

# 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 APRIL 24, 2019

#### Members:

Mike Bottillo, Vice Chairman  
Jim Moore  
Ralph Viola  
Nancy Kupiec  
Kurt Bergmann

#### Also Present:

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

#### CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Bottillo called the meeting to order and determined that a quorum of five (5) members were present. Matt Mastin was absent.

#### PUBLIC HEARINGS:

NONE

#### OLD BUSINESS:

NONE

#### NEW BUSINESS:

##### HARTING-592 ELLIOT ROAD-LOT LINE ADJUSTMENT

(19-08)

Paula Harting the applicant and Herman Pultcher of Cornerstone Surveying & Mapping were both present to give the proposal to the Board. Herman Pultcher spoke and stated that they are adjusting the lot line to create a small piece that has a house on it that will remain as a 5.01 +/- acres. The other lot will consist of 33.03 +/- acres which includes a little triangle portion that fronts on Luther Road. Joe Slater stated that this project was before the Project Review Team a couple of weeks ago originally proposed as a three lot subdivision, but after discussion the applicant decided to proceed with a lot line adjustment.

- Nancy Kupiec asked what the zoning was there. Herman Pultcher stated R-B.
  - Kurt Bergman asked how much frontage there is. Herman Pultcher stated that there is 148' on Luther Road and 200' on Elliot Road.
  - Ralph Viola asked if it was their intention to sell the other lot. Paula Harting stated potentially, but will the property will probably be deeded over to her kids.
- Adam Yagelski talked about the comment letter he gave to the surveyor and to the Board.

MOTION: A motion was made by Acting Chairman Bottillo as follows: **The Town of East Greenbush Planning Board hereby declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) and grants final approval of the proposed lot line adjustment prepared by Cornerstone Surveying & Mapping and dated April 16, 2019, 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 Ralph Viola & roll called as follows:**

**M. Bottillo-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**UPDATES:**

**UABDC-1 DISCOVERY DRIVE-SITE PLAN MOD.-B-WING PARKING LOT (18-06)**

John Montagne of GPI presented the update to the Board. The proposal is for additional work around the boiler house building to include improving drainage around the boiler house, improving loading dock, generator to be removed, and a new one will be put closer to the building and removing a smoke stack. The two existing basins will be used for stormwater: one for water quality management and the other for stormwater management. They are proposing the work in two phases. The first phase will be to repair the infrastructure for drainage. The second phase will be the B-wing parking lot and the small out building will be removed. John Montagne stated that they want to put off the parking lot until all the stormwater is taken care of. John Montagne stated that he has gone through all of MJ's comments.

- Nancy Kupiec asked when they wanted to start and how old the smoke stack is. John Montagne stated that hopefully this summer and the smokestack was built in approximately 1948 and is all brick. Nancy asked if there was anything hazardous in it. John Montagne stated that there is not.

- Jim Moore asked who the applicant is, the University or the University Foundation. John Montagne stated the foundation.

Vice Chairman Bottillo stated that this was an update only.

**WORKSHOPS:**

**B-1 ZONING AMENDMENT-DISCUSSION OF RECOMMENDATION TO TOWN BOARD**

The Board reviewed a draft letter to the Town Board containing comments and recommendations on the potential B1 Zoning Amendment, which had been provided by Planning Board members the preceding month.

**MOTION:** A motion was made by Acting Chairman Bottillo as follows: **The Town of East Greenbush Planning Board hereby makes a motion to forward the memorandum dated 4/24/19 to the Town Board for the potential repeal of the Two Story Height Requirement in the B-1 Zone. \* See the attached recommendation.**

**Seconded by Nancy Kupiec & roll called as follows:**

**M. Bottillo-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**DISCUSSIONS:**

Adam Yagelski talked about the new intern in the Planning & Zoning Department, Sam Morreale, and what Adam is having him work on.

Nancy Kupiec asked if Zoning Board of Appeals Resolutions could start being emailed to the Board members.



**REFERRALS-REPORTS & RECOMMENDATIONS:**

ZBA Appeal #2019-05-Petrone-1264 Best Road-3 Area Variances-Two additions & a carport-report by Ralph Viola

After some discussion, the following motion was made:

MOTION: A motion was made by Vice Chairman Bottillo as follows: **The Town of East Greenbush Planning Board hereby accepts Ralph Viola's report, and recommends that the report be forwarded to the Zoning Board specifically from a planning perspective & gives a positive recommendation. \*See attached report for further detail.**

Seconded by Jim Moore & roll called as follows:

M. Bottillo-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.

**MOTION CARRIED BY A 5-0 VOTE**

**NEW ZBA REFERRALS:**

ZBA Appeal #2019-06-Vanderover-54 Rose Lane-Area Variance-Frontage-assigned to Mike Bottillo

**REVIEW AND APPROVAL OF MEETING MINUTES:**

April 10, 2019 tabled until the next meeting

**ADJOURMENT:**

There being no further business before the Board, the meeting was adjourned by Vice Chairman Bottillo. Seconded by Jim Moore Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary



# *The Town of East Greenbush*

## **PLANNING BOARD**

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518.694.4011

Fax: 518.477.2386

## **MEMORANDUM**

**TO: Town Board**

**FROM: Planning Board**

**DATE: May 3, 2019**

**SUBJECT: Potential Repeal of the Two-Story height requirement in the B-1 Zone**

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After much discussion and deliberation, the Planning Board offers the following comments and suggestions relative to the potential repeal of the 2-story requirement in the B-1 zone.

First, prior to repealing the 2-story requirement outright in the B-1 zone, or making any radical change as suggested here, the Planning Board would prefer a town designated consultant perform an appropriate study on the potential change. The comprehensive plan update, which is underway, provides a mechanism to obtain expert assistance. While the lack of commercial development along the 9 & 20 corridor is troublesome, it is likely not due solely to the 2-story requirement in the B-1 zone.

The Planning Board is of the opinion that there are other economic factors at play regarding the lack of development on 9 & 20, and that sound planning coincides with sound economics. The Planning Board recognizes that 9 & 20 is most suitable for small businesses, and is aware of the difficulty of the viability of small businesses in an age of online shopping and big box-retailers. In recognition of this issue, and in attempt to jumpstart commercial development on 9 & 20, the Planning Board recommends a 50% reduction in GEIS fees to any new commercial entity on the 9 & 20 corridor. The Planning Board recognizes that GEIS fees for new development are assessed based upon additional impacts.

In addition, as sound planning coincides with sound economics, the Planning Board recommends that if a 2-story repeal is enacted, that it is limited to small parcels (under .5 acres) where strip development currently exists, and vacant parcels most conducive to single-story strip-commercial development. This would preserve the development potential of larger parcels that offer the town the most transformative opportunities, including increasing the Town's tax base. Therefore, it is the Planning Board's recommendation that the current B-1 2-story requirements remain intact for larger parcels. The Planning Board proposes to implement this



requirement through an overlay zone intended to apply to larger parcels and/or larger development projects.

Accordingly, the proposed Columbia Turnpike Initiative Overlay Zone would apply to development or redevelopment in the B-1 Zone as reflected on the existing Official Zoning Map on a parcel or adjacent parcels under the ownership or control of the same applicant where the parcel or parcels taken together contain at least 21,780 square feet. In addition, the CTI overlay would also apply to any project, regardless of the size of the parcel or parcels, which proposes to develop or redevelop 4,000 square feet or more of commercial floor area or of mixed residential and commercial uses. Projects subject to the CTI overlay may not be divided into parts, parcels or phases to avoid being subject to this measure, and the CTI overlay should include language similar to the compulsory integration requirements found in many zoning code updates.

Further, the Planning Board recognizes the Analysis and Recommendations submitted by Town Director of Planning and Zoning, Adam Yagelski, dated January 19, 2019. Rather than an outright repeal of the 2-story requirement, Mr. Yagelski suggested eliminating the “habitable space” requirement in Section 2.7.2.F.03. The Planning Board is in agreement with this suggestion, as it unlinks the two-story façade height requirement from land use. Mr. Yagelski also notes the importance of urban design principles, such as building height, façade treatments, and building materials. Nonetheless, the Planning Board is of the opinion that a height requirement of at least 20 feet be maintained in an attempt to meet the design guidelines contained within the 2014 Corridor Plan.

In the event the Town does repeal the 2-story requirement in the B-1 zone in some capacity, the Planning Board is of the opinion that developers seeking exemption from this requirement work closely with the town’s Planning and Zoning Department and with input from the Planning Board to develop a site plan acceptable to the Town’s vision of the 9 & 20 Corridor.

In Conclusion, the Planning Board offers the following recommendations:

- A 50% reduction in GEIS fees to new commercial development on the 9 & 20 Corridor;
- A 20-foot minimum height requirement be maintained in the B-1 district;
- Any 2-story repeal should only be applicable to smaller parcels (under .5 acres) conducive to single-story strip development. The Planning Board suggests an overlay zone as a mechanism to implement this recommendation;
- Any developer seeking exemption from the 2-story requirement in the B-1 zone shall submit three separate and distinct sketch plans to the Planning Board, including architectural renderings of the proposed structure.
- The implementation of an overlay district intended to apply to larger parcels and/or larger development projects.

In conclusion, the Planning Board is desirous that any change made to the B-1 zone be temporary until an appropriate study can be completed to ensure that sound planning practices

May 3, 2019  
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are enacted on the 9 & 20 corridor, and throughout the Town as a whole. The Planning Board is open to further discussion on these potential changes, and any recommended in the future.

CC: J. Slater, Planning Board Attorney  
D. Gruenberg, Town Attorney  
A. Yagelski, Director of Planning and Zoning  
File

April 24, 2019

East Greenbush Planning Board  
225 Columbia Turnpike  
East Greenbush, NY 12061

Attn: Chairman Matt Mastin

RE: Area Variance Review 2019-05

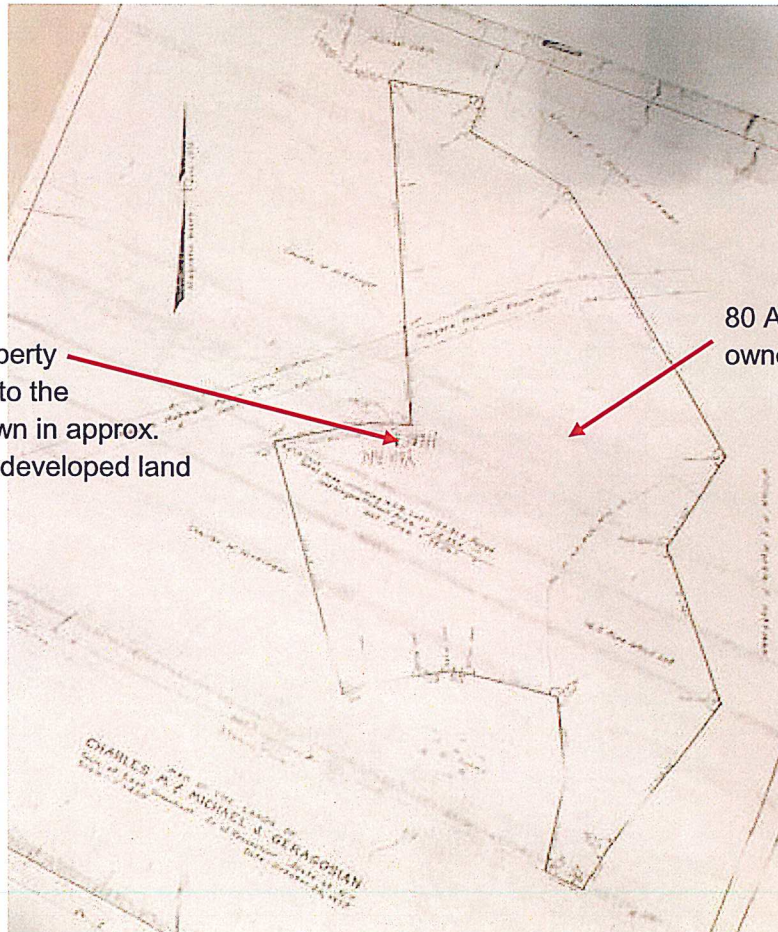
Westley Petrone  
1264 Best Road  
East Greenbush, NY 12061

I spoke with the applicant Westley Petrone on April 22<sup>nd</sup> 2019 to discuss the area variance.

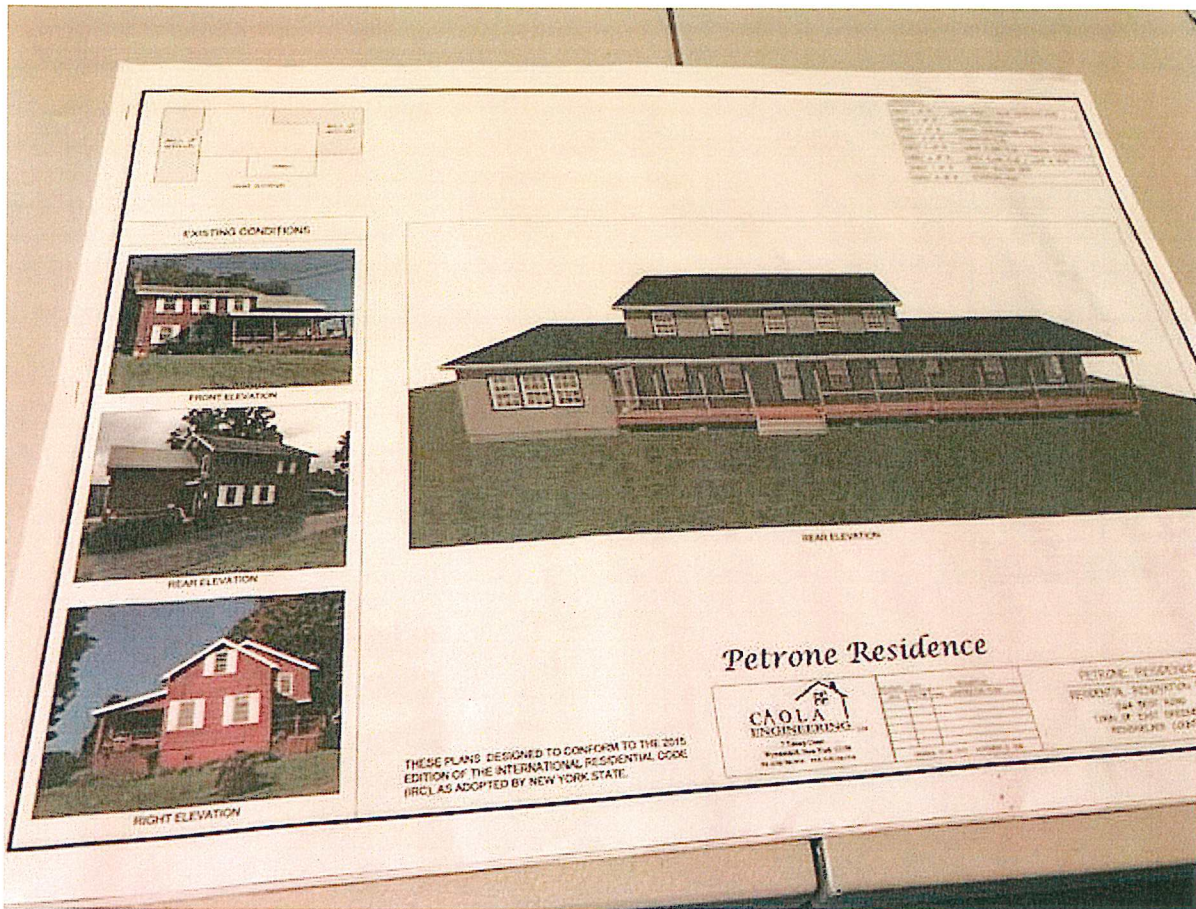
The applicant is requesting three (3) area variances for the reduction of the side yard setback requirement for the construction of a carport and 2 additions off existing home. This parcel is located in the Residential Open Space District (**R-OS**). In accordance with Section II 2.62 the required side yard setback is 50 feet. The applicant is requesting 28 foot setback from carport construction and the two additions leave a 42 foot side yard setback.

House located  
at corner of property  
property owner to the  
left his parcel own in approx.  
160 Acres of undeveloped land

80 Acre parcel  
owned by Petrone







This particular Area Variance request is unique because of the size of parcels involved, the distance from nearest neighbor and location of the existing home in relation to the overall property.

**No undesirable change would be produced in character of neighborhood or a detriment to nearby properties.**

The nearest neighbor is approx. ½ mile away located on Best Road. Mr. Petrone's area variance request would not create any undesirable changes.

**There is not any feasible alternative sought by applicant that would allow this construction of carport and addition to take place on his original homestead.**

The applicant would have to construct another dwelling with the proper side setbacks which is NOT favorable or feasible. He wants to add on to his existing home.



**This requested area variance is NOT substantial.** Given the large parcel size of the adjoining property, the setbacks are NOT substantial.

The carport construction would result in a side yard setback of 28 feet.

The additions surrounding the homestead would result in a side yard setback of 42 feet.

From a planning perspective I give a positive recommendation for these three (3) Area Variance requests.

Respectfully,

*Ralph J. Viola*

Ralph J. Viola  
E.G. Planning Board Member  
518-573-8907