

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 25, 2014

Members:

Matt Polsinello, Chairman
Judy Condo
Mike Bottillo
Ralph Viola
Kelly Sambrook-came late

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 five (5) members were present. Matt Mastin & Paul DiMascio were absent.

OLD BUSINESS:

STEWART'S-326 COLUMBIA TRPK-UPDATE

(14-09)

Chris Potter of Stewart's gave an update to the Board. He stated that they have addressed the comments from Chazen and have sent Jim Connors a letter. The only changes from the last presentation are that they have added an exterior freezer to the site plan. They have obtained a permit from NYSDOT. Ralph stated that he would like to see the dumpster located in the rear of the site with the gates to it opening to the side of the site, not the front of the site to allow garbage trucks to enter to the rear of the site. Chairman Polsinello asked which trees would be coming down in the rear of the site and which ones would stay and also where are the pads for the gas tanks located. Chris stated that they are in the same location they are now. Chairman Polsinello stated that the Board is waiting for final comments from Chazen and the soonest date for final approval could be July 9, 2014.

NAPA AUTO PARTS-300 COLUMBIA TRPK-UPDATE

(14-01)

Steve Hart stated that this project was before the Board approximately 3 months ago. Steve stated that there is a change in the site plan. The size of the building is now 7,200 square feet. The project meets the green space. The parking plans need to be submitted to Chazen for their preliminary comments. Steve stated that they have talked to NYSDOT about the curb cuts and NYSDOT wants the applicant to keep the curb cuts as they are currently. Judy Condo asked if Mr. Ettliger operated anyone of the three businesses. Steve stated that there are three different business's there. An auto sales business, Napa & the auto service garage. Steve stated that Mr. Ettliger works for Napa. Ralph stated that he thinks it would be better to realign the entrance/exit ways now. Steve stated that NYSDOT wants to leave the curb cuts where they are now. Ralph also stated that he doesn't know how a garbage truck is going to be able to access the dumpster.

Judy stated that the applicant should designate the actual display parking spots now and not count them in as part of the parking and make it clear on the site plan what parking spaces go with which business.

NEW BUSINESS:

VANWORMER-HORIZONVIEW DRIVE-MINOR SITE PLAN MOD. (14-13)

No one showed up to represent this project so it was tabled until the next meeting on July 9, 2014

LOT'S 17 & 18 ORIEL LANE-MINOR 2-LOT SUB & LOT LINE ADJ. (14-14)

Fred Metzger stated that Alpha Venture One owns Lot #17 & 18 and he wishes to purchase both parcels and build a house on it. He needs to establish Lot #18 and then do a lot line adjustment to combine both lots into one. A filed map does exist, but it doesn't show a Lot #18 on it. After much discussion it was the advice of the Board's attorney Phil Danaher to table this project until the next meeting on July 9, 2014 in order for him to do some research regarding the two lots.

DINARDO-18 ELLIOT ROAD-MINOR 2-LOT SUBDIVISION (14-15)

Roger Dinardo stated that he lives at 18 Elliot Road and wants to subdivide his lot, in order to give a piece to his daughter. The property is in the R-3 zoning district and meets all the zoning for a lot. His daughter wants to put a 27' x 56' modular on the piece of property and put up a garage at a later date.

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, 2014, prepared by McGrath Land Surveyor's for the proposed 2-lot minor subdivision.**

Second by Ralph Viola & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 4-0 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 Judy Condo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: A Public Hearing is hereby scheduled for July 9, 2014 @ the East Greenbush Town Hall @ 7:15 PM.

Second by Mike Bottillo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2014-09-Austin-241 Hudson Avenue- Area Variance- report by Ralph Viola

Ralph Viola stated that he spoke with the applicant and they stated that they bought the house in 2004 and it had a deck which has since rotted and now they want to make a 12' x 16' new deck with an enclosed porch. The applicant started construction and then got a stop work order from the Building Department as they didn't meet the rear setback of 25'. The setback is only seven (7') feet. The house sits on a corner lot. There is also an existing garage which sits one (1') foot off the adjoining neighbor's property. Ralph spoke with some of the neighbors and no one had a problem with it. Ralph tried to speak to the neighbor who would be directly affected by it a couple of times but never made contact with them. Ralph makes a positive recommendation to the Zoning Board of Appeals that they grant the Area Variance conditioned upon the applicant apply for and that they obtain the necessary Building Department permits which are subject to all the rules and regulations of the NYS Building Code. * See attached report for further details.

MOTION: A motion was duly made by Planning Board Member Ralph Viola as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the Area Variance sought by Applicant conditioned upon the Applicant applying for, and obtaining, all necessary Building Department permits, and subject to all applicable rules and regulations of the NYS Uniform Fire Prevention and Building Code, and further subject to the Applicant allowing the applicable Town Officials to inspect the subject property so as to verify compliance with a aforementioned permits, rule and regulations.**

Second by Judy Condo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

PUBLIC HEARING:

RED MILL ROAD-MINOR 3-LOT SUBDIVISION

(14-11)

Chairman Polsinello recused himself from this project as he is purchasing one of these lots. He left the meeting room and Mike Bottillo took over in his absence. Mike Bottillo read the Legal Notice as follows:

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 Patrick Mahoney for a Minor 3- Lot Subdivision called the "Red Mill/Olcott 3-lot Minor Subdivision". Lot #1 consists of 9.7 +/- acres. Lot #2 consists of 8.0 +/- acres. Lot #3 consists of 14.5 +/- acres. The property is located in the R-B Residential Buffer Zoning District, Tax Map # 155.-2-28.1. Said Public Hearing will be held on Wednesday, June 25, 2014 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

Aaron Harbeck stated that the proposal is for a 3 lot subdivision on Red Mill Road. The parcel consists of 30 acres and will be broken into 3 lots. All the lots will all have at least 300' of frontage on Olcott Lane. The houses will be serviced with well's and septic's although there is water available on Olcott Lane. Judy stated that the Rensselaer County Health Department would have to approved the septic's and well's. Mike Bottillo asked in there was anyone present to speak in favor of or opposition to the subdivision. There with no one present who spoke in favor of or opposition to the proposed subdivision. Mike Bottillo closed the public hearing at 8pm.

OLD BUSINESS:

RED MILL ROAD-MINOR 3-LOT SUBDIVISION

(14-11)

MOTION: A motion was made by Mike Bottillo 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.**

Second by Judy Condo & roll called as follows:

Roll Called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Mike Bottillo 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:

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

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINTUES

Motion by Chairman Polsinello to approve the June 11, 2014 meeting minutes. Seconded by Judy Condo. Motion carried by a 5-0.

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 25, 2014

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

Attn: Chairman Matt Polsinello

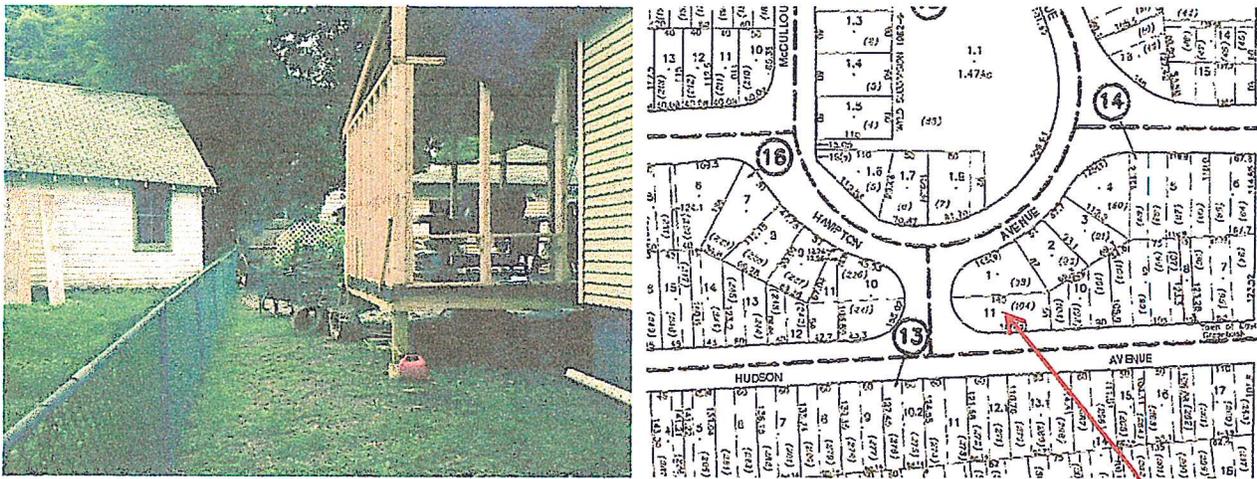
RE: Area Variance Review

Kathleen Austin Appeal# 2014-09
241 Hudson Avenue
Rensselaer, NY 12144

I met with the applicant Mrs. Austin and the builder, Rick Stodolski on June 23rd to discuss the area variance request.

The applicant purchased her home in 2004, at which time had a wooden deck attached to the back of the house. The wood deck had become rotten over time and she decided to replace the existing deck with a larger 16' x 12' enclosed screen porch. A building permit was never obtained and the framing construction and roof were near completion when the East Greenbush Building Inspector stopped work until a proper permit was issued.

The building permit was denied because the screened porch was 7 ft. from property line instead of the required 25 ft. rear yard setback.



The building lot is a corner lot with frontage on both Hampton Avenue and Hudson Avenue.

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: NO

Hampton Manor area has very small building lots and most homes built there would not meet the current building lot setbacks. The parcel is a corner lot and in many cases causes conflicts with setback requirements. The existing house is only located within 12 ft. from the rear property line, half the required 25 ft. setback allowed. The area in question could be considered the side lot, therefore almost meeting the 8 ft. required setback. The adjoining neighbor has a detached garage located within a foot of his property line. The construction of this screened porch addition will not change the character of the neighborhood.

I visited neighbors at 240 Hudson Avenue and 250 Hampton Avenue and neither neighbor had any issues with the variance request. The neighbor that has the most impact 248 Hampton Avenue I was unable to speak to after three attempts. The adjacent neighbor said she works nights and sleeps during the day.

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: NO

At this stage of construction, it would cause a financial hardship to the owner if forced to tear down and remove porch. Owner claims to have over \$ 2,000.00 invested to date.

- 3) Whether the requested variance is substantial: YES

Although construction proceeded without the proper permits and and/or knowledge of setback conflicts, a variance should be issued to document the leniency of setback distances.

- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: NO

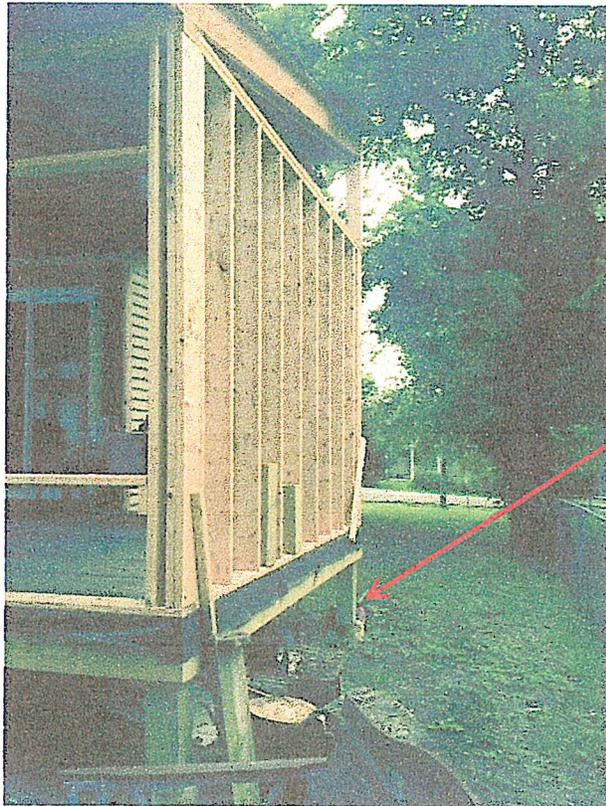
- 5) Whether the alleged difficulty was self-created: YES

The fact that the owner assumed that they could construct a building addition to their home without the proper building permits is troubling. The owner stated that the deck was existing, and thought as long as they were just re-building a deck similar in size that they did not need a permit. I would tend to believe this for a deck replacement, but not the construction of exterior walls and roof.

Given the above findings I recommend to the East Greenbush Planning Board a favorable recommendation to the E.G. Zoning Board of Appeals with the following condition.

During my site visit I noticed that the structural support columns are not aligned properly on the concrete sonotube footings in two locations. I also noted that there were not any embedded anchors or mechanical fasteners connecting the wood columns to the concrete footings.

The owner **MUST** provide adequate bearing under the support columns by pouring addition concrete footing alongside exiting footing and provide embedded anchor.



Wood column half off support

Respectfully,

A handwritten signature in black ink, appearing to read "R. Viola".

Ralph J. Viola
E.G. Planning Board Member
518-573-8907