

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES SEPTEMBER 26, 2023

Members

Matt Ostiguy, Vice Chairman
Bob Seward III
Scot Strevell
Tom Hickey

Also Present:

William Hessney, Attorney
Alison Lovely, Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Ostiguy called the meeting to order and determined a quorum of four (4) members were present. Jeff Pangburn has recused himself from tonight's meeting and was absent.

PUBLIC HEARINGS:

ZBA Appeal #2023-09–West– 25 Stirrup Drive- 2 Area Variances: Shed

Vice Chairman Ostiguy referenced the following as being in the record:

- Legal Notice-was read by Vice Chairman Ostiguy and he stated just to note on the legal notice, when it was published it referred to a rear setback and to clarify it's the side setback that's the challenge
- Planning Board Recommendation with supplemental report by Chris Horne
- Rensselaer County Recommendation
- Application Packet with summary of criteria
- ZBA Area Variance Application Packet
- Resident Letter from 23 Stirrup Drive dated 9/20/23 marked as exhibit #2023-09-01
- Resident Letter from 9 Stirrup Drive dated 9/22/23 marked as exhibit #2023-09-02
- Resident Letter from 13 Stirrup Drive 9/22/23 marked as exhibit #2023-09-03
- Resident Letter from 8 Stirrup Drive 9/23/23 marked as exhibit #2023-09-04
- Add'l Letter from Regina Mate 9/26/23 marked as exhibit #2023-09-05

Vice Chairman Ostiguy asked the applicant to address the area variance criteria and address the Board as to what she'd like to do. Ashley West spoke and stated that the shed has existed for over 2 years & at that time all of the neighbors were out watching it being put up and were fine where it was being located. Ashley West addressed the area variance criteria. Ashley West's father spoke and said that the back view from his daughter's property is the YMCA. Ashley West stated that they put the shed where it is as there is a rotten fence and they were trying to hide the rotten fence. The neighbor who turned her in originally liked the location as it gave her more privacy. Ashley West stated that it's less than 20 square feet, it looks just like the house and blends in with the house. Ashley's West father stated that there will be no gas, it's garden supplies, Christmas ornaments & folding chairs & it's vinyl siding with a metal roof.

Vice Chairman Mastin asked if there were any questions from the Board.

•Bob Seward asked who owns the fence behind the shed. Ashley West stated that she's not sure, it's a shared fence between her and her neighbor. They had offered to replace the fence but the neighbor said not to.

Vice Chairman Ostiguy asked how tall the shed is, it looks taller than the fence. Ashley West's dad stated that it's seven feet tall.

• Scot Strevell lives in the same type of development, and he has a shared fence and he believes it's a conversation where you'd ask your neighbor if they want to split the cost of fixing the fence and of course they have the right to say no.

• Scot Strevell asked how they would maintain behind the shed and between the fence with only a few inches & asked if there were weeds there or anything. Ashley West stated there is mesh underneath the ground with stone on top of it.

• Bob Seward asked if the placement of the shed blocks access to any utilities (power/cable sources) of her neighbors. Ashley West's father stated it does not.

• Scot Strevell asked for them to elaborate on how they got to this point. Ashley West's dad stated that two years ago he called the building department and gave the size of the shed and they said it fell under the threshold of them needing a permit. Scot Strevell asked if the mentioned the setback and Ashley's dad stated that never came up.

• Tom Hickey asked what the width of the property is. Ashley West's dad stated about 30 feet wide. Tom Hickey is wondering if the shed was rotated could they meet one setback. Ashley West's dad stated that the shed would be in the middle of the yard.

• Vice Chairman Ostiguy asked if they did move it to the back of the yard, then they feel it would be a big eyesore and Vice Chairman Ostiguy also asked if next to the shed if that was a patio. Ashley West stated it's just a wooden patio.

• Tom Hickey asked if there would be utilities run to this. Ashley West's dad stated that there would not be any utilities.

Vice Chairman Ostiguy asked if there were any other questions. There were none.

Vice Chairman Ostiguy also stated that he didn't see anyone in the public.

Scot Strevell made a motion to close the public hearing.

Seconded by Bob Seward. Motion carried by a 4-0 vote.

ZBA Appeal #2023-10-Lukowski- 12 Redwood Court- Area Variance-Pool

Vice Chairman Ostiguy referenced the following as being in the record:

- Legal Notice-was read by Vice Chairman Ostiguy
- Vice Chairman Ostiguy stated that the Planning Board has withheld their recommendation at this time as their looking into the 25' natural buffer on the lot.
- Vice Chairman Ostiguy stated that they would leave this public hearing open for the receipt of the Planning Board recommendation
- Rensselaer County Recommendation
- Exhibit 2023-10-01 Letter from Kimberly Goodfriend
- Exhibit 2023-10-02 Letter from residents at 14 Redwood Court
- ZBA Area Variance Application Packet with Area Variance Criteria

Mark Lukowski stated that the proposal is for the installation of a 15' x 28' inground pool. The pool will be 14.5' from the house and 4' from the side and 10' from the rear & also stated that his fence is 25' from the Holy Sepulchre Road. Mark Lukowski address the Area Variance criteria. Mark Lukowski stated many other neighbors have pools. This is the best location for it since there is a large tree and shed in his yard. Mark Lukowski stated that he will be putting drainage around the pool to direct it to the front of his house.

Vice Chairman Ostiguy asked what the pitch was on his lot currently. Mark Lukowski stated that the property slopes down from the road, so there are some drainage issues.

·Scot Strevell asked the applicant to talk about options, smaller pool, moving the pool to meet the setback. Mark Lukowski stated that he has looked at all options and is trying to maintain as much yard as he has.

·Tom Hickey asks if his fence represents his property line. Mark Lukowski stated that he built his fence like a foot in on the side where the pool is proposed. Other neighbors have put pool right on line. He measured from the Holy Sepulchre Road in 25' to put fence.

·Tom Hickey asked if there was any consideration on moving it to the right to reduce the number of variances that you're seeking. Mark Lukowski stated that he would prefer not to move it.

Vice Chairman Ostiguy asked if there will be anything around the pool. Mark Lukowski stated about 1 foot of drainage around the fence line and then there will be 3' of concrete around it.

·Scot Strevell asked if drainage is going to be put all the way around the pool. Mark Lukowski stated that yes it will then be directed out to the road.

Vice Chairman Ostiguy asked if there were any other questions from the Board. There were none.

Vice Chairman Ostiguy made a motion to table the public hearing until the October 24, 2023 meeting.

Seconded by Tom Hickey. Motion carried by a 4-0 vote.

SEOR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2023-09–West– 25 Stirrup Drive- 2 Area Variances: Shed

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

WORKSHOPS:

ZBA Appeal #2023-09–West– 25 Stirrup Drive- 2 Area Variances: Shed

Resolved, That the Board of Appeals makes the following findings of fact in regards to the proposed setback to the principal building of 1.8 feet for the proposed 2.5' x 8' shed in the rear yard:

1. There will not be an undesirable change in the character of the neighborhood as the shed matches the home and also that any other option putting the shed at the setback would place the shed in a more undesirable view of most neighbors, if not all neighbors.
2. There is no other method available to the applicant as given the size of the lot and even though the relatively small size of the shed, for the shed to meet the setbacks it would essentially have to be in the middle of the yard, practically perpendicular to the home, which would not be appealing to either the applicant or the neighbors in the neighborhood.
3. The requested variance is substantial; however, given the lack of additional options, this is the most desirable placement of that shed.

4. The proposed variance will not have an adverse effect on the neighborhood given that it's positioned tucked into the side of the house and any other option would place it in an undesirable position.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for the proposed 2.5' x 8' shed in the rear yard with a 1.8-foot distance from the principal building be GRANTED with the following conditions:

1. Nothing combustible or flammable maybe stored in the shed.
2. No utilities established in the shed.

This resolution was moved by Matt Ostiguy and seconded by Tom Hickey at a meeting duly held on September 26, 2023.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

Resolved, That the Board of Appeals makes the following findings of fact in regards to the proposed side setback of 8 inches for the proposed 2.5' x 8' shed in the rear yard:

1. There will not be an undesirable change in the character of the neighborhood as moving the shed further into the middle of the yard would also cause an eyesore, the shed has a similar characteristic, so where it is today is really the most desirable position that it can be in.
2. There is no other method available to the applicant as again given the dimensions of the backyard, the current setbacks and the current size of the shed, the only possible position for this would be in the middle of the yard which is undesirable for both the applicant and the majority of the neighbors.
3. The requested variance is substantial; however, given other options this is the best place for the shed.
4. The proposed variance will not have an adverse effect on the neighborhood given the position it's in today and again the options possible would not be a benefit.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for the proposed 2.5' x 8' shed in the rear yard with a side setback of 8 inches be GRANTED with the following conditions:

1. Nothing combustible or flammable maybe stored in the shed.
2. No utilities established in the shed.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on September 26, 2023.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

NEXT MEETING: The next meeting is on October 11, 2023
No new applications-Meeting to be cancelled

APPROVAL OF MINUTES:

Motion by Tom Hickey to approve the August 8, 2023 meeting minutes. Seconded by Bob Seward. Motion carried by a 4-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward. Seconded by Tom Hickey. Motion Carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary