

TOWN OF CLAVERACK
ZONING BOARD OF APPEALS
Meeting: July 26, 2006

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The July 26, 2006 meeting of the Town of Claverack Zoning Board of Appeals was called to order by Chairman Mike Brandon at 7:30 PM.

Chairman Brandon led the Pledge of Allegiance

Members in attendance were: Chairman Brandon, Frank Clegg, Norma Barnard, Stephen Melnyk, Steven Harder, Jock Winch, Paul Gundrum, Town engineer; Joe Romano, Town attorney; Rob Fitzsimmons, and ZBA Secretary Jodi Keyser.

Correspondences were received from

Bond, Schoeneck, & King, PLLC. Regarding NYS Dpt. of Labor Environmental Law updates to the Asbestos Management Rule. Lorman Education Services regarding conferences titled "Zoning and Land Use" on October 11, 2006 in Poughkeepsie NY.

Chairman Brandon asked the Board members to review the minutes of the June 28, 2006 ZBA meeting. Chairman Brandon made one correction to the minutes showing that Matt Bowe is not affiliated with Rockefeller, Nucci, & Plass as written.

Motion to accept the revised minutes was made by Frank Clegg with a 2nd from Norma Barnard. All members were in favor. Motion was carried.

Chairman Brandon informed the Board and audience that the meeting was being recorded by Howard Brandston.

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 of the Land Conservancy and their attorney Jon Dax were present. Rob Fitzsimmons updated the Board members of the progress of the project before this Board. Negative SEQRA declaration and approval of the site plan were voted on June 28, 2006. Mr. Dax then drafted a resolution for conditions. Rob read the resolution to the Board members. Mr. Dax and Rob are working out some of the "language" within the resolution. Rob and Joe asked for the Certificate of Liability Insurance name the Town of Claverack and the Village of Philmont as additional insured on the policy to protect all parties. Rob and Joe also asked that some signage be erected at the end of the trail to inform the public that they are not allowed beyond a certain point for safety reasons and this will also protect all parties. Mr. Dax informed the Board that he had 2 minor issues with the resolution and 1 major problem. The 2 minor problems are the name should read Columbia Land Conservancy, and that plantings at the parking area will be planted on the berm of ground and not behind it as stated. The major concern is with the wording regarding the maintaining of the trees. The resolution states that "dead trees will be replaced within 30 days of notification by the Town of Claverack. Mr. Dax stated that trees will be re-planted as soon as possible but weather conditions may prohibit the re-planting within the 30 day window. Mr. Dax stated that certain factors such as season and drought may make this time frame unacceptable. Mr. Dax would like the wording changed to "Dead trees will be replaced or re-planted according to conditions and weather permitting." Mr. Donlon a neighbor of the project wanted some clarification regarding the replanting of trees. His property is adjacent to the parking area and if trees die then he will not have the adequate screening from this area. He wants the trees to be replanted immediately. Mr. Dax informed Mr. Donlon that the berm blocking his property from the parking area will be planted this fall (2006) and that any dead trees will be replaced as soon as the conditions allow. Also Mr. Dax informed the Board that the site will not be opened until all plantings, fencing, and signage is completed. Pierce Walker informed Mr. Donlon that the variation of plantings allows for certain trees to be planted only during certain times of the year, but the types of trees used in the project will consist mostly of evergreens. Ms. Carroll stated that the Conservancy is spending a great deal of money for the berm and plantings. Mrs. Booream asked Mr. Dax and Ms Carroll if the money for the berm and the plantings was donated by a unanimous donor. M. Carroll answered no, but she added that the issue of dead trees is very important to her also. The Land Conservancy wants to have the area look beautiful and the last thing they want is to have dead trees. Dead trees will be replaced as soon as possible. Rob Fitzsimmons re-worded the resolution to state "Plantings will be replaced 30 days after notification from the Town of Claverack weather permitting. Chairman Brandon asked for a motion to accept the revised resolution. Motion to accept the revised resolution was made by Steven Harder with a 2nd from Stephen Melnyk. All members were in favor. Motion was carried. The resolution was signed and added to the file.

2. Stewardship at Millbrook Road

The applicant informed Mr. Fitzsimmons that they would not be attending this meeting and asked to continue to August.

3. Won Buddhism of America Tax Map # SBL (122.-1-. 53) Rte. 23 Claverack. Site Plan Review for a Buddhist seminary. Pat Prendergast representing the applicant submitted more detailed site plans. New maps show ACOE wetland area flagged but permit not yet submitted to ACOE. Full stormwater drainage plan with pipe sizes will be sent to Joe Romano for review next week. Conducted a 72- hour well test, which showed 5 gallon per minute. Mr. Prendergast felt that this is sufficient for the number

of residence. Will also design a 5000-gallon storage tank to be located in the basement for reserve but not to be used for gardening or firefighting purposes. Mr. Prendergast also stated that he met with NYS DOT representative Joe Viscanti regarding the plan. Mr. Viscanti wants to see a different curb cut and construction flagging. Chairman Brandon asked if Mr. Viscanti is OK with the traffic study. Mr. Prendergast submitted a more detailed traffic study showing the times and the reasoning for the report. Chairman Brandon informed the Board that the traffic study used was done in 2002. Mr. Prendergast stated that Creighton/Manning used the most recent study. Joe Romano will forward the study onto Clough Harbour and Assoc. for review and he will also do a detailed review of the site plan and stormwater plan. Mr. Prendergast submitted a lighting design. Also given to Joe for review. Will submit a more detailed spec sheet for the fixtures. DEC permits, DOT permits, and Stormwater plans will be submitted in August Norma Barnard asked to see handicapped parking spaces with the size and signage on the maps. Chairman Brandon opened the meeting to the public at 8:25 PM. Marie Leight a neighbor of the site is concerned with the entrance to the site stating that the area of roadway is dangerous and heavily traveled. Truck traffic has increased. Will there be a slow down lane for the entrance. Also she wants the engineer to take County Rte. 16 into consideration. Mr. Prendergast stated that there would be a 50-foot taper then a 10-foot wide shoulder before the entrance. Joe Romano and Clough Harbour will review the traffic study further. Henry Croteau asked if the applicant would fund a traffic counter to study the traffic situation. Chairman Brandon informed Mr. Croteau that the Town engineering firm will review the traffic study that the applicant submitted and will address any comments or concerns after that. Mrs. Croteau informed the applicant and the Board of an accident that took place recently in this area. Howard Brandston has concerns with the amount of traffic in the area and the lighting design needs to be more detailed. Will continue to August.

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.

Dan Proper and Jamie McCagg were present. Full site plan was submitted for Joe Romano to review. Stormwater, landscaping, lighting, signage plans submitted Entrance plan was submitted to the County but the applicant has yet to receive any comment. Stephen Melnyk asked the applicant if the business plans on having its septic pumping trucks stored on site. Mr. McCagg stated that he would like to house the septic truck at this site but keep it within the building. But if this is a problem he can find another site for the truck. The Board members were worried about the odor from the truck and the other neighbors of the Commerce Center. Mr. McCagg stated that the truck is self-contained and washed off after every job so there is less of an odor. He can't guarantee that there will not be any odor but it is minimal. Chairman Brandon asked where the runoff from the washing goes. Mr. Proper informed the Board that the runoff from washing goes into a drain then to an oil separation tank and then to the sewage treatment plant in the Center. Rob Fitzsimmons informed the Board that the odor issue could be added to the conditions of the use. Hours of operation will be 6:30 AM to 5:00 PM but the business also has a snow plowing operation and the hours will vary according to the weather. Joe Romano then reviewed the Long Form SEQRA for the Board. Motion was made by Stephen Melnyk to accept a negative declaration the Long Form SEQRA with a 2nd from Frank Clegg. All members were in favor. Motion was carried. Chairman Brandon asked for the Board to make a motion regarding the application for special exception use. Motion was made by Steven Harder to approve the Special Exception Use with the conditions that no offensive odor shall be detected away from the property line and subject to County DOT curb cut approval, 2nd from Norma Barnard. All members were in favor. Motion was carried. Applicant will send via mail \$25.11 for the cost of certified mailings.

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

Applicant informed Chairman Brandon that he was unable to attend the July meeting of the ZBA and wished to be continued to August.

6. 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 was present and submitted site plan, grading and drainage plan, lighting plan, landscaping plan, and site details. Joe Romano informed the Board that he has sufficient information to review the project and he will review the stormwater management plan. Stephen Melnyk informed the applicant that he needs to show handicapped parking spaces with the specs on the site plan maps. Mr. Calcagno will have this added to the plan. Chairman Brandon opened the meeting to public comment at 9:07 PM. No comments. Public comment was closed. Joe Romano will submit any comments directly to the applicant's engineers at Crawford and Assoc. Continued to August.

7. 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 informed the Secretary that they are awaiting a change to the Zoning Law in August. They asked for a continuance to August.

8. Kosich, Martin: Tax Map # (SBL) 121 . – 1 – 60. Use Variance for operating a Veterinary Clinic at 3 Rte. 217 Claverack (old Troopers barracks.)

Mr. Kosich and James Morgan and Sheila Galvin attorneys representing the applicant were present. Mr. Morgan informed the Board that he and his partner feel that Mr. Kosich had no prior knowledge of the NYS Police moving out of the building. Rob Fitzsimmons asked the applicants' attorneys to provide documentation prior to the meeting. The applicant's attorneys stated that

they have documentation citing case law showing the reason that this case is not self-created hardship on the part of Mr. Kosich. Mr. Kosich leased the property to a government agency that decided to move out of the building leaving Mr. Kosich without a tenant. The building was specifically designed for a police department. Mr. Kosich was unable to find another police agency to lease the property. He was unaware that after 12 months of vacancy the property returned to a residential property. After much discussion between the applicant's attorneys and Town of Claverack attorney Rob Fitzsimmons both sides agreed to continue to August. The applicant's attorneys will submit (at least 10 days prior to the meeting) actual case law and determination to Rob Fitzsimmons office. Continued to August.

9. Excellsior Wood Products LLC: Tax Map # (SBL) 101 – 2 – 02 . 111 Special Exception for business within the Columbia County Commerce Center.

Applicant informed the Secretary they are awaiting some documentation and asked to be continued to August.

10. First, Jeff & Brenda Tax Map #(SBL) 101 . - 1 - 56 . 100 9 Ginsberg Rd. Site Plan Review for change of use from retail to restaurant

Jeff and Brenda First have a party interested in leasing a portion of their building at 9 Ginsberg Rd to operate a specialty coffee and ice cream shop. Site plan drawings were submitted. Letter from DOH submitted. Driveway is a deeded easement with Ginsberg's Pavement is staying crushed stone and shale. Site plan shows hours of operation on sign as Monday through Sunday 7:00 AM to 8:00 PM. The site plan also shows 10 seats for patrons with the bulk of the sales as take-out. Sign near the roadway meets code but sign on the building is too big. Applicant will correct building sign making it 2' X 12'. Handicapped parking needs to be marked and signed. Mr. First will make these adjustments also he stated that the building is ramped already. Stephen Melnyk informed the applicant that grease traps need to be installed. Applicant will install grease traps. Chairman Brandon opened the meeting to the public at 10:02 and with no public comment then closed the public comment. Joe Romano reviewed the SEQRA. Steven Harder made the motion to accept a negative SEQRA declaration with a 2nd from Jock Winch. All members were in favor. Motion carried. Norma Barnard made a motion to accept the site plan with the conditions of Installation of a grease trap. 2) 1000 watt Light bulb on building is replaced with a 500-watt bulb. 3) The sign on the building made to conform to code of 24 square feet. 4) ADA compliance with handicapped parking space. Paul Gundrum 2nd the motion. All members in favor. Motion carried. Applicant will send a check for the certified mailings.

Motion to adjourn was made by Frank Clegg with a 2nd from Norma Barnard. All members were in favor. Motion was carried. Meeting was adjourned at 10:25 PM.

Respectfully submitted,

Jodi Keyser, Secretary