

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES

January 9, 2018

#### Members

Matt Ostiguy, Vice Chairman  
Bob Seward III  
John Conway, Jr.  
Scot Strevell

#### Also Present:

George Hoffman, Attorney  
Kateri Rhatigan, Stenographer  
Alison Lovely, ZBA Secretary  
Adam Yagelski, Director of Planning & Zoning

#### CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Ostiguy called the meeting to order and determined a quorum of four (4) members were present. Introductions were made. Jeff Pangburn was absent. There is a new member Scot Strevell. Domenico Pirrotta, Joyce Lapham and Kurt Bergmann are no longer with the Board.

#### ORGANIZATIONAL MEETING 2018

##### 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.

#### Appointment of Vice Chairperson:

MOTION: A motion was made by Bob Seward III 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. Conway Jr. -YES; B. Seward III-YES; M. Ostiguy-YES; S. Strevell-YES.

**MOTION CARRIED BY A 4-0 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 Bob Seward III & roll called as follows:

J. Conway Jr. -YES; B. Seward III-YES; M. Ostiguy-YES; S. Strevell-YES.

**MOTION CARRIED BY A 4-0 VOTE**

**Appointment of Attorney:**

MOTION: A motion was made by Vice Chairman Ostiguy as follows: **The Town of East Greenbush Zoning Board hereby appoints George Hoffman as attorney.**

**Second by Bob Seward III & roll called as follows:**

**J. Conway Jr. -YES; B. Seward III-YES; M. Ostiguy-YES; S. Strevell-YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**Appointment of Secretary:**

MOTION: A motion was made by Vice Chairman Ostiguy as follows: **The Town of East Greenbush Zoning Board hereby appoints Alison Lovely as secretary.**

**Second by Bob Seward III & roll called as follows:**

**J. Conway Jr. -YES; B. Seward III-YES; M. Ostiguy-YES; S. Strevell-YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**Acceptance of 2018 Meeting Calendar:**

MOTION: A motion was made by Vice Chairman Ostiguy as follows: **The Town of East Greenbush Zoning Board hereby approves the proposed 2018 meeting calendar.**

**Second by Bob Seward III & roll called as follows:**

**J. Conway Jr. -YES; B. Seward III-YES; M. Ostiguy-YES; S. Strevell-YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**NEW BUSINESS:**

**PUBLIC HEARINGS:**

**ZBA Appeal #2017-20– Ming-550 5 Sunset Lane-Area Variance for proposal to construct a 12' x 18' shed in the front yard 15' from the front setback.**

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

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

Jenny Ming, the applicant, explained to the Board how she wants to put a shed in the front yard which would be closer to her garage and much easier to access than the existing shed in her rear yard that is starting to show signs of age. Jenny Ming then addressed the Area Variance criteria.

- Vice Chairman Ostiguy asked if there were any questions from the Board. He started off by asking if there was any other method and there currently was anything in front of the proposed shed. Jenny Ming stated that the current shed is back on the rear property line and sits among large oak trees. There is a rose of sharon between the proposed shed and the street.
- John Conway asked where the new shed was proposed if it was drawn to scale and what the size was of the existing shed if and she is proposed to remove any trees in the front yard. Jenny Ming stated that the proposed shed is drawn to scale and that the existing shed is 12' x 12' and that she is not removing any trees in the front yard.
- Vice Chairman Ostiguy asked what the applicant will be using the new shed for. Jenny Ming stated for storage, the old shed is falling apart.
- Scot Strevell asked if the immediate neighbor had any issues. The neighbor was present to speak.
- Bob Seward asked if the new shed would fit where the old shed was and if so would that need a variance. Jenny Ming stated that there are trees, a rock wall and shrubs in the area of the old shed.
- Matt Ostiguy asked if there are any other homes that have similar sheds in the area. Jenny Ming stated that all of the other sheds are on the rear of their properties.

Vice Chairman Ostiguy asked if anyone was present to speak in favor or opposition.

- The immediate neighbor was present from 4 Sunset Lane and stated that the new shed will be 25' from their front lawn. They feel like the shed would fit better in the rear of the applicant's property.

Vice Chairman Ostiguy asked if Jenny Ming wanted to respond to the above.

Jenny Ming stated that she can't see that the shed would be a good fit in the rear of her property as the snow blower would have to be pushed up a hill and she would be snow blowing her lawn.

- Bob Seward asked if there was anywhere else on her property where the shed could go. Jenny Ming stated she would like to have it next to her driveway. The neighbor spoke up and stated that a tree in the front yard had already been removed.

Motion by John Conway Jr. to close the public hearing. Seconded by Scot Strevell.  
Motion carried by a 4-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2017-20- Ming-550 5 Sunset Lane-Area Variance for proposal to construct a 12' x 18' shed in the front yard 15' from the front setback.**

**MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency**  
In regards to **ZBA Appeal #2017-20- Ming-550 5 Sunset Lane-Area Variance for proposal to construct a 12' x 18' shed in the front yard 15' from the front setback.**

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

**WORKSHOPS:**

**ZBA Appeal #2017-20– Ming-550 5 Sunset Lane-Area Variance for proposal to construct a 12' x 18' shed in the front yard 15' from the front setback.**

**Resolved,** That the Board of Appeals makes the following findings of fact regarding the accessory building within the front yard:

1. There will be an undesirable change in the character of the neighborhood as the accessory building will be in the neighbor's front yard and directly across from the adjoining neighbor across the street.
2. There is another method available to the applicant as there is an existing older shed on the property and there is a rather large foot print for the property itself.
3. The requested variance is substantial.
4. The proposed variance will have an adverse effect on the neighborhood given the placement of the shed which is inconsistent with other homes in the neighborhood.
5. The alleged difficulty is self-created.

**Resolved,** that the application for an Area Variance for 12' x 18' shed located in the front yard be DENIED.

This resolution was moved by Matt Ostiguy and seconded by John Conway Jr. at a meeting duly held on January 9, 2018.

*(Discussion)*

A vote was taken as follows:

|                |               |
|----------------|---------------|
| John Conway    | <u>Yes</u>    |
| Matt Ostiguy   | <u>Yes</u>    |
| Jeff Pangburn  | <u>Absent</u> |
| Bob Seward III | <u>Yes</u>    |
| Scot Strevell  | <u>Yes</u>    |

Motion carried 4-0

**Resolved**, That the Board of Appeals makes the following findings of fact regarding the front yard setback:

1. There will be an undesirable change in the character of the neighborhood as the proposed building is in the front yard and directly across from a neighbor.
2. There is another other method available to the applicant as there is a large footprint of the property and there is an existing shed that this shed can be relocated to.
3. The requested variance is substantial given the front setback is 25' and the proposed shed is at 15'.
4. The proposed variance will have an adverse effect on the neighborhood.
5. The alleged difficulty is self-created.

**Resolved**, that the application for an Area Variance for a 12' x 18' shed with a front yard setback of 15' be DENIED.

This resolution was moved by Matt Ostiguy and seconded by Bob Seward III at a meeting duly held on January 9, 2018.

*(Discussion)*

A vote was taken as follows:

|                |               |
|----------------|---------------|
| John Conway    | <u>Yes</u>    |
| Matt Ostiguy   | <u>Yes</u>    |
| Jeff Pangburn  | <u>Absent</u> |
| Bob Seward III | <u>Yes</u>    |
| Scot Strevell  | <u>Yes</u>    |

Motion carried 4-0

**NEXT MEETING:** The next meeting is January 23, 2018.

**APPROVAL OF MINUTES:**

Approval of the September 12, 2017 meeting minutes postponed due to a quorum issue.

**MOTION TO ADJOURN**

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

Respectfully Submitted

  
Alison Lovely, ZBA Secretary