

Approved 11/22/17

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
MINUTES: October 25, 2017

Chairman David Graziano called the October 25, 2017 meeting of the Town of Claverack Zoning Board of Appeals meeting to order at 7:30 p.m.

Chairman Graziano led members of the Zoning Board of Appeals and audience members in the Pledge of Allegiance.

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

Absent: Steven Melnyk and Roger Case

Correspondence

Board members reviewed the minutes of the September 27, 2017 meeting.

Motion to approve the minutes of September 27, 2017 was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 10/25/17:

Philmont Family Dentistry/Dr. Tareq Kalifeh Area Variance: Tax Map #(SBL)113 . 00 – 01 – 20 . 12 Located at 1078 Route 217 Philmont NY. Area Variance for a side yard setback of 28 feet where 50 feet is required for the expansion of a dental clinic.

Don Widjeskog; engineer and Ray Doty; contractor were present for the application. Chairman Graziano asked if they reviewed the 5 criteria for an Area Variance. Mr. Widjeskog stated that they need an Area Variance because there is no other way to construct the addition due to the road and septic system. Chairman David Graziano then reviewed the 5 criteria for an Area Variance for the Board members.

Chairman Graziano opened the meeting to public hearing at 7:36 p.m. No comments were received. Chairman Graziano closed the public hearing at 7:37 p.m. George Schmitt reviewed the SEQRA for the Board members. Motion to grant a negative declaration for purposes of SEQRA was made by John Porto with a second from Chris Post. All members were in favor. Motion carried.

Motion to grant the side yard setback of 28 feet for the purposes of an addition to the existing dental office was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

Chairman Graziano informed the representatives for the application that they need a Site Plan Review from the TOC Planning Board as a next step. Mr. Widjeskog informed the Board that this application will be started at the November Planning Board meeting. Final fees for mailing were paid.

Plass, Jeffrey Area Variance: Tax Map #(SBL)102 . 2 – 01 – 28 . 2 Located at 149 Webb Rd. Area Variance for dimensional requirements (setbacks) for the addition of a two car garage.

Jeff Plass was present for the application. Chairman Graziano asked Mr. Plass if the proposed garage would be attached to the house or a separate building. Mr. Plass answered that the garage will be attached to the main house with a mud room. Chairman Graziano stated that this was important because it appeared separate on the map and this would require a separate variance for an accessory structure. Chris Post commended Mr. Plass on the renovation of the former office into a residence but he is concerned that the garage addition should maintain the structural integrity of the neighborhood. Chris Post continued that this parcel is in the historic hamlet district and Mr. Plass should keep the design and look of the new garage within the character of the surrounding structures. Chris Post continued that the home is highly visible which makes this concern very important. Mr. Plass stated that he will make the garage look the same as the existing home and other houses in the area.

Chairman Graziano asked if the garage will be a single story structure. Mr. Plass answered yes only one story. Chairman Graziano opened the public hearing at 7:45 p.m. No comments were received. Chairman Graziano closed the public hearing at 7:46 p.m. Chairman Graziano reviewed the 5 criteria for granting an Area Variance for the Board and applicant. George Schmitt reviewed the SEQRA for the Board.

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

Motion to grant an Area Variance for the addition of a two car garage was made by Chris Post with a second from John Porto. Final fees for mailing was paid. Mr. Plass was informed that he over paid his application fee and is due a \$100.00 refund that he could use for the Building Permit. Secretary Jodi Keyser will inform the Building Department.

NEW APPLICATIONS FOR 10/25/17:

Pine Haven Nursing Home Area Variance: Tax Map #(SBL) 113 . 10 – 1 – 9 . 211 Located at 341 NYS Rte. 217. Area Variance for setbacks to complete a boundary line adjustment.

Cory Auerbach was present for the application. Mr. Auerbach informed the Board that the new owners of the Pine Haven Nursing Home are in the process of acquiring a refinance of the property through a HUD loan but the criteria requires that the building be completely on a parcel which currently is not the case. Mr. Auerbach continued that the property line for the parcel containing the nursing home dissects the building. Mr. Auerbach stated that his client is seeking to move the boundary line toward the old facility building but they found that an Area Variance is needed for setbacks of 9.5 feet. Mr. Auerbach stated that the boundary line currently is like a lightning bolt through the new building and this line will be moved between the new building and the old building. Mr. Auerbach informed the Board that the current boundary line is a non-conforming line because it goes through the building. Chairman Graziano asked Mr. Auerbach if the new owners are planning to demolish the old building. Mr. Auerbach answered that at first the plan was to demolish the old building but they have changed their minds and will refurbish the building but the plans are not concrete. Mr. Auerbach also applied with the TOC Planning Board for the Boundary Line Adjustment to move the process along. Rob Fitzsimmons informed the Board that this is a very vanilla application.

Motion to accept the application as complete and set public hearing for November 22, 2017 was made by John Porto with a second from Chris Post. All members were in favor. Motion carried. Members discussed the abutters list which was missing the Philmont Family Dentistry address.

Motion to adjourn the meeting was made by Chris Post with a second from John Porto. All members were in favor. Motion carried. Meeting adjourned at 8:10 p.m.

Respectfully submitted,
Jodi Keyser, Secretary

Adjourn meeting