

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES September 11, 2018

#### Members

Jeff Pangburn, Chairman  
John Conway, Jr.  
Bob Seward  
Dan Smith  
Scot Strevell

#### Also Present:

William Hessney, Attorney  
Kateri Rhatigan, Stenographer  
Alison Lovely, ZBA Secretary

#### CALL TO ORDER / DETERMINATION OF QUORUM

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

#### OLD BUSINESS:

#### PUBLIC HEARINGS:

#### ZBA Appeal #2018-11–Hoffmans Development- 302 Columbia Turnpike-Area Variance-Proposal to install a 32 SF; 7' high monument sign

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Recommendation
- Supplement report by Mike Bottillo
- Letter from Resident dated 9/10/18 from Christine McDermott-Elliot from 6 Faith Lane

Marty Andrews from Hoffman's and Ron Levesque of the Sign Studio were both present. Ron Levesque stated that they will be eliminating the existing sign and replacing it with the proposed new monument sign. Ron Levesque stated that a site plan was submitted showing a viewing triangle and the proposed sign falls outside that area. The overall height of the sign is 7' (columns) and the sign will be internally laminated with low soft light. Chairman Pangburn asked the Board if there were any questions.

• Bob Seward asked if the bottom of the sign is 5' high. Ron Levesque stated that the columns are 24" in depth and then 7' high. Ron Levesque gave the Board the most current sign diagram which Chairman Pangburn marked as Exhibit #2018-11A.

• Chairman Pangburn asked if this proposal is the same sign as in other municipalities. Marty Andrews stated that yes it is.

• Bob Seward stated that the current sign is 8' high by 64" wide and the new sign is 32 sq. ft. so they are downsizing.

• John Conway asked how far off the road that the sign will be and which driveway will it be located at. Marty Andrews stated 16' & it will be at the existing curb cut.

• Bob Seward stated that you're eliminating Barber Drive correct? Marty Andrews stated that is current as well as the existing exit.

Chairman Pangburn asked if there was anything else from the public or the Board. There was nothing.

Motion by Bob Seward to close the public hearing. Seconded by Scot Strevell. Motion carried by a 5-0 vote.

**ZBA Appeal #2018-12-TCJ Troy Road LLC.- 597 Columbia Turnpike-Area Variance-Construction of a single story building where there is a two story height requirement.**

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Recommendation
- Supplement report by Kurt Bergmann

Guy Donohoe was present representing the owner Tom Burke, the property is on the corner of Route 4 and Routes 9 & 20 and consists of a vacant building that used to be a Pizza Hut. The proposal is to remove the building down to its slab, leaving the foundation, utilities and parking as is, as the building is in rough shape. Guy Donohoe stated that it's a non-conforming lot, there are 16 parking spaces, where the code states 11 and is one story in height. The applicant wants to reduce the parking to 7 spaces and leave it at one story, they don't want to do a second story and the 2<sup>nd</sup> story would have to be habitable according to the code and they don't want a second story. Guy stated that the businesses in the area are gas stations, restaurants, drive thru's and it would be a burden to put an apartment on top of the business. Guy stated that the building will be taller than the existing building and will have a flat roof. Guy then went through all the area variance criteria. Chairman Pangburn asked the Board if there were any questions.

- John Conway asked the applicant how much higher the proposed building will be from what exists. Guy stated it will 22 ½ feet high.
- Chairman Pangburn clarified that the definition of habitable space has been interpreted to be just occupiable space and stated that the Board struggles fitting the B-1 applicants to the intent of the B-1 code. Jeff also asked if Verizon has ever been part of a mixed use building. Guy stated that they have not.
- Dan Smith stated his question is that he would like an interpretation of habitable space.
- Bob Seward asked for clarification that the intent is to building on the current slab. Guy stated that was correct.

Chairman Pangburn asked if there was anything else from the Board. There was nothing. Chairman Pangburn asked if there was anyone from the public that wanted to speak. There was no one. Chairman Pangburn stated that the one concern that the applicant brought up with the code issue of what would be required should the second story be occupied (what is habitable space) that he needs clarity on. Therefore he'd like to table the public hearing for two weeks in order to have time to speak with the building inspector as well as talk to the Zoning Board member who is absent tonight and was present when this project came before the Project Review Team a couple of months ago.

Motion by Chairman Pangburn to adjourn the public hearing until the 9/25/18 meeting. Seconded by Bob Seward. Motion carried by a 5-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2018-11–Hoffmans Development- 302 Columbia Turnpike-Area  
Variance-Proposal to install a 32 SF; 7' high monument sign**

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to Appeal **#2018-11–Hoffmans Development- 302 Columbia Turnpike** - Application for an Area Variance, the Zoning Board of Appeals has determined that this is an Unlisted is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

Second By: Scot Strevell any discussion?

Voice vote as follows:

In favor:                   5  
Oppose:                    0  
Abstain:                   0

Motion Carries 5-0

MOTION by Chairman Pangburn: In regards to **#2018-11–Hoffmans Development- 302 Columbia Turnpike**, 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: John Conway; any discussion?

Voice vote as follows:

In favor:                   5  
Oppose:                    0  
Abstain:                   0

Motion Carries 5-0

**WORKSHOP(S):**

The ZBA Members deliberated on the information both submitted and presented.

**ZBA Appeal #2018-11–Hoffmans Development- 302 Columbia Turnpike-Area  
Variance-Proposal to install a 32 SF; 7' high monument 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 new sign is smaller and less obtrusive than the existing sign.
2. There is no other method available to the applicant as other Hoffman Car Washes are using the same design and other signs, such as the existing will be more noticeable.

3. The requested variance is not substantial since the applicant is requesting a 3' variance on height.
4. The proposed variance will not have an adverse effect on the neighborhood as the new sign will be smaller and less obtrusive than the existing sign.
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 installation of a 32 SF; 7' high monument sign in the front yard be GRANTED with no conditions.

This resolution was moved by Bob Seward III and seconded by Dan Smith at a meeting duly held on September 11, 2018.

*(Discussion)*

A vote was taken as follows:

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

Motion carried 5-0

**NEXT MEETING:** The next meeting is September 25, 2018.

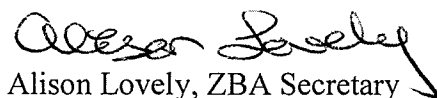
**APPROVAL OF MINUTES:**

Motion by John Conway to approve the meeting minutes from the July 24, 2018 meeting. Seconded by Bob Seward. Motion carried by a 4-0-1 vote. Scot Strevell abstains.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by Dan Smith. Motion Carried by a 5-0 vote.

Respectfully Submitted

  
Alison Lovely, ZBA Secretary