

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES November 27, 2018

Members

Jeff Pangburn, Chairman
Matt Ostiguy
John Conway, Jr.
Dan Smith

Also Present:

William Hessney, 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 four (4) members were present. Bob Seward III & Scot Strevell were both absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2018-13: 609 Columbia Turnpike Assoc. LLC.- Application for an Interpretation:

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial,
- Bldg. Permit Application
- Planning Board Recommendation
- Supplement report by Jim Moore

Paul Mutch of Stonefield Engineering presented the proposal to the Board on behalf of Bank of America, he is asking for an Interpretation to see if a bank use can be applied to a stand-alone kiosk. Paul Mutch stated that the reason for this proposal is that the customer base need is changing as well as the demographics. These new ATM's are being installed all over the Northeast.

- John Conway asked if it's a drive up kiosk, where you park and walk to it or where you drive up to it. Paul Mutch stated that it's a drive thru kiosk.
- Chairman Pangburn asked if it is exclusively a drive up. Paul Mutch stated that yes it is in this situation.
- Dan Smith asked if there was a site plan approved yet for this.

Chairman Pangburn stated that they need an Interpretation first and then they would need a site plan. Chairman Pangburn read the definitions of banks/atms.

- Matt Ostiguy is struggling with the definition pertaining to banks/atms.
- Dan Smith asked if they consider the desire of the community to have this.
- Chairman Pangburn stated that it should be fact based instead of opinion based.

Chairman Pangburn asked if there was anything else from the public or the Board. There was nothing. There was no one from the public present.

Motion by Matt Ostiguy to close the public hearing. Seconded by John Conway. Motion carried by a 4-0 vote.

ZBA Appeal #2018-10–Regeneron-Discovery Drive-Area Variance-Proposal to construct a 40,000 sq. ft. (2-story) addition in the front yard.

Chairman Pangburn reopened the public hearing from July 24, 2018 and asked if there was anything to add. Steve Hart stated that the only that may have changed is a loading dock has been added to the building and that there was a request for Type 1 landscaping. There is continuous landscaping across the front of the building.

Motion by Dan Smith to close the public hearing. Seconded by John Conway. Motion carried by a 4-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-10 – Regeneron Pharmaceuticals–81 Columbia Turnpike–Area for the construction of a 40,000 square foot/two story addition to the front of building 85.

Chairman Pangburn stated that the Town Board issued a Negative Declaration with conditions at their November 19, 2018 meeting.

In regards to Appeal #2018-13: 609 Columbia Turnpike Assoc. LLC.- Application for an Interpretation, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

WORKSHOP(S):

The ZBA Members deliberated on the information both submitted and presented.

ZBA Appeal #2018-10–Regeneron-Discovery Drive-Area Variance-Proposal to construct a 40,000 sq. ft. (2-story) addition in the 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 addition is consistent with other office buildings in the area and is actually an improvement to the current buildings in that location.
2. There is no other method available to the applicant as there isn't any additional land which this can be built on that property.
3. The requested variance is not substantial considering that there will still remain a 20 foot front setback.
4. The proposed variance will not have an adverse effect on the neighborhood given the like buildings and the quality of 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 an Area Variance to construct a 40,000 square foot, two story addition to Building 85 be GRANTED with one condition:

1. The landscaping design be continued to the new pedestrian bridge to mitigate the building encroachment into the front yard.

This resolution was moved by Matt Ostiguy and seconded by John Conway at a meeting duly held on November 27, 2018.

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Absent</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Absent</u>

Motion carried 4-0

ZBA Appeal #2018-13-609 Columbia Turnpike LLC. 609 Columbia Turnpike- Interpretation-Applicant wants to determine if the proposed standalone drive-up ATM kiosk can be defined as a principle bank use on the property and can be considered a permitted use within the B-1 Zoning District

Resolved, that the following sections of the Comprehensive Zoning Law are referenced:

1. Section 4.5 – Civic; public facility, bank or government office – Building or lands used for common civic institutions such as municipal offices, public safety stations, banks and similar uses.
2. Section 2.7.2 General Business Mixed Use District (B-1) A – Intent: The intent of the B-1 District is to promote redevelopment with high-density, mixed-use structures which help define a coherent village atmosphere, providing local goods and services and linking nearby residential neighborhoods with a pedestrian-friendly environment.

Resolved, that consistent with Section 2.7.2 and 4.5 of the Comprehensive Zoning Law, the Board of Appeals makes the following Interpretation of the Zoning Code:

1. The proposed use does not constitute a principal bank use.

This resolution was moved by Jeff Pangburn and seconded by Dan Smith at a meeting duly held on November 27, 2018.

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Absent</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Absent</u>

Motion carried 4-0

NEXT MEETING: The next meeting scheduled for December 11, 2018 is cancelled. The next meeting scheduled meeting is January 8, 2019.

APPROVAL OF MINUTES:

Approval of 9/11/18 & 9/25/18 meeting minutes tabled.

MOTION TO ADJOURN

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

Respectfully Submitted


Alison Lovely, ZBA Secretary