

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 DECEMBER 8, 2021

Members:

Matt Mastin, Chairman
Kurt Bergmann
Don Panton
Chris Horne
Ralph Viola
John Conway Jr.
Noreen Gill

Also Present:

Alison Lovely, Secretary, Planning/Zoning
Adam Yagelski, Director of Planning & Zoning
Joseph Slater, Planning Board Attorney
Anna Feltham, Planner

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of seven (7) members were present.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

PHEASANT HOLLOW-PHILLIPS ROAD-MAJOR 10-LOT CLUSTER SUBDIVISION (19-18)

Steve Hart from Hart Engineering presented an update to the Board regarding dedication of infrastructure to the Town. Steve Hart stated that most of the infrastructure has been put in, five houses are currently under construction and they are looking for offers of cession & final dedication from the Town Board. Steve Hart stated that there are a few minor outstanding items: Surveying, land dedication to the Town & County. Steve Hart stated that they were before the Board in April to modify the sewer easement as they ran into some issues. Steve Hart stated that they are working with the attorneys regarding the dedication documentation. Steve Hart stated that there is a little work to complete regarding the pond, the landscaping is not in and they can't address that until the spring. Concrete monuments need to be completed as well. Chairman Mastin stated that the next step for the Board is to make a recommendation to the Town Board regarding the infrastructure. Adam Yagelski stated that it's just for sanitary sewer, land & easements.

- Ralph Viola asked what the highlighted notes in orange were on the plan. Steve Hart stated that they are just calling out the easements & land dedication.

- Don Panton asked how far the sewer line goes down Phillips Road. Steve Hart stated that it goes down to just past the pond.

- Ralph Viola asked about the corner landscaping on Hays at Phillips and who owns it. Steve Hart stated that right now Owen Roberts Builders or the future lot owner.

Chairman Mastin stated that there is no recommendation tonight, just a presentation & asked what the recommendation time frame is for dedication. Adam Yagelski stated probably a month or a month and a half. He stated that Dan Fiacco needs to sign off on the sanitary sewer line and pond outlet.

NEW BUSINESS:

CHATER -44 SHERWOOD AVE.-SITE PLAN MODIFICATION

(21-34)

Jack Dennis, attorney was present, representing the applicant. Jack Dennis stated that they are looking to put a tenant in the remaining half of the building which consists of approximately 1,200 sq. ft. which will be a pizza restaurant. Jack Dennis stated that he has the plot plan from 2018. Chairman Mastin asked if what the applicant is proposing is on the plan. Jack Dennis stated they have to get a survey of the property. Anna Feltham stated the site plan is from a previous submission from 2018 and that it was suggested that the applicant could use it since there wasn't an updated map but that there is a condition if the Board accepts the sketch plan that the applicant update it with existing conditions and any proposed modifications. Chairman Mastin asked if there was anything active in the building currently. Jack Dennis stated that there is another tenant which consists of approximately 600-800 sq. ft.

•John Conway asked what the other tenant is doing. Jack Dennis stated that it's a wholesale/retail operation for furniture fixtures, etc.

•John Conway also asked if the issues from 2018 were resolved to everyone's satisfaction. John Conway stated that he saw a comment from a local resident and there had been a response. Anna Feltham stated that might have been from Hank Labarba back in 2018, that the drainage issues needed to be addressed. Chairman Mastin stated that's where this drawing came from as there was a neighbor that complained about drainage and that the applicant installed the drainage. Adam Yagelski stated the way the applicant got in front of the Board tonight was action from the Building & Codes Department after the applicant installed a gravel parking area that was larger than what was already there and this is also a pre-existing non-conforming use in that zone so under the Town Code they are not allowed to enlarge a preexisting non-conforming use. Chairman Mastin asked if Hank signed off on it in his email. Anna Feltham stated that there was a number of questions and suggestions, but it was not signed off on.

•Ralph Viola stated that it's an intense spot and there is no curb cut and the parking in the front is dangerous pulling onto Sherwood Avenue, there isn't a clear entrance, the parking should be moved onto the New Jersey Avenue side and he would like to look at this issue closer. Jack Dennis stated they could try to create an entrance lane. Adam Yagelski asked Ralph if he and the board would like to bring an engineer on board for the purpose of assessing the traffic. Ralph Viola stated it's a possibility but he doesn't want to burden the owner with a lot of expense if there isn't a viable solution but maybe DPW could look at it and make some suggestions to mitigate the number of cars and maybe put some of the grass area on the side into the front and move the parking to the side where it is now.

Jack Dennis asked what they'd want from them as far as a proposal on that. Chairman Mastin stated that since he mentioned they needed to get a survey so when they do, they will have to show the parking spaces and landscaping, they could try to modify the parking. Adam Yagelski stated that the one issue to still consider is the order to remedy with the violation of the addition of the gravel surface so the proposed plan shows that area being removed.

•Chris Horne asked for clarification that it would be take out only. Jack Dennis stated that from the plans he's seen it's take out only with no planned seating in the restaurant.

•Kurt Bergmann stated that the plan shows 14 spaces and that's a lot of spaces for takeout. Some parking spaces could be turned into parallel parking to help with the traffic issue & confirm that it is just take out.

Chairman Mastin stated to get their survey done and propose something with the parking modifications maybe with some side spaces, work with the applicant to see what will work for them.

•Ralph Viola stated that as far as the pole sign, he would like to see some landscaping. Adam Yagelski stated that Anna Feltham will reach out to DPW & also stated that any kind of entrances changes etc. should go through Rensselaer County Highway since Sherwood Avenue is a County Road.

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

- 1. Classifies this action as an Unlisted action, Chapter 6 Part 617.4 of the Codes, Rules, and Regulations of the State of New York;**
- 2. In accordance with Section 4.3.1 B.03.b, the project does require full Site Plan Review and hereby accepts the sketch plan dated, July 17, 2018, last revised August 12, 2018 prepared by Stephen T. Dean for the proposed minor site plan with the condition that the aforementioned sketch plan be updated to accurately represent existing site conditions and proposed modifications.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

COMMUNITY HOSE CO.-65 SHERWOOD AVE.-MINOR SITE PLAN (21-35)

Jeff Budrow from Weston & Sampson & Geoff MacDonald from Three Tree Architecture presented the proposal to the Board. Jeff Budrow stated that the proposal is that some of the building will be demolished (which is closest to Sherwood Avenue) and replaced by a smaller single story apparatus bay, about 2,500 sq. ft. will be removed and add 3,000 sq. ft. it will pull the front of the building 35' – 40'. Jeff Budrow stated that the function of the site is one bay for two large pieces of apparatus. The building addition will add two smaller bays to house the two pieces of apparatus from the Bruen Hose site at 207 Columbia Turnpike. Water, sewer and stormwater is already there and nothing will be changed, they want to improve stormwater by closing an open ditch drainage area with an enclosed pipe. Geoff MacDonald stated that the purpose of these changes is to get all the apparatus into one building and the new space is providing the new bay, mechanicals, laundry, lounge, kitchenette, showers with an accessible entry way and bathrooms, with an area for memorials and a hallway for trophies etc. Geoff MacDonald stated that the building addition will be brick to match the current building with a stone entranceway. Seth Tracey the Chairman of the Board of Commissioner²s was also present.

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

- 1. Classifies this action as a Type II action, Chapter 6 Part 617.5(C)(2) of the Codes, Rules, and Regulations of the State of New York, “replacement, rehabilitation or reconstruction of a structure or a facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”;**
- 2. In accordance with Section 4.3.1 B.03.b, the project does require full Site Plan Review and hereby accepts the sketch plan dated, December 1, 2021, prepared by Weston & Sampson for the proposed minor site plan.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

BRUEN HOSE CO.-207 COLUMBIA TRPK.-SITE PLAN MODIFICATION (21-36)

Jeff Budrow from Weston & Sampson & Geoff MacDonald from Three Tree Architecture presented the proposal to the Board. Geoff MacDonald stated that this station will primarily be the same, they will be replacing the roof on this building & will repurpose the truck bay that's there into a meeting space for the members with office space and accessible bathrooms, parking & the Chief offices. Geoff MacDonald stated that they will replace the bay door with glass and the other smaller bay will just be used for storage. Jeff Budrow stated that the site plan for this site is complicated, it shows the fire house property, National Grid & Town property as well as easements to neighbors. Jeff Budrow stated that they propose a small grading and paving adjustment to put in a handicapped accessible parking space.

The current National Grid property is used as a cut through, there is informal parking there. Jeff Budrow stated that the Fire Department has made a formal request to National Grid to stripe that area for parking, the new bike trail also goes through that area and continues on Southern Avenue. They have shown a reconnection of sidewalk that dead ends. Jeff Budrow stated that another interesting thing is Southern Avenue is a town road that was abandoned at Columbia Turnpike, but it needs to be looked into, also they are proposing a barrier where the parking is proposed so that people do not still drive through there.

Chairman Mastin asked the Board if anyone had any questions.

- John Conway asked how they are going to handle the bike trail going through Southern Avenue. Jeff Budrow thought they would leave a 6' or 8' wide path behind the parking area and stripe it.
- Kurt Bergmann asked how many other houses were on Southern Avenue. No clear answer was given.
- Ralph Viola asked why they wouldn't have the two newer bays come out the same distance as the two existing bays. Seth Tracey stated that the way the parking lot is set up now, they wouldn't be able to do it and the trucks won't get any larger. Geoff MacDonald stated that they don't need bigger bays.
- Chris Horne asked what the frequency of use of the vehicles and how many calls do they respond to a day, since they are doubling the trucks at this location, what does that mean for the siren going off and trucks going in and out. Seth Tracey stated as of April of this year all the apparatus has been at the Sherwood Avenue Firehouse as far as the first line apparatus and they respond to 200 to 300 calls a year. Seth Tracey stated it's much easier to come out of Sherwood Avenue & better for the fire truck. The left tires wear differently due to the turn from Bruen Hose and also now all the members are all at one firehouse.

Jeff Budrow stated that in making the change to the existing building, a firehouse is not an approved usage in the zone. The firehouse needs to request a variance to be in that zone. There may be the need for a variance or there may be an action that the Town Board can take to avoid that. Also, the new building has been brought up to code in regards to the setbacks for the addition.

- Kurt Bergmann asked about the drainage on Sherwood Avenue site and where it discharges to. Jeff Budrow stated that the drainage ownership needs to be rectified and they will address it later on down the road.

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

- 1. Classifies this action as a Type II action, Chapter 6 Part 617.5(C)(2) of the Codes, Rules, and Regulations of the State of New York, "replacement, rehabilitation or reconstruction of a structure or a facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part";**
- 2. In accordance with Section 4.3.1 B.03.b, the project does require full Site Plan Review and hereby accepts the sketch plan dated, December 1, 2021, prepared by Weston & Sampson for the proposed minor site plan.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2021-15 DeJulio 40-44 Tanners Lane – 2 Area Variances, minimum frontage not met – report due December 22, 2021-assigned to Don Panton

REFERRALS-REPORTS & RECOMMENDATIONS:

(21-23) Benoit- 416/418 Hays Road-Major Subdivision-Area Variances- Refer report to ZBA

ZBA Appeal #2021-13-Benoit-416-418 Hays Road-Area Variances-Major 2-lot Subdivision in order to separate a parcel with two single family dwellings on it – report by Matt Mastin

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

A motion was made by Chairman Mastin as follows: The Planning Board makes a positive recommendation on this proposal as it relates to planning & recommends approval of all Area Variances with the condition that the parcel cannot be further subdivided in the future & forwards the report to the Zoning Board. *See attached report for further details.

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the November 10, 2021 meeting minutes with a minor spelling correction by John Conway. Seconded by John Conway. Motion carried by a 6-0-1 vote. Noreen Gill abstained.

OTHER:

General PZD Updates:

1. MS4 Training: Adam stated that this has been set for February 9, 2022 by Wayne Bonesteel. It will consist of about 1 hour to 1 ½ hours regarding stormwater after any agenda items have been addressed.
2. Zoning Update: Adam stated that the committee has been selected and the first meeting will be a joint meeting with the CAC on January 24, 2022.
3. Route 4 Corridor Study: The selection process is complete and CDTC is going to hold the contract with CDTA and is under contract negotiations & should start in early 2022 to coordinate with Zoning Update.
4. Tempel Lane Extension: The Town Board will consider closing SEQR next week and authorize the purchase of properties. Could possibly close on land in January of 2022. Hoping to start construction on Tempel Lane next fall.
5. Gilligan Road Feasibility Study: Adam stated that a public hearing is scheduled for next week and that the study is on the website and they would send a link to the Board via email.

6. As-Builts: Adam stated that they will send the Board an email but what we're going to propose is giving the Board the option to require applicants to submit signed plans and have an engineer inspect their site regularly during construction so we avoid these site plan compliance issues.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Kurt Bergmann. Motion carried by a 7-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary

December 7, 2021

RE: Area Variance Application
Benoit
416-418 Hayes Road

The applicant is seeking to subdivide a 3.99 acre parcel located at 416-418 Hayes Road (Tax Map # 177.-1-2) in the Town's Agriculture Residential zoning district (A-R). The parcel currently contains two single family homes which are serviced by well and septic. According to information from the Town Assessor, the two homes were built in 1934 and 1940. The proposal would subdivide the parcel so that each home would be on its own lot. Proposed Lot 1 would consist of 1.815 acres and have 215 feet of frontage on Hays Road. Proposed Lot 2 would consist of 2.184 acres and would not have frontage on a public street. Lot requirements in this district are:

- 5-acre minimum lot size
- 400' minimum width
- 50' front, side, and rear setbacks

To accommodate ingress and egress for Lot 2, the proposal includes a 25 foot-wide easement centered on the existing driveway. The easement would be granted to the owners of Parcel 2 for access between their property and Hays Road. Maintenance costs of the driveway would be shared by owners of both parcels. There is no construction or earthwork proposed as part of this application, and as such, there would be no physical changes to the property. The only proposed changes are the lot lines. Given the current lot size and location of the houses and wells, the following area variances would be required:

1. Proposed Lot 1 would be 1.815 acres. The minimum lot size in the A-R district is 5 acres. As such, an area variance would be required to allow an undersized lot of 1.815 acres.
2. Proposed Lot 2 would be 2.184 acres. The minimum lot size in the A-R district is 5 acres. As such, an area variance would be required to allow an undersized lot of 2.184 acres.
3. Proposed Lot 2 would have no frontage on a public street and would thus violate the town Comprehensive Zoning Law (CZL) Section 2.5.1.F.02. As such, an area variance would be required to allow a lot with no frontage.
4. The side (south) setback on proposed Lot 2 would be 14.7'. The minimum side setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 14.7' side setback.
5. The rear setback on proposed Lot 1 would be 14.7'. The minimum rear setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 14.7' rear setback.
6. The side (east) setback on proposed Lot 1 would be 46.0', The minimum side setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 46.0' side setback.
7. Proposed Lot 1 would be 215' in width at the road. The minimum lot width in the A-R district is 400' feet. As such, an area variance would be required to allow 215' of road frontage.
8. Proposed lot 2 also does not meet the minimum lot width (and the town code does not explicitly define lot width, but the Town generally uses lot frontage which is addressed in #3 above).

With regard to lot size (1 & 2 above), the 3.99 acre lot as it currently exists is a pre-existing non-conforming undersized lot. Subdividing this parcel into smaller lots would be increasing this non-conformity. However, as a general rule in the Town's CZL, the residential districts allow only one principal building per lot. This goes for the R-OS, R-B, R-1, and R-1A districts. For unknown reasons, the CZL does not have Specific District Standards for the R-A zone and it is unclear if this omission was a mistake. According to information provided by the town assessor, out of the 87 parcels in the A-R district, only 2 other parcels contain multiple residential structures. This parcel appears to be a unique circumstance. Furthermore, the site is immediately adjacent to the R-B zone, which has a minimum lot size of 1.5 acres. The CSX/Amtrak railroad line extending from Rensselaer to Boston adjoins the property immediately to

the east. These proposed undersized lots would not be out of character with immediately adjacent lots. Additionally, as the physical character of the subject property would remain unchanged, there would be no undesirable change to the character of the neighborhood and granting of these variances for lot size would not have an adverse effect on the physical or environmental conditions in the neighborhood or A-R district. To restrict further development, the Planning Board recommends conditioning any approval such that no further subdivision of the property would be allowed.

With regard to the lack of frontage for proposed Lot 2 (#3 above), the physical character of the subject property would remain unchanged. There would be no undesirable change to the character of the neighborhood and granting of this variance for frontage would not have an adverse effect on the physical or environmental conditions in the neighborhood or A-R district. Rather than construct an additional driveway for the house on proposed Lot 2, a 25' wide easement, centered on the existing driveway, would be granted to the owners of Lot 2 for ingress and egress between their property and Hays Road. Regardless of the lot configuration, it does not appear that road frontage can be granted to lot 2 without requiring an area variance.

With regard to the rear setback on proposed Lot 1 and the side setback on proposed Lot 2 (#'s 4-5 above), this is the maximum distance that the applicant can provide if subdividing the property as the houses are approximately 29' apart. The only way to comply with these setback provisions would be to construct a new house or houses and/or move the one or both houses which is not practicable. The physical character of the property would remain unchanged. The granting of variances for these setbacks would not have an adverse effect on the physical or environmental conditions in the neighborhood or A-R district.



With regard to the proposed side (east) setback of 46' on proposed Lot 1, the variance would not be substantial as the minimum side setback is 50'. Additionally, strict compliance with the minimum of 50' would be difficult or impossible due to the location of the wells (the proposed lot lines split the wells on the east side of the property). The granting of a variance for this setback would not have an adverse effect on the physical or environmental conditions in the neighborhood or A-R district.

With regard to the lot widths (7 & 8 above), the minimum lot width in the A-R district is 400' feet. However, the widths of the lots would essentially be unchanged. Proposed lot 1 has 215' of frontage on Hays Road and cannot be increased. The width of proposed lot 2 would also essentially remain unchanged except for the lot line being carved out on the east side of the property to split the wells. The granting of variances for lot widths would not have an adverse effect on the physical or environmental conditions in the neighborhood or A-R district.

Well Identified in red box



The intent of the A-R district is “to permit agricultural, rural, and open space uses, and also to permit a very low density of residential use (approximately 1 unit per 5 acres) designed to retain the open space and rural character of the District without conflicting with farm operations.” Because the proposal does not involve any physical alteration of the site, the land use would remain largely the same as it has since 1940. While the proposed density of the site is higher than intended in the A-R, no increase in overall density in this neighborhood would occur. While there could be additional traffic or activity associated with two (2) separately owned and owner-occupied parcels, any change in such activity associated with this possible change in tenure would likely be similar to that of use of the property for rental occupation. The existing homes are no closer to Hays Road than 350’, and the mature trees and other vegetation screens the homes from Hays Road; the rural character of Hays would not, therefore, be altered. Moreover, by permitting a shared use driveway, clearing and other vegetation removal associated with potential construction of a second, separate driveway would be avoided, minimizing impacts to the rural character of the site and the immediate neighborhood. A review of the Town’s NRI shows that neither the subject parcel nor any parcels in the immediate vicinity (i.e., within 1,000’ of the lot lines) are situated within an Ag District or receive ag property tax exemptions, and as revealed by a site visit, there are no known farm operations in the immediate neighborhood. Therefore, there will be no conflict with existing farm operations.

Overall, this proposal appears to be a unique situation and attempts to rectify a pre-existing condition of having multiple residential properties on one lot. The lot lines appear to be drawn in a manner that provides the parcels with equal side and rear setbacks, taking in to account the location of the homes and the wells. If granted, the variances would allow for a subdivision of this property that would not have an adverse effect or impact on the environmental conditions in the neighborhood or A-R district. No undesirable changes will be created in the character of the neighborhood and it would not be a detriment to nearby properties. The Planning Board therefore gives a positive recommendation on each of the required area variances from a planning perspective and recommends a condition that no further subdivision of the property be allowed.

Matt Mastin

Matt Mastin
Chairman
East Greenbush Planning Board

Pictures

Looking North



West Property Line (Steep Grade)



West Property Line

