

# TOWN OF EAST GREENBUSH PLANNING BOARD

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

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## MEMORANDUM

EAST GREENBUSH PLANNING BOARD  
MEETING MINUTES  
JUNE 24, 2015

### Members:

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

### Also Present:

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

### CALL TO ORDER / DETERMINATION OF QUORUM

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

### PUBLIC HEARING:

#### FORTE-12 PAULINE COURT MINOR 2-LOT SUBDIVISION:

Chairman Polsinello read the Legal Notice:

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 Michelina Forte for a Minor 2- Lot Subdivision called the "Minor 2-lot Subdivision of the Lands of Michelina Forte on Pauline Court". Lot 1 consists of 1.04 +/- acres and has an existing house on it. Lot 2 consists of 0.31 +/- acres. The property is located in the R-2 Residential Zoning District, Tax Map # 144.3-2-21.1 and is located on Pauline Court. Said Public Hearing will be held on Wednesday, June 24, 2015 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

Dick Tice of Brewer Engineering presented the project to the Board. Mr. Tice stated that Mrs. Forte & Mrs. Forte's son were present. Mrs. Forte resides at 12 Pauline Court. The proposal is to split off Lot#2 to sell. A piece of property consisting of approximately 7, 053 sq. ft. will be added to Mrs. Forte's son's property. Chairman Polsinello asked if any of the Board members had any questions. Chairman Polsinello asked if there was anyone in the public to speak in favor of or against the proposed minor 2-lot subdivision. There were no questions from the Board and no one in the public to speak for or against the minor 2-lot subdivision. The public hearing was closed at 7:09 pm.

**MOTION:** A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby closes the public hearing.**

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

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

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

**OLD BUSINESS:**

**FORTE-12 PAULINE COURT MINOR 2-LOT SUBDIVISION**

(15-08)

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.**

Seconded by Mike Bottillo & roll called as follows:

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

**MOTION CARRIED BY A 5-0 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.
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Seconded by Judy Condo & roll called as follows:

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

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

**NEW ZBA REFERRALS:**

ZBA Appeal # 2015-08-Delmerico – 10 Thrush Terrace- Area Variances-Shed- assigned to Mike Bottillo

ZBA Appeal # 2015-09-Ahrent -27 New Jersey Avenue- 2 Area Variances-detached Garage-assigned to Ralph Viola

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal # 2015-07-Duggal -1 Lakeshore Dr.-**Special Use Permit-Single Family Dwelling to Two Family Dwelling-report by Ralph Viola

Ralph stated that he visited the property and spoke to the home owner on the phone. The applicant is seeking a special use permit to allow her to convert a single family residence into a two family home. The property is located at 1 Lakeview Avenue on the corner of Columbia Turnpike. The area is zoned (PPB) Personal/Professional District. In January of 2012, the applicant was granted a special use permit to convert her home into a two family dwelling. Her intent was to reside on the first floor and rent out the second floor. The SUP had an 18 month duration for certain items to be completed. The applicant never completed the renovation of the first floor and never received a CO, therefore the SUP expired. The applicant is a widow and currently resides downstate. She no longer wants to reside at the residence. She now wants to rent out both floors. The second floor is currently rented; the first floor was never completed for occupancy. The special use permit was already granted in 2012 and nothing has changed to give reason not to issue this request a second time. \*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.**

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

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

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

**PUBLIC HEARING:**

**FISHER-24 RAILROAD AVENUE-MINOR 3-LOT SUBDIVISION:**

Chairman Polsinello read the Legal Notice:

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 John Fisher for a Minor 3- Lot Subdivision called the "Fisher 3 – Lot Subdivision". Lot 1 consists of 20,475 +/- square feet and has an existing house on it. Lot 2 consists of 23,325 +/- square feet. Lot 3 consists of 13,300 +/- square feet. The property is located in the R-2 Residential Zoning District, Tax Map # 154.-04-15-23 and is located on Railroad Avenue. Said Public Hearing will be held on Wednesday, June 24, 2015 at 7:15 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

Mr. Fisher stated that he wants to subdivide lot #1, which has an existing house on it and wants to sell it. Lot #2 and #3 do not have frontage on a public street. Railroad Avenue becomes a paper street right past his house after lot #1. Mr. Danaher stated that an easement has been drawn up for Madeline to sign to share an access easement for both Mr. Fisher and Madeline. Chairman Polsinello asked if there was anyone in the public that was in favor of or opposition to the subdivision. There was no one in favor of or against the proposed 3 lot subdivision. Mr. DiMascio asked if any of the neighbors had to be notified. Mr. Danaher stated that no, not for a subdivision. Mr. Danaher stated that the real issue is that the applicant cannot use the paper road as access and whether Madeline will sign an easement for access. Chairman Polsinello stated that he has a problem with granting approval for the applicant to use an easement as frontage. Mr. Viola asked what the plan was for lot's 2 & 3. Did the applicant plan to build on those lots. Mr. Fisher stated that he has no plans for those lots at this time. Mr. Danaher stated that the best scenario would be to do a lot line adjustment, as frontage on a public road isn't required for a lot line adjustment, if any of Mr. Fisher's neighbors were interested in purchasing the property. Mr. Viola asked if there was only one deed for all the lots. Mr. Fisher stated that was correct. Chairman Polsinello stated that this project is tabled to see if the applicant can just do a lot line adjustment for the property. The public hearing was closed at 7:33 p.m.

**MOTION:** A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby closes the public hearing.**

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

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

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

**OLD BUSINESS:**

**REGENERON-81 COLUMBIA TRPK-BLDG 85 PARKING LOT EXPANSION (12-11C)**

Steve Hart of Hart Engineering presented the proposal to the Board. Mr. Hart stated that Rob Grant from Regeneron was present as well. The proposal is for a modification to the previously approved parking lot. The primary change is the 100' turning radius for the trucks into the lot. Some large islands have been added and three large maple trees have been saved by narrowing the truck turning radius.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby grants final conditional approval of the proposed minor site plan modification, and it is further determined that the prior SEQR determination of this Board is still in full force and effect and is applicable for the minor modification set forth herein.**

- Satisfying outstanding technical details as determined by the Planning Board's Consulting Engineer; and
- All remaining fees are paid to the Town.

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

**GREENBUSH ASSOCIATES-21 TECH VALLEY DR.- PARKING LOT (14-01a)**

Steve Hart of Hart Engineering presented the proposal to the Board. Mr. Hart stated that Art & Paul Dombrowski were also present. The proposal is for a parking lot consisting of 199 parking spaces. Storm water areas are shown on the map. There is over an acre of disturbance so NYSDEC will be involved. Chairman Polsinello asked if the Board had any questions. Jim Connors stated that he hasn't received anything yet to review. Escrow hasn't been established yet.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated June 15, 2015 by Hershberg and Hershberg Engineering for the proposed minor site plan.**

Seconded by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

**NEW BUSINESS:**

**ORVIS-24 McCULLOUGH PLACE/EASTERN AVE. MINOR 2-LOT SUB.** (15-11)

Dick Tice of Brewer Engineering presented the proposal to the Board. Mr. Tice stated that Carol Orvis owns a 40 acre parcel that is south of Red Mill Road and fronts on Eastern Avenue. The proposal is a minor two lot subdivision and a lot line adjustment. Lot #1 would consist of 5.51 +/- acres and lot #2 would consist of 32.69 +/- acres, the remaining lands. A lot line adjustment is proposed for an existing lot which fronts on McCollough Place consisting of .46 +/- acres.

Mr. Connors stated that the lot that is being expanded should show the mets and bounds on the final map. Chairman Polsinello asked the Board if anyone had any questions. No one had any questions.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, June 12, 2015, prepared by Brewer Engineering for the proposed 2-lot minor subdivision.**

Seconded by Mike Bottillo & roll called as follows:

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

**MOTION CARRIED BY A 5-0 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 an uncoordinated review under SEQRA.**

Seconded by Judy Condo & roll called as follows:

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

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

MOTION: A motion was made by Chairman Polsinello as follows: **A Public Hearing is hereby scheduled for July 8, 2015 @ the East Greenbush Town Hall @ 7:05 PM.**

Seconded by Mike Bottillo & roll called as follows:

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

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

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal # 2015-06-Pallone – 11 Sequoia Drive-** 2 Area Variances-In-ground Pool-report by Mike Bottillo

Mike Bottillo stated that the applicant is requesting two area variances for the installation of an in ground swimming pool which would be located in the side yard where the pool will sit five feet from the side property line and eight feet from the rear property line. The required setbacks are ten feet from all property lines. If the pool was put where it wouldn't require any variances, a patio area would need to be removed and it would take away from the play area for the applicant's two children. Mr. Bottillo spoke to a neighbor on the side where the variance is required and they had no problem with it. Mr. Bottillo stated he sees no issues with the two variances. \*See attached report for further details.

**MOTION:** A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the 2 Area Variances (5' set setback and 8' rear setback).**

**Seconded by Ralph Viola & roll called as follows:**

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

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

**REVIEW AND APPROVAL OF MEETING MINTUES**

Approval of the June 10, 2015 meeting minutes postponed due to a quorum issue.

**ADJOURMENT**

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

Respectfully Submitted



Alison Lovely, Planning Secretary

June 22, 2015

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

Attn: Chairman Matt Polsinello

RE: Special Use Permit Review  
Appeal # 2015-07

Reeta Duggal  
1 Lakeview Avenue  
Rensselaer, NY 12144

The applicant is seeking a special use permit to allow her to convert a single family residence into a two-family home. The property is located at the corner of Lakeview Avenue and Columbia Turnpike in a PPB Zoning District. This zoning district PPB (Personal/Professional District) was intended to provide transitional areas where existing single family homes could be converted into personal and professional offices, allowing commercial services while maintaining the small scale community neighborhood.



In January 2012, Mrs. Duggal was granted a Special Use Permit to convert her home into a two family dwelling. Her original intent was to reside on the first floor and rent out the second floor. The Special Use Permit had an 18 month time duration for certain items to be completed. The applicant never completed the renovation of the first floor, therefore never obtaining a Certificate of Occupancy as required by the original Special Use Permit. The Special Use Permit expired.

I spoke to Mrs. Duggal on June 18<sup>th</sup>, 2015 to discuss the 2<sup>nd</sup> Special Use Permit request. She is a widow and currently resides downstate in Hartsdale, NY. She no longer wants to reside at this residence. The applicant is requesting a Special Use Permit to convert her home into a two-family dwelling, allowing her to rent out both floors. The second floor is currently rented; the first floor was never completed for occupancy.

In this PPB district, there have been some conversions of single family homes into professional offices. However there are many homes within two blocks of this residence that have been converted into two-family dwellings. The yellow home directly across the street is a two-family unit. At the end of Lakeview Avenue there are 4 apartment buildings with multiple units in each. Down Columbia Turnpike there are several multi-family residences. There is ample parking in the rear of the property for off street parking for two tenants.

This Special Use request was already granted once in 2012, and nothing has changed to give reason not to issue this request a second time.



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

**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

6/22/2015

Zoning Board referral 11 Sequoia Drive– 2 Area Variance.

On June 18th, 2015 I visited 11 Sequoia Drive, property belonging to Craig and Sophia Pallone, property is zoned R-2.

The Pallone's are asking for 2 area variances for a in ground pool, one for the side yard where the pool will sit 5 feet from the property line and the second in the rear yard, where the pool will be 8 feet from property line, 10 feet are required for both. The middle of the yard, off the back of home, there is a concrete patio that would need to be dug up if the pool was to be placed in middle of yard, to avoid the 2 variances required. Second by putting the pool on the side of yard, it would give them more room for their children to play. The Pallone also have a 6 feet high, solid white vinyl feet already constructed around the property which makes the pool hidden from all neighbors at ground level.

I talk the one neighbor at 9 Sequoia, where the side variance is required, she had no issue with the variance what so ever.

I am going to make a positive recommendation to Zoning Board for the Pallone property for the 2 Area Variance, rear and side setbacks of less than 10 feet

Michael Bottillo