Pending Board Approval

Andes Town Planning Board

The regular monthly meeting of the Andes Town Planning Board was held on Monday, April 24, 2006, at the Andes Town Hall. The following members were in attendance- Arthur Reed- Chairman, John Reynolds, John Hoyt, Laurie Sidorowicz, Edward Callahan, and James Darling. Wade Henderson was unable to attend. Tom Evans- Town Planning Board Advisor was present. Also present were Dale Cole, Bud & Suzanne Gladstone, Frank Winkler, Merna Popper, Marlys Hann, Ellen Ciferri, Susan LaFever, Jonathan LaFever, Alfred Mohr, and Fred Dabritz.

Chairman Reed called the meeting to order at 8:07 P.M.

Chairman asked for corrections and/or additions to the minutes from the March 27, 2006 meeting. Upon a motion by John Hoyt and seconded by Edward Callahan the minutes were approved as pre-filed. M/C all ayes.

First on the Agenda was the minor subdivision application of Faith Chase- Alfred Mohr presenting. Ms. Chase, tax map 238.-1-12, owns approx. 47 acres on Gladstone Hollow Road, she would like to subdivide this into two lots. One lot would have the barn and 3-4 acres and the other lot would have her house and the remaining acreage. Mr. Mohr is interested in purchasing the barn with the 3-4 acres. She has an eighty foot distance between the barn and her existing property line. The proposed boundary line and the access to her house are located between the barn and this existing property line. His proposed plan does not give her the 300 feet of road frontage she needs for the lot with the house. The Board felt this lot could be designated as a flag lot in which case she would only need 50 feet of road frontage. Mr. Mohr's plan does, however, show the proposed boundary line approx. 25 feet from the barn. The Zoning Law, Article 2, Section 2.06, Paragraph D, states that lots between 3-5 acres must meet a side and rear setback of 50 feet. This subdivision will need 239 review because it is in an agricultural district. Upon a motion by Laurie Sidorowicz and seconded by John Reynolds to deny this application because the proposed boundary line does not meet the side setback requirements in the town zoning. M/C all ayes. The Planning Board suggested he submit an application to the Zoning Board of Appeals for a side setback variance.

Next, Dale Cole presented a new sketch plat for a minor subdivision on his property on Cabin Hill Road. Mr. Cole, tax map # 259.-1-41.11, owns approx. 80 acres on Cabin Hill Road. He now wishes to subdivide this into three lots. One lot would have approx. 23 acres, another lot would have approx. 5 acres, and the last lot would have approx. 52 acres. The lots all have adequate road frontage on either Bullet Hole Road or County Route #2. These lots are vacant and will all need soil tests done on them. This will need 239 review by the Delaware County Planning Board. This was previously classified as a minor subdivision. A Public Hearing will be scheduled in May if the applicant is ready.

Next, was a sketch plat for a minor subdivision for Fred Dabritz. Mr. Dabritz, tax

map # 323.-1-6, owns approx. 66.6 acres on Route 30A. He would like to subdivide a 5 acre lot off his property. This property is adjoining New York City property and Mr. Dabritz accesses his property with a right of way; it is a land locked parcel. He would like to have another right of way established accessing the new lot because there is a section between the two lots that would make access to the other lot, through his lot, difficult. The Board suggested he check into getting another right-of-way first before proceeding any further. They informed him of what would be needed to proceed if he should acquire the right-of-way. The Board also informed him that New York City may be interested in purchasing those five acres, if selling it was his reason for the subdivision.

Next, Susan LaFever and Bud & Suzanne Gladstone have met the conditions for their minor subdivision which was given a conditional approval on November 22, 2004. The conditions were that there was a review of the road and that it met minor road specifications with an adequate stream crossing in compliance with DEC requirements. The culvert is in crossing the brook. Michael McAdams checked the road in the beginning of April and saw no problems with it meeting minor road specifications. The Gladstones, however, did submit a letter that they requested be entered into the minutes. Their letter stated that their agreement in respect to the division of the subject property is limited to the location of the boundaries of Lots A & B and the location of the proposed 50' right -of-way. They are in no way agreeing to or approving of any obligations with respect to the right-of-way. Any such obligations, for maintenance or otherwise, must be the subject of separate discussions with the current or any future owners of Lot B. The Board informed the Gladstones that if they were really concerned about this they could put a road maintenance agreement on the mylar if both parties were agreeable to this. Chairman Reed signed a copy of the map signifying the conditions were met. He will sign the mylar and the other copies after they are prepared.

Next, Marlys Hann would like the Board to explain to her what she can do about her neighbors continual display of items, for sale, on her porch and in her yard. The Board did explain that at its July 26th meeting in 2004 Ms. Popper was determined to be a minor home occupation and no special use permit was needed. She was allowed one sign as stated in the zoning. The Board explained to Ms. Hann what a minor home occupation allowed. This meant Ms. Popper was allowed to sell items from her house and her outbuilding. This also meant there should be no exterior display or exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the lot or the surrounding neighborhood. Since Merna Popper was in the audience the Board addressed her directly with these concerns. Ms. Popper explained she is in the process of fixing her porch and is currently unable to remove things off it. She assured the Board that, in two weeks when her porch is completed, she will abide by the zoning regulations. The Board will follow up on this matter after this time frame has passed.

Next, Ellen Ciferri presented a proposal to the Board for a Flea Market. Ms. Ciferri would like to run this flea market during the summer months (June 1 - August 31) and possibly into September. The flea market would be next to Ron Guichard Realty in the vacant lot on the corner of Main and High streets. This will be run on Saturdays only, weather permitting, from 8:00 A.M. until 1:00 P.M. No more that 10 vendors will occupy

the space. Vendors must provide a current vending license. The vendors will set up and clean up the site each Saturday. There will be no large tents, only small size canopies over tables. She does note that this is not intended to be a yard sale but a site for local craftsman, artists, and dealers of antiques and collectables to display their wares. The Board thought there should be a contract with the vendors stating the obligations and the limitations. There would be ample parking on the road. A movable sign would advertise the flea market during operating hours. The Board requested that Ms. Ciferri obtain a letter from the owner, Gay Purvine, stating she has given her approval for Ellen to run a flea market on her premises. The Board suggested Ms. Ciferri & Ms. Purvine have a written agreement between them regarding this proposal. The Board requested to see a site plan for this proposal. The Board saw no problems. A Public Hearing will be scheduled in May.

It was brought to the Planning Boards attention that the wording regarding signs is vague in the Hamlet Zoning Law. It states that a sign should not exceed 40 sq.ft. for establishments, however, it does not address cases of multiple signage. The Board reviewed the zoning and determined an establishment could have multiple signs, as long as, their total square footage does not exceed the 40 foot limit.

Next, Ken & Gloria Stumbo delivered a letter, dated April 21, 2006, from R. Calvin Swanson, Executive Director of Fairhaven Ministries, regarding the Fairhaven Ministries project on Gladstone Hollow Road. The Board of Directors of Fairhaven Ministries met and decided to discontinue the project to develop a Fairhaven Ministry site in Andes. A letter to the Board states that this brings to an end a three-year effort. The projected costs involved in putting in the infrastructure and the regulations that dictate such a costly development have made it prohibitive for them to continue this project. They expressed their appreciation to all local agencies for the time and effort put forth.

Upon a motion by John Hoyt and seconded by John Reynolds to adjourn. M/C all ayes. The meeting adjourned at 10:40 PM

Laurie Sidorowicz
Planning Board Clerk