

**Approved July 1, 2019**

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544  
Minutes: May 22, 2019

Chairman David Graziano called the May 22, 2019 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, John Porto, Chris Post, Roger Case, engineer; George Schmitt, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

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

Correspondence:

Letter from the Claverack Free Library noticing that they will be requesting a \$10,000.00 increase from the Town of Claverack to help defray the increased operating expenses.

Letter from the family of the late Stan Koloski, former Town of Claverack Building Inspector who recently passed away inviting members of the Town of Claverack Boards to a memorial

Board members reviewed the minutes of the November 28, 2018 meeting. Minor correction with grammatical error.

Motion to approve the November 28, 2018 minutes was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried. Minutes approved.

#### **CONTINUING APPLICATIONS:**

#### **NEW APPLICATIONS:**

**Katsivelos, Elizabeth Area Variance:** Tax Map #(SBL) 111 . – 1 – 82 Located at 340/360 NYS Rte 9-H. Area Variance to subdivide 12.90 acre parcel into two parcels of 10.9 and 2 acres creating a substandard parcel in the Rural Residential Zone where 5 acres is required.

Dan Russell and Ms. Katsivelos were present for the application.

Chairman Graziano informed Ms. Katsivelos and Mr. Russell that the NYS Zoning regulations require the least amount allowable when granting an area variance. Chairman Graziano informed the applicant that if they were to make the subdivision into a 5 acre parcel instead of a 2 acre parcel there would be no need for an Area Variance. Chairman Graziano stated that while reviewing the survey maps it is obvious that there is enough property to make a 5-acre parcel.

Ms. Katsivelos informed the Board that she and her late husband purchased the property in 2000 as their primary residence. Ms. Katsivelos continued that in 2014 her husband passed away suddenly. Ms. Katsivelos continued that her late husband did all of the maintenance of the properties and for the last 5 years the maintenance has fallen to her responsibility and it is just way too much. Ms. Katsivelos stated that it is very costly to pay for the property to be mowed and maintained so she is seeking to subdivide the small cottage with two acres from the 12.9 acre original parcel.

Board member Steven Melnyk asked to be recused due to being an abutter of the applicant.

Chairman Graziano asked Ms. Katsivelos if the 34 acre to the rear of the property in the application is also owned by her. Ms. Katsivelos answered yes. Chairman Graziano asked with all of the property owned by the family why not forego the area variance and make the parcel conform to the 5 acres. Ms. Katsivelos stated she is just seeking to cut off a 2-acre parcel with the small cottage which contains a natural boarder of shrubs and trees. Dan Russell submitted a photo of the property as it is today with the large house sitting back on a driveway through the field and the smaller cottage to the north of the driveway closer to NYS Rte. 9-H.

Mr. Russell stated that the photo shows how the property surrounding the large residence lends itself to the larger parcel and the small cottage would be better suited to a smaller parcel. Ms. Katsivelos stated that if the smaller house were to have 5 acres the property would come right up to her barn and would not be a good idea for maintaining value of the large residence. Dan Russell informed the Board that he would not be sure that the small cottage would sell with the 5 acres because it might be too much property and the extra property might make the property too expensive. Ms. Katsivelos informed the Board that she has leased the small cottage out over her ownership but at this time in her life she just wants to subdivide it and sell it. Ms. Katsivelos stated that the property upkeep and the rental of the small cottage is too much for her. Ms. Katsivelos continued that the large front yard makes the large house fit and would not want to disturb the look with subdividing 5 acres with the smaller cottage. John Porto stated that the survey map shows a second well on the property of the large house. Ms. Katsivelos answered yes and this well is to stay with the large house and property to maintain the lawn and barn. Ms. Katsivelos informed the Board that the large parcel to the rear of the large house is separate but belongs with the large house and property and when the time comes to sell it would be sold with the large residence. John Porto stated that if the area variance were 3 acres or 4 acres it would be easier to swallow but he feels that this is a large request. Dan Russell stated that he has studied several maps of the neighborhood and found that there are several properties that are at or just above the 2-acre mark that were created prior to the Zoning laws so he doesn't think that this would be strange for the area. Chairman Graziano stated that question #2 of the EAF is checked yes then additional information is requested. Dan Russell stated that the subdivision meets the NYS energy regulations and he answered the questions but it really isn't applicable to this type of action. George Schmitt stated that this question is poorly represented on the EAF.

Motion to deem the application complete and accept it for public hearing at the June 26, 2019 meeting was made by Chris Post with a second from Roger Case. All members were in favor. Motion carried.

Mr. Russell was informed that he needs to obtain a public hearing sign from the Town Clerk and post the sign on the properties at least two weeks prior to the June meeting.

Mr. Russell stated that he will submit the Planning Board application prior to the July Planning Board meeting to be assured of a spot on the agenda but will withdraw the application if the Variance is not approved.

Motion to adjourn the meeting was made by John Porto with a second from Chris Post. All members were in favor. Motion carried. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Jodi Keyser, Secretary