

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEETING AGENDA

TUESDAY, MARCH 22, 2016

7:30PM

7:30 PM CALL TO ORDER

OLD BUSINESS:

NONE

PUBLIC HEARINGS:

ZBA Appeal #2016-04-Kupiec-61 Highland Drive-Special Use Permit & Use Variance-convert a building into a two family dwelling and construct a home occupation office.

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2016-04-Kupiec-61 Highland Drive-Special Use Permit & Use Variance-convert a building into a two family dwelling and construct a home occupation office.

WORKSHOP/DELIBERATION:

ZBA Appeal #2016-04-Kupiec-61 Highland Drive-Special Use Permit & Use Variance-convert a building into a two family dwelling and construct a home occupation office.

NEXT MEETING:

April 12, 2016

STATUS – NEW APPEALS ON APRIL 12, 2016:

No New Appeals

APPROVAL OF MINUTES:

February 9, 2016 & March 8, 2016

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Donald MacIntyre
For a Use Variance &
Special Use Permit

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2016-04

Whereas, An application has been filed by Donald MacIntyre of P.O. Box 250, East Greenbush, NY, proposes to convert a building into a two family dwelling and construct a home occupation office. Converting into a two family dwelling is not allowed in the R-1A Zoning District. The construction of a home occupation office is allowed in the R-1A Zoning District with the issuance of a Special Use Permit. Therefore, the applicant is requesting a Use Variance and a Special Use Permit for the property located at 61 Highland Drive East Greenbush, NY.

Whereas, The applicant has filed an appeal requesting a Use Variance & Special Use Permit at the property located on 61 Highland Drive, East Greenbush, NY (Tax Map No. 166.20-5-20); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on March 9, 2016; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, March 23, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its March 9, 2016 meeting recommended a favorable recommendation of the requested use variance & special use permit; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

Resolved, That the Board of Appeals makes the following findings of fact:

1. The applicant provided **(failed to provide any)** financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does **(not)** suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

Resolved, that the application for a Use Variance for the conversion a building into a two family dwelling in the R-1A Zoning District be _____ **(GRANTED/DENIED)** with _____ **(NO)** condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

- John Conway Jr. _____
- Joyce Lapham _____
- Matt Ostiguy _____
- Jeff Pangburn _____
- Domenico Pirrotta _____
- Lou Polsinello III _____
- Bob Seward III _____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

****Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Resolved, That the Board of Appeals makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11 of the Town's Comprehensive Zoning Law; therefore, be it

Resolved, that the application for a Special Use Permit for the construction of a home occupation office be **Granted for an initial period of 18 months** with the following condition(s) to be fulfilled by the owner before he applies for a Building Permit:

- 1)
- 2)
- 3)
- 4)

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

John Conway Jr. ____
Joyce Lapham ____
Matt Ostiguy ____
Jeff Pangburn ____
Domenico Pirrotta ____
Lou Polsinello III ____
Bob Seward III ____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

****Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Copy To:

Donald MacIntyre
P.O. Box 250
East Greenbush, NY 12061

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-04
Nancy Kupiec

Via Email: Building Inspector
Assessor