

APPROVED 8/1/2016

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: July 6, 2016**

Acting Chairman Scott Cole called the to order at 7:00 p.m.

Members in attendance were: Acting Chairman Scott Cole, Judy Zink, Joseph Singleton, Stephen King, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser.

Absent with regret: Virginia Ambrose, Gretchen Stearns and Chairman Brian Goodrich

Correspondence: Letter from surveyor Philip Massaro requesting an informal presentation at the July 6, 2016 meeting to discuss a possible subdivision of the Genito property on Rte. 9-H.

Board members reviewed the minutes of the June 6, 2016 meeting.

Motion to approve the minutes of the June 6, 2017 meeting was made by Stephen King with a second from Judy Zink. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 7/6/16:

ABS Satellite Special Exception: Tax Map #(SBL) 101 . – 2 – 11 . 200 Located at 829 Rte. 66. Special Exception for the installation of two 9 meter satellite telecommunication transmitting/receiving antennas at the rear of the building.

Tom Yung was present for the application. Mr. Yung informed the Board that Mr. Vesper from ACS was unable to attend the meeting due to a prior commitment. Mr. Yung continued by informing the Board that he and Mr. Vesper have tried unsuccessfully to find a report or some sort of information pertaining to the “potentially hazardous” answer in the SEQRA. Mr. Yung continued that he understood that unless a person stands directly in front of the beam from the satellite dish it would not be dangerous to anyone but to find this information in detail has been difficult. Mr. Yung stated that there is no clear reporting on the potential hazards of the satellite beam might be. Mr. Yung informed the Board that Mr. Vesper is concerned that if he is required to provide a report on the potential hazards of the satellite beam it is beyond his expertise. Mr. Yung continued that ABS needs the TOC Planning Board’s approval in order to then go to the FCC for permitting and the FCC will then tell them the amount that they will be allowed to transmit. Mr. Yung stated that the FCC regulates the satellite dishes. Mr. Yung then stated that a report would require a time - average - exposure type of data and that the only thing that he and Mr. Vesper could figure that would be comparable to a hot air balloon hovering directly in the beam of the satellite dish. Mr. Yung continued that the type of radiation emitted from the satellite dish is non-ionizing unlike ionizing radiation and there is nothing that details any hazard of an average time exposure would be. Joseph Singleton stated that the applicant is now making him feel like a full environmental impact review is needed. Stephen King asked Mr. Yung if this report would be something that the FCC would be able to supply. George Schmitt asked Mr. Yung if he could contact the Planning Boards in other states and areas where they have installed this type of satellite dish to see if they had the same concerns and if so how were the questions answered. Joseph Singleton stated that he is very uncomfortable with reviewing this application under a short environmental review when there is a potentially hazardous condition and he is troubled that the answer to this impact cannot be answered. Mr. Singleton continued that he cannot vote on this use unless a full EAF is completed or the Town of Claverack hires an expert

to review and report on the possible hazard. Stephen King stated that he would also need some clearly defined data of the “potentially hazardous” impact. Joseph Singleton stated that unless the applicant comes back with some report of the impact or the Town of Claverack hires an expert in this field the questions needs to be answered and an escrow account should be set up to cover the costs. George Schmitt informed the Board that the Town of Claverack can hire an expert in this field to review this type of transmitting device and suggested that Mr. Yung check with other Planning Boards where ABS has installed these types of devices and what information they used to determine the impact of a “potentially hazardous” answer on SEQRA. Mr. Yung stated that he will review how ABS got through the process in other Planning Board reviews of previous installations. Joseph Singleton informed Mr. Yung that the Town of Claverack Planning Board does not want the information of how other towns reviewed an installation like this one but the applicant needs to provide a definitive report to show that these dishes do not have a hazardous impact on the community. Mr. Yung stated that unless someone stood directly in the beam there is no potential hazard and this would be impossible to do unless like before it was a hot air balloon suspended in the beam. George Schmitt informed Mr. Yung that this site is directly in line with the landing and takeoff pattern for the Columbia County Airport and pilots will be exposed to this beam several times and the Planning Board needs to be assured that these beams will not have any hazardous impacts on them before they can vote to approve this use at this site. Rob Fitzsimmons stated that Planning Board member Virginia Ambrose emailed a question regarding a loading dock on the Site Plan and what it will be used for. Mr. Yung stated that the loading dock is currently part of the building and is used by the Habitat for Humanity business. Stephen King asked about a photo submitted showing the dishes visible from the front of the building which makes them taller than 35 feet. Mr. Yung answered that the dishes will not be above 35 feet as per Town of Claverack code but the photo shows the worst case scenario and the dishes in the photo are straight up and down which will not be the case because they have to be angled toward the satellite which will make the height shorter. George Schmitt instructed Mr. Yung to clarify what the dishes will look like at all angles.

Acting Chairman Scott Cole opened the meeting to the public hearing at 7:15 p.m. and with no comments the public hearing was continued pending submission of requested information. Mr. Yung was instructed to submit the requested information at least 15 days prior to the August meeting so that the Planning Board members have sufficient time to review the data.

Shulkin, Magic Hat Properties Special Exception/Site Plan Review: Tax Map #101 . – 2 – 2 .
112 Located at 37 Salerno Drive. Special Exception for Warehouse Use and Accessory
Apartment.

Mr. Shulkin was present for the application. Mr. Shulkin informed the Board that he was looking to purchase land in the Columbia County Commerce Park to build a new facility to house his business but was approached by Ken Flood who pointed him toward this existing property that was for sale. Mr. Shulkin informed the Board that the property consists of a 14,500 square foot warehouse type building, an 800 square foot office building and concrete bunkers. Mr. Shulkin continued that he plans to convert the warehouse into three separate areas to house a metal fabricator, woodworking business and also his own business to store furnishings to help people after a fire or other type of destruction to their home. Mr. Shulkin stated that he is installing firewalls to separate the building. Mr. Shulkin continued that he will renovate the 800 square foot office facility into an accessory apartment for his caretaker and plans to renovate the concrete bunkers into two levels with doors and staircases for storage. Joseph Singleton asked if the accessory apartment is for the caretaker for his business or one of the other businesses. Mr. Shulkin stated the accessory apartment is for the caretaker of his business only. Acting Chairman Scott Cole opened the public hearing at 7:20 p.m.

Question from audience member asking if residential structures like accessory apartments prohibited in the Commerce Park. Rob Fitzsimmons informed the Board and audience that accessory apartments and also multiple uses on one site are allowed in the Commerce Park. George Schmitt reviewed the SEQRA for the Board.

Motion to issue a negative declaration with regard to SEQRA was made by Joseph Singleton with a second from Stephen King. All members were in favor. Motion carried.

Motion to grant the Special Exception/ Site Plan Review for a commercial warehouse use and accessory apartment as portrayed in the application was made by Stephen King with a second from Judy Zink. All members were in favor. Motion carried.

Application was stamped and signed and final fees for mailing abutter notices were paid.

Hess, Kenneth John/ Trillium Acres LLC Subdivision: Tax Map #122 – 01 – 78. Located at 248 Roxbury Rd. Subdivision of 112 acres.

No Show

Starkes Family Trust Boundary Line Adjustment: Tax Map #(SBL) 120 – 03 – 1 – 70 . 2 & 120 – 03 – 1 – 70 . 69 & 120 – 03 – 1 – 70 . 71 & 120 – 03 – 1 – 70 . 86 Located at 13 Starkes Place. Boundary Line Adjustment to combine four parcels of 6.862 acres into two parcels containing 6.862 acres.

Barbara Robinson was present for the application and submitted a letter granting her the ability to represent Mr. & Mrs. Starkes. Mrs. Robinson informed the Board that her parents are seeking to combine 4 separate parcels into two parcels to clean up several years of issues. Joseph Singleton asked how this was classified at the June meeting. Rob Fitzsimmons answered that the applicants presented their plan at the June meeting and it cleans up a lot of issues with the property and makes things much better and it was classified as a Class 1 Boundary Line Adjustment. Acting Chairman Scott Cole opened the meeting to public hearing at 7:30 p.m. No comments were heard. Public hearing was closed at 7:31 p.m.

George Schmitt reviewed the SEQRA for the Board.

Motion for a negative declaration with regard to SEQRA was made by Judy Zink with a second from Stephen King. All members were in favor. Motion carried.

Motion to approve the Class 1 Boundary Line Adjustment was made by Joseph Singleton with a second from Stephen King. All members were in favor. Motion carried. 5 maps were stamped and signed. Mrs. Robinson paid final fees of \$150.00

NEW APPLICATIONS FOR 7/6/16:

Cheffo, Mark & Beverly Special Exception: Tax Map #(SBL) 102 . – 1 – 1 Located at 313 Gahbauer Rd. Special Exception for remote/ground mounted solar array.

No Show.

Smith, Patrick Milling Special Exception/Site Plan: Tax Map # 112 . – 1 – 3 . 111 Located at 623 Fish & Game Rd. County Rte. 18. Special Exception/Site Plan Review for the renovation of an existing barn into a caretaker dwelling.

Brian Vosburgh was present for the application. Mr. Vosburgh is the general contractor for the proposal. Mr. Vosburgh informed the Board that his client is seeking to renovate the basement of the barn which has already had renovations on the main floor. Mr. Vosburgh informed the Board that the main floor of the barn is a wide open space with couches and chairs which Mr. Milling Smith uses for his personal entertainment when he has house guests. Mr. Vosburgh continued that Mr. Milling Smith is seeking to renovate 1,121 square feet in the basement of the barn to

have for his caretaker dwelling and another 579 square feet for storage of outdoor furnishings and pool items. Mr. Vosburgh added that Mr. Milling Smith is also adding a fireplace in the main floor entertainment area. Mr. Vosburgh continued that the renovation is only for 1,121 square feet for the caretaker dwelling so it is within the allowed size per code. Mr. Vosburgh informed the Board that Town of Claverack Building Inspector Stan Koloski has reviewed the plans and has asked for push out doors to be added to the main floor for emergency egress in case of a fire. George Schmitt asked if the septic has been designed for this purpose. Mr. Vosburgh answered that Mike DeRuzzio from the Columbia County Department of Health was out to the site last week and perk testing was completed and he is waiting for the CCDOH approval but Mr. DeRuzzio told him that the existing septic system would be adequate. Mr. Vosburgh informed the Board that he will be using all fire code sheetrock for the renovation. Motion to classify as an unlisted for purposes of SEQRA, accept the application as complete and set public hearing for August 1, 2016. Mr. Vosburgh was instructed to obtain a public hearing notice sign from the Town office and set the sign out at the end of the driveway for the property at least two weeks prior to the meeting date. Mr. Vosburgh was also instructed to submit the letter from the CCDOH when received directly to the TOC engineer George Schmitt.

INFORMAL:

Conrad Coons was present for an informal presentation which will amend his previously approved Site Plan for the storage units on NYS Rte. 23 in Craryville. Mr. Coons reviewed for the Board that he is shortening the width of the driveways in order to add a 6th building on the end of the last row. Rob Fitzsimmons stated that this looks like a minor modification to the original Site Plan. George Schmitt asked if there is any change in the storm-water and to look at the grading elevations on the map because they appear to be incorrect. George Schmitt also informed the applicant that he needs to have the new retaining wall added to the maps since this is not shown. Rob Fitzsimmons asked the Board if they felt that this was a minor enough change to the original plan that they could just vote at the next meeting instead of holding a public hearing. Joseph Singleton asked Mr. Coons if he has planted the trees for the neighbor that had concerns about the lights from the property. Mr. Coons stated that he is waiting to plant until the building is complete and then he will meet with the neighbor to discuss where he would like trees planted. Mr. Coons continued that the addition of this building will also mitigate the lighting issue. All of the members of the Board felt that this was a minor change and there was no need for a public hearing. George Schmitt added that he will need documentation that there is no need for modification of the storm-water plan.

Philip Massaro, surveyor for the Genito family was present with a second informal review. Mr. Massaro informed the Board that his clients are seeking to subdivide approximately 3.5 acres from their 40+/- acres located off of NYS Rte. 9-H. Mr. Massaro continued that the Genito's will retain the 3.5 acre parcel which will contain their home and will sell the remaining property to a farmer that is interested in growing organic garlic. Mr. Massaro informed the Board that the only problem for which he is seeking guidance is that there is only 50.9 feet of roadway frontage so he is proposing a 50 foot right of way for access to both parcels but the right of way would be deeded to the agricultural parcel with the Genito's allowed to use it for access. Mr. Massaro informed the Board that this is a hardship because the entire parcel only has a 50 foot right of way currently. Rob Fitzsimmons informed Mr. Massaro that this proposal would not fly because the right of way should be with the Genito parcel giving access to use the right of way to the agricultural use. Joseph Singleton asked about a conservation easement with restrictions on further development. Rob Fitzsimmons answered that would be a good idea to restrict future

building on the agricultural parcel. Board members deferred the applicant to the ZBA with condition that future building on parcel B would be restricted and allow for right of way for parcel A with access granted to the purchaser of parcel B. Joseph Singleton stated that deed restrictions should be written that if the agricultural use ceases to exist and the owner sells the parcel to someone else and future development could be reinstated pending the right of way be turned into a TOC dedicated roadway. Board members sent Mr. Massaro to meet with the Town of Claverack Building Department to file an application with the Zoning Board of Appeals.

Motion to adjourn the meeting was made by Judy Zink with a second from Joseph Singleton. All members in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,
Jodi Keyser, Secretary