

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JULY 10, 2017
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

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

MEMBERS ABSENT

APPROVE MINUTES

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

Spada motion, Calarco seconded to go into attorney client privilege meeting.

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

Robert Morris / EW Birch Builders published on June 20, 2017

Public hearing open 7:20 p.m.

Public hearing was not closed

Public Hearing remains open and will be on the August 14, 2017 meeting

Robert Morris / EW Birch Builders
18 Crescent Drive
Proposed- Area Variance

Z767-17/R20/210.-1-3-9

Ed Brzozowski, Home Builder, Robert Morris home owner were present for this meeting.

Chairman Calarco stated we had previously granted a variance for this applicant back in February, to allow the front yard setback 47.4 on the right front corner, as looking at the site plan, the foundation location survey came in at 42.4 on May 20th 2017; also the house was two feet deeper then approved. Since then the construction of this home was found

to be larger than the plan submitted to the building department and this board reviewed a variance was given.

Mr. Brzozowski stated he apologizes to the board, and stated the reason for the second variance request is due to the new energy codes and changes made by the homeowner, the home became bigger. The homeowner wanted a foyer in the entrance way, this created a two foot difference in the framing of the home. He thought it would fit and the mistake is on his end by trying to accommodate what was needed by the homeowner.

Chairman Calarco asked the homeowner Mr. Morris to come up and speak on this item.

Mr. Morris stated the house being 2 feet larger is a total shock to him. He remembers talking about the original plans and making the house feel wider to give them a second bay garage and a larger up-stairs. That was what the first variance was approved for. This gave them a 26 foot wide home; he had no clue until Mrs. Fuda told him the house was 28 feet wide.

Chairman Calarco stated the Town of Schodack is no way culpable for this situation, and read to him the back of the building permit application item # 4 the need to have a foundation location submitted before framing has started, and that was not done. Now because the new home is in the setbacks a stop work order was issued. And now that variance is no longer valid.

Mr. Morris stated he came into the building department and at the time he was 100% unaware of inspections were being missed and other things starting to happen.

Chairman Calarco stated he is not saying any of this was done on purpose. But speaking for himself he does not see a reason for this to be granted just because a mistake was made and the builder needs a new variance.

After further discussion there were 4 options given to the home owner to decide what he would do about this situation.

1. Deny this variance request
2. Grant exactly what you're asking for.
3. Back up this variance that was granted.
4. Put this on hold for a month so the applicant and the builder can come up with a solution.

Mr. Morris stated he would like to have this put on hold so they can make some decisions.

Chairman Calarco stated he understands mistakes happen and if it was a foot or so he didn't think this board would have any issues approving this request but 5 feet is entirely different request. So we will keep this public hearing open and will adjourn till the meeting on August 14, 2017

Spada motion, Maier seconded to adjourn this public hearing to the next meeting in August.

4 Ayes, 0 Noes, Motion carried.

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):

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

Public hearing continue from the June 12, 2017 meeting.

Public hearing closed July 10, 2017 @ 8:18 p.m.

A Duie Pyle, Inc.

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

Rte. 9

Proposed- Site Plan Modification

Greg Seifert, VP of Geis Construction, David Covell, A. Duie Pyle service center manager, Timothy Koch, A. Duie Pyle director of facilities, and Timothy Nugent, attorney for applicant were present for this meeting.

Mr. Anthony Maier recused himself from this application,

Chairman Calarco stated this was adjourned from the June 12, 2017 meeting so the applicant could come back with a new site plan.

Mr. Seifert stated the revised plan shows they relocated the trailer parking on the site to the west they also rearranged the storm water (see map) they created a larger berm up to the northern portion of the lot. They went to a 270 foot set back which increased the other areas to a 335 foot setback.

Mr. Spada asked when the trailers were moved to the west of the lot, is there room to get the trailer out of the spot.

Mr. Seifert stated yes they are moved using a mule to move the trailers around the lot for loading and parking.

Mr. Spada asked if they discussed purchasing more land to increase the buffer.

Mr. Seifert stated they had discussed it and that is why the length of the berm was raised to 12 feet in height.

After discussion with the applicant they agreed on several conditions to be added to the variance (see below)

Also note there was no public to offer comment.

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

Brewer moved, Calarco 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

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

3 Ayes. 0 Noes. Motion carried.

Ayes: Brewer, Calarco, Spada

Oppose: None

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

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

6) Conditions:

- No parking of trailers less than 290 feet from the property line.
- June 30, 2017 map showing the building, and parking on the southern part of the property.
- Site plan will show NO PARKING on pavement in the east end of the lot.
- Berm is to be constructed and trees are to be planted in accordance with the site Plan submitted and approved by the planning board.
- The fence by the neighboring property Mr. DiTonno should be placed 10 feet away from the property line.

ADJOURN

Brewer moved, Spada seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:20 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning