

**PLANNING BOARD
TOWN OF ANCRAM
MARCH 6, 2008**

Present:	Absent:	Also Present:	
Jamie Purinton, Chair	Donald MacLean	Brian Billings, Westfall LLC	Chris Thomas
Terry Boyles	Madeleine Israel	Mark Graminski, Engr. Westfall	Victor Stang
Colleen Lutz	Barbara Docktor	Elaine McCarthy	Noreen Hoysradt
Dennis Sigler		Lester McCarthy	Danny Hoysradt
James Stickle		Tom Dias, Town Supervisor	Robert Blechman

The meeting was called to order by Chair Purinton at 7:30 p.m.

Minutes of the meeting of February 7, 2008 were approved on the motion of Mr. Boyles, seconded by Mr. Stickle.

McCarthy Public Hearing Lot Line Adjustment 213-1-37

Receipts for notification of abutting property owners were submitted and reviewed by the clerk. A check for \$75 was submitted.

SEQR was reviewed by Mr. Boyles who moved to grant a negative declaration. Seconded by Mr. Sigler, the motion carried unanimously.

Public hearing was declared open and closed without comment.

The applicant had been instructed at the time of sketch plan approval to submit a driveway maintenance agreement because two parcels will share a driveway. A document submitted by the applicant will be sent to the Town Attorney for review.

Mr. Sigler made a motion for conditional final approval of the lot line adjustment to combine lots 1B, 1C, and 2 and authorization for the chair to stamp maps when conditions are met. Seconded by Mr. Boyles, the motion carried with unanimous approval.

Condition: Approval of a driveway maintenance agreement.

Segalot Public Hearing Minor Subdivision 219-00-01-47

Sketch plan for this application was granted at the February meeting. The application is for subdivision of a three-acre lot from property of 200 acres on Finkle Road. The new lot will allow construction of a caretaker's cottage. At the February meeting, Mr. Graminski, engineer representing the applicant, was asked to locate the building site so that there would be a 150 foot buffer from a seasonal stream. The map shows that the building is 150 feet from the stream. The driveway entrance is however near the stream because this location is needed for safety and better site distance.

There is an easement on the property by the Dutchess Land Conservancy. They have given permission for this subdivision, but, according to their rules, the lot can never be sold separately. A statement to this effect will be placed on the final maps.

SEQR was reviewed by Mr. Boyles who recommended a negative declaration. Seconded by Mr. Sigler, the motion carried unanimously.

Mr. Stickle asked if it was true that a conservancy easement is only good for 99 years.

Mr. Graminski said that he had thought such easements were in perpetuity. There was no definitive answer to the question.

Public hearing was declared open and closed without comment. Mr. Graminski said he had received a phone call from Mr. Friedberg, an abutting owner, to whom he had given a summary of the project and met with no objections.

A motion for conditional final approval and permission for the Chair to stamp the maps when conditions are met was offered by Mr. Sigler, seconded by Mr. Boyles. Carried by unanimous vote.

Conditions:

1. Final maps with a note stating no separate sale of the three-acre parcel.
2. Approval from Columbia County Health Dept.
3. Driveway permit from the State DOT.
4. Raised seal on maps.
5. Payment of a fee of \$125.

Westfall Road LLC Sketch Plan Major subdivision 196.00-01-59

This application came before the board in February at which time it was declared a major subdivision. Mark Graminski, representing Westfall Road LLC, presented an application to subdivide approximately 95 acres into five lots and, with a lot line adjustment, convey 11.96 acres to adjoining lands of Harry Schnaper. Both the applicant and the board felt that it would be best to involve the public as soon as possible in any review of the proposed subdivision. Therefore, the applicant sent out certified letters to abutting owners and the board informed all other residents of Westfall Road of this meeting of the board. Mr. Billings, a member of Westfall Road LLC, was also present at this meeting.

Chair Purinton began the meeting by asking Mr. Graminski to point out on his subdivision plat the location of abutting owners and explain the proposal. She invited members of the public to offer questions.

Mr. Thomas asked if Mr. Schnaper was a part of the LLC and learned that he is.

Mr. Hoysradt asked if there would be a driveway for the Schnaper property entering Westfall Road.

Mr. Billings and Mr. Graminski said that there was no plan for that and that there had been no discussion with the highway superintendent about creating a driveway entrance for that part of

the property. Mr. Graminski further explained that the lot line adjustment would only serve to enlarge the existing property of Schnaper.

Mr. Hoysradt asked if the board was aware of the clear-cutting that had been done on Mr. Schnaper's property. He pointed out the erosion problem that could result.

Mr. Blechman agreed that clear-cutting had taken place for several years resulting in at least an acre of clear-cut land abutting his property.

Mr. Hoysradt asked Mr. Graminski what plan was in place for coping with all the water run-off.

Mr. Graminski included the following in his explanation:

- Two bridges that serve 5 houses with common driveways crossing the stream.

- A 150 foot buffer from stream.

- All possible care taken for location of home sites, septic, well.

- Provision so that there will be no sediment transfer--- ditches, check dams, stone structures and other sediment traps.

- A plan will show run-off patterns as they exist now and what will be done to develop the land.

Mr. Boyles asked what would happen if those plans are not upheld during construction.

Mr. Graminski said there had to be a Notice of Intent (NOI) filed with the DEC and there would be fines for any finding of non-compliance.

Mr. Stang asked about plans for utilities, whether they would be underground or above ground.

Mr. Graminski said that had not yet been considered.

Mr. Stang asked if the applicant knew that water in that area had been tested for another project and determined to be sulphurous.

Mr. Graminski said that could be checked.

Mr. Stang also asked about the condition of the road.

Mr. Graminski said that they had no intent to do anything with the road.

Ms. Purinton pointed out that some of the home sites were close to wetlands and the town has a requirement for a 100 foot buffer from wetlands.

Mr. Graminski said the plan was drawn to try to keep the sites on the flattest parts of the property. Ms. Purinton asked the engineer to consider coupling the septic field with the house in order to reduce on impact caused by grading and clearing.

Mr. Hoysradt asked if the sites as shown on the map were the exact location.

Mr. Graminski said they were approximate.

Mr. Stang asked if all lots were sold and if they would be for part-time or full-time residents.

None have been sold as yet.

Ms. Purinton said the condition of the road would be a problem for emergency vehicles. With that in mind, she had spoken with the town attorney, Mr. Shaw, who had told her there was case law stemming from a case in Hillsdale in which an application for subdivision had been denied because of the road condition. She added that Tom Dias had made it clear that he didn't think taxpayers throughout the town should bear the brunt of the cost of improving the road. In addition, Ms. Purinton had asked the highway supervisor's official opinion of Westfall Road and he had said that sometimes the road is not accessible by emergency vehicles.

Mr. Boyles said that maintenance of Westfall Road had long been under contention. By tradition, maintenance of the road was to be shared by the towns of Ancram and Taghkanic. Because of some incidents involving snow removal, he felt there would need to be some clear determination on who should maintain the road.

Ms. Purinton said that the board could hold back subdivision approval based on the condition of the road. She also said that the town engineer could be asked by the planning board to evaluate the condition of the road so we have a sense of the cost implications of improving the road.

Mr. Boyles said that there are quite a few town roads that are not accessible at some times of the year.

Mr. Stang asked why town tax payers should be liable for improvements to allow further traffic on this road because of the subdivision.

Ms. Purinton introduced Mr. Dias, supervisor for the town. He spoke of having driven up the road at least two miles until he could go no further, but thought he had passed the point of this proposed construction. He said that the highway supervisor had voiced concern that the road would need work beyond funds available. He reiterated Ms. Purinton's comments about the case law in Hillsdale. In conclusion, he said that the right thing to do would be to make the road safe, but that it was not fair to burden the taxpayers with unmandated expenses.

Ms. Purinton said that the town engineer could provide an estimate of costs for fixing the road.

Ms. Purinton asked how many families live on the road.

Mr. Stang, who lives in the first house just off County Route 7, estimated that there are eight families total with six in Ancram and the other two in Taghanic.

Mr. Sigler said that it was likely that the town does not own the road, but has a right-of-way.

Mr. Graminski said that there were two possibilities, the town could own the road or that it was what is known as a “user road.” He said that the width to be maintained in either case is determined by the highway supervisor.

Mr. Graminski said that since there appeared to be legal question involved in this discussion of the road, perhaps the town attorney could meet with the attorney for Westfall Road LLC.

Ms. Purinton said she had already spoken with the town attorney.

Mr. Graminski asked about the current liability of the town without this subdivision if this road is inaccessible for emergency vehicles.

Mr. Sigler said that what works now would change with more building and increased traffic.

Ms. Purinton suggested that the discussion move on to other topics.

Mr. Sigler described a failed application for subdivision in the same area, that of Taghanic Woods (Metz) from more than ten years ago. At that time, tests had found that there was limited water available and that it was contaminated. Mr. Sigler suggested that it might be of interest to the applicant to check these records.

Mr. Graminski said that the limited number and the large size of the parcels proposed for this application would make it easier to find water. He said that the record of water tests would be available from the County Health Department.

Mr. Graminski asked Mr. Sigler how he would expect to feel about the application and the environmental impact study.

Mr. Sigler said that he was seeing many problems with water, both wells and drainage, and the road and that a positive declaration on the SEQR long form would be likely.

Mr. Graminski said that the applicant would be able to mitigate any of those concerns.

Ms. Purinton looked through the full environmental assessment form for a question that would refer to the impact on traffic and roads by the subdivision.

Mr. Graminski pointed it out in Part II Impact on Transportation questions. Ms. Purinton thought it would be likely that the response to question 15, “Will there be an affect to existing transportation systems?” would likely be “yes”, given the discussion of the condition of Westfall Road.

Mr. Sigler said that perhaps engineers could work everything out and therefore, an escrow account needs to be established.

Ms. Purinton said that she has asked for an estimate of costs from both the town attorney and the engineer. She had shared the estimate of the engineer with Mr. Graminski prior to the meeting. That estimate was for \$5,000 and the attorney was for \$3,000. She asked if Mr. Graminski was prepared to submit that amount at this meeting.

Both he and Mr. Billings said that they would need to have further discussion with members of the LLC.

Ms. Purinton said that in order for the Board to start review and have the legality and condition of the road evaluated by the town engineer, an escrow account needs to be established.

Mr. Sigler said that there had been enough information offered that the board could consider sketch plan approval at this meeting.

Mr. Hoysradt said that he was representing the Reitbrock's, whose land abuts this property.

Mr. Dias said that the view of the Town Board would be to try to see that this is a safe and appropriate road.

Mr. Graminski said that the LLC would also be looking for this.

Ms. Purinton said that the whole issue of drainage and its impact on the land would be important.

Mr. Blechman said that Mr. Schnaper had already demonstrated a lack of stewardship for the land in the process of clear-cutting so much land and contributing to erosion.

Mr. Billings said that, once the lot line adjustment and subdivision were complete, Mr Schnaper would no longer be a member of the LLC.

Ms. Purinton said that, given that Westfall has now submitted a sketch plan that they must from now on meet our regulations regarding the protection of trees over a certain caliper..

Mr. Graminski said that, once the SEQR process starts, only investigatory work can be done.

Ms. Purinton shared with the board and applicants a letter from Nickerson/ Berne, abutting owners who could not attend this meeting. They offered comments concerning the road and the negative impact this subdivision would have.

Mr. Sigler offered a motion for sketch plan approval of the application for a lot line adjustment transferring 11.96 acres to Schnaper and subdivision of 95 acres into five lots as

shown on the plat map. The motion was seconded by Mr. Boyles and carried with unanimous approval.

The board was informed of the resignation of the clerk.

Ms. Purinton said that a question had arisen as to whether the board members would want to be paid a stipend.

Mr. Sigler said that he thought there was less liability if they were unpaid, but that should perhaps be checked with the town attorney.

Adjournment at 9:10 on the motion of Mr. Sigler, seconded by Mr. Stickle.

Joan S. Roberts