

# 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 APPEALS MEETING MINUTES November 22, 2016

#### **Members**

Jeff Pangburn, Chairman  
Matt Ostiguy  
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 five (5) members were present. Introductions were made.

#### **NEW BUSINESS:**

#### **PUBLIC HEARINGS:**

**ZBA Appeal #2016-18– Brusco-52 New York Avenue-Area Variance for an 8' x 20' front deck.**

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Recommendation with supplemental report by Matt Polsinello

Bob Brusco presented the proposal to the Board. Bob stated that he lives at 11 Massachusetts and owns the property at 52 New York Avenue. He purchased the house for his daughter. When he got his building permit to fix up the house, he thought that included the construction of a front deck. He was told by the Building Inspector that it did not and that he would need a variance. The deck is 8' x 20' in the front of the house. Bob Brusco had to pause construction until the hearing except doing what he needed to do in order to make the deck safe. Chairman Pangburn asked the Board if anyone had any questions.

- Bob Seward asked if there were other houses in the neighborhood that had front decks. Bob Brusco stated that yes, there are houses that have similar decks.
- Jeff Pangburn asked if the deck runs along the front of the house and then turns to the side of the house and if the deck would remain open and not be covered. Bob Brusco stated that the front stairs and side stairs for the deck go to where someone would park & that the deck will just be opened and not covered.
- John Conway asked if what the board is looking at today, if that will remain. Bob Brusco stated that yes it would.

Bob Bruso stated that the original door was in the center of the house and he moved it over to the right. There was no landing from the front access.

Chairman Pangburn asked if there were any further questions from the Board. There were none.

Chairman Pangburn asked if there was anyone present who wanted to speak in favor of or opposition to the proposed area variance. There was no one who spoke in favor or opposition.

Motion by Bob Seward to close the public hearing. Second by John Conway. Motion carried by a 5-0 vote.

**SEQOR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2016-18– Bruso-52 New York Avenue-Area Variance for an 8' x 20' front deck.**

This is a type II Action-there is no further action necessary.

**WORKSHOPS:**

**ZBA Appeal #2016-18– Bruso-52 New York Avenue-Area Variance for an 8' x 20' front deck.**

**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 deck is consistent with others in the neighborhood and other houses have similar distances from the road.
2. There is no other method available to the applicant as the house itself does not meet the minimum setback requirements.
3. The requested variance is not substantial, they are only asking for 13.6 foot variance, therefore it is not substantial.
4. The proposed variance will not have an adverse effect on the neighborhood as it will look very similar to other houses in the neighborhood.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved, that the application for the construction of an 8' x 20' deck in the front of the dwelling with a 13.6' front setback be GRANTED with no conditions.**

This resolution was moved by Bob Seward and seconded by Matt Ostiguy at a meeting duly held on November 22, 2016.

*(Discussion)*

A vote was taken as follows:

John Conway	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Absent</u>
Lou Polsinello III	<u>Absent</u>
Bob Seward III	<u>Yes</u>

Motion carried 5-0

**NEXT MEETING:** The next two meetings on December 13<sup>th</sup> & December 27<sup>th</sup> 2016 are cancelled. The next time the Board will meeting is in January of 2017.

**APPROVAL OF MINUTES:**

Motion by John Conway to approve the meeting minutes from the October 25, 2016 meeting. Second by Joyce Lapham. Motion carried by a 5-0vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward III. Second by Matt Ostiguy. Motion Carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely, ZBA Secretary