

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
JULY 8, 2015

Members:

Matt Polsinello, Chairman
Matt Mastin
Ralph Viola
Mike Bottillo

Also Present:

Alison Lovely, Planning Board Secretary
Phil Danaher, Planning Board Attorney
Donna Moran, Court Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

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

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal # 2015-08-Delmerico – 10 Thrush Terrace- Area Variances-Shed- report by Mike Bottillo
Mike stated that he visited the property and the applicants are looking for a variance for a shed on the side yard which will have a 20' side setback, where 50' is required. Mike stated that their yard is a triangle shape with about ¼ of the yard sloping downhill. They also have a swimming pool in their back yard which only leaves the side yard for their shed. Mike spoke to the neighbor affected by the variance and they have no problem with it as the property is shielded with pine trees. *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 Area Variance.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; M. Bottillo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

PUBLIC HEARING:

**ORVIS-12 EASTERN AVE/MC CLOUGH PLACE-MINOR 2-LOT (15-11)
SUBDIVISION/LOT LINE ADJUSTMENT:**

Chairman Polsinello read the Legal Notice:

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 Carol Orvis for a Minor 2- Lot Subdivision called the "Orvis 2 – Lot Subdivision". Lot 1 consists of 5.51 +/- acres. Lot 2 consists of 32.69 +/- acres, the remaining lands. The property is located in the R-2 Residential Zoning District, Tax Map # 155.-13-6.1 and is located south of Red Mill Road and west of Eastern Avenue.

Said Public Hearing will be held on Wednesday, July 8, 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

Dick Tice of Brewer Engineering presented the proposal to the Board. Mr. Tice stated that Carol Orvis, the property owner was also present. Ms. Orvis owns a 40 acre parcel that is south of Red Mill Road and fronts on Eastern Avenue. The proposal is a minor two lot subdivision and a lot line adjustment. Lot #1 would consist of 5.51 +/- acres and lot #2 would consist of 32.69 +/- acres, the remaining lands. The purchaser of the property on McCullough Place wants an additional 100' of depth. Phil stated that Lot #2 is being subdivided and meets all the requirements for zoning. Lot#1 was created years ago and this is the lot where the lot line adjustment is being done on. Chairman Polsinello asked if any of the Board members had any questions. No one had any questions. Chairman Polsinello asked in there was anyone in favor or opposition to the application. There was no one present in favor or opposition to the project. The public hearing was closed at 7:12 pm.

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

Seconded by Mike Bottillo & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; M. Bottillo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

OLD BUSINESS:

ORVIS-12 EASTERN/MCCLOUGH PLACE-MINOR 2-LOT SUB/LOT LINE ADJ.:(15-11)

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.

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-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 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.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; M. Bottillo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

TWIN COUNTY MEDICAL GROUP-583 COLUMBIA TRPK.-MINOR SITE PLAN (14-10) MOD.

Steve Hart of Hart Engineering presented the proposal to the Board. He presented an architectural rendering and site plan showing the primary change which is that the handicapped parking was moved to the rear of the building closer to the entrance. Greenspace was added on the side of the building where the parking spaces were removed from and in the front of the building. The applicant is proposing enhanced greenspace with two landscape islands in the front of the building, there are more trees and plants proposed for these islands. Originally there were three windows in the front of the building with no dormers proposed, proposed for there is now a larger dormer over them. The original door in the front that was proposed now will have three panes of glass in it. A monument sign was originally approved for the front of the site but now they are not using that and will put a sign right on the front of the building. The Board had a discussion regarding the color of the building. Ralph stated that he personally doesn't like the color; he stated that it's in the middle of Town and looks like an unfinished building. Steve stated that he would talk to the applicant and inform them that the Town would like to see more of an earth tone, a brown color. Chairman Polsinello stated that he wanted it reflected in the minutes that it was expressed by the Board that based on the feedback among the Board members and Project Review Team that the current gray color is not the choice of the Board or PRT members and we ask if the applicant would consider looking at a more neutral brown or earth tone color.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town Planning Board, Project Review Team and Planning Board's Designated Engineer 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.**

Seconded by Mike Bottillo & roll called as follows:

M. Polsinello-YES; M. Mastin-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 Town of East Greenbush Planning Board hereby grants final site plan approval subject to the following conditions;**

- **The design professional must complete inspections during and following construction and certify to the Town that all improvements have been completed in accordance with the approved plans prior to issuance of a certificate of occupancy.**
- **Satisfying outstanding technical details as determined by the Town Planning Department & Town's Consulting Engineer**
- **All remaining fees are paid to the Town.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; M. Bottillo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW BUSINESS:

MONTEAU-MOORE ROAD-LOT LINE ADJUSTMENT

(15-12)

Terry Monteau presented his lot line adjustment to the board. The property was subdivided back in 2004. What the applicant planned on doing never happened. The applicant now wants to adjust the lines of a two acre lot to fit the topography better and to move the driveway back off of Moore Road and Luther Road. Phil Danaher stated that wells and septic's have not been located on the plans. Mr. Monteau stated that there are no wells and septic's on either of the two lots.

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 Fredrick J. Metzger Land Surveyor, and dated June 23, 2015.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; M. Bottillo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS CONT.:

ZBA Appeal # 2015-09-Ahrent – 27 New Jersey Avenue- Area Variances-Shed- report by Ralph Viola
Ralph stated that the applicant is proposing to construct a 16' x 24' garage on the side yard 14' from the rear line, where a 25' rear setback is required and 6' from the main structure, where 12' is required. Ralph stated that the applicant has utilities on the right side of the home. Ralph feels that no undesirable change will be created in the neighborhood. He visited the neighbor at 25 New Jersey Avenue who was a tenant and had no comment. *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 2 Area Variances.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; M. Bottillo-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINTUES

Approval of the June 10, 2015 & June 24, 2015 meeting minutes postponed due to a quorum issue.

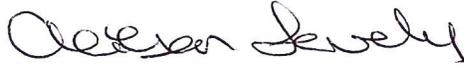
Phil Danaher looked in the Zoning Law and quoted Section 4.3 Planning Board, Sub-section 4.3.1 Site Plan Review and Approval Procedures (D) Sub paragraph 01. (d) General considerations of the the Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following: The location, arrangement, size, design, and general site compatibility of buildings, lighting and signs. Phil stated that this gives the Board authority to say that the proposed color does not go with that site.

Chairman Polsinello discussed projects from Project Review Team this am.

ADJOURMENT

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

Respectfully Submitted



Alison Lovely, Planning Secretary

7/08/2015

Zoning Board referral 10 Thrush Terrance– 2 Area Variance.

On July 6th, 2015 I visited 10 Thrush Terrance, property belonging to Joe and Tracy Delmerico, property is zoned R-OS.

The Delmerico's are asking for area variances for an in SHED, for the side yard where the shed will sit 20 feet from the property line where in an R-OS, 50 feet are required.

The yard is a triangle shape yard with about a 1/4 of the rear yard sloped down a hill. Off the back of the home they have a built in swimming pool, which leaves only one side where their shed can be placed. In order to comply with the 50 foot zoning law we would have to put the shed very close to their fence which surrounds the pool, which would also sit where their water well is dug. On the side where they wish to put the shed, which is adjacent to 12 Thrush Terrance, a row of 10 to 15 foot pines trees buffer the property lines. The neighbor has no problem with the shed because of the pines, they will not have view of that piece of property.

I am going to make a positive recommendation to Zoning Board for the ~~Delmerico~~^{Delmerico} property for the Area Variance for a side setback of less than 50 feet.

Michael Bottillo



July 7, 2015

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

Attn: Chairman Matt Polsinello

RE: Area Variance Review

Brenda Robichaud # 2015-09
27 New Jersey Avenue
Rensselaer, NY 12144

I met with the applicant Mrs. Robichaud July 6, 2015 to discuss the area variance request.

The applicant is seeking (2) two area variances requesting shorter rear lot set back dimension and shorter accessory building minimum distance to construct a 16' x 24' detached garage. Their home is a single family home located on the corner of Sherwood Avenue and New Jersey Avenue in an R-2 zone.

The building permit request was denied because the proposed garage would be 14 ft. from rear property line instead of the required 25 ft. rear yard setback. In addition, the detached garage would be constructed only 6' from main structure instead of the required 12 ft.



Front View Garage would be 6 ft. from existing home instead of required 12' dimension



Rear View Proposed Garage would be 14' set back from rear lot instead of 25' req

No undesirable change would be produced in character of neighborhood or a detriment to nearby properties.

The detached garage would not create any undesirable change to the character of the neighborhood. The applicant has utilities (gas main & A/C unit) on the right side of the home and a concrete sidewalk that is the only way to gain access to the rear yard. These are reasons an attached garage is not feasible, and the reason they are requesting relief from the 12 ft. minimum distance from accessory buildings. I believe this 12' distance separation requirement was established for fire safety concerns. It is possible that a condition of approval be such that the garage wall facing the main home is constructed to meet a certain fire rating.

The applicant request for a rear lot setback relief would not create any undesirable change to the character of the neighborhood either. The existing home was constructed with the same 14 ft rear set back they are requesting. The rear of the property abuts one neighbor at 49 Sherwood Avenue which was not home at the time of my visit.

I visited the neighbor next door at 25 New Jersey Avenue; the occupant was a tenant and had no comment on the request.

The variance would have NO adverse impact on the physical or environmental conditions in the neighborhood.

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

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