

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694.4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES December 27, 2011

Members

Tom Calamaras
Joyce Lapham
Jeff Pangburn
Steve Millens
Bob Seward III
Bill Ritz III
Lou Polsinello III

Also Present:

Mary Pat Donnelly, Attorney
Donna Moran, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Calamaras called the meeting to order and determined a quorum of seven (7) members were present. Introductions were made.

PUBLIC HEARINGS:

#2011-28-Oreste Orciuoli-Area Variance: 41 Catskill Avenue-Setback for Apartment:

- Legal Notice
- Rensselaer Cty Referral and Recommendation
- ZBA Application, Short EAF, Denial, Map of parcel with Building Location, Area Variance Criteria
- Bldg Permit Application
- Letter of Authorization
- Letter from Hart Engineering
- No Planning Board Recommendation

Steve Hart of Hart Engineering 1969 Ferndale Road, Castleton on behalf of Oreste Orciuoli who was also present. Mr. Hart stated that the proposal is to shift the 4th proposed apartment 15' in a northerly direction to allow more rear yard area due to wetlands located on the site. Mr. Hart read the area variance criteria with his responses to them. Jeff Pangburn asked if the loop road shown on the site plan has been constructed yet. Mr. Hart stated that it hasn't as the applicant is waiting for the last building to be constructed. Jeff Pangburn also asked if the dumpster shown on the site plan is also located where it's shown on the plan. Mr. Orciuoli answered that "yes it was." Chairman Calamaras asked if there was anyone present to speak in favor of the application (3 times). There was no one in favor. Chairman Calamaras asked if there was anyone present to speak in opposition of the application. (3 times). No one spoke in opposition.

A motion to adjourn the public hearing until January 24, 2012 for receipt of the Planning Board recommendation was made by Tom Calamaras – Seconded by Jeff Pangburn. Motion carried by a 7-0 vote.

PUBLIC HEARINGS CONT:

#2011-29-Nancy Dahl-Use Variance: Proposed Apartments– Onderdonk Avenue:

- Legal Notice
- Rensselaer Cty Referral and Recommendation
- ZBA Application, Short EAF, Denial, Map of parcel, Use Variance Criteria
- Bldg Permit Application
- Letter of Authorization from Dahl for Hart Engineering and Sandra Kelly
- Letter from Angela Lisi and Mark & Terry Meyhew
- No Planning Board Recommendation

Steve Hart of Hart Engineering presented the proposal to the Board. Mr. Hart stated that the parcel consists of 6 acres is located in the B-2 zone and is surrounded by a residential area. The proposal is for 12 buildings with 4 units in each building. The proposed pond has been moved to the lower part on the site. Sanitary sewer is proposed as well as 55% green space. Mr. Hart read the narrative that he submitted to the board. Jeff Pangburn asked if the white house above the stone wall at the end of Onderdonk Avenue, is still residential? Mr. Hart stated that is was. Bill Ritz asked if you were to put single family houses on the site, how many you could put there. Mr. Hart stated 30-36 units. Jeff Pangburn asked if the roads would be private. Mr. Hart stated yes. Jeff Pangburn also stated that he feels the stone wall at the end of Onderdonk Avenue makes it difficult to exit onto Columbia Turnpike. Chairman Calamaras asked if there was anyone present to speak in favor of the application (3 times) No one spoke in favor. Chairman Calamaras asked if there was anyone present to speak in opposition of the application.

•Daniel Poris of 6 Celeste Drive asked what the number of apartments was and if they are apartments as opposed to single family dwellings, who will they attract? Was concerned about traffic and any type of buffer, fences? Also possible crime.

•Ron Pintus of 46 Celeste Drive asked about the financial aspect. How much will these apartments contribute to taxes (school and property)? He asked about the impact of homes on Celeste Drive, which pay high taxes and if the apartments have a required impact on the taxes and what the financial burden will be to the community.

Mary Pat Donnelly, attorney spoke and stated that Mr. Pintus's concerns were valid, but that the Zoning Board of Appeals has limited ability to deal with that stuff. What the Zoning Board does is looks at an ability to branch away from the zoning use and if there are certain criteria's that justify the board moving away from it. She stated that the concerns Mr. Pintus have are all relevant questions and that the board is not dismissing them, she doesn't want him to be upset if he doesn't hear the board specifically dealing with that stuff when they go into the workshop session for this project. She said that the board doesn't have the authority to address those issues. Mrs. Donnelly stated that he should address those issues with either the town board or the assessor's office. Mrs. Donnelly stated though that his concerns tonight were heard.

•Victor Bent of 498 Elliot Road (owns 275 Columbia Turnpike) stated he was never notified, but the biggest issue is that the treatment plant can't handle what we have going there now. What's going to be done about it?

- Tom Breen of 3 Onderdonk Avenue stated that the apartments will attract transient people; he's concerned with traffic-right now it's a quiet dead end road. The road is gravel and he maintains the road around the Onderdonk parcel. He stated that the entrance to Onderdonk from Columbia Turnpike is a dangerous intersection. A use variance alters the essential character of the neighborhood. Apartments have people coming and going. He is also concerned about foot traffic.
- Candy Muraski of 2 Celeste Drive stated she spoke to Nancy Baker of NYSDEC and she stated that the area was a federal wet land. She also spoke to Vicky from the Corp of Engineers and was wondering if it was addressed on the map anywhere. She spoke to someone from the cemetery board who was also concerned about water issues since there is no retaining wall proposed. Is there any deed restrictions on that parcel about what could be built on the property? Also, can the Fire Department handle 48 units if there's a fire? Schools? Also, if there was a state environmental quality review done already.
- Bobby Reno- president of the Greenbush Cemetery Association was concerned with the proximity of the proposed apartments to the cemetery when the excavating starts. She is also concerned with the number of children that might live there in regards to destruction of the cemetery.
- Tom Benton of 1 Celeste Drive wondering if there will be an easement between the applicant's property and his property. The setback looks like its only 12'. He stated that additional people will change the character of the neighborhood.
- Theresa Mayhew of 8 Faith Lane stated that they bought their property in 1988 and likes the open space. She is wondering what the impact will be due to noise, traffic, lights and wildlife, setbacks & drainage issues.
- Bob Stanford of 5 Onderdonk Avenue stated that this project will be detrimental to the character of the neighborhood. Concerned with traffic issues as Onderdonk Avenue is hard to get out of. Also will the lights be on 24/7? He was wondering the location of the parking area, dumpster. Road improvements are needed to Onderdonk Avenue.
- Tom Grant of 23 Celeste Drive is concerned with traffic patterns on Columbia Turnpike. He stated that they need to be checked out.
- Guy Johnson of 281-283 Columbia Turnpike stated that he didn't receive any notification. Are they section 8 apartments? He is concerned with the sewers, taxes, kids, noises, etc.

Steve Hart stated that the rent for the apartments would be between \$1,000 -\$1,200 a month. The housing is not Section 8.

- Greg Rivers of 15 Celeste Drive is concerned about the apartments, flow of traffic, injuries, kids and people in his backyard.
- Mark Mayhew of 8 Faith Lane is curious about the occupancy rate of other multi family's facilities in the town.
- Candice Muraski of 2 Celeste Drive is concerned with the buffer to backyards on Celeste Drive. Is there a buffer?
- Sue Poris of 6 Celeste Drive is concerned with crime to the cemetery and buffers for the residential backyards.
- Tom Benson of 1 Celeste Drive wanted to know how big the apartment units are.
- Theresa Mayhew of 8 Faith Lane wanted to know how high the apartments will be and what will the number of parking spots be and noise factors.
- Guy Johnson of 281-283 Columbia Turnpike state that the search and rescue and a bait shop were run out of Onderdonk Avenue.
- Dennis Warrington of 7 Celeste Drive stated that he would rather have townhouses or residential homes there.
- Bob Stanford of 5 Onderdonk Avenue asked what the number of parking spots will be.

Steve Hart stated that traffic, drainage, noise, and lighting will be addressed by the Planning Board. Mr. Hart stated that if traffic site distance can't work, then the project won't happen. He will get traffic numbers and will also follow up with taxes, and school children statistics. The units will be two bedrooms he stated. Mr. Hart stated that in regards to sewers that this has been a 20 year problem in the Town. He stated that the maximum building height for that zone is 50' and that the apartments will be 30'-32' high. There will be buffers and fencing for neighboring properties. Lights would shine down and out a little bit. This would be addressed by the Planning Board. The proposal is for 7 parking spaces, plus 1 handicapped per unit. Mr. Pangburn asked if there is any common space proposed.

A motion to adjourn the public hearing until 1/24/12 for receipt of the Planning Board Recommendation was made by Tom Calamaras – Seconded by Lou Polsinello III. Motion carried by a 7-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

NONE

WORKSHOP SESSION:

NONE

STATUS - New Appeals-1/10/12

Reconvene ZBA Appeal #2011-25-Reeta Duggal-1 Lakeview Drive-Use Variance: SF Dwelling to Two Family Dwelling

APPROVAL OF MINUTES

Motion by Tom Calamaras to approve the meeting minutes of December 13, 2011. Second by Jeff Pangburn. Motion carried by a 7-0 vote.

NEXT MEETING: The next meeting will be January 10, 2012.

MOTION TO ADJORN

There being no further business before the Board, the meeting was adjourned upon a motion by Tom Calamaras. Second by Bob Seward. Motion Carried by a 7-0 vote.

Respectfully Submitted

Alison Lovely, ZBA Secretary