



# Columbia County, New York Planning Board

Meeting Minutes – 21 May 2013

**Members Present**

John V. Florio, Jr.  
Arthur Koweek, *Vice - Chair*  
Alice Platt  
Deborah Shakotko  
Larry Saulpaugh  
Timothy Stalker, *Chair*  
George Super

**Staff Present**

Patrice O. Perry, *Senior Planner*

**Guests**

None

**Members absent-Notified**

Cheryl Gilbert  
Steve J. Savarese

**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 16 April 2013 meeting minutes. Alice Platt motioned to approve. John V. Florio, Jr. seconded. Vote: All in favor.

**NYS GENERAL MUNICIPAL LAW §239-1, §239-m REFERRALS**

**1. #13-020– Town of Kinderhook Planning Board**

Drake Petroleum– Xtra Mart, Site Plan Review

The proposed action is the modification of a previously approved site plan which includes the addition of one diesel pump and the relocation of the dumpster in a new enclosure. No additional changes to the site or existing structure are proposed. The site is located on 3355 US Route 9 in the Town of Kinderhook, NY.

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

Comments: None

Motion: Deborah Shakotko Second: Larry Saulpaugh Alice Platt

Vote: #13-020

REGION	MEMBER	AYE	NAY	ABST.	NO TPRESENT
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>7</b>	<b>0</b>	<b>0</b>	<b>3</b>

**2. #13-021– Town of Hillsdale Town Board**

Proposed Local Law No. 2 of the Year 2013A Local Law to amend the town of Hillsdale Zoning Law in order to clarify the applicability, intent and purpose of the Ridgeline Overlay District.

Recommendation: no apparent significant county-wide or intercommunity impacts

The CCPB notes that this proposed amendment is to clarify the purpose and intent of the local ridgeline protection law and that this elaboration sets to establish the role of the Town of Hillsdale in its capacity to protect and preserve the rural qualities inherent in the Town. The CCPB also recognizes that the Town of Hillsdale seeks to establish the importance of its contribution towards the protection of the scenic beauty

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of the Taconic region by limiting alteration to ridgelines within the Town that are “visible from publicly accessible roads” both in Hillsdale and in surrounding communities. The CCPB also recognizes that the limits of a viewshed are not defined by civil boundaries. However, this is a local law that establishes provisions to regulate land development within the Town of Hillsdale only, which may apply to the Hillsdale portion of the scenic Taconic region. These provisions are specific to the tenets that the Town of Hillsdale finds to be important. Other bordering municipalities are empowered through Municipal Home Rule authority to enact similar provisions based on their specific local findings and goals. As a result, the CCPB finds that there is no significant countywide or intercommunity impact associated with the adoption of this local law as it is intended to regulate lands within the Town of Hillsdale only. Therefore, the Hillsdale Town Board may take final action with a simple majority vote. However, the following comments are offered for consideration:

### Comments:

1. Sub-section A. Findings and Purposes: Emphasis is being added to include references to the significance of the views of Hillsdale ridgelines from surrounding towns and the "bi-state region". The law further cites that the Town of Hillsdale "contributes to and benefits from the scenic beauty of the Taconic region as a whole" and that, "It is in mutual public interest of all towns in this region to protect scenic beauty in the region by considering impacts of development on surrounding Towns. The CCPB notes that:
  - a. The Town of Copake has enacted a Scenic Corridor Overlay Zone which follows along the NYS Route 22 corridor. The basis for this zone is that the "portion of the Harlem Valley which includes the Taconic Mountains and the Alander Ridge are among the Town's most important natural and scenic resources" (*Town of Copake Local Law No. 2 of the Year 2005, A Local Law Amending the Zoning Code and Establishing a Scenic Corridor Overlay Zone, Along NYS Route 22 in the Town of Copake*, <http://copake.org/PlansCopake/LocalLaw2of2005asfiled.pdf> ).
  - b. The Town of Austerlitz has incorporated provisions for ridgeline protection in the Zoning Law which are currently undergoing review for proposed amendments.
2. Visual Environmental Assessment: Sub-section 5.4-1 F.1 sets forth the submission requirement for a Visual Environmental Assessment Form (Visual EAF Addendum) or other visual assessment analysis. This is again referenced in sub-section 5.4-1.G.1. Please note that the revised New York State Environmental Quality Review (SEQR) Environmental Assessment Forms (EAF) will no longer include the Visual EAF Addendum. This has been incorporated into the body of the Full EAF. The revised forms are scheduled to become effective on 17 October 2013. The questions related to visual impact incorporate the terminology found in the guidance document prepared by the NYSDEC on visual analysis titled, *Assessing and Mitigating Visual Impacts*, which may be accessed here [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/visual2000.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf).

It is understood that this proposed Local Law does not include any amendments to the above referenced section. However, at such time when the new forms become effective it may be prudent to revise this provision.

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3. Visual Impact Analysis: The CCPB suggests that consideration be given to establishing a method for determining the distance from which applicants are required to consider potential visual impacts resulting from their proposal, in particular when outside the Town limits.

Motion: John V. Florio, Jr. Second: Larry Saulpaugh

**Vote: #13-021**

REGION	MEMBER	AYE	NAY	ABST.	NOT PRESENT
1	Cheryl Gilbert				X
2	Timothy Stalker	X			
3	Deborah Shakofko	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>7</b>	<b>0</b>	<b>0</b>	<b>2</b>

**3. #13-022– Town of Ancram Town Board**

Proposed local law(s) amending the Town of Ancram Zoning as it pertains to Section V. Supplemental Regulations, H. Ridgeline Protection. This is a resubmission of the Ridgeline Protection provision

Recommendation: no apparent significant county-wide or intercommunity impacts

Comments:

1. Draft Version #9: The CCPB notes that the revisions made to this local law are the result of adherence to the goals set forth in the Town of Ancram Comprehensive Plan, input from the public at large, as well as the CCPB recommendations provided in a letter dated 17 October 2012.
2. Buildable area: The CCPB notes that the following provision H.1.b, has been added which reads in part,  
*“It is not the intent of the Town of Ancram to render any lot unbuildable due to these ridgeline protection standards...”*
3. Vegetation: Sub-section H.4. h. (2). Pertains to ridgelines that are not forested and sets forth the requirement to screen structures that are built in “...open fields, or on land covered only with vegetation not more than ten (10) feet high...”, if the top of structure is higher than the ridgeline. This would likely require that mature vegetation be planted in order to screen the structure in the field from public view locations.
4. Agricultural Uses and Structures: A major portion of the Ridgeline Protection Overlay District (RPOD) lies within the Agricultural Zoning District where many agricultural uses are permitted by right. The CCPB suggests that consideration be given to the application of the RPOD provisions on proposed new or expansion of existing agricultural uses.

Also, a portion of the RPOD falls within the boundaries of the Scenic Corridor Overlay Zone (SCOZ), Local Law No 1 of 2003. In the SCOZ, “...all farming operations and uses necessary to the operation of a farm are exempt from the development standards and site plan review requirements set forth in the New York State Route 22 Scenic Corridor Overlay Zone”. The CCPB suggests that the regulations in the RPOD be coordinated with those contained in the SCOZ.

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5. Publically accessible locations: The CCPB suggests that consideration be given to establishing a method for determining the distance from which applicants are required to consider potential visual impacts resulting from their proposal, in particular when outside the Town limits.
6. Zoning map: Upon adoption please submit a copy of the revised zoning map which delineates the RPOD.

Motion: Larry Saulpaugh Second: Alice Platt

**Vote: #13-022**

REGION	MEMBER	AYE	NAY	ABST.	NO TPRESNT
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>7</b>	<b>0</b>	<b>0</b>	<b>2</b>

**4. #13-023– Town of Gallatin Planning Board**

Pond Lily LLC Event Barn– Site Plan Review

The proposed action is to establish an event barn, in an existing structure, as an accessory use to the residential structure. The site is located at 365 West Pond Lily Road in the Town of Gallatin, NY.

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

Comments: None

Motion: Deborah Shakotko Second: John V. Florio, Jr.

**Vote: #13-023**

REGION	MEMBER	AYE	NAY	ABST.	NO TPRESNT
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>7</b>	<b>0</b>	<b>0</b>	<b>2</b>

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

**OLD BUSINESS**

**NEW YORK PLANNING FEDERATION (NYPF) CONFERNECE**

The 75<sup>th</sup> Annual NYPF Conference was held on April 21-23, 2013 at the Gideon Putnam Resort & Hotel, Saratoga Springs, NY. The conference was well attended with representatives of municipal boards and land use and planning professionals from across NYS. Members discussed the training event and said that the speakers were excellent and found the sessions to be well organized and very informative.

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Everyone congratulated Arthur Koweek on being the recipient of the New York Planning Federation Lifetime Achievement Award which was presented at the annual meeting of the NYPF held during the conference. Members also congratulated Tim Stalker on his election to the office of Second Vice-President of the Executive Committee of the NYPF.

Chairman Stalker stated that plans for the 2014 conference were underway and indicated that the NYPF would entertain suggestions from members for courses. It is anticipated that the 2014 conference location will be selected at the September meeting of the NYPF Board of Directors.

The lack of available funding for all members of the CCPB to attend this year's conference was discussed. Concern was raised regarding the 2014 Planning Department budget, specifically including enough funding for all members to attend the 2014 NYPF Conference if they so desired. Annual cost cutting measures required of all departments was also discussed.

Chairman Stalker thanked the Committee for the approval for the CCPB and Staff to attend the training this year.

### **NEW BUSINESS**

NYS Department of State is conducting training sessions on 5/22/2013 at the Greene County Emergency Operations Center in Cairo, NY. The sessions are being co-sponsored by the Columbia County Planning and Economic Development and the Greene County Planning and Economic Development. There are three sessions:

1. Case Law Update – 4-5:00pm
2. Enforcement of Zoning and Other Laws – 5:15-6:45pm
3. Record Keeping – 7-8:30pm.

Patrice Perry stated that some seats were still available for anyone interested.

### **ADJOURNMENT**

Chairman Stalker adjourned the meeting at 7:50PM. The next scheduled meeting is

***Tuesday, 18 June 2013, 6:30 PM***  
***1st Floor Committee Room, Columbia County Offices***  
***401 State St, Hudson, NY***