

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL OCTOBER 19, 2020  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

Public Session - 7 p.m. via livestreaming

<https://townhallstreams.com/towns/schodack> Or on Facebook

If you have questions on anything on the agenda

Please email your questions or comments to [Nadine.fuda@schodack.org](mailto:Nadine.fuda@schodack.org) or call

518-477-7938 no later than 6pm on 10/19/2020

**PRESENT**

David Calarco, Chairman  
Ed Brewer  
William Loveridge  
Anthony Maier  
Lou Spada  
Craig Crist, Esq.  
Nadine Fuda, Director of Planning and Zoning  
Melissa Knights, Assistant to Director

**MEMBERS ABSENT**

**APPROVE MINUTES - AUGUST 10, 2020 as amended**

Maier moved, Spada seconded that the minutes be approved as amended.

5 Ayes. 0 Noes

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose:

**APPROVE MINUTES - SEPTEMBER 14, 2020 as amended**

Loveridge moved, Maier seconded that the minutes be approved as amended

Ayes. Noes

Ayes: Calarco, Loveridge, Maier, Spada

Absent: Brewer

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

Carol Ferrell published on October 10, 2020

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public hearing open 7:01 p.m.

public hearing closed 7:22 p.m.

Carol Ferrell  
6 Stewart Point Road  
Proposed - Area Variance  
Over on 10%  
[Calf1945@nycap.rr.com](mailto:Calf1945@nycap.rr.com)

Z793-20/R-20/201.2-1-20

Carol Ferrell, applicant was present via Zoom.

Ms. Ferrell stated she is an elderly woman who is wheelchair bound and she needs a garage big enough for her van with the ability to have the ramp open. It has become too dangerous for her to clean off the van in the winter.

Chairman Calarco stated to the board, her allowable coverage is 2,657 sq. ft. the Building inspector states the lot coverage is already 3,390 sq. ft. putting the lot over the 10% by 733 sq. ft. now the proposed structure is an additional 420 sq. ft. putting this over the maximum coverage to 15%. After doing the calculations he came up with a total overage of 14.3% of coverage, which is under the maximum this board would entertain.

Chairman Calarco asked if the applicant know the garage has to be at least 10 feet from the home.

Ms. Ferrell stated yes.

Mr. Spada asked if that was a shed in the back corner of your property and is it partly on the neighbor's property.

Ms. Farrell sated yes is, the shed has been there since the 50's when Hanson owned the land. They neighbors have never cared; they do not use that area of their property.

Mr. Spada asked since you are over coverage would you consider taking that shed down,

Ms. Ferrell stated not really, the shed is used to house the snowblower and stuff like that.

Chairman Calarco aske if the board had any more questions.

There were no more questions, so the chairman opened the meeting up for public comment.

There were no public comments, so the public hearing was closed.

The Board members reviewed the area variance criteria.

#### **AREA VARIANCE CRITERIA**

- 1) Can the benefit be achieved by other means feasible to the applicant? NO
- 2) Will the granting of the variance create an undesirable change in the character of the neighborhood or to nearby properties? NO
- 3) Is the request substantial? YES
- 4) Will the request have an adverse physical or environmental effect? NO
- 5) Is the alleged difficulty self-created? YES
- 6) **Conditions:** None

Loveridge moved, Maier seconded that the Zoning Board of Appeals be **LEAD AGENCY, TYPE II** relative to the variance only.

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose:

Loveridge Moved; Calarco seconded that the area variance be **GRANTED**.

<u>Brewer</u>	<u>Calarco</u>	<u>Loveridge</u>	<u>Maier</u>	<u>Spada</u>
Yes	Yes	Yes	Yes	No

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

Grant Staats published on October 10, 2020

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public hearing open 7:24 p.m.

public hearing closed 7:41 p.m.

Grant Staats

Z794-20/RA/190.-11-23

319 Beaver Road

Proposed - Area Variance

Front yard set back

[Gstaats099@gmail.com](mailto:Gstaats099@gmail.com)

Grant Staats, applicant was present for this meeting via Zoom.

Mr. Staats stated he is looking to construct a 128 sq. ft. or 8 x 16 foot shed on his property. The shed will be 43 feet from the center of the road where the property line is. He is asking for a 15-foot front yard setback. The shed is to store his plow during the summer, tools, and other such items. The shed will be behind the shrubs that are already there, they will be left for screening for neighbors and Beaver Road.

Chairman Calarco stated when visiting the site, he realized the driveway swings to the right, which makes the distance between the road and the driveway where the shed is proposed much skinnier - much less than it looks in the picture. It appears this is one of those situations where the property line is technically listed in the deed as the center of Beaver Road.

Mrs. Fuda stated correct.

There was discussion on the property line and the fact that it is in the center of the road and whether it should be listed as part of the 50-foot front yard

setback. After discussing it with the applicant Chairman Calarco suggested him to consider possibly moving the shed to the mound by the driveway.

Mr. Staats stated that mound is all shale and the cost to level that mound is one of the reasons I chose to put the shed where indicated on the plans.

Chairman Calarco asked if the applicant would consider then to place the shed 2 feet closer to the driveway giving the setback 45 feet verses 43 feet. That would be a 5-foot variance which is something the board could agree with.

Mr. Staats stated he would do that.

Chairman Calarco stated if all agree he will now open this up for public comment for the next couple of minutes.

After a couple of minutes Mrs. Fuda stated no one has emailed or called her on this application.

Chairman Calarco then closed the public hearing.

The Board members reviewed the area variance criteria.

#### **AREA VARIANCE CRITERIA**

- 1) Can the benefit be achieved by other means feasible to the applicant? NO
- 2) Will the granting of the variance create an undesirable change in the character of the neighborhood or to nearby properties? NO
- 3) Is the request substantial? NO
- 4) Will the request have an adverse physical or environmental effect? NO
- 5) Is the alleged difficulty self-created? YES
- 6) Condition
  - the shed is to be placed no closer than 45 feet from the property line at the center of Beaver road.

Brewer moved, Loveridge seconded that the Zoning Board of Appeals be **LEAD AGENCY, TYPE II** relative to the variance only.

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose:

Calarco moved, Maier seconded that the area variance be **GRANTED for a shed to be placed no closer than 45 feet from the property line (center of the road).**

Brewer	Calarco	Loveridge	Maier	Spada
Yes	Yes	Yes	Yes	Yes

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

Eileen & Mike Shields published on October 10, 2020

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public hearing open 7:44 p.m.

public hearing closed p.m.

Eileen & Mike Shields                      Z795-20/RA/190.4-2-2  
535 County Rt7  
Proposed- Area Variance  
Expansion of a Pre-existing - nonconforming building  
[ashely@conklmarchitecture.com](mailto:ashely@conklmarchitecture.com)

Ashley Robino, Conklin Architecture, was present for this meeting via Zoom.

Ashley Robino stated they are proposing an area variance for an extension of a non-conforming deck. She shows the site plan (see file) and explains they are proposing to move the existing deck, porch and the garage and the proposed new addition including a deck will then still be in the setback. Ms. Robino then went over the repairs and the construction of the current deck and spoke about the addition, (See file) for plans and narrative of the project.

Chairman Calarco the existing deck has been there for many years is being replaced in the same footprint because of structural issues correct.

Ms. Robino stated correct.

Chairman Calarco stated a deck is being proposed behind it is new construction. Correct.

Ms. Robino stated correct.

Chairman Calarco asked for clarification, the existing deck is and will be where it currently is, and the proposed deck will be 5 feet from the property line.

Ms. Robino stated Yes, correct.

Chairman Calarco stated the town code states a side yard setback is 30 feet and your requesting 5 feet. He wondered when the house was built with the current deck.

Mr. Brewer stated the house was built in 1959.

Chairman Calarco discussed the deck being five feet from the property line and the ability to increase that to possibly angling the corner of the new deck to fit in line with the original deck. That would increase the setback to 12 feet.

Ms. Robino stated she sees what the chairman is talking about and thinks that it might work.

After a long discussion about the porch, both decks the board and the applicants engineer it was finally decided the deck would be angled giving

The Board members reviewed the area variance criteria.

#### **AREA VARIANCE CRITERIA**

- 1) Can the benefit be achieved by other means feasible to the applicant? NO
- 2) Will the granting of the variance create an undesirable change in the character of the neighborhood or to nearby properties? NO
- 3) Is the request substantial? YES
- 4) Will the request have an adverse physical or environmental effect? NO
- 5) Is the alleged difficulty self-created? YES

#### **6) Conditions:**

- new deck is to be no closer to the side yard then 9-feet 9-inchs including the front porch, addition, and reconstruction of the current deck.

Spada moved, Brewer seconded that the Zoning Board of Appeals be **LEAD AGENCY, TYPE II** relative to the variance only.

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

Calarco moved, Loveridge seconded that the area variance be **GRANTED the expansion of the pre-existing non-conforming structure.**

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

#### **ADJOURN**

Brewer moved, Loveridge seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:17 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning