

TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes
March 6, 2023

Chairman Scott Cole called the March 6, 2023 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, Pat Fecher, Stephen King, Tim Wyman, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser.

Absent with regret: Alberta Cox

Motion to approve the minutes of February 6, 2023 was made by Stephen King with a second from Pat Fecher. All members were in favor. Motion carried.

Correspondence

CONTINUING APPLICATIONS FOR 3/6/23:

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 his application. Mr. Abeyatunge informed the Board members that he had a meeting with Mike DiRuzzio who needed application for a septic system from the engineer, detailed maps and to have a witnessed soil test which will be set up sometime in April. Mr. Abeyatunge continued that he will most likely return in May with everything and will submit 11 copies of the maps to the Town building department. Mr. Abeyatunge submitted a new map of the septic system for the file. Hearing continued to April.

NEW APPLICATIONS FOR 3/6/23

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.

Alex Martin of Kasselmann Solar and Lloyd Marks were present for the application. Mr. Martin informed the Board that his client seeks to install a 19.5 Kw ground-mounted residential solar array that will be approximately 938 square feet. Mr. Martin noted the two disconnects with one at the array and one at the residence. Mr. Martin continued that the array will be situated at the western side of the property and 365 feet from the property line and 180 feet from the southern property line. Chairman Cole informed the applicant that the map does not show the second disconnect at the array and it needs to be shown on the map. Mr. Martin stated that there is a note on the map showing the line to the disconnect. George Schmitt asked if the power line would be run under the stream and if the wetlands have been delineated for impacts. George Schmitt continued that the stream corridor has impact maps that should be used to determine the impacts of running the line through the stream. Mr. Marks answered that this is a very small stream that from spring to fall is mostly dry. Mr. Martin stated that this could be an issue but they could trench up and around the stream. Tim Wyman stated that this would still impact the stream and would require wetland

delineation. George Schmitt stated that the applicant would need to apply for a permit with DEC or they could bore under the stream which would be quite costly. George Schmitt continued that Crawford and Associates has engineers or wetland biologists that could direct the power trench to avoid the stream. Stephen King suggested running the power line over the footbridge. George Schmitt stated that it is best to have the power line underground because it is more permanent. Tim Wyman asked what size conduit is used for the power line. Mr. Martin was unsure of the diameter. Tim Wyman stated that the applicant has options either boring under the stream or trenching with proper delineation for the wetlands or running the line across the footbridge. George Schmitt stated that if the applicants choose to bore under the stream they would need to show this on the map which would be more expensive or they could pay an engineer to delineate the wetlands and then trench around the delineated areas. Maps need to show trench with permitting, wetland delineated or boring under the stream or over the footbridge.

Motion to accept the application and set for public hearing on April 3, 2023 was made by Pat Fecher with a second from Tim Wyman. All members were in favor. Motion carried.

Chairman Cole asked that applicants make timely and complete submissions for future to defray from delays.

NEW BUSINESS:

Town Board member Katy Cashen addressed emails from Planning Board members to the building department regarding properties and uses that were approved by the Planning Board. Ms. Cashen continued that there is a process that needs to be followed and the Building Department will not act on just an email any longer. Ms. Cashen continued that the Building Department is requiring that anyone seeking to ask a question or concern about a particular property need to file a formal complaint form. Ms. Cashen stated that this is always the practice and the Building Department cannot start self-policing. Town Board member Stephen Hook stated that the Building Department will no longer accept email from Planning Board members regarding any previously approved site plan or special exception. Town Board member Doug Colwell stated that at one time he had an issue with someone or something that could be considered of a personal nature and he made sure to file the proper paperwork so that he was not accused of picking on someone by complaining. Mr. Colwell continued that the formal complaint keeps things protected and he encouraged the Planning Board members to do the same to protect themselves and the Town of Claverack. Tim Wyman stated that he is confused by this issue because the Planning Board are basically the only people beside the Building Department and applicant to know what was approved and if someone is out of compliance but if the Town Board is telling the Planning Board that they cannot question the Building Department regarding a specific approval then who can? Katy Cashen stated that the Planning Board members might see things on social media and then begin to ask questions but it could become a problem in the future. Ms. Cashen continued that the York Distillery/Cooper's Daughter requested to install a new sign and when the Building Inspector visited the site he noticed several violations that he is currently addressing. Ms. Cashen contined that it was brought to the Building Department that Fili's store is selling pizza because it was seen on social media but the Building inspector cannot just go into a business because they think that a violation is happening because it would be inappropriate without a formal complaint. Rob Fitzsimmons stated that it is not good practice for members of the Planning Board to bring up issues to the Building Department because it could be considered as harassment. Tim Wyman again stated that this does not make sense because how would the general public know what was approved and what conditions were placed on a business or

property. Rob Fitzsimmons stated that in the past Stan Koloski the previous CEO would read through all of the minutes and file of what was permitted and he would then investigate and visit the properties to see that they were in compliance with the approvals. Rob Fitzsimmons continued that the Building Department is not the police of the Town but he understands that they are the most informed members of the community and have the knowledge of the approvals and conditions. Tim Wyman stated that such applications as New Leaf are seen doing a great job following the approved design and plan and this is seen by the Planning Board members as well as the public but in cases such as Columbia Tent with the shrubs and outside storage how would the general public know that this is not allowed and was not approved and is in violation to file a complaint? Tim Wyman continued that unless the Planning Board members asked questions how would the situations be mitigated? Rob Fitzsimmons stated that the Building Department could refuse to grant a Certificate of Occupancy until all of the conditions were met and completed. Rob Fitzsimmons continued that when former CEO Jay Trapp was in the Building Department he had suggested that a member of the Planning Board act as a liaison to check on approvals and report back to him. Stephen King stated that this would be a good idea and that the applicant would be noticed at the time of the approval that the Planning Board member would be checking in so it is not considered as harassment. Stephen King continued that this Planning Board liaison could also report back to the Planning Board on the progress of approved applications. George Schmitt informed the Board that as with the Filli approval they didn't want to go the route of DEC and DOH approval for the septic system so they used Ag and Markets but this meant that they could sell baked goods but cannot be a bakery just like Stewart's can sell pizza but they cannot make the dough and assemble the pizza at the stores. George Schmitt continued that the Filli approval was very specific that they can sell baked goods but they cannot make dough because of the impact on the septic system that they didn't upgrade as to the required specs for the flour and baking materials that would be added to the system. George Schmitt continued that if Filli's store were to start selling pizza or make dough for doughnuts then they would need to amend their approved site plan. George Schmitt continued that this is not about whether the Planning Board is for or against a use at a particular business but rather has the applicant met all of the required items to be able to have the use at the site. Tim Wyman asked should the Town of Claverack Planning Board and CEO say with specificity that they can bake on premises but cannot prepare baked goods for baking. George Schmitt stated that they were informed at the time of their approval and in their approval that the baked goods could only be baked on premises but needed to be prepared off site. Lisa Bowe asked if the CEO visits businesses to see if the site plan approvals are being followed. Doug Cowell stated that the Building Department is requiring everyone to file formal complaint forms to protect the Town of Claverack from a lawsuit.

Motion to adjourn the meeting was made by Tim Wyman with a second from Virginia Ambrose. All members were in favor. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jodi Keyser, Secretary