

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Meeting: December 11, 2013
7:30 p.m.

Approved 3/26/14

Chairman Frank Clegg called the combined November/December meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members in attendance were: Chairman Frank Clegg, Steven Melnyk, David Graziano, Kim Keil, Chris Post, Oliver Milot, Jock Winch, attorney Jeffrey Baker, engineer Paul McCreary, and secretary Jodi Keyser.

No new correspondence.

Motion to approve the Minutes of the October 23, 2013 Town of Claverack Zoning Board of Appeals meeting was made by Oliver Milot with a second from Steven Melnyk. All members were in favor. Motion carried.

CONTINUING APPLICATIONS for 12/11/13:

NEW APPLICATIONS for 12/11/13:

Ginsberg's Foods/G's Best Realty Area Variance & Interpretation of Setbacks: Tax Map #(SBL) 101 . 000 – 02 – 03 . 2 (Claverack) and 101 . 00 – 01 -04 (Ghent). Located at NYS Rte. 66 cross street of Wilber Circle. Area Variance for the height for exceeding the height limit by 25 +/- feet for the new construction of a wholesale food business/distribution/salesroom.

Interpretation for Front yard Setbacks for a building that is built across two separate tax map parcels in the Towns of Ghent and Claverack which does not allow for the parcels to be combined into one parcel. Brandee Nelson of Crawford and Associates and John Brusie from Ginsbergs were present for the application. Ms. Nelson informed the Zoning Board members that the applicant is seeking to construct a new 302,000 square foot building which will have 92,000 square feet in Claverack and 200,000 + in the Town of Ghent. Ms. Nelson continued that the 92,000 square feet will house a freezer building, truck, visitor, and employee parking, a maintenance building, and fueling area. Chairman Clegg asked how the applicant plans to get front yard setbacks if the property line runs through the building. Chairman Clegg continued that it isn't as easy because the property line is different towns. Ms. Nelson stated that the applicant is seeking an interpretation for the setbacks and an area variance for the height of the building. Ms. Nelson stated that the Town of Ghent Planning Board agreed to grant a front yard setback. Ms. Nelson asked the TOC ZBA members if they would consider the setbacks without requiring a variance. Jeff Baker stated that if the Town of Ghent Planning Board required a variance for a front yard setback then the Town of Claverack should require the same to keep the issues concurrent. Jeff Baker stated that the area variance for the height of the building is the biggest issue. Mr. Baker continued that the Town of Claverack has a height maximum of 35 feet and the proposed building including the condenser for the freezer would be a maximum of 60 feet. Steven Melnyk asked if the applicant has checked with the FAA because the building would be directly in the flight path of the Columbia County Airport. Mr. Brusie informed the ZBA that he has contacted the FAA and will provide a letter that he sent to the FAA for approval of the building height. Ms. Nelson informed the ZBA members that Columbia County owns the property for the proposed building and that CC DEC approval is needed. Ms. Nelson stated that while planning the building they recently discovered that the building may require a water tower as a supplemental water source for firefighting. Jeff Baker informed the applicant that a water tower is a separate structure and will require a separate application and variance because it is a separate structure. Chairman Clegg stated that the plan shows that the ground water table is at 1 to 3 feet below grade. Ms. Nelson stated that this information is not true and that geotechnical studies have determined that the groundwater is much lower than that. Jeff Baker informed the ZBA members

that the applicant is seeking a Site Plan from the Town of Ghent and Town of Claverack Planning Boards, Variances from the Town of Ghent and Town of Claverack Zoning Boards, and a Special Exception Use from the Town of Ghent. Jeff Baker questioned that the Town of Claverack Zoning Board of Appeals has not yet received a form asking to approve the Town of Ghent Planning Board lead agency status but it would be appropriate to make a motion in favor of granting lead agency status to the Town of Ghent Planning Board. Motion to grant the Town of Ghent Planning Board lead agency status with regard to the SEQRA in the review of the Ginsberg's Institutional Foods Site Plan application was made by Steven Melnyk with a second from Kim Keil. All members were in favor. Motion carried.

Jock Winch stated that this is a one parcel project within two separate towns and with two separate tax map numbers and that setbacks are determined by parcel lines not tax map lines. Jeff Baker informed the ZBA members that the project is not uncommon and tax map numbers do not necessarily determine parcels and if the Town of Claverack Zoning Board of Appeals wants to make a determination that a variance is not required because it is on a single parcel then they can but because of the unique situation with this application it would be smoother to go forward with the setback variance as the Town of Ghent. Jock Winch stated that when the situation is new and not handled before it is safer to err on the side of safety and the Town of Claverack should do the same as the Town of Ghent or it will be a nightmare. Kim Keil stated that the Town of Claverack Zoning Board of Appeals should keep things simple for the applicant because it is important to keep the business in Columbia County instead of going to one of the other opportunities offered by neighboring counties. John Bruise asked the ZBA members if they would consider joint review to keep the number of meetings to a minimum for all parties involved. Steven Melnyk stated in his opinion too many people at a joint meeting could create more confusion and that the TOC ZBA review should remain separate. TOC Planning Board Chairman Brian Goodrich informed the ZBA members that the TOC Planning Board has agreed to joint review with the Town of Ghent Planning Board. Steven Melnyk stated that the Planning Boards of the two towns have a greater piece of the pie with the Site Plan Review. Mr. Bruise agreed to separate TOC ZBA meetings for the variances. Jeff Baker reviewed the application for the ZBA members stating the applicant is seeking an Area Variance for the height of the building, Area Variance for Front yard Setbacks, and a possible Variance for a possible water tower on the site. Steven Melnyk asked the size of the water tower. Mr. Bruise stated that they may be required to have 240,000 gallons in the water tower. Steven Melnyk asked where the water tower is located. Ms. Nelson stated that the water tower site is still being evaluated and more information would be forthcoming. Ms. Nelson informed the ZBA members that the first meeting of the joint review between the Town of Ghent Planning Board and the Town of Claverack Planning Board will be January 15th at the Town of Ghent Town Hall building and all are invited to attend. Chairman Frank Clegg informed the applicant that the next meeting for the Town of Claverack Zoning Board of Appeals will be January 22, 2014. Ms. Nelson stated that the meeting might be too close to the joint review meeting and would not give her enough time to update the information. Ms. Nelson stated that the application would be back to the Town of Claverack ZBA at the February 2014 meeting.

Motion to adjourn the meeting was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried. Meeting adjourned at 7:55 p.m.

Town Board member Katy Cashen reminded the ZBA members that the TOC Comprehensive Plan is reviewed annually and if they have any recommendations, changes, or additions to the Plan. Chairman Frank Clegg stated that the only issue he has seen is the 5 acre minimum density requirement.

Respectfully submitted,
Jodi Keyser, Secretary