

Approved 12/7/2020

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting MINUTES
November 2, 2020**

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

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

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

Absent with regrets: Virginia Ambrose

Katy Cashen provided Zoom meeting and Town Board members George Duntz and Brian Keeler provided COVID meeting safety protocols.

Stephen King reviewed the safety procedures of the Library with emergency exits.

Motion to approve the minutes of October 5, 2020 was Stephen King with a second from Alberta Cox. All members were in favor. Motion carried.

Motion to approve the minutes of the Joint Planning Board and Zoning Board of Appeals on September 29, 2020 was made by Tim Wyman with a second from William Michael. All members were in favor. Motion approved.

CONTINUING APPLICATIONS FOR 10/5/2020:

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.

Rob Fitzsimmons informed the Board that the Town of Claverack Planning Board has received a letter requesting an extension of their recently approved Site Plan/Special Exception for the two large solar projects on Humane Society Rd. Rob Fitzsimmons continued that the Town of Claverack Zoning Law on Large Scale Solar projects allows for 90 days from approval to drawing a building permit. Rob Fitzsimmons continued that after speaking with the project developers due to financial requirements and construction delays due to COVID-19 they are requesting an extension of 1 year for building permits. Rob Fitzsimmons recommended that the Planning Board approve the extension and the Town of Claverack Board will be revisiting the Large Scale Solar Law requirements and possibly making some slight changes in the future.

Motion to grant an extension of 1 year as of 11/2/2020 for Site Plan/Special Exception for the Claverack Creek/Catskill View Solar LLC large scale solar projects was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried.

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

No show no call

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.

Informed that applicant is making a more complete application submission for the December meeting. To be continued

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.

No representative in attendance and no call.

Rob Fitzsimmons informed the Board members that the applicant was seeking CCDOH approval for septic. Rob Fitzsimmons informed the Board members that he received a letter at 5:00 p.m. from the law offices of Warren Replansky PC attorney Emily Svenson representing neighbors of the property, Lawrence Kahn and Beth Handler residing at 294 Lockwood Rd. Rob Fitzsimmons continued that Mr. Kahn and Ms. Handler are objecting to the subdivision and their lack of information regarding the application. Rob Fitzsimmons stated that he will forward the letter to the applicant's representative Jack Connor. Continued to December.

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.

Secretary Jodi Keyser informed the Board that she received notice from Jay Trapp of the Town of Claverack Building Department that the applicant notified him of her request to withdraw the application due to financial constraints with needing to upgrade the septic system.

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 was present for the application. Ms. Cummings reviewed the application for the Board. Ms. Cummings stated that this is an existing multi-family residence and was previously a 3-family residence which is being converted back to a 3-family residence. Lisa Bowe asked if there are people living in the house at this time. Ms. Cummings answered yes that the two existing apartments are occupied and they are waiting for approval on the third apartment to be able to rent out. Lisa Bowe asked if there was a survey map submitted. Ms. Cummings answered yes prior to the October meeting. Mrs. Bowe asked the number of vehicles that will park behind the building. Ms. Cummings answered 4. Lisa Bowe asked the number of apartments. Ms. Cummings answered 3. No further questions from the Board.

Chairman Cole opened the meeting to public hearing at 7:19 p.m.

Chairman Cole read a letter from David Schwartz and Ronald Sanchez in support of the application and that the property improvements are very well done and within the character of the neighborhood. No comments in person or via zoom. Chairman Cole closed the public hearing at 7:22 p.m.

Rob Fitzsimmons informed the Board that this application is considered a Type 2 action and is therefore exempt from SEQRA review.

Motion to approve the Site Plan Review for the conversion of an existing multifamily dwelling in to a new multifamily (3 family) dwelling was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion approved.

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.

Matthew Griesemer for Paul Freeman, Ms. Levine and Mr. Burstall were present for the application. Mr. Griesemer informed the Board that his clients are seeking to convert a building situated within the CIP Zone into a multi-use commercial deli and market with eat in and take out. Mr. Griesemer continued that the owners plan to be sustainably conscience using local farm goods and locally sourced products. Mr. Griesemer continued that the definition of the CIP Zone is intendent to attract businesses with the least amount of environmental impact but encourage public use and to make a public destination. Mr. Griesemer informed the Board that the property has two existing entrances but that the entrance from NYS Rte. 9-H will be closed off and the access will be using the existing entrance from NYS Rte. 66. Mr. Griesemer continued that they have submitted the driveway plan to the NYS DOT for permitting. Mr. Griesemer continued that Crawford & Associates have modified the landscape and lighting designs as submitted. Mr. Griesemer continued that the water and sewer is currently with the CCDOH for review but Crawford feels that the existing is adequate for the use. Stephen King asked if the sign will have any lighting. Ms. Levine answered that the sign will not have a light but will have enough from the cars as they pass and the existing street lights. Mr. Griesemer stated that no lights are proposed for the sign. Stephen King complemented the applicants on the landscape design. Lisa Bowe asked if the applicants plan to hold events at the site. Ms. Levine stated that there might be some special events on weekends such as a cook out for the community but not all the time or every weekend. Primary use will be a deli/café with a small store. George Schmitt informed the Board that the applicant has not submitted a formal survey only a drawing based on tax maps not boundary lines and the limits of disturbance with grading and vegetation needs to be on the drawings. Mr. Griesemer stated that the boundary lines are very specific to the property and the Board could request the exact lines of delineation but all of the activity will be in the center of the property and a survey map will not make any difference. George Schmitt informed the Board that this is up to their discretion and could be setting a precedence. Stephen King stated that three sides are very well established and an actual survey wouldn't show anything different. Lisa Bowe suggested that a survey would be beneficial. Stephen King stated that he was comfortable with the tax map drawings in this case. George Schmitt stated that the application does not show the area of disturbance. Mr. Griesemer asked if a letter from the engineer that there will be a minimal amount of disturbance would be acceptable. George Schmitt stated that this could be a condition of approval. Scott Cole stated that the application is already seeking conditional approval on two other issues and this would make three. Rob Fitzsimmons stated that the CIP Zone is the most progressive area and he feels that an approval with the three conditions would be fine. George Schmitt stated that a letter from the engineer indicating the amount of disturbance would be adequate. No further questions or comments.

Chairman Cole opened the meeting to public hearing at 7:40 p.m. No Zoom comments and no in person comments. Chairman Cole closed the public hearing at 7:42 p.m.

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

Motion to grant approval of a Special Exception/Site Plan for a café/deli and small grocery with the conditions of NYS DOT curb cut permit, CC DOH approval and written statement from engineer of limited disturbance was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried. Maps were stamped and signed. Mailing fees were paid previous to the meeting via mail to the Town office.

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 Aubin and Damon Filli were present for the application. Mr. Aubin informed the Board that his client has updated their application to show that the use will be a market, deli and will make pizzas to go from a restaurant as the initial application indicated. Stephen King described as a deli/market based on a similar plan as the current Valatie shop. Mr. Aubin answered yes like a bagel shop. Mr. King asked if there will be seating. Mr. Aubin answered no. Mr. Aubin informed the Board that they have changed the pattern of the parking on Park Street to angled parking, submitted a sign description and photo of proposed design of a sign that will be lit from overhanging metal light fixtures. Mr. Aubin informed the Board that he has been in contact with the CCDOH regarding the septic system and they have informed him that this use does not fall under their jurisdiction for the septic system but directed them to check with Ag & Markets. Mr. Aubin continued that the CCDOH felt that since the site will be used as a deli/market and not use a commercial kitchen operation it does not need CCDOH approval. Mr. Aubin stated that he has an email that he will forward from the CCDOH that they do not need to review the septic since it is not a commercial kitchen use as a restaurant. Mr. Aubin continued that the CCDOH feels that this is an existing building with an existing system that would fall under Ag & Markets review. Tim Wyman asked if the volume of expected water use has been submitted. Mr. Aubin answered yes. Lisa Bowe asked if the septic system is under the pavement. Mr. Aubin answered yes. Chairman Cole asked TOC engineer George Schmitt if he has had conversations with the CCDOH regarding this site. George Schmitt stated that the last time the owner Mr. Lopez was seeking approval for a restaurant and at that time the septic system was a big concern with the CCDOH and NYS DEC. Mr. Aubin stated that the proposed restaurant would have a much higher flow rate and would require more review. George Schmitt stated that if Ag & Markets is ruling on the septic for the use then someone needs to supply a review letter either the CCDOH, NYS DEC or Ag & Markets with approval for the existing septic system. Lisa Bowe asked if this is a bakery and items will be baked there so it will require a kitchen. Mr. Aubin stated that this is different from a restaurant with much less impact. Damon Filli informed the Board that his location in Valatie received approval from Ag & Markets because it is not a restaurant same as this location will be. Mr. Filli continued that the CCDOH told them that the use would fall under Ag & Markets. Lisa Bowe asked if the site will cook meats for sandwiches. Mr. Filli answered no it is different roasting meats for a deli than cooking for a restaurant. Mr. Aubin informed the Board that Ag & Markets will not review a waste water system. Mr. Aubin continued that the Valatie site is on municipal water and sewer systems and the Claverack site is on an existing on site septic system and he was informed that this would be something that the applicant's engineer and the Town of Claverack engineer to work together to come to a conclusion on the basis that the existing septic system is well within the capacity for the use. Chairman Cole informed the applicant's representatives that the Planning Board is requesting a letter from the CCDOH diverting review to the Ag & Markets for the septic system. Stephen Hook informed the Board that the CC Planning Board advised that the application receive CCDOH review for the use of the kitchen on 10/20/2020 because of the food service component of the use. Mr. Aubin informed the Board that he will submit a letter/email from the CCDOH sending to Ag & Markets. Lisa Bowe stated that there is an issue with the number of parking spaces because the mail truck and propane truck will not be able to turn around with all of the additional parking. Mrs. Bowe continued that currently three of the spaces say no parking for a reason. Mr. Aubin informed the Board that the trucks will have ample room to turn around in the rear of the building. Mr. Filli stated that cars have always parked along the southern side of the property and the trucks have never had an issue. Lisa Bowe stated that parking is and has always been an issue at this site. Stephen King stated that people park all over at the site and he wants it on record that the site will need to be organized since it directly impacts a large population of the community with the post office. Rob Fitzsimmons stated that this

was somewhat covered during the Coyote Flaco application and the site is unique with a town road and NYS Rte. 9-H and NYS Rte. 23 and the NYS DOT expressed that they wanted to be included with permitting but the Town of Claverack found that the site does not directly front on the State highway but rather on the Town road. Mr. Fitzsimmons continued that the Town of Claverack evaluated the site a while back and decided to make Park St. a one-way road which didn't fix the situation all together but did help. Rob Fitzsimmons continued that the NYS DOT would love to require curb cuts at the site but it is out of their jurisdiction but if the NYS DOT wishes to make improvements in curbing the Town of Claverack will cooperate and assist. Tim Wyman stated that he is comfortable with the parking plan at the site but asks that when there is snow removal required it is very important to have a plan for snow removal because the currently this is not being maintained. Mr. Filli stated that he has maintained the snow removal for years at the site and has always maintained the area and removed the snow. Rob Fitzsimmons stated that the Planning Board asked that the applicant prove that the waste water system is fine. Tim Wyman stated that he did read the letter submitted in August that the water levels are fine. Scott Cole requested that the applicant supply a letter from the CCDOH referring the applicant to Ag & Markets. Chairman Cole also informed the applicant that they didn't get a sign and post the sign at least 10 business days prior to the meeting therefore the Board will not hear public hearing comments and will continue the application to December. Mr. Aubin stated that he asked at the Town office about a sign and he was told that they were all out of signs. Chairman Cole informed the applicant's representative to get a sign. Continued to December 7th. Applicant paid fees of \$8.80 for mailing.

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

Linda Chernewsky and Matthew Gallagher were present for the application. Mrs. Chernewsky submitted new plans and application at the meeting showing a 2-bedroom apartment changed from a 3-bedroom accessory apartment because she was informed by the Building Department that a 3-bedroom apartment is not allowed as an accessory apartment. Mrs. Chernewsky informed the Board that her client is seeking to add a 2-bedroom accessory apartment to his existing 10,000 square foot warehouse. Mrs. Chernewsky continued that after construction her client realized that the building was more than he needed so he requested to add an accessory apartment for his seasonal employees for his tent rental business. Mrs. Chernewsky continued that the apartment will consist of 2,000 square feet with 2 bedrooms, kitchen, bathroom and common area. Mrs. Chernewsky informed the Board that as part of their request she met with the fire chiefs Keeler and Layman and walked them through the building. Mrs. Chernewsky informed the Board that the fire chiefs were very upset that the building was being used without a CO and that there was high pile storage that was not permitted. Mrs. Chernewsky continued that she has met with the TOC CEO several times to mitigate the high pile storage issue and has mitigated the high pile storage by limiting that no storage is allowed above 12 feet, that 5/8 gypsum board be used for fire suppression, close off the ceiling in the first floor showroom, entry and kitchen. Mrs. Chernewsky stated that she has approval from the TOC CEO to install metal panels as the ceiling in the kitchen area because the amount of steam from the washers would create an issue with gypsum board. Mrs. Chernewsky informed the Board that both of the fire chiefs were asked to submit a letter of approval for the site and both refused because they are not comfortable with approving a living space in a warehouse and neither are trained in inspecting and approving commercial/residential operations. Chairman Cole asked what the Town feel about this. Rob Fitzsimmons stated that this is up to the TOC CEO. Mrs. Chernewsky stated that the Town of Claverack does not employ a fire Marshall to perform these fire inspections therefore the Town Building Inspector should be responsible to write off on all fire suppression is complete and adequate. Rob Fitzsimmons stated

that it isn't as easy as that because the building is used as a mixed use of commercial and residential which makes fire suppression and safety is a major important issue. Rob Fitzsimmons continued that the Board has requested local fire chiefs inspect new commercial operations for access issues previous to be sure that there is adequate access and safety for fire fighting but the fire suppression/separation for the mixed use is a code issue. George Schmitt stated that code issues are for the building department but won't keep the Planning Board from approving. George Schmitt continued that after the PB approval if the Building Inspector is not comfortable to perform the fire suppression/separation inspection they can reach out to the NYS Department of Fire Safety and Inspection to come down to inspect the building. Mrs. Chernewsky informed the Board that she has walked the building with Tim Schoreder and he has looked into the TOC Law extensively and has found no issues. Chairman Cole informed the applicant's representatives that they have things to change and things to add. Mrs. Chernewsky stated that the high pile storage has been mitigated, fire suppression plan has been reviewed and reviewed by the applicant's engineer and found sufficient, egress stairs, 2 hour fire suppression wall and egress windows all meet the TOC Code. George Schmitt asked if this is only one 2-bedroom accessory apartment and no high pile storage. Mrs. Chernewsky answered yes. Lisa Bowe asked about waste water. Mrs. Chernewsky answered that the building is connected to the municipal water and sewer system. Mrs. Chernewsky submitted three new site plan maps. Chairman Cole informed the applicant's representatives that the application will be held over to December for public hearing because they did not erect a public hearing sign. William Michael informed the Board that the applicant did obtain a sign but much later than required for the meeting. Rob Fitzsimmons instructed the applicant's representatives to leave the sign out but to change the date of the public hearing to December 7th and the meeting will be held at the regular site at the Town Hall. Mrs. Chernewsky will email the updated plan to Rob Fitzsimmons and George Schmitt for review. Continued to December. Applicant paid mailing fees.

Joe Beats/Steve Bakunas Special Exception: Tax Map#(SBL) 132 . – 1 – 20 Located at 482 NYS Rte. 23. Special Exception for the construction of a utility building for storage, workshop, office, bathrooms, install fencing, shrubs, lighting and sign for an outdoor eating/picnic area.

Steven Backunas was present for the application. Mr. Backunas reviewed his plan for the Board of creating a food truck outdoor eating venue at the site of the former Yorkshire Restaurant. Mr. Backunas continued that part of the plan includes a two-story building that will house bathrooms, a bar area and office space. Mr. Backunas continued that he would also like to install a hard ice cream site in the building or with a food truck. Mr. Backunas submitted new drawings. Mr. Backunas continued that he purchased the former restaurant building several years ago and had planned to renovate the building and reopen a restaurant. Mr. Backunas continued that the building needed too much repair and was full of asbestos which was costly to remove so the building was demolished. Mr. Backunas continued that he has sat on the property and had it up for sale then he had an idea for the site that came to him during Covid of creating an outside eating venue. Mr. Backunas continued that the site has amazing views overlooking the Catskill Mountains and would be a perfect spot for outside dining. Mr. Backunas informed the Board that he has started several improvements to the site with a new fence to shield the motel, planting of oak and maple trees, fixed the existing patio as a start. Mr. Backunas continued that his plan is to contract with a few food trucks of varied menus to work out of the site with a percentage of their profits going to Mr. Backunas. Mr. Backunas continued that he would also like to obtain his liquor license to be able to sell local beers, wines, ciders, etc. that would be within the building. Mr. Backunas stated that there will be 2 ADA compliant bathrooms for 30 people each inside with an office and personal space on the second floor so that he can have an eye on the operation. Mr. Backunas continued that this is an evolving idea and with the current COVID-19 situation he has come up with other ideas each day. Stephen King requested that the plan show

a lighting design for the parking area especially. Mr. Backunas stated that he planned to use the existing lights that are on poles and would add some low pole fixtures throughout the property. Stephen King informed Mr. Backunas that these need to be shown on the plans. Stephen King also informed the applicant that he needs to provide a sign design. Mr. Backunas stated that Jay Trapp told him that he could use the existing sign because it was grandfathered and that is why he painted the mountain scene on it. Stephen King stated that he could use the existing frame but that the sign would need to be 24 square feet for the advertising area or 12 square feet per side. Stephen King reminded Mr. Backunas that this is a major highway through the Town therefore appropriate advertising is suggested. Rob Fitzsimmons informed the Board that the existing sign frame and that it is very important to use downward facing dark sky compliant lighting especially due to this site location. Rob Fitzsimmons asked if the lights will be turned off after dark. Mr. Backunas stated that he planned to keep the lights on all night for security reasons and deter crime. George Schmitt stated that this is a logical request but that the lighting must all be downward facing dark sky compliant and affixed to poles up to 42 inches in height they could remain on all night. Rob Fitzsimmons informed the applicant that he is able to use the current existing sign structure but would be limited to sign advertising of 12 square feet per side. Mr. Backunas asked if that meant that the actual wording for the business could only be 12 square feet but it could be on a larger existing sign. Rob Fitzsimmons answered correct. Stephen Hook via zoom informed the Board that he was present when Jay Trapp met with Mr. Backunas where he was told that the sign was grandfathered and he could use the entire sign for advertising. Chairman Cole asked if the applicant obtained a public hearing sign. Mr. Backunas was not aware of needing a sign. Lisa Bowe asked about the septic and well for the site. Mr. Backunas answered that there is exiting septic and two wells that have all been tested. George Schmitt asked if they have information on the septic inspection. Mr. Backunas stated that he has been waiting for someone to come over to inspect the septic for a few weeks. Rob Fitzsimmons informed the applicant to contact a local septic company to inspect and write a letter regarding the size and condition of the existing septic tank and leach field. Rob Fitzsimmons informed the applicant that even though this site seems like it is rural there is a very active neighborhood within close proximity and he suggests that he choose a lighting fixture with a cut sheet detailing the wattage to have at the public hearing because there will be questions. Linda Lavin, Mr. Backunas' wife thanked the Board for their attention and interest with the site. Ms. Lavin continued that she is confident that her husband's vision for the site will be amazing and that he will only create a beautiful site that will generate a lot of local interest and enjoyment for the community. Ms. Lavin continued that her husband is like Johnny Appleseed with his visions and how he makes them come to life. Ms. Lavin informed the Board that Mr. Backunas has studied this idea extensively and would never try to create if he had any doubt that it wouldn't be successful. Ms. Lavin stated that she was very impressed with the Board's operation and the meeting in general. Lisa Bowe asked about the survey maps

NEW APPLICATIONS for 11/2/2020:

Kyle Wilson Site Plan Review: Tax Map #(SBL) 132 . – 2 – 54 Located at 910 Snyderstown Rd. Craryville. Site Plan Review for the creation of a new farm with a farm stand.

Kyle Wilson and Tanya Merrill were present for the application. Mr. Wilson informed the Board that he recently purchased the property and is seeking a Site Plan Review to start a new farming operation at the site. Mr. Wilson continued that he has started to plant fruit trees including apples, pears, peaches and persimmons. Mr. Wilson continued that the 10-13 acres has been hayed for several years and is mostly cleared. Mr. Wilson stated that he has been inspired by friends to begin the fruit farm, mitigate the depleted land and reestablish the ecology of the property. Mr. Wilson continued that he plans to start with the basic infrastructure. Chairman Cole stated that the application includes a farm stand. Mr. Wilson answered that this will be left open at this time but will be smaller than 500 square feet. Mr. Wilson continued that this is

in the future because it takes time to establish the fruit orchard first so the farm stand isn't an immediate need. Rob Fitzsimmons informed the applicants and the Board members that if the applicant is seeking just to start a new farm a formal site plan review is not necessary. Rob Fitzsimmons continued that the applicants are not seeking a new commercial operation in connection with the new farm. Chairman Cole asked if the farm would have a farm stand, hoop house, storage shed and greenhouse. Mr. Wilson answered that the farm stand is a possible future endeavor but not for several years. Mr. Wilson continued that the hoop house, shed and mobile greenhouse is all that is proposed at this time. Stephen King asked if the applicant would need to return. Chairman Cole answered no it is under Ag & Markets. Tim Wyman asked if there is a house. Mr. Wilson answered not at this time but will in the future. Mr. Wilson continued that he currently lives in Queens and Hillsdale and works in a brewery in Queens NY. Mr. Wilson continued ultimately, he would like to return to the Board with a proposal for a cider operation. Rob Fitzsimmons informed the Board members that he has checked the Use Tables and farming is permitted. Lisa Bowe asked if the operation would use pesticides. Mr. Wilson answered no he is against the use of pesticides and planning to use the fruit in cider for which the ugly fruit is the ideal. Rob Fitzsimmons informed the Board that agriculture is excluded from Site Plan Review and they are free to give their blessing and send on their way. Rob Fitzsimmons informed the applicant that the Town has a new CEO and if she has any questions, she can call him. Rob Fitzsimmons continued that agriculture excluding animals is permitted but the applicant is advised that when and if they create a farm stand or cider operation or any other commercial endeavor, they will need to apply for a Site Plan Review. Mr. Wilson and Ms. Merrill thanked the Board.

Stephen King and Tim Wyman recused from the following application.

Claverack Free Library Site Plan Review: Tax Map #(SBL) 121 . 3 – 1 – 90 Located at 629 Rte. 23-B Claverack. Site Plan Review for addition of ADA compliant bathroom to the former library building to be used for a government building.

Mike Sullivan was present for the application. Mr. Sullivan informed the Board that the library wishes to use the former library building and possibly lease it out to agencies or other business ventures. Mr. Sullivan continued that in order to be able to allow other agencies to use the building it needs to have an ADA compliant bathroom. Mr. Sullivan continued that the only way to retrofit an ADA bathroom is to build a 10-foot by 8-foot addition onto the existing building to create an ADA compliant bathroom. Mr. Sullivan stated that the current bathroom has two steps into it and has a very narrow doorway and low ceiling. Mr. Sullivan informed the Board that the library recently received an approval from the Town of Claverack Zoning Board for an Area Variance because they were not able to meet the setbacks between the old building and the new building to construct the addition. Mr. Sullivan continued that the plan also adds 7 parking spaces making a total of 30 spaces for the entire site. Mr. Sullivan continued that they have submitted a new septic system designed for under the pavement and that the building is connected to the Town water supply. Chairman Cole asked if the parking area will consist of permeable material. Mr. Sullivan answered yes the parking area will consist of permeable material with pavers the same as the new building. Alberta Cox asked if the size of the addition is only for a bathroom because it seems small. Mr. Sullivan answered that the bathroom is adequate because it is only a one person bathroom and will be replacing the existing bathroom. Chairman Cole asked if there were any further questions from the Board. No further questions. George Schmitt will review.

Motion to accept the application as complete and set for public hearing for 12/7/2020 was made by Alberta Cox with a second from Lisa Bowe. All members were in favor. Motion carried.

Stephen King and Tim Wyman re-enter the meeting.

Lisa Bowe asked to be recused for the VanDeusen/Holmes application.

VanDeusen, Frieda/White Jennifer, trustee & Holmes, Robert Jr. Boundary Line Adjustment: Tax Map #(SBL) 121 . 03 – 02 – 55 . 11 and Tax Map #(SBL) 121 . 03 – 02 – 56. Located at 114 NYS Rte. 23 and 189 Van Wyck Lane respectively. Boundary Line Adjustment from VanDeusen to Holmes in the amount of .174 acres.

Matt Bowe was present for the application. Mr. Bowe informed the Board that his clients are seeking a small boundary line adjustment of 0.174 acres westerly side of Van Wyck Lane that Mr. Holmes has always maintained. Rob Fitzsimmons informed the applicant's representatives that the Board can approve simple boundary line adjustments in one meeting but the applicant needs to have the deeds transferred and the maps filed in a timely manner and just filing the maps is not enough the deed descriptions are needed showing the emerging property.

Motion to approve the minor Boundary Line Adjustment of 0.174 acres from Frieda Van Deusen/Jennifer White to Robert Holmes Jr. was made by William Michael with a second from Stephen King. All members were in favor. Motion carried.

Maps were stamped and signed. Applicant's representative was informed to file maps and transfer deeds as soon as possible.

Lisa Bowe reenters the meeting.

Coon Self Storage Site Plan Review: Tax Map #(SBL) 133 . – 2 – 13 Located at 1001 NYS Rte. 23 Craryville. Site Plan Review for the construction of a new 60-foot by 190-foot storage building.

No show no call.

Zempko, Kelly & Zempko, Darrin & Mossman, Paul & Christine Boundary Line Adjustment: Tax Map #(SBL) 102 . – 1 – 18 . 100, 102 . – 1 – 18 . 200 & 102 . – 1 – 2 Located at 340 Gahbauer Rd., 366 Gahbauer Rd. and 328 Gahbauer Rd. respectively. Boundary line adjustments of 6.0 acres from 102 . – 1 – 18 . 100 to be conveyed to 102 . – 1 – 18 . 200 and 3.0 acres from 102 . – 1 – 18 . 100 to be conveyed to 102 . – 1 – 2.

Evan Young was present for the application on the behalf of Dan Russell. Mr. Young informed the Board that this is a simple boundary line adjustment between the two Zempko parties and Mossman property. Mr. Young continued that Dan Russell surveyed the properties and all existing septic and well sites are shown on the maps as well as 10-foot contours and wetlands. Mr. Young informed the Board that there are no undersized lots from these boundary line adjustments.

Motion to approve the minor Boundary Line Adjustment of K. Zempko, D. Zempko and P. & C. Mossman as shown on submitted subdivision maps was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried. Maps were stamped and signed. Applicant was instructed to file the maps and transfer deeds in a timely manner.

ELP Claverack Solar LLC Special Exception/Site Plan Review: Tax Map #(SBL) 111. – 1 – 61 .4 & 111 . – 1 – 63 . 1 Located at 109 Fish & Game Rd. Special Exception & Site Plan Review for the installation of a large scale solar field of 35-acres on two parcels of 58.0 acres and 33.4 acres.

Evan Young, Wendy DeWolfe and Will Bliss were present for the application. Ms. DeWolfe informed the Board that the application is for a new 5-megawatt solar field along NYS Rte. 9-H and Fish and Game Rd.

on property owned by Stacy Ellis and Michael Werner that is a landlocked parcel. Mr. Young informed the Board that the property will be accessed from NYS Rte. 9-H and is set back about 900 feet from the road. Mr. Young continued that the property is currently open fields with Federal wetlands as confirmed from ACOE. Mr. Young continued that the site has been planned according to the TOC laws and codes governing large solar projects and is well hidden from any neighboring properties. Chairman Cole asked for the exact location of the property. Ms. DeWolfe informed the Board that the traditional entrance was from Fish and Game Rd. but a new entrance would be needed since the existing driveway dissects a NYS DEC wetland. Ms. DeWolfe continued that the proposed access will be from NYS Rte. 9-H running approximately 1,000 feet back to the field. Mr. Bliss informed the Board that there is an existing tree line next to where the roadway will be about 10 – 15 feet away. Stephen King asked what the elevation of the panels will be in relation to NYS Rte. 9-H. Mr. Young stated that the NYS Rte. 9-H is 60 to 90 feet higher than where the panels will be sitting because the field sits down low. Stephen King stated that the view from NYS Rte. 9-H and the property owners along the roadway will look down on the field. Ms. DeWolfe informed the Board that the field is very far from the roadway. Stephen King asked what is the property currently used for. Mr. Bliss answered nothing it is a landlocked parcel that was an old abandoned farm. Mr. Bliss informed the Board that the NYS DEC would not allow access from Fish and Game Rd. because of the wetland disturbance. Chairman Cole stated that he is concerned with the slope of NYS Rte. 9-H and that there are several properties that sit up higher than the field and will look directly down onto it. Even Young informed the Board that Dan Russell has surveyed the property. Ms. DeWolfe informed the Board that the site is set back very far from neighbors and they plan to add screening along the edge of the array. Lisa Bowe stated that the houses along NYS Rte. 9-H will look down onto the field. Ms. DeWolfe informed the Board that the owners of the property for the solar field live along NYS Rte. 9-H and that they have found that many people like living next to a solar field because they are good neighbors. Chairman Cole stated that there is concern with view because of a previous solar project that had very upset neighbors. Chairman Cole stated that he is concerned with shielding the people that are most impacted and he knows that there are a few houses that sit up higher than NYS Rte. 9-H like Chiaro, old Hotaling house, Melnyk, Kline and Scali that may be directly impacted. Ms. DeWolfe stated that the Melnyk's are sponsors of the solar field so they are aware of the impact. Ms. DeWolfe informed the Board that the project is situated over 2 separate parcels. Rob Fitzsimmons informed the applicant's representatives that they will need a boundary line adjustment. George Schmitt informed the applicant's representatives that the set backs might be an issue if the property line goes through the field. Ms. DeWolfe stated that the property all around is owned by a common owner and they would need to consult them. George Schmitt stated that a 100-foot setback from the property line or a variance would be required. Ms. DeWolfe stated that she could reconfigure a lot line adjustment would be doable but would need to ask the owners. Ms. DeWolfe continued that there is a lot of land to work with. Tim Wyman asked if Mr. Melnyk has had any conversations with his neighbors especially Mr. Chairo or Funk regarding the proposal. Ms. DeWolfe stated that she thinks that Stacy and Steve have spoken to their neighbors but feels that the distance that the site sits back will not impact anyone. Chairman Cole stated that the houses that are on the opposite side of NYS Rte. 9-H will be up much higher than the field. Tim Wyman asked about the Funk house might also have a direct view because it sits up very high on the hill. Mr. Bliss stated that there is dense forest all around the field. Chairman Cole informed the representatives that they should check with the viewshed from Fish and Game Rd. east. Ms. DeWolfe stated that the corner has wetlands therefore no development is allowed and there is a large buffer. Tim Wyman asked how high the panels will be. Ms. DeWolfe answered that the panels will sit about 8 feet high on pilons with a fixed tilt facing to the south. Tim Wyman asked how the site will be maintained. Rob Fitzsimmons informed the representatives that they will need a legal easement over the Melnyk property to go in and out of the site and if not doing a subdivision they will need a lot line adjustment because it is two separate parcels. Rob Fitzsimmons

continued that they also need to maintain a 100-foot setback around the entire site. Mr. Young informed the Board that the access road will consist of permeable materials and will not be used after the initial construction but only a couple times a year for maintenance checks. Ms. DeWolfe informed the Board that the site will not contain any battery back up storage but will be directed to 6 or 7 poles along NYS Rte. 9-H. Chairman Cole informed the applicant's representatives that he has spoken to National Grid representatives that have informed him that it is possible to bury the lines instead of installing several poles. Ms. DeWolfe answered that they are not able to bury the lines and would only need about 3 poles minimum with the equipment mounted on a pad which creates more impervious area and poles can be spaced out creating a more appealing visual effect. Ms. DeWolfe continued that when submitting the project National Grid requires 6-7 poles as a standard. Chairman Cole stated that the area is filled with orchards and views of the Catskill Mountains and the poles are an unwanted view so he doesn't understand why they couldn't bury the lines. Ms. DeWolfe stated that the poles cannot be buried and will not be directly on NYS Rte. 9-H but will come up the property but they can talk to the owners to get their insight. Chairman Cole stated that this would be appreciated. Mr. Bliss stated that burying the lines will have a greater industrial looking set up and poles can be spaced out to mitigate the impact. Tim Wyman asked if the pad would be about 400 square feet. Mr. Bliss said no within 50 feet of the National Grid poles and he could do an exact detail for the Board because it requires specific design to combine three poles onto a concrete pad so it is a tradeoff. Chairman Cole stated that the Board would like to have the information to look at both. Ms. DeWolfe stated that the poles are the least impactful. Chairman Cole stated that he wants the least amount of impact for the neighbors as possible and he requests that a visual impact report be submitted at least along NYS Rte. 9-H. Chairman Cole stated that this needs to be investigated. Ms. DeWolfe informed the Board that they have met with representatives from National Grid on the site, have started the PILOT and have submitted escrow into the account of \$3,000.00, submitted a decommission plan in the packet. Ms. DeWolfe stated that either a subdivision or a boundary line adjustment will be studied. George Schmitt will review the project. Lisa Bowe asked if the site will require any lighting. Ms. DeWolfe answered no lighting, no generator, no noise. Tim Wyman stated that he does not want any upset neighbors. Punch list, BLA or Subdivision, easement, visual impact review, interconnection options with visual impacts, letter from A. B. Shaw Fire Chief. Stephen King asked that an elevation visual impact across the street up the hill. Ms. DeWolfe stated that they will perform a visual impact analysis and will provide interconnection options with the visual details for each. George Schmitt will review and give technical comments and when the application is deemed complete it will need review from the Columbia County Planning Department. Tim Wyman asked for a detailed screening design with types of plants and trees. Mr. Young answered that the plantings will consist mostly of a mix of forsythia and other shrubs. Ms. DeWolfe stated that the site will be surrounded by an agricultural type of fence with a hedge but nothing tall. Continued to December 7th.

New Business:

John Bradley introduced himself to the Board as a citizen of Claverack and understands that the Town has joined the Climate Smart program. Mr. Bradley continued to inform the Board that he will be a member of the committee being formed to help the Town Board with making decisions regarding future climate initiatives as overlapping with the Town of Claverack Zoning Codes. Mr. Bradley informed the Board that the object of the committee is to look at approved solar farms to make sure that the Town is attracting the best companies to come to the area, how the sites are marketed and how the Town can create a solar friendly design that makes everyone in the community happy. Mr. Bradley continued that the committee needs volunteers and he urges everyone to become involved. Mr. Bradley continued that the information on the committee can be found on the Town of Claverack website and IMBY website.

Motion to adjourn the meeting was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried. Meeting adjourned at 10:37 p.m.

Respectfully submitted.

Jodi Keyser, Secretary