

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS  
MEETING MINUTES  
March 28, 2017

### Members

Jeff Pangburn, Chairman  
Domenico Pirrotta  
Joyce Lapham  
John Conway, Jr  
Kurt Bergmann  
Matt Ostiguy

### Also Present:

Joseph Slater, 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. Introductions were made. Bob Seward III was absent.

### OLD BUSINESS:

#### PUBLIC HEARINGS:

**ZBA Appeal #2017-03 – Cellco/Verizon –5 University Place –Special Use Permit for Antenna attached to a building a wireless telecommunications facility.**

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Special Use Permit Criteria
- Bldg. Permit Application
- Planning Board Recommendation with supplemental report by Jim Moore

Dave Brennan from Young/Sommer representing Verizon Wireless presented the proposal to the Board. Dave stated that David Herbowy & Brenda Blask-Lewis from Tectonic Engineering were also present as well as Chris Schrader from CMS. Dave Brennan stated that an antenna will be flush mounted to the side of 5 University Place and the related equipment will be put inside the penthouse. Chairman Pangburn referenced Dick Comi's letter with the recommended conditions. Chairman Pangburn asked the Board if anyone had any questions.

• John Conway Jr. asked if that is a hotspot, what the distance is that the antenna will cover and if there is any impact to residents. Dave Brennan stated that it will cover 1,200 -1,500 feet and it will be spill over coverage to people in the area. Chairman Pangburn asked if anyone else had any questions.

Chairman Pangburn asked if there was anyone present who wished to speak in favor of or opposition to the appeal tonight. No one was present to speak in favor or opposition.

Motion by Matt Ostiguy to close the public hearing. Seconded by Joyce Lapham. Motion carried by a 6-0 vote.

**ZBA Appeal #2017-04 – Nardacci/Smith –Washington Avenue –Area Variance for frontage.**

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Special Use Permit Criteria
- Bldg. Permit Application
- Planning Board Recommendation with supplemental report by Matt Polsinello
- Email from resident on Washington Avenue

Diane Nardacci spoke on behalf of her mother, she stated that the parcel used to be 2 lots at one time and she isn't sure whether her father or the Town made it into one lot. Diane states that she wants to sell it as her mother is 86 and could use the income. Chairman Pangburn asked if anyone else had any questions.

- John Conway Jr. asked for clarification that the lot in question sits in between 243 & 247 on the map? Diane stated that was correct.
- Domenico Pirrotta asked for clarification that one house sits on Hudson Avenue and the parcel that sits on Washington Avenue is vacant? Diane stated that is correct.

Chairman Pangburn marked a copy of the Town tax map as Exhibit 2017-04a.

- John Conway Jr. asked if there is a proposal for a building. Diane stated that there is nothing specific at this point.
- Kurt Bergmann pointed out that the lot that's being created is actually 1,000 square feet bigger than the lot with the house on it.

Chairman Pangburn asked if there was anyone present who wished to speak in favor of or opposition to the appeal tonight.

- Dave Sherman spoke and stated that he has a contract with Mrs. Smith to buy the lot & he just needs to meet the setbacks.

No one was present to speak in favor or opposition.

- Matt Ostiguy asked if they have tried to sell the lot. Diane stated that they have but then found out it wasn't big enough.

Chairman Pangburn asked if there were any other questions.

Motion by Kurt Bergmann to close the public hearing. Seconded by Joyce Lapham.  
Motion carried by a 6-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2017-03 – Cellco/Verizon –5 University Place –Special Use Permit for Antenna attached to a building a wireless telecommunications facility.**

**MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency**

In regards to **ZBA Appeal #2017-03 – Cellco/Verizon –5 University Place –Special Use Permit for Antenna attached to a building an wireless telecommunications facility.** The Zoning Board of Appeals has determined that this is an Unlisted Action is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

**Motion by: Jeff Pangburn;**

**Second by: Matt Ostiguy (Discussion)**

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
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>
Bob Seward III	<u>Absent</u>

Motion carried 5-0

**ZBA Appeal #2017-04 – Nardacci/Smith – Washington Avenue – Area Variance for frontage.**

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

**WORKSHOPS:**

**ZBA Appeal #2017-03 – Cellco/Verizon – 5 University Place – Special Use Permit for Antenna attached to a building a wireless telecommunications facility.**

**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 Wireless Telecommunications Facilities Sitting Ordinance; therefore, be it

**Resolved**, that the application for a Special Use Permit for the installation of a Wireless Telecommunication Facility including a cell panel antenna approximately (17 inches by 6.5 inches) on the wall of the existing penthouse of the building, located at 5 University Place be Granted with the following conditions to be fulfilled by the owner before he applies for a Building Permit:

1. § 8L of Local Ordinance #6 of 2004 the structural provided was based upon Risk Category II. Please have the structural calculated using Risk Category III and resubmit.
2. Tab 13, construction drawing sheet C-1 under General Notes #8 references ANSI/EIA/TIA 222-F. The applicable standard for New York State is ANSI TIA/EIA 222-G. Please correct the incorrect information and resubmit.

This resolution was moved by Matt Ostiguy and seconded by John Conway Jr. at a meeting duly held on March 28, 2017.

*(Discussion)*

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
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>
Bob Seward III	<u>Absent</u>

Motion carried 6-0

**ZBA Appeal #2017-04 – Nardacci/Smith – Washington Avenue – Area Variance for frontage.**

**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 numerous existing residences are on similar size lots.
2. There is no other method available to the applicant as neighboring properties are already built and the rear parcel aligns with adjacent parcels.
3. The requested variance is substantial but matches original subdivision map & adjacent properties.
4. The proposed variance will not have an adverse effect on the neighborhood, as the lot will be similar to numerous adjacent 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 the construction on a building lot which has a front yard dimension of 60 feet be GRANTED with NO conditions.**

This resolution was moved by Jeffrey Pangburn and seconded by Kurt Bergmann at a meeting duly held on March 28, 2017.

*(Discussion)*

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
John Conway	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Yes</u>
Bob Seward III	<u>Absent</u>

Motion carried 6-0

**NEXT MEETING:** The next time the Board will meet is April 11, 2017.

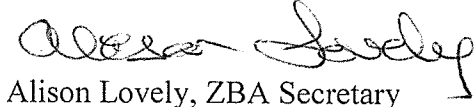
**APPROVAL OF MINUTES:**

Motion by John Conway Jr. to approve the meeting minutes from the February 28, 2017 meeting. Seconded by Joyce Lapham. Motion carried by a 5-0-1 vote. Jeff Pangburn abstained.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Domenico Pirrotta. Seconded by Joyce Lapham. Motion Carried by a 6-0 vote.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Alison Lovely".

Alison Lovely, ZBA Secretary