

APPROVED 10/28/2020

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: September 23, 2020

Chairman David Graziano called the September 23, 2020 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Graziano led members of the Board and audience with the Pledge of Allegiance.

Members in attendance were as follows: Chairman David Graziano, Steven Melnyk, John Porto, Chris Post, engineer; George Schmitt, attorney; Rob Fitzsimmons, secretary; Jodi Keyser and Katy Cashen providing Zoom access for the meeting.

Absent with regrets: Roger Case

Correspondence: none received

Review the minutes of the August 26, 2020 meeting.

Motion to approve the minutes of August 26, 2020 with minor corrections was made by Chris Post with a second from John Porto. All members were in favor. Motion carried. Minutes approved.

CONTINUING APPLICATIONS for 9/23/2020

Claverack Land Co. LLC/Pine Haven Nursing Home Area Variances: Tax Map # 113 . – 1 – 20 . 3 Located at 341 NYS Rte. 217 Claverack. Area Variances for the construction of a new 150 bed skilled nursing facility. Variances of 7' for height, 10' for side yard setback and 10' for the other side yard setback combined.

Corey Auerback, project attorney, Bill Schlasser, project architect and the nursing home administrator were present for the application. Mr. Auerback informed the Board that this application was presented last month for two small area variances. Mr. Auerback continued that this application was reviewed by the Columbia County Planning Board and they have addressed comments. Mr. Auerback also addressed concerns with a neighbor Mr. Cerny. Mr. Auerback stated that the variances are for a 7-foot height variance and (2)10-foot side yard setbacks. Mr. Schlasser informed the Board that the height variance is needed to accommodate the mechanicals that are placed on the roof. Mr. Schlasser continued that the CCPB also had concerns with the height as the ZBA members were. Mr. Schlasser informed the Board members that the setbacks have been altered to a combined side yard setback between the buildings will be 90-feet where 100-feet making the need for a 10-foot and the height variance of 7-feet is needed for one spot on the front level of the building and another side yard setback of 40-feet where 50-feet is required finding the need for a 10-foot side yard setback. Mr. Schlasser informed the Board that the remainder of the roof height meets the 35-foot requirement but is constructed as such to have a breaking up of the roof line to hide the mechanical equipment housed on the roof for heating and cooling. Mr. Schlasser informed the Board that they have planned the building to be respectful of the surrounding neighbors. Mr. Schlasser continued that the balance of benefit outweighs the detriment to the area. Mr. Schlasser stated that the building will sit on a 9 +/- acre parcel. Chairman Graziano asked about a letter from the local fire company chief Mark Beaumont. Rob Fitzsimmons informed the Board that this was a topic at the Philmont Village Board meeting and Chief Beaumont stated that he would call in Hudson Fire company's ladder truck if there were ever a fire at the facility so he didn't find any concern with the 7-foot height issue. Chairman Graziano asked if the height variance is for only the one spot at the front of the building. Mr. Schlasser answered yes just the one spot and the remainder of the roof line is at least 1-foot lower than the required 35-feet. Mr. Schlasser stated that the front façade of 42-feet could be lowered but wants to keep the roof line broken up to hide the mechanicals and because it looks better. Mr. Schlasser continued that the fire department can access the roof at several other spots other than the 42-foot spot in the front. Rob Fitzsimmons informed the Board that all of the responding fire companies are not in consensus with the Philmont Fire chief so further discussions will be held on the height issue. Steven Melnyk asked if the front is

the only area to access the roof. Mr. Schlasser stated that the back of the building is one more story under grade but has several one story roofs and that Chief Beaumont was fine with the drop and that the roof in the rear is a constant height. Mr. Auerback informed the Board that the emergency personnel can access the roof at several different sites along the front of the building. Chairman Graziano stated that the ZBA wants to be sure that safety for residents and emergency personnel is priority. Mr. Schlasser informed the Board that there are three fire rated staircases one at each end of the building and on toward the middle also for safety in case of an emergency. Mr. Schlasser informed the Board that he broached the height issue with PB Chairman Scott Cole and Philmont Chief Beaumont and they disagreed. Mr. Auerback stated that an email from Chief Beaumont that in his opinion the roof is accessible. Mr. Auerback asked the ZBA members for a determination of significance according to SEQRA. Chairman Graziano and ZBA members agreed to proceed as long as the Philmont Fire Chief Beaumont is ok with the roof access. Chairman Graziano opened the meeting to public hearing at 7:45 p.m. Katy Cashen checked Zoom for comments. No comments in person or via Zoom.

Chairman Graziano closed the public hearing at 7:47 p.m.

George Schmitt reviews the EAF/SEQRA for the Board members.

Motion to grant a negative declaration for purposes of SEQRA was made by Steven Melnyk with a second from Chris Post. All members were in favor. Motion carried.

Chairman Graziano informed the Board that Mr. Auerback has supplied answers to the 5 criteria for granting an area variance and has only the self-created hardship standing.

Motion to approve the Area Variances for side yard setback for 10-feet, Area Variance for combined side yard setback of 10-feet and Area Variance for 7-feet for height was made by John Porto with a second from Chris Post. All members were in favor. Motion carried.

Mailing fee was paid.

Coons Self Storage Zoning Boundary Line Adjustment: Tax Map #(SBL)133 . – 2 – 13 Located at 1001 NYS Rte. 23. Requesting CI-1 Boundary Line be moved to accommodate a new 60' X 190' storage unit. Property for new unit is currently in the RA zone.

Pat Prendergast and Conrad Coon were present for the application. Mr. Prendergast reviewed the plan for the Board members. Mr. Prendergast informed the Board that he has submitted a map detailing the exact expansion of the CI-1 zone as requested. Mr. Prendergast continued that the expansion is a plain rectangle of 131-feet long and 228-feet wide so that the proposed building will fit just fine. Mr. Prendergast informed the Board that this is the only usable land left at the site. Chairman Graziano informed Mr. Prendergast that the notes on the map are not consistent with the dimensions. Mr. Prendergast will make the required correction. Chairman Graziano stated that this is not really a request for a variance. Rob Fitzsimmons informed the Board that the applicant has represented his line of expansion thus the limit he is allowed to construct the proposed building and will need a Site Plan review from the TOC PB.

Chairman Graziano opened the meeting to public hearing at 7:52 p.m. Katy Cashen asked if anyone wished to comment via Zoom. No Zoom comments or in person comments were received. Chairman Graziano closed the public hearing at 7:54 p.m.

George Schmitt will relay the comments to the Planning Board during the Site Plan review. Chairman Graziano asked for the project notes to be corrected. Mr. Prendergast will make corrections before submitting.

George Schmitt reviewed the EAF/SEQRA for the Board.

Chairman Graziano stated that EAF Part 1 #2 should be answered yes because the project needs approval from other agencies i.e. Town of Claverack Planning Board as well as the Town of Claverack Zoning Board of Appeals. Change will be noted.

Motion to grant a negative declaration for purposes of SEQRA was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Motion to approve the extension of the CI-1 Zoning District by the area indicated by the applicant was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried.

Mailing fees were paid. Mr. Prendergast will submit to the Town of Claverack Planning Board for Site Plan Review.

Claverack Creek Solar/Catskill View Solar Area Variances: Tax Map #(SBL) 100 . – 1 – 1 and Located at 151 Humane Society Rd. Area Variances for side yard setback of 51.5-feet where 100-feet is required

making variance request for 48.5-feet for Claverack Creek. Variance for side yard setback of 51.5-feet where 100-feet is required making variance request for 48.5-feet for Catskill View Solar.

Gillian Black and Norman Ward were present for the application. Chairman Graziano informed the application's representative that the application is incomplete because it is missing the CEO denial letter and A. B. Shaw fire chief letter. Mr. Black informed the Board that he has met with Chief Brennan Keeler but he was out of town on business but did send an email of approval. Chairman Graziano informed the application's representatives that these items be presented at the Joint Planning and Zoning Board of Appeals meeting on September 29th. Mr. Black informed the Board that these items are all on the website via the link even the abutters list. Chairman Graziano informed Mr. Black that the application is incomplete until all of the required items are submitted.

Motion to accept the application as complete was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

Chairman Graziano asked if Chief Keeler will be able to submit a letter before the joint meeting. Mr. Black stated that this letter is in process. Chairman Graziano asked if the letter will be submitted by the 9/29 meeting. Mr. Black stated that Chief Keeler was in favor and changes were made as per his suggestions but the letter is out of his hands at this time. Norman Ward informed the Board that after meeting with Chief Keeler the plan was modified the arrays to give more separation between the fields and two rows of arrays were moved. Mr. Black informed the Board that the site was moved up as far as possible. Chairman Graziano asked if the plan is now seeking a 48.5-foot variance instead of the 80 +/- variance for both sites. Steven Melnyk asked without cutting trees. Mr. Black answered yes, no trees cut, 15-feet between the arrays and fence inside, 20-25 feet of clearance outside of the fence and 19.5-feet between each row. John Porto stated that this looks much better to him. Chief Keeler called into the meeting and was placed on speaker phone. Chief Keeler informed the Board that after meeting with the representatives and discussing his concerns he is happy with the revisions and will send in a letter of approval before 9/29.

Steven Melnyk asked how the project works. Mr. Black stated that each site creates 7.5 MWT hours which is converted to AC at 5 MWT AC electricity. Mr. Black continued that each site will farm the energy into the grid and an account set up with National Grid and the energy is then converted into cash and sold to community members through billing credits for .90 cents on the dollar as a community solar project. Steven Melnyk asked if the lines will cross the creek. Mr. Black answered yes via a 20-foot wide access road through Pulcher Ave. Mr. Black continued that each project will use 7 utility poles to carry the lines to the grid. Steven Melnyk asked about the proposed 3rd project. Mr. Black informed the Board that this site is being reviewed but contains a large DEC wetland area and with the 100-foot setbacks the site is very limited and will need a possible easement. E Chairman Graziano asked about emergency access. Mr. Black stated that the modules are monitored remotely by EDP and National Grid and if the energy grid goes down the site shuts off to protect the line workers. Chairman Graziano asked how long before the electricity is shut down. Mr. Black answered milliseconds. Mr. Black informed the Board that the panels are made with non-combustible materials so if ever a fire nothing will burn highly unlikely that fire equipment will be needed and water is not to be used. Mr. Black continued that two 53-foot battery containers will be located on the site for energy storage. Mr. Black continued that each container will have remote monitoring, air conditioning, fire suppression, gas detection that will fill with a suppressant foam if anything happens. Mr. Black informed the Board that in an emergency there are multiple steps and the system will then shut down and fire suppression foam will fill the container. John Porto stated that if a fire happens the fire companies will just sit by and leave to burn. Mr. Black answered yes. Chairman Graziano asked if there is ever a fire will the batteries leak and cause a contamination. Mr. Black answered no contained to the site. Chairman Graziano informed the applicant's representatives that they will see them at the joint Planning Board Zoning Board of Appeals meeting on 9/29/2020 at 7:00 p.m.

NEW APPLICATIONS FOR 9/23/20

Chris Post asked to be recused for the following application.

Claverack Free Library Area Variance: Tax Map #(SBL)121 . 3 – 1 – 90. Located at 629 NYS Rte. 23B. Area Variance of 9.67 feet where 30 feet is required to construct an addition to the former Library building to add an ADA compliant bathroom.

Stephen King and Mike Sullivan were present for the application. Mr. King informed the Board that he and Mr. Sullivan are on the Library Board and are seeking an area variance for the rear setbacks of 20.5 feet where 30 feet is required. Chairman Graziano informed the application's representatives that the application is incomplete as submitted. Chairman Graziano stated that a copy of the deed, answers to the area variance criteria and mailing addresses of the abutting property owners are incorrect. Chairman Graziano continued that the Short EAF question #2 needs answer to be changed to yes and #3 is blank and needs the amount of acreage. Chairman Graziano continued and informed the representatives that the application indicates that a 9.67-foot variance is requested when in actuality a 20.3-foot variance is needed because 30-feet is required minus 9.67-feet will remain equaling 20.3 feet variance. Chairman Graziano informed the representatives that the application is incomplete until the items are submitted. Stephen King informed the Board that the variance is needed to add an ADA compliant bathroom to the former library building to make it viable to rent or sell. Mr. King continued that the library needs this revenue for financial security going forward. Mr. King continued that the former library building was built in 1932 and had a very small closet bathroom which needs to be made compliant with current regulations along with widening doorways.

Motion to set application for public hearing for October meeting was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried.

Mr. King informed the Board that he hasn't seen a deed for the building or property since he has been on the Board of Directors but he will search for one.

Chris Post reenters the meeting.

Motion to adjourn the meeting was made by John Porto with a second from Chris Post. All members were in favor. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jodi Keyser, secretary