

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, JUNE 8, 2021

7:30PM

This meeting is being held at Town Hall

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

Reconvene ZBA Appeal #2021-05-Mabey's-486 Third Avenue Ext.-4 Area Variances-Signs

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2021-05-Mabey's-486 Third Avenue Ext.-4 Area Variances-Signs

WORKSHOP/DELIBERATION:

ZBA Appeal #2021-05-Mabey's-486 Third Avenue Ext.-4 Area Variances-Signs

NEXT MEETING:

June 22, 2021

STATUS –APPEALS ON JUNE 22, 2021:

APPROVAL OF MINUTES:

May 25, 2021

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Mabey's Realty
For 4 Area Variances

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2021-05

Whereas, An application has been filed by Mabey's Realty of 513 Third Avenue Extension East Greenbush, NY, 12061. The applicant proposes to construct (4) façade channel letter signs. (2) Sets of 112 sf each on East (facing I-90) and North elevations. (1) Set of 92.5 sf East elevation. (1) Set of 372 sf North elevation which is zoned OC Corporate Office/Regional Commercial. 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 sf.; and

Whereas, The applicant has filed an application requesting 4 Area Variances at the property located at 486 Third Avenue Extension East Greenbush, NY (Tax Map No. 144.-3-6.2); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on May 13, 2021; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, May 25, 2021 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its May 12, 2021 meeting provided a report of the requested Area Variances with a negative recommendation; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

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
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

Resolved, that the application for 2 Area Variances for **the proposal to construct (2) sets of 112 sf each on the East (facing I-90)** be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on **May 25, 2021.**

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****Granting of this variance, does not preclude the applicant from obtaining a building permit***

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
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

Resolved, that the application for an Area Variance for **the proposal to construct (1) set of 92.5 sf. on the East elevation** be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on **May 25, 2021.**

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****Granting of this variance, does not preclude the applicant from obtaining a building permit***

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
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

Resolved, that the application for **an** Area Variances for **the proposal to construct (1) set of 372 sf on the North elevation (facing Third Avenue)** be _____ **(GRANTED/DENIED)** with _____ **(NO)** condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on **May 25, 2021**.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

****Granting of this variance, does not preclude the applicant from obtaining a building permit***

Copy To:

Mabey's Realty
513 Third Avenue Extension
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2021-05



The Town of East Greenbush

PLANNING AND ZONING DEPARTMENT

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518.694.4011

Fax: 518.477.2386

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Anna Feltham, Planner; Adam Yagelski, Director of Planning and Zoning;

DATE: June 8, 2021

SUBJECT: Appeal #2021-05-Mabey's-486 Third Avenue Ext. -4 Area Variances – Signs; Summary of Future Character

AJY

Background

During public hearing discussion at the Zoning Board of Appeals May 25, 2021 meeting Chairman Pangburn requested that a summary of future character for the 3rd Avenue Extension corridor as discussed in the recently adopted 2021 Comprehensive Plan be provided. 3rd Avenue Extension is mentioned in reference to 'placemaking' recommendations for the Route 4 and Route 9 and 20 corridor but not expressly as a corridor unto itself. Future land use from the adopted 2021 Comprehensive Plan provides additional future character context, discussed below.

2021 Comprehensive Plan:

Placemaking

Section Three – Placemaking in the recently adopted 2021 Comprehensive Plan identifies a number of places in East Greenbush where the development or improvement of activity center nodes is possible. While not included as a standalone corridor for discussion in the placemaking section, 3rd Avenue Extension is discussed in conjunction with the Route 4 corridor emphasizing the importance of compatibility with existing neighborhoods and residential uses within the context of high traffic volumes and continued commercial interest (p. III-7). Recommended actions related to placemaking along corridors that 3rd Avenue Extension intersects with are as follows;

"A4. Evaluate best practices to achieve desired community character, improve development expectations and create predictable review procedures for the U.S. Route 9 and 20 and U.S. Route 4 corridors. Best practices may include context appropriate land use tools such as form-based zoning, design guidelines, overlay districts and incentive zoning.

A5. Address the unique characteristics of the parts of the Route 9 and 20 and Route 4 corridors that link the proposed activity center nodes in a way that reinforces activity center development, supports clusters of businesses and land use types, and provides an efficient, predictable review process. Develop standards appropriate to the unique mix of uses, business clusters, parcel sizes, developable land, and history of each segment, and consider the use of overlay zoning to implement these standards.” (p. III-11)

Future Land Use

The Future Land Use Map, located in Section Ten – Future Land Use, is not zoning, however as the Town undertakes a zoning update, it will follow the direction set forth in the Comprehensive Plan Update in accordance with General Town Law §272-a. However the current adopted Comprehensive Zoning Law remains relevant until such time updated zoning is adopted.

3rd Avenue Extension is in the Future Land Use area identified as Residential Transition (RT). As the name suggests, the area is intended as a transition from moderate to high uses characterized in the Neighborhood Residential (NR) area located to the south below Red Mill Road. According to the 2021 Plan, “It can also represent a transition from moderate to high uses to low to moderate uses, such as along certain portions of the City of Rensselaer boundary” (p. X-4). Residential design in the RT area is encouraged to protect agricultural, open space, environmentally sensitive and scenic resources present through conservation subdivision design approaches and density bonuses that preserve open space. Overlay zoning is also encouraged to address unique natural resources found within the RT areas. Finally, “certain business or commercial activities may be located in this area when compatible in scale and intensity with the surrounding neighborhoods, such as along one of the Town’s main arterial roadways” (p. X-4).

Current Zoning

As stated above, the current adopted Comprehensive Zoning Law remains in force until such time updated zoning adopted. As such, the intent of the Corporate Office / Regional Commercial District (OC) takes precedent. The intent of the OC District is to “permit and encourage a grouping of office and commercial uses, easily accessible by major roads, and built to a high standard. The intended uses include corporate office centers, tourist accommodations, convention centers, and regional-level commercial uses such as regional shopping center. The regulations are designed to encourage large scale campus-type developments, and to discourage a strip form of development”. Directly across the road from Mabey’s , 486 3rd Avenue Extension, the north side of 3rd Avenue Extension is zoned Residential District (R-1). The intent of the R-1 district is to “provide moderate density residential housing opportunities for around 4 residential units per acre of land”.

From: [Steven Hart](#)
To: [Alison Lovely](#)
Subject: FW: Mabeys Storage building photos
Date: Wednesday, August 07, 2019 5:17:05 PM

Alison:

At the last PB meeting a few members had asked what the buildings were going to look like
Please see attached photos for what we recently built in Malta.

The Climate controlled building which is the closest one to the highway will have the block on the
bottom as shown.

The Warehouse building, more internal to the site, will not.

We are happy to address any PB comments.

Thx

Steve

Steven P. Hart, P.E.

HART ENGINEERING

1969 Ferndale Road

Castleton, NY 12033

Phone: (518) 479 - 4014 x 11

Fax: (518) 477 - 6371

E-Mail: shart@hartengineer.com





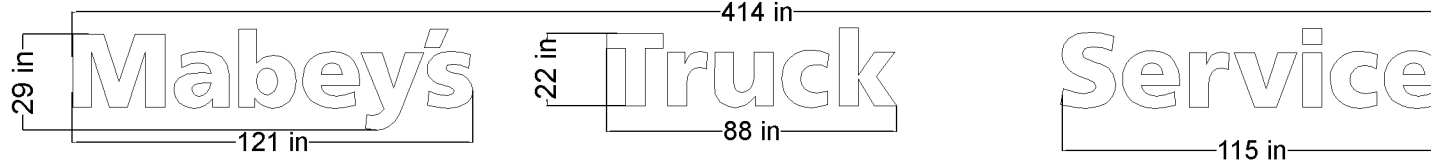
165



134



84

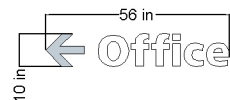


39



Total Wall 426 SF
Total monument 80.5
Total 506.5

4



28 SF



82.5 SF

■ 3630-297 Twilight blue

