

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544

Meeting: June 24, 2009
7:30 p.m.

Approved July 22, 2009

Chairman Frank Clegg called the June 24, 2009 meeting to order at 7:30 p.m.
Chairman Clegg led the Board members and audience in the Pledge of Allegiance.

Correspondence:

Letter from Mariann Slovak regarding the Coyote Flaco Mexican Restaurant on Route 9-H.

Letter from Palmisano and Greene regarding the Coyote Flaco Mexican Restaurant.

Letter from Bond, Schoeneck, and King PLLC.

Also Secretary Jodi Keyser informed the Board members that the TOC will be hosting a group of grant writers looking into grants the TOC might be able to apply for. The first meeting of this group is June 24, 2009 at 7:00 p.m. Other meetings will be held with time and date to be determined. Any items that Board members feel this group should try to obtain grant funding for should be forwarded to the Town of Claverack Office building.

Rob Fitzsimmons reminded Board members of the TOC re-zoning committee meeting on June 25, 2009 at the Town Hall building. Members of the Planning Board and ZBA are encouraged to attend.

Norma Barnard made a motion to approve the minutes of the May 27, 2009 meeting with a second from David Graziano. All members were in favor. Motion carried.

Audience member Gary Steenburn informed the Board members that he would be taping the meeting. Also audience member Paul Thallner is taping the meeting tonight.

Continuing Board cases for 6/24/09:

Stringham, Varick: Tax Map # (SBL) 120 . 2 – 1 – 4 and 120 . 2 – 1 – 10 Located at 406 Rte. 23-B Site Plan Review.

Varrick Stringham was present for his application. Chairman Frank Clegg informed the applicant that the Site Plan map he submitted was dated 8/14/92. Board members David Graziano and Jock Winch also had issue with the date of the submitted site plan maps. All members felt that newer Site Plan maps are needed for the application. Chairman Frank Clegg informed the applicant that on the site plan maps it appears that the well and septic systems are very close to the building and each other. Chairman Clegg informed the applicant that Columbia County Department of Health should be called in to do a review of the septic and water systems. Varrick Stringham informed the Board that the building has a spigot to be hooked to the TOC water district. Chairman Clegg asked that Mr. Stringham call CCDOH to set up a review by that office and then submit the review letter to the ZBA. Chairman Clegg then asked the applicant if COARC is renting the property in question doing repair of their fleet. Mr. Stringham answered yes. Norma Barnard then asked if COARC was doing the repair in the back of the building or in the front. Mr. Stringham answered COARC is occupying the back 2/3 of the building. Jock Winch asked the applicant if he has contacted the NYS DOT for curb cut approval. Mr. Stringham answered no. Mr. Stringham was advised to contact the NYS DOT for curb cuts. Chairman Clegg then reminded the Board that the building in question is split into two different zones, HC and RR. Jock Winch stated that the applicant knew the two different zones when he purchased the property. Rob Fitzsimmons informed the Board, applicant, and audience that the Zoning Law has a provision dealing with one property divided by two different zones. The provision requires the owner to ask the ZBA for approval of the use in the Rural Residential Zone and the ZBA determines the controls and measures to protect the residential properties and owners. Jock Winch asked Mr. Stringham to provide a detailed map of the interior of the building showing the different size spaces for each use. Rob Fitzsimmons asked Mr. Stringham to provide a detailed narrative for the building including hours of operation for uses, number of vehicles, types of repairs, noise, fuel storage, compressors, parking, lighting, signage, and screening plans. Jock Winch informed Mr. Stringham that the Board wants to be assured that the property has a clean bill of health from the NYS DEC before decision therefore submission of a NYSDEC letter is requested also. David Graziano asked Mr. Stringham whether he was in compliance with Code Enforcement issues. Rob Fitzsimmons informed the Board that they could set up a site visit in the future. Rob Fitzsimmons informed the Board

that the TOC Building Department recently contacted COARC informing them that a Site Plan Review was in progress for the site they are occupying. COARC became afraid that they might need to move their operation again. Rob Fitzsimmons stated that in fairness to Mr. Stringham he was under the assumption that he could rent the building to a repair business until the ZBA denied the interpretation of use. Therefore a good faith effort with Mr. Stringham and the TOC will be in effect pending Site Plan Review. Gary Steenburn asked the Board what expectations and items are required of the applicant for the next meeting. Rob Fitzsimmons informed the Board that Mr. Stringham needs to supply the Board with updated Site Plan Maps, review of existing well and septic systems from CCDOH, curb cuts approval from NYSDOT, narrative regarding hours of operation, lighting, size of interior space being used, screening, parking, etc. Barbara Delamater asked the Board if the Site Plan Review would include the roadway that was cut through to Webb Rd. Jock Winch stated yes. Norma Barnard stated that on the Site Plan Maps the roadway is marked for maintenance and emergency access. Secretary Jodi Keyser will contact neighbor Mary Daly if the applicant is not planning to attend the July meeting most likely the applicant will return to the ZBA for the August meeting. Norma Barnard asked Mr. Stringham where the large piles of cement disappeared to that were located on his property. Mr. Stringham informed the Board that he pushed the piles of cement into the gully on his property. Continued to August.

New Applications:

Luis Lopez / DBA Coyote Flaco: Tax Map # (SBL) 131 . - 1 - 5 Located at 6032 Route 9-H & 23. Area Variance to expand outside usage area and new signs for business.

Mr. Luis Lopez appeared for his application. Audience member Mariann Slovak asked the Board for a postponement of the application until she receives the information of her FOIL request for information regarding the property. Rob Fitzsimmons will follow up on Ms. Slovak's FOIL with the Town of Claverack offices. Mr. Lopez then addressed the Board with his plan to operate a Mexican Restaurant at the site of the former Moosehead Tavern on Rte. 9-H. Mr. Lopez submitted CCDOH approval. Also submitted a Permit to Operate from the TOC building department. Mr. Lopez is asking to change some of the signage on the property. Mr. Lopez informed the Board that he is in the process of applying for his liquor license. Mr. Lopez applied for inside sale of alcohol at this time but would like to expand to the outside patio area eventually. Mr. Lopez applied for Food service on the patio. Mr. Lopez then informed the Board that his hours of operation will be Tuesday – Sunday from 12:00 p.m. to 10:00 p.m. then after obtains liquor license will expand hours on Friday and Saturday until 1:00 a.m. Jock Winch stated that the applicant should go through a Site Plan Review due to change of use and change of renter. Jock Winch stated that the Site Plan is needed to do things correctly so no problems in the future. Rob Fitzsimmons stated that the application is for non-conforming signs but is confused because the non-conforming use was the same use previously at this site. Therefore the ZBA can not allow for effective public comment until he gets a clear picture of the application and why the TOC Building Department referral to ZBA. Paul Gundrum asked how the Moosehead was allowed to expand to the patio without a building permit. TOC Building department permit submitted for the expansion of the patio. Mr. Lopez stated that the patio is only for smoking at this time. Mr. Lopez hopes to serve food and eventually alcohol on the patio. Rob Fitzsimmons informed Mr. Lopez that the neighbors have issues with serving alcohol and food outside due to issues with the previous renter. Mr. Lopez will return to the July meeting with CCDOH documentation and NYS Liquor Authority application. Rob Fitzsimmons then asked Mr. Lopez if he plans to have outside entertainment on the patio or front porch. Mr. Lopez stated never. Audience member Tim Van Keuren then addressed the Board with the size of the signs and the lighting. Rob Fitzsimmons stated that the ZBA could only regulate the size and lighting of the signs not the content. Ms. Slovak informed the Board that the applicant has installed new lighting for the signs, which are halogen and shine into her livingroom and bedroom. Continued to July 22, 2009 meeting.

Motion to adjourn meeting was made by Norma Barnard with a second from David Graziano. All members were in favor. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jodi Keyser
Secretary