

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES NOVEMBER 28, 2023

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell
Bob Seward

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. Tom Hickey was absent.

PUBLIC HEARINGS:

ZBA Appeal #2023-11–Sidoti– 17 State Street Area Variance-Undersized lot for proposed lot line adjustment

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Planning Board Referral for Area Variance & SEQR-Type II Action
- Application Packet with summary of criteria with authorization Form

Kevin Flatley stated that the proposal is to create the original lot as it existed on State Street which is where the house is located. The original lot was undersized to begin with back on the 1926 map, all the lots in that area are 60' x 100'. This lot which was on the end of the road was about 400 square feet smaller than the rest. Kevin Flatley stated that they are also combining two lots on New Hampshire Avenue, which are each 60'x 100' each.

Chairman Pangburn asked what the size of the existing tax parcel is. Kevin Flatley stated he believes it's 11, 157 square feet & consists of lot's 78, 103 & 104 as it's show on the 1926 subdivision map. They were combined at some point but are two separate deeds. All lots have been in the same family.

•Scot Strevell is so he understands it correctly, the current state is lot 78, 103 & 104. Kevin Flatley stated that yes that's what exists today as one tax parcel.

Chairman Pangburn stated that next to that is lot's 102 and 101 which are separate tax parcels and Danielle owns those as well. Kevin Flatley stated that is correct.

Kevin Flatley stated that their combining lot's 101 to 104 which all be one tax parcel.

Chairman Pangburn stated that would consist of 11,000 + sq. ft. & the existing house would remain on a lot consists of only 5,600 sq. ft. Kevin Flatley stated that is correct.

Chairman Pangburn asked how long Danielle Sidoti has owned all three lots. Kevin Flatley stated approximately since 2007.

•Scot Strevell asked if approved, the existing shed would be moved 5' from the rear line. Kevin Flatley stated that is correct.

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

•Bob Seward asked how many square feet is the property owned by Anthony Angelini. Kevin Flatley stated it's a 60' x 100' lot.

Chairman Pangburn asked what the intent is of the new lot, is it to create a new lot for a new home. Kevin Flatley stated that he believes the owners of 19 State Street (Secor) are interested in purchasing it for privacy purposes. They won't want anyone building on it.

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

•Dave Terpening asked if the property could be subdivided. Chairman Pangburn stated that they would have to come back before the Board.

•Mary Colatosti asked if there was another lot that was undersized on that street would tonight's ruling apply to those other lots. Chairman Pangburn stated that no, they would have to come before the Board.

•Mary Colatosti asked if the people at 19 State Street they could combine the lots for privacy, could that property be subdivided in the future. Chairman Pangburn stated that's beyond the board's purview at this point.

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

Bob Seward made a motion to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 4-0 vote.

ZBA Appeal #2023-14-Caponera Law Firm P.C.– Gilligan Road 3 Area Variances- Dwelling Units per acre, Residential Mixed-Use requirement & Front setback requirement

Chairman Pangburn referenced the following as being in the record:

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

Ryan Caponera, Chuck Pafundi from Luizzi Companies, Adam Frocino, Engineer from MacFarland Johnson. Ryan Caponera stated that they represent Luizzi Companies in regards to their proposal to develop 11.38 acres owned by Hoosick Enterprises LLC. with two eighty-unit buildings and one 145 unit building for a combined total of 105 units. The site will offer a commercial component as well which will be open to the public. Ryan Caponera stated that in order to move forward with this project, they are requesting three area variances for the front setback, density & mixed use. Ryan Caponera went through the area variance criteria for each variance being requested.

Chairman Pangburn asked if they could review for this Board's purposes where the application stands in front of the Planning Board. Chuck Pafundi stated they have been in front of the Planning Board a couple of times & have asked the Planning Board if they were comfortable enough with their site layout. They did have concerns with traffic, sewer availability, water & utility designs, but without the Zoning Board's input & the three area variances they don't have a project. Essentially where they're at is that they have three major variances and wanted to speak to the Zoning Board about those as without those it doesn't make sense to invest hundreds of thousands of dollars in engineering reports without some feedback from the Zoning Board. Then they will go back to the Planning Board to move forward with their next necessary items.

Chairman Pangburn stated that with respect to density, there are only three buildings. Chuck Pafundi stated that's correct including accessory buildings of a club house and some accessory recreational areas such as a pool and community gardens to support the residential aspect.

Chairman Pangburn asked how tall each of the buildings are. Chuck Pafundi stated that their four stories each, they promote two different types of demographics, empty nesters and young professionals. The density of that type of that type of living arrangement with the walk ability and commercial percentages and local commercial corridor and that's why they're pushing the density that they do; it's driving today's market with those two demographics and making these projects financially feasible with the construction type.

•Matt Ostiguy asked if the commercial aspect will be in all three buildings. Chuck Pafundi stated that if they can find a user then it will be one building but if there are two users then they may split them up.

Chuck Pafundi asked Adam Frosino to go over the linkage that their proposing, sidewalks & paved trails.

•Scot Strevell asked if they could show a different view of the setback.

Chairman Pangburn asked from a density standpoint, have they done a traffic study yet. Chuck Pafundi stated it would be one of the next steps after seeing what would happen with the variances and the Planning Board had a major concern about traffic during the spring time.

Chairman Pangburn asked how far from 9 & 20 they are and that there are a few properties in between not owned by them.

Chairman Pangburn asked about the entrance way into Hannaford Plaza and if they own that.

Chuck Pafundi stated that there is an easement, and it would remain but would be modified.

Adam Frosino stated that the setback comes from Gilligan Road and not Route 9 & 20.

Chairman Pangburn asked if they received any feedback from the Planning Board on the front setback. Chuck Pafundi stated not in regards to the setback,

•Bob Seward asked if anyone knew what the density was for Town Center. Chuck Pafundi stated they don't but could look into it.

•Matt Ostiguy asked if they could convert density into people. Chuck Pafundi stated about 1-2 people per unit as they go by parking.

Chairman Pangburn asked if there were 205 unit's total. Chuck Pafundi stated that's correct.

Chairman Pangburn asked how many parking spaces are being provided & if there would be any underground parking. Adam Frosino stated that there are 334 parking spaces provided and that there would be no underground parking as it's undesirable and cost prohibitive.

Chairman Pangburn asked if the 334 spaces support the residential component as well as the commercial component. Chuck Pafundi stated that it does per the Town Code.

•Matt Ostiguy asked if they came up with the 4,000 square feet as they feel the one restaurant makes sense. Chuck Pafundi stated that is correct but it may grow.

Chairman Pangburn asked in regards to the site plan and the neighbor to the west and if the parking lot is up against the side lot. Adam Frosino stated that setback is roughly ten feet.

Chairman Pangburn asked who controls the greenspace between their property and the driveway into Hannaford & how to configure the entrance into Hannaford & linkage and entrance would be configured to work with the Greenbush Terrace entrance. Chuck Pafundi stated that he wasn't sure and he's open to how to configure that driveway and that yes, the entrance would incorporate the Greenbush Terrace entrance.

•Scot Strevell asked for clarification that the Hannaford entrance is an easement. Chuck Pafundi stated that's how he understands it.

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

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

•A resident from 91 Gilligan Road stated that they can't get out of their driveway now due to all the traffic.

•A resident from 99 Gilligan Road stated the same thing.

•A resident stated that the traffic study should be done all year long, not just the spring.

•A resident stated that the traffic from the school in the morning and afternoon is awful & Gilligan Road is the worst road in Town.

- A resident on Ternan Avenue stated project looks great but the traffic is crazy.
- A resident stated regarding the gravel pit, asked if that would be relocated.
- Dave Terpening heard the word urbanization, the Town Center is an eye sore, what about a pilot, it's very close to many residential properties.
- A resident asked if their going to build anything on green sloped area along Gilligan Road.
- Dave Terpening saw somewhere that Hoosick Enterprises owns the property, who is going to own the project.

Chairman Pangburn stated that he just wanted to remind everything that there are only three things in front of this Board. The density variance, the setback variance and the commercial space variance. Any site plan issues will progress through the Planning Board. The Town Board is the SEQR Lead Agency, there will be more opportunities to comment on this project. Ryan Caponera stated that if this project moves forward, the ownership would be Luizzi Companies.

Ryan Caponera addressed some of the residence comments.

Chairman Pangburn stated that he would like to see the case studies on other projects with the density and what they did for those communities and their commercial corridors.

- Bob Seward would like to see the density for Town Center.

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

Matt Ostiguy made a motion to table the public hearing.

Seconded by Scot Strevell. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2023-11-Sidoti- 17 State Street Area Variance-Undersized lot for proposed lot line adjustment

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

WORKSHOPS:

ZBA Appeal #2023-11-Sidoti- 17 State Street Area Variance-Undersized lot for proposed lot line adjustment

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 house on the smaller lot size is existing and there are no changes proposed to the house, so the visual aspect of that house in comparison to the rest of the neighborhood will not be changing at all.
2. There are other methods available to the applicant but ones that aren't as clean and not as desirable for uniform lot sizes within the neighborhood.
3. The requested variance is not substantial as we look at the newly created lot, only four feet shorter than its neighbor and only three hundred fifty-nine square feet smaller than the square footage of its neighbor.
4. The proposed variance will not have an adverse effect on the neighborhood as stated in number one, there will be no change to the neighborhood on State Street, as there is no change to the property or the house that is already there.

As for the neighborhood on New Hampshire Avenue, the new lot created with this lot line adjustment will only enhance the neighborhood as that lot is larger than all the other lots.

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 proposal for a lot line adjustment with a proposed lot size of 5,641.61 +/- square feet be GRANTED with one condition:

1. That the shed that exists on 17 State Street be moved to be in compliance with local setback zoning regulations.

This resolution was moved by Robert Seward III and seconded by Matt Ostiguy at a meeting duly held on November 28, 2023.

(Discussion)

A vote was taken as follows:

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

Motion carried 4-0

NEXT MEETING: The next meeting is on December 12, 2023

APPROVAL OF MINUTES:

Motion by Jeff Pangburn to approve the November 14, 2023 meeting minutes. Seconded by Scot Strevell. Motion carried by a 3-0-1 vote. Bob Seward abstained.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Matt Bob Seward. Seconded by Scot Strevell. Motion Carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely, ZBA Secretary