

PLANNING BOARD MEETING
CANAAN, NY 12029

SEPTEMBER 18, 2017

The meeting was called to order at 7:01pm. David Birch and Jeff Sotek were absent.

Boundary Line Adjustment for David Gliner at 530 County Route 24

Mr. & Mrs. Gliner were present. Mr. Gliner said they had purchased the adjoining property which has a small house on it. They will probably renovate it into a cottage.

Chad asked if they had reviewed our zoning law. Pierre said he went to the property with Mr. Gliner. The small house will be an accessory use (it is only 750 SF). Pierre said the applicant was informed he cannot subdivide this once a BLA has been done.

MOTION TO APPROVE THE BOUNDARY LINE ADJUSTMENT AS PRESENTED-

Pierre Gontier

Second- Chad Lindberg

All in Favor

Roll call Chairman Pierre Gontier- yes

Jens Braun-yes

Chad Lindberg-yes

Mark DeSanctis-yes

adopted

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

Boundary Line Adjustment for Salls Road LLC on Bristol Road

Dan Russell. Surveyor represented this application. Mr. Russell stated the abutting property owner (Edward Rufrano) is selling 3.13 acres to Salls Road LLD. Part of this property is in the Town of New Lebanon. It is required by law that Canaan notify New Lebanon of this BLA. Normally the Town with the majority of property does the BLA. The other Town can waive their review.

The Clerk wrote a letter to the New Lebanon Planning Board stating this was being reviewed in Canaan and New Lebanon could waive review. An email was also sent. As of
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tonight, no response from New Lebanon. Chad asked if Canaan's approval was contingent upon New Lebanon's approval. Pierre said it has to be approved by both towns but New Lebanon can waive review and just give Mr. Russell a letter saying the BLA is okay.

MOTION TO APPROVE THE BOUNDARY LINE ADJUSTMENT AS PRESENTED-
Pierre Gontier Second- Jens Braun All in Favor

Roll Call Chairman Pierre Gontier- yes
 Marlene Tuczinski-yes
 Jens Braun-yes
 Chad Lindberg-yes adopted
 Mark De Sanctis-yes

A fee of \$ 50.00 was paid.

Exempt Subdivision for Jon Harty at 13191 Route 22

Jon Harty was in attendance.

Outstanding items:

1. Driveway Maintenance Agreement

This was sent to the Town Attorney and was approved

2. Septic field to be shown on the map

3. Three pulloffs (8 by 30) on the driveway every 500 feet for emergency vehicles

Pierre said he had asked Lee Heim, the ZEO, to look at the driveway to see if it was okay. Lee sent an email response to Pierre and it was read aloud. No problems.

Upon review of the map, the Board noticed **only** 2 pull offs were shown on the driveway. Chad said there were a few issues.

Current outstanding items:

1. The wording in the driveway agreement does not match the number of the parcel. The easiest way to correct this is to renumber the parcels on the map to match the wording in the agreement(so parcel # 1 will become #2 and parcel #2 will become #1).

2. The septic system is shown on the map **however** the word *approximate* is written. The word approximate has to be removed.

3. Need to show 3 emergency pulloffs.

Mr. Harty will have to contact his surveyor (Fred Haley) to have all the changes made to the maps.

Installation of a solar array for Malcolm Drummond at 189 Old Hudson Tpke

Malcolm Drummond, Andrew Petersen and Jennifer Amerling (sales rep for Monolith Solar) were in attendance.

Pierre stated there is a referral from the ZBA on file. The EAF has been filled out and the results are there would be a small impact to the area (re: bats). Pierre said he had done an on site inspection and took pictures of the property including the proposed site of the array. Pierre also took a photo of an area behind the house as a possible site for the array. The Board looked at the photos. Mr. Drummond said he would have to take down too many trees behind the house and they had tried about 5 sites on the property, all except the proposed site was unsuitable. The other sites do not get enough sun. He also said he cannot do panels on his roof.

Pierre said there is very little screening at the proposed site. The sales rep said they can plant some more trees if needed. Mr. Drummond said this is a serious issue and the Board shouldn't have so many restrictions. He would like the law changed. Chad and Pierre said the Board has to follow the law and the law was created because our zoning law was not followed and due to that some arrays went up when and where they shouldn't have. The solar law was created because of that. Pierre said there is some flexibility in the law. However, the main tree line (used for screening) which is along the road is in the Town's right of way so the Town can remove them if they want. If they were removed, there would be no screening around the array. If the Town clears the trees and brush, Mr. Drummond would have to replace them.

Mr. Petersen submitted new paperwork:

1. Property survey with the location of the array shown
2. Vicinity map with the cross streets
3. An engineer designed and stamped foundation raking system
4. Twelve months of utility bills
5. Detailed site plan with the existing buildings, utilities, driveway, overlay, setbacks etc.

6. Tax map with the cross streets
7. Some landscaping shown on the map

Mark said climate change is real but what Mr. Drummond proposes can easily be seen by a car when you drive by. His concern is where the array is; it places a burden on the neighbors. The sales rep asked what if Monolith adds some kind of screening. Mark said it is still an undue burden to the neighbors since it can easily be seen. The sales rep said it is easy to add screening to take care of this issue. She said she is at the meeting to compromise and make it happen.

Chad read aloud from the solar law and it clearly states an array cannot be seen from the road. The sales rep repeated that they can provide screening. Chad said any screening would have to be substantial. Plantings would have to be deer proof. Pierre said a landscaping plan needs to be developed and presented to the Board. It would need to show a list of plantings incorporated into the application.

Mark said he is still not happy with this. If they put up a fence and he was a neighbor he would not be happy with that either. The sales rep asked if a fence would be more pleasing to the Board. There was a discussion about a fence but Pierre said that would not be pleasing to look at. To put up a fence to cover all of the array would be too tall. Mark said the only way he will be happy is if the array is moved to the backyard. The sales rep said that would require a large number of trees to be taken down and they don't want to do that. Pierre repeated he thought the backyard was a good site. He also said he thought the abutting property (Mr. Drummond owns) would be better. Mr. Drummond said no due to elevation issues and that side is the West and would not work well. Jens felt as long as there was a plan so it can't be visible from the road would be okay.

Pierre suggested they do 2 proposals for the Board; trees/shrubs versus a fence for shielding . Pierre said the fence would have to be at least 8 feet tall. Mr. Drummond said the array will be visible along his driveway (which can be seen from the Town road) so something has to be done there as well. Mr. Drummond said he has noticed other arrays on his road which are very visible. Pierre said that is exactly what promoted this law.

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Outstanding items:

1. Two screening proposals
2. Certification on the electrical system. Documents only provided so far on the foundation certification.

Review and approval of the August 21st minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier Second- Jens Braun

Roll call Chairman Pierre Gontier- yes

Marlene Tuczinski- abstain (absent on 8/21)

Jens Braun-yes

Chad Lindberg-yes

Mark De Sanctis-yes adopted

Additional business

1. 2018 Budget

Pierre went over last year's budget. Jens suggested putting money into the budget for a digital projector to be used with applications. The Board discussed this and Chad said most Towns have this.

Budget proposed is \$2000.00 for personal service
500.00 for training reimbursement

Total of \$2500.00 and Pierre will discuss the projector with the Supervisor

2. Pierre said he went to the first Water Resource Committee. The committee will accumulate all the data and do GIS mapping. The project will take 12-18 months.

There was no more business before the Board.

MOTION TO ADJOURN- Chad Lindberg Second- Marlene Tuczinski All in Favor
Meeting was adjourned at 8:36pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk