

TOWN OF EAST GREENBUSH PLANNING BOARD

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

MEMORANDUM

EAST GREENBUSH PLANNING BOARD
MEETING MINUTES
October 23, 2013

Members:

Matt Mastin, Vice Chairman
Don Panton
Judy Condo
Mike Bottillo
Kelly Sambrook

Also Present:

Alison Lovely, Planning Board Secretary
Meghan Webster, Planner
Christine Warren, Planning Board Attorney
Rich Benko, Town Engineer

Alternate Member: Absent

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Matt Polsinello & Lew Dubuque were absent.

OLD BUSINESS:

MICHAEL ROAD SUBDIVISION

(05-65a)

Amir stated that he is proposing to buy the land previously approved as the Elliot Road/Michael Road Subdivision. He would like to construct the subdivision in 4 phases. Infrastructure would be completed in the first phase which would allow for one model home to be built as well as 6 houses. The proposal is for 30 single family lots. A pump station would be built with the 1st phase as well. The conditions of approval need to be reviewed. The Board asked the applicant how long he thinks it will take him to complete the first phase. Amir stated he hope between 8 months to 1 year to build the infrastructure. Water is available on Michael Road off of Elliot Road but would have to be installed up to the site. The Board requested copies of the full plan to review prior to approving the phasing plan.

NEW BUSINESS:

TEMPEL LANE-MAJOR SITE PLAN

(13-20)

Eric Redding and Steve Boisvert of Bergmann Associates presented the proposal on behalf of the East Greenbush Lodging Association. The proposal is for a 100 room hotel with access on Route 4 and Tempel Lane. NYSDOT has already approved a right in, right out only access onto Route 4. Utilities would come from Route 4. A pump station would be constructed for sewer. A PDD was approved in 2007/2008 for 450,000 square feet of retail, 324 residential units and 40,000 square feet of offices. The first part of this project is the hotel. Eric stated there is no plan to change the PDD.

MOTION: A motion was made by Vice Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated October 21, 2013, prepared by Bergmann Associates for the proposed site plan.**

Second by Mike Bottillo & roll called as follows:

Roll Called as follows:

M. Mastin-YES; D. Panton-YES; J. Condo-YES; M. Bottillo-YES; K. Sambrook-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Vice Chairman Mastin as follows: **The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review and that the determine the proposed project as a Type I Action under SEQRA.**

Second by Kelly Sambrook & roll called as follows:

Roll Called as follows:

M. Mastin-YES; D. Panton-YES; J. Condo-YES; M. Bottillo-YES; K. Sambrook-YES.

MOTION CARRIED BY A 5-0 VOTE

MABEY'S REALTY-INFORMATONAL ONLY REGARDING SUP & AV FOR ZBA

Steve Hart stated that this is an informational presentation only to inform the Board on what Mabey's is proposing. The site is located on 9 acres of land. Mabey's purchased the residential lot adjacent to them which consists of 0.4 acres. The proposal is to construct a 9,500 square foot warehouse building. This building will be climate controlled for storage. Mr. Hart stated that Mabey's will need to widen the entrance into the site. A special use permit is required for the proposal as well as an area variance as the site as a whole falls under the requirement for green space. The proposal meets all the setbacks for the proposed building.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2013-19 – The Sign Studio/Planet Fitness- 609 Columbia Turnpike- 3 Area Variances-Sign

Judy Condo spoke with the owner of Planet Fitness, David Leon who owns 27 franchises. She met with Ronald Levesque of the Sign Studio who is the applicant for the proposal. The applicant is requesting 3 Area Variances for the property located at the corner of Elliot Road and Columbia Turnpike. The proposal is to construct a 51 square foot free standing sign on the Elliot Road side of the property, a 148 square foot building sign and an 80 square foot free standing sign with an electronic message board.

Ms. Condo stated that the three sign variances would not cause an undesirable change in the neighborhood as it is commercial and the business is set well back from both roads. There are only a few residences on Elliot Road and to the rear on Iroquois Place. The signs pose no detriment to nearby properties. Both monument signs are set back from the roadway and offer motorists ease in viewing the business name from either entrance. The second free standing sign would be easier to view than a second building sign on the side. *See attached report for further details.

MOTION: A motion was made by Judy Condo as follows: The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the 3 Area Variances conditioned that the electronic sign allows the Town to advertise special events and emergency announcements.

Second by Matt Mastin & roll called as follows:

Roll Called as follows:

M. Mastin-YES; D. Panton-YES; J. Condo-YES; M. Bottillo-YES; K. Sambrook-YES.

MOTION CARRIED BY A 5-0 VOTE

ZBA Appeal #2013-20 – Pezzolla- 500 Columbia Turnpike- Area Variance-Addition – report by Mike Bottillo

Mike Bottillo stated that he met with the applicant's representative Steve Hart. The proposal is to build a 36' x 28' addition to the existing house. The property is on a corner so therefore it has two frontages. The addition will be 10' from the Corliss Avenue side of the property. Mr. Bottillo stated that he spoke with the neighborhood at 502 Columbia Turnpike and she has the same frontage along Corliss Avenue of approximately 10' to 12'. Mr. Bottillo also tried to speak to the resident at 4 Corliss Avenue two times but there was no one home either time. * See attached report for further details.

MOTION: A motion was made by Mike Bottillo as follows: The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the Area Variance conditioned that the applicant plant shrubbery along the Corliss Avenue side of the property.

Second by Judy Condo & roll called as follows:

Roll Called as follows:

M. Mastin-YES; D. Panton-YES; J. Condo-YES; M. Bottillo-YES; K. Sambrook-YES.

MOTION CARRIED BY A 5-0 VOTE

ZBA Appeal #2013-21 – Swahlan- 27 Rhode Island Avenue- 2 Area Variances-Garage – report by Don Panton

Don Panton met with the applicant Mr. Swahlan who wants to tear down his existing garage which is falling apart and replace it closer to his house in order to gain a fuller backyard for his kids. Mr. Panton did not see a problem with it and stated he talked to the applicant's immediate neighbors and they did not have a problem with it.

MOTION: A motion was made by Don Panton as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the 2 Area Variances.**

Second by Mike Bottillo & roll called as follows:

Roll Called as follows:

M. Mastin-YES; D. Panton-YES; J. Condo-YES; M. Bottillo-YES; K. Sambrook-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS

ZBA Appeal #2013-22 – Mabey's Realty- Third Avenue Ext.- Special Use Permit & Area Variance- Storage Building – PH on 11/26/13 – assigned to Kelly Sambrook

REVIEW AND APPROVAL OF THE SEPTEMBER 11, 2013 & OCTOBER 9, 2013 MEETING MINTUES

Motion by Vice Chairman Mastin to approve the September 11, 2013 meeting minutes. Seconded by Don Panton. Judy Condo abstained. Motion carried by a 4-0-1.

Motion by Vice Chairman Mastin to approve the October 9, 2013 meeting minutes. Seconded by Don Panton. Matt Mastin abstained. Motion carried by a 4-0-1.

ADJOURMENT

There being no further business before the Board, the meeting was adjourned by Vice Chairman Mastin. Seconded by Don Panton. Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely
Planning Board Secretary

10/23/2013

Zoning area variance for 500 Columbia Turnpike

On Monday October 21st I meet with Steve Hart of Hart Engineering to review an area variance for Nick Pezzolla, who owns the property at 500 Columbia Turnpike. Mr Pezzolla is seeking front yard setback on Corliss Ave Of 11 feet in an R-2 district that requires 25 feet of frontage. The purpose is a residential addition for 36 by 28 feet, in all 1000 square feet.

I visited the neighbor to the east, Mrs. DuLong at 502 Columbia Turnpike who has no objection to the addition as long as it is for a residents only addition and not for business purposes. The house that Mrs. DuLong owns also has frontage along Corliss Ave which has only 10 to 12 feet of frontage, roughly the same as what Mr. Pezzolla is requesting. I visited on two other occasions the neighbors at 4 Corliss Ave, but nobody answered the door.

Because there was no objections currently with the addition and the set back at 502 Columbia is under the requirements, I am going to recommend that the Zone Board grants the Variance to Mr Pezzolla at 500 Columbia Turnpike for the frontage variance on Corliss Ave.

On October 16, 2013 Judith Condo contacted David Leon, owner of 27 New York franchises of Planet Fitness and left a message for Ronald Levesque of Sign Sign Studio, Inc. She visited the property on October 17, 2013 after speaking to Ronald Levesque. Both men claim to be well versed in Planning and Zoning issues regarding sign policies. They are requesting three sign variances.

The property is located at the corner of Elliot Road and Columbia Turnpike at the site of the former Empire Vision and Eckard Drugs. It is in a B-1 Zone. There is an entrance off Elliot Road and one way in and out driveways off Columbia Turnpike on either side of a landscaped area containing support poles with the former sign. The owner intends to use the existing poles to mount the new sign. The poles are approximately 30 feet off Columbia Turnpike and there is no existing signage at Elliot Road. That entrance is landscaped with several trees and bushes. The building which previously housed two businesses is being renovated and converted to a gym. The exterior is being renovated with a large front façade that will feature the name Planet Fitness and its company logo, a large gear. The façade and the logo will extend above the roofline. Mr. Leon hopes to open in early November. He will be closing the Planet Fitness franchise in Columbia Plaza which also features two signs above entrances with the name and logo that extend above the roof line. Mr. Levesque will represent him at the Zoning Appeal.

The applicant, Planet Fitness is requesting two distinct monument signs at each entrance. As a corner property with two frontages, he is entitled to two building signs for identification from each front. The sign at Columbia Turnpike will be attached to the existing poles extending from the ground to top and is a total of 79.65 square feet. It will include an electronic reader board 41" by 87" wide that will show time and temperature and allows for streamed messages. Electronic reader boards are not allowed under East Greenbush Zoning. He is proposing the second 51 square foot sign and 8 feet tall at the Elliot Road entrance in lieu of a second building identifying sign. The second free standing monument sign is not permitted by Zoning. It would consist of the name and logo only. Current trees and shrubs will be removed and re-landscaped to accommodate the sign. The building is set back deeply from both entrances and the front façade could be difficult to see from Elliot Road. The proposed front façade is 148 square feet and will feature a large gear over the business name. The gear extends above the roofline, which is not permitted under Zoning. The applicant argues that the gear, which is part of the logo is an architectural feature much like a star or circle which would be allowed under zoning.

I contacted Joe Cherubino, Building Inspector regarding the over roof sign facades in Columbia Plaza for Planet Fitness. He explained that there had been no variances granted or requested. The Zoning violations had been inadvertently overlooked. With regard to the reader board and the existence of several others in town he explained that exceptions to the code had been granted to the Phillips Road Firehouse, American Legion and Genet School as they had offered their premises with kitchens and showers to serve the public as a shelter in a disaster as well as making the reader board available to the Town in an emergency. In a drive through time and temperature signs were seen at SEFCU and previously at Empire Vision.

The applicant and his spokesperson argue that the prohibition against reader boards is behind contemporary advertising standards and technological abilities. Ron Levesque states that there is a recent Appellate Court ruling against NYSDOT in its argument that a Clear Channels flashing highway sign was a road hazard. In addition allowing some businesses and organizations reader boards and denying others adversely affected business who could not compete for the same consumer dollars using the same advertising advantages. The owner is willing to allow the Town to advertise and address emergencies on his board if granted the variance.

The three sign variances would not cause an undesirable change in the neighborhood as it is commercial and the business is set well back from both roads. There are only a few residences on Elliot Road and to the rear on Iroquois Place. The signs pose no detriment to nearby properties. Both monument signs are set back from the roadway and offer motorists ease in viewing the business name from either entrance. The second free standing sign would be easier to view than a second building sign on the side.

The issues posed by the variances more relate to precedents within the Town for its sign code. The reader board enhancement could serve the Town as well as the business. It may be the first of many variance requests since sign technology has apparently changed since the code was written. Architectural exceptions for shapes above the roof line appear on several buildings in Town. There has been no complaint regarding the gears over roofline in Columbia Plaza. The overall size is within the code.

The variances are substantial as they have implications for all other businesses who may want electronic signs and corner businesses who wish a second free standing sign. While substantial all three variances would improve the potential growth of his business in a new location that can accommodate more members than the current one. His proposed variances seem to be the best option for him to pursue.