

**TOWN OF CLAVERACK  
ZONING BOARD OF APPEALS  
91 CHURCH STREET  
MELLENVILLE, NY 12544**

**Minutes: July 25, 2007**

**APPROVED 8/22/07**

Chairman Frank Clegg called the July 25, 2007 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:36 PM.

Chairman Clegg led the Board and audience in the pledge of allegiance.

Members in attendance were: Chairman Frank Clegg, Norma Barnard, David Graziano, Paul Gundrum, Jock Winch, Stephen Harder, engineer Joe Romano, attorney Rob Fitzsimmons, and secretary Jodi Keyser.

Absent: Stephen Melnyk.

The Board members reviewed the minutes of June 27, 2007 meeting. Motion to accept the minutes of the June 27, 2007 meeting as written was made by 1<sup>st</sup> Norma Barnard with a 2<sup>nd</sup> from Paul Gundrum. All members were in favor. Motion was carried

Zoning Board Cases 7/25/07:

**New Cases:**

1. Merritt, David J. 304 Miller Rd. Tax Map # 141 . – 2 – 09. Use Variance/Special Exception for construction of a home based recording studio.

Mr. Koweek attorney for Mr. Merritt, Mary Mullane representing Gary DiMauro Reality, Will Schillinger proposed buyer, and Gethen Owen caretaker were present. Mr. Koweek introduced the Special Exception his client is asking for to the Board. The property was formally Jonas Studios on Miller Rd. Mr. Schillinger is asking to move his recording studio business from New York City to the Miller Rd. site which is also his residence. Mr. Koweek submitted a letter stating that they are favorable to the project from members of the Miller Rd Homeowners Association. Mr. Schillinger informed the Board that minimal modifications would be needed to the building. In order for the site to be used as a recording studio he needs to install special sound proofing materials to keep the sound from escaping the studio and also to keep sounds from entering from the outside. Mr. Graziano asked Mr. Schillinger if he is going to use the site for personal use or is he planning to move his entire recording operation here. Mr. Schillinger responded that he would be moving the business to the site but not the clients. He also stated that the recording business is a declining business with less and less recordings being released. Mr. Schillinger informed the Board that he is resigned to the fact that he will have less business at this site than in New York City but he will have much less in overhead. Rob Fitzsimmons informed the applicant and the Board that in order to grant a Special Exception for a professional office the applicant needs to explain his professional qualifications and prove that this is not just a mom and pop operation. Applicant needs to sell himself to the Board. Mr. Schillinger responded by saying that he has operated Pilot Recording Studios in New York City for 15 years. Prior to that he has worked for all of the major recording studios in NYC i.e. Electric Lady, Atlantic. He has also worked summers in London at the Abby Road Studios. He has worked in the industry for

approximately 30 years. He has also designed many of the top recording studios in NYC. He does not record Rap and or Hip Hop only small bands, 4 or 5 piece bands that will not create a hardship or impact on the neighborhood. Mr. Graziano asked Mr. Schillinger what the hours of operation would be for the studio. Mr. Schillinger answered that he hopes to have only 1 or 2 recording sessions per week and the hours will be from approximately 11:00 AM to 8:00 PM but not specific hours of operation. If he is into a recording session he might need to exceed those hours but this will not create noise or many cars leaving. Most of the artists will stay for the night at the 4 bedrooms located on the property. Mr. Schillinger is hesitant to set specific hours of operation due to the fact that he may run longer than the hours specified. Mr. Winch asked if the business will be recording on weekdays only or will he have weekend hours also. Mr. Schillinger informed the Board that he has typical hours of operation but does not want to be limited to specific times or days. He feels that noise will not be an issue for the neighborhood and the traffic will be minimal to the area. Chairman Clegg asked Mr. Schillinger where he plans to live at the site. Mr. Schillinger informed the Board that he lives in the attached 2-bedroom apartment. Rob Fitzsimmons informed the Board that this project does not meet the requirements for Home occupation and not meeting special use because the apartment and business have been use recently. Mr. Fitzsimmons informed the Board that he is comfortable that this meets the professional office and the applicant has established that the professional criteria have been met with his credentials. Chairman Clegg opened the meeting to public hearing at 8:00 PM. Elizabeth Davis of 335 Miller Rd. asked if the Board grants the professional office use to the building at this time does this designation remain with the building if the owner sells in the future. She is concerned that the building will be sold off at a later date and become an auto repair business. Rob Fitzsimmons answered that if the building is sold and the new owner wants to operate a business at the site the new owner must appear before the ZBA and he stated that the site would never become an auto repair business. Rob Fitzsimmons also read a letter from William Barrett of 297 Miller Rd. stating that Mr. Barrett has no problem with the sale of the property and its use as a recording studio but requests that the ZBA tightly define the use to a recording studio only and no other commercial use be allowed. Public hearing closed at 8:07 PM. Rob Fitzsimmons informed the Board that prior to reviewing the SEQRA the building was previously used as a business. Joe Romano reviews the short SEQRA for the Board members. Motion for negative SEQRA declaration was made by 1<sup>st</sup> Jock Winch with a 2<sup>nd</sup> from Stephen Harder. All members were in favor. Motion carried. Motion to approve special use permit for professional office due to the information supplied by the applicant was made by 1<sup>st</sup> Stephen Harder with a 2<sup>nd</sup> from Jock Winch. All members were in favor. Motion carried. Fees of \$36.72 cash were paid by Mr. Koweek for the certified mailing.

Motion to adjourn the meeting was made by 1<sup>st</sup> Paul Gundrum with a 2<sup>nd</sup> from Norma Barnard. All members were in favor. Motion was carried. Meeting was adjourned.

The next meeting of the Town of Claverack Zoning Board of Appeals will be held on Wednesday, August 22, 2007 at 7:30 PM at the Town Hall Building.

Respectfully submitted'

Jodi Keyser  
Secretary