

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL DECEMBER 10, 2018  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

**APPROVE MINUTES**

Brewer moved, Spada seconded that the minutes be approved as amended  
4 Ayes. 0 Noes  
Ayes: Brewer, Calarco, 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):**

**Love Lutheran Church published on 12-1-18**

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public hearing open 8:15 p.m.

public hearing closed p.m.

Love Lutheran Church  
114 Birchwood Dr.  
Proposed- Area Variance

Z777-18/R-20/117.12-5-30

The applicant representative was not in attendance.

Chairman Calarco stated that this public hearing will be opened and put on hold until the meeting on January 14, 2019 applicant can be here to discuss this application.

The applicant needs an area variance up on Birchwood Drive for 30 feet of frontage, the code requires 150 feet of frontage, and the applicant has 120 feet of road frontage so they are asking for 30 foot variance. We also have a memo from the town highway superintended Ken Homes stating that this is a town road and the memo has been added to the file. He asked if there were comments from the public.

Andy Brick, attorney for the Birchwood area members, stated they are opposed to this lot line adjustment and stated he is going to reserve his comments until the applicant can be

at the meeting to state their case.

Resident he questions the length of Birchwood Drive.

Chairman Calarco stated it is .05 of a mile (10<sup>th</sup> of a mile)

Resident state that a document that was received from a FOIL stated the house was empty for many years, that is not true, it was rented up to April 2018. And asked if this application could be denied because the applicant did not show up for the meeting.

Chairman Calarco stated we would not do that to any applicant without knowing why the applicant is not here, even if the applicant showed up this board has up to 60 days to make a decision.

Resident asked if this is approved what else the town can approve to go into this site. if you do this here why can't you do this somewhere else.

Chairman Calarco stated the decrease frontage that is before the board has basically no bearing on their ability one way or the other to do or not do any other subdivision. Also each application is biased on its own merits, which meant it's looked at individually.

Chairman Calarco called the meeting closed and the board decided to keep the public hearing open to the next meeting on January 14, 2019.

#### **ADJOURN**

Calarco moved, Spada 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