

APPROVED May 26, 2021

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: April 28, 2021

Chairman David Graziano called the April 28, 2021 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members in attendance were: Chairman David Graziano, Doug Colwell, Steven Melnyk, Chris Post, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Absent with regret: John Porto

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

Correspondence: None received.

Board members reviewed the minutes of the March 24, 2020 meeting.

Motion to approve the minutes of March 24, 2021 with a minor correction was made by Steven Melnyk with a second from Doug Colwell. All members were in favor. Motion carried.

Continuing Applications for 4/28/21

Tanzillo, Karen Area Variance: Tax Map #(SBL) 101 . 00 - -1 – 40 Located at 26 MountainView Rd. Replacement of a non-conforming mobile home with a mobile home exceeding the 20% allowance within the Rural Agricultural district table 2 dimensions and density. Area Variance for exceeding the lot density requirement of 15% by .75%.

Mr. Krapf, Mr. Bruno and Ms. Tanzillo via Zoom were present for the application. Chairman Graziano informed the Board that the applicant has supplied the maps and revised materials that were requested. Mr. Krapf reviewed the application for the Board. Mr. Krapf informed the Board that his client is seeking a one-time replacement of a mobile home with another mobile home and need an Area Variance because the size of the new mobile home exceeds the 20% larger requirement. Mr. Krapf continued that the existing mobile home is a single wide mobile home and they are replacing it with a double wide mobile home. Mr. Krapf stated that the septic has been upgraded as the submitted photos show to accommodate the additional bedroom. Mr. Krapf continued that the well will be moved to the back of the property. Mr. Krapf informed the Board that at the last meeting it was discovered that the larger mobile home would also require another Area Variance because it will make the property density over the allowed 15% by a small amount. Mr. Krapf submitted the official signed and stamped plot plan maps that were drawn by the surveyor Matt Bowe. Mr. Krapf also informed the Board that the list of abutters was sent to the Board secretary.

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

Chairman Graziano informed the Board that originally the applicants had applied for one Area Variance for the size of the replacement mobile home and it was discovered that the applicant would also need an Area Variance for lot density exceeding 15%. Chris Post stated that the applicant described the structure with great detail and the new mobile home will fit better within the character of the neighborhood.

Chairman Graziano opened the meeting to public hearing at 7:35 p.m. No comments in person or via Zoom.

Chairman Graziano closed the public hearing at 7:37 p.m.

Chairman Graziano reviewed the zoning criteria for granting an Area Variance and informed the applicant that they do not need to meet all of the criteria to receive an approval. Chairman Graziano stated that the Board needs to determine if the benefit outweighs the detriment to the area. Mr. Krapf answered all questions of the criteria for the Board members.

George Schmitt reviewed the SEQRA for the Board members. Chairman Graziano asked if the answer to SEQRA Part 1 should be answered with a yes because the action does require agency to review the proposed project. SEQRA question #1 was changed to yes.

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

Motion to grant the Area Variance of 625- square feet exceeding the allowed 20% increase in size of a one time only replacement of a mobile home and granting the Area Variance of .75% for exceeding the 15% dimensions and density limit for the parcel was made by Chris Post with a second from Doug Colwell. All members were in favor. Motion carried.

All fees were paid.

NEW APPLICATIONS FOR 4/28/21

Philmont Family Dentistry Variance: Tax Map #(SBL) 113 . – 1 – 20 . 120 Located at 1078 Rte 217 Philmont. Installation of an internally illuminated sign in the RC zone which is not permitted and requires a Variance.

No show

Edward & Karen Casivant dba Clover Meadows Solar Farm Area Variance: Tax Map #(SBL) 100 . – 1 – 5 Located at 151 Humane Society Rd. Area Variance of 20-feet where 100-feet is required.

Gillian Black and Travis Mitchell were present for the application. Chairman Graziano informed the applicants that their application is missing several key items i. e. denial from the Building Department, Ag Data Statement, list of abutters with addresses, official survey maps, and the reason for the Area Variance. Mr. Black apologized for the missing items and stated that everything was dropped off at the Town Office prior to the meeting and he will make sure that all missing materials are submitted in a timely manner before the next meeting. Mr. Black continued that he will review the project for the Board. Mr. Mitchell informed the Board that this is the third of three large-scale solar farms that has been proposed for the Casivant farm on Humane Society Rd. Mr. Mitchell continued that the Board might remember the two previous large-scale solar farms because they also required an Area Variance. Mr. Mitchell continued that this third field was the most difficult with the several areas that they need to stay away from. Mr. Mitchell stated that the site is at the end of the dead-end roadway along the opposite side of the road from the previously approved solar farms. Mr. Mitchell continued that this portion of the roadway has been deemed abandoned by the Town of Claverack so traffic is not an issue or concern only the owner of the farm needs to use this part of the roadway. Mr. Black informed the Board that the Town roadway ends just past the Columbia Greene Humane Society building. Mr. Black reviewed the site for the Board with the flood plains, wetland areas, etc. Mr. Black informed the Board that the Town of Claverack Zoning Laws regarding Large-scale solar farms requires a 100-foot buffer around the entire farm. Mr. Black continued that the previously approved solar farms on this site required an Area Variance between two separate solar farms and this one is seeking an Area Variance of 80-feet along the abandoned portion of the roadway making the setback 20-feet. Mr. Black informed the Board that this site was difficult to design due to the small area that is actually useable. Mr. Black explained that some of the arrays will be doubled so they will be higher than the usual arrays. Mr. Black continued that these solar arrays will also rotate with the sun to create the maximum energy. Mr. Black informed the Board that the sites need to be a certain size to meet the amount of energy that is required to make the site viable. Mr. Black informed the Board that they have met all of the setbacks for all of the property owners. Chairman Graziano informed the applicants that the number one item is safety zones and the ZBA will need a letter from the fire chief giving his o.k. Travis Mitchell stated that he has spoken with Chief Brennan Keeler who is fine with the plan but he will get a letter for the Board. Mr. Black informed the Board that there will be a 20-foot access road around the entire array for emergency access however as in the previous approvals the fire companies will not need to extinguish any fires. Steven Melnyk asked if the site will have battery storage. Mr. Black answered the plan shows battery storage but they are not planned at this time due to the cost. Mr. Black informed the Board that they have been working with the TOC CEO Larissa DeLongo to complete the materials necessary and they are going to appear at the next Planning Board meeting on Monday, May 3, 2021. Mr. Black informed the Board that they also plan to upgrade the abandoned part of the roadway with a turn around for the snow plow and will push the property owner to remove the junk cars,

trailers and tires from the site. Mr. Black informed the Board that like the others this site will have a 40-year lease starting with a 25-year lease with three 5-year lease options after that. Mr. Black asked if the Board would set public hearing for the May meeting. Chairman Graziano stated that the application needs all of the missing materials but the Board could try to set public hearing for the May meeting. Mr. Black asked if the SEQRA review could be joint review with the TOC Planning Board. Rob Fitzsimmons answered that it would be best to have separate SEQRA reviews so the application can move forward to the public hearing. Travis Mitchell stated that he will reference both applications in the SEQRA. Chairman Graziano stated that the Board will set the application for public hearing on May 26th pending all missing materials are submitted for the Board members to review prior to the meeting.

Motion to adjourn the meeting was made by Steven Melnyk with a second from Chris Post. All members were in favor. Motion carried. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Jodi Keyser, secretary