

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

August 28, 2013

Members:

Matt Polsinello, Chairman
Don Panton
Judy Condo
Pete Stenson
Kelly Sambrook
Matt Mastin

Also Present:

Alison Lovely, Planning Board Secretary
Meghan Webster, Planner
Christine Warren, Planning Board Attorney

CALL TO ORDER / DETERMINATION OF QUORUM

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

PUBLIC HEARING:

LEAVITT MINOR 2-LOT SUBDIVISION & LOT LINE ADJUSTMENT:

(13-14)

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 Peter Leavitt for a Minor 2- Lot Subdivision called the "Leavitt Subdivision #2". Robert Leavitt is to acquire 3.56 +/- acres to his existing lot which currently has a house on it. Lot #3 consists of 8.36 +/- acres, the remaining lands. The property is located in the R-OS Residential Open Space Zoning District, Tax Map # 156.3-36.21. Said Public Hearing will be held on Wednesday, August 28, 2012 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

Chairman Polsinello asked the Board if they had any questions for Peter Leavitt regarding the previously presented minor two lot subdivision & lot line adjustment. The Board had no questions. Chairman Polsinello asked if there was anyone present to speak in favor of or opposition to the proposed subdivision. There was no one present to speak in favor of or opposition to the proposed subdivision. Chairman Polsinello asked if there were any comments from the Board. There were no comments. The public hearing was closed at 7:08 pm.

OLD BUSINESS:

LEAVITT-MINOR 2-LOT SUBDIVISION & LOT LINE ADJUSTMENT: (13-14)

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 detention and hereby issues a Negative Declaration under SEQRA.**

Second by Judy Condo & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-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 Pete Stenson & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-YES.

MOTION CARRIED BY A 6-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2013-17 –Charles Milkiewicz – 128 Craver Road-Special Use Permit-report by Pete Stenson

Pete Stenson spoke with the applicant Charles Milkiewicz. Mr. Stenson stated that the applicant is seeking a Special Use Permit to construct an in-law apartment in their residence. The residence is approximately 1 year old. The original plans included an in-law apartment in them. The applicant was told at that time that he needed to apply for a Special Use Permit or omit the in-law apartment from the building plans. The house was constructed with the in-law apartment and the applicant never filed for a Special Use Permit. The in-laws are living at the residence. After speaking with Ron Stark from the building department, the following was revealed.

- The applicant does not have a Certificate of Occupancy.
- The septic system leach field is undersized for the structure and Rensselaer County is withholding approval.
- That the Building Department has recently issued an Order of Remedy directing the Applicant and family to vacate the premises. *See attached report for further details.

MOTION: A motion was made by Pete Stenson 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 conditions:**

- 1. That the septic system leech field comply with the Rensselaer County Health Department.**
- 2. That the applicant receives a Certificate of Occupancy.**
- 3. That the Special Use Permit expires immediately upon the in-laws vacating the in-law apartment.**

Second by Matt Mastin & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-YES.

MOTION CARRIED BY A 6-0 VOTE

PUBLIC HEARINGS CONT:

MCDONOUGH-MINOR 2-LOT SUBDIVISION – MICHAEL ROAD:

(13-15)

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 Paul McDonough for a Minor 2- Lot Subdivision called the "McDonough Minor Subdivision". Existing Lot 2 consisting of 2.04 +/- acres & existing Lot 3 consisting of 2.05 +/- acres to be deleted off an existing four lot subdivision, leaving a new Lot #2 consisting of 10.00 +/- acres and new Lot #4 consisting of 22.53 +/- acres . The property is located in the R-B Residential Buffer Zoning District, Tax Map # 166.-5-13.11. Said Public Hearing will be held on Wednesday, August 28, 2012 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

Steve Hart of Hart Engineering presented the proposal to the Board. He stated that lots 2 & 3 from a previously approved subdivision will be changed to a new Lot #2 consisting of 10 acres and a new Lot #4 consisting of 22.53. Chairman Polsinello asked if there was anyone present to speak in favor of or opposition to the proposed subdivision. There was no one present to speak in favor of or opposition to the proposed subdivision. Chairman Polsinello asked if there were any comments from the Board. There were no comments. The public hearing was closed at 7:25 pm.

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 detention and hereby issues a Negative Declaration under SEQRA.**

Second by Don Pantan & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Pantan-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-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 Judy Condo & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Pantan-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

PARK RIDGE DEVELOPMENT-LOT LINE ADJUSTMENT – PARK RIDGE DRIVE:(03-05a)

Steve Hart of Hart Engineering presented the proposal to the Board. The proposal is to combine Lot # 10 which consists of 9.94 acres & Lot # 11 which consists of 19.88 acres. The new lot would be a total of 29.80 acres. Someone wishes to build a house on the new lot. The property is located in the R-B zoning district and requires 200 feet of road frontage and 1 acre lots. The proposal meeting all zoning.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby declares itself Lead Agency and issues a Negative Declaration under SEQRA and grants final approval of the proposed lot line adjustment prepared by John J. Dunn L.S., and dated August 22, 2013.**

Second by Matt Mastin & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-YES.

MOTION CARRIED BY A 6-0 VOTE

PAZIENZA 2-LOT SUBDIVISION AND LOT LINE ADJUSTMENT- LUTHER ROAD (03-05a)

Steve Hart of Hart Engineering presented the proposal to the Board. The proposal is for a lot line adjustment, giving the next door neighbors, the Pollman's a 0.511 acre strip of land for their driveway. The applicant is also proposing a 2 lot subdivision. Taking out a 2.5 +/- acre piece of land that has an existing house on it, leaving a 10.3 +/- acres, the remaining lands. The property is located in the R-OS zoning district and requires 200' frontage and 2 acres for a building lot.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, August 20, 2013, prepared by R. L Scott Land Surveying for the proposed 2-lot minor subdivision & lot line adjustment.**

Second by Matt Mastin & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-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 an uncoordinated review under SEQRA.**

Second by Don Panton & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-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 September 11, 2013 @ the East Greenbush Town Hall @ 7:05 PM.**

Second by Kelly Sambrook & roll called as follows:

Roll Called as follows:

M. Polsinello-YES; D. Panton-YES; J. Condo-YES; P. Stenson-YES; K. Sambrook-YES; M. Mastin-YES.

MOTION CARRIED BY A 6-0 VOTE

CITY AUTO- 106 COLUMBIA TURNPIKE-MINOR SITE PLAN MODIFICATION (13-17)

Steve Hart of Hart Engineering presented the proposal to the Board. The applicant currently has a used car lot with approximately 20 cars and a small garage for detailing and light repairs. He is proposing to construct a 30' x 20' addition and a 40' x 40' addition to the rear of the building. The proposal requires a special use permit in the B-2 zoning district. The addition is allowed to be built 3' off the property line as long as the wall is a special fire rated wall. This is an informational presentation only.

MANNIX ROAD ROUNDABOUT UPDATE:

Chairman Polsinello gave the Board an update concerning the Mannix Road roundabout. The project is moving forward and currently the Town is working out a detour road and other details.

NEW ZBA REFERRALS

ZBA Appeal #2013-18 – Rodney Goldstein –720 Columbia Turnpike-3 Area Variances-Sign-assigned to Pete Stenson

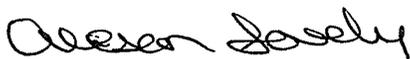
REVIEW AND APPROVAL OF THE JULY 24, 2013 MEETING MINTUES

Motion by Chairman Polsinello to approve the August 14, 2013 meeting minutes. Seconded by Don Panton. Matt Mastin abstained. Motion carried by a 5-0-1.

ADJOURMENT

There being no further business before the Board, the meeting was adjourned by Chairman Polsinello. Seconded by Kelly Sambrook. Carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely
Planning Board Secretary

ZBA Appeal #2013-17 – Charles Milkiewicz - 128 Craver Road - Special Use Permit - In Law Apt.- report by Pete Stenson

Mr. Milkiewicz is seeking a Special Use Permit to construct an in-law apartment in his primary residence located at 128 Craver Rd.

The applicant's property is located in an R-OS (Residential Open Space) Zoning District.

The residence is approximately one year old. The applicant's original application for a Building Permit to construct the residence included the in-law apartment. Applicant was told that he'd have to apply for a Special Use Permit at that time or omit the in-law apartment from the Building Permit application. The applicant was allegedly under time constraints and apparently did not want to apply for a Special Use Permit at that time, opting instead to submit revised building plans, omitting the in-law apartment, to the East Greenbush Building Department. A Building Permit was eventually issued.

The house was nevertheless constructed with the in-law apartment intact and the in-laws have just recently moved into the residence.

Discussions with East Greenbush Code Enforcement Officer Ron Stark revealed the following:

- The applicant does not have a Certificate of Occupancy.
- The septic system leach field is undersized for the structure and the Rensselaer County Department of Health is withholding approval. The leach field was designed and installed to support a three-bedroom home while the residence has seven bedrooms.
- The East Greenbush Building Department has recently issued an Order of Remedy directing the Applicant and family to vacate the premises.

I move that the Town of East Greenbush Planning Board recommend that the Zoning Board of Appeals condition the Special Use Permit on the following:

- the septic system leach field comply with Rensselaer County Department of Health standards;
- the applicant receive a Certificate of Occupancy; and
- the Special Use Permit expires immediately upon the in-laws vacating the in-law apartment.