

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

Minutes: October 24, 2007

DRAFT COPY

The October 24, 2007 meeting of the Town of Claverack Zoning Board of Appeals was called to order by Chairman Frank Clegg at 7:30 p.m. Chairman Clegg led the Board members and audience in the Pledge of Allegiance.

Correspondence was received from the following:

Clough Harbour- comment letter regarding Coon Self-Storage application.

Columbia County Agriculture and Farmland

Columbia County Planning Department comment letter regarding Kristjansson application.

Columbia County Planning Department comment letter regarding Coon Self-Storage application.

Information regarding training from Pace University.

The Board members reviewed minutes of the September 26, 2007 meeting. Motion to accept the minutes of the September 26, 2007 meeting was made by Steven Melnyk with a 2nd from Norma Barnard. All members were in favor. Motion was carried.

Continuing Board cases for 10/24/07:

Kristjansson, Kristjan: 76 Catskill View Rd. Tax Map # (SBL) 131 . – 1 – 89 . 111 Site Plan Review for construction of horse barn.

Received a comment letter from Patrice Perry of the Columbia County Planning Department with no need for revisions. Opened the meeting to public comment at 7:33 p.m. with no comments. Closed public comment at 7:34 p.m. Rob Fitzsimmons reminded the Board that this application is a Site Plan Review for the construction of a horse barn on property owned by the applicant. The applicant does not live at the address at the present time however he plans to construct a home at the site within a year. Joe Romano reviewed the short form SEQRA for the Board. Motion for Negative Declaration for the SEQRA was made by 1st Steven Melnyk with a 2nd from Paul Gundrum. All members were in favor. Motion was carried. Motion to approve Site Plan Review for construction of a horse barn at 76 Catskill View Rd. was made by 1st Paul Gundrum with a 2^d from Steven Harder. All members were in favor. Motion carried.

Buck Hill Development Ltd./Conrad Coon: Rte 23 & Taconic State Parkway.

Tax Map # (SBL) 133 . – 2 – 13. Special Exception & Use Variance for Self-Storage Units.

Mr. Conrad Coon was present. Letter received from Patrice Perry from the Columbia County Planning Department with recommendations. County Planning Department asks for the clearer definition regarding the provision of law for projects within two zones and comments regarding screening plan. Engineers comment letter from Joe Romano of Clough Harbour received. Joe Romano is waiting for Crawford to address his comment letter. Chairman Clegg asked the applicant what he is intending the proposed hours of operation to be. Mr. Coon stated the hours of operation would be 6:00 a.m. to 9:00 p.m. with a coded gate controlled by the main computer at his 9-H site. Mr. Clegg asked how the storage would be controlled. Mr. Coon stated that the units would not contain electricity, heat, or lights. Lights for the site will be attached to the buildings for security purposes. Joe Romano informed the applicant that comments concerning the attached building lights would need to be addressed by Crawford and Associates. Mr. Coon informed the Board that the site would be checked daily. Board member Norma Barnard asked if there would be any light deflecting from the buildings off the property toward neighboring houses and the Taconic Parkway. Mr. Coon stated that he plans to install

downward facing lights. Mr. Coons informed the Board that he is currently awaiting comments from the New York State Department of Transportation for site distance report. Chairman Clegg asked if the application was sent to the Taconic Parkway Authority. Mr. Coons stated that the Taconic Parkway Authority is no longer responsible for the Parkway. The Parkway not falls under the jurisdiction of the NYS DOT. Mr. Coon asks the board to consider the following two changes to his Site Plan: #1 plant one row of trees along the Parkway instead of three, and #2 increase the height of the buildings from 8' 4" to 9' 4" to allow for a better area of storage per unit. Board member Steven Melnyk asked the applicant why he wants to decrease the rows of trees used for screening along the Parkway. Mr. Coon supplied the Board with photos of the area showing that the Parkway has a large area of screening currently with large mature trees and shrubs so he feels that three rows of trees may be over doing it. Board members agree after viewing the photos that only one row of trees will be needed along the Parkway. Board member Paul Gundrum informed Mr. Coon that the trees need to be planted 8-foot on center and 10-foot on center for staggered rows. The Board agreed that the Site Plan can be changed to show that only one row of 8-foot on center trees is required along the Parkway, the height of the buildings increased from 8' 4" to 9' 4", and also because the Board has agreed to only one row of trees along the Parkway that the applicant is then required to plan two rows of staggered 10-foot on center trees along the Savery property for screening. Joe Romano informed the applicant that he would need the NYS DOT curb cut permit. Mr. Coon stated that he would most likely not have the permits before the November meeting. Board member David Graziano asked the applicant to remove the two areas that note on the map referencing annexation. Continued to November meeting.

Drake Petroleum, Inc./ (X-tra Mart): – Rte 9-H & 23 Claverack. Tax Map #(SBL) 121 . 03 – 2 – 13
Revision of original ZBA condition in order to expand hours of operation from 7:00 a.m. – 10:00 p.m. to 6:00 a.m. – 12:00 a.m.

Applicant is asking for previously approved condition for hours of operation in order to be competitive in the market. When asked by Board member Steven Melnyk whether the hours of operation currently imposed by the ZBA are being adhered to the applicant stated no. The applicant stated that the store is open most days by 6:00 a.m. Applicant acknowledges that this is not within the conditions of the approved plan. Applicant informs the Board that they would like to have on restrictions with regard to conditions for hours of operation. Wanting to be allowed to be open 24 hours 7 days a week. Currently Germantown store had hour of operation changed from 24 hours a day to 6:00 a.m. – 12:00 a.m. The company store located at Bells Pond is a 24-hour operation. Chairman Clegg asked Rob Fitzsimmons if the Town of Claverack Zoning Laws restricts the hours of operation within the hamlet of Claverack. Rob Fitzsimmons stated no. Board member Norma Barnard reminded the Board that two other similar stores asked for their hours of operation to be changed and the Board denied both requests. Fink's Mobile station and Cobble Pond Farms store. Both sites are limited to hours of 7:00 a.m. to 10:00 p.m. but Cobble Pond Farm store is open before 7:00 a.m. even though they are not supposed to be. Chairman Clegg stated that 6:00 a.m. is a feasible time to open a store of this type but to be open after 10:00 p.m. is too late for the area. Board members Steven Melnyk, Steven Harder, Norma Barnard, and Paul Gundrum all agreed that after 10:00 p.m. is too late. Applicant stated to the Board that their customers are requesting the longer and later hours of operation. Board member David Graziano informed the applicant that later hours of operation are not feasible for the location of the store and the surrounding area, i.e. hamlet of Claverack densely populated. Also David Graziano stated that the applicant admitted the store is not conforming to the conditions of operation now what is to make them stick to the hours if they are longer and later. He felt that allowing the store to be open until 12:00 a.m. might mean the store is staying open until 1:00 a.m. or 2:00 a.m. in the morning. Board member Steven Melnyk stated that he is also concerned with later hours of operation in the hamlet of Claverack. Chairman Clegg opened the public comment at 7:47 p.m. Norman Merritt of Rte 23 about 3 residences east of the store is concerned with extending the hours of operation. Mr. Merritt informed the applicant that he cleans up garbage from his property from the store on a daily basis. Mr. Merritt stated that he does not see the need for the store to be open later then 10:00 p.m. Not enough traffic. Later hours will only bring people to the store to purchase beer. Detrimental to area after 10:00 p.m. Mr. Merritt agrees that the store opening earlier, 6:00 a.m. or even 5:00 a.m. is a good idea. Happy to allow earlier hours but not later. Valarie Makowski of Route 23 diagonal from the store is happy every night when the large lighted sign is turned off at 10:00 p.m. Car lights are a constant annoyance in her windows from entering and exiting traffic. Detrimental to allow hours after 10:0 p.m. Closed public comment at 8:00 p.m. All

of the members of the Board were polled for comments. Norma Barnard 6:00 a.m. – 10:00 p.m., Steven Harder 6:00 a.m. – 10:00 p.m., Steven Melnyk 5:00 or 6:00 a.m. – 10:00 p.m. Frank Clegg 6:00 a.m. – 10:00 p.m., David Graziano 6:00 – 10:00 p.m. The applicant asked the Board if they would consider the allowing their application to change to 5:00 a.m. instead of 6:00 a.m. Board members stated that they would consider only the hours of operation asked for on the application at this time. Motion for Negative SEQRA declaration was made by 1st Steven Harder with a 2nd from Steven Melnyk. All Board members were in favor. Motion carried.

Motion to modify previously approved Site Plan conditions regarding hours of operation granting change of hours of operation from currently 7:00 a.m. – 10:00 p.m. to 6:00 a.m. – 10:00 p.m. was made by 1st Paul Gundrum with a 2nd from Steven Harder. All Board members were in favor. Motion was carried.

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.

Applicant is asking for Site Plan Review for construction of a building on 3 lots located on Bender Blvd in the Columbia County Commerce Park across from the current Cantele building. Applicant already owns the building to be constructed. The building is to be used 80% for storage of medical and legal records and the other 20% will be used for the fabrication of parts for pole barn construction and storage of windows for these barns. Board member Norma Barnard asked Rob Fitzsimmons if 2 uses within the same building are allowable. Rob Fitzsimmons answered that the Commerce Park regulations stipulate that this is allowed, Columbia County has approved the uses, and the site is within the BIC district. Joe Romano informed the applicant that he requires a \$2,000.00 escrow account be set up with the Town Clerk for him to conduct an engineering review of the project. Any unused money will be refunded. Steven Melnyk asked what the applicant is projecting the hours of operation to be. The applicant stated that most likely 7:00 a.m. to 5:00 p.m. Monday through Friday. The applicant informed the Board that loading docks are required in the Commerce Park but the site is not feasible for one to be attached to the building. The proposed loading dock is shown away from the building. Opened to public comments at 8:25 p.m. With no comments the public comment will be continued to the November meeting. Rob Fitzsimmons informed the Board that the application would be referred to the Columbia County Planning Department. Continued to November.

Motion to adjourn the October 24, 2007 meeting of the Town of Claverack Zoning Board of Appeals at 8:30 p.m. was made by 1st Paul Gundrum with a 2nd from Steven Harder. All members were in favor. Motion was carried. Meeting adjourned.

The next meeting of the Town of Claverack Zoning Board of Appeals will be held on Wednesday, November 28, 2007.

Respectfully submitted,

Jodi Keyser
ZBA Secretary