

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JUNE 23, 2020

Members

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

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Donna Moran, Stenographer
Dalia Szarowicz, Planner & Stormwater Officer
Taylor Tibbits, Recreation Assistant

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.

PUBLIC HEARINGS:

ZBA Appeal #2020-03-Guay-733 Columbia Turnpike-2 Area Variances-Proposes to construct a 24' x 22' detached garage in the rear yard

Chairman Pangburn started the meeting by explaining this meeting is being conducted remotely pursuant to Executive Order No. 202.1 issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus. The Zoning Board will convene the public meeting remotely as follows. The public hearing has commenced at 7:30pm & shall be conducted through the use of Zoom, a web based video conference tool with local desktop client and smart phone applications that will allow Board members and the public to participate electronically & remotely by audio & with or without a video connection. The meeting is being live streamed on the Town's YouTube Channel. Please note that if you wish to comment, you can enter a comment into the chat box at the bottom of the zoom window & you will be reached out to when the Board gets to the public comment portion of the public hearing.

PLEASE TAKE NOTICE that the ZONING BOARD of the Town of East Greenbush will hold a public hearing on June 23, 2020 beginning at 7:30 pm to consider the following matter: Appeal number # 2020-03 the appeal of Daniel Guay of 733 Columbia Turnpike, East Greenbush, NY 12061. The applicant proposes to construct a 24' x22' detached garage in the rear yard in the B-2 Zoning District with a proposed side & rear setback of 4 feet. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: II 2.7.3 General Business District. The required side & rear setbacks in the B-2 Zoning District are 12 feet. Therefore the proposed action requires 2 Area Variances for the property located at 733 Columbia Turnpike, East Greenbush NY. Tax Map # 177.8-7-16

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Member report & recommendation by Jim Moore

Daniel Guay stated that he's looking to replace existing structure with a new one & went over the Area Variance criteria.

•John Conway asked in regards to the current situation if this there is a two car garage there now and you're building a two car garage, how is this different besides being new and what are the dimensions. Daniel Guay stated that the existing structure has rotted over time due it's positioning to the two embankments. The proposal is for 24' wide as opposed to the current 24' deep, so it will free up 2' and moved it to the North to get it off the embankment in the rear and it's proposed to be 22' deep', so it will free up 2' and moved to the East to get it off the embankment on the east side. The structure will be metal.

•John Conway also was the apartments behind your residence built when the garage was there & was the embankment always there. Daniel Guay stated that he thinks that the embankment was done when the apartment was built.

•Scot Strevell for confirmation he thought the proposal structure was 24'x 22'. Daniel Guay stated that no, the proposed structure is 22' x 24' and the existing structure is 24' x 20'.

•Chairman Pangburn stated that from the application, the existing garage is 24' deep by 20' wide, which is a narrow garage but deeper. The proposed garage is 22' deep by 24' wide.

•Scot Strevell stated that either way this will still be non-conforming but it will be farther off the property line. Daniel Guay stated that it will be about 80 sq. ft. larger than the existing one.

•Chairman Pangburn stated that it will be 2' further off the rear setback and about 2' further off the side setback as well.

•Matt Ostiguy asked the applicant if there was any way to increase the setback and if not can you explain what the challenges are and why that's not possible to move it the 8' feet and make it compliant. Daniel Guay stated that if he was to move it to meet the side setback & rear setback then he wouldn't meet the required setback to the structure & he also needs to maintain the distance from the neighbor next to him.

•Tom Hickey stated just to verify, the lot is 50' wide the structure is going to be 24' wide which would leave 26' for a setback on either side if you turned the garage. Daniel Guay stated the issue would be pulling into it with the cars. He wouldn't be able to do it with the distance from the house and the turning radius. Bill Hessney also stated that for clarification there is also a porch and a deck off the rear of the house. There was continued discussion regarding Tom trying to determine the reason the proposed garage can't be turned.

•Chairman Pangburn asked for confirmation that the apartments "Greenbush Terrace" are directly behind him and that there is a wooded area in between & directly next to him on one side is the entrance into the apartment complex. Daniel Guay stated that is correct and there is 39' of greenspace between the entrance in and his property.

•Tom Hickey stated just to reiterate, if you moved the garage forward it would leave 12' between the garage and the second floor porch, which makes it not able to be maneuvered in and out of and if you moved it all the way to the 12' mark from the right, if you reoriented it then you can't make the turn into the garage that way. Daniel Guay stated that is correct.

•John Conway asked if the neighboring property is kind of close to his. Daniel Guay stated that it is closer to his property line.

Chairman Pangburn asked if anyone had anything else. There was nothing from the Board. Chairman Pangburn asked if there is anyone from the public in the meeting. There was no one. Chairman Pangburn asked the applicant if she had anything else. He stated that he did not.

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

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2020-03-Guay-733 Columbia Turnpike-2 Area Variances-Proposes to construct single family dwelling on lot with 60' frontage

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

WORKSHOPS:

ZBA Appeal #2020-03-Guay-733 Columbia Turnpike-2 Area Variances-Proposes to construct single family dwelling on lot with 60' frontage

Resolved, that the Board of Appeals makes the following findings of fact in regards to the proposed side setback of 4 feet:

1. There will not be an undesirable change in the character of the neighborhood as the new garage will be a replacement of the existing garage, the setbacks will actually improve and the newer building will replace a building beginning to deteriorate.
2. There is no other method available to the applicant as given the size of the back yard, the proximity of the home, the proximity of the neighbor and the need to be able to have enough room to be able to pull vehicles in the garage.
3. The requested variance is not substantial given that it's consistent with how the garage was currently located on the property.
4. The proposed variance will not have an adverse effect on the neighborhood given the location on Columbia Turnpike, it is very similar and is a replacement of an existing garage.
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 a proposed side setback of 4 feet be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on June 23, 2020.

(Discussion)

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>
Scot Strevell	<u>YES</u>

Motion carried 6-0

Resolved, that the Board of Appeals makes the following findings of fact in regards to the proposed rear setback of 4 feet:

1. There will not be an undesirable change in the character of the neighborhood given the support as listed for the side setback, in addition there are trees and plenty of foliage to protect the sites in the rear of the property.
2. There is no other method available to the applicant as the support listed for the side setback.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse effect on the neighborhood as listed in the resolution for the side setback.
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 a proposed rear setback of 4 feet be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by John Conway at a meeting duly held on June 23, 2020.

(Discussion)

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>
Scot Strevell	<u>YES</u>

Motion carried 6-0

NEXT MEETING: The next meeting is scheduled for July 14, 2020

APPROVAL OF MINUTES:

Approval of the June 9, 2020 meeting minutes tabled.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Scot Strevell. Seconded by Tom Hickey. Motion Carried by a 6-0 vote.

Respectfully Submitted

A handwritten signature in cursive script that reads "Alison Lovely". The signature is written in black ink and is positioned above the printed name.

Alison Lovely, ZBA Secretary