

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 OCTOBER 11, 2022

Members

Jeff Pangburn, Chairman
Bob Seward III
Scot Strevell

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of three (3) members were present. Tom Hickey & Matt Ositguy were absent.

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2022-07–Bank of Greene County– 164 Columbia Turnpike- 2 Area Variances-Front Setback & Building Height-Bank

Chairman Pangburn stated that they are reopening the public hearing which was tabled at the last meeting for follow up information from the applicant.

Steve Hart of Hart Engineering representing the applicant as well as Don Gibson, president of Bank of Greene County were both present. Steve Hart stated that they have a revised site plan and updated rendering. Steve Hart stated that as a reminder, they are asking for two variances, one for the height of the building and the second one is the setback from the front property line. Steve Hart stated that at the last meeting the site plan showed a 47' front setback and the code calls for 0' to 15' maximum front setback, so they were looking for a 32' variance. Steve Hart stated that they have now moved the building to the front property line & have moved the drive thru to the rear of the building. Steve Hart stated that this allowed them to move the proposed building from a 47' setback to a 25' setback. Steve Hart stated that it's now a 10' request as opposed to a 32' request. Steve Hart stated that the west side of the building will be parking for employees only and customer parking would be on the east side of the building. Steve Hart stated that there is an easement for a sanitary sewer main right in front of the proposed building as well as a water main running 3' off of the edge of the pavement & a gas line 3' off of the pavement. These are unfeasible reasons to be able to push the building any closer to the setback. Steve Hart stated that they modified the previous rendering.

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

•Scot Strevell stated that he commends them for re-imaging, taking feedback and thinking through that.

Chairman Pangburn stated that as far as the B-1 district, there are two primary issues. One is the pedestrian accessibility and asked if there was any way to tie this building into the pedestrian infrastructure that's along 9 & 20. Steve Hart stated they have a side walk that comes into the front portion of the building and there is access to a crosswalk in front of the entrance to the site and across the highway. Steve Hart stated that there may be some way.

Chairman Pangburn stated that there isn't a sidewalk along the side of 9 & 20 where this building is proposed, but there is a crosswalk at the main traffic signal that comes into the site.

Chairman Pangburn stated the second issue is the two story requirement and asked Steve Hart if they have an update on that. Steve Hart stated that there is no update on that.

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

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

•Dave Terpening asked if the Board uses the James A Coons technical series for guidance, asked the Board if there were certain things the Board took into consideration in the decision making process, asked to have the process clarified on noticing neighbors.

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

Scot Strevell made a motion to close the public hearing.

Seconded by Bob Seward. Motion carried by a 3-0 vote.

ZBA Appeal #2022-08-Regeneron Pharmaceuticals, Inc.- 81Columbia Turnpike-Area Variance-Elevator Shaft Height

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read by Chairman Pangburn
- PB Recommendation with supplemental report by Matt Mastin
- Rensselaer County Recommendation
- ZBA Area Variance Application Packet with authorization form
- Site Plan of site & Aerial view of site plan

Steve Hart stated that Regeneron is proposed to construction a 12' x 14' elevator shaft to provide an additional means of access for Building 16, which is an existing 4 story office building. Steve Hart stated that there is an existing stairwell in front of where they are proposing the elevator shaft, the stairwell comes out 7' and the proposed elevator shaft will come out 14'. Steve Hart stated that the existing stairwell height is 65'8" and the proposed elevator shaft is 69'2". Steve Hart stated that this elevator will provide access to the roof for emergency reasons and maintenance of equipment.

Chairman Pangburn asked if there was any feedback from the fire department on the additional height. Steve Hart stated that they did reach out and they asked to meet on site, so they still need to do that.

Chairman Pangburn asked if the construction of the elevator shaft will be of cinder block. Steve Hart stated probably block and steel. Chairman Pangburn replied most likely not flammable then. Steve Hart stated that is correct.

•Scot Strevell asked if there were any other considerations for the location of if it's because of the location of the stairwell from a cost perspective that it makes more sense. Steve Hart stated, yes cost and proper location.

•Bob Seward stated that he noticed building 16 is 65.5' so the elevator shaft is going to bring it up another 3.5' taller if Steve knows how tall the surrounding buildings are. Steve Hart stated story wise this one is taller than the other ones. Chairman Pangburn asked if the Board had any further questions. They did not. Chairman Pangburn asked if there were any comments from the public.

•Dave Terpening asked with all the professionals that Regeneron has, "Why in hell did they decide not to do it at the time the building was built.

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

Bob Seward made a motion to close the public hearing.

Seconded by Scot Strevell. Motion carried by a 3-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2022-07-Bank of Greene County- 164 Columbia Turnpike- 2 Area Variances-Front Setback & Building Height-Bank

Chairman Pangburn read a SEQR memo from the Planning Board meeting on August 10, 2022 but stated that this was not a coordinated review, so stated that the Board will also add a memo to the file that this is a type II Action-there is no further action necessary.

ZBA Appeal #2022-08-Regeneron-81 Columbia Turnpike-Area Variance- Elevator Shaft Height

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

WORKSHOPS:

ZBA Appeal #2022-07-Bank of Greene County- 164 Columbia Turnpike- 2 Area Variances-Front Setback & Building Height-Bank

Resolved, That the Board of Appeals makes the following findings of fact with regards to the application to construct a 1,700 square foot building in the front of the site with a 25 foot front setback:

1. There will not be an undesirable change in the character of the neighborhood as most commercial buildings on Columbia Turnpike at this end of Town have a similar setback as the twenty five foot proposed setback.
2. There is no other method available to the applicant, there is some other means to get to the fifteen foot setback but it is not practical as there is a water, sewer and gas main in between the building and the edge of the road.

3. The requested variance is not substantial as it is only ten feet in comparison to the overall twenty-five foot setback proposed.
4. The proposed variance will not have an adverse effect on the neighborhood, as it is a commercial neighborhood with other commercial businesses in the area and this is a proposed commercial use.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application to construct a 1,700 square foot building in the front of the site with a 25 foot front setback be GRANTED with one condition:

1. That the applicant connect the building to the existing pedestrian infrastructure along Routes 9 & 20, this is to be coordinated with the Planning Board.

This resolution was moved by Bob Seward and seconded by Scot Strevell at a meeting duly held on October 11, 2022.

(Discussion)

A vote was taken as follows:

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

Motion carried 3-0

Resolved, That the Board of Appeals makes the following findings of fact with regards to the application to construct a 1,700 square foot building in the front of the site with only one story:

1. There will not be an undesirable change in the existing character of the neighborhood however it is not consistent with the character of the future zone and therefore should not be allowed.
2. There is another method available to the applicant as they could construct two stories as per code.
3. The requested variance is substantial as it does not meet the requirement at all.
4. The proposed variance will not have an adverse effect on the existing neighborhood, however it would have an adverse effect by not being consistent with the future desires of the Comprehensive Zoning Law.
5. The alleged difficulty is self-created.

Resolved, that the application to construct a 1,700 square foot building in the front of the site with only one story be DENIED.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward at a meeting duly held on October 11, 2022.

(Discussion)

A vote was taken as follows:

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

Motion carried 3-0

ZBA Appeal #2022-08-Regeneron-81 Columbia Turnpike-Area Variance- Elevator Shaft Height

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 requested variance fits within the existing buildings and infrastructure located in that area.
2. There is no other method available to the applicant as it's situated next to the building main corridors on the first, second, third & fourth floors and also sits next to the existing stairwell and is neatly tucked in behind the seven foot section that sticks out of the building for the stairwell.
3. The requested variance is not substantial because it is only three and a half feet taller than the stairwell that exists today.
4. The proposed variance will not have an adverse effect on the neighborhood for previously stated reasons.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for the installation of a 14 foot x 12 foot elevator with an elevator shaft height of 69.2 feet be GRANTED with two conditions:

1. That the applicant secures Fire Department approvals relevant to the construction of the elevator shaft.
2. That the applicant builds the elevator shaft to blend into the existing building and architecture that exists today.

This resolution was moved by Scot Strevell and seconded by Bob Seward at a meeting duly held on October 11, 2022.

(Discussion)

A vote was taken as follows:

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

Motion carried 3-0

NEXT MEETING: The next meeting is scheduled for October 25, 2022 and a public hearing for Gregware for garage & deck rear setbacks is scheduled for that evening.

APPROVAL OF MINUTES:

Motion by Bob Seward to approve the September 27, 2022 meeting minutes. Seconded by Scot Strevell. Motion carried by a 3-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by Bob Seward. Motion Carried by a 3-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary