

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, New York 12121 on Thursday January 4, 2024.

REGULAR MEETING

Roll call took place.

Present

Ed McDonough, Chairman

Rich Geddis

Jason Shover

Absent

Kristin Griswold

Lettie Saheim

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

7:00 PM. As there wasn't a quorum of members present at the meeting that attended the December 7, 2023 meeting, the Board was unable to consider or approve the minutes of the December 7, 2023 meeting. The minutes will be reviewed by the Board at the February meeting.

Chairman McDonough made a motion to suspend the regular meeting and to open the public hearing for Application #8A-23 of Dennis Kulzer. Jay Shover seconded.

Ayes: McDonough, Geddis, Shover

Nays: None

PUBLIC HEARING

Ed McDonough read the Notice of Hearing for Application #8A-23 of Dennis Kulzer for area variances necessary to construct a residence on property located at 317 River Bend Road, Troy, NY, Tax Map #70.-11-2-19, located in the Hamlet, Pleasantdale zoning district. The following area variances are required pursuant to Town Zoning Law Section IV, Zoning Schedule of Lot Dimension and Bulk Requirements: (1) a west side setback variance of 1.9'; (2) an east side setback variance of 4.7'; and a (3) front setback variance of 10'. The applicant is also seeking a variance of 52' from Section V(K) of the Zoning Law which requires a 100' setback from the Hudson River.

Mark Danskin, licensed surveyor, and Dennis Kulzer, applicant, appeared. Two residents of Schaghticoke, Mr. Charde and his son, were present. Mr. Danskin reviewed the application with the Board. Mr. Danskin stated that at the December meeting he presented an updated survey map of the parcel, including contours as well as the precise location of the flood plain and the floodway. The updated survey, allowed the Board to move forward to schedule the public hearing to entertain the appeal for the necessary area variances to allow the proposed construction of a one family two bedroom residence with a garage on the 5,776± square foot lot located at 317 River Road, adjacent to the Hudson River. The updated map indicated that while a portion of the applicant's property is located within the Federal Emergency Management Agency flood plain, the proposed residence is planned to be located outside the flood plain. Mr. Danskin stated that the proposal is in keeping with the character of the neighborhood and that there was a previous residence (which was suspended over the Hudson River) on the site. The previous dwelling burned and was razed in the 1990's. In addition, Mr. Danskin stated that he submitted a 1990 survey, created by his father, a licensed surveyor, to the Board, showing the easements to access the property.

Mr. Charde stated that he was present to support the proposal. There were no further comments, verbal or written, from the public.

Chairman McDonough made a motion to close the public hearing at 7:15 p.m. Rich Geddis seconded.

Ayes: McDonough, Geddis, Shover

Nays: None

REGULAR MEETING

Chairman McDonough stated that notification from Rensselaer County Bureau of Economic Development and Planning was received, leaving the decision to local consideration.

Mr. McDonough reviewed Section XI, B, 2, b, 1-4 with the Board. It was determined that, should the area variances be granted, an undesirable change would not be produced in the character of the neighborhood and that visual improvement would occur since the site would no longer be vacant; that there would not be a detriment to the nearby properties; that the benefit sought could not be achieved via any other method considering lot size and the adjacent presence of the Hudson River; 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.

Kristin Pratt, Deputy Town Attorney, stated that the Building Inspector, Scott Frisino, is aware of the application, and will oversee the proposal and ensure

that the construction of the buildings does not occur within the flood plain. Mr. Danskin was unsure whether the FEMA mapping is created by “on the ground” surveying or solely by computer modeling.

Ed McDonough made a motion to grant approval for Application #8A-23 of Dennis Kulzer to construct a dwelling and garage at 317 River Road with the following conditions: (a) prior to construction, the Applicant shall be required to place stakes in the ground indicating the area to be disturbed to ensure that the flood plain is not impacted; and, (b) prior to construction, the Applicant shall be required to confirm that flood plain boundaries on the property, set by the Federal Emergency Management Agency, have not changed since issuance of this decision. The Applicant is further notified that any disturbance of the flood plain requires compliance with applicable local, state and federal laws. Jay Shover seconded.

Ayes: McDonough, Geddis, Shover

Nays: None

ABEI Energy At last month’s meeting Chairman McDonough reported that he received e-mails and telephone phone calls from representatives from ABEI Energy regarding the viability of a commercial solar facility located on Northline Drive in the Residential Agricultural zoning district. ABEI has not operated in New York state. A return call was made to ABEI, with an explanation of the zoning process, that a submission of an application for a use variance would be required (should the project be located within an RA district) and if a use variance were granted, the applicant would need approval of the project by the Planning Board. A specific address for the proposed solar facility was not provided.

Rich Geddis made a motion to adjourn the meeting at 7:24 PM. Ed McDonough seconded.

Ayes: McDonough, Geddis, Shover

Nays: None

Respectfully submitted,

Date:

Elizabeth Hale, Clerk