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Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Combined November/December
Minutes: December 14, 2016

Chairman David Graziano called the December 14, 2016 combined November/December meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Graziano led members of the Board and audience in the Pledge of Allegiance

Board members in attendance were: Chairman David Graziano, Steven Melnyk, Chris Post, John Porto, new member Roger Case, engineer; Rich Andreasson for George Schmitt and secretary; Jodi Keyser. Absent with regret: attorney; Rob Fitzsimmons

Board members reviewed the minutes of the October 26, 2016 meeting.

Motion to approve the October 26, 2016 minutes was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 12/14/16:

Hayes, Peter Area Variance Application: Tax Map # 112 . 2 – 2- 49 and 112 . 2 – 2 – 46. Located at 92 Church St. and 793 Rte. 217. Area Variance of 5 feet for the rear setback of 25 feet where setback of 30 feet is required at 92 Church St.

Peter Hayes and his sister Darcy Krein were present for the application. Mr. Hayes reminded the Board that his application is seeking an Area Variance for a rear setback for a Boundary Line Adjustment between his property and property that belonged to his father. Mr. Hayes continued that he is seeking this Area Variance for the Boundary Line Adjustment to put his property back into the original property configuration prior to his father changing and to follow the natural ridgeline of the two properties. Mr. Hayes informed the Board that he is keeping the property located on Church St. and they will be selling the property that belonged to his father located on NYS Rte. 217. Mr. Hayes informed the Board that he obtained a meeting notice sign from the Town Clerk and posted the sign on his property. Chairman Graziano informed the Board that Mr. Hayes is seeking a 5 foot Area Variance because his property line is only 15 feet and the required rear setback is 20 feet. Chairman David Graziano reviewed the criteria for granting an Area Variance for the Board. Chairman Graziano answered that this is a self-created hardship because the owners created the property lines.

Chairman Graziano opened the meeting to the public hearing at 7:36 p.m. Chairman Graziano read a letter from Dale Rowe who is a neighbor of the property who stated that he was in favor of this Area Variance. No further public comment. Chairman Graziano closed the public hearing at 7:38 p.m.

Mr. Andreasson reviewed the SEQRA for the Board members.

Motion to grant a negative declaration with regard to SEQRA was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Motion to grant an Area Variance Chairman Graziano informed the Board that Mr. Hayes is seeking a 5 foot Area Variance because his property line is only 15 feet and the required rear setback is 20 feet. of 5 feet for the rear setbacks for 92 Church Street was made by John Porto with a second from Chris Post. All members were in favor. Motion was carried. Mrs. Krein paid fees of \$12.25 for the abutter mailing. Mr. Hayes was instructed to return to next Planning Board meeting to continue his Boundary Line Adjustment application which will be held on January 2, 2017. Mr. Hayes was also informed that he will receive an approval letter from the Zoning Board of Appeals Secretary which he should bring to the Planning Board meeting.

Marks, Lloyd & Tavano, Michael Area Variance: Tax Map #(SBL) 130 . – 1 – 28 . 120 Located at 294 Stone Mill Rd. Area Variance of 29 feet for the front yard setback of 21 feet.

Mr. Marks and Mr. Tavano were present for the application. Mr. Marks informed the Board that they are planning

an addition to their residence and the only possible plan will require an Area Variance for the front yard setback. Mr. Marks continued that the left side of the house has a large culvert and the rear of the residence has the septic system. Mr. Marks continued that the new addition Mr. Marks informed the Board that they recently purchased a 50 foot strip of property along the left side of their property from the Thomas family to give them more side yard. Mr. Marks and Mr. Tavano submitted photos of the existing residence and of the proposed addition. Roger Case asked if the existing residence has the proper front yard setbacks. Mr. Marks answered that the front of the residence currently has a setback of only 21 feet and the proposed addition will be the same not closer to the road. Mr. Marks continued that the porch on the existing house is 4 feet closer to the road than the actual residence and the proposed addition. Chairman Graziano asked when the applicants found out about the front yard setback. Mr. Tavano answered when they applied for a building permit. Chairman Graziano asked why the architect didn't find this out during the designing of the addition. Mr. Marks answered that the architect didn't look at any property issues. Steven Melnyk stated that the architect probably figured it would be ok because the addition would be the same distance from the road and not closer. Chairman Graziano asked why the addition couldn't be moved toward the rear of the property to meet the setback distance. Mr. Marks answered that the septic system is in the back so they cannot move the addition back and if they could move back it would only allow for an 18 inch hallway. Mr. Tavano also mentioned that there is a very large oak tree close to the house and if the addition was moved the other way then a very large maple tree would be in the way and need to be removed. John Porto asked that if the septic is in the rear of the residence then where is the well. Mr. Marks stated that the well is in the front of the residence. Steven Melnyk asked about the additional property on the left side. Mr. Marks informed the Board that they have purchased an additional 50 foot sliver of property from the neighbors which amounts to an additional ½ acre of land on theirs. Mr. Marks continued that the Boundary Line Adjustment was approved by the Town of Claverack Planning Board and was filed with the County Clerk. Chairman Graziano stated that he is trying to get comfortable with allowing only a 21 foot front setback. Steven Melnyk asked the applicants what the size of the proposed addition. Mr. Marks answered that the addition will be 51' X 21' two story addition which is approximately 1500 square feet. Stan Koloski noted in the application packet that the addition including the deck and patio will be 2894 square feet.

Motion to accept the application as complete and set the public hearing for January 25, 2017 was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

Mr. Marks paid the application fee of \$150.00

INFORMAL:

Surveyor Philip Massaro was present to represent a proposed subdivision of the Genito property on NYS Rte. 9H. Chairman Graziano informed Mr. Massaro that the application was not signed or reviewed by anyone in the Town of Claverack Building Department and therefore it will be considered as an informal review and not an official application. Mr. Massaro informed the Board members that he has tried several times to meet with Stan Koloski or Dennis Callahan and has left several messages that have gone unanswered about this application. Chairman Graziano informed Mr. Massaro that there are specific steps that an application has to go through before it is reviewed by the Zoning Board of Appeals and this application cannot be reviewed officially until someone in the Building Department goes over the application and looks at the Zoning Laws. Mr. Massaro continued that his clients, Ralph and Linda Genito own 40 acres and they are seeking to subdivide 37 acres from their property and to retain 3.187 acres of the property which contains their residence. Mr. Massaro informed the Board that he appeared informally before the Town of Claverack Planning Board who instructed him to submit an Area Variance with the Zoning Board of Appeals because the property has only 50 feet of frontage. Mr. Massaro continued that the Genitos have owned the property since the early 1970's and over the years they sold pieces of their parcel along NYS Rte. 9H which has now left them with the 50 feet of frontage which brings him to the Zoning Board of Appeals because the Genitos have an organic garlic farmer that is interested in purchasing the 37 acres to grow his garlic. Mr. Massaro explained the subdivision maps for the Board showing that there is a right of way that will go with the 37 acre farming parcel and will also be used by the Genitos as a shared driveway. Steven Melnyk asked what year did the Genitos build their home. Mr. Massaro stated that the Genitos built their home in 2003. Mr. Melnyk asked how they received the permit to build without the proper frontage. Mr. Massaro stated that all of the parcels were sold prior to the Zoning laws and it left the Genitos with only 50 feet of frontage

and he is not sure how they received the building permit. Chairman Graziano informed Mr. Massaro that shared driveways can be an issue. Mr. Massaro stated that the parcel with the residence will share the driveway for only 150 feet. Chairman David Graziano stated that he has concerns with shared driveways and would need the advice of the Town Attorney and would just want to give the applicants a heads up to a possible issue. Town Councilperson Katy Cashen informed the Board that the Town has hired a new building inspector, Jay Trapp who will start after the first of the year. Mr. Massaro was handed back all of the copies of the application and maps and was instructed to set up a meeting with Jay Trapp to formally submit the application and that Mr. Trapp will collect the application fee of \$150.00. Mr. Massaro informed the Board that he is a member of the Town of Livingston Town Board and Mr. Trapp works as their Building Inspector so he is very familiar with him and will contact him directly regarding the application.

Motion to adjourn meeting the meeting was made by John Porto with a second from Roger Case. All members were in favor. Meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Jodi Keyser, Secretary