



The *Zoning Board of Appeals* of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, New York 12121 on Thursday, July 3, 2025.

REGULAR MEETING

7: 00 P.M. Roll call took place.

Present

Ed McDonough, Chairman

Rich Geddis

Kristin Griswold

Lettie Saheim

Jay Shover

Dave Brennan, Town Attorney, was present.

Absent

None

7: 02 P. M. The Board reviewed the minutes from the last scheduled Board meeting held on June 5, 2025. Lettie Saheim made a motion to approve the minutes as submitted. Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim

Nays: None

Abstention: Shover

Chairman McDonough made a motion to suspend the regular meeting and open the public hearing for Application #3-25 of Joe Burniche.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

PUBLIC HEARING

Mr. McDonough explained the sequence of the public hearing and requested that any questions from the public, with regard to the proposal, be addressed directly to the Board.

There were two local residents present.

Chairman McDonough read the Notice of Hearing for the application of Joseph Burniche, owner of the property at 151 Turner Road, Troy, NY 12182 for an area variance for a side yard setback for a proposed detached two-car garage with an accessory apartment at 151 Turner Road, Town of Schaghticoke, Tax Map #60.-2-7. The garage is proposed to be 15' from the eastern boundary line. The Zoning Law requires a setback of no less than the height of the garage or 10 feet, whichever is greater. The height of the garage under the zoning law definition of height is approximately 29 feet, thereby requiring a variance of 14 feet.

Joe Burniche, owner of the property at 151 Turner Road, Troy, NY 12121, appeared. Mr. Burniche stated that he is seeking an area variance to permit the construction of a two car 36' X 47' garage, with a height of approximately 29'. The garage is proposed to have a second story accessory apartment for his daughter. He stated that there would be no additional traffic created, as his daughter is currently a resident of the existing home. Mr. Burniche confirmed that he would take care of any drainage problems that might be created from the construction.

Mr. Kussler, 159 Turner Road, who lives across the road from 151 Turner Road, expressed his concern about an increase in the collection of water-run-off. He stated that there is a "low spot" between his residence and his neighbor's at 167 Turner Road and that the run-off is accumulating between the two houses. Mr. Kussler would like to be assured that any such drainage will be eliminated.

James (Will) Omeara, 167 Turner Road, said that the yard located in between 167 and 159 Turner is flooded. He stated that the flooding has collected and measures approximately 20'-30' wide by 100' long, is swamp-like, muddy and attracts mosquitoes. Mr. Omeara had a number of photos of the floodwater that he shared with the Board.

Both residents agree that there were no problems prior to the construction of Mr. Burniche's home. They believe that the dwelling caused a change in the flow of water and that the run-off remains on the surface and then streams freely across the road - spilling onto their properties, collecting and creating a body of water.

Rich Geddis recommended that the Highway Department be notified.

The residents contacted the Highway Department for resolution, but were informed that the department was too busy to observe the site or address the run-off.

Chairman McDonough stated that the response from the Highway Department was unacceptable and that he would reach out to the Town Supervisor, Tim Salisbury, and the Highway Department Superintendant, Shawn Hayes with regard to the issue.

Following consultation with Tim Salisbury and Shawn Hayes, Chairman McDonough will contact Mrs. Kussler and Omeara.

Ed McDonough made a motion to adjourn the public hearing and re-open the regular meeting at 7:16 p.m. Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

REGULAR MEETING

The Board reviewed Section XI, B, 2, b, 1-5 of the Zoning Ordinance. The Board concurred:

1. The Board reviewed architectural plans and Chairman McDonough has visited the site. Mr. Burniche has agreed to manage the drainage issues. Considering that information, the Board concluded that construction of the garage and accessory apartment will not create an undesirable change in the neighborhood or be a detriment to nearby properties.
2. The Board consulted the site map. There is no other suitable location on the lot for the construction of the garage. Therefore, there is no other means for the applicant to achieve his proposal but to seek an area variance.
3. The Board agreed that the variance requested was not substantial.
4. Chairman McDonough noted that the plans show an aesthetically pleasing garage that will co-ordinate with the appearance of the existing structure and that granting a variance would not create an adverse effect or impact on environmental conditions in the neighborhood.
5. By nature of needing/wanting a 2 car garage and accessory apartment, the difficulty was self-created.

Chairman McDonough made a motion to grant the requested area variance of 14'. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Chairman McDonough informed Mr. Burniche that he would notify the building Inspector of the approval. In addition, Mr. McDonough reminded the applicant that he is required to apply for a Special Use Permit from the Planning Board.

OTHER

Mr. Burniche expressed concern with regard to the lack of site distance at the intersection of Turner Road and NYS 40, due to an overabundance of brush, undergrowth and shrubbery. He was advised to contact NYS DOT (Route 40 is a state highway and the state has jurisdiction) to resolve the matter.

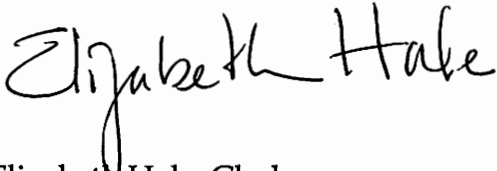
Rich Geddis stated that he spoke with Pat Powers, the owner of 2 lots that were combined into one lot in the 1950's. The property is located on Powers Lane. The matter of transferring 1 of the original 2 lots was discussed by the Board at the February 1, 2024 ZBA meeting. Mr. McDonough mentioned that Ms. Powers contacted him and that he discussed the matter with Frank Alessandrini, the Planning Board Chairman. David Brennan advised that Ms. Powers contact an attorney for advice and direction.

Ed McDonough made a motion to adjourn the meeting at 7:34 p.m. Jason Shover seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Respectfully submitted, *date:* July 9, 2025

A handwritten signature in black ink that reads "Elizabeth Hale". The signature is written in a cursive, flowing style. The first name "Elizabeth" is written in a larger, more prominent script, and the last name "Hale" is written in a slightly smaller, more compact script. The signature is positioned above the printed name of the signatory.

Elizabeth Hale, Clerk