

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes of June 26, 2019

Chairman David Graziano called the June 26, 2019 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m. and led members of the Board and audience with the Pledge of Allegiance.

Members in attendance were: Chairman Graziano, John Porto, Roger Case, Chris Post, attorney; Rob Fitzsimmons, engineer Rich Andreason for George Schmitt.

Absent with regret: Steven Melnyk

Correspondence: None received

Board members reviewed the minutes of the May 22, 2019 meeting.

Motion to approve the May 22, 2019 minutes was made by Chris Post with a second from John Porto. All members were in favor. Motion carried approving the minutes.

CONTINUING 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 Elizabeth Katsivelos were present for the application. Chairman Graziano noted that the applicant owes the Town of Claverack \$4.95 for mailing the notices. Mr. Russell paid the fee in cash. Chairman Graziano explained that in review Mrs. Katsivelos is seeking a 3 acre Area Variance to subdivide 2 acres from 12.9 acre parcel in a 5 acre density zone to separate a small cottage from the main house. Chairman Graziano continued that Mrs. Katsivelos has plenty of property to subdivide the cottage with 5 acres but is seeking the variance. Mrs. Katsivelos stated that one reason that she is seeking the subdivision is because the property is too difficult to maintain by herself. Mrs. Katsivelos continued that subdividing the small cottage off of the main property will allow her to sell it easier also. Mrs. Katsivelos stated that the existing 12.9 acre parcel has two houses, one large house and then the small cottage, each have their own well and septic system so it makes sense. Mrs. Katsivelos informed the Board that if she were to subdivide the small cottage with the allowed 5 acres it would cut off the existing driveway to the main house which would also land lock the property and the second well for the main house and if done another way would be too close to the driveway for the main house. Chairman Graziano asked Mrs. Katsivelos if the property was currently on the market for sale. Mrs. Katsivelos answered yes but it is not selling with the small cottage property attached which is why she is seeking the subdivision and required variance. Chairman Graziano asked if the separate parcel to the rear of the main parcel would be landlocked if the cottage was subdivided into 5 acres. Mrs. Katsivelos answered yes if she has to subdivide 5 acres as required then it would land lock the rear parcel. Chairman Graziano asked if the rear parcel is ever going to be subdivided. Dan Russell, surveyor for the project stated that the rear parcel will not be subdivided in the future due to the fact that there isn't enough road frontage. Roger Case asked once the 2 acres were removed from the 12.9 acre parcel is there plans to subdivide the remaining 10.9 acres. Mrs. Katsivelos answered that anyone that has visited the property has no interest in the small cottage area. Chairman Graziano asked again if there is any future plans to subdivide the remaining 10.9 acres. Mrs. Katsivelos stated that she would want to keep all of the remaining property together. Dan Russell informed the Board that his client would offer that no further subdivision would occur on the 10+ acres. Mrs. Katsivelos stated that if this were customary she would be agreeable. Chairman Graziano stated that subdividing another 5 acres could be easily done and being said speaking for the Board would not want it to be further subdivided by only allowing for the

area variance for 2 acre subdivision for the small cottage. Rob Fitzsimmons explained to Mrs. Katsivelos what a deed covenant of no further subdividing on the 10.9 acre parcel would mean if she were to agree to this. Mrs. Katsivelos stated that she would happily agree to the covenant if allowed the variance for the 2 acre parcel.

No further questions from the Board.

Chairman Graziano opened the meeting to the public hearing at 7:52 p.m.

Skip Hover stated that on the listing for the property it has all of the acreage listed together with the caretaker cottage available for another \$200,000.00. Mrs. Katsivelos stated that this was incorrect and she would contact her realtor to have this corrected.

No further comments. Chairman Graziano closed the public hearing at 7:57 p.m.

Chairman Graziano then reviewed the 5 criteria for granting an area variance stating that all 5 are not required. Rob Fitzsimmons informed the Board that this application qualifies as a Type II action and is therefore exempt from SEQRA review. Chris Post stated that in his opinion allowing the 2 acre subdivision will not have a negative impact on the neighborhood.

Motion to approve the 3 acre area variance to allow for a 2 acre subdivision from 12.9 acres for Tax Map # 111 . – 1 – 82 located at 340 & 360 NYS Rte. 9-H was made by Chris Post with a second from John Porto. All members were in favor. Motion carried.

NEW APPLICATIONS:

David Otto Ferchau Area Variance: Tax Map #(SBL)133 . – 1 – 21 Located at 189 Decker Rd. Requesting an Area Variance of 47 feet for side yard setback for the construction of a shed.

David Ferchau was present for the application. Mr. Ferchau explained that he owns a barn that is sitting on the property line of his father's property. Mr. Ferchau continued that he wants to add onto the barn to make an equipment shed. Mr. Ferchau stated this was the only good spot on his property to put the shed due to conditions. Mr. Ferchau stated that he is not able to place the shed on his father's property because the property does not contain a residence. Mr. Ferchau stated that he might use the property for agricultural use in the future. Roger Case asked if neighboring property owners would have an issue with the shed. Mr. Ferchau stated that the only property owner is his father. John Porto asked if there were existing wells in the vicinity of the proposed shed. Mr. Ferchau answered no. Chairman Graziano read the criteria for an area variance for the applicant. Set for public hearing for July 24, 2019.

Motion to adjourn the meeting was made by Roger Case with a second from Chris Post. App members were in favor. Motion carried. Meeting adjourned at 8:25 p.m.

Members then convened for mandatory Work Place Violence training led by William Michael.

Respectfully submitted, (with help from William Michael)

Jodi Keyser, Secretary