

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 July 11, 2017

Members

Matt Ostiguy, Vice Chairman
Joyce Lapham
Kurt Bergmann
John Conway, Jr
Domenico Pirrotta
Bob Seward III
Kurt Bergmann

Also Present:

George Hoffman, Attorney
Kateri Rhatigan, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Ostiguy called the meeting to order and determined a quorum of six (6) members were present. Introductions were made.

OLD BUSINESS:

NONE

PUBLIC HEARINGS:

ZBA Appeal #2017-08 – Cleary –Start Avenue – Area Variance for the proposal to construct on an undersized lot without the required frontage.

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

- Legal Notice
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by Ralph Viola
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria, diagram of location of proposed garage, Bldg. Permit Application
- Matt referenced 10 Resident Letters that were received: Wheeler-11 California Avenue, Boel-7 California, Severson-3 California Avenue, Jordan-6 California Avenue, Decker-8 California Avenue, Cicero-59 Phillips Road, Tisaj-4 Start Avenue, Hadley-3 Start Avenue, Zimmer-61 Phillips Road & Zimmer-63 Phillips Road

William Cleary presented the proposal to the Board. William stated that the property frontage belongs on California Avenue, his grandparents owned 3 California Avenue, even though the property in question was once previously tied to a house on Start Avenue. William stated that there are at least ten other homes on California Avenue with only 60' of frontage. William stated that this lot has a separate tax bill. William presented a tax map which Vice Chairman Ostiguy marked as exhibit #2017-08A; William stated that this lot was once an approved building lot until the zoning changed. The lot has sewer & water available and has two catch basins on it to collect water runoff.

Vice Chairman Ostiguy asked the Board if anyone had any questions.

- Kurt Bergmann asked where the two catch basins were located and their elevation and what would happen with run off if a house was built there.

William Cleary stated that one catch basin is in the NW corner, which is where the water shut off is and one in the south west corner which is where the sewer easement is as well. The catch basin in the SW corner is lower and the one at the NW corner sits at elevation.

- John Conway stated that this is an irregular shaped lot, what's the square footage of the lot. And when was it an approved building lot. William stated that it's under 7,400 square feet and probably in 1948.
- Vice Chairman Ostiguy asked what was the plan for the lot. William stated that he was going to give it to his daughter but she decided to move away, so now he just wants to sell it.
- Bob Seward asked when he became the owner of the lot. William said approximately 11 or 12 years ago, it was left in a trust for him.
- Vice Chairman Ostiguy asked if he ever owned any lots that were adjacent. William stated he owned 1100, 1101, 1102 & 1103 which are on Start Avenue. This map was presented and marked as Exhibit 2017-08B.
- Domenico Pirrotta noted that he's not asking for a frontage variance on Start Avenue that he's asking for a variance for frontage on California Avenue

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

- A resident stated that now there a change of the orientation issues, setback issues, etc. Vice Chairman Ostiguy stated that the discussion is just on frontage. Setbacks need to meet the zoning and if not then it would come back in front of the Board again. The resident asked if the legal notice will be resent. Vice Chairman Ostiguy stated that it will not, the decision will be tabled, the date will be told tonight. George Hoffman stated that it's an undersized lot itself.
- A resident stated that it's the applicant's issue, as he just sold a lot at 2 Start Avenue a couple of months ago, it's his own hardship, there are drainage issues in area.
- Domenico Pirrotta stated that the Planning Board based the front yard off of Start Avenue.
- A resident stated that it should front on California Avenue.
- Bob Seward asked who determines the front yard. George Hoffman quoted section 2.5.1 (D) and stated that for corner lots with double frontage that the Planning Board reviews and determines.

Motion by Bob Seward to adjourn the public hearing. The applicant needs to apply for a second area variance is the area of the property is less than 7,500 square feet. Seconded by Domenico Pirrotta. Motion carried by a 6-0 vote.

ZBA Appeal #2017-12 –Price Chopper –501 Columbia Turnpike – 7 Area
Variances for the proposal to install (7) additional façade mounted signs totaling 56 square feet.

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

- Legal Notice
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by Mike Bottillo
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria, diagram of location of proposed garage, Bldg. Permit Application

Fred Early of Sign Works and Michael Kopchick of Golub Corporation/Price Chopper were both present. They are in the process of rebranding the Price Chopper to a Market 32. Market 32 will replace the Price Chopper sign, than there is the welcome sign and department signs along the front of the building. They are proposing 56 square feet of signage and it is less than what exists there now. It's reduced by a total of 40 square feet. Vice Chairman Ostiguy stated that he has seen the difference in signs at different stores and he inquired if they have seen a difference in sales. Mike Kopchick stated that it's more of what's inside.

Vice Chairman Ostiguy asked the Board if anyone had any questions.

● Bob Seward asked what the square footage would be that would be compliant. Mike Kopchick stated that 295 square feet of signage is allowed and they are proposing 253.5 square feet, the other difference currently is that they are proposing more signs.

Vice Chairman Ostiguy asked if there were any other questions. There were none.

Vice Chairman Ostiguy asked if there was any present who wanted to speak in favor of or against the application. There was no one present to speak in favor or opposition.

Motion by John Conway to close the public hearing. Seconded by Kurt Bergmann.

Motion carried by a 6-0 vote.

ZBA Appeal #2017-13 –Price Chopper –501 Columbia Turnpike – Area Variance for the proposal to add (3) new tenant panels to existing free standing plaza sign. The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- Planning Board Recommendation with supplemental report by Mike Bottillo
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria, diagram of location of proposed garage, Bldg. Permit Application

Kristen from AJ Signs presented the proposal to the Board. Kristen stated that it's essential for businesses coming into the plaza. The proposed signs are 5' from the ground to the sign. The additional panels will not block the view of traffic.

● Kurt Bergmann wondered what the 5' from the bottom of the sign will do about views when it snows out.

● Domenico Pirrotta asked if there was any interest among the other tenants or from other companies. Steve Powers of Nigro stated that there is 14,000 square feet of space available in the plaza and a tenant has offered to take half of that.

● Vice Chairman Ostiguy asked if the height of the new signs would be the same size as the smaller ones. Kristen stated that is correct.

● Bob Seward asked Kristen to address the area variance criteria.

● Vice Chairman Ostiguy asked what the exact clearance from the ground is. Kristen stated that it's 5 ½ feet from the lowest sign to the ground.

● John Conway asked about the impact on the neighborhood. John stated it's hard to see the signs, he asked about the trees in the front of the site. Steve Powers stated that Trustco owns those trees.

Vice Chairman Ostiguy asked if there was any present who wanted to speak in favor of or against the application. There was no one present to speak in favor or opposition.

Motion by Domenico Pirrotta to close the public hearing. Seconded by Joyce Lapham.

Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

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

In regards to **ZBA Appeal #2017-12 –Price Chopper –501 Columbia Turnpike – 7 Area Variances for the proposal to install (7) additional façade mounted signs totaling 56 square feet.**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: Matt Ostiguy;

Second by: Joyce Lapham (*Discussion*)

A vote was taken as follows:

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

Motion carried 6-0

MOTION: In regards to **Appeal #2017-12,** 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: Matt Ostiguy;

Second by: Joyce Lapham (*Discussion*)

A vote was taken as follows:

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

Motion carried 6-0

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

In regards to **ZBA Appeal #2017-13 –Price Chopper –501 Columbia Turnpike – Area Variance for the proposal to add (3) new tenant panels to existing free standing plaza sign.** 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: Matt Ostiguy;
Second by: Joyce Lapham (*Discussion*)

A vote was taken as follows:

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

Motion carried 6-0

MOTION: In regards to **Appeal #2017-13**, 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: Matt Ostiguy;
Second by: Joyce Lapham (*Discussion*)

A vote was taken as follows:

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

Motion carried 6-0

WORKSHOPS:
ZBA Appeal #2017-12 –Price Chopper –501 Columbia Turnpike – 7 Area
Variances for the proposal to install (7) additional façade mounted signs totaling 56 square feet.

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 additional signs are not material and they are similar in size to the ones currently in the plaza.
2. There is no other method available to the applicant as the signs are being used to identify small shops within the market itself.
3. The requested variances are not substantial considering the total signage is actually reduced from the signs that are currently on the plaza and is below the allotted amount for the plaza itself.

4. The proposed variance will not have an adverse effect on the neighborhood as it is consistent with other signage within the plaza.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variances.

Resolved, **that the application for the proposal to install 7 additional façade mounted signs totaling 56 square feet be GRANTED with NO conditions.**

This resolution was moved by Matt Ostiguy and seconded by Bob Seward III at a meeting duly held on July 11, 2017.

(Discussion)

A vote was taken as follows:

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

Motion carried 6-0

ZBA Appeal #2017-13 –Price Chopper –501 Columbia Turnpike – Area Variance for the proposal to add (3) new tenant panels to existing free standing plaza sign.

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 monument sign is consistent with other signs in the location.
2. There is no other method available to the applicant as there is a need and desire to post the tenant's names and there is no other way to do that other than putting them on the monument sign itself.
3. The requested variance is not substantial, there will still be approximately 5 ½ feet from the bottom of the sign to the ground level with the additional tenant signs.
4. The proposed variance will not have an adverse effect on the neighborhood given that the sign itself is rather unobtrusive; its setback and traffic patterns are regulated by the light in the area 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 the proposal to add (3) new tenant panels to existing free standing plaza sign be GRANTED with NO conditions.

This resolution was moved by Matt Ostiguy and seconded by Kurt Bergmann at a meeting duly held on July 11, 2017.

(Discussion)

A vote was taken as follows:

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

Motion carried 6-0

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

APPROVAL OF MINUTES:

Motion by John Conway Jr. to approve the meeting minutes from the June 27, 2017 meeting. Seconded by Joyce Lapham. Motion carried by a 6-0 vote.

MOTION TO ADJOURN

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

Respectfully Submitted

Alison Lovely, ZBA Secretary