick Newton represented the application and presented material to the Board. They would like to add an 25 by 40 or 25 by 50 foot outdoor patio eating area to their restaurant.

This is in a RA2 zone and was established before any of our zoning laws. Pierre said this patio is incidental to the business so it would be considered an accessory use. The sideyard and rear yard setbacks can be met but this location does not meet front yard setbacks. Pierre believes the front yard setback is 25 feet from the centerline of Route 295 and the restaurant is already closer than that. Pierre said the outdoor patio would not increase the non-conformance of the property. There is already an attached apartment on the back of the building so the outdoor patio can really only go in one place on the property.

Mr. Newton said he has spoken to the Zoning Officer but has not completely designed the new project yet. He would rather have Planning Board input first. Pierre said the Planning Board can be flexible (per the Zoning law) with the setbacks.

The applicants would like the outdoor patio to have an outside bar with a kitchen and probably would seat 40 more people. Mark asked if there will be music and the answer was probably. Mr. Newton said they do not plan to extend the hours past 10pm. They would like an outside bar but that depends on NYS Liquor Authority. The access to the patio will be thru the restaurant and out the back door of the dining room. The plans are to have handicapped access/exit also off the deck. There will be a causeway from the restaurant to the patio, about 5 feet. The current restaurant currently seats 45 with another 20 at the bar so this patio would almost double the customers.

Chad thinks it should have a Public Hearing due to the impact of the outside area. It would need Public Health clearance for the septic to make sure it meets capacity. The parking would need to be looked at also. David said he thinks the bar outside is an issue since it is located in a residential area. Mark said the potential is here to change it from a breakfast, lunch and dinner restaurant to a nightclub with a bar and music outside. Any

future owners could cause a problem with having a bar and music outside..

Pierre said he would like to check further into the aspects of the outside area, especially the kitchen and bar portions to make sure he has the needed answers to the Board's and the Public's questions. This could be done partially thru a Public Hearing. Pierre also wants more structural information with more details on the drawing/site plan.

Mr. Newton said he wants to do the patio area no matter what. If they have to add the kitchen and bar area later, they could wait. Mr. Newton also said they pump out the septic system quarterly to avoid any possible issues.

The Board does not see any setback issues. Mark is concerned with the potential impact of adding this outside area and doubling the business. He would rather see it as an enclosed addition. One of Mark's other concerns is the possible noise for the neighbors with having it outside.

Mr. Newton said they are not looking to have an outside band; they want the experience of the inside to go outside. Pierre said noise is an issue, a big one and its impact on the neighbors. Mr. Newton asked if there is a distance that is acceptable to noise for neighbors. He said the closest neighbor's house is about 450 feet. Chad said these issues, including noise and distance, can be addressed as a condition with site plans.

Mr. Newton said he will touch base with the Health Dept. and add more details to the drawing.

#### The addition of solar panels to the TJB Land Corp. building at 35 Flints Crossing Road

Steven Erby and Bridget Cuddihy of Monolith Solar represented the application. Mr. Erby said he was not sure why they were even at this meeting since it is a very small system to be put in. Pierre said the reason they were at the meeting was because of our new solar law. It is required to have site plan review for all commercial properties. Mr. Erby said this was a rooftop setup and Pierre said he knew that but it is to be put on a commercial building. Pierre also said besides site plan approval, it needs a Special Permit from the ZBA as well.

Mr. Erby said this is a very small project with probably only 2 guys working and a pickup. He stated he was concerned how long the approval would take. If it takes 3 months, that is too long. Their company has a lot of projects to do and they can't spend months on one.

Pierre asked if the panels are 5 inches off the roof and Mr. Erby said between 4 ½ and 6 inches. Mark asked what the building uses in kilowatts a year and Mr. Erby said 150,000 KW per year. He then stated this project will be putting out 50,000 KW a year. There will not be any energy storage on site. Mr. Erby was asked if there will be an automatic cut out if the power goes down and Mr. Erby responded licensed electricians install the system and it is inspected. Shamrock Engineering out of Rensselaer County does the inspection. Mr. Erby was asked if the array is grounded. The answer was it depends on the racking system. The engineers will ground it to the roof and then ground it to the ground itself.

There are outstanding items:

1. Since TJB Land Corporation is a corporation, then this will need that corporation's approval. The application cannot be signed by one person only. Also this must be notarized. Mr. Erby asked what if they lease the property and Pierre said it is the same, TJB Land Corp. must give approval for the site plan.'
2. Need certification from a NY State engineer
3. Need to provide information on the past 12 months of electricity that this building has used.

Pierre said the applicants need to go to the ZBA and when the file is accepted by the ZBA, they must let the Planning Board know. As soon as they gather all the materials, Pierre will send it on to County Planning for review.

#### Additional business

1. Pierre spoke about last month's ZBA minutes. In those minutes, it stated Chairman Cooper said the ZBA planned to do site plan review on a home occupation. Pierre said the Planning Board does **all** site plan reviews including those for home occupation businesses. He said he had sent out an email to the Town Clerk as well as Mr. Cooper stating that the Planning Board does all site plans to include home occupations. The ZBA will need to send this file to the Planning Board.
2. The Clerk asked Pierre to address the issue of informal applications. Pierre said there is an issue with people wanting to come to the meeting at the last minute for informal reviews. That is unfair to others who have made the deadline. It is also not fair to the Board members either. The Board said from now on the Clerk is to tell someone no that they cannot appear before the Board at the last minute for an informal review.
3. Deputy Chairman appointment

MOTION TO REAPPOINT CHAD LINDBERG AS THE DEPUTY CHAIRMAN FOR 2017-Pierre Gontier Second- David Birch

Roll call Chairman Pierre Gontier-yes  
Jens Braun-yes  
David Birch-yes adopted  
Chad Lindberg-abstain  
Mark De Sanctis-yes

Review and approval of the December 19, 2016 minutes  
MOTION TO APPROVE AS WRITTEN-Pierre Gontier Second- Jens Braun  
All in Favor

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

Additional discussion on the East Chatham Food Company

Mark said if this addition was enclosed it would be a non issue. Outside noise and a bar has a big impact on the community. Pierre said this Board only has so many things they can deny it on; all of the land issues are okay. Mark said if its a non-conforming use and approving this change would make it more non-conforming, then what happens with the next owner? Chad said outdoor seating is a new portion of the business and is not allowed. Pierre said the use is a restaurant and this is an accessory use. Chad and Mark feel it is a different use.

No more discussion.

MOTION TO ADJOURN-David Birch Second- Jens Braun All in Favor

Meeting adjourned at 8:35pm.

Respectfully submitted,

Tammy C. Flaherty  
Planning Board Clerk