

TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JUNE 9, 2014
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.

PRESENT

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

MEMBERS ABSENT

Ed Brewer

APPROVE MINUTES

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

4 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Marcia Tracey
5 Inglewood Rd
Proposed - Subdivision

Z723-14/R20/178.8-1-12

David Smith Zoning Board Member Recused himself from this application,

Hearing open May 12, 2014 at 7:05 p.m.

Hearing closed June 9, 2014 at 7:40 p.m.

*This public hearing was not closed - held open from the **May 12, 2014** meeting. The applicant was responsible in submitting the following to continue this proposed subdivision.*

Note below is from the May 12, 2014 meeting

A1 - Clean deed - all remaining relatives to be contacted and removed from the existing deed.

A2 - Letter from the Army Corp of Engineers stating their findings on the pond.

A3 - Letter from ENCON stating their findings on the pond.

A4 - new subdivision showing the pond on one lot not divided between three separate parcels.

Mr. Spada asked if lot three with the original home has the entire pond.

Mr. Smith stated Yes

Chairman Calarco stated the reason we are here tonight is to look at lot 1 and decide if it could be an acceptable building lot.

Mr. Smith stated correct.

There was member discussion on the septic and how much fill would be needed on the lot.

Chairman Calarco closed the public hearing which was extended from the May 12, 2014 meeting.

Maier moved, Spada 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

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

3 Ayes. 0 Noes. Motion carried.

Ayes: Calarco, Maier, 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? **YES**
- 4) Will the request have an adverse physical or environmental effect? **NO**
- 5) Is the alleged difficulty self-created? **NO**

6) Conditions:

- Lot 1 subdivision and remaining lands be as stated on map dated June 3, 2014
- Lot 2 septic in front of house as stated on map dated June 3, 2014
- Clean Deed submitted and approved by the Zoning Board attorney, deed need not be filed with the county, since each new lot will require its own deed.

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

Brewer	Calarco	Maier	Smith	Spada
Absent	Yes	Yes	recuse	yes

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

Nicholas Hotz published on May 30, 2014

public hearing open 7:06 p.m.

public hearing closed 7:10 p.m.

Nicholas Hotz
2270 Old Post Road
Proposed- Area Variance

Z724-14/R-20/189.1-3-16

Lou Spada Recused himself from this application due to he is a neighbor of the applicant.

Zoning Review Action Dated May 20, 2014

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.

RECOMMENDATIONS TO THE ZBA - June 2, 2014

Johnson moved, D'Angelo 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

Chairman Calarco asked Mr. Hotz to explain what it was that he was looking to do.

Mr. Hotz stated he is here because the 18x20 foot deck he wants to put on the back of his house puts his lot coverage over the 10% allowed coverage of his property.

Chairman Calarco stated that we are going to do two variances, first is for the 10% coverage and the second is for the expansion of the nonconforming structure, (house)
Note: the corner of the home is only 5 to 7 feet away from the property line.

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

3 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Maier, Smith

Oppose: None

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

3 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Maier, Smith

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 deck not to exceed 18 X 20 square feet

Calarco moved, Maier seconded that the area variance be **GRANTED** for the expansion of the pre-existing non-conforming structure

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

Calarco moved, Smith seconded that a variance be **GRANTED** for the overage of the 10% coverage

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

ADJOURN

Spada moved, Maier 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