

TOWN OF EAST GREENBUSH PLANNING BOARD

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MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES June 14, 2023

Members:

Matt Mastin, Chairman
Don Panton
John Conway Jr.
Robert Jucha
Chris Horne
Ralph Viola

Also Present:

Joseph Slater, Planning Board Attorney
Alison Lovely, Secretary, Planning/Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

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

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

IMMANUEL CHURCH-274 COLUMBIA TRPK-SITE PLAN MOD. (20-18)

Steve Hart from Hart Engineering stated that the building footprint has been modified, it's still a 12,000 square foot building which is what was approved. The retention pond that was at the rear of the building has now been moved to the side of the building. The original rectangular shaped building is now squarer shaped. The building was 80' x 150' and is now 100' x 118'. Steve Hart stated that the grading and drainage plan has changed.

•Chris Horne stated that the pond would be more visible now. Steve Hart stated that is correct, but it's more of a bioretention infiltration area, it's not going to be a deep pond with water in it, it will be more planting and only filling approximately 1 foot to 18" and drain over 24-26 hours.

Chairman Mastin stated that the only construction to date is site work, no pavement, no concrete & no building.

•Don Panton asked when the completion date will be. Steve Hart stated that he's not sure but he's thinking a year.

•John Conway stated that in terms of removing dirt & being close up against the cemetery are there going to be any retaining walls. Steve Hart stated that there's a 50' wide gap and the dark green area is what they weren't clearing and that's the slope. The slopes and vegetation are staying the same and then it levels out.

Chairman Mastin stated that this is just a presentation tonight.

•John Conway asked if the area near the road is an actual pond. Steve Hart stated that it would be another bioretention/filtration area so it won't be having a lot of water in it.

Chairman Mastin asked if it would just be an indentation in the ground with plantings in it. Steve Hart stated that's correct.

•Robert Jucha asked if there would be fencing around that. Steve Hart stated that is correct.

Steve Hart stated that he's waiting for a comment review letter from Stantec on the changes and hopes to get that in a week or so. Chairman Mastin asked if there were any other questions from the Board. There were no more questions.

NEW BUSINESS:

FUSCO-26 OREGON AVENUE-MINOR 2-LOT SUBDIVISION

(23-12)

Luigi Palleschi from ABD Engineering was present as well as the property owner Sal Fusco. Luigi Palleschi stated that the property is located at 26 Oregon Avenue and the proposal is for a 2-lot minor subdivision, the existing lot consists of 21,000 square feet which has an existing single-family home on it as shown on lot #1. Luigi Palleschi stated that proposed lot #2 would be created for another single-family home, proposed lot #1 would consist of approximately 11,819 sq. ft. & proposed lot #2 would consist of approximately 9,181 sq. ft. The zoning district is R-2 and both lots meet the requirements for lot size, frontage and setbacks. It is a corner lot, on both Corliss and Oregon but once split, Lot #2 would be a corner lot. Utilities are available in the front on the parcel on Oregon Avenue & the proposal is to face the house and driveway onto Oregon Avenue.

•Ralph Viola stated that he'd like it documented somewhere on the plan that the home will front on Oregon Avenue due to the fact that if for some reason it sells and the owner wants to move it so it faces Corliss Avenue, & because it would then have an 8' side setback to the neighbor on Corliss Avenue and they could literally put it right up to where the patio and shed is as it has happened in the past. Luigi Palleschi stated that he will put that note on the plat.

•Robert Jucha asked if any other utilities would come from lot #1 (the building) and cross over to lot #2. Luigi Palleschi stated that he doesn't believe so, the gas comes in on the left side of the single-family home, but that is something he can verify, but he believes they go straight out to Oregon Avenue. Chairman Mastin asked how he determined what the front and the side is. Luigi Palleschi stated that it's because they were always anticipating facing the house on Oregon Avenue & he can show the proposed house on the future plan.

Joe Slater asked if they were planning on water & sewer & if there were connections there already. Luigi Palleschi stated yes, they are & there is.

•John Conway asked if for lot #1 the house meets the 25' front setback. Luigi Palleschi stated that it does, it's preexisting non-conforming.

Chairman Mastin asked if they could add water & sewer to the plan.

Luigi Palleschi asked if the town requires stormwater maintenance on site.

Chairman Mastin stated that there are catch basins at the street.

Chairman Mastin stated that the intent tonight is to accept the sketch plan, initiate SEQR and potentially schedule a public hearing.

•Ralph Viola stated that the maximum building height is 35', so it is limited to 2-stories. Chairman Mastin stated that it's just determined by feet.

•Don Panton asked what the square footage would be. Luigi Palleschi stated that they can comfortably fit a 2,000 sq. ft. house on the lot.

•Ralph Viola asked if it would be acceptable to state on the plans that the driveway will be facing Oregon Avenue as opposed to Corliss Avenue. Luigi Palleschi stated that yes, he will put that on the plan.

•Robert Jucha stated that there is no possibility of future subdividing lot #1. Luigi Palleschi stated that it wouldn't be possible without any variances.

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby accepts the sketch plat and classifies the Sketch Plat prepared by ABD Engineers and Surveyors dated June 5, 2023 as a Minor 2-Lot Subdivision.

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-ABSENT; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-YES.

MOTION CARRIED BY A 7-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby

- 1. Declares its intent to seek lead agency status in connection with a coordinated review of the project under SEQR. The Planning Board hereby directs those notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA of the project. The following involved and/or interested agencies under SEQRA have been identified:**

Town of East Greenbush Department of Public Works

East Greenbush Fire District

- 2. Declares this action as an Unlisted SEQRA action in accordance with 6 CRR-NY 617.**

Seconded by John Conway & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-ABSENT; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-YES.

MOTION CARRIED BY A 7-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby schedules a Public Hearing for the minor 2-lot subdivision for June 28, 2023 at the East Greenbush Town Hall at 7:05PM.

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-ABSENT; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-YES.

MOTION CARRIED BY A 7-0 VOTE

KENSEYBRI-6 RIDGE ROAD-MAJOR SITE PLAN

(23-13)

Caryn Mlodzianowski of Bohler Engineering presented the proposal to the Board. The applicant is KenseyBri LLC. Caryn Mlodzianowski stated that the site is located at 6 Ridge Road and consists of approximately 2 acres and there is an existing 9,000 sq. ft. building on the property which will remain, which has the existing Paddock restaurant, mattress store and 4,600 sq. ft. is currently vacant. Caryn Mlodzianowski stated the proposal is for a 8,900 sq. ft. +/- sq. ft. footprint apartment building, just under 38,000 sq. ft total in size consisting of 4 stories with 32 units located in the B-1 zone, with the existing buildings that are there it does meet the code for mixed use. Caryn Mlodzianowski stated that the parking lot will be improved and expanded a little bit, the intent is to build the building into the hill due to the grade change with a walk out basement and the higher side being on Ridge Road. Caryn Mlodzianowski stated that from the parking lot there will be a ramp and stairs from the parking lot into the lobby/common space with stairs and elevator, the proposal is to have a mix of 24 one bedroom and 8 two-bedroom apartments. Caryn Mlodzianowski stated they are asking for a wavier from the parking count, 88 parking spaces are proposed where 102 are required, she stated that they also will require variances. Chairman Mastin stated that they received the determination letter from the Building Dept., the front setback required is 0' to 15' and this is proposed at 32', the units allowed are 12 per acre, so on this 2-acre site, 24 units are allowed and proposed are 32 units. Chairman Mastin asked if the entire parking lot will be upgraded as part of this project. Caryn Mlodzianowski stated she wasn't certain but that she can confirm.

•Ralph Viola asked if the four stories proposed are from Ridge Road or are three stories exposed from Ridge Road. Caryn Mlodzianowski stated it would be four stories from Ridge Road.

•Ralph Viola asked what the total height of the building is. Caryn Mlodzianowski stated that she needs to confirm this but it would be roughly 45' from the Ridge Road side.

Chairman Mastin stated that the height would be from ground level so, what would it be to the top of the building. Caryn Mlodzianowski stated it would be 50' plus the parapet, but she can confirm.

•John Conway asked if there would be any access on Ridge Road. Caryn Mlodzianowski stated no. Chairman Mastin stated that the applicant needs to ask for an Interpretation on the height from the Zoning Board.

•John Conway asked if the easement that runs through the site will change & asked if she has a sense of how the tenants will be accessing the building, and if they will come from Ridge Road. Caryn Mlodzianowski stated the easement won't change and she's not sure how the tenants will access the building, it will depend on what direction they are traveling.

•John Conway asked for clarity on the density.

Chairman Mastin stated that this is just a presentation only. Joe Slater stated that since they got the determination from the Building Inspector that they could refer the project to the Zoning Board.

A motion was made by Chairman Mastin as follows: **The Planning Board hereby refers the project known as KenseyBri LLC. to the Zoning Board of Appeals for the following three items:**

- 1. Interpretation on the Building height & whether it meets the required 50' height.**
- 2. Variance for the front setback of 32'.**
- 3. Variance for exceeding the maximum number of dwelling units per acre, they are proposing 16 units per acre a total of 32 units.**

Seconded by Robert Jucha & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-Absent; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REPORTS:

ZBA Appeal #2023-04-Francis-8 Lake Shore Drive-Area Variance-Rear Setback-Addition-report by John Conway

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board forwards John Conway's report to the Zoning Board and provides a positive recommendation based from a Planning perspective for the area variance. * See attached report for further details.**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-Absent; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the May 24, 2023 meeting minutes. Seconded by Don Panton. Motion carried by a 7-0 vote.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Don Panton. Motion carried by a 6-0 vote.

Respectfully Submitted

Alison Lovely, Planning Secretary

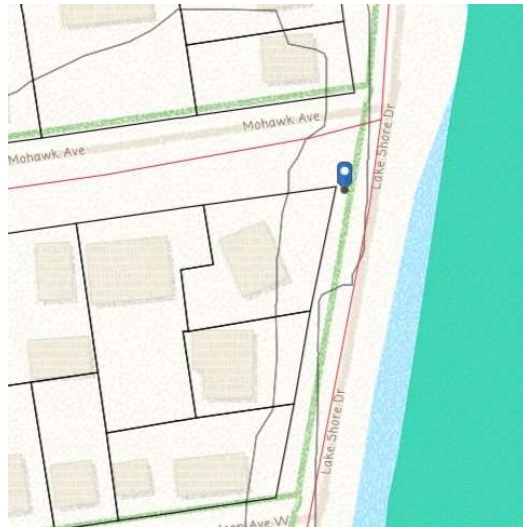


Figure 2- **Lot Shape with flood zone and 10-foot contours**

The existing house was built in 1950 and has three bedrooms and one bathroom. The house is located on the slope up from Hampton Lake. It is elevated about 10' above the level of the road and approximately 20' above the lake level. The property is not in the 100-year flood zone and is more than 50 linear feet from the Lake. Drainage would flow generally down the slope back toward the lake and southward. Gutters are planned to direct additional drainage away from the house at 10 Lakeshore Drive.

I met Desmond Francis, the owner, at the property at 8 Lakeshore Drive. We viewed the property and discussed the proposed addition as well as the process going forward.

This corner area is densely built up, as can be seen in aerial views such as Figure 3.

Figure 3- **Aerial view**

Separations between 8 Lakeshore and its neighboring properties already seem less than what would be expected. The neighbor at 124 Mohawk rearranged a fence that he put up to allow the applicant to use the area up to his garage as part of the applicant's yard.



Figure 4- **Separation between 8 Lakeshore Drive and 124 Mohawk**

The effective size of the backyard at 8 Lakeshore Drive is quite small in relation to the proposed 384 square foot addition. The homeowner currently has a shed at the rear of the property that he hopes to keep. It can be seen in Figure 5. That photograph also shows a patio area, bounded by cinder blocks and stone slabs. That area is approximately where the addition would begin. It is about the width of the proposed structure, but only extends about nine feet from the back of the house. The addition would extend another 15 feet into the back yard, very near, if not into the shed.

I spoke with both adjacent neighbors at 10 Lakeshore Drive and 124 Mohawk Street. I note that each of those property owners had at one time owned and / or lived in 8 Lakeshore Drive. Both were generally aware of the application for an area variance, and they expressed strong support for it.

Although the proposed addition may present a number of issues in interpreting the Zoning Law, and there may be other better configurations that could meet the homeowners needs, from a planning perspective, it seems this property could support a one-story addition of about proposed size. I recommend that this proposal be forwarded to the Zoning Board of Appeals with a positive recommendation.



Figure 5- Shed and Patio Area