

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, SEPTEMBER 13, 2016 7:30PM

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

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

ZBA Appeal #2016-15-Monolith Solar-Luther Road-Use Variance-Solar Farm

ZBA Appeal #2016-17-Rensselaer County Bureau of Public Safety-Ridge Road-Special Use Permit-Cell Tower

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

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

ZBA Appeal #2016-15-Monolith Solar-Luther Road-Use Variance-Solar Farm

WORKSHOP/DELIBERATION:

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

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

ZBA Appeal #2016-15-Monolith Solar-Luther Road-Use Variance-Solar Farm

NEXT MEETING:

September 27, 2016

STATUS –APPEALS ON SEPTEMBER 27, 2016:

Reconvene ZBA Appeal #2016-17-Rensselaer County Bureau of Public Safety-Ridge Road-Special Use Permit-Cell Tower-for receipt of the Planning Board

Recommendation

APPROVAL OF MINUTES:

August 9, 2016

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
KSR Holding LLC.
Bill Rapp
For a **Use Variance**

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

Appeal No. 2016-11

Whereas, An application has been filed by KSR Holding, LLC. Bill Rapp of 2 Hillview Avenue, Rensselaer, NY 12144, owner of the property at 2 Hillview Avenue, Rensselaer, NY 12144 Applicant proposes to operate a storage/wholesale granite business out of the existing garage in the B-1 Zoning District. Operating a storage/wholesale granite business is not allowed in the B-1 Zoning District.

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located at 2 Hillview Avenue, East Greenbush, NY (Tax Map No. 155.13-21-3.1); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 3, 2016; 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, June 14, 2016 & reconvened on September 13, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its May 25, 2016 meeting gave an advisory opinion of the requested use variance; 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. The applicant provided (failed to provide any) financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does (not) suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

Resolved, that the application for a Use Variance for a storage/wholesale granite business be ___ (GRANTED/DENIED) with _____ (NO) condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 13, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr. _____
Joyce Lapham _____
Matt Ostiguy _____
Jeff Pangburn _____
Domenico Pirrotta _____
Lou Polsinello III _____
Bob Seward III _____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
James Snopkowski
For a **Special Use Permit**

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

Appeal No. 2016-14

Whereas, An application has been filed by James Snopkowski of 2 Castleton Avenue, East Greenbush, NY, proposes the operation of a Home Occupation (Sewing Business) in the R-1A Zoning District. A home occupation requires a Special Use Permit in the R-1A Zoning District. Therefore, the applicant is requesting a Special Use Permit for the property located at 2 Castleton Avenue East Greenbush, NY.

Whereas, The applicant has filed an appeal requesting a Special Use Permit at the property located on 2 Castleton Avenue, East Greenbush, NY (Tax Map No. 177.8-2-8); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 22, 2016; 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, August 9, 2016 & reconvened on September 13, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its August 10, 2016 meeting gave an advisory opinion of the requested special use permit; 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. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11 of the Town's Comprehensive Zoning Law; therefore, be it

Resolved, that the application for a Special Use Permit for the operation of a home occupation (sewing business) be Granted/Denied for an initial period of 18 months with/without conditions to be fulfilled by the owner before he applies for a Building Permit:

- 1.
- 2.
- 3.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 13, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr.	___
Joyce Lapham	___
Matt Ostiguy	___
Jeff Pangburn	___
Domenico Pirrotta	___
Lou Polsinello III	___
Bob Seward III	___

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016

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

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Monolith Solar Associates
For a **Use Variance**

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

Appeal No. 2016-15

Whereas, An application has been filed by Monolith Solar of 444 Washington Avenue, Rensselaer, NY 12144. The applicant proposes the installation of a ground mounted Solar Farm in the R-B Zoning District.

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located on Luther Road, East Greenbush, NY (Tax Map No. 156.-6-17.113) owned by Jennifer Bergmann-Jenkins; and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on August 31, 2016; 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, September 13, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its August 10, 2016 meeting gave an advisory opinion of the requested use variance; 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. The applicant provided (failed to provide any) financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does (not) suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

Resolved, that the application for a Use Variance for the installation of a solar farm be (GRANTED/DENIED) with _____ (NO) condition(s):

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 13, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr. _____
Joyce Lapham _____
Matt Ostiguy _____
Jeff Pangburn _____
Domenico Pirrotta _____
Lou Polsinello III _____
Bob Seward III _____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2016