

Final
DRAFT
as written
8/17/15

PLANNING BOARD MINUTES
CANAAAN, NY 12029

JULY 20, 2015

The meeting was called to order at 7:06pm. All Board members were present. The Board stands at 4 members.

Boundary Line Adjustment between Donna McKay and Peter Borell /Anthony Proscio at 44 and 56 Beebe Pond Road.

Jim Tomaso, Surveyor represented this application. Mr. Tomaso explained that the Borrell/Proscio property is only .855 acres. This BLA will increase the size of that parcel to 1.011 acres. The houses are already existing on both parcels. The survey for McKay was previously done by Al Meier. There is a 25 foot buffer on each side of the stream shown on the map. This was requested by Pierre when he previously reviewed the maps.

Jens asked if since this is 2 acre zoning is this BLA okay. Pierre said yes, the property is grandfathered and the applicant is making the parcel larger so even though it still is not 2 acres, the BLA can be done. It makes it more conforming.

MOTION TO APPROVE THE BLA AS PRESENTED-Marlene Tuczinski

Second- Jens Braun

All in Favor

<u>Roll call-</u> Acting Chairman- J. Pierre Gontier	yes	
Jens Braun	yes	
Marlene Tuczinski	yes	approved
Chad Lindberg	yes	

A fee of \$50.00 was collected.

Exempt Subdivision for Viki Hatch as part of the Estate of Vivian Gates on Goetz Road

Cindi Elliot represented this application. Pierre said since there was a previous subdivision on this (in 2012 to settle the estate), this is actually a minor subdivision. Ms. Elliott said lot 3 from the last subdivision will now become Lot 3A with 12.39 acres and 3B with 9.04 acres. Lot 3 is bisected by Goetz Road however our Zoning does not allow using a road as a natural subdivider so that is why it is before the Planning Board.

This subdivision kicks up a DEC mapper to identify endangered species/fauna. None were found. Cindi presented DEC maps to show this. Also presented to the Board were: a pin setting letter, the as is map, the authorization letter for Ms. Elliott to appear, information for a road cut from Bernie Meyer, Highway Superintendent. The road cut information was

listed on the map and Ms. Elliott said Mr. Meyer is fine with the road cut for a possible future driveway. Also presented was the SEQR form, which Pierre read aloud and the EAF (part 2) had been filled out. The results of the EAF were no adverse impact was found.

**MOTION TO APPROVE THE MINOR SUBDIVISION- Chad Lindberg
Second- Jens Braun All in Favor**

<u>Roll call</u> Acting Chairman- J. Pierre Gontier	yes	
Jens Braun	yes	
Marlene Tuczinski	yes	
Chad Lindberg	yes	approved

A fee of \$150.00 was collected.

BLA between Wilber/Helen Clark and Marcella Shaw & Brian Shaw at 3014 and 3032 County Route 9. Also, an Exempt Subdivision for Wilber/Helen Clark at 3032 County Route 9

Betty Hunt (Mrs. Clark's daughter) was present for the application. This was presented last month to the Board informally. Ms. Hunt said she has to buy .82 acres from the Shaw property to create a 4 acre parcel so that it can be divided into two 2 acre parcels with a house on each parcel. Ms. Hunt is getting a new double wide trailer to replace an older version. If Ms. Hunt replaced the old trailer with a new one in the exact same location, then the ZEO would give her a building permit automatically since she is grandfathered. The old trailer was removed in September of 2014. Ms. Hunt does not want to locate the trailer in the same spot for several reasons. So to accommodate that, she must have 4 acres to divide the property for the 2 houses.

She will need the 10 year history for the subdivision. Ms. Hunt went to the Assessor's office but the Clerk in that office only gave Ms. Hunt a description of the property and not the history. Pierre said based on that the options to the Board were : 1) approve the application with the condition of getting the 10 year history or 2) hold a Special Meeting.

Pierre said he had spoken to the Town Attorney and once a subdivision is done, Ms. Hunt loses the grandfathering so the map needs to show the location of the house, all setbacks and the septic. Marlene asked if the Board could do a BLA and then wait to get the rest of the information. Chad and Pierre said no, that could do more harm to do it that way. Pierre said if this is a trailer, then once a subdivision is done, Ms. Hunt would have to go to the ZBA since a trailer is not allowed in this zone.

Since there are so many outstanding items, the Board decided to hold a Special Meeting

on this. Ms. Hunt will have to get all the outstanding items put on the map by the surveyor and get the 10 year history. She needs to let the Board know when all of that is done.

Pierre said he will call the Town Attorney regarding page 14-A2 in our Zoning to see if the placement of the new house has to be in the same exact spot or can it be anywhere on the property?

Interviews for Board vacancies

Pierre gave an overview on what the Planning Board does. The Planning Board does not write the law, the Town Board does. He said some nights can be very late and time consuming. It is important to show up at the meetings. If there is no quorum, no business can be conducted. Appointments to the Boards are made by the Town Board. The appointments will be for a specific amount of time, to fill unexpired terms. The Planning Board reviews site plans, Boundary Line Adjustments and subdivisions. The ZBA does Special Permits and variances. Also, the Planning Board covers issues with the Telecommunications Law. There is a State requirement to attend 4 hours of service training per year.

Mark DeSanctis- Pierre asked what his interest was in being on the Planning Board. Mr. DeSanctis said he moved here about 3 years ago. He rented at first and now is in the process of building a house here. He has a history of community service. He is excited to live in Canaan and it would be an honor to help guide the development of the Town.

Pierre asked if the hours or training were an issue and Mr. DeSanctis said no; he works days.

Pierre said sometimes applications come in that you personally don't support however you must allow it if the law allows it. Would that be a problem? Mr. De Sanctis said no problem. There is a difficult balance sometimes but the zoning laws govern it. He is committed to the Town.

Jens asked what drew him to Canaan? Mr. DeSanctis said it is an unspoiled gem. It has natural beauty. There is a lot of undeveloped land and he would like to participate in keeping the beauty and history of the Town. He is proud to be here.

Pierre said protection of the land and the scenery has been done well over the years. Canaan was the first Town in the County to adopt zoning and that has done well for the Town. Mr. DeSanctis said he is not against change but wants responsible development. He was a renter long before he decided to buy here. He was impressed with how the Town was run.

Neither Chad nor Marlene had any questions. No more questions.

David Birch- Pierre asked why he was interested in the Planning Board. Mr. Birch responded that it would be nice to serve on this Board. He has appeared before other Boards and was unhappy with them. He wants to help and have people on Boards who are good.

Pierre said he is sensitive to people's needs and he is proud of this Board.

Pierre then said Mr. Birch would have to recuse himself if he was involved with a project or application that came before the Board if he was involved financially (referring to Mr. Birch's job in real estate). Mr. Birch said yes, obviously.

Pierre then stated there could be a project that you might have to say no to, is that a problem? Mr. Birch said no. If more is required or not allowed in zoning, then it is not. He just does not like Boards putting people off and not helping. Pierre said sometimes there are things you want to do but can't except to follow the law.

Pierre asked if he had time to be on the Board? Mr. Birch said yes.

Chad said he appreciated his view. This Board does try to help but there are rules to follow. Mr. Birch said the attitude of some Boards is that they do not reach out to help, they just say come back again. Pierre said they try to go over the whole application to try to cover as much as possible; all aspects and questions. They try not to drag it out.

Jens said it is a 7 year commitment. He asked if Mr. Birch was willing to commit to that? Mr. Birch said yes. He is part of the community and is in Town all the time.

Marlene had no questions. There were no more questions.

Katrina Groboski- Pierre asked why she decided to apply? Ms. Groboski said she has lived here 10 years and has decided to stay here. She wants to participate in the direction as to where the Town goes.

Pierre said sometimes decisions are difficult. He asked if she was comfortable denying any application or asking for more information? Ms. Groboski said she is a nurse. She has worked for attorney. As long as she knows the regulations, she is happy to work within them.

Pierre asked if the in-service training was okay? Ms. Groboski said yes.

Pierre said if an application is from a friend of yours, it could make you uncomfortable. Would she still be able to make a decision, even one they did not like? Ms. Groboski said

she could make the decision if need be with no problem. She is used to giving bad news. Or she said she could recuse herself.

Jens asked if she had any questions for the Board? Ms. Groboski asked how she would prepare? It is only 4 hours of training? Pierre said she could do more training if she wanted. He said he plans to do a workshop on how the Board operates. She also asked if she was unclear, could she reach out to other Board members. Pierre said absolutely. Ms. Groboski then asked if Board members review the work in advance or do they see it at the meeting for the first time? Pierre said the Clerk reviews all materials and goes over it to see if anything is missing. She also goes over it with him. If there are outstanding items, the Clerk lets the applicant know so they can get the needed papers in.

Pierre asked if she was committed to the number of years on the Board and Ms. Groboski said yes. She then asked about time restrictions beside training, regular meetings and Special Meetings; were there more times the Board gets together? Pierre said no. He also said the Board cannot meet outside the meetings to conduct business, which a quorum would do.

Chad and Marlene had no questions. No more questions from the Board.

Jeff Sotek- Pierre asked why he was interested in the Planning Board? Mr. Sotek said he has been a resident for 10 years. He is a professional engineer and might be able to help the Town.

Pierre asked if he had any particular thoughts on businesses in Town? Mr. Sotek said he assumes there is a master plan. As long as businesses meet that, he has no problem. He has no agenda.

Pierre said sometimes decisions are difficult. Is it an issue to say no? Mr. Sotek said no problem. He has been to many Planning Board meetings (not Canaan) and has received a no answer. He is glad to see this Board helping citizens. He is impressed.

Jens asked what his experiences with Planning Boards are? Mr. Sotek said he is a Civil engineer but is licensed as an Environmental Engineer. His experiences with Planning Boards is brownfields.

Mr. Sotek asked if there was a timeline to being appointed? Pierre said the Town Board appoints next month.

Marlene had no questions and Chad said his issues were addressed. No more questions.

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL- Jens

