

PLANNING BOARD

Minutes: July 5, 2017

7:00 p.m.

**Chairman Scott Cole called the July 5, 2017 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.**

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

**Board members reviewed the minutes of the June 5, 2017 meeting.**

**Motion to approve the minutes of the June 5, 2017 meeting was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion carried.**

**CONTINUING APPLICATIONS FOR 7/5/17:**

**ABS Satellite Special Exception:** Tax Map #(SBL) 101 . – 2 – 11 . 200 Located at 829 Rte. 66. Special Exception for the installation of two 9 meter satellite telecommunication transmitting/receiving antennas at the rear of the building.

Secretary Jodi Keyser informed the Board that Mr. Yung emailed her that he and the other representatives for the application would not be able to attend the meeting but he did send a packet of information.

**Gretchen Stearns recused herself from the meeting at 7:05 p.m.**

**Sears, Michael Special Exception:** Tax Map 131 . – 2 – 11 Located at 223 Schoolhouse Rd. Special Exception for a Ground Mounted Solar Array.

Michael Sears; applicant, Andrew Petersen and Gary Despart were present from the solar company. New maps were submitted showing plantings of giant arborvitae trees that will be 15 feet wide by 30 feet high. Mr. Petersen explained that three of these trees will be planted along one side of the property and five trees will be planted along the other side of the neighboring property to provide additional screening. Robert Vecchi asked the type of trees that are being planted. Mr. Petersen stated that giant arborvitae will be planted according to the site plan map. Robert Vecchi stated that he has never seen an arborvitae grow that large because they are relatively narrow shrubs. Mr. Sears informed the Board that he is purchasing the trees from Lowe's and the tag on the trees indicates that they will reach this size. George Schmitt informed the Board that the maps supplied are still not survey maps but rather site plan maps so it is up to the Board if they feel comfortable with making a decision to use these maps. Chairman Cole opened the meeting to the public hearing at 7:08 p.m.

Dr. Richard Weinenger informed the Board that he has not yet reviewed the project and he is the adjoining neighbor. Dr. Weinenger asked how the property lines have been determined. Mr. Sears answered that he has a survey map from 2014 when he purchased the property that shows the fence is inside of his property line. Mr. Despart informed the Board that he personally walked the property and saw each survey pin. Dr. Weinenger informed the Board that the fence is on his property and that google earth was used to determine the survey not an actual survey map. Dr. Weinenger continued that if Mr. Sears had approached him prior to starting the project they could have cleared things up but this was not done and he feels that the applicant is obligated to prove the property line is adequate and he is asking to see the survey that was used. Mr. Sears stated that the pins are in place according to his survey and he invited Dr. Weinenger to his house anytime to review the survey maps. Rob Fitzsimmons stated that the applicant is representing that these are the boundaries to the Planning Board and it is not up to the Planning Board to determine the validity of competing survey maps. Rob Fitzsimmons continued that the Planning Board is not obligated to settle deed disputes. Chairman Cole asked Dr. Weinenger and Mr. Sears to set up a meeting to settle the survey questions on their own. Rob Fitzsimmons informed the applicant and Dr. Weinenger that if there are competing survey maps it is up to the two of them to mitigate the situation. Rob Fitzsimmons continued that the Planning Board is obligated to make sure that the project does not encroach onto the neighboring property and that adequate screening is provided. Chairman Cole closed the public hearing at 7:13 p.m. George Schmitt reviewed the SEQRA for the Board members.

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

Robert Vecchi asked if the 25 foot setback would Mr. Sears move the solar array to adhere to the setbacks if in the future the boundary lines are found to be different. Mr. Despart informed the Board that if the case is found that the boundary lines are changed the solar array will be moved to maintain the required setbacks. Rob Fitzsimmons informed the applicant that it would be prudent to move the solar arrays further into the property first to be safe but the Planning Board cannot make this a condition of the approval but he will inform the Building Department. Motion to approve the installation of a ground mounted solar array was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion carried.

Site Plan maps were stamped and signed.

*Gretchen Stearns reentered the meeting at 7:20 p.m.*

**Joe Beats LLC Special Exception and Site Plan Review:** Tax Map # 132 – 1 – 18 Located at 482 & 484 NYS Rte. 23. Special Exception and Site Plan Review to remodel current retail space back to a restaurant use along with remodeling of existing house

Secretary Keyser informed the Board members that she received a phone call from a friend of Mr. Backunis informing that he is currently undergoing some health issues and is asking that his application be placed on hold.

**Koch, Mary dba Thyme in the Country Site Plan Review:** Tax Map #(SBL) 112 . – 1 – 4 . 200 Site Plan Review to revise the use of the bed and breakfast to include serving alcohol, increase the number of rental rooms from three to four and for the owner to occupy a separate building rather than the building of the bed and breakfast.

Secretary Keyser informed the Board that Ms. Koch is currently seeking an interpretation for her application from the Town of Claverack Zoning Board of Appeals.

**Schram, Peter & Nicholas Subdivision:** Tax Map #(SBL) 131 . 00 – 01 – 11 Located at 24 & 36 Van Wyck Lane. Boundary Line Adjustment adding 2 acres from 36 Van Wyck Lane to 24 Van Wyck Lane.

Secretary Jodi Keyser informed the Board that Mr. Schram has not yet appeared before the Town of Claverack Zoning Board of Appeals for his Area Variance due to lack of application submission.

**Sabo, Denise Subdivision:** Tax Map #(SBL) 110 . – 1 – 31 . 21 and 110 . – 1 – 31 . 32. Located at 441 NYS Rte. 66. Subdivision of 61 +/- acres into two parcels.

Dan Russell informed Secretary Jodi Keyser that he is away and did not have adequate time to amend the survey maps and asked to be continued.

**George Hildebrant Trucking Site Plan Review:** Tax Map #(SBL) 140 . 00 – 01 – 04 Located at 412 Stone Mill Rd. Site Plan Review for the addition of a 1,400 square foot modular office building at the northwest area of the existing 14,000 square foot terminal structure.

Patrick Daley and Rudy Hayes were present for the application. Chairman Scott Cole informed the Board that Mr. Hayes is his cousin in keeping with full disclosure. Patrick Daley informed the Board members that his client is seeking to add a 1,400 square foot modular office building in the rear of the existing transportation business with a small parking area. Chairman Cole opened the meeting to the public hearing at 7:25 p.m. No comments. Chairman Cole closed the public hearing at 7:26 p.m. Stephen King asked how many employees will occupy the office building. Mr. Hayes stated that approximately 8 full time employees will work in the new office building. Gretchen Stearns asked if this will give the office employees more room than they currently use. Mr. Hayes answered yes. Patrick Daley informed the Board that he plan calls for fully shielded dark sky compliant lighting as shown on the Site Plan. George Schmitt reviewed the SEQRA for the Board members.

Motion to grant a negative declaration for purposes of SEQRA was made by Gretchen Stearns with a second from Virginia Ambrose. All members were in favor. Motion carried.

Motion to approve the Site Plan for the addition of a 1,400 square foot modular office building was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Mr. Hayes paid mailing fees of \$5.25. Site Plan maps were stamped and signed.

**Genito, Ronald & Linda Subdivision:** Tax Map #(SBL) 120 . 00 – 01 – 04 . 1 Located at 179 NYS Rte. 9-H Subdivision of 40.57 acres into two parcels of 3.187 and 37.383 acres respectively.

Phil Massaro was present for the application. Mr. Massaro informed the Board that his client is seeking to subdivide their 40+/- acres into two parcels of 3 +/- acres and 37 +/- acres respectively. Mr. Massaro continued that the Genito's have a buyer for the 37 +/- acre parcel who plans to grow organic garlic. Mr. Massaro informed the Board that he submitted a shared driveway agreement and has received an Area Variance from the TOC ZBA for frontage. Chairman Cole opened the meeting to the public hearing at 7:35 p.m. No comments. Chairman Cole closed the public hearing at 7:36 p.m.

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

Motion to grant the two lot minor subdivision was made by Gretchen Stearns with a second from Robert Vecchi. All members were in favor. Motion carried.

Maps were stamped and signed. Final fees of \$300.00 were paid.

**Burch, Stanley Site Plan Review:** Tax Map #(SBL) 101 – 2 – 21 Located at 158 Gahbauer Rd. Site Plan Review for the installation of a mobile home for farmworker housing.

Stanley Burch Sr. and Stanley Burch Jr. were present for the application. Stanley Burch Sr. informed the Board that he is seeking a Special Exception/Site Plan approval for the installation of a mobile home to be used for farmworker housing on his farm. Mr. Burch Sr. continued that he has completed the perk testing and has submitted the paperwork to the CC DOH but he has not received anything back or had representatives review the testing. Rob Fitzsimmons informed the applicant that the Planning Board can approve their application with the condition that the CCDOH approves the perk testing but really they will not be able to receive a building permit without the CCDOH permits. Chairman Scott Cole opened the meeting to the public hearing at 7:45 p.m. No comments. Chairman Cole closed the public hearing at 7:46 p.m.

Motion to grant a negative declaration for purposes of SEQRA was made by Virginia Ambrose with a second from William Michael. All members were in favor. Motion carried.

Motion to approve the Site Plan/Special Exception for the installation of a mobile home to be used for farmworker housing was made by Jock Winch with a second from Robert Vecchi. All members were in favor. Motion carried. Site Plan maps were stamped and signed. Mr. Burch Sr. paid mailing fees of \$6.24.

**Fieldmakers Site Plan Review & Special Exception:** Tax Map #(SBL) 130 . – 1 – 6 . 112 Located at 195 Stone Mill Rd. Site Plan Review for the development of a new agri-tourism farm project including a farm with support buildings, guest cabins, event space and a caretaker/owner dwelling.

Patrick Daley informed Secretary Keyser via email that his client is not prepared to appear for the July meeting and asked to be continued.

#### **NEW APPLICATIONS FOR 7/5/17:**

**Hoffman, Peter & McNutt, Linda Special Exception Review:** Tax Map #(SBL) 141 . – 1 – 53 . 200. Located at 96 Stickle Rd. Special Exception for the addition of an accessory apartment.

Linda McNutt and Peter Hoffman were present for their application. Ms. McNutt explained to the Board members that they are seeking to remodel their primary residence to create an in-law apartment for her father-in-law. Ms. McNutt continued that the renovation will be entirely within the current residence and not an addition. Ms. McNutt stated that the apartment will have a kitchen, bathroom and bedroom. Gretchen Stearns referred to page 102 of the TOC Zoning Code for interior renovations and that this is probably allowed under the code for in-law apartment. Rob Fitzsimmons stated that if it is capable as per the TOC Code it could be considered a self contained additional living unit and not an accessory apartment. Rob Fitzsimmons continued that the building department could limit the use with the certificate of occupancy but it could not be rented out for additional income. Ms. McNutt stated that this is not the intention only to create a living area for her father-in-law to be able to have a little independence but be able to reside with them. Stephen King stated that this could be approved with conditions that it is only for family use. Rob Fitzsimmons informed the Board that anyone can add a kitchen but when it is in a separate living space it then becomes an apartment. Rob Fitzsimmons continued that a separate living space is allowed for family with the condition that it is not for rent to anyone only an in-law apartment. Rob Fitzsimmons added that the entire home cannot be rented out either. Robert Vecchi stated that it is like a two family structure but with the stipulation that the second living area is for a family member only. Rob Fitzsimmons informed the Board that if they agree that this is a single family residential structure then it simplifies the application and it can be completed tonight.

Gretchen Stearns read the TOC law regarding this issue. Ms. McNutt stated that she will remove the accessory apartment from the application.

Motion to characterize and classify the application as a single family residential use was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion carried.

**Old Business:**

Rob Fitzsimmons informed the Board that there was some confusion and missing maps for the Hoke Slaughter boundary line adjustment and the maps were never stamped and signed and they have now timed out. Rob Fitzsimmons continued that new maps were submitted and will be signed and stamped with a simple motion from the Planning Board to allow Chairman Cole to stamp and sign and grant an extension of the approval to July 5, 2017.

Motion to grant approval for the Town of Claverack Planning Board Chairman Scott Cole to sign and stamp the survey maps of the J. Hoke Slaughter Boundary Line Adjustment that was approved at the May meeting and to extend the time of the approval to July 5, 2017 was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Maps were stamped and signed.

**New Business:**

Town Board member Stephen Hook informed the Board that their meeting packets will no longer be mailed to them and will be at the Town Office to be picked up. Secretary Jodi Keyser will inform the Board members when their packets are in the office for each meeting.

Stephen Hook also invited the Planning Board members to attend the Monday, July 10<sup>th</sup> meeting with the representatives of Amedore Homes to hear their plans.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jodi Keyser, Secretary