

APPROVED 3/28/18

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

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

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

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

Correspondence: None

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

#### **CONTINUING APPLICATIONS FOR 11/22/17:**

**Pine Haven Nursing Home Area Variance:** Tax Map #(SBL) 113 . 10 – 1 – 9 . 211 Located at 341 NYS Rte. 217. Area Variance.

Cory Auerback was present for the application. Mr. Auerback reminded the Board that his client is the current owner of the Pine Haven Nursing home in Philmont. Mr. Auerback continued that his client is seeking to refinance the building for renovations but when they were beginning the process it was discovered that the property is separated into two separate parcels and the line dissects the nursing home in half. Mr. Auerback explained to the Board that the plan is to move the property line to have it go between the newer building and the old building which is used for storage. Mr. Auerback continued that the required Side Yard setbacks are 50 feet and this is impossible to meet. Mr. Auerback informed the Board members that the setback is only 9 feet because the buildings are very close together. Mr. Auerback continued that they split the area between the buildings in half leaving the same distance between both buildings. Mr. Auerback informed the Board that the bank is requiring the current nursing home is on a stand-alone parcel before they will refinance. Chairman David Graziano asked the Board members if they had any questions. No Board questions. Chairman Graziano opened the meeting to the public hearing at 7:35 p.m. No public comments. Chairman Graziano closed the public hearing at 7:36 p.m.

Chairman Graziano reviewed the criteria for granting an Area Variance for the applicant.

George Schmitt reviewed the SEQRA for the Board and applicant.

Motion to grant a negative declaration for purposes of SEQRA was made by Steven Melnyk with a second from Chris Post. All members were in favor. Motion carried.

Motion to grant an Area Variance to Pine Haven Nursing Home was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried. Area Variance granted.

Mr. Auerback paid fees for mailing.

#### **NEW APPLICATIONS FOR 11/22/17:**

**NONE**

**INFORMAL:**

Hans Yatska owns property at 97 Church St. and is in the process of purchasing a small portion of his neighbor's property which includes a small barn. Mr. Yatska continued that he would like to turn the barn into an in-law apartment. Board members informed Mr. Yatska that this is a non-conforming pre-existing parcel and it is possible. Board members informed Mr. Yatska to provide a survey drawn up and will need a Boundary Line Adjustment with the Planning Board and might need an Area Variance if the accessory structure is close to the property line. Board members informed Mr. Yatska that this can be achieved with just some extra steps and to set up a meeting with the TOC Building Department Jay Trapp for guidance. George Schmitt suggested that Mr. Yatska check with the CCDOH regarding the septic system requirements for the accessory structure. Mr. Yatska will follow up with the Building Department.

Motion to adjourn was made by Chris Post 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