**TOWN OF SCHODACK - COUNTY OF RENSSELAER - STATE OF NEW YORK**

**ZONING BOARD OF APPEAL DECEMBER 12 ,2022**

**CALLED TO ORDER BY: CHAIRMAN CALARCO AT: 7:05 P.M.**

 **PRESENT MEMBERS ABSENT**

**David Calarco, Chairman Ed Brewer**

**Bob Loveridge**

**Anthony Maier**

**Lou Spada**

**Craig Crist, Esq.**

**Melissa Knights, Planning & Zoning**

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

Valerie Feldmann **published on**

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Public Hearing open 11/14/22 7:09 p.m. Public Hearing Closed 12/12/22 8:10 p.m.

Valerie Feldman Z810-22/RA/189.-7-15

2342 Payne Road

Proposed – Area Variance – fence.

Valerie Feldman, applicant was present for this meeting.

Chairman Calarco asked Ms. Feldman if she had any more information for the board.

Ms. Feldman stated she had a copy of the deed, and that talks about the property line being 18.54 feet from the center of the road.

Chairman Calarco asked if she was able to find the pins for the property line measurements.

Ms. Feldman stated yes,

Chairman Calarco if she was able to get an approximate measurement.

Ms. Feldman stated yes, a relative since of measurement.

Chairman Calarco stated what the board was able to find out from the acting highway superintendent that the town right-a-way from the shoulder in is a minimum of 5 feet.

Ms. Feldman stated the property frontage is 315 feet, but the fence is only 200 feet across the front of the yard. And she had figured her property line is 8 feet from the road. so, the fence would be setback 10.54 feet from the property line.

Chairman Calarco stated that he and Mr. Spada had made a site visit to her house and pulled into the driveway and exited a couple of times and the fence was up.

Ms. Feldman stated at the last meeting she was told she could install the fence up to 3 feet.

Chairman Calarco stated she should have come back into the building department to get a permit for the new 3-foot fence. What was originally proposed was denied and that is how your application came before this board. So to explain the situation, the code states a 3 foot fence can be anywhere within the 25 foot front setback, over the 3 feet is where this board is concerned and must make a decision.

Ms. Feldman stated she could go back maybe another 5 feet because she has a bunch of french drains throughout the front and side yard. Even though the 3-foot fence is in the setback she would like the height to be increased by another 2 feet making the fence a total of 5 feet in height.

Chairman Calarco asked for the reason of needed a fence 5 foot high in the front yard setback.

Ms. Feldman stated to keep her dogs in the yard and for privacy. She is looking to close the sides of the fence with wire or plastic mesh so the dogs cannot get out.

Mr. Spada stated when they backed out of the driveway, they could see without a problem but if you go up to 5 feet, he is concerned with view leaving the driveway.

Ms. Feldman stated the visibility being affected by the fence as you are pulling out of the driveway wouldn’t make a difference if it was 3 feet or 5, your car is already passed the fence you are able to look both ways without obstruction.

Chairman Calarco stated he is not sure he could support a 5-foot height, it’s just too tall, he feels 4 feet could be the limit.

Mr. Maier stated on his road, drivers don’t watch for anything they have tunnel vision and don’t see anyone pulling out of driveways.

Mr. Loveridge asked Ms. Feldman, when you are coming out of your driveway do you believe drivers on the road would see you better with or without a fence.

Ms. Feldman stated you can see the ten feet where the car is sitting exiting the driveway with of without the fence. When sitting to leave the driveway the fence line is behind her vehicle.

Mr. Loveridge asked, the purpose for the requested 5 foot height of the fence is for the dogs, correct. and the sides of the fence will be left open, and you are going to use a camera to watch the dogs should they leave the yard.

Ms. Feldman stated yes for the dogs and for privacy, but she feel a 4-foot fence serves no purpose at all for either case. And yes, the camera is connected to my phone to notify her should the dogs leave her yard.

**The Board members reviewed the area variance criteria.**

**AREA VARIANCE CRITERIA**

1) Can the benefit be achieved by other means feasible to the applicant? YES

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 Zoning Board of Appeals be **LEAD AGENCY** relative to the variance only.

4 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Loveridge, Maier, Spada

Absent: Brewer

Loveridge moved, Calarco seconded a **TYPE II ACTION**.

4 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Loveridge, Maier, Spada

Oppose: Brewer

Loveridge moved: Maier seconded that the area variance be **GRANTED** as amended with the conditions discussed.

* **the fence to be no higher than 4 feet in height.**
* **Over the 3-foot height the fence should consist of a 6-inch space and one 6 inch horizontal slat (board).**

 Brewer Calarco Loveridge Maier Spada

 Absent Yes Yes Yes Yes

4 Ayes, 0 Noes, Motion carried.

Ayes: Calarco, Loveridge, Maier, Spada

Absent: Brewer

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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.

Public Hearing remains open 10/17/22.

Public Hearing remains open 11/14/22.

Public Hearing remains open 12/12/22.

Guy & Casharon Ninstant Z807-22/RA/189.1-11-10

51 Prestwick

Proposed – Front yard setback.

Applicant called and requested to postpone this to the sometime in the spring of 2023.

**ADJOURN**

Maier moved, Spada seconded that the meeting be adjourned. There being no objections, Chairman Calarco adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Melissa Knights

 Planning & Zoning