

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL JANUARY 14, 2019  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

**APPROVE MINUTES - December 10, 2018**

Maier moved, Spada seconded that the minutes be approved as amended

4 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

Calarco Motion, Brewer seconded @ 7:02 to go into attorney/client privilege.

4 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

Maier Motion, Spada seconded @7:10 to come out of attorney client privilege.

4 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, 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):**

**Love Lutheran Church published on 12-1-18**

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public hearing open 7:08 p.m. on December 10, 2018

public hearing on hold until the January 14, 2019 meeting.

public hearing on hold until the February 11, 2019 meeting

Love Lutheran Church  
114 Birchwood Dr.

Z777-18/R-20/117.12-5-30

Proposed- Area Variance

Michael Groff, land surveyor from Insite Northeast and John Busdecker Church administer were present for this meeting.

Mr. Groff stated the church would like to do a subdivision to take the single family home off the church lot and sell it to pay off some of their debt. They are here because they need a variance for the lack of frontage. The zoning requires 150 feet of frontage and they are short by 20 feet. Back in 2002 the church tried to convey a 15 foot strip of land to the neighbors because a part of their deck and a portion of their walk way were on the church property. To his knowledge the map was never filed with the county. And a deed was never sent to the church and the neighbor doesn't have a corrected deed either. Just recently everything was filed with the county by the new neighbor but he does not know what the deed stated a conveyance for 10 feet or 15 feet since he does not have an updated deed for the church. Without the deed he doesn't know what the true variance request should be.

Chairman Calarco asked when he will know the amount that is needed.

Mr. Groff stated he doesn't know when, they have put in a request for it they are just waiting.

Mr. Busdecker stated they have contacted their attorney to look into this issue.

Chairman Calarco stated you know there has been a purchase the property was indeed conveyed.

Mr. Groff stated correct they are just not sure if its 10 or 15 feet.

Mrs. Fuda stated they found out about this when the bank did a title search.

Mr. Groff stated correct.

Chairman Calarco asked if the house being subdivided have its own well and septic.

Mr. Groff stated he believes it has its own town water and sewer connection.

Chairman Calarco asked for prof of the water and sewer connection.

Mr. Groff stated he will get that for the board.

Chairman Calarco asked is that 40,000 sq. ft. lot with the new lot line adjustment shown on the plans

Mr. Groff stated the maps show a 15 foot transfer to the neighbor.

Chairman Calarco asked Mr. Busdecker to answer the question about the road.

Mr. Busdecker stated the town plows the road up to the end after the second house, but they use to plow around the church.

Open for public comment.

Andy Brick attorney spoke to the board on the merits of this application, regarding the road, lot size, and frontage also stating the application and the notice for the variance are wrong due to the fact that the applicant is unable to verify what it is they need to do to complete this transaction, and they need to be redone. Because of the issues the board cannot and should not take action tonight.

Mr. Busdecker stated the church will have no issues granting any land to the town to be able to extend this road, they are only looking to sell they parsonage and put it back on the tax rolls, they need to pay off their debt of \$150 thousand that they acuminated trying to put in the senior housing. If they are unable to do this then they will be forced to sell to a developer.

Chairman Calarco the board and the applicant agreed to keep this public hearing opened for the applicant to bring in the information that was discussed tonight.

## **ADJOURN**

Calarco moved, Spada 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