

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544  
Minutes: September 26, 2012  
7:30 p.m.

DRAFT COPY

Chairman Frank Clegg called the September 26, 2012 meeting of the Town of Claverack Zoning Board to order at 7:30 p.m.

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

Members in attendance were: Chairman Frank Clegg, Steven Melnyk, Kim Keil, David Graziano, Oliver Milot, Jock Winch, engineer Paul McCreary, attorney Rob Fitzsimmons, and secretary Jodi Keyser

Correspondence:

Newsletter via email from Ellen Jouret-Epstein regarding an upcoming training by NYS Planning Federation on 11/9/12 at the FDR Library in Hyde Park.

Also the email contained a site to go to for details on some grant opportunities.

New EAF forms from Morris Associates.

Motion to approve the minutes of the August 22, 2012 meeting was made by Steven Melnyk with a second from David Graziano. All members were in favor. Motion carried.

**Continuing Applications for 9/26/12:**

***Filli, Damon & Theodore dba Filli's Pizzeria:*** Tax Map #(SBL) 121 . 03 – 3 – 19 Located at 6 Park St. Site Plan Review for expansion of retail space for pizzeria restaurant.

*Damon and Ted Filli were present for the application. Chairman Clegg asked Damon Filli why he had failed to show up to the previous two meetings for his public hearing. Damon Filli answered that he had lost track of the months. Chairman Clegg asked the Filli's to supply a narrative to Building Inspector including number of seats, number of employees, type of use for expansion, signage, lighting, stoves being used and a sketch of the layout for the space including the placement of tables, counter, stoves, etc. Chairman Clegg asked the Filli's if they had picked up the notice of public hearing sign back in June for the July meeting. Damon Filli informed the Board that he did not pick up a sign from the Town office. Chairman Clegg instructed Mr. Filli to pick up the sign at least 10 days prior to the October meeting to notice the public hearing. Damon Filli stated that he will get a sign. Steven Melnyk asked if the business has designated handicapped parking spaces. Damon Filli stated yes the handicapped parking space is in front of the Post Office. Jock Winch informed Mr. Filli that that handicapped parking space is for the Post Office not for the store. Ted Filli explained that the handicapped space is near the Post Office because the ramp to the Post Office and store starts there. Rob Fitzsimmons informed the Filli's that they would need to refer the handicapped parking space with the Town of Claverack Building Department because it is a pre-existing business. Paul McCreary informed the Board and applicants that NYS Building Codes state that the number of handicapped parking spaces is determined by the square footage of the building. Damon Filli was instructed to consult with the TOC Building Department for parking. Continued to October and set for public hearing.*

***Shannon, Dale:*** Tax Map #(SBL) 112 . – 2 – 35 Located at 348 Rte. 217. Area Variance for installation of two (2) tents 20' x 18' and 20' x 10' respectively.

Mr. Shannon was present for the application. Chairman Clegg reminded the Board that the issue with Mr. Shannon's tents is not the tents themselves but the setbacks only. Mr. Shannon submitted notarized letters from Ann Novak, Jornov family, and Anthony Brooks stating that they have no issue with the tents. Mr. Shannon informed the Board that his neighbor in the back was unwilling to sign any letters due to current family issues

and the house is for sale. Mr. Shannon informed the Board that he picked up the public hearing sign and has had it in his yard for over 10 days prior to the meeting. Mr. Shannon informed the Board that he needs both tents and the tents do not block any driveways. Chairman Frank Clegg asked Mr. Shannon if the tents could be moved to meet the setbacks. Mr. Shannon stated that the tents could be moved but it would be a great deal of work and the rear tent would be on top of his septic system and he would not like to do that. Chairman Clegg informed the Board that tent #1 needs 4 feet to meet the side setback and tent #2 needs 22 feet to meet the rear setback. David Graziano informed Mr. Shannon that tent #2 is an issue for him with regard to the amount needed to meet the setback. Mr. Shannon informed the Board that his neighbor erected an 8-foot fence along his property line so he doesn't even see the tent. Kim Keil stated that Mr. Shannon should have contacted the neighbor to get his opinion. Mr. Shannon informed the Board that he tried to speak to the neighbor but was told to get off of his property. Chairman Clegg asked the Board members their opinions. Kim Keil informed Mr. Shannon that she is not a big supporter of these types of tents and they do not seem temporary. Jock Winch informed the applicant and Board that the application is for a permanent structure not a temporary structure. Chairman Clegg asked Mr. Shannon how long he plans to keep the tents. Mr. Shannon informed the Board that he erected the tents over a year ago with the blessing of his neighbors but he didn't realize he needed to meet setbacks with tents. Jock Winch added that the Town has a lot of this type of tent around being used for different reasons. Chairman Clegg opened the meeting to public hearing at 7:44 p.m. No comments. Chairman Clegg closed the public hearing at 7:45 p.m. Rob Fitzsimmons reviewed the SEQRA for the Board. Motion for negative declaration with regard to SEQRA was made by Jock Winch with a second from Steven Melnyk. All members were in favor. Motion carried. Rob Fitzsimmons informed the Board that they need to decide what is necessary vs. what is needed and they can decide on the setbacks for the tents separately or together.

**Holmes, Thomas/Holmquest Farm:** Tax Map #(SBL) 130 . – 1 – 20 . 112 Located at 516 Spook Rock Rd. Site Plan Review for replacement of existing multiple greenhouse/farm stand buildings with smaller footprint single building.

Thomas Holmes was present for the application. Mr. Holmes is seeking Site Plan approval for the removal of multiple greenhouses and to replace them with a single greenhouse unit with a smaller footprint. Mr. Holmes informed the Board that he obtained a sign from the Town office and displayed the sign for two weeks. Chairman Clegg opened the meeting to public hearing at 8:09 p.m. Audience member informed the Board that in his opinion it was a great idea and kept farming in the area. Audience member continued that the new greenhouse will be an improvement. Chairman Clegg closed the public hearing at 8:10 p.m. Rob Fitzsimmons reminded the Board that the application is exempt from SEQRA due to the agricultural nature of the project. Motion for negative declaration with regard to SEQRA was made by Jock Winch with a second from Steven Melnyk. All members were in favor. Motion carried.

Motion to approve Site Plan for the replacement of existing multiple greenhouses with a single greenhouse containing a smaller footprint was made by Jock Winch with a second from Kim Keil. All members were in favor. Motion carried.

Motion to adjourn the meeting was made by David Graziano with a second from Kim Keil. All members were in favor. Motion carried. Meeting was adjourned at 8:15 p.m.

Respectfully submitted,  
Jodi Keyser, Secretary