

## **ANCRAM PLANNING BOARD**

### **FINAL MEETING MINUTES**

**November 3rd, 2011**

**Board Members Present:** Terry Boyles, Joe Crocco, John Ingram, Colleen Lutz, Jamie Purinton, Erin Robertson (alternate), Dennis Sigler, Jim Stickle

**Board Members Absent:** None

**Others Present:** Art Bassin, Paul McCreary (Morris Associates), Robert Downie, Barbara Potter, Ann Rader, Ronald A. Rader, Steven Sorman, Eleanore Pitcher, Sue Miller, P.J. Hickey, Esq., Mark J. Gansowski, Tom Gansowski, Joe Giovanelli, Tom Miller, Robert Roth, Emilia Roth, Ellen Langton, John Langton, Madeline Israel, Christopher Ciolfi, Naomi Davies (Planning Board Clerk)

Chair Lutz opened the meeting at 7:35PM

#### **Old Business:**

Minutes of 10/06/11

Chair Lutz noted that some minor misspelling of names required correction and that minutes could be approved by the Board with those corrections to follow. Mr. Boyles motioned to approve, Mr. Ingram seconded, carried unopposed.

#### **New Business:**

Chair Lutz opened discussion concerning Zoning Revisions. Given that the town Zoning Ordinance is being revised, and that some but not all sections have been revised and adopted, Planning Board members need to recommend to the Town Board which law is in effect when an application is submitted to the Town Planning Board. Mr. Sigler suggested consulting with other towns and Chair Lutz noted that the Town attorney will also be consulted. Following brief discussion, it was agreed that the law adopted and in effect at the time the application is submitted at a Planning Board meeting would be the one used as the basis to consider the application. Mr. Sigler made a motion to approve the recommendation to the Town Board, Mr. Ingram seconded, carried unopposed.

#### **Agenda Items:**

##### **Tahmin**

Chair Lutz asked if any Board members needed to recuse themselves. Mr. Boyles and Ms. Robertson recused themselves from the discussion of the Tahmin Application.

Carl Matuszek, PE distributed sets of site plans and presented for the applicant. Mr. Matuszek pointed out the 150-foot setback line shown on the site survey and the note added that the driveway needed to be engineered if the property is developed by the owner and pointed out that the slope on the driveway shown for is less than 9%.

Ms Purinton noted that the 2:1 ration of the lot configuration required by the Town has not been met. Mr. Matuszek pointed out that the rear portion of the lot is not buildable, the slopes are too steep. Mr. Sigler suggested that a note should be added to the plans for the record explaining why the Town approved a site that does not meet the 2:1 ratio requirement. Mr. McCreary the Town engineer suggested that the qualification for the approval should include:

- A summary of the decision in the meeting minutes
- A note should be added to the plans stating that if the site is developed, the driveway must be engineered, all disturbances should be shown and that the applicant must show a storm water protection plan id disturbances exceed 1 acre

Mr McCreary said the Board's request at the previous meeting asking the applicant to show that the lot is buildable has been fulfilled. The driveway as shown disturbs 0.62 acres and the causeway will be built without the driveway for the proposed use of hunting for this application.

Mr Crocco asked how the septic system would function since it is at an elevation **90**-feet above the level of the house per the contour plans. Mr McCreary answered that the USGS map used has 10-foot contours which may not be accurate and the area may be flatter so a septic system may work. Mr Sigler noted that pumping waste to a septic system is not uncommon. Mr McCreary added that the house location as shown is in the most feasible area and that the driveway is 10-feet away from the line of the designated wetland.

Ms. Purinton asked the Town Engineer to speak to the stream classification and whether a stream exists either upstream or downstream of the pond on the 160-acre lot and, whether an intermittent stream can be classified. Mr McCreary answered that a Class C stream is shown on maps both upstream and downstream of the pond however, at the time photographs were taken, the streambed was dry. Also, the level of water in the pond could be changed by opening or closing a sluice gate in the dam. Ms Purinton asked if a private property owner can raise or lower the water level. Mr McCreary replied that there would be no change to the existing outlet at the pond so there should be no impact downstream or to the DEC Classification. Further that an intermittent stream could be classified but this was not an issue for this application. Of concern could be the silting up of the causeway and that the causeway structure and culverts will require maintenance.

Mr McCreary asked if Fox Hill has ever flooded, especially during the recent hurricane event. If not, as agreed by Fox Hill residents present at the meeting, then Mr McCreary thought there should be no concern about the level of the pond or flooding on Fox Hill Road.

Chair Lutz made a motion for preliminary approval of the application, Mr Sigler seconded, carried unopposed. Mr McCreary will draft a note for the Town to review to be included on the final plans concerning future development, site disturbances and DEC storm water protection requirements. A public hearing will be scheduled for the next hearing and notice posted in local newspapers and on the Town website.

## **Miller**

Drawings were distributed and reviewed by Lynden Chase, engineer for the applicant. Chair Lutz noted that she had sent a letter to the Department of Health (DOH) with the proposed site development plan and letter from Mr Ross PE concerning the feasibility of a septic system. The DOH has been asked to review the plans and approval the proposed location of the septic system shown on the plans. DOH has not yet responded.

Sue Miller was given the opportunity to comment on the application. Since Ms Miller is concerned that the lot may not be buildable. She questioned the letter dated 04/06/11 from Timothy A. Ross, PE that stated that a sewage disposal system and well for the new lot could be designed in accordance with all Health Department requirements. As such Ms Miller has retained an engineer Jolanda G. Jansen, PE. The letter dated 10/21/11 from Ms Jansen, PE was read by Chair Lutz. Ms Jansen strongly recommends that the Planning Board's approval be conditioned upon and engineered design of the proposed sewage disposal system to ensure that a future buyer is purchasing a buildable lot.

Mr Boyles noted that a septic is usually not fully designed until a property owner actually decides to build and that the design of a septic system is based on the number of bedrooms which is unknown at this time. A pressurized sand filter septic system was discussed since the percolation tests described by the Department of Health per their letter dated 09/22/10, did not show soil suitable for a conventional septic system.

Mr Giovanelli an adjacent property owner was given the opportunity to speak. Mr Giovanelli's concerns included the approval of the driveway into the new lot, asking if three driveways within close proximity is advisable, that the distance between Mr Giovanelli's existing well and the proposed septic is not shown and asked to see the locations of the percolation test and proposed septic on the plans before the Board. Chair Lutz responded that the State would not approve a driveway to the new parcel off Route 82 due to sightlines and that Ancram's Highway Superintendent had approved the location of the driveway curb cut off Pat's Road.

Chair Lutz asked if there were any other questions from the public, there being none, the public hearing was closed. Mr Sigler noted that an engineer must be retained at the time the lot is developed. Chair Lutz suggested approval conditional upon the DOH responding favorably to the site plan and proposed septic location, if no response within (30) days from the date of the letter submitted to DOH from the Planning Board dated 10/17/11, the Board would give final approval. The cut-off date for receipt of a response from DOH therefore would be November 17<sup>th</sup>, 2011. Mr Sigler motioned to approve, Mr Ingram seconded and all approved.

## **Mariner Tower**

Mr Ciolfi presented for the joint applicants reviewing large scale copies of the drawings included in the application package. The (2) styles of tower were discussed, monopole and lattice and an explanation of the setbacks followed. Mr Ciolfi also discussed that (25) property owners had been approached over the course of (16) months to try to find a suitable site that would provide Ancram with coverage and that another site would be sought to provide Ancramdale with coverage in the future.

Mr Ciolfi went on to describe the proposed setbacks. Three setbacks to the north, south and east of the proposed tower comply with the 150-foot requirement. The setback to the west which also the Town line between Ancram and Gallatin is 50-feet and therefore does not meet the setback requirement. The zone required for full collapse of the tower of 150-feet from the closest residence has been provided.

Ms Purinton asked if the 430-foot distance from the closest residence could be improved, to move the tower further away. Chair Lutz asked if moving the tower to the center of the 200-foot wide lot would be possible, thereby moving the tower further away from the residence and from the Ancram/Gallatin Town line. Although moving the tower away from the town line improved the setback to the west, it may require a waiver to encroach on the setback to the east. A clarification was made that the Planning Board could grant a Waiver per Section 6. B. of the Town of Ancram Telecommunications Towers amendment to the Zoning Law. Chair Lutz noted that the application package will be sent to the County, Gallatin and the Highway Superintendent for comment.

Members of the public asked to comment, Chair Lutz permitted public participation. Mr Downie and Ms Potter property owners in Gallatin adjoining the parcel where the proposed cell tower would be located spoke to their concerns of collapse of communications towers, ice build-up and that the size of the 15-foot base for the tower when deducted from the proposed 50-foot setback meant that the tower would be around 35-feet from their property. Further, they were concerned that Ancram's recently adopted local Telecommunications Tower law changed setback requirements to be less than those of surrounding towns. When the discussion turned to related financial and contractual matters, Ms Purinton asked that comments focus on setback requirements, impact on surrounding property owners, the environment and the community as a whole.

Mr Steven Sorman of Gallatin spoke to Gallatin's requirements for cell towers namely that the setbacks needed to be two-times the cell tower height, that he did not consider the site suitable for the proposed structure. Also, that Gallatin had worked hard to develop new codes and felt that Ancram's codes were not in the same spirit as Gallatin's and that if Ancram's laws required the same setbacks as Gallatin, he would not have felt the need to attend the meeting.

Ann and Ron Rader expressed concerns about visual impact and questioned the value of the tower since Ancramdale is not covered. When discussion again turned to financial matters, the Board asked for the discussion to Zoning issues.

Ms Purinton asked if the property lines could be staked so the Board could walk the site. Chair Lutz agreed adding that it would be necessary to post notice of the intended site visit. Mr Ciolfi said that he could provide a balloon test, floating a balloon to the height of the tower and he agreed to take photographs where recommended by the Board. He time and date of the balloon test would be announced by the Board since the test is weather dependent.

There being no other business Ms Purinton motioned to adjourn the meeting, Mr Boyles seconded, all in favor, the meeting adjourned at 9:45PM.