

**Town of Kinderhook
Zoning Board of Appeals
3211 Church Street
Valatie, NY 12184
March 4, 2021**

Draft

Minutes
Zoom Meeting Recording

The Town of Kinderhook Zoning Board of Appeals met on Thursday, March 4, 2021, at 7:00pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The Chairman called the meeting to order and the secretary called the roll.

A. Roll Call

Present

Walt Simonsmeier, Chair
Regina Rose (Zoom)
Timothy Stever
James Waterhouse
Andy Howard, Attorney (Zoom)
Nataly Dee Jones, Secretary

Excused

Lorne Dawes

Absent

B. Correspondence

1. Review of Minutes from 11/5/2020 – Tabled pending review.
2. New applications

C. Public Hearings

1. None;

D. Old Business

1. None;

E. New Business

1. Greenfield Subdivision (Anthony Buono o/b/o Greenfield Real Estate, LLC), Rod and Gun Club Road, Valatie, NY – Area Variance for side yard setback for Lots 2-4;

Mr. Evan Young, Crawford and Associates representing the applicant, Mr. Anthony Buono were both in attendance and addressed the board. Mr. Young distributed plans for review and explained the scope and details of the application. Mr. Young stated that the application is currently under review by the Planning Board for a minor conservation subdivision. The applicant is seeking an area variance from the ZBA for relief from side yard setback requirements for three proposed residential lots (Lots 2, 3, 4). on Rod and Gun Club Road. He described the location and surrounding neighborhood. The existing undeveloped parcel is 5-acres is located on Rod and Gun Club Road just off the intersection of Route 203 and abutting the Little Falls development. They are seeking relief from the required 50' side yard

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setback to that of 35', a variance of 15'. The lots have been developed in the nature and character of the neighborhood, specifically in relation to the houses on the opposite side of the road. Mr. Young noted the size and orientation of the houses on the west side of the road and distances between them are shown on the plans submitted. He noted that the current proposal is consistent with those houses. The lots will have water and sewer provided through the Village of Valatie. A letter of understanding has been obtained from the utilities. Access to the three lots will be from Rod and Gun Club Road and the applicant is coordinating review with the Town Highway Department.

Mr. Simonseier inquired about the width of the proposed lots noting that it is not indicated on the plans. The width of the 5-acre lot is 425', which would make them approximately 130-140' each. Mr. Young indicated that a formal survey has not been completed yet pending area variance approval, but the metes and bounds will be added to the plans for review by the planning board.

Mr. Waterhouse noted that parcel is in the AR zone. He noted that under conservation subdivision, 50% of lot coverage is required to be open space. Mr. Young stated that minimum lot size under conservation subdivision is .5-acres. Mr. Waterhouse posed the question as to why 4 lots are proposed rather than 2, which would not require relief. Mr. Young addressed the deed and covenants of this parcel and previous conservation subdivision. He noted that the prior approval allowed for additional subdivision of this parcel only. Mr. Howard concurred with this and confirmed the resolution of the prior approval allows further subdivision. Mr. Buono spoke to the rationale behind the current proposal stating that there are many ways that 4 houses could be situated on the parcel that would conform with the code, however it would not necessarily conform with the character of the neighborhood. Mr. Buono stated that he does not personally intend to build on the lots, but wants to have future owners to have greater flexibility with their building options.

There were no additional questions from the board.

Mr. Stever made a motion to set a public hearing for April 1st at 7:02pm. Mr. Waterhouse seconded the motion. All in favor. Motion carried.

\$50 ZBA application fee outstanding.

2. Caroline Eastern Vail, Inc (CaroVail), 831 CR 28, Niverville, NY – Area Variance for side and rear yard setback and lot coverage;

Mr. George Schmitt of CPL, representing the applicant, addressed the board and distributed plans for review. Mr. Schmitt stated that CaroVail has purchased the property behind their offices on Railroad Ave, which has an existing house and barn, and have merged the parcel with the existing larger parcel along Main St. The applicant proposes to demolish the existing structures and erect a storage building. The purpose of the building is for more efficient operations in regard to storing and moving materials on site. Mr. Schmitt addressed the existing structures non-conformity in regard to setbacks. The applicant proposed to construct the building with the same setback from the road as the existing office. The side and rear setbacks would be an improvement from the existing structures, but would

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not conform with the regulations. Additionally, the area of coverage on the lot is already over what is allowed by code. The proposed structure would add additional lot coverage. Mr. Schmitt stated that the application is also before the Planning Board for Site Plan Review and was referred to the ZBA to seek Area Variance approvals.

Mr. Waterhouse inquired about the zoning of the lot. It was stated that it was B1 and has been merged with the larger adjacent B1 lot. Discussion ensued regarding the land behind the CaroVail lot which is owned by CSX. Mr. Schmitt stated that CaroVail has a 99-year lease of the land from the railroad. It was noted that Railroad Ave is a town road.

The required setbacks were reviewed. Front yard setback is 75', side yard is 25' and rear yard is 35'.

Lot coverage was reviewed. Current lot coverage is 76%, what is required per code is 50%. If approved as submitted, lot coverage would increase to 90%.

A discussion about the proposed use of the building ensued. It was stated that there would be no mixing of chemicals or products in the proposed building. Its use is solely for storage. Ms. Rose expressed concern about chemical runoff into the ground water. The concerns do speak to lot coverage issues.

Lot coverage of the former residential lot with residence and barn was .07-acres of coverage; the new building would be .25-acres of coverage. This information is on the plans.

Mr. Waterhouse inquired about why the applicant is proposing the building be this size. Mr. Schmitt stated that CaroVail reviewed their internal operations to determine what would prove the most flexibility and efficiency for them when determining the dimensions to the proposed structure. The dimensions are proposed to be 90' x 60', with a height of 25', a total of 5,400 sq ft.

The SEQR was reviewed. Ms. Rose had questions regarding questions 4 and 17 regarding run-off and storm water discharge. Additional discussion ensued. Drainage and run-off on the site was discussed. Revisions to the SEQR will be made based on the discussion and re-submitted. These issues will also be reviewed by the Planning Board in their review.

Mr. Waterhouse commented about the lot coverage in relation to the additional land leased by CaroVail. With the addition of this area, the lot coverage impacts are not as great.

Mr. Waterhouse made a motion to set a public hearing for April 1st at 7:10pm. Mr. Stever seconded the motion. All in favor. Motion carried.

\$50 application was received.

G. Liaisons

1. Village Planning Boards – Nothing new to report.

1. Town Board – Nothing new to report.

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H. Other

1. Public Comment – None.

Mr. Stever made a motion to adjourn the meeting. Mr. Waterhouse seconded the motion. All in favor. Motion carried. Meeting adjourned at 4:40pm.

Respectfully submitted,

Nataly D. Jones, Secretary