



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS October 9, 2018 Minutes

Attendees:

Paul Jamison, Chairman
Kevin McGrath
Tim Hoffay
Michael Colello
Susan Kalafut
Nicole Heckelman, Alternate

Non-Voting Member:

Lynn Kane, Clerk

Chairman Jamison opened the meeting at 7:35 pm with the Pledge of Allegiance.

New Applicants:

Charles Mero
125.12-3-7

Area Variance
20 Davis Drive

Applicant has resubmitted application with more detail and the needed calculations as requested at the August meeting on their request for an Area Variance for a detached garage. Chairman Jamison asks Mr. Mero if he has confirmed the distances from proposed garage to the property line. Mr. Mero states he used the neighbor's fence as reference, saying the fence is on the property line. Chairman Jamison and Member McGrath discuss the other setbacks with Mr. Mero, specifically which they must have been or be properly measured so as to insure the Area Variance is issued correctly. If Mr. Mero is certain, then the Board will accept. There is a discussion amongst the Board Members regarding the listed maximum building density listed in the Code. Member McGrath states that notice to neighbors for Public Hearing should go to property owners, not tenants. Clerk Kane states letters sent to person listed on tax rolls. Chairman Jamison makes a motion to hold a Public Hearing on November 7, 2018 for three (3) Area Variances of a side setback of 4.5ø where 10ø is required by Code; a rear setback of 6ø where 10ø is required by Code and a maximum building coverage of 36% where 30% is required by Code. Motion is seconded by Member Colello and approved by five (5) ayes, zero (0) nays and zero (0) abstentions.

Resolution: Public Hearing scheduled for November 7, 2018.

<u>Martin Gibbins</u>	<u>Area Variance</u>
136.-8-14	8887 NY 66

Mr. Gibbins recounts his recent appearance before the Planning Board ó adding building to store his wife's car, a 12' overhang to protect horses when he is not home and storage for equipment for his landscape business. States there is no landscape business on site ó no office, billing, employees, etc. As such, the Planning Board determined the additional building to be an accessory structure and not in need of a Special Use Permit. Further, the Planning Board sent Mr. Gibbins to the Zoning Board of Appeals, with an Advisory of no negative issues, for an Area Variance for the 3 horses on a 1.88 acre parcel. Mr. Gibbins further explains the Lease Agreement he has with abutting land owner Anthony Valente, to use as much acreage as needed for grazing of his horses. Copy of agreement provided to Board members. Mr. Gibbins states that he has had horses since the mid-1980s and that his property was zoned Residential/Agricultural when he purchased it in 1972. There is much discussion amongst the Board Members, Clerk Kane and Planning Board Chairman Russell as to events at the Planning Board on October 2, 2018. Chairman Jamison states he believes that the horses would be a "pre-existing, non-conforming use" that should be grandfathered in and directs Clerk Kane to research 1) when was zoning of the Gibbins parcel changed from Residential/Agriculture to Residential and 2) when was the Town Code regarding livestock on non-farm parcel enacted. In the interim, Chairman Jamison made a motion to schedule a Public Hearing for December 11, 2018 to consider an Area Variance to allow three (3) horses on the existing 1.88 acre parcel with the condition that must have three (3) acres of supplemental land for grazing purposes. Motion seconded by Member McGrath and approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention.

Resolution: Schedule a Public Hearing for December 11, 2018.

Minutes:

The minutes of the Board meeting on September 11, 2018 were reviewed. Corrections ó under Hansen Public Hearing, Member McGrath "recused" himself, not "rescued". And on Page 4 of 5, under Member Colello question #5, his answer should have read "Yes, They could have used original garage instead of sealing it off." A motion to accept the minutes with corrections was made by Chairman Jamison, seconded by Member Colello, and approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention.

There being no further business, a motion to adjourn the meeting was made by Member Kalafut, seconded by Member Colello and approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:40 pm.

Respectfully submitted,
Lynn E. Kane, Secretary