



Columbia County, New York Planning Board

Meeting Minutes – 20 May 2014

Members Present

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

Staff Present

Patrice O. Perry, *Senior Planner*

Guests

None

Members absent-Notified

John V. Florio, Jr.
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 15 April 2014 meeting minutes. Deborah Shakotko motioned to approve the minutes. Steve Savarese seconded. Vote: All in favor.

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

1. #14-018– Town of New Lebanon Town Board

Local Law #1, 2014 specified sections of Chapter 207 of the Town of New Lebanon code.

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

Comments:

1. Area and Bulk Regulations – Walls, fences and hedges - Location:

The proposed provision § 205-7 (B) (4) (b) Location: (2) reads,

Fences and freestanding walls shall not obstruct sight distance at intersections or rights of way and shall comply with street corners.

This appears to be incomplete. Consider adding a cross reference to the applicable provision(s) in the zoning law, and adding the term “street corners” to §205-17. Definitions.

2. Frontage: The CCPB notes that the proposed change in the required frontage for RA-5, RA-2 and RA-1 zoning districts will bring the standards into accordance with the required frontage set forth in § 205-14 Site plan review. G. Specific standards. (7) Roads and road access standards. (b) Frontage required.

3. Use Table - Cellular Tower: Consider revising the proposed amendment to §205 Zoning Attachment 2 - Use Table, which will in effect require both Special Use Permit and Site Plan Review for “Cellular Towers” in all zoning districts. This is contrary to the provision, § 189-17 Action on application for special use permit, which reads in part...

"...once a special use permit has been granted hereunder, no additional permits or approvals from the Town, such as site plan or zoning approvals, shall be required by the Town for the wireless telecommunications facilities covered by the special use permit."

4. Use Table - One Family Residence: The CCPB notes that the categories “One-Family Residence”, and “Two-Family Residence” were not found in the online version , <http://ecode360.com/documents/NE1814/NE1814-205b%20Use%20Table.pdf>

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of the §205 Zoning Attachment 2 - Use Table, but rather "One-Family Dwelling and "Two-Family Dwelling". Similarly, the terms "One-Family Residence", and "Two-Family Residence" were not found in the §205-17 Definitions, but rather "One-Family Dwelling and "Two-Family Dwelling".

Motion: Arthur Koweek Second: Cheryl Gilbert

Vote: #14-018

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	0	0	2

2. #14-019– City of Hudson Common Council

Proposed Local Law of 2014 amending the minimum apartment size in zone R4

This recommendation for the proposed local law was rendered by the CCPB after consideration at the regular monthly meeting held on Tuesday 20 May 2014 at 6:30pm.

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

Comments:

1. Intent: The intent of this proposed local law is...

“to clarify that the minimum required square footage per dwelling unit is 500 square feet in the R-4 district and that the Planning Board may at its discretion, provide for a zero yard setback in certain zoning districts on one side of a structure where such structure has two side yards”.

The proposed amendments to the Hudson City Code , Chapter 325, Attachment 1, to remove line # 2 "Lot Area" from the Chapter 325 Attachment 1, City of Hudson Schedule of Bulk and Area Regulations for Residential Districts, will have the effect of changing the intent of this section of the zoning law for all zoning districts, not just the R4.

Consider the following:

2. Line #2 “Lot Area:” is a heading which applies to the indented Line 3, “Total (square feet)”, and indented Line 4, “Per dwelling unit (square feet) and this establishes the minimum allowable area for a lot in each zoning district. The term "Lot Area", refers to the minimum size of the lot, as measured in square feet that is required for each zoning district. It further establishes the minimum required area for a lot depending on the number of dwelling unit(s) situated on, or proposed to be situated on each lot.

Neither of these provisions pertains to the requirements for the size of a dwelling unit, but rather the minimum required size of a lot. Many municipalities set forth minimum permitted floor areas for dwelling units. The Columbia County Planning Department would be a resource for examples of these types of provisions.

3. Setbacks: Lot areas, and setback requirements established through zoning laws, regulate density and function to ensure health, safety, and welfare, a basic premise of zoning. Setbacks have been affirmed as a function of health safety and welfare, because of the relation they have to fire safety, light and air. A

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planning board may be granted the authority to waive certain submission requirements, pursuant to, NYS General City Law § 27-a, § 27-b, § 33. A determination is necessary as the proposed amendment, would in effect delegate the authority to vary or waive certain dimensional requirements of the zoning law to Planning Board. This is a function of the Zoning Board of appeals NYS General City Law §81-a. If a dimensional variance from a zoning provision is sought, the matter must be appealed to the zoning board of appeals for an area variance.

4. Setbacks: Depending upon the type of construction, a zero side yard setback may not comply with the provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code), which provides for minimum fire separation distances for exterior walls of dwellings and accessory buildings.

Motion: Arthur Koweek Second: Deborah Shakotko

Vote: #14-019

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	0	0	2

3. #14-020 – Town of Greenport Planning Board

Cheema Petro, LLC (Luck Petroleum), Site Plan Review

The proposed action is to expand of an existing convenience store, and re-establish the gas station. The site is located at 124 Fairview Avenue (US Route 9) in the Town of Greenport, NY.

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

Comments:

1. NYSDEC: Applicant will need to provide the documentation that all necessary permits and approvals have been secured from New York State Department of Environmental Conservation (NYSDEC) related to the dispensing and storage of fuel.
2. Access: The applicant will need to contact New York State Department of Transportation (NYSDOT) regarding any improvements that may be necessary to the access off US Route 9.

Motion: George Super Second: Steve Savarese

Vote: #14-020

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	0	0	2

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4. #14-021– Town of Greenport Planning Board

Timothy Melino, Site Plan Review

The proposed action is to expand an existing used car sales use. The site is located at 407 Fairview Avenue (US Route 9) in the Town of Greenport, NY.

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

Comments: None

Motion: George Super Second: Steve Savarese

Vote: #14-021

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	0	0	2

5. #14-022– Town of Canaan Zoning Board of Appeals

Chatham Rescue Squad – Area Variance

The proposed action is to construct a new ambulance bay within the required sideyard setback. The site is located at 2513 State Route 295 near the intersection of NYS Route 22 in the Town of Canaan, NY.

Recommendation: APPROVAL

Comments:

The CCPB finds that this proposed action will likely result in positive county-wide or intercommunity impacts. The basis for this recommendation are the following considerations set forth in New York State General Municipal Law (NYSGML), Article 12B § 239-1. Coordination of certain municipal zoning and planning actions; legislative intent and policy:

(a) compatibility of various land uses with one another

(g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and

(h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

The proposal is the expansion of an existing established use in the Town of Canaan R-A2 Rural Density 2 Acre zoning district. The Chatham Rescue Squad established this second station location as part of an agreement to expand its coverage area to include the Towns of Canaan and New Lebanon. The squad is currently operating from this site.

The site is located in close proximity to the intersection with NYS Route 22 a major north/south transportation corridor in the eastern part of Columbia County service area which includes the entire Town of Canaan and the Town of Lebanon. The proposed site modifications will enable the Chatham Rescue Squad to continue to provide a valuable community service.

Motion: Tim Stalker Second: Arthur Koweek

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Vote: #14-022

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	0	0	2

6. #14-023- Town of Greenport Planning Board

JMS Construction Services/The Falls at Greenport - Site Plan Review

The proposed action is to construct a multi-family residential development on the site of the vacant Greenport School. The project will include (116) rental units composed of 1, 2, and 3 bedroom units; (3) three parking garage buildings; community center, swimming pool, fitness room, meeting rooms, lounge area and office. The site is located at 158 Union Turnpike (NYS Route 66) at the intersection with Maple Avenue in the Town of Greenport, NY.

Recommendation: APPROVAL

The CCPB finds that this proposed action will likely result in positive county-wide or intercommunity impacts. The basis for this recommendation are the following considerations set forth in New York State General Municipal Law (NYSGL), Article 12B § 239-1. Coordination of certain municipal zoning and planning actions; legislative intent and policy:

(a) compatibility of various land uses with one another

(g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and

(h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

The proposed residential development will result in the creation of rental housing in an area currently served by municipal water and sewer. The site is currently accessed off NYS Route 66, and Maple Avenue, a Town road. The access points will be improved as part of the development, including the construction of new sidewalks. The development is in close proximity to a commercial hub which offers various goods and services which will be an asset to the future tenants and result in positive economic impacts to these establishments. This residential development will result in construction jobs and the creation of new permanent jobs post construction. This is consistent with Columbia County development policies.

The proposed residential development will be located on a site with an existing structure, previously used as a public school, which has remained vacant for a number of years. The proposed improvements and adaptive reuse of the existing structure will provide aesthetic improvements along this commercial corridor.

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The CCPB is cognizant of the fact that the development hinges upon the purchase of the site which is pending, and is contingent upon Hudson City School District voter approval of the sale. The transfer of the Hudson City School District wholly exempt property to the private sector will result in the expansion of the tax base.

The CCPB notes that the project was designated a Type 1 Action under the NYS Environmental Quality Review Act. A Negative Declaration was issued as it was determined that the project will result in no significant adverse impact on the environment. The Falls at Greenport project supports the goals of the Columbia County development policies and the CCPB finds that the economic impacts of this property transfer and subsequent development will be positive. Therefore the CCPB recommends that the Town of Greenport Planning Board approve the Site Plan provided that the applicant complies with all local, state, and federal regulations.

Motion: Alice Platt **Second:** Deborah Shakotko

Vote: #14-023

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	0	0	2

7. #14-024– Town of Clermont Town Board

Local Law No. 3 of 2014 amending the use table within the Town of Clermont Zoning Law.

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

Comments: None

Motion: Tim Stalker **Second:** Steve Savarese

Vote: #14-024

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	0	0	2

8. #14-025– Town of Claverack Planning Board

Ellen Zaroff, Special Exception Permit

The proposed action is to establish an accessory apartment on the second floor of a detached garage. The site is located at 663 Lockwood Road in the Town of Claverack, NY.

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

Comments: None

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Motion: Arthur Koweek Second: Alice Platt

Vote: #14-025

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	0	0	2

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

OLD BUSINESS –

- 1. Land Use Training:** There is an upcoming training session being co-sponsored by Greene County Economic Development, Tourism & Planning, and Columbia County Planning/Economic Development with Greene County Planning and Economic Development. The sessions will be conducted by Land Use Training Specialists from the New York State Department of State on May 28, 2014 on the following topics:

Session I: Intermunicipal Planning

4:00 to 5:00 pm

Session II: Locally Unwanted Land Use Regulation

5:15 to 6:45 pm

Session III: Downtown Revitalization

7:00 to 8:30 pm

Patrice Perry sent out e-mail announcements. The sessions will be conducted at the Greene County at the Emergency Management Training Center 25 Volunteer Drive, Cairo.

(For directions, go to www.mapquest.com and enter 25 Volunteer Drive, Cairo, NY)

ADJOURNMENT

Chairman Stalker adjourned the meeting at 7:24 PM. The next scheduled meeting is

Tuesday, 17 June 2014, 6:30 PM

1st Floor Committee Room, Columbia County Offices

401 State St, Hudson, NY