

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES July 26, 2016

Members

Jeff Pangburn, Chairman
Domenico Pirrotta
Joyce Lapham
John Conway, Jr
Matt Ostiguy
Bob Seward III
Lou Polsinello III

Also Present:

Joe Slater, Attorney
Donna Moran, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of seven (7) members were present. Introductions were made.

OLD BUSINESS:

Reconvene: ZBA Appeal #2016-08– Friendly’s–9 Troy Road -Use Variance for the construction of a drive thru

Mike Petrin, project manager of VHB out of Springfield MA, read a letter referencing the four use variance criteria dated July 22, 2106 which became part of the file. Mike Petrin stated that over the last 10 years Friendly’s has seen a 40% decrease in customers and a 24% decrease in sales. The drive thru is expected to increase customers 21% and sales by 20%. Friendly’s currently only has five years left on their lease on the property and at this point they are doing everything they can to remain open. Friendly’s has been in business in East Greenbush for approximately 43 years. Mike Petrin asked if there were any questions.

- Chairman Pangburn stated that regarding the first item in Mike’s letter regarding financial hardship that the Board needs to see something that shows the property cannot be used for any of the allowed uses in the zone.
- John Conway asked if Friendly’s has any experience with drive thru’s, how many Friendly’s Restaurants are there, if Friendly’s has lost customers, how much does the current walk up window get used and data over the last ten years from restaurants with drive thru’s in East Greenbush. Mike Petrin stated that they have lost customers during the last ten years. That there is currently one Friendly’s with a drive thru and he is not sure how many restaurants there are but the company is looking to add drive thru’s to all of them. He didn’t look into any other drive thru information in the area. The walk up window doesn’t seem to be used very much from what he’s seen.
- Domenico Pirrotta asked if the drive thru would alleviate any parking concerns with any dinner guests. Mike Petrin stated that he doesn’t believe there are any parking concerns, just slow service.

Chairman Pangburn asked if there was anyone present to speak in favor of or opposition to the proposed application.

- An individual from the audience stated that his concern is the same as the Planning Board's about pedestrian safety and whether or not crossing signs will be utilized in the area of the drive thru. He also has concerns about lighting.

Chairman Pangburn re read the Planning Board's recommendation & the recommendation from Rensselaer County Bureau of Planning.

A motion to adjourn the public hearing was made by Bob Seward– Seconded by Domenico Pirrotta. Motion carried by a 7-0 vote.

NEW BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2016-13– Holland–67 Morner Road-Area Variance for the construction of a shed in the front yard.

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

- Legal Notice
- Rensselaer County Recommendations
- Planning Board recommendation
- Supplemental report from Planning Board member Ralph Viola
- ZBA Application, Short EAF, Denial, Area Variance Criteria & Authorization Form
- Bldg. Permit Application

Christopher Holland presented the proposal to the Board. Chris stated he wants to place a 10'x14' shed in the front yard which would be in line with the corner of his current residence. He has no other area to put it due to topography and his septic location. Chris addressed the Area Variance criteria which has become part of the file.

●Chairman Pangburn stated that he has been by the applicant's property and there is a neighbor that has a shed which is encroaching in the front yard and also that the sketch shows the shed 50' from the front and side setback and there is a tree and shrub in the front yard that will block the view.

●John Conway asked what the shed will be used for and if the area where the crusher run is located will remain. Chris stated that it will be used for his mowers, snow blower, etc. and that the area with the crusher run is where the shed will be placed.

Chairman Pangburn asked if there anyone present in favor of or opposition to the application. There was none.

A motion to close the public hearing was made by Jeff Pangburn – Seconded by John Conway. Motion carried by a 7-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency

In regards to Appeal 2016-08: 9 Troy Road – Application for a Use Variance, the 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.

Motion by: Jeff Pangburn;

Second by: Lou Polsinello (*Discussion*)

A vote was taken as follows:

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

Motion carried 7-0

MOTION: In regards to Appeal #2016-08, 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.

Motion by: Jeff Pangburn;

Second by: John Conway (*Discussion*)

A vote was taken as follows:

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

Motion carried 7-0

ZBA Appeal #2016-13– Holland–67 Morner Road-Area Variance for the construction of a shed in the front yard

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

WORKSHOPS:

ZBA Appeal #2016-08– Friendly’s –9 Troy Road -Use Variance for the construction of a drive thru

Resolved, That the Board of Appeals makes the following findings of fact:

1. The applicant failed to provide sufficient financial evidence to substantiate that he cannot realize a reasonable rate of return on the subject parcel.
2. The property does not suffer a unique hardship as several existing parcels have similar characteristics in the B-1 Zone.
3. The Use Variance will not alter the essential character of the existing neighborhood.
4. The alleged hardship has been self-created.

Resolved, that the application for a Use Variance for a drive-thru be DENIED.

This resolution was moved by Jeff Pangburn and seconded by John Conway at a meeting duly held on July 26, 2016.

(Discussion)

A vote was taken as follows:

John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>No</u>
Lou Polsinello III	<u>No</u>
Bob Seward III	<u>Yes</u>

Motion carried 5-2

ZBA Appeal #2016-13– Holland –67 Morner Road -Area Variance for the construction of a shed 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 shed will be off to the side of the house and will match the house in design and color.
2. There is no other method available to the applicant as there is a drainage issue on one side and the location of the septic tank on the other side with a steep hill to the rear of the house, which creates a hardship as there is no other location to put the shed.

3. The requested variance is not substantial.
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 construction of a 10' x 14' accessory building (shed) in the front yard be GRANTED with NO conditions.**

This resolution was moved by Bob Seward III and seconded by Matt Ostiguy at a meeting duly held on July 26, 2016.

(Discussion)

A vote was taken as follows:

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

Motion carried 7-0

NEXT MEETING: The next meeting will be held on August 9, 2016

APPROVAL OF MINUTES:

Motion by Domenico Pirrotta to approve the meeting minutes from the June 14, 2016 meeting. Second by Bob Seward. Motion carried by a 6-0-1 vote. Lou Polsinello abstained.

MOTION TO ADJOURN

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

Respectfully Submitted



Alison Lovely, ZBA Secretary