

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JUNE 14, 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 #2022-03–Disanto– 1411 Red Mill Road- 2 Area Variances-Frontage & Lot Size

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- PB Recommendation with supplemental report by John Conway Jr.
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet with authorization form
- Google Map & Drawing of Lot

Charles Disanto stated that the piece of property has been in the family since 1938, it was deeded to his grandfather in 1961 who then passed away in 1968 and the transferred to his parents upon his death, when his parents died, then the 3 children received it. Charles Disanto stated that when his grandfather purchased the land, he lived in Albany, he only used it as a garden. Even though Charles parents didn't build on that piece of property, all the children grew up in East Greenbush. Charles Disanto stated that he never knew that the lot was classified as undersized. None of the children are interested in building a house on it. They are looking to sell the lot.

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

•Tom Hickey asked if the applicant is making an application on behalf of someone else to build. Charles Disanto stated that is correct.

Chairman Pangburn asked if Charles great grandfather purchased it in 1938 & then the deed was first written in 1961 to his grandfather & then he passed away in 1968. Charles Disanto stated that what appeared to be what happened with it. Chairman Pangburn stated that the great grandfather, to the parents and then the three children have only owned that one parcel, the 60' x110' and nothing adjacent or behind it. Charles Disanto stated that is correct.

- Tom Hickey asked if the lot is serviced by Town sewer. Charles Disanto stated that as far as he knows it is. A member from the audience stated that they are going to have to bore under the road as there is no existing line on this side of the road.

- Tom Hickey asked for clarification that none of those existing properties are on septic. A member of the audience stated that is correct but there may be a leech field underneath that property.

- Bob Seward stated that there is 5 criteria that the Board has to use to judge this appeal against. Bob stated that the first three are pretty self-explanatory. Bob asked the applicant if he feels this variance request is substantial or non-substantial, the required frontage is 75' and there is 60'. Charles Disanto stated that he thinks that fair enough to build a home on that size.

- Bob Seward asked the applicant to speak to the impact to surrounding neighbors and the overall look and feel of the neighborhood. Charles Disanto stated that he feels it will improve the look of the neighborhood, right now it's overgrown with brush and that would be cleaned up to allow for a structure to be built there.

- Bob Seward asked whether the applicant felt that this proposal was self-created. Charles Disanto stated that they didn't have any further property or ownership of any other property surrounding this one. They didn't subdivide it and then be left with the undersized lot.

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

Chairman Pangburn wanted to note that the Board received three letters regarding this appeal.

- One dated June 14, 2022-from 1413/1415 Red Mill Road

- One dated June 7, 2022-from 1404 Red Mill Road

- One dated June 13, 2022-from 1415 Red Mill Road

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

- A neighbor stated she is getting conflicting information from what the Planning Board said & what this Board is saying. Chairman Pangburn explained the information from the Planning Board. She stated the lot in questions has always been a non-buildable lot, there are water problems in the area and she is concerned about what a new house would do to the existing water problem.

- A neighbor stated he's concerned about possible water issues as well.

- A neighbor stated she's concerned about possible water issues as well & the proposed driveway and location of it to the light at Sherwood Avenue. She doesn't want the privacy of that now wooded and brush lot to change.

- Dave Terpening spoke and stated that the google map isn't clear as to where the property boundary lines are, concerned that there is possibly a septic system on the vacant lot and that since the lot is undersized and since the lot next door is vacant that the applicant could purchase that to mitigate issues and that more weight should be placed on the residential lots that surround this lot. Chairman Pangburn stated that the only issues that relate to the Zoning Board and that the Board can address are the lot size & frontage.

Chairman Pangburn asked if the applicant had anything else to add and if the Board had any other questions from the applicant.

- Bob Seward asked, going back to other solutions, has the applicant talked to any of the neighbors about selling the piece of land to any of the neighbors around it. Charles Disanto stated that he did and no one was interested.

Neighbors stated getting into a back and forth about the above and Chairman Pangburn stated that tonight is not the time to do this and there is plenty of time after this meeting to negotiate and make possible solutions.

Charles Disanto stated that he wanted it on the record that he's not an outsider like the neighbors claimed, he's a life-long resident of the Town of East Greenbush Alisha Siligato (one of the owners of 1411 Red Mill Road) spoke and stated that they did approach Tim & his wife first about buying the property but they said they weren't interested, they then said that I think we're going to go to a realtor. She said they didn't know what they wanted to ask for it, they didn't know anything at that point. She said that they wanted to go to the neighbors first, that made the most sense.

Chairman Pangburn stated that he wanted to add something to the record. That this wasn't the first appeal they've heard in the Town in the Town of East Greenbush. These lots were typically created after WWII. There are a bunch of neighborhoods in Town that have these micro lots and the Board deals with these a lot. Chairman Pangburn stated that he asked the Planning Department for a print out of surround lots. Chairman Pangburn stated that the Zoning Codes are relatively new, for the lands that are out there. The Board tries to figure out what makes sense and what doesn't, everyone's input is taken into account. The applicant has also been paying taxes on this parcel for 80 or 90 years with the hope of maybe doing something with it.

Chairman Pangburn asked if the Board had any additional questions or comments. The Board didn't have any.

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 #2022-03–Disanto– 1411 Red Mill Road- 2 Area Variances-Frontage & Lot Size

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

WORKSHOPS:

ZBA Appeal #2022-03–Disanto– 1411 Red Mill Road- 2 Area Variances-Frontage & Lot Size

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 this is an older section of Town with several nearby lots with similar dimensions.
2. There is no other method available to the applicant as this is the sole property that the applicant owns, and they do not own any adjacent property to increase the lot size.

3. The requested variance is not substantial, although it does require variances of 20% to 17 %, which is similar to other surrounding lots.
4. The proposed variance will not have an adverse effect on the neighborhood as the lot size is similar to surrounding properties and will need to follow Town code for construction practices.
5. The alleged difficulty is not self-created.

Resolved, that the application for the proposal to establish an undersized lot as buildable with a proposed frontage of 59 feet & a proposed lot size of 6,400 square feet be GRANTED with no Zoning conditions.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on June 14, 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 June 28, 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 May 10, 2022 meeting minutes. Seconded by Bob Seward. Motion carried by a 3-0-1 vote.

MOTION TO ADJOURN

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

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary