

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES OCTOBER 25, 2022

Members

Matt Ostiguy, Vice Chairman
Bob Seward III
Scot Strevell

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Ostiguy called the meeting to order and determined a quorum of three (3) members were present. Tom Hickey was absent. Jeff Pangburn had to recuse himself from this meeting.

PUBLIC HEARINGS:

ZBA Appeal #2022-09–Gregware– 10 Kitty Court- 2 Area Variances-Rear Setback for Deck & Garage

Vice Chairman Ostiguy referenced the following as being in the record:

- Legal Notice-was read by Vice Chairman Ostiguy
- PB Recommendation with supplemental report by John Conway
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet with authorization form
- Site Plan of site & Aerial view of site plan

James Gregware stated that he's looking to construct a 36' x 40' attached garage. The required setback is 30' and it's proposed to have a 13.3' rear setback. He is also proposing a 10' x 15' deck. The required setback is 30' and it's proposed to have a 22.4' setback. James Gregware addressed the five area variance criteria to the Board. James Gregware stated that the garage will be one story and will match the house (siding & roof). An alternative could've been to build a detached garage but there is a 30' easement that's deeded to the Town and he can't build on that.

Vice Chairman Ostiguy asked the Board if anyone had any questions.

- Bob Seward asked if the parking lot for 77 Troy Road that is located in the back corner of his lot is more than 30'. James Gregware stated that it's more than 30'.
- Scot Strevell asked if for an alternative could be to construct a detached garage and move the garage closer to the road. James Gregware stated that he's trying to align the peak of the proposed garage as to not block the windows on the east side of the house and it would look neater in the proposed location.
- Bob Seward stated that the applicant is also here for the deck and he assumes all the reasons for the garage are the same for the deck to. James Gregware stated that is correct & he is also making the existing deck a three season room so he wants a little area for a grill.

Vice Chairman Ostiguy wanted to note the shape of the plot of the property & how the house is positioned on the property.

Vice Chairman Ostiguy asked if the Board had any further questions. They did not.

Vice Chairman Ostiguy asked if there were any comments from the public.

- Walt Killough spoke and stated he's in favor of it.

- Claudia Wolfgang spoke and stated that she's in favor of it.

- Dave Terpening stated that it's nice to see that people do the right thing and asked if after this is built and would the Town check on what they built.

Bob Seward stated that after it goes through our department they have to go get a permit through the Building Department and then the building inspector would make sure it's built to the specifications.

Vice Chairman Ostiguy asked if there were any other questions from the Board. There were none.

Bob Seward made a motion to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 3-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2022-09-Gregware- 10 Kitty Court- 2 Area Variances-Rear Setback for Deck & Garage

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

WORKSHOPS:

ZBA Appeal #2022-09-Gregware- 10 Kitty Court- 2 Area Variances-Rear Setback for Deck & Garage

Resolved, That the Board of Appeals makes the following findings of fact in regards to the rear setback of 13.3 feet for the proposed garage:

1. There will not be an undesirable change in the character of the neighborhood as the proposed garage will have the same characteristics of the home, (color and roof line) and where the proposed garage fits appropriately on the property next to a ravine in the woods in the back.
2. There is no other method available to the applicant as there is an easement in the back of the yard, so the garage cannot be detached and the positioning of the garage and the house is the most esthetic and fits the character of the home itself.
3. The requested variance is not substantial given the shape of the back yard itself and the vegetation between the back of the garage and the nearest pavement provides plenty of space between those two.
4. The proposed variance will not have an adverse effect on the neighborhood given that it will match the character of the house.

5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for the construction of a 36' x 40' garage in the rear yard with a 13.3 foot rear setback be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by Bob Seward III at a meeting duly held on October 25, 2022.

(Discussion)

A vote was taken as follows:

Tom Hickey	<u>Absent</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Recused</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-0

Resolved, That the Board of Appeals makes the following findings of fact in regards to the rear setback of 22.4 feet for the proposed deck:

1. There will not be an undesirable change in the character of the neighborhood as the proposed deck is in the back of the house and follows the same structure and distance as the existing deck, it's just a slight expansion from what they have today.
2. There is no other method available to the applicant as this is the best design for the deck for an expansion.
3. The requested variance is not substantial as the setback is 30 feet and this is at 22.4 feet, again it's in the back of the house.
4. The proposed variance will not have an adverse effect on the neighborhood as the deck is in the back of the house and fits the existing deck in terms of size & shape.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for the construction of a 10' x 15' deck in the rear yard with a 22.4 foot rear setback be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on October 25, 2022.

(Discussion)

A vote was taken as follows:

Tom Hickey	<u>Absent</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Recused</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

NEXT MEETING: The next meeting is scheduled for October 22, 2022 and a public hearing is scheduled for that evening.

APPROVAL OF MINUTES:

Approval of October 11, 2022 meeting minutes tabled due to lack of quorum.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward. Seconded by Scot Strevell. Motion Carried by a 3-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary