

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes of March 25, 2015
7:30 p.m.

APPROVED 4/22/15

Chairman Frank Clegg called the March 25, 2015 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members in attendance were: Chairman Frank Clegg, Steven Melnyk, David Graziano, Kim Keil, Oliver Milot, John Porto, Chris Post, engineer; Paul McCreary, attorney; Rob Fitzsimmons, and secretary; Jodi Keyser

Correspondence:

Email from TOC Planning Board member Gretchen Stearns

Packet from Morris & Associates regarding the 2015 Stormwater Permit & Design Manual Update.

Review the minutes of the February 25, 2015 meeting.

Motion to approve the February 25, 2015 minutes with minor changes was made by Steven Melnyk with a second from Oliver Milot. All members were in favor. Motion carried.

NEW APPLICATIONS FOR 3/25/15:

Rune Olsen & Jeffrey Gibson Interpretation of Use: Tax Map #(SBL)121 . 03 – 1 – 89 Located at 621 NYS Rte. 23-B (former Claverack School Building).

Interpretation that proposed use is that of Office/Business, Professional.

Jay Trapp from Crawford & Associates presented for the applicant. Mr. Trapp submitted a letter from the Hudson City School District granting permission for him to represent the application. Mr. Trapp informed the Board that his client is seeking to sell the former Claverack School building to Rune Olsen and Jeffrey Gibson to use as art studios and offices. Mr. Trapp continued that he met with Stan Koloski and was directed to seek an Interpretation of Use from the Zoning Board of Appeals. Mr. Trapp continued that Mr. Olsen and Mr. Gibson are internationally known artists and professors of art and were shown the Claverack School building when they were seeking a building to use for art studios and office space. Mr. Trapp informed the Board that Mr. Olsen is a sculptor using clay and stone and Mr. Gibson uses different types of objects to create art like several punching bags woven together or several toy animals arranged to create a piece. Mr. Trapp stated that the art does not require any welding or hot work. David Graziano asked if a kiln would be needed. Mr. Trapp answered no and all of the renters of space would be required to adhere to the same rules. Mr. Trapp informed the Board that no retail or wholesale business will be conducted at the site only the creation of the art. Mr. Trapp also informed the Board that no change to the footprint or interior of the building will be made only some painting and some minor repairs to the exterior brick. Mr. Trapp informed the Board that this sale will need school district voter approval and will appear on the ballot on May 20th. Mr. Trapp continued that the space will be used primarily by Mr. Olsen and Mr. Gibson but they will have 3 to 5 spaces used by other artists. Mr. Trapp stated that this use will be less intrusive than the previous school or court building. Mr. Trapp stated that about 10 to 15 cars would regularly be on site. Steven Melnyk asked if the office aspect is why the need for the Interpretation. Mr. Trapp answered yes. Steven Melnyk then stated that the art studio is ancillary to the office use. Rob Fitzsimmons informed the Board that this would be one of the lowest impacts of use. Rob Fitzsimmons informed Mr. Trapp that the Board requires a narrative with all of the details of the proposed use. Steven Melnyk informed

the applicant that the application appears to show that the Town of Claverack Building Department initially viewed this use as an office but could not find an exact definition. Mr. Trapp informed the Board that he would not try to sell something to the Board if he didn't think it would be a very low impact use. Mr. Trapp continued that this will also put the building back on the tax rolls and in his opinion would not impact the library, church, or neighborhood and it will not create noise. David Graziano stated that TOC Zoning Law § 2.2.138 states *Offices: Business, Professional – A room, group of rooms or building used primarily for conducting the affairs of a business, service, industry, government, profession, or like activity as designated by the NYS Department of Education maintained for conduct of that activity; may include ancillary services such as cafeterias and lounges* describes this use and he is comfortable. Rob Fitzsimmons informed the Board that a public hearing would be needed but it does not require a SEQRA declaration. Chairman Frank Clegg polled the Board members and all were in agreement to define the use as a business: office/ professional use. Set for public hearing on April 22, 2015. Rob Fitzsimmons informed Mr. Trapp to obtain a public hearing sign from the Town office and to have the narrative to the Secretary by April 5th.

CONTINUING APPLICATIONS FOR 3/25/15:

ZBA member Kim Keil asked to be recused for this application.

Valley Energy Site Plan Review; Tax Map #(SBL)131 . – 1 – 27 Located at 5848 NYS Rte. 9-H in Claverack.

Area Variance for the height of a proposed 12-foot ground mounted digital price sign where 8-foot is allowed by zoning code.

Pat Prendergast, Russ Beck and Kim Keil were present for the application. Mr. Prendergast informed the Board that his client received approval of a Site Plan for the relocation of fuel pumps in October 2014 from the TOC Planning Board. Mr. Prendergast continued that at the time of the Site Plan his client did not want to erect a sign. Kim Keil informed the Board that a sign was not part of the approved Site Plan. Mr. Prendergast informed the Board that in January 2015 he was contacted by Mr. Beck to have a pricing sign for the relocated fuel pumps. Chairman Frank Clegg asked Mr. Prendergast if he has contacted NYS DOT. Mr. Prendergast stated that he read the letter from Stan Koloski about relocating the pumps and having NYS DOT visit the site but this was only for a sign. Mr. Prendergast continued that his client has contracted with Ronsani Paving to fix the pavement and they spoke with NYS DOT Joe Visconti for permitting. Mr. Prendergast continued that Mr. Visconti will probably make his client do curb cuts but this application is only for a sign. Kim Keil stated that no one invites NYS DOT but Valley Energy is open to curb cuts. Chairman Frank Clegg stated that NYS DOT will work with the applicant but he needs to be contacted. David Graziano stated that he has a problem with the approved Site Plan because it does not include a sign and the minutes clearly state that there will not be a sign. Mr. Prendergast asked if the Planning Board has to approve all signs. David Graziano stated that it is a technical issue but he is hesitant to grant approval because the sign is not included in the approved Site Plan. Kim Keil handed out a packet of photos and old bills to the Board members showing that the business had sold gas in the past. Pat Prendergast informed the Board that the only accident his client can remember is when police were chasing a car that wrecked in his parking lot and caused damage to his fence. Chairman Frank Clegg stated that he is hesitant because the Planning Board did not rule on a sign while reviewing the Site Plan application. Rob Fitzsimmons informed the applicant that it would be wise to check with the TOC Building Department and if the Zoning Board of Appeals grants the variance and they go to the Building Department for a permit it will be denied because it was not approved during the Site Plan. David Graziano asked if the photos showing gas sales be a use that has timed out. Rob Fitzsimmons stated yes that use has timed out. Kim Keil informed the Board that the business has always sold gas and has always been a gas station. Ms. Keil continued that the fuel pumps were relocated for the safety of their customers and to install fire suppression. David Graziano stated that he was concerned even though it is a simple sign it was not included in the original Site Plan review. David Graziano continued that the TOC Planning Board and Zoning Boards are not communicating. Mr. Beck informed the Board that this sign was an afterthought and that is why it was not part of the original Site Plan. David Graziano asked if the ZBA

could grant the variance with conditions that the applicant return to the TOC Building Department. Rob Fitzsimmons stated yes. Steven Melnyk stated that the ZBA is only approving the Area Variance for the height of the sign not for granting approval of the sign itself.

Chairman Frank Clegg opened the meeting to the public hearing at 8:00 p.m.

Scott Cole informed the applicant to check the size of other signs on the business because the TOC Laws have specific dimensions that are allowed and already having a couple of signs this sign might be over the allowed signage for the property. Mr. Cole advised the applicant to check with the TOC Zoning Laws for the total amount of signage allowed.

Mr. Prendergast informed the Board that the sign should be ok because he spoke with Stan Koloski and if Stan thought that the sign would put them over the allowed signage he would have told him and he didn't say anything about the size. Rob Fitzsimmons informed the applicant that 24 square feet is the maximum signage allowed. Chris Post stated that he understood that this sign was designed after the originally approved Site Plan and he would approve the Area Variance but because it was not reviewed with the Site Plan he would recommend the applicant go to the Planning Board for an amendment to the approved Site Plan. Rob Fitzsimmons stated that the TOC Law states that it has to go to the TOC Building Department if there are changes to the original approved Site Plan and that the applicant is representing that use has always been that of a gas station but it is up to the TOC Building Department. Rob Fitzsimmons continued that sometimes the variance is obtained prior to the Site Plan Review so the Board can move forward with this application.

Chairman Frank Clegg closed the public hearing at 8:10 p.m.

Paul McCreary reviews the SEQRA for the Board members.

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

Rob Fitzsimmons reviewed the criteria for an Area Variance for the Board.

Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance? Members felt that no undesirable change will be created because of the character of the neighborhood.

Will the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than the area variance? Board members felt that this was the best option because a shorter sign would create a hazard.

Is the requested variance substantial? Board members felt the variance was not substantial.

Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Members felt it would not.

Was the alleged difficulty self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance. Board members felt that it was not.

Chairman Frank Clegg suggested that the TOC Building Department or the Planning Board investigate the NYS DOT issue. Steven Melnyk stated that the applicant will need to resubmit a revised Site Plan with the curb cuts if required and the sign. Mr. Prendergast will meet with Stan Koloski.

Motion to approve the Area Variance to allow for a 12-foot sign ground mounted digital price sign was made by Steven Melnyk with a second from Chris Post. All members were in favor. Motion carried.

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Motion to adjourn the meeting was made by Steven Melnyk with a second from Oliver Milot. All members were in favor. Meeting adjourned at 8:30 p.m.

Respectfully submitted,
Jodi Keyser, Secretary