

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

Minutes of the January 25, 2006 meeting of the Town of Claverack Zoning Board of Appeals.

Meeting was called to order by board chairman, Mike Brandon at 7:30 PM. Members in attendance: Chairman Brandon, Mr. Frank Clegg, Mrs. Norma Barnard, Mr. Paul Gundrum, Mr. Steven Melnyk, and Town Engineer; Joseph Romano, Secretary; Caren Mahar, and newly appointed Secretary Jodi Keyser.

Members absent: Jock Winch, Steve Harder, and Town Attorney Robert Fitzsimmons.

Mr. Brandon asked everyone to stand for the Pledge of Allegiance. Mr. Brandon introduced himself and members of the Zoning Board of Appeals to the audience. Mr. Brandon was happy to see that resigning Secretary Caren Mahar was present and introduced the new secretary Jodi Keyser.

Mr. Melnyk requested that the minutes for the December Zoning Board of Appeals be amended to show that Mr. Melnyk name was omitted from the members present and that Ms. Judy Zink from the Planning Board attended also.

Mr. Frank Clegg made a motion to accept the amended minutes, 2nd by Mr. Gundrum.

Columbia Land Conservancy (112.-2-61): *High Falls Project, Roxbury RD Applicant seeking Site Plan Review for parking spaces, rail fence and sign at public conservation area. 5.2 acres involved in Claverack jurisdiction off Roxbury Road.*
The applicant did not appear for the meeting and the board did not receive prior contact.

First/Birch North Claverack Development Group (101.00.02.25 and 101-2-23-110): *Planned Residential Community.*
Chairman Brandon informed the members of the Zoning Board of Appeals and audience he was notified by the applicant of their inability to attend January's meeting.

Raymaker, Raymond/Copley, Rob (120-2-1-29): 471 Route 23-B Claverack. *Applicant request for area variance to build a pool and pool house without proper setbacks.*

Applicant, Mr. Raymaker was present at the meeting to ask the Zoning Board of Appeals for an area variance to construct a pool and pool house of his property on Rte.23-B in Claverack. Due to the strange configuration of his property (pie shape) and large trees he is unable to meet the required setbacks. Chairman Brandon asked the applicant to consider a different shape of pool that would fit into the area better and maybe meet with the setback allowance. Mr. Raymaker felt that the pool design was the most aesthetically pleasing to the area and neighborhood. Chairman Brandon asked if the pool was a custom pool. Mr. Raymaker responded that the pool was not a custom shape. He picked it from a catalog at the pool company showroom. Chairman Brandon asked the applicant the location of the neighboring houses in conjunction to the pool and pool house. Mr. Raymaker showed members the proximity to neighboring houses on his maps. The pool is situated behind the houses on Willmon Rd. that have deep lots and behind the Sherman and Koskey residence's garages. Mr. Clegg asked the applicant what he planned to do with the "backwash" when he cleaned the pool filter. Mr. Raymaker informed the board members that he was installing a new filter system that did not require "backwashing". Chairman Brandon asked the applicant if the property on the map already fenced? Mr. Raymaker informed the board that the map is correct and the area is already fenced in with a 5 ½ foot high fence containing a lattice design on top, similar to his neighbors the Koskey's fence. The remainder of the area will be fenced in with the same type of fencing. Mr. Clegg asked if the pool could be moved forward, closer to the applicant's house then the need for an area variance may not be needed. Mr. Raymaker stated that the property is lined with large, evergreen trees and the root system would not allow the pool closer to the house. Mr. Raymaker felt that the trees were important and added to the pleasing appearance of the property so cutting them down was not an option. Chairman Brandon informed the applicant that area variances are not granted lightly, and just because the applicant did not want to remove some trees to put a pool and pool house in may not constitute the granting of the variance. He added that the trees might not be worth keeping just for their appearance, were the trees professionally inspected? Mr. informed the members of the board that after he purchased the property he contracted Callander's and George Williams to inspect the trees on his property. Both performed extensive work on the trees to insure their health and that in their opinions the trees are worth keeping. Chairman Brandon asked the applicant if he had already started the project? Did he have the hole for the pool dug and the pool house constructed?

Mr. Raymaker informed the board that indeed the project was started because the pool company doing the installation needed to see the amount of water and drainage in the area. The pool house was only a shed without a foundation and he thought that he did not need permission for that structure. Mr. Raymaker told the board members that he was working on this project since August of 2005. He canvassed his neighbors and supplied the board with copies. He stated that he was trying to do everything the right way. Mr. Melnyk told the applicant that he was putting his cart before his horse. Chairman Brandon asked Board member Paul Gundrum his professional opinion on the trees. Mr. Gundrum agreed that

the trees should stay on the property and that the pool needed to be situated to protect the root systems of the trees. Chairman Brandon asked the applicant was the pool house built and positioned as per the map? Mr. Raymaker said yes, but it was not constructed on a foundation. Mr. Gundrum asked the applicant if the pool house could be moved forward instead of at the back of the lot? Chairman Brandon agreed with this proposal because said pool house is just a shed without a permanent foundation. Mr. Raymaker still wanted to see the pool house remain as on the map because it would house the filter and pump system for the pool. Chairman Brandon would be more agreeable to the project if the pool house were moved forward behind the applicant's garage. Mr. Raymaker reiterated the tree roots are still a problem even with no foundation because the roots stick up from the ground making for an uneven surface and then it would be up against his existing fence and that is not allowed. Chairman Brandon then read to the board members the criteria for granting area variances.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. Members of the board agreed that this was not a problem.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

To this Chairman Brandon, Mrs. Barnard, and Mr. Clegg would like to see the pool house moved closer to the house but due to tree branches and root system is not feasible.

3. Whether the requested area variance is substantial.

Members agreed that this was not an issue.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

Members agreed that the applicants sought the opinion of their neighbors regarding their proposed project, fashioned the pool house in accordance with the color scheme of their house and barn, and that the existing trees on the property were deemed healthy and worth keeping. Chairman Brandon, along with the members of the board, agreed that the applicant should not have started the project without proper consideration of the Board of Appeals. Chairman Brandon stressed to the applicant become informed of the regulations prior to starting any project. Mr. Raymaker apologized and agreed to comply in the future.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Members agreed that this stipulation was not relevant to this situation.

Chairman Brandon opened the meeting to public comment. There was no public comment on the case. Chairman Brandon closed the public comment portion of the meeting at 7:55 PM.

Chairman Brandon asked members of the Zoning Board of Appeals to compose a motion regarding the Raymaker/Copley application.

Mr. Gundrum made the motion to grant an area variance as mapped with a 2nd by Mr. Melnyk.

Chairman Brandon polled the members, Mr. Clegg abstained from the vote; the rest of the board then carried the motion.

The next meeting for the Town of Claverack Zoning Board of Appeals is scheduled for February 22, 2006, 7:30 PM, at the Claverack Town Hall Building.

Chairman Brandon asked for a motion to adjourn the meeting.

Motion to adjourn the meeting was made by Mr. Clegg with 2nd by Mrs. Barnard.

All members were in favor and the motion carried unanimously.

Meeting was adjourned at 8:01 PM.

Respectfully submitted,

Jodi Keyser
Secretary
Zoning Board of Appeals