

TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
August 1, 2022

Acting Chairman Stephen King called the August 1, 2022 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Acting Chairman King led members of the Board and audience with the Pledge of Allegiance

Members in attendance: Acting Chairman Stephen King, Alberta Cox, Lisa Bowe, Pat Fecher, Tim Wyman, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Absent with regrets: Virginia Ambrose and Chairman Scott Cole

**CONTINUING APPLICATIONS FOR 8/1/22:**

**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.**

Gillian Black, Jennifer Galavotti and Anna Rehder were present for the application. Mr. Black informed the Board that they have received Negative Declaration for purposes of SEQRA on July 7, 2022, have completed the Site Plan review process, reviewed the Final Resolution of Approval along with conditions set forth by the Board. Ms. Rehder continued that the Board has received CCPB comment letter, Final Archeology report and are seeking a final approval from the Board. Acting Chairman Stephen King continued the public hearing at 7:02 p.m. No comments were received. Acting Chairman Stephen King closed the public hearing at 7:03 p.m.

Rob Fitzsimmons reviewed the Resolution and Conditions of Approval with the Board members with hours of operation 8:00 a.m. to 5:00 p.m. Monday through Friday, no weekend or holiday work, installation of screening monitoring reports submitted, and biodiversity monitoring.

Motion to approve the Site Plan/Special Exception of the Emerson Solar Large Scale Solar field with a 12-month extension was made by Tim Wyman with a second from Pat Fecher. All members were in favor. Motion carried. Chairman Cole will sign and stamp plans at a later date. Rob Fitzsimmons will get a copy of the Final Resolution and conditions to Jodi Keyser.

**Patel, Mehul/Kasselmann Solar Site Plan/Special Exception Review: Tax Map #(SBL)121 . 3 . 2 – 64 . 2 ground mounted solar array of 12.00kW.**

Alex Martin was present for the application. Mr. Martin submitted new survey maps and disconnect information to the Board. Lisa Bowe informed Mr. Martin that the Board needs survey maps not photocopies of a survey because the Board needs to make sure that the setbacks are met. Acting Chairman Stephen King stated that he still does not see disconnect at the array. Mr. Martin stated that the code does not indicate that this is required on the Site Plan. Acting Chairman Stephen King informed Mr. Martin that the zoning code states that two shut offs are required one at the residence and one at the array and the site plan is only showing one shut off at the garage. George Schmitt asked if the conduit for the electrical goes all the way around the house snaking past the pool and around the septic. Mr. Martin answered this is correct. George Schmitt asked if the homeowner is ok with this design. Mr. Martin answered yes. Continued to September meeting.

**Sutton, David & Masters, Victoria Special Exception/Site Plan: Tax Map #(SBL) 130 . – 1 – 6 . 112 Located at 195 Stone Mill Rd. Special Exception/Site Plan for the construction of a 56 panel ground mounted solar array, 1 SMA S87 inverter, 2 SMA S86 invertors.**

No representatives were present

**Abeyatunge, Krishan & Lambert Site Plan/Special Exception: Tax Map #(SBL) 111 . – 1 – 11**  
Located at 148 Kittle Rd. Site Plan Special Exception to convert an existing 390-square foot garage into a guest house.

No representatives were present

**Columbia Tent Rentals Site Plan/Special Exception: Tax Map #(SBL) 101 . – 2 – 52** Located at 8 Bender Blvd. Site Plan/Special Exception to construct a 5,760-square foot addition along with a 1,250 square foot shed roof for outdoor storage onto the existing 10,000 square foot building.

Rich Andreassen was present for the application. Mr. Andreassen submitted an updated survey. Mr. Andreassen informed the Board that when the applicant had the survey done they realized that the septic tank was installed off of the property and they will need to go to the CC IDA to figure out what to do about the situation. Mr. Andreassen continued that the setbacks were adjusted to 22-feet in the back is the closest. Mr. Andreassen informed the Board that the site plan now shows 11 white spruce trees that are native trees to be planted along the NYS Rte. 66 side of the building. Mr. Andreassen continued that the plan is a conceptual design of the building. Mr. Andreassen informed the Board that the shed roof will also have a wall to block view from NYS Rte. 66 to screen. Mr. Andreassen continued that two loading docks will be installed. Lisa Bowe asked what will happen with the outside pavilion. Mr. Andreassen stated that he was unaware of the plan for the pavilion. Lisa Bowe asked if the pavilion will be protected from the wind and will it be secured. Mr. Andreassen stated that he will ask. George Schmitt suggested that the owner seek a Boundary Line Adjustment for the septic system mistake. Mr. Andreassen will try. Acting Chairman Stephen King informed Mr. Andreassen that the Board is concerned with the previously approved Site Plan and the screening that has not yet been installed. Lisa Bowe asked why has the owner not installed the plantings and screening that was approved during the last two site plans. Mr. Andreassen answered that he does not know why the owner has not installed any of the previously approved screening and plantings but the site is different from what was approved and there are gravel roadways all along the back of the property. Acting Chairman King stated that he wants to see the entire planting design before the project moves forward. George Schmitt informed Mr. Andreassen that the Board wants to see the planting design, if the plants will be planted in boxes or raised beds. Acting Chairman King stated that the Board wants to see the entire planting design that the applicant is proposing. Mr. Andreassen stated that he will submit an entire planting design with specifications.

Acting Chairman King informed the applicant's representative that the Board will set a condition that the Building department will not grant a certificate of occupancy until the entire planting design is installed and completed as approved. Continued to September.

**Concra, Vincent Boundary Line Adjustment: Tax Map #(SBL) 121 . 3 – 3 – 12, 121 . 3 – 3 – 16 . 1, 121 . 3 – 3 – 16 . 2.** Located at 624 NYS Rte. 23-B and 6167 NYS Rte. 9-H & 23. Boundary Line Adjustment creating lots of 1.255, 0.686 & 2.225 respectively.

Robert Ihlenburgh was present for the application. Mr. Ihlenburgh reviewed the Boundary Line Adjustments for the Subway parcel, apartment building & barn parcel and a vacant parcel. Mr. Ihlenburgh continued that his client is seeking to move a portion of the apartment building & barn parcel to the vacant parcel which contains the barn. Mr. Ihlenburgh continued that this BLA then creates a substandard parcel of the apartment building parcel so a portion of the Subway parcel would be moved to the apartment building parcel to create a 1-acre parcel. Mr. Ihlenburgh

submitted new maps with a note regarding the apartment building parcel driveway, submitted a letter from NYS DOT that states without a driveway permit application they cannot guarantee the approval of a driveway permit but would think that this parcel would support a residential driveway. Acting Chairman Stephen King informed Mr. Ihlenburgh that the Subway and the apartment building parcels are within the Hamlet Business district and the vacant parcel is situated in the Hamlet Residential district therefore a business is not allowed on this parcel. Mr. Ihlenburgh stated that this is not what he is appearing for and Mr. Concra would need to deal with that issue. Tim Wyman asked if the driveway from NYS Rte. 9-H will be eliminated when the Boundary Line Adjustment is approved. Mr. Ihlenburgh answered no because Mr. Concra is still repairing the barn and needs access and this is the only way. Acting Chairman Stephen King asked if this could be a condition of approval. Rob Fitzsimmons stated that a note could be added to the maps indicating that the driveway from NYS Rte. 9-H would be eliminated upon sale of vacant parcel. George Schmitt stated that the note should read that upon sale or transfer of vacant barn parcel the NYS Rte. 9-H access/driveway will be eliminated. Acting Stephen King stated that upon sale, transfer or construction on vacant barn parcel the NYS Rte. 9-H access/driveway will be eliminated. Mr. Ihlenburgh asked for the wording of the condition emailed to him for the maps. Mr. Ihlenburgh will update the maps.

Motion to approve the Boundary Line Adjustment with the condition that upon sale, transfer or construction on the vacant barn parcel the NYS Rte. 9-H access/driveway is to be eliminated was made by Tim Wyman with a second from Pat Fecher. All members were in favor. Motion carried. Maps will be revised and Mr. Ihlenburgh will coordinate with Chairman Scott Cole to sign and stamp the maps at a later date.

#### **NEW BUSINESS:**

##### **Cobble Pond Farms Convenience Store:**

Rob Fitzsimmons informed the Board that he was contacted by the TOC Building Department regarding Cobble Pond Farm Convenience store replacing their canopy. Rob Fitzsimmons continued that the business was in the process of removing and installing new fuel tanks and while doing so undermined the pilons for the canopy which caused it to collapse. Rob Fitzsimmons continued that he has been in contact with council for the business who has apologized for not informing the TOC Building department of the construction and that NYS DEC has no issues with the site. Rob Fitzsimmons continued that he spoke to TOC CEO Don Smith that the business is asking to replace the canopy with same in kind and if they change any signage they will submit a full site plan for review. Rob Fitzsimmons continued that the business is not installing any more pumps and the canopy will be the same size as the previous canopy. Acting Chairman Stephen King stated that the business should be aware that if they change any signage this would require a site plan modification and all signage on the entire site will be subject to review. Acting Chairman King asked how will the canopy installation be monitored to ensure that the same size canopy is being installed. Rob Fitzsimmons answered that this is a matter for the TOC Building Department to monitor as long as the Planning Board is fine with the installation of same in kind. Acting Chairman King stated that the Planning Board can say fine to install a replacement canopy same in kind as previous canopy with the condition that any and all new signage will require a Site Plan Review. Planning Board members agreed to allow replacement of the canopy as a non-agenda item. Rob Fitzsimmons stated that there is no need to vote or motion non-agenda items.

**Acting Chairman Stephen King informed the Board members that the next meeting will fall on Labor Day and asked for suggestions on a future date. Board members agreed to reschedule the September Planning Board meeting to Monday, September 12<sup>th</sup> at 7:00 p.m. in the community room of the Claverack Library.**

**Motion to adjourn the meeting was made by Pat Fecher with a second from Tim Wyman. All members were in favor. Motion carried. Meeting adjourned at 7:50 p.m.**

**Respectfully submitted,  
Jodi Keyser, secretary**