

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

Approved 8/22/12

Chairman Frank Clegg called the July 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 Zoning Board and audience with the Pledge of Allegiance.

Members in attendance were: Chairman Frank Clegg, Kim Keil, David Graziano, Steven Melnyk, Jock Winch, Paul Gundrum, attorney Rob Fitzsimmons, engineer Paul McCreary, and Board secretary Jodi Keyser.

Correspondence: None

Motion to approve the minutes of the June 27, 2012 meeting was made by Oliver Milot with a second from Kim Keil. All members were in favor. Motion carried.

Continuing Applications for 7/25/12:

Sanders, Linda dba All About Hair: Tax Map #(SBL) 120 . 2 – 1 – 2 Located at 396 Rte 23-B Site Plan Review for Beauty Salon.

Linda Sanders was present for the application. Ms. Sanders reviewed her application for the Board seeking Site Plan Approval for a beauty salon at 396 Rte. 23-B/ Red Apple Realty office building. Ms. Sanders informed the Board that they have installed handicapped parking with blue painted markings and a handicapped parking sign as stipulated at the June meeting. Ms. Sanders continued that Town of Claverack Building Inspector Stan Koloski inspected the salon and made some minor suggestions. Chairman Clegg asked Ms. Sanders how many employees will be working at the location. Ms. Sanders stated that she and one other employee will work at the beauty salon. Chairman Clegg asked if the septic system had been checked by CC DOH to insure that it is adequate for the use. Mr. Porto informed the Board that the septic was checked 2 years ago and was fine. Kim Keil informed Ms. Sanders that the Site Plan before the ZBA is for a beauty salon and if in the future she wishes to have a tanning service or perform manicures she will need to apply with the Town of Claverack Building Department for another Site Plan Review for the additional uses. Ms. Sanders stated that she is only doing hair at this time and understood that if she added any new uses to the business she would need to come back to the TOC ZBA. Chairman Clegg asked the planned hours of operation. Ms. Sanders informed the Board that her business would be open Tuesdays through Saturdays from 9:00 a.m. to 7:30 p.m. Rob Fitzsimmons asked Ms. Sanders if Stan Koloski reviewed the sign size and placement with her and if it met Town of Claverack regulations. Ms. Sanders informed the Board that during an inspection Stan Koloski reviewed the sign size and placement and it was fine with him.

Chairman Clegg opened the meeting to the public hearing at 7:34 p.m. No comments. Public hearing closed at 7:35 p.m. Paul McCreary reviewed the SEQRA for the Board. Motion to declare a negative declaration with regard to the SEQRA was made by Steven Melnyk with a second from David Graziano. All members were in favor. Motion carried. David Graziano asked about certain items that are required for a Site Plan Review that were missing from this application. Rob Fitzsimmons stated that the application lacks certain items because the previous use was close in nature that a notion in the minutes would suffice.

Motion to approve Site Plan for a beauty salon as presented in application materials at 396 Rte. 23-B was made by Steven Melnyk with a second from Kim Keil. All members were in favor. Motion carried.

Filli, Damon & Theodore dba Filli's Pizzeria: Tax Map #(SBL) 121 . 03 – 3 – 19 Located at 6 Park St. Site Plan Review for expansion of retail space for pizzeria restaurant.

No show strike one toward the application as per ZBA protocol.

New Applications for 7/25/12:

Shannon, Dale: Tax Map #(SBL) 112 . – 2 – 35 Located at 348 Rte. 217. Area Variance for installation of two (2) tents 20' x 18' and 20' x 10' respectively.

Dale Shannon was present for the application. Mr. Shannon is seeking an Area Variance for two tents that he installed on his property last year to use for storage. Mr. Shannon received a letter from the Town of Claverack Code Enforcement Officer Dennis Callahan because the structures did not meet the required setbacks as per town code. Mr. Shannon informed the Board that he uses the tents for storage of his tools that do not fit into his garage. Mr. Shannon continued that the sheds do not have water or electric supplied just for storage. Mr. Shannon continued that tent #1 is four feet outside of the setback but it is too difficult for him to move with his health condition and tent #2 is on his property but on an easement of a roadway for the adjoining home. Chairman Frank Clegg asked the applicant if the tents are permanent or temporary structures. Mr. Shannon stated that the tents are permanent as long as they last because he needs the additional storage. Mr. Shannon continued that he submitted copies of letters from all of his neighbors that are favorable of the tents. David Graziano informed Mr. Shannon that he appreciated the letters however they need to be notarized or the authors of the letters should attend the September meeting. Mr. Shannon will have the letters notarized. Kim Keil asked Mr. Shannon when he will remove the tents for a more permanent structure. Mr. Shannon stated when the current tents fail he plans on replacing with the same type of tent. Kim Keil then stated more tents. Mr. Shannon stated no additional tents but would replace the existing tents with the same thing. Kim Keil stated that she is not a big advocate of the tents and suggested that Mr. Shannon replace the tents with sheds. Mr. Shannon stated that he purchased the tents and wants to continue to use them where they are placed because moving them to meet setbacks is a hassle and he does not have the money or health to construct sheds. Rob Fitzsimmons informed the Board that many other towns struggle with this type of tent but it is allowed within the Town of Claverack. Rob Fitzsimmons continued that the issue is that the tents do not meet the setbacks. Steven Melnyk asked Mr. Shannon if it is possible that he might consolidate the tents into one tent and remove one. Mr. Shannon stated no. Oliver Milot asked Mr. Shannon about a photo that he supplied showing a propane tank next to one of the tents. Mr. Shannon stated that the propane tank is empty and sitting there for pickup. Steven Melnyk asked if the tents are heated. Mr. Shannon stated that the tents do not have heat, water, or electric. Chairman Frank Clegg suggested that he would like to see the tents replaced with sheds. Mr. Shannon stated that he has a garage but it is also full of his equipment. Kim Keil stated that as long as Mr. Shannon's neighbors don't have a problem. Mr. Shannon stated that he approached each one of his neighbors and has their ok. Oliver Milot stated that on Mr. Shannon's application it stated non-permanent structures. Mr. Shannon answered that the application stated non-permanent because that is what they are considered but he intends to keep them as long as possible. Rob Fitzsimmons informed the Board that the TOC Building Department has cued the application for the ZBA because it is a more permanent use therefore they would need to meet setback requirements. Chairman Clegg stated that he has a problem with tents being permanent. Rob Fitzsimmons stated again that they are allowed. Chairman Clegg asked what would happen if the tents fall into disrepair. Rob Fitzsimmons answered that it is then a property maintenance issue and falls under the Building Code and the Building Department would need to take action. Mr. Shannon informed the Board that he needs the tents for storage and he keeps his property tidy and the tents are neatly kept. Chairman Clegg instructed the Board members to address

the setback issues. Rob Fitzsimmons informed Mr. Shannon that having his neighbors notarize their letters is not a legal requirement but the ZBA would like to be sure that the neighbors are ok with the tents. Steven Melnyk asked Mr. Shannon about the second comment in the application regarding vehicles. Mr. Shannon informed the Board that he has corrected the vehicle issue because he was not aware that he needed to register each car on his property. Mr. Shannon continued that he plans to go to the TOC office this week and pay a \$50.00 fee for a motor vehicle storage permit. Motion to schedule for public hearing on August 22, 2012 was made by David Graziano with a second from Kim Keil. All members in favor. Set for public hearing.

Columbia Greene Humane Society: Tax Map # 100 . 00 – 01 – 03 Located at 125 Humane Society Rd. Site Plan Review for the construction of a new animal shelter contiguous to the existing animal shelter.

Ron Perez; shelter director, Pat Prendergast; project engineer, Dave Robinson; shelter board member and Leonard Angerame; project architect were present for the application. Mr. Robinson updated the Board members with by reminding them that in June of 2011 they approved an interpretation of use as a vet clinic/veterinary hospital for the Humane Society. Mr. Robinson continued that the current shelter was seeking that interpretation in order to purchase a contiguous 80-acre parcel in preparation of construction of a new shelter. Mr. Robinson informed the Board that the Columbia Greene Humane Society purchased the 80-acre that is contiguous to the current shelter. Mr. Robinson continued that the new building will be approximately 150-feet from the existing building. Mr. Robinson informed the Board that the new building will be approximately 13,000 square feet and contain facilities for dog adoption, dog holding when brought from dog control officers, kennels for boarding, and a free roaming indoor/outdoor cat facility. Mr. Robinson informed the Board that they are not yet sure if they will use the existing well or drill a new well and they will handle septic on site. Steven Melnyk asked what they are planning to do with the existing buildings. Mr. Robinson informed the Board that they will definitely tear down the trailer but not yet sure what they will be doing with the other buildings possibly keeping them for a while for storage. Kim Keil asked how the new shelter will be funded. Dave Robinson stated that the Columbia Greene Humane Society is a private organization and they plan to use donations and possibly borrow but reminded the Board that the shelter is not tax payer funded. Steven Melnyk asked if the shelter is affiliated with HSUS. Mr. Perez answered no. Chairman Frank Clegg asked if the shelter is tax exempt. Dave Robinson stated yes they are a non-profit organization. Steven Melnyk asked if the plan has other buildings for larger animals i.e. horses, cattle etc. Dave Robinson informed the Board that the current plan calls for continued use of the existing barn and paddock on the site of the old shelter for now. Kim Keil stated that she has concerns with the Humane Society Road and the treacherous conditions for patrons of the shelter. Kim Keil continued by asking if something could be done to the roadway to make it a better access for the new shelter. Leonard Angerame reviewed the shelter design for the Board. Jock Winch asked if the two parcels will be kept as separate parcels. Pat Prendergast answered yes. Steven Melnyk asked the size of the current shelter site. Dave Robinson answered that the current site is approximately 4-acres. Jock Winch informed the applicant that well and septic sites will need to be included on the maps. Chairman Frank Clegg stated that the building appears to be very long. Dave Robinson informed the Board that the building is designed as to keep the different areas separated because you cannot have animals for boarding, adoption, and holding held in the same area. Kim Keil asked if the Board of Directors plans on using local contractors for the construction. Leonard Angerame stated that the design is not yet set but would try to use local contractors as much as possible. Jock Winch stated that by the application it appears that an electrician has been selected. Mr. Angerame informed the Board that the names used in the application were consultants on the site plan. Mr. Angerame informed the Board that the new kennels will be built and totally enclosed to alleviate noise and new acoustic products will also be used for noise mitigation. Dave Robinson informed the Board that the current noise level is much greater because the kennels are open to the outside and the new kennels will be enclosed with an outside run area. Chairman Clegg asked what the average stay for an animal is at the current site. Ron Perez answered that the approximate

average stay is 30 days but animals stay until they are adopted out. Mr. Perez continued that the shelter is a no kill facility. Paul McCreary informed the Board that the site plan will need to include storm water, lighting, signage, landscaping and parking plans prior to approval. Rob Fitzsimmons reminded the applicant that a neighbor was very upset at the interpretation application named Sadofsky. Dave Robinson informed the Board that he and Mr. Perez met with Ms. Sadofsky and her daughter to review the plans and keep them informed of the progress. Rob Fitzsimmons informed the applicant that it is in their best interests to keep Ms. Sadofsky informed of the status of the existing buildings also. Chairman Frank Clegg asked the timeline for the project. Dave Robinson stated that the plan is for the project to be completed in 2013 with a start of October 2012. Continued to August 22, 2012 and set for public hearing at that time.

Motion to adjourn the meeting was made by Steven Melnyk with a second from Kim Keil. All members were in favor. Motion carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,
Jodi Keyser
Secretary