

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: December 2, 2013**

DRAFT COPY

Motion to allow Brian Goodrich to act as Chairman for the December 2, 2013 meeting was made by Judy Zink with a second from Scott Cole. All members were in favor. Motion carried.

Acting Chairman Brian Goodrich called the December 2, 2013 meeting to order at 7:00 p.m.

Members in attendance were: Brian Goodrich, Stephen Hook, Judy Zink, Nathan Chess, Scott Cole, Gretchen Stearns, engineer Paul McCreary, attorney Rob Fitzsimmons and secretary Jodi Keyser.

Absent: Virginia Ambrose

Members reviewed the Minutes of the November 4, 2013 meeting.

Motion to approve the November 4, 2013 minutes was made by Judy Zink with a second from Stephen Hook. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 12/2/13:

Skelley, John M. Subdivision: Tax Map #(SBL) 123 – 02 – 37, 38, 39 Located at 206 Prach Rd. Subdivision of 8.044 acres into two parcels of 5.279 acres and 2.765 acres respectively. Secretary Jodi Keyser informed the Board members that Mrs. Skelley contacted her to let her know that the CC DOH had not yet performed the perk testing even though they had cashed the check for \$500.00. Mrs. Skelley continued that they did meet with TOC Highway Superintendent Louis LaMont and have a letter for the driveway entered into the file. Secretary Jodi Keyser informed the Board that the Skelleys will keep in contact with her as to the progress with the CC DOH. Continued to January.

Wright, Samuel Boundary Line Adjustment: Tax Map #(SBL) 123 . – 2 – 01 . 120 Located at 2177 County Rte. 11 Hillsdale. Boundary Line Adjustments of 9+/- acres to be conveyed to Thomas Decker and Deborah Barber Tax Map #(SBL) 123.-2-52 and 1.16 acres to be conveyed to Frank E. Wright Tax Map #(SBL) 123.-2-1.2 from existing parcel of 33.17 acres.

Sam Wright and Tom Decker were present for the application. Acting Chairman Brian Goodrich reminded the applicant of the items for the punch list from the November meeting. Mr. Wright had submitted notarized letters from Deborah Barber and Frank Wright, revised subdivision application with corrected tax map numbers, revised maps noting the NYS DEC CTS stream, flood plain, existing wells and septic. Acting Chairman Brian Goodrich informed the applicant that deed descriptions were not received for TOC attorney Rob Fitzsimmons to review. Mr. Wright informed the Board that he had contacted his lawyer and he was assured that the deed descriptions would be sent two weeks ago to Rob Fitzsimmons' office for review. Rob Fitzsimmons informed the applicant that he has not received any deed descriptions as of the meeting and that the deed descriptions are important because just filing the maps does not make the boundary line adjustment complete. Mr. Wright asked the Board if they would grant approval and allow the lawyers to get together on the deed descriptions. Gretchen Stearns informed Mr. Wright that the Planning Board has been very generous with Mr. Wright's application but allowing it to be considered a boundary line adjustment and not a subdivision which it actually is according to the Zoning Regulations. Ms. Stearns continued that this has saved Mr. Wright a great deal of money because it would be classified as a major subdivision of the property because of previous subdivisions of the property. Mr. Decker informed the Board that he wanted to purchase the property

last year when Mr. Wright applied for the previous subdivision but he did not have the money at the time to purchase the land. Gretchen Stearns informed Mr. Wright that the next property division would be classified as a major subdivision. Rob Fitzsimmons informed the applicant that 2 drafted deeds as per the maps showing the property from Mr. Wright's ownership to the neighbors showing the meets and bounds are required and are to be filed with the stamped maps with the county. Rob Fitzsimmons continued that the maps do not divide the property the deeds are needed to show the chain of ownership and this document needs to match the maps.

Acting Chairman Brian Goodrich opened the meeting to public hearing at 7:12 p.m. No comments Acting Chairman Brian Goodrich closed the public hearing at 7:13 p.m. Motion to close the public hearing was made by Nathan Chess with a second from Stephen Hook. All members were in favor. Motion carried.

Motion to classify as an unlisted action with regard to SEQRA was made by Nathan Chess with a second from Gretchen Stearns. All members were in favor. Motion carried.

Paul McCreary reviewed the SEQRA part 1 for the Board.

Motion for a negative declaration with regard to SEQRA was made by Nathan Chess with a second from Scott Cole. All members were in favor. Motion carried. Mr. Wright paid application and final fees in the amount of \$450.00 and was informed that the check will be cashed when the maps are finalized by the Town of Claverack Planning Board.

Continued to January 2014.

Concra, Vincent Subdivision: Tax Map #(SBL) 121 . 03 – 03 – 16 Located at 634 Rte. 23-B and 6167 Rte. 9-H. Subdivision of 2.346 acres into two parcels of 1.472 acres and .874 acres respectively. James Tomaso was representing the applicant. Mr. Tomaso submitted a letter from NYS DEC regarding the monitoring well closures and the spill from the former gas station dated 9/14/06. Nathan Chess stated that the 9/14/06 DEC letter is only that the test wells were capped but he would like the letter regarding the initial spill and the remediation that was required. Paul McCreary informed the Board that he is not specifically familiar with the history of this particular spill but assumes that there were old gas tanks that failed which the NYS DEC required that the tanks be removed and mitigation procedures were to install monitoring wells at the site for a determined period of time. Nathan Chess stated that assuming the site is ok and that the bank is ok with allowing the sale but for completeness of the subdivision file with the Town of Claverack he would like to have the original letter of findings by the NYS DEC as part of the file to protect the Town in the future. Rob Fitzsimmons looked up the original 2/3/89 spill from the NYS DEC website and read the report for the Board members. Rob Fitzsimmons will email the DEC report to Jodi Keyser for the file.

Acting Chairman Brian Goodrich opened the meeting to public hearing at 7:35 p.m. Roger Hallenbeck informed the Board that he has maps from 1939 showing a right of way for his property along the subdivision property and he wants to make sure that this right of way is preserved for access to his property. Mr. Hallenbeck, Mr. Tomaso, and the members of the Planning Board reviewed the maps for several minutes Rob Fitzsimmons informed the applicant's representative, Mr. Hallenbeck and the Board members that the issue of the right of way is not something that the Planning Board covers but it would be legally preserved within the deed descriptions and the chain of ownership. Rob Fitzsimmons continued that the decision of the Planning Board with regard to this subdivision does not abandon, negate, impact or remove the right of way. Rob Fitzsimmons informed Mr. Hallenbeck and Mr. Tomaso that the Town of Claverack Planning Board will document Mr. Hallenbeck's concerns over the right of way over the properties involved in the subdivision and that said right of way is valid as far as the Town of Claverack Planning Board is concerned. Motion to close public hearing was

made by Stephen Hook with a second from Judy Zink. All members were in favor. Motion carried. Public hearing closed at 7:47 p.m. Paul McCreary reviewed the SEQRA Part 1 for the Board. Answers were changed to some of the questions for the Part 1.

Motion for negative declaration with regard to SEQRA was made by Scott Cole with a second from Judy Zink. All members were in favor. Motion carried.

Motion for the Town of Claverack Planning Board to approve a 2 lot minor subdivision was made by Nathan Chess with a second from Judy Zink.

Fees of \$400.00 for application and final feels were paid by check. Maps were stamped and signed.

Wright, Samuel d/b/a Hemlock Hollow Venues: Tax Map #(SBL) 123 . - 2 - 01 . 120 and 123 . - 2 - 01 . 122 Located at 2177 County Route 11 Hillsdale. Site Plan Review/Special Exception Permit to hold three (3) temporary music, art, and camping festivals to be held June 19th – 22nd 2014, July 24th – 27th 2014 and August 7th – 10th 2014.

Mr. Wright asked the Board for guidance with having festivals at his property on County Rte. 11 and how he should proceed to make this happen. Mr. Wright informed the Board that he is no longer associated with the Big Up Festival and a Big Up Festival will never happen on his property again. Mr. Wright stated that he has other types of festivals that he would like to have on his property such as a yoga festival, car shows, art festivals and other types of festivals to be able to pay his taxes. Mr. Wright asked if he has a chance with having festivals on his property and asked about the changes to the laws might make with his application. Mr. Wright did not understand why he has to pay for a special counsel for his application because he can't afford to pay Jeff Baker and make money on his festivals. Gretchen Stearns suggested that Mr. Wright read the proposed zoning change with regard to festivals and he may become more informed with the changes and the effects on his application. Gretchen Stearns continued that the previous event held in August 2013 on Mr. Wright's property caused concerns and failed to meet the requirements of the Town of Claverack Planning Board especially with regard to the noise mitigation and sound levels that were non-compliant. Stephen Hook informed Mr. Wright that his current application contains maps and information that are inaccurate because they do not show the proposed boundary line adjustment and the file has inaccurate information because it is actually a copy of the Big Up application submitted last January which contained inaccuracies as determined throughout the previous review. Acting Chairman Brian Goodrich informed Mr. Wright that if he were to apply to the Town of Claverack Planning Board for a Big Up type of festival he would require that a Full Environmental Impact Statement be a necessary requirement. Paul McCreary asked if the applicant is anticipating a music festival. Mr. Wright stated that he is trying to pay his taxes and would like to be able to market some type of festival but it is impossible to do without an approval from the Town of Claverack Planning Board. Gretchen Stearns informed the applicant that his current application submitted in November is seeking three separate music, art and camping festivals which is exactly what the Big Up application stated and that the new law would limit the number of festivals on a site to a maximum of two per calendar year each of which would be held to any or all of three consecutive calendar days. Ms. Stearns suggested again that Mr. Wright read the proposed changes from the TOC website to become familiar with the changes and how they apply to his proposals. Nathan Chess suggested that Mr. Wright go out and find people who have a specific plan for a festival and work from there.

Ginsberg's Foods Site Plan Review: Tax Map #(SBL) 101 . 000 - 02 - 03 . 2 (Claverack) and 101 . 00 - 01 -04 (Ghent). Located at NYS Rte. 66 cross street of Wilber Circle. Site Plan Review for new construction of a wholesale food business/distribution/salesroom.

Acting Chairman Brian Goodrich informed the Board that the applicant is on the agenda for the TOC Zoning Board of Appeals meeting on 12/11/13 for the variance and interpretation and are most likely waiting for the results of the ZBA before returning to the TOC Planning Board.

INFORMAL:

Lands of Ellen Zaroff Subdivision: Tax Map #(SBL)133 . 0 – 02 – 40. Proposed subdivision of 219.02+/- acres into two parcels of 18.83 and 200.19 acres respectively and located at 644 Lockwood Rd. within the Town of Claverack and Town of Hillsdale.

Cynthia Elliott, surveyor was present to represent the applicant. Ms. Elliott informed the Board that her client recently purchased the entire 219 acre parcel and is now seeking to subdivide the property into two parcels of 18.83 acres and 200.19 acres. Ms. Elliott continued that the 18.83 acre parcel contains a house and accessory buildings with well and septic and the remaining 200.19 acres is vacant land. Ms. Elliott informed the Board that her client plans to sell the 18.83 acre parcel and build her personal residence on the 200.19 acre parcel. Ms. Elliott informed the Board that a portion of the subdivision is located within the Town of Hillsdale and requested that the Town of Claverack Planning Board seek lead agency status and send notification to the Town of Hillsdale. Ms. Elliott submitted map, official subdivision application, Ag data information, SEQRA, letter from Hudson River Valley Engineers PLLC with regard to the existing septic system, a letter from Ms. Zaroff granting Ms. Elliott permission to represent her on behalf of the application, and a check for \$200.00 application fee. Board members reviewed the maps informing Ms. Elliott that location maps, septic locations for the main house and if any the septic and well locations for the apartment building, notation that any future subdivision of the 18.83 acre parcel would require separate wells and septic systems, water courses and land formations-outcroppings, standard perk testing notation and the locations of any existing driveways should be added to the maps. Rob Fitzsimmons informed Ms. Elliott that deed descriptions should be sent to his office for review prior to the January 2014 meeting. Motion to accept the application as complete, and to classify as an unlisted action with regard to SEQRA, set for public hearing and to notify the Town of Hillsdale that the proposed action is currently under review by the Town of Claverack Planning Board was made by Stephen Hook with a second from Scott Cole. All members were in favor. Motion carried.
Continued to January 2014.

Acting Chairman Brian Goodrich then turned the meeting to Gretchen Stearns to review for the Board members the recommendations for changes to the Town Zoning Regulations that the Planning Board has comprised to send to the Town Board for consideration.

Motion to accept the recommendations of the Town of Claverack Planning Board for revisions to the Town of Claverack Zoning Regulations was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried.

Planning Board members thanked Gretchen Stearns for compiling the many suggestions for the revisions on behalf of the TOC Planning Board.

Acting Chairman Brian Goodrich then asked the Board members, engineer, and counsel how the TOC Planning Board should proceed with a joint review between the Town of Ghent and the Town of Claverack Planning Boards with regard to the Ginsberg's project.

Nathan Chess suggested that he would like to have an informal TOC and TOG Planning Board meeting to discuss the Ginsberg's project. Gretchen Stearns stated that she would like to see more

detailed plans or additions along with the Town of Ghent like making the large building look like a couple of different buildings, architectural renditions. Rob Fitzsimmons stated that the larger portion of the project is within the Town of Ghent so the Town of Claverack Planning Board members should be prepared to travel to Ghent to the joint meetings. Acting Chairman Brian Goodrich stated that he will inform the Town of Ghent Planning Board that they can set up the date and times for joint meetings and notify the Town of Claverack Planning Board to attend and to allow adequate time for the Town of Claverack Planning Board Secretary to notice the meeting for the Town of Claverack. Acting Chairman Brian Goodrich informed the Board members that they have received the Lead Agency request from the Town of Ghent Planning Board.

Motion to grant Town of Claverack Planning Board Chairman Stephen Hook authority to sign the Lead Agency Status form and to send a copy of the signed form to the Town of Ghent Planning Board was made by Nathan Chess with a second from Scott Cole. All members were in favor. Motion carried.

Scott Cole thanked Chairman Stephen Hook for his service to the Town of Claverack Planning Board and wished him luck on his new venture as a Town Board member.

Motion to adjourn the meeting was made by Stephen Hook with a second from Scott Cole. All members were in favor. Motion carried. Meeting adjourned at 9:34 p.m.

Respectfully submitted,
Jodi Keyser, Secretary