

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL JANUARY 13, 2013  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

**APPROVE MINUTES**

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

**Lisa Trubitt published on January 13, 2014**

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Public hearing open 7:00 p.m.

Public hearing closed 7:11 p.m.

Lisa Trubitt  
1297 Schodack Valley Road  
Proposed - Garage over on 10%

Z717-13/RA/188.-5-21

Spiro Socaris and Lisa Trubitt, applicants were present for this meeting.

Chairman Calarco stated Rensselaer County reviewed this applicant and stated local consideration shall prevail and that the Town of Schodack Planning Board gave this application a no recommendation. See Below

**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.

#### **PLANNING BOARD RECOMMENDATIONS TO THE ZBA**

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

Mr. Socaris stated they are looking for an area variance to construct a 30 x 34 detached garage replacing their current 22 x 18 foot garage. The current zoning allows 10% lot coverage the new garage will bring them to 11.25% total coverage.

Chairman Calarco asked if the board had any questions for the applicants.

Chairman Calarco asked about the property line and the stone wall.

Mr. Socaris stated the current property boundary line is solid; to the right is a lighter line which was the original boundary line which was changed back in the 50's. the distance from the property line is what they did there setbacks from.

Chairman Calarco stated the proposed distance for the garage is from the actual property line.

Mr. Socaris stated correct

Mr. Spada what is the distance from the proposed new garage and the rear property line.

Mr. Socaris stated he only needs 5 feet but the actual distance is 10 to 12 feet.

Mr. Spada asked if the garage has a loft area/

Mr. Socaris stated the garage is 25 feet high and there will be an attic.

Mr. Spada stated a walk in attic with inside stairs for storage no living space.

Mr. Socaris stated correct.

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

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

5 Ayes, 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

#### **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**

6) Conditions:

- **the addition be of like construction**

- **no living space above the garage**

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Smith moved, Brewer 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	Yes

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

**John Paige Jr. published on January 13, 2014**

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John Paige Jr.

Z721-13/HC/210.-7-31.171

20 Lape Road

Proposed - Use / remove caretaker house from HC lot.

Public hearing open 7:19 p.m.

Public hearing closed 7:26 p.m.

Chairman Calarco stated Rensselaer County reviewed this applicant and stated local consideration shall prevail and that the Town of Schodack Planning Board gave this application a no recommendation. See Below

### **Zoning Review Action on December 12, 2013**

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.

### **Planning Board RECOMMENDATIONS TO THE ZBA**

Johnson moved, Puccio seconded a "NO" recommendation to the Zoning Board of Appeals. 6 Ayes. 0 Noes. Motion carried.

Ayes: Church, D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

Chairman Calarco spoke with the applicant and explained the approval process and the criteria that the applicant needs to meet in order to go forth with this variance request. During the conversation the applicant and the board agreed to post pone to the next meeting on February 10, 2014.

### **USE VARIANCE CRITERIA**

- 1) - Cannot realize a reasonable return - substantial as shown by competent financial evidence;
- 2) Alleged hardship is unique and does not apply to substantial portion of district or neighborhood;
- 3) Requested variance will not alter essential character of the neighborhood;
- 4) alleged hardship has not been self-created.

### **ADJOURN**

Spada moved, Calarco seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:27 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning