

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL JUNE 12, 2017  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

**MEMBERS ABSENT**

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

**APPROVE MINUTES**

Spada moved, Maier seconded that the minutes be approved as amended  
4 Ayes. 0 Noes  
Ayes: Brewer, Calarco, Maier, Spada  
Oppose: None

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

Matthew Couch published on June 3, 2017

-----  
Public hearing open 7:06 p.m.

Public hearing closed 7:34 p.m.

Matthew Couch  
1 Sally K lane  
Proposed - Area Variance

Z764-17/R-20/189.1-6-7

Matthew Couch, applicant was present for this meeting,

Mr. Couch stated that he is looking to place a 24x48 pole barn on his .37 acre parcel, he understands this is what needs to be done but feels he should be given the same consideration as someone who have an acer of land. Mr. Couch went through he reasons he should be given the same curtsey as someone who has an acre of land.

Mr. Spada asked where is the egress to the pole barn in the back of the house.

Mr. Couch stated there are 2 ways to access his back yard, one could be crusher run next to his current garage and the other from North Old Post Road where a culvert would have to be put in.

Mr. Maier asked when the home was built.

Mr. Couch stated his house constructed in the 1950's and moved off of Rt. 150 to this site when the interstate was put in in the 1970's

Judith Goetke, 4 Herman K. lane stated she quoted his words that this is a passion of his collecting and working on cars, her only concern is her back yard looks over into his back yard and she is already looking at a trailer and a pickup truck, what is it going to look like when his passion expands.

Martha Sherwood, Sally K Lane stated her house was self-built between 1960 and 1961, it was the only house on Sally K. lane and she believes the that Matthew's house and the one across the street was moved in the mid 60's to Sally K. Lane. And believed those lots were part of the Wood Brothers development which was the rest of the area towards Green Meadow School. She is unaware what the subdivision lot sizes were approved for.

Chairman Calarco stated the approved lots were 20 thousand sq. ft. the area is zoned R20. **And to clarify the size of the lot matters, the more sq. ft. the lot is the larger the allowed 10% coverage is. if you have an acre the allowed 10% is considerable more than that of a lot that is .37 of an acre.** The zone this request is for is R20 and currently this property has 15% coverage with no variance given to the previous owner. Chairman Calarco explains the process the zoning board has to abide by in making a decision.

Public hearing was closed at 7:34

The Board members reviewed the area variance criteria.

#### **AREA VARIANCE CRITERIA**

- 1) Can the benefit be achieved by other means feasible to the applicant? **Yes**
- 2) Will the granting of the variance create an undesirable change in the character of the neighborhood or to nearby properties? **Yes**
- 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**

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

4 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose:

Calarco moved, Spada seconded a **NEGATIVE DECLARATION**.

4 Ayes, 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

The Board members reviewed the area variance criteria.

Calarco moved, Spada seconded that the area variance be **DENIED**.

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

Chairman Calarco stated to the applicant that as of right now there is no variance for the current 15% overage and he is willing to make a motion to grant a variance to make this property legal and allow him to have what he currently has on his lot, the variance will benefit he in the future should he go to sell.

Mr. Couch stated he would like to look into this proposal so he can make an informed decision.

Chairman Calarco stated that is fine but should you not take this offer tonight you will have to make a new application and he is not guaranteeing an approval at that time.

Mr. Couch stated he understands but would still not be ready to make a decision on that offer.

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

A Duie Pyle, Inc. published on June 3, 2017

-----  
public hearing open 7:50 p.m.

public hearing closed 8:30 p.m.

A Duie Pyle, Inc.

Z766-17 /HC/220.-3-2.1

Rte. 9

Proposed- Site Plan Modification

Tony Maier has recused himself because of a conflict with this application, Mr. Maier left the building before the applicant started their presentation.

Gavin Vuillaume, environmental Design Partners, was present for this meeting.

Mr. Vuillaume stated several members for A. Duie Pyle are here to answer any questions that may come up on the proposed application. He gave a brief presentation on the proposed changes to the site. Along with the building expansion they are looking to expand the truck trailer staging area which is directly behind the existing facility.

Chairman Calarco asked the applicant and Mr. Vuillaume to come up and review the map of the proposed addition and compare it to the map that is presented on the board and they are not the same.

Mr. Vuillaume stated the map that the board has is what would be necessary if they had to provide 270 feet to the back of trailer all the way to additional land that is not what is currently proposed.

Chairman Calarco asked why they were given this map for review.

Mr. Vuillaume stated he is not sure, it was original brought up with the engineer but should not have been submitted unless it was what they were going to go that route.

Chairman Calarco stated the board came to review and consider the plan they were given not the plan that you are presenting which is monumentally different.

Chairman Calarco asked if they were aware the town code requires that there is not storage of repair of vehicles less than 500 feet of a residential zone, so all the truck spaces in the back are not going to comply with this law.

Mr. Vuillaume stated those are not truck parking they are trailer parking.

Mr. Spada stated a trailer is a registered vehicle in NYS. So we have to treat it as such. And if that area is not squared off you do not have the 330 feet between the trailers and the RA zone.

Mr. Vuillaume stated the original site plan did not have 330 feet from the trailer areas as he shows the board on the plan he has. When the project was originally approved they had 270 feet away.

Chairman Calarco stated he looked up the original approved maps and the variance for that approval. The maps show no parking or pavement in the area where you are looking to increase your trailer parking

At this time all of A. Duie Pyle and their attorney Tim Nugent Esq. plus the board came to look at the original maps.

Mr. Spada asked how long the trailers are parked in that area.

Mr. Timothy Koch, Director of Facilities for A. Duie Pyle stated the trailers are parked on that back line will sit for 8 to 16 hours waiting to be loaded or unloaded then they are headed to Boston, Buffalo or Cleveland they are short term runs. The trailers are not hooked to tractors and left running.

#### **Open public hearing,**

Mr. Mark DiTonno, resident state he lives at 133 Graw Road and wanted to say that A. Duie Pyle has been great neighbors, but his concern is the gravel road that has never been used and wanted to make sure they are not going to use this road, it is attached to his back yard.

Mr. Mark DiTonno Jr. and was concerned about the car traffic was not going to be on that dirt road. And asked about the drainage to the new detention area and if it was going to be dry as well as the existing detention area.

Mr. Koch stated yes it should be just like the other detention pond area.

Mr. Mark DiTonno asked if the fence could go out about 10 feet more to block his yard from the business

he would really appreciate it.

Mr. Spada asked about the gravel road that goes out to Graw Road with a gate on it marked as emergency access only.

Mr. Vuillaume stated correct and it will stay emergence access only.

Mr. Spada stated in view of the new plan he is concerned about how far the trailers are from the RA zone line.

Chairman Calarco stated the closest spot is 200 feet to the RA zone and as they come closer to the building the further the RA zone becomes.

Mr. Spada asked why did they not just buy the property to Graw Road and square off the property.

Mr. Vuillaume stated the property in that section is all highway commercial and did not feel the need to purchase property that was not going to be used for the business.

Chairman Calarco stated because you need the buffer.

After discussion with the Board, Attorney Nugent, Mr. Vuillaume and other members of A. Duie Pyle a Decision was made to table a decision for now so they can come up with a solution to the issue of the buffer distance of lack thereof between the HC and the RA zoned

All agree to hold off on a final decision so A. Duie Pyle could make a decision, with the hopes of returning to the ZBA at the next meeting July 10, 2017.

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 with a buffer
- 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

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

3 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Spada

Oppose: None

Calarco moved, Spada seconded a **NEGATIVE DECLARATION**.

3 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Spada

Oppose: None

The Board members reviewed the area variance criteria.

                    moved,                      seconded that the area variance be **GRANTED / DENIED**.

<u>Brewer</u>	<u>Calarco</u>	<u>Maier</u>	<u>Spada</u>
---------------	----------------	--------------	--------------

Yes / No	Yes / No	Yes / No	Yes / No
----------	----------	----------	----------

**6) Conditions:**

- 
- 

**ADJOURN**

Brewer moved, Spada seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:50 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning