

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes of May 7, 2018
7:00 p.m.**

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

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

Board members reviewed the minutes of the April 2, 2018 meeting.

Motion to approve the minutes of April 2, 2018 with minor corrections was made by Gretchen Stearns with a second from Robert Vecchi. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 5/7/18

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 plan for the Board and audience. Ms. Nelson stated that this will be a farm micro-distillery to produce high end farm to glass brandy on the 182 acre former orchard. Ms. Nelson continued that the Mr. Fischkopf will replant the orchard with 40 acres of apple trees and 20 acres of grape vineyards. Ms. Nelson stated that there will also be three buildings; a warehouse, winery/distillery building and the tasting room. Ms. Nelson informed the Board that this use falls under NYS Ag. & Markets and is subject to an expedited review but the owners want the Town of Claverack to be involved therefore they have given the Planning Board the plan early and have taken some of their suggestions into the design. Ms. Nelson continued that the architects have revised the buildings by condensing the footprint from 5 acres to 4 acres to keep a smaller distance of movement for the product. Ms. Nelson also stated that they have moved the building complex 300 feet to the east and 50 feet to the north which situates the buildings farther from the neighbors. Ms. Nelson stated that this move makes the closest neighbor over 1500 feet away. Ms. Nelson continued that the reconfiguring of the buildings allowed for a natural storm water runoff to the northeast through natural drainage to keep runoff from going toward the neighbors. Ms. Nelson stated that consolidating and condensing the buildings and moving them will allow for the orchards to be planted along the top of the hill which is the best location for growth and production. Mr. ? informed the Board that the reconfiguration will also allow for all traffic to use the eastern side of the buildings. Mr. ? stated that the elevations of the buildings have been refined and the building architecture will maintain the local flavor of existing farming operations. Mr. ? continued that there will be a large roof connecting the buildings for visitors. Mr. ? reviewed the large gathering area in the center of the buildings. Mr. ? stated that the buildings will use wood and metal accents to keep the agricultural feel and look. Ms. Nelson stated that she recently met with A. B. Shaw Fire Chief Michael Cozzolino to review the driveway access for emergency vehicles. Ms. Nelson continued that Chief Cozzolino had some concerns with a few of the curves but will bring a fire truck up after the driveway is completed to be sure access is safe. Ms. Nelson stated that Chief Cozzolino asked if the site would be gated or locked during off hours but she was not sure and will certainly get keys to emergency responders. Ms. Nelson continued that the fire company might use the site for drills in the future if Mr. Fischkopf is in agreement. Ms. Nelson informed the Board that the dry hydrant on the site will be maintained and accessible. Ms. Nelson continued that Chief Cozzolino found no big issues. Ms. Nelson stated that the parking will be moved closer to the buildings. Ms. Nelson stated that she took Planning Board requests for the lighting design and will install ballast style lights in the parking lot and no lighting along the driveway. Ms. Nelson stated that the walkways will be illuminated for visitor safety but will use lights from under the covered walkway. Ms. Nelson stated that the employee parking will be separated from the visitor parking and will be located to the north. Ms. Nelson continued that this project will have a coordinated review and she informed the

interested agencies; NYS Ag & Markets, NYS DEC, CCDOH and the A. B. Shaw Fire Company but no need for ACOE because the disturbance is less than a 1/10 of an acre. Ms. Nelson continued that she understands that permitting is still required. Gretchen Stearns asked if the design plans to use any solar panels. Ms. Nelson answered that this is not in the plan at this time but is for the future. Stephen King asked for further details on the runoff plan. Ms. Nelson stated that agricultural buildings under NYS Ag & Markets they are only required to control the sediment and erosion and no post construction stormwater ponds are needed. Ms. Nelson continued that minimal grading will be needed and will be fenced during construction. Ms. Nelson stated that runoff runs through swales and is directed to the eastern side of the property which alleviates the flooding concerns of the neighbors.

Chairman Scott Cole opened the meeting to the continuing public hearing at 7:20 p.m. advising the audience members that comments will be heard on new issues and to keep their questions to new information only.

Kim Garrison of Grant & Lyon LLC representing a few of the neighbors submitted a letter asking the Planning Board to look at areas that might cause harm or impact the safety of the neighbors. Ms. Garrison continued that even though NYS Ag & Markets requires an expedited review of farm distilleries it is the Planning Board discretion to require the applicant to make adjustments to storm water plans, design of the orchard, use of pesticides, etc. to protect the neighbors from unnecessary risks. Ms. Garrison asked the Planning Board to carefully review the project and possibly request that the applicant move the orchards and mitigate the known existing water issues to mitigate possible concerns for public safety. Ms. Garrison stated that the neighbors have an issue with using the existing driveway because car lights will impact their home at points. Ms. Garrison asked that the applicant design a berm with plantings of trees to screen headlights and noise from the neighboring property. Ms. Garrison advised the Planning Board that she is asking that they think of the neighbors and that simple solutions could be incorporated in the plan.

Patrick Purcell addressed the Board to inform them that he has spent time on this property renovating an old barn and found the area very wet with runoff from French drains which will make pesticides a problem. Mr. Purcell continued that he has two small children and is very concerned with their health. Mr. Purcell stated that had he known that this type of venture would be coming into the property next to his he would not have purchased his home. Mr. Purcell asked that the developer move the orchards and vineyards further away from his property to mitigate any pesticides from entering his property and water. Mr. Purcell continued that he and his wife only wanted a quiet area to raise their family and now a big venture is coming on top of them. Mr. Purcell stated that he wishes the business much success but would want the orchards moved and for the use of soluble pesticides would make things a little better.

Chris Kanel thanked the developers representatives for moving the buildings and would like to hear a definite hours of operation. Chairman Cole informed the audience that the Town of Claverack allows businesses such as this to only operate until 10:00 pm but could guess that the hours would be based on public demand during the day and it does not allow for events at the site.

Chris Kanel thanked the Planning Board for their diligence.

Unknown audience member asked if trucks would be making deliveries all hours of the day and night.

Brandee Nelson informed the Board and audience that this is an agricultural business and therefore will not have set hours for deliveries, planting, cultivating because these things are not done on a set schedule but rather when necessary. Can't pledge hours for a farming operation.

Chairman Cole closed the public hearing at 7:40 pm.

Gretchen Stearns stated that the neighbors are concerned with pesticides so she would like Ms. Nelson to explain precision farming for the audience.

Ms. Nelson answered that pesticides are very expensive so precision farming is the ability and knowledge to know what pests or diseases will attack and when so that the proper pesticides and exact amount can be administered to combat these things instead of spraying and spraying. Ms. Nelson continued that pesticides are regulated by NYS DEC. Ms. Nelson continued that pesticides are very expensive so to use the minimum amount needed saves money also. Ms. Nelson stated that the pesticides will be administered so there is no overspray.

Gretchen Stearns then asked Brandee Nelson to explain the planting areas and reasons for picking them.

Ms. Nelson informed the Board that the developer is working with an orchardist to determine the best spot for the orchards and vineyards to be most productive but needs further studying but wants to also be sensitive to the neighbors.

Gretchen Stearns stated that at one time this area was all orchards. Ms. Nelson answered yes this is one reason the site was chosen because it was an orchard until about 30 years ago. Ms. Nelson stated that a southern facing slope is best for the vineyards while a western facing area is best for apples. Ms. Nelson continued that the project is using 60 acres of the 181 acres for the plan with 4 acres being used for the buildings. Ms. Nelson informed the Board and Audience that a new farm/orchard could be installed on the property tomorrow without a Site Plan Review but they want the orchards to be part of the experience of the distillery. Stephen King asked if the owner of the distillery would consent to a groundwater test once a year to make sure pesticides are not leaching into the groundwater. Ms. Nelson stated that she would be reluctant to make this commitment because all of the wells surrounding the property are different and the wells for the distillery will be a public water source and subject to testing from the CCDOH. Ms. Nelson continued that her experience is that pesticides do not usually flow into ground water but are maintained in the soils.

Chairman Cole calls for a recess for an arraignment at 7:45 p.m.

Meeting resumed at 8:05 p.m.

Chairman Cole asked the Board if they have any questions. Gretchen Stearns asked if the letter from the neighbors asking for a berm to shield the headlights would be something that they would consider. Ms. Nelson answered the slope and the distance would not make a berm a viable addition because the headlights will be facing away from the neighbors and there are several existing trees to provide screening. Robert Vecchi stated that the letter from Ms. Garrison representing some of the neighbors should have been sent sooner so that the Board members had sufficient time to read it and possibly address some of the concerns. Robert Vecchi stated that he understands the concerns with pesticides but he is not an expert in this area so would like more scientific data. Chairman Cole stated that the use is a permitted use on the property and the Site Plan Review before the Planning Board is only for the structures that will make up the distillery. Rob Fitzsimmons informed the Board that the guidelines the TOC uses for agricultural uses comes from Ag & Markets law which allows a local review for agricultural purposes on farm buildings and are subjected to an expedited review. In the past some applicants have felt that the TOC is too strict with farm distilleries or farm microbreweries so they appealed to the NYS Ag & Markets which is a time consuming process. Rob Fitzsimmons continued that the TOC Planning Board requires a sketch plan of the buildings and property to save the farmer money the cost of surveying and the action is not subject to SEQRA review but the applicant agreed and supplied a Long Form SEQRA Part 1. Rob Fitzsimmons continued that the definition of a farm brewery or distillery allows for sourcing products locally until the orchards and vineyards mature and the farmer is responsible to maintain records for the source of the materials used in the process to ensure they are locally sourced. Rob Fitzsimmons stated that the TOC engineer is not required to do a full review because it is an agricultural use and unless there is a major concern the applicant has made all changes asked and the Planning Board can move forward. Gretchen Stearns stated that she is concerned with pesticides because there have been issues in the past. Rob Fitzsimmons stated that the applicant has shown that they will use the best science available for the use of pesticides and they are also regulated by the NYS DEC and there are lots of risks in life and the Planning Board can't control everything. Rob Fitzsimmons continued that Mr. Fischkopf has shown that he wants to be a good neighbor and keep in good practices so that if pesticides were found to be leaching or impacting the neighborhood negatively he would mitigate the situation. Rob Fitzsimmons instructed the neighbors to be vigilant and to research if the pesticides are detrimental to the area and the applicant should notify the neighbors when they are going to spray. Rob Fitzsimmons stated that the applicant should be sensitive to the neighbors. Chairman Cole stated that without the engineer George Schmitt in attendance attorney Rob Fitzsimmons will review the Long Form EAF for the Board members. Rob Fitzsimmons informed the Board and audience that the applicant filed for Lead Agency status which they are actually exempt from but they did it anyway. Motion to declare the Town of Claverack Planning Board Lead Agency status was made by Gretchen Stearns with a second from Virginia Ambrose. All members were in favor. Motion carried. Rob Fitzsimmons reviewed the Long Form EAF or the Board to look for any significant environmental impacts.

Ms. Nelson stated that the project will have several wells drilled and will have a wellhead protection area and the pesticide application will be well over 100 feet away from the neighbors.

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

Motion to approve the Special Exception and Site Plan for a farm distillery and re-establishment of orchards pending approval of all permits from coordinating agencies was made by Jock Winch with a second from William Michael. All members were in favor. Motion carried.

Maps will be stamped and signed after all approvals are completed. Ms. Nelson will contact Rob Fitzsimmons and Chairman Cole with the status of the permits.

NEW APPLICATIONS FOR 5/7/18:

Finkle, Michael & Barbara Subdivision: Tax Map #(SBL)111 . – 1 – 61 . 100 Located at 109 Fish & Game Rd. Subdivision of 3000 acres into parcels of 1800 & 1200 respectively.

Attorney Brandon Baynes was present to represent the applicant. Mr. Baynes informed the Board that the entire property was surveyed. Mr. Baynes reminded the Board that his client is in a foreclosure proceeding and to satisfy the bank will retain the southern parcel and Ms. Finkle will retain the property to the north of Fish & Game Rd. which contains her home and several barns. Robert Vecchi stated that he was curious why the bank took security when they might have to partition the property. Rob Fitzsimmons stated that the bank can take what they want to satisfy the lien and it is unorthodox but it can be done. Chairman Cole asked if there were any questions. No further questions.

Chairman Cole opened the meeting to the public hearing at 8:43 p.m. No comments were heard. Chairman Cole closed the public hearing at 8:44 p.m.

Rob Fitzsimmons reviewed the SEQRA for the Board.

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 approve the Finkle subdivision was made by Gretchen Stearns with a second from Robert Vecchi. All members were in favor. Motion carried.

Maps were stamped and signed. Fees of \$600.00 for application and final fees were paid by Mr. Baynes.

Seserman Special Exception: Tax Map #(SBL) 112 . 2 – 2 – 64 Located at 63 Church St. Mellenville, NY. Special Exception for the addition of an accessory studio apartment above the detached garage.

Mr. Seserman and Ms. Gitterman were present for the application. Mr. Seserman informs the Board that he and his wife have 3 teenage children and stepchildren that split time at his house and they would like to convert the space above their garage into a studio apartment. Mr. Seserman continued that there is electric at the garage but would need to connect water and sewer to the structure. Gretchen Stearns stated that the plan conforms to the Town of Claverack Comprehensive Plan and TOC Zoning Laws. Gretchen Stearns informed Mr. Seserman that this is actually a home renovation because it will not be used as rental property. Gretchen Stearns asked if the property has adequate parking space. Mr. Seserman stated that it is a problem if all of the kids are home but they have ample paved area available. Gretchen Stearns stated that when the kids are all grown up and move away it is ok to rent the space out. Mr. Seserman stated that he would most likely rent out the main residence and live in the studio apartment. Gretchen Stearns informed Mr. Seserman that this idea is not allowed because the owner is required to live in the main residence. Rob Fitzsimmons instructed Mr. Seserman to check with the Village DPW for water and sewer connections and Jay Trapp regarding building fire codes for egress.

Motion to accept the application as complete and set public hearing for June 4, 2018 was made by Jock Winch with a second from William Michael. All members were in favor. Motion carried.

Mr. Seserman was instructed to change the date on the sign that he posted too early.

David Schwartz & Ronald Sanchez Special Exception: Tax Map #(SBL) 112 . 2 – 2 – 62 Located at 73 Church St. Mellenville, NY. Special Exception for the addition of an accessory apartment in basement. Mr. Schwartz was present for the application. Mr. Schwartz informed the Board that he is seeking to construct a 620 square foot apartment in his walkout basement at 73 Church St. Mr. Schwartz continued that the area was significantly improved prior to purchase with new windows. Mr. Schwartz added that this apartment will be used for rental income and the property has Village of Philmont water but has a bad septic tank that will be replaced with a 1500 gallon tank. Mr. Schwartz informed the Board that he is working with the CCDOH and Bill Baldwin on this issue. Mr. Schwartz continued that he also had Mr.

Baldwin inspect the leach field which was found good because it was upgraded about 10 years ago. Mr. Schwartz continued that he worked with Jay Trapp and all egress windows have been installed. Motion to accept the application as complete and set for public hearing at June 4, 2018 was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried. Mr. Schwartz was instructed to obtain a meeting notice sign from the Town Clerk and place the sign on the property 10 days prior to the public hearing.

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 9:10 p.m.

Respectfully submitted,

Jodi Keyser, Secretary