

Approved October 5, 2020

**TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
September 14, 2020  
7:00 p.m.**

Chairman Scott Cole called the September 14, 2020 meeting of the Town of Claverack Planning Board to order at 7:00 pm

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

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

Absent with regrets: Virginia Ambrose

Motion to approve the Minutes of August 3, 2020 was made by Alberta Cox with a second from Tim Wyman. All members were in favor. Motion carried. Minutes approved.

**CONTINUING APPLICATIONS FOR 9/14/2020:**

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

Secretary Keyser informed the Board that she received a call from Mr. Gellert at the end of August requesting a continuation of his application to October.

**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.

Gillian Black was present for the application. Mr. Black informed the Board that he has met with the Town of Claverack ZBA for area variances that are needed. Mr. Black continued that the TOC ZBA questioned the need for such significant setback variances for the two projects and felt that they were way too close together. Mr. Black continued that the project designers were sensitive to the concerns and have adjusted the site to allow for a 100-foot setback between the two sites and a new site plan was submitted. Mr. Black informed the Board that he also submitted the responses to the CCPB review letter. Stephen King asked if more trees needed to be removed to move the modules. Mr. Black answered no they will set the modules on taller pilons which moves the panels up and they removed the weird jog in the subdivision line to make more room.

Motion to accept the modification to the Special Exception and Subdivision and to set public hearing for 9/29/2020 at a special joint PB ZBA meeting at the A. B. Shaw Fire house on NYS Rte. 23 was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.

Mr. Black explained that for the special hearing he would request that the project receive ZBA approval before the Special Exception and SEQRA designation. Mr. Black stated that he has spoken with A. B. Shaw fire chief Brennan Keeler and he is ok with the plan. Chairman Cole informed the

Board that Chief Keeler will submit a letter to the Planning & Zoning Boards as soon as he is able. Stephen King asked if the revised plan has been added/updated on the Town of Claverack website for the public. Mr. Black stated that he will check and make sure to add new plan to the website.

Jodi Keyser will check with the fees that are due and to check to see if the Subdivision application fees have been paid. Continued to 9/29/2020 for public hearing.

**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.**

Applicant informed the Board that nothing has changed with the plan and he will return for the special public hearing on 9/29/2020.

**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.**

Mr. Ferchau was present for the application. Mr. Ferchau reviewed the application for the Board members. Mr. Ferchau informed the Board members that his family has owned the property at 189 Decker Rd. for several generations and he has spent a lot of time in the area even though living in New Jersey. Mr. Ferchau continued that the pandemic has caused him to have to work from home the past several months and thus afforded him to be more of a full-time resident of the area. Mr. Ferchau continued that he and his wife are planning to retire by the end of the year and will make the property their permanent residence. Mr. Ferchau informed the Board that there is an existing farmhouse on the property dating from 1775 that they plan to renovate as their residence. Mr. Ferchau continued that the application is to allow for a small cottage to reside in while renovations are made to the farmhouse and then for a guest house for family after they move into the farmhouse. Mr. Ferchau submitted a CCDOH letter for septic system and a driveway was scrapped due to sightline issues and will use the existing driveway for both residences. Stephen King asked how much property. Mr. Ferchau answered approximately 5 acres. Chairman Cole asked what Josh Wildermuth was doing with an excavator at the property. Mr. Ferchau answered that Mr. Wildermuth was shoring up the foundation on the existing farmhouse. Stephen King asked the size of the guest house. Mr. Ferchau answered 17 X 33 approximately 600 square feet. Lisa Bowe asked if the applicant planned on renting the guest house out or a Bed & Breakfast. Mr. Ferchau answered no strictly for family use.

Chairman Cole opened the meeting to public hearing at 7:30 p.m. No comments in person or via zoom. Public hearing was closed at 7:32 p.m.

George Schmitt reviewed the SEQRA for the Board.

Motion to grant a negative declaration for purposes of SEQRA was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried.

Motion to grant Special Exception for the construction of a 600 square foot guest house/ caretaker cottage was made by Tim Wyman with a second from William Michael. All members were in favor. Motion carried. Chairman Cole stamped the plans and Mr. Ferchau paid mailing fees of \$3.85.

**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.**

Brandee Nelson and John Frishkopf were present for the application. Ms. Nelson reviewed the application for the Board. Ms. Nelson stated that the application of for a modification of a previously approved Site Plan Special Exception in May of 2018. Ms. Nelson stated that the Columbia County

Planning Board had reviewed the modification and there is escrow in the account for the review. Ms. Nelson informed the Board that the property was recently subdivided into four parcels. Parcel 1 is agricultural with orchards and vineyards, barn for winery and barrel house. Parcels 2 & 3 are residential parcels with parcel #3 as Mr. Frishkopf's residence with a ground mounted solar array, parcel 4 is the distillery. Ms. Nelson continued that she has met with A.B. Shaw Fire Chief Brennan Keeler regarding the driveway and they are working out some of the changes. Ms. Nelson continued that the existing driveway will lead to the distillery at the top of the hill and she is also working with Chief Keeler regarding access to the agricultural pond. Ms. Nelson stated that she spoke with Chief Keeler and he seems OK with the changes but will send a letter to the Planning Board. Ms. Nelson continued that in the past agri-tourism didn't need a SPEDES permit but now will require one. William Michael asked if the orchard/vineyards have irrigation. Mr. Frishkopf answered that they are not required but have been installed. William Michael asked how many wells have been drilled. Mr. Frishkopf answered that they drilled three wells before they hit a decent water supply. Chairman Cole informed the applicant that he spoke to TOC CEO Jay Trapp regarding the solar array because it appears that it will be connected to two different uses and if so it will require an additional shut off. Ms. Nelson answered that the solar array is for the house only. Mr. Frishkopf stated that if it requires an additional shut off he will only use the solar array for his house and don't need it at the pond. Chairman Cole stated that if the solar array is to be used for both the house and the pump at the pond it will require two separate shut offs. Mr. Frishkopf stated that he will only use the solar array for the house and not the pump at the pond. Tim Wyman asked what parcel #2 is being used for. Ms. Nelson stated that parcel #2 is a second residential lot for building and this subdivision was approved last May. Ms. Nelson stated that the two residential parcels will have separate wells and septic systems. Tim Wyman asked if the distillery is right back against the back of the hill on the ridge. Ms. Nelson answered no it sits down in a low spot near the pond. Chairman Cole stated that the distillery buildings were recently moved back off of the top of the ridge. Lisa Bowe asked about an email from the owners of the Angus Farm. Chairman Cole reads a letter from the Angus Farm LLC which is east of the Klocke Distillery property. Christo Brown of Angus Farm states that they are concerned with the situation of the buildings with sight lines on top of the hill. Angus Farm continued that they are supportive of agriculture in the area but is concerned with the buildings at the top of the hill and the increased parking. Rob Fitzsimmons informed the Board that the Comprehensive Planning committee discussed the possibility of creating sight line restrictions on ridges and hill tops but nothing in the zoning laws and the TOC cannot tell the applicant's that they can't build on the top of the hill. Chairman Cole informed the Board that the applicant has moved the buildings. Rob Fitzsimmons informed the Board that the application was reviewed by the Columbia County Planning Board on August 19<sup>th</sup> and was ok with the modification of the March 2018 review. Ms. Nelson informed the Board that in 2018 the Planning Board had a concern with the light spillage and that they didn't want any pole lights and asked that the lighting be low ballast type lights to keep the minimum amount of light spillage from the area due to the site. Ms. Nelson stated that the lighting will be low level ballasts and the buildings will be very long and low with neutral colors and no shiny metals to keep within the character of the neighborhood and agricultural character. Chairman Cole informed the applicant's representatives that the Planning Board needs a letter from Chief Brennan Keeler regarding the driveway. Rob Fitzsimmons informed the Planning Board that Steve Hook has spoken with Chief Keeler and only a couple of outstanding issues are in the way but will be resolved.

Chairman Cole opened the meeting to public hearing at 8:20 p.m.

Christo Brown of the Angus Farm via Zoom stated that he is supportive of the project but is concerned that the abutter mailing was the first time he was aware of the plan and no notice was received for the July meeting. Mr. Brown stated that the winery and another thing have been moved down the hill but now there are other buildings at the top of the hill. Ms. Nelson stated that the plan in 2018 was approved for 2 utility buildings with the distillery building now it will be a much smaller footprint going from 17,000 square feet down to 9,900 square feet which is a big reduction in size. Ms. Nelson continued that there are 3 buildings as apposed to 2 in the original plan but they are much smaller footprint. Stephen King asked what height of the buildings. Ms. Nelson answered that

the buildings are low, one story buildings approximately 18 feet high. Christo Brown stated that he has concerns with the lighting on the top of the hill and the expansion of the parking. Mr. Brown stated that lighting the top of the hill all night will create a glow that will be visible from all over the area. Mr. Brown stated that the area is mostly farmlands so no lighting and this will stand out at night. Mr. Brown stated that he thought that at one point the TOC was against buildings being built on top of hills. Mr. Brown continued that he thinks that this is a beautiful project but cannot imagine the light all night. Tim Wyman asked if the distillery/winery will have 24-7 lighting. Chairman Cole answered that the plan shows downward facing, ballast type lights that are approximately 42 inches high to light the parking area and walkway that will only be on during operational hours or until 10:00 pm. Ms. Nelson stated that the lights might be on until 11:00 pm do allow for employees to leave. Christo Brown stated that he is concerned with the amount of parking and the buildings moving to the top of the hill. Ms. Nelson stated that the parking was condensed into one lot and moved closer to the buildings. Mr. Brown stated that he sees new buildings on the plan. Ms. Nelson answered no that the buildings are in the same spot just made much smaller footprint reduced by 10,000 square feet.

No further questions Chairman Cole closed the public hearing at 8:35 p.m.

George Schmitt reviewed the SEQRA for the Board. George Schmitt informed the Board that the applicant has submitted a Full EAF form and is the same as submitted in 2018 but he can go over all of the questions for the Board if they so choose. Chairman Cole stated that this is just a modification of a previously approved Special Exception Site Plan and not a significant change so no need to go over the entire EAF.

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

Motion to approve the amended Site Plan/Special Exception contingent on stormwater review and a letter from A. B. Shaw Fire Company Chief was made by Lisa Bowe with a second from Stephen King. All members were in favor. Motion carried.

Ms. Nelson informed the Board that the project is actually three separate applications and is asking if the solar project could be approved in October then the distillery will be completed and the winery is in the future possibly 2021 which might be a problem pulling a building permit. Rob Fitzsimmons informed the applicant's representatives that the approval is good for 18 months so shouldn't be a problem and only one approval is needed.

Ms. Nelson will submit a check for \$11.00 for the mailing fees.

**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.**

No representatives appeared.

**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 Conner was present for the application. Mr. Conner reviewed the application for the Board members. Mr. Conner informed the Board members that his clients are the children of the late Mr. Arnone and are seeking to subdivide the property with one of the siblings selling a parcel and one retaining ownership of the other parcel to finalize the last will and testament of their father. Mr. Conner informed the Board that his clients have not yet had the perk testing done for the CCDOH letter so he asked if the Board wants him to wait until this is completed. Board members agreed to ask the applicant wait until perk testing and CCDOH letters are submitted. Continued to October.

Planning Board member Tim Wyman asked to be recused from the Weiner application due to conflict.

**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.**

Caitlin Barrett and her husband Vincent were present for the application. Ms. Barrett informed the Board that she hired Dan Russell to perform a survey of the property and has submitted new documents including a letter from the CCDOH for the septic stating that the existing septic tank is sufficient for the two story one bedroom renovation of the garage into a guest house. Ms. Barrett continued that there is no change in the footprint of the building and this will make the property better. Chairman Cole stated that the application states two different things one caretaker other is guest cottage. Ms. Barrett stated that Jay Trapp stated to her that they are basically the same thing and it didn't make a difference on the application. Lisa Bowe asked if any nonfamily will use the cottage. Ms. Barrett answered no just her and her husband or other family members. Ms. Barrett explained that her husband's mother owns the property and this will allow them to have their own space when they visit. Ms. Barrett continued that Jay Trapp told her it is a caretaker apartment and Dan Russell told her it was a guest house. Lisa Bowe stated that the application states that the owner resides in Brooklyn NY and if this is an accessory apartment then the primary house needs to be the owners primary residence. Ms. Barrett answered that this is now the primary residence for the owner because she has moved since the application was completed. Ms. Barrett informed the Board that she called the CCDOH and was referred to the letter dated 1998 as proof of compliance for the septic system. Ms. Barrett continued that she has called and asked if this letter would be adequate several times and feels that to have the septic system inspected again is redundant. George Schmitt informed the applicant that they need to have the septic system inspected by a licensed engineer and to receive an updated approval letter from the CCDOH. Mr. Schmitt continued that he has had conversation with Mike DiRuzzio that this septic system was not approved and the Board should request that the system be evaluated since the letter from the CCDOH is over 20 years old and regulations have changed. Ms. Barrett stated that she has asked several times if there is anything that she needs to move the application forward and was told no and now is hit with this and feels blindsided. Ms. Barrett continued that she was asked to submit an opinion letter from the CCDOH and after several calls to CCDOH was referred to the letter of 1998. Ms. Barrett stated that this now puts her plan months behind already. Rob Fitzsimmons informed the applicants that the due diligence of the TOC Planning Board is to be assured that the septic system designed is adequate for the expanded use. Ms. Barrett stated that the septic system was already approved for this use as stated in the 1998 letter. Rob Fitzsimmons informed the applicant that the Planning Board cannot approve the application without assurance from the CCDOH that the septic system can handle the added waste because the letter from the CCDOH is over 20 years old. George Schmitt informed the applicant that there isn't any more cost to her and that during a conversation with Mike DiRuzzio there was a concern with the septic system and the proximity to the pond. Ms. Barrett asked what if the septic is not approved. George Schmitt answered that they will need to hire an engineer to review the system. Mr. Schmitt continued that the tank might be sufficient but the existing leach field might not be able to handle added waste. George Schmitt explained that the existing leach field was designed specifically for the existing residence and not for more use. George Schmitt continued that it might be ok but the Planning Board needs to be assured that they are not approving something that isn't approved by the CCDOH. Ms. Barrett asked if there is any other items that she needs to submit to the Board to move the project forward.

Motion to set public hearing pending CCDOH approval letter was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried.

Due to the late September meeting the public hearing for October isn't possible for adequate time for noticing abutters so Board members agreed that public hearings will be held on November 2, 2020. Secretary Keyser will notify the applicants.

**NEW APPLICATIONS for 9/14/2020:**

**THRK, LLC/Thomas Rowe Site Plan Review:** Tax Map #112 . 2 – 2 – 66 Located at 12-14 West Street. Site Plan Review to convert existing dwelling into multifamily (3) family dwelling with addition of wooden deck and driveway improvements within the HR Zone.

Samantha Cummings with Taconic Engineering was present for the application. Ms. Cummings informed the Board that her client is renovating an existing 2-family dwelling on West St. but the property has historically been a multi-family residence meaning 3 or more family. Ms. Cummings continued that this property has been a three-family dwelling. Ms. Cummings continued that the renovation to the building incorporates a reconditioning of the existing deck. Ms. Cummings informed the Board that the building is an existing 3 bedroom and will still be a three bedroom. Chairman Cole informed the Board that the applicant has been involved in a major renovation since January. Ms. Cummings informed the Board that this building has always been a three family and they will continue as a three-family dwelling. Tim Wyman stated that the tax map might have this listed as a two family so this will just correct the tax map. Tim Wyman asked the amount of cars in the driveway. Chairman Cole stated that parking along West Street is not allowed. Ms. Cummings stated that the building has a designated parking space on West St. Lisa Bowe suggested that the parking allow for two cars per apartment. Lisa Bowe asked about the setbacks for the application and a survey map showing the boundary lines. Tim Wyman stated that he thought that the reviews always require survey maps. Rob Fitzsimmons informed the Board members that the building and parking area are pre-existing non-conforming dwelling but they can look at the parking. Tim Wyman asked if the code cites anything about fire suppression requirements. George Schmitt informed the Board members that fire suppression requirements are part of the building code and not anything that the Planning Board needs to have. Stephen King stated that he requests to see a parking plan. Chairman Cole informed the applicant's representative that the Planning Board has referred all commercial Special Exceptions to the local fire companies for review. Chairman Cole will reach out to the Mellenville Fire Chief. Stephen King asked what the purpose of the retaining wall is. Ms. Cummings stated that this is existing and keeps the grade because there is a big ravine. Tim Wyman asked if the plan is adding two bathrooms. Ms. Cummings stated that there is an existing bathroom in the basement and two are being added on the second floor. Rob Fitzsimmons asked if this property is attached to the Village of Philmont water and sewer. Ms. Cummings answered yes. Stephen King asked how the left apartment gets to the second floor. Ms. Cummings stated that it appears that the plan is missing a staircase. Ms. Cummings will add the staircase. George Schmitt stated that parking design needs to be reviewed, connected to the Village water and sewer and nothing is changing on the outside. Chairman Cole informed the applicant's representative that due to the short time and late meeting the public hearing will be set for November 2<sup>nd</sup>. Andy Diddio asked if his company sent out the public notices could the public hearing be set for October. Continued to November for public hearing.

Motion to accept the application as complete and set public hearing for November 2, 2020 was made by Tim Wyman with a second from William Michael. All members were in favor. Motion carried.

**Levine&Burstall Special Exception Review: Tax Map # 101 . – 2 . 7 Located at 824 Rte. 9-H. Special Exception Review of a multi-use commercial business within the CIP District.**

Paul Freeman, Quinn Levine and Simon Burstall were present for the application. Mr. Freeman informed the Board that his clients are looking to convert a former residence located within the CIP into a multi-use commercial operation. Mr. Freeman continued that his clients are proposing a neat use for an old farmhouse that has been in the Kozel family for several generations. Mr. Freeman continued that the plan is to convert the farmhouse into a café that would serve both inside and outside and host small events. Mr. Freeman continued that the café would also offer interior retail as a general store. Mr. Freeman informed the Board that the entrance would be from the NYS Rte. 66 and the NYS Rte. 9-H entrance would be closed off. Mr. Freeman is aware that he will need NYS DOT curb cut permitting. Mr. Freeman stated that 8-10 parking spaces with plenty of space to offer more parking in the future on the 6-acre parcel. Mr. Freeman demonstrated a menu for the café called Quinnie's. Ms. Levine informed the Board that she will run the café and was a former wedding planner. Mr. Freeman informed the Board that Ms. Levine and Mr. Burstall reside in Germantown and will use locally sourced products with local wine and beer served. Chairman Cole asked why Village Dodge was not listed as an abutter. Mr. Freeman will check on the abutter list. Chairman Cole stated that this being an old farmhouse the septic and water will need to be reviewed. Chairman Cole informed the applicants that they will need an engineered septic approved by CCDOH, lighting plan, landscaping design, hours of operation, employees and signage. Mr. Freeman stated that he is working on all of the above. Chairman Cole asked what the size of the café would be. Ms. Levine answered approximately 10 guests. Stephen King asked that the applicant provide a daily capacity for inside, outside, store because this would affect parking and septic designs. Lisa Bowe informed the applicants that they will need NYS DOT curb cut approvals. Rob Fitzsimmons stated that the proposed plan will require a commercial curb cut as per NYS DOT. Chairman Cole suggested that the applicants look at installing low mounted lights that are short approximately 42-inch ballast types of lights to illuminate the parking area but to minimize the light spillage. Stephen King stated that all outside lighting should be night sky compliant. Alberta Cox asked what the hours of operation would be. Ms. Levine stated that summer would be 10 am to 9 pm with winter hours 10 am to 7 pm. Lisa Bowe asked what the numbers would look like for the small events. Ms. Levine answered that she would imagine approximately 50 people or so, nothing big. Mr. Burstall informed the Board that maybe weddings of 200 or so since Ms. Levine was a wedding planner. Ms. Levine stated no she isn't looking to have large events only small about 50 people. Rob Fitzsimmons informed the applicants that if they are planning to hold events and make the property an event venue or a café with a general store then they need to make that clear to the Board at this time. Mr. Freeman informed the Board that this is a unique site with an old farmhouse within the CIP zone that will never be a farmhouse again due to the location so it is a unique issue. Tim Wyman stated that this is a pre-existing issue and the buyer is aware. Ms. Levine stated that they do not plan to make this a residence only a commercial site. George Schmitt stated that the punch list is CCDOH septic approval with a grease trap. Rob Fitzsimmons added signage, landscaping, lighting and NYS DOT and to check the abutter list. Tim Wyman asked how CCDOH designs the septic system. George Schmitt answered that the applicant needs an engineer to design a septic system and then it is submitted to the CCDOH and they will test the existing well also for volume and potability.

Motion to accept the application as complete pending punch list items and to set public hearing for the November 2, 2020 meeting was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried.

Applicants will return for the October meeting with punch list items.

Cont. to October.

**Jersey Baking LLC Special Exception Review: Tax Map # 121 . 3 – 3 – 19 Located at 6 Park St.**  
Special Exception for the creation of a restaurant at the former Claverack Food Market building.

Andrew Albin from Crawford & Associates and Damon Filli were present for the application. Mr. Albin informed the Board that his client is seeking to operate a bakery, deli and butcher shop at the former Claverack Food Mart which was owned by his family for generations. Mr. Albin continued that his client is currently operating the same business model in Valatie on Main Street and this would be a second location. Mr. Albin continued that the proposed site would not have seating for dining only a to-go operation for bakery items such as pastries, breads, rolls and sandwiches made to order. Mr. Filli stated that there is no change to the building at all and he will use the existing ovens and deli machinery. Mr. Albin stated that there is adequate parking and has submitted a septic system memo with a previous CCDOH review. Lisa Bowe stated that in 2017 Coyote Flaco used Morris & Associates and required a septic system upgrade. Mr. Albin stated that this was because the application at that time was for a full blown sit down restaurant which is not applicable in this instance. Tim Wyman asked is that because a restaurant is considered more extensive use. Mr. Albin answered yes and would use much more water. Lisa Bowe asked if there would be a grease trap. Mr. Filli answered that this is not going to be a restaurant only a deli, bakery and butcher shop. Stephen King stated that the application states the use as a restaurant and the site will need a signage design because the existing sign is not allowed under the zoning codes. Stephen King continued that curbing is also a long standing issue at the site. George Schmitt stated that the last time the building was before the Planning Board the curbing was discussed over and over but it will still need a letter from NYS DOT and CCDOH that the septic is adequate. Chairman Cole informed the applicant that the existing sign is no longer allowed and a new sign will need to be submitted with dimensions, location and lighting. Rob Fitzsimmons informed the applicant that as he is aware there is a lot of sensitivity to anything in the hamlet. Stephen King stated that parking will be an issue. Rob Fitzsimmons stated that this is a unique site with a town road going through the property. Rob Fitzsimmons continued that at the last visit the NYS DOT sent an angry letter regarding a commercial project with a NYS highway but the State road doesn't border the commercial business so no need for curbing. George Schmitt informed the applicant that the proposed use is on the radar of Mike DiRuzzio of CCDOH and Mr. Malcolm of the NYS DEC due to the number of uses at the site already. Chairman Cole informed the applicant that Charles Vieni has contacted him regarding the curb cuts also. Stephen King stated that he remembered a dispute with the area of the property line during the previous review. George Schmitt stated that NYS DOT gave careful review of the site but couldn't show a different survey other than the one submitted by Dan Russell.

**Punch list: Parking needs striping, exit and entrance**

**DOH for Septic**

**Signage and lighting**

**Ventilation for the apartment area. Mr. Filli stated that the operation will not be under the apartments.**



**DEC review for the septic**

**Mr. Filli was asked of the hours of operation. Mr. Filli answered 7 am to 4 pm daily with hours until 5:30 pm on Thursday through Saturday.**

**Stephen King suggested that landscaping would be beneficial on the southern side of the site. Mr. Filli stated that there is an existing fence. Stephen King stated that the fence is in bad shape and could be made better. Mr. Filli informed the Board that he will also have some groceries but not to the extend of the previous store. Mr. Filli continued that they will sell only food type items that compliment the deli/bakery, no laundry soap etc. Mr. Filli stated that he will use the existing ovens. Mr. Filli stated that he will make and sell pizzas for take out only maybe on Fridays and Saturdays only.**

**Motion to accept the application pending punch list and set public hearing for November 2, 2020 was made by Tim Wyman with a second from William Michael. All members were in favor. Motion carried.**

**Mr. Filli and Mr. Albin were advised to submit any new materials from the punch list at least 10 to 15 days prior to the October meeting for the Board members to review. Rob Fitzsimmons informed the applicant that he can attend the October meeting to update the Board with the progress of the punch list items.**

**Columbia Tent Rental Special Exception Review: Tax Map #101 – 2 – 2- . 111 Located at Bender Blvd. Special Exception Review for the addition of a 3 bedroom accessory apartment in the CIP district.**

**Linda Chernewsky and Matthew Gallagher were present for the application. Ms. Chernewsky informed the Board that her client is seeking to add a 2-bedroom apartment to his recently approved tent rental building in the CIP. Ms. Chernewsky continued that the plan originally called for a 3-bedroom apartment but on a call from TOC CEO Jay Trapp only a 2-bedroom accessory apartment is allowed so the other bedroom is not an office. Ms. Chernewsky continued that the apartment will also have a kitchenette and bathroom. Ms. Chernewsky informed the Board that her client will use the apartment for living quarters for his employees. Ms. Chernewsky stated that 3 parking spaces have been added also. Ms. Chernewsky continued that the apartment will be accessed via a metal staircase. Chairman Cole stated that he will need 2 complete sets of plans to submit to the A. B. Shaw and Mellenville Fire Chiefs for review. Ms. Chernewsky informed the Board that she is in the process of doing a report on the high pile shelving and storage for Jay Trapp and will submit the plans when she has that completed to add. Chairman Cole will get the sets to the fire chiefs. Stephen King asked if this is an addition. Mr. Gallagher from Freeman & Howard represents Mr. Dusenbery stated that his client saw the mezzanine storage area and extra space that would be used for the apartment. No Board questions.**

**Motion to accept the application as complete and set public hearing for November 2, 2020 was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.**

**Applicants representatives were advised to submit the application for review by the CCPB as required. Rob Fitzsimmons will notify Patrice Perry of the impending submission.**

**New Business**

**Katy Cashen suggested holding the November meeting at an alternate site due to the possible increased public hearing attendance. Stephen King suggested that the meeting could be held in the Library's community room. Katy Cashen stated that with the weather becoming colder it isn't fair to have applicants waiting in their cars for extended periods of time. Chairman Cole informed the Board that the A. B. Shaw fire house charges \$250.00 for the use of their room. Stephen King will look into the availability of the library community room and let the Board know at the October meeting.**

**Motion to adjourn the meeting was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried. Meeting adjourned at 10:00 pm.**

**Respectfully submitted,**

**Jodi Keyser**