

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 AUGUST 26, 2020

Members:

Matt Mastin, Chairman
Ralph Viola
Don Pantan
Nancy Kupiec
Kurt Bergmann
Jim Moore
Chris Horne

Also Present:

Adam Yagelski, Director, Planning/Zoning
Dalia Szarowicz, Planner
Joseph Slater, Planning Board Attorney (via cell phone)
Alison Lovely, Planning & Zoning Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

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

OLD BUSINESS:

REGENERON-DISCOVERY DRIVE-BLDG. 85-SITE PLAN MOD.

(20-15)

Steve Hart was present on behalf of the applicant as well as Kyle Cherry & David Yost from Regeneron. Steve Hart stated the fencing approved in front of Building 20 was a 6 foot high black aluminum decorative fence & Regeneron would like to install a 6 foot high black vinyl chain link fence with three strands of barbed wire on top of it for security reasons. Chairman Mastin stated that he and Jim Moore met on site and he thinks it doesn't look as bad as they thought. Jim Moore still doesn't like it since it's a public street with pedestrian use, but stated that if security measures need to be met then he feels there should be other ways to attain, to satisfy both.

•Nancy Kupiec stated that she didn't realize there was so much barbed wire already there.

Chairman Mastin asked Adam Yagelski if that was done through a building permit.

Adam Yagelski stated that he doesn't believe so, he stated that he spoke to Kyle Cherry about it and asked Kyle Cherry to speak regarding that. Kyle Cherry stated that there had been existing fencing and then when Discovery Drive was realigned and fencing was put in back off the property line and was galvanized, he believes security upgraded it and placed it a foot off the property line as an improvement. Steve Hart stated that he worked with Mike Whitney the head of security for Regeneron and Kevin Hitchcock just to relocate the fence.

•Ralph Viola stated that he also drove by and didn't realize that there was so much of it up and was wondering if some of the landscaping could be brought up closer to the fence, maybe in front of it closer to the road as opposed to behind the fence. He stated with the security issues you have to continue with what you have.

Kyle Cherry stated that the one foot property line thing is driven by their legal department. They don't want liability from people coming on their property. Security just wants to keep people out. He feels that the black vinyl is the best look you can get and his boss doesn't want to use anything else.

David Yost stated they only have a 15' easement to the road and in some areas of the property there are trees in front of the fence. David Yost stated that as long as the Town is comfortable with it, they could put some shrubbery in front of the fence.

•Kurt Bergmann asked if security will entertain landscaping. Kyle Cherry stated that there are shrubs inside the fencing now.

Chairman Mastin stated that if they entertained enhanced landscaping he thinks the Board would be happy with that.

•Don Panton stated that he drove around the campus and everything looked like barbed wire, is there anything that isn't.

Kyle Cherry stated that the only thing that isn't is the parking garage.

Adam Yagelski asked if there are other spots on Discovery Drive or on the Regeneron property that Maybe they could do a 'this for that', maybe there is something that's not so desirable in one place, but there is in another location.

Chairman Mastin stated that's kind of the landscaping discussion.

•Ralph Viola stated that given the Covid situation with security heightened as much as it is that he has no issues with what they propose, since 90% of it is already up.

•Jim Moore asked what they have inside the fence to work with the landscape area. Steve Hart stated that they have like an 8' area. Steve Hart stated that there is a curb, 15' grass area, then the fence & then an 8' landscaped area.

•Chris Horne stated she missed the last meeting and didn't have a chance to drive by.

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 construction of a nonresidential facility less than 4,000 sf of floor area and consistent with zoning and local land use, under SEQRA and Chapter 6 Part 617.5(C)(9) of the Codes, Rules, and Regulations of the State of New York, and approves the Site Plan Modification prepared by Steven Hart, P.E. dated July 28, 2020, subject to the following conditions:

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department.**
- **Including an enhanced landscaping plan subject to approval by the Planning Board Chairman and Planning & Zoning Department.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

NEW BUSINESS:

580 COLUMBIA TURNPIKE LLC. (TOWN CENTER PHASE 1 SITE PLAN)-PROPOSED MINOR PDD AMENDMENT (17-19a)

Tyler Culberson & Steve Hart were both present. Steve Hart stated that there are two things to look at. Steve Hart stated that the focus is on the front areas of the site, buildings A & B & the previously discussed future commercial pad. Steve Hart stated that one of the changes is to bring the future commercial pad into Phase 1, there was so much work they are doing along the roadway, sidewalks, sharing some of the drainage systems between the two parcels that they felt it made sense to bring this building into part of Phase 1. Steve Hart stated that this was previously approved as an all commercial building with about 9,000 sq. ft. with a maximum of 25,000 sq. ft. and the intent is now to make it match the other front building with first floor commercial and a maximum of 24 apartments up above. Steve Hart stated that the number of apartments (total) are not changing (275 units), they want to take some of them from the back of the site and put them up front. Steve Hart stated to sum it up the Phasing is changing as they are proposing to bring the future pad into Phase 1 as what has been classified as a minor PDD amendment. They have been working with Adam & the Town Attorney. The Town's Code

Enforcement Officer Kevin Hitchcock classified the proposed amendments to the PDD as minor and submitted a letter to the Board conveying that classification.

- Ralph Viola stated that one of the positives of this project was the two buildings up front with the nice Boulevard but he doesn't like the proposal now with the SWPPP pond visible to the public right on Routes 9 & 20. He feels it will be a detriment to the project since 1/3 of the site on the right will be a pond.

- Tyler Culberson stated where they are proposing the SWPPP pond is the lowest portion of the site on that side of the street, but they also wanted to put the sign on that side of the street and doesn't want to put the sign right up against building F & he can't really make Building F bigger.

- Kurt Bergmann asked if the pond would require a fence. Steve Hart stated that no it would not since it's a bio retention pond and pretty quickly infiltrates into the ground.

Chairman Mastin asked what kind of soil is there. Steve Hart stated it's porous & sand.

- Ralph Viola asked if it's logistics that they can't move the pond. Steve Hart stated that they will put some thought into it and see what they can come up with.

- Chris Horne asked if it could be moved over more to the right side of the building. Steve Hart stated they had thought about two smaller areas on each side & also wasn't there outdoor seating proposed on both Building A & Building F in the front of the buildings. Steve Hart stated that he will provide some photographs of a well maintained bio retention area. Steve Hart stated that it was just for Building A.

- Jim Moore commented that if the pond could be designed like a golf course quality design feature, then it would be more attractive.

Tyler Culberson stated that they would ask the landscape architect to come up with something.

- Chris Horne asked what the building reduction is for the commercial space. Steve Hart stated that they have a maximum of 25,000 sq. ft. and their down to 9,500 sq. ft.

- Kurt Bergmann asked for clarification that the water & sewer load would be less. Steve Hart stated that is correct.

- Don Panton asked if they are only going to need one retention pond. Steve Hart stated that there would be some underground detention systems, there would be approximately 5 different practices. Don Panton asked if there would only be one above ground. Steve Hart stated that the one would be similar to the other one on the plan.

MOTION: A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for September 9, 2020 @ the East Greenbush Red Barn or other appropriate facility or by remote means @ 7:00PM for the Town Center proposed Minor PDD Amendment.**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

COLLINS HOMELAND LLC.-44 TROY ROAD-SITE PLAN MOD.

(20-16)

The owner Mike Collins and project engineer Brian Sipperly from Verity Engineering presented the project. Brian Sipperly stated that they are before the board for a driveway rehabilitation. They have received the area variance from the Zoning Board for parking in the front yard. The proposal is for 3 parking spaces in the PPB zone in the front yard. Brian Sipperly stated the property consists of .8 acres with 100' of frontage along Route 4 and has a single story structure that was a house that has been converted into a business. The rear has parking from a walk out basement, there are no wetlands and no utility changes. Brian Sipperly stated that there are currently 3 curb cuts, 2 for a U shaped driveway and 2 curb cuts to the rear parking. Brian Sipperly stated that the proposal is to close off two curb cuts and leave one. A retaining wall is proposed for the parking area in the rear of about 6' high, a parking space is proposed for the rear lot.

Chairman Mastin stated that the Planning Board made a positive recommendation to the Zoning Board on the area variance based on planning principals and there is a small sign in the front of the business.

- Chris Horne asked if the sign would be moved. Brian Sipperly stated that there is no proposed change to the sign.

- Nancy Kupiec asked if the parking lot reconfiguration was to provide the handicapped parking in the front. Brian Sipperly stated only one handicapped space is required so it will be in the rear parking lot for now.

- Ralph Viola asked what the current use of the building was. Brian Sipperly stated that it's the home of ITG, which is an IT consulting business.

- Chris Horne stated this is the opportunity to do some very nice landscaping in the front around the parking in the front.

- Jim Moore stated that the interior landscaping is type 3 and the road frontage landscaping would be type 4 per the zoning law.

Adam Yagelski stated that they can look at that. The PPB zone allows the Board to make it more compatible in this zone.

Chairman Mastin stated that the intent tonight is just to accept the sketch plan and landscaping can be looked at further.

Adam Yagelski asked if there is less than 1,000 sq. ft. of imperious area and asked if a fence or guardrail is required on top of the retaining wall. Brian Sipperly stated that is correct and there will be a split rail fence or guardrail on top.

- Kurt Bergmann asked if there is any impact with water running off site to other residents. Brian Sipperly stated they are not proposing any changes in the way the water sheets off the property now. Chairman Mastin stated that they will see them soon with a landscaping plan.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plan dated March 17, 2020 by Verity Engineering.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

REPORTS & RECOMMENDATIONS:

ZBA Appeal #2020-06 Dominy Family Irrevocable Trust- 8 Hillview Avenue-Area Variance-Addition- -report by Nancy Kupiec

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

MOTION: A motion was made by Chairman Mastin as follows: The Planning Board accepts Nancy Kupiec's report and forwards the report to the Zoning Board of Appeals with the Planning Board's recommendation that the Building Department ensure that all fire rated construction requirements are met. * See attached report for further details.

Seconded by Jim Moore & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

ZBA Appeal #2020-07-DeJulio-5 Rosebud Court-Area Variance-Shed-report by Don Panton

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

MOTION: A motion was made by Chairman Mastin as follows: The Planning Board accepts Don Panton's report & forwards the report to the Zoning Board of Appeals but the Planning Board gives a negative recommendation on the variance.* See attached report for further details.

Seconded by Don Panton & roll called as follows:

M. Mastin-NO; J. Moore-NO; R. Viola-NO; N. Kupiec-NO; K. Bergmann-NO;
C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 2-5 VOTE

NEW ZBA REFFERALS:

ZBA Appeal #2020-08 Regeneron- 81 Columbia Turnpike (Bldg. 85 Addition)-3 Area Variances-Signs-
report due at the September 9, 2020 meeting-assigned to Ralph Viola

ZBA Appeal #2020-09-Montross (Nic's Trattoria)-1 Springhurst Drive-2 Area Variances-Signs-report
due at the September 9, 2020 meeting-assigned to Kurt Bergmann

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the August 12, 2020 meeting minutes as is.

Seconded by Kurt Bergmann. Motion carried by a 5-0-2 vote.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin.

Seconded by Jim Moore. Motion carried by a 7-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

Planning Board Review & Recommendations

Location: 8 Hillview Avenue
Applicant: Robert & Stephanie Dominy
ZBA Appeal: #2020-06
Proposed Use: Single Family Residential

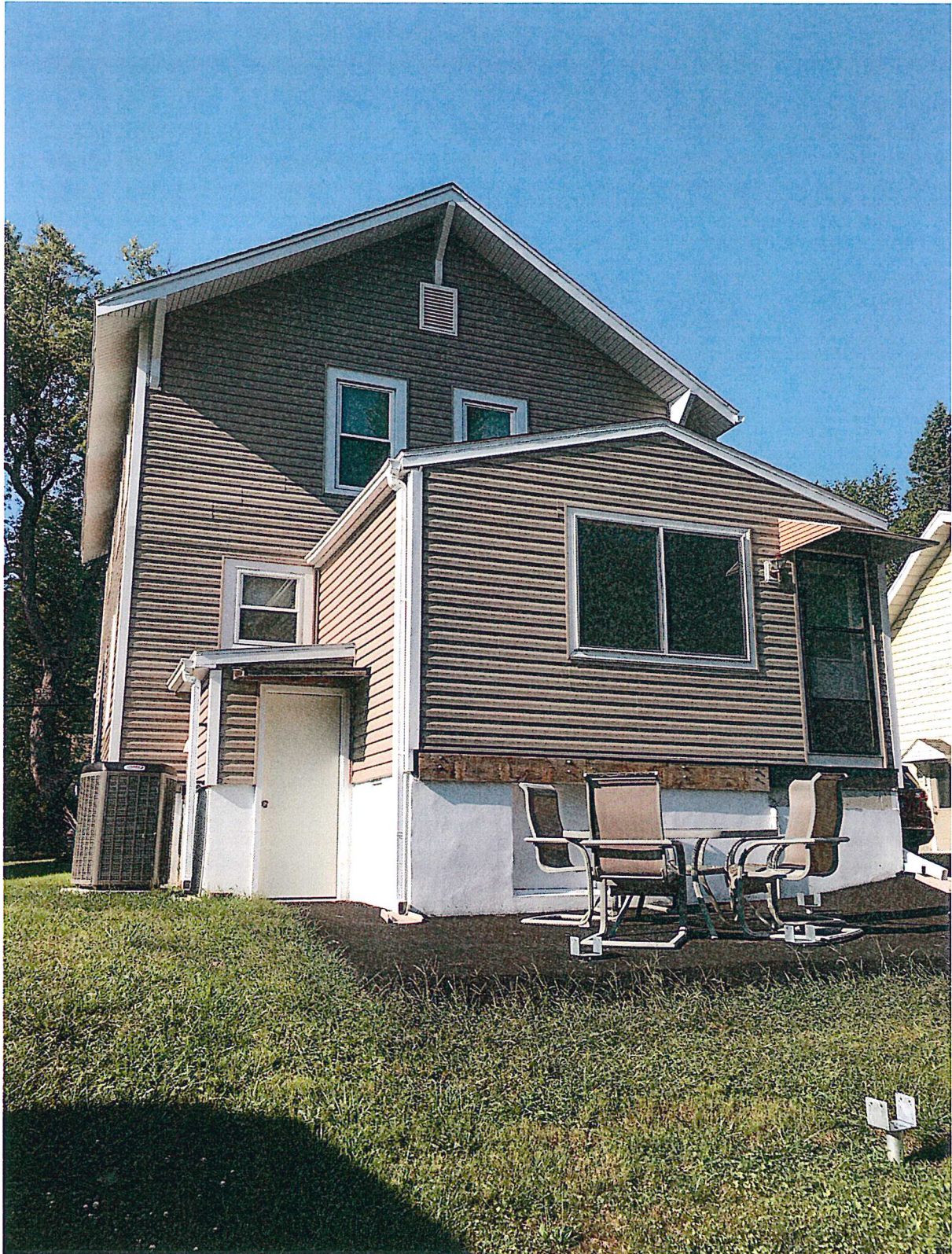
Prepared By: Nancy A. Kupiec
Date: 8/25/20
Site Visit: 8/24/20
Current Zoning: R-2

This is an existing two story, wood framed single family Colonial style structure that was built in 1924, in keeping with neighboring buildings. The street is also dotted with Bungalow style single family homes most of which have been up-graded, but tend to maintain their original configurations. Property features in this neighborhood include very small detached garages as well as accessory sheds. The applicant is seeking an area variance to allow construction of a three season room (or enclosed porch) to replace a deteriorated porch that was recently demolished. The new structure would align with an older addition to the main structure, now used as a den & laundry room. As such, the new gable roof would fall just below the existing gable end, at the same pitch. The applicant would like this new enclosed porch to be centered on the existing rear wall to create an even appearance and to avoid interfering with their rear basement entry.

Town Supplementary Bulk Standards - Section 2.5.1, Subsection D.05 b) Accessory Building Distance Separations states that unattached accessory buildings must maintain a distance of **12 feet** or greater from a property's principal building. The East Greenbush Building Inspector explained that this standard is related to fire safety concerns arising from combustible and flammable liquids often found in garages. If constructed according to the applicant's proposed plan, the new replacement porch would be within **5 feet** of the existing garage at the corner nearest the driveway. However, upon inspection of the applicant's property, it was observed that the very small existing garage in question appears to have been built original to the principal building's period of construction. Vehicles were much smaller in the 1920's and garages were of modest size. Very few modern vehicles would fit in this garage, which the applicant uses as a utility shed. It was also observed that numerous neighbors are utilizing their historic garages in a similar manner. Therefore it can be reasoned that requesting an Area Variance in this instance is similar to doing so if a storage shed, not a vehicle parking garage, were to be located closer than 12 feet away from the new rear porch.

The attached photographs clearly show that the demolished rear porch was the same location and width as is being proposed for the new porch. However, in offering an enclosed sitting area as well as a rear means of egress from the principal structure to the driveway, the replacement porch must be deeper and therefore closer to the garage. In keeping with the adaptive re-use of an obsolete vehicle garage, and having a reduced risk of fire emanating from such an accessory structure, it is recommended that allowing an area variance in this instance will have no impact on Town planning principals or practices. Further, it was noted that there is no known opposition from neighbors within this particular community in permitting a lesser distance between such structures in the applicant's rear yard area.







Appeal Number: 2020-07

To: Alison Lovely

For your information:

Tax Map Number: 144.14-1-47

Address: 5 Rosebud Court

Anthony DeJulio, the applicant is proposing to construct a 18' X 16' shed in the rear yard. The property is located in an area which is zoned: R-2 Residential District. The required rear setback in this zone is 25 feet. The proposed shed leaves a rear setback of 6 feet. This proposed action requires (1) Area Variance.

1. I had a site visit with Mr. DeJulio on August 20, 2020.
2. Anthony's rear property is bordered by grass and trees next to the Holy Sepulchre Cemetery Road. Since there are no houses directly behind Anthony's rear property line, the 6 feet setback will not present a problem.
3. Anthony plans to use his existing rear patio concrete slab for the base of the shed. He is not going to make any further modifications.
4. The new shed will be in line with existing sheds in the neighborhood.
5. After careful review of this area variance request, based upon sound planning and zoning considerations, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,
Donald H. Panton
Planning Board Member