

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

APPROVED 1/24/07

The December 13, 2006 meeting of the Town of Claverack Zoning Board of Appeals was called to order at 7:30. Chairman Mike Brandon led the Board and members of the audience in the Pledge of Allegiance. Members in attendance were Chairman Brandon, Frank Clegg, Norma Barnard, Steven Harder, Jock Winch, Paul Gundrum, Engineer; Joe Romano, Attorney; Rob Fitzsimmons, and Secretary; Jodi Keyser. Absent: Stephen Melnyk.

The Board members reviewed the minutes of October meeting. Motion to accept the October minutes as written was made by 1st Frank Clegg with a 2nd from Norma Barnard. All members were in favor. Motion was carried.

Zoning Board Cases 12/13/06:

1. Stewardship at Millbrook Road

Mr. Gilchrist and Mr. Bossolini were present. Before this Board with Site Plan review for structures located on the #49 lot owned by the Homeowners Association. Plat Plan is currently before the Town of Claverack Planning Board. DOH sewer and water plans for the 48 residential lots are in the design stage and almost finished. ACOE and DEC have signed off on 2 smaller wetland areas. DEC comments on large pond area limiting the depth of the pond to 6' feet. Revised wetland plan in design stage. Site Plan Review consists of 4 structures on the #49 lot owned by the HOA. Structures are as follows: Pavilion House is a large shed type of structure with large porch and screened in main building with no septic and no bathrooms. Structure #2 is a Community Garden Cottage/shed with an attached greenhouse used for potting, starting plants, and storage of garden equipment with water and electric but no bathroom facilities. Structure #3 is an Observation Platform, which is a simple raised flat platform with stairs to the second level observatory. Structure #4 is a Maintenance Shed for storage of equipment and other items used for the HOA i.e. fencing. No Fuel Storage on site. Fencing will surround the community garden. Chairman Brandon asked Mr. Bossolini to research the number of people that could possibly be using the Pavilion House at one time to make sure that the plan conforms to the fire code and facilities conform to the DOH code for water and facilities. Set backs on all structures conform to code. Not asking for any variances. Simple low-impact structures. Metal barn currently existing on the property will be removed after construction is complete. Asking to be continued to January with a public hearing set for that night to keep the project moving. Engineers comments from Joe Romano include the following: more detail plans for landscaping, lighting, building heights, handicapped parking and accessibility, fencing, building square footage, setbacks, utilities to the structures, curb cuts for Maintenance shed, gravel driveways connected to paved roadways should be paved a certain distance to stop loose gravel from spreading onto the paved area, Note on plan that metal barn will be removed at completion of project. Chairman Brandon asked what the real name for the project is. Mr. Gilchrist informed the Board that the development is called the Stewardship on Millbrook Rd. and the applicant is Claverack Housing Ventures LLC for clarity. Continued to January scheduled for public hearing.

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

Pat Prendergast, Bernard Karp, Floyd Brezavar, Reverend Lee, and Reverend Park were present. Public hearing scheduled for tonight's meeting. DOH septic approved. Well tested slightly high for fluoride. May install a reverse osmosis system or drill a new well. Not regulated by DOH due to non-communal

property water system. Still need a temporary Certificate of Occupancy. 12 residents year round = non-communal. Well tested 5 gallons per minute for 72 hours with a 5,000-gallon storage tank. Letter received from NYS Office of Parks, Recreation, and Historic Preservation requesting more information regarding the project be submitted to the file. Chairman Brandon opened the meeting to public hearing at 8:12 PM asking that members of the audience limit their comment to 3 minutes.

Howard Brandston of Hollowville, NY informed the Board that he met with Mr. Karp and Mr. Prendergast that afternoon to review his concerns. Mr. Brandston was happy to report that many of his concerns were alleviated. He is however still concerned with the lighting of the project. He feels that the lighting will be too bright for the area and will be a great intrusion on the surrounding area. Mr. Brandston is happy with the parking area; acres that are still within the Conservation Easement are clearly stated. He is happy with the project just want to insure that things are done as stated. Project architect Floyd Brezavar stated for the Board that he respects Mr. Brandston's expertise with the lighting and that the lighting design needs to be massaged a little but lighting was engineered by professionals. Mr. Brandston would like to see a full lighting survey done with cars in the parking lot because they have a reflective property that disperses light back into the sky. He feels that the lighting fixtures are not the proper ones for the design. Mr. Prendergast informed the Board that the lights would most likely be turned off at night between certain hours.

Marie Leicht, Claverack informed the Board that she is for the project itself but is very concerned with the traffic and the entrance to the center. She knows that the DOT has approved the plan but she feels that it is dangerous for cars to enter and exit the center and the roadway is too narrow. Nowhere for traffic to get off of the road with other traffic passing. Reminded the Board of a terrible crash at Spook Rock Rd. and Rte. 9-H that killed and seriously injured many children a few years ago. Same roadway situation then and after the crash DOT constructed another lane to get over and pass a vehicle that is turning into Spook Rock Rd. Traffic coming over the hill on Rte 23 can not see cars slowed to pull into the center. Does not want there to be another terrible accident at this site on her conscious.

Lila Pague, 28 Johnson Rd. informed the Board that she feels that the lighting issues are crucial particularly because of the Conservation area. She is also concerned with the traffic situation in the area. Howard Brandston informed the Board that he feels that the darkness of the sky in the proposed area and light bouncing from the cars in the parking area will look like Columbia Memorial Hospital at night. Mr. Brezavar answered that the day ends at the retreat at approximately 10:00 PM and the lights are not needed after that time so they may be off at the darkest time of night. Mr. Prendergast stated that traffic issues were addressed and the lighting issue is being looked at. Jock Winch stated that he felt that the traffic issue was not addressed adequately in his opinion. He would like to see the entrance moved or widened area of roadway. Mr. Winch understands that DOT has approved the plan it would be in the best interest of the applicant to make a change to the entrance to avoid an accident and people hurt or killed. With the small bridge on Rte. 23 near the entrance there is nowhere for traffic to go to avoid a crash. Does not want to see someone killed at a religious retreat. Mr. Prendergast answered that the roadway is widened by 10 feet and that DOT told them where to put the entrance. Chairman Brandon stated that the proposed entrance has been used for many years by farming equipment without incident. Rob Fitzsimmons informed the audience and Board that with strenuous public comment and letters regarding the traffic concerns sent to DOT asking for that department to take another look at the site. DOT replied to the letters stating that they are fine with the entrance and roadway plan. Therefore the developer can get a work permit and start construction. He added that the developer could do something different if they chose to but they do not have to. Jock Winch stated that he understands that to improve the traffic on the road or lower the speed limit is difficult to have done but he would like the developer to change the entrance to do the most possible to make the entrance the safest it can be. Joe Romano informed the applicant's representatives that the lighting issues need to be addressed further and the letter from NYSOPRHP issue resolved with that agency before the Board can give approval. The TOC ZBA will take lead agency status at the conclusion of the public hearing. Continued to January.

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

Columbia County Planning response received indicating that the project will in their estimation has no significant countywide or inter-community impact associated with the use of the building being a vet clinic. Draft findings from Mr. Morgan were submitted. Chairman Brandon asked if there is still a vet interested in the building. Mr. Morgan answered yes. Jock Winch wanted to have section #54 sited for the file. Rob Fitzsimmons informed the Board that DOT is waived due to pre-existing curb cuts. Also stated that the Board is receptive to use and the Board has to acknowledge that it is not a self-created hardship because the building was built for a specific use for the State Police/governmental use ceasing with usable life left in the building. Paul Gundrum stated that he felt that the Board is not setting precedence because there are not too many New York State Police barracks left vacant that were built specifically for their use. Chairman Brandon stated that there has not been public outcry against the vet clinic in the building. Opened to public hearing at 9:04 PM no comments public hearing was closed at 9:05 PM. Joe Romano reviewed the short form SEQRA. Motion for a Negative SEQRA declaration made by 1st Norma Barnard with a 2nd from Paul Gundrum. All were in favor. Motion carried.

Motion was made by Norma Barnard to accept use variance with the condition that the vet clinic receives a full site plan review from the Town of Claverack Zoning Board of Appeals with a 2nd from Frank Clegg. All were in favor. Motion carried.

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

No Show Strike #2

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.

Informed the secretary that he wished to be continued to the January 2007 meeting and would be meeting with the building inspector.

6. 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.

Removal Bond received from Crown Atlantic. Renewal permits. Permits had expired renewed all permits for all installations. Received \$1000.00 escrow on 11/22/06. Removal bond of \$15,000.00 fire insurance of \$15,000.00 submitted. Rob Fitzsimmons informed the Board that he feels from now on the Town needs to diary cell tower permits to make sure they are current. Certificate of Liability will expire on 6/2007 up to applicant to renew. No Board questions. Chairman Brandon opened the public hearing at 9:17 PM Only one comment from Bruce Madlem Hunt Club via board secretary, stating they are O.K. with the proposal. Public hearing closed at 9:18 P.M. Short form SEQRA reviewed. Motion for a Negative SEQRA declaration made by 1st Paul Gundrum with a 2nd from Steven Harder. All were in favor. Motion was carried.

Motion for accepting of special exception and approval of renewal for cell tower change made by 1st Jock Winch with a 2nd from Steven Harder. All were in favor. Motion was carried.

7. 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.

Construction of a 10' X 12' shed in rear yard requiring side and rear area variance. Signs were erected. No negative comments received. Norma Barnard informed the Board that she viewed at least 10 sheds in the neighborhood. Chairman Brandon opened public hearing at 9:24 P.M. No comments. Closed public hearing at 9:24 P.M.

Motion for Negative SERQA declaration made by 1st Jock Winch with a 2nd from Steven Harder. All were in favor. Motion was carried.

Motion to grant Area Variance as plotted on maps was made by 1st Norma Barnard with a 2nd from Steven Harder. All were in favor. Motion was carried.

Board member Steven Harder thanked outgoing Chairman Michael Brandon for his service to the Town of Claverack and the Zoning Board of Appeals at this his last meeting. Norma Barnard added “Excellent service”.

Chairman Brandon asked for a motion to go into executive session. Motion to go into executive session was made by 1st Steven Harder with a 2nd from Jock Winch. All were in favor. Motion carried.

Executive session lasted from 9:30 P.M. to 9:48 P.M. Motion to go out of executive session was made by 1st Norma Barnard with a 2nd from Paul Gundrum. All were in favor. Motion was carried.

The Board learned that Frank Clegg will take over as Chairman and the vacant seat will be filled with Mr. Graziano.

Motion to adjourn was made by 1st Norma Barnard with a 2nd from Steven Harder. All were in favor. Motion carried. Meeting was adjourned at 9:55 P.M.

Respectfully submitted,

Jodi Keyser
Secretary