

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 28, 2022 7:30PM

***Meeting to be held in the Town
Hall Court Room***

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2022-04-Riling -31 Catskill Avenue-2 Area Variances-Side & Rear Setbacks
for Shed

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2022-04-Riling -31 Catskill Avenue-2 Area Variances- Side & Rear Setbacks
for Shed

WORKSHOP/DELIBERATION:

ZBA Appeal #2022-04-Riling -31 Catskill Avenue-2 Area Variances- Side & Rear Setbacks
for Shed

NEXT MEETING:

July 12, 2022

APPROVAL OF MINUTES:

April 12, 2022 & June 14, 2022



RECEIVED

MAY 23 2022

DEPT PZD

The Town of East Greenbush

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518 694-4011

AREA VARIANCE APPLICATION

Section 1: Applicant/Property Owner Information:

Applicant:

Name: Jennifer and Paul Riling

Address: 31 Catskill Ave

Phone #: 518-669-5398 Email Address: jennieriling@gmail.com

Signature of Applicant: [Signature] Date: 5/20/22

Property Owner (If not Applicant)

Name: _____

Address: _____

Phone #: _____ Email Address: _____

See Authorization page if Applicant and Property Owner are not the same

Section 2: Property Information:

Property Address/Location: 31 Catskill Ave Rensselaer NY

Tax Map #: 155.9-1-3 (*Obtain from Assessor's office*) 12144

Section 3: Project Information:

Describe project & why a variance is necessary:

Looking to have a shed in our backyard. Not
permanent structure. 12 x 20 placed on gravel.
25 feet from the fence would put in the middle
of our yard. Asking to be able to put
the shed 5 feet from fence/property line

Indicate the Town Zoning Law Chapter/Section from which this variance application is being requested: This information can be found on the denial from the Building Dept. or on the resolution from the Planning Board.

Article: _____ Section: _____ Subsection: _____

Additional code sections if they pertain: Zone R-2

Please complete the following table indicating all Area Variances needed, if a variance is not required for one or more, just put N/A.

	<u>Required per Code:</u>	<u>Requested Dimensions:</u>
Front Setback:	N/A	N/A
Side Setback:	8	5
Rear Setback:	25	5
Lot width/frontage:	N/A	N/A
Height:	N/A	N/A
Other:	N/A	N/A

All applications must be submitted to the Planning/Zoning Department with:

- 1. Determination by Zoning Enforcement Officer (given to applicant by Building Department), not necessary if referred by the Planning Board and**
- 2. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail**
- 3. Complete application package.**
- 4. Application fees are: \$150 for the initial area variance & \$75 for each additional area variance. Certified mailing fees will be calculated and a fee letter will be sent to the applicant within a week of receiving a denial from the Building Department with the total amount due.**
- 5. A public hearing will be scheduled once the fee and completed application is received and is usually 30-45 days out.**

If you have any questions you can reach the Zoning secretary at alovely@eastgreenbush.org

For Official Use Only:

Appeal Number: 2022-04

Date Application Received: 5/23/2022

Tax Map Number: 155.9-1-3

Zoning District: R-2

Appeal Type: 2 Area Variances

Application/Certified Fee: \$342.28

Received: 5/23/2022

Hearing Date: 6/28/2022

Approved:

With/without conditions:

Denied:

FOR AN 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." (Ratherkopf, 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.

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.

To grant an Area Variance, the ZBA will must balance the benefits to the applicant and the health, safety and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to given to each of them will vary with the facts of each case.

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:

APPLICANT NEEDS TO ANSWER THE FOLLOWING:

1. Whether the granting of the variance will produce an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the character of the neighborhood for the following reasons:

The shed will be a vinyl sided structure
with shutters / upgraded windows + doors.
It will only share the look of our yard
and is not a detriment to the neighbor.

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. Identify what alternatives to the variance have been explored (alternative designs etc.) and why they are not feasible:

Without the approval of this appeal, we cannot buy the size shed we need to accommodate the storage we need

3. Whether the requested area variance is substantial. The requested variance is not substantial for the following reasons:

We do not believe the variance is substantial.

The shed is not a permanent structure and where it would be located on the yard

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district for the following reasons:

There is no physical or environmental impact by having a shed if the

variance was not approved, and we did have to be 25ft.

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. Explain whether the alleged difficulty was or was not self-created:

The difficulty was not self-created. The shed in the middle of a back yard would render the outdoor living area unusable.

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.

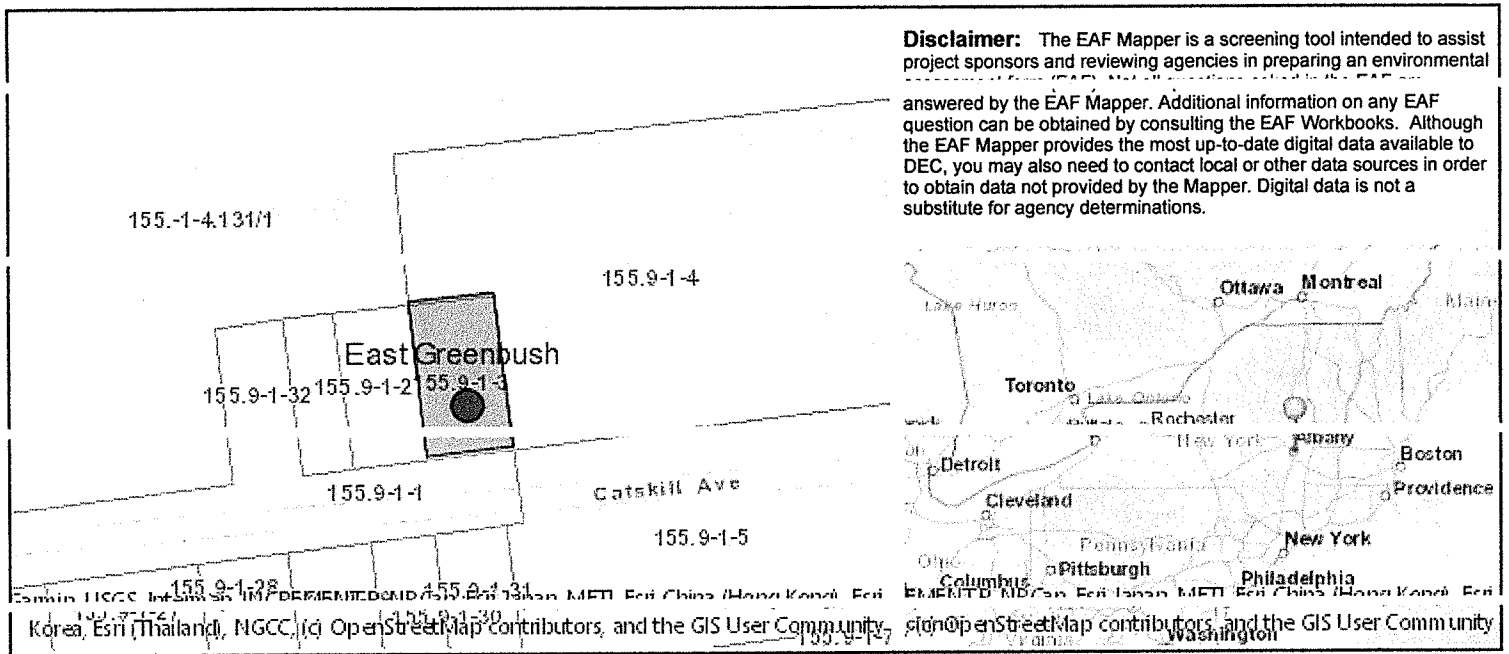
Part 1 – Project and Sponsor Information			
12x20 Shed Installation			
Name of Action or Project: 31 Catskill Ave -Shed Variance			
Project Location (describe, and attach a location map): 155.9-1-3			
Brief Description of Proposed Action: We are requesting 2 Area Variances to install a new 12x20 Shed in our fenced back yard. We are requesting the town to allow us a 5Ft rear and side setback. A 25 Ft/8Ft setback would render the backyard space unusable, and a much smaller shed would not provide us the storage space needed. Positioning the shed in the middle of our backyard would also require us to take down the crab apple tree mt late father planted over 30 years ago. The shed is not a permanent structure, and will only enhance the look of the backyard. We are asking to place the shed in the right back corner 5 Ft from the existing 6 ft privacy fence.			
Name of Applicant or Sponsor:		Telephone: 518-669-5398	
Jennifer Riling		E-Mail: jennifer.riling@gmail.com	
Address: 31 Catskill Ave			
City/PO: Rensselaer		State: NY	Zip Code: 12144
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.20 Acres	
b. Total acreage to be physically disturbed?		.0055 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.02 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" 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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	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
<i>auto-populated</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Jennifer Riling</u> Date: <u>5-23-2022</u>		
Signature: <u><i>Jen Riling</i></u> Title: <u><i>5/23/22 Owner</i></u>		



Part 1 / Question 7 [Critical Environmental Area]

No

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]

No

Part 1 / Question 12b [Archeological Sites]

Yes

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]

Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal]

No

Part 1 / Question 16 [100 Year Flood Plain]

Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

Part 1 / Question 20 [Remediation Site]

Yes



The Town of East Greenbush

Building Department

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518-477-6225 - Fax: 518-477-2386

Building, Zoning and Fire Prevention

May 13, 2022

Jennifer and Paul Riling
31 Catskill Avenue
Rensselaer, NY 12144

RE: Permit Application
31 Catskill Avenue
Tax Map # 155.9-1-3

Dear Mr. and Mrs. Riling,

On May 4, 2022 you submitted an application for work at the above property involving:
Proposal to install a 12'x20' shed in the rear yard. 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 Code: **Section 2.6.6 Residential District (R-2) requires accessory structures larger than 120 sf maintain a rear setback of 25 feet and a side setback of 8 feet. The proposed shed location will leave a rear and side setback of 5 feet respectively. The proposed action requires (2) Area Variances.**

Therefore, your application of May 4 , 2022 is hereby **DENIED.**

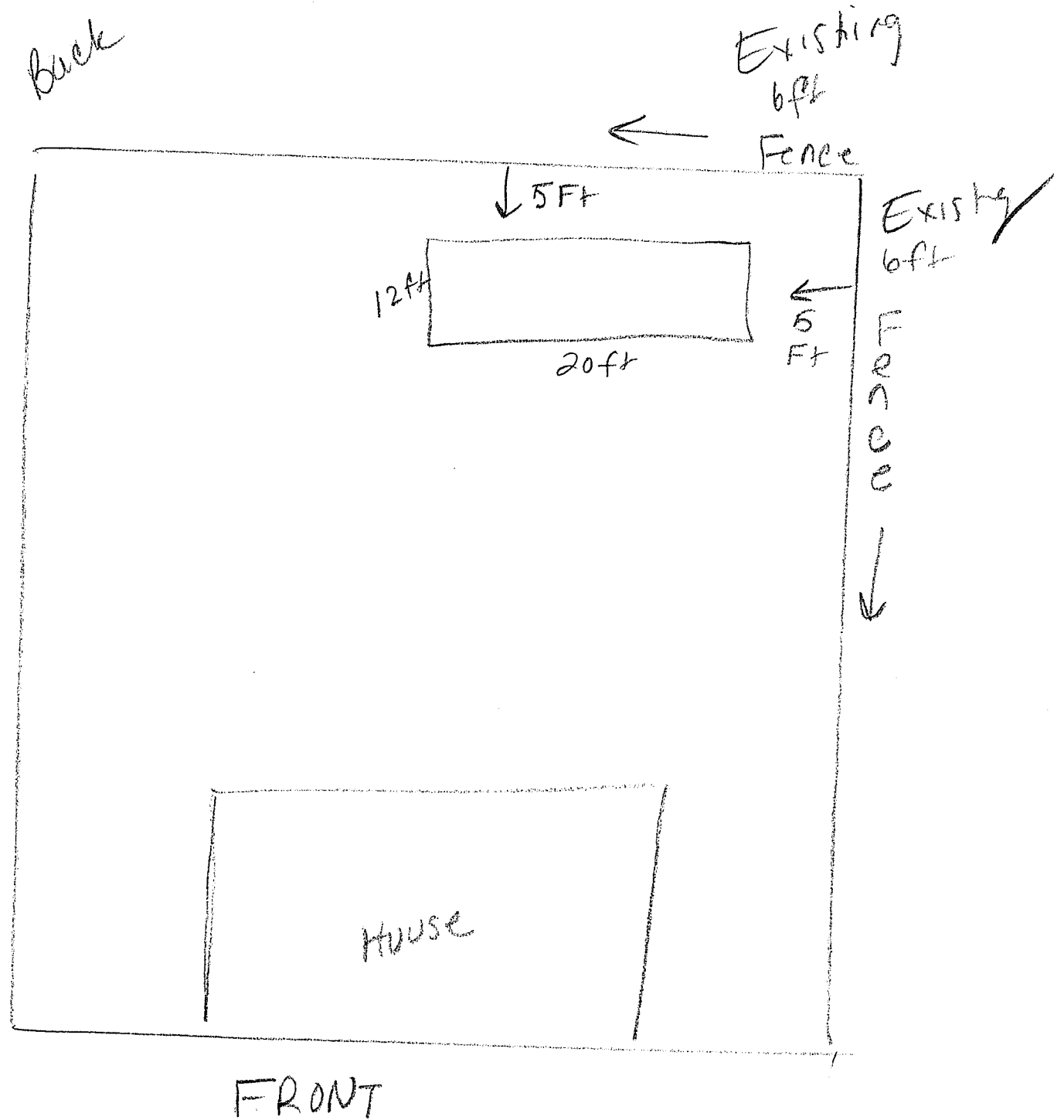
This objection may be addressed by filing revised plans reflecting conditions, which comply with the requirements of the Town Code and Zoning Laws. In the alternative, this denial may be appealed to the Zoning Board of Appeals on forms available from the Planning / Zoning Department, 225 Columbia Turnpike.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

Sincerely,

Kevin Hitchcock
Building Inspector

Cc: Zoning Board of Appeals

31 Catskill Ave - Not permanent structure - stone



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

For office use only

RECEIVED

MAY 04 2022

TOWN OF EAST GREENBUSH
OFFICE OF THE TOWN ENGINEER

Application No.: _____

Permit Issued: _____

Permit Expires: _____

Zoning District: _____

Fee: \$ _____

Approved by: _____

**BUILDING DEPARTMENT APPLICATION FORM
24 HOUR NOTICE FOR INSPECTIONS**

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: Jennifer Paul Riling

Jennifer
(518) 669-5398
518-225-6437

Property Location: 31 Catskill Ave Renss NY

Phone #/Cell# 518-225-6437
E-MAIL: jriling@hotmail.com

Contractor: Buckyard Sheds Phone # 518-767-1214

SBL # 13203
Email: sue@buckyardshedco.com

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 document.

Estimated Value of Work: \$ 9580

155.9-1-3

NATURE OF PROPOSED WORK

- ☐ 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 ☐ In-ground
Size: _____ x _____ Depth _____
- ☐ Driveways - New Resurface Expansion
- ☒ Shed - Size _____ x _____ - Total s/f _____
- ☐ Roof ☐ New ☐ Reroof ☐ Repair
- ☐ Solar Panels (Circle) Roof Ground
- ☐ Sign(s) Size: 12 x 20 - Total s/f 240
- ☐ Other (Describe in NOTE AREA*)

REQUIREMENTS:

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

When required submit stamped plans in duplicate.
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.

CALL BEFORE YOU DIG: digsafelynewyork.com, dial 811

PERMIT FEES ARE NON - REFUNDABLE

*NOTE AREA - ADDITIONAL INFORMATION: looking to place shed @ 5 feet from property line please. Not permanent structure

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: Jeri Riling

DATE: 5/3/22

SPECIAL CONDITIONS OF THE PERMIT: _____

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

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

June 28, 2022

MEMO:

In regards to Appeal #2022-04: Riling - Application for 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:
Jennifer & Paul Riling
For 2 Area Variances

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

Appeal No. 2022-04

Whereas, An application has been filed by Jennifer & Paul Riling of 31 Catskill Avenue Rensselaer, NY, 12144. The applicant proposes to install a 12' x 20' shed in the rear yard with a 5 foot side and a 5 foot rear setback. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section 2.6.6 Residential District (R-2) requires accessory structures larger than 120 square feet maintain a rear setback of 25 feet and a side setback of 8 feet; and

Whereas, The applicant has filed an application requesting 2 Area Variances at the property located at 31 Catskill Avenue East Greenbush, NY (Tax Map No. 155.9-1-3); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 16, 2022; 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, July 12, 2022 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its June 8, 2022 meeting provided a report of the requested Area Variances with a negative 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:

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 installation of a 12' x 20' shed in the rear yard with a 5 foot side and a 5' rear setback be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on July 12, 2022.

(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: _____, 2022

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

Copy To:

Jennifer & Paul Riling
31 Catskill Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning (Via Email)
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2022-04