

TOWN OF EAST GREENBUSH PLANNING BOARD

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MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES APRIL 13, 2016

Members:

Matt Mastin, Chairman
Mike Bottillo
Jim Moore
Paul DiMascio

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of four (4) members were present. Matt Polsinello, Ralph Viola & Jim Giordano were absent.

OLD BUSINESS:

CHESSER –MINOR 2-LOT SUBDIVISION

(11-17)

Annette Chesser presented the proposal to the Board. Proposed parcel 1 is located on Craver Road and would consist of 2.12 +/- acres and has an existing house and barn on it. Proposed parcel 2 is located on Best Road and would consist of 12.93 +/- acres with an existing house, the remaining lands. The property is zoned R-OS, Residential Open Space District.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated April 2, 2016 prepared by R. Scott Land Surveying for the proposed 2-lot minor subdivision.**

Seconded by Paul DiMascio & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; P. DiMascio-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board has determined the project an Unlisted Action and hereby declares itself Lead Agency in connection with an uncoordinated review under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; P. DiMascio-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby schedules a public hearing for May 11, 2016 PM @ 7:05 PM at the East Greenbush town hall.**

Seconded by Paul DiMascio & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; P. DiMascio-YES.

MOTION CARRIED BY A 4-0 VOTE

**RECOVERY SPORTS GRILL-279 TROY ROAD-MINOR SITE PLAN MODIFICATION
(14-07)**

Gregg E. Ursprung of Bergman Associates presented the project to the Board. Gregg stated that he believes they have addressed all of the issues that the Planning Board asked them to from the last meeting. They are looking for approval of a waiver for the size of landscape islands in the parking lot. The plan reflects a shortage of approximately 650 square feet and in lieu of that they have added 975 square feet of landscaping along the parking lot and Route 4 as requested.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification subject to the following condition:**

- **Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department.**

Seconded by Paul DiMascio & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; P. DiMascio-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW BUSINESS:

NONE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2016-06 Trent Tibbits-24 Linden Avenue-Use Variance-Construction of a two family dwelling in an R-2 Zoning District-assigned to Mike Bottillo

There was no report as the applicant has decided to withdraw his application at this time.

ZBA Appeal#2016-07 Donald & Leah Deitz-81 Moore Road- 3 Area Variances- Garage-assigned to Jim Moore

Jim Moore stated that the applicant wishes to build a 24' x 30' 2 car garage in the side of his front yard. He needs 3 area variances. The site of the proposed garage is the best fit in regards to the applicant's property, due to steep slopes to the rear, location of septic leech field, well, pool and no real access to the rear yard as well as it's heavily treed. The proposed location of the garage is in between the well & front yard setback. Jim recommends that the Zoning Board of appeals grant the three area variances. *See attached report for further details.

MOTION: A motion was made by Jim Moore as follows: **The Town of East Greenbush Planning Board hereby recommends that the Zoning Board of Appeals Grant the 3 Area Variances.**

Seconded by Chairman Mastin & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; P. DiMascio-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2016-08 Friendly's-9 Troy Road-Use Variance-Construction of a drive thru to the existing restaurant-assigned to Mike Bottillo

ZBA Appeal #2016-09 Moscatiello-550 3rd Avenue Extension-Use Variance-Conversion of an existing building into a multi-family (3 units or more) dwelling-assigned to Paul DiMascio

Chairman Mastin discussed the topic of the Planning Board approving all site plans, both minor and major as opposed to the Town Board. There was a discussion by the Board and the following motion was made.

Recommendation to Town Board to Amend Zoning Law Section 4.3.1

MOTION: A motion was made by Chairman Mastin as follows:

WHEREAS, Section 4.3 of the Town Zoning Code states that the Planning Board may recommend to the Town Board regulations relating to subject matter over which the Planning Board has jurisdiction.

NOW, THEREFORE BE IT RESOLVED, The Town of East Greenbush Planning Board does hereby make a positive recommendation to the East Greenbush Town Board to amend Section 4.3.1 of the Zoning Code granting the Planning Board full authority to approve major site plans without Town Board referral.

BE IT FURTHER RESOLVED, Adoption of this recommendation by the Town Board shall be by local law.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; P. DiMascio-YES.

MOTION CARRIED BY A 4-0 VOTE

REVIEW AND APPROVAL OF MEETING MINUTES:

Approval of the March 23, 2016 meeting minutes tabled until the next meeting due to a quorum issue.

ADJOURMENT

There being no further business before the Board, the meeting was adjourned by Chairman Mastin. Seconded by Paul DiMascio. Carried by a 4-0 vote.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Alison Lovely", with a stylized flourish at the end.

Alison Lovely, Planning Secretary

April 13, 2016

Planning Board Report for:

ZBA Appeal #2016-07 Donald & Leah Deitz, 81 Moore Road

Report by: Jim Moore

Recommendation Summary:

As result of numerous site limitations, I recommend the Town of East Greenbush Zoning Board of Appeals approve Mr. & Mrs. Deitz' request for area variances.

Description & Analysis:

Mr. & Mrs. Deitz are requesting zoning board approval to construct a new 2-car garage, 24'x30' to be built on the southeast corner of their property.

The property is located in the Residential Open Space (R-OS) district. The proposal requires a total of three (3) area variances. Variances are required for the front and side yard setback requirements and from paragraph 2.5.1.D.06.a of the town's zoning law, which states, "*no accessory buildings are permitted within, or encroaching within, the front yard area.*" A summary of setback conditions is as follows:

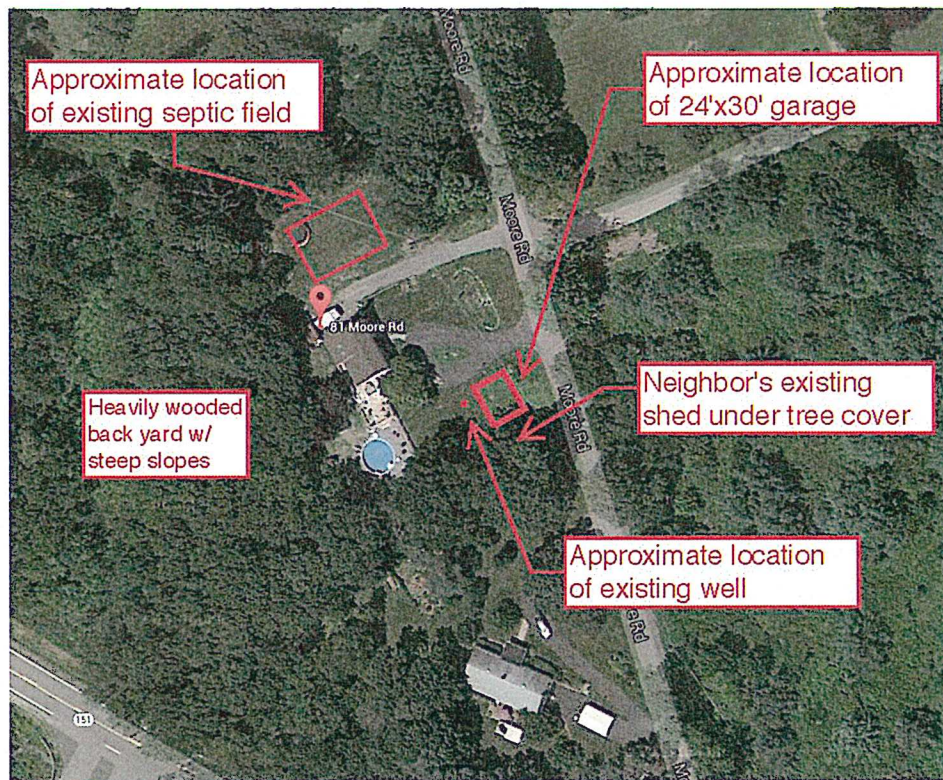
<u>YARD</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Front	50'	20'
Side	50'	10'
Rear	50'	>50'

The house does have an existing 2-car garage off of the driveway along the northern part of the lot. The existing 2-car garage is beneath the first floor of the house. The existing garage doors are short, approximately 6'-6" tall, which effectively limits garage parking to cars and other smaller vehicles. Standard garage doors are typically a minimum of 7'-0" tall and commonly 8'-0" tall in order to accommodate pickup trucks, vans and larger SUVs.

Steep grades at the back and northwest areas of the property prohibit any reasonable construction of a garage in these locations. In addition, the existing septic field is located in the northwest portion of the lot. The existing water well is located within the southeastern area of the lot and restricts location of a garage. Though locating the garage behind the water well, in front of the existing swimming pool, may be possible it would create undesirable crowding that would have a noticeable adverse impact on the property when viewed from the street.

Given the site and structural limitations of the property, I recommend approval of Mr. & Mrs. Deitz' proposal because it locates the garage in the only desirable location on the lot and provides the property with reasonable parking accommodations that are consistent with the character of the neighborhood.

The neighbor to the south of Mr. & Mrs. Deitz was not home at the time of the site visit.



Existing Site Conditions



Existing 2-Car Garage with Short Doors, approximately $\pm 6'-6"$ tall