

**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK  
ZONING BOARD OF APPEAL AUGUST 8 ,2022  
CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:00 P.M.**

**PRESENT**

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

**MEMBERS ABSENT**

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.

**APPROVE OF DRAFT MINUTES DATED JULY 11, 2022**

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

3 Ayes. 0 Noes

Ayes: Calarco, Maier, Spada

Abstain: Brewer, Loveridge

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**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**

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public hearing open 7/11/22 at 7pm

Public hearing remains open 8/8/22

Guy & Casharon Ninstant  
51 Prestwick  
Proposed - Front yard setback

Z807-22/RA/189.1-11-10

ZBA 8/8/22

20-2022

Casharon Ninstant, applicant and Jasper Mills Esq. Attorney were present for this meeting.

Mr. Mills thanked the board for this second look at this application, he stated they heard the boards concerns and made some adjustments to the original plans, specifically they reduced the size of the garage from 28x28 to 24x26 and they also moved the structure 3 feet closer to the home and back to be inline with the back deck giving them a total of 7-foot reduction in the requested variance

He also went through the neighborhood and asked residents if they thought the proposed garage would be an issue being placed in the area, they have selected near Schuurman Road. (He then handed the Chairman all the positive signed petitions and letters showing support for the new garage.) (See file) based upon the measurements made by the building department and the reduction of 7 feet they are looking at a 40-foot setback putting them much closer to the required 50-foot setback.

Chairman Calarco asked how did he come up with those numbers giving him a only a 10 foot encroachment. At the Last meeting the discussion using your foundation location survey there is 55-feet from the corner of your house to your property line, the setback was about 12 feet from your house and the garage at 28 feet that is 40 feet, that left 15 feet or a side yard setback. So even if you added 7 feet still only brings us to 22-foot side yard setback not the required 50 feet.

Mr. Mills stated the building department came out and did the measurements from the edge of the pavement and the middle of the road.

Mr. Calarco asked how did the building inspector know where the property line is located ?

Mr. Mills stated he assumed the building department would have records of all property lines would be.

Mr. Calarco stated they don't have the records with the property lines. Measuring from the edge of payment or the center of the road is not always correct, we need the measurements from the property line. comparing the new proposal to the old proposal there is nothing showing how far you moved the proposed garage; he appreciates them showing the reduction in the size of garage and moving the garage over giving an added 7 feet gained. The 7 feet will be added to the 15 feet giving you a 22-foot front yard setback which is more than half of the required 50 feet.

Mr. Mills stated they got that from the building department.

Mr. Spada asked if they had a survey of the property?

Mr. Mills stated yes and showed the board what they had.

Chairman Calarco stated the map is for the foundation location and it does not show the setbacks and the placement of the garage with distances.

After more discussion on the merits for the survey the applicant agreed to have a true survey done of their property and the proposed garage shown on the plans with all the measurements required for the board to render a decision.

Loveridge motion; Brewer seconded to adjourn this application per the request of the applicant until the next meeting.

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

Rohit & Perla Kanchan **published on 7/30/22**

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public hearing open 7:45 p.m.

public hearing closed 7:50 p.m.

Rohit & Perla Kanchan  
South Old Post Road  
Proposed - front yard setback

Rohit & Perla Kanchan, applicants, were present for this meeting.

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

On July 18, 2022 the Planning Board gave a favorable recommendation to this applicant.

Mrs. Kanchan stated they are looking to replace the existing small entry stoop with a new porch that will extend the length of the front of the house but will not extend out further than the existing stoop.

Chairman Calarco stated pre-existing non-conforming structure, the current porch has the steps coming off towards the road and on the proposed porch has the steps are going off at the side of the home away from the road.

Mr. Spada asked about the width of the porch now.

Chairman Calarco stated 7.3 feet width and the depth is 6.6 feet.

ZBA 8/8/22

22-2022

Mrs. Kanchan stated yes, she has no intention in making it larger then what is already there.

Mr. Brewer stated it looks like a good improvement to him.

Chairman Calarco stated the looked at the drawings are pretty accurate, and complemented Mrs. Kanchan how good they are, what the applicant is asking for is a defendant improvement to the home.

Chairman Calarco opened this hearing to the public.

resident Mr. Michael Cramer 52 Teddy Blvd. stated he owns the property that goes around their property, he sees no issue with the change, and they are very nice neighbors.

Chairman Calarco closed the public hearing.

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? NO
- 4) Will the request have an adverse physical or environmental effect? NO
- 5) Is the alleged difficulty self-created? YES

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

Calarco moved, Brewer seconded that the board resolves to issue a **TYPE II ACTION** for this action.

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

The Board members reviewed the area variance criteria.

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

Conditions on the motion.

- like construction and materials.
- As per the submitted plans and drawings 6 feet 6 inches depth and 27 feet width

Brewer	Calarco	Loveridge	Maier	Spada
Yes	Yes	Yes	Yes	Yes

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

Christine Chuley published on 7/30/22

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public hearing open 7:56 p.m.

public hearing closed 8:04 p.m.

Christine Chuley  
County Rt. 7  
Proposed - front yard setback

Mr. & Mrs. Chuley, applicants were present for this meeting.

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

On July 18, 2022 the Planning Board gave a favorable recommendation to this applicant.

Mr. Chuley stated they are looking to add a deck to the front of their home that overlooks Nassau Lake there is a stoop there now. He handed out pictures (see file) of the stairs and the property around where they want to place the deck. He stated their home is 3 feet further, the deck will go the width of the home 23 feet 11 inches and will extend out 12 feet into the front yard, the stairs will be placed at the front left corner facing the existing neighbor's deck.

Chairman Calarco stated to the board that this is an expansion of a pre-existing non-conforming structure and as well as an issue of the setback there is also an area coverage consideration, however he looked at the calculations done building inspector they have an approximately a 3050 sq. ft. lot which under the code allows them to have 304 feet to cover. Their home is 800 sq. ft. home which puts them 500 ft. over the allowed coverage. This is one of those cases where these lots going to fit into today's code of 10% coverage allowed. He asked if they had a driveway.

ZBA 8/8/22

24-2022

Mr. Chuley no they park on Trolley Way.

Resident Brian Wilson stated he as everyone knows all the properties of Nassau Lake have been in bad shape for a wile and it is nice to see people looking to improve their property and this is a good improvement.

Chairman Calarco closed the public hearing.

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

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

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

Calarco moved, Brewer seconded that the board resolves to issue a **TYPE II ACTION** for this action.

5 Ayes, 0 Noes, Motion carried.

Ayes: Brewer, Calarco, Loveridge, Maier, Spada

Oppose: None

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

**6) Conditions:**

- front porch to not extend out further then the neighbor's deck.
- like construction and materials.

Brewer	Calarco	Loveridge	Maier	Spada
Yes	Yes	Yes	Yes	Yes

**ADJOURN**

Loveridge moved, Maier seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:15 p.m.

Respectfully submitted,  
Melissa Knights  
Acting Director of Planning & Zoning