

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)477-2005 FAX (518)477-2386

MEMORANDUM

PLANNING BOARD MEETING AGENDA September 1, 2010

*Original Minutes
RDP*

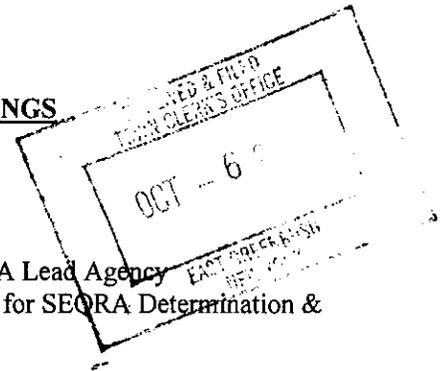
7:00PM Workshop Session & Public Comment

CALL TO ORDER/DETERMINATION OF QUORUM/PUBLIC HEARINGS

NONE

OLD BUSINESS

(05-65a) Elliot-Michael Road Subdivision – Declaration of Intent to be SEQRA Lead Agency
(10-11) Regeneron Pharmaceuticals Site Plan – Review for Recommendation for SEQRA Determination & Approval



NEW BUSINESS

(10-20) Roth 2-Lot Subdivision, 4 Linden Avenue - Review for Acceptance of Sketch Plat & Declaration of SEQRA Lead Agency (Tentative)

REFERRALS-REPORTS & RECOMMENDATIONS

ZBA Appeal #2010-21 – Richard Kelly, 6 Fieldcrest Estates – Application for Area Variances, report by Joe Kelley

NEW ZBA REFERRALS

ZBA Appeal #2010-02- Mr. William Malone, O' Sullivan's Garage, & 7 Troy Road - Application for two Variances, report by Dan Fiacco
ZBA Appeal #2010-25 - Robert & Marjorie Witbeck, 594 Columbia Turnpike – Application for Special Permit
ZBA Appeal #2010-27 – Kristy & Jeff Gamache, 16 Western Ave. - Application for Area Variance
ZBA Appeal #2010-28 – Joseph Davis, 30 Clinton Street – Application for Area Variances

REVIEW & APPROVAL OF MEETING MINUTES

August 18, 2010 Minutes

End of Agenda

EAST GREENBUSH PLANNING BOARD

MEETING MINUTES

September 1, 2010

Members

Chairman Bob Davey
Don Panton
Kurt Bergmann-Absent
Bill Ritz
Joe Kelley
Suzanne Mangold
Matt Polsinello-Absent

also present:

Jim Moore, Planning Director
Amy Konisky, Planning Board Secretary
Tim Nugent, Attorney

Alternates:

Lance Ferson
Daniel Fiacco

7:00PM Workshop Session & Public Comment

CALL TO ORDER/DETERMINATION OF QUORUM/PUBLIC HEARINGS

Ed Gilbert, 20 California Ave, Rensselaer -- Mr. Gilbert has noticed that the issue of cluster developments and its use within the R-B Zoning District have been discussed in several Planning Board meetings. From what he has read regarding the Zoning Laws it's suppose to be low density and transition district to a rural setting. He doesn't see where multi- unit housing and putting everything close together meets that low density ideal for r-b buffer zone. He doesn't believe that cluster development and R-B Zoning requirements mesh together. He suggests that the Board revisit this part of the code.

Mr. Davey states that the Board will take a closer look at this.

Mr. Davey closes the comment period.

OLD BUSINESS

(05-65a) Elliot-Michael Road Subdivision –Mr. Davey indicated at the planning board's last meeting Mr. Hershberg requested the planning board accept the revised sketch plan and re-declare its intent to declare itself SEQRA lead agency for the project. The planning board did not take any action at that meeting and is considering taking action on these items at tonight's meeting.

Motion to Accept Sketch Plan.

The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan prepared by Hershberg & Hershberg Engineers for the proposed subdivision.

Motion made by Mr. Davey, seconded by Ms. Mangold. Roll Call as follows: Davey- yes; yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-yes; Ferson-yes; Fiacco-yes.

Motion carried by a 7-0 vote.

Recommendation for the Town Board to Declare Lead Agency

The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review and the determine the proposed project as a Type 1 Action under SEQRA.

Motion made by Mr. Davey, seconded by Mr.Panton. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-yes; Ferson-yes; Fiacco-yes.

Motion carried by 7-0 vote.

Motion to repeal the above motion and accept the revised SEQRA Motion.

The Planning Board hereby recommends the Town of East Greenbush Planning Board declare its intent to seek Lead Agency status in connection with a coordinated review and the determine the proposed project as a Type 1 Action under SEQRA.

Motion made by Mr. Davey seconded by Mr. Panton

Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-yes; Ferson-yes; Fiacco-yes.

Motion carried by 7-0 vote

(10-11) Regeneron Pharmaceuticals Site Plan – Review for Recommendation for SEQRA Determination & Approval

Present from Regeneron Pharmaceuticals was Jan Radlowski , Joe Twomey, HBT Architects Jim Schertzer, Regeneron.

Steven Hart, Hart Engineering, presents to the Board the latest site plan revisions. They have completed two rounds of revisions with Chazen regarding the storm water, lights, grading landscaping etc. They are continuing to propose to build a 17600 sq ft addition to building 81, off Discovery Drive(will be removing 4 trees for parking). There have been some slight modifications to materials, windows etc. Chazen had made a few comments regarding the lighting and landscaping. They are proposing to move 3 light poles back 75 feet, they will be facing forward. They are floodlights 18-20 ft in height, higher than town code. These lights are for security, have cameras etc. They do not shine onto Discovery Drive. They only shine in towards the building. Any new lights will meet code. Landscaping issues, visual and noise issues on Catskill Ave- Landscape plan proposes 9 evergreens in front building. Based on Town Code, they need to have shrubs and deciduous trees on street frontage. They are proposing 40ft diameter 60ft on center- going to give neighbors better view of landscaping, more privacy. They will continue pattern and place 2 more maple trees near entrance way, 42 different shrubs along fence etc. They plan to clean up some of the debris, dead plants etc. along fence to make it more visually appealing. 7 new trees along frontage. They feel their plan is more balanced and visually appealing. They are not trying to hide the building.

Mr. Davey discussed in planning review, buffer along Catskill Avenue instead of hiding the building.

Mr. Nugent clarifies law about moving lights, by moving they are considered a new structure may need to apply for variances. Mr. Ritz asks if moving the lights and the height of the floodlight is necessary. Mr. Hart states that there are security reasons for the floodlights.

Motion (10-11)

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 Full Environmental Assessment For, 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 detention and hereby recommends the Town Board issue a negative Declaration under SEQRA.

Motion made by Mr. Davey, seconded by Mr.Panton. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-abstained; Ferson-yes; Fiacco-yes.
Motion carried by 6-0-1 vote.

Motion to recommend Conditional Site Plan Approval

The Town of East Greenbush Planning Board hereby recommends the Town Board grant site plan approval subject to the following condition;

- Satisfying outstanding technical details as determined by the Town Planning Department and the Planning Board's Designated Engineer.
- All exterior light fixtures are cut-off type fixtures and site lighting conforms to Section 3.2.6 in the Town's Comprehensive Zoning Law; and
- All remaining fees be paid and escrow provided to the Town.

Motion made by Mr. Davey, seconded by Mr.Kelley. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-abstained; Ferson-yes; Fiacco-yes.
Motion carried by 6-0-1 vote.

(10-20) Roth 2-Lot Subdivision, 4 Linden Avenue - Review for Acceptance of Sketch Plat & Declaration of SEQRA Lead Agency (Tentative)-postponed.

REFERRALS-REPORTS & RECOMMENDATIONS

ZBA Appeal #2010-21 – Richard Kelly, 6 Fieldcrest Estates – Application for Area Variances, report by Joe Kelley.

Mr. R. Kelly has a 6 lot subdivision that was approved in 2005. He would like to divide larger lot into 2 which will require area variances. He has approximately 94-96 sq frontage on the lots, the code is now 200 sq. ft. The other properties have 200 sq. ft. frontage. Jim Moore briefly explained the project history for the subdivision, stating initially the subdivision was approved with six (6) building lots. The approval was then modified by the applicant and the planning board to five (5) building lots because a septic field for one of these previously approved lots was constructed with soils that did not satisfy the requirements of the Rensselaer County Health Department. The applicant subsequently satisfied the requirements of the Rensselaer County Health Department and re-established the initial six (6) lot subdivision with the planning board. Each of these planning board actions occurred prior to the Town Board's adoption of the current Comprehensive Zoning Law.

At this point in time Mr. R. Kelly is requesting 2 area variances for the frontage of the 2 lots he wishes to divide. Mr. R. Kelly states that he plans on building house on it and selling the other half. He wants to divide into a 3 acre lot and a 7 acre lot. The lots are pie shaped on the cul de sac and rather than extend the road for road frontage and take out trees this seems like a better approach for the environment. The neighbors have all signed off on it and have no issues with it. Mr. J. Kelley states that one neighbor disagreed. Mr. Davey states that it's not about who agrees with the project its whether it s good planning practice, appropriate. Mr. Nugent is in

agreement. Mr. Nugent states that the other problem is that this is a pre-existing non-conforming use and you are not allowed to expand on it. This is an issue for the ZBA but the planning Board should be aware of it. Mr. Davey asks if it meets the flag lot requirements. Mr. Nugent states that this is major subdivision flag lots not allowed in.

Mr. Davey asks Mr. Kelley how the site appear from a planning stand point. Mr. J. Kelley states that you couldn't tell. Mr. Ferson asks about septic system where the trees would be. Mr. R. Kelly states that a few trees will be removed for septic. Mr. Ritz asks about approval from Rens. Co. Health Dept. for septic. Mr. R. Kelly states yes. Mr. Hart, Hart Engineering, feels that there should be not problem with getting approval for septic. No further quest from the board. Ritz suggests that Mr. R. Kelly move the cul de sac back to make all lots meet the required frontage.

Mr. Kelley recommends that the ZBA deny the application for the request for the Area Variances. Its counter productive to our Planning process. It sets a bad precedence for sub division approval.

Motion made by Mr. Kelley, seconded by Mr. Panton. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-abstained; Ferson-yes; Fiacco-yes.

Motion to deny carried by 6-0-1 vote.

ZBA Appeal #2010-02-William Malone- Two Area Variances and a Use Variance.

Mr. Fiacco reports regarding the Malone application. Mr. Malone wants to build a 16' x 30' addition off the rear of the building on the far right side of the car wash and a 7' x 12' addition off to the back left side of the building to extend his office. He also wishes to put awnings in front and back of building. He is applying for Use Variance to be allowed to sell autos. Mr. Nugent states that when Board approved site plan the Variance granted had no conditions on it. The conditions don't exist on what was approved. The Board recommended approval with conditions, the ZBA thinks they granted the Variance with conditions but they didn't. If similar conditions were granted on the Site Approval this is the only way they can be enforced. Mr. Nugent states that he is not allowed to sell cars there. He wants to and the question is should he be allowed to. The criteria is that he can't use property a 'zoned purpose'. When Mr. Malone initially applied he thought it was already understood that he sold cars at his other location and that he just wanted to carry over what he was doing at the old place. He also stated that he wanted to repair cars at first only to get the business going. There is some confusion to the Board as to what Mr. Malone is applying for, stating the application doesn't clearly explain the applicant's request.

Mr. Fiacco recommends that the ZBA deny the application for the request for the Use Variance for selling automobiles.

Motion made by Mr. Fiacco, seconded by Mr. Panton. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-abstained; Ferson-yes; Fiacco-yes.

Motion to deny carried by 6-0-1 vote.

Appeal #2010-25 - Robert & Marjorie Witbeck, 594 Columbia Turnpike – Application for Special Permit

Assigned to Mr. Ferson.

ZBA Appeal #2010-27 – Kristy & Jeff Gamache, 16 Western Ave. - Application for Area Variance

Assigned to Mr. Panton.

ZBA Appeal #2010-28 – Joseph Davis, 30 Clinton Street – Application for Area Variances
Assigned to Ms. Mangold.

REVIEW & APPROVAL OF MEETING MINUTES

August 18, 2010 Minutes

Minor spelling corrections need to be made.

Motion to approve August 18, 2010 Minutes made by Mr. Davey, seconded by Mr. Ritz. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Ferson-yes; Ms. Mangold-yes;Mr. Fiacco- abstained. Motion carried by 6-0-1 vote.

Motion to Adjourn the Meeting by Mr. Davey, seconded by Mr. Panton. Roll Call as follows: Davey- yes; Ritz-yes; Kelley-yes; Panton- yes; Mangold-yes; Mr. Ferson-yes; Mr. Fiacco-yes. Motion carried by 7-0 vote.

End of Meeting.
Respectfully Submitted,
Amy Konisky