

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

**Approved 10/25/06**

Call to Order at 7:50 p.m. by Chairman Michael Brandon.

Members in attendance were: Chairman Brandon, Frank Clegg, Norma Barnard, Stephen Melnyk, Steven Harder, Jock Winch, Paul Gundrum, Town Engineer Joseph Romano, Town Attorney Robert Fitzsimmons, and Secretary Jodi Keyser.

Meeting was recorded by Howard Brandston.

Minutes of July Meeting were reviewed by Board members. Motion was made by Norma Barnard to approve the July minutes as written with a 2<sup>nd</sup> from Frank Clegg. All members were in favor. Motion was carried.

Zoning Board Cases 9/27/06:

1. Stewardship at Millbrook Road called Rob Fitzsimmons to be continued to October.

2. Won Buddhism of America Tax Map # SBL (122. -1-. 53) Rte. 23 Claverack.

Mr. Karp and Pat Prendergast were representing applicant.

DOT curb cuts approval submitted 9/2006.

ACOE wetlands delineation permit #14 submitted

NYSOPARH map submitted 9/27/06 only showing Red Mill as historical.

Endangered Species showing Barn Owl and Fairy Wand. Unlikely Fairy Wand is present due to previous agricultural use.

Sent to Columbia County Planning with reply submitted 9/2006

DEC septic submitted 9/20/06

DEC Stormwater submitted 8/2006

DOH needs Temporary Residence permit. Application is in DOH still have to review septic and water quality issues. Clough Harbour letter with items to be addressed submitted.

Jock Winch asked about traffic studies. Joe Romano reviewed the 2 traffic studies submitted on 6/6/06 and 7/12/06.

Clough Harbour advised the Board that the studies are O.K. and the applicant does not need to perform another study.

No Board questions.

Open to public comment:

Letter read and submitted from Charles Vieni with photos of the area in question. Mr. Vieni is concerned with the traffic, speed of traffic, and the traffic studies that were submitted to the Board.

Board member Steven Harder commented that he is not opposed to the project but has serious concerns with the driveway and traffic.

Beatrice Croteau addressed the Board regarding her concerns with the amount of traffic, speed of traffic, and dangers of the area for driveways. Accident at her driveway almost caused the death of her niece.

Letter read and submitted from Marie Leicht regarding the traffic issues at the site.

Letter read and submitted for Howard Brandston regarding segmentation of the SEQRA and traffic and parking issues.

Robert Fitzsimmons asked that the applicant submit a complete narrative of the project including number of people living at the residence, hours of operation, parking, number of retired monks, segmentation of SEQRA, tighten up frame work of buildout for Phase I and Phase II. Not sufficient enough to open to public hearing changes month to month. Most of the issues are addressed already but some big issues remain outstanding. Mr. Karp answered that a full detailed narrative will be submitted for next month.

Robert Fitzsimmons will write a letter to send to the NYS DOT regarding issues and concerns of neighbors and Board members. Letter will ask for site review by DOT and letters of concern received by the ZBA will be attached.

Mr. Karp will address the segmentation issue raised by Mr. Brandston at the October meeting.

Motion to classify as a Type I Action and to sent out notice of Lead Agency Status was made 1<sup>st</sup> by Frank Clegg with a 2<sup>nd</sup> from Steven Harder. All members were in favor. Motion was carried.

Chairman Brandon asked if formal public hearing could be set for October. Rob Fitzsimmons answered that it may not be enough time for reply from the NYS DOT correspondence.

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

Letters from Long Fuel withdrawing their interest in the site submitted. Application is withdrawn.

4. 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 Modified Stormwater and Site Plan submitted 8/2006. Reviewed by Joe Romano. Joe is satisfied with and all concerns are addressed. Opened to public comment. No comment. Closed to public comment.

Motion for Negative SEQRA declaration made by 1<sup>st</sup> Steven Harder with a 2<sup>nd</sup> from Frank Clegg. All members were in favor. Motion was carried.

Motion to approve site plan and special use permit made by 1<sup>st</sup> Steven Harder with a 2<sup>nd</sup> by Stephen Melnyk. All members were in favor. Motion was carried.

5. 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.

New Town Law regarding the replacement of existing mobile homes. Opened to public comment. No comment. Public comment closed. Motion for Negative SEQRA declaration made by 1<sup>st</sup> Norma Barnard with a 2<sup>nd</sup> by Steven Harder. All members in favor. Motion was carried.

Motion to approve site plan for replacing existing mobile home with a new mobile home made by 1<sup>st</sup> Norma Barnard with a 2<sup>nd</sup> by Jock Winch.

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

Chairman Brandon asked if the secretary and/or Rob Fitzsimmons had heard from the applicant regarding appearing at the meeting. The secretary and Rob answered that neither one were contacted. Chairman Brandon for record this is the official 1<sup>st</sup> strike against the applicant.

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

Ken Longo submitted a new Site Plan for the Board 9/27/06. Wants the Board to give approval for site plan showing proposed warehouse on site. Mr. Longo wants to purchase the adjoining property for this warehouse but the warehouse will not be needed yet. He wants to be assured that if he buys the land the Board will approve the warehouse understanding that the future warehouse will need a full site plan review. Joe Romano informed the Board and the applicant that he feels that there is not enough information for the Board to decide. He is not comfortable with giving the site plan approval at this time. Frank Clegg asked about the Stormwater and Drainage plans. Joe Romano stated that they are already done for present and future build-out. Joe Romano will review the newly submitted site plan.

8. Pace, Bruce & Churchill, Lyle: Tax Map #(SBL) 131 . – 1 – 45 . 111 2630 Rte 27, Claverack. Area Variance for property line setbacks for the construction of a deck.

Chairman Brandon informed the applicant, Bruce Pace that an Area Variance is very difficult to obtain. Chairman Brandon suggested that the applicant moves or modifies the deck to conform to the Zoning Laws. Mr. Pace does not want to move the deck to the rear of the home due to his own privacy at his personal residence next door. Mr. Pace stated that the septic system is in the rear of the structure therefore he would rather not move the deck to the back of the house and build on top of the septic. Chairman Brandon reminded the applicant that set backs are measured from the right of way. Chairman Brandon asked the applicant if he would consider a walkway from the side door to the back with a deck from that point in the corner of the house. Mr. Pace does not want the deck located at the back of the structure. Mr. Pace asked about the construction of a cement patio. Is that considered a structure? Rob Fitzsimmons was unclear what constitutes a structure and suggested that Mr. Pace ask Stan Kosloski regarding this question. The ZBA asked the applicant to research other options and return to the Board in October.

9. Van Keuren, Timothy & Elizabeth: Tax Map #(SBL) 131. – 1 – 4 . 6043 Rte 9-H Claverack. Area Variance for replacing existing steps with a deck.

The applicant would like to replace some rotten steps out of the back door with a deck. Applicant stated that due to the bar across the street they are unable to enjoy the porch at the front of their residence. They would like to add a deck to

the rear of their home. Certified letters were sent out with no reply from anyone. Applicant is limited due to size of lot and home built previous to Zoning Regulations. Chairman Brandon read the 5 determinations of granting an area variance to the applicant. He informed the applicant that they might need to just replace the steps, which does not need a variance, or make a patio out of cement. Rob informed the applicant to check with the building inspector regarding cement of stone patio being a structure. Opened to public comment, no comment, Closed to public comment. Rob Fitzsimmons suggested that the applicant come back to the next meeting with letters from all of his neighbors showing their favor of the project. Continued to October.

10. NYNEX Mobile Limited Partnership 2, d/b/a Verizon Wireless: Tax Map #(SBL) 142 . – 1 – 28 . 1 Special Exception application to replace an 8' dish antenna at 149' with a 6' dish antenna at 80'. Located at 635 Snyderstown Rd. Claverack.

Mr. Collins was present representing the applicant. Tower is owned by Crown Castle. Verizon Wireless NYNEX is a leasee. Escrow for engineers review set at \$1000.00 as per Joe Romano. Removal bond from Crown Castle or Verizon for tower and antenna. Insurance required by owners of the tower sent to the Town Board. Letter from Crown Castle asking for agreement author to advance the permit and move antenna.

Rob Fitzsimmons asked the applicant for a 300-foot notification provision is needed to be safe. Mr. Collins will forward the names of the abutting landowners to the secretary. Mr. Collins disagrees for the record with Town Attorney Rob Fitzsimmons regarding signage. Continued to October meeting.

Motion to adjourn the meeting at 10:25 p.m. was made 1<sup>st</sup> by Frank Clegg and 2<sup>nd</sup> by Steven Harder. All members were in favor. Motion was carried. Meeting was adjourned.

Next meeting for the Town of Claverack Zoning Board of Appeals will be held on Wednesday, October 25, 2006 at 7:30 p.m., Claverack Town Hall Building.

Respectfully submitted,

Jodi Keyser  
ZBA Secretary