

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JULY 13, 2015
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

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

MEMBERS ABSENT

Lou Spada

APPROVE MINUTES JUNE 6, 2015

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

4 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

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

Michael Miller published on July 2, 2015

Public hearing open 7:00 p.m.

Public hearing closed 7:10 p.m.

Michael Miller

Z738-15/RA/209.-11-12

1287 Van Hoesen Rd

Proposed – Area front yard setback.

Michael Miller applicant was present for this meeting.

Mr. Miller stated he would like to construct a roof over his deck that was built around 2004. The deck is currently not attached to the house. The construction is 4 x 4 wood and piers under the deck.

AREA VARIANCE CRITERIA

The Board members reviewed the 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, Smith 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, Smith

Oppose: None

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

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

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

Brewer	Calarco	Maier	Smith	Spada
Yes	Yes	Yes	Yes	Absent

6) Conditions:

- Attach deck to house
- Roof of like materials

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

Matthew Banks published on July 2, 2015

Public hearing open 7:15 p.m.

Public hearing closed 7:20 p.m.

Matthew Banks

Z736-15/RA/179.-2-10

185 Sagendorf Rd

Proposed – Area front yard setback

Mr. Banks stated he wants to build a garage at the 35 foot setback, he is removing the carport and bushes.

AREA VARIANCE CRITERIA

The Board members reviewed the 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.

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

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

4 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

Maier moved, Smith 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	absent

6) Conditions:

- 35' in setback
- 40 x 30 garage
- 18 feet from the front foundation
- Like materials
- No habitable space

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

Norman Emrick published on July 2, 2015

Public hearing open 7:20 p.m.

Public hearing closed 7:30 p.m.

Norman Emrick

Z737-15/R-20/177.-9-47

2624 Brookview Rd

Proposed- Area front yard setback

Norman Emrick, applicant was present for this meeting.

Mr. Emrick is looking to put a 4 foot porch on the front of his home putting his front yard setback at 45 feet.

AREA VARIANCE CRITERIA

The Board members reviewed the 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, Smith 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, Smith

Oppose: None

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

4 Ayes, 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

Smith moved, Calarco 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	Absent

6) Conditions:

- 4 foot front porch measured from existing edge of front porch.
- Like materials

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

Matt Pupello published on July 2, 2015

Public hearing open 7:40 p.m.

Public hearing closed 7:45 p.m.

Matt Pupello

Z740-15/R40/190.-2-1.115

15 Hy Drive.

Proposed- Area front yard setback

Matthew Pupello, applicant was present for this meeting.

Mr. Pupello stated he is looking to rebuild the home in the same spot with a new foundation, and is asking for a variance after the fact.

AREA VARIANCE CRITERIA

The Board members reviewed the 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

Brewer moved, Calarco 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, Smith

Oppose: None

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

4 Ayes, 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

Calarco moved, Brewer 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	Absent

6) Conditions:

- As per foundation location

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

May Frazee published on July 2, 2015

Public hearing open 8:00 p.m.

Public hearing closed 8:05 p.m.

May Frazee
Champagne Dr.

Z739-15/PD-3/200.-9-1.12

Proposed - **Use** Variance for Subdivision in PD-3 zone.

Steven Hart, Hart Engineering representing the applicant May Frazee was present for this meeting.

Ed Brewer recused himself from this application.

Mr. Hart explained the 2 lot subdivision and the lot line. They would like the two lots in front to remain residential because of the surrounding single family homes, the remaining lands will be a lot line and attached to the parcel owned by Don Hart.
He presented facts supporting Mrs. Frazee application see file for exhibits A, B & C.

USE VARIANCE CRITERIA

- 1) Cannot realize a reasonable return - substantial as shown by competent financial evidence; YES
- 2) Alleged hardship is unique and does not apply to substantial portion of district or neighborhood; YES
- 3) Requested variance will not alter essential character of the neighborhood; YES
- 4) alleged hardship has not been self-created YES

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

3 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Maier, Smith

Oppose: None

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

3 Ayes. 0 Noes. Motion carried.

Ayes: Calarco, Maier, Smith

Oppose: None

Calarco moved, Smith seconded that the use variance be **GRANTED**.

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

Condition:

- Use variance is being granted for parcel 1 and 2 of the Frazee subdivision condition be the remaining land will be annexed to lands of Donald Hart.
- Deed needs to state the property behind lots 1 and 2 is zoned commercial.

ADJOURN

Calarco moved, Smith seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:15 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning