

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 October 11, 2023

Members:

Matt Mastin, Chairman
Chris Horne
John Conway
Robert Jucha
Don Panton

Also Present:

Josh Giller, Director of Planning
Alison Lovely, Secretary, Planning/Zoning
Joseph Slater, Planning Board Attorney

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 & Kurt Bergmann were absent.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

REGENERON-26/30 TECH VALLEY DR.-CONNECTOR RD-SITE PLAN MOD. (23-20)

Steve Hart stated that this is the same map. Regeneron wants to build a connector road between the two buildings, 26 and 30 Tech Valley Drive. The road will be going one way going east. Chairman Mastin stated that they received a response by the Fire Department and that they had no issues with it.

Chairman Mastin asked the Board if anyone had any other questions. There were none.

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 and hereby determined that the project would not have any significant adverse impacts on the environment.**

Now, therefore be it resolved that a negative declaration under SEQRA has been adopted by the Planning Board.

Seconded by John Conway & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann- ABSENT; C. Horne- YES; D. Panton-YES;
J. Conway-YES. Jucha-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 and Zoning Department; and
- All remaining fees are paid to the Town.

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

REGENERON-350 TEMPEL LANE-ACCESS RD.-HIGH YARD-SITE PLAN MOD. (23-22)

Steve Hart stated that the project is located on the Tempel Lane campus. Steve Hart stated that the high access yard consists of stone compound and has generators & switch gears, stuff of that nature in it. It's located near the area of the substation which is tough to plow in the winter and Regeneron would like to have it paved. It's a 12' to 15' wide access drive so it will be an easier area to maintain. The elevations will remain the same as they are currently. Chairman Mastin asked if they are paving an area that's currently stoned. Steve Hart stated that is correct.

·Chris Horne asked about the drainage situation. Steve Hart stated that most of the water runs into the stone & whatever doesn't run into the stone runs into a small bioretention basin in the area. Steve Hart stated that it has all the proper pitch on it, there would be no change in the drainage pattern.

· John Conway asked what is the thing that looks like a building in between the parking lot & the substation. Steve Hart stated that there are five pads. John Conway asked if the drainage would be impacted. Steve Hart stated that it wouldn't be.

Chairman Mastin asked the Board if anyone had any other questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plan entitled "Regeneron Pharmaceuticals High Yard Access Drive Improvements" prepared by Hart Engineering, dated October 2023

Seconded by Don Panton & roll called as follows:

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

- 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 for 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:**

- Clinton Heights Fire District**

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

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REPORTS:

Chairman Mastin stated that when they last saw this, the board had some questions about the subdivision map indicating a 25' buffer. The Planning Board did not vote on it. The Board received correspondence from the cemetery yesterday, indicating that they have no opposition to this pool being installed within the homeowner's fence. Mr. Panton did do a report giving a positive report which is below.

Chairman Mastin asked if any of the Board members had any comments or questions.

John Conway stated that he's a little confused with the citations on Don's report and the Building Inspectors report, both reference Zoning Code Section 18-8 & he can't really find it. It appears if it's in the R-2 Zone it would have a 25-foot rear setback and a side setback of 18 feet. Alison Lovely clarified that I believe they are quoting the E-Code 360. After some discussion, the following was recommended:

ZBA Appeal #2023-10-Lukowski-12 Redwood Court-Area Variance-Inground Pool-report by Don Panton

After some discussion from the Board, the following motion was made. A motion was made by Chairman Mastin as follows: **The Planning Board gives a positive recommendation from a Planning perspective per Don Panton's report. * See attached report for further details.**

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

ZBA Appeal #2023-12-Curley-1 Gail Court-3 Area Variances-Swimming Pool-report by Bob Jucha

After some discussion from the Board, the following motion was made by Chairman Mastin: **The Planning Board requests that the Zoning Board clarify the front yard setback & gives a positive recommendation for the Area Variances subject to the following two conditions:**

- 1. That the homeowner makes repairs to the existing fence that is currently leaning over onto the adjacent property & is fixed prior to the construction of the swimming pool.**
- 2. That as long as a pool remains on the property that the homeowner maintains a solid (non-see) thru fence to block the view of the pool from adjacent neighbors.**

*** See attached report for further details.**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2023-11-Luizzi Companies-Gilligan Road-3 Area Variances-Apartments-assigned to John Conway-report due by October 25, 2023

ZBA Appeal #2023-13-DiCosmo-60 Capitol Place-Area Variance-Carport -assigned to Bob Jucha – report due by October 25, 2023

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the September 27, 2023 meeting minutes. Seconded by John Conway. Motion carried by a 4-0-1 vote. Chris Horne abstained.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Don Panton. Motion carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary

September 13, 2023

To: Alison Lovely

For your information

Appeal Number: 2023-10

Tax Map Number: 144.14-3-11

Address: 12 Redwood Court

Shannon & Mark Lukowski, the applicants, are proposing to install a 15ft by 28ft inground pool in their backyard. The property is located in an area which is zoned: Residential District (R-2). Section 18-8 of the Town Zoning Law requires a side setback of 10ft and the proposed pool edge leaves a side setback of 4ft. This action requires (1) area variance.

Note: The rear setback will be 10ft and complies with the Town Zoning Law.

1. I had a site visit with Shannon and Mark Lukowski on September 7, 2023. They showed me the proposed location for the new inground pool and how locating the pool edge 4ft from the fence will give them more usable space in the remaining backyard. The width of the yard area next to the pool will increase by 6ft.
2. The pool can not be located on the other side of the backyard because of a shed and large tree located along the 6ft vinyl fence.
3. From a planning perspective, the proposed variance will not have an adverse effect on the physical condition or character of the neighborhood. The pool will be enclosed by the existing 6ft vinyl fence and will not be visible from the ground level.
4. The 6ft vinyl fence already allows for privacy between neighbors. Many of them also have 6ft vinyl fences enclosing their inground pools.
5. After making a thorough review of the (1) area variance and with appropriate planning and zoning considerations in mind, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,
Donald H. Panton
Planning Board Member

cc: Josh Giller

Supplemental Report

To: Matt Mastin, Chairman, Planning Board
From: Robert Jucha, Planning Board Member, Planning Board
Re: ZBA #2023-12_1 Gail Ct, East Greenbush, NY 12061
Date: October 9, 2023

On 9/8/2023, James and Tara Curley, owners of 1 Gail Ct applied for a 12' x 24' inground pool with a max depth of 6' on the right side of the property. The pool is to be constructed 6' from the residential structure, 6' from the right side of the property, and 6' from the front of the property line. The dwelling is in a Residential District (R-2).

The application was denied by the East Greenbush Building Department on 9/19/2023, since it doesn't comply with the provisions of the Town Zoning Law: Section 57-51 and 57-17. This proposed pool construction requires (3) area variances. They are as follows:

- The required setback from the above grade structure is 10' and the proposed is 6'.
- The required setback from the side property line is 10' and the proposed is 6'.
- The required setback is 25' and the proposed is 6'.

On October 5, 2023, I visited the property at approximately 5:00 PM. The applicant, Tara Curley, was on site to conduct the site visit and answer questions. Observed the current site conditions of the proposed inground pool location. The existing fence is located on the property line. The current width of the side yard from fence to building wall is approximately 24'.

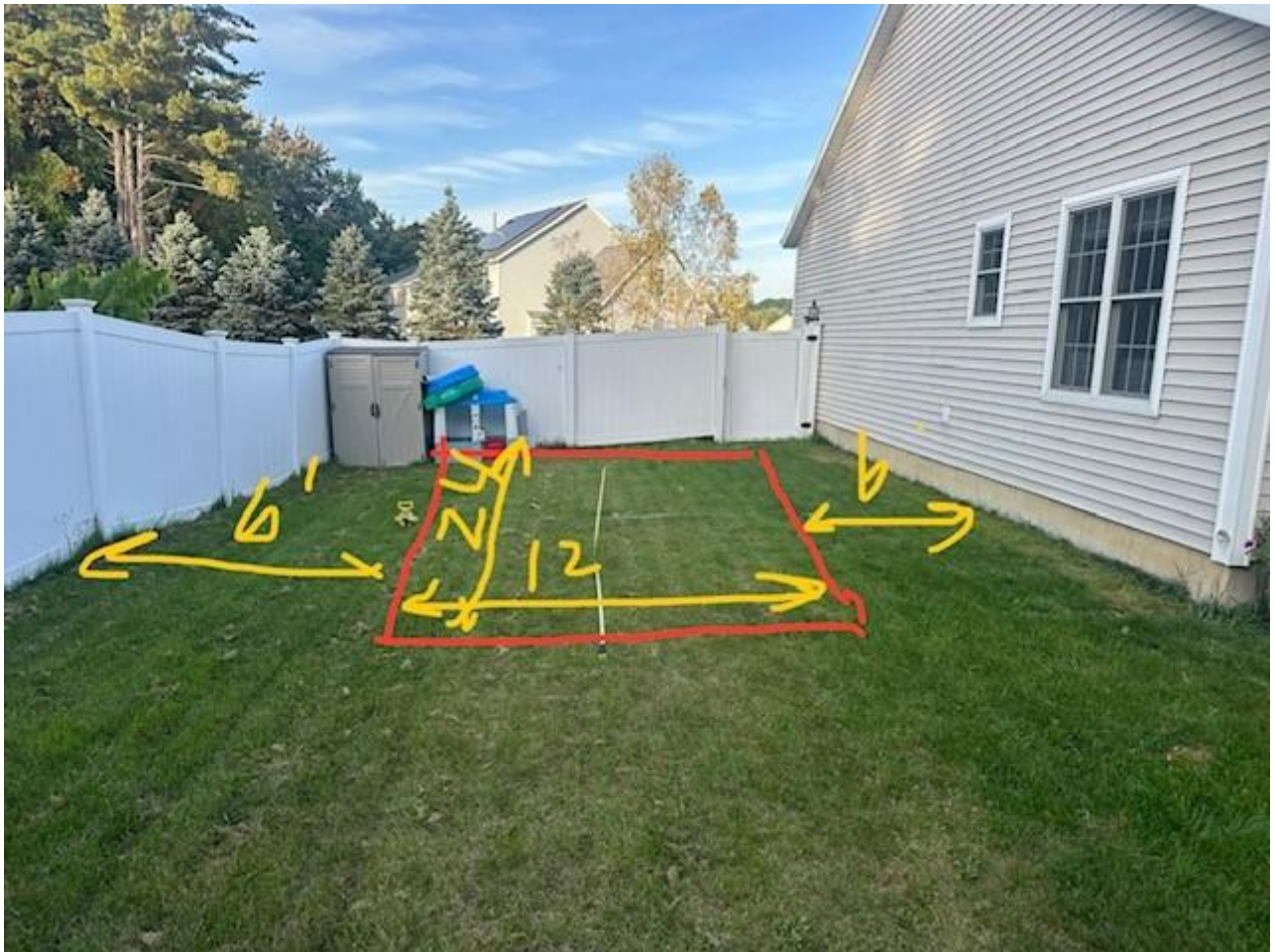
The neighbor to the right at 3 Gail Ct., closest to the proposed, did not have any negative comments, except:

- The area is too small for an inground pool but is alright with it.
- The existing fence needs repair due to its leaning on to their property and hard to mow the lawn behind its landscape.

The other neighbor to the left was not home to answer questions.

Based on my review of the area variance application, site visit, and neighbor comments, the proposed construction of the 12'x24' inground pool would have an adverse impact on the neighborhood. An The proposed inground pool does not meet the characteristics of the area neighborhood. All other pools in the neighborhood are located within the back yard behind the residential dwellings. This cannot be accomplished due to the patio with overhang (Previous 2022 ZBA appearance).

The Planning Board thereby gives a negative recommendation of area variance from a planning perspective.



POOL SIZE - 12 FT x 24 FT

- * From Pool to Road over 25 FT
- * From Pool to Rear Property Line - 19' 6"
- * From House to Pool - 6 FT
- * From Left Side Property Line to Pool - 6 FT
- * ENTIRE BACK YARD ALREADY FENCED IN
- Will Use Pool Alarm Door/GATE ALARM

