

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES FEBRUARY 9, 2021

#### **Members**

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

#### **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. Introductions were made.

#### **ORGANIZATIONAL MEETING 2021**

Meetings:

- Meetings will be held two times per month on the second and fourth Tuesday of each month.
- Meetings will commence at 7:30 PM via Zoom or in Town Court Room, Community Room and/or Red Barn.

#### **Appointments:**

The Town Board appointed Alison Lovely as the Zoning Board of Appeals secretary & William Hessney as the Zoning Board of Appeals attorney at their January 4, 2021 Organizational Meeting.

#### **Appointment of Vice Chairperson:**

MOTION: A motion was made by **Jeff Pangburn** as follows: **The Town of East Greenbush Zoning Board of Appeals hereby appoints Matt Ostiguy as the Vice Chairman in absence of the Zoning Board Chairman.**

Second by Bob Seward III & roll called as follows:

**J. Pangburn-YES; B. Seward III- YES; M. Ostiguy-YES; S. Strevell-Yes; T. Hickey-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

#### **Authorization for scheduling applications for public hearings:**

MOTION: A motion was made by **Jeff Pangburn** as follows: **The Town of East Greenbush Zoning Board Chairman and secretary have approval to schedule applications for Public Hearings.**

Second by Bob Seward III & roll called as follows:

**J. Pangburn-YES; B. Seward III- YES; M. Ostiguy-YES; S. Strevell-Yes; T. Hickey-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**Acceptance of 2021 Meeting Calendar:**

MOTION: A motion was made by **Jeff Pangburn** as follows: **The Town of East Greenbush Zoning Board of Appeals hereby approves the proposed 2021 meeting calendar.**

**Second by Bob Seward III & roll called as follows:**

**J. Pangburn-YES; B. Seward III- YES; M. Ostiguy-YES; S. Strevell-Yes; T. Hickey-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**PUBLIC HEARINGS:**

**ZBA Appeal #2021-01-Nahal-21, 25 & 27 Oriel Lane-Interpretation- Vacant Lot for proposed lot line adjustment**

Chairman Pangburn referenced the Legal Notice. Henry Nahal & Fred Metzger were both present. Henry Nahal stated that there is a lot that is non-conforming between him and his neighbor and asked Fred Metzger to go into details. Fred Metzger stated that there are three lots that used to be conforming and the proposal is for a lot line adjustment. Fred Metzger stated that back when Henry Nahals lot was developed at 27 Oriel Lane and his neighbor the Fawcett's at 21 Oriel Lane, these lots met all the zoning criteria at that time and a vacant lot was let between them which is 25 Oriel Lane. Fred Metzger stated that the zoning has since been updated and these lots do not confirm to the current data, but did at the time of approvals. Fred Metzger stated that Henry Nahal is proposing to take the vacant (middle) lot and add 2/3 of it to his lot and 1/3 of it to the neighbor's lot. In doing this the two lots will still be left non-conforming, but they will be less non-conforming. Fred Metzger stated that tonight they are asking for an Interpretation as to whether or not they have to go through the full Zoning Board process. Chairman Pangburn asked Fred Metzger and stated for clarity for the Board's sake, the two existing lots that will remain are already occupied and have been built on. Fred Metzger stated that is correct. Chairman Pangburn asked Fred Metzger to confirm that this is just the elimination of the vacant lot between them and adding portions to each of the two adjacent, occupied lots. Fred Metzger stated that was correct.

Chairman Pangburn read the legal notice and stated that the question is, does the lot line adjustment create two new lots and do they need variances for lot size and or frontage.

Chairman Pangburn asked if there were any questions from the Board.

- Matt Ostiguy asked what they wanted to do with the lots, is it just to give each of them more room, and not to build on it. Fred Metzger stated that they want to eliminate the vacant lot in between them so that there is never the opportunity for someone to build on it.

- Tom Hickey asked if there was any anticipated further development to either one of the two lots that would be closer to a lot line than existed, that would allow a future expansion due to the expansion of the property size. Henry Nahal stated that there is

nothing in the future planned to expand or even try to square a house in between, it's for increased privacy and not to create any problems in the future.

•Tom Hickey stated in the event we can, would you oppose a condition which restricts further expansion if that's even proper from the Board's perspective. Henry Nahal stated that he doesn't believe it's necessary as he doesn't believe it's practical, it would be very hard to put anything on it due to its size, you could maybe put a pool shed or garage.

Chairman Pangburn stated that if we follow the logic that all three lots would potential buildable due to the original subdivision, that not allowing a lot line adjustment would be the worst case scenario from a proximity of the two existing houses as a house could be shoehorned in between. This lot line adjustment would allow a much larger buffer between the two existing houses.

Chairman Pangburn asked if there were any other questions from the Board. There was none. Chairman Pangburn asked if Henry Nahal or Fred Metzger had anything else to add. There was nothing.

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

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2021-01-Nahal-21, 25 & 27 Oriel Lane-Interpretation- Vacant Lot for proposed lot line adjustment**

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

**WORKSHOPS:**

**ZBA Appeal #2021-01-Nahal-21, 25 & 27 Oriel Lane-Interpretation- Vacant Lot for proposed lot line adjustment**

**Resolved**, that the following sections of the Comprehensive Zoning Law are referenced:

1. Section 1.1.1 – Purposes – To eliminate or improve any existing detrimental conditions with regard to land or buildings or the use thereof; and, To prevent excessively dense or inefficiently-spaced development which uses up available open lands; and, To enhance the value of property in the Town; and, To improve the physical appearance of the community and promote higher aesthetic standards.

**Resolved**, that consistent with Section 1.1.1 and 4.2.3. of the Comprehensive Zoning Law, the Board of Appeals makes the following Interpretation of the Zoning Code:

1. That a lot line adjustment, consisting of the elimination of vacant existing, non-conforming lot(s) by consolidation into adjacent occupied existing, non-conforming lot(s) may proceed without the need for variances from the current area and bulk standards.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on February 9, 2021.

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 on February 23, 2020 is cancelled

**APPROVAL OF MINUTES:**

Motion by Chairman Pangburn to approve the October 13, 2020 meeting minutes.  
Seconded by Bob Seward III. Motion carried by a 4-0-1 vote. Tom Hickey abstained.

**MOTION TO ADJOURN**

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

Respectfully Submitted



Alison Lovely, ZBA Secretary