

APPROVED 8/26/2020

Town of Claverack  
Zoning Board of Appeals  
MINUTES  
July 22, 2020

Chairman David Graziano called the July 22, 2020 meeting of the Town of Claverack Zoning Board of Appeals meeting to order at 7:30 p.m.

Chairman Graziano led members of the Board and audience with the Pledge of Allegiance.

Members in attendance were: Chairman David Graziano, Steven Melnyk, Chris Post, John Porto, Rob Fitzsimmons; attorney, George Schmitt; engineer and William Michael filling in for Secretary Jodi Keyser. Board member Roger Case attended via zoom.

Board members reviewed the minutes of the February 26, 2020 meeting.

Motion to approve the minutes of February 26, 2020 was made by Steven Melnyk with a second by John Porto. All members were in favor. Motion carried.

Correspondence received – none

**CONTINUING APPLICATIONS for 7/22/2020**

**Public Hearing for Farhan Shaikh dba Yorkshire Motel, Interpretation of local law: Tax Map # (SBL) 132.-1-19. Located at 490 NYS Rte. 23. Interpretation of Town of Claverack Local Law #2 of 2019 Hotel and Motel Registered Sex Offender Occupancy License Law.**

Chairman Graziano explained to the audience what the applicants were in front of the Zoning Board of Appeals for and then stated that the Board did not feel this was a zoning issue. James Kleinbaum, attorney for the applicants, stated that in his opinion, when restricting what someone can do on their property, it does qualify as a zoning situation. Mr. Kleinbaum stated he feels the Zoning Law supersedes State Law of how someone houses these persons. Chairman Graziano stated that the law is a Town Law and not in Town's Zoning Law codes and therefore is not a zoning issue.

Mr. Kleinbaum responded by saying he understands but feels he needed to go through these steps in case it goes to court.

Chairman Graziano opened the meeting to the public at 7:37 p.m. A nearby resident who lives across Rte 23 from the Yorkshire, stated an issue of his was documentation he had of law enforcement, i.e., Columbia County Sheriffs Deputies in his yard, with long guns and wearing camouflage looking for persons staying at the Yorkshire. He then stated on one particular Easter, a sex offender from there was in his yard where several children were playing. The man stated on other occasions he has had gravel and bottles thrown at him and at one time, a man walked toward him with a baseball bat. He stated he feels that persons living there may be upset with him because he has to stop directly in front of the motel before entering Rte. 23 and that the persons may feel intimidated. He went on to say he would not be in favor of loosening any restrictions put on the motel by the law. Another resident spoke stating she has lived near the Yorkshire for over 20 years. She stated she feels that her grandchildren cannot play outside alone because of sex offenders living at the motel. She stated that she has had persons from the motel on her property several times and when she addresses the issue with them, they state they thought it was a public road. The resident stated that persons from the motel have been caught in the bottom of her driveway doing drugs and feels that children cannot use they play set in their yard without an adult present.

She stated she feels that certain persons living at the motel should not be in a residential area and also feels that she may need to move due to fearing for her life. Another nearby resident spoke saying to him it is a very threatening situation. Persons from the motel trespass onto his property using his pond. At that time, Chairman Graziano reminded the audience that this was a hearing to determine if it were a zoning issue and not concerning the Town's local law. Mr. Kleinbaum responded if that were the case, police should be called. He went on to say that if police are called for these incidents, it may affect those persons release and living restrictions set on them by supervising authority. At that time a nearby resident and member of the New York State Police stated that calling police does not do any good. He stated himself as well as colleagues have responded and arrested persons from the motel and it never does any good and stated the owners do not care. He then went on to say that he encourages the Town to fight with everything they have to keep this law enacted. Mr. Kleinbaum responded that he was here for the issue of the higher fees the motel has been asked to pay. At 7:52 p.m. Chairman Graziano closed the public hearing. Chairman Graziano asked board members their thoughts where each responded it was not a zoning issue. Motion made by Steven Melnyk to deny the appeal and interpret it not a zoning issue, seconded by John Porto, all members in favor, motion carried. Robert Fitzsimmons explained that during the process, a court may feel it is a zoning issue so Mr. Kleinbaum was taking the necessary step in front of this board.

#### **NEW APPLICATIONS FOR 7/22/20**

##### **Claverack Land Co. LLC/Pine Haven Nursing Home Area Variances: Tax Map # 113.-1-20.3**

**Located at 341 NYS Rte. 217 Claverack. Area Variances for the construction of a new 150 bed skilled nursing facility. Variances of 7' for height, 8' for side yard setback and 8' for the other side yard setback combined.**

No one for the application attended the meeting.

##### **Gaterio, Albert/Claverack Builders Area Variance: Tax Map #(SBL) 132 . – 2 – 38 . 3 Located at 139 Bate Rd. Craryville NY. Area Variance of 58.5 feet is being requested to construct a two car garage where 80 feet is required.**

Jock Winch from Claverack Builders attended looking for an area variance. Chairman Graziano advised Mr. Winch that his application was incomplete. He stated the packet was missing the denial portion from the Town's CEO. Also missing was a deed, and a list of property abutters. Mr. Winch stated that on the map is a list of abutters. Chairman Graziano stated he was requesting the application be held up until the August meeting. Mr. Winch asked when a public hearing would be held which the chairman answered September. Robert Fitzsimmons was asked if a public hearing could be set up for August while Mr. Winch gathered missing paperwork. Mr. Fitzsimmons answered if the board agreed. Chairman Graziano asked Mr. Winch what the variance was for. Mr. Winch stated he is seeking to build a garage on property with challenging topography and would like it built closer to the road. The requirement is and 80 foot setback which he now has approximately 21 ½ feet, so approximately 58 ½ foot variance. Chairman Graziano stated to be ready for August, Mr. Winch needs to produce a deed, a denial from the Town's CEO, more answers to statutory questions, a note from the property owners giving him permission to handle on their behalf and the list of abutters. Motion to accept the application with contingencies made by Chris Post, seconded by John Porto, all members in favor, motion carried. Application is set for public hearing for August 26, 2020.

Motion to adjourn the July 22, 2020 meeting was made by Steven Melnyk with a second by Chris Post. All members were in favor. Motion accepted. Meeting adjourned at 8:10 p.m.

Respectfully submitted,

William Michael, Acting Secretary