

Approved 7/10/23

**TOWN OF CLAVERACK  
PLANNING BOARD  
Meeting Minutes  
June 5, 2023**

Chairman Scott Cole called the June 5, 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, Alberta Cox, Pat Fecher, Stephen King, Tim Wyman, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

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

Motion to approve the Minutes of the May 1, 2023 meeting was made by Lisa Bowe with a second from Tim Wyman. All members were in favor. Motion carried. Pat Fecher commented that the minutes are always clear and easy to read.

Correspondence

CONTINUING APPLICATIONS FOR 5/1/23:

**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 meeting. Mr. Abeyatunge explained to the Board that he understood that his task was to complete the septic system design but his child was bitten by a tick and became very ill to the extent of hospitalization and he was not able to work with the engineer or DOH because he took the entire month of May to care for his family. Mr. Abeyatunge will return for the July meeting.

**David Krone & Alyssa Mastromonaco Site Plan/Special Exception: Tax Map #(SBL) 132 . – 1 – 50 .**  
**112 Located at 232 Catskill View Rd. Site Plan/Special Exception to construct a 4,860 square foot accessory dwelling within an existing barn.**

Andy Didio was present as well as Mr. Krone and Ms. Mastromonaco for their application. Mr. Didio reviewed the application for the Board as his clients are seeking to convert a portion of an existing barn into their primary residence and when the construction is complete they will then convert their current residence into an accessory dwelling and move into the converted barn. Mr. Didio continued that the only addition to the barn will be a small garage at the northern end of the building. Mr. Didio continued that the septic was designed in excess of both dwellings as they total 2 bedrooms and the septic system is designed for 3 bedrooms in total. Chairman Cole opened the meeting to public hearing at 7:10 p.m. No comments were heard. A letter from a neighbor was received by the Board members in advance that was favorable to the applicant. Chairman Cole closed the public hearing at 7:11 p.m.

Rob Fitzsimmons informed the Board members that this application is exempt from SEQRA review.

Motion to approve the Site Plan/Special Exception for the conversion of an existing barn into the primary residence and changing the current primary residence into an accessory dwelling was made by Tim Wyman with a second from Virginia Ambrose. All members were in favor. Motion carried.

Maps were stamped and signed. Mr. Didio paid mailing fees of \$6.30.

## NEW APPLICATIONS FOR 6/5/23

**Lisa Bowe asked to be recused from the meeting at 7:15 p.m. for the next application.**

**Miller, Bruce & Luann/Schilling, Bernard & Lill, Lorissa Boundary Line Adjustment: Tax Map #(SBL) 132 . 00 – 01 – 14 . 12 & Tax Map #(SBL) 132 . 00 – 01 – 13 Located at 343 & 351 County Rte. 16 respectively. Boundary Line Adjustment of .215 acres from Tax Map # 132 . 00 – 01 – 14 . 12 at 343 County Rte. 16 to Tax Map # 132 . 00 – 01 – 13 at 351 County Rte. 16 to allow for a driveway improvement.**

Matt Bowe, Ms. Lill and Mr. Shiling were present for the application. Mr. Bowe explained that his clients need to make a circular driveway for their property due to the dangerous site lines for the roadway so they are purchasing a small part of the property from Luann and Bruce Miller to make this happen. Mr. Bowe informed the Board that this Boundary Line Adjustment is only .215 acre and a smaller BLA was approved many years ago but was never filed. Tim Wyman asked for the applicants to show the current driveway and proposed driveway. Matt Bowe added that the proposed driveway is approved by the Columbia County Highway Department. Chairman Cole stated that the minimum lot size is 1 acre. Stephen King asked what this means for this application. Rob Fitzsimmons answered that adding another .215 acre parcel so it is making a non-compliant parcel into a compliant parcel. All members were fine with the application. Exempt from SEQRA review.

Motion to approve a minor Boundary Line Adjustment of .215 acres from Tax Map # 132 . 00 – 01 – 14 . 12 at 343 County Rte. 16 to Tax Map # 132 . 00 – 01 – 13 at 351 County Rte. 16 to allow for a driveway improvement was made by Stephen King with a second from Alberta Cox. All members were in favor. Motion carried.

Ms. Lull paid application fee of \$150.00. Chairman Cole supplied the applicant with a pamphlet with instructions to file the approved maps with Columbia County and advised to do so within 60 days and that the deeds will also need to be changed and filed.

**Foundation for Agricultural Integrity 501(c)(3) d/b/a Churchtown Dairy Site Plan: Tax Map #(SBL) 141 . – 1 – 53 . 100 Located at 357 County Rte. 12. Site Plan Application for a farm-stay Bed & Breakfast.**

Matthew ?, Marina Case and Rick Anderson were present for the application. Matthew ? informed the Board that his client is seeking a Site Plan/Special Exception Use for the Foundation for Agricultural Integrity to host farm stays in the farm house. Matthew ? continued that the farmhouse was approved with a Site Plan in 2016 and was completed in 2021 and the FAI Board of Directors are exploring the use as a farm stay. Matthew ? continued that the FAI is a 501(c)(3) not for profit conservation dairy. Matthew ? continued that the idea is to host guests to stay and experience farming, caring for animals, lectures and education. Rick Anderson, builder of the farm and Marina Case, FAI Board member stated that they are seeking to use the farm house as a Bed & Breakfast type of stay with farming as an educational stay. Rob Fitzsimmons informed the Board that FAI was seeking to use the farm house for events in 2021 and was denied and needed to go to the Town of Claverack Zoning Board of Appeals. Matthew ? stated that the use was never going to be considered as agritourism because the CEO didn't feel that the use was that of a dude ranch or anything like that. Matthew ? continued that a Bed & Breakfast is an accessory use that is permitted within the zone and if they sought to go the Agritourism route it wouldn't require any Town approval. Rob Fitzsimmons stated that he distinctly remembered the FAI requesting a bed and breakfast on the site in the past. Rob Fitzsimmons continued that Klocke distillery is currently before the Town of Claverack Zoning Board of Appeals for an interpretation on agritourism use to have a full-service

restaurant as an accessory use to the distillery and tasting room. Rob Fitzsimmons continued that the TOC ZBA is tasked with interpreting whether a restaurant is an accessory use to the agritourism use of the distillery. Matthew ? stated that they are not going with Ag & Markets at this time for overnight stays as agritourism. Stephen King asked what the number of guests could be. Matthew ? answered that the farmhouse consists of 5 bedrooms and 5 bathrooms so potentially 10 guests but they are not interested in filling the house to capacity. Stephen King asked if the septic system could handle the number of guests at a time. George Schmitt stated that if the septic system were designed for 5 bedrooms it should not be a problem for the applicants to supply a letter from the CCDOH to the Planning Board. Tim Wyman stated that if they received approval for 5 bedrooms and the septic system was designed as such it should be able to handle the guests. George Schmitt stated that the CCDOH has jurisdiction to be able to determine if the system is adequate. Matthew ? asked what is the septic system limited for. George Schmitt informed the applicant to supply a letter from the CCDOH that the existing septic system is adequate to sustain the proposed use as a bed and breakfast. Matthew ? the FAI will keep the occupancy to a minimum. George Schmitt stated that this would be better determined by the CCDOH and would keep a hard line on the number of guests. Mr. Anderson informed the Board that the farmhouse does not have a typical septic system but does have 5 composting toilets so no septic tank only a leach field for showers, laundry and sinks. Stephen King stated that the Planning Board requests a letter from the CCDOH that the septic composting toilets are adequate for a bed and breakfast. Matthew ? agreed to provide a letter from CCDOH. Stephen King asked if there is adequate parking and the dedicated rooms that will be used for the bed & breakfast. Stephen King stated that this use seems like it would require a formal full site plan review. Lisa Bowe stated that she would like to see emergency plan for the building since it will have guests from outside of the area that would not be familiar with what to do. Lisa Bowe continued to ask if there will be someone on site at all times during stays. Matthew ? answered no one will be staying in the building with the guests but there are people around the farm most of the time and there is farmworker housing in a separate parcel not far away from the farmhouse. Lisa Bowe asked if someone is currently living in the farmhouse. Matthew ? answered not currently but the idea is not to have anyone from the farm stay. Virginia Ambrose asked if there is supervision at the home. Matthew ? answered no not at all only the guests would be staying in the farmhouse. Lisa Bowe asked again if anyone stays with the guests. Matthew ? stated no because it is not the nature of the farmhouse stay. Lisa Bowe stated that a bed & breakfast would indicate that someone is there to make breakfast and tend to the guests. Matthew ? answered that there is onsite supervision but it is not in the farmhouse. Chairman Cole stated that an abutters list needs to be updated. Matthew ? stated that this is an agricultural use in nature consisting of 186 acres with 60 acres built so a Site Plan would be extensive. Lisa Bowe stated that the Site Plan supplied is not to scale and is difficult to read. Virginia Ambrose stated that this type of use would require a full site plan review if it were anywhere else in the Town of Claverack so this should as well. Rob Fitzsimmons stated that the TOC requires looser Site Plans for agricultural uses. Virginia Ambrose stated that the Planning Board should be asking for a formal Site Plan because the applicant is not coming before the Planning Board with an agricultural use they are seeking a bed & breakfast. Stephen King stated that he would like to see some specific things such as parking designed with handicapped parking, emergency plan and emergency exits, number of guests per stay and the number of stays per year/month. Stephen King stated that this could be a segmented section for the site plan and not a site plan of the full farm. Matthew ? stated that he can't make the designation but would like to say a farm stay bed & breakfast and the farmhouse will still be used for farmworker housing. Stephen King stated that if FAI want to continue with a use of a bed & breakfast then they can't be considered agricultural use. Matthew ? stated that a bed & breakfast is a permitted accessory use in the area and the families that work on the farm use the house on an as needed basis but not all the time but the farmhouse is currently designated as farmworker housing. Pat Fecher asked if it is exclusively one use of the other. Matthew ? stated that they would not use the house as farmworker housing if there

were guests staying or scheduled to stay because it wouldn't work to have guests and workers in the house at the same time. Virginia Ambrose asked where handicapped parking would be. Mr. Anderson stated that he can add handicapped parking to the maps if the Board would accept a non-stamped map for the site plan. Punch list Letter for septic from CCDOH and parking on maps. George Schmitt stated that if this use is not agricultural but a bed and breakfast gives pause if anyone else would require a different owner to provide a formal site plan. Matthew ? stated that this is a 5 ½ bedroom house but only using 4 bedrooms. Chairman Cole stated that the plan needs to be set in stone and no changing and this doesn't meet the code so it might need an interpretation. Matthew ? stated that 5 bedroom farmhouse would be limited to 4 bedrooms for the bed & breakfast use. Lisa Bowe stated that this is not what the plan is showing and things are changing as they are presenting. Matthew ? stated that he doesn't think that the plan would require a full site plan and it would be costly. Lisa Bowe asked the applicant to read the Town of Claverack definition of bed and breakfast in the zoning codes. Rob Fitzsimmons stated that a bed & breakfast is really an owner occupied home traditionally but not necessary that the owner lives within the building. Stephen King suggested a site plan should be supplied and reviewed. George Schmitt stated that farm classes, farm education is part of a farm stay and reads the definition of agritourism. Rob Fitzsimmons stated that agricultural uses is not determined by the Town of Claverack Building Department CEO. George Schmitt suggested that the applicant seek an interpretation from the Town of Claverack Zoning Board of Appeals. Matthew ? stated that if they were required to seek a permit from the Town of Claverack CEO for an accessory use they would hope that it would be considered an agricultural operation and would be shown some flexibility and not required to file a site plan review. Stephen King stated that the applicant should provide a site plan for only this use and building not the entire farm. Stephen King continued that the site plan should include how the business will be run, number of rooms to be used, parking, handicapped parking, lighting, emergency plan, septic, wells, utilities, emergency exits, hours of operation. Matthew ? stated that he has supplied a plan with the construction drawings but not a stamped site plan. George Schmitt informed the applicants that Carl Matusic was the engineer on the primary site plan and he would have the plan in his computer so it would be easy to get him to reprint with the items requested. Tim Wyman added that the hours of operation as well as rules of operation and the plan for the duration of stays an the number of stays per year/month should be clearly narrated. Marina Case stated that the plan is to limit the stays to two weekends per month with a limit of 3 nights per stay. Lisa Bowe stated that this is not written or shown anywhere on the plan. Lisa Bowe stated that she is concerned that this will become more of a bed & breakfast than a farmstay with people coming to shop and go out for dinner instead of learning about farming. Matthew ? stated that the guests will only come to the farm to learn and experience educational opportunities with a hands on approach and not shopping or sightseeing. Matthew ? stated that the times that there are no guests the farmhouse will be used for farmworker housing. Lisa Bowe asked if anyone lives there. Matthew ? answered not currently but time to time there are people staying that work on the farm. Matthew ? stated that this is an evolving use and the narrative is changing but he will create a narrative with limits of use. Virginia Ambrose stated that she is concerned about the emergency plan and who the guests would call if there is an emergency. Virginia Ambrose continued that this was a very strict point with a previously approved farm stay that was reviewed and the owners were required to be in attendance at all times during the time there were guests. Marina Case answered that the house will have a book with emergency numbers and contacts. Virginia Ambrose asked what would happen if there were unruly guests. Matthew ? answered that there is someone at the farm late at night and very early in the morning as well as workers who live close. Lisa Bowe asked if the plan is to expect farmworkers to respond to emergencies. Rob Fitzsimmons informed the applicants that the Planning Board is requesting a Site Plan limited to the farmhouse and the Bed & Breakfast accessory use. Matthew ? stated with driveway, parking, lighting, hours of operation, emergency exits, emergency plan & procedures, number of stays per year/month, number of guests, extent of stays i.e. number of days per stay, well, septic letter from

CCDOH, handicapped parking and utilities. Rob Fitzsimmons stated that this is a low intensity bed & breakfast. Matthew ? stated that the narrative shows 4 bedrooms for the use not 5 bedrooms. Chairman Cole stated that when the time comes that all items are ready to be submitted the Board requests that the applicant reach out to the Churchtown Fire Company to notice the change of use and that more people will be using the house to see if they have any concerns. Chairman Cole continued that the Board will review submissions and then if all is acceptable, they will set a public hearing. Chairman Cole reminded the applicants to revise the abutters list as well before making the formal site plan submission.

**Columbia Tent Rentals Site Plan/Special Exception Modification: Tax Map #(SBL) 101 . – 2 – 52**  
**Located at 8 Bender Blvd. Columbia County Commerce Park. Site Plan Application to modify previously approved Site Plan to add a 4,500 square foot gable roof storage area to the current 10,000 square foot building as well as a 4,200 square foot pole barn for storage.**

Rich Andreasson was present for the application. Mr. Andreasson explained to the Board that his client had a previously approved modification to his original Site Plan and is now seeking to modify the modification. Mr. Andreasson continued that the current site consists of a 10,000 square foot building with storage in trailers and under a large tent. Mr. Andreasson continued that his client was before this Planning Board last year and received approval for an addition to the building to bring the storage inside as required. Mr. Andreasson informed the Board that after the approval was made his client realized that the cost of the additions was more than he wanted to invest which brings him here with a modification of the previously approved modification. Mr. Andreasson informed the Board that his client is now seeking to add a 4,200 square foot covered shed to the eastern side of the building (back side) and a 4,500 square foot pole barn. Mr. Andreasson explained that the pole barn will be fully enclosed with 4 overhead doors and one access door. Mr. Andreasson continued that the shed will be built onto the back of the existing building and will be open on two sides with the northern side and eastern sides open and the side facing NYS Rte. 66 will be closed in. Chairman Cole stated that he did not like the opened sides of the shed and would request that all sides be enclosed. Chairman Cole continued that the applicant can add garage doors along the longest side to the east and the side to the north. Mr. Andreasson asked if the Board would consider landscaping instead of enclosing the shed sides. Chairman Cole stated that enclosing would be the best. Stephen King asked if the NYS Rte. 66 side is enclosed. Mr. Andreasson answered yes with a small retaining wall for loading. Stephen King agreed with Chairman Cole that with the applicant's landscaping issues in the past he would also request that all sides are enclosed. Tim Wyman asked if the pole barn is completely enclosed. Mr. Andreasson answered yes. Stephen King asked if this will require additional lighting. Mr. Andreasson answered no. Stephen King asked how the pole barn and shed will be illuminated especially at night for the workers. Mr. Andreasson answered that the existing lighting would be sufficient. Virginia Ambrose stated that the pole barn and enclosed shed would require additional lighting for safety. Mr. Andreasson stated that the lighting will remain as in the previous approved site plan. Virginia Ambrose stated that she would vote against the application because the area would need more lighting to be safe. Chairman Cole asked if the additional building would require further stormwater design. George Schmitt answered no because the pole barn will be situated on a gravel area. Mr. Andreasson stated that the gravel goes beyond the edge of the barn. George Schmitt explained that the impervious area is not changing so the runoff will stay the same just replacing the area. Lisa Bowe asked if all of the equipment that is stored outside will be moved to the pole barn and shed. Mr. Andreasson answered yes. Tim Wyman stated that the setbacks are tight. Mr. Andreasson answered yes but they are within the limits. George Schmitt asked if the survey had been updated because there was an issue last year. Mr. Andreasson answered yes the survey was recently updated last year. Stephen King stated that he would request a modified plan showing the enclosed walls on the shed.

Motion to accept the application pending revisions and to set public hearing for July was made by Stephen King with a second from Pat Fecher. All members were in favor. Motion carried.

Rob Fitzsimmons requested that the applicant submit the application to the Columbia County Planning Board for review because it is within the Columbia County Commerce Park. Rob Fitzsimmons will authorize the applicant to submit on their own behalf and will contact Patrice Perry.

Other Business:

**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. REQUEST FOR EXTENSION**

Jennifer Galovotti was present for the application. Ms. Galovotti informed the Board that they are approaching the end of their approval timeframe which ends on August 1<sup>st</sup>. Ms. Galovotti continued that they are having financing issues because of the delays and supply chain issues. Ms. Galovotti is requesting a 3 month extension from August 1<sup>st</sup>.

Motion to grant a 3 month extension of the Site Plan/Special Exception approval ending November 1, 2023 was made by Pat Fecher with a second from Virginia Ambrose. All members were in favor. Motion carried.

New Business:

Rob Fitzsimmons explained that the Town of Claverack Zoning Board of Appeals is interpreting the definition of agritourism with regard to accessory buildings and uses as it pertains to the Klocke Distillery requesting a restaurant as an accessory to the distillery. Stephen King stated that the FAI application is seeking both a bed and breakfast and agritourism seeking to keep them separate but together somehow. Rob Fitzsimmons answered that if they were applying for a bed and breakfast the Board would require a site plan but their argument is that the bed and breakfast is an accessory use to the farm. Stephen King asked if it is then the TOC CEO will then be required to make sure that all codes and alarms are in place. Rob Fitzsimmons answered yes these items are up to the TOC Building Department to enforce the requirements are met for the bed and breakfast same as any other bed and breakfast. Chairman Cole stated that he would feel more comfortable with a full site plan of the bed and breakfast to have all the tools for the Building Department.

Motion to adjourn the meeting was made by Tim Wyman with a second from Alberta Cox. All members were in favor. Motion carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jodi Keyser, secretary