

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES DECEMBER 13, 2022

Members

Jeff Pangburn, Chairman
Bob Seward III
Scot Strevell
Matt Ostiguy

Also Present:

William Hessney, Attorney
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. Tom Hickey was absent.

PUBLIC HEARINGS:

ZBA Appeal #2022-11–Farrell– 306 Sunset Avenue- 2 Area Variances-Front & Rear Setbacks for Shed

Chairman Pangburn referenced the following as being in the record:

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

William Farrell stated that he's putting his shed in his back yard, what he always thought was his back yard. William Farrell stated that when he went to get his building permit, the building inspector informed him that he had two front yards. William Farrell stated that in all the years he's owned his house, he never knew that, so that's why he's here asking for the variances, so that he can put the shed in his back yard, which is fenced in.

Chairman Pangburn asked the applicant how long he's owned the house. William Farrell stated almost 30 years now.

Chairman Pangburn stated that per code any yard that fronts a street is considered a front yard.

- Matt Ostiguy asked the applicant to talk about the placement of the shed and if there is any way he could meet the rear setback. William Farrell stated that where's he's place it is in the best location, it's within his fence. A young woman spoke and stated that if they moved it in and up, it would be under their deck.
- Bob Seward asked if the property line was right where his fence is. The young woman spoke again and stated that there is more land beyond their fence.

Chairman Pangburn spoke and stated that their talking about the side yard, where that fence is, and asked if they owned more property beyond the fence, where his neighbor is. William Farrell stated he's not sure.

Chairman Pangburn asked if they did maintenance on the other side of the fence. William Farrell stated that they don't.

- Matt Ostiguy asked if the slab in the picture is the position where the shed will go. William Farrell stated that it is.

Chairman Pangburn stated that the applicant already poured the slab where the shed would go. William Farrell stated that he didn't realize that he even needed a permit.

Chairman Pangburn asked if that was the level area of your side/rear yard.

William Farrell stated that is correct.

- Matt Ostiguy asked the applicant to describe the shed. William Farrell stated it will look the same as his house, light blue with dark blue trim with asphalt shingles on the top of it.

Chairman Pangburn asked if the applicant thought that putting the shed there would change the character of the neighborhood. William Farrell stated that he doesn't.

Chairman Pangburn stated that where the slab is was leveled and the concrete was poured there. William Farrell stated that is correct.

- Bob Seward stated that it would really not be feasible to move the shed more towards the middle of your yard where it met the setbacks. William Farrell stated that it would be in the middle of his yard and close to where his deck is.

Chairman Pangburn asked if the applicant had any plans to put any landscaping around it. Williams Farrell stated that he would once he gets it up in the spring.

- Bob Seward stated that he's assuming the applicant's shed would be similar to all the other sheds in the neighborhood. William Farrell stated that is correct.

Chairman Pangburn asked if the street that the shed will be on is a dead end going up the other way and there is only like 5 or 6 houses on it. The young woman spoke and stated that is correct.

Chairman Pangburn asked if there were any other questions from the Board. There were none.

Chairman Pangburn stated that he has one written comment to enter into the record. An email was received on 12/9/22 by a neighbor, Jerry DeLuise from 208 Summit Avenue that had no objections to the two area variances.

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

- A woman spoke and stated that she doesn't have a problem with it, but is worried about it setting a precedent being that it's in the front yard. Chairman Pangburn stated that they take every variance and consider everything but stated that they Board is always worried about setting a precedent.

- Dave Terpening stated that it's nice to see people doing the right thing, he stated he remembers a year or so ago that someone wanted to put a pool in their front yard. He stated it seems as if these issues come up quite a bit & was something that was discussed at the Zoning Update Committee meeting. Chairman Pangburn asked if anyone had anything else. There was nothing else.

Scot Strevell made a motion to close the public hearing.

Seconded by Matt Ostiguy. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2022-11-Farrell- 306 Sunset Avenue- 2 Area Variances-Front & Rear Setbacks for Shed

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

WORKSHOP:

ZBA Appeal #2022-11-Farrell- 306 Sunset Avenue- 2 Area Variances-Front & Rear Setbacks for Shed

Resolved, That the Board of Appeals makes the following findings of fact in regards to the front setback of 15 feet for the proposed 12' x 12' shed:

1. There will not be an undesirable change in the character of the neighborhood as the shed will look similar to the house, it will be of small statue, there will be landscaping surrounding the shed and it is consistent with other sheds in the neighborhood.
2. There is no other method available to the applicant as the applicant chose the flat spot in the yard, it's limited yard size and moving it in any other direction would interfere with the home.
3. The requested variance is not substantial, given it is within the yard footprint and the fence line and within 10 feet of the setback requirement.
4. The proposed variance will not have an adverse effect on the neighborhood, given the characteristics of the shed and consistency of the shed with other homes of the neighborhood.
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 12' shed in the front yard with a proposed 15 foot front setback be GRANTED with NO conditions.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on December 13, 2022.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

Resolved, That the Board of Appeals makes the following findings of fact in regards to the rear setback of 3 feet for the proposed 12' x 12' shed:

1. There will not be an undesirable change in the character of the neighborhood as the shed will look similar to the house, the shed is going to be rather small, a 12' x 12', it will have landscaping surrounding the shed and it's also consistent with other sheds in the neighborhood.
2. There is no other method available to the applicant as the applicant has chosen a flat spot in the back yard, it's inside the fence line, but not near the house.
3. The requested variance is not substantial, given the rear setback is 5' and the shed will sit at 3'.
4. The proposed variance will not have an adverse effect on the neighborhood, given the look of the shed and the size of the shed is consistent with other sheds in the neighborhood.
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 12' shed in the front yard with a proposed 3 foot rear setback be GRANTED with NO conditions.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on December 13, 2022.

(Discussion)

A vote was taken as follows:

Tom Hickey	<u>Absent</u>
Matt Ostiguy	<u>Yes</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 on for December 27, 2022 is cancelled.

APPROVAL OF MINUTES:

Motion by Bob Seward III to approve the November 22, 2022 meeting minutes. Seconded by Jeff Pangburn. 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 III. Seconded by Scot Strevell. Motion Carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary