

Ancram Planning Board
Meeting Minutes – March 5, 2009

Present:

James Stickle, Chair
Dennis Sigler
Terry Boyles
Madeleine Israel
B. Docktor
Colleen Lutz
Jamie Purinton
Don MacLean
Suzanne Bressler, Clerk

Also Present:

Peter and Faye Auld
Art Bassin
Kelly and Samantha Stagias
Michael Waldorf

The meeting was called to order at 8:43 PM. Mr. Sigler made a motion to approve the minutes of the previous meeting with changes, the Chair seconded the motion, all were in favor and the minutes were approved.

CORRESPONDENCE

GIS Mapping System

The Chair presented an estimate of what it would cost the Town to enable the Planning Board to be outfitted with the GIS mapping system that was used in the Comprehensive Plan process. These maps would help the Board in all its deliberations and considerations in the future. The Board members agreed that the Board's laptop and one stationary computer at Town Hall that is used by the Planning Board clerk should be outfitted with the mapping system and the clerk and one other person should be trained in its use. As an estimate for one computer and the training of one person was presented, Mr. MacLean moved that the Board get an estimate for the two computers and have it done as quickly as possible, but that the Board approach the Town Board to authorize whatever money is necessary to get it on both computers. Mr. Sigler seconded the motion, all were in favor, and the motion passed. The Chair will find out from the Town Clerk what is remaining in the Board's budget for equipment and training. [Note: the estimated cost was \$680 and with the additional computer and training required, a later estimate showed the cost remaining the same].

The Chair read an invitation from the Columbia Land Conservancy to attend its breakfast.

The Chair read a letter announcing that St John's Lutheran Church on Route 7 is being considered for the National Register of Historical Places. The Town Historian has stated that a letter from the Board in support is not necessary.

OLD BUSINESS

LETTER FROM THE FORMER CHAIR – HEARING COMPLAINTS

At the previous meeting, while Ms. Purinton was not present, a letter she had written to the members of the Board was read aloud. At that meeting, members wanted the opportunity to discuss the letter with Ms. Purinton when she was present to state her intent or interest personally.

At this meeting, Ms. Purinton responded to that by stating she wrote the letter to thank everyone for the good work they had done while she was Chair, and to say she had gotten a lot of compliments on the Board's work during her time as Chair (one example is the Wiggers family, but there were others). She said she thought everyone did a very good job, and she didn't realize there had been a lot of complaints, as some Town Board members have ascertained. She said that if there indeed were, the Board should be the ones to hear them, in an effort to serve the Board in its respective service to the people of the Town. She said perhaps the Board should ask the Town Board to put out a notice of hearing for those kinds of complaints in an open manner so the complaints could be put to rest and the problems remedied.

Ms. Purinton said she is tired of hearing from the Town Board that the complaints are out there without having the opportunity to actually hear them. Mr. Sigler said a lot of the people who are complaining are just spreading a complaint around, they're not necessarily going to come in. He suggested putting notice in the Town newsletter, inviting those with any complaints regarding the Planning Board, ZBA and Town Board to come in for a hearing. Ms. Israel asked if Mr. Sigler was saying the complaints are not valid. Mr. Sigler said that the process takes a long time and people don't understand that it's the process that causes the problems. Ms. Israel said maybe the Board should explain to people in the Town newsletter that this Board isn't making up the rules, but is rather following something that has been in existence since 1973, and explain a little bit about the process to those who've never been before the Board.

Mr. Sigler said from now on the Board could have an evaluation form for everyone who wants to fill it out to do so when they come before the Board. Mr. Stickle said that Town Board is a better entity to handle it to avoid people feeling pressured not to complain to the Board if their application is under consideration or might be in the future. Mr. MacLean said he thinks the problem is when people have a grievance with the Board and then they take it to the Town Board, but if the Board gave the Town Board something on paper explaining the process the Board has to go through, then it would help because unfortunately there's always been a gap between the Town Board's and the Board's understandings of each others' processes. The Town Board would hear complaints but wouldn't know what to do with them because it doesn't know how to either defend the Board or approach the Board to fix it. Mr. Boyles said he had his own personal experience with that exact situation in purchasing land once.

Ms. Purinton said Mr. MacLean raised a good point -- that the Town Board won't know how to answer these complaints, because none of them have ever served on the Planning Board (or the Town Board, added Mr. Sigler), and there's a rift between the Boards as members of both Boards don't hear each other's opinions. Mr. MacLean said the Board should put together some kind of a system to complain and react, and what he is hearing here is the need for having a public Board meeting that's advertised that's just educational -- to invite people to come and learn about the subdivision process, as many people don't understand what's involved.

Ms. Purinton said later in the meeting that she is drafting a letter for the Chair regarding the complaints that can also be put in the paper.

NEW BUSINESS

PETER AULD
312, 314, 210 Crest Lane
221.-1-20, -1-22, -1-13, -1-21

Mr. Auld wants to combine four lots into one. There's a house on 221.-1-20 and a residence with a barn on 221.-1-21. There is a rule in Ancram stating that a landowner can have only one residence per lot. Mr. Auld said the person living in the other residence is a farm worker, and that there is a farm there. Ms. Purinton said Mr. Auld might choose to do two lots instead of four. Ms. Israel said Mr. Auld could also wait because in the new comprehensive plan he would be allowed to do what he is proposing to do. Mr. MacLean said on the same side of the road as Mr. Auld's house, there's a barn with an apartment in the barn. Mr. Sigler said the Building Inspector would probably say he can keep the second residence as a farm worker's housing (but it can't have a full kitchen), and that he can make it two lots and save on taxes instead of four. Mr. Auld said one thing that bothers him is that the barn area is actually contained in a different school district. He asked if combining lots would remedy that. The Board agreed one would have to examine the school district boundaries.

Mr. MacLean explained the Board didn't have to go through the whole subdivision process as this is just combining lots, but the Board does ask for a new deed to put on file with this map, so Mr. Auld would have the cost of creating a new deed. Mr. Sigler said the ZEO may allow it and Mr. Auld won't have to go through any of that. Ms. Purinton said if Mr. Auld wanted to sell in the future, he might want to have a lot that's set aside, because when the rules change it might be different -- he might want to see what piece he'd want separate. One lot (-21) where the house is, measures ½ acre, although today one couldn't do that, but now it's possible because it would be grandfathered due

to its already being there. Mr. Boyles said the building inspector should be involved. Ms. Purinton said Mr. Auld should consider that if he might ever want to break apart a lot in the future, he'll want to make sure he doesn't create a situation now that would prohibit him from doing that later. She said he could present that to the Board in a sketch plan to get its opinion. Board members gave Mr. Auld different possibilities he could consider that might be to his benefit for future activity and financial savings. Mr. Auld will return to the Board with his plan.

Ms. Israel had to leave at 8:35pm.

WALDORF SUBDIVISION 630 Hall Hill Road

Michael Waldorf came in to discuss this property, which is his mother's. Apparently, one acre is in Ancram, the rest of 10 or so acres are in Gallatin. Mr. Waldorf presented a map to the Board on behalf of his mother. The map is new from a surveyor. It showed 9.15 acres in Gallatin and 2.1 in Ancram. Mr. Sigler said all Gallatin is looking for is a letter of our Board's approval for Gallatin to change their property line, and the other portion (lot 1) is in the Town of Ancram. Part of the letter should include that as long as the house is in Gallatin, our building inspector would probably not allow any house to be one the portion in Ancram. Ms. Purinton made a motion for the Board to state that due to the boundary and building both being in Gallatin, Ancram's Planning Board considers this fine. Mr. Boyles seconded. Mr. MacLean modified the motion to add that there be a note stating that the remaining land in Ancram is not to be considered a separate lot and not further subdividable in the Town of Ancram. Mr. Sigler advised Mr. Waldorf that when that house is built, he should be 100% sure it's in Gallatin, because otherwise it will be an issue. Mr. MacLean seconded the motion on the table, all were in favor, and the motion passed. The Chair will draft a letter to Gallatin's Planning Board's Chair to this effect.

Ms. Purinton said the Board should ask the Town's lawyer: at what point (how much land located in Ancram) in a situation where someone's property is split between our Town line and that of another town, do Ancram's rules apply?

KEITH MOREY Open Areas Development Law

The Chair asked if everyone looked over the emailed Town attorney's opinion of the OADL concern regarding Mr. Morey. The Chair read back what the attorney told him. Mr. MacLean said the Town OADL doesn't apply. But the thing we got into a couple of years ago with Town Law 280-A is another story. Mr. MacLean's understanding is that 280-A says the Town would have to have road frontage, and the attorney is saying road or street frontage. Mr. MacLean said the Town used to require the street to be a parcel owned by the Homeowners' Association. The attorney is saying you can make the street by right of way, said Mr. MacLean. Mr. Sigler said if the Town attorney will put it in writing for the Board, the Board can do that for Keith Morey.

Mr. MacLean said the problem is what the definition of a private street is. Mr. MacLean said the Board was told that the street can't be on a 50-foot right of way that has many people sharing a 50-foot right of way. Mr. Sigler said the Town attorney should put it in writing so the Board could proceed in that way. Mr. MacLean said this is a NYS law. He agreed that the attorney should put this in writing -- not just for this particular application, but that he is suggesting a precedent. The Chair read Town Law 280-A aloud for Board members' information.

Mr. MacLean said the issue is the legal status of the street. Mr. Morey could do a major subdivision without issue, and the Board could waive certain road specifications when dealing with Ancram's own subdivision regulations. The whole issue of 280-A is: can a street be one that exists on one person's property and other people have a 50' deeded right of way on that street -- and they are party to a road maintenance agreement for that street. He said the Board had been saying a Homeowners Association must own that property or some other condition may have to exist. The Chair read the street definition. The Board members said the information was becoming more confusing.

Mr. MacLean said he would agree with Mr. Sigler, and said: “Especially since this is the Moreys and this is a longstanding difference they’ve had that would be a benefit to the Town to resolve, and since what the attorney has suggested is a pretty big departure from what [the Board] has understood must be done up till now, [the Board] should ask for his written opinion on this application and future ones.” Mr. MacLean said the Town should pay for that legal opinion and Mr. Morey should not be responsible for that cost, because it would be a substantive change to how the Town deals with such situations in the future. Ms. Purinton suggested that Mr. MacLean talk to the Town attorney too because Mr. MacLean knows that difference that has occurred over time. Mr. MacLean said what the attorney is suggesting is a lot easier than what the Board has been doing so far and a step above what the Board did 20 years ago. Mr. MacLean said he would call him.

MATTHEWS

Mr. Sigler said he wanted to talk about the Matthews property. He said while the Board will not have a say, the Board should advise the Town Board on this issue because Board members know the process.

Mr. Boyles motioned to adjourn, the Chair seconded the motion, all were in favor and the meeting adjourned at 9:24 PM.

Suzanne Bressler, Clerk