

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS
MEETING MINUTES
August 26, 2014

Members

Jeff Pangburn, Chairman
Bob Seward III
Domenico Pirrotta
Joyce Lapham

Also Present:

George Hoffman, Jr., 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 four (4) members were present. Tom Calamaras & Lou Polsinello III were absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2014-10-Gary Snow-6 Georgia Court –Area Variance for deck.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg Permit Application
- Planning Board Recommendation
- Supplemental report from Planning Board member Mike Bottillo

Gary Snow of 6 Georgia Court presented his proposal to the Board. Mr. Snow wants to construct a 12' x 14' deck off of his home and has a side setback issue. Instead of the required eight foot setback, he only has four feet. The deck will be even with the house. The deck will be on the second story over an existing cement patio. The house is a raised ranch and the deck will be off the kitchen area. The house was built in 1975. The deck will be consistent with other decks in the area. Chairman Pangburn asked the board members if anyone had any questions. There were no questions from the Board. Chairman Pangburn asked if there was anyone present to speak in favor of or opposition to the area variance.

- Tom Ceruso of 4 Georgia Court spoke and stated that he has no problem with it.

There was no one present to speak in opposition.

A motion to adjourn the public hearing and hold a workshop tonight was made by Bob Seward III– Seconded by Domenico Pirrotta. Motion carried by a 4-0 vote.

ZBA Appeal #2014-11-Joy & Robert Lowenthal–84 Lona Lane –2 Area Variances for deck.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg Permit Application
- Planning Board Recommendation
- Supplemental report from Planning Board member Judy Condo

Robert Lowenthal of 84 Lona Lane presented his proposal to the Board. The Lowenthal's want to construct an 8' x 18' attached deck off of his home and the deck will extend past the side yard setback and the rear setback. The proposed side setback is five feet and the rear setback is seventeen feet. There are only railroad tracks to the rear of their yard. The property next door is undeveloped and is supposed to stay that way. Chairman Pangburn asked the board members if anyone had any questions. There were no questions from the Board. Chairman Pangburn asked if there was anyone present to speak in favor of or opposition to the area variance.

- Dan Swalec of 74 Lona Lane spoke and stated that he has no problem with it.
- Katherine Barnhart of 82 Lona Lane spoke and stated that she is their next store neighborhood and is also here tonight to ask for a variance for a deck. She is in favor of the application.

There was no one present to speak in opposition.

A motion to adjourn the public hearing and hold a workshop tonight was made by Bob Seward III– Seconded by Domenico Pirrotta. Motion carried by a 4-0 vote.

ZBA Appeal #2014-12-Katherine Barnhart–82 Lona Lane –Area Variance for deck.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg Permit Application
- Planning Board Recommendation
- Supplemental report from Planning Board member Judy Condo/Ralph Viola & Paul DiMascio

Katherine Barnhart of 82 Lona Lane presented her proposal to the Board. Ms. Barnhart wants to construct a 16' x 8' deck to the rear of her house. She only has seventeen feet for the rear setback and twenty five feet are required. She lives right next door to the Lowenthal's. Chairman Pangburn asked the board members if anyone had any questions. There were no questions from the Board. Chairman Pangburn asked if there was anyone present to speak in favor of or opposition to the area variance.

- Dan Swalec of 74 Lona Lane spoke and stated that he has no problem with it.
- Robert Lowenthal of 84 Lona Lane spoke and stated that they are in favor of the application.

There was no one present to speak in opposition.

A motion to adjourn the public hearing and hold a workshop tonight was made by Bob Seward III– Seconded by Domenico Joyce Lapham. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2014-10-Gary Snow–6 Georgia Court –Area Variance for a deck

This is a type II Action-there is no further action necessary. There is a memo in the file

ZBA Appeal #2014-11-Joy & Robert Lowenthal–84 Lona Lane –2 Area Variances for a deck

This is a type II Action-there is no further action necessary. There is a memo in the file

ZBA Appeal #2014-12-Katherine Barnhart–82 Lona Lane –Area Variance for a deck

This is a type II Action-there is no further action necessary. There is a memo in the file

WORKSHOP:

ZBA Appeal #2014-10-Gary Snow–6 Georgia Court –Area Variance for a 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 there are other decks in the neighborhood that have a similar side setback.
2. There is no other method available to the applicant as where the deck is extending directly behind his house, there is no other place to put an attached deck other than putting it on the house.
3. The requested variance is not substantial as the requested setback is only (4') four feet.
4. The proposed variance will not have an adverse effect on the neighborhood as the deck will be within the character of the rest of 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 a 12' x 14' attached deck to their existing dwelling with a 4'(four) foot side setback be GRANTED with no conditions:

This resolution was moved by Bob Seward III and seconded by Domenico Pirrotta at a meeting duly held on August 26, 2014.

(Discussion)

A vote was taken as follows:

Tom Calamaras Absent
Joyce Lapham Yes
Jeff Pangburn Yes
Lou Polsinello III Absent
Bob Seward III Yes
Domenico Pirrotta Yes

Motion carried by a 4-0 VOTE

ZBA Appeal #2014-11-Joy & Robert Lowenthal-84 Lona Lane -2 Area Variances for a 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 proposed deck will be consistent with the surrounding properties and is bounded by a railroad track in the rear.
2. There is no other method available to the applicant as it is a townhouse with minimal side yard available and a short rear yard setback.
3. The requested variance is not substantial as a majority of the side yard will remain and the rear property line is shared with the railroad property.
4. The proposed variance will not have an adverse effect on the neighborhood as surrounding properties have decks and the adjacent property is undeveloped and the rear property is the railroad.
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 a 18' x 8' attached deck to their existing dwelling with a 5'(five) foot side setback and a 17' (seventeen) foot rear setback be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on August 26, 2014.

(Discussion)

A vote was taken as follows:

Tom Calamaras Absent
Joyce Lapham Yes
Jeff Pangburn Yes
Lou Polsinello III Absent
Bob Seward III Yes
Domenico Pirrotta Yes

Motion carried by a 4-0 VOTE

ZBA Appeal #2014-12-Katherine Barnhart-82 Lona Lane –Area Variance for a 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 property abuts a rail line to the rear of the property and a similar application has just been passed by the Board of Appeals with similar circumstances involved.
2. There is no other method available to the applicant as the property is a townhouse with limited space available for extending the proposed deck and another part of the building.
3. The requested variance is not substantial as the rear of the property abuts a rail line and the immediate neighbors are in support of the proposed deck.
4. The proposed variance will not have an adverse effect on the neighborhood as it will be utilizing materials that will be in conformity with the neighborhood and the rear of the property abuts a rail line.
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 a 16' x 8' attached deck to their existing dwelling with a 17' (seventeen) foot rear setback be GRANTED with no conditions.

This resolution was moved by Domenico Pirrotta and seconded by Bob Seward III at a meeting duly held on August 26, 2014.

(Discussion)

A vote was taken as follows:

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

Motion carried by a 4-0 VOTE

APPROVAL OF MINUTES:

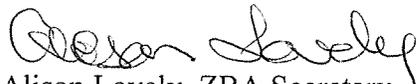
Motion by Chairman Pangburn to postpone the approval of the meeting minutes from the July 8, 2014 meeting due to a quorum issue.

NEXT MEETING: The meeting previously scheduled for September 9, 2014 is cancelled. The next meeting is scheduled for September 23, 2014

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward III. Second by Joyce Lapham . Motion Carried by a 4-0 vote.

Respectfully Submitted



Alison Lovely, ZBA Secretary