

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, MARCH 8, 2016

7:30PM

7:30 PM CALL TO ORDER

OLD BUSINESS:

NONE

PUBLIC HEARINGS:

ZBA Appeal #2016-01-Hilton-9 New York Avenue-Use Variance-Single family to Two Family

ZBA Appeal #2016-02-Hilton-11 New York Avenue-Use Variance-Single family to Two Family

ZBA Appeal #2016-03-Almy-1 Eileen Drive-Special Use Permit-In Law Area

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2016-01-Hilton-9 New York Avenue-Use Variance-Single family to Two Family

ZBA Appeal #2016-02-Hilton-11 New York Avenue-Use Variance-Single family to Two Family

ZBA Appeal #2016-03-Almy-1 Eileen Drive-Special Use Permit-In Law Area

WORKSHOP/DELIBERATION:

ZBA Appeal #2016-01-Hilton-9 New York Avenue-Use Variance-Single family to Two Family

ZBA Appeal #2016-02-Hilton-11 New York Avenue-Use Variance-Single family to Two Family

ZBA Appeal #2016-03-Almy-1 Eileen Drive-Special Use Permit-In Law Area

NEXT MEETING:

March 22, 2016

STATUS – NEW APPEALS ON MARCH 22, 2016:

ZBA Appeal #2016-04-Kupiec-61 Highland Drive-Special Use Permit & Use Variance-convert a building into a two family dwelling and construct a home occupation office.

APPROVAL OF MINUTES:

February 9, 2016

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Robert Hilton
For a Use Variance

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

Appeal No. 2016-01

Whereas, An application has been filed by Robert Hilton, of 52 Lakeshore Avenue, Rensselaer NY, owner of 9 New York Avenue, East Greenbush, NY, Applicant proposes to convert a single family dwelling into a two family dwelling at 9 New York Avenue. Two family dwellings are not permitted in the R-2 Zoning District; and

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located at 9 New York Avenue, East Greenbush, NY (Tax Map No. 155.13-9-4.1); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on February 24, 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, March 8, 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 February 24, 2016 meeting recommended denial 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. that the applicant (**has/has not**) shown that they **cannot realize a reasonable return**, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. that the alleged hardship relating to the property in question (**is/is not**) unique and (**does/does not**) apply to a substantial portion of the district or neighborhood; as demonstrated by...
3. that the restricted use variance, if granted, (**will/will not**) **alter the essential character of the neighborhood**, as demonstrated by...

and

4. that the alleged hardship (**has/has not**) **been self-created**.

Resolved, that the application for a Use Variance for the construction of a two family dwelling in the R-2 Zoning District at 9 New York Avenue be **GRANTED/DENIED** with the following condition (s).

- 1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on March 8, 2016.

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.*

Copy To:

Robert Hilton
52 Lakeshore Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-01

Via Email: Building Inspector
Assessor

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Robert Hilton
For a Use Variance

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

Appeal No. 2016-02

Whereas, An application has been filed by Robert Hilton, of 52 Lakeshore Avenue, Rensselaer NY, owner of 11 New York Avenue, East Greenbush, NY, Applicant proposes to convert a single family dwelling into a two family dwelling at 11 New York Avenue. Two family dwellings are not permitted in the R-2 Zoning District; and

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located at 11 New York Avenue, East Greenbush, NY (Tax Map No. 155.13-9-4.2); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on February 24, 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, March 8, 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 February 24, 2016 meeting recommended denial 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. that the applicant (**has/has not**) shown that they **cannot realize a reasonable return**, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. that the alleged hardship relating to the property in question (**is/is not**) unique and (**does/does not**) apply to a substantial portion of the district or neighborhood; as demonstrated by...
3. that the restricted use variance, if granted, (**will/will not**) **alter the essential character of the neighborhood**, as demonstrated by...

and

4. that the alleged hardship (**has/has not**) **been self-created**.

Resolved, that the application for a Use Variance for the construction of a two family dwelling in the R-2 Zoning District at 11 New York Avenue be GRANTED/DENIED with the following condition (s).

- 1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on March 8, 2016.

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.***

Copy To:

Robert Hilton
52 Lakeshore Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-02

Via Email: Building Inspector
Assessor

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Mark Almy
For a **Special Use Permit**

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

Appeal No. 2016-03

Whereas, An application has been filed by Mark Almy, of 1 Eileen Drive, Rensselaer, NY, 12144, applicant proposes to construct a 600 square foot in-law area to their dwelling. This is allowed in the R-2 Zoning District with the issuance of a Special Use Permit per 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 (D) Accessory Uses and

Whereas, The applicant has filed an appeal requesting a Special Use Permit at the property located at 1 Eileen Drive, East Greenbush, NY (Tax Map No. 155.5-2-5)

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on February 24, 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, The Planning Board of the Town of East Greenbush at its February 24, 2016 meeting recommended a favorable recommendation of the requested Special Use Permit with a condition; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, March 8, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, At this meeting, the applicant as well as any and all persons interested in this application 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 application have been carefully considered; and

Whereas, This application 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/to not 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 construction of a 600 square foot in-law area to their dwelling be (**GRANTED/DENIED**) for an initial period of 18 months with the following condition (s):

1. That once the in-law no longer occupies the in-law area, that it cannot be used as rental property and reverts back to a single family residence.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on March 8, 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 Special Use Permit, does not preclude the applicant from obtaining a building permit.***

Copy To:

Mark Almy
1 Eileen Drive
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2016-03

Via Email: Building Inspector
Assessor