

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

Minutes: January 26, 2011

APPROVED 2/23/11

Chairman Frank Clegg called the January 26, 2011 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 PM

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

Members in attendance were:

Chairman Frank Clegg, Stephen Melnyk, Norma Barnard, David Graziano, Oliver Milot, Paul Gundrum, Attorney; Rob Fitzsimmons, and Secretary; Jodi Keyser

Absent: Jock Winch and Engineer; Paul McCreary

Correspondence:

Letter from Robert Considine regarding the placement of a sign for the application Danyell C. Ray d.b.a. Georgia Ray's Kitchen on Ginsberg Lane. Mr. Considine does not want the applicant to erect a sign on his property at the southeasterly corner of Ginsberg Lane. Mr. Considine's letter was filed in the Georgia Ray's Kitchen file.

Motion to accept the minutes of December 8, 2010 was made by Norma Barnard with a second from Oliver Milot. All members were in favor. Motion carried.

Continuing Board cases for 1/26/11:

Tri-Form Enterprises Inc.: Tax Map #(SBL) 141 . – 3 – 1 Special Use Permit for non-profit group/family home – membership club for individuals with disabilities. Located at former Stewardship on Millbrook Rd. property Mr. Bogdonovich; owner, Pat Prendergast; engineer, and Nancy Sciocchetti, attorney appeared for the application. Mr. Prendergast reminded the Board members that the applicant is seeking a Use Variance for a Club/Membership use of the former Millbrook Rd. property. Mr. Prendergast continued that the applicant is also seeking TOC Planning Board approval to combine the previously approved 49-lot Millbrook Rd. subdivision into one parcel. Mr. Prendergast added that the applicant is then seeking the return of the \$500,000.00 road bond from the TOC Town Board. Mr. Prendergast stated that the ZBA Special Use Permit is the first step in the process. David Graziano asked the applicant about the 990 Tax Exempt status. Rob Fitzsimmons stated that Triform is totally tax exempt. Stephen Melnyk reminded the Board that the Won Buddhist application was a totally tax exempt entity as was the Rockefeller farming operation recently approved for Hawthorne Valley. Mr. Melnyk then reminded that the Won Buddhist applicant stated that they could possibly make donations to the local fire and emergency services departments in the area but as of today they have never made any donations to anyone. Pat Prendergast then stated that the Won Buddhist Center does not help anyone as the Triform does. David Graziano asked if the application could be required to enter into a PIOLT agreement. Rob Fitzsimmons stated that PILOT programs are granted by a quasi-municipal entity to stimulate industry and business into a specific area. Rob Fitzsimmons continued stating that Triform is not an industry or business and neither the ZBA nor the TOC have the authority to ask for a PILOT payment and they are also tax exempt. Pat Prendergast informed the Board that the applicant is seeking a Special Use Permit from the ZBA and they will then take the next step by going before the Planning Board to dissolve the 49-lot subdivision. Rob Fitzsimmons reminded the Board that the applicant needs the ZBA to approve the Special Use Permit for Club/Membership use prior to the Planning Board dissolving the previously approved Millbrook Rd. subdivision and then the return of the roadway bond. Rob Fitzsimmons stated that the roadway bond would not be required for the Triform facility because the roadway is not required to be built to TOC specs and will be considered a private driveway. Stephen Melnyk suggested that it would be a nice gesture if the applicant were to donate a portion of the property to be used as a park or recreational area. Mr. Bogdonovich stated that the idea is a good one but he is not allowed to make that type of decision it would be up to the Triform Board of Directors. Mr. Melnyk asked how many employees work at the site. Mr. Bogdonovich stated that presently 7 employees work in Claverack. Mr. Melnyk then asked how many more employees does he expect to be hire. Mr. Bogdonovich stated that approximately 5 – 6 full time and possibly a couple of part-time employees could be hired eventually. Chairman Frank Clegg asked the applicant the number of residents to caregiver ratio would be. Mr. Bogdonovich stated that approximately 38 workers help

approximately 30 residents that are 19 to 70 years old. Mr. Bogdonovich stated that some of the caregivers are volunteers. Norma Barnard asked the applicant if signs informing of the public hearing were posted at the site. Mr. Bogdonovich stated yes that he posted two signs at each end of the property. Chairman Frank Clegg opened the meeting to the public for comments at 7:45 PM.

Jean Leonard of Valatie addressed the Board. Ms. Leonard stated that she is a Board member of Triform. Ms. Leonard stated that Triform helps people with disabilities by teaching life skills but also helps the local economy by spending money in the community. Ms. Leonard continued that the families contribute by making purchases at local restaurants, shopping centers, grocery stores, and other retail businesses. Families of Triform go to the local movie theaters and attend local concerts. Ms. Leonard also stated that Triform uses local contractors, oil companies, farmers, doctors, accountants, car dealerships, and repair shops for their services. Ms. Leonard stated that Triform's mission is to serve people in need of care and she looks forward to working with the Town of Claverack.

Skip Hover stated that the Buddhist Temple didn't agree to make any donations to the fire companies. Chairman Frank Clegg and Norma Barnard stated that the idea was mentioned but never agreed to.

Joseph Singleton sent a letter of support for the project and stated he is glad to have them as a neighbor. This letter was added to the file.

Stephen Melnyk asked Mr. Bogdonovich who pays the tuition for the residents. Mr. Bogdonovich stated that the parents pay tuition, which amounts to approximately \$700,000.00 total. Nancy Sciocchetti stated that the residents are young adults that are living in a beautiful home with a family providing educational and social therapy. Chairman Frank Clegg asked if many of the residents are from foreign countries. Mr. Bogdonovich stated that the facility has a resident from Mexico but the rest are a citizen of the United States. Mr. Bogdonovich continued many of the residents are from other states. Stephen Melnyk asked if the State of origin is then responsible for reimbursing Triform for the care of their resident. Mr. Bogdonovich stated that Triform does not receive capitol from other states because money is only reimbursed for the residents that attend a Day-Hab program. Day-Hab residents live locally in New York State, are picked up via bus, transported to the facility daily from 9:00 am to 5:00 PM and are then returned to their home. Chairman Frank Clegg closed the public comment at 7:55 PM.

Rob Fitzsimmons reminded the Board that Triform is dissolving 49-lot subdivision into one parcel with a private driveway. Because the roadway is now a private driveway it is not a requirement for it to be built to TOC specs. Rob Fitzsimmons also informed the Board that the applicant is seeking approval for the existing infrastructure and property requiring the applicant to return to the TOC ZBA or TOC Planning Boards if they want any additions or changes such as dividing property to sell or building any other structures. Stephen Melnyk asked Rob Fitzsimmons if the roadway is already built to TOC specs. Rob Fitzsimmons stated no it is close but needs a topcoat. Ms. Sciocchetti stated that it is very expensive to add the topcoat and Triform does not have the funding. Ms. Sciocchetti continued that Triform would never allow the driveway to denigrate anyway. Stephen Melnyk asked what percentage of the property is planned for agricultural use. Mr. Bogdonovich stated that he did not know the percentage of agricultural use at this point. David Graziano asked if the applicant addressed the issue with Mr. Unkel the neighbor that spoke at the December meeting. Mr. Bogdonovich stated that it will not be an issue because he would need to return to the ZBA for any new buildings and any new buildings would be built close to the existing buildings. Rob Fitzsimmons reviewed the SEQRA for the Board reminding them of the in-depth SEQRA review for the previously approved 49-lot subdivision at the site.

Motion for negative declaration with regard to SEQRA was made by Stephen Melnyk with a second from Paul Gundrum. All members were in favor. Motion carried.

Rob Fitzsimmons reviewed the Special Use Permit guidelines for the Board.

Motion to approve Special Use Permit for Club/Membership facility containing a private driveway that will not be dedicated to the Town of Claverack was made by Paul Gundrum with a second from Oliver Milot. All members were in favor. Motion carried.

The applicant missed the deadline for the Planning Board agenda but will appear before the TOC Board for the roadway bond. Rob Fitzsimmons stated that he would represent the application for the TOC Board at their next meeting to explain the Triform plan and the private driveway issue.

Motion to adjourn meeting was made by Norma Barnard with a second from Stephen Melnyk. All members were in favor. Meeting adjourned at 8:10 PM.

Respectfully submitted,
Jodi Keyser
Secretary