

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MAY 25, 2021

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Bob Seward III
Scot Strevell
Tom Hickey

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer
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. Chairman Pangburn stated that he wanted to thank Town staff for getting the Board through the past year and welcomed everyone back into person.

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2021-03–Nittinger-1266 Best Road-Area Variance-Ground mounted solar array consisting of 8.25 acres

Chairman Pangburn asked the applicant to explain the proposal to the Board. Mike Doud from Matrix Solar stated that the property location is 1266 Best Road and the property consists of 150 acres and spans the National Grid easement and there currently is a residence on the site. Mike Doud stated that the proposal is for an 8.25 acre solar array with 5mg of solar, which includes the surface area of the panels & two concrete pads. Mike Doud then showed the Board a power point which has been made part of the file.

•Matt Ostiguy asked if it was possible to move the array out of view. Mike Doud stated that they could, there are hardwoods on the property that the property owner would like to save, but he can have that conversation with him.

Chairman Pangburn stated that one reminder is that it isn't a site plan review process, it's just a variance for 8.25 acres versus 2.5 acres as written in the solar law. Chairman Pangburn stated that there is an open ended question on the actual size, and stated that Mike Doud stated that the 8.25 acres is the solar panels with two concrete foundations or is that supplemental. Mike Doud stated that for clarity, there are no concrete foundations, there are just poles driven in the ground, there is no concrete to adhere them to. Chairman Pangburn asked what comprises of the 8.25 acres & what the remainder is that gets you up to the 26 acres of the disturbance. Mike Doud stated that the 8.25 acres is the surface area of the solar panels and the rest of the area is grass/trees, a concrete pad, electrical distribution panel & two inverters.

•Tom Hickey asked Mike Doud to point out the 26 acres that he's referring to & if the 26 acres is the disturbed area or is it the area the panels sit on. Mike Doud stated that the 26 acres is the limit of disturbance.

Chairman Pangburn asked Mike Doud to review the roadway into the site & if it's part of the 8.25 acres. Mike Doud stated that it's not part of the 8.25 acres.

•Tom Hickey asked if there was communication with the immediate homeowners directly next to the parcel. Mike Doud stated that he didn't have any but that they would've been noticed.

Chairman Pangburn asked Mike Doud to go over the total 156 acres.

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Chairman Pangburn stated that he wants to get back to the criteria for an area variance. If this moves forward, then this project would then need a Special Use Permit & site plan approval through the Planning Board. 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 that would like to speak.

•Dave Terpening stated that he is not in support of this and has doubts about the solar benefits and requests that his letter be made part of the record. Chairman Pangburn marked the correspondence Exhibit 2021-03D. Chairman Pangburn asked Mike Doud to clarify a couple of the comments, one being the official LLC name. Mike Doud stated that it's Best Road Solar LLC. Chairman Pangburn stated that they checked and the Town Solar law is a law which is a modification to the Zoning Law. Mike Doud stated that the SRR is an interconnection process which is regulated by the PSC. Chairman Pangburn asked if there were any other comments. There were none.

Chairman Pangburn tabled the public hearing until a future date when the coordinated SEQR review has been completed. Seconded by Matt Ostiguy. Motion carried 5-0.

Chairman Pangburn read the SEQR resolution. Matt Ostiguy seconded it. Motion carried 5-0.

ZBA Appeal #2021-05-Mabey's-486 Third Avenue Ext.-4 Area Variances-Signs

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by Don Panton
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application

Tom Wheeler from AJ Signs was present as well as Ryan Blass of Mabey's. Tom Wheeler stated that the new buildings are up and they are huge so they want people to be able to see the signs which would be internally lite LED's. They are proposing 4 new signs.

Chairman Pangburn asked if the signs were discussed during site plan review & if any other signs are proposed. Ryan Blass stated that they were not.

Chairman Pangburn asked the Board if anyone had any questions.

•Bob Seward asked if they plan to have any other signs close to the road. Ryan Blass stated for future development for the retail in the front of the site, there will probably be a monument sign.

•Tom Hickey asked if they had similar signage on the property across the street. Ryan Blass stated that it's very similar & probably a lot bigger.

•Scot Strevell asked if they have any alternatives. Tom Wheeler stated that they tried different size signs and that the ones their proposing fit best.

Chairman Pangburn asked which building has public access. Ryan Blass stated that the self-storage building, each individual would need a key fob to get into the building.

•Matt Ostiguy asked if this was the smallest size sign you could have to see it from different areas and locations. Tom Wheeler stated that is correct due to the distance off the road.

•Tom Hickey asked if the only other alternative is to make the signs larger. Tom Wheeler stated that is correct, if they were smaller than it wouldn't be eligible & would be distracting for people trying to read them.

Chairman Pangburn asked the Board if there were any other questions. There was not.

Chairman Pangburn asked if any members of the public wanted to speak.

•Dave Terpening stated that he's concerned for neighbors & traffic on Third Avenue.

Chairman Pangburn asked if there were any other comments from the public tonight.

There were none.

Chairman Pangburn wants to see the approved site plan and wants to know what the sizes of the letters that are on the existing buildings across the street & the status of the Comp Plan update. Adam Yagelski stated that the Town Board adopted the Comp Plan.

Chairman Pangburn asked if Adam could get together a summary of Third Avenue and the future character of that corridor.

Motion by Chairman Pangburn to table the public hearing to the next meeting on June 8th.

Seconded by Bob Seward. Motion carried by a 5-0 vote.

ZBA Appeal #2021-06-Kretzschmar-24 Rysedorph Lane-Area Variance-Shed – Rear Setback

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- Rensselaer County Recommendation
- Planning Board Member report & recommendation by John Conway
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application

Warren Kretzschmar spoke regarding the proposal & stated that the proposal is larger than wants allowed by 2' in length & 4' in width. Warren Kretzschmar stated that you will see it coming around the cul de sac and that his two neighbors would see it from their back door, it will match the house and be landscaped.

Warren Kretzschmar stated that he only has a small garage and has 2 kids and needs extra space for storage and behind the shed it's forever wild.

Chairman Pangburn stated that there is no rear property owner. Warren

Kretzschmar stated that it's forever wild and that there won't be any electricity, sewer or water.

Chairman Pangburn asked if he will maintain the side setback of 10'. Warren Kretzschmar stated that is correct.

•Bob Seward asked how far the neighbor is in the rear, past the forever wild.

Warren Kretzschmar stated about 100' from that.

Chairman Pangburn asked if anyone else had any questions. There were none.

Chairman Pangburn asked if there was anyone in the public who wanted to speak.

•Dave Terpening stated that he's in support.

Motion by Chairman Pangburn to close the public hearing. Seconded by Bob Seward.

Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2021-06–Kretzschmar-24 Rysedorph Lane-Area Variance-Shed – Rear Setback

This is a type II Action-there is no further action necessary.

WORKSHOPS:

ZBA Appeal #2021-06–Kretzschmar-24 Rysedorph Lane-Area Variance-Shed – Rear Setback

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 shed will be well maintained, match the house, behind the shed is forever wild and the size of the shed is only incrementally larger than the 10' x 12' in the zoning law.
2. There is no other method available to the applicant as this is really the best spot on the land to put the shed and a smaller shed will not meet the storage needs of the applicant.
3. The requested variance is substantial in the sense that it is 60% larger, but it's only 2' & 4' on the dimensions, which make it a reasonable fit for the back of the yard.
4. The proposed variance will have an adverse effect on the neighborhood given the positioning and given the style of shed being placed & it's only adjacent to one occupied parcel.
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 install a 12' x 16' shed in the rear yard with a 5' rear setback be GRANTED with no conditions.

This resolution was moved by Matt Ostiguy and seconded by Scot Strevell at a meeting duly held on May 25, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 5-0

NEXT MEETING: The next scheduled meeting is June 8, 2021.

APPROVAL OF MINUTES:

Motion by Bob Seward to approve the April 27, 2021 meeting minutes. Seconded by Tom Hickey. 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 Chairman Pangburn. Seconded by Matt Ostiguy. Motion Carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary