

**TOWN OF CLAVERACK  
PLANNING BOARD  
Minutes: March 7, 2016**

**Chairman Brian Goodrich called the March 7, 2016 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.**

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

**Absent: Judy Zink**

**Correspondence: Dutchess County Planning Federation training information**

**Board members reviewed the minutes of the February 1, 2016 meeting.**

**Motion to approve the February 1, 2016 minutes was made by Scott with a second from Virginia Ambrose. All members were in favor. Motion carried.**

**CONTINUING APPLICATIONS FOR 3/716:**

**Newsome, Jack & Louise dba State 11 Distillery:** Tax Map # 121 . – 1 – 73 Located at 284 NYS Rte. 23. Special Exception for a farm distillery.

Secretary Jodi Keyser was notified via email from the applicant Sophie Newsome that they were awaiting further information and would not be attending the meeting and wished to be continued.

**Columbia Greene Humane Society Special Exception Revision:** Tax Map #(SBL) 100 . – 1 – 03 Located at 111 Humane Society Rd. Special Exception Revision of a previously approved Special Exception for the addition of a new building for a veterinary clinic and animal shelter.

Ron Perez informed the Secretary that they would not be attending the meeting and were awaiting further information on funding and sound study but asked to be continued. Rob Fitzsimmons emailed Ms. Sadofsky to inform her that the applicant would not be attending the meeting.

**Verizonwireless LLC /Town of Claverack Special Exception:** Tax Map #(SBL) 120 . – 1 – 23 Located at Old Lane and Water Tower Rd. Special Exception for the installation of a new telecommunication antenna on the Town of Claverack Water Tower.

Scott Olsen was present for the application. Mr. Olsen supplied copies of the mailing to the abutters for the file. Mr. Olsen gave the Board a brief overview of the application which is seeking to erect a telecommunication antenna onto the Town of Claverack's water tower. Mr. Olsen informed the Board that he was before this Board previously with an application to construct a telecommunications tower at the Barnard property on NYS Rte. 23 but that plan was abandoned with this project. Mr. Olsen informed the Board that he looked into the generator information as requested. Mr. Olsen informed the Board that the generator for the telecommunication tower will run on diesel which will be held in a 54 gallon double lined tank with a leak detection monitor between the walls that will alert management if a leak were to happen. Mr. Olsen continued that a removal bond of \$45,000.00 is being drawn up by legal to reclaim the water tower as was. Gretchen Stearns asked if the antenna will be higher than the water tower. Mr. Olsen informed the Board that the antenna will be as high as the hatch on the top of the tower so it will not sit at all above the tower. Chairman Goodrich asked if the antenna was going to be painted the same color as the water tower. Mr. Olsen informed the Board that if they would like the antenna the same color as the water tower that is not a big deal. Rob Fitzsimmons asked what the coverage area would be from the new antenna. Mr. Olsen answered that the coverage area is planned along NYS Rte. 9-H, NYS Rte. 23-B and NYS Rte. 23 but the Red Mills area is still a problem. Virginia Ambrose asked if the reason for relocating on the water tower is to cut costs. Mr. Olsen stated no it was due to the historic impacts. Rob Fitzsimmons informed the Board that the TOC Zoning Code cites that telecommunication antennas should co-exist if possible. Mr. Olsen informed the Board that the water tower site does not have any visual impacts. Chairman Goodrich stated that the water tower was built with an intent that a telecommunication antenna might want to rent area. Mr. Olsen

informed the Board that the engineering experts search out sites for future antennas and found that the water tower is not an ideal site but it is a good site. George Schmitt asked if the applicant had written a removal bond. Rob Fitzsimmons stated that the applicant would need to enter into a removal bond with the Town of Claverack before they apply for a building permit.

Chairman Goodrich opened the meeting to the public hearing at 7:15 p.m.

Katy Cashen asked about the other telecommunication towers in the area. Mr. Olsen stated that there are two other Verizon sites, one at Forrest Lake and the other on Snyder Rd. Mr. Olsen stated that there are also future sites but he was not sure of their location. Gretchen Stearns asked if there was a plan for a tower in Taghanic. Mr. Olsen informed the Board that they are working on a telecommunication tower now in Livingston but it is not yet under ZBA review. Chairman Goodrich read letters from David Armstrong and Raj Kumar with concerns about the historical buildings close to the proposed antenna and for health concerns from the antenna. Chairman Goodrich closed the public hearing at 7:19 p.m.

George Schmitt reviewed the SEQRA for the Board.

Motion to grant a negative declaration with regard to SEQRA was made by Joe Singleton with a second from Scott Cole. All members were in favor. Motion carried.

Motion to grant a Special Exception Permit for a telecommunication antenna to be added to the Town of Claverack Water Tower with conditions that a removal bond be presented prior to construction and for the antenna to have a color as close to the water tower as possible was made by Gretchen Stearns with a second from Joe Singleton. All members were in favor. Motion carried.

Maps were stamped and signed.

### **NEW APPLICATIONS FOR 3/7/16:**

**Calhoun/Gibson and Carney Boundary Line Adjustment:** Tax Map #(SBL) 132 . 01 – 01 – 01 & 132 . 01 – 01 0- 05 Located at 71 County Rte. 16. Boundary Line Adjustment of .38 acres.

Dan Russell was present to represent the application. Mr. Russell informed the Board that his clients Mr. Calhoun and Mr. Gibson own approximately 17.74 acres and their driveway uses an easement over Ms. Carney's property. Mr. Russell continued that his clients would like to own their driveway and would in turn give Ms. Carney the same amount of property from a portion of their property. Mr. Russell informed the Board that he understands that this would not give the properties the required frontage. Mr. Russell continued that the frontage is currently a pre-existing non-conforming issue for the parcels and this boundary line adjustment would make the Calhoun/Gibson parcel less of a non-conforming issue. Gretchen Stearns informed Mr. Russell that the Planning Board cannot allow making a non-conforming parcel worse. Chairman Goodrich asked if the applicant would consider a shared driveway. Mr. Russell answered that his clients do not want to share a driveway. Rob Fitzsimmons informed Mr. Russell that the Planning Board cannot grant an approval on the application without an Area Variance from the TOC Zoning Board of Appeals. Mr. Russell will meet with TOC Building Department's Stan Koloski to begin the application process for an Area Variance. Board members didn't feel that this Boundary Line Adjustment would make the parcels any worse.

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

Mr. Tom Yung was present to represent the applicant, Mr. Joy. Mr. Yung informed the Board that he is the manager of the Habitat for Humanity building and the owner of the building, Tom Joy is seeking to install two 9 meter satellite dishes in the back of the building. Mr. Yung informed the Board that the owner of the building purchased the building to house his car collection. Mr. Yung continued that when the purchase was completed he found out from the TOC Building Department that there were several violations left by the previous owner. Mr. Yung continued that Mr. Joy then cleaned up the violations to house his classic car collection. Mr. Yung continued that Mr. Joy found that the location was a prime location that was in need of his satellite dishes hence the application.

Mr. Joy, the owner of Hudson Valley Classic Motors is also the owner of Asia Broadcast Satellite and the satellite dishes will be of beneficial use by the ASB Company. Mr. Yung continued that the satellite dishes will not be higher than the building and will be shielded from view with shrubs and trees. Mr. Yung informed the Board that Mr. Joy runs a telecommunications exchange business. Mr. Yung continued that the TOC Zoning Law does not address satellite dishes. Gretchen Stearns informed the Board that the TOC Zoning Law referring to ground mounted solar panels could be used. Gretchen Stearns continued that the satellite dishes should be shielded from view as much as possible without being obtrusive. Mr. Yung informed the Board that the company is required to apply for permitting from the FCC & FAA. Joe Singleton asked the business purpose for the dishes and how they would be utilized. Mr.

Yung indicated that the dishes were not simply for receiving and then resending data but the data would be perhaps sent out from the location but he did not have all of the information. Joe Singleton and Board members raised concern as to how this data was to be carried offsite - and would it overwhelm the existing broadband capacity in Claverack. Mr. Yung was asked about on site power backup, data storage onsite, and additional infrastructure to support the proposal. Mr. Yung stated both the FCC and the FAA would have to approve the location. This was a very preliminary submission, The Board felt the applicant needed to come back with a full engineering proposal, and that the Board would have to engage special experts to review this submission and that the cost of that review should be borne by the applicant. George Schmitt informed the Board and Mr. Yung that the site plan maps that is provided in the review packet should not be reviewed by the Board because it is not an official engineering map. Mr. Schmitt informed the Board that the architectural drawing has been altered and is not a signed nor officially sealed drawing. Mr. Schmitt instructed Mr. Yung to contact Mr. Van Alstyne and have him make a new architectural drawing with the satellite dishes instead of modifying an existing drawing. Mr. Yung informed the Board that he will return with detailed information. George Schmitt informed Mr. Yung to have a professional engineer needs to justify how the projects fits within the Town of Claverack Zoning Code and within the community, if the project is viable, need to detail all infrastructure, and provide a written detailed narrative. George Schmitt instructed Mr. Yung to provide detailed information to the Board because the Board and the public will have questions. Mr. Yung acknowledged and will return with requested information and data.

#### OLD BUSINESS:

Rob Fitzsimmons informed the Board that the Town of Claverack Board will be making some small adjustments to the wellhead-protection overlay zone as described by Steve Winkley last month. Rob Fitzsimmons continued that the Town Board will be doing a full SEQRA review for making the area smaller and the Town of Greenport will be noticed of the action. Rob Fitzsimmons asked the Planning Board members if they had any questions. Gretchen Stearns asked if the Planning Board should write a letter of support. Rob Fitzsimmons informed the Board members that the area is within the commercial zone and the action is only changing the boundary line. Chairman Brian Goodrich asked if the Town of Claverack has the right to claim a wellhead-protection zone. Rob Fitzsimmons answered that the Town has the right to protect the wellhead area with regulations. Gretchen Stearns stated that she read through the allowed uses within the wellhead-protection overlay zone and was surprised to find about 40. Rob Fitzsimmons added that the Town needs to make sure that all uses have protectors in place to protect the wellhead overlay zone. Katy Cashen informed the Board that a letter would need to be sent by April 18<sup>th</sup>. Chairman Goodrich asked if a motion would satisfy.

Motion to show that the Town of Claverack Planning Board is in support of the local law #1 of the year 2016 to allow for the amendment of the wellhead protection overlay zone was made by Gretchen Stearns with a second from Virginia Ambrose. All members were in favor. Motion carried.

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 8:25 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary