

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: November 28, 2012
7:30 p.m.

APPROVED 1/23/13

Chairman Frank Clegg called the November 28, 2012 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m. Chairman Clegg led members of the ZBA and audience with the Pledge of Allegiance.

Members in attendance were:

Chairman Frank Clegg, Kim Keil, David Graziano, Oliver Milot, Paul Gundrum, attorney Barrett Mack, engineer Paul McCreary, and secretary Jodi Keyser

Absent: Steven Melnyk and Jock Winch

Correspondence: No correspondences were received.

Members reviewed the Minutes of the October 24, 2012 meeting.

Motion to approve the minutes of October 24, 2012 was made by Oliver Milot with a second from Kim Keil. All members were in favor. Motion carried.

Continuing Applications for 11/28/12:

Vulpis, Nicholas & Patricia: Tax Map #(SBL) 133 . – 2 – 7 Located at 880 Carlson Rd. Craryville. Site Plan Review to replace an existing 1440 square foot mobile home with a new 1120 square foot mobile home in the same location.

Mr. Nicholas Vulpis was present for his application. Mr. Vulpis reviewed for the Board his application for a Site Plan Review to remove an existing 1440 square foot mobile home with a new 1120 square foot mobile home at the same site of his existing home. Mr. Vulpis reminded the Board that the new mobile home will have a smaller footprint than the existing home and will sit on a concrete slab, have a peek roof, and entire skirting around which will be constructed by Future Homes in Cairo, New York. Kim Keil stated that it appears to be an improvement. Mr. Vulpis informed the Board that he received a meeting notice sign from the Town Office and it was placed at the end of his driveway. Chairman Frank Clegg opened the public hearing at 7:32 a.m. No comments. Chairman Clegg closed the public comment at 7:33 p.m. Paul McCreary reviews the SEQRA for the Board. Paul McCreary proposed that the Board that there are no adverse environmental impacts from the application. Motion to declare negative declaration with regard to SEQRA was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried.

Motion to approve Site Plan Review to replace an existing mobile home with a smaller, newer mobile home was made by Oliver Milot with a second from Kim Keil. All members were in favor. Motion carried.

New Applications for 11/28/12:

Claverack Free Library: Tax Map #(SBL) 121 . 03 – 1 – 91 Located at 629 Rte 23-B Claverack. Area Variance for installation of a temporary 60 square foot sign to advertise new use of building.

Susan Roberts was present for the application. Mrs. Roberts informed the Board that the Claverack Free Library is seeking a Variance to install a temporary heavy vinyl sign on the front of the new library construction to inform the public of the project. Mrs. Roberts stated that the proposed sign is 6-feet by 10-feet and will be a copy of the blueprint of the ongoing construction at the library. Chairman Frank Clegg asked the applicants if they had an idea of the length of time for the temporary sign. Jenny Post from the Library informed the Board that the sign is made from vinyl and will be placed on one of the existing bay doors of the former library for about 12 to 18 months to advertise the construction project to help to get donations. Barrett Mack informed the Board that the Town of Claverack Zoning Regulations does not make exceptions for temporary signs but the sign is over the

allowed size and therefore requires an Area Variance. Barrett Mack then instructed the applicants to review the criteria that they must meet in order for the Board to grant an Area Variance. Barrett Mack continued that the Board should consider that other businesses in the area might want to erect larger signs also. Susan Roberts informed the Board that the Library is only asking to put up this temporary sign to help with fundraising and would not want to make it permanent. David Graziano asked again how if the applicant had a plan for the length of time the sign would be used. Susan Roberts then asked the Board members how long they would allow the sign. David Graziano stated that temporary has different meanings to everyone. Mrs. Roberts then stated that the sign would be in place for one year. David Graziano then stated that everyone in the area will want to put up all types of temporary signs and the library might not like that right next to them. Chairman Clegg informed the applicants that this would not be an issue if the size of the sign met the Town of Claverack Zoning regulations. Barrett Mack informed the Board and applicants that they could precede, but it seems that the Board is not favorable but would need to set a public hearing. Chairman Frank Clegg asked the applicants to determine whether they wish to proceed or not. Mrs. Roberts will email or notify the secretary.

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

John Dianda was present for the application. Mr. Dianda explained that he needs an Area Variance for a small porch that he installed on the former troopers barracks on Rte. 217. Mr. Dianda stated that the porch does not meet the side yard setbacks. David Graziano asked the applicant if the porch was existing. Mr. Dianda stated that he has built the porch. David Graziano noted that the TOC Building Inspector, Stan Koloski noted that the porch was built against his instructions. Mr. Dianda stated that he does not want a problem and would just remove the porch if it was that big of a problem. Chairman Frank Clegg suggested that the applicant proceed to public hearing at the January meeting. Mr. Dianda paid certified fees of \$55.00 cash for the mailing.

Unger, John: Tax Map #(SBL) 141 . – 2 – 09 Located at 304 Miller Rd. Claverack. Interpretation of Use for a Home Occupation for a residence and artist's studio.

Virginia Benedict was present to represent the applicant. Ms. Benedict informed the Board that she is an attorney with Rapport and Meyers law firm that are representing Mr. Unger. Ms. Benedict informed the Board that Mr. Unger is seeking to purchase the former Jonas' Studio property as his residence and art studio. Ms. Benedict stated that Mr. Unger is an artist who currently lives in Michigan but is looking to relocate to the Jonas property to live and work and therefore he is seeking a Home Occupation permit for this property before he makes the purchase. Chairman Clegg informed the applicant that this property received a Variance a few years ago to be used as a music studio. Ms. Benedict informed the Board that the application is for an interpretation of use as a Home Occupation or they will proceed to a Use Variance. Barrett Mack reviewed the criteria of a Home Occupation within the TOC Zoning regulations. Barrett informed the applicant that they will still need to obtain a Use Variance despite a previous Use Variance approval for the same property because of the differences between uses. Barrett Mack stated that the TOC Building Department noted problems with granting a Home Occupation. Ms. Benedict stated that she understands the concerns. David Graziano stated that the size and type of use need to maintain within the guidelines of a Home Occupation. Barrett Mack stated that unless the purchaser is willing to conform to the strict Home Occupation guidelines it would not be allowed. Ms. Benedict stated that her client would rather seek a Use Variance.

Unger, John: Tax Map #(SBL) 141 . – 2 – 09 Located at 304 Miller Rd. Claverack. Use Variance for non-conforming use as an artist' studio and residence.

Cont. Barrett Mack then gives Ms. Benedict a copy of the form to conform with a Use Variance for her to answer. Chairman Frank Clegg asked what Mr. Unger would use the site for. Ms. Benedict informed the Board that Mr. Unger is an artist that creates structural fire bowls and supplied photos of his work. Chairman Clegg asked the size of the fire bowls. Ms. Benedict stated that she will ask Mr. Unger but they are just decorative fire pit types of items that are about the size of a propane tank. Ms. Benedict continued that Mr. Unger is aware of the issues with truck traffic on Miller Road. Ms. Benedict continued that Mr. Unger has contracted with a shipper that will use smaller box trucks like Fed Ex and UPS to make deliveries and pick-ups. Ms. Benedict stated that in the paperwork Mr. Unger had stated that he would be using tractor trailers for delivering but he has found a company with smaller trucks that would work. Ms. Benedict stated that that Mr. Unger informed her that

he would coordinate pick-ups and deliveries to happen during the same trip to mitigate the number of trucks. Kim Keil asked if propane is being shipped or would the purchaser obtain their own propane after delivery. Ms. Benedict stated that the fire bowls will not be shipped with propane that it up to the purchaser to obtain upon delivery. Chairman Frank Clegg stated that the Board can set public hearing for the January 23, 2012 meeting for the Use Variance. Barrett Mack stated that would give Ms. Benedict time to fill out the questions for meeting the criteria of a Use Variance. Chairman Clegg asked if the applicant would supply actual sizes for the fire bowls. Ms. Benedict stated that she believes the fire bowls are comparable to the same type of items sold at Lowes and Home Depot. David Graziano stated that the photos are hard to grasp size. Chairman Clegg asked for a listing of the equipment Mr. Unger uses to make the fire bowls. Ms. Benedict informed the Board that a complete listing of equipment is in the application packet. Sarah Lipsky, real estate broker representing Mr. Unger text messaged him to obtain the sizes of the fire bowls. Ms. Lipsky informed the Board that the fire bowls range in size from 37" in diameter and 22" high to 52" in diameter and 35" high and weigh approximately 50lbs. Ms. Benedict stated that the fire bowls will be shipped on a pallet measuring 40" x 40" x 20". Set public hearing for January 23, 2012. Bill Barrett, Lance Wheeler, and Jeff Monkash were present and informed the Board that they represent the residents of Miller Road and that they are in opposition of this proposal.

Informal:

Barrett Mack recuses himself due to conflict of interest.

County of Columbia Site Plan Review:

Dave Robinson was present for the application. Mr. Robinson informed the Board that he represents Columbia County as their engineer. Mr. Robinson continued that Columbia County is seeking a Site Plan Review for use and minor repairs to the former Claverack School Building on Rte. 23-B for use as the County Courthouse during its renovation. Mr. Robinson informed the Board that the county has a letter of agreement with the Hudson City School District to rent the former school building for approximately 18 months. Mr. Robinson informed the Board that the move of the courthouse will begin on December 26, 2012. Mr. Robinson then asked that the Board consider a special meeting to review and make a decision prior to the December 26th move. Mr. Robinson stated that if the County has to wait until the January meeting they will be holding court without approval and possibly be considered in violation of Town of Claverack Zoning regulations. Mr. Robinson stated that they are not changing or renovating the building just some painting and other minor repairs in order to use the building. Chairman Frank Clegg asked if the building is large enough to house the County court. Mr. Robinson stated that the County will make it work and they have an agreement with the People's Church next door and the Claverack Free Library to use their parking areas. David Graziano asked if the County needs to get a building permit or a Certificate of Occupancy. Mr. Robinson stated no because they are not changing the building or doing construction. David Graziano stated that the application could require a change of use from a school building to a municipal building. Kim Keil informed Mr. Robinson that the application was too short of notice for the TOC ZBA. Mr. Robinson stated that the Columbia County Board of Supervisors approved the rental agreement the 2nd week of November with the HCSD which put things a little late. Mr. Robinson stated that the use is permitted but they are required to have a Site Plan Review. Mr. Robinson continued that the County does not want to put the Town of Claverack in this type of situation but it there is a short timeframe to get thing going. Paul Gundrum stated that he feels the County needs to have a Plan Review by the Town of Claverack ZBA. Dave Robinson asked the TOC ZBA to set public hearing at the January 2013 meeting. Barrett Mack informed the Board that it at their discretion whether to have legal consul at the meeting to represent the TOC or go without. Mr. Robinson was advised to submit a formal application to the Town of Claverack ZBA and to seek guidance from TOC Building Inspector Stan Koloski.

Susan Roberts asked to re-approach the Board after listening to the County application. Ms. Roberts reminded the Board that the Claverack Free Library is a non-profit organization and if the TOC can consider such an application from the County and make concessions for them why couldn't the Board make a concession for the library. Ms. Roberts continued that the Library is only seeking to have a temporary sign like the County is seeking a temporary place for the Court. Oliver Milot asked Ms. Roberts if they would consider a smaller sign that would meet the ZBA regulations. Ms. Roberts stated that the sign needs to be large enough to view from the roadway and they are only covering one of the truck bays. Paul Gundrum suggested the library members paint a

mural or have one painted. Oliver Milot stated that he understands the blueprint design for the sign but this would not be an issue if they just used wording without the blueprint. Paul McCreary informed the applicant that the size of the sign is determined by the text. Ms. Roberts asked if it is worth continuing with the application? Will notify prior to the January meeting their decision.

Motion to adjourn meeting was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried. Meeting adjourned at 8:35 p.m.

Respectfully submitted,
Jodi Keyser, Secretary