

**ANCRAM PLANNING BOARD  
MINUTES  
August 3, 2017**

**Board Members Present:** John Ingram (Chair), Dennis Sigler, Terry Boyles, Joe Crocco, Erin Robertson, James Stickles, Bob Roche, Palmer Irving (alt)

**Board Member(s) Absent:** Ann Rader (alt)

On August 3, 2017 the monthly meeting of the Town of Ancram Planning Board was called to order at 7:00 PM by the Chair, John Ingram.

The previous month's minutes were reviewed by the Board. Terry Boyles motioned to approve the minutes from July 6th, 2017. The motion was seconded by Erin Robertson. Motion carried.

**Correspondence:** Will be address during the public hearings

**Conflicts Check:** The Chair, John Ingram asked the board members if there were any matters on the agenda, which would require the members to abstain, there were none.

**Agenda Items:**

**Old Business:**

**Four Partners, 169 Crest Lane, Ancramdale, NY**

The Four Partners project has been modified from the initial proposal of 4 lots to 3 lots. As a result, there will be more room on Lot 1. The applicants still need curb permits. The applicants will close and cap the existing well. James Stickle motioned to grant sketch plan approval and refer the matter to the ZBA. Terry Boyles seconded. Motion carried. Dennis Sigler motioned to declare the Planning Board lead agency. Terry Boyles seconded. Motion carried. The matter will be referred to the ZBA and a date will be scheduled for ZBA review.

**Wilcox 88 Roche Drive, Ancramdale, NY**

During the public comment on their subdivision Mr. and Mrs. Wilcox showed the Planning Board the maps prepared by Lyndon Chase. As per the waiver the Density Calculation Table was omitted. The environmentally sensitive areas form a natural buffer and screening from the neighboring agricultural operations. David Dembo, an adjoining property owner, reviewed the maps. Planning Board Chair John Ingram clarified the Planning Board was only reviewing the subdivision application and that there would be another review, before the Planning Board, if any future residences were proposed on the newly created lot. Terry Boyles motioned to close public comment. Dennis Sigler seconded. Motion carried. James Stickle motioned to make a Negative Declaration.

Terry Boyles seconded. Motion Carried. Dennis Sigler motioned to approve the subdivision. Terry Boyles seconded. Motion carried.

**Erol Kulahlioglu 1339 Route 7, Ancram, NY 12502**

Bambi Meunier appeared on behalf of the applicant. The lot line adjustment will create additional area on the church property. An email from James Cella was received and read for the record (See Exhibit A). James was concerned with the water levels in the area. John Ingram stated the lot line adjustment would not have a direct impact on the water levels. Joe Crocco motioned to close the public hearing. James Stickle seconded. Motion carried. James Stickle motioned to make a Negative Declaration. Terry Boyles seconded. Motion carried. James Stickle made a motion to approve the lot line adjustment. Erin Robertson seconded. Motion carried.

**George Wachtel 114 Route 3 Ancram, NY 12503**

The owner is seeking Site Plan Review for a proposed studio and guest house. The board received a letter from Mal Barasch (See Exhibit B), an email from Roger Hull (Exhibit C), and an email from Mal Barasch, which clarified his position (See Exhibit D). The proposed site plan, for the guest house, includes a partial kitchen with a fridge and microwave. Erin Robertson motioned to close public comment. Dennis Sigler seconded. Motion carried. Dennis Sigler motioned to make a Negative Declaration. James Stickle seconded. Motion carried. The public comment is scheduled for Thursday, August 3rd, at 7PM.

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Respectfully submitted,  
John Hoffman  
Secretary, Planning Board.

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**Exhibit A**

August 3, 2017

Mr. John Ingram,

With limited notice and information to an "Adjoining Property Owner" dated July 26, 2017 as to the scheduled Ancram Planning Board Public Hearing for August 3, 2017 7:00 PM on the application for a "lot line adjustment between parcels IDs# 205.31-12 and 205.3-1-13 at 1339 County Route 7 in Ancram NY, 12502", our immediate concern is the impact such a subdivision of land and building structures would have upon our mutual water shed and well water table and pressure. It is our understanding that the church parcel, although not currently in use, has no separate plumbing/toilet facilities. If such installation was to occur there would likely be a detrimental impact to the use and value of our home and property as a result of changes in our well water access and volume.

Any other concerns we may have are unknown at this time without further information as to the purpose and intent of the proposed "lot line adjustment".

We thank the Planning Board members for consideration of our views and allowing this written comment in our absence from this Public Hearing.

Respectfully submitted,

James R. Cella  
Fran L. Lubow

24061 Depew Avenue  
Douglaston NY 11363

2375 State Route 82  
Ancram, NY 12502

E-mail: [buddha1991@netzero.net](mailto:buddha1991@netzero.net)

**Exhibit B**

Mal L Barasch  
1096 County Route 3  
Copake NY 12516

August 2, 2017

Mr. John Ingham  
Chair, The Planning Board  
Ancram Town Hall  
1414 County Route 7  
Ancram, NY 12503

HAND DELIVERY

Dear Mr. Ingram,

My wife and I own the lot at 1096 County Route 3 in Ancram, which is adjacent to the lot owned by Joelle Schefts and George Wachtel on County Route 3. A Notice published in the July 27 issue of The Columbia Paper indicates that they have applied for a site plan review. We have not received notice of their application. Perhaps it was mailed to our NY City address. I have been in Ancram continuously since June.

Although I have not seen the application, there is a history here and I believe that I know what Ms. Schefts and Mr. Wachtel are seeking. They originally asked their neighbors to approve the construction of a guesthouse/studio in accordance with procedures set forth in a restrictive covenant applicable our properties. (That covenant is not in issue here.) We had no objection to their building such a structure, as long as it could not be used as a residence. Since the proposed structure contained all of the facilities of a residence, including a full kitchen, we did not approve. Our concern was that permitting multiple residences might reduce the value of our property. Subsequently, after I advised Mr. Wachtel that the Zoning Law also prohibited more than one residence on a lot, he sent me a new plan that included a "partial kitchen." For purposes of this letter, I am going to assume that that is the plan he filed with the Town.

Article III of the Zoning Law includes a guest house as a permitted use, subject to Planning Board approval. The term "guest house" is defined in the Law as "An accessory structure that is habitable but that does not have a full kitchen and is clearly subordinate to the principal dwelling on the property."

The term Accessory Structure or Use is defined in the Law as "A secondary structure or use on the same lot, in the same ownership with the principal use or structure, and which is incidental and subordinate to the principal use or structure. An accessory structure is a detached subordinate building on a lot, the use of which is customarily incidental to that of the main or principal building such as but not limited to playhouse, pool house, cabana, and garage."

On the plan that I saw, the guest house had its own parking lot, was located approximately 100 yards down a steep hill from the principal building and had all the facilities needed for a dwelling, including kitchen facilities. Is that a structure clearly subordinate and incidental to the principal building? I think not.

The law defines a guest house as a structure that does not have a "full kitchen". On the plan that I saw, the structure had a "partial kitchen." Neither term is defined in the Law. However the Law does define the term "Kitchen Facility" as "Any structure or room that includes space dedicated to cooking including oven, stove, dishwasher, sink, cabinets, microwave oven, and refrigerator. Hotel or motels that provide only microwave ovens or small refrigerators in rooms are not considered to have kitchen facilities in the rooms."

I would have thought that the second sentence of the above definition was unnecessary. The fact that the draftsman of the Law thought that it was indicates that the draftsman felt that the term "kitchen" should be very strictly defined, otherwise there would have been no need for the second sentence.

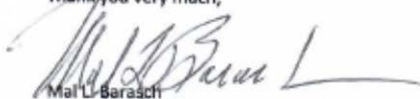
The plan that I saw includes a space or room dedicated to cooking. It did not detail what appliances were to be in that space or room. If a guest house can contain such a space or room, may it contain more than a microwave oven and small refrigerator?

I suggest that the terms "full kitchen" and "partial kitchen" should be defined to support the remaining provisions and underlying purpose of the Law. Article II E 4 of the Law provides that no more than one single family dwelling or two family dwelling shall be permitted on each lot. I submit that, if a guest house can be constructed containing the facilities that would permit it to be occupied as a dwelling, then, the provisions of Article II E 4 would be subverted and we would have a Law that permits two dwellings to be constructed on each lot. The Board must decide whether that would serve the Law's stated purpose of preserving open space.

Incidentally, I understand that the prior owners of the Lot now owned by Ms. Schefts and Mr. Wachtel obtained a building permit with Planning Board approval to construct a guest house. It was designed by the architect who designed the principal dwelling and was to have been constructed immediately to the West of the principal dwelling and was to have been connected to that dwelling by a loggia. If that building permit remains outstanding, may a permit to build another guest house be issued?

I apologize for the length of this letter. However, unfortunately, I cannot attend Thursday's meeting. If the matter could be postponed for a month, I would make sure that I could attend.

Thank you very much,



Mal L. Barasch

cc: Joelle Schefts/George Wachtel

## Exhibit C

Schefts/Wachtell application

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### Schefts/Wachtell application

From: Roger Hull  
Sent: Wed, Aug 2, 2017 at 10:37 pm  
To: [planningboard@townofancram.org](mailto:planningboard@townofancram.org)  
Cc: Mal Barasch, Donna L Peck

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I apologize, Mr. Ingham, for using email, but I am out of town and do not have stationery with me. Since time is of the essence, I thought it best to communicate this way.

Having just received notice of the application of Ms. Schefts and Mr. Wachtell for a site plan review, and being unable to attend the meeting on such short notice, I am writing, as the owner of the adjoining 41 acres, to oppose the application, so long as the architectural plan includes a kitchen. Mal Barasch has spelled out the reasons for his opposition, and I agree with his analysis and join him in opposing the application..

We all agreed to be bound by the terms of the covenants into which we entered (which, I recognize, is an issue with which you are not concerned), and we are all bound by the relevant zoning laws. As such, if the site plan includes a kitchen, I am opposed. If a kitchen is not included in the plan, however, I have no objections.  
Thank you for your consideration.

Dr. Roger H. Hull  
President Emeritus, Union College  
President, Help Yourself Foundation  
1090 Avon Road  
Schenectady, New York 12308

(518) 280-5735  
[www.helpyourselffoundation.org](http://www.helpyourselffoundation.org)

## Exhibit D

Fwd: The Guest House

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Fwd: The Guest House

From: Mbarasch  
Sent: Thu, Aug 3, 2017 at 5:48 pm  
To: planningboard@townofancram.org  
Cc: George Wachtel

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Dear Sirs,

I am forwarding this email trail so that you understand that my wife and I would not object to the guest house on the plan that we saw, located at the site shown on that plan, as long as it does not contain a kitchen.

Mal L Barasch

Sent from my iPad

Begin forwarded message:

**From:** Mal Barasch <baraschny@aol.com>  
**Date:** August 3, 2017 at 5:15:20 PM EDT  
**To:** George Wachtel <geowac@gmail.com>  
**Subject:** Fwd: The Guest House

George,

I think it would be useful for the planning board to understand that I would have no objection to your plan so long as it does not include a kitchen. Therefore, since I haven't heard from you and can't think of any reason why you would object to that, I'm going to send the email train on shortly.

Mal

Sent from my iPhone

Begin forwarded message:

**From:** Mbarasch <baraschny@aol.com>  
**Date:** August 3, 2017 at 9:49:15 AM EDT  
**To:** George Wachtel <geowac@gmail.com>  
**Subject:** Re: The Guest House

Dear George,

Since I can't attend tonight's meeting, if you have no objection, I thought that I would send this email trail on to the Planning Board. I think that they might find it helpful. OK by you?

Parenthetically, I was told that the Gaba's plans were for a guest house and that they were approved. I have no idea whether an approval once given expires if not acted on within some period of time.

Mal

Sent from my iPad

On Aug 2, 2017, at 6:08 PM, George Wachtel <geowac@gmail.com> wrote:

My apologies. In reviewing the plans preparatory to sending you a copy I see that "partial kitchen" remains. I guess the current plans are the ones you have and wrote about. Sorry to have misled you. We don't intend to have more than a microwave and undercounter fridge.

On Wed, Aug 2, 2017 at 5:41 PM, Mal Barasch <baraschny@aol.com> wrote:  
Dear George,

If there's no kitchen facility, there probably is no problem. Glad to hear that.

Could you please send me a copy of the plan.

Mal

Sent from my iPhone

On Aug 2, 2017, at 5:06 PM, George Wachtel <geowac@gmail.com> wrote:

Dear Mal,

Thank you for sending a copy of your letter to the planning board.

The plans that we finally filed included no kitchen at all.

To the best of my knowledge the Gabas had plans for an extension of the house that included a guest room, not for a separate guest house. I do not believe that they ever filed them, but I might be wrong. If they did file, it would have been sometime not much later than 1989 or so and the application and/or permit would certainly have died of old age by now.

George

On Aug 2, 2017 1:40 PM, "Mal Barasch" <baraschny@aol.com> wrote:  
George,

The attached is for your information.

Mal