

TOWN OF CLAVERACK
PLANNING BOARD

Meeting Minutes
February 6, 2023

Chairman Scott Cole called the February 6, 2023 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

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

Motion to approve the Minutes of January 2, 2023 was made by Tim Wyman with a second from Pat Fecher. All members were in favor. Motion carried. Minutes approved.

Correspondence

CONTINUING APPLICATIONS FOR 2/6/23:

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.

Bryan Flynn was present for the application. Mr. Flynn informed the Board that his clients are seeking to install a ground-mounted solar array for residential use. Mr. Flynn continued that the array is approximately the size of a school bus consisting of 56 panels situated on 30 posts in a single row every 6-8 feet. Mr. Flynn continued that there will be a small trench that will go 150-feet from the house to the array. Mr. Flynn continued that the property consists of 50+/- acres and is well screened from all neighbors and not visible from the roadway. Mr. Flynn stated that the smallest distance is 315 feet. Mr. Flynn stated that construction will take approximately 2-3 days and will not need any heavy equipment. Mr. Flynn continued that he has supplied the EAF for review and no need for stormwater. Tim Wyman asked if the array will be on one post or several. Mr. Flynn answered approximately 30 posts in a single row will hold up the panels and the panels will be no higher than 11-feet. Mr. Flynn informed the Board that there are 2 shutoffs at the array, and one on the inverter on the stanchion behind the house and one rapid shut off at the residence. Tim Wyman asked if the posts are screw in or pounded into the ground. Mr. Flynn answered that they use screw in posts. Mr. Flynn stated that the panels are stationary and do not move or rotate.

Chairman Cole opened the meeting to public hearing at 7:15 p.m.

Kim Gaylord asked if this solar installation is going to be used for the farming operation or for the residence. Mr. Flynn answered that the array is only for the residence. Mr. Flynn continued that the roof did not meet guidelines to have the array installed so they had to design a ground-mounted array.

Diane Konderwich asked how far is the array from Stone Mill Rd. Mr. Flynn answered 840-feet from the roadway. Diane Konderwich asked to see the maps and the spot of the array. Diane Konderwich asked if there are any additional poles. Mr. Flynn answered no, there will be a trench with a secondary stanchion to hang the invertors on but it will be located behind the house.

? Asked if there would be any noise. Mr. Flynn answered no noise at all.

No further questions or comments Chairman Cole closed the public hearing at 7:18 pm.

George Schmitt reviewed the SEQRA for the Board.

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

Motion to approve the Site Plan Special Exception to install a 56-panel ground-mounted residential solar array at 195 Stone Mill Road was made by Stephen King with a second from Pat Fecher. All members were in favor. Motion carried.

Maps were stamped and signed. Applicant paid mailing fees.

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.

Mr. Abeyatunge dropped off septic design plans with the CCDOH and is waiting to hear back from them. Mr. Abeyatunge also supplied the Board with larger copies of the septic design. Tim Wyman stated that his application is incomplete and that the applicant needs to show the septic on the site plan maps and that the site plan maps should be much larger showing the distances from the house and well also. Tim Wyman continued that Dan Russell should be able to just add the septic system to the survey maps. Mr. Abeyatunge asked if he could just draw the septic site onto the survey maps. George Schmitt answered that this is illegal to alter a survey map that only a licensed surveyor can alter a survey map. George Schmitt continued that Dan Russell can add the septic and then Nolan can add the survey map page to the site plan showing the survey area. Chairman Cole asked Board members if they are good to set public hearing.

Motion to accept application as complete and set public hearing for March 6, 2023 was made by Tim Wyman with a second from Pat Fecher. All in favor. Motion carried.

Kiernan, Walter & Saxby, Ann Marie as trustees of the Kiernan Sullivan Family Trust Subdivision: Tax Map #(SBL)132 . – 2 – 8 . 1 Located at the intersection of Old Barrington Rd. and NYS Rte. 23. Subdivision of 18.38 acres into and 10.27 acres and 8.11 acres.

Mr. Kiernan was present for the application. Mr. Kiernan informed the Board that he submitted new maps showing just the 18.38 acres only that are being subdivided into parcels of 10.27 and 8.11. Mr. Kiernan reminded the Board that the 8.11 acre parcel contains a couple of barns and a residence. Mr. Kiernan will sell the 8.11 acre parcel to the people who currently rent the property from him. Mr. Kiernan will retain the 10.27 acres to farm for his dairy farm in Copake. George Schmitt informed Mr. Kiernan that the Planning Board cannot deem the 10.27 acre parcel as a building lot because there isn't any septic testing. Mr. Kiernan agreed that this parcel is only for farm use and is not a building parcel. Mr. Kiernan continued that if the parcel were every to become a building lot it would require CC DOH approval. Lisa Bowe asked if parcel 1-A consisting of 10.27 acres would be a building lot. Mr. Kiernan answered no only for farming. Mr. Kiernan stated that parcel 1-B contains a house and barns that will be purchased by the current renter.

George Schmitt reviewed the SEQRA for the Board.

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

Motion to grant approval of a two-lot minor subdivision was made by Tim Wyman with a second from Virginia Ambrose. All members were in favor. Motion carried.

Maps were stamped and signed. Final fees of \$800.00 will be delivered to the Town Clerk.

NEW APPLICATIONS FOR 2/6/23

Catskill Wheelhouse Daycare/Preschool Site Plan Review/Special Exception: Tax Map #110 . – 1 – 23
Located at 479 NYS Rte. 66. Cornell Cooperative Extension. Site Plan Review/Special Exception to open and operate a Daycare/Preschool leasing buildings from Cornell Cooperative Extension.

Representatives from Cornell Cooperative Extension as well as Catskill Wheelhouse were present. Lisa ? explained that they have supplied the only known survey of the property from 1963 but all of the buildings are not on the survey including the buildings that are proposed to be used for the daycare/preschool. Lisa ? continued that the preschool/daycare works on the fundamentals of the 4-H program. Lisa ? informed the Board that she has tried several times to work with the Building department but was never called back and so she approached the Town Board with her request. Lisa ? continued that she was approached by the owners of the Catskill Wheelhouse to move their daycare/preschool from Acra in Greene County to the Cooperative Extension site as they were losing their building and needed a new location. Lisa ? continued that she spoke to Town attorney Rob Fitzsimmons and was told that this could be considered an agricultural use and receive an expedited review. Lisa ? continued that the daycare/preschool has 8-12 children daily which is many more than the several 4-H programs that use the facility regularly. Rob Fitzsimmons stated that he originally thought that this could be considered as an agricultural use and he sent this information to the Building department. Rob Fitzsimmons continued that the Board can determine if the use is agricultural in nature but it might be a tough sell because it is a daycare business. Lisa ? stated that the Cornell Cooperative Extension is a 501c3 and is therefore a non for profit business. Stephen King asked if this would fall under Ag. & Markets? Lisa ? stated that other community groups use the buildings such as the nutrition program and use of the meeting hall. Stephen King stated that he would want to see more of the building shown such as exits and the TOC building department would want to see more information. Rob Fitzsimmons informed the Board that the applicants are seeking an expedited review because of the agricultural theme of the daycare/preschool and would seek to be exempted from a full site plan review only a basic. Lisa ? stated that they simply do not have the money to pay for an engineering design because they are a non for profit. Tim Wyman stated that he would want to see the entire plan with buildings but understands that the applicants don't have the funding to have a complete engineering design. Tim Wyman suggested that the business might have some parent or friend that would draw the site plan for free or for a reduced cost. Tim Wyman continued that he would like to see the septic, water, buildings and to have an updated survey at least showing all of the buildings that will be used for the program. Lisa ? informed the Board that before they can have children in the buildings they require the TOC CEO to write a report that the site is adequate for the daycare/preschool which they need to submit to the NYS Department of Education. Lisa ? continued that they are trying to fill a hole in the area for much needed daycare/preschool facilities. Lisa ? continued that this creates a limited timeframe also because parents will soon start need to register for the Fall sessions so they need to move quickly with an approval. ? informed the Board that the daycare/preschool does charge tuition but is still a non-profit 501c3 and they cannot afford to pay \$15,000.00 for a Site Plan. Stephen King asked what would be the minimum information that the Board would require for the applicants to supply. George Schmitt stated that this is totally up to the Board members. George Schmitt continued that this could run from being a non-agricultural project requiring a new full survey and full site plan design or the Board could ask for an aerial view in place of a new survey to show all of the buildings showing that the setbacks are fine.

Stephen King asked if the Planning Board wrote a letter that they are allowing the daycare/preschool to occupy a building on the site because it would not require any new access and is not actually changing the use. Lisa Bowe stated that she would want to see a better and more current survey with a full site plan at least something showing more information because children will be using the facility and it causes concerns for her. ? stated that they are a non for profit daycare/preschool and cannot afford the cost of an engineer to draw up a site plan. ? informed the Board that they want to keep agriculture growing in the area and preserve the agricultural lessons and education and would want to do the least allowed to get the daycare/preschool approved for the site. Stephen King stated that the TOC and Planning Board want to know if the building is safe for use as a daycare/preschool and it is up to the TOC CEO to inspect the site. Tim Wyman stated that he understands the costs associated with a full site plan and survey but would like to see a pared down version of a site plan and a more accurate survey map showing all of the buildings. ? stated that this is a challenge for the applicants because engineers and surveyors don't work for no money and they don't have the funds to pay for the work. Lisa ? informed the Board that if they are to move forward they need approval within the month so that they can inform their families. Stephen King asked what is needed to be certified by the NYS Department of Education to open. ? stated that they need a letter that this use is permitted in the Town of Claverack and it is allowed within the zoning area as well as a report from the TOC CEO that the buildings are up to code to use for a daycare/preschool. ? continued that they are not required to give any septic information to the State if it is signed off by the TOC CEO then it is ok. Rob Fitzsimmons informed the applicants that there are several local engineering firms that might take on the project pro bono. Rob Fitzsimmons stated that some things that the Board would want to see is parking for parents and staff, buildings, exits, water, septic, hours of operation etc. Rob Fitzsimmons continued that aerial photos of the property would suffice a full survey of the 14 acre property. Rob Fitzsimmons informed the applicants that the Planning Board has standards that are required and all of this is completely doable before fall. ? stated that they need to begin enrolling students now and they need to have an approval within the next couple of weeks. Tim Wyman stated that the Board is all on board with the plan but they will need to see some sort of pared down site plan. Rob Fitzsimmons informed the applicants that the Board understands that they are seeking an expedited review but they need a few things such as building specifications, septic and a letter from the CCDOH that the septic is adequate and any letters from the NYS Department of Education. Set public hearing for March.

Kipp, Peter & Diana Large Scale Solar Energy System Site Plan Review/Special Exception: Tax Map # (SBL) 101 . – 1 – 14 . 111 Located at 197 Stottville Rd. Site Plan Review & Special Exception for the construction of a 20-acre large scale solar energy system to be placed on a 56.6-acre parcel.

Cory Auerback was present to represent the current owner of the solar field Next Amp. Mr. Auerback informed the Board that his client Next Amp purchased the solar field lease from Borrego Solar and are working to make the site better for everyone. Mr. Auerback informed the Board that the plans as approved requires a large amount of mature trees removed along the southeast side of the array. Mr. Auerback continued that they were looking at this and feel that it would be beneficial for all if they the mature trees were left. Mr. Auerback also informed the Board that a neighboring property owner Mr. Papas requested to have 10 new trees planted to screen his property. Mr. Auerback informed the Board that these trees are also shown on the maps along with the mature trees that they would like to keep as part of the screening plan. Mr. Auerback stated that he is asking the Board if they consider this as a minor change to the original approved site plan or would they want a new site plan. Mr. Auerback reviewed a photo of the existing mature trees that would be removed to adhere to the original approved site plan and continued that these trees would be replanted with much smaller trees but they would do what the Board members decided. Stephen King asked if the additional trees would be planted inside or

outside of the fence. Chairman Cole stated that Mr. Papas approved where the 10 additional trees would be planted. Tim Wyman asked if the trees are mostly deciduous or evergreens. Mr. Auerback answered a good mix of both and the existing trees are much taller than the trees that would be planted. Rob Fitzsimmons informed the Board that the applicant is seeking to treat this as a minor modification to approve leaving the existing trees and adding 10 new trees to the approved Site Plan where they were to be removed.

Motion to approve the minor amendment to the June 14, 2021 approved Site Plan in relation to the eastern boundary based on the landscape plan to leave the existing trees and add 10 more trees was made by Pat Fecher with a second from Tim Wyman. All members were in favor. Motion carried. Plans were stamped and signed. Rob Fitzsimmons informed the Board that this action is exempt from SEQRA review.

Other Business:

Stephen Hook informed the Board that the Claverack Free Library is seeking approval to add two electric light poles to allow for more light in the parking area for safety. Rob Fitzsimmons informed the Board that this would also be a minor modification to the approved Site Plan.

Motion to approve the minor modification of the previously approved Site Plan by adding two light poles to the Claverack Library

Motion to approve adding two new light poles to the west of the building to the previously approved Site Plan for the Claverack Free Library was made by Virginia Ambrose with a second from Pat Fecher. All members were in favor. Motion carried.

Other business cont.:

Rob Fitzsimmons informed the Board that in August of 2022 the TOC ZBA found that the Getaway application was not a campground because it was open 24-7-365 days and therefore fell under the definition that it was a hotel/motel. Rob Fitzsimmons continued that the applicant's attorneys filed an Article 78 and he was notified last week that the NYS court found that the Town of Claverack ZBA got it right and came to their conclusion correctly. Rob Fitzsimmons continued that this means that the applicant cannot continue with the project or review. Rob Fitzsimmons continued that the ruling stated that the NYS Supreme Court found that the Town of Claverack ZBA acted within their scope of review, reasoned it well and it is not the courts ruling go against their findings. Stephen King asked if the applicant could come back to the Planning Board with a new application. Rob Fitzsimmons answered that the TOC ZBA interpreted the use as that of a motel/hotel because it would be open 24-7-365 a year and the applicant tried to say that the cabins were not rented out all of the time but were vacant between guests. Pat Fecher asked what would happen if the applicant came back and changed it into only a 9-month per year use. Rob Fitzsimmons answered that he understood the applicant to feel that they only could operate as a 12-month operation to make it profitable.

Katy Cashen informed the Board members that the Town Board is pursuing the OWL program that would allow for public to view town meetings via a tripod with a monitor. Katy Cashen continued that the applicant could put maps on the monitor which would allow for public participation in the meetings. Doug Colwell is working with Columbia Greene Community College to investigate zoom meetings that could use the OWL program. Chairman Cole asked if the Library and Town would need to upgrade the internet. Katy Cashen answered that they think that the internet access is adequate. Tim Wyman asked if this program would take the place of a secretary taking notes at the meetings. Katy Cashen answered no

but in the future it could reduce the paperwork. Katy Cashen continued that the Town would need to get someone proficient in using the program and willing to attend each meeting. Katy Cashen continued that the Town of Taghkanic uses the OWL program and she made a visit to their meeting to watch how it worked.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Tim Wyman. All members were in favor. Motion carried. Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Jodi Keyser, secretary