

**Approved 9/25/19**

Town of Claverack  
Zoning Board of Appeals  
P.O. Box V  
Mellenville, NY 12544  
MINUTES: July 24, 2019

Chairman David Graziano called the July 24, 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, attorney; Rob Fitzsimmons and secretary; Jodi Keyser

Absent: engineer; George Schmitt

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

Correspondence: None

Chairman Graziano thanked Rick Michael for filling in for secretary Jodi Keyser at the June 26, 2019 meeting to take the notes of the meeting.

Board members reviewed the minutes of the June 26, 2019 meeting.

Motion to approve the minutes of June 26, 2019 with minor corrections was made by Chris Post with a second from Steven Melnyk. All members were in favor. Motion carried. Minutes approved.

**CONTINUING 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 Otto Ferchau was present for his application. Mr. Ferchau reviewed his application for the Board. Mr. Ferchau stated that he would like to construct a shed addition to his existing 100 year old barn which sits on the border of his property and property owned by his father. Mr. Ferchau continued that the shed is needed to store farm equipment that he uses on the property. Mr. Ferchau informed the Board that he had approached his father to obtain enough property to construct the shed without the need for a variance but his father was not willing to sell or give up any property. Mr. Ferchau stated that the property does not contain a residence only farm land with the barn. Mr. Ferchau continued that Rich Michael's son is the only neighbor visible from the property. Mr. Ferchau is requesting a 47 foot area variance from the required 50 feet setback.

Chairman Graziano opened the meeting to public hearing at 7:35 p.m.

No comments were heard. Chairman Graziano closed the public hearing at 7:36 p.m.

Chairman Graziano read the 5 criteria for granting an area variance.

Rob Fitzsimmons informed the Board that the application is exempt from SEQRA.

Motion to grant a 47 foot area variance for the construction of a farm equipment shed was made by Chris Post with a second from Roger Case. All members were in favor. Motion carried.

Mr. Ferchau paid mailing fees.

**INFORMAL:**

Kim Keil and her husband approached the Board with a neighbor to ask about some sheds that were located on her property. Mrs. Keil informed the Board that she and her husband are in the process of placing their home on the market for sale. Mrs. Keil and her neighbor had survey maps of each property with hand drawn squares for the various sheds. Mrs. Keil stated that the sheds were placed by the DEC and they are not conforming to the

setbacks of the Town of Claverack. Board members discussed the zone which Mrs. Keil's home is located within. Determined that the home is situated within the Rural Conservation Zone for which has 50 foot rear yard setbacks are required. Mrs. Keil stated that she and her husband know that the sheds are not 50 feet from the property line and therefore they will take them down. Mrs. Keil was informed by Chairman Graziano that she could apply for an area variance for the sheds if so inclined. Mrs. Keil and her husband stated that they will take the sheds down prior to the sale of their home. Mrs. Keil then mentioned a garage on the property that is also too close to the property line. Rob Fitzsimmons asked Mrs. Keil if the garage was existing at the time she purchased the property. Mr. and Mrs. Keil both stated yes it was but they have since rebuilt the garage. Rob Fitzsimmons then asked if the garage was rebuilt in the same footprint as the original garage. Mr. Keil stated yes. Mrs. Keil then asked how can she prove that the garage was existing when it was rebuilt. Rob Fitzsimmons stated that she would have had to obtain a building permit from the Town of Claverack for the construction and demolition of the garage. Chairman Graziano informed Mrs. Keil that as long as the sheds were removed and the garage was preexisting non-conforming structure then she shouldn't have a problem. Mrs. Keil and her neighbor then complained about the noise in the neighborhood from shooting guns to bed and breakfast guests at neighboring residences. Mrs. Keil stated that she has personally called the police several times for noisy and unruly guests at a nearby bed and breakfast who use it as a weekend party and for a neighbor that shoots what sounds like a semiautomatic weapon. Mrs. Keil and her neighbor asked if there are any laws for noise in the Town of Claverack. Chairman Graziano and Rob Fitzsimmons answered that the Town of Claverack does not have a noise ordinance because it is way too difficult to enforce. Mrs. Keil asked about illegal bed and breakfast businesses and if the Town of Claverack is doing anything about them. Chairman Graziano informed Mrs. Keil and her neighbor that he is currently on a review committee that is looking into air b&b's and other types of short term rentals that are popping up in the Town. Chairman Graziano took Mrs. Keil's number and the email of the neighbor with the same complaints to bring to the committee.

Motion to adjourn the meeting was made by Roger Case with a second from John Porto. All members were in favor. Motion carried. Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Jodi Keyser, Secretary