

Town of Claverack
Zoning Board of Appeals
Meeting Minutes
September 27, 2023

Chairman David Graziano called the September 27, 2023 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members in attendance were: Chairman David Graziano, John Porto, Chris Post, Dino Zito, secretary; Jodi Keyser

Absent with regrets: Steven Melnyk, engineer; George Schmitt and attorney; Rob Fitzsimmons

Chairman Graziano welcomed newly appointed member Dino Zito to the Zoning Board of Appeals.

Chairman Graziano led members of the Board with the Pledge of Allegiance

Board members reviewed the minutes of the June 21, 2023 meeting.

Motion to approve the Minutes of June 21, 2023 was made by John Porto with a second from Chris Post. All members were in favor. Motion carried. Minutes approved.

Chairman Graziano reminded members that they will need to complete their required 4-hour training and submit certification to secretary Jodi Keyser.

Chairman Graziano introduced the application for the Board but no representatives were present.

Chairman Graziano and the Board members agreed to give the applicant 10 minutes to appear at the meeting.

No Applicant

Motion to adjourn the meeting was made by John Porto with a second from Dino Zito at 7:40 p.m. All members were in favor. Motion carried. Meeting adjourned at 7:40 p.m.

Mr. Courtney entered the building and Board members agreed to hear his application even though the meeting was already adjourned.

Motion to reopen the meeting was made by John Porto with a second from Dino Zito. All members were in favor. Meeting reopened at 7:43 p.m.

Todd Courtney Event Venue Area Variance: Tax Map #(SBL) 110 . – 1 – 29 . 120 Located at 28 Fish & Game Rd. Requesting an Area Variance of 129 feet to the west, 237 feet to the north and 314 feet to the east for venue setback from the property line where 500 feet is required for the proposed use of the property as an event venue.

Mr. Todd Courtney was present for the application and is the owner of the property. Chairman Graziano asked if anyone from the engineering firm Tighe & Bond were planning to attend. Mr. Courtney answered no.

Chairman Graziano informed Mr. Courtney that there are a few outstanding issues with the plot plan. Chairman Graziano continued that the first item is that the plot plan arrows and measurements go across Fish & Game Rd. to the Orthopedic office building but that is not the actual boundary which should end at the start of the roadway. Chairman Graziano stated that technically the 375-foot distance with a variance of 124 feet should actually be for a variance request of 175 feet to 200 feet not 124 feet.

Chairman Graziano continued that the barn to the right is showing a boundary of 883 feet but should only be the distance to the boundary line of parcel B because even though the parcel is owned by the applicant if it were to be sold in the future it wouldn't be a boundary of 883 feet and would be well less than that amount. Chairman Graziano stated that this measurement should be to the boundary line of parcel B because it is a separate parcel that if ever sold would be a big problem.

Chairman Graziano continued that his third issue is with the actual plot plan because there are no actual measurements that are at the straightest measurement. Chairman Graziano continued that the distances should not be measured at angles but by straight lines from point A to point B and need to be tightened up to be sure what the actual area variance is needed. Chairman Graziano requests an actual survey of the property with all of the measurements to the property lines clearly depicted.

Todd Courtney informed the Board that he is only trying to supplement the farm by adding an event venue. Mr. Courtney continued that he and his wife have owned the property for 1 ½ year and things are expensive.

Chairman Graziano stated that it should be easy for the applicant's engineer Tighe and Bond to send in an actual survey. Chairman Graziano continued that the survey should contain the total square footage of all of the buildings which would be necessary for the Planning Board for the Special Exception Review so might as well get everything done prior to the Planning Board submission. Mr. Courtney stated that he provided a survey to Tighe and Bond and he cannot understand why they didn't use it for the area variance. Chairman Graziano asked how old is the survey. Mr. Courtney answered that his survey is 6 years old.

Chairman Graziano continued that for the sake of transparency that the biggest issue for the applicant in his opinion would be the use of portable bathroom facilities are not allowed for event venues. Chairman Graziano continued that this is not the purview of the Town of Claverack Zoning Board but would be as part of the Site Plan Review with the Town of Claverack Planning Board. Chairman Graziano continued that he is just bringing this up as an FYI to the applicant to help him avoid any further costs down the road because this would be very costly. Mr. Courtney asked even if they were limited to only 12 events in a calendar year. Chairman Graziano stated that no portable toilet facilities are allowed for any event space but would defer to the Town attorney and Town engineer but they are absent from the meeting. Mr. Courtney asked if this is a Zoning Board of Appeals issue or a Planning Board issue. Chairman Graziano answered it is first a Zoning Board of Appeals issue then the Planning Board wouldn't make it any easier. Mr. Courtney stated that he is only asking and is disappointed with the plot plan and doesn't understand why the engineering firm measured the distance across a roadway. Chairman Graziano stated that a stamped survey with everything on the checklist needs a licensed surveyor wells and septic sites with driveway permits for a commercial venue, existing and proposed buildings with boundary lines and even though a SEQRA form is not needed for the ZBA the answers to questions #10 & #11 were blank and need to be answered for the Planning Board. Chairman Graziano continued that they would need to describe the potable water facility and testing and #11 would need to describe the waste water treatment plan. Mr. Courtney answered that port-o-pottys should be used and they have an existing driveway what is a commercial driveway plan. Audience member and Planning Board Chairman Scott Cole informed the applicant that they would need to obtain a letter from the Columbia County Department of Health stating that the water and septic systems are sufficient to handle events.

Chairman Graziano continued that with an event venue the Town of Claverack Code requires the list of abutting neighbors within 500 feet from the boundary lines and this would need to be submitted by 10/6/23 for the 10/25/23 meeting.

Mr. Courtney explains his request and the proposed event venue. Mr. Courtney thanked the Zoning Board members for the opportunity to hear his proposal and submitted the list of abutting neighbors within 500 feet. Mr. Courtney continued that he is originally from Illinois where his family has been in farming. Mr. Courtney

continued that he moved to NYC where he met his wife and they visited the area and fell in love because it reminded him of his home. Mr. Courtney continued that his wife is from Western Canada. Mr. Courtney continued that he and his wife purchased the property in 2017 and found the farm in very bad shape and since then they have been fixing foundation issues as well as fixing the barn. Mr. Courtney continued that a beam in the barn is dated 1823 and that is historically impressive and valuable. Mr. Courtney continued that the farm consists of a 100 X 40 X 60-foot barn for goats and pigs. Mr. Courtney stated that during the repairs he saw the beauty of the barn and surrounding area and felt it would be the perfect event venue for weddings and parties. Mr. Courtney continued that he grew hemp but that was not a productive venture and they have goats and hens with a garden. Mr. Courtney continued that to have events would help them to maintain the farmstead with revenue. Mr. Courtney continued that he isn't rich and doesn't have a trust fund but would like to invest in the farm if allowed to raise money with events. Mr. Courtney continued that it would mean a lot to legacy of the farm to bring back to barn to its glory. Mr. Courtney continued that the egress of a commercial driveway exists and he would like to hear any questions.

John Porto stated that he feels that there are enough issues especially with the bathrooms would need to have permanent bathroom facilities but he will leave that up to the Columbia County Department of Health but this is a big hurdle. Mr. Porto continued that the applicant needs to get the exact dimensions of the area variance(s) because the Board needs exact measurements as well as the measurements of the barn and buildings.

Chris Post asked if the October 6th deadline would be too soon for the applicant to get all of the information requested and if so, the Board could hold off on the application to allow more time. Mr. Courtney answered that Tighe and Bond are very reputable and could get everything done on time.

Chairman Graziano continued that the gloom and doom continue and stated that he was on the website for the farm and found that there are several other businesses happening at the site i.e. farmstand, boarding facility, Air B&B, mail order business as well as a home office.

Mr. Courtney answered that they have a farmstand and an Air B&B. Chairman Graziano stated that he also found a mail order business and a possible home office and now a request for an events venue. Chairman Graziano continued that event venues are permitted within the Rural Agricultural Zone and he as well as ZBA member Chris Post were on the Zoning Revision Committee and the committee agreed that with a distance of 500 feet they could hold 12 events per calendar year with additional events with increased distance from neighbors. Chairman Graziano continued that to grant an Area Variance of 124 feet would constitute a 25% reduction in the required setback but the ZBA or Planning Board cannot reduce the number of events by 25%. Chairman Graziano continued that a larger issue could be that multiple uses within the Rural Agricultural Zone are not allowed but that would be a question for the Town Attorney to verify. Chairman Graziano continued that a boarding facility, farmstand, Air B&B, mail order business and home office then adding an event venue is multiple commercial structures in the Rural Agricultural Zone. Chairman Graziano refers the applicant to the Town Zoning Code Table #1, page 29 section 2.132 that multiple commercial structures are not permitted in the RA Zone but he defers this to the Town Attorney as well but might be a huge stumbling block. Mr. Courtney stated that the only use is that of a farm. Chairman Graziano stated that Mr. Courtney's website names a farm, Air B&B, boarding facility, home office, mail order business, farmstand and now event venue makes this too many uses. Chairman Graziano instructed Mr. Courtney to get all of the requested information to the Town Office by 10/6 and to obtain a sign to notice the public hearing and to install the sign at the property two weeks prior to the 10/25 meeting. Chairman Graziano stated that the information requested is a survey from a licensed surveyor with exact measurements, sign, Columbia County Department of Health letter for the well and septic for events, commercial driveway permits and the answers to the criteria for an Area Variance.

Motion to deem the application as incomplete was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

John Porto asked if the multiple businesses were in multiple buildings and if this is considered an accessory use. Chairman Graziano asked if the event venue would be in a different building. Mr. Courtney answered yes it will be in the big barn that is why he didn't want to invest too much money if it wouldn't be allowed. Chairman Graziano stated that the letter from the CCDOH for septic and water would be sure not to flush money down the drain but this is only informational and not required by the Zoning Board of Appeals but would be required for the Site Plan Review with the Planning Board. Mr. Courtney stated that the septic will be a big issue and he will see what he can do will get a survey and letter from CCDOH. Chairman Graziano informed Mr. Courtney that the CCDOH will work with him but he might not like what they have to say. Mr. Courtney stated that he is optimistic.

Motion to adjourn the meeting was made by Chris Post with a second from Dino Zito. All members were in favor. Motion carried. Meeting adjourned at 8:55 p.m.

Respectfully submitted,
Jodi Keyser, secretary

Adjourn meeting