

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES NOVEMBER 22, 2022

#### Members

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

#### Also Present:

William Hessney, Attorney  
Kateri Rhatigan, Stenographer

#### 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 #2022-10–Curley– 1 Gail Court- Area Variance-Rear Setback for Roof Overhang

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- PB Recommendation with supplemental report by Robert Jucha
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet with authorization form
- Survey with setbacks & Plan of covered patio

Ken Sherman was present representing the applicant's. Ken Sherman stated that The Curley's recently bought the property and James Curley wasn't aware that the rear property line was so close to the existing slab in the backyard. Ken Sherman stated that there are no trees to shade the rear yard so after sitting out there this summer, the applicant realized that it would be really nice to have some shade.

Ken Sherman stated that the design for the roof overhang kept in mind the neighbor to the rear of the property. Ken Sherman stated that area faces the side of a garage with no windows, no entertaining area that directly faces his back yard. Chairman Pangburn asked if this was a just a roof overhang and not an enclosed space, not heated or cooled. Ken Sherman stated it's just a roof overhang.

Chairman Pangburn stated in regards to the neighbor directly behind the applicant, the porch will face the side of the garage, and this is the Morris's? Ken Sherman stated that is correct. Chairman Pangburn stated that they commented in the detailed report.

Chairman Pangburn asked drainage wise on this roof, is it still going to be going to the side yard. Ken Sherman stated a gutter wasn't planned but they can certainly install one & divert it to the side yard, which is pitched back towards the street.

Chairman Pangburn commented that the side yard is away from the house where their requesting the setback variance. Ken Sherman stated that is correct.

Chairman Pangburn asked the Board if anyone had any questions.

•Matt Ostiguy asked Mr. Sherman to describe what it would look like. Ken Sherman stated that it would have a shed roof and will be tied in to house roof. It will match the existing house.

•Tom Hickey asked if there would be additional foundation work in addition to the techno posts. Ken Sherman stated that there would not be.

•Scot Strevell asked what the dimensions of the existing patio are. Ken Sherman stated he believes its 20' wide by 15'9" deep. Matt Ostiguy stated that it sounds like the house is barely out of the setback. Ken Sherman stated that the house is setback far on the lot.

•Tom Hickey stated, exterior structure, so nothing really but the three 6 x 6's & it's coming off the roof. Ken Sherman stated that no permanent structure.

Chairman Pangburn stated that the slab isn't structural so it couldn't be turned into living space without a new foundation.

•Scot Strevell stated that the yard is completely fenced, about 6' high. Ken Sherman stated that is correct.

•Matt Ostiguy asked if they would be tying into any power. Ken Sherman stated that there is power already on the back of the house.

•Tom Hickey stated that one of the criteria is that is there another option to reach the same result. Ken Sherman stated that the only other alternative would be to do an awning structure, but due to wind, you would be opening and closing it constantly.

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

Chairman Pangburn stated that there were no members from the public here tonight.

**Scot Strevell made a motion to close the public hearing.**

**Seconded by Tom Hickey. Motion carried by a 5-0 vote.**

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2022-10-Curley- 1 Gail Court- Area Variance-Rear Setback for Roof Overhang**

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

**WORKSHOPS:**

**ZBA Appeal #2022-10-Curley- 1 Gail Court- Area Variance-Rear Setback for Roof Overhang**

**Resolved**, That the Board of Appeals makes the following findings of fact in regards to the rear setback of 12.35 feet for the proposed roof overhang:

1. There will not be an undesirable change in the character of the neighborhood as there is a similar property in the neighborhood, the neighbor accepts the look of the overhang as they are considering the same, and existing slab is there inside a fenced yard today.

2. There is no other method available to the applicant as the concrete slab is there today and an awning would potentially not work at a twenty foot distance away from the house.
3. The requested variance is substantial, however at 50% it still leaves 12.35' and matches the existing concrete slab setback.
4. The proposed variance will not have an adverse effect on the neighborhood, as there is a similar property in the neighborhood already and it blends with the residential nature in 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 the construction of a 15'9" x 20' roof overhang over an existing concrete slab on grade with a 12.35 foot rear setback be GRANTED with one condition:**

1. That the roof drainage from the house and porch roof be directed away from the rear yard property.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on November 22, 2022.

*(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 meeting is scheduled for December 13, 2022 and a public hearing is scheduled for that evening.

**APPROVAL OF MINUTES:**

Motion by Chairman Pangburn to approve the October 11, 2022 meeting minutes. Seconded by Bob Seward III. Motion carried by a 3-0-2 vote.

Motion by Matt Ostiguy to approve the October 25, 2022 meeting minutes. Seconded by Bob Seward III. Motion carried by a 3-0-2 vote.

**MOTION TO ADJOURN**

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

Respectfully Submitted

*Alison Lovely*  
Alison Lovely, ZBA Secretary