

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JUNE 14, 2021
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

David Calarco, Chairman
Ed Brewer
Bill Loveridge
Anthony Maier
Lou Spada
Craig Crist, Esq.
Nadine Fuda, Director of Planning and Zoning
Melissa Knights, Assistant to Director

MEMBERS ABSENT

APPROVE MINUTES - APRIL 12, 2021

Loveridge moved, Maier seconded that the minutes be approved as amended.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

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

Green Dale Solar LLC published on June 4, 2021.

public hearing open p.m. public hearing closed p.m.

Green Dale Solar LLC.

Z797-21/PD-1/227.-1-7

County Rte. 32

Proposed - Appeal of the Building Inspector Determination for solar setback.

Attorney Hyde Clark from Young / Summer LLC was present for this meeting.

The public hearing notice was not read into the minutes, there was a discussion between the chairman Mr. Calarco and Mr. Clark regarding the submission of the letter requesting an interpretation of the decision from the Schodack Building Department code enforcement officer regarding the 200-foot setback which was received on May 17, 2021, the determination by the code enforcement officer was filed on March 17, 2021. It was noted that the application was dated, filled out, and signed by Mr. Clark that is dated May 17, 2021.

Copy of a letter of interpretation and a determination from the Schodack code enforcement officer and the date stamped on this which was actually filed with and received by our town clerk is March 17, 2021. He then reads the letter, Calarco said in short NYS town law says an appeal shall be taken within 60 days after the filing of any order, (see file).

The application for the appeal was submitted on May 17, 2021, because of the 31 days in March the application was submitted 61 days after the town clerk received and filed the determination from the code enforcement officer.

Attorney Clark stated the written appeal is dated Friday May 14, 2021 and was delivered via Federal Express and was also submitted it electronically on Sunday May 16, 2021.

Chairman Calarco asked if he knew the time the Federal Express was delivered to the town of Schodack.

Attorney Clark stated is guess it was on Monday May 17, 2021, and he was hoping the board would accept the electronic submission as being within the 60 days.

Chairman Calarco asked if he know what time the electronic copy was sent on that the Sunday. (See file for copy) it was sent in the afternoon on Sunday, there was no one here to log it in, it was not opened until Monday May 18, 2021. 61 days after the official filing of the interpretation by the town clerk.

Attorney Crist, at 7:29 recommended the board go into executive session.

Calarco moved; Spada seconded the board go into attorney client privilege.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

Calarco moved; Spada seconded the board return from attorney client privilege.@ 7:29 p.m.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

Chairman Calarco asked Attorney Clark what his feelings were on what this board should do.

Attorney Clark request the fact that given the fact day 60 was a Sunday, and the application could not be received by the town because no one was working that, that then

makes the deadline Monday and makes their application timely.

After further discussion, Attorney Clark decided he would have to provide the information at a later date he was not prepared to have this argument tonight and request an adjournment of the consideration of his client's application to the July 12, 2021, meeting.

Calarco moved; Loveridge seconded the applicants request to adjourn this application until July 12, 2021.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

ADJOURN

Spada moved, Maier seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:30 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning