

PLANNING BOARD MEETING
CANAAN, NY 12029

FEBRUARY 15, 2016

The meeting was called to order at 7:04pm. Katrina Grobinski was absent. Marlene Tuczinski came into the meeting about 7:20pm.

Boundary Line Adjustments to merge 3 parcels into 1 parcel for Pamela & Charles DesChamps at Queechy Shores

Cindi Eliot, surveyor, represented the applicant. Ms. Eliot brought with her a copy of the original schematic that her father had drawn in 1976 for all of Queechy Shores. Lot 1 is .24 acres, lot 2 is .23 acres and lot 3 is .486 acres. Added together this is still less than 1 acre however it makes the non-conforming lots more conforming. Pierre told Ms. Eliot that her clients realize that once the BLA's are done, they cannot be allowed to be separated since they would be non-conforming.

Ms. Eliot said she had done a short form SEQR and the response was yes to endangered species but nothing out of the ordinary. There is a 5 foot waterline easement shown on the old map so Ms. Eliot said she put that on this map as well. There is no actual waterline there that she knows of.

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

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

A fee of \$75.00 was collected.

Note: Marlene was now present at the meeting.

Review & Approval of the January 25th minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier
Second- Jens Braun All in Favor

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

Marlene Tuczinski-yes

Chad Lindberg-yes

Jeff Sotek- yes

adopted

Additional business

1. Pierre said he has been researching the zoning laws, which were done in 1967. All that was listed originally under subdivisions was major, with road spec information. Minor subdivisions were added later. He looked to see what other Towns are doing and most Towns are doing a road maintenance agreement. Some Towns list how long the private way can be, such as 500 feet. David said he thinks there should be a maintenance agreement. Jens asked who pay the taxes on it and Pierre said he has the Assessor working on that. David said a Homeowners agreement is very difficult. It has to be done thru the State and it would have common areas. He said the Homeowners agreement can't be forced. Marlene does not agree with any of and does not think the Planning Board should be telling applicants that they have to have a maintenance agreement at all. She asked the Board how they could make them do that? David said the Planning Board should just tell them they have to. Pierre said when someone comes in for a subdivision, the applicant must show the agreement or approval will not be given. Chad said the larger the subdivision, the more things that are required. Chad thinks the portion of the land going thru each parcel must have its own portion of the way. The ROW allows access and a maintenance agreement must be met to keep access. David said it would be a separate agreement for maintenance and Chad said it would be part of the deed. Marlene said it can't be enforced and strongly believes it is not part of the Planning Board's responsibility to insist on it. Chad said the Planning Board will make the applicant have that requirement in their deed before a subdivision is allowed. Marlene said you cannot make that be a part of the deed and she asked what if a person subdivides his land and has no potential buyers now? How can the Planning Board require this in a deed when the owner has no idea when or if he will sell? What if the potential buyer does not like it? Chad said then they will buy elsewhere. Marlene said it is wrong to expect this or require it.

Pierre asked the Board to supply him with input as to the language required so then the Board can discuss it. Pierre wants the Board members to be comfortable with this idea and the wording. David asked when a way would be allowed that does not have to have a road maintenance agreement; someone has to maintain it. Marlene said whoever owns it before a subdivision can keep ownership of the way.

Another issue is the conflict between driveway specs and way specs regarding grade. This needs to be addressed. Pierre said you can't dead end a road in a subdivision, it has to loop around or create a cul-de-sac. Pierre asked the Board if they wanted to allow driveways off the cul-de-sac and the Board said yes. Pierre said some Towns won't allow that. Jens asked if a lawyer would draft a document and Pierre said yes but he wants a lot of input before he goes to the lawyer. Jeff asked if there was any State law on road

maintenance? Pierre said not that he knows of; only a Homeowners Association.

There was no more business.

MOTION TO ADJOURN- Jeff Sotek Second-Pierre Gontier All in Favor

Meeting was adjourned at 8:25pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk