

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES January 24, 2017

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Joyce Lapham
John Conway, Jr
Kurt Bergmann

Also Present:

George Hoffman, Attorney
Donna Moran, 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. Introductions were made. Domenico Pirrotta & Bob Seward III were absent.

ORGANIZATIONAL MEETING 2017

Appointment of Vice Chairperson:

Meetings:

- Meetings will be held two times per month on the second and fourth Tuesday of each month.
- Meetings will commence at 7:30 PM in the Town Court Room or in the Community Room.

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby appoints Matt Ostiguy as the Vice Chairman in absence of the Zoning Board Chairman.**

Seconded by John Conway Jr. & roll called as follows:

**J. Pangburn-Yes; J. Conway Jr. -Yes; J. Lapham-Yes; K. Bergmann-Yes;
B. Seward III-Absent; D. Pirrotta-Absent; M. Ostiguy-Yes.**

MOTION CARRIED BY A 5-0 VOTE

Authorization for scheduling applications for public hearings:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board Chairman and secretary have approval to schedule applications for Public Hearings.**

Seconded by Matt Ostiguy & roll called as follows:

**J. Pangburn-Yes; J. Conway Jr. -Yes; J. Lapham-Yes; K. Bergmann-Yes;
B. Seward III-Absent; D. Pirrotta-Absent; M. Ostiguy-Yes.**

MOTION CARRIED BY A 5-0 VOTE

Appointment of Attorney:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby appoints George Hoffman as attorney.**

Seconded by **Joyce Lapham** & roll called as follows:

**J. Pangburn-Yes; J. Conway Jr. -Yes; J. Lapham-Yes; K. Bergmann-Yes;
B. Seward III-Absent; D. Pirrotta-Absent; M. Ostiguy-Yes.**

MOTION CARRIED BY A 5-0 VOTE

Appointment of Secretary:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby appoints Alison Lovely as secretary.**

Seconded by **Joyce Lapham** & roll called as follows:

**J. Pangburn-Yes; J. Conway Jr. -Yes; J. Lapham-Yes; K. Bergmann-Yes;
B. Seward III-Absent; D. Pirrotta-Absent; M. Ostiguy-Yes.**

MOTION CARRIED BY A 5-0 VOTE

Acceptance of 2016 Meeting Calendar:

MOTION: A motion was made by Chairman Pangburn as follows: **The Town of East Greenbush Zoning Board hereby approves the proposed 2017 meeting calendar.**

Second by **Kurt Bergmann** & roll called as follows:

**J. Pangburn-Yes; J. Conway Jr. -Yes; J. Lapham-Yes; K. Bergmann-Yes;
B. Seward III-Absent; D. Pirrotta-Absent; M. Ostiguy-Yes.**

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2017-01– Moscatiello-550 Third Avenue Extension-Special Use Permit for a three bedroom apartment on the second floor above three retail units.

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Special Use Permit Criteria
- Bldg. Permit Application
- Planning Board Recommendation with supplemental report by Mike Bottillo

Nick Costa from Advance Engineering presented the proposal to the Board. The parcel consists of approximately 1.57 acres and has access from both Third Ave and Patroon Lane. The site has 26 parking spaces provided and meets the requirement. Sidewalks will be provided around the building. Nick Costa stated that the proposal is 3 retail units with an apartment above it.

- Chairman Pangburn asked if the footprint of the building is changing at all. Nick Costa stated that it was not and that the apartment is pre-existing.
- John Conway asked if the apartment was one unit. Mike Moscatiello stated that it's a three bedroom apartment.
- Matt Ostiguy asked if the unit has access from the ground floor. Mike Moscatiello stated that it currently does but that they are going to change the location of it.
- Chairman Pangburn asked if there is a second access to the apartment. Chairman Pangburn stated that the Planning Board proposed a condition that there be two means of egress out of the apartment. Nick Costa stated that there will be.
- Kurt Bergmann asked if there is a plan for all the green space that is shown behind the building. Nick Costa stated that there aren't any plans right now and will remain as lawn.
- John Conway asked if the residential unit will have designated parking spaces. Nick Costa showed an aerial map and stated that they will in the rear. Mike Moscatiello stated that there are also two underground garages and one maybe allocated to them.
- Kurt Bergmann asked to clarify that there wouldn't be a runoff problem. Nick Costa said there is a lot of green space to absorb it and stated that there is an existing swale.
- Chairman Pangburn asked Nick to clarify that a storm water report would need to be done for the Town. Nick stated that was correct.
- Matt Ostiguy asked about what type of retail would there be. Mike Moscatiello stated at this time he's not sure. There are three areas, consisting of 850 square feet, 2,200 square feet and 1,200 square feet.

Chairman Pangburn asked if there were any further questions from the Board. There were none.

Chairman Pangburn asked if there was anyone present who wanted to speak in favor of or opposition to the proposed area variance. There was no one who spoke in favor or opposition.

Motion by Kurt Bergmann to close the public hearing. Seconded by Joyce Lapham. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2017-01– Moscatiello-550 Third Avenue Extension-Special Use Permit for a three bedroom apartment on the second floor above three retail units.

MOTION for: Zoning Board of Appeals to Declare SEQR Lead Agency
In regards to **ZBA Appeal #2017-01– Moscatiello-550 Third Avenue Extension-Special Use Permit for a three bedroom apartment on the second floor above three retail units.** The Zoning Board of Appeals has determined that this is an Unlisted Action is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

Motion by: Jeff Pangburn;
Second by: Matt Ostiguy (*Discussion*)

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Absent</u>
Bob Seward III	<u>Absent</u>

Motion carried 5-0

MOTION: In regards to **Appeal #2017-01**, 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.

Motion by: Jeff Pangburn;
Second by: John Conway Jr. (*Discussion*)

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Absent</u>
Bob Seward III	<u>Absent</u>

Motion carried 5-0

WORKSHOPS:

ZBA Appeal #2017-01– Moscatiello-550 Third Avenue Extension-Special Use Permit for a three bedroom apartment on the second floor above three retail units.

Resolved, That the Board of Appeals makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11 of the Town’s Comprehensive Zoning Law; therefore, be it

Resolved, that the application for a Special Use Permit for a second floor accessory dwelling unit be Granted for an initial period of 18 months with no conditions to be fulfilled by the owner before he applies for a Building Permit.

This resolution was moved by Matt Ostiguy and seconded by John Conway Jr. at a meeting duly held on January 24, 2017.

(Discussion)

A vote was taken as follows:

Kurt Bergmann	<u>Yes</u>
John Conway Jr.	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Absent</u>
Bob Seward III	<u>Absent</u>

Motion carried 5-0

NEXT MEETING: The next meeting on February 14, 2017 is cancelled. The next time the Board will meet is February 28, 2017.

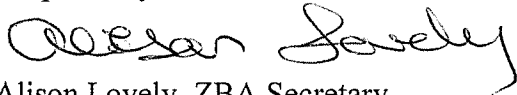
APPROVAL OF MINUTES:

Motion by John Conway to approve the meeting minutes from the November 22, 2016 meeting. Seconded John Conway. Motion carried by a 4-0-1 vote. Kurt Bergmann abstained.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Matt Ostiguy. Seconded by Kurt Bergmann. Motion Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, ZBA Secretary