

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JANUARY 12, 2015
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

**David Calarco, Chairman
Ed Brewer
Anthony Maier
David Smith
Lou Spada
Attorney Robert Linville, Esq.
Nadine Fuda, Director of Planning and Zoning**

MEMBERS ABSENT

APPROVE MINUTES

Spada moved, Maier seconded that the minutes be approved as amended
5 Ayes. 0 Noes
Ayes: Brewer, Calarco, Maier, Smith, Spada
Oppose: None

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

Dan and Julie Baker published on January 6, 2015

public hearing open 7:16 p.m.

public hearing closed 7:26 p.m.

Dan and Julie Baker
193 Morey Park Rd
Proposed - Area 10% and front and side yards

Z730-14/R20/191.3-1-14.2

Dan and Julie Baker, applicants were present for this meeting

Mrs. Baker stated they are looking to renovate and remodel the interior, and build onto the single store on the back of the home meeting the second story of the front of the house. There are variance issues on both sides of the house and they are looking for an approval to move forward with the building application.

Chairman Calarco stated to the board that there is a front yard setback needed of 50 feet and two side yard setbacks as well as a 10% coverage that needs to be addressed at tonight's meeting. He then asked the applicant if they were aware that the back portion of the house was built without ever obtaining a building permit.

Mrs. Baker stated no she was not aware the first time it was mention was at the planning board meeting.

Chairman Calarco stated the reason that he is bring this up is because the applicant is looking to use a footing and foundation on the back portion of the house.

Mrs. Baker stated she has a letter from the engineer stating the footings are sustainable to support a second story.

Chairman Calarco read the letter to the public (see file) after reading the letter the question is, is this sufficient and will this be sufficient for the Town of Schodack's building inspector. He then asked the building inspector Mr. DeFruscio to come up and speak on this topic. He asked Mr. DeFruscio if he had seen the letter from the engineer.

Mr. DeFruscio stated no he had not.

Chairman Calarco asked the applicants if the letter is written by their engineer that did the designing of the project.

Mrs. Baker stated yes and she just received the letter before the meeting.

Mr. DeFruscio stated he would like to see the engineers stamp on the letter. He is not going to question the engineer if he feels the foundation can withstand the second story then he is good with it.

Chairman Calarco asked Mrs. Fuda to mark the letter as exhibit A in the file.

Chairman Calarco asked the board if they had any questions for the applicant.

Mr. Spada asked the septic going to be made unusable and relocation to the back and the porch that is going to be put on the front. The existing porch was 8 feet out

Mrs. Baker stated yes they have already removed the porch and the porch will remain the same size.

Mr. Maier stated the setbacks are what they are we can't change them or the position of the home.

Chairman Calarco asked if there were anyone in the public that would like to make public comment for this application on Morey Park.

Planning Board Approval (December 1 2014)

RECOMMENDATIONS TO THE ZBA

Puccio moved, LaVoie seconded a **"No Recommendation"** recommendation to the Zoning Board of Appeals.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Puccio, Shaughnessy

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 not have a major impact on County plans and that local consideration shall prevail.

The Board members reviewed the area variance criteria.

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? YES

6) Conditions:

- **Stamped letter from the engineer verifying the foundation can withstand the addition of a second story to the home be given to the towns building inspector and to the town of Schodack.**

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, Smith seconded a **NEGATIVE DECLARATION**.

5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Spada moved, Maier seconded that the area variance be **GRANTED** for an expansion of a preexisting nonconforming structure and to allow a front yard and two side yard setbacks as well as 10% coverage.

<u>Brewer</u>	<u>Calarco</u>	<u>Maier</u>	<u>Smith</u>	<u>Spada</u>
Yes	Yes	Yes	Yes	Yes

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

Nancy and Michael Garcia published on DATE

public hearing open 7:30 p.m.

public hearing closed 7:44 p.m.

Nancy and Michael Garcia

Z731-14/RA/209.-11-35

37 Clove Road

Proposed - Area (front yard setback)

Nancy and Michael Garcia, applicants were present for this meeting.

Chairman Calarco spoke to the board on this proposed variance stating that this was originally identified as a front yard setback, encroachment into the front yard made this a non-conforming expansion of an existing structure, in the process a building permit was issued and the applicant took off the front porch, dug and poured the foundation for the new front porch which will also be in the setback only a foot or two less than the original porch. A stop work order was issued and the applicant was notified and the process was halted because of the variance that is needed. Now because of the site visit it was noted that there is an existing zoning violation on the property, we normally required that the violation be rectified and remedy before we entertain the variance application request.

Chairman Calarco asked the Schodack building inspector Nick DeFruscio if he was aware of the zoning violation on the property.

Mr. DeFruscio stated yes he was aware and has a conversation with the applicant has made improvements.

Mr. Spada asked about the print of the site and if that was the addition shown.

Mr. Garcia stated yes

Mr. Spada stated there are no dimensions shown and asked if there is a print with the dimensions.

Mrs. Fuda stated there is no plot plan with dimensions.

Chairman Calarco asked if they were doubling the size of their house.

Mr. Garcia stated yes that's correct. The existing house is only 850 sq. ft.

Chairman Calarco stated that the applicant is installing a new septic system to the right of the addition.

Planning Board Approval January 5, 2015

Puccio moved, LaVoie seconded a **"NO REMCOMMENDATION"** recommendation to the Zoning Board of Appeals.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Puccio, Shaughnessy

Oppose: None

Zoning Review Action

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The Board members reviewed the area variance criteria.

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

6) Conditions:

- : No CO until the zoning violation is cleaned up..

Spada 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

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Calarco moved, Spada seconded that the area variance be **GRANTED**.

<u>Brewer</u>	<u>Calarco</u>	<u>Maier</u>	<u>Smith</u>	<u>Spada</u>
Yes	Yes	Yes	Yes	Yes

ADJOURN

Calarco moved, Brewer seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning