

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL OCTOBER 24, 2016  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

Ed. Brewer

**APPROVE MINUTES**

Spada moved, Maier 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):**

Deborah Brehm published on October 17, 2016

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Public hearing open 7:05 p.m.

Public hearing closed 7:15 p.m.

Deborah Brehm  
1727 US 9  
Proposed - Lot line

Z759-16/PD-3/200.-6-17

Peter Bertram representing for Deborah Brehm, Applicant, both were present for this meeting..

Chairman Calarco stated the reason for this variance is that this area is zoned PD3 and in a PD3 you are required to have 10 acres to do a subdivision.

Mr. Bertram explained the applicant is looking to attach the back of her property to her lot. Meaning the land that she has been maintaining

The original lot line was done when the house was built in 1972 or 1973 and there was not much thought or consideration put into the change. The original lot with the house on Route 9 is in an ( L ) shape. And most of the back yard of Deb Brehm's house on North Hillcrest is part of the original lot. The lot line is giving Mrs. Brehm access to her back

yard.

Chairman Calarco asked if the area being annexed to Mrs. Brehm is her back yard.

Mr. Bertram stated correct they have always maintained that area thinking it was theirs.

Chairman Calarco asked about the woods at the end of this lot.

Mr. Bertram stated some of the woods are on the property getting the yard.

Mr. Spada asked amount about the land the lot on Route 9 after the lot line adjustment.

Mr. Bertram stated after it will be .56 of an acre.

There were no more questions for the applicant.

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? YES
- 4) Will the request have an adverse physical or environmental effect? NO
- 5) Is the alleged difficulty self-created? YES
- 6) Conditions:
  - No habitable space in the out building (shed)

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: Calarco, Maier, Smith, Spada

Oppose: None

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

4 Ayes, 0 Noes. Motion carried.

Ayes: Calarco, Maier, Smith, Spada

Oppose: None

The Board members reviewed the area variance criteria.

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

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

Yes

Yes

Yes

Yes

**ADJOURN**

Calarco moved, Smith seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:36 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning