

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES February 26, 2019

Members

Jeff Pangburn, Chairman
Dan Smith
John Conway, Jr.
Scot Strevell
Matt Ostiguy
Bob Seward
Tom Hickey

Also Present:

William Hessney, Attorney
Kateri Rhatigan, Stenographer

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.

NEW BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2019-01– Lemka-700 Columbia Turnpike-Use & Area Variance proposes the construction of a dog kennel in an existing building at 700 Columbia Turnpike

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Use & Area Variance Criteria
- Bldg. Permit Application & Authorization Form
- Planning Board Recommendation with supplemental report by Nancy Kupiec
- Email from resident at 100 Springhurst Drive North against the appeal

Chairman Pangburn stated that before the meeting the applicant's representative gave the Board three handouts, which have been labeled as 2019-01A which is a written narrative in support of the Use Variance criteria, 2019-01B which is a written narrative in support of the Area Variance and 2019-01C which is an overall map of the property. Steve Hart from Hart Engineering presented the proposal to the Board on behalf of the Lemka family who have owned the property at 700 Columbia Turnpike for more than 40-50 years. Chris Rocchio runs the East Greenbush Animal Hospital which is located directly next store to the property in question. Steve Hart stated that the rear part of the building has been used for storage and office use for the last several years and is the location of where Chris Rocchio would like to open up a doggie day care within the rear of the building which consists of approximately 4,000 square feet. The operation would be conducting completely inside that rear portion of the building. Steve Hart stated that he knows there is a concern with the dogs and noise. Steve Hart stated that there is currently a couple of outdoor kennels at the existing East Greenbush Animal Hospital which is approximately 60 feet away from the proposal in front of the Board tonight.

Steve Hart stated that the applicant is required to be 50' from a property line. There are required to be 200' from any residential property line, which is why they need the Area Variance. Steve Hart summarized the support documents for the Area & Use Variance which are available in the file. Chairman Pangburn asked Chris Rocchio if there was anything that he wanted to add. Chris Rocchio stated that he wanted to add that the building at 700 Columbia Turnpike is a unique structure, there is a retail area in the front of the building and there is a church on the second floor that is currently not being used except for storage. The rear of the building was used for cold storage. Chris Rocchio stated that it's not going to be used for boarding, just a doggie day care, it's perfect as it's a big open area. Chairman Pangburn asked Chris Rocchio for a clarification on two points, he wanted to know if the intent is for them to purchase the building & also to state specifically what they want to use the back portion on the building. Chris Rocchio stated that they are looking to purchase the entire parcel & also that all is proposed is a doggie dog care. Chris Rocchio further explained doggie day care. They would utilize an open room and put in dividers to divide the dogs into play groups and also an area for the dogs to rest. There is no overnight boarding.

- Dan Smith asked to clarify if they currently board at the EG Animal Hospital. Chris Rocchio stated that they do overnight boarding related to medical issues. Dan Smith asked if they will be heating the new building. Chris Rocchio stated that they will put in some insulation & make minor changes.

- John Conway Jr. asked if they were going to use the same staff that they have now & if the dogs will be moving in between the two facilities. Chris Rocchio stated that he really hasn't figured out yet, but he's thinking it will be a different staff. It's only during the week. Chris Rocchio stated that there made times when dogs move back and forth from each facility.

- Dan Smith asked if this was going to be a separate business. Chris Rocchio stated that he plans on keeping it as one business and will link computers between the two facilities.

- Tom Hickey stated that there will be no overnights or weekend and wanted to know the hours of operation of the doggie day care. Chris Rocchio stated that it will probably be 7-7:30 am to 6:30-7 pm as they have to be able before people go into work and after when they would get out of work.

Chairman Pangburn asked if Chris Rocchio was aware of any existing noise complaints. Chris Rocchio stated that he wasn't aware of any, he said the way they built their kennel is like a separate area within the animal hospital.

- Matt Ostiguy asked if there will be any sound proofing added to the new building. Chris Rocchio stated that plan to insulate it, that's about it.

- Tom Hickey asked if there was a second story over where they propose the doggie day care. Chris Rocchio stated that there is a partial second story so they may remove that and put in a closed ceiling to prevent echoing from the dogs below. Chris Rocchio stated that dogs bark when their alone in a kennel or when their home alone, when their board. When their playing with other dogs, they don't bark.

- Matt Ostiguy asked if there is any concern with the Sweater Venture being in the front of the building and the dogs being in the rear of it. Chris Rocchio stated that the rear is pretty well protected from the front and the Sweater Venture has a separate entrance. Steve Hart stated that you can base the traffic on approximately 25 dogs. Chris Rocchio stated that yes, there will be cars coming and going. He stated that they were also going to speak to the Town to see if it makes sense to connect the two parking lots, to see if it would help traffic or not. Steve Hart stated that from a traffic standpoint he used the numbers for an office building, 5 cars per 1,000 square feet. Steve Hart figures that traffic would be spread out over a two hour time frame.

- John Conway Jr. had a question about the area variance, in terms of the setbacks and if Steve Hart used the actually side of the building as the setback. Steve Hart stated that it's the offset from the building.

- Matt Ostiguy asked Steve Hart to explain the Zoning across the street and in the area. Chairman Pangburn asked if Steve Hart had a distance from the B-1 lot and the first residential lot & also if they had any official feedback from the property owner with the commercial use on the bottom floor and the two residential units on the other floors. Steve Hart stated it looks like it's about 300 feet & that he didn't speak to that property owner, but stated they would've gotten a notice.

Chairman Pangburn asked if there were any other questions from the Board. There were none.

Chairman Pangburn asked if there was anyone in the public to speak for or against the application.

- The resident from 100 Springhurst spoke and stated that she doesn't like dogs, not even a little and there are several dogs in her neighborhood. She is concerned with more cars, traffic and she doesn't want to hear dogs, she is retired and has a pool in her backyard and doesn't want to hear dogs.

Matt Ostiguy asked the resident to show him where they are on the map.

- Another resident spoke, concerned about the traffic and possible noise & if they will be walked through the neighborhood.

- Dan Welch, the owner of the Sweater Venture spoke and stated that since 2002 they have been located at 700 Columbia Turnpike. He stated that they have a great relationship with the Lemka's. The building is gorgeous and the building has existed since the 1800's. The applicant is looking to keep this building alive and add a unique use to this building.

- Sue Lemka, the owner of the building spoke and stated that she echoes what Dan Welch said. She is very happy with what Chris Rocchio is proposing.

Chairman Pangburn asked Steve Hart and/or Chris Rocchio to address the couple of comments that came up regarding noise suppression, summertime use and any plans for the dogs to be taken out for walks.

Steve Hart stated that in regards of noise, they would have to go in front of the Planning Board and they would regulate a bit more as to what direction they will have to go. Chris Rocchio stated that they would get rid of the garage doors on the back of the building and either close it in completely or use it as an entrance or an exit. The building will be insulated as much as possible. The dogs shouldn't be barking, as their not in kennels, it's more of a doggie play area and all the dogs will stay inside. There with be no reason to walk the dogs as they will be playing inside.

Chairman Pangburn asked the Board if anyone else had any questions.

- Dan Smith stated that he's trying to determine the definition of a doggie day care versus a dog kennel. He stated that the Zoning Law mentions boarding but doesn't address doggie day care.

- John Conway Jr. asked about the difference between a dog kennel and a doggie day care as the Zoning Law mentions that the dogs have to be inside between sunset and sunrise.

Motion by Chairman Pangburn to table the public hearing until the next meeting in order to get some feedback from the Code Enforcement Officer and to look into case law as to what requirement they could apply to a business like this that runs with the land.

Seconded by Bob Seward III. Motion carried by a 7-0 vote.

SEOR DETERMINATIONS & RECOMMENDATIONS:

NONE

WORKSHOPS:

NONE

NEXT MEETING: The next meeting on March 12, 2019

APPROVAL OF MINUTES:

The November 27, 2018 & January 22, 2019 meeting minutes postponed until the next meeting.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by John Conway Jr. Motion Carried by a 7-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary