

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: December 1, 2014**

APPROVED 1/5/15

Chairman Brian Goodrich called the December 1, 2014 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Brian Goodrich, Joe Singleton, Gretchen Stearns, Judy Zink, Rick Gerlach, Scott Cole, Virginia Ambrose, attorney Rob Fitzsimmons, engineer Paul McCreary and secretary Jodi Keyser.

Members reviewed the minutes of the November 3, 2014 minutes.

Motion to approve the minutes of November 3, 2014 was made by Scott Cole with a second from Judy Zink. All members were in favor. Motion carried. Minutes approved.

Members discussed the minutes of the Joint Town of Ghent and Town of Claverack review meeting for the Ginsberg Food's Site Plan and Special Exception application which was held on November 10, 2014.

Gretchen Stearns referred to page 2 of the minutes which refers to the Town of Ghent zoning section 190.28. Gretchen Stearns informed the Board that this discussion was confusing during the meeting and wanted the minutes to reflect the accurate zoning section. Changes to the minutes will include the actual Town of Ghent Zoning Law 190.28. Gretchen Stearns then stated to the Board members that the Area Variance for the height of the building is not the same as an Area Variance for the size of the building. To continue Gretchen Stearns stated that the size of the building should not be allowed to increase in the future because it is so large at this point.

Motion to approve the corrected minutes of the Joint Town of Ghent and Town of Claverack review meeting for the Ginsberg Food's Site Plan and Special Exception application was made by Virginia Ambrose with a second from Rick Gerlach. All members were in favor. Minutes were approved.

Correspondence: None received.

CONTINUING APPLICATIONS FOR 12/1/14:

County of Columbia Subdivision: Tax Map #(SBL) 112 . 00 – 01 – 59 Located at 341 NYS Rte. 217. Subdivision of 24.16 acres into two parcels of 22.16 and 2.0 acres respectively.

Jeff Plass was present for the application. Mr. Plass submitted new maps and informed the Board members that a note was added to the map indicating that this is not an approved building lot, no DOH perk testing and no DOT highway permits have been issued along with the standard map notes. Paul McCreary asked if the Town of Claverack Town Board members have reviewed the proposed subdivision. Town Councilperson Katy Cashen informed the Board that the Town Board members have reviewed the subdivision and are fine with moving forward. Gretchen Stearns stated that in her opinion it is a crazy idea for the Planning Board to approve a subdivision that has not had perk testing or NYS DOT approval for curb cuts. Rob Fitzsimmons informed the Board that they have the ability to waive certain items and it is under their discretion what is waived. Gretchen Stearns then stated that a driveway cut would be very costly for the Town of Claverack if they decide to use it for public space and if not then the Town will be responsible to maintain the property until they either sell it or do something with it. Gretchen Stearns continued that the Town should have requested that the county pay the Town of Claverack for the property and sell it with the building instead of getting the parcel. Rob Fitzsimmons informed the Board that Town of Claverack Supervisor Kippy Weigelt tried to negotiate with the County to pay the Town for the property but the County would only give the Town the 2 acres. Jeff Plass informed the Board that the slope of the property is not that steep and should not be difficult or expensive for a driveway cut. Rob Fitzsimmons reminded the Board that the County purchased the property several years ago with intentions to move the County offices to the site but the public response was negative so the County asked the Town of Claverack for a Use Variance for records storage. Rob Fitzsimmons continued that the County has decided to auction off the property and in October 2014 had accepted a bid and then offered the Town of Claverack the 2 acres that was promised when they purchased the property. Rick Gerlach asked why the Town of Claverack wouldn't rather have 2 acres on the Town road. Rob Fitzsimmons and Jeff Plass both informed the Board that all areas were reviewed and the property that was chosen was the one on

NYS Rte. 217. Rick Gerlach stated that the TOC does not have a concrete plan for the property at this time so it should be left up to the Town Board members. Gretchen Stearns stated that she fears that it will be a drain on the TOC funds and it is really too small for anything possibly a dog park or a playground but the TOC will need to carry insurance and to maintain the property. Rob Fitzsimmons informed the Board that the TOC carries municipal insurance on all TOC properties and it is not costly it will just be added to the total insurance policy. Chairman Brian Goodrich stated that it is difficult to approve a subdivision without DOH and DOT approval.

Chairman Goodrich opened the meeting up to public hearing at 7:18 p.m.

Ron Kardis stated that he agrees with the statements from TOC Planning Board member Gretchen Stearns that the property will cost the TOC more than it is worth in the end. Mr. Kardis continued that the Town of Claverack should not get into the real estate business and should gift back the property if it is going to cause havoc with the buyer. Rob Fitzsimmons stated that he has spoken directly to the possible buyer is agreeable with the 2 acres going to the Town of Claverack but her lawyer is not happy with the wording of the agreement. No further comments.

Chairman Brian Goodrich closed the public hearing at 7:26 p.m.

Joe Singleton asked if the TOC allows this subdivision to go forward and grants the waivers for DOT and DOH what is to keep the next person from expecting waivers for the same things.

Rob Fitzsimmons informed the Board that the TOC Planning Board always has the right to waive certain requirements on an individual basis but this property is within the Residential zone and the buyer would have to get these if they wanted to build on the property. Chairman Goodrich asked if the Use Variance that was granted for the property remains with the subdivided property. Rob Fitzsimmons informed the Board that he does not know of any situation where the Use Variance has followed property that has been subdivided from the original parcel.

Paul McCreary reviewed the SEQRA for the Board.

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

Motion to approve the 2 acre Subdivision with the Town of Claverack Planning Board waiving the required New York State Department of Transportation approval and the Columbia County Department of Health perk testing and that a note on the map fully notice that the parcel is not an approved building lot was made by Joe Singleton with a second from Rick Gerlach.

Members voted as follows: Rick Gerlach; in favor, Gretchen Stearns; not in favor, Joe Singleton; in favor, Judy Zink; in favor, Scott Cole; in favor, Virginia Ambrose; in favor and Chairman Brian Goodrich; in favor.

Motion carried.

Maps were stamped and signed. Fees of \$200.00 are due to release the maps.

NEW APPLICATIONS FOR 12/1/14

Jeff Plass informed the Board that the Zempko's would like to revisit their previously approved subdivision to make a minor change to the property line. Mr. Plass asked the Board if his clients would need a new application or could the minor change be made to the maps and approved. Board members discussed the issue with Rob Fitzsimmons and it was decided that a new application was required.

OTHER BUSINESS:

Chairman Brian Goodrich informed the Board that he received an email from a representative from Verizon requesting information on abutter addresses for a proposed cellular tower at 97 Rte. 9-H.

Chairman Goodrich also reminded the Board that the Town of Ghent Planning Board will be meeting on 12/3/14 and the Ginsberg Foods application is on the agenda and asked if any TOC Planning Board members can attend.

Motion to adjourn the meeting was made by Rick Gerlach with a second from Scott Cole. All members were in favor. Motion carried. Meeting adjourned at 8:00 p.m.

**Respectfully submitted,
Jodi Keyser, Secretary**