

# 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 MAY 11, 2016

#### **Members:**

Matt Mastin, Chairman  
Mike Bottillo  
Matt Polsinello  
Ralph Viola  
Jim Giordano

#### **Also Present:**

Alison Lovely, Planning Board Secretary  
Joseph Slater, Planning Board Attorney  
Tony Manfredi, Director of Planning  
Kateri Rhatigan, Stenographer  
Jim Connors, P.E, Consulting, Engineer/Planning Board

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Jim Moore & Paul DiMascio were absent.

#### **REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the March 23, 2016 meeting minutes as is.  
Seconded by Matt Polsinello. Motion carried by a 4-0-1 vote. Mike Bottillo abstained.

Approval of the April 13, 2016 meeting minutes tabled until the next meeting due to a quorum issue.

#### **NEW ZBA REFERRALS:**

ZBA Appeal #2016-10 Tibbits-24 Linden Avenue-Use Variance-Construction of a two family dwelling-  
assigned to Ralph Viola

ZBA Appeal #2016-11 Rapp-2 Hillview Avenue-Use Variance-Operation of a storage/wholesale granite  
business-assigned to Mike Bottillo

#### **PUBLIC HEARING:**

#### **CHESSER –MINOR 2-LOT SUBDIVISION**

(11-17)

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 Annette Chesser for a Minor 2- Lot Subdivision called the "Chesser 2-lot Minor Subdivision". Lot 1 consists of 2.12+/- acres and has an existing house and barn on it. Lot 2 consists of 12.93+/- acres and has an existing house on it, the remaining lands. The property is located in the R-OS Residential Open Space Zoning District, Tax Map # 157.-2-26. Said Public Hearing will be held on Wednesday, May 11, 2016 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

Annette stated she has a buyer for the other lot that is the reason for the subdivision. Chairman Mastin asked the Board if they had any questions. There were none. Chairman Mastin asked if there was anyone in favor of or opposition to the subdivision. There was no one. Joe Slater stated that there was an old road alignment done and two strips of land were left over. After a search with the Town Clerk, there was no record found of it. This can be addressed later on as it's not part of the current proposal. Motion by Chairman Mastin to close the public hearing. Seconded by Mike Bottillo and motion carried 5-0.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town Planning Board and Project Review Team have 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 detention and hereby issues a Negative Declaration under SEQRA.**

**Seconded by Jim Giordano & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.**  
**MOTION CARRIED BY A 5-0 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 Matt Polsinello & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.**

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

**FAIRFIELD INN-124 TROY ROAD-MINOR SITE PLAN MODIFICATION (16-02)**

Ryan Berry of CT Male Associates presented the requested changes to the Board. The Board was satisfied and made the following motion.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification subject to the following condition:**

- **Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department.**

**Seconded by Ralph Viola & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.**

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

**REGENERON-MILL CREEK/TEMPEL AVE/3<sup>RD</sup> AVE-MAJOR SITE PLAN (15-20)**

Steve Hart of Hart Engineering presented the proposal to the Board and stated that also present was Ray Darling of SMRT Architects and Steve Gibeault from Regeneron. Steve Hart stated that the site is located on 95 acres. Warehousing/office and a parking garage are proposed. A special use permit is required for the warehousing and an area variance is required for the height of the office building. Steve Hart stated that there is one change to the site plan, the proposed guardhouse has moved due to wetlands and topography east, closer to I-90. There are also some traffic changes to the site. The road was going to be dead ended to a cul-de-sac but now it looks like a road will go straight through to Third Avenue Extension. The full use of this proposed road is still being looked at. Ralph Viola asked if the traffic study included Third Avenue to Route 4 and the Couse Corners area. Steve Hart stated that yes it does. Jim Giordano asked if the thought was that traffic would go both to Third Avenue and Red Mill Road. Steve Hart stated that yes it does. Matt Polsinello stated that he believes that the Third Avenue area is the most difficult of all the traffic areas and asked if there are a lot of deliveries due to the number of bays shown on the warehouse building. Chairman Mastin stated that he believes that the parking garage near I-90 should have some architecture incorporated in it to make it look attractive. Ralph Viola asked if Option 2 for traffic is still viable (road to 3<sup>rd</sup> Ave for employees only) and also if the Board can see what windows/doors will be seen from I-90 and also if the portion of Tempel Lane to be extended will be deeded to the Town once it's constructed. Steve Hart stated that it would be. Retained attorney Phil Dixon provided an update on the project and SEQRA at the request of the board.

**NEW BUSINESS:**

**PHANTOM FIREWORKS: 179 TROY ROAD-MINOR SITE PLAN MOD. (16-03)**

Vincent Szabo of Phantom Fireworks stated to the Board that he is looking for the same approvals as last year. Ralph Viola stated that he is concerned about the exterior signage. Chairman Mastin stated that the Board would like to follow the same conditions as were approved last year.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification subject to the following conditions:**

- 1. Tent setup will not occur before June 20, 2016 and shall be removed no later than July 8, 2016.**
- 2. All external signs and advertising not be displayed prior to June 23, 2016 and shall be removed no later than July 6, 2016.**
- 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 20, 2016 to July 8, 2016.**
- 5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.**

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

**PHANTOM FIREWORKS-570 COLUMBIA TRPK-MINOR SITE PLAN MOD. (16-03A)**

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification subject to the following conditions:**

1. **Tent setup will not occur before June 20, 2016 and shall be removed no later than July 8, 2016.**
2. **All external signs and advertising not be displayed prior to June 23, 2016 and shall be removed no later than July 6, 2016.**
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 20, 2016 to July 8, 2016.**
5. **That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.**

**Seconded by Ralph Viola & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.**

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

**NYISO-6 KREY BOULEVARD-SITE PLAN MOD & LOT LINE ADJUSTMENT (16-04)**

John Draper of WCGS Architects representing NYISO and Gary Wieland facilities manager for NYISO, Dave Everett, legal counsel for NYISO were all present. John Draper stated that the proposal is for a lot consolidation and minor site plan modification. The site is located both in the Town of North Greenbush and East Greenbush and is located in the OC Zoning District and the proposal is to add approximately 11.4 acres to the current parcel. Matt Polsinello asked if SEQR was being conducted by both North & East Greenbush and if there will be any off site signage. Gary Wieland stated that it's a Type II action and that both Towns are involved but SEQR review is not required and signage would be on their property just in from the entrance. Ralph Viola asked if they are acquiring the old car lot on Third Avenue Ext. and asked the applicant to look at the proposed dumpster location. Gary Wieland stated that they have already acquired the car lot and have demolished all the buildings and cleaned up the area. The property was purchase primarily as a buffer for security purposes for the main site. John Draper stated that they are modifying 6 Krey Boulevard. They are proposing an addition on each side of the current building. This building will be used for shipping, they want to eliminate the traffic that comes and goes from the main building. They want to reconfigure the main entrance in and are expanding their parking and proposing a security gate and fencing as well as new sidewalks. Chairman Mastin asked if new utilities would be added. Gary Wieland stated that was completed last year. John Draper stated that there will be no modifications to the sewer. Currently a drainage easement exists between 6 & 10 Krey Blvd. and they would like to have the easement modified to state what is actually included in the easement as well as have the storm water management aspect added to the easement. Tony Manfredi stated that the Town Board as well as the Town Attorney will have to get involved regarding the easement.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated May 2, 2016 by Woodward, Connor, Gilles & Selemen for the proposed site plan modification.**

**The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated April 25, 2016 by Creighton Manning for the proposed lot line adjustment.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.

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

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal #2016-08 Friendly's-9 Troy Road-Use Variance-Construction of a drive thru to the existing restaurant - assigned to Mike Bottillo**

Mike Bottillo stated that the applicant is proposing a drive thru to their existing restaurant. They will remove the existing walk up window. They are removing a little green space and will be added some to the area where the drive thru begins. Mike stated that there are other businesses in the area that have drive thru's and since this is the only Friendly's that is still open in the area that a drive thru will help their business to continue running. The only concern Mike has is with signage. He feels that they will need appropriate signage to make the site work especially where pedestrians will be walking to their cars in the drive thru area. \*See attached report for further details.

**MOTION:** A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals Grant the Use Variance conditioned upon appropriate signage being added to the site.**

Seconded by Chairman Mastin & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; M. Polsinello-YES; J. Giordano-YES; R. Viola-YES.

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

**ZBA Appeal #2016-09 Moscatiello-550 Third Ave Ext.-Use Variance-Conversion of an existing building into a multi-family dwelling-assigned to Paul DiMascio**


There was no report as the applicant has decided to withdraw his application at this time.

Tony Manfredi stated that the Town Board was talking tonight about Routes 9 & 20 in Town and incentives for development on Routes 9 & 20.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned by Chairman Mastin. Seconded by Matt Polsinello. Carried by a 5-0 vote.

Respectfully Submitted

  
Alison Lovely, Planning Secretary

05/03/2016

Zoning Board referral Friendly's Restaurant 9 Troy Road

USE VARIANCE – Drive-Thru window

On May 3rd, 2016 I visited the Friendly's on Troy Road to review a Zoning Referral, Friendly's would like to put a Drive-thru window which is not permitted in B-1 District. Friendly's propose to take out the current walk up window that exist today and construct a drive-thru window approximately 15 feet before the current walk up area. They are going to take a little of the current green space on the south side of the Building, in order to have the drive thru vehicles but closer to the building, which will not affect any of the green space requirements since they will put more in the back of the building where the Drive-thru starts.

Friendly's have been a long time staple in the town of East Greenbush, with many of their restaurants closing over the years. I think that constructing the drive-thru as many other food chains have, will help bring business or sustain it at that location, today people like that convince and would rather stay in their vehicles, instead of getting out.

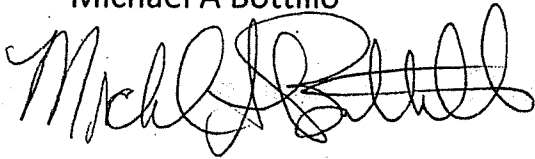
I do not believe it changes the character of the neighborhood, since it will not change the structure of the building, also from Friendly's to Columbia Turnpike is currently all commercial buildings. We also currently have Starbucks, Wendy's and Rite-Aid in B1 ZONES, they all have Drive-thru windows within a quarter mile of Friendly's.

I am going to make a requirement, before making a positive recommendation, that requires Friendly's put up appropriate signage at the walk way where the Drive-thru vehicles are leaving the window and customers inside are going to exit using the sidewalk to their parked vehicles. I believe some kind of caution signs should be installed to watch for vehicles and watch for customers.

With that requirement I will make a recommendation that the Zoning Board GRANT the USE Variance at this time for Friendly's Drive-thru window.

Thanks

Michael A Bottillo

A handwritten signature in black ink, appearing to read "Michael A Bottillo". The signature is written in a cursive style with some overlapping loops.