

**ANCRAM PLANNING BOARD
MEETING MINUTES
July 2nd, 2015**

Board Members Present: John Ingram (Chair), Dennis Sigler, Terry Boyles, Jamie Purinton, James Stickles, Ann Rader (alt), Bob Roche (alt), Colleen Lutz (clerk)

Board Member(s) Absent: Erin Robertson, Joe Crocco

Additional Present: Donna Peck, Bethany Ralph, Robert Caccamise, Seun Suh, Tom Diaz, Fred Berliner, Wife?

On July 2nd, 2015 the monthly meeting of the Town of Ancram Planning Board was called to order at 7:05 PM by Chair John Ingram.

The previous month's minutes were reviewed by the Board. Jamie Purinton added 2 corrections. One page 3, she requested to remove "that she" from paragraph 4. She also requested to remove "it" from paragraph 7 and replace it with "the barn". She also requested that a note about the distance should be added about "the distance must be clarified". A motion was made by Terry Boyles to accept the minutes as presented. The motion was seconded by Jamie Purinton and the board unanimously voted in favor to accept the minutes.

The clerk stated that she had put a copy of Local Law 1 of 2003. This is the Scenic Corridor Overlay Zone Law (SCOZ). She also included a copy of the Land Use Summer School sign-up sheet for anyone who might like to attend. Finally, she stated that there is a copy of the correspondence from counsel regarding the Timlin ASPR application.

Agenda Items:

OLD BUSINESS

John Timlin

Parcel ID 198.-1-33

1175 County Route 3 Ancramdale, NY 12503

Ms. Ralph ESQ. (attorney for the client) nor the applicant were present at the meeting. Dennis Sigler made a motion to continue the ASPR. Terry Boyles seconded the motion, and all the Board members were in favor. Erin Robertson and Joe Crocco were absent.

Thomas Diaz-Special Use Permit

Parcel ID 205.-1-34

114 Poole Hill Road Ancram, NY 12502

Mr. Diaz applied for a special use permit to place a storage unit on this property for more than 120 days. He stated the unit was a 40 X 70 Ft. shipping container/ storage unit.

The Board was given a month to do a site visit to gather information about the application.

Ms. Purinton stated that she and Ms. Robertson had met with the owner and viewed the area where the container is proposed to be located. She stated that it appeared to be at least 100 FT away from the stream that is located on the property.

The Chair asked for additional questions or comments from the Board. There were none. The Chair opened the public hearing. There were no comments from the public.

Terry Boyles made a motion to close the public hearing, Jamie Purinton seconded the motion. All the Board members were in favor, motion carried. Erin Robertson and Joe Crocco were absent.

Dennis Sigler made a motion to enter a Negative Declaration on the SEQRA. Terry Boyles seconded the motion and all the Board members were in favor. Erin Robertson and Joe Crocco were absent.

Jamie Purinton made a motion to grant the special use permit, Terry Boyles seconded the motion all the Board members were in favor. Erin Robertson and Joe Crocco were absent.

Ms. Ralph, attorney for John Timlin, came into the meeting.

Timlin-ASPR
Parcel ID 198.-1-33
1175 County Route 3 Ancramdale, NY 12503

The Chair stated that the Planning Board Attorney, John Lyons Esq., has determined that the planning board has no jurisdiction over the covenants and restrictions imposed by the previous owner. Therefore, if the applicant meets the requirements of the Town, he is entitled to construct the equipment barn. If the intended use of the property is for farming or agriculture, then the equipment shed/barn is the primary use.

The chair stated that there are certain criteria he needs to meet, such as a schedule F on his income tax. This form is required to be filed each year by NYS farming operations. It is up to the Board to determine if he is complying and meets the spirit of the law.

Mr. Boyles commented that the property is already farmed by another farmer.

Ms. Ralph confirmed that the property is being farmed.

The Chair asked if the Board felt this could constitute as a farm.

Mr. Sigler stated that he felt that if the barn is being constructed directly for the use of equipment for the farm, then it would be okay. He suggested that the Board may want to

enforce a timeframe to prove that he is an active farming operation as defined by Ag and Markets Law.

Mr. Roche suggested that he should be permitted to construct the barn as long as it is farmed.

The Chair stated that he would need to file a schedule F.

Mr. Stickle stated that the building could be used for farm equipment for the farmer that is farming the property as well.

Mr. Sigler stated that owner of the land must be farmer to use the equipment shed/barn. It was really not okay to let the farmer leasing the land to use it.

The Chair stated it must be storage for farm equipment, nothing else.

Ms. Purinton still questioned why an accessory building cannot be built to store equipment to maintain the property, even on a residential parcel.

The Chair asked the Board how they might like to determine if the property is farmed and will be continued to be farmed by Mr. Timlin.

Mr. Boyles suggested that every two or three years the applicant could be required to submit documents to the Board and have a "check-up" to make sure they have filed the schedule F each year.

The Chair suggested that this could be a condition of the approval.

The Chair explained to Ms. Ralph that Mr. Timlin would need to be farming the land and that the equipment shed/barn must be used only to house the equipment used in the farm operation. In order to be recognized as such, he would need to file a schedule F.

Ms. Ralph indicated that she understood this and had contacted NYS Ag and Markets and they had explained this to her.

Mr. Boyles stated that if the property is sold, it must be clear to the new owner that this must remain an agricultural operation.

Mr. Sigler stated that it is in the scenic overlay, but it appears to conform to the guidelines of the law.

The Chair stated that as an agricultural operation, the equipment shed/barn does not need to conform to the setbacks. If the applicant adds a house, and combines the use, he would need to have an area variance for the shed/barn. If the farm operation ceases to exist and no residence is built, the equipment shed/barn would need to come down.

Ms. Ralph asked if he stops farming and leases it to another farmer, then what?

The Chair stated that he felt the other farmer should be able to use the shed/barn but must produce a schedule F.

Ms. Purinton suggested to Ms. Ralph that if the applicant intends to build a house he might want to plan ahead and site the shed/barn to make sure he will not need a area variance in the future, if at all possible.

James Stickles made a motion to conditionally approve the application with the following conditions:

1. The applicant must submit the consecutive schedule F forms every 3 years and appear before the Board to continue the ASPR.
2. If the applicant adds a house, and combines the use, he would need to have an area variance for the shed/barn if it does not meet setbacks. If the farm operation ceases to exist and no residence is built, the equipment shed/barn would need to come down

Terry Boyles seconded the motion and the Board members unanimously agreed. Erin Robertson and Joe Crocco were absent.

Mr. Sigler asked what would happen if a civil action is filed before the building permit is issued.

The Chair stated the applicant can file for a permit, the town can issue it and it can only be recinded by a Court designated injunction.

Ms. Ralph asked if she could have a copy of the draft resolution.

The Chair indicted yes,

NEW BUSINESS

Fred Berliner-Special Use Permit **546 Hall Hill Road Ancram, NY 12502** **Parcel ID-219.-1-26**

Mr. and Mrs. Berliner were represented by Greg Pullen from Lotus Energy. The applicant wished to install a stand alone solar array on their property on Hall Hill Road.

The Chair asked what was the height for the unit.

Mr. Pullen stated that at the most upright position, they would be 20ft.

Ms. Purinton asked if they were visible.

Mr. Pullen stated that he took pictures from the site, facing the cardinal directions and he did not see that it would be visible. Mr. Berliner commented that they should not be visible.

Mr. Stickle asked how many panel would be installed.

Mr. Pullen stated that there will be 20 panels, but the total footprint will be 18 X 18 sqft.

The Board asked if the applicants could stake out the site and if they had permission to visit it.

Mr. Berliner stated that it would be okay to visit the site and it will be staked out.

The Chair stated that a public hearing will be scheduled for next month.

Robert Caccamise and Seung Suh-ASPR
29 East Ancram Road Ancramdale, NY 12503
Parcel Id 221.-1-24.12

Jamie Purinton recused herself from this application due to a conflict of interest.

Robert Caccamise and Seung Suh appeared before the Board for an ASPR. They were referred to the Board by the ZEO as the parcel of land is within 500 feet of a farm operation. This regulation is stated in Section G, Paragraph 1A, no. 5, page 165 of the Town of Ancram Zoning Ordinance.

Mr. Caccamise stated that this was the first time they had built a house, were not aware that they needed an ASPR and they had already lined up the contactors.

The Chair stated that he understood the dilemma and stated that this does not require a public hearing.

Ms. Suh stated that the residence will be a single family residence of approximately 2000 sqft.

Mr. Sigler stated that the reason they are before the Board is to describe the potential impact of the farm. There are sounds, smells and operational issues that may arise from the farm operation.

Mr. Caccamise stated that he has visited the property in all seasons and is aware of the farm operation.

The Chair stated that the driveway appears to be longer than 500 ft,

Mr. Caccamise stated that when he bought it the driveway is shared.

The Chair asked if the driveway is on their property.

Ms. Suh stated it was on their property.

The Chair stated that it appears to be about 16 ft wide. He stated that it will need to fire apparatus turnouts which as 20 ft wide by 50 ft long.

Mr. Caccamise asked if the turnouts need to be paved.

The Chair stated that they could be gravel.

Ms. Suh asked if they will impact the farmer.

The Chair stated that it did not appear to, the board just needs to check.

Terry Boyles made a motion to approve the ASPR without conditions and James Stickles seconded the motion. All of the board members were in favor of the motion. Erin Robertson and Joe Crocco were absent.

A motion to adjourn was made at 8:00 PM by Terry Boyles and seconded by James Stickles. The board members unanimously agreed.

Respectfully Submitted
Colleen Lutz
Planning Clerk, Town of Ancram