

**TOWN OF CLAVERACK  
PLANNING BOARD  
Minutes: September 8, 2014**

**APPROVED 10/6/14**

**Chairman Brian Goodrich called the September 8, 2014 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.**

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

**Correspondence**

**Review Minutes of August 4, 2014 meeting.**

**CONTINUING APPLICATIONS FOR 9/8/14:**

**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 was present for the application. Mr. Aubin submitted updated maps showing parking, lighting, additional screening. Chairman Goodrich informed the Board and applicant that Columbia County Planning Department has commented on the proposal and has suggested that the hold and haul septic system be modified because this type of system is not allowed in the Commerce Park. CCPD continued that businesses within the Commerce Park must hook up to the Commerce Park Sewer District as a requirement with no single site or hold and haul septic systems allowed. Mr. Aubin informed the Board that this issue is a catch 22 because the NYSDEC will not allow any new hook ups to the CC Commerce Park Sewer and Water District because there is a problem with the flow levels. Mr. Aubin continued that his client cannot hook up to the sewer district but needs to have facilities for his employees. Paul McCreary informed the Board that the problem is that there isn't enough flow to make the sewer district work properly so NYSDEC has stopped all new hookups. Mr. Aubin informed the Board that he has researched several different options for his client and would like to hook up to the CC Commerce Park Sewer district but with an unknown timeframe it is difficult to do. Mr. Aubin suggested another option would be to have a hold and haul tank integrated into the modular office building and having this tank pumped regularly like a camper if the TOC Planning Board was satisfied with this. Joe Singleton asked why the applicant is not allowed to have a septic tank and leach field. Mr. Aubin answered that septic systems are not allowed for separate sites within the Commerce Park because everyone is supposed to hook to the sewer district but that isn't available. Mr. Aubin informed the Board that he has tried several times to speak with CC Engineer Dave Robinson but he has not returned his calls. Rick Gerlack suggested a timeframe of allowing a hold and haul system for 90 days until applicant could hook up to the sewer district. Mr. Aubin stated that this timeframe would not work because the NYSDEC won't allow new hook ups to the sewer district indefinitely or until the County fixes the problems with the flow issues and no one can answer when that will be. Chairman Goodrich suggested placing the modular office across the street. Mr. Aubin stated that his client currently owns another building across the street that his employees have been using but he will be leasing this building out in the near future which is why he wants to have facilities at the site. Mr. Aubin continued that the business needs computer access and a truck scale along with the office and facilities. Paul McCreary informed the applicant that the applicant is between a rock and a hard place and the TOC Planning Board does not know the ins and outs of the law and regulations the County has with regard to the Commerce Park which makes them reluctant to approve. Virginia Ambrose asked if the hold and haul tank would be inside or outside of the building. Mr. Aubin stated that the tank would be integral and part of the building and pumped out regularly. Chairman Goodrich stated that he was reluctant because it is like the TOC Planning Board is wiggling around the rules. Gretchen Stearns stated that if the County came along at a later date and allowed for the hook up then the applicant would be required to hook up to the sewer district but until that happens if**

the hold and haul tank is within the modular office building and treated like a port-o-potty it is not trying to go around the rules. Gretchen Stearns continued that it is not fair to the applicant to send this back to the CC Planning Department again and again to bounce around what is allowed and what isn't. Chairman Goodrich then suggested a 1 year approval. Gretchen Stearns stated that it should be approved until the CC Sewer and Water District is allowing for new hook ups. Paul McCreary asked if the Board would grant indefinitely or from year to year. Gretchen Stearns asked if all other Site Plan notations were added to the map i.e. hours of operation, lighting, etc. Mr. Aubin stated that he placed a note on the map that lighting would only be on during hours of operation 7:00 a.m. to 4:00 p.m. Monday through Friday and sometimes on Saturdays only during the mornings for half days. Paul McCreary informed the Board that they could make the approval conditional contingent upon getting hook up to the CC Commerce Park Sanitation system but due to the current constraints the TOC Planning Board is allowing a hold and haul septic system for 2 years or until NYS DEC allows new hook ups to the system. Chairman Goodrich opened the meeting to the public hearing at 7:26 p.m. Darrin Zempko stated that if he were an employee of the business he would want his employer to have facilities on site. No further comments. Chairman Goodrich closed the public hearing at 7:27 p.m. Paul McCreary reviewed the SEQRA for the Board. Motion for negative declaration with regard to the SEQRA was made by Gretchen Stearns with a second from Rick Gerlach. All members were in favor.

Motion to approve the Site Plan to allow for a modular office building with the condition that applicant hook up to the Columbia County Commerce Park Sewer District, however given the current state of the Columbia County Commerce Park Sewer District the applicant is unable to hook up to the system therefore the Town of Claverack Planning Board will allow for an integral hold and haul septic system for 2 years and renewal of the approval every 2 years should Columbia County have taken no action to remedy the sewer system problems was made by Virginia Ambrose with a second from Rick Gerlach. Members voting in favor were: Joe Singleton, Scott Cole, Virginia Ambrose, Gretchen Stearns, Judy Zink and Chairman Goodrich.

Motion carried.

Mr. Aubin needs to modify the Site Plan maps to show the integral hold and haul system. Chairman Goodrich asked for a vote to allow him to review the revised maps and stamp/sign them. Motion to allow for the Chairman to review, stamp and sign the revised site plan maps was made by Scott Cole with a second from Gretchen Stearns. All members were in favor. Motion carried.

**Alton & 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.

Mr. Earnhart was present for the application. Gretchen Stearns informed Mr. Earnhart that she reviewed the Special Exception with regard to chickens in the Hamlet Residential district and found that it specifically states that no roosters are allowed. Mr. Earnhart stated that he was not stuck on keeping the roosters but his family did consider them as pets. Mr. Earnhart continued that he would not want to disobey the laws. Rick Gerlach asked how many roosters. Mr. Earnhart answered he believed that they owned 2 roosters. Rick Gerlach then stated that the Board members could grant approval with the condition that if there were any complaints then the roosters would have to go. Gretchen Stearns answered that she is hesitant to grant such a condition because the law clearly states no roosters because of past issues. Chairman Goodrich informed the applicant that he could seek a variance from the Town of Claverack Zoning Board of Appeals if he wanted to keep the roosters. Gretchen Stearns asked the applicant if he had contact with the NYS DEC regarding the manure and the creek. Mr. Earnhart answered that he contacted NYS DEC but they were not very helpful and steered him toward the Cornell Cooperative Extension who advised to keep the manure and chickens out of the creek. Mr. Earnhart informed the Board that the manure would be used in his gardens and around his house so it would be going away from the creek. Chairman Goodrich opened the meeting to public hearing at 7:51 p.m. No comments. Public hearing was closed at 7:52 p.m. Paul McCreary reviewed the SEQRA for the Board. Motion for negative declaration with regard to SEQRA was made by Scott Cole with a second from Judy Zink. Members voting in favor were as follows: Scott Cole, Judy Zink, Rick Gerlach, Virginia Ambrose, Gretchen Stearns, Joe Singleton and Chairman Brian Goodrich.

Motion to approve the Special Exception to allow for 38 laying hens for personal use with the conditions that there will be no roosters and the chicken manure will be kept at least 100 feet from the creek was made by Joe Singleton with a second from Rick Gerlach. Members voting in favor were: Scott Cole, Gretchen Stearns, Virginia Ambrose, Judy Zink, Joe Singleton, Rick Gerlach, and Chairman Brian Goodrich.

Mr. Earnhart paid mailing fees of \$18.62.

**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.

Screening plan, updraft information and VC disconnect was labeled on the Site Plan map. Homeowner has agreed to plant 6 -8 willow bushes within the existing natural bushes along Miller Rd. to hide the solar panels from the roadway. Gretchen Stearns suggested that the bushes and natural screening be drawn on the maps so that if they die the homeowner and the TOC Building Dept. will know where new trees should be planted. Board members discussed the placement of the willow bushes. Decided on at least 6 new bushes at least 60 feet from the solar panels extending at each end.

Chairman Goodrich opened the meeting to the public at 8:12 p.m. Mr. Earnhart asked what part of the Town Zoning Code deals with screening. Gretchen Stearns informed Mr. Earnhart that the section which covers photovoltaic solar panels that are ground mounted. No further comments Chairman Goodrich closed the public hearing at 8:14 p.m.

Motion to determine a negative declaration with regard to SEQRA was made by Gretchen Stearns with a second from Judy Zink. Members voting in favor were: Gretchen Stearns, Scott Cole, Rick Gerlach, Judy Zink, Virginia Ambrose, Joe Singleton and Chairman Brian Goodrich.

Motion to approve the Special Exception for a ground mounted solar array was made by Scott Cole with a second from Virginia Ambrose. Members voting in favor were: Scott Cole, Virginia Ambrose, Judy Zink, Gretchen Stearns, Joe Singleton, Rick Gerlach and Chairman Goodrich. Motion carried. Applicant's representative paid fees of \$7.84 for the public hearing notice mailing.

**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 Zempko was present for the application. Mr. Zempko submitted updated maps showing a distance of 20 feet from the boundary line for the existing shed. Rob Fitzsimmons informed the applicant that he has not received the deed descriptions from Andy Howard to review. Mr. Zempko stated that he contacted Mr. Howard two weeks ago and was assured that the descriptions were sent to Mr. Fitzsimmons. Rob Fitzsimmons stated that this was a very basic boundary line adjustment and he will contact Mr. Howard regarding the deed descriptions but it should not hold up the approval. Chairman Goodrich opened the meeting to the public hearing at 8:22 p.m. No comments. Chairman Goodrich closed the public hearing at 8:23 p.m.

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

Motion to approve the Subdivision/ Boundary Line Adjustment was made by Scott Cole with a second from Virginia Ambrose. Members in favor were: Judy Zink, Virginia Ambrose, Scott Cole, Joe Singleton, Gretchen Stearns, Rick Gerlach and Chairman Brian Goodrich. Motion carried. Maps were stamped and signed. Mr. Zempko paid final fees of \$100.00.

#### **NEW APPLICATIONS FOR 9/8/14**

**Bartges, Hans Special Exception:** Tax Map #(SBL)132 . – 2 – 31 . 100 Located at 880 Snyderstown Rd. Craryville, NY. Change previously approved Daycare/Nursery Center into a Caretaker/Owner dwelling. Hans Bartges was present for the application. Mr. Bartges explained that he is seeking to convert a previously approved daycare/nursery center into a caretaker/owner dwelling. Mr. Bartges continued that due to a recent illness his wife is unable to operate the daycare and they need to rent the structure as a

single family dwelling. Paul McCreary explained that the TOC ZBA will need to abolish the permit or special exception for the daycare. Rob Fitzsimmons explained that the applicant will give up the daycare use for the proposed use. Motion to classify as an unlisted action for purposes of SEQRA, deem the application complete and set for public hearing on October 6, 2014 was made by Gretchen Stearns with a second from Scott Cole. All members were in favor. Motion carried. Mr. Bartges was instructed to obtain a public hearing notice sign from the Town Office. Continued to October 6<sup>th</sup>.

Members discussed the Ginsberg Foods Inc. Site Plan. Chairman Goodrich informed the members that the next joint meeting will be held on September 16<sup>th</sup> at 7:00 p.m. and that the Ghent ZBA will hold their meeting for the Variances on September 11<sup>th</sup> at 7:00 p.m. and they will be accepting written comments. Chairman Goodrich also informed the members that on September 17<sup>th</sup> the CC IDA will hold a meeting for the PILOT at the West Ghent Fire House at 10:00 a.m. Gretchen Stearns stated that most people don't know about the County giving Ginsberg's a PILOT. Chairman Goodrich explained that this was in the Register Star.

Joe Singleton recused himself at 8:53 p.m. Rob Fitzsimmons explained that Mr. Singleton's Site Plan for this microfarm distillery is timing out because he is still waiting for septic approval from the NYS DOH and it is coming up on the 90 days. Motion to grant an additional 90 day extension on the Site Plan Approval for the Micro-farm distillery was made by Rick Gerlach with a second from Virginia Ambrose. All members were in favor. Motion carried.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried. Meeting adjourned at 9:00 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary