

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 January 22, 2019

Members

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

Also Present:

William Hessney, 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 five (5) members were present. Introductions were made. Matt Ostiguy & Bob Seward were absent.

ORGANIZATIONAL MEETING 2019

Meetings:

- Meetings will be held two times per month on the second and fourth Tuesday of each month.
- Meetings will commence at 7:30 PM in the Town Court Room or in the Community Room.

Appointment of Vice Chairperson:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby appoints Matt Ostiguy as the Vice Chairman in absence of the Zoning Board Chairman.**

Seconded by John Conway Jr. & roll called as follows:

J. Pangburn-YES; J. Conway Jr. -YES; T. Hickey-YES; S. Strevell-YES; D. Smith-YES.

MOTION CARRIED BY A 5-0 VOTE

Authorization for scheduling applications for public hearings:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board Chairman and secretary have approval to schedule applications for Public Hearings.**

Seconded by Dan Smith & roll called as follows:

J. Pangburn-YES; J. Conway Jr. -YES; T. Hickey-YES; S. Strevell-YES; D. Smith-YES.

MOTION CARRIED BY A 5-0 VOTE

Appointment of Attorney:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby appoints William Hessney as attorney.**

Seconded by Scot Strevell & roll called as follows:

J. Pangburn-YES; J. Conway Jr. -YES; T. Hickey-YES; S. Strevell-YES; D. Smith-YES.

MOTION CARRIED BY A 5-0 VOTE

Appointment of Secretary:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby appoints Alison Lovely as secretary.**

Seconded by Dan Smith & roll called as follows:

J. Pangburn-YES; J. Conway Jr. -YES; T. Hickey-YES; S. Strevell-YES; D. Smith-YES.

MOTION CARRIED BY A 5-0 VOTE

Acceptance of 2019 Meeting Calendar:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby approves the proposed 2019 meeting calendar with the removal of the meeting on 12/25/19.**

Seconded by Tom Hickey & roll called as follows:

J. Pangburn-YES; J. Conway Jr. -YES; T. Hickey-YES; S. Strevell-YES; D. Smith-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2018-14– Hall-45 Phillips Road-2 Area Variances for proposal to construct a 16' x 24' shed in the side yard & close to the principal building.

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 with supplemental report by Matt Polsinello

Colin Hall who is the applicant's son spoke on Mr. Hall's behalf. The applicant wants to construct a 16' x 24' shed for his father 1948 Chevy. The applicant purchased the house after it was built and the garage is not big enough for the car and all of his tools and other stuff. Colin Hall stated that the space between the buildings will be paved.

Colin Hall stated that it's a tight fight and anything smaller would be too small to store the car in. Chairman Pangburn asked the applicant to address the Area Variance criteria. Colin Hall stated that the old fence will come down and the side lot will be cleaned up, although he's not sure whose fence it is. There is no other room to build the shed without needing a variance. Colin Hall stated he thinks the proposed garage will be 4' from the garage and 4' from the property line. They are not doing anything much different than what is there now. They will not be affecting anything environmental.

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

- John Conway asked if this is the same property that has the line of trees. Colin Hall stated that there are two decent trees that will stay but that the fence will be removed.
- Chairman Pangburn stated that the garage looks like a two car garage. Colin Hall stated that yes it is, his mom's car is in one bay and his dad has a lot of tools that are in the other bay.
- Scot Strevell asked stated that he missed it, are they putting down a slab. Colin Hall stated no, either crusher run or blacktop.
- Dan Smith read the list of what will be in the new shed. Colin Hall stated that it would be stuff that wouldn't fit in the garage. Dan Smith asked if the applicant ever thought of putting the 1948 Chevy in the main garage and putting the tools and stuff in the outside shed. Collin Hall stated that then he would have to run power to the shed to heat it and that is a cost they didn't want to spend. Dan Smith stated that he is trying to think of a way to accomplish this without needing a variance. Colin Hall stated that it would be cost effective to do that.
- Tom Hickey asked when the house was built. Colin Hall stated he thinks in 2017. Colin Hall stated he's not sure, his parents bought it in August of 2018.
- Tom Hickey said so his parent's didn't have the house built. Colin Hall stated that no, it was built and then they found it.
- John Conway Jr. asked if his parents have ever appeared before a public body and asked if the Planning Board had contacted them at all regarding this matter. Colin Hall stated no to both.
- Tom Hickey asked how many feet from the end of the garage to the property line. Colin Hall stated that there is 17.6' from the line to the corner of the house and there is 5' to the garage, so about 22'.

Chairman Pangburn asked if there was anyone in the public to speak for or against the application.

- A resident who lives on Garfield Place stated the old house that was on the subject property was located right up to Phillips Road and the lot has a high water table. She said the new house was built higher than the old house and if more asphalt is added then there will be more water run off going into the neighbors next door to the property and that they don't have enough of a back yard.

Colin Hall stated that there are two service drains that run between the property and that they had nothing to do with the way the house was built. Colin Hall stated that he has \$40,000 worth of tools in his garage. Colin Hall stated that his father has 3 times the amount of tools that he has.

- A resident stated that the sewer drain that was put in was put in before the house was built.

Motion by Dan Smith to close the public hearing. Seconded by Scot Strevell. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-14– Hall-45 Phillips Road-2 Area Variances for proposal to construct a 16’ x 24’ shed in the side yard & close to the principal building.

MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency

In regards to **ZBA Appeal #2018-14– Hall-45 Phillips Road – 2 Area Variances for proposal to construct a 16’ x 24’ shed in the side yard & close to the principal building.**

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

WORKSHOPS:

ZBA Appeal #2018-14– Hall-45 Phillips Road-2 Area Variances for proposal to construct a 16’ x 24’ shed in the side yard & close to the principal building.

Resolved, That the Board of Appeals makes the following findings of fact:

1. There will be an undesirable change in the character of the neighborhood as the proposed shed will be significantly close to the property line of the neighboring house.
2. There are other methods available to the applicant as the existing garage can be expanded to the side and front yard.
3. The requested variance is substantial as it exceeds 50% of the side yard setback and approximately 75% of the building separation variance.
4. The proposed variance will have an adverse effect on the neighborhood as noted by the Planning Board due to lot coverage & the reduced side yard 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 the construction of a 16’ x 24’ shed located in the side yard requiring two Area Variances be DENIED.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on January 22, 2019.

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Absent</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 5-0

NEXT MEETING: The next meeting on February 12, 2018 is cancelled and the next meeting is scheduled for February 26, 2019.

APPROVAL OF MINUTES:

Motion by Scot Strell to approve the meeting minutes from the September 11, 2018 meeting. Seconded by John Conway Jr. Motion carried by a 4-0-1 vote. Tom Hickey abstains.

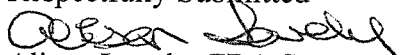
Motion by John Conway Jr. to approve the meeting minutes from the September 25, 2019 meeting. Seconded by Dan Smith. Motion carried by a 4-0-1 vote. Tom Hickey abstains.

The November 27, 2018 meeting minutes postponed due to a quorum issue.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Dan Smith. Seconded by Tom Hickey. Motion Carried by a 5-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary