

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES May 23, 2017

#### **Members**

Jeff Pangburn, Chairman  
Joyce Lapham  
Matt Ostiguy  
John Conway, Jr  
Domenico Pirrotta  
Bob Seward III

#### **Also Present:**

Joseph Slater, Attorney  
Kateri Rhatigan, Stenographer  
Alison Lovely, ZBA Secretary

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Pangburn called the meeting to order and determined a quorum of six (6) members were present. Introductions were made. Kurt Bergmann was absent.

#### **OLD BUSINESS:**

#### **PUBLIC HEARINGS:**

**ZBA Appeal #2017-07 – Riley –211 Werking Road – Use Variance for the proposal to construct an attached 42’x32’ garage with second floor in-law apartment.**

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

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

Nathan Riley presented the proposal to the Board. He is proposing an attached addition for his parents with no separate entrance. He just wanted to have his aging parents live with him. He’s not sure how to ask for what he’s looking for. Chairman Pangburn asked the applicant to clarify that they’re just looking to build an in law apartment and not a separate apartment that can be used to rent. The applicant stated that is correct. Nathan stated that they’re looking to attach something right to their residence for his parents, not a separate address or anything. Chairman Pangburn stated that that might have been the confusion with the application. Chairman Pangburn stated that it’s allowed in the R-OS Zoning District as an Accessory Dwelling Unit as long as it’s secondary to the primary residence, that only a family member live there and that there is a limit on the size which is a maximum of 1,000 square footage, the applicant is asking for 1,344 square feet and an Area Variance can be asked for that aspect. Chairman Pangburn stated that the applicant can pursue a Special Use Permit (which is a temporary permit that every 18 months, the applicant needs to come into the building department and prove that a family member still lives there) and an Area Variance for the size of the apartment.

Chairman Pangburn asked if this is how the applicant wished to proceed. Nathan Riley stated that is correct. Chairman Pangburn read the criteria for an Area Variance and asked the applicant to verbally respond with answers, which Nathan Riley did. Chairman Pangburn asked if there were any questions from the Board.

● John Conway asked how big the lot is and clarification that the applicant is asking for a Special Use Permit and Area Variance. Nathan stated that the lot is 15.7 acres and George Hoffman stated that is correct, there is no Use Variance necessary now. Chairman Pangburn stated that the Board can entertain a lesser variance and George Hoffman stated that is correct.

Chairman Pangburn asked if there was any present who wanted to speak in favor of or against the application. There was no one present to speak in favor of or opposition to.

Motion by Matt Ostiguy to close the public hearing. Seconded by Bob Seward. Motion carried by a 6-0 vote.

### **SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2017-07 – Riley –211 Werking Road – Special Use Permit and Area Variance for the proposal to construct an attached 42’x32’ garage with second floor in-law apartment.**

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

### **WORKSHOPS:**

**ZBA Appeal #2017-07 – Riley –211 Werking Road – Special Use Permit for the proposal to construct an attached 42’x32’ garage with second floor in-law apartment.**

**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 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 an accessory dwelling unit be Granted for an initial period of 18 months with one condition.

1. That the applicant provides proof that a family member resides above the garage to the Building Department on a bi-annual basis.

**Resolved,** that the application to construct an attached 42’ x 32’ garage with a second floor in-law apartment be GRANTED with the one condition as stated above.

This resolution was moved by Jeff Pangburn and seconded by John Conway Jr. at a meeting duly held on May 23, 2017.

*(Discussion)*

A vote was taken as follows:

Kurt Bergmann	<u>Absent</u>
John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Yes</u>
Bob Seward III	<u>Yes</u>

Motion carried 6-0

**ZBA Appeal #2017-07 – Riley –211 Werking Road – Area Variance for the proposal to construct an attached 42’x32’ garage with second floor in-law apartment.**

**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 adjacent properties are spaced significantly and the property it will remain on is a 16 acre lot.
2. There is no other method available to the applicant as the in-law apartment is being built directly over the top of the proposed garage.
3. The requested variance is not substantial as the request is for 1,344 square feet out of 1,000 feet.
4. The proposed variance will not have an adverse effect on the neighborhood as the property is screened from the roadway and the garage will be attached to the primary residence.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved,** that the application to construct an attached 42’ x 32’ garage with a second floor in-law apartment be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on May 23, 2017.

*(Discussion)*

A vote was taken as follows:

Kurt Bergmann	<u>Absent</u>
John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Yes</u>
Bob Seward III	<u>Yes</u>

Motion carried 6-0

**NEXT MEETING:** The June 13, 2017 meeting is cancelled. The next time the Board will meet is June 27, 2017.

**APPROVAL OF MINUTES:**

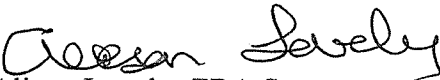
Motion by John Conway Jr. to approve the meeting minutes from the April 11, 2017 meeting. Seconded by Bob Seward. Motion carried by a 5-0-1 vote. Joyce Lapham abstained.

Motion by Chairman Pangburn to approve the meeting minutes from the April 25, 2017 meeting. Seconded by Matt Ostiguy. Motion carried by a 5-0-1 vote. Domenico Pirrotta abstained.

**MOTION TO ADJOURN**

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

Respectfully Submitted

  
Alison Lovely, ZBA Secretary