

# 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 June 13, 2018

#### **Members:**

Matt Mastin, Chairman  
Ralph Viola  
Kurt Bergmann  
Matt Polsinello  
Nancy Kupiec

#### **Also Present:**

Alison Lovely, Planning Board Secretary  
Joseph Slater, Planning Board Attorney  
Adam Yagelski, Director of 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. Mike Bottillo & Jim Moore were absent.

#### **REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the May 23, 2018 meeting minutes as is.  
Seconded by Nancy Kupiec. Kurt Bergmann abstained. Motion carried by a 4-0-1 vote.

#### **PUBLIC HEARINGS:**

#### **TEMPLETON-29 MICHAEL ROAD-MINOR 2-LOT SUBDIVISION**

(18-15)

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 Hugh Templeton for a Minor 2- Lot Subdivision called the "Templeton 2-lot Subdivision". Proposed lot 1 consists of 46.65 +/- acres and has an existing house on it. Proposed lot 2 consists of 0.80 +/- acres. The property is located at 29 Michael Road in the R-B, Residential Buffer Zoning District, Tax Map # 166.-5-19.1. Said Public Hearing will be held on Wednesday, June 13, 2018 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

Steve Hart stated that the parcel consists of 47 acres and is on the north side of Elliot Road. The applicant's, Hugh and Margaret Templeton want to give .8 acres to their daughter to build a house on. The parcel meets the 100' of frontage requirement as well as a ½ acres requirement for the R-B Zone. Steve Hart stated that there is water on Elliot Road and Sewer on Michael Road. Steve Hart stated that he's aware of the requirement that 30% of the parcel needs to be left as greenspace. Chairman Mastin asked if there were any comments. There were none. Chairman Mastin asked if there was anyone present to speak in favor or opposition to the subdivision. There was neither. There were also no general comments.

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

**Seconded by Matt Polsinello & roll called as follows:**

**M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**OLD BUSINESS:**

**TEMPLETON-29 MICHAEL ROAD-MINOR 2-LOT SUBDIVISION**

(18-15)

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 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 Ralph Viola & roll called as follows:**

**M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-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:**

- **Each lot eligible for the R-B incentive and associated lot dimension and density bonus must comply with Section 2.6.3 (03) of the Town's Comprehensive Zoning Law.**
- **Satisfying outstanding technical details as determined by the Town Planning Department; and**
- **All remaining fees are paid to the Town.**

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

**M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**RYSEDORPH-OLCOTT LANE-MAJOR 27-LOT SUBDIVISION**

(18-15)

Matt Polsinello recused himself as he is a principal owner in the project. Aaron Harbeck stated that he was he representing the project and that they had received Preliminary Plat & Preconstruction approval and that tonight they are asking for Final Plat Approval. Mr. Harbeck stated that the applicant made the requested changes to the maps from the previous meeting but nothing has changed other than that. Chairman Mastin asked if anyone on the Board had any comments or questions. There were none. Chairman Mastin read the following resolution:

**RYSEDORPH CLUSTER SUBDIVISION**  
**CONDITIONAL FINAL PLAT AND PRE-CONSTRUCTION APPROVAL**

WHEREAS, the East Greenbush Town Planning Board is in receipt of a request by Rysedorph, LLC (the owner) for conditional final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Rysedorph Cluster Subdivision, for 26 single-family detached dwelling units consisting of 31.24 +/- acres in the R-B Zoning District located off of Olcott Lane; Tax Map # 155.-2-28.1; and



**EAST GREENBUSH PLANNING BOARD/MEETING MINUTES/JUNE 13, 2018**  
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WHEREAS, the Town Planning Board did grant preliminary plat and preconstruction approval of the Rysedorph Cluster Subdivision on May 9, 2018 for the 27 lots in the Town of East Greenbush of Rysedorph Cluster Subdivision prepared by Hart Engineering, dated November 2015 and last revised November 11, 2015; and

WHEREAS, the Town Planning Board did conduct a public hearing on December 10, 2014 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, the Planning Board did submit the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements. And through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, the Planning Board did review a development proposal and conceptual master plan for this project consisting of 27 lots and determined, in accordance with Title 8 ECL and Part 617 NYCRR, that the intended action and the associated conceptual development plan shall not have environmental impacts of the project after a full environmental impact statement was prepared and given and has, therefore, issued a Negative Declaration on December 9, 2015; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/ or the conditions of this resolution; and

WHEREAS, the Planning Board and the Project Review Team have received and reviewed the Preliminary Plat last revised on December 4, 2015 as prepared by Hart Engineering; and

WHEREAS, the Planning Board has received a modified preliminary plat dated May 3, 2018 as prepared by C.T. Male Associates; and

WHEREAS, the Planning Board has received a proposed Final Plat prepared by C.T. Male Associates dated May 24 2018, which is in substantial agreement with the approved preliminary plat.

WHEREAS, the applicant has filed the necessary application with the Planning Board and will pay to the Office of Town Clerk the applicable preliminary plat application fee and final plat application fee, with receipt therefore provided to the Planning Board by the Town Clerk; and

WHEREAS, the owners/developers of the subdivision are required to make improvements to the Town's existing water distribution system to be able to provide adequate water supply for fire flow and pressure to new and existing residences located on Olcott Lane and proposed roadway; and

WHEREAS as to be shown on the final approved plans, the improvements are to consist of two (2) new pressure reducing facilities, connections and all necessary appurtenances to be located on Town right of way along Rt. 151 and on Roberts Lane; and

WHEREAS, the cost of furnishing and installing the two (2) new pressure reducing facilities shall be borne by the owners/developers of the subdivision; and



WHEREAS, upon successful installation and testing, the new pressure reducing facilities shall be dedicated to the Town of East Greenbush, who will own and operate same; and

WHEREAS, twelve lots within the subdivision cannot be serviced by a new gravity sewer system, and individual sewage grinder pumps shall be installed by the developer/builder on said lots; and

WHEREAS, the Town will not own or have maintenance responsibilities over the individual sewage grinder pump systems, it shall be stated on the plans in notes or diagrams, as well as in the deeds conveying each lot, that the individual homeowner will own the pump units and shall be responsible for the future operation and maintenance; and

WHEREAS, upon completion of construction in accordance the approved SWPPP, subject to Town approval, and conveyance of two (2) storm water management lots to the Town, the Town will assume ownership of the two (2) storm water management lots and post-construction storm water management practices constructed thereon; and

WHEREAS, the roadway will be constructed in accordance with specifications and a road cross section detail to be approved by the Commissioner of Public Works; and

WHEREAS, the Towns Designated Engineer, (HV LaBarba and Associates) has reviewed the plans for Rysedorph Cluster Residential Subdivision as prepared by C.T. Male Associates dated May 24, 2018 and can recommend to the Planning Board consideration of final approval subject to all conditions and requirements set forth by the Town; NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants final plat and pre-construction approval for the 27 lots in the Town of East Greenbush of Rysedorph Cluster Subdivision, prepared by C.T. Male, dated May 24, 2018, and in strict compliance with each of the following conditions prior to the Town signing off on the Conditional Final Plat:

1. That an escrow account be established and funded by the developer/applicant to cover the expenses associated with the Town's Designated Engineer's full time review of the project and inspection of improvements to be dedicated to the Town. This account shall be replenished as necessary in the discretion of the Town.
2. That the developer/applicant shall provide a Cash Bond to the Town in the minimum amount of \$534,000 in accordance with the Town of East Greenbush Town Code for the required improvements. Such Bond shall be in full compliance of the Town Law, and shall be satisfactory to the Town Attorney as to form, manner of execution, and surety. The Town reserves the right to increase or amend the amount of the Bond based on the Town's estimates, changes in construction costs, site conditions, or other factors considered by the Town's designated engineer, Attorney, Director of Planning, and/or Commissioner of Public Works. Should the Town enact a law allowing authorizing alternate methods to secure the completion of such improvements, the Town, at its discretion, shall allow these alternative methods. Said Cash Bond will be released upon the completion of roadway and all necessary and related infrastructure, up to and including the binder course of pavement, to the satisfaction of the Commissioner of Public Works; and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface.



3. That the developer/applicant shall provide a Cash Bond to the Town in the minimum amount of \$34,000 in accordance with the Town of East Greenbush Street Ordinance for the Top Course. Such Bond shall be in full compliance of the Town Law, and shall be satisfactory to the Town Attorney as to form, manner of execution, and surety. The Town reserves the right to increase or amend the amount of the Bond based on the Town's estimates, changes in construction costs, site conditions, or other factors considered by the Town's designated engineer, Attorney, Commission of Public Works. Should the Town enact a law allowing authorizing alternate methods to secure the completion of such improvements, the Town, at its discretion, shall allow these alternative methods.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

4. That the applicant addresses all remaining technical comments of the Towns Designated Engineer, Planning and Zoning Department, Commissioner of Public Works, and Building Inspector.
5. That the applicant reimburses the Town for all costs and expenses associated with the review and evaluation of the plans and associated reports by the Planning Board's consultants.
6. All fees due are paid as required by the Town of East Greenbush in accordance with the GEIS fee schedule, a letter for which will be provided from the Director of Planning and Zoning, and it is further recommended by the Planning Board to the Town Board that all Traffic GEIS fees generated through this subdivision be held in escrow or a separate account for purposes of roadway development of Olcott Lane roadway improvements to reduce the slope of the roadway to the maximum extent practical, and otherwise make such roadway safe for public use.
7. That the subdivision plans be reviewed and approved by the Rensselaer County Health Department in accordance with applicable provisions of the Public Health Law, and such documentation submitted to the Town for their records.
8. That the subdivision plans be reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation submitted to the Town for their records.
9. That the plan for required work within the State Right of Way be reviewed and approved by the NYSDOT, and such documentation submitted to the Town for their records.
10. That for each building lot, a detailed plot plan; grading plan and utility service plan shall be submitted and approved by the Commissioner of Public Works and the Building Inspector prior to the issuance of a Building Permit for that building lot.
11. All storm water pollution prevention permits will be obtained prior to site work and regularly schedule required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002 and the approved Storm Water Pollution Prevention Plan.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

12. A mechanism shall be provided by the applicant for the long term ownership and maintenance of the open space areas.



13. Final acceptance of the road as a town highway will be contingent upon the approval of the road cross section detail by the Commissioner of Public Works.
14. The applicant shall prepare suitable offers of cession for all improvements and interest in all land areas within Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, drainage ways and easements, and that all such offers of cession shall be submitted to the Commissioner of Public Works and Town Attorney, who shall review the sufficiency for the purpose intended, which determination shall not commit the Town Board in any way to acceptance of the improvements, once installed.
15. That all public and/or required improvements within the Development as shown on the subdivision plans be completed by the developer and be approved in writing by both The Towns Designated Engineer and the Town's Commissioner of Public Works.
16. That all street signs and regulatory signs shall be furnished and installed.
17. That the developer provide and install a black vinyl clad chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water detention area, and a landscaping plan shall be submitted to the Town for approval for evergreen shrubs and trees to be placed in the right away along the frontage of the storm water management facility; and
18. That an as-built plan be submitted to the Town for review/approval. This plan shall show an accurate and complete record and description of the final "as-built" conditions of improvements to be dedicated to the Town; and

In effect, this conditional final plat and pre-construction approval by the Planning Board authorizes the applicant to initiate necessary site work and the installation of public and/ or other required improvements with the rights-of-way, easements and drainage ways and other public improvements, as needed. The installation of such public improvements shall be subject to: (1) the Town's and the Town's designated Engineer's final review and approval of engineering and construction details; (2) the conduct of a project initiation conference, including the applicant, the applicant's consultant engineer, appropriate contractors, the Planning Board's designated engineer and the Town's Commissioner of Public Works, Building Inspector and Director of Planning & Zoning; and (3) a detailed itemized cost estimate and construction schedule for construction of all improvements for the project shall be provided to the Planning Board's designated engineer, which estimate and schedule shall be provided by and satisfactory to the Planning Board's designated engineer, and a copy of which shall be transmitted concurrently to the Planning Board Office and the Commissioner of Public Works.

This approval shall be required as limited in its authorization in that no sale of a lot or an offer of sale within the intended subdivision may be undertaken until the stamping of the plans by the Planning Board's designated representative. Subsequent filing of the approved final plat in the Office of the Rensselaer County Clerk must occur within 60 days of the final plan approval/signature.

FURTHERMORE, the Planning Board advises that all work undertaken and all expenses incurred by the applicant/developer, pursuant to this resolution, are at the risk of the applicant/developer. It is the applicant/developer's exclusive responsibility to ensure that all conditions and requirements are met in a manner prescribed within the Town's Land Subdivision Regulations, Town Code, and Town Law. Failure of the applicant to meet these conditions, or requirements may result in the forfeiture of any bonds posted and/or revocation.



Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 4-0 VOTE

**NEW BUSINESS:**

**REGENERON-TEMPEL LANE-GRADING PLAN- SITE PLAN MODIFICATION** (15-20)

Steve Hart from Hart Engineering presented the project to the Board. Also present was Kyle Cherry from Regeneron & Ray Darling from SMRT. Steve Hart stated there are three things to discuss tonight, a grading plan, some modifications to the existing site plan and Tempel Lane. Steve Hart stated that one of the conditions upon completion of the warehouse prior to getting a certificate of occupancy was that Temple Lane would be repaired. They would like to put up a road bond for Tempel Lane as there is still a lot of earth work to do on the next phase of the Regeneron campus. Steve Hart stated that they are proposing a crusher run surface around the building and once the proposed grading is completed then it will be blacktopped, the grading is to make the proposed manufacturing building, pad ready. Chairman Mastin asked Adam if they are changing the SWPPP, or is it a new SWPPP. Adam stated that they are revising the existing SWPPP. Steve Hart stated that they revising the existing SWPPP as it's not closed out yet, they are relocating a retention pond. Adam asked if the second pond will be in place at the time they're ready for the warehouse's certificate of occupancy. Steve Hart stated that's not the intent. Chairman Mastin stated that even though there are a few modifications to the site, the only thing that is before the Board tonight is the modification to the grading and the modifications that Steve presented on the sheet that were in red. Kurt Bergmann asked if there were any significant changes in lighting. Kyle Cherry stated they lost 3 or 4 street lights where the next building is being proposed. Chairman Mastin stated that tonight the intent is to only accept the sketch plan until other details are hashed out.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby accepts the sketch plan dated April 13, 2018 by Jacobs for the proposed minor site plan modification.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 4-0 VOTE

**TNT FIREWORKS-609 COLUMBIA TRPK- SITE PLAN MODIFICATION** (18-17)

Lisa Scholberg & Chris Latarocka were both present from TNT Fireworks. Lisa Scholberg stated that there are no changes from last year. Lisa Scholberg stated she attended the Project Review Team on Monday of this week and there were questions on the size of the tent in relation to the proposed location. Lisa Scholberg stated that she went to the location and measured everything out and everything that was presented (size of the tent, location of it) seemed accurate. The Project Review Team had asked for a second location option for the tent so Lisa presented the Board with the two options. Chairman Mastin stated that there are a lot of safety and over parking issues at that location, he also asked if there would be a storage container on the site and if the second proposed location meets the fire code. Lisa Scholberg stated that there would not be and Chris stated that the tent would be 20' from the Michael's Auto Plaza building.

●Ralph Viola stated that he didn't like last year's location of the tent and also doesn't like to see the location of the porta potty near the roadway (Elliot Road). Ralph stated he would prefer to see the location of the site over by the Michael's Auto Plaza side of the parking lot. He doesn't feel there is enough parking.



●Nancy Kupiec asked if the applicant pays to have the tent and if there is more parking available in the rear of the Planet Fitness. Lisa Scholberg stated that they pay for the tent and that there isn't parking in the rear of the building but there is more over on the side next to the Building. After some discussion the Board stated that they preferred the location of the tent to be over by the car dealer.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares the action an Unlisted Action under SEQRA and determines the project will not have any significant adverse impacts on the environment and hereby adopts a Negative Declaration under SEQRA.**

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

**M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**MOTION:** A motion was made by Chairman Mastin as follows: **The Planning Board hereby grants final approval of the proposed minor site plan modification subject to the following conditions:**

- 1. Tent setup will not occur before June 22, 2018 and shall be removed no later than July 7, 2018.**
- 2. All external signs and advertising not be displayed prior to June 25, 2018 and shall be removed no later than July 5, 2018.**
- 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, 2018 to July 5, 2018.**
- 5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage with no signage along the roadway (Columbia Turnpike) and all signage must be connected to the tent.**
- 6. Hours of Operation limited to 9am to 9pm.**
- 7. Adequate lighting shall be provided on site.**
- 8. Must reserve 4 adjacent parking spaces to be identified for firework tent use only.**
- 9. Subject to Building Department approval for compliance with NYS Fire Codes.**
- 10. Tent should be placed on the proposed Option #3 which shows the tent set up closest to Michaels Auto Plaza and setback must be adhered to.**

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

**M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**UPDATES:**

**COVERED BRIDGE-MICHAEL ROAD- PDD & MAJOR SITE PLAN (13-09)**

Dom Arico, Armand Quadrini and John Stocki-Applicant's attorney were all present. Dom Arico stated that he has received the comment letter from GPI. Dom stated that all the major reports are completed: Archaeology, wetlands, traffic & SWPPP. Dom Arico stated that Phase 1 would consist of 168 units, the alignment of Michael Road, the construction of the bridge and the access road through the National Grid right away and grading that is required for Phase 2.



Phase 2 would consist of 118 units for a total of 286 units. Chairman Mastin asked if the applicant was ok with a phased approval process. Dom Arico stated the whole project would have to be approved at once in order for the applicant to get financing for the project. Chairman Mastin asked if the Board had any questions.

- Matt Polsinello asked Dom that this is one PDD and one major site plan. Dom Arico stated that is correct.
  - Nancy Kupiec stated that the way she understand it, is that the financing is contingent on the whole site, as there is so much work, but the Board would prefer to see a Phasing approval and also she asked how much of Michael Road is being improved. Dom stated about ¼ mile, 1,800'. Adam stated that he doesn't believe the Town will want to take over just a little section of where the roadway used to be. Nancy stated that you're basically straightening the roadway out for their own benefit, for line of sight and that the applicant has it listed as an amenity to the Town but Nancy doesn't feel like it is, it is more required for your project. Dom Arico stated that he's not sure if it was included in the traffic study.
  - Chairman Mastin stated that he sees there's a sidewalk along Michael Road and asked if he got approval from the homeowner to construct the sidewalk there. Dom Arico stated that they have verbal permission at this point.
  - Joe Slater stated that the applicant is seeking a 500-600% unit density increase and the applicant needs to come up with an amenity package to the Town and also asked if there has been any interest in the stables with the apartments. Dom stated that there has been.
  - Chairman Mastin asked how the applicant made out with National Grid regarding the access through their right away & also if the bridge was still a covered bridge. Dom Arico stated that they have a letter, there is one primary crossing, the emergency access crossing and then a secondary crossing in case they couldn't have the first one anymore and that the bridge is still covered.
  - Chairman Mastin stated that the Town Board needs to approve any amenities as they give the approval of the PDD, the Planning Board will just give a recommendation to the Town Board.
  - Kurt Bergmann asked if that is a solar farm on the project. Dom Arico stated that yes, the money will go back into the grid and then some for the project.
  - Nancy Kupiec is concerned with Mill Creek and how it will be protected traffic, etc.
- Chairman Mastin stated that the applicant needs to propose an amenity and respond to GPI's comments & then the Board can accept the sketch plan and schedule a public hearing on the project. Fred Mastroianni from GPI asked if there should be some type of agreement between the applicant and the Town regarding the proposed amenities prior to GPI spending a lot of time on the review. Joe Slater stated that yes; it should be done sooner than later. Fred also wanted to make sure that the Town has had a chance to review the agreement between National Grid and the applicant as far as the access road. The last thing is regarding the sidewalk, it will be a public sidewalk, there should be dedication of the roadway should extend to the sidewalk.

#### **REFERRALS-REPORTS & RECOMMENDATIONS:**

ZBA Appeal #2018-08-Rich-3396 River Road-Use Variance- Proposal to operate vehicle repair/inspection-report by Nancy Kupiec

Nancy Kupiec stated that the applicant had obtained a Use Variance for her current operation and that nothing is changing with her roll off storage container business. Nancy asked Diane Rich, the applicant why she was asking for the Use Variance to repair/inspect vehicles and she stated that she has a part time mechanic now and wants to make it a full time position & Nancy asked Diane if she had spoken with her representative regarding hardship that she has to present when applying for a Use Variance. Diane stated that she had briefly and Nancy told her to talk to him about it again as she already has one use variance and needs a compelling reason for being granted another one. Nancy stated that after she spoke with the applicant she has determined that there are a lot of items with the previously approved site plan that aren't being followed. Joe Slater stated it sounds like she's not in compliance with her current site plan. \*See the attached report for further information.



**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the attached report and recommends that the Zoning Board of Appeals take a hard look at the compliance with the previously approved site plan as well as the previously approved Use Variance.**

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


**M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**ADJOURMENT:**

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

A handwritten signature in black ink, appearing to read "Alison Lovely", written in a cursive style.

Alison Lovely, Planning Secretary



## **East Greenbush Planning Board Report: 6/13/18 Meeting Date**

Prepared by Nancy Kupiec, Member

**Subject Property:** 3396 River Road, County Route 9J

**Site Visit:** 6/4/18 Meeting with Owner and Photos

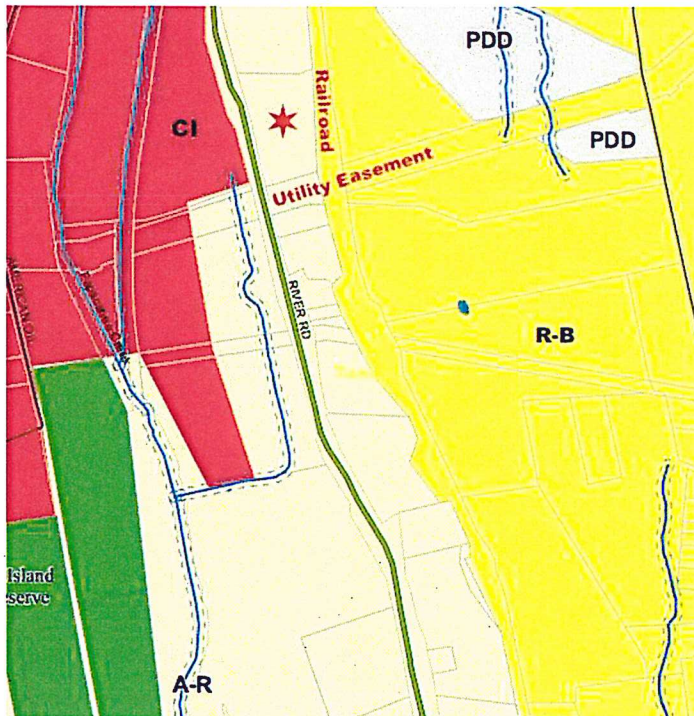
**Applicant:** Diane Rich, Property Owner & Operator (Action Waste Services, LLC)

### **Nature of Request**

Applicant is seeking a **Use Variance** to allow automotive repair and vehicle inspection services offered to the general public as authorized & regulated by the NYS Department of Motor Vehicles (DMV). As such, proof that East Greenbush zoning laws allow operation of an **“Automotive Repair Shop”** at this location must be submitted to DMV in advance of selling these services. The Owner indicated that this would be an extension of routine repair activities occurring on her company owned vehicles at this location and will provide full time employment opportunity for what is now a part time mechanic position.

### **Current Zoning**

This **Agricultural-Residential (A-R)** district is intended for agricultural, rural and open space uses, in addition to low density residential. The subject property is located on the East side of Route 9J, bounded by an adjacent Coastal Industrial (CI) zone on the West side of the road (River Road is the boundary line between the two districts at this point) and a Residential Buffer (R-B) district directly East of the property line. Properties to the North and South are included in the A-R district.



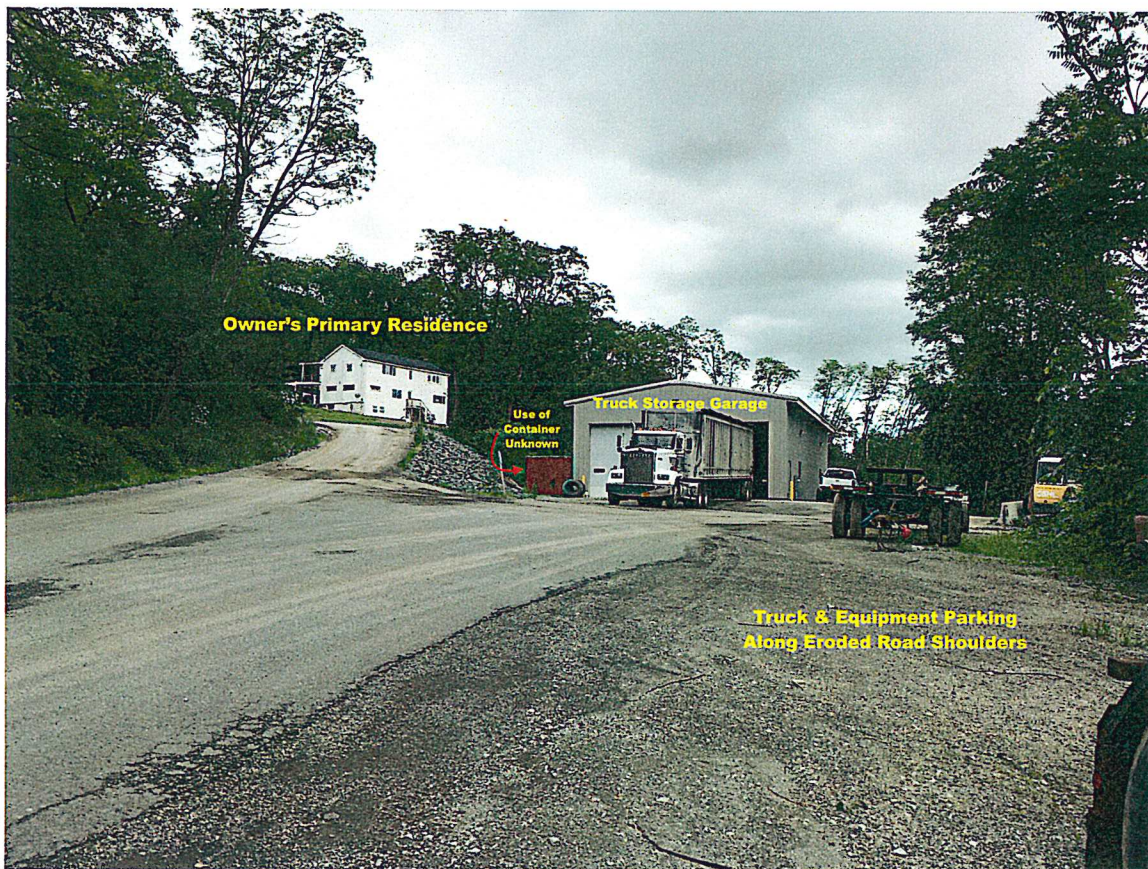


The property is under a restricted use variance that was granted on October 31, 2014 to the previous owner, allowing "storage; wholesaling/warehousing, off site ... for the storage of roll off dumpsters". This is conditioned upon maintenance of a 25' vegetated buffer along the property frontage (facing River Road) as well as side boundaries and, that no container waste material disposal or storage will occur on site (besides storage of the containers themselves). Sale of the parcel to current owner Diane Rich was contingent upon approval of this use variance allowing her to expand an ongoing roll off container business (Action Waste Services, LLC).

### **Description of the Area and Current Business Operations**

**Number 3396 River Road** is currently being used to operate a commercial waste hauling business consisting of over 100 construction and demolition (C&D) open top waste containers having 10-30 cubic yard capacities as well as numerous roll-off trucks. Waste material is transported to local landfills for disposal.

Permanent structures on the property include: a newly constructed 40'X80' metal truck **storage and repair garage** with a concrete slab foundation, located on a lower elevated (Western) portion of the property and the **Owner's residence** situated on higher land in the middle portion of this **11.84 acre** sloped property.



The garage has bathroom facilities serviced by on-site well and septic systems. The Owner indicated that there are no hydraulic lifts to repair vehicles and used oil is



stored in a 55 gallon metal drum recycled regularly by an outside provider. (Note: interior of the garage was not seen during the site visit.)

In addition, business operations include: one office/administrative (stationary) trailer located approximately 30' south of the storage and repair garage; a large stoned outdoor storage lot for roll off containers, trucks and employee parking areas; a stationary roll off container situated within two feet of the northeast corner of the garage (use unknown); and, vehicle & equipment parking/storage along the West side of the main access road. The remainder of this property is naturally wooded with sloped areas bounded by Route 9J, a utility easement and railroad tracks.



The property has one River Road entrance and paved driveway to access both the residential and commercial buildings. This driveway is situated at an acute angle to River Road to help traverse a moderately steep slope. There is evidence of consistent run-off and shoulder erosion. The asphalt road surface is worn & deteriorating, with ponding occurring at the low-lying Route 9J apron. Heavy truck tires are tracking dirt & stone onto the public roadway. Tire patterns along both sides of this access road indicate that the existing paved width does not adequately accommodate current vehicle use.



With the exception of recently planted pines to enhance the required 25' vegetative buffer, the Owner indicated that she has made no improvements to the existing road entrance on Route 9J, the main access road, landscaping or fencing since purchasing the property in 2015. She has maintained copies of her 2015 site plan, construction drawings and other permit documents as well as Planning & Zoning Board determinations that she offered for review. It was noted that these materials indicated that improvements would be made to the road entrance (under a separate NYSDOT permit for the work) along with some road widening, signage, new fencing and a paved (lined) parking area with designated HC accessible spaces. The Owner indicated that she elected to not do these improvements at that time.











### **Proposed New Business Operations**

The Owner does not anticipate a significant increase in the number of vehicles being stored on site as a result of new and expanded services (she does not plan to advertise). Activities will primarily focus on trucks to be repaired and/or inspected inside the garage and parked in the existing stone lot for pick-up or servicing. No new parking areas will be established for these outside owned vehicles. Action Waste will routinely dispose of tires and metal parts through the existing business and will not stock pile on site. Repair services will not include vehicle painting or bodywork.

Existing restroom facilities will be made available to customers. No building modifications are anticipated and there is no plan to make improvements to site features as part of new business operations. However, the Owner would like to replace existing deteriorated chain link entrance gates with a pair of decorative wrought iron gates that would be closed at night. She has not decided on signage, but indicated that any new signage would adhere to specifications included in the Town approved 2015 construction drawings, but never installed at that time.

The Owner is in the process of soliciting support from neighbors on behalf of her application to the East Greenbush Zoning Board of Appeals.







## Section 2.6 - Residential Districts

### Section 2.6.1 Agriculture-Residential District (A-R)

**A – Intent:** The Agriculture-Residential District is intended 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.

#### B Permitted Uses:

Agriculture; horticulture and farming, general  
Agriculture; livestock or dairy  
Agriculture; farm stand or market  
Animal; boarding, horse farm or stables  
Animal; boarding; commercial kennel  
Civic; religious facility

Civic; cultural facility  
Recreation; public, outdoor park or campground  
Residential; one family residence  
School; nursery, day care, elementary or high

#### C Special Permit Uses:

Animal; boarding, veterinary services  
Boarding; inn or bed & breakfast  
Health / Medical; offices or clinic, outpatient  
Health / Medical; cemetery or crematorium  
Recreation; golf course or range

Recreation; private veteran/fraternal or social club  
School; university, college or trade  
Transport; airport, private airstrip  
Utility; public service  
Utility; small above ground structure

#### D Accessory Uses:

Accessory; dwelling unit (SP) as per Section 3.7.10  
Animal; boarding, private kennel  
Animal; boarding, private stables  
Boarding; dormitory (SP)  
Home occupation (SP)

Parking; off street or garage  
Residential recreation facility  
Structure; customary garage, shed or greenhouse  
Structure; customary farm building

(SP) By Special Permit

#### E Area and Bulk Schedule:

Minimum Lot Dimensions	
Area	5 Acres
Width (feet)	400
Minimum Yard Dimensions	
Front (feet)	50
Side (feet)	50
Rear (feet)	50
Maximum lot coverage	10%
Density (Dwelling units per acre)	0.2
Maximum building height (feet)	35

#### F Specific District Standards

[Reserved]



TABLE III-A, Cont.

Land Use	Minimum Number of Off-Street Parking Spaces	Maximum	Note
<b>Office &amp; Professional</b>			
Parking spaces per employee or s.f. GFA			
Medical professional	5 for every doctor + 1 for each other employee		
Bank	3 for every indoor Teller window + 1 for each customer service desk		Note 3
General professionals (attorneys, realtors, insurance, engineers, etc.)	1 for every 120 square feet of GFA		
General offices not specified above	1 for every 250 square feet of GFA		
<b>Commercial / Retail</b>			
Parking spaces per 1000 s.f. GFA			
Retail commercial stores / centers			
□ Less than 15,000 s.f.	2.6	4	Note 4
□ 15,000 – 45,000 s.f.	2.5	3.9	Note 4
□ 45,000 – 80,000 s.f.	2.4	3.8	Note 4
□ Greater than 80,000 s.f.	2.3	3.5	Note 4
Fast Food Restaurants (w/ drive thru)	10	12	
Bars & Restaurants, Other than above	10	15	
Gas stations w/ convenience store	3.3	4	
Convenience store with seating areas	3.3	8	
Vehicle service garages, oil change, car wash, tire or brake, etc.	3 for every service bay + 1 per employee at maximum shift	5 for every bay	Note 5
Marina	0.60 spaces/slip + 1 for every employee at maximum shift		
Indoor sports/recreation	5	1 for every 2 seats	
Outdoor sports/recreation	6	As determined by Planning Board	
Theatres & Cinemas	1 for every 3 seats	1 for every 2 seats	
Lodging establishments	1 for every rental room + 1 for every 2 employees at maximum shift + any required for restaurant/bar.	1.3 for every rental room	
<b>Industrial</b>			
Parking spaces per employee at maximum shift			
Manufacturing	1.2	1.4	Note 5
Warehousing / Storage / Self-storage	1.5	1.7	Note 5
<p><b>Note 3:</b> Drive-thru windows, including those for food service, food service kiosks, bank tellers and ATMs must provide an additional 4-space vehicle queuing area for each service lane.</p> <p><b>Note 4:</b> When computing square footages, each separate building and/or use should be calculated on an individual basis.</p> <p><b>Note 5:</b> 1 additional space may be allotted for each official company vehicle which will be located on site.</p>			



Subject: 2018-01812 ATTN Elizabeth

From: dmvs.sm.VSAutoBusinessAppAndForms@dmv.ny.gov

To: actionwaste@yahoo.com

Date: Thursday, April 12, 2018, 3:33:45 PM EDT

Dear Diane,

In order to move forward with your application for a Repair Shop and Inspection Station please attach your Workers Comp information with the correct business name, and a appropriate zoning.

Zoning- It can be a Certificate of Occupancy, or a letter from local authority stating that an AUTOMOTIVE REPAIR SHOP may operate at that location. Letter must me on letterhead, dated less than 10 years old and state the full name, address, type, and statement of business being able to operate an AUTOMOTIVE REPAIR SHOP.

If you have any questions you are welcome to give me a call at 518-174-4702 option #2. We take incoming calls on Mon, Wed, and Fri. In the subject line of this email you will find your application tracking number.

Thank you,  
Elizabeth



[illegible]



ACTION WASTE-3396 RIVER ROAD-MINOR SITE PLAN (14-22)

Steve Hart stated that a use variance was granted on this parcel about a month ago for the storage of roll over dumpsters. The parcel consists of 11.84 acres of land. There are some existing buildings on the parcel. The applicant is looking to construct a 60' x 40' metal building and approximately 100' x 120' area of crusher run surface that would allow the applicant to store the containers. The proposed building would be used to keep the trucks that would load up the storage containers and bring them to different job sites. Light repairs maybe done on trucks and/or dumpsters in the building. One of the original conditions that the Planning Board requested was to maintain a 25' buffer, which is shown on the plan. Paul asked how tall the building would be. Steve stated approximately 18'. Steve stated that there is existing sewer and well on the parcel.

MOTION: A motion was made by Vice Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated September 5, 2014 prepared by Hart Engineering

Second by Judy Condo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES;  
J. Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

EAST GREENBUSH TECH PARK-BUILDING ADDITION-26 TECH VALLEY DR.-  
MINOR SITE PLAN MODIFICATION (14-01)

Steve Hart of Hart Engineering presented the minor site plan modification. The Board had approved this project previously and the only change is a loading dock added to the plan consisting of approximately 17' x 28'. The green space that was lost due to the proposal was added to the west side of the building addition. Two generators were relocated as well. Ralph asked if there would be some type of screening around the generators for noise. Steve stated that there is some vegetation in the area.

MOTION: A motion was made by Vice Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby approves the minor site plan modification subject to any outstanding technical details by the Town's designated engineer and Building Department.

Second by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES;  
J. Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE



Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
Jamie Meracle of JM & RM  
Holding Company  
For a Use Variance

Resolution and  
Final Decision of  
Board of Appeals

Appeal No. 2014-14

Whereas, An application has been filed by Jamie Meracle of JM & RM Holding Company, of 3276 River Road, Rensselaer NY, owner of 3396 River Road, East Greenbush, NY. Applicant is proposing the use of the below referenced property for the commercial use of Storage; wholesaling/warehousing, off site for the storage of roll off dumpsters. This is in violation of the Town's Comprehensive Zoning Law and the Town Code of the Town of East Greenbush, Section II, Table II-A Use Schedule; and

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located at 3396 River Road, East Greenbush, NY (Tax Map No. 165.-1-6.11); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on October 15, 2014; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, October 28, 2014 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its September 24, 2014 meeting recommended granting the requested use variance; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the SEQR and the TEQR; now, therefore, be it



**Resolved,** That the Board of Appeals makes the following findings of fact:

1. The applicant cannot realize a reasonable return, provided that a lack of return is substantial as demonstrated by competent financial evidence and documentation as submitted by the applicant.
2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. This parcel is situated in a more commercialized section of Route 91, bounded by a railroad, utility lines and a state highway with a Coastal Industrial zone across the roadway.
3. That the restricted use variance, if granted, will not alter the essential character of the neighborhood.
4. The alleged hardship has not been self-created.

**Resolved,** that the application for a Use Variance for the Storage: wholesaling/warehousing, off site on the above referenced property for the storage of roll off dumpsters be **GRANTED** with the following conditions:

1. That a twenty-five foot (25') vegetated buffer remains intact along the property frontage and side boundaries.
2. That the property not be used for disposal or storage of materials related to the roll off container business besides the containers themselves.

This resolution was moved by Jeff Pangburn and seconded by Lou Polsinello III at a meeting duly held on October 28, 2014.

A vote was taken as follows:

Tom Calamaras	<u>Yes</u>
Joyce Lapham	<u>Absent</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Domenico Pirrotta	<u>Absent</u>
Lou Polsinello III	<u>Yes</u>
Bob Seward III	<u>Yes</u>

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By:   
Jeff Pangburn, Chairperson

Dated: 10/31, 2014

*\*Granting of this variance, does not preclude the applicant from obtaining a building permit.*



ACTION WASTE-3396 RIVER ROAD-MINOR SITE PLAN (14-22)

Steve Hart of Hart Engineering stated that he has received the recent review comments from Chazen. He stated that Diane Rich, the owner of the proposed business was also present. The site consists of 9 acres off of Route 9J. He showed the aerial view, which is the same plan except that the two handicapped parking spaces have been moved, the parking lot stripped and he has added the truck turn around radius which shows a widening of the pavement by 5 feet to 20 feet. He stated that they may need to add a wider turning radius off of Route 9J as well for trucks coming from the south. Building lights and a site light have been added to the plan. Paul asked about the space between the buildings. Steve stated that the five feet will be filled with crusher run. Ralph inquired about the distance between the two buildings, regarding safety and if any fire rated material will be added. Jim Connors stated that it will have to be looked at and can fall under the technical comments in the approval. Paul asked if a chain link fence would be installed to prevent people from walking into the unsafe space.

MOTION: A motion was made by Chairman Polsinello as follows: The Town Planning Board, Project Review Team and Planning Board's Designated Engineer have 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.

- Satisfying outstanding technical details as determined by the Planning Board's Consulting Engineer; and
- All remaining fees are paid to the Town.

Second by Paul DiMascio & roll called as follows:

M. Polsinello-YES; M. Bottillo-YES; P. DiMascio-YES; R. Viola-YES;

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows:  
The Town of East Greenbush Planning Board hereby grants final site plan approval subject to the following conditions;

- Satisfying outstanding technical details as determined by the Town Planning Department & Town's Consulting Engineer
- All remaining fees are paid to the Town.

Second by Paul DiMascio & roll called as follows:

M. Polsinello-YES; M. Bottillo-YES; P. DiMascio-YES; R. Viola-YES;

MOTION CARRIED BY A 4-0 VOTE



# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518) 477-3366

## MEMORANDUM

EAST GREENBUSH PLANNING BOARD  
MEETING MINUTES  
APRIL 8, 2015

### Members:

Matt Polsinello, Chairman  
Mike Bottillo  
Ralph Viola  
Judy Condo  
Jim Giordano  
Paul DiMascio

### Also Present:

Diane Earing, Acting Planning Board Secretary  
Phil Danaher, Planning Board Attorney  
James Connors, P.E, Consulting, Engineer/Planning Board

### CALL TO ORDER / DETERMINATION OF QUORUM

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

### OLD BUSINESS:

NONE

### NEW BUSINESS:

#### ACTION WASTE-3396 RIVER ROAD-MINOR SITE PLAN MOD.

(14-22)

Marty Zanghi from Hart Engineering, representing Steve Hart presented the proposal to the Board. Marty stated that after a structural evaluation it has been determined that the existing building will be demolished and a new 40' x 80' building will be constructed on the site in the same building footprint as was originally approved. Marty stated that some widening has been proposed at the entrance to the site from Route 9J for truck turning radiuses and the applicant will be applying to NYSDOT for a permit for the work. Chairman Polsinello asked if there were any questions from the Board. Jim Connors stated that there are just minor technical comments and there is no reason for the Board not to approve this tonight. Jim stated that the building has been moved further back off of Route 9J which has given them more room to maneuver and he feels this is a better plan.

MOTION: A motion was made by Chairman Polsinello as follows: The Town of East Greenbush Planning Board hereby declares itself lead agency since there are no other involved agencies and issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification.

Second by Jim Giordano & roll called as follows:

M. Polsinello-YES; M. Bottillo-Yes; J. Condo-YES; P. DiMascio-YES; R. Viola-YES;  
J. Giordano-YES.

MOTION CARRIED BY A 6-0 VOTE