



# Columbia County, New York Planning Board

Meeting Minutes – 16 October 2012

## Members Present

Cheryl Gilbert  
John V. Florio, Jr.  
Arthur Koweek, *Vice - Chair*  
Alice Platt  
Deborah Shakotko  
Timothy Stalker, *Chair*  
Steve J. Savarese  
George Super

## Staff Present

Patrice O. Perry, *Senior Planner*

## Guests

None

## Members absent-Notified

Larry Saulpaugh

## 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 25 September 2012 meeting minutes. George Super motioned to approve. Steve Savarese seconded. Vote: All in favor.

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

### 1. #12-043– Town of Ancram Town Board

Adoption of proposed local law(s) amending zoning law of the Town of Ancram

1. Section IV: Area and Bulk Regulations
2. Section V: Supplemental Regulations
3. Section V. J (10) Standards for Specific Uses Allowed by SUP
4. Section XII: Definitions

Recommendation: no apparent significant county wide or inter-community impacts.

### Comments:

The CCPB commends the diligence and commitment of the residents and officials of the Town of Ancram who continue to dedicate their time and expertise to bring the land use laws of the Town in accordance with the Comprehensive Plan.

1. Ridgeline Protection: § V: Supplemental Regulations H. Ridgeline Protection 1.a. reads, "*The top of roof shall be at least 35 feet below the protected ridgeline, or 500 feet distant from the ridgeline (refer to ridgeline protection map green area).* However, the legend on the "Ridgeline Protection Areas" map, denotes the "green area" as, "*40' vertical buffer of ridgelines within 500 horizontal feet. This area represents the non-buildable area.*" The CCPB suggests that the H. Ridgeline Protection provision and the "Ridgeline Protection Areas" map be coordinated.
2. Ridgeline Protection Areas Map: The "Ridgeline Protection Areas" map includes purple arrows, which appear to denote views. The CCPB suggests that the arrows be identified in the legend.
3. Ridgeline Protection Areas Map: In some instances the "ridgelines" and green areas identified as "non-buildable areas" extend over the Ancram Town boundary into adjacent municipalities. The CCPB suggests that the map be amended as this zoning would not apply in these areas.
4. Ridgeline Protection: The CCPB notes that any existing structures currently located within the "non-buildable" areas denoted on the "Ridgeline Protection Areas" map, will become non-

## Columbia County Planning Board, 16 October 2012 Meeting Minutes

conforming upon adoption of these provisions, and § VI. Non-Conforming Buildings, Uses and Lots would apply. Also, some parcels are completely encompassed by the “green areas” thereby rendering entire parcels “non-buildable areas” unless a variance is obtained.

5. Ridgeline Protection: The CCPB has concerns about the economic ramifications the ridgeline protection provisions will have and questions the practicality of implementing the ridgeline protection setback buffers.
6. § V. Individual Standards for Uses Subject to Special Use Permit Section J. (10): Clarify if the “Manufacturing Facility” referenced here, Food Processing /Distribution Facility-See Manufacturing Facility, is for the standards set forth under “Light Industry/Manufacturing”.
7. § V. Individual Standards for Uses Subject to Special Use Permit Section J.(10): General Standards for Low Impact Home Occupations are included in this section however, in the Table of Use Regulations, “Low Impact Home Occupations” are permitted in all zoning districts except, I-1 where they are prohibited. Clarification is necessary.
8. § V. Individual Standards for Uses Subject to Special Use Permit Section J.(10):
  - **Personal Services and Service Businesses**: Special Use Permit (SUP) standards are listed separately for “Personal Services” and “Service Businesses”. “Personal Services” are listed in the definition of “Service Businesses”.

"Service Businesses" are defined as,

*An establishment primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises including but not limited to personal services such as beauty salons, repair, health, legal, engineering and other professional services, educational services, landscape service, beauty salon, demolition services, commercial cleaning, computer sales/repair, logging contracting, massage service, medical claims service, midwife, pest control/exterminator, photography, septic sanitation service, tailor, tanning salon, tattoo/body piercing, yoga/meditation, paving/blacktop office, septic sanitation service, telemarketing facility, water well drilling/boring business office, and instruction" (*Emphasis added*)*

Coordinate the SUP standards and the review requirements for "Service Businesses" with those set forth for "Personal Service". Distinguish the difference between those two types of uses in order to necessitate the two sets of standards.

- **Personal Services**: A potential point of confusion may arise concerning maximum allowable footprint. By definition "Service Businesses" include “Personal Services”. The SUP standards for “Service Businesses” set forth a maximum building footprint of 2,000 SF. The SUP standards for "Personal Services", read in part,
  - b. *When a personal service is proposed as a stand alone structure that is not part of a home occupation, **all requirements for retail uses shall be met.***

Under the SUP standards for "Retail and Professional Office", the maximum allowable footprint is 5,000 SF.

## Columbia County Planning Board, 16 October 2012 Meeting Minutes

- **Retail and Professional Office:** In the Table of Use Regulations “Professional Office” is listed with a footnote, that reads as follows:  
*“Including but not limited to attorney, legal services, financial services, accounting, tax preparation, architect, engineer, bail bondsman, insurance, real estate sales or management, publishing, mail order sales.”*

The definition for “Service Businesses” (see comment #8) also includes some of the uses denoted as “Retail and Professional Office”, namely, **legal, engineering and other professional services**. Separate SUP standards are set forth for both of these use categories.

- **Midwife** is listed in the definition of “Service Businesses” and SUP standards are set forth for “Service Business”. However according to the “Table of Use Regulations” “Midwife” does not require a SUP.
- **Contracting Office, see Professional Office** is included in this section, however SUP standards for “Professional Office” are not found. Also, “Professional Office” is listed in the Table of Use Regulations, but does not require a Special Use Permit”.

9. Hunting /Shooting Preserve The CCPB suggests clarification on the review requirements for the uses

- "Hunting /Shooting Preserve”, listed under “Business Uses” as allowed by SUP in the Ag and CarRd Districts.
- "Shooting Preserve", listed under “Agriculture - Related Commercial Uses”, is allowed by SUP in Ag district only.

10. Legal Review: The CCPB notes that these draft provisions may undergo review by Town of Ancram legal counsel at a future date after comments have been received. (*Memorandum to Ancram Town Board, from Hugh Clark, Chair, Zoning Revisions Committee, dated 19 September 2012*)

Motion: Tim Stalker Second: John V. Florio, Jr.

**Vote: #12-043**

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			
	<b>TOTAL</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

### 2. **#12-044– Town of New Lebanon Planning Board**

Stewart’s Shops Corp #168, Special Use Permit and Site Plan Review

The proposed action is to remove existing pumps and underground fuel storage tanks and replace with new; upgrade existing lighting; and add one island. The existing retail store is located at 479 US Route 20 in the Town of New Lebanon, NY.

## Columbia County Planning Board, 16 October 2012 Meeting Minutes

Recommendation: no apparent significant county wide or inter-community impacts.

Comments: None

Motion: John V. Florio, Jr. Second: Arthur Koweek

**Vote: #12-044**

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			
	<b>TOTAL</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

### 3. **#12-045- Town of Greenport Planning Board**

Raymond F. Watts, Site Plan Review

The proposed action is to establish a retail nursery use located on Route 9G west of Middle Road in the Town of Greenport, NY.

Recommendation: no apparent significant county wide or inter-community impacts.

Comments:

1. Well: The CCPB suggests that the location of the well be delineated on the site plan.
2. Access driveway: The CCPB notes that the applicant is currently in discussion with the New York State Department of Transportation (NYSDOT) regarding the proposed access off NYS Route 9G. The proposed access drive lies within the boundaries of the delineated wetlands and additional permitting may be required for disturbance to the wetlands.

Motion: Cheryl Gilbert Second: Deborah Shakotko

**Vote: #12-043**

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			
	<b>TOTAL</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

**EXEMPT ACTIONS** - proposed actions exempt from mandatory referral NYSGML §239-m.3. (c)

Town of Clermont Zoning Board of Appeals Ray Tousey/Tousey Winery -- Proposed Area Variance area variance to erect additional signage on the existing structure.

### **OLD BUSINESS**

#### **CCPB NOMINATIONS**

Member terms expiring 12/31/12 are: Cheryl Gilbert, Timothy Stalker and George Super. Nominations were received to re-appoint Tim Stalker and Cheryl Gilbert. The resolution requests will be presented at the

## **Columbia County Planning Board, 16 October 2012 Meeting Minutes**

23 October 2012 County Government Committee Meeting.

### **NYSDOS TRAINING:**

Patrice Perry stated that 46 registrations have been received. The 1 November 2012 land use training is in cooperation with NYSDOS and Greene County and is being held at Columbia Greene Community College from 5:00 pm to 9:00 pm. The topics are: 1. Zoning Board of Appeals Overview and 2. Site Plan Review.

### **EXEMPT ACTIONS**

The discussion of reviewing and potentially updating the "Sample Resolution" of exempt actions will resume at future meetings.

### **NEW BUSINESS – N/A**

### **ADJOURNMENT**

Chairman Stalker adjourned the meeting at 7:15PM. The next scheduled meeting is

***Tuesday***  
***20 November 2012, 6:30 PM***

***1st Floor Committee Room,  
Columbia County Offices  
401 State Street, Hudson, NY***