

DRAFT · DRAFT · DRAFT · DRAFT · DRAFT ·

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose NY 12121 on Thursday, July 6, 2023

REGULAR MEETING

Chairman Ed McDonough opened the meeting at 7:01 p.m. with roll call.

Present:

Ed McDonough, Chairman
Rich Geddis
Lettie Saheim

Absent:

Kristin Griswold
Jason Shover

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

The Board reviewed the minutes of the June 1, 2023 meeting. Lettie Saheim made a motion to accept the minutes as submitted. Rich Geddis seconded.

Ayes: McDonough, Geddis, Saheim

Nays: None

Ed McDonough made a motion to suspend the regular meeting and open the public hearing to entertain Application #2 -23 of David Dean. Rich Geddis seconded.

Ayes: McDonough, Geddis, Saheim

Nays: None

PUBLIC HEARING

7: 05 P.M. **David C. Dean Area Variance (Tax Map #42-1-9.11).**

Chairman McDonough read the Notice of Hearing for Application #2-23 of David Dean for area variances, for property located at 72 Madigan Road, Melrose, NY 12121, Tax Map #42.-1-9.112, located in the Residential Agricultural zoning district for the following area variances required pursuant to Town Zoning Law Section IV, Zoning Schedule of Lot Dimension and Bulk Requirements, which requires a side setback of 30': (1) a 11.03' side setback variance for the existing garage; and (2) a 10.71' side setback variance for a proposed accessory apartment.

David Dean, the applicant, appeared to propose an accessory apartment to be located on 2.7± acres in an RA district at 72 Madigan Road. Mr. Dean presented his plan to the ZBA. He stated that the proposed 30' X 20' accessory apartment to be constructed with a basement is planned to be connected to a breezeway to be built behind the existing garage. Mr. Dean noted that he believed that the garage side yard setback met the Zoning Code; however, he was advised by the Building Inspector, Scott Frisino, that a side yard area variance of 11.03± feet for the existing garage and a side yard variance of 10.71± feet for the proposed accessory apartment would be required to meet the Zoning Law. While there were no public comments on the application, a letter of support for the proposal was submitted to the Board from the neighbor most impacted, Keith Harrington. Mr. Harrington noted that the variances were necessary as measured from his property boundary and he fully supported the application.

Ed McDonough made a motion to close the public hearing and open the regular meeting at 7:15 p.m. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Saheim

Nays: None

REGULAR MEETING

David C. Dean Area Variance (Tax Map #42-1-9.11). The Board discussed the application of David Dean for the proposal of an accessory apartment to be located on 2.7± acres in an RA district at 72 Madigan Road and reviewed Section XI, 2, b, 1-4 of the Zoning Code.

Chairman McDonough stated that he drove by the proposed site and did not believe that there would be an undesirable change or detriment to the nearby properties, since the location is open and spacious and would not encroach upon the neighboring residences. In addition, there is an existing septic and well.

Chairman McDonough asked the applicant if the benefit sought could be accomplished by any other means. Mr. Dean stated he has no other option locate for the accessory apartment, except in front of the main dwelling. The Board agreed.

The Board did not believe that the requested variances are substantial, nor would there be an adverse effect upon the environmental conditions in the neighborhood or district. The Board concluded that the proposal was, in fact, self-created, given the request in itself.

The application, application fee of \$150. and short form EAF were submitted. The decision from the 239 County review was received. The Rensselaer County Office of Economic Development and Planning review referred the application for "local consideration".

Ed McDonough made a motion to grant approval for Application #2-23 of David Dean to construct an accessory apartment at 72 Madigan Road. Rich Geddis seconded.

Ayes: McDonough, Geddis, Saheim
Nays: None

UPDATES

Al's Towing. Chairman McDonough asked Atty. Pratt for an update with regard to the status of Al's Towing and Automotive located at 751 NYS Route 40. Atty. Pratt provided the Board with a brief summary and explained that Brian Davidson, Code Enforcement Officer, inspected the premises known as Al's Towing in June. On July 3, 2023, Mr. Davidson noted substantial improvement with regard to the removal of trash, motor vehicles, parts and scrap. Both Todd Papelion, lessee, and Mike Melite, owner of the property and lessor, were served and expected to appear in Town Court; however, Mr. Papelion did not appear. Atty. Pratt stated that though she had conversations with Mr. Melite, full compliance has not been met and the case is not resolved. Rich Geddis added that he has observed "No Trespassing" and "Do Not Block Driveway" signs along the neighboring property lines.

Riley Road. Atty. Pratt stated that Brian Davidson, Code Enforcement Officer, has visited Mr. Quick's property on Riley Road. Mr. Davidson has spoken with Mr. Quick and followed up on the need for removal of a collection of trash from the Riley Road premises.

Lettie Saheim noted that there is a large accumulation of boats, motorcycles, vehicles and scrap at Mike Maynard's property located at the corner of Hansen and Bracken Road.

Chairman McDonough added that there is an excessive and unsightly accumulation of vehicles at an automotive repair shop, owned by Rick Shelard, and located at 27 Milky Way Rd.

Active Solar Development. Active Solar Development has appeared before the Board for application for area variances for two proposed solar farms, one to be located in RA districts on the Stillwater Bridge Road, near the Fairgrounds and one to be located at the former Landfill. Kristin Pratt, Attorney, informed the Board that Active Solar Development delayed one of their two applications -the landfill site where the interconnection points are in revision. The Fairgrounds project is moving forward and should the Planning Board complete the SEQR at the August 2, 2023 meeting, the applicant would like to schedule a public hearing to entertain the area variances on August 3, 2023.

Chairman McDonough stated that he received applications, and a revised EAF for both solar farms on June 27, 2023. The accompanying narrative

appears to be different from the original; therefore, Atty Pratt will look into the matter and contact Jason Dell for all current information with regard to the applications.

Ed McDonough made a motion to adjourn the meeting at 7:40 p.m. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Saheim

Nays: None

Abbreviations

NYS - New York State

PB - Planning Board

RA - Residential/Agricultural

SEQRA - State Environmental Quality Review Act

ZBA - Zoning Board of Appeals

Respectfully submitted,

date:

Elizabeth Hale, Clerk