

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544  
MINUTES: July 26, 2017

Chairman David Graziano called the July 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 with the Pledge of Allegiance.

Members in attendance were: Chairman David Graziano, Steven Melnyk, John Porto, Roger Case, Chris Post, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Correspondence: None

Review the minutes of the June 28, 2017 meeting.

Chairman Graziano informed the Board members that the minutes should reflect that an informal vote was taken for the Koch interpretation that found they did not interpret the law in her favor and directed her to appeal to the Town Board to see if they would consider changing the law.

Motion to approve the minutes as corrected was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried. Minutes approved.

**CONTINUING APPLICATIONS FOR 7/26/17:**

**Riley, Jessica Area Variance:** Tax Map #(SBL) 121 . – 1 – 24 . 112 Located at 91 Courts Lane. Area Variance of 0 (zero) feet for frontage from the required 150 feet for a right of way at the end of Pine St. Claverack to access a proposed 20 acre subdivision.

Secretary Jodi Keyser informed the Board that she received an email from Ms. Riley on 7/24/17 informing the Zoning Board of Appeals that she is withdrawing her application at this time.

**NEW APPLICATIONS FOR 7/26/17:**

**Schram, Peter Area Variance:** Tax Map #(SBL) 131 . – 1 – 11 Located at 24 Van Wyck Lane. Area Variance for a boundary line adjustment of two non-conforming parcels within the 5 acre zoning area each consisting of less than 5 acres.

Peter and Nicholas Schram were present for the application as well as surveyor Matt Bowe. Pete Schram explained to the Board that he owned the old Shaw house which contains 5.4 acres on Van Wyck Lane up until recently when it was sold. Mr. Schram stated that prior to the sale of the property he was working on a boundary line adjustment to remove 2 acres from the property of the Shaw house and merging them with property owned by his son Nicholas which contains 2 acres. Mr. Schram continued that the Planning Board was in favor but they discovered that the properties are within the 5 acre zoning area and therefore sent him to the ZBA for an area variance because he is creating a non-conforming lot but also adding to a pre-existing non-conforming lot. Chairman Graziano questioned Mr. Schram that he cannot present an application for property that he no longer owns. Mr. Schram informed the Board that he has an agreement with the purchaser and this boundary line adjustment was written into the deeds before closing on the property. Mr. Schram submitted deeds, SEQRA form and Ag Data information for the file. Steven Melnyk asked Mr. Schram how big Nicholas' property is. Mr. Schram stated that Nicholas owns two separate parcels being 1.55 and .642 that will both be combined with the 2 acres to make a 4 +/- parcel for him and leave a 3.4 parcel with the Shaw house. Rob Fitzsimmons informed the Board that when Mr. Schram appeared before the TOC Planning the Board assumed that the properties were within the

Hamlet Residential Zone but they are actually just in the Rural Agricultural zone which requires 5 acre parcels. Rob Fitzsimmons condensed the application for the Board that the plan is to take 2 acres from the 5.4 acre compliant into a non-compliant size property and merging those 2 acres with the .624 and 1.55 acre parcels to make the pre-existing non-conforming into a 4.12 acre parcel and therefore closer to a conforming size. Roger Case asked if there would be any future subdivisions. Mr. Schram answered no and this is stipulated in the deeds. Chairman Graziano asked Mr. Schram do describe the nature of the neighborhood. Mr. Schram stated that the neighborhood is located on a dead end road due to the closed Shaw bridge and contains a few small single family residences. Chairman Graziano asked how the sale of the property prior to the boundary line adjustment affects the application. Rob Fitzsimmons answered that this doesn't affect the application because Mr. Schram has the boundary line adjustment part of the deeds for the sold property and the buyers were aware of the issue prior to the closing. Rob Fitzsimmons asked Mr. Schram to provide a notarized letter from the buyer that they are in agreement with the boundary line adjustment for the file. Mr. Schram stated that this is already in the deed for the property. Chairman Graziano informed Mr. Schram of the five criteria that are needed for determination of an area variance and that the applicant is not required to meet all five as with a use variance. Board members agreed that this was not a big issue and agreed to set public hearing for the August 23, 2017 meeting. Rob Fitzsimmons informed Mr. Schram of the sign requirements and to obtain a meeting notice sign for the ZBA from the Town Clerk's office.

Motion to adjourn the meeting was made by John Porto with a second from Steven Melnyk. All members were in favor. Meeting adjourned at 7:50 p.m.

Rob Fitzsimmons and George Schmitt informed the Board members that they are required to be at a meeting in Valatie on 8/23/17 so they will not be at the TOC ZBA meeting. Rob Fitzsimmons continued that the agenda at this time doesn't appear controversial.

Respectfully submitted,  
Jodi Keyser, secretary