

# 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  
April 11, 2017

### Members

Jeff Pangburn, Chairman  
Domenico Pirrotta  
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. Joyce Lapham was absent.

### OLD BUSINESS:

### PUBLIC HEARINGS:

ZBA Appeal #2017-02 – Fuccillo Ford –634 Columbia Turnpike –5 Area Variances & a Special Use Permit for the construction of a new/used car facility

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Special Use Permit & Area Variance Criteria
- Bldg. Permit Application
- Narrative by Applicant
- Planning Board Recommendation with supplemental report by Jim Moore
- Email from neighboring resident

Victor Caponera from the Caponera Law firm presented the proposal to the Board. Also present was Steve Hart from Hart Engineering and Sal Sachetta, the owner's representative. Victor Caponera read the narrative he prepared. The parcel consists of 4 ½ acres and is located in the B-2 Zoning District at 634 Columbia Turnpike. Victor Caponera stated that the building is being moved significantly back from Elliot Avenue and Columbia Turnpike, more greenspace is being proposed. The current light poles are 32' – 35' high and shines onto Columbia Turnpike; these will be reduced and will not shine onto neighboring properties or Columbia Turnpike. Right now the parcel is mostly open in the front on Columbia Turnpike and two specific curb cuts are proposed which will be a significant improvement. Victor Caponera stated that fencing is being added in a few different locations.

- Domenico Pirrotta asked if the 180' square feet includes all the signage. Chairman Pangburn stated it's 170' square feet is allowed and one sign on the front of the building of that size would be huge, instead the applicant is proposing 4 signs on the façade plus the pylon sign, which is 5% more than what's allowed. and is the Area Variance being asked for regarding parking, is that to allow it in the front of the site or is it for a specific amount of feet. Chairman Pangburn stated that the Area Variance is to allow parking in the front yard which is not allowed by the current Zoning Law. Also, how many light poles are there currently and how many additional are going to be installed on the site. Steve Hart answered that there will be 4 additional light poles. Sal Sachetta stated that there may be more light poles but that there will be less heads and the new lights have LED's on them.
- Bob Seward asked if the lights that exist aren't compliant. Steve Hart stated that they are not, but that the new lights will be a lot less obtrusive.
- Matt Ostiguy asked why 25' poles for lights. Sal Sachetta stated that the foot candle calculation is what the manufacturer requires and balances the number of light poles. Shorter poles would require more lights to provide the same coverage. Tony Manfredi stated that the new lights will have very minimal impacts.
- Chairman Pangburn asked about the curb cuts and if they're both in and out and will they require additional signage and if customer parking is in the front of the building. Steve Hart stated that is correct and no additional signage. Customer parking will be closest to the building and employees will park to the rear of the site.
- Bob Seward asked for conformation that the current building is 5' off of Elliot Avenue and how far will the new building be. Steve Hart stated that is correct and that the new building will be approximately 150' off of Elliot Avenue.
- Kurt Bergmann stated that the Elliot Avenue side of the parcel looks fairly steep, what's going to be done when the building is moved. Steve Hart stated that they will be tapering the slope and adding rip rap.
- Chairman Pangburn asked about the disposition of the large pine row of trees. Steve Hart stated that it will cut back; clearing will be minimized to the best of their ability.
- Matt Ostiguy asked how high the fence is in the rear of the site. Steve Hart stated 4' feet, possibly 6' feet.
- Bob Seward asked how parking spots come into play with the variance their asking for along the front of the site. Steve Hart stated approximately 49 spaces.
- Chairman Pangburn asked if the applicant is comfortable with what's on the site plan as far as the front parking as there have been problems with other auto facilities not adhering to their site plan. Sal Sachetta stated it would be policed as best it can be.
- John Conway asked about Steve to explain the storm water area. Steve Hart stated that they are increasing green space so they don't need to detain water. It could be an above-ground or a below-ground system, the exact method has not been decided upon yet.
- Chairman Pangburn commented about signage and stated that the glass façade on the building shouldn't become plastered with signs.
- Domenico Pirrotta asked if the wall signs will be illuminated. Sal Sachetta stated that all the signs will be illuminated, but the wall signs should go off at night.
- Kurt Bergmann asked if there will be a sidewalk going across the front of the site. Steve Hart stated that yes there will be.
- Chairman Pangburn read the email that was received into the record.

Chairman Pangburn asked if there was any present who wanted to speak in favor of or against the application.

- A resident spoke and stated that she is concerned with line of site from Elliot Avenue, as in vegetation or vehicles blocking the line of site and is also concerned with lighting.

Steve Hart stated that there should be nothing in the way of the line of site and that the lights will have back shields on them and will look into the lights.

●Chairman Pangburn asked if the lights proposed are comparable to the Kensey Apartment lights. Steve Hart stated that he wasn't sure.

Chairman Pangburn asked if there were any other questions. Jeff stated that this project is a coordinated review under SEQR and that the public hearing will be tabled until SEQR is closed by the Town Board.

Motion by Bob Seward to table the public hearing until SEQR is completed. Seconded by John Conway. Motion carried by a 6-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2017-02 – Fuccillo Ford –634 Columbia Turnpike –5 Area Variances & a Special Use Permit for the construction of a new/used car facility**

**MOTION: A motion was made by Chairman Pangburn as follows:** In regards to Appeal #2017-02: Fuccillo Ford and their application for 5 Area Variances and a Special Use Permit, the Zoning Board of Appeals hereby agrees to the designation of the Town Board's request to be lead agency under SEQR in reference to the project described above.

**Second by: Kurt Bergmann (*Discussion*)**

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Absent</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Yes</u>
Bob Seward III	<u>Yes</u>

Motion carried 6-0

**WORKSHOPS:**

**NONE**

**NEXT MEETING:** The next time the Board will meet is April 25, 2017.

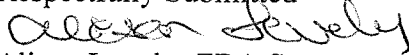
**APPROVAL OF MINUTES:**

Motion by Bob Seward to approve the meeting minutes from the March 28, 2017 meeting with corrections as noted by Domenico Pirrotta. Seconded by Matt Ostiguy. Motion carried by a 5-0-1 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Jeff Pangburn. Seconded by Bob Seward. Motion Carried by a 6-0 vote.

Respectfully Submitted

  
Alison Lovely, ZBA Secretary