

TOWN OF CLAVERACK
PLANNING BOARD
Minutes of: February 4, 2013
7:00 p.m.

Chairman Stephen Hook called the February 4, 2013 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Stephen Hook, Judy Zink, Virginia Ambrose, Scott Cole, Brian Goodrich, engineer Paul McCreary, attorney Rob Fitzsimmons, and secretary Jodi Keyser

Absent: Gretchen Stearns and Nathan Chess

Board members reviewed the minutes of the January 7, 2013 meeting.

Motion to approve the January 7, 2013 minutes was made by Judy Zink with a second from Scott Cole. All members were in favor. Motion carried.

CONTINUING APPLICATIONS:

Mokotoff, John Subdivision: 331 Rte. 23-B Tax Map#(SBL)120 . – 1 – 4 . 21. Subdivision of 31.7 acres into 4 parcels

Paul Freeman the attorney for the applicant and Mike Sullivan of Crawford and Associates were present for the application.

Mr. Freeman reviewed the application for the Board members and submitted new survey maps. Mr. Freeman continued that note #13 regarding archeological finds was added to the map. Mr. Freeman informed the Board that he used the suggested language of Paul McCreary for the note. Rob Fitzsimmons informed the Board and applicant that Gretchen Stearns was unable to attend the meeting but submitted a listing of concerns and questions for consideration. Rob Fitzsimmons addressed the concerns by stating that the Zone issue was changed on the newly submitted maps, regarding referral to the Columbia County Planning Board that Board does not take jurisdiction over subdivisions, lot #4 septic meets required setback from the municipal water area as per Mike Sullivan and Rob Fitzsimmons stated that the Town of Claverack purchases the water from the Town of Greenport so there is no chance of contamination, the historic Christmas Tree house on Webb Rd. is not necessarily a concern for the project, regarding lot sizes Mr. Sullivan stated that the smallest lot size is 5.5 acres and meets the requirements of the TOC zoning regulations. Rob Fitzsimmons reminded the Board members that Mr. Mokotoff entered into an agreement with the TOC for water access to the parcels via the water district but he has decided to have private wells on each parcel. Mr. Sullivan stated that the wells are showing approximately 15 gallons per minutes so no issue. Regarding septic leaching issues Mr. Sullivan informed the Board that the CC DOH is requiring 3-foot fill systems to prevent discharge from the septic systems leaching into the Claverack Creek. Rob Fitzsimmons continued the FEAF archeological issue is at the Planning Board's discretion but the applicant has presented knowledge of possible archeological finds on the property and has enhanced his responsibility by adding note #13 onto the subdivision maps. Rob Fitzsimmons continued that it will be the contractor's responsibility to abide by the note and self-report and the TOC is not responsible. Paul McCreary stated that the archeological issue does not have a significant impact with regard to the SEQRA. Mr. Sullivan submitted a new long form SEQRA with additions for review. Rob Fitzsimmons stated that this application is a minor subdivision with no roadways or storm water issues, the parcels are large 5 + acre lots on a large tract of land including a 10 acre agricultural use by Common Hands Farm. Rob Fitzsimmons thanked Board member Gretchen Stearns for her detailed comments and her knowledge after working for over 4 years on the TOC Zoning Revision is a valuable asset. Brian Goodrich asked the applicant's representatives if they would consider

a possible turn around or a loop for the driveway of parcel #2 for emergency vehicles due to the length. Mr. Sullivan stated that this was a good idea and he will look into the addition. Virginia Ambrose asked that Mr. Freeman revise the Ag Data form to show that the project is within an agricultural zone. Mr. Freeman made this change and initialed the change for the file. Chairman Hook opened the application to public hearing at 7:19 p.m. No comments. Chairman Hook closed the public comments at 7:19 p.m. Rob Fitzsimmons reviewed Part 1 of the Long SEQRA for the Board and Paul McCreary reviewed Part 2 of the SEQRA.

Motion to declare a negative declaration with regard to the SEQRA was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to approve the 4-lot minor subdivision was made by Brian Goodrich with a second from Scott Cole. All members were in favor.

Maps to be stamped and signed at a later date. Final fees of \$3300.00 are due at the time of the stamping.

Hoose, MaryJean & Klima, Donna Subdivision:

Mary Jean Hoose and Donna Klima were present for the application. Mrs. Hoose submitted an application and explained to the Board that she is awaiting new survey maps. Mrs. Hoose explained that the previous maps show that this is the Estate of Paul Barden but it was changed several years ago and is no longer under the estate. Mrs. Hoose continued that while in the process of this change the surveyor that was making the change suddenly died and the other surveyor is currently in Florida so they can't get the maps changed. Mrs. Hoose and Mrs. Klima were asked to submit letters of agreement from each person involved with the property for the next meeting. Set for public hearing at the March 4, 2013 meeting.

Kipp Subdivision: 708 Rte. 66 Tax Map #(SBL) 101 – 1 – 14 . 1. Subdivision of 43.5 acres from 220 +/- acres of the estate of Robert Kipp.

Dan Russell was present for the application. Mr. Russell informed the Board that this property is situated at the corner of NYS Rte. 66 and Stottville Rd. Mr. Russell continued that the children of the late Robert Kipp have a buyer interested in the 43.5 acres including the residence and barns. Mr. Russell stated that the children are seeking to subdivide 43.5 acres from the 220 +/- acres because the buyer is not interested in the entire 220 +/- acres. Mr. Russell informed the Board that there is an existing Niagara Mohawk owned parcel that separates the property. Mr. Russell was asked about the billboards that currently exist on the property. Mr. Russell stated that the owner has an oral lease for the billboards that will end at the end of February 2013 and at that time the structures will be removed. Mr. Russell stated that the buyer has no proposed new construction for the 43.5 acres and the remaining 176 +/- acres has adequate frontage on Stottville Rd. for subdivision requirements. Rob Fitzsimmons informed the Board that some towns view the Niagara Mohawk parcel as a defacto subdivision but the Town of Claverack has traditionally not and requires a subdivision.

Motion to classify as a 2-lot minor subdivision was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to waive perk testing on the remaining 176 +/- acres was made by Virginia Ambrose with a second from Brian Goodrich. All members were in favor. Motion carried.

Motion to waive curb cut approval from the TOC Highway Department for the remaining 176 +/- acres was made by Stephen Hook with a second from Brian Goodrich. All members were in favor. Motion carried.

Motion to set for public hearing on March 4, 2013 was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Finck, Thomas dba Finck Realty: Tax Map #(SBL)101 . – 1 – 68 Located at 793 Rte. 66 Hudson, corner of NYS Rte. 66 & NYS Rte. 9-H. Site Plan Review for the construction of a new multi-use strip mall.

Thomas Finck was present for the application. Mr. Finck informed the Board that he received TOC ZBA approval for the project in 1998 and shows the Board the previously approved plans. Mr. Finck informed the Board that due to some issues he did not construct the strip mall that was approved. Mr. Finck informed the Board that he is now seeking to revisit this project at a scaled down version with a possible phase 1 and phase 2 which would get him back to the previous size at some point if he gets tenants for the spaces. Mr. Finck informed the Board that he owns the current Mobile/Dunkin Donuts building at the corner of NYS Rte. 66 & NYS Rte. 9-H and that this is where he plans to build the new strip mall on 9-H south of the gas station. Mr. Finck reviewed the previous architectural drawings for the Board. Rob Fitzsimmons informed Mr. Finck that he will need to submit a new set of plans with details of phase 1 and phase 2. Paul McCreary informed Mr. Finck that he will need to provide an entirely new Site Plan detailing parking, lighting, stormwater, septic & water, landscaping, garbage, signage, hours of operation, and NYS DOT curb cuts. Mr. Finck informed the Board that the current entrance to the gas station will serve as the entrance to the strip mall and he had NYS DOT approval in 1998. The Board asked Mr. Finck to submit the NYS DOT approval with the new site plan. Paul McCreary informed the applicant to inform the TOC Building Inspector that the project will be in 2 phases. Rob Fitzsimmons asked if this is retail space that will be leased. Mr. Finck stated yes and he already has an arts and crafts vendor interested. Robin Andrews informed the Board that Mr. Finck's original plan called for a 10,000 square foot building and his current proposal is for 5,000 square feet. Brian Goodrich asked if the applicant decides to go ahead with phase 2 at some point will he need to resubmit through the TOC Building Department. Rob Fitzsimmons stated yes and informed Mr. Finck that the Board can approve Phase 1 but Phase 2 will require additional approval. Mr. Finck will work on complete Site Plan application and will keep secretary Jodi Keyser updated on his progress. Mr. Finck was instructed to bring \$40.80 for the certified mailing for his previous application to the TOC Zoning Board of Appeals.

Continued to March 4, 2013.

Wright, Samuel & Levy, Zach dba/Shireworks Productions Inc.: Tax Map #(SBL)123 . - 2 - 01 . 120

Located at 2177 County Rte. 11. Request for a Special Exception Use for a temporary music, art, and camping festival.

Paul Freeman and Jackie Eaton were present for the application. Mr. Freeman reviewed the application for the Board. Mr. Freeman informed the Board that the application is seeking a Special Exception Use to hold a 3 day music festival on the property of Samuel Wright located on CC Rte. 11. Mr. Freeman informed the Board that his client Zack Levy met with TOC Building Inspector Stan Koloski to discuss the use under the new zoning revision to be considered an Agro-tourism activity which is permitted under the new revision. Mr. Freeman continued that Stan Koloski had them apply with the TOC ZBA for an interpretation of use as an Agro-tourism activity. Mr. Freeman informed the Board that the TOC ZBA denied their application as an Agro-tourism activity and instead declared the festival as a Recreational Use Activity which then required them to file with the TOC Planning Board for a Special Exception Use. Mr. Freeman introduced Jackie Eaton to the Board members. Ms. Eaton is a professional festival planner and has worked with Mr. Levy previously. Ms. Eaton informed the Board that she has organized hundreds of festivals all over the country. Ms. Eaton continued that this festival was previously held at the Sunnyview Farm in the Town of Ghent but due to issues it was canceled last year and found that they needed to find another site for this year. Ms. Eaton informed the Board that the date for the festival has been set this year for August 8th – August 11th. Ms. Eaton submitted a letter from the CC DOH and letters from local emergency services agency officials that attended a meeting with Ms. Eaton and Shireworks representatives regarding planning for the festival. Ms. Eaton stated that she has met with all of the emergency officials and DOH and will continue to plan for the event and will address all of their concerns for the festival. Ms. Eaton submitted and will supply 10 copies of her response letter to the CC DOH conditions. Ms. Eaton explained that the festival is a 3 day music, camping and arts festival running from Thursday afternoon to

Sunday afternoon at which festival goers have access to different music and arts sites for almost 24 hours each day. Ms. Eaton explained that the festival will have live bands and DJ's from all over including Europe. Continuing she explained that the festival will have arts and crafts, scavenger hunts, workshops, vendors, bird watching and possibly local winery and brewery exhibits. Ms. Eaton stated that a general store for supplies and other vendors will sell different types of craft items, clothes, and food. Ms. Eaton informed the Board that alcohol will be served in a designated area just like the Chatham Fair. Ms. Eaton continued that the average festival goer is between the ages of 18 – 30 including families that attend usually around 4000 or so people approximately 1200 cars usually attend which is a small event as far as these festivals go. Ms. Eaton explained that the types of young people are community oriented young environmental activists from several different states and are great kids. Ms. Eaton also stated that at previous festivals the CC Sheriff's officials remarked that the festival goers were good kids. Ms. Eaton informed the Board that festival goers can access the site from either Rte. 217 in Philmont or via the TSP to County Rte. 11. Ms. Eaton continued that gates are opened at approximately 12:00 p.m. on Thursday or earlier if need be at which time cars are allowed in the gates to purchase tickets and get in lines for car searches. Cars are searched including coolers and baggage because glass, weapons, drugs, fireworks, and alcohol brought by underage persons are confiscated. Ms. Eaton informed the Board that she contracts with private security companies as well as hiring several local police agency people to help with traffic and safety. Ms. Eaton informed the Board that festival goers camp at the site and can leave and return to the festival. Ms. Eaton explained that entrants are searched each time they reenter the festival and before they enter each area of the festival. Festival goers have to produce valid identification for age to be allowed to purchase alcohol. Ms. Eaton stated that she has over 250 people working the event at different jobs. Ms. Eaton continued that the festival will have 30 bands with possibly 10 DJ's but could have at least 50 acts. Headliners will be on the stages at night. Ms. Eaton continued that music on the main stages will stop at 12:00 a.m. and then acts will start in the Late Night Music Tent which will continue until about 6:00 a.m. at which time most people get some sleep. Ms. Eaton informed the Board that the noise levels have been researched by the Atomic Pro Audio group and found to be no louder than 60 decibels that would be spilled from the site. Ms. Eaton stated that she is sensitive to the sound issue and has planned the stage sites and speaker placement carefully to mitigate noise as much as possible but spillage should not be more than a normal speaking voice. Ms. Eaton stated that the Late Night Music tent is equipped with buffering to keep the noise from disturbing neighbors. Ms. Eaton stated that port-o-lets are spread out throughout the site and a tanker truck for water will be housed at the middle of the grounds for washing and brushing teeth. Brian Goodrich stated that he is concerned that people might wash in the Ockawamick creek. Ms. Eaton stated that at the 3 previous events held at Sunnyview Farm this was not an issue even with several ponds and a nearby creek. Chairman Stephen Hook stated that he is concerned with garbage and clean up. Ms. Eaton stated that she is working on contracting with a local refuse company for garbage removal and dumpsters. Virginia Ambrose stated that she would need some additional time to review the plans but has a concern with the traffic use of Rte. 217 and its proximity to the Pine Haven Nursing Home. Ms. Eaton stated that is a viable concern and could review the traffic to deflect all to access the festival via the TSP and CC Rte. 11 entrance only. Chairman Stephen Hook stated that there might be a problem with that plan also due to the short stop sign area exiting the TSP. Ms. Eaton stated that she will ask the CC Sheriff's office to provide an officer for traffic control during peak times at that site. Brian Goodrich asked if the property will need any tree removal to accommodate the festival. Ms. Eaton stated no the site will remain as it is now and return to that state after the festival. Tom Williams of the TOC Economic Development Committee stated that he is happy to see this type of event come to Claverack. Mr. Williams asked Ms. Eaton what types of site operations are in place. Ms. Eaton stated that she is working with the CC Sheriff's office, Greenport Rescue Squad, CC EMS Coordinator P. J. Keeler, CC Fire Coordinator, John Howe, CC DOH, and will contract with local lock smiths, tow truck drivers, garbage removal companies, and local vendors. Ms. Eaton stated that this event is an economic benefit to Columbia County and to the Town of Claverack. Ms. Eaton stated

that her figures show that the promoters of the event spent in excess of \$120,000.00 in 2011 in the county. Ms. Eaton stated that she plans to have CC Sheriff's officers and Greenport Rescue on site 24-7 during the event for emergencies. Ms. Eaton stated that the festival prohibits open fires so there is not really a need for fire apparatus at the site. Ms. Eaton continued that campers are allowed propane camp stoves and each camper with a stove is required to have a fire extinguisher.

Ms. Eaton informed the Board that the application is a time sensitive issue to be able to set up ticket sales and set up acts. Ms. Eaton requested that the Board set the application for public hearing at the March 4, 2013 meeting. Paul McCreary stated that the application requires a Long Form SEQRA review.

Rob Fitzsimmons reminded the Board that a decision to grant approval on this Special Exception Use will be a permanent decision and the applicant will not need to revisit the Planning Board for future events unless they make changes to the plan. Rob Fitzsimmons informed the applicant's representatives that any changes to the plan in the future will require additional review by the TOC Planning Board. Ms. Eaton stated that they needed to make alternate dates for the event in case of inclement weather which would be the weekend after the scheduled August 8th – 11th.

The Board requested that Ms. Eaton supply letters from the following agencies signing off and their concerns of the project logistics, CC EMS, CC Sheriffs, CC DOH, Greenport Rescue Squad, and CC Fire Coordinator. The Board also requested a Long Form EAF SEQRA. Ms. Eaton stated that she has never provided a Long Form SEQRA in the past. Virginia Ambrose stated that these requests are to protect the Town of Claverack and to assure the residents that the Town of Claverack Planning Board has done due diligent in reviewing the project on their behalf. Ms. Eaton was informed that these items need to be at the TOC Office no later than Wednesday, February 13th and that she also needs to retain and erect a sign noticing the public hearing from the Town office at least two weeks prior to the March 4th meeting. Paul McCreary asked the Board members if they want a more detailed site plan map of the site to review. Chairman Stephen Hook stated that he would like to get detailed maps. Motion to set public hearing for the March 4th meeting was made by Virginia Ambrose with a second from Brian Goodrich. All members were in favor. Public hearing set for March 4th.

INFORMAL:

Tim Phillips approached the Board for clarification on a possible subdivision on CC Rte. 27. Mr. Phillips informed the Board that his mother owns a 3 acre parcel which she lives on in an older trailer. Mr. Phillips informed the Board that he would like to subdivide the property into two lots and build a home on one of the parcels to be closer to his mother. Rob Fitzsimmons reviewed the map and informed Mr. Phillips that the parcel in question is within the 5-acre density zone and requires at parcels is at least 5 acres in size. Rob Fitzsimmons continued that Mr. Phillips would need to apply for variances to subdivide a parcel under the required 5 acres, lot width, setbacks, and frontage. Rob Fitzsimmons informed Mr. Phillips that he will not likely get what he is trying to accomplish because of the numerous issues. Mr. Phillips asked what if he were to remove the trailer and build a single family home on the property. Rob Fitzsimmons informed Mr. Phillips that he would be able to do that because it is a pre-existing parcel. Brian Goodrich informed Mr. Phillips that he could apply to live in the trailer while construction. Rob Fitzsimmons informed Mr. Phillips that it is possible but there might be some time restrictions so check with the TOC Building Department. Mr. Phillips was advised to get a survey and meet with the TOC Building Department.

Motion to adjourn the meeting was made by Brian Goodrich with a second from Judy Zink. All members were in favor. Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Jodi Keyser, Secretary