

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MARCH 12, 2024

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Bob Seward
Tom Hickey

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. Scot Strevell was absent.

PUBLIC HEARINGS:

ZBA Appeal #2024-01–Mayville- 6 4 Rugby Road- Area Variance for the front setback for an addition

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Draft Planning Board Report by Ralph Viola with no vote by the Planning Board as more than 30 days has passed since it was referred to the Planning Board, so the Zoning Board is free to move forward without the official motion
- Application Packet with summary of criteria with authorization Form
- No public comment letters

Scott Earing was present to represent the applicant. Scott Earing stated that the property is located at the corner of Rugby Road & Hayes Road, so it has two front yards. Scott Earing stated that currently they have a 12' x 12' deck built on their property which was built years ago, and he believes they went through a variance process at that time. Scott Earing stated that the proposal is to remove the 12' x 12' deck and replacing it with a 12' x 14' addition, the extra foot would be going the length towards the driveway which he believes gives a little bit more encroachment. Scott Earing states it's about 25' now, so the variance is needed for the couple extra feet.

Chairman Pangburn stated that it appears as if there are two sections off the back of that patio, he asked if there is a little deck and a little fenced in patio there. Scott Earing stated that currently they have a deck, patio & privacy wall. On the side there is a stoned landscaping wall with shrubs, which is all being removed. Scott Earing pointed to some things on the diagram & then stated that the 12' x 14' addition will be built on the left side off to the inside part of the yard.

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

•Tom Hickey asked so on the inside, what makes the configuration so you couldn't have the addition where the 22' x 12' deck is being put. Scott Earing stated that when you walk in off the deck, it's split level, the deck height is actually 3' – 4' below the kitchen floor, then there is an entry way where you either have to go up the stairs or down the stairs. So, they want to remove the entire thing and build straight out and extend the kitchen floor all in the same level.

·Tom Hickey asked that where the 22' x 12' deck is located, is that the other side of the house & what prevents that from being the location of the addition which wouldn't require a variance. Scott Earing stated that the way the house is configured, the kitchen is in the rear and they're looking to extend that out, that would be a multiple two room kind of setting and the addition wouldn't be able to go off of that. There is not enough room to extend it out to the back and off to the right.

·Tom Hickey and Scott Earing were pointing to the diagram and discussing the reasons of why the addition couldn't be built to be in compliance with the setback.

·Matt Ostiguy asked how the addition will look attached to the existing home, will it look the same with similar features. Scott Earing stated that it will be the same style as the home, same vinyl siding, the roof line of the addition will be in current roof line that's coming off the back of the house (trusses will match). It will have two sliding doors off to the side facing the deck & then large windows.

·Tom Hickey stated that one of the points made in the Planning Board recommendation was that there were outside stairs that created a tripping hazard in the winter months & he's trying to figure out if these are inside or outside because it's a split level & how that plays into the discussion points. Scott Earing stated that he isn't certain about that. He stated there is a weird landing where the patio goes over and the sidewalk that goes there or the stairs that come out from the split level going down to the basement.

·Tom Hickey stated that it was a safety was one of the items that the Planning Board member pointed out in his recommendation.

Chairman Pangburn stated that it appears if the addition is just going to be an extension of the side of the house and wrapping around will be a wall with windows facing the garage. Scott Earing stated that the addition is going to be the style of the floor plan of what the patio is there now. Instead of 12' x 12' it's going to be 12' x 14', it's going to a sliding door that comes off to that deck.

Chairman Pangburn asked if the doorway will face the interior of the lot & won't be visible from the street. Scott Earing stated that is correct, the other thing visible from the street will be a window on the corner from the side and the back.

Chairman Pangburn stated that this addition is going off the back of the house because that's the side that the garage is on with normal access. Scott Earing stated that is correct, he feels that that back side is the Hays Roadside and the front entrance is the Rugby Roadside.

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.

·A woman in the audience wanted clarification that the new structure is coming off the side & the back of the house on the Hays Roadside and it's going to wrap around so that it's all in front of garage, so there is nothing coming past the garage and the driveway.

Chairman Pangburn stated that it's an extension from the side of the house that faces Hays Road. It's a straight extension and then turns back in towards the garage and driveway.

·Dave Terpening stated it's a no-brainer and he supports the Board approving the variance. The applicant did all the right things & didn't build something without permission. Mr. Viola did a good report as usual.

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

Bob Seward made a motion to close the public hearing.

Seconded by Tom Hickey. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2024-01–Mayville- 6 4 Rugby Road- Area Variance for the front setback for an addition

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

WORKSHOPS:

ZBA Appeal #2024-01–Mayville- 6 4 Rugby Road- Area Variance for the front setback for an addition

Resolved, That the Board of Appeals makes the following findings of fact in regards to the proposed front setback of twenty-three feet for the proposed 12’ x 14’ addition in the front yard:

1. There will not be an undesirable change in the character of the neighborhood as the addition added will essentially replace the existing deck and fence footprint as well as the addition will look similar to the home itself and follow all the lines of the existing home.
2. There is no other method available to the applicant as the existing floor plan of the kitchen wouldn’t flow any other way off of the house.
3. The requested variance is not substantial given the fact there is an existing deck and fence at the same setback and again consistent with that replacement.
4. The proposed variance will not have an adverse effect on the neighborhood given the look of the addition and similar homes with the same setback or closer to the road.
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 construction of a 12’ x 14’ addition in the front yard with a proposed twenty-three-foot front setback be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by Bob Seward at a meeting duly held on March 12, 2024.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

APPROVAL OF MINUTES:

Motion by Chairman Pangburn to approve the February 27, 2024 meeting minutes. Seconded by Tom Hickey. Motion carried by a 3-0 vote. Bob Seward abstained.

NEXT MEETING: The next meeting is on March 26, 2024 and will be cancelled due to lack of business.

Chairman Pangburn stated that the Town is still progressing the update of the Western area GEIS which is tied into the update of the Comprehensive Zoning Law, they are intertwined. So therefore, the new Zoning Law is still being progressed. They are waiting for the GEIS calculations to catch up as they have to be done together.

MOTION TO ADJOURN

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

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary