TOWN OF EAST GREENBUSH
ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694.4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPLEALS
MEETING MINUTES
October 25, 2011

Members
Tom Calamaras
Joyce Lapham
Jeff Pangburn
Bill Ritz III

Also Present:

Joanne Sowalsky, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Calamaras called the meeting to order and determined a quorum of four (4) members were present. Steve Millens, Lou Polsinello III and Bob Seward III were absent. Introductions were made.

PUBLIC HEARINGS:
#2011-19-Douglas Frenyea-2 Area Variances: Deck to support Sunroom– 18 Moulds Avenue:

- Legal Notice
- Rensselaer Cty Referral and Recommendation
- ZBA Application, Short EAF, Denial, Map of parcel, Area Variance Criteria
- Bldg Permit Application
- Planning Board Recommendation with attachment from Pete Stenson
- Drawing of proposed construction

Doug Frenyea of 18 Moulds Avenue stated that he has resided at 18 Moulds Avenue for 35 years and he thinks it's time to make some improvements to his house. The proposed addition will be located on the Alpine Street side of the house. The addition comes out 8' at the maximum and will be no longer than the existing house. Chairman Calamaras asked if there are any other houses in the area that are as close to the Moulds or Alpine Street like Mr. Frenyea's. Mr. Frenyea responded that there are other houses on this street that are close to the road. Mr. Ritz asked which street the house fronts on. Mr. Frenyea stated Moulds Avenue. Mr. Pangburn asked if any either of the two trees on the Alpine Street side will be removed. Mr. Frenyea stated that neither one would be removed.. Chairman Calamaras asked if there was anyone present to speak in favor of the application (3 times). There was no one to speak in favor of the application. Chairman Calamaras asked if there was anyone present to speak in opposition of the application (3 times). There was no one to speak in opposition of the application.

A motion to close the public hearing and hold a workshop tonight was made by Tom Calamaras – Seconded by Bill Ritz III - Carried by a 4-0 vote.

PUBLIC HEARINGS CONT:

#2011-20-Daniel Jarvis-Area Variance: Front Porch with overhang– 44 New York Avenue:

- Legal Notice
- Rensselaer Cty Referral and Recommendation
- ZBA Application, Short EAF, Denial, Map of parcel, Area Variance Criteria
- Bldg Permit Application
- No Planning Board Recommendation
- Drawing of proposed construction

Daniel Jarvis of 44 New York Avenue stated that he has resided at 44 New York Avenue for the last 10 years and wants to add to his houses look. He is proposing a 10' x 23' front deck with roof overhang. Chairman Calamaras asked if there are other houses on the street that are close to the road. Mr. Jarvis stated that yes there were. Mr. Ritz asked if there is an existing deck there now. Mr. Jarvis stated that there are only precast stairs there currently. Mr. Pangburn asked if there was access off the driveway and does the house next door on the right hand side have a porch? Mr. Jarvis stated yes. Chairman Calamaras asked if there was anyone present to speak in favor of the application (3 times). Richard Cline of 35 New York Avenue spoke in favor of the application. Mr. Cline stated that he lives across the street from the applicant and that his house is also close to the road. He has no objection and stated that Mr. Jarvis takes really good care of his property. Chairman Calamaras asked if there was anyone present to speak in opposition of the application (3 times). There was no one to speak in opposition of the application.

A motion to close the public hearing and hold a workshop tonight was made by Tom Calamaras – Seconded by Joyce Lapham - Carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS

#2011-19-Douglas Frenyea-2 Area Variances: Deck to support Sunroom– 18 Moulds Avenue:

MOTION: A motion was made by Tom Calamaras as follows: **In regards to, the Zoning Board of Appeals #2011-19-Douglas Frenyea-2 Area Variances: Deck to support Sunroom– 18 Moulds Avenue: is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action.**

Reasons Supporting This Determination:

i) Will not have substantial adverse change in existing water quality, traffic or noise levels.
ii) Will not result in destruction of large quantities of vegetation or habitat
iii) Will not affect a Critical Environmental Area
iv) Will not result in conflict with Town's current plans or goals.
v) Will not impair the character or quality of existing community or neighborhood character.
vi) Will not have a major change in energy usage
vii) Will not create hazard to human health

SEQR DETERMINATIONS & RECOMMENDATIONS CONT:
#2011-19-Douglas Frenyea-2 Area Variances: Deck to support Sunroom– 18 Moulds Avenue:

viii) Will not change the use of any agricultural, open space, or recreational use land.
ix) Will not attract a large number of people for more than a few days
x) Will not create a material demand for other actions that would result in one of the above.
xi) Will not cause changes in two or more of the above; in combination being a substantial impact
xii) Will not be one or two or more related actions that when considered cumulatively meet one or more of the criteria above

Seconded by Jeff Pangburn - Carried by a 4-0 vote.

#2011-20-Daniel Jarvis-Area Variance: Front Porch with overhang– 44 New York Avenue:

MOTION: A motion was made by Tom Calamaras as follows: **In regards to, the Zoning Board of Appeals #2011-20-Daniel Jarvis-Area Variance: Front Porch with overhang– 44 New York Avenue: is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action.**

Reasons Supporting This Determination:

i) Will not have substantial adverse change in existing water quality, traffic or noise levels.
ii) Will not result in destruction of large quantities of vegetation or habitat
iii) Will not affect a Critical Environmental Area
iv) Will not result in conflict with Town's current plans or goals.
v) Will not impair the character or quality of existing community or neighborhood character.
vi) Will not have a major change in energy usage
vii) Will not create hazard to human health
viii) Will not change the use of any agricultural, open space, or recreational use land.
ix) Will not attract a large number of people for more than a few days
x) Will not create a material demand for other actions that would result in one of the above.
xi) Will not cause changes in two or more of the above; in combination being a substantial impact
xii) Will not be one or two or more related actions that when considered cumulatively meet one or more of the criteria above

Seconded by Jeff Pangburn - Carried by a 4-0 vote

WORKSHOP SESSION:

#2011-19-Douglas Frenyea-2 Area Variances: Deck to support Sunroom– 18 Moulds Avenue:

Resolved, That the Board of Appeals makes the following findings of fact:

1. There will not be any undesirable change in the character of the neighborhood as the existing house has technically three front yards based on three street frontages. The existing front on Moulds Avenue, which is preexisting, non-conforming use, and the addition will not be infringing any further in the existing house on the front setback. The side setback for the requested area variance on Alpine Street is only four feet.

2. There is no other method available to the applicant, as stated due to the three frontages. There is no other place to put the addition and it is facing the south side of the property.

3. The requested area variances are not substantial being that it's preexisting non-conforming on the Moulds Avenue side and the requested setback on Alpine Street is four feet which is not substantial.

4. The proposed variance will not have an adverse effect on the neighborhood; the Frenyea's are in fact doing additional work on the property to enhance the aesthetics of the property.

5. While the alleged difficulty is self-created; however, it shall not necessarily preclude the granting of the 2 Area Variances.

Resolved, that the application for 2 Area Variances for construction of an 8' x 27' sunroom in the front yard will leave a front setback distance of approximately 21 feet on Alpine Street frontage and approximately 20 feet on Moulds Avenue frontage be GRANTED with no conditions.

This resolution was moved by Bill Ritz III and seconded by Joyce Lapham at a meeting duly held on October 25, 2011.

(Discussion)

A vote was taken as follows:

Tom Calamaras	Yes
Joyce Lapham	Yes
Steve Millens	Absent
Jeff Pangburn	Yes
Lou Polsinello III	Absent
William Ritz III	Yes
Bob Seward III	Absent

Motion carried by a 4-0 vote

WORKSHOP SESSION CONT:

#2011-20-Daniel Jarvis-Area Variance: Front Porch with overhang– 44 New York Avenue:

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 the front porch is consistent with the neighboring properties.

2. There is no other method available to the applicant as the porch will provide access to the front door.

3. The requested variance is not substantial as it encroaches ten feet but maintains an additional fifteen feet to the street.

4. The proposed variance will not have an adverse effect on the neighborhood as it will be consistent with neighboring properties.

5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for an Area Variance to construct a 10' x 23' front porch with roof overhang with a front setback distance of approximately 15 feet be GRANTED with no conditions:

This resolution was moved Jeff Pangburn and seconded by Bill Ritz III at a meeting duly held on October 25, 2011.

(Discussion)

A vote was taken as follows:

Tom Calamaras	Yes
Joyce Lapham	Yes
Steve Millens	Absent
Jeff Pangburn	Yes
Lou Polsinello III	Absent
William Ritz III	Yes
Bob Seward III	Yes

Motion carried by a 4-0 vote

STATUS - New Appeals

ZBA Appeal #2011-22-Malek Mobil (Ray Signs)-304 Troy Road-Area Variance-Sign-PH on 11/22/11

ZBA Appeal #2011-23-Jean Van Epps-1485 Red Mill Road-Area Variance-Shed-PH on 11/22/11

APPROVAL OF MINUTES

Approval of October 11, 2011 meeting minutes postponed due to a lack of quorum.

NEXT MEETING: The next meeting will be November 22, 2011.

MOTION TO ADJORN

There being no further business before the Board, the meeting was adjourned upon a motion by Tom Calamaras. Second by Bill Ritz III. Carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely, ZBA Secretary