

# **ANCRAM PLANNING BOARD**

## **MEETING MINUTES**

**October 4<sup>th</sup> 2012**

**Board Members Present:** John Ingram (Chair), Joseph Crocco, Dennis Sigler, Robert Roche (Alt), Erin Robertson, James Stickle, Jamie Purinton, Terry Boyles, Colleen Lutz (clerk)

**Board Members Absent:** none

**Additional Present:** Wesley Chase, Ellen Jouret-Epstein, Ann Rader, Mark Gramnski, Robert Mathers, Pat Corbett, Ken Faroni

On November 4<sup>th</sup>, 2012 the monthly meeting of the Town of Ancram Planning Board was called to order at 7:30 PM by the Chair John Ingram. The previous meeting's minutes were read and grammatical changes were made from Erin Robertson. Terry Boyles motioned to accept the minutes with changes. James Stickle seconded the motion and the Board unanimously agreed.

### **Agenda Items:**

#### **CLC/Baxt-**

**Tax ID 207.-1-7.12 NYS Route 22 Millerton, NY 12546**

The applicant Saida Baxt was represented by Wesley Chase (surveyor) and Ellen Jouret-Epstein (CLC). Mr. Chase gave a brief history of the Baxt parcel(s) for the public. The Chair opened the public hearing and asked if the public had any questions and invited them to look at the maps.

Ms. Purinton asked Ms. Jouret-Epstein when the newly added parcels would be accessible to the public. Ms. Jouret-Epstein indicated that it would not be accessible until the other parcels were added to connect the trails together.

Robert Mathers, an abutting property owner, asked what the trails will be used for. He also asked if four wheelers would be allowed to use the trails. Ms. Jouret-Epstein stated that the trails will be joined to the existing Round Ball Conservation Area trails. She stated that these trails would be used only by pedestrians and at this time there were no plans for ATV access, unless required to do so for emergency purposes.

Mr. Mathers also asked if hunting would be allowed on the property. Ms. Jouret-Epstein stated that they do allow hunting on some of the CLC properties and that she did not anticipate any stipulations with this property. She said that the hunter must contact the

CLC first and enter into a contract which specifies the terms of access and limitations on the property should there be any.

Mr. Stickles showed Mr. Mathers where the parking and access to NYS Route 22 will be.

With no further public input, Mr. Boyles made the motion to close the public hearing, Mr. Sigler seconded the motion and all were in favor.

Mr. Sigler made the motion to enter a Negative Declaration (Notice of Determination of Non-Significance) and final approval. Ms. Purinton seconded the motion and all members were in favor.

**DeMaio Subdivision:**

**Tax ID# 205.-1-24.1 2540 State Route 82 Ancram, NY 12502**

Mr. Stickles recused himself from this application.

Mr. Gramnski, engineer for the applicant, presented the revised maps to the Board and gave a brief description of the parcels that will be created by the subdivision. He went over the building envelopes, entrances, sewage disposal and watercourses on the map.

Mr. Gramnski noted that there were some areas listed on the NWI (National Wetland Inventory) on the property that did not correspond to known areas of wetland as noted by the NYSDEC. The Chair suggested that the wetland be delineated to show the areas listed on the NWI. Mr. Gramnski suggested that the areas do not appear to be wet and that it might be sufficient enough to put a note on the map that states prior to a building permit, the applicant must delineate the wetland to ensure that no sensitive areas are disturbed. The Chair agreed.

The Chair stated that the EAF should be amended to include site plan. The applicant agreed.

The Chair stated that he spoke with counsel about the issue of the preexisting trailers. Counsel stated that because the trailers were preexisting (before 1972 zoning ordinance) they do not need to be removed prior to the subdivision approval. The removal of the trailers is dependent upon the conditions the Planning Board sets. This condition should be noted on the maps. Joe Crocco made a motion that the removal of the trailers should happen prior to the issuance of a CO (Certificate of Occupancy). Jamie Purinton seconded the motion; all were in favor, the motion carried. Mr. Gramnski will note this on the map.

Mr. Boyles noted that the perk test site for parcel 1 is much higher than the proposed residence. Mr. Gramnski stated that the perk test will be redone for this parcel so that it is in better relation to the building envelope.

The Chair asked if the septic site for parcel 2 could still be considered valid even if the building had been demolished as a result of fire. Mr. Stickles stated that he had done the demolition of the building and stated that the foundation and septic are intact, just covered, in the event that the owner chooses rebuild.

The Chair opened the public hearing and asked for public comments or questions. No questions or comments were given from the audience. Mr. Boyles made a motion to close the public hearing, Mr. Crocco seconded and all were in favor.

The Chair asked the applicant to prepare a revised SEQRA. He also stated that he would have the lawyer draw up language for the trailer stipulation. The applicant agreed and will return on November 1<sup>st</sup> at 7:30 PM.

**Betty Hamilton Lot Line Adjustment:  
Tax ID 205.03.-1-46 1291 Route 7 Ancram, NY 12502**

Mr. Wesley Chase appeared before the board to represent the applicant. He presented the revised Hamilton application to the board showing the stream on the property and the note which cross references the new zoning classification with the previous zoning classification.

Ms. Purinton asked if the disproportionality or nonconformance (more than 2:1 ratio) of the lot is mentioned on the map. Mr. Chase stated it was not added previously. The Clerk stated that she had recorded it the previous minutes.

Mr. Crocco asked where the septic and well were located for the abutting Corbett property. Mr. Corbett indicated where his well and septic were located, which was not near any property lines. Mr. Crocco also noted that these would not be important to the lot line adjustment map because they were preexisting and the outer boundaries were not expected to change.

The Chair opened the public hearing. There were no questions or comments from the public, therefore Mr. Stickle made a motion to close the public hearing, Mr. Boyles seconded the motion and all were in favor.

Mr. Boyles made a motion to enter a Negative Declaration (Notice of Non Significance) for the project, Mr. Sigler seconded the motion and all were in favor.

Mr. Boyles made a motion of final approval of the Hamilton Lot Line Adjustment, Ms. Purinton seconded the motion and all were in favor.

**NEW BUSINESS**

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

Mr. Ken Faroni appeared before Board as a representative of the O&G Mine located on Boston Corners Road and NYS Route 22 in the town of Ancram. He gave a brief description of the history of the mining operation. He also stated that there are 98,000.00 in performance bonds with the Town of Ancram as well as the NYSDEC. He went over the maps and showed the active areas of mining as well as the areas slated for reclamation. He also stated that the renewal application has been filed with the DEC.

Ms. Purinton asked if there was a 200FT buffer to the Nosterkill as she is concerned about wetlands and environmental disturbance.

Mr. Faroni stated that there is no processing on the site.

Ms. Purinton asked if Mr. Faroni had any idea of how many years are left. He stated that he was unsure.

Mr. Faroni also mentioned that the groundwater data had been monitored a minimum of 3 years to prove seasonal groundwater depth must remain within 5 ft. He stated that this was filed with the NYSDEC as well as the town. The Clerk confirmed that the data had been submitted to the town regularly.

Ms. Purinton asked if O&G owned more parcels. Mr. Faroni stated that O&G only owns the two parcels indicated in this application.

Mr. Faroni stated that there is no offsite drainage which helps minimize erosion. He hopes that a positive drainage plan will be developed to create a more natural look when the parcel is no longer under mining operation. He stated that the DEC required a drainage analysis to indicate areas that may pond up. These areas are scarified to promote proper drainage and reduce the ponding effect.

Mr. Stickle asked when the permit was up. Mr. Faroni stated that October 30<sup>th</sup>, 2012 was the expiration date.

The Board expressed an interest to have members, who were unfamiliar with the mine, have a site visit. It was decided that Wednesday October 10<sup>th</sup>, 2012 at 5:00 PM worked for those interested in visiting at the site with Mr. Faroni.

The Chair declared the Planning Board Lead Agency. The public hearing will be scheduled for November 1<sup>st</sup>, 2012 at 7:30 PM.

**CLC/Gilmore-Part 1**  
**Tax ID 215.01-1-38.2**

Mr. Wesley Chase and Ms. Ellen Jouret-Epstein (CLC) submitted maps for the next phase of the Round Ball project. Part one is considered a lot line adjustment as Ms. Elizabeth Gilmore is seeking to add 30 acres of parcel ID #215.01-1-38.2 to parcel

215.01-1-15.11 which is currently owned by the CLC. The end result is two parcels, one owned by Ms. Gilmore (64.38 acres) and one owned by the CLC (135.62 acres).

Upon examination of the maps it was noted that there is a discrepancy of how the deeds were updated to one lot when it was previously three. Mr. Chase stated he would look into this further and report back to the board. He also stated that the deep test holes were indicated on the area, previously called the Terni Farm, and submitted the maps and DOH certifications to the board.

Mr. Boyles stated that as long as the perk sites were indicated on a survey map within a year, they are indeed valid.

Ms. Purinton stated that the new parcel will need driveway access. Mr. Chase stated that he will get a driveway permit from the Highway Superintendent.

Mr. Chase also submitted the Conservation Easement for the Round Ball Project.

Ms. Purinton made a motion of conditional sketch plan approval, conditioned on the driveway permit. Mr. Boyles seconded the motion and all were in favor.

The Chair made a motion to declare lead agency. This was seconded by Mr. Stickles, all were in favor.

Public hearing tentatively scheduled for November 1<sup>st</sup>, 2012.

**CLC/Gilmore-Part 2**  
**Tax Id # 215.01.-1-41.12**

This is the second lot line adjustment is to be added to the CLC/Baxt parcel to create a continuous parcel. This 60 acre donation which is composed of:

Parcel A 12.47 acres  
Parcel B 41.45 acres  
Parcel C 1.82 acres  
Parcel D 3.69 acres

These will be added with the 223.65 acre parcel donated by Saida Baxt to the CLC. After this addition, the new lot created will be 283.08 acres and be attached to the Round Ball Conservancy owned by the CLC.

Mr. Chase and Ms. Jouret-Epstein submitted maps and deeds to the Board. They stated this donation was formerly part of the Beneke farm. Mr. Chase stated that the entrances are currently walking trails.

Mr. Chase stated that the building envelope is not listed on the 60 acre donation because it will be added to the CLC/Baxt 223 acre donation which does have a building envelope. At this point, the final deed for the CLC/Baxt donation had not been finalized.

Mr. Sigler suggested that the sliver of land be noticed why it was allowed as it is nonconforming.

The Chair suggested that the planning board attorney be present at the next meeting to help the Board handle this application properly. The members of the Board agreed.

Mr. Crocco suggested that a master map be prepared to show the whole lot configuration.

Mr. Chase and Ms. Jouret-Epstein will be appearing on November 1<sup>st</sup>, 2012 at 7:30PM

### **ADDITIONAL BUSINESS**

The Chair opened a discussion regarding the regulations of the number of primary residences allowed on one lot in the town. He stated that he felt a homeowner should be allowed to have more than one primary residence per lot as long as they could demonstrate that they could meet all setbacks if the parcel were to be subdivided in the future.

Mr. Sigler stated that the ZRC felt that in order to prove the buildability of the parcel with multiple primary residences that meet all setback criteria you were basically subdividing the parcel anyway, in process. It would need to be re-surveyed to get accurate distances if the landowner decided to subdivide in the future.

Ms. Robertson questioned why the parcel would need to be resurveyed if it had been done once already to show setback.

The Chair stated that he felt if the density is not exceeded, it should be okay. Large parcels can support it.

Mr. Boyles stated that this would be fine for large parcels, but might be more difficult for smaller parcels. He stated it is difficult to determine fixed minimum lot size acreage.

Mr. Crocco stated that he felt that there needs to be a minimum lot size with a corresponding minimum dwelling size.

There being no further business, on a motion by Terry Boyles and seconded by Dennis Sigler, the meeting was adjourned at 9:40 PM.