

Chairman David Graziano called the June 23, 2021 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 Graziano, Steven Melnyk, John Porto, Chris Post, Doug Colwell, engineer; George Schmitt and secretary; Jodi Keyser  
Absent with regret: attorney; Rob Fitzsimmons

Review the minutes of the May 26, 2021 meeting.

Motion to approve the minutes of the May 26, 2021 meeting with minor correction was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

### **Continuing Applications for 6/23/21**

**Philmont Family Dentistry Variance: Tax Map #(SBL) 113 . – 1 – 20 . 120 Located at 1078 Rte 217 Philmont. Installation of an internally illuminated sign in the RC zone which is not permitted and requires a Variance.**

Vernon Doyle was present for the application representing Matt's Signs. Chairman Graziano informed the applicant's representative that the application has been on the table for two months and no one has shown up for the meetings. Mr. Doyle stated that he was not notified of the meetings and therefore he didn't attend. Mr. Doyle continued that there is a lack of communication with the Board and the applicants. Chairman Graziano reviewed the application for the Board members seeking a Use Variance for the installation of an internally illuminated sign in the Rural Conservation Zone. Chairman Graziano continued to explain that of the two different variance a Use Variance is the most difficult to receive because it is on the applicant to meet all of the 5 criteria and getting through the self-created hardship will be a struggle. Chairman Graziano continued that the Board will not vote tonight but he wanted the applicant to understand that the likelihood of the Use Variance receiving an approval is very slim but he wanted to make sure the applicant is aware. Chairman Graziano informed the applicant's representative that the application is also missing several key parts which prohibit the application from proceeding forward with the Zoning Board of Appeals. Mr. Doyle asked what the application is missing. Chairman Graziano answered that the application is missing the answers to the 5 criteria for approving the Use Variance, a plot plan, survey map and deed which all of this can be found on section #4 of the Zoning Code. George Schmitt addressed the EAF as missing or having incorrect answers and information which will need to be corrected prior to the next meeting. Chairman Graziano agreed. Chairman Graziano asked Mr. Doyle if the sign has been installed and in use prior to the meeting. Mr. Doyle answered yes and informed the Board that the former Pine Haven nursing home has an internally illuminated sign so they thought that it was allowed. Chairman Graziano answered that the Pine Haven sign is a grandfathered sign and in existence prior to Zoning laws. Mr. Doyle stated that they applied and were granted a building permit from the Building Department and they have installed a lower much safer sign. Mr. Doyle asked what his next steps would be. Chairman Graziano answered to submit all missing paperwork for the application. Chairman Graziano asked the Board members if they had any questions for the applicant's representative. Steven Melnyk asked if the sign is necessary to maintain the level of business that the dental practice currently sees because proving this is very difficult and the chance of an approval is not looking good in his opinion. Mr. Melnyk continued that he has no issue with the sign

other than the fact that it is internally illuminated. Mr. Doyle stated that to be clear the sign is permitted just without the lighting. George Schmitt stated that as a consultant in several other towns he has never seen a Use Variance receive approval because it is almost impossible to prove all 5 of the criteria are met. George Schmitt continued that the 5 criteria is not a Town of Claverack recommendation but it is NYS Law. George Schmitt continued that the applicant needs to provide financial records showing a detriment to the business, prove that it is not a self-created hardship i.e. the applicant had a sign in place that was externally illuminated and was fine, etc. Steven Melnyk asked if the small sign will create a detriment to the business or will the sign be just fine without the lighting. Mr. Doyle stated that the business is a state of the art facility and his client takes great pride in his building and practice and wanted to upgrade the sign to reflect this. Steven Melnyk stated that it is not the sign it is the internal illumination that is the issue. Doug Colwell asked what will happen if the application proceeds and does not receive an approval. Mr. Doyle stated that he will speak with the dental office and will inform the Board of their decision. Chairman Graziano informed the applicant as a side note that the sign should not be lit but this is an enforcement issue and not the ZBA authority. Doug Colwell informed the applicant's representative that he drove past the area at night to view the sign and in his opinion the sign is very bright and borders on blinding. Mr. Doyle stated that the sensor might be set too high and can be adjusted. George Schmitt informed the applicant's representative that the sign is actually in violation every time it is lit up and he would think that the dental practice would not want this to be the case. Mr. Doyle informed the Board that he will contact the applicant of the Board's advice and will let the secretary know of the decision to continue with the application or not prior to the July meeting.

**Edward & Karen Casivant dba Clover Meadows Solar Farm Area Variance: Tax Map #(SBL 100 . – 1 – 5 Located at 151 Humane Society Rd. Area Variance of 20-feet where 100-feet is required.**  
Continued awaiting Town of Claverack Planning Board SEQRA approval to proceed and possible joint meeting for approval. Board secretary will email ZBA members.

**Crooks, Andrew Area Variance: Tax Map #(SBL) 141 . – 1 – 13 . 121 Located at 2388 Rte. 27. Area Variance for front yard setback.**

Jock Winch was present for the application. Mr. Winch informed the Board that he submitted deeds as requested at the previous meeting. Board members were in receipt of the submitted deeds. Motion to accept the application as complete was made by John Porto with a second from Chris Post. All members were in favor. Motion carried.  
Chairman Graziano opened the meeting to public hearing at 7:50 p.m. No comments were received. Chairman Graziano closed the public hearing at 7:51 p.m.  
Chairman Graziano reviewed the 5 criteria for granting an Area Variance. Chairman Graziano stated that the applicant does admit that this is a self-created hardship. Board members were all good with the responses.  
George Schmitt reviewed the SEQRA for the Board members.  
Motion to grant a negative declaration for purposes of SEQRA was made by John Porto with a second from Doug Colwell. All members were in favor. Motion carried.  
Motion to grant a 23.6-foot Area Variance as presented in the application material was made by Chris Post with a second from Steven Melnyk. All members were in favor. Motion carried.

**No other business.**

Motion to adjourn the meeting was made by Steven Melnyk with a second from Doug Colwell. All members were in favor. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Jodi Keyser, Secretary