

Approved 12/5/16

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes of November 7, 2016**

Chairman Brian Goodrich called the November 7, 2016 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Brian Goodrich, Judy Zink, Virginia Ambrose, Scott Cole, Gretchen Stearns, Joseph Singleton, Stephen King, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser.

Board members reviewed the minutes of the October 3, 2016 meeting.

Motion to approve the minutes of October 3, 2016 was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried. Minutes approved.

CONTINUING APPLICATIONS FOR 11/7/16:

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 members that she called the representative for the application Mr. Thomas Yang. Mr. Yang informed her that the applicant is awaiting for the FCC permits to gather the information that the Planning Board requested regarding the “Potentially Hazardous Impact” for the SEQRA review. Mr. Yang requested that the application be held pending FCC permitting.

Hayes, Daniel & Peter Subdivision/Boundary Line Adjustment/Subdivision: Tax Map #(SBL) 112 . 2 – 2 – 46 & 112 . 2 – 2 – 49. Boundary Line Adjustment of property from the estate of Daniel Hayes at 793 NYS Rte. 217 to be merged with property of Peter Hayes located at 92 Church St.

Mr. Hayes has a current application for an Area Variance before the Town of Claverack Zoning Board of Appeals and will return.

Dutch Village/Aggrippino Boundary Line Adjustment-Subdivision: Tax Map #(SBL) 110 . – 1 – 3 Located at 510 NYS Rte. 66. Boundary Line Adjustment/Subdivision of .096 acres to be merged with the lands belonging to Aggrippino.

Jeff Plass as well as Mr. & Mrs. Aggrippino were present for the application. Mr. Plass submitted new maps with typo corrections. Mr. Plass informed the Board that his client’s the Aggrippinos recently had a survey of their property and found that a garage they thought was on their property was actually on the property of the Dutch Village Mobile Home Park. Mr. Plass continued that his clients are seeking a Boundary Line Adjustment to correct this issue and allow the required setbacks for the garage. Chairman Brian Goodrich opened the meeting to a Public Hearing at 7:03 p.m. No comments Chairman Goodrich closed the Public Hearing at 7:04 p.m. Attorney Rob Fitzsimmons informed the Board that he reviewed the deed descriptions for the application and found them to be in accordance with the survey maps. Engineer George Schmitt reviewed the SEQRA for the Board members.

Motion to grant a negative declaration with regard to the SEQRA was made by Virginia Ambrose with a second from Scott Cole. All members were in favor. Motion carried.

Motion to approve the Class 1 Boundary Line Adjustment Subdivision was made by Gretchen Stearns with a second from Scott Cole. All members were in favor. Motion carried.

Maps were stamped and signed. Mr. and Mrs. Aggrippino paid application fees and final fees in the amount of \$450.00.

Bertels & Daley Boundary Line Adjustment/Subdivision with Marks & Tavano: Tax Map #(SBL) 130 . – 1 – 6 . 12 Located at 29 Van Deusen Rd. and 294 Stone Mill Rd. Boundary Line Adjustment of .50 acres to be merged with lands of Marks & Tavano.

Jeff Plass was along with Mr. Marks and Mr. Tavano were present for the application. Mr. Plass submitted new maps with typo corrections. Mr. Plass explained that Mr. Marks and Mr. Tavano are seeking to purchase a strip of property from their neighbor Bertels & Dailey along the side of their property with a total amount of approximately .50 acres. Mr. Plass continued that his clients are planning a small addition to their residence and need this property for setback purposes. Chairman Brian Goodrich opened the meeting to the Public Hearing at 7: 15 p.m. No comments. Chairman Goodrich closed the Public Hearing at 7:15 p.m. Attorney; Rob Fitzsimmons informed the Board that he has reviewed the deed descriptions and they are in accordance with the survey maps. Motion to grant a negative declaration for purposes of SEQRA was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Motion to approve the Class 1 Boundary Line Adjustment Subdivision was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Maps were stamped and signed. Applicants paid final fee of \$150.00 and were instructed to file two maps with the County Clerk.

NEW APPLICATIONS FOR 11/7/16:

Concra, Margaret & Vincent b/d/a Subway Site Plan Review: Tax Map #*(SBL)121 . 03 – 03 -16 . 100 Located at 634 NYS Rte. 23-B & NYS Rte. 9-H. Site Plan Review for the installation of an awning, install crate for the purpose of selling firewood, install cage and barriers for the purpose of selling/exchange of propane tanks and install picnic tables with umbrellas for the purpose of outside eating.

No show

INFORMAL:

Gazzola, MaryAnn: NYS Rte. 217

Mrs. Gazzola informed the Board that she lives on NYS Rte. 217 across from the former Ockawamuck School building and several years ago she and her husband had their property subdivided so that each of their children could build homes. Mrs. Gazzola continued that her son constructed a home on a parcel and when the survey was done they found out that his parcel contained most of their property and they now want to subdivide or do a Boundary Line Adjustment to add a portion of his property onto their approximately 1 acre which contains their residence. Mrs. Gazzola informed the Board that she is seeking to increase her parcel to a little over 3 acres and make her son's property just over 4 acres when it is complete. Chairman Brian Goodrich instructed Mrs. Gazzola to meet with the Town of Claverack Building Department to obtain a Subdivision application, have her surveyor do a preliminary survey map of the parcels, get copy of the proposed deed descriptions to Rob Fitzsimmons for review. Joseph Singleton informed Mrs. Gazzola to have her surveyor mark the approximate sites for the wells and septic systems on each parcel using the survey maps that she brought to the meeting. Rob Fitzsimmons informed the applicant that the County prefers that all maps be rolled not folded and must contain a raised seal of the surveyor. Mrs. Gazzola was informed that the deadline for submission is 11/14/16 to be on the agenda for the December meeting.

Slaughter, Hoke: 139 Bate Rd.

Mr. Slaughter was present for an informal presentation on a proposed subdivision. Mr. Slaughter informed the Board that he owns 172 acres on Bate Rd. that is already subdivided into 4 separate tax parcels. Mr. Slaughter is proposing to reconfigure the parcels and subdivide a couple to make 7 separate parcels. Mr. Slaughter continue that he would like to construct three small cottages on the smaller lots for seasonal rentals which will be set back away from the roadway for the least amount of visual impact. Mr. Slaughter informed the Board that he has met with TOC Highway Superintendent Louis Lamont who assisted in designing a gravel driveways which access the larger parcels. Gretchen Stearns informed Mr. Slaughter that subdivisions over 5 parcels are considered a conservation subdivision and are required to have 50% remain as open land. Mr. Slaughter stated that he has contacted Scenic Hudson of which he is a Board member to create a conservation area most likely at the large parcels with the hills. Mr. Slaughter continued that he met with Stan Koloski who is having a problem with the shared driveway. Board members discussed whether this is considered a major or minor subdivision, and he needs to declare if he is pursuing it as a conservation subdivision or not. Mr. Slaughter informed the Board that

he will have a legal agreement and maintenance agreement for the shared driveway which will be attached to the deeds and surveys.

Gretchen Stearns asked Mr. Slaughter if he was planning to sell the parcels and have the purchasers build the houses or if he will be building the cottages and then selling them off. Mr. Slaughter informed the Board that he is planning to design and build the houses for rental cottages and he might sell parcel #3 and he will keep the property with the renovated farmhouse. Mr. Slaughter asked if the Planning Board were ok with the idea he will go ahead and begin the surveying and legal needs for the common driveway maintenance agreement. Gretchen Stearns informed the applicant that the TOC does not have a ridgeline law in the Zoning laws but suggested that it would be better to keep the cottages away from the ridgeline. Rob Fitzsimmons advised Mr. Slaughter to set up a meeting with Stan Koloski in the Building Department to move forward.

Carson, Diedre Boundary Line Adjustment:

Andrew Howard was in attendance to represent Ms. Carson who wants to do a boundary line adjustment between two of her lots on Millbrook road. Mr. Howard explained that Ms. Carson is proposing to shift the existing boundary lines to basically make the large of the two lots into the smaller lot and the small lot into the larger lot. Board members discussed the way she proposed the adjustment, one of the new lots did not have frontage on a town road. Mr. Howard continued that there will not be any new parcels and that Ms. Carson has an existing right of way but it is correct that it does not have the only 50 feet of frontage. Mr. Howard informed the Board that Ms. Carson is only seeking to incorporate the small pond onto her personal property. Mr. Howard also informed the Board that Ms. Carson will also stipulate that there will be no new subdivisions of the property if she is allowed to do this boundary line adjustment. Joseph Singleton stated that the Planning Board will be granting a non-conforming parcel if they grant the boundary line adjustment allowing only a 50 foot frontage. Mr. Singleton continued that this will be an issue because other property owners in the Town of Claverack were sent to the Zoning Board for a variance for just his issue. Rob Fitzsimmons informed Mr. Howard that he would probably need an area variance from the ZBA or a re-draw of the map to include enough frontage, even if Ms. Carson uses the existing ROW / Driveway. Mr. Howard was instructed to set up a meeting with the Town of Claverack Building Inspector, Stan Koloski.

Coyote Flaco:

Ryan Morrison of Crawford and Associates is representing Mr. Louis Lopez for a Site Plan Review to relocate the existing Coyote Flaco restaurant from its current location to the former Claverack Food Mart building. Mr. Morrison informed the Board that his client purchased the building last year in anticipation of the move. Mr. Morrison informed the Board that the building is currently multiple uses including the Post Office, liquor store and two rental units on the second floor. Mr. Morrison continued that approximately 800 square feet of office and loading dock will be removed. Mr. Morrison informed the Board that the TOC Zoning Laws call for the building to have 31 parking spaces but this is difficult because of the Town road (Park St.) which runs passed the front of the building. Mr. Morrison informed the Board that a survey shows that Mr. Lopez now owns the paved area directly in front of the building but the remainder is Park St. and NYS DOT right of way. Gretchen Stearns stated that the number of spaces only allows for 17 spaces for the Coyote Flaco use and most of the time there are way more than 17 vehicles parked at the existing location. Mr. Morrison asked the Board if they would consider approving the Site Plan with the lesser amount of spaces then required. Gretchen Stearns suggested that a 24 hour traffic study be performed at both the proposed site and the existing site to determine the need for parking. Scott Cole stated that parking is going to be a big issue at this site and he is concerned. Rob Fitzsimmons informed the Board that the TOC Zoning Code requires 31 spaces and the applicant has shown that the most he can achieve is 28 spaces. Rob Fitzsimmons suggested that the applicant check the dimensions of Park St. along with the DOT Right of Way to see if they can find space for a few more parking spaces. Rob Fitzsimmons also asked if NYS DOT would need to be notified for curb cuts. Mr. Morrison stated that the site currently has NYS DOT curb cuts. George Schmitt stated that NYS DOT has a boundary and the applicant needs to supply the Board with the exact dimensions for Park St. and should contact NYS DOT for their input. Joseph Singleton stated that the NYSDOT borders Park St. and the TOC has not been in any rush to clean up the Park St. issue. George Schmitt informed the applicant that the Site Plan will need the NYS DOT curb cuts and the

dimensions for the Park St. which is a Town of Claverack road. Mr. Morrison also informed the Board that setbacks will be an issue also. Joseph Singleton stated that it is important to the Town that some business goes into this vacant store and in his opinion this is a good use but parking will be an issue. Gretchen Stearns informed the applicant that although he studied the TOC Zoning Code for parking he neglected to review the landscaping design requirements which states that front yard parking must be screened. Gretchen Stearns continued that the Planning Board will need NYS DOT and TOC Highway approval. Gretchen Stearns informed the applicant that everyone wants this to happen and to be successful but because it is such a big project the TOC Planning Board needs to do a careful review. Scott Cole stated that NYS DOT and TOC Highway need to supply formal approvals. Board members discussed the possibility of allowing parking along Park St. and if the TOC could grant approval that these spaces could count toward the needed number of spaces even though they are on TOC property. Mr. Morrison informed the Board that the back of the building will still have a smaller loading dock. Gretchen Stearns asked if there would be designated parking for employees in the back. Mr. Morrison stated yes. Gretchen Stearns asked what type of septic system is proposed. Mr. Morrison informed the Board that the existing septic system has been maintained by Baldwin Sanitation and has no problems or issues. Mr. Morrison continued that the existing septic leach field is located in the rear of the building under the paved parking area and the site has an existing bathroom but Mr. Lopez needs to add an additional bathroom. Gretchen Stearns stated that this use is much greater than that of the previous use and CC DOH will need to inspect and approve the septic prior to approval. Mr. Morrison added that a grease trap will also be installed. Gretchen Stearns asked when the applicant plans to relocate. Mr. Lopez stated that he would like to be in the new building in 6 months. George Schmitt asked what the flow of the septic system is currently. Joseph Singleton informed the applicant that they will need to obtain a SPEDES permit if the flow is over 1,000 gallons per day. Mr. Morrison stated that the building is connected to the TOC water supply. George Schmitt informed the applicant that the CC DOH will require a code compliant grease trap for the new use and that septic systems are never allowed to be under a paved area and the septic tanks may need to be upgraded also. George Schmitt suggested that the applicant contact Jamie Malcolm from NYS DEC and the sooner the better and to make every effort to go in with good intentions because without his approval the project cannot be approved to go forward. George Schmitt explained that having a septic system under a paved area is not allowed because it cannot be vented properly and that leach field reports should be shown. George Schmitt informed the applicant that the site plan maps cannot be stamped until the NYS DEC grants full approval of the septic system and this might be a challenge for this site as it exists. Virginia Ambrose stated that the site has many issues that need to be answered regarding screening, parking, roadway, NYS DOT curb cuts and septic system. Virginia Ambrose informed the applicant that this appears to be a great use of the property but to also keep in mind that people are protective of the site and the hamlet itself so they will want to see some type of screening and updating of the building. Virginia Ambrose also stated to the applicant that businesses in the hamlet are only allowed to be open until 10:00 p.m. Mr. Morrison stated that his client has removed the old coolers, trying to renovate the building and would change the old sign. Virginia Ambrose stated that she has no argument about moving the restaurant or Mr. Lopez's intentions but is warning him that the neighboring residents care a great deal about what happens at this important intersection and how it looks. Andrew Howard stated that this is an opportunity to make the site much better than it is now. Rob Fitzsimmons instructed Mr. Morrison to meet with the TOC Building Inspector Stan Koloski to submit a formal application. Gretchen Stearns suggested a traffic study at various times to count the number of cars at the current restaurant and the number of cars at the proposed site to try to get a good idea of the level of use for all of the uses of the building and what they are being used for i.e. post office, liquor store, apartments or restaurant. George Schmitt stated that Coyote Flaco should have existing records of patrons which could determine the restaurant numbers and the NYS DOT should have some current record of average daily counts on record for the intersection or site. Rob Fitzsimmons informed Mr. Morrison to clear up the frontage issue also.

OTHER BUSINESS:

Chairman Brian Goodrich asked if the Board members had any other new business and reminded everyone that the next day is election day and to get out and vote.

George Schmitt informed the Board that Mr. Slaughter was a previous client of Morris and Associates on a different project that he worked on and that is why he did not comment on for fear of conflict of interest and that the Board would need to decide whether or not he could hear the application and review or not.

Chairman Goodrich asked the Board if anyone has submitted a letter of interest in the Chairman position. Scott Cole informed the Board that he will submit his letter of interest for the open Chairmanship. Katy Cashen informed the Board that she will tell the Town Board to go ahead and begin to fill a regular Planning Board seat.

Board members thanked outgoing Chairman Brian Goodrich and wished him well with his new move and marriage. Gretchen Stearns and Joseph Singleton supplied coffee and cake for the farewell.

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 9:15 p.m.

Respectfully submitted,

Jodi Keyser, Secretary