

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES OCTOBER 14, 2014

Members

Tom Calamaras, Acting Chairman
Lou Polsinello
Domenico Pirrotta
Joyce Lapham
Matt Ostiguy

Also Present:

George Hoffman, Jr., Attorney
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Acting Chairman Calamaras called the meeting to order and determined a quorum of five (5) members were present. Jeff Pangburn & Bob Seward III were absent due to conflicts of interest with the Casino project. Introductions were made.

RECONVENE PUBLIC HEARING:

ZBA Appeal #2014-13-Capital View Casino & Resort –Interpretation

- Legal Notice

Acting Chairman Calamaras stated the no further comment from the applicant or the public will be accepted tonight. A booklet was submitted by Save East Greenbush and marked as Exhibit 2014-13 F. He read the list of resident letters received during the extended public comment period and marked them as Exhibit 2014-13 G.

Anonymous –September 30, 2014
Maria Barrington-September 29, 2014
Cara Benson-September 28, 2014
Patrick Bergmann-September 26, 2014
Susan H Bove-September 23, 2014
Eric Breimer-September 26, 2014
John Chenette Jr.-September 26, 2014
Kathleen Cline-September 30, 2014
Annette Colloton-September 29, 2014
Marie & Leighton Cookson-September 29, 2014
Neil Dugan-September 26, 2014
Kendra Durivage-September 26, 2014
Jeri Eisenburg-September 26, 2014
Robert Fakundiny & Ann Finch-September 29, 2014
Mindy Feman-September 28, 2014
Mark S Goldman-September 26, 2014
Daniel Harrison-September 29, 2014
Margaret Heck-September 27, 2014
Jennifer J. Hixon-September 25, 2014

Dwight Jenkinds-September 25, 2014
Don Johnson-September 29, 2014 & September 30, 2014
Bonna Kenna-September 30, 2014
David R. Kettlewood St.-September 26, 2014
Silvy Lang-September 28, 2014
Carver Laraway-September 16, 2014
Angelo Lizzi-September 26, 2014
Linda Mazur-Riordan-September 28, 2014
Jeff R. Meyer-September 23, 2014 & September 30, 2014
Edward & Elaine Miano-September 22, 2014
Ruth Morrow-September 26, 2014
Debra & Howard Moyer-September 26, 2014
Roger Murman-September 22, 2014 & September 29, 2014
Wendy Nigro-September 26, 2014
Mona L. Orciuoli-September 27, 2014
Volker & Annelies Paedelt-September 23, 2014
Karen M. Peters-September 25, 2014
JoAnn Pirrone-September 26, 2014
Robert Polomski-September 26, 2014
Renee Fusaro Polomsk-September 26, 2014, September 29, 2014 & September 30, 2014
Susan Price-September 29, 2014
Marian Price-September 29, 2014
Joanne Rector-September 30, 2014
Bill Reinhold-September 30, 2014
Dave Render-September 28, 2014
Roberta "Bobbie" Reno-September 26, 2014
Dorothy H. Reynolds-September 30, 2014
Gloria Rodgers-September 27, 2014
Michelle Salisbury-September 23, 2014
Glenn Saunders-September 30, 2014
Diane & Michael Scaptura-September 25, 2014
Jonathan Shapiro-September 26, 2014
Deborah Shoup-September 26, 2014
Lynne Shultis-September 28, 2014
Ann Singleman-September 26, 2014
Deborah Tagliento-September 30, 2014
Ann Taylor-September 26, 2014
Joanne Vredenburg-September 28, 2014
Phyllis Wheeler-September 24, 2014

Received after comment period ended:

Michael & Rickey Lettrick-October 7, 2014
Angelo Lizzi-October 14, 2014

Please take notice that "A transcript of the October 14, 2014 Public Hearing for the Application for an Interpretation for the Capital View Casino & Resort is available online at website address:

<http://projects.chacompanies.com/egcasino/docs/Board%20of%20Zoning%20Appeals/Public%20Hearing%20Transcripts/10.14.14%20EG%20ZBA.pdf>

**A motion to close the public hearing was made by Acting Chairman Calamaras–
Seconded by Domenico Pirrotta. Motion carried by a 5-0 vote.**

SEQR DETERMINATIONS & RECOMMENDATIONS:

Acting Chairman Calamaras read the following memo into the record: In regards to Appeal #2014-13: Capital View Casino & Resort- Application for an Interpretation, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

Seconded by Lou Polsinello III. Motion carried by a 5-0 vote

WORKSHOP:

ZBA Appeal #2014-13-Capital View Casino & Resort –Interpretation

Resolved, That the following sections of the Comprehensive Zoning Law are referenced:

1. Consistent with Section 2.9.1, a Planned Development District is intended to encourage creative, compact development while fostering community amenities such as a usable open space system for residents and nearby neighbors throughout the town.
2. Consistent with Section 2.9.4.A, a Planned Development District may be established at any location within the Town, except within the A-R or R-OS Districts, if the objectives and provisions of this article are satisfied as determined by the Town Board.
3. Consistent with Section 2.9.4.D, for a Planned Development District which occurs upon the rezoning of lands heretofore zoned in primarily residential districts, the approvable land uses shall be restricted to the following:
 - a. Residences which may be of any variety of type as appropriate within the intent and objectives of this PD regulation;
 - b. Private garages, storage spaces, recreational and community facilities as appropriate within the PD; and
 - c. Limited commercial, service and other non-residential accessory uses scaled to primarily serve the residents of the PD and which are in keeping with the scale and, size and traffic of the neighborhood and its structures.

Resolved, That the following sections of the New York State Racing, Pari-Mutual Wagering and Breeding Law are referenced:

1. Section 1301 (20) defines “gaming” as the dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.
2. Section 1301 (23) defines a “Gaming Facility” as the premises approved under a gaming license which includes a gaming area and any other non-gaming structure related to the gaming area and may include, but shall not be limited to, hotels, restaurants or other amenities.
3. Section 1309 (2) provides that if any provision of this article is inconsistent with, in conflict with, or contrary to any other provisions of law, such provision of this article shall prevail over such other provision and such other provision shall be deemed to be superseded to the extent of such inconsistency or conflict. Notwithstanding the provisions of any other law to the contrary, no local government unit of this state may enact or enforce any ordinance or resolution conflicting with any provision of this article or with any policy of this state expressed or implied herein, whether by exclusion or inclusion.
4. Section 1366 provides that notwithstanding any inconsistent provision of law, gaming authorized at a location pursuant to this article shall be deemed an approved activity for such location under the relevant city, county, town or village land use or zoning ordinances, rules or regulations.

Resolved, That consistent with Sections 4.2.2 and 4.2.3 of the Comprehensive Zoning Law, the Board of Appeals makes the following interpretation of the Zoning Code:

1. That the lands located on Thompson Hill Road, East Greenbush, NY (Tax Map #'s 144-4-31, 144-4-41.1, 144-4-41.2, 144-4-41.2/1 and 145-1-1.1) are appropriate for the uses being proposed in the application for a Planned Development District.

This resolution was moved by Tom Calamaras and seconded by Lou Polsinello at a meeting duly held on October 14, 2014.

(Discussion)

A vote was taken as follows:

Tom Calamaras	<u>Yes</u>
Joyce Lapham	<u>Yes</u>
Jeff Pangburn	<u>Recused</u>
Lou Polsinello III	<u>Yes</u>
Bob Seward III	<u>Recused</u>
Domenico Pirrotta	<u>Yes</u>
Matt Ostiguy	<u>No</u>

APPROVAL OF MINUTES:

Motion by Acting Chairman Calamaras to postpone the approval of the meeting minutes from the August 26, 2014 & September 23, 2014 meeting due to a quorum issue.

NEXT MEETING: The next meeting is scheduled for October 28, 2014

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Acting Chairman Calamaras. Second by Matt Ostiguy. Motion Carried by a 5-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary