

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

**Chairman Scott Cole called the February 6, 2017 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.**

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

**Also new members: Jock Winch Jr., William Michael and Robert Vecchi attended the meeting and were sworn in by Town Board member Stephen Hook.**

**Members reviewed the minutes of the January 2, 2016 meeting. Minor change was made to the Coyote Flaco review.**

**Motion to approve the January 2, 2017 minutes was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried.**

**CONTINUING APPLICATIONS FOR 2/6/17:**

**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 Keyser informed the Board members that the applicant has not contacted her regarding their application.

**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.

Peter Hayes and Darcy Krein were present for the application. Mr. Hayes reviewed the application for his Boundary Line Adjustment which will adjust the property line between his property and the property of his late father back to the original spot. Mr. Hayes explained that his father moved the line to include a shed onto his property but the new line will allow for the shed to be back onto the original property which Mr. Hayes will retain for his residence. Mr. Hayes continued that the estate will be selling the property of his late father. Mr. Hayes informed the Board that he applied for an Area Variance for the rear setback with the Town of Claverack Zoning Board of Appeals which was granted on December 14, 2016.

Chairman Scott Cole opened the public hearing for the application at 7:05 p.m. No comments. Chairman Cole closed the public hearing at 7:06 p.m.

Rob Fitzsimmons reviewed the SEQRA for the Board members. All questions for the SEQRA were answered with a no.

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

Rob Fitzsimmons informed the applicant that he needs to review the deed descriptions before the maps can be released. Mr. Hayes was instructed to have his attorney email the deed descriptions to Rob Fitzsimmons.

Motion to approve the Class 1 Boundary Line Adjustment pending deed description review was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried. Maps were stamped and signed. Rob Fitzsimmons will retain the maps pending review of the deed descriptions and application and final fees of \$450.00.

**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 and install picnic tables with umbrellas and screening for the purpose of outside eating.

Secretary Keyser informed the Board members that Ms. Concra called informing her that she has retained engineer Pat Prendergast for the modification to her original site plan for the addition of outside seating and the awning. Ms. Concra continued that Mr. Prendergast is still drawing the maps so she will not be attending the meeting. Ms. Concra did state that she has received the septic approval for the additional seating from the CCDOH.

**Covote Flaco Site Plan Special Exception Review:** Tax Map # 121 . 3 – 3 – 19 and located at 6 – 8 Park St. Claverack. Site Plan Review & Special Exception for a restaurant in the former Claverack Food Mart site.

Ryan Morrison and Luis Lopez were present for the application. Mr. Morrison informed the Board that they are still awaiting the NYS DEC permitting for the sanitation system. Mr. Morrison reviewed the project for the members of the audience and the new Planning Board members. Mr. Morrison informed the Board that the only holdup is for the NYS DEC sanitation approval because the NYS DEC is requiring more work than anticipated. Mr. Morrison continued that an advanced treatment system is needed with a drywell because the existing septic tanks will not work. Mr. Morrison informed the Board that the restaurant is proposing 40 seats with an additional 10 seats on the patio weather permitting. Mr. Morrison continued that the existing septic tanks will be removed and replaced with the new sanitation system. Gretchen Stearns asked how much disturbance will be caused by the removal of the tanks and new system. Mr. Morrison answered that this will be a big process. Rob Fitzsimmons stated that this will resemble a mini sewage treatment plant under the ground. Stephen King asked if there is a timeframe for the NYS DEC approvals. Mr. Morrison answered no timeframe. Gretchen Stearns informed the applicant that she understood that they are allowed to refurbish the existing internally lit sign but would ask that the applicant replace it with a new sign of the same size which is lit from external lighting source. Mr. Lopez agreed. Gretchen Stearns asked where the dumpsters for garbage will be located. Mr. Morrison answered that there is an existing dumpster pad in the rear of the building. Gretchen Stearns asked that the dumpsters have adequate screening for the neighbors. Mr. Morrison stated that he will add fencing and screening on three sides. Gretchen Stearns stated that this is a very important site and the Planning Board requests that the applicant make every effort to screen and make the site look better. Rob Fitzsimmons read a letter from David Singleton who owns the property to the south of the building. Mr. Singleton is concerned with the parking and screening especially in the rear of the property because of the slope. Gretchen Stearns informed the applicant that it is very important to protect the viewshed for the neighbors all around the building. Chairman Scott Cole continued the public hearing at 7:25 p.m.

Michael Brandon of NYS Rte. 217 informed the Board that he is a lifelong resident, former ZBA Chairman and current Town Judge. Mr. Brandon informed the Board that he has significant concerns for the site. Mr. Brandon continued that NYS DOT considers the 9-H& 23 intersection as one of the busiest. Mr. Brandon stated that he knows that several accidents have occurred. Mr. Brandon stated that he feels that there is more parking at the current site and even now there are cars parking along Rte. 9-H. Mr. Brandon continued that this cannot be allowed to happen along the intersection because accidents will happen. Mr. Brandon also stated that people will be forced to park across the street which causes another concern with pedestrians crossing near the intersection. Mr. Brandon stated that these issues could be a liability for the Town of Claverack with people crossing the street. Mr. Brandon continued that as the former TOC ZBA Chairman he knows that the septic is not adequate for the size and scope of the project. Mr. Brandon continued that he is also concerned with the slope of the property and the little brook that moves along Brookbound Lane will be impacted by sewage.

Charles Vieni former NYS DOT informed the Board that he submitted plans for a restructuring of the intersection that is still in the design stages. Mr. Vieni informed the Board that he has researched this property and he feels that the survey the applicant has submitted is not correct. Mr. Vieni stated that he remembers that the front of the former Claverack Food Mart was returned to the Town of Claverack and that Park Street abuts the front of the building. Mr. Morrison stated that the survey shows a right of way between the front of the building and park street. Mr. Morrison continued that the plan has created 31 parking spaces and keeps all of the parking on the parcel. Mr. Vieni submitted photos of trucks and congestion with parking. Mr. Vieni asked Mr. Morrison to show the delineation for the TOC highway and that he agrees with Mr. Brandon that this will cause parking issues and accidents. Mr. Vieni continued that septic tanks are never allowed to be under parking pavement because they need be able to breathe. Mr. Morrison informed Mr. Vieni that he is working with NYS DEC. Mr. Vieni asked if Mr. Morrison spoke to Mr. DiRuzzio. Mr. Morrison answered yes. Mr. Vieni continued that septic tanks under parking spaces and under houses and less than 25 feet away from houses is a problem. George Schmitt stated that the applicant is working with NYS DEC and they are required to follow the requirements set by them. Mr. Vieni asked if the applicant is being asked to test the wells of the residences on Brookbound Lane. Mr. Morrison stated that these homes are over 200 feet away from the property. Mr. Vieni stated that the TOC cannot afford lawsuits from septic or parking issues and he feels that this is a terrible design. Mr. Vieni asked if the applicant has notified NYS DOT. Mr. Morrison stated that the property is not on Rte. 9-H it is on Park St. Mr. Vieni again informed the Board that the restructuring of the intersection it is waiting for funding. Gretchen Stearns asked if NYS DOT would have to take the park and Park St. to widen the intersection. Mr. Vieni stated that there are several different options. Mr. Vieni asked where on the survey maps is Park Street delineated and where is the property line for the parcel. Gretchen Stearns informed the applicant that the delineation

of the property and the TOC roadway need to be delineated on the survey maps. Rob Fitzsimmons informed the applicant to have new survey maps drawn showing the property and the TOC highway delineated. Rob Fitzsimmons stated that parking at this site has always been an issue even when it was a grocery store. Mr. Vieni stated that there is the potential for accidents with this design. Gretchen Stearns stated that the current parking is all over the place and the applicant has cleaned the parking up and has set parking spaces as required which will make things much better along NYS Rte. 9-H. John Lee stated that he knows where Park St. goes along the park but asked where it goes and intersects with NYS Rte. 9-H.

Skip Hover asked the applicant about the proposed portable screening which appears to be in the TOC roadway. Mr. Morrison stated that the portable screening/landscaping will be fully within the property and never on the TOC roadway. Mr. Hover stated that the Columbia County maps show that the TOC roadway begins 11 feet from the front of the building not the added entrance but the front of the building. Mr. Hover continued that the vestibule was added. Mr. Hover continued that the residence across the street had a party recently and 17 cars were parked in front of the store and you could not drive through or fit another car. Mr. Hover also questioned the sanitation system. Mr. Frentino owner of 1 Park St. stated that he has 10 spaces for his tenants and is concerned that patrons of the restaurant might try to park in these spaces. Mr. Frentino informed the Board that he would not appreciate others using his property for parking. No further comments. Chairman Cole continued the public hearing to the March meeting.

Rob Fitzsimmons informed the applicant of the punchlist:

NYS DOT right of way

Columbia County Highway map.

Delineate roads and property on maps

Give maps to George Schmitt prior to the March meeting.

Request NYS DOT review.

Rob Fitzsimmons asked if the applicant plans to attend the March meeting. Mr. Morrison stated their attendance at the March meeting depends on new information from NYS DEC. Rob Fitzsimmons informed the applicant to notify the Secretary or himself if they are not planning to attend the March meeting so that the public can be notified via website. Chairman Cole asked if the level of outside review would require an escrow account. George Schmitt and Rob Fitzsimmons agreed that \$1,000.00 be set up in an escrow account with the TOC to cover the costs of legal and engineering review.

Continued to March.

**Gazzola Boundary Line Adjustment/Subdivision:** Tax Map #(SBL) ? Not provided on application.

Located at 370 NYS Rte. 217. Boundary Line Adjustment of 6.278 acres from 370 Rte. 217 to be conveyed to 360 NYS Rte. 217.

MaryAnn Gazzola was present for the application. Mrs. Gazzola submitted new official maps but the maps were deemed copies. Mrs. Gazzola informed the Board that she picked up the wrong maps from her house. Rob Fitzsimmons informed the applicant that she will need for her attorney to email a copy of the deed descriptions for him to review. Mrs. Gazzola reviewed the Boundary Line Adjustment with the Board. Mrs. Gazzola stated that several years ago she and her husband subdivided their property to give a parcel to her son to build a home. Mrs. Gazzola continued that after a bit of time she discovered that the subdivision gave a majority of their property to her son which was not what they thought. Mrs. Gazzola continued that they are not trying to make the parcels more even. Chairman Scott Cole opened the meeting to public hearing at 8:00 p.m. No comments were heard. Chairman Cole closed the public hearing at 8:01 p.m.

Rob Fitzsimmons reminded the Board members of the SEQRA questions that were reviewed for a previous application.

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

Motion to approve the Class 1 Boundary Line Adjustment pending original sealed maps and review of deed descriptions was made by Virginia Ambrose with a second from Judy Zink. All members were in favor. Motion carried.

Mrs. Gazzola paid final fees of \$150.00. Mrs. Gazzola returned with the original sealed maps.

Gretchen Stearns asked why residents are required to have public hearings for such a simple thing like a boundary line adjustment because there is never any one in the public against the proposal because it is simply between the two

property owners. Rob Fitzsimmons informed the Board that this could be changed in the TOC Laws but for now it is a requirement.

## **NEW APPLICATIONS FOR 2/6/17:**

### **INFORMAL:**

#### **Jessica Riley and James Bloomfield:**

Ms. Riley informed the Board that she owns the horse farm at the end of Courts Lane approximately 100 acres. Ms. Riley continued that a portion of her property is accessible via a right of way at the end of Pine St. Ms. Riley is proposing to subdivide approximately 20 +/- acres to be able to raise money to keep the farm going. Ms. Riley informed the Board that she is currently using the right of way which she has upgraded the access this past summer with stone. Ms. Riley informed the Board that she is willing to stipulate that no further subdivision of the 20 acre parcel will be allowed and this stipulation will be held in the deed of sale. Gretchen Stearns asked how long the access is for the property. Mr. Bloomfield explained that the right of way will be the access for the entire 20 acre parcel and no other property it will go with the parcel. Mr. Bloomfield explained that the right of way is the same width as Pine Street which they measured as 15 feet wide. George Schmitt asked if they have frontage on a TOC roadway. Mr. Bloomfield explained that they only have the 15 feet that is the right of way not the required frontage. George Schmitt stated that the parcel would need frontage on a TOC roadway. Ms. Riley explained that the parcel is long and at its widest point is approximately 400 feet wide and is very dry leaving room for a wider driveway. George Schmitt asked if the wetlands are ACOE or federal wetlands and if they have been delineated. Ms. Riley stated that this area is not really wet but most of the summer it is dry with cattails. Virginia Ambrose asked if the parcel will be for one residence. Ms. Riley explained that there is a high point on the property which would be perfect for house site because of the wonderful view shed. George Schmitt asked if there is any way that the property could be accessed from the Courts Lane side. Ms. Riley answered yes but it would cut the farm up. Rob Fitzsimmons reminded the Board members that this same type of issue was heard before the Planning Board recently with the Carson application. Rob Fitzsimmons continued that Ms. Carson was seeking a Boundary Line Adjustment for which one of her parcels did not have the required frontage and the answer given by the Board members was that she would need to get an Area Variance from the TOC Zoning Board of Appeals or redraw her maps to get the frontage. Rob Fitzsimmons continued that the TOC Planning Board felt that this would not pass the ZBA as not a self-created hardship because the property line could be adjusted. Rob Fitzsimmons also reminded the Board of the Slaughter informal application where Mr. Slaughter was seeking to subdivide 4 parcels into 7 with one lot not having frontage which was not met with much enthusiasm. Rob Fitzsimmons then read from the TOC Codes regarding frontage 6.1.1 and table 2- 2.3. Rob Fitzsimmons continued that the Planning Board has the option to grant a waiver in some instances but not on a Zoning regulation. George Schmitt informed the applicants that they would need to apply to the TOC Zoning Board of Appeals for an Area Variance for 0 (zero) frontage which is a concern. Ms. Riley informed the Board that the neighboring property owner was not informed of the right of way when he purchased his property and has concerns. Rob Fitzsimmons informed the applicants that it is not impossible for the TOC ZBA to grant an Area Variance for zero frontage but it is a drastic request. Board members asked if the Right of Way services other property owners. Ms. Riley answered no. George Schmitt asked if the right of way is over the corner of the Mortefolio property. Ms. Riley stated yes a small amount but the screening was left when the right of way was stoned last summer. Gretchen Stearns stated that she has a problem with flag lots because they require a constant 48 foot wide access for the property which is impossible for this parcel. Gretchen Stearns stated that Pine St. doesn't go along the parcel but Pine St. touches the property at the end. Ms. Riley informed the Board that Pine St. has a width of 15 feet where it is paved. Ms. Riley asked how she applies for an Area Variance and then would it return to the Planning Board. George Schmitt informed Ms. Riley that a 100 foot buffer is required for the wetlands and a 200 foot buffer between well and septic also. George Schmitt continued that a perk test and noted that there is about 100 feet of stream.

Rob Fitzsimmons informed the applicant to offer deed mitigation of no further subdivision and only one residence is allowed on the parcel.

#### **Claverack Free Library:**

Mike Sullivan was in attendance to represent the Claverack Free Library. Mr. Sullivan informed the Board that he asked to be an informal addition to the meeting to update the Board on the progress of the approved Site Plan and to discuss some minor changes. Mr. Sullivan continued that the project is completed in two phases of renovation. Mr.

Sullivan informed the Board that Phase 1 is almost complete with the dormer roof, elevator, interior renovations and fundraising. Mr. Sullivan continued that they are still awaiting the DOT permits. Mr. Sullivan explained that the Library planned to build an amphitheater on the space between the new library and the old library building has been removed from the Phase II plans due to lack of funding. Mr. Sullivan stated that if the funding is found someday this might be back on the design but it is off for right now. Mr. Sullivan explained that the next change is that they have eliminated some of the internal curbing to save money also. Mr. Sullivan continued that the same number of parking spaces will remain at 23 and in Phase II three more parking spaces will be added. Mr. Sullivan informed the Board that he met with TOC Building Department's Jay Trapp who didn't feel that these changes were significant but directed him to the Planning Board. Gretchen Stearns stated that it appeared that items were being removed instead of things being added. Rob Fitzsimmons asked if the parking is still compliant with TOC regulations. Mr. Sullivan answered yes the 26 parking spaces are based on occupancy. Mr. Sullivan continued that the sanitation system has CC DOH approval which includes uni-pavers which allow for grass to grow. Mr. Sullivan informed the Board that updated NYS DOT permits are pending. Gretchen Stearns asked if sidewalks or crosswalks were considered. Mr. Sullivan informed the Board that it is very important to the Library Board to move into the new building debt free without a mortgage. Gretchen Stearns stated that at some point down the road it would be fabulous to have a sidewalk that connects to the sidewalk on the other side of the street with a crosswalk for people who use the library but want to walk across the street to grab a snack or drink. Mr. Sullivan asked if this issue is something that is up to the library or up to the TOC. Chairman Scott Cole asked the Board members if they had any other questions. No further questions. Mr. Sullivan informed the Board that the plans are with the contractors now but he wanted to have the approval of the Planning Board before moving forward.

Stephen King asked to be recused due to being a member of the Library Board of Directors.

Motion to approve the minor modifications as presented was made by Virginia Ambrose with a second from Judy Zink. All remaining members of the Board were in favor. Motion approved.

Chairman Cole asked if there were any other members of the audience that would like to ask the Planning Board for advice or questions.

**Anna Varga:** Ms. Varga approached the Board members because she is interested in purchasing property on Fish & Game Rd. to start a sunflower farm. Ms. Varga continued that the property is located at 470 Fish & Game Rd. and is approximately 41 acres. Ms. Varga continued that her plan is to plant 20 acres with sunflowers and they would be rotated each year with canola. Ms. Varga informed the Board that she might lease or rent out the remaining property to a farmer for crops. Ms. Varga informed the Board that she presses the sunflower seeds to produce sunflower oil on the site. Stephen King asked if she plans to sell the sunflower oil from the farm or a distributor. Ms. Varga answered that the oils are sold via the internet to restaurants with no onsite sales. Gretchen Stearns stated that this is a great farming venture and the Town of Claverack loves farming and farm products. Ms. Varga continued that the operation uses 100% of the sunflower also by selling the byproduct called meal to local farmers to use as feed. Ms. Varga informed the Board that she needs to install silos next to the existing barn to hold the seeds. Ms. Varga continued that the silos hold the seeds which are fed into the barn into the electric pressing machine after they go through the cleaning machine. Gretchen Stearns asked what the property is currently used for. Ms. Varga answered that to her knowledge hay is grown on the property which is a large farm. Ms. Varga continued that the owner has subdivided the property but she has not yet purchased this parcel. Gretchen Stearns stated that this would be considered an expansion of an existing farming operation. Rob Fitzsimmons informed Ms. Varga that she would need to obtain building permits for the silos but the use is a permitted use for this property. Gretchen Stearns asked if the machinery makes noise. Ms. Varga stated that the machines do not make much noise because they do not grind only press. Virginia Ambrose asked Ms. Varga if she is aware of the NYS food safety regulations. Ms. Varga answered yes she understands and knows that the well will need to be tested and approved. Chairman Cole asked the size of the silos. Ms. Varga informed the Board that the silos will be the smallest possible approximately 15 to 18 feet high and not taller than the existing house. Ms. Varga continued that the 20 ft. X 12 ft. silos will be motorized to rotate the seeds. Board members welcomed Ms. Varga.

Chairman Scott Cole thanked long-time Planning Board member Judy Zink for her years of dedicated service to the Town of Claverack and welcomed new Planning Board members William Michael, Jock Winch and Bob Vecchi.

Chairman Scott Cole asked the Planning Board members if they would be interested in meeting the new Building Inspector Jay Trapp for an informal meeting to discuss operations. Chairman Cole informed the Board members that those interested should plan to be at the Town Hall at 6:00 p.m.

Motion to adjourn the meeting was made by Stephen King with a second from Judy Zink. All members were in favor. Motion carried.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary