

PLANNING BOARD MINUTES
CANAAN, NY 12029

OCTOBER 17, 2016

The meeting was called to order at 7:02pm. Jeff Sotek was absent, excused.

Review & approval of the August 15th minutes

Chairman announced these were not ready for re-review. The Clerk needs to use the tape player from the Town Hall so these will need to be tabled again. No motion to table.

Review & approval of the September 19th minutes

MOTION TO APPROVE AS WRITTEN- Jens Braun

Second- Mark DeSanctis

Roll call Chairman Pierre Gontier- yes

Marlene Tuczinski-abstain absent on 9/19

Jens Braun-yes

Chad Lindberg-yes

Mark De Sanctis-yes

David Birch-yes

Continued review for an Exempt Subdivision for Jon & Dena Harty at 13191 Route 22

No one was present for this application at 7:10pm. The Clerk called Fred Haley who represents this application and left a voice mail. The Board decided to go ahead with the meeting to see if anyone showed up for this application.

Note: no one showed up

Suggested Zoning Law changes

The Board continued review of some issues which the Chairman had put together for discussion.

- Exempt Subdivision- per State law there is no category for this. There are only Minor or Major Subdivision. This must be removed from our Zoning.

- Minor- land must not have been subdivided in the last 10 years. This pertains to 1 to 3 parcels. David asked if there is 1 lot and the owner wants it subdivided into 3 lots, would that require a private way? Pierre said yes.

Private way would need to be 60 feet wide, no longer than 500 feet in length and needs to end in a cul-de-sac or hammer turnout.

Driveway frontage must come off a Public Way or if not there enough frontage, then a

Private Way must be created. Once you go 500 feet in length, the way must have emergency pulloffs. If it is beyond 500 feet then road specs for a Major subdivision would pertain. A hammer turnout is less than a cul-de-sac. Our current rule of 60 foot wide way does not have to be developed but it does need to have a standard of a road travel bed of 24 feet wide. There is no standard now. David said if someone wants to put a house in past the 500 feet (in a subdivision) and the Planning Board forces them to put in a roadway at Highway specs that is unfair. Pierre said that does not pertain if it would be a single family because then it is considered a driveway. Beyond 2 lots it is then considered a Public Way and **must** be 24 feet wide and go by Highway Specs.

One and ½ inch depth of gravel for a road bed (as in current use) may not be enough if the ground is clay for example. In the case where gravel is bad, test cores may need to be taken. The Board has the responsibility to make sure the property is safe. Pierre said Bernie Meyer, Highway Superintendent, is in favor of the 24 foot wide road so 2 cars can pass each other at the same time. David suggested if a 24 foot wide road is required then the Board should allow 1000 feet on the Private Way instead of just 500 feet. David said the driveway should not be different than the Private Way and should be any length. Pierre said a driveway **can be** any length you want.

Mark feels that sometimes 1 and ½ inch roadbed will work and other times it will not. Jens asked if the Planning Board could request input from Bernie Meyer for the depth of the road bed. David asked if the Board could set the depth and then ask Bernie if it was sufficient. Pierre said the Board cannot ask Bernie to do that since he is not qualified to determine it(Bernie is not an engineer). The road must be constructed to support emergency vehicles as described by NYS code. Mark said this is unfair and it would add considerably to the cost for the owner. He said the owner would have to dig down a foot and bring in materials to create a proper roadbed. This potential cost is another reason to only allow a 500 foot way.

Pierre said he thinks this issue should sit for awhile and have the Board members think about it. However he does want Bernie's input and he is on vacation right now.

Chad said there are Towns in Columbia County like Austerlitz, for example, where there are stringent requirements like anything over 5% or 500 feet **must** have in depth construction.

The Board agreed that a 2 lot subdivision may be served by a shared driveway. David said he would still like to see a 3 lot subdivision where 1 lot gets frontage off the Public Way and then it can still have 3 lots with the other 2 being served by a shared driveway.

- Board agreed that a lot that gains access thru another lot **has** to have an easement agreement and also needs to have a homeowners agreement or driveway maintenance agreement.

- Board agreed that a Major Subdivision is **more** than 3 lots. A Boundary Line Adjustment is a resubdivision and will be exempt from the 10 year rule. Marlene would like to waive the requirements on a BLA when someone wants to remove a line. Pierre said the Board cannot do that and he will not support a waiver on it. Marlene has a problem with the BLA requirement.

- BLA's will be retitled Re-Subdivision BLA. Need to delete **all** BLA laws except for the 2010 version.

- Currently a Special Permit is needed for driveways. Board wants to replace this with Site Plan Review. This would cut down on the length of approval time.

Canaan is the only Town in Columbia County that does not have the requirement that each parcel must meet the Board of Health approval **in advance**, per Chad.

Chad also said it is buyer beware in buying land however people expect some requirements have been done by the Town (or Boards like the Planning Board) in advance to make the parcel okay. Our Zoning Law requires all lots subdivided **must** be buildable.

Mark said he concurs generally with the conservative approach and said the Board needs to err on the side of safety. Need to regulate more things for safety reasons.

Pierre asked the Board again if they wanted 3 or 4 lots in a Minor Subdivision. Three people said 3 and 3 people said 4. Although Jeff was not present, he had stated in a previous meeting he supported 3. Marlene asked if this was a recommendation and Pierre said yes; it will go to the lawyer and then the Town Board and then probably back to the Planning Board.

- Light Manufacturing definition needs *not limited to* added to it.

Pierre asked if the Board wanted to develop a standard for driveways, such as road width. There is no standard for driveways now. A 12 foot roadbed was suggested for driveways but not decided upon.

There was no more business before the Board.

MOTION TO ADJOURN- David Birch Second- Marlene Tuczinski All in Favor

Adjourned at 9:00pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk