

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
NOVEMBER 12, 2014

Members:

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

Also Present:

Diane Earing, Acting Planning Board Secretary
Phil Danaher, Planning Board Attorney
James Connors, P.E, Consulting
Engineer/Planning Board

Alternate: Jim Giordano

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Mastin called the meeting to order and determined that a quorum of five (5) members and one alternate were present. Matt Polsinello was absent.

NEW BUSINESS:

REGENERON-81 COLUMBIA TRPK-LOT LINE ADJUSTMENT (12-11F)

Steve Hart of Hart Engineering presented the proposal to the Board. Mr. Hart stated that the lot line adjustment totals approximately 0.6 acres of land. The site is in the area of Sherwood Avenue side of Regeneron. Over the years the neighbors that live on New York Avenue have built pools, sheds and decks and have located this right on the buffer. Avoiding any issues, Regeneron has agreed to do a lot line adjustment in order to give the residences a right to access what they have built on the applicant's buffer. Notes have been added to the map that state that no residential lots can be built on the lands being conveyed to the property owners.

MOTION: A motion was made by Vice Chairman Mastin 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 CHA, and dated November 6, 2014 .**

Second by Jim Giordano & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES;
J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

RYSEDORPH-OLCOTT LANE-27 LOT CLUSTER SUBDIVISION (14-11A)

Steve Hart of Hart Engineering presented the project to the Board. Mr. Hart stated that the plans handed out have two maps of what's being proposed by Ryседорф LLC. The parcel consists of 31.24 acres and is located on Olcott Lane. The parcel is located in the R-B zone which requires ½ acre lots and 100 feet of frontage and public water and sewer is available. The road coming in consists of 2,150 linear feet of road which connects to Rose Lane. The applicant would rather utilize the Town's cluster provision which allows the applicant to build a smaller scale subdivision with lots approximately 9,000 square feet in size with 60 feet of road frontage and would be cutting the amount of road construction in half to 1,053 linear feet of road and all the green space would be considered open space to maintain privacy. There is a high point on the property so the applicant would be looking at installing grinder pumps to pump up and gravity feeding down to the existing sewer on Olcott Lane.

MOTION: A motion was made by Vice Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, October 15, 2014, prepared by Hart Engineering for the proposed 27-lot major subdivision.**

Second by Judy Condo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Vice Chairman Mastin as follows: **The Planning Board has determined the project an Unlisted Action and hereby declares itself Lead Agency in connection with a coordinated review under SEQRA.**

Second by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Vice Chairman Mastin as follows: **A Public Hearing is hereby scheduled for December 10th @ the East Greenbush Town Hall @ 7:05 PM.**

Second by Jim Giordano & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

ACTION WASTE-3396 RIVER ROAD-MINOR SITE PLAN (14-22)

Steve Hart stated that a use variance was granted on this parcel about a month ago for the storage of roll over dumpsters. The parcel consists of 11.84 acres of land. There are some existing buildings on the parcel. The applicant is looking to construct a 60' x 40' metal building and approximately 100' x 120' area of crusher run surface that would allow the applicant to store the containers. The proposed building would be used to keep the trucks that would load up the storage containers and bring them to different job sites. Light repairs maybe done on trucks and/or dumpsters in the building. One of the original conditions that the Planning Board requested was to maintain a 25' buffer, which is shown on the plan. Paul asked how tall the building would be. Steve stated approximately 18'. Steve stated that there is existing sewer and well on the parcel.

MOTION: A motion was made by Vice Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated September 5, 2014 prepared by Hart Engineering

Second by Judy Condo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

**EAST GREENBUSH TECH PARK-BUILDING ADDITION-26 TECH VALLEY DR.-
MINOR SITE PLAN MODIFICATION (14-01)**

Steve Hart of Hart Engineering presented the minor site plan modification. The Board had approved this project previously and the only change is a loading dock added to the plan consisting of approximately 17' x 28'. The green space that was lost due to the proposal was added to the west side of the building addition. Two generators were relocated as well. Ralph asked if there would be some type of screening around the generators for noise. Steve stated that there is some vegetation in the area.

MOTION: A motion was made by Vice Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby approves the minor site plan modification subject to any outstanding technical details by the Town's designated engineer and Building Department.

Second by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

RECOVERY SPORTS GRILL-279 TROY ROAD-MAJOR SITE PLAN (14-07)

Eric Redding of Bergmann Associates presented the project to the Board. It is before the Board for an update only. The last meeting the Board approved the sketch plan. The building has been moved closer to the movie theatre and allows more parking to remain out front. The SEQR process has been started by the Town Board. Jim stated that with this change there will now be an outdoor seating area between the restaurant and the movie theatre. It also created a better traffic flow and safer pedestrian movements between the two facilities.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal # 2014-18-Fred Root-19 Petalas Drive- 2 Area Variances-Shed-report by Mike Bottillo

Mike Bottillo gave the report on this project. The applicant wants to replace the existing shed that was damaged by a tree with a pre-fab shed. The problem is that where he wants to place the shed it will only be 5 inches from the rear line and 5 inches from the side line. Mr. Root does have room to move the shed to another part of the property. Mr. Bottillo talked with the immediate neighbors, the Velardi's and they don't want the shed where the applicant wants to locate it. They believe that they own the property where the applicant wants to put the shed. *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 deny the 2 Area Variances.**

Second by Matt Mastin & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J, Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2014-19-Taber Alderman-26 Mill Run-2 Area Variances-Shed-Side & Rear Setback-assigned to Judy Condo

REVIEW AND APPROVAL OF MEETING MINTUES

Motion by Vice Chairman Mastin to approve the October 22, 2014 meeting minutes. Seconded by Jim Giordano. Motion carried by a 5-0-1 vote. Matt Mastin abstained.

Mike Bottillo recused himself in regards to the Capital View Casino & Resort project due to a the fact that he owns a small business that has a relationship with the individuals there that may have a financial gain in the casino and left the meeting.

CAPITAL VIEW CASINO & RESORT

(14-16)

Vice Chairman Mastin stated that before the Board tonight is the acceptance of the draft scoping document. They are on revision number seven of the document. A workshop was held by the Board on November 5, 2014 and the Board went through the document, step by step. Jim Connors spoke in regards to the scoping document and how the Board has gotten to this point. Jim stated that its Chazen's recommendation that the Board accept the Draft Scoping document as final so that the applicant can commence with preparing the Environmental Impact Statement for the project. Steve Wilson from CHA represented Capital View Casino & Resort stated that the balloon test is scheduled for this coming Saturday, November 15, 2014. The crane will remain until Monday am, November 17, 2014. Any photos should be emailed to leadagency@eastgreenbush.org , anyone should identify specific where the photo has been taken from and type of device used to take the photo. Vice Chairman Mastin asked what the time frame is the applicant is looking at to submit the Draft EIS. Steve Wilson stated hopefully by mid-December.

MOTION: A motion was made by Vice Chairman Mastin as follows: **WHEREAS**, the Planning Board of the Town of East Greenbush ("Planning Board") received referral from the Town Board of a Planned Development District application and related matters filed by Churchill Downs Incorporated and Saratoga Harness Racing, Inc. ("Applicant") relative to certain real property comprising approximately 152 acres located off of Thompson Hill Road designated on the Town Tax Map as parcels 145.-1-4.1, 144.-4-41.1, 144.-4-41.2, 144.-4-34 and 144.-4-41.21 ("Property"), seeking to change the zoning of the Property from R-B to a PDD in order to construct a Casino and Resort facility ("Proposed Action"); and

WHEREAS, by resolution adopted August 27, 2014, the Planning Board determined that the Proposed Action is subject to the State Environmental Quality Review Act under the N.Y.S. Environmental Conservation Law, Article 8 ("SEQRA"), preliminarily classified the Proposed Action as a Type 1 action under SEQRA, and declared its intention to act as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA ("Lead Agency"), and then served the required written Notice of Intent on all necessary Involved Agencies; and

WHEREAS, none of the other Involved Agencies or Applicant, as sponsor of the Proposed Action, requested Lead Agency status from the New York State Department of Environmental Conservation, and all such Involved Agencies have filed written consent to the Planning Board serving herein as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA; and

WHEREAS, the Planning Board is the designated Lead Agency under the State Environmental Quality Review (SEQR) Act of the State of New York; and

WHEREAS, the Planning Board has found that the Proposed Action is a Type I Action pursuant to the SEQR and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that Proposed Action may have a significant impact on the environment; and

WHEREAS, the Applicant submitted a proposed draft Scoping Document as part of the application for a Planned Development District; and

WHEREAS, the Planning Board revised the Applicant's draft Scoping Document in response to comments from its consulting engineer and on its own review and deliberations; and

WHEREAS, such draft Scoping Document, and any and all revisions thereto, were made available to the public; and

WHEREAS, the Planning Board held duly noticed and advertised Scoping Sessions on the draft Scoping Document, in accordance with the New York State Department of Environmental Conservation Rule 616.8 (6 NYCRR § 617.8) on October 8, 2014, at Columbia High School in the Town of East Greenbush, at which time all those wishing to be heard were given the opportunity to speak, and public comment was thereafter permitted in written form until 5:00 p.m. on October 20, 2014; and

WHEREAS, the Planning Board received and carefully considered all public comments regarding the Scoping Document; and

WHEREAS, the Planning Board thoroughly considered and discussed the comments it received from the public as well as those from its consulting engineer and after careful consideration and deliberation prepared a final Scoping Document.

NOW THEREFORE, be it

RESOLVED, that the Planning Board hereby adopts the aforementioned Scoping Document, as revised, as being complete as to form, and directs that the Applicant prepare and file the appropriate Draft Environmental Impact Statement (DEIS) based upon such Scoping Document.

Second by Judy Condo & roll called as follows:

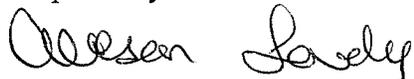
M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

ADJOURMENT

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

Respectfully Submitted



Alison Lovely, Planning Secretary

11/10/2014

Zoning Board referral for 19 Petalas Drive – Area Variance.

On November 10, 2014 I visited 19 Petalas Drive, property belonging to Fred Root, who is seeking an area variance for a shed on his property. The property is located in a R-1A, Residential zone. Where Mr. Root wants to put a new pre-fab shed where there is a current structure that has been damaged by a tree that fell and needs to be torn down. The new shed needs a variance because it would only be 5 inches from rear property, owned by East Greenbush school district, which required 6 feet and only 5 inches on side, owned by Michael and Denise Velardi which requires 6 feet.

The current structure's front facing is even with a fence that is surrounding the property with the actual structure is set behind the fence. Mr. Root does have room to move a new Pre-fab shed to other parts of his property, but wish it to put it where the current one is in the back corner out of the way and not on other portions of the yard.

Mr. Root informed me also that if the variance was not granted, that he might take the top level off the current structure that is damaged and fix the old one. I informed Mr. Root that I would talk to his neighbor, the Velardi's for their input, Mr. Root said he had already talked to them and the shed should not be an issue.

I talked to Mr. Velardi's, informed him about Mr. Root's shed and his wishes to place it where the current structure is. When I asked for his opinion on the shed, Mr. Velardi informed me that neither he nor his wife want the new shed where the old one is currently. He told me that he cannot find the property pins, but believes the current structure could be on his property. Their wishes is to have Mr. Root put the new structure off the 6 foot property line. When they are in their yard they do not want to look at Mr. Root's shed and if properly placed 6 feet off the line, it will put it inside his fence line, out of their sight from their yard.

After talking to all involved and considering the option the Mr. Root has, as well as not being 100% sure where the property lines really exist, I am going to make a negative recommendation on the Mr. Root's property on 19 Petalas Drive and ask that zoning DENY the area variance.

Michael Bottillo