

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL AUGUST 8, 2016
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

Smith moved, Spada seconded that the minutes be approved as amended
5 Ayes. 0 Noes
Ayes: Brewer, Calarco, Maier, Smith, Spada
Oppose: None

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

KEVIN HART published on July 29, 2016

Public hearing open 7:02 p.m.

Public hearing closed 7:10 p.m.

Kevin Hart
601 Muitzeskill Rd
Proposed - Area Variance front yard set back

Z756-16/RA/226.-1-2

Kevin Hart, Applicant was present for this meeting.

Chairman Calarco stated this was submitted to the Rensselaer County Economic Planning Review Board and has given this zoning board this does not have a major impact to county plans and local consideration shall prevail. See Below

Chairman Calarco stated the Planning Board of the Town of Schodack gave this application a favorable recommendation. See Below.

Chairman Calarco explained that this is not a front yard setback but in fact an expansion

of a pre-existing non-conforming structure.

Mr. Hart stated he is looking to build a closed in porch 8 x 19 feet.

Mrs. Fuda handed out a new map for this application.

Chairman Calarco explained to the applicant what a pre-existing non-conforming means.

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

Spada moved, Brewer 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

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

5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Maier moved, Smith seconded that the area variance be **GRANTED**. For an enclosed porch.

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

6) Conditions:

- Like Construction

Planning Board RECOMMENDATIONS TO THE ZBA 7-18-16

Shaughnessy moved, Aubin seconded a "**FAVORABLE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: none

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

LISA TRIBITT published on July 29, 2016

Public hearing open 7:10 p.m.

Public hearing closed 7:20 p.m.

Lisa Trubitt
1297 Schodack Valley Road
Proposed - Area Variance front yard setback

Z757-16/RA/188.-5-21

Lisa Trubitt, applicant was present for this meeting.

Chairman Calarco explained that this application was approved in 2013 but the applicants were not able to construct

Chairman Calarco asked Ms. Trubitt to explain what they are looking to do.

Mrs. Trubitt stated they are looking to take down their existing garage and construct a new one that is 30 x 34 feet which will put their coverage at 11.25 percent versus the 10 percent that is allowed. They will be finishing the second floor for her office and a space for writing.

Chairman Calarco stated this application has changed a little with the addition a bathroom on the second floor.

Mrs. Trubitt stated correct it will be a toilet, sink and maybe a shower.

Chairman Calarco asked why a shower.

Mrs. Trubitt stated simply, I would like my husband to be clean before he entered the house. But if that is not permissible then that is fine, we will stay with the sink and toilet.

Chairman Calarco stated the board always makes a recommendation that there be no living space in the garage.

Mr. Spada asked about the size of the second floor and is there another way out of that space.

Mrs. Trubitt stated it is complete second floor part storage and my office. But there is no second exit in the plans just the stairs coming from inside the garage.

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, Smith 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

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

5 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Smith, Spada

Oppose: None

Calarco moved, Smith seconded that the area variance be **GRANTED as per the submitted plans**.

Brewer	Calarco	Maier	Smith	Spada
Yes	Yes	Yes	Yes	Yes

6) Conditions:

- Bathroom with no shower
- No living Space
- like building materials

Planning Boards RECOMMENDATIONS TO THE ZBA

Lisa Trubitt

Z757-16/RA/188.-5-21

1297 Schodack Valley Road

Proposed - Area Variance 10% coverage

RECOMMENDATIONS TO THE ZBA

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

ADJOURN

Brewer moved, Calarco 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