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TOWN OF EAST GREENBUSH ZONING BOARD OF APPLEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 477-2005 EXT. 226 FAX (518) 477-2386

MEMORANDUM

SEP 3 0 2010

EAST GREENBUSH ZONING BOARD OF APPLEALS MEETING MINUTES September 14, 2010

Members

Also Present:

Jeff Pangburn

Judith Condo

Steve Millens

Joyce Lapham Robert Seward

William Ritz

Donna Moran, Stenographer

Tim Nugent, Attorney

Angelina Cadena, acting ZBA

Secretary

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.

<u>APPLICATION COMPLETE - SEQR CLASSIFICATION:</u>

#2010-18 Cellco/Verizon: Special Use Permit – 225 Columbia Tpk (9/14)

MOTION: A motion was made by Jeff Pangburn as follows: In regards to <u>Appeal</u> #2010-18: Cellco Partnership d/b/a Verizon Wireless - <u>Application for Special Permit</u>, the Zoning Board of Appeals is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action.

Second by Robert Seward & roll called as follows:

J. Pangburn – YES; J. Condo -YES; J. Lapham -YES; S. Millens –YES; R. Seward –YES; W. Ritz - YES

MOTION CARRIED BY A 6-0 VOTE

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#2010-23 Cellco/Verizon: Special Use Permit – 594 Columbia Tpk (9/14)

MOTION: A motion was made by Jeff Pangburn as follows: In regards to <u>Appeal</u> #2010-23: Cellco Partnership d/b/a Verizon Wireless - Application for Special <u>Permit</u>, the Zoning Board of Appeals is progressing an uncoordinated review under SEQRA, declares itself Lead Agency, and determines that this is an Unlisted Action.

Second by Judith Condo & roll called as follows:

J. Pangburn – YES; J. Condo -YES; J. Lapham -YES; S. Millens –YES; R. Seward –YES; W. Ritz – YES

MOTION CARRIED BY A 6-0 VOTE

#2010-22 Nigro - Area Variance: Monument Sign - The Shoppes (9/14)

MOTION: A motion was made by Jeff Pangburn as follows: In regards to <u>Appeal</u>
#2010-22: Nigro Companies - Application for Area Variance, the Zoning Board of
Appeals is progressing an uncoordinated review under SEQRA, declares itself Lead
Agency, and determines that this is an Unlisted Action.

Second by Judith Condo & roll called as follows:

J. Pangburn – YES; J. Condo -YES; J. Lapham -YES; S. Millens –YES; R. Seward –YES; W. Ritz - YES

MOTION CARRIED BY A 6-0 VOTE

PUBLIC MEETING:

#2010-18 Cellco/Verizon: Special Use Permit – 225 Columbia Tpk (9/14)

Dick Comi states that applicant has agreed to add landscaping around tower. Pangburn noted that Municipal Solutions has done a thorough review of the application.

Pangburn made a motion to issue a Negative Declaration under SEQR – second by Condo: 6-0-0 Vote

Motion made by Seward to approve SUP - seconded Millens 6-0 vote

#2010-23 Cellco/Verizon: Special Use Permit – 594 Columbia Tpk (9/14)

Pangburn noted that Municipal Solutions has done a thorough review of the application. People will not see a difference in the cell towers
Inspections are done by the tower company

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Pangburn made a motion to issue a Negative Declaration under SEQR – second by Condo: 6-0-0 Vote

Motion made by Ritz to approve SUP - seconded by Pangburn 6-0 vote

PUBLIC HEARINGS:

#2010-22 Nigro - Area Variance: Monument Sign - The Shoppes (9/14)

Jeff Pangburn read aloud the legal notice.

The above applicant is proposing to construct a new free standing monument sign at the entrance of the "Out Parcel" with the names of the four businesses on it and to exceed the allowable height of such sign. The name of the individual businesses is not permitted. Also the proposed sign is 8' tall. The zoning in the Planned Development District only allows 5'. This is in violation of the Town's Comprehensive Zoning Law, Section III, Sub-Section 3.3 Signs, 3.3.2 Permitted Signs, Section B Monument/ Freestanding 02 Paragraph b. Therefore, the applicant is requesting two Area Variances. Eric Redding from Bergman & Associates and Steve Powers from Nigro Companies

Eric Redding from Bergman & Associates and Steve Powers from Nigro Companies present the application to the board.

The 5 conditions were address by documentation – Entered into the record

Motion to close by Seward – seconded Millens Carried 6-0 vote - closed

WORKSHOP/DELIBERATION

#2010-22 Nigro – Area Variance: Monument Sign – The Shoppes (9/14)

- Negative recommendation from the planning board on the size of the sign.
- Positive recommendation from the planning board on the number of tenants on the sign failed to carry.
- County of Rensselaer: Bureau of Economic Development & Planning local consideration shall prevail

Discussion – A similar sign was approved at the Peter Harris Plaza. The 3 foot base is needed for visibility and is consistent with other signs in the Town. The base also will lift the store names above any snow coverage and will allow for a landscape bed around the sign. Multi-name sign makes sense as only driveway is at the back of the building and will be on ring road.

Pangburn made a motion to issue a Negative Declaration under SEQR – second by Condo: 6-0-0 Vote

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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 this business is located within the shopping center with many other signs.
- 2. There is no other method available to the applicant as the only entrance is in the rear of the building.
- 3. The requested variances are not substantial the height of the sign is only 3 feet above allowed and having multi-tenants on the sign are not substantial.
- 4. The proposed variance will not have an adverse effect on the neighborhood as it is located within a shopping plaza.
- 5. The alleged difficulty is self-created; however, it should not preclude the granting of the variances.

Resolved, that the application for an Area Variance for an 8' tall free-standing sign and an Area Variance to list multiple tenants be GRANTED with 1 condition:

1. Applicant shall provide and maintain landscaping around 3 foot brick base.

This resolution was moved by Robert Seward and seconded by Judy Condo at a meeting duly held on September 14, 2010.

No Discussion.

A vote was taken as follows:

Judith Condo	<u>yes</u>
Joyce Lapham	yes
Steve Millens	yes
Jeff Pangburn	yes
Lou Polsinello III	<u>absent</u>
William Ritz III	<u>yes</u>
Bob Seward III	_yes_

Motion carried by a 6-0 vote.

SEQR DETERMINATION & RECOMMENDATION

NONE

OLD BUSINESS

#2010-02 Malone – Use Variance and 2 Area Variances:

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Applicant failed to appear to continue the adjourned Public Hearing. Discussions amongst the Board to leave PH adjourned and give applicant another chance to appear on 9/28.

STATUS - New Appeals

#2010-16 Cronin – Area Variance: awnings w/text @ 715 Col Tpk (withdrawn) #2010-24 Van Dehouten – Area Variance: Monument Sign – 4 Ridge (Incom) #2010-25 Witbeck – Special Use Permit: Social Club: 594 Col. Tpk (9/28) #2010-26 Tracey – Use Variance: Chickens @ 10 Columbia Dr (Incom) – withdrawn #2010-27 Gamache – Area Variance: Front Porch @ 16 Western (Incom) #2010-28 Davis, Jr. – Area Variance: Garage @ 30 Clinton (Incom)

NEXT MEETING: September 28, 2010

MOTION TO ADJORN

There being no further business before the Board, the meeting was adjourned.

Respectfully Submitted

Angelina Cadena, Acting ZBA Secretary



Target Out Parcel Sign Variance Application

Description of project and list of all variances being requested considering section 3.3.2 B of the Zoning Ordinance -

1. Relief of copy or sign information from official name of the development and a street address only to names of individual businesses.

The following addresses the review criteria as required.

Variance #1, Sign Information

Change in character - The granting of the variance will not produce an undesirable change in the character of the planned development district or cause a detriment to nearby properties.

The proposed use of the property is for commercial/restaurant businesses. The surrounding area consists of commercial buildings and parking areas that have similar signage along North Greenbush Road (Route 4) and 3rd Avenue Extension. Since the proposed signage is similar to other signage in the surrounding area, it will not produce an undesirable-change-in-the-character-of-the-Planned Development District or cause a detriment to nearby properties.

Other feasible method – While there are other means for the applicant to pursue, they are not feasible in increasing the visibility of each individual business. Granting of this sign variance will benefit each business by increasing its chances for success.

The applicant has made the attempt to bring the proposed design into compliance with the code. However, the placement of the sign and the fact that each individual business needs high visibility to occur at the entrance drive results in no other feasible method. The size and location of the sign are in compliance with the code.

Substantiality - The granting of the variance will not be substantial.

The granting of this variance will not have any substantial impact on the character or function of the Planned Development District. The requested variance will result in each business being more visible than the zoning requirements allow. This variance is not substantial because the surrounding commercial businesses have similarly labeled signs.

Impact on Planned Development District - The granting of the variance will not produce an undesirable change in the character of the Planned Development District or cause a detriment to nearby properties because businesses in the area have similarly labeled signs. The parcel is in a Planned Development District, where the proposed building is a permitted use.





Self-imposed difficulty – Although the alleged difficulty was self created, the fact that each tenant needs high visibility to occur at the entrance drive results in the need for the variance. By granting this variance it increases the probability that the proposed development will revitalize and enhance the existing property and bring more business into the developed area.

