

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JANUARY 23, 2017
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

APPROVE MINUTES

Maier moved, Spada seconded that the minutes be approved as amended
4 Ayes. 0 Noes
Ayes: Brewer, Calarco, Maier, Spada
Oppose: None

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

Evolution Tower / Cellco: published on **12-5-16**

Evolution Tower / Cellco
18 Clove Rd
Proposed - New Cell Tower

Z761-16/RA/219.-1-2.1

Public hearing open 7:00 p.m.

Public hearing closed 740 p.m.

Chris Ciolfi applicant was present for this meeting.

Mr. Ciolfi stated they are proposing 160 foot tall lattice type cell tower, off of Clove Road in a hay field, they have leased 100 x 100 sq. ft. piece of property in the hay field it will have its own access road the area will be fenced in as well. With the antenna at the top of the structure, the structure will then be 165 ft. in height. They are working with built to suit with Verizon Wireless this is not a speculation they will be on the tower day one but they are also building this tower to accommodate other users such as T-Mobile, Sprint and so on. They would like to go 170 to 190 feet but they have settled at 160 feet.

Mr. Spada asked if 163 is the height.

Mr. Ciolfi stated 160 feet plus the 5 foot lighting rod.

Mr. Spada asked if the tower is designed to be added on to.

Mr. Ciolfi stated no when the tower is complete that is it.

Mr. Spada stated that if you wanted to go higher you would need to build a new tower correct.

Mr. Ciolfi stated correct.

Member discussion on the height to the tower. And it was agreed to extend the tower another 10 feet to 170 feet so the co-location success is garneted and to avoid the need for a new tower.

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? **Yes**
- 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, Maier 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

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

4 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

The Board members reviewed the area variance criteria.

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

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

6) Conditions:

- Tower to be allowed to 175 feet which includes a 5 foot lighting rod.

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

Brian Ferreira : published on **12-5-16**

Brian Ferreira
333 Schodack Landing Road
Proposed - Area Variance

Z760-16/R-40/225.-1-1-4

public hearing open 7:00 / 12-5-16 p.m.

public hearing closed 7:13 / 1-23-17 p.m.

Chairman Calarco stated this item was before us on December 5, 2016 and was put on hold until further submissions and changes could be documented. He asked Mr. Ferreira to explain the addition to his original plan.

Mr. Ferreira stated on the back of the house will be a 10 x 12 deck for the lower floor apartment.

Chairman Calarco asked if everything in the front of the house still the same.

Mr. Ferreira stated correct that has not changed since the last meeting.

Mr. Spada asked about the back deck and the door in the back corner, will the deck go past the house into the side yard?

Mr. Ferreira stated No it is flush with the house.

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**

Brewer moved, Spada seconded that the Zoning Board of Appeals be **LEAD AGENCY**
ZBA 1-23-2017 3-2017

relative to the variance only.

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

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

4 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

The Board members reviewed the area variance criteria.

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

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

6) Conditions:

- Per drawings for front porches and deck / size and location.
- Neither front porch will not go into the side yard setback of the house.
- like construction

ADJOURN

Brewer moved, Calarco seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning