

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes: May 1, 2017**

Chairman Scott Cole called the May 1, 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, Robert Vecchi, William Michael, Jock Winch Jr., Stephen King, engineer; George Schmitt, attorney; Rob Fitzsimmons, and secretary; Jodi Keyser
Absent with regrets: Gretchen Stearns

Board members reviewed the minutes of the April 3, 2017 meeting.

Motion to approve the minutes of April 3, 2017 was made by Bob Vecchi with a second from Stephen King. All members were in favor. Motion carried. Minutes approved.

CONTINUING APPLICATIONS FOR 5/1/17:

ABS Satellite Special Exception: Tax Map #(SBL) 101 . – 2 – 11 . 200 Located at 829 Rte. 66. Special Exception for the installation of two 9 meter satellite telecommunication transmitting/receiving antennas at the rear of the building. Secretary Jodi Keyser informed the Board that after she mailed the requested letter to the applicant indicating the Planning Board has dropped their application due to lack of appearance and contact with the Board she received a call from Mr. Yung stating that they have received a letter from the FCC and will appear at the June meeting.

Slaughter, Hoke Subdivision: Tax Map #'s 132 – 2 – 38, 142 – 1 – 61 & 133 – 1 – 49 Located at 139 Bate Rd. Boundary Line Adjustment of 130.2 acres resulting in 3 parcels. Hoke Slaughter was present for his application. Mr. Slaughter informed the Board that he is seeking to adjust the boundary lines of his four (4) parcels. Mr. Slaughter informed the Board that actually he is reconfiguring three of the parcels. Mr. Slaughter continued that lots #3 and #4 will have a shared driveway and a driveway easement and maintenance agreement was submitted to the file. Chairman Cole opened the meeting to public hearing at 7:07 p.m. Stephen Hook asked if the roadway that Mr. Slaughter has built received approval from the TOC highway Superintendent Louis LaMont. Mr. Slaughter stated yes and the roadway/driveway existed as a woods road that was only repaired and improved.

No further comments. Chairman Cole closed the public hearing at 7:08 p.m.

George Schmitt reviewed the SEQRA Part II for the Board.

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

Motion to approve the Boundary Line Adjustment contingent on deed review from the Town of Claverack Attorney and granting the Chairman the authority to stamp and sign the maps was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried. Mr. Slaughter paid the final fees of \$150.00. Maps will be dropped off at the Town Office building

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

Mr. Sears and the Permitting manager Andrew Peterson were present for the application. Mr. Peterson submitted architectural drawings of the solar arrays and a scaled drawing of the trenching along with photos of similar solar arrays. Stephen King informed Mr. Sears and Mr. Peterson that the Site Plan is rather sloppy with numerous mistakes. Mr. King continued that the word kiln is not spelled correctly, the drawings are not correct, arrays are not depicted correctly and the size is wrong. Mr. King informed the applicant that they will need to install screening behind the array to shield the view for the neighboring property. Virginia Ambrose asked if Mr. Sears has two separate parcels or have the parcels joined. Mr. Sears stated that the property is two separate parcels and he has not joined them at this time but may in the future. Stephen King informed the applicant that he cannot have a guest house on a separate parcel. Mr. Sears informed the Board that this is not a guest house. Virginia Ambrose informed the applicant that the boundary lines need to be depicted on the Site Plan maps. Stephen King stated that he has an issue with the power lines from the array crossing the boundary lines that are shown on the maps. Mr. Sears informed the Board that the buried lines were approved from the power pole when they received his building permit. Bob Vecchi asked for the map to show the

underground utility lines. Stephen King stated that he reviewed the application carefully and feels that the materials supplied fall far short of a complete Site Plan Review application. Mr. King continued that the maps are inadequate and the application needs to be redone. Bob Vecchi requested that an accurate survey of the property with the array and underground utility lines superimposed onto it would be a great help. Virginia Ambrose stated that the map is confusing and she is unsure where the property lines are located because of the drawing. Rob Fitzsimmons stated that the property line is almost a straight line. Bob Vecchi stated that he has never heard of one underground feeder going into two separate buildings and he cannot tell what exists and what is proposed from the drawing. Mr. Sears stated that he has an approval from the Town of Claverack Building Department for the utility line. Rob Fitzsimmons informed the Board that the GHIS map doesn't show and buildings on the properties so they are fairly new. George Schmitt stated that Mr. Sears owns both parcels so he could create an easement. Stephen King asked the applicant to create a new Site Plan map showing the existing lines and buildings and the proposed lines. Rob Fitzsimmons informed the applicant that the TOC Zoning Code requires a scaled drawing showing all property lines, underground utility lines and buildings and an easement for the utility lines crossing the property line. Rob Fitzsimmons asked the applicant where he found the information on the lines. Mr. Peterson stated that he did not know where the information originated. Rob Fitzsimmons informed the applicant that they can put the underground lines where ever they want to but the TOC Building Department will want to have an as built map and the applicant will need to supply wording for an easement and show screening around the array with the level of screening. Stephen King stated that a line of contiguous pine trees and greenery for screening to provide privacy for the neighbors so pine trees along the property line in the back is needed on the maps. Virginia Ambrose stated that the maps and drawings are very confusing and difficult to make sense of. Stephen King stated that there are too many questions on the application and too missing pieces to be able to make a determination. Rob Fitzsimmons informed the Board that they could open the public hearing and request the applicant provide the additional materials. Virginia Ambrose stated that she would ask for a more accurate map at least. Chairman Cole opened the public hearing at 7:35 p.m.

Stephen King read a letter from Dr. Weininger who is a direct neighbor of the Sears'. Dr. Weininger is asking that the Planning Board require the applicant to plant screening around the array to shield his view. Also Dr. Weininger informed the Board that he thinks that the applicant has encroached onto his property with the driveway.

Skip Hover asked the applicant to show where the array is proposed for the property and asked if it will have a battery backup. Mr. Sears answered that the battery backup will be located in the house. Stephen King informed the applicant that these items need to be shown. Skip Hover informed the applicant that they are using the fence line as the property line but in fact the Weininger property is 15 feet within the fence line. George Schmitt suggested that the applicant find the previous subdivision maps. Chairman Cole stated that the applicant needs to supply the Board with an accurate property map. Mr. Sears stated that the pins for the property lines are on the other side of the fence. Punch List for the applicant: Show screening, exact location of array, adequate map notes, boundary lines, underground utility line locations.

Public hearing continued to June meeting.

Joe Beats LLC Special Exception and Site Plan Review: Tax Map # 132 – 1 – 18 Located at 482 & 484 NYS Rte.

23. Special Exception and Site Plan Review to remodel current retail space back to a restaurant use along with remodeling of existing house.

No show.

Stanley Burch was present for his application that he presented informally at the April meeting. Mr. Burch was instructed to meet with Jay Trapp to submit a Site Plan for the proposed farm worker housing as required by the TOC Zoning Code. Mr. Burch informed the Board that he thought that since it was an agricultural use it would be expedited review and he didn't need to do anything other than put up the sign that he did. Mr. Burch will call the building department. Rob Fitzsimmons informed Mr. Burch that if he gets the application submitted by 5/15/17 then they can hold the public hearing at the June 5, 2017 meeting but the abutters need to be noticed and it needs to be in the Register Star. Mr. Burch will work on the application.

Concra, Margaret & Vincent b/d/a Subway Site Plan Review & Special Exception Permit: Tax Map #*(SBL)121 . 03 – 03 -16 . 100 Located at 634 NYS Rte. 23-B & NYS Rte. 9-H. Continuation of previous Site Plan Review for the installation of a second freestanding pole sign, modify the use from a restaurant to a multi-use commercial site and add firewood sales and propane tank sales.

Margaret Concra and Pat Prendergast were present for the application. Mr. Prendergast reminded the Board that at the April meeting they approved Ms. Concra's request to modify her Site Plan by adding picnic tables with umbrellas and

an awning along the front of the building. Mr. Prendergast continued that the Site Plan also requested to have an additional sign for the business and to add the sale of propane tanks and firewood at the site. Mr. Prendergast continued that the Planning Board required his client to seek an Interpretation from the TOC Zoning Board of Appeals for the second sign and to interpret the use as a multi-use commercial. Mr. Prendergast stated that the TOC ZBA made the interpretation that the wording of the Zoning Code which referred to one main sign allowed for a second sign and they also interpreted the use as that of a multi-use commercial by adding the firewood and propane sales. Mr. Prendergast informed the Board that his client is seeking a 24 square foot sign in the corner of the parking lot with a setback of 15 feet from the curbing. Mr. Prendergast submitted a picture of the proposed sign which will have two posts with the sign in the middle. Mr. Prendergast continued that the sign will be a two sided sign situated between two poles set at 6 feet high with the sign measuring 2 feet by 4 feet. Mr. Prendergast stated that Matt's Signs will be designing and installing the sign. Mr. Prendergast added that the sign will be externally lit with a gooseneck floodlight pointed in a downward facing position. Mr. Prendergast continued that the sign lights will be turned off at 10:00 p.m. as required. Virginia Ambrose asked if there are lights around the building because it appears very bright. Mr. Prendergast answered yes along the soffits for safety and security. Mr. Prendergast informed the Board that his client has no lighting on the building sign only the soffit lights. Pat Prendergast continued that the ZBA has now considered the building as a multi-use commercial with a restaurant and retail sales of firewood bundles and propane tank exchange. Stephen King asked where the propane tanks will be located. Pat Prendergast referred to the map which indicated that the propane tanks will be in cages along the southern side of the building along with the rack for the firewood bundles. Ms. Concra stated that there are no full propane tanks at the site only the cage. Rob Fitzsimmons asked how many propane tanks are held at the site. Ms. Concra was unsure of the actual number of propane tanks. Rob Fitzsimmons then asked about firewood storage. Ms. Concra stated that the firewood comes in bundles and is in a locked crate. Virginia Ambrose asked where the firewood crate would be located. Ms. Concra answered in the parking area near the handicapped parking. Virginia Ambrose reminded Ms. Concra to make sure that the placement of the firewood crate does not impede the customers that park in the handicapped spaces and to keep in mind that they may have wheelchairs which would require more room. Ms. Concra informed the Board that the side door is used as the handicapped entrance. Bob Vecchi asked if the firewood and propane are under different business names. Ms. Concra answered yes. Ms. Concra stated that the sandwiches are sold under Claverack Subway LLC and the other items i.e. chips, soda, firewood, propane, lottery tickets and cigarettes are sold under the business name of Claverack Convenience LLC and they are separate from each other and use separate registers. Rob Fitzsimmons informed the Board that the applicant had submitted these items under the application for the awnings and picnic tables but because the propane and firewood required a Zoning Variance they were removed. Rob Fitzsimmons continued that the Board can rule on these additional items or require the applicant to provide a new application. Virginia Ambrose stated that the public has had comment periods on all of the items so she feels that the Planning Board can proceed with a vote. Jock Winch agreed stating that the public has had comment periods at both the Planning Board and at the Zoning Board of Appeals and the applicant has provided everything that was requested. William Michael agreed, Bob Vecchi was in agreement, Stephen King disagreed because the propane is too close to the library, Virginia Ambrose agreed, Scott Cole agreed. Stephen King stated that the original Site Plan that was approved in 2015 showed plantings and screening to make the space look nice and these have not been installed. Ms. Concra stated that she received her certificate of occupancy without the plantings therefore she cannot be made to install them. Katy Cashen asked if the new uses of firewood and propane would require additional signage. Rob Fitzsimmons stated that any signage for the new uses are not on the Site Plan and would require another review or at least an amended Site Plan.

Motion to approve the Site Plan as modified to include the sales of propane tanks and firewood bundles with signage and lighting as depicted on the Site Plan was made by Virginia Ambrose with a second from William Michael. All members were in favor with the exception of Stephen King voting against. Motion carried. Rob Fitzsimmons informed the Board that he spoke with TOC CEO Jay Trapp regarding the picnic tables not conforming to the approved Site Plan because they were placed at the front doors and should be along the side of the building and should also have temporary fencing and planters. Ms. Concra informed the Board that she has been very busy running the business but she will install the fencing when she has time. Ms. Concra informed the Board that she will move the picnic tables to the grassy area and out of the traffic pattern for the store. Bob Vecchi informed the applicant that the timing for the items to be completed as the Site Plan indicates is up to the Building Department. Rob Fitzsimmons informed the Board that the previous SEQRA review for the picnic tables and awning could be used unless the Board felt that the additional uses would have a significant impact on the findings. Board members felt that the additional uses and the signage would not have a significant impact on the SEQRA review.

NEW APPLICATIONS FOR 5/1/17:

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

Ms. Koch was present for the application. Ms. Koch is seeing to sell alcohol add a room and reside in a different dwelling on the property rather than residing in the main residence. Ms. Koch informed the Board that she has had many go arounds with the previous TOC CEO Stan Koloski and now that he is no longer working in that department she feels that she can move forward with her business changes. Ms. Koch informed the Board that she needs the additional revenue from alcohol sales and from an additional rental room because she needs to hire a manager to help her run the business. Ms. Koch continued that her business is very busy and she will need to hire help. Ms. Koch continued that her children might be interested in moving to the area to help her run the bed and breakfast. Ms. Koch stated that Stan Koloski denied her request several times. Stephen King asked where she is adding the room. Ms. Koch stated that the barn was moved and this shows the owners quarters. Mr. King then asked if she rents out multiple rooms in multiple buildings. Mr. King continued that the website states that there are already 4 rooms for rent. Ms. Koch informed the Board that if the one room is empty then she can rent the attached room for children. Stephen King informed Ms. Koch that her application drawings are confusing. Virginia Ambrose asked if there are separate entrances. Stephen King stated that the Site Plan lacks parking. Ms. Koch informed the Board that the parking is in front of the garage but most park in the driveway and walk across the lawn. Virginia Ambrose asked Ms. Koch where she resides. Ms. Koch answered that she would like to live in the barn which is approximately 200 feet from the main house. Virginia Ambrose asked why she needs a liquor license for. Ms. Koch stated that every time she is cleaning up after the rooms are rented she throws away several empty bottles of wine so she would like to be able to sell bottles of wine to the guests. Virginia Ambrose asked if she plans to sell mixed drinks also. Ms. Koch stated that she would like to be able to sell guests a bottle of wine and also have some mid-week specials that would include a bottle of wine with a box of chocolates as a special. Ms. Koch continued that she would like to be able to serve drinks and if her son-in-law were able to work on the weekends or she could hire someone that could sell drinks and maybe she could set up a bar. Ms. Koch stated that she feels that she has had unjustified restrictions placed on her business. Virginia Ambrose stated that selling a bottle of wine and selling mixed drinks at a bar are two different things. Ms. Koch stated that the liquor license doesn't specify. Stephen King asked if the liquor license only allows for sales to guests not outside people because then that would make the business a bar. Ms. Koch stated that there is a restriction that a B&B can only sell alcoholic beverages to registered guests. Ms. Koch also informed the Board that NYS restricts the number of rooms to 5 to be considered a B&B. Rob Fitzsimmons informed the Board that the applicant is seeking to add an additional rental room making the total rooms for rent to 4, sell alcohol to registered guests, no outside sale of alcohol. Stephen King stated that he understands selling alcohol but to sell bottles of alcohol seems like too much because people could buy the bottles and then leave the premises. Ms. Koch stated that she would still sell a bottle of wine because the guests might be going to visit friends and would want to bring a bottle of wine along. Rob Fitzsimmons informed the Board that this was some of Stan Koloski's issue because this makes retail sales of alcohol and a B&B is not a restaurant and is not allowed. Rob Fitzsimmons informed the applicant that she is not allowed to sell alcohol to outside people because it would be a liquor store. Ms. Koch stated that the NYS definition for a B&B states that she can serve food to anyone who eats breakfast. Bob Vecchi informed the applicant that if she was so unhappy with the ruling from Stan Koloski she should have appealed to the TOC ZBA. Ms. Koch stated that she was unaware that she could do this. Rob Fitzsimmons informed the applicant that she needs to provide the Board with the liquor license and the scope of the sales of alcohol. Rob Fitzsimmons continued that the TOC Zoning Code defines a Bed and Breakfast as an owner occupied business. Ms. Koch stated that she knows several B&B's that are not owner occupied. Ms. Koch stated that she has an intercom system between the buildings so there is constant contact when she is in a different building. Jock Winch stated that the TOC Zoning Code requires the owner of the B&B to occupy the residence and if she wants to reside in a different building she will need a variance. Stephen King informed the applicant that different towns have different rules. Rob Fitzsimmons informed the Board that Stan Koloski had problems trying to determine if the use was a B&B or a hotel or an inn and he understood that the owner would be on the property but the TOC Zoning Code requires the owner to occupy the main residence not on a separate building on the property as per section 2.32. Rob Fitzsimmons continued that the applicant would need to apply for a variance to allow for the owner of the Bed and Breakfast to occupy another building on the property instead of the actual residence so she needs to meet with TOC CEO Jay Trapp. Stephen King suggested that she also inform Mr. Trapp that there are safety measures in place. Rob Fitzsimmons informed the applicant that she needs to proceed with the TOC ZBA and then return to the Planning Board after their decision. Rob Fitzsimmons asked Ms. Koch where she currently resides in the house. Ms. Koch stated

that she lives on the front porch. George Schmitt informed the applicant that the addition of a room makes this a 5 bedroom facility and will require DOH approval. Ms. Koch stated that one of the bedrooms uses a composting toilet so there isn't any additional strain on the septic system. Ms. Koch stated that she has a well and it is adequate. George Schmitt suggested that she speak with someone at the CC DOH because the additional room might qualify the use as a public water supply. Rob Fitzsimmons informed the applicant that she needs to meet with the TOC Building Department for the codes that allow for converting the barn into a residence and the home occupation issue. Continued to June meeting.

Tiano/Rosen Subdivision: Tax Map #(SBL) 121 . – 1 – 12 Located at 10 Stone Mill Rd. Subdivision of 44.971 acres into two parcels of 7.472 and 37.229 acres.

Rita Tiano and Dan Russell were present for the application. Mr. Russell informed the Board that Mrs. Tiano and her sister Mrs. Rosen are seeking to subdivide the property of their parent's estate into two parcels. Mr. Russell continued that the estate is the former Meisner family farm property owned by Milt Meisner. Mr. Russell continued that each parcel will have a one family residence. Virginia Ambrose stated that she remembered recently approving the one time replacement of the mobile home on the property. Rob Fitzsimmons stated yes and reminded the Board that the mobile home has its own septic system and well.

Motion to accept the application and set public hearing for June 5, 2017 was made by Stephen King with a second from Bob Vecchi. All members were in favor. Motion carried. Applicant was instructed to obtain a public hearing sign from the Town Office building and post the sign two weeks prior to the meeting. Application fee of \$300.00 was paid.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Jock Winch. All members were in favor. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jodi Keyser, Secretary