

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JUNE 28, 2022

#### Members

Jeff Pangburn, Chairman  
Bob Seward  
Scot Strevell  
Tom Hickey

#### 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 four (4) members were present. Matt Ostiguy was absent.

#### PUBLIC HEARINGS:

ZBA Appeal #2022-04–Riling– 31 Catskill Avenue- 2 Area Variances-Side & Rear Setbacks

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- PB Recommendation with supplemental report by Don Panton
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet with authorization form
- Drawing of proposed shed location

Jennifer Riling stated that the yard is not big and putting the setback 25' from the property line would put the shed in the middle of the yard & make the whole yard useable & unfortunately there are all these large buildings around her yard so she doesn't have a view anymore. The shed will be in the corner of the fenced in yard and because of the large buildings surrounding her yard, she doesn't feel it will block anyone. They are just looking for more storage and it's a real nice looking shed.

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

•Tom Hickey asked how wide her lot is & full dimensions if you know. Jennifer Riling stated that she is not sure.

Chairman Pangburn asked if immediately to behind her is a two story apartment building and to the right is a different apartment building & behind her to the left is Regeneron. Jennifer Riling stated that the apartment building doesn't face their property but the side is still two stories & to the right is a house with apartments in it and yes behind her house is Regeneron.

•Tom Hickey asked if they laid out what it would be if they just turned the shed & put it on their side yard. Jennifer Riling stated that there is a tree there that her father planted who has since passed away so she wants to keep it and also it's a really expensive shed that looks like a little house and she really wants to look out and see that.

•Scot Strevell asked if she considered a 10' x 12' or smaller shed. Jennifer Riling stated that ideally you'd like to go bigger so that you're sure you have enough room.

•Tom Hickey stated that he's trying to figure out where the tree is, is it in the back right near the 8' x 8' shed in the back corner & did you consider the left rear of the property. Jennifer Riling stated the new shed will go where the 8' x 8' now and the left side slopes and there is an area where water pools on that side.

Chairman Pangburn asked if the property on the right loops around to the rear of her property also. Jennifer Riling stated that the property to the right is owned by the same person that owns the apartment buildings, there are a few back there.

Chairman Pangburn stated that the property to the left is residential but where the shed is going on the right side is over on the side where the apartment buildings are. Jennifer Riling stated that is correct.

Chairman Pangburn asked if Jennifer left 5' between the shed and the fence so that they can maintain around it. Jennifer Riling stated that is correct.

•Tom Hickey asked if they would be taking utilities out to the shed. Jennifer Riling stated that probably just powers.

•Bob Seward asked how tall the structure is going to be. Jennifer stated that it's about 12'.

Chairman Pangburn asked if the Board had any further questions. There were none.

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

•Dave Terpening stated that he wanted to commend the code enforcement officer for doing his job and also wanted to commend the applicant for during everything the right way. He read the report from Don Panton and has a couple of objections. #2 regarding the setbacks, he has things granted much more than this.

#3 regarding the height of the shed being 11'. He looked at all of his pictures in his report and see Regeneron in the back and he's sure the house was there before Regeneron, so the situation preexisted. The applicant is trying to put something in her backyard that looks nice

#4 regarding the character of the neighborhood, Dave Terpening feels that it will increase the niceness of the neighborhood as far as he's concern.

Dave Terpening stated that the Town allows the house on Sherwood Avenue to have all kinds of broken down machines and piles of logs, and he feels those are the types of things that the Town should focus on, not someone trying to make her house look nicer.

**Bob Seward made a motion to close the public hearing.**

**Seconded by Scott Strevell. Motion carried by a 4-0 vote.**

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2022-04-Riling- 31 Catskill Avenue- 2 Area Variances-Side & Rear Setbacks**

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

**WORKSHOPS:**

**ZBA Appeal #2022-04–Riling– 31 Catskill Avenue- 2 Area Variances-Side & Rear Setbacks**

**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 shed will be an improvement over the existing and will abut multi-family residential parcels to the rear and side yards.
2. There is no other method available to the applicant as the yard slopes away and has drainage issues to the south and there is a tree to the east which prevents shifting it further into the yard.
3. The requested variance for the side yard setback is not substantial, as it requires three feet of the eight feet, however the rear yard setback is substantial, as they are providing only five feet of the twenty-five feet, however, the neighboring properties have substantial open space and the setback variances will not have a negative effect.
4. The proposed variance will not have an adverse effect on the neighborhood as the shed will blend in the back yard and is an improvement over the existing shed.
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 installation of a 12' x 20' shed in the rear yard with a 5 foot side and a 5' rear setback be GRANTED with no conditions.**

This resolution was moved by Jeff Pangburn and seconded by Tom Hickey at a meeting duly held on July 12, 2022.

*(Discussion)*

A vote was taken as follows:

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

**Motion carried 4-0**

**NEXT MEETING:** The next meeting is scheduled for July 12, 2022.

**APPROVAL OF MINUTES:**

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

Motion by Scot Strevell to approve the June 14, 2022 meeting minutes. Seconded by Tom Hickey. Motion carried by a 4-0 vote.

**MOTION TO ADJOURN**

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

Respectfully Submitted

*Alison Lovely*

Alison Lovely, ZBA Secretary