

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES AUGUST 24, 2021

#### **Members**

Jeff Pangburn, Chairman  
Matt Ostiguy  
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 four (4) members were present. Bob Seward III was absent.

#### **PUBLIC HEARINGS:**

#### **ZBA Appeal #2021-08–Holland-107 Moore Road - Area Variance-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 Don Panton
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application

Jon Holland stated that how the house, driveway and septic system sit, he really needs the 30' setback as he feels it will be more functional and lines up with the driveway & won't sit on the leech field. The 50' esthetically would also put the garage behind the house & look weird. Jon Holland stated that there are six house on Moore Road & he has talked to everyone and no one has a problem with it.

•Tom Hickey asked the applicant to come up and mark the leech field on the map & stated that looking at it it's right off the back corner of the house towards the driveway where it begins & runs parallel to the side of the house & runs straight back. Jon Holland stated that is correct. With a 30' setback he's about 8' from the leech field. If he used the 50' setback he would be right on the leech field.

•Matt Ostiguy asked the applicant to read his comment on #4 regarding drainage. Jon Holland stated that he was noting more on the septic.

Chairman Pangburn entered into the record exhibit 2021-08a which was the markup with the leech field on it.

•Scot Strevell stated that the applicant's neighbor commented on the drainage & asked the applicant to explain that a bit. Jon Holland stated that his direct neighbor was concerned due to another neighbor causing drainage issues. Jon Holland stated that he had her talk to his mason who will pour the slab & stated that if anything it will improve his drainage and won't affect her property & he feels he eased her concerns.

•Scot Strevell asked if the garage use was for personal use. Jon Holland stated that is correct.

Chairman Pangburn asked if it was a single story only. Jon Holland stated that it is.

•Tom Hickey asked if it will be front load or side load. Jon Holland stated front.

Chairman Pangburn asked if the existing shed is closer to the property line. Jon Holland stated that it is and it is staying where it is.

•Tom Hickey asked if he moved it towards the driveway & house, wouldn't it reduce the setback & moving it back would increase the setback. Jon Holland stated it would but needs to be so far from the house due to the garage height & would still sit on top of the leech field.

•Matt Ostiguy asked if there was anything in between, like landscaping or trees. Jon Holland stated that his neighbor planted a tree line.

•Tom Hickey asked how close he could get it to the leech field. Jon Holland stated that he has it over as far as he can.

Chairman Pangburn stated that any movement towards the leech field also pulls it away from the house in order to maintain the separation from the house.

•Tom Hickey asked if the width of the rear of the property was between 250' & 300'. Jon Holland stated that sounded right.

Chairman Pangburn asked the Board if there was anything else from the Board. There were no more questions by the Board.

Chairman Pangburn noted that there were no members of the public.

Chairman Mastin made note of the emails received & all entered into the record.

-The first dated 8/19/21 from a neighbor asking if the garage would be personal or commercial use.

-The second dated 8/19/21 from a neighbor at 112 Moore Road who stated they had no objection.

-The third dated 8/24/21 from the immediate neighbor asking about drainage.

Motion by Scot Strevell to close the public hearing. Seconded by Matt Ostiguy. Motion carried by a 4-0 vote.

### **SEQR DETERMINATIONS & RECOMMENDATIONS:**

#### **ZBA Appeal #2021-08-Holland-107 Moore Road - Area Variance-Garage**

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

### **WORKSHOPS:**

#### **ZBA Appeal #2021-08-Holland-107 Moore Road - Area Variance-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 be well positioned on the lot, lined up with the end of the driveway, the garage will have matching siding and there will be improvement with landscaping.
2. There is no other method available to the applicant as there is a leech field that would limit the positioning of the garage.
3. The requested variance is substantial in the sense as it's a 40% reduction of the 50 foot setback, but given the esthetics, the leech field & positioning of the house, the 30 foot is the maximum setback possible.

4. The proposed variance will not have an adverse effect on the neighborhood as it is consistent with the look & feel of the neighborhood and there will be additional drainage incorporated.
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 24' x 34' garage in the rear yard with a 30' side setback be GRANTED with the following condition.

1. That this will not add additional drainage issues to neighboring properties.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on August 24, 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>Absent</u>
Scot Strevell	<u>Yes</u>

Motion carried 4-0

**NEXT MEETING:** The next scheduled meeting is September 14, 2021.

**APPROVAL OF MINUTES:**

Motion by Tom Hickey to approve the August 10, 2021 meeting minutes. Seconded by Scot Strevell. 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 Chairman Pangburn. Seconded by Matt Ostiguy. Motion Carried by a 4-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, ZBA Secretary