

PLANNING BOARD MEETING
CANAAN, NY 12029

MAY 15, 2017

The meeting was called to order at 7:11pm. Marlene Tuczinski was absent at the beginning of the meeting and walked in about 8:45pm. There were 18 people in the audience.

Site Plan Review for David Gliner at 530 Route 24 for a flat bottom pond

Mr. Gliner and his wife Shalva were present for the application. Pierre stated the file needs to go to County Planning for review. The ZBA has sent the file down to the County and a response was received however since the Planning Board has to review it, the Planning Board must send the file back to the County again for review. The County Planning Board letter was read aloud and is on file. This Board will review what the County has said but the Board can overrule the County (if they want) with a super majority vote.

Pierre stated this meeting is held under the Open Meetings Law but it is not a Public Hearing. The audience may listen but may not speak. Pierre said the letter from concerned citizens in Red Rock is on file.

Pierre said the Board had asked for a redetermination from DEC since the letter from DEC submitted by Mr. Gliner was old. Pierre read the new letter from DEC aloud. In summary, it stated, the basics have not changed since the original letter of 2008. No new permit is required. The pond will be 30 feet from the stream which will ensure a buffer.

Pierre said an Environmental officer had made a site visit before April of this year and if there had been a violation, it would have been on file with the DEC. There is no problem from DEC.

Chad asked Pierre to repeat what the County comments were. Chad also said some items from the last meeting regarding the site plan are not here. It was not done. Chad was not specific on this. Chad did say there was no topographic map done and Mr. Gliner said it had been submitted and showed it to Chad. Chad said he wants it made and put in with the other submissions. Mr. Gliner said he gave a full set of plans to the Board. He said he has spent a lot of money on this and does not want to keep spending money.

Pierre said the County comments must be addressed. The public comments are part of the file and the Board has reviewed them.

Ms. Glassner asked why the letter from the County had not been given to them. She said they should have gotten a copy of it so they could be prepared to address it tonight. Pierre said he had only gotten a copy of the letter just a couple of days ago as a CC letter. The original went to the ZBA since they had done the submission to the County. Pierre said it was the obligation of the ZBA to send the applicants the letter. It was not up to the Planning Board to send on ZBA correspondence. Pierre said the letter could be FOILED. David felt the Planning Board should just give it to her. Ms. Glassner asked to take a picture of it while they were there. That did not happen.

Mr. Gliner said his neighbor put in a 30 foot pond and they did not submit any plans or paperwork for any of those plans. He also said other people near him had not done anything either when putting in ponds. Mr. Gliner said he had spoken to Pierre and Pierre did not say he needed more than what they had submitted.

Pierre said more items are needed and he would send a letter. The whole file, including the missing items must be submitted to the County for review. As soon as Pierre receives those items, he will get it to the County.

Minor Subdivision for Jon Hartly at 13191 Route 22

Jon Hartly was present. He said he wants a subdivision but he wants it the way he wants it and not to be pushed forward as it is. He is not happy with the way it was drawn on the map and asked the Board for comments. He also said he might want future subdivisions. Pierre told Mr. Hartly he could subdivide as many times as he wants however whatever is subdivided within 10 years counts in the history. So the subdivision could go from a minor to a major depending on the number of subdivisions. He told Mr. Hartly to read the zoning law. Pierre also said to be aware of the stream and access to the rest of the parcel. A lot must be buildable and his topography is very steep.

Mr. Hartly said he wants to go back and relook at it. He wants to postpone it for now.

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

Rick Newton appeared for the application. Pierre said Mr. Newton has appeared before the ZBA and the ZBA granted a use variance.

Mr. Newton has submitted a narrative on the parking lot and is working on the septic system information.

Mr. Newton stated bar customers are considered differently than restaurant customers. He said they have seating for 42 restaurant customers and approximately 18 in the bar area.

He had told the ZBA they wanted to add seating for 50 to 60 outdoors however they don't know if that many can be handled. He now says 42 on the patio to double the size of the capacity. He still does not know if the kitchen can handle that. The square footage of the restaurant is 1000feet (700 feet for the restaurant and 300 for the bar) and they want the deck to be 1200 square feet.

Parking- Mr. Newton said if parking is done correctly, they can fit a lot of cars. If the existing parking area is squared off up to Route 295 and close off the West end by the road, it will work. People will park correctly then. Mr. Newton thinks they can easily gain 16 car spaces. If not, they have enough property and can take out the berm (level it) to add needed parking. Mr. Newton said they would rather reconfigure the existing parking lot. Mr Newton wants to create a curbed in area for parking.

The deck would be 5 feet from the building and would be covered by a roof. There will be one covered walkway from the restaurant to the deck. The deck itself will be half covered.

Pierre asked if the propane tank could be moved and Mr. Newton said not really because even if moved the septic area for the apartment is there.

Pierre referenced the ZBA minutes which stated an abutter had a concern over noise. Pierre shares that concern and does not want the noise level to be above what it is in the restaurant.

Pierre asked what the actual use of the deck was and Mr. Newton said dining seating for 40 people, a bar, background music by speakers (off an Apple Ipad). Mr. Newton said there is no noise ordinance in Canaan and feels this is a non issue. Pierre said he is sure he will be a good neighbor but what about a future owner. Pierre said according to zoning, noise is restricted to the building only. Mr. Newton said he has no interest to have a band out there but he plans to have the background music outside like it is in the restaurant. Both Pierre and David said this is a residential zone and music is an issue.

Mr. Newton said the only reason he went to the ZBA was to get this issue addressed, to get over it. Pierre said it is still a residential zone. The zone did not change even after going to the ZBA. The ZBA variance allows a use change but does not negate it being a residential area.

Mr. Newton said he wanted this issue addressed. Pierre said it could be a condition of approval on the noise level. Mr. Newton said only 1 neighbor spoke out and Pierre is

making a decision on that. Pierre said no decision is being made based on what 1 person said. He said the Planning Board has the responsibility to review noise as one issue in a site plan. David said noise is an issue but traffic is also. Mark agreed. Mr. Newton said there is no new traffic and Mark said there is especially if he plans to double the business.

Mr. Newton said he approached the Town to lower the speed limit on Route 295. Pierre said it can be addressed as long as vehicles don't have to back out onto the road. Mr. Newton said he wanted a decibel level given to him on the noise. Pierre said the Board would give a number. Jeff quoted the law regarding noise and Mr. Newton said that is wide open to interpretation and he can't meet what the law says.

Pierre said if this review had run concurrently with the ZBA then it would be further along however Mr. Newton chose to not come back before the Planning Board until he was finished with the ZBA.

Chad said the Board has set standards on Commercial Site Plan Reviews and that needs to be followed. Mr. Newton's plan does not cover that. Mr. Newton said his variance covered his commercial business. Pierre said a use variance was granted based on the expansion of a non-conforming restaurant. Pierre said no area variance was needed. The frontyard setbacks are grandfathered. The sideyard and rear setbacks are set by the Planning Board.

Mark said he is struggling with the fact Mr. Newton wants to double the size of a non-conforming property. Pierre said the Board still has to look at it as a business in a residential/agricultural area of Town.

Jens asked Chad and Jeff if there were any regulations to address what Mr. Newton wants to do with fencing and curbing to recreate the parking area. Pierre said if Mr. Newton puts in curbing and fencing it will need a DOT permit if it is in the ROW.

The septic information Mr. Newton came up with himself. He calculated the septic size he needed based on customers. He provided a document dated 7/8/92 regarding a 1000 gallon tank.

David asked if there were any current limitations to the hours of operation. Mr. Newton said no. Chad said there was a conversation about that with a past owner (after it was The Cottage), the Board could review this again.

Outstanding items:

1. DOT letter

2. Set the decibel level (per Pierre)
3. DOH letter

Pierre repeated that this site has never gone thru a full site plan review before and this Board will do that. It needs to have the same standard of submission.

This was tabled and the file will be sent to the County for review.

Commercial Site Plan Review for Mark Meppen for a new business location and an addition of a new building on Route 22 (old Telergy site)

Mark Meppen and Matt Bowe, surveyor, were in attendance.

Mr. Meppen has appeared before the ZBA and the ZBA sent the file to County Planning for review. The County response dated 4/20/17 was read aloud and entered into the record. New maps were presented.

Pierre stated since the first appearance there has been considerable controversies from the abutter, Mr. Miller. Mr. Miller has sent many documents and all of them have been added to the file. Mr. Miller also brought up the issue of reflected light off the building roof(s). Pierre went on site to look at how the reflection of light might address Mr. Miller's issues. Pierre said the property lines have been properly surveyed by a NYS surveyor so the Board can only go ahead with the site plan.

Mr. Meppen said he only plans to be in the building ½ hour in the morning and ½ hour at night. There will not be any customers.

Chad asked if there were any dimensions on the new building yet and Mr. Meppen said no. He plans to make it 16 feet to the eave and will put up either a metal or wood building, whichever is cheaper. Pierre asked if he was open to change the roofing materials if glare is an issue. Mr. Meppen said yes depending on the building. If it is wood, he will not have a metal roof on it. If it is a metal building, he would put a non-galvanized roof if required.

Jeff asked if it was in the wetlands and Mr. Bowe said no. It is not in any wetlands under State or Federal guidelines. There is a stream there but it is not a classified stream. Pierre asked where the stream originated and Mr. Meppen said in Mr. Miller's pond. The stream dries up in the summer. Pierre said if it dries up, then it is not considered a stream but rather drainage from the pond.

Outstanding items

1. Elevations for the both the addition to the old building and the proposed new building

Mr. Meppen said he will have one drawn but not by an architect. Chad and Pierre said it must be referenced to the latest site plan map.

This file will be forwarded to the County for review.

Commercial Site Plan Review for TJB Land Corp. at 35 Flints Crossing Road to add an RV storage facility

Chad recused himself and left the room since his firm represented this application. Andy Didio of Taconic Engineering spoke for the application.

It is a 56 acre parcel for Bervy Excavation. They want to build a 324 feet by 54 feet building to house RV's for winter storage. It is in the C2 zone and is an extension of an existing use. There are 2 ponds on the upper portion of the site. One lower pond to catch water. The area where the RV facility is to be built is part of the current area where tandems are dropped off. There are multiple pages to the map submission. They have left 10 to 12 feet from the back of the building for ingress/egress for emergency vehicles. Little landscaping will be done. New lights are LED. Area disturbance map is shown. The elevation drawing of the building shows 20 bays for storage. Water from the roof will be in gutters and go into the swales on site. Only RV vehicles will be stored here.

Pierre said his concern was propane and fuel tanks. He asked Marlene if there was any kind of fire code issue. Marlene said no. Jeff said no, as long as the tanks are on the vehicles.

Pierre also talked about a possible concern with the tandem trailers and dolly parking area. He said it is a large area to drive around in but commercial traffic is merging with other traffic and in the path of RV's. He asked if it should be delineated? Did the Board want to consider that? Mr. Didio said there is 200 feet from the proposed building to the road. That is a lot of room to maneuver and swing around. There is enough room for parking the tandems. They will not be parked in front of the new building. Mr. Didio said there is an operations engineer on site to direct traffic and parking. There has never been too many trailers to create a problem. That lot is never full. Jeff and Marlene said they did not see this as an issue. Pierre asked if it needed a 25 foot fire line designated and both Jeff and Marlene said no.

David asked if it needed a motion and Pierre said it needs to go to County for review. Mr. Didio said he took a measurement and it is 560 feet from the SE corner to Route 22.

Pierre said he has already initiated a conversation with the County that this needs their review. Pierre stated if this had not gone to the County before, he would just ignore the frontage and approve it. David asked if the Board could not just approve it now and Pierre said no.

Pierre asked how the Board felt about holding a Special Meeting to accommodate this and another application? Mr. Didio said if it can be done at a Special Meeting it would be fine.

None of the Board members had any problems with the maps as presented. Pierre asked Mr. Didio to remeasure the distance to Route 22 and get it to him. Pierre felt it still fell within the 500 foot rule due to the Thruway.

Commercial Site Plan Review for HJB Holding for a revision to the number and size of storage buildings on site at 30 Flints Crossing Road

This is the old Odgen Gigli self storage facility which Mr. Bervy now owns. Mr. Didio also represents this application. Mr. Didio said they want new buildings that were previously approved. Less than an acre of land will be disturbed.

Pierre said this also needs County review. He asked Mr. Didio to submit new maps for the disturbance area. The file will be sent to the County.

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

Andrew Peterson of Monolith Solar is representing this application.

Mr. Peterson submitted 6 and ½ months of electric service and a letter from NYSEG.

Pierre asked about selling the electricity to the Granville School as is still shown on some paperwork. Mr. Peterson said no that was for the solar project across the road (he had previously wanted to apply for solar panels on the self storage units to sell). The Board had told Mr. Peterson that cannot be done so Mr. Peterson said he had withdrawn it. However, the paperwork submitted says it is for the Granville school but really it is for TJB at 35 Flints Crossing Road. Mr. Peterson said when originally submitted it was submitted with an old application which was for the Granville school. Pierre said the document is wrong and he has a problem with that. Jeff said he had a problem with it too. The documentation does not match. David said it does not matter, NYSEG has to approve the system anyway. The Board wants it correct and Mr. Peterson said if he asks for a new letter it would start a whole new review and he does not want to do that. Pierre thinks this

will be a problem with the County. Jeff asked if they would accept a notarized letter which covers the discrepancy. Pierre said he did not know, that might be an answer.

Pierre stated this file will have to go to the County for review also even though the ZBA has already done that. Mr. Peterson asked why it needs County review and Pierre repeated under law 239, it has to have County review within 500 feet of another Town and 500 feet of a State or County Highway. Every agency that reviews it must send the file to the County. The Planning Board must follow procedure. If not followed, the Board can be challenged. Mr. Peterson asked if there could be conditional approval now. Pierre said no, absolutely not. The Board must wait for the County's response.

Pierre said originally the system output submitted exceeded the 110%. Mr. Peterson said he previously said the use was 35,000 kws but now says TJB uses 50,000 kws in 6 months. So actually, the system they want to put in will not meet TJB's needs.

The Clerk asked Pierre if all of the outstanding items were covered. Pierre asked her to read those aloud. Not all of them have been submitted so far. The applicant will need to submit the outstanding items before this can go to the County for review.

Review and approval of the April 17, 2017 minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier Second- David Birch
All in Favor

Roll call Chairman Pierre Gontier-yes
Marlene Tuczinski-yes
David Birch-yes
Jens Braun-yes adopted
Chad Lindberg-yes
Jeff Sotek-yes
Mark De Sanctis-yes

Additional business

1. Pierre said Jim Slovak purchased land on Frisbee Street and was told by the ZEO that he could do what he wanted with it. He was told he did not need anything from the Town. Now the ZEO told him he needs site plan review. Then he was told he only needed ZBA review. The ZEO denied his building permit but would not put it in writing. Then Mr. Slovak went back to the ZEO and was told to call the Planning Board Clerk. He also called the ZBA Clerk who said it only needed Planning Board review. Mr. Slovak called Mr. Cooper who said it needed ZBA review but he was not sure about the Planning Board. The Planning Board Clerk said she would tell Pierre about his call and what he had

told her. Pierre said he had spoken to Mr. Slovak today. Pierre felt he needed a Special Permit and if so, it would require an approved site plan by the Planning Board. Chad also said if it needs a Special Permit, this has to go to the ZBA as well. It is for a commercial building in a residential zone. Pierre told Mr. Slovak to submit all materials as soon as possible. Pierre would like to hold a Special Meeting for this due to how it has been handled so far by other Town officials. The Special Meeting could also accommodate some of the other applications from tonight. *Note- this is written as relayed from Mr. Slovak to Pierre and the Clerk.*

This also needs County review so if paperwork is submitted quickly, it could get on the County agenda.

2. Special Meeting- Pierre asked the Board what they thought about holding a Special Meeting to accommodate Mr. Slovak as well as a few of the other applications. Discussion on this and no real interest from the Board members to have a Special Meeting.

MOTION TO ADJOURN- David Birch Second- Jens Braun All in Favor.
There was no other business before the Board. Adjourned at 10:40pm

Respectfully submitted,
Tammy C. Flaherty
Planning Board Clerk