

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

Minutes of the March 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 Frank Clegg, Jock Winch and Steve Harder, chairman Michael Brandon; secretary Caren Mahar, Town Attorney, Rob Fitzsimmons; Town Engineer Joe Romano also in attendance. Members Norma Barnard, Steve Melnyk and Paul Gundrum 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 February 2005 ZBA meeting minutes. Frank motioned to accept minutes without change. Steve Harder seconded motion. Motion carried unanimously for minutes to be accepted.

**Robert Johanson** ( 122.-1-7.200) Applicant made contact with Caren Mahar on 3/23 to express interest in keeping case open but that he would not be attending tonight.

**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. Rob Fitzsimmons, town attorney had drafted a proposal of resolutions for Malasky property that Mr. Spampinato agreed with. Public comment period opened at 8:05 to hear comments. There were none. Public Hearing closed at 8:06pm. Joseph Romano read through the SEQR form with the board. Jock motioned to accept a negative declaration of impact from this proposal. Steve seconded. All in agreement. Declaration of negative impact was carried unanimously.

Jock motioned to accept proposal for use variance with the resolution and nine contingencies set forth pending letter of approval from the Columbia County Planning Board.  
Steve H. seconded. Motion carried and Use variance approved with resolution agreement, unanimous.

Board discussed situations where applicants draw out their cases by not showing up or making contact for 89 days and then on 90<sup>th</sup> day saying they are interested in keeping case open. This avoids their case being thrown out on the 90 day rule, but allows their case to hang indefinitely. Can a time limit be instituted on all new cases (not to include the Johansen case) to set a finite deadline to show progress of a year?

Rob said yes, we just need to make it part of application process so applicant is aware from start. Caren will discuss with Stanley on formatting into the application form itself. All in agreement to pursue a One-Year review rule on progress in cases.

**Dawn and Russ Slater, 10 Orchard Grove Lane**

Request for Area Variance for setback on pool at their home. Applicant spoke with both Mike and Caren and will not be presenting tonight.

Jock motions to close meeting. Steve H. seconds. All agree. Chairman adjourns ZBA meeting at 8:40pm.

Draft 3/30/05

Respectfully submitted,

Caren Mahar, Secretary

