

Approved 9/10/18

**Town of Claverack
Planning Board
Minutes: August 6, 2018
7:00 PM**

Chairman Scott Cole called the August 6, 2018 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Scott Cole, Virginia Ambrose, Stephen King, William Michael, Robert Vecchi, Jock Winch, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Absent with regrets: Gretchen Stearns

Board members reviewed the minutes of the July 2, 2018 meeting.

Motion to approve the July 2, 2018 minutes was made by Virginia with a second from Stephen King. All members were in favor. Motion carried. Minutes approved.

Correspondence: Chairman Cole informed the Board that the September meeting falls on Labor Day as usual. Chairman Cole asked the Board members to check their calendars to agree on a new date for the September meeting. Board members agreed to hold the September meeting on Monday September 10, 2018 at 7:00 p.m.

Finck Realty Partnership Site Plan Review: Tax Map #(SBL) 101 . – 1 – 73 Located at 811 Route 66. Site Plan Review for expansion/change of use for installation of three new signs on pumps in fueling area.

Eric Battis from Stationglow New England was present for the application. Mr. Battis informed the Board that his client is seeking to install advertisement waves in the gas pump area to advertise a new type of fuel, Synergy Moble. Mr. Battis continued that these new wave signs will not be illuminated. Stephen King informed the Board that he had visited the site earlier in the day and asked if these new signs replace any of the existing signs. Mr. Battis answered no the new signs do not replace any other signs and are placed alongside the pump on the pole. Stephen King then asked if the height of the signage above the pump. Mr. Battis informed the Board that the signs will be approximately 2 ½ feet above the pump between the pump and the column. Mr. Battis then informed the Board that his company has submitted two site plan designs and stated that the Board can agree on which one would be the best. Mr. Battis continued that the original plan shows only a blade type of sign attached to the pole/column without the arm. Robert Vecchi stated that the sign with the wave would actually be 130 inches high and 120 inches high off the curb. Stephen King stated that this is above the height that the TOC allows. Mr. Battis stated that the sign cannot be shortened because it will not clear the pump. William Michael asked if there will be 6 signs. Mr. Battis stated only one sign per pump and they are double sided. Stephen King stated that beside the height the TOC has a restriction allowing for only one ground mounted sign. Mr. Battis stated that the signs could just be a blade type of sign attached to the pole at each pump instead of the wave type of sign. Robert Vecchi stated that the only issue he has is the height. Chairman Cole stated that he liked the original submission with the blade type of sign. Virginia Ambrose agreed that the blade type of sign is less obtrusive. Stephen King stated that there are still issues with the height and the number of signs. Chairman Cole stated that the sign is attached not able to move. Robert Vecchi stated that if these signs are considered building signs then the height would not be an issue as it is with ground mounted signs. Virginia Ambrose stated that in her opinion the blade type of signs look nicer. Robert Vecchi agreed. Stephen King stated that the blade sign is also better because it will not allow for other signage to be attached to it. Virginia Ambrose asked why this is happening. Mr. Battis stated that Exxon Mobile has a new type of gas that they want to advertise, no new or additional pumps or anything else. Mr. Battis continued that the company requested the wave signs but will adhere to the wishes of the Town of Claverack Planning Board. Rob Fitzsimmons stated that if the Board likes the blade design the best then it is the way to go. Rob Fitzsimmons continued that he looked at the convenience store/gas station regulations and the blade sign fits the sign requirements and the TOC CEO did not make note of the size so it must be within the required amount.

Robert Vecchi made the motion to accept the originally submitted Site Plan for the blade type of signs and to set for public hearing on September 10, 2018 with a second from William Michael. All members were in favor. Motion carried.

Virginia Ambrose asked if the applicant should formally withdraw the second submitted application. Rob Fitzsimmons stated that the second submission was only a modification of the original submission and not an actual second application so no need to withdraw.

Rob Fitzsimmons informed the applicant's representative that they do not need a sign to notice the public hearing for a Site Plan.

Continued to September 10, 2018

Argelis Libasci/ John Libasci Boundary Line Adjustment: Tax Map #(s) 121 . 1 – 1 – 1 and 121 . 1 – 1 – 2. Located at 99 and 103 Old Lane Claverack NY.

Dan Russell was present for the applicants along with Argelis Libasci.

Rob Fitzsimmons informed the Board that this application is the first one under the new TOC requirements for Boundary Line Adjustments which allows for an expedited review and no public hearing.

Dan Russell informed the Board that this is just a reconfiguration of two lots between the parties and the existing shed will be moved within setbacks. Ms. Libasci informed the Board that the larger house will now have the pool on its property. Rob Fitzsimmons reviewed the new BLA requirements for the Board members and informed the applicant that the new deeds need to be filed and the maps need to be filed with the county. Rob Fitzsimmons continued that another part is that there is no need for a SEQRA review either. George Schmitt had no technical issues.

Motion to approve the Boundary Line Adjustment between Libasci & Libasci was made by Stephen King with a second from Jock Winch. All members were in favor. Motion carried. Maps were stamped and signed. Mr. Russell will file with the County Clerk's office.

Pulcher Transportation Site Plan: Tax Map # 120 . 2 – 1 – 4 and 120 . 2 – 1 – 10 Located at 405 NYS Rte. 23-B Claverack NY. Site Plan Review for the alteration and expansion of use of repair facility for a transportation terminal with non-residential signs.

Matt Gallagher of Freeman & Howard LLC was present for the application for Paul Freeman. Mr. Gallagher informed the Board that his client was contacted by TOC CEO Jay Trapp who noticed changes that were being done to the building and upon inspection informed the owners the business would need a Site Plan because it had expanded and changed the use that was previously approved. Mr. Gallagher continued that his client, Pulcher Transportation purchased the building from previous owner the late Varrick Stringham's estate with the understanding that the back was approved as a repair garage for COARC busses and the front was a dance studio. Mr. Gallagher stated that his client wishes to keep the repair garage to repair his fleet of busses and to change the front into office space. Mr. Gallagher informed the Board that there were issues with the boundary line which have been corrected and he understood that the previous owner was required to plant trees along the back boundary line which was not completed. Mr. Gallagher stated that his client will install a fence along the back to screen the neighbors. Mr. Gallagher continued that the previous owner had applied for a DOT permit and the curbing required by NYS DOT was installed. Rob Fitzsimmons informed the Board that this was a torturous application because it was a non-conforming use and the zoning line split the building which required the TOC to change the zoning line by moving the residential line out from the building. Rob Fitzsimmons continued that the late Mr. Stringham could not satisfy the NYS DOT and there were issues with signage and changing the uses all of the time from dance studio to furniture shop. Rob Fitzsimmons continued that the TOC finally took Mr. Stringham to court and he was convicted for not getting the NYS DOT approval. Rob Fitzsimmons reminded the Board that the neighbors were very involved with the previous Site Plan and requested screening along the back of the property to shield their views to which Mr. Stringham planted a few scrubby two-foot high bushes and called it a day. George Schmitt stated that he found no technical issues only the need for the NYS DOT approval on the curb cuts. Stephen King stated that he remembers that the site has a history of starting things and not completing them. Rob Fitzsimmons stated that TOC CEO Jay Trapp noticed new windows and doors were being installed and new signs which prompted him to visit the site because he had not granted a building permit for the site. Rob Fitzsimmons asked Mr. Gallagher if his client had obtained a building permit for the changes to the building. Mr. Gallagher answered yes they have applied for and received a building permit. Chairman Cole asked if the signs were within the allowed sizes. Mr. Gallagher informed the Board that the new signs were just

replacing the old signs. Rob Fitzsimmons reviewed the sign requirements from the TOC Zoning Laws and requested that Mr. Gallagher submit photos of the signs with their dimensions. Robert Vecchi informed the Board and applicant that the ground mounted sign is above the allowed height of 6 feet. Stephen King stated that in his opinion planting trees along the back boundary line would create a better screening than a fence because trees and shrubs grow and a fence doesn't create a good screen only a barrier. Mr. Gallagher stated that his client would install an 8 foot chain link fence with the green or brown lattice strips for privacy. Virginia Ambrose stated that trees and shrubs would be nicer for the neighborhood. Chairman Cole added that trees and shrubs would also fill in with time and stop the noise and dust from leaving the site. Stephen King suggested that the applicant consult with a professional landscaper for ideas. Chairman Cole stated that if the parking area were paved then a chain link fence would be sufficient in his opinion. Chairman Cole asked the owner of the neighboring business Claverack Service Station Skip Hover if there is an issue with dust from the site. Mr. Hover informed the Board that he was informed by the owner that the entire parking area was going to have item #4 gravel installed and the entrance/exit would be paved. Mr. Hover reminded the Board that there is an emergency access point from Webb Rd. that needs to be open for emergency access which may prohibit a fence unless it is gated somehow and originally the TOC Planning Board requested the late Mr. Stringham to install 4-foot trees along the back property line. Robert Vecchi stated that in his opinion a chain link fence is ugly to look at. Jock Winch suggested a wooden fence. Mr. Gallagher stated that he would take the options to his client and introduced the daughter of the owners Nadine Pulcher. Ms. Pulcher stated that a fence along the back property line would be faster because the trees would need to grow. Rob Fitzsimmons informed the applicant's representatives that it is clear that the TOC Planning Board members favor trees and shrubs over a fence and suggested that they start with trees that are a minimum of 4-feet or a wooden type of fence. Rob Fitzsimmons informed the applicant's representatives that their punch list of items requested by the Board are photos and dimensions of the signs and NYS DOT permit for the curb cuts. Robert Vecchi asked if the building will store any hazardous materials or junk vehicles because this could be an issue. Mr. Gallagher stated that this is a repair facility and the busses are only there for repair purposes not to be junked and no hazardous materials will be stored. No other Board questions.

Motion to accept the application and set public hearing for September 10, 2018 was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Motion carried. Mr. Gallagher was informed that the application lacked the list of abutters and addresses which are required for public notice. Mr. Gallagher will supply this list to the Planning Board secretary as soon as possible.

Shulkin Boundary Line Adjustment: Tax Map # 101 – 2 – 2 . 112 and 101 – 2 – 2 . 111 Located at 34 Salerno Drive. Boundary Line Adjustment to correct previous lot line mistakes based on fence locations.

Dan Russell was present for the application for Mr. Shulkin who is on vacation. Mr. Russell submitted a letter giving him permission to act on behalf of Mr. Shulkin. Mr. Russell informed the Board that when Mr. Shulkin purchased the former recycling business in the Columbia County Commerce Park there was an existing chain link fence. Mr. Russell continued that Mr. Shulkin assumed that the fence was on the property line but it was not on the boundary line and missed it by a mile. Mr. Russell continued that the property on the other side of the fence, between the fence and NYS Rte. 9-H is owned by Columbia County. Mr. Russell informed the Board that his client and Columbia County have reached an agreement of sale to fix the problem so that Mr. Shulkin will retain the property with making the boundary line where the fence is. Chairman Cole asked why the County is keeping the property between the fence and NYS Rte. 9-H. Mr. Russell and Rob Fitzsimmons answered that is to ensure that the business maintains access through the commerce park roadways and not Rte. 9-H and for future infrastructure. Stephen King asked if the owner plans to install a new fence. Mr. Russell answered no. Rob Fitzsimmons informed the Board that this BLA fixes the ills that were created 20 years ago when the prior owners moved the fence and then left the property which created an encroachment issue and the County wanted to clean it up as did the new owner. Rob Fitzsimmons continued that the current owner will need to file new deeds with the County. George Schmitt informed the Board that he found no technical issues.

Motion to approve the Boundary Line Adjustment between Magic Hat/Shulkin LLC and the County of Columbia was made by Jock Winch with a second from Virginia Ambrose. All members were in favor. Motion carried. Maps

were drawn on in color by Mr. Shulkin therefore they cannot be filed with the County. Mr. Russell will make new maps and drop them off to secretary Jodi Keyser for the Chairman to stamp and sign.

Chairman Cole stated that he had no new business but asked the Board members if they had anything they needed to discuss.

Stephen King stated that signage regulations regarding gas stations and ground mounted signs and advertising is not clear and asked if this would be looked at.

Robert Vecchi asked when are the revised Zoning Laws going to be updated in their books. Rob Fitzsimmons stated that he will ask Town Clerk Mary Jeanne Hoose to make copies of the updated items.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Motion carried. Meeting adjourned at 7:50 p.m.

**Respectfully submitted,
Jodi Keyser, Secretary**