

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL APRIL 11, 2016  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:01 P.M.**

**PRESENT**

David Calarco, Chairman  
Ed Brewer  
Anthony Maier  
David Smith  
Attorney Robert Linville, Esq.  
Nadine Fuda, Director of Planning and Zoning

**MEMBERS ABSENT**

Lou Spada

**APPROVE MINUTES**

Maier moved, Smith seconded that the minutes be approved as amended  
4 Ayes. 0 Noes  
Ayes: Brewer, Calarco, Maier, Smith  
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):**

**Shawn Silvernell published on April 5, 2016**

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Public hearing open 7:04 p.m.

Public hearing closed 7:10 p.m.

Kenneth Ingersoll  
Shawn Silvernell -Homeowner  
2 Bridle Ct.  
Proposed - front yard setback

Z751.16/RA/178.-5-16.6

Kenneth Ingersoll, applicant was present for this meeting.

Mr. Ingersoll stated he is contracted to build a 25 x 40 attached garage for Mr. Silvernell, he is here because of the encroachment of 16 feet into the front / side yard setbacks. This is a corner lot and has two front 50 foot setbacks.

Chairman Calarco stated the building department denial is incorrect; this is only for a front yard setback and not a third accessory structure.  
Chairman Calarco asked if the front of the garage sticks out farther than the garage.  
Mr. Ingersoll stated he would have to review the drawing.

Chairman Calarco stated the drawing does not look accurate.

Mr. Brewer asked if this is a garage what will happen to the existing garage.

Mr. Ingersoll stated for now it is staying a garage, maybe sometime later it will become living space. The upstairs of the new garage will be just for storage with real stairs, on pull down attic stairs...

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? YES

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

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith

Oppose: None

Calarco moved, Smith seconded a **NEGATIVE DECLARATION**.

4 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

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

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

#### **6) Conditions:**

- Like Construction - like materials.
- no business to be run from the new garage.

#### **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

**Planning Board Approval APRIL/4/2016**

**RECOMMENDATIONS TO THE ZBA**

Puccio moved, D'Angelo seconded a **"FAVORABLE"** recommendation to the Zoning Board of Appeals.

6 Ayes.0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Puccio, Shaughnessy

Oppose: None

**INFORMATION**

My Place Restaurant (George Galib)

Z693-11/HC/189.-2-2

1640 Columbia Turnpike

Proposed - Amend Notice of Decision

George Galib was present for this meeting.

After a discussion on the current variance and the new plans Mr. Galib has for the front of the building it was decided that this current variance is null and void due to it is 5 years old and per out law if nothing has been done then the applicant has to reapply and start the process over.

All agree and Mr. Galib will be coming into the planning office with his changes and new plans.

**MEMBER DISCUSSION**

Suzanne Rappazzo

Z747-15/R-20/201.12-5-18

225 County Rte. 7

Proposed- rebuild a non-conforming Structure

After the board discussed this application it was decided that the boards attorney Robert Linville will call Ms. Rappazzo attorney Kevin Engel and discuss the securing of the structure and that this application will be decided upon at the next meeting regardless of applicant attending the meeting.

**ADJOURN**

Brewer moved, Smith 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