

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES

April 25, 2017

Members

Jeff Pangburn, Chairman
Joyce Lapham
Matt Ostiguy
John Conway, Jr
Kurt Bergmann
Bob Seward III

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. Domenico Pirrotta was absent.

OLD BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2017-05 – Moscatiello –550 Third Avenue Extension – Area Variance for proposed parking in front yard.

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria, site plan
- Bldg. Permit Application
- Planning Board Recommendation with supplemental report by Mike Bottillo

Mike Moscatiello presented the proposal to the Board. Mike Moscatiello stated that currently there is no curbing or no traffic flow to the site. Mike Moscatiello stated that they've proposed parking in the front. NYSDOT had approved a better entrance in the front of the site, a large island is being added which will provide for a separate entrance and exit, which will be one way in and one way out. Chairman Pangburn asked if circulation in the front of the building will be one way. Mike Moscatiello stated that is correct as there is no room to fit the parking and two way traffic. Chairman Pangburn asked if the applicant could discuss the topography. Mike Moscatiello stated that the grade in the back is almost 9 feet from the front. If there was parking in the back then people would have to walk up a hill. They are adding curbing and landscaping. There will be five parking spaces in the front as well as one handicapped space. There will also be an entrance and exit onto Patroon Lane.

•Kurt Bergmann asked how many parking spaces there will be. Mike Moscatiello stated that there are 3 regular spaces and two handicapped.

•John Conway asked if the parking spaces will be diagonal. Mike Moscatiello stated that yes they will be.

Chairman Pangburn asked if anyone had anything else. There were no other questions.

Chairman Pangburn asked if there was any present who wanted to speak in favor of or against the application. There was no one present to speak in favor of or opposition to.

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

ZBA Appeal #2017-06 – JMA Properties LLC. –4 Middle Mannix Road – 3 Area Variances for proposed signs

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria, Sign designs
- Bldg. Permit Application
- Planning Board Recommendation with supplemental report by Matt Polsinello

Bridget Shoemaker of AJ Signs spoke on behalf of the applicant. Bridget Shoemaker stated that the Sports Grill is changing their name to “Four Seasons”. The first proposal is to change the wall sign that faces I-90, which is a preexisting sign; the proposal is to just reface the sign. The second proposal is for the existing pylon sign, to change the name from Sports Grill to Four Seasons, and below that proposing a digital sign. Bridget gave the Board a packet with 3 colored pages which Chairman Pangburn marked as Exhibit 2017-06A. Bridget stated that the owner wants to go digital to enhance his business, she explained how the digital signs work. Chairman Pangburn asked if the Board had any questions.

●John Conway asked if there was something unique about this site that they can argue for an animated sign & if there are any estimates as to how a digital sign will help. Bridget stated that the way the business sits down in, it never looks open; it’s not a welcoming entrance. The owner has done some interior improvements. Bridget stated that there is an estimate of a 10% - 13% increase in the use of digital signs.

●Matt Ostiguy stated that the new sign is a couple of feet higher than the existing sign, 53” vs. 39 ½”. Bridget stated that yes, the existing one is 31” x 65” and the proposed sign is 53’ x 65”. Bridget stated tall enough to fit a couple of line of text legibly.

Chairman Pangburn asked if there were any other questions from the Board. There were none.

Chairman Pangburn asked if there was any present who wanted to speak in favor of or against the application. There was no one present to speak in favor of or opposition to.

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 #2017-05 – Moscatiello –550 Third Avenue Extension – Area Variance for proposed parking in front yard

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

ZBA Appeal #2017-06 – JMA Properties LLC. –4 Middle Mannix Road – 3 Area Variances for proposed signs

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

WORKSHOPS:

ZBA Appeal #2017-05 – Moscatiello –550 Third Avenue Extension – Area Variance for proposed parking in front yard

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 previous business had parking in the front yard.
2. There is no other method available to the applicant as the landscaping and topography prevents parking in the rear.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse effect on the neighborhood as there are similar businesses with similar parking nearby.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance as building is close to the road.

Resolved, that the application parking within the front yard be GRANTED with no conditions.

This resolution was moved by Robert Seward III and seconded by Matt Ostiguy at a meeting duly held on April 25, 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>Absent</u>
Bob Seward III	<u>Yes</u>

Motion carried 6-0

ZBA Appeal #2017-06 – JMA Properties LLC. –4 Middle Mannix Road – 3 Area Variances for proposed signs

Resolved, That the Board of Appeals makes the following findings of fact with regards to the pylon sign:

1. There will be an undesirable change in the character of the neighborhood as multiple signs for one tenant are not allowed, nor are digital display signs allowed as per code.
2. There are other methods available to the applicant as electronic social media and upgrading of existing signage can address the request.
3. The requested variance is substantial as the requests are inconsistent with prior precedent.
4. The proposed variance will have an adverse effect on the neighborhood as it would set precedent that would be continued throughout the corridor.
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 for the Pylon sign be **DENIED**.

This resolution was moved by Jeff Pangburn and seconded by Robert Seward III at a meeting duly held on April 25, 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>Absent</u>
Bob Seward III	<u>Yes</u>

Motion carried 6-0

Resolved, That the Board of Appeals makes the following findings of fact with regards to the northern wall sign:

1. There will not be an undesirable change in the character of the neighborhood as this is a replacement of an existing sign that has received no negative feedback.
2. There is no other method available to the applicant as the sign is preexisting in its current location and size.

3. The requested variance is not substantial as I-90 acts as a frontage road to the sign.
4. The proposed variance will not have an adverse effect on the neighborhood as it is a similar preexisting sign.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, **that the application for 1 Area Variance for the Northern wall sign be GRANTED with one condition.**

1. The wall sign shall utilize the existing sign structure and not increase nor otherwise rebuild the existing sign unit.

This resolution was moved by Jeff Pangburn and seconded by Kurt Bergmann at a meeting duly held on April 25, 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>Absent</u>
Bob Seward III	<u>Yes</u>

NEXT MEETING: The May 9, 2017 meeting is cancelled. The next time the Board will meet is May 23, 2017.

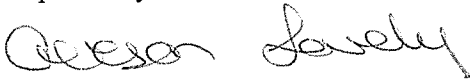
APPROVAL OF MINUTES:

April 11, 2017 meeting minutes tabled.

MOTION TO ADJOURN

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

Respectfully Submitted



Alison Lovely, ZBA Secretary