

PLANNING BOARD MEETING
CANAAN, NY 12029

SEPTEMBER 19, 2016

The meeting was called to order at 7:02pm. Marlene Tuczinski was absent.

Exempt Subdivision for Jonathan & Dena Harty at 13191 Route 22

Fred Haley, surveyor and Jon Harty were present.

This is a 82 acre parcel with a house on it. Mr. Harty wants to create a parcel around the house to sell, along with the house. Mr. Haley said the Board had approved a subdivision in 2000 however the parcel was put back together at a later date. Now Mr. Harty needs to sell the house with land (parcel 1) for divorce proceedings. All the existing buildings are shown on the map.

The proposed subdivision would use the current driveway to gain access to the house for sale and then create another parcel behind that house which Mr. Harty plans to keep. Pierre said he is concerned with access to the back of the parcel especially with the close topographic lines shown on the map. Also Pierre said he would like a letter from DOT to indicate where the new driveway would be. Mr. Harty indicated he would put in a new driveway sometime. Mr. Harty also said there is a driveway for the barn (adjacent) which is not shown on the map.

Chad made the point that there is 1 lot with the driveway and Mr. Harty could get access from the old driveway(which was to the old homestead which has been torn down). This is the driveway Mr. Harty referred to as not being on the map. Mr. Harty said he has talked to DOT and they will support an additional access/driveway. Mr. Harty was asked to get that in writing. Pierre said as for future use, Mr. Harty would have to come back before the Board for another driveway and/or house.

Mr. Harty said he had a buyer for 10 acres with the house but now the buyer wants to buy the house with only 6 and ½ acres. Pierre said that is okay. Due to the distance from Route 22, as long as there is at least 5 acres, that is fine. The first 500 feet of the property is in the C2 zone and the rest is in the RA 2 zone.

This would be considered a flagpole lot but the width of the lot is determined by where the building lot location actually is. Mr. Haley said he would show that on the next map, where the setback is for a building site. Also a new map would need to show emergency pull offs on the driveway every 500 feet and the driveway must be 60 feet wide.

Jens asked Mr. Harty how he would cross the driveway (once sold) to get to his fields on the other side. Mr. Haley said Mr. Harty will have access across per an agricultural access. The Board wants that in writing.

Mr. Haley said he would bring new maps with him to the next meeting but Pierre said he wanted the maps 10 days in advance of our next meeting so he could review them.

Outstanding items:

1. Show driveway 60 feet wide
2. Show pull offs for emergency vehicles
3. Need a letter from DOT with expectations for current driveway and for future driveway(s)
4. Need the language for the deeded access in a letter and on the map
5. The existing driveway for the old farm needs to be shown on the map
6. Need to show 350 foot lot width and building setback line for existing house(to show it is conforming)
7. Need language for the required agricultural access to the field(s) on the other side of the driveway

Review and approval of the August 15th minutes

David Birch disagreed with what was written in the minutes as to what he had said so he wrote up what he wanted it to be. The Clerk said those were not the words used so she could not put them in the minutes. She explained if David wanted to clarify what was said, he could in tonight's minutes but David wants last month's minutes changed. The Clerk cannot do that without listening to the tapes again and not without Board approval.

MOTION TO TABLE THE MINUTES UNTIL THE CLERK CAN LISTEN TO THE TAPES-Pierre Gontier Second-Jeff Sotek All in Favor

2017 Budget

Pierre went over last year's budget which was:	Personnel	\$2000.00
	Contractual	<u>500.00</u>
		\$2500.00

**MOTION TO PROPOSE THE SAME BUDGET AS LAST YEAR-Pierre Gontier
Second- Mark DeSanctis All in Favor**

Roll call

- Chairman J. Pierre Gontier-yes
- Jens Braun-yes
- David Birch-yes
- Chad Lindberg-yes
- Mark DeSanctis-yes
- Jeff Sotek-yes

Suggested Zoning Law changes

Pierre said the State only recognizes Minor and Major Subdivision, **not exempt**. Exempt Subdivisions are not listed anywhere in the State law but our zoning has it. It needs to be removed. Exempt Subdivisions came about because people wanted and needed to split off 1 or 2 parcels to pay debt/taxes or to give a piece of land to their child (children).

Minor- discussion on whether it should be 1 to 3 lots or 1 to 4 lots. Pierre and Chad said 1 to 3 and David said 1 to 4. Chad explained 1 to 3 is due to the amount of review it needs. Pierre said a lot of Towns recognize Minor as only 1 or 2. The disturbance of land in 1 to 3 lots is less. Board decided a Minor Subdivision will be 1 to 3 lots and a Major Subdivision will be 4 to 7 lots.

Driveway- according to our zoning, a driveway requires a Special Permit. All Special Permits require a Site Plan approval. Pierre said he could not understand why that is in the zoning. He thinks the Special Permit process should be taken out but **still** require a Site Plan Review. Chad asked if that was the case, then when would an applicant come before the Planning Board? Pierre said when they went to get a building permit. The ZEO would say they needed an approved Site Plan on file before a building permit would be given. Chad said if a Site Plan Review is required at the time of a building permit, that will answer the needed questions. He said he was fine with a that approach as long as all the required things are done ie: driveway, septic systems setbacks are okay. Pierre proposed that 1 driveway would serve 1 or 2 lots from a Public Way. To create a third lot, it would be serviced by a private way. To have 4 or more lots, the driveway would have to meet Highway specs and would need more review. This is another reason why 4 lots or more would be considered a Major Subdivision and not a Minor. Mark said he agreed that 1 to 3 should be Minor and 4 or more should be Major. He also feels that multiple homes should require wider roads (driveway) for safety and access.

Public Way- would be 60 feet wide with any driveway coming off the Public Way would be less than that. One or two houses can share the driveway without Public Ways specs.

David asked if the main difference between Minor and Major is the short SEQR form or the long form? Pierre said that is one issue but the other one is road specs. Major Subdivisions require much more stringent details.

There was no more business before the Board.

MOTION TO ADJOURN-Pierre Gontier Second- Chad Lindberg All in Favor
The meeting adjourned at 8:36pm.

Respectfully submitted,
Tammy C. Flaherty
Planning Board Clerk