

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes of August 22, 2012 meeting

APPROVED 9/26/12

Chairman Frank Clegg call the August 22, 2012 meeting of the Town of Claverack Zoning Board to order at 7:30 p.m. Chairman Clegg led members of the Board and audience with the Pledge of Allegiance.

Members in attendance were: Chairman Frank Clegg, Kim Keil, David Graziano, Steven Melnyk, Jock Winch, Paul Gundrum, engineer Paul McCreary, attorney Rob Fitzsimmons, and secretary Jodi Keyser.
Absent: Oliver Milot

No correspondence was received.

Motion to approve the minutes of July 25, 2012 meeting was made by Jock Winch with a second from Paul Gundrum. All members were in favor. Motion carried.

Continuing Applications for 8/22/12:

Filli, Damon & Theodore dba Filli's Pizzeria: Tax Map #(SBL) 121 . 03 – 3 – 19 Located at 6 Park St. Site Plan Review for expansion of retail space for pizzeria restaurant.
Mr. Filli did not show for the meeting. Strike #2.

Shannon, Dale: Tax Map #(SBL) 112 . – 2 – 35 Located at 348 Rte. 217. Area Variance for installation of two (2) tents 20' x 18' and 20' x 10' respectively.

Mr. Shannon supplied the Board with one notarized letter from one of his neighbors but was unable to get to the rest of his neighbors. Chairman Frank Clegg stated that he has a problem with granting a variance for tents as a permanent structure because a tent is temporary. Jock Winch stated that the issue of tents is tough because there are no regulations within the TOC Zoning Laws. Rob Fitzsimmons informed the Board that Mr. Shannon lives on a residential property and has placed two canvas pole garage structures and they are allowed. Rob Fitzsimmons continued that the issue is that the structures do not meet set back distances. Chairman Frank Clegg asked Mr. Shannon if he was able to meet the setbacks. Mr. Shannon stated that he does not want to move the tents because it would require a great deal of work to empty the tents and move them. Mr. Shannon continued that he asked all of his neighbors over a year ago about the tents and no one had any problems. Paul Gundrum asked Mr. Shannon how far is he from meeting the setbacks. Rob Fitzsimmons stated that in a letter from the TOC Building Department it stated that tent #1 has a side yard setback that is 1-foot short and tent #2 has a side yard setback of 16-feet but needs to be 20-feet and the rear yard setback should be 40-feet but is set at 20-feet. David Graziano asked Rob Fitzsimmons if the Board could rule on each tent separately. Paul Gundrum asked Mr. Shannon if he would move tent #2 forward closer to the allowed setback distance. Mr. Shannon stated that it would be too much work to move the tent and it would then sit on top of his septic system. Mr. Shannon stated that his neighbors do not have a problem with the tents or where they sit. Chairman Clegg stated that the Board will deal with the setbacks. Chairman Clegg opened the meeting to public hearing at 7:36 p.m. No comments from public. Rob Fitzsimmons asked Mr. Shannon if he obtained a public hearing sign from the Town office building. Mr. Shannon stated no he did not get a sign and did not know he had to. Rob Fitzsimmons informed Mr. Shannon that he will need to obtain a sign from the Town office building and place the sign on his property at least two weeks prior to the September meeting. Mr. Shannon stated that he would. Rob Fitzsimmons informed Mr. Shannon that it appears that the Board is looking positively at tent #1 but tent #2 might be a problem because of the distance needed to meet the setback. Public hearing continued to September 26, 2012. Mr. Shannon was instructed to bring \$100.00 for the application fee and \$34.00 for the certified mailing.

Columbia Greene Humane Society: Tax Map # 100 . 00 – 01 – 03 Located at 125 Humane Society Rd. Site Plan Review for the construction of a new animal shelter contiguous to the existing animal shelter.

Ron Perez; shelter director, Pat Prendergast; project engineer, and Leonard Angerame; project architect were present for the application. Mr. Angerame supplied the Stormwater and new Site Plan maps including parking plan. Mr. Angerame informed the Board that the 13,000 square foot shelter is composed of three kennel areas that will be enclosed to mitigate noise but will also have outside runs for exercising the animals. Chairman Clegg asked what the shelter will do about larger animals such as goats, horses, and cows. Ron Perez informed the Board that larger livestock stay at a separate location that is overseen by the shelter but sometimes there is a need to keep a larger animal but they will be housed at the paddock area on the current location. Kim Keil asked about lighting. Mr. Angerame informed the Board that the parking area will have low cut off lighting located at the corners of the building. Mr. Angerame continued that the lighting will be very low wattage with minimal spillage. Paul McCreary asked if the lighting is going to be turned off when the shelter is closed. Mr. Perez stated that there is no need to keep the lighting on after hours but might need to install security lighting on timers. Chairman Clegg asked the Board members if they had any questions. Steven Melnyk stated that the new shelter is a significant improvement. Rob Fitzsimmons read a letter from Ms. Sadofsky a neighbor on Rte. 66 and Humane Society Rd. Pat Prendergast answered some of the questions in the letter by saying that the lighting will all be downward facing low wattage and the shelter representatives do not believe that Ms. Sadofsky has a boundary line issue because they have had the property surveyed by a licensed professional surveyor. Steven Melnyk asked how far the new shelter would be from the Sadofsky residence. Mr. Prendergast stated that the new shelter will be about the same distance away as the current shelter from the Sadofsky residence but the current shelter is all open kennels and the new shelter will have enclosed kennels to mitigate the noise. Rob Fitzsimmons stated that the applicant has addressed the issues of the letter and extra noise will be abated from the structure with new technology and enclosed kennels. Paul McCreary stated that after review of the plans he believes that noise will be minimal while animals are indoors but would like the applicant to address the outside runs. Ron Perez informed the Board that Len Angerame has designed the shelter to have totally enclosed kennels to mitigate the noise. Mr. Perez continued that the current shelter has totally open kennels so every time something moves or makes a noise the dogs react. Mr. Perez continued that dogs will use the outside runs in the new shelter on a rotating basis with supervision. Mr. Perez informed the Board that he and the Board of the Shelter have met with Ms. Sadofsky to address her issues. Paul Gundrum asked how many dogs will be in the outside runs. Mr. Perez stated that 15 to 20 dogs will use the runs on a rotating basis but will be totally inside during the night. Mr. Perez stated that volunteers also walk the dogs on Humane Society property. Rob Fitzsimmons asked the hours of the outside runs. Mr. Perez stated that the outside runs would be open between the hours of 10:00 a.m. and 2:00 p.m. Paul McCreary informed the Board that he has reviewed the Storm water Pollution Plan and that plan meets requirements of the NYS DEC. Chairman Clegg opened the meeting to public hearing at 7:55 p.m.,

Terry Robinson of Claverack informed the Board that she and her husband have adopted several animals from the shelter over the years and there is a definite need to improve the current facility.

Marcy Sullivan informed the Board that she is a longtime supporter of the shelter and the current shelter is in rough shape. Ms. Sullivan continued that there is a need for a new facility and would only improve the area for the neighbors. Nancy Griffith informed the Board that she is a longtime volunteer and knows firsthand the need for a new shelter. Ms. Griffith stated that the shelter has an excellent statewide reputation.

No further comments Chairman Clegg closed the public hearing at 7:59 p.m.

Chairman Clegg asked the timeline for completion of the new shelter. Pat Prendergast stated that it depends but most likely will start in spring of 2013 with some site work starting this fall. Paul McCreary reviews the SEQRA for the Board. After reviewing Mr. McCreary stated that as for Part II of SEQRA impact assessment any place that houses dogs will have some noise but after reviewing the Site Plan in his opinion the arrangement of the proposed building will lessen the amount of noise. Mr. McCreary continued that the noise is still an impact but it is up to the ZBA to determine the amount of impact. Jock Winch stated that there will be noise but at a lesser level than currently. Paul Gundrum stated that the shelter is a noise maker but his opinion is that it is not a significant impact. Rob Fitzsimmons stated that the distance from the neighbors has been proven and the applicant has put forth enough information to determine that the proposed shelter will not have a significant impact on the neighborhood due to the hours of operation, hours dogs are allowed outside, enclosed building, distance from neighbors and tree line.

Motion for negative declaration with regard to SEQRA was made by Steven Melnyk with a second from David Graziano. All members were in favor. Motion carried.

Motion to approve Site Plan as presented was made by David Graziano with a second from Paul Gundrum. All members were in favor. Motion carried. Site Plan maps will be stamped and signed when Mr. Prendergast adds landscaping plan with plantings in the storm water retention pond.

New Applications for 8/22/12:

Holmes, Thomas/Holmquest Farm: Tax Map #(SBL) 130 . – 1 – 20 . 112 Located at 516 Spook Rock Rd. Site Plan Review for replacement of existing multiple greenhouse/farmstand buildings with smaller footprint single building.

Tom Holmes was present for the application. Mr. Holmes informed the Board that he is seeking to remove the multiple existing greenhouses and replace with a single greenhouse and stand that will have a smaller footprint and move the entire structure approximately 30-feet back from the current location. Mr. Holmes informed the Board that the structure is used for selling plants from May to the end of June. Kim Keil asked if the plan would allow for additional parking. Mr. Holmes answered yes. Rob Fitzsimmons reminded the Board that this is considered an agricultural use and therefore receives and expedited review. Mr. Holmes supplied a sketch drawing and explained that he proposed structure will look better, will be 10,000 square feet smaller and provide an additional 9 parking spaces. Kim Keil asked if the public will be able to walk through the greenhouse as they currently do. Mr. Holmes stated yes and the new greenhouse will have an opening roof to allow for cooling of the greenhouse and will also be equipped with solar panels and new tables for the plants that will reuse water. Mr. Holmes informed the Board that the solar panels will generate power and the accumulate energy credits. Rob Fitzsimmons informed the Board that the application is exempt from SEQRA review. Chairman Frank Clegg asked if the Board members had questions regarding the application. David Graziano, Jock Winch, and Steven Melnyk all agreed that the plan is a great idea and assists sustainable farming. Mr. Holmes informed the Board that his father started with one greenhouse and as the business grew he added the others. Mr. Holmes stated that he is trying to make what his father started better. David Graziano informed Mr. Holmes that he is impressed with the use of technology. Kim Keil asked if the gravel parking will remain. Mr. Holmes stated yes because it would be too costly to pave the area. Rob Fitzsimmons informed Mr. Holmes that he needs to obtain a public notice sign from the Town office and place on the site at least two weeks prior to the September meeting. Continued to September and set for public hearing.

Motion to adjourn the meeting was made by Steven Melnyk with a second from Kim Keil. All members were in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,
Jodi Keyser, Secretary