Pending Board Approval

Andes Town Planning Board

The regular monthly meeting of the Andes Town Planning Board was held on Monday, July 24, 2006, at the Andes Town Hall. The following members were in attendance- Arthur Reed- Chairman, John Reynolds, John Hoyt, Laurie Sidorowicz, Edward Callahan, James Darling, and Wade Henderson. Tom Evans- Town Planning Board Advisor was present. Also present were Suzanne Gladstone, Andreas Gerdes, Frank Furlan, Susan Doig, John Gregg, Judy Garrison, Michael Milton, Jim Koch, Dorothy Andrews, Mary Davis, Paul Moore, Michael Ferraro, James Hartmann, Steve Berg, Jack McShane, Maria Henderson, Eva Williams, Bill Piervincenzie, Barry Hilton, Lisa Schroeder, Frank Mantesana, Jeffrey Ashton, Jane Groom, Raouf & Mai Zarrouk, Merna Popper, Marlys Hann, Jim Andrews, Aaron Aliveis & Zoe Randall and many others.

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

Chairman asked for corrections and/or additions to the minutes from the June 26, 2006 meeting. The following corrections were noted. In reference to the lighting at the Ballantine Manor site, only lighting to a height of 8.5' was mentioned; there were two different heights regarding the lighting 8.5' and 9.6'. In reference to the paragraph on Philip Haemmele's inquiry the last sentence should read as follows: Before they continue, the Board requested he return with approval for one septic system to be shared by two 2-bedroom homes on separate parcels. Upon a motion by John Hoyt and seconded by Wade Henderson the minutes, with the corrections noted above, were approved as pre-filed. M/C all ayes.

Chairman Reed opened the Public Hearing on the application of the Ferraro Brothers, for a minor subdivision / boundary line adjustment. The Ferraro brothers, tax map # 304-1-12.2, own 76.74 acres on Close Hollow Road. They wish to divide this property among their adjoining neighbors. They would like to transfer 25.58 acres to their adjoining property owner, Richard & Maria Newman, tax map # 304-1-12.1, through a boundary line adjustment. The remaining land will be purchased by another adjoining property owner, William and Audrey Marchand, tax map # 304-1-13.2. This received 239 review and approval by the Delaware County Planning Board. This was presented to the Town of Middletown Planning Board and in a letter address to the Andes Planning Board they had waived their authority to officially review this application, and stated they are leaving the official review and approval of the application up to the Andes Board. The property is owned by three brothers, the board still has not received acknowledgement, from all three brothers or the power of attorney (Thomas Doerr) for the estate of Pamela Ferraro, to who will represent them in this action. The Final Plat application had not been signed or notarized. The adjoining property owners were not notified of this Public Hearing, although the Public Hearing was advertised in the Walton Reporter. The Ferraro Brothers would like to request a waiver from the Board requiring another Public Hearing.

The surveyors mylar map and copies have not been completed. The Board does not know how many dwelling unit rights have been allocated to each lot, nor has the deed note been placed on the map stating that the lot is to be incorporated into the adjoining lands of Richard and Maria Newman, tax map # 304-1-12.1, and at this time is not approved for separate sale. There were no comments from the public.

Chairman Reed closed the Public Hearing.

The Board continued with the application of the Ferraro Brothers. The Ferraro Brothers would like to request a waiver from the Board, to not require another Public Hearing. Upon a motion by Laurie Sidorowicz and seconded by Wade Henderson to grant a waiver from conducting another Public Hearing. M/C all ayes. Chairman Reed completed the short environmental assessment form. Upon a motion by Wade Henderson and seconded by John Reynolds to declare this a negative declaration. M/C all ayes. This is an unlisted action. Upon a motion by John Hoyt and seconded by James Darling to grant a conditional approval to the application of the Ferraro Brothers. The conditions are as follows: The Board needs a letter from Thomas Doerr stating he is the power of attorney in this matter and may represent all three brothers in this boundary line adjustment. A letter from the Newmans stating they are in agreement to this boundary line adjustment. The final plat application is to be completed, signed, and notarized. Dwelling unit rights need to be assigned to both parcels. The lot allocations and the deed note need to be noted on the mylar. M/C all ayes. Application # 11-2006 was given a conditional approval. When these conditions are met, Chairman Reed will sign the map.

Chairman Reed opened the Public Hearing on the site plan application of Andreas Gerdes for the Ballantine Manor LLC, tax map # 259.07-1-18.1. Mr. Gerdes would like to restore this home and its use, similar to its former state in "1880". He would like the option of erecting a fence along his boundary on N.Y.S. Route 28 and High Street, with a gate across the driveway on High Street. He plans to replace some of the pine trees he removed with Norway Spruce trees and he may use boxwood hedges instead of fencing. He would like to place lighting in specific places, on the property's boundaries, on N.Y.S. Route 28 and High Street, along a proposed path at the rear of the house and perpendicular to N.Y.S. Route 28, and in a semi-circle around the far side of a pond at the back portion of the property. He would like to replace the carriage house on High Street. He has received a variance for the proposed height of this structure from the Zoning Board of Appeals. He would also like to complete an addition to the main house, doubling its size. He also has plans to fix or replace the existing tennis court. Mr. Gerdes is also considering a helicopter pad, 30' in diameter, on his acreage at the rear of his property. The architectural plans show the exterior of the buildings to stay within the historical integrity of the hamlet. There was an objection, however, to a light placed in the front of the property owned by Lee Melahn & Rick Shaver. There is a small triangular piece of property, owned by Mr. Gerdes, in the front of Mr. Melahn and Mr. Shaver's residence. Mr. Melahn and Mr. Shaver were under the impression when they purchased their property, that they had some control over what was done in this area. They have filed a summons against Mr. Gerdes regarding this triangular area on High Street. Mr. Gerdes has disagreed with their interpretation and would like to continue with his plans, letting this dispute be resolved in court. Mr. Gerdes stated he would like to place a light on either side of his driveway entrance on High Street to delineate his

property boundary. The Board was handed a copy of the summons by James Hartmann, the attorney representing Mr. Melahn and Mr. Shaver, who were unable to attend tonight's meeting. Chairman Reed did inform the Public at this time that the Planning Board would not be deciding on this matter tonight, he wanted time to review the summons handed to the Board members. The Chairman opened the meeting to the public for comments. There were comments made in favor of the plans. The house is being restored to its former grandeur. The house had been slowly deteriorating over the years. The beautification of the property is nice for the neighbors. There were comments against the plans. The property owners on High Street were concerned with a parking area for the pond. They were concerned with the size of these structures. Mr. Hartmann stated that the close proximity of these structures to his client's house would decrease the value of their property. Other residents on High Street were also concerned with this. Others were concerned with the plans not fitting the historic character of the town. Mr. Gerdes stated he had talked to the most knowledgeable people in town regarding the history of this estate. He hired an architect from Syracuse, known for historic re-creations, to draw the plans. There was question to whether the tennis court met the zoning setbacks. There was question to whether this was a single family residence. Many thought the dispute regarding the area on High Street should be resolved between the two land owners. They should mediate without lawyers. It was stated that Rick Shaver & Lee Melahn had once discussed with George Calvert, the previous owner of Ballantine Manor, the option of purchasing land, including the triangular piece where the light would be placed, from him. George Calvert agreed to sell this land, but this sale never did occur. Mr. Hartmann asked the Board to hold their decision regarding this site plan until the matter was settled in court regarding his clients.

Chairman Reed closed the Public Hearing.

Next, a sketch plat for a major subdivision of John Coss. Mr. Coss, tax map # 258.-1-1.111, owns approx. 134.9 acres on Coss Road, he wishes to subdivide this into three lots. One lot would have approx. 1.4 acres, the second lot would have approx. 4 acres, and the third lot would have the remaining acreage. There is adequate road frontage on Coss Road with these lots. He will need soil tests done on the vacant parcels. Mr. Coss has requested a waiver from surveying the entire parcel. Upon a motion by Laurie Sidorowicz to grant a waiver to survey only the two lots being created and not the entire parcel. M/C all ayes. Upon a motion by John Hoyt and seconded by Wade Henderson to classify this a major subdivision. M/C all ayes. Mr. Coss had previously subdivided this land, the reason why the Board is classifying this as a major subdivision. The Board saw no problems. John Lilholt will be the surveyor. A Public Hearing will be scheduled in August if Mr. Coss is ready.

Next on the Agenda was Michael Milton. He is building two additions on a home at 148 High Street in the hamlet of Andes. Lawrence H. Breakstone and Karen B. Levey, tax map # 259.10-4-8, would like to build a 1' X 9' and a 3' X 15' addition on the back of their home. These additions are not substantial and will keep with the current look of the home. The plans presented have been reviewed and excepted by the Planning Board. The clerk will notify the Building Inspector.

Alex & Marge Adelson talked with the Board about the progress the board has made with regards to the wind turbine issue. There will be a presentation by REA, so the

board can understand their position, and look at both sides of this issue. That meeting will be on August 9th at 7:oo PM. Tom will bring ridge line maps and a map showing the tax map parcels for the town of Andes.

Upon a motion by John Hoyt and seconded by Wade Henderson to adjourn. M/C all ayes. The meeting adjourned at 11:45 PM

Laurie Sidorowicz
Planning Board Clerk