

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes of: July 1, 2013
7:00 p.m.**

APPROVED 8/6/13

Chairman Stephen Hook called the July 1, 2013 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Jeff Baker, TOC Special Counsel for the Big Up application was also present to update the Planning Board members on the application.

Members review Minutes of June 3, 2013 meeting. Correction to Finck review and addendum to Bartges review were requested and made.

Motion to approve the minutes with corrections and additions was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried.

Chairman Hook informed the Board and applicants that due to an error of the meeting time on the public hearing signs for the Planning Board public hearings scheduled for this evenings meeting will not be held until the noticed time of 7:30 p.m. Chairman Hook apologized to the applicants and informed the Board that he contacted the TOC Highway Department to have the signs corrected as soon as possible. Chairman Hook then asked the applicants that were scheduled for public hearings if they would allow for the applicants that were not scheduled for public hearing to go ahead of them in the order of the agenda. All public hearing applicants agreed without issue.

CONTINUING APPLICATIONS FOR 7/1/13:

Finck, Thomas dba Finck Realty Site Plan Review: 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.

Pat Prendergast and Thomas Finck were present for the application. Mr. Prendergast informed the Board that this is a multi-use commercial building and that his client has listened to the concerns of the Planning Board members and adjusted his project as suggested. Chairman Hook informed the applicant that the Planning Board received an approval letter from the Columbia County Planning Department and this will be added to the file. Mr. Prendergast informed the Board that his client has also obtained an Interpretation from the TOC ZBA that a restaurant is allowed for this building because it was part of the previously approved 1998 Site Plan and that approval did not time out. Mr. Prendergast continued that this building will hold four uses with one being a restaurant. Chairman Hook opened the meeting to public hearing at 7:31 p.m. No comments. Chairman Hook closed the public hearing at 7:32 p.m. Paul McCreary reviewed the SEQRA for the Board. Nathan Chess suggested that going forward the Board needs to classify each action. Paul McCreary informed the Board that the applicant has submitted a short form EAF. Rob Fitzsimmons agreed with Mr. Chess and suggested the Board, for purposes of SEQRA, make a classification as an unlisted action. Paul McCreary informed the Board that he found no significant environmental impacts associated with this project.

Motion that for purposes of SEQRA to classify the action as unlisted and to determine a negative declaration with regard to the SEQRA was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried.

Motion to approve the Site Plan as presented was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried.

Site Plan maps were stamped/signed and Mr. Finck paid fees of \$6.30 for the mailing.

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 the application. Rob Fitzsimmons informed the Board that Mr. Bartges submitted the narrative requested at the June meeting, the application was sent to the Columbia County Planning Department for review, and the applicant has applied with the NYS Office of Children and Family Services to operate this daycare/kindergarten. Gretchen Stearns asked Mr. Bartges if he has a CC DOH permit for the drinking water and the septic. Mr. Bartges stated that he is working on the water and waste water. Mr. Bartges continued that he had the well water tested and one of the samples came back bad. Mr. Bartges stated that his wife was trying to make everything clean and she inadvertently cleaned the faucet with some type of cleanser that might have made the sample not pass. Mr. Bartges stated that the next step is to have the well professionally cleaned and then retest. Mr. Bartges continued that if the retesting fails he will then need to install an ultraviolet light system or a chlorine process to pass. Gretchen Stearns asked if the Board needs the CCDOH and NYS OCFS permits before they can vote on the application. Rob Fitzsimmons stated that the Board can make a motion to grant a conditional approval the application pending those permits. Chairman Hook opened the meeting to the public hearing at 7:40 p.m. Mark Cortville informed the Board that he resides directly across the street from the applicant. Mr. Cortville is concerned with the steepness of the driveway. Mr. Cortville informed the Board that the driveway is so steep that in his opinion a firetruck or ambulance would have a difficult time responding to a call using the existing driveway. Mr. Cortville continued that he has been approached by contractors hired by Mr. Bartges requesting to use his yard to park because they don't want to use the driveway. Mr. Cortville continued that when it rains the stormwater runoff flows down the driveway onto Snyderstown Rd. Mr. Cortville stated that the water pools at the bottom of the driveway and in the winter it freezes and become a hazard. Mr. Cortville stated that he is concerned that vehicles carrying children could have an accident. Mr. Cortville stated that he has no issue with the type of use but would appreciate the applicant not continue to use his property for a parking lot and fix the stormwater runoff from his driveway. Scott Cole asked if the driveway and roadway have adequate ditching to handle the runoff. Mr. Cortville stated that there is a small ditch and no swale to catch the runoff along with an insufficient culvert could be the cause. Scott Cole asked if the TOC Highway Superintendent Louis LaMont should review. Mr. Cortville added that this was not an issue when the former owner of the property lived there but when you put children in the picture it is a dangerous situation. Gretchen Stearns asked the applicant if he could redesign his driveway. Mr. Bartges stated that redesigning his driveway is not possible. Mr. Bartges stated that the driveway needs a new culvert and a small swale to divert the water into the ditch but now the ditch fills up because the water has no place to drain to. Nathan Chess stated that he is familiar with the property and will work with Mr. Bartges, Mr. Cortville, and Louis LaMont to mitigate this issue. Mr. Chess continued that he is not acting as an official of the Churchtown Fire Company but can guarantee that the slope of the driveway would not prohibit a firetruck. Mr. Chess continued that he does however realize that there is an issue with the runoff and that there is a valid solution. Paul McCreary stated that he is not familiar with the driveway but if the neighbors comments are valid the ditch network on Snyderstown Rd. is not adequate and the driveway might need ditches along the sides to direct the water flow. Mr. Bartges stated that the driveway has ditches along both sides and he will contact Mr. LaMont to review the issue. Gretchen Stearns suggested that the applicant make an appointment to meet with TOC Highway Superintendent Louis LaMont to review. Chairman Hook suggested that the public hearing remain open until Mr. Bartges and Mr. LaMont have reviewed the driveway and the stormwater issue. Chairman Hook will contact Mr. LaMont to inform him of the Planning Board's concerns. Motion to keep public hearing open until TOC Highway Superintendent has reviewed the driveway/roadway and commented was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried. Mr. Bartges was instructed to set a meeting with Mr. LaMont and return to the Planning Board on August 5, 2013 to continue his application.

COARC Site Plan: Tax Map # 112 . – 1 – 36 Located at 630 Route 217. Site Plan Review for the construction of a new 80' X 40' X 23' metal skinned building for storage.

Eric Sieber was present for the application. Mr. Sieber informed the Board that COARC is seeking approval to allow an 80' X 40' X 20' metal storage building to the right side of the main building by the sewage treatment plant. Chairman Hook opened the public hearing at 7:53 p.m. No comments. Chairman Hook closed the public hearing at 7:54 p.m.

Motion for purposes of SEQRA to classify as an unlisted action was made by Nathan Chess with a second from Brian Goodrich. All members were in favor. Motion carried.

Paul McCreary reviewed the SEQRA for the Board members and suggested that in his opinions the project does not pose any significant environmental impacts.

Motion to determine 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 amended Site Plan as provided was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried.

Mr. Sieber paid mailing fees of \$7.65 in cash. Maps were stamped and signed.

NEW APPLICATIONS FOR 7/1/13:

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.

Jeff Plass was present for the applicant. Mr. Plass explained that his client is seeking to subdivide approximately 8.044 acres located at 206 Prach Rd. into two separate parcels of 5.279 acres and 2.765 acres respectively. Mr. Plass continued that his client is giving one of the parcels to his son. Mr. Plass stated that he understands that the TOC has recently changed the subdivision laws and the 2.765 acre parcel does not meet the 5 acre minimum as per the TOC Subdivision Laws. Rob Fitzsimmons informed Mr. Plass that he will need to apply with the TOC Building Department for an Area Variance but it was good to start with the Planning Board to be able to deal with any other issues that might arise. Virginia Ambrose asked if the property could be subdivided to conform to the Subdivision regulations or to separate the property to make the parcels closer to the 5 acre minimum. Jeff Plass stated that he met with TOC Building Inspector and ZEO Stan Koloski who suggested making only one of the parcels a non-conforming parcel instead of trying to make two non-conforming lots. Brian Goodrich asked why the maps show three separate tax map numbers. Rob Fitzsimmons stated that is not a binding issue as far as a subdivision because it will be corrected with the new deed and then when the maps are filed with the county. Gretchen Stearns stated that the new law requiring a minimum lot size was created for a very good reason. Gretchen Stearns continued that the Planning Board might want to think about implementing a time period to allow for the TOC residents to become familiar with the newly created law because it is useless to make a law if applicants are just sent to the TOC Zoning Board of Appeals for an Area Variance which defeats the reason for the law. Rob Fitzsimmons stated that the Planning Board could say to newer applicants that this is not a common approval and it is up to the discretion of the TOC ZBA to grant those variances. Nathan Chess suggested that a notation be added that no additional subdivisions of the properties will be allowed. Motion to send the applicant to the TOC Building Department to apply for an Area Variance with the TOC ZBA was made by Judy Zink with a second from Virginia Ambrose. All members were in favor. Motion carried.

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)

Dan Russell was present for the applicant. Mr. Russell explained that his client has recently subdivided 43.45 acres from the property and they now have a buyer for the 114 acres (parcel #1) remaining on the west side of Stottville Rd. Mr. Russell stated that there is 66 +/- acres (parcel #2) of the original property remaining on the easterly side of Stottville Rd. that he speculated the Estate will retain parcel #2. Mr. Russell informed the Board that the property is actually subdivided by Stottville Rd. but the TOC does not recognize this type of defacto

subdivision. Mr. Russell informed the Board that the property line at the back of the property is in the middle of the Claverack Creek. Mr. Russell continued that parcel #1 contains approximately 1400 feet of road frontage with parcel #2 containing approximately 1100 feet of frontage and both parcels have adequate site distance. Paul McCreary requested that Mr. Russell find and delineate all of the water courses that flow to the Claverack Creek on parcel #1 as per the TOC Subdivision Law pages 18 & 19 which mandate that all water courses be delineated on Subdivision maps. Mr. Russell stated that he will make these additions to the maps for the August meeting. Rob Fitzsimmons asked the Board if they had questions or would consider scheduling the application for a public hearing at the August meeting. Motion to accept the application and schedule public hearing for August 5, 2013 was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 7/1/13:

Rob Fitzsimmons recused himself and TOC Special Counsel Jeff Baker entered for the following application.

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.

Jackie Eaton and Zack Levy were present for the application. Ms. Eaton informed the Board that she is recording the meeting. Jeff Baker informed the Board that the applicant is here to button up the review and has worked with the applicant's attorney Paul Freeman to draft a resolution of collective agreement. Mr. Baker reviewed the resolution for the Board. Nathan Chess asked if the CC DOH has received all of the information that they require for the permit. Mr. Baker stated that he is not speaking for the CC DOH but he believes that she has everything up to this point but some of the items are still outstanding. Gretchen asked if it would be possible if the promoter could supply a sound monitor to a neighbor in case Stan Koloski is not available to take sound readings. Jackie Eaton stated that she was ok with that idea but would request that one of her staff members is allowed to be with the monitor if a neighbor has it just for honesty. Jeff Baker informed the Board that Stan Koloski will have a portable monitor mounted outside of the event and he could give one to an abutter if necessary. Nathan Chess asked Mr. Baker if the confidential documents fall under information that is not able to be FOILED which is unreasonable. Mr. Baker informed the Board that the applicant supplied evacuation and safety plans to the Planning Board and the TOC Planning Board accepted them as confidential without problems. Nathan Chess continued that the NYS Dept. of State is not able or capable to make these documents unable to be FOILED. Mr. Baker informed Mr. Chess that the Confidential documents can fall under any jurisdiction and the CC Sheriff's office has requested that the Evacuation and Safety plan remain confidential and asked that the TOC Planning Board follows this recommendation with the primary reasoning being the security of the frequency. Nathan Chess stated that the confidential information could be redacted. Mr. Baker informed the Board that anyone can file a FOIL for the information but that request will be denied. Nathan Chess continued that he has asked to review the confidential evacuation and safety plan several times but was denied access to that file. Nathan Chess stated that he mailed a letter to the TOC Board and was still unable to review the complete file as a member of the TOC Planning Board. Mr. Chess stated that he finds the entire issue objectionable. Gretchen Stearns stated that she has an issue with item #3 of the Resolution because she has spoken with some of the County officials who were reluctant at best to give any sort of approval to the Evacuation and Safety Plan. Ms. Stearns continued that the Columbia County Public Gathering Permit needs assurances from professionals that the submitted plan is adequate. Ms. Stearns continued that this is not necessarily asking for approval just letters from the County Officials that they have reviewed the plan and find it satisfactory. Jeff Baker informed the applicant that this request is legitimate and he does not disagree that the Columbia County officials responsible for public safety could submit a letter stating that they are ok with the plan. Jackie Eaton stated that the CC DOH will not grant the public gathering permit without a verbal ok from these officials which will take place during the final walk through on August 8, 2013. Gretchen Stearns stated that the TOC Planning Board would need more than just a verbal ok but something in writing. Gretchen Stearns continued that the first walk through of the site which the County officials took was during the development stage and they thought that everything seemed ok but they

were reluctant to put their ok in writing. Jackie Eaton stated that she is willing to go to the CC Sheriff's office, CC EMS, CC Fire, CC Public Safety to try to get some sort of letter from them to satisfy this request but as stated in previously these officials do not usually give approvals for such matters. Ms. Eaton continued that she is hesitant because what if one of the officials refuses to sign the letter which could mean that she has not met the conditions for the Special Exception Use. Gretchen Stearns stated that this is correct and the letters do not need to be official approvals only that these officials that the TOC considers professionals in their fields have reviewed the Evacuation and Safety Plan and have found it adequate. Jackie Eaton stated that all of the County Officials have reviewed the plan and to request letter from them is going above and beyond. Gretchen Stearns stated that letters submitted from the County officials that they attended a meeting in January 2013 and were shown draft plans is not adequate enough. Jackie Eaton stated that she could try to obtain letters similar to the one submitted from the NYS Police but she cannot guarantee that the letters will be returned. Ms. Eaton informed the Board that only the NYS Police are required to be notified by law of the event and plans. Jeff Baker stated that this is correct but the TOC Planning Board was very accommodating with the March approval and the Planning Board granted the approval comfort with the statement that Ms. Eaton would get these letters from the County officials. Mr. Baker continued that it is within the TOC rights to have retained the necessary professionals to give them guidance with the application which would have been at the expense of the applicant. Mr. Baker informed Ms. Eaton that the TOC Planning Board's request for written letters from the various County public safety officials is something that she will need to submit. Jackie Eaton stated that she has reviewed the plans with the TOC Planning Board and kept them up to speed with the progress. Virginia Ambrose stated that the TOC Planning Board needs to be assured that the County Public Safety Officials feel that the Evacuation and Safety Plan is adequate and appropriate for the site in writing. Mr. Baker informed Ms. Eaton that letters from the CC Public Safety Officials, EMS, CC Fire, Sheriff, Philmont Fire should state that these officials feel that the Evacuation and Safety Plan submitted was reviewed and found to be adequate and appropriate for a project of this size and location. Mr. Baker suggested that these letters be addressed to the CC DOH and copied to the TOC Planning Board. Nathan Chess stated that the CC Traffic Safety Committee is not a law enforcement agency. Gretchen Stearns added that the notification did not make her comfortable. Ms. Eaton asked if she should get another letter from the CC Traffic Safety Committee. Gretchen Stearns answered yes. Ms. Eaton stated that she has that. Nathan Chess suggested that the TOC Planning Board should contact the organizations to find out their roles in the County and their roles with the TOC Planning Board. Nathan Chess stated that the signoff letters were not an official approval. Ms. Eaton stated that she had a meeting with all of the CC Officials in January 2013 to review the plans for this event and each attendee signed that they attended the meeting. Jeff Baker read the CC Traffic Safety Committee's letter and informed the Board that this is adequate for their part. Motion to approve the Resolution of Collective Agreement was made by Judy Zink with a second from Virginia Ambrose. Members Scott Cole, Brian Goodrich, Gretchen Stearns, and Chairman Stephen Hook were in favor. Member Nathan Chess voted in opposition. Ms. Eaton informed the Board that the final walk through will be held on August 6th at 11:00 a.m. and all officials from the TOC are invited.

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

Respectfully submitted,
Jodi Keyser, Secretary