

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

June 12, 2018

Members

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

Also Present:

William Hessney, Attorney
Kateri Rhatigan, Stenographer
Alison Lovely, ZBA Secretary
Adam Yagelski, Director of Planning & Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Introductions were made. Chairman Pangburn stated that the newly appointed member, William Hessney has moved into the attorney's position. Bob Seward was absent.

OLD BUSINESS:

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2018-05-Cleary- California Avenue-Interpretation of the Zoning Code regarding undersized lots.

The applicant Bill Cleary was present as well as his representative Tim Nugent. Chairman Pangburn stated that the whole purpose of tonight's meeting was receiving and entering into the record the deeds for lot #'s 898 & 899/vacant land are hereby entered into the record. Chairman Pangburn stated that he made a synapse of the deeds with the dates of the ownership of the two parcels from 1927 up to 2017 for the Board & was marked as Exhibit #2018-05M which also included prior exhibit maps provided as part of the application. Also made part of the record was the deed dated December 8, 1977 from Teator to Cleary, Pytell, Rivet & Jeffries which was made Exhibit# 2018-05L Chairman Pangburn stated that there is no more public comment being heard tonight, the public hearing was just left open for the information provided. Chairman Pangburn asked if there was anything else. Tim Nugent spoke and stated that for Town purposes Lots 898 & 899 have always been considered as one lot, not two lots.

Motion by Matt Ostiguy to close the public hearing. Seconded by Scot Strevell. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-05-Cleary- California Avenue-Interpretation of the Zoning Code regarding undersized lots.

MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency

In regards to Reconvene ZBA Appeal #2018-05-Cleary- California Avenue- Interpretation of the Zoning Code regarding undersized lots.

In regards to Appeal #2018-05: Cleary- Application for an Interpretation, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

WORKSHOP(S):

The ZBA Members deliberated on the information both submitted and presented.

ZBA Appeal #2018-05–Cleary- California Avenue-Interpretation of the Zoning Code regarding undersized lots.

Resolved, That the following sections of the Comprehensive Zoning Law are referenced:

1. Section 2.5.1.A, which requires the “single and separate ownership prior to the adoption of the Town’s initial Zoning Ordinance on March 6, 1961, or any amendment thereto...”
2. Section 2.5.1.A.01 Such lot does not adjoin other undersized lot or lots held by the same owner...”

Resolved, That consistent with Section IV.4.2.2 of the Comprehensive Zoning Law, the Board of Appeals makes the following Interpretation of the Zoning Code:

1. The subject lot was held in common ownership both prior to 1961 and immediately after and subsequently through common ownership or control through family trust or other legal means thru the adoption of the current 2008 Comprehensive Zoning Law and therefore does not meet the required criteria as outlined in Section 2.5.1.A (Bullet #1 above) and therefore is not considered an Existing Undersized Lot.

This resolution was moved by Jeff Pangburn and seconded by Dan Smith at a meeting duly held on June 12, 2018.

A vote was taken as follows:

John Conway	<u>No</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Absent</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 4-1

NEXT MEETING: The next meeting is June 26, 2018, which has been cancelled.

APPROVAL OF MINUTES:

Motion by Chairman Pangburn to approve the meeting minutes from the May 8, 2018 meeting. 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 Dan Smith. Seconded by John Conway. Motion Carried by a 5-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary