

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES April 27, 2021

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Bob Seward III
Scot Strevell
Tom Hickey

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer
Adam Yagelski, Director of Planning & Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2021-03–Nittinger-1266 Best Road-Area Variance-Ground mounted solar array consisting of 8.25 acres

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by Chris Horne
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Letter dated 4/27/21 – Exhibit 2021-03A
- Email from David Terpening dated 4/27/21 – Exhibit 2021-03B

Chairman Pangburn asked the Board if anyone had any questions before asking the public if anyone wanted to speak. None of the Board members had any comment. Chairman Pangburn apologized for the late schedule mix up, the applicant's representative was sick at the last minute. Chairman Pangburn stated that they will table it but he wanted to give anyone that was present the chance to comment today and/or comment on May 25, 2021. Chairman Pangburn asked Adam if there were any comments in the chat box. Adam Yagelski stated that there were no comments in the chat box. Chairman Pangburn then asked if there was anyone in the public that wanted to speak in favor or against the application.

•David Terpening spoke and stated that he believes that the Board got the email that he sent today which pretty much sums up his comments. He then basically highlighted what was in his email.

•Dan Bondi spoke and asked why he needed so many solar panels and whereabouts they will be located. He doesn't want to look out his window and see a solar field.

•Kkreb spoke and asked since the Town only allows 2.5 acres for residential use then are they proposing the 8.25 acres for commercial use. Chairman Pangburn stated that they are proposing this as a community solar project, so multiple residents can sign up to utilize credits from that solar field, but he will leave the official response up to the applicant.

Chairman Pangburn stated that the only thing before this Board under this appeal is whether or not to allow a larger solar field, should the site plan and Planning Board approvals be met. Chairman Pangburn stated that the Planning Board won't even entertain the application until they know whether or not the Zoning Board would approve the area variance.

- Kkreb stated she assumes the 8.25 acres for the solar field would be clear cut and she wonders if that the proposed use isn't appropriate for that area & if the project fits in the Comprehensive plan.

- Bill McCarthy spoke and asked how it situates itself off of Best Road. Chairman Pangburn put up the site plan on the screen and described the map.

Adam Yagelski stated that there were now a couple of messages in the chat box. The first was David Terpening stating that he can't see the site plan & the second was allowing the increased acreage is a slippery slope, how much more would the applicant want to increase the array & the third was that he can't unmute his audio to make additional comments.

- Dave Terpening spoke again and stated that from personal experience there are a lot of effects when the Zoning Board approves variances, it's not pleasant for neighbors that live around those entities that have gotten a special use permit & how much more could this be expanded. Chairman Pangburn stated that the area variance tonight is only for 8.25 acres and anything beyond that would require another variance.

- Dave Terpening stated that it sets a precedence. Chairman Pangburn stated comment noted.

Chairman Pangburn tabled the public hearing until May 25th and will it reconvene at that meeting.

ZBA Appeal #2021-04–Craw-45 Acorn Avenue-Area Variance-Garage with egress on two frontages

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by Ralph Viola
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Email dated 4/20/21 – Exhibit 2021-04A
- Letter dated 4/22/21 – Exhibit 2021-04B – Leland Frisbee of 10 Prospect Heights Ave. – in favor
- Email dated 4/26/21 – Exhibit 2021-04C – Angel Schweigert-immediate property owner

The applicants Ricki & Marianne Craw stated that the garage will just be for personal use, Ricki Craw stated he just wants to tinker with cars & it will match the existing house, siding etc. If he can't use the back access he would have to put a driveway down the side of his house across his lawn. Ricki Craw stated that the size of it is due to keeping everything inside, he doesn't want stuff outside.

Chairman Pangburn asked why they need a separate access and if they are combining lots. Ricki Craw stated he couldn't have a stand-alone garage and if he couldn't get out the back of his property, then he'd have to put a driveway through his whole yard.

Chairman Pangburn asked how long they have owned the back parcel and if they intend to keep the existing garage on the house.

Ricki Crow stated they have owned it for about a year. Chairman Pangburn asked if that back parcel has access to the paper street known as Newbury Street. Ricki Crow stated that is correct.

Chairman Pangburn asked if they intend to keep the existing garage on the house. Ricki Crow stated that is correct.

Chairman Pangburn asked the Board if anyone had any questions.

- Scot Strevell wanted to confirm that this will be for personal use only, one story with nothing up above, not habitable. Ricki Crow stated that there will be an upstairs but that it will be for storage only.

Chairman Pangburn asked if the second floor storage only will be a full story or attic space. Ricki Crow stated it would be completed with attic trusses across the whole top.

Chairman Pangburn asked if that provides a full ceiling height or it is angled space. Ricki Crow stated its 8' and then goes down to 4'.

- Scot Strevell asked if there will be a stairway to get to the second floor. Ricki Crow stated there will not be a staircase, there will be a hole and hook up a platform with a winch to pull stuff up so the staircase isn't taking up space.

- Matt Ostiguy asked if the applicant could comment to what's to the left of the proposed garage & stated that there is a garage off of Newbury Street and whose garage is that. Ricki Crow stated that it's vacant land & yes there is a garage but they are not sure who owns it.

- Tom Hickey stated that the applicant had commented earlier that he didn't want it to be a stand-alone property and asked wouldn't that be a solution. Ricki Crow stated that he would love to do that but can't have a stand-alone garage. Chairman Pangburn commented that this was in front of the Project Review Team and it was determined that a garage couldn't be a stand-alone use on that parcel, so it was suggested to combine the two lots but needed access off the back but with the two access points, with the combined parcels it requires an area variance. Chairman Pangburn stated that just a reminder that the appeal in front of the Board tonight is whether or not to allow two driveways to the overall parcel on two different frontages, there is no zoning action on the garage itself. Chairman Pangburn asked the Board if there were any other questions. There was not. Chairman Pangburn asked if any members of the public wanted to speak.

- Angel Schweigert spoke and state that her property is adjacent to the proposed property & she also owns a piece off of Newbury Street. She is concerned as she currently parks on the dead end of Newbury Street.

Chairman Pangburn asked if the garage was going to be more of a hobby garage and that their personal vehicles would still use the garage off of Acorn Avenue. Ricki Crow stated that is correct.

Chairman Pangburn asked if the Town plows Newbury Street now. Angel Schweigert stated they do occasionally.

Chairman Pangburn asked if there was anyone else in the public to speak.

Adam Yagelski stated that David Terpening was up yet but did not speak.

- Matt Wasileski spoke and asked if the Town is extending Newbury Street. Chairman Pangburn stated that the applicant is extending the asphalt to meet their driveway. Matt Wasileski asked if that would still be Town property. Chairman Pangburn stated that is correct. Matt doesn't see why there is an issue with the applicant's driveway meeting a Town Road.

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

Motion by Scot Strevell to close the public hearing. Seconded by Matt Ostiguy. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2021-04–Craw-45 Acorn Avenue-Area Variance-Garage with egress on two frontages

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to ZBA Appeal #2021-04–Craw-45 Acorn Avenue-Garage with egress on two frontages- Application for an Area Variance, the Zoning Board of Appeals has determined that this is an Unlisted, is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

Second By: Bob Seward III; any discussion?

Voice vote as follows:

In favor: 5
Oppose: 0
Abstain: 0

Motion Carries

MOTION by Chairman Pangburn: In regards to Appeal #2021-04–Craw-45 Acorn Avenue-the Town of East Greenbush Zoning Board of Appeals hereby determines, based on the information and analysis submitted for Part 1 of the Short Environmental Assessment Form and other materials submitted by the project sponsor, or otherwise available to the reviewers, and after careful review of Part 2 – Impact Assessment, that the proposed action will not result in any significant adverse environmental impacts.

Second By: Scot Strevell; any discussion?

Voice vote as follows:

In favor: 5
Oppose: 0
Abstain: 0

Motion Carries

WORKSHOPS:

ZBA Appeal #2021-04–Craw-45 Acorn Avenue-Area Variance-Garage with egress on two frontages

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 the second driveway will provide access only to a recreational garage use.
2. There is no other method available to the applicant as the existing house and narrow lot blocks access from Acorn Avenue and the proposed garage would front on the (paper) Newbury Street.
3. The requested variance is substantial; however the garage blends with two other garages currently fronting on Newbury Street themselves.

4. The proposed variance will not have an adverse effect on the neighborhood as this is a secondary garage on the end of a small 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 an Area Variance to allow for double frontage be GRANTED with the following conditions:

1. That the garage not be used as a residential or apartment space.
2. That the garage not be used for commercial purposes.
3. No connection be made between Acorn Avenue and Newbury Street through the parcel.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on April 27, 2021.

(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>Yes</u>

Motion carried 5-0

NEXT MEETING: The next meeting on May 11, 2021 is cancelled. The next scheduled meeting is May 25, 2021.

APPROVAL OF MINUTES:

Motion by Bob Seward to approve the April 13, 2021 meeting minutes. Seconded by Scot Strevell. Motion carried by a 4-0-1 vote. Tom Hickey abstained.

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 5-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary