

1           ZONING BOARD OF APPEALS           COUNTY OF RENSSELAER

2           TOWN OF SCHODACK

3           \*\*\*\*\*

4           THE ZONING BOARD OF APPEALS

5           \*\*\*\*\*

6           THE STENOGRAPHIC MINUTES of the above entitled  
matter by NANCY L. STRANG, a Shorthand Reporter  
7           commencing on June 22, 2020 at 7:00 p.m. at Town Hall,  
265 Schuurman Road, Castleton, New York

8

9           BOARD MEMBERS:

10          DAVID CALARCO, CHAIRMAN

EDWARD BREWER

11          ANTHONY MAIER

LOU SPADA

12          BOB LOVERIDGE

13          ALSO PRESENT:

14          CRAIG CRIST, ESQ., COUNSEL TO THE BOARD

NADINE FUDA, DIRECTOR OF PLANNING AND ZONING

15          MELISSA KNIGHTS, SECRETARY

DAWNE KELLY

16          DENNIS MCGLAUFLIN, VIA ZOOM CONFERENCING

STACY FALASCO, VIA ZOOM CONFERENCING

17          CHRIS MCCAULEY, VIA ZOOM CONFERENCING

LEE WETHERBY, VIA ZOOM CONFERENCING

18          KEITH ZIMMERMAN, VIA ZOOM CONFERENCING

JULIA GENICKI, VIA ZOOM CONFERENCING

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LEGAL TRANSCRIPTION

518-542-7699

	<u>INDEX</u>	
1		
2	<u>Proceeding</u>	<u>Pg.</u>
3	Dennis & Cristin McGlaulin	4
4	2 Pinewood Avenue	
	Proposed - Front Porch/Front Yard Setback	
5	Stacy Falasco	10
6	1003 River Road	
	Proposed - Front Porch	
7	Chris McCauley	38
8	1313 South Schodack Road	
	Proposed - Addition and Porch	
9	Lee Wetherby	17
10	648 River Road	
	Proposed - Over on 10% New Garage	
11	Keith Zimmerman	54
12	13 East Drive	
	Proposed - New Shed Over on 10%	
13	Julia Gensicki	60
14	2304 North Old Post Road	
	Proposed - Shed Over on 10%	
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1                   CHAIRMAN CALARCO: Good evening. I would like  
2                   to call this meeting of this Schodack Town Board of  
3                   Appeals to order, please.

4                   Welcome back, gentleman. It has been a while.  
5                   I hope everyone is doing okay. We have quite an  
6                   ambitious agenda tonight. I will thank everyone  
7                   again once more for being so accommodating to  
8                   agree to have the special meeting so that we can  
9                   handle and hear some of these requests for the  
10                  citizens who have been waiting as much as three or  
11                  four months. Hopefully we will get to do that  
12                  tonight.

13                  The first thing on our agenda is the approval  
14                  of minutes and those minutes were, believe it or  
15                  not, from way back in November. If you will  
16                  remember, that was the night we did the Stewart's  
17                  application for the water quality. Those minutes  
18                  were recorded by our stenographer, so they are on  
19                  record as being verbatim. This is just to show  
20                  what we did.

21                  If anybody has any changes or questions about  
22                  it -- otherwise, can I have a motion to accept?

23                  MR. SPADA: I'll make that motion.

24                  CHAIRMAN CALARCO: Mr. Spada.

25                  MR. MAIER: I'll second.

1 CHAIRMAN CALARCO: Mr. Maier, second.

2 All those in favor?

3 (Ayes were recited.).

4 Mr. Loveridge, you weren't here and you don't  
5 get to vote.

6 Let's move onto item number two which is  
7 Dennis and Christine McGlauflin. This is on 2  
8 Pinewood Avenue, proposed front porch/front yard  
9 setback.

10 Can you read the notice, please?

11 MS. FUDA: Please take notice the Zoning Board  
12 of Appeals of the Town of Schodack will conduct a  
13 public hearing on Monday, June 22, 2020 at 7:00 PM  
14 Dennis and Christine McGlauflin of 2 Pinewood Avenue  
15 for a proposed area variance for a front yard  
16 setback for a new porch.

17 The application is available for review by  
18 emailing nadine.fuda@schodack.org or calling the  
19 planning office at 518-477-7938. You may email  
20 your comments and on the application, or by phone  
21 in during the meeting at 518-376-7875 or mail  
22 Nadine Fuda, Town of Schodack, 265 Schuurman Road,  
23 Castleton, New York. Please check the meeting  
24 agenda posted on the Town's website at  
25 [www.schodack.org](http://www.schodack.org) for information on the virtual

1 meeting.

2 CHAIRMAN CALARCO: For the record, this was  
3 submitted to the Rensselaer County Bureau of  
4 Economic Development and Planning. After reviewing  
5 they had determined that the proposal does not have  
6 a major impact on county plans and local  
7 consideration shall prevail.

8 Also, this was at the Planning Board at the  
9 last meeting on the 15th of June.

10 MS. FUDA: No, she was in February.

11 CHAIRMAN CALARCO: So, this was way back in  
12 February, but they were given a favorable -

13 MS. FUDA: Yes.

14 CHAIRMAN CALARCO: So, gentlemen, I guess we  
15 have to pay attention to the screen up here. Who is  
16 representing the applicant tonight?

17 MS. KELLY: Christine is here.

18 CHAIRMAN CALARCO: Great. Mrs. McGlauflin, If  
19 you could please make your appeal to the Board and  
20 what it is you're looking to do?

21 MS. MCGLAUFILIN: Yes, right now we have a  
22 cement staircase and that was making water go behind  
23 it and it was ruining our foundation. So, we took  
24 that down and my husband put up four steps to get  
25 into the house. We would like the builders to build

1 new stairs and while we're doing that, we were hoping  
2 to put a little overhang. So, it would be about four  
3 by six.

4 CHAIRMAN CALARCO: Gentlemen, this is a very  
5 straightforward application, well presented by  
6 pictures etcetera, so you can see really see what's  
7 going on. This first one should be easy, anyway.

8 You made site visits and saw this. It's on a  
9 corner lot, so this automatically makes this  
10 previously nonconforming in that they don't meet  
11 any of the current setbacks for that.

12 So, they want at this porch on the front  
13 which would be covered and the porch is  
14 approximately six feet wide by four feet deep on  
15 the front of their house.

16 Don't be confused by the application here. If  
17 you remember correctly, we do not count the  
18 stairs. It's the footprint of the porch. We  
19 traditionally have not counted the stairs because  
20 it's just the footprint. So, this really makes  
21 this much simpler, or I should say less of an  
22 encroachment.

23 Are there any questions for the applicant  
24 that you might have?

25 MR. SPADA: Is there a railing that is going to

1           be on the stairs?

2           MS. MCGLAUF LIN: Yes, there will be. There is  
3           like four stairs right now with a little platform  
4           with a rail. Yes, there will be rails on the next  
5           one.

6           MR. SPADA: Okay, thank you.

7           CHAIRMAN CALARCO: Any other questions for the  
8           applicant?

9           MR. MAIR: I probably missed it somewhere, but  
10          how much bigger is this than the old one?

11          MS. MCGLAUF LIN: It's only about four foot on  
12          either side bigger. Right now it's a makeshift one  
13          right now. That one is four feet right now. We kind  
14          of wanted the platform to be a little wider.

15          MR. MAIR: It's a non-conforming -

16          CHAIRMAN CALARCO: No, it's non-conforming but  
17          whenever you put in addition, even if it's something  
18          as small as this porch you're expanding that  
19          non-conformity. So, that's why they come to us.  
20          These small -- they're very easy, versus someone  
21          that wants to put on an 8,000-foot addition.

22          Okay, if there's no other questions from us,  
23          gentlemen, I will, at this point, open up the  
24          public comment. We will wait approximately four or  
25          five minutes for people to call in to give them an

1 opportunity to call or text or whatever.

2               Anyone from the public who would like to make  
3 comment, please give the phone number again  
4 please?

5               MS. FUDA: 518-376-7875.

6               CHAIRMAN CALARCO: We can just wait a few  
7 minutes and afford the opportunity for folks to  
8 comment.

9               (A pause was allowed for the public to  
10 contact the Board with their comments.)

11              MS. FUDA: There are no emails or texts at this  
12 time.

13              CHAIRMAN CALARCO: Okay, gentlemen it doesn't  
14 look like we are having any requests for public  
15 comment. So, I will close the public comment period.

16              This should be fairly straightforward. Let's  
17 do our criteria first.

18              Can this benefit be achieved by other means  
19 feasible to the applicant? No. The front of her  
20 house is the extension.

21              Will the request change the neighborhood's  
22 character or two nearby properties? Not at all.

23              Will the request be substantial? Not  
24 substantial.

25              Will the request have an adverse physical or

1           environmental effect? I don't see any.

2           Is the alleged difficulty self-created? By  
3           law, it is.

4           So, can I have a motion -- I will say that  
5           this is a Type II action under SEQRA. We are not  
6           required to do a SEQRA Resolution.

7           MR. CRIST: I would just say this Chairman: The  
8           Resolution is to brand a Type II -

9           CHAIRMAN CALARCO: I will make a Resolution  
10          that this is a Type II action.

11          MR. SPADA: (Raises hand.)

12          CHAIRMAN CALARCO: Seconded by Mr. Spada.

13          All in favor?

14          (Ayes were recited.)

15          So, if you like, I will make the motion to  
16          grant a variance for a covered front porch to be  
17          approximately six-foot wide by four-foot deep, not  
18          including the stairs.

19          MR. BREWER: Something about the railings -

20          MS. FUDA: No, that's Code.

21          CHAIRMAN CALARCO: So, that's my motion to  
22          grant the variance, not including the steps.

23          Do I have a second?

24          MR. LOVERIDGE: I'll second.

25          CHAIRMAN CALARCO: Mr. Loveridge seconds.

1           Is there discussion on the motion?

2           (There was no response.).

3           Okay, gentlemen, if is no further discussion,  
4           we will take a vote.

5           (The roll was called by Ms. Fuda and the  
6           motion was carried unanimously.).

7           Mrs. McGlaulin, you're all set. You need to  
8           contact Nadine or somebody at the office here and  
9           they will tell you exactly what the next step will  
10          be.

11          MS. MCGLAULIN: Thank you, very much. Have a  
12          good night.

13          CHAIRMAN CALARCO: You too.

14          Next on the agenda is Stacy Falasco, 1003  
15          River Road. This is a garage and carport.

16          Can you read the notice?

17          MS. FUDA: Please take notice the Zoning Board  
18          of Appeals of the Town of Schodack will conduct a  
19          public hearing on Monday, June 22, 2020 at 7:00 PM  
20          Stacy Falasco at 1003 River Road for a proposed area  
21          variance for a front yard setback, new garage and  
22          carport.

23          The application is available for review by  
24          emailing nadine.fuda@schodack.org or calling the  
25          Planning office at 518-477-7938. You may email

1           your comments on the application or by calling in  
2           during the meeting at 518-376-7875 or your  
3           comments can be mailed to Nadine Fuda, Town of  
4           Schodack, 265 Schuurman Road, Castleton, New York.  
5           Please check the meeting agenda posted on the  
6           Town's website at [www.schodack.org](http://www.schodack.org) for information  
7           on the virtual meeting.

8                     CHAIRMAN CALARCO: Okay, Ms. Falasco, can you  
9                   make your appeal to the Board and tell us exactly  
10                  what you're looking to do?

11                  MS. FALASCO: We want to put a half-carport and  
12                 a single-car garage on an existing concrete pad  
13                 that's already been poured on the existing driveway  
14                 that was here. It would not extend beyond the front  
15                 of the house. So, it would line up with the house in  
16                 terms of how far away it is from the road. It is  
17                 more than 10 feet away from my neighbor along  
18                 outside of the house - from the property line. The  
19                 actual house on that property is even abandoned. So,  
20                 I haven't seen any interference with it, but again I  
21                 already have the concrete slab poured on the  
22                 existing driveway.

23                  It would be a 10 x 20 garage attached to a 10  
24                 x 14 carport, so I would have two spots in the  
25                 driveway.

1 CHAIRMAN CALARCO: Okay, thank you.

2 MS. FALASCO: Can I also say one other thing?

3 If anyone is concerned about the optics, it will  
4 match the siding that is currently on the house. So,  
5 it will be the same color as the house; the white  
6 door, white posts on the carport side as well,  
7 professionally installed. It's being built by a  
8 carrier down in Red Hook and its being built by  
9 Amish people. So, it's going to be very sturdy. You  
10 should have the drawings, as well, from them.

11 CHAIRMAN CALARCO: Yes, we do, thank you.

12 Gentlemen, this is again pre-existing  
13 nonconforming. All those properties down there  
14 they've been there forever in the setbacks --  
15 there were no setbacks. I think what she's  
16 proposing here is a setback of the setback of the  
17 existing house.

18 You have made your site visits and you'll  
19 notice right behind that concrete pad, the ground  
20 slopes off tremendously. Right behind her is the  
21 railroad tracks and wetland. I don't really know if  
22 it's feasible to push it farther back and that's  
23 what she's proposing -- just so you're clear as to  
24 what the drawing shows.

25 Does anyone have any questions for the

1 applicant?

2 MR. SPADA: I do. The pad that is there now --  
3 is that what the size of the garage is going to be,  
4 or is that the approach to the garage?

5 MS. FALASCO: There is an approach going up and  
6 the pad is going to be beyond that. There's actually  
7 a line that predates the ramp up to the garage and  
8 carport in addition to -- I think it was called the  
9 curtain or something like that in front. So, that  
10 platform that you see there - - the garage is like  
11 five feet beyond that.

12 MR. SPADA: Okay, that's what I wanted to know.

13 MS. FALASCO: It will line up exactly where the  
14 house is.

15 MR. SPADA: Okay, thank you.

16 CHAIRMAN CALARCO: There is an apron where the  
17 garage starts. The garage will be at the setback of  
18 the house.

19 Anyone else?

20 (There was no response.).

21 Okay, at this point I'm going to open up the  
22 public hearing.

23 Please read that phone number one more time.

24 MS. FUDA: If anyone wants to call or text and  
25 now on this application, it's 518-376-7875.

1                   CHAIRMAN CALARCO: We will give it a couple  
2                   minutes to see if someone wants to make comment.

3                   (A pause was allowed for the public to  
4                   contact the Board with their comments.).

5                   There seems to be no public comment. I will  
6                   close the public comment period.

7                   Okay, gentlemen, we will address the criteria  
8                   on this one.

9                   Whether the benefit can be achieved by other  
10                  means feasible to the applicant? I don't see how  
11                  she could do it on that lot.

12                  Undesirable change in neighborhood character  
13                  of two nearby properties? I don't believe it will.  
14                  They are all like that.

15                  Whether the request is substantial? I think  
16                  in this case, it is pretty substantial being 15  
17                  feet from the road.

18                  Does anybody agree/disagree?

19                  Okay, it looks like we are in agreement.

20                  Whether the request will have adverse  
21                  physical or environmental effects? I don't believe  
22                  that it will.

23                  Whether the alleged difficulty is  
24                  self-created? It is self-created, under the law.  
25                  So, it is substantial, she is moving this thing

1           where the house is. Moving any further back -- I  
2           just don't see the need to do it. Keep that in  
3           mind.

4           Lets do our SEQRA. I will make a motion again  
5           that it is a Type II action. Do I have a second?

6           MR. LOVERIDGE: I'll second.

7           CHAIRMAN CALARCO: Mr. Loveridge seconds.

8           All in favor?

9           (Ayes were recited.).

10          Opposed?

11          (There were none opposed.).

12          Okay, there is no SEQRA requirement for that.

13          Okay gentlemen, do we have a motion to grant  
14          or deny this variance? Someone want to make it?

15          MR. BREWER: I'll make it.

16          CHAIRMAN CALARCO: Motion to grant a variance  
17          for the one-car garage and carport, as per the  
18          dimensions on the plan.

19          MR. SPADA: I'll second.

20          CHAIRMAN CALARCO: Mr. Spada seconds that.

21          Discussion on the motion?

22          She's already told us that will be light  
23          construction.

24          We may just put that as a condition on this  
25          variance, Ms. Falasco, just so the Building

1 Inspector is clear that it will be light  
2 construction on your house.

3 MS. FALASCO: Okay.

4 CHAIRMAN CALARCO: That will be the condition.  
5 I think everything else is pretty much taken care  
6 of.

7 If there's no further discussion on the  
8 Resolution, call the roll, please.

9 (The roll was called by Ms. Fuda and the  
10 motion was carried unanimously.)

11 Okay, ma'am you're all set.

12 MS. FALASCO: Thank you, so much.

13 CHAIRMAN CALARCO: You need to contact Nadine  
14 for the next step for the Building Inspector and  
15 permit and you will have to sign a copy of this  
16 variance just for the record so you understand that  
17 you are in agreement, etcetera.

18 Thank you much and have a nice night.

19 MS. FALASCO: Thank you all very, very much.  
20 Stay safe.

21 MS. FUDA: Let's go onto the next ones and we  
22 will come back to Mr. McCauley. We have people  
23 waiting.

24 CHAIRMAN CALARCO: So, we will go on to the  
25 next one. This is Lee Wetherby, 648 River Road. This

1                   particular application is over on the coverage.

2                   MR. WETHERBY: I was told it was 10%. I'm not  
3                   sure exactly.

4                   CHAIRMAN CALARCO: Okay. I appreciate it, but  
5                   we want to do this in order for the record so that  
6                   stays the same. Let Nadine read the notice and then  
7                   will start the actual request for the variance.

8                   MS. FUDA: Please take notice the Zoning Board  
9                   of Appeals of the Town of Schodack will conduct a  
10                  public hearing on Monday, June 22, 2020 at 7:00 PM  
11                  Lee Wetherby at 648 River Road for a proposed area  
12                  variance on 10% coverage of new garage.

13                  The application is available for review by  
14                  emailing nadine.fuda@schodack.org or calling the  
15                  Planning office at 518-477-7938. You may email  
16                  your comments on the application, or by calling in  
17                  during the meeting at 518-376-7875 or you can  
18                  email to Nadine Fuda, Town Hall, 265 Schuurman  
19                  Road, Castleton, New York, 12033. Please check the  
20                  meeting agenda posted on the Town's website at  
21                  www.schodack.org for information on the virtual  
22                  meeting.

23                  CHAIRMAN CALARCO: This was also sent to  
24                  Rensselaer County Economic Development and they  
25                  determined it has no effect on County plans and

1 local consideration shall prevail. This did receive  
2 a favorable recommendation by the Planning Board.  
3 It's all on the record. Thank you.

4 So, please tell the Board exactly what you're  
5 asking for in the variance.

6 MR. WETHERBY: The plan for the garage --  
7 they're going to excavate an area of 24 x 24 and  
8 remove all the dirt, install 10-inch crusher run and  
9 that will be added to my existing driveway. They're  
10 going to create a 24 x 24 slab and pour concrete  
11 onto that slab. The slab layout is five to six feet  
12 off of my fence line. I don't know if you have the  
13 site plan that I drew up. I know that is five feet,  
14 so I put six just to create a little more space.

15 From that - - it's called a kit. There are  
16 materials from Curtis Lumber and it's a two-car  
17 garage and it has a storage area in the rafters.

18 It has vinyl siding, which will match our house  
19 and it will fit right in as far as the house  
20 compatibility and as far as looks goes. We will  
21 continue to eventually have a paved driveway to  
22 it. That is basically it.

23 CHAIRMAN CALARCO: Alright gentlemen, the issue  
24 this particular application presents is because the  
25 lot is so small -- .3 acres, 13,068 square feet and

1 because of the fact that there is the footprint of  
2 the house and 156 square feet for a front porch and  
3 there's a deck which is 240 square feet. On the  
4 listing here it lists a shed of 80 feet.

5 MR. WETHERBY: That shed is no longer there.

6 CHAIRMAN CALARCO: I did see that you removed  
7 that shed.

8 MR. WETHERBY: Yes, that shed is no longer  
9 there. There's 80 feet that I have gained. I forgot  
10 to mention that.

11 CHAIRMAN CALARCO: I'm just letting them know  
12 that on their listing which is based on -- there was  
13 a shed listed and it's on this plan. So, I did note  
14 that you removed the shed, so I will note 8 x 10  
15 shed removed. The issue at this point -- the  
16 proposed structure is 576 square feet. So, if you  
17 add that the existing coverage including taking away  
18 the 80 square feet for the shed, that puts the  
19 coverage at 1,844; 10% coverage would be 1,306 and  
20 this is going to put them at about 538 feet more  
21 over in coverage. So, if you do the math, this will  
22 be about just a smidge over 14% coverage on that  
23 lot. The 15% coverage is 1,960; 14% is 1,829.5 and  
24 this is just a little bit larger than that. That's  
25 still pushing -- we are at 14% coverage on the lot.

1                   MR. WETHERBY: I understand that, yes.

2                   CHAIRMAN CALARCO: Any questions to the  
3                   applicant?

4                   I'm talking to my Board, sir. I am glad that  
5                   you were listening. I was just letting them know -

6                   MR. WETHERBY: My neighbors have had the same  
7                   garage right next door. It's basically the same one.

8                   So, it's like, why can I?

9                   CHAIRMAN CALARCO: I didn't say that you  
10                  couldn't have it yet. We haven't even gotten that  
11                  far.

12                  MR. WETHERBY: Okay.

13                  CHAIRMAN CALARCO: Lee, this is Ed Brewer. Who  
14                  owns directly behind you?

15                  MR. WETHERBY: The lot behind us belongs to Joe  
16                  Downey.

17                  MR. BREWER: Does he have a house on the  
18                  property somewhere?

19                  MR. WETHERBY: No, behind me, no.

20                  MR. BREWSTER: So, there's no neighbor

21                  MR. WETHERBY: In the back area there are no  
22                  issues there. The lot is empty and I don't think  
23                  it's big enough to put a house on there. It does  
24                  belong to Joe Downey.

25                  MR. BREWSTER: Thanks.

1                   CHAIRMAN CALARCO: So, I have a question for  
2                   you. The well -- it's not used -- right underneath  
3                   where the garage is going to be?

4                   MR. WETHERBY: There was a drilled well there  
5                   by the previous owner. It only produces one-half  
6                   gallon per minute of sulfur water. It is of no  
7                   value.

8                   CHAIRMAN CALARCO: So, it is not used, but what  
9                   is your plan for sealing that well before you build  
10                  this?

11                  MR. WETHERBY: I didn't know there was an  
12                  issue. We would just fill it in, I'm assuming.

13                  CHAIRMAN CALARCO: I'm just making you aware  
14                  because we do have a law -

15                  MR. WETHERBY: I would assume that it would be  
16                  filled in by a contractor. I didn't discuss that  
17                  with him, but if it has to be filled in a proper  
18                  way, that could be done.

19                  CHAIRMAN CALARCO: There is a law in Town that  
20                  requires that if you have an abandoned well and  
21                  you're going to abandon it permanently, to fill it  
22                  and you have to use bentonite or something like that  
23                  to fill it in. I don't know if that would apply  
24                  here, but I just wanted you to be aware.

25                  MR. WETHERBY: Where would I get that

1 information?

2 CHAIRMAN CALARCO: I believe our Building  
3 Inspector would know. We just wanted you to be  
4 aware.

5 MR. WETHERBY: I have discussed this with him  
6 and he didn't mention anything about it.

7 CHAIRMAN CALARCO: So, this is a package garage  
8 that you buy from Curtis, you said?

9 MR. WETHERBY: Yes, Curtis Lumber. There was  
10 one that was put up on Maple Hill Road. It is  
11 exactly the same one.

12 CHAIRMAN CALARCO: Does this is package come in  
13 other sizes?

14 MR. WETHERBY: Unfortunately, no.

15 CHAIRMAN CALARCO: Okay.

16 MR. WETHERBY: I would prefer the size. Our  
17 house is very small so it's not only to store cars,  
18 it is for storage.

19 CHAIRMAN CALARCO: Okay, my reason for asking  
20 was simply because we tried to present this Board  
21 with options. What we have here - and I know you  
22 don't understand this - our job is to help you out  
23 here. The fact is that our law allows 10% coverage.  
24 This Board has traditionally not granted variances  
25 at 14 plus or minus. What happens is when we start

1                   granting over 14%, we now in essence made the 10%  
2                   law meaningless. Because once we grant 14 plus or  
3                   minus, it's very difficult for us to say to somebody  
4                   else you can't have the same variance.

5                   MR. WETHERBY: I can understand that, but  
6                   granted all lots are small down here. You're not  
7                   living in a development like Castle Ridge where the  
8                   lots are much bigger. This is it. I'm not trying --  
9                   I can't make my lot in a bigger.

10                  CHAIRMAN CALARCO: It's not a matter of the  
11                  square footage of your lot, it's a percentage of no  
12                  matter what size lot. If you have 1,000 square feet,  
13                  you get 10%. If you have 20,000 square feet, you get  
14                  10%. So, the percentages are fair as a percentage.

15                  If you have a small lot, you're right, it  
16                  affects you more because you want the same size  
17                  garage that your neighbor or somebody else has.  
18                  When you look at the numbers -- our dilemma, just  
19                  so you understand our predicament, if we grant  
20                  this it sets a precedent for this Board to then  
21                  say we granted 14% to Mr. Wetherby down in the  
22                  landing. How can we deny somebody else the same  
23                  14%? It makes it very difficult. That's why I  
24                  asked you if there was another size garage.

25                  MR. WETHERBY: I personally would want a

1                   two-car garage. That is my goal.

2                   CHAIRMAN CALARCO: I have a two-car garage at  
3                   my house, too, but a two-car garage could easily be  
4                   21 x 24.

5                   MR. WETHERBY: That's going to cost me more  
6                   because than it's no longer the kit.

7                   CHAIRMAN CALARCO: As much as you don't want to  
8                   hear this, cost is not a consideration for us. Just  
9                   because it would cost you more, doesn't mean that's a  
10                  consideration for us. We are more concerned with the  
11                  fact that once we grant that 14%, we're going to  
12                  have to continually grant that 14%. We have tried on  
13                  this Board to be consistent and not grant anything  
14                  close to that simply because it puts us in a very  
15                  difficult position of ever saying no to someone.

16                  If there's some circumstance that I missed,  
17                  gentlemen, maybe there's some insight here.

18                  Mr. Spada, anyone have something that I'm  
19                  missing that would make it easier for us to grant  
20                  this 14% coverage?

21                  MR. SPADA: You say it very plainly that the  
22                  current plan is the current Code gives a leeway of  
23                  10% and that's the Planning Board or the Town passed  
24                  that law and we are here to uphold that law, or as  
25                  close to it as we can. If it was 10.2 but now we are

1           4% over, you kind of put us in a predicament. That's  
2           just my opinion. Not that we haven't had this come  
3           up before and had to deal with it.

4           CHAIRMAN CALARCO: So, that's going to be the  
5           dilemma that we wrestle with. This 14% -- is this  
6           going to lock us in the future to all applications  
7           that now want coverage? I am charged under the law,  
8           just so that you know, Mr. Weatherby, that we are  
9           supposed to grant the minimum variance necessary.  
10          That means to achieve what you are trying to achieve  
11          which is a two-car garage, but also to satisfy the  
12          Board's concerns about things like setting a  
13          precedent, granting something that down the road we  
14          would have to live with for every application that  
15          we go through that was the same. For instance, I  
16          could see everybody in Schodack Landing wanting 14%  
17          coverage simply because the lots are all small.

18          MR. WETHERBY: Not to disrupt you, but, I know  
19          of homes that are way over that down here. They have  
20          no issues. Now because I want the garage, it's an  
21          issue.

22          CHAIRMAN CALARCO: You're wrong. I think you're  
23          wrong, I'm sorry. It's not because you want the  
24          garage that's an issue. Whether it was you or Mr.  
25          Jones or Mr. Smith, this is the same exact

1 discussion we would have with everybody. I don't  
2 even know you, sir. There's nothing personal with  
3 this Board -

4 MR. WETHERBY: What you are saying to me, sir -  
5 you're concerned about because you did it for me for  
6 14% and you're going to have to do it for others.  
7 There are other lots down here in Schodack Landing  
8 that are way over that.

9 CHAIRMAN CALARCO: How do you know that, sir?  
10 you know the size of their lot?

11 MR. WETHERBY: I know, sir.

12 CHAIRMAN CALARCO: I will tell you right now  
13 that this Board -- and I've been on this Board  
14 almost 20 years now and I've been a Chairman for 15.  
15 This Board has never granted 14%.

16 MR. WETHERBY: Then, whether they were granted  
17 legally through the Town or not, there are lots in  
18 Schodack Landing that are way over that as far as  
19 coverage goes. I don't know how they did it or if  
20 maybe they didn't do it right, I'm trying to do it  
21 correctly. I'm doing it the way I'm supposed to be  
22 doing it, to uphold the law and do this correctly.  
23 That's all I'm trying to do.

24 CHAIRMAN CALARCO: As soon as I mentioned the  
25 fact that there is a possibility that this Board may

1 not grant that, you're trying to make a case with us  
2 that you could have been an outlaw and done this  
3 without going through the proper channels. I don't  
4 think that's a good attitude to take.

5 MR. WETHERBY: Sir, I had a very hard time  
6 hearing. It's muffled and it's very difficult to  
7 hear you. The other lady who was here earlier, she  
8 had to put her head right next to her speaker. I'm  
9 having a very hard time hearing you.

10 CHAIRMAN CALARCO: At this time, I'm opening it  
11 up to the public comment. So, we can hear from  
12 anyone who wants to make comment.

13 MS. FUDA: If anyone would like to make comment  
14 now, please text or call in at 518-376-7875.

15 For the record, I did have his neighbor call  
16 in, Mr. Joe Downey, who said he had no issues with  
17 the garage. He actually came in and looked at the  
18 map and had no issues with the garage.

19 CHAIRMAN CALARCO: So, we will give it a couple  
20 of minutes.

21 (A pause was allowed for the public to  
22 contact the Board with their comments.).

23 Any other comment?

24 MS. FUDA: No, no other comment.

25 CHAIRMAN CALARCO: Okay, I will close the

1                   public hearing portion.

2                   Okay gentlemen, any thoughts on this before  
3                   we go to our criteria?

4                   MR. SPADA: We have been put into a position  
5                   where we have to go with the percentage that we have  
6                   never went to before and something that is not  
7                   intended by law. I think that's the decision that  
8                   the Board has to make. We've never been in that  
9                   water before. I think it will set a precedent that  
10                  we will have to continue doing. That's just my  
11                  opinion.

12                  MR. MAIER: As far as a precedent, each case is  
13                  on its own merit base. You've got a little bit of  
14                  wiggle room there, so you're not definitely stuck  
15                  with a high percentage.

16                  CHAIRMAN CALARCO: Tell me that there aren't 70  
17                  properties in Town or maybe 150 other properties in  
18                  the Town that have the same kind of situation. They  
19                  would love to have 14% coverage, but Dave said no.

20                  What people don't understand is that the Town  
21                  can change this law any time they like. The Town  
22                  Board can say we're not going to allow this much  
23                  coverage for everybody in the Town of Schodack.  
24                  Until they do that, if we start granting variances  
25                  that are this liberal, it makes the Code itself

1                   meaningless. The 10% doesn't mean anything.

2                   So, again I'm going to ask one more time. Mr.  
3                   Weatherby, is there any way you can change the  
4                   size of this garage a little bit to give us some  
5                   cover so that it drops below that 14%? Is there  
6                   any way you can possibly cut the size of the  
7                   garage down a little bit to give us some cover  
8                   from this 14%?

9                   MR. WETHERBY: I would prefer not to.

10                  CHAIRMAN CALARCO: Even if it means being  
11                  denied?

12                  MR. WETHERBY: Your point to me, sir, was how  
13                  do I know what my neighbors have for land coverage?

14                  CHAIRMAN CALARCO: I don't really care about  
15                  that, Mr. Weatherby. We are looking at your property  
16                  and this 14%. I don't care about your neighbors. If  
17                  your neighbors have an issue, you can take that up  
18                  with them.

19                  MR. WETHERBY: Can I make one point?

20                  CHAIRMAN CALARCO: Yes.

21                  MR. WETHERBY: As I said, as you said to me,  
22                  how do I know what my neighbors coverage is? It's  
23                  the same thing that goes here. How do they know that  
24                  I'm 14% over, 11% over, 15% over?

25                  CHAIRMAN CALARCO: They don't.

1                   MR. WETHERBY: Can I finish, sir?

2                   CHAIRMAN CALARCO: Yes.

3                   MR. WETHERBY: About 90% of the people that  
4                   live in Schodack Landing don't care. I'm just  
5                   improving my property and I'm making it for  
6                   something that I want on my property and you're  
7                   telling me I can't have it. I'm making my property  
8                   more valuable so there is more tax coming in. I'm  
9                   upgrading my home as geothermal. I'm making my home  
10                  more valuable to make it more when I leave -- when I  
11                  leave this earth it will be more valuable.

12                  I understand that it's the law and the  
13                  various Boards are there to make exceptions. What  
14                  you're telling me is that because you make one  
15                  exception for me, everybody else is going to want  
16                  that. What I'm saying to you and more or less what  
17                  you have said to me is that: How do these other  
18                  people know how much coverage I have? That is my  
19                  point.

20                  CHAIRMAN CALARCO: I don't care if they know,  
21                  sir. We're not considering whether your neighbors  
22                  know you have coverage. What we are saying is that  
23                  the record shows that this Board will have granted  
24                  that coverage. Once I granted for you -- once this  
25                  Board grants it, we are held by law to that

1           precedent. The law says we can't just go back and  
2           forth. Mr. Wetherby is 14%, but Mr. Jones doesn't  
3           get 14. The law says we have to be consistent and we  
4           are bound by that. That's why we are so concerned  
5           about a precedent. It has nothing to do with your  
6           property or you.

7           MR. WETHERBY: Can you tell me in the past,  
8           sir, in Schodack Landing of homes or things that  
9           have been done that have gone over, or is there a  
10          place that I can find that so I can justify --  
11          you're telling me I can't go over 14% but I have a  
12          right to go through the records and find out if  
13          there's anybody else in Schodack Landing that has  
14          gone over that. If I find that, then your argument  
15          is right. I have that right.

16          CHAIRMAN CALARCO: What you are going to find  
17          is that these people have done it either illegally  
18          without consent -- because this Board has never  
19          granted 14%. So, you will never find a variance for  
20          14%. You will find people that may have built  
21          something illegally, but you will never find a  
22          variance.

23          MR. WETHERBY: It's like you want me to change  
24          my mind and do a smaller garage and I want you to  
25          change your mind to allow me to build the size

1 garage that I want.

2 CHAIRMAN CALARCO: I have four other members  
3 and my feeling from these other members is that they  
4 are not on Board.

5 MR. WETHERBY: I will abide by your decision.

6 CHAIRMAN CALARCO: The decision to either grant  
7 or deny, but you don't want to go smaller.

8 MR. WETHERBY: I would rather not. I would have  
9 to do some more due diligence in finding this out.  
10 I've been working on this for about two and half  
11 years now and gathering information. I didn't know  
12 about land coverage until I presented a site plan.

13 CHAIRMAN CALARCO: Mr. Wetherby, I guess what  
14 I'm trying to do is I'm trying to get you -

15 MR. WETHERBY: You're trying to put me into a  
16 20-foot garage that I don't want to go into. That's  
17 what you're trying to do.

18 CHAIRMAN CALARCO: But you would at least still  
19 have a garage. If this Board denies you, you can't  
20 come back. You don't get a second do over.

21 MR. WETHERBY: Well, then I will have to do  
22 within the law where I won't have to go to

23 CHAIRMAN CALARCO: Again, you're already over  
24 the coverage and you can't put anything else on that  
25 property. You can't put so much as a mailbox.

1                   MR. WETHERBY: So, you are telling me that if  
2                   you deny me, I cannot get a garage. Those are things  
3                   that the average person does not know.

4                   CHAIRMAN CALARCO: Well, there is a thing on  
5                   the application that says you might want to consult  
6                   an attorney before you come for a variance.

7                   MR. WETHERBY: I'm having a hard time hearing  
8                   you.

9                   CHAIRMAN CALARCO: Let me speak for a minute  
10                  and don't try to talk over me.

11                  There is something on the application that  
12                  you might want to consult with an attorney before  
13                  coming for a variance because it is a very legal  
14                  process. It's not just us deciding that we are  
15                  okay with your garage. This is a legal process. We  
16                  are bound by our decisions and so are you. My  
17                  point was if you don't want to agree to a smaller  
18                  garage, my gut feeling is that you will be denied  
19                  by this Board. Maybe they will prove me wrong and  
20                  they will vote yes, but my gut feeling is I don't  
21                  have members on-board here. If you are denied, you  
22                  cannot come back before us unless it is  
23                  appreciably different application.

24                  MR. WETHERBY: Can you repeat that? I did not  
25                  understand it.

1                   CHAIRMAN CALARCO: If you are denied by this  
2                   Board, you cannot come back, again for another  
3                   variance.

4                   MR. WETHERBY: Ever?

5                   CHAIRMAN CALARCO: It would have to be an  
6                   appreciably modified application and it would be  
7                   even smaller than what we are offering you.

8                   I think this Board would be okay with a 21 x  
9                   24

10                  MR. WETHERBY: I don't understand why if I had  
11                  a smaller garage that was under the 10%, why would  
12                  have to come back to you?

13                  CHAIRMAN CALARCO: It's not under the 10%. You  
14                  can never -- right now you are over on your  
15                  coverage.

16                  MR. WETHERBY: What size garage can I have  
17                  without having any issues?

18                  CHAIRMAN CALARCO: I'm not sure what you mean  
19                  by issues.

20                  MR. WETHERBY: The question is: What size  
21                  garage can I put up that will satisfy the Town Board  
22                  and the Zoning Board and if I even can put up a  
23                  garage without going over the allotment of whatever  
24                  it is.

25                  CHAIRMAN CALARCO: Some of my members here are

1 inclined to go with an 18 x 24 garage which is 432  
2 square feet. I suggested a 21 x 24. We don't know if  
3 that will fly. We don't know.

4 MR. WETHERBY: Unfortunately, the 24 is the  
5 width that I want for the garage. It's the width  
6 that I want. You have to understand -- and if you  
7 make that smaller, than it's no longer a two-car  
8 garage. That's the problem because you are making it  
9 deeper and not wider.

10 CHAIRMAN CALARCO: Again, my members are  
11 talking and trying to figure out what would go. I  
12 think what I am hearing is they would be willing to  
13 grant or at least consider granting a variance for  
14 garage that was 20 x 24.

15 MR. WETHERBY: That's 24 feet wide and 20 feet?

16 CHAIRMAN CALARCO: However, you want to do it;  
17 24 x 20 - 20 wide or 20 deep, it doesn't matter to  
18 us is the square footage of 504.

19 MR. WETHERBY: I would agree to that.

20 CHAIRMAN CALARCO: So, if that's what we can  
21 do, gentlemen, if we get to that, we will make that  
22 our Resolution.

23 Okay gentlemen, let's do our criteria.

24 MR. CRIST: Noted on a 20 x 24 revised  
25 application.

1                   CHAIRMAN CALARCO: I will. Everything will  
2                   apply to the consideration of a 24 x 20.

3                   Can this benefit be achieved by other means  
4                   feasible to the applicant?

5                   MR. WETHERBY: Again, I'm having a hard time  
6                   understanding you, sir.

7                   CHAIRMAN CALARCO: This is for the record, sir.

8                   We were just taking care of our business.

9                   Can the benefit be achieved by other means  
10                  feasible to the applicant?

11                  The benefit still make a smaller garage and  
12                  still have a two-car garage.

13                  Undesirable change in the neighborhood  
14                  character? I don't think it will.

15                  Is the request substantial? Obviously, very  
16                  substantial.

17                  Will the request have adverse physical or  
18                  environmental effect? I don't think so.

19                  Is it self-created? It is self-created.

20                  So, this is very unusual that we have three  
21                  of these criteria that are not being met and we  
22                  are still wanting to accommodate this variance.

23                  Can we do SEQRA? Motion for Type II action?

24                  MR. MAIER: So moved.

25                  MR. SPADA: (Raises hand.)

1 CHAIRMAN CALARCO: Mr. Maier and seconded by

2 Mr. Spada. All in favor?

3 (Ayes were recited.).

4 Okay, there is no SEQRA required.

5 The proposal is a modified application that  
6 would be to grant a variance for a 20 x 24 480  
7 square-foot garage on the same site as per the  
8 map.

9 I will make that motion. Do I the second?

10 MR. LOVERIDGE: I'll second.

11 CHAIRMAN CALARCO: Mr. Loveridge seconds.

12 Discussion on the motion?

13 (There was no response.).

14 Any conditions would be whatever has to be  
15 done to seal that well before he covers it --  
16 whatever the Code requires, just make sure that  
17 the Building Inspector is aware.

18 So, those are the conditions. Is there any  
19 discussion on the motion?

20 (There was no response.).

21 Please call the roll.

22 (The roll was called and the motion was  
23 carried unanimously.).

24 Mr. Wetherby, I'm sorry you didn't get  
25 everything you were asking for, but you did get a

1 garage and you can call the Planning office and  
2 they'll tell you what the next steps are for you.

3 MR. WETHERBY: Thank you, very much.

4 Dawne, thank you very much.

5 MS. FUDA: We are now going to back up to Chris  
6 McCauley. He was number 4 on your agenda.

7 CHAIRMAN CALARCO: This is Chris McCauley, 1313  
8 South Schodack Road. Proposal is an addition and  
9 porch.

10 Please read the notice.

11 MS. FUDA: Please take notice the Zoning Board  
12 of Appeals of the Town of Schodack will conduct a  
13 public hearing on Monday, June 22, 2020 at 7:00 PM  
14 for Chris McCauley, 1313 South Schodack Road and Van  
15 Hoesen Road for a proposed area variance -- new  
16 addition and front porch.

17 The application is available for review by  
18 emailing nadine.fuda@schodack.org or calling the  
19 Planning office at 518-477-7938. You may email  
20 your comments on the application or by calling in  
21 during the meeting at 518-376-7875 or your  
22 comments can be mailed to Nadine Fuda, Town Hall,  
23 265 Schuurman Road, Castleton, New York. Please  
24 check the meeting agenda posted on the Town's  
25 website at [www.schodack.org](http://www.schodack.org) for information on the

1 virtual meeting.

2 CHAIRMAN CALARCO: Again, this was also  
3 submitted to Rensselaer County Bureau of Economic  
4 Development and Planning and after review, they have  
5 determined the proposal does not have a major impact  
6 on project plans and local consideration will  
7 prevail.

8 This went before the Planning Board on the  
9 15th with a favorable recommendation.

10 Okay sir, make your appeal to the Board  
11 please of what you would like.

12 MR. McCUALEY: What we would like to do as we  
13 are we are in a corner lot, so because we are on a  
14 corner lot we have 52 feet on one side and I think  
15 on the shortest corner it's about 60 feet. We  
16 already have a deck on the front. We would like to  
17 extend that deck out another 3 feet and make it nice  
18 and acceptable for the community.

19 On the backside coming towards our neighbor's  
20 property, but not towards the road, we would like  
21 to put a two-story addition on for my work and  
22 just have a little bit more living space for  
23 ourselves. We are not encroaching on anybody. We  
24 are not encroaching on the roads. The deck is  
25 absolutely encroaching on the roads, but it's only

1           two more feet than what is existing. We would like  
2           acceptance to do all of this.

3           CHAIRMAN CALARCO: Thank you, sir.

4           Members, do you have any questions for the  
5           applicant here?

6           MR. LOVERIDGE: I have a question. Is the deck  
7           going to be extended by two feet or three feet?

8           MR. McCUALEY: Between two and three feet. I  
9           would like to come out seven feet. The deck is about  
10          four feet long now so that we would encroach to the  
11          road about three more feet. The deck that I do have  
12          now is dilapidated and disgusting in front of our  
13          house.

14          Whatever you guys decide, I will go by. I  
15          think I can make this house more acceptable and  
16          nicer by pulling this deck down and putting a new  
17          one up. The biggest thing is the addition.

18          MR. LOVERIDGE: Okay, thank you.

19          MR. McCUALEY: It will look completely nice and  
20          it will make the community look nicer when we do  
21          these additions and increase our property value. It  
22          will increase our taxes and we have no problem  
23          paying those.

24          CHAIRMAN CALARCO: So, Mr. McCauley, you are  
25          saying that in the front of your house is actually

1           on the Van Hoesen, correct?

2           MR. MCCUALEY: Technically, the front of our  
3           house is considered South Schodack Road. The side of  
4           the house which is technically the front of the  
5           house by the way the house was built is on Van  
6           Hoesen. Our mailing address is South Schodack. We  
7           are literally coming out another three feet to  
8           extend the deck so we can have a little bit more  
9           living space and have some chairs out there and make  
10          it feasible for all of us.

11          It's not going to look trashy. It's going to  
12          look pristine. Whatever we have to do to comply  
13          with the Zoning Board, we would be happy to do.

14          We also know that were going to make this  
15          place look a lot better than it has.

16          I have lived here for 10 years. It had pigs,  
17          goats and geese living inside of it. It was  
18          disgusting. I have been here for the past 10 years  
19          and I have done nothing but improve this property  
20          and I continue to improve the property.

21          I am also in the works of finding another  
22          property in South Schodack to help the community  
23          and improve the value of another property, as  
24          well. I'm here for the best interest of Schodack  
25          and the people of this area.

1                   CHAIRMAN CALARCO: Okay, members, any questions  
2                   you might have for the applicant?

3                   MR. McCUALEY: The only thing I want is the  
4                   best for this area.

5                   CHAIRMAN CALARCO: That's fine. As I look at  
6                   your plan, this is a lot more clear as to the  
7                   relationship of where the buildings go and the  
8                   proposed relationship to your house. So, this makes  
9                   it a little easier for us to understand. I don't  
10                  think anyone here would have a particular problem  
11                  with what you're proposing, but it's the idea of  
12                  where it's going to be. This makes it a little  
13                  easier for us to understand for us to make a  
14                  decision.

15                  In this case, because your house it is on the  
16                  corner, it is considered to have two front yards.  
17                  So, the addition you're putting on -- you get to  
18                  determine whether or not it's your back or your  
19                  side yard. Because it is a pre-existing  
20                  non-conforming structure and you are expanding it  
21                  by quite a bit with the addition, that's one of the  
22                  reasons that the Building Inspector denied it and  
23                  it has to come before this Board.

24                  MS. FUDA: I just got an email from a resident  
25                  that says they can't hear the applicant.

1                   CHAIRMAN CALARCO: Hold on. We're having a  
2                   technical issue.

3                   MS. FUDA: We got an email from a resident that  
4                   says they're having a hard time hearing the  
5                   applicant. So, we are changing the batteries on the  
6                   microphone.

7                   CHAIRMAN CALARCO: As I was just explaining,  
8                   the house being a nonconforming structure is the  
9                   reason why we had to come before the ZBA. The thing  
10                  that concerns me and I will let my other members  
11                  speak for themselves, is the existing deck facing  
12                  Van Hoesen. When I drove by, yes, it's kind of  
13                  falling down and it's been there quite a while. The  
14                  problem I have is if you extend that closer to Van  
15                  Hoesen, you're not only going to 16 feet between  
16                  there, but I would assume 16 feet between where the  
17                  proposed deck would be and the road.

18                  MR. MCCUALEY: I measured it today. It was from  
19                  the existing corner of the existing deck.

20                  CHAIRMAN CALARCO: To the road.

21                  MR. MCCUALEY: Yes. So, we would be coming  
22                  another 2 feet over -

23                  CHAIRMAN CALARCO: Yes, but that's not your  
24                  property line. The road is the road. Your property  
25                  line is about five or six feet or more back from the

1 road.

2 MR. McCAULEY: Yes, I understand that  
3 completely. So, what would be acceptable for you  
4 with the size of the extension of the deck?

5 CHAIRMAN CALARCO: Discussed that and see what  
6 the members would be okay with. I don't know. I know  
7 what you're trying to do. He's trying to keep the  
8 deck the same on both sides of the house which is  
9 going to wrap around.

10 MR. McCAULEY: Right. Do I need to make it  
11 smaller by a little bit by a foot or so -- I have no  
12 problem with that. I just didn't think that two feet  
13 would've been an issue and if it is an issue, I have  
14 no problem

15 CHAIRMAN CALARCO: The reason I bring it out is  
16 because I don't believe there is 16 feet between  
17 your deck and your property line. I think it's much  
18 less. Maybe there is something where your property  
19 line goes to the center of the road. I'm thinking  
20 not on that road, though.

21 MR. McCAULEY: What would be acceptable for you  
22 to at least allow me to wrap this deck around the  
23 house and make it look level?

24 MR. SPADA: Let me ask you just a question. The  
25 original deck is four feet?

1                   MR. MCCUALEY: Yes, sir and that's pre-existing  
2                   that's sitting there now.

3                   CHAIRMAN CALARCO: Are there any other  
4                   questions?

5                   MR. BREWER: Any coverage issue?

6                   CHAIRMAN CALARCO: No coverage issue on this  
7                   lot. It's an extension and a further encroachment to  
8                   the deck. Well, extension of a pre-existing  
9                   non-conforming structure. He's adding all this on.

10                  MR. BREWER: How much closer is it to the road?

11                  CHAIRMAN CALARCO: That's one of the reasons  
12                  its non-conforming. Now, he's increasing the  
13                  non-conformity by three more feet.

14                  MR. BREWER: I don't understand. The new  
15                  addition doesn't add anything -

16                  CHAIRMAN CALARCO: It's the screening and the  
17                  size of a pre-existing nonconforming structure. He  
18                  can't do it without coming to us.

19                  MR. MCCUALEY: I have no problem with leaving  
20                  the deck being the same with width that is existing  
21                  at the four feet, as long as I would be able to  
22                  bring it around. I would prefer that it went to the  
23                  original six feet that I propose. I am here to work  
24                  with you guys.

25                  CHAIRMAN CALARCO: Give us a second please.

1                   MR. LOVERIDGE: He's looking to expand the deck  
2                   from where it is and it's at four. We are concerned  
3                   about how close to the roadway it is. What would be  
4                   the dimensions be if we allowed him that one  
5                   additional foot all the way around the house?

6                   CHAIRMAN CALARCO: The front is not a problem,  
7                   guys, I don't think. He's got plenty of room there.

8                   MR. LOVERIDGE: I think he wants to make it  
9                   consistent.

10                  Would you consider having different  
11                  dimensions on one side of the deck as opposed to  
12                  the other even though they connect?

13                  MR. MCCAULEY: Absolutely. My property line,  
14                  when you come down Van Hoesen on the left corner of  
15                  the deck is at least seven or eight feet longer than  
16                  the right one. I have no problem bringing it down a  
17                  little bit.

18                  I was just looking to put some chairs out  
19                  there and when you put chairs out there and you're  
20                  sitting there, you have to actually move the chair  
21                  out of the way when people walk by. I was just  
22                  looking to get some walking space.

23                  MR. LOVERIDGE: Your deck dimensions that you  
24                  are looking for on your South Schodack side is seven  
25                  feet?

1                   MR. McCAULEY: Yes, it would be the same thing  
2                   on the Van Hoesen side, as well, if you accepted  
3                   that. Like I said, on the right corner, it's  
4                   smaller. As you come back towards South Schodack it  
5                   gets wider.

6                   CHAIRMAN CALARCO: You're correct, Mr.  
7                   McCauley. It's at that corner of the house that's  
8                   the closest to Van Hoesen that we are concerned  
9                   about.

10                  MR. McCAULEY: Absolutely, and if we have to,  
11                  we angle it differently or do something that we can  
12                  comply with it, I would have no problem with it.

13                  CHAIRMAN CALARCO: Would you be okay if we  
14                  granted? In other words, allowed you to have a seven  
15                  foot deck for most of that side and then as you get  
16                  to the back, you might have to angle it to keep it  
17                  away from the road.

18                  MR. McCAULEY: Absolutely. How far are we  
19                  talking so that I can comply with you guys? Every  
20                  foot is about another foot is further away from the  
21                  road. You guys know where I live and you would agree  
22                  that every foot is another foot of distance from the  
23                  road. So, if I bring it back to five feet, I'm okay  
24                  with that with the whole deck because it's easier  
25                  for me to make a five-foot straight line than it is

1 for me to make two five foot parallel - -

2 CHAIRMAN CALARCO: Let me ask you one other  
3 question. Would you consider where the front door is  
4 on that side of your house on the Van Hoesen side --  
5 If we let you go down three or four feet past the  
6 door with that deck and then go to a smaller deck -

7 MR. McCUALEY: Absolutely, what I can do is if  
8 we go four feet past the door, I can 45 it from that  
9 four-foot section and come tight to the corner. That  
10 would be fine. The only problem - and I was also  
11 considering it in the future was to put an enclosure  
12 around the deck - if it's raining or anything like  
13 that so we would be able to sit out there during a  
14 rainstorm. If I do that, it's going to be a very  
15 tough situation for me to do. So, that's why I was  
16 just trying to keep it equal for future reasons. I  
17 would prefer to keep it uniform. What I'm asking is  
18 in the right corner - how much would you allow me on  
19 that deck? I will do whatever you want me to do, but  
20 I would just prefer not to have the angle on it.

21 MR. BREWER: Explain to me what does the  
22 addition have to do with this whole thing.

23 CHAIRMAN CALARCO: It's the existence of a  
24 preexisting nonconforming structure.

25 MR. MAIER: That's not an issue.

1                   CHAIRMAN CALARCO: It's not an issue, but  
2                   that's why they come. Let me give you an example.  
3                   This is not a problem, correct? I don't have a  
4                   problem and I don't think that you do. If this  
5                   addition was that big and his neighbor's house was  
6                   right here, the Building Inspector doesn't get to  
7                   make those decisions arbitrarily. That's why they  
8                   come to us because we can take each one on an  
9                   individual basis and decide is this a good proposal  
10                  or is this not a good proposal? There are no  
11                  boundaries in the Code for a Building Inspector to  
12                  go by. You can make the changes inside of the  
13                  building all you want, but you can't add onto it and  
14                  you can't make a bigger. This is a case where we  
15                  really don't have a problem with the addition. It's  
16                  the totality of the application.

17                  MR. MAIER: As far as his projection of putting  
18                  a roof on, he can put a roof on the square part and  
19                  maybe not have a roof on that last

20                  CHAIRMAN CALARCO: Whatever. I'm sure he's a  
21                  good carpenter -

22                  MR. MCCUALEY: I'm going to make this house  
23                  better than it was. I continue to make this house  
24                  beautiful for our community. It's going to improve  
25                  my property value.

1                   CHAIRMAN CALARCO: Mr. McCauley, we have to  
2                   take care of the business end of this first with a  
3                   public hearing, etcetera. Just hang on.

4                   MS. FUDA: If anyone in the public would like  
5                   to make comment on this application, please text or  
6                   call in to 518-376-7875. It's 8:25 PM right now.

7                   (A pause was allowed for the public to  
8                   contact the Board with their comments.)

9                   CHAIRMAN CALARCO: No one called and no one  
10                  texted, So we will close the public hearing portion  
11                  of this.

12                  Again, let's consider the amended application  
13                  due to what we are proposing when answering these  
14                  questions.

15                  Can this benefit be achieved by other means  
16                  feasible to the applicant? No. He's got an  
17                  addition going on and we know what he wants to do.  
18                  The porch has got to go on the house. We have  
19                  discussed it enough to get to where we are  
20                  comfortable with it.

21                  Undesirable change in any change in the  
22                  neighborhood's character or to nearby properties?  
23                  Not at all.

24                  Will the request be substantial? Fifty-foot  
25                  setbacks. Any encroaching further is pretty

1                   substantial.

2                   Will the request have adverse physical or  
3                   environmental effect? No, it won't.

4                   Is the alleged difficulty self-created? Of  
5                   course under the law, it is.

6                   So, I will make the motion for Type II action  
7                   of SEQRA.

8                   MR. MAIRE: Second.

9                   CHAIRMAN CALARCO: Seconded by Mr. Maier.

10                  All in favor?

11                  (Ayes were recited.).

12                  No SEQRA is necessary, then.

13                  So, I will make the motion to get it on the  
14                  record here to grant the variance for the addition  
15                  proposed addition and the new deck -- new covered  
16                  deck with the following dimension restriction:  
17                  that the deck on the Van Hoesen Road side shall be  
18                  seven feet wide and extend no more than four feet  
19                  past the door and then taper from that seven feet  
20                  to the corner of the house.

21                  MR. MCCAULEY: I'm sorry, can you repeat that?

22                  You broke up for one second and froze up.

23                  CHAIRMAN CALARCO: Okay.

24                  MR. CRIST: The Van Hoesen side shall be seven  
25                  feet wide -

1                   CHAIRMAN CALARCO: We are making a sharper  
2                   angle to get away from that road. If I go from seven  
3                   feet out to here, that's a four-foot deck -- the  
4                   angle of concern is the closest to the road and it  
5                   makes it much less, no?

6                   MR. SPADA: It's closer to the road.

7                   CHAIRMAN CALARCO: Mr. McCauley, this worked  
8                   out better for you. So, we withdraw that motion and  
9                   make it over?

10                  MR. CRIST: Mr. Chairman, if you could explain  
11                  what the amended dimensions will be?

12                  CHAIRMAN CALARCO: So, I will make a motion to  
13                  grant the variance for the addition and the new  
14                  proposed decking around the house with the following  
15                  condition on the measurements. It will be as  
16                  proposed with the exception of the Van Hoesen Road  
17                  side the covered deck shall be 7 feet deep and that  
18                  7 feet can extend no more than 4 feet past the door.  
19                  It will then angle from that 7 feet to the existing  
20                  4-foot deck that is there now -- that dimension.

21                  MR. MCCAULEY: That is fine.

22                  CHAIRMAN CALARCO: See you getting the 4 feet  
23                  instead of going to the corner of the house, you're  
24                  going to the outside of the current deck. So, its  
25                  still 4 feet wide all the way to the back of the

1 house.

2 MR. McCAULEY: So that I understand this  
3 correctly, 4 feet from the door I have to start  
4 cutting it in, is what you're telling me.

5 CHAIRMAN CALARCO: You get a start angling the  
6 outer part of the existing deck.

7 MR. McCAULEY: I will match it up to the  
8 existing deck, 4 feet from the door and I have no  
9 problem with that.

10 CHAIRMAN CALARCO: So, that's my motion, amended  
11 by several of us.

12 That's the motion. Do I have a second?

13 MR. BREWER: Second.

14 CHAIRMAN CALARCO: Mr. Brewer, second.

15 Discussion on the motion?

16 Do you think we were clear on that,  
17 gentlemen? That's the motion. If there's no  
18 further discussion, call the roll.

19 (The roll was called and the motion was  
20 carried unanimously.).

21 Okay, Mr. McCauley, thank you for working  
22 with us. I think that the Board feels good about  
23 what we did and I hope you do too. Reach out to  
24 Nadine at the Planning office and she will tell  
25 you what you have to do next.

1                   MR. McCAULEY: I will contact Nadine as soon as  
2                   possible.

3                   CHAIRMAN CALARCO: Thank you, sir.

4                   MR. McCAULEY: You guys have a nice day.

5                   MS. FUDA: Next is number six, Keith Zimmerman.

6                   CHAIRMAN CALARCO: Next on the agenda is Keith  
7                   Zimmerman, 13 East Drive and this is to put up a  
8                   deck coverage -- on 10%.

9                   Please read the notice.

10                  MS. FUDA: Please take notice the Zoning Board  
11                  of Appeals of the Town of Schodack will conduct a  
12                  public hearing on Monday, June 22, 2020 at 7:00 PM  
13                  for Keith Zimmerman, 13 East Drive for a proposed  
14                  area variance on 10% coverage for a new shed. The  
15                  application is available for review by emailing  
16                  nadine.fuda@schodack.org or calling the Planning  
17                  office at 518-477-7938. You may email your comments  
18                  on the application or by calling in during the  
19                  meeting at 518-376-7875 or your comments can be  
20                  mailed to Nadine Fuda, Town Hall, 265 Schuurman  
21                  Road, Castleton, New York 12033. Please check the  
22                  meeting agenda posted on the Town's website at  
23                  www.schodack.org for information on the virtual  
24                  meeting.

25                  CHAIRMAN CALARCO: Thank you. This was

1 submitted to Rensselaer County Bureau of Economic  
2 Development and Planning and after reviewing it they  
3 determined that the proposal does not have a major  
4 impact on County plans and that local consideration  
5 shall prevail.

6 This did go to the Planning Board and  
7 received a favorable recommendation.

8 Okay Mr. Zimmerman, can you make your appeal  
9 and can you tell the Board what you would like to  
10 do?

11 MR. ZIMMERMAN: I live over in Byer's Estates  
12 and I'm looking to get a shed that's a prefab made  
13 by Backyard Sheds. It's the same company that has a  
14 display over on Route 9.

15 This is a 12 x 18 shed with a gable style  
16 roof that will go in a corner of the backyard.

17 CHAIRMAN CALARCO: Gentlemen, questions you  
18 might have for the applicant?

19 (There was no response.).

20 I have one, Mr. Zimmerman. When I was at the  
21 site visit, I noticed an existing shed already in  
22 the backyard now, correct?

23 MR. ZIMMERMAN: Yes.

24 CHAIRMAN CALARCO: Do you know the size of  
25 that?

1                   MR. ZIMMERMAN: That's 7.5 x 7.5. That will be  
2                   torn down. It's one of those vinyl cheapos.

3                   CHAIRMAN CALARCO: You going to remove it?

4                   MR. ZIMMERMAN: Yes.

5                   CHAIRMAN CALARCO: Fine. End of story. I don't  
6                   care how big it is. So, gentlemen, this is fairly  
7                   straightforward. Right now he's got the coverage  
8                   that he's allowed. This is 216 and this puts him  
9                   over at 10.8% coverage. So, we are nowhere near  
10                  that threshold that upsets us. Its 10.8%. So, are  
11                  there any questions that you might have about the  
12                  location or anything? Looks like he is going to be 7  
13                  1/2 feet away from the property line.

14                  Are you going to be putting that shed as you  
15                  have it on the drawing at an angle?

16                  MR. ZIMMERMAN: Yes, at an angle in the back.  
17                  this is measured from the back corners to the  
18                  property lines.

19                  CHAIRMAN CALARCO: Okay. Any other questions  
20                  gentlemen or anything?

21                  Can I open up our public hearing?

22                  So, at this point we shall open up the public  
23                  comment portion.

24                  MS. FUDA: If anyone would like to call and or  
25                  text the number is 518-376-7875.

1                   CHAIRMAN CALARCO: We will give a few minutes  
2                   to see if anyone responds.

3                   MS. FUDA: It's 8:39.

4                   (A pause was allowed for the public to  
5                   contact the Board with their comments.)

6                   CHAIRMAN CALARCO: No one called and no one  
7                   texted, so we will close this portion of the public  
8                   hearing.

9                   Gentlemen, let's do our criteria.

10                  Will the benefit be achieved by other means  
11                  feasible? I don't think so.

12                  Undesirable change to neighborhood's  
13                  character or nearby properties? No.

14                  Will the request be substantial? It's 200  
15                  feet or so and its less than 8/10 of a percent  
16                  over.

17                  Will the request have adverse physical or  
18                  environmental effect? I don't believe it will.

19                  Legally, it is a self-created hardship.

20                  So, motion for SEQRA for a Type II action,  
21                  please?

22                  MR. SPADA: (Raises hand)

23                  CHAIRMAN CALARCO: Mr. Spada, seconded by me.

24                  All in favor?

25                  (Ayes were recited.).

1               Okay, no SEQRA necessary for a Type II  
2               action.

3               Now, would somebody like to make a motion to  
4               grant or deny?

5               MR. BREWER: I'll make a motion to grant.

6               CHAIRMAN CALARCO: Mr. Brewer makes a motion to  
7               grant the variance for 216 square foot shed, as per  
8               the plans submitted.

9               Do I have a second on that motion?

10              MR. MAIER: Second.

11              CHAIRMAN CALARCO: Mr. Maier seconds.

12              Discussion on the motion?

13              (There was no response.).

14              How about a condition that says the old shed  
15              is being removed?

16              (All members agreed.).

17              Okay, the old shed will be removed.

18              That's a good question. Mr. Zimmerman, the  
19              finish on the shed is it T111?

20              MR. ZIMMERMAN: It is T111

21              CHAIRMAN CALARCO: It has a shingled roof,  
22              etcetera, right?

23              MR. ZIMMERMAN: Correct.

24              CHAIRMAN CALARCO: It comes with shutters?

25              MR. ZIMMERMAN: Yes.

1 CHAIRMAN CALARCO: It's one of those sheds that  
2 are really nice. I have seen these sheds. I don't  
3 know that we need to note that its light  
4 construction. It's a shed.

5 So, Mr. Zimmer, you just need to remove the  
6 old shed, that's all.

7 MR. ZIMMERMAN: That needs to be removed before  
8 the new shed or -

9 CHAIRMAN CALARCO: No, once you get the new  
10 shed all set, take down the old one.

11 If there's no more discussion, please call  
12 the role.

13 (The roll was called and the motion was  
14 carried unanimously.).

15 Thank you, Mr. Zimmerman. Just contact the  
16 Planning office and they'll tell you exactly what  
17 the next step is. You will get your permit and  
18 start getting your shed.

19 MR. ZIMMERMAN: Thank you, so much.

20 CHAIRMAN CALARCO: Thank you for being so  
21 patient. We do take these in the order in which they  
22 were submitted, correct?

23 MS. FUDA: Yes.

24 CHAIRMAN CALARCO: We are sorry you had to wait  
25 so long, but we will try to make this as quick as

1           possible. This is Julia Gensicki at 2304 Old Post  
2           Road, North. This is for over 10% coverage in  
3           putting in an 18 x 20 shed.

4           MS. GENICKI: No, its 10 by 20.

5           CHAIRMAN CALARCO: Please read the notice.

6           MS. FUDA: Please take notice the Zoning Board  
7           of Appeals of the Town of Schodack will conduct a  
8           public hearing on Monday, June 22, 2020 at 7:00 PM  
9           for Julia Gensicki, 2304 North Old Post Road for a  
10          proposed area variance on 10% coverage for a new  
11          shed. The application is available for review by  
12          emailing nadine.fuda@schodack.org or calling the  
13          Planning office at 518-477-7938. You may email your  
14          comments on the application or by calling in during  
15          the meeting at 518-376-7875 or mailing to Nadine  
16          Fuda, Town Hall, 265 Schuurman Road, Castleton, New  
17          York 12033. Please check the meeting agenda posted  
18          on the Town's website at [www.schodack.org](http://www.schodack.org) for  
19          information on the virtual meeting.

20           CHAIRMAN CALARCO: Thank you. Could you make  
21          your appeal to the Board and tell us what it is that  
22          you're looking for?

23           MS. GENICKI: Sure. I'm looking to put a 10 by  
24          20 shed in the back of my property near the fence by  
25          the front fence line. It's a being built by the

1 Amish. It will have a metal roof with siding. It's  
2 post and beam construction. It's going to have a  
3 double door on the 10-foot side with a ramp and a  
4 single Dutch door on the long side and two windows  
5 on the front and a vent on the one side. It's going  
6 to be on crusher run.

7 The two options are to have the shed built  
8 off-site and then transported to the pad to put it  
9 on the property, or to have it built on-site. I  
10 chose to have it built on-site because I didn't  
11 want to have the fencing removed or the equipment  
12 driving over the property to get it into the back  
13 of the yard. I have had several larger pieces of  
14 equipment that was being stored at my mother's  
15 house, but when she passed away I had to sell her  
16 house and I had to put a temporary shelter in  
17 place to have some of the equipment, but I really  
18 would like to get it out of the weather and be  
19 able to take down the temporary shed and have the  
20 one or two pieces in a nice environment.

21 I also have spoken to a local landscaping  
22 company to do some nice landscaping to incorporate  
23 the back yard -- make changes to the back yard so  
24 that the shed and the back yard are very  
25 aesthetically pleasing.

1 CHAIRMAN CALARCO: Okay, thank you.

2 Again, gentlemen, this is another case where  
3 the numbers are what is going to drive this. Those  
4 numbers on this particular property site are .34  
5 acres which is 14,810 square feet. So, she's at  
6 1,481 in coverage. The first-floor structure  
7 itself takes up 1,241 square feet. There is  
8 covered front porch that is 96, enclosed porch at  
9 176, an open deck of 154, another open deck of 130  
10 and an 80-square foot shed which gives her a total  
11 of 1,884. Again, Ms. Gensicki, this is a case  
12 where you area already 403 feet over the allowable  
13 10%.

14 MS. GENICKI: I hadn't realized that first it  
15 was that 10% rule and that I was already over. I'm  
16 not quite sure how that happened. It was somewhat of  
17 a surprise when I found out.

18 CHAIRMAN CALARCO: So, the proposed structure  
19 would be another 200 feet. That would be a total of  
20 603 feet over the 10%. So, that would put you at  
21 about 2,084 square feet which is over 14% in  
22 coverage.

23 I don't know if you were here at all to see  
24 the previous application tonight, but that 14%  
25 number is kind of the bewitching number for us. It

1 makes it very difficult.

2 MS. GENICKI: I just wanted to ask a question.

3 The existing shed that I have is six by eight which  
4 would be 48 square feet.

5 CHAIRMAN CALARCO: Okay, it's listed on here at  
6 80. It says 8 by 10. Is that correct?

7 MS. GENICKI: I think that's incorrect. I think  
8 in my drawing I have -

9 CHAIRMAN CALARCO: They have it listed on your  
10 tax thing as 80-square feet. If it is 60 square  
11 feet, that means that it's 20 feet less in total,  
12 correct?

13 MS. GENICKI: If it's six by eight, that's 48  
14 square feet, correct?

15 CHAIRMAN CALARCO: Okay, so that makes it 32  
16 square feet less. I believe that still puts you at -  
17 - my next suggestion would be: would you be willing  
18 to get rid of that little shed in the front now that  
19 you're getting a bigger shed in the back?

20 MS. GENICKI: I have considered it but it's in  
21 fairly decent shape. I'd hate to tear something down  
22 that is still usable and is still usable and create  
23 all of that waste. We use it for garden tools and a  
24 push lawnmower. So, it is in use. The reason for the  
25 size of the shed that I'm looking to add is because

1           of the size of the lawn tractor -- the part that I  
2           have -- I have a quad that I use with a plow to  
3           plow with some various other pieces of equipment  
4           tools that I wanted to house. My conundrum here is  
5           that when I was deciding on the shed, I didn't  
6           realize that this was an issue -- the 10% rule --  
7           and this is on me, of course, but I had already  
8           ordered it, had gotten on the schedule, we had  
9           subsequently postponed all of the building and  
10          stuff. So, I know that it's not your concern, I had  
11          invested the money in the shed.

12           From what I understand, they do pre-cut most  
13          of the materials and they already have that done.  
14           So, it's not like I would just be able to just  
15          change things. I would really have to check with  
16          them to see if that was even possible to do.

17           My other alternative is if I didn't get this  
18          shed, I would probably just have to continue using  
19          the temporary shed and possibly use other  
20          temporary housing sheds or pods or something. I  
21          really don't want to keep it out in the elements  
22          any more than I have already.

23           CHAIRMAN CALARCO: Gentlemen, do you have any  
24          questions for the applicant? We have the same  
25          situation that we just had. We're trying to get to a

1                   number for this building and not set a precedent and  
2                   stay away from that 14% number.

3                   MR. SPADA: Is there a way to make the shed  
4                   smaller?

5                   CHAIRMAN CALARCO: I don't know, but we can ask.

6                   MR. BREWSTER: A smaller shed would be an  
7                   answer, but she is saying that she already has it  
8                   ordered.

9                   MR. MAIER: We have about 80 feet too much.  
10                  That's how much we are over. A little less than 80,  
11                  but if that other shed goes, we are fine. It  
12                  probably could be 60 and -

13                  CHAIRMAN CALARCO: From what I'm hearing from  
14                  my members here is that it seems to be that they are  
15                  leaning towards removing that small shed so that the  
16                  number comes down just enough to keep us away from  
17                  that 14% number. I understand that you don't want to  
18                  get rid of it for no reason, but I think in this  
19                  case that would give us the cover and afford us the  
20                  opportunity to maybe grant this variance so that  
21                  your shed can stay the size that it is. If you did  
22                  away with that other shed in the front, that brings  
23                  the total coverage down to below that 14% percent  
24                  number -- just barely, but it does so we can  
25                  consider granting this.

1                   MS. GENICKI: So, I could do that sometime  
2                   after the new shed?

3                   CHAIRMAN CALARCO: Yes, after the new shed and  
4                   before final close-out of the building permit; sure.

5                   If it is true that only 48 square feet -- -  
6                   we're not talking a major investment in that shed.

7                   I know you don't want to throw it out. I  
8                   understand that. It's not like we're asking you to  
9                   get rid of a five by seven shed or ten by seven  
10                  shed. I'll be truthful with you. I think that's  
11                  your only path forward here with this Board with  
12                  my gut feeling with my members here. I think that  
13                  we could grant the variance if you would be  
14                  willing to get rid of that shed. I think that's  
15                  what they are implying.

16                  MS. GENICKI: I understand what you're saying.  
17                  I'm just thinking about this for a second.

18                  CHAIRMAN CALARCO: If you already ordered it,  
19                  you probably can't the order or the size either.

20                  MS. GENICKI: That's what I was thinking that  
21                  if I could reduce it two feet, but I don't think  
22                  that I'd want to reduce it any more than that but I  
23                  don't even know if I can do that because they have  
24                  already ordered the materials and -

25                  CHAIRMAN CALARCO: It's probably the standard

1 size that they build -- 10 by 20.

2 MS. GENICKI: They actually custom build, so  
3 you can really ask for anything. At this point I'm  
4 not sure if I can ask for anything more.

5 If I agree to remove the existing small shed  
6 and tomorrow, I say I don't want to do that, and  
7 you've already granted the variance, I don't have  
8 to go through with this.

9 CHAIRMAN CALARCO: No, you don't have to go  
10 through with any of this. If you would like - - I  
11 don't know if it's an option for you but if you'd  
12 like, we can adjourn this until our next meeting in  
13 July.

14 MS. GENICKI: I don't really want to do that.

15 CHAIRMAN CALARCO: It would give you an  
16 opportunity to make phone calls and find out what  
17 your options are, come back before us in July and  
18 then you would know better what you want to do and  
19 we can decide if it was feasible.

20 Is there a way to make the shed a little  
21 taller, maybe and get storage on top?

22 MS. GENICKI: There is supposed to be a loft  
23 but I'm not sure that's going to work.

24 CHAIRMAN CALARCO: If the shed is in such good  
25 shape, you could sell it.

1                   MS. GENICKI: I don't know if somebody would  
2                   actually be able to get it off the ground and move  
3                   it. I'm sorry. I'm not trying to be difficult or  
4                   waste your time.

5                   CHAIRMAN CALARCO: No, I understand.  
6                   Technically this Board can grant what it wants to  
7                   grant. People ask for the sun and maybe only get the  
8                   moon today.

9                   You are under no obligation to actually do  
10                  the build. That will be the variance granted for  
11                  the property. So, if you would like to change it,  
12                  it's going to be difficult to come back without  
13                  something appreciably different. I don't want to  
14                  box you into it, if we don't have to. I know it's  
15                  a decision that you have to make, but I suggest  
16                  that maybe you want to wait to our meeting on July  
17                  13 and if you wanted to wait and take that time to  
18                  make a decision and see what your options are,  
19                  we'd be glad to adjourn this and see what you  
20                  could do.

21                  MS. GENICKI: Why don't I do that.

22                  CHAIRMAN CALARCO: It might give you a chance  
23                  to find out something that you didn't know about and  
24                  it's another option.

25                  So, I make a motion to adjourn this

1 application to the July meeting.

2 MR. LOVERIDGE: I'll second.

3 CHAIRMAN CALARCO: Seconded by Mr. Loveridge.

4 All in favor?

5 (Ayes were recited.).

6 Thank you, ma'am. That's what we'll do and

7 hopefully we will see you in July for this. Call

8 Nadine and make sure that you are on the agenda.

9 MS. GENICKI: Thank you.

10 MS. FUDA: I have one more thing. I received an

11 email from -- we already had a hearing on it, but I

12 want to read it into the record. This has to do with

13 Zimmerman. We have to read it into the record

14 because he emailed it to me before.

15 Anthony Hill of 15 East Drive. I am unable to

16 make the Jun 22, 2020 meeting where the variance

17 will be discussed. I am sending this email to

18 register my opinion that the Zoning Board of

19 Appeals should approve the Zimmerman request. The

20 proposed shed will not detract from the

21 neighborhood at all, so there is no reason to

22 deny. Please register my approval and consider it

23 when making your decision. Thank you, very much.

24 CHAIRMAN CALARCO: So noted in the record.

25 Okay, gentlemen, I appreciate your hanging in

1           there and making it to 9:03.

2           Do I have a motion to adjourn?

3           MR. BREWER: (Raises hand).

4           MR. SPADA: (Raises hand).

5           CHAIRMAN CALARCO: Mr. Brewer and Mr. Spada  
6           seconds.

7           All in favor?

8           (Ayes were recited.)

9           (Whereas the above entitled proceeding was  
10          concluded at 9:04 p.m.)

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## 1 CERTIFICATION

2

3 I, NANCY L. STRANG, Shorthand Reporter and Notary  
4 Public in and for the State of New York, hereby  
5 CERTIFIES that the record taken by me at the time and  
6 place noted in the heading hereof is a true and  
7 accurate transcript of same, to the best of my ability  
8 and belief.

9

10

11 Dated: \_\_\_\_\_

12

13 \_\_\_\_\_

14 NANCY L. STRANG

15 LEGAL TRANSCRIPTION

16 2420 TROY SCHENECTADY ROAD

17 NISKAYUNA, NEW YORK 12309

18 518-542-7699

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22

23

24

25

LEGAL TRANSCRIPTION  
518-542-7699

