

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Meeting Minutes: July 23, 2014

APPROVED 8/27/14

Chairman Fran Clegg called the July 23, 2014 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members in attendance: Chairman Frank Clegg, John Porto, Steven Melnyk, David Graziano, Kim Keil, Oliver Milot, Chris Post, attorney Rob Fitzsimmons, attorney Jeff Baker, and secretary Jodi Keyser.

Absent: engineer Paul McCreary

Correspondence: Members received copies of the proposed changes to the Town of Claverack Zoning Laws and the proposed re-zoning of the former Claverack School and People's Bible Church buildings.

Members also received copies of the Town of Claverack Planning Board's Rules of Procedure to review.

Members reviewed the minutes of the May 28, 2014 meeting.

Motion to approve the May 28, 2014 minutes was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 7/23/14:

NEW APPLICATIONS FOR 7/23/14:

David Cole Use Variance: Tax Map #(SBL) 141 . - 2 - 9 Located at 304 Miller Rd. (former Jonas Studio) Use Variance for sculpture studio/high-end custom framing business in accessory structure.

David Cole, Jennifer Kahrs, Nicole Vidor and Jonathan Cohen were present for the application. Mr. Cole informed the Board that he and his fiancé are seeking to relocate his sculpture studio and her frame making business from Providence Rhode Island to the former Jonas studio property. Mr. Cohen acting attorney for the applicants continued that the property is located within the Rural Agricultural area contains an 8,000 to 10,000 square foot studio with a 1500 +/- square foot residence. Mr. Cohen explained that the property has been on the market for 11 years and the studio pre-dates the Town of Claverack Zoning laws which have made it difficult to sell. Mr. Cohen explained his argument for the 5 criteria of a Use Variance to the Board. Mr. Cohen informed the Board that the proposed use will not alter the essential character of the neighborhood. Mr. Cohen also stated that this use is much less intrusive of a use than a previous fire bowl proposal. Mr. Cohen stated that the business will not require large trucks for deliveries and minimal vehicle traffic will be needed for the use. Chairman Frank Clegg asked if this application is actually for two separate uses being frames and sculpture. Mr. Cole explained that he is a sculptor and he creates items that are then placed into galleries and then purchased. Mr. Cole continued that he sometimes will do a sculpture for a client but mostly sales are from galleries. Mr. Cole explained that his fiancée Jennifer Kahrs makes small frames for clients in the New York City area mostly galleries and museums. Chairman Clegg asked how many days the business would be running. Mr. Cole stated that he usually works 5-6 days a week. Chris Post asked the Board members why this property is still for sale when there were two previous applications for use of the studio. Board members explained that the most recent application for a Use Variance was withdrawn by the applicant and the other Special Exception permit for a recording studio was actually granted but due to an economic down turn the applicant did not proceed with the purchase. John Porto stated that this use seems like a less intrusive use than the previous application. Rob Fitzsimmons informed the applicant that a Use Variance is the most difficult variance to get and that they need to provide the Board with more historical documentation to describe the former use in comparison with the proposed use. Rob Fitzsimmons continued that financial documentation showing dollars and cents figures that the property cannot be sold as just a residence. Board members agreed to set public hearing for the August 27, 2014 meeting. The applicant was advised to obtain a sign of public hearing notice from the Town Office building and place the sign at the roadway at the end of the driveway. The applicant was also advised that requested

information should be submitted by August 8, 2014 to be included in the Board packets for review prior to the next meeting. Continued to August 27, 2014.

Rob Fitzsimmons explains the packet of changes and additions to the Town of Claverack Zoning Laws to cleanup issues and the re-zoning of the Claverack School Building and the People's church building.

Rob Fitzsimmons then exited the meeting as the Town Attorney and Jeff Baker entered the meeting as counsel for the Town for the Ginsberg application.

Ginsberg Industrial Food/G's Best Building Height Area Variance & Setback Variance: Tax Map #(SBL) 101 . 00 – 02 – 03 . 2 Located at NYS Rte. 66. Area Variance Interpretation for front yard setbacks of a parcel consisting of 2 separate tax parcels in 2 different municipalities whereas the two parcels cannot legally be combined and Variance for building height for structure and/or rooftop mechanical equipment.

Amy Haight from Crawford & Assoc. and John Brusie from Ginsberg were present for the application. Jeff Baker brought the TOC ZBA members up to speed with the project which straddles the towns of Claverack and Ghent. Mr. Baker explained that the Town of Ghent Planning Board took lead agency status for SEQRA and that the Town of Ghent and Town of Claverack Planning Board have been conducting a joint review of the project. Mr. Baker continued that they have completed the SEQRA and made a negative declaration but no final decision or resolutions have been approved and that the Boards are working out the conditions for the final approval. Mr. Baker continued that the Town of Claverack Zoning Board of Appeals has two variances to decide. One Variance is for the height of the building and the other is for the front yard setbacks. Mr. Baker informed the Board that the Town of Ghent Zoning Board of Appeals will be deciding the same for their part of the project. Mr. Baker informed the Board that the setback variance is actually a fictional sort of issue because the building is dissected by the boundary line for the Town of Claverack and Town of Ghent so it is not the typical setbacks. Mr. Baker informed the Board that the height variance is the biggest issue. Amy Haight informed the Board that the building is more efficient with the mechanical systems on the roof. Ms. Haight continued that the proposed height is approximately 50 feet above grade which includes the equipment. Ms. Haight informed the Board that today they received a letter from the FAA with approval for the height of the building and the water suppression tank. Jeff Baker informed the Board that the applicant has visual simulations if needed. David Graziano informed the applicant that the applications show Ginsberg's Foods/G's Best Realty as the owners of the property and he understands that the Columbia County Economic Development Corporation actually owns the property so the application is not correct. Ed Stiffler from the CCED informed the Board that there is a letter in the application packet from the CCED giving Ginsberg Foods permission to act as the applicant for the proposal. Steven Melnyk asked when the property will be officially transferred to Ginsberg Foods. Ed Stiffler answered that the transfer will take place within the next few months. Kim Keil stated that the FAA does not have a problem with the height of the building. David Graziano asked if there will be lighting on the top of the building and the fire suppression tank. Amy Haight stated that the plan does not have lighting on the top of the building and tank at this time. Jeff Baker reviewed the FAA letter which requires lighting on the building and the tank because of the proximity to the Columbia County Airport. Jeff Baker continued that he is unsure of the number of lights that the FAA will require but assumes that more than one red blinking light will be required on each structure. Members decided to set public hearing for the August 27, 2014 meeting. Mr. Brusie and Ms. Haight were instructed on obtaining a public notice sign and where to place the sign on the property. Mr. Brusie and Ms. Haight were also informed that the \$100.00 application fee is outstanding and due at the next meeting. Ms. Haight was also asked to submit a copy of the FAA letter for the file. Ms. Haight will also modify the application to show the current owner of the property. Chairman Frank Clegg asked if there is a proposed use for the current Ginsberg facility. Mr. Brusie informed the Board that the current building will be repurposed as a new business and the name will be Hudson Valley Logistics and Distributing.

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 8:04 p.m.

Respectfully submitted,
Jodi Keyser, Secretary