

TOWN OF CLAVERACK
PLANNING BOARD
Meeting Minutes
September 6, 2023

Chairman Scott Cole called the September 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, Alberta Cox, Pat Fecher, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser
Absent with regrets: Stephen King and Tim Wyman

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

Motion to approve the minutes of August 7, 2023 was made by Pat Fecher with a second from Alberta Cox. All members were in favor. Motion carried. Minutes approved

Correspondence

CONTINUING APPLICATIONS FOR 9/6/23:

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 the application. Mr. Abeyatunge apologized for missing the previous meeting due to family illness. Mr. Abeyatunge informed the Board that he rented an excavator and dug perk tests while Mike DiRuzzio was present. Mr. Abeyatunge continued that Mr. DiRuzzio is planning to make his report and that he felt that the applicant's engineer's plans were excessive and he will send a separate design. Continued to October meeting

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.

Mr. Matthew Cabral was present for the application. Chairman Cole informed the Board that he has received a letter from neighbor Lynne Brandt that will be read for public hearing. Chairman Cole also read a letter from Churchtown Fire Company requesting that the FAI representatives have all of the buildings on the property properly designated for emergency responders. Chairman Cole continued that the Planning Board also received a letter from Shallow regarding the Churchtown Fire Company stating that the Fire Company can not comment as to the application and use of the building as a Bed & Breakfast since they are not NYS Fire Code inspectors. Mr. Cabral informed the Board that the site was previously approved as a dairy farm with farmworker housing and this application is requesting to use the farmworker housing as a farm stay to immerse guests in farming and agriculture. Mr. Cabral stated that the guests will spend time with farm animals and learn about farming. Mr. Cabral continued that the plan would allow for 4 out of the 5 bedrooms to be offered for 8 to 10 days per month. Mr. Cabral continued that the money from the farmstays would support the not for profit Foundation for Agricultural Integrity. Chairman Cole stated that he received a letter from CCDOH Mike DiRuzzio for the septic as O.K. George Schmitt and Rob Fitzsimmons had no further questions. Lisa Bowe asked if there is a maximum number of days or a limit to the stay. Mr. Cabral answered that he cannot speak to the dairy but could not anticipate anyone would want to stay all 10 days but it could be possible. Lisa Bowe asked if someone could stay the entire summer. Mr. Cabral answered that this is not an extended stay facility. Lisa Bowe stated that there is no definition of an

extended stay. Mr. Cabral stated that there is a 10-day maximum per month limit and the applicant would like a less restrictive condition because the ambition is not to rent long term or entire season but the limited use would have a limited impact with proceeds for supporting the dairy. Mr. Cabral continued that the stays would mostly be centered around specific speakers or learning activities.

Chairman Cole opened the meeting to public hearing at 7:25 p.m.

Stephanie Weaver – Family was first brought to the neighbors that this use was going to be strictly a farm but has evolved into everything else. Ms. Weaver continued that they have held events, weddings, parties, fundraising things and now want to have a bed and breakfast is getting bigger and bigger of a use and impact on the neighborhood. Ms. Weaver stated that the farmhouse was only approved to be used for farmworker housing but doubts any farmworkers even stay there. Ms. Weaver continued that the farm has taken away her privacy of her own home and property. Ms. Weaver stated that she doesn't have an issue with people making a day trip to the farm to visit the store or spend time learning about farming and agriculture but has an issue with a bed and breakfast. Ms. Weaver stated that if people want to really learn about farming they could come to her farm to work and learn what a real farm is all about. Ms. Weaver continued that this site has increased the traffic and it has not been fair or a good neighbor.

Chairman Cole informed the audience and Board that the applicant is not proposing to build anything new it is an existing house on the property. Ms. Weaver answered that this project has grown and grown and is now much larger than it was supposed to be and it wasn't supposed to be this large to begin with. Ms. Weaver stated that she has lost her privacy.

Lynne Brandt submitted a petition from the neighbors against the proposal of using the farmworker housing as a bed and breakfast. Ms. Brandt stated that she likes the farm and little store but doesn't understand the need to use approved farmworker housing for a bed and breakfast. Ms. Brandt continued asking why did Camp Hill and Triform pull out of the partnerships. Ms. Brandt asked what is going on that these not for profits wanted out. Ms. Brandt continued that FAI are not exactly good neighbors especially when the neighboring wells received damage due to the fracking that the farm did. Ms. Brandt continued that the parties and noise are bad but the traffic impact has been horrendous. Ms. Brandt continued that allowing a bed and breakfast would only increase the traffic. Ms. Brandt continued that she has resided in Churchtown for 47 years and knew everyone until recent years it has gone 2/3 are now owned by city people. Ms. Brandt stated that she understands the tax revenue but the area is not cherished like it has been by the lifelong owners. Ms. Brandt stated that she used to enjoy her home and small lawn but can no longer enjoy due to the increased noise and traffic. Ms. Brandt continued that she can remember the Town of Claverack Planning Board from allowing Louis McNamee from building a self-storage facility several years ago that would have harmed the small town feel of the area but this is also harming the area. Ms. Brandt asked the Town of Claverack Planning Board to stick with the full time residents of the area that are wanting to maintain their normal lives.

Joe Costa stated that he lives behind the monstrosity and feels that the FAI has misled or provided misinformation to the Town in the past because there is equipment running in the dead of night, has a building with 14 dormers and 14 staircases planned 15-20 years ago and feels that the secrecy is disturbing. Mr. Costa continued that the site has hosted weddings and other events that have used blinding lights. Mr. Costa asked the Board for the definition of a Bed & Breakfast. Rob Fitzsimmons informed Mr. Costa that the use of a Bed & Breakfast is an allowable use in the zone. Mr. Costa asked what is the difference between a bed and breakfast and a hotel because it looks like a scapegoat. Mr. Costa asked if the ballroom in the next few years will be allowed to host more parties/events. Mr. Costa asked how the site has been allowed to build out 10% of the 100-acre property within the Land Conservancy. Mr. Costa asked who will police the conditions or the current uses. Chairman Cole answered that the Town Code Enforcement

Officer is the person charged with making sure codes are followed. Mr. Costa stated that is not going to happen because many things in the Town are currently happening and going on without anything being done. Mr. Costa continued that the Town is not being policed and the neighbors of the FAI don't have the money to hire a multi-million-dollar lawyer to fight and rely on the Town to defend them but that is not going to happen. Mr. Costa stated that this is not a benefit to the Town or the neighbors. Chairman Cole informed Mr. Costa that buildings don't have to come to the Planning Board they just apply for a building permit but anyone can file a complaint with the TOC CEO. Mr. Costa stated that the Town is missing people involved with regulations and not doing their job which is grossly hazardous. Chairman Cole stated that the Planning Board can't do anything about building structures. Mr. Costa stated that he has told the Town about concerns and nothing is ever done.

Stephanie Weaver stated that she has complained about the pigs and cows roaming loose and nothing has been done. Chairman Cole stated that if you have filed a complaint and nothing has been resolved then contact a Town Board member and there are a few at the meeting hearing this.

Ms. Brandt asked if the FAI is associated with the Klocke distillery

Mr. Cabral answered not that he is aware of.

Chris Costa stated that she is confused by the stays. Ms. Costa continued that if the stay is for 10 days maximum does that mean 2 people can stay for 10 days or 1 person for 10 days then if the 10 day stay is used there are no more stays allowed for the month? Ms. Costa continued that it seems like the bed and breakfast will be open for more days than just 10 days all month. Ms. Costa asked how the FAI was allowed to cover the entire 10% of their property with buildings? Ms. Costa stated that pigs are always wandering out of their pen and they eat and destroy everything. Ms. Costa continued that she is concerned because she is afraid to allow her grandchildren to play in her yard due to the pigs. Ms. Costa continued that the pigs are dangerous.

David Graziano stated that he has read the June minutes of the Planning Board but he has a concern that the applicant is not meeting the Town Zoning Law for a Bed & Breakfast that requires the use is within an owner-occupied home using no more than 4 bedrooms and he feels that the owners are not the occupants and even if anyone will be onsite at all times as required. Mr. Cabral answered that the owners are a Not-for-Profit and they are seeking to use the farmhouse on the property as a farmstay bed and breakfast with employees and staff on the farm all times. Mr. Cabral continued that the house is 5 bedrooms with only 4 being used for the bed & breakfast on the dairy farm that is owned and occupied by the Foundation for Agricultural Integrity. Mr. Cabral continued that he understands the problems with Air B&B sites because people just purchase houses to use only for Air B&B use and they are not on site at all during the stays. Mr. Cabral continued that this is the opposite of an Air B&B as the owners/employees are on site all the time facilitating the guests to visit the dairy. Mr. Cabral continued that this is not a hands off because the owner/employees are on site.

David Graziano stated that an employee is not an owner and this is clearly stated in the law.

Lisa Bowe stated that thinking the farmhands are providing the guests with their needs at all hours of the day and night is not a bed and breakfast. Mr. Cabral stated that staff people are there to operate the house as well as the farm manager and the farmworkers that are living adjacent to the property. Mr. Cabral stated that the FAI is in fact the owner/operator of the dairy and therefore their employees are onsite at all times making them present for a bed and breakfast. Lisa Bowe stated again that she cannot foresee a plan for farmworkers to tend to guests as part of their daily duties because they are busy with the farming operation itself. Mr. Cabral stated that the farmhands tend the dairy, cheese making, gardens, education, milking,

lectures all following the mission of the FAI with an additional component of agritourism which would allow for the addition of a farm stay overnight to interact with the farm. Lisa Bowe stated that she understands the overnight stay but no one lives in the house to tend to the guests and she is confused as to why a not for profit business needs to start a bed and breakfast.

David Graziano stated that the Town of Claverack Zoning Code 2.32 defines a bed and breakfast as an owner occupied dwelling and for the applicant to say that the employees will be present is not the same as having owners present at the residence 24-7-365 and turning a corporation into an owner is not the same either because the law is specific that this is an owner occupied dwelling with the owner present at all times. Mr. Cabral stated that this is a non-profit and the Board of Directors are represented by the employees. David Graziano stated that he just wants the Planning Board members to understand that this is not following the definition of an bed and breakfast that requires it to be housed in an owner occupied dwelling.

Lynne Brandt asked if abutters within 300 feet were notified then how come she wasn't notified and her neighbor did. Mr. Cabral stated that he worked with the Town Accessors office. Lynne Brandt stated that she will look into the abutters around that site and why she wasn't notified.

Joe Costa stated that after listening carefully to say that this is a farm is a stretch but the bottom line is the Town of Claverack chased the Getaway application out because it was a year round operation so be careful because people will certainly be driving up with skis on their cars to stay here to go skiing not to learn anything about farming. Mr. Costa continued that lodging, hotels, motels, bed & breakfasts, Air B&B are all lodging it is all in the way they are advertised so the Town should watch the way it is promoted. Mr. Cabral stated that traffic to the dairy website will specifically promote the FAI mission and the expectation of the guests for the stay. Mr. Cabral stated that the Town Code allows for a bed & breakfast of 4 bedrooms which is what the Site Plan is seeking and the applicant is agreeing to lease up to 4 rooms for a limited number of days and without a variance from the Town of Claverack Zoning Board of Appeals the FAI cannot create more rooms.

? what is the number of people allowed per room. Mr. Cabral answered 2 people per room so maybe 8 to 10 people and the Planning Board is within their purview to impose conditions to the application but the applicant would not want a cap on the days or the days of the week. Mr. Cabral continued that the Planning Board can impose the condition of 8-10 days in a month can be used as farm stay to prevent long term lodging.

? How many other farms in the Town have bed & breakfasts? Chairman Cole answered that he lives next to the Old York Farm Distillery and he has noticed much less traffic and it is quite a quiet establishment. Chairman Cole continued that the traffic seems to have slowed down but no noise or more traffic.

Joe Costa asked how many acres is this Old York Farm? Chairman Cole answered that it is approximately 7 acres. Joe Costa stated that isn't a big farm they are a distillery that received approval through NYS Ag & Markets to get away with creating a farm distillery that is not on an actual farm. Chairman Cole stated that there are several open commercial parcels throughout the town that could do the same thing. Mr. Cabral stated that FAI is a 186 acre developed farm within the Land Conservancy with limited agricultural buildings, 20-26 employees on a full and part time basis. Mr. Cabral stated that people can stop by anytime to enjoy the farm and store.

? Just because people move here to work on a farm does not mean that they are really interested in becoming a farmer and it doesn't mean that they will spend their entire stay at the farm because they will

be coming to go to the restaurants in Hudson, skiing, antiques, etc. but not spending the entire time on the farm.

Tracy Moody stated that the neighbors don't agree with the proposal at all and the traffic has increased and any more increase would not be welcomed. Ms. Moody stated that she supports her neighbors and is opposed to allowing the bed & breakfast.

Chairman Cole closed the public hearing at 7:50 p.m.

Lisa Bowe questioned if a traffic study was done. Chairman Cole answered that this is not required for this application. Rob Fitzsimmons stated that a traffic study would be required if the degradation level were a certain amount but this falls far under that level. George Schmitt stated that there is a formula but if all 4 bedrooms were in use for 10 days at a minimum you would be way less than the targeted 100 trips at peak travel time to create an impact to be studied.

Mr. Cabral stated that the Town of Claverack Planning Board already approved the 5 bedroom house which would have vehicles.

Pat Fecher stated that she would want a condition on the number of maximum days allowed for stays. Chairman Cole stated that he wouldn't want to restrict the stays to weekends only. Pat Fecher stated that a restriction on the number of days per month should be made and a stay cannot bleed into more days. Need a specific number of days. Lisa Bowe stated that this use as a bed & breakfast is not following the codes because it is not owner occupied because the employees do not live in the house and are not there while the guests are staying. Rob Fitzsimmons stated that he understands the bed & breakfast to generate profit and can appreciate the owner occupied argument and the employees are the owners because it is just like someone staying at a Marriott hotel and the employees are the representatives of the owner. Chairman Cole asked the Board members if they are ready to take a vote or to table the application for 30 days until the next meeting or hold a special meeting. Lisa Bowe stated that she feels that it would be helpful to gather more information.

Motion to table the application of FAI for the addition of a bed & breakfast farm stay to the October 2, 2023 meeting was made by Lisa Bowe with a second from Virginia Ambrose. All members were in favor. Motion carried.

Chairman Cole informed the Board members to gather their questions and thoughts together to be ready for the October meeting.

Mr. Cabral stated that he had reached out to Rob Fitzsimmons regarding the need to apply to the Columbia County Planning Board referral and he thinks that this project is exempt. Rob Fitzsimmons stated that the CCPB reviews projects of county wide impacts with rural county opt out clause so the CCPB doesn't need to review adding an accessory use to a farm and site plan/special exception use for farm of less than 600 feet. Rob Fitzsimmons continued that the Planning Board will do a Short EAF review. Rob Fitzsimmons continued that alleviate the use by creating conditions should be a give and take because understands to not allow a stay of 30 days but hesitant to use steadfast days. Application continued to October 2, 2023

Chirichella Subdivision: Tax Map #(SBL) 143 . – 1 – 4 Located at 205 Palmer Rd. Craryville. Subdivision of 35 acres into three parcels consisting of 10.940 acres, 18.970 acres and 5.092 acres respectively.

Dan Russell was present for the application. Mr. Russell reviewed the subdivision with the Board members of subdividing 35 acres into 3 parcels of 10.94, 18.97 and 5.09 respectively. Mr. Russell explained that the

parcel is located on Palmer Rd. just past the Chief Taghkanic diner off of Rte. 23. Mr. Russell reviewed the maps showing the Board that there is a large beaver pond and the wetlands have been delineated with 100 foot buffers. Mr. Russell continued that there are septic and driveway permits for the 2 vacant parcels and the 3rd parcel has an existing home with well and septic. Mr. Russell continued that if the existing house on the parcel were to be torn down there is still sufficient property to build another house. Mr. Russell continued that all of the parcels are created for building lots.

Chairman Cole opened the meeting to public hearing at 8:10 p.m. No comments the public hearing was closed at 8:11 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 Lisa Bowe. All members were in favor. Motion carried.

Motion to approve the 3-lot minor subdivision as shown on survey maps was made by Alberta Cox with a second from Pat Fecher. All members were in favor. Motion carried.

Maps were stamped and signed. Mr. Russell paid final fees of \$4875.00

New Business:

Katy Cashen gave Board members a handout and asked them to address any changes that they feel should be added or changed in the Town Code Zoning Laws. Ms. Cashen continued that the new laws need to be passed in December.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Lisa Bowe. All members were in favor. Motion carried. Meeting adjourned at 8:20 p.m.

Respectfully submitted.

Jodi Keyser, secretary