

ANCRAM PLANNING BOARD

MEETING MINUTES

FEBRUARY 7th 2013

Board Members Present: John Ingram (Chair), Joseph Crocco, Dennis Sigler, Robert Roche (Alt), Erin Robertson, James Stickle, Ann Rader (Alt), Colleen Lutz (clerk)

Board Members Absent: Terry Boyles, Jamie Purniton

Additional Present: Bill Stratton, Dan Proper, Dennis Wedlick, Donald Nadjek, Daniel Rothvoss Jr., Ken Faroni, Ron Steed, John Moynihan

On February 7th, 2013 the monthly meeting of the Town of Ancram Planning Board was called to order at 7:30 PM by Chair John Ingram. The previous meeting's minutes were read and accepted. Dennis Sigler motioned to accept the minutes and James Stickle seconded the motion, the Board unanimously agreed.

Correspondence was read by the clerk. She also requested training records from the members from 2012 so that she could update the training logs.

Agenda Items:

**Ian Hague- Minor Subdivision (lot line adjustment) and ASPR
Tax ID #'s 213.00.-1-34.211, 213.00.-1-34.22, 213.00.-1-34.212**

Mr. Stickle and Ms. Purniton (previously) recused themselves from this application.

The Chair stated that the Board had received a copy of the driveway easement and agreement from the applicant. He also noted that he had received the revised plans from the applicant.

Mr. Crocco stated that he did not see any reference to the utilities in the easement. It was his understanding that the utilities will be run underground within the driveway corridor.

Mr. Stratton stated that the utilities will be run within the driveway corridor and he has been in contact with Central Hudson as to where they will be placed. He stated the main electrical feed will come from the road to the barn. It will then be split off to each of the buildings requiring electric.

The Chair stated that the electric should be addressed in the driveway easement and agreement. The final easement should then be submitted to Central Hudson, the County and the Ancram Planning Board.

Mr. Proper agreed.

Mr. Proper quickly gave a brief synopsis of the 3 drawings he submitted and stated that the applicant was most interested in alternate plan #2. Drawing labeled C-3.2 shows the grading plan for alternate plan #2. He stated that the grade will remain less than 10% and create 4.2 acres of disturbance. It moves the driveway completely out of the wetland and follows the natural ridge of the property. He asked if the Board had any questions or comments about the plan.

Mr. Crocco asked if there was a need for any retaining walls. Mr. Proper stated no.

Ms. Rader asked if adding the utilities underground to the driveway corridor would affect the disturbance. Mr. Proper stated that this plan actually reduces the amount of the disturbance to 4.2 acres with this plan.

Ms. Robertson asked when construction of the driveway was expected to commence.

Mr. Stratton suggested that it may begin, weather dependent, the end of February.

Ms. Robertson stated that the old erosion plan shows silt fencing around the project. She stated that the fence may inhibit the natural migration of animals to the vernal pools in the spring.

Mr. Wedlick stated that the owners are very conscious of this and would like to make the least impact on the natural communities on the site.

Mr. Proper stated that the placement of the driveway in alternate plan #2 would help reduce runoff.

Mr. Sigler asked how this plan would impact the agricultural operations, if any, on the parcel.

Mr. Proper stated that he did not expect the agriculture to be impacted at all.

Mr. Crocco asked if there would be chipping or blasting of the rock outcropping on the parcel.

Mr. Stratton stated the rock will be chipped.

Ms. Rader asked how long it would take to build the road.

Mr. Stratton stated weather permitting, a month to a month and a half.

A motion was made to enter a Negative Declaration as an Unlisted Action by Dennis Sigler, seconded by Bob Roche. All other members of the Board were in favor.

A motion was made to conditionally approve C-3 layout alternate 2. The conditions are:

1. The driveway easement and agreement must be amended to add the utility easement of Central Hudson.
2. A note must be added to the plans that states any major changes to the plan must obtain prior approval by the Building Department and/or the Planning Board

The motion was made by Joe Crocco and seconded by Dennis Sigler. The Board unanimously agreed.

**Daniel Rothvoss Jr.- Lot Line Adjustment 2 Lot Merger
Parcel ID#'s 207.-1-12.220 and 207.-1-12.210**

Mr. Rothvoss appeared before the Board and briefly described what he wished to do with the two parcels located on East Ancram Road in the town of Ancram. He stated that he would like to merge the two lots back into the original parcel owned by H. Rothvoss and Sons. He stated that he has recorded the deed transfer already with the County Clerks office and submitted a copy to the Board.

Mr. Sigler asked if there were any houses on the properties.

Mr. Rothvoss stated that both house trailers had been removed.

The Chair classified this as a 3 lot minor subdivision/lot line alteration and opened the public hearing. There was no public input about this application, therefore the Chair closed the public hearing.

A motion was made to declare lead agency by Joe Crocco and seconded by Dennis Sigler. The Board was unanimously in favor.

A motion was made for conditional final approval based on the following condition:

1. The SEQRA process must be completed.

The motion was made by James Sticke and seconded by Joe Crocco. The Board unanimously agreed.

The Chair advised Mr. Rothvoss to have Mr. Chase, of Lynden Chase Surveyors, edit the map he created in 2007 for the Conservation Easement. He does not need to re-survey the parcels, but he would need to expunge the lot lines between parcel ID#'s 207.-1-12.220 and 207.-1-12.210 and add them to parcel 207.-1-14.111. After he has the new maps, they can then be signed and filed with the County.

**O & G Mine- Special Use Permit Renewal
Tax ID 208.-1-14.106 and 207.-1-24**

The Chair continued the public hearing. He also stated that he had received a memo from the counsel to the planning board, John Lyons Esq. He stated that Mr. Lyons has determined that the Planning Board does not have the authority to change the 25ft setback

determined by the NYS DEC. The Board can only control matters such as the hours of operation, ingress and egress and visual site buffering.

Mr. Faroni, representative of O&G Industries, stated that the DEC has requested a \$167,000 performance bond. This exceeds both the original bond of \$98,000 to the DEC and \$41,000 bond to the Town of Ancram. Mr. Faroni is requesting that the Town drop the \$41,000 bond as it is being covered in full with the DEC bond. He does however understand that they Town is within its rights to keep the bond, and will comply if the Town chooses to keep the bond.

The Chair opened up the Board to comments from the public.

Mr. Ron Steed an abutting property owner, addressed the Board and stated that in the original permit, the suggested ownership is wrong.

Mr. Ingram stated that the ownership of the parcels is not in the jurisdiction of the Board. According to the maps, the operations are not within the 25ft setback created by the DEC. The Board does not have the authority to alter these setbacks and the plan states the mine is operating in compliance with the DEC guidelines. The dispute over the property ownership is a civil matter.

Mr. Steed stated that he understood the Planning Board cannot control the ownership dispute, but he questioned whether the Board could act on an application if the ownership of the abutting parcel was in dispute. Also, he stated that he felt the materials presented to the Board were incorrect and questioned if the Board could proceed if the materials submitted to them were incorrect. He also stated that he had not been notified for the previous renewals and had only been notified for this renewal.

The Clerk stated that for the previous renewals, the applicant notified the abutting property owners. Due to problems with proper notification of abutting property owners for other applications, the Clerk now notifies the abutting property owners for all applications. The Clerk has access to updated tax maps and owner information which the applicant may not.

Mr. Ingram stated that although it is an unfortunate situation, the ownership of the abutting parcel does not affect the setbacks set up by the DEC. He questioned Mr. Steed if he felt the lot lines were incorrect.

Mr. Faroni stated that the lot lines were cross referenced by Mr. Steed's survey to assure accuracy.

Mr. Steed introduced Jim Moynihan of the Moynihan Abstract and Insurance Company. Mr. Moynihan stated that he had researched the deeds for Mr. Steed's parcel and found that there had been recording errors back when the Millers (previous owners) had the parcel. This may have carried through and affected the transfer when Mr. Steed had

purchased the property in the 1980's. In fact he determined, Mr. Steed owned the property.

The Chair stated that the ownership of the abutting parcel does not overall affect the application. The mine is operating outside the 25ft buffer guideline setup by the DEC. The Planning Board does not have the authority to alter those guidelines. The ownership of the parcel is a civil matter and not the jurisdiction of the Planning Board. In one of the previous meetings another abutting property owner stated that the hours of operation were working well for them, therefore the Board will consent to keeping the hours of operation the same. The access to the mine will not change and the buffer should be continued to be maintained.

Mr. Faroni stated that Mr. Steed had not been notified because he had not made claim to the title of the property at the County level. A survey has been filed, but he has not found a title filed at the County level. This may have been the reason he had not been notified for the previous applications.

Mr. Steed entered a formal objection to the process of the application. He objected to not having a new survey created to have an accurate document before the Board. He would like to have his questions forwarded to the Counsel to the Planning Board.

1. Can the Board act upon an application if the abutting property ownership is in dispute?
2. Should the Board make the applicant create a new survey even if the boundary lines are not going to be altered, if there is an ownership dispute of the abutting property?

The Chair stated that he felt it would be unnecessary to have the whole parcel resurveyed if the boundary lines are not in dispute. The overall outline of the map has not changed.

The Chair after hearing all public comment, closed the public hearing.

A motion was made to approve the Special Use Permit of Mine renewal by James Stickle and seconded by Bob Roche. The Board unanimously agreed.

New Business

Robert Lambert- ASPR Parcel ID- 224.00.-1-6.2

Mr. Donald Nadjek appeared to represent Mr. Lambert the property owner. He briefly described the current plans for the project located at 1100 County Route 8A in the Town of Ancram. Mr. Nadjek stated that the owners would like to construct a barn on the property as well as build an addition to the main residence on the property.

According to the wetland maps created by Columbia County the parcel lies within a DEC regulated wetland and buffer zone. The construction on the site is not expected to fall

within this area. As a result, the applicant was advised that according to the new zoning revision adopted in October 2011 (New Section XIII sub G1a2 page 21) they must apply for ASPR (Abbreviated Site Plan Review).

Mr. Sigler stated that an applicant does not need to apply for a building permit to build an agricultural use barn on a parcel if they hold a current Agricultural Exemption.

The Clerk stated she would send an application for site plan review to the applicant's representative.

There being no more business to attend to, a motion to adjourn was made by John Ingram and seconded by James Stickle. The Board unanimously voted in favor and the meeting was adjourned at 9:20 PM.

Respectfully Submitted
Colleen Lutz
Planning Clerk
Town of Ancram