

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 September 11, 2013

Members:

Pete Stenson, Vice Chairman
Don Pantan
Mike Bottillo
Kelly Sambrook
Matt Mastin

Also Present:

Alison Lovely, Planning Board Secretary
Meghan Webster, Planner
Christine Warren, Planning Board Attorney

Alternate Member: Lew Dubuque

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Stenson called the meeting to order and determined that a quorum of five (5) members plus an alternate member was present. Matt Polsinello & Judy Condo were absent.

REVIEW AND APPROVAL OF THE AUGUST 28, 2013 MEETING MINTUES

Motion by Vice Chairman Stenson to approve the August 28, 2013 meeting minutes. Seconded by Matt Mastin. Mike Bottillo and Lew Dubuque abstained. Motion carried by a 4-0-2.

NEW BUSINESS:

Steve Hart presented the Pezzolla Area Variance for Corliss Avenue. The applicant has purchased the home on the corner of Corliss Avenue and Routes 9 & 20. The lot is 15,000 square feet. There is an existing 27' x 20' 2 story home on the lot. The Pezzolla's are proposing a two story 36' x 20' addition with a garage underneath it. The addition would be eleven feet off the property line. The property has two frontages. This was an informational presentation only.

PUBLIC HEARING:

PAZIENZA MINOR 2-LOT SUBDIVISION & LOT LINE ADJUSTMENT: (13-16)

Vice Chairman Stenson read the Legal Notice. The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Joseph Paziienza for a Minor 2- Lot Subdivision called the "Paziienza 2-lot Minor Subdivision". Lot #1 consists 2.500 +/- acres which currently has a house on it. Lot #2 consists of 10.328 +/- acres, the remaining lands. The property is located in the R-OS Residential Open Space Zoning District, Tax Map # 167.-4-17. Said Public Hearing will be held on Wednesday, September 11, 2012 at 7:05 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board
Matt Polsinello, Chairman

Steve Hart of Hart Engineering state that the proposal is for a lot line adjustment of 0.5 acres to the Pollman's, an immediate neighbor. The subdivision is for lot #1 of 2.5 acres with an existing house on it and lot #2 consisting of 10.328 the remaining lands. Lot #2 would be serviced will well and septic. The property is located in the R-OS zoning district.

Vice Chairman Stenson asked the Board if they had any questions. The Board had no questions. Vice Chairman Stenson asked if there was anyone present to speak in favor of or opposition to the proposed subdivision. There was no one present to speak in favor of or opposition to the proposed subdivision. Vice Chairman Stenson asked if there were any comments from the Board. There were no comments. The public hearing was closed at 7:13 pm.

OLD BUSINESS:

PAZIENZA MINOR 2-LOT SUBDIVISION & LOT LINE ADJUSTMENT: (13-16)

MOTION: A motion was made by Vice Chairman Stenson as follows: **The Town Planning Board and Project Review Team have taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water detention and hereby issues a Negative Declaration under SEQRA.**

Second by Don Panton & roll called as follows:

Roll Called as follows:

P. Stenson-YES; D. Panton-YES; M. Bottillo-YES; K. Sambrook-YES; M. Mastin-YES; L. Dubuque-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Vice Chairman Stenson as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval subject to the following;**

- **Satisfying outstanding technical details as determined by the town planning department; and**
- **All remaining fees are paid to the Town.**

Second by Mike Bottillo & roll called as follows:

Roll Called as follows:

P. Stenson-YES; D. Panton-YES; M. Bottillo-YES; K. Sambrook-YES; M. Mastin-YES; L. Dubuque-YES.

MOTION CARRIED BY A 6-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

**ZBA Appeal #2013-18 –Rodney/Todd Goldstein – 720 Columbia Turnpike- 3 Area Variances-
report by Pete Stenson**

Pete Stenson spoke with the applicant Todd Goldstein. Mr. Stenson stated that the applicant is seeking Three Area Variances for a sign at the restaurant proposed at 720 Columbia Turnpike. The property is in the B-2 zoning district. There is an existing 72 square foot sign. The first area variance is required to erect a second sign on the building façade behind the existing suspended sign. The proposed sign would be 5' tall and 15' wide for a total of 75 sq. ft. The second area variance would allow the applicant to exceed the 96 sq. ft. signage limit by 51 sq. ft. The third area variance would allow the applicant to erect two statues on the overhang. Mr. Goldstein's suggestion that he attach the proposed sign to the suspended sign, rather than to the façade of the structure, thereby modifying the existing sign, negates the need for the sign number and square footage variances. The requested variance for the statues cannot be reasonably justified under any section of the Zoning Law.* See attached report for further details.

MOTION: A motion was made by Pete Stenson as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals deny the 3 Area Variances.**

Second by Matt Mastin & roll called as follows:

Roll Called as follows:

**P. Stenson-YES; D. Pantan-YES; M. Bottillo-YES; K. Sambrook-YES; M. Mastin-YES;
L. Dubuque-YES.**

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS

NONE

ADJOURMENT

There being no further business before the Board, the meeting was adjourned by Vice Chairman Stenson. Seconded by Don Pantan. Carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely
Planning Board Secretary

ZBA Appeal #2013-18 - Rodney Goldstein - 720 Columbia Turnpike - 2 Area Variances-Sign - report by Pete Stenson

The applicant is seeking three (3) Area Variances related to property located at 720 Columbia Turnpike, where he operates Wheel Deal. The applicant's son, Todd, has been before this Board in the past and is proposing to convert the property into a restaurant. Todd Goldstein is also Rodney Goldstein's representative in this ZBA Appeal.

The applicant's property is located in a B-2 (General Business District) Zoning District. The structure has 96 lineal feet of frontage.

Applicant's building currently has a 72 sq. ft. suspended for an overhang located above one entrance to the building. Applicant is seeking

1. one Area Variance to erect a second sign¹ on the building façade behind the existing suspended sign. The proposed sign would be 5' tall and 15' wide for a total of 75 sq. ft.
2. the second Area Variance would allow the applicant to exceed the 96 sq. ft. signage limit² by 51 sq. ft. as a result of the second sign (72 sq. ft. existing + 75 sq. ft. proposed = 147 sq. ft. – 96 sq. ft. allowed = 51 sq. ft.)
3. the third Area Variance would allow the applicant to erect two statues (of Johnnie Walker – the Scotch character) on the aforementioned overhang, one statue being 66" (5 1/2 feet) tall and the other being 69" (5 3/4 feet) tall. The combined weight of the statues is estimated by Todd Goldstein to be 80 lbs., exclusive of mounting brackets.

Concerning 1. and 2. above, Todd Goldstein has suggested that he attach the proposed sign to the suspended sign, rather than to the façade of the structure,

¹ 3.3.2.A.01. Channel Lettering or Wall Signs. Each commercial use is permitted one (1) instance of applied channel lettering or a surface-mounted wall sign for each street frontage on a Town road.

² 3.3.2.A.01.b) The total cumulative area of all signs permitted on such lot, excluding on-site directional signs, shall be calculated at the rate of one (1) square foot of sign area per lineal foot of building front."

thereby modifying the existing sign. This would be permitted³ provided the sign does not exceed 96 sq. ft. in size.

Concerning 3. above, there are currently two wooden barrels and one small covered wagon on the overhang, which are protected by a second, higher overhang.

I move that the Town of East Greenbush Planning Board recommend that the Zoning Board of Appeals deny the three (3) variances.

- Todd Goldstein's suggestion that he attach the proposed sign to the suspended sign, rather than to the façade of the structure, thereby modifying the existing sign, negates the need for the sign number and square footage variances.
- The requested variance for the statues cannot be reasonably justified under any section of the Zoning Law.

³ 3.3.1.D. Modifications to Signs "Any pre-existing sign which is modified, changed in name or business use, enlarged, reconstructed, extended, moved or structurally altered after the effective date of this ordinance are required to be brought into compliance with all applicable provisions of this section.