

APPROVED 2/15/2021

TOWN OF CLAVERACK
PLANNING BOARD
Meeting MINUTES
January 4, 2021

Chairman Scott Cole called the January 4, 2021 meeting of the Town of Claverack Planning Board to order at 7:00 PM

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

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

Correspondence: Letter from Charles Vieni regarding Park St. NYS Rtes. 9-H & 23/23B and Jersey Bakery/Filli's Deli parking.

Motion to approve the Minutes of December 7, 2020 was made by Alberta Cox with a second from Virginia Ambrose. All members were in favor. Minutes approved.

CONTINUING APPLICATIONS FOR 1/4/2021:

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 contact.

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 members that she had received an email at 5:00 p.m. from the applicant's attorney that they are requesting to be continued pending engineered septic plans.

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 reminded the Board that his client is seeking to construct a 60-foot by 190-foot storage unit in the rear of his current storage unit facility on NYS Rte. 23 and the Taconic State Parkway. Mr. Prendergast continued that his client's property is dissected by two zones Highway Commercial and Rural Residential. Mr. Prendergast continued that his client has obtained an Area Variance from the Town of Claverack Zoning Board of Appeals to extend the Highway Commercial Zone a rectangular area to be able to fit this storage unit structure. Mr. Prendergast continued that this will complete the storage unit installations for this site since there are wetlands the topography does not allow for any further construction. Mr. Prendergast submitted a letter from engineer Nick Demos that the stormwater retention pond has been installed and completed as per plans. Mr. Coons informed the Board that the building will be 8-feet in the front and 14-feet in the back because the building will step down due to being built into the bank. Mr. Coons continued that the 14-foot storage unit will only be taller not have a unit above and unit below. Mr. Coons stated that the building will not have lighting or electric service. No other Board questions.

Chairman Cole opened the meeting to public hearing at 7:11 PM.

No comments. Chairman Cole closed the public hearing at 7:12 PM. George Schmitt reviewed the SEQRA for the Board.

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

Motion to approve the Site Plan for the construction of a 60-foot by 190-foot storage unit was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried. Mr. Coons paid mailing fees of \$8.85. Maps were stamped and signed.

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 and Wendy DeWolf were present for the application. Ms. DeWolf responded to the review letter from George Schmitt with submitting a fresh EAF, letter from A. B. Shaw Fire Co. Chief requesting on site training for fire companies after construction, paid mailing fees of \$11.20. Ms. DeWolf informed the Board that the Melnyk/Ellis family purchased the property from the Finkle family about a year ago. Chairman Cole asked George Schmitt if all of his questions were answered to the comment letter. George Schmitt answered yes. Lisa Bowe asked how visible will the solar arrays be from NYS Rte. 9-H and why wasn't a balloon study performed as with the other recent large scale solar fields. Evan Young answered that they have submitted a visual impact analysis showing the interconnection on a concrete mounted pad as per the responses from the Board to mitigate the number of electric poles near the roadway. Mr. Young continued that the field sits back approximately 1,000-feet from the roadway in a field and the solar panels will be facing south so people will only see the thin side profile from NYS Rte. 9-H. Mr. Young continued that there is a large amount of existing vegetation and screening and additional screening will be planted to increase the screening. Mr. Young continued that at the first meeting the Board asked for sight analysis from some high points along NYS Rte. 9-H and Fish & Game Rd. which were used for the sight analysis. Mr. Young added that the Melnyk/Ellis family have several buildings along the roadway that also contribute to the screening. Mr. Young stated to the Board that the only thing that will be visual from the roadway will be the interconnection site. Ms. DeWolf added that vehicles going at 55 MPH will only have a very quick view of the site but only the side of the panels. Ms. DeWolf continued that the panels also do not have a glare and are fixed on poles. Tim Wyman asked if a visual impact was made from the Funk property. Evan Young explained that the line of site looks over the top of 40-foot trees and past the end of the solar field so no visual impact. Alberta Cox asked what about during the winter months when the leaves are off the trees. Mr. Young answered that there is 200 – 250 feet thick with trees that will be very hard to see through with or without leaves. Wendy DeWolf stated that additional screening will be planted along the fence line with the existing screening will be very dense. Lisa Bowe asked if there will be lighting. Mr. Young answered no lighting. Chairman Cole asked if there will be storage. Mr. Young answered no storage. Virginia Ambrose asked if the Fire Chief is ok. Ms. DeWolf answered yes. Chairman Cole informed the applicants that a NYS DOT permit for the driveway will be required. Evan Young stated that they have a conceptual approval and have started the official permitting process. William Michael asked how large is the total acreage of the panels. Mr. Young answered the total area of the solar panels is 24 acres. Wendy DeWolf stated that this also figures in 12 feet in between each panel so if all of the panels were lined up one to one it would equal approximately 8 +/- acres. Rob Fitzsimmons informed

the Board that the applicant and the Town of Claverack Town Board have discussed the PILOT agreement. Rob Fitzsimmons continued that the PILOT agreement benefits the Town of Claverack, County and school district. Rob Fitzsimmons continued that the decommissioning plan has been submitted to ensure that the property is returned back to the former character if and when the solar field is no longer viable. Rob Fitzsimmons continued that this is a bond that is to protect the Town of Claverack to guarantee that the owner/applicant will remove all forms of the solar array at said time of decommission. George Schmitt informed the applicant's representatives that the decommissioning bond is lower than the bonds for the previously approved large-scale solar projects so the Town will want to discuss the amount to get it closer to the others. Wendy DeWolf stated that she will meet to discuss and meet the criteria.

Chairman Cole opened the meeting to public hearing at 7:42 p.m.

Katy Cashen mentioned the Funk property and understands that they will not have a visual impact but what about others along NYS Rte. 9-H. Wendy DeWolf answered that as you travel south on NYS Rte. 9-H the visual impact gets even more screened because of more trees. Virginia Ambrose asked how long will the lease be in effect. Ms. DeWolf answered 25-year lease but can go longer because the solar panels have a much longer life span but they start with a 25-year lease. No further questions. Chairman Cole closed the public hearing at 7:44 p.m.

George Schmitt reviewed the Full EAF for the Boundary Line Adjustment, Special Exception and Site Plan for the Board.

Motion to grant a negative declaration of significant environmental impacts for purposes of SEQRA was made by Virginia Ambrose with a second from Lisa Bowe. All members were in favor. Motion carried.

Motion to approve the Special Use with Site Plan and Boundary Line Adjustment for a Large Scale Solar Field with conditions of NYS DOT driveway permit and finalization of decommissioning plan was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried.

Rob Fitzsimmons stated that there is an item to note regarding the Zoning Law and the large scale solar law. Rob Fitzsimmons continued that the Town Zoning law allows for a 90-day approval to draw a building permit for the project but they have found that the recently approved projects are requiring more time to secure financing, receive permits etc. Rob Fitzsimmons continued that Large Scale Solar law will need to be modified to reflect a 6 month timeframe to draw a building permit as long as there are no significant changes and if more time is needed the applicant can submit a letter requesting additional time. Rob Fitzsimmons informed the Board that at this point the extended timeframe is up to the Planning Board to grant. All Board members were in favor of granting a 6-month time line to draw a building permit and if additional time is needed the applicant will submit a letter requesting more time. Ms. DeWolf informed the Board that she knows now that they will need more time possibly 9 months. Rob Fitzsimmons stated that this is up to the Board but starting with 6 months with a letter requesting additional time. Chairman Cole informed Ms. DeWolf and Mr. Young that official survey maps and deeds will need to be submitted to be stamped and signed. Ms. DeWolf stated that she will get the resolution as well as the stamped maps and PILOT going. Chairman Cole informed Mr. Young to deliver the maps to his office.

NEW APPLICATIONS for 1/4/2021:

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, Site Plan Review and Subdivision for the construction of a new 150 bed nursing/assisted living facility.

Corey Auerback and Bob Seigart were present for the application. Mr. Auerback informed the Board that his client is seeking to construct a 150-bed assisted living facility next to the existing Pine Haven home in Philmont. Mr. Auerback continued that this facility will be separate from the existing skilled nursing facility. Mr. Auerback informed the Board that when designing the new building they discovered that two Area Variance were required for height and for setback which were applied for with the Town of Claverack Zoning Board of Appeals and eventually granted. Mr. Auerback continued that this application seeks a Special Exception Permit, Site Plan Approval and a minor Subdivision to create a single parcel for this building. Mr. Auerback continued that the Subdivision will create a 15.8 acre parcel for the assisted living facility and 9 acres for the existing Pine Haven skilled facility with the remaining parcel vacant property. Mr. Auerback stated that he hoped that the Board would deem the application complete, make a declaration of significance and set the public hearing for the February 1, 2021 meeting. Mr. Auerback continued that he, with help from Rob Fitzsimmons has sent the application to the County Planning Board for review due to the timeline for their meeting. Mr. Auerback continued that the existing old brick building which was a former tuberculosis site will be demolished for the new building. Mr. Auerback informed the Board that it was intended to use the building at first but upon inspection it was determined that the building was in such a poor state of disrepair that they would not be able to use it. Mr. Auerback stated that they are required to meet regulatory qualifications of NYS so they need to remove the old building. Bob Seigart project architect informed the Board that the plan has changes slightly from the initial submission with the removal of the second separate entrance to the new building but because they would not pass NYS DOT approval so there will be a shared driveway. Mr. Seigart continued that the building will also share parking with the skilled facility. Mr. Seigart continued that the building will be an L-shaped four-story building with only three stories visible from the front and the fourth story down the slope in the rear of the building so actually a three story with a basement walkout. Mr. Seigart continued that the new building will be constructed on the created 15-acre parcel leaving approximately 31 acres of vacant property. Mr. Seigart continued that to the west of the building is an existing dental office and 50-feet of setback is maintained. Mr. Seigart continued that the landscape design will include cherry and maple trees with several different varieties of bushes like rodadendrion and forsythia along the foundation for screening of the parking area. Mr. Seigart continued that the building will have three exit staircases situated at each end and one toward the middle. Mr. Seigart continued that the stormwater and overflow retention area design have been submitted. Mr. Seigart informed the Board that the building façade will consist of cultured stone, brick and fiber cement board with aluminum facia and aluminum windows. Mr. Seigart continued that the Area Variance for the height of the building was approved for 42-feet but is actually 37-feet for access. Mr. Seigart continued that to have a break up of the roof line is more appealing and appears less commercial. Chairman Cole asked if there is a separate entrance for an ambulance. Mr. Seigart stated that an ambulance would need to access the building from the front or could go to the rear of the property depending on the emergency and location of the patient but they do not have the room for a full 360 driveway. George Schmitt asked if the existing utility driveway for the skilled facility could somehow be joined with the new construction to create a pass through in the rear of both buildings. Lisa Bowe asked how the ambulance or funeral home would

receive someone who has passed from the building out of the front door? Mr. Seigart answered that there is a service area in the rear of the building which would be used. Lisa Bowe asked where staff will park. Mr. Seigart answered that employees will park in the rear or front parking. Mr. Seigart and Mr. Auerback stated that they will investigate the possibility of joining the rear access with the skilled service entrance only issue would be grading but could possibly be mitigated with a retaining wall. Mr. Auerback commented that there is an existing cell tower in back of the skilled facility but might be able to go around it. Stephen King stated that the plan EF-1 lighting plan light positions are numbered but the spots need to be shown. Mr. Seigart informed Mr. King that he is reading the foot candle numbers. Mr. Auerback informed the Board that no foot candles were spilled outside of the property lines. Mr. Seigart informed the Board that there will be three lights in the parking lot and one at the entrance. Stephen King asked how high will the light poles be. Mr. Seigart answered that he thought 25-feet but will need to check. Chairman Cole stated that they might want to think about shorter poles. Virginia Ambrose stated that she would like to see more lights in the back of the property. Mr. Auerback stated that they will only be making upgrades to the existing lighting. Chairman Cole asked if they were planning to light the sidewalks and making light poles lower. Mr. Auerback informed the Board that the lighting design was created using lighting standards. Chairman Cole suggested installing 42-inch poles with downward facing low density lights for the sidewalks and bringing the 25-foot poles down to 10-foot will reduce the light spillage at night for the neighbors. Chairman Cole continued that the lights could be on a timer to turn off late at night. Mr. Auerback stated that employees leave and arrive at different hours all through the night so would be best to keep lights on. Stephen King stated that whenever light poles can be placed at a lower height is best. Lisa Bowe asked if there is a garden area for residents. Mr. Seigart answered yes there are several patio and outside areas for residents that will have landscaping with a gazebo. Lisa Bowe asked if the old building that will be torn down has any historical significance. Mr. Auerback answered not to his knowledge was found on the EAF and it is just a shell basically and has been dismantled over the years. Alberta Cox asked how many parking spaces will be in the lot. Mr. Auerback answered there will be about 75 parking spaces with handicapped spaces in the front and the rear of the building. Mr. Auerback informed the Board that the facility will also have a memory care unit that can be transformed into a quarantine unit if needed. Lisa Bowe asked how deep the pond is in the back because it is a danger to residents if they leave the building and wander off. Mr. Seigart answered that the pond is far back in the woods. Mr. Auerback stated that all of the entrance/exits will be monitored and controlled. Virginia Ambrose stated that a memory care facility usually has a fenced in outside area for residents to go to be safe. Mr. Auerback stated that residents are not allowed outside without a staff member. Mr. Auerback continued that the plan does not have a fenced in area. Lisa Bowe stated that the different levels of care are so different and residents do get out of secure areas and she is concerned with the safety. Tim Wyman asked if the applicants can install a fence around the pond for safety. Corey Auerback stated that the pond is actually stormwater retention with a step system and a plateau around the outside so it would have a small amount of water in it after a rain storm. Lisa Bowe stated that she would like to see a fence around the retention pond and more lighting for safety. Virginia Ambrose stated that she would like to see fencing also. Lisa Bowe stated that patients have the ability to get out and walk to the pond because elderly or memory deficient people have gotten out of facilities in the past so it can happen. Mr. Auerback stated that he understands that this could happen but there is a 10-foot drop off. Lisa Bowe asked what safety measures are in the back of the building. Mr. Auerback answered that vegetation will be planted around. William Michael remembered a call for a resident that left the building at the skilled facility years ago when he was working as a police officer. Mr. Seigart stated

that he will design a 4-foot fence around the retention pond. Stephen King asked in plan LI-1 no scale of distance of propane tanks from the patio. Mr. Seigart answered the distance is 80-feet. Stephen King stated that the TOC code requires propane tanks be 500-feet from a public assembly area. Rob Fitzsimmons informed the Board that the TOC Building department will review for code issues. Mr. Seigart stated that the propane tanks could be buried. Chairman Cole stated that this would be up to the Building Inspector. George Schmitt stated that would meet the MFPA. Chairman Cole asked if protective pilons could be installed around the propane tanks. Mr. Auerback stated that concrete pilons are shown on the map. Tim Wyman asked what will happen to the former fire training facility. Chairman Cole stated that the county has constructed a new fire training facility in the CC Commerce park. Rob Fitzsimmons stated that the applicant has allowed the county to use the existing facility for training until the new facility is open and operating which should be very soon then it is up to the owners to decide what to do with the old training building. Chairman Cole informed the applicant's representatives to not lose sight of merging the existing service entrance for the skilled facility with the rear entrance of the proposed facility. George Schmitt will begin his review and will send out a letter of response in a week or so. Rob Fitzsimmons informed the Board that the application appears complete and fine to set for public hearing and they can address any items that arise during the public hearing. Katy Cashen asked if the project will use Philmont water and sewer. Mr. Auerback answered yes.

Motion to declare Lead Agency Status, deem the application complete and accept the application was made by Tim Wyman with a second from William Michael. All members were in favor. Motion carried.

Motion to set public hearing for February 1, 2021 was made by Virginia Ambrose with a second from Lisa Bowe. All members were in favor. Motion carried.

Peter & Diana Kipp Subdivision: Tax Map #(SBL) 101 . – 1 – 14 . 111 Located at 197 Stottville Rd. Claverack, NY. Subdivision of 5.9 acres from 57 +/- acres.

Jason Kipp was present for the application. Mr. Kipp informed the Board that he is seeking to subdivide 5.9 acres from his parent's property to build a one family residence. Chairman Cole informed Mr. Kipp that there is a problem because his parent's just received approval for a large scale solar project which applied to use the 57+/- acres. Chairman Cole continued that the Town of Claverack Zoning Law for Large Scale Solar requires that the solar field maintain a maximum of 50% of the total area for the solar field. Chairman Cole continued that the applicant might want to check with the Solar Company to make sure that the subdivision does not impede on the total acreage that is required for the solar field. George Schmitt informed Mr. Kipp that he needs to submit actual subdivision maps from a licensed surveyor and an application. George Schmitt continued that the subdivision might be fine but without actual survey maps it is difficult to judge from just some markings on a copy of a map. Mr. Kipp stated that this is primarily a sketch plan to gather information on proceeding with the process and he understands that he needs official survey maps but is seeking to find out if this is an acceptable subdivision. Stephen King asked if he has been to speak to the TOC building dept. Mr. Kipp answered yes he has spoken to Jay Trapp and Larissa DeLongo. Chairman Cole informed the applicant that he needs to apply for a building permit which will be denied then he will need to submit a full application but he suggested that Mr. Kipp consult with the Borrego Solar company to be sure that taking the 6 acres from the 57+/- acre parcel of the recently approved large-scale solar project on the property will not cause the project to fall above

the 50% coverage area. Tim Wyman asked if the subdivision impedes the solar project and shouldn't the Board require Borrego Solar to return to revise their project. George Schmitt stated that the property still belongs to the Kipp family however they have leased the property to the Borrego Solar company but without official survey maps it is difficult to tell and these things cannot be guessed about. Chairman Cole stated that he is concerned that the subdivision will create an issue for the solar project which is the first hurdle for Mr. Kipp to jump. Rob Fitzsimmons agreed with George Schmitt and the Board members that the applicant needs to show that the subdivision will meet all of the setbacks and meet all of the required numbers to maintain the solar project before they can proceed. Mr. Kipp informed the Board that he will work on the proposal and thanked the Board for helping and guidance on how to proceed.

No further business.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Alberta Cox. All members were in favor. Motion carried. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Jodi Keyser, secretary