

APPROVED May 25, 2016

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: April 27, 2016

Members in attendance were: Chairman Frank Clegg, David Graziano, Kim Keil, Steven Melnyk, John Porto, Chris Post, attorney; Rob Fitzsimmons and secretary; Jodi Keyser
Absent with regrets: engineer; George Schmitt and Oliver Milot

Chairman Frank Clegg called the April 27, 2016 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Correspondence: Cary Institute Training on Future of Oak Forests on May 7, 2016 and New York State Floodplain Management and Coastal Erosion training on May 4, 2016.

Members reviewed the minutes of the March 23, 2016 meeting. Motion to approve the minutes of March 23, 2016 was made by Kim Keil with a second from John Porto. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR April 27, 2016:

Thomas, John Use Variance: Tax Map #(SBL) 101 . – 2 – 27 . 110 Located at 632 Route 9-H. Applicant is seeking a Use Variance for the construction of a dog kennel in the Rural Agricultural Zone.

No correspondence from the applicant.

NEW APPLICATIONS FOR April 27, 2016:

Martin, Tracy & Dana Area Variance: Tax Map #131 . – 2 – 13 Located at 261 Schoolhouse Rd. Area Variance for 1,000 square feet above the allowed 1,600 square feet to renovate a barn to use as a caretaker/owner residence.

Dana and Tracy Martin were present for the application. Rob Fitzsimmons informed the Zoning Board of Appeals members that the Martin's are presently under review with the Town of Claverack Planning Board for a Special Exception/Site Plan for this project but will need an Area Variance from the Zoning Board of Appeals. Rob Fitzsimmons continued that the Town of Claverack Planning Board is in favor of the project with the stipulation that the Martin's plan of a covered porch addition to the barn renovation is removed from the project due to disturbance near the NYS DEC Class C stream. Rob Fitzsimmons continued that the Martin's are in agreement with this stipulation. Tracy Martin explained that they currently own the home and property and are in the process of making this their permanent residence. Mrs. Martin continued that the reason for this renovation is because they have extended family that would come to visit and the main residence is only a two bedroom home. Mrs. Martin explained that they are planning to start a family soon and would like to have space for family and friends to stay so doing the barn renovation makes sense. Steven Melnyk asked if they plan to have a separate septic system and if they have looked into the leach field. Mrs. Martin answered yes they have a contractor on hold pending approvals from the Zoning Board of Appeals and the Planning Board. Steven Melnyk asked how close the barn is to Loomis Creek. Mrs. Martin stated about 100 feet but she is not sure. Rob Fitzsimmons read the map and stated that the barn is approximately 50 feet from Loomis Creek. Mrs. Martin informed the ZBA members that they checked during their closing and the property is not within a flood plain. Rob Fitzsimmons informed the Board that the applicants were originally seeking a Special Exception/Site Plan for an Accessory Apartment but was advised by the Planning Board that a caretaker/owner occupied dwelling would make more sense. Rob Fitzsimmons continued that this use is permitted in the zone. Rob Fitzsimmons informed the Zoning Board of Appeals members that the application is complete and the next step is to set a public hearing for the May meeting. Steven Melnyk stated that the proximity to Loomis Creek is a concern for him. Rob Fitzsimmons explained that the proximity of the barn to the creek is pre-

existing and that the Martins have agreed that their renovation will not cause any disturbance to the creek. Rob Fitzsimmons reads the criteria of an Area Variance for the Zoning Board of Appeals members and the applicants. Motion to deem the application as complete and to set public hearing for the May 25, 2016 was made by Kim Keil with a second from David Graziano. All members were in favor. Motion carried.

The applicants were instructed to obtain a public hearing sign from the Town Clerk at least two weeks prior to the May 25th meeting.

INFORMAL:

Mr. & Mrs. Marotta attended the meeting to seek advice on a Boundary Line Adjustment of their property. Mr. Marotta explained that he owns a home in Duntz's Acres development at the corner of NYS Rte. 23 and Perry Drive and he also owns the property that borders his property to the rear which he purchased from his aunt. Mr. Marotta explained that his aunt erected a fence along the back of her property several years ago that is off of her property line 7 feet. Mr. Marotta is seeking advice that if a Boundary Line Adjustment could add this 7 feet to his property because it appears to be his property now and he doesn't want the neighbor to the back of his property to be able to store items behind the fence on this 7 feet if he were ever to sell the property. Rob Fitzsimmons informed Mr. & Mrs. Marotta that a Boundary Line Adjustment is handled by the Planning Board. Rob Fitzsimmons continued that an application for the Planning Board would need survey maps of both properties and deed descriptions of the newly created parcels would be required. Rob Fitzsimmons then reviewed the size of the parcels and the current Zoning Laws regarding sizes of parcels. Rob Fitzsimmons informed the Mr. & Mrs. Marotta that the parcels are currently under the allowed lot size under the Town of Claverack Zoning Laws which would also require an Area Variance the application from the Zoning Board of Appeals. Zoning Board of Appeals members suggested that the fence could be moved to the property line instead of seeking a Boundary Line Adjustment and Area Variance due to the size of the parcels. Mr. & Mrs. Marotta will look at their options.

Old Business:

Rob Fitzsimmons informed the Board that at the March meeting the ZBA members made the following motion: *Motion to informally interpret the Town of Claverack Zoning Law as allowing the size regulations for a temporary sign as per the Town of Claverack Zoning Law § 14.4.12 (C) be used to determine the size requirements for a permanent sign for a business/farm within a residential zone. This allows for a sign height of 5 feet, size of 15 square feet, front setback of 15 feet and side setbacks of 5 feet per the temporary sign requirements, all other sign requirements would apply was made by Steven Melnyk with a second from Kim Keil. All members were in favor. Motion carried.* Rob Fitzsimmons informed the ZBA members that the square footage of the signs should be 12 square feet and not 15 square feet as stated in the motion. ZBA members were still in agreement with the motion.

Motion to adjourn the meeting was made by Kim Keil with a second from Steven Melnyk. All members were in favor. Motion carried. Meeting adjourned at 8:00 p.m.

Respectfully submitted,
Jodi Keyser, Secretary