

Ancram Planning Board
Meeting Minutes – December 4, 2008

Present:

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

Also Present:

Brent Stack, Columbia County Attorney
Keith Morey, Resident

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

ADMINISTRATIVE ITEMS

The Board agreed to renew its Planning Federation membership.

WESTFALL

Chair Purinton informed the Board regarding a letter that arrived from Westfall LLC's attorney asking for an accounting of fees incurred by the engineers and the balance of the escrow account. She further informed the Board that a letter had been sent in return stating that of the original escrow amount, roughly half of it was allocated and used. The Chair then gave the status of the account and expenditures. Don MacLean said that under Town escrow law, if the escrow account falls below a certain amount the applicant should replenish it automatically. The Chair stated that she has asked for proof of work Morris Associates stated was done and expects an update soon.

SIGLER

Lot Line Adjustment

Hall Hill Road
213-1-02; 205-1-58.111

Chair Purinton re-opened and resumed the public hearing. No members of the public wished to speak during public hearing. Brent Stack submitted the administrative check in the amount of \$75, the deed, temporary easement, and agreement that covers temporary easement. SEQR was completed last meeting. Mr. MacLean made a motion to close the public hearing. Ms. Israel seconded the motion. All were in favor, the motion passed and the hearing was closed.

Plans from last meeting were reviewed and maps were examined again. The Chair told Mr. Stack that the maps were not traditional and were missing the necessary raised seal. She expressed concern regarding setting precedent and/or fraudulent maps. Mr. Stack maintained that the maps were prepared by surveyor. The Chair asked Stack to have the surveyor put the map on one sheet and have it stamped with a raised seal. Additionally, the names of Mr. Sigler and his wife, as property owners, should be represented on the maps.

Mr. Sigler recused himself from the vote. Mr. MacLean moved for conditional final approval, conditions being the raised seal, three pages combined to one, and adding names to the maps. Ms. Israel seconded the motion, all were in favor and the motion passed.

WALK IN DISCUSSION

KEITH MOREY

15 SMOKY HOLLOW LANE

Mr. Morey wants to subdivide to allot a portion of his land to his cousin. He sought insight from the Board on whether his property is further subdivisible. He showed an older map to the Board.

The Chair advised him to bring back a deed or newer map that reflects the property scenario, and advised him to add the cousin as an applicant, via a letter from him or his presence before the Board – as he and Mr. Morey would be co-owners of the same piece of property.

Mr. Sigler said that currently two homeowners use that driveway and the applicant wants to make it four. This would be a major subdivision. Mr. MacLean asked if there is enough acreage there for each to be about three acres. He was told there is just enough.

Mr. Sigler said that under current rules, you can't have more than one lot using the right of way over another lot. One option is to establish a homeowner's association, so it can own the road, but that process might be expensive. Another option pertains to the Open Development Areas Law (ODAL), where the applicant submits a proposal to the Board, for example -- in this case, proposing that four would use the right of way, and provides a maintenance agreement. The proposal then goes to the Town Board, which agrees that this will be a special subdivision under the ODAL, and if it meets certain requirements the Board will allow it. Yet another option is that the road becomes a parcel owned by the homeowner's association, including the parcels individually owned by homeowners.

The Chair asked if the land was flat. She was informed it was all hilly. She explained that if the topography is steep it could be a factor in how it's subdivided. The Chair said Mr. Morey should obtain an aerial photo and said the Board can get a measure of the steepness of the slopes either from office maps, or Mr. Boyles, who may know. The Chair advised Mr. Morey to then hire a surveyor and return with his proposal.

Mr. Sigler said the Board should get a lawyer's opinion on how it should go about dealing with the ODAL in such cases. Mr. MacLean said the Town Attorney should do that since it's an action of the Town Board on the recommendation of the Planning Board. Mr. Sigler said Mr. Morey should be advised with the Town Attorney's input before he spends money on his proposal.

The Chair said Mr. Morey should be called to arrange a visit and recommended a site visit be conducted (individually or in pairs) to view slopes, environmental impact, potential obstacles, etc. Mr. MacLean distributed a document (a resolution nearly used in the related Matthews case) for members to peruse. The Chair said the County Planning Board and Town Attorney should be consulted for opinions on process. The Chair would then give Morey a sense of what he has to do for the next meeting he is able to attend. Mr. Morey requested that the insight be put in writing.

COACH FARM

Wiltsie Bridge Road and Empire Road

Some discussion ensued regarding whether or not a site plan review is needed for the Coach Farm, which is buying Best Cheese Corp.

TERM EXPIRATIONS

The Chair and Clerk reviewed term expirations for individual members. As Ms. Lutz' term would end at year's end, the Chair and Board agreed she would be recommended for reappointment as she is an excellent member of the board, valued particularly for referencing the law during deliberations and when needed. The Chair indicated she hoped Ms. Lutz' term would be extended.

Mr. Boyles motioned to adjourn the meeting, Ms. Israel seconded the motion, all were in favor, and the meeting was adjourned at 8:53 PM.

Suzanne Bressler, Clerk