



The *Zoning Board of Appeals* of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, NY 12121 on Thursday, September 5, 2019.

The meeting opened at 7:30 p.m. Roll call took place.

Present:

Ed McDonough, Chairman
Rich Geddis
Kristin Griswold
Lettie Saheim
Jason Shover

Absent:

None

Elizabeth Hale, Clerk, and Kristin Pratt, Deputy Town Attorney, were present.

REGULAR MEETING

7:30 P.M. The Board reviewed the minutes from the meeting of August 1, 2019. Lettie Saheim made a motion to accept the minutes as submitted. Ed McDonough seconded.

Ayes: McDonough, Griswold, Saheim, Shover

Nays: None

Abstention: Geddis

Chairman McDonough asked Atty. Pratt for an update on the status of the zoning enforcement lawsuit related to the junk yard operation on the property of the Moses family located on Riley Road. Atty. Pratt stated that she had appeared in court three times with regard to the violation and the proposed removal of junk on the property which is located in an RA district. The Supreme Court issued a preliminary injunction and authorized the Town to remove junk items. The Town Board recently authorized moving for permanent injunction which will provide the Town with the ability to seek contempt if the junk yard use continues. This motion was made and is returnable in mid-September. Atty. Pratt explained that, if the Town determines to remove the junk, the cost for such removal would be charged to the property owners and, if not paid, would act as a lien on the property.

Ed McDonough made a motion to suspend the regular meeting and to open the public hearing to entertain Application #3-19 of Frances Foley. Jason Shover seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

PUBLIC HEARING

Application #3-19. Frances Foley (Tax Map #41-1-77). Ed McDonough read the Notice of Hearing of Frances Foley, of 73 Weatherwax Lane, Melrose, New York 12121, for property located at 73 Weatherwax Lane, Melrose, New York, in the Town of Schaghticoke, Tax Map #41.-1-77 for an AREA variance pursuant to Town Zoning Code Section IV Area and Bulk Regulations, Zoning Schedule of Lot Dimension and Bulk Requirements to permit the construction of an accessory building on a parcel measuring approximately 25 acres in the Residential-Agricultural District. The Zoning Code establishes a minimum front yard setback of fifty (50) feet. The Applicant is requesting an area variance of twenty-five (25) feet to construct the structure approximately twenty-five (25) feet from the front property line.

The applicant, Frances Foley appeared to present an application for an area variance to allow the construction of a 30' X 40' storage building/workshop/garage on a 25± acre parcel located in an RA district at 73 Weatherwax Lane. John Passelacqua was also present. The building is proposed to be located 15' north of the existing pond on a concrete slab. Ms. Foley explained that the wetlands on the property and slope of the land (to Weatherwax Lane) limit the location for the building. Ms. Foley noted that if the proposal was sited further back from the road, the building would be located in wet land. In addition, mature trees would have to be removed to allow sufficient space for the building. Ms. Foley stated that she had spoken with neighbors and that no one with whom she spoke was opposed to the proposal. There was no public comment.

Ed McDonough made a motion to close the public hearing at 7:44 p.m. Jason Shover seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

REGULAR MEETING

7:44 P.M. **Application #3-19 Frances Foley (Tax Map #41-1-77).** The Board reviewed the application of Frances Foley for a 25' area variance from the requirement of a 50' front yard setback to allow the construction of a storage building/workshop/garage at 73 Weatherwax Lane in an RA district. Frances Foley, the applicant, and John Passelacqua were present. Ms. Foley stated that she originally planned to have a steel building erected, but had reconsidered and currently proposes to have a 30'X 40' wood frame building constructed. The building is proposed to be used as a storage facility, a workshop and a garage. There is currently a dilapidated building at the location where the proposal is to be constructed. The existing building will be razed to make way for the new construction. Ms. Foley noted that all setbacks will be met for the proposed building with the exception of the 25' front yard setback.

Chairman McDonough stated that he had visited the site and that he could see no alternate location for the proposed storage barn/workshop/garage, given the presence of wetlands and trees. He added that the area was very rural with few neighboring residences.

Mr. McDonough reviewed Section XI, B, 2, b, 1-5 of the Zoning Code with the applicant. The Board determined that an undesirable change would not be produced in the character of the neighborhood. Since the proposal is new construction, the Board concurred that the proposal would be an improvement and would not create a detriment to the nearby properties. In addition, it was noted that there was no opposition by correspondence or verbal submission. The Board indicated that the project could be implemented by adherence to the Code on 25 acres, but that the location would not be reasonable since there is a preponderance of wet land and mature trees, that the appeal was not substantial, as the 25 acre parcel is generous in size and that the application would not result in an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. By virtue of Ms. Foley's request to have a storage building and workshop/garage in the chosen location, the Board believes that the appeal was self-created. In addition, Chairman McDonough noted that Rensselaer County indicated that the decision was left to local consideration. The requested area variance constitutes a Type II action under SEQRA and is therefore exempt from the SEQRA review.

Since the Board had no further questions, Lettie Saheim made a motion to grant final approval of Application #3-19 of Frances Foley for an area variance of twenty-five feet (25') to allow the construction of a 30' X 40' outbuilding to serve as a storage building and workshop/garage. Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Ed McDonough informed the applicant that the Building Inspector would be informed of the decision and that a written decision would be mailed to the applicant.

OTHER

Chairman McDonough stated that he had received an inquiry with regard to harboring chickens from a resident who owns a $\frac{3}{4}$ acre lot on Pineview. Mr. McDonough explained to the resident that a variance would be required for keeping chickens at the Pineview Place location.

Abbreviations

RA - Residential Agricultural District

SEQRA - State Environmental Quality Review Act

Respectfully submitted,

date: October 3, 2019



Elizabeth Hale, Clerk, Zoning Board of Appeals, Town of Schaghticoke