

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes
December 6, 2021**

Acting Chairwoman Virginia Ambrose called the December 6, 2021 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Acting Chairwoman Virginia Ambrose led the members of the Board and audience with the Pledge of Allegiance

Members in Attendance were: Acting Chairwoman Virginia Ambrose, Lisa Bowe, Stephen King, Tim Wyman, George Schmitt; engineer, Rob Fitzsimmons; attorney and Jodi Keyser; secretary. Absent with regrets: Chairman Scott Cole, Alberta Cox and William Michael

Motion to approve the Minutes of November 1, 2021 was made by Lisa Bowe with a second from Tim Wyman. All members were in favor. Motion carried.

Correspondence: Letter from J. Lamme attorney for Chad Mortefolio regarding the Riley/Bloomfield subdivision. Letter will be read during the review of the named application.

CONTINUING APPLICATIONS FOR 12/6/2021:

**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.**

Cullen Morgan was present via Zoom for the application. Mr. Morgan informed the Board that recently T-Mobile merged with Sprint Communications. Mr. Morgan continued that the existing telecommunication tower located at the Pine Haven complex is currently holding Sprint cellular antenna and the client would now like to replace the Sprint antenna with a T-Mobile antenna. Mr. Morgan continued that this is the only change and the Sprint antenna will be replaced with a similar T-Mobile antenna only upgraded because it is a newer technology. Mr. Cullen informed the Board that the telecommunication tower at this site services the Village of Philmont and surrounding area with cellular service. Stephen King asked if this is the only change to the tower is to replace an existing antenna. Mr. Morgan answered yes.

Rob Fitzsimmons asked the applicant's representative if this is strictly a maintenance project with only replacing an existing antenna with a similar antenna for a new provider. Mr. Morgan answered yes. Rob Fitzsimmons informed the applicant's representative that they will need to provide a structural analysis to Town of Claverack engineer George Schmitt for review to be sure that the existing tower is in good shape. Rob Fitzsimmons informed the Board that back in 2007 & 2008 the Town of Claverack enacted a telecommunications tower law and at that time nobody liked cell towers. Rob Fitzsimmons continued that later the FCC enacted a law that if the proposed project for a telecommunications tower were strictly a maintenance issue, then a 60-day shot clock starts. Rob Fitzsimmons continued that these types of applications do not require an extensive review because only replacing existing equipment only need to have the applicant provide a structural analysis for the Town to be sure the tower is safe and in good condition.

APPROVED 1/3/22

Motion to deem application as a maintenance project only and therefore is exempt from SEQRA review was made by Stephen King with a second from Tim Wyman. All members were in favor. Motion carried.

Motion to approve the application for a maintenance project to replace an existing Sprint Cellular antenna with a T-Mobile antenna contingent on structural analysis review by the Town of Claverack engineer and to deem the application exempt from Town of Claverack Planning Board review was made by Stephen King with a second from Tim Wyman. All members were in favor. Motion carried.

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.

Secretary Jodi Keyser informed the Board that she had received a phone call from Mr. White stating that his project has been confronted with some unexpected expenses that are causing a delay and an extensive redesign of the plan. Mr. White stated that he will not be attending the next couple of months to allow for his engineers to redesign the project on a smaller scale and will most likely have to continue the entire plan in phases going forward.

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.

Secretary Jodi Keyser informed the Board that the applicant's engineers were going to submit a full application the day of the meeting but because they missed the cut off date for new submission was told they would be best to wait for the January meeting to allow the Board members time to review the newly submitted materials. George Schmitt informed the Board that he called Brandee Nelson the engineer for the project to wait until the January meeting and to make a full submission to the Board instead of piecemealing things together and they discussed the specific issues that the Board raised during the October meeting for the applicant.

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, Pat Prendergast and Stephen Bundschush were present for the application. Ms. Riley reviewed the application for the Board. Ms. Riley stated that she owns and operates a 100-acre horse farm and boarding stable with two houses. Ms. Riley continued that the plan will retain 62-acres for which will hold the horse farm with houses, parcel B will be 10-acres with frontage on Courts Lane, and the final Parcel C will include 28-acres with frontage also on Courts Lane but will use an existing deeded right of way for driveway access from Pine Street. Pat Prendergast informed the Board that he had chatted with TOC engineer George Schmitt regarding the plan. Mr. Prendergast informed the Board that he is mainly designing Parcel C which will have a 1200-foot driveway with two emergency pull offs with some 8.5% to 5% grade. Mr. Prendergast continued that a 4-foot fill bed septic system has been designed and submitted to CCDOH and is pending approval. Jess Riley informed the Board that the wetlands have been flagged and buffers are well within the area so no permits were needed. Mr. Prendergast informed the Board that Parcel B will have access from Courts Lane with a 1,000-foot driveway with one emergency pull off and the septic system has been

APPROVED 1/3/22

submitted to CCDOH for approval. Mr. Prendergast informed the Board that he is currently working on the area of disturbance will most likely be over the 1-acre threshold between the two parcels. Mr. Prendergast stated that he is working on the stormwater mitigation plan and will send to George Schmitt for review. Rob Fitzsimmons informed the applicants that the one parcel with access from Pine Street is controversial. Ms. Riley informed the Board that they have worked hard to design a plan that allows for frontage on a Town Road and they have 170-feet of frontage for Parcel B along Courts Lane but will access the parcel via Pine Street using a deeded right of way. Ms. Riley continued that if they were to create a driveway from Courts Lane it will disturb the farm and will also require mitigation over a stream on the parcel. Lisa Bowe asked about the access from NYS Rte. 23. Ms. Riley answered that using this access would require crossing the stream also and that Pine Street is the only viable option. George Schmitt stated that he is waiting to see the erosion and sediment control plan but this is not a big deal and he is agreeable to the driveway design and the added wetland design. Lisa Bowe asked where will the Town of Claverack or the applicant push snow at the end of Pine Street. Ms. Riley stated that Mr. Lamont didn't see any issues and approved a driveway permit for the Pine Street access. Lisa Bowe stated that there is an advertisement for the sale of 60-acres at this address. Virginia Ambrose asked why not use the frontage on Courts Lane. Rob Fitzsimmons answered that the application meets all Town of Claverack requirements for frontage even if the frontage is not used for access. Lisa Bowe asked if the property could be subdivided in the future using a right of way for access to multiple parcels. Ms. Riley stated that right of ways is used all the time throughout the Town of Claverack and to use the Courts Lane access it would create a driveway that would be 3 times the length of the designed driveway. Rob Fitzsimmons read the letter from Jacob Lamme who represents neighbor Chad Mortefolio who stated that the right of way was never used until recently as a logging trail and that the deeded right of way was for use as an agricultural access and not a private driveway which is overstating the meaning of the right of way. Mr. Lamme continued that Mr. Theiman who represents Ms. Riley has submitted two deeds that were found from the neighboring property owner that stipulate all of the uses for the right of way. Mr. Lamme also disputed that the frontage along Courts Lane should be used for access and not the right of way. Rob Fitzsimmons stated that an independent study for an easement is broad and might be disputed in the future but these issues are not up to the Town of Claverack Planning Board to decide only that the applicant has demonstrated adequate access and frontage for the parcel via Pine Street with the right of way. Acting Chairwoman Virginia Ambrose asked what is the size of the neighbor's property. Ms. Riley stated that the deed states that 25-feet of Pine Street and a guardrail was installed to show his property and Mr. Mortefolio called the police when she had some trees along that 25-feet removed and that she has the right to use more of the right of way for a driveway if she wanted to the corner of Pine St. Tim Wyman stated that he doesn't see where there would be any burden on Mr. Mortefolio's property from the driveway. Stephen King stated that this is not up to the Town of Claverack Planning Board to figure out it is a legal issue between Ms. Riley and Mr. Mortefolio. Stephen King continued that the plan meets all of the regulations required by the Town of Claverack and therefore should be moved forward. Ms. Riley stated that since the logging and guardrail was installed Mr. Mortefolio has allowed very high weeds to grow. Acting Chairwoman Virginia Ambrose asked if the Board members had any more questions. No further questions.

Motion to accept the application as complete and set for public hearing pending sediment and erosion control study was made by Tim Wyman with a second from Stephen King. All members

APPROVED 1/3/22

were in favor. Motion carried. Public hearing set for January 3, 2022 at 7:00 p.m. at the Town Hall Building.

Gellert, Philip & Cross, Scott & Darcy Boundary Line Adjustment: Tax Map #(SBL)133 . 00 – 2 – 50 & 133 . 00 – 2 – 48. Located at 91 Palmer Rd. Boundary Line of 5.8-acres from Gellert to Cross.

Stephen Hook informed the Board that he saw Mr. Gellert at the Town Office during the afternoon and Mr. Gellert informed him that his surveyor had not yet completed the maps for the meeting so he asked to be continued to the January meeting.

Mokotoff, Moke-dba Claverack Farm LLC Special Exception: Tax Map #(SBL)120 . – 1 – 24 Located at 370 NYS Rte. 23B. Special Exception for the installation of a Tier 2, 20.025 kW ground-mounted solar array.

Alex Martin and Loreen Harvey from Kasselmann Solar were present for the application. Mr. Martin submitted a new 11X17 map of the parcel but it is not a survey but includes topography lines and screening is indicated with the exception of the existing fence which they were not aware was installed at the time of the application. Stephen King stated that the existing fence is not shown on the new maps and it was discussed at the previous meeting. Stephen King informed the applicant's representatives that the Town of Claverack Zoning Codes has a list of specific items that are required for a solar array such as locations of the emergency shut-offs, maps must be printed in black and white only, locations of existing structures, distances of trenching, etc. and it can all be found on the website. Ms. Harvey stated that they did look for the list in the codes but didn't find anything. Rob Fitzsimmons informed the applicant's representatives that §15.3.21 of the Town of Claverack Zoning Codes has a breakdown of the requirements and the electrical schematics along with the locations of the DC disconnects are required, stamped or at least certified survey maps, plot plan with boundary lines, proposed screening design are clearly indicated within the Town Zoning Code and that the Town of Claverack Planning Board is within its jurisdiction to request that all of the items above are included in the application materials. Ms. Harvey stated that they have supplied all of those items. Mr. Martin stated that the DC disconnect will be included. Rob Fitzsimmons informed the applicant's representatives that the Board will allow for the submission of a sketch plan along with a certified survey that the Board can make decisions on and compare to be comfortable with their decisions. Mr. Martin asked if the Board would agree to a 6-foot fence along Webb Rd. or would they want a higher fence. Acting Chairwomen Virginia Ambrose stated that the existing fence along NYS Rte. 23-B is still not indicated on the maps and she would suggest a visual impact study for the residential neighborhood along Webb Rd. Ms. Harvey stated that they submitted a visual impact study by indicating the location of a proposed fence and some shrubs/trees. Tim Wyman asked if the houses along Webb Rd. could view the array from their second-floor windows. Ms. Harvey asked how do they hide a solar array situated in the middle of a field if they have to hide it from a second-floor window of a neighbor. Stephen King suggested vegetation would be the best screening. Ms. Harvey stated that vegetation would be closer to the array and provide less screening for the neighbors. Stephen King stated that the Board is not asking for the array to be shielded completely but it should be shown on the maps where everything should be shown on one map in one color which is needed for filing. George Schmitt informed the applicant's representatives that everything should be consolidated onto one map so that it is easier for the public to understand the project during the public hearing. George Schmitt continued that it

would be in the best interest of the project if everything were easier for the public to understand instead of creating doubt because the neighbors will show up for the public hearing. Mr. Martin informed the Board that the DC disconnects and electrical components are shown on the newly submitted map and asked if a taller fence would be allowed instead of vegetation. Tim Wyman stated that he would rather see vegetation instead of fencing which can deteriorate over time and vegetation just grows but still can look appealing. Ms. Harvey asked what height should they plant trees at. Stephen King stated that this is a plan and they don't expect the applicant to install fully grown trees but there is a lot of room at the site to allow for the installation of vegetation. Ms. Harvey stated that she is concerned with keeping screening to a minimum. Stephen King stated that there is no minimum, it is only a plan to show when fully grown will allow for plenty of screening. Stephen King stated that the application that has been submitted is barely visible showing some sort of topography and it is confusing to him and nothing is clearly indicated and is very difficult to read. Acting Chairwoman Virginia Ambrose suggested that the applicant's representatives go back to the drawing board and review the Town of Claverack Zoning Codes and update the application according to the required regulations. Mr. Martin submitted new photos from 11-foot high. Tim Wyman stated that the local fire department will have questions regarding the disconnect locations. Stephen King stated that the applicant is fortunate because this is a large property so he can situate the array anywhere to allow for all requirements to be met. Ms. Harvey stated that it seemed a bit much considering that Webb Rd. is a dead-end with only a few houses. Board members informed the applicant's representatives not to be surprised but there will be several neighbors attending the public hearing and they will have questions about the application. Mr. Martin stated that he will speak with the owner to find out what route he would prefer either vegetation or fence. Ms. Harvey stated that the applicant wanted the Board to tell him what he would need to get an approval and they were not aware that the application would require a public hearing. Acting Chairwoman Virginia Ambrose informed the applicant's representatives that it is not the job of the Planning Board to design a project for an applicant but the applicants are required to submit a designed plan for the Planning Board members to review and make suggestions for changes or additions. Acting Chairwoman Virginia Ambrose continued that the neighbors will weigh in on the project and they will have questions so they should follow the solar array requirements in the Town of Claverack Zoning Code. Acting Chairwoman Virginia Ambrose added that a larger map is required and the property owner needs to tell the company what he wants to do to mitigate the screening plan. Rob Fitzsimmons informed the applicant's representatives that they have submitted maps and papers that they are asking the Board members to piece together and the Board is asking for the project to be depicted on one certified map showing the actual project. Rob Fitzsimmons continued that it is the applicant's responsibility to submit a full plan showing the type of array, if the array is articulating or stationary, screening, location of trenching, boundary lines and all shown on one map. Rob Fitzsimmons stated that the Board is fine with the visual submission. Stephen King suggested that the requirements are found within the code and the Board cannot ask the applicant to provide screening for a 2nd story only that the applicant has made the best effort to provide adequate screening. Ms. Harvey stated that they could just put the array in the middle of the field and it wouldn't require any screening because it is a farm. Stephen King stated that is good but the Town Code still requires several items that are missing from the application. Ms. Harvey asked if they brought a survey map and a copy of the plan would that be sufficient. Acting Chairwoman Virginia Ambrose stated that the Board requires 11 copies of all submissions at least two weeks prior to the next meeting to allow time for review before the meeting and the maps should be stamped and signed

APPROVED 1/3/22

or at least certified. Mr. Martin stated that he will have the site plan maps stamped by the company engineer. Rob Fitzsimmons suggested that the applicant's representatives contact Crawford and Associates to have the survey maps re-stamped to certify accuracy and they will provide larger maps. Mr. Martin stated that he will have the company engineer stamp and sign the maps. Everyone agreed. Mr. Martin asked if the Board would still want full size maps. George Schmitt stated that they could have their engineer add the contours onto the site plan map from the clearing house. Continued to the January meeting and will need more review before setting the public hearing.

NEW APPLICATIONS for 12/6/2021:

Stewart's Shops Corp. Site Plan/Special Exception: Tax Map #(SBL) 101 . – 1 – 73 Located at 811 Rte. 66. Site Plan & Special Exception for the construction of a new Stewart's Shop (convenience store) with self-service gasoline filling.

Chuck Marshall was present for the application. Mr. Marshall informed the Board that Stewart's Corp. has acquired all of the Red Cap locations to install new Stewart's shops with one being the Rte. 9-H & 66 locations. Mr. Marshall continued that the company has joined into a new lease with Mr. Finck. Mr. Marshall continued that the project will include removal of the existing octagonal building, removal and relocation of the fuel pump stations, relocation and construction of a new gabled building. Mr. Marshall stated that the new building will resemble some recently renovated/built Stewart's Shops around the area with the use of hardy board siding, gabled roof and stone veneer exterior. Mr. Marshall continued that the existing entrances will be altered as per NYS DOT and the fuel pumps will be relocated to the front of the property where the existing building now stands. Mr. Marshall continued that the site will include 6 stations with 12 pumps and a diesel fueling island. Mr. Marshall informed the Board that access to Mr. Finck's current business will be maintained for delivery. Mr. Marshall continued that the building will use the existing well and will tap into the new County system. Mr. Marshall stated that the existing Rte. 9-H entrance/exit will decrease by 30-feet and will require NYS DOT approval but that is in the design stage and not yet sent in for permitting. Mr. Marshall stated that the landscape plan shows for grass areas along curbing, downward facing night sky compliant lighting. Stephen King asked if there will be any electric charging stations. Mr. Marshall answered not at this time because the electric charging stations are called Charge Point and they are partnered with Tesla and have express interest but this might be something that will be looked at in the future maybe a year or so down the road. Mr. Marshall informed the Board that the new building will be a substantial improvement over the existing building, will have one 30-square foot free standing sign, no sheds or donation boxes and the existing ones will be removed. Lisa Bowe stated that the trash area is not indicated on the map. Mr. Marshall will add to next submission. Stephen King asked if this type of use is considered grandfathered because the code does not allow for convenience stores within the CIP. Rob Fitzsimmons answered that this is a grandfathered use but doesn't understand why the application states D-18 as the use which is a brewery/farm distillery. Mr. Marshall stated that the parcel is situated within the Highway commercial zone and not the Highway Commercial Industrial Park. Rob Fitzsimmons informed the Board that Mr. Finck had applied for multiuse commercial in the past which could also apply to this use which is allowed. Acting Chairwoman Virginia Ambrose asked if there will be any storage on the site. Mr. Marshall stated that all storage will be contained within the building. George Schmitt informed the applicant's representatives that he will need to see the info on the fuel tanks, grading, lighting, demolition of tanks, etc. Mr. Marshall informed the

Board that the plan will replace the bulk storage tanks with new fiberglass tanks which are above the DEC recommendations for bulk storage of fuel. George Schmitt stated that these items need to be shown on the plans. Acting Chairwoman Virginia Ambrose asked if there would only be one entrance for deliveries. Lisa Bowe asked if there would be a loading dock or how would deliveries be made. Mr. Marshall answered that deliveries would be made at the back of the building at the exterior freezer entrance with delivery traffic only moving in one direction. Acting Chairwoman Virginia Ambrose asked if there were an emergency at the front of the building at the only entrance how would people exit the building. Mr. Marshall answered that the doorway in the back will allow an exit in emergency situations only but not a regular customer entrance. Lisa Bowe asked if there are bathrooms. Mr. Marshall answered yes on the inside and they will be shown on the interior floor plan he will submit. Board members asked if Mr. Marshall included a letter from Mr. Finck owner of the property to act on his behalf. Mr. Marshall will submit a letter from the property owner Mr. Finck. Mr. Marshall informed the Board that the plan also has 4/10's of an acre from Mr. Finck's neighboring parcel to allow for setbacks. Rob Fitzsimmons informed Mr. Marshall that this use of property would require a Boundary Line Adjustment since the property is in a long-term lease which is a separate application. Stephen King informed Mr. Marshall that the plan needs to show the gas pumps and signage on the pumps. Mr. Marshall stated that the plan has a building sign and a free-standing sign with LED pricing and Stewart's with the name Stewart's on the pumps also. Rob Fitzsimmons informed Mr. Marshall that the Board needs to see all signage on the pumps, building etc. in the plan. Acting Chairwoman Virginia Ambrose that it would be nice to see some plantings other than just a grass area at the corner and along the sides of the curbing. Rob Fitzsimmons stated that this is a heavily traveled intersection and the existing no left turn into the entrance/exit on NYS Rte. 66 was not a DOT requirement and as long as NYS DOT approves the plan then entrance/exit from both NYS Rte. 66 and also NYS Rte. 9-H would be allowed. Tim Wyman asked what is the plan for the NYS Rte. 9-H entrance. Mr. Marshall answered that the turn lane will stay on NYS Rte. 9-H but they are changing the entrance into one exit and one entrance. Punch List items: Signage plan, letter from Mr. Finck, dumpster locations, grading, sediment/erosion plan, floor plan, delivery door on plan, details of gas/fuel storage and pumps, Boundary Line Adjustment application. Mr. Marshall informed the Board that he has not completed the SWIPPS because he was waiting to get Board information and requests. Mr. Marshall stated that he will most likely return for the February meeting. Rob Fitzsimmons and George Schmitt agreed to set up a \$2,000.00 escrow account started for the review. Rob Fitzsimmons stated that he will notify the town office of the escrow and for Mr. Marshall to get a request to the Columbia County and Greenport to request connection into the Commerce Park sewer.

Pomplun, Kevin & Schwab, James dba Jackson's BBQ Special Exception: Tax Map #(SBL) 121 . 3 – 2 – 12 Located at 14 Rte. 9-H. Special Exception to expand the building by enclosing an existing concrete slab to allow for inside dining.

Kevin Pomplun was present for the application. Mr. Pomplun informed the Board that he is the chef and owner of Jackson's BBQ in Claverack at the site of the former Eskimo Bar. Mr. Pomplun continued that he is requesting to enclose the outside concrete slab to allow for indoor, year-round eating. Mr. Pomplun continued that this patio has been an eating area for decades just asking to enclose with pre-existing dining. Mr. Pomplun stated that the patio is 75% enclosed already so he would like approval to enclose the rest to allow for year-round dining inside. Mr. Pomplun continued that this enclosure would be simple with windows and sliding doors all around similar as to all

restaurants are doing. Mr. Pomplun informed the Board that right after his approval the business was limited to take out only during the pandemic he has had a substantial loss. Mr. Pomplun informed the Board that he hoped that they would agree to allow this restaurant to be opened all year that would bring more money into the community and has entered into several partnerships with the community such as the library. Mr. Pomplun continued that the business is not increasing the use by enclosing the patio to allow for inside dining. Mr. Pomplun informed the Board that the topic of the curb cuts was discussed at the time he applied for the building permit. Mr. Pomplun informed the Board that he submitted a plan to the NYS DOT but due to restructuring in the office he has not heard from them and they have not acted on his application. Mr. Pomplun continued that he has tried several times to contact someone at the NYS DOT office without a response and that if they are going to require him to install a \$40,000.00 curb cut to the site then he will just have to close down because he cannot afford to do it and he cannot wait a month for a public hearing but would ask the Board make an approval tonight. Rob Fitzsimmons informed Mr. Pomplun that enclosing the patio is a change/modification to the previously approved site plan and does require an application with a public hearing. Rob Fitzsimmons informed the Board that he had a conversation with Mr. Pomplun that the curb cuts were a condition of the initial approval but he has been waiting to hear from the NYS DOT to proceed. George Schmitt informed the applicant that he has reached out to the local NYS DOT office and they are very interested in the site and they do want to see something done for curbing at the site. George Schmitt agreed that when Joe Visconti retired it was difficult since Tina Reilly has taken over, she has been on top of everything. George Schmitt continued that he has reached out to her regarding several projects and she responds right away. George Schmitt informed Mr. Pomplun that Ms. Reilly is in the office daily and he has provided the information to her from the initial application but he does not think that bullnose entrance/exits are allowed but she is very interested in hearing from Mr. Pomplun's designs and having the opportunity to review the plans. Mr. Pomplun asked if he needed to resubmit the curb cut plan. George Schmitt answered that Ms. Reilly is very easy to deal with but he should get in touch with her as soon as possible. Tim Wyman asked at what point does the business become considered a restaurant. Lisa Bowe asked if the addition will be a permanent structure with heat. Mr. Pomplun stated it will be permanent but will have electric heaters no different than the plastic he used last year. Acting Chairwoman Virginia Ambrose stated that in her opinion this is an increase in the use since it will go from a couple of months per year take out BBQ and ice cream spot to a year-round dining restaurant but she is not complaining but it is an increase in use. Mr. Pomplun stated that he currently and has always had seating available for 64 people and will keep the same. Lisa Bowe asked where 64 people currently sit. Mr. Pomplun stated that the existing picnic tables allow for more people to sit. Virginia Ambrose stated that people don't tend to linger at a picnic table they eat and leave but with inside dining people will linger so more will be onsite at one time. Mr. Pomplun stated that he is not increasing the capacity. Stephen King stated that it is not the applicant's fault that there was a change over at the NYS DOT and he should be allowed to continue with another conditional approval. Mr. Pomplun informed the Board that he spent money on a traffic study with an engineer. Lisa Bowe asked for clearer diagram to be submitted. Stephen King suggested photos of the site for the public hearing would be beneficial. Mr. Pomplun informed the Board that since he has been at the site there haven't been any accidents and he feels that installing curbing would create a dangerous situation and would cause accidents.

APPROVED 1/3/22

Motion to accept the application as complete and set public hearing with an extension for the curb cuts to January 3, 2022 was made by Tim Wyman with a second from Stephen King. All members were in favor. Motion carried. Virginia Ambrose stated that photos of the site would be a good idea. Virginia Ambrose asked if there are bathrooms for customers. Mr. Pomplun answered there is one bathroom. Lisa Bowe asked if the bathroom is handicap accessible. Rob Fitzsimmons answered that this issue is for the code enforcement officer.

Motion to adjourn the meeting was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried. Meeting adjourned at 9:16 pm.

Respectfully submitted,

Jodi Keyser, secretary