

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JUNE 8, 2021

#### **Members**

Jeff Pangburn, Chairman  
Bob Seward III  
Scot Strevell  
Tom Hickey

#### **Also Present:**

William Hessney, Attorney  
Alison Lovely, Zoning Board 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. Matt Ostiguy was absent. Introductions were made.

#### **PUBLIC HEARINGS:**

#### **Reconvene ZBA Appeal #2021-05–Mabey’s-486 Third Avenue Ext.-4 Area Variances-Signs**

Chairman Pangburn stated that there were a few open ended items from the last meeting. Chairman Pangburn stated that they received a couple of items, the first is labeled Exhibit #2021-05A, which is an email from Steve Hart dated 7/20/19 regarding some sketches of what the buildings were supposed to look like. The second is labeled Exhibit #2021-05B, which is a June 8, 2021 memorandum to the Zoning Board of Appeals members from Anna Feltham, the Town’s new Planner, as well as Adam Yagelski the Director of Planning & Zoning, which is in reference to a follow up request from the Zoning Board what the new 2021 Comprehensive Plan for the vision of the Third Avenue Extension corridor. The last exhibit is labeled Exhibit #2021-05C which is a summary of the existing signage on the existing Mabey’s building on the other side of I-90 totaling 506 sq. ft. Chairman Pangburn asked the applicant to present any additional information. Tom Wheeler from AJ Signs was present and stated that the proposal is the same amount as the last meeting. Tom Wheeler stated that basically they just trying to get some visibility for the new buildings.

Chairman Pangburn asked if there has been any issues finding the existing Mabey’s building. Tom Wheeler stated not that he’s aware of.

Chairman Pangburn asked the Board if anyone had any questions.

•Bob Seward asked for confirmation that the storage building that faces Third Avenue Extension is already leased out. Tom Wheeler stated that is correct.

Chairman Pangburn asked if the two signs for Mabey’s Self Storage (the business name) are both encapsulated within the architectural corner of the building. Tom Wheeler stated that is correct.

Chairman Pangburn asked if any members of the public wanted to speak.

•Dave Terpening stated that he’s concerned for neighbors on Third Avenue & the request for more and more signage in the Town.

Chairman Pangburn asked if there were any other comments from the Board or the public. There were none.

Motion by Bob Seward III to close the public hearing. Seconded by Scot Strevell. Motion carried by a 4-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2021-05–Mabey’s-486 Third Avenue Ext.-4 Area Variances-Signs**

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

**WORKSHOPS:**

**ZBA Appeal #2021-05–Mabey’s-486 Third Avenue Ext.-4 Area Variances-Signs**

**Resolved,** In regards to the 112 sq. ft. sign facing I-90 (referred to as channel set A on the attached rendering); 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 this façade faces an interstate highway and is consistent with neighboring commercial properties.
2. There are other methods available to the applicant; however to meet the character of the high speed traffic the sign size seems appropriate.
3. The requested variance is substantial however the letter height, maximum of 38.6” is consistent with surrounding signs along the interstate that appear to be within the context of the surrounding traffic and area.
4. The proposed variance will not have an adverse effect on the neighborhood as the signage size is consistent with other commercially operated properties.
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 for the proposal to construct a set of 112 sf letters on the East façade (facing I-90) be GRANTED with one condition:

1. That the signage be used for the business name.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on June 8, 2021.

A vote was taken as follows:

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

Motion carried 4-0

**Resolved,** In regards to the 112 sq. ft. sign facing Third Avenue Extension (referred to as channel set A on the attached rendering); 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 proposed signage is set significantly back from Third Avenue Extension and is consistent as per the renderings with the overall scale of the building as provided by the applicant.
2. There are other methods available to the applicant; however the sign as proposed appears to fit within the scale and the character of the building.
3. The requested variance is substantial; however the letter heights appear to be within the scale and consistent with the size of the overall building.
4. The proposed variance will not have an adverse effect on the neighborhood as it is consistent with existing commercial buildings to the east and the immediate properties to the west are vacant and that the letter heights are consistent again with the overall architecture of the building.
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 for the proposal to construct a set of 112 sf channel lettering on the North (facing Third Avenue Extension) be GRANTED with one condition:

1. That the signage be used for the business name.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on June 8, 2021.

A vote was taken as follows:

Tom Hickey	<u>No</u>
Matt Ostiguy	<u>Absent</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-1

**Resolved**, In regards to the set of 92.5 sq. ft. channel letters on the east elevation (referred to as channel set B on the attached rendering); That the Board of Appeals makes the following findings of fact:

1. There will be an undesirable change in the character of the neighborhood as the signage is an addition to the overall business name and is inconsistent with the overall Comprehensive Zoning Law for not having more than one signage on a road frontage.
2. There are other methods available to the applicant as the requested signage is not for way finding but is simply an advertising of the type of product provided by the applicant.
3. The requested variance is substantial as a second letter set is not allowed as per the Comprehensive Zoning Law.
4. The proposed variance will have an adverse effect on the neighborhood as it will add to sign clutter along the highway and is facing high speed traffic that has limited time to read signage on buildings facing it.
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 for the proposal to construct (1) set of 92.5 sf. channel letters on the East elevation in addition to the 112 sq. ft. set be DENIED.

This resolution was moved by Jeff Pangburn and seconded by Tom Hickey at a meeting duly held on June 8, 2021.

A vote was taken as follows:

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

Motion Carried 4-0

**Resolved**, In regards to the proposal to construct one set of 372 sq.ft. channel letters on the North elevation facing Third Avenue Extension (referred to as channel set C on the attached rendering); That the Board of Appeals makes the following findings of fact:

1. There will be an undesirable change in the character of the neighborhood as the signage is not the business name nor necessary for way finding and is significantly large for any buildings in that corridor.
2. There are other methods available to the applicant as all of the letter heights as requested are large font versus the previously approved 112 sq. ft. signage for Mabey’s Self Storage which reduced the secondary wording to smaller letter heights which significantly reduces the size of the overall variance needed.
3. The requested variance is substantial as it is more than 10 times the allowed signage on a building in this zone.
4. The proposed variance will have an adverse effect on the neighborhood as the signage is significantly larger than what’s allowed and is not necessarily for way finding of the business itself.
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 for the proposal to construct (1) set of 372 sf channel letters on the North elevation (facing Third Avenue) be DENIED.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on June 8, 2021.

A vote was taken as follows:

Tom Hickey	<u>Yes</u>
Matt Ostiguy	<u>Absent</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 scheduled meeting is June 22, 2021 & will be cancelled.

**APPROVAL OF MINUTES:**

Motion by Bob Seward to approve the May 25, 2021 meeting minutes. Seconded by Scot Strevell. Motion carried by a 4-0 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Tom Hickey. Seconded by Chairman Pangburn. Motion Carried by a 4-0 vote.  
Respectfully Submitted

*Alison Lovely*  
Alison Lovely, ZBA Secretary