

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

Minutes: September 24, 2008

Approved 10/22/08

Chairman Frank Clegg called the September 24, 2008 meeting of the Town of Claverack Zoning Board to order at 7:30 p.m.

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

Members in attendance were: Chairman Frank Clegg, Steven Melnyk, Norma Barnard, Paul Gundrum, David Graziano, Engineer Joseph Romano, Attorney Rob Fitzsimmons, Secretary Jodi Keyser.

Absent with regrets: Jock Winch

Motion to accept the minutes of August 27, 2008 meeting as written was made by 1st Paul Gundrum with a 2nd from Norma Barnard. All members were in favor. Motion was carried.

Continuing Board cases for 9/24/08:

McNamee, James M. Claverack Bank: Intersection of County Rte 27 & Rte 9-H Claverack, Tax Map # (SBL) 131 . - 1 - 45 . 120 and 131 . - 1 - 45 . 112 seeking Special Exception and Use Permit to operate a sand and gravel bank.

Letter from Mr. McNamee was submitted to the file stating that he has no new information from NYS DEC and therefore will not attend this meeting and will make contact with Secretary Jodi Keyser prior to the October meeting.

New Cases:

Bartges, Hans: 880 Snyderstown Rd. Stop 20. Tax Map #(SBL) 132 . - 2 - 31 . 1 seeking Area Variance for side set backs.

Mr. Hans Bartges was present to represent his application for an Area Variance for solar panels that he has erected at his home on Snyderstown Rd. Mr. Bartges stated that the panels are currently in place and he was unaware that his contractor had not obtained a building permit prior to construction. Mr. Bartges informed the Board that when he met with the Building Inspector Stan Koloski he was told that he would need an Area Variance because the panels were too close to the neighboring property. Mr. Bartges owns both the property that the panels are on and the neighboring parcel but due to the fact that they are separate parcels and one could eventually be sold he would need this Area Variance. Mr. Bartges stated that he has looked into moving the panels to conform but that proved too costly and would cause the panels to not be placed in the best place for performance. Also moving the panels would cause the panels to be more visible from the closest neighbors. Rob Fitzsimmons informed the Board that the solar panels are considered accessory structures and need 20' setbacks. Photos and maps were submitted to the file. Rob Fitzsimmons informed the applicant that the ZBA will set a public hearing for his application at the October 22, 2008 meeting. Rob Fitzsimmons also informed the applicant that he will need to obtain a meeting notice sign from the Town

Office and erect this sign at least two weeks prior to October 22, 2008. Continued to October.

McCagg Excavating: 33 Bender Blvd. Columbia County Commerce Park. Tax Map #(SBL) 101 . – 2 – 02 . 111 extension of a previously approved Site Plan Review. Dan Proper was present to represent the applicant. Mr. Proper informed the Board that the McCagg's had previously obtained approval of a Site Plan Review and Special Exception for a building located at 33 Bender Blvd in the Columbia County Commerce Park. The building will be used to house the equipment for their excavation company. Mr. Proper stated that his client recently went to obtain a building permit and found out that their Site Plan Approval had expired because they waited over 90 days to obtain a building permit therefore their Site Plan Approval expired. They are now back to ask for an extension of their previously approved Site Plan and Special Exception. Mr. Proper did note that the Site Plan has a minor change in the fact that the original building proposed was to be 100' X 100' and is now 100' X 80' making it 20' smaller. Joe Romano informed the Board that the change is so minor that a new Site Plan Review is not needed and that there is no need to revisit the SEQRA because it was a Negative Declaration to the SEQRA at the larger size. Board member Norma Barnard asked if the applicant should start over because of legalities. Joe Romano stated that he did not believe that a Site Plan approval ever expires but building permits expire after 90 days. Chairman Clegg asked if the applicant applied for a building permit? Mr. Proper answered no and that is why they are back before the ZBA. Building Inspector sent them back because they had not obtained a building permit within 90 days of approval and because of a minor building footprint change. Motion to grant an extension of the previously approved Site Plan Review and Special Exception including the minor change with respect to the building footprint in the originally approved Site Plan was made by 1st Steven Melnyk with a 2nd from Norma Barnard. All members were in favor. Motion was carried.

Motion to adjourn meeting was made by 1st Steven Melnyk with a 2nd from Paul Gundrum. All members were in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jodi Keyser
Secretary