

# 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 23, 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 #2020-03-Guay-733 Columbia Turnpike-2 Area Variances-** Propose construct of 24' x 22' detached garage in rear yard

### **SEQR DETERMINATION & RECOMMENDATION:**

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

### **WORKSHOP/DELIBERATION:**

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

### **NEXT MEETING:**

July 14, 2020

### **STATUS –APPEALS ON JUNE 14, 2020:**

**ZBA Appeal #2020-05-Collins Homeland, LLC.-44 Troy Road-** Area Variance- Proposed parking in the front yard

### **APPROVAL OF MINUTES:**

June 9, 2020-tentative

## 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 23, 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](https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA).

Members of the public with questions and/or comments can send correspondence to [info@eastgreenbush.org](mailto: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 23, 2020 beginning at 7:30 pm to consider the following matter:

Appeal number # 2020-03 the appeal of Daniel Guay of 733 Columbia Turnpike, East Greenbush, NY 12061. The applicant proposes to construct a 24' x22' detached garage in the rear yard in the B-2 Zoning District with a proposed side & rear setback of 4 feet. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: II 2.7.3 General Business District. The required side & rear setbacks in the B-2 Zoning District are 12 feet. Therefore the proposed action requires 2 Area Variances for the property located at 733 Columbia Turnpike, East Greenbush NY. Tax Map # 177.8-7-16

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](http://www.zoom.us) and download the free application. Once downloaded, enter 820 5715 3253 as the "Join Meeting" invitation code.

Click on <https://us02web.zoom.us/j/82057153253>.

2. With a smartphone, utilize one click id: +16468769923, 86359181781# US (New York).

Call +1 646 876 9923 with your phone, and then enter Meeting ID: 820 5715 3253.

**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](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](mailto: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 JUNE 10, 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](mailto: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, (4<sup>th</sup> 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.

Daniel Guay  
Signature

DANIEL GILAY  
Print Name

3/10/2020  
Date



## Town of East Greenbush ZONING BOARD

Town Hall • 225 Columbia Turnpike • Rensselaer, NY 12144  
Tel. (518) 694-4011 • Fax (518) 477-2386  
www.eastgreenbush.org

### AUTHORIZATION FORM

To the Town of East Greenbush ☒ Zoning Board of Appeals;

I, Nelson Guay Property Owner give permission to Daniel Guay Representative

For representing me for my application before the Town of East Greenbush Zoning Board of Appeals and/or Planning Board, as indicated above, in applying for (a)

- ☐ Use Variance
- ☒ Area Variance
- ☐ Interpretation

for the property located at 733 COLUMBIA TURNPIKE  
Property Address

Property Owner's Signature: NELSON D GUAY  
DocuSigned by: 9E60875A08DB423...  
Date: 3/11/2020

Authorization Form



**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: NELSON GUAY
2. Address: 733 COLUMBIA TPKE.
3. City: E. GREENBUSH State: NY Zip: 12061
4. Telephone Number: 518 928 2280
5. Location of Property: Same
6. Tax Map No. 177.8 - 7-16  
(Can be obtained at Assessors Office)

7. Email Address: dtm@nycap.rr.com

**8. Representative:**

Name: Daniel Guay Phone Number: 518-928 2280  
(If other than property owner) (Authorization form must be filled out and submitted)

**B. Application for** (Check as appropriate)

Area or Use

Variance(s) ☒ 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).

Building a new garage, the required side and rear setbacks  
are 12 feet. The new garage proposed is 24' x 22', the side  
and rear setbacks will be 4 feet ± respectively

C. Signature of Property Owner: Daniel Guay  
Date: 3/16/2020

**D. For Official Use**

Appeal Number: 2020-03  
Tax Map Number: 177.8-7-16  
Zoning District: B-2  
Appeal Type: 2 Area Variances  
Fee(s): \$287.10  
Received:  
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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <i>New Garage</i>			
Project Location (describe, and attach a location map): <i>733 Columbia TPKE.</i>			
Brief Description of Proposed Action: <i>Replacing EXISTING garage with a NEW BUILDING. THE Required side and rear setbacks are at 12' respectively. The Proposed 24' x 22' garage leaves a side and rear setback of 4 feet.</i>			
Name of Applicant or Sponsor: <i>Nelson</i>		Telephone: <i>518 526 3993</i>	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
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.			NO <input checked="" 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:			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? <i>22 x 24 x 12 acres</i>			
b. Total acreage to be physically disturbed? <i>22 x 24</i> 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	YES <input 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input 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? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	



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	YES
_____	<input checked="" type="checkbox"/>	<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	YES
_____	<input checked="" type="checkbox"/>	<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	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Daniel Guay</u>		Date: <u>3/10/2020</u>
Signature: <u>Daniel Guay</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

Daniel Guay Family Trust  
733 Columbia Turnpike  
PO Box 47  
East Greenbush, NY 12061-0047

RE: Permit Application  
733 Columbia Turnpike  
Tax Map # 177.8-7-16

Dear Mr. Guay,

On February 14, 2020 you submitted an application for work at the above property involving: **Proposal to construct a 24' x 22' detached garage in the rear yard.** The property is located in an area, which is zoned: **B-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 2.7.3 General Business District (B-2). The required side and rear setbacks in the B-2 Zone are 12 feet. The proposed 24' x 22' garage leaves a side and rear setback of 4 feet respectively. The proposed action requires (2) Area Variance(s).**

Therefore, your application of February 14, 2020 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 at the Planning / Zoning Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Kevin Hitchcock  
Building Inspector

Cc: Zoning Board of Appeals





RECEIVED

FEB 14 2020

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](http://www.eastgreenbush.org)**BUILDING DEPT. APPLICATION FORM****24-HR. NOTICE FOR INSPECTIONS**

Application No. \_\_\_\_\_  
 Permit Issued \_\_\_\_\_ 20  
 Permit Expires \_\_\_\_\_ 20  
 Zoning District B-2  
 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: DANIEL GUAY FAMILY TRUST  
NELSON GUAY

Phone #/Cell# 518 928 2280E-MAIL: dtm@nycop.rs.com

SBL #: \_\_\_\_\_

Property Location: 733 Columbia Tpke.

Name of Person/Business Responsible for work: \_\_\_\_\_ Phone # \_\_\_\_\_

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: \$ 15,000.00**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](http://www.DigSafelyNewYork.com/homowners)

**\*NOTE AREA - ADDITIONAL INFORMATION:** TRIM BACK OVER HANGING TREES  
DEMO EXISTING GARAGE NEW CONCRETE PAD ALL METAL NEW GARAGE

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: Daniel GuayDATE: 02/14/2020

SPECIAL CONDITIONS OF THE PERMIT: \_\_\_\_\_

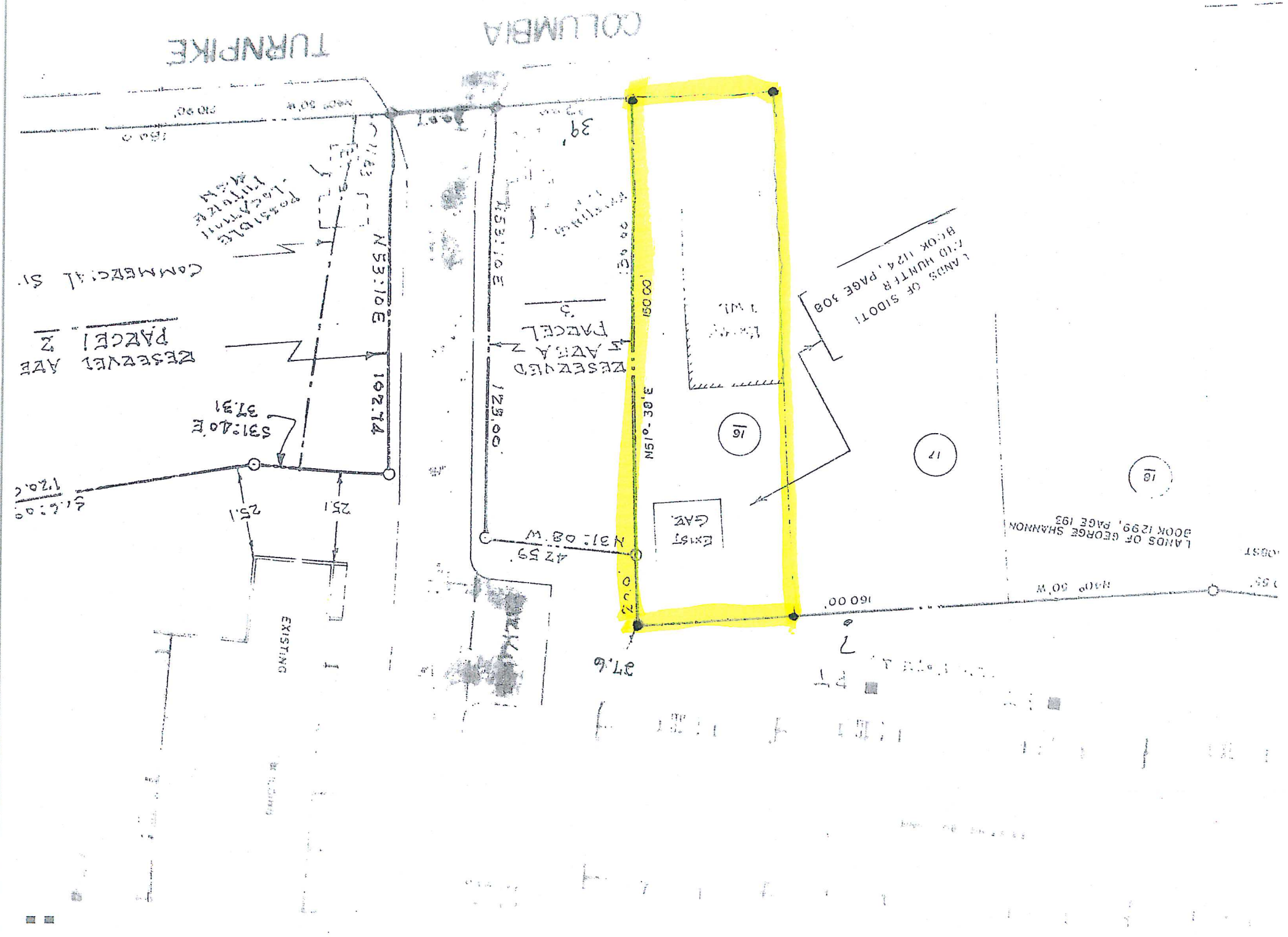
BY: \_\_\_\_\_

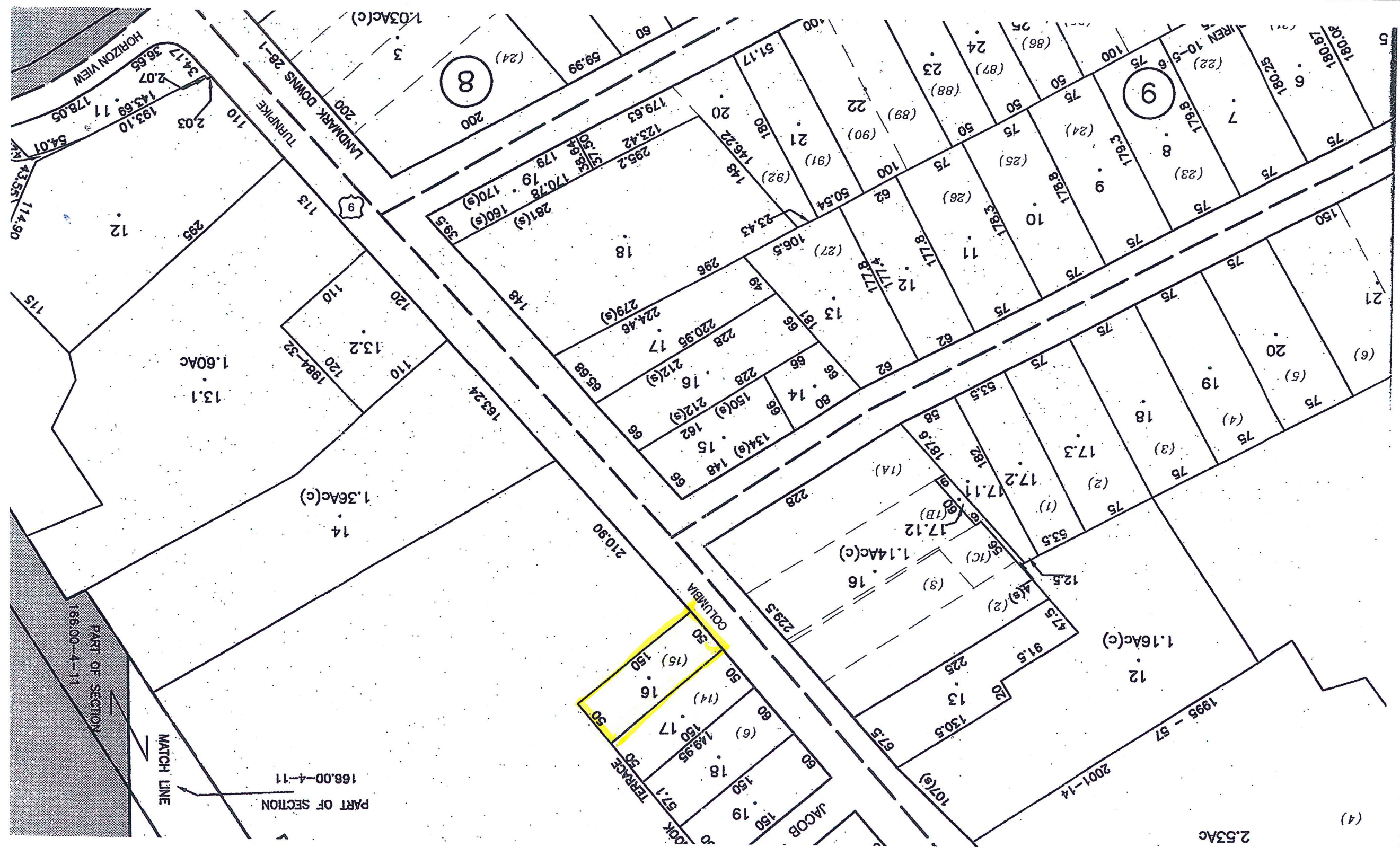
Required upon completion: **CERTIFICATE OF COMPLIANCE** for alterations; **CERTIFICATE OF OCCUPANCY** for new construction/occupancy; **THIRD PARTY ELECTRICAL APPROVAL** for all electrical work.

4/2017

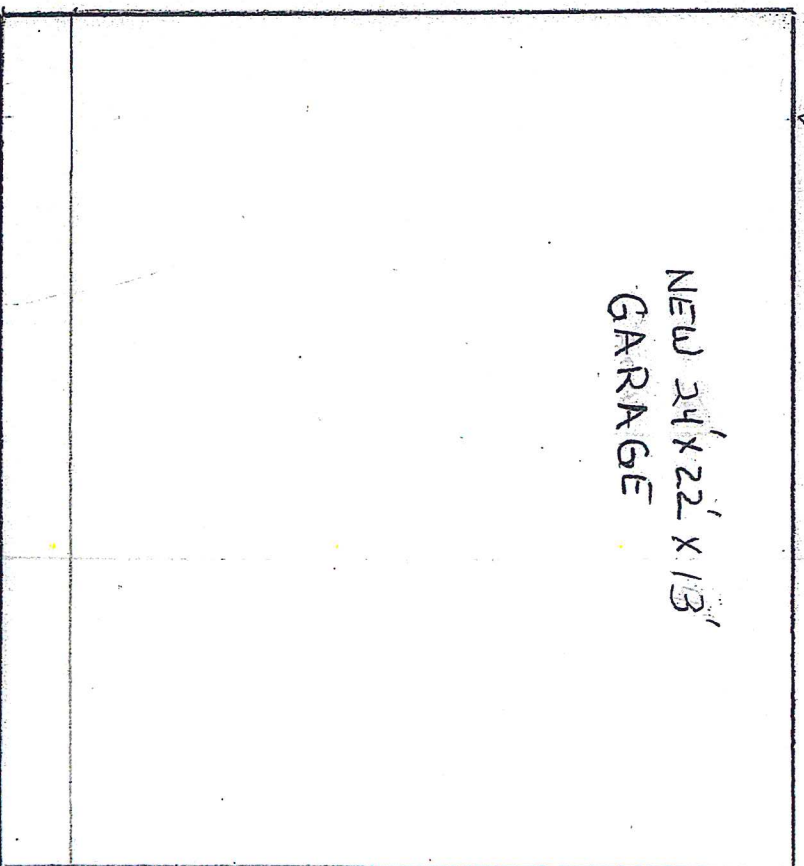
**PERMIT FEES ARE NON-REFUNDABLE**





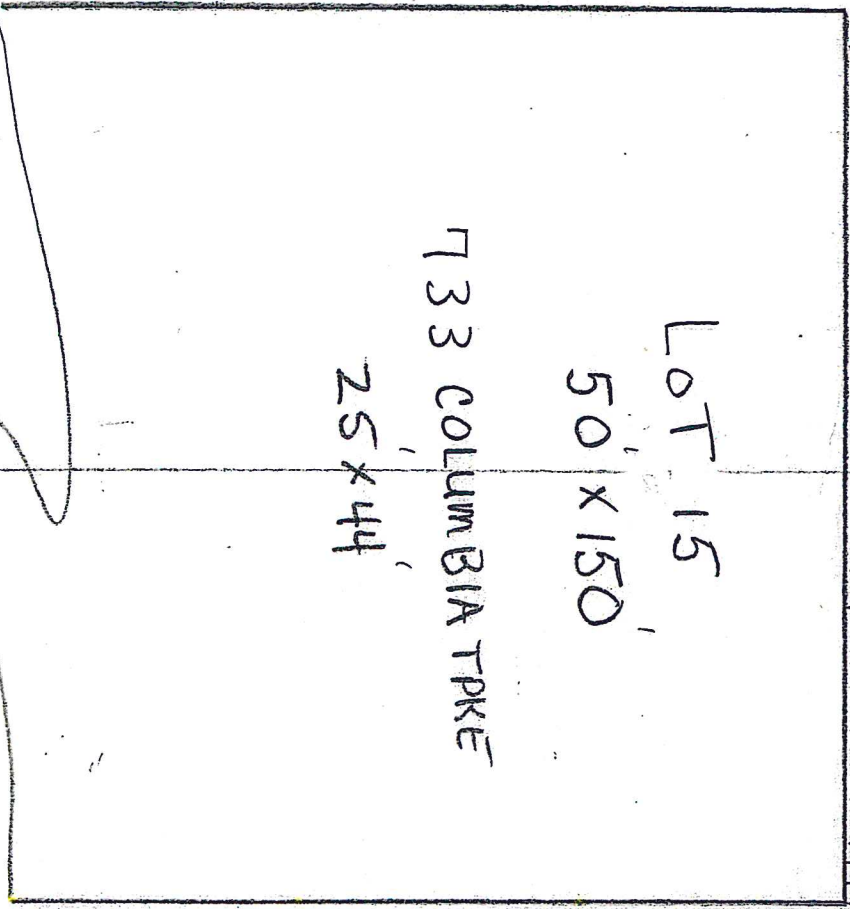
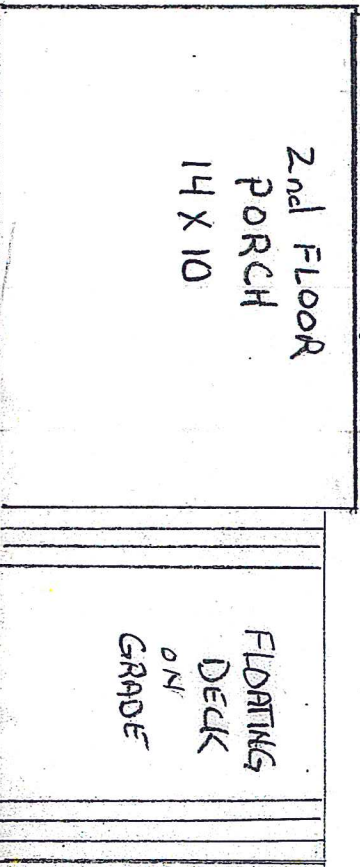






20'

30'±



DRIVEWAY





# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

---

**June 23, 2020**

## **MEMO:**

In regards to Appeal #2020-03: Daniel Guay of 733 Columbia Turnpike - Application 2 Area Variances, 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:  
Daniel Guay  
For 2 Area Variances

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

**Appeal No. 2020-03**

**Whereas**, An application has been filed by Daniel Guay of 733 Columbia Turnpike East Greenbush, NY, 12061. The applicant proposes to construct a 24' x22' detached garage in the rear yard with a side and rear setback of 4 feet in the B-2 Zoning District. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: II 2.7.3 General Business District (B-2). The required side and rear setbacks in the B-2 Zoning District are 12 feet; and

**Whereas**, The applicant has filed an application requesting 2 Area Variances at the property located at 733 Columbia Turnpike East Greenbush, NY (Tax Map No. 177.8-7-16); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 12, 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 23, 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 Area Variances 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**, that the Board of Appeals makes the following findings of fact in regards to the proposed side setback of 4 feet:

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 side setback of 4 feet be \_\_\_\_\_ (GRANTED/DENIED) with \_\_\_\_ (NO) condition(s):

1.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on June 23, 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***



**Resolved**, that the Board of Appeals makes the following findings of fact in regards to the proposed rear setback of 4 feet:

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 rear setback of 4 feet be \_\_\_\_\_ (GRANTED/DENIED) with \_\_\_\_ (NO) condition(s):

2.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on June 23, 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:

Daniel Guay  
733 Columbia Turnpike  
East Greenbush, NY 12061

Cc: Rensselaer County Planning  
Town Clerk  
ZBA File No. 2020-03  
Building Inspector  
Assessor