

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 JUNE 10, 2015

Members:

Matt Mastin, Acting Chairman
Judy Condo
Ralph Viola
Mike Bottillo

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Acting Chairman Mastin called the meeting to order and determined that a quorum of four (4) members were present. Matt Polsinello, Paul DiMascio and Jim Giordano were absent.

OLD BUSINESS:

NONE

NEW BUSINESS:

NAPA-300 COLUMBIA TRPK MIMOR SITE PLAN MODIFICATION (14-02)

Steve Hart of Hart Engineering presented the proposal to the Board. The applicant is proposing a retaining wall of approximately 100 linear feet which will vary in height from 2' – 4' on the right side of their existing building. The applicant is proposing a light and a fence behind the retaining wall. Mr. Hart also stated that in front of the proposed 7,200 square foot building they have turned a few parking spaces. Ralph asked if in changing the couple of parking spaces if the plan is showing a little island or just striping. Steve stated just striping. Jim Connors stated that one thing to note is that the comments he's made have not been addressed prior to this plan being presented. He added that the Board may want to see more landscaping and more detail on lighting. Matt stated that he'd like to see the site spruced up, since they are getting a waiver on the landscaping. Ralph asked that the dumpster enclosure been shown on the final plans.

MOTION: A motion was made by Acting Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares itself lead agency since there are no other involved agencies and issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification depicted on the plan set dated July 22, 2014 & last revised June 10, 2015 by Hart Engineering.**

Seconded by Judy Condo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

EGFD - 25 DISCOVERY DRIVE-MINOR SITE PLAN MOD.

(15-07)

Steve Hart of Hart Engineering presented the proposal to the Board. Also present was Kyle Cherry and Brent Gadbois both from Regeneron. The site consists of 8.5 acres and is owned by the East Greenbush Fire Department. The proposal is for 216 parking spaces. There is over an acre of disturbance so the applicant will be following the DEC guidelines. The lot will have islands, lighting and landscaping. A pedestrian bridge would be built to go over Discovery Drive as a possible Phase 2. A crosswalk is shown on the plan as well. Drainage would flow to the back and a little to the front of the lot. Matt Mastin asked if a variance is needed since the new building proposed is on a different parcel. Ralph Viola asked what the pretreatment storm water areas are. Steve stated that it's a way to get better quality of the water that drains off the site. Ralph asked if the front areas drain into the rear areas. Steve stated that they do not.

MOTION: A motion was made by Acting Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated May 28, 2015 by Hart Engineering for the proposed minor site plan.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

FORTE-12 PAULINE COURT-MINOR 2-LOT SUBDIVISION

(15-08)

Dick Tice of Brewer Engineering presented the proposal to the Board. Mrs. Forte lives at 12 Pauline Court. Her son lives next door. She wants to convey a piece of land 16' wide and also wants to subdivide the parcel consisting of 1.51 acres into two lots. Lot 1 would consist of 1.04 +/- acres and has an existing house on it. Lot 2 would consist of 0.31 +/- acres. Acting Chairman Mastin stated that this is both a lot line adjustment and minor 2-lot subdivision.

MOTION: A motion was made by Acting Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, June 3, 2015, prepared by Brewer Engineering for the proposed 2-lot minor subdivision.

Seconded by Judy Condo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Acting Chairman Mastin 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 Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Acting Chairman Mastin as follows: **A Public Hearing is hereby scheduled for June 24, 2015 @ the East Greenbush Town Hall @ 7:05 PM.**

Seconded by Judy Condo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

FISHER-24 RAILROAD AVE.-MINOR 3-LOT SUBDIVISION

(15-09)

John Fisher presented the proposal to the Board. The property is located on Railroad Avenue. He lives at 24 Railroad Avenue. Lot 1 would consist of 20,475 +/- square feet and has an existing house on it. Lot 2 would consist of 23,325 +/- square feet. Lot 3 would consist of 13,300 +/- square feet. Ralph Viola asked if Amtrak uses the easement between lot's 1 & 2. John Fisher stated that no they do not. Phil Danaher stated that he needs to research whether these were ever merged by Rensselaer County. Judy Condo asked how lot 2 & 3 will be accessed.

MOTION: A motion was made by Acting Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, June 4, 2015, prepared by Stephen P. Walrath, L.S. for the proposed 3-lot minor subdivision.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Acting Chairman Mastin 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. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Acting Chairman Mastin as follows: **A Public Hearing is hereby scheduled for June 24, 2015 @ the East Greenbush Town Hall @ 7:15 PM.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

501 COLUMBIA TRPK-MINOR SITE PLAN MODIFICATION

(15-10)

Melissa Goduti of TNT Fireworks presented the proposal to the Board. Her company is proposing to hold two temporary tent sales of Fireworks at the Big Lot's at 164 Columbia Turnpike and Price Chopper at 501 Columbia Turnpike. There will also be a storage container and a porta potty on site. Ralph Viola asked if there will be any signs out near the street, as the Planning Board does not want any signs displayed out near the street. Melissa Goduti stated that there would be no signs out by the street; she stated that all signage will be right on the tent. Acting Chairman Mastin stated that the applicant needs to provide larger maps as were requested prior to the meeting, with the tent location drawn on them with the size of the tent also indicated on the drawings for both of the sites.

MOTION: A motion was made by Acting Chairman Mastin 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 subject to the following conditions:

1. Tent setup will not occur before June 20, 2015 and shall be removed no later than July 10, 2015.
2. All external signs and advertising not be displayed prior to June 23, 2015 and shall be removed no later than July 6, 2015.
3. The business must be run in full compliance with New York State and Rensselaer County Laws.
4. That the above mentioned modification will be limited to a one-time use for the period of June 20, 2015 to July 10, 2015.
5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Vice Chairman Mastin 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 subject to the following conditions:

1. Tent setup will not occur before June 20, 2015 and shall be removed no later than July 10, 2015.
2. All external signs and advertising not be displayed prior to June 23, 2015 and shall be removed no later than July 6, 2015.
3. The business must be run in full compliance with New York State and Rensselaer County Laws.
4. That the above mentioned modification will be limited to a one-time use for the period of June 20, 2015 to July 10, 2015.
5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal # 2015-03-Brozowski - 11 Highland view Ave- 2 Area Variances-Front Setback for house and Rear Setback for Deck-assigned to Judy Condo

ZBA Appeal # 2015-04-Brozowski -13 Highland view Ave- 2 Area Variances-Front Setback for house and Rear Setback for Deck-assigned to Judy Condo

ZBA Appeal # 2015-05-Brozowski – 12 Neptune St. - 2 Area Variances-Front Setback for house and Rear Setback for Deck-assigned to Judy Condo

Judy Condo reported on the above. She stated that the three parcels are all three undersized lots. The properties are intended for single family dwellings with rear decks. They will require variances for the front and rear setbacks. *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 grant the 2 Area Variances (19' front setbacks and 13' rear setbacks) for each of the three lots referenced as 11 & 13 Highland View Avenue and 12 Neptune Street.**

Seconded by Matt Mastin & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal # 2015-06-Pallone – 11 Sequoia Drive- 2 Area Variances-In-ground Pool-assigned to Mike Bottillo

ZBA Appeal # 2015-7-Duggal -1 Lakeshore Dr.-Special Use Permit-Single Family Dwelling to Two Family Dwelling-assigned to Ralph Viola

REVIEW AND APPROVAL OF MEETING MINTUES

Motion by Acting Chairman Mastin to approve the May 27, 2015 meeting minutes as is. Seconded by Judy Condo. Motion carried by a 4-0 vote.

ADJOURMENT

There being no further business before the Board, the meeting was adjourned by Acting Chairman Mastin. Seconded by Judy Condo. Carried by a 4-0 vote.

Respectfully Submitted


Alison Lovely, Planning Secretary

On June 4, 2014⁵ Judith Condo visited the property located between Highland View Avenue and Neptune Street which has been subdivided into three undersized building lots and sold to Edward Brzozowski of Birch Builders and Construction, Inc. The properties are intended for single family homes that have been given the addresses as follows: Lot 1 is 12 Neptune Street; Lot 2 is 13 Highland View and Lot 3 is 11 Highland View Rensselaer, NY. The L-shaped land was previously the site of a church and rectory that burned down more than ten years ago. She visited six neighbors surrounding and across from the building lots. The Town of East Greenbush owns the fourth lot on Neptune Street adjacent to Lot 1 which houses a basketball court and serves as a neighborhood park. The property across from Lot 1 fronts on 12 Pine Grove Avenue where the owner was unreachable.

The lots are the subject of ZBA Appeals 2015-03 & 04 for lots on Highland View and 2015-05 for 12 Neptune Street each for two Area Variances. The properties are in an R-2 Zone. The applicant is proposing to build three homes with 12'x 16' rear decks. The Zoning requires a 25 foot front and rear setback for each lot. Each lot is 6,300 square feet with a 90 foot frontage. The houses will have a 19' front setback and a 13 foot rear setback. The owner is requesting two variances for each property with six feet relief in the front and 12 feet in the rear.

The neighbors on Highland View and Neptune whose properties abut two of the lots had no objection to the proposed building or variances. One thought that the development would improve home values and buffer him from the basketball court which has been known to be a teen hang-out. Another neighbor across from and above the two lots on Highland View also had no objection and noted that the neighborhood homes had previously been family camps with large gardens sitting on combined lots. Three neighbors on Highland View objected to granting variances because they believed the lots were too small to accommodate houses. One noted that the Town uses one of the lots to pile snow from Sydney Avenue which ends at Lot 3.

With regard to the Area Variances on each property, according the Town Enforcement Officer, the front setback applications are within previous Zoning Regulations that allowed for fifteen to twenty-five foot setbacks. Consequently, the twenty-five foot setback is inconsistent in the neighborhood. The proposed decks will be identical on the three properties and will serve to avoid a later Variance burden from new owners who might choose to build a deck. While the variances are large by Zoning standards the neighborhood consists of many undersized lots which do not lend themselves to contemporary home building. Several nearby homes are built on multiple lots. From a planning perspective, the proposals seem reasonable and without substantial impact on the neighborhood.

I would recommend to the Planning Board that they recommend to the East Greenbush Zoning Board of Appeals granting the two Area Variances on each of the three lots.