

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MAY 28, 2024

#### Members

Jeff Pangburn, Chairman  
Tom Hickey  
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 #2024-04--(Schechter) Davis- 20 Tanners Lane- 2 Area Variances for side & rear setback for shed

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by John Conway
- Application Packet with summary of criteria

Sarah (Schechter) Davis was present. She stated that she is replacing an existing 8' x 12' shed with a 10' x 14' shed. There is a well cap in her rear yard and the way the new door is going to open on the long side of the shed, it will open to the ramp going right to the well cap unless she can place it 3 feet away from each of the fence lines. Chairman Pangburn stated that the Board received both electronically and by hard copy a presentation with the criteria address of her proposal.

Chairman Pangburn asked if the Board had any questions.

•Tom Hickey asked why she couldn't have the door on the short side of the shed. Sarah stated that she could, but she wants to have one side for summer stuff and one side for winter stuff and if the door was on the long side, it would make the space more usable.

•Tom Hickey asked why she just couldn't move the shed over further so the well head wouldn't be right in front of the door. Sarah stated that the well cap is 13' out from her fence, so she would have to move the shed beyond that.

•Tom Hickey asked how close her neighbor's sheds are to the fence. Sarah said one is 3 feet, one is about 2 feet, and one is about 1 ½ feet.

•Scot Strevell asked if the well cap is permanent. Sarah stated that the house was serviced by a well prior to her purchasing the house, it's on Town water now.

Chairman Pangburn stated that sliding it away would impact the garden area. Sarah stated that it would.

•Tom Hickey stated putting the door on the short side would do the same. Sarah stated that it would.

Chairman Pangburn stated she wasn't going any closer than her old shed. Sarah said she wasn't.

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 stated applicant did all the right things, if the neighbors don't mind and if the Board makes their decision on sound and reasonable judgement, then why not.

Chairman Pangburn asked if there was anything else. There was nothing else.

**Bob Seward made a motion to close the public hearing.**

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

**ZBA Appeal #2024-05-(Tartaglia) Grignon- 9 Boncroft Drive- Area Variance for front setback for shed**

Chairman Pangburn referenced the following as being in the record:

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

Matthew Rosenthal, the applicant stated that the property is on a corner lot. Meaghan Grignon who is the property owner submitted some photos which were entered into the record on Exhibit's 2024-05 A-F. Meaghan stated that there is no option to put the shed on the other side of the home and the backyard has an inground pool.

Chairman Pangburn asked if the Board had any questions.

•Scot Strevell asked what was to the right of the pool. Meaghan stated that the pool is up to the fence.

•Tom Hickey stated that the diagram was not too scale.

Chairman Pangburn asked how much space would there be between the fence and the shed.

Meaghan stated that the shed will be right up against the fence.

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

•Bob Seward asked if there was any room to put the shed inside the fence, inside the rear yard to the right of the pool. Meghan stated that there is a hill there as well as the pool equipment is located there.

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 stated applicant did all the right things, if the neighbors don't mind and it doesn't set a precedence than ok.

Chairman Pangburn asked if there was anything else. There was nothing else.

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

**Seconded by Jeff Pangburn. Motion carried by a 4-0 vote.**

**ZBA Appeal #2024-06-Turoski- 34 Janine Drive- Interpretation for Accessory structure on vacant lot with no primary structure**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn

Richard Turoski stated that he'd like to place a 100 square foot, 10' x 10' shed off the edge of the vacant property that he owns behind his house. He wants to put some crushed stone down and put the shed on that.

Richard stated that there are some drainage issues on the lot, water comes in from the rear of the property. The shed would be located on the other side of the drainage basin and wouldn't be impacted by the water. It could be moved if the Town ever needed to access the drainage basin.

·Bob Seward asked if the applicant had any intention of developing the lot without a home. Richard stated he did not.

·Scot Strevell stated that the vacant lot runs behind his neighbor's house. Richard stated that it runs behind three lots.

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 stated that it may set a precedence, he feels that a lot line adjustment would be a better solution.

Chairman Pangburn asked if he paid taxes on both lots. Richard stated that he did.

Chairman Pangburn asked if there was anything else. There was nothing else.

**Bob Seward made a motion to close the public hearing.**

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

**SEOR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2024-04--(Schechter) Davis- 20 Tanners Lane- 2 Area Variances for side & rear setback for shed**

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

**ZBA Appeal #2024-05--(Tartaglia) Grignon- 9 Boncroft Drive- Area Variance for front setback for shed**

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

**ZBA Appeal #2024-06--Turoski- 34 Janine Drive- Interpretation for Accessory structure on vacant lot with no primary structure**

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

**WORKSHOP:**

**ZBA Appeal #2024-04--(Schechter) Davis- 20 Tanners Lane- 2 Area Variances for side & rear setback for shed**

**Resolved,** That the Board of Appeals makes the following findings of fact in regards to the proposed side setback of three feet for the proposed 10' x 14' shed in the rear yard:

1. There will not be an undesirable change in the character of the neighborhood as there is multiple sheds in the same proximity with similar or less setbacks.
2. There are other methods available to the applicant but those are not desirable for the use of the property.
3. The requested variance is not substantial in terms of its location in the yard, it does not reduce anybody else's use of the property and it is also similar to the other setbacks.
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 the construction of a 10' x 14' shed in the rear yard with a proposed three-foot side setback be GRANTED with NO conditions.**

This resolution was moved by Tom Hickey and seconded by Scot Strevell at a meeting duly held on May 28, 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

**Resolved,** That the Board of Appeals makes the following findings of fact in regards to the proposed rear setback of three feet for the proposed 10' x 14' shed in the rear yard:

1. There will not be an undesirable change in the character of the neighborhood as there are multiple sheds with similar setbacks.
2. There are other methods available to the applicant, but they are not desirable for its use.
3. The requested variance is not substantial as other properties also have a similar setback.
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 the construction of a 10' x 14' shed in the rear yard with a proposed three-foot rear setback be GRANTED with NO conditions.**

This resolution was moved by Tom Hickey and seconded by Bob Seward at a meeting duly held on May 28, 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

**ZBA Appeal #2024-05–(Tartaglia) Grignon- 9 Boncroft Drive- Area Variance for front setback for shed**

**Resolved,** That the Board of Appeals makes the following findings of fact in regards to the proposed front setback of ten feet for the proposed 8’ x 12’ shed in the front yard:

1. There will not be an undesirable change in the character of the neighborhood as the shed will align with the existing fence and be softened by additional landscaping.
2. Although there are other methods available to the applicant none appear to be more reasonable than the location as proposed.
3. The requested variance is substantial as it is only providing 10-feet of the 35-foot setback, however an additional 10-feet of grass area exists up to the existing paved street softening the variance request.
4. The proposed variance will not have an adverse effect on the neighborhood as it aligns with an existing fence and will be tucked against the existing fence providing a slight extension of the existing landscape line of the property.
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 an 8’ x 12’ shed in the front yard with a proposed ten-foot front setback be GRANTED with ONE condition:**

1. That landscaping be planted along the side of the shed to minimize the view of the shed from the street.

This resolution was moved by Jeff Pangburn and seconded by Tom Hickey at a meeting duly held on May 28, 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>No</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-0

**ZBA Appeal #2024-06–Turoski- 34 Janine Drive- Interpretation for Accessory structure on vacant lot with no primary structure**

**Resolved**, That the Zoning Board of Appeals makes the following interpretation of The Comprehensive Zoning Law of 2008:

1. That accessory structures, located on a lot immediately adjacent to a lot with a primary structure of common ownership, can be considered part of the premises; however, should the primary structure and lot be separated from common ownership, the accessory structure would no longer be in compliance with the terminology of Section 4.5 Terminology & Index of the Comprehensive Zoning Law of 2008. In such an event, the accessory structure would not be deemed to be a pre-existing, non-conforming accessory structure, and would then be deemed a non-complying accessory structure under the East Greenbush Comprehensive Zoning Law of 2008.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward at a meeting duly held on May 28, 2024.

A vote was taken as follows:

Tom Hickey	<u>No</u>
Matt Ostiguy	<u>Absent</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-0

**APPROVAL OF MINUTES:**

Motion by Scot Strevell to approve the May 14, 2024 meeting minutes. Seconded by Tom Hickey. Motion carried by a 4-0 vote.

**NEXT MEETING:** The next meeting on June 11, 2024 is hereby cancelled.

**MOTION TO ADJOURN**

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

Respectfully Submitted

Alison Lovely, ZBA Secretary