

TOWN OF EAST GREENBUSH PLANNING BOARD

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MEMORANDUM

PLANNING BOARD MEETING AGENDA April 21, 2010

*Official Minutes
ADD*

7:00PM Workshop Session & Public Comment

CALL TO ORDER/DETERMINATION OF QUORUM/PUBLIC HEARINGS

NONE

OLD BUSINESS

(10-05) Taft Minor 2-Lot Subdivision – Review for Conditional Approval

(09-38) Orciuoli Site Plan – Update to Planning Board

(05-50b) Thompson Way Subdivision – Update to Planning Board

NEW BUSINESS

NONE

REFERRALS-REPORTS & RECOMMENDATIONS

ZBA Appeal # 2010-03 Robert Jucha – 193 Hays Road – Area Variances – report by Kurt Bergmann

NEW ZBA REFERRALS

ZBA Appeal # 2010-06 – Michael Tierney – 5 Oakwood Drive – Area Variance

REVIEW & APPROVAL OF MEETING MINUTES

April 7, 2010 Minutes

End of Agenda

**EAST GREENBUSH PLANNING BOARD
MEETING MINUTES
April 21, 2010**

Members

**Chairman Bob Davey
Don Panton -Absent
Kurt Bergmann
Bill Ritz
Joe Kelley
Suzanne Mangold
Matt Polsinello**

Also present:

**Jim Moore, Planning Director
Amy Konisky, Planning Board Secretary
Tim Nugent, Attorney**

Alternates:

**Lance Ferson
Daniel Fiacco(Elected to vote)**

CALL TO ORDER/DETERMINATION OF QUORUM/PUBLIC HEARINGS

Chairman Davey called the meeting to order and determined a quorum of 6 members were present. Introductions were made. Don Panton Absent from meeting.

WORKSHOP SESSION AND PUBLIC COMMENT

Public Comments

Dwight Jenkins, 41 Thompson Hill Road resident is concerned with the Thompson Way Project and how it will affect his neighborhood, ie traffic, number of homes on usable land after green space % etc. He believes that what has been proposed so far has not been acceptable as far meeting the Zoning Laws in the Town of EG. He believes this is why nothing has been built there in the past. He asked where does project fit into zoning picture? Mr. Jenkins believes that there is no way 20 homes can be built on the amount of usable land (estimates 10 acres). He does not believe project should be approved. Mr. Jenkins wishes to have another public hearing regarding this matter.

Richard Lynd, 102 Thompson Hill Road resident regarding the Thompson Way Project. Memo presented and submitted to the Board regarding the new zoning law adapted in June 2008 (RB incentive Zoning states must have 50% open space, not 20%, and sewer line to property or adjacent to property). He sees no sewer line, and the law states you must have 50% open space not 20%.

Chairman Davey offered both Mr. Jenkins and Mr. Lynd options to discuss this matter further. He suggested the process for determining if the cluster subdivision is a permitted use is more complex and has more steps than what was discussed during the Public Comment Period. No further comments. Chairman Davey closes public comment.

Public Workshop

Chairman Davey would like the Board to consider public hearing on Fed Ex Ground project, believes the Board has enough info for a Public Hearing. Mr. Davey suggested the public hearing might be divided into 4 parts, an overview of the project, a discussion relating to the traffic issues, a review of the financial impact study and an open portion of general Q & As related to the project. Chairman Davey also asked the members to consider what documents they have reviewed to date that they feel would be important to post to our website. The idea is to provide information to the public prior to the Public Hearing. He asked members to forward their suggestions to the Planning Department.

Chairman Davey will review these issues at the next meeting and ask the Board to establish a date for the Public Hearing.

Chairman Davey asked Mr. Nugent about the options available to the Planning Board if it becomes aware of new information after a recommendation has been made to the Town Board. Mr. Nugent indicated that the Planning Board can communicate the new information to the Town Board. Members can even attend a Town Board meeting and share information at that time.

Chairman Davey would like to have Matt Mastin make a presentation regarding the work he is doing in the Planning Department. This could have the double benefit of making the members aware of new services available to the Town and qualify for the four hours of annual training.

Jim Moore and Bob Davey will be available in the planning office ½ hour prior to the start of regularly scheduled Board meetings for members to ask questions related to that night's agenda.

Planning Review: Conversation regarding the Elliot/ Michael Road Project gave guidance regarding the project, rework proposal 8-unit buildings needed to be looked at.

An applicant (Kita Nikolin) is interested in 173 Columbia Turnpike, he would like to open a pizza business there.

Falcon Ridge subdivision was presented by Brewer Engineering to PRT. The project is proposed to be 32 single family homes off of Best Rd on the Lands of Cipperly. The project is in the early stage of review. The Board can expect to see this subdivision soon. This is a potential major residential subdivision project with grading issues.

Friends of the East Greenbush Library would like to build a 18x32 metal storage building behind library – the group would like to use the storage building to store used books that are part of the annual book sale in the Town. May see this project at the next meeting.

In today's Planning Review meeting representatives for the East Greenbush Technology Park came in to talk about expansion of parking at one of their buildings. The Chairman offered for the applicant to be a late addition to tonight's agenda. Project added under New Business in the agenda.

In May, Mr. Davey will not be available to attend PRT on the 12th and 19th. He asked if any other member(s) would be available to attend Planning Review on those dates? Joe Kelley volunteered for 5/12. Sue Mangold may be able to attend 5/12. Matt Polsinello will attend 5/19.

Chairman Davey highlighted some communications that he wanted to bring to the Board's attention.

Kurt Bergmann notes review of the Route 4 Study (2006) residential/commercial property on Route 4 – looked at recommendations of this study and compared to recommendations for Fed Ex. Has a draft will send to Board members in the next couple of days.

Evaluation of Proposed Rt. 4 Trucking Terminal (FedEx) with Route 4 Corridor Study, 2006

Kurt O. Bergmann
May 7, 2010

Proposal and Area:

The Board is considering an application to replace the current Albany International facility with a 253,524 sq ft truck terminal with full expansion of the facility to 305,075 sq ft. Truck deliveries in year the first year estimated to be 368 per day increasing to 771 after the expansion. The hours of truck operation will primarily be between 8 p.m. and 2 a.m. and 6 and 8 a.m., 24 hours a day 7 days a week. On site support of 392 and 622 personnel after expansion will be required.

The site is located in the middle of the existing main East Greenbush retail corridor from I 90 Exit 9 north to Grandview Drive. The site is to the west by I 90. The existing and proposed building are highly visible from I 90 east and west bound, Rt. 4, and Thompson Hill. The site is west and below Route 4 and Thompson Hill Road. Upper Thompson Hill Road is currently populated with mid 50's and 60 single family style homes. Thompson Hill Road it also the site of three separately proposed large upscale residential developments with approximately 230 homes proposed. All three are ongoing active projects.

Relevant Planning Strategy for Route 4:

The following discussion is based on the study commission by the Town of East Greenbush for planning along Rt. 4. The document; Route 4 Corridor Study, 2006 and prepared by Capital Transportation Committee with Erdman & Anthony and Behan Planning Associates, LLC. The document was accepted by the Boards of East Greenbush and is a guide with specific recommendations to consider when evaluating new projects. It is also creates a unified vision for the future of the Route 4 Corridor.

- **“(Route 4) is a key commercial corridor the northern portion of Route 4 has been the location of new large format retail development...”**. The northern portion is a mix of retail and office/technology park development.
- Promotion of Rt. 4 retail development needs to be supported through deliberate planning of like and complimentary projects.
- The proposed truck terminal is located between the retail and office/hotel establishments and will result in a disjointed retail corridor eliminating between existing retail spaces along this section of the corridor.
- Acceptance of a truck terminal on Rt. 4 will set precedencies and may attract additional truck terminals on 3rd Avenue Extension and Rt.151 because of the easy I 90 accesses.

- One of the East Greenbush town wide vision concepts from the study is; **“Focus and enhance high-quality commercial development along the northern portion of Route 4 while protecting the existing surrounding neighborhoods.”**

- A trucking terminal does not meet the “**high-quality commercial development**” criteria recommended in the study.
- The impact of a trucking terminal across Route 4 from existing and high quality residential development does not protect the surrounding residents and will increase the risk of noise complaints.
- The current retail neighbors and retail environment will not be enhanced or improved by a truck terminal in the near or long term.
- The acceleration of fully loaded trucks up the inclines will create additional noise towards the residents at the level of the truck exhaust pipes in the middle of the night and early morning. The applicant stated that no engineering changes can reduce or minimize this problem.
- Fully loaded tandem trucks reducing their speed down the Route 4 incline and on the 4% grade of the terminal entrance will create significant noise from braking and down shifting or “jake braking”. The applicant stated that no engineering changes can reduce or minimize this problem.
 - A poorly designed test was performed by the applicant to measure sound levels from truck acceleration and deceleration. The truck was not loaded, it was not a tandem trailer, and the operator was an employee of the applicant and knew the desired expected outcome which impacted how the truck was operated and the final results. The study showed poor engineering design and evaluation and is not acceptable as a technical evaluation.
- All trucks have audible back up warning alarms. This third shift operation will result in a significant increase in noise. This applicant stated they can install flashing lights instead of audible alarms on most local trucks. However future trucking tenants with long trip haulers and independent owners will not be able to control the noise.
- **“Enhance and create walk able places...”** The Study recommends that any development along Route 4 should require space for walking and/or bicycles.
- The Albany International site is specifically identified and recommending bike lanes along Route 4.
- All future Route 4 development should consider walking and bike travel spaces.
- **The study recommends that development; “Support desired economic development within the corridor”.**
- There will be little or no economic impact benefiting the retail and then sales tax to the town since most of the workers, truck drives are third shift when the retail establishments are closed.
- The applicant will apply for a tax pilot program that will significantly reduce or eliminate any economic benefit from the project.
- There is no net initial gain in East Greenbush employment. The jobs at this facility will be relocated positions from an existing facility.
- Most of the positions do not require highly skilled or trained personnel and are not highly compensated individuals that will invest in the Town.
- The tax advantage to the town appears negligible and does not keep pace with inflation. (Full economic evaluation was performed by another board member)

The Route 4 Corridor Study and the Town's Planning Board consider project impacts and benefits to East Greenbush as a whole and the immediate individual communities over the near and long term. The following questions require closure before progressing.

1. Does this project benefit the current retail and residential communities in the near term?
2. Does this project in the long term, enhance, improve and support the future direction of East Greenbush?

Recommendations:

- The Boards of east Greenbush evaluate and answer these and other long term planning questions prior to any further progress on this project.
- The noise level test presented by the applicant should be rejected due to its poor engineering design and inaccurate results. A second test simulating actual operating conditions should be performed by an independent organization.

OLD BUSINESS

(10-05) Taft Minor 2-Lot Subdivision – Review for Conditional Approval

Mr. David Taft provides copy of map to Board.

Motion for Negative SEQR Declaration by Chairman Davey, seconded by Ms. Mangold:

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 detention and hereby issues a Negative Declaration under SEQRA.

Roll calls as follows: Davey –yes, Bergmann-yes, Ritz- yes, Kelley-yes, Mangold-yes Polsinello-yes, Fiacco-yes, Motion carried by a 7-0 vote.

Motion for Conditional Approval by Chairman Davey, seconded by Mr. Ritz:

The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and 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.

Roll calls as follows: Davey –yes, Bergmann-yes, Ritz-yes, Kelley-yes, Mangold-yes Polsinello-yes, Fiacco-yes, Motion carried by a 7-0 vote

(09-38) Orciuoli Site Plan – Update to Planning Board Steve Hart representing.

The Planning Board previously approved a 4-unit building on the site. The applicant has constructed this building but has not applied seed and mulch to the site as of yet. The applicant proposes to build 3 new buildings, 4 units each, 21 unit parking spaces, and submitted info during the week for additional Chazen review. Mr. Hart asked if the board wished to address any further landscape plans and any other comments Board may have. Landscape plan in place, need to provide buffer along the main road. The applicant is trying to keep same architectural look.

Steve Hart will be coming back with landscape plan and recommendations from Chazen.

(05-50b) Thompson Way Subdivision – Update to Planning Board

Dominic Arico, from Boswell Engineering, representing Larry Davis, showed the layout of homes. 23 residential homes are proposed, green area incentive zoning (30%, 6 acres), water existing, extending for sanitary sewer service connections, less than 4 acres of disturbed land in project, minor grading involved, trying to use contour of land. For the lots between Thompson Hill Road and NYS Route 4 the grade drops in the back of lots (walk out basements). The applicant is trying to preserve trees and provide very little disturbance. The board requested that the applicant clarify whether or not the garages will be 2-car. Mr. Arico stated that exact floor plans have not been selected since a builder is not directly involved in the project at this time.

Kurt Bergmann last meeting discussed dead end cul-de-sac at property line. Mr. Arico believed it was difficult to lay out was not sure which end to place a cul-de-sac, citing that the constructability of a cul-de-sac on Thompson Hill may not be plausible. Furthermore, it may require back-to-back cul-de-sacs in order to service both ends of the Thompson Hill Road. Residents are in favor of a cul-de-sac on Thompson Hill Road and believe it would reduce the amount of traffic in their neighborhood. Mr. Ritz suggested the possibility of making Thompson Hill Road 1-way going north. Tim Nugent states road already exists as two-way town road and that modification to the roadway requires Town Board approval. Mr. Ferson asked about emergency access road to go through property and discussed pedestrian access/ amenities on site. Traffic patterns on Thompson Hill Road need further investigating.

The applicant requested that the board consider scheduling a public hearing. Public Hearing Jim Moore recommended consultation with Chazen prior to scheduling a public hearing.

NEW BUSINESS

East Greenbush Technology Park Minor Site Modification/additional parking. John DeForest representing.

Original site plan approval was granted in 2005. 219 parking spots were initially approved. At this time the applicant is requesting an additional 74 parking spaces. They need more efficient layout for parking, may need another additional 40 spaces. College students from Troy, RPI require additional parking. Mr. DeForest states that this is a minor change to 59 acre parcel, green space. Mr. Ritz stated that it requires SEQR review.

Ritz requests a better map with other land around it to see how additional parking will affect the areas surrounding property. This concern for additional parking in the future was initially discussed in the 2005 approval. Mr. Nugent will research point about what happened in 2005 with original project. Mr. Nugent recalls the finding that any further development will need SEQR review.

REFERRALS-REPORTS & RECOMMENDATIONS

ZBA Appeal # 2010-03 Robert Jucha –193 Hays Road --Area Variances – report by Kurt Bergmann

The applicant owns a parcel of land on Hays Road, near Gilligan Road with 2 existing homes on it. The applicant wishes to separate 2 homes and create a 3 lot subdivision with a vacant lot in the back of the property with a future plan to build home. The third lot has frontage on Kriss Crossing. 4.72 acres is the proposed Lot 3, Lots 1&2 are approximately 1.1 acres each. There has been discussion about the proposed location of the common lot line for all 3 lots. Mr. Hart contemplated shifting the line further back but believed it may be best to separate the lots as shown, at the existing natural stream. Mr. believed there would not be a negative impact to neighborhood as nothing will change at the roadside. Mr. Davey discussed that there may be a need for a 7th area variance- as there is not adequate road frontage on back parcel. A 5 foot buffer from Kriss Crossing subdivision belongs to Town of EG. The applicant wishes to request the town board add this 5 foot strip to the town right-of-way, which would eliminate the need for a 7th variance. The planning board is making its recommendation not considering the 7th variance. The ZBA is seeking a negative or positive recommendation from Board only on the 6 original variances. Ms. Mangold asked if applicant is currently being taxed on one parcel –yes, he is. Kurt spoke to neighbor on right no issues with sub division plan.

The Planning Board is favorable to all six area variances –Motion By Kurt Bergmann, seconded by Chairman Davey. Role call as follows: Davey-yes Bergmann-yes Ritz-yes, Kelley-yes, Mangold-Abstained, Polsinello-yes, Fiacco –yes. Motion carried by a 6-0-1 vote.

NEW ZBA REFERRALS

ZBA Appeal # 2010-06 – Michael Tierney – 5 Oakwood Drive –Area Variance

Applicant wishes to construct a 16'x16' deck attached to his existing home. The property is in the R-1A Zoning district. It does not comply with EG Town Zoning law, Section II subsection 2.6.5 Residential District R-1A where the deck is required to have 35 feet from the property line, applicant only has 23 feet.

Assigned to: Sue Mangold

REVIEW & APPROVAL OF MEETING MINUTES

April 7, 2010 Minutes

Minutes approved –Sue Mangold has some minor corrections.

Recommendation to approve the minutes of April 7. Motion by Chairman Davey seconded by Sue Mangold.

Roll calls as follows: Davey –yes, Bergmann-yes, Ritz-yes, Kelley-yes Mangold-yes Polsinello-abstained, Fiacco-abstained, Motion carried by a 5-0-2 vote.

Meeting Adjourned by Chairman Davey, seconded by Sue Mangold.

Draft respectfully submitted,

Amy Konisky
Planning Board Secretary