

# 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 FEBRUARY 13, 2019

#### Members:

Matt Mastin, Chairman  
Nancy Kupiec  
Mike Bottillo  
Kurt Bergmann

#### Also Present:

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

#### CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of four (4) members were present. Jim Moore, Ralph Viola & Matt Polinello were absent.

#### PUBLIC HEARINGS:

#### COVERED BRIDGE-MICHAEL ROAD-PDD/MAJOR SITE PLAN

(13-09)

Chairman Mastin read the legal notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing on the application of Covered Bridge Partners, LLC. for a Planned Development District/Major Site Plan consisting of 286 apartments units. The property is located off of Michael Road, and consists of approximately 47.8 +/- acres, in the R-B Residential Buffer Zoning District, Tax Map # 156.-6-18.125 . Said Public Hearing will be held on Wednesday, February 13, 2019 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

Mary Beth Slavin the attorney for the applicant, Dom Arico the Engineer & Armand Quadrini the owner/developer were all present. Mary Beth Slavin stated that the parcel is in the R-B zoning district and the owner is proposing 286 apartments. Improvements to the site will include a swimming pool, solar panels, tennis courts, stables with trails, basketball court & clubhouse. Mary Beth Slavin stated that they no longer need to re-align Michael Road for site distance as Armand Quadrini purchased the lot adjacent to the parcel and the entrance has been moved. Dom Arico stated that the applicant offers a cash benefit as an amenity and that the traffic, water & sewer and stormwater reports have all been completed. Dom Arico stated that Phase one will consist of 118 units and then the reminder will be built in Phase 2. A pump station will be constructed on the site to help with the Luther Road pump station. A water loop system will be constructed throughout the project. Each building will have interior underground parking garages and there will be an exterior parking lot for overflow parking. Chairman Mastin asked how do other PDD's differ from the underlying zoning and also that the Fire Department stated they have significant concerns with access with the ladder truck. Dom Arico stated that the access road will now be paved. Joe Slater inquired about the traffic study and how this could affect traffic for all the neighbors. Dom Arico stated that the traffic study called for a third lane (left/right) out to Luther Road. Joe Slater also asked if they have trip generation numbers. Dom Arico read the traffic report which stated 161 am peak trips and 130 pm peak trips. Chairman Mastin stated that there is 75% open space and asked how much of that is developable. Dom Arico stated that 30% of that is developable. Chairman Mastin asked if any of the Board members had any questions.



- Kurt Bergmann asked about the phasing and if the solar components are all part of the first phase and if there are still windmills proposed & if the amenities are only for the residents. Dom Arico stated that yes and that there are no windmills proposed & all amenities are for just the residents. Joe Slater stated to the public that there are onsite amenities to benefit the residents of the project, and with every PDD, the applicant has to provide the Town with an amenity for Town residents, and that this developer was proposing \$500,000 to the Town. Chairman Mastin stated that Terresa Bakner for SEQR, John Montagne from GPI who is the Town's designated engineer for the project and Adam Yagelski the Planning & Zoning Director were also present. Chairman Mastin asked if GPI had anything outstanding. John Montagne stated that they haven't had a chance to review plans & comments as he doesn't believe they have the most updated set. Chairman Mastin asked if there was anyone present to speak about the project.
- One Town resident stated that the project hasn't been consistent and it's a huge project.
- A resident read a letter and has concerns about traffic, no enhancements and is not in favor of the project.
- A resident who lives on Elliot Road stated that there is no left hand turn on Luther into Michael Road, that crossing Elliot Road to get his mail is tough as traffic is already heavy and he was also concerned with wildlife displacement.
- A resident who lives right across from the proposed project on Michael Road stated that he moved here for the character East Greenbush has and he believes this project is not within the character of the Town. He has concerns with child/traffic, environment/wildlife, the road noise from I-90 is significant now but when the lot is cleared there will not be a buffer. Michael Road was recently repaved and also has deterioration. He is not in favor.
- A resident stated Michael road isn't safe now.
- A resident stated they are worried about the character of the neighborhood, traffic, noise and child safety.
- A resident asked who these apartments will be marketed to, and if they will be affordable.
- A resident of Michael Road has concerns with traffic, safety, stormwater, lighting, noise from the highway, wildlife, density, the sewer system, high taxes, horse stables, fencing, pastures, and municipal water access. •A resident asked why stables? Who rents an apartment with a horse, there are no pictures of what the buildings will look like and wondered where the clubhouse would be located. Dom Arico stated that there will be 10-12 stalls, riding trails, but no pastures. He stated he will provide pictures. Chairman Mastin stated that the developer previously stated 286 units were the lowest they could go to make the project financially viable but that the engineer stated they could survive at 168 units.
- A resident spoke and stated that they don't know how the tax base will help traffic.
- A resident stated that the apartments will be upscale, and wants to know what they would be charging for rent. Dom Arico stated \$1,250 and above. The resident commented that seniors cannot afford that.
- A resident stated there is already enough trash & traffic on Michael Road.
- A resident spoke and stated that the proposed entrance is not in a safe location, there will be runoff from large storms and if there will be any improvements.
- A resident asked wasn't there another project in the works on Luther Road. Chairman Mastin stated that yes there was, proposed senior apartments that are allowed.
- A resident from Elliot Road stated that a car crashed into his house.
- A resident stated that when I-90 was constructed, that's when the traffic came. The project looks interesting but too big. Seniors want affordable housing.
- A resident is concerned with demographics, the project is not really connected. Armand Quadrini stated that they will provide a shuttle wherever the people want to go.
- A resident stated that there are approximately 14 houses on Farm Road and that the Town needs to provide something. He would like to see water extended.
- A resident stated that there is logging being done across the street from him and asked if there was another application for development before the Town. A resident stated that they spoke with them and their just clearing trees right now and may propose just a couple of houses.



Chairman Mastin stated that he needed to ask if anyone was present who wanted to speak in favor or against who hasn't spoken yet.

•A resident asked what the percentage of students would be and if the school can handle more students and traffic.

Chairman Mastin stated that the next action the Planning Board would take is to make a recommendation to the Town Board on the PDD. Joe Slater stated that because a PDD is a legislative act,, there will be another public hearing in front of the Town Board before the project can be approved.

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

**Seconded by Kurt Bergmann & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; N. Kupiec-YES; K. Bergmann-YES.**

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

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

**REGENERON PHARMACEUTICALS-TEMPLE LANE-MINOR SITE PLAN**

**(15-20C)**

Kyle Cherry, Jason DiIulio & Steve Gibeault from Regeneron were all present. Kyle Cherry stated that the proposed substation needs a Special Use Permit & they are proposing early grading. The site consists of ¾ of an acre. Jason DiIulio stated that during a past meeting the Planning Board had asked about screening the substation. They can plant trees with a maximum growth of 50'-60'. There would be a chain link fence around the substation. The current access road will be the primary use. Chairman Mastin asked for a rendering. Jason DiIulio stated that they would have that for the next meeting.

•Kurt Bergmann asked if there would be any generators. Jason DiIulio stated not part of this.

John Montagne asked what the difference was between early grading vs. permanent grading. Terresa Bakner had asked them to show landscaping and that everything was covered in the original SEQR statement.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plan dated February 11, 2019 by Jacob's Engineering for the proposed minor site plan.**

**Seconded by Mike Bottillo & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; N. Kupiec-YES; K. Bergmann-YES.**

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

**UPDATES:**

NONE

**WORKSHOPS:**

NONE

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal #2019-01-Lemka-700 Columbia Turnpike-Use Variance & Area Variance-Dog Kennel-report by Nancy Kupeic.**

After some discussion, the following motion was made:

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts Nancy Kupiec's report, refers it to the Zoning Board of Appeals, and recommends that the applicant work with the Planning Board & Town Board on what could be done. \*See attached report for further detail.**

**Seconded by Kurt Bergmann & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; N. Kupiec-YES; K. Bergmann-YES.**

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

**NEW ZBA REFERRALS:**

**ZBA Appeal #2019-02 Schuurman-9 Manistee Street- Area Variance- Proposed Single Family Dwelling-PH set for March 12, 2019-assigned to Matt Polsinello**

**ZBA Appeal #2019-03 Warmt-2 Jennell Drive-Area Variance-Screened Porch-PH Set for March 12, 2019-assigned to Ralph Viola**

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the January 23, 2019 meeting minutes as is.  
Seconded by Nancy Kupiec. Motion carried by a 4-0 vote.

**ADJOURMENT:**

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

Respectfully Submitted



Alison Lovely, Planning Secretary



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### Planning Board Review & Recommendations

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<b>Location:</b> #700 Columbia Turnpike	<b>Prepared By:</b> Nancy Kupiec
<b>Applicant:</b> Suzanne Lemka, Property Owner	<b>Date:</b> 2/12/19
<b>ZBA Appeal:</b> #2019-01	<b>Site Visit:</b> 2/12/19
<b>Proposed Use:</b> Animal Kennel (Daytime Boarding)	<b>Current Zoning:</b> B-1

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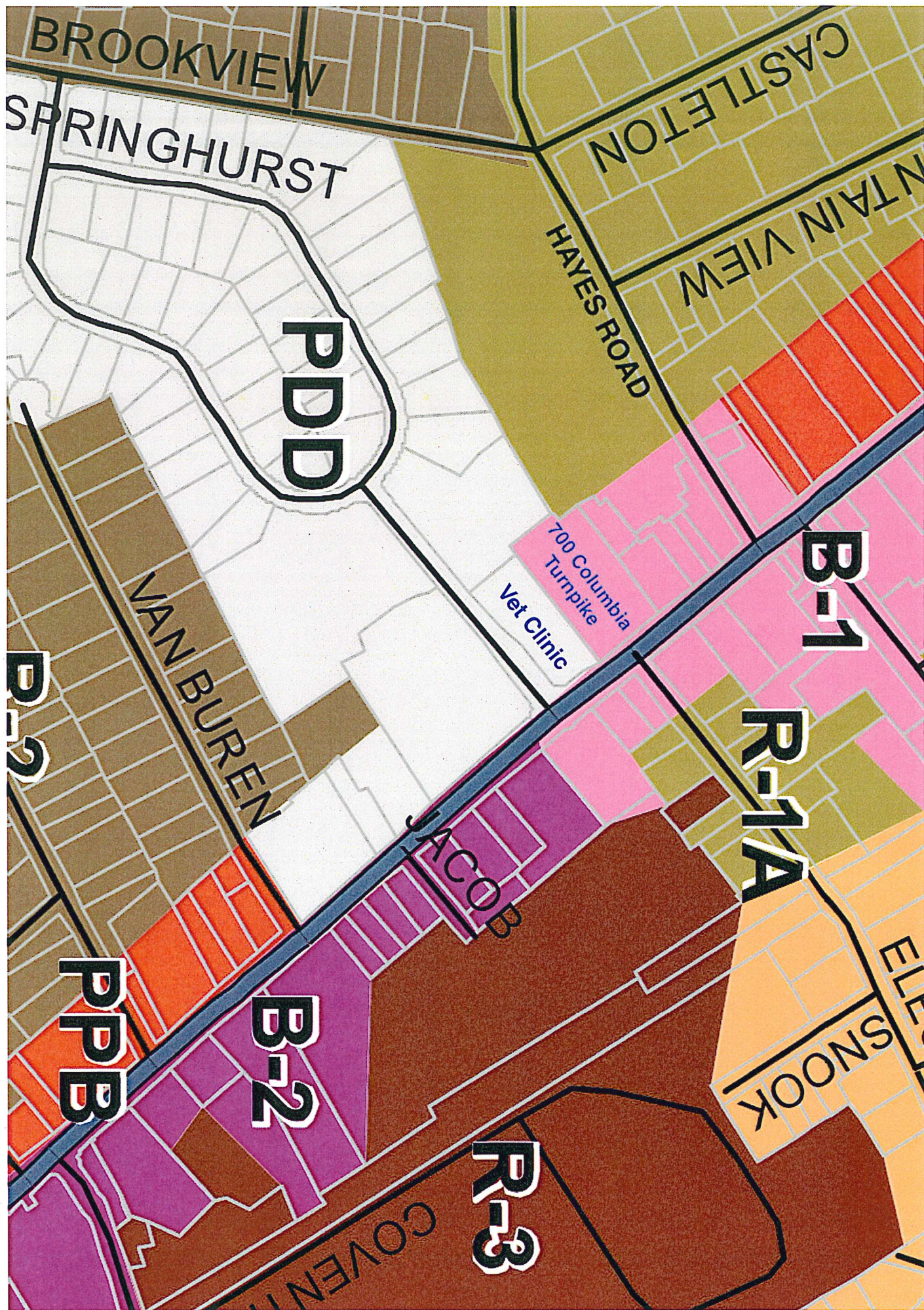
This property is located at the very end of the last B-1 zoned district along Routes 9 & 20 (on the South side of the Turnpike) prior to reaching the Schodack town line. It is in the middle of what was historically known as the "Village" of East Greenbush. The structure itself has been included on Map #25 - Historic Resources in the soon to be completed East Greenbush "Natural Resources Inventory". It is recognized in this inventory as being one of the Town's few remaining historically significant structures that still maintains some of it's originality integrity. Although not listed or located within a National Register or locally designated district, it is a contributing structure located along a corridor identified as historically sensitive and worthy of special consideration in developing this area of Town.

B-2 zoning in place prior to the current 2008 ordinance would have allowed re-use of this structure as a kennel. This is the applicant's proposed use, which under current B-1 zoning would require a use variance as well as an area variance in keeping with a 200' setback requirement from residential neighbors.

In site visits conducted, and interviews with surrounding businesses & residents, response was overwhelmingly supportive of the proposed kennel use. The applicant's designated representative is the owner of the adjacent property, which has been in operation since 2003 as a veterinary hospital in this 20 year old commercial/residential Planned Development District (known as the Springhurst PDD). Owners of the veterinary hospital propose to purchase and renovate portions of the building to expand their existing medical services to include daytime boarding, training & socialization activities for dogs. Need for expansion has been determined by continual & increasing requests for these types of services at this location in East Greenbush. Hart Engineering has demonstrated that the 200' residential setback requirement will effect possibly two second story residential rental units, located above neighboring commercial buildings. It was not evident in a drive-by inspection that these units are actually occupied and it is apparent that impact to residential neighbors would be minimal. As such, **an appeal for a area variance seems to be a reasonable request in re-developing this property as a daytime kennel.** If approved, renovation plans should include construction and site development methods that will help mitigate potential noise (i.e. building insulation, vegetative screening) during hours of operation.

The use variance aspect of the applicant's proposal presents a more complicated set of issues that may require a different approach in acquiring and renovating this historically significant Town resource. In consideration of the longtime demonstrated success of a veterinary hospital in this particular location as well as perceived support for continued use & expansion of this professional service, it becomes evident that **re-zoning or annexation to the existing adjacent PDD** may provide a more expeditious method of developing this particular property. There is a growing awareness in East Greenbush that remaining historic resources will be permanently lost to neglect or inability to finance both needed repairs and successful continued operations. This is particularly true of properties that have remained in constant ownership by the same families, government, civic or religious institutions for well over 100 years and are now in need of costly restoration. Many times, the highest and best use of these structures involve adaptive re-use of existing spaces and/or require non-conforming use relief to support a financially viable re-development plan. East Greenbush's existing variance procedures do not always provide a means of accomplishing these ends.











## Section II

## Zoning Districts

**Table II-A – Use Schedule.** This table is intended for general overview purposes and is not meant to be inclusive of all land use types allowed in all districts. For a complete listing of uses allowed in each district, refer to the specific pages regarding each district, which shall dictate in the event of a conflict.

Section 2.4 Use Schedule																
Primary Land Use		Residential						Commercial / Industrial								
		A-R	R-OS	R-B	R-1	R-1A	R-2	R-3	PDD	PPB	B-1	B-2	O	OC	OI	CI
Residential									See Section 2.9							
Residential; one family residence											1	1	1	1		
Residential; two family residence											1	1	1	1		
Residential; multi-family residence											1	1				
Residential; mixed use with commercial																
Residential; senior housing																
General Business / Non-Residential																
Adult establishment																
Agriculture; horticulture and farming, general																
Agriculture; livestock or dairy																
Agriculture; farm stand or market																
Animal; boarding, horse farm or stables																
Animal; boarding, commercial kennel																
Animal; boarding, veterinary services																
Automotive; sales, new or used																
Automotive; service, wash or storage																
Automotive; gas station																
Boarding; hotel																
Boarding; convention center with hotel																
Boarding; motel																
Boarding; inn or bed & breakfast																
Civic; religious facility																
Civic; cultural facility																
Civic; public facility, bank or government office																
Health / Medical; hospital or clinic, inpatient																
Health / Medical; offices or clinic, outpatient																
Health / Medical; nursing or assisted living home																
Health / Medical; cemetery																
Health / Medical; crematorium																
Parking, off-street or garage																
Parking, off-street or garage, commercial vehicles																
Recreation; commercial amusement																
Recreation; golf course or range																
Recreation; indoor assembly or auditorium																
Recreation; outdoor assembly or amphitheatre																
Recreation; marina																
Recreation; private, veteran/fraternal or social club																
Recreation; public, outdoor park or campground																
Restaurant; indoor, fully enclosed																
Restaurant; with drive-thru or curbside service																
Restaurant; with outdoor seating																
Restaurant; bar or tavern																
Retail; single tenant																
Retail; single tenant, < 15,000 s.f.										1						
Retail; multi tenant shopping center																
Retail; with drive-thru																
KEY	Permitted	Note 1: Existing on or before the date of this Section. Note 2: Note 3:														
	Special Permit															
	Not Permitted															



- D. Vending machines, newsstands, governmental installations, airlines and express offices and aircraft repair facilities may be permitted within completely enclosed buildings, except in private operations.
- E. The storage and sale of aviation gasoline may also be permitted, except in private operations.

#### **3.7.14 Day-Care Centers and Nursery Schools**

- A. Such uses may be a principal use or allowed as accessory uses in conjunction with the following other special permit uses: office and research buildings; hotels, motels and conference centers; retail stores, service and personal service establishments; conference centers or other similar facilities; multi-family residences; health-related facilities; and churches and religious institutions.
- B. The required outdoor play space shall be adequate in size and location as determined by the Planning Board, and shall be fenced and suitably landscaped and buffered. No play area shall be located in a required front yard or landscaped buffer strips.
- C. Adequate pickup/dropoff areas shall be provided and designed to ensure safe, direct access to the facility as determined by the Planning Board. Said areas shall not conflict with access to required parking.
- D. Day-care centers shall be licensed by the New York State Department of Social Services prior to operating such facilities.

#### **3.7.15 Dog Kennels (Private, Commercial and Veterinary)**

- A. All animal housing, kennels or runs and related structures shall be placed a minimum of 50 feet from any lot line, 200 feet from any residential lot line, shall be fenced and permanently screened from all surrounding properties with landscaping and other buffers as directed by the Planning Board.
- B. All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.

#### **3.7.16 Swimming Pools**

- A. No swimming pool shall be installed, constructed or maintained within ten (10) feet of any side or rear property line or above ground structure as measured from edge of water. No swimming pools shall be constructed within the front yard.
- B. Construction of swimming pools shall comply with the New York State Building Code.

- B. Public Hearing** - The Board of Appeals shall after due notice hold a public hearing on every appeal or application for a variance or for a special permit referred or taken to said Board or upon which it is required to pass, in accordance with this Local Law and the Town Law. The Board of Appeals shall have published a notice of each such hearing in a newspaper of general circulation in the Town of East Greenbush at least ten days prior to such hearing. In addition, at least seven days prior to such public hearing, the Board of Appeals shall have sent by registered mail the notice of such hearing, and an explanation of the variance or special permit sought, to all property owners within 200 feet of the subject property. Such notices shall be sent to the last known address as shown by the most recent Town tax records.
- C. Findings and Conclusions** - After such public hearing and after considering the application, the Board of Appeals shall either grant or deny the variance or special permit and shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the granting or denial of the relief sought. As to any proposed use, such findings of fact and conclusions shall be made concerning such use as described and represented by the applicant.
- D. Reporting and Filing and Decisions, Permits, and Variances** - Every official and final decision of the Board of Appeals shall be by written resolution, each of which shall contain a full record of its findings in the particular case, and each of which shall be filed in the Office of the Town Clerk together with all pertinent documents. The Board of Appeals shall notify the Town Board and the Planning Board in writing of each special permit and variance issued or granted under provisions of this Local Law.
- E. Re-Hearing and Reversal** - Upon motion initiated by any member and adopted by majority vote of members present, but not less than a majority of all members, the Board of Appeals may vote to give notice and hold one re-hearing to review any order, decision, or determination previously made. After such re-hearing, the Board upon the concurring vote of all members present, and provided it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, decision, or determination reviewed will not be subject to prejudice thereby, may reverse, modify, or annul its original order, decision, or determination.

#### 4.2.3 Interpretation

- A.** The Board of Appeals shall upon proper request interpret any provision of this Local Law about which there is uncertainty, lack of understanding or misunderstanding, ambiguity, or disagreement and shall determine the exact location of any zoning district boundary about which there may be uncertainty or disagreement.
- B.** Every request for an interpretation shall be made in the form and manner prescribed by rules of procedure adopted by the Board of Appeals and shall set forth exactly the interpretation which is claimed or sought.

#### 4.2.4 Variances

- A.** The Board of Appeals shall receive applications for and have the power to grant a variance in the applications of any of the provisions of this Local Law to a particular property, relating to the area, bulk, construction, or alteration of buildings, or any part thereof, in such a way that the spirit of this Local Law shall be observed and maintained; public health, safety, and welfare secured; and substantial justice done.

##### 01.Application

Application for such variance may be made on an appropriate form by any property owner in the Town of East Greenbush allegedly aggrieved by the strict application of any of the provisions or requirements of this Local Law or who may desire to deviate therefrom.



**02.Statement by Applicant**

Such application shall clearly state the specific provisions of this Local Law from which variance is sought, the special circumstances which allegedly justify such variance, and the interpretation or ruling which is desired.

**03.Criteria for Granting Variance****a) Use variances**

- i) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
- ii) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
  - the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - that the alleged hardship has not been self-created.
- iii) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**b) Area variances.**

- i) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- ii) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
  - 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 area variance;
  - whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - whether the requested area variance is substantial;
  - whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- iii) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.