

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 September 25, 2012

Members

Tom Calamaras, Chairman
Joyce Lapham
Steve Millens
Bob Seward III
Jeff Pangburn
Lou Polsinello III

Also Present:

Christine Warren, Attorney
Donna Moran, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Calamaras called the meeting to order and determined a quorum of six (6) members were present. Bill Ritz III was absent. Introductions were made.

PUBLIC HEARINGS:

Appeal#2012-14-Michael Tierney – 2 Area Variances: 5 Oakwood Drive-Proposes to construct an in ground pool on a corner lot with two frontages:

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Tax Map of parcel, Area Variance Criteria
- Bldg Permit Application
- NO Planning Board Recommendation

Michael Tierney stated that he has lived at 5 Oakwood Drive for 13 years, his family has grown, they have put an addition on and now would like to install an in ground pool. The lot is small and there are large trees on the lot. They had to place the pool strategically to avoid removing the large trees. Houses at 2 Highland Drive, 2 Oakwood Drive and 8 Elmwood Drive all have pools and are on corner lots. Jeff Pangburn asked about trees having to be removed and Mike Tierney stated that 2 small trees will need to be removed but he is trying to avoid remove any older trees, although one may have to be removed. Chairman Calamaras asked 3 times whether anyone was present in favor or opposition of the applicant. There was no one present in favor of or in opposition.

A motion to close the public hearing and hold a workshop tonight was made by Chairman Calamaras – Seconded by Lou Polsinello III. Motion carried by a 6-0 vote.

Appeal#2012-15 – Nancy Dahl – Use Variance: 4 Onderdonk Avenue-Proposes to construct 26 apartments and 5 single family dwellings in a B-2 Zoning District:

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Tax Map of parcel, Use Variance Criteria
- Bldg Permit Application
- Authorization for Hart Engineering
- NO Planning Board Recommendation

Steve Hart from Hart Engineering presented the proposal to the Board. A narrative of the project and map were submitted and marked as Exhibit 2012-15A. The proposal consists of 26 apartments and 5 single family dwellings for a total of 31 units, with a density of 5.5 units per acre. They are proposing to run a 6 inch water line from Columbia Turnpike with a fire hydrant proposed at the top of Onderdonk Avenue and the road ending in a hammerhead turn around. Proposed is a 1.36 acre lot with a single family dwelling closest to Celeste Drive. A 15' buffer along Celeste Drive has been set aside to be conveyed to neighbors. The apartments will be in the higher range of \$1,100 to \$1,300 a month. Steve stated that he met with the people from the East Greenbush Cemetery prior to the meeting and they are concerned about vandalism, so the applicant is willing to install a fence and a green space buffer and also grant a possible easement for power to the cemetery for lighting on a small building they have on their site. Steve read the narrative that was marked as Exhibit 2012-15A. Chairman Calamaras asked if there were any questions from the Board. Jeff Pangburn asked the applicant to talk to DPW about a cul-de-sac vs. a hammerhead. Also signage for one way only from the single family dwellings through the apartment complex. Steve also wanted to make it clear that the applicant is not including the B-2 parcel that fronts on Columbia Turnpike in this application. Chairman Calamaras asked 3 times whether anyone was present in favor or opposition of the applicant. There was no one present in favor of the applications. The following people spoke in opposition.

- Daniel Poris of 6 Celeste Drive stated that although the changes are good, he is still not happy about apartments. He is concerned with the road through the site. He is concerned with the sewer issue in the Town, drainage issue on his property in the past, how will the current proposal in regards to drainage be addressed.
- Sue Poris of 6 Celeste Drive stated that additionally, she is concerned with traffic, child safety, traffic signs and speed signs.
- Todd Breen of 3 Onderdonk Avenue stated that he is against the apartments but likes the single family housing. He stated that his kids are the only ones on Onderdonk Avenue and would love some to move into the neighborhood. He has issues with traffic, roads and access, who will be maintaining the parking lot for the apartments, and will the road be public or private.
- Tom Grant of 23 Celeste Drive likes the single family houses, he is concerned with the traffic issues on 9 & 20 and is wondering what will be built first, the apartments or the houses, garbage trucks and noise.
- Bob Stanford of 5 Onderdonk Avenue stated he doesn't like the apartments, asked about school bus access, and who will repave Onderdonk Avenue.
- Tom Benton of 1 Celeste Drive asked to clarify the 15' buffer that is on the map.
- Sue Poris of 6 Celeste Drive asked where is the proposed location for the dumpster for the apartments.

- Jill McCabe of 3 Onderdonk Avenue asked about lighting for the single family dwellings, stated that there are no street lights on Onderdonk Avenue and plans for them, and asked about the water lines being run to the furthest houses and how that affects the residents on Onderdonk Avenue.

Steve Hart stated that there is a 2 inch water line on Onderdonk Avenue and that a 6 or 8 inch line up the proposed road with a hydrant at the end. No improvements are proposed for Onderdonk Avenue which is a Town Road. The applicant is willing to give the cemetery an easement for electricity to have lights. A 15' buffer for adjoining owners on Celeste Drive is proposed at no charge to them. Steve stated that he believes that buses pick up kids on Columbia Turnpike that no buses are proposed for Onderdonk Avenue. If there Onderdonk Avenue is damaged during construction then the road would be fixed. Steve stated that building will be done in phases and believes that the single family dwellings would be constructed first. Traffic to 9 & 20 would be less than 30 through peak hours. DOT stated that the existing curb cut near the cemetery stays. The road will be privately owned and may need an HOA for the road maintenance. As far as child safety, signs will be placed on the curves and inclines. Steve stated that the apartment people won't be using Onderdonk Avenue. They can get rid of the road connecting the development to Onderdonk Avenue. Steve stated that from DEC there is a consent order right now on new development. The Town Board would ultimately approve the project. Drainage has to be designed away from neighboring properties. The dumpster location for the apartments would be furthest from the single family homes.

A motion to adjourn the public hearing for receipt of the Planning Board recommendation until October 9, 2012 was made by Chairman Calamaras. Seconded by Steve Millens. Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

Appeal #2012-14-Michael Teirney-5 Oakwood Drive-2 Area Variances-Swimming Pool on Corner Lot:

MOTION: A motion was made by Chairman Calamaras as follows: In regards to, the Zoning Board of Appeals Appeal #2012-14-Michael Teirney: 5 Oakwood Drive-2 Area Variances-Swimming Pool on Corner Lot is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action.

Reasons Supporting This Determination:

- i) Will not have substantial adverse change in existing water quality, traffic or noise levels.
- ii) Will not result in destruction of large quantities of vegetation or habitat
- iii) Will not affect a Critical Environmental Area
- iv) Will not result in conflict with Town's current plans or goals.
- v) Will not impair the character or quality of existing community or neighborhood character.
- vi) Will not have a major change in energy usage
- vii) Will not create hazard to human health
- viii) Will not change the use of any agricultural, open space, or recreational use land.

- ix) Will not attract a large number of people for more than a few days
- x) Will not create a material demand for other actions that would result in one of the above.
- xi)
- xii) Will not cause changes in two or more of the above; in combination being a substantial impact
- xiii) Will not be one or two or more related actions that when considered cumulatively meet one or more of the criteria above

Seconded by Jeff Pangburn - Carried by a 6-0 vote.

WORKSHOP:

Appeal #2012-14-Michael Teirney-5 Oakwood Drive-2 Area Variances-Swimming Pool on Corner Lot

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 pool will actually be in a rear yard and along a street that is essentially a dead end, and there are three other corner lots in the neighborhood with pools already.
2. There is no other method available to the applicant as it is a corner lot and is attempting to avoid removing large trees in the middle of the lot.
3. The requested variance is not substantial as it was essentially in a rear yard with a 25 foot side yard setback which is greater than what a side yard setback would be.
4. The proposed variance will not have an adverse effect on the neighborhood as it is consistent with other neighboring properties.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for 2 Area Variances to construct a 32' x 14' in ground pool in the R-1A Zoning District in the front yard. be GRANTED with NO conditions:

This resolution was moved by Jeff Pangburn and seconded by Lou Polsinello III at a meeting duly held on September 25, 2012.

(Discussion)

A vote was taken as follows:

Tom Calamaras	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Steve Millens	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Lou Polsinello III	<u>Yes</u>
William Ritz III	<u>Absent</u>
Bob Seward III	<u>Yes</u>

MOTION CARRIED BY 6-0

APPROVAL OF MINUTES

Chairman Calamaras stated that the meeting minutes of July 24, 2012 & September 11, 2012 are postponed for approval due to lack of a quorum.

Motion by Chairman Calamaras to approve the meeting minutes of August 14, 2012.
Second by Jeff Pangburn. Motion carried by a 6-0 vote.

NEXT MEETING: The next scheduled meeting for August 28, 2012 is cancelled; the next meeting date will be September 11, 2012.

MOTION TO ADJOURN

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

Respectfully Submitted

Alison Lovely, ZBA Secretary