

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES SEPTEMBER 22, 2020

#### Members

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

#### Also Present:

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

#### PUBLIC HEARINGS:

ZBA Appeal #2020-08-Regeneron – 81 Columbia Turnpike-2 Area Variances-Two 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 Ralph Viola

Steve Hart was present representing Regeneron as well as David Yost, the Project Engineer for Regeneron. Steve Hart stated that a 40,000 sq. ft. addition to Building 85, now Building 20 is under construction & the applicant is proposing the construction of two signs for the addition. Steve Hart stated the sign on the North side consists of 32 square feet and faces Discovery Drive & the second sign meets on the West side the code consisting of 24 square feet put doesn't directly face a public road although it faces the direction of Columbia Turnpike, both signs are approximately 35' in the air.

Steve Hart addressed the five Area Variance criteria as follows:

1. We do not feel that an undesirable change or detriment to the neighborhood will be created with granting of this area variance. This parcel of land is situated within the OI – Corporate Office/Light Industrial – Zone in the Town of East Greenbush. The parcel is bounded on the north and west by industrial and commercial uses. The requested sign variance is for an increase from 24 SF to 32 SF on the northerly face of the building. The sign is a wall mounted sign and approximately 30' off of the ground. The second variance is needed to allow for a sign to be installed on the westerly face of the building which does NOT front on a Town Road. This sign is 24 sf and again 30' +/- off of the ground.

2. The applicant would like to have identification signage on the building which will capture the direction that cars would be travelling and to capture the front face of the building. The signage on the west side of the building will provide the desired view shed for cars travelling easterly on Discovery Drive.
3. The applicant is requesting a 33% increase in allowable square footage for the north elevation sign. This is the 32 sf sign, whereas Code allows for a maximum of 24 sf. The overall area of the front face of the building is 35' x 338' which equals 11,830 SF. The increase of 8 sf vs. the 11,830 sf is less than a tenth of one percent. The second sign on the westerly face is 24 sf vs. the overall westerly face area of 2500 sf, which represents less than 1% of the building SF. We would not consider either of the requested variances substantial, with respect to the building size.
4. As noted above and discussed in the initial presentation we do not feel that the proposed variance will have an adverse effect or impact on the neighborhood, nor will it have any negative effects on the physical or environmental condition in the neighborhood and/or district. The proposed building is being constructed in an existing Industrial/Commercial park and in an aesthetically pleasing and well landscaped manner. We feel that this building and related signage will only add value to the existing neighborhood.
5. As the applicant is making the request for the variance and has owned the property for several years we would state that the hardship is self- created as they are looking at putting two signs on the building and slightly increasing the square footage on one sign.

Chairman Pangburn asked if there were any other signs on Bldg 85 facing the same directions, as you're referring to this building as 20. Steve Hart stated that the old existing one is behind the addition.

Chairman Pangburn asked the Board if anyone had any questions.

- Bob Seward asked how big the old sign was. David Yost stated approximately 24 square feet.

- Tom Hickey stated the signage that is on the west side of building 85, is that actually on 20 or is it on 85. Steve Hart stated that their all on building 20, two years ago when they building it, it was the building 85 addition but Regeneron has gone through and names them accordingly so this is actually building 20. But for clarity, both signs Regeneron is looking for the variances on are on the addition. Tom Hickey stated that it doesn't look like it from the picture, the lower elevation is building 20 and the higher elevation is building 85 & if that included all of the square footage. Steve Hart referenced the plans and showed Tom Hickey which building was 85 and building 20 and that building 20 is higher up front and then steps down to where the roof section is. Tom Hickey asked where building 85 & building 20 are attached on the west side, do you know what that square footage is. Steve Hart stated that the width of the whole side is 500 sq. ft. Tom Hickey also asked if there will be a sign placed at the curb cut of the entrance to the building. Steve Hart stated there will not be as the main entrance to this building is where the guard house is closet to Red Mill Road.

- John Conway asked what the purpose of the signs was and if they need them, he thinks when you drive in there it's pretty clear that it's Regeneron's property. Steve Hart stated that it's more of identification.

Chairman Pangburn asked if its s mix of owners on the north side of Discovery Drive. Steve Hart stated that is correct & they named all the businesses.

•John Conway stated for clarification that the one sign is 32 square feet as opposed to the 24 square feet required under zoning, so is that really important. Steve Hart stated that it's the magnitude and size (height) of building & that it's important to Regeneron. David Yost stated that proportionally, the 32 sq. ft. sign carries the same effect as the smaller sign due to difference in widths of the buildings.

Chairman Pangburn asked the Board if anyone had any other questions. There were no more questions.

Chairman Pangburn asked if there was anyone in the public who wished to speak in regards to this appeal.

•David Terpening asked if the signs would be lite & is there any reason that the signs need to be on the building, seeing as there is barbed wire around the building, he would think that Regeneron doesn't want to add any more attention. David Yost stated they would not be lite. Steve Hart stated that it's more for an identification standpoint.

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

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

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

Pat Boni from Saxton Signs was present and represented the property owner. Rocco & Angelo Nicoletta were both present for Nic's Trattoria, which is the business requesting the two area variances for the two signs. Pat Boni submitted a picture of a sign which Chairman Pangburn marked as Exhibit #2020-09A. Pat Boni stated that main sign on the front of the building will consist of 40 sq. ft. and be illuminated as the restaurant takes up three tenant spaces in the building would could've allowed up to 72 square feet for the three tenant space. Pat Boni stated that the second sign would face Columbia Turnpike off the back of the building & the other parts that will light up are the letters & the logo. Pat Boni stated that there is a Pylon sign that shows that the restaurant is in the plaza but it's a total of 18 square feet and the individual tenant signs are small. Pat Boni addressed the 5 Area Variance criteria as follows:

1. The whole building & sign & restaurant is really helping the neighborhood.
2. There is no other way to let the customers know where they are expect for the sign & if they stay with the square footage allowed then it won't be big enough to be seen.
3. Without the signs, no one would know they are there.
4. There will be no adverse effect for the same reason as number 1.
5. It's not self-created as every business needs a sign that can be seen

Chairman Pangburn asked if the Board had any questions.

- John Conway stated that he was confused about the orientation as the site plan he has shows the business at the other end of the plaza & asked if it could be explained.

Chairman Pangburn asked Pat Boni to come up and clarify the location they will be in on the site plan shows & passed it around to the members.

- Tom Hickey

- John Conway stated that the blade sign would be on their building. Pat Boni stated that was correct.

Chairman Pangburn stated that it shows a 60' tenant and a 23' tenant & asked how much the restaurant will be taking up. Angelo Nicoletta stated that the restaurant is taking up a 60' x 60' space. Chairman Pangburn stated that Pat Boni is here representing the tenant but is anyone present representing the property owner. Pat Boni stated no there is not.

Chairman Pangburn stated that since this is a brand new plaza, he would assume that and in the code there is a prevision that states that the signage should be designed so that it's consistent throughout the plaza.

Chairman Pangburn asked if the pylon sign that is out in the front is just for that building or the entire plaza. Pat Boni stated that it's for the entire plaza.

- Tom Hickey asked on the pylon signs, how big are the individual tenant signs. Pat Boni stated 2' x 8'

- John Conway asked what the reason is why there aren't any signs on the building on the Columbia Turnpike side. Pat Boni stated no one applied for them.

- John Conway asked if there is access to the restaurant on the Columbia Turnpike side. Pat Boni stated that there is not.

Chairman Pangburn asked if there is any signage that faces Springhurst. Pat Boni stated there is not.

- Bob Seward asked where the entrance to the restaurant was. Pat Boni stated that it's on the parking lot side.

Chairman Pangburn asked if there was any signage proposed on the glass windows. Rocco Nicoletta stated that there was not.

- Tom Hickey asked if there knew if the Crisp Cannoli had a sign facing Springhurst Drive or the parking lot. Pat Boni stated that one sign faces the entrance and the other faces the parking lot.

Chairman Pangburn asked if they knew if the sign that faces the parking lot was part of the PDD approvals.

- Matt Ostiguy asked if they knew of any other blade signs on that street. Pat Boni stated no. Chairman Pangburn stated that the Elks & Barber shop both do.

Pat Boni stated that these are both within sight of this business.

Chairman Pangburn asked if they had any conversations with the proper owner for the consistency of the signs in the plaza. Pat Boni stated that the owner is actually the CEO of the sign company so he knows about the signs and is all for it. Chairman Pangburn asked if that was George Shannon. Pat Boni stated that is correct.

Chairman Pangburn stated that he's confused as to why they are here with area variances for a brand building in a new multi-tenant plaza.

Chairman Pangburn asked if the applicant would be open to having a conversation with the property owner regarding coming back with a consistent theme for the rest of the tenants to help put this request in perspective.

Chairman Pangburn stated that he would like to have some follow up information with the Planning Office on what the plan was for the PDD & just wants to make sure what is approved here meets the overall intent of the plaza.

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

• Tom Hickey asked if there is a restriction of a tenant taking 2 spaces on the pylon sign. Pat Boni stated that the pylon sign is for both buildings.

Chairman Pangburn asked if there was anything else from the Board. There was nothing. Chairman Pangburn wanted to enter into the record an email submitted dated 9/17/20 from Eric Hart of Schodack Auto of 1520 Columbia Turnpike, which he read. Chairman Pangburn asked if there was anyone in the public who wished to speak.

• David Terpening stated he has a general comment, that he doesn't understand why we need a Zoning Law, a lot of variances were approved within the last 5-6 years. Why aren't these laws modified so as to not waste time. Chairman Pangburn stated that every member of the public is entitled to an appeal for relief for what may or may not be burdensome requirements of the zoning code. The stated has great guidelines to follow.

Chairman Pangburn asked if he had any questions related to this application.

David Terpening stated that he's against this one & the people who are tenants, why wasn't this anticipated during the PDD.

Chairman Pangburn stated that's why he will follow up with the Planning & Zoning Department regarding the issue.

Chairman Pangburn wishes to table the public hearing until the October 13, 2020 meeting to secure some additional feedback from the owner of the plaza.

Motion by Chairman Pangburn to table the public hearing until the October 13, 2020 meeting. Seconded by John Conway. Motion carried by a 6-0 vote.

**SEQR DETERMINATIONS & RECOMMENDATIONS:**

**ZBA Appeal #2020-08-Regeneron – 81 Columbia Turnpike-2 Area Variances-Two Signs**

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

**WORKSHOPS:**

**ZBA Appeal #2020-08-Regeneron – 81 Columbia Turnpike-2 Area Variances-Two 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 the North sign replaces a preexisting sign on the North elevation & is inconsequential in size in comparison to the overall scale of the north elevation of the building addition and the West sign actually does face approaching traffic on Discovery Drive which the majority of traffic enters from off of Columbia Turnpike
2. There is no other method available to the applicant as the signs are being sized appropriately to the scale of the building addition as well as to provide way finding for visitors from the Columbia Turnpike entrance.

3. The requested variance is not substantial as documented in the submitted report, whereas the variance is less than 1/10 of a percent on the North elevation, square footage is less than 1 percent on the West elevation.
4. The proposed variance will not have an adverse effect on the neighborhood as the building is located in the Office/Industrial Zoning District and surrounding buildings have similar commercial signage on them.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved**, that the application for two Area Variances for a 31.45 sq. ft. sign on the North elevation & a sign on the West elevation that does not face a public road be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Scot Strevell at a meeting duly held on September 22, 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

**APPROVAL OF MINUTES:**

Motion by Matt Ostiguy to approve the September 8, 2020 meeting minutes. Seconded by Bob Seward. Motion carried by a 6-0 vote.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was closed by Chairman Pangburn.

Respectfully Submitted



Alison Lovely, ZBA Secretary