

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose NY 12121 on Thursday, November 2, 2023

REGULAR MEETING

Roll call took place.

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.

7: 00 P.M. The minutes from the October 5, 2023 meeting were reviewed by the Board. Lettie Saheim made a motion to approve the minutes as submitted. Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Chairman McDonough made a motion to close the regular meeting and to open the public hearing to hear Application #7-23 of William Root. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

PUBLIC HEARING

Ed McDonough read the Notice of Hearing for Application #7-23 of William Root, for property located at 144 South Linden St. and South Pearl St., Tax Map #20.18-1-14 & 15.

William Root (Tax Map #20.18-1-14 & 15). Brian Holbritter, land surveyor, appeared and presented a survey map to exhibit the proposal. William Root, the applicant, was present.

Mr. Holbritter explained that Mr. Root is proposing to request a lot line adjustment from the PB in order to construct a residence facing South Pearl St. and located in a HD in Hemstreet Park. Mr. Root owns two parcels of

property, located back to back with access from both South Pearl and South Linden Streets. He currently has a residence at 144 South Linden and would like to construct a dwelling on the adjacent parcel which faces South Pearl St. The total acreage of the project is 0.52± acres. In order to build the proposed 30' X 40' dwelling with a 22' X 25' garage, and to meet the Zoning Code, Mr. Root is requesting a 9.7' rear setback variance for an existing garage located at 144 South Linden Street and an 11' lot depth variance for the lot located on South Pearl St. proposed to be enlarged to create a buildable lot. Both variances are necessary for Mr. Root to submit an application to the PB for a lot line adjustment and to create the South Pearl St. dwelling. Mr. Holbritter explained that there is a change in topography, a bank, where the Pearl St. rear boundary meets that of the South Linden St. lot.

Mr. Holbritter stated that the South Linden lot depth measures 89', the average measurement for lot depth on South Linden is 85' and the lot on South Pearl has a depth of 100' which is in keeping with that of properties on South Pearl. Therefore, both lot depths are in character of the neighborhood. There were no interested citizens present and no public comment.

Chairman McDonough made a motion to adjourn the public hearing and open the regular meeting. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

REGULAR MEETING

Chairman McDonough reviewed Section XI, B, 2, b, 1-4 with the Board. It was determined that, should the area variance be granted, an undesirable change would not be produced in the character of the neighborhood and that there would not be a detriment to the nearby properties; that the benefit sought could not be achieved via any other method; that the area variance was not substantial, nor would the variance have an adverse effect upon the neighborhood or a negative impact on the physical or environmental conditions in the neighborhood. However, it was believed that the alleged difficulty was self-created.

Notification from Rensselaer County Bureau of Economic Development and Planning was received, leaving the decision to local consideration.

Ed McDonough made a motion to grant approval for Application #7-23 of William Root. The motion was seconded by Lettie Saheim.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Dennis Kulzer, 317 River Bend Road (Tax Map #70.11-2-15). Mr. Kulzer was not present. Chairman McDonough reviewed the information relating to Application #8-23 of Dennis Kulzer with the Board. Mr. Kulzer resides at 97 Bracken Road and owns a 5,776± square foot lot at 317 River Bend Road,

Pleasantdale. A hearing was scheduled to take place at this meeting to entertain an appeal for a 1.9' variance on the westerly side of the proposed residence, 4.7' on the easterly side, a front yard variance of 10' and a 52' rear yard variance from the property line adjacent to the Hudson River in order to allow Mr. Kulzer to construct a residence at 317 River Bend Road. There is concern that the 5,776± square foot lot or a portion of such lot, adjacent to the Hudson River may be located within the flood plain, requiring additional information from the applicant's surveyor before the application is complete for review. The surveyor, Mark Danskin, is currently in Colorado and cannot be reached. Kristin Pratt, Deputy Town Attorney, spoke with Mr. Kulzer regarding this topic and Mr. Kulzer indicated that he was open to permitting additional time to obtain input from his surveyor so that a complete application can be reviewed.

Mr. McDonough stated that Mr. Kulzer could appear at this meeting; however, in light of the additional forthcoming information, the Board decided that the application was incomplete and would be taken up at a future meeting after research regarding the flood plain dimensions was obtained. Should Mr. Kulzer appear and obtain an approval, the "clock" for construction of the project would begin, allowing a year from the date to begin the project. Mr. Kulzer chose not to appear and to wait until Mr. Danskin was available to submit the necessary information for the Board to proceed on the application. Therefore, the public hearing for Kulzer did not take place. When more information is made available, a public hearing may be scheduled in the near future.

OTHER

Chairman McDonough noted that he received a phone call from Justin Haas, concerning property for sale at 489 NYS Route 40. He is considering the purchase of the property in order to construct self-storage units. With no regulations specific to self-storage units found in the Zoning Code, Chairman McDonough recommended that Mr. Haas consult with the Planning Board or seek an interpretation from the ZBA.

A discussion among the Board members took place revolving around solar farms/ facilities within the Town and the Town of Easton.

Ed McDonough made a motion to adjourn at 7:30 p.m. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Abbreviations

HD - Hamlet District

NYS - New York State

ZBA - Zoning Board of Appeals

Respectfully submitted,

date:

Elizabeth Hale, Clerk