

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 OCTOBER 22, 2019

Members

Jeff Pangburn, Chairman
Dan Smith
Bob Seward III
Scot Strevell
John Conway Jr.
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 seven (6) members were present. Matt Ostiguy was absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-13-Hart- Area Variance- proposes to erect a 40 sq. ft. free standing sign in the State Right of Way

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application & Authorization Form
- Old site plan with sign location
- Planning Board Recommendation with supplemental report by Ralph Viola
- Letter from NYSDOT

Steve Hart was present to represent the applicant Eric Hart who was also present. Pat Boni from Saxton Signs was also in attendance. Steve Hart submitted and went over a narrative regarding the Area Variance criteria. Chairman Pangburn marked it as Exhibit 2019-13A. Steve Hart also submitted two maps which Chairman Pangburn marked as Exhibit 2019-13B. Steve Hart stated that the originally approved site plan show the sign on it which is setback way off the roadway, approximately 80'. The applicant is proposing to place the sign approximately 15' off the roadway within the NYSDOT right away. Chairman Pangburn asked if there were any questions.

•Tom Hickey asked if the stakes and cone which are located on the site now is where the sign is going. Eric Hart stated yes. Steve Hart stated that's a question that they have, NYSDOT was good with the distance of 9'.6" off the edge of the asphalt, the white line of the payment was probably another 5'6" off, he knows that the code call for 15' off the edge of the road so he wants clarification if it's 15' off the widened shoulder or 15' off the white line.

•John Conway Jr. stated he's confused and asked which is it 15' from the end of the pavement or is it 15' from the property line/end of shoulder. Steve Hart stated that where you see the stake, that's 9'6" and is coming off the edge of the payment and if they went from the edge of the pavement, it would be 5'6" further back. Steve Hart is looking for clarification.

Chairman Pangburn stated he doesn't want to get into an Interpretation of the code.

Chairman Pangburn stated that it's his suspicion that it's the end of asphalt, the shoulder would be included in the part of the road.

•Tom Hickey stated that where they've marked that is part of the apron where they come into their driveway. Steve Hart stated that is correct.

•Eric Hart stated that it's behind a big guardrail.

•Tom Hickey stated that he doesn't feel that the definition of the clear zone is relevant here, because it mostly leads to trees. Chairman Pangburn stated that the clear zone is a safety concern that NYSDOT will be concerned with. Tom Hickey stated that the letter from NYSDOT states "clear zone" but it's not defined. Chairman Pangburn stated that it's undefined as far as the maps go, but NYSDOT will be able to figure that out.

Chairman Pangburn asked Steve Hart if he had any indication on the Rescue Squad and State Farm and how close their signs are to the edge of the roadway. Steve Hart stated that he does not, but does think that the Rescue Squad sign is in the NYSDOT right away.

•Tom Hickey stated that is a really wide section of roadway since they added the turn lane for the rotary.

•John Conway Jr. asked if the trees shown on the property are on the Red Mill Auto property. Eric Hart stated that they are on edge of the property.

•Tom Hickey stated that if you look at the map Steve Hart presented you can see Bruen's sign in the picture and it's close to the road. Pat Boni from Saxton Signs stated it's like 10' off the road.

•Bob Seward III stated that State Farm's sign is also close to the road. Chairman Pangburn stated that it's on the Red Mill side of the building on top of the bank.

•Scott Strevell asked for clarification as its states 15' from the edge of pavement and the map states 9'6", which is it. Steve Hart stated that's their question. What is the edge of payment, is it the white line or the edge of pavement. Chairman Pangburn stated it's a good point but he'll defer to Bill, Chairman Pangburn then stated, that's not in front of us tonight, what's in front of us tonight is whether or not we allow the sign to be installed in the NYSDOT's right away and that will be up to Kevin Hitchcock to make that determination.

Chairman Pangburn asked if there were any further questions. There were none.

Dave Brennan stated that if they had to go back because of the hill, could they go higher with the sign. Chairman Pangburn stated that as long as you stay within the code.

Motion by Bob Seward III to close the public hearing. Seconded by Scot Strevell. Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-13-Hart- Area Variance- proposes to erect a 40 sq. ft. free standing sign in the State Right of Way

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to Appeal **ZBA Appeal #2019-13-Hart- Area Variance-** proposes to erect a 40 sq. ft. free standing sign in the State Right of Way, 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.
Second By: John Conway any discussion?

Voice vote as follows:

In favor: 6
Oppose: 0
Abstain: 0

Motion Carries 6-0

MOTION by Chairman Pangburn: In regards to **ZBA Appeal #2019-13-Hart- Area Variance-** proposes to erect a 40 sq. ft. free standing sign in the State Right of Way, 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.

Second By: Tom Hickey; any discussion?

Voice vote as follows:

In favor: 6
Oppose: 0
Abstain: 0

Motion Carries 6-0

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 corridor is mostly commercial and has similar signs.
2. There is no other method available to the applicant as the NYSDOT right away is excessively wide, therefore placing the sign too far back from the roadway.
3. The requested variance is substantial as it will be in the NYSDOT right away; however, NYSDOT has agreed and considers it a safety benefit.
4. The proposed variance will not have an adverse effect on the neighborhood as zone is OC across the street and neighboring properties are treed from sight lines.
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 erect a 40 sq. ft. free standing sign in the State Right of Way be GRANTED with one condition:

1. The sign be installed under a NYSDOT use & occupancy permit.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on October 22, 2019.

A vote was taken as follows:

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

Motion carried 6-0

NEXT MEETING: The next meeting is on November 12, 2019

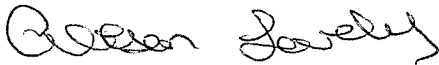
APPROVAL OF MINUTES:

Approval of the October 8th, 2019 meeting minutes tabled.

MOTION TO ADJOURN

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

Respectfully Submitted



Alison Lovely, ZBA Secretary