

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

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

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### **MEMORANDUM**

**EAST GREENBUSH ZONING BOARD OF APPEALS  
MEETING MINUTES  
January 25, 2011**

**Members**

Jeff Pangburn  
Tom Calamaras  
Steve Millens  
Bill Ritz  
Lou Polsinello  
Bob Seward

**Also Present:**

Mary Pat Donnelly, Attorney  
Donna Moran, Stenographer  
Angelina Cadena, acting ZBA  
Secretary

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Calamaras called the meeting to order and determined a quorum of six (6) members were present. Introductions were made. Joyce Lapham was absent.

#### **ORGANIZATIONAL MEETING**

**Meetings:**

- Meetings will be held two times per month on the seconded and forth Tuesday of each month.
- Meetings will commence at 7:30 PM in the Town Court Room.

**MOTION:** A motion was made by Chairman Calamaras as follows: **The Town of East Greenbush Zoning Board hereby appoints Lou Polsinello as the Vice Chairman in absence of the Zoning Board Chairman.**

**Second by Bill Ritz & roll called as follows:**

**J. Pangburn – YES; T. Calamaras -YES; S. Millens -YES; B. Ritz –YES; L. Polsinello –YES;  
B. Seward – YES**

**MOTION CARRIED BY A 6-0 VOTE**

**ORGANIZATIONAL MEETING – continued**

MOTION: A motion was made by Chairman Calamaras as follows: **The Town of East Greenbush Zoning Board Chairman and secretary have approval to schedule applications.**

**Second by Steve Millens & roll called as follows:**

**J. Pangburn – YES; T. Calamaras -YES; S. Millens -YES; B. Ritz –YES; L. Polsinello –YES; B. Seward – YES**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Calamaras as follows: **The Town of East Greenbush Zoning Board hereby approves the proposed 2011 meeting calendar.**

**Second by Jeff Pangburn & roll called as follows:**

**J. Pangburn – YES; T. Calamaras -YES; S. Millens -YES; B. Ritz –YES; L. Polsinello –YES; B. Seward – YES**

MOTION CARRIED BY A 6-0 VOTE

**APPROVAL OF MINUTES**

Mr. Calamaras made a motion to approve of the minutes **December 28, 2010.**

**Second by Bill Ritz & MOTION CARRIED BY A 4-0-2 VOTE**

**PUBLIC HEARINGS:**

**#2010-35 Frank – Use Variance: Auto: Service 565 3<sup>rd</sup> Ave (11/23)**

Continuation of public hearing from 12/28/10, the applicant was not present for the 3<sup>rd</sup> time; the public hearing is adjourned until February, 2011 to confirm the applicant hasn't contacted the zoning & planning board office.

**#2010-38 4 Parcels PHE Prop./Peter Harris – Area Variances: Building Signs (12/28)**

Continuation of public hearing from December 28, 2011.

The above applicant is proposing to install a 58.8 square foot building sign (B-1 Zoning District). This is in violation of the Town's Comprehensive Zoning Law, Section III, Sub-Section 3.3.2 A b) iii maximum building sign allowed is 24 feet. Therefore, the applicant is requesting an Area Variance.

The Planning Board did not provide a recommendation regarding the requested variance. The Zoning Board is making the decision to go further with the application without the Planning Board recommendation based on the 30 day statute.

Peter Litzer owner of property and Lisa Tymchyn, 26 Sicker Road Latham, NY of Hanley Signs spoke to the board about the project. Ms. Tymchyn provided the board with a revised sketch plan (exhibit B) showing that the proposed sign has been reduced to 58.8 sq. feet with burgundy letters with a beige background on the building (awning removed). Mr. Litzer noted that after reviewing the proposed façade of the plaza, the reduced sign size is in better proportion to the façade.

No one spoke in favor or opposition of the application.

**A motion to close the public hearing was made by Tom Calamaras – Seconded by Jeff Pangburn - Carried by a 6-0 vote.**

**#2010-38b 4 Parcels PHE Prop./Peter Harris Plus – Area Variances: Building Signs (12/28)**

Continuation of public hearing from December 28, 2011.

The above applicant is proposing to install a 25 square foot building sign (B-1 Zoning District). This is in violation of the Town's Comprehensive Zoning Law, Section III, Sub-Section 3.3.2 A b) iii maximum building sign allowed is 24 feet. Therefore, the applicant is requesting an Area Variance.

The Planning Board has failed to issue a recommendation on this appeal. The Zoning Board is making the decision to go further with the application without the Planning Board recommendation based on a statutory of 30 days.

The proposed signed is smaller than the existing sign and is only 1 square foot larger than the 24 sq. feet allowed by the zoning ordinance.

No one spoke in favor or opposition of the application

**A motion to close the public hearing was made by Tom Calamaras – Seconded by Jeff Pangburn - Carried by a 6-0 vote.**

**WORKSHOP/DELIBERATION**

**#2010-38 4 Parcels PHE Prop./Peter Harris – Area Variances: Building Signs  
(12/28)**

**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 the proposed sign is consistent with the scale of the propose facade and surrounding businesses.
2. There is no other method available to the applicant as the sign is consistent with the scale of the facade
3. The requested variance is substantial, 58.8 sq. ft. vs. 24 sq. ft.; however it's necessary in order to remain in proportion to the scale of the façade.
4. The proposed variance will not have an adverse effect on the neighborhood due to it being consistent with existing business and commercial buildings.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved**, that the application for an Area Variance to install a 58.8 square foot building sign be GRANTED with NO condition(s):

This resolution was moved by Jeff Pangburn and seconded by Lou Polsinello at a meeting duly held on January 25, 2011.

*( no Discussion)*

A vote was taken as follows:

Tom Calamaras	<u>  y  </u>
Joyce Lapham	<u> absent </u>
Steve Millens	<u>  y  </u>
Jeff Pangburn	<u>  y  </u>
Lou Polsinello III	<u>  y  </u>
William Ritz III	<u>  y  </u>
Bob Seward III	<u>  y  </u>

Motion carried by a 6-0 vote.

**#2010-38b 4 Parcels PHE Prop./Peter Harris Plus – Area Variances: Building Signs (12/28)**

**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 due to the similar signage along that area.
2. There is no other method available to the applicant as due to the scale of storefront in comparison to the façade.
3. The requested variance is not substantial, only 1 additional sq foot than allowed by zoning ordinance.
4. The proposed variance will not have an adverse effect on the neighborhood as it will be consistent with surrounding properties.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

**Resolved**, that the application for an Area Variance to install a 25 square foot building sign be GRANTED with NO condition(s):

This resolution was moved by Lou Polsinello and seconded by Tom Calamaras at a meeting duly held on January 25, 2011.

*(no Discussion)*

A vote was taken as follows:

Tom Calamaras	<u>  y  </u>
Joyce Lapham	<u> absent </u>
Steve Millens	<u>  y  </u>
Jeff Pangburn	<u>  y  </u>
Lou Polsinello III	<u>  y  </u>
William Ritz III	<u>  y  </u>
Bob Seward III	<u>  y  </u>

Motion carried by a 6-0 vote.

STATUS - New Appeals

None

NEXT MEETING: February 22, 2011

MOTION TO ADJORN

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

Made by Polsinello seconded by Calamaras

Respectfully Submitted

Angelina Cadena, Acting ZBA Secretary