

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Combined November/December Meeting
Meeting: December 14, 2011
7:30 p.m.

APPROVED 1/25/12

Chairman Frank Clegg called the December 14, 2011 meeting of the Town of Claverack Zoning Board 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, Steven Melnyk, Norma Barnard, David Graziano, Oliver Milot, Paul Gundrum, Jock Winch, attorney; Barrett Mack, engineer; Paul McCreary, and secretary Jodi Keyser

Members reviewed the minutes of October 26, 2011 meeting. Oliver Milot asked that the minutes have a spelling correction made.

Motion to approve the corrected October 26, 2011 minutes was made by Oliver Milot with a second from Steven Melnyk. All members were in favor. Motion carried.

Continuing cases for 12/14/11:

Schnackenberg, Jurgen: 79 Donnelly Rd. Tax Map #(SBL) 123 . – 1 – 63 . 111 Site Plan Review for construction of 28' X 40' barn to house hay, firewood, and utility room equipped with solar panels. William Better, David Crawford, Fritz Schnackenberg, and Vern Schnackenberg were present for the application. Mr. Better informed the Board that the public notice sign date had been changed to reflect tonight's meeting. Mr. Better explained that Mr. Schnackenberg was recently released from the hospital and therefore was unable to attend the meeting. Mr. Better submitted a revised site plan for the Board showing erosion control, setbacks, and notes indicating no well or septic for the agricultural building. Mr. Better continued that the solar panels on the building are used for interior lighting only. Mr. Better introduced Peter Paydon from the Columbia Land Conservancy. Mr. Better asked Mr. Paydon to explain the easement the CLC has with Mr. Schnackenberg. Mr. Paydon explained that Mr. Schnackenberg has an easement agreement with the CLC which prohibits further development on his property to preserve the land. Mr. Paydon continued that the easement allows for a 12-acre portion of the property that is outside of the easement allowing Mr. Schnackenberg to construct two residences and one agricultural building no more than 1500 square feet in size. Mr. Better explained that the current building is far less than the allowed 1500 square feet at 28' X 40'. Mr. Paydon explained that the current agricultural building is within the 12-acre portion of the easement and is allowed and does not violate the Columbia Land Conservancy agreement. Chairman Frank Clegg asked if the barn is in the same place that a home could be built. Mr. Paydon replied yes. Mr. Paydon then drew the approximate site and size of the 12-acre portion of the property that is exempt from the easement. Mr. Paydon explained that a small corner of the agricultural building is outside of the permitted area but it is not a major issue for the CLC. Steven Melnyk asked if it would be appropriate to require the applicant to supply maps showing the EPA protected areas. Mr. Paydon stated that this request could be easily done. Paul Gundrum recommended the applicant supply maps designating the EPA areas on the entire parcel because easement agreement allows for a possible two-lot subdivision in the future. Mr. Payton stated that he could get this information from the CLC maps and would be agreeable to supplying one of these maps for the application. Paul McCreary suggested that the EPA areas be delineated on the Site Plan maps so to not have conflicting lines between two different maps. Mr. Crawford stated that the easement maps are filed with the County and therefore public knowledge. Mr. Better stated that he will make separate sheet for map designating protected zone and limited use zones. Paul McCreary suggested that the building sites are not yet designated on the limited use portion. Jock Winch stated that the future house sites are up to the owner. Mr. Paydon stated yes the owner decides the location for the houses and then contacts the CLC.

Mr. Paydon continued that the CLC will then go to view the build sites and amends the easement to state where the house sites need to be located within the 12-acre limited use area. David Graziano then stated that any new construction requires Mr. Schnackenberg to obtain a building permit from the Town of Claverack Building Department.

Chairman Clegg continued the public hearing at 7:47 p.m. Terry Robinson of Donnelly Rd. asked that the petitions she and her husband submitted be made part of the file for record. Mrs. Robinson stated that this is the first time that anyone has heard of the 12-acre limited build zone within the easement that allows for two residences. Mrs. Robinson asked the Board if the application is approved will it limit the use for the storage of hay and firewood only. Chairman Clegg stated yes. Mr. Better then reminded the Board that as he has mentioned several times the Board can not limit the use as long as it is an allowed agricultural use. Mr. Better continued that the Schnackenberg family has a long history of farming in the area. Mrs. Robinson asked what if Mr. Schnackenberg constructs a house on the property. Mr. Better explained that Mr. Schnackenberg would be required to obtain a building permit and subdivision if he wants to build a house within the limited build zone of the easement. Mr. Bruce Bonscack of the Pine Hill Lodge stated that he represents the membership of the lodge and they are in favor of the application moving forward and stated that Mr. Schnackenberg is a good neighbor. Barrett Mack reminded the Board again that they can not limit the use of the barn as long as it is used for an approved agricultural use. Mr. Mack then read a resolution from Mr. Robinson asking for several limitations if approved. Letter was recorded for the file. Chairman Clegg closed the public hearing at 7:53 p.m. Jock Winch stated that this is a Site Plan Review and noted that in 1991 a Site Plan Review the roadway was denied. Jock Winch asked if the ZBA needs to address the roadway issue prior to granting approval for the barn. Barrett Mack stated that the driveway issue would not prohibit the ZBA from making a determination of the agricultural building. Jock Winch then asked if the TOC Highway had issued any permits for the driveway. Mr. Better stated that TOC Highway approval was submitted previously. Barrett Mack reminded the Board that their only request of the applicant from the October meeting was to supply a letter from the Columbia Land Conservancy stating that agricultural buildings are exempt. Chairman Frank Clegg asked the Board members if they had any other questions or concerns. Steven Melnyk stated that the application is discombobbled because of the lack on the part of the applicant to follow proper procedures. Jock Winch asked if the driveway runoff issue should be addressed. Barrett Mack stated that the neighbor having this issue will need to file a complaint and take the proper steps to have the issue fixed. Steven Melnyk asked Mr. Better if he had received a letter from TOC Building Inspector Stan Koloski regarding the verbal permit. Mr. Better stated no. Barrett Mack then read a letter from Stan Koloski disputing Mr. Schnackenberg's claim that he had received a verbal building permit for the barn. Letter was submitted for the file.

Motion to approve the Site Plan for the existing Agricultural Building with condition that the roadway restricted to agricultural use only was made by Jock Winch with a second from Steven Melnyk. All members were in favor. Motion carried. Mr. Better will supply new Site Plan maps with EPA and limited build zones delineated. Barrett Mack will write a resolution for the motion. Maps will be stamped and signed when completed and will be filed along with the resolution.

New Applications for 12/13/11:

Almstead Nursery Company and Almstead Realty Company: 905 NYS Rte. 66

Tax Map #(SBL) 101 . – 1 – 53. Site Plan Review for installation of a temporary 24-foot by 8-foot office trailer. Shawn Allison representative for Almstead Nursery Co. was present for the application. Mr. Allison explained to the Board that Almstead Nursery is seeking to install a temporary work trailer on the site located at 905 Rte. 66. Mr. Allison continued that the trailer is only for the employees to get out of the elements. Mr. Allison explained that the trailer will have electric service but will not have sewage or water supply therefore no bathroom facilities. Steven Melnyk asked Mr. Allison where the employees use bathrooms. Mr. Allison stated that the employees use a restroom across the street. Jock Winch asked if the trailer the company is seeking approval for is the same trailer that was on the site previously. Mr. Allison stated no the other trailer was donated to Habitat for Humanity. Steven Melnyk asked Mr. Allison if the trailer will remain on wheels. Mr. Allison stated yes. Jock Winch asked that the placement site of the trailer be shown on the maps with distances. Jock Winch asked if the picture supplied is of the actual trailer. Mr. Allison stated that he was not sure if the picture is of the original trailer or if the company has even purchased the trailer yet. Chairman Frank Clegg asked Board members if they

had any questions or concerns. Jock Winch asked how long a temporary permit is good for because he does not find where the TOC Zoning code allows for temporary items. Steven Melnyk asked why the company does not seek a permit for a more permanent structure such as a shed. Mr. Allison stated that he was unsure why a shed was not considered. Barrett Mack reviewed the TOC Zoning Code and found that temporary housing can not be in place for longer than 6 months. Chairman Frank Clegg asked if there is a difference with this application because it is not seeking temporary housing only a trailer for a work site for employees to get out of the weather. Norma Barnard stated that she felt the site needed more screening because the entire operation was visible from the road. Jock Winch stated that he has seen trees on the site but they are small and need time to mature. Mr. Allison stated that since the company had started it was the first complaint he had heard of about the screening. Chairman Clegg asked how the company plans to deal with the temporary trailer will they move it every 6 months and relocate in a different spot. Norma Barnard then stated that the original approval restricted selling of the mulch products from that site and to her knowledge the company did have retail sales from the site. Paul Gundrum agreed stating that he remembered specifically the ZBA restricted sales as part of the approval. Paul Gundrum then asked if the TOC Zoning Code specify temporary housing only or has a separate code addressing temporary work trailers. Norma Barnard asked what is in the current shed. Mr. Allison stated that the shed has a microwave, chainsaws, pump, time clock, and equipment used for the machinery. Mr. Allison stated that the previous trailer was removed because it was not part of the approved Site Plan. Barrett Mack will review the TOC Zoning Code with Rob Fitzsimmons and the TOC Building Department. Barrett Mack informed Mr. Allison to provide the Board with new maps showing the final location of the trailer. Mr. Allison stated that he is confused about the 6 months and needing to reapply for permits. Mr. Allison paid certified fees. Continued to the January meeting.

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.

Louis Lopez and Javier Guerrero were present for the application. Mr. Guerrero explained that the application is seeing approval for a 46" X 6' addition on to the Coyote Flaco building. Mr. Guerrero stated that the purpose of the addition was to alleviate the draft from the door, protect the boiler, and store cleaning supplies. Mr. Guerrero stated that the addition was not for an extension of the commercial use because it was not big enough to fit any tables. Mr. Guerrero stated that he did not know that he needed to obtain a building permit for the small addition. Jock Winch informed the applicant that it is always a good idea to check with the TOC Building Department prior to any modification of a building. Barrett Mack asked the applicant if the CC DOH asked for the modification for health code reasons. Mr. Guerrero stated yes the CC DOH required the modification to keep out bugs from the eating area and kitchen area. Chairman Clegg asked the Board members for their opinions. Motion to accept the application was made by Steven Melnyk with a second from David Graziano. All members were in favor. Motion carried. Members agreed to set public hearing for the January meeting. Mr. Guerrero and Mr. Lopez was instructed to obtain a meeting notice sign from the TOC Town office at least two weeks prior to the January meeting and were also reminded of the payment required for the certified mailing.

Motion to adjourn the meeting was made by Norma Barnard with a second from David Graziano. All members were in favor. Meeting was adjourned at 8:15 p.m.

Chairman Frank Clegg then presented outgoing Town of Claverack Zoning Board of Appeals member Norma Barnard with a bouquet of roses in thanks for her many years of service as a member of the Zoning Board.

Respectfully submitted,
Jodi Keyser
Secretary