

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 FEBRUARY 8, 2022

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell
Tom Hickey
Bob Seward III

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 five (5) members were present.

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2021-13–Benoit – 416/418 Hays Road- Area Variances- Proposed two lot major subdivision to separate a parcel with two single family dwellings on it.

Chairman Pangburn stated that he was reconvening the public hearing tabled awaiting a SEQR determination from the Planning Board, which has been received. Chairman Pangburn stated that Drew Schaufert was present who is authorized to speak on behalf of the applicant and asked him if there was anything additional he wished to add to the public record as part of the public hearing. Drew Schaufert stated that he did not have anything new to add. Chairman Pangburn asked if any members of the Board had anything to add to this application. No one had anything. Chairman Pangburn asked if there was anyone from the public that wished to comment. Dave Terpening was present but stated that he didn't have any comments.

Scot Strevell made a motion to close the public hearing.

Seconded by Bob Seward III. Motion carried by a 5-0 vote.

Reconvene ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontage

Chairman Pangburn stated that their reconvening the public hearing for the above application and asked who was present. Mrs. DeJulio and Mike DeJulio were both present and let Brian Holbriiter speak on their behalf. Chairman Pangburn asked Brian Holbriiter if he had anything to add. Brian Holbriiter stated that since they last spoke, they had a meeting with the Planning Board on January 26, 2022 and it went well, the Board had a couple of questions that they were able to answer and the Planning Board has scheduled a public hearing for the project at tomorrow night's meeting.

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

Chairman Pangburn asked if there was anyone in the public that wanted to speak.
•Dave Terpening stated that he feels the same as what he stated at the last meeting. It's more tax dollars for the Town of East Greenbush and the applicants have done all their work up front and as a homeowner in East Greenbush, he thinks it's a welcomed thing.

Tom Hickey made a motion to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

Reconvene ZBA Appeal #2021-13-Benoit – 416/418 Hays Road- Area Variances-The
Planning Board issued a Negative Declaration

ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontage-
The Planning Board issued a Negative Declaration

WORKSHOPS:

ZBA Appeal #2021-13-Benoit – 416/418 Hays Road- Area Variances

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 1 only having 1.8 acres where 5 acres is required:

1. There will not be an undesirable change in the character of the neighborhood as there will be no change, as the houses are existing since the 1930's or 1940's, the condition is unique and is adjacent to the R-B zone with 1 ½ acre minimum lot sizes.
2. There is no other method available to the applicant as the houses are existing since the 1930's or 1940's.
3. The requested variance is substantial, however it is a unique condition as it was built in the 1930's or 1940's before present zoning.
4. The proposed variance will not have an adverse effect on the neighborhood as it has existed since the 1930's or 1940's, and the adjacent R-B zone allows 1 ½ acre lots.
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 proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 1 only having 1.8 acres where 5 acres is required be **GRANTED** with **one** condition:

1. That the lot is not allowed to be further subdivided.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on February 8, 2022.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 1 only having 215.83' of frontage where 400' is required:

1. There will not be an undesirable change in the character of the neighborhood as the condition is existing, with a house on lot #1 and there will be no change in lot width.
2. There is no other method available to the applicant as the house and lot frontage are existing.
3. The requested variance is substantial, however the house and lot frontage are existing.
4. The proposed variance will not have an adverse effect on the neighborhood as it has existed in this manner since the 1930's or 1940's.
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 proposal for lot 1 only having 215.83' of frontage where 400' is required be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Robert Seward III at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 1 only having a 14.7' rear setback where 50' is required:

1. There will not be an undesirable change in the character of the neighborhood as the houses have existed since the 1930's or 1940's.
2. There is no other method available to the applicant as the houses are existing, and this lot line splits the two the two houses and lots equally.
3. The requested variance is substantial, however it is the best balance between the existing houses.
4. The proposed variance will not have an adverse effect on the neighborhood, as it has existed since the 1930's or 1940's.
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 proposal for lot 1 only having a 14.7' rear setback where 50' is required be GRANTED with one condition:

1. If a new house is constructed on lot #1, the standard setbacks of the code shall be followed.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 1 only having a 46' side setback where 50' is required:

1. There will not be an undesirable change in the character of the neighborhood as the houses are existing since the 1930's or 1940's.
2. There is no other method available to the applicant as the houses are existing.
3. The requested variance is not substantial as it is only 4' out of the 50' required.
4. The proposed variance will not have an adverse effect on the neighborhood as the houses have existed since the 1930's or 1940's.

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

Resolved, that the application for proposed lot 1 only having a 46' side setback where 50' is required be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 2 not having frontage on a public street:

1. There will not be an undesirable change in the character of the neighborhood as the houses have shared a driveway since the 1930's or 1940's and an easement will be granted across lot #1.
2. There is no other method available to the applicant as the houses are existing and bordered by a railroad and a steep slope.
3. The requested variance is substantial, however this condition was created in the 1930's or 1940's.
4. The proposed variance will not have an adverse effect on the neighborhood as it has existed in this scenario since the 1930's or 1940's.
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 proposal for a major two lot subdivision with proposed lot 2 only not having frontage on a public street be GRANTED with one condition:

1. That the easement be shown on the survey map as well as filed with Rensselaer County Clerk.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 2 only having 2.1 acres where 5 acres is required:

1. There will not be an undesirable change in the character of the neighborhood as it will be no change as the house is existing since the 1930's or 1940's, the condition is unique and is adjacent to the R-B zone with 1 ½ acre minimum lot size.
2. There is no other method available to the applicant as the houses are existing since the 1930's or 1940's.
3. The requested variance is substantial, however the condition is unique as the houses were built in the 1930's or 1940's.
4. The proposed variance will not have an adverse effect on the neighborhood as it has existed since the 1930's or 1940's and is adjacent to the R-B zone which allows 1 ½ acre lots.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for proposed lot 2 only having 2.1 acres where 5 acres is required be GRANTED with one condition:

1. No further subdivision of the lot be allowed.

This resolution was moved by Jeff Pangburn and seconded by Tom Hickey at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 2 only having 163.08' of frontage where 400' is required:

1. There will not be an undesirable change in the neighborhood as the condition has existed for the house on lot #2 since the 1930's or 1940's.
2. There is no other method available to the applicant as the house and lot frontage or lot width are both existing.
3. The requested variance is substantial however the house and lot frontage are existing.
4. The proposed variance will not have an adverse effect on the neighborhood as it has existed since the 1930's or 1940's.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for proposed lot 2 only having 163.08' of frontage where 400' is required be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 2 only having a 14.7' side setback where 50' is required:

1. There will not be an undesirable change in the character of the neighborhood as the houses have existed since the 1930's or 1940's.
2. There is no other method available to the applicant as the houses are existing and this lot line splits the two lots and houses equally.
3. The requested variance is substantial, however it is the best balance with existing houses.
4. The proposed variance will not have an adverse effect on the neighborhood as it has existed since the 1930's or 1940's.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for proposed lot 2 only having a 14.7' rear setback where 50' is required be GRANTED with one condition.

1. If a new house is constructed on lot #2, it meet the requirements of the current zone for setbacks.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on February 8, 2022.

(Discussion)

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

Motion carried 4-0-1

Reconvene ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontage

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 1 only having 35.71' of frontage where 75' is required:

1. There will not be an undesirable change in the character of the neighborhood as the remaining lot size will be substantially larger than the minimum lot size required in that zone.
2. There is no other method available to the applicant as the lots are located on the end of a cul de sac and the only way to create the extra lot is this frontage variance.
3. The requested variance is substantial, however the remaining lot size is substantially larger than the minimum required.
4. The proposed variance will not have an adverse effect on the neighborhood as the remaining lot sizes will be much larger than then the minimums required.
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 for the proposed minor 2 lot subdivision with lot 1 proposing a 35.71' front setback be GRANTED with two conditions:

1. That the lot contain one and only one driveway to the primary building on that lot.
2. That future subdivision of the cul de sac lot was not precluded as part of their original subdivision approval as indicated on the final site plans.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on February 8, 2022.

(Discussion)

Tom Hickey	<u>No</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>No</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-2

Resolved, That the Board of Appeals makes the following findings of fact with regards to proposed lot 2 only having 39.35' of frontage where 75' is required:

1. There will not be an undesirable change in the character of the neighborhood as the remaining lot size will be substantially larger than the minimum lot size required in that zone.

2. There is no other method available to the applicant as the lots are located on the end of a cul de sac and the only way to create the extra lot is this frontage variance.
3. The requested variance is substantial, however the remaining lot size is substantially larger than the minimum required.
4. The proposed variance will not have an adverse effect on the neighborhood as the remaining lot sizes will be much larger than then the minimums required.
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 for the proposed minor 2 lot subdivision with lot 2 proposing a 39.35' front setback be GRANTED with two conditions:

1. That the lot contain one and only one driveway to the primary building on that lot.
2. That future subdivision of the cul de sac lot was not precluded as part of their original subdivision approval as indicated on the final site plans.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on February 8, 2022.

(Discussion)

Tom Hickey	<u>No</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>No</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-2

NEXT MEETING: The next scheduled meeting is February 22, 2022.
Reconvene ZBA Appeal #2021-14-C & T EG LLC.-590 Columbia Trpk-Interpretation-Storage

APPROVAL OF MINUTES:

Motion by Tom Hickey to approve the January 25, 2022 meeting minutes. Seconded by Scot Strevell. Motion carried by a 5-0 vote.

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 5-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary