

**TOWN OF EAST GREENBUSH
ZONING BOARD OF APPEALS**

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

MEMORANDUM

**EAST GREENBUSH ZONING BOARD OF APPEALS
MEETING MINUTES
November 09, 2010**

Members

Jeff Pangburn
Judith Condo
Steve Millens
Joyce Lapham
Bill Ritz

Also Present:

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 five (5) members were present. Introductions were made. Robert Seward and Lou Polsinello were absent.

APPROVAL OF MINUTES

Ms. Condo made a motion to approve of the minutes of October 12, 2010.

Second by Steve Millens & MOTION CARRIED BY A 5-0-0 VOTE

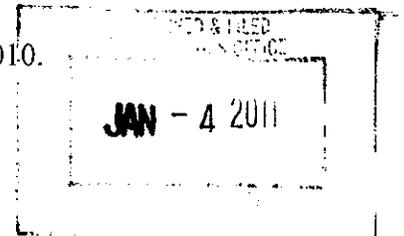
APPLICATION COMPLETE - SEQR CLASSIFICATION:

#2010-32 NG Assoc/Aspen Dental – Area Variances: Building Signs (11/9)

MOTION: A motion was made by Jeff Pangburn as follows: **In regards to Appeal #2010-32: North Greenbush Associates, LLC - Application for Area Variances, 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 Judy Condo & roll called as follows:

**J. Pangburn – YES; J. Condo -YES; J. Lapham -YES; S. Millens –YES; B. Ritz –YES
Motion carried by a 5-0 vote**



#2010-33 Bauer – Special Use Permit: Accessory Dwelling 11 Kriss Crossing (11/9)

MOTION: A motion was made by Jeff Pangburn as follows: **In regards to Appeal #2010-33: Charles E. Bauer, Jr. - Application for Special Use Permit, 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 Judy Condo & roll called as follows:

J. Pangburn – YES; J. Condo -YES; J. Lapham -YES; S. Millens –YES; B. Ritz –YES
Motion carried by a 5-0 vote

PUBLIC HEARINGS:

#2010-32 NG Assoc/Aspen Dental – Area Variances: Building Signs (11/9)

The above applicant is proposing to install a 92 sq. ft. surface-mounted wall sign on the front and a 58 sq. ft. surface-mounted wall sign on the rear of the building which is in violation of the Town's Comprehensive Zoning Law, Section III, Sub section 3.3.2 A 01.b.iii where the maximum signage allowed per sign is 24 sq. ft. Therefore, two Area Variances are required.

Chairman Pangburn read aloud the legal notice. Amy Johnson from Chandler Signs presented the project to the board. A packet (exhibit A) included the Town's current zoning (one sign per each facing street), the proposed 2 locations of Aspen Dental signs, and pictures of neighboring business signs (Radio Shack, Key Bank, Applebee's, etc.). Ms. Johnson pointed out that the monument sign for this location will not be visible from Route 4 and the neighboring business signs are larger than Aspen's proposed signs. A majority of Aspen Dental patients are 65 years or older; a high visible sign is important for overall quality of the store, visibility and safety of patients. Ms. Johnson referred to a September 13 letter which the Board had not seen yet.

Mr. Pangburn would like to know how the neighboring buildings relate to the timing of the Town's current zoning ordinance and also noted that the Planning Board hadn't seen any of this information when they made their recommendation.

There were no further questions from the board and the public hearing was adjourned until November 23, 2010 pending additional input from the Planning Board.

#2010-33 Bauer – Special Use Permit: Accessory Dwelling 11 Kriss Crossing (11/9)

The above applicant is proposing the conversion of part of his garage into a living space for the care of a family member in an area which is in the R-2 Zone district. This is in violation of the Town's Comprehensive Zoning Law, Section III sub section 3.7.10A a special permit is required. Therefore, the applicant is requesting a Special Permit.

Chairman Pangburn read aloud the legal notice. Chuck Bauer (11 Kriss Crossing) presented the application to the board and addressed the 7 criteria points as defined in Section 3.11 of the Town's Comprehensive Zoning Law.

1. Structurally the house will remain the same.
2. The house will fit into the character of the neighborhood – nothing is being added.

3. Access, traffic or safety will not be affected.
4. There is no need for additional parking spaces.
5. There were no changes to landscaping or parking.
6. The home's appearance remains the same.
7. There is police and fire access.

Ann Bauer (11 Kriss Crossing) also spoke about the application. Ms. Bauer stated the house is a single family house and the garage will be converted back once her mother, Teresa Audino, doesn't live there.

This is a new application for the Bauer's. Application 2010-25 was closed.

Ms. Condo asked, what has been done to the garage to convert the space? There's sheet rock, heating, a bathroom, and kitchen.

Mr. Nugent disagrees with Mr. Bauer's statement that there was no additional living space added since the garage was converted into additional living space.

A motion to close the public hearing was made by Chairman Pangburn – Seconded Steve Millens - Carried by a 5-0 vote.

WORKSHOP/DELIBERATION

#2010-32 NG Assoc/Aspen Dental – Area Variances: Building Signs (11/9)

The public hearing was adjourned until November 23, 2010.

#2010-33 Bauer – Special Use Permit: Accessory Dwelling 11 Kriss Crossing (11/9)

Special use permits can be for the life of the tenant or a specified time period. For example, after 18 months the Permit could expire and require renewal. The next permit does not need to have a time frame but could.

A resolution was made as follows:

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

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11 of the Town's Comprehensive Zoning Law; therefore, be it

Resolved, that the application for a Special Use Permit for an Accessory Use - Dwelling Unit be Granted for an initial period of 18 months with the following conditions to be fulfilled by the owner before he applies for a Building Permit:

- 1) The applicant secures a Certificate of Occupancy for the Dwelling Unit.
- 2) That the Dwelling Unit only be occupied by Ms. Teresa Audino.
- 3) That when Ms. Teresa Audino no longer resides in the Dwelling Unit, or the principal residence is sold to new owners, the Dwelling Unit shall be immediately converted back to a garage by the Applicant.

This resolution was moved by Jeff Pangburn and seconded by William Ritz at a meeting duly held on November 9, 2010.

A vote was taken as follows:

Judith Condo	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Steve Millens	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Lou Polsinello III	<u>Absent</u>
William Ritz III	<u>Yes</u>
Bob Seward III	<u>Absent</u>

Motion carried by a 5-0 vote.

STATUS - New Appeals

#2010-16 Cronin – Area Variance: Awnings with Signage – 715 Col Tpke (On-Hold)
#2010-24 Van Dehouten – Area Variance: Monument Sign – 4 Ridge (On-Hold)
#2010-34 Renzi – Area Variance: Detached Garage – 302 Waters Rd (Pending)
#2010-35 Frank – Use Variance: Auto: Service 565 3rd Ave (11/23)

NEXT MEETING: November 23, 2010

MOTION TO ADJORN

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

Respectfully Submitted

Angelina Cadena, Acting ZBA Secretary