



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS

May 11, 2021 Minutes

Poestenkill Fire Hall

(not approved at time of distribution)

Attendees:

Frank Burzesi, Chairman

Paul Jamison

Nicole Heckelman

Kevin McGrath

Tim Hoffay

Susan Kalafut, Alternate

Chairman Burzesi called the meeting to order at 7:02 pm with the Pledge of Allegiance.

Public Hearing:

Thomas Capparella

Area Variance- Setbacks

125.-11-28

53 Abbott Dr

Chairman Burzesi read the public notice for Mr. Capparella. Chairman Burzesi stated he had no letters for or against the project. Chairman Burzesi asked Mr. Capparella to describe his project. Mr. Capparella is looking to build a thirty foot by thirty foot garage on the back of his property. His property is sloped and this area is the flattest and most level and best spot to put a garage. Other parts of the property are wet and also his leach field location.

Chairman Burzesi asked how tall of a building. Mr. Capparella stated 12 foot sides and looking at using a steel building and he isn't sure of the eve height but doesn't think it will be more than 15 or 16 feet and knows the max is 20 feet. Clarification was noted for the center height being approximately 15 or 16 feet and side height of the building is 12 feet. Member K. McGrath asked for clarification on the set backs and to confirm it was five feet on both sides. K McGrath asked for how he knew where that line was. Discussion was had about the survey markers and the stake in one corner and the drainage ditch from the neighbors property. Mr. Caparella stated the closest part of the building to the stakes would be at stake 9 and showed how the rest of the garage would be on the lot map. Mr. Caparella said when they bought the property they had it surveyed and it was about 2.5 years ago but he didn't have the map with him tonight. N. Heckelman saw the stake and P. Jamison said he saw the stake as well and asked about the bushes and if they were on his property, which they are. P. Jamison agreed with K. McGrath that five feet seemed close. Mr. Caparella stated he could probably stretch it to 10 feet and be away from the well but would prefer the five feet. P Jamison is less concerned with back and more concerned with the side. Mr. Capparella had put bricks out prior to N. Heckelman seeing the land and had measured out an extra five and he was still away from the well but thinking about winter time and plowing and having some

extra room. K McGrath said with the five feet and putting a ladder up, you would be on your neighbors property. It was also asked about the overhang and Mr. Capparella thought there wasn't much of an overhang with a steel building. Chairman Burzesi said he could do ten feet on the side setback, where the bushes are. Mr. Capparella said he could do that but on the back side he needed it five feet as there is a big ditch behind there and he wouldn't be able to get back behind the building. Chairman Burzesi asked if anybody here had a public comment. L Basale, town resident, isn't concerned about the setbacks but that the term supplemental income is being used which to him means bringing in business and the neighborhood is residential. L Basale wanted to make it Mr. Capparella stated he has eight vehicles registered to his own name and it is mainly for his own use but there are times a friend will stop by for help with a repair. He doesn't have plans to own his own business and if he were to do that he would get the Special Use Permit. P Jamison said the size of the garage seems to be normal and not a commercial size. T Russell asked what kind of equipment he would be bringing in. Mr. Capparella said he would have a compressor and at some point plans to put in an above ground lift and with the amount of concrete (six to six and half inches of concrete). With the amount of concrete, Mr. Capparella feels that is something the planning board would want to know about. Mr. Capparella said he could do that and get the Special Use Permit if decided to run a business out of there but there is not room to store additional cars. T Russell is not concerned about what he is doing now, but may do in the future and the noise it could cause for neighbors and what the limitations that could come down if procedures aren't followed. Mr. Capparella stated he didn't know he would need a special use permit for a compressor. T Russell stated the above ground lift could be a trigger for a special use permit. P Jamison confirmed an official denial on the building permit. ZBA members felt better going with the 10 feet on the side. Chairman Burzesi asked if the neighbor had walked the line and seen where the garage would go. Mr. Capparella has talked to his neighbor about it and said as long as it is not on his property he didn't have a problem with it. Chairman Burzesi confirmed the sign was on the property and could be seen by the neighbors. N. Heckelman did a site visit and suggested the neighbor come to the meeting. Chairman Burzesi was concerned with not getting anything back on the certified letters to confirm receipt. Chairman Burzesi asked if Mr. Capparella was okay with closing the public hearing and waiting to vote on it at next meeting as this would ensure abutters had ample time to ask questions and review the application. Mr. Capparella was in agreement. Chairman Burzesi would like to leave the public hearing open for the next meeting and it will be voted on next month. K McGrath asked to see the map from the surveyor. Mr. Capparella doesn't believe he received a map after it was surveyed. Chairman Burzesi asked for him to find the survey map. K McGrath said the survey map will help make sure they are not pouring the cement in the wrong spot. N Heckelman asked if the survey map would be on file at town and K McGrath said not all towns do and it isn't kept at the county of individual lots surveyed but the overall site plan for subdivisions. Chairman Burzesi said it would be his responsibility to make sure he had the correct lines before putting the cement in so you really want to know.

Motion made by Chairman Burzesi to keep the public hearing open until the next meeting (June 8), second by Paul Jamison with five (5) ayes and zero (0) nays or abstains.

Meeting minutes for the April 13th, 2021 with amendments of first paragraph with the consensus of the board was for the side setbacks and agreement was to use the side setback numbers and a

typo in P Jamison's voting question from 750% to 75% were approved with amendments in a motion made by Member Jamison, seconded by Member Heckelman and carried by 5-0.

There being no further business, a motion to adjourn the meeting was made by Chairman Burzesi, seconded by Member Jamison and was approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 7:48pm.

Respectfully submitted,

Tiffany Buker, ZBA Clerk