TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEETING AGENDA TUESDAY, MARCH 23, 2021 7:30PM

7:30 PM CALL TO ORDER

PUBLIC HEARINGS: ZBA Appeal #2021-02-Rensselaer County Plaza Associates/Grapes & Grains-279 Troy Road-Area Variance-Sign

SEQR DETERMINATION & RECOMMENDATION: ZBA Appeal #2021-02-Rensselaer County Plaza Associates/Grapes & Grains-279 Troy Road-Area Variance-Sign

WORKSHOP/DELIBERATION: ZBA Appeal #2021-02-Rensselaer County Plaza Associates/Grapes & Grains-279 Troy

Road-Area Variance-Sian

NEXT MEETING:

April 13, 2021

STATUS – APPEALS ON APRIL 13, 2021: NONF

APPROVAL OF MINUTES: February 9, 2021

Notice Regarding Planning Board Meeting

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, the Planning Board will convene its March 24, 2021 Board Meeting remotely as follows:

The Board Meeting will commence at 7:00 PM and will be conducted through the use of Zoom, a webbased video conferencing tool with local, desktop client and smartphone applications that will allow the Planning Board members and those with business before the Board to participate electronically and remotely by audio and with or without a video connection.

In order that members of the public can view the proceedings, the meeting will be live-streamed on the Town's YouTube Channel. To view the Live Steam, go to the Town's YouTube Channel at https://www.youTube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Members of the public with questions and/or comments can send correspondence to <u>info@eastgreenbush.org</u>. Correspondence sent to this email will <u>not</u> be answered in real time.

Please note that this meeting will be conducted remotely only and will not be held at Town Hall, which is currently closed.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ZONING BOARD of the Town of East Greenbush will hold a public hearing on March 23, 2021 beginning at 7:30 pm to consider the following matter:

Appeal number # 2021-02 the appeal of Rensselaer County Plaza Association c/o Nigro Companies 20 Corporate Woods Boulevard Albany, NY 12211. The applicant proposes to install a 95 sf façade mounted sign on the East elevation. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) 3.3.2 A b) iii The maximum shall be 24 square feet. Therefore the proposed action requires an Area Variance for the property located at 279 Troy Road, East Greenbush NY. Tax Map # 144.-4-42.1

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

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, the Zoning Board will convene the public hearing remotely as follows:

The Public Hearing will commence at 7:30 pm and shall be conducted through the use of Zoom, a webbased video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

To access the Board's public hearing, you have several options:

1. Go to <u>www.zoom.us</u> and download the free application. Once downloaded, enter 864 6304 0886 as the "Join Meeting" invitation code.

2. Click on https://us02web.zoom.us/j/86463040886

3. With a smartphone, utilize one click id: +16468769923, 864 6304 0886# US (New York)

4. Call +1 646 876 9923 with your phone, and then enter Meeting ID: 864 6304 0886.

Important notes for voice-only participants: Please note that when dialing in (voice only) you may experience time on hold until being admitted to the meeting. To protect the privacy of your phone number please call in dialing *67 before +1 646 876 9923.

To view the Live Steam, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn GV0i1WalA.

Please note that this public hearing will be conducted remotely only and will not be held at Town Hall, which is currently closed. Please be patient upon joining the meeting. You will be provided instructions on how to deliver your comments once in the meeting.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

Written comment may be submitted to the Zoning Board by email to alovely@eastgreenbush.org or to the Zoning Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS DATED MARCH 15, 2021 JEFF PANGBURN, CHAIRMAN ZONING BOARD OF APPEALS TOWN OF EAST GREENBUSH FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CONTACT THE EAST GREENBUSH PLANNING AND ZONING DEPARTMENT BY EMAIL AT <u>ALOVELY@EASTGREENBUSH.ORG</u>.



The Town of East Greenbush

Zoning Board of Appeals 225 Columbia Turnpike, Rensselaer, New York 12144 Phone: 518 694-4011

AREA VARIANCE APPLICATION

Section	1:	Applicant/	Property	Owner	Information:	

Applicant:
Name:AJ Signs
Address:842 Saratoga Rd Burnt Hills NY 12027
Phone #: 518-399-9291 Email Address: Kristen@ajsigns.com
Signature of Applicant: Date: Date:
Property Owner (If not Applicant)
Name:Rensselaer Co Plaza Associates
Address:20 Corporate Blvd Woods Blvd
Phone #: (518)+368421 Email Address: <u>N.gro@ N.grocos.com</u>
See Authorization page if Applicant and Property Owner are not the same
Section 2: Property Information:
Property Address/Location: _279 Troy Rd
Tax Map #:144-4-42.1 (*Obtain from Assessor's office*)
Section 3: Project Information:
<u>Describe project & why a variance is necessary:</u> Installation of_236" x 58" set of Channel letters and logo box for "Grapes and Grains
Wine and Spirits" The proposed sign is 95 square feet where 24 sq is allowed.

Indicate the Town Zoning Law Chapter/Section from which this variance application is being requested: This information can be found on the denial from the Building Dept.

Article:	Section:	<u>3.2.2A</u>	Subsection:	<u>b)iii</u>
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Additional code sections if they pertain:

<u>Please complete the following table indicating all Area Variances needed, if a variance</u> <u>is not required for one or more, just put N/A.</u>

	Required per Code:	Requested Dimensions:
Front Setback:		
Side Setback:		
Rear Setback:		
Lot width/frontage:		
Height:		
Other:Signs	24 sq	95 sq

All applications must be submitted to the Planning/Zoning Department with:

- 1. Determination by Zoning Enforcement Officer (given to applicant by Building Department) and
- 2. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail
- 3. Complete application package.
- 4. Application fee & certified mailing fees will be calculated and a fee letter will be sent to the applicant within a week of receiving a completed application package. If you have any questions you can reach the Zoning secretary at <u>lovely@eastgreenbush.org</u>

For Official Use Only:

Appeal Number: 2021-02 Date Application Received: 2/24/2021 Tax Map Number: 144-4-42.1 Zoning District: OC Appeal Type: Application/Certified Fee: \$261.20 Received: 3/1/2021 Receipt #65140

Hearing Date: 3/23/2021

□Approved: □With/without conditions:

FOR AN AREA VARIANCE:

An applicant for a variance will be afforded a public hearing, at which time the applicant will present his/her case to the Zoning Board of Appeals, a board of seven members who will determine the disposition of the appeal by a majority vote. The following information is offered as a guide to assist you in preparation for your hearing. For additional advice, you are encouraged to contact your personal legal counsel.

An Area Variance has been defined as one where: "the owner still must comply with the zoning ordinance's limitations on use of land, but is allowed to build or maintain physical improvements which deviate from the zoning ordinance's nonuse limitations." (Ratherkopf, The Law of Planning and Zoning, (4th ed) section 38.01(4). New York State statute dictates that the Zoning Board of Appeals take a "balancing approach" in making its determination on an application for an area variance. The board must weigh two basic things: the benefit to the applicant if the variance is granted versus the detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted.

Finally, carrying the "balancing' step further, the statue provides that when granting area variances, the board of appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

To grant an Area Variance, the ZBA will must balance the benefits to the applicant and the health, safety and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to given to each of them will vary with the facts of each case.

The statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the board of appeals must consider the following five factors:

1. Whether the granting of the variance will produce an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the character of the neighborhood for the following reasons: This is a commercial area. The plaza sits off of Rt4 at a distance which makes the current sign and logo unreadable. The business is also not represented on the pylon making the visibility of the wall sign of the utmost importance.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Identify what alternatives to the variance have been explored (alternative designs etc.) and why they are not feasible: There is no other method by which to direct patrons of the business to their location. The store is not represented on the pylon sign making wayfinding extremely difficult. The solution is to make their logo larger and the new letters larger and the white will also contrast the brick making it easier to see and therefore easier to find.
- 3. Whether the requested area variance is substantial. The requested variance is not substantial for the following reasons: Visibility is very important for this business. Their location is very difficult to find. The larger sign increases their visibility with the plaza. The additional square footage needed to make their sign legible from Rt 4 should not be seen as substantial.
- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district for the following reasons:

The wall sign will have zero impact on the environment or the physical conditions of the neighborhood.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. Explain whether the alleged difficulty was or was not self-created:

The need for a larger sign could be seen as self created. However need for the store to attract customers is very important to the health of their business. A larger sign is the only feasible method to do this.



The Town of East Greenbush

Zoning Board of Appeals 225 Columbia Turnpike, Rensselaer, New York 12144 Phone: 518 694-4011

Authorization Form

To the Town of East Greenbush

(X) Zoning Board of Appeals;

I. <u>Revsselaer Plaza Assoc</u>give permission to ____ Property Owner

Representative

AJSogns

For representing me for my application before the Town of East Greenbush Zoning Board of Appeals as indicated above, in applying for (a)

> () Use Variance Or Area Variance ()Interpretation

for the property located at_ Trou Property Address

Property Owner's Signature: 21 2 Date:

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

		197		1.1	
Part 1 – Project and Sponsor Information					
Grapes and Grains Sign With AJ signs					
Name of Action or Project:					
Grapes and Grains					
Project Location (describe, and attach a location map):					
279 Troy Rd					
Brief Description of Proposed Action:		st (* j. j.			
Installation of 95 sq ft wall sign to replace existing sign.					
Name of Applicant or Sponsor:	Telephone: 518-399-929	1			
AJ Signs	E-Mail: Kristen@ajsigns.	com			
Address:					
842 Saratoga Rd					
City/PO:	State:	Zip C	ode:		
Burnt Hills	NY	12027			
 Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation? 	l law, ordinance,		NO	YES	
If Yes, attach a narrative description of the intent of the proposed action and the e	nvironmental resources th	at			
may be affected in the municipality and proceed to Part 2. If no, continue to ques	tion 2.				
2. Does the proposed action require a permit, approval or funding from any other	er government Agency?		NO	YES	
If Yes, list agency(s) name and permit or approval:			\checkmark		
3. a. Total acreage of the site of the proposed action? 30.97 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 30.97 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:					
5. Urban Rural (non-agriculture) Industrial 🗸 Commercial Residential (suburban)					
Forest Agriculture Aquatic Other(Specify):					
Parkland					

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?		\checkmark	
b. Consistent with the adopted comprehensive plan?		\checkmark	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape	?	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Yes, identify:		\checkmark	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation services available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			$\overline{\mathbf{V}}$
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		V	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:		V	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:		V	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district	ct	NO	YES
which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	9	\checkmark	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			\checkmark
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			

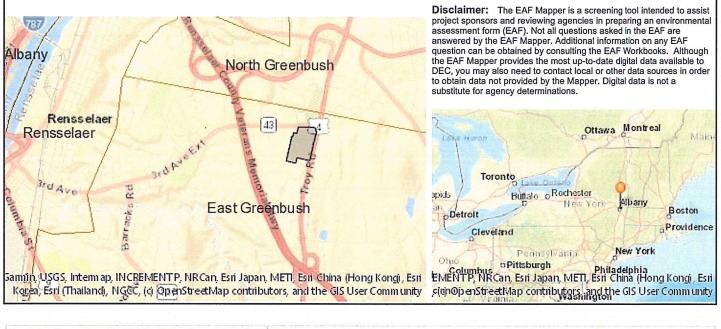
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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
Wetland Urban 🖌 Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	\checkmark	
16. Is the project site located in the 100-year flood plan?	NO	YES
	\checkmark	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		
a. Will storm water discharges flow to adjacent properties?	\checkmark	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)?		
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		_
	\checkmark	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	STOF	
Applicant/sponsor/name: Thomas Wheeler Date: 2/25/21		
Signature:		

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EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

The Town of East Greenbush



225 Columbia Turnpike Rensselaer, New York 12144 (518) 477-6225 FAX (518) 477-2386 Building, Zoning and Fire Prevention

February 2, 2021

Rensselaer County Plaza Association C/O Nigro Companies 20 Corporate Woods Boulevard Albany, NY 12211

> RE: Permit Application 279 Troy Road, Grapes and Grains Tax Map # 144.-4-42./5

To Whom It May Concern;

On December 29, 2020 you submitted an application for work at the above property involving: **Proposal to install a 95 sf façade mounted sign on the East elevation.** The property is located in an area, which is zoned: **OC**.

This application has been examined for compliance with the applicable provisions of the Zoning Laws and the Town Code of the Town of East Greenbush.

The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section 3.3.2A b) iii the maximum shall be 24 sf. The proposed action requires (1) area variance.

Therefore, your application of December 29, 2020 is hereby **DENIED**.

This objection may be addressed by filing revised plans reflecting conditions, which comply with the requirements of the Town Code and Zoning Laws. In the alternative, this denial may be appealed to the Zoning Board of Appeals on forms available from the Planning / Zoning Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely, Kitchrock Kevin Hitchcock

Building Inspector

Cc: Zoning Board of Appeals

		RECEIVED		
AND	AST GAFFA	DEC 29 2020	RECEIVED	
	90)))	EAST GREENBUSH BUILDING DEPT.	DEC 2 C 2020	
1910	PLAER CO.		EAST	
TOWN OF EAST GREENBUSH - RENSSELAER COUNTY	Applicatio	n No	BL	
225 Columbia Tpke, Rensselaer, NY 12144	Permit Issu	ued	20	
Office: (518)477-6225; Fax: (518)477-2386	Permit Exp	oires	20	
www.eastgreenbush.org	Zoning Dis	trict	8	-
	Value of W	lork \$		
BUILDING DEPT. APPLICATION FORM	Approved	by:		
24-HR. NOTICE FOR INSPECTIONS	Remarks :_			

All submittals with this application need to be in DUPLICATE. The undersigned hereby applies for a permit to do the following work which will be done in accordance with the description, plans, and specifications submitted, and such special conditions as may be indicated on the permit. Issuance of a building permit DOES NOT release the applicant from verifying whether or not said building lot is in a flood zone or a ANSWER ALL OF THE FOLLOWING: (Please Print Clearly) wetland's area. The owner of this property is SPC_Phone #/Cell# E-MAIL:

- 2				
Name of Person/Business Responsible for work:	AJ Signs 842 Saratoga Rd	Phone #	399-9291	
Contractor needs to provide Town with proof	of Gen. Liability Ins. & Worker's Comp. I	nsurance wit	h each permit	
	F-MAII -			

Estimated Value of Work: \$ NATURE OF PROPOSED WORK (please circle)

- Construction of new building (Describe in NOTE AREA*) 0
- Alterations to a building (Describe in NOTE AREA*) 0
- Demolition of building 0

Property Location:

- Installation of plumbing (Describe in NOTE AREA*) 0
- Installation of oil /gas /ac / heating /cooling unit 0
- Fence 4' high 6'high - Total 0 Lf. Swimming Pool - Above or In-ground 0
- Size: Depth ____ **Driveways**-New Resurface Expansion 0
- Shed Size 0
- Roof- New Reroof Repair 0
- 0 **Solar Panels** Roof Ground
- Other (see below)

REQUIREMENTS: <u>All submittals in duplicate</u>

SBL #:

A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK AND INSPECTIONS MUST BE CALLED IN BEFORE AND DURING CONSTRUCTION. 1446 - 4 - 1

INDICATE ON THE PLOT PLAN STREET NAMES, LOCATION SIZE OF PROPERTY, LOCATION, SIZE & SETBACKS OF PROPOSED BUILDINGS AND LOCATION OF ALL EXISTING BUILDINGS. SHOW PROPOSTED BUILDING(S) IN DOTTED LINE AND EXISTING BUILDING(S) IN SOLID LINE.

CALL BEFORE YOU DIG: digsafelynewyork.com 1-800-962-7962

- ADDITIONAL INFORMATION: ***NOTE AREA Q** PHPYS GINNOL Install Spirt The undersigned hereby applies for a permit to do the specified work which will be done in accordance with the description, plans and specifications submitted and such special conditions as may be indicated on the permit. SIGNATURE DATE SPECIAL CONDITIONS OF THE PERMIT: BY:

Required upon completion: CERTIFICATE OF COMPLIANCE for alterations; CERTIFICATE OF OCCUPANCY for new construction/occupancy; THIRD PARTY ELECTRICAL APPROVAL for all electrical work.

> PERMIT FEES ARE NON-REFUNDABLE

Channel Letter Set

Qty: (x1)

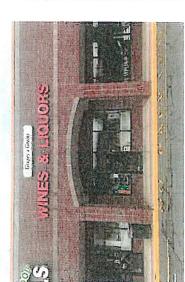
Materials: Oval to have an aluminum back with fabricated aluminum returns and retainers. Face to be 3/16" thick Polycarbonate with high performance translucent vinyl graphics. 'Wine & Spirits' to be front front lit channel letters. Letters to have ACM backs with fabricated aluminum returns and 3.16" thick white acrylic faces. Letters to be mounted to raceways painted to match building as close as possible. All sign connected to power brought to sign location by others.

Colors: Maceway Color: TBD

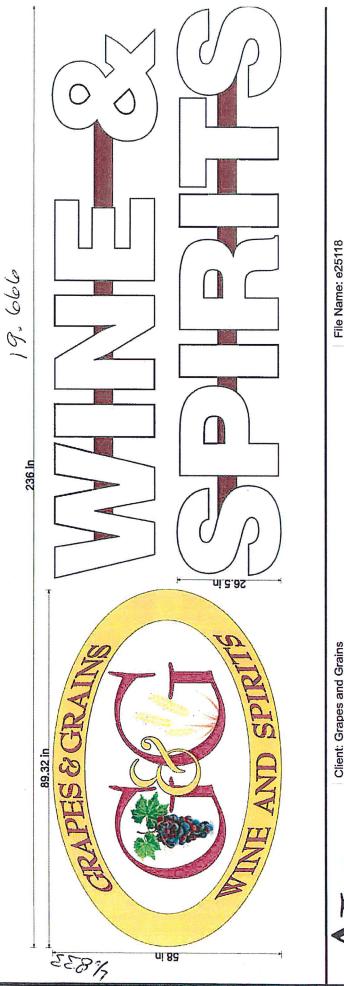


Photo Representation of Approximate S

Proposed







Client: Grapes and Grains Project: Channel Letters Location: 279 Troy Road, Rensselaer, NY 12144

Interest American

Salesperson: Bridgette Shoemaker Designer: Liesel Socoloski Date: 9/2/20

Data.



842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 At Sicone som