

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL JANUARY 10, 2022  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

Bob Loveridge

**APPROVE OF DRAFT MINUTES DATED DECEMBER 13, 2021**

Brewer moved, Spada seconded that the draft minutes be approved, as amended, as the official minutes of this meeting. 4 Ayes. 0 Noes

Ayes: Brewer, Calarco, Maier, Spada

Oppose: None

Chairman Calarco stated on a sad note this is Nadine's last ZBA meeting and wanted to thank Nadine for all her help, not only to this board for to him personally in his duties as chairman with this board and you are going to be sadly missed.

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**Nadine Fuda, Director, read the hearing notice(s) as published in the Troy Record on  
the following variance application(s):  
Michael Smith published on December 4th, 2021**  
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public hearing open 12/13/21 @ 7:16 p.m.

public hearing postponed to a later date  
public hearing closed 7:12 p.m. 1/10/22

Michael Smith  
2633 Brookview Road  
Proposed - Side yard setback

Z805-21/R20/177.-8-13

Michael Smith, applicant, was present for this meeting.

Chairman Calarco stated he really appreciated Mr. Smith in taking the conversation from the last meeting to heart and going back to find a way in which you might be able to change

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1-2022

your plan to allow you to achieve what you want. We have the map that was submitted showing the new request with pictures which will help with the review.

Mr. Smith stated they contacted the neighbor to the south of their property about acquiring some land, the neighbor stated no, they were not going to sell. So, they thought about what they wanted, and they came up with putting the 14x14 screened in deck in the back of the house. it the same size they were proposing on the side of the house.

Chairman Calarco asked about the map that was handed in, the applicant acknowledged where the old screened in deck was proposed, stating the deck that is there is staying for ingress and egress for the house until they can figure out another way out of the home.

Mr. Spada asked the open deck is 8x8 feet.

Mr. Smith stated correct.

Mr. Spada asked that was going to be on the side of the house?

Mr. Smith stated the existing deck is staying, it is 8x12 feet.

Chairman Calarco stated just so there is no confusion this is not a side yard setback issue; this is an expansion of a pre-existing non-conforming structure. The house exist the nonconformity already exist and what the applicant is proposing is to put the addition on the back of the house, the addition will not be any closer to the property line than the house already is. he is not increasing the nonconformity in any way.

Chairman Calarco asked if there were any member of the public would like to make comment.

There were no public comments. And he closed the public hearing.

## **TYPE II ACTION**

Be it resolved that the Zoning Board hereby classifies the proposed action as a Type II Action under SEQRA.

Maier moved, pada seconded.

4 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Maier, Spada

Because this is a type II action nothing further on SEQR shall be needed from this board  
The Board members reviewed the area variance criteria.

## **AREA VARIANCE CRITERIA**

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2-2022

- 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

Maier moved, Spada seconded that the area variance be **GRANTED** to allow the expansion for a pre-existing non-conforming structure.

Discussion on the motion:

Conditions:

- the structure shall not encroach into the side yard setback any closer then the back corner of the house.
- and that it will not be greater than 14x14 feet.

Brewer	Calarco	Loveridge	Maier	Spada
Yes	Yes	Absent	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):**

**Ann Griffin and Bruce Adams published on December 4th 2021**

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 public hearing open 12/13/21 @ 7:16 p.m.

public hearing postponed to a later date  
 public hearing closed 7:28 p.m. 1/10/22

Ann Griffin and Bruce Adams  
 1489 Maple Hill Road  
 Proposed - Area Variance

Z804-21/R-20/199.-4-4.15

Ann Griffin and Bruce Adams applicant were present for this meeting, their Attorney Joseph Zappone, Esq. was here to present the applicants.

Chairman Calarco stated the applicant requested an interpretation from the building department code enforcement officer and in your packets is the letter he submitted to the applicant along with the language in our code for your review. He then handed things over to the applicant's attorney.

Attorney Zappone stated yes they did receive a letter from the building department, and they are here requesting an area variance, a brief history, his clients have owned the property for nearly 20 years, there's a horse barn on it build in the 1950's , they have five and half acres in the R20 zone, they would like to have 3 horses which would be allowed if they were in the RA zone. So, they are respectively requesting an area variance to allow them to have 3 horses.

Chairman Calarco stated to the board the original denial from the building inspector on the application stated denied for the reason, horses not permitted in the R20 zone 219-34D. with that zone (R20) would create this application as a use variance. So, he and the building inspector went back and looked at the code,

219-34 Agriculture & Livestock reads as. *The growing of field or garden crops, vineyards, orchards, and nurseries, the keeping of livestock on a lot of 10 acres or more and the keeping of fowl on a lot of five acres or more shall be **permitted in all districts**,*

#### *D. Horses*

##### (1)

*Horses for private use may be kept on properties within the RA and R40 Districts in accordance with the following schedule:*

Maximum Number of Horses	Minimum Number of Acres
2	2
3	4
4	7
5	10

Above is a supplemental section of the 219-34 code, basically it allows for more leniency for horses in the schedule listed below. Making horses less egregious, making this an area variance. The applicant have 5.56 acres of land, so this is how we got to where we are with this being different from what was presented a month ago.

Attorney Zappone stated he agrees with the Chairman has stated.

Mr. Brewer asked if there is an existing paddock?

Miss Griffin stated yes. If anyone has been down Maple Hill Road, they have seen the Farm house, horse barn, fencing and paddock.

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

Calarco moved, Brewer seconded that the area variance be **GRANTED**.

Conditions:

- 1) *Allow 3 horses.*
- 2) *The storage of manure or other dust or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than 150 feet from any lot line.*

Brewer	Calarco	Loveridge	Maier	Spada
Yes	Yes	Absent	Yes	Yes

**ADJOURN**

Calarco moved, Spada seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:33 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning