

Planning Board Meeting – Wednesday, April 6, 2011

Board Members Present: Machiz, Nelson, Rosenstreich, Silver and Chair Walters

Other Guests: Mark Huston, Peter Nelson, Sr. and Larry Van Brunt

New Applications

Mark Francis

Tax Parcel ID# 7300-01-14.111/19

Application for lot line adjustment

On behalf of the property owner, Peter VanAlstyne, Land Surveyor

Would like to join two parcels of land. Lands of Eldering/Francis (3.01 acre lot) to be added to Switzer parcel (2.23 acre). There is already septic and a well on existing house. No improvements to be made to house on property. 157 acre parcel will be left intact, which is overgrown farm land. Tax parcel 19 was subdivided in 2008 – want to make that portion bigger.

Motion was made by Nelson, seconded by Silver to go to Public Hearing on May 4. All approved.

Note: Pete VanAlstyne will need a note from applicant to speak on their behalf. Application fee will be paid the night of the public hearing.

NY Air

Arnie Cavallaro

Applicant will be filing for special use permit and site plan review.

NY Air is a wireless service provider. They would like to put up a new tower on town of Ghent property owned by Chatham Village. Crawford Engineering (Dan Russell) has been retained to do site plan and survey. Their tower is currently attached to a water tower but it is not high enough. They would like to build their own structure which will be 100' high.

Applicant asked what requirements the Planning Board has for this. The SCC has broadband technology requirements that will be met.

Board member Machiz asked what area will be serviced by this new tower. Applicant answered all of Chatham and portions of Ghent. Showed maps indicating service areas. This particular wireless service works on line-of-sight.

Application will be held until Crawford Engineering has completed their work.

Vincent & Lisa Molinari
Gravel Mine
Tax ID# 103-1-22.112

On behalf of property owner, Francis Bossolini, PE

Condition summary for Carpenter Road was given to Town Engineer and Highway Superintendent. Surface condition and bores were completed. Valid DEC Mining Permit is still in effect (it is good for 5 years). Applicant is requesting public hearing.

Ray Jurkowski said his preliminary review of the borings and engineering reports are acceptable for review. He has spoken with Mike Losa, Highway Superintendent and about the reports, and Mike agreed they are acceptable.

Board member Machiz asked for more details about the reports that were submitted. Ray Jurkowski said he only reviewed the report and survey quickly and will submit a more formal analysis to the Board for their review before the public hearing. It is his opinion that at this time, the application can proceed.

Motion was made by Nelson, seconded by Machiz, to go to Public Hearing on May 4.

Public Hearings

Nature Institute
Tax Parcel ID# 104-1-30
Application for Site Plan Review

(Board member Machiz recused himself from this portion of the meeting.)

Craig Holdrege, Executive Director

Re-submitted maps showing shift of parking from May Hill Road (overflow only) to Nature Institute property. Maps show addition of screening on property. Maps also show parking schedule: every day, event, and overflow parking all shown. In February 2011, conditional approval was granted for Nature Institute dependent upon agreement from May Hill Road Association for overflow parking. Applicant stated that the maximum number of people attending any event would be 60-70. Largest number of cars ever parked on May Hill Road as overflow was 10-15. Applicant stated that Nature Institute held 23 events last year, for a total of 37/38 days. They had 500 people in attendance for these events total. When this permit was originally issued in 2002, the ZBA originally had no special requirements issued.

Board member Silver asked if there is ample room between proposed parking lot and neighboring property. Applicant answered that parking lot ends

about 18' from the property line. ZEO Gil Raab told applicant that parking could be no closer than 10' from property line.

Chair Walters would like to see more screening between parking lot and property line. Applicant said that would be done.

Board member Silver asked if the Planning Board has the authority to set time limits on events the Nature Institute may hold. Answer is yes.

Motion made by Silver, seconded by Rosenstreich to open the public hearing. All approved.

John Joe Castiglione, attorney for Chris Clark and Rina Lefkowitz - sent a letter to the Planning Board. He read some key points aloud for the assembled audience.

Chris Clark, May Hill Road neighbor - pointed out the "deficiencies" of the proposed screening. Headlights shine in all of their south-facing windows whenever a car pulls in or out of the Nature Institute parking area. Would like to see more details of proposed screening. Brought photos showing parking that is being used even though it was never approved on the original 2002 permit.

Rina Lefkowitz, May Hill Road neighbor – view from their house faces south, which looks directly onto the Nature Institute property. Their property was developed after the special permit was issued to the Nature Institute. They were originally led to believe there would be far fewer events and much less parking on the property.

Nick Selby, May Hill Road neighbor – has safety concerns. Where May Hill Road intersects with 21C, is a school bus drop-off. There is a blind turn on 21C. He has two kids getting off the bus there, and traffic is already an issue. May Hill Road has a 15MPH speed limit which is largely ignored. There is a pre-school further down the road and many children outside. Nick pointed out inconsistencies between a flyer that Nature Institute put out about their events, and the number which actually happen. Visitors to the Nature Institute often walk on May Hill Road. Nick bought an expensive house on a private road for a reason – he wanted privacy. Increase in traffic will greatly increase safety concerns.

John Barnes, Nature Institute Board President – workshops are small, 20-30 people maximum. Lecture evening events can accommodate a maximum of 70 people.

Gary Ocean, May Hill Road neighbor – has sympathy for Rina Lefkowitz and Chris Clark, their property is right next to the Nature Institute, and this issue affects them the most. Nature Institute always has people help direct traffic when they have an event. He hopes a common agreement of screening can make all

people happy. Stated that many people do not obey the 15MPH speed limit on the road. He thinks the Nature Institute enhances the neighborhood, and the cultural activities are appreciated.

Rina Lefkowitz – screening needs to be more than visually pleasing. Sounds, headlights, exhaust, weight of cars driving on property, all of these things have an impact. She believes the numbers in the Nature Institute brochure and the numbers presented to the Planning Board are inconsistent.

Nick Selby – inconsistency with the numbers comes up regularly. He supports the purpose and goals of the Nature Institute. He would like to see a set maximum number for events and attendees.

Chris Clark – Nature Institute brochure numbers are inconsistent. Brochure listing and Planning Board presentation numbers do not match.

Rochelle Bartolo, VP of May Hill Road Association – has safety concerns. Road is 50' deeded right-of-way. Increased traffic on the road – cars often drive the entire length of the road so they can turn around. The commercial use of this property changes the character of a residential, private road. She supports the purpose of the Nature Institute.

Chris Clark – asks the Planning Board to request specific hours. Would like to know what type of surfacing materials will be used in parking areas.

Craig Holdredge – the brochure everyone is referring to was put out last summer to show the scope of the Nature Institute. It was meant to be a fundraising brochure. The numbers presented to the Planning Board show enough parking for typical events. The numbers were averaged for evening events. They have no way of predicting a specific number for attendance – no pre-registration is required for most events. In the past, bigger events have been re-located to Hawthorne Valley and the Chatham High School. They are trying to increase attendance and grow all programs, but numbers are uncertain because of the economy. He can not predict the future, but will give the best possible approximates. Nature Institute would be happy to provide more screening between their property and the Clark/Lefkowitz property next door. As for the traffic and safety concerns: most attendees pull into the Nature Institute parking lot, then turn around and pull back out; there is no need for them to drive any further down May Hill Road. The Nature Institute does own another piece of property further along May Hill Road. Some events have participants walk to this other property.

Board member Silver asked about possible invasion of privacy when people go on or spend too much time looking at Nick's property. Applicant answered that they request all attendees not take pictures.

Rina Lefkowitz – showed original site plan and parking. Claims original permit was never followed.

John McAllis, designed Nature Institute property – the original intent was to design the property to be used well, not to anticipate future growth. The brochure referred to was created during a moment of great excitement and was meant as a fundraiser.

Joe Castiglione – The numbers in the brochure and number in the site plan application are inconsistent. Increased usage of May Hill Road will increase speeding and safety problems.

John Barnes – the blind curve on 21C is dangerous, then it's followed by a steep hill on May Hill Road. He doesn't think there is really a chance to speed from the very beginning of May Hill Road to the Nature Institute driveway.

Nick Selby – feels that pedestrians walking down the road are not looking at nature, they are checking out his property and house. No privacy in his yard when so many people are walking by.

Chair Walters – seems like most people agree that they like the purpose of the Nature Institute. Asked if there was any chance that folks on May Hill Road can come up with a concrete proposal – a reasonable number of events, hours, attendance numbers, parking spots, screening, etc. Clear, enforceable restrictions can be placed on a new permit. Asked if neighbors can work this out together and proposes continuing this public hearing at the next meeting.

Rina Lefkowitz – had a meeting with Craig to discuss this. She suggested he move the parking lot to the back side of the Nature Institute property. Craig said no. No further discussion followed.

Rochelle Bartolo – asked if current May Hill Road property owners and the Nature Institute come to an agreement, what happens if someone sells.

Nick Selby – willing to discuss this issue but would suggest using a mediator.

Brian Gins – questioned insurance issue, fire department safety issues, exit strategies in case of emergency. Town of Ghent Code requirements are in place.

Craig Holdrege – has discussed parking concerns with Rina and Chris. He invited all May Hill Road occupants to a meeting at the Nature Institute to review the site plan. He has also had discussion with Nick already. Craig has volunteered to increase screening and come up with a visually pleasing solution for all. Craig does not understand why the conditional approval for this permit was issued in February and is now back to a public hearing.

Ted Guterman, Town Attorney – recommends leaving public hearing open and continuing at next meeting. Special permit issues need to be re-addressed. Environmental issues need to be looked at and reviewed by the Town Engineer. All of this should be finalized by the next meeting.

Chair Walters read all correspondence received about his issue.

Rina Lefkowitz – appreciates the letters of support to Nature Institute, but she is the closest and most affected neighbor.

Rochelle Bartollo – 50' deeded right-of-way, no parking there. (This is a separate issue that will have to be discussed between the May Hill Road Association and the Nature Institute, this is not a Planning Board issue.)

Motion was made by Walters, seconded by Silver to continue public hearing at May 4 Planning Board meeting. All approved.

Kinderhook Sportsmen's Club
Tax Parcel ID# 64-1-28
Application for Site Plan Review

Chair Walters explained to those assembled that Kinderhook Sportsmens Club is a pre-existing, non-conforming use property. They need a variance from the ZBA and site plan review from the Planning Board. After this meeting, the Planning Board and the ZBA will proceed jointly.

Sylvester Braswell, Engineer, on behalf of the applicant.

Kinderhook Sportsmens Club (KSC) is requesting an area variance for addition to existing building. They would like to fix the roof of the entire building and add a 10' wide extension to the 65' long building. The purpose of the extension is primarily for storage. He presented the Board with a certificate from the state declaring KSC as a non-profit membership organization. He then read a letter aloud which he had previously sent to the Planning Board. The proposed extension will have no affect on the local community. The KSC has a 48 acre lot, and there is plenty of space between any shooting ranges and property lines.

No increases expected – in parking, membership, attendance at special events, etc.

Rick Olivo, KSC Board Member – KSC is actively involved in community events, They host the Boy Scouts and Columbia County 4-H Shooting Sports program every year. They host special “ladies only” events. They try their best to be good citizens and promote gun safety. KSC does not expect membership to change because of this proposed extension – they average 160 members per year. Extension will be paid for by special assessment sent to KSC members.

Board member Machiz asked about hours of operation. Sy Braswell stated that the law allows them to be open from 7am until 10pm. There are no outside lights on the property, so no shooting is done after dark (hours vary somewhat seasonally). Sunday they are open to the public for trap shooting from 9am until noon. Wednesday evening they hold trap shooting from 4-6pm. Those two times would be the “high traffic” times.

Chair Walters asked what the club policy is for hours. Applicant responded that 7am to 10pm as per NYS law. They only shoot during daylight hours because of lack of lighting.

Board member Silver asked if the gate is always closed and locked. Stated that he drove onto the property earlier this evening and it appeared to be deserted. Applicant stated that the gate is always closed and locked unless a member is on the property. Each club member has a key to the gate and the ability to use the property at any time.

Board member Rosenstreich asked to hear the full citation regarding hours of operation. Ted Guterman read the excerpt – outdoor shooting ranges are not authorized for use from 10pm until 7am, unless local regulation say otherwise.

Motion made by Silver, seconded by Nelson to open public hearing. All approved.

David Paulsen, Fowlers Lake Road neighbor – stated he has many problems with KS re: property values, noise, quality of life, etc. The amount of shooting that goes on at the club has increased drastically over the last 3 years. In 2008, 26 homeowners on Fowlers Lake Road submitted a petition to the Town Board about the noise from KSC. States that all houses on Fowlers Lake Road can be reassessed because there is a gun club on the road.

David Jackson, Fowler Lake Road neighbor – applied for a new mortgage 2 years ago, had an appraisal done at that time. Just had another appraisal on his property and the value has dropped \$200,000. Chair Walters asked if any

reason was given for the drop in value. Mr. Jackson said no – the appraiser just looked and listened to everything. He does not know if any shooting was going on while the appraiser was on his property.

David Paulsen – has a letter from a realtor saying that his house has not sold because of noise issues. The Site Plan Review calls for buffering noise. States that people are moving off Fowler Lake Road to get away from all of the KSC shooting noises. Has kept a log of hours when shooting is taking place.

Larry Van Brunt, Town Board member – states that Town Board has received numerous complaints of very early and late shooting.

Board member Silver asked if noise complaints were made “after hours.” Mr. Van Brunt said no, all complaints were from shooting taking place during day light hours.

David Jackson – shooting goes on every day. There is no good communication between the neighbors and KSC members. Has safety concerns about long and loud semi-automatic firing – also wonders if this is excessive noise. Asked who is present on club property to enforce rules and safety in a controlled manner.

Mark Huston, ZBA Chairman – lives 10 miles away from club and hears shooting from all over.

Board member Nelson – asked if sign-in sheets are used for all ranges? Applicant answered yes.

Rick Olivo – semi-automatic pistol sport shooting can be very noisy. Practice is required for law enforcement officials.

Board member Rosenstreich – sign-in sheet would be good for the Planning Board to see. KSC will provide the Planning Board with a copy. Board member Nelson stressed the importance of KSC knowing who is on their property and when.

Carl Trapanese, Fowler Lake Road neighbor – loud shooting going on Easter Sunday morning and Thanksgiving Day. He questions the excessive noise. States that when he walks down the road while shooting is going on that he can clearly hear participants saying “pull” on the trap range.

Brian Gins – 2 real issues here: right of gun owners to enjoy their sports and the right of the property owners to enjoy the peace and quiet. An area of compromise should be able to be reached. Would suggest have a certain “quiet time” every day.

Board member Machiz – the public is asking for respect from KSC and it's members. The letter from Mr. Braswell stated the law wrong. Property owners and KSC need to sit down together to try to work out a compromise.

Sy Braswell – KSC has been there for 56 years. It was one of the first buildings on the road, and it is suspected that the road was built to allow easier access to the club. The club has clearly been there longer than many neighbors. Wants to know, once the restrictions start, when do they end.

Terry Toomey, KSC President – Thought KSC was here to get permission for an expansion, not discuss noise issues. Chair Walters answered that a site plan review can look at every issue.

Paige Gins – states that the noise has definitely increased in the last 3 years.

David Jackson – club seems to have the attitude that the public has no rights. Asked how it can be proven that this proposed expansion will not increase club membership. States that this is not a political issue, it is just a quality of life issue.

Jim Bertram, Columbia County Sportsman's Federation President, former Columbia County Sheriff – has been a firearms and hunter safety instructor for many years. He has visited many ranges over all of NYS – some are right in the middle villages and they don't have these types of issues. There is a lot of shooting that goes on on Fowler Lake Road, not just at KSC. People seem to know that if there are any complaints, KSC will be blamed. Lots of hunters in the area also. Corrections and Police Officers from throughout the county use this range for practice and recertification purposes.

Joanne Trapanes – asked if KSC is willing to compromise with neighbors. KSC said no. She stated that it might help if they at least listened and tried.

Rick Olivo – wanted to know when the restrictions would end once they got started.

Rick Olivo – commented on shooting on Easter Sunday. Every family has different values – some go to church, some go play golf, some go to the shooting range. Just because it's a holiday doesn't mean it should be any different.

Board member Nelson – stated that enforced quiet hours each day would be good for all people. Suggested a quiet time of 12 noon until 1pm each day.

Brian Gins – asked if the club understands the neighbors' points and is willing to try to reach a compromise.

David Paulsen – asked if the Planning Board can enforce noise restrictions and if the board can require a sound barrier to improve (lessen) the noise levels.

Board member Rosenstreich would like to further research noise abatement and shooting ranges. Ray Jurkowski said that noise abatement and acceptable decibel levels are two very different things.

Rick Olivo – stated that noise and safety always seem to be linked. The KSC has had no safety issues on the property in their existence.

Terry Toomey – two years ago, the boy scouts and KSC planted 250 new pine trees on the property – eventually they will grow big enough to help buffer noise.

Alan Neiman, Fowlers Lake Road neighbor – sounds have definitely changed over the last couple of years and seem much louder. Asked is hearing protection is required on all shooting ranges. Applicant answered yes. And asked is rapid fire exercises are usually done outdoors or indoors? Applicant answered that it depend son what facilities are available.

Peter Nelson Sr., Town Board member – semi-automatics blow lots of rounds in a very short amount of time. To him it doesn't necessarily sound like sport practice, sounds more like war practice.

Mark Huston, ZBA Chair – The club has been there for 54 years. Board should show respect to the club as they have a good safety record, and has taught many good skills to many people.

Sy Braswell – sound testing has been completed and the results were far lower than state standards. Board member Silver asked the club to provide this Board with the sound test results.

Board member Rosenstreich – asked why the sound testing was done last year. Mr. Braswell said it was done because of complaints from neighbors.

Town Board member Larry VanBrunt asked if the Town Board could see the results of the sound testing also.

Motion made by Rosenstreich, seconded by Silver to close the public hearing. Approved by all.

Previous Minutes

Minutes from the February 16 and March 6 meetings were distributed to Planning Board members for their review before this meeting.

February 16 – motion made by Rosenstreich, seconded by Nelson to approve minutes. All approved.

March 6 – date correction for public hearing. Motion made by Nelson, seconded by French to approve with that correction. All approved.

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