

PLANNING BOARD MEETING  
CANAAN, NY 12029

MAY 16, 2016

The meeting was called to order at 7:02pm. David Birch and Marlene Tuczinski were absent.

Boundary Line Adjustment for Charlotte DeMarco at Queechy Shores

This was represented by Cindi Elliott, Surveyor. Ms. Elliott brought in updated maps which showed the iron pins, the pinning letter and a new BLA application.

Ms. Elliott said 2 lots at Queechy Shores ( # 74 & 75) were to be merged. She said she advised her client, Mrs. DeMarco, that once merged they cannot be separated again due to the size of the parcels (would be non-conforming). The lots are both non-conforming but the BLA will make them less non-conforming. The merger is for tax purposes and to reduce Queechy Shores fees.

Pierre asked if Ms. Elliott had Part 2 of the SEQR(to be filled out by the Board) and she said no she had not brought a copy with her. Chad said he was concerned with the creation of a non-conforming lot and reviewed the Zoning Law. Ms. Elliott said the Board can do the BLA as long as it becomes less non-conforming. Chad said actually that depends on the exact plots. Sometimes a line can be changed to make a lot bigger to address a zoning issue, in this case it can't be changed at all since the lots are adjoining and the other surrounding property is owned by other people. Ms. Elliott said goal is just to remove the line between the 2 parcels. The action will make the lots the best they can be.

**MOTION TO ACCEPT THE BOUNDARY LINE ADJUSTMENT AS PRESENTED-**

Pierre Gontier                      Second- Jens Braun                      All in Favor

Roll call- Chairman Pierre Gontier-yes

Jens Braun-yes

Chad Lindberg-yes

Jeff Sotek-yes

Mark DeSanctis-yes

adopted

A fee of \$50.00 was collected.

Informal appearance by Rick Newton for the East Chatham Food Company (formerly The Cottage)

Mr. Newton said he and his partner closed on the restaurant last week. He said he had

spoken to the ZEO who said he must come to the Planning Board for signage. He has spoken to John Reilly about a new sign. Mr. Newton does not like the location where the sign is. He wants to either move the sign (which he prefers) or if not move it, raise the sign up higher. He would raise it from 8 feet to 12 feet for safety reasons.

Pierre said the new sign regulation in our zoning only pertains to commercial zones. Pierre said he does not have a problem with a name change on the sign. Chad said lettering is not an issue, nor is a logo. The Board will only look at size, location and lighting.

Mr. Newton asked about making it a roof sign instead and Pierre said that was a bad idea. The best idea is just to raise it. The Board spoke about the current lighting and Mr. Newton said there are 2 lights facing down. He would like the lights to come up from the bottom and face upward. The Board said the existing sign cannot be made bigger. It is a sign in a residential zone and is allowable in a non-conforming site as long as the size does not change. It is a 3 foot by 8 foot sign so it is 24 square feet. That is the maximum allowed. Mr. Newton said he wanted to put a logo on top of the sign and asked if that would make the sign too big. Chad said he could put the logo on top as long as it stays at 24 feet. Chad advised that the sign not be built yet until approved and artwork is considered part of the sign.

Mr. Newton also spoke to the Board about the fact that the sign has a little roof over it. The Board said to replace that with a new one would be okay and would not take away from the sign. Mr. Newton said he is unsure what design Mr. Reilly will come with. He stated Mr. Reilly said the sign might need a new roof to go in the opposite direction of where it is. All of this is unknown. Mr. Newton was advised that he must bring a drawing back before the Board before anything is done. Chad said technically he needs permission from DOT since the sign is in their right of way. The Planning Board has to approve the sign and then Mr. Newton can get a building permit for it.

The Board suggested to speed things up, Mr. Newton could have a banner made to temporarily cover the sign. This banner could go up before the Board approves the sign and then they could open the restaurant. Mr. Newton said they would like to open for the 4<sup>th</sup> of July. The Board told him it was okay to get a banner done for temporary use right away and the banner does not need approval. The Clerk gave Mr. Newton the submission date and the next meeting date.

#### Boundary Line Adjustment for Carrie Bither on Old Queechy Road

This is to be represented by Fred Haley, Surveyor. Maps were submitted however the deadline was missed so the Clerk was advised by the Chairman to call Mr. Haley and tell him he could either come to this meeting informally or wait and make a presentation before the Board at the June meeting. Mr. Haley said he would come to the June meeting.

The Board looked over the maps to see what issues there might be. Missing items-1) the approval form from the abutting landowner 2) the maps drawn show the creation of an additional lot and do not reflect a BLA(as stated) and 3) the notarized authorization form to allow Mr. Haley to appear on the landowners behalf is missing. The Board said that the map drawn is inconsistent with what is represented as a BLA and is confusing. There is a line drawn where it should not be, creating an additional parcel. Also the acreage does not match on the maps; on one map it shows 2.24 acres and on the other map it shows 2.39 acres for the same parcel. The maps were not accepted as drawn. Pierre said he would call Mr. Haley.

#### Additional business

1. Pierre referred to the ZEO's April report. It said Lee had issued permits to 2 people for solar panels. Solar panels on a pole are considered structures. **This is not in our zoning so therefore it is prohibited.** It is not allowed at all. Pierre said he had spoken to the Supervisor and advised him it was illegal. The Supervisor said he wants the Planning Board to look at this issue and create a law to be able to allow them. Pierre said the State is working on a generic law but there is nothing yet. Pierre said he has some materials on solar panels. He does not want to see solar panels *just added* to our zoning; this could create all kinds of problems. It has impact on the neighbors. The law needs to be written correctly. If it is not controlled, it could look like and become a solar farm. It needs to be looked at in detail; such as where to allow it in town, should it be only allowed on 5 acre parcels for instance. There are many things to look at. The Board needs to consider not only the property owner but the abutters and how it will effect them and their quality of life. Would it diminish property values for neighbors? Jeff agreed that guidelines are needed. What is acceptable and what is not. Mark is concerned with what First Responders might have to deal with. There are safety issues. There will be visual issues; not just how they look and what the neighbors think but the glare of the sun off the panels as well. There must be safety disconnects. They must be installed properly. Chad said they should limit the capacity of the system to each individual property. They should require a site plan for safety and neighbor concerns. Pierre thinks it should be a Special Permit use thru the Planning Board and not the ZBA. Jens said they need to address how fast technology changes. Jens asked Pierre if he knew the details on how Chatham handled this issue and Pierre said it was just rammed thru and was not thought out. Pierre said it needs to be looked at thoroughly to try to address **all** issues and mitigate them. Owners should have to put up a removal bond; there are dangerous materials to get rid of when taken down. Where would that material go? Need to look at the future as well.

Pierre said he would send out the materials on this and ask the Board for their input. Pierre said this Board would come up with the information and it would not go to a sub-

committee. The law will need to protect everyone's rights.

Review and Approval of the April 18<sup>th</sup> minutes

**MOTION TO APPROVE AS AMENDED- Pierre Gontier  
Second-Chad Lindberg**

Roll call- Chairman Pierre Gontier-yes

Jens Braun-yes

Chad Lindberg-yes

Jeff Sotek-abstain

Mark DeSanctis-yes

absent on 4/18/16

adopted

Review and Approval of the April 26<sup>th</sup> Special Meeting

This had to be tabled since there was not a voting quorum present from this meeting, both Jens Braun and Chad Lindberg were not at the 4/26 meeting.

There was no more business before the Board.

Motion to adjourn- Jens Braun

Second- Pierre Gontier

All in Favor

Meeting was adjourned at 8:47pm.

Respectfully submitted,

Tammy C. Flaherty  
Planning Board Clerk