

# 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 22, 2014

#### Members:

Matt Polsinello, Chairman  
Judy Condo  
Mike Bottillo  
Ralph Viola  
Matt Mastin  
Paul DiMascio

#### Also Present:

Alison Lovely, Planning Board Secretary  
Phil Danaher, Planning Board Attorney  
James Connors, P.E, Consulting  
Engineer/Planning Board  
Donna Moran, Stenographer

Alternate: Jim Giordano

#### CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Polsinello called the meeting to order and determined that a quorum of six (6) members were present. Matt Mastin was absent.

#### REVIEW AND APPROVAL OF MEETING MINTUES

Motion by Chairman Polsinello to approve the October 8, 2014 meeting minutes.  
Seconded by Ralph Viola. Motion carried by a 4-0-2 vote. Mike Bottillo and Judy Condo abstained.

#### NEW ZBA REFERRALS:

ZBA Appeal #2014-18-Root-19 Petalas Drive-2 Area Variances-Shed-Side & Rear  
Setback-assigned to Mike Bottillo

#### PUBLIC HEARINGS:

#### MERACLE-MINOR 2-LOT SUBDIVISION

(14-19)

Chairman Polsinello read the legal notice as follows:

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 Jamie Meracle (JM & RM Holding, LLC.) for a Minor 2- Lot Subdivision called the "Meracle 2-lot Subdivision". Lot 1 consists of 11.84 +/- acres. Lot 2 consists of 25.73 +/- acres. The property is located in the A-R Agriculture-Residential Zoning District, Tax Map # 165.-1-6.11. Said Public Hearing will be held on Wednesday, October 22, 2014 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 stated that the property consists of 37 acres and is split by Route 9J. It is one tax map at this time. Parcel #1 consists of approximately 12 acres and is the site where the use variance is proposed. Parcel #2 consists of approximately 25 acres and there are no plans at this time for that parcel.

Chairman Polsinello asked if anyone from the public had any comments.

- An individual in the audience stated that their house is right near the proposal.
- Dwight Jenkins of Thompson Hill Road asked what this project was.

Steve Hart stated that is a 37 acres parcel in front of the Board for a subdivision.

Chairman Polsinello asked if there was anyone present in favor or opposition to the minor 2-lot subdivision. There was no one present to speak in favor of or opposition to the minor two lot subdivision. Chairman Polsinello closed the public hearing at 7:10 pm.

**MOTION:** A motion was made by Chairman Polsinello as follows: **The Town Planning Board hereby closes the Public Hearing.**

**Second by Paul DiMascio & roll called as follows:**

**M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

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

**MOTION:** A motion was made by Chairman Polsinello 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 management and hereby issues a Negative Declaration under SEQRA.**

**Second by Judy Condo & roll called as follows:**

**M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

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

MOTION: A motion was made by Chairman Polsinello 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:**

**M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

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

**NEW BUSINESS:**

**REGENERON-81 COLUMBIA TRPK BLDG 81-MINOR SITE PLAN MOD (12-11d)**

Steve Hart of Hart Engineering presented the proposal to the Board. Mr. Hart stated that Chris Hartner was also present. Steve stated that there are two separate parcels. The proposal for Building 81 is to build a 14' x 14' enclosed vestibule on the North side of the building which is used as a secondary access online. Chairman Polsinello asked the Board if they had any questions. There were no questions by the Board.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification.**

**Second by Judy Condo & roll called as follows:**

**M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

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

**REGENERON-81 COLUMBIA TRPK BLDG 85-MINOR SITE PLAN MOD (12-11e)**

Steve Hart of Hart Engineering presented the proposal to the Board. Mr. Hart stated that Chris Hartner was also present. Steve stated that there are two separate parcels. The proposal for Building 85 is to build a 22' x 20' pump house, fully enclosed and two small chiller pads closer to the wooded area Chairman Polsinello asked the Board if they had any questions. There were no questions by the Board.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification.**

**Second by Jim Giordano & roll called as follows:**

**M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

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

**WALMART-279 TROY ROAD-MINOR SITE PLAN MOD**

**(14-21)**

Colin Frank, one of the assistant managers at Walmart presented the proposal to the Board. He showed the Board an aerial of the proposed area for the outdoor display. The outdoor display takes up approximately 56 parking spots, equivalent to 4.1% of Walmart's total parking spaces. The area is for use in the summer/fall months only. Chairman Polsinello stated that this is something that the Building Department would enforce. Ralph asked what is the reason for moving the display. Mr. Frank stated that it previously has not been as big as it's been recently and now the Town wanted a plan specifically marking off the area in use. Chairman Polsinello stated that he spoke with the Building Department that that there was a concern that the area was moving closer to the theatre. The theatre parcel was recently subdivided off of the entire Walmart parcel, so this was requested as to specifically identify the location of the outdoor display. Chairman Polsinello asked which months of the year is this area used. Mr. Frank stated that it starts approximately March-April and finishes about late September. Judy asked if the area has Holiday goods later in the year. Mr. Frank stated that there is nothing there at that time of year. Phil suggested that it be described by an aisle number. Mr. Frank stated that he doesn't know what the aisle number is. Chairman Polsinello stated that the Recovery Room is now proposing to move its restaurant up to the green area in front of the theaters and use the area as a courtyard. Paul asked why it couldn't be moved horizontally so it would be closer. Mr. Frank stated that they would lose handicapped spots if they did that. There was a concern too about having the display area too close to the curb area as a couple of Board members feel it would minimize the view for moving traffic at the end of the aisles. Ralph felt as if it should not be allowed to extend up all the way to the curb to minimize vehicle and pedestrian incidents in those areas.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification with the following three conditions:**

- 1. That the displays are only shown from March 1<sup>st</sup> through October 1<sup>st</sup>.**
- 2. That only the two inward facing aisles, each consisting of 27 spaces as identified by the applicant and the Building Department are used for the display of merchandise.**
- 3. The last two eastern most spaces on each of those inward facing aisles shall remain clear of merchandise and displays.**

Second by Ralph Viola & roll called as follows:

M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES;  
J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

**OLD BUSINESS:**

Lee Cookson asked that if before Mike Bottillo left that he should state why he is leaving. Mike Bottillo recused himself in regards to the Capital View Casino & Resort project due to a conflict of interest and left the meeting.

**CAPITAL VIEW CASINO & RESORT**

(14-16)

Steve Wilson from CHA represented Capital View Casino & Resort gave the status of the public scoping process & proposed balloon test. Steve stated that they have prepared the first draft of comments that have been received by the public and Planning Board members. Chairman Polsinello asked that the public review the website and that if they don't see their comments letters to resend them to [leadagency@eastgreenbush.org](mailto:leadagency@eastgreenbush.org) and that the deadline to receive comments is Friday October 24, 2014 at the end of the business day. Chairman Polsinello also stated that the Board Board is not ready to accept the scoping document tonight and moved the date to November 12, 2014. Steve Wilson stated that the balloon test is off for this coming weekend and is rescheduled for the following weekend. Chairman Polsinello requested that if you submit a picture regarding the balloon test to please stated from where the picture was taken from. Chairman Polsinello read the extension of time agreement by mutual consent.

MOTION: A motion was made by Chairman Polsinello as follows: **Resolution  
Relative to Approval of Extension of Time by Mutual Consent**

**WHEREAS**, the Applicant, Churchill Downs Incorporated and Saratoga Harness Racing, Inc. their successors and/or assigns (collectively, hereinafter referred to as

"Applicant"), having filed an application for approval of a Planned Development District with the Town of East Greenbush, and

**WHEREAS**, such application having been accepted for review by the Town Board of the Town of East Greenbush, and such application having then been referred on August 20, 2014, by the Town Board of the Town of East Greenbush to the Planning Board of the Town of East Greenbush, and

**WHEREAS**, pursuant to the aforementioned referral, the Planning Board of the Town of East Greenbush duly sought Lead Agency status and thereafter accepted the duties and responsibilities of Lead Agent at the Planning Board Meeting of September 24, 2014, and

**WHEREAS**, the Planning Board, pursuant to the provisions of the New York State Environmental Quality Review Act (SEQR), § 617 et seq., is required to follow all time frames set forth in the SEQR for purposes of review of the subject project, unless such time frames are extended upon prior written consent of the Applicant, and

**WHEREAS**, due to the complexities involved in the review of the subject project, an extension of time to complete the various stages of the SEQR process is warranted herein, and

**WHEREAS**, the Applicant has indicated its consent in writing to the request of the Planning Board to extend the time frames otherwise applicable herein, it is hereby

**AGREED AND STIPULATED**, that the time limits otherwise applicable herein pursuant to SEQR are hereby extended upon mutual consent, as follows:

Last day to deem Final Scoping Document complete – December 10<sup>th</sup>, 2014

**Second by Paul DiMascio & roll called as follows:**

**M. Polsinello-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

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

**MOTION:** A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby schedules a special workshop meeting with the Board to review the comments regarding the scoping document at 7pm on November 5, 2014.**

**Second by Judy Condo & roll called as follows:**

**M. Polsinello-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**REFERRALS-REPORTS & RECOMMENDATIONS:**

ZBA Appeal # 2014-15-Rhinebeck Realty-273 Troy Road-(Sally Beauty Supply) Area Variance-Sign-report by Paul DiMascio

Paul stated that he visited the site at 273 Troy Road. The applicant is asking for an area variance for signage. He recommends that the Zoning Board of Appeals grant the Area Variance. \* See attached report for further details.

**MOTION:** A motion was made by Paul DiMascio as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the Area Variance.**

**Second by Jim Giordano & roll called as follows:**

**M. Polsinello-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

ZBA Appeal # 2014-16-Adams/Griffin-3485 River Road-(Automotive Repair Shop) Special Use Permit-report by Ralph Viola

Ralph stated that the applicant is requesting a Special Use Permit to re-open an existing automotive repair shop. The shop is located in the CI zone on Route 9J/River Road. The property is currently being used as the applicant's residence as well as his automotive sales business. Automotive sales are allowed in the CI zone, but not automotive repair. The property had been used for automotive repair in the past but then was closed for a period of time. Ralph stated that the applicant said that denial of this special use permit would cause hardship to the applicant as he would not be able to repair his own vehicles. Ralph recommends that the Zoning Board grant the special use permit with the following conditions: \* See attached report for further details.

**MOTION: A motion was made by Ralph Viola as follows: The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the Special Use Permit with the following condition:**

1. That there should be delineation between the used car parking and the green space along the road; currently the applicant is parking cars on the grass along River Road.
2. That the front porch of the residence be faced with a siding material that would enhance the automotive repair shop appearance.
3. That all car repairs be completed within the automotive shop and NOT in the driveways, and
4. That a proper waste oil collection system be in place.

**Second by Paul DiMascio & roll called as follows:**

**M. Polsinello-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

ZBA Appeal # 2014-17-Patricia Wade-16 Arcadia Avenue-(2 Sheds) 2 Area Variances-report by Matt Mastin & Jim Giordano

Jim & Matt visited the residence and stated that the applicant wishes to build two sheds which actually share a common rear wall and will form one structure with two separate compartments, separated by a second common wall. Jim stated that they recommend that the Zoning Board grant the two area variances but stated that the Building Department look into whether two variances are actually required since the "two" sheds share a common rear wall and share a "separating" wall. \*See attached report for further details.

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

**Second by Judy Condo & roll called as follows:**

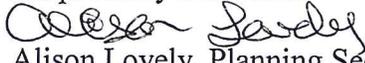
**M. Polsinello-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J. Giordano-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**ADJOURMENT**

There being no further business before the Board, the meeting was adjourned by Chairman Polsinello. Seconded by Judy Condo. Carried by a 5-0 vote.

Respectfully Submitted

  
Alison Lovely, Planning Secretary

# EXTENSION OF TIME AGREEMENT BY MUTUAL CONSENT

**WHEREAS**, the Applicant, Churchill Downs Incorporated and Saratoga Harness Racing, Inc. their successors and/or assigns (collectively, hereinafter referred to as "Applicant"), having filed an application for approval of a Planned Development District with the Town of East Greenbush, and

**WHEREAS**, such application having been accepted for review by the Town Board of the Town of East Greenbush, and such application having then been referred on August 20, 2014, by the Town Board of the Town of East Greenbush to the Planning Board of the Town of East Greenbush, and

**WHEREAS**, pursuant to the aforementioned referral, the Planning Board of the Town of East Greenbush duly sought Lead Agency status and thereafter accepted the duties and responsibilities of Lead Agent at the Planning Board Meeting of September 24, 2014, and

**WHEREAS**, the Planning Board, pursuant to the provisions of the New York State Environmental Quality Review Act (SEQR), § 617 et seq., is required to follow all time frames set forth in the SEQR for purposes of review of the subject project, unless such time frames are extended upon prior written consent of the Applicant, and

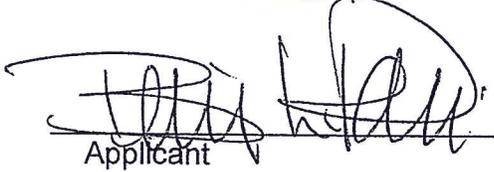
**WHEREAS**, due to the complexities involved in the review of the subject project, an extension of time to complete the various stages of the SEQR process is warranted herein, and

**WHEREAS**, the Applicant has indicated its consent in writing to the request of the Planning Board to extend the time frames otherwise applicable herein, it is hereby

**AGREED AND STIPULATED**, that the time limits otherwise applicable herein pursuant to SEQR are hereby extended upon mutual consent, as follows:

Last day to deem Final Scoping Document complete – December 10<sup>th</sup>, 2014

Dated: 10.29.14

  
Applicant

Dated: 10/29/14

  
Chairman, East Greenbush  
Planning Board

October 15, 2014

East Greenbush Town Planning Board:

I would like to make a favorable recommendation to the ZBA to approve this area variance, Appeal #2014-15. Upon visiting the site, I found no undesirable change would be produced in the character of the neighborhood or nearby properties.

Enclosed, you will find a picture of the existing storefronts and the proposed sign. You will notice that it is safely within the white framework and not spilling over into the brick frontage, remaining symmetrical. You will also find another picture of most of that strip mall and will clearly see how large the Coldwell Banker's signage is and how insignificant this variance will be in conjunction with the rest of the storefronts.

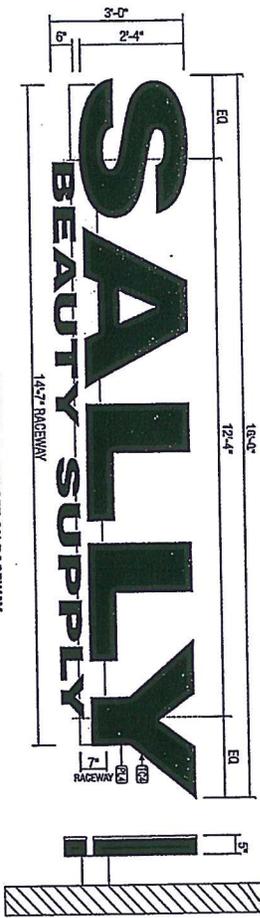
Furthermore, no adverse impact on the physical or environmental characteristics would take place with approving this variance. Because this is set back from the road, the desired visibility would not be as adequate without this small increase in square footage.

Therefore, once again, I give it a favorable recommendation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul M. DiMascio". The signature is written in black ink and is positioned above the printed name.

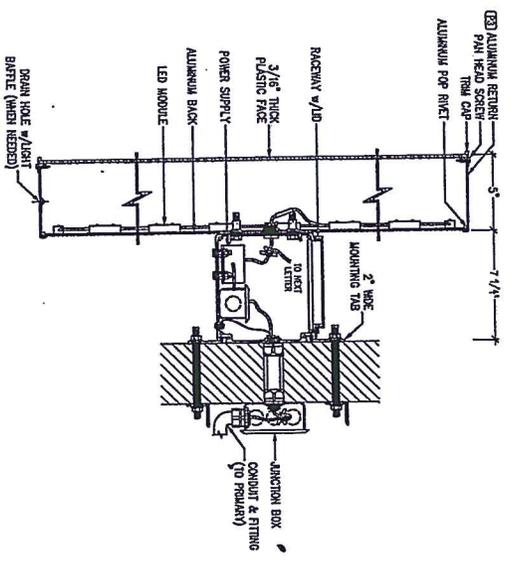
Paul M. DiMascio  
Town of East Greenbush  
Planning Board Member



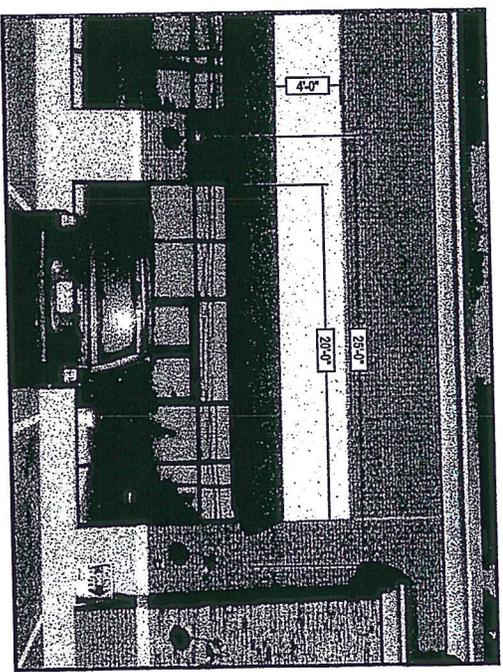
SP-306L-FHW (48 SQ. FT.) LED ILLUMINATED CHANNEL LETTERSET ON RACEWAY  
 SIGN #1  
 QTY: 1  
 STANDARD SPECS - SEE COLOR SPECIFICATION LIBRARY  
 PAINT RACEWAY TO MATCH 7606U

48 SQ.FT.

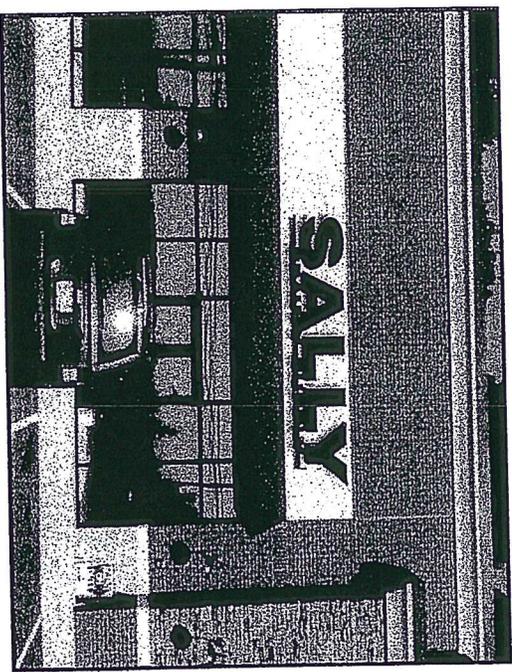
SCALE: 3/8"=1'-0"



SECTION: FACELIT FLUSH - RACEWAY  
 SCALE: 1 1/2"=1'-0"



EXISTING



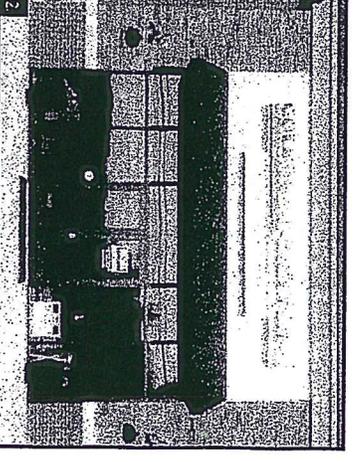
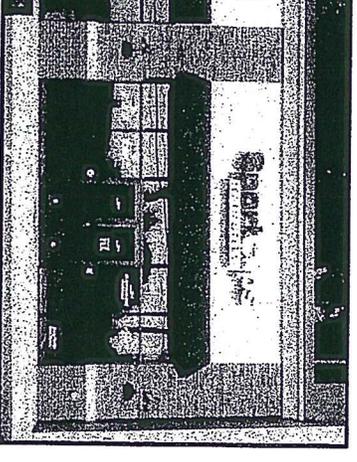
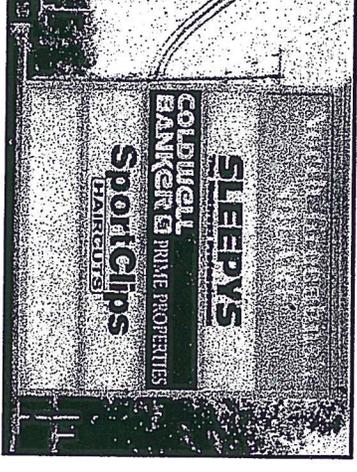
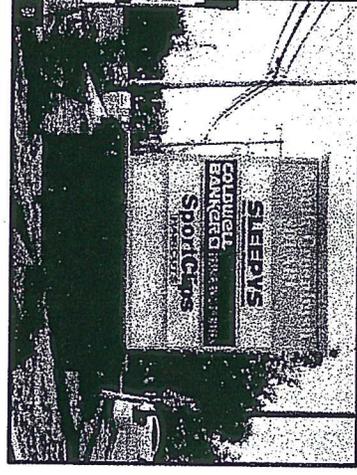
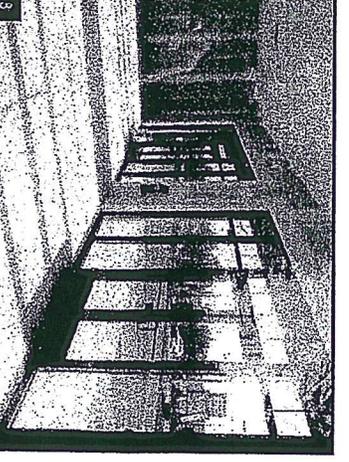
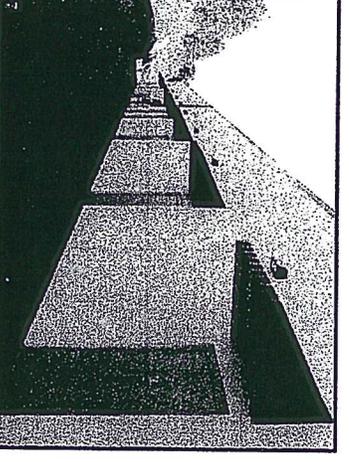
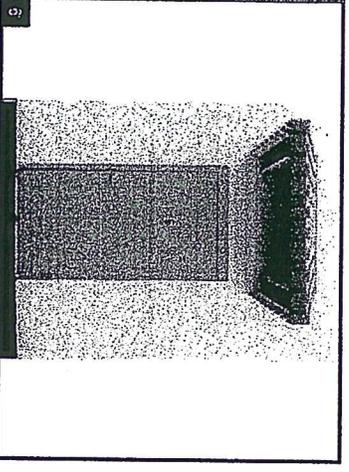
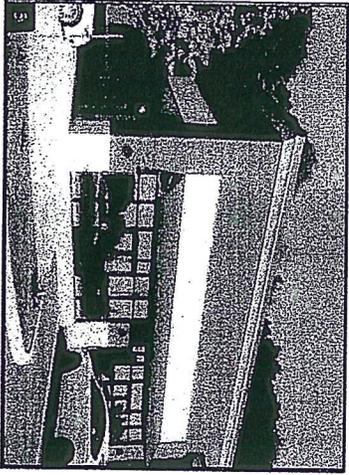
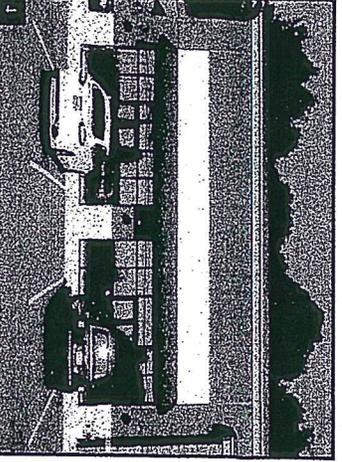
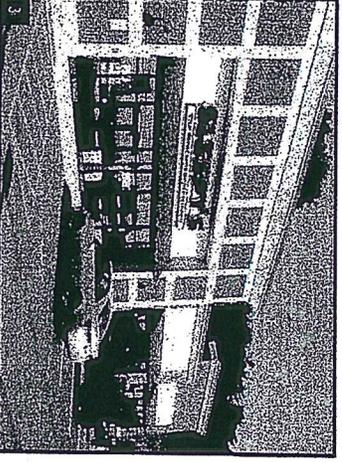
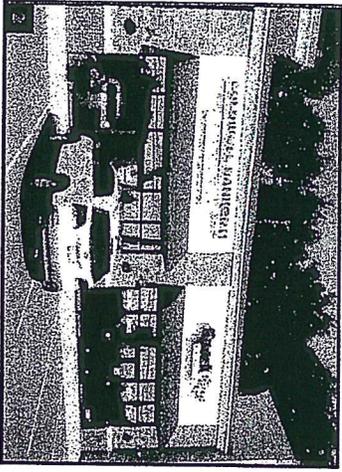
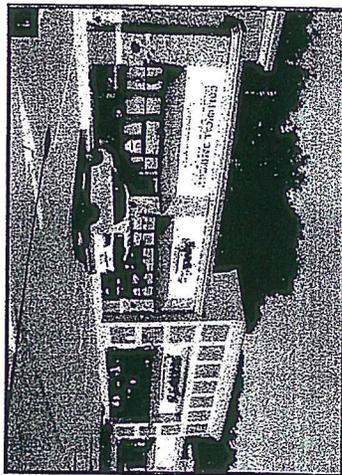
PROPOSED

Rev. #	Rev. #	Date	Rev. #	Date	Rev. #	Date	Rev. #	Date	Rev. #	Date
REV. 1	10/27/18	XX	REV. 2	10/27/18	XX	REV. 3	10/27/18	XX	REV. 4	10/27/18
REV. 5	10/27/18	XX	REV. 6	10/27/18	XX	REV. 7	10/27/18	XX	REV. 8	10/27/18
REV. 9	10/27/18	XX	REV. 10	10/27/18	XX	REV. 11	10/27/18	XX	REV. 12	10/27/18
REV. 13	10/27/18	XX	REV. 14	10/27/18	XX	REV. 15	10/27/18	XX	REV. 16	10/27/18
REV. 17	10/27/18	XX	REV. 18	10/27/18	XX	REV. 19	10/27/18	XX	REV. 20	10/27/18
REV. 21	10/27/18	XX	REV. 22	10/27/18	XX	REV. 23	10/27/18	XX	REV. 24	10/27/18
REV. 25	10/27/18	XX	REV. 26	10/27/18	XX	REV. 27	10/27/18	XX	REV. 28	10/27/18
REV. 29	10/27/18	XX	REV. 30	10/27/18	XX	REV. 31	10/27/18	XX	REV. 32	10/27/18
REV. 33	10/27/18	XX	REV. 34	10/27/18	XX	REV. 35	10/27/18	XX	REV. 36	10/27/18
REV. 37	10/27/18	XX	REV. 38	10/27/18	XX	REV. 39	10/27/18	XX	REV. 40	10/27/18
REV. 41	10/27/18	XX	REV. 42	10/27/18	XX	REV. 43	10/27/18	XX	REV. 44	10/27/18
REV. 45	10/27/18	XX	REV. 46	10/27/18	XX	REV. 47	10/27/18	XX	REV. 48	10/27/18
REV. 49	10/27/18	XX	REV. 50	10/27/18	XX	REV. 51	10/27/18	XX	REV. 52	10/27/18
REV. 53	10/27/18	XX	REV. 54	10/27/18	XX	REV. 55	10/27/18	XX	REV. 56	10/27/18
REV. 57	10/27/18	XX	REV. 58	10/27/18	XX	REV. 59	10/27/18	XX	REV. 60	10/27/18
REV. 61	10/27/18	XX	REV. 62	10/27/18	XX	REV. 63	10/27/18	XX	REV. 64	10/27/18
REV. 65	10/27/18	XX	REV. 66	10/27/18	XX	REV. 67	10/27/18	XX	REV. 68	10/27/18
REV. 69	10/27/18	XX	REV. 70	10/27/18	XX	REV. 71	10/27/18	XX	REV. 72	10/27/18
REV. 73	10/27/18	XX	REV. 74	10/27/18	XX	REV. 75	10/27/18	XX	REV. 76	10/27/18
REV. 77	10/27/18	XX	REV. 78	10/27/18	XX	REV. 79	10/27/18	XX	REV. 80	10/27/18
REV. 81	10/27/18	XX	REV. 82	10/27/18	XX	REV. 83	10/27/18	XX	REV. 84	10/27/18
REV. 85	10/27/18	XX	REV. 86	10/27/18	XX	REV. 87	10/27/18	XX	REV. 88	10/27/18
REV. 89	10/27/18	XX	REV. 90	10/27/18	XX	REV. 91	10/27/18	XX	REV. 92	10/27/18
REV. 93	10/27/18	XX	REV. 94	10/27/18	XX	REV. 95	10/27/18	XX	REV. 96	10/27/18
REV. 97	10/27/18	XX	REV. 98	10/27/18	XX	REV. 99	10/27/18	XX	REV. 100	10/27/18

DESIGNED BY: SALLY BEAUTY SUPPLY  
 DRAWN BY: SALLY BEAUTY SUPPLY  
 CHECKED BY: SALLY BEAUTY SUPPLY  
 DATE: 10/27/18

PROJECT: SALLY BEAUTY SUPPLY  
 LOCATION: SALLY BEAUTY SUPPLY  
 DRAWING NO: SALLY BEAUTY SUPPLY

SCALE: 3/8"=1'-0"  
 SHEET: 1 OF 1



Drawing prepared by: **OVERVIEW PHOTO'S**  
 Location: **273 Toy Rd**  
**Rensselaer, NY 12144**  
 File path: **10443**

Drawing prepared for: **SALLY**  
**BEAUTY SUPPLY**

Row #	Rate	Date	Pay By	Drawn By	Station Description	Row #	Rate	Date	Pay By	Drawn By	Station Description
Row 1	1000000	10/01/04	10/01/04	IS	1000000	Row 1	1000000	10/01/04	10/01/04	IS	1000000
Row 2	1000000	10/01/04	10/01/04	IS	1000000	Row 2	1000000	10/01/04	10/01/04	IS	1000000
Row 3	1000000	10/01/04	10/01/04	IS	1000000	Row 3	1000000	10/01/04	10/01/04	IS	1000000
Row 4	1000000	10/01/04	10/01/04	IS	1000000	Row 4	1000000	10/01/04	10/01/04	IS	1000000
Row 5	1000000	10/01/04	10/01/04	IS	1000000	Row 5	1000000	10/01/04	10/01/04	IS	1000000
Row 6	1000000	10/01/04	10/01/04	IS	1000000	Row 6	1000000	10/01/04	10/01/04	IS	1000000
Row 7	1000000	10/01/04	10/01/04	IS	1000000	Row 7	1000000	10/01/04	10/01/04	IS	1000000
Row 8	1000000	10/01/04	10/01/04	IS	1000000	Row 8	1000000	10/01/04	10/01/04	IS	1000000
Row 9	1000000	10/01/04	10/01/04	IS	1000000	Row 9	1000000	10/01/04	10/01/04	IS	1000000
Row 10	1000000	10/01/04	10/01/04	IS	1000000	Row 10	1000000	10/01/04	10/01/04	IS	1000000

October 21, 2014

East Greenbush Planning Board  
225 Columbia Turnpike  
East Greenbush, NY 12061

Attn: Chairman Matt Polsinello

RE: Special Use Permit Review  
Appeal # 2014-16

Bruce Adams & Ann Griffin  
3485 River Road  
Rensselaer, NY 12144

I met with the applicant's representative Robert Dunlap on October 20, 2014 to discuss the special use permit request.

The applicant is seeking a special use permit to allow him to re-open an existing automotive repair shop. The property is located between River Road and the Amtrak RR tracks in a CI Commercial/Industrial zone. This zoning district requires a special permit to operate an automotive service, wash or storage shop.

The property is currently being used as his residence along with his automotive sales business.

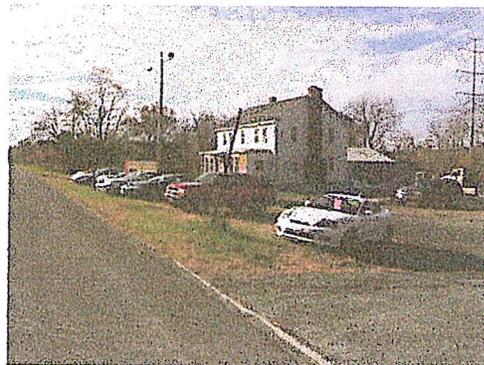
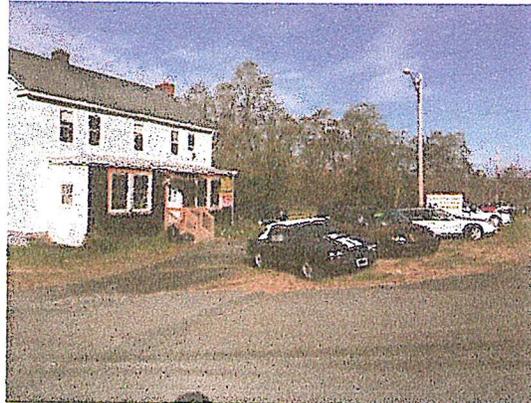
Automotive sales are allowed in this zoning district, not automotive service.

Mr. Dunlap has been renting the property from the applicant for approximately two years. He has always sold used cars there. He offers a 6 month warranty on all the used cars he sells and would like a repair shop to fix and or service his vehicles before and after the car sold.

This property has been used for automotive repair in the past, prior to Mr. Dunlap. There is an existing automotive repair shop fully equipped with equipment already on site. He would like to receive this special permit so he can obtain a license to inspect and repair automobiles. This would allow him to perform his own warranty work on vehicles that he has sold. Mr. Dunlap did not know that automotive repair was not allowed until he applied for a NYS DMV registered repair shop license. **Denial of this special use permit would cause hardship to Mr. Dunlap not being able to repair his own vehicles.**

This request would not alter the existing character of the neighborhood. In fact there are several car dealers along the same portion of River Road that also do automotive repair. There aren't any residential homes and/or residences nearby that would have any visual impact or increased noise levels due to this repair shop.

**No undesirable change would be produced in character of neighborhood or a detriment to nearby properties.**



**This Special Use Permit would have NO adverse impact on the physical or environmental conditions in the neighborhood.**

There are several conditions I would impose on this applicant. There should be delineation between the used car parking and the green space along the road. He is currently parking the cars on the grass along River Road. I also would request the front porch of the residence be faced with a siding material. This would enhance the automotive repair shop appearance. Another condition I would suggest is that all car repairs be completed within the automotive shop and NOT in the driveways. Lastly, proper waste oil collection system be in place.

**Given the above findings I recommend to the East Greenbush Planning Board a favorable recommendation to the E.G. Zoning Board of Appeals.**

Ralph J. Viola  
E.G. Planning Board Member  
518-573-8907

October 21, 2014

Chairman Matt Polsinello,

On Saturday, October 18<sup>th</sup>, 2014 I made a site visit to 16 Arcadia Avenue with fellow Planning Board member Jim Giordano as part of a review of an application for two area variances.

The property owner desires to build a 6' x 12' shed and a 8' x 24' shed. The two sheds actually share a common rear wall and will form one structure with two separate compartments or rooms, separated by a second common wall. Because the set back of the rear wall from the property is 4' as opposed to the allowable 8', the property owners desired structure does not meet the requirements of the R-2 zoning district as outline in the Town of East Greenbush Comprehensive Zoning Law.

Upon arrival at 16 Arcadia Avenue, myself and Mr. Giordano were greeted by the property owner Patricia Wade, as well as the applicant and resident Joseph Panetta. The proposed structure was explained to myself and Mr. Giordano and the proposed location of the structure was shown to us. There is only one house which appeared to potentially be affected by the construction of the proposed shed. That house is currently under construction and therefore there were no residents to speak to regarding their position on the variance proposal.

Upon completion of the site visit the following observations were made in reference to the factors which the Zoning Board of Appeals must consider while reviewing an Area Variance application:

1. The proposed structure will not produce an undesirable change to the character to the neighborhood or a detriment to the nearby properties. As the neighborhood is one of the oldest in the Town of East Greenbush, a large number of legal, pre-existing, non-conforming structures exist from before the current Town of East Greenbush Comprehensive Zoning law was enacted in 2008.
2. Due to the layout of the property and size of the lot, it would not be feasible to achieve the benefit by an alternate method than an Area Variance.
3. The requested area variance is sufficient
4. The proposed variance will have little to no adverse effect of impact on the physical or environmental condition of the neighborhood or district
5. The alleged difficulty was not self-created but rather appears to be the result of an old neighborhood with tight space constraints and many preexisting conditions outside of the applicants power.

Do to these factors, I hereby recommend that the Town of East Greenbush Zoning Board of Appeals approve the requested variances. Furthermore, I recommend that the Building Department look in to the notion that two variances are actually required as the "two" sheds share a common rear wall and share a wall "separating" the two sheds when in actuality the separating wall merely creates two rooms as opposed to one room that would exist without the common wall.

Respectfully Submitted,

Matt Mastin  
Planning Board Member