

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: March 2, 2015**

APPROVED 4/6/15

Chairman Brian Goodrich called the March 2, 2015 meeting of the Town of Claverack to order at 7:00 p.m.

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

Correspondence: Training information from the Carey Institute for March 21, 2015 in Millbrook.

Letter from Enid Futterman regarding the proposed zoning changes.

Letter from Stuart and Baker regarding the proposed zoning changes.

Review Minutes of January 5, 2015 meeting.

Motion to approve the January 5, 2015 minutes was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 3/2/15:

NEW APPLICATIONS FOR 3/2/15:

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, attorney for Young & Sommer LLC. was present for the application. Mr. Olsen introduced Sarah Colvin who is the project engineer. Mr. Olsen informed the Board that he represents Verizon Wireless and is seeking a Special Exception and Site Plan review for a proposed new cellular tower and facility to be located at 97 Rte. 23 in Claverack. Mr. Olsen continued that the tower will be 150-foot high and be enclosed within a 100X100 foot secured/fenced area. Mr. Olsen continued that the facility will also have a 12X30 equipment shelter. Chairman Brian Goodrich asked why the building is so large. Mr. Olsen explained that the building is large because the FCC requires a power backup in case of an electrical failure so it will house a generator and the diesel tank with a catch basin underneath. Mr. Olsen informed the Board that the property is located within two separate zones those being Rural Agricultural and Hamlet Residential. Mr. Olsen informed the Board that the setbacks are within the boundaries. Mr. Olsen continued that the application is complete for the FCC license. Mr. Olsen then reviewed the Site Plan Maps for the Board. Gretchen Stearns informed the applicant that the Part II of the SEQRA needs to be redone and resubmitted because it cannot be completed by the applicant only by the Planning Board. Virginia Ambrose asked if any other cellular companies have agreed to cohabitate on the proposed tower. Mr. Olsen stated that at this point they do not have any other companies interested but the old saying is if you build it they will come. Chairman Brian Goodrich asked if other companies will need to use space in the facility. Mr. Olsen answered that the reason for the 150-foot tower is to be able to accommodate other cellular companies. Scott Cole asked if the tower will interfere with local 911 operations. Mr. Olsen informed the Board that the tower will operate at specific and targeted frequencies and 911 operates at a different frequency. Scott Cole asked where the driveway will enter the property. Mr. Olsen explained that the driveway will use an existing farm roadway off of Rte. 23. Scott Cole continued that some of the driveway appears to be very close to the property line in a few places. Mr. Olsen explained that in a couple of places the driveway is approximately 10-feet from the property line. Gretchen Stearns informed the applicant that they will need to apply for NYS DOT curb cuts and would possibly need a wider driveway. Mr. Olsen asked why the need for a wider driveway, it is

not a subdivision so making the driveway wider is overdoing it. Virginia Ambrose informed the applicant that on the maps the driveway appears to cross the property line. Gretchen Stearns asked the compared distance from this proposed tower and a the other towers in the Town of Claverack especially one located on Snyderstown Rd. Mr. Olsen informed the Board that he is not fully aware of the tower in question but will research. Mr. Olsen stated that he does not think that the tower in question is a Verizon tower. Mr. Olsen informed the Board that he knows of a Verizon tower at Forest Lake and at the Pine Haven Home but will check. Gretchen Stearns informed the applicant that the TOC Zoning Laws allow for the Planning Board to use expert consultants to review the application and advise the TOC Planning Board. Gretchen Stearns continued that she would request that the TOC engineer Paul McCreary review the application after the maps have been corrected. Gretchen Stearns stated that the Verizon tower located at the Pine Haven Home should be able to cover the area from looking at the coverage maps and she can't understand the need to place a tower in such a densely populated area. Gretchen Stearns informed the applicant that the applicant is required to provide an inspection report every 5 years and must return to the Planning Board every 5 years for a renewal of the Special Exception. Rob Fitzsimmons asked the Board members if there is anything that they want the applicant to provide. Gretchen Stearns asked that the TOC engineer to advise the Planning Board and give advice as to the need for another tower. Virginia Ambrose agreed. Paul McCreary will provide a comment letter after reviewing the corrected maps and coverage details. Mr. Olsen informed the Board that he has set up the escrow account with the Town of Claverack. Virginia Ambrose asked if this is a long term lease for the property and what happens if the company abandons the tower. Mr. Olsen informed the Board that the lease will probably be a 25-year lease with renewals and the company does not terminate leases. Chairman Brian Goodrich asked if the property has adequate space for parking especially for emergency vehicles. Scott Cole stated that a 15-foot wide roadway is required most of the time for emergency vehicles. Mr. Olsen informed the Board that the property will allow for a turn-around for emergency vehicles and the facility is equipped with a fire suppression system but there are not many fires at these facilities any way. Scott Cole suggested Mr. Olsen meet with A.B. Shaw Fire Chief Mike Cozzolino for advice on the driveway specifications. Chairman Goodrich informed the applicant that the Site Plan refers to both monopole and lattice type of tower so he was wondering which it will be. Mr. Olsen will check and supply the type on the corrected Site Plan. Chairman Goodrich asked if the tower will have lighting. Mr. Olsen informed the Board that the building will have a motion-sensor light and because the tower is only 150-feet it does not require a light. Scott Cole informed the applicant that this tower will be directly in the flight path for the Columbia County Airport. Chairman Goodrich added that it appears that the tower will be sitting upon a ridge and that might make the 150-foot tower even higher. Mr. Olsen will check with the FAA for the need for lighting. Chairman Goodrich informed the applicant that the Planning Board will require a visual impact especially from NYS Rte. 9-H. Mr. Olsen asked if the Board will require a balloon test. Chairman Brian Goodrich informed the applicant that this project will require several meetings before a decision is reached. Gretchen Stearns suggested that the applicant wait for the balloon test until the TOC engineer has reviewed the plan. Paul McCreary asked if the Board knew of any historically significant sites that they would want a visual impact view provided for. Virginia Ambrose suggested the Dutch Reformed Church and the Charles Barnard house. Virginia Ambrose also suggested that the balloon test should take place on a Saturday to allow residents that work the ability to see the test. Paul McCreary asked if the applicant was doing a stormwater plan for the site. Mr. Olsen informed the Board that he will provide details that the pre-stormwater runoff will not exceed the post-stormwater runoff. Paul McCreary suggested that the stormwater plan be addressed with more detail. Paul McCreary also informed the applicant that the maps show the 50-foot easement appears to encroach onto the neighboring property line. Mr. Olsen stated that is a mistake and the maps will be revised. Paul McCreary also asked the applicant to provide a contours map showing the cuts and fills for the roadway and that the disturbance will be well over an acre so a SWIPP Plan should be completed. Mr. Olsen agreed to provide the information. Paul McCreary informed the Board that the applicant has work to do to make the Site Plan revisions and he will wait until these revisions are completed to do his review. Mr. Olsen was informed that new information is required to be at the TOC Office building by 15 days prior to the next meeting. Paul McCreary suggested the applicant supply a letter from the FAA for lighting. Mr. Olsen informed the Board that they contract with outside companies who provide review and analysis as to the need for lighting on these projects and that information was used for this application but he will also check with the FAA and provide a letter to the TOC Planning Board. Checklist for applicant: visual impact – location of historically significant sites on the Site Plan maps, Letter from FAA for lighting, EAF Part II corrected, locations of all other cellular towers in the Town of Claverack, type of tower-monopole or lattice decided and corrected on

the Site Plan maps, Stormwater plan, roadway details fixed on map, NYS DOT curb cuts. Continue to April 6, 2015 meeting.

Haner, Harold Site Plan Review: Tax Map #(SBL) 142 . – 1 – 26 . 120 Located at 725 Snyderstown 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 informed the Board that his client is seeking to remove his current 1968 mobile home and replace it with a new more energy efficient mobile home. Scott Cole asked if the new mobile home would be larger than the existing home. Mr. Alvarez informed the Board that the new home will be approximately 2 feet wider in the back. Gretchen Stearns informed the applicant that at the time the current mobile home was set on the site the Town of Claverack did not have zoning laws but after 1973 the zoning laws did not allow a mobile home in that area. Dr. Stearns continued that the mobile home then became an illegal non-conforming use and the zoning laws have changed since then so research might be needed. Mr. Alvarez stated that when he spoke to TOC Building Department's Stan Koloski he told him that the mobile home could be replaced one time. Rob Fitzsimmons suggested checking with the Town of Claverack Building Department to see if they have any information. Chairman Brian Goodrich asked how the TOC keeps track of replacements. Rob Fitzsimmons informed the Board that the TOC Building Department keeps track of the replacements of mobile homes since the zoning law changed by the approved site plans and building permits they issue. Chairman Goodrich asked if the septic system meets CCDOH approval. Mr. Alvarez informed the Board that the current septic system is in good working condition and the new mobile home will consist of the same number of bedrooms. Virginia Ambrose asked if the replacement mobile home will be used or new. Mr. Alvarez informed the Board that the replacement will be a new mobile home. Chairman Brian Goodrich asked if the mobile home will be placed on a slab. Mr. Alvarez informed the Board that the current mobile home is not on a slab so he will pour a new slab with insulation and new required bolting. Chairman Brian Goodrich informed Mr. Alvarez that the SEQRA # 10 should be marked YES and #14 should include WETLAND. Paul McCreary reviewed the SEQRA for the Board.

Motion to classify as an unlisted action with regard to SEQRA was made by Gretchen Stearns with a second from Scott Cole. All members were in favor. Motion carried.

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

Motion to deem application complete and set public hearing for April 6, 2015 was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried.

Mr. Alvarez was directed to obtain a public hearing sign from the Town Clerk and post the sign at least two weeks prior to the public hearing date.

Planning Board member Joseph Singleton asked to be recused from the Triform/Camphill application.

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; project engineer, Ben Davis; Triform/Camphill representative, and Linda McNutt; architect, were present for the application. Mr. Prendergast informed the Board that his client purchased the former Stewardship on Millbrook Road a few years ago which consisted of 49 lots with two existing homes. Mr. Prendergast continued that his clients dissolved the subdivision and built a new home in 2013. Mr. Prendergast informed the Board that the former Stewardship had a 49 lot subdivision with each property having a septic and well designed. Mr. Prendergast continued that the Triform/Camphill community is now seeking approval to build three new homes on former parcels #24 & #25 with a common driveway off of the existing cul-de-sac. Mr. Prendergast informed the Board that he met with TOC CEO Stan Koloski to find out how they can get multiple houses on a single parcel. Mr. Prendergast explained that the TOC ZBA granted the Triform/Camphill a Variance for a Club/Membership facility with one owner who would not be selling to others so it is not a subdivision. Rob Fitzsimmons informed the Board that the applicants applied for and were granted a Special Permit for a club membership facility for people with disabilities. Mr. Prendergast informed the Board that the property is equipped with a central sewer and inground septic system which has CC DOH approval, 10,000 gallon water storage system with fire pumps of the sprinkler systems, and a 4-inch water main servicing 63,000-gallons per day. Mr. Prendergast continued that the three existing houses are hooked to the septic system. Mr. Prendergast continued

that a full SWPP was designed and permitted by NYS DEC and there is no need for curb cuts from NYS DOT. Mr. Prendergast informed the Board that his client is seeking Site Plan Approval for three new houses. Linda McNutt informed the Board that only one house will be built within the next year but the other two will be on hold and will depend on funding. Ms. McNutt reviewed the houses for the Board. Each home will be a single family dwelling with one kitchen for extended family, will meet ADA requirements and have full sprinkler systems for fire protection which is required by NYS.

Gretchen Stearns informed the applicant and the Board that she struggled with the application and remembered the 49-lot subdivision being dissolved and reviewed previous minutes to refresh her memory. Dr. Stearns continued that she is not against the plan at all, but is concerned that the conservation Subdivision design that was such a large part of the Stewardship Site Plan and approval will be honored by the current owner. Dr. Stearns continued that a future build-out plan is designed to ensure that the Conservation Subdivision design is maintained. Rob Fitzsimmons informed the applicant that the TOC Planning Board worked very diligently to make sure that the former owner had a very well designed Conservation Subdivision design. Dr. Stearns stated that the Conservation Subdivision design is very important to maintain the rural character of the area and to uphold the core ideals of the TOC Comprehensive Plan. Dr. Stearns continued that the TOC Zoning Laws should have a definition for a group home and this definition should protect the TOC from the vague club/membership definition. Dr. Stearns requested that the full Conservation Subdivision designed for the property be completed. Pat Prendergast informed the Board that the Conservation Subdivision design is completed and he might have a record of it at his office and if so he will forward that plan to the Planning Board members. Chairman Brian Goodrich informed the Board that this application is an extension of a previously approved Site Plan and Special Exception according to the previous Zoning Laws but not the current Zoning Laws. Chairman Goodrich asked if wetlands are delineated on the maps. Mr. Prendergast informed the Board that there are a couple of ACOE wetlands that do not require setbacks and a DEC classified wetland that has buffers but it is across the private road from these proposed house sites. Chairman Goodrich asked if the archeologically significant areas in the SEQRA are protected. Mr. Prendergast informed the Board that he had to answer the SEQRA yes because during the previous Site Plan there was an area with archeological findings and that area is delineated and is marked as archeological avoidance area but it is not close to these houses.

Motion to accept the application with the understanding that this is an extension of a previously approved Special Exception Use Permit for a non-for-profit group/family home/membership home for people with disabilities was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to classify as an unlisted action for purposes of SEQRA was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to grant a negative declaration for SEQRA was made by Scott Cole with a second from Judy Zink. All members were in favor. Motion carried.

Motion to set application for public hearing on April 6, 2015 was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried. Application continued. Mr. Prendergast was instructed to obtain a public hearing sign from the Town Clerk and post this sign at least 10 business days before the April 6th meeting.

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 informed the Board that he is the son-in-law for the applicant and her daughters and is a general contractor for the project. Mr. Tiano explained that the proposal is to remove an old mobile home, pour a new pad, and replace with a new energy efficient mobile home. Mr. Tiano informed the Board that the new mobile home will use the existing septic system and existing town water supply. Mr. Tiano continued that the existing mobile home is a 3 bedroom unit and the new mobile home will consist of 2 bedrooms. Gretchen Stearns asked if the property floods with the Claverack Creek. Mr. Tiano stated no it is up on a knoll and protected from flooding. Paul McCreary reviewed the SEQRA for the Board.

Motion to classify as an unlisted action for purposes of SEQRA was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

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

Motion to deem application complete and set for public hearing on April 6, 2015 was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried.

Mr. Tiano was directed to pick up a public notice sign from the Town Clerk and post the sign at least two weeks prior to the public hearing date. Continued to April 6, 2015.

Proposed changes to the Zoning Codes:

Chairman Brian Goodrich informed the Board that the Claverack Town Board was asked by the TOC Economic Committee to review some possible changes to the TOC Zoning Laws. Chairman Goodrich continued that the Town Board has asked for the TOC Planning Board to review these proposed changes and give feedback to the Town Board. Chairman Goodrich informed the Board members that they received the proposed changes to review and a special workshop was held on February 19, 2015 to review these proposed changes. Chairman Goodrich informed the members of the audience that this meeting will not have a public comment on these proposed changes because that is for the Town Board to hold if any changes are to be made this will be set up at a later date. Chairman Goodrich handed out a 7 page report that summarized each proposed change and the TOC Planning Board's recommendations for each one (see attachment).

Motion to approve and send to the Town Board the Town of Claverack Planning Board's Report to the Town of Claverack Town Board on Proposed Zoning Law changes was made by Joseph Singleton with a second from Judy Zink. All members were in favor. Motion carried.

Town Board member Katy Cashen thanked the Planning Board members for their time and work they spent to review the proposed changes.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried. Meeting adjourned at 9:25 p.m.

Respectfully submitted,
Jodi Keyser, Secretary