

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, FEBRUARY 8, 2022

7:30PM

BEING HELD VIRTUALLY

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2021-13-Benoit-416-418 Hays Road-Area Variances-Proposed two lot major subdivision to separate a parcel with two single family dwellings on it-For SEQR
Reconvene ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontage

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2021-13-Benoit-416-418 Hays Road-Area Variances-Proposed two lot major subdivision to separate a parcel with two single family dwellings on it. Planning Board SEQR Determination Received- For SEQR

ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontage- Planning Board SEQR Determination Received

WORKSHOP/DELIBERATION:

ZBA Appeal #2021-13-Benoit-416-418 Hays Road-Area Variances-Proposed two lot major subdivision to separate a parcel with two single family dwellings on it

ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontage

NEXT MEETING:

February 22, 2022

APPROVAL OF MINUTES:

January 25, 2021

Notice Regarding Zoning Board Meeting

Pursuant to New York State first law of 2022, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Zoning Board will convene its February 8, 2022 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.

To view a copy of the agenda, please navigate to this page: <https://www.eastgreenbush.org/agendas-minutes/zoning-board-appeals/agendas>

Join Zoom Meeting

<https://us02web.zoom.us/j/81277488740>

Meeting ID: 812 7748 8740

One tap mobile

+16468769923,,81277488740# US (New York)

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Dial by your location

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Meeting ID: 812 7748 8740

Find your local number: <https://us02web.zoom.us/j/81277488740>

BENOIT
MAJOR 2-LOT SUBDIVISION
416-418 HAYS ROAD
DECEMBER 22, 2021

ADOPTION of NEGATIVE DECLARATION (21-23)

MOTION: A motion was made by Chairman Mastin as follows:

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by John Benoit (the Owner) with Santo Associates, professional design consultant to the Owner, for a 2-lot Major Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 3.99 acre parcel located at 416 - 418 Hays Road on which there are currently two single family homes and according to information from the Town Assessor, the two homes were built in 1934 and 1940; and

WHEREAS, the proposal would subdivide the parcel so that each home is on its own lot and would involve no ground-breaking or site improvements; and

WHEREAS, the Town Project Review Team did review the preliminary plat and the various supporting data on September 28, 2021 and meeting notes show discussion related principally to procedural review regarding lack of roadway frontage and area variances; and

WHEREAS, on October 13, 2021 the Planning Board did classify the proposed sketch plat as a Major Subdivision, as one of the proposed lots lacks frontage on an existing street, and both proposed lots are in conflict with the Zoning Ordinance because they do not meet the minimum lot area permitted by the Town's Comprehensive Zoning Law; and

WHEREAS, on October 13, 2021 the Planning Board classified the action as an unlisted action in accordance with 6NYCRR Part 617, declared its intent to seek lead agency status, and initiated a coordinated review under SEQRA ; and

WHEREAS, the Planning Board, has carefully reviewed the land development application, sketch plat, Short Environmental Assessment Form Part 1, and related materials for this project in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/ or the conditions of this resolution; and

WHEREAS, the Planning Board has compared the proposed action (major subdivision approval) against the criteria listed in 617.7 (c) (i-xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7. (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7. (3) (i-vii); and

Now, therefore, be it

RESOLVED, that the Planning Board, upon completion of the coordinated review in accordance with 6 NYCRR Part 617, and having received no responses from other involved agencies to the contrary, hereby declares itself lead agency under SEQRA and re-affirms the classification of the action as an Unlisted action in accordance with 6 NYCRR Part 617; and

be it further

RESOLVED, that based on the environmental assessment and review, the Planning Board has determined that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, is hereby adopted; and

be it further

RESOLVED, that the Planning Board authorizes the Chair to endorse the SEQRA determination and supporting rationale contained therein.

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-Absent; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Short Environmental Assessment Form, Part 3, Determination of Significance Attachment for Benoit, 416/418 Hays Road 2-lot Major Subdivision

Part 3 should explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Upon review of the proposed action by the Town of East Greenbush Planning Board and with input from other involved agencies, the Town finds no moderate to large adverse impacts are likely to occur as a result of approval of the Benoit 416/418 Hays Road Major Subdivision. Details related to their analysis into the potential impacts follows. The eleven points below are correlated to the 11 questions on the Part 2 SEAF.

1. Potential impact of having a material conflict with adopted land use plan or zoning regulations: Small impact.

The proposed action is a permitted action determined through the major subdivision review process, albeit inconsistent with zoning requirements including lot size, setbacks and other Town development standards. The proposed action is to subdivide a 3.99 acre parcel located at 416-418 Hays Road in the Town's Agriculture Residential zoning district (A-R). The parcel currently contains two single family homes built in 1934 and 1940. The proposal would subdivide the parcel so that each home would be on its own lot. Proposed Lot 1 would consist of 1.815 acres and have 215 feet of frontage on Hays Road. Proposed Lot 2 would consist of 2.184 acres and would not have frontage on a public street. Lot requirements in this A-R district are;

- 5-acre minimum lot size
- 400' minimum width
- 50' front, side, and rear setbacks

To accommodate ingress and egress for Lot 2, the proposal includes a 25 foot-wide easement centered on the existing driveway. The easement would be granted to the owners of Parcel 2 for access between their property and Hays Road. Maintenance costs of the driveway would be shared by owners of both parcels. Emergency access to the existing houses will not change. There is no construction or earthwork proposed as part of this application, and as such, there would be no physical changes to the property. The only proposed changes are the lot lines. Given the current lot size and location of the houses and wells, the following area variances would be required:

1. Proposed Lot 1 would be 1.815 acres. The minimum lot size in the A-R district is 5 acres. As such, an area variance would be required to allow an undersized lot of 1.815 acres.
2. Proposed Lot 2 would be 2.184 acres. The minimum lot size in the A-R district is 5 acres. As such, an area variance would be required to allow an undersized lot of 2.184 acres.
3. Proposed Lot 2 would have no frontage on a public street and would thus violate the town Comprehensive Zoning Law (CZL) Section 2.5.1.F.02. As such, an area variance would be required to allow a lot with no frontage.
4. The side (south) setback on proposed Lot 2 would be 14.7'. The minimum side setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 14.7' side setback.
5. The rear setback on proposed Lot 1 would be 14.7'. The minimum rear setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 14.7' rear setback.
6. The side (east) setback on proposed Lot 1 would be 46.0'. The minimum side setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 46.0' side setback.
7. Proposed Lot 1 would be 215' in width at the road. The minimum lot width in the A-R district is 400' feet. As such, an area variance would be required to allow 215' of road frontage.
8. Proposed lot 2 also does not meet the minimum lot width (and the town code does not explicitly define lot width, but the Town generally uses lot frontage which is addressed in #3 above).

With regard to lot size (1 & 2 above), the 3.99 acre lot as it currently exists is a pre-existing non-conforming undersized lot. Subdividing this parcel into smaller lots would be increasing this non-conformity. However, as a general rule in the Town's Comprehensive Zoning Law (CZL), the residential districts allow only one principal building per lot. This goes for the R-OS, R-B, R-1, and R-1A districts. For unknown reasons, the CZL does not have Specific District Standards for the R-A zone and it is unclear if this omission was a mistake. According to information provided by the Town Assessor, out of the 87 parcels in the A-R district, only 2 other parcels contain multiple residential structures. This parcel appears to be a unique circumstance.

The Planning Board made a positive recommendation on the proposal as it relates to planning and recommended approval of all area variances by the Town's Zoning Board of Appeals with the condition that the parcel cannot be further subdivided in the future and forwarded a report supporting this recommendation to the Zoning Board of Appeals. The Planning Board recommendation of approval of all necessary area variances is indicative that the proposed action, subdivision with no groundbreaking, is consistent with the vision of this area established in the Town's Comprehensive Plan.

2. Potential impact related to a change in use or intensity of use of land: No impact.

Currently the parcel proposed for subdivision has two single family homes. According to information from the Town Assessor, the two homes were built in 1934 and 1940. The existing use of two single-family homes will remain, there will be no changes in use or intensity of use of land.

3. Potential impact that impairs the character or quality of the existing community: No impact.

The site is immediately adjacent to the Residential Buffer (R-B) zone, which has a minimum lot size of 1.5 acres. These proposed undersized lots would not be out of character with immediately adjacent lots. Additionally, as the physical character of the subject property would remain unchanged, there would be no undesirable change to the character of the neighborhood and granting of these variances for lot size would not have an adverse effect on the physical or environmental conditions in the neighborhood or A-R district. To restrict further development, the Planning Board recommends conditioning any approval such that no further subdivision of the property would be allowed.

4. Potential impact on a critical environmental area: No Impact.

There is no CEA designate in the location of the proposed subdivision.

5. Potential impact causing an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. No Impact.

While there could be additional traffic or activity associated with two (2) separately owned and owner-occupied parcels, any change in such activity associated with this possible change in tenure would likely be similar to that of use of the property for rental occupation. There are no mass transit, bike or walkways in the immediate vicinity of the project.

6. Potential impact resulting in an increase in use of energy and fails to incorporate reasonably available energy conservation or renewable energy opportunities: No Impact.

There is no construction or earthwork proposed as part of this application, and as such, there would be no changes in the use of energy. The only proposed changes are the lot lines.

7. Potential impact on existing public water and wastewater treatment utilities: No Impact.

The parcel currently contains two single family homes which are serviced by well and septic. There is no construction or earthwork proposed as part of this application, and as such, there would be no impact expected on existing public water and wastewater treatment utilities. The only proposed changes are the lot lines.

8. Potential impact that would impair character or quality of important historic, archaeological, architectural or aesthetic resources: No Impact.

The existing homes are no closer to Hays Road than 350', and the mature trees and other vegetation screens the homes from Hays Road; the rural character of Hays would not, therefore, be altered. Moreover, by permitting a shared use driveway, clearing and other vegetation removal associated with potential construction of a second, separate driveway would be avoided, minimizing impacts to the rural character of the site and the immediate neighborhood.

The project appears to be located within an area of potential historical or archeological significance however project review determined that there is no historic or architectural resources on the parcel or adjacent areas that will be impacted because the only proposed changes are the lot lines.

9. Potential impact causing an adverse change to natural resources: No Impact.

The proposed action will not affect groundwater or air quality. No new wells will be drilled. There are no threatened or endangered species known to utilize this location. There are no identified critical habitats at this location, and no ground disturbance will occur. A Class C (T) unnamed protected stream is located within the project area however no disturbance to the bed or banks of this stream are proposed and therefore will not be impacted.. No ground disturbance is proposed therefore existing vegetation will not be removed.

A review of the Town's Natural Resources Indicator shows that neither the subject parcel nor any parcels in the immediate vicinity (i.e., within 1,000' of the lot lines) are situated within an Agricultural District or receive agricultural property tax exemptions, and as revealed by a site visit, there are no known farm operations in the immediate neighborhood. Therefore, there will be no conflict with existing farm operations.

10. Potential impact that would increase in potential for erosion, flooding or drainage problems: No Impact.

There are no mapped floodplains along the Class C (T) unnamed protected stream on the parcel. No ground disturbance will occur, no impacts are anticipated. Erosion control and/or additional storm water management measures are not needed.

Slopes exist on the northern parts of the parcel, publicly accessible contour maps show an elevation loss of approximately 50 feet from the northernmost existing single family home to the northern edge of the parcel. However no ground disturbance will occur, therefore, no impacts are anticipated.

11. Potential impact that would create a hazard to environmental resources or human health: No Impact.

Subdivision of the parcel will not create any hazards to the environment or to human health.

Summary

A small adverse impact has been identified in relation to non-conformity with the Town's Comprehensive Zoning Law and other Town standards, but this is not considered to be a significant impact, either individually or cumulatively as described in this attachment. There is no construction or earthwork proposed as part of this application, and as such, there would be no physical changes to the property. The only proposed changes are the lot lines. The scale and intensity of this proposed action is small. No potential moderate to large adverse environmental impacts have been identified.

DEJULIO
MINOR 2-LOT SUBDIVISION
40-44 TANNERS LANE
JANUARY 26, 2022

ADOPTION of NEGATIVE DECLARATION
(21-31)

MOTION: A motion was made by Acting Chairman Viola as follows:

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Michael and Mary Jane DeJulio (the Owner) with Holbritter Land Surveying, professional design consultant to the Owner, for a 2-lot Minor Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of two parcels totaling 1.81 acres parcel located at 40 and 44 Tanners Lane on which there are currently two single family homes, both of which are owned by the Owner; and

WHEREAS, the proposal would subdivide the parcel so that each home is on its own lot creating a third new buildable lot between the two existing parcels and single family homes; and

WHEREAS, the Town Project Review Team did review the preliminary plat and the various supporting data on May 10th, 2021 and meeting notes show discussion related principally to procedural review regarding area variances; and

WHEREAS, on November 10, 2021 the Planning Board did classify the proposed sketch plat as a Minor Subdivision; and

WHEREAS, on November 10, 2021 the Planning Board classified the action as an Unlisted action in accordance with 6NYCRR Part 617, declared its intent to seek lead agency status, and initiated a coordinated review under SEQRA ; and

WHEREAS, the Planning Board did refer the application to the Town's Zoning Board of Appeals on November 10, 2021, in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law, as the application as proposed required the following variances:

1. Proposed Lot #1, with a proposed area of 1.08 +/- acres, lacks appropriate width (frontage), having only 35.71 feet of width in violation of Section 2.6.6.E:
 - a. Area and Bulk Schedule in Residential District (R-2) requires a minimum lot width of 75 feet

2. Proposed Lot #2, with a proposed area of 0.46 +/- acres lacks appropriate width (frontage), having only 39.35 feet width in violation of Section 2.6.6.E:
 - a. Area and Bulk Schedule in Residential District (R-2) requires a minimum lot width of 75 feet

WHEREAS, the Planning Board, has carefully reviewed the land development application, sketch plat, Short Environmental Assessment Form Part 1, and related materials for this project in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/ or the conditions of this resolution; and

WHEREAS, the Planning Board has compared the proposed action (minor subdivision approval) against the criteria listed in 617.7 (c) (i-xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7. (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7.(3) (i-vii); and

Now, therefore, be it

RESOLVED, that the Planning Board, upon completion of the coordinated review in accordance with 6 NYCRR Part 617, and having received no responses from other involved agencies to the contrary, hereby declares itself lead agency under SEQRA and re-affirms the classification of the action as an Unlisted action in accordance with 6 NYCRR Part 617; and

be it further

RESOLVED, that based on the environmental assessment and review, the Planning Board has determined that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, is hereby adopted; and

be it further

RESOLVED, that the Planning Board authorizes the Chair to endorse the SEQRA determination and supporting rationale contained therein.

Seconded by Don Panton & roll called as follows:

M. Mastin-ABSENT; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
John Benoit
For 8 Area Variances

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

Appeal No. 2021-13

Whereas, An application has been filed by John Benoit of 295 Brunswick Road Brunswick, NY, 12180. The applicant proposes a major two lot subdivision in order to separate a parcel with two single family dwellings on it; The proposed major subdivision will not comply with the following provisions of the Town's Comprehensive Zoning Law: Sections 2.5.F.02 and 2.6.1 E; and

Whereas, The applicant has filed an application requesting 8 Area Variances at the property located at 416-418 Hays Road East Greenbush, NY (Tax Map No. 177.-1-2); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on December 3, 2021; 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, December 14, 2021 & continued on February 8, 2022 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its December 8, 2021 meeting provided a report of the requested Area Variances with a positive 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 with regards to proposed lot 1 only having 1.8 acres where 5 acres is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 1 only having 1.8 acres where 5 acres is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 1 only having 215.83' of frontage where 400' is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 1 only having 215.83' of frontage where 400' is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition**(s)**:

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 1 only having a 14.7' rear setback where 50' is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 1 only having a 14.7' rear setback where 50' is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition**(s)**:

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 1 only having a 46' side setback where 50' is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 1 only having a 46' side setback where 50' is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition**(s)**:

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 2 only not having frontage on a public street:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 2 only not having frontage on a public street be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 2 only having 2.1 acres where 5 acres is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 2 only having 2.1 acres where 5 acres is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 2 only having 163.08' of frontage where 400' is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 2 only having 163.08' of frontage where 400' is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition**(s)**:

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 2 only having a 14.7' rear setback where 50' is required:

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 the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed lot 2 only having a 14.7' rear setback where 50' is required be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition**(s)**:

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

Copy To:

John Benoit
295 Brunswick Road
Brunswick, NY 12180

Cc: Rensselaer County Planning (Via Email)
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2021-13

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Michael & Mary Jane DeJulio
For 2 Area Variances

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

Appeal No. 2021-15

Whereas, An application has been filed by Michael & Mary Jane DeJulio of 44 Tanners Lane Rensselaer, NY, 12144. The applicant proposes a minor two lot subdivision and each lot does not have the required frontage in the R-2 Zoning District. Proposed lot 1 would have 35.71' of frontage where 75' is required. Proposed lot 2 would have 39.35' of frontage where 75' is required. The proposed subdivision will not comply with the following provisions of the Town Zoning Law: Section 2.6.6 E of the Town's Comprehensive Zoning Law; and

Whereas, The applicant has filed an application requesting 2 Area Variances at the property located at 40 & 44 Tanners Lane East Greenbush, NY (Tax Map No's. 144.3-1-14 & 144.3-1-1.115); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on December 17, 2021; 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, December 28, 2021 & continued on February 8, 2022 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its December 22, 2021 meeting provided a report of the requested 2 Area Variances with a positive 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 with regards to proposed lot 1 only having 35.71' of frontage where 75' is required:

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 the proposed minor 2 lot subdivision with lot 1 proposing a 35.71' front setback be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevel	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****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 with regards to proposed lot 2 only having 39.35' of frontage where 75' is required:

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 the proposed minor 2 lot subdivision with lot 2 proposing a 39.35' front setback be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition**(s)**:

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

Resolution and Final Decision of Board of Appeals: Appeal No. 2021-15

Copy To:

Michael & Mary Jane DeJulio
44 Tanners Lane
Rensselaer, NY 12144

Cc: Rensselaer County Planning (Via Email)
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2021-15