

Approved 7/20/2020

**TOWN OF CLAVERACK  
PLANNING BOARD  
Minutes  
March 2, 2020**

Chairman Scott Cole called the March 2, 2020 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Members in attendance were Chairman Scott Cole, Alberta Cox, Virginia Ambrose, William Michael, Jock Winch, Stephen King, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser

Absent with regrets: Robert Vecchi

Chairman Cole led members of the Board and audience with the Pledge of Allegiance.

Chairman Cole asked Board members if they had any corrections or changes to the minutes of February 3, 2020. No changes were needed.

Motion to approve the minutes of February 3, 2020 was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried. Minutes were approved.

No new correspondences were received.

**CONTINUING APPLICATIONS FOR 3/2/2020:**

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

Secretary Jodi Keyser informed the Board that she had received a phone call from Mr. Gellert stating that his surveyor, Robert Ihlenburg was still on vacation in Florida and asked that his application be continued to the April meeting.

**Roma Fence/Bryan Wordon Site Plan Review: Tax Map #(SBL) 120 . 2 – 1 – 11 . 110 Located at 434 NYS Rte. 23-B. Site Plan Review for new use of a fence business with storage and change in signage.**

Bryan Wordon was present for the application. Mr. Wordon reviewed his application for the Board members. Mr. Wordon informed the Board that he is seeking to purchase the Next-Gen Sign building across the street from his current location. Mr. Wordon continued that he will keep the building as it is and will change the signage to Roma Fence but will maintain the same size as the existing signs, one at the roadway and one on the building. Mr. Wordon continued that he will use the building to run his fence business from using it mainly for storage of equipment and tools.

Chairman Cole asked the Board members if they had any questions. No Board questions.

Chairman Cole opened the meeting to public hearing at 7:08 p.m.

Ian Solomon asked if the signs would remain the same size as the existing signs of the former business. Mr. Wordon answered yes, same size signs only changing the business.

No further comments from the public were received. Chairman Cole closed the public hearing at 7:10 p.m.

George Schmitt reviewed the SEQRA Part II for the Board members.

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

Motion to approve the Site Plan/Special Exception change of use from Next Gen signs to Roma Fence Co. Inc. for a fence installation business with new signs at the same dimensions as the existing signs was made by Virginia Ambrose with a second from Alberta Cox. All members were in favor. Motion was carried.

Mr. Wordon paid mailing fees of \$8.25.

**Pomplun, Kevin/Keeler, Patrick dba Keeler's Eskimo Bar Special Exception Review: Tax Map #(SBL) 121 . 3 – 2 – 12 Located at 14 NYS Rte. 9-H. Currently Keeler's Eskimo Bar. Special Exception for change of owner to operate restaurant/snack bar adding new items, bathrooms, beer, wine, cider and nitro cold brewed coffee with increased year-round operation.**

Mr. Pomplun was present for the application. Mr. Pomplun submitted a revised site plan. Chairman Cole reminded Mr. Pomplun that he needs NYS DOT permitting for curb cuts with an apron. Mr. Pomplun informed the Board that he has applied to the NYS DOT but since a retirement of some employees he hasn't been able to get an answer or anyone to visit the site. Mr. Pomplun continued that he was working with a Barbara at NYS DOT but has learned that she is also no longer in the position so he is really at the mercy of the DOT. Mr. Pomplun continued that he wants to move forward with his application and believes that he has supplied all information with good intentions and has answered questions asked. Mr. Pomplun continued that his revised site plan is focusing on a one-year plan with no changes other than the curb cuts as planned by Crawford and Associates. Mr. Pomplun informed the Board that after the last meeting he did figure out that he would need a larger propane tank so his new Site Plan shows a 1,000-gallon propane tank. Mr. Pomplun informed the Board that the septic is shown on the plan, a letter from the manufacturer regarding the amount of smoke from the smoker would be less than a fireplace. Mr. Pomplun continued that the 65,000 BTU requires only a few logs that are only for aroma for the meats. Mr. Pomplun submitted a letter from CCDOH stating that no changes will be needed for the septic. Mr. Pomplun informed the Board that he plans to enclose the porches with tarps with propane heaters. Chairman Cole asked if permanent seating would be housed under the tarps. Mr. Pomplun answered no just to keep customers warm while ordering and pick-ups. Chairman Cole informed Mr. Pomplun that when and if he does include permanent seating he will need to revisit the septic system with the CCDOH. Mr. Pomplun stated that he understood this and will comply. Mr. Pomplun submitted a letter from CCDOH approving of the outside smoker. Mr. Pomplun informed the Board that he has revised the Site Plan because after the last meeting he realized that he was being over zealous with all of the outside activities and at this time is only going to seek approval to open as a take out restaurant serving smoked meats, ice cream, beer, wine, cider and hot drinks and is awaiting his liquor license. Chairman Cole asked Mr. Pomplun what his hours of operation would be. Mr. Pomplun stated that he plans to operate from 11:00 am to 10:00 pm seven days per week. Chairman Cole informed Mr. Pomplun that the Town of Claverack has a zoning law requiring that all businesses operate no earlier than 6:00 am and to close by 10:00 pm. Mr. Pomplun stated that he understood. Mr. Pomplun informed the Board that he hopes to build a successful take out business where people come to purchase smoked meats, have an ice cream or sip on a craft beer or glass of wine while waiting for their orders. Stephen King stated that he has concerns with the parking especially without seeing a curb cut plan. George Schmitt stated that NYSDOT and Crawford and Associates will need to design curb cuts, apron, plantings and then design a parking plan. Mr. Pomplun informed the Board that Crawford and Associates are designing a single entrance/exit. Stephen King stated that he would need to see the curb cut design because it looks very tight to fit all of the parking spaces that are shown on the site plan with curbing and plantings. Chairman Cole asked Mr. Pomplun if he was planning to blacktop the parking. Mr. Pomplun answered no he plans to keep the parking area gravel. George Schmitt stated that he needs to review the NYS DOT curb cut plan and Crawford and Associates design. Rob Fitzsimmons reminded the Board members of the terse letter that they received from the NYSDOT regarding the Coyote Flaco move to the former Claverack Food Mart building and that they requested to visit the site prior to the Town Planning Board approving the Site Plan and that was on a Town of Claverack roadway. Virginia Ambrose asked if there were any plans for visual relief. Mr. Pomplun answered yes and has plans to do a landscaping that will make the site

beautiful. Stephen King asked if he was increasing the seating. Mr. Pomplun stated that he plans to install wind barrier tarps to keep out the wind and cold for customers and will heat with propane heaters. Rob Fitzsimmons informed Mr. Pomplun that if the Town of Claverack CEO visited the site and found 2 x 4's being installed he will put a stop use on the property until it is approved. George Schmitt informed the applicant that the Planning Board is unable to approve the plan without seeing a curbing design or DOT permit but they can start the public hearing and grant a conditional approval pending NYS DOT permits. Jock Winch asked Mr. Pomplun if he has purchased the property. Mr. Pomplun stated that he is in the process of purchasing the property. Rob Fitzsimmons informed the Board that the application needs to go to the County Planning for approval also but the plan needs all of the items especially curb cut designs. Stephen King agreed that the Board needs to review the curb cut design along with a landscape design. Rob Fitzsimmons asked the Board members if they would be willing to review the plan with a proposed DOT curb cut design or do they need the full permit from NYS DOT. Mr. Pomplun informed the Board members that if he is required to wait for the NYSDOT that at this point are under new management he will be forced to walk away from the purchase because he cannot wait and wants to be open and operating before the start of the spring season. Stephen King stated that the applicant has been straight forward and he is ok if the applicant is willing to risk what the NYS DOT could require for curbing. Mr. Pomplun stated that he has Crawford and Associates designing the curb cuts and parking and believes that they are very familiar with what the NYS DOT may or may not require for curbing so he is not afraid of what it might cost or require. Rob Fitzsimmons informed Mr. Pomplun that the County Planning requires an application for review at least 30-days and to get the notice to the CC Planning Department via Crawford and Rob Fitzsimmons will make sure the application is received for review.

Motion to accept the application as complete and refer to County Planning Department was made by Stephen King with a second from Jock Winch. All members were in favor. Motion carried.

Motion to set public hearing for April 6, 2020 was made by Virginia Ambrose with a second from William Michael. All members were in favor. Motion carried.

**Wright, Samuel & Wittwer-Laird, Gail RESTAMPING of approved 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.**

Dan Russell was present for the application. Mr. Russell explained to the Board members that his client had received approval for his Boundary Line Adjustment a few months ago but due to unforeseen circumstances was never filed with the County so the stamping timed out. Mr. Russell informed the Board that nothing has changed and is asking for the Board to re-stamp the maps so that he can file them promptly with the Columbia County Real Property office. Rob Fitzsimmons reminded the Board of the application and the newly created expedited BLA approval laws and that the Boundary Line Adjustment was approved.

Motion to approve a re-stamping of the Wright/Wittwer-Laird Boundary Line Adjustment on March 2, 2020 was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion approved.

Chairman Cole re-stamped and re-signed the maps and Mr. Russell was informed that there is a \$25.00 re-stamping fee. Mr. Russell will send in a check to the Town of Claverack for the fee.

**Monkash/Sametz&Liancourt Boundary Line Adjustment: Tax Map #(SBL) 141 . – 2 – 7 & Tax Map #(SBL) 131 . – 1 – 37 . 110 Located at 310 Miller Rd. and 104 Catskill View Rd. Boundary Line Adjusment.**

Dan Russell was present for the application. Mr. Russell explained that his clients are located at 310 Miller Rd. and 104 Catskill View Rd. and are seeking to square off their property by purchasing a doglegged piece from 310 Miller Rd. to join it with the property of 104 Catskill View Rd. Mr. Russell continued that his clients are not seeking to do anything other than to straighten the property. Stephen King asked about a wood road that is marked on the map. Stephen King asked if this is a legal roadway. Mr. Russell stated no it is just an ATV trail really not for vehicle traffic only really a marker. Mr. Russell informed the Board that Mr. Sametz wanted more of the wood road located on his property because he walks the road often. Rob Fitzsimmons reviews the Town Law for expedited Boundary Line Adjustments for the Board. Rob Fitzsimmons informed Mr. Russell that he will need to submit the deeds to the County Clerks office. Rob Fitzsimmons informed the Board that this is a Type II Action for purposes of SEQRA and is therefore exempt.

Motion to approve the Boundary Line Adjustment for 310 Miller Rd. and 104 Catskill View Rd. was made by Stephen King with a second from Virginia Ambrose. Motion was approved.

Chairman Cole stamped and signed the maps.

Claverack Creek Solar LLC Site Plan Review/Special Exception: Tax Map #(SBL) 100 . – 1 – 1 Located at 151 Humane Society Rd. Site Plan Review/Special Exception for the construction of a 36-acre large scale solar energy system to be placed on a 75-acre parcel.

Owen Spoulstra and Mr. Black from Eden Renewables were present for the application. Mr. Black informed the Board that they have submitted a letter to address the comment letter from George Schmitt. Mr. Spoulstra informed the Board that they have added the 100-year flood plain and pulled the solar panels 150-feet away from this area. Mr. Spoulstra continued that they have also moved the access road and poles out of the flood plain. Mr. Black informed the Board that the Catskill View Solar project is well outside of the 100-year flood plain. Mr. Black explained that both sites show a 20-foot clearance around the sites for emergency access. Mr. Black continued asking the Board for a coordinated review to move along as quickly as possible. Chairman Cole asked the representatives if they have met with the local fire chiefs to review the plan namely A. B. Shaw and Mellenville. Mr. Black answered no not yet but will get going on this. Stephen King asked Rob Fitzsimmons if these plans fall under the new Article 10 proposal with a 30-day approval. Rob Fitzsimmons answered no. Mr. Black informed the Board that these projects are 25-mgw and understands the Article 10 amendment to be for much larger solar projects of 60mgw and up. Stephen King stated that he wants to understand before any approval. Stephen King continued that he understands that the National Grid access is on a 1<sup>st</sup> come 1<sup>st</sup> served basis which is a concern because he feels that the Planning Board is being pressured to approve without enough of a proper review to race the other projects. Mr. Black explained that the que is the interconnect agreement with National Grid which then starts the clock and sets up a space in line to submit the application with National Grid to begin the Ceasar Review. Mr. Black continued that there is only so many megawatts that the system can handle. Mr. Black continued that Eden Renewables has already paid a deposit on the \$800,000.00 in line upgrades and upgrades to the system to the public service commission. Mr. Black continued that the interconnection costs are running along and soon 75% of the interconnections costs will be paid, National Grid is beginning to get their upgrade work done. Mr. Black informed the Board that it is unlikely that other projects will be able to connect to a feeder because there is only a finite amount of electricity. Mr. Black stated that he is aware of only one other project ahead of these two proposals and Eden Renewables is looking at one more possible project. Mr. Black informed the Board that these projects will be using only National Grid lines that will transmit energy via Pulcher Ave. George Schmitt informed the Board that the comments look good and if the Board is ready they can move forward with the SEQRA review. Rob Fitzsimmons informed the Board that they are free to make a motion to declare lead agency status

for purposes of SEQRA. George Schmitt stated that the balloon test will not tell a lot because it is only flown at 15-feet and the most local impact will be backyards, park areas or other spaces that the Board members might feel is important to the public. Rob Fitzsimmons reminded the Board that the visual impact would need to be a significant negative impact that will keep people from visiting the area so think of sensitive receptors. Mr. Black stated that they viewshed is only really from Humane Society Rd. and is situated within a very densely wooded area thickly screened and tucked away from residential areas. Mr. Black continued that the site is well behind Walmart and Kipp's Mobile Home park. Mr. Black continued that the possibly the site might be slightly visible from NYS Rte. 66 by Ginsberg Rd. if people look down onto the site. Mr. Black stated that he is willing to work with the Planning Board members to decide where the visual impacts might be to decide where to set up the balloon testing. Mr. Black informed the Board members that the sound dicebles of all the equipment is measured at a distance of 400-feet and is found to be that of a library so no noise pollution and no lights therefore no light spillage. Virginia Ambrose asked where the closest site that the company is currently working is located. Mr. Black stated that Eden Renewables is currently working on sites in Fultonville and Glennville New York. Rob Fitzsimmons informed the Board that the site is low lying and remote. Chairman Cole stated that the site might be visible from NYS Rte. 66 by Ginsberg Rd. and along Humane Society Rd. Stephen King asked how difficult is it to perform a balloon test. Mr. Black stated that setting up a balloon test is not difficult. Stephen King informed the applicant that this is the very first large scale solar project to be decided by the Town of Claverack Planning Board with that being said it is important to make every effort for due diligence. Stephen King continued that the site of the balloon test, photo simulations and proposed vegetation should be submitted as considered by the Planning Board members. Rob Fitzsimmons informed the Board it is up to them to decide where the sensitive receptors might be for the balloon test. Rob Fitzsimmons informed the applicant that they can coordinate the visual impact testing with George Schmitt and to notice the Planning Board members so they can visit the site during the balloon test. Mr. Black stated that the SEQRA is prepared, he has already communicated with the NYS DEC for wetlands and they have been delineated on the maps and OPRHP phase 1 was submitted therefore his company has produced almost all of the work and would ask that the Board move forward.

Motion to declare that the Town of Claverack Planning Board have lead agency status for purposes of SEQRA was made by Virginia Ambrose with a second from William Michael. All members were in favor. Motion carried.

Applicant was advised to draw and submit new plans as per comment letter, no public notice of balloon test only set for Planning Board members. Balloon test will be set at a height of 15-feet as high as the CVT cameras. Continued to April 6, 20020.

Catskill View Solar LLC Site Plan Review/Special Exception: Tax Map #(SBL) 101 . – 1 – 1 Located at 132 Humane Society Rd. Site Plan Review/Special Exception for the construction of a 37-acre large scale solar energy system to be placed on a 108.3-acre parcel.

Joint review with Claverack Creek Solar LLC.

Kipp, Peter & Diana Large Scale Solar Energy System Site Plan Review/Special Exception: Tax Map #(SBL) 101 . – 1 – 14 . 111 Located at 197 Stottville Rd. Site Plan Review & Special Exception for the construction of a 20-acre large scale solar energy system to be placed on a 56.6-acre parcel.

Lindsey McIntyre and ReJean DeVoux were present for the application. Chairman Cole informed the applicant's representatives that he met with the CC Real Property office regarding the wrong names on the properties along Stottville Rd. and they found 4 parcels that were wrong and this will be corrected by

**Columbia County Real Property in the 2021. Lindsey McIntyre informed the Board that they have submitted the names and locations of 20 + sites under progress within 100 miles of this proposed project for the Board. Ms. McIntyre continued that they have also submitted the lease agreement and proposed PILOT form. Ms. McIntyre continued that additional screening, extended screening was added along the entire line behind the residential properties along Stottville Rd. and a visual overlay with 3-D model was submitted. Stephen King informed the applicant's representatives that he visited the site and found it very close to the residences along that road with the houses sitting up higher than the solar panels. Stephen King continued that these home owners will have a direct sight view down onto the solar arrays and urged the applicant's representatives to add more trees that are substantial hard wood trees that are higher than the brush because the area behind the houses needs substantial screening in his opinion. Mr. DeVoux will design and submit for the April meeting. Mr. DeVoux informed the Board that he received the review letter from George Schmitt just before the meeting and would like to answer as many comments as he can. George Schmitt apologized that the letter was sent out so close to the meeting. Mr. DeVoux reviewed all of the items with the Board that were commented in George Schmitt's review letter with no planned subdivision, plans sealed by NYS licensed surveyor, ACOE delineation, fence details, electric plan will be added, grading is only for the access road, access road design will be submitted but needs to be designed away from ACOE wetlands, minimum disturbance so no need for SWIPPES, visual impact study via 3-D drawings, Decommission plan will be submitted, coordination electric plan with National Grid,**

**ACOE letter of no need for permit will be submitted for the file.**

**Rob Fitzsimmons informed the applicant's representatives that they need to meet with the local fire officials regarding the project and submit a letter of approval of design. Chairman Cole informed the applicant's representatives that the site is covered by two fire departments needing to be contacted, chief Mike Layman of Mellenville and chief Brennan Keeler of A. B. Shaw fire company. Stephen King asked for a visual impact review from NYS Rte. 66 also. Mr. DeVoux stated that they have a visual site from Stu Kinne's property. Chairman Cole suggested that the screening plan be increased especially along properties #8-9-10 and #11. Stephen King agreed that these properties are above the project and will be directly impacted with view without proper and sufficient screening. Mr. DeVoux answered that they will revisit the screening plan and will add a multitude of plantings and that they might need to create berms with plantings to meet the requirement. Stephen King stated that this large solar project is the closest one to residential properties that they Planning Board is reviewing and therefore screening is of the utmost importance. Jock Winch stated that a viewshed study should include these properties. Mr. DeVoux informed the Board that he will have a new screening design for the April meeting and 3-D visual photos will be submitted for review before the meeting. Mr. DeVoux continued that just as the previous applicant he is seeking to proceed with the SEQRA determination and to start moving forward with the application.**

**Motion to notice that the Town of Claverack Planning Board requests lead agency status for purposes of SEQRA for the application was made by Virginia Ambrose with a second from Jock Winch. All members were in favor. Motion carried.**

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

**Respectfully submitted,**

**Jodi Keyser, Secretary**