

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)694-4011 FAX (518)477-2386

## MEETING AGENDA TUESDAY, SEPTEMBER 8, 2020 7:30PM

This meeting will be held at the Town of East Greenbush Red Barn on Town Park Road. Please arrive at 7:00 pm to allow time for COVID-19 safety and screening protocols prior to the start of the meeting. Please see the attached notice.

### 7:30 PM CALL TO ORDER

### PUBLIC HEARINGS:

ZBA Appeal #2020-06-Dominy Family Irrevocable Trust -8 Hillview Avenue- Area Variance- Addition- Rear setback

ZBA Appeal #2020-07-DeJulio -5 Rosebud Court- Area Variance- Shed- Rear setback

### SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2020-06-Dominy Family Irrevocable Trust -8 Hillview Avenue- Area Variance- Addition- Rear setback

ZBA Appeal #2020-07-DeJulio -5 Rosebud Court- Area Variance- Shed- Rear setback

### WORKSHOP/DELIBERATION:

ZBA Appeal #2020-06-Dominy Family Irrevocable Trust -8 Hillview Avenue- Area Variance- Addition- Rear setback

ZBA Appeal #2020-07-DeJulio -5 Rosebud Court- Area Variance- Shed- Rear setback

### NEXT MEETING:

September 22, 2020

### STATUS –APPEALS ON SEPTEMBER 22, 2020:

ZBA Appeal #2020-08-Regeneron Pharmaceuticals, Inc. -81 Columbia Turnpike-Bldg. 85  
Addition-3 Area Variances-Signs

ZBA Appeal #2020-09-Montross-1 Springhurst Drive-“Nic’s Trattoria”-2 Area Variances-  
Signs

### APPROVAL OF MINUTES:

August 11, 2020 meeting minutes

## Zoning Board Meeting Notice

The Zoning Board Meeting will be held at the East Greenbush Red Barn on Town Park Road on Tuesday, September 8, 2020 at 7:30 PM. The following protocols will be in place to ensure everyone's health and safety:

There will be a screener at the main entrance to screen everyone who will be granted access to the building. The screening process includes recording name, phone number, temperature check and screening questions. Upon completion of the screening process those granted access to the Red Barn will be provided a Visitor badge that will verify that you were screened at the door. Masks are required. Physical distancing protocols will be in effect.

The screener will monitor occupancy, which will be limited. There will be a list of attendees and/or presenters that have business in front of the Planning Board that will be prioritized for entry. Access to the Red Barn will be limited to the meeting area. Bathrooms will be closed to the public during meetings.

For those unable to attend the meeting at the Red Barn can watch the live stream via the Town of East Greenbush YouTube Channel. To view the Live Stream, go to the Town's YouTube Channel at [https://www.youtube.com/channel/UCzStopZCsgZKn\\_GV0i1WalA](https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA).

We appreciate your compliance of the rules put into place to keep everyone safe during these times. We will continue to monitor safety concerns and protocols and adjust as necessary. Updates will be provided prior to each meeting.

# NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of East Greenbush will hold a public hearing on September 8, 2020 at the Red Barn, Town Park Road, East Greenbush, New York beginning at 7:30 P.M. to consider the following application:

Appeal number # 2020-06 the appeal of Dominy Family Irrevocable Trust of 8 Hillview Avenue, Rensselaer, NY 12144. The applicant proposes to construct a 250 square foot addition. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) 2.5.1 D05b. The existing garage shall be located no closer to the principal building than 12 feet. The proposed addition leaves a distance of 5 feet to the existing garage. Therefore the proposed action requires an Area Variance for the property located at 8 Hillview Avenue, East Greenbush NY. Tax Map # 154.60-5-3

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS  
DATED AUGUST 26, 2020

JEFF PANGBURN, CHAIRMAN  
ZONING BOARD OF APPEALS  
TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE  
EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.

# NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of East Greenbush will hold a public hearing on September 8, 2020 at the Red Barn, Town Park Road, East Greenbush, New York beginning at 7:30 P.M. to consider the following application:

Appeal number # 2020-07 the appeal of Anthony DeJulio of 5 Rose Bud Court, Rensselaer, NY 12144. The applicant proposes to construct an 18' x 16' shed in the rear yard with a proposed rear setback of six feet. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) II 2.6.6 E Residential District (R-2) Area and Bulk Schedule. The required rear setback in the R-2 Zoning District is 25 feet. Therefore the proposed action requires an Area Variance for the property located at 5 Rose Bud Court, East Greenbush NY. Tax Map # 144.14-1-47

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS  
DATED AUGUST 26, 2020

JEFF PANGBURN, CHAIRMAN  
ZONING BOARD OF APPEALS  
TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE  
EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX : (518) 477-2386

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**September 8, 2020**

## **MEMO:**

In regards to Appeal #2020-06: Dominy Family Irrevocable Trust for 8 Hillview Avenue- Application an Area Variance, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

*End of Memo*

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX : (518) 477-2386

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**September 8, 2020**

## **MEMO:**

In regards to Appeal #2020-07: Anthony DeJulio for 5 Rose Bud Court- Application an Area Variance, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

*End of Memo*

Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
Dominy Family Irrevocable Trust  
For an Area Variance

**Resolution and  
Final Decision of  
Board of Appeals**

**Appeal No. 2020-06**

**Whereas**, An application has been filed by Dominy Family Irrevocable Trust, of 8 Hillview Avenue Rensselaer, NY, 12144. The applicant proposes to construct a 250 square foot addition. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) 2.5.1 D05b. The existing garage shall be located no closer to the principal building than 12 feet. The proposed addition leaves a distance of 5 feet to the existing garage; and

**Whereas**, The applicant has filed an application requesting an Area Variance at the property located at 8 Hillview Avenue East Greenbush, NY (Tax Map No. 154.60-5-3); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on August 28, 2020; and

**Whereas**, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

**Whereas**, A Public Hearing was held by the Board of Appeals on Tuesday, September 8, 2020 to consider this appeal; and

**Whereas**, The Planning Board of the Town of East Greenbush at its August 26, 2020 meeting provided a report of the requested Area Variance with a recommendation; and

**Whereas**, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

**Whereas**, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

**Whereas**, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
Anthony DeJulio  
For an Area Variance

**Resolution and  
Final Decision of  
Board of Appeals**

**Appeal No. 2020-07**

**Whereas**, An application has been filed by Anthony DeJulio of 5 Rose Bud Court Rensselaer, NY, 12144. The applicant proposes to construct an 18' x 16' shed in the rear yard with a proposed rear setback of six feet. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) II 2.6.6 E Residential District (R-2) Area and Bulk Schedule. The required rear setback in the R-2 Zoning District is 25 feet; and

**Whereas**, The applicant has filed an application requesting an Area Variance at the property located at 5 Rose Bud Court East Greenbush, NY (Tax Map No. 144.14-1-47); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on August 28, 2020; and

**Whereas**, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

**Whereas**, A Public Hearing was held by the Board of Appeals on Tuesday, September 8, 2020 to consider this appeal; and

**Whereas**, The Planning Board of the Town of East Greenbush at its August 26, 2020 meeting provided a report of the requested Area Variance with a recommendation; and

**Whereas**, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

**Whereas**, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

**Whereas**, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it



**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
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

**Resolved**, that the application for **an Area Variance for a rear setback of 6 feet** be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_ **(NO)** condition(s):

- 1.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on **September 8, 2020**.

*(Discussion)*

A vote was taken as follows:

John Conway	—
Matt Ostiguy	—
Tom Hickey	—
Jeff Pangburn	—
Bob Seward III	—
Scot Strevell	—

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2020

***\*Granting of this variance, does not preclude the applicant from obtaining a building permit***

Copy To:

Anthony DeJulio  
5 Rose Bud Court  
Rensselaer, NY 12144

Cc: Rensselaer County Planning  
Town Clerk (Via Email)  
Building Inspector (Via Email)  
Assessor (Via Email)  
ZBA File No. 2020-07

DRAFT

**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
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

**Resolved**, that the application for **an** Area Variance for **a rear setback of 5 feet** be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_ **(NO)** condition(s):

1.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on **September 8, 2020**.

*(Discussion)*

A vote was taken as follows:

John Conway \_\_\_\_\_  
Matt Ostiguy \_\_\_\_\_  
Tom Hickey \_\_\_\_\_  
Jeff Pangburn \_\_\_\_\_  
Bob Seward III \_\_\_\_\_  
Scot Strevell \_\_\_\_\_

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2020

***\*Granting of this variance, does not preclude the applicant from obtaining a building permit***

Copy To:

Dominy Family Irrevocable Trust  
8 Hillview Avenue  
Rensselaer, NY 12144

Cc: Rensselaer County Planning  
Town Clerk (Via Email)  
Building Inspector (Via Email)  
Assessor (Via Email)  
ZBA File No. 2020-06

DRAFT