

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting: February 10, 2014
7:00 p.m.**

Approved 3/3/14

Chairman Brian Goodrich called the February 10, 2014 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Absent: Virginia Ambrose

Correspondence: Training notice from Hudsonia was distributed to the members.

Review Minutes of January 6, 2014 meeting.

Motion to approve the January 6, 2014 minutes was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 2/10/14:

NEW APPLICATIONS FOR 2/10/14:

Casella Organics: Tax Map # 101 . 00 – 02 – 02 . 112 Located at 37 Salerno Drive Ghent NY. Special Exception to operate an organic recycling facility.

Jeffrey Brinck; Division manager, Jeremy Tensen; Project manager, and Mark Millsbaugh from Sterling Environmental Group were present for the application. Mr. Tensen informed the Board that his company is a solid waste and recycling company that is seeking to use the former recycling facility located at 37 Salerno Drive in the CC Commerce Park. Mr. Tensen continued that Casella was the former company in the building that ran the recycling facility. Mr. Tensen continued that the company is now seeking to utilize the building to manufacture animal bedding from kiln ash, paper fiber, agricultural lime, and wood chips/sawdust into earth friendly animal bedding. Mr. Tensen continued that farmers typically use sand and wood chips as animal bedding and these items are becoming more expensive. Mr. Tensen stated that their patented animal bedding is made from a mixture of short paper fiber residuals from pulp and paper manufacturing facilities and mixed with agricultural lime, and kiln dust that is beneficial when used in manure spreading operations by providing nutrients, lime and organic materials into the soils. Mr. Tensen informed the Board that the facility expects to manufacture 25,000 – 35,000 tons of material annually using 12,000 – 24,000 tons of short paper fibers and plans to employ up to 4 full time employees. Mr. Tensen stated that the operation will run from 7:00 a.m. to 7:00 p.m. Monday – Saturday with a maximum of 20 truck deliveries per day. Mr. Tensen stated that the company was awarded a \$180,000.00 grant from the Empire State Development in partnership with the Columbia County Economic Development Corporation to retro-fit the facility with an industrial scale conveyor and mixing system. Mr. Tensen informed the Board the footprint of the building will remain the same with deliveries, mixing, and truck loading will be conducted within the building's footprint and the kiln dust will be delivered pneumatically and fed into the mixer directly from the tanker. The building has existing offices for retail transactions. Mr. Tensen informed the Board that the product will be trucked to buyers throughout the area and will also be available for sale to farmers at the site. Jeff Brinck informed the Board that this material is a beneficial use for materials that would otherwise be dumped in landfills. Nathan Chess asked if the materials were used in spreading manure would the crops still be considered organically grown. Mr. Brinck stated yes it can be used in certified organic crops. Chairman Goodrich asked if there are any chemicals used in the manufacturing process. Mr. Brinck stated that there are no other chemicals other than a polymer that is used to coagulate the paper. Mr. Millsbaugh informed the Board that they have applied for a NYS DEC Part 360 permit which they are in the process with DEC. Mr. Millsbaugh continued that they are meeting with representatives

from the NYS DEC and plan to submit a formal application with them within the next 4 – 5 weeks. Mr. Millspaugh continued that they are seeking guidance from the TOC Planning Board. Nathan Chess asked if this is the first animal bedding operation for the company. Mr. Millspaugh stated that the company has other animal bedding operations but not in New York State, this will be the first. Gretchen Stearns asked if the NYS DEC could be concerned with odors from the building. Mr. Millspaugh stated that the NYS DEC permit requires the applicant to provide mitigation approaches for all types of issues including odors. Gretchen Stearns asked if the components of the animal bedding could combust. Mr. Millspaugh stated that the short paper fibers are damp to begin with and each of the components will be stored in separate concrete stalls. Mr. Millspaugh continued that the building has a complete fire suppression system also. Chairman Goodrich asked if the NYS DEC requirements and inspections reporting are then reported to the Town of Claverack Planning Board or does the Town of Claverack Planning Board need to write to the NYS DEC for the information. Nathan Chess then asked for clarification that the way the system works is that the components are delivered during production and the finished product is also being trucked out each day with 20 trucks per day. Mr. Brinck stated yes the components are delivered to the plant and product is manufactured and shipped all at the same time. Nathan Chess asked if the company plans to sell directly to the public from the site. Mr. Brinck answered yes. Scott Cole asked how the materials will be coming and going. Mr. Brinck stated that dump trailers or walking trailers will deliver the short paper fiber and wood chips with the lime and kiln dust arriving via pneumatic trailers. Chairman Goodrich asked if there would be any dust produced from the delivery of the kiln dust or the manufacturing. Mr. Brinck answered no because the trailers are cement tankers which deliver through a pneumatic delivery system. Scott Cole asked what type of roadway is in the Commerce Park for the truck traffic. Mr. Brinck answered that the roadways are paved. Mr. Millspaugh summarized the application for the Town of Claverack Planning Board members stating that they are requesting a Site Plan Review along with a Special Exception with Lead Agency status for SEQRA and that they will be applying to the NYS DEC for two permits, no need for any new construction added to the building only modifications to the interior with cement bunkers for material storage. Mr. Millspaugh continued that all of the mixing and handling of the materials will be inside of the building. Mr. Millspaugh informed the Board that the company is in negotiations to keep the scale that is on the property from the previous Casella operation. Nathan Chess asked if the operation is only for delivered sales or can a farmer come directly to the site to purchase. Mr. Millspaugh stated both options are available but farmers will be required to have trucks with tarps to cover the loads. Chairman Goodrich asked if employees would be required to wear masks to protect from dust and fumes. Mr. Brinck stated that masks are not necessary because there is no dust and no fumes. Chairman Goodrich asked what types of loaders will be used to load and mix the products. Mr. Brinck stated that the loaders are diesel and the large overhead doors will be opened during production. Gretchen Stearns asked if the product could be used for horse farms as well as for cows. Mr. Brinck stated yes. Nathan Chess asked why there is not stormwater protection plan in the Site Plan packet. Mr. Brinck stated it is because there is no waste water. Chairman Goodrich asked how the applicant determines whether the kiln dust contains any hazardous materials which would be produced at the cement plant burning hazardous materials. Mr. Millspaugh stated that the NYS DEC has determined that this is a good use for kiln dust and he is not aware of any plant burning hazardous materials during cement production. Mr. Brinck informed the Board that he is aware that a competitor is required to test the kiln dust for 3 years for DEC. Mr. Millspaugh stated that the NYS DEC needs to determine that the product is beneficial to land and not harmful. Nathan Chess asked if the Ag & Markets needed to license the product because of the animal use. Mr. Millspaugh answered no not required to license or permit from Ag & Markets. Mr. Millspaugh continued that manufactured animal bedding is preferred because of the way it is able to control bacteria. Customers in Maine found that the counts of bad bacteria had decreased with the use of this type of animal bedding. Chairman Goodrich asked if the NYS DEC requires testing would that be something that the TOC Planning Board could require as a possible condition of approval. Gretchen Stearns stated that this appears as a good use for the empty building and appears to be a good product and creates 4 jobs but she would like for the TOC Planning Board to have access to the NYS DEC testing reports as a condition. Paul McCreary asked if there are drains in the floor in the mixing area. Mr. Millspaugh answered not the existing pits were filled in with concrete. Paul McCreary asked about parking and lighting. Stephen Hook informed the Board that parking is not an issue because he knows that the area is large enough space for 7 tractor trailers to be parked there. Nathan Chess asked if the idling time would be limited. Mr. Brinck answered yes the company has an idling policy in place. Chairman Goodrich asked if the materials used to produce the animal bedding would ever change and if that would cause

concern for the Board members. Mr. Millspaugh answered that the components could change due to market needs but only materials that are approved for animal bedding would be allowed. Gretchen Stearns asked if there is a change in materials would the company be required to notify NYS DEC. Mr. Millspaugh answered yes. Chairman Goodrich asked if the Board members would want to have a site visit. Scott Cole answered that he did not think a site visit would be necessary. Scott Cole continued that the site was formerly used as a recycling facility for many years and it is fine in his opinion. Gretchen Stearns informed the applicant that the Long Form EAF in the packet is missing page #4 and she would like clarification for the answer to #13 because she thinks that the High Falls and Greenport Conservation areas might be within 5 miles of the site. Mr. Millspaugh submitted a copy of page #4 of the EAF and will check on the distance from the conservation areas. Jodi Keyser asked that the applicant supply an Ag Data form as soon as possible. Rob Fitzsimmons informed the Board that the application would require Columbia County Planning Department review at their next meeting and instructed the secretary to submit a copy of the file to the CC Planning Dept.

Motion to schedule the Casella Special Exception Use and Site Plan application for public hearing for March 3, 2014 and to classify the application as an unlisted action with regard to SEQRA was made by Scott Cole with a second from Judy Zink. All members were in favor. Motion carried.

Motion for the Town of Claverack Planning Board to act as Lead Agency for the coordinated review with the New York State Department of Environmental Conservation of the unlisted action for the Casella Special Exception and Site Plan Review application was made by Nathan Chess with a second from Scott Cole. All members were in favor. Motion carried.

Set for public hearing on March 3, 2014.

Miller, Samantha dba Samantha's Serenity Spa: Tax Map # 120 . 2 – 1 – 2 Located at 396 Rte 23-B (Red Apple Realty Building). Site Plan to operate an Esthetician's office.

Samantha Miller was present for the application. Miss Miller informed the Board that she is renting 3 ½ rooms inside of the Red Apple Realty building on Rte. 23-B for an esthetician's office. Miss Miller continued that the office includes a bathroom and storage area. Miss. Miller explained that she is a New York State licensed esthetician or skin therapist. Miss Miller explained that she will perform skin therapy, make-up, and consultations. Miss Miller continued that she will also sell products to clients. Chairman Brian Goodrich asked how many people will be using the spa at a time. Miss. Miller stated that there will be a maximum of 3 people at a time, herself, a client and possibly one other client waiting so about three cars at a time in the parking area. Miss. Miller informed the Board that her hope is that her business will grow and she will be able to employ other estheticians to help her. Chairman Goodrich asked what types of products will be used and will they have an effect on the septic system. Miss. Miller stated that she uses a product from Dermologica and these products will not cause any problems with the septic system. Gretchen Stearns informed the applicant that her application was very organized. Ms. Stearns continued that the Short EAF form should have #13 answered as yes because of the Claverack Creek which doesn't affect this application but it is an adjoining property to the Mokotoff property. # 13 of the EAF was changed to yes. Chairman Brian Goodrich informed the applicant that the sign might be too large for the use. Miss Miller submitted a sign drawing showing a sign that is 40" x 30" which is the same dimensions of the sign at the adjacent beauty shop located in the same building. Gretchen Stearns informed the applicant that the sign is too large and would require a Variance from the Town of Claverack Zoning Board of Appeals unless she can determine if there was a pre-existing sign of that size to be grandfathered in. Nathan Chess stated that for aesthetics having a sign the same as the beauty shop would look better and uniform. Nathan Chess stated that the TOC Zoning Code allows for a sign of 4 square feet on a multi-use building which is a small sign but the proposed sign would require a Variance from the ZBA. Gretchen Stearns stated that the materials submitted can be deemed sufficient for the Site Plan Review and can be accepted as a full application.

Motion to accept the application as complete for a Site Plan Review and classify as an unlisted action and set for public hearing at the March 3, 2014 meeting was made by Nathan Chess with a second from Scott Cole. All members were in favor. Motion carried.

Rob Fitzsimmons informed the Board that the application will need to be referred to the Columbia County Planning Department at their meeting on 2/18/14. Miss. Miller submitted a check for the application fee of \$100.00.

INFORMAL:

County of Columbia/Pine Haven Nursing Home:

David Robinson of Columbia County and Jeff Budrow of Weston & Sampson presented an informal review of the proposed new Pine Haven Nursing Home in Philmont. Mr. Robinson submitted folders with some minimal information for the Board members. Mr. Robinson informed the Board that the County will be making a formal application for a Site Plan Review with the TOC Planning Board and will also make a formal application with the TOC ZBA for several variances that will be needed for construction. Mr. Robinson informed the Board that Mr. Budrow and a few other representatives met with TOC Building Inspector Stan Koloski and received the necessary forms for the formal application. Mr. Budrow informed the Board that the County was considering two separate sites next to the current nursing home and after a cost estimate the property on the west side is the best site because of a deep ravine. Mr. Budrow continued that the current nursing home is modeled after a hospital/institutional type setting and the new model is more of a home based setting with 6 homes containing 20 – 22 beds with three of these homes on each floor making up “communities”. Mr. Budrow continued that he “communities” will be supported by “neighborhoods” with all supported by an ancillary building housing physical therapy, occupational therapy, cooking, laundry, and meeting halls for training. Chairman Goodrich asked how closed the current cellular tower is to the current building. Mr. Budrow stated approximately 150 feet from the current building. Chairman Goodrich asked if the cell tower is powered by a back-up generator. Mr. Robinson informed the Board that the tower houses AT&T, Verizon, and Sprint. Mr. Robinson continued that Sprint has fuel cells for back-up power and AT&T has hydrogen tanks with Verizon using a diesel system. Chairman Goodrich asked how high the tower is. Mr. Robinson stated that the tower is approximately 140 feet high. Mr. Budrow informed the Board that the new entrance will be shifted to the west but the plan is still being designed along with the number of parking spaces. Mr. Budrow informed the Board that the existing water tower at the current site will be removed and replaced with a new water storage system that is still in the design stage. Mr. Budrow continued that the drinking water will be supplied from the Village of Philmont via new piping and hydrants and sprinklers systems along with water storage for fire protection is in the design stage also. Mr. Budrow informed the Board that the septic system will be a pump station with gravity delivery to the pump station. Mr. Budrow informed the Board that the Stormwater Protection Plan is not yet designed. Mr. Robinson informed the Board that they are in the design stages for the heating and cooling for the new facility and explained several types of systems being considered. Nathan Chess stated that the plan limits the expansion of the current fire training tower. Mr. Robinson stated that the County owns 40 +/- acres at the site and the plan is to keep the fire tower as is but the tower could be moved to another site on the property and re-constructed. Nathan Chess stated that the plan does not seem very firefighter friendly and as a firefighter he would prefer the home be built in a different site on the property. Mr. Robinson stated that the new facility has planned meeting rooms that the County will use for mandated training for staff and it is possible that other agencies might be able to use those meeting rooms for training or meetings. Gretchen Stearns asked what the County is planning for the current home after the new home is constructed. Mr. Robinson stated that he cannot speak to the future of the current home at this time. Judy Zink asked about the population for the current home and future home. Mr. Robinson stated that the current nursing home can have a population of 120 beds and after the County had the NYS DOH perform a survey it was shown that there is a need for 128 beds for the new site and would allow for capital reimbursements. Scott Cole stated that the height of the building along with the utilities housed on the roof might require fire companies to have specialized equipment i.e. longer ladders to access the utilities. Mr. Robinson informed the Board that some of the utilities will be enclosed and some will be pad mounted with air to air heat exchangers and compressors housed outside on the roof which do not burn propane or fuel oil. Mr. Budrow informed the Board that the utilities will be clustered in the center of the building on the flat roof area and are easily accessible. Chairman Goodrich stated that it does not appear that the utilities will be easily accessed because of the peaks on each neighborhood/community area and the way the driveway is designed. Nathan Chess stated that the proposal is very close to the neighboring dentist’s office. Mr. Robinson informed the Board that they have met with the dentist and he is highly supportive of the plan. Chairman Goodrich asked who would be taking lead agency for the project. Mr. Robinson informed the Board that the County will provide a Long EAF and they expect that the Town of Claverack Planning Board will be the lead agency. Chairman Goodrich asked if the project is considered a Type I. Mr. Robinson stated that it is actually an unlisted action.

Mr. Budrow stated that it would possibly be a Type II. Nathan Chess stated that the plan is not considered an unlisted action. Gretchen Stearns asked the size of the building. Mr. Robinson stated that the size will be approximately 112,000 square feet including the lower level. Gretchen Stearns stated that the application will need a variance for the size and read from the TOC Zoning regulations for size dimensions table #2 institutional structures in all zones are required to be no more than 10,000 square feet per building. Mr. Robinson stated that he was unaware of the size requirement and will seek a variance for the size along with the two set back variances and the height variance. Chairman Goodrich informed the applicant that the plan will be a Type I because of the square footage of the building. Nathan Chess asked what the projected cost of the project is estimated to be. Mr. Robinson informed the Board that at this point the plan is approximately \$32,000,000.00 but they are working to get that cost down to \$30,000,000.00. Mr. Robinson stated informed the Board that he will be submitting a formal application and expected to be back for the April 2014 meeting at the earliest.

OTHER BUSINESS:

Chairman Goodrich informed the Board that the official agenda is complete and there are a few housekeeping issues that need to be addressed. Chairman Goodrich informed the Board that he was officially appointed as the Chairman of the Planning Board by the Town Board at the January meeting. Chairman Goodrich continued that as per protocol he has named Scott Cole as the Vice Chairman.

Chairman Goodrich reminded the Board members that there will be a joint meeting for the Ginsberg's application with the Town of Ghent on Wednesday, February 19, 2014 beginning at 7:00 p.m. at the Ghent Town Hall.

Chairman Goodrich asked the Board members if the Rules of Procedure discussion could be held over until the March meeting due to the time. Board members agreed to hold the discussion until March 3, 2014.

Chairman Goodrich informed the Board that and Scott Cole along with Town Board members Katy Cashen and Brian Keeler will interview 4 of the 5 candidates for the open Planning Board position on 2/12/14. Chairman Goodrich informed continued that the final decision or the replacement will be up to the Town Board members. Gretchen Stearns then stated that the Pine Haven application will require Special Counsel. Chairman Goodrich stated that the Town Board members are aware that the Pine Haven application will require Special Counsel. Gretchen Stearns asked if the members of the Planning Board have a say in the selection of the Special Counsel. Nathan Chess stated that the Planning Board members should have a say in the decision of the Special Counsel. Chairman Goodrich informed the Board that the decision of a Special Counsel is up to the members of the Town Board. Nathan Chess informed the Board that he has already contacted an attorney that he knows to ask if he would be willing to act as the Special Counsel for the Pine Haven project. Chairman Goodrich informed Nathan Chess to not contact attorneys for the TOC because it is up to the Town Board to appoint a Special Counsel and not the Planning Board. Nathan Chess continued that he just made contact to see if this attorney would be willing to take the project. Rob Fitzsimmons informed the Board to be careful and that it is always up to the Town Board members to vote and appoint an attorney to represent the Town of Claverack. Rob Fitzsimmons continued that the Board members can communicate names of attorneys through the Planning Board Chairman. Nathan Chess stated that as a member of the Planning Board it is important that the Planning Board members have a say with the Town Board in the choice of a Special Counsel. Rob Fitzsimmons informed the Board that the Special Counsel for the Planning Board will also be the Special Counsel for the TOC ZBA and a coordinated/joint review might be beneficial and a good idea to consider. Paul McCreary informed the Planning Board members that he understood that they want input on the Special Counsel and that they want to be o.k. with the selection but up to the Town Board. Nathan Chess stated that it is valuable for the Planning Board members to feel confident with the choice for the Special Counsel and would like to have the Town Board members submit the names of the attorneys being considered to the Planning Board to review and decide. Gretchen Stearns suggested that the Town Board submit the names of three attorneys and allow the Planning Board members to decide the Special Counsel. Chairman Goodrich informed the Board to send the names of attorneys directly to Town Board member Katy Cashen. Gretchen Stearns agreed. Rob Fitzsimmons informed the Board to be aware that the Columbia County Board of Supervisors has not yet voted to go forward with the Pine Haven project and this is a big requirement for proceeding. Paul McCreary informed the Board that he spoke with Jeff Budrow regarding the width of the roadways in the Pine Haven project because they are shown as 24 feet and 26 feet is required as per TOC Zoning regulations which might have an impact with setbacks also. Paul McCreary continued that he is not trying to sway the Planning Board at all but they will need to

decide if the Pine Haven application is an unlisted action or a Type I action. Mr. McCreary continued that SEQRA guidelines established does not mean that a decision needs to be made in haste. Mr. McCreary suggested that the Board members evaluate the submitted information along with the Long Form EAF and see if there is more information that they need to make an informed decision. Mr. McCreary stated that the Board members can request information other than that supplied if they feel that it is significant but they need to ask for specific information on a specific issue.

Motion to adjourn the February 10, 2014 meeting was made by Scott Cole with a second from Nathan Chess. All members were in favor. Motion carried. Meeting adjourned at 9:40 p.m.

Respectfully submitted,
Jodi Keyser, secretary