

APPROVED 7/1/19

TOWN OF C, LAVERACK
PLANNING BOARD
MINUTES OF JUNE 3, 2019
7:00 p.m.

Chairman Scott Cole called the June 3, 2019 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Correspondence:

Chairman Cole informed the Board that he had received a Columbia County Natural Resources book from the Columbia Land Conservancy which is available for any Board member to read.

Training notice from the Columbia County Planning Department for 6/12/19.

Notice to the Board members inviting them to celebrate the life of former Building Inspector Stan Koloski who passed away a few months ago to be held on 6/23 at the Tri-Village Firehouse.

Motion to approve the minutes of the May 6, 2019 meeting was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried. Minutes approved.

CONTINUING APPLICATIONS FOR 6/3/19:

Store Master Funding VII/Pretium Packaging LLC: Tax Map #(SBL)123 . – 2 – 20 Located at 370 Stever's Crossing Rd. Site Plan Revision to existing approved Site Plan to install 2 new concrete pads to the existing 4 concrete pads, installation of 2 new silos to the new pads, potentially remove one existing silo and install a new silo at that site.

Mr. James Bell was present for the application. Mr. Bell reviewed the application for the Board. Mr. Bell informed the Board that he is the manager of Pretium Packaging and they are seeking a Site Plan Approval to install two new silos with concrete pads and to attempt to repair an existing silo but if it is not able to be repaired it would need to be replaced also. Mr. Bell stated that these silos hold pellets that are used in the manufacturing of containers for medical, cosmetic and other uses.

Chairman Scott Cole opened the meeting to public hearing at 7:10 p.m.

Steve Formel who owns and lives in the property across the street to the south of the plant stated that Pretium has always been a good neighbor keeping the area clean and maintained and he understands that the area is zoned commercial/industrial and so he understands that he will need to expect some commercial traffic in the area. Mr. Formel continued that he would like the Board to understand that County Rte. 11 is a tough roadway and there are several blind corners and curves especially close to the Pretium site. Mr. Formel informed the Board that traffic travels very fast on the roadway and due to the sharp curves and blind corners he has had several cars end up on his lawn. Mr. Formel wants the owners of Pretium to inform the commercial trucks that deliver and pick up from the site that the roadway is very difficult and that they need to be aware of the curves and speed for safety.

Tom Decker informed the Board that he lives to the north west of the facility and he is also concerned about the road conditions. Mr. Decker stated that he has had tractor trailer trucks over the yellow line into his lane of traffic because they cannot maneuver the corners. Mr. Decker continued that last winter he had to take evasive maneuvers into a snowbank to avoid a collision with a truck because it was traveling at a higher than allowed speed and coming around the corners at the overpass. Mr. Decker

stated that he did turn around at that time and followed the truck to confront the driver but had no results. Mr. Decker stated that he also has gone right to Pretium to speak to someone regarding the truck traffic but only spoke to a lady at the desk who could not help him. Mr. Decker stated that he is worried that if Pretium is allowed to increase the size of the silos there will be even more truck traffic on the roadway.

Mr. Bell answered that the plan is not to make things bigger or produce more product it is to be able to buy the pellets in bulk to eliminate the boxes of pellets that take up too much room in the plant. Mr. Bell stated that this will cut down on the number of trucks delivering pellets too. Mr. Bell informed the Board that the truck traffic might add one more truck per month at most.

Mr. Decker informed Mr. Bell that he is not happy with the situation and feels that when he has an issue there isn't anyone to speak with about it. Mr. Bell gave Mr. Decker his business card and told him to contact him anytime with concerns. Mr. Bell stated that he wants to be a good neighbor. Mr. Bell also stated that the GPS systems have traffic going through the Village of Philmont which doesn't help the traffic issue either and he has informed the drivers not to use this route. Mr. Bell agreed that the roadway with the curves and blind corners is an issue but drivers need to be aware of also and to use caution. Mr. Decker stated that Mr. Bell is telling him to watch out. Mr. Bell answered everyone who drives is responsible to watch out for other cars and trucks. Mr. Bell continued that his is sympathetic to the neighbor's concerns but it has no control over the trucking companies. Chairman Cole informed the Board and applicant that he was in the trucking industry for 20 years and Mr. Bell is correct that he does not have any control over the trucking companies. Chairman Cole stated that the pellets come into the plant through a shipping provider not Pretium itself and then when product orders are filled it is the purchasing company that sets up a pick-up of their order not Pretium either. Mr. Formel stated that maybe Mr. Bell could pass the concerns of the roadway onto his customers that could relay the roadway issues onto their drivers. Mr. Decker stated that the NYS Police, CC Sheriff's office and Philmont police should be aware of the trucks on this road also.

No further comments Chairman Cole closed the public hearing at 7:20 p.m.

No comments from George Schmitt or Rob Fitzsimmons. Board members had no further questions.

George Schmitt reviewed the SEQRA Part II for the Board.

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

Motion to approve the Special Exception for the installation of two new silos with concrete pads and to try to repair an existing silo but if not able to be repaired then will replace with a new silo was made by Alberta Cox with a second from Stephen King. All members were in favor. Motion carried.

Mr. Bell paid mailing fees of \$4.95 in cash.

NEW APPLICATIONS FOR 6/3/19:

Hudson Greys LLC Subdivision: Tax Map #(SBL) 132 . - 2 - 50 & 29.11. Located at NYS Rte. 23 and Old Barrington Rd. Subdivision of 52.06 acres into 3 parcels of 11, 5 acres, 12.03 acres and 28.53 acres respectively.

Dan Russell was present for the application. Mr. Russell informed the Board that this property is in Hollowville at the intersection of Theilman Rd. and Old Barrington Rd. and is currently two separate parcels. Mr. Russell continued that his client is seeking to merge the two parcels then subdivide the

property into three separate parcels. Mr. Russell stated that the proposed driveway will access Old Barrington Rd. instead of NYS Rte. 23 due to the steep grade. Mr. Russell stated that the driveway will serve all three parcels as a shared driveway. Mr. Russell continued that Parcel #2 has frontage on Old Barrington Rd. but it was decided to not create a driveway access to avoid wetlands. Virginia Ambrose stated that she knows the area very well living very close and knows that there are deed restrictions on the property. Mr. Russell answered yes, he found them when researching the property. Mr. Russell stated that the deed restrictions state that if the property were ever to be merged into one parcel of 31.45 acres it could only contain one residence but if both parcels were ever sold the property could hold a total of three residences. Stephen King asked who would be maintaining the driveway. Mr. Russell informed the Board that the applicant's attorney Andrew Howard has prepared a driveway maintenance agreement and all three property owners will have a part of the maintenance upkeep and snow removal shared between them. Rob Fitzsimmons informed the Board that the survey/subdivision maps have a note referring to the driveway maintenance agreement so that prospective buyers and owners are aware. Dan Russell stated that he has read the review letter from George Schmitt and will go over the points for the Board. Mr. Russell stated that he will comply with the wetlands delineation and will generate an erosion and sedimentation plan. Mr. Russell stated that the table on the map has the shared driveway agreement and he will supply a copy of the actual agreement for the file. Mr. Russell asked the Board to waive the CC DOH perk testing approvals, which he knows the Board has agreed to in the past because of the size of the parcels there will be someplace that will perk. Mr. Russell continued that as part of the building permit a CC DOH permit is required anyway. Rob Fitzsimmons informed the Board that this is customary to do because of the size of the parcels there will be someplace that will allow for some type of septic system. Rob Fitzsimmons asked Virginia Ambrose what types of soils are in the area. Virginia Ambrose stated that the area is mostly clay and septic systems are doable but would be specialized. George Schmitt stated that he has had a conversation with Mr. Russell and understands the feeling that due to the large lot sizes a septic system is doable someplace on each parcel but it isn't as simple as no need to look at a septic system but in his opinion a complete slopes and soils review needs to be done. George Schmitt stated that the Planning Board waiving the perk testing is not applicable because the purchaser will need to meet the conditions of the CC DOH prior to receiving a building permit. Dan Russell stated that he wants to leave this open in case the house sites change on the parcels but he will add a note to the subdivision maps stating that the owner cannot obtain a certificate of occupancy without a CC DOH permit and is requesting that the perk testing be waived for the subdivision approval. All Board members were in agreement to waive the perk testing. Mr. Russell stated that the topography mapping is almost complete and he will send this to George Schmitt as soon as possible for review. Mr. Russell stated that there isn't any part of the driveway with a slope over 8%. Mr. Russell continued that the driveway is 2400 feet long with pull offs and turn arounds that meet NYS residential fire codes. Chairman Cole asked Mr. Russell if he intends for a fire company to run hoses the entire 2400 feet plus if there is a fire at the last house. Mr. Russell stated that he would assume that tankers and portable ponds would be set up. Virginia Ambrose asked where they think that the fire companies would get water from. Mr. Russell stated that the driveway would adequately support emergency vehicles. George Schmitt stated that he will need the driveway slope and grading for runoff. Mr. Russell stated that he will complete the erosion and sediment control plan. Mr. Russell will place a note on the map that the abandon roadway will not be used. Rob Fitzsimmons stated that he would be ok with that note that NYS DOT will not open and use the abandon part of Theilman Rd. Chairman Cole stated that this note will prevent someone from asking for the roadway to be reopened in the future. Mr. Russell addressed item #10 asking for future plans for the parcels. Mr. Russell continued that there are no future plans other than the subdivision at this time and if the parcels are sold the purchaser will have to comply with everything. Mr. Russell stated that he

understood that the perk testing would only be waived until the parcels are sold and then perk tests would be required.

Rob Fitzsimmons stated that he felt that the application is ok to go forward. Virginia Ambrose informed Mr. Russell that the Gertens no longer own the property as shown on the map. Mr. Russell stated that he will look into the abutters.

Chairman Cole asked the Board members if they had any further questions. No further questions.

Motion to accept the application, classify the application as a Minor 3 lot subdivision, waive the perk testing with note on the maps indicating perk testing to be done at time of building and to set the public hearing for July 1, 2019 was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Motion carried.

Mr. Russell informed the Board that he will add the topographical data to the maps. Mr. Russell asked for the final fee. Will be determined prior and emailed to Mr. Russell. Mr. McNamee will not be available for the July meeting.

NEW BUSINESS:

Rob Fitzsimmons informed the Board that the Town of Claverack is reviewing potentially enacting a hotel law for hotels that house sex offenders like the Yorkshire Hotel on NYS Rte. 23. Town Board member Stephen Hook informed the Planning Board members that he has researched this law in other towns and in the state and found that a hotel/motel must register with the town and can only house 2 Level 3 sex offenders at a time. Stephen Hook continued that the Town of Schodack recently passed this law. Mr. Hook stated that the Yorkshire Hotel has been used for years by CC Social Services for homeless now they are housing sex offenders too. Stephen Hook continued that the establishment must post an 11" by 17" sign at their front desk that informs everyone that they house level 3 sex offenders. Mr. Hook stated to his knowledge this has not been challenged yet and he will get a copy of the Town of Schodack's law. Rob Fitzsimmons informed the Board that the Town Board is also working on a draft solar law too. Virginia Ambrose stated that when she worked as a school counselor the school would get a notification that a sex offender was living within the school area but they were short term then moved on. Stephen Hook answered that sex offenders are being housed long term.

Stephen King informed the Board that he is a member of the CC Office for the Aging and at a recent meeting they were informed from Cornell Cooperative Extension that this is going to be one of the worst years for ticks in this county. Mr. King continued that Olana was found to be one of the worst spots. Mr. King stated that rabies is a big concern too especially along Roxbury Rd.

Motion to adjourn the meeting was made by Stephen King with a second from Robert Vecchi. All members were in favor. Motion carried. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Jodi Keyser, Secretary