

**TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting: January 6, 2014  
7:00 p.m.**

**APPROVED 2/10/14**

**Meeting called to order at 7:00 p.m.**

**Members in attendance: Brian Goodrich, Judy Zink, Virginia Ambrose, Gretchen Stearns, Nathan Chess, attorney Rob Fitzsimmons, engineer Paul McCreary and secretary Jodi Keyser**

**Absent: Scott Cole**

**Motion to allow Brian Goodrich to act as Chairman was made by Virginia Ambrose with a second from Nathan Chess. All members were in favor. Motion carried.**

**Members reviewed the Minutes of the December 2, 2013 meeting.**

**Motion to approve the minutes of the December 2, 2013 meeting was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried.**

**Correspondence: New material submission for the Ginsberg's application.**

**CONTINUING APPLICATIONS FOR 1/6/14:**

**Cindy Elliott requested that her application be placed at the beginning of the meeting because she also needed to be at another Planning meeting in Schodack. Acting Chairman Goodrich asked the other applicants. All agreed.**

**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.

Cindy Elliott was present for the application. Ms. Elliott submitted new maps with location map, widths for the 3 easements, separate wells, and septic systems for Parcel #1, note if future subdivisions would require separate well and septic systems, setback requirements, updated date, existing driveways and farm road. Paul McCreary informed the Board that his review found a CT stream. Ms. Elliott stated that the Board waived the need to map the stream because of the distance and it the stream will not be disturbed. Paul McCreary asked if there were Federal regulated wetlands. Ms. Elliott informed the Board that there are wetlands but not Federal and the wetlands will not be disturbed because they are in Parcel #1 which contains a residence and apartment building. Gretchen Stearns asked where the CT Stream is located. Ms. Elliott informed the Board that the CT Stream is located in Parcel #2 on the opposite side of the parcel than the proposed house site and across the roadway. Ms. Elliott stated that her client may decide to subdivide the property in the future and at that time would be required to show the CT Stream. Gretchen Stearns stated that she is concerned with sloping over 15%. Ms. Elliott stated that the parcel does have a slopes but the proposed house site is flat. Nathan Chess stated that in his opinion the minutes should reflect that the TOC engineer noticed that a CT Stream exists and that any future development would be required to show the CT Stream on the map. Acting Chairman Goodrich opened the application to public hearing at 7:15 p.m. Sam Wright stated that the Planning Board required him to show streams and wetlands on his maps and it is not fair that this applicant is not. Mr. Wright continued that if he is required to show everything then why is this applicant an exception. Gretchen Stearns informed Mr. Wright that the reason for this is because the stream on the property being subdivided by Mr. Wright crosses the entire Boundary Line Adjustment. Rob Fitzsimmons informed Mr.

Wright that his concern is duly noted. Motion to close the public hearing was made by Judy Zink with a second from Virginia Ambrose. All members in favor. Motion carried. Public hearing closed at 7:17 p.m. Motion to deem 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.

Virginia Ambrose stated that the CT Stream and wetlands should be noted on the maps and in the minutes. Rob Fitzsimmons informed the Board that a notation regarding the CT Stream and wetlands will be added in the condition box on each map. Paul McCreary reviewed the SEQRA for the Board.

Motion to grant negative declaration with regard to the SEQRA was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Motion to approve the 2-lot minor subdivision with extra notes added to the maps indicating that Parcel #2 is subject to CT Stream and Parcels #1 & 2 are subject to wetlands for all future development was made by Nathan Chess with a second from Gretchen Stearns. All members were in favor. Motion carried. Maps were stamped, signed, and notes added. Final fees of \$200.00 were paid.

**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.

Jeff Plass, Mrs. Skelley and her son were present for the application. Mr. Plass reminded the Board members that the Skelley's were subdividing 8.044 acres into two parcels, one of which required an Area Variance due to the non-conforming size under 5 acres. Mr. Plass informed the Board that the Skelley's were granted the Area Variance by the Town of Claverack Zoning Board of Appeals. Mr. Plass submitted new maps for the Board showing the perk test sites, setbacks, well, and proposed driveway. Mr. Plass also informed the Board that they have received a letter from TOC Highway Superintendent Louis LaMont for the driveway cuts and a letter from CC DOH for the septic system. Mr. Plass continued that the USGS contour mapping shows a slope to the property but not very steep.

Acting Chairman Brian Goodrich asked for comments or questions from the Board members. Paul McCreary informed the applicant that it appears that the driveway will be lengthy and if more than one acre of property is disturbed then the project would fall under the NYS SPEDES. Mr. Plass informed the Board that the total amount of disturbance would not be an acre. Paul McCreary informed the applicant that the TOC Building Inspector Stan Koloski will be asking this question and keeping track of the disturbance through his office.

Acting Chairman Brian Goodrich asked the length of the proposed driveway. Jeff Plass stated that the proposed driveway is planned to be 400 feet long and 25 feet wide. Mr. Plass stated that if this is going to be an issue in the future than it should be a standard note on the maps. Motion to add standard note to all maps going forward that all construction will meet NYS SPEDES and NYS SWIFT permits was made by Nathan Chess with a second from Gretchen Stearns. All members were in favor. Motion carried. Rob Fitzsimmons informed the Board that this could be adopted with the review of the Comprehensive Plan review. Acting Chairman Brian Goodrich opened the application for public hearing at 7:40 p.m. No comments. Acting Chairman Goodrich closed the public hearing at 7:41 p.m.

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

Paul McCreary reviewed the old SEQRA for the Board members which was submitted prior to the SEQRA change. Motion to grant negative declaration with regard to SEQRA was made by Nathan Chess with a second from Virginia Ambrose. All members were in favor. Motion carried.

Motion to approve the 2-lot minor subdivision was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion was approved. Maps were stamped and signed. Final fees of 200.00 were paid.

Gretchen Stearns wished the Skelley's Godspeed with their approval and wanted it recorded that the new Comprehensive Plan is over a year old and that the Town of Claverack Planning Board will no longer look favorably on the subdivision of undersized parcels.

**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 was present for his application. Acting Chairman Brian Goodrich informed Mr. Wright that the Planning Board members had received information from the TOC Building Department that may affect his application. Gretchen Stearns informed Mr. Wright that the TOC Building Department thought that the Decker property, that will receive a portion of Mr. Wright's property containing a residence and other buildings, contained buildings also which would require a Variance. Gretchen Stearns continued that the TOC Building Department researched the Decker Property and found that there were no additional buildings on the property. Gretchen Stearns continued that the TOC Building Department did find an apartment above the garage that was not allowed under the old zoning regulations. Gretchen Stearns informed Mr. Wright that the TOC Building Department is asking if the TOC Planning Board will make Mr. Wright acquire a Special Exception for the apartment if it is currently being used as a residence. Sam Wright informed the Board that Stan Koloski inspected the existing apartment in 1992 because he was changing a staircase. Sam Wright informed the Board that at that time a letter was written to Stan Koloski by Mr. Wright indicating that the apartment was pre-existing 1972 and any zoning but he cannot find that letter. Rob Fitzsimmons informed the Board that the applicant has indicated that the apartment in question is a pre-existing non-conforming use. Gretchen Stearns asked if the apartment has a certificate of occupancy. Rob Fitzsimmons stated that the when residence move out of the apartment and new residence move in the TOC Code does not require an inspection of the apartment. Gretchen Stearns asked if the apartment is currently occupied. Mr. Wright stated yes. Gretchen Stearns stated that the new zoning laws allow for accessory buildings but only if the owner of the property resides in the main residence. Rob Fitzsimmons informed the Board that this is a pre-existing non-conforming and predated 1972 zoning laws. Gretchen Stearns stated that she is concerned that the Planning Board is approving a Boundary Line Adjustment for a building that might not be safe.

Mr. Wright wrote a letter during the meeting that stated that the existing apartment above the garage existed prior to 1972 and is a pre-existing non-conforming use to the best of his knowledge. The letter was submitted into the file. Acting Chairman Goodrich reminded the Board that a public hearing was held on 12/4/13 but the deed descriptions were not reviewed by Rob Fitzsimmons. Rob Fitzsimmons informed the Board that he had received the deed descriptions from Mr. Wright's attorney but there was one part of merger language that was missing. Rob Fitzsimmons will email Mr. Wright's attorney and inform him of the missing language to clean up the deed descriptions. Gretchen Stearns informed Mr. Wright that if the Decker's plan to build on the property they will need to seek guidance from the TOC Building Department to determine if any new construction is allowed.

Motion to approve the minor Boundary Line Adjustment was made by Judy Zink with a second from Nathan Chess. All members were in favor. Motion carried. Maps were stamped and signed. Mr. Wright paid application and final fees of \$450.00

**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 19<sup>th</sup> – 22<sup>nd</sup> 2014, July 24<sup>th</sup> – 27<sup>th</sup> 2014 and August 7<sup>th</sup> – 10<sup>th</sup> 2014.

Acting Chairman Brian Goodrich informed Mr. Wright that he will need to re-apply for a Special Exception because his current application is no longer valid under the newly adopted zoning law. Mr. Wright informed the Board that he knew that the TOC was changing the law but because his application was submitted prior to the change it should still be valid. Mr. Wright stated that he feels that the Board is being unfair to him. Mr. Wright continued that the Big Up Festival is not returning to the property but he would like the ability to be able to go out and market for some type of festival. Rob Fitzsimmons reminded Mr. Wright that he was supplied with a copy of the proposed new law and is specifically states that it is in effect for all previously pending and future applications. Mr. Wright felt that it was unfair to change the law after his application was submitted and include the application into the new law. Mr. Wright informed the Board that he is officially withdrawing his application. Nathan Chess stated that he wanted to make clear that whenever the Planning Board reviews a Special Exception or Site Plan Review an escrow account is set up to cover the fees for legal and engineering reviews. Mr. Chess continued that the law also states that the Planning Board has the discretion to appoint a special counsel or special engineering to review the application and the applicant is required to cover those fees.

Acting Chairman Brian Goodrich informed the Board that there were some housekeeping items that he needed to address.

Motion for the Town of Claverack Planning Board to participate in joint review meetings with the Town of Ghent Planning Board for the Ginsberg's Site Plan review was made by Gretchen Stearns with a second from Judy Zink. All members were in favor. Motion carried.

Acting Chairman Goodrich polled the Board members to see if they would have a quorum for the joint meeting on 1/15/14 at the Town of Ghent Office building. Four members agreed to attend.

Acting Chairman Goodrich informed the Board that one thing that came out of the removal hearings was that the TOC Planning Board is without proper procedures. Acting Chairman Goodrich continued that the procedures are like by-laws. Acting Chairman Goodrich informed the Board that he looked up orders of procedures on the internet and found some interesting items. Acting Chairman Goodrich will email the procedures for the Board members to consider and asked them to submit anything that they feel might be helpful. Board members agreed that Rob Fitzsimmons should review the list of procedures and clean them up as needed for clarity and consistency. Gretchen Stearns stated that the members of the Planning Board are appointed by the members of the Town Board and therefore they have given them the responsibility to determine what procedures to use. Katy Cashen agreed.

Paul McCreary informed the Board that in the review of recent applications the need arose for him to do a more extensive search of wetlands and streams that were on the properties. Mr. McCreary informed the Board members that these increased reviews using GIS mapping and going to websites searching information is more time consuming than a regular review. Mr. McCreary stated that he would be willing to teach a few of the Board members how to look for this information to find the wetlands and streams or he will continue and bill the town for them. Mr. McCreary continued that the Planning Board would have to inform the Town Board that the increased reviews are necessary and that the Town of Claverack should pay for the extra service. Gretchen Stearns stated that she feels more comfortable with the TOC engineer performing the increased reviews and that he should receive extra pay. Nathan Chess stated that he is willing to do extra but the TOC should have adequate financial coverage to pay the engineer to do the reviews. Rob Fitzsimmons asked Mr. McCreary how long does the increased review take. Mr. McCreary stated that it usually takes about an hour but if something comes up on the GIS or other mapping then he has to research on websites

and other maps and it is time consuming. Rob Fitzsimmons stated that it is fine to train Planning Board members but it would be in the TOC's best interests for the expertise of the town engineer instead of relying on Planning Board members. Rob Fitzsimmons continued that the Town Board may need to look at increasing the amount of the application fees to cover the increased review. Nathan Chess stated that to his knowledge the application fees have not changed in several years. Katy Cashen informed the Board that she will relay this information to the Town Board.

Motion to adjourn the meeting was made by Nathan Chess with a second from Judy Zink. All members were in favor. Motion carried. Meeting adjourned at 8:32 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary