

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES DECEMBER 12, 2023

#### **Members**

Jeff Pangburn, Chairman  
Matt Ostiguy  
Scot Strevell  
Tom Hickey

#### **Also Present:**

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

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Pangburn called the meeting to order and determined a quorum of four (4) members were present. Bob Seward was absent.

#### **PUBLIC HEARINGS:**

#### **ZBA Appeal #2023-15-AJ Signs- 307 Troy Road 2 Area Variances-Front & Rear Building Signs**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Draft PB Recommendation via report by Matt Mastin with no vote which was due to an alignment of calendars and a cancelled Planning Board meeting, so their 30-day review period overlaps ours. It's been done in the past where the Zoning Board has moved forward without their referral.
- Application Packet with summary of criteria with authorization Form

Carly Clark from AJ Signs was present representing the tenant Smoothie King who is going into a tenant space at 307 Troy Road. Carly Clark stated that it's a funky building as the façade faces the road but their entrance is in the rear of the building. Some of the other tenants have signage on the back of the building which is really the main entrance to the plaza. Carly Clark stated that she did try to measure Aspen Dental prior to the meeting tonight. She stated that there is an awning there now so she had some difficulty. She could measure that it was 18' feet long and guessing, the bigger channel letter "A" was about 36 inches. AJ Signs did do the "Jersey Mikes" sign which is on the end of the building. The sign that faces Troy Road is 40 square feet. The sign on the rear of the building is 39.1 square feet.

Chairman Pangburn asked if she reviewed the calculations of the square footage of these signs & if they carved out the area and kept it tight to the sign. Carly Clark stated that they boxed it. Chairman Pangburn asked if it was the overall sign. Carly Clark stated that is correct. Chairman Pangburn commented that their asking for a variance for a lot of the white space. Carly Clark stated that is correct.

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

•Tom Hickey asked if it was the cost why they don't trim around the signs. Carly Clark stated that sometimes the Town's don't allow it so they error on the side of caution and boxed it in. Chairman Pangburn stated that the sign will actually be smaller than what's being requested in the variances.

Chairman Pangburn asked if she tried to align the letter sizes to adjacent signs. Carly Clark stated that is correct and these will be much smaller.

Chairman Pangburn asked if these were internally lit, including the color logo. Carly Clark stated that is correct.

Chairman Pangburn asked if any of the other Board members had any questions. There were none.

Chairman Pangburn asked if anyone in the public had any questions.

•Dave Terpening asked what the Chairman's thoughts were on why those restrictions were put in the Zoning Law.

Chairman Pangburn stated that for the record there are prior variances on the same exact building for similar requests. The original code appeared to have to tight of a restriction for letter size, that it didn't make sense for the amount of setback this building has from Route 4 and from the back side of the plaza which faces the access way/driveway. This variance is consistent those and the existing signs that are on the building today.

•Dave Terpening stated that Chairman Mastin had mentioned that he didn't know how the size of the other signs got there and mentioned Jersey Mikes and Dave mentioned he hadn't seen that one come through. Chairman Pangburn stated comment noted but that the review of building permits is beyond the purview of the Zoning Board.

Chairman Pangburn asked if there were any other questions for the applicant.

•Tom Hickey asked the applicant if she had a similar breakout of the dimensions on the front sign like she does for the back with the height of the letters. Carly Clark stated that she doesn't have the front broken out but that it is smaller than the back.

•Dave Terpening made a comment about Matt Mastin's comment in his report.

•Matt Ostiguy stated that it's worth nothing that Aspen Dental has front, rear and a monument sign.

•Tom Hickey asked if they would have a monument sign as well. Carly Clark stated that it has potential but they haven't signed off on it yet, so as of now, no. Carly Clark stated that there is a spot where TCBY was. Chairman Pangburn asked if the size would be the same. Carly Clark stated that it would be.

**Scot Strevell made a motion to close the public hearing.**

**Seconded by Tom Hickey. Motion carried by a 4-0 vote.**

### **SEQR DETERMINATIONS & RECOMMENDATIONS:**

#### **ZBA Appeal #2023-15-AJ Signs- 307 Troy Road 2 Area Variances-Front & Rear Building Signs**

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

### **WORKSHOPS:**

**Resolved,** That the Board of Appeals makes the following findings of fact in regards to the installation of a 34 square foot sign above the main entrance:

1. There will not be an undesirable change in the character of the neighborhood as there are multiple similar signs of similar size, the same distance from the road.
2. There are other methods available to the applicant but those are not effective due to the distance from the road.

3. The requested variance is not substantial, due to the fact when you consider the white area and the back ground area, they do not exceed more than 1 or 2 % of the 24 square feet.
4. The proposed variance will not have an adverse effect on the neighborhood as there are already multiple signs in the same location of the same size and substance in the neighborhood.
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 installation of a 34 square foot sign above the main entrance be GRANTED with NO conditions.**

This resolution was moved by Tom Hickey and seconded by Scot Strevell at a meeting duly held on December 12, 2023.

*(Discussion)*

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>Absent</u>
Scot Strevell	<u>Yes</u>

Motion carried 4-0

**NEXT MEETING:** The next meeting is on December 26, 2023 is cancelled. The next meeting will be held on January 9, 2024.

**APPROVAL OF MINUTES:**

Motion by Jeff Pangburn to approve the November 28, 2023 meeting minutes. Seconded by Scot Strevell. Motion carried by a 3-0-1 vote. Tom Hickey abstained.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by Matt Ostiguy. Motion Carried by a 4-0 vote.

Respectfully Submitted

*Alison Lovely*  
Alison Lovely, ZBA Secretary