

APPROVED 11/1/21

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting MINUTES
October 4, 2021**

Chairman Scott Cole called the October 4, 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 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

Correspondence:

Letters from Town of Claverack Highway Superintendent Louis Lamont regarding Riley/Bloomfield driveway and Mandingo Recovery and Services for driveway cuts.

Letter from Columbia County Planning Department regarding Philmont Partners LLC and Riley/Bloomfield.

Letter from surveyors Bowe, Russell and Massaro advising the Planning Board that applications should be required to submit a survey from a licensed surveyor not just a drawing or sketch using an old survey without having a surveyor's determination.

Motion to approve the Minutes of the September 7, 2021 meeting was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried. Minutes approved.

CONTINUING APPLICATIONS FOR 10/4/2021:

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 was present for the application. Mr. Loucks gave the Board an overview of the application to change the former Ockawamick School building into artists studios, storage and exhibition spaces. Mr. Loucks continued that the building will be mostly storage for the artist's supplies and things. Mr. Loucks informed the Board that dark sky compliant lighting will be installed, landscaping will be cleaned up but will mostly remain as is, existing well and septic systems will be used. Mr. Loucks continued that the building will remain unchanged as far as the outside appearance. Virginia Ambrose stated that she was under the impression that the site would not be a gallery building but would hold a couple of exhibitions per year. Mr. Loucks answered that the plan calls for two exhibitions per year with about 30 people at a time and held all inside. Lisa Bowe asked if any tents or anything would be installed outside for exhibitions. Mr. Loucks answered no, only inside exhibitions to maintain climate control.

Chairman Cole opened the meeting to public hearing at 7:10 p.m.

No comments were heard. Chairman Cole closed the public hearing at 7:11 p.m.

George Schmitt reviewed the SEQRA for the Board.

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

Motion to approve the Special Exception/Site Plan Review for the change of use of the former Ockawamick school building into artist studios with storage areas and exhibition space was made by Lisa Bowe with a second from Tim Wyman. All members were in favor. Motion carried. Mr. Loucks paid mailing fees of \$13.34. Chairman Cole will meet with Mr. Loucks to stamp and sign the site plan maps during the week.

Tim Wyman requested to be recused for the Valley Oil Realty application

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.

Michael Vertetis was present for the application. Mr. Vertetis informed the Board that the business is seeking to install a second 30,000-gallon propane tank directly to the south of an existing 30,000-gallon propane tank. Chairman Cole informed the applicant's representative that he spoke to the A. B. Shaw Fire Chief and they discussed the possibility of jersey barriers placed end to end across the entire area to protect the tanks from vehicles. Mr. Vertetis stated that the plan is to install cement ballasts like those that are existing. Stephen King stated that he would be fine with the cement ballasts because they do the same to stop a car or truck. Mr. Vertetis stated that the ballasts give the same protection and look better and allow for easier access to the tanks. Chairman Cole stated that the spacing should be 2 to 3 feet between ballasts. All Board members were in agreement.

Chairman Cole opened the meeting to public hearing at 7:17 p.m.

No comments Chairman Cole closed the public hearing at 7:18 p.m.

Lisa Bowe asked if reflective tape or some reflective materials would be added to the ballasts. Mr. Vertetis answered yes, he will request that reflective tape be installed on each ballast.

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 Special Exception Permit for the installation of a second 30,000-gallon propane tank as depicted in application was made by Alberta Cox with a second from William Michael. All members were in favor. Motion carried.

Mr. Vertetis paid mailing fees of \$5.22.

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.

NO SHOW

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.

Mr. Ayala Rivera and Ms. Graham were present for the application. Chairman Cole informed the applicants that their application would be held over until the November meeting for public hearing pending abutter notifications. Chairman Cole continued that because the abutter addresses were not received by the Planning Board secretary as directed at the September meeting the abutters were not

noticed as per the Town Codes. Chairman Cole continued that the neighboring abutters must be noticed of the public hearing at least two weeks prior to the meeting and addresses are required at the time of application submission. Ms. Graham stated that she was never informed that the addresses needed to be sent to the secretary within a certain timeframe. Mr. Ayala Rivera stated that he is the owner of the company and he has worked for several months and spent thousands of dollars to try to get this business going and now feels that he is being held back because of technical rules. Mr. Ayala Rivera continued that he sees favoritism in the Town. Mr. Ayala Rivera continued that he tried calling several times and made several visits to the Town highway building but Mr. Lamont was never at his office. Mr. Ayala Rivera continued that he did his best to contact Mr. Lamont and is now being penalized. Mr. Ayala Rivera continued that he is seeking a 12x24 foot sign, rebuilt a shed, making the street and neighborhood better and the Town is not being fair to him. Chairman Cole informed Mr. Ayala Rivera that the assessor's office is a very busy place and he takes calls and requests in the order that they come in and it is not fair to move people ahead of others. Ms. Graham stated that is not the case because she was never informed when the abutter addresses were required. Mr. Ayala Rivera stated that he knows that there is favoritism in the Town of Claverack and has seen it because he has received letters late and has had seen houses built on the street without receiving any notice. Mr. Ayala Rivera continued that when he has called the office to complain he was told that they are only human. Mr. Ayala Rivera stated that this is favoritism. Tim Wyman informed Mr. Ayala Rivera that the Planning Board meetings are not the place to air issues and suggested that he attend a Town Board meeting. Mr. Ayala Rivera stated that the Town Board is in it too and he has seen houses built and wasn't ever informed about them. Chairman Cole addressed Mr. Ayala Rivera that this is not a Planning Board issue. Ms. Graham stated that they should be allowed to have the public hearing because instructions were not made clear. George Schmitt explained that a new business is required to have a site plan review and that review has required timeline that are within the laws of the town. Ms. Graham stated that since May 2021 she has had great difficulty meeting with the building department and with the numerous changes in that office it has put the application behind at no fault of hers. Chairman Cole agreed that there have been several changes at the building department and that is not the applicant's fault. Chairman Cole cautioned the applicants that if the Planning Board were to hold a public hearing without noticing the abutters it then gives the public 30 days to file a complaint and opens the door for a law suit to be filed with the Supreme Court. Chairman Cole continued that the Planning Board is required to follow the letter of the law with every application to ensure the completeness of the process to protect the applicant and the residents from a Supreme Court law suit. Chairman Cole informed the applicants that the Planning Board will not hold a public hearing on their application at this meeting due to lack of public notice to the abutting neighbors. Chairman Cole stated that the public hearing will be held in November as long as the abutter addresses are received in time to be mailed out for a two-week notice. Chairman Cole continued that the Planning Board will uphold the application requirements to protect the Town and the applicant. Mr. Ayala Rivera stated that he hoped that the Town does everything right for everyone. Rob Fitzsimmons informed the applicant that Section 16-13-4 of the Town of Claverack Zoning Law states that the applicant is required to supply the names and mailing addresses of abutting neighbors within 500 feet of the proposed action and that neighbors are noticed at least 10 days prior to the public hearing. Rob Fitzsimmons continued that this is a jurisdictional issue to allow the neighbors their voice and does not jeopardize the application or the Town of Claverack. Rob Fitzsimmons continued that he advises that the application be held over until the November meeting at which time a public hearing can be held as long as the required addresses are received in a timely manner. Lisa Bowe stated that the application needs a plot plan drawn to scale with the setbacks clearly marked. Rob Fitzsimmons stated that the Board reviewed the application materials last month and determined that the submission was ok to proceed but it is up to the Board that if they want more information, they needed to inform the applicants so that they could provide the

requested items prior to the meetings. Stephen King stated that this is a minor change and won't impact the neighbors but they need to be noticed for the public hearing. Ms. Graham stated that she is frustrated that they were not informed of the abutter addresses until it was too late. Mr. Ayala Rivera stated that he is self-employed and has worked very hard, sold metal to save money, purchased a tow truck to start the business but is at his breaking point because this has gone on way too long. Letter from Town of Claverack Highway Superintendent Louis Lamont was entered into the file. Chairman Cole informed the applicants that public hearing will be set for the November 1, 2021 meeting.

NEW APPLICATIONS for 10/4/2021:

New Leaf Holdings LLC Site Plan: Tax Map #(SBL)101 . – 2 – 26 . 2 Located at 731 Rte. 9-H Site Plan to construct a plant nursery and support spaces for tree service and ecological landscaping companies including a 6,275 square foot building.

Caleb White owner was present for the application. Mr. White and his representatives explained that he currently owns a tree service/nursery/landscaping business located on property in Chatham. Mr. White continued that he recently purchased a 10.08-acre parcel zoned highway commercial and within the wellhead protection overlay zone. Mr. White explained that he will construct a 6,000 square foot building which will be built into the existing hill with 11 parking spaces in the back and 5 parking spaces in the front along with an 1,800 square foot equipment shed. Mr. White continued that he has spoken to the NYSDOT for curb cuts. Mr. White explained that the entrance will have an asphalt apron with a gate leading to a gravel driveway which splits into three accesses, one to the main entrance of the shop, one to the staff parking and equipment shed and the other leading to the back of the property. Mr. White continued that there will be a diesel tank for equipment with heavy buffers. Mr. White will have a display landscape area in the front 1/3 of the property that will consist of a rolling landscape with native plantings/meadow grasses. Tim Wyman asked if the display will contain plantings that will be for retail sale. Mr. White answered no he will not be growing any plants on site that will be used for retail sales it is only to showcase what types of natural landscapes are available. Mr. White stated that the display is only a demo showcasing native trees, wildflowers, pollinator ecosystem. Mr. White stated that the garage will house the business trucks and large equipment and the smaller shed will house supplies for the business. Mr. White stated that there will be an onsite well and wastewater system. Mr. White continued that dark sky compliant lighting. Tim Wyman asked if the site will have two separate fuel tanks for on road and off-road fuels. Mr. White stated that he will only use on road diesel with one tank. Tim Wyman asked if the tanks will be contained. Mr. White answered yes fully contained as per code. Stephen King asked if any lighting will be used in the natural showroom. Mr. White answered no. Stephen King stated that the plan needs to show the location of the fuel tanks and containment. Stephen King stated that the lighting design also needs to be included in the site plan. Mr. White stated that all lighting will be on motion sensors which are still in the planning stages as far as hours. Stephen King informed the applicant that the sign details such as the specific size and location is also required. Chairman Cole asked if vehicle maintenance will be performed on site. Mr. White answered no he contracts with Fredericks Automotive for repairs and maintenance. Chairman Cole asked where will the lumber from trees be stored. Mr. White answered that he only retains logs of 18 inches which are chipped and taken to the Almstead mulch facility on NYS Rte. 66 and the rest is used for firewood. Mr. White continued that he would like to keep some of the trunk wood in the back of the property to process into mulch for use at the business. Stephen King asked if he is aware of any infestations of hardwoods in the area. Mr. White stated that as an arborist infestations and disease in hardwoods is constantly on his mind but he is not aware of any infestations in the area. George Schmitt informed the applicant that sign details, grading plan, erosion control plan, stormwater mitigation, fuel tank size and containment system, if grinding on site will need

decibels of the grinder, hours of operation, area of disturbance and a letter from the CCDHO are required. Mr. White answered that since this is a commercial operation Mr. DiRuzzio defers to the Planning Board. George Schmitt stated that this is an odd loophole where the CCDOH only reviews and permits residential waste systems and the NYS DEC only permits waste systems over 1,000 systems. Mr. White stated that he will have the septic system designed and will reach out to Mike DiRuzzio to be onsite for the perk testing, will speak to the designer as far as soil types and will have a letter to the Planning Board. Alberta Cox asked if there will be solar on the roof of the main building. Mr. White answered yes. Chairman Cole stated that is allowed as per code. Chairman Cole asked the applicant to explain exactly where this parcel is located. Mr. White answered that the parcel is north of Kittle Rd. next to the Link property. Lisa Bowe asked if there will be a fence around the property. Mr. White answered he plans to install an 8 to 10-foot deer/agricultural type of fence. George Schmitt informed the applicant that the Town Zoning Code allows for a 6-foot maximum height on a fence but could apply for a variance with the Town of Claverack Zoning Board of Appeals. George Schmitt informed the applicant that stormwater and erosion control plans are important and to review Town of Claverack Zoning Code 11.5.2 on page 68 sections A – J need to be addressed because the property is within the wellhead protection area. George Schmitt also informed the applicant that a narrative explaining the business, hours of operation, number of employees, etc. Tim Wyman asked what distance is planned between the white line of NYS Rte. 9-H and the gate because he has a concern that if a tractor trailer is stopped without enough room to fully exit the highway it will cause accidents. Mr. White agreed and he will review the distance to avoid hazardous traffic situations. Mr. White asked if he should seek review with the TOC ZBA for the fence before returning. George Schmitt informed the applicant that a full site plan should be submitted showing all of the listed items as well as the 8-to-10-foot fence or could have site plan show a 6-foot fence and then seek approval for an 8 – 10-foot fence from the TOC ZBA before installed. Rob Fitzsimmons informed the applicant that when a full site plan is complete it will need to be submitted to the Columbia County Planning Department for review but this is not complete at this time. Chairman Cole stated that once the application is deemed complete with the TOC Planning Board it will be referred to the County Planning Department. Mr. White informed the Board that he will not be ready for the November meeting. Katy Cashen asked if the fencing is to control deer to protect the plantings does it make a difference. George Schmitt answered that it is different for agricultural use but not for commercial uses which this falls under.

Fuller, Nancy dba Ginsberg Events Venue Site Plan Review: Tax Map #? Located at 644 Spook Rock Rd. Site Plan Review for an event venue to host weddings and parties at a private residence.

Nancy Fuller and Donna Barton were present for the application. Ms. Fuller informed the Board that she is applying to allow events such as weddings, anniversary parties, family reunions, etc. in the barn and to allow the wedding party to stay in the main house overnight. Ms. Fuller continued that she would like to hold 2 events per month approximately 125 people per event. Ms. Fuller continued that there is room to allow for 144 vehicles. Ms. Fuller informed the Board that the house could sleep 14 people like a small wedding party before and after the ceremony. Stephen King asked if the events would be held in the barn and if the events would only be within the barn. Ms. Fuller answered that she would like to use the entire site to allow an outside party where tents would be set up, use of the barn or whatever the customer would like to have. Stephen King asked if the events would have lighting. Ms. Fuller answered that events would have dusk to dawn lighting. Tim Wyman asked if there is a septic or bathrooms available for guests or would port-o-potties be used. Ms. Fuller answered yes the plan is to rent port-o-lets for each event. Stephen King stated that there is a list of things missing from the application such as layout, lighting, parking, septic, etc. Ms. Barton informed the Board that the temporary port-o-potties would be rented each event and would be the nice temporary bathrooms not ones like at a construction site.

Stephen King stated that he would like to see a layout of what a typical event might look like so that he can envision the scale. Chairman Cole informed the applicants that the Board would like to see proposed tent sites, placement of temporary bathroom facilities, lighting, parking, etc. Stephen King stated that all of these things should be marked on the map. Lisa Bowe asked if the house will be used such as an Air B&B or will staff be onsite at all times. Ms. Barton stated that if the Planning Board deems it necessary for an authorized person be on site for events, then they will figure it out. Ms. Barton continued that not all events will have use of the house with several different packages with different levels of use will be set for the customers. Ms. Barton continued packages will include use of the barn and house, or use of the barn only or use of a tent, etc. Stephen King asked if food will be prepared on site. Ms. Fuller answered no the client will be responsible to bring in their own food. Chairman Cole informed the applicant that the Planning Board has had issues in the past with some farm to table venues and have required that the owners of the venue have a primary residence on the site and are present during events especially when overnight guests are present for security purposes. Lisa Bowe stated that the plan should include a fire safety plan especially if the house will be used for overnight guests. Chairman Cole asked if the house is equipped with a sprinkler system. Ms. Fuller answered that the house does not have a sprinkler system but does have many doors. Lisa Bowe stated that each room needs to have a fire escape plan clearly marked in the rooms. Ms. Barton stated that she will prepare exit signs for each room and directions for the closest exit. Stephen King informed the applicant that if they plan to hold 22-24 events per year then they need to demonstrate that the general event site is at least 1500 feet from adjacent properties and an area variance will be required for the parking or it will need to be moved. Stephen King continued that the general event site should be determined and from that point a circle should be drawn proving that every adjoining property is a minimum of 1,500 feet from the event site. Chairman Cole stated that there is a steep hill near the parking that might make moving the area. Ms. Fuller stated that she could move the parking across the street. George Schmitt informed the applicant that moving the parking across the street creates different problems with CCDOT and would require a crosswalk and suggested applying for an area variance as it is the easiest solution. George Schmitt added that the plan will still need CCDOT approval. Chairman Cole asked if two separate parking areas would work. George Schmitt answered that the plan would still need CCDOT approval for the driveway for a commercial use, needs CCDOH approval for temporary sanitation systems or NYS DEC approval for the temporary sanitation. Stephen King asked what type of lighting will be used for the parking area. Chairman Cole stated that dark sky compliant lighting on 4-foot poles is the best. Chairman Cole informed the applicant that a punch list of items will be needed before the next meeting: Lighting design plan, parking plan, CCDOH or NYSDEC approval of temporary sanitation systems, CCDOT approval for entrance(s), Plot plan of a typical event, fire plan, hours of events. Alberta Cox asked what would be the latest time for an event. Ms. Fuller answered that events would end by 10:00 p.m. Stephen King suggested that the applicants read the Town of Claverack events laws to be able to answer questions in regards to noise, time limits, etc. Tim Wyman asked if the property is zoned agricultural. Ms. Fuller answered yes but she is not seeking to go that route because in her opinion an agricultural use is used way too much for these types of venues and it is taken advantage of the true meaning of the term. William Michael stated that the distance of the property line is looks under 1,000 feet which limits the venue to only 12 events per year. William Michael stated that if this distance is 1,500 feet from the adjacent properties it should be shown on a map. Rob Fitzsimmons informed the applicants that an event venue is allowed 12 events annually for properties with adjacent parcels at 500 feet and increases if the adjacent properties are 1,000 feet from the event site an additional 10 events could be held annually and an additional two events annually could be granted. Ms. Fuller asked if she could get her neighbors, Rudy and Patzwahl to give an ok to the plan would this then make it a mute subject. Rob Fitzsimmons answered that it doesn't hurt to get letters from neighboring property owners that they are not disturbed by the plan. Rob Fitzsimmons continued that the Planning Board is

concerned with someone of authority onsite at all times but if the applicant would provide 24-hour contact information to the Town would that be adequate. Ms. Fuller informed the Board that she has purchased the Sheldon property next to the site and plans to reside there so she would essentially be onsite. Chairman Cole stated that this would be up to the Board but has been an issue in the past and who would maintain the contact information at the Town level and what Town official would be responsible for this. George Schmitt informed the applicant that the CCDOH does not allow for temporary sanitation i.e., port-o-potties and they are not legal in NYS for a commercial use. George Schmitt continued that this would be part of the SEQRA review and is a NYS law. Punch list: CCDOH permit for temporary septic for events, CCDPW permit for parking, CCDPW permit for entrances, lighting design, tent locations, hours of operation, sanitation location, days of operation, abutters list at 500 feet from property, fire safety plan. Continued to November.

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.

Jessica Riley and Kevin Thiemann were present for the application. Ms. Riley submitted new updated maps with a minor change to parcel B moving the lot line away from the house to allow for more setback. Mr. Thiemann informed the Board that since their previous sketch plan his client has revised the plan as depicted in the newly submitted maps. Mr. Thiemann continued that in review his clients own approximately 105 acres which consists of a horse farm, riding center and boarding stables. Mr. Thiemann continued that his clients are seeking a subdivision into three parcels consisting of 10-acres, 28-acres with the remaining parcel left for the farm. Mr. Thiemann informed the Board that they have achieved a 150-foot frontage along Courts Lane which affords the frontage needed for the subdivision. Mr. Thiemann continued that his clients plan to build houses for their personal use with Ms. Riley on the 28-acre parcel and Mr. Bloomfield with the 10-acre parcel. Ms. Riley submitted a letter from Louis Lamont approving a driveway use for the 28-acre parcel to use an existing right of way at the end of Pine Street. Ms. Riley submitted a letter from CCDOH for septic. Lisa Bowe asked if there is room to enter and exit from the right of way. Ms. Riley answered that this is a deeded right of way but does not have actual frontage at the site of the driveway. Lisa Bowe asked if a right of way can be made a driveway. Rob Fitzsimmons answered that the applicant has met the frontage requirements to allow for a legal 4 lot subdivision and all have frontage and could also use a shared driveway if necessary. George Schmitt stated that the flag lot to Courts Lane allows for the frontage and will use the deeded right of way as a driveway is out of the Planning Boards control. Ms. Riley informed the Board that the right of way will only be used to access the 28-acre parcel and only for her personal vehicle. Ms. Riley continued that she currently uses the right of way to access the property with a tractor. Tim Wyman stated that driving a tractor on the right of way once in a while is different than a driveway. Lisa Bowe requested that a copy of the deed be supplied to the Board. Chairman Cole stated that the subdivision as he understands is a 3-lot subdivision with parcel A using the existing driveway, parcel C having a new driveway from Courts Lane and parcel B using the right of way as the driveway. Chairman Cole informed the applicant that the septic and well need to be indicated on each parcel and the slope should be added to the maps. George Schmitt stated that this is also indicated in the letter from CCDOH Mike DiRuzzio. George Schmitt added that the wetlands should be delineated and the area of disturbance needs to be indicated as well as stormwater control. Ms. Riley answered that all will be completed during the week. Tim Wyman stated that a few details are needed but seems ok. Virginia Ambrose stated she would need to see the completed maps and deed. William Michael and Stephen King were ok. George Schmitt suggested that a traveled way be shown if the owners still wanted to use it as an access over parcel B to parcel A. Lisa Bowe stated that she needs to read the deed. Punch List: show driveway and grading, wetlands delineated, DOH

requirements on map to scale, show septic systems, well, driveway requires fire pull offs need to be shown, and deeds need to be on file and sent to Rob Fitzsimmons. Continued to November.

NEW BUSINESS:

George Schmitt reads a letter from surveyors Bowe, Russell and Massaro with concerns that the Planning Board is accepting and approving applications without legal surveyors signed and stamped plans. George Schmitt continued that it is a NYS law that only a licensed NYS land surveyor can determine property lines. The group of surveyors are urging the Town of Claverack Planning Board not to accept plans that do not have a licensed surveyors stamp. Tim Wyman asked if this is really necessary because it will cause considerable costs to the applicants. Lisa Bowe stated that the Board needs to be certain that plans are accurate and as another application on the agenda the deed does not match the maps, the shed is bigger than the parking area and things just don't make sense and the Board needs to make sure what they are approving. George Schmitt stated that it is all at the Board's discretion but as a previous application the Planning Board maintained their request for an accurate plot plan with exact dimensions and stamped by a licensed surveyor and they were 100% correct in making this request but when the applicant threatened legal action the Planning Board members caved. Tim Wyman asked so to be clear from this day forward the Planning Board should always expect surveys and everything on the checklist. Rob Fitzsimmons stated that it is probably time for the Town Board to make a change to the Zoning has to make it firm that a current survey is required for applications unless the Planning Board waives the requirement if not necessary for instance if the size of a parcel is large the Planning Board members can waive the need to show well sites if deemed appropriate. Chairman Cole stated as for the current applicant there is an existing fence on the property and the applicant is only seeking to move the fence on their property. Rob Fitzsimmons stated that the proposed use is allowed on the parcel because it is in the Highway Commercial Zone. Tim Wyman stated that the Town of Claverack will become a very unfriendly place if every Site Plan requires a survey. George Schmitt answered that if there is an existing survey then the Board does not require a new survey but applications should require at least an existing survey completed by a licensed surveyor. Chairman Cole stated that the Board should be assured that everything is true to the lines of the property. Rob Fitzsimmons stated to the Board that they did the correct thing by requesting that Ms. Riley submit the deeds for the right of way. George Schmitt informed the Board that Ms. Riley has submitted a stamped survey showing the right of way and it is plotted and noted on the survey from Dan Russell. Mr. Schmitt continued that the neighbors can sue the applicant but if everything is legal it is not up to the Board to determine whether the applicant can or cannot use the right of way as a driveway. Stephen King stated that he agrees with Rob and Tim the Board should have the discretion to ask for further information when in question. George Schmitt stated that the law always allows for discretion but when something is near a property line the Board should require a legal survey for specific applications for a specific purpose. Lisa Bowe stated that having a legal survey helps the Board make informed decisions. Virginia Ambrose asked if the Board was out of line during a previous solar application for requesting a survey several months in a row. George Schmitt answered no because the applicant's representatives were not providing information that would show exact lines or distances. George Schmitt continued that the applicant's representative submitted materials that did not match up or allow for the Board to reference back to anything but the Board caved in when threatened with legal action. Virginia Ambrose asked if the Board was wrong to request a new survey for that particular application. George Schmitt continued that the Board was well within their rights to require a new survey. George Schmitt continued that the Board approved the application without a legal survey which could cause problems with being too loose with required materials. Katy Cashen informed the Board that if they are expecting any further materials from the Graham application, they should have requested them before the applicant left so they are not surprised at the

next meeting. George Schmitt stated that the Board did decide that the application had all materials needed and accepted as complete. Chairman Cole stated that the applicant has indicated the only change to the property is moving an existing fence back so not a big deal. Rob Fitzsimmons informed the Board that the Town of Claverack requires an engineer and attorney attend every Planning and Zoning meeting which is a cost to the Town but it is a great idea because it allows for the Board members to inform the applicants what they need to submit.

Chairman Cole stated that he attended an online training right before the meeting that was excellent and actually hit upon this very situation. Chairman Cole continued that he learned that any neighbor to any action has 30-days to appeal an approval and this appeal will go to the Supreme Court at great expense to the Town so he feels that the Board needs to be tightened up with requiring applicants provide surveys when needed. Chairman Cole will ask if the training was recorded to share with the Board members. Chairman Cole also stated that the CC Planning Department will be holding more online trainings in the future and information will be shared via the Planning Board secretary. Chairman Cole asked the Board members if they would like to send the letter from the group of surveyors to the County Planning Department. Virginia Ambrose stated that she feels that the group of surveyors should send the letter to the CC Planning Department with their concerns not the TOC Planning Boards job.

Motion to adjourn the meeting was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Jodi Keyser, secretary