

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES AUGUST 8, 2023

#### **Members**

Jeff Pangburn, Chairman  
Bob Seward III  
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 five (5) members were present.

#### **PUBLIC HEARINGS:**

#### **Reconvene ZBA Appeal #2023-07-Vitale- 41 Rose Lane- Area Variance: Shed**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by Bob Jucha
- Application Packet with summary of criteria

Marshal Vitale lives in August Gate and many of the 100 homes in his neighborhood have sheds. Mr. Vitale stated that based on the lay of the land he is very limited as to where he can put the shed. The neighbor on his right has a shed and running along the side of the property is a ten-foot easement for storm sewer that separates their property, so it limits him being able to place his shed in that area. Marshall Vitale stated that his property on the left-hand side is very steep, so he'd like to position it to limit as much site work as possible which would require him in going back to 10 feet from the property line and he also doesn't want a shed in the middle of his yard. Chairman Pangburn asked what the property immediately behind applicant's property consists of. Marshall Vitale stated that it's a very large vacant and wooded area.

•Tom Hickey stated when he looked up the parcel it was owned by the Town.

Chairman Pangburn asked what the lay of the land was behind him. Marshall Vitale stated it's a steep ravine that goes down to a stream.

•Scot Strevell asked if the shed exterior would match the house. Marshall Vitale stated that it will potentially match the house.

•Scot Strevell asked about the utility easement. Marshall Vitale stated that it's a storm sewer easement on the right side of his property between his and his neighbor's property.

•Matt Ostiguy stated it appears there are others with sheds similar to his and if he could confirm that. Marshall Vitale stated that others in the neighborhood have similar sheds that are facing towards the road.

•Tom Hickey asked if his property line was pretty consistent with his mow line and if that's where the drop starts. Marshall Vitale stated that the drop starts before the end of his property line and he is going to require some fill to get it up to grade.

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 stated that the date on his report is wrong & google maps, the shed on the right-hand side of his property looks like it's on his property. Chairman Pangburn asked if the green shed with the white door is Mr. Vitales or his neighbors. Mr. Vitale stated it's his neighbor's shed.

•Dave Terpening stated that he also appreciates the applicant coming before the Board and doing the right thing.

Chairman Pangburn asked if there was anything else. There was none.

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

**Seconded by Bob Seward. Motion carried by a 5-0 vote.**

**ZBA Appeal #2023-08-AJ Signs- 578 Columbia Turnpike- Area Variance-Sign**

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet with authorization form
- Area Variance Criteria

Tyler Culberson stated he feels there was a little bit of confusion from the Code Enforcement officer regarding the zoning of this parcel, because this was a PDD, they updated the sign code as part of the PDD & it gave them the ability to build two monument signs in the front of the site, similar to the Kinderhook Bank sign, which gave them 64 sq. ft per side of the sign for a total of 132 sq. ft total monument sign square footage. Tyler Culberson stated that they're not going to build that, he feels it will clutter up the site too much. They need to put a 32 sq. ft. sign in for the self-storage user in the back of the site. Tyler Culberson stated they're willing to waive the square footage from the monument signs and are asking to put it on the building. Tyler Culberson stated that Emma from AJ Signs has brought pictures from comparable properties in the capital region that have installed similar blade signs.

Chairman Pangburn stated that there was a blade sign that was included with the application and that's still the sign this is just an updated rendering. Tyler Culberson stated these are real life examples, the first being Frog Alley Brewing sign and Clinton's Ditch sign.

Chairman Pangburn entered the Frog Alley Brewing as exhibit #2023-08a & the Clinton's Ditch as exhibit #2023-08b. Chairman Pangburn asked if the Board had any questions. Emma from AJ stated these were provided to help give perspective, what the type of construction would look like and size of the sign in comparison with the building.

Chairman Pangburn asked Tyler Culberson to go through the numbers again quick & asked for clarification that they had two monument signs approved. Tyler Culberson stated that they had two monument signs approved with 64 sq. ft. per sign for a total of 132 square feet.

•Tom Hickey asked the applicant to show where those are located on the drawing & if the two exhibits are the same square footage. Emma from AJ Signs stated they are.

Chairman Pangburn asked if the blade sign will be legible from 9 & 20 or just from the boulevard. Tyler Culberson stated from 9 & 20.

•Matt Ostiguy asked if the variance in front of the Board is 40 sq. ft. but they only need 32 sq. ft.? Tyler Culberson stated they could reduce it.

•Tom Hickey stated that there will be no sign in the median going down the Boulevard. Tyler Culberson stated there wouldn't as there are utilities in that median but that's where they wanted to put it.

Chairman Pangburn stated to get the numbers right, the PDD approval was for two monument signs of 132 square feet, and now they're only installing one 32 sq. ft. monument sign, leaving them theatrically 100 sq. ft. remaining, and the proposal is now for a 40 sq. ft. sign out of the 100 sq. ft. left over. Tyler Culberson stated that is correct.

•Bob Seward stated that this is a decrease of 60 sq. ft. Tyler Culberson stated that is correct.

•Bob Seward stated that the bottom floor is for two tenants, they have one already, what is your agreement for signage for the other business tenant. Tyler Culberson stated that under the PDD, each tenant has 32 sq. ft. of signage on the Columbia Turnpike side of the building and on the parking lot side of the building.

Chairman Pangburn asked if any of the other Board members had any questions.

There were none.

Chairman Pangburn asked if there were any questions from the members of the public.

•Dave Terpening commented on #2 and #4 on the application. He also stated that he thought the Town was trying to get rid of lit signs and stated since he's the only one here he assumes that the proposal is fine. Chairman Pangburn stated that it meets the intent of the current code.

•Dave Terpening stated that you can see the building from the road and doesn't understand why they need this sign.

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

**Tom Hickey made a motion to close the public hearing.**

**Seconded by Bob Seward . Motion carried by a 5-0 vote.**

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

#### **ZBA Appeal #2023-07-Vitale- 41 Rose Lane-Area Variance-Shed**

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

#### **ZBA Appeal #2023-08-AJ Signs 578 Columbia Turnpike- Area Variance-Sign**

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to Appeal #2023-08 AJ Signs-578 Columbia Turnpike, East Greenbush, NY 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.

Second By: Matt Ostiguy;

Voice vote as follows:

In favor:                   5  
Oppose:                    0  
Abstain:                    0

Motion Carries 5-0

MOTION by Chairman Pangburn: In regards to Appeal #2023-08 AJ Signs–578 Columbia Turnpike, East Greenbush, NY, the Town of East Greenbush Zoning Board of Appeals hereby determines, based on the information and analysis submitted for Part 1 of the Short Environmental Assessment Form and other materials submitted by the project sponsor, or otherwise available to the reviewers, and after careful review of Part 2 – Impact Assessment, that the proposed action will not result in any significant adverse environmental impacts.

Second By: Scot Strevell;

Voice vote as follows:

In favor:                   5  
Oppose:                    0  
Abstain:                    0

Motion Carries 5-0

**WORKSHOPS:**

**ZBA Appeal #2023-07–Vitale– 41 Rose Lane-Area Variance-Shed**

**Resolved**, That the Board of Appeals makes the following findings of fact in regards to the rear setback of 10 feet for the proposed 12’ x 18’ shed in the rear yard:

1. There will not be an undesirable change in the character of the neighborhood as the shed will be placed in the back left side of the rear yard near a undeveloped wooded lot, it will be consistent with other sheds in the area, and will also look similar to the home.
2. There is no other method available to the applicant as in the back right side of the property there is a storm sewer easement and a playground in that area which precludes it from going in that spot, as well as a steep slope in the rear which prevents it from going anywhere else in the yard.
3. The requested variance is substantial in the sense that it’s a thirty-foot setback and the shed will be placed at ten feet; however, given the undeveloped wooden lot, this is a good spot for it and it mitigates the substantiality of the difference.
4. The proposed variance will not have an adverse effect on 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 proposed 12' x 18' shed in the rear yard with a 10-foot rear setback be GRANTED with (NO) conditions.**

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on August 8, 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>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 5-0

**ZBA Appeal #2023-08-AJ Signs 578 Columbia Turnpike- Area Variance-Sign**

**Resolved,** That the Board of Appeals makes the following findings of fact in regards to the installation of a 40 square foot 2-sided blade sign:

1. There will not be an undesirable change in the character of the neighborhood as the proposed sign is consistent with Town design guidelines and results in a significant reduction in previous approved signage.
2. There is no other method available to the applicant as a monument sign has utility conflicts, so to replace the visibility, it needs to be attached to the building.
3. The requested variance is not substantial as it is a reduction in overall signage area.
4. The proposed variance will not have an adverse effect on the neighborhood as it is consistent with architecture and is a reduction in already approved signage
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 proposed 40 square foot 2-sided blade sign be GRANTED with (NO) conditions.**

This resolution was moved by Jeff Pangburn and seconded by Bob Seward at a meeting duly held on August 8, 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>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 5-0

**NEXT MEETING:** The next meeting is on August 22, 2023  
No new applications-Meeting to be cancelled

**APPROVAL OF MINUTES:**

Motion by Scot Strevell to approve the April 25, 2023 meeting minutes. Seconded by Tom Hickey. 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 Chairman Pangburn. Seconded by Scot Strevell. Motion Carried by a 5-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, ZBA Secretary