

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

Minutes of the February 23, 2005 meeting of the Zoning Board of Appeals

Meeting called to order by chairman, Michael Brandon at 7:37 pm. Present were board members, Norma Barnard, Steve Melnyk, Frank Clegg, and Paul Gundrum; chairman Michael Brandon; secretary Caren Mahar, Town Attorney, Rob Fitzsimmons; Town Engineer Joe Romano also in attendance. Members Jock Winch and Steve Harder 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 January 2005 ZBA meeting minutes. Norma motioned to accept minutes with change of "Spampinato" for Albright in Malasky case. Frank seconded with change. All in agreement. Motion to accept minutes with change carried.

Robert Johanson (122.-1-7.200) Applicant made no contact with any board member and did not show. Applicant will be reminded that this constitutes his second no-show in 60 days of the 90-day rule.

Mihail Chemiakin/ John Malasky: (121.3-2-23) 67 NYS Route 23 Request to convert prior non-conforming commercial and business use to private artist's studio and private library. Extensive discussion took place including clarifying whether or not previous violation of a lean-to had been taken down. Letter from attorney Victor Meyers states that temporary structure has been taken down although walls are still there. Bill Spampinato, representing Malasky, conferred with Stan Koloski, building inspector, that the lean-to is down. Mike Brandon stated that as of 10 am today, a plastic wall was still up. Spampinato clarified some points where the board had previous questions. There may be 1,2,3 students in residence as Chemiakin mentors all the time. A good deal of the year, the landowner is not in the country. Building in question would house an office, two small rooms, bathroom with shower and sink. Concern was brought up about by-products of his work there, such as cement? Spampinato stated that wooden forms are used for casting. Board discusses need to get owner to agree to no outside displays, parking limited to pre-existing spots and additional limitations on land use as stated below.

Conditions:

- 1) Designate as a non-commercial use
- 2) Artist studio for students/invitees conditional upon:
 - parking delineated with no more than 15 spaces in delineated zone
 - deliveries to be made by maximum 2-axle commercial vehicles, not larger.
 - No obnoxious odors or noises detectable at property line
 - Lighting to be contained within property border.
 - No outdoor storage of finished product...all studio/art to be stored in existing out building/
 - Hours of operation 8-5 (Note: other hour modifications can be applied for as needed.)
 - No exterior signage allowed unless applied for and approved separate of this application.
 - Owner must remove existing signage before property transfer
 - Any modifications to building or use must be applied for and approved by this board
 - Screening to be added for buffer, 6' high evergreens along Rt. 23, spread 6-8 feet apart, to be completed by one year from date of variance approval

3) Approval by county

Dawn and Russ Slater, 10 Orchard Grove Lane

Request for Area Variance for setback on pool at their home. Both abutting property owners (as well as all neighbors in range) were certified of meeting. Significant screening blocks visibility of pool from Hegeman property behind. Adverse impact? No. Change character of neighborhood? No. Pool was in

existence for six years, no complaints from neighbors. Owner wasn't aware he needed a permit or variance to put it in. Deck was 13' on neighbor's property. Made adjustments and deck is now off neighbor's property by 30-36", although far below the required 20'. Neighbor Abatecola sent in letter saying they had no problem. Neighbor Hegeman said she brought a letter to the town hall. (It was not available for the meeting as it wasn't at the Town Hall when secretary Caren Mahar went. Letter is now in Slater file.) Frank motioned to accept and grant area variance for pool setbacks. Norma seconded. Unanimous. Area variance granted.

Stewardship of Millbrook Road:

No speaker

Norma motions to adjourn meeting. Steve Melnyk seconded. Chairman adjourned meeting at 9:00 pm.

Draft 2/28/05

Respectfully submitted,

Caren Mahar, Secretary