

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL FEBRUARY 13, 2017
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

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

MEMBERS ABSENT

APPROVE MINUTES

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

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

James Capitanio published on **DATE**

Public hearing open 7:10 p.m.

Public hearing closed 7:15 p.m.

James Capitanio
29 Bellwood Ln.
Proposed- Area Variance

Z762-17/R-20/189.1-9-25.12

James Capitanio, applicant was present for this meeting.

Mr. Capitanio stated he is looking to build a new home on an existing lot on Bellwood Land and has contacted and has received signatures from them stating they are not opposed to him building on this lot. The reason he did this was because it was part of a covenant requiring him to do this. The variance he needs would be for both side yards, instead of a 30 foot side yard he is looking at a 26 and a 1/2 side yard setback.

Chairman Calarco stated this is a modular correct
Reviewed the applicant's plans the garage is opposed from what is shown

Mr. Capitanio stated correct the garage is 24 foot wide and on the right side of the house.

Chairman Calarco stated the lot width is 125 feet correct.

Mr. Capitanio stated correct.

Chairman Calarco state the plans show an existing well.

Mr. Capitanio stated yes that is the neighbors well, the surveyor was using that to base the 100 foot separation for his septic system.

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.

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

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

4 Ayes, 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

Calarco moved, Brewer seconded that the area variance be **GRANTED** for a 4 and 1/2 foot plus or minus setback on each side yard of the new construction.

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

ADJOURN

Brewer moved, Maier seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:20 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning