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
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
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
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