

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

March 12, 2014

Members:

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

Also Present:

Alison Lovely, Planning Board Secretary
Phil Danaher, 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. Matt Mastin was absent.

OLD BUSINESS:

NONE

NEW BUSINESS:

INTEGRATED LINER TECHNOLOGIES-MAJOR SITE PLAN

(14-04)

James Crouch the Vice President of Integrated Liner Technologies presented the proposal to the Board. The location is 45 Discovery Drive and the applicant is proposing a 13,000 square foot warehouse addition on the north side of the building. This site used to be the Fuji processing facility. The warehouse will store finished goods. Ralph asked who the neighbors are to the rear of the facility. Jim stated that there are woods and residential homes. Ralph asked what the distance of the proposed addition will be to the property line. Jim stated that there is 30' to the property line, but that is the area of the current site. The owner owns more property beyond where the property line exists for the new addition. Paul asked what the buffer consists of behind where the residents are located. Jim stated that there are woods that buffer the residents. Ralph stated that it is a very nice looking facility with nice landscaping and a clean building.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated May 1999, prepared by ABD Engineering for the proposed site plan.**

Second by Judy Condo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review and that they determine the proposed project as an Unlisted Action under SEQRA.**

Second by Kelly Sambrook & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

GREENBUSH RENEWABLES-MINOR SITE PLAN

(14-05)

Mike Collandra & Lauren Browe are partners and are forming an LLC to start a recycling plant. They would take in used shingles, chop them up and recycle them for asphalt plants. Mike stated that NYSDEC permits are required and they have their permits filed. The shingles are just shredded, there is no heat involved. Paul asked if there are any residents in the area. Mike stated that the area is all industrial. Judy asked if there was any odor associated with the operation. Mike stated that there is not. Ralph asked how the nails come out of the shingles. Mike stated that the nails come out of the shingles by a magnet. Matt asked how many employees will there be. Mike stated that they will start out with three for now, but there will be up to nine. Matt asked what the hours of operation would be. Mike stated that the hours are normal working hours. Judy asked if there would be any weekend work. Mike stated just on Saturday's until noon. Mike also stated that they will take Town resident's materials but will be taking mostly roofing contractors. Ralph asked where the closest plant like this is. Lauren stated that there is a plant in Rochester and Long Island. Matt asked if it's a special batch plant for this material. Mike stated that no, any batch plant can take it. Judy asked if there was any need for open storage. Mike stated that there will be one pile for unloaded material and one for chopped up material. Ralph asked if there was a fee for dumping. Mike stated that yes there is. Matt asked if it's any cheaper to bring it to their plant. Mike stated that no it's not. Paul asked how long is their lease for. Lauren stated that there isn't a lease, that they are buying the 10 acre parcel. Matt asked if there would be any connection to the railway. Mike stated that they are considering that. Ralph asked how many truck loads per hour. Lauren stated that they don't know, it's a slow process. Paul asked how many loads a day? Mike stated that they wouldn't know until they opened up.

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 March 3, 2014 by St. Germain Collins for the proposed minor site plan.**

Second by Judy Condo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

GREENBUSH SOCCER-LOT LINE ADJUSTMENT

(14-06)

Josh Sabo, the president of Greenbush Soccer presented the proposal to the Board. Josh stated that more parking is needed. Greenbush Soccer has been using property that Witbeck owns for years and now they want to make it legal. Greenbush Soccer is purchasing 15 acres from Witbeck and will now also own the entire driveway which goes into the parcel where the fields are.

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 Hart Engineering, and dated March 8, 2014.**

Second by Mike Bottillo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2014-03-Monuteaux-1429 Red Mill Road-2 Area Variances-Garage & Breezeway-
report by Judy Condo

Judy stated that she visited the property located at 1429 Red Mill Road on three different occasions. The applicant is proposing to build a 23' x 32' attached garage and a 31' x 8.7' breezeway across approximately half of the rear of the house. The house is on a corner lot located in both the R-2 and OI zoning districts. A 35' front setback is required in the OI zoning district on the Discovery Drive side and a 25' rear setback is required in the R-2 zoning district on the Red Mill Road side. The proposed garage and breezeway both have a (0) zero side and rear setback. The applicant has applied to the state of NY for variances. Judy also spoke to the neighbor immediately to the rear of the proposal who is directly affected. They are concerned with an already existing drainage problem only getting worse. Judy recommends that the Zoning Board of Appeals deny the 2 Area Variances. *See attached report for 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 deny the 2 Area Variances.**

Second by Ralph Viola & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

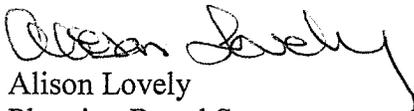
REVIEW AND APPROVAL OF THE FEBRUARY 12, 2014 MEETING MINTUES

Motion by Chairman Polsinello to approve the February 26, 2014 meeting minutes. Seconded by Mike Bottillo. Motion carried by a 5-0-1.

ADJOURMENT

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

Respectfully Submitted


Alison Lovely
Planning Board Secretary

On March 5, 6 and 8, 2014 Judith Condo visited the property located at 1429 Red Mill Road, Rensselaer, NY and the neighbors surrounding the property. It is the subject of ZBA Appeal #2014-03 for two Area Variances. The applicant is proposing to build a 23' x 32' attached garage and 31' x 8.7' breezeway across approximately half of the rear of the house. The breezeway will be designed as a type of "mud room" leading from the garage and extending beyond the back door of the house. The house is on a corner lot located in both R-2 and O-I Zoning Districts. As a corner lot a 35' front setback is required for the Discovery Road side where the side of the garage would be located. The single family home faces Red Mill Road. The breezeway to the rear of the house and extending from the rear wall of the garage is in the R-2 Zoning district which requires a 25' rear setback. The applicants are proposing to build the garage and breezeway on their property lines with 0' setbacks. A drawing of the proposed rear of the garage and breezeway depicts a door that would open onto property currently owned by the Town of East Greenbush. The door opening onto another's property is in violation of New York State Residential Building Code for which the applicants have also applied for a variance from the State. The 100' by 20' area on which the proposed garage would sit was purchased by the applicants from the Town of East Greenbush for a driveway for their residence. The proposed attached garage would cover the lower portion of the driveway and extend 8.7' beyond the rear wall of the house.

Much of the surrounding land was originally owned by a grandparent of Charles Higgins who sold a right of way to the now defunct Gardenway Corporation. The right of way built by Regeneron Corporation has become Discovery Road and remaining unbuildable land was returned to the Town. Some 60' x 100' lots were carved out of the original property along Red Mill Road for single family residences, on one of which the applicants' home now stands. Mr. Higgins lives at 1423 Red Mill Road, two houses away from the applicant, but owning the land adjacent to and to the rear of the lots up to the side line of the Town property. A fire occurred several years ago to the house that previously stood where the applicants live. When a contractor attempted to rehabilitate the previous home the walls collapsed and the builder was permitted to replace the above ground structure of the home using the old foot print and foundation which by then no longer met current zoning setbacks. Although mostly new construction the home is considered pre-existing non-conforming.

The next door neighbor to the applicant had no objection to the variances. Mr. and Mrs. Higgins had serious objections to the rear variance as an additional structure would further exacerbate a drainage problem on their land where they garden. They claim that when the structure was rebuilt the land around the foundation was built up to level the plane for the back door and walkway behind the house creating a drop off onto his land. The gutters were also run to a downspout that drains toward his land. The hill created by the grading currently overlaps the base of his chain-link fence which is set several inches inside his property line and along the Town line. The grading also covered the bottom of his fence along the Town line. There are additional concerns that construction along a property line would harm his fence.

With regard to the Area Variances, a zero foot setback by definition encroaches on neighboring properties. While the location of this property makes the Town and Regeneron Corporation the principal neighbors, there still exists a rear neighbor who stands to be harmed by the building of the proposed structure. The general character of the neighborhood would not change, but the extraordinary size of the variances would set a precedence for others who might wish to build immediately adjacent to their neighbor's lot line. Given the dimensions of the property and its existing nonconformity to the 35' required distance to Discovery Road, the building of any structure attached to the house will require an area variance. Discovery Road is about eight feet from the edge of the current driveway and only approximately 31' from the side of the house. A smaller garage aligned with the rear of the house and without a rear breezeway would require a smaller front setback variance and allow for a rear door that conforms to the State building code. There is also sufficient distance to Red Mill Road without a variance to allow for the same length garage as proposed, but placed forward to the front of the house.