**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK**

**ZONING BOARD OF APPEAL JULY 11, 2016**

**CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

 **PRESENT MEMBERS ABSENT**

**David Calarco, Chairman**

**Ed Brewer**

**Anthony Maier**

**David Smith**

**Lou Spada**

**Attorney Robert Linville, Esq.**

**Nadine Fuda, Director of Planning and Zoning**

**APPROVE MINUTES**

Smith moved, SpadaPuccio seconded that the minutes be approved as amended

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

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**Nadine Fuda, Director, read the hearing notice(s) as published in the Troy Record on the following variance application(s):**

**Patricia Gootz** **published on June 7, 2016**

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Public hearing open June 13, 2016 Public hearing closed July 11, 2016 p.m.

Patricia Gootz Z754-16/R20/201.12-8-2

18 Lakeview Rd

Proposed – Area Variance 10% Coverage

Patricia Gootz was present for this meeting.

Chairman Calarco stated the applicant was approved for a special use permit from the planning board for accessory structures 3 through 7 which includes this request should this item be approved by this board.

Chairman Calarco stated at the last meeting in June the board and Mrs. Gootz spoke about the 50 foot set back and the moving of the building to the 50 foot setback line, and asked if they agree with this request.

Mrs. Gootz stated yes they agree to have the building behind the 50 foot setback.

**AREA VARIANCE CRITERIA**

1) Can the benefit be achieved by other means feasible to the applicant? NO

2) Will the granting of the variance create an undesirable change in the character of the

 neighborhood or to nearby properties? NO

3) Is the request substantial? NO

4) Will the request have an adverse physical or environmental effect? NO

5) Is the alleged difficulty self-created? NO

Maier moved, Spada seconded that the Zoning Board of Appeals be **LEAD AGENCY** relative to the variance only.

 5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose:

Smith moved, Spada seconded a **NEGATIVE DECLARATION**.

 5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose:

Calarco moved, Brewer seconded that the area variance be **GRANTE for 10% coverage for the construction of the pavilion as per the submitted planes.**

 Brewer Calarco Maier Smith Spada

 Yes Yes Yes Yes Yes

**6) Conditions:**

**- behind the 50 foot setback.**

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 **Nadine Fuda, Director, read the hearing notice(s) as published in the Troy Record on the following variance application(s):**

Alison Heaphy **published on DATE**

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public hearing open p.m. public hearing closed p.m.

Alison Heaphy Z755-16/RA/221.-2-4.1

168 Waterbury Road

Proposed – Area Variance front yard set back

Alison Heaphy, Applicant was present for this meeting.

Chairman Calarco stated to the board that this applicant was originally here and approved in 2013 and were never able to start the project, and is here because the variance is only good for a year.

Mrs. Heaphy stated the addition they wanted to put on the house was put off because funding.

Chairman Calarco asked Mrs. Heaphy if the addition plans have changed at all.

Mrs. Heaphy stated no, they are exactly the same.

The Board members reviewed the area variance criteria.

The board’s attorney Mr. Linville stated that because this application is the same as what was submit and approved in 2013, this board can incorporate that entire proceeding

To this meeting and list it as an extension.

Chairman Calarco moved, Smith seconds that this board will adopt the same proceeding as was approved on April 8, 2013 ( see meeting minutes below)

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**Nadine Fuda, Director, read the hearing notice(s) as published in the Troy Record on the following variance application(s):**

**Alison Heaphy published on April 8, 2013**

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Public hearing open 7:17 p.m. Public hearing closed 7:25 p.m.

Alison Heaphy/Daniel Wall Z712-13/RA/221.-2-4.1

168 Waterbury Rd

Proposed – Area

Alison Heaphy and Daniel Wall, applicants were present for this meeting.

Chairman Calarco stated this application received a favorable recommendation from the Planning Board and Rensselaer County stated that local consideration shall prevail. (see below)

Mr. Wall stated they would like to put and 20 x 30 foot addition on the side of their house, the addition will be 4 feet further back from the front of the.

Chairman Calarco stated this is an expansion of a pre-existing non-conforming structure. The home owner is taking down the front porch which will decrease the front setback by a few feet. The addition will be in line with the existing structure.

 Chairman Calarco asked about the distance from the back corner of the addition to the garage carport area. and if the flat part of the yard was their leach field.

Mr. Wall stated it is about 20 to 25 foot distance. And yes the leach field is in that area.

Mr. Smith asked it the addition was going to be a 3 story, two stories and a basement.

Mr. Wall stated correct.

Mr. Brewer asked if they were adding bedrooms.

Mr. Wall stated they are removing a bedroom from the original structure and putting it in the addition.

Mr. Spada asked if the pond behind the house is fed from the stream or is it spring fed.

Mr. Wall stated it is spring fed.

Chairman Calarco asked about the front door, and if they were going to put it back in.

Mr. Wall stated yes they are putting the front door back on the house.

**VOTE - RECOMMENDATIONS TO THE ZBA**

Timmis moved, Church seconded a **“FAVORABLE”** recommendation to the Zoning Board of Appeals.

4 Ayes, 0 Noes. Motion carried.

Ayes: Church, LaVoie, Puccio, Timmis

Oppose: None

**Zoning Review Action**

Please be advised that the **Rensselaer County Bureau** of Economic Development and Planning has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, the Bureau of Economic Development and Planning has determined that the proposal does

AREA VARIANCE CRITERIA

1) Can the benefit be achieved by other means feasible to the applicant? YES

2) Will the granting of the variance create an undesirable change in the character of

 the neighborhood or to nearby properties? NO

3) Is the request substantial? NO

4) Will the request have an adverse physical or environmental effect? NO

5) Is the alleged difficulty self-created? YES

Brewer moved, Calarco seconded that the Zoning Board of Appeals be **LEAD AGENCY** relative to the variance only.

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Maier moved, Spada seconded a **NEGATIVE DECLARATION**.

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Smith moved, Calarco seconded that the **Front Yard** area variance be **GRANTED**

 Brewer Calarco Maier Smith Spada

 Yes Yes Yes Yes Yes

**ADJOURN**

 Maier moved, Smith seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning