

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes of: April 7, 2014**

APPROVED 5/5/14

Chairman Brian Goodrich called the April 7, 2014 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Brian Goodrich, Virginia Ambrose, Gretchen Stearns, Nathan Chess, Rick Gerlach, engineer Paul McCreary, attorney Rob Fitzsimmons, secretary Jodi Keyser, and member Scott Cole at 7:35 p.m.

Absent with regrets Judy Zink

Correspondence: Training information from the Cary Institute was distributed to each member.

Members reviewed the Revised Minutes of March 3, 2014 meeting.

Motion to approve the March 3, 2014 minutes was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 4/7/14:

Wang, Brandon Subdivision: Tax Map#(s): In Claverack #114-01-3 with approximately 95+/- Acres and in Hillsdale: #114-01-30 with approximately 80+/- Acres Located at 151 Harder Rd. Town of Claverack. Two lot subdivision.

Cindy Elliott was present for the application. Ms. Elliott submitted updated maps and reviewed the punch list items as follows: Dry hydrant is indicated on the notes, width of the driveway is now 20 feet with a widened area for turnarounds, wetlands are delineated with GIS overlay, legend added, notes on map added, and streams are noted as Class C Streams. Ms. Elliott informed the Board that the turnaround area will be included on the maps after landscaping design is complete. Also Ms. Elliott informed the Board that she has heard that Stan Koloski has a letter from the fire company indicating that they are fine with the turnaround area but she does not have a copy of the letter. Ms. Elliott informed the Board that the house site will be approximately 1800 feet from the beaver pond. Ms. Elliott continued that she has also added a note to the map regarding the common driveway agreement that driveway will be equally shared and a driveway maintenance agreement will be required if either of the parcels is sold. Ms. Elliott informed the Board that an easement is not allowed on properties owned by a single owner so the note was added as such. Ms. Elliott added that the approximate location of the dry hydrant is indicated and will be added after the landscaping design is completed. Ms. Elliott then informed the Board that after the March meeting Paul McCreary indicated that the property might be a habitat for nesting eagles. Ms. Elliott informed the Board that she has maintained a 600 foot radius around each house site to protect any nesting eagles if there are any. Ms. Elliott continued that she emailed NYS DEC Nancy Heaslip for comments on possible eagles at the site. Ms. Elliott informed the Board that she does not dispute that there could be eagles at the site but she has surveyed the site and did not find any indications of any eagle nesting areas. Ms. Elliott informed the Board that she has added a note to the map stating that eagles might use the large pond for fishing. Ms. Elliott then informed the Board that she was notified by Jodi Keyser that the Town of Hillsdale Planning Board has requested to review the application at their next meeting. Ms. Elliott continued that as required the Town of Claverack Planning Board noticed the Town of Hillsdale because the property is located within the towns of Claverack and Hillsdale. Ms. Elliott continued that in January 2014 she represented another applicant that was subdividing property that was in both the Town of Hillsdale and Town of Claverack and the Town of Hillsdale had no comments regarding that subdivision so why this one. Ms. Elliott continued that the applicant isn't constructing anything on the portion of the property that is within the Town of Hillsdale so she can't understand the reasoning. Ms. Elliott informed the Board that her client is eager to begin construction and the Town of Hillsdale's next regular meeting isn't until May 12th which puts her client months

behind with his building. Ms. Elliott then informed the Board that she spoke to the Town of Hillsdale attorney Dick Alford for reasoning and he directed her to speak with the Town of Hillsdale Planning Board Chairman Hank Henward. Ms. Elliott informed the Board that she received a verbal message from Mr. Henward stating that the Town of Hillsdale Planning Board might not want to review the application. Gretchen Stearns asked if it would be ok for the Town of Claverack Planning Board to grant approval and hold on stamping the maps until after the Town of Hillsdale has reviewed and commented Chairman Goodrich stated that he would rather wait until TOC attorney Rob Fitzsimmons arrived to give counsel on the subject. Ms. Elliott then read an email from Mr. Henward stating that it was ok to proceed and wished her good luck. Gretchen Stearns then asked if Mr. Wang owned several other parcels adjacent to the current parcel. Ms. Elliott informed the Board that Mr. Wang owns parcel #1 which is a 195 acre parcel known as the Redmond property, parcel #2 which is the lake, parcel #3 a 330 acre parcel formally known as the Schneider farm, and parcel #4 a 160 acre parcel formally the Cutler/Rowan property which contains a large log cabin, and parcel #5 which is a 33 acre parcel formerly the Ray property all with separate deeds and owned by Mr. Wang. Gretchen Stearns then informed Ms. Elliott that the clock was reset for the number of subdivisions on a individual property when the new Zoning law was passed in 2013 and the property may at some point become classified as a Conservation subdivision if any of the current parcels are divided into 5 or more parcels. Ms. Elliott informed the Board that her client may need one more subdivision which would subdivide the 195 acre parcel one more time with a total of three house sites but the third subdivision would be within the Town of Hillsdale. Ms. Elliott informed the Board that Mr. Wang's plan is to build a family compound for his family and to build a home on the property for himself and each of his four children. Ms. Elliott informed the Board that the Cutler/Rowan property has an existing log cabin which may be used as a residence for one of the family members. Nathan Chess asked about a parcel of Shutts which appears to be landlocked by Wang property. Ms. Elliott informed the Board that is correct the Shutts property is a landlocked parcel surrounded by Wang property which has a right of way through the former Schneider property and is a steep wooded parcel which does not contain any buildings. Gretchen Stearns stated that she has seen common driveway agreements in family compounds in the past fall apart when the property is sold. Ms. Elliott reviewed the driveway agreement with Rob Fitzsimmons and informed the Board that due to the circumstances this cannot be placed in a deed description. Rob Fitzsimmons informed the Board that legally a single owner can't have an easement over his property so the note on the map indicating that if the property were ever sold then a driveway maintenance agreement would be required. Gretchen Stearns then asked Rob Fitzsimmons if the Town of Hillsdale would need to review the application prior to the Town of Claverack granting any approvals. Rob Fitzsimmons informed the Board that the Town of Claverack has met its due diligence by noticing the Town of Hillsdale and unless the proposal will have any major impact then the Town of Claverack Planning Board can be confident with moving forward. Chairman Brian Goodrich then opened the meeting to public hearing at 7:37 p.m. Mike Shutts – son of Helen Shutts owner of the landlocked parcel asked why the abutters were not notified of the subdivision and of the public hearing. Rob Fitzsimmons informed Mr. Shutts that the Town of Claverack is not required to notify abutters with matters of subdivisions only variances and special exceptions, or site plans. Mr. Shutts then asked what the square footage of the residences would be. Chairman Brian Goodrich stated that this information is not up to the TOC Planning Board. Mr. Shutts stated that he was just curious. Donald Klose asked if the residences will share a septic. Ms. Elliott stated that each residence will have its own septic and well but only one is shown on the maps because it exists and the other will be a pump up system not yet constructed. Tracy Klose, daughter of Helen Shutts stated that there are eagles on the property and she has seen them. Mike Shutts asked if future residences would also use the common driveway. Ms. Elliott stated that it is possible but unknown at this time. With no further comments Chairman Goodrich then closed the public comment at 7:41 p.m. Paul McCreary asked if NYS DEC Nancy Heaslip has fully weighed in on the nesting eagle subject. Ms. Elliott stated that she has contacted Ms. Heaslip informing her that this would be a good time to check for any eagle nests due to the lack of leaves. Ms. Elliott continued that Ms. Heaslip will put on list for a fly over. Ms. Elliott informed the Board that she has done a fly over of the property and hasn't seen any indications of nesting eagles. Ms. Elliott continued that she has done everything possible to mitigate the possibility of disturbing any possible nesting eagles with the 600 foot radius around each house site. Virginia Ambrose stated that it would be nice to have detailed information from the NYS DEC and a site visit report from Nancy Heaslip regarding nesting eagles. Rick Gerlach asked if the Town of Claverack Planning Board could request Ms. Heaslip make a visit to the site and report her findings. Rob Fitzsimmons informed the Board that they would need to determine if this is a possible significant environmental impact and Ms. Elliott has done due diligence by maintaining a 600 foot radius around each house site and note on the map of possible nesting eagles. Chairman Goodrich asked Ms. Elliott if she has walked the entire property. Ms.

Elliott informed the Board that during her survey she walked the property and did not find any indications of nesting eagles or nests and that eagles usually nest up high overlooking a water source and nothing is in the area of the pond. Ms. Elliott informed the Board if they would like her to have a fly over of the area filmed she would set that up. Chairman Goodrich stated that he feels that Ms. Elliott has done her due diligence to make sure that the property does not contain nesting eagles. Paul McCreary reviewed the SEQRA for the Board.

Motion for a negative declaration for the SEQRA with regard to the unlisted action was made by Nathan Chess with a second from Scott Cole. All members were in favor. Motion carried.

Motion to approve the Wang two lot minor subdivision was made by Gretchen Stearns with a second from Nathan Chess. All members were in favored. Motion carried.

Maps were stamped and signed and final fees of \$200.00 were paid.

Ms. Elliott informed the Board that she would submit correspondence from the NYS DEC regarding nesting eagles when it is received.

NEW APPLICATIONS FOR 4/7/14:

County of Columbia/Pine Haven Skilled Nursing Facility Special Exception: Tax Map #(SBL)113 . – 1 – 20 . 110 Located at 201 NYS Rte. 217. Special Exception for the construction of a new Pine Haven Skilled Nursing Facility to replace existing facility.

Rob Fitzsimmons informed the Board that the Columbia County Board of Supervisors has requested a hold on the reviews for the Pine Haven Nursing Home until further notice. Paul McCreary informed the Board that he had not yet received the Stormwater Management plan to review as of this meeting and this plan will require a detailed review by his office.

Zaroff, Ellen Special Exception: Tax Map #(SBL) 133 . 2 – 40 Located at 663 Lockwood Rd. Special Exception for the construction of a garage with a one bedroom guest house on the second floor.

Cindy Elliott is present to represent the applicant. Ms. Elliott reminded the Board that the TOC Planning Board approved the subdivision of this property in January 2014. Ms. Elliott continued that her client is constructing a residence and in the process has decided to also construct a caretaker/guest apartment above the garage which will contain one bedroom. Ms. Elliott continued that TOC Building Inspector Stan Koloski was concerned with the distance of the residences to the boundary line with the Town of Hillsdale. Ms. Elliott informed the Board that this dimension is now shown on the maps and she has reviewed this with Stan Koloski. Now Ms. Zaroff needs a Special Exception for the caretaker/guest apartment above the garage to be able to get a building permit from the Town of Claverack to start the house. Gretchen Stearns informed Ms. Elliott that the wording of the new Zoning Law is tricky and was designed to help out farmers to house farmworkers and families to be able to have a separate residence for elderly parents i.e. in-law apartments. Ms. Stearns continued that an accessory apartment must share the same well and septic, have no more than 2 bedrooms, owner has to live in one of the residences, and it is not subdividable, and the caretaker/guest house is different and can be no more than 1600 square feet, has to have a separate well and septic system, and enough property to be able to be subdivided in the future. Ms. Stearns stated that this is a fine plan but it is either an accessory apartment or a caretaker/guest residence. Ms. Elliott informed the Board that Stan Koloski is ready to grant a building permit and is ok with the setbacks and the Town of Hillsdale line. Gretchen Stearns then informed Ms. Elliott to inform the architect and builder that the garage with apartment and the primary residence are required to have the same types of aesthetics as the main residence i.e. roof slope, windows, doors, colors, etc. Rob Fitzsimmons informed the Board that the applicant needs to decide if this is an accessory apartment or not but to keep in mind that it cannot be subdivided in the future and this is up to the owner. Ms. Elliott informed the Board that she will revise the application and take out the caretaker wording and add accessory apartment and will resubmit application. Ms. Elliott asked if the application will still require a public hearing. Rob Fitzsimmons informed Ms. Elliott that the TOC Zoning Law requires a public hearing on all special exceptions and would also require notification to the Town of Hillsdale and the Columbia County Planning Department for review and comment. No fees were paid. Ms. Elliott will contact Stan Koloski with new application. Continued to May.

Schnackenberg, Werner Boundary Line Adjustment: Tax Map #(SBL)112 . – 1 – 29 Located at 160 Schroeder Rd. Boundary Line Adjustment on .50 acres to be combined with existing parcel to move boundary line so that the shop/garage are located on same parcel as the residence.

Secretary Jodi Keyser informed the Board that she received an email from surveyor Dan Russell that the Schnackenberg's have decided to withdraw their application from review.

Rules of Procedure.

Planning Board members then discussed the Rules of Procedures with Chairman Brian Goodrich reviewing each section for the members and received comments. Chairman Goodrich will make the requested changes and will email changes to each Planning Board member. The Board then discussed that they would need to submit this document to the Town Board for review.

Motion to adjourn the meeting was made by Nathan Chess with a second from Scott Cole. All members were in favor. Meeting adjourned at 9:03 p.m.

Respectfully submitted,
Jodi Keyser, Secretary