

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, NOVEMBER 22, 2022 7:30PM

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

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2022-11-Curley-1 Gail Court- Area Variance-Roof overhang over patio

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2022-11-Curley-1 Gail Court- Area Variance-Roof overhang over patio

WORKSHOP/DELIBERATION:

ZBA Appeal #2022-11-Curley-1 Gail Court- Area Variance- Roof overhang over patio

NEXT MEETING:

December 13, 2022

APPROVAL OF MINUTES:

October 11, 2022 & October 25, 2022

NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of East Greenbush will hold a public hearing on November 22, 2022 at the Town Hall 225 Columbia Turnpike Rensselaer NY beginning at 7:30 P.M. to consider the following application:

Appeal number # 2022-10 the appeal of James & Tara Curley of 1 Gail Court, Rensselaer, NY 12144. The applicant proposes the construction of a 15'9" x 20' roof overhang over an existing concrete slab on grade. The review of the proposed work will not comply with the following provisions of the Town's Comprehensive Zoning Law, specifically Section II 2.6.6 Residential District. The required rear setback is 25 feet in the R-2 Zoning District. The proposed roof overhang leaves a rear setback of 12.35 feet. Therefore the proposed action requires an Area Variance for the property located at 1 Gail Court, East Greenbush NY.
Tax Map # 177.11-2-24

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS

DATED NOVEMBER 7, 2022

JEFF PANGBURN, CHAIRMAN

ZONING BOARD OF APPEALS

TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE
EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.

RCBP # 22-107

Returned by Municipality _____

NOTIFICATION OF ZONING REVIEW ACTION

TO: Jeff Pangburn MUNICIPALITY: East Greenbush

APPLICANT: James & Tara Curley

SUBJECT: Area Variance

LOCATION: 1 Gail Court

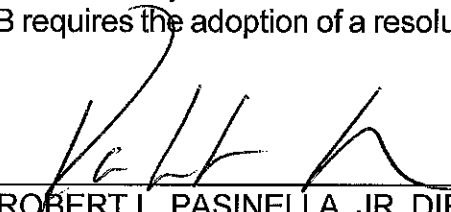
Project Description: Applicant proposes building a roof overhang over an existing patio
that will not meet the required rear yard setback.

Please be advised that the Rensselaer County Bureau of Economic Development and Planning has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, the Bureau of Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail.

Please return a report of the final action you have taken to the Bureau of Economic Development and Planning, This report is due within seven days after the final action. If your action is contrary to the recommendation of the County Bureau of Economic Development and Planning, Section 239-m of Article 12-B requires the adoption of a resolution fully setting forth the reasons for such contrary action.

Date 10/25/22



ROBERT L. PASINELLA, JR, DIRECTOR
Economic Development and Planning
1600 Seventh Avenue
Troy, New York 12180
(518) 270-2914



The Town of East Greenbush

225 Columbia Turnpike
Rensselaer, NY 12144
518 694-4011
518 477-2386 FAX

Memorandum

Date: November 10, 2022

To: Jeff Pangburn, ZBA Chair

From: Alison Lovely on behalf of Chairman Mastin

Re: Planning Board Recommendation

Comments:

The following recommendation is from the draft November 9, 2022 Planning Board Minutes.

ZBA Appeal #2022-10-Curley-1 Gail Court- Area Variance-Rear setback for roof overhang over rear patio with a report by Robert Jucha.

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board makes a positive recommendation from a planning perspective for the area variance based on the report submitted today by Robert Jucha. * See attached report for further details.**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

November 6, 2022

RE: Area Variance Application

James and Tara Curley
1 Gail Ct
East Greenbush, NY 12061

The applicant is seeking to build a roof overhang at its residence at 1 Gail Court (Tax Map # 177.11-2-24) in the Town's Residential District (R-2). The applicant submitted a building permit for a 16'-9" x 20'-0" roof overhang over an existing concrete slab on grade in the rear of residential dwelling. Upon review of the Town Building Inspector, it was determined that the proposed structure would have a rear setback of 12.35 feet. This proposed roof overhang does not meet the Town Zoning Law Section 2.6.6 - Residential District which the required setback is 25 feet. The applicant is seeking relief through the Zoning Board of Appeals for one area variance for the front yard setback.





On November 6, 2022, at approximately 12:00 pm, I met with Mrs. Tara Curley (applicant). During the site visit, a visual assessment of the rear area of the property was taken. A drive by of the Taylor Estates

Development, Kriss Crossing, and Ledholm Ct areas was also observed. There was only one residential dwelling at 6 Kriss Crossing that had a similar roof overhang, but the setback exceeded the 25-foot minimum.

The subject property is a corner lot with a colonial residential dwelling with 2 car garage. The rear of the property is enclosed by a vinyl fence presenting a visual obstruction from the road. While on site, the neighbor (Mr. & Mrs. Jeffrey Morris) to the east of the property was interviewed. There was no objection to construction of the roof overhang at 1 Gail Ct. In fact, they were looking to construct a similar overhang in the future.

Based on my review of the area variance application, the construction of the 15'9"x20 roof overhang over the existing concrete slab at 1 Gail Ct will not have an adverse impact on the neighborhood or greenspace of the property. The proposed construction meets the character of the area.

The Planning Board thereby gives a positive recommendation of the area variance from the planning perspective.

Robert K Jucha

Robert K Jucha
Board Member
East Greenbush Planning Board



RECEIVED

OCT 21 2022

DEPT Zoning

The Town of East Greenbush

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144
Phone: 518 694-4011

Authorization Form

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

I, James Curley give permission to Ken Sherman
Property Owner Representative

For representing me for my application before the Town of East Greenbush
Zoning Board of Appeals as indicated above, in applying for an Area Variance.

for the property located at 1 Gail Ct East Greenbush, NY 12061
Property Address

Property Owner's Signature: James Curley

Date: 10/17/22



The Town of East Greenbush

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144
Phone: 518 694-4011

RECEIVED
OCT 21 2022
DEPT Zoning

AREA VARIANCE APPLICATION

Section 1: Applicant/Property Owner Information:

Applicant:

Name: James & Tara Curley

Address: 1 Gail Ct East Greenbush, NY 12061

Phone #: 518 542 4242 Email Address: jcurley13@yahoo.com

Signature of Applicant: [Signature] Date: 10/21/22

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: 1 Gail Court

Tax Map #: 177-11-2-24 (*Obtain from Assessor's office*)

Section 3: Project Information:

Describe project & why a variance is necessary:

We are looking to place a roof cover over an existing concrete patio. This is necessary because the rear of our home and patio is direct sunlight a majority of the day making it difficult to enjoy our patio with the heat. The rear of our home to the patio is 28 feet. Our patio is 15 feet from our home.

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: II Subsection: 2.6.6

Additional code sections if they pertain: _____

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:		
Side Setback:		
Rear Setback:	<i>25 feet</i>	<i>12.35 ft</i>
Lot width/frontage:		
Height:		
Other:		

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 completed application package 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: 2022-10
Date Application Received: 10/21/2022
Tax Map Number: 177.11-2-14
Zoning District: R-2
Appeal Type: Area Variance
Application/Certified Fee: \$282.94
Received: 10/21/2022
Receipt #: 70438
Hearing Date: 11/22/2022
☐ 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:

This will not present an undesirable change
to the character of the neighborhood or a
detriment to nearby properties.

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:

An alternative would not be feasible
because we need cover over our patio due
to direct sunlight during summer months.

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

n/a

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:

This will not have any impact on the neighborhood.
It is a small roof structure over our already
existing concrete patio.

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:

This was not self-created.



The Town of East Greenbush

PLANNING AND ZONING DEPARTMENT

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518.694.4011

Fax: 518.477.2386

MEMORANDUM

TO: Applicants and Design Professionals

FROM: Anna Feltham, Director of Planning & Zoning

DATE: June 13, 2022

SUBJECT: State Environmental Quality Review Act (SEQRA) Title 6 NYCRR
Part 617 Regulations guidance

The following webpage will provide helpful guidance to applicants and their design professionals about completing an environmental assessment form Short (EAF):

<http://www.dec.ny.gov/permits/357.html>.

Form to Submit with Your Application

The Town's Zoning Application packet contains a Short EAF Part 1 form for your consideration.

Completing Required SEQRA Forms

It is also important to note that the webpage link provided above contains resource materials and information concerning use of state web-based interactive mapping applications, including the NYSDEC's EAF Mapper tool, to assist you in completing the required SEQRA documentation.

It is *strongly* recommended that applicants use the EAF Mapper tool to complete Part 1. Applications should submit the completed Part 1 returned by the EAF Mapper and the accompanying report the tool auto-generates. You can learn more about the EAF Mapper and access the tool by visiting the following webpage: <https://www.dec.ny.gov/permits/90201.html>.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

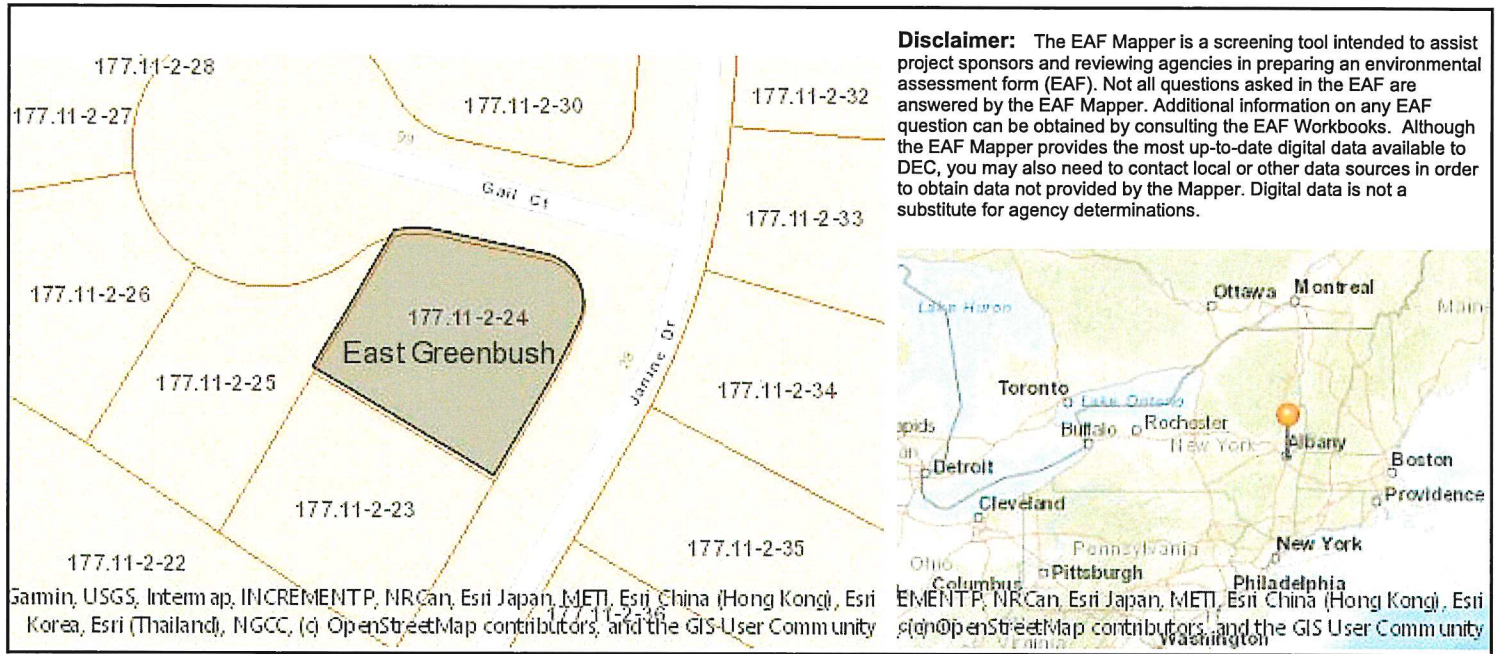
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: <div style="font-family: cursive; font-size: 1.2em;">Roof for patio</div>			
Project Location (describe, and attach a location map): <div style="font-family: cursive; font-size: 1.2em;">see attached</div>			
Brief Description of Proposed Action: 			
Name of Applicant or Sponsor: <div style="font-family: cursive; font-size: 1.2em;">James Curley</div>		Telephone: <div style="font-family: cursive; font-size: 1.2em;">518 542 4242</div>	
Address: <div style="font-family: cursive; font-size: 1.2em;">1 Gail Ct</div>		E-Mail: <div style="font-family: cursive; font-size: 1.2em;">jcurley13@yahoo.com</div>	
City/PO: <div style="font-family: cursive; font-size: 1.2em;">East Greenbush</div>		State: <div style="font-family: cursive; font-size: 1.2em;">NY</div>	Zip Code: <div style="font-family: cursive; font-size: 1.2em;">12061</div>
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 government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			NO <input checked="" type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input type="checkbox"/> Commercial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	
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 <u>meet</u> 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 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	YES	
	<input checked="" type="checkbox"/>	<input 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: _____ _____ _____			

PRINT FORM



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]	No
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]	No



The Town of East Greenbush

Building Department

225 Columbia Turnpike, Rensselaer, New York 12144
Phone: 518-477-6225 – Email egcodes@eastgreenbush.org
Building, Zoning and Fire Prevention

October 20, 2022

Mr. James Curley
1 Gail Court
East Greenbush, NY 12061

RE: PERMIT APPLICATION

Tax Map # 177.11-2-24

Dear Mr. Curley,

On October 11, 2022 you submitted an application for work at the above property involving:
Proposal to construct 15' 9" x 20' roof overhang over an existing concrete slab on grade.
The property is located in an area, which is zoned: **Residential District (R-2).**

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

The review of the proposed work will not comply with the following provisions of the Town Zoning Law: **Section II 2.6.6 Residential District; the required rear setback is 25 feet and the proposed roof overhang leaves a rear setback of 12.35 feet. The proposed action requires (1) Area Variance.**

Therefore, your application of June 11, 2021 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 and Zoning Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Kevin Hitchcock
Building Inspector

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

BUILDING PERMIT APPLICATION FORM
24 HOUR NOTICE FOR INSPECTIONS

For office use only

Application No.: _____

Permit Issued: _____

Permit Expires: _____

Zoning District: _____

Fee: \$ _____

Approved by: _____

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: James Curley

Phone #/Cell# 518-542-4242

E-MAIL: jcurlev13@yahoo.com

Property Location: 1 Gail Ct - E. Greenbush NY 12061

Contractor: The Home Improvement Guide Inc Phone # 518-590-0417

SBL # _____

Email: hig.office@yahoo.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: \$ 15,000

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: _____ x _____ - Total s/f _____

☒ Other (Describe in NOTE AREA)*

*NOTE AREA - **ADDITIONAL INFORMATION:** Roof over existing concrete patio

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: diasafelynewyork.com, dial 811

PERMIT FEES ARE NON - REFUNDABLE

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.

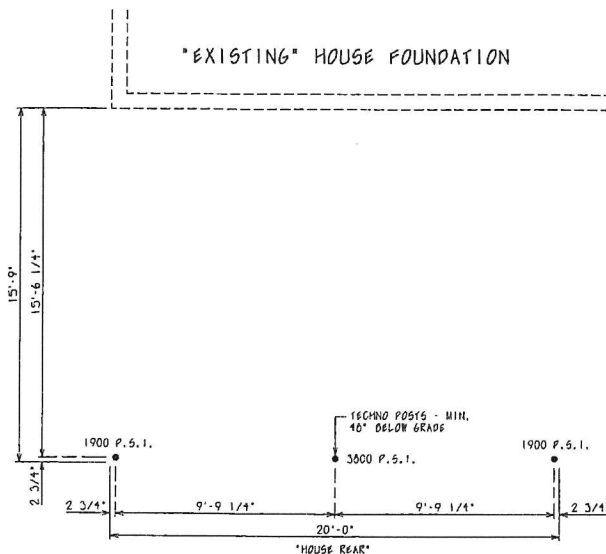
SIGNATURE: [Signature]

DATE: 10/11/22

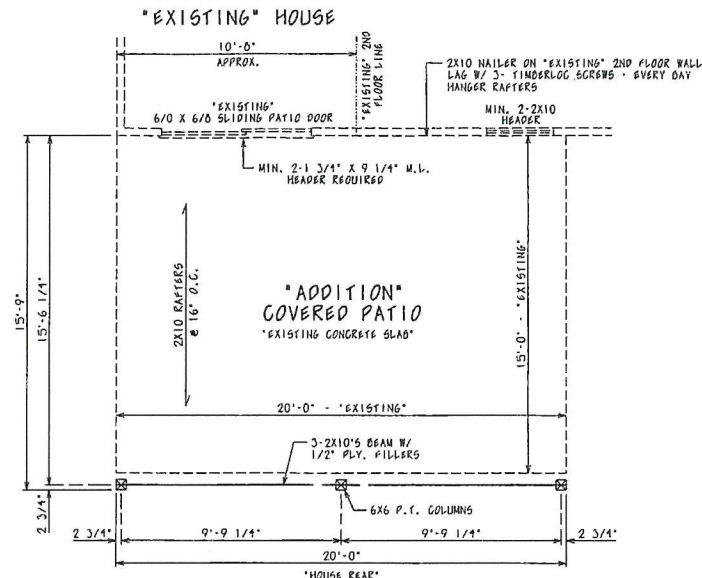
SPECIAL CONDITIONS OF THE PERMIT: _____

BY: _____

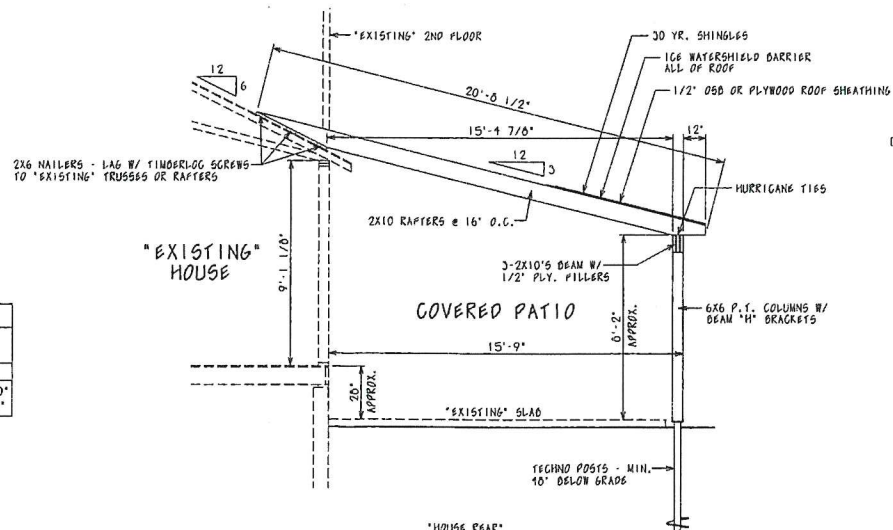
Required upon completion: CERTIFICATE OF COMPLIANCE for modifications; CERTIFICATE OF OCCUPANCY for new construction/occupancy; THIRD PARTY ELECTRICAL APPROVAL for all electrical work.



COVERED PATIO "ADDITION" FOUNDATION PLAN
SCALE: 3/16" = 1'-0"



COVERED PATIO "ADDITION" FLOOR PLAN
SCALE: 3/16" = 1'-0"



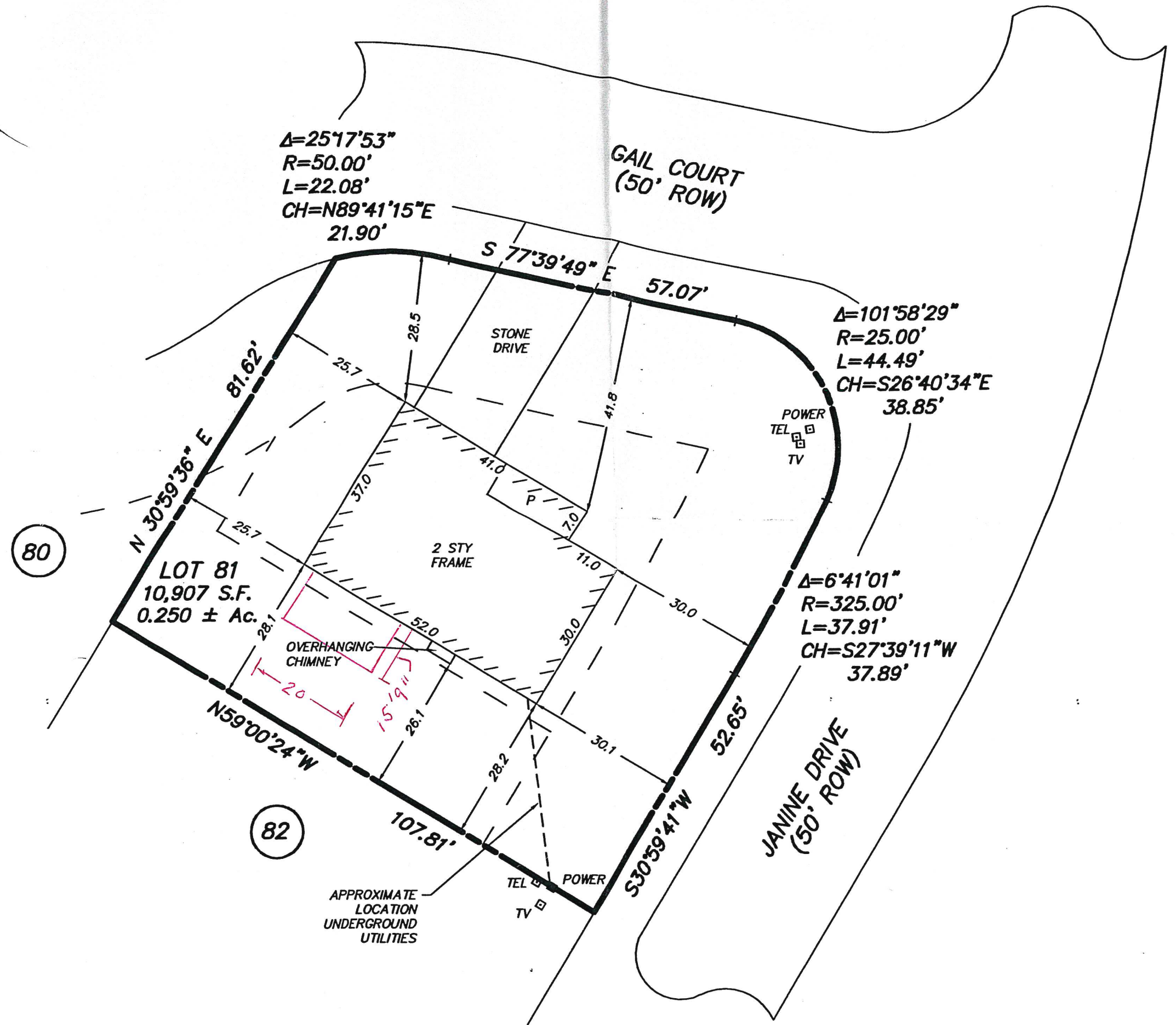
COVERED PATIO "ADDITION" SECTION
SCALE: 3/16" = 1'-0"

DESIGN LOAD: ROOF - 40 psf GROUND SNOW LOAD
- 10 psf DEAD LOAD
- 115 mph WIND LOAD



ADDITION PLANS FOR
CURLEY RESIDENCE
#1 GAIL COURT
EAST GREENDUSH, NEW YORK 12061

RAFTER/OVERFRAMING CHART		
MAXIMUM RAFTER SPANS - GROUND SNOW LOAD - 50 PSF OR LESS + 10 PSF DEAD LOAD FOR SOUTHERN PINE #1 "SP #1"		
12" O.C.	16" O.C.	24" O.C.
2X10 @ 12" O.C. - 16'-2"	2X10 @ 16" O.C. - 15'-9"	2X10 @ 24" O.C. - 12'-10"
2X12 @ 12" O.C. - 21'-7"	2X12 @ 16" O.C. - 18'-0"	2X12 @ 24" O.C. - 15'-3"



TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

November 22, 2022

MEMO:

In regards to Appeal #2022-10: Curley - Application for an Area Variance, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

End of Memo

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
James & Tara Curley
For an Area Variance

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

Appeal No. 2022-10

Whereas, An application has been filed by James & Tara Curley of 1 Gail Court Rensselaer, NY, 12144. The applicant proposes the construction of a 15'9" x 20' roof overhang over an existing concrete slab on grade. The review of the proposed work will not comply with the following provisions of the Town's Comprehensive Zoning Law, specifically Section II 2.6.6 Residential District. The required rear setback is 25 feet in the R-2 Zoning District. The proposed roof overhang leaves a rear setback of 12.35 feet; and

Whereas, The applicant has filed an application requesting an Area Variance at the property located at 1 Gail Court East Greenbush, NY (Tax Map No. 177.11-2-24); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on November 10, 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, November 22, 2022 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its November 9, 2022 meeting provided a report of the requested Area Variance 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 in regards to the rear setback of 12.35 feet for the proposed roof overhang:

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 construction of a 15'9" x 20' roof overhang over an existing concrete slab on grade with a 12.35 foot rear setback be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on November 22, 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: _____
Matt Ostiguy, Vice Chairperson

Dated: _____, 2022

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

Copy To:

James & Tara Curley
1 Gail Court
Rensselaer, NY 12144

Cc: Rensselaer County Planning (Via Email)
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2022-10