

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 10, 2019

Members:

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

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

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

OLD BUSINESS:

DEER POND-ELLIOT ROAD-MAJOR 62-LOT SUBDIVISION

(14-08)

Andy Brick, representing the applicant, stated that they are asking for an additional 90 day extension to fulfill the conditions contained within the preliminary approval and file the final plat. They are still working with NYSDEC regarding the water and are also working through sewer capacity issues. Ralph Viola asked if they will start construction in the fall or if they will wait until the spring. Andy Brick stated that they will start in the fall if possible.

MOTION: A motion was made by Chairman Mastin as follows: Whereas the Town of East Greenbush Planning Board granted conditional preliminary plat & preconstruction approval of the above mentioned subdivision on April 11, 2018;

And whereas the preliminary plat approval dated April 11, 2018, required the applicant to satisfy several conditions within 180 calendar days of the resolution;

And whereas in accordance with Article IV, Section 5 of the Town's Subdivision Regulations, the final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, within 180 days after preliminary plat approval;

And whereas on the applicant was granted an extensions in accordance with the Town's Subdivision Regulations on September 10, 2018 and January 9, 2019 extending conditional approval until April 9, 2019;

Be it resolved that the Town of East Greenbush Planning Board hereby grants an extension to the applicant to satisfy the conditions within the preliminary plat approval and file the final plat and supplementary documents in accordance with Article IV, Section 5 of the Town's Subdivision Regulations until July 8, 2019.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

PUBLIC HEARINGS:

**RECONVENE TURNPIKE REDEVELOPMENT-164 COLUMBIA TURNPIKE-SUP/SITE
PLAN MODIFICATION (19-01A)**

Steve Hart from Hart Engineering presented the proposal on behalf of the applicant. Steve Hart stated that the proposal is for a 3,900 square foot commercial garage, which requires a Special Use Permit. Steve Hart stated that at the last meeting there were property line issues brought up but that they showed the applicant had property ownership of the land. The proposed building is going to be on the applicant's land located behind an easement located off the pavement at the rear of their site. There is also a National Grid easement to the rear of the applicant's property. Steve Hart stated that approximately 20,000 square feet inside the building will be utilized by the applicant and that approximately 7,000 remains for a future tenant for possible retail/office. Steve Hart stated that they are adding 14 additional parking spaces on the side of the building and are adding trees along the trailer park side of the building. Steve Hart stated that the tall light that was mounted on the rear of the Building has been disconnected. There is another light in the rear of the building due to the construction trailers being back there and there will be wall mounted lights put on the rear of the building. Chairman Mastin stated that the Special Use Permit is required only for the proposal for the 3,900' garage and the public hearing is a requirement of the Special Use Permit for the garage. Chairman Mastin stated there is also a minor site plan modification for the existing old "Big Lots" building that the applicant will be occupying. Chairman Mastin asked if anyone from the Board had any questions. There were none. Chairman Mastin asked if there was anyone in the audience who would like to speak.

- Dave Terpening who lives to the rear of the proposal stated that he is the closest resident to the proposed building. He inquired whether or not there was any other location to locate the building. He asked whether or not the Board members had visited the site. He had the deed for his property and had a big site plan of the parcel owned by the applicant, which showed his easements. Mr. Terpening was not able to show that the project infringed on his easements. Chairman Mastin asked if the access easements were for the utilities.
- Dave Terpening stated that you can see in the deed he provided. Mr. Terpening also stated that he's provided Adam Yagelski with documentation of his concerns and he then read the Special Use Permit criteria from the Zoning Law. He said he is concerned with the lights so close to his property. He referenced the 3/13/19 meeting minutes.
- Dave Terpening asked if there were any rear setback issues and if the applicant needed to meet a certain setback from the easements. He is also concerned about where the snow will be pushed to and wants to know if there will be a barrier between his property and the proposed garage.
- Kurt Bergmann asked how far Dave Terpening is from the applicant. Steve Hart stated approximately 174 feet.
- Chairman Mastin asked Dave Terpening what year he bought his home. Dave Terpening stated in 1982. Chairman Mastin asked Steve Hart how many bays will be in the garage. Steve Hart stated 8 bays. Chairman Mastin commented that the garage could be built 12' off the applicant's property line if they wished. Steve Hart commented that the building could be 50' tall. Steve Hart stated that the building is located 150' off the property line. Chairman Mastin asked if anyone else had any comments and if anyone else in the audience to speak. There was no one else in the audience that wanted to speak. Chairman Mastin asked if there was anything else from the Board. There was nothing else.

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

Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

PINECREST COMMERCIAL-1 SPRINGHURST DRIVE-MAJOR SITE PLAN (18-29)

George Shannon the owner and Steve Hart the Engineer were both present. George Shannon stated that the proposed parcel is part of a larger PDD. The parcel consists of 2 ½ acres. The proposal is to construct a 9,000 square foot building that a dance studio would like to occupy and a 15,000 square foot building for retail. Steve Hart stated that the water and sewer lines are located on Columbia Turnpike and they are proposing porous asphalt for their parking lot. Steve Hart stated that in 1989/1990 a PDD was approved for 60,000 square feet of commercial.

Steve Hart stated that they are working on the traffic comparison. They will be requesting a waiver to space the trees out on the Columbia Turnpike side of the parcel.

- Ralph Viola asked if they said the front building would be 15,000 sq. ft. Steve Hart stated yes. Ralph asked how he came up with 15 parking space. Steve Hart stated that he used the overall square footage.

- Chairman Mastin asked if they got rid of the second curb cut. Steve Hart stated that is correct.

- Ralph Viola asked if with the 15,000 sq. ft. if they will have enough parking and that included both buildings. Steve Hart stated yes they will.

Chairman Mastin stated that's a nice thing about the dance studio, it's a nice space.

- Jim Moore asked about stormwater. Steve Hart stated that it's all going into the ground with porous asphalt.

- Ralph Viola asked about the heights of the buildings. Steve Hart stated that they're both single story buildings with 25' roofs. George Shannon stated that there will be parapets to hide the mechanicals.

Chairman Mastin stated that this was determined to be a major PDD amendment and that the Planning Board will make a recommendation to the Town Board and will schedule a public hearing for the first meeting in May. Chairman Mastin asked if there were any other comments.

- Nancy Kupiec asked about the orientation of the buildings. George Shannon stated that the buildings will front to Springhurst and that all sides will be finished and all sides will have windows.

Steve Hart stated that they will be proposing a Pinecrest Plaza sign with smaller signs to advertise each business and they will also be asking for signs along the Columbia Turnpike side of the building.

- Nancy Kupiec asked if they had elevations to show and who the Architect is. George Shannon stated that the Architect is Pelone from Troy.

Chairman Mastin asked if there was anything else.

- Ralph Viola asked about landscaping in the front and if one dumpster was going to take care of two buildings. Steve Hart stated that they are showing 30' on center but would prefer 40' on center and that yes, one dumpster should take care of both buildings.

MOTION: A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for May 8, 2019 @ the East Greenbush Town Hall @ 7:05 PM on the application for a Major Amendment to the Pinecrest Commercial Planned Development District.**

Seconded by Nancy Kupiec & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

VANDEROVER-54 ROSE LANE-LOT LINE ADJUSTMENT

(19-07)

Jeremy Vanderover stated that he talked with Adam Yagelski earlier and they feel the path to go is a variance, not a waiver. Therefore, the applicant would be proceeding in front of the ZBA in an attempt to obtain an area variance, and then return to the Planning Board for approval for a lot line adjustment.

UPDATES:

MABEY'S-486 THIRD AVE. EXT.-SPECIAL USE PERMIT/MAJOR SITE PLAN (19-02A)

Steve Hart stated that one change has been made to the proposal at 486 Third Avenue Extension which is that the buildings have been rotated 90 degrees and the proposed entrance way has been moved, there are no site distance issues with the new location. The originally proposed 3 story building has been reduced to 2 stories and then there is the other one story building.

Chairman Mastin asked if there were any questions.

- Ralph Viola asked if it's an issue with not having fire access to the rear of the building. Steve Hart stated that he needs to meet with the Fire Department and the Architect.

- Jim Moore asked what the building uses would be and if there is a sense of phasing. Steve Hart stated that one building will be a warehouse and the other building will be possibly retail/office. Steve Hart stated that the first building built would be the climate controlled one.

- Jim Moore asked that since the rear of the site is being developed first, if the front park of the parcel would remain undisturbed until later on. Steve Hart stated that is correct.

Chairman Mastin asked if there was anything else. There was not. This was an update only.

WORKSHOPS:

TOWN CENTER-COLUMBIA TURNPIKE- PDD/MAJOR SITE PLAN-UPDATE ONLY (17-19)

Chairman Mastin stated that there is no action tonight just discussion among the Board members.

Chairman Mastin asked if there was anything the Board had to discuss that could be a game changer. Nobody seemed to think there was.

- Jim Moore stated the he submitted a letter regarding the Smart Growth criteria.

Steve Hart talked about sidewalks and connectivity.

Also present was Rob Pasasci from Young/Sommer LLC, representing the applicant, and Jackie Hakes from MJ Engineering (Town Designated Engineer) and Teresa Bakner (SEQRA Counsel) from Whiteman Osterman and Hanna.

Terresa Bakner talked about Section 11 of the Local Law and Jackie Hackes talked about Section 15 Items 103 about amenities. Discussions of allowed uses and what the Board wants to see as part of the local law. Terresa Bakner talked about SEQR. Chairman Mastin stated there is no action tonight.

RECONVENE TURNPIKE REDEVELOPMENT-164 COLUMBIA TURNPIKE-SUP/SITE PLAN MODIFICATION (19-01A)

Steve Hart talked about the project a little more. He stated that the proposed 3,900 sq. ft. garage is approximately 179' from the Terpening's property line and 134' from the next house. Steve Hart stated that setback only require 12' from the rear or side.

Ralph Viola asked the applicant to plant two evergreen trees to the west side of the garage to act as an additional buffer.

After some discussion Chairman Mastin made a motion to approve the Special Use Permit with conditions. *See the attached resolution.

After some discussion about the site plan, Chairman Mastin made the following motion.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby classifies this project as a Type II action under SEQRA (6 CRR-NY 617.5(9)) and grants conditional approval of the Minor Site Plan as depicted on the plans prepared by Hart Engineering and dated March 9, 2019 subject to the following:**

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department; and**
- **All remaining fees are paid to the Town.**
- **Add two evergreen trees to west side of garage.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

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

Chairman Mastin and the Board had some discussion and then Chairman Mastin asked all the members to get in any comments they have regarding the above so that a recommendation can be sent to the Town Board at the next meeting.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2019-04-DiBella-11 Evergreen Way-Area Variance-Front Setback for Addition-report by Mike Bottillo

After some discussion, the following motion was made:

MOTION: A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby accepts Mike Bottillo'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 Chairman Mastin & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

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

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the March 13, 2019 meeting minutes as is.
Seconded by Nancy Kupiec. Motion carried by a 5-0-1 vote. Mike Bottillo abstained.

Motion by Chairman Mastin to approve the March 27, 2019 meeting minutes as is.
Seconded by Mike Bottillo. Motion carried by a 5-0-1 vote. Nancy Kupiec abstained.

ADJOURMENT:

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

Respectfully Submitted


Alison Lovely, Planning Secretary

04/08/2019

DiBella Area Variance

The DiBella's are looking to build a 10' by 60' addition on the front of their home which requires a 35foot setback and after the addition there will only be 26 feet. The DiBella home is location on a corner lot at 11 Evergreen Way in a R-1 zone. The purpose of the addition is to accommodate an elevator and provide adequate space for Mr. DiBella's special large powered wheel chair whom is a quadriplegic. Mr. DiBella currently lives in an apartment because he can't get in or around his home, where he has resided his whole life and wishes to continue to live. The DiBella's will access the elevator from the garage and it will be capable to taking Mr. DiBella to both the first and second floor. The contractor and Mrs. DiBella who I meet with, said that the front will be either a brick or the whole house will be re-sided to be uniform.

- 1) The addition will NOT produce an undesirable in the character of the neighborhood or be an detriment to nearby properties
- 2) Because the elevator will located in the garage and the space need for the wheel chair, I believe this is the only method of achieving the DiBella's goal
- 3) The requested variance is substantial
- 4) The proposed variance will NOT have adverse effect or physical impact on neighborhood.
- 5) I would not define this difficulty as self-created, Mr. DiBella wishes to live home and this is the only solution.

I believe the DiBella meet all the requirement for an area variance and give it positive recommendation to the zoning board.

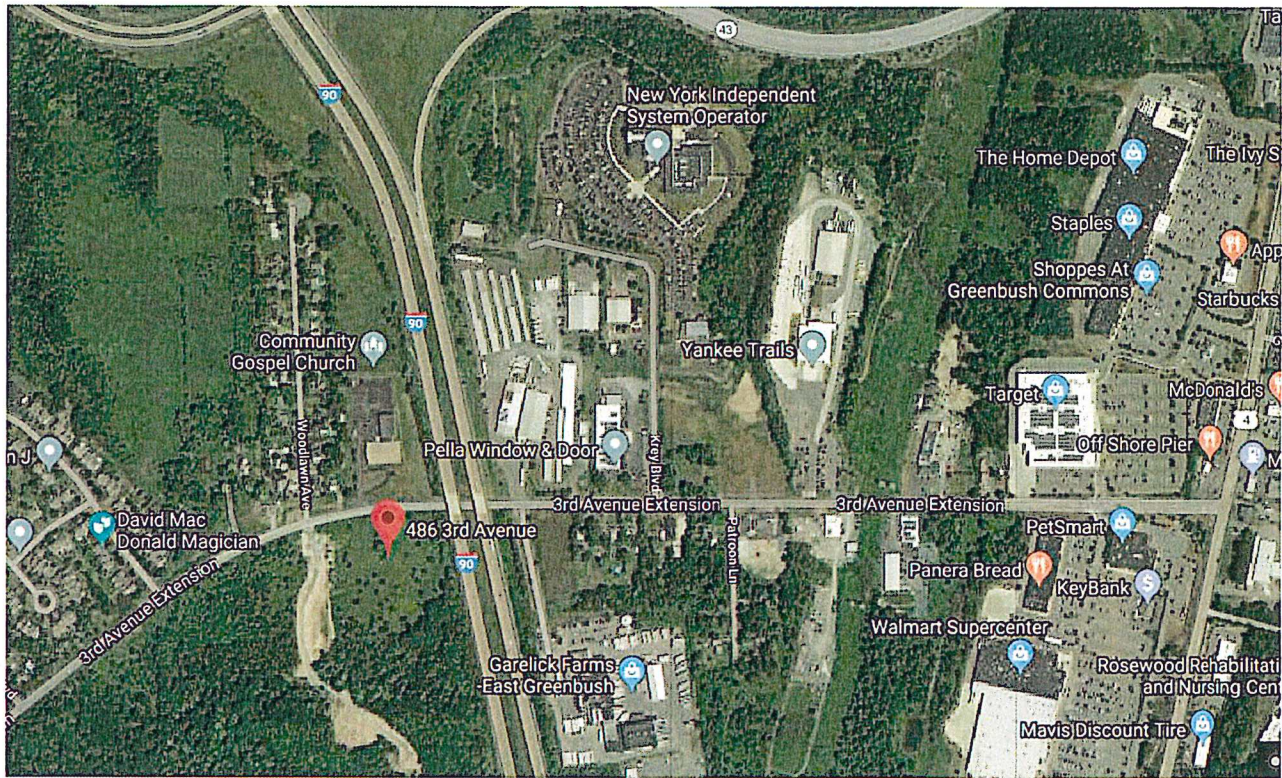
Thanks

Michael Bottillo

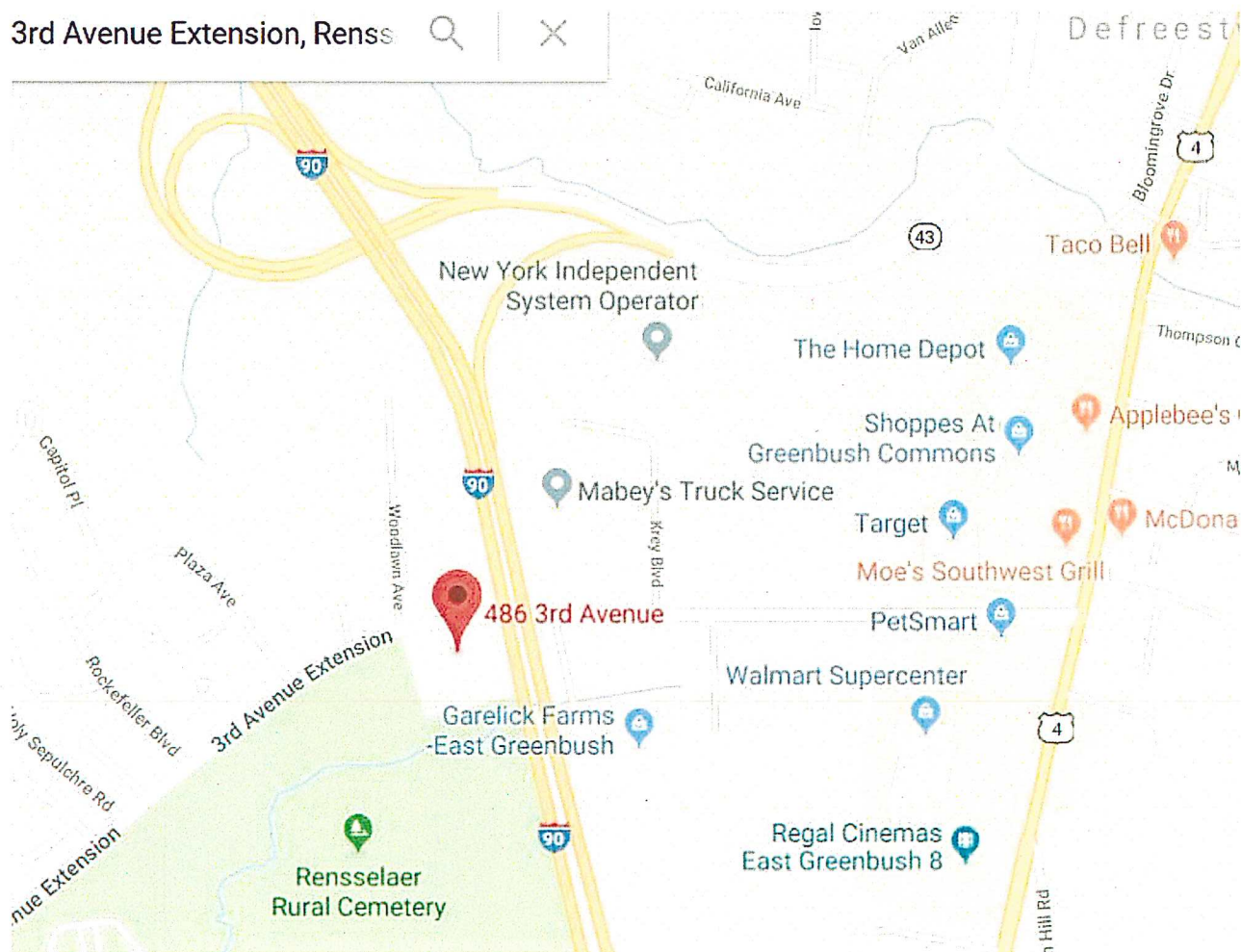








3rd Avenue Extension, Renss



FILED

19-01A 4/24/19

Copy To:

Turnpike Redevelopment Group, LLC.
2 Cooper Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
PB File No. 19-01A

Via Email: Building Inspector
~~Assessor~~

Town of East Greenbush
PLANNING BOARD

In the matter by:
Turnpike Redevelopment
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 19-01A

Whereas, An application has been filed by Turnpike Redevelopment Group LLC. of 2 Cooper Avenue, Rensselaer, NY, proposing the construction of a 3,900 square foot commercial garage for the property located at 164 Columbia Turnpike. The property is located in the General Business Mixed Use District (B-1) zone. This application has been examined for compliance with the applicable provisions of the Comprehensive Zoning Laws and the Town Code of East Greenbush; New York State Town Law Section 274-b and Section 3.11 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit to construct a Commercial Garage, which is required Per Section 2.7.2.D of the Town's Comprehensive Zoning Law (Structure; Commercial garage or shed); and

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located at 164 Columbia Turnpike, East Greenbush, NY (Tax Map No. 155.13-21-13); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on February 14, 2019; and

Whereas, Notice of the initial 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, February 27, 2019 & continued on Wednesday, April 10, 2019 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 specifically, the location and size of the use has been appropriately placed approximately 120 feet away from the property line from the closest neighbors; that current vegetation and an existing fence exist as a buffer at the property line; that the garage itself will be enclosed; and the character of the proposed building is not more objectionable than other permitted uses within the district; and therefore be it

Resolved, that the application for a Special Use Permit for the construction of a 3,900 square foot commercial garage for the property located at 164 Columbia Turnpike, be Granted with the following conditions:

1. That the applicant be compliant with the corresponding site plan approval conditions: Lighting & hours of operation as indicated on the site plan; and
2. Subject to renewal 60 days after the issuance of a Certificate of Occupancy by the Planning Board to ensure compliance within the aforementioned conditions.

This resolution was moved by Chairman Mastin and seconded by Ralph Viola at a meeting duly held on April 10, 2019.

(Discussion)

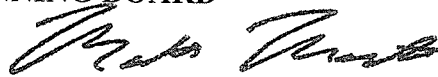
A vote was taken as follows:

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

Motion carried 6-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By:



Matt Mastin, Chairperson

Dated: 4/24, 2019

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