

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

Meeting: June 25, 2008
7:30 p.m.

APPROVED 7/23/08

Chairman Frank Clegg called the June 25, 2008 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Clegg led members of the Board and audience in the Pledge of Allegiance.

Members in attendance were as follows: Chairman Frank Clegg, Steven Melnyk, Jock Winch, Paul Gundrum, Norma Barnard, David Graziano, Steven Harder, Engineer; Joseph Romano, Attorney; Rob Fitzsimmons, and Secretary; Jodi Keyser.

Correspondence

Motion to accept the revised minutes of May 28, 2008 was made by 1st Steven Melnyk with a 2nd from Paul Gundrum. All members were in favor. Motion carried.

Continuing Board cases for 6/25/08:

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.

Applicant faxed Town office requesting continuation to July meeting.

McNamee, James M. Claverack Bank: Intersection of County Rte 27 & Rte 9-H Claverack, Tax Map # (SBL) 131 . – 1 – 45 . 120 and 131 . – 1 – 45 . 112 seeking Special Exception and Use Permit to operate a sand and gravel bank. Continued to July meeting.

Cantele, Timothy & Diane: 19 Salerno Drive/Columbia County Commerce Park, Tax Map # (SBL)101 . – 1 – 02 . 120 Site Plan Review for construction of 100' by 80' building for manufacture of pre-cast concrete products.

Timothy Cantele was present at the meeting. Comment letter from Clough Harbour and Associates was submitted regarding water and sewage. Indenture letter submitted indicating that all of the Cantele parcels will now be annexed together with the same tax map number. Chairman Clegg opened the meeting to public comment at 7:34 p.m. No comment. Public comment was closed at 7:34 p.m. Joe Romano review the SEQRA for the Board. Motion for Negative SEQRA declaration was made by 1st Steven Harder with a 2nd from Jock Winch. All members were in favor. Motion carried. Motion for Final Approval of Site Plan Review was made by 1st Steven Harder with a 2nd from David Graziano. All members were in favor. Motion carried.

Luck, David & Susan: 150 Mellenville Rd. Tax Map # (SBL)102 . – 1 – 08 . 200 Site Plan Review for pre-build 16' by 11' by 8' shed to house chicken coop for 10 to 20 chickens.

David Luck was present for his application. Mr. Luck informed the Board that he is asking to construct a 16' x 11' x 8' chicken coop to house approximately 12 chickens that he purchased for his children. The coop is an accessory shed on his property and the chickens will be caged. Chairman Clegg opened public comment at 7:40 p.m. No comment. Public comment closed at 7:40 p.m. Board questions. Norma Barnard asked Mr. Luck the total number of chickens he intends to keep on his property and how many roosters. Mr. Luck stated that he would like to have no more than 35 chickens, which includes no more than 2 roosters. Joe Romano reviewed the SEQRA for the Board. Motion for negative SEQRA declaration was made by 1st Steven Melnyk with a 2nd from Steven Harder. All members were in favor. Motion carried. Motion for Final Site Plan approval with conditions of maximum of 35 fowl at any give time, which includes no more than two roosters was made by 1st Paul Gundrum with a 2nd from Steven Harder. All in favor. Motion carried.

New Applications:

Schober/Kosich: 3 Route 217 Claverack Intersection of Rte 23 & 217. Tax Map #(SBL) 121 – 1 – 60 Use Variance for Nursery School/Daycare.

Mr. & Mrs. Schober were present with their application to operate a nursery school/daycare facility at the former NYS Police barracks on Rte 217. Submitted a letter from current owner of the property, Mr. Kosich giving permission for Schober's to represent him. Mrs. Schober informed the Board that she currently operates a certified daycare/nursery business in Ghent and is hoping to expand to the Claverack area. Her present hours of operation are Monday through Friday 7:00 a.m. to 6:00 p.m. with Friday nights from 6:00 p.m. to 11:00 p.m. for a kids night out. The business also offers Saturday and Sunday hours for scheduled events, as needed i.e. parties. Also one Saturday a month is "Saturday out with Dad." Most likely not seven days per week. Children range in age from 6 weeks old to 12 years old. Steven Harder asked where the children would play at the site due to the large amount of blacktop. Mrs. Schober informed the Board that the blacktop area will be used for basketball, bike riding, trike riding and fencing will be installed. Mrs. Schober informed the Board that the site consists of ½ acre. Chairman Clegg informed the applicants that he feels that the site may be too small for such an operation for a play area and parking. Mrs. Schober informed the Board that she can have a maximum of 54 children when her application is revised, but at the present time she has submitted an application to care for 42 children consisting of 8 infants, 14 pre-schoolers, and 10 school aged children. Chairman Clegg again voiced his concern with the amount of property at the site and having parents drop off and pick up children mostly during the same times and the parking issues for staff and parents. Mrs. Schober informed the Board that she intends to employ 11 – 14 staff members to start with a maximum of 15 to 18 staff at full capacity. The staff members work staggered hours and will not all be parking on site unless there is a staff meeting. Rob Fitzsimmons informed the Schobers and the Board that Stan Koloski set up the application as a nursery school/daycare facility. Also there may be issues regarding the lot size for this operation. Rob Fitzsimmons informed the Board members that the applicant is asking for a Use Variance for the site and he reminded the Board that this site was previously granted a Use Variance for a Veterinary clinic, which did not happen. Paul Gundrum stated that the previous hardship argument should still stand for this application which was the reason for the Board to grant the previous Use Variance. Rob Fitzsimmons informed the applicants that they would need to supply all financial information that was submitted for the previous Use Variance for this file. Steven Melnyk stated that the ingress and egress might not handle the traffic at the same time. Joe Romano informed the applicant that they would need to apply for a curb cut permit with NYS DOT before going further with the application. Mr. Romano also informed the applicants that the NYS DOT may request a reconfiguration of the entrance and exit, which may become costly. Chairman Clegg also addressed the issue of the number of children and adults on the septic system and DOH should also be contacted for approval. Mrs. Schober informed the Board that the site has an existing commercial septic. Steven Harder also voiced concern with the size of the property and number of parking spaces are not enough. Paul Gundrum suggested that the entrance circle is not big enough to handle drop off and pick-ups. Steven Harder informed the applicant that they should prepare a report showing the number of cars, children, and times for the Board. Mrs. Schober asked the Board if they were questioning the above information because of Mr. Kosich. Rob Fitzsimmons answered for the Board that the members wholeheartedly want to see the building put to good use but legal impediments need to be addressed, i.e. size of lot before application is approved. Need NYS DOT curb cut approval and DOH approval by July 23, 2008 meeting. Applicant will inform the Board of such permits. No public comment. Need more detailed site plans. Applicant will purchase property pending Site Plan Approval. Continued to July 23, 2008.

Tipple, David/Allison/Matthew: 103 County Rte 9. Tax Map #(SBL) 102 . – 1 – 56. Site Plan Review for construction of 8' x 10' x 8' chicken house and construction of 20' x 30' x 18' horse barn.

David Tipple was present for the application. Mr. Tipple requests to construct an 8' x 10' x 8' chicken coop and a 10' x 30' x 18' horse barn on his property. Mr. Tipple stated that he currently has chickens and is looking into purchasing a carriage horse for his personal use. Mr. Tipple stated that he has sufficient land to have both chickens and horses with trails for riding. He currently uses his land for hay production on his farm across County Rte. 9. Norma Barnard asked how many chickens the applicant is seeking to house. Mr. Tipple informed the Board that he intends to have 20 – 25 chickens. Steven Harder asked if the chickens will be free-range or fenced in. Mr. Tipple answered fenced in with a coop. No Board comments. Chairman Clegg opened the meeting to public comment at 8:18 p.m. No comments. Closed public comment at 8:18 p.m. Joe Romano reviewed SEQRA for Board. Motion for negative SEQRA declaration was made by 1st Steven Harder with a 2nd from Paul Gundrum. All members were in favor. Motion carried. Motion for Final Site Plan Approval with condition of no more than 25 fowl, no roosters and animals will be fenced, was made by 1st Steven Harder with a 2nd from Paul Gundrum. All members were in favor. Motion was carried.

New Business:

Howard Brandston informed the Board that he will be presenting his "Vision for Claverack" at the A.B. Shaw Firehouse August 8, 2008 at 10:00 a.m. This meeting is opened to the public.

Motion to adjourn the meeting was made by 1st Norma Barnard with a 2nd from David Graziano. All members were in favor. Motion carried. Meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Jodi Keyser
Secretary