

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK
ZONING BOARD OF APPEAL JULY 11, 2022
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

PRESENT

David Calarco, Chairman
Anthony Maier
Lou Spada
Craig Crist, Esq.
Melissa Knights, Planning & Zoning

MEMBERS ABSENT

Ed Brewer
Bob Loveridge

APPROVE OF DRAFT MINUTES DATED SEPTEMBER 13, 2022

Spada moved, Calarco seconded that the draft minutes be approved as amended, as the official minutes of this meeting.

3 Ayes. 0 Noes

Ayes: Calarco, Maier, Spada

Absent: Brewer, Loveridge

Chairman Calarco explained what the process is and how the meeting will proceed. The zoning board of appeals is a Quasi-judicial body that hears appeals from decisions from the code enforcement officer of the town. Its authority comes from the state, town law as well as Schodack zoning law, under state law the board is charged with balancing the benefits to the applicant if the variance is granted against any detriment to the health, safety, and welfare of the neighborhood or community in general. In granting any variance the board is required by law to grant the minimum variance necessary.

Melissa Knights, read the hearing notice(s) as published in the Troy Record on the following variance application(s):

Guy & Casharon Ninstant published on July 2, 2022

public hearing open 7:00 p.m. - Public Hearing held open until next meeting.

Guy & Casharon Ninstant
51 Prestwick
Proposed - Front yard setback

Z807-22/RA/189.1-11-10

Chairman Calarco stated this was sent to the **Rensselaer County of Economic Development** and Planning and after review they determined the proposal does not have a

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major impact on any county plans and that local consideration should prevail.

This application received a no recommend from the Planning Board.

Casharon Ninstant, applicant and her attorney Jasper Mills were present for this meeting.

Chairman Calarco stated the applicant is board in down 2 members due to vacation, we still have a quorum but wanted to give them the opportunity to wait until there is a full board, he is amendable adjourning until that happens.

Mr. Mills stated is they are at any point in time when they have to make that decision. Can they make their presentation and at some point, make the decision to hold off until everyone is there, or would you like for them to make that decision before the begin?

Chairman Calarco stated he offers that up front because some people make that decision upfront then the board will not discuss or review the application. We could go through the process for this application then adjourn and keep the public hearing open until the meeting.

Mr. Mills stated since after the planning board meeting on June 20, 2022 they met with the building department and the building inspectors Mr. Ziegler and Mr. King, came out and helped them measured the side yard where they want to place the garage and the new dimensions are shown on the plan.

Chairman Calarco asked what is the need for a second garage.

Mrs. Ninstant stated they have their daughter still living at home and the parking is an issue and for her to get out of the driveway she has to maneuver around everyone. A second garage is needed to free up their driveway.

Mr. Mills stated there is the pickup truck, the work van plus the cars, it is just not a good working situation.

Chairman Calarco stated your house sits on a corner lot which gives you 2 front yard setback, the one issue is the measurements are never taken from the road they are taken from the property line, where you propose to place the garage, you are looking for a 35-foot variance this board does not usually favor that large of an encroachment into the setback.

Mr. Mills stated correct it is.

Mr. Spada stated this is a very unique situation and put a lot of pressure on both the
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board and you as the applicant, because of the two 50-foot setbacks. The golf course behind you has been approved for 11 new homes that are at the 50-foot setback and is wondering the proposed garage is in contrast to the character of the neighborhood. So, he would like to see the garage moved to the left to get the 50 foot or as close as possible even maybe angle the building a little.

Mr. Maier stated the proposed garage is in back of where the driveway is now and angling the garage might even be better answer to the look and setback.

Mr. Mills asked about the angling of the garage.

Mr. Spada and Mr. Maier stated it would make it easier to navigate in and out of the garage

Mr. James Morgan, resident, stated he lives across the street from the applicants and has no problem putting up the garage, their neighbors put up a garage and the only disturbance was the noise for a little while that was it. Although he does have the same concern as Mr. Spada stated as to what happens in the future and someone else lives there and acting Planning Board Director Knights assured him that it cannot be used as living space. Otherwise, he has no problem with it.

Chairman Calarco stated that is true we do not allow for habitable space in or above a garage.

Ms. Lynn McGowen, resident, stated she lives next door to Mr. Morgan and want to make sure that the code specifies no living space in the garage.

Chairman Calarco stated right now there is no habitable spaces allowed over garages in the Town of Schodack.

Attorney Crist asked Attorney Mills if his client be amenable to conditions that stated that it is not to be living space.

Mr. Mills agreed to the condition and stated he could put it in the deed to the property that restricts living space in the garage.

Ms. McGowen stated that is very reassuring,

Mr. Mills asked if the board would agree to hold this application to the next meeting so he can have time to speak with the applicants on what was talked about tonight.

All members agree to keep the public hearing open as requested by the applicant.
Calarco moved; Spada seconded to adjourn this application until the next meeting on
August 8, 2022
3 Ayes. 0 Noes
Ayes: Calarco, Maier, Spada
Absent: Brewer, Loveridge

ADJOURN

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

Respectfully submitted,
Melissa Knights
Acting Director of Planning & Zoning