



**Town of Canaan**

Planning Board Regular Meeting Minutes – **APPROVED**  
February 20, 2023

---

---

**Present:** J. Pierre Gontier, Chair  
Chad Lindberg, Deputy  
Jens Braun, Planning Board Member  
Marlene Tuczinski, Planning Board Member  
David Birch, Planning Board Member  
Jillian Kasow, Planning Board Clerk

**Absent:** Jeff Sotek, Planning Board Member

**Others Present:** Patricia Fallon, Planning Board Clerk; Others Present: 5

---

**I.Meeting (In-Person) Call to Order**

Chairman J. Pierre Gontier called the Regular Meeting of the Planning Board to order at 7:00pm.

**II.Minutes Review/Approval**

- The minutes of the November 21, 2022 meeting were reviewed and the minutes were approved by a motion made by Chair and seconded by Jillian Kasow. The vote carried, as follows:

J. Pierre Gontier, Chairman	Aye
Chad Lindberg, Deputy	Aye
Marlene Tuczinski	Aye
Jens Braun	Aye
David Birch	Aye
Jillian Kasow	Abstain

Result: Motion Carried

**III.Case 2023-001, Site Plan Review, B3 Sonoco Station Expansion, 12737 NY Route 22, Canaan, Tax ID 70.-1-40**

- Applicant representative Kirk. Engineer presents summary of application. Under continuous operation since approximately 1965. In C2 Zoning 3.03acre site.

Proposal to fill in depression on Grub Chuck Rd and extending the paving area for access by tractor trailers and 4 new diesel islands. Total disturbance of existing plot is under an acre. Addressed complaints about the lighting and the owners are amenable to have the LED lights tilted downward to keep illumination within confines of the site and Grub Chuck Rd. as well as at the back of the site on the woods.

- Chairman speaks about a standard of lighting which is at Love's Truck Stop which was previously approved. We have invoked dark skies criteria for at least past 15 years. Brighter light doesn't necessarily make a better light but can just increase the glare. So these lights do need to be turned downward. Pump islands should have lights that might be installed and temperature checked. Option would be to use photo triggered lights.
- Applicant speaks to explain lights were put on Grub Chuck Rd side for safety but wants to follow the rules and will change or remove if the board wishes.
- Board wants to see a revised map with the revised lamps
- Chairperson mentions the temperature of the lamps is what creates the haze/glare. Our job is to protect the town, protect you, the applicant, and protect the public. In anticipation of more commercial development in the future, we have tried to create a standard to be applied to everybody.
- Chad asks about remediation of the site ...
- Question about a septic field. Kirk said it had been approved with prior owner, but he couldn't find any history of problems. Will continue with same load, no additional showers or modifications. There are no indications of any problems; if there were, he would be proposing remediation or replacement. Owner said pump outs occur every other month.
- Discussion about use of site, including overnight parking which is not a permitted use. It can become a problem with facilities, accommodation, etc. Easiest way to deter it is to post a sign and if owner chooses to enforce it, is up to him. Emergency parking overnight in emergency situations are allowed.
- No intention to install EV charging stations.
- Chairman reminds that once the application is approved it cannot be changed without a new presentation to the Planning Board for approval; any changes would put owner in violation
- Chairperson says she will waive reopening the public hearing from meeting last April as it's effectively the same proposal with some new conditions to be met; all members agree.
- Chairman refers to March 15 minutes re endangered bat population that was addressed; DEC found no evidence of ecosystem that would support bats at the location.
- SEQRA can be done at next meeting, March 20, at which time overnight parking and lighting and signage will be updated.
- Chair requests that updated materials be sent electronically and then hardcopies mailed/delivered.

#### **IV. Case 2023-003, Onvo Lighting Issue, 12816 NYS Route 22, Canaan, 70.0-01-9.2**

- Daniel Naylor, applicant says the lights **on the property were** replaced and adjusted but not properly, and could be shifted downward so not pointing on the road. He expects to have it done in the next 2 weeks at the most.
- Discussion about problems with very bright lights for motorists and difficulty to adjust vision and difficulty seeing while driving at night, creating dangerous driving conditions; the temperature of the lights should be toned down and possibly use shields on the fixture to diminish the area of light.
- Applicant will look into the brightness and putting shields on the lights. When it's done he will advise the Chairman by email to recommend a drive-by before the next meeting.

**V. Case 2023-002, Site Plan Review, Tree-Mendous Aerial Adventures Expansion, 12193 NY 22, Canaan, 59.-1.72**

- Austin Leonard – the client is a manufacturer of products and proposes to construct a pole barn with a large storage area. We have changed the footprint that had been approved previously by the Planning Board to a larger size and different ... All storm water flows away from the building toward the right of way. No other changes to the existing use. We have full access around all sides of the building to meet fire code requirements and we have met all lighting code requirements. And we have an approved septic system by the County DOH. Looking for contingent approval before we go to DOC for SWIF as area of disturbance will be around 1.5 acres.
- Driveway has been moved to a different location.
- Discussion of signage on building: will show compliance with code or else take off building in the plans.
- Chad asked for delineation of the date of wetlands survey on leader note on map.
- Discussion of parking: 11 employees, 4 cars on regular basis as most staff on the road.
- Chad -this has been approved since 2014. C3 Zone requires special permit – was one approved by the Zoning Board contingent on Planning Board approval. No change in the use, just change in size of building. Wasn't a use variance issued; it was a special permit based on the site plan at that point. May need to consult with town attorney; Chairperson will check.
- Chad: Would like to see a couple of updates: wall packs specs and locations in the building; copy of approved septic plan from CC DOH? Yes, in packet.
- Marlene – question about proposed underground electric to the building and what is there now: current overhead residential.
- Chad recommends including any earlier surveys (e.g., Dan Russell's earlier survey that showed delineation of the wetlands) so all pieces can be seen together for the record. Last delineation of wetland was done in 2014 and that really is supposed to be done every 6 years.
- Chad questions if the special permit is in effect. Chairperson said they had to get a building permit within 90 days and start a project within a year or it would expire. If they didn't construct something in 2014 when they were

granted the special permit, they would need another special permit. Chad seems to think they need another special permit. Chairperson will check the code and advise the applicant and the members.

- Jillian requests a new public hearing. The last public hearing would've occurred in 2014-15. The drainage basin is beyond the setback line—which is permissible—but neighbors should be allowed notice and opportunity to comment regardless.
- Chairperson to applicant: if we don't have to send you to the ZBA, you can return for our agenda March 20. Let's get this opinion resolved before requiring a public hearing. If ZBA says they need another special permit, they will hold the public hearing and we won't have to. Chairperson will talk to ZBA and research town & state law. If ZBA doesn't want to proceed, we will schedule a the public hearing.

#### **VI. Other Business**

- Chairman reports Red Rock Yoga – filed against the PB; judge decided for us. They have 30 days to appeal it. Thanks board members for their preparation.
- Discussion of former board member who was reminded in Nov of his term being up and need to reapply, but he did not. The planning board is not the appointing authority.
- Training requirement: as a group or individually online.

**VII. Meeting Adjourned** Meeting was adjourned at 9:05pm, motion by Jillian Kasow and seconded by Chair, all in favor.

Next Meeting: Monday, March 20, 2023, 7PM

Written by Patricia Fallon, Planning Board, Clerk

Edited and Submitted by Jillian Kasow.