

Chairman David Graziano called the April 26, 2023 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 PM

Members in attendance were: Chairman David Graziano, Steven Melnyk, John Porto, Chris Post, August Abatecola, Town Attorney Rob Fitzsimmons, Engineer George Schmitt, Acting Secretary Rich Michael

Absent with regrets: Secretary; Jodi Keyser

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

Motion to accept March minutes made by August Abatecola with a 2nd by John Porto

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

Chairman Graziano asked Mr. Campeta if he had put signs advertising the meeting which he replied yes. Chairman Graziano then stated to Mr. Campeta that he has looked at three maps, all which are all different. Chairman Graziano then referred to the town engineer, George Schmitt and stated that at this time the application was incomplete due to the conflicting maps that have been submitted. George Schmitt stated that what Mr Campeta has is a drawing done by an architect, not a survey map. George Schmitt stated that the map needed to be updated showing what work would be done and all the variances needed. Mr. Campeta stated it is not an original map it's when they had bought the property. Mr. Campeta stated he will have Dan Russell do a survey. Chairman Graziano said he did not want to continue on with a public hearing until the application is complete.

Motion to delay public hearing until complete paperwork made by Chris Post with a 2nd by August Abatecola. All in favor. Motion carried. Application continued to May.

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 Didio from Taconic Engineering and Alyssa Mastromonaco were present for the application.

Chairman Graziano started out with the area variance for the guest cottage. Chairman Graziano asked if a sign had been put up? Mr. Didio answered yes. Chairman Graziano stated that last month he asked for a measurement for a setback on the map. He could not see it at this time at which time Mr. Didio showed him on the map where it was.

Engineer George Schmitt asked about the map Mr. Didio was using and asked if it were a real survey. Mr. Didio stated it was an overlay from a previous survey. Mr. Didio stated that the previous survey was done in 2007. Mr. Didio stated he had digital data and then did an overlay. George Schmitt stated it was the same issue as the previous applicant. George Schmitt continued that the submitted map was a

survey done by an architect, not a surveyor and this is not acceptable practice because only a licensed surveyor is allowed to make any changes or additions to a survey map. George Schmitt stated it is either a survey or not a survey. George Schmitt continued that a survey is done by a state licensed surveyor. Mr. Didio went on to explain the process of how they had come up with the plans. Chairman Graziano deferred to Town attorney Rob Fitzsimmons who stated that the last applicant's case was different because they provided plans with different information 3 times, whereas this particular case the applicant's representatives have submitted the exact same plans and maps and he would be ok with it to continue but was up to the board. Mr. Didio stated that speaking on the accuracy of the plans, and original survey, the barn that is being restored was on that prior survey already also. Chairman Graziano said that he was ok with it and deferred to the board if they deemed the application complete. Steven Melnyk stated it put the board in a dilemma and deferred to the town engineer, George Schmitt. Chairman Graziano stated that a survey is not on the checklist of items required for an application, it only requires a plot plan. Chairman Graziano stated the last applicant was different because of the different information and the conflicting measurements. George Schmitt said he would be more comfortable with having a new survey with Taconic engineering on it. Chairman Graziano stated going forward that would mean everyone would need a survey from now on. Rob Fitzsimmons stated that he understood George Schmitt's concern but thought that would mean that anyone coming before the board would need a survey. Rob Fitzsimmons continued that many properties have not been surveyed since 1800 something. Rob Fitzsimmons stated that he would be ok to go forward. Chairman Graziano asked the board for a vote as is to if it were a complete application.

Motion to accept application as complete was made by Chris Post with a 2nd by August Abatecola. All members were in favor. Motion carried.

Chairman Graziano stated he wanted to start with the juggling of the houses to see if they had to go on to the second variance. Andy Didio explained that the applicant is looking for an area variance prior to going to the planning board. Mr. Didio continued that the applicants have an existing residence but are looking to renovate their barn and live in that. The current residence will then be a caretaker/guest cottage.

Steven Melnyk asked about the septic system and if it were two systems and deferred to George Schmitt. George Schmitt said that it is one system which is required and it meets the requirements as required by the CC DOH. Chairman Graziano voiced his concern with the amount of building on the property. Chairman Graziano then reviewed the definitions in the zoning code such as primary residence and accessory apartment. After reviewing the definitions, Chairman Graziano stated he was very uncomfortable going forward with the variance. Rob Fitzsimmons stated that per Claverack law, you can have a quest house on your property. Rob Fitzsimmons continued that property owners can have one secondary residence on their property if it meets lot size requirements. Rob Fitzsimmons then went over other definitions with Chairman Graziano. Chairman Graziano then deferred to the board for any questions. No questions. Rob Fitzsimmons stated he thought the applicants were doing this the most legit way possible. Chairman Graziano went over the square footage which Rob Fitzsimmons stated was 1600 sq feet for a quest house. What they have now is 1982 so they need a variance of 382 square feet. Andy Didio said that using gross square footage the applicant would need 688 square feet which Rob Fitzsimmons agreed. The total gross is 2288 square foot. Chairman Graziano again asked the board if they had any concerns. The board thought everything was explained very well. Chairman Graziano asked Mr. Didio where he came up with the 2288 square foot number. Mr. Didio stated it was a calculated figure. Chairman Graziano stated that the amount of the area variance is required on the maps. Mr. Didio

will add the Area Variance amount for both variances on the map. Chairman Graziano started out with the area variance checklist. Chairman Graziano opened the public hearing:

**** Public comment Stephanie Sussman said she has seen the property many times and it will fit the landscape and will look beautiful. She also said that this is what Claverack needs. A place for family to stay with loved ones.

Motion to approve area variance of 2288 square feet for an accessory dwelling was made by John Porto with a 2nd by August Abatecola, all in favor. Motion carried.

Graziano then went on to the next area variance (set back) 56 ft area variance needed. Mr. Didio stated that with the garage being added onto the barn. Chairman Graziano deferred to the board. No questions. Chairman Graziano opened the public hearing, No comments.

Chairman Graziano again went over variance criteria.

Motion to approve variance of 56 feet for front yard setbacks was made by Steven Melnyk with a 2nd by Chris Post, all in favor. Motion carried.

Clover Meadow Solar/Edward & Sandra Casivant/Eden Renewables Site Plan & Special Exception Review: Tax Map #(SBL) 100 . – 1 – 1 . 5 Located at 129 Humane Society Rd. Site Plan Review and Special Exception Permit for the installation of a large-scale solar farm. Request for a 6-month extension of their approval.

Representatives for Eden Renewables are requesting a six month extension for their building permit. Ms. Galavotti explained that the current one expires June 7, 2023. Ms. Galavotti just recently received a permit to build in the transmission corridor. Ms. Galavotti continued that now National Grid is requesting a lease agreement which was not planned and will cause further delays. Ms. Galavotti stated that the project is planned to start construction in August 2023 but they would like to have a 6-month extension of their approval to be on the safe side.

Motion to grant a 6-month extension was made by August Abatecola with a 2nd by Steven Melynk, all in favor. Motion carried.

Informal meeting with Dan Russell re: Mossman/Preusser

Chairman Graziano stated that Dan Russell had contacted him by phone and he advised him to come to the meeting to explain the issue. Mr. Russell explained that this is actually a Boundary Line Adjustment within the 5-acre zone that would take two, pre-existing non-conforming undersized parcels and make one larger and one smaller but both would still be undersized. Dan Russell informed the Board members that this is a driveway on two properties. Mr. Russell continued that the driveway is on Joan and Chris Preusser's property on Preusser Road. Mr. Russell explained that the roadway goes through the properties up to a caldesac. Mr. Russell continued that Joan's daughter who is trustee wants to put the roadway onto Chris Preusser's property. Dan Russell stated that Chris Preusser uses it to get to his property which makes most sense. Mr. Russell explained that this would still need to go to the planning board for the lot line adjustment also. Mr. Russell continued that a new deed would be drawn up adding the roadway to the Chris Preusser property. Chairman Graziano asked if anyone had any concerns. Graziano stated that if it can be proved everyone is on board, how could it be proved. Russell said from a letter by the trust. Graziano stated that they could come back next month.

Motion to adjourn the meeting was made by Steven Melnyk with a 2nd by John Porto, all in favor. Motion carried. Meeting adjourned at 9:06 PM

Respectfully submitted,

Jodi Keyser, secretary with help from Rich Michael.