

The *Zoning Board of Appeals* of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, New York 12121 on Thursday, February 5, 2026.

REGULAR MEETING

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

Present

Ed McDonough, Chairman
Nick Bayly
Rich Geddis
Jay Shover

Absent

Lettie Saheim

Kristin Griswold has retired from the Board. We thank her for her service. Nick Bayly was introduced as a new ZBA member.

David Brennan, Town Attorney, and Elizabeth Hale, Clerk, were present.

Ed McDonough made a motion to approve the minutes of December 4, 2025. Jay Shover seconded.

Ayes: McDonough, Geddis, Shover

Nays: None

Abstention: Bayly

There was not a quorum at the January 8, 2026 meeting; therefore, in lieu of minutes, notes were taken at the meeting. Approval of the notes is not required.

Fane Tax Map #61.-1-33. Mark Danskin, land surveyor, appeared to represent the applicant, Gregory Fane, to propose the subdivision of a 5.81± acre parcel located at 5 Warren Lane, off NYS Route 40. In order to submit an application to the Planning Board for the subdivision, three area variances are required. Mr. Danskin noted that the topography is relatively flat with the exception of a “knob” on the newly proposed lot and that access to the lot is planned from Warren Lane, as access from NYS Route 40 would be impractical. Planning the newly proposed subdivision will entail an area variance for density of 0.19± acres over the two lots, 3 % short of the required density; a

variance of 6.23' from the 50' requirement for frontage and 10.16' from the required 175' of total frontage on the proposed lot.

A check for \$150. -was received.

Ed McDonough made a motion to schedule a public hearing for Application #2-26 for Gregory Fane on March 5, 2026 at 7 p.m. Rich Geddis seconded.

Ayes: McDonough, Bayly, Geddis, Shover

Nays: None

Ed McDonough suspended the meeting at 7:11 p.m. and to open the Public Hearing for Application #1-26 of Thomas Trout. Jay Shover seconded.

Ayes: McDonough, Bayly, Geddis, Shover

Nays: None

PUBLIC HEARING

7:12 P.M. Ed McDonough read the Notice of Hearing for Application #1-26 of Thomas Trout for area variances necessary to construct a garage at a location at 126 S. Hudson Street, Town of Schaghticoke, NY, **Tax Map #20.17-1-27.2**, located in the Hamlet zoning district. The following area variances are required pursuant to Town Zoning Law Section IV, Zoning Schedule of Lot Dimension and Bulk Requirements: First, a variance from (F)(1)(g) - an accessory structure shall not be located within the minimum front yard setback. The minimum setback for an accessory structure is ten (10) feet or the height of the accessory structure, whichever is greater, from any lot line. The building is 17 feet tall requiring a setback of 17 feet from the front lot line. The applicant proposes a 12 foot setback requiring a variance of 5 feet. Second, a variance from (F)(2)(C)(2) - no such building shall be set back less than ten (10) feet or the height of the accessory structure, whichever is greater, from any lot line. The building is 17 feet tall thus requiring a 17 foot setback. The applicant proposes a 10 foot side yard setback, necessitating a 7 foot variance. Third, a variance from (F)(2)(C)(4), no such building shall project closer to the fronting street than the minimum front yard setback.

Thomas Trout, the applicant, appeared to present his application to request area variance to allow Mt. Trout to build his garage closer to the road at 12' and closer to the side yard with a ten foot setback. The Board struggled to determine the lot and the footprint on such lot, since there was no survey submitted. Mr. Trout stated that he intends to build a 26' X 35' garage. In addition, he stated that if he could not build a garage there, his boat would be parked there and that he believed that a garage would be less of an eyesore. Without a survey, the Board consulted Google Maps to better understand the layout of the property. Mr. Trout stated that he believed that the row of Rose of Sharon bushes was the property side line.

Two neighbors were present, Joan and Dan Zielnicki, 138 S. Hudson. Both expressed opposition to the proposal. Mrs. Zielnicki stated that there are problems at the house at all hours, that the property was a "party house" -very noisy with 14 people gathering at a time. She expanded by stating that they are awakened at all hours, that there are

people gathered around a fire pit, drinking and the noise of motorcycles. Consequently, she does not want a garage closer to her house. She added that she will be losing sunlight as well as a view. She is not opposed to building the garage at the site where it is allowed by the Zoning Code.

Dan Zielnicki stated that John Treacy built the Trout home and that the Zielnicki family and Mr. Treacy reached a mutual decision to construct the house at its current location, so that his family's view would not be restricted. Dan Zielnicki does not want the garage built near his bedrooms and is opposed to the garage construction at a height of 17'.

Mr. Trout stated that he purchased the Hemstreet Park house 1 ½ yrs. ago. He has been renting the house, as an airbnb, while living in NJ in order to create funds to renovate the house. Mr. Trout is willing to rent to 12 rather than 14 people, but said that he cannot control the noise from his home in New Jersey. Mr. Trout added that he and his family will be moving to Hemstreet Park in August when he intends to use the garage solely for storing his boats and motorcycles.

Jay Shover asked for the dimensions of the property. Mr. Trout replied that he believed that the lot size measured by 1/3 of an acre with 100' of road frontage.

It was explained to the applicant that without a survey, it is very difficult for the Board to determine the number of feet required for variances and the exact location of the proposed garage within the lot itself.

Chairman McDonough asked if there were any further comments, in support or opposition, from those present. There were none. Mr. McDonough stated that he received a letter from David Treacy, 116 South Hudson St., north of the proposed garage. In his correspondence Mr. Treacy expressed opposition to granting the variances.

Chairman McDonough made a motion to adjourn the public hearing and to re-open the regular meeting at 7:50 p.m.

Ayes: McDonough, Bayly, Geddis, Shover

Nays: None

REGULAR MEETING

Chairman McDonough reviewed Section XI, B, 2, b, 1-5 with the Board in order that the Board members consider the above section of the law to make a determination with regard to the appeal. The Board agreed:

1. That an undesirable change will be produced in the character of the neighborhood, causing a detriment to the neighborhood, the Board concurred that the position of the garage was unsuitable for the neighborhood and; therefore, would produce an undesirable change.
2. that the benefit sought could be achieved by another method, since the denial of the area variances would not prohibit the construction of the garage.
3. It was agreed that the appeal for the variances was not substantial.

4. The Board concurred that the proposed variance would not have an adverse effect on the environmental conditions in the neighborhood.
5. And that the alleged difficulty was self-created.

Chairman McDonough added that the applicant, Thomas Trout, was entitled to build the garage within the guidelines set forth by the Zoning Law.

Chairman McDonough made a motion to deny all area variances that were requested for Application #1-26 of Thomas Trout. Jay Shover seconded.

Ayes: McDonough, Bayly, Geddis, Shover

Nays: None

Ed McDonough made a motion to adjourn the meeting at 8 p.m. Rich Geddis seconded.

Ayes: McDonough, Bayly, Geddis, Shover

Nays: None

Respectfully submitted, *date:*

Elizabeth Hale, Clerk