

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, OCTOBER 25, 2016

7:30PM

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2016-16-Alan LeFebvre-215 Hampton Avenue-5 Area Variances-Shed & Deck

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2016-16-Alan LeFebvre-215 Hampton Avenue-5 Area Variances-Shed & Deck

WORKSHOP/DELIBERATION:

ZBA Appeal #2016-16-Alan LeFebvre-215 Hampton Avenue-5 Area Variances-Shed & Deck

NEXT MEETING:

No Meeting on November 8, 2016 (Election Day)

November 22, 2016

STATUS –APPEALS ON NOVEMBER 22, 2016:

ZBA Appeal #2016-18-Bruso-52 New York Avenue-Area Variance-Front Deck

APPROVAL OF MINUTES:

September 13, 2016

NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of East Greenbush will hold a public hearing on October 25, 2016 at the Town Hall, 225 Columbia Turnpike, Rensselaer, New York beginning at 7:30 P.M. to consider the following applications:

Appeal number # 2016-16 the appeal of Alan LeFebvre of 215 Hampton Avenue, Rensselaer, NY 12144 is appealing the decision of the Building Inspector: The applicant proposes to construct a 7' x 12' deck, a 7' x 7' shed, and a 12' x 12' deck supporting a 6' x 6' playhouse in the rear of the dwelling which has a double frontage abutting Tampa Avenue in the R-2 Zoning District. This is in violation of the Town's Comprehensive Zoning Law Section(s) II 2.5D06(a) Area and Bulk Standards and 2.6.6 Residence District (R-2). The required side setback is 8 feet and the front setback (Tampa Avenue) in R-2 Zone is 25 feet. The proposed 7' x 12' deck leaves a side setback distance of 3 feet. The 7' x 7' shed leaves a side setback distance of 4 feet. The 12' x 12' deck leaves a side setback of 4 feet and a front setback (Tampa Avenue) of 14' feet. No accessory buildings are permitted within, or encroaching within, the front yard area (Tampa Avenue). Therefore, the applicant is requesting 5 Area Variances for the property located at 215 Hampton Avenue East Greenbush, NY. Tax Map # 155.14-18-19

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS

DATED OCTOBER 11, 2016

JEFF PANGBURN, CHAIRMAN

ZONING BOARD OF APPEALS

TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Alan LeFebvre
For an Area Variance

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

Appeal No. 2016-16

Whereas, An application has been filed by Alan LeFebvre, 215 Hampton Avenue, Rensselaer, NY 12144, proposing to construct a 7' x 12' deck, a 7' x 7' shed, and a 12' x 12' deck supporting a 6' x 6' playhouse in the rear of the dwelling which has a double frontage abutting Tampa Avenue in the R-2 Zoning District. This is in violation of the Town's Comprehensive Zoning Law Section(s) II 2.5D06(a) Area and Bulk Standards and 2.6.6 Residence District (R-2). The required side setback is 8 feet and the front setback (Tampa Avenue) in R-2 Zone is 25 feet. The proposed 7' x 12' deck leaves a side setback distance of 3 feet. The 7' x 7' shed leaves a side setback distance of 4 feet. The 12' x 12' deck leaves a side setback of 4 feet and a front setback (Tampa Avenue) of 14' feet. No accessory buildings are permitted within, or encroaching within, the front yard area (Tampa Avenue); and

Whereas, The applicant has filed an appeal requesting 5 Area Variances at the property located at 215 Hampton Avenue, East Greenbush, NY (Tax Map No. 155.14-18-19); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on October 13, 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, October 25, 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 didn't have enough information to make an appropriate advisory opinion; 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 7' x 12' deck, a 7' x 7' shed, and a 12' x 12' deck supporting a 6' x 6' playhouse dwelling be _____ **(GRANTED/DENIED)** with ___ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on October 25, 2016.

(Discussion)

A vote was taken as follows:

Tom Calamaras _____
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.***

Copy To:

Alan LeFebvre
215 Hampton Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-16

Via Email: Building Inspector
Assessor