

**TOWN OF CLAVERACK  
PLANNING BOARD  
Minutes of: March 3, 2014  
7:00 p.m.**

**APPROVED 4/7/14**

**Chairman Brian Goodrich called the March 3, 2014 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.**

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

**Board members reviewed the minutes of the February 10, 2014 meeting. Motion to approve the February 10, 2014 minutes was made by Judy Zink with a second from Virginia Ambrose. All members were in favor. Motion carried.**

**Columbia County Engineer Dave Robinson was present informing the Planning Board members that he has submitted a complete Site Plan Review for the proposed Pine Haven Skilled nursing home in Philmont. Jodi Keyser informed Mr. Robinson that the plans were not submitted to the Planning Board members because they were in Stan Koloski's office because of the lateness in submitting the plans. Mr. Robinson asked for the Planning Board members to allow the Town of Claverack engineer Paul McCreary to begin the review so that the project is not delayed for another month. Motion to allow the Town of Claverack engineer Paul McCreary to begin reviewing the application for the Pine Haven Skilled Nursing Home was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried. Mr. Robinson will supply Mr. McCreary with a set of the Site Plan application materials to begin the review. Nathan Chess asked if escrow could be set up to begin the review. Mr. Robinson informed the Board that the County does not set up escrow accounts for projects. Mr. Robinson continued that the County will reimburse the TOC for the engineer, attorney, and building department fees at the end of the review. Mr. Robinson stated that the TOC should keep a rolling invoice for all of the bills associated with the review and submit one bill at the end to the County for payment. Nathan Chess stated that this is still an application like all others and the TOC Planning Board members should be careful to agree to this type of payment agreement. Chairman Goodrich informed Mr. Robinson that the project will require special counsel to represent the Town of Claverack. Continued to the April meeting.**

**CONTINUING APPLICATIONS FOR 3/3/14:**

**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 reviewed her plan for the Board to operate an esthetician's office at the Red Apple Realty building next to the current hair salon. Miss. Miller explained that she is a NYS licensed esthetician or skin care specialist and that she performs facials, skin care consultations, and make up sessions and will have products that she uses for sale also. Miss. Miller informed the Board that she spoke with TOC Building Department Dennis Callahan regarding the size of her sign. Miss. Miller stated that Mr. Callahan informed her that the size of her sign did not require a variance because the business is in the Commercial Zone. Chairman Goodrich informed Miss. Miller that because the business is in a multi-use building with other signs the size of the sign is limited to 4 square feet and anything larger would require a variance from the TOC ZBA. Miss. Miller understood and will start out with a smaller sign and then decide. Chairman Goodrich opened the meeting to public hearing at 7:10 p.m. Joann Miller stated that this is a good business and hoped that the TOC Planning Board would approve the plan. No further comments the public hearing was closed at 7:11 p.m. Paul McCreary reviewed the SEQRA for the Board members.

Motion for a negative declaration with regard to the SEQRA for this unlisted action was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Motion to approve the Site Plan for an esthetician's office in the Red Apple Realty building was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Chairman Goodrich informed the applicant that she will need to have the TOC ZBA approve a variance for the size of the sign that was presented and that the TOC Planning Board will send a notice to the TOC ZBA that they have reviewed the Site Plan and are favorable with the size of the sign as presented. Miss. Miller paid fees of \$4.41 to cover the cost of the public hearing mailing notice.

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

Jeff Brinck, Mark Millspaugh, Jeff Tensen were present for the application. Mr. Brinck reviewed the plan for the Board members. Mr. Brinck stated that Casella Organics is a subsidiary of Casella Waste of Rutland VT. Mr. Brinck continued that Casella Organics is based out of Clifton Park NY and is a recycling company that uses short paper fiber left over from the paper production mixed with agricultural lime, cement kiln dust, and sometimes wood chips to produce an animal bedding product for dairy farms that is organic. Mr. Brinck informed the Board that the project will not require any modifications to the footprint of the existing structure but minor internal modifications i.e. cement bunkers for the materials prior to mixing. Gretchen Stearns asked if the application was submitted to the NYS DEC. Mr. Brinck informed the Board that the company has a scheduled meeting with the NYS DEC tomorrow 3/4/14 for a pre-application meeting to review the type of use proposed and they will then receive the necessary requirements to make a formal application to the NYS DEC for a NYS DEC Part 306 permit with Beneficial Use Determination (BUD). Mr. Brinck stated that the company realized that the TOC Planning Board would require the NYS DEC permitting in place as a condition or approval. Chairman Brian Goodrich informed the representatives for the application that he sought guidance for the NYS DEC Part 360 permit and conditions from a Kathy Pratherer from NYS DEC. Chairman Goodrich informed the Board members and the applicant that he received information and examples of Part 360 permits and conditions from Kathy Pratherer and from that information he compiled a list of possible conditions for the TOC Planning Board to consider. Chairman Goodrich read the list for the Board. Mr. Millspaugh and Mr. Brinck informed the Board that all of the conditions read were not a surprise. Chairman Goodrich informed the applicant that the information that he received did indicate that the NYS DEC will have very stringent and thorough testing. Chairman Goodrich asked the applicant if they plan to use coal fly ash. Mr. Millspaugh stated that the operation will not use coal fly ash in the process. Gretchen Stearns informed the applicant that the model of a Syracuse operation of similar use required that the NYS DEC required the company to perform 6 yearly testing times for lead and she would like to see this as a condition and that the TOC Building Department should receive all copies of testing performed by Casella and comments from the NYS DEC for the plant. Nathan Chess stated that he is concerned with the amount of moisture in the short paper fiber shown in the plan as high as 60% because this seems like some drainage may be needed. Mr. Brinck informed the board that 60% might sound like a high moisture content but the moisture is necessary in the process to make the bedding materials bind to each other. Mr. Brinck stated that if the short paper fiber is too dry the process does not work. Nathan Chess stated that he wanted to be assured that drainage would not be required because of stormwater and runoff at the site. Mr. Millspaugh agreed and stated that the plant will not require drainage of any type. Nathan Chess asked Rob Fitzsimmons if Casella Organics were ever to sell the building would that mean that the NYS DEC Part 360 permit is also part of the sale and a new company could come in and begin some type of processing operation. Paul McCreary informed the Board that any new owner of the site would be required to prove to the NYS DEC that they are performing the same type of operation using the same materials in order to have the NYS DEC Part 360 permit transfer from one owner to another. Mr. McCreary continued that this is unusual and the Part 360 permit is for the Casella Organics only. Chairman Goodrich opened the meeting to the public hearing at 7:40 p.m. Katy Cashen asked if the animal bedding is only used for cows or can horses and other farm animals use the product. Mr. Tensen stated that the bedding is fine for horses, livestock, and other farm animals. Rick Gerlach asked if there is any odor associated with the short paper fiber. Mr. Millspaugh stated no but he understood the question because Mr. Gerlach could have been referring to odor that comes from paper pulp manufacturing but the short paper fiber doesn't have any odor and the materials are never stored for an amount of time that would create odor either. Virginia Ambrose asked if she understood that the final product is shipped out as fast as the mixing materials are delivered. Mr. Brinck stated yes the products are mixed and delivered within a day. Gretchen Stearns informed the applicant that the building is within the entrance to the Town of Claverack and it would be nice to have the company plant some trees or shrubs to make the building look better and hide it from NYS Rte.9-H. Public hearing was closed at 7:45 p.m. Paul McCreary informed the Board that given what they know about the previous use and the proposed use for the building the TOC Planning Board should not find any significant environmental

impact and with the NYS DEC 360 Permit with BUD and NYS DEC monitoring the Board can feel confident that the environment would be sufficiently protected.

Motion for a negative declaration with regard to the SEQRA for this unlisted action was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Members then discussed the conditions for approval. Nathan Chess suggested the applicant contact the West Ghent Fire Company of the proposed use. Mr. Mc Bernie informed the Board that they will work with the local fire department and give the representatives a tour of the facility.

Motion for approval of the Special Exception Use for Casella Organics to operate an animal bedding manufacturing facility at 37 Salerno Drive in the Columbia County Commerce Park conditionally pending NYS DEC Part 360 Permit with Beneficial Use Determination and the following conditions:

Hours of Operation: 7:00 a.m. – 7:00 p.m. Monday – Saturday

Copy of the NYS DEC issued NYS Part 360 permit with Beneficial Use Determination (BUD) DEC permit to be provided to the Town of Claverack Code Enforcement Officer (CEO);

Town of Claverack Special Exception will remain valid so long as the applicant has in full force and effect a valid NYS DEC Part 360 Permit for the site;

Applications to NYS DEC for a Part 360 Permit with BUD for any additional uses or changes to the site will require notification to the building department and may in require application to the Town of Claverack Planning Board;

Applicant will, for the duration of this Special Exception Use Permit, send copies of the following to the Town of Claverack Code Enforcement Officer:

- All responses from the NYS DEC regarding annual reports and any other reports sent by the applicant to the NYS DEC.
- Applications to the NYS DEC for Part 360 Permit modifications or Transfers
- DEC issued Permit Modifications, Suspensions, or Revocations for the site.

All transportation of agricultural lime and cement kiln dust to the facility will be contained within pneumatic transport tankers;

Storage of agricultural lime and cement kiln dust is limited to the fully enclosed pneumatic type transport tankers at all times;

Pneumatic type vacuum system or otherwise fully enclosed systems are required for the transfer of agricultural lime and cement kiln dust for the manufacturing process. The type and location of the systems/equipment will be shown on the Site Plan drawings;

No outside storage of materials shall occur with the exception of fully enclosed pneumatic type transport trailers and tankers. Motion was made by Virginia Ambrose with s second from Judy Zink. All members were in favor. Motion carried. Fees in the amount of \$4.41 for the public notice mailing was paid in cash.

### **NEW APPLICATIONS FOR 3/3/14:**

#### **Wang, Brandon Subdivision: Tax Map#(s): In Claverack: #114-01-3 with approximately 95+/- Acres and in Hillsdale: #114-01-30 with approximately 80+/- Acres Located at 151 Harder Rd. Town of Claverack. Two lot subdivision.**

Cindy Elliott was present for the application. Ms. Elliott submitted maps and a completed application along with the Application fee of \$200.00 along with a letter from Mr. Wang to act on his behalf. Ms. Elliott explained that this minor subdivision will be a two lot subdivision of this existing parcel for the purpose of construction of two single family homes. Ms. Elliott explained that this subdivision will take the place of a Special Exception that would be required if the two residences were built on the single parcel. Ms. Elliott continued that the dwellings will be located in the Town of Claverack as well as all other improvements. There will be no changes to the wooded land in Hillsdale, but the parcel does sit in two towns. Ms. Elliott explained the proposed new lot line boundary will be solely located in the Town of Claverack as well. Presently, there is a new septic (county approved) that has been installed on one lot and a percolation test done on the other with a letter from Nick Demos. Ms. Elliott informed the Board that each lot currently has its own well. The driveway is existing, as there was a dwelling here previously which was demolished (by permit with Dennis) in the early summer of 2013. Ms. Elliott informed the Board that the two lots will be using only one driveway entrance and she will prepare a common driveway maintenance document. Rob Fitzsimmons informed Ms. Elliott that the width of the driveway will need to be 20 feet wide or

have pull off areas. Gretchen Stearns informed Ms. Elliott that the TOC Building Department's Stan Koloski noted that the length of the driveway and distance to the residences would suggest the need for a dry hydrant. Ms. Elliott informed the Board that she will consult with Mr. Wang to consider the addition of the dry hydrant. Paul McCreary stated that the NYS Fire Code 2010 will require the driveway to have a method to allow for turn-around places. Nathan Chess stated that the long term build out for the compound in a firematic standpoint would like to see the driveway widened or pull off areas for emergency vehicles to pass if there were an emergency. Ms. Elliott stated that the driveway is an existing driveway and the application does not require changes to the driveway but she will consult Mr. Wang with these suggestions. Ms. Elliott informed the Board that Mr. Wang is making this family compound and might subdivide further to construct homes for his other children. Gretchen Stearns asked if Ms. Elliott if the Mr. Wang is considering a race track of anything like that. Ms. Elliott answered that Mr. Wang is not planning to construct a race track continuing that he wants to retain the natural beauty of the property. Gretchen Stearns asked if the Agawamuk Creek is shown on the maps. Ms. Elliott stated that the creek is far away from any construction but does run through the property. Paul McCreary informed the Board that part of the property is listed as DEC wetlands H-1 which are not delineated on the map. Ms. Elliott informed the Board that she will add the wetlands or place them onto the legend. Paul McCreary asked about the notation of the old Philmont Reservoir. Ms. Elliott informed the Board that in 1972 her father surveyed the property and at that time the Redmond Pond or Old Philmont Reservoir was a privately owned pond and it has remained private property since. Chairman Goodrich asked Ms. Elliott to show the wetlands on the maps. Chairman Goodrich noted the punch list items for the next meeting: dry hydrant, width of driveway, wetlands with contours with GIA overlay for H-1 and DEC, Classified streams, location sketch, legend, standard notes.

Motion to classify as a two-lot minor subdivision and an unlisted action with regard to SEQRA, notification to the Town of Hillsdale of the application, and set for public hearing at the April meeting was made by Gretchen Stearns with a second from Nathan Chess. All members were in favor. Motion carried.

#### INFORMAL:

Ms. Elliott submitted a Special Exception application for the Zaroff property to construct a caretaker's cottage for the agenda for April as a new application.

#### BOARD BUSINESS:

Chairman Goodrich reminded the Board members that the next joint meeting for the Ginsberg's application will be March 12<sup>th</sup> at the Ghent Town Hall at 7:00 p.m.

Chairman Goodrich informed the Board that Dave Robinson contacted him asking for the Board members to consider a joint review with the TOC ZBA instead of two separate board reviews. Rob Fitzsimmons informed the Board that the CC Board of Supervisors just convened a subcommittee to investigate the need for a new county nursing facility and the CC Board of Supervisors has not yet voted on the proposal. Gretchen Stearns felt that the ZBA should take a look at the Variances separate from the Planning Board.

Gretchen Stearns informed the Board that at the last joint Ginsberg's meeting the subject of lighting was brought up and she informed the Planning Boards that the Town of Claverack's Howard Brandston is a well-respected lighting expert that would be great to have him look at the lighting plan for the application. Ms. Stearns informed the Board that she has contacted Mr. Brandston and he is willing to take a look and make suggestions to the lighting plan for the Ginsberg application. Chairman Goodrich informed the Board that he and Gretchen met with the Town of Ghent Planning Board members at a breakfast meeting and they all feel that they need to make use of consultants with lighting and sound for expert advice to the towns.

Chairman Brian Goodrich tabled discussion of the Rules for Procedure until the April meeting.

Motion to adjourn the meeting was made by Judy Zink with a second from Nathan Chess. All members were in favor. Meeting adjourned at 8:47 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary

