

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MAY 10, 2022

Members

Jeff Pangburn, Chairman
Bob Seward
Scot Strevell

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 three (3) members were present. Tom Hickey & Matt Ostiguy were absent.

PUBLIC HEARINGS:

ZBA Appeal #2022-02–Stafford – 458 Luther Road- Area Variance-Side Setback for Garage

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- PB Recommendation with supplemental report by Don Panton
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet
- Plot Plan showing garage location

Karen Stafford stated that she purchased the house from her mother who inherited it from her grandmother. Karen Stafford stated that between 1998 and 2000 she rehabbed the house but then ran out of money. Karen Stafford stated that the home next store was originally her grandparents' house, which her grandfather lost during the depression for \$300 in back taxes. Then her grandfather bought a house kit and built the house that Karen Stafford presently owns back in 1934 & then built the garage in 1936. Karen Stafford stated that Covid happened and there was a bad winter and a tree limb came down and damaged the garage beyond repair. Karen Stafford presented some pictures to the Board and Chairman Pangburn marked them as follows:

Exhibit 2022-02A-Picture of house when purchased

Exhibit 2022-02B-Picture of house rehabbed

Exhibit 2022-02C-Picture of rear of house

Exhibit 2022-02D-Picture of garage (initial application)

Exhibit 2022-02E-Picture of garage with damage from tree

Exhibit 2022-02F-Picture of what garage looks like now (only foundation standing)

Karen Stafford stated that her neighbor Lisa Steinle is present who lives in the house next door. Karen Stafford stated that she did look into moving the garage to the other side of the house but there are several problems with that, she would be disturbing more land, trees, more excavating and also the septic tank is located on the that side of the house. Her mother is also 99 years old and when Karen rehabbed the house she made everything handicapped accessible on the side of the house where the garage is.

Chairman Pangburn asked when the garage sold next door if the garage was still standing. Karen Stafford stated that the garage had been taken down when the house was on the market.

Chairman Pangburn asked if the old garage sat inside the retaining walls show in the photo & if she is proposing to use the exact same footprint. Karen Stafford stated that is the foundation of the old garage & yes she is using the exact same footprint.

Chairman Pangburn asked if there were any questions from the Board.

- Bob Seward asked if the garage she's planning on building is similar in height, if it will match the house & will have two bays like the original one. Karen Stafford stated it will be the same. It will be a single story with a storage area up top, the same height, with two bays and it will match the house.

Karen Stafford stated that she spoke to her neighbor the Glander's and he was emailing in a letter in support. Chairman Pangburn read into the record an email that was received late but forwarded to his phone from myself from Chris Glander who stated he was in favor of the application.

Chairman Pangburn asked if there was anyone in the public that had any comments.

- Lisa Steinle who lives at 454 Luther Road said her property borders the Stafford's & stated that she supports the application.

- Dave Terpening commented that there was no agenda posted on the website. Chairman Pangburn & I stated it was posted on Friday May 6, 2022 but if it wasn't there, Chairman Pangburn apologized.

Chairman Pangburn asked how close the proposed garage is from the house.

Karen Stafford stated its 50 feet or less she thinks.

Chairman Pangburn stated that if it's closer than 10 feet from the house then the one corner of the house would need to be built with fire proof materials but that will be a Building Department issue.

Chairman Pangburn asked if there was anything else from the Board. There was no other comments from the Board.

Bob Seward made a motion to close the public hearing.

Seconded by Scott Ostiguy. Motion carried by a 3-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2022-02-Stafford – 458 Luther Road- Area Variance-Side Setback for Garage

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

WORKSHOPS:

ZBA Appeal #2022-02–Stafford – 458 Luther Road- Area Variance-Side Setback for Garage

Resolved, That the Board of Appeals makes the following findings of fact:

1. There will not be an undesirable change to the character of the neighborhood as the new garage will replace a dilapidated old garage, in the same footprint and the same location on the property and the esthetics will match the existing home.
2. There is other methods available to the applicant but there are other options but the doors and the orientation of the home and driveway make this the ideal location on the existing footprint. The septic is also located on the left side of the house.
3. The requested variance is substantial, it's 93% less than the code, but pre-existing and non-conforming and the neighbors endorse the current location.
4. The proposed variance will not have an adverse effect on the neighborhood, all of the aspects conform to the R-OS zoning code.
5. The alleged difficulty is not self-created; however, storm & tree damage led to the garage being torn down & request to be rebuilt.

Resolved, that the application for the reconstruction of a 19' x 19' garage in the side yard with a 3.6' side setback be GRANTED with one condition:

1. To ensure that there is at least 10' between the existing home and the garage from a fire code perspective, or appropriate measures are taken.

This resolution was moved by Scot Strevell and seconded by Bob Seward at a meeting duly held on May 10, 2022.

(Discussion)

A vote was taken as follows:

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

Motion carried 3-0

NEXT MEETING: The next meeting scheduled for May 24, 2022 is cancelled.

APPROVAL OF MINUTES:

Approval of April 12, 2022 meeting minutes tabled until the next meeting due to lack of a quorum.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward. Seconded by Scot Strevell. Motion Carried by a 3-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary