

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544  
Minutes of April 25, 2012

Approved 5/23/12

Chairman Frank Clegg called the April 25, 2012 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Clegg led members of the Board and audience in the Pledge of Allegiance. Members in attendance were: Chairman Frank Clegg, Steven Melnyk, David Graziano, Oliver Milot, Paul Gundrum, Jock Winch, engineer Paul McCreary, attorney Rob Fitzsimmons, and secretary Jodi Keyser.

Absent with regrets: Kim Keil

Correspondence: None

Members reviewed the minutes of March 28, 2012 meeting.

Motion to approve minutes of March 28, 2012 was made by Steven Melnyk with a second from Oliver Milot. All members were in favor. Motion carried.

**Continuing Applications for 4/25/12:**

**Claverack Free Library:** 9 Rte 9-H & 629 Rte 23-B Tax Map #(SBL) 121 . 03 – 1 – 91 & 121 . 03 – 1 -90. Site Plan Review for the conversion of former firehouse building into a public library.

Mike Sullivan from Crawford and Associates, Jenny Post and Sue Roberts were present for the application. Mr. Sullivan reviewed the application for the Board. Mr. Sullivan informed the Board that the lighting for the sign was changed from ground mounting to lighting mounted onto the sign to meet TOC ZBA code. Mr. Sullivan informed the Board the application has NYS DOT approval for the entrances, HCSD easement agreement, and CCDOH for septic replacement. Mr. Sullivan then gave the Board members a view of an artist's rendering of the site. Paul McCreary informed the Board that his office has reviewed the applicant's plans and has two comments. Mr. McCreary asked Mr. Sullivan if he is confident that the two existing dry wells will be able to hold the storm water runoff as the plan calls for. Mr. Sullivan stated that he has inspected the existing dry wells and the site perks quite well because of the sandy soil below the site. Chairman Frank Clegg asked if water pools during rain. Jock Winch stated that he has never noticed pooling of water ever at the site. Paul McCreary then addressed his second concern. Mr. McCreary stated that he noted that the parking spaces shown on the site plan are 9' X 18' and TOC Zoning regulations call for 10' X 20'. Mr. Sullivan asked the Board how strict the parking space size is because the Library Association wanted to make as much parking as possible. Chairman Frank Clegg informed Mr. Sullivan that the change of the parking space size would require an area variance. Jenny Post asked Mr. Sullivan about how many parking spaces would be lost to the change. Mr. Sullivan stated that approximately 3 – 4 spaces would be lost. Mrs. Post and Mrs. Roberts informed the

Board that they were hoping to make as many parking spaces as possible for parking during special events. Steven Melnyk asked Mr. Sullivan how many parking spaces are allotted. Mr. Sullivan informed the Board that the plan shows 24 parking spaces in Phase 1. Chairman Frank Clegg asked if parking is a problem on a daily basis. Mrs. Post informed the Board that parking is sufficient for daily use but would need more for special events.

Chairman Frank Clegg opened the meeting to public hearing at 7:40 p.m. No comments. Chairman Clegg closed the public hearing at 7:42 p.m.

Paul McCreary informed the Board that he has visited the site and after reviewing the plans finds no significant environmental impact to the area.

Motion to declare negative declaration with regard to SEQRA was made by Steven Melnyk with a second from David Graziano. All members were in favor. Motion carried.

Motion to approve Site Plan Review for Phase 1 of the Claverack Free Library with condition to parking spaces to meet Town of Claverack Zoning Regulations was made by Jock Winch with a second from David Graziano. All members were in favor. Motion carried.

Mr. Sullivan will supply revised Site Plan drawings after making parking space size revisions for stamping and signing.

**Common Hands Farm:** 321 Rte 23-B extending to Webb Rd. Tax Map #(SBL) 120 . – 1 – 04 . 210. Site Plan Review for organic CSA farm and structures.

Moke Mokotoff, Dan McManus, and Tess Parker were present for the application. Mr. McManus explained to the Board that his application is seeking to allow a processing shed for washing dirt and boxing vegetables and fruits that will be organically grown on the CSA farm. Mr. McManus continued that the building department required a full site plan review. Mr. McManus explained that the CSA will have only off site sales with members picking up their boxes at the farmers market located on Columbia Street in Hudson and they will also travel to a farmers market in Brooklyn. Mr. McManus informed the board that they have spoken with NYS DOT Joe Visconti regarding the driveway permits. Mr. Visconti visited the site and gave verbal instructions but no formal official permits from NYS DOT as of this meeting. Chairman Frank Clegg stated that he has a problem with washing the vegetables and fruits without CCDOH approval of a septic system. Mr. McManus informed the Board that the plan is to use a small on site pond for runoff of the washing process. Mr. McManus continued that the CSA will not use pesticides or raw manure so contamination is not a concern. No farm odors either. Chairman Clegg asked what types of vegetables will be grown on the farm. Ms. Parker stated that typical vegetables like broccoli, beets, beans, carrots, etc. Ms. Parker continued that the CSA members will pick up their weekly allotment of vegetables at either the Hudson site or the Brooklyn site. Jock Winch asked about the on-site travel trailers that were recently placed at the site. Jock Winch continued that for the trailers to remain the applicant would need to seek a variance because the trailers are not allowed and were not allowed at the same site by the previous owner of the property. Jock Winch suggested fixing and using the existing pole barn for storage. Mr. McManus informed the Board that the trailers belong to him and due to a recent relocation to Hudson which left him without a place to park the trailers Mr. Mokotoff was gracious enough to allow him

to park the trailers on his property. Mr. McManus stated that the trailers are only used for storing tools, seeds, etc. that need to be protected from the weather. Mr. McManus then asked the Board if they had any suggestions on where he might be able to park and store his trailers because he sees trailers being stored and parked across the street from the property. Jock Winch informed Mr. McManus that private homeowners are allowed to park their trailers on their property but this property is not a residential site and is therefore different. Mr. McManus informed the Board that the pole barn is in poor shape. Mr. McManus asked if fixing the pole barn would require additional permits. Rob Fitzsimmons informed the applicants that a building permit would be required to fix the pole barn. Rob Fitzsimmons informed the Board that he received an email from Stan Koloski to state that campgrounds are not allowed at the site and if the TOC ZBA were to allow the trailers to remain then they would need to clarify and stipulate conditions and location and they could not be moved or changed. Mr. McManus informed the Board that after the last meeting he did move the trailers further into the field to hide from the road so it did not look bad for the neighbors or residents. Mr. McManus stated that the appearance of the farm is of the highest importance to him and Ms. Parker. Jock Winch stated that it is a good idea to be a good neighbor. Rob Fitzsimmons informed the applicants that the trailers are not to be used for housing ever not even just for an overnight because of the lack of proper septic. Chairman Frank Clegg opened the meeting to public hearing at 7:57 p.m. Questions were raised about the public hearing sign and whether it was posted in a timely manner. Ms. Parker stated that the sign was placed at the proposed entrance and was there for at least a month. Steven Melnyk asked if the applicants have heard from the neighbors and how do they feel about the trailers. Mr. McManus informed the Board that feedback from the neighbors has been favorable, glad to have in area, and some are new customers. Mr. McManus continued that he personally spoke to Brian Keeler who is the closest neighbor to the project and he had no objections. Mary Daly of Webb Rd. wanted the applicants to assure the neighborhood that trailers are not inhabited. Mr. Mokotoff the owner of the property also stated that he does not want anyone living in the trailers. Skip Hover of the Claverack Service Station asked if the trailers are permanent or will the Board require the applicant to remove them. Mr. McManus informed the Board that he intends to remove the trailers at some point but needs to build the processing shed. Mr. Hover asked if the trailers contain sleeping quarters because most travel trailers do. Mr. McManus stated that the trailers do contain beds but they are folded up and there are no blankets or pillows in the trailers. Mr. Hover stated that the trailers should be moved below the hill to hide. David Graziano asked Mr. McManus if he has a definite timeline to remove the trailers. Mr. McManus stated that he does not have a definite time for removal because he would need to sell them or figure out another place to store them. Steven Melnyk suggested storing the trailers across the street. Another neighbor asked about bathroom facilities for workers. Mr. McManus informed the Board that a port-o-potty was placed at the site for bathrooms. Public hearing was closed at 8:03 p.m. Rob Fitzsimmons reviewed the SEQRA for the Board. Motion to declare negative declaration with regard to SEQRA was made by Paul Gundrum with a second from Jock Winch. All members were in favor. Motion carried. Motion to approve Site Plan Review for processing shed at CSA with the condition that the trailers on the site are permanently removed after the current growing season by

January 1, 2013 was made by Jock Winch with a second from Oliver Milot. All members were in favor. Motion carried.

### **New Applications:**

**Won Dharma Center:** 361 Route 23 Tax Map #(SBL)122 . 00 – 01 – 53 Modification of signage of a previously approved Site Plan and Site Plan Review for addition of pole mounted solar panel to power sign backlighting.

Pat Prendergast was present for the application. Mr. Prendergast explained the application for the Board. Mr. Prendergast stated that the application is for a modification of a previously approved site plan review. Mr. Prendergast continued that the sign for the Won Dharma Center is lit using solar panels on the top of the sign and it backlights the lettering for the sign. The backlights keep going off because the solar panel on the top of the sign is not big enough to generate enough power to light the sign for a long time. Mr. Prendergast stated that the application is seeking to replace the solar panel on the top of the sign with a larger 3' X 5' solar panel that is mounted on a pole approximately 50' away from the sign in a wooded area to hide from view. Mr. Prendergast continued that when he approached the Town of Claverack Building Department for a permit for the larger solar panel they discovered that the actual sign did not meet TOC Zoning Regulations because of the size. Mr. Prendergast stated that the approved sign allowed for 12 square feet but he found out that symbols also count as a part of the sign therefore the sign is approximately 17 ½ square feet which makes the sign 5' too large. Mr. Prendergast continued that the application is actually for two separate issues. Rob Fitzsimmons informed the Board that it is more of an interpretation of what constitutes a sign and if symbols and letters or just letters because the calculations are different. Steven Melnyk asked the threshold for the size of the sign. Rob Fitzsimmons stated that the installation of a new larger solar panel requires a Site Plan Review because it is new. Steven Melnyk asked what brought up the size of the sign. Mr. Prendergast stated that when he applied for the larger solar panel Stan Koloski informed him that the size of the sign exceeded the allowed size because he counted the measurements of everything symbols and lettering together. Mr. Prendergast stated that the sign was not finished by the fall of 2011. Jock Winch asked if the applicant received a Certificate of Occupancy. Mr. Prendergast answered yes. Rob Fitzsimmons informed the Board that they can do an interpretation for the size of the sign. Chairman Frank Clegg asked what the solar panel looked like and how far from the sign will it be located. Mr. Prendergast stated that the solar panel and pole will be approximately 60' to 75 ' away from the sign with an 18" deep trench with conduit for the wires. Steven Melnyk asked Mr. Prendergast to supply accurate measurements and how far away can it be located before degradation of power. Mr. Prendergast answered that he is unsure but will find the answer. Chairman Frank Clegg asked if the solar panel will be able to work properly when it is hidden in the tree line and facing south because on the plan it seems like it would be facing a different direction. Pat Prendergast answered that the solar panel will face south and the installer will make sure it is placed correctly. Chairman Frank Clegg asked Rob Fitzsimmons if the application is required to be sent to the Columbia County Planning Department for review. Rob Fitzsimmons stated yes and directed secretary Jodi Keyser to send a copy of

the application to the CCPD for review at their next meeting. Application will be set for public hearing at the May 23, 2012 meeting.

Motion to adjourn meeting was made by Jock Winch with a second from Steven Melnyk. All members were in favor. Motion carried. Meeting adjourned at 8:25 p.m.

Respectfully submitted,  
Jodi Keyser  
Secretary