

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 April 26, 2011

Members

Tom Calamaras
Joyce Lapham
Steve Millens
Lou Polsinello III
William Ritz III

Also Present:

Mary Pat Donnelly, 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 five (5) members were present. Introductions were made. Jeff Pangburn and Bob Seward III were absent.

PUBLIC HEARINGS:

#2010-35 Corey Frank-Use Variance: 565 Third Avenue Extension

- Legal Notice
- Referral from Rensselaer County of Economic Planning
- Negative Declaration: Unlisted Action under SEQR November 23, 2010
- Planning Board Recommendation to Deny, Motion by Kurt Bergman and second by Bob Davey 6-0
- ZBA Application, Short EAF, Bldg Permit Denial & copy of Bldg Permit

The above applicant is proposing to build a new 100' x 203'6" building for car repair and detailing. The property is located in the OC Zoning District. This is in violation of the Town's Comprehensive Zoning Law, Section III Sub section 3.12.1E. Therefore, the applicant is requesting a Use Variance.

Jim Trainor, the attorney for Corey Frank who was also present, gave the board two sets of documents which Chairman Calamaras entered into the record as Exhibit A and Exhibit B. Mr. Trainor addressed the four use variance criteria. Bill Ritz asked if the business was preexisting or if prior variances were issued. Mr. Frank stated that there have been several different automotive places there. Mr. Millens asked if there was anything else on the other parcels. Mr. Frank stated that the other two parcels have barns and another is a residential use.

There was no one here to speak in favor or in opposition of the application. There are no other comments from the applicant or his attorney.

PUBLIC HEARINGS CONT:

A motion to adjourn the public hearing until May 10, 2011 in order for Jeff Pangburn to comment on the appeal was made by Tom Calamaras – Seconded by Steve Millens - Carried by a 5-0 vote.

#2011-03 OTB-Area Variance: 308 Columbia Turnpike

- Legal Notice
- Referral from Rensselaer County of Economic Planning
- ZBA Application, Short EAF, Bldg Permit Denial & copy of Bldg Permit
- No Planning Board recommendation has been received.

The above applicant is proposing to install a 24 square foot building sign. This is in violation of the Town's Comprehensive Zoning Law, Section III; Sub Section 3.3.2 A façade mounted signs 01. Each commercial use is permitted one surface mounted wall sign for each street frontage on a Town Road. Therefore, the applicant is requesting an Area Variance.

Ron LaVec of the Sign Studio was present. The proposal is to install a 24" wall sign on the east side of the building. There is currently a sign on the north and west side of the building. The proposed sign will match the other two signs and will be lit.

There was no one here to speak in favor or in opposition of the application. There are no other comments from the applicant.

MOTION: A motion was made by Tom Calamaras as follows: **In regards to Appeal#2011-03- OTB- Area Variance: 308 Columbia Turnpike, the Zoning Board of Appeals is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action and issues a Negative Declaration.**

Reasons Supporting This Determination:

- i) Sign will have no effect on environment.
- ii) Will not have effect on overall quality of neighborhood character.
- iii) Will not have effect on existing water quality, traffic or noise levels;

A motion to adjourn the public hearing until May 10, 2011 for receipt of the Planning Board recommendation was made by Tom Calamaras – Seconded by Bill Ritz - Carried by a 5-0 vote.

#2011-05 John Edick-Area Variance: 268 Third Avenue Extension

- Legal Notice
- Referral from Rensselaer County of Economic Planning
- ZBA Application, Short EAF, Bldg Permit Denial & copy of Bldg Permit
- Hand drawing of Addition, Overhead view of property
- Letter from Ed Hearne of 273 3rd Avenue Extension.
- No Planning Board recommendation has been received.

PUBLIC HEARINGS CONT:

#2011-05 John Edick-Area Variance: 268 Third Avenue Extension Cont.

The above applicant is proposing to build a 14' x 40' addition off the rear of the existing dwelling located in the R-2 Zoning District. This is in violation of the Town's Comprehensive Zoning Law, Section II, Sub Section 2.5 D yards each side that abuts a street shall be deemed a front lot line and the required yard along each such lot line shall be a required front yard set back, 25' is required from the front property line, there is only 8' 6". Therefore, the applicant is requesting an Area Variance.

John Edick was present and stated that the proposed addition will be in line with the house. The house is very small and their family has expanded.

Maria Attura of 260 3rd Avenue Extension spoke in favor of the application. No one spoke in opposition of the application. There are no other comments from the applicant.

SEQR DETERMINATION:

#2011-05-John Edick - Area Variance: 268 Third Avenue Extension

MOTION: A motion was made by Tom Calamaras as follows: **In regards to Appeal#2011-05- John Edick- Area Variance: 268 Third Avenue Extension, the Zoning Board of Appeals is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action and issues a Negative Declaration.**

Reasons Supporting This Determination: .

- i) Sign will have no effect on environment.
- ii) Will not have effect on overall quality of neighborhood character.
- iii) Will not have effect on existing water quality, traffic or noise levels;

Seconded by Lou Polsinello - Carried by a 5-0 vote.

A motion to close the public hearing and hold a workshop tonight was made by Bill Ritz – Seconded by Lou Polsinello - Carried by a 5-0 vote.

WORKSHOP/DELIBERATION

#2011-05 – John Edick- Area Variance: 565 Third Avenue Extension

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 it will actually be an improvement. One neighbor sent in a letter attesting to improvements.
2. There is no other method available to the applicant as the parcel is a preexisting nonconforming corner lot with two front setback requirements.
3. The requested variance is not substantial since the addition will be in line with the existing house.
4. The proposed variance will not have an adverse effect on the neighborhood as it will be an improvement.
5. The alleged difficulty is not self-created; however, that shall not necessarily preclude the granting of the area variance. It is a preexisting nonconforming property.

Resolved, that the application for an Area Variance to build a 14' x 40' addition off the rear of the existing dwelling be GRANTED with no conditions.

This resolution was moved by Bill Ritz III and seconded by Lou Polsinello III at a meeting duly held on April 26, 2011.

A vote was taken as follows:

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

Motion carried by a 5-0 vote.

STATUS - New Appeals

ZBA Appeal #2011-06-JM/RM Holding LLC.-3396 River Road-Use Variance-Two
Family Dwelling-Public Hearing on May 10, 2011

ZBA Appeal #2011-07-Sean Kipp-1 Eddy Lane-Special Use Permit-Home Occupation-
Public Hearing on May 10, 2011

APPROVAL OF MINUTES

Mr. Calamaras made a motion to approve the minutes from April 12, 2011.

Seconded by Steve Millens - Carried by a 5-0 vote.

NEXT MEETING: May 10, 2011

MOTION TO ADJORN

There being no further business before the Board, the meeting was adjourned by
Chairman Calamaras and Seconded by Bill Ritz – Motion carried 5-0

Respectfully Submitted


Alison Lovely, ZBA Secretary