

**TOWN OF CLAVERACK  
PLANNING BOARD  
Minutes: June 1, 2015**

**Approved 7/6/15**

**Chairman Brian Goodrich called the June 1, 2015 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.**

**Members in attendance were: Chairman Brian Goodrich, Judy Zink, Virginia Ambrose, Scott Cole, Joseph Singleton, Gretchen Stearns, engineer; George Schmitt, attorney; Rob Fitzsimmons, and secretary; Jodi Keyser**

**Absent: Rick Gerlach**

**Correspondence: Notice of public hearing for the Town of Ghent to consider a new local law to impose a 6 month moratorium on business, commercial, and industrial development within the Town of Ghent that will be held on June 18, 2015 at 6:45 p.m. at the Ghent Town Hall.**

**Review Minutes of May 4, 2015 meeting.**

**CONTINUING APPLICATIONS FOR 6/1/15:**

**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.

Applicants did not appear for the application.

**Coon, Conrad & Donna Subdivision & Special Exception 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 & Special Exception Review for the construction of 5 new self-storage buildings.

Nick Demos and Conrad Coon were present for the application.

Mr. Demos informed the Board that the maps he supplied to TOC engineer George Schmitt needed corrections and he will forward a copy of the correct maps to Mr. Schmitt. Mr. Demos informed the Board that his applicant purchased the property that bordered the existing storage units and is seeking to dissolve the boundary line between the two parcels and add 5 new storage buildings.

George Schmitt reviewed his comment letter at the May meeting and has received a letter back from Mr. Demos. Mr. Demos informed the Board that they have changed the height of the light poles from 16 feet down to 12 feet high. Joe Singleton stated that the angle of the lights at 45 degrees is not good. Mr. Coons informed the Board that he has changed the angle to 40 degrees and is using a smaller light. Gretchen Stearns asked if they would consider changing the lighting on the existing facility. Mr. Coons informed the Board that when the lights need to be replaced he will replace them with smaller LED lights and shorten the poles. Mr. Demos informed the Board that they are using lower wattage bulbs also. Gretchen Stearns then stated that she thinks that discussion between the Building Inspector and the Town Attorney should take place about construction beginning before approvals of the Special Exceptions. Gretchen Stearns continued that she felt that he demolition and removal of brush and trees at the site was mostly complete before the review even started. Gretchen Stearns continued that good trees and screening could have been used but the applicant removed it prior and this is not to pick on this applicant but it is an ongoing issue. Chairman Goodrich agreed that construction including any land clearing should not begin until the plan is reviewed, approved and permitted.

Gretchen Stearns then asked if it is possible to have the applicant pay a bond to the Town of Claverack for the plantings so that the Town is sure that the landscape design is completed as designed and to be assured that dead trees will be removed and replanted. Rob Fitzsimmons informed the Board that this can be a condition of the approval. Rob Fitzsimmons continued that this condition could require that the landscaping design is completed at the time of construction and prior to the certificate of occupancy and that all dead trees will be removed and

replaced with plantings of the same type and size which is a maintenance plan for the landscape plan. Joe Singleton stated that the maintenance is unenforceable and would be at the good will of the property owner. Members agreed to require complete installation of the landscaping design installation before granting of the Certificate of Occupancy. Chairman Goodrich asked if the applicant had the photo from the neighboring property as requested at the May meeting. Mr. Demos informed the Board that he did not have a photo from the neighboring property.

Chairman Goodrich opened the meeting to public hearing at 7:25 p.m.

Tom McGillis – 1723 County Rte. 11 small yellow house informed the Board that he is concerned with the lighting. Mr. McGillis continued that he is glad that the lighting is reduced but the back of the property should have landscaping the same as the front of the property. Mr. McGillis stated that he can read the sign for the storage unit business from his house and the lights should be angled down toward the storage units not at his house. Mr. McGillis continued that the lights have become brighter because the existing large trees were removed. Mr. Coons stated that the new storage buildings will block the lights and they will be at a 40 degree angle. Mr. McGillis stated that the lights look like the moon from his house. Mr. Demos informed the Board that he and Mr. Coon met with Mr. McGillis after the May meeting and they agree to plant screening along the back of the property but would rather wait until construction is complete so they can see where plantings are needed. Virginia Ambrose stated that this should be a condition. Gretchen Stearns asked if the lights will be programmed to go out at 9:00 p.m. Mr. Coon responded yes. Chairman Goodrich asked if a solid fence would be a solution to the issue. Mr. Coon stated that a fence requires maintenance and trees look much better. Mr. Coon suggested moving the light pole next to building #5 to the east and to angle it toward the building would keep the light from shining on Mr. McGillis' property. Mr. Demos stated that the new buildings should block the existing lighting from the neighbors. Mr. Coon stated that he will also plant trees along the back side of the property but would like to wait until after the construction to see where Mr. McGillis would like them planted and where they the best space would be to block the lights. George Schmitt suggested looking at the property at night before they decide where to plant trees. Mr. McGillis asked if the flag lot entrance on County Rte. 11 will be used as an entrance. Mr. Coon stated that the only entrance to the storage units that will be used is the existing entrance. Chairman Brian Goodrich closed the public hearing at 7:40 p.m.

George Schmitt reviewed the SEQRA for the Board. Mr. Schmitt used the old Long Form to develop answers to the new SEQRA.

Motion to grant a negative declaration with regard to the SEQRA was made by Gretchen Stearns with a second from Joseph Singleton. All members were in favor. Motion carried.

Motion to approve the dissolution of the property line and to grant the Special Exception for 5 new storage units with the following conditions:

Landscaping must be installed as planned prior to the issuance of the Certificate of Occupancy.

Light pole closest to building #5 should be moved to the east slightly and angled so that the light faces the building.

Note on map for additional landscaping along the southeasterly side of property after construction to block lights from the McGills property was made by Scott Cole with a second from Judy Zink. All members were in favor.

Motion carried. Mr. Demos will meet with Chairman Brian Goodrich with corrected maps to be stamped. Mr. Coon will also pay the mailing fee of \$12.25 when the corrected maps are stamped.

**Hempler, Dorothy/Bean, Henry/Barish, Lenora Subdivision:** Tax Map # 110 . 00 – 01 – 29 . 11 & 110 . 00 – 01 – 29 . 12 Located at 28 Fish & Game Rd. Boundary Line Adjustment of 1.341 acres to be conveyed from the lands of Dorothy Hempler to Henry Bean & Lenora Barish.

Jeff Plass was present for the application. Mr. Plass explained that his client recently purchased 18 acres from Mrs. Hempler and thought that a water source and storage shed were on the property but found out after the sale that these were not. Mr. Plass continued that his client is now purchasing another 1 1/3 acres which includes the spigot and shed from Mrs. Hempler.

Chairman Goodrich opened the meeting to public hearing at 8:02 p.m. No comments. Chairman Goodrich closed the public hearing at 8:03 p.m.

Motion to grant a negative declaration with regard to SEQRA was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to approve the Minor Subdivision contingent on deed descriptions was made by Scott Cole with a second from Gretchen Stearns. All members were in favor. Motion carried.

Mr. Plass felt that the County Property Office would not accept the maps due to the wrinkles so he will print new maps. Chairman Goodrich will stamp and sign the new maps and return 4 copies for the Town of Claverack.

## **NEW APPLICATIONS FOR 6/1/15:**

**Biocam LLC Site Plan Review:** Tax Map #(SBL)101 . – 1 – 10 Located at 6 Grandinetti Drive in the Columbia County Commerce Park. Site Plan Review for the addition of an 80' X 100' warehouse space. Pat Prendergast; engineer is representing the applicant. Mr. Prendergast informed the Board that the company was previously called Bioforce and it now has a new entity named Biocam. Mr. Prendergast informed the Board that the company is seeking to add an 80' X 100' warehouse to the existing 125' X 80' building. Mr. Prendergast continued that the current building is using ½ of its space for warehousing and they need more room. Mr. Prendergast informed the Board that the company imports cosmetics from Europe and repackages them and ships them all over. Mr. Prendergast informed the Board that the building is mostly within the Town of Claverack but part of the property is in the Town of Ghent. Mr. Prendergast informed the Board that Stan Koloski and Dennis Callahan set the application up for a Site Plan Review but it should actually be a Special Exception review. Mr. Prendergast continued that the stormwater will runoff toward the existing wetlands and grassline swale with many down pipes. Mr. Prendergast stated that the new addition will have a metal roof like the existing building and will disturb less than ½ an acre so it does not need a stormwater permit from NYS DEC. Gretchen Stearns informed Mr. Prendergast that the project needs a landscape plan. Mr. Prendergast answered that trees would not be seen due to the slope of the terrain. Gretchen Stearns continued that she understands but having greenery around the property makes it look better and hides the building. Scott Cole stated that the way the property rolls it should have some landscape. Chairman Goodrich asked how the products are repackaged when they arrive from Europe are the products received in large containers and then repackaged into smaller containers or are multiples of small containers received and then repackaged along with other items? Mr. Prendergast stated that he believed that the cosmetics come from Europe already sized and the company then picks the order for the customer which is usually many different types of items which are gathered, boxed and then shipped according to the order. Gretchen Stearns informed Mr. Prendergast that one of the criteria for a Special Exception requires a list of all the products like an MSDS form. Mr. Prendergast stated that he will supply the Board with a list of products. Scott Cole stated that the list of products is not enough and it should include the ingredients because if somethings are mixed like in a fire it could be a dangerous situation. Pat Prendergast informed the Board that the company is just expanding the warehouse area and the use is the same. Joe Singleton informed Mr. Prendergast that the products should come with the ingredients listed. Mr. Prendergast informed the Board that this business use was approved 10 years ago. Joe Singleton informed Mr. Prendergast that the Board is asking to clarify the consumer goods that are in the building and not every ingredient in each product but they should be aware of hazards such as aerosol. Virginia Ambrose stated that in her opinion it is important to know what the products contain because the amounts of these chemicals could be a problem if there were a fire. Mr. Prendergast stated that the business does not have a sign and it is on the right hand side of Grandinetti Drive in the Commerce Park. Mr. Prendergast informed the Board that this warehouse will use an automated storage system but the company will still need to add a couple of new employees. Mr. Prendergast continued that traffic and parking will remain the same as existing. Judy Zink asked how orders are received and then shipped. Mr. Prendergast stated that UPS and Fedex are the companies used to ship the orders and bring in the supplies. Chairman Goodrich asked if the products are in glass or plastic containers. Mr. Prendergast informed the Board that he will get a sample. Gretchen Stearns stated that she has a problem with this being a Special Exception because the setbacks are different. Mr. Prendergast informed the Board that the company owns the adjoining parcel so the setbacks are not an issue and the expansion is of the existing warehouse not something new. Rob Fitzsimmons informed the Board and applicant that the Special Exception is the warehouse. Mr. Prendergast informed the Board that the company is ready to get started with the construction. Chairman Goodrich informed Mr. Prendergast that if they want to make the review a Special Exception then the company needs to combine the two parcels or seek an Area Variance from the Town of Claverack Zoning Board of Appeals. Gretchen Stearns stated that the building needs to have 100 feet of setbacks

all the way around and it looks like the side against Bender Boulevard does not have 100 feet so combining the properties will not help the situation. Mr. Prendergast informed the Board that he will ask his client if they are willing to dissolve the property line and will also ask Stan Koloski why he made this a Site Plan Review instead of a Special Exception Review. Gretchen Stearns stated that she is confused because the applicant obviously received the Special Exception for the use so why it is now a Site Plan Review because the expansion of an existing use does not require a Site Plan Review. Mr. Prendergast will seek clarification from Stan Koloski of reasoning for Site Plan Review and for the 100 foot setbacks.

Punch List: Trees, listing of cosmetics, glass vs plastic containers, acetone and aerosol products. Gretchen Stearns added that a landscaping plan would be a good idea because the Commerce Park is very bland and needs more trees and greenery to hide the buildings. Mr. Prendergast asked the Board if assuming he can get the punch list items is it possible for the application to be set up for public hearing in July. Board members agreed that due to the amount of items requested the application cannot be set for public hearing in July. Rob Fitzsimmons informed the Board and Mr. Prendergast that the application will need review by the County Planning Department and the TOC Planning Board should notify the Town of Ghent of the application. Rob Fitzsimmons continued that this will not require combined review but it good to notice the Town of Ghent.  
Continued to July.

#### OLD BUSINESS:

Chairman Brian Goodrich and the Board members discussed the Ginsberg's ruling from Judge Koweek and what they learned from the entire review. Gretchen Stearns stated that she is frustrated and confused as to the role the Town of Claverack had at the beginning of the process and that the Town of Claverack Planning and Zoning Boards should have more open lines of communication and work together. Rob Fitzsimmons informed the Board that joint reviews are not uncommon and have worked in the past with the Town of Claverack Boards but this was four different Boards from the two different towns which made it difficult for everyone involved. Members continued with the discussion and agreed that the review was way too long, they did not want to hurt the local economy, SEQRA determination is a significant decision, and if in a joint review the TOC Planning Board should be made aware of their role in the review if they are not the lead agency. Members also agreed that the lack of transparency made the CC EDC look very tainted and financing of projects should be available if requested. All members were surprised that Judge Koweek did not send the plan back to the Town of Ghent Planning Board but rather told the Town of Ghent to grant the permits for the project.

Rob Fitzsimmons suggested audio taping joint review meetings in the future. Chairman Goodrich stated that at the actual approval the Planning Board needs to go over sections #15 & #16. Rob Fitzsimmons stated that #16 should be addressed in the official minutes. George Schmitt informed the Board that he copies the section and uses it in his review letter to make sure that the Zoning Laws are invoked from the beginning of the review process.

Motion to adjourn the meeting was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 8:55 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary