

APPROVED 10/4/21

TOWN OF CLAVERACK  
PLANNING BOARD

Meeting Agenda  
September 7, 2021

Chairman Scott Cole called the September 7, 2021 meeting to order at 7:00 p.m.

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

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

ZBA members in attendance were: Chairman David Graziano, Douglas Colwell and Steven Melnyk

Motion to approve the Minutes of August 2, 2021 was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.

**CONTINUING APPLICATIONS FOR 9/7/2021:**

**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.**

Gillian Black and Anna Rehder were present for the application. Mr. Black informed the Board that no changes have been made since the last meeting. Anna Rehder gave a brief review of the applications. Ms. Rehder informed the Board that the solar field is the third of three large scale solar fields located on Humane Society Rd. and will be constructed on property owned by the Casivant family. Ms. Rehder continued that the previous two large solar fields on Humane Society Rd. were approved by the Town of Claverack Planning Board and received Area Variance from the Town of Claverack Zoning Board of Appeals. Ms. Rehder continued that the Casivant property was subdivided into three separate parcels and they were able to squeeze in the third solar field. Ms. Rehder informed the Board that this solar field is situated on an abandoned section of Humane Society Rd. Ms. Rehder continued that this parcel will meet the 100-foot setback on all sides except one where only 20-feet is achievable in order to reach the adequate number of solar panels to make the field viable. Ms. Rehder continued that this area variance is currently before the Town of Claverack Zoning Board of Appeals. Ms. Rehder continued that due to the large amounts of wetlands located on this parcel the need for relief of the setback is needed. Ms. Rehder informed the Board that this site will produce 5-megawatts of energy, will include bird and bat boxes for habitat and will be fenced which is still being decided on what to plant or grow on such as ivy or another climbing vine for screening. Chairman Cole asked if there are any other questions for the Zoning and Planning Board members in attendance. No further questions from the Zoning and Planning Board members. Chairman Cole continued the public hearing at 7:08 p.m.

Peter Johnson asked what portion of the agricultural property will now be transferred to industrial use.

Mr. Black explained that the property will not be transferred to industrial use but will remain as a solar field with an ecology including native birds, bees and plants that will also give the soil a substantial time to re-energize and heal from decades of crops which deplete the nutrients from the ground. Ms. Rehder added that crops deplete the nutrients of the soils over time and the solar field

allows for the soils to recover. Ms. Rehder stated that at the end of the solar field the property will return to agricultural use and the soils will be richer and better for use.

Mr. Johnson asked what the total acreage of the site will be. Mr. Black answered 18 acres.

Mr. Johnson asked what is the longevity of the solar field. Mr. Black answered 40-years and beyond if the owner chooses to continue the lease.

No further questions. Chairman Cole closed the public hearing at 7:15 p.m.

George Schmitt reviewed the SEQRA for the Planning Board members as Lead Agency.

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

Rob Fitzsimmons reads the Resolution of Approval for an 80-foot Area Variance.

Motion to grant an 80-foot side yard Area Variance to allow a setback of 20-feet was made by Steven Melnyk with a second from Doug Colwell. All members in attendance were in favor. Motion carried. Zoning Board of Appeals Chairman David Graziano informed the applicant and Board members that he believes that the variance is substantial and self-created but after review by the local Fire Chief Brennan Keeler it allows for adequate emergency access. Steven Melnyk stated that the portion of the roadway has been abandoned by the Town of Claverack he has no concerns with allowing the variance.

Rob Fitzsimmons reviews the Resolution of Approval for the Site Plan and Special Exception of a large-scale solar field.

Motion to grant approval of the Site Plan and Special Exception of a large-scale solar field was made by Stephen King with a second from William Michael. All members were in favor. Motion approved. Chairman Cole then asked the applicants if an extension will be needed. Mr. Black answered yes. Motion to grant an extension of the Site Plan and Special Exception of 15 months from the approval on 9/7/21 was made by Tim Wyman with a second from Lisa Bowe. All members were in favor. Motion carried.

Maps were stamped and signed. Resolutions will be filed with the Town Clerk's office.

**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 addressed the Board with the letter sent by the applicant Gretchen Stearns dated August 14, 2021 that she and her husband feel that they have been unreasonably burdened with the Board requesting a survey and asked that they reconsider the need. Chairman Cole and Lisa Bowe are against not having a survey or at least a partial survey to show the exact location of the property line. Rob Fitzsimmons informed the Board that Gretchen Stearns is a former member of the Town of Claverack Planning Board and might be confused that the Board is not requiring a new survey but asking for a basic sketch plan because there is a 5,000-foot trench that will come to a point between property lines and the question has been raised that the Board needs to be assured that the trench doesn't encroach on the neighboring properties. Rob Fitzsimmons continued that the applicant has supplied a 20-year-old survey that did not align with the sketch plan drawing so they then submitted photos that also didn't depict the area as required.

Rob Fitzsimmons continued that the Board was not requiring the applicant re-survey their property only to locate the iron rods on the property and show those rods with flags. Rob Fitzsimmons continued that it is within the Board's discretion to ask for a clearer depiction of the plan. Rob Fitzsimmons stated that he reviewed the Town of Claverack Solar Law for small projects which requires the schematic design for the pole mounted system, shut offs at the array and residence shown on sketch and described, description of the trench and cable location and plotted on the plan with a 20-foot set back which are all requirements of the Special Exception for accessory solar panels contained in chapter 16 of the TOC Zoning law as well as a Site Plan. Rob Fitzsimmons continued that the Board is not requiring the applicant to have a new survey but it is within their discretion to require adequate information to be assured that the cable and trench will be far away from the neighboring property. Chairman Cole stated that the Board is asking to be sure where the iron rods are located which is within the TOC Zoning Law. Rob Fitzsimmons stated that the Planning Board needs to make the request reasonable as this is a large acre parcel so they need to determine at what point they will be secure with the distance from the neighboring property. Rob Fitzsimmons continued that the Board should determine a set distance as 80-feet to be assured that the trench and cables will not be an issue for the neighbors. Mr. Wilo informed the Board that the trench and parcels were restaked in July and the trench was shown at 50-foot setback from the property line. Chairman Cole asked Mr. Wilo if he found the iron rods that were used. Mr. Wilo answered no someone from the company. George Schmitt informed the applicant's representative and the Board that only a NYS licensed surveyor is qualified to mark up a survey and in NYS only one class of proof is allowed by a licensed surveyor. George Schmitt continued that the Planning Board could stipulate in their approval that a licensed surveyor is required to show the pins. Lisa Bowe stated that a licensed surveyor should be marking the pins only. Rob Fitzsimmons stated that the Board can require that the trench be 20-feet from the neighboring property. Virginia Ambrose stated that the applicant has been before the Board several times already. William Michael stated that the application should be compliant and the Planning Board doesn't want an issue in the future with the neighboring property or the property being sold and then finding out that the trench is in a different location. Rob Fitzsimmons informed the Board that the Town Board is reviewing the existing solar law and are looking into making these applications expedited reviews to save money. Rob Fitzsimmons asked the Board if they would be comfortable with a conditional approval. Lisa Bowe stated that if the trench is installed on the neighbor's property because the solar company was not using an exact survey or an old survey with the pins marked on the site it would be an issue. Virginia Ambrose stated that the Board would be setting a precedence if not requiring a survey. Tim Wyman stated that this would not set precedence because each application is reviewed on an individual basis. Alberta Cox asked should the Board be concerned if the Weininger/Stearns family sells the land without an exact location of the trench. Mr. Wilo stated that Mr. Weininger is aware that if he sells the property, he would be required to disclose the location of the trench. Tim Wyman stated that he would suggest that the location of the trench be shown on subsequent surveys. Chairman Cole stated that this is already part of the application submittal. Mr. Wilo asked that the sketch shown is the approximate site of the trench and the engineer only estimates but needs to be exact? Tim Wyman stated so staying at a 50-foot setback would allow for adequate distance for the Board to be assured the trench is well off of the property line. Virginia Ambrose asked if a survey isn't required. Rob Fitzsimmons stated that the Board can condition that the applicant provides an "As Built" map to the building department at the time they draw a building permit.

Chairman Cole continued the public hearing at 7:48 p.m. No comments. Chairman Cole closed the public hearing at 7:49 p.m.

**George Schmitt reviews the SEQRA for the Board.**

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

**Motion to approve the Site Plan/Special Exception permit for a ground mounted small solar array with a trench set at a 50-foot set back from the neighboring property line and an “as built” drawing to be supplied to the building department upon application for building permit was made by Tim Wyman with a second from Stephen King. All members were in favor. Motion carried.**

**Rob Fitzsimmons informed the Board that the Town of Claverack small solar law needs to be cleaned up so the Town Board will be looking into that in the near future.**

**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.**

**Caroline Krapf was present for the application. Mrs. Krapf submitted an updated survey map and CCDOH approval for septic. Tim Wyman asked if the guest house will use the existing well along with the main residence. Carrie Krapf answered yes but will use a separate septic. Lisa Bowe asked what is square footage of the cottage. Mrs. Krapf answered much smaller than the main house 27-feet by 27-feet equaling 729 square feet times two floors equals 1458 square feet. Rob Fitzsimmons added that 1600 square feet is the maximum so this is well within the allowed size. Lisa Bowe asked if the main house is the owners primary residence. Mrs. Krapf answered that she is not sure but the owner spends a great deal of time here. Alberta Cox asked how many bedrooms. Mrs. Krapf answered three bedrooms with two bathrooms. William Michael stated that the law requires that the residence must be the primary residence for the owner. Mrs. Krapf stated that the owner is up her a lot but may consider this as a second residence. Chairman Cole informed Mrs. Krapf that the owner will need to have at least one of these buildings as his primary residence. Rob Fitzsimmons informed Mrs. Krapf that the owner will need to provide proof of residence for the building permit with either a driver’s license, voter registration card or other form of legal residence. Stephen King asked how can the Board make sure that this is followed. Rob Fitzsimmons informed the Board that this can be made a condition of the approval.**

**Chairman Cole opened the meeting to public hearing at 7:57 p.m.**

**Elizabeth Davis of Miller Rd. asked the proximity of the project to the wetlands known as Jeffroy’s pond. Mrs. Krapf answered that this project is very far from the pond. Chairman Cole stated that it appears to be 1,000 to 1,200 feet from the wetland. No further questions. Chairman Cole closed the public hearing at 7:59 p.m.**

**George Schmitt reviews the SEQRA for the Board.**

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

**Motion to approve the Special Exception Site Plan for the construction of a guest house/caretaker cottage with the condition that the owner provide proof of primary residence for at least one of the structures prior to issuance of the building permit as per TOC Zoning Code §15.3.7 (G) page 106 was made by Stephen King with a second from William Michael. All members were in favor. Motion carried.**

**Maps stamped and signed. Mailing fee paid.**

**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.**

**James Goff of Hudson River Solar was present for the application. Mr. Goff informed the Board that this is a residential solar project with minimal visibility and he provided engineered stamped site plans for the Board. Mr. Goff continued that the solar arrays will sit in a bowl-shaped area behind the residence. Tim Wyman asked what is the acreage of the property. Mr. Goff answered 17 + acres. Stephen King asked if the site plan shows the cut off points for the electricity. George Schmitt stated that the electrical design usually shows the cut off sites. Chairman Cole stated that the plan should show at least two shut offs with one at the array and one at the house in case of emergency. Chairman Cole stated that this plan needs to be in the packet. George Schmitt stated that it is within the application and it is required. Rob Fitzsimmons informed the Board that there is a distinct difference between this application and a previous solar project in that the applicant provided an older survey but also submitted engineered stamped drawing that is matched up to the survey to show the dimensions as opposed to the previous solar array that the Planning Board accommodated without supplying. Chairman Cole asked if the Board had further questions. No further questions.**

**Chairman Cole opened the meeting to public hearing at 8:10 p.m. Bill Barrett of 297 Miller Rd. is an adjacent property owner was not aware of the project but would like to know the size of the solar array. Mr. Goff answered that there will be two poles approximately 15-foot high and 20-foot wide within the bowl-shaped area of the property. Mr. Barrett was concerned with glare from his property. Mr. Goff answered that the arrays move slowly to follow the sun so will not send out any glare. Mr. Barrett asked how many trees will be removed for the arrays. Mr. Goff answered that all of the trees for the site have already been removed and no more removal of trees is needed. Mr. Goff continued that the site sits down in a bowl in the center of the property and will not be visible from the boundary. Mr. Barrett asked if any trees will be removed from the boundary line and is concerned with the visual impact from his property. Mr. Goff stated that the Barrett property will not be able to see the solar array. Mr. Barrett stated that he owns two parcels and is concerned that the second parcel will look directly onto the array and will impact the property values if he should want to sell the parcel. Mr. Goff stated that the array is about 200-feet from the property line so there is plenty of space to plant more trees/screening in the future if necessary. Mr. Barrett stated that he was just looking for assurances that his property will not look directly down onto a solar array from his second property and wants to be assured that trees will remain and if necessary, more trees will be planted for screening. Ms. Davis asked if this project will have any impact on the wetlands along Miller Rd. Mr. Goff answered that no impact to the wetlands. Chairman Cole closed the public hearing at 8:20 p.m.**

**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 approve the Special Exception for the installation of a residential solar array with the condition to submit electrical design with disconnects plan to the Building Department prior to application of building permit was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried.**

**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 was present for the application. Mr. Loucks reviewed the application for the Board as an artist studio/office space/storage areas and provided a summary letter. Mr. Loucks reviewed the summary letter with the number of artists on site would be 20 maximum at full build out, hours of operation would be 9:00 am to 5:00 pm but might have a day here and there with earlier or later hours, 20% of the building will be used for artist studio and 80% used for storage, exhibitions would be twice yearly in spring and fall on Thursday through Sunday from 10:00 am to 6:00 pm, ample parking is existing with 26 spaces plus and additional 17 spaces, lighting is existing and provided cut sheet for the additional lighting. Mr. Loucks informed the Board that he found an old survey with the well site shown. Mr. Loucks continued that the water demand would be about 2,400 gallons which will need DEC approval and the existing well is 3,000 gallons so it should be ok. Mr. Loucks informed the Board that the landscape around the site will be cleaned up but not changing. Mr. Loucks informed the Board that the site will not have outside storage. Stephen King asked if there is a common room or break room area in the building. Mr. Loucks answered none is planned. Lisa Bowe asked if artwork will be displayed outside. Mr. Loucks answered no except for the exhibitions. Alberta Cox asked if the tennis courts will be used for anything. Mr. Loucks answered not at this time. Lisa Bowe asked if any other events will be planned beside the two exhibitions. Mr. Loucks answered no. Chairman Cole stated that the plan shows the light poles still at the existing height and asked if they would be lowered as requested. Mr. Loucks stated that after speaking with another engineer they decided to just replace the lights with dark sky compliant fixtures and not change the entire pole. Tim Wyman asked if this means that the light poles will remain at 15 feet. Chairman Cole stated that there is much less spillage of light at 10-feet as opposed to 15-feet and asked if the lights could be lowered to 10-feet and there is no need to lower the poles just lower the lighting fixtures to 12-feet at least. Mr. Loucks answered that this might be too low for trucks to enter and exit the site. George Schmitt asked that the applicant show the type of light, shield and that the light won't spill if the fixtures are mounted atop the 15-foot poles. George Schmitt continued that showing the character of the lights and to plot the lights on the map will comply with the site plan law and if it complies will be ok but need the data from the manufacturer. Chairman Cole asked that the lights be on a timer during the winter months. Mr. Loucks stated that the studios will be open until 5:00 pm and fears that it gets dark earlier in the winter time. Chairman Cole stated that if the lights are set to go off at 7:00 or 7:30 pm that would reduce the excess lights for the neighbors. Mr. Loucks agreed. Mr. Loucks stated that he will submit the plan to the Columbia County Planning Department for review.**

**Motion to accept the application with no outside art displayed except during the two exhibitions yearly, allow for two exhibitions per year, lights plotted, lights off at 7:30 pm nightly and lighting plan submitted to George Schmitt for review prior to the October meeting and set for public hearing on October 4, 2021 was made by Tim Wyman with a second from Stephen King. All members were in favor. Motion carried.**

**NEW APPLICATIONS for 9/7/2021:**

***Tim Wyman asked to be recused.***

**Valley Oil Realty Inc. / Miller-Wilkins Inc. Special Exception: Tax Map #(SBL) 131 . – 1 – 27**

**Located at 5848 Rte. 9-H & 23. Special Exception to install a second 30,000-gallon propane storage tank.**

**Mike Vertitis was present for the application. Mr. Vertitis informed the Board that Valley Energy/Miller Wilkins Inc. is seeking a Special Exception permit to install a second 30,000-gallon propane tank. Mr. Vertitis continued that the new tank will be situated next to the existing tank, will be the same color and will sit on two piers, will meet all setbacks and will be fenced in. No Board questions. Chairman Cole stated that he has a concern with having concrete barriers three feet apart but they should be an attached concrete buffer along the front and back to the protective barrier along NYS Rte. 9-H and back to the gate to provide protection to the valves. Mr. Vertitis stated that there are safety valves and shut offs. Chairman Cole informed Mr. Vertitis that a full set of plans should be submitted to the A. B. Shaw Fire Chief Brennan Keeler for review. Chairman Cole stated that he would like to suggest more barriers either inside or outside of the chain link fence. Set for public hearing on October 4, 2021.**

*Tim Wyman reenters the meeting.*

**T-Mobile: Centerline Communications LLC Site Plan Review: Tax Map #(SBL) 113 . – 1 – 20 . 3**

**Located at 201 Main Street Philmont. Site Plan review for the modification of ground-based facilities and tower mounted equipment on an existing telecommunication tower.**

**Did not appear. Where unaware that they needed to attend the meeting and due to the time frame and travel will attend October meeting instead.**

**Graham, Selha & Ayala Rivera, Luis dba Mandingo Towing & Services Special Exception Review:**

**Tax Map #(SBL) 131 . – 1 – 31 Located at 22 – 26 Millbrook Rd. Special Exception Review to establish a tow/recovery business with office space, signage and change location of existing fencing.**

**Ms. Graham and Mr. Ayala Rivera were present for the application. Ms. Graham informed the Board that they are seeking to operate a tow truck business from their property. Ms. Graham continued that the property is within the Highway Commercial Zone. Mr. Ayala Rivera informed the Board that he is a licensed tow truck operator and does recovery. Ms. Graham informed the Board that they plan to relocate an existing fence back 20 to 30 feet that will allow for 3 cars for customers to park while they fill out the paperwork to recover their vehicles. Ms. Graham continued that they will use an existing shed on the property as an office. Ms. Graham stated that the office shed is approximately 144 square-feet. Mr. Ayala Rivera informed the Board that no recovered vehicles will be stored on site because they have a lease with City Body Shop on NYS Rte. 23-B to use their lot for storage of recovered vehicles. Mr. Ayala Rivera continued the customers will need to fill out paperwork at the office space and will then be directed to the City Body Shop site to recover their vehicles or personal property from the vehicles. Ms. Graham informed the Board that the business insurance deems that an office space is required in order to operate a tow/recovery business. Ms. Graham stated that they will replace the existing fence with a new fence but will step it back to allow for the customer parking. Lisa Bowe asked what the hours of operation will be because it is still a very residential area even though it is in the highway commercial zone. Ms. Graham stated that the hours of operation will be 9 a.m. to approximately 3 p.m. Chairman Cole asked if the tow truck/vehicle will be parked on site. Mr. Ayala Rivera answered yes, it is a small flatbed tow truck. Chairman Cole asked if there is a need for a sign. Mr. Ayala Rivera answered that the sign is shown in the plan and will be approximately 41” by 24”. Lisa Bowe asked if they have a survey map for the application property. Ms. Graham stated that she purchased the property with an existing mobile**

home. Ms. Graham continued that she had the mobile home removed but left the existing shed. Stephen King asked if there would be any lights on the sign. Ms. Graham answered the sign will not need lights. Tim Wyman asked if the shed will be the office. Ms. Graham answered yes. George Schmitt informed the applicants that they need to contact Town of Claverack Highway Superintendent Louis Lamont to discuss the plans and he will need to supply them with a letter of approval. Rob Fitzsimmons informed the applicants that this is standard operating procedure for all new homes and businesses.

Set for public hearing on 10/4/21. Ms. Graham was instructed to obtain an abutter list for properties within 300 feet of the property. Ms. Graham asked where to get the addresses. Chairman Cole instructed to go to the Town office to see Charles Brewer the assessor for the addresses. Secretary Keyser informed the applicants that the addresses are needed before 9/16/21 to be mailed to the abutters within the allowed time frame.

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 9:00 p.m.