

Approved May 1, 2017

**TOWN OF CLAVERACK
PLANNING BOARD
Minutes of: April 3, 2017**

Chairman Scott Cole called the April 3, 2017 meeting of the Town of Claverack Planning Board to order at 7:00 p.m. Members in attendance were: Chairman Scott Cole, Virginia Ambrose, Stephen King, William Michael, Gretchen Stearns, Robert Vecchi, Jock Winch Jr., engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Members reviewed the minutes of March 6, 2017 meeting. Gretchen Stearns stated that it is nice to have such detailed notes of meetings to look back on because it helped her to remember an important issue.

Motion to approve minutes of March 6, 2017 was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried. Minutes approved.

OLD BUSINESS:

Rob Fitzsimmons informed the Board that two recent Boundary Line Adjustments have timed out. Rob Fitzsimmons continued that he reviewed deed descriptions for the Gazzola and Hayes Boundary Line Adjustments and found them to match the survey maps but the maps were stamped and signed in February and have now timed out and need to be re-stamped in order to file them with the County Clerk.

Motion to allow for the Chairman to re-stamp the Gazzola maps and Hayes maps was made by Gretchen Stearn with a second from Virginia Ambrose. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 4/3/17:

ABS Satellite Special Exception: Tax Map #(SBL) 101 . – 2 – 11 . 200 Located at 829 Rte. 66. Special Exception for the installation of two 9 meter satellite telecommunication transmitting/receiving antennas at the rear of the building.

Secretary Jodi Keyser informed the Board that it has been several months since the applicant has contacted her regarding this application. Board members decided that the application has 3 strikes and is considered withdrawn. Secretary Keyser will compose a letter to the applicant informing them that their proposal is no longer current with the Planning Board and they will need to re-apply if they plan to proceed with the project.

Concra, Margaret & Vincent b/d/a Subway Site Plan Review & Special Exception Permit: Tax Map #*(SBL)121 . 03 – 03 -16 . 100 Located at 634 NYS Rte. 23-B & NYS Rte. 9-H. Site Plan Review for the installation of an awning on the front of the building and install picnic tables with umbrellas and screening for the purpose of outside eating.

Margaret Concra was present for the application. Rob Fitzsimmons informed the Board that Ms. Concra has an application currently being reviewed by the TOC Zoning Board of Appeals for interpretation of the use of the property as a multi-use commercial building and for interpretation that the TOC Zoning Code allows for two main signs for the establishment. Ms. Concra reviewed the revised application for the Board members stating that she is seeking to install some picnic tables for additional seating along the side of the building with temporary fencing and to install an awning along the entire front façade of the building to shield customers from the weather. Rob Fitzsimmons informed the Board that Ms. Concra has submitted a letter from the CC DOH approving the septic system is adequate for the additional seating. Gretchen Stearns asked Ms. Concra to describe the awning. Ms. Concra stated that the awning will be dark green and extend the length of the building. Gretchen Stearns asked if there is screening around the picnic area and will it include some type of green plantings. Ms. Concra answered that she is proposing a simple lattice fencing that is portable so it can be removed during the winter for snow removal. Ms. Concra informed the Board that there are several areas of the property where she is considering installing plantings, planters and/or greenspace. Stephen King asked if the awning would be free of signage. Ms. Concra answered that the awning will be just a plain green awning and will not contain signage of any kind. Bob Vecchi informed Ms. Concra that the new drawing shows a logo on the awning. Ms. Concra stated that she submitted a drawing from Sausbiers showing a plain green awning along the entire length of the building. Bob Vecchi asked if the ground mounted pole sign is on hold. Gretchen Stearns stated that this is a question the TOC Zoning Board of Appeals must decide if two signs were permitted. Gretchen Stearns continued

that the Comprehensive Plan review tried to be specific with limiting the number of signs especially in the hamlet business zone. Margaret Concra stated that most of the businesses have two signs. Rob Fitzsimmons read the TOC Zoning Code §14.2.4b and reiterated Ms. Concra's argument for additional signage. Rob Fitzsimmons continued that this issue is now before the TOC Zoning Board of Appeals for an interpretation. Rob Fitzsimmons informed the Planning Board members that members of the Zoning Board of Appeals are concerned that the applicant has received approval for the two entrance signs. Rob Fitzsimmons informed the Board that the TOC Zoning Board of Appeals is considering the issue and might require the applicant to drop the two entrance signs for the pole sign but it is under review and will be buttoned up at the April meeting.

Chairman Scott Cole opened the meeting to public hearing at 7:10 p.m.

Peter Bevaqua of Rte 23-B stated that he is in favor of the idea of picnic tables and an awning for the building will enhance the area and make a cold, impersonal space feel more inviting.

No further comments Chairman Cole closed the public hearing at 7:12 p.m.

George Schmitt reviewed the SEQRA Part II for the Board.

Motion to issue a negative declaration with regard to SEQRA was made by Gretchen Stearns with a second from Stephen King. All members were in favor. Motion carried.

Motion to grant the Site Plan Review for the installation of an awning along the front of the building and picnic tables with umbrellas for outside seating with the condition that no advertising or signage on the awning and umbrellas was made by Gretchen Stearns with a second from Bob Vecchi. All members were in favor. Motion carried.

Rob Fitzsimmons asked the Planning Board members if they would consider allowing Ms. Concra to continue her application for the sign and use until after the Zoning Board has made a determination on the interpretations instead of requiring additional costs of a new application. Planning Board members were in agreement of allowing the application to remain open but will hold a second public hearing for the sign and use.

Ms. Concra was informed by Jodi Keyser that the application fee of \$150.00 was due. Ms. Concra paid the application fee of \$150.00.

Coyote Flaco Site Plan/Special Exception Review: Tax Map # 121 . 3 – 3 – 19 Located at 6 – 8 Park St. Claverack. Site Plan Review & Special Exception for a restaurant in the former Claverack Food Mart site.

Ryan Morrison, Paul Freeman and Luis Lopez were present for the application. Paul Freeman informed the Board members that at the last meeting the only outstanding issue was a permit letter from the NYS DEC for the waste water treatment. Ryan Morrison informed the Board that he received an email from Jayme Malcolm from the DEC stating that the project will most likely be eligible for the General Permit. This email was submitted to the file. Mr. Morrison continued that he has submitted a plan for an advanced treatment system that will be installed in the rear of the building under the gravel parking area. Mr. Morrison continued that the system will contain concrete cases where the waste water will be treated prior to discharging into the drywell. Mr. Morrison informed the Board that the final details are still being worked out with the NYS DEC and will contain 3 levels of underground treatment. Chairman Cole asked if there is any way that all three of the current systems could be combined. Ryan Morrison stated that the Post Office is being incorporated into the new system and they will continue to work with the NYS DEC to include the liquor store at a later time.

Chairman Cole continued the public hearing for the application at 7:26 p.m.

Michael Brandon stated that he had a safety question regarding the septic system and if it will handle the weight of large Town of Claverack highway trucks during plowing. Mr. Morrison stated that the TOC trucks will not plow the back of the building where the septic treatment system will be because it is private property and Mr. Lopez will have a private snow removal contractor. Mr. Brandon misunderstood and thought that the treatment system was proposed for under Park St. and this answered his question.

Chairman Cole closed the public hearing at 7:28 p.m.

Engineer George Schmitt reviewed the SEQRA Part II for the Board members.

Motion to issue a negative declaration with regard to SEQRA was made by Virginia Ambrose with a second from Stephen King. All members were in favor. Motion carried.

Gretchen Stearns stated that it is important that the establishment close at 10:00 p.m. to be mindful of the neighbors. Chairman Cole stated that it is an ordinance for the hamlet that all businesses close at 10:00 p.m. Rob Fitzsimmons informed the Board that there is controversy with Park St. the Town of Claverack roadway that runs along the

property. Rob Fitzsimmons continued that the Town of Claverack is aware of the issues and they will monitor and modify Park St. as needed.

Motion to grant the Site Plan Review and Special Exception Permit for a restaurant in the former Claverack Food Mart as depicted in the application pending the New York State Department of Environmental Conservation wastewater permit and with the condition that the establishment cease serving of patrons at 10:00 p.m. was made by Stephen King with a second from Virginia Ambrose. All members were in favor. Motion carried.

NEW APPLICATIONS FOR 4/3/17:

Slaughter, Hoke Subdivision: Tax Map #'s 132 – 2 – 38, 142 – 1 – 61 & 133 – 1 – 49 Located at 139 Bate Rd. Boundary Line Adjustment of 130.2 acres resulting in 3 parcels.

Mr. Slaughter was present for his application. Mr. Slaughter reminded the Board that he appeared informally at a previous meeting. Mr. Slaughter informed the Board that he owns 173 acres along Bate Rd. which consists of 4 existing tax parcels. Mr. Slaughter has modified his original plan and downsized from the original 7 lot subdivision into 4 lots. Mr. Slaughter continued that he might want to create 3 small parcels at the north from one of the large parcels in the future. Mr. Slaughter informed the Board that he has an interested party that wants to purchase Lot #3. Mr. Slaughter continued that there is an existing farm house on parcel #2 that he has renovated and he plans to build a smaller guest house for weekend use south of Bate Rd. Mr. Slaughter stated that he will either sell or rent the farmhouse and use the guest house for his family during weekends but no concrete plans. Mr. Slaughter informed the Board that parcel #4 consists of 87 acres and he is considering a conservation easement. Mr. Slaughter informed the Board that Lots #3 & 4 have a shared driveway and 15% of the driveway is with lot #3. Mr. Slaughter submitted a proposed driveway maintenance agreement. Mr. Slaughter informed the Board that the existing farmhouse has utilities and parcels 3 & 4 will have underground utilities installed at a later date. Mr. Slaughter informed the Board that there was an existing logging roadway that has been healed and made better which will serve as the shared driveway for lots 3 & 4. Mr. Slaughter stated that he might build two additional residences with an out building each in the future. Stephen King asked Mr. Slaughter if his family currently uses the farmhouse. Mr. Slaughter stated yes but plans to build a smaller guest house on lot #4. Gretchen Stearns stated that a guest house cannot be built because the farmhouse would need to be the Mr. Slaughters primary residence. Mr. Slaughter stated that he thought that all of the part time residents that have guests houses and pool houses were allowed to do this. Gretchen Stearns answered that guest houses for part-time residents are not allowed but caretaker homes. Mr. Slaughter asked if he could apply for a variance if this would come up. George Schmitt informed the Board that Mr. Slaughter is only seeking a Boundary Line Adjustment and not appearing for a Site Plan Review but he might be required to seek a variance for a smaller guest house if he proceeds with the plan.

Motion to accept the application as complete, classify the application as a Class 1 Boundary Line Adjustment and set the public hearing for May 1, 2017 was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Rob Fitzsimmons instructed Mr. Slaughter to have his attorney submit the proposed deed descriptions to his office for review prior to the May 1st meeting.

Sears, Michael Special Exception: Tax Map 131 . – 2 – 11 Located at 223 Schoolhouse Rd. Special Exception for a Ground Mounted Solar Array.

Mrs. Sears and the Permitting manager Andrew Peterson representing Monolith Solar were present for the application. Board member Gretchen Stearns asked if she needed to recuse herself because the project is less than a mile from her residence. Board members felt it was not necessary. Mr. Peterson reviewed the project for the Board. Mr. Peterson stated that the Sears' own two separate parcels one contains a guest house and the other contains the main residence with a studio for ceramics including a kiln. Mr. Peterson continued that his client is proposing to install two ground-mounted solar array systems to supply the main house and studio. Mr. Peterson continued that the guest house has solar installed on the roof. Mrs. Sears informed the Board that the guest house is located on a separate parcel from the main house and studio. Mr. Peterson stated that the solar arrays will measure 20 feet by 40 feet with 50 feet and 70 feet setbacks and are 8 to 10 feet in height which are shielded in all directions by trees. Jock Winch asked if the arrays will be fixed or will they move for sun exposure. Mr. Peterson stated that the arrays will be fixed. Stephen King stated that he has looked into educating himself on solar power and asked what percentage of power is provided to the residence from the arrays. Mr. Peterson answered that the systems are designed for 110% and the customer receives 100% with the remainder going toward a credit with the utility company. Robert Vecchi

stated that the utility companies restrict the rebates and also the amount of power that the arrays can produce. Stephen King asked if the power lines are on poles or underground. Mrs. Sears stated that the power lines are buried underground. Mr. Peterson stated that this is to allow for expansion and the systems for homes are usually designed for 10 to 20 watts. Stephen King informed the applicant that he needs to supply a full Site Plan Review map showing the lines needs a scaled drawing of all underground cables. Chairman Cole informed the applicant that he needs to also show the shutoffs for emergency personnel. Mr. Peterson stated that there are master shut offs at the panels and at the house. Stephen King instructed Mr. Peterson to show all of these items on the Site Plan maps in black and white. Rob Fitzsimmons instructed the applicant that scaled map showing the location of the cables and panels is sufficient. Mr. Peterson asked if the Board could approve the plan. Gretchen Stearns stated that the application is not complete. George Schmitt asked for clarification of the photos asking if the main house has two studios as depicted. Mrs. Sears answered that the main house has one studio and there is a guest house on the separate parcel which has own well and septic. Gretchen Stearns informed the applicant that they need to provide a final plan including pictures of the arrays, abutter list and an ag data statement by April 11th to be included in the May 1st public hearing. Motion to accept the application and set for public hearing on May 1, 2017 pending that the requested information is submitted by April 11th was made by Stephen King with a second from Robert Vecchi. All members were in favor. Motion carried. Mr. Peterson was instructed to obtain a sign for the public hearing from the Town Clerk's office and install the notice sign at least 10 days prior to the May 1st meeting.

Joe Beats LLC Special Exception and Site Plan Review: Tax Map # 132 – 1 – 18 Located at 482 & 484 NYS Rte. 23. Special Exception and Site Plan Review to remodel current retail space back to a restaurant use along with remodeling of existing house.

Steven Bakunas was present for the application. Mr. Bakunas informed the Board that he and his wife have purchased the former Yorkshire Restaurant, house and motel. Mr. Bakunas continued that they plan to convert the former restaurant back into a restaurant. Mr. Bakunas informed the Board that the former owners daughter was granted a change of use into a retail business to refurbish and sell antiques but now they need to change the use back into a restaurant. Mr. Bakunas continued that they have hired an engineer who told them that the building needs a complete overhaul. Mr. Bakunas stated that he needs to have the property rezoned for a restaurant. Gretchen Stearns informed Mr. Bakunas that the property is located in the Highway Commercial Zone and a restaurant is allowed as a use in this zone. Mr. Bakunas stated that he thought that since the building was changed from a restaurant into a retail store it would need to be rezoned back to a restaurant. Gretchen Stearns answered no both uses are allowed in this zone. Gretchen Stearns continued that the Town of Claverack is reviewing the process and trying to figure out how to make things easier. Gretchen Stearns informed the applicant that there are many laws and suggested that he or his engineer read the law which is found on the TOC website. Dr. Stearns suggested that the applicant pay special attention to section #14 which details the sign regulations, building design standards, screening, lighting, parking, etc. along with helpful photos to show the desired models. Mr. Bakunas informed the Board that his is not his first rodeo and he has dealt with these details before and also owns a restaurant in another area. Mr. Bakunas informed the Board that this is a passion for him and his wife because of their love of cooking and entertaining. Chairman Scott Cole suggested to Mr. Bakunas to meet with the TOC Building Inspector/CEO Jay Trapp. Mr. Bakunas stated that he has met with Jay a couple of times and appreciated the help he has provided. Mr. Bakunas informed the Board that he has hired engineer Dan Russell. Rob Fitzsimmons informed Mr. Bakunas that a restaurant is allowed in the Highway Commercial Zone with a Special Exception Permit and Site Plan Review but the applicant needs to provide the level of detail for the project with square footage, capacity and waste water treatment system details. George Schmitt added that the architect and engineer should consult with the Zoning Laws and draw the Site Plan accordingly. Mr. Bakunas informed the Board that he knows that the building needs a new foundation. George Schmitt informed Mr. Bakunas that he needs to meet with Jay Trapp and the Planning Board will need to see the details of landscape design, lighting design, septic and curb cuts from NYS DOT. Rob Fitzsimmons informed the applicant that NYS DOT curb cuts could be expensive. Chairman Cole asked the engineer and attorney the amount of escrow needed for the review. George Schmitt stated that an escrow account of \$1,000.00 should be set up which might be more then needed but the unused funds will be returned after. Mr. Bakunas informed the Board that he also purchased the parcel to the rear of the restaurant which has an abandoned road which he is wondering who owns it. Rob Fitzsimmons directed the applicant to meet with TOC Highway Superintendent Louis Lamont. Mr. Bakunas informed the Board that he wants to do this right and make a successful business that will be beneficial for the town as well. Gretchen Stearns asked for a straw vote from the Planning Board members. Planning Board members were all in agreement that this will be a great addition to the Town of Claverack and a wonderful revitalization of the property. Mr. Bakunas stated that he wants to be a part of the community.

INFORMALS:

Peter & Nicholas Schram were present to review a proposed Boundary Line Adjustment. Peter Schram informed the Board that he has recently purchased the former Hallenbeck property and is seeking a Boundary Line Adjustment moving approximately 2 acres and adding them to his son Nicholas' property. Rob Fitzsimmons asked the Board if they had questions or concerns. Rob Fitzsimmons stated that the proposal seems like an easy boundary line adjustment and suggested that Mr. Schram submit an application with maps to the secretary.

Motion to set application for public meeting was made by Gretchen Stearns with a second from Stephen King. All members were in favor. Motion carried.

Mr. Schram will submit an official application with survey maps.

Stan Burch III and Stan Burch Jr. were present for the application. Mr. Burch III informed the Board that he is seeking to install a mobile home on his father's property to be used as farmworker housing. Mr. Burch III continued that his family owns and operates a farm on Gahbauer Rd. Gretchen Stearns asked if the mobile home were going into the mobile home park owned by the family. Mr. Burch III answered no the mobile home will be located to the back of the farm property and unseen from the roadway. Mr. Burch III informed the Board that he will reside in the mobile home to be able to help his father with the farming operations. Gretchen Stearns informed the applicant that this is allowed as long as he is moving into the trailer to work on the farm. Mr. Burch III informed the Board that he works for the TOC Highway Department and needs to move into help his father on the farm. Gretchen Stearns asked Mr. Burch III if he works at least 51% of his time for the farm. Mr. Burch III answered yes more than that. Gretchen Stearns informed the applicants that if the mobile home were not being used to house farmworkers in the future it would need to be removed. Chairman Cole instructed the applicants to submit a Site Plan and meet with Jay Trapp. Rob Fitzsimmons informed the applicant that they need a rough drawing and they will receive an expedited review. Rob Fitzsimmons continued that the Site Plan should show the site of the proposed mobile home, septic, well, CC DOH approval.

OTHER BUSINESS:

Chairman Scott Cole informed the Board members that the Town Board is concerned with the increasing number of informal projects that are showing up at the meetings and costing the Town. Rob Fitzsimmons informed the Board that the Town Board is aware of the increase in business and is concerned that they receive informal advice and then go to the building department like a he said, she said type of thing. Rob Fitzsimmons suggested that the Board consider holding a workshop once a month if there are any informal projects seeking advice they could attend. Rob Fitzsimmons continued that the Planning Board needs to be mindful of the open meeting laws and these are open to the public but might be held for ½ or an hour before a regular meeting instead of at a different day. Stephen King stated that this is a great idea and would be agreeable to meeting for informal projects prior to the regular meeting. Gretchen Stearns suggested that the informal workshop would be best prior to the regular meeting. Robert Vecchi stated that this will help him with the learning curve as a new member of the Board but is only available on the regular meeting nights. All members were in agreement to hold the informal workshops prior to the regular meeting starting at 6:00 p.m. Rob Fitzsimmons informed the Board that they need to keep the secretary in the loop and Jay Trapp will monitor the timeline for the applications but Jodi Keyser needs to know who is coming and why. Michael Brandon informed the Board that during his reign as the Zoning Board of Appeals member and later Chairman of the TOC ZBA he suggested that the Building Department Stan and Dennis should attend meetings but it didn't fly. Steven Hook stated that it will not work because it would cut into his hours at the office. Gretchen Stearns stated that Jay Trapp will be able to enforce the laws and the Town needs the residents to write letters if they have a concern.

Town Supervisor Kippy Weigelt thanked the Board members from the Town Board and complimented them on a great job and that they spend a lot of time reviewing the applications and it is appreciated.

Chairman Cole informed the Board that the informal workshops will begin before the May 1st meeting starting at 6:00 p.m. Gretchen Stearns informed the Chairman that she will be away and unable to attend the May 1st meeting.

Motion to adjourn the meeting was made by Virginia Ambrose with a second from Robert Vecchi. All members were in favor. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,
Jodi Keyser, Secretary

