

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES August 9, 2016

#### **Members**

Jeff Pangburn, Chairman  
Lou Polsinello III  
Joyce Lapham  
John Conway, Jr  
Matt Ostiguy  
Bob Seward III

#### **Also Present:**

George Hoffman, Attorney  
Kateri Rhatigan, Stenographer  
Alison Lovely, ZBA Secretary

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Pangburn called the meeting to order and determined a quorum of six (6) members were present. Domenico Pirrotta was absent. Introductions were made.

#### **OLD BUSINESS:**

**Reconvene: ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance for the storage/whole granite business out of existing garage**

No one was present for this appeal so it was given one last extension until August 23, 2016. Chairman Pangburn stated that a stop work order was issued from the Building Department.

#### **NEW BUSINESS:**

#### **PUBLIC HEARINGS:**

**ZBA Appeal #2016-14- Snopkowski-2 Castleton Avenue-Special Use Permit for a Home Occupation (Sewing Business)**

**The following was read and/or referenced as being in the file.**

- Legal Notice
- Rensselaer County Recommendations
- ZBA Application, Short EAF, Denial, Special Use Permit Criteria & Authorization Form
- Bldg. Permit Application

Chairman Pangburn stated that there will not be a SEQR determination or a workshop tonight. The board is waiting for the Planning Board recommendation which due to them cancelling their last meeting was not received on time. Steven Schultz represented the applicant James Snopkowski & Ruth Mehlenbacher who were also present. Mr. Schultz stated that the application is for a Special Use Permit. His clients have had a sewing business at 2 Castleton Avenue for 25 years. A complaint was made by an adjacent neighbor who stated that the applicant's customers were using the parking spaces for his tenants as a turn around. The applicants have since contacted all of their customers to not use the neighbor's driveway to turnaround.

Mr. Schultz presented a background of the business, two Google Map images (Exhibit's A & B), and twelve photographs which were entered into the record as Exhibit's 1 through 12 along with an Index sheet (labeled Index). Mr. Schultz stated that there would be no signs, advertising or website regarding the business as business is by word of mouth. There are less than two customers per day and twenty five years before, the same room that Ruth uses for her sewing business was used by another person who gave piano lessons. Mr. Schultz addressed the seven special use permit criteria.

1. That the area used for the special use permit is within the existing house and is approximately 144 square feet and is less than 10% of the building. The intensity of the business is low.
2. The photo's submitted address #2 as the room is within the existing house.
3. There are no traffic access ways. Parking areas are the same as they were 25 years ago.
4. Parking is adequate; there are 3 spaces in front and a cement pad in front of the garage. Typically there are 1 or possibly 2 cars as all visits are by appointment only.
5. Adequate screening for parking by shrubbery, trees, business inside which is invisible.
6. Landscaping is done by the owner who is a master gardener. The character will not be affected as the use has been active for the past 25 years. Mr. Schultz stated that there are no outdoor signs, noise, fumes, or vibrations.
7. There have been no issues with Police or Fire access. Mr. Schultz made a FOIL request to the Police Department and the only incidences ever on the street were back in 2008 when a customer locked her keys in her car and in one 2016 involving the neighbor that made the complaint who became confrontational with the applicant.

Chairman Pangburn read the definition for Special Use Permit out of the Comprehensive Code and then asked the Board if anyone had any questions.

- Chairman Pangburn asked if there was parking allowed on the street and whose white van was in one of the pictures. That he looked at a google aerial map and saw that there was ample parking and that special use permits are desirable in a zone that it's allowed in. Mr. Schultz stated that there is alternate side parking on the street and that the white van was the neighbors van as he has multiple tenants in his house in the R-1A zone.
- John Conway asked about the crushed gravel pad along Castleton Avenue and how long the applicant was in business for. Mr. Schultz stated that the crushed gravel pad which is alongside Castleton Avenue is sufficient for two, maybe three cars. The owners park in the 2- car garage or in front of. The applicant has been in business for 25 + years.

Chairman Pangburn asked if there anyone present that wished to speak in favor of or opposition to the application.

- An individual spoke and stated that they have lived on the corner of Castleton and Hays Road for 51 years, raised their kids there who play in the street and there has never been an issue on the street with cars.
- An individual spoke and stated that the previous owner had a piano business and their son played guitars and they had a home occupation as well.
- An individual spoke and stated that she has gone to Ruth for years for alteration for many different things and there has never been an issue.
- Jim Thomas lives about 10 houses down on Brookview Road and has never had an issue with Ruth or her business.

- Any issues on Castleton Avenue with parking have always been addressed. Ruth's gravel area is off the road. Parking is an issue with the entire road, not Ruth's business. Castleton Avenue is a narrow street. Noted that garage sales on the street cause more traffic. Noted that alternate side parking allows excellent emergency vehicle access.
  - Kristine Dwileski stated that she lives behind the applicant for the past 14 years and is home during the day and never sees a traffic issue.
  - Mark Taratus spoke and stated that safety is his main issue with walking on the street and cars. He bought a house a year ago and is the only adjacent neighbor on Castleton Avenue and is most affected. The Zoning Laws are pretty clear. The parking area is not on private property, it's in the Town's right away. He would like to see as little parking as necessary on the street. He submitted two photos which were marked Exhibit C & D. Chairman Pangburn asked the applicant if they had a sketch showing the dimensions of the parking area. Mr. Snopkowski stated that the parking area is 70 feet long by 8 ½ feet wide. Chairman Pangburn marked the sketch showing the garage and off street parking spaces on Castleton Avenue and 2 on street parking spaces Exhibit #13. Chairman Pangburn asked if there was anyone else to speak regarding the application.
  - A young girl who gets off the bus at the corner of Hays and Castleton Avenue stated that it's rare for a car to come down the street. She and others ride their bikes on Castleton Avenue all of the time and she has never seen a problem and feels safe on the street.
- Chairman Pangburn asked if there were any other questions from the Board. There were none. Mr. Schultz spoke briefly again about safety and noted that over the past 25+ years there have not been any safety related issues.

**A motion to table the public hearing to August 13, 2016 was made by Matt Ostiguy – Seconded by John Conway. Motion carried by a 6-0 vote.**

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

NONE

**WORKSHOPS:**

NONE

**NEXT MEETING:** The next meeting will be held on August 23, 2016

**APPROVAL OF MINUTES:**

Motion by John Conway to approve the meeting minutes from the June 26, 2016 meeting. Second by Joyce Lapham. Motion carried by a 6-0 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Lou Polsinello. Seconded by Bob Seward. Motion Carried by a 6-0 vote.

Respectfully Submitted

Alison Lovely, ZBA Secretary