

PLANNING BOARD MEETING
CANAAN, NY 12029

NOVEMBER 16, 2015

The meeting was called to order at 7:06pm. Excused absences for Katrina Groboski and Chad Lindberg.

Continued Commercial Site Plan Review for TM APG (G. Komenda) on Route 22

Patrick Prendergast, Engineer and Mrs. Komenda appeared for the application.

Mr. Prendergast went over the new maps and the outstanding items from last month.

1. Buffer zone-*now shown*
2. Septic tank-*location of tank shown*
David asked if Dept of Health had to be involved and Pierre said no since this will not be used as a residence. This property already has a well and septic.
3. Dimensions of setbacks-*shown on map*
4. Snow storage-*areas shown on map*
5. Gravel driveway- *is currently 8 feet wide, will be widened to 16 feet*
6. Addition on building- *shown with details*
7. Disturbed areas- *shown on page 3 of maps*

Mr. Prendergast said the driveway cut was submitted to DOT per their specs but he has not heard back from them yet. He expects to hear in the next few weeks.

David brought up the fact that this property is now commercial and felt more things needed to be reviewed. Pierre said this property is in a commercial zone (and has been). It was residential but now will not be. If the owner ever wants to go back to residential, he would have to go to the ZBA.

MOTION TO APPROVE THE SITE PLAN AS LONG AS D.O.T APPROVAL IS
GIVEN- David Birch Second-Jens Braun All in Favor

Roll call Chairman Pierre Gontier-yes
 Jens Braun-yes
 Marlene Tuczinski-yes
 Jeff Sotek-yes adopted
 David Birch-yes

Pierre read aloud the resolution with conditional approval given as long as DOT approval is received. If DOT approval is given and no changes are made, then the approval stands. Mr. Prendergast said he will make sure the Planning Board receives a copy of the DOT letter.

Mr. Prendergast asked if the ZBA will be notified and Pierre said the ZBA, Town Clerk, ZEO and County Planning will be given a copy of the resolution. The Clerk will mail a copy of the resolution to the Komendas also. Mrs. Komensda forgot to bring a check with her. The Clerk said she would leave the maps with the Town Clerk and when Mrs. Komenda brings a check in , she can pick up the maps.

Continued Commercial Site Plan for Bemiss Properties for a storage building on Route 22

Mr. Prendergast and Jim & Marcey Bemiss represented the application.

Mr. Prendergast went over the new maps and the outstanding items from last month.

1. 50 foot wide easement-*shown on the map*
2. Septic system-*designed and shown on the map*. Mr. Prendergast met with Dept of Health on this. It is a small system.
3. Center floor drain-*shown with oil and water seperator with a holding tank*. There will not be any discharge so no permit is needed.
4. Drywell(for water runoff)- *shown on map*
5. Proposed entrance- *shown as 24 feet wide with 10 foot shoulders. Standard to DOT.*
6. Curb cut from DOT-**outstanding**
7. Approval from DOH on septic system-**outstanding**
8. Copy of agreed easement-**outstanding**

Mr. Prendergast said they have gone to the ZBA with these same maps and they are ok. The ZBA just needs to hear from the Planning Board.

David asked how large the area of disturbance is and Mr. Prendergast said less than 1 acre but it is not shown on the map. Jeff said he would like to know in writing how much land was disturbed. Mr. Prendergast said he will calculate that but it will still be under an acre.

An easement letter from Jeanne Weller, owner of Country Caretakers, was presented. The letter states the easement is okay; but there is no legal document to that effect yet.

Jens asked what the ridge height was on the building and Mr. Bemiss said 28 feet. Mr. Prendergast said he put 34 feet on the map because he knew the Town requirement is no more than 35 feet. Mr. Bemiss said the building is not that tall.

Pierre reminded Mr. & Mrs. Bemiss that he had discussed with them that the remaining trees on the property must remain and they said yes.

Pierre read aloud the resolution to approve this site plan with conditions(as stated in the motion)

MOTION TO APPROVE THE SITE PLAN ON CONDITION OF RECEIPT OF THE EASEMENT AGREEMENT, DOT APPROVAL, DOH APPROVAL OF THE SEPTIC SYSTEM/FIELD AND THE TREES THAT ARE STANDING MUST REMAIN IN PLACE ALONG ROUTE 22- Pierre Gontier Second-David Birch All in Favor

Roll call- Chairman Pierre Gontier-yes

Jens Braun-yes

Marlene Tuczinski-yes adopted

Jeff Sotek-yes

David Birch-yes

Mrs. Bemiss did not bring a check so she will pick up the maps from the Town Clerk when she brings in a check.

Boundary Line Adjustment between Susan Newman and Jon Cohen at 79 Luke Hill Road

Matthew Bowe, Surveyor, Susan Newman and Alison Bouchard/Stephen Kolonics (representing Mr. Cohen) were in attendance. Mr. Bowe explained that Mr. Cohen put an addition on his house. That addition is actually on Ms. Newman’s property. To fix this problem, Ms. Newman will sell .33 acres(which the addition sits on) to Mr. Cohen. Mr. Cohen wants to sell this property(to Ms. Bouchard/Mr. Kolonics) so this problem must be fixed. Both lots are already non-conforming and are under 2 acres each. Pierre said the Planning Board cannot make a non-conforming lot more non-conforming and a Boundary Line Adjustment will do that. Therefore, this application has to go to the ZBA for a variance.

Ms. Bouchard said they have already gone to the ZEO and he has no problem with a BLA to correct the problem of the addition being on Ms. Newman’s property. She said an email was sent to David Cooper and she said he was okay with this. Pierre said the Planning Board will not approve this because an approval will cause Ms. Newman’s property to be more non-conforming. He said they must go the ZBA. The Clerk said their meeting is November 24th. Pierre said they will need to get on the ZBA agenda so he will email the ZBA Chairman tonight and explain this application.

The Board will table this until approval is given by the ZBA.

Informal appearance by Jon Harty for a subdivision on Route 22

Mr. Harty would like to subdivide out 5 acres along with the existing house and add a legal ROW to sell. He also would like to extend the current driveway (making it the ROW for the subdivision) and add a cul-de-sac at the end where he hopes to build himself a

house in the future. The driveway will be deeded to the back parcel (his parcel) as the legal ROW and he will maintain it.

Pierre said if he divides it now into 3 parcels and then wants to divide it again it will trigger a minor subdivision. So Pierre recommended doing the whole subdivision now. Mr. Harty said he is still planning things out so he can change things if needed. Pierre said he should ask the ZBA for input on this and perhaps the Assessor as well since he currently has an agricultural exemption on it.

Informal appearance by Attorney Ted Guterman for a 4 lot BLA at Queechy Shores

Mr. Guterman said his clients Tony & Charlotte DeMarco own several lots at Queechy Shores and want to eliminate the line in between 2 lots (shown on the map provided as #74 and #75). Also want a BLA for the other property across the road they own. There is no survey filed for Queechy Shores per Mr. Guterman. Mr. Guterman said he had spoken to Real Property Services in Hudson and he was told they will accept this BLA by deed only. He said he had also spoken to the Town Assessor and she wants approval from the Planning Board. He said his clients do not want to go thru the survey process since they feel it is costly.

Pierre said he suggested Mr. Guterman talk to Real Properties. In the meantime, Pierre spoke to our Assessor who does indeed want plat maps with Planning Board approval. He spoke to Real Properties himself as well and was told they will accept anything that is a legal document for filing. Pierre said the County **cannot** trump the Town (local law) and our zoning law says there has to be a map and have Planning Board approval. Pierre then referred to the Town Law- 2010 BLA law and read some of it aloud. Mr. Guterman said there is no map on file and repeated his clients do not want to do a survey. Pierre said that is exactly why there are problems and continue to be problems if no maps are filed. He said maps are needed. Pierre felt that the map(tax map) shown to the Board by Mr. Guterman could be used as the current map. However, they would still need to show the lines removed by doing a BLA(s) on another map. Mr. Guterman said that would be \$3000 and his clients don't want to do that. Pierre said the only other option is to go to the ZBA for a variance. The Board discussed what a plat is and what constitutes a plat map. Our zoning says a plat map must be detailed.

Both David and Pierre feel this has been surveyed sometime in the past and a map does exist. Pierre said he is very uncomfortable in not doing things correctly and doing things to standard. There are already problems and he wants to make sure problems are not worse in the future. Mr. Guterman asked if he has to get a survey done and the Board said yes.

Pierre said he could run it by the Town Attorney and Mr. Guterman said yes, do that. Mr. Bowe(who was still in the audience) said a plat map could be drawn based on current deeds and the tax map without having to go into the field and do survey work.

Pierre said he wants to define what is a plat and what the Planning Board will accept. He also stated removing a line is a Boundary Line Adjustment no matter what.

This is tabled until the Board hears back from Mr. Guterman.

* David had to leave the meeting at this point.

Informal appearance(unannounced) for Mark Meppen for a Boundary Line Adjustment by Matthew Bowe for property on Route 295 and corner of Route 22 in a Commercial zone

Mr. Bowe said that Mark Meppen wants to do a BLA between the house that his mother lives in on Route 295 and the rest of the property which is in a Commercial zone. There is also a trailer on that property and the BLA is to create a new driveway for the trailer. Mr. Meppen would like to have the new driveway come off of Route 22 by way of the current driveway (commercial) which goes to the General Store that is there. His driveway proposal would be to go thru the commercial parking lot and wind around the building to get to the trailer. Pierre said that would be very difficult and there is too much activity and traffic.

Mr. Bowe said he has not seen the property yet, only by map but he was told by Mr. Meppen that he wants the house to have the driveway solely on one property and the trailer/General store and all commercial property on a separate property. Pierre said it is sticky since there is already a pre-existing trailer that is grandfathered (a residence in a commercial zone). To change that could lose the grand-fathering. Pierre said he will not support a driveway going thru the commercial area by the building (General store), the trailers parked there for sale, the greenhouse and all the traffic. Pierre said he thinks the ZBA should look at it. Pierre advised Mr. Bowe to find another way to access the trailer, maybe behind the building if there is room or from somewhere else.

Review & Approval of the October 19th minutes

This was tabled since no quorum was present of those who attended the October meeting (after David left early).

Additioanl business

The Clerk said she would be away when the January is scheduled. The Board decided to change the January meeting to January 25th (from January 18th) 2016.

There was no more business before the Board. The meeting was adjourned at 9:45 with no motion.

Respectfully submitted,

**Tammy C. Flaherty
Planning Board Clerk**