



The *Zoning Board of Appeals* of the Town of Schaghticoke met, in accordance with 2022 amendments to the New York State Public Officers Law, via videoconferencing/teleconference utilizing the Zoom Application on Thursday, April 7, 2022.

PUBLIC HEARING

There were no public hearings scheduled.

REGULAR MEETING

Kristin Pratt, Deputy Town Attorney, explained the Zoom Application. Attorney Pratt stated that the Zoom meeting notice was published in the Troy Record, that the meeting was being recorded, would be available on the Town of Schaghticoke website and would be transcribed at a later date. In addition, Atty. Pratt stated that minutes were being taken. The use of the chat feature was recommended, should any technical questions arise during the meeting. Any comments were encouraged to be spoken in order to be recorded. In addition, Atty. Pratt advised that those present should remain muted unless speaking, in order that the speakers may be clearly heard.

Chairman Ed McDonough opened the meeting at 7:30 p.m. with roll call.

Present:

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

Absent:

None

Kristin Pratt, Deputy Town Attorney, and Elizabeth Hale, Clerk, were present. Jackie Stellone, a resident of Schaghticoke, was present.

Jason Shover made a motion to approve the minutes from the meeting of March 3, 2022 as submitted. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Chairman McDonough remarked that there were no applications before the Board. However, he stated that he had received a call from Dennis Kulzer. Mr. Kulzer, of 9 Bracken Road, Schaghticoke, NY appeared before the Board at the March meeting to discuss a potential application pertaining to a parcel of property he owns, located at 317 River Bend Road, Pleasantdale, NY. Mr. Kulzer indicated that he was considering an application for an area variance to allow the construction of a dwelling within 100 feet of the Hudson River. At the March meeting Chairman McDonough and Kristin Pratt explained to Mr. Kulzer that they reviewed the FEMA maps along with the Town Code Enforcement Officer and the property appears to be partially located within the FEMA floodway with another portion of the property possibly located in the flood plain. As a result of the discussion with regard to the FEMA maps and the exorbitant costs for a required hydraulic analysis to permit development of the property, Mr. Kulzer asked Mr. McDonough to put the application "on hold". Chairman McDonough stated that he had not heard from Mr. Kulzer since that phone call. Lettie Saheim remarked that Mr. Kulzer, a neighbor of hers, visited with her and discussed his proposal. Mr. Kulzer informed Ms. Saheim that his father had lived on the River Bend property for 60 years and had never experienced a flood. Furthermore, he complained that he is a "little guy" and may be unable to build because he does not have the financial means. He added that big corporations can build in a floodway, because they have the financial resources. According to Ms. Saheim, he believes that scenario is accurate and unjust.

Chairman McDonough asked Atty. Kristin Pratt if there might be any application referrals from the Planning Board. Ms. Pratt replied that currently there are no applications to be referred to the ZBA. However, Ms. Pratt noted that a discussion at the Planning Board meeting occurred with regard to potential proposals to subdivide adjacent lots that have been merged into a single tax map parcel by Rensselaer County. The issue comes up relatively often where an applicant might propose subdividing or developing the lots, shadowing the old lot lines to allow the sale of the existing house and 'original' parcel and the development of the adjacent lot/s. The Planning Board determined that each application for such a subdivision/development will require review on a case-by-case basis to determine if the lots fall within the "existing lots" provision of the Zoning Code. The discussion was related to two lots with one tax map number owned by Mr. Charde. Mr. Charde would like to determine whether a subdivision was necessary to sell his home located on River Bend Road and keep the other lot on the water for his boat or whether the two original lots are still considered two lots, not requiring subdivision.

In addition, Atty. Pratt noted that Mr. Peters appeared before the Planning Board with a new sketch for a subdivision proposal at 100 Calhoun Drive. In order to meet the Zoning Code, he has a preliminary agreement to purchase property from a neighbor. With the additional land and the revised layout, Mr. Peters may not require any variances.

The option for a Zoom or an in-person meeting at the Town Hall for the month of May will be addressed in the near future when Ms. Pratt has the appropriate information pertaining to changes in acceptable formats for public meetings.

Ed McDonough made a motion to adjourn the meeting at 7:42 pm. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Abbreviations:

FEMA-Federal Emergency Management Agency

Respectfully submitted,

date: May 8, 2022



Elizabeth Hale, Clerk

Zoning Board of Appeals, Town of Schaghticoke