

APPROVED 4/25/18

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes for March 28, 2018

Chairman David Graziano called the March 28, 2018 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

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

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

Absent members: Steven Melnyk

Correspondence: None

Review the minutes of the November 22, 2017 meeting.

Chairman Graziano pointed some minor grammatical errors for correction.

Motion to approve the November 22, 2017 minutes was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

CONTINUING APPLICATIONS:

NEW APPLICATIONS FOR 3/28/18:

June/DeCrosta Area Variance: Tax Map #(SBL)121 . 03 – 03 – 40 Located at 105 Apple Lane Claverack. Area Variance for side yard setback of 6 feet where 30 feet setback is required for the construction of a 24-foot X 32-foot storage shed.

Surveyor Matthew Bowe, Mr. June and Mr. DeCrosta were present for the application. Mr. Bowe explained that his clients are seeking to construct a 24` by 32` storage shed at the rear corner of their property. Mr. Bowe continued that his clients are seeking a variance of 24` because they want to place the structure 6` off of the property line where 30` is required. Mr. Bowe explained that his clients want to maintain the majority of their yard so placing the shed at the farthest rear area was the best for them. Chairman David Graziano stated that it appeared from the plan that the applicants have plenty of room to situate the shed forward toward the house and meet the setback. Matt Bowe stated that his clients do not want the shed in the middle of their yard. George Schmitt asked about the power lines and phone lines that require 10 feet. Mr. DeCrosta stated that he has spoken to National Grid representatives and Verizon and the mast on the house will be raised and both issues have been resolved. George Schmitt also stated that there is also a situation with #5 of the convenient and restrictions in the deed that states that “no building other than a one-family dwelling house and garage to hold not more than two cars shall be built on said premises” might be a problem. Mr. DeCrosta informed the Board that this structure is not a garage but only being used for storage of household items to free up the attached garage. John Porto stated that this is exactly the size of a garage. George Schmitt stated that the deed states that only a one-family dwelling and a garage are allowed on the property. Mr. DeCrosta stated that this is only an out building. Rob Fitzsimmons stated that the Town of Claverack does not assume the risk if someone violates their deed restrictions but it is up to the neighboring property owners to file a lawsuit. George Schmitt stated

that if this is a garage then it is allowed as per the deed restrictions. Rob Fitzsimmons stated that a title search would determine which property owners have the rights to file a lawsuit and the applicant could have them all sign off that it is fine with them. Chairman Graziano stated that if the structure was positioned 30 feet from the boundary line then the applicant wouldn't need any sort of approval because a garage is allowed in the deed restrictions. Mr. Bowe stated that if the structure were situated 30 feet off of the boundary line it leaves 43 feet between the house and the structure. Mr. DeCrosta stated that this would be unacceptable to him and Mr. June and it would not be pleasing sitting right in the middle of their back yard. Mr. DeCrosta stated that they have thought very carefully about the size and position of the building and this is the final decision. Mr. DeCrosta stated that the building is necessary to remove household items from the garage to allow for him to park his car in the garage instead of on the front lawn. Mr. DeCrosta stated that his neighbors were all in favor of this several years ago when he applied to build a storage building and would expect that they would all still be in favor. Mr. DeCrosta continued that the area of his backyard holds several expensive trees that would have to be removed if the structure were 30 feet from the property line and it would not be something they are willing to do. Mr. DeCrosta stated that this property is only a little more than ½ acre which has always made for space difficulties. Mr. DeCrosta stated that Mr. June has lived in the house 50 plus years and are doing the best they can with the size of the home but need more storage room. Chairman Graziano thanked Mr. DeCrosta for all of the information that he gave to the ZBA and that moving the storage building was just a suggestion. Chairman Graziano reviewed the criteria for granting an Area Variance and that the applicant is not required to meet all five of the items but the ZBA is required to grant the minimum variance that they feel is sufficient. Mr. DeCrosta informed the ZBA that he has a riding lawn mower, trailer, other equipment, two boats and has two vehicles which one is parked on the lawn because it will not fit into the attached garage. Mr. DeCrosta continued that over the past 4 to 5 years he has attempted to build the building but was shot down. Mr. DeCrosta stated that he has the blessing of all of his neighbors. Mr. DeCrosta asked how the neighbors are notified. Chairman Graziano informed Mr. DeCrosta that the ZBA secretary will send out notifications to the abutters. Chairman Graziano informed Mr. DeCrosta that he will need to obtain a public hearing sign from the Town of Claverack Clerk's office and post the sign at least two weeks prior to the meeting. Chairman Graziano informed Mr. Bowe that two of the SEQRA questions were unanswered. Public hearing will be set for April 25, 2018.

Motion to adjourn the meeting was made by Roger Case with a second from John Porto. All members were in favor. Motion carried. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Jodi Keyser, Secretary