

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

APPROVED 12/13/06

The Town of Claverack Zoning Board of Appeals meeting for October 25, 2006 was called to order by Chairman Michael Brandon at 7:30. Chairman Brandon led the Board and audience in the Pledge of Allegiance.

Chairman Brandon introduced the Board members present at the meeting as follows: Chairman Brandon, Frank Clegg, Norma Barnard, Steven Harder, Jock Winch, Paul Gundrum, Town Attorney Rob Fitzsimmons, Town Engineer Joe Romano, and Secretary Jodi Keyser. Absent with regrets is Stephen Melnyk.

Meeting was taped by Howard Brandston.

Correspondences received for the month were:

Letter from concerned citizens regarding the Morning Star project. Chairman Brandon informed the Board and audience that the project is not before this Board as of yet.

Letter received from Bob and Sandy Kisselbrack sending thanks to the ZBA.

Progress report from the TOC Comprehensive Planning Committee.

NYS DOT letter regarding the Won Buddhism project.

Letters from Pat Prendergast dated 10/17/06 and 10/23/06 regarding Won Buddhism Project.

Comprehensive Project Description of the proposed Won Buddhism Project from Brezavar and Brezavar Architects for the project dated 10/16/06.

Training for Municipal Officials sponsored by the Columbia County Planning Board will be held on November 30, 2006 at Columbia Greene Community College presented by the NYS Department of State.

The Board members reviewed minutes of September meeting. A change to the last line of the Pace application to state that the applicant was asked to research other options for the project and return to the Board for the October meeting. Motion to accept the revised September minutes was made 1st by Norma with a 2nd from Frank. All members were in favor. Motion was carried.

Zoning Board Cases 10/25/06:

1. Stewardship at Millbrook Road

Letter submitted to file from Andrew Gilchrist of Tuczinski, Cavalier, Burstein & Collura, PC to Rob Fitzsimmons. Letter states that Mr. Gilchrist was informed via phone conversation of 10/24/06 stating that he understood that the ZBA would not be entertaining the Site Plan Review for the Stewardship on Millbrook Rd. because the plans were not submitted in time for the packets sent out to the Board members to review prior to the meeting night. He requests that the matter be adjourned and placed on the November agenda and he requests that the ZBA open a Public Hearing with respect to the site plan submittal at that time. It was the consensus of the Board members that they would like to look over the site plan package prior to making the decision on opening a Public Hearing. Continued to November meeting.

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

New maps submitted with minor changes. Letters from Pat Prendergast dated 10/17/06 and 10/23/06. Narrative of proposed project submitted from Brezavar and Brezavar Architects. Letter from Howard Brandston Pat Prendergast informed the Board that Claverack Pump Service performed a 72-hour pump test. The well tested fine as per Mr. Prendergast showing only a high level of Fluoride. May need to install a softener at first as per Culligan Water Service.

Still need a temporary housing permit from Department of Health. On hold until the DOH receives more detailed architectural plans showing number of bathrooms, fire escapes, and fire/smoke alarms

Rob Fitzsimmons informed the Board that a letter including the letters received at the last meeting from concerned neighbors was sent to the NYS DOT. Received a letter in response from Joseph Visconti, NYS DOT standing by permit as is. Chairman Brandon informed the audience that the ZBA does not have jurisdiction over roadway. Letter from Pat Prendergast answering the issue of segmentation. Chairman Brandon informed the applicant that he would like to see future Phase II with all buildings, i.e. museum. Mr. Karp informed Mr. Brandon that the applicant has decided not to build a museum on this site ever. Mr. Brezavar, “No need for museum or retirement housing in the future”, also addressed this issue. Rob Fitzsimmons informed the Board that if in 5, 10, or 15 years the applicant decides to build other buildings they must re-apply for site plan review with the ZBA. Pat Prendergast stated that the only concerns found within the SEQRA were traffic issues. A full traffic study was performed for worst case i.e. most people on site, full build out, museum, retirement housing.

Mr. Karp asked the Board to hold Public Hearing at the November meeting. Rob Fitzsimmons will send out Notice of Intent to interested parties with narrative attached. NYS DOT, NYS DEC, ACOE, NYSOPRH, US Fish & Wildlife, Columbia County Planning, Columbia County Public Works, TOC Building Inspector. Churchtown Fire Company, Claverack Fire Company, Greenport Rescue Squad, Philmont Rescue Squad, and Claverack Town Board.

Motion to accept Won Buddhism of America application complete as submitted, to send notice on intent to interested parties asking that the Town of Claverack Zoning Board of Appeals given Lead Agency Status, and formally open Public Comment period made by 1st Paul Gundrum with a 2nd from Steven Harder. All members were in favor. Motion was carried.

Mr. Howard Brandston asked to read a letter in response to Mr. Karp’s letter. Copies were given to Mr. Karp, Mr. Prendergast, Mr. Brezavar, and one submitted to the file.

3. 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 informed the applicant and his attorneys that they have received a first strike from this Board for failure to inform the ZBA they would not be attending the September meeting. The applicant’s attorney apologized to the Board but could not attend due to health situation.

Mr. Morgan, applicant’s attorney made the argument that this was not a voluntary non-conforming use. The applicant believed that the full term of the contract with the NYSP would be honored. Mr. Kosich could not stop them from leaving the site. Sheila Galvin addressed the Special Exception issue due to the fact that this was not a voluntary discontinuance of use by Mr. Kosich himself but when the leaseholder left the building for another site the vacant building did not conform to residential use. She argued that a Vet clinic is a less intrusive use than that of the NYSP therefore it is an improved use (animals are less harmful than criminals are). The applicant is seeking Use Variance for the purpose of using the building for a Vet Clinic is very reasonable and conforms to 4 requirements of the ZBA regulations and statutory regulations. 1). Too costly to convert to a single-family residence. 2). Agricultural Husbandry 5 or more of the same animal housed at site not a benefit to area and roadway. 3). Agricultural Cultivation of Crops – paved parking area not conducive to crop production. 4). Home Occupation – not suited for due to governmental use for offices by N\$YSP. 5). Bed & Breakfast/Owner Occupied – jokingly referenced the adult use of a B&B in Schenectady.

Mr. Kosich has a buyer for the property that he feels will be the least offensive to the area but up to the ZBA to decide. Mr. Kosich informed the Board that the property use as a vet clinic could enhancing to the neighborhood and the closest small animal vet clinic is at least 6 miles away. Mr. Clegg felt that traffic at the site might be a problem. Mr. Morgan answered that the traffic will be controlled by the clinic itself by scheduling appointments. Jock Winch asked if this application would need a full site plan review. Mr. Kosich answered that the building conforms to small animal use with small rooms for exams to keep animals apart. Chairman Brandon received a letter of concern from Norman Mintz. Chairman Brandon called Mr. Mintz personally to let him know what the applicant was proposing to use the building for. After Chairman Brandon spoke to Mr. Mintz he was in better favor of the plan. Mr. Mintz was afraid of a “Taco Bell” type of use for the building. Rob Fitzsimmons informed the applicant and his attorneys that the application needed to be sent to County Planning for review for a Use Variance and that the applicant needs to supply the ZBA with argument for #4 Self Created Hardship and the applicant was

given the form for this issue to fill out. Chairman Brandon opened the meeting to Public Hearing at 8:55 PM. No comments. Continued to November.

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

No Show 1st strike

5. 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.

No Show 1st strike

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

No Show 1st strike.

7. 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.

Board Secretary was informed that the applicant wished to be continued to November and will contact her for the date of the meeting.

8. Delamater, Thomas: Tax Map #(SBL) 121 . 4 – 1 – 21. Area variance for side and rear setbacks to construct a shed in yard. 8 Perry Drive.

Applicant wishes to construct a 10' X 12' garden shed in his back yard. Applicant seeks an area variance for rear yard setbacks. Shed will be built, delivered, and set up by A to Z sheds. Certified letters were sent to all neighbors with no opposition. Shed will not be visible from rear neighbor, may be seen from neighbors on Hover Ave. No other place for shed due to size of yard. Development was built prior to Zoning Laws making yard sizes small. Applicant was asked if he erected a sign obtained from the Town Office. Mr. Delamater was unaware of need for a sign. Rob Fitzsimmons informed the applicant and the Board that the sign is a code requirement and the applicant should get the sign up for the appropriate amount of time to be safe. Mr. Delamater agreed and will erect the sign ASAP. Continued to November.

Board members then decided that the November meeting should be changed due to the fact that November 22nd falls the eve of Thanksgiving. The Board decided that in the past they combined the November and December meetings into one night. After looking at the calendar December 13, 2006 will be the next meeting for the Town of Claverack Zoning Board of appeals.

Motion to adjourn the meeting at 9:35 was made by 1st Paul Gundrum with a 2nd from Frank Clegg. All members were in favor. Motion was carried.

The next meeting of the Town of Claverack Zoning Board of Appeals will be a combined meeting for the months of November and December to be held on December 13, 2006 at 7:30 PM at the Town Hall Building.

Respectfully submitted,

Jodi Keyser
Secretary