

Approved 5/1/23

**TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes
April 3, 2023**

Chairman Scott Cole called the April 3, 2023 meeting of the Town of Claverack Planning Board to order at 7:00 p.m.

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

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

Motion to approve the minutes of minutes of 3/6/23 was made by Pat Fecher with a second from Tim Wyman

Correspondence

CONTINUING APPLICATIONS FOR 4/3/23:

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 caretaker house. Mr. Abeyatunge was present for the application. Mr. Abeyatunge informed the Board that he has spoken with Mike DiRuzzio about the perk test and septic permit. George Schmitt informed Mr. Abeyatunge that Mr. DiRuzzio will need to be present for the perk testing and that those sites will need to be shown on the site plan map by the engineer. George Schmitt continued that the engineer also needs to show the septic site on the map as well as topography which the engineer should also complete for him. Chairman Cole informed the applicant that he needs to provide larger maps that can be reviewed with all of the buildings with dimensions, septic site, perk test sites, topography and well location. Tim Wyman informed the applicant that he needs to supply larger maps that can be read with the existing well site, proposed septic, perk testing sites, topography, structures and utilities because the maps that were supplied are too small to read. Mr. Abeyatunge informed the Board that he already performed the perk testing. George Schmitt informed Mr. Abeyatunge that Mike DiRuzzio will need to be present during the digging of the perk test sites. George Schmitt continued explaining to Mr. Abeyatunge that his engineer needs to show all of the proposed items on the site plan maps and the surveyor needs to show all of the existing items and the two maps should be able to mirror each other. George Schmitt continued that the engineer and surveyor need to prepare the maps with all of the information and submit larger maps. Mr. Abeyatunge will return in May with new maps. Secretary Jodi Keyser informed the applicant that all new submissions need to be submitted on April 17th for the May 1st meeting. George Schmitt informed Mr. Abeyatunge to have his engineer contact him if they have any questions. Continued to May.

Marks, Lloyd Site Plan/Special Exception: Tax Map #(SBL) 130 . – 1 – 28 . 120 Located at 294 Stone Mill Rd. Site Plan/Special Exception to install a 50-panel ground mounted solar residential solar array.

Mr. Marks and Mr. Martin were present for the application. Mr. Martin informed the Board members that the new map shows that his client is seeking approval of a ground-mounted 50-panel residential solar array. Mr. Martin continued that the question came up at the March meeting

regarding the placement of the power line from the array to the residence which would traverse the small creek. Mr. Martin continued that they came up with the plan to go over the creek through conduit attached to a 6-inch x 6-inch board that will run parallel to the bridge but will not be attached to the bridge. Chairman Cole stated that the plan now is to run the line through conduit over the creek and not under the creek. Mr. Martin answered yes. George Schmitt asked if the water in the creek ever gets very high or flood. Mr. Martin answered that the creek usually doesn't have any flow and never flooding. Mr. Marks stated that water has never made it to the bridge. Tim Wyman stated that this is a great solution. Chairman Cole continued the public hearing at 7:15 p.m. No comments were received. Chairman Cole closed the public hearing at 7:16 p.m.

George Schmitt reviewed the SEQRA for the Board members.

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

Motion to approve the Site Plan & Special Exception for a 50-panel residential ground-mounted solar array at 294 Stone Mill Rd. was made by Tim Wyman with a second from Stephen King. All members were in favor. Motion carried.

Maps and plans were stamped and signed. Mr. Marks paid mailing fees.

NEW APPLICATIONS FOR 4/3/23

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. RESTAMPING

Mr. Kiernan was present for the application. Mr. Kiernan explained that he is seeking a restamping of his previously approved Subdivision because when he stopped at the Town Office he spoke with the accessor who informed him that the maps couldn't be filed because of the land hook across Old Barrington Rd. that ties the two properties together that were supposed to be separated. Mr. Kiernan supplied new maps with the land hook across Old Barrington Rd. moved to join the two properties on both sides of NYS Rte. 23 instead. Mr. Kiernan continued that this was a mistake on his part and he apologized for the mistake but the Board missed it as well. Mr. Kiernan continued that time is of the essence since the buyer is on a tight schedule to close on the property. Chairman Cole explained to the Board members that the land hook was in the wrong place on the previous maps and it was a mistake on both parts so it needs to be corrected to conform to the deeds. Rob Fitzsimmons informed the Board that they should make a motion to approve the new corrected maps.

Motion to approve the restamping of new maps showing the land hook moved from connecting the two parcels on Old Barrington Rd. to placing the land hook to show it connecting the two properties on both sides of NYS Rte. 23 was made by Pat Fecher with a second from Lisa Bowe. All members were in favor. Motion carried. Maps were stamped and signed.

Botta, Moyra Mulholland Boundary Line : Tax Map #(SBL) 112 . – 1 – 5 30.205 acres, and 120 . – 1 – 27. Located at 714 Gahbauer Rd. Boundary Line Adjustment of 11.596 acres from 112 . – 1 – 5 and merging them to 102 . – 1 – 27.

Dan Russell was present for the application. Mr. Russell informed the Board that his client Ms. Botta owns two separate parcels on Gahbauer Rd. Mr. Russell continued that his client is seeking to

remove 11.596 acres from Tax Map #112 . – 1 – 5 and add it to Tax Map #102 . – 1 – 27. Mr. Russell explained that parcel Tax Map #112 . – 1 – 5 is on both sides of Gahbauer Rd. Mr. Russell continued that the 11.596 acres will be added to the 13 acres on the North side of Gahbauer Rd. leaving 18 acres on the South side parcel. Mr. Russell informed the Board that his client is planning to fix up the house on the south side and will sell the parcel on the northern side. Mr. Russell stated this application is not adding any new parcels but will keep the two parcels just moving property from one parcel to another so it is classified as a Minor Boundary Line Adjustment. Tim Wyman asked if there are any structures on the northern parcel. Mr. Russell answered no but someone could definitely build on the parcel. George Schmitt stated that there are two existing parcels but not creating any new parcels just moving land from one parcel to another. Rob Fitzsimmons reminded the Board that the Town of Claverack created a law to expedite the review for Minor Boundary Line Adjustments and that these applications are exempt from SEQRA review so if the Board members are satisfied with the application then they are free to make a motion to approve.

Motion to approve a Minor Boundary Line Adjustment to move 11.596 acres from Tax Map #112 . – 1 – 5 to Tax Map # 102 . – 1 – 27 was made by Stephen King with a second from Lisa Bowe. All members were in favor. Motion carried. Maps were stamped and signed.

Yogurtcu, Selim & Senay & EB5 LLC Boundary Line Adjustment: Tax Map #(SBL) 123 . – 1 – 67 at 22 Christman Rd. & 123 . – 1 – 38 located on Dunbar Rd. Boundary Line Adjustment of 5 acres from 123 . – 1 – 38 to be merged with 123 . – 1 – 67.

Dan Russell was present for the application. Mr. Russell explained that his clients are seeking to move 5 acres from Tax Map #123 . – 1 – 38 owned by EB5 LLC Phil Gellert and add them to Tax Map #123 , - 1 – 67 owned by Selim & Senay Yogurtcu located at 22 Christman Rd.. Mr. Russell continued that the additional 5 acres will make the parcel owned by the Yogurtcu family into a parcel of 7.25 acres. Mr. Russell continued that the parcel owned by EB5 LLC consists of 180 +/- acres so no question that it will remain a large parcel. No questions from the Board. Rob Fitzsimmons explains this application is the same as the previous.

Motion to approve a Minor Boundary Line Adjustment of 5 acres from Tax Map #123 . – 1 – 38 and adding them to Tax Map #123 . – 1 – 67 located at 22 Christman Rd. was made by Tim Wyman with a second from Pat Fecher. All members were in favor. Motion carried. Maps stamped and signed.

NEW BUSINESS:

Paul Harpis addressed the Board concerning his previously approved Site Plan Review for his building within the Columbia County Commerce Park. Mr. Harpis informed the Board that his approval has timed out because of Covid delays and material shortages. Mr. Harpis continued that the use and building are exactly the same size but the shape of the building has changed slightly. Mr. Harpis reviewed the plans with the Board members. George Schmitt informed the Board that this is the same use and same disturbance just a different building shape but same size. Mr. Harpis stated that the building has been modified from a 100-foot by 100-foot square to the main portion of the building now at 64-feet by 160-feet with an bump out of 30-feet by 60-feet off of the front for office space. Mr. Harpis continued that the building sits on 6 acres. George Schmitt informed the Board that the area of disturbance is same, same driveway, same use, same landscape design only change is to the shape of the building. Rob Fitzsimmons suggested that the Board that this would require a motion to approve the modification if so inclined or they could request that Mr. Harpis submit the plans with application and return for the May meeting. Mr. Harpis stated that the building will consist of the same square footage but will be 60-feet longer. Stephen King stated that the building

size did not change only the shape. Mr. King continued that if everything else is the same then he would make a motion to approve the modification. Rob Fitzsimmons stated that if the Board members agreed they could make a motion to approve the minor change with the building due to Covid delays.

Motion to approve the modification to an approved Site Plan as depicted in the new Site Plan received 4/7/23 showing the shape of the building is the only change and due to Covid delays was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried. Site Plan maps were stamped and signed.

Rob Fitzsimmons informed Mr. Harpis that there is a sunset clause in the approvals and it is strongly suggested that a building permit is drawn as soon as possible. Mr. Harpis stated that he will submit technical drawings for the file as soon as they are completed.

No other new business,

Town Deputy Supervisor Stephen Hook informed the Board members that the Town is working on revising the Comprehensive Plan.

Rob Fitzsimmons informed the Board that the Town Board is working on a temporary 3 month moratorium on campgrounds at their next meeting.

Motion to adjourn the meeting was made by Lisa Bowe with a second from Virginia Ambrose. All members were in favor. Motion carried. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Jodi Keyser

Adjourn meeting