

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
May 10, 2017

Members:

Matt Mastin, Chairman
Matt Polsinello
Jim Moore
Mike Bottillo
Jim Giordano

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney
Tony Manfredi, Director of Planning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of Five (5) members were present. Ralph Viola and Paul DiMascio were absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the April 12, 2017 meeting minutes as is.
Seconded by Matt Polsinello. Motion carried by a 4-0-1 vote. Jim Giordano abstained.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2017-07-Riley-211 Werking Road – Use Variances-Proposal to construct an attached garage with a second floor In-Law Apartment-report by Mike Bottillo

Mike stated that the applicant is proposing to construct an attached 42 ‘ x 32’ garage with an apartment above it. The apartment itself will not have a separate entrance from the outside. It is an open floor concept. The issue as the applicant knows is that the structure will have a kitchen, which defines it as an in-law apartment. Based on the guidelines for a Use Variance, Mike stated he is giving a negative recommendation to the Zoning Board. *See the attached report for further details.

MOTION: A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby gives a negative recommendation to the Zoning Board of Appeals to deny the Use Variance for the proposal to construct an attached garage with a second floor In-Law Apartment.**

Seconded by Matt Mastin & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES;
J. Giordano-YES.**

MOTION CARRIED BY A 5-0 VOTE

PUBLIC HEARING:

**NARDACCI/SMITH-WASHINGTON AVE/HUDSON AVE-MINOR 2-LOT SUBDIVISION
(17-01)**

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 Diane Nardacci for a Minor 2- Lot Subdivision called the "Nardacci-Smith Minor 2-lot Subdivision". Lot 1 consists of 0.16 +/- acres and has an existing house on it and is located on Hudson Avenue. Lot 2 consists of 0.18 +/- acres and is located on Washington Avenue East. The property is located in the R-2, Residential Zoning District, Tax Map # 155.14-13-14. Said Public Hearing will be held on Wednesday, May 10, 2017 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

Diane Nardacci stated this is a proposal for a two lot subdivision. Diane Nardacci stated that at one point this had been two lots. She stated that the Zoning Board approved the Area Variance for frontage.

Chairman Mastin asked if there was anyone present to speak in favor or opposition of the proposed subdivision. No one spoke in favor or opposition.

Chairman Mastin asked the Board if they had any comments. There were none.

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

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

**NARDACCI/SMITH-WASHINGTON AVE/HUDSON AVE-MINOR 2-LOT SUBDIVISION
(17-01)**

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has 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 management and hereby issues a Negative Declaration under SEQRA.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; J. Giordano-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 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 Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

Joe Slater spoke about an update in the Zoning Law. Joe stated that the Planning Board needs to make a recommendation to the Town Board. The Town Board is wants to add to the Zoning Code a section on Solar Law. Also it is the opinion of the Zoning Board and Planning Board that the Planning Board should be the approving body for Special Use Permits. In reviewing the code there is also a lot of grammatical errors. Tony Manfredi stated that there will be a public hearing prior to the Town Board granting final approval of the law. Jim Moore stated that he had comments to share with the Board members. After some discussion the Planning Board wanted to review the proposals more and make a recommendation to the Town Board at their meeting in two weeks.

PUBLIC HEARING

FAHR-TRUMBULL-UPPER MANNIX ROAD (17-02)

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 the Estate of Robert Favr for a Minor 2- Lot Subdivision called the "Fahr-Trumbull Minor 2-lot Subdivision". Lot 1 consists of 7.03 +/- acres. Lot 2 consists of 2.00 +/- acres. The property is located on Upper Mannix Road in the R-OS, Residential Open Space Zoning District, Tax Map # 145.2-21. Said Public Hearing will be held on Wednesday, May 10, 2017 at 7:15 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

Steve Hart of Hart Engineering presented the proposal to the Board. The parcel consists of approximately 9 acres on Upper Mannix Road which is located in the R-OS zoning district which requires 200' of frontage and 2 acre lots. Lot #1 would consist of approximately 7.03 +/- acres and have approximately 306' feet of road frontage. Lot #2 would consist of approximately 2.00 +/- acres and have approximately 200' feet of road frontage. Both lots would be serviced with wells & septic.

Chairman Mastin asked if there was anyone present to speak in favor or opposition of the proposed subdivision. No one spoke in favor or opposition.

Chairman Mastin asked the Board if they had any comments. There were none.

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

Seconded by Jim Giordano & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has 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 management and hereby issues a Negative Declaration under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; J. Giordano-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 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. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

550 THIRD AVE EXT. MOSCATIELLO-MINOR SITE PLAN

(16-14)

Mike Moscatiello presented the project to the Board. He stated that the Zoning Board approved his request for an Area Variance for parking in the front yard. There will be two entrances into the site from Third Avenue Extension. The building is level in the front. There will be three entrances for the retail spaces and one entrance for the apartment. There is also an entrance and exit off of Patroon Lane. The dumpster has been relocated to the rear of the building. Chairman Mastin asked the Board if anyone had any questions.

●Jim Moore asked why one of the entrances off of Third Avenue Extension is 24’, and shouldn’t they both be 16’. Mike Moscatiello stated he’s not sure why the one is that wide.

Mike Moscatiello stated that he can make the entrance and exit 16’ and can landscape the island in front of the site.

Tony Manfredi stated that he believes that NYSDOT might have recommended a directional change but never got around to the width. Chairman Mastin asked Mike Moscatiello if he would be amenable to making the change to 16’. Mike Moscatiello stated that he would be.

●Matt Polsinello asked if there are any anticipated tenants. Mike Moscatiello stated that he is currently talking to any attorney for one of the spaces. Matt also asked if there would be deliveries to the rear. Mike Moscatiello stated that the deliveries would be made in the front.

●Jim Moore asked what Zoning District the site is in. Tony Manfredi stated that it’s OC Zone.

Tony Manfredi mentioned Type 4 Landscaping Mike Moscatiello stated that there will be no tall trees, just shrubs in the front as there are gas lines, power lines, etc. in the front of the site.

●Chairman Mastin asked if the apartment meets code. Tony Manfredi stated that a condition of the Zoning Board was that there are two means of ingress/egress to the apartment.

●Jim Moore asked about the types of shrubs, if they would be deciduous and evergreen. There was a discussion on shrubbery.

●Matt Polsinello asked if the 24’ width will remain on the one entrance, he has no preference.

●Jim Moore stated that as long as it doesn’t affect any turning radius, he’d like to see it reduced.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has 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 management and hereby issues a Negative Declaration under SEQRA.**

Seconded by Matt Polsinello & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-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 final site plan approval subject to the following conditions;**

- **Satisfying outstanding technical details, including SWPPP/MS-4 Storm water management as determined by the Town Planning Department and designated Engineer.**
- **Providing evidence of NYSDOT review and approval of site entrance and traffic management plan.**
- **All remaining fees are paid to the Town.**
- **The western entrance along Third Avenue Extension to be reduced to 16’ in width to match the eastern entrance subject to NYSDOT & fire department comment.**
- **The northern landscaping to mirror Type 4 shrubbery of the Town’s Comprehensive Zoning Law subject to NYSDOT approval.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-YES.**

MOTION CARRIED BY A 5-0 VOTE

FUCILLO FORD-634 COLUMBIA TRPK-MAJOR SITE PLAN (16-12)

Steve Hart of Hart Engineering presented the proposal to the Board. Steve Hart stated that there haven’t been a lot of changes. The proposal is to remove the old building and construct a 21,750 sq. ft. building. Steve Hart stated that all comments from MJ Engineering have been addressed. Steve Hart stated that a sidewalk will be provided along the entire front of the site and that the site needs to meet all the guidelines through NYSDEC for storm water. Chairman Mastin asked the Board if anyone had any questions.

- **Jim Giordano asked about the map and if he was looking at a home in one area. Steve Hart stated that yes it is but it’s not visible as there is a row of shrubs.**
- **Jim Moore asked if there is perimeter landscaping in the area of the 36 parking spaces. He feels there should be a landscaped island. Asked if there was an internal landscape island on the plans and if so how wide is it and if the plan shows a sidewalk. Steve Hart stated that its 18’ x 36’ and that the plan shows a sidewalk.**

Tony Manfredi stated that the applicant will need to go back in front of the Zoning Board for approval of the variances once the Town Board makes a SEQR approval.

●Matt Polsinello asked if the applicant is differentiating between the display areas. Steve Hart stated that yes they are.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board declares the project an unlisted action under SEQRA and recommends that the Town Board as Lead Agency issue a Negative Declaration under SEQRA subject to the following conditions:**

1. **Implementation of energy efficient dark-sky friendly lighting that reduce existing light pollution.**
2. **Construction of sidewalk accommodations in front of the parcel on Columbia Turnpike.**
3. **Implementation of SWPPP that provides improved storm water management.**

Seconded by Jim Giordano & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-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 recommends that the Town Board approve the site plan approval subject to the following conditions:**

- **Satisfying outstanding technical details, including SWPPP/MS-4 Storm water management as determined by the Town Planning Department and designated Engineer.**
- **Providing evidence of NYSDOT review and approval of site entrance and traffic management plan.**
- **Applicant will construct sidewalk on Columbia Turnpike covering entire frontage of parcel prior to the issuance of a C.O.**
 - **Applicant implements a landscaping plan subject to the Town Code within the parking lot prior to the issuance of a C.O.**
 - **Provide photometric plan illustrating foot-candle values that will be decreased to 0.1 FC at the property line.**
- **All remaining fees are paid to the Town.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-YES.**

MOTION CARRIED BY A 5-0 VOTE

EAST GREENBUSH TECH PARK, SECTION 2, PHASE 2-TECH VALLEY DR.: (05-49B)

Steve Hart from Hart Engineering presented an update to the Board. Currently they are waiting on feedback from NYSDOT. Also Mr. Dombrowski has been away and hasn't had a chance to speak to the adjacent homeowners for property acquisition. As soon as an updated landscaping plan is available, the Planning Board would like to see it.

DEER POND-MAJOR 62-LOT SUBDIVISION-ELLIOT RD. (14-08)

Rejean DeVaux of Boswell Engineering provided an update to the Board. Rejean stated that the proposal is the same, 60 residential units and 3 storm water lots. Rejean stated that the biggest change is that previously proposed was a low pressure sewer for the subdivision which has since been changed to only 11 of the lots now and the rest will go to a sewer pump station on site and there is a 65' water tower proposed due to the low water pressures in the area. Rejean stated that they are waiting for comments from NYSDEC regarding the wetlands on site.

●Chairman Mastin asked who would own the tank & pump station. Rejean stated that the Town would own the pump station and the water tank.

Tony Manfredi told the applicant to discuss the road design.

●Jim Giordano stated that there was a discussion of a right in, right out only from the site.

●Chairman Mastin stated that there is a concern for site distance.

Tony Manfredi asked if the traffic analysis was complete and if so it should be sent out to the Board.

●Matt Polsinello asked if the remaining lands are still being presented as remaining lands. There was a discussion about a temple on a back lot in the future. Rejean stated that there are several areas that are deed restricted as forever wild. The temple idea has been removed.

●Jim Moore asked what zoning district the site is in and where it was located exactly. Rejean stated that it's in the R-B district

●Chairman Mastin asked about sidewalks. Rejean stated that there is a swale along the road, so it would be hard to add sidewalks.

●Jim Moore asked why it's not being proposed as a cluster subdivision. Rejean stated he would look into it.

Chairman Mastin asked if there were any further questions. There were none.

BROWE ASPHALT PLANT-SUNOIL ROAD-MAJOR SITE PLAN (16-16)

Scott Collins of St. Germain Collins and Lorne Browe were both present to give an update to the Board. The site is located on Sun Oil Road and is mostly vacant except for an office and garage and shingle recycling area. Scott stated that there are gas, water & electric utilities available on the road, it's an industrial area. Scott stated that this proposal is a sister plant to one that exists in Uxbridge Massachusetts. Scott stated that the proposal is for 2-15,000 gallon tanks (asphalt) and front end loader, skid steer and excavator necessary to run the operation. Scott stated that the business would consist of 6 employees and the hours of operation would be 6:30am to 5:00pm Monday thru Saturday. Scott stated there is a proposal for a storm water management area, a pond on site which will run to basins. The SWPPP has been prepared by Creighton Manning and has been reviewed by GPI.

●Chairman Mastin asked if there will be any pretreatment for the storm water. Scott stated that it isn't necessary.

Scott stated that the equipment on site is operated by natural gas that no water is necessary. The only water on the site is for the restrooms. There is no liquid waste, only solid waste which will be disposed of in the dumpster. Scott stated that Creighton Manning has done the traffic analysis, there is no increase in delays at 9J and there should also not be any visual impacts as there are no residential properties nearby.

● Jim Giordano asked how tall the tanks are. Scott stated that they are 50' to 60' tall. Scott stated that noise was checked at the various pieces of equipment and the 2 loudest pieces are the burner and exhaust which are both between 72-75 decibels which are below the 75 decibel limit at the property line. There are no odors or glare. Scott stated that they have met with the fire chief and they will have Knox boxes on two gates.

NEW BUSINESS:

O'REILLY'S AUTO PARTS-40 IROQUOIS PLACE-MAJOR SITE PLAN (17-03)

Joshua O'Connor from Bohler Engineering presented the proposal to the Board. Joshua said that the site is located on the corner of Iroquois Place and Route 4 and consists of approximately 2 ½ acres. The site is currently residential but is zoned B-1. Utilities run along Iroquois Place. This auto parts store is new to NYS. Joshua stated that the hub store is projected for Colonie. This satellite store will consist of approximately 7,500 sq. ft. will have 21 parking spaces and up to 12 employees, hours of operation will be 7:30 am to 9pm Monday thru Friday & Saturdays, 9am to 7pm on Sunday. Joshua stated that this site will need a variance. Tony Manfredi asked if they would be willing to enhance landscaping along Troy Road. Chairman Mastin asked the Board if anyone had any questions and he asked if there would be a right in, right out only on Iroquois to Troy Road. Joshua stated that they could look into that.

Joe Slater asked if the Town has figured out how many variances are required yet. Tony Manfredi stated that he is meeting with Kevin Hitchcock tomorrow.

- Matt Polsinello asked why the applicant isn't making the Troy Road side more attractive if their worried about it being visual. Joshua stated that he would ask.
- Jim Moore stated this site is in the B-1 zone and doesn't it doesn't seem to comply with the intent of the district. There is a two story height requirement.
- Mike Bottillo wanted the applicant to show the diagram that showed the curb cuts. There are going to be traffic backed up trying to get onto Troy Road from Iroquois.
- Matt Polsinello asked if the remaining lands will be left undisturbed.

The Board decided to hold off on accepting the sketch plan as they want to see more details and their suggestions applied to the sketch plan.

PHANTOM FIREWORKS-570 COLUMBIA TRPK-MINOR SITE PLAN MOD (17-04)

Vincent Szabo of Phantom Fireworks presented the proposal to the Board. This is their third year here in Town, they are proposing a 20' x 40' tent in the parking lot of the East Greenbush Family Bowling Center. The tent is smaller this year. There will also be an 8' x 30' storage container on site to store the fireworks in after hours and to hold extra products. Vincent stated that they are proposing the hours of operation to be 10 am to 9pm up to July 1st and then from July 1st through the 4th 10am to midnight. Vincent stated the will be putting up the tent on June 22nd and removing everything by July 15th.

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 22, 2017 and shall be removed no later than July 8, 2017.
2. All external signs and advertising not be displayed prior to June 23, 2017 and shall be removed no later than July 5, 2017.
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 22, 2017 to July 8, 2017.

5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.
6. Hours of operation limited to 10am to 10pm.

Seconded by Jim Giordano & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

KEYSTONE FIREWORKS-580 COLUMBIA TRPK-MINOR SITE PLAN MOD (17-05)

Neil Shaw of Keystone Fireworks presented the proposal to the Board. They are proposing a 40' x 40' tent in the parking lot of the old Weathervane Restaurant site. Neil stated that they are proposing the hours of operation to be 9am to 9pm up to July 1st and then from July 1st through the 4th 9am to 10pm. Neil stated the will be putting up the tent between June 19th to June 25th and removing everything by July 9th.

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 22, 2017 and shall be removed no later than July 8, 2017.
2. All external signs and advertising not be displayed prior to June 23, 2017 and shall be removed no later than July 5, 2017.
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 22, 2017 to July 8, 2017.
5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.
6. Hours of Operation limited to 10am to 10pm.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

KEYSTONE FIREWORKS-637 THIRD AVE EXT-MINOR SITE PLAN MOD (17-05a)

Neil Shaw of Keystone Fireworks presented the proposal to the Board. They are proposing a 40' x 40' tent in the parking lot of the Off Shore Pier restaurant. Neil stated that they are proposing the hours of operation to be 9am to 9pm up to July 1st and then from July 1st through the 4th 9am to 10pm. Chairman Mastin stated that this is a bad intersection traffic wise. The Board agreed that they are not happy with this site. Chairman Mastin wanted something in writing from the Police Department as Tony had received a verbal message from them stating there had been accidents last year. After some discussion, the Board decided to table any approval for two weeks in order for them to receive information from the Police Department.

PRICE CHOPPER-501 COLUMBIA TURNPIKE-MINOR SITE PLAN MOD (17-06)

Eric Redding from Bergmann Associates presented the minor site plan modification to the Board. Eric stated that the proposal is for site improvements to the Price Chopper store and parking lot as it transitions to Market 32. There is proposed a right in, right out onto Columbia Turnpike from the plaza, this is due to the traffic in front of the store fronts as many people use the main entrance to access Price Chopper and the traffic gets very congested along the store fronts and there is concern for pedestrian safety. They are also proposing a new sidewalk to the plaza from Columbia Turnpike. Eric stated that the Price Chopper parking lot has been restriped as well as new landscaping around the plaza. The cart corrals, and smoking shelter for employees will be replaced. They only lost 4 parking spaces, going from 322 to 318. Tony Manfredi stated that the proposed curb cut into the plaza previously existed and will just be reopened. Chairman Mastin asked if anyone had any questions.

● Jim Giordano asked if there would be marking for pedestrian crossing. Eric stated that there would be.

Tony Manfredi stated that the applicant will need to apply to the Zoning Board for sign variances.

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:**

- Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department.
- NYSDOT approval of proposed curb-cut & sidewalk.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES;
J. Moore-YES; J. Giordano-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS:

NONE

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

05/09/2017

Zoning Board referral 211 Werking Road –

Use Variance (in-law apartment)

On May 1st, 2017 I visited 211 Werking Road and met with home owner Nathan Riley whom seeks a Use Variance for an in-law apartment for his parents. They are proposing to construct an attached 42 x 32 foot garage with the apartment above.

The apartment itself will NOT have a separate entrance, from the outside, it is an open floor concept with the existing structure. The issue, as the Riley's know, is that the new structure will have another kitchen, which will define it as the in-law apartment.

The Riley's are concern about trying to prove their case at zoning which is defined by the letter they received. I did try to give them as much information I could to prepare them for the zoning board hearing. Based on the towns guidelines

- 1) Planning board did not ask or was presented any financial evidence for a reasonable return on property.
- 2) The alleged hardship is NOT unique.
- 3) The variance will NOT alter the character of the neighbor.
- 4) The hardship is self created since the owner purchased the property in current state.

I am going to make a negative recommendation to Zoning Board for the Riley property at this time for a Use Variance (in-law apartment), based on the towns guidelines for Use Variances.

Michael Bottillo