

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES OCTOBER 13, 2020

#### **Members**

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

#### **Also Present:**

William Hessney, Attorney  
Alison Lovely, Zoning Board Secretary  
Kateri Rhatigan, Stenographer  
Dalia Szarowicz, Planner & Stormwater Officer

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

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

#### **PUBLIC HEARINGS:**

#### **Reconvene -ZBA Appeal #2020-09-Montross – 1 Springhurst Drive-2 Area Variances**-Two Signs

Chairman Pangburn stated that the Board was looking for information regarding this application that was provided by the Director of Planning & Zoning & the Planning Board, there was some discussion of signing during the review of the PDD review, but the only sign that was discussed was the monument sign, which is already up.

Chairman Pangburn asked if there was anyone in the audience to represent Nic's Trattoria. Darren Katz from Saxton signs, stated that he is present tonight on another matter but knows that all the signs for Nic's Trattoria went into compliance, as the applicant has worked with the building department and no variances are now required.

Chairman Pangburn tabled the public hearing until the October 27, 2020 unless the applicant withdraws their application.

#### **ZBA Appeal #2020-10-Big Red Doghouse – 700 Columbia Turnpike-** -2 Area Variances-Signs

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 Don Pantan

Darren Katz of Saxton Signs was present representing the owner, Chris Rocchio who was also present. Darren Katz stated that if you look at the drawing were the 108.91 measurement is, it's just the decorative flashings of the roof & the sign itself is 8' wide so they are in compliance.

•Scot Strevell asked so that the 108.91' is drip edge to drip edge. Darren Katz stated that is correct. Darren Katz stated that the sign as it sits now is 110" tall, so the sign is already not compliant. They are not making the sign any larger, they are only adding decorative elements to bring it up to modern design & to help make the sign more visible, since that road is a safety hazard. They are not changing the sign at all, just adding a second tenant sign to make the business easier to find and some decorative elements.

Chairman Pangburn stated that there was some discussion in the report from the Planning Board regarding a change to the bottom so that 10" on the bottom of the pole was shown, is that no longer the case. Darren Katz state that is something their willing to with but there is something in the code that stated that a monument sign can only be so tall.

Chairman Pangburn asked if there were any questions from the Board.

•John Conway asked if the sign would still be parallel to 9 & 20. Darren Katz stated that is correct, they are not moving the sign at all. John Conway asked if they are adding kind of a roof section, if they are adding something to the bottom, if they are increasing the size, how wide it will be and how deep it will be. Darren Katz stated that is correct & are adding an aluminum wrap to the bottom & they are increasing the size because currently it's just a 4" round steel pole & the bottom piece is 60" inches about 4-6 inches deep.

Chairman Pangburn asked if the "Big Red Doghouse" will be an additional 10 square feet. Darren Katz stated yes on copy. Chairman Pangburn stated that the existing sign will be roughly double the height, 44" verses 24" with the same width. Darren Katz stated that is correct. Chairman Pangburn stated that the applicant is replacing the guts and that both signs will be internally lite. Darren Katz stated that is correct with LED's.

Chairman Pangburn asked if there were any other questions from the Board. There were no more questions from the Board. Chairman Pangburn asked if there was anyone in the public wishing to speak in regards to this application.

•Dave Terpening stated that he had a general comment. He asked if this was a public hearing & asked if this was being streamed through You Tube for viewing. Chairman Pangburn stated that is correct. Dave Terpening asked if there were any option for people to comment on You Tube. Chairman Pangburn stated that there is not. Dave Terpening asked then how can it be a public meeting. Chairman Pangburn stated that there is a public forum here tonight, that it was publically noticed through a legal notice, so we have an in person public hearing tonight. Dave Terpening stated that's not what is in the announcement, that it's an in person meeting. Dave Terpening stated as he's stated in the pass, this location is hard for people to come to who may not be able to navigate these dark back roads. Dave Terpening stated that he urges the Board to change the venue, or set something up so that people can comment. Dave Terpening asked if the Comp Plan update will include updating the sign portion to address all these sign variances.

Chairman Pangburn stated that signage is part of the Comp Plan to be looked at.

Chairman Pangburn stated that the draft Comp Plan is available for review right now.

Chairman Pangburn asked if there was anyone else present to speak regarding the appeal tonight.

•Chris Rocchio the owner of the Big Red Doghouse stated he has two comments to make & stated that there has been some confusion as to where the location of his business is & feels that the whole area there is a dangerous driving area.

Signage will allow people to find their business & he just wants to make people aware of where they are & the other business, the Market Place Sweater Venture is struggling and it's his goal as now their landlord, not to shrink their sign.

Chairman Pangburn asked the Board if there was any other questions or comments. There was nothing.

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

**ZBA Appeal #2020-11-TCJ Troy Road LLC.-597 Columbia Turnpike-2 Area**  
Variances-Signs

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 Jim Moore

James Callahan from Callahan Signs representing the applicant, TCJ Troy Road LLC. was present. James Callahan stated that they are applying for a variance for two walls signs, he stated that if you look at the Verizon lettering without the check mark that the letters are 21 sq. ft. and if you draw a box around the Verizon lettering & the check mark it comes to 25 sq. ft.; so they are about 1 ½ sq. ft. over for each sign. James Callahan stated that everything else about each sign complies with the Town's code.

Chairman Pangburn asked if both signs faced a highway, one Columbia Turnpike & the other Route 4. James Callahan stated that is correct.

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

•John Conway asked what the problem was in shrinking the sign. James Callahan stated that if you shrink it too much, it won't be seen, as compared to the building size, it's on a 13' x 27' wall and given the traffic flow & speed, it's going to be a small wall sign to be seen.

•John Conway asked if he knew anything about the size of the Verizon sign at the East Greenbush Commons. James Callahan stated he did not.

Chairman Pangburn asked if the renderings of the signs on the building face are two scale. James Callahan stated that is correct.

Chairman Pangburn asked if 25 sq. ft. measurement includes boxing the area around the letters and using internal individual letters and that it will be internally lite & the box around the letters will be about 21 sq. ft. James Callahan stated that if you just box the word "Verizon" it's 21 sq. ft. and if you box the letters and the check mark its 25 sq. ft.

Chairman Pangburn asked if there would only be 2 signs on the two façades of the building. James Callahan stated just on those two sides.

Chairman Pangburn asked if there were any other questions from the Board or if anyone in the public wanted to speak.

Rob Spagnoletti who is the maintenance coordinator for that store stated it's the setback from the curbs that concern him due to the orientation & the way that the signs will be viewed. The usual size of the signs are 23 inches. This store is smaller than any that they have.

•Matt Ostiguy asked if he knew the size of the Glenmont one. Rob Spagnoletti stated no and for a standalone only building he feels it's too small. He asked if the Board received a picture of the sign with the smaller letters. Chairman Pangburn stated that he did not.

Chairman Pangburn stated that he was marking the pictures Exhibit 2020-11a & 2020-11b which showed the sign shrunk down to the 18 inches. letter size which could meet the code.

Chairman Pangburn asked if there was anyone else who wanted to speak.

•Dave Terpening asked if this was proposed during the planning review. Rob Spagnoletti stated that all the renderings up to this point were shown were 23 inches.

•Dave Terpening stated that he proposes that info on applications should be posted to the website for both Planning & Zoning Boards prior to the meetings.

Chairman Pangburn asked the Board if there was any other questions or comments. There was nothing.

Motion by John Conway to close the public hearing. Seconded by Matt Ostiguy. Motion carried by a 5-0 vote.

**SEOR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2020-10-Big Red Doghouse – 700 Columbia Turnpike- -2 Area**  
Variances-Signs

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

**ZBA Appeal #2020-11-TCJ Troy Road LLC.-597 Columbia Turnpike-2 Area**  
Variances-Signs

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

**WORKSHOPS:**

**ZBA Appeal #2020-10-Big Red Doghouse – 700 Columbia Turnpike -2 Area**  
Variances-Signs

**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 evidenced by the recently approved monument sign at the property next door as well as the orientation of this sign parallel to the highway and not perpendicular to it.
2. There is no other method available to the applicant as the second business is in the back of the property and not visible from the highway and this is a reuse of the existing sign on the property.
3. The requested variance is substantial as it is a request of 11.67 feet versus the five feet allowed in the code, however a pylon sign would be allowed at 25 feet tall and again this sign is oriented parallel to the highway and not perpendicular to it reducing its visual appearance.
4. The proposed variance will not have an adverse effect on the neighborhood as the sign is set back from the highway consistent with surrounding properties and is adding decorative features to blend into the property itself.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of these area variances.

**Resolved**, that the application for two Area Variances for a plaza monument sign 11.67 feet tall and 8 feet wide which names two individual businesses be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on October 13, 2020.

*(Discussion)*

A vote was taken as follows:

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

Motion carried 5-0

**ZBA Appeal #2020-11-TCJ Troy Road LLC.-597 Columbia Turnpike-2 Area Variances-Signs**

**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 this is a centrally located business district with many businesses having as much or more signage on their businesses.
2. There is another method available to the applicant but it is not as effective as the larger font size as well as needing to address the curb setback, building orientation & keeping some of the trees on the site.
3. The requested variance is not substantial, this variance is a 6% increase in overall square footage.
4. The proposed variance will not have an adverse effect on the neighborhood as it is a business district within the heart of the Town of East Greenbush.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of these area variances.

Resolved, that the application for two Area Variances two 25.434 sf. facade mounted signs on the southwest and southeast elevations be GRANTED with no conditions.

This resolution was moved by Robert Seward III and seconded by Matt Ostiguy at a meeting duly held on October 13. 2020.

*(Discussion)*

A vote was taken as follows:

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

Motion carried 5-0

**APPROVAL OF MINUTES:**

Motion by Scot Strevell to approve the September 22, 2020 meeting minutes. Seconded by John Conway. Motion carried by a 5-0 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was closed by Chairman Pangburn & seconded by Matt Ostiguy. Motion carried 5-0

Respectfully Submitted



Alison Lovely, ZBA Secretary