

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES July 10, 2018

Members

Jeff Pangburn, Chairman
John Conway, Jr.
Scot Strevell
Dan Smith
Matt Ostiguy
Bob Seward

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of six (6) members were present. Introductions were made.

OLD BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2018-08–Rich- 3396 River Road–Use Variance–Proposal to operate vehicle repair & conduct vehicle inspections

The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Use Variance Criteria
- Bldg. Permit Application
- Planning Board Recommendation
- Supplement report by Nancy Kupiec

Steve Hart represented the applicant, Diane Rich who was also present with a couple of her employees. Steve Hart stated that Diane has been operating her business for the past 3 years, which is a roll off container business with light mechanical work and the storage of containers. A 40' x 80' garage was constructed as part of her business as well. Diane Rich wants to do mechanical and inspection work for heavy duty vehicles from the public. Steve Hart stated that he knows that the entrance to the site needs to be opened up. Diane Rich doesn't want a sign advertising the mechanical repairs. Steve Hart provided the Board with a map showing the site and a map showing the Zoning Districts in the area. Chairman Pangburn marked these as Exhibit's 2018-08A & 2018-08B. Steve Hart also provided the Board with five letters from the immediate neighbors in support of Diane's proposal. Chairman Pangburn marked these as Exhibit 2018-08C. Steve Hart also provided the Board with use variance criteria information on the permitted uses in the zoning district. Chairman Pangburn marked this as Exhibit 2018-08D. Diane Rich also typed up a narrative regarding her proposal which Chairman Pangburn marked as Exhibit 2018-08E. Chairman Pangburn asked the Board if there were any questions.

• John Conway asked if those were the immediate neighbors who didn't have any objection to the use variance. Steve Hart stated that those letters were from the two adjacent neighbors and 2 across the street. John also wanted to know how many more neighbors would be within the 200 foot notification. Steve Hart stated he feels they covered the most critical

neighbors. Chairman Pangburn asked me if I remembered how many certified letters were sent out. I answered approximately 7 or 8 the most. John Conway also asked if there will be a new repair garage. Steve Hart stated that they will operate out of the existing garage.

●Dan Smith asked what is the number of trucks coming in and out, weekly, monthly. Diane Rich stated not a lot.

●Scot Strevell stated that the applicant doesn't want signage, already services business vehicles, there will not be a change to the existing building, except the entrance in, and from a storage perspective, applicant doesn't want a vehicle graveyard, wants trucks in and out, is that correct? Diane Rich stated that is correct, except will need inspection sign. Diane Rich stated that she doesn't want to lose the right to have a sign but doesn't want one now.

●John Conway stated that it sounds like the applicant would like the opportunity to get a sign to advertise her repair shop but doesn't want one now. Diane Rich stated that is correct.

●John Conway asked about a vegetation barrier that was required under a previous variance. Steve Hart stated that there is some (fence and tress) there but they may need more.

●Matt Ostiguy stated he's struggling with the applicant meeting the financial hardship, not realizing a reasonable return. How is granting them a use variance going to make a substantial difference in the business. One of Diane's employees stated that the going rate for labor is \$100-\$125/hour, it could mean between \$800 - \$1000 a day as revenue. Diane Rich stated that disposal costs have risen significantly and they have to travel farther so she may need to fall back on the mechanical repair part of the business.

●Dan Smith right now your hauling business is 100%, do you see it going to more repairs than hauling. Diane Rich stated that the prices are increasing so it depends. They could potentially put two mechanics in the building.

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

Chairman Pangburn asked if anyone was present to speak in favor or opposition. There was no one present to speak in favor of or in opposition to.

Motion by Bob Seward to close the public hearing. Seconded by Scot Strevell. Motion carried by a 6-0 vote.

ZBA Appeal #2018-09-VanKampen- 41 Berkshire Drive-Area Variance-Proposal to construct a 560 sq.ft. addition to rear of home

The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Recommendation
- Supplement report by Mike Bottillo

Joe Iuviene, AIA was present to represent the applicant Rev. VanKampen who was also present. Joe Iuviene stated that the existing garage is 4.6' from the side property line and the proposed addition will not extend further out than that. Addition is for a home office and also a bedroom and bathroom for future use. Joe Iuviene stated that they tried to come up with another option but could not. Chairman Pangburn asked the Board if anyone had any questions.

●Bob Seward asked if since this is a home office, the applicant won't have any customers, anyone will be coming by often. Rev. VanKampen stated not routinely.

●John Conway asked if he's reading the diagram properly, then the new addition extends 20.5' along the existing footprint & how deep is the lot. Joe Iuviene stated that is correct and that the lot is 145' deep and the required rear setback is 25'.

●Chairman Pangburn asked if the office was a home occupation. Rev. VanKampen stated that it is for personal use, library, and home use.

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

Chairman Pangburn asked if anyone was present to speak in favor or opposition. There was no one present to speak in favor of or in opposition to.

Motion by John Conway to close the public hearing. Seconded by Dan Smith. Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-08–Rich- 3396 River Road-Use Variance-Proposal to operate vehicle repair & conduct vehicle inspections

After some discussion Chairman Pangburn made a motion to table the SEQR Determination until the next meeting on July 24, 2018. Seconded by Matt Ostiguy. Motion carried by 6-0 vote.

ZBA Appeal #2018-09–VanKampen- 41 Berkshire Drive-Area Variance-Proposal to construct a 560 sq.ft. addition to the rear of the home

MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency

In regards to **ZBA Appeal #2018-09–VanKampen- 41 Berkshire Drive-Area Variance-Proposal to construct a 560 sq.ft. addition to the rear of the home**

In regards to Appeal #2018-09: VanKampen- Application for an Area Variance, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

WORKSHOP(S):

The ZBA Members deliberated on the information both submitted and presented.

ZBA Appeal #2018-09–VanKampen- 41 Berkshire Drive-Area Variance-Proposal to construct a 560 sq.ft. addition to the rear of the home

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 addition will be consistent with the existing garage in regards to the setback of 4.66' and consistent with other homes in the neighborhood as well.
2. There is no other method available to the applicant as there is no room on either side of the house and adding an addition to the back would not be consistent with the garage as it's currently in place.

3. The requested variance is not substantial.
4. The proposed variance will not have an adverse effect on the neighborhood as it is not visible from the street.
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 to construct a 560 s.f. addition to the principle dwelling and located in the rear and side yards be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by John Conway Jr. at a meeting duly held on July 10, 2018.

A vote was taken as follows:

| | |
|----------------|------------|
| John Conway | <u>Yes</u> |
| Matt Ostiguy | <u>Yes</u> |
| Jeff Pangburn | <u>Yes</u> |
| Bob Seward III | <u>Yes</u> |
| Dan Smith | <u>Yes</u> |
| Scot Strevell | <u>Yes</u> |

Motion carried 6-0

NEXT MEETING: The next meeting is July 24, 2018.

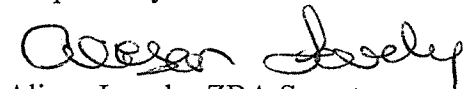
APPROVAL OF MINUTES:

Motion by Dan Smith to approve the meeting minutes from the June 12, 2018 meeting. Seconded by Scot Strevell. 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 Scot Strevell. Seconded by Dan Smith. Motion Carried by a 6-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary