

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 FEBRUARY 27, 2024

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell
Tom Hickey

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. Bob Seward was absent.

ORGANIZATIONAL MEETING 2024

Meetings:

- Meetings will be held two times per month on the second and fourth Tuesday of each month.
- Meetings will commence at 7:30 PM in the Town Court Room, in the Community Room or via Zoom.

Appointments:

The Town Board appointed Alison Lovely as the Zoning Board of Appeals secretary & William Hessney as the Zoning Board of Appeals attorney at their January 2, 2024 Organizational Meeting.

Appointment of Vice Chairperson:

MOTION: A motion was made by **Jeff Pangburn** as follows: **The Town of East Greenbush Zoning Board of Appeals hereby appoints Matt Ostiguy as the Vice Chairman in absence of the Zoning Board Chairman.**

Second by **Scot Strevell** & roll called as follows:

J. Pangburn-Yes; B. Seward III–Absent; M. Ostiguy-Yes; S. Strevell-Yes; T. Hickey-Yes.

MOTION CARRIED BY A 4-0 VOTE

Authorization for scheduling applications for public hearings:

MOTION: A motion was made by **Jeff Pangburn** as follows: **The Town of East Greenbush Zoning Board Chairman and secretary have approval to schedule applications for Public Hearings.**

Second by **Tom Hickey** & roll called as follows:

J. Pangburn-Yes; B. Seward III–Absent; M. Ostiguy-Yes; S. Strevell-Yes; T. Hickey-Yes.

MOTION CARRIED BY A 4-0 VOTE

Acceptance of 2024 Meeting Calendar:

MOTION: A motion was made by **Jeff Pangburn** as follows: **The Town of East Greenbush Zoning Board of Appeals hereby approves the proposed 2024 meeting calendar.**

Second by **Matt Ostiguy** & roll called as follows:

J. Pangburn-Yes; B. Seward III–Absent; M. Ostiguy-Yes; S. Strevell-Yes; T. Hickey-Yes.

MOTION CARRIED BY A 4-0 VOTE

PUBLIC HEARINGS:

ZBA Appeal #2023-17–KensleyBri. LLC.– 6 Ridge Road 2 Area Variances for the front setback & density and an Interpretation for determining the height of the building

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- Rensselaer County Recommendation
- Planning Board Recommendation for 2 Area Variances
- Supplemental Planning Board Report by John Conway
- Application Packet with summary of criteria with authorization Form
- Mentioned two public comments that he will address after the presentation from the applicant

Kendra Hart, owner and representative Steve Wilson from Bohler Engineering were both present. Kendra Hart stated that the parcel consists of 2 acres and is located along Ridge Road & the site connects with 164 Columbia Turnpike which is the NYS Office of Child & Family Services. The existing commercial portion of the site consists of approximately 9,600 square feet structure about 60% occupied, consisting of the Paddock and a mattress store and the rest remains vacant. The vacant section is the future home of the Rensselaer County/East Greenbush Senior Center. Kendra Hart stated that the proposal for the residential portion is a 32-unit 4 story with basement level consisting of approximately 24 one bedrooms and 8 two-bedroom apartments. Kendra Hart went through a slide show that she had prepared and brought up major points regarding the project. Kendra Hart stated that improvements were made to the commercial building on the parcel. Kendra Hart stated that the entrance off of Ridge Road will be a one way in only to encourage traffic to egress through the 164 Columbia Turnpike parcel where the signalized intersection is and there is also access to a CDTA bus stop.

Steve Wilson from Bohler Engineering, who is the representative for the project for the civil and land development aspect of the project.

Kendra Hart stated that they are proposing a 32-foot front setback and that the required front setback is 0' to 15'. Kendra Hart stated that they are proposing the density at 16 units per acre for a total of 32 units, the required maximum density is 12 units per acre. Kendra Hart discussed the reasons for requesting the area variances.

Steve Wilson spoke just reiterated what Kendra had said about the two area variances being requested. He stated that they are taking advantage of the grade change but pushing the building back further off of Ridge Road to create 4 stories on the Ridge Roadside and a fifth story that would bench the building into the hillside & also creates a bigger buffer off of Ridge Road.

Chairman Pangburn asked if the Board had any questions.

•Scot Strevell asked how tall Town Center is as he's trying to get an idea of the height. Kendra Hart stated that it's a mix of 3 and 4 stories.

•Matt Ostiguy asked what the actual height of the proposed building is. Steve Wilson stated that it's 49.5 feet to the roof line.

•Tom Hickey stated that the renderings don't represent that elevation and he can't see the height visually. He would like to see a true rendering to show a visual as an eye would see it. Kendra Hart explained the renderings.

Chairman Pangburn stated that one clarification as they didn't get into the Interpretation. Chairman Pangburn asked for a pause in the questions and asked the applicant what they're looking for as far as the Interpretation on the building height. Steve Wilson stated that the roof line is defined as what the limitations are on a flat roof, so that's how they designed it, the height would exclude any HVAC equipment and parapets. Steve Wilson pointed to what they feel is the roof line and height of the building.

•Tom Hickey asked if any utilities will be roof mounted. Kendra Hart stated that yes, they will, but the elevator or parapet aren't counted in the height.

•Tom Hickey asked if the utilities will be higher than the parapet & if there would be any additional shielding around those. Steve Wilson stated that with the HVAC located in the middle of the roof, that there is no way you would see those units.

•Tom Hickey stated that you probably wouldn't see it from the road but how about the folks that live across the street in that area would get that visual. Steve Wilson stated that it's possible, but he feels unlikely due to the parapet being 2 feet and the equipment is usually 2 feet to 4 feet above the roofline.

Chairman Pangburn stated that as a focus point, the applicant has only asked for an Interpretation on height from what the code states, the Board's concern tonight is density & setback.

Chairman Pangburn wanted to go back to density, because the subject came up on the impact on parking and he asked how they see the parking working out. He asked the applicant to touch on that a little. Kendra Hart stated they have looked at that and have spoken to Rensselaer County and most of the seniors that will be coming there will be coming by a public shuttle that they offer and as far as hours, Manor House is more of a late afternoon/evening place, whereas the senior center would be more focused during the day. Kendra Hart stated that actual data from the Town Center shows 1.5 parking spaces per unit, which is less than what the zoning calls for. So, what they are seeing is one car per two bedroom and more people utilizing public transportation that's available.

Chairman Pangburn asked if the applicant has had conversations with the Planning Board on the parking. Kendra Hart stated that they have.

Chairman Pangburn asked the applicant to go over the site plan and how the residents will get back and forth from the transit stops on Routes 9 & 20 and the existing sidewalks on Routes 9 & 20.

Chairman Pangburn commented that the applicant mentioned that they're not proposing any pedestrian accommodations along Ridge Road. Kendra Hart stated that they are not, she feels that funneling people out through the 164 Columbia Turnpike site is a much safer approach.

•Matt Ostiguy stated that he's assuming the reason for the high density is the financial aspect of putting up the building and asked if they went to 12 units vs. the 16 units would this then become a three-story building and would it fit better in the context of the location. Kendra Hart stated that they would have to evaluate what made sense, likely it would be three stories with the fourth being a basement at the 24 units. But with the reduction in density, there would be some stuff that would be compromised in the aesthetics of the building.

Chairman Pangburn asked what the largest building that's proposed at the Town Center, number of units. Kendra Hart stated that 78 so around 32 units. Chairman Pangburn stated that this proposed building would be similar in scale and size of the bigger one there.

Chairman Pangburn stated to clarify that this project will be back in front of the board at some point, so anything that they don't have tonight, the public hearing will be reopened once SEQR is complete.

Chairman Pangburn asked if there were any other questions from the Board. There wasn't any.

Steve Wilson asked aren't all Zoning Board area variances Type II actions. Chairman Pangburn stated for residential yes, but not on commercial projects.

Chairman Pangburn asked if there was anyone in the public that wished to speak.

•A member of the public asked if this building was replacing the Manor House building or was in addition too. Kendra Hart stated that no, it's in addition to.

Chairman Pangburn asked the applicant to point out on the site plan where Manor House was and where the location of the new building was proposed.

Chairman Pangburn stated that there would be no parking along Ridge Road or on the driveway going down. Kendra Hart confirmed that there would not be.

•A member from the public asked where all the parking would be. Kendra Hart stated behind the project just outside the Manor House.

•A member from the public asked if the house on the corner would be staying there. Kendra Hart stated that they don't own that and can't get ahold of the owner.

•A resident from 12 Ridge Road stated that there are no sidewalks on Ridge Road, how do people in the rear development get access down to the public transportation and if they increase traffic going through the NYS parking lot how will traffic mix with pedestrians.

Chairman Pangburn wanted to bring back the focus that all we're here for tonight is the area variance for the setback and the area variance for the density & anything not related to these two would go back to the Planning Board.

•A member of the public asked how much of this is residential vs. commercial, the units. Kendra Hart stated that the apartments are residential only. Chairman Pangburn stated that the mixed use of the overall site is the retail. Kendra Hart stated that is correct.

•A member of the public asked where the senior center is. Kendra Hart stated the rest of the vacant space in the retail structure.

•Scot Strevell stated that it's everything except Manor House. Kendra Hart stated that is correct & that it will consist of approximately 6,000 to 6,500 square feet.

Chairman Pangburn stated that the hatched area on the drawing is a legal easement for traffic to be able to go back and forth. Kendra Hart stated that is correct.

•Dave Terpening asked how many stories and what is the height. Chairman Pangburn stated that the building is measured from the average grade line which is labeled on the bottom right and it goes up to the flat part of the roof, not the parapet, roughly 49.5' is the proposed height. He also asked for clarification on the density (number of apartments). Chairman Pangburn stated that 24 units are allowed and their asking for 8 additional for a total of 32 units. He also stated that there is a firehouse proposed for the parking lot of 164 Columbia Turnpike, so the density is going to increase. Chairman Pangburn stated that he brings up a good point about density but the property at 164 Columbia Turnpike not only used to have a Kmart's but also a Price Chopper so there used to be a lot more density than what we see in that area now.

•A member of the public asked what zone is past the road into Manor House and what does that mean. Chairman Pangburn stated it was B-1 & the intent is to allow general mixed uses. The intent of the B-1 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.

Chairman Pangburn asked if the Board had anything else. There was nothing from the Board.

Tom Hickey made a motion to table the public hearing for the conclusion of SEQR.

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

Chairman Pangburn stated we are now addressing the Interpretation and read a section of the Town’s Comprehensive Zoning Law. Area & Bulk Standards Section 2.5.1 B. Height Exceptions & the Definition for Building Height.

SEQR DETERMINATIONS & RECOMMENDATIONS:
ZBA Appeal #2023-17–KenseyBri. LLC.– 6 Ridge Road 2 Area Variances for the front setback & density and an Interpretation for determining the height of the building:

NONE

WORKSHOPS:
ZBA Appeal #2023-17–KenseyBri. LLC.– 6 Ridge Road-Interpretation for determining the height of the building:

Whereas, Article II Section 2.5.1.B. Height Exemptions states “The height limitations of this Local Law, as listed in the Area and Bulk table for each zoning district shall not apply to the following structures: ..., bulkheads and other necessary mechanical appurtenances usually carried above the roof level, parapet wall or cornice for ornament extending above such height limit not more than five feet ...”; and,

Whereas, Article II Section 4.5 Terminology & Index states “Building Height – The vertical distance measured from the average elevation of the finished grade of the building to the highest point of the roof for flat and mansard roofs,...”; therefore, be it

Resolved, that the Zoning Board of Appeals makes the following interpretation of The Comprehensive Zoning Law of 2008:

- 1. That the building height be measured from the average elevation of the finished grade of the building to the flat roof, irrespective of any bulkhead height or parapet wall of 5 feet or less in height.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on February 27, 2024.

A vote was taken as follows:

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

Motion carried 4-0

NEXT MEETING: The next meeting is on March 12, 2024.

APPROVAL OF MINUTES:

Motion by Scot Strevell to approve the December 12, 2023 meeting minutes. Seconded by Tom Hickey. 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 Scot Strevell. Seconded by Tom Hickey. Motion Carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary