

Ancram Planning Board
Meeting Minutes – January 8, 2009

Present:

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

Also Present:

Jim Miller
Tom Dias
Donna Hoyt
Bob Mayhew
Rick Dubray

The meeting was called to order at 7:32 PM. Mr. Boyles made a motion to approve the minutes of the previous meeting with changes, Mr. Sigler seconded the motion, all were in favor and the minutes were approved.

ADMINISTRATIVE ITEMS - OLD BUSINESS

The former Chair asked that the letter to the lawyer regarding the Westfall accounts and the Colleen endorsement letter be provided to the new Chair as soon as possible.

The Chair read a letter from Mark Graminski asking for an extension for the Westfall final approval. The former Chair handed over Westfall items to the new Chair. Correspondence, and the letter mentioned above should go to the new Chair, plus the last invoice the former Chair had questioned in order to make sure the work was done, and which she didn't want to approve without input from the Board. Our Town Engineer submitted the Bridge specifications to be reviewed by the Board. She handed that to the new Chair. She had asked the engineer if he was complete with everything and was told he was, so there are no more bills expected. The former Chair said the Board needs Westfalls LLC to appear before it to make sure they have met all conditions required. She advised that when they come to do that, the Board might need to conduct additional review, but that if they met the conditions, it should be fine. The former Chair reported that all prior invoices had been approved but she was informed by the engineer that they haven't been paid and she's not sure why. The engineer will pursue the Town to be paid, not the Chair. The former Chair stated that the engineer has fulfilled everything required of him and has done an excellent job. The former Chair reminded the Board that there is a note on the drawings as was asked for at the last meeting when conditional final approval was granted, so that is now complete. The Chair asked how invoices are approved. The former Chair stated that after making sure work was done, the Chair approves the invoice and gives it to Monica Cleveland, Town Clerk. The former Chair said she talked to the accountant, who asked that we keep our own accounting. The Board clerk is keeping a ledger. The Town pays the bills.

Mr. MacLean mentioned a historical note of interest: when the Board approved the Long Lake subdivision, there was a conditional final approval and it happened right at the time of the real estate crash, so there were periodic extensions of the approval over a long period of time. Thus, you never know if this may become a case like that.

The Chair asked for a motion to grant the extension. Mr. Boyles said it should be granted. The former Chair said she had no problem with that idea. Mr. Boyles motioned to grant Westfalls LLC a six month extension, Ms. Israel seconded the motion, all were in favor and the motion passed.

Mr. MacLean commended Ms. Purinton, the former Chair, for being the first Planning Board Chair to work through the escrow process correctly.

Mr. Sigler said that the building inspector may want to review the Westfalls LLC bridge specifications, as someone has to make sure it's built to specification.

Ms. Purinton said Mr. Sigler had wanted all along to make sure the bridge was done right and the Board did that as part of the subdivision process, which was great. She said the Board has a very good record with the Westfalls LLC project, and that the Board's history of consideration and action protects it, particularly regarding close review of all elements of the proposal. She also commended the Town Engineer for the job he did with his review.

Mr. MacLean said he thinks that the Town escrow law applies to all Town agencies, so the building department has the right to ask for escrow to have the engineer review it at that stage as well, so the Board and the Town are covered all the way through the process.

Mr. Boyles said he didn't think the Town should put the Buildings Department in charge of reviewing it, and the engineer should certainly do that.

Ms. Israel asked if Mr. Ferrato (building inspector) knows that he has escrow ability to have the engineer review it. Mr. Dias commented that Mr. Ferrato has a good idea of these things from experience with other towns. Mr. Mayhew said there was no need for an escrow account as the actual engineer building it would risk his license if it wasn't done correctly.

The Clerk will write a letter to Westfalls LLC granting the extension.

OLD BUSINESS

Correspondence:

A letter was received and read by the Chair from the Wieners, who had submitted their altered deed in accordance with an earlier conditional approval of the Board. The Clerk will file the letter and deed.

Keith Morey:

The former Chair discussed Keith Morey. She said she had sent his sketch plan to Patrice in County Planning along with the open development areas law (ODAL). Mr. MacLean said there is another part to that, which the Matthews file may show – the ODAL is a law designed to allow that one parcel has right of way over another and it gives the Board blanket authority to permit that.

The former Chair said Patrice offered her expert opinion after reviewing the map Mr. Morey had provided the Board, stating that the ODAL doesn't apply to Mr. Morey because it is clearly for one parcel and Mr. Morey wants to create four parcels. The ODAL was essentially a special law to help people who are landlocked and don't have driveways, off unmapped streets. So the Board is authorized to approve at their discretion creation of parcels like those in this situation. The former Chair said she tried very hard to do for Mr. Morey what he wanted to do with this law, but that in her opinion, after consulting heavily with County Planning, it couldn't be used in this situation.

Mr. MacLean said he is quite sure the Board has something on file related to this law. Mr. MacLean will still try to find the information this evening. Papers were given to Clerk for filing with Mr. Morey's information.

Mr. Boyles discussed a disturbing situation in which he previously approached the Board about his own matter and followed the Board's instructions. Now, he is receiving tax bills from two Towns regarding his property that shows they aren't respecting the actions required and satisfied years prior. He asked if, after the Board stamps and certifies something, that item's status can be changed by the Towns. This has something to do with his tax bills and Town boundaries, and may have more far-reaching significance considering other Town residents who may be in a similar situation. Mr. MacLean said it's the surveyor's stamp that you want to look at, and that in these situations, the Board assumes that the professional surveyor has done his or her job.

Mr. Sigler commented that in the case of Mr. Boyles' subdivision, it was processed legally, but he asked which town it is in. Mr. Boyles said apparently the subdivision may not be considered legal.

Ms. Purinton requested that Mr. Boyles bring his maps in, so the Board can review them.

Mr. Boyles said there are two points for the Board and the Town Board to be aware of, from his direct experience:

1. The Town's boundaries are in dispute. This affects taxes. Mr. Dias said the boundaries need to be straightened out by the assessors and the County.
2. Maps were pronounced acceptable by the Board, but discrepancies in the maps caused issues later.

More discussion of this item will ensue when Mr. Boyles brings in his maps.

Ms. Hoyt asked if the Board had any suggestions as to how to address the boundary issue.

Mr. MacLean said the only thing the Board can do as a Board is when there is an application on or abutting the Town line, it can advise the applicant to double check the Town line with their surveyor and all parties.

Ms. Hoyt said that was something the Town Board could address with the County – the distinction between Towns at their boundary lines.

Ms. Purinton said she will ask surveyors she sometimes works with how they define metes and bounds as part of the Town Record.

Mr. MacLean said if there had been a change in the Town lines, even a minor change, as Mr. Boyles is describing, turning a jog system into a straight line, it could create the kinds of changes similar to what Mr. Boyles is experiencing, i.e., they own six acres and think someday they'll cut that land in half, the line moves a little bit and they have it surveyed again and realize later they only have 5.8 acres and the Board tells them they can't do that. If there is an actual movement of the Town line, there may be a need for waivers for what should be considered a grandfathering of lots that conformed beforehand.

Ms. Israel pointed out that the Comprehensive Plan in progress will address that too.

Mr. MacLean said that the Comprehensive Plan in progress proposes subdivisions based on overall density but in this case, could cause an issue. It would have to be looked at further.

Mr. Dias said he has a meandering stream, and could envision that if new technology dictates a straight line and .2 acres were sliced off in the process of redoing the lines, that could really screw things up.

Mr. Boyles asked if the Town and this Board would back him up and help him to get his land to be considered back in Ancram, as some technological mapping change apparently placed part of his land in Gallatin.

Ms. Purinton reiterated that the Board should look at the maps.

Mr. MacLean said the Board needed to appoint a Vice Chair and that he would nominate Ms. Israel to continue on in that position. Ms. Purinton seconded the nomination. The Chair nominated Dennis Sigler and Mr. Boyles seconded that nomination. With two motions on the table, Ms. Israel declined the nomination as Mr. Sigler expressed his desire to serve as the Vice Chair and be of assistance to the new Chair.

Ms. Purinton wanted to clarify that Ms. Israel was indeed not interested in serving as Vice Chair any longer, as there were many quick changes with little discussion to accompany them. Ms. Israel said she was happy to let Mr. Sigler serve, as he is extremely knowledgeable and wants to. She said that there is a long learning period to really fulfill your role on this Board, and that serving it well wasn't something that happened overnight or even in a year or two years, and that was originally why she had accepted the role of Vice Chair. She had thought there might come a time she could be nominated to become Chair. She said at this meeting that she doesn't think that will happen in the near future, and that Mr. Sigler has more institutional knowledge and is the right person for the job. Mr. Sigler said he really didn't want to do it, but he will. Ms. Purinton said Mr. Sigler is indeed an awesome candidate.

All were in favor of Mr. Sigler becoming Vice Chair and the motion supporting his nomination passed.

Ms. Israel asked if the Chair would have had a problem with her serving as Vice Chair, and he replied that he wouldn't, but that he knows Mr. Sigler for a long time and believes he has the historical knowledge that would work out best.

The Board needed to determine which newspaper would be the Board's newspaper of record. The Independent was selected by way of motion, seconding and all being in favor. Ms. Purinton suggested strongly that the Clerk alert the Independent if any meeting dates coincided with holidays so they would be duly informed in advance.

The Board's meeting details needed to be officially finalized, in terms of date, time and location. Mr. Boyles motioned to keep it the same, Ms. Israel seconded that. Ms. Purinton said she had heard the Board might get kicked out of its traditional meeting place by the Town Board, which had announced it would have its workshops on the same night in the same room at the same time. Ms. Israel stated she had made plans around her Thursdays and would like to see the meeting kept on the same day. Mr. Sigler told the Town Board members, all present in the room, that the Board needed its usual room.

Mr. Dias said he would tell the Board what he's been telling people everywhere when this issue comes up: that it's a big building.

Ms. Hoyt told the Board she didn't see why they couldn't have its standard room to meet. She said meetings should be scheduled for the Town Board's budget workshops at 6PM and the Town Board would be finished by 7:30PM, so that the Board could meet at its regularly scheduled time and in its traditional meeting place. Ms. Hoyt also said that input from the Board at those workshops would be helpful to the Town Board. She said, "We'll make sure we're out of here at 7:30."

Ms. Israel said that maybe people would stay for the Planning Board meetings afterwards to see how the Board operates. Mr. Boyles motioned to keep the meeting on the first Thursday of each month at 7:30pm in the courtroom of Town Hall. The motion was seconded and passed as all were in favor.

Mr. Boyles motioned to adjourn the meeting, Ms. Israel seconded the motion, all were in favor, and the meeting was adjourned at 8:50 PM.

Directly after the meeting was adjourned, there was a detailed exchange between the Board members and the new Town Board members about the process employed in changing Chairs. This subsided at approximately 9:15PM.

Suzanne Bressler, Clerk