

1 STATE OF NEW YORK COUNTY OF RENSSELAER

2 TOWN OF SCHODACK

3 *****

4 ZONING BOARD OF APPEALS

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter
8 commencing on July 13, 2020, 265 Schuurman Road
9 Castleton, New York at 7:00 P.M.

10

11 BOARD MEMBERS:

12 DAVID CALARCO, CHAIRMAN

13 EDWARD BREWER

14 ANTHONY MAIER

15 LOU SPADA

16 BOB LOVERIDGE

17

18 ALSO PRESENT:

19 CRAIG CRIST, ESQ., COUNSEL TO THE BOARD

20 NADINE FUDA, DIRECTOR, PLANNING & ZONING

21 MELISSA KNIGHTS, PLANNING & ZONING SECRETARY

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1 CHAIRPERSON CALARCO: Good evening ladies
2 and gentlemen. I would like to call this
3 meeting of the Schodack Zoning Board of Appeals
4 to order, please.

5 Gentlemen, the first thing on our
6 agenda would be the approval of the minutes
7 from our last meeting of June 22nd. Those
8 minutes contain the decisions.

9 Any additions, corrections, changes,
10 deletions?

11 (There was no response.)

12 I have one that is that I believe -
13 Melissa we made a motion to adjourn Ms.
14 Gensicki's. Just correct that, please.

15 MS. FUDA: There are two sets of minutes
16 that you are actually approving; Melissa's and
17 the stenographer's. That one is word for word.

18 MR. CRIST: Collectively they are the
19 minutes, together.

20 CHAIRPERSON CALARCO: So, the correction
21 is just - your version of the minutes, Melissa.
22 Just make sure it is by Resolution.

23 Otherwise, do I have a motion to
24 accept?

25 MR. MAIER: So moved.

1 CHAIRPERSON CALARCO: Mr. Maier.

2 MR. LOVERIDGE: Second.

3 CHAIRPERSON CALARCO: Seconded by Mr.
4 Loveridge.

5 All in favor?

6 (Ayes were recited.)

7 Opposed?

8 (There were none opposed.)

9 Next up is Julia Gensicki.

10 Ms. Gensicki, we appreciate you
11 participating via Zoom for us.

12 Just as a reminder, gentlemen, we had
13 adjourned this last meeting to allow her
14 time to contemplate what she was going to
15 do, until tonight. Again, this was a case of
16 the coverage of her lot creating a problem
17 for her.

18 Anyway, did you make a decision? Can
19 you tell us what you have decided?

20 MS. GENSICKI: Yes. I just wanted to just
21 refresh your memory and also just to double
22 check on the size of the shed that we currently
23 have because I think there was some
24 differences. I did measure it a couple times
25 and both times I came up with? 6 by 9. So, that

1 is the existing shed on the property which I
2 guess is 54 square feet.

3 We want to put up by 10 x 20 shed and I
4 did check to see if I could amend the size
5 of that shed and I cannot do that at this
6 time. They have precut everything and it's
7 just waiting to be built.

8 So, that being said, the size of the
9 existing shed is still too big to have both
10 of those. My decision is that I will have to
11 take that existing shed down.

12 CHAIRPERSON CALARCO: So, gentlemen, she
13 has said that the existing shed is a little
14 smaller than 80 square feet. I believe it is 54
15 square feet.

16 Again, Ms. Gensicki, the numbers
17 changed slightly, but you're still going to
18 have to get rid of that shed. I think that's
19 the consensus of this Board at least from
20 what I remember at our last meeting. We are
21 trying to keep those numbers down so that we
22 can stay closer to a percentage of over the
23 10% that we could live with and we could
24 justify. One good thing is it is smaller
25 which means somebody else could probably

1 come in with a truck and park that right up
2 and take it out.

3 Gentlemen, do you have any other
4 questions for the applicant we move on?

5 MR. MAIER: I just wanted to go over the
6 numbers. If you take away that shed and it's
7 only 54 and not 80, does it matter at all on
8 our calculation of 14% coverage? It's confusing
9 to me. It's really 80 out of that. So, that
10 becomes 1,804. Then we have to add back -

11 CHAIRPERSON CALARCO: No, it's not 80 out.
12 It's 80 if she takes the whole shed.

13 MR. MAIER: That's the shed that we are
14 removing - is the 80.

15 CHAIRPERSON CALARCO: But it's actually
16 54.

17 MR. MAIER: Right, but the current
18 calculation here is 80 on that. So, then we're
19 off by 26 by my calculation.

20 CHAIRPERSON CALARCO: Yes, because she
21 comes up with 2,004 square feet which puts her
22 at 13.52%. So, that's what we were struggling
23 with last time was the percentages. The 2,073
24 square feet would be 14% coverage. So, she's
25 coming in now minus the 80. I have it at 2,004

1 square feet. It's about 13.52%. There is a
2 concession being made to keep the number down
3 and to allow her to get this larger size shed
4 that she would like.

5 Can you refresh my memory where we left
6 off with this?

7 MS. FUDA: We close the public hearing and
8 that it was just her making her decision.

9 MS. GENSICKI: I just wanted to ask - I'm
10 going to need to put the new shed up before I
11 take down the old one.

12 CHAIRPERSON CALARCO: Yes, no problem.

13 MS. GENSICKI: Okay.

14 CHAIRPERSON CALARCO: We will probably put
15 a condition in there that says you have to get
16 rid of the old shed within a certain amount of
17 time - whatever the members feel is reasonable
18 - about three months or something like that
19 after you do it. If we don't put those
20 conditions in - I'm not saying you would, but
21 you wouldn't believe - there are a lot of
22 people that would not take that shed down for
23 two years. We're just trying to prevent putting
24 the Building Inspector in a difficult position.
25 In other words, we all agree on the variance

1 that let's say if it was three months, three
2 months after the installation of the new shed,
3 the old shed must be removed by that time. It
4 would be something like that. Then, it keeps
5 everybody honest.

6 MS. GENSICKI: Okay.

7 CHAIRPERSON CALARCO: Okay gentlemen, so
8 we have to close the public hearing. We didn't
9 do any criteria, did we?

10 MR. CRIST: We did not.

11 CHAIRPERSON CALARCO: Why don't we review
12 the criteria for this, gentlemen.

13 Can the benefit be achieved by other
14 means feasible to the applicant?

15 MR. MAIER: Not really.

16 CHAIRPERSON CALARCO: I would say not
17 really. She's getting rid of a previous shed
18 and replacing it with a larger shed. There's
19 really not much of a choice there.

20 Will there be a change in the
21 neighborhood character or the nearby
22 properties? No, I don't believe it will. I
23 think it fits in with the neighborhood and
24 the rest of the properties.

25 Will the request be substantial? I

1 think it is substantial. We are at 13 1/2%,
2 so it is substantial.

3 Will the request have an adverse
4 physical or environmental effect? I don't
5 believe it will.

6 Is the alleged difficulty self-created?
7 Of course, under the law the hardship is
8 self-created.

9 Okay, can I have a motion for lead
10 agency for SEQRA?

11 MR. MAIER: I'll make that motion.

12 MR. SPADA: Second.

13 CHAIRPERSON CALARCO: Mr. Maier, seconded
14 by Mr. Spada.

15 All in favor?

16 (Ayes were recited.)

17 We can declare this is a Type II
18 action. So, I will make that motion.

19 MR. BREWER: Second.

20 CHAIRPERSON CALARCO: Seconded by Mr.
21 Brewer.

22 All in favor?

23 (Ayes were recited.)

24 And because it is a Type II, there is
25 no further SEQRA requirement.

1 Okay, gentlemen, if you like I will
2 make a motion to grant the variance for - I
3 want to make sure I get this correct - a 10
4 x 20 shed to be allowed on this property
5 with the condition that the existing 6 x 9
6 shed be removed and why don't we say three
7 months after the installation of the new
8 shed. Reasonable?

9 Okay, I made the motion. Can I have a
10 second?

11 MR. LOVERIDGE: I'll second.

12 CHAIRPERSON CALARCO: Mr. Loveridge.

13 Discussion on the motion?

14 (There was no response.)

15 Are we good with the three months
16 condition?

17 MR. MAIER: By October or November it
18 should be out of there.

19 CHAIRPERSON CALARCO: So, the motion with
20 their condition of the removal of the other
21 shed. If there is no further discussion, call
22 the roll please.

23 (The roll was called and the motion
24 passed unanimously.)

25 Okay, ma'am, you're all set. Contact

1 the Planning and Zoning office and they will
2 direct you to the next step. You will have
3 to, at some point, sign this actual variance
4 when we get it finished and I sign it too.
5 Thank you, very much. We appreciate your
6 help.

7 MS. GENSICKI: Thank you.

8 MS. FUDA: Just reminding everybody to use
9 your mics so the stenographer can get your
10 name. It's easier sometimes you say your name.

11 Dave, you're doing a good job.

12 CHAIRPERSON CALARCO: Okay, gentlemen,
13 next on our agenda is Francis Razzano. 6 Kevin
14 Lane. This is a proposed front-yard setback -
15 as you know from the plans of the porch and
16 also an overage on the 10% coverage.

17 Can you read the public notice please?

18 MS. FUDA: Please take notice the Zoning
19 Board of Appeals of the Town of Schodack will
20 conduct a public hearing on Monday, July 13,
21 2020 at 7:00 PM, Francis Razzano, of 6 Kevin
22 Lane for proposed area variance on 10% coverage
23 front yard setback and a new porch.

24 The application is available for review
25 by emailing nadine.fuda@schodack.org or

1 calling the Planning office at 518-477-7938.

2 You may email your comments on the
3 application, or by texting in during the
4 meeting at 518-376-7875 or mail your
5 comments to Nadine Fuda, Town Hall, 265
6 Schuurman Road, Castleton, New York, 12033.
7 Please check the meeting agenda posted on
8 the Town's website at www.schodack.org for
9 information on the virtual meeting.

10 CHAIRPERSON CALARCO: This was submitted
11 to Rensselaer County Bureau of Economic
12 Development and Planning. After careful review,
13 they had determined that proposal does not have
14 an impact on County plans and that local
15 consideration shall prevail.

16 This also went to the Planning Board on
17 their last meeting a week ago and got a
18 favorable recommendation.

19 Okay, Mr. Razzano, if you would please
20 make your appeal to the Board for what it is
21 you are looking to do?

22 MR. RAZZANO: We would like to - we're
23 going to take the existing roof off the house
24 and we're going to put in a room and attic
25 truss and on the face of the house there will

1 be like a faux dormer and under that dormer
2 will be an 8 x 22 foot front porch.

3 On the back of the house we are looking
4 to do a 660 square foot addition with
5 roughly a 352 square foot deck. That will
6 contain a two-car garage and a great room
7 above it. We think that the request is fair
8 because there are other houses on our street
9 - 5, 7 and 9 Kevin Lane - they sit as close
10 or closer than where we would like to be
11 with the front porch. By my calculations, we
12 are only looking for 12.7% - is what I come
13 up with instead of the 10%.

14 CHAIRPERSON CALARCO: Oh okay, gentlemen,
15 you heard the proposal.

16 Mr. Razzano, did I hear you to say that
17 the addition was 680 square feet?

18 MR. RAZZANO: No, it is proposed at 30 x
19 22 which puts it at 660 square feet.

20 CHAIRPERSON CALARCO: Go ahead, Mr. Spada.

21 MR. SPADA: I have a question. In your
22 application you stated that the construction
23 costs are \$20,000.

24 MR. RAZZANO: So, when we originally
25 applied, this was a two-phased project for us.

1 Our intention is to do the roof and the front
2 porch this year and do the main addition next
3 year.

4 So, I own a small construction company
5 so the cost for me would be less. The reason
6 that it would be so little is because we are
7 breaking it up. So, my material costs for
8 the dormers and the roof and the room and
9 attic truss comes to like \$12,000 and then
10 labor puts it into the \$20,000 range. That
11 doesn't include the main addition on the
12 back. So, when we do the main addition on
13 the back, we are figuring that's probably
14 going to cost in the ballpark of \$60,000.

15 The folks at the Building Department
16 said we need a variance. They suggested that
17 we apply for everything at once instead of
18 breaking it up into two segments. So, we
19 never amended the application. The
20 application that you are seeing with the
21 \$20,000 was only for the porch and the roof.

22 MR. SPADA: Okay, that's reasonable. The
23 other question I have is nowhere on the drawing
24 do we show the septic or leach field. Where is
25 that?

1 MR. RAZZANO: So, I did contact the county
2 and there is a septic tank that's going to sit
3 - essentially it currently sits essentially
4 where the first bay of the two-car garage would
5 be. We have room in the existing system to put
6 a new tank in further back and we won't have to
7 change the distribution box and we won't have
8 to change anything downstream from the
9 distribution box. So, the county gave the okay
10 to just simply essentially put in a new tank.

11 Quite honestly, that was something - -
12 of all the things that they told us about
13 when we purchased the house nine years ago,
14 that was the only real main major issue.

15 That is currently a plastic tank and
16 the design is one of the original early
17 versions of plastic tanks and they didn't
18 include baffles. So, that tank has a little
19 bit of a sag. So, we have been meaning to
20 replace it. It still functions and there are
21 no issues, but they did recommend that we
22 replace it eventually. So, it will be
23 replaced and relocated further away from the
24 house but still within the main system and
25 we won't have to move the distribution box

1 and we won't have to move anything
2 downstream from the distribution box.

3 MR. SPADA: So, if I am to understand, the
4 lateral of the leach field is on the left side
5 of the pool?

6 MR. RAZZANO: So, we don't have a leach
7 field. We have two downstream dry wells. The
8 woman at the county at the Department of Health
9 said that we don't need to change anything
10 because of the layout of the system. We just
11 relocate the tank and tie into the existing
12 distribution box and everything else will be
13 okay to stay as is. There is technically not a
14 leach field in our system.

15 MR. SPADA: So, where do those exist?
16 Where are they on the property?

17 MR. RAZZANO: So, I included that plan and
18 that information and the original building
19 permit. I'm not sure if you guys have it. If
20 you don't, the first leach field or the first
21 tank - the first dry well sits at or around
22 where the fence line is for the pool. The
23 second one sits about maybe 30 feet further
24 down - probably just on the other side of the
25 other fence line for the backside of the pool.

1 Even if we still have plenty of room, the new
2 tank will be kind of kitty-corner let's say
3 southwest. So, it will be on the backside of
4 the addition where the pool is. That's where we
5 will put the new tank. If anything fails
6 downstream, we still have room for a leach
7 field essentially on the south side of the pool
8 and outside of the fence area. We still have
9 quite a bit of room there.

10 Just planning ahead in the future if we
11 ever needed to install leach field, the new
12 tank is going to be positioned so that we
13 could run the leach field fairly easily
14 right off the new tank and not have to
15 disrupt the fence or anything that has to do
16 with the pool.

17 As I said, the county said that wasn't
18 required right now and fingers crossed I
19 hope to get another 50 years out of it.
20 Maybe it'll last longer than me, with any
21 luck.

22 CHAIRPERSON CALARCO: Mr. Razzano, the
23 issue I think - I know for myself and Mr. Spada
24 sounds like - we all made site visits to your
25 property before the meeting earlier this week.

1 I looked and I see that you're adding basically
2 between the addition and the deck, you're
3 coming out 50 feet from the existing house
4 towards the pool.

5 MR. SPADA: It's technically 46 feet, but
6 I understand -

7 CHAIRPERSON CALARCO: It says 30 on your
8 plan and then the deck is another 20, correct?

9 MR. RAZZANO: No, the deck is 16. It's 20
10 wide and so it will be as wide as the house -
11 as wide as the addition, but it will only come
12 off of the back of the house 16 feet.

13 CHAIRPERSON CALARCO: So, it is different
14 than your plan.

15 MR. RAZZANO: No, the plan states that.

16 CHAIRPERSON CALARCO: What you're doing is
17 you're saying that the size of the deck and
18 then you are disregarding the little section
19 that goes out with the stairs coming down,
20 correct?

21 MR. RAZZANO: We can incorporate the
22 stairs into the 16 feet, if that's your
23 concern.

24 CHAIRPERSON CALARCO: I wasn't my issue.
25 My issue is really more with the fact that

1 you're coming out 50 feet from the house and
2 from what I understand, you cannot have
3 anything built over a septic tank. Once you
4 move that tank beyond that deck, I personally
5 don't believe there is room for a leach field
6 in the future if you would have a problem. My
7 concern is that these tanks that work correctly
8 today - but there is no system that you can get
9 approved with a new septic system in Rensselaer
10 County where you can use tanks. You must have
11 leach fields. My point is that the concern for
12 me was if there is a failure down the road and
13 we've allowed you to put a structure - a
14 building and a deck with pylons, now your
15 options are pretty much very, very limited as
16 to being able to remedy a potential health
17 hazard and that would've been created by
18 allowing this building.

19 I want to know if you have the letter
20 from the Health Department.

21 MR. RAZZANO: Everything that I got from
22 the Health Department I submitted with the
23 original application.

24 Just to answer your concern, the new
25 tank will not be directly behind the

1 addition so the new tank will actually be
2 off to the side kitty-corner and then from
3 the tank to the property line we still have
4 like 45 or 50 feet, still. There's still a
5 great amount of space between the tank -

6 CHAIRPERSON CALARCO: But that's not
7 enough for leach field, sir. That's my point.
8 You can't put your leach field right on the
9 edge of your property line -- 45 or 50 feet -
10 you have a five-bedroom home. They're going to
11 require probably five laterals if you have to
12 put a leach field in.

13 MR. RAZZANO: If I take the new tank and
14 just move it laterally upward - - so, I don't
15 move any further back, just move it up - so, I
16 move it towards Bri-Lan, right? If I take the
17 new tank and just move it up towards Bri-Lan
18 but keep it the same distance from my house
19 that it is now - - now I have just as much room
20 for leach field then as I do now. In fact, I
21 have more because the leach field is outside
22 the footprint of the pool. I am actually
23 gaining and not losing any. I have a lot of
24 latitude where the tank can go. I can move the
25 tank just straight up so it's outside the

1 footprint of the garage.

2 CHAIRPERSON CALARCO: I guess one of the
3 things that is confusing for me is: We don't
4 have any of this information. We don't have
5 anything on this map that you submitted that
6 shows us any of this. So, it is hard for us to
7 grasp exactly where on the property you're
8 talking about these things either existing now,
9 or being put in the future.

10 Members, maybe somebody here has a
11 clear understanding of what he is talking
12 about. I'm still a little confused as to
13 where the room is going to come if there is
14 a problem. Again, it's a matter of if we
15 have that information, I think it would be
16 clearer for the members here to make a
17 decision.

18 MR. RAZZANO: You have a site map,
19 correct?

20 CHAIRPERSON CALARCO: I have a map that
21 was submitted where you hand-drew in the pool.

22 MR. RAZZANO: So, on that site map you can
23 see where the addition is.

24 CHAIRPERSON CALARCO: Yes, but nothing is
25 drawn to scale, sir. That is the problem. You

1 have the 660-foot addition as a little tiny
2 square on the back of the house. That's not
3 proportionate to the home. The pool being 36 x
4 20 - when I drove by your property I see the
5 relationship of the pool to the back fence and
6 it's not that far away.

7 MR. RAZZANO: You mean to the back of the
8 property line?

9 CHAIRPERSON CALARCO: To the back of your
10 property line.

11 MR. RAZZANO: The property line to the
12 pool is about 20 feet.

13 CHAIRPERSON CALARCO: I estimated about 15
14 feet, but maybe you're correct; maybe it is 20.
15 There is nothing that's going to take place
16 behind the pool in the future.

17 MR. RAZZANO: I'm not suggesting that it
18 is. Between the south end of the pool - the
19 side of the pool that faces Bri-Lan, if you
20 look at the site map you can see and you can
21 envision where the south end of the pool is.
22 That is facing Bri-Lan - the street. So, you
23 can see that I have a whole swath of land
24 between the house in the back of the property
25 line. I have 140 feet. So, from the back of the

1 house to the property line - from 26 feet from
2 the street and the house is 26 feet wide and
3 that means I have 80 feet from where the septic
4 tank is now to the property line on the
5 backside. So, again if I move the septic tank
6 laterally with the house - parallel to the
7 house towards Bri-Lan, if my tanks fail and I
8 need a leach field, I have 80 feet to my
9 property line - to the back property line which
10 is technically more room than I have now. If I
11 leave the tank where it is now and I don't do
12 the addition, I can't go further back because
13 the pool is in the way. By moving the septic
14 tank and putting it where we want, we gain room
15 and we don't lose room.

16 MR. SPADA: Can I ask you questions about
17 your discussions with the Health Department?
18 Did you get into the detail with them about
19 leach fields when you were talking about moving
20 the tanks and things? Did they ever discuss the
21 possibility of a leach field with you at that
22 time?

23 MR. RAZZANO: The woman that I
24 communicated with at the Department of Health
25 told me that the only thing I needed to replace

1 is the tank and that I could tie into my
2 existing distribution box. She said I don't
3 have to change anything else.

4 MR. SPADA: I'm not questioning that.
5 You're discussing the possibility down the road
6 -- I know the dry wells are not a favorable
7 type of septic system anymore. If one of those
8 dry wells failed, my question would be whether
9 you could fit a legal, by Health Department
10 standards - - I guess one question would be: By
11 the Health Department standards, could a legal
12 system be installed on the space that you have?
13 If that's the case, I don't think we would have
14 any problem. I don't know how they determine
15 what size leach fields you would need for your
16 house. That's my question.

17 MR. RAZZANO: What I'm having trouble with
18 is - - so, in my neighborhood right now there
19 are homes that have far less land coverage than
20 I do. They have much smaller lots. For example,
21 5, 7 and 9 are not even 1/4 of an acre. They
22 have septic tanks and leach fields. I know
23 number 5 just replaced a leach field just in
24 the past month. We watched him dig it up and
25 replace it.

1 So, if I met 12% - 12 1/2% on almost
2 3/4 of an acre, how would I not have room
3 for a septic tank and a leach field if the
4 guy down the street has 1/4 of an acre and
5 he has a septic tank and leach field? The
6 guy down the street doesn't have 80 feet
7 between his leach field and his property
8 line.

9 MR. SPADA: He also doesn't have a
10 five-bedroom house and he doesn't have a pool
11 in the backyard that limits where he could put
12 the leach field.

13 MR. RAZZANO: But I have a lot of room,
14 still.

15 MR. SPADA: I'm not questioning that.

16 CHAIRPERSON CALARCO: But you want to put
17 a 50-foot addition on the back of your yard. I
18 think the problem is that I have the paperwork
19 you submitted with your application about the
20 Health Department. There is nothing here from
21 the Health Department that says you can replace
22 the tank only and you'll be fine. Do you have a
23 letter from them that says you can do this
24 because I have nothing here.

25 MR. RAZZANO: I may be able to find it in

1 my email. I communicated with her by email. I
2 most likely can find it if you can give me a
3 few minutes.

4 CHAIRPERSON CALARCO: Sure.

5 So, gentlemen, while he is looking it
6 up, I just think that we need to consider
7 the fact that if we allow this, we are going
8 to be the ones that allowed it and then he
9 has a problem down the road with the septic
10 issue and we put that building there -

11 MS. FUDA: That's not our problem.

12 CHAIRPERSON CALARCO: Well, it is our
13 problem. I'm sorry, I disagree. We put that
14 building there - - I would like to know that we
15 have at least not boxed this property into a
16 condition that can be remedied or this owner or
17 whatever into a position that they can't fix.
18 I'm not necessarily against anything this
19 gentleman is proposing. It's just that I would
20 like to be assured that there is room on this
21 property. Since he doesn't have a leach field
22 currently, that makes the issue for me a little
23 bit more important. It's not like he has a
24 functioning leach field. He has basically dry
25 wells and they are notorious for failing. If

1 there's a problem down the road and we have
2 allowed this, I would feel terrible and that
3 there is no solution other than somehow him
4 having to try to remedy with dry wells which I
5 don't believe Rensselaer County will approve
6 anymore.

7 MR. MAIER: Dave, can I throw a
8 monkey-wrench into this thing? The gentleman
9 never answered the question that Lou asked in
10 the beginning, which is where his well is.

11 CHAIRPERSON CALARCO: It's in the front
12 yard.

13 MR. MAIER: Okay, thank you.

14 MR. SPADA: This can be cleared up very
15 simply. We can just ask the applicant to have a
16 letter from Rensselaer County Health that in
17 the future if needed a leach field system, it
18 would be approved for the lot. It's very
19 simple.

20 CHAIRPERSON CALARCO: I don't know if he
21 can get that from Rensselaer County. I don't
22 think Rensselaer County - - I don't think they
23 get into the individual engineering for people.
24 I think what it is - if he were to get a letter
25 from a stamped engineer that says to us that if

1 he had a problem in the future, he has that
2 kind of room that he claims he does, I would
3 have no problem either.

4 MR. SPADA: It's very simple. Let's stop
5 all that and just let's see if he can produce
6 that, which doesn't seem to be a problem. He
7 seems to have enough property. Let's just make
8 sure that it is okay.

9 CHAIRPERSON CALARCO: So, Mr. Razzano,
10 what we are saying while you're looking that up
11 is we would like you to actually get a letter
12 from an engineer - stamped engineer - a New
13 York State Licensed Engineer that would state
14 that you would be able to place a leach field -
15 a septic tank and leach field on this property
16 in the future if this addition were built,
17 without a problem - and meeting all the
18 Rensselaer County Health Department
19 requirements. By doing that, then you alleviate
20 all the fears of anybody on this Board that
21 creating this variance would create a problem
22 in the future.

23 MR. RAZZANO: Okay.

24 MR. BREWER: Did you want to go through
25 the first part of it that you were going to do

1 this year?

2 CHAIRPERSON CALARCO: I wouldn't approve
3 the second part. It means he's going to have to
4 come back again.

5 MR. BREWER: But he wanted to do the first
6 part this year.

7 CHAIRPERSON CALARCO: Well, if he gets
8 this to us he could be on the agenda for next
9 month and it could be all approved.

10 MR. RAZZANO: For the record, the
11 timeframe - the months that we have where we
12 have the dry weather in the summer to take the
13 roof off the house is limited and so waiting
14 another month for us is problematic. If I have
15 no choice, I have no choice.

16 CHAIRPERSON CALARCO: We could maybe do
17 this in a two-phase thing which means you have
18 to reapply and come in for another variance. We
19 would give you more time to do that.

20 MR. RAZZANO: I guess I'm just having a
21 tough time understanding why if I have the
22 coverage - if I met the coverage requirement
23 and there are other homes in my neighborhood
24 that are on smaller lots - I mean, this is a
25 1,500 square-foot ranch and as a family of

1 four, if we put an addition on, we're still at
2 a 2,100 square feet or 2,200 square feet home.
3 So, now you're talking about 2,400 square feet.
4 I don't see how we can look at the site plan
5 now - you can't determine now that I had the
6 space. I have the space.

7 CHAIRPERSON CALARCO: Because you haven't
8 proven to us that you have the space. I
9 appreciate the numbers, but I've spent quite a
10 bit of time going over all the numbers and what
11 they are. The fact is you proposed 3,500,
12 according to this plan - 3,543 square feet -

13 MR. RAZZANO: It's 3,501.

14 CHAIRPERSON CALARCO: Your numbers are
15 different than what you submitted to the
16 Building Inspector because this is his sheet
17 that I work off of - his numbers. So, 3,543 is
18 what is proposed in front of me and 3,540 is
19 12.9%. So, you're basically at the threshold of
20 that 13% coverage. I would guarantee you that's
21 more than most of your neighbors have.

22 MR. RAZZANO: I didn't hear you.

23 CHAIRPERSON CALARCO: I would guarantee
24 you that's more than most of your neighbors
25 have. You're at the threshold of 13%. We don't

1 really like to go over that. I don't have a
2 problem with the coverage amount if you can
3 prove to me that you can place a septic and
4 leach field on this property in the future if
5 there's a problem. You're a builder, sir, and
6 you know -

7 MR. RAZZANO: Can we look at the
8 requirements? The Code is online, correct? Can
9 we look at the requirements of what you need
10 for a leach field in a septic tank? Can we
11 determine that now?

12 CHAIRPERSON CALARCO: I'm not doing that,
13 no.

14 MS. FUDA: It needs to be designed by an
15 engineer.

16 CHAIRPERSON CALARCO: You have to have
17 this designed by an engineer to meet the
18 standards of Rensselaer County and then he
19 certifies to you and this Board in the letter
20 basically by giving us a copy of the letter
21 that Mr. Razzano will be able to install a
22 leach field and septic tank for a five-bedroom
23 home with three full bathrooms to meet
24 Rensselaer County standards. With that letter,
25 we have no argument at that point because the

1 record will show that we did not allow a
2 building to get into the way of your future
3 septic system compliance.

4 MR. RAZZANO: I understand your concern
5 and I can appreciate that.

6 Can we then break it up so that we are
7 addressing the roof and the front porch
8 today and then when I'm ready to do the
9 addition, I will come back with that
10 information in hand and I will reapply -

11 CHAIRPERSON CALARCO: By then you can get
12 more information for us.

13 MR. RAZZANO: If you grant the variance
14 for the porch today, then we can at least do
15 the roof and the front porch and it gives me a
16 whole year to get the septic plan.

17 Listen, if the engineer comes back and
18 says he doesn't think it's a good idea, then
19 we won't do it anyway because I don't want
20 to pigeonhole myself, either. I agree with
21 you. I think that the dry wells are a thing
22 of the past and eventually we're probably
23 going to put the leach field in. I think I
24 have room, but I have no objections to doing
25 it the way you're requesting it. I think

1 it's fair.

2 CHAIRPERSON CALARCO: I agree with you,
3 Mr. Razzano. I think that's the smarter thing
4 because we have had cases in the past where
5 people actually had their dry wells fail and
6 there in a situation where they have no means
7 whatsoever.

8 Years back in the Hamlet of East
9 Schodack they had an entire series of homes
10 whose dry wells all failed and they were
11 polluting into the Moordener Kill and the
12 Health Department actually came in and gave
13 them 30 days to get out of their house. We
14 do not want to see anybody in our Town in a
15 difficult position.

16 MR. RAZZANO: And we certainly don't want
17 to have to be in that situation.

18 CHAIRPERSON CALARCO: So, we will break
19 this and amend this application to consider the
20 front porch which is the part we would be
21 dealing with. I don't think we have any
22 jurisdiction over the replacing of your roof.
23 That's all acceptable under the Building Code.
24 It's just the front porch.

25 MR. RAZZANO: The truss system that we

1 want to use is incorporating that roof or the
2 front porch, rather, so that's why the front
3 porch is important to us this year.

4 CHAIRPERSON CALARCO: So, gentlemen we can
5 break this down so he is just looking for the
6 variance for the encroachment into the front
7 setback of 22 x 8 porch.

8 MS. FUDA: At this point, no one has
9 texted or emailed any questions.

10 CHAIRPERSON CALARCO: Did I even open the
11 public hearing? I don't think I did.

12 At this time, I will. At 7:45 PM and I
13 will open the public hearing. If anyone
14 would like to make comment on this, you can
15 call. Please see the number again.

16 MS. FUDA: It's 518-376-7875.

17 CHAIRPERSON CALARCO: We will wait about a
18 minute or two and see if anybody wants to call
19 or text.

20 So, that's what we are doing,
21 gentlemen. We are going to break this out.
22 It's just that front porch. It says here on
23 the plans that it's 38 feet to the property
24 line.

25 MR. BREWER: And it's requiring 50, right

1 Chairman?

2 CHAIRPERSON CALARCO: It does require 50.
3 He says on the plan that he has 50 to the road
4 and 38 to the property line which it's nice to
5 have an applicant who understands that is to
6 your property line and up the road.

7 MR. RAZZANO: Just for clarity and just so
8 that we are 100% clear, those are existing
9 measurements. Just so you are 100%
10 understanding, with the addition of the front
11 porch it will bring it down to 26 to the
12 property line, if I remember correctly.

13 CHAIRPERSON CALARCO: So, if you could
14 help me out, if it's 38 feet to the property
15 line now and that deck is 8 feet deep, why is
16 it 30 feet instead of 26?

17 MR. RAZZANO: That's where it is. I don't
18 have it in front of me, but I know 100% that
19 the 38 is the existing and not with the deck.
20 So, whatever it is I wrote it on there.

21 CHAIRPERSON CALARCO: It says 38 to the
22 property line; 50 to the road and 38 to the
23 property line and then you do have a 26 feet on
24 this map but it doesn't say where it's to. The
25 new proposed front porch - - if you're 38 to

1 the house and the porch is 8 feet deep, you
2 should be 30 to the property line after you
3 build the porch.

4 MR. RAZZANO: If you can wait two seconds,
5 I'm just going to remeasure right now.

6 CHAIRPERSON CALARCO: Right, go ahead. We
7 can also wait for people to call-in, but nobody
8 has so far.

9 MR. BREWER: To me it looks like he's
10 saying it's 26 from the front to the new porch.

11 CHAIRPERSON CALARCO: It's 38 now and the
12 porch is 8 feet deep.

13 MR. BREWER: Are there stairs there?

14 CHAIRPERSON CALARCO: We don't count the
15 stairs. I didn't see stairs on the plan. I just
16 want to make sure we have the right
17 measurements.

18 MR. SPADA: If it is 26 feet and we
19 require 50 - that's 50%.

20 CHAIRPERSON CALARCO: Yes, he's a little
21 much. I did go by that whole road and there's
22 nobody that's 26 feet off the road.

23 If there is no one that has responded
24 or called, then I'm going to close the
25 public hearing. It's 7:49 PM.

1 MR. RAZZANO: So, it's 34 existing to the
2 property line and 26 with the front porch. I
3 knew I remembered 26.

4 CHAIRPERSON CALARCO: Okay, gentlemen. So,
5 that's the revision - it's 34 right now to the
6 property line and he is proposing another 8
7 foot for a section on the front and on the
8 whole house which is the porch.

9 MR. RAZZANO: For the record, I had no
10 idea that my property didn't go to the road. We
11 have the property surveyed and when the
12 surveyor came he showed us the property line.
13 Had I not done that, I probably would've
14 thought I had all the way to the road, as well.

15 CHAIRPERSON CALARCO: It's a common
16 mistake by a lot of people. If you don't own
17 it, how can you control it? You can't use it to
18 your benefit or your detriment if you don't own
19 it. It's always the property line and not the
20 road. Some places their deed says that the
21 property line is the road, depending upon what
22 kind of road you live on. In most of these
23 developments, the property line is separate
24 from the road right-of-way. We always want to
25 make that clear.

1 MR. RAZZANO: It's interesting how things
2 encroach as well. What we thought were our
3 lines - we gain a little here and lost a little
4 there. It's good to have the survey done.

5 CHAIRPERSON CALARCO: Okay, so we are
6 clear about what we are being asked to grant.
7 It's to allow him to do the front porch because
8 he's tying it into his roof. He is going to
9 then come back later to do the other.

10 So, why don't we run over our criteria
11 please.

12 Whether the benefit can be achieved by
13 other means feasible to the applicant. A
14 front porch is a front porch. He can't put
15 on the back.

16 An undesirable change in the
17 neighborhood character or to nearby
18 properties - no, I think they all have
19 similar types of entrances on the fronts.
20 Maybe not quite as large or as close, but
21 they're all similar.

22 Whether the request is substantial - I
23 think we are down to 26 feet out of 50 and I
24 think the request is 50%, so we are pretty
25 substantial.

1 Whether the request will have any
2 adverse physical or environmental effect? I
3 don't believe it will.

4 Whether the request - the difficulty is
5 self-created -- and under the law, it is
6 self-created.

7 Okay, can I have a motion for lead
8 agency?

9 MR. SPADA: So moved.

10 CHAIRPERSON CALARCO: Mr. Spada.

11 Second?

12 MR. MAIER: (Raises hand.)

13 CHAIRPERSON CALARCO: Mr. Maier.

14 All in favor?

15 (Ayes were recited.)

16 Opposed?

17 (There were none opposed.)

18 Can have a motion to declare this a
19 Type II action? I will make that motion.

20 MR. SPADA: Second.

21 CHAIRPERSON CALARCO: Seconded by Mr.
22 Spada.

23 All in favor?

24 (Ayes were recited.)

25 Opposed?

1 (There were none opposed.)

2 So, now a motion to grant or deny if
3 you want - and that's to allow this front
4 porch addition no closer than 26 feet to the
5 front property line. It is 8 x 22.

6 MR. LOVERIDGE: I'll make that motion.

7 CHAIRPERSON CALARCO: Okay, Mr. Loveridge
8 makes the motion. Someone want to second that?

9 MR. BREWER: I will.

10 CHAIRPERSON CALARCO: Mr. Brewer.

11 Okay, discussion on the motion?

12 To be clear, we are granting an amended
13 application for a front yard setback no
14 closer than 26 from the road for a front
15 porch - from the property line, I'm sorry,
16 measuring 8 x 22 feet in length.

17 Any condition on the motion at all
18 gentlemen? I don't think we will in this
19 case. It's light construction by nature.

20 If there's no further discussion, call
21 the roll please?

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

24 Okay, Mr. Razzano you're all set with
25 that. I think you did the smart thing for

1 both and postponing that until you find out
2 a little bit more. It will make it easier
3 for us in the future if you come back and
4 good luck with this. Call Nadine and she
5 should get you set up with your permit.

6 MR. RAZZANO: Thank you guys, very much.
7 Have a nice evening.

8 CHAIRPERSON CALARCO: You too.

9 Okay gentlemen, if there is no further
10 business, is there a motion to adjourn?

11 MR. BREWER: I'll make a motion to
12 adjourn.

13 MR. LOVERIDGE: Second.

14 CHAIRPERSON CALARCO: Okay Mr. Loveridge
15 seconds. all in favor?

16 (Ayes were recited.)

17 Opposed?

18 (There were none opposed.)

19 (Whereas the above entitled proceeding
20 was concluded at 8:01 PM.)

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CERTIFICATION

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

Date: _____

Nancy L. Strang
Legal Transcription
2420 Troy Schenectady Road
Niskayuna, NY 12309