

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES March 13, 2018

Members

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

Also Present:

George Hoffman, Attorney
Kateri Rhatigan, Stenographer
Alison Lovely, ZBA Secretary
Adam Yagelski, Director of Planning & Zoning

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:

Reconvene ZBA Appeal #2018-03–Whitney- (3-15) Whitney Way-Interpretation for the proposed installation of (3) additional mobile homes in an existing mobile home park.

Chairman Pangburn stated that for the record today is a letter dated March 13, 2018 from the Rensselaer County Health Department regarding the restriction placed on the previously approved Drake Subdivision/Whitney Trailer Park. Also submitted was a diagram from the attorney James Reilly showing the proposed location of the hook ups for the proposed additional three trailers plus showing the five trailers that exist today.

James Reilly the attorney for the applicant was present as well as the applicant Robert Whitney and his engineer Steve Hart. James Reilly stated that he had nothing additional to add except that he has done some research and he stated that now Town water & sewer is available to hook up to as it's now nearer to the trailer park. Bob Whitney spoke and gave a history of himself and of the park. Chairman Pangburn asked the Board if anyone had any questions. There were no questions from the Board.

Chairman Pangburn noted that the Board had also entered into the record the Drake 4 Lot Subdivision plan approved by the Town Planning Board on July 29, 1991.

Chairman Pangburn asked if anyone was present to speak in favor or opposition.

- A man that resides on Country Meadow Drive stated that the provision of the Zoning Ordinance to not allow existing trailer parks in the Town anymore was put into place for a reason and that should be upheld. He gave photos to the Board. Chairman Pangburn marked three photos as Exhibit #2018-03 D, E & F.
- John Conway asked a question about the picture presented that had a tractor trailer on it. The resident from County Meadow Drive commented that this was not on the subject property but on a neighboring property.

- Dan Smith asked the resident of Country Meadow Drive if they knew that the trailer park existed when they bought their lot and built their house. The individual stated that they did. Dan also asked James Reilly if the lot restriction was based on the existing septic. James Reilly stated that he didn't find anything in the minutes regarding that.
- Bob Seward asked what the footprint is for the existing current five mobile homes and if the applicant would move the proposed three further onto the lot. Bob Whitney stated that he would want to move them back to give them all more room.
- A woman that resides on Country Meadow Drive asked when water and sewer became available on Mannix Road. Steve Hart stated that water & sewer wasn't available back then but more recently with the development of the East Greenbush Tech Park, has been brought in a lot closer with the Tech Park's expansion.
- A man spoke and stated that he's known Robert Whitney for 19 years and that there are great people in the park.

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

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-03-Whitney- (3-15) Whitney Way-Interpretation for the proposed installation of (3) additional mobile homes in an existing mobile home park.

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

In regards to **ZBA Appeal #2018-03-Whitney- (3-15) Whitney Way-Interpretation for the proposed installation of (3) additional mobile homes in an existing mobile home park.**

In regards to Appeal #2018-03: Whitney- Application for an Interpretation, 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 #2018-03-Whitney- (3-15) Whitney Way-Interpretation for the proposed installation of (3) additional mobile homes in an existing mobile home park.

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

1. Consistent with Section 3.12.1, the lawful use or bulk of any structure or land in existence on the effective date of this Local Law may be continued although not in conformity with this Local Law.
2. Nonconforming uses shall not be enlarged, and the buildings or premises or portion thereof which such non-conforming uses occupy shall not be altered, unless such enlarged or altered portion shall be changed to accommodate a conforming use and in conformity with the bulk regulations of this Local Law, and once so changed shall not revert to the non-conforming use or condition from which it was changed.

Resolved, That consistent with Section IV.4.2.2 of the Comprehensive Zoning Law, the Board of Appeals makes the following interpretation of the Zoning Code:

1. That as noted on the Drake 4 Lot Subdivision plan approved by the Town Planning Board on July 29, 1991 which created Lot 2, AKA "Mannix Road Mobile Home Park" to be conveyed to Robert Whitney, Jr.; and containing a restriction on Lot 2 restricting the lot to not more than 5 mobile homes at any given time, that as of July 29, 1991 the subject parcel became a mobile home park of 5 units; and the mobile home park would require an expansion of sewer, water, and expansion of the lands used for the nonconforming use; therefore, any additional mobile homes beyond the 5 existing mobile homes would be an enlargement of the nonconforming use, which would be in violation of Section 3.12.1 of the Town's Comprehensive Zoning Law.

This resolution was moved by Jeff Pangburn and seconded by Dan Smith at a meeting duly held on March 13, 2018.

(Discussion)

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 April 10, 2018.

APPROVAL OF MINUTES:


Motion by Chairman Pangburn to approve the meeting minutes from the January 23, 2018 meeting. Seconded by Scot Strevell. Motion carried by a 4-0-2 vote. Matt Ostiguy and Bob Seward III abstained.

Motion by Matt Ostiguy to approve the meeting minutes from the February 27, 2018 meeting. Seconded by John Conway. Motion carried by a 6-0 vote.

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 6-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary