



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS June 11, 2019 Minutes

Attendees:

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

Chairman Jamison opened the meeting at 7:30 pm with the Pledge of Allegiance.

Public Hearing:

Christine Anderson
125.-1-47

Area Variance – Fence
609 Snyders Corner Rd

Secretary read the Public Hearing notice. Chairman Jamison asked Ms. Anderson to please summarize her request. Ms. Anderson distributed packets to each Board Member and gave summary of request for six foot fence in front of residence. The packet included a plat plan with the entire fence located, indicating all setbacks including from corner of Heritage Road to end of fence and she provided color photos of the site. The packet also included a letter of support signed by seventeen (17) neighbors. Ms. Anderson spoke of the need for noise reduction and privacy. She also stated that she has 125 trees in front yard and that if she were to place the fence an additional twelve (12) feet back into yard (to eliminate need for Variance), she would lose the use of over 1,200 square feet of her yard. Chairman Jamison reviewed the documents and the Code for regulations, especially for a corner lot.

Chairman Jamison asked if there were any comments from the audience in favor of this application – Ms. Anderson referred Members to the letter of support signed by neighbors in the packet she provided. Chairman Jamison asked if there were any comments from the audience against this application. Neighbor Harold Van Slyke spoke, stating he has several concerns over this request. Mr. Van Slyke lives directly across the street from Ms. Anderson and he feels that the issuance of a Variance will be detrimental to quality of life and possibly impact the value of his home. He stated that with the deciduous trees in Ms. Anderson's yard, he would have to look at a six (6) foot plastic fence for six months of the year. He also stated that he has done his own testing of sound traveling with a lawn mower in various locations on his property – checking the decibels – and believes he will receive increased sound bouncing off the fence. He also commented that there is too much noise with the current use from Ms. Anderson's home. Member McGrath questions the use of evergreens to absorb sound. Ms. Anderson says she had a row of Bridle Wreath shrubs that died due to lack of sun

and road salt and that they did not provide the privacy nor the sound reduction she is seeking. Ms. Anderson recounted recent conversations with Mr. Van Slyke, especially his request to use a wood fence. Ms. Anderson explains she is not capable of physically or financially maintaining a wood fence, that she saved up for a long time to afford this project, the rest of the fencing around the back yard is complete and she wants everything to match. She also stated that she wishes that Mr. Van Slyke shared her taste in style and composition for the fence but that this style is not going to rot, will be easy to maintain and she can only afford to do this once. Member McGrath stated that if a four (4) foot fence was installed right at the twenty-five (25) foot mark, the fence would not reduce the noise. Alternate Heckelman asked Ms. Anderson if she would be willing to try Arborvitaes to reduce the noise and Ms. Anderson said that any evergreens placed by the road would continue to die for reasons stated previously. Member Colello expresses concern that if variance was issued for the six (6) foot fence, it may lead to future requests for same, that it would set a precedent. Ms. Anderson recounts that there are others in the Town with six (6) foot fences, including a concrete wall on Weatherwax Road and asks why she would be denied the same right. Chairman Jamison said he thinks some of the fences mentioned were in place prior to the Code, that each property has its own factors and the Board must give everyone a chance for a variance. Member Hoffay said he visited the site and noticed that the lawn is higher in some areas, so the installed fence would be higher (8') in some places and he can see and sympathize with Mr. Van Slyke's concerns. Ms. Anderson replies that she can never have her curtains open because everyone can see right into her home, even her children complain that school mates on their buses can see into the house and that she needs and wants the privacy. Tom Russell stated that Poestenkill is not a gated community and would not want the variance to be granted. Mr. Van Slyke stated that given the knoll in the road, that if drivers were looking into her home, it would be dangerous. Ms. Anderson recounts that she spoke to the neighbors about her request and all approved of her request. She does agree that leaves on the trees do help with the noise reduction but it is not a barrier, is not a privacy fence. Chairman Jamison reviews questions #1 and #2 of the Area Variance Findings form and states that the additional two (2) feet of height is of concern. Ms. Anderson states that the rest of the fence on the sides and rear of the property are complete, that she can power wash the fence when needed and that she wants all portions of the fence to match. She really expected that the Public Hearing would be "one and done". Member Colello asked if she has already purchased the fence and Ms. Anderson stated that yes, project was bought and paid for and that she had worked and saved a long time to be able to afford this improvement, and that she can't afford to buy or maintain alternative. She wishes to comply with Town Codes, that she didn't even know a building permit was needed but once notified, she has taken all steps to comply. Mr. Van Slyke stated the contractor must not be reputable if they didn't know to apply for building permit. Member McGrath stated that the sixty-five (65) feet between end of fence and corner of Heritage Road is acceptable.

Chairman Jamison made a motion to close the Public Hearing, seconded by Member Colello and the motion was not approved by a vote five (5) ayes, zero (0) nays and zero (0) abstention.

Resolution: Public Hearing remains open.

New Applicants:**Joseph Grieco**
125.5-4-14**Informal Conference-Area Variance**
12 Weatherwax Rd.

Chairman Jamison invited Mr. Grieco up to the front to address the Board. Mr. Grieco explained he has a small, high-end taxidermy business and was told he needs an area variance for the amount of space he needs to accommodate his business. His business is by appointment only, there are no walk-ins. He needs to use the basement and attached garage. Chairman Jamison reviewed the square footage of requested use (1554 s.f.) of business area in relation to living area (1100 s.f.) and reviewed the definitions of Home Occupancies in the Town Code. He states that the business use is supposed to be “incidental” to the living in the home and the request is equal to 150% of total space. Mr. Grieco explained the need to have separate facilities for different stages of processing and for different sized projects – fish/small game and office space in basement, large projects in the garage. He needs separate areas for prepping, sanding, painting, so as to not contaminate the works and he sends out game to be processed (removal of innards) at the tannery. He selected the basement for the fish work as he needed a sink. He stated that he was limited in space in his previous location, that he specifically purchased this home due to its available space and the price for his work limits the amount of business he has. He has sufficient paved parking spaces already in place.

Chairman Jamison commented that neighbors wouldn’t know the business existed and Mr. Grieco agreed. Member McGrath stated the request looks reasonable but agrees the size is substantial. Town Board Member June Butler asked Mr. Grieco if there was anyway to reduce the square footage, not to include the garage. Mr. Grieco replied reduction of space is not practical, can’t have work in one area contaminating work in another area. Board Members questioned use and storage of hazardous materials. Mr. Grieco explained the discontinuance of arsenic and formaldehyde, stated that the industry has changed significantly for better environmental safety and that he does not have hazardous materials on site. He again explained in detail the process the tannery does before he starts his work. Member Colello inquired if Mr. Grieco was properly licensed and his work overseen by NYS DEC and Mr. Grieco stated licensing is not required and he keeps log books of all his work, even though not required. Chairman Jamison states this business might more appropriately be listed as “Light Industry” instead of “Home Occupancy”. He will discuss with Code Enforcement Officer and Board Attorney. Chairman Jamison also suggests that the Board should perform a SEQR before the Public Hearing (Clerk Kane to verify with Board Attorney). Motion was made to schedule a Public Hearing 0 by Susan Kalafut, seconded by Member Colello and the motion was approved by a vote five (5) ayes, zero (0) nays and zero (0) abstention.

Resolution: Public Hearing scheduled for July 9, 2019.

Minutes:

The minutes of the Board meeting on May 14th were reviewed. A motion to accept the minutes was made by Member Kalafut, seconded by Member Colello, and approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention.

Old Business: None

There being no further business, a motion to adjourn the meeting was made by Member Colello, seconded by Member Hoffay and approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:57 pm.

Respectfully submitted,

Lynn E. Kane, Secretary