

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL APRIL 8, 2013
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

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

Mark Ciotti published on April 8, 2013

Public hearing open 7:03 p.m.

Public hearing closed 7:10 p.m.

**Mark Ciotti
202 County Rt. 7
Proposed - Area**

Z711-13/R-20/201.16-1-1

Mark Ciotti, applicant was 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. Ciotti stated he is looking to put an addition on the full length of the house, basically doubling the size of the home. The home and detached garage will be sided with log cabin siding. They will need a variance for the front yard setback, side yard setback and the rear yard setback.

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 stated the existing garage is 26 feet from the side of the property which is allowed by code but in this case you will also need a variance for the distance from the new addition and the detached garage. The addition brings the house within 6 feet of the garage and that is now deemed attached. The Code states you need to be 10 feet of separation.

Mr. Spada asked if there was a foundation under the existing home.

Mr. Ciotti stated the existing structure is on a pier foundation the addition will have a crawl space.

Mr. Spada asked the distance from the house to the lake

Mr. Ciotti stated the house is 22 feet to the lake.

Mr. Spada asked about the leach field and the septic.

Mr. Ciotti stated from the side of the house where the septic tank is straight out towards the road.

Mr. Spada asked if they are going to add a bathroom.

Mr. Ciotti stated yes.

Chairman Calarco asked about the well and the power poll that is in front of the garage and the roof line.

Mr. Ciotti stated they are relocating the well further from the septic. He is currently waiting for a call from the driller. He is also going to talk to national grid about moving the poll.

Mr. Ciotti stated they are going to remove the existing roof completely and put a peaked roof on the entire structure.

There were no public comments.

VOTE - RECOMMENDATIONS TO THE ZBA

Puccio moved, Timmis 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? **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? **YES**
- 4) Will the request have an adverse physical or environmental effect? **NO**
- 5) Is the alleged difficulty self-created? **YES**

Maier 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

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

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

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

Smith moved, Maier seconded that the **Side Yard** area variance be **GRANTED**.

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

Calarco moved, Brewer seconded that the **Rear Yard** area variance be **GRANTED**

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

Calarco moved, Brewer seconded that the **separation of the home and garage will be Less than the 10 feet required by the code**, area variance be **GRANTED**

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

Less than the 10 feet required by the code

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

Public hearing open 7:17 p.m.

Public hearing closed 7:25 p.m.

Alison Heaphy/Daniel Wall
168 Waterbury Rd
Proposed - Area

Z712-13/RA/221.-2-4.1

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

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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

Smith moved, Calarco seconded that the **Front Yard** 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

Spada moved, Calarco seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:30 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning