

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 14, 2020

Members

Matt Ostiguy, Vice Chairman
Dan Smith
Bob Seward III
John Conway Jr.
Tom Hickey

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 six (5) members were present. Jeff Pangburn & Scot Strevell were absent. Introductions were made.

ORGANIZATIONAL MEETING 2020

Meetings:

- Meetings will be held two times per month on the second and fourth Tuesday of each month.
- Meetings will commence at 7:30 PM in the Town Court Room or in the Community Room.

Appointments:

The Town Board appointed Alison Lovely as the Zoning Board Secretary & William Hessney as the Zoning Board attorney at their January 2, 2020 Organizational Meeting.

Appointment of Vice Chairperson:

MOTION: A motion was made by Bob Seward as follows: **The Town of East Greenbush Zoning Board hereby appoints Matt Ostiguy as the Vice Chairman in absence of the Zoning Board Chairman.**

Second by John Conway Jr. & roll called as follows:

J. Pangburn-Absent; J. Conway Jr. -Yes; B. Seward III- YES; M. Ostiguy-YES; S. Strevell-Absent; D. Smith-YES; T. Hickey-YES.

MOTION CARRIED BY A 5-0 VOTE

Authorization for scheduling applications for public hearings:

MOTION: A motion was made by Vice Chairman Ostiguy as follows: **The Town of East Greenbush Zoning Board Chairman and secretary have approval to schedule applications for Public Hearings.**

Second by Dan Smith & roll called as follows:

**J. Pangburn-Absent; J. Conway Jr. -Yes; B. Seward III- YES; M. Ostiguy-YES;
S. Strevell-Absent; D. Smith-YES; T. Hickey-YES.**

MOTION CARRIED BY A 5-0 VOTE

Acceptance of 2020 Meeting Calendar:

MOTION: A motion was made by Vice Chairman Ostiguy as follows: The Town of East Greenbush Zoning Board hereby approves the proposed 2020 meeting calendar.

Second by Tom Hickey & roll called as follows:

**J. Pangburn-Absent; J. Conway Jr. -Yes; B. Seward III- YES; M. Ostiguy-YES;
S. Strevell-Absent; D. Smith-YES; T. Hickey-YES.**

MOTION CARRIED BY A 5-0 VOTE

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2019-17-Estate of Oreste Orciuoli-35 Oriel Lane-2 Area Variances- Establish existing lot as buildable-110' of frontage and .83 acres lot size

Vice Chairman Ostiguy stated that he was reopening the appeal and stated that two emails were received. The first email was marked as Exhibit 2019-17C from Kyle Bowdy and had drainage pictures of neighbor's property. The second email was marked as Exhibit 2019-17D and was an email from Henry Nahal which had questions like what was the size of the house, info about the sewer, drainage & possible conditions if it were approved. Vice Chairman Ostiguy gave a recap of the last meeting and that the first area variance was for frontage, 200' is required and the applicant is showing 110', the second area variance is for lot size, 1.5 acres is required and the applicant is showing .83 acres. Joe Liccardi is in charge of the estate of Oreste Orciuoli was present as well as Ed Brozowski the builder. Mr. Liccardi stated that they are in receipt of the report by Jim Moore of the Planning Board and he feels it says it all. There are 22 parcels on Oriel Lane and more than half of them are smaller than .83 acres that the applicant wants to build on. Vice Chairman Ostiguy stated that there were a couple of outstanding questions from the last meeting. One was the septic system and the question of the requirement to connect to the sewer. Ed Brozowski stated that there is no easement on the property in questions to connect to Robin Lane and there is no sewer on Oriel Lane. The other questions was about drainage which is out of the Zoning Board of Appeals jurisdiction and those concerns have been forwarded to the Department of Public Works.

Ed Brozowski stated that he only has one thing to add, he can develop a grading plan & submit it to the Town for approval. He said there are storm sewers that need to be addressed by the Town. Ed Brozowski stated that he has an approved septic system, there is water available to the site and he will pay the appropriate fees to hook up. Ed Brozowski stated that there are 23 lots and 9 of them are smaller than theirs. The house will consist of between 2,500 and 2,900 sq. ft. and will list for \$450,000 and up.

Vice Chairman Ostiguy asked if there were any questions from the Board.

•Dan Smith and Tom Hickey referenced the Planning Board's recommendation and stated that the number of lots built on that were either undersized or oversized.

Vice Chairman Ostiguy asked if there was anyone in the public that wanted to speak

- A resident from 39 Oriel Lane stated that his house is hooked up to sewer and there is sewer behind his house and there are no storm sewers on Oriel Lane.

Vice Chairman Ostiguy stated that according to the Department of Public Works, there are some lots that don't have an easement for sewer.

- The resident stated that there he installed a storm drain on his property and maintains it. He has installed three more drains on his front lawn.

- Dan Smith stated so there has been a water issue on Oriel Lane since 1988. The resident stated yes.

- A resident from 37 Oriel Lane had questions relating specifically to the size of the lot and the issues raised & the proposal is to put a swale for water to mitigate the runoff & wants to know where this info is.

- A resident stated that no information was provided about where the septic will be placed & whether it creates an environmental impact.

- A resident spoke and stated that the building permit stated \$250,000 instead of the \$450,000 mentioned tonight. It affects the value of his property and character of the neighborhood.

Vice Chairman Ostiguy stated that a permit to construct was received by Rensselaer County Department of Health

Joe Liccardi stated that he prepared the easement for sewer and the easement is not available to 35 Oriel Lane. Joe Liccardi stated that the Planning Board report stated that more than half of the properties have less than .83 acres on Oriel Lane.

- A resident from 37 Robin Lane has a small river coming across her lawn. She stated that she had a fence installed in 1994 and it's always wet and there is stuff growing on it. There is moss and there is always a smell from the sitting water. The neighbor dug a ditch down the fence line.

- John Conway Jr. asked if having a property developed would be worse than having a vacant lot in regards to drainage.

- Dan Smith asked what on Oriel Lane has been done in the last year that has caused the water.

Vice Chairman Ostiguy asked if there was anything new.

- A resident stated that the issue isn't the size of the house, it's the water issue. The issue is just another house.

- A resident has a concern during construction and the grading of the lot. The town should get assurances from the building to take the proper precautions to prevent water from running down the hill. He opposes the variances.

- A resident is worried about the septic right behind her house, she already has a French drain on her property.

Vice Chairman Ostiguy asked if there was anything from the Board, there was not, then he asked Ed Brozowski if he had anything else.

Ed Brozowski spoke and stated that the property slopes to the front and the rear of the lot slopes to the rear. When houses are built, the water issues will be more controlled.

Vice Chairman Ostiguy asked if there was anything else.

- A resident clarified that the existing storm sewer on Oriel Lane is on a private property.

Motion by John Conway Jr. to close the public hearing. Seconded by Tom Hickey.

Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-17-Estate of Oreste Orcuioli-35 Oriel Lane-2 Area Variances-
Establish existing lot as buildable-110' of frontage and .83 acres lot size

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

WORKSHOPS:

Workshop for **ZBA Appeal #2019-17 Estate of Oreste Orcuioli-35 Oriel Lane for 2 Area Variances** tabled until the January 28, 2020 meeting.

NEXT MEETING: The next meeting is on January 28, 2020 and will be the continuation of the workshop for **ZBA Appeal #2019-17 Estate of Oreste Orcuioli-35 Oriel Lane for 2 Area Variances**

APPROVAL OF MINUTES:

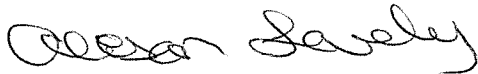
Meeting minutes from the December 10, 2019 meeting tabled until the January 28, 2020 meeting.

John Conway gave an update on the Comprehensive plan stating that the next meeting is a week from Monday and that things are getting real, material is being drafted and a complete draft should be available for the Town Board in March

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward III. Seconded by Tom Hickey. Motion Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, ZBA Secretary