

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes of April 2, 2018**

Chairman Scott Cole called the April 2, 2018 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Scott Cole, Gretchen Stearns, Stephen King, Robert Vecchi, Jock Winch, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Absent with regrets: William Michael and Virginia Ambrose

Members reviewed the minutes of the March 5, 2018 meeting.

Motion to approve the minutes was made by Gretchen Stearns with a second from Stephen King. All members were in favor. Motion approved.

Correspondence: Letter received from Columbia County Planning Department regarding the Drumlin Field Ventures application.

NEW APPLICATIONS FOR 4/2/18:

CONTINUING APPLICATIONS FOR 4/2/18

**Drumlin Field Ventures Site Plan & Special Exception Review: Tax Map #(SBL) 131 . 00 – 01 – 45 . 200
Located at 2554 County Rte. 27. Site Plan & Special Exception Review for the construction of a farm distillery with orchards, vineyards, and all outbuildings for the purpose of operating a farm to glass brandy distillery on 181.96 acres.**

Brandee Nelson was present for the application. Ms. Nelson reviewed the application for the Board and audience. Ms. Nelson stated that Drumlin Field Ventures is owned by John Fischkopf who has been successful in another business and has had the dream to open and operate a brandy distillery. Ms. Nelson continued that Mr. Fischkopf researched for a couple of years and found the 182 acre site located on CC Rte. 27 in the Town of Claverack. Ms. Nelson informed the Board that the property was separated several years ago into three parcels and Mr. Fischkopf owns all three parcels and will keep them separate. Ms. Nelson stated that the parcel being used will consist of 20 acres planted with a grape vineyard and 45 acres of apple orchard with three agricultural buildings to be used for the distillery operation. Ms. Nelson stated that there is an existing driveway which will need some changes as per Columbia County DOT. Ms. Nelson continued that the driveway has some tight curves that will require some widening to allow for two way traffic for vehicles. Ms. Nelson continued that the orchards will be planted this spring and will take from 5 to 7 years to mature enough to supply the distillery with fruit and until then NYS Ag & Markets allows for fruit to be purchased from local sources until then. Ms. Nelson stated that Mr. Fischkopf is working with local apple farmer Russell Bartolotta of Klein Kill Orchards to supply apples and is looking for a grape supplier. Ms. Nelson stated that she will be meeting with A. B. Shaw Fire Chief Mike Cozzolino on 4/7/18 to review the driveway design for emergency vehicle access. Ms. Nelson continued that the plan has a parking area for 50 vehicles. Ms. Nelson stated that the facility will employ 20 - 25 employees. Ms. Nelson stated that the architects are tightening up the designs for the buildings and trying to lessen the footprint pulling the buildings closer together. Ms. Nelson informed the Board that the buildings will be constructed as agricultural buildings that are similar to farm structures Ms. Nelson continued that water and septic systems will be onsite and are in the planning stages at this time due to the weather she has not been able to have a soil study performed. Ms. Nelson stated that the septic needs NYS DEC approval, water needs CCDOH approval and the driveway requires CCDOT approval. Ms. Nelson stated that the current plan is to illuminate the parking area only during the hours of operation. Ms. Nelson stated that the distillery will be open 7 days a week from 10:00 a.m. to 10:00 p.m. with most visitors arriving during the weekends. Gretchen Stearns informed Ms. Nelson that the Town of Claverack allows for businesses to be open until 10:00 p.m. only for people to visit the distillery and any other service or shop type of business. Ms. Nelson stated that she supplied a revised EAF for the application. Ms. Nelson stated that she figures that at least 50 trips per day will be made from the site with peak during Saturday and Sunday same as wineries. Ms. Nelson stated that she figures 1400 gallons per day of water will be needed. Ms. Nelson continued that water and waste products from the distillery process will be used on the fields to add back nutrients to

the soil. Ms. Nelson stated that the buildings meet all setbacks and they are situated 1500 feet from the closest neighbor. Ms. Nelson stated that Mr. Fischkopf spent many years looking for just the right spot for the distillery and he was drawn to this site by the views of the Hudson Valley, proximity to New York/Boston and because the property was a former orchard. Gretchen Stearns asked Ms. Nelson if a stop sign could be set at the bottom of the driveway for safety. Ms. Nelson agreed. Gretchen Stearns asked if the plan could incorporate some type of walking paths or open walking areas as per the TOC Comprehensive Plan. Ms. Nelson stated that she will take the suggestion to Mr. Fischkopf. Stephen King asked if the Stormwater Plan has been designed because much of the natural water runs downhill. Brandee Nelson stated that the Stormwater Plan is in design stage and will expand upon the existing culverts and swales. Ms. Nelson continued that the design will make sure that water runoff is going to the proper areas. Ms. Nelson stated that turf reinforcing material will be used to widen the curves in the driveway and for ½ of the parking lot to allow for natural drainage. Ms. Nelson continued that green space will be installed around all of the buildings and the sediment and erosion plan and roof runoff details are in the design stage. Gretchen Stearns asked if the lighting design had changed the 12 foot light poles for a lower option. Ms. Nelson answered that the positioning of the buildings will block most of the lighting and they will use dark sky compliant but she will look into ballast type of lights too. Gretchen Stearns stated that the lights up high on the hill will have a great impact on the night sky and will be way too much for the area. Gretchen Stearns stated that the EAF indicates that pesticides will not be used but at the March meeting Mr. Fischkopf stated that he has employed a precision farming plan which will use technology to determine when particular pests will be present to allow a targeted pesticide use instead of huge spraying several times per year.

Ms. Nelson stated that she knows that Mr. Fischkopf is working with the local Cornell Cooperative Extension and local farmer Russell Bartolotta and another farm manager that has used the precision farming method for several years. Rob Fitzsimmons reviewed the EAF and stated that the answer should be that the plan will use an integrated pest management program. Brandee Nelson stated that to her knowledge targeted pesticides will be used during specific times of the year. Rob Fitzsimmons asked if storage of chemicals will be placed somewhere. Ms. Nelson stated that this was not part of the plan but she will check with the owner but this is an agricultural use just as any other local farm and they are all required to use licensed products or licensed distribution methods. Rob Fitzsimmons informed the Board that the Columbia County Planning Department has sent a letter stating that they have reviewed the application and find no significant impacts but note the application requires CCDOH curbed cut requirement to widen the driveway entrance, NYS DEC approval for the septic, CCDOH approval for water and a Stormwater Plan. Ms. Nelson informed the Board that the architects are still tweaking the location for the buildings and she will meet with Chief Mike Cozzolino for emergency access with the existing driveway. Ms. Nelson asked the Planning Board members if when the subdivision was approved did the previous owner get approval for the driveway. Board members answered that they did not remember the subdivision and that they would not have approved the driveway. Ms. Nelson stated that the plan will be well under 1/10 of an acre of disturbance well under the limit for ACOE. George Schmitt informed Ms. Nelson that he needs the final layout of the plan in order to do a detailed review for the TOC and stormwater plans for agricultural uses are a step process with swales etc. and a greening plan detail.

Chairman Scott Cole opened the meeting to the public hearing at 7:30 p.m.

Chris Kanel informed the Board that he is a lifelong resident and neighbor of the town and is concerned with the high water table at the site. Mr. Kanel stated that the water table is high and there is even a pond high up on top of the hill with a number of wet spots throughout the site. Mr. Kanel stressed that the stormwater plan needs a detailed review. Mr. Kanel asked what the total square footage for the buildings is. Ms. Nelson answered 14,000 to 17,000 total square feet. Chris Kanel asked if these are multi-level buildings. Ms. Nelson answered multi-level only for height for the distilling machinery not for a second story. Mr. Kanel asked if the hours of operation will be 10:00 am to 10:00 pm. Ms. Nelson answered yes. Mr. Kanel asked if the lighting will be turned off at 10:00 pm. Ms. Nelson answered yes. Mr. Kanel informed the Board that he is an avid astronomer and has two very expensive telescopes and looks directly up at the site and lighting will be a huge disruption to his hobby. Mr. Kanel stated that the 10,000 cases of brandy equals 120,000 bottles which is a large scale use. Gretchen Stearns informed Mr. Kanel that this is actually half of the amount allowed under the NYS Ag & Markets definition for a micro-farm distillery. Mr. Kanel asked if the warehouse could be expanded upon at the request of the owner. Gretchen Stearns stated that expansion is the hope of the owner but it is limited to 20,000 cases as per the NYS Ag & Markets laws. Brandee Nelson explained the process for the audience. Gretchen Stearns informed the audience that the largest building will be the warehouse which does not have windows or lights to maintain the brandy and the parking area will be behind this building to hide it from the view. Gretchen Stearns stated that the lights will be off at 10:00 pm as per the Town of Claverack. Mr. Kanel asked if the distillery will run 24 hours 7 days a week. Ms. Nelson stated she was unsure. Mr. Kanel asked about concern of noise

from the grinders and truck traffic late at night or early in the morning. Ms. Nelson stated that sometimes trucks will make deliveries in the morning but the grinding will mostly be in the fall when the fruit is in season and production will be at the highest level. Ms. Nelson continued that the loading dock will be located at the rear of the building to hide it. Jock Winch referred to the March meeting minutes where noise levels were discussed and it was determined that the buildings will be heavily insulated and the machinery will not be running 24-7 so noise should be minimal. Ms. Kanel stated that she is concerned with trucks all hours of the day and night backing up and traveling through the driveway interrupting the peace and quiet of the neighborhood. Gretchen Stearns informed the audience that this project is a farm operation first and farmers need to do what they need to do when they need to do it so if they need to deliver apples or grapes it is at their availability. Ms. Nelson stated that she will bring the delivery concerns to the owner but she is sure that there will be minimal noise and truck traffic. Ms. Nelson continued that the owner wants to be a good neighbor.

Dan Russo stated that he is the closest direct neighbor to the property adjacent to the pond and he was not notified of anything not even the meeting. Mr. Russo asked if the driveway will be paved because he is concerned with the amount of dust if it is left gravel. Mr. Russo stated that he is concerned with the amount of traffic and pesticide use because it will impact his property. Mr. Russo stated that he is concerned for the safety of his family. Mr. Russo stated that he is all for progress but is concerned about the health and safety of his family. Gretchen Stearns stated that there are no plans for roadways other than the main driveway. Ms. Nelson informed the audience that the plan is to plant 20 acres of grape vineyards on the south slope and 45 acres of apples on the west slope.

Mr. Russo asked if the plan could maintain a 300 foot buffer zone from the property line. Ms. Nelson stated that the driveway will remain gravel unless it is deemed unfit for emergency traffic then they will modify the driveway.

Chris Post stated that he lives on NYS Rte. 9-H and also did not receive notification of the project or meeting. Mr. Post stated that over the past 20 years the property has had several owners and always knew that someday something would happen at the site and it was concerning. Mr. Post stated that considering the different projects that could be happening he is happy that this project is going ahead because it is in keeping with the TOC Comprehensive Plan; it brings back the agricultural use to the property, and adds economic development. Gretchen Stearns agreed and reminded the audience that the property is in the mining overlay zone so in all actuality a gravel mine is a possible use for the site or a 36 house development.

Mr. Russo stated that he is not opposed to a distillery or orchards he is concerned with the use of pesticides and chemicals and the hazard of people drinking at the distillery and then driving under the influence. Mr. Russo continued that he is asking that the driveway be blacktopped to keep dust down and for a buffer of 200 to 300 feet from the property line for safety of his family from pesticides and chemicals also to keep people from walking around and looking into his yard and pool. Gretchen Stearns suggested that the neighbors return to the May meeting when the owner will be present to answer their questions and address their concerns.

Dan Russo Sr. stated that there is always a lot of water on the driveway.

Zach Feur asked if there will be music or weddings and events.

Gretchen Stearns answered that these are not allowed at this use.

Nicole Cherbini and her husband own 2636 County Rte. 27 and are bordered by the property on two sides. Ms. Cherbini asked if the Planning Board would be voting on the project at the meeting because she just found out about the plan and would appreciate some time to review the project. Chairman Scott Cole stated that the Planning Board is not voting at the meeting and the public hearing will be continued to the May meeting and the applicant submits a completed Site Plan.

Ms. Cherbini stated that she has concerns with the high water table in that area. Ms. Cherbini continued that her property sits at the bottom of the hill and they are dealing with a massive drainage issue. Ms. Cherbini continued that she also has children and is concerned with the use of pesticides and chemicals and the air quality from the dust and spraying. Ms. Cherbini asked how she could get ahold of the plans to review because this project could be a deep impact on her life. Ms. Cherbini understands the creation of jobs but there is a serious need for extensive stormwater and drainage plans. Chairman Cole assured the audience that the public hearing will continue and the plans will be made available at the Town Office building. Rob Fitzsimmons asked Ms. Nelson to revise the EAF. Ms. Nelson stated that she will revise the EAF. Ms. Nelson stated that she had planned to perform soil testing in early February but the weather did not cooperate and she is waiting until the area is snow free.

Audience member stated that there is a major drainage problem on this site. Ms. Nelson stated that she will be working on stormwater and drainage plans but the eastern and back sides of the property are not changing. Stephen King stated that the planting of trees and vineyards will be a natural help for drainage and runoff issues.

Audience member asked what types of pesticides will be used. Jock Winch informed the audience that he has lived right next to a farm for several years and has two young children without concern. Jock Winch continued that if the audience members call any of the numerous local farms and ask what chemicals they use for pest control it will be the same as what will be used at this site.

Ms. Nelson stated that she will see what she can find out and bring the information to the May meeting. Ms. Nelson continued that all of the pesticides are managed and regulated by NYS Ag & Markets.

Mr. Russo asked what will happen with waste.

Ms. Nelson stated that the project developers have visited several distilleries to observe their operations and waste disposal. Ms. Nelson stated that the plan is to spread the by-product onto the fields for nutrient replacement.

Chris Kanel asked if the buildings have been marked out on the property. Ms. Nelson stated that the building sites are in the tweaking stage and will be finalized soon but nothing is marked out on the property. Mr. Kanel stated that he appreciates the steps that the developer has taken i.e. parking in the rear of the buildings.

Peter Bevacqua stated that the project will bring 25 new jobs to the community but asked if these jobs will require skilled workers. Brandee Nelson stated that she will get a full economic development plan from Mr. Fischkopf for the next meeting. Ms. Nelson continued that Mr. Fischkopf will attend the May meeting and will be happy to answer any questions.

Audience member asked if the orchard/vineyard will be planted right up to the property line. Ms. Nelson stated that she will provide a detailed planting design for the May meeting.

Chris Kanel asked if there are any plans for the two other parcels. Ms. Nelson answered that the only development now is for the 60 acre parcel and she is unsure if anything will happen on the other two parcels. Gretchen Stearns stated that Mr. Fischkopf informed the Board at the March meeting that he has no plans to sell any property. Ms. Nelson stated that this project is planned to be a multi-generational venture and if anything the other parcels will be planted with apples and vineyards.

Town Board member Brian Keeler stated that as a member of the A. B. Shaw Fire Co. he is concerned with the tight V-shape and U-shape turns in the driveway for emergency vehicles access.

Heather Grimes stated that this is a beautiful plan and asked if they will use the well water for the brandy distilling. Ms. Nelson stated yes if needed but to her knowledge brandy is not water based but is juice based.

Audience member stated that if the fruit is for making brandy then it does not need to be beautiful so the need to use pesticides is much less necessary.

Chairman Cole stated that the public hearing will be continued to the May meeting. Rob Fitzsimmons asked Ms. Nelson to share the link to the plans with the Town of Claverack to be made available on the website for the public to view.

Ms. Nelson stated that there are several agencies that will need to be notified of lead agency status. Rob Fitzsimmons informed Ms. Nelson the list of interested and involved agencies are NYS Ag & Markets, NYS DEC, CCDOH, ACOE, CCDOT, A. B. Shaw Fire Company, Town of Claverack, Town of Claverack Building Department and Columbia County Planning Department which was received. Stephen King advised Ms. Nelson to have the right people attend the May meeting to be able to answer questions.

Motion to accept the SEQRA document as provided, declare the Town of Claverack Planning Board lead agency with applicant distributing to circulation to other interested and involved agencies was made by Gretchen Stearns with a second from Robert Vecchi. All members were in favor. Motion carried.

Rob Fitzsimmons informed the audience that all applications are a catch 22 for the TOC Planning Board and he apologized that some neighbors were not notified of the project but generally the TOC Planning Board likes to meet and work with the applicant before the public is involved but after the first meeting all parties agreed that the public hearing would be a multi-meeting process which gives the members of the public the ability to make their concerns heard and then addressed.

Cont. to May

Hudson Valley Classic Motors for Habitat for Humanity Site Plan Review: Tax Map #(SBL) 101 – 2 – 11 . 200. Located at 829 NYS Rte. 66. Site Plan Review for a 3600 square foot expansion of the existing 10,700 square foot use upgrading heating/cooling and electrical along with interior construction.

Brenda Adams was present for the application. Ms. Adams informed the Board that her application is to expand the Habitat for Humanity operation to utilize the entire building with the addition of 3600 square feet added to the existing 10,000 square feet. Ms. Adams continued that no outside changes are planned other than the addition of security

cameras. Ms. Adams informed the Board that the business sees about 100 people per week and utilizes 20 parking spaces. Ms. Adams stated that the plan is mostly to remove a wall to allow for expansion into the entire building, upgrade the electrical system, install new heating and air conditioning systems which will allow them to remove several propane tanks from around the building. Ms. Adams stated that she has posted the sign noticing the public hearing. Robert Vecchi asked why this plan even needs a review. Rob Fitzsimmons answered because it is an expansion of an existing use and this is a requirement under the TOC Zoning Law.

Chairman Cole opened the meeting to public hearing at 8:20 p.m. No comments were received. Chairman Cole closed the public hearing at 8:21 p.m.

Audience member asked if the parking lot will be repaired because it has several large potholes. Ms. Adams answered that her organization leases the building and he usually repairs the parking lot about two times a year which is part of the lease agreement. Ms. Adams stated that there is a large hole at the entrance which is shared with the owners of Village Dodge that is up to Village Dodge to fix and she has asked them to do so.

Motion to declare a negative declaration for purposes of SEQRA was made by Robert Vecchi with a second from Stephen King. All members were in favor. Motion carried.

Motion to approve the 3,600 square foot expansion and installation and upgrading of heating and air conditioning was made by Gretchen Stearns with a second from Stephen King. All members were in favor. Motion carried.

INFORMAL:

Brendan Baines who is an attorney representing Barbara Finkle who owns 109 Fish & Game Rd. Mr. Baines informed the Board that Ms. Finkle owns property that is on both sides of Fish & Game Rd. and is seeking a minor subdivision. Mr. Baines stated that the property to the north would consist of 86.8 acres, has 1800 feet of frontage and has a recent survey. Mr. Baines continued that the south parcel consists of 60 acres, 1200 feet of frontage but does not have a survey. Mr. Baines informed the Board that the north parcel is needed to satisfy a foreclosure and will be sold. Mr. Baines stated that there is no further subdividing will be needed and easements are shown on the map a National Grid easement cuts right through the property. Mr. Baines stated that the property does not appear to be in the Agricultural District even though it was an agricultural operation in the past. Mr. Baines stated that in the absence of a survey of the southern parcel he would provide a rudimentary description without meets and bounds. Rob Fitzsimmons informed Mr. Baines that Columbia County Clerk's office requires stamped and signed official survey maps and will not allow just a deed. Mr. Baines stated that this is a partition action. Rob Fitzsimmons stated that if the court orders then would need to check with a title company to see if it could be done. Mr. Baines stated that a survey for the southern parcel will be very costly for his client. George Schmitt stated that the County Clerk requires a survey in order to file the subdivision and the Town has no authority to waive a survey. Mr. Baines asked if he should file the application and pay the \$300 application fee. Rob Fitzsimmons stated that he should not file the application until the parcel is surveyed but can keep the TOC Planning Board updated with the status. George Schmitt stated that making a deed without meets and bounds is very difficult and is a lot of work. Mr. Baines will speak with his client and decide which steps to take.

OTHER BUSINESS:

Rob Fitzsimmons informed the Board that the Town of Claverack Town Board will be passing the new Boundary Line Adjustment law at the next Town Board meeting.

Motion to adjourn the meeting was made by Gretchen Stearns with a second from Robert Vecchi. All members were in favor. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jodi Keyser, Secretary