

APPROVED 9/7/21

**TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
August 2, 2021**

Chairman Scott Cole called the August 2, 2021 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 reciting the Pledge of Allegiance.

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

Absent with regret: Stephen King

Motion to approve the minutes of July 6, 2021 was made by William Michael with a second from Lisa Bowe. All members were in favor. Motion carried.

Chairman Cole informed the Board and audience that the September meeting falls on Labor Day and asked that the members discuss an alternate date.

Members agreed that they were all able to meet on Tuesday, September 7, 2021 but due to court the meeting venue will change. Chairman Cole will ask Stephen King if the Claverack Library will be available. Secretary Keyser will notify the applicants of the change of date and venue.

**CONTINUING APPLICATIONS FOR 8/2/2021:**

**Clover Meadow Solar/Edward & Sandra Casivant/Eden Renewables Site Plan & Special Exception Review: Tax Map #(SBL) 100 . – 1 – 1 . 5 Located at 129 Humane Society Rd. Site Plan Review and Special Exception Permit for the installation of a large-scale solar farm.**

Submitted a revised EAF. Continued to September meeting for a joint review with the Town of Claverack ZBA. Giovanni ? questioned the Board why they were not on the agenda. Secretary Jodi Keyser informed the applicant's representatives that she was copied on emails from Ms. Rehder asking for an extension and that they would not be attending. Ms. Rehder informed the Board that she had emailed Chairman Cole and that he emailed back to attend the meeting. Rob Fitzsimmons informed the applicants that there was a mix up and it was no one's fault but the applicants still need to submit a draft resolution and the answers to the County Planning Departments comment letter and they were not being "bumped". Rob Fitzsimmons continued that the Town of Claverack Zoning Board of Appeals members will be requested to attend the September 7<sup>th</sup> Planning Board meeting to make a joint SEQRA for the Area Variance of 80-feet for side setbacks. Secretary Keyser will notify the applicants of the venue for the meeting when it is set.

**Cantele Tent Rentals Site Plan Review: Tax Map #(SBL)101 . – 2 – 43 Located at 37 Bender Blvd. Site Plan Review for an 80-foot X 70-foot addition to the existing building to be used for storage and a 100-foot X 80-foot addition to the east side of the existing building for inside and outside loading/unloading area.**

Ryan Loucks and James Cantele were present for the application. Rob Fitzsimmons reviewed the County Planning Departments review letter for the Board. Rob Fitzsimmons reminded the Board that Mr. Cantele is seeking two additions to his existing building in the County Commerce Park and it is zoned specifically for this type of use. Chairman Cole asked if the Board had any questions. No Board questions. Chairman

Cole opened the meeting to public hearing at 7:06 p.m. No comments were heard. Chairman Cole closed the public hearing at 7:07 p.m. George Schmitt reviewed the SEQRA Part 2 for the Board.

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

Motion to approve the Site Plan as submitted was made by Lisa Bowe with a second from William Michael. All members were in favor. Motion carried.

Maps were stamped and signed. Fees of \$6.00 for mailing were paid.

**Weininger, Richard Site Plan Review: Tax Map #(SBL) 131 . – 1 – 64 Located at 125 Millbrook Rd. Site Plan Review for the installation of a 21.75kW ground mounted solar array consisting of 3 SMA sunnyBoy 5.0-US inverters and 50 LG435N2T-E6 modules.**

Sam Wilo was present for the application. Mr. Wilo submitted a trench path photo to the Board members via email that detailed the area of the proposed trench. Mr. Wilo informed the Board that he sent a man from his company to the site to mark and photograph the trench area. Lisa Bowe stated that the photos do not show the boundary lines and asks again for a survey and that the photos are not following the town laws for site plan. Virginia Ambrose also suggested that the photos are not enough to allow the Planning Board to be sure that the trench is far enough away from the boundary line. Tim Wyman asked if a partial survey would be enough. Lisa Bowe answered that the photos are not a survey and do not represent the true boundaries. Alberta Cox and Rich Michael both agree that there is a need for at least a partial survey. Tim Wyman stated that this is a large parcel of land. George Schmitt stated that he understood that this is a large parcel but the applicant needs to supply the Board with something more concrete. George Schmitt continued that a surveyor could use the deed to plot the area who could then certify the lines. George Schmitt continued that it doesn't need to be a completely new survey but the Board needs to know that the lines are correct and this can only be done if a licensed surveyor signs off on the lines. George Schmitt informed the applicant that a 3-line survey would be acceptable. Lisa Bowe stated that the survey supplied is over 21 years old and should have a more updated survey with the maps showing that the trench is not encroaching on the neighboring properties. George Schmitt stated that the Board needs to be sure that the lines are correctly mapped and where the trench will be located. Chairman Cole stated that the maps need to show where the property lines are located and where the trench will be with exact measurements and signed off on by a licensed surveyor or engineer but needs to have something more concrete. George Schmitt added that the maps should show the exact geometric shape of the property so that the Board can match the maps up. Rob Fitzsimmons agreed that the property is a large parcel but it is up to the Board to make sure the exact location of the trench that they are approving. Mr. Wilo stated that his company was just trying to save the homeowner some money and he is sure that they are staying at least the 20-foot setback. Virginia Ambrose stated that a survey would assure the Board that the trench is located far from the boundary lines. Virginia Ambrose asked if the trench will be permanently marked. Mr. Wilo answered no because the field needs to be mowed. George Schmitt suggested having a licensed surveyor go into the field to mark the trench. Mr. Wilo stated that he doesn't want to get another contractor involved in the application. Lisa Bowe stated that the materials that have been supplied are not signed off on by an licensed surveyor or engineer. Mr. Wilo asked if his engineer could sign off on the maps. George Schmitt answered that only a licensed surveyor can sign off on the maps not an engineer. Virginia Ambrose asked if the Board usually requires a survey. George Schmitt answered yes an engineered drawing signed off on by a licensed surveyor. Mr. Wilo stated so a map isn't good enough. George Schmitt stated that the map is old and doesn't show the area properly. Rob Fitzsimmons informed the applicant that the Board has made

it clear that that they need to hire a surveyor to go out and mark the trench and boundary lines. Mr. Wilo stated that this is 6,000 to 7,000 feet of trenching. George Schmitt stated that 25 years from now whomever might want to know the location of the trenching can find it and follow it by using the survey showing the exact location with some specificity. Mr. Wilo asked if he could transpose the survey onto the site plan. George Schmitt stated that they just need to show the relevant lines with a licensed surveyor signing off on the lines. Mr. Wilo asked the Board for a letter to supply to the homeowner showing the need for a newer survey to move forward with the approval. George Schmitt will create a letter stating specifically what the Board is requiring to adequately mark the exact lines on the map. Tim Wyman asked who actually digs the trench. Mr. Wilo answered that his company does everything. Continued to September. Mr. Wilo paid mailing fees of \$9.90. Public hearing was continued.

**Hotaling, Winfield Site Plan/Special Exception: Tax Map #(SBL) 132 . 01 – 01 – 19. Locate at 330 County Rte. 16. Special Exception Site Plan for the one-time replacement of a single wide mobile home with a new double wide mobile home.**

Winfield Hotaling was present for the application. Mr. Hotaling reviewed his application for the Board to replace a 40 +/- year old mobile home with a new double-wide mobile home. Rob Fitzsimmons reminded the Board and applicant that the Town adopted a law allowing a 1 time replacement of mobile homes that are not within a mobile home park. Virginia Ambrose asked if the stream behind the home gets very high. Mr. Hotaling answered that the stream had reached his garage but did not enter his home and that was during hurricane Irene. Chairman Cole opened the meeting to public hearing at 7:36 p.m. No comments were heard. Chairman Cole closed the public hearing at 7:37 p.m.

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

Motion to grant approval for the one (1) time replacement of a mobile home with a new double-wide mobile home was made by Virginia Ambrose with a second from Alberta Cox. All members were in favor. Motion carried.

Mr. Hotaling paid mailing fees.

**NEW APPLICATIONS for 8/2/2021:**

**Rodriguez, Peter Special Exception: Tax Map #(SBL)141 . – 2 – 15 Located at 2348 Rte. 27. Special Exception for the construction of a Guest cottage/Caretaker/Owner dwelling.**

Carrie and George Krapf were present as representatives for the application. Mr. Krapf informed the Board that he operates the contracting company that built the existing residence in 2009. Mr. Krapf continued that his clients are now seeking to construct a guest house for family. Mr. Krapf continued that the homeowner's family has grown and decided instead of adding an addition felt that a separate residence would be a better fit. Mr. Krapf informed the Board that the accessory dwelling will be within 100-feet of the existing residence, will share a well but will have a separate septic system which has CCDOH approval. Mrs. Krapf stated that the proposed dwelling will have an unfinished basement and will be approximately 1400-square feet. Lisa Bowe asked if there is an updated survey. Mrs. Krapf stated they are in the process of updating the survey. Rob Fitzsimmons informed the applicant that this will be required for a building permit. Mrs. Krapf informed the Board that the property is over 95-acres and asked if a plot survey would be acceptable. George Schmitt answered yes a plot plan showing the existing house, proposed house, well & septic locations. Mrs. Krapf will have this completed, will submit the CCDOH approval and updated

EAF for the September meeting. The application is continued to September 7<sup>th</sup> meeting and applicant was reminded of the date and location change. Motion to set public hearing for September 7, 2021 was made by William Michael

**Gellert, Philip & Roberts, William Boundary Line Adjustment: Tax Map #(SBL) 112 . 00 – 1 – 31 & 112 . 00 – 1 – 32. Located at 591 & 595 NYS Rte. 217. Boundary Line Adjustment of 4.865-acres from 591 Rte. 217 to be conveyed to 595 NYS Rte. 217**

Mr. Gellert was present for the application. Mr. Gellert informed the Board that he wanted to do this from the beginning instead of the subdivision. Mr. Gellert explained that he is now seeking to have a boundary line adjustment of 4.865 acres that will be joined with his neighbor's property. Mr. Gellert continued that this action will not create new lots and will not have access via NYS Rte. 217. Mr. Gellert informed the Board that his neighbor will use the added property to grow crops and have a larger garden. Chairman Cole asked if there were any questions for the Board. Lisa Bowe asked if the colored maps are legal. George Schmitt answered that the Town can accept the colored maps but they cannot be filed with the County. Mr. Gellert informed the Board that he will retain 2 +/- acres that are with the existing house. Rob Fitzsimmons informed the Board that this application is a Type 2 action for purposes of SEQRA and are therefore exempt from SEQRA review and that a few years ago the Town changed the law for reviewing boundary line adjustments to allow for a faster one meeting review and approval.

Motion to approve the minor boundary line adjustment was made by Virginia Ambrose with a second from Tim Wyman. All members were in favor. Motion approved.

Maps were stamped and signed. Mr. Gellert was informed that he would need to check with the Town to make sure that he has paid all of his escrow bill. Mr. Gellert stated that he will do so the next day.

**Bloomfield, James & Riley, Jessica Subdivision: Tax Map #(SBL)121 . – 1 – 24 . 112 Located at 91 Courts Lane. Subdivision of 100.608 acres into three parcels of 10-acres, 28-acres and 62-acres respectively.**

Kevin Theilman was present for the application. Mr. Theilman informed the Board that this is a sketch plan to gauge the Board's acceptance of the planned subdivision. Mr. Theilman continued that his clients are seeking to subdivide their 100+/- acre parcel into three parcels consisting of 10-acres, 28-acres and 62+/- acres respectively. Mr. Theilman continued that the 10-acre and 28-acre parcels will be used to build single family residence on each and the 62-acre parcel will remain agricultural. Mr. Theilman stated that they are planning a survey in the near future but wanted insight from the Board. Chairman Cole asked if this is the property that borders Pine Street. Mr. Theilman answered yes the 28-acre parcel has a right of way on Pine Street but the access is from Courts Lane and NYS Rte. 23. Rob Fitzsimmons informed the applicant's representative that as long as the parcels have 150 feet of frontage at least 50-feet from the roadway. Rob Fitzsimmons informed the applicant's representatives that if they are willing to wait a few months the Town Board is considering allowing subdivisions of up to 4 parcels from a private road but as it stands this proposed subdivision is legal as drawn. Mr. Theilman stated that his clients want to move forward as soon as possible. George Schmitt asked that the new survey show the proposed driveways, house sites, wells and septic. Mr. Theilman informed the Board that they will now move forward but will most likely not be ready for the September meeting.

**Schwartz, Jonathan & Joseph, Kelly Special Exception: Tax Map #(SBL)141 . – 2 – 2 . 200 Located at 347 Miller Rd. Special Exception for the installation of a ground mounted solar array.**

Jim Goff was present for the application. Mr. Goff stated that his clients are seeking to install a ground-mounted solar array consisting of two pole mounted arrays to be situated in a cleared field on their property. Mr. Goff continued that the cleared field is far away from the neighbors and sits down in a natural bowl that keeps it private. Mr. Goff informed the Board that has updated survey map. George Schmitt stated that as long as a licensed engineer plots the site on a survey map they have supplied adequate survey and site plan plot plans but these need engineering stamps but they can match up the survey to the site plan plot plan. Mr. Goff was instructed to supply 11 copies of the updated materials by August 24<sup>th</sup> for the September meeting.

Motion to set public hearing was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried. Public hearing set for September 7<sup>th</sup> at the library.

**Philmont Partners LLC Change of Use/Special Exemption: Tax Map #(SBL) 112 . – 1 – 59 . 2**  
**Located at 341 Rte. 217 (Former Ockawamick School) Change of use of existing building to repurpose to include art studios with storage and exhibition space.**

Ryan Loucks from Crawford & Associates Engineering was present for the application. Mr. Loucks informed the Board that his client has purchased the former Ockawamack school building and is seeking convert it into an artist studio spaces. Rob Fitzsimmons informed the Board that the owner recently appeared before the Town Board to get approval to use the building as a film site for taping of the HBO series Pretty Little Liars. Rob Fitzsimmons continued that the Town Board gave the green light to the owner and was told that filming will take place between October to March. Rob Fitzsimmons continued that the owner explained to the Town Board that after the filming of the series they plan to reuse the building as an art studio with exhibition spaces similar to the Claverack School building repurpose. Mr. Loucks informed the Board that the building is approximately 85,000 square feet with 190 parking spaces, existing well and septic with entrance to and from NYS Rte. 217. Mr. Loucks continued that there will also be office space for the artists and storage space. Mr. Loucks stated that his client is seeking a change of use for the building because it sits in the Rural Residential zone. Virginia Ambrose asked how many artists will be using the building and what size will the exhibition space be. Mr. Loucks answered that he is not sure how many artists will use the building and the gym area would be used for storage space since it is the largest room in the building. Chairman Cole informed Mr. Loucks that the CCDOH will need to inspect the septic system and send the approval to the Town. George Schmitt stated that if the rate of flow is over 1,000-gallons per day it will need NYS DEC permitting so a letter from both the NYS DEC and CCDOH are required. George Schmitt continued that a well test and pump test should be completed but the Town does not need approval for the well. Alberta Cox asked what is happening at the building now because she has noticed lots of work going on. George Schmitt stated that the contractors know that they are required to encapsulate any asbestos and the other demolition is up to the Building Department. Tim Wyman informed Mr. Loucks that the plan should include dark sky compliant lighting. Mr. Loucks stated that the lighting was not going to change only as needed. Chairman Cole informed Mr. Loucks that dark sky compliant lighting is a requirement and should be on 12-foot high poles with downward facing lighting. George Schmitt informed Mr. Loucks that the Board will require a lighting design plan and landscape plan, Chairman Cole stated that the landscaping and lighting plans are very important because this building is in a residential area with several houses directly across the street. Lisa Bowe asked if there will be any outside events with music. Mr. Loucks answered not at this time. Rob Fitzsimmons asked that a narrative with nuts and bolts description of the use, number of artists, hours of operation, number of events, number of employees, etc. be supplied with the formal Site Plan. Lisa Bowe asked about outside artwork that might be offensive. Rob Fitzsimmons answered that is why the narrative is so important to pin down the number

of offices, studio spaces, artists, hours of operation, number of trucks/cars during the day because the neighborhood will have questions and concerns. Rob Fitzsimmons continued that the Site Plan and change of use Special Exception Use as an office business/professional can cause objections with the neighbors. Tim Wyman stated that the category indicates inside use. Rob Fitzsimmons stated that the use can work for this building and has worked in other places that are the same situation but the neighbors could also hire a lawyer and force a rezoning of the property but the Town. Rob Fitzsimmons continued that the area was used to having several busses per day coming and going but the neighbors will want to have clear descriptions of the number of vehicles, hours of operation, number of people per day, planting design for adequate screening including the types of plants, size and number of events proposed per year. Tim Wyman asked the relationship between Hudson Mansion LLC and Philmont Partners? Rob Fitzsimmons stated that the owners/entities will be sorted out. Virginia Ambrose asked what will happen during the HBO filming which is scheduled until March. Rob Fitzsimmons informed the Board that at their Town Board presentation all of the activity will happen within the former school building and the production will bring in trailers and trucks for the filming.

New Business:

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

Rob Fitzsimmons informed the Board that Mr. Ferchau is seeking an extension of his approval due to the Covid-19 pandemic he was unable to begin construction of the approved application. Rob Fitzsimmons informed the Board that Mr. Ferchau has indicated that nothing has changed with his previous plan only needs extension to obtain a building permit.

Motion to grant extension of the previously approved Special Exception for David Otto Ferchau was made by Virginia Ambrose with a second from Tim Wyman. All members were in favor. Motion carried.

**Klocke Estate Holdings, LLC formerly Drumlin Distillery Site Plan Amendment Special Exception: Tax Map # (SBL) 131 . – 1 – 45 . 3, 131 . – 1 – 45 . 4, 131 . – 1 – 45 . 5 and 131 . – 1 – 45 – 6.**

Located at 2554 County Rte. 27. Modifications to previously approved Site Plan for a distillery to include moving of buildings, addition of winery complex and distillery complex, addition of parking, addition of ground mounted solar array for principle owner residence.

Tighe & Bond supplied Final Site Plan maps to have Chairman Cole sign and stamp. George Schmitt will review the maps and if good will meet with Chairman Cole to stamp and sign.

**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 8:40 p.m.**

**Members remained after the meeting for the annual violence in the workplace training.**

**Respectfully submitted**

**Jodi Keyser, secretary**