

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes: June 3, 2013**

Approved 7/1/13 with additions and corrections.

Chairman Stephen Hook called the June 3, 2013 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Absent with regret: Judy Zink

Members reviewed the Minutes of the May 6, 2013 meeting. Minor changes were made. Motion to approve the minutes with corrections was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried.

Motion to approve the minutes with minor corrections of the May 17, 2013 Special Meeting for the Big Up Festival was made by Gretchen Stearns with a second from Virginia Ambrose. All members were in favor with Brian Goodrich abstaining. Motion carried.

CONTINUING APPLICATIONS FOR 6/3/13:

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.

Mr. Fink and Pat Prendergast were present for the application. Mr. Prendergast submitted new Site Plan maps dated 5/22/13. Mr. Prendergast informed the Board that he has moved ½ of the parking from the front of the building to the back of the building as requested by the Board. Mr. Prendergast continued that he also moved the building 20 feet closer to NYS Rte. 9-H as requested. Mr. Prendergast reviewed the traffic flow explaining that he added some curbing at the north end of the parking area and added two stop signs to keep traffic from just going into the Mobile Mart traffic. Brian Goodrich commented that he would rather see that the traffic flow for the retail building only a one way flow to keep traffic from both businesses from crossing paths. Mr. Prendergast reviewed the updated landscaping making groupings of plants instead of single lines of plantings and he relabeled the types of light fixtures. Mr. Prendergast reviewed a Jeff Plass topographic survey with the drainage delineated and different types of stormwater runoff areas that he is proposing. Mr. Prendergast informed the Board that he has researched different types of pavement material and they need good drainage to work correctly and Mr. Finck's site is mostly clay. Pat Prendergast stated that he has listened to the suggestions of the Planning Board and complained about the new Zoning Codes and Zoning areas. Gretchen Stearns asked the applicant if he is proposing a restaurant for the new building. Mr. Prendergast informed the Board that the original Site Plan that was approved in 1998 included a restaurant as a retail business and this would have been allowed in the Highway/Commercial Zone but is not allowed in the newly created Commercial Industrial Park Zone. Mr. Prendergast continued that his client also has a current application before the TOC ZBA for a Use Variance but will change that request and ask for an Interpretation instead. Mr. Prendergast continued that he will ask the ZBA for an interpretation that a restaurant was approved in the original Site Plan Approval in 1998 so he will ask the TOC ZBA to just send a letter to the TOC CEO that it was approved in 1998 so it is o.k. Gretchen Stearns then asked what will the applicant do if the ZBA denies the Use Variance or Interpretation. Ms. Stearns informed the applicant that they could ask the Town Board to amend the Zone but it would be difficult.

Nathan Chess arrives at 7:25 p.m. Paul McCreary informed the applicant that he sees sufficient handicapped parking areas but the ones in the rear of the building seem to be away from the building. Mr. Prendergast stated that this was a mistake and he will fix their location. Paul McCreary asked what types of plants would be planted in the stormwater pool. Mr. Prendergast stated that fragmites would be planted because they multiply quickly and are common to the area. Paul McCreary asked if the entrance was NYS DOT approved in 1998 and is it still o.k. Pat Prendergast replied yes. Nathan Chess asked if the building would require a Phase 1 and then a Phase 2 for the expansion if needed. Mr. Fink informed the Board that he will wait and see how the economy progresses and if he has tenants for the spaces. Nathan Chess stated that he has expertise in construction so he took the liberty of adding elevation measurements to the map and felt that both the north end of the building does not match the south end of the building and this could be a visual error. Mr. Finck informed the Board that these were just conceptual drawings and not set in stone final architectural drawings. Mr. Finck stated that he just wanted to give the Board an idea of what the building might look like. Nathan Chess informed the applicant that the overhang could be a problem and the south end of the building could use some windows or something due to the visual impact. Mr. Prendergast informed the Board that the south end has trees and woods so not very visible from NYS Rte. 9-H. Nathan Chess suggested

changing the south end of the building and the overhang because it would be easier to do in the beginning rather than changing after the building is built. Gretchen Stearns informed the applicant that all signage for the new building will need permits. Gretchen Stearns reminded the applicant that a list of abutters within 500 feet is required because the property is within an Agricultural District. Mr. Prendergast informed the Board that he submitted that list to the Planning Board Secretary earlier. Virginia Ambrose commented that the applicant was very accommodating with the Planning Board's suggestions and it is appreciated.

Motion to set for public hearing at the July 1, 2013 meeting was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried. Gretchen Stearns asked if it is prudent to review the SEQRA prior to the public hearing. Rob Fitzsimmons informed the Board that there is some confusion with the SEQRA because it makes more sense to open one public hearing for both the SEQRA and the project and deal with possible environmental impacts as well as concerns with the overall project. Pat Prendergast asked if he needed to obtain a public hearing sign for this. Secretary Jodi Keyser informed Mr. Prendergast that he would need a sign and that the deposit fee for the sign has increased to \$50.00. Gretchen Stearns asked if the Columbia County Planning Board reviewed the application and answered the TOC Planning Board. Rob Fitzsimmons informed the Board that the CC Planning Board met after the TOC Planning Board meeting so it will be coming in the future. Continued to July 1, 2013.

Doty, Benjamin Site Plan Review: Tax Map #(SBL) 133 . - 2 - 55 and located at 1225 Route 23 Claverack. Site Plan Review for the removal and replacement of an old double wide mobile home with a newer mobile home.

Mr. Doty was present for the application. Mr. Doty was asked if he displayed the public hearing notice of notice. Chairman Stephen Hook opened the public hearing at 7:43 p.m. No comments Chairman Hook closed the public hearing at 7:44 p.m. Motion to close the public hearing was made by Gretchen Stearns with a second from Virginia Ambrose. All members were in favor. Motion carried. Paul McCreary reviewed the SEQRA for the Board. Motion to grant a negative declaration with regard to the SEQRA was made by Virginia Ambrose with a second from Nathan Chess. All members were in favor. Motion to approve the Site Plan to replace a 1972 double wide mobile home with a newer 2002 double wide mobile home using the same footprint was made by Brian Goodrich with a second from Nathan Chess. All members were in favor. Motion carried. Mr. Doty paid \$4.60 for public hearing notices to the abutters.

NEW APPLICATIONS FOR 6/3/13:

Board member Nathan Chess informed the Board that for transparency he has met with Mr. Bartges and walked through the building and plan as a concerned member of the public and a member of the Churchtown Fire Company. Mr. Chess continued that he did not visit the site as a member of the TOC Planning Board. Mr. Chess informed the Board that he has had subsequent discussions with Mr. Bartges to help him to make the process go smoothly as a part of the TOC friendly atmosphere policy.

7/1/13 - Mr. Chess requested the following addendum added to the minutes at the 7/1/13 meeting:

I would request that opening paragraph as to my statement to the Board be corrected to read as follows:

Board member Nathan Chess, based upon his requirement as a Board member to fully disclose any and all actions that would affect or impact the Boards review or actions as to this application, informed the Board that he has met Mr. Bartges and walked through the building and reviewed his application as a concerned member of the public, a neighbor and as member of the Planning Board. He assured the Board that he informed Mr. Bartges that his visit and subsequent discussions should not be considered an official action of the Town of Claverack's Planning Board nor of the Churchtown Fire Company.

Mr. Chess informed the Board that this action was undertaken so as to make the process go as smoothly as possible.

Mr. Chess informed the Board that he had taken this action as part of The Town of Claverack and it's Planning Board on going efforts to create a "business friendly" atmosphere as it regards the review of applications.

Bartges, Hans Site Plan Review/Special Exception Use: Tax Map # 132 . - 2 - 31 . 100 Located at 880 Snyderdortown 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. Mr. Bartges informed the Board members that he and his partner are seeking to turn a studio building into a Waldorf -type kindergarten center on his property. Mr. Bartges explained that the building is constructed of straw and timber and heated by a soapstone woodstove. Mr. Bartges informed the Board that he has applied to the NYS Office of Children and Family Services for a permit for the kindergarten. Mr. Bartges informed the Board that the kindergarten would attend to approximately 16 children with staff. Rob Fitzsimmons suggested that Mr. Bartges submit a narrative describing the hours of operation, number of employees, number of children, drop off and pick up arrangements, parking, trash, lighting, and signage as part of the Full Site Plan. Brian Goodrich suggested that the woodstove is very close to the doorway and the size of the building seems too small for the amount of children. Mr. Bartges informed the Board that he must meet the regulations set by the NYS Office of Children and Family Services. Paul McCreary suggested that the

Board make a motion to allow for the descriptive narrative if they decide that certain actions do not require a Full Site Plan and to detail why to keep from future problems.

Motion to allow descriptive narrative to describe the entire Site Plan and daily operations in lieu of a detailed Site Plan design in this case because of the nature of this simple project was made by Nathan Chess with a second from Gretchen Stearns. All members were in favor. Motion carried. Paul McCreary suggested amending the motion to read Motion that under Town of Claverack Zoning Codes Section 16-3-8 and given that the applicant has supplied a detailed narrative describing hours of operation, number of employees, number of children, trash disposal, parking, pick up and drop off of children.

Motion to classify as a Minor Site Plan Review and determine that Planning Board will allow material submitted during the Sketch Plan review to be submitted as Minor Site Plan material as per section 16.3.7 page 122 was made by Nathan Chess with a second from Gretchen Stearns. All members were in favor. Motion carried.

Rob Fitzsimmons informed the applicant that the project will need to be submitted to the Columbia County Planning Board for review at their next meeting.

Motion to schedule application for public hearing on July 1, 2013 was made by Virginia Ambrose with a second from Nathan Chess. All members were in favor. Motion carried. Continued to July 1, 2013.

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 explained to the Board that COARC is planning to build an accessory structure on their property on NYS Rte. 217 to use for storage. Gretchen Stearns asked if the proposed structure is outside of the 100 foot buffer for the CTS stream. Rob Fitzsimmons stated that the building is outside of the buffer. Brian Goodrich asked if the documents show the view from NYS Rte. 217. Mr. Sieber stated that he supplied an approximation of what the building might look like from a website. Scott Cole stated that the photo is not the view from Rte. 217 but the other side. Mr. Sieber stated that the building could have windows and a door on the Rte. 217 side and the photo is not the actual building because they have not yet sent for construction bids. Gretchen Stearns stated that the area along Rte. 217 has many trees along the roadway. Nathan Chess added that the building will sit below the road grade. Mr. Sieber informed the Board that the building is only for storage and no programs will be held within the structure. Motion to set for public hearing on July 1, 2013 was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried. Continued to July 1, 2013.

Other Business:

Chairman Stephen Hook informed the members of the Planning Board that he was asked to attend a meeting with regard to a proposed new building in the Commerce Park for Ginsberg's Institutional Foods Co. Chairman Hook continued that a majority of the project is within the Town of Ghent and a portion is within the Town of Claverack so a coordinated review is being planned. Rob Fitzsimmons informed the Board that a possible joint meeting could be planned for the Town of Ghent, Town of Claverack, Columbia County and Ginsberg's representatives when the official application is submitted. Rob Fitzsimmons continued that this is a big project with several Phases to move the Ginsberg's operation but for now it will be to construct a building to house storage and coolers. Chairman Hook asked the Planning Board members if they would agree to have Jeff Baker act as special counsel because Rob Fitzsimmons will ask to be recused due to conflict with the County. Nathan Chess suggested that the Town of Claverack Planning Board make it clear that they are willing to be proactive on the project and work with the Town of Ghent, client, and county officials.

Wright, Samuel & Levy, Zach dba/Shireworks Productions Inc. Special Exception Use Site Plan Review: 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.

Nathan Chess requested that some issues with the Big Up be discussed i.e. escrow accounts, inspections by the TOC CEO during the event, etc. Mr. Chess cited sections 16.16.5, section 16.14, section 16.15, section 16.16, specifically 16/16/4 and 16.16.3 and asked that the Town Board review these sections to make sure that the applicant is doing everything.

Mr. Chess asked the status of the escrow account and asked that a separate escrow account be set to take care of the TOC CEO inspection cost and to make sure that the applicant is following through with the requirements. Mr. Chess requested the financial arrangements between the Big Up and the CC Sheriff's deputies. Mr. Chess stated that the TOC CEO will not be able to sign the permits until he has inspected the site and performed the sound checks. Mr. Chess suggested having the applicant set up performance bonds to be applied to issues that will be turned over to the TOC eventually. Mr. Chess requested copies of the Evacuation and Safety plans to review. Chairman Hook asked Mr. Chess if he is considering himself

as a member of the TOC Planning Board or a private citizen because he continues to act alone by dealing with applicants outside of the Planning Board. Mr. Chess stated that he is requesting these items as part of the Special Exception and they are legal binding requirements that the Planning Board must fulfill and he is trying to help the Planning Board to be sure that they are doing everything. Mr. Chess continued that whether he sits at the table as a member of the TOC Planning Board or as a private citizen nothing can limit his first amendment right to free speech. Mr. Chess continued that he is doing all of this work to make it less expensive for the TOC because he does the investigation for free and an attorney will bill the TOC to review these issues. Mr. Chess stated that he is within his legal rights to have a copy of the Evacuation Plan and Security Plan to review as a member of the TOC Planning Board. Katy Cashen informed Mr. Chess that she will take his concerns and information to the Town Board. Gretchen Stearns then asked about a barn that is on the property that TOC CEO Stan Koloski suggested should be condemned. Ms. Stearns stated that she remembered Jackie Eaton being questioned on the barn and she stated that only certain people will be allowed into the barn. Ms. Stearns stated that the TOC should not allow anyone to use this building for safety reasons. Paul McCreary informed the Board that Stan Koloski would have to condemn the structure and then catch people inside. Gretchen Stearns suggested that the TOC Planning Board ask that TOC CEO visit the site throughout the festival for protection. Nathan Chess stated that in a verbal conversation he had with TOC CEO Stan Koloski his opinion was that the barn should be deemed as a no go area and temporarily condemned because of eminent risk.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried. Meeting adjourned at 9:15 p.m.

Respectfully submitted,
Jodi Keyser, Secretary