

# 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  
OCTOBER 14, 2015

**Members:**

Matt Mastin, Acting Chairman  
Ralph Viola  
Paul DiMascio  
Judy Condo

**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**

Acting Chairman Mastin called the meeting to order and determined that a quorum of four (4) members were present. Matt Polsinello, Mike Bottillo and Jim Giordano were absent.

**PUBLIC HEARINGS:**

NONE

**OLD BUSINESS:**

**BERKELEY ESTATES-SCHEDULE A PUBLIC HEARING**

(07-13)

MOTION: A motion was made by Acting Chairman Mastin as follows: **A Public Hearing is hereby scheduled for October 28, 2015 @ the East Greenbush Town Hall @ 7:05 PM.**

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

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

**MOTION CARRIED BY A 4-0 VOTE**

**NAPA-300 COLUMBIA TURNPIKE-MAJOR SITE PLAN-UPDATE** (14-02)

Steve Hart of Hart Engineering gave an update to the Board. The project was approved in March of this year and then came back in for a modification in June for a retaining wall. Some of the parking has been reoriented and a few more spaces have been added. Hoffman's has shrubbery on the North side of Napa's property. Since there is existing shrubbery there, what was proposed for there has been moved in front of the current Napa. The height for the lighting has been reduced down. Paul asked if the other two buildings on the site were remaining. Steve stated that yes they are. Ralph asked if the green area to the right of the site adjacent to Onderdonk Avenue would be used as access. Steve stated that no it won't be used for access, it's just an area for cars to back it, and it's a steep slope. Plantings have been added close to Routes 9 & 20 in front of the Napa store.

**NEW BUSINESS:**

**REGENERON-81COLUMBIA TRPK.-TEMP. OFFICE TRAILERS (12-11H)**

Steve Hart of Hart Engineering presented the project to the Board and stated that Rick Amo and Kyle Cherry from Regeneron were also in attendance. Steve Hart stated that the proposal is to remove a single story trailer and construct a two story trailer in front of building 85 and to add an additional 18' x 20' to the trailer in front of building 12. Catskill Avenue has existing shrubs to screen the project from neighbors. Judy Condo asked what the definition of temporary is. Kyle stated that the new 70,000 square foot office building is in front of the Town Board next Wednesday night for final approval so the Board could revisit this minor site plan modification after 12 months to see where their at if necessary. Acting Chairman Mastin asked what is anticipated for building time. Kyle stated that they hope to get the Certificate of Occupancy by the end of next year. Acting Chairman Mastin asked if there were any additional comments from the Board. There were none. Kyle stated that the trailers are rented so they have to be returned to their owner at some point. He also stated that the trailers sit on crush stone and aren't permanent, the ground will be converted back to grass when their gone. Ralph asked if a tree had been replaced from the one removed on the Sherwood Avenue side of the site. Steve stated that he wasn't sure but that they could check into it. Phil stated that the resolution should say "Temporary Minor Site Plan Modification" and that as a condition of approval that the Board could put a duration of 3 years and then revisit the progress.

**MOTION:** A motion was made by Acting Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed temporary minor site plan modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department.**
- **That the applicant returns to the Planning Board within 3 years.**

**Seconded by Paul DiMascio & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**REFERRALS-REPORTS & RECOMMENDATIONS:**

ZBA Appeal # 2015-11-Cherubino – 62 Celeste Drive- Special Use Permit & Area Variance for front setback for addition for in law apartment-report emailed in by Mike Bottillo

Acting Chairman Mastin read the report that Mike emailed to the Board. Mike stated that he met with the applicant and they want to construct an in law apartment. The applicant's property is on a corner lot and the front of their home faces Celeste Drive and the side of their home where the addition will be constructed faces Ridge Road. The new addition is proposed to be built 19' from Ridge Road, and a 25' setback is required. The addition will not extend past the front the applicant's home. Mike talked to one neighbor on Ridge Road on the same side as where the addition is proposed.

They did not have a problem with it. Mike stated that last year he recommended approval of a special use permit for a house at 799 Ridge Road so he feels that it sets precedence for the applicant's property. The only condition I recommend is that once the in law no longer occupies the apartment, it **cannot** be used as rental property and must revert back to a single family structure. I recommend a favorable recommendation to the Zoning Board.\* See attached report for further details.

**MOTION:** A motion was made by Matt Mastin as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals grant the Special Use Permit & Area Variance.**

**Seconded by Paul DiMascio & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

ZBA Appeal # 2015-12-Zimmer – 63 Phillips Road- Area Variance for rear setback for garage -report by Ralph Viola

Ralph stated that he met with the applicant and he wants to construct a 24' x 24' garage on his property that would replace an existing garage/storage shed currently located approximately 3 feet from his rear property line. If Mr. Zimmer adhered to the 25' rear setback requirement then the proposed garage would encroach onto his existing shared driveway with the home located at 61 Phillips Road, his existing sewer would have to be relocated, there would be a problem with run off from rain and he also abuts to the rear a National Grid right of way where no homes can ever be constructed so this buffer provides a 125' rear setback distance from the nearest home. Given the above findings, I recommend a favorable recommendation to the Zoning Board.\* See attached report for further details.

**MOTION:** A motion was made by Ralph Viola 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. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**NEW ZBA REFERRALS:**

NONE

**REVIEW AND APPROVAL OF MEETING MINUTES**

Approval of the June 10, 2015, July 8, 2015, August 12, 2015, August 26, 2015 & September 23, 2015 meeting minutes postponed due to a quorum issue.

**ADJOURNMENT**

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

Respectfully Submitted

  
Alison Lovely, Planning Secretary

10/9/2015

Zoning Board referral 62 Celeste Drive –

Area Variance (Setback 25 feet) and Special Permit (in-law apartment)

On October 9th, 2015 I visited 62 Celeste Drive, home of Randy and Marybeth Cherubino. They are requesting an Area Variance (Setback 25 feet) and Special Permit (in-law apartment).

Their property is a corner lot, the front of their home faces Celeste Drive and the side of their home, where the addition will be, faces Ridge Road. Because the property is a corner lot, the Cherubino's do not have a back yard, so the variance is needed for Ridge Road. The new addition will be 19 feet from Ridge road, which the requirement of 25 feet is needed. The addition will not extend pass the front of the home facing Celeste Drive. The only home with a sight line to the addition, are the home owner's at 150 Ridge Road, home of Kamal Swami, whom I did talk to. Mr. Swami informed me that he has no issues with the Cherubino's putting an in-law apartment on the property. The other variance is for a special use permit for the in-law apartment, which I currently believe does not exist on Celeste Drive. Last year I did recommend that a Special Use permit be granted at 799 Ridge Road for an in-law apartment, which I do believe sets an precedence for the Cherubino's property. I am going to make a positive recommendation to Zoning Board for the Cherubino property at this time for the Area Variance on the set back and Special Permit (in-law apartment). I will put the stipulation in that once the in-law no longer occupies the apartment, it **can not** be used as rental property and revert back to single family structure.

Michael Bottillo

October 14, 2015

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

Attn: Chairman Matt Polsinello

RE: Area Variance Review

Leon Zimmer Appeal# 2015-12  
63 Phillips Road  
Rensselaer, NY 12144

I met with the applicant Mr. Zimmer on October 13<sup>th</sup> to discuss the area variance request.

The applicant proposes to construct a 24' x 24' garage on his property. This garage would replace an existing garage/storage shed currently located approximately 3 ft. from rear property line.



Rear property line



The request for an area variance came about because of the misunderstanding of rear verses side set back requirements. The front of Mr. Zimmer's home is perpendicular with the Phillips Road thus making his side yard actually the rear yard. Mr. Zimmer proceeded to obtain construction bids for materials and labor based on the new garage being placed 9 feet from the side property line, exceeding the required 8'-0" side set back in accordance with our Zoning Law in an R-2 district.

**He did not realize that it did not matter how the home is placed on the lot, what determines the rear yard is the property located to the back that is parallel with the road.**

Mr. Zimmer is now required to place his new garage 25 ft. from the rear property line to be in accordance with our current Zoning Law Section II Sub Section 2.6.6 E.

This would not allow him the room to construct the proposed 24' x 24' garage.

Mr. Zimmer's request for an Area Variance to construct his garage with a 9'-0" rear setback from the rear property line should be granted for several reasons:

- 1) The 25 ft. rear setback requirement would cause the proposed garage to encroach onto his existing shared driveway with the home located at 61 Phillips Road.
- 2) His existing sewer line would have to be relocated.
- 3) His home is at the low end of Phillips Road adjacent to a creek. All the water run off currently runs between the garage/shed and his home. If he had to move his proposed garage forward to meet the setback requirements, he would be obstructing the current rain water flow across his property to the adjacent stream.
- 4) The 25 ft. setback requirement in an R-2 district was established to allow ample room between dwellings and provide a buffer between neighbors. Mr. Zimmer's property abuts the National Grid ROW in which no homes can ever be constructed. This provides a 125 ft. rear setback distance from the nearest home.

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

Respectfully,

*Ralph Viola Jr.*

Ralph J. Viola Jr.

E.G. Planning Board Member  
518-573-8907