

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544

Minutes: January 9, 2008
Combined meeting for December 2007 and January 2008
7:30 p.m.

Approved 2/27/08

Chairman Frank Clegg called the January 9, 2008 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30.

Pledge of Allegiance was led by Chairman Clegg.

Members in attendance were: Chairman Clegg, Steven Melnyk, Norma Barnard, David Graziano, Paul Gundrum, Jock Winch, Attorney Rob Fitzsimmons, Engineer Joe Romano, and Secretary Jodi Keyser

The Board members reviewed minutes of November 28, 2007. Motion to accept as written the minutes of November 28, 2007 was made by 1st Norma Barnard with a 2nd from Steven Melnyk. All members were in favor. Motion carried.

Continuing Board cases for 1/9/07:

Columbia Park Equities: – 17 Bender Blvd. Columbia County Commerce Park. Tax Map # (SBL) 101 . – 2 - 49 .
Construction of a warehouse/storage building for records storage and manufacturing of pole barn components.

Mr. Coons was present for the application. Escrow check was received by the Town of Claverack to allow Engineer Joe Romano to review the plans. Comment letter from Clough Harbour via Joe Romano was submitted to the file. Joe Romano reviewed some of his findings with Mr. Coons and informed him that he sent the letter to the project engineering firm Crawford and Assoc. Comments that will need to be addressed are parking, storm water pollution, drainage, lighting, plantings, dumpster, hours of operation, etc. Continued to February.

Culoso, Salvatore/Vormer, Mattijs – 1293 Martindale Rd. Philmont. Tax Map # (SBL) 123 – 2 – 15 Use Variance for custom cabinet making facility.

Mr. Spampinato and Mr. Vormer were present. Letter from the Columbia County Planning Department was received and submitted to the file. 2 comments from the CCPD as follows: The Taconic State Parkway should be listed in the EAF because it is listed as a site with NYSOPRHP. Also the plan should receive full Site Plan Review from the Town of Claverack. Mr. Spampinato addressed the first item by stating that the Taconic State Parkway is now listed on the EAF and so submitted. The second comment will be addressed as soon as the ZBA grants the Use Variance in order for the project to go forward. If no Use Variance then no need to go for Site Plan Review. Chairman Clegg asked Mr. Vormer what happens to the wood finishing and priming solutions that are left over? Mr. Vormer stated that he only orders the amounts of materials that will be used for a particular order. There is no leftover. Mr. Spampinato also stated that there would be no stockpiling of materials either only materials that are needed for an order. Joe Romano stated that the plan only needs a SPEDES permit if disturbing over one (1) acre. Mr. Spampinato informed the Board that no new buildings are planned, existing well, septic, and facilities will be used. Filed with Board the surveys dated January 2007 to develop Site Plan additions of driveway location. Mr. Spampinato informed the Board that the applicant needs a Use Variance for the project from the ZBA before he can file and spend the money for a Site Plan Review. Mr. Fitzsimmons reviewed with the Board the reason that the applicant is applying for a Use Variance. Mr. Fitzsimmons stated that the site referred to in this application was previously used for commercial operation but was “out-zoned” and is now situated within a Rural Residential zone. The applicant is asking for a Use Variance to use the site for a commercial operation consisting of custom woodworking for cabinet making. David Graziano did raise the issue of self-created hardship. Mr. Graziano felt that the owner did create his own hardship by allowing the property to become such that clean-up will be quite costly. Mr. Spampinato stated that the owner has paid taxes on the property for many years. Even when the commercial operation ceased. The property would cost an enormous amount of money to clean the site up to make it adequate for a residential structure. Mr. Culoso’s hardship was not self-created but was created by the Town of Claverack when the area was rezoned. Chairman Clegg, Paul Gundrum, and Steven Melnyk reminded Mr. Graziano that the proposal was discussed at length at the November 2007 meeting and all members agreed that the plan would be an improvement to the site because Mr. Vormer is willing to do a substantial clean-up of the site. Rob Fitzsimmons asked the Board members if they are comfortable with the narrative defending non self-created hardship then they are ready to move forward with the SEQRA review and granting of Use Variance so Mr. Vormer can apply for a Full Site Plan Review before this Board.

Joe Romano reviews the SEQRA Phase I EAF for the Board. Rob Fitzsimmons reviewed the Phase II EAF with the recommendations from the Columbia County Planning Department. Chairman Clegg opened the meeting to the public for comment at 8:04 p.m. Mr. Howard Brandston that he would like to hear how this project and the change for the site comply with the new Comprehensive Plan for the town. Chairman Clegg answered that the site is a former commercial site that needs to be cleaned up. Granting a Use Variance may be the only way to get site cleaned up and the applicant is willing to do so and make the buildings useful and viable. Chris Post of the Comprehensive Plan Committee that this site has been addressed by the Comprehensive Plan Committee and Stan Kosloski building inspector as one of the sites that may need to be revisited by the Zoning. Mr. Post added that he would not want the Board to decide the fate of an application to rest solely on the Comprehensive Plan that is still in the draft stage. Motion for Negative SEQRA declaration with condition of Full Site Plan Review was made by 1st Paul Gundrum with a 2nd from Jock Winch. All members were in favor. Motion was carried. Rob Fitzsimmons reminded the Board members that the narrative submitted for non self-created hardship was received by the Board and members had discussions regarding the arguments raised by the applicant therefore the Board may make a motion to grant the Use Variance with documentation supplied. Motion to grant Use Variance with approval of narrative documentation submitted to show non self-created hardship was made by 1st Paul Gundrum with a 2nd from Jock Winch. All members were in favor. Motion carried. Mr. Spampinato submitted an application for Site Plan Review and check for \$100.00. Site Plan will be added to agenda for February 28, 2008 meeting.

New Cases:

Claverack Corners LLC – 344 State Rte 23-B Claverack. Tax Map # (SBL) 121 . 3 – 1 – 16. Use Variance, Site Plan Review, Special Exception Construction of 6500 foot, two story building containing 3 office/retail units and a restaurant on level #1 with 4 apartment units on level #2.

Project Architect John Whelan and Project Engineer Pat Prendergast were present for the application. Mr. Whelan reviews the plan for the Board. Site is located at the intersection of Rte. 23-B and State Route 9-H in the hamlet of Claverack. Formally a gas station. Submitted a preliminary Site Plan, which consists of a ground floor consisting of storage and mechanics for the building, first floor consisting of a café/restaurant, 3 retail office spaces, and a second floor consisting of 4 apartments. One large apartment with 3 studio size apartments. All apartments will have exits at the rear to back deck for fire escaping. The old gas station will be torn down. The parcel contains a second building locate to the south and housing an apartment and office spaces will remain with the parcel and new structure. Currently consists of 2.5 +/- acres of land with 5 curb cuts. Mr. Prendergast met with Joe Visconti of the NYS DOT during the summer of 2007 and cut the curb cuts down to two (2). Parking will be in the back of the buildings and along the front. A barn in the rear of the property will remain the second barn on the site fell down last year and was removed. Chairman Clegg asked Mr. Prendergast about the wells at the site used for monitoring. Mr. Prendergast stated that the wells were used to monitor the ground water at the site of the previous gasoline station. Wells have been given a clean bill of health as per Mr. Prendergast and will be capped. The owner, Mrs. Quigley stated that she has documentation of the wells having passed monitoring testing or she would not have purchased the property. Chairman Clegg informed Mr. Prendergast that this documentation should be provided to the Board for the file. Mr. Whelan informed the Board that he met with NYS DOT Joe Viscanti during the summer on 2007 to discuss curb cuts. Geothermal wells may be used for heating and cooling building. Landscaping will add to building to make it a nice looking site. Also they have applied to the NYSDOT for crosswalks. There will be sidewalks around the building only.

Mr. Whelan informed the Board that the building would have an elevator, front gables, metal roofing, stone or composite walls, and possibly a clock tower. Mr. Whelan stated that the project plans to use all local tradesmen for construction. Paul Gundrum asked if it was possible to have some sort of digital photo taken of the site with the building superimposed on it to get a better idea of what the site could look like. Mr. Whelan stated yes that he would work on the photo for the next meeting. Jock Winch asked Mr. Whelan if he is familiar with the significant drop off at the backside of the property. Mr. Whelan stated yes the plan would incorporate the drop off by situating the building into the slope.

General discussion with public with reference to the project and different aspects of the site plan.

Chairman Clegg informed Mr. Prendergast that he has issues with having living space over top of a restaurant. Mr. Whelan stated that the applicant wishes to make the site a better-looking area for the community with a viable building. Chairman Clegg informed Mr. Prendergast that mixing commercial with residential at the same site might be a problem. Steven Melnyk asked how many different uses would be taking place on this property. Mr. Whelan stated that it is the intention of the applicant to build a useful and viable building at the site with affordable rental units. Rob Fitzsimmons informed the Board that the applicant has described the project for the Board and that is why Building Inspector Stan Kosloski sent them before the ZBA. The ZBA needs to decide which variances the applicant might need granted before proceeding. Jock Winch stated that the site already has a non-conforming building on site. Rob Fitzsimmons stated that building has pre-existing status and will not be changed. Paul Gundrum asked what restrictions does the Zoning Law have with regard to residential property within the Highway Commercial Zone. Rob Fitzsimmons informed the Board

that the applicant is seeking variances for the additional uses on the site. Chairman Clegg opened the meeting up for public comment.

John Isaacs asked what the total square footage of the building is. Mr. Whelan stated that the dimensions of the building are addressed on page two of the site plan. Footprint of the building is 5483 square feet with the 1st floor having a total of 5483 square feet basement of 5483 square feet and the same for the 2nd floor making the main building total 16449 square feet. The existing building containing a retail office and apartment totals 2320 square feet total and one existing barn with either 1920 square feet or 755 square feet. Cyndy Hall asked the cost of renting one of the rental units. Mr. Whelan stated that the apartments would not be low income but that the rents have yet to be determined. Ms. Hall asked if the site would have onsite management. Mr. Whelan stated yes the owner of the property lives just down the street from the site. Howard Brandston stated that the Comprehensive Plan draft does not have a master plan overall for a vision for the town therefore making it difficult for an architect to design such a project. Mr. Brandston informed the Board that he and his wife have a grant, which will be matched, by another town resident to create a town center with a fire department, post office, and retail space. Welcomes this project but is concerned with the multifaceted building at the center of the hamlet. Mr. Whelan stated that he is very interested in working with the community, making the site a green project, and using local tradesmen for construction. Ms Hall asked to see a lighting design which is very important because the lights from the X-tra mart store are much too bright for the hamlet. Mr. Whelan informed the Board that the lighting design is subdued with low-key down lighting but will comply with whatever the Board wishes. Jock Winch stated that the Board should take careful consideration with the project will define Claverack because of the situation of the site within the hamlet. Rob Fitzsimmons informed Mr. Whelan that the Board would need a narrative with regard to the multiple uses by the next meeting. Jenny Post asked the applicant if they have set hours of operation. Mr. Whelan stated that the restaurant would be in operation 7 days a week for breakfast, lunch, and dinner. Rob Fitzsimmons stated that the application is before the ZBA asking for Use Variances for multiple uses on the site and will need supporting documentation with a narrative for use variances. Joe Romano will need a Long Form SEQRA. Jock Winch reminded about the different pictures to visualize the building on the site. Rob Fitzsimmons also stated that the ZBA and the applicant should coordinate the Use Variances and Site Plan Review. One use is allowed but multiple uses requires review and what uses will be allowed in order to proceed with a Site Plan. Jock Winch asked if the old tanks at the site have been removed. Mr. Whelan stated yes and the owner has this in writing.

NEEDS: DEC, NYSDOT, Lighting design plan, Stormwater plan Continued to February meeting.

Motion to adjourn meeting at 9:08 p.m. by 1st Paul Gundrum with a 2nd from Steven Melnyk. All members were in favor. Motion carried. Meeting adjourned.

The next meeting of the Town of Claverack Zoning Board of Appeals will be held on Wednesday, February 27, 2008 at 7:30 p.m.

Respectfully submitted,

Jodi Keyser
Secretary