

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES SEPTEMBER 24, 2014

#### **Members:**

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

#### **Also Present:**

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

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Polsinello called the meeting to order and determined that a quorum of six (6) members were present. Kelly Sambrook was absent. Chairman Polsinello introduced the new alternate Planning Board member James Giordano. He stated he would not be a voting member tonight as he has not signed the oath book yet.

#### **PUBLIC HEARINGS:**

#### **GLAZ ROAD-MINOR 2-LOT SUBDIVISION**

(14-18)

Chairman Polsinello 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 Paul Glaz Jr. for a Minor 2- Lot Subdivision called the "Two Lot Minor Subdivision of Lands of Glaz on Glaz Road". Lot 1 consists of 12,593 +/- square feet. Lot 2 consists of 17.35 +/- acres, the remaining lands. The property is located in the R-2 Residential Zoning District, Tax Map # 155.-7-3.112. Said Public Hearing will be held on Wednesday, September 24, 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

Dick Tice of Brewer Engineering stated he was representing Paul Glaz Jr. who owns 17 acres on Glaz Road with frontage on Newkirk Road. The applicant wants to subdivide parcel into 2 lots. Water and sewer are available for both lots. The proposal at the current time is only to build a house on one lot. Chairman Polsinello asked if there were any questions from the Board. Ralph Viola wanted to comment or ask for a consideration of limiting access to just emergency vehicles on Glaz Road, without a stipulation then the applicant could use Glaz Road as a secondary access. Mr. Danaher stated that the applicant has access on Glaz Road for both lots, they do have access on Newkirk but they do have enough frontage on Glaze Road for both lots. Mr. Tice stated that there are 4 or 5 acres of wetlands on Lot#2 and the intent at this time would be to use Newkirk Road as the main access.

Chairman Polsinello asked if there was anyone present in favor or opposition to the minor 2-lot subdivision. There was no one present to speak in favor of or opposition to the minor two lot subdivision. Chairman Polsinello closed the public hearing at 7:12 pm.

**MOTION: A motion was made by Chairman Polsinello as follows: The Town Planning Board hereby closes the Public Hearing.**

**Second by Matt Mastin & roll called as follows:**

**Roll Called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

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

**Second by Judy Condo & roll called as follows:**

**Roll Called as follows:**

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

- In the event of future subdivisions on Lot #2, the primary source of ingress and egress to the lots would occur on Newkirk Road.**
- 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; M. Mastin-YES; J. Condo-YES; M. Bottillo-YES; P. DiMascio-YES; R. Viola-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**NEW BUSINESS:**

**MERACLE-MINOR 2-LOT SUBDIVISION**

**(14-19)**

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of JM/RM Holding. The property is on River Road/9J and consists of 37 acres and is split by River Road/9J. Approximately 12 acres exist on the east side of River Rd/9J and approximately 25 acres exist on the west side of River Rd/9J. The property is located in the A-R zoning district. Chairman Polsinello asked Mr. Hart what the one side of the parcel consists of. Mr. Hart stated that it is farm land. Matt Mastin asked if this proposal is related to the Zoning Board of Appeals application. Mr. Hart stated that it was but that regardless of what happens with that, the applicant still wants to split up the parcel. Mr. Hart stated that there is an existing house and garage on Lot #1. Chairman Polsinello asked if the subdivision conforms to the existing zoning. Mr. Hart stated that it does. Matt Mastin asked if they will be back in for a site plan. Mr. Hart stated that yes they will as long as the Variance is approved, but that the applicant wants to subdivide no matter what.

**MOTION: A motion was made by Chairman Polsinello as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, September 15, 2014, prepared by Stantec for the proposed 2-lot minor subdivision.**

**Second by Matt Mastin & roll called as follows:**

**M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; M. Bottillo-YES; P. DiMascio-YES;  
R. Viola-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 Mike Bottillo & roll called as follows:**

**M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; M. Bottillo-YES; P. DiMascio-YES;  
R. Viola-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 October 22, 2014 @ the East Greenbush Town Hall @ 7:05 PM.**

**Second by Matt Mastin & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**AYERS-MINOR 2-LOT SUBDIVISION**

(14-20)

Vicki Ayers stated that the property is located at 11 Morgan Road. The proposal is for a 2 lot subdivision. The parcel consists of 9.72 +/- acres and the proposal is to subdivide 3.65 +/- acres off and will remain in a trust until her mother passes away and then it will become part of her sisters parcel, whose property adjoins the lot which is proposed to be subdivided. After some discussion, Mr. Phil Danaher stated that it sounded like it just maybe a lot line adjustment. Mr. Danaher asked the applicant to give him a call to set up a time convenient to the applicant to come in and discuss the issue with himself and Chairman Polsinello. Therefore, this business was tabled.

**NEW ZBA REFERRALS:**

NONE

**REFERRALS-REPORTS & RECOMMENDATIONS:**

ZBA Appeal # 2014-14-Meracle-3396 River Road-Use Variance-Roll Off Dumpsters-report by Mike Bottillo

Mike Bottillo stated that he met with the applicant's representative, Steve Hart regarding the proposal. The applicant is proposing a business on Lot #1 and since the property is in the A-R zone that it requires a Use Variance. The property currently has a residential home and garage on it. The site itself is wooded and is not real visual from River Rd/Rte. 9J. The applicant wishes to construct a 60' x 40' office building with one employee and also to store materials for the proposed roll off dumpster business. The roll off would then be stored outside on a 100 x 200 foot area for roughly 50 containers varying in size between 20 – 30 yard dumpsters. Mike stated that there are commercial businesses on the same side as the proposal. Mike stated that there are really no neighbors that will be affected by the proposed business. \* See attached report for further details.

**MOTION: A motion was made by Mike Bottillo as follows: The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the Use Variance with the condition that a 25 foot vegetation buffer remains intact from the property line into the property.**

**Second by Matt Mastin & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**REVIEW AND APPROVAL OF MEETING MINUTES**

Motion by Chairman Polsinello to approve the September 10, 2014 meeting minutes. Seconded by Matt Mastin. Motion carried by a 5-0-1 vote. Paul DiMascio abstained.

**OLD BUSINESS:**

Mike Bottillo recused himself in regards to the Capital View Casino & Resort project due to a conflict of interest and left the meeting.

**CAPITAL VIEW CASINO & RESORT**

**(14-16)**

Anthony Stellato & Steve Wilson from CHA represented Capital View Casino & Resort stated that they the project is in the public scoping process. A public hearing for the draft environmental impact statement will be held on October 8, 2014 at Columbia High School at 7pm in the Auditorium. The scoping period ends on October 20, 2014. One letter has been received to date, which is up on the web site. Steve stated that everything is up on the web site and they will post all the comment letters every Tuesday and Friday. He stated that at the end of the process they will make a summary of the comments. Matt Mastin asked if a notification could be sent to the members to remind them to look at the updates on the web site. That the applicant will document the balloon test from the highest floor possible as indicated for each location in there visual impact map, an alternate date will be picked as well if the weather isn't good. A photo simulation will be done of the leaf on and leaf off conditions. Chairman Polsinello stated that the balloon test date and alternate date will be made available and announced at the Planning Board meeting on October 8, 2014. Matt Mastin asked if we should notify North Greenbush and Rensselaer regarding SEQR. Stuart from Chazen stated that we can as a courtesy since they are just an interested agency. North Greenbush & Rensselaer were notified as part of the requested Interpretation for Zoning. Ralph asked to clarify if they are going to take pics of the balloon test and super impose the hotel onto it. Steve stated that yes they were. Matt Mastin stated that the Route 4 Traffic study that was done is available for them to look at. Chairman Polsinello stated that the Planning Board meeting on October 8, 2014 starts at 7pm but that the public hearing for the Casino doesn't start until 7:15pm. An extension of time by mutual consent under the Zoning and Subdivision law has been agree upon between the applicant and the Planning Board. The agreement extends the timeframe for the Planning Board and Town Board. Mr. Lee Cookson asked if the balloon test will be published as well as the bad weather date and also isn't it Town policy that when a Board member recuses himself that they need to convey why they are. Chairman Polsinello read the extension of time agreement by mutual consent.

MOTION: A motion was made by Mike Bottillo as follows: **WHEREAS**, the Applicant, Churchill Downs Incorporated and Saratoga Harness Racing, Inc. their successors and/or assigns (collectively, hereinafter referred to as "Applicant"), having filed an application for approval of a Planned Development District with the Town of East Greenbush, and

**WHEREAS**, such application having been accepted for review by the Town Board of the Town of East Greenbush, and such application having then been referred on August 20, 2014, by the Town Board of the Town of East Greenbush to the Planning Board of the Town of East Greenbush, and

**WHEREAS**, pursuant to § 2.9.7(C) of the Comprehensive Zoning Law of the Town of East Greenbush, New York, also known as Local Law No. 1 of 2008, the review and recommendations of the Planning Board concerning such application must normally be made within ninety (90) days of the aforementioned referral, and

**WHEREAS**, the Planning Board is required to generally follow the procedure established within the Town's Land Subdivision Regulations for preliminary plat review of a major subdivision in performing its duties relative to an application for a Planned Development District pursuant to § 2.9.7 of the Comprehensive Zoning Law of the Town of East Greenbush, and

**WHEREAS**, the Applicant will also be filing an application for site plan review and subdivision approval in relation to its proposed Planned Development District, and

**WHEREAS**, pursuant to § 4.3(E) of the Comprehensive Zoning Law of the Town of East Greenbush, the Planning Board must act on a preliminary site plan application within sixty (60) days of receipt of an application, and

**WHEREAS**, § 4.3(D)(03) of the Comprehensive Zoning Law of the Town of East Greenbush authorizes the Planning Board to hold a public hearing, if desired by a majority of the members of the Planning Board, and

**WHEREAS**, § 4.3(G) of the Comprehensive Zoning Law of the Town of East Greenbush requires that the Planning Board act on an application for final site plan review within forty-five (45) days of the receipt of the application, and

**WHEREAS**, § 4(E)(1) of the Town's Land Subdivision Regulations requires that the Planning Board shall hold a public hearing within forty-five (45) days of receipt of the Preliminary Plat, and

**WHEREAS**, § 4(E)(3) of the Town's Land Subdivision Regulations requires that the Planning Board act by resolution on the Preliminary Plat within forty-five (45) days from the date of the public hearing, and

**WHEREAS**, § 5(E)(1) of the Town's Land Subdivision Regulations authorizes the Planning Board to hold a public hearing, if required, on a final subdivision plat, within forty-five (45) days of receipt of the Preliminary Plat, and

**WHEREAS**, § 5(E)(2) of the Town's Land Subdivision Regulations requires that the Planning Board act on the final plat within forty-five (45) days from the public hearing, if held, or from the date of submission if no public hearing is held, and

**WHEREAS**, both § 2.9.7(C) of the Comprehensive Zoning Law of the Town of East Greenbush and § 4(E) (3) of the Town's Land Subdivision Regulations as well as New York Town Law § 274-a (8) allow for the extension of time upon mutual consent of the Planning Board and the Applicant so as to complete all actions and reviews of the Planning Board relative to an application before such Planning Board, and

**WHEREAS**, the current application filed by the Applicant, and the Applicant's intended Site Plan and Subdivision Applications are quite extensive and will require a detailed and thorough review, and good cause appearing therefor, it is hereby

**AGREED AND STIPULATED** that the time limits otherwise applicable herein are hereby extended upon mutual consent, as follows:

January 7, 2015 - date of public hearing for initial review of Planned Development District Application, Subdivision Application, and, to the extent required, Site Plan Application;

January 14, 2015 - last day to act by resolution on the Preliminary Plat;

January 14, 2015 – last day to act by resolution on the Preliminary Site Plan;

March 11, 2015 – last day to act by resolution to determine whether to hold a public hearing on the final plat and/or final site plan;

April 8, 2015 - last day to make recommendation and report to the Town Board on Planned Development District Application and Final Site Plan;

April 8, 2015 – last day to act by resolution on the Final Plat.

**Second by Judy Condo & roll called as follows:**

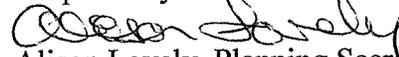
**M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**ADJOURMENT**

There being no further business before the Board, the meeting was adjourned by Chairman Polsinello. Seconded by Matt Mastin. Carried by a 5-0 vote.

Respectfully Submitted

  
Alison Lovely, Planning Secretary

9/24/2014

Zoning Board referral for 3396 River Road – USE Variance.

On September 16, 2014 I visited 3396 River Road, property belonging to Jamie Miracle, represented by that day by Steve Hart of Hart Engineering. The property is located in a A-R, Agriculture Residential, zone and is not zoned for commercial business, which Mr. Miracle would like to start a roll of dumpster business. The property currently has a residential home and large garage on it. The landscape of the property itself is very hilly and wooded and from River Road you visually cannot see that there are any structures on it. Mr. Miracle plans on putting up a 60 x 40 foot office building for one employee and also to hold some equipment. The roll off would then be stored outside on a 100 x 120 foot area for roughly 50 containers, varying in size between 10 and 30 yard dumpsters.

Currently the whole east side of River Road is zoned 'A-R', but there are multiple commercial business on it, including Brad Rose Landscaping and Speedcor Container Service. I also believe that Mr. Miracle's use variance for the property will not alter the character of the neighborhood.

I am going to make a positive recommendation on the Jamie Miracle property, with the stipulation that a 25 foot vegetation buffer remains intact from the property line into the property and ask the Zoning Board to approve the "USE VARIANCE" for 3396 River Road.

Michael Bottillo

# EXTENSION OF TIME AGREEMENT BY MUTUAL CONSENT

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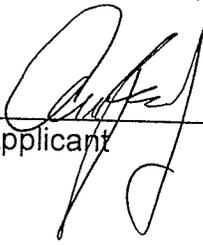
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Dated: 9/24/14

  
Applicant

Dated: 9/24/14

  
Chairman, East Greenbush  
Planning Board