

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEETING AGENDA

TUESDAY, JUNE 14, 2016

7:30PM

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2016-10-Tibbits-24 Linden Avenue-Use Variance-construction of a 1,834 square foot two family dwelling

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

ZBA Appeal #2016-12-Bogucki-24 CedarCrest Drive-Area Variance-Construction of pavilion in rear yard

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2016-10-Tibbits-24 Linden Avenue-Use Variance-construction of a 1,834 square foot two family dwelling-tentative

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage-tentative

ZBA Appeal #2016-12-Bogucki-24 CedarCrest Drive-Area Variance-Construction of pavilion in rear yard-tentative

WORKSHOP/DELIBERATION:

ZBA Appeal #2016-10-Tibbits-24 Linden Avenue-Use Variance-construction of a 1,834 square foot two family dwelling-tentative

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage-tentative

ZBA Appeal #2016-12-Bogucki-24 CedarCrest Drive-Area Variance-Construction of pavilion in rear yard-tentative

NEXT MEETING:

June 28, 2016

STATUS – NEW APPEALS ON JUNE 28, 2016:

Reconvene ZBA Appeal #2016-08-Friendly's -9 Troy Road-Use Variance-construction of a drive thru to existing restaurant

APPROVAL OF MINUTES:

May 24, 2016

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Trent Tibbits
For a **Use Variance**

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2016-10

Whereas, An application has been filed by Trent Tibbits of 24 Linden Avenue, Rensselaer, NY 12144, owner of the property on Moulds Avenue/Linden Avenue, Rensselaer, NY 12144. Applicant proposes to construct a two-family dwelling in the R-2 Zoning District. A two-family dwelling is not allowed in the R-2 Zoning District.

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located on Moulds Avenue/Linden Avenue, East Greenbush, NY (Tax Map No. 154.4-5-10); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 3, 2016; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, June 14, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its May 25, 2016 meeting gave an advisory opinion of the requested use variance; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

Resolved, That the Board of Appeals makes the following findings of fact:

1. The applicant provided **(failed to provide any)** financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does **(not)** suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

Resolved, that the application for a Use Variance for **a two family dwelling** be **__ (GRANTED/DENIED)** with **_____ (NO)** condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on June 14, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr.	_____
Joyce Lapham	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Domenico Pirrotta	_____
Lou Polsinello III	_____
Bob Seward III	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

****Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Copy To:

Trent Tibbits
22 Linden Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-10

Via Email: Building Inspector
Assessor

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
KSR Holding LLC.
Bill Rapp
For a **Use Variance**

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2016-11

Whereas, An application has been filed by KSR Holding, LLC. Bill Rapp of 2 Hillview Avenue, Rensselaer, NY 12144, owner of the property at 2 Hillview Avenue, Rensselaer, NY 12144 Applicant proposes to operate a storage/wholesale granite business granite business out of the existing garage in the B-1 Zoning District. Operating a storage/wholesale granite business is not allowed in the B-1 Zoning District.

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located at 2 Hillview Avenue, East Greenbush, NY (Tax Map No. 155.13-21-3.1); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 3, 2016; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, June 14, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its May 25, 2016 meeting gave an advisory opinion of the requested use variance; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

Resolved, That the Board of Appeals makes the following findings of fact:

1. The applicant provided **(failed to provide any)** financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does **(not)** suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

Resolved, that the application for a Use Variance for **a storage/wholesale granite business** be **___ (GRANTED/DENIED)** with **_____ (NO)** condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on June 14, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr.	___
Joyce Lapham	___
Matt Ostiguy	___
Jeff Pangburn	___
Domenico Pirrotta	___
Lou Polsinello III	___
Bob Seward III	___

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

****Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Copy To:

KSR Holding, LLC.
2 Hillview Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-11

Via Email: Building Inspector
Assessor

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Jason/Kathleen Bogucki
For **an Area Variance**

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2016-12

Whereas, An application has been filed by Jason & Kathleen Bogucki, 24 Cedarcrest Drive, Rensselaer, NY 12061, proposing to construct a 18' x 12' pavilion in rear property with a 6' rear setback. This is in violation of the Town's Comprehensive Zoning Law and Town Code of the Town of East Greenbush: Section II, Sub Section 2.6.2, Residential District (R-2), E: Area and Bulk Schedule, the required rear setback in the R-2 Zoning District is 25'; and

Whereas, The applicant has filed an appeal requesting an Area Variance at the property located at 24 Cedarcrest Drive, East Greenbush, NY (Tax Map No. 144.14-3-25); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 3, 2015; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, June 14, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its June 8, 2016 meeting recommended a favorable recommendation of the requested area variance; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

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
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

Resolved, that the application for the construction of a 18' x 12' pavilion in the rear yard be _____ **(GRANTED/DENIED)** with ___ **(NO)** condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on June 14, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr.	___
Joyce Lapham	___
Matt Ostiguy	___
Jeff Pangburn	___
Domenico Pirrotta	___
Lou Polsinello III	___
Bob Seward III	___

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

****Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Copy To:

Jason & Kathleen Bogucki
24 Cedarcrest Drive
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-12

Via Email: Building Inspector
Assessor