



Columbia County, New York Planning Board

Meeting Minutes – 21 August 2012

Members Present

Alice Platt
 Cheryl Gilbert
 Arthur Koweek, *Vice - Chair*
 Larry Saulpaugh
 Steve J. Savarese
 Deborah Shakotko
 Timothy Stalker, *Chair*
 George Super

Staff Present

Patrice O. Perry, *Senior Planner*

Guests

Tom Garrick, Supervisor
 Town of Gallatin
 Chris Ciolfi, Mariner Tower

Members absent-Notified

John V. Florio, Jr.

CALL TO ORDER and APPROVAL OF MINUTES

Chairman Timothy Stalker called the meeting to order at 6:30 PM. Chairman Stalker opened the floor to the CCPB for any changes to the 17 July 2012 meeting minutes. George Super motioned to approve. Deborah Shakotko seconded. Vote: All in favor.

NYS GENERAL MUNICIPAL LAW §239-l, §239-m REFERRALS

1. #12-038 – Town of Kinderhook Town Board

Proposed Local Law No. 3 of the year 2012

Proposed Local Law No. 3 of the year 2012 amending sections of Chapter 215, Article II and, Chapter 250, Article V of the Town of Kinderhook Code.

Recommendation: no apparent significant county wide or inter-community impact

Comments: None

Motion: Tim Stalker Second: Steve Savarese

Vote: #12-038

REGION	MEMBER	AYE	NAY	ABST.	NOT PRESENT
1	Cheryl Gilbert		X		
2	Timothy Stalker	X			
3	Deborah Shakotko	X			
4	John V. Florio, Jr.				X
5	Arthur Koweek	X			
6	Larry Saulpaugh	X			
7	Alice Platt	X			
8	Steve J. Savarese	X			
At Large	George Super	X			
	TOTAL	7	1	0	1

2. #12-039 – Town of Stockport Town Board

Proposed adoption of the Local Law(s) Amending the Zoning Law of the Town of Stockport

Recommendation: no apparent significant county wide or inter-community impact

Comments:

The CCPB notes that the intent of these proposed amendments is to fulfill the requirement of updating the zoning in order to incorporate the goals and recommendations of the proposed comprehensive plan. The following comments are offered for consideration:

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1. Sections references: Certain sections of the proposed zoning cross-reference other provisions of the draft zoning. It is suggested that the following be reviewed and revised accordingly:
 - §120-16. B. Permitted projections; architectural features. There is reference to §120-36.4, which is missing from the draft zoning.
 - §120-20.2. Residential (R) District (1) Building Placement and Build-to-Line. Verify the reference to "Section 16".
 - §120-20.2. B. Design Guidelines for the Residential District, (8). Clarification is necessary to the reference, "...the traditional character of Altamont."
 - §120-20.3. (7) Monitoring Lot Splits c). Verify §120-20.1(A) which is referenced as pertaining to calculations of "density allotments".
 - §120-20.6. B. Density Calculation. Verify the reference to §120-20.1.
 - §120-67.A. Issuance of building permits (1). Verify the section reference to §120-16C.
2. Accessory Uses and Structures:
 - Coordinate §120-16. B. Accessory structures, where accessory structures "...*may be located in any side or rear yard, subject to the limitations stated in §120-36.4.*", with §120-36.1 Accessory Uses and Structures, A, (1), which reads, "*All accessory buildings or structures shall meet all side and rear setbacks.*" Also, as previously noted §120-36.4 was not found in the draft zoning.
 - Coordinate setback requirements found in §120-36.1 Accessory Uses and Structures, with §120-20.1, E. Accessory structure setback, rear.
 - Suggest review of provisions related to portable structures, specifically subsections §120-36.1A. (2) and §120-36.1 A. (10).
3. Build-to-line: The term "build-to-line" is found in §120-20.1. Hamlet (H) District. C. and §120-20.2. Residential (R) District. B. (1). It is suggested that a definition of "build-to-line" be added to §120-4. Word Usage; definitions, and coordinated with the definition of "front yard" and the Schedule of Area and Bulk Regulations. Also, "minimum and maximum front yard setbacks" are set forth which need to be established.

§120-20.1.C. reads,

C. Build-to line. Each street shall be designed with a uniform build-to line that shall establish the front yard setback for the lots on the block. The function of the build-to line is to form a distinct street edge and define the border between the public space of the street and the private space of the individual lot. The build-to line shall fall between the minimum and maximum front yard setbacks. In areas of existing development where existing buildings fall within the minimum and maximum front yard setbacks, the build-to line shall be designed to create the greatest uniformity on the block. In areas of existing development where existing buildings do not fall within the minimum and maximum front yard setbacks, the build-to line shall be designed as the closest line within the minimum and maximum front yard setbacks so as to create as much uniformity on the block as possible.

The use of "build-to-line" is also found in §120-20.2. Residential (R) District. B. (1). As previously noted the reference to "Section 16" requires revision.

§120-20.2. B. (1) reads,

(1) Building Placement and Build-to-Line. Buildings shall define the streetscape through the use of setbacks along the build-to-line for each block, as defined in Section 16. A minimum of 80% of all buildings on the block shall conform to the build-to-line with the remaining 20% allowed to vary by being

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further setback no greater than 75% of the distance from the right-of-way to the build-to-line. Of the 20%, buildings shall be allowed to come forward of the build-to line by no greater than 25% of the distance between the right-of-way and the build-to-line.

4. Special Use Permit: Coordinate §120-40. Costs Related to Review, Expiration, and Revocation, with §120-43. Expiration of permit.
5. Mobile Homes: Based on provisions set forth in the Table of Use Regulations, a Special Use Permit is required for an individual Mobile Home in both the Residential (R)-district as well as the Rural Residential (RR) district. Clarify if the standards found in §120-39. B. Individual mobile homes in RR District, apply to individual mobile homes in both residential districts or only in the RR district.
6. Agriculture: Portions of Columbia County Agricultural Districts #5 and #10 lie within the town of Stockport (<http://cugirdata.mannlib.cornell.edu/pdf/agCOLU2010.pdf>). The proposed zoning includes new provisions related to agricultural uses within the Town. It is suggested that consideration be given to voluntarily requesting the New York State Department of Agriculture and Markets (NYSDAM) review the proposed zoning to determine if these provisions are compatible with farm operations or if they would unreasonably restrict farm operations. In addition, NYSDAM issues guidance documents for review of local laws. These may be found on the NYSDAM website, <http://www.agriculture.ny.gov/AP/agservices/agdistricts.html>.

One guidance document in particular may be beneficial to consider in relation to the setback requirements set forth in §120-39. W. Domestic Animal Agricultural Use. The NYS Department of Health (NYSDOH) has established standards for minimum setbacks between new water wells and barnyards, silos, animal pens and storage areas for a manure pile. These are identified in document titled, [Guideline for Review of Local Laws Affecting Nutrient Management Practices \(i.e. Land Application of Animal Waste, Recognizable and Non-recognizable Food Waste, Sewage Sludge and Septage, Animal Waste Storage/Management\)](http://www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-a%20Nutrient%20Management%20Guidelines.pdf), which may be found through the following link: <http://www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-a%20Nutrient%20Management%20Guidelines.pdf>

Motion: Alice Platt Second: Larry Saulpaugh

Vote: #12-034

REGION	MEMBER	AYE	NAY	ABST.	NOT PRESENT
1	Cheryl Gilbert	X			
2	Timothy Stalker	X			
3	Deborah Shakotko	X			
4	John V. Florio, Jr.				X
5	Arthur Koweek	X			
6	Larry Saulpaugh	X			
7	Alice Platt	X			
8	Steve J. Savarese	X			
At Large	George Super	X			
	TOTAL	8	0	0	1

3. #12-040 – Village of Chatham Village Board of Trustees

Repeal Local Law No. 1 of the year 2012, A Local Law amending the table of Use Regulations under Chapter 110 of the Code of the Village of Chatham.

Recommendation: no apparent significant county wide or inter-community impact

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Comments: None

Motion: Larry Saulpaugh Second: Deborah Shakotko

Vote: #12-040

REGION	MEMBER	AYE	NAY	ABST.	NOT PRESENT
1	Cheryl Gilbert	X			
2	Timothy Stalker	X			
3	Deborah Shakotko	X			
4	John V. Florio, Jr.				X
5	Arthur Koweek	X			
6	Larry Saulpaugh	X			
7	Alice Platt	X			
8	Steve J. Savarese	X			
At Large	George Super	X			
	TOTAL	8	0	0	1

4. **#12-041– Town of Gallatin Planning Board**

Mariner Tower II, LLC – Special Use Permit

Special Use Permit required to construct a Public Utility/Transmission Tower, Personal Wireless Service Facility. The tower is located off Wilmer Road in the Town of Gallatin, NY.

Supervisor Tom Garrick spoke in support of the proposal as the proposal is in compliance with the Town of Gallatin zoning, requiring no variances.

Recommendation: APPROVAL

The CCPB finds that this proposed action will likely have significant county-wide or intercommunity impacts associated with it specifically in terms of “public convenience....and maintaining a satisfactory community environment” (General Municipal Law §239-1). Columbia County development policies support the continuation and expansion of telecommunications service in the county. The issuance of the Special Use Permit will allow integration with AT&T’s network and connection with existing telecommunications service facilities as well as those currently in development stages in the Towns of Copake and Gallatin. The telecommunications facilities will provide service in the Town of Gallatin and surrounding communities, impacting users in multiple towns, and will provide coverage in areas with identified gaps.

It is expected that the construction of this facility will contribute to the efficiency of the emergency services communications network and may provide tower space to Columbia County E911 for use rent free. In the future the tower will host shared facilities, with multiple service providers co-located on a common telecommunications facility. The proposed tower is located in close proximity to the municipal boundary between the Towns of Gallatin and Ancram. This use is allowed by the Town of Gallatin zoning and is in keeping with the Town of Ancram land use laws. Therefore, the CCPB recommends that the Town of Gallatin Planning Board approve this Special Use Permit. The Gallatin Planning Board may take final action with a simple majority vote.

Motion: Cheryl Gilbert Second: Arthur Koweek

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Vote: #12-041

REGION	MEMBER	AYE	NAY	ABST.	NOT PRESENT
1	Cheryl Gilbert	X			
2	Timothy Stalker	X			
3	Deborah Shakotko	X			
4	John V. Florio, Jr.				X
5	Arthur Koweek	X			
6	Larry Saulpaugh	X			
7	Alice Platt	X			
8	Steve J. Savarese	X			
At Large	George Super	X			
	TOTAL	8	0	0	1

EXEMPT ACTIONS - proposed actions exempt from mandatory referral NYSGML §239-m.3. (c)
None

OLD BUSINESS

NEW YORK PLANNING FEDERATION (NYPF):

Chairman Timothy Stalker reminded members that the annual conference is scheduled for April 21-23, 2013 at the Gideon Putnam in Saratoga Springs, NY.

CCPB NOMINATIONS

Member terms expiring 12/31/12 are: Cheryl Gilbert, Timothy Stalker and George Super. Patrice Perry sent out memos to Supervisors seeking nominations and Chairman Stalker intends to follow-up with supervisors.

NEW BUSINESS

NYSDOS TRAINING:

Patrice Perry is working with Greene County and NYSDOS to schedule a Fall 2012 land use training session. The possible dates are 10/22, 30 and 11/26. One topic will likely be geared towards new board members as both Columbia and Greene County have identified a need and the interest has been expressed in a basic overview session.

EXEMPT ACTIONS

Patrice Perry discussed the merits of reviewing and potentially updating the “Sample Resolution” of exempt actions. A periodic review is beneficial so that additional exemptions can be added. This would include the types of referrals being received which have no significant county-wide or intercommunity impacts associated with them, despite that fact that they are required to be referred pursuant to NYS GML §239-l, m. Discussion will continue at future meetings. Once a revised version is drafted, it must be approved and adopted by the Board of Supervisors. The “Sample Resolution” may then be offered to municipalities to consider adopting. Two additions: residential solar panels and driveways.

SMALL BUSINESS DEVELOPMENT

Chairman Stalker contacted Commissioner Flood to discuss how to change the great deal of restrictions being put on small business development due to government regulation, e.g. fees associated with work permit for curving and access off state roads

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SEPTEMBER MEETING

Due to a conflict, Patrice Perry stated that the September meeting would likely be rescheduled. Details to follow.

OTHER

Cheryl Gilbert asked if residential development is being tracked. Patrice Perry stated that an indicator is building permit data. Towns Code Enforcement Officers are surveyed on a regular basis regarding the type and number of building permits that are issued. The CCPB does not have the authority to review subdivisions.

ADJOURNMENT

Chairman Stalker adjourned the meeting at 7:55PM. The next scheduled meeting is

*******NOTE CHANGE IN DATE*******

Tuesday
25 September 2012, 6:30 PM
1st Floor Committee Room, Columbia County Offices
401 State Street, Hudson, NY
