

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: September 27, 2017

Chairman David Graziano called the September 27, 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, Roger Case, John Porto, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser
Chairman Graziano led members of the Board and audience in reciting the Pledge of Allegiance

Correspondence: None

Board members reviewed the minutes of the August 23, 2017 meeting.

Motion to approve the August 23, 2017 minutes was made by John Porto with a second from Chris Post. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 9/27/17:

NEW 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.

Donald Widjeskog the project engineer and Mr. Doty contractor were present for the application. Mr. Widjeskog informed the Board that his client has a growing dental practice for over 15 years in the Village of Philmont and at this time has outgrown the building. Mr. Widjeskog continued that his client is seeking an addition to the building adding 4 new exam rooms to keep up with the increase in patients and to make the office safer and more comfortable for patient care. Mr. Widjeskog informed the Board that the addition will only allow for a 28 foot rear setback and also a 5 foot side yard setback after the addition of 6 new parking spaces. Chairman Graziano asked how patient privacy would be compromised as addressed on page 6 of the application. Mr. Widjeskog stated that this was a mistake and patient privacy would not be impacted. Mr. Widjeskog informed the Board that his client is only seeking an addition to the existing building. Chairman Graziano asked if the ramp shown on the Site Plan is existing or is proposed. Mr. Widjeskog stated that this is a proposed ramp for handicapped access. Rob Fitzsimmons informed the Board that the site is surrounded by the Pine Haven Nursing Home. Chairman Graziano asked if the Board members had any other questions. No other questions. Chairman Graziano reviewed the 5 criteria for granting an Area Variance and informed the applicant's representative that unlike a Use Variance an Area Variance only requires that the applicant is not required to meet all 5. George Schmitt stated that he reviewed the plans and asks that a formal survey be submitted into the file. Mr. Widjeskog submitted an official survey into the file. Rob Fitzsimmons informed the representatives for the application that they will also need a Site Plan Review with the Planning Board for the expansion and suggested that they start this process with the TOC Building Department. George Schmitt asked if the garage and foundation are gone. Mr. Widjeskog stated that they were removed during a previous renovation. George Schmitt asked about a septic tank shown on the map that would be under the addition. Mr. Widjeskog stated that Mr. Ihlenburg surveyed the property several years ago and put the septic tank in the wrong place on the map and assured the Board that there isn't any tank at the spot. Mr. Doty informed the Board that he had Bill Baldwin snake the septic and found the tank. Mr. Doty continued that he has a letter from the CCDOH that approves the addition of a new lateral line onto the existing leach field as adequate for the upgrade. George Schmitt informed the applicant's representatives that the project will need Site Plan Review with the TOC Planning Board. Chairman Graziano informed the Board and applicant that he recalculated the rear setback and it is only a 22 foot variance not 28 feet.

Motion to accept the application as complete and set public hearing for the October 25, 2017 meeting was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

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. Mr. Plass informed the Board that he and his wife have recently renovated 149 Webb Rd. and plan to relocate there. Mr. Plass continued that the building was the site of his business for over 25 years and he and his wife are downsizing so they renovated the building and are now living there. Mr. Plass informed the Board that after the renovation they realized that they would need a two car garage and an area for storage. Mr. Plass continued that the parcel is a very difficult piece of land being the triangular piece at the intersection of Webb Rd. and NYS Rte. 23-B. Chairman Graziano informed the Board that the applicant is seeking side yard variances of 27.3 feet and 13.3 feet. Mr. Plass informed the Board that the garage will not be any closer to the road than the existing house. John Porto asked if the driveway will be from Webb Rd. Mr. Plass stated yes as it currently exists. Chris Post asked if the garage will be attached to the house. Mr. Plass answered yes no other place to put garage. All members were ok with the application. Chairman Graziano reviewed the 5 criteria for granting an Area Variance. Roger Case asked if the amount of traffic will increase. Mr. Plass stated that the traffic will actually decrease because it is now his house not his business. Motion to accept the application as complete and set for public hearing on October 25, 2017 was made by Roger Case with a second from Steven Melnyk. All members were in favor. Motion carried. Mr. Plass was instructed to obtain a sign from the Town Clerk and application fee of \$250.00 was paid.

NEW BUSINESS:

Rob Fitzsimmons informed the Board that the new owners of the Pine Haven Nursing Home are seeking to refinance through HUD and will need a Boundary Line Adjustment which will also require an Area Variance because the property line will be too close to the old building. Rob Fitzsimmons continued that the owners were asked if they were going to tear down the old building but they want to keep it and renovate it. Rob Fitzsimmons stated that this application will be coming up in the near future.

Chairman Graziano informed the Board members that there are some upcoming educational opportunities that are available to satisfy the requirements for training. John Porto informed the Board that he was signed up for a training at the beginning of October but was notified it is canceled. Rob Fitzsimmons informed the Board that there are also online training opportunities available through the County website which will print out a certificate of completion.

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

Respectfully submitted,
Jodi Keyser, Secretary