

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Meeting Minutes: March 27, 2013

APPROVED 4/24/13

Chairman Frank Clegg called the March 27, 2013 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

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

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

Correspondence: none

Members reviewed the minutes of the February 27, 2013 meeting. Motion to approve the February 27, 2013 minutes was made by David Graziano with a second from Steven Melnyk. All members were in favor.

Motion carried.

Continuing Applications for 3/27/13:

Dianda, John: Tax Map #(SBL) 121 . – 1 – 60 Located at 3 Rte. 217 Claverack. Area Variance for setbacks of a constructed side porch.

Mr. Dianda did not show for the meeting and Board members discussed that Mr. Dianda had not erected a sign of public notice on his property for this application.

New Applications for 3/27/13:

Rob Fitzsimmons informed the Board members that they are being asked by the Town of Claverack Town Board to review a proposal for revising the zoning law as it pertains to the former Claverack School building on NYS Rte 23-B as follows:

Section 22...Tables Schedule of Use Regulations/Business Uses/ #19 Wholesale businesses including Sales room - for Hamlet Business would no longer be X but would be SE (page 175)

Zoning Map - the lot that contains the Claverack School (tax map # 121.03-1-89) be added to the Hamlet Business Zone.

Rob Fitzsimmons continued that according to our new zoning, section 20.18.5 very such proposed change shall be referred to the Zoning Board for report before the public meeting is held thereon... Rob Fitzsimmons informed the Zoning Board of Appeals members that the Hudson City School District has a prospective buyer for the school building to run a high-end linens warehouse and retail sales store. Rob Fitzsimmons informed the ZBA that the property is currently in the Hamlet Residential District and move it to the Hamlet Business District and that the Schedule of Use Regulations/ Business Uses #19 needs to be changed to allow for a wholesale business with a sales room within the Hamlet Business District.

Gretchen Stearns who worked on the Comprehensive Plan was present in the audience and informed the ZBA members that it was the intent of the Comprehensive Plan Committee to maintain the former Claverack School and use as a Town center.

David Graziano whom was also on the Comprehensive Plan Committee strongly advised that the change does not keep within the ideals of the Comprehensive Plan and he cited the Comprehensive Plan as follows: Develop and use Claverack School for center if it becomes available and the town government should be involved in this. (pg. 124)

Use the school building on Route 23B. (pg. 124)

Be more proactive acquiring Claverack School (pg. 124)

More common meetings – community center (pg. 124)

Build a community center where neighbors can meet for discussion, recreation, culture

Have a post office, library and town hall all in one complex with sidewalks to it (pg. 124)

Keep some public natural areas. (pg. 126)

Have a community center (pg. 126)

No town center (pg. 127)

Development should be done following the comprehensive plan. (pg.125)

Gretchen Stearns informed the Board that the Comprehensive Committee talked to the TOC Economic Committee about the parcel and it was their consensus that they did not want the former school building to become a business but rather a church, daycare, park, museum, multi-use, assisted living, membership club, etc. all of which are allowed under the current definition of the law. Gretchen Stearns continued that this same type of issue came to head on Maple Ave. designation as a Hamlet Business District and the neighbors were very upset. Ms. Stearns continued that if the business leaves the site then only a business of a similar type could occupy the buildings which creates a controversy in the middle of a residential area.

David Graziano stated that if the TOC were to change the current law and zoning for the former school building then it must be willing to do the same for everyone that is looking to do the same which then creates spot zoning. Gretchen Stearns informed the ZBA members that it was no accident that the Zoning Revision Committee zoned that parcel the way it is in the law and that the Zoning Revision Committee is pro-business but the definition of a small business. Gretchen Stearns continued that the proposal of a warehouse/retail business would create higher traffic.

Steven Melnyk stated that the building would be a wonderful site for the TOC to purchase and create a town center allowing a central Town office complex. Katy Cashen informed the ZBA that it would be out of reach for the Town of Claverack to purchase because the Town doesn't have any money for such a purchase and that Supervisor Andrews had met with the HCSD Superintendent Maria Suttetier to try to work something out with the School District to obtain the building. Katy Cashen continued that Ms. Suttetier stated that the HCSD's current financial hardship does not allow for them to turn over the building to the TOC. Rob Fitzsimmons informed the ZBA members that they are just reviewing the proposal and reporting their decision to the TOC Board to take into consideration but the TOC Board is ultimately responsible for the final decision. Steven Melnyk stated that any new law school graduate would jump on this and every Tom, Dick or Harry will be asking the TOC to change the laws to fit their needs. Steven Melnyk then stated that it was so compelling that the Zoning Revision Committee maintained the zoning for the building to remain in the Hamlet Residential District because of its significance to the hamlet. Gretchen Stearns stated that it was the vision of the Zoning Revision Committee to maintain the beloved building in the middle of the hamlet as green space, town center, and town government to use without requiring a zoning change. Jock Winch stated it is just like the song, "Pave paradise, put in a parking lot," which is just what the County did for the temporary courthouse. Rob Fitzsimmons stated that the HCSD would like to have this issue resolved in order to place the sale of the property on the School Board/Budget vote in May. Gretchen Stearns added that it is a sticky subject because just as TOC Councilman Mike Johnston asked is it better to have another abandoned building or have a business occupy it. David Graziano asked if the applicant had paid an application fee of \$200.00 as per page 167 § 20.18.2 along with a formal map with meets and bounds to review or is the ZBA being bypassed once again. Steven Melnyk again stated that the TOC should make every effort to obtain the building. David Graziano again cited § 20.18.11 for the ZBA, TOC Board, and PB to get together to discuss any changes. Gretchen Stearns added that the ZBA could require more information to be able to make an informed decision. Chairman Frank Clegg stated that he did not feel that the ZBA was afforded enough information to make a decision. Rob Fitzsimmons stated that he was not getting a warm and fuzzy feeling from the ZBA members and the lack of information did not help the decision making process. David Graziano stated that he had no problem saying that. Katy Cashen asked if there would be any benefit to the ZBA holding off making a recommendation until their next meeting which would be after the public hearing on April 11th. She indicated that the Town Board did not intend to close the public hearing on April 11th. Rob Fitzsimmons stated that the ZBA is not in favor of making the change but if the applicant would come to a ZBA meeting and give a review of her proposal it would be helpful. Chairman Frank Clegg stated that in his opinion the TOC would be opening a can of worms by allowing this change. Jock Winch stated that the proposal is not just a variance but is seeking the TOC to change a law, a law that was recently revised and voted on. Rob Fitzsimmons informed the ZBA members that they are to give their guidance, because ultimately the ZBA could hate the idea and the TOC Board could go forward with the change anyway. Steven

Melnyk asked what tax benefit this business would bring to the Town. Katy Cashen stated that the business currently operates out of the former Nightwatch Lamp Co. building and another building in Livingston. Ms. Cashen continued that the owner wants to consolidate these two sites to the school building.

Gretchen Stearns reiterated the proposal stating that the HCSD is asking the TOC to 1. Change the parcel containing the former Claverack School Building from the Hamlet Residential District to the Hamlet Business District and then changing the law defining the Hamlet Business District to include warehouse/retail sales businesses. Ms. Stearns continued that a warehouse could take a lot of space and if the owner of Traditions comes in and thinks that everything is passed then told she can't use for a warehouse it could be a problem. Ms. Stearns continued that she believes that the owner of Traditions has her heart in the right place but the TOC needs to think about the ramifications of making this change.

Motion to recommend that the Town of Claverack Zoning Board of Appeals is not ready at this time to change the zoning laws pursuant to the local law #2 for the Claverack School property and more formal adherence to require further desired materials for a proposed Zoning change is needed was made by Jock Winch with a second from David Graziano. All members were in favor. Motion carried.

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

Respectfully submitted,
Jodi Keyser, Secretary