

Chairman David Graziano called the October 28, 2020 meeting of the Town of Claverack Zoning Board of Appeals 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, John Porto, Chris Post, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser.

Chairman Graziano informed the Board members that he had received a resignation letter from Roger Case from the Zoning Board of Appeals. Chairman Graziano continued that the letter stated that Mr. Case and his wife plan to travel and enjoy life and he will not have the time needed to fully dedicate to the ZBA. Chairman Graziano thanked Mr. Case for his service to the Town of Claverack and to the Zoning Board of Appeals.

Correspondence: Training information was handed out to the Board members from the Capital District Regional Planning Federation for upcoming trainings.

Board members reviewed the minutes of the September 23, 2020 meeting. Chairman Graziano asked for minor correction. Motion to approve the September 23, 2020 minutes was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

#### **CONTINUING APPLICATIONS for 10/28/2020**

*Board member Chris Post requested to be recused for the Claverack Free Library application.*

**Claverack Free Library Area Variance: Tax Map #(SBL)121 . 3 – 1 – 90. Located at 629 NYS Rte. 23B. Area Variance of 9.67 feet where 30 feet is required to construct an addition to the former Library building to add an ADA compliant bathroom.**

Stephen King and Michael Sullivan were present for the application. Chairman Graziano informed the applicant that when reviewing the Area Variance application on the Town of Claverack website he realized that the 5 criteria used to determine an Area Variance were not included in the application. Chairman Graziano informed the applicants that this was not their fault but will ask that this issue be mitigated with the Building Department and on the website for the future. Chairman Graziano stated that the bigger issue was the lack of posting a public hearing sign for the meeting. Rob Fitzsimmons stated that when the Zoning Board of Appeals was responsible for hearing Special Exceptions and Site Plan Reviews the applicant was not required to post a sign for the public hearings but since the changes of duties of the Planning and Zoning Board of Appeals it has been an unclear issue. Chairman Graziano stated that in the Town of Claverack Zoning Laws page 174 §18.4.2 (B) *By requiring the applicant to erect a white-with-black-lettering sign or signs measuring not less than two (2) feet long and one (1) foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application for an appeal is pending, and the date, time and place where the public hearing will be held. The sign shall not be setback more than 10 feet from the property or street line and shall be not less than two (2) nor more than six (6) feet above the grade at the property line. The sign shall be made of durable material and shall be furnished by the municipal clerk. It shall be displayed for a period of not less than 10 days immediately preceding the public hearing date or any adjournment date.* Rob Fitzsimmons informed the Board that this is a confusing issue with the law but informed the Board that the abutters received letters of the public hearing and it was also noticed in the Register Star so the Town of Claverack has done due diligence for noticing the public hearing. Rob Fitzsimmons continued that that posting a sign for noticing the public of a public hearing is not a requirement of NYS only the Town of Claverack.

Chairman Graziano asked the Board members if they had any issues with the lack of a public hearing notice sign. No objections from the Board members. Chairman Graziano stated that he is comfortable with no sign if the Town of Claverack attorney Rob Fitzsimmons is fine with it. Chairman Graziano asked if the Board members had any questions. No Board questions. Stephen King addressed the 5 criteria of an Area Variance request with the Board. Mr. King informed the Board that the addition will be an 8-foot by 10-foot ADA accessible bathroom which is required to make the building usable in the future. Mr. King continued that the Library would like to rent out or allow other uses for the old building but because of the lack of an ADA accessible bathroom it is impossible to allow the building to be used by civic or community organizations. Mr. King stated that to be able to rent out this building is integral to the financial health of the library for the future. Chairman Graziano informed the applicants that unlike a Use Variance the applicant is not required to meet all 5 of the criteria to be considered.

Chairman Graziano opened the meeting to public hearing at 7:42 p.m. Katy Cashen informed the Board that there was one person in a Zoom meet, Lisa Bowe but she had no comment. No comments in person or by correspondence.

Chairman Graziano closed the public hearing at 7:44 p.m.

Motion to accept the application as complete was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried.

George Schmitt reviewed the SEQRA for the Board.

Motion to grant a negative declaration for purposes of SEQRA was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Motion to approve the Area Variance of 20.33 feet for an addition of 8-feet by 10-feet to install an ADA compliant bathroom was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Chris Post re-enters the meeting.

### **New Business:**

Chairman Graziano informed the Board that the application submittal checklist includes the applicant is responsible for erecting a public hearing sign at least 10 business days prior to the public hearing. Chairman Graziano continued that the Town of Claverack website and the Area Variance Application needs to include the 5 criteria for considering an Area Variance and Use Variance.

Board members discussed the November and December meetings falling close to the holidays. Members agreed to hold a joint November/December meeting on Wednesday, December 2, 2020 at 7:30 p.m.

Motion to adjourn the meeting was made by Chris Post with a second from John Porto. All members were in favor. Meeting adjourned at 8:10 p.m.

Respectfully submitted,  
Jodi Keyser, secretary

Adjourn meeting

