

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MAY 28, 2019

Members

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

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of six (6) members were present. Tom Hickey was absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-06– Vanderover-54 Rose Lane–Area Variance: Proposal of a lot line adjustment that won't meet the required frontage.

The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application & Authorization Form
- Planning Board Recommendation with supplemental report by Mike Bottillo

The applicant didn't show up. Upon calling him, he stated that he totally forgot about the meeting. I confirmed that it was Jeremy Vanderover, the applicant on the phone and Chairman Pangburn conducted the public hearing with the applicant via speakerphone. Jeremy Vanderover resides at 39 Perry Avenue, Latham, NY 12110. Chairman Pangburn asked if Jeremy Vanderover just missed the meeting. Jeremy Vanderover stated that he had no excuse. Chairman Pangburn asked Jeremy to go over the 5 criteria for the Area Variance which he did.

•Chairman Pangburn asked Jeremy Vanderover if the lot line adjustment for the existing easement was necessary as it doesn't meet the 100' of frontage. Jeremy stated that he wants to do this to clean up ownership issue and make it clear for the owners & neighbor.
•Chairman Pangburn asked what the easement was for. Jeremy Vanderover stated that it's a utility and access easement. It's on a cul de sac and there are already frontage issues within the development.

Jeremy Vanderover stated that the lot line adjustment consists of .05 acres of land. Chairman Pangburn asked if anyone from the Board had any questions.

•John Conway asked in terms of the purchase of the land, if the subdivision already existed, if the easement was existing, what the easement consists of and what the applicant plans to do with it & if there is anything there currently.

Jeremy Vanderover stated that he purchased the property in June of 2018. The subdivision was approved back in 1993 and the easement was existing.

The easement is 25' at the road & 88' long and is for ingress and egress to and from the property and is also a utility easement. Jeremy just wants to build a single family residence. There are footings in place.

•Chairman Pangburn asked if he applied for a building permit utilizing the existing access easement. Jeremy Vanderover stated that is correct.

•John Conway asked if the property is otherwise land locked. Jeremy Vanderover stated that is correct.

•Matt Ostiguy asked what the setback to house will be. Jeremy Vanderover stated about 83'.

•Chairman Pangburn asked where did the idea come from obtaining ownership of the easement & he will take care of ½ the easement, who will take care of the other half.. Jeremy Vanderover stated that it was a cooperative effort between them and the neighbor & that the other 25' has a fire hydrant right in the middle of it.

•Chairman Pangburn asked if he is looking to put the driveway on the 25' he's purchasing & also if the 25' easement will be joined to make a single parcel. Jeremy Vanderover stated that yes he is and that yes it will be.

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

•John Conway asked who wrote up the variance and how did it come about. Jeremy Vanderover stated that Adam Yagelski helped him to fill out the application and that his surveyor filled out the short EAF.

Chairman Pangburn asked if there was anyone in the public who wanted to speak. There was no one.

Chairman Pangburn asked the applicant if there was anything else from the applicant. There was nothing.

Motion by Dan Smith to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-06– Vanderover-54 Rose Lane–Area Variance: Proposal of a lot line adjustment that won't meet the required frontage.

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

WORKSHOP: ZBA Members deliberated on the appeal.

ZBA Appeal #2019-06– Vanderover-54 Rose Lane–Area Variance: Proposal of a lot line adjustment that won't meet the required frontage.

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 the piece of property today is used for an access and utility easement and all this will be doing is clarifying the ownership of the land.
2. There is no other method available to the applicant as this is a clarification of the ownership.

3. The requested variance is substantial given a reduction from 100' down to 25'; however the easement is a total of 50' on the piece of land.
4. The proposed variance will not have an adverse effect on the neighborhood since it will be the same utilization.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for an Area Variance to adjust a lot line adjustment that won't meet the required frontage in the R-B Zone be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by Dan Smith at a meeting duly held on May 28, 2019.

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Tom Hickey	<u>Absent</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 on June 11, 2019

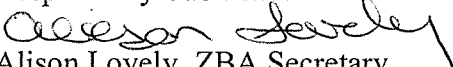
APPROVAL OF MINUTES:

Motion by John Conway to approve the meeting minutes from the May 14, 2019 meeting. Seconded by Matt Ostiguy. Motion carried by a 5-0-1 vote. Bob Seward abstains.

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 6-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary