

Chairman Scott Cole called the March 5, 2018 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Scott Cole, William Michael, Jock Winch, Virginia Ambrose, Gretchen Stearns, attorney Rob Fitzsimmons, engineer George Schmitt and secretary Jodi Keyser.

Absent with regrets: Stephen King and Robert Vecchi

**Correspondence:**

Letter from Tom Yang re: ABS Satellite's application to the FCC to keep the Planning Board up to date on the progress.

Letter from Columbia Land Conservancy to Charles Brewer regarding tax exempt status for the Bardwell and High Falls.

**Drumlin Field Ventures Site Plan & Special Exception Review: Tax Map #(SBL) 131 . 00 – 01 – 45 . 200 Located at 2554 County Rte. 27. Site Plan & Special Exception Review for the construction of a farm distillery with orchards, vineyards, and all outbuildings for the purpose of operating a farm to glass brandy distillery on 181.96 acres.**

**Present for the application: Brandee Nelson of Tighe & Bond engineering firm, John Frishkopf owner of Drumlin Ventures/applicant, representative from Dalkita Architects.**

**Mr. Frishkopf addressed the Board with a review of the company and vision for the distillery. Mr. Frishkopf informed the Board that he has had a passion for distilling for several years. Mr. Frishkopf continued that after building another business he decided to leave to pursuit this passion. Mr. Frishkopf stated that it is his vision to create one of the finest premium farm to glass brandy available. Mr. Frishkopf continued that he consulted with Dan Farber who is a friend that has been involved in the distillery business for over 30 years for advice on his plan. Mr. Frishkopf stated that he plans to create a sustainable farm to glass brandy distillery that is neighbor friendly. Mr. Frishkopf continued that he has searched for the perfect property for a few years and after researching the climate he determined that the northeastern US is the most favorable much like Normandy, France. Mr. Frishkopf informed the Board that Mr. Farber who was raised in Craryville, NY has agreed to help with the formation of the distillery. Mr. Frishkopf also informed the Board that Jay Glynn who has over 15 years of investment banking experience will be part of the team as the senior advisor. Mr. Frishkopf informed the Board that Brett Mattingly former CFO and CAO of a family vegetable farm and harvesting business will also be part of the team to implement precision agriculture initiatives and use of advanced technology and infrastructure for the distillery. Mr. Frishkopf continued that he also has local apple farm owner Russell Bartolotta of Klein Kill Farm on board to advise on the implementation of the orchards and apple supply until the new orchard is producing fruit. Mr. Frishkopf continued that he has hired Dalkita Architects and Construction for the distillery buildings because they have extensive experience with designing distilleries. Mr. Frishkopf continued that when he began his search in the northeastern US he realized that New York State had the best climate and attractive agriculture friendly laws. Mr. Frishkopf stated that he honed in on the Hudson area for its notoriety for artisanal foods and proximity between Boston and New York City. Mr. Frishkopf stated that he found this 182 acre former orchard so he consulted with Russ Bartolotta and Cornell Cooperative Extension who agreed that this would be the optimum site. Mr. Frishkopf informed the Board that the plan calls for the implementation of a 45 acre grape vineyard and 20 acre apple orchard which will bring the property back to the previous agricultural use. Mr. Frishkopf stated that the property is within the Agricultural District which makes it well suitable for the project. Mr. Frishkopf continued that he has a confirmation from NYS Ag & Markets that they are fine with the start-up agricultural distillery. Mr. Frishkopf informed the Board that the venture will have approximately 25 employees.**

Mr. Frishkopf informed the Board that it will be necessary to purchase fruit for the first few years from Mr. Bartolotta until the vineyard and orchard mature and produce. Mr. Bartolotta will supply apples and they are in talks with local vineyards to purchase grapes.

Brandee Nelson reviewed the Site Plan for the Board. Ms. Nelson informed the Board that the site is on CC Rte. 27 just off of NYS Rte. 9H & 23. Ms. Nelson continued that the site has an existing driveway which extends to the top of the site where the agricultural buildings will be constructed. Representative from the architectural firm reviewed the three agricultural buildings for the Board. Agricultural buildings will be clustered as most agricultural buildings are constructed and to tightly integrate the process. Buildings will consist of a winery/ciderery where the fruit is delivered, pressed, fermented and then piped to the 2<sup>nd</sup> building the distillery where the product will be piped into barrels and the 3<sup>rd</sup> building will be a warehouse for the barrels to age the brandy until it is ready for consumption. The winery and warehouse will be situated along the natural grade of the property and be purely agricultural. The warehouse will hold a tasting room and possibly a small lounge which will be located to utilize the magnificent view to the west of the Catskill Mountains. All three buildings will maintain the integrity of the local architecture and will keep within the character of the area and have the feel of an agricultural use. All buildings will utilize traditional materials to keep within agricultural feel and will be constructed to be energy sustainable. Ms. Nelson informed the Board that she has spoken with Jay Trapp to see if the existing driveway was on file with the TOC for the previous project. Ms. Nelson continued that she also spoke with Bernie Kellerher of the CC DOT for curb cuts and he felt that the driveway had good sight lines but would need to be widened to accommodate large trucks for deliveries. Ms. Nelson continued that the grade is approximately 11%. Ms. Nelson informed the Board that the driveway is designed to have pull outs every 500 feet to allow for two way traffic. Ms. Nelson informed the Board that she plans to use a turf reinforcement material at the curves because they are tight and this material will allow for truck/cars to go off of the driveway without disturbing the gravel. Ms. Nelson stated that the parking area will be 1/2 gravel with 1/2 turf reinforcement material. Ms. Nelson informed the Board that the buildings will be built in such a way to hide the parking area from view. Ms. Nelson continued that there will be handicapped parking and a fully covered and lit walkway from the parking area to the warehouse/tasting room. Ms. Nelson informed the Board that electrical service has not yet been established but will most likely be overhead service above the delineated wetland area then underground to the buildings. Gretchen Stearns asked Ms. Nelson if the Army Corps of Engineers notified or reviewed the wetlands. Ms. Nelson answered not at this time due to the time of year but ensured that the minimum disruption would be to have the electric service over the wetlands. Gretchen Stearns stated that the previous developer did things without approvals. Ms. Nelson informed the Board that the site will have a private water supply and private sanitary system for rest room facilities. Ms. Nelson stated that the site has extensive gravel so the sanitary system should not be an issue and everything meets all setbacks. Gretchen Stearns asked how the parking area will be illuminated. Ms. Nelson stated that the plan is to use 12 foot poles with down facing dark sky compliant lighting. Gretchen Stearns asked if the lighting could be lower than 12 feet to keep the lighting to minimal view by neighboring properties. Ms. Nelson answered that this is possible but it would be ballast type of lighting and would require more sites. Gretchen Stearns stated that due to the spot up on the hill it might be better to have low light poles. Ms. Nelson stated that the buildings were designed to shield the parking and lighting. The warehouse will be the highest building at 35 feet but it may also be sunken into the ground which would make it have a lower profile. The buildings were placed to the eastern ridge because the western ridge is the best site for the vineyards. Buildings might be moved slightly east again. Gretchen Stearns stated that she was happy to see that he architect replied to the TOC building standards but encouraged creativity and not to let the standards limit possibilities. Virginia Ambrose stated that most locals would be concerned with the waste water and waste materials from the distillery. Ms. Nelson stated that this is being explored with Cornell Cooperative Extension and visiting some other local distilleries such as Golden Harvest who uses the solid and liquid byproducts as a soil nutrient supplement on their fields. Chairman Cole requested that the well sites be placed on the maps. Ms. Nelson stated that she will supply a new map with potential well and septic sites noted. Ms. Nelson stated that with the time of year she has not been able to gather soil test samples but has Keyser Well Drilling ready to drill the well when the

weather allows but with 182 acres there shouldn't be a problem finding good water. Gretchen Stearns stated that water is tricky in this area and wells can be very deep. Rob Fitzsimmons stated that Mr. Frishkopf has closed on the site and has funding from Empire State Development so he will find water one way or another.

Virginia Ambrose then asked about the level of noise which is a concern with other applications. Ms. Nelson answered that the grinding machinery is housed within the winery building which will limit the noise level. Mr. Frishkopf stated that the apples are delivered then washed, ground and pressed within the building and the grinder is the noisiest machine but it is not very big. Ms. Nelson stated that the buildings are also clustered so that the quietest building is in front to buffer the noise also and is 1500 feet from the closest neighbor. Jock Winch stated that certain types of insulation could also mitigate the noise. Different building materials are being investigated but the warehouse has specific insulation to maintain a special internal temperature to allow the aging but not final yet. Mr. Frishkopf informed the Board that the brandy is made in batches so the grinder is not running 24-7-365 and is specific to the time of harvest also. Gretchen Stearns asked how many barrels would make up 10,000 cases because the TOC doesn't have anything to go on except microbrewery requirements in the laws. Mr. Frishkopf stated that he reviewed the NYS Ag & Markets and they allow for 75,000 proof gallons and 10,000 cases are roughly 20,000 proof gallons so well within limitations. Chairman Scott Cole asked how long from approval to finished product. Mr. Frishkopf stated that construction should take approximately 8 months and all approvals should be completed by then so production could begin but for full field to glass production would take at least 5 years. Mr. Frishkopf stated that he hoped to have product by next summer. Chairman Cole stated that he is concerned with the grade and the tight corners of the driveway for emergency vehicle access. Chairman Cole instructed Ms. Nelson to supply the Board with a letter from the A. B. Shaw or Churchtown Fire Chief that the driveway will accommodate emergency vehicles. Gretchen Stearns informed the applicant that the Town of Claverack has a general policy that agricultural spaces such as distilleries cannot be used for weddings or events which constitutes a separate use. Mr. Frishkopf stated that when he first became interested in making brandy he toured several distilleries in Oregon and they all said that the worst thing to do is to allow weddings at their spaces because the guests destroy the vineyards. Rob Fitzsimmons stated that NYS Ag. & Markets has strict guidelines on what can take place at a farm distillery and what is not part of the definition. George Schmitt stated that this is a solid application and would do a detailed review if required by the Board but agricultural project receive expedited reviews. Ms. Nelson stated that she has filled out and submitted a Long Form EAF and is working on the Storm water management plan and is under the 5 acre threshold but if need to reconfigure the driveway it would require a SWIPES. Gretchen Stearns asked if the driveway could be redesigned. Ms. Nelson answered she has tried but it is difficult due to the terrain. Rob Fitzsimmons informed the Board that under NYS Ag. & Markets agricultural applications receive an expedited review but the applicant should supply the hours of operation, number of tasting guests, vehicle trips per day for the Board but making sure that the maximum requests are supplied. Gretchen Stearns stated that there will be a definite increase in traffic. Ms. Nelson informed the Board that she classified the use as minor commercial with 25 employees at full buildout and 25 more spaces for visitors.

Gretchen Stearns stated that when reviewing the EAF she found several blanks which need to be answered. Ms. Nelson stated that some of the answers are unknown at this time but she will answer to the best of her knowledge. Virginia Ambrose agreed that important answers such as number of trips per day, trucks or busses. Ms. Nelson stated that trucks will visit the site only when they are delivering apples and grapes to the distillery but when the orchard and vineyards are producing no more trucks. Ms. Nelson stated that it is hard to find data for traffic in this specific area. Rob Fitzsimmons informed Ms. Nelson to use the number of employees along with the number of seats in the tasting room and not 6 tour busses at a time but to limit them to preregistering. Rob Fitzsimmons continued that a 20 foot by 30 foot room limits the number of guests by size alone. Ms. Nelson stated that the dimensional area and seating capacity are in the design stage but she will submit via email to the Board members prior to the April meeting. Gretchen Stearns stated that figure at least 50 car trips for just the employees.

Gretchen Stearns stated that she would request the dimensions of the buildings, lighting plan, and to look at a possible lower profile lighting product. Ms. Nelson stated that she will update and email everything to the Board members.

Gretchen Stearns also informed the applicant that the Town of Claverack allows for businesses to be open until 10:00 p.m.

Virginia Ambrose asked if the operation would have a sign. Ms. Nelson stated that she has not yet designed a sign so she would like feedback from the Board. Gretchen Stearns stated that the sign must be have downward facing lighting not up-lighting. Rob Fitzsimmons informed Ms. Nelson that the TOC Zoning Code allows for a sign of no larger than 12 square feet and 5 feet in height. Ms. Nelson asked if that is for both sides or each side could be 12 square feet. Rob Fitzsimmons answered 12 square feet for the entire sign both sides so no more than 6 square feet on a two-sided sign. Ms. Nelson asked the Board if it is too soon to set for public hearing.

Rob Fitzsimmons reminded the Board that agricultural applications are due an expedited review and the punch list for the application for the April 2<sup>nd</sup> meeting is letter from A. B. Shaw Fire Co. regarding the driveway, DOH permits but can be conditional on this issue, completed EAF, CCDOT letter, hours of operation, lighting design, building details.

Motion to accept the application and set for public hearing at the April 2, 2018 meeting was made by Virginia Ambrose with a second from Jock Winch. All members were in favor. Motion carried. Ms. Nelson will refer the application to the Columbia County Planning Department for review at their March 20<sup>th</sup> meeting.

**Hudson Valley Classic Motors for Habitat for Humanity Site Plan Review: Tax Map #(SBL) 101 – 2 – 11 . 200. Located at 829 NYS Rte. 66. Site Plan Review for a 3600 square foot expansion of the existing 10,700 square foot use upgrading heating/cooling and electrical along with interior construction.**

Brenda Adams was present for the application representing Habitat for Humanity Re-Store. Ms. Adams informed the Board that Habitat for Humanity Re-Store has been very successful and has grown over the past few years to the point of outgrowing their space. Ms. Adams continued that the owner of the building ABS Satellite/Hudson Valley Classic Motors approached them with the offer to expand through the entire building. Ms. Adams stated that the owner has moved the classic cars that were stored in the part of the building to the adjacent building which he also owns. Ms. Adams informed the Board that she jumped at the opportunity and in doing so thought that it would also be a good time to reevaluate the heating and cooling systems in the entire building. Ms. Adams continued that the heating system is several propane heating units throughout the building which are not adequate or economical. Ms. Adams stated that the building had never had any air conditioning system and in the summer the building gets very hot and uncomfortable for the employees/volunteers. Ms. Adams stated that she is seeking a Site Plan Review for the expansion to the remainder of the building and for the upgrade for the mechanical systems. Ms. Adams continued that all exterior items such as the sign and lighting will remain the same but she is considering the installation of security cameras because some merchandise has gone missing. Ms. Adams stated that the interior wall will be removed to allow for the installation of the heating/cooling systems. Rob Fitzsimmons informed the Board that he has discussed this application with TOC Building Official Jay Trapp to decide if a building permit or a Site Plan would be required. Rob Fitzsimmons continued that the final decision was to have the applicant file for a Site Plan Review because the new space was classified as storage and now will go to retail/non-profit. Chairman Cole stated that he is in favor of the plan especially to remove the propane tanks is a good idea. Gretchen Stearns stated that the plan looks good to her and she cannot see a problem. Gretchen Stearns asked Ms. Adams if the Town Board has waived the application fees. Ms. Adams answered that she has not heard. Rob Fitzsimmons stated that it will be on the agenda for the next meeting. Ms. Adams informed the Board that Valley Energy will be installing the new HVAC. No further questions.

**Motion to accept the application and set for public hearing on April 2, 2018 was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried. Rob Fitzsimmons informed the Board that he application is exempt from Columbia County Planning review because it is a not for profit venture.**

**INFORMAL:**

**Max Dannis informed the Board that he and his wife own property which is partially in the Town of Claverack and the Town of Hillsdale at 261 Lockwood Rd. Mr. Dannis wishes to sell off part of the property and is asking if he needs a Boundary Line Adjustment or a Subdivision. Mr. Dannis stated that he would need to split a piece of the TOC property and add it to the Town of Hillsdale property so that that piece has road frontage and could be sold. Board members asked if the parcel is two pieces or one. Mr. Dannis stated that it is one piece with one tax map number but two different towns and two different tax payments. Rob Fitzsimmons informed Mr. Dannis that this is a Minor Subdivision and would require an application, official raised seal survey maps, letter from TOC Highway Superintendent Louis Lamont for driveway cuts. Mr. Dannis asked if the real estate business could list the property prior to the subdivision. Rob Fitzsimmons informed Mr. Dannis that he can do what he wants but advised against advertising property for sale before it is subdivided incase things change. Would be careful.**

**Rob Fitzsimmons informed the Board that the Town Board will be voting to do away with the public hearing requirements for the Boundary Line Adjustment to expedite the process. Rob Fitzsimmons continued that BLAs are exempt from SEQRA and as long as it is not creating new lots. Rob Fitzsimmons stated that this will conform to the Zoning Laws and as long as the survey ties to three recoverable objects the deeds will be filed with the County to represent the change. Gretchen Stearns stated that this is great and need to have a workshop with the Town Board to discuss other things that need to be changed in the Zoning laws.**

**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 8:30 p.m.**

**Respectfully submitted,**

**Jodi Keyser, Secretary**