

# 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 SEPTEMBER 23, 2020

#### **Members:**

Matt Mastin, Chairman  
Jim Moore  
Don Panton  
Nancy Kupiec  
Kurt Bergmann  
Chris Horne

#### **Also Present:**

Adam Yagelski, Director, Planning/Zoning  
Dalia Szarowicz, Planner  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Planning & Zoning Secretary

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

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

#### **OLD BUSINESS:**

#### **DEER POND- MAJOR 62-LOT SUBDIVISION-REQUEST FOR EXTENSION (04-08)**

Andy Brick was present on behalf of the applicant. Andy Brick stated that they are asking for one last 3 month extension for the above project. Chairman Mastin asked Andy Brick to outline what still needed to be done. Chairman Mastin asked Adam how many extension this would be. Adam Yagelski stated 6 or 7. Chairman Mastin asked what needed to be done within these 90 days. Andy Brick stated that there are 3 things to do. The first is getting sign off from NYSDEC on the sewer, the second is that Boswell needs to finish the comment letter regarding water for the Rensselaer County Department of Health and the third is that they need sign off on the curb cut on Elliot Road from the Rensselaer County Highway Department. Chairman Mastin asked if he was confident they could get these three things completed in 90 days. Andy Brick stated that he doesn't think they could come back and ask for another extension. Chairman Mastin asked the Board if they had any questions. There were no questions.

MOTION: A motion was made by Chairman Mastin as follows: Whereas the Town of East Greenbush Planning Board granted conditional preliminary plat and preconstruction approval of the above mentioned subdivision on April 11, 2018;

And whereas the preliminary plat approval dated April 11, 2018, required the applicant to satisfy several conditions within 180 calendar days of the resolution;

And whereas in accordance with Article IV, Section 5 of the Town's Subdivision Regulations, the final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, within 180 days after preliminary plat approval;

And whereas on the applicant was granted extensions in accordance with the Town's Subdivision Regulations on September 10, 2018, January 9, 2019, April 10, 2019, July 8, 2019 & October 8, 2019, January 8, 2020 extending conditional approval until July 8, 2020;

Be it resolved that the Town of East Greenbush Planning Board hereby grants an extension to be applied retroactively to the period July 8, 2020 through October 6, 2020 to the applicant to satisfy the conditions

within the preliminary plat approval and file the final plat and supplementary documents in accordance with Article IV, Section 5 of the Town's Subdivision Regulations.

And be it further resolved that the Planning Board hereby grants an extension of conditional approval in accordance with Article IV, Section 5 of the Town's Subdivision Regulations commencing on October 6, 2020 until January 4, 2021.

**Seconded by Don Panton & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**TOWN CENTER-580 COLUMBIA TURNPIKE-PROPOSED MINOR PDD –AMENDMENT (17-19A)**

Steve Hart and Tyler Culberson were both present on behalf of the project. Steve Hart stated that they are proposing a minor PDD amendment for the Town Center project and that the Board has seen this a few times and asked if the Board had any questions. Chairman Mastin asked the Board if they had any questions. There were no questions from the Board. Chris Horne just commented that the outstanding issues from the last meeting were the drainage and grading and about moving the pond. Steve Hart stated that the detention pond has been moved.

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS**, 580 Columbia Turnpike, LLC has submitted an application requesting certain changes to the existing Town Center Planned Development District ("PDD") which the Town Board approved by adopting Local Law No. 1 in January of 2020; and

**WHEREAS**, the proposed changes involve the area labeled "Future Development Pad" on the approved PDD concept plan, which was restricted to Commercial Uses and included a maximum size of 25,000 square foot of commercial space; and

**WHEREAS**, the proposed amendment would allow first floor commercial space of approximately 9,500 square feet and up to 24 residential units in the upper floors, with the 24 residential units to be reallocated to the Future Development Pad area from other phases of the PDD, and, therefore, resulting in no change to the previously approved 275 total number of residential units; and

**WHEREAS**, as indicated in the attached July 20, 2020 memorandum, the Building Inspector determined that the proposed PDD amendment is a minor change to the site plan pursuant to Section 2.9.12 and referred the proposed PDD amendment to the Planning Board in accordance with Section 2.9.10; and

**WHEREAS**, the Planning Board held a duly noticed public hearing on September 9, 2020, during which time members of the public were afforded the opportunity to speak about the proposed PDD amendment; and

**WHEREAS**, the Planning Board, as an involved agency, has carefully reviewed the application documents, which indicate the PDD, as amended, would:

- consist of the same number of residential units;
- present a reduced traffic impact than the original analyzed uses;
- reduce sewer and water impacts by approximately 1,600 gallons per day;
- reduce the need for parking; and
- generally concentrate more units along Columbia Turnpike, thereby reducing the development impact to adjacent existing residential neighborhoods,

and, therefore, finds that the negative declaration previously issued by the Town Board on January 2, 2020, as lead agency, is sufficient to cover this minor change, and that this change does not have the effect of creating any significant adverse environmental impact;

Now, therefore, be it

**RESOLVED**, that the Town of East Greenbush Planning Board hereby affirms that the negative declaration issued by the Town of East Greenbush Town Board on sufficiently covers this minor change and that there will be no significant adverse environmental impact associated with the proposed PDD amendment; and

Be it further

**RESOLVED**, that the Town of East Greenbush Planning Board hereby approves the PDD minor amendment in accordance with Section 2.9.12 of the Town of East Greenbush Comprehensive Zoning Law.

**Seconded by Nancy Kupiec & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N, Kupiec-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**NEW BUSINESS:**

**COLLINS-137 COLUMBIA TURNPIKE-MINOR SITE PLAN MOD.**

**(20-17)**

Brian Collins, the tenant, Rick Kessler the realtor, Ed Smathers the engineer and Richard Carpinello the property owner were all present. Rick Kessler stated the main issue at the last meeting was the concern the Board had with parking. Rick Kessler passed around some papers to the Board. Chairman Mastin asked Adam Yagelski to give a quick summary of the issues with the parking. Adam Yagelski stated that section in the code calls for roughly 8.12 parking space, so rounded to 9 spaces, so A) making sure the parking is sufficient, B) that it met the standards of the code for configuration, size, aisle width, etc.; also that there was an accessible space as required by the ADA, and also confirm how these parking changes would affect the two residential units, which required 4 parking spaces. Adam Yagelski stated that the site configuration presented some challenges for the configuration of the parking. The gap here is how the parking would be configured between the business and residential uses.

Rick Kessler stated he believes they have addressed these on the schematic and on the photos from google earth.

•Nancy Kupiec asked if this was just a change of tenancy. Rick Kessler stated that is correct.

Chairman Mastin asked the Board is anyone had any significant concerns or questions.

Chairman Mastin asked what the business is again. Brian Collins stated an environmental laboratory.

•Nancy Kupiec stated that she looked at the materials but didn't have time to print them out and asked that it's the building in the middle that's for lease.

Chairman Mastin stated that he was going to propose that they vote on conditional approval with the outstanding issues of parking as technical details that can be handled by the Planning Department, Joe Slater added a condition that speaks directly to that.

•Chris Horne asked about the materials that were sent out to the Board prior to the meeting which showed the parking in a different location than the schematic handed out. Ed Smathers stated that's actually an old drawing. Chris Horne asked which of the spots would be for the single family homes. Rick Kessler stated that the single family to the left of the building has a two car garage in the rear and three surface spaces as well and the residents of the home to the right of the building generally park in front of their home.

Chairman Mastin asked how many parking spaces they can fit for this business. Rick Kessler stated that they are proposing three in the rear (Section A); three on the side by Burger King (Section B); all striped with an ADA space in front of the building. Chairman Mastin stated so 7 spots with 9 required. Brian Collins stated they are expecting maybe 5 cars per hour dropping off samples. Adam Yagelski stated that he believes there is a provision for reducing (Section 3.1.4 A on page 45 of the Comprehensive Zoning Law-O1-Voluntary Reductions – Any applicant proceeding with the site plan review may request that the minimum number of require off-street parking spaces be reduced for their project if they can demonstrate to the planning board that their business would not actually warrant the minimum amount required during normal operations, or that other opportunities, such as shared parking, would account for the difference.) Adam Yagelski stated that they can definitely work through the technical details.

Chairman Mastin asked the applicant how many employees they have. Brian Collins stated that they have 4 employees. Chairman Mastin stated that leaves three spots.

Rick Kessler stated that there are other places to park that they haven't explored let. They could create 3 or 4 spaces if necessary.

Chairman Mastin stated he feels this is something that could be worked out between the applicant and the Planning Department.

•Chris Horne asked if this was the same business that was in the paper. Brian Collins stated that is correct. Chairman Mastin asked if they were under a time crunch. Brian Collins stated yes, they are signing the lease on October 1<sup>st</sup>.

•Kurt Bergmann asked if they are striping the parking lot. Richard Carpinello, the owner, stated that he'll stripe the parking spaces both business and residential.

•Nancy Kupiec stated that if they agree to do less parking, would they be willing to plant some landscaping to green up the front. Brian Collins stated that he's on board with it as long as Rich Carpinello is.

Chairman Mastin stated that it seems like they are coming close to the required parking.

•Jim Moore asked if there is a way to grant reduced parking and then see how the parking works, say maybe have the applicant come back in 6 months or so.

**MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby classifies this action as a Type II action, which involves striping of existing parking lot and consistent with zoning and local land use, under SEQRA and Chapter 6 Part 617.5(C) (1) of the Codes, Rules, and Regulations of the State of New York, and approves the Site Plan Modification consisting of the attached depiction in parking areas designated "A" "B", and the ADA required parking space subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
- **All remaining fees are paid to the Town**
- **That the site be stripped in compliance with the proposed site plan and to the satisfaction of the Town's Planning & Zoning Department & Code Enforcement office**
- **That the site plan shall expire on April 30, 2021 and the applicant shall obtain site plan re-approval from the Planning Board by May 1, 2021**

**Seconded by Don Panton & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES;  
D. Panton-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**REPORTS & RECOMMENDATIONS:**

**ZBA APPEAL #2020-10 BIG RED DOGHOUSE- 700 COLUMBIA TURNPIKE -2 AREA  
VARIANCES-SIGNS-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 votes to accept Don Panton's report and makes a positive recommendation, based upon sound planning and zoning principals. \* See attached report for further details.**

**Seconded by Chris Horne & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann; C. Horne-YES;  
D. Panton-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**ZBA APPEAL #2020-11-TCJ TROY ROAD LLC. - 597 COLUMBIA TRPK-2 AREA  
VARIANCES-SIGNS-REPORT BY JIM MOORE**

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

A motion was made by Chairman Mastin as follows: **The Planning Board votes to accept Jim Moore's report and makes a positive recommendation, based upon sound planning and zoning principals. \* See attached report for further details.**

**Seconded by Kurt Bergmann & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann; C. Horne-YES;  
D. Panton-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**NEW ZBA REFFERALS:**

NONE

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the September 9, 2020 meeting minutes with corrections from Chris Horne.

Seconded by Kurt Bergmann. Motion carried by a 5-0-1 vote. Nancy Kupiec abstains.

Joe Slater stated that he wanted to bring up a note quickly in regards to all the sign variances they've been getting lately and there have been some conversations between himself, Adam and the Zoning Board Chair about doing what they can to get these signs taken care of at the site plan level.

**PZD UPDATES:**

**Comprehensive Plan Update:**

Adam Yagelski stated that the committee has received a draft plan. Next steps is that a public hearing needs to schedule to present the draft plan to the public, which they are looking to have on Wednesday, October 7<sup>th</sup>. They are going to have people on zoom and in person. The public comment period will start when the plan is posted and will likely remain open another week after the public hearing and ideally if there aren't any major changes then the steering committee will vote to approve it and forward it to the Town Board which begins the Town Board adoption process. Adam Yagelski stated that there is SEQR, a county referral, and they also have to have a public hearing.

•Chris Horne asked if they have comments they just submit them during the public hearing. Adam Yagelski stated that they could be sent to him, Dalia, Alison or at the email: [compplanupdate@eastgreebush.org](mailto:compplanupdate@eastgreebush.org)

**MS4/Stormwater Planning Board Training Proposal Discussion:**

Adam Yagelski stated what they propose is to conduct a training for the Board which is geared toward low impact development. Adam Yagelski asked Dalia if she had anything to add. Dalia Szarowicz stated that basically the workshops will consist of knowing how to ask the applicant direct questions about impervious surfaces, stormwater and all those details.

**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

Appeal Number: 2020-10

To: Alison Lovely

For your information:

Tax Map Number: 177.8-4-10

Address: 700 Columbia Turnpike

Christopher Rocchio / Big Red Doghouse, LLC is proposing to construct a Plaza Monument sign 11.67 feet tall and 9.075 feet wide which names two individual businesses. The property is located in an area zoned B-1. Section 3.3.2 B02 reads signs shall be no longer than 5 feet tall and 8 feet wide. The names of individual businesses is not permitted. This proposed action requires (2) area variances.

1. I had a site visit on September 14, 2020. At that time, I measured the current pylon sign which is 8 feet wide and 9.25 feet tall. This sign has the Sweater Venture listed.
2. I also had several conversations with Darren Katz of Saxton Sign Corp. during the week of September 14, 2020. He explained how they were going to use the existing sign with additions to the top and bottom.
3. During my second conversation with Darren, he offered to trim 10 inches off the wrap at the bottom of the proposed monument sign. With 10 inches of the center pole exposed, the sign is considered to be a pylon sign with increased height restrictions.
4. With the addition of the Big Red Doghouse Doggie Daycare logo, the pylon sign will remain 8 feet wide except for two 6 inch roof overhang points.
5. I give a positive recommendation to the Zoning Board of Appeals if the above modifications to the sign remain in place.

Respectfully,  
Donald H. Panton  
Planning Board Member

**ZBA Appeal #2020-11: Verizon Area Variances**

**Applicant/ Owner: TCJ Troy Road LLC**

597 Columbia Turnpike

Zoning District: B-1

Application for Two (2) Area Variances

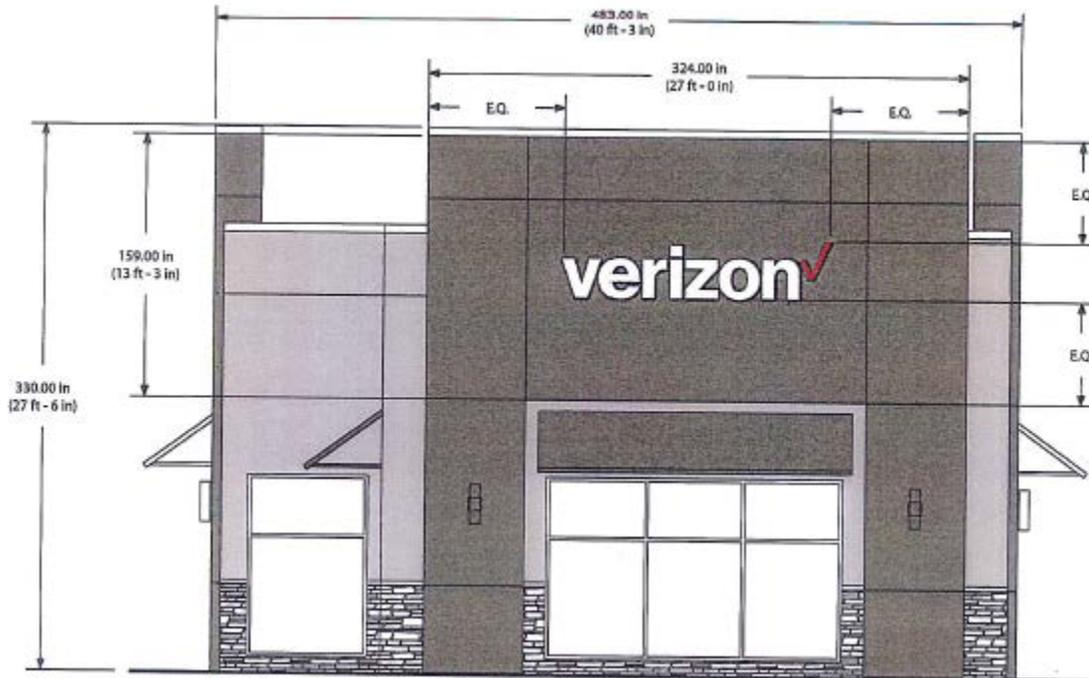
Report to the Planning Board by Jim Moore

September 23, 2020

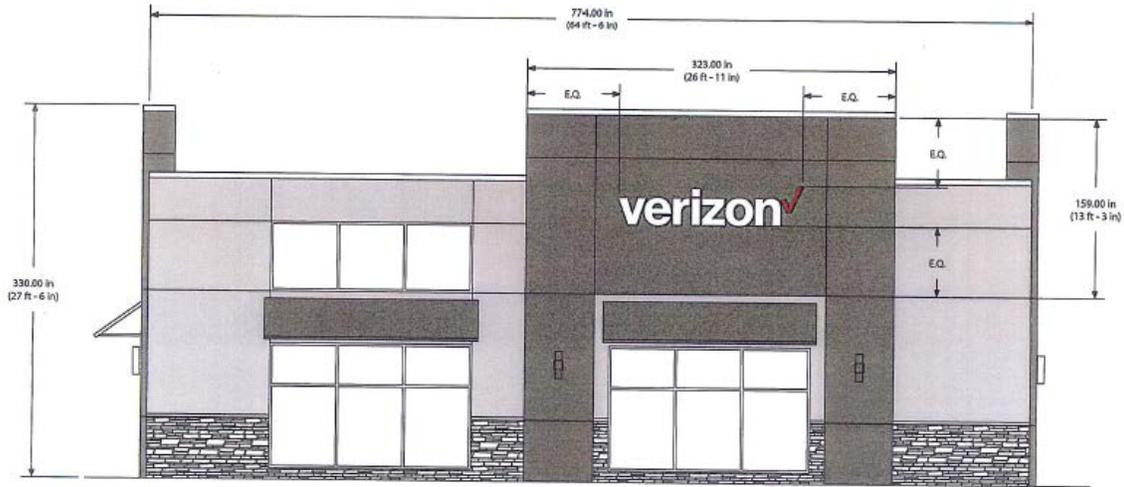
**Description of the Proposal and Area Variances:**

The applicant, TCJ Troy Road, LLC, is proposing to construct two (2) 25.434 square feet façade-mounted signs on the southwest and southeast elevations of the recently approved Verizon store at the corner of NYS Route 4 and Columbia Turnpike. The Building Inspector has determined that the proposed signs will not comply with the Town Zoning Law, Section 3.3.2.A Façade Mounted Signs, b.iii states the maximum size shall be 24 square feet.

The proposed signage is comprised of LED-lit individual letters attached to the building facades facing Columbia Turnpike and NYS Route 4.

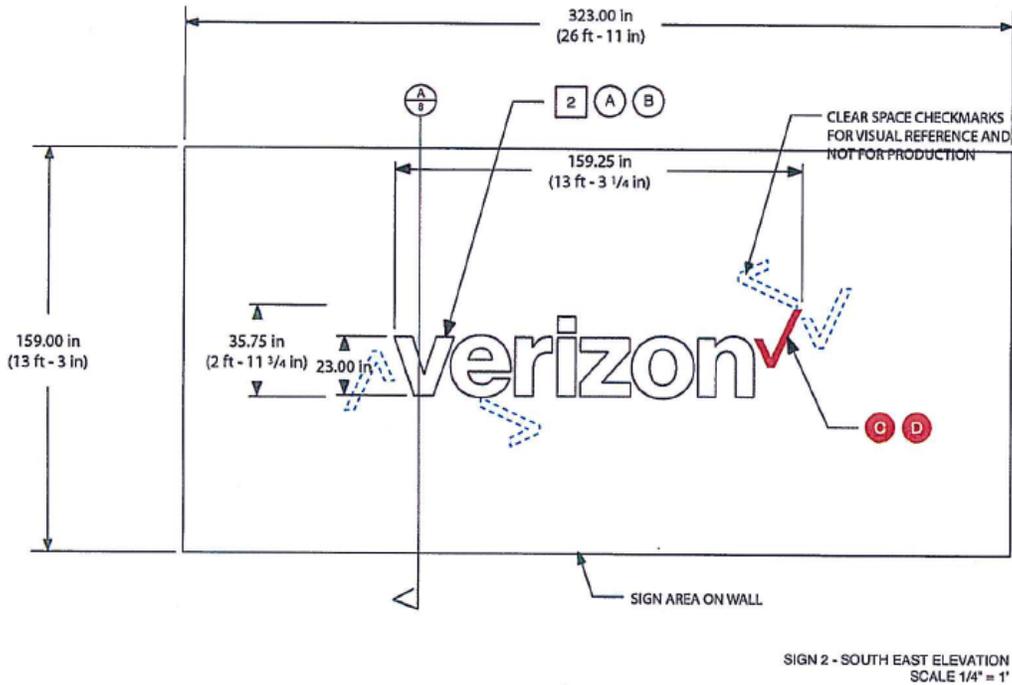


*Elevation facing Columbia Turnpike.*



Elevation facing NYS Route 4.

The proposed signs are 23 inches high white letters, a red checkmark attached to a gray painted façade. It appears the building inspector's area determination of 25.434 square feet is based upon letter 23 inches high (1.917 feet) by 13.27 feet long.



SIGN 2 - SOUTH EAST ELEVATION  
SCALE 1/4" = 1'

*There is often less visual impact from a sign comprised of individual letters attached to the building as compared to a placard sign. Individual sign letters can integrate with the building façade more subtly than a placard sign, where the sign is more visually a part of the building than a distinct sign attached to the building. The resulting figure (individual sign letters) to ground (gray building façade) relationship is less visually prominent than a placard style sign of the same size, or even smaller.*

An example of the figure-ground observation made is as follows:



*Sample Verizon sign at Greenbush Commons*



*Moe's individual lettering compared to GameStop hybrid placard sign.*



*Spectrum individual letters compared to Effie & Isabel's placard sign.*



*UPS Store individual letters compared to Chipotle placard sign.*

Balancing the Benefit to the Applicant Versus Detriment to the Community:

**I recommend approval of the requested area variances**, because If the area variances are granted;

1. **Overall, this proposal will not result in an undesirable change in the planned character of the neighborhood.** The proposed sign area exceeds the maximum allowable area by approximately 1.5 square feet, or 6%, of the area allowed, which for this particular sign proposal is determined to be in character of the neighborhood; and
2. **The proposed variances will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district**, for the reasons described herein.

*End of Report*