

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes of August 4, 2014
7:00 p.m.**

APPROVED 9/8/14

Chairman Brian Goodrich called the August 4, 2014 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Goodrich, Scott Cole, Virginia Ambrose, Judy Zink, Richard Gerlach, Judy Zink, attorney Rob Fitzsimmons, secretary Jodi Keyser, and engineer Paul McCreary

Correspondence: None

Members reviewed the Minutes of July 7, 2014 meeting. Motion to approve the minutes of the July 7, 2014 meeting was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Minutes were approved.

Chairman Brian Goodrich informed the Board that the September meeting date falls on Labor Day. Members were polled as to the best date for the September meeting. Motion to change the September meeting day to Monday, September 8, 2014 at 7:00 p.m. was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 8/4/14:

Board member Richard Gerlach asked to be recused because Eric Bell is his nephew.

Bell, Steven Micro Farm Distillery Special Exception: Tax Map #(SBL)122 – 1 – 40 . 200 Located at 150 Thielman Rd. Special Exception for a microbrewery/farm distillery to produce craft beer.

Eric and Steven Bell were present for the application. Eric Bell reviewed the application for the Board. Steven Bell explained that the micro-farm brewery will be operated in his garage by his son Eric. Eric Bell explained that he has been brewing craft beer as a hobby for several years and has been approached by some local establishments to purchase the beer to sell to their patrons. Eric Bell submitted information to the Board members which described his hops crop used for the brewery as a farming operation. Eric Bell informed the Board that he will not have on-site tastings or sales to the public. Chairman Goodrich read a findings letter from the Columbia County Planning Department finding no significant impacts but did ask about signage. Rob Fitzsimmons informed the applicant to check with Stan Koloski about the sign because there is nothing in the application about a sign. Rob Fitzsimmons continued that Stan Koloski might send him back to the Planning Board for a review of the signage if he feels it is necessary.

Chairman Goodrich opened the meeting to the public hearing at 7:05 p.m.

Alan Earnhart stated the business seemed like a good idea to him. No further public comment. Chairman Goodrich closed the public hearing at 7:06 p.m. Paul McCreary reviewed the SEQRA for the Board.

Motion to determine a negative declaration for the SEQRA was made by Scott Cole with a second from Virginia Ambrose. Members in favor were: Virginia Ambrose, Gretchen Stearns, Scott Cole, Judy Zink, and Chairman Goodrich. Motion was carried.

Motion to approve the Special Exception micro-farm brewery was made by Scott Cole with a second from Judy Zink. Members in favor were: Scott Cole, Virginia Ambrose, Judy Zink, Gretchen Stearns and Chairman Brian Goodrich. Motion carried. Mr. Bell paid fees of \$2.94 for the abutters mailing.

Siegfried Sprenger Site Plan Review: Tax Map # 132 . – 1 – 20 Located at 484 NYS Rte. 23. Site Plan Review to establish a retail business to sell furniture and household items at the former Yorkshire Farms Restaurant.

Tara Sprenger and Dan Wheeler were present for the application. Ms. Sprenger submitted photos of the sign that she will hang on the existing sign which will be removed each weekend. Ms. Sprenger informed the Board that

she will put the sign out on Friday and remove the sign on Sunday at closing only during the weekends that she is open. Dan Wheeler informed the Board that this is a less intrusive use than the former restaurant. Ms. Sprenger informed the Board that she has started to spruce the building up by replacing the old flower boxes with new ones and new plantings and started to paint the old concrete pillars lining the driveway. Chairman Goodrich asked if there were any items displayed outside. Ms. Sprenger stated no outside storage of anything only inside. Chairman Goodrich opened the meeting to public hearing at 7:16 p.m. Stephen Hook stated that he was concerned that items would be left outside the building and he is satisfied to hear that this will not happen. Ms. Sprenger informed the Board that no mechanical or machinery type items will be sold at all. Stephen Hook then stated that if the new business is approved then the former restaurant business use is finished. Rob Fitzsimmons answered correct when the new use is approved the restaurant use ceases and if the building is sold to someone who wants to reopen the restaurant use they will need to go through a Site Plan Review. Ms. Sprenger stated that her application is for a temporary use and the building is still for sale as a restaurant. Ed Beatty stated that he was in support of the new business and it is nice to see the building occupied. Roger Kosletsky stated that he was in support also. Email was received from Joe Keefe suggesting that cars use the entrance at a high rate of speed. Ms. Sprenger stated that her business has less traffic than the former restaurant. Gretchen Stearns stated that the DOT sets speed limits and maybe the tenant would display signs in his window of children. Charles Vieni asked if he understood that when the new use is approved then the former use ceases. Rob Fitzsimmons stated yes and if the building is sold and the new owners want to open it as a restaurant then they need to obtain a permit from the TOC Building Department and they would send them to the Planning Board. Chairman Goodrich closed the public hearing at 7:20 p.m.

Chairman Goodrich read the findings letter from the Columbia County Planning Department finding no significant impacts. Paul McCreary reviewed the SEQRA for the Board members. Motion to determine a negative declaration with regard to SEQRA was made by Gretchen Stearns with a second from Rick Gerlach. Member in favor were: Rick Gerlach, Gretchen Stearns, Judy Zink, Scott Cole, Virginia Ambrose and Chairman Brian Goodrich. Motion was carried.

Motion to approve the Site Plan Review to establish a retail business selling household items and antiques in the former Yorkshire Restaurant with the conditions that there is no outside storage of merchandise, no sales of mechanical or motorized items, and sign only advertised during days of operation was made by Virginia Ambrose with a second from Rick Gerlach. Members in favor were: Virginia Ambrose, Rick Gerlach, Judy Zink, Gretchen Stearns, Scott Cole, and Chairman Brian Goodrich. Motion carried. Ms. Sprenger paid fees of \$2.94 for the abutters mailing.

NEW APPLICATIONS FOR 8/4/14:

Almstead Nursery & Mulch Site Plan: Tax Map #(SBL)101 . – 2 – 53 Located at 905 Rte. 66. Site Plan Review for a 10' X 30' modular office building.

Andrew Aubin from Crawford and Associates was present to represent the application. Mr. Aubin informed the Board that his client is seeking to install a modular building for the office and bathroom for the employees of the mulch and topsoil processing business in the Columbia County Commerce Park. Mr. Aubin continued that a truck scale is also being added to the plan for their large client. Mr. Aubin informed the Board that the employees currently use the facilities across the street in another building owned by Almstead Nursery but that building is in the process of being leased out to another company by the owner. Mr. Aubin continued that the office building is needed because the main office is in New Rochelle New York and communications from this site are difficult and the company wants to give the few employees bathroom facilities and a lunch/break area. Chairman Brian Goodrich asked if there are any retail sales of the mulch/top soil to the public. Mr. Aubin stated no sales to the public. Chairman Goodrich stated that the business is advertised in the local newspapers. Mr. Aubin stated that the advertisements are for landscapers and construction companies not for the general public. Scott Cole stated that his boss has purchased a pick-up truck load of mulch in the past. Chairman Brian Goodrich informed Mr. Aubin that the Columbia County Commerce Park does not allow for retail sales of anything. Chairman Goodrich asked why the business needs a truck scale. Rick Gerlach stated that the building could have a cash register and

the truck scale could be used for retail sales. Chairman Goodrich stated that this could be a condition of the approval. Rob Fitzsimmons informed the Board that the Columbia County Commerce Park has restrictions that prohibit retail sales, only allowing for wholesale uses. Gretchen Stearns asked about the endangered bat species and wetlands that are mentioned in the SEQRA. Mr. Aubin stated that the endangered bat species is not unusual for the area and the wetlands are not near the proposed project. Gretchen Stearns asked if the building would be visible from Rte. 66. Mr. Aubin stated that the building will sit down in the property and only slightly visible from Rte. 66. Scott Cole stated that the business has tried to screen the operation but it is still largely visible. Gretchen Stearns stated that the building could look better with more plantings to obstruct the view from Rte. 66. Chairman Brian Goodrich asked why the plan shows a hold and haul septic system and also shows a leach field. Mr. Aubin informed the Board that this site is only a temporary site for the operation and his client does not want to spend the money for a septic system only a hold and haul tank. Chairman Goodrich informed Mr. Aubin that the plan needs to be cleaned up to show the exact septic system. Mr. Aubin also stated that the hold and haul tank is needed due to the poor soil conditions and he will submit a revised plan showing the hold and haul system only. Paul McCreary stated that hold and haul systems are only temporary at best and asked if the Columbia County Department of Health has approved the system. Mr. McCreary continued that the only way a hold and haul system would be approved is if it were truly a temporary and the future of the site is unknown so it could require a more permanent system. Mr. Aubin stated that the site is only experimental. Paul McCreary suggested that clarification through the CCDOH as to the time limit of the temporary system and advised it be temporary in months not years. Mr. Aubin stated that he will get a letter from the CCDOH. Paul McCreary also stated that the parking on the map should be noted as only for employees. Paul McCreary asked if the lighting is going to be on a timer. Mr. Aubin stated that the lighting would be from dusk to approximately 11:00 p.m. for security reasons. Paul McCreary asked if the business is open during these hours. Chairman Goodrich asked why the need for security. Gretchen Stearns asked why no need for security after 11:00 p.m. Gretchen Stearns informed Mr. Aubin that the lights should be out when the business closes because there is no need lighting after hours of operation. Scott Cole asked Mr. Aubin to clarify the septic system and update the maps. Gretchen Stearns reminded Mr. Aubin to submit a letter from the CCDOH for the septic system also. Chairman Brian Goodrich read the punch list for the Board: updated maps, CCDOH letter for the septic system, timer for lights, no lights after hours of operation, employee parking noted, more screening to shield the building from view shed of Rte. 66 and note that only wholesale sales are allowed.

Motion to deem the application complete, declare the application as an unlisted action with regard to SEQRA and to set public hearing for 9/8/14 was made by Virginia Ambrose with a second from Judy Zink. Members in favor were: Virginia Ambrose, Judy Zink, Scott Cole, Gretchen Stearns, Rick Gerlach and Chairman Brian Goodrich. Motion was carried. Refer application to the Columbia County Planning Department. Mr. Aubin will submit a revised map showing the hold and haul septic system to the town office for the County Planning review.

Alan & Jeannine Earnhart Special Exception: Tax Map # (SBL)112 . 2 – 1 – 43 Located at 22 County Rte. 9 Mellenville NY. Special Exception to allow for the applicant to house 38 laying hens for their own use.

Alan and Jeannine Earnhart were present for the application. Ms. Earnhart informed the Board that they currently have the chickens at their Dutchess County home but are moving to Mellenville and are seeking a Special Exception to allow the chickens on their new property. Gretchen Stearns asked if there are any roosters. Ms. Earnhart stated that she has two roosters and would like to keep them. Ms. Earnhart stated that the roosters are less noisy than other things and are cooped until about 7 or 8 a.m. Gretchen Stearns informed the applicants that neighbors may complain. Gretchen Stearns stated that the application is simple, meets the criteria, no wetlands but does see a CTS Stream and would want assurances that the chicken manure would not reach the stream. Alan Earnhart stated that the chicken pen would never be close to the stream due to the topography of the property. Paul McCreary informed the applicants that the NYS DEC requires a 100 foot buffer of the stream so keep the chicken pen out of the buffered zone. Chairman Brian Goodrich stated that the number of chickens seems like a business. Mr. Earnhart stated that Stan Koloski did not focus on the number of chickens that were for personal use. Rob Fitzsimmons informed the Board that the application has Dennis Callahan's writing suggesting agricultural animal husbandry and classified it as a business and the applicant has written on the

application that the chickens are for personal use. Rob Fitzsimmons informed the applicants that if they are planning to put up a sign advertising eggs for sale then it would be best to get the approval now because they can't ask for this later. Mr. Earnhart informed the Board that the chickens are solely for personal use. Mr. Earnhart informed the Board that the chicken pen is moveable and the 6,000 square foot pen will be transferred between two or three different sites on the property that have the right topography. Chairman Goodrich informed the applicant that the TOC Building department wants the site of the coop specified. Mr. Earnhart informed the Board that it is not realistic to designate a specific site for the pen. Rob Fitzsimmons informed the applicant to check with the NYS DEC for the actual distance the chicken coop needs to be located from a CTS Stream and setbacks will apply each time the coop is moved so these need to be checked also.

Motion to classify as an unlisted action with regard to SEQRA, deem the application complete, and set public hearing for the September 8th meeting was made by Rick Gerlach with a second from Gretchen Stearns.

Members in favor were: Rick Gerlach, Gretchen Stearns, Judy Zink, Scott Cole, Virginia Ambrose and Chairman Brian Goodrich. Motion carried. Applicant was informed to obtain a meeting notice sign from the TOC Office to display two weeks prior to the meeting.

Doris Diamond & Frank Heiser Special Exception: Tax Map #(SBL) 141 . – 2 – 24 Located at 2202 Route 27. Special Exception for the installation of a ground mounted solar array.

Rick Galbreth from Vanguard Energy was present for the application. Mr. Galbreth informed the Board that his client is seeking a Special Exception for ground mounted solar array in their yard. Mr. Galbreth continued that the solar array will be approximately 70 feet from the roadway. Gretchen Stearns stated that she would rather see the solar array on the roof because of the visibility and the neighboring church and cemetery. Gretchen Stearns continued that she would like to see screening and the VC disconnect labeled and mounted outside. Mr. Galbreth stated that additional screening would not be a problem and hiding the panels from the roadway would be easy and they could replace the fence if needed. Rick Gerlach stated that he prefers planting would rather than a fence. Rob Fitzsimmons informed the Board that the TOC Building Department is seeking a screening plan with an overview of the types of plantings. Paul McCreary asked the Board if they want to see a survey map showing the meets and bounds and the screening for a Site Plan. Rob Fitzsimmons asked the Board if they want a survey map or a sketch plan because a survey is costly. Rick Galbreth informed the Board that in most towns a sketch map with drawn in measurements is sufficient. Mr. Galbreth continued that he will supply a sketch map with the measurements and the placement and descriptions of the screenings and types of plantings that will be used. Chairman Goodrich informed the applicant that the back pages of the application show a roof mounted system so this is confusing. Mr. Galbreth stated that these pages should be removed. Chairman Goodrich asked the applicant how the panels are held down from wind. Mr. Galbreth informed the Board that the panels are secure and wind will not be an issue. Paul McCreary informed the Board that the plan for securing the panels should be submitted to the TOC Building Department with the actual construction plans. Mr. McCreary continued that the TOC Building Department will require hold-downs with some sort of direct tie in to the foundation for safety and Stan Koloski will require architectural stamped maps for the building permit.

Motion to classify as an unlisted action with regard to SEQRA, deem the application complete pending requested information and set public hearing for September 8, 2014 was made by Virginia Ambrose with a second from Gretchen Stearns. Members in favor were: Virginia Ambrose, Gretchen Stearns, Scott Cole, Judy Zink, Rick Gerlach and Chairman Goodrich. Motion carried. Mr. Galbreth was informed that the requested information and updated maps are required to be dropped off at the TOC office building no later than August 21st. Rob Fitzsimmons informed the applicant to also remove the pages in the application that show a roof mounted system. Rob Fitzsimmons also informed the Board that the application is exempt from County Planning review because it is considered an accessory structure. Mr. Galbreth was informed to obtain a meeting notice sign from the TOC office building and display the sign at the Diamond house two weeks prior to the September meeting.

Kelly & Darren Zempko Subdivision: Tax Map #(SBL) 102 – 01 – 18 . 1 & 102 – 01 – 18 . 2 Located at 340 & 366 Gahbauer Rd. Subdivision of 2.663 acres from the lands of Kelly Zempko to be added to the lands of Darren Zempko.

Darren and Kelly Zempko were present for the application. Mr. Zempko explained the maps for the Board. Kelly Zempko will be subdividing approximately 2.663 acres from her property to be merged with the lands of Darren Zempko. Rob Fitzsimmons explained the map to the Board members showing the merging parcels and existing parcels. Rob Fitzsimmons then informed the applicants that they need to have deed descriptions showing the meets and bounds of the properties written by their attorney and have them sent to him for review prior to the September 8th meeting. Rob Fitzsimmons asked about a shed that will be 19 feet from the proposed property line. Mr. Zempko stated that it is a run in type of shed for horses and that his surveyor Jeff Plass informed him that the code called for a 15 foot setback. Rob Fitzsimmons referred to the TOC Zoning code but only found the 20 foot setback. Mr. Zempko stated that he will have his surveyor move the line one foot to make the setback conform to TOC Zoning codes and he will submit new maps. Rob Fitzsimmons informed the applicant that if his surveyor could find the 15 foot setback regulation in the law he could email it to him.

Motion to classify as a Class 1 Boundary Line Adjustment, classify as an unlisted action with regard to SEQRA, deem the application as complete and set for public hearing on September 8' 2014 was made by Virginia Ambrose with a second from Scott Cole. Members in favor were: Scott Cole, Virginia Ambrose, Judy Zink, Gretchen Stearns, Rick Gerlach and Chairman Goodrich. Motion carried. Mr. Zempko was informed of the final fee amount due at the September meeting.

Shetsky, Christine/SolarCity Special Exception: Tax Map #(SBL)123 . – 1 – 53 Located at 196 Dunbar Rd. Hudson NY. Special Exception for roof mounted solar panels.

Sue Jornov was present for the application. Ms. Jornov informed the Board that the Town of Claverack is the only town that requires a Special Exception for roof mounted solar panels. Gretchen Stearns informed Ms. Jornov that this is a mistake in the TOC Zoning laws and is currently undergoing public hearing to be amended. Chairman Goodrich asked Ms. Jornov if she wanted to wait until after the August 14th Town Board meeting at which time the law will be changed and this could save her client some money. Ms. Jornov stated that she will go through the procedure for her client. Gretchen Stearns informed the applicant that in the future Part II of the SEQRA should not be filled in by the applicant.

Motion to classify as an unlisted action with regard to SEQRA, deem the application complete and set public hearing for September 8, 2014 was made by Virginia Ambrose with a second from Scott Cole. Members in favor were: Virginia Ambrose, Scott Cole, Judy Zink, Rick Gerlach, Gretchen Stearns, and Chairman Goodrich. Motion carried. Chairman Goodrich informed the applicant's representative that depending on the Town Board's vote on 8/14/14 the application might go away and they might not need to return.

Rob Fitzsimmons reviewed the two new local laws regarding the former Claverack School and church building next to it for rezoning into the H/B zone and some minor clean up issues within the law.

Chairman Goodrich informed the Board members that a tentative date for the next joint meeting with the Town of Ghent for the Ginsberg project is set for 8/20/14.

Motion to adjourn the meeting was made by Scott Cole with a second from Judy Zink. All members were in favor. Motion carried. Meeting adjourned at 9:17 p.m.

Respectfully submitted,
Jodi Keyser, Secretary