

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL AUGUST 14, 2017
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

David Calarco, Chairman
Anthony Maier
Lou Spada
Attorney Robert Linville, Esq.
Nadine Fuda, Director of Planning and Zoning

MEMBERS ABSENT

Ed Brewer

APPROVE MINUTES

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

3 Ayes. 0 Noes

Ayes: 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):

Robert Morris / EW Birch Builders published on June 20, 2017

Public hearing Continue from the July 10th mtg.

Public hearing closed August 14, 2017 at 7:17 p.m.

Robert Morris / EW Birch Builders

Z767-17/R20/210.-1-3-9

18 Crescent Drive.

Proposed- Area Variance

Robert Morris applicant, Victor Caponera Jr. applicant's attorney and Brian Holbritten Land Surveyor were present for this meeting.

Brian Holbritten was sworn in by the zoning board chairman David Calarco to give his statement of fact on his original survey map.

Mr. Caponera asked Mr. Holbritten a series of questions on the original map and what the original setbacks were.

Mr. Holbritten stated the map he prepared on May 5, 2017 stated the setbacks are as follows.

- The proposed new foundation from the left front corner or the east line is 42.4 feet to the property line. The original measurement was 41 feet.
- The proposed new foundation for the right front corner or the north east line is 37.9 feet from the property line.
- The survey map shows the setback lines, the original home that burned and the proposed new foundation.
- This lot is unique as it does not have a true front, rear or side yards the lot sits on a continue curve of the road.

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? NO
- 4) Will the request have an adverse physical or environmental effect? NO
- 5) Is the alleged difficulty self-created? NO

6) Conditions:

- as per the foundation location map dated May 5. 2017

Spada moved, Maier seconded that the Zoning Board of Appeals be **LEAD AGENCY** relative to the variance only.

3 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Maier, Spada

Oppose: None

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

3 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

The Board members reviewed the area variance criteria.

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

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

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

Philp Shodder published on August 6, 2017

public hearing open 7:25 p.m.

public hearing adjourned until a later date

Philp Shodder

Z768-17/RA/179.-5-25.151

60 Palmer Road

Proposed - Area Variance

Philip Shodder, applicant was present for this meeting.

Mr. Shodder stated there were a couple of reasons why he is requesting a variance for the location of his foundation, One they wanted to use the existing driveway, two there is a small stream on the east side of the existing driveway giving them no ability to build a home on the east side of the property, three they miss calculated the angle of the property line and during the excavation for the foundation they came into a large crop of shale this resulted in the back corner of the foundation being in the setback.

After discussing the situation and the setbacks it was agreed by the applicant and the board to put this matter on hold for Mr. Shodder to contact the owner of the vacant lot next to him and see about perching at least 6 or more feet, if that can be done he will no longer need a variance.

ADJOURN

Maier 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