

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL AUGUST 12 ,2013
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

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

MEMBERS ABSENT

David Smith

APPROVE MINUTES - July 8, 2013 To be approved at next meeting

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

Prudence Properties published on 8-5-13

public hearing open 7:01 p.m.

public hearing closed 7:08 p.m.

Prudence Properties , LLC

Z716-13/HC/211.-2-20.2

3545 US Rte. 20

Proposed - Area Side Yard set back

Phil Moldoff applicant was present for this meeting

Chairman Calarco stated this was submitted to the Rensselaer County Bureau of Economic Development (see action below) and was also given a favorable recommendation from Planning Board. He then asked Ms. Moldoff to explain what it is they are looking for.

Mr. Moldoff stated he has an existing 2100 sq. ft. steal warehouse which will be attached to the proposed new storage building. Because they will be attached he will need a side yard setback variance. The required distance is 20 feet but attaching the two buildings will create a 14 foot side yard setback.

Chairman Calarco asked what the building is currently being used for.

Mr. Moldoff stated it is being used for storage for auto parts.

Chairman Calarco asked what is the intended use.

Mr. Moldoff stated the same.

Chairman Calarco stated that is a lot of storage, a proposed 8 thousand sq. ft. building plus the existing 1200 sq. ft. building.

Mr. Moldoff stated he is currently using the old Nassau Vet building as storage, as well as the existing building and 7 or 8 steel containers for storage.

Mr. Maier asked about the age of the existing steel building

Mr. Moldoff stated it is 15 years old.

Mr. Spada asked if the exiting building is up to code.

Mrs. Fuda stated yes it up to code.

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.

RECOMMENDATIONS TO THE ZBA

Haber moved, Timmis seconded a **"FAVORABLE"** recommendation to the Zoning Board of Appeals.

7 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Mayrer, Puccio, Timmis

Oppose: None

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**

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

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

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

4 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

Calarco moved, Brewer seconded that the area variance be **GRANTED** for a side yard setback of 6 feet for the attachment of an existing building to a new proposed primary building on the easterly side of the property.

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

ADJOURN

Maier moved, Calarco seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:12 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning