



The **Zoning Board of Appeals** of the Town of Schaghticoke met on Thursday, September 2, 2021.

Public Hearing

There were 2 Public Hearings scheduled:

Leonardi at 7:35 - Area Variance

Pruiksma at 7:50 - Area Variance

Regular Meeting

Chairman McDonough opened the meeting at 7:30 with a roll call.

Present

Ed McDonough, Chairman

Rich Geddis

Lettie Saheim

Jason Shover

Kristin Griswold

Absent

~~Elizabeth Hale~~

Kristin Pratt, Deputy Town Attorney, was present.

ZBA Clerk Elizabeth Hale was absent.

The Board reviewed the minutes from the August 5th meeting. Lettie Saheim made a motion to approve the minutes as submitted. Jason Shover seconded.

Ayes: McDonough, Shover, Saheim, Geddis,

Abstain: Griswold

Nays: None

Deputy Town Attorney, Kristin Pratt, provided an update on the Ragone application situation. Mr. Ragone appeared for a submitted pre-filing conference before at the Planning Board at the Meeting on 9/1/21 meeting (application form & site plan). Mr. Ragone has received his DOT permit to use a driveway on his property connected to a New York State route. The Planning Board plans to hold a Public Hearing on the Ragone application will take place at the October Planning Board Meeting.

Chairman McDonough let the Board know that we have the ability to conduct future ZBA meetings via ZOOM, as needed, should there be a spike in Covid cases, level of discomfort, etc. The New York State Legislature amended the Open Meetings Law to permit virtual meetings through January 15, 2021.

7:35 - Chairman McDonough made a motion to suspend the regular meeting and open the Public hearing.

Lettie Sayheim seconded

Ayes: McDonough, Shover, Saheim, Geddis, Griswold

Nays: None

Chairman McDonough read the Public Hearing Notice for Anthony and Kristen Leonardi - an Area Variance Application - a An 8 foot rear yard variance for an accessory structure (metal garage on Alaskan slab).

- As per Rensselaer County Planning, this variance would pose no major impact on County plans and County Planning referred the application for local action.
- Neighbor Dhiana Gould sent in a letter in advance of the meeting in which she expressed written support in favor of the variance.
- There were no opposing letters, etc. or comments made during the hearing.

Jackie Stallone, a frequent ZBA attendee, asked the Board "why can't a secondary structure be higher than main structure?" Deputy Attorney, Kristin Pratt discussed how the proximity of an accessory structure it may have a more substantial impact on neighbors and therefore the higher the structure the more substantial the impact. & Jason Shover commented on the "aesthetic piece" being an issue for consideration. Jackie Stallone then asked/commented that the current neighbor may not object, but what if that neighbor were to sell their property, what then for the new homeowner. Jason Shover and Lettie Saheim explained the variance runs with the land and it is up to a purchaser to complete due

diligence in purchasing a property. likenedit to “buyer beware/buying a house near the airport”.

As there were no questions, Chairman McDonough made a motion to close the Public Hearing and reopen the regular meeting. Rich Geddis seconded.

Ayes: McDonough, Geddis, Shover, Saheim, Griswold

Nays: None

Chairman McDonough then went through the criteria in the Zoning Code for determining whether to grant the area variance; asked the 5 questions required by the ZBA.

#1 —Whether an Createan undesirable change will be produced in the /character of the neighborhood or a detriment to nearby properties will be createdd....? The Board found that an undesirable change would not be produced in the character of the neighborhood and a detriment would not result to nearby properties.

#2 —Whether Can the benefit sought be achieved by other method feasible for the applicant to pursue other than an area varianceans....? The Board reasoned that due to the size of the property and the location of the existing residence, that the applicant could not construct the garage without an area variance.

#3 -Whether the requested area variance its it substantial...? The Board reasoned that the area variance is not substantial.

#4 Whether the proposed area variance will have an-adverse affecton the physical or environmental conditions in the neighborhood t...? The Board reasoned that the area variance would not have an adverse affect on the physical or environmental conditions in the neighborhood and many homes in the neighborhood have accessory structures similar to the one proposed by the applicant.

~~Answers to all four questions were “NO”~~

#5 Whether the difficulty is- self-created...? The Board reasoned that the difficulty is self-created; however, this is the case with most area variance applications. “YES”

Chairman McDonough made a motion to grant the variance as submitted by the Leonardis.

Lettie Saheim seconded

Ayes: McDonough, Saheim, Shover, Geddis, Griswold

Nays: None

7:50 - Chairman McDonough made a motion to suspend the regular meeting and open the Public hearing.

Jason Shover seconded.

Ayes: McDonough, Geddis, Saheim, Shrover, Griswold

Nays: None

Chairman McDonough read the Public Hearing Notice for David and Christine Pruiksmas - an Area Variance —for lot width to permit a 2 lot subdivision/lot width.

Brian Holbritter, surveyor, presented for the Pruiksmas. The applicantsy own a 33 acre lot with a house and 2 small barns to house & alpacas. The applicantsy seek to subdivide 0.69 acres around the existing house to make improvements. The applicants y were originally planning to build a new house on the larger parcel; however a—A neighboring house, owned by Donna Murray, went on the market and they purchased that, but they still want to subdivide and & sell the existing old house after subdividing and but keep the rest of the property and & buildings.

There was no public comment.

~~Comments included: Pruiksmas constrained by existing lots. Neighboring lots dictate the amount of frontage. Variance would leave enough setback from the existing barn — the frontage is the issue. All the other existing lots in close proximity all have less than 200 feet of frontage.~~

Chairman McDonough made a motion to close the Public Hearing and reopen the regular meeting. Lettie Saheim seconded.

Ayes: McDonough, Saheim, Shover, Geddis, Griswold

Nays: None

As per Rensselaer County Planning, this variance would pose no major impact on County plans and County Planning referred the application for local action.

The Board discussed that the ~~Comments included:~~Pruiksmas are constrained by existing lots on both sides of the proposed .69 acre lot and therefore do not have other feasible options for subdividing without the need for an area variance. . Neighboring lots dictate the amount of frontage. The proposed vVariance would leave enough setback from the existing barn - the frontage is the issue. All the other existing lots in close proximity also have less than 200 feet of frontage.

Chairman McDonough then went through the criteria in the Zoning Code for determining whether to grant the area variance:

#1-Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance. The Board reasoned that an undesirable change will not be produced in the character of the neighborhood and that no detriment to nearby properties would result. The lot width is similar to the width of several adjoining properties in the neighborhood.

#2 Whether the benefit sought by the applicant can be achieved by some method, other than an area variance. The Board reasoned that there was the option to utilize other frontage owned by the applicants which runs behind one of the adjoining lots and contains additional frontage; however, this layout is awkward and would not provide additional frontage in the area of the existing house.

#3 Whether the requested area variance is substantial. The Board reasoned that the requested area variance is not substantial.

#4 Whether the requested variance will have an adverse effect on the physical or environmental conditions in the neighborhood or district. The Board reasoned that the variance will not have an adverse effect on the physical or environmental conditions in the neighborhood and that the lot width is consistent with that of other lots in the neighborhood.

#5 Whether the requested area variance was self-created. The Board reasoned that the difficulty was self created; however, this is the case with most area variance applications.

~~Chairman McDonough read through the 5 questions The Board is required to ask~~

~~#1—Create an undesirable change/character of the neighborhood....?~~

~~#2—Can the benefit sought be achieved by other means....?~~

~~#3—Is it substantial...?~~

~~#4—adverse affect on the physical environment...?~~

~~Answers to all four were “NO”~~

~~#5—self created...? “YES”~~

Along with the answers to these questions, there was no opposition presented by any neighbors.

Chairman McDonough made a motion to grant the variance as submitted by the Pruiksmas.

Rich Geddis seconded

Ayes: McDonough, Geddis, Shover, Saheim, Griswold

Nays: None

Chairman McDonough made a motion to adjourn the meeting at 8:04 pm. Jason Shover seconded.

Ayes: McDonough, Geddis, Saheim, Shrover, Griswold

Nays: None

Respectfully Submitted,

Date: 10-16-21


Kristin Griswold

Zoning Board of Appeals, Town of Schaghticoke