

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: April 6, 2015**

APPROVED 5/4/15

Chairman Brian Goodrich called the April 6, 2015 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Brian Goodrich, Virginia Ambrose, Judy Zink, Scott Cole, Rick Gerlach, Gretchen Stearns, engineer Paul McCreary and secretary; Jodi Keyser

Absent: Joseph Singleton and attorney; Rob Fitzsimmons

Correspondence: Training opportunity from Dutchess County Planning Federation

Review Minutes of March 2, 2015 meeting.

Motion to approve the minutes of March 2, 2015 was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried.

Claverack Free Library 414 petition:

Michael Sullivan and Vicki Rosenwald informed the Board that they are Board members of the Claverack Free Library and has asked to appear before the Board to inform them that the Library will be gathering signatures on a petition to be on the ballot for the November vote to seek additional 414 funding from the Town of Claverack. Mr. Sullivan informed the Board that the Library currently receives \$43,000.00 from the Town of Claverack and are seeking an additional \$10,000.00. Mr. Sullivan informed the Board that the Library has an operation expense of \$108,000.00 which covers a robust children's program, computers and internet access for an underserved town. Mr. Sullivan informed the Board that this additional money can only be used for operating expenses and not for capital projects. Mr. Sullivan asked for the Board's support and hopes that they are able to secure enough signatures on the petition to be on the ballot in November.

CONTINUING APPLICATIONS FOR 4/6/15:

**NYNEX Mobile Limited Partnership 2 d/b/a Verizon Wireless Site Plan Review & Special Exception:
Tax Map #(SBL) 121 . – 1 – 83 . 11 Located at 97 State Route 23. Site Plan Review for the construction of a new telecommunication/cellular tower.**

Scott Olsen was present for the application. Mr. Olsen submitted information on the tower project.

Mr. Olsen informed the Board that he checked into the Snydertown Rd. tower which they call the Churchtown tower and Verizon is located on that tower but Verizon is not able to enhance the antenna on that tower to reach the targeted area of Red Mills that the proposed tower will reach.

Mr. Olsen also informed the Board that if Verizon were to locate on the Pine Haven tower it would not handle the targeted area. Mr. Olsen submitted new maps showing the roadway to the tower is fully within the property boundary.

Mr. Olsen also submitted a letter from the FAA stating that the tower would not be a hazard to air navigation for the Columbia County Airport so it would not require marking lights. Mr. Olsen informed the Board that this letter is valid until July 2016 and if the tower is not completed at that time they will need to revisit with the FAA.

Mr. Olsen also submitted a revised EAF with Part 2 blank. Mr. Olsen stated that the TOC Building Department told him that this needed to be filled out before submitting.

Mr. Olsen informed the Board that a balloon test would be best if it is held within the next 3 weeks before the leaves are out on the trees for better sight. Mr. Olsen stated that his company is ready to hold the balloon test but would like a list of historic sites and any other important sites that the Board members feel should be included. Virginia Ambrose stated that the Dutch Reformed Church and the Charles Barnard residence are just a few of the important sites within sight of the proposed tower. Ms. Ambrose continued that the entire hamlet of Claverack is historic. Paul McCreary informed the Board that the best time is before the leaves are

out on the trees. All Board members agreed. Virginia Ambrose stated that the test should take place on a Saturday to allow everyone that is interested to be able to view the test. Scott Cole suggested setting two dates. Mr. Olsen informed the Board that the testing usually starts by 8:00 a.m. while the air is the calmest but he is unsure of the time frame to hold the balloon test. Gretchen Stearns asked how the notification is sent out to the public. Mr. Olsen will check on the notification. Paul McCreary read the balloon test requirements from the TOC Zoning Law which state that the test will consist of a 3-foot diagonal balloon being raised to the height of the proposed tower for at least 8 hours between sunrise and sunset with the first date do be on a weekend but the second date can be during the workweek, the testing date and a second date shall be advertised 7 and 14 days prior to the test in the Register Star newspaper, the applicant is required to notify the Town of Claverack Board and TOC Planning Board 14 days prior to the test. The applicant is required to submit proof of the notification to the Planning Board. Mr. Olsen informed the Board that his company uses 3 balloons for the test with the lowest balloon being the balloon that will show the height of the proposed tower. Paul McCreary advised Mr. Olsen that this is clearly indicated in the notice so that the public is well aware of what they are viewing.

Chairman Brian Goodrich asked if the new maps indicate if the tower is a monopole or lattice type of tower. Mr. Olsen stated that the revised maps are correct and show a monopole tower.

Chairman Goodrich asked if the A. B. Shaw fire company chief had been contacted for advice to the emergency turnaround and access road. Mr. Olsen stated that he had not yet contacted the Fire Company.

Gretchen Stearns asked if the applicant had received NYS DOT curb cut permitting.

Chairman Goodrich asked if contour maps and stormwater management were complete. Mr. Olsen informed the Board that he is working on NYS DOT curb cuts, contacting the A. B. Shaw fire company, stormwater management plan, and because the project will disturb more than one acre he will provide a contour map. Gretchen Stearns asked that the applicant could place an antenna on the Pine Haven Tower along with this tower if it would be feasible to lower the proposed tower to 100-feet. Mr. Olsen stated that he would research it but the balloon testing will determine the impact of the tower and Verizon would be spending twice the amount of money to have an antenna on the proposed tower and to also add an antenna onto the Pine Haven tower. Mr. Olsen informed the Board that there is a ridge by the water tower which keeps the signal from the Red Mill area.

Paul McCreary asked the Board members or direction as to which places, historic or otherwise key points within the hamlet that the Board members would like photos of the balloon testing. Mr. Olsen informed the Board that the consulting firm which performs the balloon test will do a review an historic research to determine the important sites but they will not go onto private property unless invited to do so.

Virginia Ambrose asked how members of the public can comment on the balloon test. Chairman Goodrich stated that public comment will be allowed during the public hearing on the application. Paul McCreary stated that the notice of the balloon test should clearly state that this is only a test and public hearing will be held at a later date so that the public is not confused.

Paul McCreary asked the Board if they were ready for him to begin the review even without the stormwater and balloon testing information. Chairman Goodrich informed Mr. McCreary to begin the review but it is clear that the application is far from complete.

Continue to May.

Haner, Harold Site Plan Review: Tax Map #(SBL) 142 . – 1 – 26 . 120 Located at 725 Snydertown Rd. Site Plan Review to remove and replace an existing mobile home with a new mobile home.

James Alvarez was present for the application. Mr. Alvarez reviewed the application for the Board. Mr. Alvarez informed the Board that his client is seeking to replace an old mobile home with a new energy efficient mobile home with a new slab and tie downs that are now required for safety. Chairman Goodrich informed Mr. Alvarez that this will count as the “One Time Only” replacement of the mobile home that is allowed by TOC Zoning Code. Chairman Goodrich opened the meeting to public hearing at 7:26 p.m.

Brian Merritt asked if the existing mobile home predated TOC Zoning. Mr. Alvarez answered yes.

Public hearing was closed at 7:28 p.m.

Motion to approve the Site Plan with the stipulation that this is the “One Time Only” replacement of a mobile home was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried. Mr. Alvarez paid final fees for the abutter mailing.

Triform Camphill Community Site Plan: Tax Map #(SBL)141 . – 3 – 1 Located at Clover Reach Rd. formerly Stewardship on Millbrook Rd. Site Plan Review to build three (3) new on Clover Reach Road. Pat Prendergast; engineer, Linda McNutt; architect and Ben Davis; Triform were present for the application. Mr. Prendergast reviewed the application for the Board members. Mr. Prendergast informed the Board that the project is seeking to build 2 houses and 1 smaller cottage on the private road named Clover Reach Rd. within the Triform complex. Mr. Prendergast continued that the proposed houses will be connected to the existing sewer system and water. Mr. Prendergast informed the Board that stormwater management was completed previously and there is no need for curb cuts because it is a private roadway owned by Triform. Gretchen Stearns thanked the applicants for supplying the Conservation design and that the applicant understands the importance of this design and will be adhering to the design fully.

Dr. Stearns informed the applicant that the new TOC Zoning Laws require the completion of all of the structures within 18 months of obtaining the building permit and if they are not completed the application will time out. Dr. Stearns continued that if the applicant is sure that they will be completing only one of the homes and the other two are up in the air then they should seek approval for only the one they plan to construct now and return when they are ready to construct the other two homes.

Mr. Prendergast stated that his client is seeking approval for all three of the houses and if the building permit times out then they will return for an extension. Chairman Goodrich reminded the applicant and the Board that this application is an addendum of a previously approved Special Exception which was approved under the previous Zoning Laws. Linda McNutt informed the Board that the plans change as needed by the community and funding but she figures about 6 – 8 additional houses for a full build out. Dr. Stearns informed the applicants that they are not allowed to cover over 20% of the property. Dr. Stearns continued that the 20% includes houses, outbuildings, driveways and all hard surfaces so that the applicant understands. Ms. McNutt asked if the farm buildings and roadways are included also. Virginia Ambrose answered yes as well as recreational facilities too. Ms. McNutt stated that Triform is aware of this regulation and their plans do not come close to 20% of coverage.

Chairman Brian Goodrich opened the meeting to public hearing at 7:33 p.m.

Deidre Carson neighbor informed the Board that she is not adverse to the project or use of the property but feels that this is a more dense use than that of the Stewardship project because of the numbers of people residing in the homes is more than a single family residence. Ms. Carson continued that all of the residences are situated on the same side which changes the environment of her property. Ms. Carson informed the Board that on more than one occasion she has experienced a public address speaker system making announcements. Ms. Carson also informed the Board that someone uses heavy equipment to cut brush or trees and this activity has happened during the weekends and evenings which is disruptive, noisy and prohibits the use of her property for her recreation. Ms. Carson continued that she feels it would be nice for the TOC Planning Board and neighbors to be able to see all of the potential sites. Ms. McNutt stated that her client would be willing to share the land use plan.

Edward Uncle a neighbor of the property informed the Board that Triform is a good neighbor and he has been assured by Ms. McNutt that residences will be more than 500 feet from his property line.

Chairman Goodrich closed the public hearing at 7:43 p.m.

Gretchen Stearns stated that the use of equipment during the evening hours and on the weekends is a problem. Mr. Prendergast stated that this is an agricultural use and the use of equipment is something that is needed. Mr. Prendergast continued that the property is large and requires a great deal of maintenance, weather sometimes restricts the maintenance and other circumstances make it difficult. Mr. Davis stated that he will consider and make every effort to keep the use of equipment within better times of the day.

Rick Gerlach asked if it is brush hogging equipment because that tends to be louder than most equipment and if so maybe that activity can be restricted to better times of the day. Virginia Ambrose asked why there were public address system announcements. Mr. Davis stated that they do not have a public address system and Ms. Carson may have heard the wedding venue at Bells Pond because Triform residents have heard announcements coming from there.

Ms. Carson stated that with the increased density of use have the wells been tested lately to be assured that there is adequate pressure. Mr. Prendergast answered that 2 wells are currently in use and they are producing adequate pressure to meet the needs. Mr. Prendergast disagreed that the density of use has not changed and will only be approximately 10 – 12 residences.

Gretchen Stearns informed the applicant that the TOC Building Department is concerned with the 911 address for the properties in case of emergency. Ms. McNutt informed the Board that all of the residences have designated 911 addresses and she has informed the TOC Building Department.

Gretchen Stearns stated that she is still having difficulty approving 3 residences when only one home is guaranteed at this time. Mr. Prendergast stated that if the building permit times out then the applicants will reapply or seek an extension. Ms. McNutt informed the Board that the proposed home should go up fairly quickly because it is a custom modular type of construction. Gretchen Stearns informed the applicant that they will need certificates of occupancy on all three of the residences within 18 months before they are timed out. Mr. Prendergast read from the TOC Zoning Laws 16.16.3 extensions of time can be granted for additional 6 months. Gretchen Stearns read TOC Zoning Law 16.16.7 which states that the approval will expire 18 months if not completed.

Motion to approve the Site Plan Review to build three (3) new residences on Clover Reach Road with conditions that whenever practicable farming, maintenance and or construction noise be limited to times other than weekend evenings and the applicant is required to notify neighbors prior to outside entertainment and or public events such as fundraisers was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Mr. Prendergast stated that the Zoning Codes cannot limit work times. Gretchen Stearns informed the applicant that they are seeking a Special Exception and that the TOC Planning Board is allowed to place any conditions on an approval that they feel are needed to maintain the integrity of the surrounding neighborhood. Ms. McNutt asked if that a community BBQ for the residents. Virginia Ambrose answered that for the duration of Triform ownership they will be required to notify the neighbors of outside events in fairness to the neighbors because the ante has been upped by the applicant from the original Stewardship plan. Virginia Ambrose continued that originally 200 – 250 people were projected to live in the area and this has increased and the impact to the neighbors has increased. Mr. Prendergast stated that the impact is much less now than with the Stewardship plan like a quiet neighborhood, no one even drives. Ms. McNutt stated that they will not have any public address system. Ms. McNutt stated that she is confused by the vagueness of the conditions because the property currently houses about 30 residents and with the additional two houses this will increase to approximately 50 residents which shows the density will be much less than the Stewardship project. Gretchen Stearns stated that this is a different type of use and because of this special type of use there might be special events such as fundraisers so there needs to be some restrictions to protect the neighbors. Mr. Prendergast stated that the restrictions should not be too restrictive. Gretchen Stearns answered that the Planning Board is not saying they cannot hold fundraisers or use equipment only that certain measures are required.

Meisner, Rosalyn/Tiano, Rita/Rosen, Hedda Site Plan Review: Tax Map #(SBL)120 . – 1 – 12 Located at 28 Stone Mill Rd. Site Plan Review to remove existing mobile home, repair existing mobile home pad per code for the installation of a new mobile home.

Christy Tiano was present for the application. Mr. Tiano reviewed the application for the Board to replace an existing mobile home with a new, energy efficient mobile home with a new slab and tie downs. Mr. Tiano informed the Board that the existing mobile home is in very bad shape. Mr. Tiano continued that the new mobile home will use the existing septic system and is hooked into the TOC water supply and will use the existing driveway. Mr. Tiano informed the Board that he is aware that this would be the “One Time Only” replacement that is allowed by the Town of Claverack Zoning Laws. Mr. Tiano continued that he did speak with TOC Building Department’s Dennis Callahan who told him that he could remove the mobile home again but only to build a modular home on the spot or a stick built home. Chairman Goodrich opened the meeting to public hearing at 8:10 p.m.

Brian Merritt informed the Board that to his knowledge this mobile home was placed for farm worker housing in the late 1960’s or early 1970’s which was allowed as an exception to the Zoning laws. Mr. Merritt continued that this property has not been used for a farm worker housing for many years but has been used as

a rental property. Mr. Tiano informed the Board that the farm worker handed the mobile home down to his brother who currently resides in the home.

Mr. Merritt stated that the mobile home is not used for farm worker housing.

Gretchen Stearns stated that the mobile home is possibly an illegal non-conforming use and that a non-conforming use cannot be expanded on but the new TOC Zoning Laws allow for a "One Time Only" replacement. Rick Gerlach suggested that the applicant research the time line of the existing mobile home and bring documentation to support that the existing home predated zoning or was there before 1973.

Mr. Merritt informed the Board that the TOC has many of these types of situations with mobile homes that were placed on farms for farm worker housing that are now being used as rentals i.e. the two mobile homes at the entrance to the Town by the Claverack Service Station. Mr. Tiano informed the Board that the property is still being farmed and is part of the 42 acre parcel which includes the Meisner home.

Chairman Goodrich advised Mr. Tiano to check with the TOC Building Department for records of the placement of the existing mobile home and if it was for farmworker housing only. Chairman Goodrich continued that the Planning Board will consult with the TOC attorney Rob Fitzsimmons for a ruling if documentation of the timeframe the existing mobile home was placed cannot be found.

Chairman Goodrich closed the public hearing at 8:18 p.m.

Virginia Ambrose asked if the person living in the mobile home owns the mobile home. Mr. Tiano stated that his wife's family owns the property but the current resident will be purchasing the new mobile home. Mr. Merritt then stated it is like a trailer park with one trailer because the person rents the property but owns the mobile home.

Paul McCreary stated that if the applicant can find documentation of the mobile home existing prior to 1972 it can be replaced as a non-conforming use but if after 1972 it could be a problem and may require a variance. Mr. Tiano asked the Board what would happen if he cannot find documentation of the time. Gretchen Stearns stated that the TOC attorney would then need to make a ruling on the application.

NEW APPLICATIONS FOR 4/6/15:

Informal: Maggie Browne: Dissolving previously approved subdivision on Snyderstown Rd.

Ms. Browne was advised to have her attorney contact the TOC attorney for details because a subdivision is no longer needed to un-subdivide property.

Coon, Conrad & Donna Subdivision & Site Plan Review: Tax Map # 133 . – 2 – 14 Located at 1009 State Rte. 23. Boundary Line Adjustment to remove the existing boundary line between two parcels to create one parcel & Site Plan Review for the construction of 5 new self-storage buildings.

Mr. Coon and Nick Demos; project engineer were present for the application. Mr. Coon informed the Board that he owns the self-storage units on NYS Rte. 23 along the Taconic State Parkway. Mr. Coon continued that he recently purchased the parcel next to the storage facility and is seeking to make the property one single parcel. Mr. Coon also informed the Board that he is proposing to construct 5 new storage buildings on the site to the east of the current buildings. Gretchen Stearns asked the applicant if the original approval have any limits to the number of storage units that would be allowed. Dr. Stearns continued that the current landscaping is inadequate. Mr. Coon informed the Board that he planted pine trees every 15 feet. Gretchen Stearns stated that a single row of trees is not adequate for a landscaping design. Mr. Demos informed the Board that the storage units will be within the Highway Commercial zone. Gretchen Stearns again stated that the landscaping needs to be revised. Mr. Coon agreed to plant more trees. Jodi Keyser informed the applicant that her son recently purchased a home on CC Rte. 11 and she was surprised by the intensity of the lighting and the view from CC Rte. 11. Gretchen Stearns informed the applicant that landscaping and lighting designs will be needed. Mr. Coon stated that the lighting plan was approved but he will look to see if a different type of light might be less of an impact. Gretchen Stearns informed Mr. Coon that he is not allowed under the current TOC Zoning Law to hold auctions at the site. Mr. Coon stated that auctions are the only way to deal with delinquent units. Gretchen Stearns again stated that auctions cannot be held at the site. Mr. Coon informed the Board that the NYS Lean Law prohibits the contents of the units from being moved so how does Town law trump NYS laws. Paul McCreary informed the applicant that he will have to hold the auctions at an off site location. Paul McCreary informed the Board that these actions should be handled together for the Boundary

Line Adjustment and increased commercial venture with one public hearing and one SEQRA determination. Mr. McCreary continued that the plan appears to have over an acre of disturbance therefore stormwater control plan and NYS wetland delineations are required. Mr. Coon informed the Board that the only wetland area is to the west of the first site and not close to this project. Paul McCreary formed the punch list for the applicant: Landscaping design, lighting plan on proposed and existing units, EAF, stormwater plan, hours of operation, future intentions and maximum occupancy. Mr. Coon informed the Board that the units are 98-99% occupancy currently and that the units are locked down at 9:00 p.m. Chairman Goodrich asked why the need for lighting after hours of operation. Mr. Coon stated that the lighting is needed for security. Chairman Goodrich informed the applicant that the application is incomplete at this time. Continued to May meeting. Mr. Coon was instructed on the timeline for submissions to the Board.

OTHER BUSINESS:

Planning Board member Rick Gerlach asked the outcome of the Valley Energy Variance. Mr. Gerlach continued that he feels that the Planning Board was misled during the Site Plan Review for the relocation of the pumps because the applicant and engineer were asked several times if there would be a sign and if the general public would be using the fuel pumps and the applicant answered no to both. Mr. Gerlach stated that he felt personally the TOC Building Department should place a cease and desist order on the business. Board members discussed the situation and were informed by the Zoning Board Secretary that the TOC Zoning Board of Appeals granted the variance for a ground mounted sign during the March 25th meeting but the applicant was instructed to go to the TOC Building Department and apply for a revised Site Plan.

Brian Goodrich informed the Board that he attended the Ginsberg hearing. Chairman Goodrich informed the Board that it was between Jeff Baker, representing the Towns of Claverack and Ghent, Ken Dow who represents the neighbors against the project, and the lawyers for Ginsberg. Key point was that Jeff Baker conceded the argument that the Town of Ghent had with regard to the water supply and fire protection was not a valid argument because the applicant brought in experts and agreed to construct the water tower. Chairman Goodrich continued that it is now up to Judge Koweek to determine if the Article 78 is valid or not and it could be sent back to the individual towns to review all over again, or backs the towns decisions, or finds that neither side followed the A, B, C's and then he will give guidance as to what should be done.

Motion to adjourn the meeting was made by Gretchen Stearns with a second from Rick Gerlach. All members were in favor. Meeting adjourned at 9:20 p.m.

Respectfully submitted,
Jodi Keyser, Secretary