

ZONING BOARD OF APPEALS COUNTY OF RENSSELAER

TOWN OF SCHODACK

THE ZONING BOARD OF APPEALS

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter
commencing on June 22, 2020 at 7:00 p.m. at Town Hall,
265 Schuurman Road, Castleton, New York

BOARD MEMBERS:

DAVID CALARCO, CHAIRMAN
EDWARD BREWER
ANTHONY MAIER
LOU SPADA
BOB LOVERIDGE

ALSO PRESENT:

CRAIG CRIST, ESQ., COUNSEL TO THE BOARD
NADINE FUDA, DIRECTOR OF PLANNING AND ZONING
MELISSA KNIGHTS, SECRETARY
DAWNE KELLY
DENNIS MCGLAUFILIN, VIA ZOOM CONFERENCING
STACY FALASCO, VIA ZOOM CONFERENCING
CHRIS MCCAULEY, VIA ZOOM CONFERENCING
LEE WETHERBY, VIA ZOOM CONFERENCING
KEITH ZIMMERMAN, VIA ZOOM CONFERENCING
JULIA GENSICKI, VIA ZOOM CONFERENCING

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1 CHAIRMAN CALARCO: Good evening. I would like
2 to call this meeting of this Schodack Town Board of
3 Appeals to order, please.

4 Welcome back, gentleman. It has been a while.
5 I hope everyone is doing okay. We have quite an
6 ambitious agenda tonight. I will thank everyone
7 again once more for being so accommodating to
8 agree to have the special meeting so that we can
9 handle and hear some of these requests for the
10 citizens who have been waiting as much as three or
11 four months. Hopefully we will get to do that
12 tonight.

13 The first thing on our agenda is the approval
14 of minutes and those minutes were, believe it or
15 not, from way back in November. If you will
16 remember, that was the night we did the Stewart's
17 application for the water quality. Those minutes
18 were recorded by our stenographer, so they are on
19 record as being verbatim. This is just to show
20 what we did.

21 If anybody has any changes or questions about
22 it -- otherwise, can I have a motion to accept?

23 MR. SPADA: I'll make that motion.

24 CHAIRMAN CALARCO: Mr. Spada.

25 MR. MAIER: I'll second.

1 CHAIRMAN CALARCO: Mr. Maier, second.

2 All those in favor?

3 (Ayes were recited.).

4 Mr. Loveridge, you weren't here and you don't
5 get to vote.

6 Let's move onto item number two which is
7 Dennis and Christine McGlauflin. This is on 2
8 Pinewood Avenue, proposed front porch/front yard
9 setback.

10 Can you read the notice, please?

11 MS. FUDA: Please take notice the Zoning Board
12 of Appeals of the Town of Schodack will conduct a
13 public hearing on Monday, June 22, 2020 at 7:00 PM
14 Dennis and Christine McGlauflin of 2 Pinewood Avenue
15 for a proposed area variance for a front yard
16 setback for a new porch.

17 The application is available for review by
18 emailing nadine.fuda@schodack.org or calling the
19 planning office at 518-477-7938. You may email
20 your comments and on the application, or by phone
21 in during the meeting at 518-376-7875 or mail
22 Nadine Fuda, Town of Schodack, 265 Schuurman Road,
23 Castleton, New York. Please check the meeting
24 agenda posted on the Town's website at
25 www.schodack.org for information on the virtual

1 meeting.

2 CHAIRMAN CALARCO: For the record, this was
3 submitted to the Rensselaer County Bureau of
4 Economic Development and Planning. After reviewing
5 they had determined that the proposal does not have
6 a major impact on county plans and local
7 consideration shall prevail.

8 Also, this was at the Planning Board at the
9 last meeting on the 15th of June.

10 MS. FUDA: No, she was in February.

11 CHAIRMAN CALARCO: So, this was way back in
12 February, but they were given a favorable -

13 MS. FUDA: Yes.

14 CHAIRMAN CALARCO: So, gentlemen, I guess we
15 have to pay attention to the screen up here. Who is
16 representing the applicant tonight?

17 MS. KELLY: Christine is here.

18 CHAIRMAN CALARCO: Great. Mrs. McGlaulin, If
19 you could please make your appeal to the Board and
20 what it is you're looking to do?

21 MS. MCGLAUFLIN: Yes, right now we have a
22 cement staircase and that was making water go behind
23 it and it was ruining our foundation. So, we took
24 that down and my husband put up four steps to get
25 into the house. We would like the builders to build

1 new stairs and while we're doing that, we were hoping
2 to put a little overhang. So, it would be about four
3 by six.

4 CHAIRMAN CALARCO: Gentlemen, this is a very
5 straightforward application, well presented by
6 pictures etcetera, so you can see really see what's
7 going on. This first one should be easy, anyway.

8 You made site visits and saw this. It's on a
9 corner lot, so this automatically makes this
10 previously nonconforming in that they don't meet
11 any of the current setbacks for that.

12 So, they want at this porch on the front
13 which would be covered and the porch is
14 approximately six feet wide by four feet deep on
15 the front of their house.

16 Don't be confused by the application here. If
17 you remember correctly, we do not count the
18 stairs. It's the footprint of the porch. We
19 traditionally have not counted the stairs because
20 it's just the footprint. So, this really makes
21 this much simpler, or I should say less of an
22 encroachment.

23 Are there any questions for the applicant
24 that you might have?

25 MR. SPADA: Is there a railing that is going to

1 be on the stairs?

2 MS. MCGLAUFLIN: Yes, there will be. There is
3 like four stairs right now with a little platform
4 with a rail. Yes, there will be rails on the next
5 one.

6 MR. SPADA: Okay, thank you.

7 CHAIRMAN CALARCO: Any other questions for the
8 applicant?

9 MR. MAIR: I probably missed it somewhere, but
10 how much bigger is this than the old one?

11 MS. MCGLAUFLIN: It's only about four foot on
12 either side bigger. Right now it's a makeshift one
13 right now. That one is four feet right now. We kind
14 of wanted the platform to be a little wider.

15 MR. MAIR: It's a non-conforming -

16 CHAIRMAN CALARCO: No, it's non-conforming but
17 whenever you put in addition, even if it's something
18 as small as this porch you're expanding that
19 non-conformity. So, that's why they come to us.
20 These small -- they're very easy, versus someone
21 that wants to put on an 8,000-foot addition.

22 Okay, if there's no other questions from us,
23 gentlemen, I will, at this point, open up the
24 public comment. We will wait approximately four or
25 five minutes for people to call in to give them an

1 opportunity to call or text or whatever.

2 Anyone from the public who would like to make
3 comment, please give the phone number again
4 please?

5 MS. FUDA: 518-376-7875.

6 CHAIRMAN CALARCO: We can just wait a few
7 minutes and afford the opportunity for folks to
8 comment.

9 (A pause was allowed for the public to
10 contact the Board with their comments.)

11 MS. FUDA: There are no emails or texts at this
12 time.

13 CHAIRMAN CALARCO: Okay, gentlemen it doesn't
14 look like we are having any requests for public
15 comment. So, I will close the public comment period.

16 This should be fairly straightforward. Let's
17 do our criteria first.

18 Can this benefit be achieved by other means
19 feasible to the applicant? No. The front of her
20 house is the extension.

21 Will the request change the neighborhood's
22 character or two nearby properties? Not at all.

23 Will the request be substantial? Not
24 substantial.

25 Will the request have an adverse physical or

1 environmental effect? I don't see any.

2 Is the alleged difficulty self-created? By
3 law, it is.

4 So, can I have a motion -- I will say that
5 this is a Type II action under SEQRA. We are not
6 required to do a SEQRA Resolution.

7 MR. CRIST: I would just say this Chairman: The
8 Resolution is to brand a Type II -

9 CHAIRMAN CALARCO: I will make a Resolution
10 that this is a Type II action.

11 MR. SPADA: (Raises hand.)

12 CHAIRMAN CALARCO: Seconded by Mr. Spada.
13 All in favor?

14 (Ayes were recited.)

15 So, if you like, I will make the motion to
16 grant a variance for a covered front porch to be
17 approximately six-foot wide by four-foot deep, not
18 including the stairs.

19 MR. BREWER: Something about the railings -

20 MS. FUDA: No, that's Code.

21 CHAIRMAN CALARCO: So, that's my motion to
22 grant the variance, not including the steps.

23 Do I have a second?

24 MR. LOVERIDGE: I'll second.

25 CHAIRMAN CALARCO: Mr. Loveridge seconds.

1 Is there discussion on the motion?

2 (There was no response.).

3 Okay, gentlemen, if is no further discussion,
4 we will take a vote.

5 (The roll was called by Ms. Fuda and the
6 motion was carried unanimously.).

7 Mrs. McGlauflin, you're all set. You need to
8 contact Nadine or somebody at the office here and
9 they will tell you exactly what the next step will
10 be.

11 MS. MCGLAUFLIN: Thank you, very much. Have a
12 good night.

13 CHAIRMAN CALARCO: You too.

14 Next on the agenda is Stacy Falasco, 1003
15 River Road. This is a garage and carport.

16 Can you read the notice?

17 MS. FUDA: Please take notice the Zoning Board
18 of Appeals of the Town of Schodack will conduct a
19 public hearing on Monday, June 22, 2020 at 7:00 PM
20 Stacy Falasco at 1003 River Road for a proposed area
21 variance for a front yard setback, new garage and
22 carport.

23 The application is available for review by
24 emailing nadine.fuda@schodack.org or calling the
25 Planning office at 518-477-7938. You may email

1 your comments on the application or by calling in
2 during the meeting at 518-376-7875 or your
3 comments can be mailed to Nadine Fuda, Town of
4 Schodack, 265 Schuurman Road, Castleton, New York.
5 Please check the meeting agenda posted on the
6 Town's website at www.schodack.org for information
7 on the virtual meeting.

8 CHAIRMAN CALARCO: Okay, Ms. Falasco, can you
9 make your appeal to the Board and tell us exactly
10 what you're looking to do?

11 MS. FALASCO: We want to put a half-carport and
12 a single-car garage on an existing concrete pad
13 that's already been poured on the existing driveway
14 that was here. It would not extend beyond the front
15 of the house. So, it would line up with the house in
16 terms of how far away it is from the road. It is
17 more than 10 feet away from my neighbor along
18 outside of the house - from the property line. The
19 actual house on that property is even abandoned. So,
20 I haven't seen any interference with it, but again I
21 already have the concrete slab poured on the
22 existing driveway.

23 It would be a 10 x 20 garage attached to a 10
24 x 14 carport, so I would have two spots in the
25 driveway.

1 CHAIRMAN CALARCO: Okay, thank you.

2 MS. FALASCO: Can I also say one other thing?

3 If anyone is concerned about the optics, it will
4 match the siding that is currently on the house. So,
5 it will be the same color as the house; the white
6 door, white posts on the carport side as well,
7 professionally installed. It's being built by a
8 carrier down in Red Hook and its being built by
9 Amish people. So, it's going to be very sturdy. You
10 should have the drawings, as well, from them.

11 CHAIRMAN CALARCO: Yes, we do, thank you.

12 Gentlemen, this is again pre-existing
13 nonconforming. All those properties down there
14 they've been there forever in the setbacks --
15 there were no setbacks. I think what she's
16 proposing here is a setback of the setback of the
17 existing house.

18 You have made your site visits and you'll
19 notice right behind that concrete pad, the ground
20 slopes off tremendously. Right behind her is the
21 railroad tracks and wetland. I don't really know if
22 it's feasible to push it farther back and that's
23 what she's proposing -- just so you're clear as to
24 what the drawing shows.

25 Does anyone have any questions for the

1 applicant?

2 MR. SPADA: I do. The pad that is there now --
3 is that what the size of the garage is going to be,
4 or is that the approach to the garage?

5 MS. FALASCO: There is an approach going up and
6 the pad is going to be beyond that. There's actually
7 a line that predates the ramp up to the garage and
8 carport in addition to -- I think it was called the
9 curtain or something like that in front. So, that
10 platform that you see there - - the garage is like
11 five feet beyond that.

12 MR. SPADA: Okay, that's what I wanted to know.

13 MS. FALASCO: It will line up exactly where the
14 house is.

15 MR. SPADA: Okay, thank you.

16 CHAIRMAN CALARCO: There is an apron where the
17 garage starts. The garage will be at the setback of
18 the house.

19 Anyone else?

20 (There was no response.).

21 Okay, at this point I'm going to open up the
22 public hearing.

23 Please read that phone number one more time.

24 MS. FUDA: If anyone wants to call or text and
25 now on this application, it's 518-376-7875.

1 CHAIRMAN CALARCO: We will give it a couple
2 minutes to see if someone wants to make comment.

3 (A pause was allowed for the public to
4 contact the Board with their comments.).

5 There seems to be no public comment. I will
6 close the public comment period.

7 Okay, gentlemen, we will address the criteria
8 on this one.

9 Whether the benefit can be achieved by other
10 means feasible to the applicant? I don't see how
11 she could do it on that lot.

12 Undesirable change in neighborhood character
13 of two nearby properties? I don't believe it will.
14 They are all like that.

15 Whether the request is substantial? I think
16 in this case, it is pretty substantial being 15
17 feet from the road.

18 Does anybody agree/disagree?

19 Okay, it looks like we are in agreement.

20 Whether the request will have adverse
21 physical or environmental effects? I don't believe
22 that it will.

23 Whether the alleged difficulty is
24 self-created? It is self-created, under the law.
25 So, it is substantial, she is moving this thing

1 where the house is. Moving any further back -- I
2 just don't see the need to do it. Keep that in
3 mind.

4 Lets do our SEQRA. I will make a motion again
5 that it is a Type II action. Do I have a second?

6 MR. LOVERIDGE: I'll second.

7 CHAIRMAN CALARCO: Mr. Loveridge seconds.

8 All in favor?

9 (Ayes were recited.).

10 Opposed?

11 (There were none opposed.).

12 Okay, there is no SEQRA requirement for that.

13 Okay gentlemen, do we have a motion to grant
14 or deny this variance? Someone want to make it?

15 MR. BREWER: I'll make it.

16 CHAIRMAN CALARCO: Motion to grant a variance
17 for the one-car garage and carport, as per the
18 dimensions on the plan.

19 MR. SPADA: I'll second.

20 CHAIRMAN CALARCO: Mr. Spada seconds that.

21 Discussion on the motion?

22 She's already told us that will be light
23 construction.

24 We may just put that as a condition on this
25 variance, Ms. Falasco, just so the Building

1 Inspector is clear that it will be light
2 construction on your house.

3 MS. FALASCO: Okay.

4 CHAIRMAN CALARCO: That will be the condition.
5 I think everything else is pretty much taken care
6 of.

7 If there's no further discussion on the
8 Resolution, call the roll, please.

9 (The roll was called by Ms. Fuda and the
10 motion was carried unanimously.)

11 Okay, ma'am you're all set.

12 MS. FALASCO: Thank you, so much.

13 CHAIRMAN CALARCO: You need to contact Nadine
14 for the next step for the Building Inspector and
15 permit and you will have to sign a copy of this
16 variance just for the record so you understand that
17 you are in agreement, etcetera.

18 Thank you much and have a nice night.

19 MS. FALASCO: Thank you all very, very much.
20 Stay safe.

21 MS. FUDA: Let's go onto the next ones and we
22 will come back to Mr. McCauley. We have people
23 waiting.

24 CHAIRMAN CALARCO: So, we will go on to the
25 next one. This is Lee Wetherby, 648 River Road. This

1 particular application is over on the coverage.

2 MR. WETHERBY: I was told it was 10%. I'm not
3 sure exactly.

4 CHAIRMAN CALARCO: Okay. I appreciate it, but
5 we want to do this in order for the record so that
6 stays the same. Let Nadine read the notice and then
7 will start the actual request for the variance.

8 MS. FUDA: Please take notice the Zoning Board
9 of Appeals of the Town of Schodack will conduct a
10 public hearing on Monday, June 22, 2020 at 7:00 PM
11 Lee Wetherby at 648 River Road for a proposed area
12 variance on 10% coverage of new garage.

13 The application is available for review by
14 emailing nadine.fuda@schodack.org or calling the
15 Planning office at 518-477-7938. You may email
16 your comments on the application, or by calling in
17 during the meeting at 518-376-7875 or you can
18 email to Nadine Fuda, Town Hall, 265 Schuurman
19 Road, Castleton, New York, 12033. Please check the
20 meeting agenda posted on the Town's website at
21 www.schodack.org for information on the virtual
22 meeting.

23 CHAIRMAN CALARCO: This was also sent to
24 Rensselaer County Economic Development and they
25 determined it has no effect on County plans and

1 local consideration shall prevail. This did receive
2 a favorable recommendation by the Planning Board.
3 It's all on the record. Thank you.

4 So, please tell the Board exactly what you're
5 asking for in the variance.

6 MR. WETHERBY: The plan for the garage --
7 they're going to excavate an area of 24 x 24 and
8 remove all the dirt, install 10-inch crusher run and
9 that will be added to my existing driveway. They're
10 going to create a 24 x 24 slab and pour concrete
11 onto that slab. The slab layout is five to six feet
12 off of my fence line. I don't know if you have the
13 site plan that I drew up. I know that is five feet,
14 so I put six just to create a little more space.

15 From that - - it's called a kit. There are
16 materials from Curtis Lumber and it's a two-car
17 garage and it has a storage area in the rafters.
18 It has vinyl siding, which will match our house
19 and it will fit right in as far as the house
20 compatibility and as far as looks goes. We will
21 continue to eventually have a paved driveway to
22 it. That is basically it.

23 CHAIRMAN CALARCO: Alright gentlemen, the issue
24 this particular application presents is because the
25 lot is so small -- .3 acres, 13,068 square feet and

1 because of the fact that there is the footprint of
2 the house and 156 square feet for a front porch and
3 there's a deck which is 240 square feet. On the
4 listing here it lists a shed of 80 feet.

5 MR. WETHERBY: That shed is no longer there.

6 CHAIRMAN CALARCO: I did see that you removed
7 that shed.

8 MR. WETHERBY: Yes, that shed is no longer
9 there. There's 80 feet that I have gained. I forgot
10 to mention that.

11 CHAIRMAN CALARCO: I'm just letting them know
12 that on their listing which is based on -- there was
13 a shed listed and it's on this plan. So, I did note
14 that you removed the shed, so I will note 8 x 10
15 shed removed. The issue at this point -- the
16 proposed structure is 576 square feet. So, if you
17 add that the existing coverage including taking away
18 the 80 square feet for the shed, that puts the
19 coverage at 1,844; 10% coverage would be 1,306 and
20 this is going to put them at about 538 feet more
21 over in coverage. So, if you do the math, this will
22 be about just a smidge over 14% coverage on that
23 lot. The 15% coverage is 1,960; 14% is 1,829.5 and
24 this is just a little bit larger than that. That's
25 still pushing -- we are at 14% coverage on the lot.

1 MR. WETHERBY: I understand that, yes.

2 CHAIRMAN CALARCO: Any questions to the
3 applicant?

4 I'm talking to my Board, sir. I am glad that
5 you were listening. I was just letting them know -

6 MR. WETHERBY: My neighbors have had the same
7 garage right next door. It's basically the same one.
8 So, it's like, why can I?

9 CHAIRMAN CALARCO: I didn't say that you
10 couldn't have it yet. We haven't even gotten that
11 far.

12 MR. WETHERBY: Okay.

13 CHAIRMAN CALARCO: Lee, this is Ed Brewer. Who
14 owns directly behind you?

15 MR. WETHERBY: The lot behind us belongs to Joe
16 Downey.

17 MR. BREWER: Does he have a house on the
18 property somewhere?

19 MR. WETHERBY: No, behind me, no.

20 MR. BREWSTER: So, there's no neighbor

21 MR. WETHERBY: In the back area there are no
22 issues there. The lot is empty and I don't think
23 it's big enough to put a house on there. It does
24 belong to Joe Downey.

25 MR. BREWSTER: Thanks.

1 CHAIRMAN CALARCO: So, I have a question for
2 you. The well -- it's not used -- right underneath
3 where the garage is going to be?

4 MR. WETHERBY: There was a drilled well there
5 by the previous owner. It only produces one-half
6 gallon per minute of sulfur water. It is of no
7 value.

8 CHAIRMAN CALARCO: So, it is not used, but what
9 is your plan for sealing that well before you build
10 this?

11 MR. WETHERBY: I didn't know there was an
12 issue. We would just fill it in, I'm assuming.

13 CHAIRMAN CALARCO: I'm just making you aware
14 because we do have a law -

15 MR. WETHERBY: I would assume that it would be
16 filled in by a contractor. I didn't discuss that
17 with him, but if it has to be filled in a proper
18 way, that could be done.

19 CHAIRMAN CALARCO: There is a law in Town that
20 requires that if you have an abandoned well and
21 you're going to abandon it permanently, to fill it
22 and you have to use bentonite or something like that
23 to fill it in. I don't know if that would apply
24 here, but I just wanted you to be aware.

25 MR. WETHERBY: Where would I get that

1 information?

2 CHAIRMAN CALARCO: I believe our Building
3 Inspector would know. We just wanted you to be
4 aware.

5 MR. WETHERBY: I have discussed this with him
6 and he didn't mention anything about it.

7 CHAIRMAN CALARCO: So, this is a package garage
8 that you buy from Curtis, you said?

9 MR. WETHERBY: Yes, Curtis Lumber. There was
10 one that was put up on Maple Hill Road. It is
11 exactly the same one.

12 CHAIRMAN CALARCO: Does this is package come in
13 other sizes?

14 MR. WETHERBY: Unfortunately, no.

15 CHAIRMAN CALARCO: Okay.

16 MR. WETHERBY: I would prefer the size. Our
17 house is very small so it's not only to store cars,
18 it is for storage.

19 CHAIRMAN CALARCO: Okay, my reason for asking
20 was simply because we tried to present this Board
21 with options. What we have here - and I know you
22 don't understand this - our job is to help you out
23 here. The fact is that our law allows 10% coverage.
24 This Board has traditionally not granted variances
25 at 14 plus or minus. What happens is when we start

1 granting over 14%, we now in essence made the 10%
2 law meaningless. Because once we grant 14 plus or
3 minus, it's very difficult for us to say to somebody
4 else you can't have the same variance.

5 MR. WETHERBY: I can understand that, but
6 granted all lots are small down here. You're not
7 living in a development like Castle Ridge where the
8 lots are much bigger. This is it. I'm not trying --
9 I can't make my lot in a bigger.

10 CHAIRMAN CALARCO: It's not a matter of the
11 square footage of your lot, it's a percentage of no
12 matter what size lot. If you have 1,000 square feet,
13 you get 10%. If you have 20,000 square feet, you get
14 10%. So, the percentages are fair as a percentage.

15 If you have a small lot, you're right, it
16 affects you more because you want the same size
17 garage that your neighbor or somebody else has.
18 When you look at the numbers -- our dilemma, just
19 so you understand our predicament, if we grant
20 this it sets a precedent for this Board to then
21 say we granted 14% to Mr. Wetherby down in the
22 landing. How can we deny somebody else the same
23 14%? It makes it very difficult. That's why I
24 asked you if there was another size garage.

25 MR. WETHERBY: I personally would want a

1 two-car garage. That is my goal.

2 CHAIRMAN CALARCO: I have a two-car garage at
3 my house, too, but a two-car garage could easily be
4 21 x 24.

5 MR. WETHERBY: That's going to cost me more
6 because than it's no longer the kit.

7 CHAIRMAN CALARCO: As much as you don't want to
8 hear this, cost is not a consideration for us. Just
9 because it would cost you more, doesn't mean that's a
10 consideration for us. We are more concerned with the
11 fact that once we grant that 14%, we're going to
12 have to continually grant that 14%. We have tried on
13 this Board to be consistent and not grant anything
14 close to that simply because it puts us in a very
15 difficult position of ever saying no to someone.

16 If there's some circumstance that I missed,
17 gentlemen, maybe there's some insight here.

18 Mr. Spada, anyone have something that I'm
19 missing that would make it easier for us to grant
20 this 14% coverage?

21 MR. SPADA: You say it very plainly that the
22 current plan is the current Code gives a leeway of
23 10% and that's the Planning Board or the Town passed
24 that law and we are here to uphold that law, or as
25 close to it as we can. If it was 10.2 but now we are

1 4% over, you kind of put us in a predicament. That's
2 just my opinion. Not that we haven't had this come
3 up before and had to deal with it.

4 CHAIRMAN CALARCO: So, that's going to be the
5 dilemma that we wrestle with. This 14% -- is this
6 going to lock us in the future to all applications
7 that now want coverage? I am charged under the law,
8 just so that you know, Mr. Weatherby, that we are
9 supposed to grant the minimum variance necessary.
10 That means to achieve what you are trying to achieve
11 which is a two-car garage, but also to satisfy the
12 Board's concerns about things like setting a
13 precedent, granting something that down the road we
14 would have to live with for every application that
15 we go through that was the same. For instance, I
16 could see everybody in Schodack Landing wanting 14%
17 coverage simply because the lots are all small.

18 MR. WETHERBY: Not to disrupt you, but, I know
19 of homes that are way over that down here. They have
20 no issues. Now because I want the garage, it's an
21 issue.

22 CHAIRMAN CALARCO: You're wrong. I think you're
23 wrong, I'm sorry. It's not because you want the
24 garage that's an issue. Whether it was you or Mr.
25 Jones or Mr. Smith, this is the same exact

1 discussion we would have with everybody. I don't
2 even know you, sir. There's nothing personal with
3 this Board -

4 MR. WETHERBY: What you are saying to me, sir -
5 you're concerned about because you did it for me for
6 14% and you're going to have to do it for others.
7 There are other lots down here in Schodack Landing
8 that are way over that.

9 CHAIRMAN CALARCO: How do you know that, sir?
10 you know the size of their lot?

11 MR. WETHERBY: I know, sir.

12 CHAIRMAN CALARCO: I will tell you right now
13 that this Board -- and I've been on this Board
14 almost 20 years now and I've been a Chairman for 15.
15 This Board has never granted 14%.

16 MR. WETHERBY: Then, whether they were granted
17 legally through the Town or not, there are lots in
18 Schodack Landing that are way over that as far as
19 coverage goes. I don't know how they did it or if
20 maybe they didn't do it right, I'm trying to do it
21 correctly. I'm doing it the way I'm supposed to be
22 doing it, to uphold the law and do this correctly.
23 That's all I'm trying to do.

24 CHAIRMAN CALARCO: As soon as I mentioned the
25 fact that there is a possibility that this Board may

1 not grant that, you're trying to make a case with us
2 that you could have been an outlaw and done this
3 without going through the proper channels. I don't
4 think that's a good attitude to take.

5 MR. WETHERBY: Sir, I had a very hard time
6 hearing. It's muffled and it's very difficult to
7 hear you. The other lady who was here earlier, she
8 had to put her head right next to her speaker. I'm
9 having a very hard time hearing you.

10 CHAIRMAN CALARCO: At this time, I'm opening it
11 up to the public comment. So, we can hear from
12 anyone who wants to make comment.

13 MS. FUDA: If anyone would like to make comment
14 now, please text or call in at 518-376-7875.

15 For the record, I did have his neighbor call
16 in, Mr. Joe Downey, who said he had no issues with
17 the garage. He actually came in and looked at the
18 map and had no issues with the garage.

19 CHAIRMAN CALARCO: So, we will give it a couple
20 of minutes.

21 (A pause was allowed for the public to
22 contact the Board with their comments.).

23 Any other comment?

24 MS. FUDA: No, no other comment.

25 CHAIRMAN CALARCO: Okay, I will close the

1 public hearing portion.

2 Okay gentlemen, any thoughts on this before
3 we go to our criteria?

4 MR. SPADA: We have been put into a position
5 where we have to go with the percentage that we have
6 never went to before and something that is not
7 intended by law. I think that's the decision that
8 the Board has to make. We've never been in that
9 water before. I think it will set a precedent that
10 we will have to continue doing. That's just my
11 opinion.

12 MR. MAIER: As far as a precedent, each case is
13 on its own merit base. You've got a little bit of
14 wiggle room there, so you're not definitely stuck
15 with a high percentage.

16 CHAIRMAN CALARCO: Tell me that there aren't 70
17 properties in Town or maybe 150 other properties in
18 the Town that have the same kind of situation. They
19 would love to have 14% coverage, but Dave said no.

20 What people don't understand is that the Town
21 can change this law any time they like. The Town
22 Board can say we're not going to allow this much
23 coverage for everybody in the Town of Schodack.
24 Until they do that, if we start granting variances
25 that are this liberal, it makes the Code itself

1 meaningless. The 10% doesn't mean anything.

2 So, again I'm going to ask one more time. Mr.
3 Weatherby, is there any way you can change the
4 size of this garage a little bit to give us some
5 cover so that it drops below that 14%? Is there
6 any way you can possibly cut the size of the
7 garage down a little bit to give us some cover
8 from this 14%?

9 MR. WETHERBY: I would prefer not to.

10 CHAIRMAN CALARCO: Even if it means being
11 denied?

12 MR. WETHERBY: Your point to me, sir, was how
13 do I know what my neighbors have for land coverage?

14 CHAIRMAN CALARCO: I don't really care about
15 that, Mr. Weatherby. We are looking at your property
16 and this 14%. I don't care about your neighbors. If
17 your neighbors have an issue, you can take that up
18 with them.

19 MR. WETHERBY: Can I make one point?

20 CHAIRMAN CALARCO: Yes.

21 MR. WETHERBY: As I said, as you said to me,
22 how do I know what my neighbors coverage is? It's
23 the same thing that goes here. How do they know that
24 I'm 14% over, 11% over, 15% over?

25 CHAIRMAN CALARCO: They don't.

1 MR. WETHERBY: Can I finish, sir?

2 CHAIRMAN CALARCO: Yes.

3 MR. WETHERBY: About 90% of the people that
4 live in Schodack Landing don't care. I'm just
5 improving my property and I'm making it for
6 something that I want on my property and you're
7 telling me I can't have it. I'm making my property
8 more valuable so there is more tax coming in. I'm
9 upgrading my home as geothermal. I making my home
10 more valuable to make it more when I leave -- when I
11 leave this earth it will be more valuable.

12 I understand that it's the law and the
13 various Boards are there to make exceptions. What
14 you're telling me is that because you make one
15 exception for me, everybody else is going to want
16 that. What I'm saying to you and more or less what
17 you have said to me is that: How do these other
18 people know how much coverage I have? That is my
19 point.

20 CHAIRMAN CALARCO: I don't care if they know,
21 sir. We're not considering whether your neighbors
22 know you have coverage. What we are saying is that
23 the record shows that this Board will have granted
24 that coverage. Once I granted for you -- once this
25 Board grants it, we are held by law to that

1 precedent. The law says we can't just go back and
2 forth. Mr. Wetherby is 14%, but Mr. Jones doesn't
3 get 14. The law says we have to be consistent and we
4 are bound by that. That's why we are so concerned
5 about a precedent. It has nothing to do with your
6 property or you.

7 MR. WETHERBY: Can you tell me in the past,
8 sir, in Schodack Landing of homes or things that
9 have been done that have gone over, or is there a
10 place that I can find that so I can justify --
11 you're telling me I can't go over 14% but I have a
12 right to go through the records and find out if
13 there's anybody else in Schodack Landing that has
14 gone over that. If I find that, then your argument
15 is right. I have that right.

16 CHAIRMAN CALARCO: What you are going to find
17 is that these people have done it either illegally
18 without consent -- because this Board has never
19 granted 14%. So, you will never find a variance for
20 14%. You will find people that may have built
21 something illegally, but you will never find a
22 variance.

23 MR. WETHERBY: It's like you want me to change
24 my mind and do a smaller garage and I want you to
25 change your mind to allow me to build the size

1 garage that I want.

2 CHAIRMAN CALARCO: I have four other members
3 and my feeling from these other members is that they
4 are not on Board.

5 MR. WETHERBY: I will abide by your decision.

6 CHAIRMAN CALARCO: The decision to either grant
7 or deny, but you don't want to go smaller.

8 MR. WETHERBY: I would rather not. I would have
9 to do some more due diligence in finding this out.
10 I've been working on this for about two and half
11 years now and gathering information. I didn't know
12 about land coverage until I presented a site plan.

13 CHAIRMAN CALARCO: Mr. Wetherby, I guess what
14 I'm trying to do is I'm trying to get you -

15 MR. WETHERBY: You're trying to put me into a
16 20-foot garage that I don't want to go into. That's
17 what you're trying to do.

18 CHAIRMAN CALARCO: But you would at least still
19 have a garage. If this Board denies you, you can't
20 come back. You don't get a second do over.

21 MR. WETHERBY: Well, then I will have to do
22 within the law where I won't have to go to

23 CHAIRMAN CALARCO: Again, you're already over
24 the coverage and you can't put anything else on that
25 property. You can't put so much as a mailbox.

1 MR. WETHERBY: So, you are telling me that if
2 you deny me, I cannot get a garage. Those are things
3 that the average person does not know.

4 CHAIRMAN CALARCO: Well, there is a thing on
5 the application that says you might want to consult
6 an attorney before you come for a variance.

7 MR. WETHERBY: I'm having a hard time hearing
8 you.

9 CHAIRMAN CALARCO: Let me speak for a minute
10 and don't try to talk over me.

11 There is something on the application that
12 you might want to consult with an attorney before
13 coming for a variance because it is a very legal
14 process. It's not just us deciding that we are
15 okay with your garage. This is a legal process. We
16 are bound by our decisions and so are you. My
17 point was if you don't want to agree to a smaller
18 garage, my gut feeling is that you will be denied
19 by this Board. Maybe they will prove me wrong and
20 they will vote yes, but my gut feeling is I don't
21 have members on-board here. If you are denied, you
22 cannot come back before us unless it is
23 appreciably different application.

24 MR. WETHERBY: Can you repeat that? I did not
25 understand it.

1 CHAIRMAN CALARCO: If you are denied by this
2 Board, you cannot come back, again for another
3 variance.

4 MR. WETHERBY: Ever?

5 CHAIRMAN CALARCO: It would have to be an
6 appreciably modified application and it would be
7 even smaller than what we are offering you.

8 I think this Board would be okay with a 21 x
9 24

10 MR. WETHERBY: I don't understand why if I had
11 a smaller garage that was under the 10%, why would
12 have to come back to you?

13 CHAIRMAN CALARCO: It's not under the 10%. You
14 can never - - right now you are over on your
15 coverage.

16 MR. WETHERBY: What size garage can I have
17 without having any issues?

18 CHAIRMAN CALARCO: I'm not sure what you mean
19 by issues.

20 MR. WETHERBY: The question is: What size
21 garage can I put up that will satisfy the Town Board
22 and the Zoning Board and if I even can put up a
23 garage without going over the allotment of whatever
24 it is.

25 CHAIRMAN CALARCO: Some of my members here are

1 inclined to go with an 18 x 24 garage which is 432
2 square feet. I suggested a 21 x 24. We don't know if
3 that will fly. We don't know.

4 MR. WETHERBY: Unfortunately, the 24 is the
5 width that I want for the garage. It's the width
6 that I want. You have to understand -- and if you
7 make that smaller, than it's no longer a two-car
8 garage. That's the problem because you are making it
9 deeper and not wider.

10 CHAIRMAN CALARCO: Again, my members are
11 talking and trying to figure out what would go. I
12 think what I am hearing is they would be willing to
13 grant or at least consider granting a variance for
14 garage that was 20 x 24.

15 MR. WETHERBY: That's 24 feet wide and 20 feet?

16 CHAIRMAN CALARCO: However, you want to do it;
17 24 x 20 - 20 wide or 20 deep, it doesn't matter to
18 us is the square footage of 504.

19 MR. WETHERBY: I would agree to that.

20 CHAIRMAN CALARCO: So, if that's what we can
21 do, gentlemen, if we get to that, we will make that
22 our Resolution.

23 Okay gentlemen, let's do our criteria.

24 MR. CRIST: Noted on a 20 x 24 revised
25 application.

1 CHAIRMAN CALARCO: I will. Everything will
2 apply to the consideration of a 24 x 20.

3 Can this benefit be achieved by other means
4 feasible to the applicant?

5 MR. WETHERBY: Again, I'm having a hard time
6 understanding you, sir.

7 CHAIRMAN CALARCO: This is for the record, sir.
8 We were just taking care of our business.

9 Can the benefit be achieved by other means
10 feasible to the applicant?

11 The benefit still make a smaller garage and
12 still have a two-car garage.

13 Undesirable change in the neighborhood
14 character? I don't think it will.

15 Is the request substantial? Obviously, very
16 substantial.

17 Will the request have adverse physical or
18 environmental effect? I don't think so.

19 Is it self-created? It is self-created.

20 So, this is very unusual that we have three
21 of these criteria that are not being met and we
22 are still wanting to accommodate this variance.

23 Can we do SEQRA? Motion for Type II action?

24 MR. MAIER: So moved.

25 MR. SPADA: (Raises hand.)

1 CHAIRMAN CALARCO: Mr. Maier and seconded by
2 Mr. Spada. All in favor?

3 (Ayes were recited.).

4 Okay, there is no SEQRA required.

5 The proposal is a modified application that
6 would be to grant a variance for a 20 x 24 480
7 square-foot garage on the same site as per the
8 map.

9 I will make that motion. Do I the second?

10 MR. LOVERIDGE: I'll second.

11 CHAIRMAN CALARCO: Mr. Loveridge seconds.

12 Discussion on the motion?

13 (There was no response.).

14 Any conditions would be whatever has to be
15 done to seal that well before he covers it --
16 whatever the Code requires, just make sure that
17 the Building Inspector is aware.

18 So, those are the conditions. Is there any
19 discussion on the motion?

20 (There was no response.).

21 Please call the roll.

22 (The roll was called and the motion was
23 carried unanimously.).

24 Mr. Wetherby, I'm sorry you didn't get
25 everything you were asking for, but you did get a

1 garage and you can call the Planning office and
2 they'll tell you what the next steps are for you.

3 MR. WETHERBY: Thank you, very much.

4 Dawne, thank you very much.

5 MS. FUDA: We are now going to back up to Chris
6 McCauley. He was number 4 on your agenda.

7 CHAIRMAN CALARCO: This is Chris McCauley, 1313
8 South Schodack Road. Proposal is an addition and
9 porch.

10 Please read the notice.

11 MS. FUDA: Please take notice the Zoning Board
12 of Appeals of the Town of Schodack will conduct a
13 public hearing on Monday, June 22, 2020 at 7:00 PM
14 for Chris McCauley, 1313 South Schodack Road and Van
15 Hoesen Road for a proposed area variance -- new
16 addition and front porch.

17 The application is available for review by
18 emailing nadine.fuda@schodack.org or calling the
19 Planning office at 518-477-7938. You may email
20 your comments on the application or by calling in
21 during the meeting at 518-376-7875 or your
22 comments can be mailed to Nadine Fuda, Town Hall,
23 265 Schuurman Road, Castleton, New York. Please
24 check the meeting agenda posted on the Town's
25 website at www.schodack.org for information on the

1 virtual meeting.

2 CHAIRMAN CALARCO: Again, this was also
3 submitted to Rensselaer County Bureau of Economic
4 Development and Planning and after review, they have
5 determined the proposal does not have a major impact
6 on project plans and local consideration will
7 prevail.

8 This went before the Planning Board on the
9 15th with a favorable recommendation.

10 Okay sir, make your appeal to the Board
11 please of what you would like.

12 MR. MCCAULEY: What we would like to do as we
13 are we are in a corner lot, so because we are on a
14 corner lot we have 52 feet on one side and I think
15 on the shortest corner it's about 60 feet. We
16 already have a deck on the front. We would like to
17 extend that deck out another 3 feet and make it nice
18 and acceptable for the community.

19 On the backside coming towards our neighbor's
20 property, but not towards the road, we would like
21 to put a two-story addition on for my work and
22 just have a little bit more living space for
23 ourselves. We are not encroaching on anybody. We
24 are not encroaching on the roads. The deck is
25 absolutely encroaching on the roads, but it's only

1 two more feet than what is existing. We would like
2 acceptance to do all of this.

3 CHAIRMAN CALARCO: Thank you, sir.

4 Members, do you have any questions for the
5 applicant here?

6 MR. LOVERIDGE: I have a question. Is the deck
7 going to be extended by two feet or three feet?

8 MR. MCCAULEY: Between two and three feet. I
9 would like to come out seven feet. The deck is about
10 four feet long now so that we would encroach to the
11 road about three more feet. The deck that I do have
12 now is dilapidated and disgusting in front of our
13 house.

14 Whatever you guys decide, I will go by. I
15 think I can make this house more acceptable and
16 nicer by pulling this deck down and putting a new
17 one up. The biggest thing is the addition.

18 MR. LOVERIDGE: Okay, thank you.

19 MR. MCCAULEY: It will look completely nice and
20 it will make the community look nicer when we do
21 these additions and increase our property value. It
22 will increase our taxes and we have no problem
23 paying those.

24 CHAIRMAN CALARCO: So, Mr. McCauley, you are
25 saying that in the front of your house is actually

1 on the Van Hoesen, correct?

2 MR. MCCAULEY: Technically, the front of our
3 house is considered South Schodack Road. The side of
4 the house which is technically the front of the
5 house by the way the house was built is on Van
6 Hoesen. Our mailing address is South Schodack. We
7 are literally coming out another three feet to
8 extend the deck so we can have a little bit more
9 living space and have some chairs out there and make
10 it feasible for all of us.

11 It's not going to look trashy. It's going to
12 look pristine. Whatever we have to do to comply
13 with the Zoning Board, we would be happy to do.

14 We also know that were going to make this
15 place look a lot better than it has.

16 I have lived here for 10 years. It had pigs,
17 goats and geese living inside of it. It was
18 disgusting. I have been here for the past 10 years
19 and I have done nothing but improve this property
20 and I continue to improve the property.

21 I am also in the works of finding another
22 property in South Schodack to help the community
23 and improve the value of another property, as
24 well. I'm here for the best interest of Schodack
25 and the people of this area.

1 CHAIRMAN CALARCO: Okay, members, any questions
2 you might have for the applicant?

3 MR. MCCAULEY: The only thing I want is the
4 best for this area.

5 CHAIRMAN CALARCO: That's fine. As I look at
6 your plan, this is a lot more clear as to the
7 relationship of where the buildings go and the
8 proposed relationship to your house. So, this makes
9 it a little easier for us to understand. I don't
10 think anyone here would have a particular problem
11 with what you're proposing, but it's the idea of
12 where it's going to be. This makes it a little
13 easier for us to understand for us to make a
14 decision.

15 In this case, because your house it is on the
16 corner, it is considered to have two front yards.
17 So, the addition you're putting on -- you get to
18 determine whether or not it's your back or your
19 side yard. Because it is a pre-existing
20 non-conforming structure and you are expanding it
21 by quite a bit with the addition, that's one of the
22 reasons that the Building Inspector denied it and
23 it has to come before this Board.

24 MS. FUDA: I just got an email from a resident
25 that says they can't hear the applicant.

1 CHAIRMAN CALARCO: Hold on. We're having a
2 technical issue.

3 MS. FUDA: We got an email from a resident that
4 says they're having a hard time hearing the
5 applicant. So, we are changing the batteries on the
6 microphone.

7 CHAIRMAN CALARCO: As I was just explaining,
8 the house being a nonconforming structure is the
9 reason why we had to come before the ZBA. The thing
10 that concerns me and I will let my other members
11 speak for themselves, is the existing deck facing
12 Van Hoesen. When I drove by, yes, it's kind of
13 falling down and it's been there quite a while. The
14 problem I have is if you extend that closer to Van
15 Hoesen, you're not only going to 16 feet between
16 there, but I would assume 16 feet between where the
17 proposed deck would be and the road.

18 MR. MCCAULEY: I measured it today. It was from
19 the existing corner of the existing deck.

20 CHAIRMAN CALARCO: To the road.

21 MR. MCCAULEY: Yes. So, we would be coming
22 another 2 feet over -

23 CHAIRMAN CALARCO: Yes, but that's not your
24 property line. The road is the road. Your property
25 line is about five or six feet or more back from the

1 road.

2 MR. MCCAULEY: Yes, I understand that
3 completely. So, what would be acceptable for you
4 with the size of the extension of the deck?

5 CHAIRMAN CALARCO: Discussed that and see what
6 the members would be okay with. I don't know. I know
7 what you're trying to do. He's trying to keep the
8 deck the same on both sides of the house which is
9 going to wrap around.

10 MR. MCCAULEY: Right. Do I need to make it
11 smaller by a little bit by a foot or so -- I have no
12 problem with that. I just didn't think that two feet
13 would've been an issue and if it is an issue, I have
14 no problem

15 CHAIRMAN CALARCO: The reason I bring it out is
16 because I don't believe there is 16 feet between
17 your deck and your property line. I think it's much
18 less. Maybe there is something where your property
19 line goes to the center of the road. I'm thinking
20 not on that road, though.

21 MR. MCCAULEY: What would be acceptable for you
22 to at least allow me to wrap this deck around the
23 house and make it look level?

24 MR. SPADA: Let me ask you just a question. The
25 original deck is four feet?

1 MR. MCCAULEY: Yes, sir and that's pre-existing
2 that's sitting there now.

3 CHAIRMAN CALARCO: Are there any other
4 questions?

5 MR. BREWER: Any coverage issue?

6 CHAIRMAN CALARCO: No coverage issue on this
7 lot. It's an extension and a further encroachment to
8 the deck. Well, extension of a pre-existing
9 non-conforming structure. He's adding all this on.

10 MR. BREWER: How much closer is it to the road?

11 CHAIRMAN CALARCO: That's one of the reasons
12 its non-conforming. Now, he's increasing the
13 non-conformity by three more feet.

14 MR. BREWER: I don't understand. The new
15 addition doesn't add anything -

16 CHAIRMAN CALARCO: It's the screening and the
17 size of a pre-existing nonconforming structure. He
18 can't do it without coming to us.

19 MR. MCCAULEY: I have no problem with leaving
20 the deck being the same with width that is existing
21 at the four feet, as long as I would be able to
22 bring it around. I would prefer that it went to the
23 original six feet that I propose. I am here to work
24 with you guys.

25 CHAIRMAN CALARCO: Give us a second please.

1 MR. LOVERIDGE: He's looking to expand the deck
2 from where it is and it's at four. We are concerned
3 about how close to the roadway it is. What would be
4 the dimensions be if we allowed him that one
5 additional foot all the way around the house?

6 CHAIRMAN CALARCO: The front is not a problem,
7 guys, I don't think. He's got plenty of room there.

8 MR. LOVERIDGE: I think he wants to make it
9 consistent.

10 Would you consider having different
11 dimensions on one side of the deck as opposed to
12 the other even though they connect?

13 MR. MCCAULEY: Absolutely. My property line,
14 when you come down Van Hoesen on the left corner of
15 the deck is at least seven or eight feet longer than
16 the right one. I have no problem bringing it down a
17 little bit.

18 I was just looking to put some chairs out
19 there and when you put chairs out there and you're
20 sitting there, you have to actually move the chair
21 out of the way when people walk by. I was just
22 looking to get some walking space.

23 MR. LOVERIDGE: Your deck dimensions that you
24 are looking for on your South Schodack side is seven
25 feet?

1 MR. MCCAULEY: Yes, it would be the same thing
2 on the Van Hoesen side, as well, if you accepted
3 that. Like I said, on the right corner, it's
4 smaller. As you come back towards South Schodack it
5 gets wider.

6 CHAIRMAN CALARCO: You're correct, Mr.
7 McCauley. It's at that corner of the house that's
8 the closest to Van Hoesen that we are concerned
9 about.

10 MR. MCCAULEY: Absolutely, and if we have to,
11 we angle it differently or do something that we can
12 comply with it, I would have no problem with it.

13 CHAIRMAN CALARCO: Would you be okay if we
14 granted? In other words, allowed you to have a seven
15 foot deck for most of that side and then as you get
16 to the back, you might have to angle it to keep it
17 away from the road.

18 MR. MCCAULEY: Absolutely. How far are we
19 talking so that I can comply with you guys? Every
20 foot is about another foot is further away from the
21 road. You guys know where I live and you would agree
22 that every foot is another foot of distance from the
23 road. So, if I bring it back to five feet, I'm okay
24 with that with the whole deck because it's easier
25 for me to make a five-foot straight line than it is

1 for me to make two five foot parallel - -

2 CHAIRMAN CALARCO: Let me ask you one other
3 question. Would you consider where the front door is
4 on that side of your house on the Van Hoesen side --
5 If we let you go down three or four feet past the
6 door with that deck and then go to a smaller deck -

7 MR. MCCAULEY: Absolutely, what I can do is if
8 we go four feet past the door, I can 45 it from that
9 four-foot section and come tight to the corner. That
10 would be fine. The only problem - and I was also
11 considering it in the future was to put an enclosure
12 around the deck - if it's raining or anything like
13 that so we would be able to sit out there during a
14 rainstorm. If I do that, it's going to be a very
15 tough situation for me to do. So, that's why I was
16 just trying to keep it equal for future reasons. I
17 would prefer to keep it uniform. What I'm asking is
18 in the right corner - how much would you allow me on
19 that deck? I will do whatever you want me to do, but
20 I would just prefer not to have the angle on it.

21 MR. BREWER: Explain to me what does the
22 addition have to do with this whole thing.

23 CHAIRMAN CALARCO: It's the existence of a
24 preexisting nonconforming structure.

25 MR. MAIER: That's not an issue.

1 CHAIRMAN CALARCO: It's not an issue, but
2 that's why they come. Let me give you an example.
3 This is not a problem, correct? I don't have a
4 problem and I don't think that you do. If this
5 addition was that big and his neighbor's house was
6 right here, the Building Inspector doesn't get to
7 make those decisions arbitrarily. That's why they
8 come to us because we can take each one on an
9 individual basis and decide is this a good proposal
10 or is this not a good proposal? There are no
11 boundaries in the Code for a Building Inspector to
12 go by. You can make the changes inside of the
13 building all you want, but you can't add onto it and
14 you can't make a bigger. This is a case where we
15 really don't have a problem with the addition. It's
16 the totality of the application.

17 MR. MAIER: As far as his projection of putting
18 a roof on, he can put a roof on the square part and
19 maybe not have a roof on that last

20 CHAIRMAN CALARCO: Whatever. I'm sure he's a
21 good carpenter -

22 MR. MCCAULEY: I'm going to make this house
23 better than it was. I continue to make this house
24 beautiful for our community. It's going to improve
25 my property value.

1 CHAIRMAN CALARCO: Mr. McCauley, we have to
2 take care of the business end of this first with a
3 public hearing, etcetera. Just hang on.

4 MS. FUDA: If anyone in the public would like
5 to make comment on this application, please text or
6 call in to 518-376-7875. It's 8:25 PM right now.

7 (A pause was allowed for the public to
8 contact the Board with their comments.)

9 CHAIRMAN CALARCO: No one called and no one
10 texted, So we will close the public hearing portion
11 of this.

12 Again, let's consider the amended application
13 due to what we are proposing when answering these
14 questions.

15 Can this benefit be achieved by other means
16 feasible to the applicant? No. He's got an
17 addition going on and we know what he wants to do.
18 The porch has got to go on the house. We have
19 discussed it enough to get to where we are
20 comfortable with it.

21 Undesirable change in any change in the
22 neighborhood's character or to nearby properties?
23 Not at all.

24 Will the request be substantial? Fifty-foot
25 setbacks. Any encroaching further is pretty

1 substantial.

2 Will the request have adverse physical or
3 environmental effect? No, it won't.

4 Is the alleged difficulty self-created? Of
5 course under the law, it is.

6 So, I will make the motion for Type II action
7 of SEQRA.

8 MR. MAIRE: Second.

9 CHAIRMAN CALARCO: Seconded by Mr. Maier.

10 All in favor?

11 (Ayes were recited.).

12 No SEQRA is necessary, then.

13 So, I will make the motion to get it on the
14 record here to grant the variance for the addition
15 proposed addition and the new deck -- new covered
16 deck with the following dimension restriction:
17 that the deck on the Van Hoesen Road side shall be
18 seven feet wide and extend no more than four feet
19 past the door and then taper from that seven feet
20 to the corner of the house.

21 MR. MCCAULEY: I'm sorry, can you repeat that?
22 You broke up for one second and froze up.

23 CHAIRMAN CALARCO: Okay.

24 MR. CRIST: The Van Hoesen side shall be seven
25 feet wide -

1 CHAIRMAN CALARCO: We are making a sharper
2 angle to get away from that road. If I go from seven
3 feet out to here, that's a four-foot deck - - the
4 angle of concern is the closest to the road and it
5 makes it much less, no?

6 MR. SPADA: It's closer to the road.

7 CHAIRMAN CALARCO: Mr. McCauley, this worked
8 out better for you. So, we withdraw that motion and
9 make it over?

10 MR. CRIST: Mr. Chairman, if you could explain
11 what the amended dimensions will be?

12 CHAIRMAN CALARCO: So, I will make a motion to
13 grant the variance for the addition and the new
14 proposed decking around the house with the following
15 condition on the measurements. It will be as
16 proposed with the exception of the Van Hoesen Road
17 side the covered deck shall be 7 feet deep and that
18 7 feet can extend no more than 4 feet past the door.
19 It will then angle from that 7 feet to the existing
20 4-foot deck that is there now -- that dimension.

21 MR. MCCAULEY: That is fine.

22 CHAIRMAN CALARCO: See you getting the 4 feet
23 instead of going to the corner of the house, you're
24 going to the outside of the current deck. So, its
25 still 4 feet wide all the way to the back of the

1 house.

2 MR. MCCAULEY: So that I understand this
3 correctly, 4 feet from the door I have to start
4 cutting it in, is what you're telling me.

5 CHAIRMAN CALARCO: You get a start angling the
6 outer part of the existing deck.

7 MR. MCCAULEY: I will match it up to the
8 existing deck, 4 feet from the door and I have no
9 problem with that.

10 CHAIRMAN CALARCO: So, that's my motion, amended
11 by several of us.

12 That's the motion. Do I have a second?

13 MR. BREWER: Second.

14 CHAIRMAN CALARCO: Mr. Brewer, second.

15 Discussion on the motion?

16 Do you think we were clear on that,
17 gentlemen? That's the motion. If there's no
18 further discussion, call the roll.

19 (The roll was called and the motion was
20 carried unanimously.).

21 Okay, Mr. McCauley, thank you for working
22 with us. I think that the Board feels good about
23 what we did and I hope you do too. Reach out to
24 Nadine at the Planning office and she will tell
25 you what you have to do next.

1 MR. MCCAULEY: I will contact Nadine as soon as
2 possible.

3 CHAIRMAN CALARCO: Thank you, sir.

4 MR. MCCAULEY: You guys have a nice day.

5 MS. FUDA: Next is number six, Keith Zimmerman.

6 CHAIRMAN CALARCO: Next on the agenda is Keith
7 Zimmerman, 13 East Drive and this is to put up a
8 deck coverage -- on 10%.

9 Please read the notice.

10 MS. FUDA: Please take notice the Zoning Board
11 of Appeals of the Town of Schodack will conduct a
12 public hearing on Monday, June 22, 2020 at 7:00 PM
13 for Keith Zimmerman, 13 East Drive for a proposed
14 area variance on 10% coverage for a new shed The
15 application is available for review by emailing
16 nadine.fuda@schodack.org or calling the Planning
17 office at 518-477-7938. You may email your comments
18 on the application or by calling in during the
19 meeting at 518-376-7875 or your comments can be
20 mailed to Nadine Fuda, Town Hall, 265 Schuurman
21 Road, Castleton, New York 12033. Please check the
22 meeting agenda posted on the Town's website at
23 www.schodack.org for information on the virtual
24 meeting.

25 CHAIRMAN CALARCO: Thank you. This was

1 submitted to Rensselaer County Bureau of Economic
2 Development and Planning and after reviewing it they
3 determined that the proposal does not have a major
4 impact on County plans and that local consideration
5 shall prevail.

6 This did go to the Planning Board and
7 received a favorable recommendation.

8 Okay Mr. Zimmerman, can you make your appeal
9 and can you tell the Board what you would like to
10 do?

11 MR. ZIMMERMAN: I live over in Byer's Estates
12 and I'm looking to get a shed that's a prefab made
13 by Backyard Sheds. It's the same company that has a
14 display over on Route 9.

15 This is a 12 x 18 shed with a gable style
16 roof that will go in a corner of the backyard.

17 CHAIRMAN CALARCO: Gentlemen, questions you
18 might have for the applicant?

19 (There was no response.).

20 I have one, Mr. Zimmerman. When I was at the
21 site visit, I noticed an existing shed already in
22 the backyard now, correct?

23 MR. ZIMMERMAN: Yes.

24 CHAIRMAN CALARCO: Do you know the size of
25 that?

1 MR. ZIMMERMAN: That's 7.5 x 7.5. That will be
2 torn down. It's one of those vinyl cheapos.

3 CHAIRMAN CALARCO: You going to remove it?

4 MR. ZIMMERMAN: Yes.

5 CHAIRMAN CALARCO: Fine. End of story. I don't
6 care how big it is. So, gentlemen, this is fairly
7 straightforward. Right now he's got the coverage
8 that he's allowed. This is 216 and this puts him
9 over at 10.8% coverage. So, we are nowhere near
10 that threshold that upsets us. Its 10.8%. So, are
11 there any questions that you might have about the
12 location or anything? Looks like he is going to be 7
13 1/2 feet away from the property line.

14 Are you going to be putting that shed as you
15 have it on the drawing at an angle?

16 MR. ZIMMERMAN: Yes, at an angle in the back.
17 this is measured from the back corners to the
18 property lines.

19 CHAIRMAN CALARCO: Okay. Any other questions
20 gentlemen or anything?

21 Can I open up our public hearing?

22 So, at this point we shall open up the public
23 comment portion.

24 MS. FUDA: If anyone would like to call and or
25 text the number is 518-376-7875.

1 CHAIRMAN CALARCO: We will give a few minutes
2 to see if anyone responds.

3 MS. FUDA: It's 8:39.

4 (A pause was allowed for the public to
5 contact the Board with their comments.)

6 CHAIRMAN CALARCO: No one called and no one
7 texted, so we will close this portion of the public
8 hearing.

9 Gentlemen, let's do our criteria.

10 Will the benefit be achieved by other means
11 feasible? I don't think so.

12 Undesirable change to neighborhood's
13 character or nearby properties? No.

14 Will the request be substantial? It's 200
15 feet or so and its less than 8/10 of a percent
16 over.

17 Will the request have adverse physical or
18 environmental effect? I don't believe it will.

19 Legally, it is a self-created hardship.

20 So, motion for SEQRA for a Type II action,
21 please?

22 MR. SPADA: (Raises hand)

23 CHAIRMAN CALARCO: Mr. Spada, seconded by me.

24 All in favor?

25 (Ayes were recited.).

1 Okay, no SEQRA necessary for a Type II
2 action.

3 Now, would somebody like to make a motion to
4 grant or deny?

5 MR. BREWER: I'll make a motion to grant.

6 CHAIRMAN CALARCO: Mr. Brewer makes a motion to
7 grant the variance for 216 square foot shed, as per
8 the plans submitted.

9 Do I have a second on that motion?

10 MR. MAIER: Second.

11 CHAIRMAN CALARCO: Mr. Maier seconds.

12 Discussion on the motion?

13 (There was no response.).

14 How about a condition that says the old shed
15 is being removed?

16 (All members agreed.).

17 Okay, the old shed will be removed.

18 That's a good question. Mr. Zimmerman, the
19 finish on the shed is it T111?

20 MR. ZIMMERMAN: It is T111

21 CHAIRMAN CALARCO: It has a shingled roof,
22 etcetera, right?

23 MR. ZIMMERMAN: Correct.

24 CHAIRMAN CALARCO: It comes with shutters?

25 MR. ZIMMERMAN: Yes.

1 CHAIRMAN CALARCO: It's one of those sheds that
2 are really nice. I have seen these sheds. I don't
3 know that we need to note that its light
4 construction. It's a shed.

5 So, Mr. Zimmer, you just need to remove the
6 old shed, that's all.

7 MR. ZIMMERMAN: That needs to be removed before
8 the new shed or -

9 CHAIRMAN CALARCO: No, once you get the new
10 shed all set, take down the old one.

11 If there's no more discussion, please call
12 the role.

13 (The roll was called and the motion was
14 carried unanimously.).

15 Thank you, Mr. Zimmerman. Just contact the
16 Planning office and they'll tell you exactly what
17 the next step is. You will get your permit and
18 start getting your shed.

19 MR. ZIMMERMAN: Thank you, so much.

20 CHAIRMAN CALARCO: Thank you for being so
21 patient. We do take these in the order in which they
22 were submitted, correct?

23 MS. FUDA: Yes.

24 CHAIRMAN CALARCO: We are sorry you had to wait
25 so long, but we will try to make this as quick as

1 possible. This is Julia Gensicki at 2304 Old Post
2 Road, North. This is for over 10% coverage in
3 putting in an 18 x 20 shed.

4 MS. GENSICKI: No, its 10 by 20.

5 CHAIRMAN CALARCO: Please read the notice.

6 MS. FUDA: Please take notice the Zoning Board
7 of Appeals of the Town of Schodack will conduct a
8 public hearing on Monday, June 22, 2020 at 7:00 PM
9 for Julia Gensicki, 2304 North Old Post Road for a
10 proposed area variance on 10% coverage for a new
11 shed. The application is available for review by
12 emailing nadine.fuda@schodack.org or calling the
13 Planning office at 518-477-7938. You may email your
14 comments on the application or by calling in during
15 the meeting at 518-376-7875 or mailing to Nadine
16 Fuda, Town Hall, 265 Schuurman Road, Castleton, New
17 York 12033. Please check the meeting agenda posted
18 on the Town's website at www.schodack.org for
19 information on the virtual meeting.

20 CHAIRMAN CALARCO: Thank you. Could you make
21 your appeal to the Board and tell us what it is that
22 you're looking for?

23 MS. GENSICKI: Sure. I'm looking to put a 10 by
24 20 shed in the back of my property near the fence by
25 the front fence line. It's a being built by the

1 Amish. It will have a metal roof with siding. It's
2 post and beam construction. It's going to have a
3 double door on the 10-foot side with a ramp and a
4 single Dutch door on the long side and two windows
5 on the front and a vent on the one side. It's going
6 to be on crusher run.

7 The two options are to have the shed built
8 off-site and then transported to the pad to put it
9 on the property, or to have it built on-site. I
10 chose to have to it built on-site because I didn't
11 want to have the fencing removed or the equipment
12 driving over the property to get it into the back
13 of the yard. I have had several larger pieces of
14 equipment that was being stored at my mother's
15 house, but when she passed away I had to sell her
16 house and I had to put a temporary shelter in
17 place to have some of the equipment, but I really
18 would like to get it out of the weather and be
19 able to take down the temporary shed and have the
20 one or two pieces in a nice environment.

21 I also have spoken to a local landscaping
22 company to do some nice landscaping to incorporate
23 the back yard -- make changes to the back yard so
24 that the shed and the back yard are very
25 aesthetically pleasing.

1 CHAIRMAN CALARCO: Okay, thank you.

2 Again, gentlemen, this is another case where
3 the numbers are what is going to drive this. Those
4 numbers on this particular property site are .34
5 acres which is 14,810 square feet. So, she's at
6 1,481 in coverage. The first-floor structure
7 itself takes up 1,241 square feet. There is
8 covered front porch that is 96, enclosed porch at
9 176, an open deck of 154, another open deck of 130
10 and an 80-square foot shed which gives her a total
11 of 1,884. Again, Ms. Gensicki, this is a case
12 where you area already 403 feet over the allowable
13 10%.

14 MS. GENSICKI: I hadn't realized that first it
15 was that 10% rule and that I was already over. I'm
16 not quite sure how that happened. It was somewhat of
17 a surprise when I found out.

18 CHAIRMAN CALARCO: So, the proposed structure
19 would be another 200 feet. That would be a total of
20 603 feet over the 10%. So, that would put you at
21 about 2,084 square feet which is over 14% in
22 coverage.

23 I don't know if you were here at all to see
24 the previous application tonight, but that 14%
25 number is kind of the bewitching number for us. It

1 makes it very difficult.

2 MS. GENSICKI: I just wanted to ask a question.
3 The existing shed that I have is six by eight which
4 would be 48 square feet.

5 CHAIRMAN CALARCO: Okay, it's listed on here at
6 80. It says 8 by 10. Is that correct?

7 MS. GENSICKI: I think that's incorrect. I think
8 in my drawing I have -

9 CHAIRMAN CALARCO: They have it listed on your
10 tax thing as 80-square feet. If it is 60 square
11 feet, that means that it's 20 feet less in total,
12 correct?

13 MS. GENSICKI: If it's six by eight, that's 48
14 square feet, correct?

15 CHAIRMAN CALARCO: Okay, so that makes it 32
16 square feet less. I believe that still puts you at -
17 - my next suggestion would be: would you be willing
18 to get rid of that little shed in the front now that
19 you're getting a bigger shed in the back?

20 MS. GENSICKI: I have considered it but it's in
21 fairly decent shape. I'd hate to tear something down
22 that is still usable and is still usable and create
23 all of that waste. We use it for garden tools and a
24 push lawnmower. So, it is in use. The reason for the
25 size of the shed that I'm looking to add is because

1 of the size of the lawn tractor -- the part that I
2 have - - I have a quad that I use with a plow to
3 plow with some various other pieces of equipment
4 tools that I wanted to house. My conundrum here is
5 that when I was deciding on the shed, I didn't
6 realize that this was an issue -- the 10% rule - -
7 and this is on me, of course, but I had already
8 ordered it, had gotten on the schedule, we had
9 subsequently postponed all of the building and
10 stuff. So, I know that it's not your concern, I had
11 invested the money in the shed.

12 From what I understand, they do pre-cut must
13 of the materials and they already have that done.
14 So, it's not like I would just be able to just
15 change things. I would really have to check with
16 them to see if that was even possible to do.

17 My other alternative is if I didn't get this
18 shed, I would probably just have to continue using
19 the temporary shed and possibly use other
20 temporary housing sheds or pods or something. I
21 really don't want to keep it out in the elements
22 any more than I have already.

23 CHAIRMAN CALARCO: Gentlemen, do you have any
24 questions for the applicant? We have the same
25 situation that we just had. We're trying to get to a

1 number for this building and not set a precedent and
2 stay away from that 14% number.

3 MR. SPADA: Is there a way to make the shed
4 smaller?

5 CHAIRMAN CALARCO: I don't know, but we can ask.

6 MR. BREWSTER: A smaller shed would be an
7 answer, but she is saying that she already has it
8 ordered.

9 MR. MAIER: We have about 80 feet too much.
10 That's how much we are over. A little less than 80,
11 but if that other shed goes, we are fine. It
12 probably could be 60 and -

13 CHAIRMAN CALARCO: From what I'm hearing from
14 my members here is that it seems to be that they are
15 leaning towards removing that small shed so that the
16 number comes down just enough to keep us away from
17 that 14% number. I understand that you don't want to
18 get rid of it for no reason, but I think in this
19 case that would give us the cover and afford us the
20 opportunity to maybe grant this variance so that
21 your shed can stay the size that it is. If you did
22 away with that other shed in the front, that brings
23 the total coverage down to below that 14% percent
24 number -- just barely, but it does so we can
25 consider granting this.

1 MS. GENSICKI: So, I could do that sometime
2 after the new shed?

3 CHAIRMAN CALARCO: Yes, after the new shed and
4 before final close-out of the building permit; sure.

5 If it is true that only 48 square feet -- -
6 we're not talking a major investment in that shed.
7 I know you don't want to throw it out. I
8 understand that. It's not like we're asking you to
9 get rid of a five by seven shed or ten by seven
10 shed. I'll be truthful with you. I think that's
11 your only path forward here with this Board with
12 my gut feeling with my members here. I think that
13 we could grant the variance if you would be
14 willing to get rid of that shed. I think that's
15 what they are implying.

16 MS. GENSICKI: I understand what you're saying.
17 I'm just thinking about this for a second.

18 CHAIRMAN CALARCO: If you already ordered it,
19 you probably can't the order or the size either.

20 MS. GENSICKI: That's what I was thinking that
21 if I could reduce it two feet, but I don't think
22 that I'd want to reduce it any more than that but I
23 don't even know if I can do that because they have
24 already ordered the materials and -

25 CHAIRMAN CALARCO: It's probably the standard

1 size that they build -- 10 by 20.

2 MS. GENSICKI: They actually custom build, so
3 you can really ask for anything. At this point I'm
4 not sure if I can ask for anything more.

5 If I agree to remove the existing small shed
6 and tomorrow, I say I don't want to do that, and
7 you've already granted the variance, I don't have
8 to go through with this.

9 CHAIRMAN CALARCO: No, you don't have to go
10 through with any of this. If you would like - - I
11 don't know if it's an option for you but if you'd
12 like, we can adjourn this until our next meeting in
13 July.

14 MS. GENSICKI: I don't really want to do that.

15 CHAIRMAN CALARCO: It would give you an
16 opportunity to make phone calls and find out what
17 your options are, come back before us in July and
18 then you would know better what you want to do and
19 we can decide if it was feasible.

20 Is there a way to make the shed a little
21 taller, maybe and get storage on top?

22 MS. GENSICKI: There is supposed to be a loft
23 but I'm not sure that's going to work.

24 CHAIRMAN CALARCO: If the shed is in such good
25 shape, you could sell it.

1 MS. GENSICKI: I don't know if somebody would
2 actually be able to get it off the ground and move
3 it. I'm sorry. I'm not trying to be difficult or
4 waste your time.

5 CHAIRMAN CALARCO: No, I understand.
6 Technically this Board can grant what it wants to
7 grant. People ask for the sun and maybe only get the
8 moon today.

9 You are under no obligation to actually do
10 the build. That will be the variance granted for
11 the property. So, if you would like to change it,
12 it's going to be difficult to come back without
13 something appreciably different. I don't want to
14 box you into it, if we don't have to. I know it's
15 a decision that you have to make, but I suggest
16 that maybe you want to wait to our meeting on July
17 13 and if you wanted to wait and take that time to
18 make a decision and see what your options are,
19 we'd be glad to adjourn this and see what you
20 could do.

21 MS. GENSICKI: Why don't I do that.

22 CHAIRMAN CALARCO: It might give you a chance
23 to find out something that you didn't know about and
24 it's another option.

25 So, I make a motion to adjourn this

1 application to the July meeting.

2 MR. LOVERIDGE: I'll second.

3 CHAIRMAN CALARCO: Seconded by Mr. Loveridge.

4 All in favor?

5 (Ayes were recited.).

6 Thank you, ma'am. That's what we'll do and
7 hopefully we will see you in July for this. Call
8 Nadine and make sure that you are on the agenda.

9 MS. GENSICKI: Thank you.

10 MS. FUDA: I have one more thing. I received an
11 email from - - we already had a hearing on it, but I
12 want to read it into the record. This has to do with
13 Zimmerman. We have to read it into the record
14 because he emailed it to me before.

15 Anthony Hill of 15 East Drive. I am unable to
16 make the Jun 22, 2020 meeting where the variance
17 will be discussed. I am sending this email to
18 register my opinion that the Zoning Board of
19 Appeals should approve the Zimmerman request. The
20 proposed shed will not detract from the
21 neighborhood at all, so there is no reason to
22 deny. Please register my approval and consider it
23 when making your decision. Thank you, very much.

24 CHAIRMAN CALARCO: So noted in the record.

25 Okay, gentlemen, I appreciate your hanging in

1 there and making it to 9:03.

2 Do I have a motion to adjourn?

3 MR. BREWER: (Raises hand).

4 MR. SPADA: (Raises hand).

5 CHAIRMAN CALARCO: Mr. Brewer and Mr. Spada
6 seconds.

7 All in favor?

8 (Ayes were recited.)

9 (Whereas the above entitled proceeding was
10 concluded at 9:04 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and Notary
Public in and for the State of New York, hereby
CERTIFIES that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

Dated: _____

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY ROAD

NISKAYUNA, NEW YORK 12309

518-542-7699

LEGAL TRANSCRIPTION
518-542-7699

