

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JULY 9, 2019

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Bob Seward III
Tom Hickey

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 four (4) members were present. John Conway, Dan Smith & Scot Strevell were absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-10– Harbeck–Interpretation: “One Family dwelling” as it relates to Section 4.3.1 of the Town’s Comprehensive Zoning Law, as applied to attached one-family homes/dwellings.

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

- Legal Notice
- ZBA Application, Short EAF
- Letter from Kevin Hitchcock

Aaron Harbeck & Matt Polsinello were both present. Aaron Harbeck spoke and stated that he feels that Section 4.3.1 exempts 1 & 2 family dwellings from site plan approval. Aaron Harbeck stated that in the R-2 zone, only allows for single family homes are allowed. He has a proposal for cluster subdivision, and in the Cluster Subdivision regulations in section 3.8.1 Part D; in an R-2 zone, you’re allowed for 6 attached single family residences, so that is what they’ve proposed to build. Aaron Harbeck stated when you look at what a one family dwelling is, it’s a dwelling where one family resides. Aaron Harbeck stated it’s not one lot that six units are being built on. They are all separate lots with single family homes on each, they just happen to be attached. Aaron Harbeck stated when you look at all the definitions of dwellings in the Zoning Law, there isn’t much clarity there. Aaron Harbeck stated that there is nothing that states they have to be attached or detached. Aaron Harbeck stated that Matt Polsinello was also present and asked him if he had anything to add regarding the project. Matt Polsinello stated that he feels Aaron Harbeck summarized it pretty well.

•Chairman Pangburn asked Aaron Harbeck if he can summarize exactly what he’s looking to have interpreted with respect to Section 4.3.1. Aaron Harbeck stated that he is looking for an Interpretation on the entire definition of what surrounds the exemption of the entire 4.3.1 section as to what is a one & two family dwelling.

- Bob Seward wants to understand, as to what exactly the applicant is asking for, because the Board needs to be specific and clear in what their asked to Interpret. Aaron stated that he understood. Bob Seward stated that they want a finite question as to what is being asked to be Interpreted because what their asked to interpret is tricky. Aaron agrees he wants to know what is considered a one or two family dwelling in this definition.

- Bill Hessney states that the application only mentions one family dwelling, not two family dwelling just to clarify.

- Chairman Pangburn read the Zoning Board application of what the applicant is looking for. Aaron Harbeck stated that what was just read from the application is what he's looking for.

- Chairman Pangburn asked for clarification that on their proposal that they're asking for a cluster subdivision, they could go with single family homes. Aaron Harbeck stated that they are going for single family homes, not stand alone single family homes, their looking to have attached homes. Chairman Pangburn stated that they're looking to have multiple attached single family homes. Aaron Harbeck stated he doesn't like the word "multiple", he's looking to have single family houses attached.

- Bob Seward asked for clarification why Aaron doesn't want to say that there is a multiple amount of single families attached. Aaron Harbeck stated that the reason he's staying away from the word "multiple" is that it has a definition, it's a term of "art" for other reasons in the regulations, so he'd like to stay away from that, because of multiple family, that's a defined term in his opinion.

- Bob Seward stated then that the Board will have to use their imagination then that there will be several, Aaron Harbeck stated he'd like to use two to six.

Matt Polsinello stated he thinks that's some of the nuance of what's going on is the way it's being interpreted could potentially lead to the fact that a duplex or twinhomes will go under go site plans in the future, if Mr. Hitchcock's letter is going to be used as precedence how cluster subdivisions are going to be applied.

Chairman Pangburn just wanted to state that issue is not the Board's purview right now, the Interpretation is the only thing the Board is concerned with.

Chairman Pangburn asked if there was anyone in the public who wanted to speak. There was no one.

Chairman Pangburn asked the applicant if there was anything else from the applicant. There was nothing.

Motion by Matt Ostiguy to close the public hearing. Seconded by Tom Hickey. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-10- Harbeck-Interpretation: "One Family dwelling" as it relates to Section 4.3.1 of the Town's Comprehensive Zoning Law, as applied to attached one-family homes/dwellings.

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

WORKSHOP: ZBA Members deliberated on the appeal.

ZBA Appeal #2019-10- Harbeck-Interpretation: “One Family dwelling” as it relates to Section 4.3.1 of the Town’s Comprehensive Zoning Law, as applied to attached one-family homes/dwellings.

Resolved, That consistent with Sections 4.2.2. & 4.2.3 of the Comprehensive Zoning Law, the Board of Appeals makes the following interpretation of The Comprehensive Zoning Law:

1. That a one family dwelling shall be considered a detached building containing, and arranged for, one dwelling unit only, and does not apply to attached one family dwelling units.

This resolution was moved by Jeff Pangburn and seconded by Tom Hickey at a meeting duly held on July 9, 2019.

A vote was taken as follows:

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

Motion carried 4-0

NEXT MEETING: The next meeting on July 23, 2019

APPROVAL OF MINUTES:

Motion by Bob Seward III to approve the meeting minutes from the June 11, 2019 meeting. Seconded by Scott Strevell. Motion carried by a 6-0-1 vote. Tom Hickey abstains.

MOTION TO ADJOURN

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

Respectfully Submitted

Alison Lovely, ZBA Secretary