### TOWN OF EAST GREENBUSH ZONING BOARD OF APPLEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 477-2005 EXT. 226 FAX (518)477-2386

#### **MEMORANDUM**

# EAST GREENBUSH ZONING BOARD OF APPLEALS MEETING MINUTES August 10, 2010

Members

Judith Condo

Robert Seward

Bill Ritz

Joyce Lapham

Steve Millens

Also Present:

Donna Moran, Stenographer

Mary Pat Donnelly, acting ZBA Attorney

Angelina Cadena, acting ZBA

Secretary



Judith Condo called the meeting to order and determined a quorum of five (5) members were present. Introductions were made.

#### <u>APPLICATION COMPLETE - SEQR CLASSIFICATION:</u>

#2010-17 Fiacco - 2 Area Variances: Front Yard Garage @ 1429 Red Mill Rd (8/10)

MOTION: A motion was made by Bill Ritz as follows: In regards to <u>Appeal #2010-17: Fiacco</u> - <u>Application Area Variances</u>, the Zoning Board of Appeals determines that this is a <u>Type II Action</u> and no further SEQR review is required

Second by Robert Seward & roll called as follows:

J. Condo-YES; R. Seward-YES; B. Ritz-YES; J. Lapham-YES; S. Millens-YES;

**MOTION CARRIED BY A 5-0 VOTE** 

#2010-19 Ross - Area Variance: Garage setback @ 2 Chinquapin (8/10)

MOTION: A motion was made by Steve Millens as follows: In regards to <u>Appeal #2010-19:</u>
<u>Ross - Application for Area Variance</u>, the Zoning Board of Appeals determines that this is a <u>Type II Action</u> and no further SEQR review is required.

Second by Joyce Lapham & roll called as follows:

J. Condo -YES; R. Seward -YES; B. Ritz-YES; J. Lapham -YES; S. Millens -YES;

**MOTION CARRIED BY A 5-0 VOTE** 

TOMEO & FILED

SEP 3 0 2010

#### **PUBLIC HEARINGS:**

#### #2010-17 Fiacco – 2 Area Variances: Front Yard Garage @ 1429 Red Mill Rd (8/10)

The applicant is proposing to build a 23' x 20' detached garage in the front yard of the property located on 1429 Red Mill Road (near old Fuji Building), R-2 Zoning District. The prospective buyer would like a garage that will match the house. The side yard setback will be 5ft. instead of 8ft. Neighbors do not have any issues with the garage.

- Positive recommendation from the planning board 3-3-1 no action ruling
- County of Rensselaer: Bureau of Economic Development & Planning local consideration shall prevail

Open public hearing – Condo read aloud the legal notice.

The applicant Daniel Fiacco at 12 Florida ave. was asked to address 5 character points.

- 1. There will not be an undesirable change in the character of the neighborhood. There are no neighbors opposing the application.
- 2. There is no other method available to the applicant. There is no other place to put the garage, no storage in the home and there isn't basement.
- 3. The requested variance is not substantial.
- 4. The proposed variances will not have an adverse effect on the neighborhood.
- 5. The alleged difficulty is self-created.

Matthew Poli at 30 Corliss ave. spoke in favor of the applicant – said the applicant did a good job and the home it isn't an eye sore anymore.

No one else spoke in favor of the application.

No one spoke in opposition of the application.

Motion to close the public hearing was made by Bill Ritz – seconded by Steve Millens – all in favor – 5-0 vote

#### #2010-19 Ross - Area Variance: Garage setback @ 2 Chinquapin (8/10)

The applicant is proposing to build a 22'x 34' attached 2 car garage on 2 Chinquapin Ave, R-1 Zoning District. The applicant is planning on converting his existing garage into a downstairs master bedroom and bathroom. The new garage will be off the right side of the house. He is short 2 ft on one side and 1 foot on the other. He needs 21.5 feet for the 2 car garage. There is a line of hedges and fence between neighbor. Houses in the neighborhood were built in the 1970's.

- Positive recommendation from the planning board. Motion carried by 5-1-1 vote
- County of Rensselaer: Bureau of Economic Development & Planning local consideration shall prevail

Judith Condo opened the public hearing. She read aloud the legal notice.

Dickson Ross at 2 Chinquapin was asked to address 5 charter points.

#### #2010-19 Ross - Area Variance: Garage setback @ 2 Chinquapin (8/10) - continued

- 1. There will not be an undesirable change in the character of the neighborhood as the garage will blend into the existing house same roof line and color there will still be 30 feet between the house and property line no neighbors have had any objections.
- 2. There is no other method available to the applicant as No other feasible option to have the same result.
- 3. The requested variances are not substantial The requested footage is not substantial.
- 4. The proposed variances will not have an adverse effect on the neighborhood.
- 5. The alleged difficulty is self-created.

No one spoke in favor or against the application.

Motion to close public hearing – made by Bill Ritz – seconded by Robert Steward Motion carried by a 5-0 vote

Re-open – motion made by Robert Steward – second by Bill Ritz Judy read aloud a letter from neighbor – Thomas Calamaras – in favor of application

Close again made by ----- Seconded by

Carried by a 5-0

#### WORKSHOP/DELIBERATION

#### #2010-14 Poli - 2 Area Variances: front & rear porch @ 30 Corliss (7/27)

Application for two Area Variances; Mr. Poli wishes to install a new entrance deck to replace his deteriorated deck on the front of his house and a new, larger deck on the rear to connect a recently installed pool deck. The new planned deck is not closer to the road than the closest neighbors actual house structure. The rear deck is to replace a deteriorating set of concrete steps. The planned rear deck is to connect the pool deck and retaining wall. Mr. Poli's project is a desirable change and is not a detriment to the neighborhood.

The Planning Board made a positive recommendation for approval of the area variances. Motion carried by 7-0 vote.

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 adding the decks will be an improvement to the neighborhood and property.
- 2. There is no other method available to the applicant as other methods are not feasible. It's a corner lot so there are two front yards.
- 3. The requested variances are not substantial.
- 4. The proposed variances will not have an adverse effect on the neighborhood it will be an improvement. No neighbors spoke against the application.
- 5. The alleged difficulty is self-created; it should not preclude the variance

Resolved, that the application for two Area Variances be GRANTED with NO condition(s):

This resolution was moved by Bill Ritz and seconded by Steve Millens at a meeting duly held on 8/10/10.

#### A vote was taken as follows:

J. Condo -YES; R. Seward -YES; B. Ritz-YES; J. Lapham -YES; S. Millens -YES;

#### **MOTION CARRIED BY A 5-0 VOTE**

#### #2010-17 Fiacco – 2 Area Variances: Front Yard Garage @ 1429 Red Mill Rd (8/10)

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 cars would be parked where the garage will be built. The design will match the house.
- 2. There is no other method available to the applicant as the back yard is 10' and side yards are not able to house a garage.
- 3. The requested variances are not substantial. Only a 3 foot request for side set back. There's no other place for the garage front yard request maybe substantial
- 4. The proposed variances will not have an adverse effect on the neighborhood.
- 5. The alleged difficulty is self-created; however it should not preclude the variances.

**Resolved**, that the application for two Area Variances be GRANTED with **NO** condition(s):

This resolution was moved by Robert Steward and seconded by Bill Ritz at a meeting duly held on 08/10/10.

#### A vote was taken as follows:

J. Condo -YES; R. Seward -YES; B. Ritz-YES; J. Lapham -YES; S. Millens -YES; MOTION CARRIED BY A 5-0 VOTE

#### #2010-19 Ross - Area Variance: Garage setback @ 2 Chinquapin (8/10)

- 1. There will not be an undesirable change in the character of the neighborhood as the existing garage will be turned into a bedroom and the new structure will be in compliance with the variance.
- 2. There is no other method available to the applicant.
- 3. The requested variances are not substantial. The applicant has 8 feet, he needs 10 feet, and it's a 20 percent variance
- 4. The proposed variances will not have an adverse effect on the neighborhood. The new structure will blended into existing house. One neighbor did speak in favor of the application.
- 5. The alleged difficulty is self-created; however, the applicants' variance should not be precluded by the board.

#2010-19 Ross - Area Variance: Garage setback @ 2 Chinquapin (8/10) - continued

Resolved, that the application for two Area Variances be GRANTED with NO condition(s):

This resolution was moved by Steve Millens and seconded by Robert Steward at a meeting duly held on 08/10/10.

#### A vote was taken as follows:

J. Condo -YES; R. Seward -YES; B. Ritz-YES; J. Lapham -YES; S. Millens -YES; MOTION CARRIED BY A 5-0 VOTE

#### **SEQR DETERMINATION & RECOMMENDATION**

**NONE** 

#### STATUS - New Appeals

#2010-16 Cronin - Area Variance: awnings w/text @ 715 Col Tpk (8/10)

#2010-20 Ellis – Area Variance: Front Porch @ 15 Connecticut Ave (8/24)

#2010-02 Malone – Use Variance: Used Auto Sales @ 7 Troy Road (8/24)

#2010-18 Cellco/Verizon - Special Use Permit - 225 Columbia Tpk (9/14)

#2010-21 Cellco/Verizon - Special Use Permit - 594 Columbia Tpk (9/14)

NEXT MEETING: August 24, 2010

#### **MOTION TO ADJORN**

There being no further business before the Board, the meeting was adjourned.

Respectfully Submitted

Angelina Cadena, Acting ZBA Secretary