

TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes
December 7, 2020

Chairman Scott Cole called the December 7, 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, William Michael, Lisa Bowe, engineer; George Schmitt, attorney; Rob Fitzsimmons via zoom, secretary; Jodi Keyser

Absent: Virginia Ambrose, Tim Wyman and Alberta Cox.

Motion to approve the minutes of November 2, 2020 was made by Stephen King with a second from William Michael. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 12/7/2020:

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

Mr. Gellert was present for his application. Mr. Gellert submitted a check for \$505.00 for the escrow account. Mr. Gellert submitted new maps with updated comments. Mr. Gellert reviewed the subdivision for the Board. Mr. Gellert continued that he is seeking to break off a parcel of land leaving a parcel with an existing house. Mr. Gellert continued that the new maps show the proposed house site at the bottom of the hill and the septic will need to be pumped up the hill and if the purchaser wants something different then they it will be their responsibility to get a new plan designed and approved with the CCDOH. Mr. Gellert informed the Board that he had spoken to Jay Trapp prior to his retirement and he was ok with the plan. Mr. Gellert submitted a NYS DOT approval with a one-year extension as per Tina Riley. George Schmitt reviews the NYS DOT approval. Rob Fitzsimmons informed the Board that if George Schmitt was ok with the NYS DOT approval and the CC DOH approval then the Board is fine to set the public hearing.

Motion to accept the application and set public hearing for January 4, 2021 was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.

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.

Secretary Jodi Keyser informed the Board and audience that the applicant's representative, John Connor informed her via email that his client is in the process of having engineered septic plans prepared and until these are complete they have asked to be continued to the January meeting.

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

Damon Filli, Andrew Aubin and William Better were present for the application. Mr. Aubin informed the Board that this client is seeking to add a deli, bakery and retail store at the former Claverack Food Mart building. Mr. Aubin informed the Board that his client will not be preparing foods at the site, no onsite eating only a purchase and go. Stephen King stated that at the previous meeting Mr. Filli stated that he would be selling pizza on Friday and Saturdays. Mr. Aubin answered that his client has scrapped the idea of pizza. Lisa Bowe asked if items will be baked at the site. Mr. Aubin answered that they will bake at the site but preparing the dough will be done off site. Lisa Bowe asked if any sort of cooking will be happening on the site. Mr. Aubin answered no preparing the dough will be done off site. Lisa Bowe asked where the

applicant Ashley Zapp is because the Board has not heard from her. Chairman Cole stated that the application does not contain a letter that Ms. Zapp is allowing Mr. Aubin or Mr. Filli speak on her behalf. Mr. Better stated that Mr. Filli is an entity of the business as is Ms. Zapp. Mr. Better continued that he would have thought that after 4 meetings the Board would have asked about the name on the application before tonight's meeting. Mr. Better informed the Board that the applicant is Jersey Baking LLC and therefore any member of the LLC can speak and represent the business. Chairman Cole referred to the comment letter from George Schmitt. George Schmitt explains that preparing dough on site is opposed to the description of use as was restaurant and choice of wording. George Schmitt continued that the CCDOH needs to review a baking operation where the dough is prepared on site due to the yeast and flour that would go into the waste water system. George Schmitt continued that if it is a retail operation and a purchase and go then it falls under the Ag & Markets for review and not CCDOH. George Schmitt continued that Stewart's stores you can purchase baked goods but it is not considered a bakery, you can purchase sandwiches but it is not a deli and you can buy pizza but it is not a pizzeria because the items are not baked or prepared on site but only to go. George Schmitt continued that this is a retail store as long as 51% of the product is prepared off site it falls under Ag & Markets review. George Schmitt stated that clear wording and clear what will be done at the site is critical. Mr. Aubin informed the Board that his client is selling baked goods but it is not a bakery because they will not be mixing dough. George Schmitt stated that the issues with a bakery that create concerns for a CCDOH review are yeast, flour and sugar. Stephen King stated that the applicant has not been clear since the beginning this was back and forth and they need some specific wording in the file. George Schmitt stated that if the use is that of a bakery then they will need CCDOH approval for the septic system but if just selling baked goods it falls under Ag & Markets. Chairman Cole opened the meeting to public hearing at 7:40 p.m. Chairman Cole reads a comment letter received from Charles Vieni for the public hearing. Mr. Vieni is concerned with the parking and roadways that are involved with this application. No further comments were received. Chairman Cole closed the public hearing at 7:45 p.m. Stephen King stated that Mr. Vieni's letter states what everyone knows and is aware of but it is not something that the Town of Claverack Planning Board can change. George Schmitt stated that he hasn't received anything from NYSDOT. Rob Fitzsimmons informed the Board that when the Coyote Flaco restaurant was seeking approval a few years ago the Town of Claverack received a letter from NYSDOT that they had concerns with the Town road Park St. and NYS Rte. 9-H. Rob Fitzsimmons continued that the Town of Claverack responded that if the NYS DOT would like to design and install curbing the Town is more than happy to allow them to. Rob Fitzsimmons continued that the Town recently made Park St. a one-way street to mitigate some of the issues and if the NYS DOT wants to make changes to the curbing or redesign the area the Town will assist in any way. Rob Fitzsimmons continued that this is not the ideal situation and would never be designed as it is but it is pre-existing and the Town of Claverack is not liable. Rob Fitzsimmons informed the Board that he has no concerns with the Planning Board moving forward with the application. Mr. Better stated that on behalf of his client they are satisfied with Rob's findings and feels that it is ironic that Mr. Vieni has been living down the road and using this site for years is now finding that the area is horrible and dangerous. Mr. Better continued that NYSDOT has done nothing to mitigate the site and it is not his client's responsibility to fix the intersection. George Schmitt reviewed the SEQRA for the Board members.

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

Motion to approve the Jersey Baking LLC to operate a retail store to sell baked goods, deli meats and grocery items was made by William Michael with a second from Stephen King. All members were in favor. Motion carried.

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. Mrs. Chernewsky paid the mailing fee for the application and informed the Board that the signs for public hearing have been up since the November meeting. Mr. Gallagher informed the Board that his client has constructed a 10,000 square foot building to house his tent rental and party rental business and his client is working with the new CEO. Mr. Gallagher continued that his client is now seeking a Special Exception to add an accessory apartment consisting of two bedrooms with a kitchen and living area to allow for housing of seasonal employees. Mrs. Chernewsky informed the Board that her client has not yet received his permanent CO for the building because when Jay Trapp inspected the building he found high pile storage which did not meet code. Mrs. Chernewsky continued that since then Jay Trapp had issued a temporary CO until the high pile storage was mitigated. Mrs. Chernewsky informed the Board that as of the meeting the high pile storage has been removed and all storage is under 12 feet. Mrs. Chernewsky continued that storage above the entrances and exits has also been removed. Mrs. Chernewsky stated that the propane tanks were removed from the building also and will be housed outside. Mrs. Chernewsky stated that at this point all of the issues have been mitigated and they are awaiting an inspection on December 18, 2020 to get the permanent CO from the Town of Claverack CEO. Mr. Gallagher informed the Board that the local fire chiefs refused to sign off on the project due to liability issues. Chairman Cole spoke with the new TOC CEO and she is fine with that and understands their reasons for refusal. Lisa Bowe asked how many people will be living in the two-bedroom apartment. Linda Chernewsky answered that there are only two bedrooms. Lisa Bowe asked again if there will be two people or a large family living in the apartment. Chairman Cole informed the Board that the TOC CEO will address the number of occupants. Lisa Bowe stated that she is concerned for the safety of occupants. Mrs. Chernewsky stated that there are emergency exits with signs and lights, fire alarm and C.O. detectors have been installed as well as an outside fire escape.

Chairman Cole opened the meeting to the public hearing at 8:05 p.m. No comments were heard. Chairman Cole closed the public hearing at 8:06 p.m.

George Schmitt reviewed the SEQRA for the Board members.

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

Motion to grant the Special Exception for the addition of a two-bedroom accessory apartment under condition that the building permit to begin construction of the apartment is received after the applicant receives the permanent Certificate of Occupancy for the primary building use was made by Stephen King with a second from William Michael. All members were in favor. Motion carried.

Mrs. Chernewsky was informed by George Schmitt that her client will need signed engineered design plans prior to getting the building permit and the clock for the building permit begins at the approval and is good for 90-days from 12/8/2020. Mrs. Chernewsky was advised to get the engineered signed plans to the building department as soon as possible because the approval is good for 90-days.

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 submitted a lighting design with the types of lights that he plans to use along with septic and well. Mr. Backunas informed the Board that the lights

will be set on 60-inch posts and the same lights will be used on the building. Mr. Backunas asked about using the entire sign with the lights that are existing only needing to be rewired. Mr. Backunas informed the Board that he has been spending a great deal of time at the site and has noticed the amount and speed of traffic going pass the site and is concerned with the speed like a race track. Board members agreed. No further Board questions.

Chairman Cole opened the meeting to the public hearing at 8:35 p.m. Ed Beatty lives right across the street and is happy to see the improvements and is supportive of the plan. No further comments. Chairman Cole closed the public hearing at 8:37 p.m. George Schmitt informed the applicant that he sees that the septic tank is found in good condition but the report does not address the leach field or the location of the leach field. George Schmitt continued that the well report was for bacteria and the flow test showed 2 gallons per minute of flow. Lisa Bowe informed the applicant that he needs to be sure that the well and the septic are adequate for the business. Stephen King stated that the Board needs to be sure of both the septic and the well are in good working order before they approve. George Schmitt informed the applicant that for practical matter to look into the leach field. Rob Fitzsimmons stated that the only way to find the leach field is to dig for it. George Schmitt stated that because the septic system is not in service they have no way of knowing that it works properly. George Schmitt continued that Mr. Backunas contact a hauler to snake from the tank and they can find the leach field from there. George Schmitt reviewed the SEQRA for the Board.

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

Motion to approve the Special Exception for a food truck venue with building with the condition that the applicant supplies proof of working septic system upon application of building permit was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.

Mr. Backunas paid mailing fees.

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 meeting. Mr. Sullivan reviewed the application for the Board members stating that the library would like to lease the building out to local agencies but they have found that the bathroom facilities are not ADA compliant. Mr. Sullivan continued that the library board started to investigate in options to make the existing bathroom compliant but it was impossible with the size of the existing bathroom. Mr. Sullivan continued that the only option was to construct an addition to the existing building for a 10-foot by 10-foot bathroom that is ADA compliant. Mr. Sullivan informed the Board that the Library had received an Area Variance from the Town of Claverack Zoning Board of Appeals for the setback between the former library and the new library building. Mr. Sullivan informed the Board that the new addition will be of the same character and consistent with the existing building. Due to the number of members in attendance Planning Board member Stephen King was allowed to vote on the library application even though he is a member of the Library Board. Chairman Cole opened the meeting to the public hearing at 7:20 p.m. No comments were heard. Chairman Cole closed the public hearing at 7:21 p.m.

George Schmitt reviewed the SEQRA for the Board members.

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

Motion to approve the Special Exception/Site Plan for a 10-foot by 10-foot addition to the former library building to allow for an ADA bathroom was made by Lisa Bowe with a second from William Michael. All members were in favor. Motion carried.

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.

Pat Prendergast and Conrad Coon were present for the application. Mr. Prendergast informed the Board that his client owns a 34-acre parcel in that is in both the Highway Commercial and the Rural Conservation zones that sits at the intersection of NYS Rte. 23 and the Taconic State Parkway. Mr. Prendergast continued that his client owns a self-storage business on the site is seek and is seeking a Site Plan approval for the addition of a 60-foot by 190-foot storage building in the back of the property. Mr. Prendergast informed the Board that this area was recently granted an extension of the Highway Commercial zone from the Town of Claverack Zoning Board of Appeals to allow for this building. Mr. Prendergast continued that the building will be 8-feet in the front and 14-feet in the back due to the slope of the property. Mr. Prendergast continued that the area will have a gravel driveway. Chairman Cole asked if the proposed building will be the same as the existing buildings. Mr. Coons answered yes just two-stories in the back due to the slope. Mr. Prendergast stated that the site does not require septic or water since it is just used for storage. George Schmitt asked about proposed stormwater area retention pond that is missing from the plan but was on previous plans. Mr. Prendergast answered that the retention pond might be there but he is unsure. Mr. Coons informed the Board that the retention pond is 90% complete but not fully installed. Pat Prendergast informed the Board that he will look into the retention pond. Rob Fitzsimmons had no questions.

Motion to deem the application complete and set public hearing for 1/4/2021 was made by William Michael with a second from Lisa Bowe. All members were in favor. Motion carried.

Rob Fitzsimmons informed the applicant that they no longer need to display a public hearing sign.

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.

Wendy DeWolff, Evan Young and Will Bliss were present for the application. Ms. DeWolff informed the Board of a couple of updates including a submission of a minor subdivision to allow for the 100-foot setbacks, an easement for the entrance and a viewshed analysis from topography and existing vegetation and proposed vegetation along the fence line. Ms. DeWolff informed the Board that their client prefers the pad interconnection option which was favored by the Board as opposed to the pole mounted interconnections. Mr. Young informed the Board that they have not yet received a formal letter from the fire chief but they have made upgrades to the gate and 20-foot access with a Nock box on the gate. Ms. DeWolff explained that these items are not shown on this submission but will be added for the next one. Ms. DeWolff reviewed for the Board that the interconnection will be set on a concrete pad and more screening using evergreens as per the landowner. Ms. DeWolff stated that she received the review letter from George Schmitt at 5:00 p.m. before the meeting so hasn't had time to address if necessary. George Schmitt stated that the comments are mostly housekeeping issues and they are in good position. Ms. DeWolff stated that she will submit the fire chief comments for the January meeting. Evan Young reviewed the visual analysis showing the pad mounted interconnections. Chairman Cole asked to see the difference between the pad mounted option as opposed to the pole option. Ms. DeWolff informed the Board that the pad mounted option was updated on the plans after the landowner agreed that it was their preferred option. Stephen King stated that he was impressed with the view analysis and asked if the trees are actually 50-feet high.

Evan Young answered yes approximately because the telephone poles are 35-feet. Stephen King asked if the easement roadway is only used to access for the solar field and not much use after the initial construction is complete. Mr. Young answered yes. Chairman Cole asked what the roadway will be made of. Mr. Young answered that clean stone to allow for drainage and is in line with DOT regulations will be paved 35-feet back from the roadway. Rob Fitzsimmons stated that he had no questions. George Schmitt stated that the cleanup of the review comments is all. Ms. DeWolff stated that she could answer some of the comments and have already completed some of them but nothing changes the site plan. Ms. DeWolff stated that she would like to set public hearing for January 4, 2021 if possible. Ms. DeWolff continued that they would like to set Lead Agency status. Ms. DeWolff has submitted the decommission plan, escrow account of \$3,000.00. Lisa Bowe asked how visible will the array be from NYS Rte. 9-H. Evan Young answered that the array will not be very visible because most people are driving at 55 mph and the array is over 1,000 feet away from the road. Mr. Young continued that if someone is walking or biking they might have a brief view but it is mostly hidden and the access roadway is hugging the existing tree line to mitigate the impact. Mr. Young continued that the existing buildings owned by the landowners also shield the view. Chairman Cole asked about the Boundary Line Adjustment. Ms. DeWolff state that parcel 1A and parcel 1B will have a boundary line adjustment to allow for the 100-foot setback. Evan Young informed the Board that the site will not use any lighting. Stephen King stated that the side profile of the solar arrays also mitigates the view from NYS Rte. 9-H. No further questions. Rob Fitzsimmons informed the applicants and the Board that the Boundary Line Adjustment will be considered with the final approval.

Motion to accept the application as complete and set public hearing and Lead Agency status for January 4, 2021 was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion approved.

Town will need letter from fire chief and memo to comments.

No NEW APPLICATIONS for 12/7/2020:

Other Business:

Chairman Cole thanked Rob Fitzsimmons and George Schmitt for all of their help over the past year. Chairman Cole also thanked Katy Cashen for helping at the meetings and taking care of the Zoom access. Chairman Cole thanked the Board members especially to the newly appointed members, Lisa Bowe and Tim Wyman for coming on board during this crazy time. Chairman Cole thanked secretary Jodi Keyser for keeping everyone and everything in line. Chairman Cole wished everyone a Merry Christmas and Happy Healthy New Year.

Rob Fitzsimmons informed the Board that he has had a few questions regarding the sign posting for public hearings so he has looked into the matter. Rob Fitzsimmons continued that prior to 2012 the Planning Board only heard Subdivisions and Boundary Line Adjustments so they felt like just a subdivision board but the Town wanted to get the Boards more in line so they gave the Planning Board Site Plan Reviews, Special Exception Reviews as well as the subdivisions and BLAs while the Zoning Board of Appeals was just that an appellate board for hearing variances. Rob Fitzsimmons continued that his research found that the signs were only stuck with the Zoning Board of Appeals with express language in the Town Code and not used for Site Plans, Special Exceptions, Site plans and Boundary Line Adjustments. Rob Fitzsimmons continued that the confusion arose with the ZBA and PB using the same checklist from the Building Department. Rob Fitzsimmons informed the Board that it is up to them if they want to request signs for public hearings but most municipalities do not have this requirement and it is not in the NYS Town Codes. Katy Cashen stated that the abutters are still noticed individually with mailed notices and it is also noticed

in the Register Star newspaper. Rob Fitzsimmons continued that if the Board would want to keep the signs it would require the Town Board to make a change to the Town Code or they could just stop requiring applicants to get a sign. Board members agreed that the sign is not necessary. Katy Cashen stated that the Town Board will still discuss at their meeting and the new Town Building Inspector is aware and said that this isn't used in most towns. Rob Fitzsimmons informed the Board that this new rule will start at the beginning of the year and the solar application will still get a sign. Katy Cashen will inform Larissa to make the necessary changes to the checklist.

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 9:45 p.m.

Chairman Cole informed the Board that if members are unable to attend the meeting they should let Jodi Keyser know so that there is a quorum. Members were informed that they can also attend via Zoom. Katy Cashen informed the Board members that virtual meetings might be instituted by the Town Board if necessary due to increased Covid-19 spreading.

Respectfully submitted,

Jodi Keyser, Secretary