

PLANNING BOARD MEETING
CANAAN, NY 12029

AUGUST 21, 2017

The meeting was called to order at 7:11pm. Marlene Tuczinski was absent.

Exempt Subdivision for Jon Harty at 13191 Route 22

Mr. Harty was not in attendance when the Board started their discussion. Mr. Harty arrived during the discussion at 7:20pm. Pierre said Mr. Harty sent the Driveway Agreement to the Clerk at 1:55pm. Pierre sent it to the Town Attorney, no response yet.

The Chairman met with Mr. Harty a few days ago to go over the proposed subdivision and Pierre said there were a couple of items which were needed on the map. The new maps presented show what he asked for:

1. The ROW ends at Mr. Harty's parcel since Mr. Harty has decided to retain ownership of the ROW.
2. A cul-de-sac was needed, for future development (if any).

Chad asked how a parcel can be created with no road frontage off Route 22 and Pierre said it gets frontage off the ROW. The Board has done this many times in the past.

Chad asked how long Mr. Harty has to wait to subdivide again and Pierre said he could come in tomorrow to subdivide, if he wants.

Chad asked what the construction of the ROW has to be. Pierre said it is a private way and only has to be 12 feet wide. Pierre also said the condition will be that Mr. Harty cannot go forward with any building until the maintenance agreement is approved.

Chad said he had asked Mr. Haley (the surveyor) at a past meeting to locate the septic on the map. It is still not on the map.

Past outstanding items

1. Show septic system on the map.
2. Show access to cross the ROW to the other side of Mr. Harty's property. *
3. Show the proposed driveway on the map off of lot 2

* This is not needed now since Mr. Harty has decided to retain ownership of the ROW.

Pierre said a condition of approval would be that when Mr. Harty wants to build a house

on parcel 2, he has to bring the ROW up to standards. Pierre told Mr. Harty to review the zoning law and read up on road specs. Jon asked why this is coming up now when it when it is about to be approved. Pierre said before the driveway (ROW) was going with the parcel to be sold. Now the ROW will be with the large parcel . Pierre said also per tax law, the driveway must end at the furthest parcel (which is the one he is retaining). Mr. Harty said it is only a driveway. The Board said it is a private way because it goes to more than 1 parcel. Jens questioned why this is a problem, the Board has approved parcels like this before when there has been 2 houses off 1 driveway. Jon asked what would happen if he sells the driveway with the house. The Board said then it is a non-issue. Pierre said he can do that but if he does sell the driveway with the house then he has to get a ROW to cross the driveway. He would also have to put a new driveway in to access his parcel. Mr. Harty said DOT said that was not a problem. Pierre said he also would probably have to get a new DEC permit to get over the stream and there is no guarantee that DEC will give permission for a second access.

Pierre repeated that only if Mr. Harty wants to build in the future, will he have to bring the driveway up to spec. David suggested Mr. Harty move ahead with the map as shown and worry about a possible house in the future.

Outstanding items

1. Show the existing septic system on the parcel to be sold.
2. Show emergency pulloffs (8 by 30 feet) on the driveway every 500 feet. The Board wants 3 of them.
3. Need the approval from the Town Attorney on the Driveway Maintenance Agreement.

* Note- The Chairman was notified by email on 8/22 that the agreement was okay.

Site Plan Review for the addition of a solar array for Malcolm Drummond at 189 Old Hudson Tpke.

Andrew Petersen from Monolith Solar represents this application.

Mr. Petersen said the array is to be 103 feet from the road and 110 feet from the house. It is a 5400 kw ground mount solar system with 18 modules.

Pierre said it is an informal review since the ZBA's requirements have not been satisfied. This will require a Special Permit from the ZBA. The Planning Board cannot officially look at this application until the ZBA is satisfied and has accepted the file. A Site Plan must be approved by the Planning Board before the ZBA can issue a Special Permit. The ZBA has to hold a Public Hearing, the Planning Board does not, but can. Pierre said this
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must meet regulations in the solar law as well as the Site Plan requirements.

Outstanding items

1. Needs certification from engineers on all electric connections , building codes and design. Pierre referred to page 5 in the solar law, article B1.

2. Site Plan map is required. It needs to show all structures, location of the solar array and all other requirements as listed in the zoning law. It does not have to be done by a surveyor, it can be hand drawn as long as it is to scale. Need to put the North arrow on the sketch. Mr. Peterson had submitted aerial photos (from Google) as the Site Plan and the Board would not accept them since they do not meet the zoning requirements.

3. Need the 10 year projection of energy.

The setbacks are okay. The height is okay. The fact that the use will be under 110% is okay. Twelve months of electric use was provided to the owner by NYSEG. The owner gave that paperwork to the Clerk.

Pierre said if the array is in the frontyard, it cannot be visible from the road. This seems very close to the road. Mr. Petersen said there are trees and you will not be able to see the array from the road. Pierre said he will be making a site visit. Pierre also said screening of the array **must** be maintained. If the trees (buffer) come down, new trees must be planted. If the Board does not feel there is enough screening now, they will condition that some more trees must be planted. Mr. Petersen said that will not be a problem.

Jeff asked if the array can be seen from the road and Pierre said yes. Mr. Petersen said he has not seen the site. Pierre and Chad feel there are better places on site to locate the array. Pierre said he will know more after his site visit. He plans to take photos. Pierre also said the Board can stipulate the array must go somewhere else on the property.

Review and approval of the July 17th minutes

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MOTION TO APPROVE AS AMENDED- Pierre Gontier Second- David Birch

Roll call Chairman Pierre Gontier-yes

Jens Braun-yes

David Birch-yes

Chad Lindberg-yes

Mark DeSanctis-yes

Jeff Sotek-yes

adopted

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Additional business

1. Pierre announced he has been appointed to the Water Resources committee in Town.
2. The Board has begun receiving the ZEO report again.
3. Pierre said the Supervisor has asked Councilwoman Brenda Adams to sign off on the zoning laws. They need to be approved by the Town Board and put on the website.
4. Mark asked what happened to the meeting that was suppose to take place between

Pierre and the ZBA Chairman, the ZEO and the Town Attorney. Pierre said the attorney had just come back from vacation so nothing is set yet. Mark referred to the letter from the Town Attorney regarding the Planning Board's concerns on some recent ZEO actions/decisions and said it could be interpreted several ways. He asked Pierre how he took it and Pierre said it is how he expected.

Chad said if the ZEO makes an error or does something wrong, it does not make it valid. Pierre agreed. Pierre said ZEO's do not take the time to learn the zoning law. Also, they do not familiarize themselves with what each Board's duties are.

Pierre said that includes the ZBA, the ZBA does not understand that once the Planning Board stamps a map the ZBA is not allowed to change the site plan. Pierre cited Gliner's Site Plan as an example since the ZBA added a condition of planting trees and the ZBA is not allowed to do that.

Jeff asked if there was a way to hold a joint meeting between the Planning Board and the ZBA so everyone understands what each Board does and can do. Pierre said he has wanted that for awhile.

5. Mark asked about the letter from Martha Parrish and asked Pierre to talk about it. Mark interpreted it to mean she was not happy. Pierre said there still could be an issue if the public decides to sue under an Article 78. The Public can sue up to 30 days after the ZBA makes their decision(it is 30 days after the ZBA decision since that decision is later than the Planning Board decision).

There was no more business before the Board.

MOTION TO ADJOURN- Jens Braun Second- Mark DeSanctis All in Favor
The meeting adjourned at 8:55pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk