

**TOWN OF ANCRAM
Planning Board Meeting
November 7, 2024**

Board Members Present: Joe Crocco (Chairman); Phillip Hack; Donald Tasch; Palmer Irving; Jessica Lovelace (alternate)

Board Members Present on Zoom: none

Board Members Absent: Erin Robertson, Tom Brondolo, Ann Rader, Sara Porter (alternate)

Others Present: Wesley Chase, Dennis Leftwick

The November 7, 2024, meeting of the Town of Ancram Planning Board was called to order at 7:00PM by Joe Crocco, Chairman a quorum was established.

Minutes:

Palmer Irving made a motion to approve the September 5, 2024, meeting minutes with corrections the motion was seconded by Jessica Lovelace and carried.

Correspondence:

J. Hoffman submitted a letter of resignation effective December 31, 2024.

There will be an application for a short-term rental forthcoming.

J. Hoffman requested that Mr. Ferrato, Zoning Enforcement Officer attend tonight's meeting.

Conflicts Check:

The chairman checked with members of the board regarding conflicts there were none.

OLD BUSINESS:

Auld/Schnizler

PUBLIC HEARING

Subdivision and Abbreviated Site Plan Review

238 Crest Lane

221.-1-21

Chairman Crocco gave an update that the last appearance by the applicant or representative was in September when the public hearing was scheduled. Following the Public Hearing being scheduled the applicant's attorney reached out asking to adjourn the public hearing until the following month. Once again he has asked to continue the public hearing until December.

Chairman Crocco reported that his opinion would be to adjourn the Public Hearing until December, however at that time if the applicant or representative do not appear in front of the board the application should be declared moribund and be removed from the agenda.

Ms. Lovelace asked if the correspondence sent by the board regarding the public hearing is now inaccurate because it has not been conducted when the notice said it would be. Chairman Crocco reported that as long as the public hearing is opened when stated on the notices and continued the correspondence remains accurate.

Chairman Crocco reported it is his opinion that the issue with continuing the public hearing for a third time would be that it is not fair to the public that may be following the project as the subdivision could be completed if the applicant or representative appeared before the board. The abbreviated site plan has additional work that needs to be completed prior to approval. Chairman Crocco stated that it is his opinion that the public hearing should not be continued past December.

Mr. Tasch asked if notification would be sent to the attorney advising such. Chairman Crocco reported that they would have to advise the attorney that the hearing has been continued again, and that if in December there is no appearance by the applicant or representative then the hearing will be removed from the agenda and be closed. Then the hearing will have to be re-noticed, which the applicant will be responsible for.

Phillip Hack motion to adjourn the Public Hearing to December 5, 2024, at 7:05PM or shortly thereafter. Donald Tasch seconded motion carried.

J. Hoffman clarified what information should be provided to the attorney. Chairman Crocco advised the attorney should be told that the hearing has been adjourned again until the December meeting, and that if there is no appearance by the applicant the hearing will be closed, declared moribund and removed from the agenda.

NEW BUSINESS:

None

DICUSSION:

Mr. Chase reported to the board on behalf of the Valden application.

Mr. Chase gave an overview as to what was presented to the board last month:

- The initial application was for a 16-acre minor subdivision.
- The Abbreviated Site Plan Review would have happened afterwards, as he is currently working for the seller regarding the subdivision.

However, following the comments from the board at last months meeting, he reached out to a real estate broker regarding the concerns related to where the house will be located on the newly divided property. He relayed the information to the real estate broker that there is a feeling from the board that the house site is not in what they call appropriate place, and it would be a travesty for the buyer to purchase the property spend money and then be told

by the board he can't put the house where he would like to put the house. The real estate broker then reached out to the buyer Mr. Leftwick who is present this evening.

Mr. Leftwick reported that he has owned a home in Ancram for thirty years.

Mr. Chase reported that based on conversations with the seller and buyer they decided to do site plan review at the same time as the subdivision at the same time.

Mr. Chase reported that he has done extensive research regarding all town laws pertaining to the house site. Mr. Chase provided the Planning Board with a summary of his research to walk to through together. This summary will be placed in the case file for reference.

Mr. Chase read his research to the board specific to ridgelines in the Town of Ancram.

Chairman Crocco asked if where the proposed site is located is a designated ridgeline. Mr. Chase reported that it is not.

Chairman Crocco clarified that there is no general ridgeline protection, only ridgelines designated as a significant ridgeline have additional protections and laws governing them.

Ms. Irving clarified that there is nothing stating that there is preference for houses to not be on the highest point on the lot. Mr. Chase confirmed that there is not.

Mr. Chase reported that in addition he spoke with Mr. Sigler on the Zoning Revision Committee who reported that there were no changes made to the ridgeline regulations in 2023 by the Zoning Revisions Committee.

Mr. Chase provided an updated map based on the comments made by the board at the October meeting.

Chairman Crocco asked if Mr. Chase was in contact with Mr. Lyons regarding the issues with the old subdivisions. Mr. Chase reported that he did not want to contact Mr. Lyons prior to having the Boards well wishes to put the house where they are intending. Mr. Chase reported the updates on the map.

Mr. Chase reported that he met with Mr. Ferrato (Zoning Enforcement Officer) and J. Hoffman today as they would also like to start the process for Abbreviated Site Plan Review (ASPR). Mr. Chase reported that he does not think that he will be able to fulfill the requirements of the ASPR checklist by next month, however Mr. Chase would like to come update the board next month and reach out to Mr. Lyons through J. Hoffman to clarify the issues regarding the old subdivisions. Mr. Chase reported that he would like to remain on the agenda going forward.

Mr. Chase asked if the board feels there are any issues with the current location of the house.

Mr. Crocco asked if Mr. Ferrato has anything he would like to add. Mr. Ferrato, Zoning Enforcement Officer addressed the board. Mr. Ferrato reported that it appears the Planning Board is making it very difficult to come before the board as the board is asking for

additional information not required by Zoning Law. Mr. Ferrato addressed the current project and stated that this project has a site plan, survey and an envelope the house is allowed to be built there. Mr. Ferrato addressed the comments made at the previous meeting regarding statements made that the house would not be able to be built in that location.

Mr. Ferrato went on to say that he does not know why the board is asking for building plans for projects when there is not approval to even put a house on the property. Mr. Ferrato reported that this expense to the applicant is unnecessary. Mr. Ferrato continued that building plans are within the jurisdiction of the building department not the Planning Board. Mr. Ferrato clarified that the role of the Planning Board is to approve the location of a building on the property not the building plans. Chairman Crocco reported that the Planning Board is entitled to design plans and asked if Mr. Ferrato is referring to that or construction documents which they would not be. Mr. Ferrato affirmed that he is referring to any building plans. Chairman Crocco stated that these documents are needed to show the plans and elevations. Mr. Ferrato then asked the board for someone who is applying for a subdivision why would the board need to see building plans all that is being approved is the new lot.

Mr. Chase agreed with Mr. Ferrato, that the Board should ask only for what is on the checklist, but as an applicant will provide the board with what is asked. Mr. Chase reported that there is a point where the applicant gets frustrated about how much is being spent prior to obtaining approval to subdivide, or where to place a house.

Chairman Crocco asked board members if anyone has the zoning law with them. Ms. Irving reported that she does. Chairman Crocco reported the board has always gotten plans from applicant for all types of applications, and he would be shocked if they are not required. Board members reviewed Ancram Zoning Law to see what is required of a subdivision applicant. Mr. Chase showed them the checklist for a subdivision and abbreviated site plan review. Chairman Crocco asked what is in the code. Mr. Chase advised the same information is in the code as the checklist.

Mr. Tasch asked for clarification of how they can approve things without information such as square footage on the lot. Mr. Ferrato reported that if the packet that has been submitted to the Planning Board contains all the items in the checklist, then that is all the Planning Board is entitled to. Mr. Ferrato stated that personal feelings and opinions should be left out if the packet is complete then the board needs to make a decision.

Ms. Lovelace asked if at the last meeting house plans were asked for as it is not in the minutes, and she was not present. Ms. Irving and Chairman Crocco reported not asking for plans, as it was just a subdivision. Ms. Irving went on to state that Erin (Ms. Robertson) made a suggestion and said that there is a preference of the Board to not put houses on ridgelines, but applicants cannot be made to follow those.

Ms. Lovelace reported that it is her understanding that subdivision is approved, and then the applicant goes back with plans for abbreviated site plan review which comes back to the planning board if needed. Mr. Ferrato reported that at this time Mr. Chase wants to have both processes run concurrently. Ms. Lovelace reported that she feels there is confusion when both processes are done at the same time. She reported that it feels like the boards

hands are getting tied because those processes are not supposed to be done at the same time because the requirements in documentation are different.

J. Hoffman reported that in May of 2024 he believes, Mr. Lyons went into executive session and will be providing guidance regarding the process of doing both a subdivision and an ASPR simultaneously as they are processes that can be done concurrently. To date that guidance has not been received. Ms. Lovelace reported that is where she feels things are getting stuck because it not feasible to do both processes at once. J. Hoffman reported these issues were what was discussed during executive session with John Lyons, he gave them the information on how to do both at the same time and will be providing written guidance.

Chairman Crocco reported that only the subdivision was discussed at last month's meeting. Ms. Lovelace stated that the questions of the house location was a curiosity of the boards, and she knows that this is someone people may have preference on but are not things necessarily written into code. Mr. Ferrato reported opinions cannot be a part of decision making. Ms. Lovelace agreed, then stated it is her opinion that there is an assumption within the community that is not documented in the plan. Mr. Tasch stated that if it is not written in law then they cannot enforce it. Ms. Lovelace stated this puts "us" in between a rock and a hard place as it's a situation where people are wanting to build in locations that provide beautiful views and there are also community members who do not want that. Mr. Ferrato again stated that if it is not in the Zoning code then it cannot be enforced. Ms. Irving stated that there is a difference between the intention of the comprehensive plan and the letter of the law, and sometimes there is an intention that is not written in the law. Ms. Lovelace stated no is saying no. Ms. Irving stated that if it's not in the law "we" cannot force you to do it, but "we" do like to mention it to people.

Mr. Chase stated that he took those suggestions and mitigated them to the best of his ability. Mr. Hack concurred. Mr. Chase stated that he felt "coming out of the last meeting based on the comprehensive plans and the law you could tell me no". Mr. Hack stated, "that was never our intention". Mr. Hack further stated that what "happened actually in practice was that Erin (Ms. Robertson) made a suggestion and that you went out and said oh I'm going to mitigate this a little bit by flattening the land for the house placement...which is what I think the process is supposed to be". Ms. Irving stated, "I agree". Mr. Tasch stated, "we cannot uphold different standards than what's written". Ms. Lovelace stated "completely". Ms. Irving stated "but we're not trying to do that, we're just making suggestions...because everyone wants to come up here and build houses and for things to stay beautiful, but if everybody builds houses all and plunk them down all over the ridgeline then it's not beautiful anymore so we're making suggesting for people to build houses and keep it a pretty place to live. But if the hillsides are all built up no one wants to look at that not even you (pointing at the buyer Mr. Leftwick)". Mr. Leftwick stated there is no designated ridgeline there. Ms. Irving stated "whether its designated or not the idea is or the intention is, yes you can do it but we're suggesting if there was a better place that wasn't as visible and I don't know if this is visible or not that maybe you would consider that. But what if someone built one right in your line of sight right, I'm just saying". Ms. Lovelace stated, "but someone is". Mr. Leftwick reported that his current home on Pats Rd, is three times more elevated and no one has ever told him his house couldn't be there. Ms. Lovelace, Ms. Irving, and Mr. Hack all stated that no one is saying you can't do it. Mr. Hacks stated that he thinks went as they should have, based on what the comp plan says.

Chairman Crocco reported that there are issues with the requirements for abbreviated site plan because a survey is not required, and how do you do a site plan without a survey. Mr. Chase said he is a survey is always going to suggest one. Mr. Crocco then said, “thank you, because you can’t”. Chairman Crocco reported that this is something he has been arguing to take out. Mr. Tasch stated that changes need to be made, but we can’t change what is in front of us now.

Chairman Crocco asked Mr. Chase other than the current discussion is there anything the board can do for him this evening. Mr. Chase asked to be placed on next months agenda. Chairman Crocco stated “it has been customary that if you do not resubmit anything you’re not on the agenda and starting in January applications are going to have application numbers”.

Ms. Lovelace pointed out that adjoining property owners are building in the sight lines of the proposed house location of this project, Ms. Irving stated “well then haha”.

Mr. Hack asked if there is any other business to discuss. Chairman Crocco asked for a motion to adjourn.

A motion was made to adjourn by Phillip Hack, seconded by Don Tasch motion carried.