

PLANNING BOARD MEETING  
CANAAN, NY 12029

JANUARY 25, 2016

The meeting was called to order at 7:02pm. Katrina Groboski was absent.

Boundary Line Adjustment for Karuna Tendai Dharma Center located at 1525 Route 295

Paul Naamon and Peter Van Alstyne, Surveyor represented this application. Mr. Van Alstyne explained that Tateyuki & Mari Kajigayama abutting landowners want to donate 42.8 acres of their parcel to the Dharma Center. Mr. Naamon said there will probably be a house on the remainder of the Kajigayama property sometime in the future. Pierre said he is familiar with the Dharma Center property since he was on the Planning Board when the initial Dharma Center application was before the Board.

Pierre said he had reviewed the short SEQR form provided by the surveyor and 2 of the questions were answered yes. The first one was whether there was any archeological items found on the property. Pierre said in the past a study was done for archeology and that study was fine. The other question answered yes was whether there were any endangered species on site. There is a small impact due to cottontail rabbits and some birds. Pierre said that impact is small so really there is no effect. The map also was marked for wetlands and that was due to the land across the road.

David asked why they wanted to do a BLA and Mr Naamon said the Kajigayamas wanted to get rid of some of their assets by donating land to the Dharma Center. David then asked if this will effect the tax status? Pierre said yes but the Board is not allowed to look at that. Planning Boards are not allowed to look at tax exemptions on BLA's or subdivisions as grounds for denial.

No more discussion on this.

MOTION TO APPROVE THE EAF- Pierre Gontier  
All in Favor

Second- Marlene Tuczinski

Roll call Chairman J. Pierre Gontier-yes

David Birch-yes

Jens Braun-yes

Marlene Tuczinski-yes

Chad Lindberg-yes

Jeff Sotek-yes

adopted

**MOTION TO APPROVE THE BLA-Pierre Gontier  
All in Favor**

**Second- Marlene Tuczinski**

Roll call Chairman J. Pierre Gontier-yes  
David Birch-yes  
Jens Braun-yes  
Marlene Tuczinski-yes  
Chad Lindberg-yes  
Jeff Sotek-yes

**adopted**

There is a \$50.00 fee. Mr. Naamon forgot to bring a check so the Clerk will leave the signed maps with the Town Clerk. When Mr. Naamon brings in the check he may pick up the maps.

BLA between Susan Newman & Jon Cohen at 79 Luke Hill Road

Matthew Bowe, Surveyor represented this application. The Planning Board reviewed this in November 2015 but could not approve the BLA. The two parcels are already non conforming and a BLA although it would make 1 lot larger would make the other lot smaller, thus making it **more** non conforming. The Planning Board is not allowed to do this. Due to that, this application was referred to the ZBA for a variance. The variance was granted; a copy of which we have on file. Pierre said since the ZBA had issued a variance he would entertain a motion to approve.

**MOTION TO APPROVE THE BLA-Jens Braun  
All in Favor**

**Second-Jeff Sotek**

Roll call- Chairman J. Pierre Gontier-yes  
David Birch-yes  
Jens Braun-yes  
Marlene Tuczinski-yes  
Chad Lindberg-yes  
Jeff Sotek-yes

**adopted**

The applicant forgot to bring a check so the Clerk will take these signed maps to the Town Clerk to hold for payment of \$50.00.

Review and approval of the December 15, 2015 minutes

**MOTION TO APPROVE AS WRITTEN-David Birch**

**Second-Jens Braun**

Roll call Chairman J. Pierre Gontier-yes  
David Birch-yes

Jens Braun-yes  
Marlene Tuczinski-yes                      adopted  
Chad Lindberg-yes  
Jeff Sotek-abstain (absent on 12/15/15)

Additional business

1. Pierre said he has been investigating what the County does after approved maps are filed. He said there are reasons why maps do not get filed such as people missing the deadline or not being to file if taxes are unpaid. While investigating he found that the State recognizes Major and Minor subdivisions **only** and not exempt as Canaan has done. The 1989 law states there is no jurisdiction for exempt subdivisions by Planning Boards.

Pierre said once a filing goes to Real Property all they look at is whether taxes have been paid or not. If paid, they just stamp it. They do not look at anything else. He said based on what he found, our Zoning law must be changed to meet State Law. He also said from now on all subdivisions will require a short EAF form be done.

David questioned whether the County will accept a map without Planning Board approval (any Town)? Pierre said maps have been filed without approval. Pierre said the reason he started looking into this was because Mr. Guterman wanted to just do BLA's by deed only. Pierre said that will not happen. So the Planning Board needs to change some things in wording in our Zoning Law to reflect that BLA's must have approved maps and that the Planning Board cannot do Exempt Subdivisions.

Another topic the Board needs to address is the way- Pierre said it cannot be owned by 1 person. It should be owned by a Homeowner's Association. This would allow everyone to be taxed on that way if it goes thru their property. The Homeowner's agreement must be in writing and be on file with the Planning Board **before** a subdivision will be allowed. The way will also have to have a maintenance agreement for upkeep. Marlene said this Board cannot force property owners to do this. She said she is concerned with property rights. She asked what if they don't get along? She further said this is a private issue and not a Town one. Marlene feels strongly that this cannot be pushed onto people. Pierre said yes, it can and will be. Jens said this cannot be unique to our Town and he would like to find out what other Towns do.

Pierre wants to do more work on this and speak to the Supervisor to see where he wants to go with this. Pierre repeated the 3 most urgent issues for the Planning Board to address are 1) need to make changes to the zoning law regarding BLA's 2) eliminate Exempt subdivisions from our zoning and 3) decide what to do about ways. Pierre would like to work on this at our February meeting if our agenda is light and count it as a workshop.

There was no more business before the Board.

MOTION TO ADJOURN- David Birch  
All in Favor

Second- Jens Braun-yes

The meeting was adjourned at 8:16pm.

Respectfully submitted,

Tammy C. Flaherty  
Planning Board Clerk