

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES APRIL 23, 2024

Members

Jeff Pangburn, Chairman
Matt Ostiguy
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. Tom Hickey was absent.

PUBLIC HEARINGS:

ZBA Appeal #2024-02 & #2024-02A–Martins- 11 Smith Lane- 2 Area Variances for the front & side setback for a garage & an Area Variance for the front setback of a greenhouse

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation for both
- Planning Board Recommendation with supplemental report by Matt Mastin/Mike Tierney
- Application Packet with summary of criteria
- An email from a resident

Tiago Martins stated that he's proposing a garage with a 21.8' front setback and a 6.6' side setback & a greenhouse with a proposed 21.8' front setback. Tiago Martins stated that he's proposing to put the existing well inside the garage (it's 32' deep). Tiago Martins stated that the location of the garage on the left side of the house is the best due to the proposed greenhouse on the right side of the house. Tiago Martins stated that he can't push the greenhouse back due to the leech field and septic behind it. Chairman Pangburn asked the Board if anyone had any questions.

•Scot Strevell asked if the leech field and septic are near the greenhouse or to the north. Tiago Martins stated that they're directly behind the proposed greenhouse.

•Scot Strevell asked if the reason for putting the garage on the left side is you want to put the well in garage and is the shed there now. Tiago Martins stated that the shed is there now, but it will be removed.

•Scot Strevell asked if there are other options to place the garage. Tiago Martins stated that there isn't.

•Scot Strevell asked if he'd considered a smaller size. Tiago Martins stated that in order to fit two cars, the garage needs to be that size.

•Matt Ostiguy asked if they're going to follow the same structure feel of the house. A woman spoke and stated that is correct.

•Bob Seward asked if the leech field and septic are near the greenhouse or to the north. Tiago Martins stated that they're directly behind the proposed greenhouse.

·Bob Seward asked about doing a quarter turn on the greenhouse for a less of variance request. Tiago Martins stated that he can't as his wife planted trees behind it last year that are maturing.

Chairman Pangburn asked if the inground pool shown on the plan has gone in yet & it's proposed behind the garage & you guys are the last house on the left side of the street. Tiago Martins stated the pool hasn't gone in yet & it's proposed behind the garage and yes, they are the last house.

Chairman Pangburn asked why the garage can't be put on the right side of the house. Tiago Martins stated that due to the configuration of the house, the kitchen is on the left side for bringing in groceries, etc.

Chairman Pangburn asked what they use the area to the right of the house for. Tiago Martins stated for parking. They want to install a gate there for privacy and to access the rear of the property and to keep the kids in the yard.

Chairman Pangburn asked how many acres the lot is. The survey states approximately 26,000 square feet or .6 acres.

Chairman Pangburn asked if they park on the left side of the house today. Tiago Martins stated that they can fit two cars there, but the truck sticks out.

Chairman Pangburn asked if the neighbor's house to the left is about 12' from the property line. Tiago Martins stated he would say yes.

Chairman Pangburn stated that the applicant showed the septic and leech field on his phone.

Chairman Pangburn asked for confirmation that there were no further neighbors to the north.

·Matt Ostiguy asked for confirmation that the house as it sits today is approximately 21' back and how will this look in comparison to the rest of the homes. Tiago Martins stated that it's similar.

Chairman Pangburn asked where the well is today. Tiago Martins stated that it's at the rear left corner of the house.

Chairman Pangburn asked if it will then be in the far-right corner of the garage. Tiago Martins stated that yes it will.

·Scot Strevell asked if the well sits in the open now. Tiago Martins stated that it's a hole with a pump at the bottom.

Chairman Pangburn read an email from a resident dated 4/18/24.

Chairman Pangburn asked if the Board had anything else. There was nothing from the Board.

Chairman Pangburn asked if there was any member of the public that had a comment.

·Dave Terpening stated the Planning Board did a good job with their conditions. The applicant did all the work and did the right thing. He feels they are improving their property and it's a reasonable request.

Chairman Pangburn asked if there were any other comments from the public. There were none.

Chairman Pangburn asked if the Board had anything else. There was nothing from the Board.

Chairman Pangburn asked for clarification if it's two sheds or just one. Tiago Martins stated that it's just one and it will be removed. Chairman Pangburn stated that the applicant is aware that he's putting a well head within a garage structure and that could create access problems to that well in the future.

Bob Seward made a motion to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2024-02–Martins- 11 Smith Lane- 2 Area Variances for the front & side setback for a garage

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

ZBA Appeal #2024-02A–Martins- 11 Smith Lane- Area Variance for the front setback for a greenhouse

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

WORKSHOPS:

ZBA Appeal #2024-02–Martins- 11 Smith Lane- 2 Area Variances for the front & side setback for a garage

Resolved, That the Board of Appeals makes the following findings of fact in regard to the proposed side setback of 6.6 feet for the proposed 20' x 32' garage in the side yard:

1. There will not be an undesirable change in the character of the neighborhood as numerous residential properties encroach within the standard 25' setback, with this garage it would replace existing parking that is already there and an old shed that is mostly within the same setback distance.
2. There is no other method available to the applicant as the flow of the house requires the garage on the left side of the property and there is no other area on the property for a garage.
3. The requested variance is substantial as it is only providing 6.6' of the 25'.
4. The proposed variance will not have an adverse effect on the neighborhood as it will be consistent with other properties that have encroached within the 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 the proposed 20' x 32' garage in the side yard with a 6.6-foot side setback be GRANTED with two conditions:

1. That the applicant installs drainage facilities that will divert any additional stormwater away from 9 Smith Lane.
2. That the garage and/or shed adjacent to the property be cleaned up and remediated in consideration of being replaced by said garage.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on April 23, 2024.

(Discussion)

A vote was taken as follows:

Tom Hickey	<u>Absent</u>
Matt Ostiguy	<u>Yes</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 regard to the proposed front setback of 21.8 feet for the proposed 20’ x 32’ garage in the front yard:

1. There will not be an undesirable change in the character of the neighborhood as the existing house has a similar front setback and other houses on this street have reduced front yard setbacks.
2. There is another method available to the applicant as it could push the garage further back from the street. However, it wouldn’t be as practical nor match with the face of the house.
3. The requested variance is not substantial as it still maintains more than 50 percent of the setback and matches the existing house and other houses on the street.
4. The proposed variance will not have an adverse effect on the neighborhood as it will be consistent with the existing house and similar houses on the dead-end street.
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 proposed 20’ x 32’ garage in the front yard with a 21.8-foot front setback be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on April 23, 2024.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

ZBA Appeal #2024-02A–Martins- 11 Smith Lane- Area Variance for the front setback for a greenhouse

Resolved, That the Board of Appeals makes the following findings of fact in regard to the proposed front setback of 21 feet for the proposed 14’ x 28’ greenhouse in the front yard:

1. There will not be an undesirable change in the character of the neighborhood as this is an R-B District and the greenhouse will be no closer to the road than any of the other existing structures.

2. There is no other method available to the applicant as there is a leech field in the vicinity of the greenhouse and the topography of the land surrounding the area precludes it from being placed only where it is being proposed.
3. The requested variance is not substantial as it will be the same setback as all the other existing structures on the property.
4. The proposed variance will not have an adverse effect on the neighborhood as it is at the end of a dead-end street and tucked behind trees.
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 proposed 14' x 28' greenhouse in the front yard with a 21-foot front setback be GRANTED with no conditions.

This resolution was moved by Bob Seward III and seconded by Scot Strevell at a meeting duly held on April 23, 2024.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

APPROVAL OF MINUTES:

Motion by Chairman Pangburn to approve the March 12, 2024 meeting minutes. Seconded by Bob Seward. Motion carried by a 3-0-1 vote. Scot Strevell abstained.

NEXT MEETING: The next meeting is on May 14, 2024

MOTION TO ADJOURN

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

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary