

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JUNE 9, 2020

#### **Members**

Jeff Pangburn, Chairman  
Matt Ostiguy  
Scot Strevell  
John Conway Jr.  
Tom Hickey  
Bob Seward

#### **Also Present:**

William Hessney, Attorney  
Alison Lovely, Zoning Board Secretary  
Donna Moran, Stenographer  
Adam Yagelski, Director of Planning & Zoning  
Taylor Tibbits, Recreation Assistant

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

Chairman Pangburn called the meeting to order and determined a quorum of six (6) members were present. Introductions were made.

Chairman Pangburn started the meeting by explaining this meeting is being conducted remotely pursuant to Executive Order No. 202.1 issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus. Members, staff and applicants are participating in a virtual meeting via Zoom. This virtual meeting is being broadcasted live on the Town's YouTube Channel, is being recorded and will be later transcribed in accordance with executive Order No. 202.1. For those participating tonight please note there maybe a 30 second delay between this meeting and the YouTube broadcast. Board members, staff and other participants are requested to mute themselves when not speaking to prevent potential interference. Applicants will be placed on mute until their item is up for consideration. Applicants are free to remain in the meeting on mute after their item is complete or they may leave.

Dalia Szarowicz of the Planning & Zoning Department is the Zoom Meeting Host, who will admit participants, mute/unmute participants, monitor the chat box and working with Chairman Pangburn generally manage the meeting. Texts placed in the chat box will be read aloud and will otherwise be addressed by Dalia or by Chairman Pangburn during the course of the meeting. During the meeting in order to keep the broadcast and discussion clear, Chairman Pangburn will call on members to offer comments during the discussion of agenda items. Members may also request to speak via the chat box. Finally members can unmute themselves to offer comment if urgent and as needed but are encouraged to wait until they are called on.

#### **PUBLIC HEARINGS:**

**ZBA Appeal #2020-04-Schuurman-46 New York Avenue-Area Variance**-Proposes to construct single family dwelling on lot with 60' frontage

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-read
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Member report & recommendation by Ralph Viola

Dave Schuurman stated that he is looked to construct a single family dwelling on 46 New York Avenue. The lot only has 60' of frontage. Dave Schuurman addressed the Area Variance criteria & stated that it's a small house and feels it will fight in with the neighborhood, he might be missing the 75' of frontage but the lot is bigger is 7,500 square feet, he doesn't feel it's a substantial variance as most of the lots in the neighborhood have 60' of frontage, he doesn't feel it will have an adverse effect as he's planned to build a one story ranch of 1,400 square feet and built on a slab and he doesn't feel that it was self-created as the lot has always been 60' wide.

Chairman Pangburn asked if anyone had any questions.

- John Conway stated in regards to the self-creation issue, he asked Dave Schuurman how long he owned it. Dave Schuurman stated he's owned it for three years, there was a house on the lot when he purchased it from the George's but it was in very poor condition and had to be torn down.
- John Conway asked how long ago the house was removed. Dave Schuurman stated about two years ago.
- John Conway asked if there is still a garage on the property and if it is being kept. Dave Schuurman stated that yes there is a two care garage and it is in need of some repair, it needs a new roof, concrete floor and two new garage doors & siding on it.
- John Conway asked that the applicant if he will be constructing the house 40' in from the street. Dave Schuurman stated that the lot is deep and could put it 40' in, 25' is only what's required from the property line.
- John Conway asked is New York Avenue is a dead end street & that the property backs up to Regeneron's property. Dave Schuurman stated that is correct to both.

Chairman Pangburn asked if anyone else had a question. Chairman Pangburn asked that the property was purchased from the George's and that they don't own an adjacent house & that the applicant doesn't own any adjacent lots & that the proposal meets all the other setbacks. Dave Schuurman stated that the George's don't own an adjacent house and neither does he and that the proposed house meets all the other setbacks. Chairman Pangburn asked if anyone else from the Board had anything.

Chairman Pangburn asked if there is anyone from the public in the meeting. Adam Yagelski stated that someone from the public messaged him from the Zoom chat, see below:

19:47:09 From DGTJR to Adam Yagelski (Privately): As a resident and homeowner in the Town of East Greenbush, I support any efforts to improve residential areas. From the documentation provided by the applicant, it appears that an older, uninhabitable dwelling is to be torn down or has already and a new structure is to be built in its place. There are only positive outcomes if this variance is approved. The neighborhood will have an attractive new structure and the assessed valuation of the property will increase significantly hence more tax revenue for the Town. As a resident and homeowner I would welcome of the approval of the variance. It's a no-brainer. What's the real issue with only 15 less feet frontage as long as there are no encroachment issues.

DGTJR asked Adam Yagelski to Please read the chat.

19:48:47 From DGTJR to Adam Yagelski (Privately): Will this set a precedent for other variance applications in the future?

One more question. There seems to be an error in the resolution....it refers to a pool.

Your thoughts? Chairman Pangburn stated it would be corrected.

•Rich & Kathleen Cline spoke & stated that every time there is a variance on the street, they get it and it changes things in the neighborhood, like the setbacks & the properties. They took the structure down, brought in fill and took down trees so it seems like they knew they would get the variance. Rich Cline wants to know how the house is going to be oriented & to keep the setbacks so that they can still get to the garage. Kathleen Cline stated that it seems like it will be the only house on the street oriented differently. Rich Cline wanted to know if the short side or the long side of the house will be facing the street.

Chairman Pangburn stated they have 12 feet to the one side and 18 feet to the other.

Chairman Pangburn asked the applicant to describe the functional layout of the house.

•Dave Schuurman stated that the house is oriented due to the garage. So the front door would be on the side closest to the garage. The back yard would be closest to the Regeneron property. The applicant is thinking of putting a sliding door out towards the back with a patio. Dave Schuurman stated that he could always change the plans if what's he's proposed isn't acceptable.

Chairman Pangburn asked if the Kline had any response back to Mr. Schuurman.

•Richard Cline stated that this would be the only house on either side of Sherwood Avenue that has the side facing the road.

•Kathleen Cline stated that it would be much more presentable if they put the frontage towards the road even if they had to make it two story & also she feels that a fence should be installed between this property and the property next door and between this property and the Regeneron property. Chairman Pangburn stated that comment would be forwarded to the appropriate people

Chairman Pangburn asked if the Board members had any questions. There were none.

Chairman Pangburn asked the applicant if he had anything else & asked the applicant if he'd been willing to work with code enforcement to change the appearance of the house so that it faces New York Avenue. Mr. Schuurman stated that he doesn't have a problem changing his plan but he doesn't know if it's a requirement.

Chairman Pangburn asked Adam Yagelski to weigh in on the question. Adam Yagelski stated that he is unsure that there is any requirement regarding the orientation of a house.

•John Conway asked if there was any discussion of this with the Planning Board.

Adam Yagelski stated he doesn't remember a discussion on the orientation, only it the development would be out of character with the surrounding area. Chairman Pangburn just reviewed the supplemental Planning Board report and there is no discussion on the orientation. Adam Yagelski asked how the original house was oriented. Dave Schuurman stated that it had a front door facing the left hand neighbor's lot and went out to the driveway.

Chairman Pangburn asked if Schimmerhorn and Jarvis face onto New York Avenue. Dave Schuurman stated that the front on New York Avenue.

Adam stated that there is a couple other chats from the Zoom chat box.

20:01:22 From DGTJR to Adam Yagelski (Privately): Regeneron is not the only problem child in the Town of East Greenbush.

20:07:42 From DGTJR to Adam Yagelski (Privately): Not from google maps...the front door appears to face toward the road.

20:08:47 From DGTJR to Adam Yagelski (Privately): That's the street view of google maps

Chairman Pangburn asked the Board & applicant if they had anything else. There was nothing else.

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

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2020-04-Schuurman-46 New York Avenue-Area Variance**-Proposes to construct single family dwelling on lot with 60' frontage

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

**WORKSHOPS:**

**ZBA Appeal #2020-04-Schuurman-46 New York Avenue-Area Variance**-Proposes to construct single family dwelling on lot with 60' frontage

**Resolved**, 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 this would be an approved use of the lot.
2. There is no other method available to the applicant as there is no land available on either side.
3. The requested variance is substantial, but there seems to be no other alternative use for this property.
4. The proposed variance will not have an adverse effect on the neighborhood as it largely consistent with other houses on the block.
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 a proposed frontage of 60 feet is **GRANTED** with one condition:

1. That the house design be consistent with surrounding properties.

This resolution was moved by John Conway and seconded by Bob Seward at a meeting duly held on June 9, 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>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 6-0

**NEXT MEETING:** The next meeting is scheduled for June 23, 2020

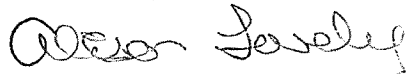
**APPROVAL OF MINUTES:**

Motion by Scot Strevell to approve the May 28, 2020 meeting minutes. Seconded by Tom Hickey. Motion carried by a 6-0 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Matt Ostiguy. Seconded by John Conway. Motion Carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely, ZBA Secretary