

APPROVED 6/28/17

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: May 24, 2017

Chairman David Graziano called the May 24, 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, John Porto, Steven Melnyk, Chris Post, Roger Case, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser

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

Correspondence: None

Board members reviewed the minutes of the April 26, 2017 meeting.

Motion to approve the April 26, 2017 minutes was made by Steven Melnyk with a second from Roger Case. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 5/24/17:

NEW APPLICATIONS FOR 5/24/17:

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.

Ms. Riley was present for her application. Ms. Riley informed the Board that she owns a local horse farm located at the end of Courts Lane. Ms. Riley continued that she is seeking to subdivide a 20 acre parcel from her property and to use the funds from the sale to help to support the farm operation. Ms. Riley informed the Board that she is seeking to use a right-of-way to this property which is at the end of Pine St. Ms. Riley stated that she needs an Area Variance because she doesn't have frontage on Pine St. only a right-of-way through the Mortefolio property. Chairman David Graziano asked Ms. Riley if she has any other option to configure the subdivision. Ms. Riley answered no because any other property subdivision would cut the main farm property in half. Ms. Riley continued that the only way to access this portion of her property is via the right-of-way. Ms. Riley stated that she could access the property but it would be a great expense and would require crossing a small stream. Ms. Riley stated that she uses the entire remainder of her property for the farm and would hate to cut it up. Ms. Riley continued that she pays taxes on all of this property but doesn't use this area because access is difficult. Ms. Riley stated that she owns 100 acres with the deed showing the right-of-way is the width of Pine St. Rob Fitzsimmons informed Ms. Riley that a subdivision of this property requires frontage on a town road of 150 feet and the TOC does not allow for flag lots or shared roadways. Ms. Riley stated that she has proposed a 25 acre subdivision and it meets all other requirements for the subdivision she just needs an Area Variance for the driveway for the subdivision. Steven Melnyk asked if she is asking for an Area Variance for the entire required 150 feet of frontage. Rob Fitzsimmons reads the criteria that the ZBA are required to use to make a decision for or against Area Variances. Rob Fitzsimmons informed Ms. Riley that two of the criteria will be difficult to prove i.e. self-created hardship and the substantiality of the request. Roger Case stated that the map appears to show the driveway encroaching into the wetlands. Ms. Riley answered that the driveway can be redirected away from the wetlands because they have so much property. Rob Fitzsimmons asked Ms. Riley if

she has met with the TOC Highway Superintendent Louis Lamont. Ms. Riley answered no. Rob Fitzsimmons informed the ZBA and Ms. Riley that she will need his advice because he will ultimately need to issue a driveway permit. Steven Melnyk asked about the soil conditions of the proposed parcel. Ms. Riley stated that this is a gently sloping gravel parcel with some wetlands which are more cattails growing than wet. Ms. Riley continued that there is a small stream which is one reason for accessing the parcel via the right-of-way because it is difficult to cross from the Courts Lane area. Ms. Riley informed the Board that she has already cut in a driveway while having timber removed and to make it easier to show the property. Ms. Riley stated that the stream was dry last summer but is at a trickle now. Ms. Riley stated that the stream is quite far from the building site for the residence. Ms. Riley stated that she is willing to abide to conditions of no further subdividing of the property. Steven Melnyk suggested Ms. Riley meet with Louis Lamont. Chairman Graziano asked TOC engineer George Schmitt to also contact Louis Lamont for guidance for the ZBA. Steven Melnyk asked Ms. Riley if she has contacted the neighboring property owners. Ms. Riley stated that she has been in contact with the neighboring property owners and they are in good standing. Ms. Riley stated that she is only seeking a one parcel subdivision which will have only one residence built. Chairman Graziano stated that he would like to have the TOC highway input. Ms. Riley stated that the TOC Highway moved a sign at the end of the street to allow the logging trucks to have access. Fitzsimmons stated that he knows that there are some drainage issues at the cul-de-sac. George Schmitt informed the Board that a note on the plan states that the surveyor has not done field work. George Schmitt informed Ms. Riley that she cannot list or show the parcel because it is not yet subdivided and this creates issues because a parcel cannot be legally listed without the subdivision. Ms. Riley informed the Board that she has listed and shown the parcel because she was unaware that she couldn't. George Schmitt informed Ms. Riley that when she subdivides the parcel she then loses the agricultural exemption on the parcel because it is no longer part of the farm. Ms. Riley stated that this is a big concern because she depends on the agricultural exemption. Rob Fitzsimmons informed Ms. Riley that there were several points pro and con from the ZBA and Ms. Riley herself and he suggested that she supply the Board with a narrative of her points to strengthen her argument. Rob Fitzsimmons informed Ms. Riley that he is aware of the TOC ZBA approving only one similar Area Variance in the past. Ms. Riley stated that she will provide a narrative.

No public hearing in June. Rob Fitzsimmons suggested that Ms. Riley set up a meeting with TOC Highway Superintendent Louis Lamont along with TOC engineer George Schmitt to discuss the issues.

INFORMAL:

Sue Roberts and Jenny Post were present at the meeting representing the Claverack Free Library. Ms. Roberts informed the Board that they will be going to the Town of Claverack seeking an additional \$5,000.00 to cover the costs of the current operating expenses. Ms. Post stated that this additional money will not be used for the new building. Board members asked the library representatives how close they are to completion of the new library. Ms. Roberts stated that the completion of the new library is getting closer but they are not borrowing any money from a bank so it is a slow go. Jenny Post stated that the project is in the final two phases with small pieces completed as the money is raised but they are getting to a point where it is more difficult to do this because the items are necessary to move forward. Board members wished the Library well.

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

Respectfully submitted,

Jodi Keyser, secretary