

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES AUGUST 10, 2021

#### **Members**

Jeff Pangburn, Chairman  
Bob Seward III  
Scot Strevell  
Tom Hickey  
Matt Ostiguy

#### **Also Present:**

William Hessney, Attorney  
Alison Lovely, Zoning Board Secretary  
Kateri Rhatigan, Stenographer  
Adam Yagelski, Director of Planning & Zoning

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present.

#### **PUBLIC HEARINGS:**

#### **ZBA Appeal #2021-07–Krug-14 Connecticut Avenue -2 Area Variances-Garage**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by John Conway
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application

John Krug stated that there is an existing garage & shed currently on the property & are run down. Applicant lives and owns 16 Connecticut Avenue as well. Eventually he'd like to connect the garage to the house with a breezeway. John Krug stated that the lots are very small.

Chairman Pangburn asked if the existing shed that's coming down is at an 8' setback from the rear property line. John Krug stated that the shed is 8' from the rear property line. John Krug stated that there will be a further setback from the house after he rebuilds the garage then what is there now.

•Scot Strevell asked what the existing setback off the rear property line was for the existing garage now is. John Krug stated that the setback maybe like 12' off the rear property line for the existing garage.

Chairman Pangburn asked if there was any plan to have living space over the new garage.

John Krug stated that there will not be any living space, the garage will be one story.

•Tom Hickey asked what the delay in timing in connecting it to the house, as if you did that now, it would eliminate one variance. John Krug stated that the house has a porch and he'd like to rebuild that first and he's also trying to figure out the best way to do that. Chairman Pangburn asked if the property line to the east is the applicant's house. John Krug stated that's correct, it's his property.

•Scot Strevell asked if the applicant checked into other options that may or may not work, changing the garage size to 30' x 30' or location

John Krug stated that he's got a motorcycle, 4-wheeler, and would like to inclement weather put his wife's car in the garage plus he'd like to buy an old 71' Chevy truck like his dad had, so a typical two garage is 24' x 24' is just enough for two cars and nothing else, so that's where he came up with the dimensions.

Chairman Pangburn stated that the 30' x 30' allows the applicant to meet the 8' minimum side setback. John Krug stated that is correct.

•Matt Ostigy asked if as far as the look of the garage it will match the house. John Krug stated that it will be the same color with some cultured stone for the first couple of feet.

Chairman Pangburn asked the Board if anyone had any more questions.

There were no more questions by the Board.

Chairman Pangburn asked if any members of the public wanted to speak.

There were none.

Motion by Bob Seward III to close the public hearing. Seconded by Scot Strevell. Motion carried by a 5-0 vote.

**ZBA Appeal #2021-09–Town of East Greenbush-Third Avenue Ext.-2 Area**  
**Variances-Subdivision for proposed pump station upgrade**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by Chris Horne
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application

Adam Yagelski gave the Board a rendering which Chairman Pangburn marked as Exhibit #2021-09a. Adam Yagelski stated that the need for this project is driven by the Regeneron project at the Tempel Lane campus. As part of the Town Board's amended statement of findings, among the mitigation measures that the Town Board required is the upgrade of two sanitary sewer pump stations through which the development flows, first the Third Avenue & then the Barracks Road pump station. Adam Yagelski stated that the subject tonight is the Third Avenue pump station. In order to upgrade that station, to provide sufficient capacity for Regeneron & any future growth within the area. Several alternatives were looked at, the current station is below ground. The proposed station will have above & below ground components, the building will be about 25' x 26'. The above ground components will consist of an electrical room, wash compactor & generator room. The pumps and inflow & wet well will be below grade. Adam Yagelski stated that they don't have renderings of the building yet but it will be a brick veneer with roof trusses on it, with a 6' chain link fence with arborvitaes inside the fence for screening. Adam Yagelski stated he provided the Board with the subdivision plan & site plan with a blow up of the site plan. The subdivision is necessary in order for the Town to acquire land from the cemetery to construct the station, which will be located immediately behind the existing station. They had looked at an alternative location across the street to the northeast but it was cost prohibitive so this is the best location. Adam Yagelski stated a couple of points to note, the Town Board already closed SEQR on this project, the project will replace an existing station & improvements will be made esthetically to the new station. The variances are substantial but they are not creating a buildable lot, it's a needed public utility.

Chairman Pangburn asked the Board if anyone had any questions.

•Tom Hickey asked if the Town approached the cemetery to buy enough land to not need variances. Adam Yagelski stated that the Town is currently engaged in purchasing at least two parcels from the cemetery, one for the pump station and one for the extension of Tempel Lane. The Town feels that the less land they have to acquire, the better, in part the 5 acre lot size would substantially impact their potential grave plots. Adam Yagelski stated so no for a variety of reasons.

Chairman Pangburn asked for confirmation that the new pump station completely replaces the current one that is there, pulls it out of DOT's right away and onto the Town's own parcel.

Chairman Pangburn asked that the pump station services the general area and more than just Regeneron and that the current pump station is completely surrounded by cemetery. Adam Yagelski stated that is correct.

Chairman Pangburn asked if any members of the public wanted to speak.

There were none.

Chairman Pangburn asked the Board if anyone had any more questions.

There were no more questions by the Board.

Motion by Tom Hickey to close the public hearing. Seconded by Matt Ostiguy. Motion carried by a 5-0 vote.

**ZBA Appeal #2021-10-Alcindor-222 Tampa Avenue - 2 Area Variances-Garage**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by Noreen Gill
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application

Jean Pierre Alcindor spoke and stated that he currently has a garage that is falling apart and is 20' x 18'. He wishes to build a 24' x 24' garage and reposition it. He stated it would be a two car garage, they have a growing family and have three cars and want to get the third car off the street. The roof line would match the house and basically be a side entry.

•Bob Seward asked what the rear & side setbacks are for the existing garage & if the new garage will match the house & if it's one story. Jean-Pierre Alcindor stated the rear is 5' and the side is more like 1' or 2' & yes the new garage will match the house & that it's one story with no storage on top.

•Tom Hickey asked Chairman Pangburn if the setback is 12' from the house, if there was a 3<sup>rd</sup> variance required. Jean-Pierre stated that the 12' from the house is the required setback.

Chairman Pangburn stated that the proposed garage is 5' from the neighbor's property and it looks like they have a garage that's right on the property line.

Jean-Pierre stated that the neighbor's garage is 5' from their property line as well as the neighbor behind him.

Chairman Pangburn asked if any members of the public wanted to speak. There were none. Chairman Pangburn asked the Board if anyone had any more questions.

There were no more questions by the Board.

Motion by Scot Strevell to close the public hearing. Seconded by Scot Strevell. Motion carried by a 5-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2021-07–Krug-14 Connecticut Avenue -2 Area Variances-Garage**

This is a type II Action-there is no further action necessary.

**ZBA Appeal #2021-09–Town of East Greenbush-Third Avenue Extension -2 Area Variances-Proposed Subdivision for Pump Station Upgrade**

The Town Board was SEQR Lead Agency and issued a Negative Declaration on June 16, 2021

**ZBA Appeal #2021-10–Alcindor-222 Tampa Avenue -2 Area Variances-Garage**

This is a type II Action-there is no further action necessary.

**WORKSHOPS:**

**ZBA Appeal #2021-07–Krug-14 Connecticut Avenue -2 Area Variances-Garage**

**Resolved**, That the Board of Appeals makes the following findings of fact:

1. There will not be an undesirable change in the character of the neighborhood as the new garage will match the house & look similar as well as the garage will be consistent from a setback perspective with the majority of the homes in the neighborhood.
2. There is no other method available to the applicant as he is replacing a current garage & shed and given the lot size in the need for the structure the setbacks are necessary.
3. The requested variance is substantial, however given the size and the need for the size of the building, it is consistent with other garages in the neighborhood.
4. The proposed variance will not have an adverse effect on the neighborhood.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved**, that the application for an Area Variance for the proposal to construct a 30' x 30' garage in the rear yard with a 8' rear setback be GRANTED no conditions.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on August 10, 2021.

*(Discussion)*

A vote was taken as follows:

|                |            |
|----------------|------------|
| Tom Hickey     | <u>Yes</u> |
| Matt Ostiguy   | <u>Yes</u> |
| Jeff Pangburn  | <u>Yes</u> |
| Bob Seward III | <u>Yes</u> |
| Scot Strevell  | <u>Yes</u> |

Motion carried 5-0

**Resolved**, That the Board of Appeals makes the following findings of fact:

1. There will not be an undesirable change in the character of the neighborhood given that the garage will replace an existing garage and shed, the positioning & setbacks are consistent with other homes in that neighborhood.
2. There is no other method available to the applicant as the positioning of this garage will actually be a greater distance from the home than the existing garage, which will be an improvement.
3. The requested variance is substantial, however it is consistent with other positioning of garages in the neighborhood.
4. The proposed variance will not have an adverse effect on the neighborhood, given the consistency.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved**, that the application for an Area Variance for the proposal to construct a 30' x 30' garage in the rear yard 6' from the principal building be GRANTED with the following condition.

1. Construction within 10' of the home be of fire rated material.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on August 10, 2021.

*(Discussion)*

A vote was taken as follows:

|                |            |
|----------------|------------|
| Tom Hickey     | <u>Yes</u> |
| Matt Ostiguy   | <u>Yes</u> |
| Jeff Pangburn  | <u>Yes</u> |
| Bob Seward III | <u>Yes</u> |
| Scot Strevell  | <u>Yes</u> |

Motion carried 5-0

**ZBA Appeal #2021-09–Town of East Greenbush-Third Avenue Extension -2 Area Variances-Proposed Subdivision for Pump Station Upgrade**

**Resolved**, that the Board of Appeals makes the following findings of fact:

1. There will not be an undesirable change in the character of the neighborhood as this is an upgrade to the existing pump station and is along a state highway.
2. There is no other method available to the applicant as the pump station location is existing and needs to be upgraded as a public health matter.

3. The requested variances are substantial; however this is not a site for business use, but a public infrastructure site, with public benefits and the smaller size reduces negative impacts to the surrounding cemetery property.
4. The proposed variances will not have an adverse effect on the neighborhood as it minimizes the impact to the cemetery property and replaces a smaller pump station.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variances.

**Resolved**, that the application for 2 Area Variances for the proposal of a minor subdivision with a lot size of 0.28 acres & 170.14' of frontage be GRANTED with the following condition.

1. The proposed undersized lot be used for public purposes and not private business purposes.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on August 10, 2021.

*(Discussion)*

A vote was taken as follows:

|                |            |
|----------------|------------|
| Tom Hickey     | <u>Yes</u> |
| Matt Ostiguy   | <u>Yes</u> |
| Jeff Pangburn  | <u>Yes</u> |
| Bob Seward III | <u>Yes</u> |
| Scot Strevell  | <u>Yes</u> |

Motion carried 5-0

**ZBA Appeal #2021-10-Alcindor-222 Tampa Avenue -2 Area Variances-Garage**

**Resolved**, That the Board of Appeals makes the following findings of fact:

1. There will not be an undesirable change in the character of the neighborhood as the garage will match the existing property aesthetics, it fits the neighborhood character and will upgrade an existing dilapidated building.
2. There is no other method available to the applicant as this will be a one story garage, rotated 90 degrees and will actually give more of a side setback than exists with the current structure.
3. The requested variances are substantial, but these are small lots, and the side setback will go from approximately one foot to five feet.
4. The proposed variances will not have an adverse effect on the neighborhood.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variances.

**Resolved**, that the application for two Area Variances for the proposal to construct a 24' x 24' garage in the rear yard with a 5' rear setback & a 5' side setback be GRANTED with no conditions.

This resolution was moved by Scot Strevell and seconded by Matt Ostiguy at a meeting duly held on August 10, 2021.

*(Discussion)*

A vote was taken as follows:

|                |            |
|----------------|------------|
| Tom Hickey     | <u>Yes</u> |
| Matt Ostiguy   | <u>Yes</u> |
| Jeff Pangburn  | <u>Yes</u> |
| Bob Seward III | <u>Yes</u> |
| Scot Strevell  | <u>Yes</u> |

Motion carried 5-0

**NEXT MEETING:** The next scheduled meeting is August 24, 2021.

**APPROVAL OF MINUTES:**

Motion by Scott Strevell to approve the July 13, 2021 meeting minutes. Seconded by Tom Hickey. Motion carried by a 5-0 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward. Seconded by Chairman Pangburn. Motion Carried by a 5-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, ZBA Secretary