

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL DECEMBER 11, 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 - SEPTEMBER 11, 2017 Lou Spada absent

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

APPROVE MINUTES - OCTOBER 16, 2017

Brewer moved, Spada 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):

Loguan Madison published on December 2, 2017

public hearing open 7:00 p.m.

public hearing closed 7:17 p.m.

Loguan Madison
29 Cold Spring Ave.
Proposed- front setback

Z771-17/R20/201.12-9-1

Mr. Calarco stated this is a pre-existing non-conforming lot and this fire was due to arson.

Mr. Madison stated they are looking to rebuild the garage that was burned down.

Mr. Calarco stated to the board that when this come into the building department and looked into them found then homeowner had chickens and a goat. Since that discovery

they have found new homes for the animals.

Mr. Spada asked if the new garage will be the same size and in the same location as the original one.

Mr. Madison stated correct.

Chairman Calarco went over the map of the property and showed Mr. Madison that the shed is not on his property, these items need to be moved on to their lot.

Chairman Calarco stated his concern as always is that this board does not set a precedent. Because of the nature of what had accrued and this was an existing non-conforming just like most of the other properties in that area and have been around before zoning. Its demise was to no fault of their own, it was through an act of arson so that further protects us from precedent, so all we are allowing him to do in this case is get back what he already had.

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

Conditions:

- **remove the goat shed and the fencing.**
- **Like construction, like materials**
- **no livable space in the structure**

Maier 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: None

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, Brewer seconded that the area variance be **GRANTED** for the garage to be built in the same footprint, 5 feet from the side property line and 10 feet from the front property line.

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

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

Todd Scaccia published on December 4, 2017

public hearing open 7:20 p.m.

public hearing Left Open until
next meeting

Todd Scaccia
Us Rte. 20
Proposed- Rear yard set back

Z772-17/HC/211.-2-24.2

Applicant was not here for the meeting.

Noted there was no public here for this application so Mrs. Fuda read the public hearing and this item will be left open until the next meeting.

ADJOURN

Spada moved, Brewer seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 7:25 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning