

1 STATE OF NEW YORK COUNTY OF RENSSELAER

2 TOWN OF SCHODACK

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4 ZONING BOARD OF APPEALS

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY L. STRANG, a Shorthand Reporter  
8 commencing on September 14, 2020, 265 Schuurman  
9 Road Castleton, New York at 7:00 P.M.

10

11 BOARD MEMBERS:

12 DAVID CALARCO, CHAIRMAN

13 EDWARD BREWER

14 ANTHONY MAIER

15 LOUIS SPADA

16 ROBERT 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

22 RICHARD CICERO

23

24

25

1	PROCEEDINGS	Pg.
2	23 Oakland Street	3
3	Proposed Area Variance	
4	Richard Cicero	
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1           CHAIRMAN CALARCO: Good evening ladies and  
2 gentlemen. I would like to call this meeting of  
3 the Schodack Zoning Board of Appeals to order,  
4 please.

5           So, gentlemen, first on the agenda was  
6 the approval of the minutes. However, as we  
7 just noticed, I had asked Nadine if she had  
8 a copy of the other minutes. What was  
9 provided in the packet was mistakenly June  
10 minutes. Without seeing those minutes, we  
11 will just adjourn the approval of those  
12 minutes until our next meeting, as no one  
13 has had an opportunity to review them.

14          MS. FUDA: I did receive the  
15 stenographer's minutes.

16          CHAIRMAN CALARCO: Right, but they have  
17 not been distributed.

18          MS. FUDA: I don't normally distribute  
19 those minutes.

20          CHAIRMAN CALARCO: Okay, well, without  
21 something that the members can improve -

22          Next up on our agenda is Richard  
23 Cicero; Oakland Street. This is an area  
24 variance.

25          Could you please read the notice?

1           MS. FUDA: Please take notice the Zoning  
2           Board of Appeals of the Town of Schodack will  
3           conduct a public hearing on Monday, September  
4           14, 2020 at 7:00 PM, Richard Cicero of 23  
5           Oakwood Street for a proposed area variance for  
6           side yard setback and over on 10% coverage. The  
7           application is available for review by emailing  
8           nadine.fuda@schodack.org or calling the  
9           Planning office at 518-477-7938. You may email  
10          your comments on the application or mail them  
11          to Nadine Fuda, 265 Schuurman Road, Castleton,  
12          New York, 12033, or by texting in during the  
13          meeting at 518-376-7875. please check the  
14          meeting agenda posted on the Town's website at  
15          www.schodack.org for information on the virtual  
16          meeting.

17          CHAIRMAN CALARCO: When I open up the  
18          public comment portion we will again read that  
19          phone number that you can text to for the  
20          benefit of the public.

21          This was submitted to Rensselaer County  
22          Bureau of Economic Development and Planning.  
23          After careful review they have determined  
24          that the proposal does not have a major  
25          impact on county plans and local

1 consideration shall prevail.

2 MS. FUDA: They had a favorable  
3 recommendation at the Planning Board.

4 CHAIRMAN CALARCO: For the record, this  
5 went before the Planning Board and had a  
6 favorable recommendation.

7 So gentlemen, just to correct this so  
8 that we know what we are adjudicating here,  
9 as you have received additional information  
10 tonight, this does not need a variance for  
11 lot coverage. There was a mistake made in  
12 the calculations. If there was approval  
13 tonight, it would still be for proposed  
14 remaining coverage that would not have been  
15 exceeded. So, it doesn't need it for that.  
16 This is however, a pre-existing  
17 nonconforming structure.

18 He is adding a deck onto it, which  
19 becomes part of the structure. It's also a  
20 side-yard setback.

21 Mr. Cicero, if you could make your  
22 appeal to the board, that would be great;  
23 thank you.

24 MR. CICERO: Certainly. Board Members,  
25 thank you for allowing me to present. I think

1 we are down to the simple matter of the side  
2 yard setback, which it's my understanding that  
3 the current requirement is a minimum of 30  
4 feet. As you mentioned, this is a pre-existing  
5 nonconforming structure -- which the house  
6 itself is less than 30 feet away from the side  
7 setback. Many of the neighbors on the street as  
8 well have I would say similarly have side yard  
9 setbacks less than 30 feet because the  
10 neighborhood was built at a time that the rule  
11 did not exist.

12 What I am proposing is a deck going  
13 straight off the back of my house. There is  
14 a plan submitted. It will be no closer than  
15 10 feet from the property line.

16 I think it's consistent with the  
17 character. I think that's about it, but I  
18 would be glad to answer any questions you  
19 may have. Thank you.

20 CHAIRMAN CALARCO: Okay, so, again as I  
21 explained earlier, this is a pre-existing  
22 nonconforming - meaning that the home was built  
23 either prior to the adoption of zoning, or  
24 there was some reason why it was allowed to be  
25 built the way it was. Therefore, your side yard

1 setback on the back corner of that house being  
2 what I believe you have listed as 12.8 feet --  
3 so, by adding onto it with the deck - anything  
4 attached to the house becomes part of the home  
5 so the new deck would also be nonconforming.

6 The first question that I have that I  
7 wanted to ask -- my members probably have  
8 other questions. Why can't you move this  
9 deck more over towards the center of your  
10 house?

11 MR. CICERO: There is a septic tank and I  
12 really can't go any further in that direction  
13 because I would then be going over the septic  
14 tank in the backyard.

15 CHAIRMAN CALARCO: So the septic tank in  
16 your house is located -- If I'm looking at the  
17 house to the left of the deck.

18 MR. CICERO: Yes, correct.

19 CHAIRMAN CALARCO: Due to how far that is,  
20 or how close?

21 MR. CICERO: It's pretty darn close. I'm  
22 leaving about five feet maybe, or 10 at the  
23 most. I would have to go out and measure. I  
24 certainly wanted to make sure that it wasn't  
25 going to be hitting my septic tank. I don't

1       have an exact measurement, but it's probably  
2       about five feet away from the edge of the tank.

3           CHAIRMAN CALARCO:   So, five feet is quite  
4       a bit because the edge of the deck is not to  
5       where the pylons for the deck would be. In  
6       other words, anything your drilling down into  
7       the ground to put solid concrete pylons - they  
8       would be a few feet further in from the edge of  
9       the deck. That's normal construction, even if  
10      it was only a foot and you are looking at a  
11      five-foot gain that you can have by moving that  
12      deck over.

13          MR. CICERO:   Let me put it this way: I was  
14      just looking at where the center of the septic  
15      tank was. It's about four inches to the right  
16      of the window - that window is about five feet  
17      wide. It's actually going to be less than five  
18      feet because I'm thinking from the center of  
19      the septic tank where the cleanout is. So, the  
20      tank is probably five feet to eight feet wide.  
21      There's really not much room there. I would  
22      love to go over further, but I really don't  
23      know that there is any room there or maybe  
24      there is a foot to be had.

25          CHAIRMAN CALARCO:   That was the first



1        obvious question that I had, just looking at  
2        the plans and the property.

3            I think the issue that I want to make  
4        you aware of here is that the nonconformity  
5        of the side-yard setback that exists with  
6        the corner of the house's pre-existing  
7        nonconforming and now the addition of the  
8        deck -- what seems to be happening is by you  
9        putting the deck straight back off the  
10       corner of your house, you now come down to  
11       about 10.1 feet. The problem that we are  
12       going to have with that, Mr. Cicero, is that  
13       you're asking us to grant a variance that is  
14       actually going to increase the nonconformity  
15       of this structure on the lot. So, we have a  
16       building that is 12.8 feet away from the  
17       property line and now we are going to grant  
18       a variance to allow a deck to be built which  
19       is going to increase the nonconformity from  
20       12.8 to 10.1. You're correct when you said  
21       there is a 30-foot side-yard setback. We are  
22       already well below a 50% threshold which is  
23       kind of what this Board uses as a  
24       demarcation point. We are well below that  
25       50% threshold. We are down to about 33% on

1       the threshold. I should say it is 66% in  
2       encroachment into the setback. The problem  
3       with that is that this Board does not have a  
4       habit of granting variances that are going  
5       to increase the nonconformity. So, to give  
6       you an example, if you were to propose a  
7       deck that kept a 12.9 foot setback to the  
8       property line all the way back to its  
9       length, we would not be increasing the  
10      nonconformity.

11           I think there might be a possibility,  
12      depending upon how Board members feel, that  
13      would be something that we can accept. The  
14      minute we start to grant variances where we  
15      actually grant the increasing of the  
16      nonconformity - that's what puts us into a  
17      predicament and setting a precedent  
18      particularly when you are increasing an  
19      already egregious encroachment into the  
20      setback. If this is 26 feet, you're only  
21      going down 4 feet and it would give us a lot  
22      more room. The way I look at it is: I see  
23      the problem being the increasing of that  
24      encroachment into the setback. In other  
25      words, the nonconformity is one issue. The

1 increasing of it now becomes our fault and  
2 our doing.

3 Members, do you have any questions you  
4 would like to ask the applicant?

5 MR. SPADA: I do.

6 CHAIRMAN CALARCO: Mr. Spada, go ahead.

7 MR. SPADA: Have you investigated - truly  
8 investigated the moving of that deck over with  
9 the contractor to see if it is possible, or are  
10 we just saying that may be three feet or four  
11 feet?

12 MR. CICERO: Well, frankly when I was  
13 inquiring about the site, I was sort of  
14 informally and no guarantee given -- the  
15 permission that 10 feet was kind of what the  
16 limit would be.

17 CHAIRMAN CALARCO: Who gave you that  
18 impression?

19 MR. CICERO: Pardon?

20 CHAIRMAN CALARCO: Who was it that gave  
21 you that impression?

22 MR. CICERO: The Building Department. They  
23 may have said to me - they had caveats and such  
24 and I think it was to the extent that it may  
25 involve some type of other rules. They said

1       that probably would really be it.

2               I would like to further say that I  
3       really got to believe that at the time these  
4       houses were built here, the side setback  
5       must've been five or 10 feet because I know  
6       my neighbor - my closest neighbor - I spoke  
7       with John about this and showed him where it  
8       was all planned out. He is the one most  
9       affected. He said, build whatever you want.  
10      That's fine with me. Anyway, when I look at  
11      his side yard and how close it is to his  
12      neighbors, it seems like there's only about  
13      20 feet between the two. So, when this house  
14      was laid out and I think a lot of the houses  
15      in this neighborhood were laid out - they  
16      were working with a side setback that had to  
17      have been at most 10 feet.

18             CHAIRMAN CALARCO: There were no setbacks  
19      back then, Mr. Cicero. This was prior to  
20      zoning. Prior to zoning, it was basically the  
21      wild, wild, west. Things got built with no  
22      restrictions and no regulation and no zoning.  
23      To keep some type of conformity and to keep  
24      neighbors from killing each other -- so, homes  
25      were built as they were built. I have to say

1       that I look at your plans -- I'm sorry, Mr.

2       Loveridge you want to make a comment.

3               MR. LOVERIDGE: Mr. Cicero, I am looking  
4       at the dimensions that you have on the side of  
5       the house in building the deck. I am wondering  
6       if you would be willing to reverse the side  
7       angle that you have. So, in other words, if you  
8       started at A in the corner and made your way  
9       out away from the side dimensions of your  
10      property, then straighten your deck to go  
11      straight out, you may be in a better situation  
12      to conform to what we are looking for.

13             MR. CICERO: I understand what you're  
14      saying. I'm trying to visualize it.

15             MR. LOVERIDGE: You would actually keep  
16      the same amount of space on your deck. It would  
17      just be shifted more toward the back as opposed  
18      to by the house.

19             MR. CICERO: The back point would still  
20      just be 10 feet away from the line, if I did  
21      that.

22             MR. LOVERIDGE: You would essentially be  
23      reversing the distance that you have. In other  
24      words, you would immediately begin coming away  
25      from the sideline of your property so you would

1       be increasing your setback right away. Then,  
2       you would straighten it out and it would remain  
3       that distance away from your property line.

4           MR. CICERO: By straightening it out at  
5       one point, it would start to get closer to the  
6       property line.

7           MR. SPADA: But it would be reversed in  
8       what you have now.

9           CHAIRMAN CALARCO: Excuse me. I'm sorry,  
10      Mr. Spada.

11          There's a bunch of different ways you  
12      could lay this out. You could play with this  
13      plan for hours and come up with all kinds of  
14      things. The fact is you can make this deck  
15      any shape or size you want. It's just wood.  
16      Carpenters are pretty talented nowadays.  
17      They can put the footage where you need. You  
18      can make this deck to go wherever you wanted  
19      to go on that property.

20          Personally, I've got to say, Mr.  
21      Loveridge, I don't care what design he wants  
22      to make the deck. My concern is that I do  
23      not want to grant a variance that increases  
24      the nonconformity of this already  
25      pre-existing nonconforming structure. So,

1 the bottom line would be if this debt gets  
2 no closer to the property line anywhere and  
3 10.8 feet that would not be increasing the  
4 nonconformity, he could build this any shape  
5 he wants. That's what I'm looking for. I  
6 don't know what you members are looking for.  
7 I'm sorry I meant 12.8 feet.

8 So, he could make this thing -- like  
9 you said, he could reverse the end and come  
10 straight -- to me, it all comes down to the  
11 idea that we are not increasing the  
12 nonconformity. He would still get a variance  
13 and he would still be able to build his  
14 deck, but he is going to keep that 12.8 feet  
15 away from the property line. For me, that  
16 seems to be where I am at.

17 Gentlemen, you may have a different  
18 opinion. I'd love to hear it. I think his  
19 own plan show that he is aware that he had  
20 to do something to get that deck at least  
21 away from the property line. So, that's why  
22 it's angled at 11 feet or 10 feet. It's  
23 angled back because the property line is  
24 encroaching, since it goes to a pie shape.

25 So, Mr. Cicero, I'm just blatantly

1        putting it out there telling you that if the  
2        deck can only be as you propose, then we  
3        understand. If you are amenable to making  
4        some sort of considerations - some changes  
5        so that you can help us accommodate this  
6        variance, that's something that we would be  
7        willing to discuss.

8            MR. CICERO: Well, first let me say that  
9        12.8 feet versus 10 feet is not a big  
10       percentage difference. I know you are comparing  
11       it to 30 feet, but I'm looking at the character  
12       of this neighborhood and the typical distance  
13       between houses here. The existing distance -  
14       there's really not a drastic change in the  
15       existing distance. When you say 12.8 versus  
16       10.1, I certainly would prefer that the Board  
17       approve me going to 10 feet. I'm not saying  
18       that if that were denied, I would cancel my  
19       plans for a deck, but I will be disappointed  
20       and I would have to reevaluate what I could do  
21       here.

22           CHAIRMAN CALARCO: Just like you just  
23       said, that's really not that big of a  
24       difference.

25           MR. CICERO: It's not a big difference



1       when you're talking the percentage.

2               CHAIRMAN CALARCO:  If you were to put that  
3       deck at 12.8 feet from the property line, it's  
4       not that big of a difference than putting a  
5       10.1 foot from the property line.

6               MR. CICERO:  It is when it comes to -  
7       you're talking a three-foot difference.

8               CHAIRMAN CALARCO:  It's not a three-foot  
9       difference. It's not three feet. It's 2.7 feet.  
10      My point is this: I hope you understand that we  
11      are concerned with the procedural problem in  
12      granting a variance that is going to lock us in  
13      to set a precedent where we are granting  
14      variances that now increase the nonconformity  
15      of pre-existing nonconforming structures.  
16      That's something that this Board is trying not  
17      to do. As a matter fact I would bet you that  
18      for the most part, we won't do that simply  
19      because it locks us into a very difficult  
20      position with the next applicant, and the next  
21      applicant, and the next applicant where they  
22      want what you want because everybody wants what  
23      they want. We say no and they say well, you  
24      granted it to this guy over off of Inglewood.  
25      The problem is that we are always worried about

1 the precedent here.

2 I have been on this Board a long time  
3 and I have never seen this Board grant a  
4 variance where we increase the  
5 nonconformity. So, I'm trying to offer you  
6 an opportunity to get this deck up and built  
7 without increasing the nonconformity by just  
8 making sure that the deck is built no closer  
9 than the 12.8 feet to the property line.

10 As far as the character of the  
11 neighborhood, that's totally subjective to  
12 who you ask. Unfortunately, the way this  
13 procedure works, it's the members of this  
14 Board that are going to decide if that  
15 character of the neighborhood is actually  
16 impacted or not. You are already at 12.8  
17 square feet to the property line. That's  
18 extremely close by the standards that this  
19 Town is looking for. I understand the  
20 neighborhood was built early on and there  
21 are a lot of properties that are close to  
22 each other. That's why think this Board is  
23 willing to say as long as you don't increase  
24 the nonconformity, we would be glad, I  
25 believe - I believe we would be okay with

1       granting a variance to let you put the deck  
2       up, even though it's well under the 30-foot  
3       setback requirement. So, I can't be more  
4       frank with you than that. If you're not  
5       interested, we understand. If you are, I  
6       think you should let us know so that we can  
7       move forward with this.

8               MR. CICERO: Okay, I appreciate the  
9       information that you are providing because this  
10      is the first time I've done anything like this.  
11      I'm relying on what information I am being told  
12      that this is the first time hearing that this  
13      is the common, or practice or accepted practice  
14      that has been ongoing.

15             With that in mind, I would like to  
16      change my proposal, if I can, to say that I  
17      would like to build the deck to continue  
18      with a 12.8 foot setback and I will remain  
19      within the maximum 10% area variance, based  
20      on the latest calculations. Anything beyond  
21      that, I guess is going to be up to a plan  
22      that will be developed based on these new  
23      requirements.

24             CHAIRMAN CALARCO: These are not  
25      necessarily new requirements. What we're going

1 to do is if this Board so approves, we are  
2 going to basically - if these members agree to  
3 this - we would be granting something of a  
4 variance that would basically say you are  
5 allowed to build the deck with the condition.  
6 The condition might be something like that the  
7 deck is to be built no closer than 12.8 feet  
8 from the setback at any point. You can design a  
9 deck however you want to design it, as long as  
10 you meet that condition. That would be up to  
11 you, whoever is designing it for you and the  
12 Building Inspector. What he's going to be  
13 basically looking at is that the deck is 12.8  
14 feet from your property line for the entire  
15 length of it. That's all that would happen with  
16 this Board. This is not new for us. I know it's  
17 new for you. That's why we always tell people  
18 that you need to take variance requests  
19 seriously. Sometimes they need to seek legal  
20 counsel before they come before this Board  
21 simply because they don't know the law, they  
22 don't know the criteria and they don't know the  
23 things that govern our actions. So, when they  
24 come before us, because they are new to this  
25 and without proper information, they would feel

1 as though this Board is somehow making it up.  
2 We're not making anything up. We do this every  
3 single month for years and years. This is  
4 unfortunately the rules that apply to variances  
5 and this Board takes them seriously. Like I  
6 said, that's why for me it was a problem of  
7 increasing that nonconformity. I do think that  
8 the ability to build a deck here with just a  
9 slightly different configuration is probably  
10 going to turn out fine. It will enhance your  
11 property and I'm sure you will enjoy it  
12 hopefully for years to come.

13 So gentlemen, any more questions for  
14 the applicant?

15 (There was no response.)

16 I'm going to open up the public comment  
17 portion.

18 Just for the record, please read that  
19 number again.

20 MS. FUDA: If anyone would like to text  
21 and it is 518-376-7875.

22 For the record, no one has texted in  
23 except for the Town Clerk who wants to know  
24 when we will be done.

25 CHAIRMAN CALARCO: Will give it a minute

1 or so to see if anybody contacts us. We will  
2 close that out and then move on to our  
3 housekeeping here.

4 (There was a brief break in the  
5 proceedings.)

6 So, we are not getting input so we're  
7 going to close the public hearing. It is  
8 7:30.

9 Alright gentlemen, let's go over our  
10 criteria please.

11 Can the benefit be achieved by other  
12 means feasible to the applicant? I think  
13 that's exactly what we have been discussing,  
14 correct? So, I would say yes.

15 Will it create an undesirable change  
16 neighborhood character or nearby properties?  
17 I don't believe it will because they are all  
18 built in the same sort of closeness and  
19 proximity.

20 Whether the request is substantial. I  
21 think it is quite substantial. The Code says  
22 30 and were going down to 12.8.

23 Will the request have an adverse  
24 physical or environmental effect? No, I  
25 don't believe that it will have either or

1       neither one of those.

2               Is the alleged difficulty self-created?

3       Of course, by the law it is self-created.

4               Okay gentlemen let's do a SEQRA. This  
5       is a Type II action.

6               Could I have a motion to declare as  
7       such?

8               MR. SPADA:   (Raises hand.)

9               MR. LOVERIDGE:  (Raises hand.)

10              CHAIRMAN CALARCO:  Mr. Spada, Mr.  
11       Loveridge.

12              All in favor?

13              (Ayes were recited.)

14              Opposed?

15              (There were none opposed.)

16              And since it is a Type II action, there  
17       is nothing further required of this Board of  
18       SEQRA.

19              So, now we are down to the nuts and  
20       bolts. Since I did all the talking I will  
21       make the motion here for you guys. I will  
22       make a motion to grant the variance to allow  
23       the construction of this deck off the back  
24       of the house, with the condition. The  
25       condition will be: That the deck to property

1 line setback never goes below 12.8 feet. So,  
2 we are allowing the deck but we are just  
3 saying that you are going to keep the deck  
4 12.8 feet all the way back along the  
5 property line.

6 Do I have a second on that motion?

7 MR. LOVERIDGE: Yes.

8 CHAIRMAN CALARCO: Mr. Loveridge.

9 Okay, discussion on the motion?

10 MR. LOVERIDGE: My question was: Do we  
11 have a concern in reference to the property on  
12 the opposite side when the septic is located.

13 CHAIRMAN CALARCO: I don't have a concern,  
14 do you?

15 MR. LOVERIDGE: I know that he could  
16 probably just extend the deck a couple of feet  
17 more and pick up the same square footage.

18 CHAIRMAN CALARCO: I've had decks on my  
19 home for years and I have built decks on other  
20 people's homes. You can build a deck around  
21 anything you need to. The requirement does not  
22 cover the septic.

23 MR. SPADA: Yes, because if anything  
24 happened, he's going to have room to dig or  
25 remove it or whatever he needs.



1           CHAIRMAN CALARCO: But he can come out  
2 beyond the septic and put the deck out. He can  
3 build the deck anyway he wants.

4           MR. SPADA: He could make the deck  
5 T-shaped if you wanted.

6           CHAIRMAN CALARCO: I don't know that we  
7 should be concerned with the septic. We were  
8 made aware of it and he understands it and  
9 that's up to him to design it so that it fits  
10 his house and his property.

11          Any other discussion on the motion?

12          (There was no response.)

13          This is a motion to grant, now, with  
14 the condition that it goes no closer than  
15 12.8.

16          If there's no further discussion,  
17 please call the roll.

18          (The roll was called by Ms. Fuda and  
19 the motion passed unanimously.)

20          So Mr. Cicero, you didn't get  
21 everything that you wanted, but at least  
22 you're going to be allowed to put that deck  
23 up in one form or another. I'm sorry that it  
24 didn't work out wholly in your favor, but  
25 that's what happens sometimes with these

1 applications. I think at this point you come  
2 in and see Nadine and she will direct you as  
3 to what needs to be done and the signing of  
4 this variance and send you off to the  
5 Building Inspector. Thank you, sir.

6 MR. CICERO: Thank you. I will make this  
7 work. I appreciate it.

8 CHAIRMAN CALARCO: Okay buddy, thanks.

9 MS. FUDA: A motion to move in a second to  
10 waive the reading of the proposed Resolution of  
11 Z790-20.

12 CHAIRMAN CALARCO: So gentlemen this is a  
13 proposal to waive the reading of the variances  
14 we granted the last time for Scannell. What we  
15 are doing is waving the reading of the granting  
16 of the variance into the record, but we are  
17 going to reaffirm what we granted for the  
18 record, just so you know.

19 So, can I have a motion to waive the  
20 reading.

21 MR. LOVERIDGE: I'll make a motion.

22 CHAIRMAN CALARCO: Mr. Loveridge.

23 MR. MAIER: Second.

24 CHAIRMAN CALARCO: Seconded by Mr. Maier.

25 All in favor?

1 (Ayes were recited.)

2 So, with that done, I will make a  
3 motion to adopt -

4 MS. FUDA: A motion and a second to adopt  
5 the writing of the Resolution as adopted.

6 MR. CRIST: To adopt the Resolution as the  
7 official determination of this board.

8 CHAIRMAN CALARCO: So, that's the motion.  
9 Do I the second?

10 MR. MAIER: (Raises hand.)

11 CHAIRMAN CALARCO: Mr. Maier on that one,  
12 as well.

13 All in favor?

14 (Ayes were recited.)

15 Opposed?

16 (There were none opposed.)

17 Okay, it's adopted. This is for the  
18 second one, which is Z791-20.

19 MS. FUDA: So, we need a motion and a  
20 second to waive the reading of the proposed  
21 Resolution of Z791-20.

22 MR. SPADA: (Raises hand.)

23 CHAIRMAN CALARCO: Mr. Spada and seconded  
24 by myself.

25 All in favor?

1 (Ayes were recited.)

2 Opposed?

3 (There were none opposed.)

4 MR. CRIST: A motion to adopt this written  
5 Resolution of Z791 as the official  
6 determination of this Board.

7 This is a motion that someone would be  
8 making to adopt the written Resolution of  
9 Z791 is the official determination of this  
10 Board.

11 CHAIRMAN CALARCO: I'll make that motion.

12 MR. LOVERIDGE: Second.

13 CHAIRMAN CALARCO: Seconded by Mr.  
14 Loveridge.

15 All in favor?

16 (Ayes were recited.)

17 Opposed?

18 (There were none opposed.)

19 Okay, those are both adopted, as  
20 written.

21 Gentlemen, that's pretty much  
22 everything on our agenda.

23 MS. FUDA: Our next meeting is October  
24 19th.

25 CHAIRMAN CALARCO: So, our next meeting is

1       October 19th. We actually have something?

2               MS. FUDA: Yes, we actually have two.

3               CHAIRMAN CALARCO: Gentlemen, thank you. I  
4 really appreciate you being here tonight.

5               MR. SPADA: Motion to adjourn.

6               CHAIRMAN CALARCO: Motion to adjourn by  
7 Mr. Spada.

8               MR. MAIER: Second.

9               CHAIRMAN CALARCO: Seconded by Mr. Maier.

10              All in favor?

11              (Ayes were recited.)

12              Thank you, very much.

13              (Whereas the above entitled proceeding  
14 was concluded at 7:39 PM)

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## 1 CERTIFICATION

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

10

11 Date: \_\_\_\_\_

12

13 \_\_\_\_\_

14 Nancy L. Strang

15 Legal Transcription

16 2420 Troy Schenectady Road

17 Niskayuna, NY 12309

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