

Approved 5/26/23

Town of Claverack
Zoning Board of Appeals
March 22, 2023
MINUTES

Chairman David Graziano called the March 22, 2023 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

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

Members in attendance were: Chairman Graziano, August Abatecola, Steven Melnyk, John Porto, Chris Post, attorney; Rob Fitzsimmons and secretary; Jodi Keyser.

Absent with regrets: engineer; George Schmitt

Members reviewed the minutes of the September 28, 2023 meeting.

Motion to approve the minutes of September 28, 2023 was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

John Campeta for Susan Levy Area Variance: Tax Map #133 . - 1 – 34 Located at 44 Green Acres Rd. Area Variance of 17-feet for side yard setback to construct an addition and porch. Side yard setback in RC zone is 50-feet.

John Campeta was present for the application. Mr. Campeta informed the Board that his client was before them in September for an area variance for side yard setbacks for a garage and now is seeking a side yard setback variance for a proposed addition. Chairman Graziano informed Mr. Campeta that he was confused by the site maps that were submitted because the original previously approved map for the garage setback that was approved in September 2022 had a side yard of 52 +/- feet from the property line to the residence but now this map is indicating that the area from the boundary line to the residence is 44 +/- feet. Chairman Graziano stated that the plans are not matching up which is a concern and he doesn't understand how the dimensions could change. Chairman Graziano instructed Mr. Campeta to have the surveyor draw up new maps with the correct dimensions from the boundary lines, show the abutters names along with the width and length of the residence and additions. Chairman Graziano continued that the check list #4 was supplied but the ZBA needs all of the criteria filled out with exact dimensions because it is critical to determine the exact amount of the variance that is being requested and possibly approved. Chairman Graziano continued that the maps have handwritten information on them and only the licensed surveyor is allowed to add things to the survey maps. Chairman Graziano informed Mr. Campeta that he needs to have certified stamped and signed plans from a licensed engineer, plot plan, exact boundary lines dimensions and dimensions of structures. Chairman Graziano stated that new maps are needed as well as having the engineer or surveyor add the names of the abutters to the plan instead of handwritten. Chairman Graziano stated other than the maps written responses to the EAF and variance criteria are OK. Mr. Campeta stated that he will have the engineer/surveyor make up new maps and will have them ready the next morning to drop off. Chairman Graziano informed Mr. Campeta that the new maps need to be submitted by April 12th or the application will be postponed until May.

Motion to deem the application as incomplete pending #4 of the application material checklist and set public hearing for May 24, 2023 was made by Chris Post with a second from August Abatecola. All members were in favor. Motion carried. Set public hearing and instructed Mr. Campeta to obtain the hearing notice sign from the Town office.

David Krone & Alyssa Mastromonaco Area Variances: Tax Map #(SBL) 132 . – 1 – 50 . 112 Located at 232 Catskill View Rd. Area Variance for 56-feet for front yard setback where 80-feet is required.

As well as

David Krone & Alyssa Mastromonaco Area Variances: Tax Map #(SBL) 132 . – 1 – 50 . 112 Located at 232 Catskill View Rd. Area Variance for a guest cottage that exceeds the allowable square-footage of 1,600 sq. ft.

Andy Diddio and Samantha Cummings as well as Mr. Krone and Ms. Mastromonaco were present for the application. Chairman David Graziano informed the applicant's representatives that the Board members just received the second Area Variance information before the meeting as it was not part of the original packet. Chairman Graziano continued that he is going to give the same speech in that the application maps are missing the names of the abutting property owners, locations of wells, septic, etc. Chairman Graziano continued that the maps show an 80 ft. mark but not an accurate measurement to the front porch. Chairman Graziano continued that the ZBA also requires dimensions of the buildings on the maps and not just a total square foot. Chairman Graziano continued that technically is a survey map completed by Clark Engineering. Andy Diddio informed the Board that the survey was completed in 2001. Chairman Graziano continued that the plot plan is technically an overlay of the original survey. Andy Diddio stated that no further subdivision of the property. Chairman Graziano continued that the Board needs the dimensions of all structures should be shown on the plan as well as septic, well and driveways. Chairman Graziano continued that the EAF showed that an archeological site was indicated and #12 & #17 are questions that need to be explained. Mr. Diddio stated that EAF was completed online and that it automatically bubbles in an answer if the proposed project is in the vicinity of 500 feet. Mr. Diddio continued that they will only excavate an area that has had excavation in the past and only for the construction of the porch and the shed garage additions. Mr. Diddio stated that there is no need for SHIPPO. Chairman Graziano asked about EAF #17 for stormwater. Mr. Diddio answered that this question is always answered with a yes unless the plan is to capture all of the stormwater but this is not necessary because there is adequate overland flow through the grassy area. Mr. Diddio then explained the second Area Variance to the Board. Mr. Diddio informed the Board that his clients purchased the property with the intentions to renovate the existing barn but at the time it was not feasible within the timeframe that they wanted to move. Mr. Diddio continued that Mr. Krone and Ms. Mastromonaco then constructed a residence on the property and currently reside in the new structure. Mr. Diddio continued that his clients would like to renovate a portion of the barn and make it their primary residence as they had hoped to do and then once it is complete the structure that they currently reside within would become the accessory dwelling. Mr. Diddio continued that it is a little backwards but is the only way and he apologized for not having the second Area Variance in because he didn't think that it was needed. Mr. Diddio explained that the Area Variance for the barn would be considered the accessory structure until such time that his clients can move and make it their primary residence. Mr. Diddio explained that the barn is much larger than the 40% of the area of the primary residence which is required for an accessory dwelling but it will not be the accessory dwelling when completed because his clients will make it their primary residence. Mr. Diddio continued that his clients needed to establish a primary residence on the property so they built the house which will be used as the accessory dwelling and office when the barn renovation is complete. Mr. Diddio continued that the barn with the new porch addition will not meet the 80-foot front yard setback at the present time and is therefore a pre-existing non-conforming front setback at 38.5 feet front setback that they are requesting to have a 24-foot front setback so they are requesting an Area Variance of 56 feet. Chairman Graziano stated that the application for front yard setback is requesting to make a pre-existing non-conforming setback into a more non-conforming. Mr. Diddio stated that he could propose a larger garage addition but his clients wanted to maintain the character of the barn and only add a one car garage that will be built into the slope of the hill which will look like a shed that are seen on old barns that would house equipment. Mr. Diddio continued that a portion of the barn will be converted into a 1-bedroom residence with a one car garage addition, new windows and would be tied into the existing septic. Mr. Diddio continued that the existing septic

system was designed and built to accommodate a 3-bedroom residence and with the existing residence and proposed accessory dwelling each consisting of one bedroom each it will work. Chris Post asked what the dimensions of each of the structures are. Mr. Diddo answered that the barn would be 4611 square feet and the current residence is 1982 square feet with the barn living area would be 2286 square feet or about 42% when the flip happens from the accessory dwelling into the primary residence. Mr. Diddio continued that it exceeds on footprint but not living area. Chairman Graziano stated that the Board members only received the second Area Variance denial from the Building Department just prior to the meeting it was touched on in the application. Mr. Diddio informed the Board that the expansion of the non-conforming accessory dwelling is more of a juggling act due to timing but didn't want to have the Board say yes then go bigger. Ms. Mastromonaco addressed the Board to explain that she and Mr. Krone purchased the property with the intention to convert the existing barn into their residence but at the beginning of Covid they realized that they just had to move to the property so they built the dwelling that they currently use as their primary residence. Ms. Mastromonaco continued that this property was purchased as their retirement home and they plan to stay here forever and it will never become an Air B & B. Steven Melnyk asked the applicants what plans they have for the use of the current primary residence after they relocate into the barn. Ms. Mastromonaco answered that they would use the existing primary residence as the accessory dwelling for family and guests to stay when they visit and since it is only one bedroom it limits the number of guests that can visit at one time. Ms. Mastromonaco continued that she is in the television business and would also use the existing residence as office space. Chairman Graziano asked the Board members if they feel comfortable with the applications, they can make a motion to set public hearing with the condition that the maps are redrawn with all of the missing information, structure dimensions, setbacks dimensions, well and septic sites. Chairman Graziano informed Mr. Diddio that the second variance would require a second application fee of \$150.00.

Motion to deem the application incomplete but to set for public hearing pending submission of missing information by 4/22/23 was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried.

Steven Melnyk asked the size of the property. Mr. Diddio answered 5.8 acres. Chairman Graziano informed Mr. Diddio that he needs to obtain a hearing notice sign from the Town office. Secretary Keyser informed the applicants that she sends notices to the abutting property owners and has the notice posted in the newspaper.

Bell, Justin & Lauren Area Variance: Tax Map #(SBL) 113 . – 1 – 27 . 200 Located at 2435 County Rte. 11. Area Variance of 58.4-feet for front yard setback of 80-feet to construct a 40-foot by 40-foot garage.

Reissuance of previously approved Area Variance of 58.4 feet for the construction of a 40-foot by 40-foot detached garage.

Mr. & Mrs. Bell were present for the application. Mrs. Bell explained that when they received their approval for the Area Variance they were planning to begin construction but due to Covid their contractor was booked up and supplies were back ordered so they were delayed. Mrs. Bell continued that they were recently notified by the contractor that he would be ready this month to start construction so she visited the Town of Claverack Building Department to obtain their building permit and was informed that her Variance had timed out. Mrs. Bell continued that Katrina at the Building Department told her that the approval is only valid for 90-days from approval to get a building permit. Rob Fitzsimmons informed the Board that sometimes this happens more so with the Planning Board approvals and the applicant returns to request an extension of the approval to restart the clock.

Motion to grant a reissue of the previously approved Area Variance of 58.4 feet for the construction of a 40-foot by 40-foot detached garage was made by Chris Post with a second from August Abatecola. All members were in favor. Motion carried.

Rob Fitzsimmons stated that it is always a good practice to draw the building permit as soon as the Variance is approved so it doesn't time out.

Motion to adjourn the meeting was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jodi Keyser

Adjourn meeting