

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENNELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES DECEMBER 10, 2014

Members:

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

Also Present:

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

Alternate: Jim Giordano

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Polsinello called the meeting to order and determined that a quorum of five (5) members and one alternate were present. Matt Mastin was absent.

REVIEW AND APPROVAL OF MEETING MINTUES

Motion by Judy Condo to approve the November 12, 2014 meeting minutes. Seconded by Paul DiMascio. Motion carried by a 5-0-1 vote. Chairman Polsinello abstained.

NEW ZBA REFERRALS:

ZBA Appeal #2014-20-Brian Hart-1 Cooper Avenue-Use Variances-Conversion of garage to a two story office building - assigned to Judy Condo

PUBLIC HEARING:

Chairman Polsinello stated that at this time he has to recuse himself due to an ownership interest in the following subdivision.

RYSEDORPH LLC. -MAJOR 27-LOT CLUSTER SUBDIVISION (14-11a)

Vice Chairman Bottillo 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 Rysedorph LLC. for a Major 27- Lot Cluster Subdivision called the "Rysedorph LLC Cluster Subdivision". The property is located in the R-B Residential Buffer Zoning District, Tax Map # 155.-2-28.1. Said Public Hearing will be held on Wednesday, December 10, 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 gave an update to the Board. The parcel consists of 31.24 acres and is located on Olcott Lane. Mr. Hart stated that there are two plans in front of the Board. The first plan is the conventional layout, for 27 lots in the R-B zone which requires ½ acre lots and 100 feet of frontage with public water and sewer. The water is located on Olcott Lane and the sewer is available at Olcott Lane and Route 151. The second plan shows the same boundaries but has cluster provisions, showing 27 lots of 9,000 square feet and 60 feet of frontage. There would be 14 acres of green space which consists of 40% of the subdivision, again utilizing public water and sewer. This plan provides larger estate lots. A detention pond would be proposed in front of the subdivision and possibly one at the rear of the subdivision. The second plan would require a lot less earth to be moved and trees cleared with a nice buffer for the neighbors.

Vice Chairman Bottillo asked if anyone was present in favor of the proposed 27 lot cluster subdivision.

- Hal Betters is not opposed but is concerned with storm water management. He stated that ever since the August Gate development was built, he's had drainage issues on the property he owns at 1202 Red Mill Road. He is not in favor of the detention ponds. He inquired as to whether or not grinder pumps would be utilized. He stated he also has a resolution from 2004 that states that the proposed property couldn't be developed due to the percentage of grade from Red Mill Road to Olcott lane. He also asked if the Town would be excepting the proposed road. He asked whether Olcott Lane is also a Town Road.
- Ann Betters of 2 Oriel Lane is not opposed but would like to see the first plan utilized. A proposed pond in front of the subdivision is her biggest concern. She stated that if there is another way to address drainage she would like it explored.
- Dwight Jenkins stated that he hopes this project has preliminary plat approval as well as final approval. He also inquired about the consent order for the Town.

Vice Chairman Bottillo asked if there was anyone present in opposition of the proposed 27 lot cluster subdivision. There was not. He asked if the Board had any comments. He also stated that emails will be accepted with comments for the next month, until January 10, 2015.

MOTION: A motion was made by Vice Chairman Bottillo as follows: The Town of East Greenbush Planning Board hereby closes the public hearing at 7:31 pm.

Second by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

ORCIUOLI-ORIEL LANE-MINOR 2-LOT SUBDIVISION (14-23)

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of the applicant. The parcel is owned by Frank Orciuoli and consists of 17 acres on Oriel Lane. The proposal is for a two lot subdivision. Lot #2 extends all the way out to Valentine Drive. Proposed lot one consists of 0.7 acres and lot two consists of 17 acres and is the remaining lands. Water and sewer is available, the Zoning District is R-B which requires half acre lots and one hundred feet of road frontage. Chairman Polsinello asked the Board if they had any questions. There were no questions.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, November 26, 2014, prepared by Fredrick J Metzger for the proposed 2-lot major subdivision.**

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

MOTION: A motion was made by Chairman Polsinello as follows: **The Planning Board has determined the project an Unlisted Action and hereby declares itself Lead Agency in connection with a coordinated review 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: **A Public Hearing is hereby scheduled for January 14, 2015 @ the East Greenbush Town Hall @ 7:05 PM.**

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

OLD BUSINESS:

ACTION WASTE-3396 RIVER ROAD-MINOR SITE PLAN (14-22)

Steve Hart of Hart Engineering stated that a minor 2-lot subdivision was approved for Jamie Meracle and that the applicant Diane wants to purchase the one lot which has an existing two family home and garage on it consisting of 11.84 acres. The proposal is to construct a 25' x 80' building and a 30' x 45' square foot building if needed in phase 2. The container yard will consist of 65' x 68' square feet. There will be a ½ acre of disturbance. There is no new proposal for water and sewer. The applicant will utilize what exists. The garage has an existing bathroom in it. The zoning board granted the use variance with two conditions which are noted on the site plan. Paul wanted to know what the applicant will use the new building for. Steve stated that it will be used for the storage of trucks and maintenance. Ralph stated that there doesn't seem like there is enough room to get through to the back of the building with vehicles for fire protection. Chairman Polsinello asked if it was a preference to bring the buildings together or to be separate. Steve stated that the applicant is trying to figure out which way she's going to go. Ralph asked if the Board can specify that the slats be green on the fence and also if the dumpster will be enclosed. Steve stated that yes, they will make the slats on the fence green and that they haven't made that determination about the dumpster yet. This was an update to the Board only.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal # 2014-19-Taber Alderman-26 Mill Run- 2 Area Variances-Shed-report by Judy Condo

Judy Condo gave the report on the proposed 10' x 20' shed located in the left rear corner of the applicant's property which requires two area variances for the side and rear setback. The shed is proposed to be located four feet off the side property line and five feet off the rear property line. The shed is designed to match the exterior of the existing house. Judy spoke with three neighbors who would have a direct view of the shed and none of them had any issues with it. *See attached report for further details.

MOTION: A motion was made by Judy Condo as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals approve the 2 Area Variances.**

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

Mike Bottillo recused himself in regards to the Capital View Casino & Resort project due to a the fact that he owns a small business that has a relationship with the individuals there that may have a financial interest in the casino and left the meeting.

CAPITAL VIEW CASINO & RESORT

(14-16)

Steve Wilson of CHA gave an update to the Board. He stated that the traffic study and the SWPP have been given to Jim. Jim stated that the threatened and endangered species report is complete and that the wetland delineation report is being reviewed. Jim has also completed a review of the preliminary site plan. Jim is still waiting on the submittal of a few more reports for the draft EIS. Once all the studies have been received and reviewed, then a draft EIS will be completed. Steve Wilson went over all the photos submitted from the balloon test. He showed 13 key photos. Jim Connors made some comments regarding the visual assessment. Jim Connors stated that a rendering from Route 4 should be provided. This was an update only.

ADJOURNMENT

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

On December 3 and 4, 2014 Judith Condo visited the property located at 26 Mill Run, Rensselaer, NY 12144 and the neighbors adjacent to and to the rear of the property at 7 Deer Run. The property is the subject of ZBA Appeal #2014-19 for two Area Variances. The property is in an R-B Zone. The applicant is proposing to erect a 10' x 20' shed in the left rear corner of the property five feet off the rear boundary and four feet off the side boundary in line with the driveway. The shed is prefabricated and designed to match the exterior of the home. It will be non-permanent with a wooden retaining wall five feet off the rear fence. This is to prevent any slippage on the slope. The shed will not be built on a concrete slab. The request is for a 25' rear variance and a six foot side variance. The shed company will close for the winter months so the owner requests the variances in time for winter storage.

The property is a one-third acre lot in a development of similar homes located off of Barracks Road. Mill Run and Deer Run are parallel to each other with back to back rear property lines. The backyard is fenced and includes an in-ground pool on the opposite side of the yard from the proposed shed. The rear neighbor also has a shed within the rear setback and his next-door neighbor has a large tree house within the rear setback limit.

Three neighbors with direct views of the shed were visited. None had any problem with the variances. Their views would also be limited by the fencing.

With regard to the Area Variances, the proposed shed will not detract from the residential neighborhood that comprises the development. The shed will be comparable in design to the owner's home and those of the adjacent neighbors. The location of the pool, the fence, a slope on the rear of the property and current landscaping, limits placement of the shed except within the area requiring variances. From a planning perspective, the proposal seems reasonable in spite of the large rear setback variance. I would recommend to the Planning Board that they recommend granting the Area Variances to the East Greenbush Zoning Board of Appeals.