

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL NOVEMBER 28, 2013  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

**APPROVE MINUTES FOR - OCTOBER 28, 2013**

Spada moved, Spada seconded that the minutes be approved as amended  
4 Ayes. 0 Noes  
Ayes: 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):

**Pinette Area Variance published on 10-18-13**

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This item is a continuation from the 10-28-13 ZBA meeting; the public notice does not have to be re-read.

**Frank Pinette Jr.  
1026 Maple Hill Road  
Proposed - area and depth on Subdivision**

**Z719-13/R40/199.-7-14.2**

Frank Pinette Jr. applicant was present for this meeting.

Chairman Calarco read into the record a memo from the building inspector stating as of today November 25, 2013 the zoning violation at 1026 Maple Hill Road has been corrected.

There were no comments or questions.

**PLANNING BOARD APPROVAL**

## RECOMMENDATIONS TO THE ZBA

Puccio moved, Johnson seconded a **"FAVORABLE"** recommendation to the Zoning Board of Appeals.

5 Ayes. 0 Noes. Motion carried.

Ayes: Church, Johnson, LaVoie, Mayrer, Puccio

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.

## 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, Smith 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, Calarco seconded a **NEGATIVE DECLARATION**.

5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

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

## Conditions:

- Remove the shed from Lands of Peters and onto the applicant's property.

Brewer	Calarco	Maier	Smith	Spada
Yes	Yes	Yes	Yes	Yes

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

**Phelan Area Variance published on 10-18-13**

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Public Hearing open 7:15 p.m.

Public Hearing closed 7:30 p.m.

Nancy and Brian Phelan  
8 Inglewood Rd  
Proposed - Area / over on 10%

Z720-13/R-20/177.12-7-7

Brian Phelan, applicant was present for this meeting.

Mr. Phelan stated they are over the 10% allowed coverage on their property and are looking for a variance to cover the overage. They are proposing to remove two decks and a shed which will equal 462 sq. ft. and propose to build an addition of 288 sq. ft. so with a variance on the existing overage they then will still be in good standing.

Chairman Calarco stated the in 1989 a building permit was given and no variance was required because at the time the code 219-20 structures stated 219-22 the permitted accessory buildings provided that, #C says all such buildings in the aggregate shall not occupy more than 30 % of the any required yard. Which means, the former building inspector interpreted it in such a way that allowed the current owners to build the garage which exceeded the 10 % coverage thinking somehow there was a 30% green space coverage. And the definition of a required yard in the planning book refers to setbacks. And as of 1990 the code has been changed and this item was removed, so with this said We cannot include the detached garage to the area and bulk or 10% coverage,

Mr. Spada asked that the addition be of like construction

Mr. Brewer asked if the applicant wanted to remove the shed,

Mr. Phelan stated despite the good condition he does not need the shed.

Resident - 10 Englewood he states he has no problem with this request.

**PLANNING BOARD APPROVAL**

**RECOMMENDATIONS TO THE ZBA**

Lavoie moved, Johnson seconded a **"FAVORABLE"** recommendation to the Zoning Board of Appeals.

5 Ayes. 0 Noes. Motion carried.

Ayes: Church, D'Angelo, Johnson, LaVoie, Mayrer

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.

### **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**

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 : None

Calarco moved, Brewer 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 the proposed addition of approximately 288 sq. ft.**

#### **6) Conditions:**

- removal of approximately 450 + or - sq. ft. 2 decks and 1 shed
- addition to be of like construction.

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

**Member Discussion:** the members approved the 2014 meeting dates to be sent to the Town Board for their consideration.

**ADJOURN**

Maier moved, Brewer seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:05 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning