

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MAY 14, 2024

#### **Members**

Jeff Pangburn, Chairman  
Matt Ostiguy  
Bob Seward  
Scot Strevell

#### **Also Present:**

William Hessney, Attorney  
Alison Lovely, Secretary  
Kateri Rhatigan, Stenographer

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

Chairman Pangburn called the meeting to order and determined a quorum of four (4) members were present. Matt Ostiguy was absent.

#### **PUBLIC HEARINGS:**

#### **ZBA Appeal #2024-03–Comstock- 10 Pinegrove Street- Area Variance for side setback for pole barn**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation for both
- Planning Board Recommendation with supplemental report by Mike Tierney
- Application Packet with summary of criteria

Scott Comstock & Rich Benko were both present. Scott Comstock stated that there are two existing structures on the property near where the pole barn is proposed. An existing garage and shed. Scott Comstock showed the Board some photos which Chairman Pangburn marked as Exhibit's 2023-03A-D. There were photos of the garage constructed back in the 1940's. Rich Benko stated that the neighbor has pavement right up the property line. Chairman Pangburn asked if there was any where else on the property to put it. Rich Benko stated that there is drainage on the other side of the rear property & they would like to line it up with the existing structures & they would have trouble accessing it.

•Scot Strevell asked the applicant to describe the property and what structures were existing. The applicants described what they have existing on the property today.

•Tom Hickey asked for clarification on the size of the proposed pole barn & also asked how come you just can't move it three more feet to make the eight-foot setback. The applicants stated that they just want to have it lined up with the other two structures, but it would also conflict with the drainage pipe? in the yard and also a fire pit in the middle of the yard.

•Tom Hickey asked if it will be attached to the other two structures. Rich Benko stated that they want to run the roof line, but it will not be physically attached. Scott Comstock stated that he wants to put in Sono tubes to anchor it.

Chairman Pangburn asked if there were any other questions from the Board. There were none. Chairman Pangburn asked if the public had a comment.

•Dave Terpening commended the applicant for doing the right thing. He feels that as long as the neighbors are ok with it, then why not.

**Scot Strevell made a motion to close the public hearing.**

**Seconded by Tom Hickey. Motion carried by a 4-0 vote.**

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2024-03–Comstock- 10 Pinegrove Street- Area Variance for side setback for pole barn**

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

**WORKSHOP:**

**ZBA Appeal #2024-03–Comstock- 10 Pinegrove Street- Area Variance for side setback for pole barn**

**Resolved,** That the Board of Appeals makes the following findings of fact in regard to the proposed side setback of five feet for the proposed 25’ x 12.5’ pole barn in the rear yard:

1. There will not be an undesirable change in the character of the neighborhood as it will align with two existing structures.
2. There is another method available to the applicant; however, it would match an existing structure and would impact drainage.
3. The requested variance is not substantial as it will be three feet into the eight-foot setback.
4. The proposed variance will not have an adverse effect on the neighborhood as it will match two existing structures.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved, that the application for the construction of a 25’ x 12.5’ pole barn in the rear yard with a proposed five-foot side setback be GRANTED with one condition.**

1. That the new pole barn does not direct or allow roof drainage onto the neighboring property.

This resolution was moved by Scot Strevell and seconded by Bob Seward at a meeting duly held on May 14, 2024.

*(Discussion)*

A vote was taken as follows:

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

Motion carried 4-0

**APPROVAL OF MINUTES:**

Motion by Bob Seward to approve the March 23, 2024 meeting minutes. Seconded by Scot Strevell. Motion carried by a 4-0 vote. Tom Hickey abstained.

**NEXT MEETING:** The next meeting is on May 28, 2024

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by Bob Seward. Motion Carried by a 4-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, ZBA Secretary