

APPROVED 12/4/17

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: November 6, 2017**

Chairman Scott Cole called the November 6, 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, Gretchen Stearns, Stephen King, Robert Vecchi, William Michael, Jock Winch, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser.

Board members reviewed the minutes of the October 2, 2017 meeting.

Motion to approve the October 2, 2017 minutes with minor corrections was made by Stephen King with a second from Robert Vecchi. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 11/6/17:

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 agro-tourism farm project including a farm with support buildings, guest cabins, event space and a caretaker/owner dwelling.

Victoria Masters, David Crawford and Ryan Young were present for the application. Chairman Scott Cole informed the Board that he had received letters from Peter Bevacqua and Andrew Personetty in support of the Fieldmakers application. Mr. Crawford informed the Board that he has submitted a traffic study which focused on Stone Mill Road which used actual CC DOT counts from 2013. Mr. Crawford stated that they analyzed the numbers which found 700 trips per day. Mr. Crawford continued that the project will increase the number of trips by 50 to 60 per day at off peak hours therefore not a significant impact. Stephen King asked if the increase in traffic is 7%. Mr. Crawford answered yes and the capacity for Stone Mill Road is 2,000 trips per day, Gretchen Stearns stated that Stone Mill Road is classified as urban roadway but is more like a rural roadway. Mr. Crawford stated that the report is based on the geometry of the area. Stephen King stated that he has noticed 13 wheeled trucks using the roadway and going over the bridge and is wondering if the increased traffic on the roadway could be due to the detours that were recently in effect. Stephen King continued that this might be creating an impact on the roadway that could be removed. Stephen King asked who is responsible to contact the NYS DOT to make sure that the GPS detours have been removed from the GPS tracking programs. Chairman Scott Cole stated that the bridge project on State Route 9-H & 23 was a state job. Rob Fitzsimmons suggested that Mr. King contact TOC Highway Superintendent Louis Lamont for guidance. Chairman Cole asked about the speed limit of a minimum of 20 mph and a maximum of 30 mph. Ryan Young informed the Board that these speed limits do not pertain to Stone Mil Road. Virginia Ambrose stated that the historical information that was provided was fascinating and amazing to read, Virginia Ambrose continued that the archeologic report was very informative. Rob Fitzsimmons informed the Board that on 10/18/17 the applicant has submitted letters from the A. B. Shaw Fire Company, Town of Greenport Water Department, NYSOPRHP, Jayme Malcolm of NYS DEC, CC DOH and TOC Highway as requested. Gretchen Stearns stated that the information provided regarding agro-tourism in New Jersey was interesting and was good to see how other states are defining agro-tourism. Stephen King stated that agro-tourism such as the proposed project provides ancillary income to surrounding businesses. Stephen King stated that he has a question regarding the project phases seeing that the single family farmhouse isn't proposed until Phase 4 so he asked Ms. Masters where will she live until the farmhouse is built. Ms. Masters stated that she will live in one of the mini cabins or somewhere near the property. Gretchen Stearns asked who will be on the site when the cabins are rented or care for the animals. Stephen King then asked about the greenhouse build in Phase 2 which Ms. Masters stated could be 3 – 5 years out so how will the greenhouse be used for educational purposes if it is so far out. Stephen King then asked if people would just come to stay in the cabins or would they have a daily schedule of events that they could join. Ms. Masters informed the Board that when a cabin is rented out the renter will automatically be signed up for farming operations and will be asked to be like a farmhand. Ms. Masters continued that the project will have a small library and there will be books in the cabins along with board games and cards for the renters to enjoy in the off time. Stephen King then asked if part of the rental is to participate in the farming

operations. Ms. Masters informed the Board yes it is built into the cost structure of the rental. Mr. Crawford stated that if the renters do not participate then they have wasted their money in a sense. Virginia Ambrose asked where the goats and chickens will be housed at night. Ms. Masters stated that there will be a small shed or milking shed for the goats. Virginia Ambrose stated that the plan does not show a small shed. Ms. Masters stated that the small shed will be under the pole barn on the left side. Robert Vecchi asked if the employees will reside on the property also. Ms. Masters answered no. Gretchen Stearns asked to make a statement regarding the project. Gretchen Stearns informed the Board and applicants that she has based her observations about the Fieldmakers project on her experience working on the TOC Comprehensive Plan for several years followed by 5 years helping to fashion the revision of the TOC Zoning Laws. Gretchen Stearns stated that she applauded Ms. Masters for her bold new concept and strongly supports her efforts to make it happen but feels that she could also modify her plans to better fit the TOC Zoning Code and the desired character of the Town of Claverack. Gretchen Stearns continued that this project puts the Planning Board into new territory by both interpreting a "New Farm" and delineating what the boundaries of agro-tourism are. Gretchen Stearns continued that historically a "New Farm" required a Site Plan Review which was to protect the Town from having a farm turned into a C & D dump like what happened in Hillsdale several years ago and was fought in the court system for years and years. Gretchen Stearns continued that the TOC wanted control over what a farm might be used for thus the requirement of a Site Plan Review. Gretchen Stearns continued that the TOC Comprehensive Plan has a central concern to preserve the rural nature of the Town of Claverack and part of that is supporting and preserving agricultural operations which provide so much of the green space while contributing to the local economy. Gretchen Stearns that the TOC Comprehensive Plan also advocates the development of small locally owned businesses and both of these aspects are embodied in the proposed project in addition the proposed agro-tourism aspect can bring a ripple effect economic benefit beyond the business itself. Gretchen Stearns continued that other positive aspects of the proposal have been noted i.e. biodynamic, organic farming which Ms. Masters has experience in, a group of local experienced small farmers, the educational aspect which may draw young people to settle in the area and start farms of their own and the farm stand which may offer many niche products. Gretchen Stearns continued that the usual understanding of agro-tourism is operations such as U-pick, corn mazes, petting zoos and such would lead her to stretch her imagination to embrace the proposal without straining the TOC Zoning Law to a breaking point. With that said the proposal from the beginning has been confusing because it didn't fit with what the TOC has known before. Gretchen Stearns stated that the Planning Board could see that it was going to be a farm but it also has the elements of being a campground as well as an inn or motel. Gretchen Stearns continued that other farm stays in Columbia County have accommodations for a handful of guests one being the Kinderhook Farm which has been cited as being a very successful operation has only one small converted barn for one family per stay. Gretchen Stearns continued that many of the small number of agro-tourism farms in New Jersey that offer accommodations are referred to as Bed & Breakfasts and this project does not fit the TOC Zoning Law definitions of a Bed & Breakfast. Gretchen Stearns stated that this projects arrangement for accommodations seems to overwhelm the farming aspect and while a new farm calls for a Site Plan Review a campground is a Special Exception as noted by the TOC Engineer George Schmitt in his letter to the Planning Board. Gretchen Stearns stated that the mini cabins with their supporting buildings for bathrooms and showers looks like a campground or a "glampground" as referenced these days. Gretchen Stearns stated that she would vote against this project if it were presented for a Special Exception and asked that the applicants remove the campground area from the plan. Gretchen Stearns continued that the vision and major goal of the TOC Comprehensive Plan is to preserve the rural nature of the Town of Claverack. One part of that is to promote "Smart Growth" through encouraging infill of residences in the hamlets, and to preserve relative low density in the Rural Agricultural and Rural Conservation districts. Gretchen Stearns continued that the way the TOC Comprehensive Plan suggests to do this is with a 5 acre density zoning and requiring a Conservation Subdivision model for any more than 4 parcels, which leaves at least 50% of the land as green space. Gretchen Stearns continued that though this Site Plan is for a "New Farm" not a development it is designed in the same thoughtful way that a conservation model calls for. The cabins are well designed and thoughtfully placed in the acreage and engineers have worked to preserve the wetlands and leave most of the trees, lighting is designed for minimal spillage beyond the site and the roadways follow rural standards but one important standard that is missing is the 5 acre density. Gretchen Stearns then stated that the 51.2 acres of the project would allow for 10 dwellings according to the TOC Zoning Laws therefore she asked that the applicant modify the plans to reflect this requirement which would eliminate the mini-cabins with their attendant sanitary facility buildings and no more than 10 other cabins and that the farm stay be advertised as an educational participatory farm stay. Gretchen Stearns stated that she would heartily endorse a plan along the aforementioned lines but cannot vote for approval

of this application in its current form. Chairman Cole opened the meeting to the public hearing at 7:25 p.m. and instructed the audience members to keep their comments to new concerns or issues and not to digress back to issues that have been addressed by the applicant. Chairman Cole informed the Board and audience members that Mr. Crawford has addressed the issues that were heard during the previous public hearing periods and will refer to the Crawford letters dated 10/18 and 10/19. No public comments were heard. Chairman Cole closed the public hearing at 7:27 p.m. George Schmitt reviewed the Long Form SEQRA Part II for the Board.

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

Motion to grant Site Plan Approval for the Fieldmakers agro-tourism facility was made by Jock Winch with a second from Stephen King. Members voted as follows: Robert Vecchi-no, Jock Winch-yes, William Michael-no, Stephen King-yes, Gretchen Stearns-no, Virginia Ambrose-no. Chairman Cole announced that the motion did not carry.

Rob Fitzsimmons cautioned the Board members that unless they have a specific point within the TOC Zoning Laws to deny the application then they should reconsider their vote. Rob Fitzsimmons continued that the applicant has applied, sat through at least 3 meetings, held public hearing which was continued to allow for their responses to the concerns from the public, and in the end addressed all of the concerns and they have done their due diligence to meet everything that the Board has requested. Rob Fitzsimmons continued that the applicant has the right to sue the TOC and he would have a very difficult time trying to defend their denial because it is without merit.

Stephen King asked Rob Fitzsimmons that in light of Gretchen Stearn's remarks guidance is needed as to whether the application can be approved if it doesn't meet the density requirements. Rob Fitzsimmons informed the Board that the definition of agro-tourism isn't included in the TOC Zoning Codes but with that said it doesn't mean it cannot be approved. Stephen King stated that he heard the concern that Gretchen Stearns brought to the Board but he thinks that the laws are a give and take and this is one of those types of cases where the Board should look at for the real potential for the community. Gretchen Stearns stated that she feels that the application is a good idea but it is not being looked at with the Zoning Codes in mind. Gretchen Stearns stated that a new farm requires a Site Plan Review which was set in the TOC laws to control the uses of farms. Gretchen Stearns continued that agro-tourism definition is up in the air and needs to be reviewed. Gretchen Stearns stated that this is a creative project but it also has to be reviewed as far as the land use and density is part of the land use. Gretchen Stearns continued that this is precedence setting and the TOC Planning Board needs to be clear that if this application is approved then conditions such as advertising as a modern farm stay and that guests are staying to participate in the farming operations along with other conditions. Gretchen Stearns stated that this is one of the problems with the way applications are reviewed and that the Board members are not allowed to talk about applications outside of the meeting. Gretchen Stearns stated that she wrote her thoughts down to make it clear for the Board members and the applicant how she felt about the application and the TOC Zoning Laws. Stephen King stated that he does agree with Gretchen Stearns that the applicant should be required to reside on the property at all times. Robert Vecchi stated that his concern and reason for denial is that the entire phasing process is dependent upon the success of the previous phase. Robert Vecchi continued that Phase 2 is to build a greenhouse but if the project is not successful in phase 1 then there will not be a greenhouse. Ms. Masters answered yes they would not build a greenhouse. Robert Vecchi stated that this is his concern that this project could be a 10 to 15 year buildout if each phase depends on the success of the previous phase. Robert Vecchi continued that he would feel more comfortable with the application if the farmhouse were built in Phase 1 instead of Phase 4 and a condition that the applicant had to reside on the property at all time. Ms. Masters informed the Board that she planned to reside on the property but in one of the cabins as a temporary residence. Robert Vecchi stated that the cabins are basic but if the project is approved and then things are half completed then what happens. Rob Fitzsimmons stated that the TOC Code Enforcement Officer will make sure that the project is in compliance and up to date as per the TOC Zoning Code and he will watch the timing of the progress. Rob Fitzsimmons informed the Board that they should be hesitant to weigh their vote on whether or not the project might be successful. Gretchen Stearns then asked what would happen if the plan does not work out. Rob Fitzsimmons answered that the applicant could then sell the property with the standing approval and would be held to the approved Site Plan design. Gretchen Stearns asked what if the property was sold and then with all of the cabins the new owner abandons the farming aspect of the project and turns the site into a campground. Rob Fitzsimmons answered that any new owner is bound to the approved agro-tourism use as a modern farm stay with accompanying cottages and they would not be allowed to turn it into a campground without returning to the Planning Board and the Board can absolutely place conditions on the approval such as no special events and weddings. Gretchen Stearns stated that the TOC has restricted and stopped

special events as part of an agro-tourism site but they are being allowed in other towns. Rob Fitzsimmons informed the Board that the head of the NYS Ag & Markets Bob Sommers is not endorsing special events as part of an agro-tourism use unless the event is directly part of the agro-tourism use itself.

Jock Winch stated that he is concerned that the Planning Board is making a decision on the success or failure of a project and it is not up to them to deny this application based on financial reasons. Stephen King stated that he feels that this plan is a great idea although it is not perfect in the end it is a low impact use and the opportunities for the area outweigh the negatives. Robert Vecchi stated that all he heard before he became a Planning Board member was how hard the TOC makes it for new businesses in the Town and that people are leaving. Robert Vecchi continued that he likes the idea and the concept but envisions campouts with loud campers that are drinking and he feels that he has to listen to the concerns of the neighbors who do not want a campground next to their properties. Gretchen Stearns stated that in the TOC Zoning Code a campground requires a Special Exception and she feels that this is more a campground operation than a farm. William Michael stated that his concerns are the density issue, campground use, too many phases and policing of the property during off hours. Jock Winch asked if the Planning Board is at risk of a law suit. Rob Fitzsimmons again stated that he would have a very difficult time defending a denial of the application because the Board had no specific law or reason to deny. William Michael stated that the Board should hold workshops for difficult project to be able to talk about the concerns between Board members. Rob Fitzsimmons stated that the Board has that option but workshops are public meetings and the applicants are allowed to attend also. Virginia Ambrose stated that it is a good idea but she would be more comfortable with the phasing were set up differently especially to move the owners residence to Phase 1. Jock Winch stated that the applicant has addressed all of the public hearing concerns and Board questions and therefore the Board cannot deny just because they don't like the idea. Gretchen Stearns stated that it is not true that the Board denied because they just don't like the idea the project does not meet the density requirements as written in the TOC Comprehensive Plan and she would feel differently also if the configuration of the mini cabins and sanitary facilities were changed because it appears to be more of a campground than a farm. Ms. Masters asked if the project would be approved if she removed the mini cabins. Gretchen Stearns stated that would help because there are too many cabins for the property. Ms. Masters stated that the reason for the different types of cabins is to allow for tiered pricing. Rob Fitzsimmons informed the Board that the application was found to have no significant environmental impacts and if they are trying to place a condition for density reasons it would be difficult. Mr. Crawford stated that he understood the density requirements for the TOC to be for full time residences not rental cabins and this project is a low to moderate impact for the community. Virginia Ambrose stated that she would be able to approve if the owner residence were moved from Phase 4 to Phase 1B and that the owner must reside on the property at all times. Robert Vecchi asked if noise could be addressed with having a condition of quiet hours after 10:00 p.m. as with all other businesses in the area.

Motion to approve the Site Plan Review for the Fieldmakers agro-tourism educational farm stay with accommodations with the following conditions:

Quiet time beginning at 10:00 p.m.

Owner must occupy the farmhouse/owners residence and be present at all times of operation

Move construction of the farmhouse/owners residence from Phase 4 to Phase 1-B

Must be advertised as a modern farm stay and educational farm facility

No special events

Was made by Jock Winch with a second from Stephen King. Members voted as follows: Jock Winch-yes, Robert Vecchi-yes, William Michael-yes, Stephen King-yes, Gretchen Stearns-no, Virginia Ambrose-yes. Motion carried. Gretchen Stearns stated that she understood that the applicant has appeared 3 times and has spent a great deal of money but this is such a new idea and it is not a simple subdivision but complicated and she would not want to see projects like this just pushed through like the Ginsberg's project only to find out all of the issues and problems after it was approved. Rob Fitzsimmons informed the Board that with due respect the applicant has responded and answered everything that the Board has requested and the plan is compliant with the TOC Zoning laws. Rob Fitzsimmons continued that the applicant is reviewed by the standing TOC Zoning Laws and the Planning Board might want to think about adding or revising the Zoning Codes to address agro-tourism but this applicant has been compliant.

Maps will be stamped and signed after revisions are made.

NEW APPLICATIONS FOR 11/6/17:

Philmont Family Dentistry/ Tareq Khalifeh Site Plan: Tax Map #(SBL) 113 . 00 – 01 0 20 . 12 and located at 1078 NYS Rte. 217 Philmont. Site Plan Review for a 915 square foot addition to the existing dental office and the 6 additional parking spaces.

Mr. Widjeskoj project engineer and Ray Doty project contractor were present for the application. Rob Fitzsimmons informed the Board that the project has received an Area Variance from the TOC ZBA for rear yard setbacks of 28 feet. Mr. Widjeskoj informed the Board that the application is seeking an addition to the existing dental office. Virginia Ambrose asked if there is anything on the property behind the office. Mr. Widjeskoj answered no just the County Fire Training Tower but that will be removed. Rob Fitzsimmons informed the Board that the new owner of the Pine Haven Nursing home owns the building and property. Mr. Widjeskoj informed the Board that the addition is totally hidden from the roadway with trees and shrubs. George Schmitt informed the representatives for the application that the Board will need to have a letter of approval for the septic system from the CC DOH. Mr. Widjeskoj stated that he had approval for the septic system from them and will submit it. Mr. Widjeskoj continued that the addition will only mean 1 or 2 more employees so the impact on the septic system will be minimal. George Schmitt informed Mr. Widjeskoj that the Planning Board needs details on the size and location of the septic system and the CCDOH approval for the addition to the office. Virginia Ambrose asked if there is a ramp in the rear. Mr. Widjeskoj answered yes that is because the building needs to have an exit with handicap accessibility because it cannot have a dead end. Mr. Widjeskoj stated that the office is connected to the Village of Philmont for their water supply. Gretchen Stearns asked at what point does the Planning Board see specific plans. Rob Fitzsimmons answered that the applicant will be required to supply the plans to the TOC Building Department for the Building Permit. Rob Fitzsimmons asked the Board if they had any other concerns or questions like screening, parking, etc. Mr. Widjeskoj informed the Board that they will maintain the existing trees and shrubs.

Motion to accept the application as complete and set for public hearing for December 4, 2017 was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Motion carried.

Mr. Widjeskoj and Mr. Doty were instructed to obtain a public hearing sign from the Town Clerk and post the sign at least 10 days prior to the December 4th meeting.

Pine Haven Nursing Home Subdivision: Tax Map #(SBL)113 . 10 – 1 – 9 . 211 & 113 – 1 – 20 . 110 and located at 201 Main St. Philmont, NY. Boundary Line Adjustment/Subdivision

Cory Auerback of Barclay Damon was present for the application. Mr. Auerback explained to the Board members that his client is seeking a minor boundary line adjustment in order to secure HUD financing for the Pine Haven Nursing Home. Mr. Auerback continued that the current line dissects the nursing home. Mr. Auerback explained that the owners are seeking to move the Boundary Line between the newer building and the old building. Mr. Auerback stated that the line will be 9.5 feet equally between the two buildings. Stephen King stated that he didn't realize that there was an old building. Mr. Auerback stated that the new owners are seeking HUD financing to refurbish the newer building not the old building. Stephen King asked if there are any plans to refurbish the old building. Mr. Auerback answered not at this time but might be something considered in the future but the HUD financing is only attached to the newer building at this time. Rob Fitzsimmons informed the Board that the application is currently being reviewed for an Area Variance with the TOC ZBA with no issues and was set for public hearing at the end of November. Robert Vecchi asked why not get rid of the boundary line entirely. Mr. Auerback stated that the owners may do this at some point but right now they are seeking the HUD financing to refurbish the existing nursing home building so they just need to fix the boundary line that dissects the building at this time. Gretchen Stearns stated that the TOC Planning Board should not require a public hearing for simple Boundary Line Adjustments. Rob Fitzsimmons informed the Board that this might be something to change in the TOC Zoning Laws but at this time it is a requirement.

Motion to accept the application as complete and set public hearing for December 4, 2017 was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Mr. Auerback was instructed to obtain a public hearing sign from the Town Clerk and post it at least 10 days prior to the December 4th meeting.

New Business:

Chairman Cole stated to the Board that he felt that the Board had learned a great deal from the decision on the Fieldmakers application and would suggest in the future if there are controversial or difficult applications the Board start holding workshops to discuss the concerns with each other to avoid getting into another situation. Virginia Ambrose asked if there is any benefit to holding workshops. Rob Fitzsimmons informed the Board that they can ask to hold workshop meetings when they are finding an application difficult or have concerns but to remember that workshops are open to the public and the applicants are also allowed to attend. Virginia Ambrose stated that the only concern she had with the application is that the applicant would not be living on site until the later phases of the project. Gretchen Stearns stated that the only thing that she felt was that the application should meet the density requirements at least. Rob Fitzsimmons informed the Board that he would have a very difficult time defending a denial of the application because the Planning Board members did not cite TOC Zoning law or regulations that would be concrete reason for the denial. Members agreed that future applications of this nature will require workshops.

OTHER BUSINESS:

Board members discussed the possibility and logistics of holding workshops when they are reviewing difficult applications or just when a Board member has concerns that they wish to discuss with the rest of the Board members. Rob Fitzsimmons informed the Board that they always have the option of holding workshops to discuss applications but to keep in mind that these workshops are open meetings and the applicant and members of the public are allowed to attend. Board members all agreed that in the future they should ask for workshops to discuss difficult applications.

Motion to adjourn the meeting was made by Stephen King with a second from Robert Vecchi. All members were in favor. Motion carried. Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Jodi Keyser, Secretary