

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes of February 22, 2012
7:30 p.m.

Approved March 28, 2012

Chairman Frank Clegg called the February 22, 2012 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Clegg led members of the ZBA and audience with the Pledge of Allegiance.

Members in attendance were: Chairman Frank Clegg, David Graziano, Oliver Milot, Paul Gundrum, Jock Winch, attorney Rob Fitzsimmons, secretary Jodi Keyser, and welcome to new Board member Kim Keil
Absent were: Steven Melnyk and engineer Ray Jurkowski

Correspondence:

Letter from Edwin Sturges regarding Coyote Flaco.

Letter from Mary Ann Slovak regarding Coyote Flaco.

Letter from Charles Foote representing property owner George Opshanski regarding the Zoning revision with regard to Mt. Ida Wellhead Protection Overlay District.

Members reviewed the minutes of January 25, 2012 meeting.

Motion to approve the January 25, 2012 minutes as written was made by Oliver Milot with a second from Paul Gundrum. All members were in favor. Motion carried.

Continuing cases for 2/22/12:

Coyote Flaco/Elle Mae: 6032 Rte. 9-H/23 Hudson Tax Map #(SBL) 131 . – 1 – 5 Area Variance for the expansion of a non-conforming use.

Continued to March meeting

Foundation for Agricultural Integrity: 347 County Rte. 12 Tax Map # (SBL) 141. – 1 – 53 . 100

Site Plan Review for the construction of a new 35' X 96' Hoop Barn/Greenhouse for storage on proposed dairy farm.

Mr. Anderson, Ms. Rockefeller, and Laura Orlando were present for the application. Set for public hearing. Rob Fitzsimmons explained that the application required Columbia County Planning Board approval. Mr. Fitzsimmons continued that the Columbia County Planning Board had their monthly meeting on 1/21/12 which made it difficult to receive approval before the TOC ZBA meeting tonight. Rob Fitzsimmons asked Secretary Jodi Keyser the date the application was sent to the County Planning Board. Jodi Keyser referred to a copy of the letter to the Columbia County Planning Board dated 1/27/12 which was mailed on 1/30/12. Rob Fitzsimmons explained that the TOC ZBA needs the approval of the Columbia County Planning Board prior to approval. Ms. Orlando asked if the TOC ZBA could grant a conditional approval. Rob Fitzsimmons answered that the TOC ZBA can not conditionally approve the application because if the County Planning Board made significant revisions the TOC ZBA would require the applicant to fix the issues and that would take even more time. Rob Fitzsimmons advised Chairman Frank Clegg to open the public hearing to go forward. Chairman Clegg opened the public hearing at 7:35 p.m. Pam and George Starr informed the Board that they are neighbors of the application and are in favor of the plan. Bob Pruesser from the TOC Town Board and Churchtown Fire Company stated that he too was in favor of the application. John Walston who is the manager of the Stone House Farm stated that he was in favor of the application.

Chairman Clegg closed the public hearing at 7:40 p.m. Rob Fitzsimmons informed the applicants that the Columbia County Planning Board has 30 days to respond to the application. Rob Fitzsimmons continued that the applicants will need to return for the March meeting for TOC ZBA approval.

Foundation for Agricultural Integrity: 347 County Rte. 12 Tax Map # (SBL) 141. – 1 – 53 . 100
Special Exception for Dairy Farm with Farm Store/Farm Stand.

INFORMAL:

Claverack Library:

Stan Koloski began by explaining the issue for the Board. Mr. Koloski explained that Mr. Andy Aubin of Crawford and Associates came to his office to acquire a Building Permit to replace the roof at the old firehouse now owned by the Library. Stan Koloski continued that he is unable to issue a building permit for anything other than a 1 or 2 family residences or an accessory building to one of the above and everything else requires a Variance from the TOC ZBA. Stan Koloski continued that Mr. Aubin was sent to the TOC Building Department because the Library recently found a large leak in the roof which needs to be repaired to prevent further damage to the structure. Stan Koloski continued that upon further review Mr. Aubin explained that the roof replacement included a large cupola with sky lights at the same time. Mr. Koloski stated that this is more than just a roof replacement and would require a Full Site Plan Review and is usually a part of such an application. Stan Koloski informed the Board that due to the size of the modification to the roof he was not comfortable issuing a building permit. Mr. Aubin explained that the Library Board is seeking to replace the roof before the spring rains cause the situation to further deteriorate. Andy Aubin continued that the Library was ready to submit a Site Plan for review in June 2011. Mr. Aubin explained that NYS DOT informed him that the site would only require some new signs/markers for the entrance. Mr. Aubin continued that as they were ready to submit the application he was informed from NYS DOT that the site would require a full new entrance and DOT approval. Mr. Aubin explained that this news caused the Library Board to place the Site Plan on hold until they could get estimates for the cost and prepare to budget for them. Mr. Aubin informed the Board that he recently received a letter of approval from the NYS DOT for the entrance and the changes are significant and costly to the Library. Mr. Aubin continued the leaking roof is very bad and causing damage to the interior of the building and may cause more costly repairs needed to the building. Mr. Aubin explained that to replace the roof and then go back after the Site Plan approval to add the cupola/skylights would be very costly due to the structural changes required to the building. Mr. Aubin informed the Board that the roof lines are not changing only addition of the cupola/skylights. Stan Koloski informed the Board that the roof with the cupola/skylights included meets the height requirements of the TOC. Stan Koloski asked the Board if they would consider waiving the requirements at this time due to the emergency condition of the roof. Jock Winch stated that he felt it was an issue for the TOC Attorney. David Graziano stated that he understands the emergency and does not mean to pick on the Library but feels that the Board could be opening up a can of worms and everyone will expect a waiver and could be considered favoritism. Chairman Frank Clegg stated that the replacement of the roof would be allowed but the addition of the cupola/skylights needs to be reviewed by the TOC ZBA. Paul Gundrum stated that he can speak to the poor condition of the roof and understands the issue but this would otherwise require a Site Plan Review. Chairman Clegg stated that it is an emergency situation but the cupola/skylight addition is big. Stan Koloski informed the Board that the TOC ZBA could give emergency approval for the roof only and then do a full Site Plan Review at a later date. Rob Fitzsimmons stated that he understands the emergency but felt that the TOC ZBA would not have anything on file to show approval and the addition of the cupola/skylights is a large change to the building. Rob Fitzsimmons continued that the center of the village is very important to the residents and to not allow public input could cause problems later. Rob Fitzsimmons suggested doing a separate Site Plan Review for the roof replacement and cupola/skylights now and a full Site Plan review later or replace the roof without the cupola/skylight then add after Site Plan approval. Mr. Aubin stated that it would be too costly to do after. Jock Winch stated that adding the cupola/skylight after roof could cause damage to the new roof. Chairman Clegg asked the Board members for their view. Kim Keil suggested that the TOC ZBA grant emergency approval to replace the roof including adding the cupola/skylights. Rob Fitzsimmons informed Mr. Aubin that the issue is not something the TOC ZBA could approve tonight because of complaints after. Chairman Frank

Clegg asked if the roof could be patched until full Site Plan Review is completed. Paul Gundrum stated that the roof is very bad and can not be patched. Rob Fitzsimmons stated that approving separate pieces of the project could be considered segmentation of the application. Andy Aubin informed the Board that he is very close to having a Full Site Plan Review application ready for the TOC ZBA so he will go to the Library Board to see if they are ready to proceed with the full Site Plan before replacement of the roof. Mr. Aubin will meet with Stan Koloski to prepare the application for the TOC ZBA and possible return for the March meeting.

Motion to adjourn meeting was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried. Meeting adjourned at 8:05 p.m.