

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 April 25, 2018

Members:

Matt Mastin, Chairman
Ralph Viola
Jim Moore
Mike Bottillo
Kurt Bergmann
Matt Polsinello

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present. Nancy Kupiec was absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the April 11, 2018 meeting minutes as is.

Seconded by Ralph Viola. Motion carried by a 4-0-1 vote. Matt Polsinello & Mike Bottillo abstained.

PUBLIC HEARINGS:

Stone-1182 Best Road-Special Use Permit

(18-08)

Chairman Mastin read the legal notice: The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b (6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 1182 Best Road, East Greenbush, NY, Tax Map # 156.3-12.122, which is Zoned R-OS. The applicant proposes the construction of a single family dwelling with an in-law apartment. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section II Table II-A Use Schedule references an Accessory dwelling unit as requiring a Special Use Permit in the R-OS Zone. Said Public Hearing will be held on Wednesday, April 25, 2017 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 Mastin, Chairman

Chairman Mastin asked if the applicant was present. Robert Stone stated that he wants to build an in-law apartment for his parents, which total's 980 square feet and both parents are disabled. He has constructed a set of double doors within his living area to access his parents living area. Chairman Mastin asked the Board if anyone had any questions. There were none. Chairman Mastin asked if there was anyone present to speak in favor or opposition to the application or if anyone had any general comments. A neighbor stated that he has no problem with it.

Chairman Mastin referenced some items that are part of the record and are in the file: the report from Rensselaer County Economic Development and Planning, the application package, building department letter, building permit application, property diagram and in law apartment diagram and then asked Mike Bottillo to read his report.*See attached report for further details.

Kurt Bergmann asked if there is a separate kitchen & bathroom, if the utilities are separate and what will happen if the parents no longer live there. Mike Bottillo stated that there is a six foot door in between the units. Robert Stone answered that there is only one service. Joe Slater stated that if the time comes when the parents no longer live there the Special Use Permit will expire.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board hereby closes the public hearing.**

Seconded by Matt Polsinello & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

WORKSHOPS:

Chairman Mastin read the proposed resolution. * See the attached resolution.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2018-06-McLean-21 St. Clair Avenue-2 Area Variances-Undersized lot & frontage-
report by Matt Polsinello

Matt Polsinello visited the property and stated that he feels the proposal will mirror other homes on St. Clair Avenue and within the Hampton Manor neighborhood. Matt Polsinello stated that a home was recently built on the lot immediately adjacent and features similar dimensions to the lot in question and the lot resides between several other homes which reside on lots of similar dimensions * See the attached report for further information.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the report by Matt Polsinello and the Planning Board finds no significant planning issues.**

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

BOLT-2 LOT SUBDIVISION- 1 HARTFIELD COURT

(18-09)

Chairman Mastin 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 Robert Bolt for a Minor 2- Lot Subdivision called the "1 Hartfield Court Minor 2-lot Subdivision". Lot 1 consists of 0.597 +/- acres and has an existing house on it. Lot 2 consists of 0.418 +/- acres. The property is located at 1 Hartfield Court in the R-1, Residential Zoning District, Tax Map # 167.13-3-48. Said Public Hearing will be held on Wednesday, April 25, 2018 at 7:25 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 Mastin, Chairman

The public hearing was opened and Chairman Mastin stated that the applicant at the last minute got called into work and couldn't make the meeting and that if there are any concerns tonight, the Board will hold off on approving the project. Nobody spoke in favor or in opposition to the proposal.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board hereby closes the public hearing.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has 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 determined that the project would not have any significant adverse impacts on the environment.**

Now, therefore be it resolved that a negative declaration under SEQRA has been adopted by the Planning Board.

Seconded by Matt Polsinello & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval of the minor two lot subdivision 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 Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

FED EX-253 TROY ROAD-TRAILER PARKING EXPANSION

(09-12C)

Chairman Mastin read the Legal Notice. The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 2.9.12 of the Town's Comprehensive Zoning Law on the application of Fed Ex for a minor amendment to the Existing Fed Ex Ground Planned Development District. The proposed minor amendment seeks to expand existing trailer parking on the west side of the facility. The property is located at 253 Troy Road in the PDD, Planned Development District, Tax Map # 144.-4-41.31. Said Public Hearing will be held on Wednesday, April 25, 2018 at 7:35 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 Mastin, Chairman

Dom Arico from Arico Associates and Landscape Architect Norm Ward from Weston Sampson were present. Dom Arico stated that the proposal is to expand the trailer parking to facilitate additional trucks for storage of packages but it will not increase traffic. Chairman Mastin asked how more trucks will not increase the traffic. Dom Arico stated that the additional trailers are just being loading and are sitting until they need to be taken off site. Chairman Mastin asked the Board if anyone had any questions. There were none. Chairman Mastin asked if there was anyone present to speak in favor or opposition to the application or if anyone had any general comments. Nobody in the audience spoke on the project.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board hereby closes the public hearing.**

Seconded by Matt Polsinello & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

OSTRANDER-1629 BEST ROAD-MINOR 2 LOT SUBDIVISION

(17-08)

Nick Costa of Advance Engineering presented the proposal to the Board on behalf of the applicant Carol Seastrand for the Ostrander family. The parcel consists of 93 +/- acres. The proposal is to subdivide the parcel into two lots. Lot 1A would consist of 84.77 +/- acres, the remaining lands; Lot 1B would consist of 4.96 +/- acres and is split between North Greenbush and East Greenbush. Lot 2 would consist of 3.40 +/- acres and has an existing house on it which fronts and has an access easement on Best Road. Lot 1B has frontage on Grandview Drive.

- Chairman Mastin asked if the remaining lands will have frontage on Grandview Drive. Nick Costa stated that is correct and the home lot has an easement to access Best Road.

- Jim Moore stated wasn't there a question on frontage related to if the Town owned the strip of Grandview Drive. Nick Costa stated that he went in front of the Project Review Team to discuss this and it was determined that the Town owns it.

- Matt Polsinello asked if Grandview Drive is a legal Town road and that this lot will have frontage on Grandview Drive. Nick Costa stated that is correct.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, April 20, 2017 & last revised January 24, 2018, prepared by Advanced Engineering & Surveying PLLC. for the proposed 2-lot minor subdivision.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board has determined the project an Unlisted Action and hereby declares itself Lead Agency in connection with a coordinated review under SEQRA.**

Seconded by Matt Polsinello & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for May 9, 2018 @ the East Greenbush Town Hall @ 7:05 PM.**

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

HOFFMAN'S ENTERPRISES-302 COLUMBIA TRPK.-MINOR SITE PLAN (18-03)

Frank Palumbo of CT Male and Marty Andrews of Hoffman's were both present. Frank Palumbo stated that the main issue is that the way the site is developed; traffic backs up on Barber Drive and sometimes onto Columbia Turnpike. They purchased the lot next to them to expand the site. The traffic study showed that only a small percent of cars take a left off Barber Drive into the site. Frank Palumbo stated that they have used a camera to view the sanitary & storm lines which are located down 10'. They will only be disturbing down 4 feet. They were asked to investigate the easement. Frank Palumbo stated that there is an issue with the tree removal area; the issue is the northern long eared bat and whether or not this area has had an occurrence. Frank Palumbo stated that he thought having to contact NYSDEC regarding this was totally unnecessary for the 3 or 4 trees that need to come down and stated "it's really slowing us down."

●Ralph Viola asked if the Board have any recourse with NYSDEC if the Town allows the applicant to cut down the trees & doesn't make it a condition of approval. Chairman Mastin stated that he doesn't believe so if it's not a condition of approval. Chairman Mastin asked when was the date that the applicant first came in front of the Board. Frank Palumbo stated he believes it was in February. Chairman Mastin stated that they would've never made the March 31st deadline for removing the trees by then and that there had been a lot of back and forth between the Town's Designated Engineer and the applicant and his design professional.

●Jim Moore commented that it seems as if there is a difference of interpretation of the law from NYSDEC between the Town and the design time Adam Yagelski spoke on the NYSDEC issue. A planning member asked who owns the detention basin. Frank Palumbo stated he wasn't sure. Frank Palumbo stated that there is also the issue of SHPO as well.

●Jim Moore asked if there was anything else to be concerned with. Frank Palumbo stated as far as archeological with SHPO, they could do nothing, could do a study or have someone onsite during construction. Frank Palumbo showed the Board the landscaping plan. Marty Andrews stated that he doesn't have an issue with the trees on the Barber Drive side but does with the trees along Columbia Turnpike. NYSDOT hasn't seen the landscape plan yet. There are power lines running along the front of the site so Marty Andrews stated that he'd rather plant two additions trees instead of six trees along Columbia Turnpike. The Board stated that they are ok with three trees, one that is existing and two more being planted along with low lying shrubs and flowers.

●Jim Moore asked about having low level screening in the vacuum area to block head lights.

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Hoffman Development Corporation and its representative C.T. Male Associates, for site plan approval for modifications proposed to 302 Columbia Turnpike consisting of 1.52 +/- acres in the B-2 Zoning District (Tax Parcel Number(s) 155.00-12-2.2.; and

WHEREAS, the Planning Board reviewed the preliminary plat and associated plans and submitted them to the Town's Designated Engineers, Greenman-Pederson, Inc. for further review;

WHEREAS, comments received by the Planning Board from Greenman-Pederson, Inc., related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed site plan would be consistent with the Town's land use, and zoning requirements.

WHEREAS, the Planning Board did review a development proposal as well as a Short Environmental Assessment Form and determined that the project would not have any significant adverse impacts on the environment and that mitigation measures, as appropriate to this site plan proposal, have either been incorporated into the design of this site plan and/ or the conditions of this resolution.

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the project will not have a significant adverse effect on the environmental and that a negative declaration, in the form annexed hereto, is hereby adopted.

The following is a summary of the potential adverse environmental impacts that were considered:

- **Storm water Management** – With a reduction in impervious area, and a disturbance area under 1.0 acres in size, a storm water management plan (SWPPP) is not required. All on-site storm water will be directed to existing management devices on site. The proposed work will not increase runoff. The applicant has included construction phase erosion and sediment control measures in the project.
- **Archeology and Historic Resources** – The applicant stated in the EAF that the proposed action is located in an archeological sensitive area. The site has been previously disturbed as per the installation of the sanitary and storm system and those areas are not likely to contain any archeological sensitive items. However, the majority of the site contains paved parking lot and the excavation depth during its construction is likely around 1' in those areas. The project does include excavations deeper than 1' for the new storm sewer system, the retaining wall and other items. Prior to excavation the applicant must provide a certified plan sheet that would show historical contour information overlaid over the existing contours at the site that would indicate prior disturbance.
- **Green Space/Tree Removal:** While the project will result in trees being removed, there will be an increase in green space overall. As the subject area is not a known hibernacula of Northern Long Eared Bats and there are no documented summer occurrences of the Northern Long Eared Bats, no permit is required from the NYSDEC under 6 NYCRR Part 182 because cutting of live trees under the prescribed conditions is unlikely to result in an incidental take of Northern Long Eared Bats.
- **Traffic** – The project will close the entrance from Barber Drive and route customers solely from Columbia Turnpike. A large stacking area will be added that will accommodate fifteen vehicles. The vehicles will be processed by three automated cashiers, which will increase efficiency and keep customers flow moving during high volume periods. This should lead to the decrease or elimination of the traffic back-ups on Barber Drive and Columbia Turnpike. A highway work permit will be required from the NYSDOT.

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval of the Minor Site Plan as depicted on the plans prepared by C.T. Male Associates and dated January 30, 2018 & last revised on April 19, 2018, subject to the following:**

- Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department; and
- All remaining fees are paid to the Town;
- The applicant shall obtain a variance from the Zoning Board of Appeals for the proposed Brand Sign as specified on the plans, or submit an alternative design which is compliant with the Town's Zoning Code;
- Submission of a letter from NYSHPO indicating site is clear of any cultural and archeological concerns, or in the alternative, submitting a certified map from a qualified professional stating that the areas of potential sensitivity have been previously disturbed and are therefore not sensitive.
- Submission to the Town of a copy of the required NYSDOT highway work permit;
- A property line stakeout survey of the rear property line shall be completed prior to construction of the retaining wall along to confirm that the wall will be constructed on the property.
- That the applicant obtains a lot line adjustment consisting of a lot consolidation of parcel 155.-12-2.2 and the immediate adjacent parcel prior to the Certificate of Occupancy.
- That the applicant submits a new landscaping plan consistent with the comments from the Planning Board on April 25, 2018.

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

REGENERON-BUILDING 85 ADDITION-81 COLUMBIA TURNPIKE (12-11P)

Steve Hart from Hart Engineering, David Yost, Project Engineer from Regeneron & Trevor Harrison from HBT Architects were all present. Steve Hart stated that the proposal is for a 40,000 square foot, two story addition to the north side of building 85. Steve Hart stated that the proposed addition is 20' off the front property line and the required front setback is 35'. Steve Hart stated that it depends on what is considered the front as this building has frontage on Discovery Drive, Red Mill Road and Sherwood Avenue but it's possible they may need a variance. Steve Hart stated that all the equipment will be screened up on the rooftop with metal screening that is taller than the equipment, as tall as the penthouse. Steve Hart stated that some of the underground utilities will need to be relocated. Chairman Mastin asked if there was anything else. There was nothing else at this time.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated April 12, 2018, prepared by Hart Engineering for the proposed site plan.**

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **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 under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

KEYSTONE FIREWORKS-580 COLUMBIA TRPK-SITE PLAN MOD. (18-10)

Neil Shaw of Keystone Fireworks presented the proposal to the Board. They are proposing a 40' x 40' tent in the parking lot at 580 Columbia Turnpike and presented a diagram to the Board. The site will also have a generator and a porta john.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares the action an Unlisted Action under SEQRA and determines the project will not have any significant adverse impacts on the environment and hereby adopts a Negative Declaration under SEQRA.**

Seconded by Jim Moore & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby grants final approval of the proposed minor site plan modification subject to the following conditions:**

- 1. Tent setup will not occur before June 22, 2018 and shall be removed no later than July 7, 2018.**
- 2. All external signs and advertising not be displayed prior to June 25, 2018 and shall be removed no later than July 5, 2018.**
- 3. The business must be run in full compliance with New York State and Rensselaer County Laws.**
- 4. That the above mentioned modification will be limited to a one-time use for the period of June 22, 2018 to July 5, 2018.**

5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage with no signage along the roadway (Columbia Turnpike) and all signage must be connected to the tent.
6. Hours of Operation limited to 9am to 9pm.

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.

MOTION CARRIED BY A 6-0 VOTE

GREENWOOD SUITES, LLC.-124 TROY ROAD-MAJOR SITE PLAN (18-12)

Josh O'Connor and Rob Osterhout both of Bohler Engineering presented the proposal to the Board. The site is located behind the existing Fairfield Inn at 124 Troy Road. The applicant proposes a lot consolidation between the existing Fairfield Inn lot and the proposed lot. Josh O'Connor stated that improvements would be made to the existing driveway into the site. Josh O'Connor stated that the proposal is for a 76 room, 15,000 square foot, 4 story hotel with 86 parking spaces. A variance will be required due to the height of 57'. The maximum height in the OC Zoning District is 50'. Storm water will be discharged to the low part of the site; a retaining wall will be built between the two parcels as there is a 6' to 7' grade difference. Josh O'Connor stated that the utilities would connect to what's existing, would need a gravity sewer to the existing sewer. The Board would like to see a second means of egress.

- Matt Polsinello asked what the elevation is compared to I-90. Josh O'Connor stated that the site is higher than I-90.

- Jim Moore asked the applicant to address walkability to the restaurants near the site.

- Matt Polsinello stated that he would also like to see walkability and a second means of ingress and egress.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated April 17, 2018, prepared by Bohler Engineering for the proposed site plan.**

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **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 under SEQRA.**

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.

MOTION CARRIED BY A 6-0 VOTE

UPDATES:

FED EX-253 TROY ROAD-TRAILER PARKING EXPANSION

(09-12C)

Dom Arico from Arico Associates presented an update to the Board. Dom Arico stated the Joel from MJ Engineering has reviewed this and one main objective is to screen from I-90 with a double line of staggered trees. Norm Ward, a landscape architect from Weston Sampson stated that the reason why the trees/shrubs haven't done well on the site is due to the deer and they are now going to plant more deer resistant trees/shrubs on the site.

- Jim Moore asked if the planting detail provides the sizes of the trees. Norm Ward stated that it does.

- Matt Polsinello asked if they have looked at the GEIS schedule for traffic generation.

Dom Arico stated that the proposal is just for truck storage, it just helps with the efficiency of the site. Joel Bianchi from MJ Engineering spoke and stated that the applicant isn't making any extra trips.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated April 17, 2018, prepared by Bohler Engineering for the proposed site plan.**

Seconded by Jim Moore & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **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 under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; R. Viola-YES; J. Moore-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin. Seconded by Matt Polsinello. Carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

Copy To:

Robert/Terra & Norman/Francis Stone
13 Orchard Street
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
PB File No. 18-08

Via Email: Building Inspector
Assessor

Town of East Greenbush
PLANNING BOARD

In the matter by:
Robert Stone
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 18-08

Whereas, An application has been filed by Robert/Terra & Norman/Francis Stone, of 13 Orchard Street, Rensselaer, NY, proposing the construction of a single family dwelling with an in-law apartment. The property is located in the R-OS Zoning District. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section II Table II-A Use Schedule references an Accessory dwelling unit as requiring a Special Use Permit in the R-OS Zone; and

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located at 1182 Best Road, East Greenbush, NY (Tax Map No. 156.3-12.122); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on April 12, 2018; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Planning Board on Wednesday, April 25, 2018 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR**; now, therefore, be it

Resolved, That the Planning Board makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law; and the requirements of an Accessory Dwelling Unit as defined in Section 3.9 of the Town's Comprehensive Zoning Law; therefore be it

Resolved, that the application for a Special Use Permit for the construction of a single family dwelling with an in-law apartment be Granted for an initial period of 1 Year with the following conditions:

- Those living in the in-law apartment must be related to those living in the main dwelling;
- The Special Use Permit shall be extinguished upon the death of those living in the in-law apartment, or upon those living in the in-law apartment moving out;
- The accessory dwelling unit shall by no means be used as a rental property;

This resolution was moved by Chairman Mastin and seconded by Matt Polsinello at a meeting duly held on April 25, 2018.

(Discussion)

A vote was taken as follows:

Matt Mastin	<u>Yes</u>
Matt Polsinello	<u>Yes</u>
Jim Moore	<u>Yes</u>
Mike Bottillo	<u>Yes</u>
Ralph Viola	<u>Yes</u>
Nancy Kupiec	<u>Absent</u>
Kurt Bergmann	<u>Yes</u>

Motion carried 6-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By:



Matt Mastin, Chairperson

Dated: 4/27, 2018

** Granting of this variance, does not preclude the applicant from obtaining a building permit.*

04/23/2018

1182 Best Road – Special use Permit – in-law apt

On Monday March 9th, 2018, I visited the future home of Robert Stone at 1182 Best Road. Mr. Stone is building a new single family, 1 story home on Best Road and wishes to have an in-law apartment for his parents. Mr. Stone stated that his dad is a disabled Vet and his mom has a vision problem. The property is zone R-OS , a Special Use Permit is required for the in-law apartment. Mr. Stone's parents will have a separate entrance, but there will be only a set of doors separating the 2 living areas, the Stone's and his parents.

Mr. Stone must meet the following requirements, SECTION 3.7.10 , which I believe he will, to have the in-law apartment.

- A. It will be temporarily permitted based on his parents living there.
 - 1) The will be not more than 2 family members directly related living there.
 - 2) The Stones are the principal owner of the home and are not renting it.
 - 3) The max size will not exceed 1000 sq ft
 - 4) The permit expires when his parent no longer live in the home.

Other factors that Mr. Stone might have to answer before the board.

- 1) Parking which he has plenty on the property and garage area.
- 2) The home will not change the character and appearance of the surrounding area.

1) Front view of home, coming down driveway off Best Road.



2) View of property looking out to the West.



3) View of property looking out to the East.



4) View from inside the home where apartment will be.



5) View from where apartment will be, into main part of the house.



6) Parents entrance



7) View of parents living area.



Thanks

Michael A Bottillo

East Greenbush Planning Board
ZBA Advisory Opinion for St. Clair Ave. Rensselaer, NY

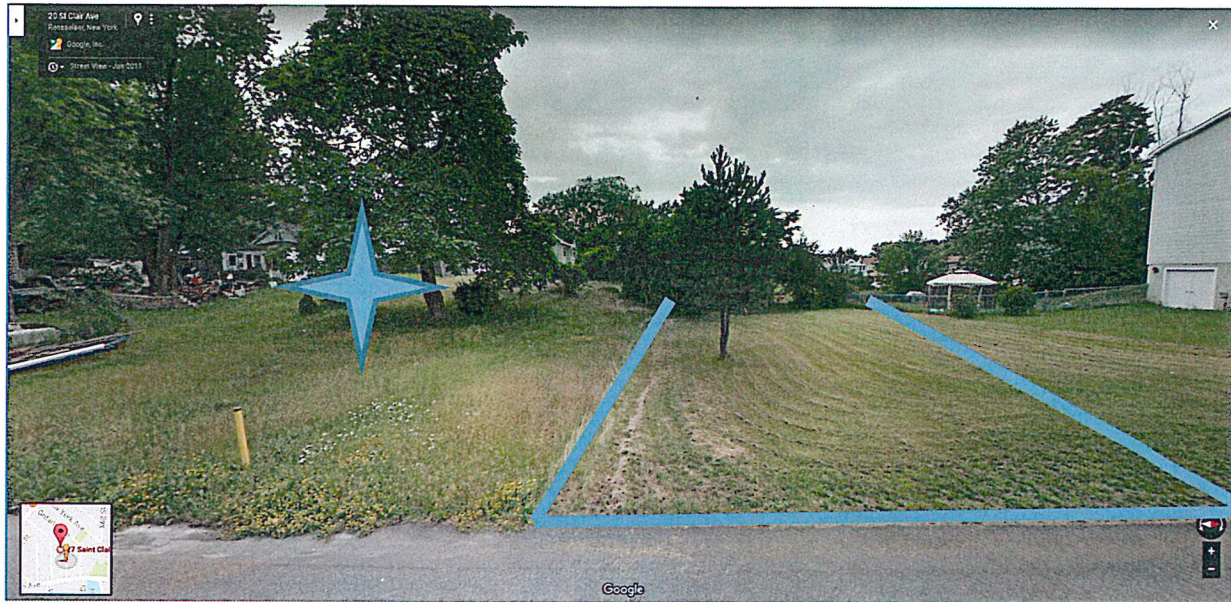
1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

The requested variance will not make any undesirable changes to the character of the neighborhood or surrounding properties. It will mirror the character of the other homes in St. Clair Ave. and many other areas throughout Hampton Manor. In fact, a home was recently built on the lot immediately adjacent and features similar dimensions to the lot in question. See pictures from Google Maps showing St. Clair Ave. before and after construction of the home on the neighboring lot.

2. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The lot is currently neatly maintained and mowed by the applicant. It resides between several other homes which reside on lots of similar dimensions.

Before



After

