



**Town of Canaan**

Planning Board Regular Meeting Minutes -**APPROVED**

July 15,2019

**Present:** J. Pierre Gontier, Chainnan  
Chad Lindberg, Deputy  
Planning Board Members:  
Mark DeSanctis  
Jeffrey Sotek  
David Birch  
Jens Braun  
Marlene Tuczinski

**Others Present :** Stanley Joseph, Applicant  
Doris Gearing  
Dorothy Doktor

**L Call to Order**

Chairman J. Pierre Gontier called the Regular Meeting of the Planning Board to order at 7:00p.m.

**II. Minutes Review/Approval**

The minutes of the June 17, 2019, meeting were reviewed and approved by motion made by Chairman Gontier and seconded by Member Mark DeSanctis . The vote carried, as follows:

J. Pierre Gontier, Chainnan	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Mark DeSanctis	Aye
Marlene Tuczi nski	Aye

**ID. Regular Meeting**

**Case No. PB-2019-018 – Site Plan Review for Stanley Joseph, 53 Whiting's Pond Road, Canaan, NY for the erection of an Interpretative Historical Sign**

The Applicant is requesting site plan review regarding the erection of an Interpretative Historical Sign on Stanley Joseph 's personal property . Chairman Gontier commented on zoni ng law, wherethis request falls, sign and location of the sign and that the narrative is being changed from the original to promote people to come to this site.

Chairman Gontier explained he has contacted the Town Attorney for an opinion on signage and has been informed that the signage is within the scheme of zoning law, use chart states signs allowed in all districts. Historical markers and signs under exemption are allowed with a 10 sq. ft. limit (This was later corrected to 12 sq. ft by Chad Lindberg). This also allows any reviewing board to decide what is too big or too many. Chairman Gontier has also contacted the Town Zoning Board Chairman and sent the complete file to him and his contact with the Town Attorney. He commented that if the Planning Board cannot decide it can be sent to the Zoning Board for consideration. It is up to the Panning



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Board if the members, we can go forward with this or if we believe this decision is out of our area – can refer back to Zoning Board of Appeals.

Chairman Gontier turned the conversation over to Doris Gearing who then thanked the Board for the opportunity to speak. She then explained that she became Town Historian and has been working with Mr. Joseph regarding the placement of a Historical Marker/Sign for the Whiting's Pond Mill site. They approached Pomeroy Historical Foundation sign to replace previous sign and Mr. Joseph was denied that possibility. She then explained that whole process began after that refusal. Mr. Joseph has done much research regarding this history. Mark DeSantis asked if she or Mr. Joseph had any connection to the Canaan Historical Society, Mrs. Gearing stated that they did not. Mr. Joseph then addressed the Planning Board, stating that he has lived in the town of Canaan for 50 years; he is a Professional Psychologist, explained his work history and considers himself an amateur historian. Approximately 2 year ago he decided he wanted to tell the story of the historic mill district of Queechy and Col William Bradford Whiting, who set the course for early development of Canaan. He explained a little of the history of the Mills District of Canaan. He told of interest in the early history of Canaan and specifically the Grist Mill and the Queechy Lake area. He wants to preserve some of the history of Canaan's history and is looking for our support to promote this historical marker.

Chairman Gontier asked if everyone had reviewed the sign information provided by the Chair regarding a similar sign in makeup at the Iron Works. The proposed panels are of a smaller nature standing waist high and would be mounted in a horizontal position on a pedestal mount. The application does not state a specific size of requested 2-3 panels due to decisions that need to be made regarding the size of pictures, exact narrative and the font used. The Copake sign that he used in the application is meant to demonstrate the composition of an Interpretative Panel which he desires to do and is typical of Historical Panels. The mill is just a cellar hole and there are no other buildings available. Mr. Stanley is hoping that he has provided enough documentation to prove that Coronel Whiting lived in this place.

Chairman Gontier stated he believed that Mr. Stanley had reached out to the committee on Historical Preservation as to what size would be adequate as far as design and readability. Chairman Gontier stated that this property is unique because of the length and density on Lower Whiting's Pond Road. Road enters and exits onto Route 295. Mr. Joseph property is the only property directly on that road. Sight line is pretty good upon entering from either side. One issue is putting in parking area to walk to see the interpretive panels. Mr. Joseph stated that possibility of overflow parking could be on Whiting's Pond Road; Chairman Gontier stated that he has informed Mr. Joseph that overflow parking on the road would be against the law, even though Mr. Joseph may have witnessed on road parking for parties and tag sales the Board must place a condition on any approval to restrict the parking to off the road.

Site Plan approval needs parking indicated on it and a driveway permit needs to be obtained from the Town Highway Superintendent.

Mr. Joseph stated that his plan was to put in a pad with 2 parking spaces, approximately 20-24 ft. He did explain that it could be said that he could remove trees to make a larger area, but he does not want to do that. He believes that the area will be visited sparingly, maybe with bikes or pedestrians and felt that 2 parking spaces would be sufficient. He stated that he has miss understood the use of Town Roads for parking.

Chairman Gontier stated that Mr. Joseph is now inviting people into his property and will need to put up fencing to protect the visitors on his property from injury at the foundation site which is currently open and unprotected. Mr. Joseph stated that he believed his insurance company will require him to do this.

Mr. Lindberg asked Mr. Joseph if he had established a not for profit for project, had he approached any organizations. Mr. Joseph stated that he had talked the Parks & Recreation it needs to be on the National Register. Mr. Joseph stated that he just found out that the site in Copake Falls in the category of National Heritage site and he has not looked into that further at this time. Mr. Joseph stated that has learned the National Historical Registration might be willing to help but he has not approached them. He is now working with the State of NY Historian, who handles the Pomeroy Historical Foundation signs as to what grants might be available for this project. He has asked the Historian to contact him if he hears of any grants that might be applicable to contact him. He is not sure that he will reach out to other organizations. He has no plans for funding other than himself or others who might want to contribute to this project. He has reached out to a Whiting Foundation but they designated organizations for the upcoming year. He has found out that they are funding other projects. He stated that he has no intention of creating a not for profit himself. He was asked about any lighting of the signage and stated that no that is not in the plan. Idea of the possibility of a wireless speaker mounted on post receiving broadcast from his home was considered. The approximation of the number and size of the panels is 3, 6'x4, waist level height panels mounted on aluminum posts with concrete footings. These Panels will be interpretive panels that tell a story. Mr. Joseph explained his idea and how he would like to carry it out. He believes he has written a narrative for the panels that would interest people.

David Birch stated that he felt this was a service to the town of Canaan and Mark DeSatis stated he felt that this project was an asset to the town and a benefit to all who live here. Mrs. Gearing explained a little of the history of why this is important.

Marlene Tuczinski asked how people would know about this project, word of mouth, website, social media, what is being considered to encourage people to see this sight. Mrs. Gearing, The Town Historian, would be able to use the Columbia County Historical Society; as a possible source for publication of materials for distribution. Discussion followed regarding possible need of more parking. It was mentioned that if students visited they could be dropped off and bus could park in another area. Discussion was held on issue of parking. Parking is an issue at many historical sites. Is there an American History Regents exam? Possible information regarding *this* area could be on NYS Regents.

Further discussion regarding parking laws, and issues related to parking on the road continued with a suggestion of the possible consideration of additional pull off might need to be looked at. The Chair stated that it has to be stated that road will not be used for parking.

Discussion on school children visiting site was held. Mr. Joseph has been in touch with a sign fabricator that specializing in interpretive signs, this gentleman went ahead and a the narrative that Mr. Joseph had written so that it would be put into the kind of language that 4th graders would understand. Told him that he was not writing this for 4th graders and didn't expect this to be his audience.

Chairman Gontier stated that he had sent the project application to the Town Attorney and the ZBA Chair for their guidance. The Town Attorney advised that the panels were in the scheme of the law

and suggested the Planning Board could proceed with the approval process. The ZBA Chair suggested that Planning Board could retain approval of the project and only if the Board could not resolve the size issues would the ZBA need to become involved. The Chair asked if Board wanted to retain going ahead with Site Plan Review or consider sending it to the ZBA. The Chair polled the members if they wanted to go ahead with Site Plan; the Members responded with an approval to retain and move the project forward. Specific changes regarding panel size, parking plan and also a decision on whether to hold a public hearing or not were discussed. The question of what the Board needed to approve in regards to the Site Plan was asked. The Chair explained what the Board would be considering in the review process. Pierre stated that they would be approving the site plan, the sign. Questions asked do they need to see the sign, Pierre stated that you have to approve the site plan in order to approve the sign.

Chad Lindberg asked, where does the current zoning law apply, when we look under historical allowances and is this sign exempt from permitting. Chairman Gontier stated only exemption is if under 12 sq. ft. If over 12 sq. ft must go to site plan.

Mr. Lindberg asked about finding documentation of applicable approval when we are outside of this requirement in zoning.

Chairman Gontier stated that it is in the Use Category and if you look at it "Every zoning -district allows signs" Small print points to sign law. Mr. Joseph stated that he thought he was before Planning Board for a variance. Chairman Gontier stated that ZBA would be the one that would grant a variance. Planning Board is meeting with him to determine whether they need to send him for a variance. Variance is beyond the Planning Board.

Mr. Joseph stated that he believed that letter he received from Lee Himes stated that Section 5 item G applies in this case and that was why he was before Planning Board for a variance. Chairman Gontier stated that this would have to come before this Board anyway.

Jeffrey Sotek explained what would be exempt - stating signage regulations.

It was explained that if went before the ZBA it would still need site plan review from the Planning Board. Mrs. Gearing stated she thought that the sign would be exempt and because of size of 3 panels is now not exempt. Was told that was correct.

Chad asked where within the sign law, Item G is it allowed. Pierre stated lawyer stated with the vagueness of the law. The size is the issue and can be based on the allowable sign size in commercial areas. It was stated that this is not a commercial zone. Original sign sizes were believed to be 4'x10' or larger but this type of sign proposed tonight is smaller.

A motion was made to approve the Site Plan Application by David Birch and 2nd by Mark DeSantis. Discussion followed – Chad asked for site location and where signs were going? It was explained that the information is in the application. A discussion was held on the size of the signs. Chairman Gontier said that the motion could be withdrawn at this point and that he could not support it at this point for more information was needed. Consensus needed; is it going to be conditioned with the requirement of driveway permit, and 3 signs. Site Plan needs to be more specific. It was recommended to have a Public Hearing because of the nature of the application and the indirect allowance through the zoning code and noted that approval or disapproval of the site plan could not be granted until after this hearing.



A discussion was held on the nature of the application and was a Public Hearing needed. Mr. Joseph asked who would need to be notified of such a hearing, date and time and what is being planned for. It was stated that any abutter with 1500 ft of the proposed project would need to be notified. Also a public notice from the committee would be published in the Columbia Paper. The Public Hearing is 1500 ft. for abutters but any town residence could show. At the public hearing anyone who wanted could make comment regarding the Site Plan. The Planning Board would take those comments into review before the approval of the Site Plan.

Marlene Tuczinski asked if hearing was for the project or site plan. Chairman Gontier stated that it is on the project, the Site Plan. He also stated the Signage was subject to Site Plan Review. Process is the Site Plan approval of application, then public hearing regarding setbacks, traffic, eye sore, etc. It was asked by Marlene Tuczinski if that could be conditioned now. Chairman Gontier stated that Public hearing involves the project. Questions could involve traffic, signs too large, etc. Properties on conservation land probably would not be concerned but the home on the end of road might be concerned. Chairman Gontier stated that the people at the end of the road needed to be aware of the nature of project – panels that are descriptive - project promotions tourism to property.

David Birch stated that Driveway Permit would be necessary to go forward. Chairman Gontier agreed. Mr. Joseph asked for the specific information that would be needed in the public notice for public hearing. It was explained that the public notice would be a standard Planning Board statement printed in the newspaper that a request for an Interpretive Sign/Historical Signage on the Stanley Joseph Property has been presented to the Planning Board. Chairman stated that the notice would need to be sent. Planning Board is more involved in safety and the zoning laws not the content of sign. Mr. Joseph is concerned what the public would read into notice. Chairman Gontier stated that the announcement would only be informational. Chairman Gontier explained the process of the Public Hearing. The job of the Planning Board is to listen to the comments and concerns of the public/neighbors. Then the Planning Board can act upon the Site Plan with all concerns expressed by the public. It was explained that it would be good to have this before the sign is in place.

David Birch withdrew his motion and Mark DeSantis withdrew his 2<sup>nd</sup>

Chad Lindberg asked if it could be approved without the actual sign. He asked if the application is complete without a further description of the signs. He stated that Mr. Joseph is there to get feedback tonight on his project. He stated that he believes that the Board is in general agreement with this project but need to make sure town regulations are in compliance.

Mr. Joseph doesn't understand all the concern regarding size of sign that is deep into his property is of any concern. Chad Lindberg stated that the people of the town Canaan have voted to implement these regulations and they are trying to fit this project into those regulations. It was stated that they are trying to make this work into the town regulations.

Chairperson Gontier stated that they need to follow the law and be careful of gray areas and he explained the process. He also stated that they are trying to protect Mr. Joseph and his neighbors. Dorothy Doktor asked if anyone had gone to the property. Chairman Gontier stated that he had, I do a site visit on everything that comes before this Board, took pictures, gone in both entrance ways numerous times at different speeds to make sure that line of sight was good, that there would not be any traffic problems and walked around. He went to check possible traffic problem and line of sight issues. Property is unique. He explained why he didn't support original site, numerous issues with traffic, safety, ownership, parking, etc. -but does support current site. What is beautiful to one person may not be beautiful to another person and he explained that Public Hearing would share all of this

with the neighbors give and Mr. Joseph that opportunity to share his project in person in his own words. Chairman Gontier feels that this would be very beneficial so that people could hear the history behind this project.

Chairman Gontier stated that if Site Plan is approved there will be no Public Hearing. Marlene Tuczinski asked for explanation of the public hearing and what Mr. Joseph will be expected to do at hearing. Is it a signage thing or Site Plan? Chairman Gontier stated that signage is part of Site Plan. Jeff Sotek questioned, it is a non-conforming sign, procedural questions and zoning board? Why are we having a Public Hearing if everyone is one board with the project?

Before a Public Hearing can be held the application needs to be complete: Statement of size of sign, set back and driveway permit. Chad Lindberg stated cannot schedule public hearing until application is complete. What do we need to do to get application complete

Needed: Sign size – 3 Panels 4' x 6'  
Driveway Permit from Town Highway Department  
Location Placement – is within Town Zoning Regulations (it is on the information handed in with application)\_minimum of 10 feet from the traveled way.  
Set back needs to meet town zoning law.

Chairman Gontier stated that if for some reason Mr. Joseph finds that the text will not fit on the approved sign size then he would need to come back to the Planning Board to get an amendment. If Planning Board does not approve amendment then he would have to go to Zoning Board.

Mr. Joseph stated that he was willing to agree to the 3 Panels size stated above. He also asked about wording of Public Notice and was told that he would state that information regarding this project would be available at Town Office for review.

Chairman Gontier made a motion to deem the application complete upon completion of above stated items. 2"d David Birch

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Aye
Marlene Tuczinski	Aye

Motion made by Chairman Gontier to hold a Public Hearing on August 19<sup>h</sup> at 6:30 pm

Motion 2"d by Jens Braum

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Aye
Marlene Tuczinski	Aye



Mr. Joseph needs to send out a notice by certified return receipt mail to all those owning property within 1500 ft of the project site. Certified Receipts need to be brought to Public Hearing.

**IV. Other Business:**

Chairman Gontier stated that he had met with John Hardy who wants to re-sub-divide more of his property. In question is the number of sites, 4-6 is Minor Subdivision, Major Subdivision is 7. Chairman Gontier told Mr. Hardy to hold off on more work done on his maps until he meets with the Planning Committee to explain what he is planning. This needs to be looked at as a whole project – not pieces(back lot and a side lots and where houses are. Question regarding residential and commercial zoning areas) Chairman Gontier asked members to review sub division law before next meeting.

David Birch made a motion to adjourn the meeting at 8:30 p.m., which motion was seconded by Member Jens Braum. The motion carried as follows:

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
David Birch	Aye
Jens Braun	Aye
Mark DeSanctis	Aye
Jeffrey Sotek	Aye
Marlene Tuczinski	Aye

Respectfully submitted,

*Mary Jahn*  
Mary Jahn  
Planning Board Clerk