

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 14, 2020

Members

Jeff Pangburn, Chairman
Matt Ostiguy
John Conway Jr.
Tom Hickey
Bob Seward

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Donna Moran, Stenographer
Dalia Szarowicz, Planner & Stormwater Officer
Adam Yagelski, Director of Planning & Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Introductions were made. Scot Strevell was absent.

PUBLIC HEARINGS:

ZBA Appeal #2020-05-Collins Homeland, LLC.-44 Troy Road-Area Variance-
Proposed parking in front yard

Chairman Pangburn started the meeting by explaining this meeting is being conducted remotely pursuant to Executive Order No. 202.1 issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus. The Zoning Board will convene the public meeting remotely as follows. The public hearing has commenced at 7:30pm & shall be conducted through the use of Zoom, a web based video conference tool with local desktop client and smart phone applications that will allow Board members and the public to participate electronically & remotely by audio & with or without a video connection. The meeting is being live streamed on the Town's YouTube Channel. Please note that if you wish to comment, you can enter a comment into the chat box at the bottom of the zoom window & you will be reached out to when the Board gets to the public comment portion of the public hearing.

PLEASE TAKE NOTICE that the ZONING BOARD of the Town of East Greenbush will hold a public hearing on July 14, 2020 beginning at 7:30 pm to consider the following matter: Appeal number # 2020-05 the appeal of Collins Homeland LLC. of 44 Troy Road, East Greenbush, NY 12061. The applicant proposes to develop a portion of the required parking in the front yard in the PPB Zoning District. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: III 3.1.6 Table III-C Area and Bulk Schedule: Parking not permitted within the front yard. Therefore the proposed action requires an Area Variance for the property located at 44 Troy Road, East Greenbush NY. Tax Map # 166.8-3-12

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Member report & recommendation by Chris Horne
- Email dated 7/12/20
- Email dated 7/13/20
- Email dated 7/14/20

Chairman Pangburn stated that there is an authorization in the file for Brian Sipperly with Verity Engineering to represent Mike Collins of Homeland LLC. the applicant/owner of 44 Troy Road.

Brian Sipperly stated that Mike Collins the owner is also present in the meeting tonight and he owns a .81 acres parcel in the PPB Zoning District with 100' of road frontage. Brian Sipperly stated that it used to be a single family 1,100 square foot structure that was converted to a business. Brian Sipperly stated that the request is for parking in the front yard which currently consists of a gravel curved driveway with 2 accesses. Brian Sipperly stated that as far as drainage, it runs west to east with the way the property slopes.

Chairman Pangburn asked Brian Sipperly to address the Area Variance criteria.

Brian Sipperly addressed the area variance criteria: 1. Even though the character of the neighborhood is predominantly for residential uses, the parking in the front yard they feel won't alter the character of the neighborhood, as this style of parking exists up and down the road for the benefit of many residential users as when it relates to safety accessing the state highway & That many properties up and down the highway have the same type of driveway that they do.

2. It's an adaptive reuse of the corridor, the building used to be a single family residence, the zoning changed from residential to PPB. They need to make the building ADA compliant since it's now a business. If they were going to pursue parking in the rear, it would be a significant undertaking to build up the lot with a retaining wall, there will be substantial drainage issues at a significant cost to the applicant.

3. We don't feel it's substantial in nature due to the vehicle maneuverable. It's improving the parking and cutting off a couple of access points.

4. They are just improving an existing conditions so there is no adverse effect.

5. It is a self-created hardship and all attempts are being made to repurpose the single family structures into commercial uses and try to conform to the zoning that are currently in place.

Chairman Pangburn stated that he wasn't sure if the applicant was aware that the prior property owner had submitted a sketch plan that the circular driveway was supposed to be removed from their site plan & that the intent was to make a tiered parking lot in the rear.

Chairman Pangburn stated that he just wants to be clear what the applicant is proposing and the site plan looks like their proposing 7 parking spaces in the back & 6 parking spaces in the front. Brian Sipperly stated that is correct.

Chairman Pangburn stated that's 13 spaces. In the PPB zone, commercial uses are supposed to be limited to 3,000 sq. ft., which the applicant is under but also to uses which require less than 10 parking spaces overall without a special use permit. Chairman Pangburn stated that the applicant is 30% over the 10 parking spaces with this request.

Brian Sipperly asked Chairman Pangburn to repeat the part about the 10 parking spaces. Chairman Pangburn stated that within the PPB zone, under section F: Special District Standards: Maximum Building Size: Except by Special Permit, maximum building area used for non-residential purposes shall be restricted to either 3,000 square feet or a demand of 10 off street parking spaces as a particular use may require.

Mike Collins stated that before he purchased the property, he knew that he was going to outgrow the existing parking so he did attend a site plan meeting with Bob Uhlich who was the owner of Entek. Mike Collins stated that he's not familiar with the removal of the front driveway, but when they did propose additional parking, members of the site plan team had suggested to propose additional parking in the front, so based on that, these plans have changed and they are now moving forward with that proposal.

Chairman Pangburn asked Mike Collins to clarify that he had a sketch plan meeting with the Planning Board itself. Mike Collins stated that it was prior to the purchase, he wanted to know from the Town that if he purchased the building that he was going to be able to expand the parking, as he knew he would outgrow it. Mike Collins stated that currently he has 8 employees and 7 parking spaces. Mike Collins stated that he attended the Planning meeting on November 5, 2018 and provided a sketch to show proposed parking in the front.

Chairman Pangburn stated that it must have been a Project Review Team meeting, since it was on a Monday. Chairman Pangburn stated that he remembers Mike proposing the tiered parking in the back that they suggested to Mike to use the front for a handicapped parking as like a turn-around space, but it was not to build the parking lot as the front yard. Chairman Pangburn stated that he remembers as he was at that meeting and three curb cuts on that property have always been a point of contention.

Chairman Pangburn asked if any of the Board members had any questions.

- John Conway asked Mike Collins to restate the square footage of the building, he thought he heard 1,100 sq.ft, is that correct. Mike Collins stated that's what the tax records show.

Chairman Pangburn asked for clarification if that was total occupied office space as isn't it two stories. Mike Collins stated that with both floors, its 2,000 sq. ft. total, with a garage area that's used for storage so it's rough 1,800 sq. ft. that's actually used for occupancy.

- John Conway asked in terms of the ground floor/basement or first floor/second floor, what goes on, on those floors in terms of the applicant's business & are they interchangeable. Mike Collins stated that they design, support & implement corporate network environments, so the majority of the staff is support related, administrative staff is up front, they do host a redundant disaster recovery cold site for numerous corporate clients of theirs. This allows them to come to their building and continue to work as they restore their virtual environment on the first floor. Mike Collins stated that yes, the floors are interchangeable.

- John Conway asked the applicant if he's aware that the Town is currently redoing their Comprehensive Zoning Law, there have been a few public meetings and a public survey & if he's been involved. Mike Collins stated that he did not & has not.

- John Conway stated that in terms of the circular driveway, could you park 6 cars on that. Mike Collins stated that maybe he could park 3 safely, as the width of that driveway is that they could fit 3 cars max on that driveway.

Chairman Pangburn asked if anyone had anything else.

- Tom Hickey asked if with the information that's been brought forward, if the applicant is prepared to go forward with this or would they like to reconvene. Brian Sipperly asked if the information that was brought forward has any relevance to the Boards ability to vote on the parking variance as presented in front of you this evening.

Chairman Pangburn asked if there was any other questions from the Board.

- Tom Hickey asked if the buffering with regards to the landscaping has been addressed on this plan. Brian Sipperly stated that landscaping is on the plan but it's on the property line. Brian Sipperly stated that there is some inconsistencies in the code with screening. Brian Sipperly stated the landscaping will not block visibility on entering and existing on the highway. Dalia Szarowicz stated that she and Adam Yagelski could meet with Brian Sipperly on any revised landscaping. Chairman Pangburn asked if there was anything else. There was none.

Chairman Pangburn asked if there was anyone from the public in the waiting room that wanted to speak. Adam Yagelski stated that someone from the public messaged him from the Zoom chat, see below:

DGTJR to Adam Yagelski: Please have Jeff Pangburn read my non-support email.

Adam Yagelski responded: Thank you, when we get to the public portion of the hearing, I will let the Chair know that you chatted a portion of the email and you will have a second chance to speak. Adam Yagelski stated he thinks there is a character limit to the zoom chats, as your message ended at "that vicinity and loss". DGTJR responded: Here seems to be a many LLC. that own property and are doing business in the Town of East Greenbush, so you know the principals behind Collins Homeland LLC. Seems like a way to hold a veil in front of the real owners wouldn't you say. Would it be interesting to you if the department of state processed name is the limited liability company, who's that. Adam Yagelski stated that he can unmute DGTJR to speak if he'd like to clarify to. Chairman Pangburn stated we can give him the option if he'd like to speak, that's fine.

Chairman Pangburn stated that just for the record, we did read that whole email into the record so it's part of the public hearing. Adam Yagelski stated that DGTJR said no voice ability & we've asked him to unmute. Chairman Pangburn stated that there appears that there is no more public comment on this application and asked the applicant how he'd like to proceed. Brian Sipperly stated that they would like to table the meeting at this time.

Motion by Chairman Pangburn to table the public hearing until the next available meeting. Chairman Pangburn stated that the next meeting which was on July 28, 2020 has been cancelled due to a quorum issue. Chairman Pangburn stated that the next meeting is August 11, 2020 and this item has been tabled until that date. Seconded by Bob Seward. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

NONE

WORKSHOPS:

NONE

NEXT MEETING: The next meeting on July 28, 2020 is cancelled, the next scheduled meeting is August 11, 2020

APPROVAL OF MINUTES:

Motion by Matt Ostiguy to approve the June 9, 2020 meeting minutes. Seconded by Bob Seward. Motion carried by a 5-0 vote.

Motion by John Conway to approve the June 23, 2020 meeting minutes. Seconded by Bob Seward. Motion carried by a 5-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Tom Hickey. Seconded by Matt Ostiguy. Motion Carried by a 5-0 vote.

Respectfully Submitted

A handwritten signature in cursive script that reads "Alison Lovely". The signature is written in dark ink and is positioned above the printed name.

Alison Lovely, ZBA Secretary