

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES APRIL 23, 2019

Members

Jeff Pangburn, Chairman
Bob Seward III
John Conway, Jr.
Scot Strevell
Matt Ostiguy
Tom Hickey

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 six (6) members were present. Dan Smith was absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-04– DiBella-11 Evergreen Way –Area Variance: Applicant proposes to construct a 10’ x 60’ addition to the front of their house with a 26’ front setback

The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Use & Area Variance Criteria
- Bldg. Permit Application & Authorization Form
- Planning Board Recommendation with supplemental report by Mike Bottillo

Marie & Joe DiBella were both present to discuss their application as well as their contractor John Russell. John Russell addressed the Area Variance criteria. John Russell stated that the proposal is for the construction of a 10’ x 60’ addition to the front of the home.

•Chairman Pangburn asked why the addition in the front of the house. John Russell stated that they need to construct a 5’ wide hallway in order for Joe to be able to get to every room in the house. Right now the hallway is only 3’ wide. So the addition in the front of the house is to widen the rooms and hallway.

•Chairman Pangburn asked what the look of the house was. John Russell stated there is brick on the bottom and siding on the top. The bottom will remain brick or stone and the top will be sided.

•Scot Strevell asked then if the house will have the same look. John Russell stated that is correct.

•Chairman Pangburn asked how the applicant will access the 1st and 2nd floors, as there is a sidewalk and stairs currently. John Russell stated that they will mimic what’s there but an elevator will be built in the garage for the applicant to access the first and second floors. Only one tree in the front yard will need to be removed.

- Chairman Pangburn asked what the roof line will look like. John Russell stated it will have a similar pitch but will be raised in the center.
- Scott Strevell asked if the roof would be pitched. John Russell stated that was correct. Chairman Pangburn asked if there were any other questions.
- John Conway asked if this was a self-created issue and asked if this was the only house he's always lived in. John Russell stated that the applicant has lived in the house since 1973.
- John Conway asked if the wheel chair was a recent thing. Joe DiBella spoke and stated that he fell four feet on June 5, 2017 and has been in the chair ever since.
- Chairman Pangburn asked if they could put the addition in the rear yard. John Russell stated that the electric service is back there, it's a small back yard and the kitchen and bathroom are in the rear part of the house and would be much more costly.
- Tom Hickey asked if it would be possible to do an extension off to the west. John Russell stated that yes they have visited that a number of houses for ideas but if there was an access like that then the applicant would not be able to go into the rest of the house. Chairman Pangburn stated that it looks like the southwest corner is the smallest.
- Tom Hickey asked if the whole addition would infringe on the setback but it looks like it would be less going towards the east.
Chairman Pangburn asked if there was any info on setbacks to neighboring properties. John Russell stated that he did not.
Chairman Pangburn asked if there was anyone present who wanted to speak.
- A neighbor spoke in support & stated that they are great neighbors.
- Another neighbor spoke in support of the variance.
- Mr. DiBella's physician was present in spoke about the applicant's injury and his need to go back home as they have been living in an apartment, it would be better for his mental health to be back in his home and neighborhood and around the things he loves.
- A neighbor from 8 Tamarack spoke about his past issue's with the DiBella's deck & fence being over their property line, he had to get a survey and it cost him money as well as being sued by them and they were granted an easement for the encroachment. He'd be in favor of the variance if the DiBella's would relinquish the existing easement for a vote of approval for their variance.
- The neighbor who would be most infringed upon spoke and stated he is in favor.
- Another neighbor spoke and stated that the DiBella's are excellent neighbors.
Chairman Pangburn asked to confirm if the resident that just spoke was the DiBella's immediate neighbor to the rear. The resident stated that is correct.
- Another neighbor spoke in favor and stated that the DiBella's are excellent neighbors.
Chairman Pangburn asked if there was anyone else who wished to speak in either favor or opposition to the Area Variance. There was no one.
Chairman Pangburn asked the Board if anyone had any questions. There was none.
Chairman Pangburn asked the applicant if there was anything else from the applicant. There was nothing.

Motion by Bob Seward to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 6-0 vote.

SEOR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-04– DiBella-11 Evergreen Way –Area Variance: Applicant proposes to construct a 10’ x 60’ addition to the front of their house with a 26’ front setback

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

WORKSHOP: ZBA Members deliberated on the appeal.

ZBA Appeal #2019-04– DiBella-11 Evergreen Way –Area Variance: Applicant proposes to construct a 10’ x 60’ addition to the front of their house with a 26’ front setback

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

1. There will not be an undesirable change in the character of the neighborhood as the addition will match the character of the existing house and surrounding neighborhood and will retain a substantial front yard in regards to the setback.
2. There is no other method available to the applicant as the front of the house is the only feasible means to widen the interior of the house without causing undue damage to the rear yard which is already constrained.
3. The requested variance is not substantial as the 26’ remaining setback is only to one corner of the house, whereas the other corner will maintain a 33’ setback requiring only a 2’ variance on that corner.
4. The proposed variance will not have an adverse effect on the neighborhood as the architecture and design will blend into the neighborhood.
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 construction of a 10’ x 60’ addition in the front yard with a 26 foot front setback be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by John Conway at a meeting duly held on April 23, 2019.

A vote was taken as follows:

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

Motion carried 6-0

NEXT MEETING: The next meeting on May 14, 2019

APPROVAL OF MINUTES:

Motion by John Conway to approve the meeting minutes from the April 9, 2019 meeting with corrections by John Conway. Seconded by Matt Ostiguy. Motion carried by a 5-0-1 vote. Tom Hickey abstains.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward. Seconded by Jeff Pangburn. Motion Carried by a 6-0 vote.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Alison Lovely", written in a cursive style.

Alison Lovely, ZBA Secretary