

APPROVED 9/14/2020

TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
August 3, 2020

Chairman Scott Cole called the August 3, 2020 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

Members in attendance were: Chairman Scott Cole, Virginia Ambrose, Alberta Cox, Stephen King, William Michael, Tim Wyman, Lisa Bowe, George Schmitt; engineer, Rob Fitzsimmons; attorney and Jodi Keyser; secretary

Chairman Cole welcomed and introduced new members Tim Wyman and Lisa Bowe to the Planning Board

Minutes of July 20, 2020

Motion to approve the minutes of the July 20, 2020 meeting was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried. Minutes were approved.

CONTINUING APPLICATIONS FOR 8/3/2020:

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

Mr. Gellert did not appear.

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.

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.

Combined review for Claverack Creek Solar and Catskill View Solar. Mr. Ward reviewed the project for the Board. Mr. Ward informed the Board that the projects are in the Rural Conservation Zone with a tiny area within the Highway Commercial Zone. Mr. Ward informed the Board that this project will follow biodiversity with planting of indigenous wild flowers and allowing sheep to graze instead of mowing. Mr. Ward stated that there will be energy stored in batteries. Mr. Ward continued that both sites will require Area Variances for setbacks as follows 85 feet variance is needed for Catskill View Solar and 80 ft variance is needed for Claverack Creek Solar. Mr. Ward continued that both sites require a 100-foot setback but it is not able to keep these on both sites because the 100-foot setbacks on each site will spread the fields out and create a greater impact on the local agricultural land. Mr. Ward continued that keeping the fields closer together keeps the site more compact. Tim Wyman asked if the field is 5 watts. Mr. Ward answered yes. Mr. Ward stated that NYS Ag & Markets does not like to have widely spread out fields but rather likes to have messenger cable and bore to keep the field as compact as possible. Mr. Ward stated that the modules are set 19 feet apart from each other and will have wild flowers planted and a baseline ecological study over the 40-year lease studies birds, plants and the overall soil of the area. Mr. Ward stated

that this is all done to make sure that the area is meeting the goals of the ecology of the site. Mr. Ward stated that overtime it has been determined that this will create better soil at the site also. Mr. Black informed the Board that years of planting corn and hay over and over depletes the soil. Mr. Black continues that their plan for planting will regenerate the soil on the site, bring more worms, birds and bees to the area. Mr. Black continued that they will install bird houses and bat houses, will have local bee keepers use the site and create a 5-acre community farm for neighbors to keep the site environmentally friendly. Tim Wyman asked how the site is attached to National Grid. Mr. Black informed the Board that this project was all created with the input from National Grid. Mr. Black stated that they met with National Grid several times and then a determination was made on what infrastructure would need to be upgraded and installed at the Solar company's expense. Mr. Black stated that they installed 7 utility poles with the required protections. Mr. Black continued that it was determined that the best way to go was to send the energy produced from the solar fields was down Pulcher Ave. then south on NYS Rte. 9 to the National Grid site. Mr. Black stated that this was very expensive to do and the solar company has paid a percentage of the wiring but this is a slow process. Tim Wyman asked if the energy is carried via overhead lines. Mr. Black answered yes. Stephen King asked if there were any wires crossing the stream. Mr. Black answered yes, a single feed line to supply service to the barn. Mr. Black informed the Board that a battery storage trailer will be installed next to the invertors to save electricity to send to the grid later in the day when the demand for energy is at the highest. Mr. Black stated that during construction the site will have a port-a-potty which is required. Mr. Black continued that the panels are on single access trackers that move very slowly every second to follow the sun. Mr. Black continued that the trailers will hold lithium ion batteries, HVAC systems and gas detection systems. Chairman Cole asked if there is only one trailer per site. Mr. Black stated that there is a trailer at every inverter with at least one 50-foot trailer. Chairman Cole stated that this would make 6 trailers per site. Chairman Cole continued that he is concerned with the trailers of batteries and asked how they will be monitored for fire and emergency. Mr. Black stated that he figures only two trailers per site

Norman Ward and Gilleen Black were present for the application. Mr. Ward introduced himself as the landscape architect for Eden Renewables and these projects. Tim Wyman asked what type of fire suppression is used. Mr. Black stated that there are gas detectors which will send notification for a remote shut down so the prevention is to shut down the site and if a fire then suppression foam floods the area. Tim Wyman stated that if this is the case then no need for local fire companies to be involved. Mr. Black stated that the local fire departments will be called to the area and will look in but won't be able to see anything. Mr. Black stated that the modules are not combustible and unless someone is at the site and needs help would be the only reason for fire emergency personnel to enter the site. Stephen King asked what happens if lightning strikes the site. Mr. Black stated that there are lightning suppression systems at each inverter. Alberta Cox asked about the modules and high winds. Mr. Black answered that the modules are tested for snow load and wind speeds. Mr. Black continued that the panels can be controlled and have been tested for wind speeds of 110 mph. Mr. Black stated that the modules are on poles that are driven into the ground on I-beams. Mr. Ward informed the Board that after the visual analysis it was determined that one site to the northwest #9 on the plan might have a small view but the home is owned by the applicant's brother so it shouldn't be an issue. Mr. Black informed the Board that he will personally speak with the Humane Society regarding screening. Mr. Black stated that the company has also given money to home owners to plant as they see fit after they get a quote for plantings. Chairman Cole stated that he just received the maps for the fire chiefs and only one was delivered when two are needed. Mr. Black will get a set of plans to Chairman Cole for the other fire chief to review but they usually meet with the fire chiefs

to go over the plans. Chairman Cole stated that a meeting is a great idea but to still submit the plans with a business card for reference. Rob Fitzsimmons informed the Board that the Area Variances are on the agenda for the Town of Claverack Zoning Board of Appeals for the end of August then the Planning Board and the Zoning Board of Appeals will set up a coordinated review to hold one public hearing for the entire plan. Rob Fitzsimmons informed the applicant's representatives that a PILOT agreement is needed along with the Host Community Agreement which needs to be reviewed by the Town Board. Rob Fitzsimmons continued that the Town Board meets on Thursday, August 13<sup>th</sup> at which time these can be discussed and invited Mr. Black to attend. Rob Fitzsimmons continued that a 15-year tax exempt plan which includes the Town of Claverack, Hudson City School District and Columbia County to offset the needs to be included in the PILOT to plan for everything. Mr. Black informed the Board that he is in the process of a joint review with ACOE & NYS DEC because of the amount of wetlands that are around the site and they are doing a coordinated review also. Stephen King asked if the plan has been added to the Town of Claverack website for the public. Mr. Black stated that he can submit something to the website after he cleans it up a little bit. Rob Fitzsimmons informed Mr. Black to submit the plan documents to the website and add to them as necessary to keep it updated. Stephen King stated to Mr. Black that it is better to be as descriptive as possible to help the public understand the project. Mr. Black stated that he will use the materials that he used for the public meeting that was held over the winter at the firehouse and will figure it out. Rob Fitzsimmons stated that the public hearing for the Site Plan/Special Exception will be held at the same time as the Area Variance and the Subdivision to keep from segmentation of the project. Rob Fitzsimmons suggested that a virtual presentation might be a good idea for the public.

**Punch list:**

Coordinated review with TOC ZBA for public hearing

Town Board with PILOT

Information added to the TOC website

Meet with fire chiefs

Continued to September 14, 2020

**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.**

ReJean DeVaux was present for the application. Mr. DeVaux asked the Board if they could set public hearing soon. Mr. DeVaux continued that he hasn't had the opportunity to respond to George Schmitt's review letter but didn't see anything substantial that would create the need for a major change. Mr. DeVaux stated that he hasn't heard back from Mellenville Fire Chief. Chairman Cole informed Mr. DeVaux that the A. B. Shaw Fire Chief cannot access the computer file or open it. Mr. DeVaux will check the link and will also add the visual impact information to the drop box on the website. Chairman Cole stated that the Board will need for the fire chiefs to respond or comment any concerns before setting public hearing. Mr. DeVaux stated that he will send out a copy of the plan ASAP. Mr. DeVaux informed the Board that a complete packet of the plan was sent to the Columbia County Planning Board and he also spoke with Patrice Perry and it is set for review at the August 18<sup>th</sup> meeting. George Schmitt informed the Board that he spoke with Mr. DeVaux on the phone to discuss the stormwater issues but it is a simple issue to mitigate. Mr. DeVaux stated that he reached out to NYS DEC regarding the area of concern. Mr. DeVaux stated that he has corrected the SEQRA with emergency services as A. B. Shaw & Mellenville Fire Companies. Chairman Cole

answered yes. Mr. DeVaux asked about police for the area and if Philmont is the agency that would respond. George Schmitt answered no they are a part time agency but he will change the SEQRA to NYS Police and the Columbia County Sheriff's and to also add Greenport Rescue to the Lead Agency form. Rob Fitzsimmons informed the applicant's representative that the proposed PILOT that they submitted will need review by the Town Board on August 13<sup>th</sup> and invited Mr. DeVaux to attend and to bring numbers to discuss splitting between the Town of Claverack, Hudson City School District and Columbia County.

**Punch List:**

Hard copies of the project to the A. B. Shaw and Mellenville Fire Chiefs – Mr. DeVaux stated he will deliver to Chairman Cole's office.

Continued to September 14, 2020

**David Otto Ferchau Special Exception:** Tax Map # (SBL) 133 . – 1 – 21 Located at 189 Decker Rd. Special Exception to construct a 23' X 33' guest house/caretaker dwelling on a 5-acre parcel. Cont. to Sept.

**Klocke Estate Holdings, LLC formerly Drumlin Distillery Site Plan Amendment Special Exception** Tax Map # (SBL) 131 . – 1 – 45 . 3, 131 . – 1 – 45 . 4, 131 . – 1 – 45 . 5 and 131 . – 1 – 45 – 6. Located at 2554 County Rte. 27. Modifications to previously approved Site Plan for a distillery to include moving of buildings, addition of winery complex and distillery complex, addition of parking, addition of ground mounted solar array for principle owner residence. Cont. to September

**NEW APPLICATIONS:**

**Claverack Land Co. LLC Pine Haven Assisted Living/Nursing home Site Plan Review/Special Exception:** Tax Map # 113 . – 1 – 20 . 3 Located at 341 Rte. 217. Special Exception and Site Plan Review for the construction of a new 150 bed nursing/assisted living facility.

Corey Auerback and David Schlasser were present for the application. Mr. Auerback informed the Board that he appeared before the Town of Claverack Planning Board a few years ago for a Subdivision to move the property line from dissecting the existing skilled nursing facility. Mr. Auerback continued that at that time the property line was situated equally between the current Pine Haven facility and the old original facility building. Mr. Auerback continued the submission is seeking to demolish the original brick building and construct a new 150 bed assisted living facility. Mr. Auerback continued that the plan will also require two minor Area Variances for height of the building and side yard setbacks for the area between the existing facility and the proposed facility. Mr. Auerback continued that the proposed facility will have cross connectivity with the current facility but will have a different owner. Mr. Auerback stated that a subdivision will also be required to separate the existing facility, new facility and the remaining lands which consists of a large reveue. Mr. Auerback stated that he would like for the Town of Claverack to do a coordinated review for SEQRA and the Variances and Special Exception/Site Plan, subdivisions and the public comment. Mr. Auerback stated that the building height is proposed at 42-feet and the Town of Claverack only allows for buildings to be 35-feet so an Area Variance of 7-feet is needed for the height. Mr. Schlasser stated that the existing curb cuts will remain as is with a proposed second curb cut which will be coordinated through NYS DOT. Mr. Schlasser continued that the proposed facility is licensed through the NYS DOH as is the existing facility but the proposed facility will be one step down in care from the existing skilled facility. Mr. Schlasser continued that the residents of the proposed

assisted facility will not be able to drive but will require less care. Mr. Schlasser continued that the proposed facility will consist of a four story building with the fourth story underground so at road level it appears to be a three story building. Mr. Schlasser continued that the parcel is 9.5 acres and the proposed facility will be a stand-alone building with own utilities and a separate owner. Mr. Schlasser stated that the facility will consist of approximately 68% private rooms each with a private bathroom and the remaining 32% will be semiprivate rooms with bathrooms. Mr. Schlasser continued that the facility will also have communal areas for activities, a movie theater, computer areas, dining suites. Mr. Schlasser stated that the building meets all setbacks except between the existing building and the proposed building. Mr. Schlasser continued that the building will have 10 foot ceilings and will be 42-feet when viewing from NYS Rte. 217. Mr. Schlasser continued that the building will consist of clapboard siding with brick and stone veneer to match the existing facility. Mr. Schlasser informed the Board that a civil engineer is working on the SWIPPPS application, grading and stormwater. Alberta Cox asked if the existing water tower will be removed also. Mr. Schlasser answered yes but the cell tower will remain in place. Mr. Schlasser continued that a shack will also be removed. Rob Fitzsimmons informed the Board that the shack is the CC Fire Training Tower and to his knowledge the new fire training facility is complete and will be going on line in the near future so this structure will be decommissioned. Rob Fitzsimmons informed the applicant's representatives that they will need to visit with the Village of Philmont for water and sewer. Mr. Schlasser stated that the proposed facility will have 100% sprinkler system for fire suppression. Alberta Cox asked if the old original building has any historic significance and wouldn't be able to be demolished. Mr. Schlasser stated that he has spent 2 years studying the original building and it is in a very bad state and unable to be salvaged. Mr. Schlasser continued that the building is basically just a shell and not structurally able to convert at all into anything. Chairman Cole stated that he has an issue with the height of the proposed building because the local fire companies do not have any ladder trucks or even any ladders that are tall enough to reach the 42-foot top of the building which is a big safety issue. Chairman Cole suggested that the applicant's representatives meet with the Philmont Fire Chief Paul Beaumont to discuss the height of the building. Mr. Auerback stated that he will contact the local fire officials. Chairman Cole stated that he knows for a fact that the A. B. Shaw Fire company's largest ladder is only 35-feet and if there were an emergency with fire fighters on the roof, they would not have a way to get down. Chairman Cole continued that the 35-foot ladder is even shorter because the pitch of the ladder against the building needs to be considered also. Mr. Auerback stated that the building will be fully sprinklered so fire suppression is a priority. Mr. Schlasser stated that the ends of the building could be designed to have only two-story areas for access and egress to the roof. Chairman Cole stated that the building will need several areas of access and it is a big concern to him. Tim Wyman asked what types of heating and cooling will be in place at the facility. Mr. Schlasser stated that the building will use propane with separate heating/cooling units in each room with the units on the roof. Rob Fitzsimmons informed the applicant's representatives that the Town of Claverack ZBA meets the end of August so start the process for the Area Variances with the Building Department and the Planning Board will want to see a full Site Plan going forward. Stephen King stated that the Site Plan needs to include a landscape design plan. Mr. Schlasser stated that the property has several stately pine trees which most will remain but a few need to be removed for construction. Chairman Cole informed the applicant's representatives that they need to contact the Town of Claverack to set up an escrow account for the review. Stephen King informed the applicant's representatives that the Site Plan should include an elevations plan with the landscaping design. Mr. Schlasser stated that he will submit an elevation plan with landscaping and one with just the elevation. Lisa Bowe asked if the proposed facility will include outside areas. Mr. Schlasser stated yes there will be outside areas in the front of the building and in the back with

porches and patio areas with areas down below in the rear for employees and residents. Lisa Bowe asked how many staff members will be employed at the proposed facility. Mr. Schlasser answered approximately 30-35 employees including nursing, kitchen and maintenance staff. Chairman Cole informed the applicant's representatives that a complete set of Site Plans will be needed for the local fire chief as well as a dropbox of the plan for the Town of Claverack website for the public to review. Tim Wyman asked what impact the building will have on the local water supply. Rob Fitzsimmons answered that the applicant's representatives need to meet with the Village of Philmont water and sewer departments to discuss the impacts on the water since they will hook to the Village water system. Stephen King stated that he didn't remember if the Planning Board needs to review the evacuation plan. Mr. Schlasser stated that the evacuation plan is part of the NYS DOH review and license which can be shared with the fire departments. Mr. Schlasser informed the Board that all evacuation will be funneled through the stairways down to the bottom floors and outside. Mr. Schlasser continued that the windows are only able to open 4-inches due to safety protocol. Mr. Schlasser stated that the building is designed and will be built to the NYS DOH codes for nursing facilities. Rob Fitzsimmons informed the Board that the County recently held a table top to go over all of the county nursing facilities emergency plans and Pine Haven was the only facility to attend. Mr. Schlasser informed the Board that one wing of the building will be dedicated to memory care with all of this wing having private rooms which can also be easily set up as isolation areas. Rob Fitzsimmons informed the applicant's representatives that the dropbox for the website is important and helps the public have access to the plan with the closed meetings due to Covid. Mr. Auerback asked if the Board o.k. with the plan and ready to proceed. Rob Fitzsimmons and all Board members agreed that the plan can proceed and to start the process with sending a full set of plans to the CC Planning Board for review. Mr. Auerback asked if the Board would be willing to hold a coordinated review with the TOC ZBA to move the project along. Rob Fitzsimmons answered yes that a coordinated review is possible with the TOC Planning Board taking the Lead Agency status. Rob Fitzsimmons stated that the project could be considered a Type 1 action for SEQRA. Mr. Auerback asked if the project could be deemed unclassified.

Continued to September.

Estate of Gregory Arnone Subdivision: Tax Map # 133 . 00 – 2 – 41 Located at 319 Lockwood Rd. Subdivision of 22.40 acres into two parcels of 16.069 and 6.331 acres.

John Connor was present for the application. Mr. Connor informed the Board that Mr. Arnone passed away 4 years ago with his sister as executrix. Mr. Connor continued that the late Mr. Arnone left two children. Mr. Connor stated that the split of the property is to divide parcel #2 of 6.331 acres to his son Gregory and the remaining 16.096 acres to his daughter. Mr. Connor continued that the daughter is getting a larger piece of property because the son is getting the parcel containing barns that he runs his business from. Mr. Connor stated that parcel #1 contains the residence that Mr. Arnone is currently living in. Mr. Connor continued that Mr. Arnone will retain parcel #2 and build a home on the property as his permanent residence and business. Rob Fitzsimmons stated that the maps do not show a perk test of parcel #2 which is required before approval. Mr. Connor stated that Mr. Arnone has the equipment and can get the perk testing done to bring to the September meeting. Stephen King stated that the maps show two utility lines at what level of service. Mr. Connor stated that they are just standard electrical lines, no high tension lines. Rob Fitzsimmons informed the Board that the application is ok if they feel they can make the motion to accept and set public hearing. Lisa Bowe stated that the perk testing needs to be done prior to approval to be sure that the parcel is adequate to build on. Mr. Connor agreed.

**Motion to accept the application for a two-parcel subdivision and set public hearing for September 14, 2020 was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion carried.**

**Cont. to September.**

**Marion Weiner Revocable Trust Special Exception: Tax Map # 132 . – 1 – 52 . 200 Located at 325 Catskill View Rd. Special Exception review for the addition of an accessory apartment/caretaker cottage in the Rural Conservation Zone.**

**Mrs. Weiner and Caitlin Barrett were present for the application. Ms. Barrett will be the spokesperson for her aunt. Ms. Barrett informed the Board that her aunt is seeking to convert an existing two-car two-story garage into a caretaker/guest cottage. Ms. Barrett continued that they are not changing the footprint of the building at all. Stephen King asked if the building contains any bathrooms. Ms. Barrett stated no. Stephen King stated that the maps do not indicate septic and well sites. Ms. Barrett stated that the equipment she needed to obtain the survey was not working but she does have a letter from the CCDOH that the property could handle a second septic system from the previous owner. Stephen King stated that the septic system if existing needs documentation. Ms. Barrett asked if the letter would be sufficient or does she need to hire a surveyor. George Schmitt stated that a survey site plan showing where existing septic and well sites are located. Ms. Barrett stated that she understands she needs to hire a surveyor but it costs a lot of money and her aunt is hesitant to spend the money if she isn't going to get an approval. George Schmitt stated that he could do a straw vote but before the Planning Board can make any determination, they need all of the information. Stephen King stated that a guest house can be approved but the Planning Board needs to know the details of the property. George Schmitt stated that the home is in the Rural Conservation Zone. Lisa Bowe asked if this is the primary residence for Mrs. Weiner. Mrs. Weiner answered yes. Tim Wyman stated that he is the previous owner of the property and sold the home to Mrs. Weiner. Mr. Wyman stated that before he sold the property, he installed a second separate septic system with a 1,000-gallon septic tank and separate leach field. Mr. Wyman continued that the septic tank is located next to the garage and is all set to go but it is capped off until he wanted to do something with the garage. Lisa Bowe asked if there is a map on file showing the septic system location. Mrs. Weiner stated that there are only the hand drawn maps. Lisa Bowe stated that a guest house cannot be rented out for air b&b. Ms. Barrett stated that this is only for family to stay while visiting not to rent out. Rob Fitzsimmons informed the applicant that a Site Plan still needs to be submitted with a survey and engineer but the applicant needs to pick one of the zoning codes to use because the application states accessory apartment 15 . 3 . 1 or caretaker residence 15 . 3 . 7. Ms. Barrett stated that this is an accessory apartment. Rob Fitzsimmons informed the applicant to check with the TOC Building department Jay Trapp to decide. Chairman Cole informed the Board that in the future if one of the members has ties to any application, they need to inform the Chairman and counsel prior to the meeting. Chairman Cole continued that Tim Wyman will be recused from the Weiner application. Chairman Cole continued that it is always good to ask if any doubt to make sure not a conflict.**

**Continued to September 14<sup>th</sup>.**

**Motion to adjourn the meeting was made by Virginia Ambrose with a second from Alberta Cox. All members were in favor. Motion carried. Meeting adjourned at 9:00 p.m.**

**Board members completed workplace harassment training after the meeting.**

**Respectfully submitted,**

**Jodi Keyser, Secretary**