

APPROVED 3/27/24

Town of Claverack  
Zoning Board of Appeals  
Meeting Minutes  
February 28, 2024

Chairman David Graziano called the February 28, 2024 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, Dino Zito, Rob Fitzsimmons; attorney, George Schmitt; engineer and Jodi Keyser; secretary.

Board members reviewed the Minutes of October 25, 2023. Motion to approve the minutes of October 25, 2023 was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

Board members discussed changing the time of the Zoning Board of Appeals meetings going forward. Meetings have been set at 7:30 p.m. on the 4<sup>th</sup> Wednesdays of the month to allow Rob Fitzsimmons the time to get from the Philmont Village Board meeting to the Town meeting. Rob Fitzsimmons informed the Board that he does not need to attend those meetings because he cannot make it to both in the same night anymore. Board members agreed to make a change in the start of meetings to 6:45 p.m. Motion to approve the meeting time change was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Continuing Applications for:

*Board member Steven Melnyk asked to be recused during the Courtney Event Application discussions.*

**Todd Courtney Event Venue Area Variance:** Tax Map #(SBL) 110 . – 1 – 29 . 120 Located at 28 Fish & Game Rd. Requesting Area Variances 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.

Todd Courtney was present for the application. Mr. Courtney informed the Board that he wanted to let them know that he had surveyor Dan Russell shoot points from the barn to the neighboring properties as requested. Mr. Courtney continued that he had just received the survey maps the afternoon of the meeting and didn't have time to make copies but he will drop off copies the next day. Chairman Graziano asked Mr. Courtney to be sure that the surveyor did not shoot a line across Fish & Game road to the Bone and Joint facility but only to the roadway. Mr. Courtney stated that he did not have measurements across the roadway that was corrected. Mr. Courtney continued that he shot points from the horse barn behind the house to the neighboring properties. Mr. Courtney continued that he purchased and saved the old barn which was in disrepair. Chairman Graziano informed Mr. Courtney that they will continue the public hearing until March 27, 2024 and to change the date and time on the sign to read 3/27/24 at 6:45 p.m. Chris Post asked Mr. Courtney

if he had arrangements with the owners of the Bone & Joint facility to use their parking area for the event venue. Mr. Courtney answered that he was married on the property and the Bone & Joint allowed parking at that time but he plans to have a grassy area on the front of the barn set up for parking and might add some gravel to that spot. Mr. Courtney stated that the events will not be small events with about 175 people, no bands or music after 10:00 p.m. Chairman Graziano stated that those items are for the Planning Board to review not the Zoning Board of Appeals. Chairman Graziano continued that the Zoning Board of Appeals are only interested in the area variances. Chairman Graziano stated that the biggest issue would be the impact on the neighbors by the noise because noise travels and the zoning law has the setbacks in place to protect the neighbors from noise. Mr. Courtney stated that there have been no negative reports made about his property or about people trespassing. Mr. Courtney continued that he is friends with many New York State Police officers as well as Columbia County Deputy Sheriff officers. Mr. Courtney continued that there is no documentation that negative impacts have happened by any of the neighbors. Mr. Courtney stated that he has a 2-year-old daughter so he cannot have events lasting into the late hours. Mr. Courtney continued that the neighbors must be mistaken about events or who has held events in the area but his event venue would be inside so noise would not be an issue. Mr. Courtney informed the Board that he is just trying to recoup the massive amount of money that he has put in to refurbish the barn and is hoping that he can win the Zoning Board of Appeals confidence that he is just trying to create an affordable event venue to allow people to celebrate weddings and it will allow him to recoup money. Chairman Graziano asked what the projected number of cars would be for an event and how many would fit in the proposed parking area. Mr. Courtney answered about 40 cars would be maximum then the overflow would be directed to park at the Bone & Joint. Mr. Courtney continued that he held an event for Upstage productions for a fundraising that was held over a couple of days and they had over 100 people attend each show and they had parking across the street and on the property with no problems. Chairman Graziano asked if 150 people would be about the size of an event limit which would mean approximately 75 vehicles counting two people per car. Mr. Courtney answered yes parking would be on his property unless there is a viable alternative such as Uber or Lyft.

Set up continuation of public hearing for March 27, 2024 at 6:45 p.m.

**Donald Tutt side yard and back yard Area Variances:** Tax Map #(SBL) 121 . 3 – 1 – 25 Located at 108 Old Lane. Requesting side yard area variance of 3-feet and a back yard setback of 6-feet for the installation of a 10-foot by 14-foot storage shed.

Mr. Tutt was present for the application. Chairman Graziano asked if the shed in question was attached or a moveable shed. Mr. Tutt answered that the shed is on a slab but it does not have electric or anything else. Chairman Graziano informed Mr. Tutt that if he could move/slide the shed just a little bit to meet the 10-foot setback then it is a non-issue. Mr. Tutt answered that the shed is already in place which was his mistake and he not able to move the shed or place it anywhere else on his property due to the topography. Chairman Graziano informed the applicant that his application is incomplete because the answers to the criteria for requesting an area variance are not in the packet. Chairman Graziano continued that the questions for a Use Variance have been submitted but those are not the same so the answers to the Area Variance Criteria questions needs to be submitted. Mr. Tutt will get these submitted before the March 13, 2024 deadline. Chairman Graziano informed the applicant that the EAF #2 should be answered yes. Mr. Tutt explained that he installed a small vinyl shed in 2013 but it was falling apart and too small for his needs so he removed the shed

and installed a larger shed not realizing that he was not meeting the setbacks. Mr. Tutt continued that there is also another very small shed that is also being removed soon. Chairman Graziano asked why the shed just cannot be moved. Mr. Tutt explained that the new shed is already installed on an asphalt pad and if he moves it he is afraid that the shed will be damaged and he really doesn't have any other place on his property to place the shed due to an existing retaining wall as well as the shape and size of his parcel. Mr. Tutt stated that his neighbor on one side Mr. Trowbridge doesn't have any problems with the shed but one of his neighbors is having an issue. Chairman Graziano stated that all of the neighbors will be notified of the public hearing and not to rely on a verbal agreement between neighbors. Chairman Graziano continued by going over the questions for Area Variance criteria with the applicant stating that the self-created hardship answer would be a yes. Chairman Graziano informed the applicant to get a sign from the Town Office for noticing the public hearing and to make sure that the Town Clerk changes the date to 3/27/24 and the time to show starting at 6:45 p.m. No further questions.

Motion to accept the application as incomplete pending the answers to the Area Variance Criteria questions was made by John Porto with a second from Dino Zito. All members were in favor. Motion carried.

**Boyles, Scott & Janet Area Variance:** Tax Map #(SBL) 113 . – 1 – 45 . 112 Located at 2182 County Rte. 11 Hillsdale, NY. Front Yard Variance of 45-feet to construct a 26-foot by 60-foot storage barn.

No show Strike #1

**New Business:**

Town Board member Stephen Hook passed out Comp Plan revision surveys to the ZBA members and to return to the Town Office when complete. Stephen Hook stated that the surveys will help the Comprehensive Plan Revision committee to make changes or additions to the current Comprehensive Plan.

**Motion to adjourn the meeting was made by Steven Melnyk with a second from Dino Zito. All members were in favor. Motion carried. Meeting adjourned at 8:10 p.m.**

**Respectfully submitted,  
Jodi Keyser, Secretary**