

APPROVED 1/6/2020

**TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
November 4, 2019**

Chairman Scott Cole called the November 4, 2019 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were: Chairman Cole, Alberta Cox, Stephen King, Jock Winch, William Michael, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser. Absent with regrets; Virginia Ambrose and Robert Vecchi

Correspondence: Planning News and reminder that there is a training on 11/18/19 at the Columbia Greene Community College from 5-8:30p.m.

Board members reviewed the Minutes of 10/7/19. Motion to approve the minutes of 10/7/19 was made by Stephen King with a second from Alberta Cox. All members were in favor. Minutes were approved.

**CONTINUING APPLICATIONS FOR 11/4/19**

**Sano, Ralph Special Exception: Tax Map #(SBL) 111 . – 1 – 78 . 111 Located at 297 Route 9-H. Special Exception for the addition of accessory apartments to an existing multi-family dwelling.**

Mr. Sano was present for his application. Rob Fitzsimmons reminded the Board members of Mr. Sano's application and informed the Board that the application was reviewed by the Town of Claverack Zoning Board of Appeals for an Interpretation of the law for accessory apartments. Rob Fitzsimmons continued that the Town of Claverack Zoning Board of Appeals found that the interpretation of an accessory apartment is for the addition of an apartment or dwelling added on to an existing single-family structure and not a two-family structure. Rob Fitzsimmons informed the Board therefore the TOC ZBA has found against allowing Mr. Sano to construct an accessory apartment behind the two-family duplex currently under construction.

**Gellert, Philip Subdivision: Tax Map #(SBL) 112 – 1 – 31 Located at 591 Rte. 217. Subdivision of 2 acres from 6.875 acres.**

Mr. Gellert was present for the application. Mr. Gellert supplied new maps for the Board members and submitted a letter from the NYS DOT for the curb cuts for the driveway. Mr. Gellert informed the Board that he has been in contact with Ronsani to excavate for the driveway and they will contact NYS DOT for the specs. Rob Fitzsimmons and Chairman Cole reviewed the new maps that show Mr. Gellert has exactly 150-feet of frontage on each parcel. Chairman Cole asked the Board members if they had any further questions. No Board questions. George Schmitt informed Mr. Gellert that he wants to see the grading of the driveway and how it may or may not impact the septic system. Mr. Gellert stated that Ronsani will excavate for the driveway and will stay away from the septic. George Schmitt informed Mr. Gellert that the TOC Planning Board cannot approve the subdivision maps without knowing the exact site of the driveway and septic system because without this shown on the maps the Planning Board is approving something that might not be allowable because the Planning Board is the only entity that will review everything prior to approval. Mr. Gellert stated that he is confident that there is enough room for the driveway and septic. Chairman Cole asked Mr. Gellert where the septic system is located. Mr. Gellert

stated that the septic system will be situated on top of the hill. George Schmitt informed Mr. Gellert to have his surveyor map out the driveway and septic to be sure it is doable as per the request made at the 10/7/19 Planning Board meeting. Chairman Cole stated that the driveway and septic need to be located on the maps. George Schmitt stated that the maps should show the driveway to the house site and how the driveway gets past the septic system. Rob Fitzsimmons informed Mr. Gellert that the maps need to show that the driveway is staying away from the septic system. Mr. Gellert asked if he would be able to create an easement through his other two-acre parcel that would cut around the back. Chairman Cole opened the meeting to public hearing at 7:10 p.m. No comments. Chairman Cole stated that the public hearing will be continued to the December meeting pending updated maps.

**Barnes, Andrew Special Exception: Tax Map #(SBL) 142 . – 1 – 54 Located at 96 Sweeney Rd. Craryville. Special Exception for a ground mounted solar array.**

Scott Stevens and Lindsay Halse were present to represent Kasselmann Solar and the Barnes'. Mr. Stevens informed the Board that he submitted an entirely new special exception plan for the solar array showing the AC/DC disconnects. Rob Fitzsimmons asked George Schmitt if he was satisfied with the AC/DC disconnects on the new submission. George Schmitt stated that he was satisfied with the new paperwork showing the AC/DC disconnects that allow for quick shutoff of the system in case of a fire to protect firefighters. Chairman Cole asked the Board members if they had any questions. No Board questions. Chairman Cole opened the meeting to public hearing at 7:17 p.m. No comments. Chairman Cole closed the public hearing at 7:18 p.m. George Schmitt reviewed the SEQRA for the Board.

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

Motion to approve the Special Exception for the installation of a ground mounted solar array at 96 Sweeney Rd. as depicted in the submitted application was made by Jock Winch with a second from Stephen King. All members were in favor. Motion carried.

**Wright, Samuel & Wittwer-Laird, Gail Boundary Line Adjustment: Tax Map # 123 . – 2 – 1 . 121 and Tax Map # 123 . – 3 – 1 . 122 Located at 2220 County Rte. 11. Boundary Line Adjustment.**

Jeff Plass was present for the application. Mr. Plass informed the Board that as with the previous meeting his client is seeking to give a little and take a little from two large parcels. Rob Fitzsimmons asked why the swapping of property. Mr. Plass stated that he did not know the reason. Rob Fitzsimmons informed the Board that the TOC revised the subdivision law for boundary line adjustments making the process faster and easier. Rob Fitzsimmons continued that the Town of Claverack Board realized that Boundary Line Adjustments were not creating new lots and were exempt from SEQRA review and as long as the properties conform to the frontage requirements there is no need to public hearing. Rob Fitzsimmons informed Mr. Plass that he will need to file the deeds with the County Clerk's office.

Motion to approve the Boundary Line Adjustment as shown on the subdivision maps was made by William Michael with a second from Alberta Cox. All members were in favor. Motion carried.

Mr. Plass did not have enough subdivision maps to stamp and sign so he will make arrangements with Chairman Cole to meet to stamp and sign the maps. Chairman Cole was reminded that the secretary of the Planning Board will need him to retain 4 of the signed maps for filing with the Town of Claverack.

**NEW APPLICATIONS FOR 11/4/19:**

**Martin, Dana & Tracy Boundary Line Adjustment:** Tax Map #(SBL) 131 . – 2 – 9 and Located at 261 School House Rd. Map #(SBL) 131 . 00 – 2 – 13.

Mr. Martin was present for the application. Mr. Martin informed the Board that he is seeking a Boundary Line Adjustment to take a piece of one of his parcels and adding it to the main parcel containing his residence. Mr. Martin informed the Board that he is planning to install a ground mounted solar array on the new added piece and will be using Kasselmann Solar for the installation. George Schmitt informed the Board that he had no concerns with the subdivision. Rob Fitzsimmons informed the applicant that he will need to have his attorney draw new deeds and file with the County Clerk's office. Rob Fitzsimmons reminded the Board that the application is for a Boundary Line Adjustment and same as the previous application can be approved if the Board feels comfortable.

Motion to approve the Boundary Line Adjustment as shown in the subdivision maps was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried.

Chairman Cole stamped and signed the Boundary Line Adjustment maps.

**Limz Group LLC/Laurence Earner Special Exception:** Tax Map #(SBL) 101 . – 2 – 54 Located at NYS Rte. 66 & County Rte. 20. Special Exception for the construction of a 70-foot by 140 foot wholesale business including sales room.

Mr. Lundberg from Taconic Engineering was present for the application. Mr. Lundberg informed the Board that his client is seeking to construct a 70-foot by 140-foot building at the corner of Bender Blvd. and NYS Rte. 66 with an entrance off of CC Rte. 20. Stephen King informed Mr. Lundberg that he appreciated the dark sky compliant lighting. Mr. Lundberg stated that his company tries to place lighting at a minimum placement to achieve the best lighting design for safety and the neighboring property owners. Stephen King asked Mr. Lundberg to describe the type of business that will be using the new building. Mr. Lundberg stated that this is a warehouse/showroom for woodworking equipment. Mr. Lundberg continued that his client purchases used woodworking equipment, restores the equipment and then sells it. Stephen King asked if this equipment is very large. Mr. Lundberg stated yes. Stephen King asked how many employees will be on site. Mr. Lundberg answered one employee. Chairman Cole asked if the owner is the only employee. Mr. Lundberg answered no the owner is only at the site periodically and there will be one full time employee at the building. Stephen King stated that with only one employee the number of parking spaces is a big concern to him. Stephen King continued that the plan needs to show a loading dock as per TOC Zoning Laws. Mr. Lundberg stated that the loading dock will be located at the rear of the building. Stephen King stated that the plan lacks ADA parking also which is required. Stephen King asked if the area is gravel or paved. Mr. Lundberg stated that the site will be all gravel with a paved entrance. Jock Winch asked what will the building look like inside. Mr. Lundberg stated that the architect has not sent in the inside plans yet. Stephen King suggested that the Site Plan increase the amount of plantings in the screening plan adding different types of trees and shrubs especially use trees other than white pines maybe more Norway spruce and no burning bushes. Jock Winch asked if the applicant will return with the architectural plans for the inside of the building. Mr. Lundberg answered that the detailed inside architectural plans will be supplied to the TOC Building Department for the Building Permit. Punch List is to show the entrances, loading dock, ADA parking. Jock Winch asked if the Board should review the inside details. Rob Fitzsimmons informed Mr. Lundberg that he should supply a narrative representing the business i.e. two employees, the need for 14 parking spaces, details of

the business, hours of operation, bathrooms, sinks, etc. Stephen King asked how high the building will be when completed. Mr. Lundberg stated that the building is 18-feet to the eaves with 21-feet to the roof ridge. George Schmitt asked what type of restoring will take place at the site. Mr. Lundberg stated that all of the restoring will happen off site and only sales of the equipment will happen because this building is only for storing and sales of the equipment. Stephen King stated that the height of the lights should be shown also. Rob Fitzsimmons stated that this is pre-fabricated building so measurements should be easily accessible. Mr. Lundberg stated that he will get the measurements and show them on the maps. Mr. Lundberg submitted a letter from CCDOT for driveway cuts. George Schmitt asked if the plan is under the level of disturbance. Mr. Lundberg answered yes. Chairman Cole stated that the light on the rear by the proposed loading dock should be reviewed because it might bleed over into the house on NYS Rte. 66 which could create an issue with the neighbor. Mr. Lundberg will supply a light modeling map for all of the lighting as well as the ADA parking, loading docks, entrances and plantings. Mr. Lundberg stated that his client does not want a sign at this time.

Motion to accept the application and set for public hearing at the 12/2/19 Planning Board meeting was made by Stephen King with a second from William Michael. All members were in favor. Motion carried.

#### **OTHER BUSINESS:**

MaryAnn Lee informed the Board that the TOC has a tentative large solar law on the table for review and informed the Board that any questions of concerns should be sent into the Town Board. Stephen King stated that he recently attended a lighting design seminar and this could be a big issue for these large solar farms the TOC should make sure that all of the lighting is night sky compliant and meets NYSERTA qualifications because of the possible sizes of these sites. MaryAnn Lee stated that she didn't think that these large solar projects would require lighting at all. Stephen King stated that it would be a good idea to have lighting design wording in the laws to strengthen going forward to be able to address the issue if it should arise during a large solar project. MaryAnn Lee informed the Board that the public hearing for the proposed large solar law will be held on 11/14/19. Brian Keeler thanked the Board for all of their work for the Town of Claverack.

Rob Fitzsimmons informed the Board that the latest Site Plan for the Columbia Tent Rental site shows burning bushes so it has not been signed by the Chairman. Rob Fitzsimmons continued that Morris Associates is the engineering firm on the Site Plan and they are no longer in business and that would mean that the applicant would need to have another engineer redraw the maps so it was agreed that a letter could be attached to the plans that no burning bushes will be planted. Rob Fitzsimmons continued that the applicant has technically 90 days to apply for a building permit and the approval is coming up on that timeframe but cannot be signed without the letter about the burning bushes. George Schmitt will reach out to Linda Chernewsky to get the letter on the maps.

Motion to adjourn the meeting was made by Alberta Cox with a second from Stephen King. All members were in favor. Motion carried. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Jodi Keyser, Secretary