

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)694-4011 FAX (518)477-2386

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## MEETING AGENDA

TUESDAY, JULY 14, 2015

7:30PM

### 7:30 PM CALL TO ORDER

### PUBLIC HEARINGS:

ZBA Appeal # 2015-03-E.W. Birch Builders, Inc. - 11 Highlandview Ave- 2 Area  
Variances-Front setback for proposed house and rear setback for proposed Deck

ZBA Appeal # 2015-04-E.W. Birch Builders, Inc.-13 Highlandview Ave- 2 Area Variances-  
Front setback for proposed house and rear setback for proposed Deck

ZBA Appeal # 2015-05-E.W. Birch Builders, Inc. - 12 Neptune St.- 2 Area Variances-  
Front setback for proposed house and rear setback for proposed Deck

### SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal # 2015-03, 04 & 05-E.W. Birch Builders, Inc. - 11 Highlandview Ave, 13  
Highland Ave & 12 Neptune St.- 2 Area Variances-Front setback for proposed house and  
rear setback for proposed Deck

### WORKSHOP/DELIBERATION:

ZBA Appeal # 2015-03, 04 & 05-E.W. Birch Builders, Inc. - 11 Highlandview Ave, 13  
Highland Ave & 12 Neptune St.- 2 Area Variances-Front setback for proposed house and  
rear setback for proposed Deck

### NEXT MEETING:

July 28, 2015

### STATUS – NEW APPEALS ON JULY 28, 2015:

ZBA Appeal #2015-09 - Ahrent- 27 New Jersey Ave- 2 Area Variances-rear  
setback and setback from the principal building.

### APPROVAL OF MINUTES:

June 9, 2015

Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
E.W. Birch Builders, Inc.  
For **2 Area Variances**

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

**Appeal No. 2015-03**

**Whereas**, An application has been filed by EW Birch Builders and Construction, Inc. of P.O. Box 444, Latham, NY 12110, proposing to construct a single family dwelling with a 19ø front setback with a 12ø x 16ø attached deck to the rear of the dwelling with a 13ø rear setback. This is in violation of the Town's Comprehensive Zoning Law and Town Code of the Town of East Greenbush: Section II, Sub Section 2.6.6, Residential District (R-2), E: Area and Bulk Schedule. The required front and rear setback in the R-2 Zoning District is 25ø

**Whereas**, The applicant has filed an appeal requesting 2 Area Variances at the property located on 11 Highland View Avenue, East Greenbush, NY (Tax Map No. 155.17-26-1.1); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 3, 2015; 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, July 14, 2015 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 June 10, 2015 meeting recommended a favorable recommendation of the requested variances; 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. There will **(not)** be an undesirable change in the character of the neighborhood as
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

**Resolved**, that the application for the construction of a single family dwelling with a 19ø front setback with a 12ø x 16ø attached deck to the rear of the dwelling with a 13ø rear setback be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_ **(NO)** condition(s):

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on July 14, 2015.

*(Discussion)*

A vote was taken as follows:

Tom Calamaras	___
Joyce Lapham	___
Matt Ostiguy	___
Jeff Pangburn	___
Domenico Pirrotta	___
Lou Polsinello III	___
Bob Seward III	<u>Absent</u>

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2015

***\*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:  
E.W. Birch Builders, Inc.  
For **2 Area Variances**

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

**Appeal No. 2015-05**

**Whereas**, An application has been filed by EW Birch Builders and Construction, Inc. of P.O. Box 444, Latham, NY 12110, proposing to construct a single family dwelling with a 19' front setback with a 12' x 16' attached deck to the rear of the dwelling with a 13' rear setback. This is in violation of the Town's Comprehensive Zoning Law and Town Code of the Town of East Greenbush: Section II, Sub Section 2.6.6, Residential District (R-2), E: Area and Bulk Schedule. The required front and rear setback in the R-2 Zoning District is 25'

**Whereas**, The applicant has filed an appeal requesting 2 Area Variances at the property located on 12 Neptune Street, East Greenbush, NY (Tax Map No. 155.17-26-1.1); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 3, 2015; 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

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**Resolved**, that the application for the construction of a single family dwelling with a 19ø front setback with a 12ø x 16ø attached deck to the rear of the dwelling with a 13ø rear setback be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_ **(NO)** condition(s):

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on July 14, 2015.

*(Discussion)*

A vote was taken as follows:

Tom Calamaras    \_\_\_  
 Joyce Lapham    \_\_\_  
 Matt Ostiguy    \_\_\_  
 Jeff Pangburn    \_\_\_  
 Domenico Pirrotta \_\_\_  
 Lou Polsinello III \_\_\_  
 Bob Seward III    Absent

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2015

***\*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:  
E.W. Birch Builders, Inc.  
For **2 Area Variances**

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

**Appeal No. 2015-04**

**Whereas**, An application has been filed by EW Birch Builders and Construction, Inc. of P.O. Box 444, Latham, NY 12110, proposing to construct a single family dwelling with a 19ø front setback with a 12ø x 16ø attached deck to the rear of the dwelling with a 13ø rear setback. This is in violation of the Town's Comprehensive Zoning Law and Town Code of the Town of East Greenbush: Section II, Sub Section 2.6.6, Residential District (R-2), E: Area and Bulk Schedule. The required front and rear setback in the R-2 Zoning District is 25ø

**Whereas**, The applicant has filed an appeal requesting 2 Area Variances at the property located on 13 Highland View Avenue, East Greenbush, NY (Tax Map No. 155.17-26-1.1); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 3, 2015; 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

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*(Discussion)*

A vote was taken as follows:

Tom Calamaras	___
Joyce Lapham	___
Matt Ostiguy	___
Jeff Pangburn	___
Domenico Pirrotta	___
Lou Polsinello III	___
Bob Seward III	<u>Absent</u>

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2015

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