

PLANNING BOARD MEETING
CANAAN, NY 12029

JUNE 20, 2016

The meeting was called to order at 7:07pm. David Birch was absent.

BLA between Carrie Bither & Nancy Sinauer at 18 Old Queechy Road

Fred Haley, Surveyor represented the application. He stated no new lot was being created. The parcels are all conforming. The Board reviewed this application last month but could not act on it since the applications and maps were not received by the deadline. During last month's review, the Board said the following were outstanding and advised Mr. Haley:

1. Authorization letter from Nancy Sinauer for Mr. Haley to appear.
2. Authorization letter from Ms. Bither for Mr. Haley to appear.
3. The map showed the creation of a new lot; maps needed to be redrawn.

Ms. Bither owns 20.04 acres and she wants to sell all of that. Her land is actually 2 parcels; four (+-) acres with the house purchased in 1991 and 16 (+-) acres behind the house purchased in 2010. She has been unable to sell the whole parcel so she is selling 14.39 acres to the abutter, Ms. Sinauer. Ms. Bither will keep 5.65 acres which includes the house to sell. There are wetlands and a pond on the property. The property is located adjacent to the Town Park. The new lot line will be 20 feet from the stream. Ms. Bither will keep the portion of the pond that she currently owns.

Mr. Haley stated that at closing, the line shown on the map(which the Board says creates a new parcel) will be removed. The Board feels the line should not be on the map at all and wants it removed before approval. Pierre said 1 tax map number and 2 deeds(as Mr. Haley says)is a problem. Pierre further stated that at some point there were 2 tax numbers and they were combined by the Assessor for tax purposes. The Board said it should be 2 parcels shown on the map. Mr. Haley said he would not remove that line. He said he drew the maps as the tax number shows. He will not remove the line until the property sells and is transferred.

Marlene asked if this was a done deal yet and Mr. Haley said no. He said they have agreed upon it. Marlene asked if Ms. Bither just wants this done anyway and Mr. Haley stated that if the deal falls thru between Ms. Bither and Ms. Sinauer then the BLA will not happen. Jens said he understood what Mr. Haley was trying to do however maps are never presented this way to the Board. Mr. Haley said nothing will change with the 2 parcels even if the Board approves it unless the property is sold and the deed is written. Mr. Haley said there is no reason to have a deed on this; it may never be filed. Pierre said the way it is drawn makes it look like a new parcel is being created and is not a BLA. Pierre asked the Board what they wanted to do on this and a motion was made.

MOTION TO APPROVE THE BLA AS PRESENTED-Pierre Gontier
Second- Jeff Sotek All in Favor

Roll call Chairman Pierre Gontier- yes
Jens Braun-yes
Marlene Tuczinski-yes
Chad Lindberg-yes adopted
Jeff Sotek-yes
Mark DeSanctis-yes

A fee of \$50.00 was collected.

BLA between Joe & Bonnie Hahn and Louise Hahn at 509 Haddock Hill Road and 355 Bradley Crossing Road

Fred Haley, Surveyor, said Louise Hahn is selling 3.63 acres to her brother Joe and his wife who currently own 2.62 acres. All lots are conforming and will still be conforming after the BLA. Louise Hahn will still have 12.58 acres after the BLA. The new property line will go right down the middle of the stream.

MOTION TO APPROVE THE BLA AS PRESENTED-Pierre Gontier
Second- Jens Braun All in Favor

Roll call Chairman Pierre Gontier-yes
Jens Braun-yes
Marlene Tuczinski-yes
Chad Lindberg-yes adopted
Jeff Sotek-yes
Mark DeSanctis-yes

A fee of \$50.00 (cash) was collected.

Subdivision and BLA's for the lands of Franklin Gearing on Real View Drive and New Concord Road

Fred Haley, Surveyor, represented this application. Alan and David Gearing were present. Mr. Haley stated there are 5 parties to this application and the subdivision and BLA's are the wishes of Franklin Gearing's estate. Franklin Gearing had 57 acres with a house when he died. The family wants to take 24 and a half acres with the house and create 1 lot. They also want to take 15 acres to create another lot (on the North) and 15 acres to create a

third lot on the South. This will create 3 lots as stated in the will. Alan and Wayne Gearing are the Executors. They also want to do 2 BLA's. The first BLA will add 1 acre to Wayne & Dodie Gearing's current property(abutting Franklin's property) and the other BLA will 1 acre to David & Mary Gearing's property(abutting Wayne and Dodie Gearing). The road frontage is 100 feet wide but the building width is 350 feet(the first place on a parcel that can be built on has to be 350 feet back). There was a discussion on building a road. That would need to be built to spec. However, Mr. Haley said the plan is to access the new parcels off Real View Drive. The 3 new parcels are planning to have an easement over Real View Drive to gain access to their property. Mr. Haley stated if the Board will not let them divide it this way, then they will have to sell the property. If allowed, they would have a written agreement for the driveway, access and who would maintain it. Mr Haley said he would put language on the map, if the Board required it, about the access off Real View Drive instead of 3 new driveways. Mr. Haley stated they cannot make a 50 foot wide ROW.

The Board said to proceed, Mr. Haley needs to :

1. Show the side setbacks.
2. Show the easement with the details drawn on the map.
3. Add text to the map detailing the shared driveway/access.

The Board will wait for Mr. Haley to contact us when he is ready to proceed.

Commercial sign for the East Chatham Food Company(formerly Cottage Restaurant)

Rick Newton appeared again before the Board with sign designs done by John Reilly. The sign is currently 10 feet high and he is proposing 12 feet. Mr. Reilly told Mr. Newton that the changeable portion of the sign at the bottom (hung with hooks)does not count as square footage. Mr. Reilly further said that anything changeable is not considered a sign. Mr. Newton said he would like this sign to be as high as possible for safety and visibility. He wants to remove the bottom portion (the planter) and add curbing or something to protect the sign.

Pierre said if they were building a new sign(if no sign had been there), they would be restricted to 10 square feet. Pierre asked how much square footage there is now and Mr. Newton said it depends on how much the Board would consider. He asked if the Board considered the bottom portion (on hooks) part of the sign? Mr. Newton estimates the sign as is with the posts is 80 square feet. He then asked the Board if a sandwich board sign was okay and the Board said no. Mr. Newton asked if the "temporary" sign on hooks counted as square footage and the Board said yes.

Chad said the sign really needs to fit within the sign that is currently there. Mr. Newton said the plan is to only keep the 2 standing poles and get rid of everything else. The current lights are faced downward and he wants to change them to face upwards. Jens said

they need to be careful with making lights shine upward and make sure it does not go up into the sky too much.

The Board told Mr. Newton that the sign is currently non-conforming and he cannot make the sign larger. The new sign must fit within the boundary of the delineated current sign including the peaked roof that it has. The planter does not count in the square footage and can be removed. The poles can remain and the actual sign can be raised to 12 feet as long as the sign itself does not get bigger in square footage. The peak (roof) has to be counted as part of the square footage of the sign.

Mr. Newton said they now hope to open mid to late July. He said they would like a changeable sign off the bottom of the "big" sign which would be letters that change. He asked if there was a fee for this sign. The Board said it should be considered a Site Plan and the fee would be \$75.00. The Board asked Mr. Newton to show a sketch with the square footage as it is and then a new drawing (final one) with the square footage of the new sign to come back before the Board.

Subdivision for the Wilson Trust on Mercer Mountain

Carl Matuszek, Engineer represented this application. He said this parcel is on Mercer Mountain but is not part of their subdivision. Chris Wilson (a trustee for the Wilson Trust) sent in the authorization form for Mr. Matuszek to appear. This is a 25 acre (+-) parcel to be divided into 8.78 acres and 16 acres. Carl Atkins, Treasurer of Mercer Mountain Homeowners Association was in the audience and he stated there are restrictions on this lot; they are minor but they must be passed onto a new owner. The restriction pertains once a house is built on the land. Once built, it is subject to fees and no other house can be built after the first one. Mr. Atkins said the original map does not match the written description. All of the roads belong to the lot owners and Wilson trust. Mr. Matuszek said the ROW across the Wilson property is owned by the Wilsons and allows Columbia Ridge access.

Mr. Atkins said the Homeowners Association has no problem with the sale except that an abandoned car is on the property and must be removed. Also there is an abandoned house on the parcel and it is to be retained. The 8 acre parcel will be sold and then the restrictions apply to the new owner. There is no disagreement to the sale of the 8 acre parcel and it will not be part of the Homeowners Association unless a house is built.

Chad said this Board cannot approve this subdivision since the 8 acre parcel is non conforming to our Zoning Law. This is in the RA4 zone and requires 10 acre parcels. Since the Board cannot approve this subdivision as presented; there are 3 options: 1)they will have to get an area variance from the ZBA or 2) they could do a BLA if an existing lot owner wanted to purchase 8 acre parcel or 3) reconfigure this to make it a 10 acre

parcel but if the 3rd option was chosen, it would not be divided “cleanly” by the road.

Mr. Matuszek will have to talk to his clients to see what they want to do. The Board told him when the ZBA meeting was, if they wanted to get a variance.

BLA for Meppens Hardware and Dot Meppen on Routes 295 & 22 to change the driveway

Matthew Bowe, Surveyor and Mark Meppen appeared before the Board. This had been sent to the ZBA. The ZBA determined it was a simple BLA. Chad said their decision is in conflict with our Zoning Law. Pierre read the determination letter from the ZBA aloud. He said the only question from the previous meeting was whether a new lot was created and the ZBA’s answer was no. There was no more discussion.

**MOTION TO ACCEPT THE SITE PLAN AND BLA AS PRESENTED- Pierre Gontier
Second- Chad Lindberg**

Roll call Chairman Pierre Gontier-yes
Jens Braun-yes
Marlene Tuczinski-no
Chad Lindberg-yes adopted
Jeff Sotek-yes
Mark DeSanctis-yes

Note: The Board realized the Site Plan must go to County Planning before this Board can act on it.

**MOTION THAT THE APPROVAL OF THE SITE PLAN IS RECINDED AND
FORWARDED TO THE COUNTY FOR THEIR APPROVAL-Pierre Gontier
Second- Mark DeSanctis**

Roll call Chairman Pierre Gontier-yes
Jens Braun-yes
Marlene Tuczinski-no
Chad Lindberg-yes
Jeff Sotek-yes
Mark DeSanctis-yes

A \$50.00 BLA fee was collected.

Review & Approval of the April 26th Special Meeting

MOTION TO APPROVE AS WRITTEN- Pierre Gontier

Second- Jeff Sotek

Roll call Chairman Pierre Gontier-yes

Jens Braun-abstain absent on 4/26/16

Marlene Tuczinski-yes

Chad Lindberg-abstain absent on 4/26/16

Jeff Sotek-yes

approved

Mark DeSanctis-yes

Review & Approval of the May 16th minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier

Second- Jens Braun

Roll call Chairman Pierre Gontier-yes

Jens Braun-yes

Marlene Tuczinski- abstain absent on 5/16/16

Chad Lindberg-yes

Jeff Sotek-yes

Mark DeSanctis-yes

approved

Discussion on the Solar Law

Pierre passed out the revised law and mentioned a few changes such as: 1) took out the word guilty 2) made the maximum height 20 feet and not 35 and 3) it has to be on a parcel between 3 and 5 acres.

Pierre said he had sent some notes to the Supervisor on this before the law was written for his information and did not hear anything about it until he was told the Town Attorney had put together a draft law. He said there is a lot of information to cover to avoid future problems. He thinks there should be a moratorium. There should not be solar farms. The rights of the abutters must be preserved. Pierre said this is a big issue in Hillsdale especially since the law was not detailed enough in advance. Pierre feels solar panels should only be allowed on a 5 acre parcel or larger.

Jeff asked if there was anyplace in Town where it would be acceptable for a solar farm and Pierre said no. The Town does not have an isolated area that would be appropriate; like an old landfill.

Another big issue is the battery storage. Batteries should not be stored on site. Once the financial advantage is gone, people will not want them anymore. Then what happens?

People will have to get rid of everything, including the batteries. The reflection from the solar panels must be addressed; it cannot be allowed to distract drivers. Adjacent property owners can raise an objection to having solar panels near them. People will make an issue that landowners can do what they want with their lands but neighbors have rights too. The neighbors rights shouldn't be infringed on.

These would require a Special Permit. There is a generic permit being created by the State. Pierre feels that the Planning Board should be the ones to issue the Special Permit as they do with Telecommunications. There also needs to be a Public Hearing.

Jeff had a question on the kilowatt usage and asked how we can regulate it? Pierre said the owners have to present a copy of their usage (bills from the last 12 months). Jens asked how glare could be dealt with and Pierre said the Board would have to look at that during Site Plan Review. He said the encasing material is shiny and the Board could make it be non-reflective (he cited as an example the cell tower at Berkshire Farm). Jens said he has been looking at solar panels for himself in the next couple of years and said technology keeps changing. Jens feels the Board has to be careful about saying what we (the Board) does not want. The Board will need to define what a solar farm is.

Chad asked what the purpose of tonight's discussion was since they had just received this revised law. He feels it is important to read it and give input. Pierre said he wanted feedback right away. He thinks it will be pushed thru fast. Chad said the Board members need to review this; there is a lot of information here. Chad wants it done right and thoroughly. It needs a great deal of review and discussion.

There was no more business before the Board.

MOTION TO ADJOURN- Pierre Gontier Second-Chad Lindberg All in Favor

Adjourned at 9:40pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk