

TOWN OF CLAVERACK
PLANNING BOARD
Minutes of: October 6, 2014

APPROVED 11/3/14

Chairman Brian Goodrich called the October 6, 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, Gretchen Stearns, Richard Gerlach, Joseph Singleton, attorney Rob Fitzsimmons, engineer Paul McCreary and secretary Jodi Keyser

Absent: Judy Zink

Correspondence: Training announcement from CC Planning Department Patrice Perry on 10/27/14 at Columbia Greene Community College.

Members reviewed the minutes of the September 8, 2014 meeting.

Motion to approve the September 8, 2014 minutes was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 10/6/14:

Bartges, Hans Special Exception: Tax Map #(SBL)132 . – 2 – 31 . 100 Located at 880 Snydertown Rd. Craryville, NY. Change previously approved Daycare/Nursery Center into a Caretaker/Owner dwelling. Mr. Bartges was present for the application. Mr. Bartges reviewed the application for the Board stating that he is seeking to abolish the previously approved Use Variance for a daycare/nursery center in an accessory building on his property into a caretaker/owner dwelling. Mr. Bartges continued that due to a sudden illness his wife is unable to operate the daycare facility and he needs to turn the building back into a rental unit. Gretchen Stearns asked if the TOC ZBA needs to abolish the previously granted Use Variance before the TOC Planning Board can act. Rob Fitzsimmons explained that since the previously approved Use Variance was granted prior to the new TOC Zoning laws and since Special Exceptions for Use are now reviewed by the TOC Planning Board it would be alright if the Planning Board made a motion to abolish the previous use at the same time they grant the new use.

Chairman Goodrich opened the meeting to public hearing at 7:03 p.m. No comments Chairman Goodrich closed the public hearing at 7:04 p.m. Paul McCreary reviewed the SEQRA for the Board members. Mr. Bartges informed the Board that there will be no changes to the structure or the driveway.

Motion to grant negative declaration with regard to SEQRA was made by Virginia Ambrose with a second from Gretchen Stearns. Members voting in favor were: Virginia Ambrose, Gretchen Stearns, Scott Cole, Joseph Singleton, Rick Gerlach and Chairman Brian Goodrich. All members present were in favor. Motion carried.

Motion to authorize the Town of Claverack Planning Board to abolish the previously approved Special Exception Use for a daycare/nursery and grant Special Exception approval for a caretaker/owner dwelling was made by Virginia Ambrose with a second from Gretchen Stearns. Members voted in favor were: Gretchen Stearns, Virginia Ambrose, Scott Cole, Rick Gerlach, Joe Singleton and Chairman Brian Goodrich. All members present voted in favor. Motion carried.

Mr. Bartges paid fees of \$10.29 for the mailing.

NEW APPLICATIONS FOR 9/8/14

Wolfe, Jay & Marcy Site Plan Review: Tax Map #(SBL)112 . – 1 – 51 Located at 690 Fish & Game Rd. Site Plan Review for a new farming business in a newly constructed 30' x 36' modular barn for raising alpacas. Jay and Marcy Wolfe were present for the application. Mrs. Wolfe explained to the Board that they are seeking a Site Plan for a new farm to raise alpacas. Mrs. Wolfe continued that they currently have 13 alpacas and harvest their hair to sell. Gretchen Stearns asked the number of acres. Mr. Wolfe stated that they have 5.75 acres on Fish and Game Rd. Mr. Wolfe stated that the application should not have a gazebo on it because they don't have a gazebo that is something Mr. Koloski wrote in on the application. Mr. Wolfe stated that there aren't any streams

or wetlands on the property only a small pond that started as a mud puddle a few years ago just a wet area in the lawn near the driveway. Gretchen Stearns informed the applicant that they need to submit a Part I EAF. Motion to classify as an unlisted action for SEQRA purposes, deem the application complete, and because the use is that of an agricultural use the Planning Board accepts the documentation provided as a sketch plan instead of a formal Site Plan and set public hearing for November 3, 2014 was made by Virginia Ambrose with a second from Gretchen Stearns. Members voting in favor were: Virginia Ambrose, Gretchen Stearns, Scott Cole, Rick Gerlach, Joe Singleton, and Chairman Brian Goodrich. All members present voted in favor. Motion carried. The Wolfes were informed to obtain a public hearing notice sign from the Town of Claverack Office at least two weeks prior to the November 3rd meeting and to submit the completed Part I EAF

Smith, John & Lisa Subdivision: Tax Map #(SBL)120 . 00 – 1 – 4 . 1 Located NYS Rte. 23-B and off of Old Lane in Claverack. Subdivision of 75 acres into 3 parcels of 33.35 acres, 10.18 acres and remaining lands of 32 +/- acres.

Mr. Koskey was present for the application. Mr. Koskey is purchasing the two parcels of 33.35 and 10.18 acres from Mr. & Mrs. Smith. Mr. Koskey has provided documentation from the Smiths to represent the subdivision. Mr. Koskey explained that he will purchase the two parcels marked 1A and 1B from the Smiths which is adjacent to his property. Rob Fitzsimmons informed the Board that the application was originally submitted through the TOC Building Department and Stan Koloski was stumped with the application and how to proceed. Rob Fitzsimmons continued reminding the Board that Mr. Koskey donated the parcel to the Town of Claverack to use for the water tower and was also granted a subdivision of three parcels at the end of the cul-de-sac that is a town roadway. Rob Fitzsimmons continued that Mr. Koskey owns the old railbed which is a right-of-way and his property is also dissected by a National Grid easement which in some towns is considered a defacto subdivision. Rob Fitzsimmons explained to the Board that Mr. Koskey is seeking to subdivide the 40 +/- acres into two parcels separated by the National Grid easement. Gretchen Stearns asked if he is seeking to merge the parcels with the current subdivided parcels. Mr. Koskey stated that National Grid would not allow this to happen. Mr. Koskey informed the Board that he would like to merge all of the parcels back into one large parcel because the previously approved three lot subdivision was a mistake. Mr. Koskey informed the Board that the non-conforming Town of Claverack highway ends at the water tower and his subdivide property is approximately 1/2 mile passed the water tower. Chairman Goodrich asked if the roadway is built to TOC Highway specs. Rob Fitzsimmons stated that Mr. Koskey donated the land to the TOC in exchange for access to his property and the Town Board accepted this. Rob Fitzsimmons continued that the roadway to the water tower is gravel and it is named Tank Road and the rest of the roadway to Mr. Koskey's parcels is a right-of-way. Chairman Goodrich asked if the right-of-way is not built to TOC Highway specs are the parcels then considered buildable lots. Rick Gerlach stated that the right-of-way does not have to be built to TOC Highway specs because it adjoins an approved Town Road. Chairman Goodrich asked Mr. Koskey if he would merge the parcels. Mr. Koskey stated eventually he would merge all of the parcels. Rob Fitzsimmons informed Mr. Koskey that the Board would be happier if the parcels were merged somehow with the current subdivided parcels. Mr. Koskey informed the Board that he will consult with TOC Assessor Brewer to find the best solution. Gretchen Stearns informed Mr. Koskey that he could make the two new parcels flag lots that are parcels that do not have frontage on an approved roadway but these types of lots cannot be subdivided in the future and are that there are no current flag lots with regard to this property. Mr. Koskey stated that flag lots are exactly what he wants to do.

Motion to classify as an unlisted action with regard to SEQRA and set for public hearing on November 3, 2014 was made by Scott Cole with a second from Rick Gerlach. Members voting in favor were: Scott Cole, Rick Gerlach, Virginia Ambrose, Gretchen Stearns, Joe Singleton and Chairman Brian Goodrich. All members present voted in favor. Motion carried. Mr. Koskey informed the Board that he recently purchased the former Keeler Dairy barn and has reassembled it on his property.

Valley Energy Site Plan Review: Tax Map #(SBL)131 . – 1 – 27 Located at 5848 NYS Rte. 9-H in Claverack. Site Plan Review for the relocation and replacement of existing fuel pumps including fire suppression system. Pat Prendergast was present for the application. Mr. Prendergast informed the Board that his client had received a building permit from the TOC Building Department for improvements to the office building and with that moved the existing fuel pumps for better access. Mr. Prendergast explained that Valley Energy has had these fuel pumps for their commercial customers like snowplowing and other contractors that have special cards that allow

them access to the fuel pumps during hours that the office is closed. Mr. Prendergast continued that the TOC Planning Board recently approved for the new building which has yet to be built. Mr. Prendergast continued that his client is seeking a Site Plan Approval only for the replacement and relocation of the existing fuel pumps. Mr. Prendergast explained that there is a fence with openings that was also changed and he submitted new maps showing the fence change. Mr. Prendergast informed the Board that retail customers that have the swipe card can also have access to the pumps. No sign with pricing or canopy. Gretchen Stearns asked if the TOC Building Department felt that this would be an accessory use and therefore will create more traffic. Mr. Prendergast stated that the fuel pumps existed so it is not a new use or an accessory use. Scott Cole stated that he remembered the old pumps when the Montana family owned the business. Rick Gerlach asked if there is fire suppression systems installed. Mr. Prendergast stated that the fire suppression system is on poles not in a canopy. Joe Singleton asked what agency inspects the installation and fire suppression system to insure that it is correctly installed and working. Mr. Prendergast stated that an electrical engineer will inspect the pumps and suppression system and then certify them. Joe Singleton asked what distance the pumps are from the roadway. Mr. Prendergast stated 75 feet. Gretchen Stearns informed Mr. Prendergast that there is a discrepancy with the EAF #13A which was answered no and should be yes. Mr. Prendergast will submit a new EAF with blank Part II. Paul McCreary informed the Board that the relocation of the existing fuel pumps is exempt from EAF because it is considered a maintenance item so no need for classification, extremely simple.

Motion to classify as a simple Type II action with regard to SEQRA and set public hearing for November 3, 2014 was made by Rick Gerlach with a second from Joseph Singleton. Members voting in favor were: Rick Gerlach, Joseph Singleton, Gretchen Stearns, Virginia Ambrose, Scott Cole and Chairman Brian Goodrich. All members present were in favor. Motion carried.

Roberts, Susan Special Exception and Rear Yard Setback Variance: Tax Map #(SBL) 112 . – 1 – 66 Located at 683 Fish & Game Rd. Special Exception for Accessory Use and Rear Setback Variance for the installation of ground mounted solar panels.

Ms. Roberts was present for the application. Ms. Roberts explained that the TOC Building Department instructed her that she needed an Area Variance for rear yard setbacks. Ms. Roberts continued that she applied to the TOC ZBA for the variance but at the meeting she was informed that she needed a Special Exception for ground mounted solar array that she is installing. Ms. Roberts stated that she did not know that she needed to go to both boards and was not given this information from the Building Department. Ms. Roberts informed the Board that she did attend the TOC ZBA meeting in September and they only needed maps drawn to scale. Rob Fitzsimmons informed the Board that the TOC ZBA wanted scaled drawings and written details of the wooded boundaries. Ms. Roberts informed the Board that the Area Variance is because she plans to mount the solar array 20 feet from her boundary line and the TOC requires 40 feet. Gretchen Stearns asked who the neighbor is at the rear boundary. Ms. Roberts stated that John Heins is the neighbor. Gretchen Stearns asked Ms. Roberts if she has spoken with her neighbors about the plan. Ms. Roberts stated that she has spoken with most of her neighbors and they are ok with the plan. Joseph Singleton suggested that both the Planning Board and ZBA consider asking for a map detailing the built after design because the submitted design may change due to unforeseen issues i.e. ground too rocky or unknown obstacles that would change the design or layout of the power lines. Paul McCreary suggested that this also makes sense because of unforeseen obstacles and an exact map should be submitted after the installation is complete. Board members then asked if they would need to hold a public hearing. Ms. Roberts stated that she is under a time limit because the federal and state incentives will run out at the end of the year so she needs to get the project started. Paul McCreary stated that given that the application is currently under review by the Town of Claverack ZBA then the Town of Claverack ZBA could be considered the Lead Agency and the Town of Claverack Planning Board could defer the SEQRA and public hearing to the Town of Claverack ZBA if they agreed.

Motion to grant Special Exception for ground mounted solar array and the Town of Claverack Planning Board grants the Town of Claverack Zoning Board of Appeals Lead Agency status for SEQRA and public hearing purposes and the Town of Claverack Planning Board feels that the Site Plan is complete as submitted and that the Planning Board members strongly recommend that the applicant supply an "As Built" map to the Town of Claverack Building Department at the completion of the installation was made by Rick Gerlach with a second from Joseph Singleton. Members voting in favor were: Rick Gerlach, Joseph Singleton, Scott Cole, Virginia Ambrose, Gretchen Stearns and Chairman Brian Goodrich. All members present voted in favor. Motion carried.

No need to return.

OTHER BUSINESS:

Chairman Goodrich informed the Board members that the next joint meeting for the Town of Claverack and the Town of Ghent for the review of the Ginsberg's Foods project is tentatively scheduled for 10/8/14 but he has not heard from the TOG Planning Chairman Jonathan Walters so it is in question.

Chairman Goodrich informed the Board that the CC IDA meeting is scheduled for 10/15/14 at the A.B. Shaw Fire house. Scott Cole informed the Board that this is not on the calendar at the fire house. Town Councilwoman Katy Cashen informed the Board that she sent Ken Flood to Sal Cozzolino to book the fire house for the meeting.

Board members discussed the latest material submissions from the Claverack Task Force and Brandee Nelson. Gretchen Stearns suggested that an additional condition should be that if Ginsberg's changes the refrigeration system then they will need to submit a new emergency response plan.

Motion to adjourn the meeting was made by Scott Cole with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 8:28 p.m.

Respectfully submitted,
Jodi Keyser, Secretary