

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL NOVEMBER 14 ,2022  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

**David Calarco, Chairman  
Ed Brewer  
Bob Loveridge  
Anthony Maier  
Lou Spada  
Craig Crist, Esq.  
Melissa Knights, Planning & Zoning**

**MEMBERS ABSENT**

Chairman Calarco explained what the process is and how the meeting will proceed. The zoning board of appeals is a Quasi-judicial body that hears appeals from decisions from the code enforcement officer of the town. Its authority comes from the state, town law as well as Schodack zoning law, under state law the board is charged with balancing the benefits to the applicant if the variance is granted against any detriment to the health, safety, and welfare of the neighborhood or community in general. In granting any variance the board is required by law to grant the minimum variance necessary.

**APPROVE OF DRAFT MINUTES DATED AUGUST 8, 2022**

Spada moved, Calarco seconded that the draft minutes be approved as amended, as the official minutes of this meeting.

3 Ayes. 0 Noes

Ayes: Calarco, Maier, Spada

Abstain: Brewer, Loveridge

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**Melissa Knights, read the hearing notice(s) as published in the Troy Record on the following variance application(s):**

**Guy & Casharon Ninstant published on July 2, 2022**

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public hearing open 7/11/22 at 7pm

Public hearing remains open 8/8/22

Public Hearing remains open 10/17/22

Public Hearing remains open 11/14/22

Guy & Casharon Ninstant

51 Prestwick

Proposed - Front yard setback

**Z807-22/RA/189.1-11-10**

Applicant called and requested to postpone this to the next meeting in December.

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**Melissa Knights, read the hearing notice(s) as published in the Troy Record on the following variance application(s):**

Valerie Feldmann published on

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Public Hearing open 7:09 p.m.

Meeting held open

Valerie Feldman  
2342 Payne Road  
Proposed - Area Variance - fence

Z810-22/RA/189.-7-15

Valerie Feldman, applicant was present for this meeting.

#### **Planning Board**

gave a NO recommendation. Making this a positive recommendation to the zoning board by default.

#### **Zoning Review Action**

Please be advised that the **Rensselaer County Bureau of Economic Development and Planning** has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, the Bureau of Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail.

Ms. Feldman stated she is looking to construct a 4 1/2-foot-high fence in the front yard about 18 feet from the road. there is a preexisting fence on both sides of her house from the farm her father owns. She believes that it was for the livestock that was on the farm. The placement of the fence is because of some french drains that are in the yard. She would like 1x6 boards for the fencing with 6-inch space between the boards.

Chairman Calarco read the code for fences so the board and the applicant can digest it together.

#### **219-25**

**A.** fences and walls shall not exceed eight feet in height when erected in side or rear yards nor three feet in height when erected within 25 feet of the front lot line or highway right-of-way, except agriculture fences which may be five feet.

**B.** All such fences and walls shall conform to the requirements of § **219-19** as pertains to corner lots.

**C.** All such fences and walls shall be measured from the ground level at the base of the fence or wall, except that if such is a retaining wall, the height shall be measured from the average of the ground levels at each end of said retaining wall.

**219-19** At all street intersections, no obstructions to vision, such as a fence, wall, hedge, structure or planting over three feet in height, shall be erected on any lot within the triangle formed by the intersecting street lines, or their projections where corners are rounded, and a straight line joining said street lines at points

Chairman Calarco explains the distance difference for the town right-a-way and along with the fence setback.

Ms. Feldman stated if she had to do it by code the fence would be in her living room.

Chairman Calarco asked her if she knew where her front property line is.

Ms. Feldman stated she is not sure. But the proposed fence is 18 feet from the grass at the road.

Chairman Calarco stated the board would need to know exactly where her property line is located. The reason for the code is for visibility when entering and exiting the property.

Mr. Spada stated to be really comfortable deciding, he would need to see where the property line is located. The application states the fence will be solid is that correct.

Ms. Feldman stated she is looking to have it slated with 3-inch board and 2 slat inch caps.

Chairman Calarco stated without the 6 in spacing he doesn't see the fence being able to be constructed where it is proposed.

Ms. Feldman invited the board to come over to her house pull in and out of the driveway or even walk the area with her to see the site distance and she feels the fence would not be a hindrance to oncoming traffic.

Mr. Brewer stated if you can find the stakes in the front of the house and match that with the deed description you will then know where your property line is.

Attorney Crist stated finding the boundary post is to your benefit so if a variance given it is correct.

Chairman Calarco stated the board grants variances on the minimum amount of distance allowed. To have the proper front setback will help the applicant and the board achieve what they are hoping for. The distance from the road is all about the safety factor for sight distance, that is why the code states 3-foot-high fence at the 25-foot setback, this

request if for 4.5 feet high at 18 feet from the road, that is why the board needs to know exactly where the property line is.

Ms. Feldman asked if she could continue with the three-foot-high fence, and they come for the extra 1.5 feet in December. She would like to get the post pounded into the ground before it is frozen,

Chairman Calarco stated at 3 feet you don't need a variance. You can have a 3-foot-high fence with in the 25 feet.

Ms. Feldman requests the board to adjourn her to the next meeting so she can locate the front pins of her property line and present her findings at the next meeting.

Loveridge moved; Brewer seconded to adjourn this application till the next meeting on December 12, 2022.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

## **ADJOURN**

Maier moved, Spada seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Melissa Knights

Planning & Zoning