

APPROVED March 22, 2017

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes of: February 22, 2017

Chairman David Graziano called the February 22, 2017 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Graziano led the Board members and audience with the Pledge of Allegiance.

Members in attendance were: Chairman David Graziano, Steven Melnyk, John Porto, Chris Post, Roger Case, secretary; Jodi Keyser and engineer; Rich Andreason for George Schmitt.

Absent with regrets: attorney; Rob Fitzsimmons.

Correspondence: None received

Zoning Board of Appeals members reviewed the minutes of the January 25, 2017 meeting.

Motion to approve the January 25, 2017 minutes was made by Steven Melnyk with a second from Chris Post. All members were in favor. Motion carried. Minutes approved.

CONTINUING APPLICATIONS FOR 2/22/17:

NEW APPLICATIONS FOR 2/22/17:

Genito, Ronald & Linda Area Variance: Tax Map #(SBL) 121 . 00 – 01 – 04 . 1 Located at 179 Rte. 9-H.

Area Variance for driveway frontage of 100 feet for a right of way that is only 50 feet wide. Town Code requires 150 feet for a driveway.

Surveyor Philip Massaro was present for the application along with Linda Genito property owner. Mr. Massaro informed the Board that his clients are seeking an Area Variance for roadway frontage for their property on NYS Rte. 9-H. Mr. Massaro continued that the Genito's own approximately 40 +/- acres and are seeking to subdivide approximately 3 +/- acres which include their private residence and sell the remaining 37 +/- acres to a farmer who plans to grow organic garlic. Mr. Massaro explained to the Board members that the home was built in 1976 before zoning. Mr. Massaro continued that the Genito's have subdivided the front portion of their property prior to zoning also which has created the problem of not enough frontage. Mr. Massaro informed the Board that his client is seeking to subdivide their property but need the Area Variance before the subdivision will be allowed to move forward. Chairman David Graziano informed Mr. Massaro that the application requires a notarized letter from Mr. & Mrs. Genito allowing him to represent their interests. Mr. Massaro informed the Board that he submitted a letter from the Genito's with the application. Secretary Jodi Keyser informed the Board that the application did not contain a letter from the Genitos. Chairman Graziano informed Mr. Massaro that George Schmitt sent an email with some points that need to be fixed on the SEQRA form. Chairman Graziano stated that according to George Schmitt suggested that SEQRA # 10 should have the potable water explained, #11 should describe the waste water system, #12 (b) should be answered yes because the parcel is within an archeologically sensitive area. Mr. Massaro stated that this property has been farmed by the Genito family for several years so the artifacts have already been disturbed. Mr. Massaro continued that he answered the questions with answers he felt were correct. Mr. Massaro continued that he wouldn't know if the area was in an archeologically sensitive area. Rich Andreason informed Mr. Massaro that the Town of Claverack or NYSOPRHP could require further testing of the property if they felt the need. Mr. Massaro stated that this property has been farmed for several years and any artifacts would have been gone a long time ago. Mr. Massaro informed the Board that his client is selling the larger portion of the property to be used for the same type of use not changing anything will still be a farming operation. Mr. Massaro continued that the Genito's are not asking to build a warehouse or airport just to sell to a farmer for growing garlic so that they can pay their taxes and stay in their home. Mr. Andreason informed Mr. Massaro that this question needs to be answered with a yes because of the area not based on the use or previous use. Chairman Graziano continued that #15 should also be answered yes because the habitat of the area can support endangered species. Mr. Massaro stated that he

knows of no endangered animals on the property and asked the Board if they know of any endangered animals that live at this site. Roger Case stated that he is unaware of endangered species on the site but he is concerned about the small stream on the site. Mr. Massaro informed the Board that this is only a seasonal stream. Chairman Graziano informed Mr. Massaro that he needs to also supply a driveway easement and maintenance agreement. Mr. Massaro stated that he spoke with Rob Fitzsimmons and was not told about this. Chairman Graziano informed Mr. Massaro that Rob Fitzsimmons sent an email and asked that a maintenance agreement and deed descriptions be supplied for his review before the March meeting. Roger Case asked if the other stream on the map supports a crossing for the farm equipment. Mr. Massaro stated yes. Chairman Graziano asked if Mr. Massaro could determine the amount of traffic on the shared driveway. Mr. Massaro answered that the driveway will be used only by the Genito's and the farmer. Chairman Graziano stated that he is concerned with the amount of use and the issue of a shared driveway. Mr. Massaro stated that the driveway will not be used any more than it is currently being used. Mr. Massaro continued that the Genito's currently farm the property by growing hay and that growing garlic will probably require less traffic on the driveway. Mr. Massaro stated that the Genito's just want to sell the property so they can keep their home. Steven Melnyk stated that Mr. Massaro is probably correct that garlic requires less than hay as a crop. Chairman Graziano informed the Board and Mr. Massaro that Rob Fitzsimmons commented that the Town of Claverack Zoning Code requires frontage he feels that this application would require an Area Variance for frontage for the two parcels not just the one parcel. Rob Fitzsimmons' comment continued that a positive aspect of the application is that the parcel was created prior to zoning and is a pre-existing so the Zoning Board of Appeals needs to decide whether the new parcel can be granted an Area Variance. Roger Case asked if the approval could have a stipulation that the parcel remains as an agricultural use and no further subdivision is allowed. Roger Case continued that the purchaser of the large parcel should be aware that he cannot someday decide to build a home on the property. Mr. Massaro informed the Board that the farmer will have a 50 foot right of way of which the Genito family will have an easement for access to their residence. Steven Melnyk stated that this could be a stipulation that no further subdivision of the parcel could take place. Mr. Massaro stated that if this were to happen then the property owner would need to apply to the Zoning Board of Appeals or to the Planning Board. No further Board questions. Chairman Graziano read the 5 criteria for determining an Area Variance for the applicant and the Board. Chairman Graziano asked the Board members if they feel that the 90% of the application is sufficient enough to accept the application pending the notarized letter granting Mr. Massaro permission to represent the Genito family, revised SEQRA, driveway agreement and deed descriptions. Chairman Graziano reminded the Board that if they are in agreement then they can set public hearing for the application for the March meeting. Motion to accept the application as complete contingent on submittal of the notarized letter from the Genito's granting Mr. Massaro permission to represent their interests for the application, revised SEQRA, deed descriptions and driveway agreement submitted to Rob Fitzsimmons was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried. Mr. Massaro was instructed to be sure to submit the requested materials 10 business days prior to the March 22nd meeting.

INFORMAL:

Paula Ptasek who owns the old Dutch house at the intersection of NYS Rte. 23 and 217 informed the Board that her son is interested in purchasing two parcels directly across the street from her home. Ms. Ptasek continued that the two parcels are very small and both are less than an acre. Ms. Ptasek stated that her son wants to purchase the two parcels and combine them into one parcel to build a home. Ms. Ptasek stated that the two parcels combined will not amount to an acre. Board members informed Ms. Ptasek that the Town of Claverack has a minimum lot size of one acre and this question would be better answered by the Town of Claverack Planning Board. Ms. Ptasek was informed of the date and time for the March Planning Board meeting. Board members also suggested that Ms. Ptasek contact the NYS DOT for guidance on a driveway cut.

Motion to adjourn the meeting was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,
Jodi Keyser, Secretary