

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 March 22, 2016

Members

Jeff Pangburn, Chairman
Domenico Pirrotta
Joyce Lapham
John Conway, Jr
Matt Ostiguy
Lou Polsinello 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 six (6) members were present. Bob Seward III was absent. Introductions were made.

OLD BUSINESS:

NONE

NEW BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2016-04– MacInytre –61 Highland Avenue -Use Variance & Special Use Permit for conversion of a building into a two family dwelling and construct a home occupation office.

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

- Legal Notice
- Rensselaer County Recommendations
- Planning Board recommendation
- Supplemental report from Planning Board member Jim Giordano
- ZBA Applications, Short EAF's, Denials, Use Variance & Special Use Permit Criteria's
- Bldg. Permit Applications

Nancy Kupeic submitted some photos of the property at 61 Highland Avenue. Chairman Pangburn entered them as Exhibit 2016-04A. Nancy stated that also present is the realtor, Jay Vero & Tracy Pitcher who is going in on the building with her. Nancy stated that they love the 60's style of the building. They plan on installing new windows and doors. Everything inside would come out as its all dentist equipment. Tracey would have the entire top floor and access for this would be on Highland Avenue and Nancy would have the basement/bottom floor and access would be on Greenwood Drive, and her home occupation office would be constructed down there. Nancy manages a construction company but the focus of her home business is a grant writer.

She finds funds and helps build homeless shelters. She manages a construction company. Nancy pointed out that the hardship is Dr. Macintyre's issue regarding the Use Variance and his inability to sell the property.

She loves the mature trees on the property. The septic system on the property is in good shape. Phase 1, 2 & 3 Environmentals have been done and her engineers are reviewing everything. Nancy stated that the Planning Department mentioned that there are some drainage issues on the property. Nancy mentioned the only real change she foresees in the future is to add a garage. Nancy read a narrative she had regarding the requested Use Variance and Chairman Pangburn marked it as Exhibit 2016-04b and Exhibit 2016-04c was the Special Use Permit narrative.

- Chairman Pangburn asked her to clarify that her position, although she said construction company, is as a construction manager. Nancy stated that is correct, she does the organization of all the contractors - no employees, no construction trailers.
- Chairman Pangburn stated he understood that they would be adding landscaping but asked since the building will be residential if they will be downsizing the parking area. Nancy stated that after the interior renovations are complete that they plan to.

- Chairman Pangburn noted that Nancy said she would like to be afforded the opportunity in the future to build a garage. Nancy stated that is correct and in the future she may like to build a deck on the Greenwood Avenue side of the house.

- Chairman Pangburn asked if the property was listed with anyone prior to being listed with NAI Platform group. Jay Vero stated that before the 2 years it has been listed with him, it was listed from 9 to 12 months with Coldwell Banker he believes. It first started at \$350,000, went to \$275,000 and most recently went down to \$199,000.

- Matt Ostiguy asked if the external changes are going to be drastic, he apologized, he was reading as she was talking. Nancy stated that basically just doors and windows will be changed and maybe the block painted. They may eventually need to add a gutter along the front of the building.

- John Conway asked Nancy to confirm that the property is across from a B-1 zone. Nancy said that yes, not sure why that property didn't remain in a business zone.

Chairman Pangburn asked if there was anyone to speak in favor or against.

- Letter from Claude Rounds-resides at 72 Berkshire Drive, letter marked Exhibit 2016-04d-some confusion as to what's proposed. Chairman Pangburn stated that the pre-existing office use for the dental office has expired and that the current application is only for a two family and a home occupation for one of the units. Septic has never been a problem in the 44 years that the Rounds have lived there but the current use of 2 units should be documented somewhere how many bedrooms will be in each unit. Would request that the applicant provide any potential future site modifications, site plan of garage, no change to landscaping that exists between the neighbors and this site, asking for no increased run off from the site, any lighting installed shall not be a nuisance to neighboring properties. Also some conditions to home occupation to protect the neighbors in the future.
- Someone in the audience asked if the property is currently zoned residential? R-1A zone. If property is sold, what happens? Once the property sells, the use variance if approved remains but the Special Use Permit for the home occupation would expire.

- Jean Rounds wanted clarification on what floor the office would be on. Chairman Pangburn stated the first floor.

Chairman Pangburn asked Nancy if she wanted to add anything else. Nancy stated that they haven't hired an architect to draw up plans yet, but when they do and apply for a building permit application then they would be responsible for checking the number of bedrooms, bathrooms, etc. Nancy stated they may want to lengthen the windows on the Greenwood Drive side possibly.

Chairman Pangburn stated that he had staff notes that he read into the record. It was a memo from the Director of Planning & Zoning Tony Manfredi, and is part of the record.

Someone asked if the property would be big enough to put another building on it. Chairman Pangburn stated that the property is only allowed one principal dwelling and that any other structure would have to be an accessory structure.

Lou Polsinello stated that before they go into workshop and put any conditions on the application, that he wanted to state that he understands that the neighbors don't want any more impervious surface on the property but the applicant would like to be able to construct a garage in the future and one of the neighbors conditions was to not create any additional impervious surfaces, so how do we go about that? Lou noted that we shouldn't need to add conditions if they are part of the Town or Building codes already.

Claude Rounds stated that there should be a way by a construction of a carport or something to not create any more impervious surface and even make the impact less. Chairman Pangburn stated that apparently the drainage goes towards the Rounds property now but if a closed drainage system was designed to direct any additional runoff towards Greenwood Drive, would they be happy with that? Mr. Rounds stated correct.

Jay Vero stated that the site is a 1/2 acre and the building is approximately 2,300 square feet so that with the building and the land the property is below the 25% allowable.

Chairman Pangburn asked if there were any other questions or comments.

A motion to close the public hearing was made by Matt Ostiguy– Seconded by Lou Polsinello. Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2016-04– MacInyre –61 Highland Avenue -Use Variance for conversion of a building into a two family dwelling

Chairman Pangburn read and filled out Part II and Part III of the Short EAF. This project is an unlisted action under SEQR.

A motion was made by Jeff Pangburn–The Zoning Board of Appeals determines based on the information above and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts. Seconded by Lou Posinello. Motion carried by a 6-0 vote.

ZBA Appeal #2016-04– MacInytre –61 Highland Avenue -Special Use Permit for construction of a home occupation office.

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

WORKSHOPS:

ZBA Appeal #2016-04– MacInytre –61 Highland Avenue -Use Variance & Special Use Permit for conversion of a building into a two family dwelling and construct a home occupation office.

Resolved, That the Board of Appeals makes the following findings of fact:

1. The applicant provided financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by evidence of the property being listed for over two and a half years, the price being reduced by over 40 % and no current interest in any of the allowed uses of the R-1A Zone.
2. The property does suffer a **unique** hardship as the orientation of the parcel and the existing office style building currently exists and has been rezoned out of the current zoning of the neighborhood.
3. The Use Variance **will not alter the essential character of the neighborhood** as the use will be residential in nature with a minor home occupation incorporated.
4. The alleged hardship **has not been self-created** as the property was formally a preexisting non-conforming office use that has been rezoned to an R-1A zoning classification with minimal interest in any allowed uses.

Resolved, that the application for a Use Variance for the conversion of a building into a two family dwelling in the R-1A Zoning District be GRANTED with four conditions:

1. One unit of the two family dwelling remains owner occupied.
2. The applicant confirms existing size and condition of the septic system and documents maximum occupancy of the property for the septic system.
3. Applicant shall submit a sketch plan showing proposed future garage to confirm no additional variances are required and also indicate proposed landscape screening to neighboring properties.
4. Additional site drainage not be directed towards neighboring properties.

This resolution was moved by Jeff Pangburn and seconded by John Conway at a meeting duly held on March 22, 2016.

(Discussion)

A vote was taken as follows:

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

Motion carried by a 6-0 vote

Resolved, That the Board of Appeals makes the following findings of fact:

1. The application has been reviewed and determined to 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 home occupation office be Granted for an initial period of 18 months with no conditions to be fulfilled by the owner before he applies for a Building Permit:

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on March 22, 2016.

(Discussion)

A vote was taken as follows:

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

Motion carried by a 6-0 vote

NEXT MEETING: The April 12th & April 26th meetings have been cancelled. The next meeting will be held on May 10, 2016

APPROVAL OF MINUTES:

Motion by John Conway to approve the meeting minutes from the February 9, 2016 meeting. Second by Joyce Lapham. Motion carried by a 5-0 vote.

Motion by John Conway to approve the meeting minutes from the March 8, 2016 meeting with minor changes as noted from him. Second by Joyce Lapham. Motion carried by a 5-0-2 vote. Domenico Pirrotta and Lou Polsinello III abstain.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Jeff Pangburn. Seconded by Lou Posinello. Motion Carried by a 6-0 vote.

Respectfully Submitted

Alison Lovely, ZBA Secretary

DRAFT