

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: August 5, 2013
7:00 p.m.**

APPROVED 9/5/13

Members gathered at 6:30 p.m. to review the material within the official file for the Big Up Festival.

Chairman Stephen Hook called the August 5, 2013 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Hook, Judy Zink, Scott Cole, Nathan Chess, Gretchen Stearns, Brian Goodrich, engineer Paul McCreary, attorney Rob Fitzsimmons, secretary Jodi Keyser

Absent with regrets: Virginia Ambrose

Chairman Hook informed the Board members that the September meeting will fall on September 2nd which is Labor Day. Chairman Hook asked the Board to set an alternative meeting date for September. Members agreed to meet on Thursday, September 5th at 7:00 p.m. at the Town of Claverack Town Hall Building.

Members reviewed the minutes of July 1, 2013 meeting. Motion to approve the minutes as written was made by Judy Zink with a second from Gretchen Stearns. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 8/5/13:

Skelley, John M. Subdivision: Tax Map #123 – 02 – 37, 38, 39 Located at 206 Prach Rd. Subdivision of 8.044 acres into two parcels of 5.279 acres and 2.765 acres respectively.

Mrs. Skelley was present for the application. Rob Fitzsimmons informed Mrs. Skelley that she and her husband will need to apply for an Area Variance with the Town of Claverack Zoning Board of Appeals due to the insufficient parcel size for the 2.765 acre parcel. Rob Fitzsimmons informed Mrs. Skelley that they will need to meet with TOC Building Inspector Stan Koloski or Dennis Callahan to make this application.

The Estate of Robert Kipp: Tax Map Parcel #101.00-01-14.1 Located at 197 Stottville Road Dividing approximately 180 acres into two parcels of 114 acres (all on the west side of Stockport Road) and 66 acres (all on the east side)

Patrick Boyde of Crawford and Assoc. was present for the application. Mr. Boyde reminded the Board that his client the Kipp family is seeking to subdivide 114 acres on the west side of Stottville Rd. from the 66 +/- acres on the east side of Stottville Rd. Mr. Boyde informed the Board that all of the water courses on the property have been delineated as per request. Gretchen Stearns informed Mr. Boyde that this subdivision will be considered the 3rd and advised that 2 more will constitute a major subdivision. Gretchen Stearns also suggested that in the future the maps notes should indicate the total number of house sites or 5 acre parcels that can be achieved within the subdivision. Chairman Hook opened the meeting to public hearing at 7:13 p.m. No comments were heard. Chairman Hook closed the public hearing at 7:14 p.m. Paul McCreary reviewed the SEQRA for the Board and asked if they feel that this action would have any significant environmental impacts. Board members answered no.

Gretchen Stearns informed Mr. Boyde that in the future when dealing with the same type of subdivision noticing the streams on the parcels of the subdivision is a good idea.

Motion to classify as an unlisted action and deem a negative declaration for SEQRA was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried.

Motion to approve the Minor 2-Lot Subdivision was made by Brian Goodrich with a second from Nathan Chess. All members were in favor. Motion carried.

Maps were stamped and signed. Final fees of \$200.00 were paid by check.

Rob Fitzsimmons added that this is the 3rd subdivision of this property and the lot density will equal 35 lots when and if it is ever subdivided in the future.

Bartges, Hans Site Plan Review: Tax Map # 132 . – 2 – 31 . 100 Located at 880 Snyderstown Rd. Stop 20 Craryville, NY. Requesting a Site Plan Review to convert a studio into a daycare center.

Mr. Bartges was present for his application. Chairman Hook informed Mr. Bartges and the Board members that the public hearing sign for this meeting still indicates that the meeting starts at 7:30 p.m. therefore he is unable to continue the public hearing until that time. Mr. Bartges acknowledged this and agreed. Mr. Bartges submitted an estimate for work that will need to be done to his driveway in the amount of \$3,000.00. Chairman Hook informed the Board that he and TOC Highway Superintendent Louis Lamont visited Mr. Bartges driveway.

Chairman Hook informed the Board that they found that this is actually a shared driveway between Mr. Bartges and his neighbor. Chairman Hook continued that Mr. Bartges' portion of the driveway is in very good condition but the neighbor's side contains very high weeds and overgrowth which is contributing to the problem.

Gretchen Stearns asked Mr. Bartges if he had a formal user agreement for the shared driveway with his neighbor on file. Mr. Bartges stated that he sold his previous home to the current owner and built a new one but kept the single driveway. Mr. Bartges stated that he currently does not have any user agreement but he will start to maintain the grass with mowing.

Nathan Chess informed the Board that he met with Mr. Cortville who resides downstream from the runoff and made the Board aware of the issues at the July meeting. Mr. Chess stated that he met as a member of the TOC Planning Board informally to assure that things were getting done.

Brian Goodrich asked if the slope of the driveway is something that could be lessened. Chairman Hook answered that the driveway is existing and therefore it is out of the TOC's control. Chairman Hook opened the continuing public hearing at 7:30.p.m. Bob Preusser stated that he felt that plan was good because there is a definite need for more daycare centers within the Town of Claverack. No further comments. Chairman Hook closed the public hearing at 7:31 p.m. Chairman Hook read a response from the Columbia County Planning Department finding no major issues and that the TOC Planning Board was free to make a decision.

Paul McCreary reviewed the SEQRA for the Board and asked if they felt that this project would have a significant environmental impact. Board members answered no. Motion to classify as an unlisted action and grant a negative declaration with regard to SEQRA was made by Nathan Chess with a second from Scott Cole. All members were in favor. Motion carried. Motion to approve the Site Plan as provided contingent with narrative supplied and upon the completion of the driveway work was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried. Mr. Bartges will deliver \$9.00 mailing fee to the Town Office on 8/6/13.

NEW APPLICATIONS FOR 8/5/13:

Ihlenburgh, Robert Family Trust: Tax Map #(SBL)101 . 00 – 02 – 18 Located at 203 Gahbauer Rd. Subdivision of 48.6 acres into two parcels of 45.920 acres and 2.725 acres respectively.

No show.

INFORMAL PRESENTATION:

Van Wagner Puff, Laura Subdivision:

Matt Bowe was present for the proposed project. Mr. Bowe was questioning the Board with regard to a previously approved January 2013 subdivision for this property. Mr. Bowe informed the Board that the owner has someone interested in purchasing the property on the southern side of Bates Rd. but this parcel also contains 29 acres on the northern side of Bates Rd. Mr. Bowe asked if they separate the 29 acres on the northern side would it be required to merge with the other lands existing on the north or would it be a separate parcel? Mr. Bowe also asked if the purchaser for the property on the southern side ever decided to purchase the 29 acres on the northern side would that be allowed. Mr. Bowe asked if this could be accomplished with one meeting or would two meetings the minimum. Rob Fitzsimmons summarized the questioning for the Board by stating that Mr. Bowe is asking if the purchaser could buy the 29 acre parcel to the north in the future, would this create an unbuildable lot, would they be required to merge the northern parcels. Nathan Chess informed Mr. Bowe that the process would take two meetings at a minimum. Gretchen Stearns informed Mr. Bowe that density might be a reason to merge the northern parcels. Rob Fitzsimmons informed Mr. Bowe that the TOC Planning Board would not require the two northern parcels to be merged because any parcel could be made buildable with the proper planning.

United Group/Gregory Business Park:

Sandy Mathes representing the United Group was present for the discussion. Mr. Mathes introduced himself to the Board members that he is a private developer working with the Gregorys and Bill First to develop the property behind the Mobile Mart at the intersection of NYS Rte. 9-H and NYS Rte. 66. Mr. Mathes continued that he has met with TOC officials Katy Cashen, Bob Preusser, and Supervisor Robin Andrews along with the members of the TOC Economic Development Committee to develop the Gregory Business Park. Mr. Mathew informed the Board that the TOC officials are on board with the project and welcomes the prospect of added tax base and added jobs. Mr. Mathes continued that the proposal is for an affordable, low impact, low traffic, and tax base buildings to house businesses consisting of commercial, warehouse, manufacturing, office, and distribution center along with some office spaces. Mr. Mathes informed the Board that the site would be similar to the Greene County Industrial Park which he developed. Mr. Mathes informed the Board that in order to secure new businesses to the site he would need to build a building at least 80,000 square feet but would ultimately want a 150,000 square foot building which would entice larger businesses with the increased size. Mr. Mathes stated that the TOC only allows for buildings up to 45,000 square feet. Mr. Mathes stated that he has checked the water and sewer infrastructure in the area which he found to be adequate for these types of uses. Mr. Mathes informed the Board that he is looking for feedback from the Planning Board on how to proceed with the project. Mr. Mathes asked if the Planning Board would send the application to the TOC ZBA for an Area Variance for the size. Supervisor Andrews informed the Board that the current TOC Zoning Laws only allow for buildings less than 45,000 square feet or the buildings would be allowed to be larger if they had the appearance of a smaller 45,000 square foot building. Gretchen Stearns informed the applicant that the law is vague under certain circumstances and not something to hang our hats on because it is not clear. Gretchen Stearns continued measurements are measurements and in her opinion the application would require an Area Variance. Mr. Mathes introduced Bob Fortune from BCI who handed out architectural drawings of what the buildings would look like and he explained that he can break buildings down to appear smaller and more historical in appearance. Mr. Fortune explained the photos which show that an 80,000 square foot building can look the same as a 45,000 square foot building at street level. Mr. Fortune continued that the structures will be pre-engineered metal buildings. Gretchen Stearns informed the applicant that this project is within the wellhead

overlay zone and would require a more extensive review. Rob Fitzsimmons informed the applicant that they will be required to do a more stringent review of the types of businesses in the park. Mr. Mathes informed the Board that he is not concerned with the Site Plan Review or the SEQRA because they are used to doing them in other areas he is only concerned with the restrictions for the size of buildings within the Town of Claverack. Nathan Chess asked if the buildings would be built to market or for spec. Mr. Mathes informed the Board that the buildings would be built to the specifications of the lease and the size and square footage drive the different businesses and larger buildings makes it able to market to a larger client base. Mr. Mathes continued that it is important to have the flexibility because an 80,000 square foot building is the smallest building to be able to recoup the costs associated with the project and to be effective with marketing the site. Mr. Mathes informed the Board that the United Group will be the owner, leasing agent, developer, and manager of the properties. Mr. Mathes continued that when he was developing the Greene Industrial Park he could tell the prospective business that he could get a building permit in 30 days but with the Town of Claverack the timeframe has been unpredictable which hurts the project marketing. Mr. Mathes continued that he would hope that if he can secure a business that is interested in the site but requires a 200,000 square foot building that the residents of the TOC would welcome the increased tax base. Rob Fitzsimmons addressed the Board that the applicant is asking if the Planning Board would be favorable to allow for an 80,000 square foot building on the site if they appeared to look like a 45,000 square foot building with no retail business or do they need an Interpretation from the ZBA or something else. Rob Fitzsimmons continued that the applicant is asking these questions before spending the large amount of money that this will take to start. Gretchen Stearns referred to the TOC Zoning Law pg. 74 #11 regarding building footprints. Ms. Stearns continued that in her opinion the architect has made the buildings appear smaller to the public but the size and magnitude of this project makes her hesitant to make a decision without input from the TOC ZBA. Ms. Stearns continued that the wellhead overlay zone is an important factor because it dictates what types of businesses would be allowed. Scott Cole stated that the vision of making larger buildings appear smaller is a good thing and can be accomplished but the wellhead overlay zone issues and the terminology needs both the TOC Planning Board and TOC Zoning Board of Appeals to do a joint review along with the TOC Building Department. Judy Zink stated that she likes the plan of making the larger buildings appear smaller but is concerned with the closeness of the newly approved Fink building. Brian Goodrich asked if they need to refer to the TOC ZBA. Rob Fitzsimmons stated that the application would need an Interpretation from the TOC ZBA in the Highway Commercial Zone to allow for the larger building. Supervisor Andrews informed the Planning Board members that provisions within the TOC Zoning Laws allow the applicant to build larger buildings that are made to appear smaller. Gretchen Stearns stated that the size of the buildings is not the only consideration but feels that they will be pushed to approve buildings that are not laid out and that community feedback is necessary before going forward. Supervisor Andrews informed the Board that the applicant would seek the approval for the largest building but would return to the Planning Board if they are not building to the largest size. Rob Fitzsimmons informed the applicant that they will need to build to the character of the area. Supervisor Andrews informed the members of the Planning Board that if they send the applicant to the TOC ZBA for a Variance or an Interpretation and they are denied then the Planning Board has given up the right to decide the outcome. Supervisor Andrews continued that procedurally speaking that gives all of the discretion to the ZBA and the law was changed to give these types of decisions in the hands of the Planning Board. Supervisor Andrews stated that the Planning Board can decide whether they will allow the larger buildings without sending the application to the ZBA. Gretchen Stearns stated that she would like the applicant to be granted an Area Variance from the TOC ZBA before the Site Plan Review. Nathan Chess stated that it is obviously a desirable concept to market but he would feel more comfortable with the decision if the TOC ZBA were involved in a joint review. Town Board member Bob Preusser stated that when this project was discussed at a meeting with the developer and TOC officials a joint review was suggested. Paul McCreary stated that it is obvious that in order for the proposal to move forward the developer has asked the basic question that to make

this happen a certain building size is required. Mr. McCreary continued that the developer is looking for acceptance for an 80,000 square foot building if they are able to make the appearance of the buildings look like a smaller 45,000 square foot building. Mr. McCreary stated that the Planning Board is relinquishing their decision making power to the TOC ZBA. Mr. McCreary continued that in his opinion the TOC Planning Board can seek input from the TOC ZBA but it is not necessary for the ZBA to grant an Interpretation or Area Variance. Nathan Chess suggested for a joint meeting of the TOC Planning Board and TOC ZBA to review the application. John Lee of the TOC Economic Development Committee informed the Board that the TOC is not used to having shovel ready projects but they are important and needed in order to pull businesses to the area. Mr. Lee continued that having approvals in place for a building of this size is allowed without knowing what businesses will be leasing the building. Chairman Hook stated that he understood the concept of having a building that is pre-planned with approvals done and ready for businesses to move in. Gretchen Stearns asked where the public hearing comes in if the project is expected to get building permits in 30 days. Rob Fitzsimmons answered that this is up to the developer either Site Plans one building at a time or a Site Plan for a full build out. Mr. Mathes informed the Board that he plans to do the Site Plan for the full build out with maximum impacts at all levels of review. Rob Fitzsimmons informed the Board that he will coordinate with Planning and Zoning to meet for an informal sketch plan review but the meeting is required to be publicly noticed. Mr. Mathes stated that he was favorable of this idea. Chairman Hook will call ZBA Chairman Frank Clegg to begin the process. Tentatively set this informal sketch review for the next ZBA meeting on 8/28/13.

Motion to adjourn the meeting was made by Scott Cole with a second from Judy Zink. All members were in favor. Motion carried. Meeting was adjourned at 8:55 p.m.

Respectfully submitted,
Jodi Keyser, Secretary