

**TOWN OF CLAVERACK
ZONING BOARD OF APPEALS
91 CHURCH STREET
MELLENVILLE, NY 12544**

APPROVED July 26,2006

The June 28, 2006 meeting of the Town of Claverack Zoning Board of Appeals was called to order by Chairman Michael Brandon at 7:30 PM.

Chairman Brandon led the ZBA members and audience in the Pledge of Allegiance

Chairman Brandon introduced the members of the ZBA in attendance. They are as follows: Chairman Mike Brandon, Frank Clegg, Norma Barnard, Steven Harder, Paul Gundrum, Jock Winch, Engineer Joe Romano, Town Attorney Rob Fitzsimmons, and Secretary Jodi Keyser.

Absent Stephen Melnyk with regrets.

The Board members reviewed minutes of the May meeting. Motion to approve the May minutes as written was made 1st by Norma Barnard with a 2nd from Frank Clegg

All members were in favor. Motion carried

Zoning Board Cases 6/28/06:

1. Columbia Land Conservancy Tax Map # SBL (112.-2-61) High Falls Project, Roxbury Rd. Site Plan Review for parking spaces, rail fence, and sign at public conservation area involving 5.2 acres in Claverack jurisdiction off Roxbury Rd.

Joyce Carroll and John Dax presented before the ZBA. They informed the Board that they have an updated survey prepared and done by Matt Bowe. Mr. Bowe re-flagged the pins. Ms. Carroll will submit a copy of the new survey to the file as per Joe Romano requests to assure that the installation of the fencing is placed properly. Ms. Carroll has met with many of the neighbors of the project regarding their concerns. Changes have been made to appease the neighbors i.e. gate at lower portion was eliminated for Mr. Shutts and the height and style of the fencing was agreed upon, fencing was discussed with Ms. Gambacorta with regard to height. New Site Plan was submitted with detailed fencing, parking, and plantings for screening purposes. Ms. Carroll has contracted with a professional tree surgeon, Mike Tapler of Tapler Tree Service to design the plantings for screening. Mr. Tapler designed a mix of evergreens and pines to be mixed with the existing trees and shrubs on site. A berm will be built and planted to further block the parking area from neighbors. Mr. Donlon a neighbor of the project asked about the timetable for replacing dead trees. Ms. Carroll answered immediately. Also Mr. Donlon asked about the Dusk to Dawn curfew and if a gate would be installed to stop people from parking after dark. Ms. Carroll answered that it is the Conservancy's policy that all of their sites remain un-gated with a sign to inform visitors of the hours of operation. Also the signs state that any cars found after these hours will be towed at the owner's expense. She informed the Board that this has so far not been an issue at other sites but if this becomes a problem then they will look into installing a gate. They have many volunteers willing to patrol the sites along with local police agencies. Ms. Carroll gave her home phone number to all who wished to have it and she asked that if there are ever any problems with trespassers or any other issues please contact her. Ms. Carroll assured the Board and neighbors that the site will not be opened until all of the fencing and plantings are finished. She thanks the neighbors for their help and time. At this time she feels that the neighbors are in agreement with the design of the project Sign and culvert were planned as requested by Joe Romano. The emergency response and rescue plan is in place and Ms. Carroll informed the Board that she has met with the emergency responder agencies and they are all in agreement and have copies of the plan on file. Ms. Carroll will submit a copy of the plan to the file. A letter from the NYS Police was received with favor to the emergency plan. Rick Tracy and Mr. Garcia of the Philmont Rescue squad and Philmont Fire Dept. respectively assured the Board that Ms. Carroll has met with them and they also are in favor of the emergency response plan. Mr. Tracy informed the Board that the rescue squad and fire dept. are looking into training for rope rescues at the site and obtaining the necessary equipment to have for rescues. At this time these departments would have to borrow the ropes and equipment from the Greenport Fire Dept. Ms. Carroll informed the Board that she has

received 2 donations from members of the community to help defray the cost of the purchase of these items. She is also looking into a grant for the cost of training and equipment. At this time the Site Plan is final and the applicant would like the Board to act on this project.

Jock Winch asked if port-o-lets were going to be installed so visitors could relieve themselves instead of on the path or in a neighbor's yard Ms. Carroll answered that port-o-lets are not in the plan. She informed Mr. Winch that visitors to all of the Conservancy's sites are aware that there are no facilities. Joe Romano reviewed the SEQRA. Motion to accept a negative SEQRA declaration 1st Steven Harder with a 2nd from Paul Gundrum. All were in favor. Motion for a negative SEQRA declaration was carried by all. Ms. Carroll submitted a Certificate of Liability Insurance for the file. The Applicant's attorney, John Dax will draw a draft resolution with regard to the special conditions for the next meeting. Motion by Frank Clegg to approve the Site Plan Review with new survey included to the file with 2nd from Steven Harder. All members were in favor. Motion was carried. Applicant will return next month for resolution of special conditions to the Special Exception Use.

2. Stewardship at Millbrook Road

Andy Gilchrist was present. Updated the Board with regard to the review of SEQRA. Now at last step to adopt a final findings statement with regard to each item noted in the FEIS, and this findings statement has binding mitigation. Mr. Gilchrist is asking the Board to make a decision on the final findings statement tonight so that the subdivision plat currently before the Town of Claverack Planning Board can move forward. The Planning Board is waiting for this decision. Rob and Joe informed the Board that they have reviewed the SEQRA findings statement. They tightened up some of the wording. If during the progression of the project, it is determined that a significant environmental impact is found at the site then the project must stop immediately until the issue in question is fully addressed. Rob Fitzsimmons drafted a resolution and said resolution was to adopt the SEQRA findings statement. Motion was made by Paul Gundrum with a 2nd from Jock Winch to accept the resolution and to adopt the SEQRA findings statement for the Stewardship on Millbrook Rd. All members were in favor. Motion was carried.

3. Won Buddhism of America Tax Map # SBL (122. - 1 - . 53) Rte. 23 Claverack. Site Plan Review for seminary.

Pat Prendergast and Sarah Brezavar were presenting. Submitted new maps of the project. Aerial maps of area. Wetlands located and flagged by surveyor Jeff Plass. Design plan will stay away from wetland areas. Access road consists of two-lane entrance/exit. Submitted a traffic study conducted by Creighton Manning Engineering, LLP. Board member Steven Harder took issue with the time of day that the traffic study was conducted. May not be as accurate as needed. Mr. Prendergast will get more information of the study. Gardens, wells, and septic sites are located on the new maps. Because of the size of the septic the plan falls under DEC review and not DOH. Well for the main building is drilled and hydrofractured. Claverack Pump Service will perform a 72-hour pump test. Mr. Prendergast informed the Board that the well will be tested and results will be forthcoming. Parking lot consists of 96 spaces. DOT entrance submitted to State DOT Joe Viscanti may have comments by July meeting. Lighting will be short, low, and downward facing onto the parking lot. Chairman Brandon asked the applicant's representatives if the plan that they submitted tonight is their final plan. Yes from Mr. Prendergast.

- Still need a detailed drainage plan
- Stormwater plan to DEC
- Long Form SEQRA as for revised plans and the SEQRA should take into consideration all future Phases of the project to avoid risk of project segmentation.

Rob and Joe need to do a detailed review of the most recent submittals.

Chairman Brandon opened the meeting to public comment.

Henry and Beatrice Croteau who live about ½ mile east of the entrance to the site expressed concern with the amount of traffic and the rate of speed that most cars and trucks travel along the area of the project. They feel that a more thorough traffic study needs to be conducted.

Nathan Chess of Snyder Rd. expressed the same concern with busses, cars, and truck pulling into and out of the entrance onto Rte 23. Sarah Brezavar will talk to Mr. Prendergast about another traffic study.

With no further comments the public comment will continue to the July meeting.

4. McCagg Excavating Tax Map #SBL (101. – 2 - 02. 111) Columbia County Commerce Center, 33 Bender Blvd. Site Plan review for a Special Exception for excavating equipment storage and maintenance.

Representatives for the applicant called to state that they were not ready to appear at the June meeting but will return for the July meeting.

5. Ravetto, Lisa Tax Map #SBL (122. – 1 – 56) 268 Thielman Rd. Site Plan Review/Area Variance for side yard setbacks for addition to residence.

Ms. Ravetto has placed the public meeting signs out in front of her home for a few weeks. Joe Romano read the SEQRA. Motion by Norma Barnard for a Negative SEQRA declaration with a 2nd from Frank Clegg. All Board members were in favor. Motion was carried.

Chairman Brandon reviewed with the Board the 5 reasons for not granting an Area Variance. All were answered with a negative. Motion from Norma Barnard to accept the Area Variance as written with a 2nd from Steven Harder. All members were in favor. Motion to accept the Area Variance was carried unanimously.

6. First, William Tax Map #SBL (101 . – 1 – 54) 41 Ginsberg Lane, Site Plan Review for the construction of 2 propane fuel storage tanks.

Mr. First contacted Chairman Brandon to inform him that he was not ready to appear at tonight's meeting.

7. Coney Island Auto Park Inc. Tax Map #SBL (101 . - 2 - 2 . 111) Salerno Drive and Bender Blvd., Columbia County Commerce Center. Site Plan Review/Special Exception Use Permit for a custom auto parts fabrication business

Mr. Calcagno submitted new maps and a revised application to show the proper use interpretation. County Planning letter received with approval with no conditions. Joe Romano informed the applicant that he needs a stormwater management report from Crawford & Associates to assure that stormwater management meets NYS DEC Phase 2 regulations and catch basin on map needs to be defined to show adequate size. Mr. Calcagno will have stormwater management report sent directly to Joe Romano. Rob Fitzsimmons informed the applicant that the hours of operation needed to be added to the resolution. Noted hours of operation as Monday through Friday 7:00 AM to 7:00 PM, Saturday 7:00 AM to 3:00 PM, and no Sunday hours. Also for note on maps and in resolution that no outside storage of tractor trailers for over 24-hour period allowed. Refuse will be kept tidy. Applicant will return in July.

8. Kisselbrack, Robert & Phyllis Tax Map # SBL (123 – 1 – 12) 236 Stevers Crossing Road, Philmont NY. Area Variance. Replace existing mobile home with a new mobile home.

Applicant was informed that the Zoning Laws in the Town of Claverack do not allow for mobile homes to be replaced with another mobile home. Rob Fitzsimmons informed the applicant and the ZBA members that this issue is currently before the Town Board and that Board is looking into changing the law. May take 90 days or more. Still in the draft stages at this point. Members of the Board have issue with the law but informed the applicant that their hands are tied and to make it a point to attend the next Town Board meeting on July 10th to discuss their plea and issue with the members of that board.

9. Kaufmann/DiGovanni Reality LLC Extension of previously approved site plan.

Scott Shallo and Sue Upright were present representing the applicant. Mr. Shallo informed the Board that the site plan was approved last year and they did not understand that the stamps were good for 1 year not 90 days. Asking for the Board to grant an extension of the previously approved site plan/special exception. Motion by Norma Barnard to give an extension of the previously approved site plan review with a 2nd from Steven Harder. All members were in favor. Motion was carried. Applicant's representatives were reminded that the stamp is only good for 90 days.

10. Kosich Use Variance for Vet Clinic at old Troopers barracks.

Mr. Kosich was present to ask for a Use Variance for his property on Rte 217. He has a veterinarian that is interested in purchasing the property that he has had for sale for some time. He was unaware that the use for the building had changed after a year of vacancy. The property has reverted to a residential building from commercial. Mr. Kosich has a contract of sale with a veterinarian and then found this problem. No outside

kennels. Small animal surgery only. Chairman Brandon informed the applicant that this is the most difficult variance to obtain. Vet clinics are not permitted within the Zoning Law **for this property district**. Rob Fitzsimmons informed the applicant that his narrative is very good but he needs to show **there was not a self-created hardship**. Applicant may return in July.

11. Excelsior Special Exception for business in Industrial Park

Ken Lango and Ron Sour were present. Currently operate in Valatie in the old mobile home manufacturing building. The manufacture custom milled flooring and moldings, and architectural features for custom orders. 4-year-old business with 5 – 6 employees. Applicant has blowers for dust collection that sends the sawdust into tractor-trailers directly. Use only water-based priming products. Applicant was informed that before the next meeting he needs:

- Stormwater management for full scope of project
- Revised water usage on SEQRA and pg. 2 #2 of SEQRA to show that handicapped parking size and signs meet ADA codes. And the roadways and buildings are handicapped accessible.
- Sanitary sewer design
- Hours of operation noted on maps
- Lighting on access to building be at a downward angle away from Rte. 66
- Landscape legend showing species and size of plants for screening and label ornamental plantings in the front.

Copy of Special Exception application will be sent to the County Planning Office for review. Columbia County Board of Supervisors letter of sale submitted.

12. Kolber Use for 2nd living unit.

Carl Whitbeck Jr. and Camilla Kolber were present.

Applicant is asking for an Interpretation of Use for a living space that is added above the attached garage of her residence. Mr. Whitbeck informed the Board members that the addition is above a garage that is attached to the residence by a breezeway. The owner will enclose the breezeway if asked to do so by the Board. Applicant will use the space for her family to stay when they visit. The space will use the same mechanicals, same septic, and will be attached to the existing residence. The property is only for single-family use, not as multifamily, rental or apartment use. Motion from Paul Gundrum to declare interpretation for this matter based upon facts as presented, as an addition to a 1 family residence without necessity to enclose the breezeway, that any permits or occupancy certificates issued indicate the parcel is to be used as a single family residence only.

Chairman Brandon asked for a motion to adjourn the meeting at 10:47 PM. Motion to adjourn from Paul Gundrum with a 2nd from Norma Barnard. All were in favor. Motion to adjourn was carried.

Respectfully submitted,

Jodi Keyser
Secretary