

APPROVED 2/26/2020

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
MINUTES: January 22, 2020

Chairman David Graziano called the January 22, 2020 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 Menlyk, John Porto, Chris Post, Roger Case, George Schmitt; engineer, Rob Fitzsimmons; attorney and Jodi Keyser; secretary.

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

Correspondence: None received

Review the minutes of the December 18, 2019 meeting.

Motion to approve the minutes of December 18, 2019 was made by Roger Case with a second from Chris Post. All members were in favor. Motion carried.

CONTINUING APPLICATIONS for 1/22/20

Droga, Marisa & David Area Variance: Tax Map #(SBL) 122 . – 1 – 40 . 120 Located at 62 Thielman Rd. Area Variance for the construction of 900 square foot accessory pool house which brings the combined accessory building total exceeding the allowed maximum of 2,500 square feet for an accessory buildings.

Architect Phil Hamm was present for the application. Mr. Hamm submitted new plans showing a slight increase in the size of the pool house from 900 square feet to 1070 square feet. Mr. Hamm also submitted a letter from his client allowing him to act on their behalf for the application. Chairman Graziano reminded the Board that the application is for a proposed pool house that now will be 1,070 square feet which along with the current existing accessory structures will exceed the TOC Zoning law for total maximum square footage for all accessory structures of 2,500 square feet. Mr. Hamm also informed the Board that his clients wanted to move the pool house two feet closer to the property line but still well within the setbacks. Chairman David Graziano asked the Board members if they had any further questions for the applicant's representatives.

Roger Case asked if the pool house would ever become a residence. Mr. Hamm stated that even though the pool house will have a small kitchen with a microwave, refrigerator and bathroom facilities it will not have bedrooms or a full stove so it will not be considered a legal residence.

Steven Melnyk asked if the pool house will be 900 square feet or over 1,000 square feet. Mr. Hamm answered that the original plan was for a 900 square foot pool house but after consulting with his clients they needed a little more room so the newly submitted plan is for a 1,070 square foot pool house that was moved 2 feet closer to the boundary line but within the setback. Mr. Hamm continued that the new plan was submitted prior to the meeting. Mr. Hamm explained that the bulkhead and thicker walls increased the size. Roger Case asked if there were any concerned neighbors. Mr. Hamm answered not to his knowledge.

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

Katherine Lord & Kim Thompson live directly below the proposed pool house that will be on the top of the hill above their house. Ms. Lord stated that she can certainly understand why the Drogas want to place the pool and pool house on this site because of the incredible views. Ms. Lord continued that the pool and pool house will be situated very close to their barn which they use as a studio and library to enjoy peace and quiet. Ms. Lord continued that she and Ms. Thompson are concerned with the lighting and noise because they know that a group of 15-year old boys can be noisy and the lights will impact their property. Ms. Lord asked Mr. Hamm if the Drogas would consider a compromise by moving the pool and pool house 100 to 150 feet over the top of the hill which will still have a fantastic view and they could set chairs out to enjoy the view on the very top of the hill. Ms. Lord stated that a pool house and pool on the top of the hill would require a lot of pruning. Mr. Hamm

answered that the pool and pool house were situated on the top of the hill because of the width of the area allowing for the pool and pool house and the view is an added benefit. Mr. Hamm continued that moving the pool and pool house lower on the hill would require too much engineering and the slope would be difficult to maintain with the hill. Ms. Lord stated that this could be figured out if the Drogas wanted to and would not be a big deal. Chairman Graziano informed Ms. Lord that the Zoning Board of Appeals is only considering the size of the pool house because it added to the other accessory structures exceeds the maximum allowed square footage and not the site of the pool house. Rob Fitzsimmons stated that the pool and pool house are zoning compliant and the TOC Zoning Board of Appeals cannot ask the applicant to move them because they are within the law. Ms. Lord stated that she understands the variance but would rather see the building be moved from the top of the hill. Chairman Graziano informed Ms. Lord that Mr. Hamm works for the Drogas and he is not able to make changes without their permission. Ms. Lord stated that she wants to be good neighbors and the Drogas should want that also and if they know that the pool house on the top of the hill is an issue then they should be willing to move it. Ms. Lord stated that their house is situated in a sort of valley and the only light they get comes from over this hill. Ms. Lord continued that a pool house will create a blockage from the sun. Mr. Hamm stated that he was unsure what his client would want to do. Chairman Graziano stated that he could leave the public hearing open for another month or can act tonight. Rob Fitzsimmons informed the Board and Mr. Hamm that the Board could approve the area variance at the meeting and then if the applicant wanted to move the site of the pool and pool house later if he chose to because the variance has nothing to do with the site of the structures only the size. Ms. Thompson stated that she is discouraged because she thought that a public hearing would be a forum to express their concerns. Ms. Thompson continued that they had recently had a farm brewery open next door that was approved to only brew beer to sell to other sites but it has become a bar and restaurant with festivals and parties all the time with lots of noise. Ms. Thompson stated that they were not allowed to give their side of the story or their concerns during that public hearing either and it is interfering with their quality of life enjoying their property. Chairman Graziano informed Ms. Lord and Ms. Thompson that he is sympathetic with their concerns but houses are built and things change over time. Chairman Graziano continued that hopefully they and the applicant can work together to come up with a solution. Chairman Graziano stated that the application is for an Area Variance for the size of the pool house not the location. Ms. Lord asked for the public hearing to remain open until Mr. Hamm can speak to his clients. Rob Fitzsimmons stated that the public hearing cannot be continued because the applicant has provided the information that is required for the Area Variance and the Board can make a motion on the application. Rob Fitzsimmons continued that the applicant could have torn down an existing building and would never have needed to come to the Zoning Board of Appeals for an Area Variance because they would have been under the accessory building size limit. Ms. Lord stated that she didn't understand why there was a public hearing for an Area Variance then. Ms. Lord continued that she objects to the applicant building a pool house that exceeds the allowed limits for accessory structures. Rob Fitzsimmons stated that the Board will consider her objection. Mr. Hamm was in contact with his clients and they are divided on moving the pool house at this time.

Chairman Graziano informed the Board that the application is exempt from SEQRA review and he reads the five criteria for an Area Variance for the Board reminding them that the applicant is not required to meet all five criteria. Chairman Graziano stated that the only criteria that was not met by the applicant is that this is a self-created hardship since they could remove another accessory building or build the pool house smaller.

Motion to grant the Area Variance of 1,070 square feet for an accessory structure was made by Chris Post with a second from John Porto. All members were in favor. Motion was approved.

Chairman Graziano recommended the neighbors all continue the conversation of moving the pool house but this is not something that the Town of Claverack Zoning Board of Appeals can help with.

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 8:00 p.m.

Respectfully submitted,

Jodi Keyser, secretary