

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Meeting Minutes: October 23, 2013
DRAFT COPY

Chairman Frank Clegg called the October 23, 2013 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, Chris Post, Jock Winch, Oliver Milot, attorney Rob Fitzsimmons, engineer Paul McCreary and secretary Jodi Keyser.

Absent: Kim Keil

Correspondence received upcoming training information from Ellen Jouret-Epstein.

Members discussed the dates for the November and December meetings due to holidays. Members agreed to hold a combined November/December meeting on December 12, 2013 at 7:0 p.m.

Motion to approve the minutes of the September 25, 2013 meeting was made by Jock Winch with a second from Chris Post. All members were in favor. Motion carried.

Continuing Applications for 10/23/13:

Travins, Seth Interpretation for Agricultural Use & Use Variance: Tax Map #(SBL)130 . – 1 – 42 . 200 located at 5625 Rte. 9-H/23 Interpretation of Agricultural Use to make sauerkraut, Kimchee and other fermented vegetables, flowers and to grow some of the cabbage for the sauerkraut. Use Variance to have a sauerkraut making business within a Rural Residential Zone.

Seth Travins was present for his application. Mr. Travins informed the Board that he had a conversation with Joe Visconti from NYSDOT and he was informed that he would need to install curbing. Mr. Travins continued that NYSDOT did not do a site visit or provide any details for the curbing because they are not performing site visits until spring. Chairman Frank Clegg informed the applicant that curb cuts will be expensive. Chairman Frank Clegg asked Mr. Travins if the property has a shared septic system with the neighbor. Mr. Travins stated that the big blue barn on the neighboring property does share a septic tank. Mr. Travins continued that to his knowledge there is nothing legally written that binds this septic issue and he can just close off the access from the blue barn to the septic tank. Mr. Travins also informed the Board that he plans to have a new well installed for this building instead of sharing the well with the neighboring parcel. Chairman Frank Clegg informed Mr. Travins that if the septic is located in the back of the building then the well should be installed in the front and that may create some setback issues because of the size of the parcel. Steven Melnyk stated that at the August meeting the Board members agreed that this is a farm stand. Rob Fitzsimmons agreed and stated that the applicant was advised to seek guidance from the NYSDOT because they may consider it as a retail business. Mr. Travins stated that when he spoke to the NYSDOT he did state that this is a farm stand but because of the retail portion they will require curb cuts. Steven Melnyk asked if the TOC Zoning laws dictate how much product can be sold at a farm stand that is produced off site to still be considered a farm stand. Rob Fitzsimmons stated no. Chairman Clegg opened the meeting to the public hearing at 7:39 p.m.

Stu Kinne informed the Board that this is a great idea, uses locally grown produce to make the sauerkraut and good for the economy of the area. Mr. Kinne continued that the Hudson Valley area is noted for its agriculture and farming so locally produced products from locally grown produce is a good idea for a business. No other comments. Chairman Clegg closed the public hearing at 7:40 p.m.

Chairman Clegg informed Mr. Travins that he will need to complete the NYSDOT approved curb cuts before he opens the business. Mr. Travins informed the Board that he will set up to meet with the NYSDOT in the spring. David Graziano asked Mr. Travins the size of the building. Mr. Travins stated that the building is 1500

square feet. Rob Fitzsimmons informed Mr. Travins that if the ZBA interprets the application as an agricultural use it would not require a Site Plan Review within the Rural Residential Zone but if the operation/building is larger than 500 square feet then he will need to apply for a full Site Plan Review with the TOC Planning Board. David Graziano checked the Table of Uses page 173 section 22/4B farm stands larger than 500 square feet require a Site Plan Review. Rob Fitzsimmons informed the Board that Interpretations do not require SEQRA review.

Motion to interpret the proposed use as an agriculture/farm stand over 500 square feet was made by Steven Melnyk with a second from Oliver Milot. All members were in favor. Motion carried.

Stu Kinne asked why the entire size of the building is considered as the farm stand when a small amount of the building will be the farm stand and the remainder of the building will be to produce the products.

Rob Fitzsimmons explained that the applicant has applied for an agricultural use for the entire building and it cannot be broken down into separate uses so he will need to meet with TOC Building Inspector Stan Koloski to set up a Site Plan Review with the TOC Planning Dept. Mr. Travins paid the mailing fee of \$4.60 by check.

Motion to adjourn the meeting was made by David Graziano with a second from Jock Winch. All members were in favor. Motion carried. Meeting adjourned at 7:45 p.m.

Respectfully submitted,
Jodi Keyser, Secretary