

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL JULY 13, 2020**

**CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

Public Session - 7 p.m. via livestreaming only <https://townhallstreams.com/towns/schodack>

If you have questions on anything on the agenda

Please email your questions or comments to [Nadine.fuda@schodack.org](mailto:Nadine.fuda@schodack.org) or call

518-477-7938 no later than 6pm on 7/13/20

**PRESENT**

David Calarco, Chairman  
Ed Brewer  
William Loveridge  
Anthony Maier  
Lou Spada  
Craig Crist, Esq.  
Nadine Fuda, Director of Planning and Zoning  
Melissa Knights, Assistant to Director

**MEMBERS ABSENT**

**APPROVE MINUTES**

Maier moved, Loveridge seconded that the minutes be approved as amended and the stenographer notes.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, 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):**

Julia Gensicki published on June 13, 2020

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public hearing open 7:03 p.m.

public hearing closed 7:09 p.m.

Julia Gensicki  
2304 north old post Rd  
Proposed - Shed over on 10%  
[jgensick@nycap.rr.com](mailto:jgensick@nycap.rr.com)

Z786-20/R20/189.1-4-8

Julia Gensicki was present for this meeting via Zoom.

Chairman Calarco reminded everyone that this application was adjourned from the June 22, 2020 meeting. for the applicant to make a decision on the small shed.

Ms. Gensicki stated that she could not change the size of the shed she had ordered, so she will have to take down the 6x9 shed to make up some of the issue with coverage. The shed she is looking to put up a 10x20 shed in its place. She also checked to see if she could amend the size of the shed and was told no everything is pre-cut and ready to be delivered. She stated she will have to take the shed down after the new one was installed.

**RESOLUTION OF ZONING BOARD OF APPEALS**  
**APPROVAL ON AREA VARIANCE APPLICATION FOR GENSICKI & SILIGATO**

**WHEREAS**, the Town of Schodack Zoning Board of Appeals had received an Area Variance Application for **JULIA GENSICKI** to construct a 10' x 20' shed in excess of maximum structure coverage. The Code of the Town of Schodack requires no more than 10% of the structure coverage in said zone.

**APPLICANT/S NAME AND ADDRESS:** JULIA GENSICKI, 2304 Old Post Road North, Castleton, NY 12033.

**PROPERTY OWNER/S NAME AND ADDRESS:** JULIA GENSICKI AND MARY ANN SILIGATO, 2304 Old Post Road North, Castleton, NY 12033.

**PROJECT NAME:** Z786-20

**LOCATION:** 2304 Old Post Road North, Castleton, NY 12033.

**TAX MAP NO:** 189.1-4-8

**ZONING DISTRICT:** R-20

**LOT SIZE:** 0.34 acres

**WHEREAS**, on July 13, 2020 a MOTION was made by CALARCO, SECONDED by LOVERIDGE and approved by a vote of 5 to 0 to grant approval of the Area Variance Application to construct a 10' x 20' shed in excess of maximum structure coverage at the aforementioned property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Schodack Zoning Board of Appeals, after due consideration of said Area Variance Application, and the requirements of the Code of the Town of Schodack and New York State Town Law 267-b, does hereby grant APPROVAL of the Area Variance Application hereinabove stated and identified as submitted, noting the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Notably:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

It is the determination of this Board that no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

It is the finding of this Board that such a benefit cannot be achieved by some other method; it is noted that the existing shed is to be removed to decrease the amount of variance that is needed.

3. Whether the requested area variance is substantial.

The Board finds that the amount of variance sought is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

It is the determination that it will not, including for the reasons set forth in #1, above.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

As with most matters that come before this Board, the variances are needed because Applicant desires to build at variance with existing requirements. However, see the discussion in factor 2, above.

**CONDITION OF APPROVAL:** The existing shed (9' x 6') shall be removed within three months after installation of the new shed.

**PLEASE NOTE**, the Zoning Board of Appeals has no authority to alter or determine the ownership of property and that the decision of the Board herein is not a determination of the underlying ownership of the subject property/ies.

**SEE FILE FOR SIGNED ORIGINAL**

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose:

#### **TYPE II ACTION**

Be it resolved that the Zoning Board hereby classifies the proposed action as a Type II Action under SEQRA.

Calarco moved, Brewer seconded.

5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

The Board members reviewed the area variance criteria.

Calarco moved, Loveridge seconded that the area variance be **GRANTED** for a 10x20 shed to be constructed at 2304 Old Post Road North, Castleton, NY 12033.

Brewer	Calarco	Loveridge	Maier	Spada
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):**

Francis Razzano published on July 4, 2020

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public hearing open 7:13 p.m.

public hearing closed 7:49 p.m.

Francis Razzano

Z787-20/R-20/178.9-3-24.2

6 Kevin Lane

Proposed - Front yard set back

And over on 10% coverage

[frank@fixerfrank.com](mailto:frank@fixerfrank.com)

Francis Razzano was present for this meeting via Zoom.

Chairman Calarco stated this is a proposed front yard setback, and over the 10% coverage do to plans to construct a porch. This was submitted to Rensselaer County Economic Development and Planning and after careful review they determined that the proposal does not have an impact on county plans and that local consideration shall prevail. This was also given a favorable recommendation from the planning board at their last meeting.

Mr. Razzano stated he is looking to take the roof off the house put in a room and attic truss and then on the face of the house there will be a pho-dormer and under that dormer will be 8 x 20 w foot porch. The back of the house they plan to 660 sq. ft. addition with roughly a 352 sq. ft. deck that will contain a 2-car garage and a great room above it.

Mr. Spada asked about the 20 thousand dollars construction cost.

Mr. Razzano stated this is a two-stage project, first the roof on the house and the front porch this year and next year the addition and deck. He owns a small construction company, so his construction cost is less and the 20K is for just this section of the project.

Mr. Spada asked about the septic and leach field.

Mr. Razzano stated the septic tank will be under the first garage bay and they are going to put in a new tank farther back and he won't have to change the distribution box and the county gave them the ok. He doesn't have a traditional leach field what he has is 2 drywells.

Chairman Calarco stated what he and Mr. Spada are concerned about is the addition and the deck is fifty feet from the house towards the pool.

Mr. Razzano stated it is technically 46 feet the deck is as wide as the house but come out only 16 feet.

Chairman Calarco stated once you move the septic tank there is no room for a septic field should you need one someday. That's the concern of this board.

Mr. Razzano stated the new tank will be kitty corner from the house and that leaves 45 to 50 feet to the property line.

Chairman Calarco stated to the applicant that if he could get a letter stamped from an engineer stating the site will be able to accommodate a leach field.

Mr. Razzano asked if he could get the variance for the roof and the front porch and then comes back and reapply for the addition and deck with the information for the septic and leach field.

Chairman Calarco stated OK that sounds fine we will just consider the encroachment of the front yard setback with the 22x8 front porch.

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

## **TYPE II ACTION**

Be it resolved that the Zoning Board hereby classifies the proposed action as a Type II Action under SEQRA.

Calarco moved, Spada seconded.

5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

The Board members reviewed the area variance criteria.

Calarco moved, Loveridge seconded that the area variance be **GRANTED** to be constructed at 6 Kevin Lane.

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

## **RESOLUTION/DECISION OF ZONING BOARD OF APPEALS** **APPROVAL ON AREA VARIANCE APPLICATION FOR RAZZANO**

**WHEREAS**, the Town of Schodack Zoning Board of Appeals had received an Area Variance Application for FRANCIS RAZZANO, which was since amended, which, as amended, seeks to construct a 22' x 8' front porch addition to a pre-existing, non-conforming structure, further expanding the nonconformity (front yard setback).

**APPLICANT/S NAME AND ADDRESS:** FRANCIS RAZZANO, 6 Kevin Lane, E. Greenbush, NY 12061.

**PROPERTY OWNER/S NAME AND ADDRESS:** FRANCIS AND TARA RAZZANO, 6 Kevin Lane, E. Greenbush, NY 12061.

**PROJECT NAME:** Z787-20

**LOCATION:** 6 Kevin Lane, E. Greenbush, NY 12061 (property is located within the physical limits of the Town of Schodack).

**TAX MAP NO:** 178.9-3-24.2

**ZONING DISTRICT:** R-20

**WHEREAS**, on July 13, 2020 a **MOTION** was made by LOVERIDGE, **SECONDED** by BREWER and approved by a vote of 5 to 0 to grant approval of the Area Variance Application, as amended, to construct a front porch addition to the existing structure. The structure is a pre-existing nonconforming structure which seeks a front yard setback of 24 feet. The Code of the Town of Schodack requires structures to be located at least 50 feet from the front property line.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Schodack Zoning Board of Appeals, after due consideration of said Area Variance Application, and the requirements of the Code of the Town of Schodack and New York State Town Law 267-b, does hereby grant APPROVAL of the Area Variance Application hereinabove stated and identified as submitted, noting the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Notably:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

It is the determination of this Board that no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variances.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

It is the determination of this Board that there is no other way to add the desired front porch.

3. Whether the requested area variance is substantial.

The Board finds that desired variance, 24 feet, is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

It is the determination that it will not, including for the reasons set forth in #1, above.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

As with most matters that come before this Board, the variances are needed because Applicant desires to build at variance with existing requirements. However, see the discussion in factor 2, above.

PLEASE NOTE, the Zoning Board of Appeals has no authority to alter or determine the ownership of property and that the decision of the Board herein is not a determination of the underlying ownership of the subject property/ies.

The Board members reviewed the area variance criteria.

Loveridge moved, Brewer seconded that the area variance be **GRANTED** for a 22x8 front porch at 6 Kevin Lane no closer than 26 feet to the property line

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

ZBA 7-13-20

21-2020

**ADJOURN**

Brewer moved, Loveridge seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:51 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning