

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes of March 28, 2012
7:30 p.m.

APPROVED 4/25/2012

Chairman Frank Clegg called the March 28, 2012 meeting of the Town of Claverack Zoning Board of Appeals meeting to order at 7:30 p.m.

Chairman Clegg led members of the Zoning Board of Appeals and audience with the Pledge of Allegiance.

Members in attendance were:

Chairman Frank Clegg, Steven Melnyk, Kim Keil, David Graziano, Oliver Milot, Paul Gundrum, Jock Winch, engineer Paul McCreary, attorney Barrett Mack, and secretary Jodi Keyser

Members reviewed the Minutes of February 22, 2012 meeting. Minor spelling corrections were made. Motion to approve the February 22, 2012 minutes was made by Oliver Milot with a second from Kim Keil. All members were in favor. Motion carried.

Jock Winch informed the Board that he has a problem with the Resolution for the Schnackenberg application. Mr. Winch stated that his motion specifically stated that a condition of his motion was that the driveway was to be used for agricultural purposes only and he did not see that as one of the conditions within the resolution. Barrett Mack will refer Resolution and Mr. Winch's concerns with attorney Rob Fitzsimmons.

Continuing Applications for 3/28/12:

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.

Mr. Luis Lopez and his attorney Ionna Bergos were present for the application. Ms. Bergos informed the Board that she is representing Mr. Lopez and asks that Mr. Tallackson present the issues his clients have with the entrance during the public hearing and she will then answer these concerns one at a time. Mr. Tallackson informed the Board that he felt that he should not have to reiterate his client's issues because he has stated them previously and he did not prepare to make a full statement again. Steven Melnyk reminded Mr. Tallackson that the TOC ZBA was gracious enough to allow continuation of the public hearing so that his clients could voice their concerns. Ms. Bergos informed the Board and the audience that in she felt to be fair to Mr. Tallackson and his clients she would like to answer all of their concerns. MaryAnn Slovak thanked Steven Melnyk for allowing the public hearing to remain open until they returned from Florida. Ms. Slovak reminded the Board that her home is across the street from the establishment in question. Ms. Slovak informed the Board that there are a multitude of problems on the parcel i.e. two residences and a pre-existing non-conforming use and that these changes were not done within the ZBA regulations. Ms. Slovak asked if Mr. Lopez had supplied a letter from CC DOH requiring the change of the entrances. Ms. Slovak asked if the Board had reviewed her submission of air curtains to mitigate the situation instead of the new entrances. Ms. Bergos reminded Ms. Slovak that the new entrance is the only issue that the ZBA is addressing at this time. Chairman Frank Clegg informed Ms. Slovak that the CCDOH can only ask for correction of the problem but they cannot dictate how to mitigate. Mr. Tallackson stated that his client's feel that the current extension is excessive. Ms. Slovak asked that the ZBA consider the historic integrity of the area. Chairman Clegg informed the Board, applicant, and audience that the facility was an established business many years prior. Ms. Slovak informed the Board

that she does not have an issue with any business or Mr. Lopez and she feels that he is running a good business. Ms. Slovak continued that Mr. Michael who owns the building allows anyone to rent and sometimes as in the past the businesses renting the space have not been very neighborly. Ms. Slovak continued that she has a problem with flashing lights at the business. Jock Winch again reminded Ms. Slovak that the only issue being discussed is the expansion of the entrance and nothing else. Mr. Winch stated that the other issues are enforcement issues and not for ZBA. Chairman Frank Clegg stated that the TOC cannot enforce because the TOC does not have laws on the books addressing them. Ms. Bergos supplied photos of Coyote Flaco from all angles and from the Sturges property. Ms. Bergos asked the Board if they find anything an eyesore as described by Ms. Slovak. David Graziano stated that the ZBA is only concerned with the area variance and not any other issues. Mr. Graziano continued that the small entrance add-ons are the issue and not what is in them. Mr. Graziano continued that he felt that the public is trying to review old issues. Ed Sturges thanked Mr. Melnyk for keeping the public hearing open so that their voice could be heard. Mr. Sturges read from previous minutes and took exception to Mr. Melnyk's quote that Mr. Sturges and Ms. Slovak have had issues with many of the renters of the building. Mr. Melnyk stated that he was misquoted and he remembers that Ms. Slovak and Mr. Sturges had issues with the former Moosehead Tavern. Mr. Sturges then asked if Mr. Guerrero had supplied the Board with a letter from the CCDOH regarding the entrances to the kitchen. Ms. Bergos stated that the CCDOH asked that the issue of bugs be mitigated but they did not state how this should be done. Ms. Bergos stated that Tara Becker of the CCDOH who is a public health technician would write a letter to the Board if they asked for it. Mr. Sturges stated that in his opinion the issue could be mitigated with screen doors, weather stripping or air curtains instead of additions. Mr. Sturges then pointed to what appeared to him as fresh plywood in a photo supplied by the applicant and asked if Mr. Lopez has made other modifications to the building. Mr. Lopez stated that he has not made any other modifications. Ms. Bergos informed the Board that the plywood was recently removed from the front porch area to keep critters out. Barrett Mack asked that Mr. Sturges and Ms. Slovak state their concerns with the additions only. Mr. Sturges then stated that the vestibule was built as a storage space for cleaning supplies. Ms. Bergos answered that the extension was to mitigate a bug problem and to maintain heating and cooling costs. Mr. Sturges then stated that he does not have an issue with Mr. Lopez and that he is a great neighbor. Mr. Sturges continued that he does have issues with Ellie Mae Corporation and Mr. Michael's constant extension of the property. Mr. Sturges stated that he refuses to just sit across from the site witnessing violation and he must protest. Mr. Sturges continued that the TOC ZBA must consider the effect of these extensions, whether the extensions are good growth, and the conflict with the current Comprehensive Plan. Chairman Clegg then closed the public hearing at 8:53 p.m. Barrett Mack asked if the Board requires more information or are they confident that they can proceed to the SEQRA. Paul McCreary reviews the SEQRA for the Board.

Motion to amend the SEQRA project description to reflect addition of vestibule to protect entrance from heating/cooling/bugs and storage and to remove commercial from character of neighborhood and replace with residential was made by Jock Winch with a second from Paul Gundrum. All members were in favor. Motion to declare negative declaration with regard to the SEQRA was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried.

Barrett Mack then reviewed the requirements of an Area Variance with the Board and filled out the check list.

Motion to grant Area Variance of minor addition to pre-existing non-conforming use was made by Paul Gundrum with a second from Oliver Milot. All members were in favor with Jock Winch abstaining.

Motion carried.

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.

Ms Laura Orlando was present for the application.

Chairman Clegg informed the Board that they have received a letter from Columbia County Planning Department finding no significant issues.

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

Motion to approve Site Plan Review for the construction of a new 35' x 96' hoop barn/greenhouse was made by Paul Gundrum with a second from Steven Melnyk. All members were in favor. Motion carried.

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.

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.

Chairman Frank Clegg requested that the approval for the Special Exception have a condition that goods sold at the farm store are from the farm and not commercial types of products from other states or countries. Members agreed that the condition could be too limiting. Ms. Orlando informed the Board that the store will not be like a supermarket but would not want to be limited to only items from the farm. Ms. Orlando continued that the idea is to allow for local farmers to be able to sell items from their farms or gardens at the site also. Members decided to allow items locally grown or produced to be sold at the farm store. Jock Winch informed the Board that the Columbia County Planning Board letter stated that additional review would be needed for the cheese processing portion of the farm. Ms. Orlando agreed and stated that she was aware that the CCPD has concerns with the waste product from the cheese making and will seek further review.

Motion to approve the Special Exception for a farm store with condition that products sold at the farm store are locally produced within the Capital District and or Mid-Hudson Valley Region was made by Paul Gundrum with a second from Jock Winch. All members were in favor. Motion carried.

New Applications:

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; engineer, Jen Post and Sue Roberts; Library Board members were present for the application. Mr. Sullivan introduced the Site Plan Phase 1 for the conversion of the former A. B. Shaw Firehouse into a new Claverack Free Library. Mr. Sullivan reviewed recent easements between the Hudson City School District and the Claverack Fee Library. Mr. Sullivan informed the Board that the Site Plan is for Phase 1 with an additional Phase II at a later date. Mr. Sullivan informed the Board that they have NYS DOT approval and requirements for driveway cuts. Mr. Sullivan stated that the driveway cuts consist of entrance from NYS Rte.9-H be a one way entrance only with a pull-off lane for drop offs and entrance from NYS Rte. 23-B will become a full commercial entrance. Mr. Sullivan informed the Board that onsite septic is proposed with a small absorption field with a topping of pavement so it can be used for additional parking. Mr. Sullivan informed the Board that Phase I will see 26 parking spaces with 32 at full Phase II build out. Mr. Sullivan informed the Board that Town of Claverack water will be used. Mr. Sullivan stated that the lighting plan needs some additional review and work before final approval and that the Library worked with Howard Brandston with lighting. Jen Post responded that Mr. Brandston was very agreeable to the lighting plan. Mr. Sullivan informed that an existing dry well will be used for Phase I and another dry well will be installed during Phase II. Mr. Sullivan stated that parking and the building will be fully handicapped accessible with a proposed elevator. Steven Melnyk asked if the existing slate roof will be maintained or will the new roof consist of the same slate. Mr. Sullivan stated that the new roof will not be slate but will be a high quality asphalt material because slate is too expensive. Mr. Sullivan will provide full colored detailed photos of the plan for the next meeting. Chairman Frank Clegg informed the applicant's representatives that the application requires Columbia County Planning Department review. Secretary Jodi Keyser will send a copy of the Site Plan to CCPD. Barrett Mack stated that April 17th will then begin the 30-day time clock and engineering fees need to be determined for escrow. Paul McCreary asked if the plan has a definite amount of disturbance for permitting purposes. Mr. Sullivan stated that the plan requires less than an acre of disturbance because some of the existing pavement will be used. Oliver Milot informed the applicant that as per Town of Claverack Zoning Regulations lighting for a

sign is required to be attached to the sign. Scheduled for public hearing at the April 25, 2012 meeting. Paul McCreary stated that the plans are detailed and the applicant has NYSDOT and CC DOH approvals so he is confident that setting escrow at \$800.00. Continued to April 25th.

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 Mokatoﬀ, land owner, Dan McManus and Tess Parker, farmer and farm manager were present for the application. Mr. McManus submitted a new site plan which he explained he has removed the wording having to do with events and festivals. Mr. McManus explained the CSA will grow vegetables and fruits that will be sold at farm markets in New York City and to members of the CSA. Mr. McManus informed the Board that the plan calls for a processing shed to wash the vegetables and fruits. Chairman Frank Clegg asked if the plan calls for a septic system. Mr. McManus answered no because no one will be living at the site. Chairman Clegg asked if they plan to have a well. Mr. McManus informed the Board that they plan to use TOC water supply and a nearby spring on the property for water. Steven Melnyk informed the applicants that he believes that it is the Town of Greenport water supply and not the Town of Claverack at the site. Steven Melnyk also asked about newly placed camper trailers that are at the site. Mr. Mokatoﬀ and Mr. McManus both stated that the trailers are used for storing supplies and tools and not for living. Jock Winch asked if they are going to remove the trailers and a time frame for the removal. Mr. McManus stated that the trailers would be removed after the current growing season. Jock Winch reminded the Board of a previous problem with campers at the site. Chairman Frank Clegg asked if the entrances were approved by NYS DOT. Mr. McManus informed the Board that the entrance is located directly in the center of the field from NYS Rte. 23-B. David Graziano asked if there is also going to be an entrance from Webb Rd. Mr. Mokatoﬀ informed the Board that there will not be any access to the farm from Webb Rd. Jock Winch informed the applicant that they need NYS DOT permits. Chairman Frank Clegg also added that CCDOH approval would be needed regarding the waste from processing. Mr. McManus informed the Board that he spoke with someone at the Cornell Cooperative Extension regarding the waste and they felt it would not be a major issue because the plan calls for a larger building in the future but for now they will use a port-o-potty. Chairman Clegg informed the applicant that they still need to give specifics regarding the waste and they should still check with CCDOH for approval. Mr. McManus informed the Board that the entrance will have a paved area for the first 10 feet and then gravel after that for the driveway. Paul Gundrum informed the applicant that the driveway specs are up to Joe Visconti from the NYS DOT. Steven Melnyk asked the distance from the pond to the processing. Chairman Clegg asked if the total amount of disturbance is less than one acre. Paul McCreary informed the Board that the disturbance issue is exempt because it is an agricultural use. Chairman Clegg informed the applicant that the plan needs to be reviewed by CC Planning. Paul McCreary also informed the Board and applicant that he will need to review the plan also. Steven Melnyk informed the Board and applicant that the TOC ZBA is accepting the application for review of Phase I only and any future plans would require additional ZBA review. Set for public hearing at April 25, 2012 meeting.

Motion to adjourn the meeting was made by Steven Melnyk with a second from Kim Keil. All members were in favor. Meeting adjourned at 9:04 p.m.

Respectfully submitted,
Jodi Keyser
Secretary