

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES February 27, 2018

Members

Jeff Pangburn, Chairman
John Conway, Jr.
Scot Strevell
Dan Smith
Matt Ostiguy
Bob Seward

Also Present:

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

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.

NEW BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2018-01–Thomas- 419 Luther Road-Area Variance for proposal to construct 28' x 32' detached garage 20' from property line.

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
- Supplement report by Mike Bottillo

David Thomas who is the applicant wants to neaten up his yard. He can't put it on the other side of his house. He is asking for a 30' variance from the required 50'.

- Chairman Pangburn asked how many vehicles in the garage. David Thomas stated two.
- Bob Seward III asked how high the garage will be. David Thomas stated 14', it will be a single story garage.
- Matt Ostiguy asked what the size of the existing shed was & how far it is from the property line. David Thomas stated 12' x 12' & its 10' from the property line.
- John Conway asked if the shed was coming down and if the distance of the garage to the house was 14' and if there is a single garage attached to the house now and if the septic field is in the rear of the house and if there are trees that will have to come down. David Thomas stated yes to all questions & that two pine trees will have to come down.
- Chairman Pangburn asked if he is going to pave to the house. David Thomas stated no, it's a horseshoe driveway now.
- Matt Ostiguy asked if there would be trees left. David Thomas stated yes.
- Dan Smith stated the house to the right of him looks like it has a detached garage in the rear of their property. Dan asked if the garage could be moved it to the back of the house. David Thomas stated that he isn't sure where the leech field is and it would take up back yard room.

- Chairman Pangburn asked if the side property line jutted in and if the block patio was still on the neighbor's property. David Thomas stated that yes the property line juts in and that the patio had been paved over.

Chairman Pangburn asked if there were any other questions. There were none.

Chairman Pangburn asked if anyone was present to speak in favor or opposition. There was no one present to speak in favor of or in opposition to.

- John Conway asked if a back variance is required for the garage. George Hoffman stated that the rear of the garage is still the side yard.

Motion by Bob Seward III to close the public hearing. Seconded by Scot Strevell.

Motion carried by a 6-0 vote.

ZBA Appeal #2018-02–Glaz- Old Luther Couse/New Road-4 Area Variances for proposal of the construction of 3 apartment buildings 47.3' tall on one lot.

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
- Supplemental report by Jim Moore

Brett Steenburgh is the Engineer for the project representing Paul Glaz. Brett Steenburgh stated that this is a unique parcel as it tapers in grade from 8-10% and they are utilizing the grade to put parking underneath the buildings. Brett Steenburgh stated that they are maintaining a 150' buffer to the neighbors on Glaz Road, there are no plans for clearing within the buffer area and there will be a 50' buffer between the one building and Newkirk Road. Chairman Pangburn stated that this came into the Town as a concept a year ago and anyone could put single family homes on that site, senior housing is an allowed use and the applicant is proposing to eliminate and ask the Town to abandon a portion of Newkirk Road where it connects to Luther Road, the variance is an average building height to grade.

Chairman Pangburn asked if anyone else had any questions.

- Dan Smith stated that the rear elevation says 57' but the variance being asked for is 47.3'. George Hoffman stated that the 47.3' is the average height consistent with the code measurement.
- John Conway asked if there would be any government subsidies & if the applicant could point out the boundaries of the site. Brett Steenburgh stated no they are market value and pointed out the boundaries of the site. He pointed out that there will be no access to Glaz Road, it will be for emergency access only. They are proposing a grill, bocce area, Pavilion, and garden area. They have pushed the project as far away from Glaz Road as possible. There is a 30' elevation difference from the parking lot to the houses on Glaz Road.
- Chairman Pangburn asked the applicant if he'd be willing to add a buffer to the rear of the properties on Glaz Road. Brett Steenburgh stated that yes they would.

- John Conway asked for the age for senior housing, that vehicular traffic would enter at the light at Luther and Michael Road, that every unit would have a space under it and asked how many bedrooms each unit would have. Brett Steenburgh stated that it would be for 62 years and older as stated in the Town's Zoning and confirmed yes that's where traffic would enter, that yes each unit would have one parking space under it and there would be 16 parking spaces in front of each building and 15 more spaces approximately by recreation area. The unit will be comprised of 1 to 2 bedrooms, not sure of the square footage of each unit yet.
- Dan Smith asked about the traffic study. Brett Steenburgh stated that he's not sure of the numbers.
- Matt Ostiguy asked if they had only one structure, how it would look. Brett Steenburgh said it would be large and look like an institution and would not have underground parking.

Chairman Pangburn asked if there were any other questions from the Board. There were none.

Chairman Pangburn asked if anyone was present to speak in favor or opposition. There was no one to speak in favor and the following either commented or spoke in opposition.

- An individual asked if SEQR had been done yet and asked if the wetland issue could possibly make the buildings have to move further back and if the emergency access was necessary. Brett Steenburgh stated that SEQR has not been done yet. The wetlands have been identified so the buildings won't be moved further back. The access road already exists.
- Sue from Glaz Road read a letter and was concerned with traffic, the buffer and noise and wondered why the large oak tree mentioned is so special, what about the rest of the trees.
- A resident from 22 Newkirk Road which is right near the main entrance is against the project due to traffic mainly; he stated his house is 13' from the road.

Chairman Pangburn stated that the public hearing will most likely be tabled until the status of SEQR is established and the letter received from resident on Glaz Road was marked as Exhibit #2018-02A

- An individual from Luther Road spoke and stated they have family members on Glaz Road and shouldn't this be a use variance for apartments as the proposed buildings are multi-family.

Motion by Chairman Pangburn to table the public hearing until receipt of the SEQR determination by the Town or Planning Board. Seconded by Matt Ostiguy.
Motion carried by a 6-0 vote.

ZBA Appeal #2018-03-Whitney- (3-15) Whitney Way-Interpretation for the proposed installation of (3) additional mobile homes in an existing mobile home park.

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial
- Bldg. Permit Application

- Planning Board Recommendation
- Supplemental report by Matt Polsinello

James Reilly the attorney for the applicant was present as well as the applicant Robert Whitney and his engineer Steve Hart. James Reilly presented the proposal to the Board which is the applicant wishes to install 3 additional mobile homes in his park to bring the number up to 8 which was what was originally there according to records. James Reilly presented photos of the denseness of the area homes with the mobile home park which Chairman Pangburn marked as Exhibit #2018-03A. James Reilly referenced the denial from the Building Department dated 12/6/17 and he stated that the Planning Board put a restriction on no more than 5 mobile homes in the park as part of the Drake 4-lot subdivision.

George Hoffman stated that he has a concern with the past Planning Board's requirement that only 5 trailers be allowed. Chairman Pangburn stated that everything seems to end at trailer #5 and that one objective of the Town is to eventually get rid of all non-conforming uses. Chairman Pangburn asked the Board if anyone had any questions.

- John Conway asked if there were any requirements for mobile home parks to be registered with the State. James Reilly said that there is now, but not sure if there was in 1962.
- Matt Ostiguy asked where the other three mobile homes are.
- Chairman Pangburn asked if they have a survey showing all the 8 hookups spots. Bob Whitney answered that they don't know where they are.

Chairman Pangburn asked if anyone was present to speak in favor or opposition. There was no one to speak in favor and the following either commented or spoke in opposition.

- A resident that lives on Country Meadow Drive stated that you can see the trailers year round and that they definitely hurt the property values in the area. There is an empty building lot next door and anytime anyone comes to look at it they see the trailers and then don't want to buy it and also when he bought his lot he was under the impression that the trailer park couldn't be expanded.
- A woman talked about how when the owner built that subdivision on Country Meadows Lane, the owner knew that the trailer park was there.

Robert Whitney stated that he has spoken with the owner of Country Meadows – Joe Torre and he doesn't have a problem with the proposal to put 3 more trailers in the park.

Chairman Pangburn asked if there were any additional questions from the Board.

- Dan Smith stated that Rensselaer County knew that upgrades were needed.
- Bob Seward asked where the closest Town water & sewer line was. Steve Hart stated that it's approximately 3/10 of a mile from the East Greenbush Tech Park Phase 2.
- A resident spoke again and stated that the area isn't as dense as they're saying. She said when they bought their place 7 years ago they were told that 5 trailers is all there would ever be.

Chairman Pangburn asked if the Planning office could look into a map from 1989 that James Reilly referenced. Chairman Pangburn asked for clarification of the subdivision map and for the applicant to identify where all the hookups are on the property.

Motion by Chairman Pangburn to table the public hearing until 3/13/18. Seconded by Scot Strevell. Motion carried by a 6-0 vote.

ZBA Appeal #2018-03–Whitney- (3-15) Whitney Way-Interpretation for proposed installation of (3) additional mobile homes in an existing mobile home park.

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

- Legal Notice
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SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-01–Thomas- 419 Luther Road-Area Variance for proposal to construct 28’ x 32’ detached garage 20’ from property line.

MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency
In regards to **ZBA Appeal #2018-01–Thomas- 419 Luther Road-Area Variance for proposal to construct 28’ x 32’ detached garage 20’ from property line.**

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

WORKSHOPS:

ZBA Appeal #2018-01–Thomas- 419 Luther Road-Area Variance for proposal to construct 28’ x 32’ detached garage 20’ from property line.

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 this is not a densely populated area and there are adjoining properties with detached garages of similar size.
2. There is no other method available to the applicant as there is a ravine on the left hand side of the applicant’s property and a septic and leech field in the rear of the house.
3. The requested variance is substantial as it requires a variance of 30’, when a requirement of 50’ is necessary.
4. The proposed variance will not have an adverse effect on 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 to construct a 28' x 32' detached garage in the side yard with a 20' side setback be GRANTED with 3 conditions:

1. Removal of the existing shed.
2. The requirement of planting six pieces of vegetation between the garage and the closest property line adjacent to the garage.
3. That no parking is allowed within the remaining side yard setback area.

This resolution was moved by Bob Seward III and seconded by John Conway at a meeting duly held on February 27, 2018.

A vote was taken as follows:

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

Motion carried 6-0

NEXT MEETING: The next meeting is March 13, 2018.

APPROVAL OF MINUTES:

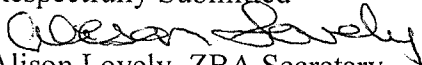
Motion by Chairman Pangburn to approve the meeting minutes from the September 12, 2017 meeting. Seconded by John Conway. Motion carried by a 4-0-2 vote. Scot Strevell and Dan Smith abstained.

Motion by Scot Strevell to approve the meeting minutes from the January 9, 2018 meeting. Seconded by Matt Ostiguy. Motion carried by a 4-0-1 vote. Chairman Pangburn abstained.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by John Conway Jr. Motion Carried by a 6-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary