

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES NOVEMBER 14, 2023

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell
Tom Hickey

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of four (4) members were present. Bob Seward was absent.

PUBLIC HEARINGS:

ZBA Appeal #2023-13–DiCosmo– 60 Capitol Place- Area Variance-Carport

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by Bob Jucha
- Application Packet with summary of criteria
- ZBA Area Variance Application Packet

Pat DiCosmo the applicant was present as well as his father, who is also Pat DiCosmo. The applicant went over the area variance criteria and stated that the carport matches the existing home, as far as for the location, there was a pad there in front of the existing garage and if he met the setback, it would be in his back yard as there is no room. Pat DiCosmo stated that there is 19 feet to where the Town owns and 26 feet 10 inches to the grass line at the road & the carport is as close to the house as they could get it.

Chairman Pangburn asked how this was caught in the field. What was the trigger to get the area variance after the fact. Pat DiCosmo stated that the code enforcement office came out to do the final inspection and that's when it was caught.

Chairman Pangburn asked if the carport projects out past the house. Pat DiCosmo stated that it was parallel with the garage.

•Tom Hickey asked if it's attached to the ground in anyway. Pat DiCosmo stated that it's anchored in the ground on three sides and one anchor is in the concrete as there was an inground pool where part of the carport sits now.

•Scot Strevell asked if the carport roof and garage roof touch. Pat DiCosmo stated that they're close but don't touch.

•Matt Ostiguy asked if he considered a smaller or different size carport. Pat DiCosmo stated that it fits three cars wide and there is a car in the garage, he had to have a spot for his wife's car that's why it's so wide.

Chairman Pangburn asked if the front of the carport aligns with the garage, which allows a pass through from the carport into the garage, so if the applicant slid the carport back it would block part of the garage door. Pat DiCosmo stated that is correct, if he had slid it back towards his back yard. He needs to be able to utilize his garage for storage & to utilize it for the other car.

•Matt Ostiguy asked for confirmation that if the applicant purchased a smaller carport that it wouldn't of lined up with the garage door. Pat DiCosmo stated that was correct.

Chairman Pangburn asked for confirmation that the house doesn't have a basement and is on a slab. Pat DiCosmo stated that was correct.

•Matt Ostiguy asked what was underneath the carport, if it was all concrete or a mix of concrete and grass. Pat DiCosmo stated that it's asphalt and then about seven feet of dirt and grass and then a concrete walkway that used to go to the pool that used to be there.

Chairman Pangburn stated then to get that third vehicle in there you end up driving over part of the lawn. Pat DiCosmo stated that is correct.

Chairman Pangburn asked if this setback request is to the front of the house and the street and not to the applicant's neighbor's property. Pat DiCosmo stated that was correct.

Chairman Pangburn stated that according to the Planning Board report that the carport now blocks any paved access from the driveway to the front walkway. Pat DiCosmo stated that was correct.

Chairman Pangburn asked if any of the other Board members had any questions. There were none.

Chairman Pangburn asked if anyone in the public had any questions.

•Dave Terpening stated that he was impressed with Bob Jucha's report and commends the applicant for doing what he did. But he wonders why it wasn't caught initially.

Chairman Pangburn asked if there was anything else. There was none.

Tom Hickey made a motion to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2023-13-DiCosmo- 60 Capitol Place- Area Variance-Carport

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

WORKSHOPS:

ZBA Appeal #2023-13-DiCosmo- 60 Capitol Place- Area Variance-Carport

Resolved, That the Board of Appeals makes the following findings of fact in regards to the proposed front setback of nineteen feet for the proposed 28' x 20' carport in the front yard:

1. There will not be an undesirable change in the character of the neighborhood as the lawn will remain at 26 feet 10 inches and the carport will be parallel to the existing garage.
2. There is no other method available to the applicant as the carport sits over the existing driveway and aligns with the existing garage door.
3. The requested variance is not substantial as it is six feet of 25 feet and the remaining lawn area remains over 26 feet wide.

4. The proposed variance will not have an adverse effect on the neighborhood as it blends with the existing house.
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 installation of a 28' x 20' carport in the front yard with a proposed nineteen-foot front setback be GRANTED with one condition:

1. The front walk be extended from the driveway to the existing walkway.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on November 14, 2023.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

NEXT MEETING: The next meeting is on November 28, 2023

APPROVAL OF MINUTES:

Motion by Tom Hickey to approve the November 14, 2023 meeting minutes. Seconded by Matt Ostiguy. Motion carried by a 3-0-1 vote. Jeff Pangburn abstained.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Matt Ostiguy. Seconded by Scot Strevell. Motion Carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary