

*Zoning Board of Appeals*  
Town of Claverack  
91 Church Street  
Mellenville, NY 12544

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Minutes of the December 10, 2003 meeting of the Zoning Board of Appeals

Meeting called to order by acting chairman, Michael Brandon at 7:30pm. Present were board members Frank Clegg, Steve Melnyk, Jock Winch, Norma Barnard, Paul Gundrum and chair Michael Brandon. Secretary Caren Mahar, Town Attorney, Rob Fitzsimmons, Town Engineer Gary Stuart also in attendance. Steve Harder was absent.

Acting chair Michael Brandon asked everyone to stand for the Pledge of Allegiance. Mr. Brandon introduced himself and board members to audience. He then asked the board to review the October 2003 ZBA meeting minutes. No meeting of the ZBA occurred in November 2003 due to the holidays. Frank motioned to accept minutes. Steve seconded. Board approved unanimously to accept minutes.

**Henry Cassivant Jr (112.2-1-56) 710 Rte. 217, Mellenville**

No show , had contacted Steve in advance of meeting . Waiting for a survey.

**Samuel Wright III:** (Use variance to expand area and time of operations for gravel mine on Martindale Rd.) Applicant presented current status. Had started to move "pile" in question when "Mother Nature" came in. Since time is past seasonally for seeding, spring is time for reclamation. Rob presented and read the resolution drawn up and submitted to files. Open to public comment 7:52 pm. No comment. Public Hearing closed 7:52 pm. Motion to accept resolution with conditions: Latest date for finishing June 1, 2004; valid to 2008 to be concurrent with DEC permit: Jock. Paul seconded. Motion carries unanimously to allow applicant to continue operations and move pile and finish reclamation of this area in the spring.

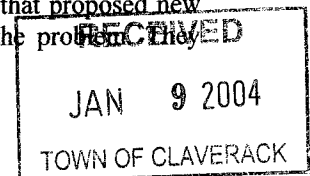
**Robert and Katherine McKay (112.-1-57)** seeking an area variance for a potting shed and greenhouse at 469 Tishauer Rd. No show. Talked to no one on board. #1 absence, no contact.

**Scott Conlee: (121.03-3-43)** 7 Shaw Bridge Road. Applicant is applying for use variance on home occupation ruling to use residence as a "pick-up" point for firearms. Business will carry DBA "Simply Dreadful Outfitting". Board deems with new changes in town home occupation laws, this use is permitted. A site plan was put on file. There is to be no exterior storage, no use of accessory buildings, will operate 8-5 , no show room or inventory as everything is especially ordered. Permitted and approved for 1x2 ft sign. ATF permits are to be given to town for files as soon as available to applicant. Determined to have no negative impact. Open to Public comment 8:10pm. None. Closed public comment 8:11pm. Steve motioned to accept home occupation. Frank seconded. Motion carried unanimously by board.

**Ruth and John Bennett: (123.-2-05.110) Prach Rd.**

Applicants seeking interpretation to allow use of abandoned town Rd for personal driveway access. Driveway grade is higher than old law, applicant would like to use road as is. McGraw and Bennett own right of ways with separate driveways right next to each other. Norma brought up concern of water drainage over road. Open to public hearing 8:43pm John Dodero spoke up indicating the road in question was NOT a town road ever. Originally purchased in 1960 by Joe and Kathleen Prach as part of 60 acres with a covenant to maintain Rd in passable condition, no poles, etc. Land reverted to him and two sisters. Deeds are filed in Claverack Town Clerk's office. Extensive paperwork has been filed with an attorney regarding this issue. Applicant states on Stanley's map in Town Office this is listed as a town road. Case to be carried over to next month's meeting.

**Daniel and Gwenn Pasco (131.-1-5)** Applicant seeking a use variance to enlarge/expand non-conforming use. On same property at 6032 Rt 9H/23 Hudson, there used to be a tavern , residence and trailer. Applicant wishes to put in a newer, larger mobile home to replace existing trailer. Board deemed that proposed new mobile home would keep the problem of non-conforming use and actually enlarge the problem.



discussed with applicant that if she were to put in same exact trailer as is present there, it would be allowed and still be non-conforming use. The point of the law was to fade out trailers except in designated parks and areas. Applicant was very angry and left.

**Ginsberg's Food (101.-1-56.200):** Applicant applying for special exception for whole business addition with a freezer expansion on Rt 66 Ginberg's Foods location. Group presented informally last month, answering most of the board's questions and with full packets for this month. They also included a CMC Associates breakdown of employees, required parking spots, full environmental assessment form and professional, certified plans. Public Comment opened 8:22pm Closed to Public comment 8:23 pm (No comments) Discussion of size reviewed (69x84) and possibility of addition adding drainage problem. Parking Lot already is done such that swale heads in other direction. Board reviewed SEQR form. Paul motioned to accept declaration of negative impact along with approval of siteplan. Steve seconded motion. Motion carried unanimously.

**Informal request for presentation to board by Dr. Esselstyn, Hollowville Land Management Co.**  
Was moved to January 28 at request of applicant.

Norma motioned to close meeting. Frank seconded. Meeting closed at 9:10pm unanimously.

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