

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
JANUARY 14, 2015

Members:

Matt Polsinello, Chairman
Judy Condo
Mike Bottillo
Ralph Viola

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Polsinello called the meeting to order and determined that a quorum of four (4) members were present. Matt Mastin, Paul DiMascio & alternate Jim Giordano were absent.

ORGANIZATIONAL MEETING:

Meetings:

- Meetings will be held two times per month on the second and fourth Wednesday of each month.
- Meetings will commence at 7:00 PM in the Town Court Room.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby appoints The Chazen Companies, Creighton Manning, Behan Planning, Hart Engineering, Laberge Engineering, Foit-Albert, Engineering, H. V. LaBarba & Associates Engineering, Richard Benko, P.E., Fraser and Associates and Delaware Engineering as Planning Board Engineering consultants.**

Second by Michael Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby appoints Matt Mastin as the Vice Chairperson in absence of the Planning Board Chairman.**

Second by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby appoints Phil Danaher as the Planning Board Attorney.**

Second by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby appoints Alison Lovely as secretary to the Board.**

Second by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby approves the proposed 2015 meeting calendar as is.**

Second by Michael Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

PUBLIC HEARING:

ORCIUOLI -MINOR 2-LOT SUBDIVISION

(14-23)

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 Mr. Oreste Orciuoli for a Minor 2- Lot Subdivision called the "Orciuoli 2-lot Subdivision". Lot 1 consists of 0.7 +/- acres. Lot 2 consists of 17.2 +/- acres. The property is located in the R-B Residential-Buffer Zoning District, Tax Map # 155.-5-2.111. Said Public Hearing will be held on Wednesday, January 14, 2015 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

OLD BUSINESS: ORCIUOLI-MINOR 2-LOT SUBDIVISION (14-23)

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of Oreste (Frank) Orciuoli. Lot #1 will consist of .70 acres & Lot #2 will consist of 17.2 acres, the remaining lands. The lot is located at the end of Oriel Lane and is located in the R-B zoning district. The lot will be serviced with Town water and sewer. It meets the ½ acre minimum with 100' of road frontage. The lot is just under ¾ of an acre and has 140' of road frontage. The water is located on Oriel Lane & will access sewer at the rear of the parcel to Robin Lane. Chairman Polsinello asked if anyone had any questions.

- Hal Betters is asked if the water will be tied into the hydrant further past the cul de sac.

Chairman Polsinello asked if anyone was present in favor of or opposition to the minor 2 lot subdivision. There was no one present in favor of or opposition to the minor 2-lot subdivision. Chairman Polsinello asked if anyone from the Board had any comments. It was noted that the right of way on the map is for Ryan not for Orciuoli.

MOTION: A motion was made by Chairman Polsinello as follows: The Town of East Greenbush Planning Board hereby closes the public hearing at 7:13 pm.

Second by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 4-0 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 Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 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:

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

MOTION CARRIED BY A 4-0 VOTE

DEER POND-ELLIOT ROAD-MAJOR 64-LOT SUBDIVISION (14-08)

Dominic Arico from Boswell Engineering presented an update to the Board. Dom stated that a traffic study has been submitted to Jim Connors of Chazen. The proposal is located on Elliot Road in the area of 100 Elliot Road, which has an existing house on it that the applicant owns. The site consists of 98 acres and the proposal is for 64 lots. 60 lots for single family homes, 1 lot for a Town pump station and 3 lots for storm water management. Dom showed the Board two sketches. Sketch A has the proposed Covered Bridge project on Michael Road added into the scope of this project. Sketch B shows the new proposed roadway configuration into the site. Sketch B is the most logical plan. The 20 acres to the rear of the site will be undeveloped at this time but the applicant hopes to eventually build a cultural center on it. Jim Connors stated that he will complete his review of the submitted traffic study in approximately a week.

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

Steve Hart of Hart Engineering stated that the applicant is proposing to use the one lot which has an existing two family home and garage on it and consists of 11.84 acres. The proposal is to construct a 25' x 80' building and a container yard consisting of 65' x 68' square feet. Steve stated that comments have been received by Chazen and will be addressed. Steve stated the applicant is still unsure as to whether or not the two existing buildings will be connected somehow. This was an update to the Board only.

NEW BUSINESS:

MICHAELS AUTO PLAZA-601 COLUMBIA TURNPIKE-MINOR SITE PLAN (12-02b)

Steve Hart from Hart Engineering and Don Zee who is the attorney for the applicant were both present. Steve stated that the proposal is to construct a 1,344 square foot building on to the rear of the large existing building. This addition would be to cover the lifts and ramp. The applicant will also expand the existing green space and landscape islands in the front, north side and south side of the Building. Don stated that the plan has designated areas outlined on it for care for display. The lines on the plan will be painted onto the pavement after the site plan is approved. Customer parking only is designated for the front of the building. The handicapped parking spots have been moved over to the side of the building where the ramp exists. The applicant removed the 7,500 square foot building that used to exist and there will be a note added to the plan that no building will be placed on the site. Ralph asked if the existing signage was in compliance. Don stated that one LED sign has been shut off. Don is working on the rest of the signs. Chairman Polsinello stated that there have been drainage discussions with the neighboring parcel, Planet Fitness

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 November 15, 2014 and last revised on December 18, 2014 by Hart Engineering for the proposed minor site plan.**

Second by Judy Condo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ABBOTT-45 CARVILL LANE-MINOR 2-LOT SUBDIVISION (15-01)

Mike Abbott presented the proposal to the Board. The site consists of 42 acres. The proposal is to subdivide a 5 acre parcel out with the existing house on it for his father to live in and Mike will own the remaining 37 acres which has frontage on Langenbach, Carvill and Miller Road. The proposed 37 acre lot has 400' of frontage and a house will be constructed on it that will be serviced by well and septic.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, September 22, 2014, prepared by Danskin Land Surveyor for the proposed 2-lot minor subdivision.**

Second by Mike Bottillo & roll called as follows:

M. Polsinello-YES; M. Bottillo-YES; J. Condo-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:

M. Polsinello-YES; M. Bottillo-YES; J. Condo-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 January 28, 2015 @ the East Greenbush Town Hall @ 7:05 PM.**

Second by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2014-20-Brian Hart-1 Cooper Avenue-Conversion of a garage with open storage on the second floor into a two story office building to operate a business-Use Variance-report tabled until the January 28, 2014 meeting due to operational law. Chairman Polsinello asked that the report be forwarded to the Zoning Board at this time.

NEW ZBA REFERRALS:

ZBA Appeal #2014-21-Matt Janowski-2 Prospect Heights Avenue-5 Area Variances-
Construction of a 12' x 30' addition to existing single family dwelling - assigned to Mike Bottillo

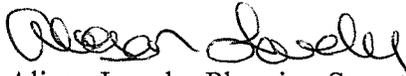
REVIEW AND APPROVAL OF MEETING MINTUES

Motion by Chairman Polsinello to approve the December 10, 2014 meeting minutes.
Seconded by Mike Bottillo. Motion carried by a 4-0 vote.

ADJOURMENT

There being no further business before the Board, the meeting was adjourned by
Chairman Polsinello. Seconded by Judy Condo. Carried by a 4-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

On January 2, 2015 Judith Condo visited 1 Cooper Avenue, Rensselaer, NY, the subject garage across the street from 2 Cooper Avenue, the business location of the property owner. She spoke to Brian Hart, the owner of 1 Cooper, LLC and 2 Cooper Avenue. She also spoke to the owners of two other commercial interests on the corners of Phillips Avenue and Iowa Avenue and Virginia Avenue. Of the surrounding neighbors west of Phillips Avenue, only one is owner-occupied residential at 102 Iowa Avenue. The other properties include an apartment building with five units next to the garage with an off-site owner in Scotia, NY and two single family rented homes owned by the Hart Family Properties, Inc. and another local businessman. Hart shares his parking area with tenants of the apartment building across the street which lacks parking.

Each owner was personally contacted and none raised any objection to the conversion of a two story garage across from 2 Cooper Avenue. The business owner at 2 Cooper has been in continuous operation for many years and is deemed a good neighbor by those contacted. He states that his side of the street was commercial before the Zoning changed several years ago to R-2. He believed the street was zoned CI- Corporate Office/Light Industrial. His operation covers the entire block on the west side of Cooper Avenue between Iowa Avenue and Virginia Avenue and is parallel to Phillips Avenue. The subject garage is part of the property owned by the corporation and located behind and next to the house on the corner of Phillips and Iowa Avenues. The garage portion of the property has been subdivided from the Iowa Avenue house with its own 1 Cooper Avenue address.

Brian Hart is seeking a Use Variance in an R-2 Zoning District in order to convert a previously dilapidated two-story garage into a two-story professional office space intended for his brother's engineering business. The garage had been a semi-commercial space used for auto repair by the previous owner prior to the Zoning change. According to the current owner, the condition of the garage was unstable to support the second story so new footings, walls and second story supports were constructed along with exterior siding applied to match the house on the property. The building construction was recently stopped awaiting a variance. The main entrance is adjacent to the house and leads to an interior staircase to the second floor. The garage doors have been removed. Both floors will be used for office space if the Use Variance is granted.

A Use Variance requires the satisfaction of four criteria including a demonstration that the property in question cannot realize a reasonable return if restricted to the allowable uses. The hardship is supposed to be unique and such that the new use will not change the character of the neighborhood. The hardship is not to be self-created.

From a planning perspective, the sought after use is a logical extension of the existing commercial and residential uses in the neighborhood. The garage was on the property purchased by Hart Family Properties and later sub divided. It is directly across the street from the other Hart property. This block has been largely used for commercial purposes, sharing parking with the owner of 2 Cooper Avenue. Without Mr. Hart's permission, there would not be room for off-street parking anywhere on the block. The remaining permitted residential uses for the garage include a multi-family residence which would compound the parking problem and present a safety hazard posed by large trucks servicing 2 Cooper Avenue. The granting of a Use Variance would allow for a more cohesive presentation of the businesses owned by the Hart Family Properties.