

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 FEBRUARY 25, 2020

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell
John Conway Jr.
Tom Hickey
Dan Smith

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. Bob Seward was absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2020-01-Rudzinski-192 Water Road-2 Area Variances-Proposes installation of in-ground swimming pool in the front yard on a corner lot

Chairman Pangburn read the following into the record:

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application & Authorization Form for Thaddeus Rudzinski & Josh Morrison
- Planning Board Member report & recommendation by Jim Moore

Josh Morrison stated that they are proposing a swimming pool in the front yard as it's a corner lot. The property is on a corner lot on Waters Road & Greenwood Avenue Extension, the pool is being proposed 10' off the property line but there is still approximately 65' from the edge of Greenwood Drive Ext. due to their being a very large right of way. Christina Rudzinski stated that there are only three homes on Greenwood Avenue Extension, one being her dad, another being her sister and a state run home. Christina Rudzinski stated that the septic is located in the rear yard & there is a barn next to the driveway on the other side of the house and there is a protective wet area behind the barn, so where they are proposing the swimming pool is the only good place to put it. Christina Rudzinski stated that there is a deck behind the house so this is the best place to put it. A member asked what was the reason from changing the initially request for 22' to 10'. Christina Rudzinski stated that the change of setback is due to the location of the septic.

- Tom Hickey asked for clarification on the setback. Are they asking for 22' or 10'. Christina Rudzinski stated that they originally asked for 22' but after going over the pools location & size of the pool they decided to change it to 10'.

- Chairman Pangburn asked for the applicant to point on the pool drawing where the septic field is located.

•Dan Smith asked if the applicant could confirm, is it 45' or 65' from the edge of the blacktop. Josh Morrison stated that from the center of the black to the property line it's 75'. Josh Morrison stated that then they are 10' from the property line

•Tom Hickey asked how far to the edge of the road once the 10' is taken into consideration. Christina Rudzinski stated probably 60' - 65'.

•Matt Ostiguy asked if there will be any screening around the pool.

Christina Rudzinski stated that no one should see the pool from Waters Road and that no one should see it on the side of Greenwood Avenue Extension as there will be fencing.

•Tom Hickey asked that as part of the Planning Board's recommendation didn't they require screening. Chairman Pangburn stated that yes it did but didn't specify.

Christina Rudzinski stated then that some bushes should suffice.

Chairman Pangburn stated that the pool would have to have screening and the applicant would have to coordinate with code enforcement & the Planning Office for the correct language.

Chairman Pangburn asked who is located directly behind them.

Christina Rudzinski stated her parents.

•John Conway asked if there was anyone else living on Greenwood Avenue Extension. Christina Rudzinski stated that her sister is on the corner & then across from her parent's house is a state run home.

•John Conway asked about the dimensions again to be clear. The pool is going to be 75' from the road. Ted Rudzinski stated the distance is about 75' off of Greenwood Avenue Extension off the edge of pavement.

•Tom Hickey asked how far from the corner of the house will the pool be.

Christina Rudzinski stated the code says 11' from the deck.

Chairman Pangburn asked if anyone had anything else. There was nothing from the Board. Chairman Pangburn asked if there is anything from the public. There was nothing.

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

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2020-01-Rudzinski-192 Water Road-2 Area Variances-Proposes installation of in-ground swimming pool in the front yard on a corner lot

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

WORKSHOPS:

ZBA Appeal #2020-01-Rudzinski-192 Water Road-2 Area Variances-Proposes installation of in-ground swimming pool in the front yard on a corner lot

Resolved, with respect to the restriction on pools within the Front Yard, 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 it is a dead end road.

2. There is no other method available to the applicant as the lot is oddly shaped, surrounded by wetlands and restricted by a leach field.
3. The requested variance is substantial.
4. The proposed variance will not have an adverse effect on the neighborhood as there are a limited number of homes on road.
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 in-ground swimming pool in the front yard be GRANTED with the following condition:

1. Screening material as required by the Town Planning Board be incorporated into the application for construction.

This resolution was moved by John Conway and seconded by Dan Smith at a meeting duly held on February 25, 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>Absent</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 6-0

Resolved, with respect to the variance to reduce the front yard setback to 10 feet, 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 it is a dead end road & lightly traveled.
2. There is no other method available to the applicant as the property is restricted by an odd shape and the leach field.
3. The requested variance is substantial however the right of way is excessively wide to the tune of 45' beyond normal town streets.
4. The proposed variance will not have an adverse effect on the neighborhood as it is a lightly traveled road.

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 front setback equal to 10 feet be GRANTED with the following condition:

1. Screening material as required by the Town Planning Board be incorporated into the application for construction.

This resolution was moved by John Conway and seconded by Tom Hickey at a meeting duly held on February 25, 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>Absent</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 6-0

NEXT MEETING: The next meeting is scheduled for March 10, 2020

Jeff Pangburn took a moment and stated that Dan Smith was resigning from the Board as he's sold his house and is moving out of Town. Jeff Pangburn thanked Dan Smith for his time and stated he's been an asset to the Town.

APPROVAL OF MINUTES:

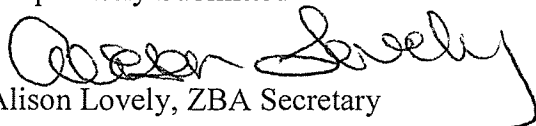
Motion by John Conway to approve the January 28, 2020 meeting minutes. Seconded by Matt Ostiguy. Motion carried by a 4-0-2 vote.

John Conway gave an update on the Comprehensive plan. He stated that they hope to get the Land Use Plan to the Town Board in March or April.

MOTION TO ADJOURN

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

Respectfully Submitted


Alison Lovely, ZBA Secretary