

Approved 5/2/22

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes
April 4, 2022**

Chairman Scott Cole called the April 4, 2022 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, Tim Wyman, engineer; George Schmitt, attorney; Rob Fitzsimmons, and secretary; Jodi Keyser

Absent with regrets: William Michael

Motion to approve the minutes of March 7, 2022 was made by Alberta Cox with a second from Lisa Bowe. All members were in favor. Motion carried.

Correspondence: Chairman Cole read a letter from Board member William Michael which read he will resign from the Planning Board as of June 1, 2022. Chairman Cole stated that Mr. Michael will be greatly missed on the Planning Board and has served the Town of Claverack in many ways.

CONTINUING APPLICATIONS FOR 4/4/22:

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.

Tyler Fronte was present for the application. Tom Finck was also present as the property owner. Mr. Fronte submitted the NYS DOT permit and asked if there were any Board questions. Chairman Cole informed the applicant that the Board was still waiting to hear back from the Columbia County Planning Board. Virginia Ambrose stated that she was excited to see a new upgraded space. Alberta Cox stated that she was good with the application. Stephen King and Tim Wyman both were good with the application. Chairman Cole opened the meeting to public hearing at 7:07 p.m. No comments were heard. Chairman Cole closed the public hearing at 7:08 p.m. Secretary Jodi Keyser informed the Board that the Columbia County Planning Board had sent an email with comments. Rob Fitzsimmons reads the CCPB comment letter noting that the issues have been addressed such as NYS DOT permit, Stormwater, underground fuel tanks, food service will require CCDOH permit which is required for CO, and gas pumps regulated via County weights and measures. Rob Fitzsimmons reminded the Board that the applicant is seeking to connect to the Columbia County Commerce Park Sewer line and will need approval from the County Board of Supervisors as well as the Town of Greenport which is in process at this time. Rob Fitzsimmons continued that the applicant will need to pay for hook up fee and will pay an out of district user rate.

Motion to approve the Site Plan and Special Exception to construct a new Stewart's Shop and Convenience store with self-serve fuel station with the condition that the site is allowed to connect to the new Columbia County Commerce Park Sewer line was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion carried. Site Plan Maps were not signed but Mr. Fronte will get them signed and will meet Chairman Cole to stamp and sign.

Located at 370 NYS Rte. 23B. Special Exception for the installation of a Tier 2, 20.025 kW ground-mounted solar array.

Alex Martin was present for the application. Mr. Martin submitted an updated site plan with planting design and conceptual screening plan photos. Mr. Martin informed the Board that Mr. Mokotoff has removed the fence and will plant 40 arborvitae trees in a scattered two row pattern. Mr. Martin continued that the trees will grow between 10 to 15-feet and 3 to 4-feet wide at maturity. Mr. Martin continued that the trees will be planted at 1 ½ to 2-feet in height and should grow between 1-2 feet per year. Virginia Ambrose asked why the existing fence along NYS Rte. 23-B now has a large opening. Chairman Cole informed the Board that the large part of the fence has been replaced. Mr. Martin informed the Board that the renderings are close up and when going away from them will make screening even more substantial. Tim Wyman stated that this is a nice compromise. Stephen King stated that he was happy to see his questions answered. Chairman Cole asked if the solar panels will be fixed or rotating with the sun. Mr. Martin answered that the panels are fixed and oriented to the south but are not directly facing any neighbors. Mr. Martin stated that the panels also have an antiglare coating to prevent glare from the sun. Chairman Cole stated that he can only find one disconnect on the plan. Stephen King answered that he thinks two disconnects are required one at the house and one at the panels. Rob Fitzsimmons answered that this is governed by the electrical codes. Mr. Martin stated that the trees are a good fit for the neighborhood. Lisa Bowe answered that the trees are an improvement and asked if there will still be a fence. Mr. Martin answered no, the fence has been removed. Chairman Cole polled the Board and all were fine with the plan to move forward. No further questions from Board members.

Chairman Cole continued the public hearing at 7:25 p.m.

P.J. Keeler thanked the board and Mr. Mokotoff for working so diligently on the project and compromising with agreeing to plant trees. Mr. Keeler continued that although he is glad there will be trees planted along the field, he is concerned that planting trees that are 1 ½ to 2 feet tall will take several years to grow enough to be a good screening. Mr. Keeler would like to see taller trees planted but is happy with the plan. Chairman Cole stated that the reason for the tree plantings was to soften the look of the fence that was proposed and this is a softer option. Lisa Bowe asked Mr. Martin if the Board could ask to have larger trees planted. Mr. Martin answered that the trees they have chosen will grow between 2-3 feet per year making them fully grown within 3-5 years.

Rob Keeler P.J. Keeler's thanks and also appreciates that trees will be planted along the field but is concerned about the direction of the solar panel because it appears that it will directly face his house. Mr. Martin answered that the solar panel is not directly facing toward any house but more directional toward the space between the Town water pump building and the house owned by John and Mary Daly toward the field. Chairman Cole informed Mr. Rob Keeler that the plan shows that the solar panel will be directed over the top of the water pump house. Rob Keeler continued that he would like to see larger trees planted and is concerned that not all 40 trees will survive so he would like to have some guarantee that the trees will be maintained and replaced as necessary. Tim Wyman answered that this would be considered part of the compliance and is up to the Building Department to enforce.

Ian Nitchke addressed the Board that he has planted thousands of beautiful daffodils all along many of the roadways in the area and he would be willing to plant daffodils all along NYS Rte. 23-B and Webb Rd. to soften the views. Chairman Cole informed Mr. Nitchke that this would be up to Mr. Mokotoff and not something that the Planning Board can agree to. Mr. Nitchke informed the Board

that he has permission from Mr. Mokotoff to plant daffodils along NYS Rte. 23-B but will ask about Webb Rd.

Mary Daly stated that trees that are 1 ½ to 2 feet tall will be lost in the brush along the road and they will not create the amount of screening necessary for several years but thanked the Board and Mr. Mokotoff for their work toward a compromise.

Donna Davy asked that the Board have the presenters situate themselves at the far end of the table so that the public can view the projects as they are presented.

Stephanie Sussman asked if the existing wooden fence along NYS Rte. 23-B is being removed. Mr. Martin answered no the fence along NYS Rte. 23-B will remain as is. Ms. Sussman continued asking if there are any plans to mitigate the NYS Rte. 23-B side of the property. Ms. Sussman continued that she is happy that the neighbors on Webb Rd. will have screening but what about the screening along NYS Rte. 23-B. Chairman Cole informed Ms. Sussman that any property owner can install a fence as long as it meets the Town Zoning Codes and they do not need any approvals for installation. Ms. Sussman stated that she thought that there was discussion regarding screening on both sides of the property since there are neighbors along NYS Rte. 23-B also and the existing fence is constantly falling down and only screens a small portion. Rob Fitzsimmons stated that the wooden fence along NYS Rte. 23-B is a pre-existing fence and does not require approvals. Ms. Sussman suggested that Mr. Mokotoff might consider some sort of plantings along NYS Rte. 23-B.

No further comments. Chairman Cole closed the public hearing at 7:40 p.m.

Mr. Martin informed the Board that it is very hard to find trees right now especially larger trees are very difficult to source.

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 grant approval of plan as provided with condition that annual maintenance of the trees along Webb Rd. along with replacement of any dead or diseased trees is performed was made by Virginia Ambrose with a second from Alberta Cox. All members were in favor. Motion carried.

Plans were stamped and signed.

Getaway House Inc. Special Exception/Site Plan Review and Boundary Merger/Consolidation: Tax Map (see survey map) Located across from the Yorkshire Motel (lands of Richard Cross aka Evergreen Estates) Special Exception and land merger of 16 parcels to for 90 +/- acre parcel for the construction a 45 – 50-unit campground facility with residence, office, public water, septic system and access roads.

Not ready to present any new information.

Emerson Solar, LLC Site Plan/Special Exception & Boundary Line Adjustment: Tax Map #(SBL) Boundary Line Adjustment for the installation of a Large-Scale Solar Field.

Anna Rehder and Jennifer Galliardy were present for the application. Ms. Rehder informed the Board that the plan for the large-scale solar field includes a Boundary Line Adjustment to add some property to the Emerson field and they have shifted the entrance about 50-feet to keep away from an

existing electric pole. Ms. Rehder informed the Board that the design plan has been sent to the fire chief on February 17, 2022 for review. Ms. Rehder continued that there is a big open field where a portion of the solar field will be visible from the roadway. Stephen King added that this means that the solar field will also be visible to the historic homes along Stottville Rd. Ms. Rehder continued that they will maintain as much of the existing tree line along the 2 eastern edges and the northern edge of the property and will fill in to create a more substantial screening as needed. Ms. Rehder informed the Board that the new design shows that they have moved the entire solar field to give more screening area but that this creates the need to allow for the 20-foot clearance area to be situated outside of the fence instead of inside the fenced area. Tim Wyman stated that the 20-foot clearance is for emergency access. Ms. Rehder answered that there will be a lock box for emergency access. Chairman Cole stated that this would be a decision for the Fire Chief to agree to but the 20-foot clearance is usually maintained within the fence for emergency access. Ms. Rehder stated that there is already a 15-foot clearance but would ask to add another 20-feet to that. Stephen King asked what the screening consists of. Ms. Rehder stated that the screening will be naturally conducive to wetland areas same as with the Clover Meadows project. Stephen King stated that the photos show no screening and the northern side of the site needs screening. Ms. Rehder stated that they will design screening for the northern side. Stephen King stated that he would like the applicant's representatives to provide a diagram of the increased screening. Ms. Rehder informed the Board that she will take the suggestions and points of concern to make an increased screening plan and will provide the visual analysis along with visual design to the Board. Tim Wyman and Stephen King both agreed that the northern side of the site is substantially lacking screening. Chairman Cole stated that the project indicates minimal land disturbance and he questioned this statement because a 35-acre project will require the removal of several trees which in his opinion is more than a minimal disturbance. Ms. Rehder informed the Board that this statement was made because the project will be completed in phases of 5-acres at a time which will maintain a minimal impact over the scope of the entire project. Ms. Rehder continued that this phasing will allow for seeding and for the land to settle between phases. Ms. Rehder informed the Board that the plan will maintain as many of the existing trees as possible and if the Fire Chief agrees to allowing the 20-foot clearance for emergency purposes to the outside of the fence then it will be able to maintain even more of the existing screening. Chairman Cole stated that to clarify .8 acres of disturbance seems to be a low estimate when removing 25-acres of trees seems to be more significant than .8 acres. Stephen King stated that he is concerned with the wetlands area along the creek and the enormous removal of trees will be a significant impact on the wetlands. Chairman Cole stated that phasing the project into 5-acres at a time then reseeding will make some mitigation but it will still take time for the reseeding to grow and in the meantime, it will be open soil for erosion. George Schmitt asked why the project isn't moved more into the open field. Ms. Rehder answered that the owner has a contract with a local farmer to farm the fields. Ms. Rehder continued that erosion control will be strictly enforced and will protect the creek. Virginia Ambrose stated that there is a significant amount of wetlands involved in the project. Ms. Rehder stated that no grand disturbance will be done within the wetlands and they will only top the existing trees but will maintain the roots to maintain erosion. Virginia Ambrose stated that she is concerned with the creeks and water system that flows to the Hudson River. Anna Rehder will provide more information regarding the erosion control but informed the Board that they will have gravel strips along the steep slopes to maintain the existing soils and to keep from creating direct flow runoff. Stephen King stated that screening is of high importance. Anna Rehder stated that she will provide visual receptors. George Schmitt asked for digital photos of the panels with the screening design would be helpful. Stephen King stated that he is unsure about a contract with a farmer but feels that there is a significant need for increased

screening around the project to protect the neighbors. Lisa Bowe asked if any studies have been done regarding the bird populations in the area and the impact of removing so many of the trees will have on the flocks. Ms. Rehder stated that over 100-acres of the existing forest will be maintained. Virginia Ambrose asked if anyone has performed a biodiversity study specifically for eagles and other endangered species to protect them. Virginia Ambrose continued that she is concerned that the impressive biodiversity plan looks great right now but will not be maintained over time. Anna Rehder will provide a listing of the endangered species. Virginia Ambrose asked that a detailed biodiversity plan be provided as well as how it will be maintained. Anna Rehder answered that she will provide this information as soon as possible. Continued to May.

Katy Cashen informed the Board and applicant that she has received numerous complaints from the public who are frustrated that they cannot view these larger projects with the way we are holding meetings and they are wanting to be more involved. Rob Fitzsimmons answered that the legality is that the applicant makes a submission which is then reviewed by the Planning Board members and when the Planning Board deems the application complete a public hearing date and time will be set at which time the public can make comments regarding the application. Audience member on zoom stated that people who live directly across from the project cannot see anything so the Town needs to fix the way they present at the meetings or allow the public to attend the meetings. Jodi Keyser will send Ms. Rehder the website contact information to have an electronic copy of the project added to the Town website for the public.

NEW APPLICATIONS for 4/4/2022:

Bursty's LLC/Quinnie's Special Exception/Site Plan Modification: Tax Map #(SBL)101 – 2 – 7
Located at 834 Rte. 66. Special Exception/Site Plan Modification to allow for an accessory use of multi-use commercial to hold events such as flea markets, movie screenings, fundraisers, Easter egg hunts, etc.

Simon Burstall and Quinn Levine were present for the application. Mr. Burstall informed the Board that they were under the impression at their original approval that they would be allowed to have small events on the property. Mr. Burstall continued that it was part of their original idea to use the property to the fullest. Ms. Levine informed the Board that they have been approached by the Phoenicia Flea market to hold an event at their site. Ms. Levine continued that the Phoenicia Flea markets consist of approximately 20-30 vendors that are local artisans that hold pop-up events throughout the Hudson Valley to sell their wares. Ms. Levine continued that they would like to host other events such as an Easter Egg hunt, fundraising events with local restaurants and food markets to set up tents with profits going to local charities, outdoor movies, etc. Ms. Levine stated that she has several different ideas in mind that would benefit the community. Mr. Burstall stated that their plate is really flowing over and they only want to do a few events during the year and he did mention that this would be considered during their original site plan submission so that is why he is surprised that they had to receive another approval because he thought that it was already approved.

Chairman Cole stated that he has a big concern with the site hosting any events. Chairman Cole continued that he is a lifetime member of the local fire company and local rescue squad and has seen first hand how dangerous this area of roadway and the intersection are. Chairman Cole continued that he has personally attended several serious accidents which have increased over the last several years so he is concerned with safety. Mr. Burstall stated that there are parking spaces to allow for up to 40 vehicles at a time. Chairman Cole stated that there will be cars parking along NYS Rte. 66 and NYS Rte. 9-H on both sides of the roadway when there isn't room to park which will create a serious safety concern. Lisa Bowe asked how many vehicles would be allowed to park. Mr. Burstall

answered 40. Chairman Cole asked if there are 20-30 vendors then where will the vendors park. Stephen King informed the owners that the Town of Claverack has an events law regulation which has parameters and formulas for the number of vehicles, number of events per year, etc. Mr. Burstall stated that it has been a nightmare showing people where to park. Chairman Cole reiterated how much of a safety concern he has with events at the site. Rob Fitzsimmons informed the Board that the law requires one parking space for every 4 people. Ms. Levine asked if the vendors could park elsewhere on the site to allow for public parking in the 40 spaces. Virginia Ambrose stated that she visited the site today but the business was closed but she did notice that there are no lines for parking spaces. Mr. Burstall informed the Board that they have RC Paving ready to deliver item #4 to the site and the parking spaces are ready but the weather has not cooperated. Virginia Ambrose suggested that the applicants submit some sort of parking design. Ms. Levine stated that they will be installing signs for parking. Chairman Cole asked about some sort of fencing along NYS Rte. 9-H. Mr. Burstall answered that they are planning to install a split-rail fence along NYS Rte. 9-H but waiting for weather to clear. Tim Wyman stated that even a fence will not deter people from parking along the roadway. Ms. Levine stated that she will check the exact number of vendors. Tim Wyman stated that the number of vendors might need to be limited. Ms. Levine stated that she could maintain a smaller event with fewer vendors but would check. Lisa Bowe stated that it might be selective with vendors. Stephen King stated that he has issue with outdoor movies and events causing distraction for drivers at a very heavily traveled intersection. Rob Fitzsimmons informed the applicants that they are located within the CIP zone and it does allow for anything but will need to apply the TOC events law to each event which includes plan for temporary septic and temporary water to the site. Rob Fitzsimmons continued that each event will require CCDOH approval which will require the number of people per event, number of events per year and will require them to show the existing septic flows. George Schmitt stated that the Town of Clermont had an event business who tried to work through all of the requirements with CCDOH and NYS DEC but found that in the end it was too expensive. George Schmitt continued that he does know that CCDOH and NYS DEC do allow for the trailers that are moving bathrooms but they are at a cost. George Schmitt continued that the applicant should try to gage the attendance at events, number of parking spaces, number of events per year which all play a part of the final requirements. Lisa Bowe asked if these events will have alcohol sold. Ms. Levine stated that she has a liquor license for the inside eating area and the patio but that is not for the surrounding site so no. Both Mr. Burstall and Ms. Levine informed the Board that they understand and also want to keep safety at the highest level. Ms. Levine stated that after hearing all of the Board members she feels that the flea market might be too much. Stephen King stated that they do have a good idea for the site but the Board would need more information such as the number of events per year, number of people, septic and water design, just need a plan. Ms. Levine asked if the Board had any ideas for installing a fence along NYS Rte. 9-H because the wind is very difficult to maintain and is heavy through there. Ms. Levine continued that any sort of mitigation ideas would be helpful. Chairman Cole suggested that the applicants consult with a fence expert and or a nursery professional. Ms. Levine asked if the Town would object to allowing her to invite her friends to bring their children to the site for something like an Easter egg hunt. Tim Wyman stated that this is fine as long as it is not advertised and as long as it is not a profitable event. Mr. Burstall and Ms. Levine will discuss their options and will inform Jodi Keyser if they are moving forward.

New Business:

Katy Cashen informed the Board that she has heard from the public that they are concerned with the public capacity format for the Planning Board meetings especially with larger projects. Ms.

Cashen continued that she is concerned that the current building will prohibit the public members that want to attend the public hearings or even just the meeting in general is limited due to the size of the building and suggested that the Board member consider an alternative site such as the libraries community room. Ms. Cashen continued that she has heard that the County will return to in person meetings. Chairman Cole stated that it is up to Supervisor Weigelt to give the go ahead to return to in person meetings. Ms. Cashen stated that the Board should require the applicants of larger projects to submit a dropbox of the plan to be added to the Town website for the public to be able to view the plans due to the restrictions of the building and COVID.

Rob Fitzsimmons informed the Board that he emailed the representative for the Pomplun application as required by the Board for monthly reporting regarding the NYS DOT permitting application process. Mr. Fitzsimmons informed the Board that he had no report from Mr. Pomplun or his representatives last month so he tried again. Mr. Fitzsimmons continued that he reached out to the co-owner Mr. Skoda who answered that they have their engineering firm, Crawford & Associates working with the NYS DOT but nothing is moving so still waiting.

Motion to adjourn the meeting was made by Alberta Cox with a second from Stephen King. All members were in favor. Motion carried. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Jodi Keyser