

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JULY 23, 2019

Members

Jeff Pangburn, Chairman
Dan Smith
Bob Seward III
Scot Strevell
John Conway

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 five (5) members were present. Matt Ostiguy & Tom Hickey were absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-09– Michela–108 Maryland Avenue West-2 Area Variances for proposed 16' x 28'.8" addition-Rear & Side Setback

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 & Authorization Form
- Planning Board Recommendation with supplemental report by Jim Moore

Andrew Michela was present and went over the Area Variance criteria. Andrew Michela stated that there was a deck that rotted and there was an existing foundation underneath that. Andrew Michela would like to build a one story addition. He has a two story house and the new roof line won't exceed the current one, in fact he has windows on the second level that he does not want to go above. Andrew Michela stated originally the addition was going to be a three season room but is thinking in the future of making it a bedroom so as he gets older, he won't have to climb stairs. Andrew Michela stated that he tried to contact the owner in the rear to possibly purchase some land. Andrew Michela stated that the side setback is narrow, it's 9' from foundation wall to foundation wall. Chairman Pangburn asked if anyone from the Board had any questions.

•Bob Seward asked if there was any other way to do the addition that doesn't need a variance & asked if he was building on the existing foundation. Andrew Michela stated that he couldn't without putting it on an angle as his house is pretty square and he would have to rip up some concrete and blacktop from his driveway and yes he is building on the existing foundation.

•Dan Smith asked if the foundation is already there & how long has it been there & does that affect the request for a current variance. Andrew Michela stated it has been there for about 7 or 8 years. Chairman Pangburn stated that there is no variance on that current foundation.

•John Conway asked if the deck would extend over the existing foundation & asked about his neighbor and if his house ends about where the applicant's main house ends. Andrew Michela stated that he would have to purchase additional land in the rear to build a deck & his house extends further back a just a bit then his neighbor's house.

•Chairman Pangburn asked if the survey dated 2009 shows the foundation & asked when he purchased the house and if it was in 2005. Andrew Michela stated that yes, that's when he had it surveyed. And he purchased the house in 2003.

•Chairman Pangburn asked for confirmation that he lived in the neighborhood for approximately 50 years. Andrew Michela stated that he used to live at 109 Maryland Avenue West, he grew up in the house.

•John Conway asked for clarification that the rear property line is where the tree stump is, and that the applicant cleared past it. Andrew Michela stated that yes he did, he didn't ask but told the owner he did it.

•Chairman Pangburn asked if the property to the east is vacant and what the zoning is. Andrew Michela stated that yes it's always been vacant and it's zoned Corporate Office. Chairman Pangburn asked if there were any other questions from the Board

•Dan Smith wanted to confirm that the foundation existed before 2009. Andrew Michela stated it was put in 2010, he drew it on the survey that he submitted to show it existed.

•Bob Seward asked if there was living space under the foundation. Andrew Michela stated that no, it's storage for lawnmower, Kubota, etc.

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

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 Bob Seward to close the public hearing. Seconded by John Conway. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-09– Michela–108 Maryland Avenue West-2 Area Variances for proposed 16' x 28'.8" addition-Rear & Side Setback

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

WORKSHOP: ZBA Members deliberated on the appeal.

ZBA Appeal #2019-09– Michela–108 Maryland Avenue West-2 Area Variances for proposed 16' x 28'.8" addition-Rear & Side Setback

Resolved, With respect to the rear setback of 12 feet, 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 the addition is not visible from the road and using an existing foundation.

2. There is no other method available to the applicant as the existing house is built into a hill and an addition to the north would require the removal of the current driveway.
3. The requested variance is substantial as to it being over 50%, however the neighboring property is currently vacant & undeveloped and zoned as office with only a 12' side yard setback.
4. The proposed variance will not have an adverse effect on the neighborhood as it uses the existing foundation and will blend with current structure.
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 the construction of a 26' x 23'8" addition in the rear yard with a rear setback of 12 feet be GRANTED with two conditions:

1. The addition be kept to one story.
2. The property line be screened by the applicant if future rear neighbor requests it.

This resolution was moved by Dan Smith and seconded by Bob Seward III at a meeting duly held on July 23, 2019.

(Discussion)

A vote was taken as follows:

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

Resolved, With respect to the side setback of 5.4 feet, 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 the 5.4' setback is consistent with current house.
2. There is no other method available to the applicant as a current foundation already exists and addition to the north would require the removal of the driveway.
3. The requested variance is not substantial as it again mirrors the setback of the current structure.

4. The proposed variance will not have an adverse effect on the neighborhood as the variance is consistent with current side 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 an Area Variance for the construction of a 26' x 23'8" addition in the side yard with a side setback of 5.4 feet be GRANTED with NO conditions.

This resolution was moved by Dan Smith and seconded by Scot Strevell at a meeting duly held on July 23, 2019.

(Discussion)

A vote was taken as follows:

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

NEXT MEETING: The next meeting on August 13, 2019

APPROVAL OF MINUTES:

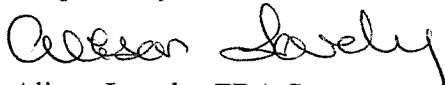
Meeting minutes from the July 9, 2019 meeting tabled due to a quorum issue.

John Conway mentioned that they have received 293 survey's regarding the Comp Plan & many are asking for multiple breweries.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Jeff Pangburn. Seconded by Bob Seward III. Motion Carried by a 5-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary