

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENNELAER, NY 12144 (518) 694.4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES October 28, 2014

Members

Jeff Pangburn, Chairman
Bob Seward III
Lou Polsinello III
Tom Calamaras
Matt Ostiguy

Also Present:

George Hoffman, Jr., Attorney
Donna Moran, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Joyce Lapham & Domenico Pirrotta were absent. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2014-14-Jamie Meracle-3396 River Road –Use Variance for the storage of roll off dumpsters

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Use Variance Criteria
- Bldg Permit Application
- Planning Board Recommendation
- Supplemental report from Planning Board member Mike Bottillo

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of the applicant, Jamie Meracle. Mr. Hart submitted an blown up area of the site plan, an aerial map of the site and a narrative which Chairman Pangburn marked as Exhibit 2014-01. Mr. Hart also presented letters to the Board from the DiNovo's and Mr. Webb who are both nearby property owners in support of the application. Mr. Hart stated that the project was in front of the Planning Board for a minor 2-lot subdivision which was approved. The parcel consists of 11.84 +/- acres which consist's of a 2 story home and garage. The storage of roll off dumpsters is proposed for the property. Mr. Hart read the narrative that he presented to the Board. Chairman Pangburn asked the board members if anyone had any questions. Tom asked what the purpose was of the 60' x 40' building was and how many employees there would be and if there would be any dumping of materials.. Mr. Hart stated that the building is for storage containers or to be able to work on containers. The applicant stated there would be 1 or 2 employees and vehicles in the building as well. Mr. Hart stated that there will be no dumping. Bob asked what the plans were for the existing 2 family house was. Mr. Hart stated that the applicant will keep it for living space for the existing tenants. Jeff asked if there will be washing of the containers on the site and if any of the public will be visiting the site, and also if the driveway entrance into the site was adequate for vehicles coming to the site. The applicant stated that they would be going to the customer, no customers on the site.

Mr. Hart stated that there would not be, just storage of containers only. Mr. Hart stated that the driveway access would be adequate for the proposed commercial vehicles. Bob asked what the hours of operation would be and if they would be open on weekends. The applicant stated that the hours of operation would be 7am to 5 or 6pm, Monday through Friday and possibly Saturdays. Jeff asked if there will be any noise at the site from the slamming of the tops of the containers. The applicant stated that there is no opening of containers at the site. Chairman Pangburn asked if there was anyone present to speak in favor of or opposition to the use variance. There was no one present to speak in favor of or opposition. A couple of residents had general questions.

- An individual asked where on Route 9J is the site located if you were driving towards the city of Rensselaer where is the site located. Mr. Hart showed the individual on his map where the site was located.
- An individual asked what the type of construction of the building will be. Mr. Hart stated that it would be a metal building.

A motion to adjourn the public hearing was made by Bob Seward III– Seconded by Tom Calamaras. Motion carried by a 5-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2014-14-Jamie Meracle–3396 River Road – Use Variance for the storage of roll off dumpsters

Chairman Pangburn read and filled out Part II & Part III of the Short EAF. There is no significant impact with this project.

WORKSHOP:

ZBA Appeal #2014-14-Jamie Meracle–3396 River Road – Use Variance for the storage of roll off dumpsters

Resolved, That the Board of Appeals makes the following findings of fact:

1. The applicant **cannot realize a reasonable return**, provided that a lack of return is substantial as demonstrated by competent financial evidence and documentation as submitted by the applicant.
2. That the alleged hardship relating to the property in question **is unique** and does not apply to a substantial portion of the district or neighborhood. This parcel is situated in a more commercialized section of Route 9J, bounded by a railroad, utility lines and a state highway with a Coastal Industrial zone across the roadway.
3. That the restricted use variance, if granted, **will not alter the essential character of the neighborhood.**

4. The alleged hardship **has not been self-created.**

Resolved, that the application for a Use Variance for the Storage; wholesaling/warehousing, off site on the above referenced property for the storage of roll off dumpsters be **GRANTED** with the following conditions:

1. That a twenty-five foot (25') vegetated buffer remains intact along the property frontage and side boundaries.
2. That the property not be used for disposal or storage of materials related to the roll off container business besides the containers themselves.

This resolution was moved by Jeff Pangburn and seconded by Lou Polsinello III at a meeting duly held on October 28, 2014.

A vote was taken as follows:

Tom Calamaras	<u>Yes</u>
Joyce Lapham	<u>Absent</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Absent</u>
Lou Polsinello III	<u>Yes</u>
Bob Seward III	<u>Yes</u>

Motion carried by a 5-0 VOTE

APPROVAL OF MINUTES:

Motion by Chairman Pangburn to postpone the approval of the meeting minutes from the August 26, 2014. September 23, 2014 & October 14, 2014 meeting due to quorum issues.

NEXT MEETING: . The next meeting is scheduled for November 25, 2014

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Tom Calamaras. Second by Matt Ostiguy . Motion Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, ZBA Secretary