

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES MAY 28, 2020

Members

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

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Donna Moran, 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 six (6) members were present. Introductions were made.

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. Members, staff and applicants are participating in a virtual meeting via Zoom. This virtual meeting is being broadcasted live on the Town's YouTube Channel, is being recorded and will be later transcribed in accordance with executive Order No. 202.1. For those participating tonight please note there maybe a 30 second delay between this meeting and the YouTube broadcast. Board members, staff and other participants are requested to mute themselves when not speaking to prevent potential interference. Applicants will be placed on mute until their item is up for consideration. Applicants are free to remain in the meeting on mute after their item is complete or they may leave.

Dalia Szarowicz of the Planning & Zoning Department is the Zoom Meeting Host, who will admit participants, mute/unmute participants, monitor the chat box and working with Chairman Pangburn generally manage the meeting. Texts placed in the chat box will be read aloud and will otherwise be addressed by Dalia or by Chairman Pangburn during the course of the meeting. During the meeting in order to keep the broadcast and discussion clear, Chairman Pangburn will call on members to offer comments during the discussion of agenda items. Members may also request to speak via the chat box. Finally members can unmute themselves to offer comment if urgent and as needed but are encouraged to wait until they are called on.

PUBLIC HEARINGS:

ZBA Appeal #2020-02-JMA Properties, LLC.-4 Middle Mannix Road-2 Area
Variances-Proposes installation of (2) Façade mounted signs on a windscreen

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-read
- Rensselaer County Recommendation

- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application & Authorization Form for AJ Signs to represent the owner
- Planning Board Member report & recommendation by Don Pantan

Emma Van Vorst from AJ Signs stated that the two tenants at 4 Middle Mannix Road (All Kids Smile & Adirondack Ortho) are looking to have their signs place up on the façade of the building facing Route 4. They feel this is the best location for the signs, since the building sits downhill from Route 4.

•Chairman Pangburn asked if you could see below the screen line from the roadway. Emma Van Vorst stated that you really can't when you're driving by visibility wise.

•Chairman Pangburn asked if she knew how large the old sign panel was from when it was the Sports Grill. Emma Van Vorst stated that the whole façade has totally changed. It went from having a ton of curvatures and an archway. The sign, which was on the same side their proposing theirs was 160 inches long by 49 ½ inches high. That was just one business.

•Chairman Pangburn asked if she had a summary of the size of the sign that met code. Emma Van Vorst stated that she believes the code for multi-use tenants is 5' wide by 8' wide. The signs proposed are for two businesses, the sign lettering would be too small, due to the height they have to work with.

•Tom Hickey asked if she knew the linear feet of the building and the square footage of the signs being proposed. Emma Van Vorst stated that for Adirondack Ortho there is 38.6' of channeled lettering and for All Kids Smile there is 30.86' of channeled lettering, they are only proposing a sign on one side. She does not know the linear square foot of the building but could get that.

•Matt Ostiguy asked Emma could go over the sizing of the signs and how they got to that. Emma Van Vorst stated that they tried to scale it back as much as they could. But between the visibility and the names of the tenants recommended this size.

•Matt Ostiguy stated that there's a night view of Adirondack smile but how about for the All Kids Smile what is lite up on that one. Emma Van Vorst stated that the tooth & letters light up.

•Chairman Pangburn brought up the Google street view showing the old restaurant with their sign.

•Tom Hickey asked if the signs are already installed. Emma stated that no they were not there is just a monument sign is installed & a banner on the building.

•John Conway asked if the banners are the same square footage as the proposed signs. Emma Van Vorst stated not exactly.

•Chairman Pangburn stated that the banners have been up for a while.

•John Conway asked about lighting of the signs and if the business has evening hour's or are they just lite. Emma Van Vorst stated that the lights are on a timer so the times can be set for whenever.

Chairman Pangburn asked if anyone had anything else. There was nothing from the Board. Chairman Pangburn asked if there is anyone from the public in the meeting. There was no one. Chairman Pangburn asked the applicant if she had anything else. She stated that she did not.

Motion by Matt Ostiguy to close the public hearing. Seconded by John Conway. Motion carried by a 6-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2020-02-JMA Properties, LLC.-4 Middle Mannix Road-2 Area Variances-Proposes installation of in-ground swimming pool in the front yard on a corner lot

MOTION by Chairman Pangburn for **Zoning Board of Appeals to declare SEQR Lead Agency**; in regards to **ZBA Appeal #2020-02 JMA Properties- 2 Area Variances**-proposes the installation of (2) façade mounted signs on a windscreen. The Zoning Board of Appeals has determined that this is an Unlisted Action and is progressing an uncoordinated review under SEQR, and declares itself Lead Agency.

Second by Bob Seward, any discussion?

Voice vote as follows:

In favor: 6
Oppose: 0
Abstain: 0

Motion carrier 6-0

MOTION by Chairman Pangburn: In regards to **ZBA Appeal #2020-02 JMA Properties- 2 Area Variances**-proposes the installation of (2) façade mounted signs on a windscreen, 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 Matt Ostiguy, any discussion?

Voice vote as follows:

In favor: 6
Oppose: 0
Abstain: 0

Motion carrier 6-0

WORKSHOPS:

ZBA Appeal #2020-02-JMA Properties, LLC.-4 Middle Mannix Road-2 Area Variances- proposes the installation of (2) façade mounted signs on a windscreen

Resolved, That the Board of Appeals makes the following findings of fact with regard to the request for two area variances for the installation of signs:

1. There will not be an undesirable change in the character of the neighborhood as several similar signs exist on commercial establishments along the highway

corridor as well as the sign will not project above the last horizontal banding of the building façade.

2. There is no other method available to the applicant as the remaining façade was broken up by a door way overhang and windows into the building.
3. The requested variances are substantial that the signs will be above the roofline, however the windscreen element creates a false frontage between these two signs.
4. The proposed variances will not have an adverse effect on the neighborhood as it is a commercial establishment and the signs blend into the architecture of the building and are consistent with other commercial establishments in the corridor.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variances.

Resolved, **that the application for two area variances for the installation of (2) façade mounted signs on a windscreen be GRANTED with no conditions**

This resolution was moved Jeff Pangburn and seconded by John Conway at a meeting duly held on May 28, 2020.

(Discussion)

A vote was taken as follows:

John Conway	<u>YES</u>
Matt Ostiguy	<u>YES</u>
Tom Hickey	<u>YES</u>
Jeff Pangburn	<u>YES</u>
Bob Seward III	<u>YES</u>
Scot Strevell	<u>YES</u>

Motion carried 6-0

NEXT MEETING: The next meeting is scheduled for June 9, 2020

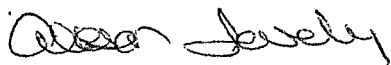
APPROVAL OF MINUTES:

Motion by John Conway to approve the February 25, 2020 meeting minutes. Seconded by Tom Hickey. Motion carried by a 5-0-1 vote. Bob Seward abstained.

MOTION TO ADJOURN

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

Respectfully Submitted



Alison Lovely, ZBA Secretary