

**ANCRAM PLANNING BOARD  
MEETING MINUTES  
July 7, 2011**

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

**Board Members Absent:** John Ingram

**Others Present:** Samantha Langton (clerk), Art Bassin, Leah Wilcox, Donald MacLean, Edward Ferratto

Chair Lutz opened the meeting at 7:35pm.

**OLD BUSINESS**

**Minutes 6/2/2011**

Mr. Sigler motioned to approve, Ms. Purinton seconded, carried unopposed.

**Tahmin**

A file needs to be resubmitted with the Army Corps of Engineers.

**Dimeo**

Mark Graminski is surveying the final perimeter of Mr. Dimeo's property. They will be at the meeting in August.

**NEW BUSINESS**

**Zoning Revisions Committee**

Comments on the draft revisions for the zoning resolution are due on 7/17/11.

Ms. Lutz began the discussion with the following comments:

Section XII: Definitions: change "his" to "his and hers."

Section VII: Administration and Enforcement: A. Creation and duties of Zoning Enforcement Officer (ZEO). Ms. Lutz asked if the ZEO would be responsible for subdivision, area variance, and special use permit applications.

Mr. Clark explained that the ZEO would be the portal for the applications in order to streamline the process since the ZEO is available in the office on a more regular basis and understands the procedure and features of the land use and variance laws. The NYS Department of State defines the ZEO as the municipality representative and should be the primary representative for all candidates.

Ms. Wilcox asked if Mr. Clark could give some examples of when the ZEO would return an application to the applicant when it does not comply with zoning. Mr. Clark explained that the attorney, Mr. Lyons, said that the ZEO would be checking for completion of the components of the application. Mr. MacLean added that this might prevent an applicant from approaching the Planning Board when they may need a variance first, which would save the applicant time. Ms. Wilcox argued that appeals can come directly from the PB

and not from the building inspector. In the case of a subdivision, the location of a house does not need to be determined, so setbacks are unknown. If such an application goes to the ZBA first on recommendation from the ZEO, the ZBA would not know the PB process and it can end up taking longer than if the applicant first approached the PB.

Mr. Clark said that the ZBA would have to learn additional processes, but that the PB would not be bypassed.

Mr. Bassin asked about the current process. Ms. Wilcox answered that an application for subdivision or site plan review is submitted to the PB. The law allows an applicant to come directly to the ZBA for a special use permit (SUP), which is an original decision, not an appeal. However, the building inspector currently will turn the applicant down for a building permit and gives the case to the ZBA for a SUP. The gravel mines go straight to the ZBA for a SUP.

Ms. Wilcox was concerned that the ZEO would now have to review all applications. Mr. MacLean said that this was not intended to create an extra step, but to create routing and less confusion.

Mr. Ferratto said that this would increase his workload and possibly add more time to the application.

Mr. Stickle asked Mr. Ferratto if the process is better now or if it would be better if it is streamlined. Mr. Ferratto said that it would create an additional step and he does not have any issue with the current process.

Ms. Langton asked why the clerk could not handle the application submission instead of having the ZEO accept and filter applications. Mr. MacLean said that the clerk is not given the authority to make decisions on applications, whereas the ZEO has the legal authority to

Mr. Clark stated that at this time, the zoning ordinance does not designate a coherent process. Ms. Hoyt brought up the point that the application must provide instruction to the applicant about bringing the application to the PB or ZBA after it is quickly reviewed by the ZEO.

Ms. Wilcox added that the wording should be changed for clarification of the ZEO's role. Inclusion of subdivision application review does not make as much sense as for SUP and site plan review.

Ms. Purinton asked if the ZEO should attend PB meetings. Mr. Ferratto said that he is not required to attend PB meetings at any other town he works in.

Section IX: Reasons for Removal: Ms. Purinton noted that #2 of this section states a PB member may be removed for failure to attend 4 meetings, while #3 states that a PB

member may be removed for failure to attend 4 consecutive meetings. This is redundant, these be changed to “failure to attend 3 consecutive meetings or 4 meetings per year.”

Mr. MacLean added that in the past there was no official rule about attendance and there was no file to keep track.

Ms. Wilcox asked about whether members may be removed for not completing their mandatory training compliance. Mr. Clark said it can be used as reason for removal, but that board members do not necessarily have to be removed for missing training.

Ms. Purinton asked why the Conservation Advisory Council (CAC) is not named as an advisory board for the Planning Board. Mr. Clark expressed legal concerns of including the CAC would appear to exclude other officials, agencies, or councils. Ms Purinton said that the CAC is established under NYS General Municipal Law and is appointed by the Town Board to advise on the protection of natural resources so this is really the place to refer to the CAC as an advisory board available to both the planning and zoning boards.

Section VIII: Ms. Wilcox commented that Local law #5 in the Town of Ancram supercedes the alternate voting rules such that an alternate [on the ZBA] can vote in the absence of a board member, not just when a conflict of interest arises. Mr. Clark added that state law only allows for an alternate to vote when another member has a conflict of interest. The town law can be included in the zoning ordinance when it is made into local law. Chair Lutz added that there is no local law for the Planning Board. Mr. Bassin suggested to pass a local law for the Planning Board, as well.

Ms. Wilcox said that on page 5 of this section “agricultural data statement” should be included as a requirement for applications. This statement will be used to determine whether an action requires approval from the county Planning Board and should be included in the zoning ordinance because it is related to SEQR, which is mentioned. In addition, it is not specified in this section whether the applicant will pay the certified mailing fee for notices sent to abutting property owners. Mr. Clark said that he would work on some draft language if the PB and Town Board decide to add this.

On page 7 for voting requirements there was an incorrect reference. Page 9, under “B) Use Variance”: this only applies to the first permitted use, not all 4. Mr. Clark stated that this was lifted straight from the NYS law.

Section IX (c): Page 2. Chair Lutz suggested appealing to the Town Board to allow an alternate to vote in the PB when a quorum is not met. Mr. Clark and Mr. Sigler added that NYS laws allow local laws to have more latitude and authority when the local laws are more restrictive. Mr. Sigler believes that the attorneys need to decide whether it is legal to have a law that would allow an alternate to vote in the absence of a board member. The law will also need guidelines for use. Ms. Wilcox stated that the ZBA alternate votes in any absence, regardless of whether there is a quorum. Mr. Bassin asked the PB to include comments with conditions for alternate board member voting if they plan to approach the Town Board to construct this law.

Mr. Boyles motioned to adjourn the meeting, Mr. Sigler seconded and the motion was carried.