

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES FEBRUARY 22, 2022

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell
Tom Hickey
Bob Seward III

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present.

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2021-14-C & T EG, LLC. – 590 Columbia Turnpike- Interpretation-Outdoor Storage

Chairman Pangburn stated that he was reopening the public hearing and had some information to enter into the record. The first is labeled Exhibit #2021-14A, the matter of Merrimack Beach vs Yacht Club. The second is labeled Exhibit #2021-14B, the matter of Bartus vs Kern. The third is labeled Exhibit #2021-14C, the matter of Adam vs Adami. An email dated February 2, 2022 was received from Don Zee with four photos of the site showing outside storage and this was labeled Exhibit #2021-14D. Chairman Pangburn asked Don Zee if he anything to add. Don Zee stated that he submitted those additional documents as at the last meeting during the public hearing, either a resident or Board member had asked since the granting of the Use Variance in 2007, has outdoor storage occurred. So there are 4 different years showing outdoor storage. Don Zee stated as he read the Use Variance, there was no mention of outdoor storage vs. indoor storage. Don Zee stated that he also pointed out that if there is a question of ambiguity in the determination based on the Board's reading of the decision as to whether outside storage was precluded or anything, that he pointed out to the Board that there were various cases which substantiate the point if there is any ambiguity, that the Board should find in favor of the property owner. Don Zee stated that there was also a question raised by a Board member about the adjacent property owner and whether they were aware of it. Don Zee gave a site plan to the Board showing cross easements. Chairman Pangburn marked this Exhibit #2021-14E. Don Zee stated that he believes he's addressed all the issues raised by the Board and the public. Don Zee thinks that this may have come to rise as a potential concern by the Code Enforcement Officer because there was a structure in front between Route 9 & 20 & this parcel.

Chairman Pangburn stated that he would note that this site, is or was in front of the Planning Board agenda for that driveway relocation.

The current driveway exists going through the eastern portion of the site and will be relocated when the new access road is built.

Chairman Pangburn asked if there were any other questions from the Board.

•Tom Hickey stated that his only question is on the aerial photos that were provided, on the one dated 2007, are the storage trailers that appear to be there on the property or are they next to the property. Don Zee stated that he believes there on the property. Don Zee stated that his interpretation of the use variance is the fact that the zoning board authorized “storage” and did not limit it to just indoor storage.

Chairman Pangburn asked if there was anyone in the public that wanted to speak.

•Dave Terpening asked what the history of the zoning classification, has the use of the building changed, if so, when and how & what is the history of the ownership of this building & property.

Chairman Pangburn stated that the only matter before us tonight is an Interpretation of the language whether or not outdoor storage is included in the warehouse & storage use. The warehousing and storage was made a legal use of that property by the passage of the use variance in 2007. It had been a B-2 zone designation when it was changed in 2008 to the B-1 zone. Chairman Pangburn stated that what their focused on is when it was approved for warehousing and storage in the B-2 zone of 1986’s zone code, whether outdoor storage was allowed or not.

•Dave Terpening stated that the reason why he’s asking these questions is, how long has it been a self-storage. Chairman Pangburn stated it was approved as a legal use in 2007, his understanding is it started then.

•David Terpening stated that at one time it was a limousine service that operated out of there. Chairman Pangburn stated he believes that coincided with the owner of the recreation club, at the same time.

Chairman Pangburn asked if there was anything else from the Board. There was nothing.

Tom Hickey made a motion to close the public hearing.

Seconded by Matt Ostiguy. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2021-14-C & T EG, LLC. – 590 Columbia Turnpike- Interpretation- Outdoor Storage –No SEQR is required

WORKSHOPS:

ZBA Appeal #2021-14-C & T EG, LLC. – 590 Columbia Turnpike- Interpretation- Outdoor Storage

Resolved, That the Zoning Board of Appeals makes the following interpretation of The Comprehensive Zoning Law of 2008:

1. That outdoor storage was not included in the “Warehousing and Storage” Use Variance of 2007.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on February 22, 2022.

A vote was taken as follows:

Tom Hickey	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 5-0

NEXT MEETING: The next scheduled meeting is March 8, 2022.

APPROVAL OF MINUTES:

Motion by Scot Strevell to approve the February 8, 2022 meeting minutes. Seconded by Bob Seward III. Motion carried by a 5-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Jeff Pangburn. Seconded by Bob Seward III. Motion Carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary