

Chairman Scott Cole called the meeting of the Town of Claverack Planning Board to order at 7:00 p.m. Members in attendance were: Chairman Scott Cole, Virginia Ambrose, Gretchen Stearns, and Jock Winch. Bob Vecchi, Stephen King, attorney; Rob Fitzsimmons, engineer; George Schmitt and acting secretary; Lauren Bell. Absent with regrets: William Michael and Jodi Keyser

Members reviewed the minutes of February 6, 2017. Motion to approve the February 6, 2017 minutes with minor change was made by Virginia Ambrose with a second from Gretchen Stearns. All members were in favor. Motion carried.

Rob Fitzsimmons informed the Board members that he has not yet received the deed descriptions for the Hayes Boundary Line Adjustment and for the Gazzola Boundary Line Adjustment. Rob Fitzsimmons reminded the Board that there is a 60 day timeframe to file the maps with the County which is quickly running out. Rob Fitzsimmons continued that both applicants may require a re-stamping to file the maps.

**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.

No contact no one in attendance.

**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 a new free standing sign, an awning on the front of the building and install picnic tables with umbrellas and screening for the purpose of outside eating.

Special Exception to change use from a restaurant into a multi-use commercial facility to include the sale of firewood and propane tank exchange.

Margaret Concra and engineer Pat Prendergast were present for the application. Mr. Prendergast informed the Board members that his client is seeking to add propane tank and firewood sales. Mr. Prendergast continued that his client is requesting that the Special Use to change from that of a restaurant to a multi-use commercial and not a convenience store or a restaurant. Mr. Prendergast stated that his client would like to sell other items such as sand at different times of the year. Gretchen Stearns informed Mr. Prendergast that this site cannot be called multi-use commercial without an application to the Zoning Board of Appeals for a Use Variance. Pat Prendergast reviewed the Site Plan showing that the picnic tables will be set off to the side of the building where there is a small patch of lawn and will include a temporary fence with pots of flowers that can all be moved in the winter. Mr. Prendergast informed the Board that his client is seeking to install a sign on a pole at the corner of the parking lot close to the intersection. Mr. Prendergast continued that the sign will be a freestanding sign of 16 square feet approximately 2 feet x 4 feet atop a 6 foot pole and will be setback 15 feet on both sides with a floodlight for the illumination. Gretchen Stearns asked if the sign on the building would be covered or removed after the pole sign was installed. Margaret Concra answered no. Gretchen Stearns informed the applicant and her representative that only one sign is allowed. Gretchen Stearns continued that the intersection is a dangerous area and to have a floodlight shining up will distract motorists and cause problems. Stephen King agreed and informed the applicant that the sign lighting should come from above. Gretchen Stearns reviewed the zoning law regarding signage. Pat Prendergast asked Rob Fitzsimmons to interpret the sign law. Virginia Ambrose stated that she understood that one sign was all that would be allowed. Stephen King stated that the truck is constantly parked with signage at the site also. Pat Prendergast stated that if the truck was illegal signage then the TOC code enforcement should have informed Ms. Concra of this issue. Gretchen Stearns and Stephen King both informed Mr. Prendergast that Ms. Concra was informed that parking the truck with the Subway signage on the property is illegal whenever it is parked there and she doesn't need a the Code Enforcement Officer to tell her that she was told at the Planning Board meetings. Gretchen Stearns stated that they are trying to go around the laws. Pat Prendergast stated that the truck signage is now between the Building Inspector and the applicant. Gretchen Stearns stated that the new Code Enforcement Officer should visit the site. Mr. Prendergast stated that the Planning Board is not an enforcement

body. Bob Vecchi read the TOC Zoning Code § 14.4.2 Applicability A. Signs regulated – Requirements of Section 14.4 of the Town of Claverack Zoning Law shall apply to all signs in all zoning districts. Refer to Table 4 for all sign dimension requirements. B. Each principal business building shall be permitted one main sign. Pat Prendergast informed the Board that he will consult with Ms. Conkra to see which sign she would like to keep and where to place the picnic tables. Gretchen Stearns asked if moving the picnic tables will allow for 1 spot every 300 square feet. Ms. Conkra answered that she has over 1000 square feet of parking available. Virginia Ambrose asked that the picnic table area be delineated or shielded with a fence of 2 ½ or 3 feet tall. Rob Fitzsimmons informed the Board that Ms. Conkra supplied a letter from the CC DOH that the septic system will accommodate the additional picnic table seating. George Schmitt reviewed the CC DOH letter verifying that their septic system for the business is permitted for a seating capacity of 44 customers and 6 employees with a discharge of 900 gallons per day. Ms. Conkra stated that she only has 2 to 3 employees on all day. George Schmitt asked for Mr. Prendergast denotes the 44 seats on the drawing. Gretchen Stearns informed the applicant that a multi-use commercial building is allowed like the building across the street which has the post office, liquor store and the proposed restaurant but a convenience store is not allowed in the Hamlet-Business zone. Gretchen Stearns continued that Ms. Conkra cannot keep adding uses to the multi-use. Pat Prendergast stated that this is a retail business and changes. Gretchen Stearns stated that the use is for a restaurant not a retail business. Rob Fitzsimmons understood the difficulty with this application. Rob Fitzsimmons continued that there was a precedence set with the Fink multi-use approval. Rob Fitzsimmons continued that there is a quality argument which requires interpretation from the TOC ZBA. Gretchen Stearns added that the Zoning Code on multi-use businesses was designed to have different uses occupying a building but not for one person to have multiple uses attached to the original use. Pat Prendergast stated that this is not different owners and he understands what is meant but it is fuzzy. Rob Fitzsimmons stated it is just like the strip mall by Village Dodge which had the Resto and a daycare which was separately owned businesses within the same building. Gretchen Stearns stated that if the applicant had a larger building and wanted to rent out its space to other businesses. Margaret Conkra stated that in essence she rents from subway and her LLC will sell the other items. Gretchen Stearns stated that the new business set up in the parking lot. Stephen King stated in essence another business under the separate LLC. Pat Prendergast then stated that this is a multi-use. Gretchen Stearns stated that this does not qualify as a multi-use. Rob Fitzsimmons informed the Board that the applicant should appeal to the TOC ZBA and the application doesn't have a denial from the TOC Code Enforcement Officer or the Building Inspector. Rob Fitzsimmons directed the applicant to apply for an interpretation of use from the ZBA. Rob Fitzsimmons continued that this is not a perfect fit and not exclusive. Pat Prendergast ran the punch list for the Board that he needs an Interpretation of Use from the TOC ZBA and Ms. Conkra needs to decide which sign she wants. Mr. Prendergast asked if the Board is OK with the picnic tables. Chairman Cole stated that he was fine with the picnic tables. Bob Vecchi asked about the type of fencing and the storage of the temporary fencing and planters. Pat Prendergast stated that the fencing will be of a decorative designation. Gretchen Stearns added that if the temporary planters are made then the other planting and screening should be completed that was approved and shown on the original Site Plan. Virginia Ambrose asked if the firewood sales are included in this application. Pat Prendergast stated that he will seek help from the ZBA. Chairman Scott Cole polled the Board members and all were OK with the picnic tables. Margaret Conkra asked about the awning in the original application and what happened with it. Gretchen Stearns stated that the awning needs to be in the application to be considered. Margaret Conkra stated that the awning was in the original application. Chairman Cole was looking for approval. Rob Fitzsimmons asked if the awning has any signage. Stephen King stated that the awning does not have signage. Rob Fitzsimmons stated that the awning could be added to the application as is. Gretchen Stearns and Stephen King stated that there are no issues with the awning as presented the last time. Gretchen Stearns informed the applicant that the lighting for the sign should be fully shielded. Margaret Conkra asked if gooseneck lights are allowed. Gretchen Stearns and Stephen King answered yes but the light must be shielded from distracting the traffic. Margaret Conkra stated that she will also add greenery under the sign to make it look nice. Stephen King stated that plantings to fill the spaces would be a good idea because it is a very stark area. Virginia Ambrose asked if the intent of the awning is to protect people at the doorway but will it shield the lights. Rob Fitzsimmons informed the Board and applicant that the application will require a public hearing. Rob Fitzsimmons continued that the septic for the expanded use is ok and the applicant needs to apply for an interpretation of use from the TOC ZBA regarding changing the use to a multi-use business with the firewood and propane sales. Mr. Prendergast was instructed to get public hearing signs from the Town Clerk for the April 3, 2017 meeting. Pat Prendergast asked if he should call to tell the secretary what he wants to have the public hearing on. Rob

Fitzsimmons stated yes and to copy him on the email. Gretchen Stearns stated that the application needs some specs. Chairman Cole asked that for a pictorial of the sign if the applicant decides to change to the pole mounted sign. Continued to April 3, 2017.

**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. Attorney Paul Freeman and engineer Ryan Morrison were present for the application. Mr. Freeman informed the Board that there is not a lot of change from the previous meeting. Mr. Freeman continued that they are still working with the NYS DEC. Mr. Freeman stated that they have gone back to find a certified survey and it confers the lot line is adjacent to Park St. Mr. Freeman stated that the tax map is inaccurate. Ryan Morrison informed the Board that it will be a couple of months for any answers from the NYS DEC and constricted to evaluate what works best. Mr. Morrison continued that he has submitted 4 or 5 proposals and what is the best solution for cost. Mr. Morrison hoped to have information prior to the April meeting and he is unsure of the time it takes for the NYS DEC to review the plans. Bob Vecchi asked if cars are going to back on to the street or is some type of curbing required. Chairman Cole stated that the Town of Claverack doesn't have curbing on the Town road. Ryan Morrison stated that this is an existing non-conforming use. Bob Vecchi asked if there is a 40 foot setback for handicapped parking. Ryan Morrison and Paul Freeman discussed this and the pre-existing site made it physically impossible to maneuver the parking to have the number so they asked for a waiver from the Planning Board. Mr. Morrison continued that they have added a second handicapped space to comply. Gretchen Stearns stated that she is concerned with the amount of traffic in the area and would like to request a formal traffic study. Ryan Morrison stated that he has looked into a trip generated study and based the numbers on the square footage of the restaurant or a supermarket. Mr. Morrison informed the Board that the study found a 43% drop of average traffic because of the change of use from a supermarket to a restaurant because there is a reduction in the amount of trips because people stay longer at a restaurant. Mr. Morrison continued that the use of a supermarket requires more trips because the trips are approximately 10 minutes a piece rather than 1 hour plus for a restaurant. Virginia Ambrose asked the applicant's representatives if people could back up onto NYS Rte. 9-H or 23. Mr. Morrison stated that Park St. is there all along the front of the building not NYS Rte. 9-H. Virginia Ambrose stated that after Park St. is NYS Rte. 9-H. Mr. Freeman stated that he cannot regulate what people do along NYS Rte. 9-H because the roadway does not abut the site. Stephen King stated that if the NYS DOT wanted to install curb cuts then it is on them or the Town of Claverack but cannot be imposed on the applicant. Bob Vecchi stated that creating curbing mandated by the state will effect people from backing into Park St. Gretchen Stearns asked if the Board members understood this is why she feels that a traffic study would help. George Schmitt stated that a traffic study warrants too much intelligence i.e. who turns where etc. peak hour trips which wouldn't pick up this application and would create overkill of information. Stephen King asked if any of the information from this type of study would benefit the application. George Schmitt referred to the Widewaters development which was a huge undertaking with lots of trips in study and this type of use is more of an off peak with no impact on that study. Virginia Ambrose stated that this is different also because people tend to stay at a restaurant for longer periods of time.

Chairman Scott Cole opened the meeting to the public hearing

John Lee, Chairman of the TOC Economic Development Committee stated that the EDC wants to see the restaurant relocate and be successful and recommended that the Town of Claverack relinquish Park St. to the owners of Coyote Flaco. Mr. Lee continued that during a recent traffic study it was decided that sidewalks should be installed but if the Coyote Flaco restaurant is already there they won't need to install curbing because the NYS DOT will put it in. Mr. Lee stated that the former owners told him that in 1962 the blacktopped parcel was given back to the TOC for a gravel parking area. Mr. Lee continued that the TOC EDC will make this request in writing to the TOVC Town Board.

Skip Hover asked if the parking is 10 x 20 minimum except for handicapped parking and this is 10 feet from the property line. Gretchen Stearns stated that these dimensions were waived for this application because it is a pre-existing issue. Skip Hover stated that the NYS DOT owns 10 feet off of the snow line, how will the renters in the apartment building next door get to their property in front. Skip Hover also asked if NYS DOT has required curbing 10 feet off o the street. Bob Vecchi stated that the TOC will not be required to maintain Park St. if it Park St. is granted to the owners of the restaurant. Mike Brandon stated that the TOC will not receive the CHIP's money. Mike Brandon asked the Board if they are requiring a topographical map especially with the septic issues to see where the system will be placed in conjunction to the drop off by Brookbound. Chairman Cole referred to George Schmitt who informed the public that the septic system will not be above grade and the applicant's

representatives are in discussions with the NYS DEC. Mike Brandon asked if the NYS DEC will require elevations on the maps. Rob Fitzsimmons stated that the NYS DEC will require elevations on the maps that they are reviewing.

Chairman Cole continued the public hearing to April 3, 2017 subject to NYS DEC information.

#### INFORMAL:

##### FieldMakers:

Victoria Masters presented to the Board her plan for an agro-tourism venture on 52 acres on Stone Mill Rd. just north of Van Deusen Rd. opposite the trailer park. Ms. Masters continued that her plan is to lease land to different farmers. Ms. Masters informed the Board that she plans to build 12 cabins that will be short term rentals for approximately a week at a time for educational purposes. Ms. Masters plan includes a farm stand and farm dinners and educational activities to teach methods of farming. Ms. Masters stated that she will construct a barn and greenhouses along with the 12 cabins to be able to grow year round produce. Gretchen Stearns asked if there will be animals on the farm. Ms. Masters answered yes chickens, sheep and goats with a possible area to the north for livestock. Stephen King asked how long the farmers will be able to lease property. Ms. Masters stated that approximately 3 years will be the lease time but the plan is still in the early stages and this is not firm. Virginia Ambrose asked the size of the property that will be available for lease. Ms. Masters stated that she has spoken to Dan McMannus from the Common Hands farm to figure out the right size of property for each farmer. Stephen King asked if the plots are rented to the farmers then what are the cabins used for. Ms. Masters informed the Board that tourists will rent the cabins to stay on a farm and work the farm. Stephen King stated free labor. Ms. Masters stated no. Bob Vecchi asked if the farmers renting the land will live in the cabins. Ryan Morrison stated no there will be one permanent residence at the site and the cabins are for short term stays. Gretchen Stearns stated that this sounds like a campground type of use with it being a short term rental. Ryan Morrison stated it is an Agro-tourism use which fits within the Rural Agricultural zone and is like a dude ranch. Gretchen Stearns informed the applicant that New York State has special requirements for campgrounds so it is a good idea to check. Ryan Morrison stated that they plan to talk to the Town of Claverack because town water supply is available and the center of the cabins will be tested for septic which will be a centralized system flowing to the east side. Chairman Scott Cole stated that he was surprised the area is so wet. Mr. Morrison stated that the water table is very high. Gretchen Stearns stated that Tom Holmes put in French drains to funnel ground water. Mr. Morrison stated that the project will have underground electric, appropriate road frontage with 2 curb cuts for the farm stand and educational center, gravel farm roads around property with emergency access for first responders. Mr. Morrison continued that the stream is a Class E stream which will provide water irrigation. Mr. Morrison informed the Board that his client is in the beginning stages of planning so wanted to come to the Planning Board early to tweak any major issues. Mr. Morrison stated that they plan to build out in phases and to be responsible in doing so to prove concept before moving further. Mr. Morrison continued that phase 1 will consist of the farm stand with a pole barn, gravel roadways and septic then 4 cabins with future cabins based on demand. Mr. Morrison stated the greenhouse will be constructed and phase 4 will be the primary residence structure. Gretchen Stearns asked if the property has been used for farming. Chairman Cole answered yes for hay. Gretchen Stearns stated that this is not a new farming operation. Gretchen Stearns asked if all of the farmers renting land will want to sell their goods at your farm stand. Gretchen Stearns suggested that they might want to hook up with Tom Holmes with Holmquest farms. Virginia Ambrose like a farm co-op. Virginia Ambrose asked for explanation of the meeting hall for education. Ms. Masters stated that she hoped to reconnect with local schools to educate students with farming. Virginia Ambrose asked if there is a barn planned for the animals. Mr. Morrison asked the zoning regulations for animals. Gretchen Stearns suggested he contact Cornell Co-operative Extension for further assistance. Bob Vecchi asked if the property were zoned for Rural Agricultural. Mr. Morrison answered yes. Gretchen Stearns suggested that the applicant present the project in the specific phases. Rob Fitzsimmons and George Schmitt stated that the plan should be presented in its entirety for purposes of SEQRA then approved phase by phase. Mr. Morrison asked if there is a limit on approval to the length of the rollout. Rob Fitzsimmons answered that approval projects a time frame for each phase is fine because they do not time out. Gretchen Stearns also informed the applicant that they are allowed a one time renewal from the TOC Code Enforcement Officer. Virginia Ambrose asked if there are any wetlands on the site. Mr. Morrison stated that there are both NYS and Federal wetlands and the plan will shape the roadways around to stay out of the buffer zones and he is working with the GIS mapping which make the next map look a different. Chairman Scott Cole, George Schmitt

and Rob Fitzsimmons informed the applicant that it looked good and to make a formal application. Gretchen Stearns asked Ms. Masters if she has purchased the property. Ms. Masters answered yes.

Charles & Linda Meicht asked the Board for guidance to subdivide a portion of their property to give to their son for a home. Gretchen Stearns asked if they have met with the TOC Building Inspector. Ms. Meicht answered no. Mr. Meicht informed the Board that they own the former Gregory Farm on NYS Rte. 9-H and they have a total of 2.5 acres. Mr. Meicht continued that they would like to subdivide 1 acre to gift to their son. Gretchen Stearns stated that this is in the 5 acre density zone. Rob Fitzsimmons stated that the property is in the Highway Commercial Zone with a 1 acre minimum lot size and is within the wellhead protection zone. Gretchen Stearns asked if this is to build a residence. Mr. Meicht answered yes. Gretchen Stearns informed the applicant that a Special Exception permit is required for a single family dwelling in the Highway Commercial Zone. Rob Fitzsimmons informed the applicants that the subdivision and special exception can be considered at the same time. Gretchen Stearns suggest that the applicants set up a meeting with the TOC Building Department to seek guidance with the application forms from Jay Trapp. Chairman Cole informed the applicants that black and white maps are required no colored maps because the County will not accept colored maps. George Schmitt asked if there is a common driveway or a private road on the back of the lots. Mr. Meicht answered yes. George Schmitt stated that easements will be required and that the driveway/roadway needs to be better delineated on the maps. Rob Fitzsimmons instructed the applicants to show frontage at least where a driveway might be even if you don't actually use it. No further Board questions. Chairman Cole reminded the applicant to revise the maps to show a driveway from NYS Rte. 9-H Joseph Meicht stated that he would show a driveway entrance with curb cuts from NYS Rte. 9-H and see TOC Building Department for a Subdivision application with a Special Exception. Rob Fitzsimmons instructed Mr. Meicht to contact NYS DOT for curb cut approval because the Board will want to see this.

No other business.

Motion to adjourn the meeting was made by Gretchen Stearns with a second from Stephen King. App members were in favor. Motion carried. Meeting adjourned at 8:21 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary.