

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEETING AGENDA TUESDAY, JUNE 9, 2020 7:30PM

**Please note: This meeting will be conducted remotely pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus. See the attached Notice for more information, including how to view the proceedings.*

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2020-04-Schurrman-46 New York Avenue-Area Variance- Propose construction of single family dwelling that doesn't meet the required frontage

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2020-04-Schurrman-46 New York Avenue-Area Variance- Propose construction of single family dwelling that doesn't meet the required frontage

WORKSHOP/DELIBERATION:

ZBA Appeal #2020-04-Schurrman-46 New York Avenue-Area Variance- Propose construction of single family dwelling that doesn't meet the required frontage

NEXT MEETING:

June 23, 2020

STATUS –APPEALS ON JUNE 23, 2020:

ZBA Appeal #2020-03-Guay-733 Columbia Turnpike-2 Area Variances- Propose construct of 24' x 22' detached garage in rear yard

APPROVAL OF MINUTES:

May 28, 2020

Notice Regarding Zoning Board Meeting

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene its June 9, 2020 Board Meeting remotely as follows:

The Board Meeting will commence at 7:30 PM and will be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow the Planning Board members and those with business before the Board to participate electronically and remotely by audio and with or without a video connection.

In order that members of the public can view the proceedings, the meeting will be live-streamed on the Town's YouTube Channel. To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Members of the public with questions and/or comments can send correspondence to info@eastgreenbush.org. Correspondence sent to this email will **not** be answered in real time.

Please note that this meeting will be conducted remotely only and will not be held at Town Hall, which is currently closed.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ZONING BOARD of the Town of East Greenbush will hold a public hearing on June 9, 2020 beginning at 7:30 pm to consider the following matter:

Appeal number # 2020-04 the appeal of Dave Schuurman of 2609 US Route 20, Nassau, NY 12123. The applicant proposes to construct a single family dwelling on an undersized lot in the R-2 Zoning District with a proposed frontage of 60 feet. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: II 2.5.1A Supplementary Bulk Standards and 2.6.6 Residence District (R-2). The required lot width in the R-2 Zoning District is 75 feet. Therefore the proposed action requires an Area Variance for the property located at 46 New York Avenue, East Greenbush NY. Tax Map # 155.9-6-7

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the ZONING BOARD will convene the public hearing remotely as follows:

The Public Hearing will commence at 7:30 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

To access the Board's public hearing, you have several options:

1. Go to www.zoom.us and download the free application. Once downloaded, enter 89559026943 as the "Join Meeting" invitation code.

Click on <https://us02web.zoom.us/j/89559026943>

2. With a smartphone, utilize one click id +16468769923, 89559026943# US (New York)
3. Call +1 646 876 9923 with your phone, and then enter Meeting ID: 895 5902 6943

Important notes for voice-only participants: Please note that when dialing in (voice only) you may experience time on hold until being admitted to the meeting. To protect the privacy of your phone number please call in dialing *67 before +1 646 876 9923.

To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Please note that this public hearing will be conducted remotely only and will not be held at Town Hall, which is currently closed. Please be patient upon joining the meeting. You will be provided instructions on how to deliver your comments once in the meeting.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

Written comment may be submitted to the Zoning Board by email to alovely@eastgreenbush.org or to the Zoning Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD

DATED MAY 29, 2020

JEFF PANGBURN, CHAIRMAN

ZONING BOARD

TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CONTACT THE EAST GREENBUSH PLANNING & ZONING DEPARTMENT BY EMAIL AT ALOVELY@EASTGREENBUSH.ORG

Town of East Greenbush
Zoning Board of Appeals

AREA VARIANCE

An applicant for a variance will be afforded a public hearing, at which time the applicant will present his/her case to the Zoning Board of Appeals, a board of seven members who will determine the disposition of the appeal by a majority vote. The following information is offered as a guide to assist you in preparation for your hearing. For additional advice, you are encouraged to contact your personal legal counsel.

An Area Variance has been defined as one where: "the owner still must comply with the zoning ordinance's limitations on use of land, but is allowed to build or maintain physical improvements which deviate from the zoning ordinance's nonuse limitations." (Rathkopf, The Law of Planning and Zoning, (4th ed) section 38.01(4). New York State statute dictates that the Zoning Board of Appeals take a "balancing approach" in making its determination on an application for an area variance. The board must weigh two basic things: the benefit to the applicant if the variance is granted versus the detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted.

The statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the board of appeals must consider the following five factors:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Finally, carrying the "balancing" step further, the statute provides that when granting area variances, the board of appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The applicant should be prepared to answer questions from the board related to these factors at the hearing.

David Schuurman
Signature

DAVID Schuurman
Print Name

10 March 2020
Date

Zoning Board of Appeals
Town of East Greenbush
225 Columbia Turnpike
Rensselaer, New York 12144

All applications must be submitted to the Building Department with:

1. Determination by Zoning Enforcement Officer (given to applicant by Building Department) and
2. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail

The property owner must complete Sections A, B, and C.

A. Property Owner Data Please print or type neatly.

1. Name: DAVID Schuurman
2. Address: 46 New York 2609 US 20
3. City: Nassau State: NY Zip: 12123
4. Telephone Number: 518 - 708 - 5424
5. Location of Property: 46 New York
6. Tax Map No.
(Can be obtained at Assessors Office) 155.9-6-7
7. Email Address: DAVE Schuurman@aol.com

8. Representative:

Name: DAVID Schuurman Phone Number: 518 708 5424
(If other than property owner) (Authorization form must be filled out and submitted)

B. Application for (Check as appropriate)

Area or Use

Variance(s) 1 Special Permit Interpretation

Reason for Appeal (Please include brief but detailed description of the proposed action which require variance(s) or special permit. Attach additional pages as necessary).

Property Does not meet the
75' of frontage required

Does have enough Square Feet

C. Signature of Property Owner: David Schuurman

Date: 10 March 2020

D. For Official Use

Appeal Number:

2020-04

Tax Map Number:

155.9-6-7

Zoning District:

R-2

Appeal Type:

Area Variance

Fee(s): \$294.90

Application/Cancelled

Received:

3/13/20

Hearing Date: 4/14/20

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project:							
Project Location (describe, and attach a location map): 46 New York							
Brief Description of Proposed Action: Requesting area variance to build a single family home							
Name of Applicant or Sponsor: DAVID Schuurman		Telephone: 518 708 5424 E-Mail: DAVE Schuurman@aol					
Address: 2609 US 20							
City/PO: Nassau		State: NY	Zip Code: 12123				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;">NO</td> <td style="text-align: center; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;">NO</td> <td style="text-align: center; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 0.23 acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>DAVID SCHURNAN</u> Date: <u>10 March 2020</u>		
Signature: <u>David Schurnan</u>		



The Town of East Greenbush

Building Department

225 Columbia Turnpike Rensselaer, New York 12144 (518) 477-6225 FAX (518) 477-2386
Building, Zoning and Planning

February 27, 2020

David Schuurman
2609 US Highway 20
Nassau, NY 12123

RE: Permit Application
46 New York Avenue
Tax Map # 155.9-6-7

Dear Mr. Schuurman,

On November 7, 2019 you submitted an application for work at the above property involving: **Proposal to construct a single family home on an undersized lot.** The property is located in an area, which is zoned: **R-2.**

This application has been examined for compliance with the applicable provisions of the Zoning Laws and the Town Code of the Town of East Greenbush.

The review of the proposed work will not comply with the following provisions of the Town Zoning Law: **Section(s) II 2.5.1A. Supplementary Bulk Standards and 2.6.6 Residence District (R-2).** The required lot width in the R-2 Zone is 75 feet. The proposed building lot has a lot width of 60 feet. The proposed action requires (1) **Area Variance(s).**

Therefore, your application of November 7, 2019 is hereby **DENIED.**

This objection may be addressed by filing revised plans reflecting conditions, which comply with the requirements of the Town Code and Zoning Laws. In the alternative, this denial may be appealed to the Zoning Board of Appeals on forms available from the Planning Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Kevin Hitchcock
Building Inspector

Cc: Zoning Board of Appeals



RECEIVED

NOV 07 2019

EAST GREENBUSH
BUILDING DEPT.

TOWN OF EAST GREENBUSH – RENSSELAER COUNTY
225 Columbia Turnpike Rensselaer, NY 12144
Office: (518)477-6225; Fax: (518)477-2386
www.eastgreenbush.org

BUILDING DEPT. APPLICATION FORM
24-HR. NOTICE FOR INSPECTIONS

Application No. _____
 Permit Issued _____ **20** _____
 Permit Expires _____ **20** _____
 Zoning District _____
 Fee (\$) _____
 Approved by: _____

All submittals with this application need to be in **DUPLICATE**. The undersigned hereby applies for a permit to do the following work which will be done in accordance with the description, plans, and specifications submitted, and such special conditions as may be indicated on the permit. Issuance of a building permit DOES NOT release the applicant from verifying whether or not said building lot is in a flood zone or a wetland's area.

PRINT ALL INFORMATION CLEARLY:

The owner of this property is: DAVID SCHUURMAN Phone #/Cell# _____
 Property Location: 46 New York E-MAIL: DAVID.SCHUURMAN
 SBL #: a@yahoo.com
 Name of Person/Business Responsible for work: SELF Phone # 518 708 5424
 E-MAIL: _____

Contractor Requirements: Provide Town with proof of Gen. Liability Insurance & Worker's Comp. Insurance with each permit. Town of East Greenbush listed as certificate holder on each insurance.

Estimated Value of Work: \$ TBD

NATURE OF PROPOSED WORK (circle)

- ☒ Construction of new building (Describe in **NOTE AREA***)
- ☐ Alterations to a building (Describe in **NOTE AREA***)
- ☐ Demolition of building
- ☐ Installation of plumbing (Describe in **NOTE AREA***)
- ☐ Installation of oil /gas /ac / heating /cooling unit
- ☐ Fence – 4' high 6'high - Total _____ l.f.
- ☐ Swimming Pool – Above or In-ground
Size: _____ x _____ Depth _____
- ☐ Driveways – New Resurface Expansion
- ☐ Shed – Size _____ x _____ - Total s/f _____
- ☐ Roof (Circle) New Reroof Repair
- ☐ Solar Panels (Circle) Roof Ground
- ☐ Sign(s) Size: _____ x _____ - Total s/f _____
- ☐ Other (Describe in **NOTE AREA***)

REQUIREMENTS:

A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK AND INSPECTIONS MUST BE CALLED IN BEFORE AND DURING CONSTRUCTION.

INDICATE ON THE PLOT PLAN: STREET NAMES, LOCATION, SIZE OF PROPERTY; SIZE & SETBACKS OF PROPOSED BUILDINGS AND LOCATION OF ALL EXISTING BUILDINGS. SHOW PROPOSED BUILDING(S) IN DOTTED LINE AND EXISTING BUILDING(S) IN SOLID LINE.

BEFORE YOU DIG CALL 811 or 1.800.962.7962

OR

www.DigSafelyNewYork.com/homowners

***NOTE AREA - ADDITIONAL INFORMATION:** Proposal to construct a single family home on a undersized lot

The undersigned hereby applies for a permit to do the specified work which will be done in accordance with the description, plans and specifications submitted and such special conditions as may be indicated on the permit.

SIGNATURE: David Schuurman

DATE: 7 Nov 2019

SPECIAL CONDITIONS OF THE PERMIT: _____

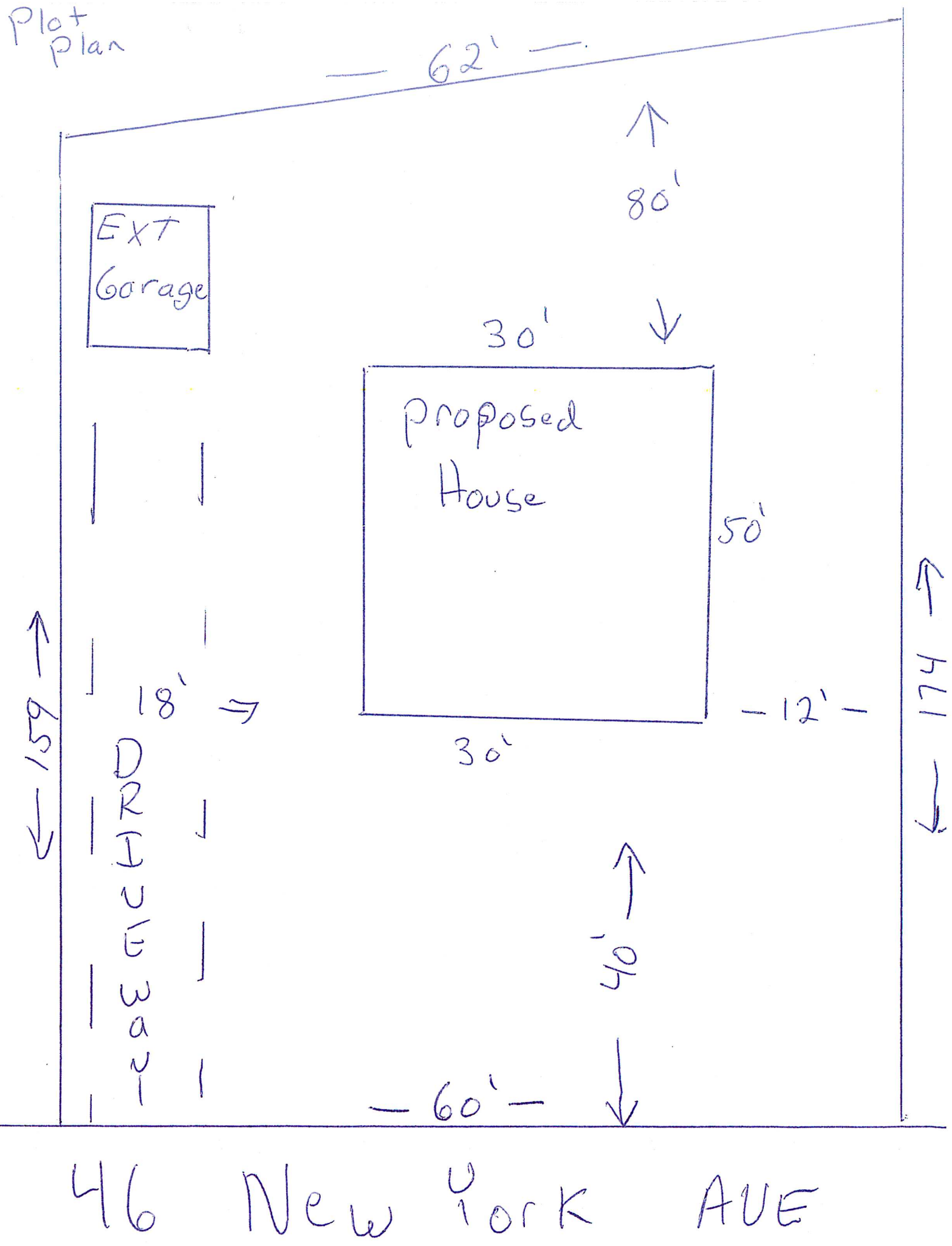
BY: _____

Required upon completion: **CERTIFICATE OF COMPLIANCE** for alterations; **CERTIFICATE OF OCCUPANCY** for new construction/occupancy; **THIRD PARTY ELECTRICAL APPROVAL** for all electrical work.

4/2017

PERMIT FEES ARE NON-REFUNDABLE

Plot
plan



LANDS OF REGENERON PHARMACEUTICALS, INC.

L. 6349
P. 4

62.0'

75° 24' 30"

BENT
IR

IR
SET

GAR

26.3'

1.78'

24.2'

BRICK

6.8'

HOUSE
IN

DISREPAIR

(TO BE
REMOVED)

22.6'

ST. # 46

27'

CHAIN LINK FENCE

HOUSE PREVIOUSLY
REMOVED

LANDS OF DOROTHY SCHERMERHORN

L. 1554
P. 234

#46 New York Ave.
Lands of David Schuurman
Town of East Greenbush,
County of Rensselaer,
State of New York

159.0'
(TOTAL)

ADJOINER'S
WOOD FENCE

0.23± ACRES.

Lot #470
OF REF.
MAP

Lot #469
OF REF.
MAP

TAX ID# 155.09-06-7

DEED REF.: L. 8524 P. 266

LANDS OF
DANIEL and PATRICIA
JARVIS

L. 248
P. 1588

LANDS OF
JOHN DOYLE

L. 8333
P. 99

MON

60'

IRS

90°

60.0'

IP

90°

160'
TO SHERWOOD AVE

OVERHEAD UTILITIES
CATCH BASIN

NEW YORK AVE.

MANHOLE

50.0'

IR

NOTE: REFER TO "MAP OF CLINTON
HEIGHTS, TOWN OF EAST
GREENBUSH, RENSSELAER Co., NY,"
MADE FOR CORLISS REALTY
BY E.H. WELLES, FILED IN
DRAWER 28 AS MAP 34 IN THE
RENSSELAER COUNTY CLERK'S
OFFICE.
LOT HAS PUBLIC SEWER and WATER
SUBJECT TO ANY DEED RESTRICTIONS
OF RECORD.



Surveyed by Cynthia K. Elliott

N.Y.P.L.S. #49608

Date: 08/07/2015

Unauthorized alteration or addition to a survey map
bearing a licensed land surveyor's seal is a violation of
section 7209, sub-division 2 of the NY State Education
Law. Only copies from the original of this survey

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

June 9, 2020

MEMO:

In regards to Appeal #2020-04: Dave Schuurman for 46 New York Avenue- Application an Area Variance, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

End of Memo

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Dave Schuurman
For an Area Variance

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2020-04

Whereas, An application has been filed by Dave Schuurman of 2609 US Route 20 Nassau, NY, 12123. The applicant proposes to construct a single family dwelling on an undersized lot in the R-2 Zoning District with a proposed frontage of 60 feet. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: II 2.5.1A Supplementary Bulk Standards and 2.6.6 Residence District (R-2). The required lot width in the R-2 Zoning District is 75 feet; and

Whereas, The applicant has filed an application requesting an Area Variance at the property located at 46 New York Avenue East Greenbush, NY (Tax Map No. 155.9-6-7); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 2, 2020; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, June 9, 2020 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its May 27, 2020 meeting provided a report of the requested an Area Variance with a recommendation; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

Resolved, with respect to the restriction on pools within the Front Yard, 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
2. There is no other method available to the applicant as
3. The requested variance is (not) substantial
4. The proposed variance will (not) have an adverse effect on the neighborhood
5. The alleged difficulty is (not) self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for an Area Variance for a proposed frontage of 60 feet and a be _____ (GRANTED/DENIED) with ____ (NO) condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on June 9, 2020.

(Discussion)

A vote was taken as follows:

John Conway	_____
Matt Ostiguy	_____
Tom Hickey	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2020

****Granting of this variance, does not preclude the applicant from obtaining a building permit***

Copy To:

Dave Schuurman
2609 US Route 20
Nassau, NY 12123

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2020-04
Building Inspector
Assessor