PLANNING BOARD MEETING CANAAN, NY 12029

JUNE 19, 2017

The meeting was called to order at 7:05pm and all Board members were present.

Commercial Site Plan Review for Canaan General Store at the intersection of Routes 22 and 295

Note- this was approved at the April 2017 meeting conditional on the presentation of a new map drawn by Matthew Bowe (surveyor), since Mr. Bowe had previously drawn a map for a different application at this site.

The Board reviewed the map.

MOTION TO STAMP THE REVISED PLAN- Pierre Gontier Second- Jens Braun All in Favor

Roll callChairman Pierre Gontier- yesMarlene Tuczinski-yesDavid Birch-yesJens Braun-yesAdoptedChad Lindberg-yesMark De Sanctis-yesJeff Sotek-yes

A fee of \$75.00 (cash) had previously been paid. No one representing the applicant was present for the stamping.

Boundary Line Adjustment between Louis & Melanie Gates and Andrew Green at 194 Maple Drive

Represented by Cindi Elliot, surveyor

The Gates own 35.78 acres and Mr. Green who is the abutter owns 2.16 acres. Mr. Greenmistakenly built a shed on the Gates property (thinking he owned that section). To fixthis, the Gates will sell .99 acres to Mr. Green so the shed will be on his property.Planning Board MeetingJune 19, 2017Page 2

MOTION TO APPROVE THE BOUNDARY LINE ADJUSTMENT AS PRESENTED-Chad Lindberg Second-Pierre Gontier All in Favor

Roll callChairman Pierre Gontier-yesMarlene Tuczinski-yesDavid Birch-yesJens Braun- yesadoptedChad Lindberg-yesMark De Sanctis-yesJeff Sotek-yes

A fee of \$50.00 was collected.

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

Chad recused himself and left the room. Andy Didio, engineer from Taconic Engineering represented the application.

Pierre said his issue before the Board was the distance from the State road to this site. However Mr. Didio measured it to be 560 feet (plus/minus). This was measured from the SW corner of the property to Route 22. The only other issues with this application were some signatures needed on the application and Mr. Didio presented these to the Board.

MOTION TO APPROVE THE SITE PLAN AS PRESENTED-Pierre Gontier Second- Mark DeSanctis All in Favor

Roll call Chairman Pierre Gontier-yes	
Marlene Tuczinski-yes	
David Birch-yes	
Jens Braun-yes	adopted
Mark DeSanctis-yes	_
Jeff Sotek-yes	
A fee of \$75.00 was collected	

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Commercial Site Plan Review for	TJB Land Corp. at 35 Flints	Crossing Road to add
solar panels		
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This was represented by Andy Peterson from Monolith Solar.

There were a few outstanding items:

1. 10 year projection of usage was presented.

2. Question on Granville Elementary school was explained and a notarized letter from Monolith Solar was presented.

3. Mr. Peterson said there will be a 20% increase in usage due to the additional RV warehouse.

MOTION TO APPROVE THE SITE PLAN AS PRESENTED- 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	
	Mark De Sanctis-yes	
	Jeff Sotek-yes	

A fee of \$75.00 was collected.

Note: Mr. Bowe walked in at this point. The Board went over the map with Mr. Bowe. Mr. Bowe said his client said where he had originally proposed mini barns, now had a furniture display. The Board said that was fine and thought the display of furniture at that specific location, near the road, was better than mini barns anyway. Pierre gave Mr. Bowe the stamped maps.

Additional business

1. Rick Newton from East Chatham Food Company was in the audience. He was not scheduled to be on the agenda. Pierre spoke to Mr. Newton and said we had not heard back from the County. The Board plans to review this application again in July.

2. David and Marlene asked about the Slovak issue. This had been discussed as needing to go thru a Site Plan review by the Planning Board as well as a Special Permit thru the ZBA. They asked what the status was. Pierre said the Zoning officer decided it was okay to issue a building permit under personal use. That had been done and it had not been Planning Board Meeting June 19, 2017 Page 4

reviewed by any Board as was required by our zoning law.

Mark said the Supervisor has the right to step in and make sure things are done correctly. Pierre said the Supervisor cannot influence any Board but if something is wrong (like this and other issues), the Supervisor has the responsibility to make sure things are done properly. Pierre said the Supervisor is letting this and other issues go. Pierre said he had spoken to the Supervisor several times and would like to have a meeting with the Supervisor, the ZBA Chairman and the zoning officer to go over several items specifically where the Planning Board should have been involved and was not. Pierre would like it to be clear with everyone what the responsibilities are for each Board and for the zoning officer. He also would like the Town Attorney to be involved. Pierre said if the zoning officer is unclear as to how to proceed when someone comes in to see him, he has the responsibility to find out if it needs to go before either the Planning Board, the ZBA or

both. Pierre said this has not been happening and it needs to because there have been several problems.

Chad said the ZBA cannot do site plans, that is the law. It is illegal for the ZBA to do site plans and they have been doing that. The Planning Board has the responsibility to do all Site plans. Jeff said these decisions being made by the zoning officer and the ZBA are incorrect and are setting the Town up for lawsuits. Permits issued in error are wrong no matter what. Those permits **must** be revoked and some should have been quite awhile ago. Chad agreed that all permits issued in error have to be rescinded immediately. Chad asked why have zoning laws if you are not going to enforce them and abide by them. Chad thinks the Planning Board needs to write a letter to the Town Board. Mark agreed and said the only other alternative is to speak up at the Town Board meeting. Mark is disappointed that several bad decisions have been made by the ZBA. To make that worse, they have been allowed to stand. He cited several instances to include: Bemiss, Slovak, McMann. He said he would like those issued permits(and others if they are illegal) to be rescinded immediately. He said he has a big problem with them being allowed and the fact that the Planning Board was not given applications to review as it should have. In particular, Mark said it (McMann) is a junkyard, which is not allowed under zoning and "I want that permit rescinded immediately."

Pierre said he knows of people who have gone to the ZEO and asked for his opinion in writing and the ZEO has refused. Chad said (as an engineer) he deals with many towns and someone should always get that opinion in writing. Chad further said that if there is any Planning Board Meeting June 19, 2017 Page 5

question by the ZEO it should be denied and immediately sent to either the Planning Board or the ZBA as needed.

Mark asked if it is a problem due to the ZEO only working 1 day a week. Pierre said no, it is due to the ZEO (including past ones) not wanting to read the Town zoning law. The ZEO's do not want to follow anything but State laws. Several Board members had a problem with that. They said we have a Town zoning law and it has to be followed. They are not at all happy there have been so many problems.

Pierre said he will write a letter to the Town Board.

Review and approval of the May 15th minutes

Marlene would like the portion of the minutes related to Mr. Slovak to reflect that is was reported that way to the Clerk and to Pierre. Also, that Chad had said if a Special Permit was required, then it needs to go to the ZBA.

MOTION TO APPROVE AS AMENDED- Jens Braun Second- Chad Lindberg All in Favor

 Roll call
 Chairman Pierre Gontier-yes

 Marlene Tuczinski-yes
 David Birch -yes

 David Birch -yes
 Jens Braun-yes
 adopted

 Chad Lindberg-yes
 Mark De Sanctis-yes
 Jeff Sotek-yes

There was no more business before the Board.MOTION TO ADJOURN- Jens BraunSecond- David BirchAll in Favor

Meeting was adjourned at 8:10pm.

Respectfully submitted,

Tammy C. Flaherty Planning Board Clerk