

TOWN OF CLAVERACK
PLANNING BOARD
Minutes: May 6, 2013
7:00 p.m.

Approved 6/3/13

Chairman Stephen Hook called the May 6, 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, Nathan Chess, Gretchen Stearns, Brian Goodrich, attorney Rob Fitzsimmons, engineer Paul McCreary, and secretary Jodi Keyser

Chairman Hook informed the audience that the Shireworks/Big Up/Sam Wright application is off of the agenda for this evening's meeting. Chairman Hook apologized to the audience and explained that the Town of Claverack Attorney Rob Fitzsimmons has recused himself from the Shireworks/BigUp/Sam Wright Special Exception Use Site Plan Review due to a conflict of interest. Chairman Hook again apologized to the large audience and explained that he received late notice during the afternoon that the newly appointed special counsel for the Town of Claverack had to resign also due to a conflict of interest leaving the Town without legal counsel for the application. Chairman Hook continued that the Town of Claverack Planning Board cannot entertain comments or questions without legal counsel and advised the applicant's representatives of such. Paul Freeman, representing the applicants, asked for permission to hand out packets of information that the Planning Board requested at the April meeting and give a brief overview of the application. Chairman Hook again apologized and continued that the Planning Board will not discuss the application without legal counsel but will allow the distribution of packets from the applicant.

Planning Board members reviewed the minutes of the April 1, 2013 meeting. Minor changes were requested by the Planning Board members. Motion to approve the corrected minutes of the April 1, 2013 meeting was made by Judy Zink with a second from Virginia Ambrose. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 5/6/13:

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 submitted new Site Plan maps and reviewed the new maps for the Board. Mr. Prendergast continued that this application is part of a previously approved larger building approved in 1998 along with the existing Mobile Mart and the Atmos Refrigeration shop. Mr. Prendergast continued that Mr. Finck did not continue with the building and his 1998 Site Plan and subsequent building permit has timed out. Mr. Prendergast explained that the new application seeks a smaller building but for the same use. Mr. Prendergast explained that the new maps show that he cut down the amount of parking spaces in the front of the building and moved them to the left side of the building and has added green space in the front in conformance with the TOC Zoning regulations. Gretchen Stearns stated that the new Zoning regulations specifically state that there should be no parking in the front of the building unless a topographical issue prohibits parking in other areas. Pat Prendergast stated that the parking was designed as such because Mr. Finck had installed the drainage when he received the 1998 approval. Mr. Prendergast explained that he could move the building forward closer to

Rte. 9-H to allow for more parking in the rear but it does not make sense. Pat Prendergast continued that most towns request that the parking be pushed back away from the roadways for appearance. Mr. Prendergast continued that he has increased the green spaces in the front and to the north side of the building. Mr. Prendergast stated that the current drainage empties into a muddy pond. Mr. Prendergast consulted Mr. Finck and they agree that a new drainage retention pond or some other type of drainage retention will be designed to improve the site. Mr. Prendergast reviewed the lighting design and advised that the fixtures will be as similar as possible to the existing units. Chairman Stephen Hook informed Mr. Prendergast that TOC CEO reviewed the new maps and advised that he only finds three (3) of the four (4) type B lighting poles. Mr. Prendergast explained that is because the fourth pole is an existing lighting fixture. Mr. Prendergast will add the existing pole to the maps. Brian Goodrich asked the numbers of different uses are projected for the building. Mr. Finck stated that the plan is currently for four separate uses but if the economy becomes better and he finds the need he would like to increase the size of the building to the original 1998 plan. Mr. Prendergast informed the Board that Mr. Finck has an interested tenant that might want to open a restaurant in one of the spaces but he understands that he would need to apply to the TOC ZBA for a variance. Gretchen Stearns stated that it is hard to approve something and go against the newly approved Zoning regulations. Gretchen Stearns asked the applicant if it would be possible to shift the building a little to the south to allow for more parking on the side. Gretchen Stearns asked Paul McCreary to review the existing drainage to make sure it is up to the current NYS codes. Paul McCreary agreed to meet with Pat Prendergast to review the existing drainage. Gretchen Stearns suggested that the applicant look into the different types of paving material other than blacktop that is now available. Pat Prendergast stated that he would look at different paving materials but they are very cost prohibitive. Gretchen Stearns again asked if the building could be moved a little south. Pat Prendergast stated that this might not be doable because of the installed drainage and the area is already graded and filled. Chairman Hook asked if other members of the Planning Board had comments. Nathan Chess stated that he has reviewed the current site and understands both the Town of Claverack Zoning regulations and Mr. Finck's situation. Mr. Chess continued that the solution to the parking would be to tweak/move the building slightly to the south without disturbing the existing drainage. Mr. Chess stated that this would split the difference by eliminating some parking spaces from the front and moving them to the side. Mr. Chess continued that this will leave one row of parking spaces in the front and moving the extra to the side which might be more acceptable to the Planning Board. Scott Cole agreed that moving the building slightly south and decreasing the parking spaces in the front would be better. Mr. Cole asked if the Fire codes indicate the distance required for parking from the gas pumps for the parking on the side of the building might be too close. Judy Zink agreed with moving the building. Gretchen Stearns stated that the plan should call for the minimum amount of parking until the maximum need is realized. Nathan Chess stated that the applicant needs to plan for the full amount. Paul McCreary stated that he sees a possible conflict with the ingress and egress for the Mobile Mart and the retail mall which could create a problem. Mr. Prendergast and Mr. Finck will review the plan to see how far they can move the building and still allow space for the larger building if necessary. Virginia Ambrose stated that she has concerns about the entrance and exit for the two properties. Judy Zink stated that delivery trucks might also be a concern for traffic. Nathan Chess asked the types of building materials to be used. Mr. Finck stated that he is planning to use a vertical vinyl product. Gretchen Stearns asked for the signage details to be included for the next meeting. Pat Prendergast asked that the application be referred to the Columbia County Planning Board for review. Chairman Hook informed the applicant that they will need to supply the list of abutters within 500 feet of the property because it is within an Agricultural District. Gretchen Stearns asked if the Planning Board could request a traffic study. Paul McCreary stated that would be through NYS DOT. Gretchen Stearns asked the applicant to slightly move the building, and to adjust the landscaping so it is not all of the same type of plantings. Paul McCreary suggested groups of different plantings can break up the view. Rob Fitzsimmons reviewed the punch list for the applicant: Move the building to mitigate the front parking, look into other paving materials, traffic flow study for existing

Mobile Mart and the new building, signage information, Ag Data with abutters within 500 feet of the proposed action. Rob Fitzsimmons then asked the Board if they feel that this application is complete enough to submit to the County Planning Board for review as required. Members agreed that the application is complete enough for County Planning Review. Nathan Chess asked that lighting and elevation materials with color be added in the notes. Chairman Hook requested that the existing B type pole be added to the maps. Gretchen Stearns asked for the location of alternative water sources or hydrant sites added. Nathan Chess asked if fire suppression equipment is within the plan. Mr. Prendergast answered yes. Continued to the June meeting.

NEW APPLICATIONS:

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 is seeking to replace an existing 1972 double wide mobile home with a newer 2002 double wide mobile home in the same spot. Mr. Doty informed the Board that he is working with an engineer to design the pad to the newer codes and he has replaced and redesigned the driveway. Gretchen Stearns asked Mr. Doty the type of topography is evident on his parcel. Mr. Doty stated that the parcel is somewhat hilly with a wet area to the rear. Gretchen Stearns stated that the Site Plan maps supplied are basically sketch plans and she would like to see a topographic map but that can be waived by the Board if they know the property. Brian Goodrich asked if the septic system is outside of the buffer area for the NYSDEC wetlands on the site. Mr. Doty stated that he is not changing the existing septic system and it will remain the same. Mr. Doty stated that he bought the property and is helping his son out by replacing the old mobile home.

Motion to waive the requirement for the topographic map was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried. Rob Fitzsimmons informed Mr. Doty that the property is not within an Agricultural Zone so it will need a list of abutters within 300 feet of the property for notice. Application is set for a public hearing at the June 3, 2013 meeting. Mr. Doty was instructed to obtain a meeting notice sign from the Town Clerk and place on the property at least two weeks prior to the June 3rd meeting. Mr. Doty paid \$100.00 application fee by check.

Claverack School Building/Hudson City School District/Sherri Kline: Town of Claverack Town Board is asking for input from the Town of Claverack Planning Board to review a proposal for revising the zoning law as it pertains to the former Claverack School building on NYS Rte 23-B as follows:
Section 22...Tables Schedule of Use Regulations/Business Uses/ #19 Wholesale businesses including Sales room - for Hamlet Business would no longer be X but would be SE (page 175)
Zoning Map - the lot that contains the Claverack School (tax map # 121.03-1-89) be added to the Hamlet Business Zone.

Rob Fitzsimmons informed the Board that the Hudson City School District has withdrawn their request for the zoning change and are not continuing.

CONTINUING APPLICATIONS:

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.

Paul Freeman submitted a packet of materials to the Board members. Mr. Freeman explained that the packet contains a revised site plan. Mr. Freeman continued that on April 18th the applicant, Dennis Callahan, Stan Koloski, Paul McCreary, Bob Preusser, and an engineer for the applicant met with the NYS DEC and Army Corps of Engineers. Mr. Freeman informed the Board that NYS DEC and ACOE determined the sites of parking, camping, facilities, stages, etc. and marked the boundaries. Mr. Freeman stated that NYS DEC returned and issued a letter stating that the area does not contain a NYS DEC wetland, but they did confirm the designations of the streams. Mr. Freeman informed the Board that NYS DEC is requiring signage along the barrier and a snow fence along the creek area. Mr. Freeman continued that the applicant has applied for a joint permit with NYS DEC and ACOE for the footbridges along with the types of materials to be used as the footbridges. Mr. Freeman informed the Board that NYS DEC required Mr. Wright to submit a temporary mining permit and ask for the applicant to submit a generator usage report. Mr. Freeman informed the Board that Ms. Eaton met with neighbor Adam Peck and has submitted a letter of agreement for the fencing along his property. Mr. Freeman informed the Board that the representatives from Shireworks met with the CC Sheriff's officials to determine the amount of deputies for the weekend. Mr. Freeman stated that the CC Sheriff's officials felt that two deputies would not be sufficient and are requiring that four sheriff's deputies will be needed for 24 hour patrol during the four days of the festival. Mr. Freeman continued that the applicant has also contracted with a private security firm, Green Mountain Security, which will supply 40 security guards for the event. Mr. Freeman continued that the packet contains details for the program, suppliers, drinking water is contracted, port-o-lets contracted to Big Top Tents which will supply 74 units spread around the site, garbage contracted with CC Solid Waste for 3 – 30 yard dumpsters that will be emptied once during the event and then after cleanup is complete, food vendors, and other vendors is still in the works. Mr. Freeman stated that CC DOH and NYS DOH have conceptually approved the smaller camping site but nothing in writing. Mr. Freeman stated that the camping sites will be marked off with a bright colored spray paint and the roadways throughout the camping area will be delineated with a different colored spray paint. Mr. Freeman submitted an updated EAF as requested. Mr. Freeman continued that the NYS DOH Part 18 permit was issued and the applicant will meet with the EMS on June 4th to review the evacuation plan. Mr. Freeman submitted an Ad Data statement and list of abutters within 500 feet of the project for notice of public hearing. Chairman Hook again apologized and thanked Mr. Freeman and the applicants for their understanding. Brian Goodrich asked Mr. Freeman to look at the National Institute of Health website file on mass gathering titled, "Disasters at Mass Gatherings" for information that might be of interest to their planning. Continued to June 3, 2013 meeting.

Motion to adjourn the meeting was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Meeting adjourned at 8:25 p.m.

Respectfully submitted,
Jodi Keyser, Secretary
Town of Claverack Planning Board