

TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
March 7, 2022

Chairman Scott Cole called the March 7, 2022 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

Chairman Cole led members of the audience and Board in the Pledge of Allegiance

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

Motion to approve the Minutes of February 7, 2022 was made by Lisa Bowe with a second from Virginia Ambrose. All members were in favor. Motion carried.

George Schmitt informed the Board that he was contacted by the Pittsburgh office of CPL to notify him that they are designing the backhouse building for the Getaway project. George Schmitt stated that for full disclosure to the Board he wanted them to know and will step back from the review if the Board feels that they want another engineer to review. Board members agreed that Mr. Schmitt would remain neutral and objective and had no issues with allowing him to proceed with a review.

Correspondence: None

**CONTINUING APPLICATIONS FOR 3/7/22:**

**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.**

Mr. Mokotoff, owner of the property and Alex Martin, representative of Kasselmann solar LLC were present for the application. Mr. Martin submitted information on laws pertaining to commercial farming to essentially make the case that regulations allow for Mr. Mokotoff to install a fence for his farming operation. Mr. Martin continued that the Town of Claverack Planning Board is being too restrictive in regard to the installation of the solar array and they should not reasonably restrict the installation unless it isn't within the health and safety of the public. Mr. Martin submitted information from NYSERDA to make a case that the solar array should be considered farm equipment as per definition and restricting this due to public view instead of health and safety is against the law. Mr. Martin continued that Mr. Mokotoff could request a 305A review to find a remedy. Mr. Martin continued that the farming/planting season is coming up and his client wants to work with the Planning Board but they are being unreasonable. Virginia Ambrose asked if the argument is that a fence is considered farm equipment? Mr. Martin answered that he is referring to the regulations. Virginia Ambrose stated that the information that the applicant has submitted speaks to the use of a fence for the containment of farm animals. Rob Fitzsimmons informed the applicant that he understands that he is seeking to go through Ag & Markets and if the applicant wishes to present a 305A review then the Board will table the discussion and the applicant can return. Mr. Fitzsimmons continued that the Town of Claverack Zoning Law allows for the Planning Board can require a fence and or plantings for screening of the solar array from the neighbors. Rob Fitzsimmons continued that he has not researched the NYSERDA requirements however the applicant is within his rights to seek a 305A review if they so wish. Mr. Martin stated that NYSERDA does feel that a fence is acceptable. Stephen King informed Mr. Martin and Mr. Mokotoff that as per the Town of Claverack Zoning Laws the Planning

Board can ask the applicant to install a fence, trees, shrubs and any other type of screening that they feel will protect the general public. Mr. Mokotoff stated that he feels that he is being asked to install a fence only so that the neighbors cannot see the solar array and that NYS Ag & Markets regulates these issues. Rob Fitzsimmons answered that this is an overly broad statement and the Planning Board is well within the rights of the Town to regulate the screening of the solar array. Mr. Mokotoff stated that he is being asked to install fence and trees just so that the neighbors cannot see the array. Stephen King informed Mr. Mokotoff and Mr. Martin that the Town of Claverack Zoning Laws allow for the Planning Board to determine the screening. Mr. Mokotoff stated that the Board didn't want a visual impact. Chairman Cole stated that the Board was told by the applicant that he would install a fence and then the Board wanted some trees and shrubs to soften the fence. Mr. Mokotoff stated that he thought that he was told that he couldn't put up a fence. Mr. Martin informed the Board that the Zoning Laws are too vague and unreasonably restrictive of allowing for the installation of a solar array for a farming operation. Virginia Ambrose stated that the discussion is regarding a solar array and the Board is asking for the applicant to install some trees to screening the neighboring properties. William Michael reads from the NYSEDA information that requires screening to mitigate the view. Mr. Mokotoff stated that he is not installing a large solar array. Tim Wyman stated that maybe the applicant could compromise and install a 250-foot-long fence and set it back 15-feet with a tree planted every 10-feet along the fence with some shrubs to soften the harsh fence. Mr. Mokotoff stated that he understood from the last meeting he was being asked to plant trees that were 10-feet tall. Chairman Cole answered Mr. Mokotoff that the Board asked the applicant and his representatives to bring back information on trees that would grow quickly and would create a screening for the neighbors. Stephen King stated that the applicant was asked to bring back information on small trees that would grow fast and tall. Lisa Bowe asked if the applicant had any cost estimates on different types of trees that could be planted. Stephen King stated small evergreens such as arborvitae. Mr. Mokotoff stated that trees would cost about \$1,000.00 each and he is being asked to plant them every 10-feet would cost too much money.

Chairman Cole continued the public hearing at 7:20 p.m.

Rob Keeler of Webb Rd. echoed his comment from the last meeting wanting to see a screening plan of trees to mitigate the view and harmonize with the neighborhood. Mr. Keeler continued that a fence does not harmonize with the neighborhood and shrubs would not grow tall enough but would like to see trees that will grow fast and tall like Eastern white pines.

P.J. Keeler stated that he is not against Mr. Mokotoff's farming but would want the screening to keep in harmony with the neighborhood. Mr. Keeler continued that at the last meeting the Board requested prices for pine trees and shrubs but that hasn't happened. Mr. Keeler continued that the neighbors would like to see trees, shrubs planted in front of the fence to keep a line of screening for the future.

No further comments Chairman Cole continued the public hearing for April.

Chairman Cole informed the applicant and representatives that they have failed to bring in the requested information and the Board is still seeking cost estimates for trees. Mr. Mokotoff stated that he knows that pine trees cost about \$1,000.00 each and when the Town of Claverack took, well purchased at a reduced amount a portion of his property to build the water building they planted Acadia trees so he guesses that these would be satisfactory. Mr. Mokotoff continued that these trees were only 4-feet tall and have been growing for 18 years. Stephen King informed Mr. Mokotoff that the Board is not looking for the types of trees but the applicant was asked to research trees that would grow tall and fast such as evergreens. Mr. Mokotoff stated that he would agree to get a tree but not at \$1,000.00 each. Tim Wyman stated that he would be fine with a 4-foot tree that would grow to a minimum height of 15-feet or so that was set back

about 15-feet that would soften the appearance of the fence. Stephen King informed the applicant that the Board wants to see a planting plan with the types of trees. Continued to April.

**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.**

Scott Kitchner PE was present for the application. Mr. Kitchner reviewed some minor changes to the Site Plan for the Board with regard to the Review Letter from George Schmitt. Mr. Kitchner informed the Board that he added a survey, correspondence from NYS DOT regarding curbing, letter from Columbia County with septic and water. Mr. Kitchner informed the Board that the existing septic system needs to be removed and they are seeking approval to tap into the County sewer line but are waiting for the county and Town of Greenport for the approvals. Mr. Kitchner reviewed the plan showing room for the bioretention area, reduced the light poles from 16-feet to 12-feet as per request from the Planning Board. Chairman Cole stated that he didn't see lighting in the back of the building. Mr. Kitchner answered no light poles behind the building to allow for the truck deliveries. Mr. Kitchner continued that he has added signage to circulate the traffic with a do not enter along NYS Rte. 66, private driveway sign, authorized delivery sign to keep people from going behind the building. Mr. Kitchner continued that the dumpster would require grading of the contours so he decided to slide the property line back which wouldn't be a big deal since it is the same owner. Stephen King asked about the berm. Mr. Kitchner answered that the berm would restrict sight lines for traffic traveling north on NYS Rte. 9-H to allow for sight to traffic traveling along NYS Rte. 66. Mr. Kitchner added that NYS DOT would not approve of a berm because it would create a launch of a vehicle if there were an accident. Mr. Kitchner continued that the DOT would agree to a timber guardrail instead. Mr. Kitchner informed the Board that he has added directional arrows onto the pavement for traffic flow. Mr. Kitchner continued that an existing 18-inch drainage pipe will be picked up and rerouted to flow around the site to the back of the property. Mr. Kitchner explained the erosion control plan and that the construction entrance will be along NYS Rte. 66 but will give the option to the construction company depending on haul routes. Chairman Cole stated that it would be safer and quicker for the trucks to enter from NYS Rte. 9-H. Mr. Kitchner informed the Board that he will be onsite at all times and will make sure they are using the best and safest access. Mr. Kitchner reviewed the SWIPP comments and has sent a letter/request to SHIPO but no response has been received as of the meeting but he doesn't know of any sensitive historic site in the immediate area. Rob Fitzsimmons informed the Board that the County Planning is still reviewing but the Board can review the SEQRA. George Schmitt reviews the SEQRA for the Board.

Continued to April.

**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 6,270 square 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. foot building, 1,800 square foot storage shed and fueling station.**

Caleb White was present for the application. Mr. White informed the Board that he appeared before the Town of Claverack Zoning Board of Appeals for the Area Variance for the height of the fence above 6-foot to be installed at 8-feet high. Mr. White continued that the Zoning Board of Appeals informed him that if he moved the fence back to 10 ½ feet from the property boundary then he wouldn't need an Area Variance as it would only be required if the fence was located at the 10-foot setback so he will locate the fence at 10

½-feet from the property line. Mr. White informed the Board that he has received a temporary NYS DOT driveway permit. Mr. White continued that after careful consideration he has scaled the plan back due to costs and has reduced the level of disturbance and simplified the entire site. Mr. White stated that he will start in the spring with driveway installation, install fence and will begin to add nursery items. Mr. White continued that he will begin construction in the fall.

Chairman Cole opened the meeting to public hearing at 7:56 p.m. No comments were received. Chairman Cole closed the public hearing at 7:57 p.m.

George Schmitt reviewed the SEQRA for the Board members.

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

Motion to grant approval of the Site Plan and Special Exception for the construction of a plant nursery, ecological landscaping and tree business with support buildings as supplied with condition that NYS DOT driveway permit is obtained was made by Lisa Bowe with a second from Stephen King. All members were in favor. Motion carried.

Maps were stamped and signed. Mr. White paid mailing fees.

Rob Fitzsimmons informed Mr. White that approvals time out after 90-days so if he thinks that he will need an extension he should contact the Planning Board.

**Catskill View Farm Subdivision: Tax Map #(SBL) 132 . – 2 – 45 Located at Southeast intersection of Bate Rd. and Snyderstown Rd. Subdivision of 13.627 acres into parcels of 6.731 and 6.896 respectively.**

Dan Russell was present for the application. Mr. Russell informed the Board that his client is seeking to subdivide a 13-acre parcel into two virtually equal parcels. Mr. Russell informed the Board that the well and septic perk sites were approved by CCDOH.

Chairman Cole opened the meeting to public hearing at 8:08 p.m. No comments received. Chairman Cole closed the public hearing at 8:09 p.m.

George Schmitt reviewed the SEQRA Part II for the Board.

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

Motion to approve the Minor 2-lot subdivision was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried.

Maps were stamped and signed. Mr. Russell paid final fees of \$300.00.

Mr. Russell informed the Board that he was unaware that the final fees were changed and he was going by the fee schedule on the website. Mr. Russell continued that after emailing the Secretary that he found out the fees would be another \$500.00. Mr. Russell stated that it is very confusing for applicants and representatives to figure out the fees when they are on the website in different spots and have different amounts. Jodi Keyser will inform the Town Office to correct all of the fee schedules that are on the website.

**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.**

Matt Liponis was present for the application. Mr. Liponis informed the Board that he had spoken with Town of Claverack Attorney Rob Fitzsimmons and the only reason for appearing at the meeting would be to ask that the Board act on Lead Agency status for SEQRA. Mr. Liponis continued that he has contacted Churchtown Fire Chief Jamie Preusser and is following up with the engineers. Rob Fitzsimmons added draft answers for SEQRA with DOH and DEC water and DOT comments will need detailed information because the Board only has a survey and maps.

Motion to seek Lead Agency Status for SEQRA and to send notification was made by Tim Wyman with a second from Stephen King. All members were in favor. Motion carried.

Mr. Liponis was informed that the electronic link that he sent to the Town for the website was not working.

**NEW APPLICATIONS for 3/7/2022:**

*Town Board members Stephen Hook and Douglas Colwell informed the Board that they made a visit to the Stottville Rd. solar field that is currently under construction. Mr. Colwell continued that TOC CEO Don Smith made the visit also. Mr. Colwell wanted to give the Planning Board members an update before the next applicants come into the meeting. Mr. Colwell stated that the neighbors were concerned that the company has been starting very early each day against what was approved, setbacks were not correct and the company didn't install berms that were agreed upon to be installed prior to the construction. Mr. Colwell continued that the arrays appear to be very close to the property lines and that the berms were only partially completed or in some spots not at all. Stephen Hook informed the Board that they met with the company representatives from what is the third different company to own the lease. Mr. Hook stated that the company wasn't aware of any berms or setbacks. Mr. Colwell informed the Board that the Town has asked for the parcel to be surveyed and for the setbacks to be measured correctly with information being provided to the Town. Mr. Colwell continued that they also met with neighboring property owner Mike Schwab who has set a meeting with the company to discuss the berms that were agreed on with Borrego. Mr. Colwell continued that he is concerned that the approved plans are not being followed and the Town should be better informed. Mr. Colwell said that speaking with Rob Fitzsimmons and George Schmitt there should be a liaison from the Planning Board to give details to the CEO and Town and to have communications with the companies. Mr. Colwell stated that the Town should know that the lease for the parcel had been sold and a different company is in charge of the site.*

**Emerson Solar, LLC Site Plan/Special Exception & Boundary Line Adjustment: Tax Map #(SBL) 101 , - 1 – 14 . 112 & 101 . – 1 – 1 . 111 Located at 100 Stottville Rd. Site Plan/Special Exception and Boundary Line Adjustment for the installation of a Large-Scale Solar Field.**

Gillian Black representing Eden Renewables and Anna Rehder from EDP were present for the application. Mr. Black stated that he will supply an electronic submission of the project for the website. Mr. Black continued that this is the 4<sup>th</sup> project in the same general area he has designed with the other three parcels at the Humane Society site. Mr. Black continued that this property is owned by Rick Emerson and is situated along the Claverack and Stockport Town lines. Mr. Black continued that the property has very good screening and some forested area with scrubby trees will be rescreened and filled in to provide better screening. Mr. Black informed the Board that the solar field will be situated to the back of the property and

Mr. Emerson will have the remainder of the property will be leased for farming. Mr. Black continued that this field will have an interconnection over the Claverack Creek to the Silvernail Welding business in Stottville then run behind the Lowe's building near the rail trail and connect to National Grid sub transmission. Mr. Black stated that he has met with the Town of Stockport/Stottville regarding the interconnection. Mr. Black continued the site will also require a Boundary Line Adjustment. Stephen King stated that it appears that the array is several feet from Stottville Rd. Anna Rehder stated that the start of the array is approximately 800-feet from Stottville Rd. Stephen King stated that this property is very flat and low with open fields and he knows that there are several residential homes directly across the street from this property. Gillian Black stated that all of the existing trees will remain intact around the perimeter at the eastern border and will fill in along the farm land area. Mr. Black informed the Board that the arrays will be trackers with an east to west rotation and will be 15-feet high at grade. Chairman Cole stated that he is concerned with the wetlands underneath. George Schmitt stated that the ACOE will allow and permit. Anna Rehder stated that the ACOE doesn't care as long as the stumps of trees are left intact. Gillian Black stated that they plan to stay under 1/10 of an acre of disturbance and there is a natural trail already cut. Chairman Cole asked the applicants to contact the Fire Chief and he wants to have a visual impact study from Stottville Rd. due to the concerns with the other array just to the south. Chairman Cole continued that he wants to protect the neighbors and to protect their views. Mr. Black stated that the owner is also concerned and wants to maintain the view. Chairman Cole stated that he is concerned that the owner doesn't live here and has an address in Connecticut. Mr. Black answered that Mr. Emerson travels back and forth with a PO Box in Connecticut. Chairman Cole stated that he also has concerns that the possibility that the lease could be sold to a different company as they have found out with the current solar array and the Town was completely unaware. Stephen King suggested that moving forward it would be best practice for the applicant to make a special presentation prior to the public hearing and could use the public room at the library. Mr. Black stated that he notifies the abutters then always includes neighbors to make recommendations if they feel they need more visual impact studies or if want any other details. Lisa Bowe suggested that a study of the disturbance to the bird population would be helpful since this is a big problem with the other Stottville Rd. array with the birds being displaced then making a big mess on the neighboring homes and cars. Anna Rehder informed the Board that trees will be removed along the leased area but there is forest along the neighboring property. Ms. Rehder continued that wildflower mix will be planted to allow for natural flora and fauna to live. George Schmitt asked if the company has a vested interest so the lease will not flip to another company. Mr. Black answered that all projects change owners mostly after 7-years. Mr. Black stated that he will prepare the 1<sup>st</sup> visual impact analysis.

Motion to adjourn the meeting was made by Tim Wyman with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Jodi Keyser, secretary