

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, New York 12121 on Thursday, October 3, 2024.

REGULAR MEETING

Roll call took place.

Present

Ed McDonough, Chairman

Kristin Griswold

Lettie Saheim

Jay Shover

Absent

Rich Geddis

David Brennan, Town Attorney, and Elizabeth Hale, Clerk, were present.

REGULAR MEETING

7:00 PM. The Board reviewed the minutes from the meeting of September 5, 2024.

Lettie Saheim made a motion to approve the minutes with corrections in the Notice of Hearing concerning lot measurements. Rich Geddis seconded.

Ayes: Griswold, Saheim, Shover

Nays: None

Abstention: McDonough

Ed McDonough made a motion to suspend the regular meeting and open the public hearing. Jay Shover seconded.

Ayes: McDonough, Griswold, Saheim, Shover

Nays: None

PUBLIC HEARING

7:03 P.M. **Malm Family Trust (Tax Map #41.-1-20)**. Ed McDonough read the Notice of Hearing for Application #1-24A of John A. Malm, Trustee of the Malm Family Trust, for properties located at 1171 and 1177 NYS Route 40, in the Town of Schaghticoke, Tax Map #41.-1-20 for area variances pursuant to the Town Zoning Schedule of Area and Height Requirements for density of 1.81± acres for property to the south and 1.13± acres for property to the north to meet the density requirement required by the Zoning Code where 1 dwelling unit is required per 3 acres in an RA zone. The applicant proposes to subdivide an existing lot which contains two houses so that one can be sold.

Mr. Malm and his wife, Laurie, appeared to present the application for the Board's consideration for area variances required, following the application to the PB for the proposed subdivision of a 2.94± acre parcel. At the October 2nd meeting the PB granted approval for the subdivision contingent upon ZBA approval of the area variances for density. John Malm, a Valley Falls resident, the executor of his mother's estate, stated that the parcel includes two 50 yr. old houses that are both located on a 2.99± acre parcel in an RA district at 1171 and 1177 NYS Route 40. Mr. Malm's brother, William, resides in one of the two dwellings. William Malm would like to continue to live where he is currently settled. John Malm would like to subdivide the property and sell the remaining residence and property. In order to achieve the desired results, John Malm proposed a subdivision of the parcel, each lot measuring 1.81± acres (to the south) and 1.13± acres (to the north), each lot retaining one of the two dwellings. Mr. Malm was granted area variances for side yard setbacks at the September ZBA meeting. Currently he is seeking an area variance for density requirements in order to meet the Zoning Code.

There was no public comment. The public hearing was closed at 7:05 p.m.

Ed McDonough made a motion to close the public hearing and open the regular meeting. Kristin Griswold seconded.

Ayes: McDonough, Griswold, Saheim, Shover

Nays: None

REGULAR MEETING

Malm Family Trust (Tax Map #41.-1-20). John and Laurie Malm appeared to present his proposal to ultimately subdivide a 2.94± acre parcel located in an RA district at 1171 and 1177 NYS Route 40. Mr. Malm is requesting area variances for density for each of the lots located at 1171 and 1177 NYS Route 40, for the purpose of selling one of the properties. At the September meeting the Board reviewed Section XI, B,2,b, 1-4 with the applicant, John Malm at the September meeting, and determined that there were no deterrents to the overall or adverse effects created by granting the variances. The Board is well-familiar with the application; therefore, there was no following discussion.

Ed McDonough made a motion to grant the area variances as requested for Application #1-24A of John Malm. Jason Shover seconded.

Ayes: McDonough, Griswold, Saheim, Shover

Nays: None

Mr. Malm expressed concern about the process for the acquisition of new tax map numbers for each of the newly created lots. Atty. Brennan explained that tax map numbers are assigned at the Rensselaer County level and not within the local Town offices. In addition, Mr. Brennan clarified the process by directing Mr. Malm to request a statement -that there are no taxes due on the properties from the County Division of Finances- and to submit that letter, and survey maps to the Rensselaer County Clerk where the deed will be filed. Tax map numbers are assigned around March 1st each year.

Ed Mc Donough stated that he would contact Frank Alessandrini, PB Chairman, to advise Mr. Alessandrini that the area variances were granted.

OTHER

Chairman McDonough noted that he received a call from a realtor whose client is interested in the purchase of property at the end of Calhoun Drive, across from the Hudson River. The client is interested in installing a 'mobile home' at the location or camp, with the intention of removing it after each use. Currently, there is a dock, concrete pad and a shower that draws water directly from the Hudson River. The Zoning Code, p. 143, was consulted and it was noted that there are two classifications for camps, Type I and II.

Atty. Brennan noted that this type of 'camp' may fall under building and sanitary codes; therefore, the Building Inspector may need to be consulted. Atty. Brennan plans to research the topic further. Mr. McDonough will return the realtor's call to explain that further research is in process.

Ed McDonough made a motion to adjourn the meeting at 7:28 p.m. Jason Shover seconded the motion.

Ayes: Geddis, Griswold, Saheim, Shover

Nays: None

Abbreviations

PB – Planning Board

ZBA – Zoning Board of Appeals

Respectfully submitted,

Date:

Elizabeth Hale, Clerk