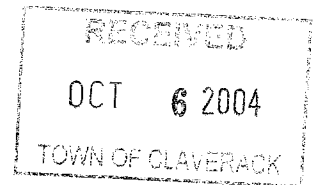


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**Zoning Board of Appeals
Town of Claverack
91 Church Street
Mellenville, NY 12544**



Minutes of the August 25 meeting of the Zoning Board of Appeals

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

Chairman 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 July 2004 ZBA meeting minutes. Frank motioned to accept minutes with change that the name "Tecay be changed to Tkay" in the Wamick, LLC case suggested Mike Brandon. Frank motioned to accept minutes with the spelling change; Norma seconded motion. All in agreement. Motion to accept minutes with spelling change carried.

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

Applicant presented himself to Mike Brandon at Mike's office on August 19th at 1:45 pm and declared he would like to withdraw his application to the zoning board. Applicant sited financial reasons as reason for withdrawal. Case closed.

Robert Johanson (122.-1-7.200) Applicant contacted secretary before meeting to say he would not be able to be present at tonight's meeting.

Thomas Meltz (112.02-1-53) 738 RT 217 Mellenville. Applicant seeks an area variance for a shed already constructed. Applicant provided board with a wetlands map faxed to him by the DEC. The creek in question is not on the map and applicant says that the DEC would have a problem if he were to disturb the waterway, build into it, take away or put in materials, disturbing the banks. Steve Harder asked if the DEC did a site visit. Applicant said that when he brought dirt in for a different project the DEC did a site visit. Because there was no disturbance of the creek with the shed, they did not see the necessity of a site visit in this case. He stated that with all the rain we have had this season, no soil moved. But if the board had a problem with the shed, it was a "temporary unit" and could be moved. Norma states that the shed definitely sits much further back than the house. Applicant wishes to use shed to store pellets for a new pellet stove he bought as well as kids' toys. Robert and Gary conferred and concluded that if the DEC doesn't seem to be too concerned.

The chairman reiterated the conditions for an area variance stating that the only questionable condition might be the "self-created hardship". While he did put the shed up without prior permit, it is definitely not a hazard, eye sore or have a negative impact on the community. Chairman opened discussion for public comment 7:42pm. There was none. Public comment closed 7:42pm. Gary reviewed SEQR. Norma motioned to accept a declaration of negative impact. Frank seconds motion. Vote was unanimous to accept negative impact declaration. Motion carried.

Paul motioned to grant the area variance for the shed. Frank seconded motion. Vote was unanimous to grant request for area variance. Motion carried. **CONDITION: Mr. Meltz did not have resources with him to pay the certified mailing fees of \$40.05. Must present that to town clerk prior to receiving full variance.**

Wamick, LLC (112.-1-59) 341 Rt. 217 Hudson. Applicant seeks a use variance to use part of old Ockawamick school for records storage. He expects one large delivery by pickup truck in beginning to bring in supplies. The chairman went over the five items of consideration for a use variance in the Town of Claverack, stating the "self-imposed" issue was usually hardest to overcome. Board members asked more questions. Hours of operation are to be 8-5, Monday through Friday in a mini-van. Once a year a shredder truck would come in for obsolete data. Mike and the board discuss each condition. It is clear a reasonable return cannot be made if an additional use isn't accepted for this property. The hardship is indeed unique

and does not apply to other situations as there is only one vacant school in the Town. It certainly will not alter the essential characteristics of the neighborhood. "Self-created"? While applicant was aware of zoning prior to purchasing the building, he is taking an abandoned building and putting it to a good, non-intrusive, use, probably better than some of the actually approved uses for this zoned area, based on hours of operation, nature of business, impact on neighborhood and limited use. These aspects totally distinguish this request from others. Opened to Public comment. There was none. Public comment closed.

Gary proceeded to advise on the SEQR long form

Paul motions to accept declaration of negative impact. Steve H. seconds motion. Unanimously the motion was carried by the board.

Steve H. motions to grant use variance to applicant for the purposes and under the conditions presented to the board. Paul seconds. Motion carries unanimously with the above conditions of operation. A

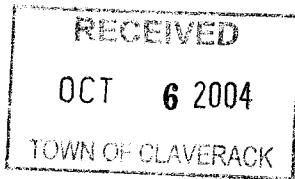
TEMPORARY CONDITION exists that applicant must present to the Town clerk a check for \$16.02 for the certified mailings in his case before use variance can take effect.

Norma motions to adjourn meeting. Paul seconded. Chairman adjourned meeting at 8:02pm

(minutes approved September 22, 2004)

Respectfully submitted,


Caren Mahar



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