

David Birch-yes
Mark DeSanctis-yes

adopted

Site Plan Review to add solar panels to a building for TJB Land Corp at 35 Flints Crossing Road

Monolith solar was a no show. Pierre said some papers had been given to the ZBA. The ZBA asked Monolith Solar for the electric usage last year but as of now, they have not given that documentation. Pierre said the items needed are very clear but that information has not been provided. The Monolith Solar representative said their system cannot meet the Town's requirements. Pierre said he is going to send a letter stating if the required materials are not received by the Planning Board, then the application will be denied.

Site Plan Review for a new business location for Canaan Heating/Mark Meppen at Route 22 at the old Telergy building

Mark Meppen and Matt Bowe, surveyor, represented the application. Mr. Meppen said he had bought the Telergy site and plans to put his heating/plumbing business in there. Pierre said he had done a preliminary review on this with Mr. Bowe. Pierre also met on site with Mr. Meppen. Pierre also stated that the abutter Mr. Cary Miller has spoken to the Clerk several times about concerns he has with the Meppen property. Mr. Miller had wanted to meet with Pierre but Pierre did not feel that was appropriate. Mr. Miller then wrote a letter to the Clerk with his concerns as well as the history of the property he compiled. She forwarded it to Pierre. This letter was copied to the Board members and is now part of the file. Pierre also forwarded it to the Town Clerk, which means it is under FOIL criteria.

Part of Mr. Miller's concerns involve the amount of acreage and the property line. Pierre said this property division was before Zoning was in effect. There is a Quick Claim Deed from Columbia County. Mr. Miller has access problems and a disagreement with ownership of a portion of this parcel. Pierre said this will have to go before the ZBA for a Special Use Permit which is required in our zoning. The ZBA will hold a Public Hearing. Pierre will forward all materials to the ZBA.

Mr. Meppen said he wants to put an addition (24 by 48 by 36 by 16 feet) on the existing building as well as putting a new building on site. The new building will be 60 by 80 feet.

Pierre said he had reviewed the old Telergy approved site plan (July 2000) which included a 50 by 40 proposed building. That building was never built. Mr. Bowe said boundaries on the Telergy map are the same as what he drew on Mr. Meppen's map. He said there is a

pin at exactly 46 feet (CT Male pin) but it is unknown what that pin is for since it is not a boundary line pin. Mr. Bowe also said he located the fence and stream as shown on the CT Male map.

Pierre stated this is in a C2 Commercial zone. The existing building is 2 feet from the line and is also 2 feet or less from DOT's right of way. The building is about 30 feet off the road. The road line shown is from DOT, who claim they own up to the stone wall. Pierre said the Board will determine the setbacks. He said he had taken pictures while on site which he showed the Board. The curb cut already exists.

David asked what typically the setback is for commercial zones. Pierre said the Planning Board decides. Mr. Miller asked if it wasn't 100 feet and Mark said it wasn't before. Per the zoning chart the minimum setback in commercial zones is 100 feet however in that chart there is an asterisk which states the Planning Board determines setbacks.

The lot size is substandard and is only 1.226 acres. It should be a minimum of 2 acres in this zone. However, that has already been established by the prior subdivision. Mr. Miller asked how far the building was from his property line and Mr. Bowe said about 55 feet.

David questioned how close the proposed building is to Gillespie's property. The new building proposed is 6 feet away from the Gillespie property on 1 side and closer than that on the other corner. Pierre said normally he would be concerned about emergency vehicles gaining access around the building(s) but based on this location, he is not since it is so close to Route 22.

Mr. Miller asked if there was no concern to property owners, especially since his house was built in the 1700's. Pierre asked if his house was on the National Registry and Mr. Miller said no. If it was, the Board would have to take that into consideration. Mr. Miller asked if setbacks for new construction would pertain and Pierre said the Planning Board determines setbacks. David said the Board should listen to Mr. Miller and Pierre said they do not have to take that into consideration. Since the ZBA has to hold a Public Hearing, Mr. Miller can share his concerns at that time. Mr. Miller is also concerned that the Planning Board should look at the prospect of devaluing his property if the Board approves this. Pierre said he would not go into that, Mr. Miller would have to prove his property was devalued for assessment purposes.

David questioned whether Mr. Miller's property was residential or commercial. Mr. Meppen said it was commercial and Mr. Miller said absolutely not, the use was residential. According to the map, MR. Miller's property is both residential and commercial.

There is no septic system on the property. The ZEO told Mr. Meppen he did not have to have one and then later said he does for the new building. That is still unanswered. The

Board feels one is required.

Mr. Meppen said he does not plan on adding a lot of outdoor lighting and none now. If any are to be added, they will be downward facing. He may add motion lights and maybe 1 light (downward) in front of the building. Mr. Meppen said he does not want to go crazy with lights but David said there should be some especially if something/someone will be there at night. The electric line to the new building will be underground. Mr. Meppen does not plan to run a business that the Public can access. It is for his equipment and materials.

Jens asked where the water would run off. Mr. Meppen said there was a catch basin. However, he said he may have to grade an area by the new building for runoff. There is a stream along the side which ends in Flat Brook creek. Snow removal will be on the Gillespie side of the building, where the parking is shown. Mr. Meppen said his van would be the only vehicle except for deliveries which is done with a pickup.

Jens asked what factors the Board has to look at to determine setbacks. Pierre said in doing a walk around he thinks the location for the proposed building is fine. It is far enough from the road and is okay on the Gillespie since it will act as a shield from Gillespie's cars.

David questioned why a new building was even needed if he is putting on a large addition? Pierre said the addition is until the new building is built. David also said the new building needs a bathroom. Pierre said he had spoken to the ZEO who said none was needed however Pierre agrees with David that one is needed. David feels the new building should be moved further away from the Gillespie property line. He thinks it makes more sense to move it. Pierre said due to the configuration of the lot, there is not really any other location to put it. Mr. Meppen said the only other place he could put the building is in the middle of the lot. He has to access 3 sides of the building and wants to be able to drive thru and go out the other end. Putting the building where he wants means he can have 3 doors to access on the Miller side. Mark D. said he would not have a problem with the building location as long as the new building was brick or steel only and *not* wood.

Outstanding items:

1. Show well and septic (for new building) on the map.
2. Add topography to the map.
3. Add driveway surfaces to the map.
4. Show drop off area- the unloading area on the map.
5. Show the snow removal area on the map.
6. Show where the utilities will come in.
7. Show where the gutters are and where they will empty. Or a French drain.
8. Show the runoff area for water.

- 9. Show lighting- downward facing and /or motion detector. Show where the lights will be on the building(s). Show where the light pattern will fall.
- 10. Show the sign dimensions and poles, if any. Location is already shown on the map.
Show a sketch of what the sign will look like.

Mr. Meppen said this time of the year the Health Dept. will not come out to the site to do perc testing. Mr. Meppen said he plans to hire an engineer to design the septic system and then the Health Dept. will just file that plan and not mandate where it should be. Mr. Meppen does not want to do an exact location of the well and septic now. Pierre said this Board can approve the site plan with the condition of final approval of the location of the well and septic per the engineer and Health Dept.

The Board considers this the preliminary review since Mr. Meppen will have to go to the ZBA for the Special Permit. It also has to go to County Planning. Once the ZBA accepts the file, Pierre will forward the application to County Planning.

Review & approval of the February 20, 2017 minutes

MOTION TO APPROVE AS WRITTEN-David Birch
All in favor

Second- Pierre Gontier

Roll call Chairman Pierre Gontier-yes

Jens Braun-yes

David Birch-yes

Mark DeSanctis-yes

adopted

Mark asked if on commercial properties aren't there restrictions on the type of building that can be built there? Pierre said you cannot restrict a building except for size, not materials. Mark is concerned that a building being put so close to a property line could catch on fire and then catch the other building on fire. Pierre said as long as it meets NYS Fire Code it is fine. Mark thinks it should be made of non combustible materials like brick or steel.

David said he has a problem with the building so close to property line and does not see why it can't be moved. He thinks the Board should force Mr. Meppen to move it further away from the line. He feels Mr. Meppen is getting special treatment just because he wants to drive around the building. Pierre said it is a commercial property and it meets the requirements.

Mark said he also has a problem with Mr. Meppen thinking he can hire an engineer to put the septic system where he wants. Mark said he hired an engineer (for his own house) and

he was still *told* by the County where it had to go. It was not where the engineer said. Mark is concerned the County could say the system has to be exactly where the driveway is (for example) and that could put a fly in the ointment.

David is concerned that Mr. Meppen will put the addition on the existing building and not build a new building and therefore there would not be any bathroom on site. Pierre said he will build it.

Additional business

1. Pierre advised the Board that he had met with the Supervisor today (3/20/17) regarding the last ZBA minutes. In those minutes the ZBA said they were going to do a site plan review. Pierre told the Supervisor there are problems with that. Pierre said the Planning Board *does* site plan reviews. He stated Home Occupation in a house is approved in all zones. Home Occupation in an accessory building is an accessory use and requires a Special Permit which **requires an approved Site Plan done by the Planning Board.**

Pierre said upon reading the ZBA minutes he sent an email to the Town Clerk and to David Cooper, ZBA Chairman stating that the Planning Board must do the Site Plan Review. Pierre said he was very upset since Mr. Cooper ignored the law and Pierre's email and the ZBA went ahead with the Site Plan Review. This is why he went to the Supervisor.

Pierre asked the Board to read the definition of Home Occupation. There can be **no** outside activity. Mark said he finally found that property and said it is off the road and hard to see. He feels the issue is that the Planning Board was left out and was suppose to have had this file for review.

Pierre summarized that the issues with this site plan were:

1. The ZBA did the Site Plan against the zoning law.
2. He sent an email to the Town Clerk and Mr. Cooper and it was ignored.
3. Operating a commercial business is not allowed for a Home Occupation.
4. The applicant is selling cars. Is he registered with DMV? Did anyone check that? Does he have a license to sell?
5. His driveway has no permit; maybe for a logging road but nothing else.

The Supervisor told Pierre he would contact Mr. Cooper to put a hold on this.

2. Another issue with the ZBA. In their minutes there is an application for the construction of a flat bottom pond with berms and a dam. This needs a Special Permit and therefore **requires** Site Plan Review/Approval form the Planning Board and the ZBA has

not given the file to the Planning Board. Pierre wants to know what is going on with this.

There was no more business before the Board.

MOTION TO ADJOURN- Pierre Gontier Second- Jens Braun All in favor

The meeting adjourned at 9:42pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk