

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 September 28, 2022

Members:

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

Also Present:

Anna Feltham, Director of Planning
Joseph Slater, Planning Board Attorney
Mike Brown, Planning Engineer
Alison Lovely, Secretary, Planning/Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

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

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

RYSEDORPH-OLCOTT LANE-MAJOR 27-LOT CLUSTER SUBDIVISION (14-11A)

Chairman Mastin stated that Fred Mastroianni who is the Town's Designated Engineer for this project is present. Fred Mastroianni stated that he was present for the construction phase of the project & conducted inspections. Chairman Mastin asked Anna Feltham to give the board a brief overview regarding the recommendation for infrastructure. Anna Feltham stated that the Planning Board needs to give the Town Board a recommendation on the infrastructure. Anna Feltham stated this project was last before the Board in February at which point there were some outstanding drainage issues that a resident who was present at that meeting spoke about. Anna Feltham stated the residents concern has been addressed, addressing the drainage issue was the hold up along with some other outstanding items. Chairman Mastin asked Fred Mastroianni to speak on how those issues were addressed. Fred Mastroianni stated that there was a ditch that was installed behind the resident's property that wasn't deep enough to handle larger rain events. Fred Mastroianni stated that they had the engineer who designed it, dig it about a foot deeper and place an erosion control mat on the bottom of it. Chairman Mastin asked about the pipe along Rt. 151 he saw in a picture today. Fred Mastroianni stated that was a steeper ditch of some type, so he recommended that the engineer install a perforated pipe filled with stone to increase drainage. There was also an issue with the detention pond in the rear of the site, it was overgrown and has since been cleared and a vacuum truck cleaned out all the catch basins as they had silt in them. Chairman Mastin stated that the Planning Board would need to make a recommendation to the Town Board on the infrastructure improvements at which point stormwater maintenance would be the responsibility of the Town. Fred Mastroianni replied everything but the ditch in the back of the residents property, as there is no easement on those private properties for the Town to maintain the ditch, so it would be the responsibility of the home owners.

Chairman Mastin asked if the Board had any questions.

•Robert Jucha asked if the overgrown vegetation had been taken care of. Anna Feltham stated it has and that was in the email that was forwarded to the Board earlier today from Hodorowski Homes.

Fred Mastroianni stated that he hasn't received any comments from the residents so he believes the issues have been addressed.

A resident spoke and stated that there is still a water problem on their property, which is on the corner of Olcott and Rysedorph and stated that the water pools on their front yard and doesn't drain. Also the ditch behind their property keeps eroding every time it rains. Chairman Mastin asked if they have provided written comments to the Town. Another resident spoke and stated that the way they left it was that Kevin Hitchcock had come out and stated that the engineer would have to re-pipe it or add a small basin. Chairman Mastin asked Fred or Anna if they had heard about this and they stated they had not.

Chairman Mastin stated that they won't take any action and will have the engineer meet the residents out on site.

IMMANUEL CHURCH-4 ONDERDONK AVENUE-MAJOR SITE PLAN (20-18)

Steve Hart from Hart Engineering presented an update to the Board. Steve Hart stated that the plan in front of the Board hasn't changed much over the past few months. Steve Hart stated that they have been addressing all the technical comments. They had been waiting for feedback by SHPO, DOT, County Health and all of those letters have been provided to the Planning Department and they're just waiting for any final comments the Board may have.

Chairman Mastin asked Anna Feltham if everything has been submitted and the Town's Designated Engineer, Stantec is comfortable with this. Anna Feltham stated that they received a two page final comment letter from the TDE. Anna Feltham stated the only comment is from SHPO that they want an additional review of the final architectural details once the final building plans are submitted.

Chairman Mastin asked if they knew why. Steve Hart stated that the white house up in the front of the site is from the 1800's and SHPO is curious about the view from that house.

Chairman Mastin asked if the Board had any questions.

- John Conway asked Steve Hart to review the traffic flow through the site & if DOT is ok with the access. Steve Hart went over the traffic flow on the site plan and stated that DOT is good with the access.

- Chris Horne asked if the access road is one way. Steve Hart stated that it is, one way from Onderdonk into and through the site.

Anna Feltham stated that the Town requested a 34' x 40' foot easement for the Town to turn around at the end of Onderdonk Avenue at the access road point.

- Robert Jucha asked if the easement area will be paved. Steve Hart stated the intention was that area would just be crusher run.

- Don Panton asked if the Town would plow the access road. Steve Hart stated that the access road would be privately maintained by the church.

- John Conway stated he knows sidewalks were discussed at one point. Steve Hart stated that there are no sidewalks proposed along the highway but there will be sidewalks around the church and to the overflow lot if it's constructed in the future and the plans do reflect that.

Chairman Mastin asked if the Board has any further comments or concerns. The Board had none.

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS**, the East Greenbush Town Planning Board ("Planning Board") is in receipt of an application for a major site plan and lot line adjustment by 4 Onderdonk LLC ("Owner") and Hart Engineering, authorized representative of the Owner to construct an approximately 12,000 square foot building, dependent on funding, at minimum to construct a 9,600 square foot building, for use as a church and related improvements ("the Project") located at 4 Onderdonk Ave., Town of East Greenbush, New York. Tax Parcel No. SBL: 155.17-16.1; and

WHEREAS, the project is an unlisted action under the State Environmental Quality Review Act and the Town Board declared itself lead agency for the review of the project on October 20, 2021; and

WHEREAS, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Immanuel Church” 17 sheets in total as prepared by Hart Engineering dated January 1, 2022 most recently revised August 24, 2022; and

WHEREAS, the Planning Board has also review the Long EAF and accompanying correspondence and reports addressing potential environmental impacts of the project; and

WHEREAS, the Town Board did conduct a public hearing on August 10, 2022 on said major site plan, at which time members of the public were invited to speak either in favor of, or in opposition to this application; and

WHEREAS, the Planning Board has carefully considered the comments of and recommendation of its Town Designated Engineer, Stantec, as well as the responses to those comments and recommendations provided by the Applicant;

now, therefore, be it

RESOLVED, that the Town Planning Board hereby recommends that the Town Board issue a negative declaration finding that the proposed application for major site plan application and lot line adjustment for the Project will not result in any significant adverse environmental impacts;

and be it further

RESOLVED, that the Town Planning Board hereby recommends that the Town Board approve the major site plan application as set forth in the Site Plans entitled, “Immanuel Church” 17 sheets in total as prepared by Hart Engineering dated January 1, 2022 most recently revised August 24, 2022, subject to the following conditions:

1. Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town’s Planning and Zoning Department.
2. The applicant has stated that the Town will have an access easement across the whole parcel for the Town to perform stormwater practice inspections and/or maintenance if the Town deems the owner to be negligent of maintenance responsibilities. The easements shall be provided to the Town Attorney for review and approval prior to issuance of a building permit.
3. The Onderdonk Ave driveway or ‘hammerhead’ measuring 34’ x 40’ easement shall be provided and approved by the Town Attorney prior to issuance of a building permit.
4. Prior to issuance of a building permit, final review and sign off from New York State Parks, Recreation & Historic Preservation (“SHPO”) is required to be provided to the Town’s Planning and Zoning Department. SHPO’s review letter, dated September 14, 2022, determined that the project will have No Adverse Impact on historic resources with the condition that the Division for Historic Preservation and Office of Parks, Recreation and Historic Preservation have another chance to review the project when architectural details become available.
5. Prior to issuance of a building permit, all remaining fees and escrow must be paid to the Town, including land development mitigation fees required in connection with the Western East

Greenbush Generic Environmental Impact Statement (GEIS) as detail in the GEIS fee statement provided by the Town.

6. The plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.
7. A Town of East Greenbush Department of Public Works highway work permit must be obtained for all work within the Town's right-of-way.
8. A Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, must be obtained for any work involving connection to the Town's sanitary and/or water supply systems.
9. The Town Department of Public Works (DPW) has reviewed the layout of the large diameter water service. Any adjustments to the diameter of this water service shall be coordinated with the DPW and request as part of the water service application.
10. A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way.
11. Construction access shall be through the new driveway entrance located on Columbia Turnpike. Construction access through Onderdonk Ave shall be restricted to local work being performed in this area.
12. Site development must be in accordance with USFWS and NYSDEC guidelines for the conservation and protection of the northern long eared bat, including time-of-year restrictions for the removal of trees between April 1 and October 31.
13. Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.
14. Prior to issuance of a Certificate of Occupancy, the property owner or 4 Onderdonk LLC must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.
15. The overflow parking area shall not be constructed without obtaining an additional building permit with justification to disturb this area. Future disturbance will require additional erosion and sediment controls.
16. Areas shown to be dedicated to adjacent landowners are option to the adjoining residents. If these residents do not wish to obtain the additional lands as shown on plan sheet X020, the lands shall remain within the bounds of the existing parcel boundary.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

NEW BUSINESS:

REGENERON-26 TECH VALLEY DRIVE-MINOR SITE PLAN MODIFICATION (19-26A)

Steve Hart stated that Regeneron has an existing area for mechanical equipment and is proposing a 78' x 16' area for chillers and air handlers. Chairman Mastin asked if there would be a fence. Steve Hart stated that they're not proposing any fencing or landscaping. Steve Hart stated that they are proposing a dozen bollards out in front of the area.

•Ralph Viola asked if there is a visual impact from any other building in the area. Steve Hart stated there isn't as this area abuts I-90.

•Robert Jucha asked what is in that area now. Steve Hart stated that there is some equipment. Chairman Mastin asked if the Board has any further comments or concerns. The Board had none.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities", and grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering and dated 6/2/2022 subject to the following:**

- Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department; and
- All remaining fees are paid to the Town.

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

FORTY IROQUOIS LLC.-40 IROQUOIS PLACE-MINOR SITE PLAN MODIFICATION

(22-11A)

Steve Hart from Hart Engineering was present as well as the property owner Nancy Kupiec. Steve Hart stated that the applicant is proposing a 30' x 26' single story garage & pickle ball courts with 12 parking spaces on a lot of crushed stone. The pickle ball courts will be used for 9 months of the year with no playing from January through March.

•Chris Horne asked if the pickle ball courts will be open to the public. Nancy Kupiec stated that there will be a fee to pay for the courts.

•Ralph Viola asked if the parking spaces on the side of the driveway will be paved & if the existing trees will be removed. Steve Hart stated that is correct.

•Ralph Viola also stated that with four pickle ball courts, he thinks she will need a minimum of 16 parking spaces if everyone drove on their own, but there are only 12 parking spaces and he's wondering why there are only 12. Nancy Kupiec stated she feels there will be some overflow parking on the driveway near the garage and she could always expand but she stated they could add more. Steve Hart stated that they can put it on the plan to get approval for it, if they happen to need more parking in the future.

Steve Hart asked if there was anything in regards with the solar. Anna Feltham stated that roof mounted would be an easier (i.e. shorter) review process then free standing which will need some landscaping and a Special Use Permit.

Chairman Mastin asked if the Board has any further comments or concerns. The Board had none.

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

- 1. Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(9) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”, and grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering dated 5/16/22, most recently revised September 6, 2022;**
- 2. Accepts the sketch plan prepared by Hart Engineering dated 5/16/22, most recently revised September 6, 2022.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby schedules a Public Hearing related to the proposed Special Use Permit for October 12, 2022 at the East Greenbush Town Hall at 7:00PM.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

PAPA BRILLOS-9 TROY ROAD-MINOR SITE PLAN MODIFICATION (22-15)

Jeff Puppulo restaurant owner and Robert Engel, design consultant were present. Jeff Puppulo stated that he is leasing the old Friendly's building, keeping the same footprint and not making any exterior changes. This is a family run business which he got involved in when he was 13, there were 6 locations in Massachusetts and Rhode Island. Jeff Puppulo stated that next year he'd like to propose some outdoor seating. Chairman Mastin stated there were no true changes on the exterior. The intent in having the applicant come in is to update some of the items outside that are in disrepair.

Chairman Mastin asked if the Board had any questions.

- John Conway asked if he had an existing building in Pittstown. Jeff Puppulo stated that's correct.
- John Conway asked if there would be any access to the bike path & asked what the bump out room would be used for. Jeff Puppulo stated that they would be creating a path to his restaurant and that would be the vestibule to enter the restaurant.
- Kurt Bergmann asked if the main entrance would be on the side. Jeff Puppulo stated that is correct, he doesn't like the location of the front door.
- Ralph Viola asked what the seating capacity is. Jeff Puppulo stated that there would be 17 tables & 15 bar stools. Ralph Viola asked if he has a liquor license. Jeff Puppulo stated that he's working on it.
- Chris Horne asked if there would be a takeout component to this restaurant. Jeff Puppulo stated that yes, in the vestibule area there will be a takeout window.
- Robert Jucha asked if there would be any parking spaces designated for takeout & also will there be an area and rack to store bikes. Jeff Puppulo stated that yes on the same side of the building and designated for takeout. Jeff Puppulo stated he hadn't thought about bike storage but he'll do something.

- Chris Horne asked what his timing was. Jeff Puppolo stated that he's hoping to open by the end of November.
- Ralph Viola stated that the only concern would be to install a crosswalk or some type of stripping where he anticipates the people on bikes entering the site. Jeff Puppolo stated that he will. Chairman Mastin asked Anna Feltham to make a note of the crosswalk. Anna Feltham also wanted to mention to the applicant that outdoor seating might require a special permit use so to keep that in mind. Chairman Mastin asked if the Board has any further comments or concerns. The Board had none.
- Robert Jucha asked about grease traps. Jeff Puppolo stated that they have been checked.

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

- 1. Classifies this action as a Type II SEQR action in accordance with 6 CRR-NY 617.5 Type II Actions (C)(18) "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance"; and**
- 2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the revised site plan prepared by FRIENDLY ICE CREAM CORPORATION dated June 30, 1983, and subject to the following conditions:**
 - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department
 - All remaining fees are paid to the Town.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

TARGET-625 THIRD AVENUE EXTENSION-MINOR PDD AMENDMENT (22-16)

Garrett Horwath from Kimley Horn Engineers was present, representing Target. Garrett Horwath stated that Target is proposing 8 permanent storage containers on site with two located at the rear of the building, and 6 along the side near the truck aisles. Garrett Horwath stated that it essentially avoids all conflicts with nearby utility manholes and trucks are still able to navigate the site with the placement of the containers. Garrett Horwath stated that the purpose of the containers is to support the operations of the store and house any overflow inventory and seasonal items.

Chairman Mastin asked how these compare with the conex type boxes. Garrett Horwath stated that they are about the same thing, they are standard shipping containers about 8' x 40'.

Chairman Mastin stated that he personally is not a fan of them, especially making them permanent.

•Robert Jucha commented that it's an eyesore when you drive by now.

Chairman Mastin asked what the opposition is to building a structure versus a conex box or have they not thought about that. Garrett Horwath stated that he doesn't believe they've thought about that, he thinks they're thinking of a more affordable solution for their storage issues to support their operations.

•Ralph Viola stated that one thing that's upsetting is Target came before the Board for pickup spots and the Board had talked about a crosswalk with a caution device to designate where the customer service people were supposed to take the products to the customers. This was approved about year ago and nothing has been installed yet. Plus the online pick up was already in place before the store came in for approval. Also, the conex boxes have already been on the site for at least two to two and a half years and they are a terrible eyesore. Target needs to be cleaned up and also ask when they anticipate putting in the crosswalk with caution device.

Chairman Mastin stated that as part of former approval, the Board was flexible in Target's operation for pickup but for this proposal he's not a fan of approving these conex boxes as a long term solution.

- Kurt Bergmann asked how many containers will there be. Chairman Mastin stated 8.

- John Conway stated that he agrees with Chairman Mastin that these storage boxes that are temporary but now they want to be made permanent.

- Robert Jucha asked about snow overflow. Where will that go and the trucks backing in and out.

Anna Feltham stated that just an idea, that similarly to when the Board approved the temporary office trailers for Regeneron, the Board could do a one year or three year conditional approval and then Target would come back before the Board.

- Ralph Viola stated it's not like the boxes aren't there and Target is asking to put them there, they have been there. Those boxes have been there for at least two years. Chairman Mastin stated that maybe the ones in the front, but the ones in the back have been there for a lot longer.

- Ralph Viola stated that he feels that the containers should be removed permanently.

Chairman Mastin stated his recommendation is that the Board doesn't take any action on this tonight.

Chairman Mastin asked Garrett Horwath to go back to whomever he's dealing with at Target and provide the feedback that the Board would like a more permanent structure as opposed to the temporary containers.

Garrett Horwath asked if going back to the conditional approval is something that the Board is open to.

Chairman Mastin stated no, that these were more like office trailers that were temporary until construction was complete and then there was an end point.

Garrett Horwath stated what about the two behind the building. Ralph Viola stated that it's a fire lane back there so there are many reasons why you wouldn't want containers up against the building.

- Chris Horne asked what the size of the containers were. Garrett Horwath stated that they are 8' x 40'.

Chairman Mastin recommended that Garrett go back and get feedback from Target and see what direction they want to go.

NEW ZBA REFERRALS:

NONE

NEW ZBA REPORTS:

ZBA Appeal #2022-08-Regeneron-81 Columbia Turnpike-Area Variance-Elevator Height-
report by Matt Mastin

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

A motion was made by Chairman Mastin as follows: **The Planning Board makes a positive recommendation for approval of the area variance for height. * See attached report for further details.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

ZBA Appeal #2022-09-Gregware-10 Kitty Court-2 Area Variances-Rear setbacks for deck & garage with a report by John Conway Jr.

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

A motion was made by Chairman Mastin as follows: **The Planning Board makes a positive recommendation for both variances based on the report submitted today by John Conway.**

*** See attached report for further details.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the September 14, 2022 meeting minutes. Seconded by John Conway. Motion carried by a 7-0 vote.

Chairman Mastin stated that the one thing to touch on quick is that Mr. Jucha went above and beyond and measured out the distance for the gas station proposal which prevents gas stations being within 1,200 feet of one another. Mr. Jucha measured with a wheel and got about 780-790 feet. He measured from the Stewarts property line to the property line where the two parcels will be combined for the proposed gas station.

Anna Feltham stated that the next Zoning Update Committee will meet again on October 3, 2022 at 6:30 pm.

CLOSING:

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

Respectfully Submitted

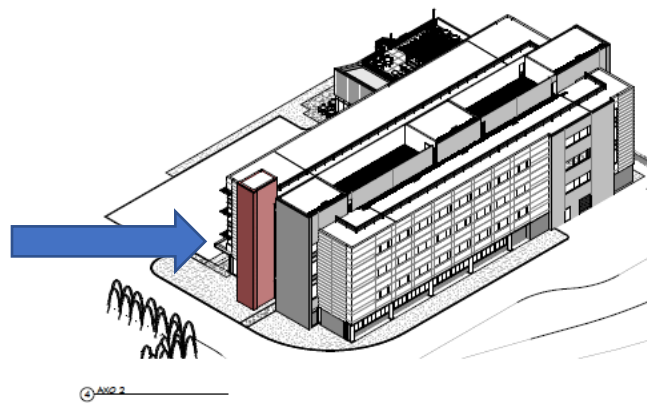
Alison Lovely

Alison Lovely, Planning Secretary

September 26th, 2022

RE: Area Variance Application
Regeneron Pharmaceuticals, Inc
81 Columbia Turnpike – Building 16

The applicant is proposing to build an elevator shaft located at 81 Columbia Turnpike (Tax Map #155.-1-4.122) in the Town's Corporate Office/Light Industrial District (OI). The proposed structure is 14' x 12' and 69' in height. The proposed structure would be built as an addition to the existing Building 16 on the Regeneron Pharmaceuticals, Inc. campus.



The parcel is 14.1 acres and currently consists of two buildings, Building 16 and Building 40. This parcel is adjacent to three other parcels containing buildings owned and operated by Regeneron Pharmaceuticals, Inc. The applicant is seeking relief from the 50' height requirements in Section 2.7.6.E of the Town's Comprehensive Zoning Law. The height of the elevator shaft is necessary to provide roof access to perform maintenance tasks on HVAC equipment and accommodate the elevator machine room.



I visited the site on Sunday, September 25th but did not meet with anyone. I spoke with the applicant's representative, Steve Hart P.E., by phone on Monday, September 26th. I drove along town roads with vantage points of the campus on Monday, September 26th.

In regard to the height requirement and from a planning perspective, the proposal is consistent with the existing Building 16 structure. In review of the application, I've made the following observations:

- Building 16 is four stories and 55' in height to the parapet wall at the roof level.
- Building 16 has a maximum existing height of 65 ½' to the top of an egress stair tower.
- This request represents a variance of 3 ½' in height from the existing structure.
- The proposed elevator shaft will be blocked from view on discovery drive by the existing 65 ½' egress stair tower.
- No part of Building 16, including the 65 ½' egress stair tower, is visible from a higher elevation on Columbia Turnpike to the Southeast



- No part of Building 16, including the 65 ½' egress stair tower, is visible from a lower elevation on Columbia Turnpike to the Northwest.
- Disapproval of the area variance would result in the use of construction equipment to lift material and personnel to the roof level for frequent maintenance functions. This condition is less safe and not appealing aesthetically.

Based on my review of the area variance application for relief from 50' height requirement, the structure will not have an adverse impact on the neighborhood. The proposed construction is consistent with the existing building and meets the character of the zoning district and the adjacent parcels within the district.

The Planning Board thereby gives a positive recommendation on both area variance applications from a planning perspective.

Matt Mastin

Matt Mastin
Chairman
East Greenbush Planning Board

Supplemental Report

To: Matt Mastin, Chairman, Planning Board

From: John Conway

Re: 10 Kitty Court - Gregware Property – Zoning Board of Appeals (2022-09)

Date: September 26, 2022

I met with the owner of the property at 10 Kitty Court and his son on the afternoon of September 22, 2022. The owner proposes to expand an existing second story deck and construct a 36' x 40' attached garage. The property in question is located within a residential buffer (RB) zone that requires a 30' rear setback. The proposed deck expansion would come within 22.4 feet of the property line, the new garage would come within 13.3 feet, as seen in Figure 1 below. The owner has accordingly applied for two variances. The irregular shape of the lot creates particular problems in terms of required setbacks, as the buildable area narrows east of the existing house.

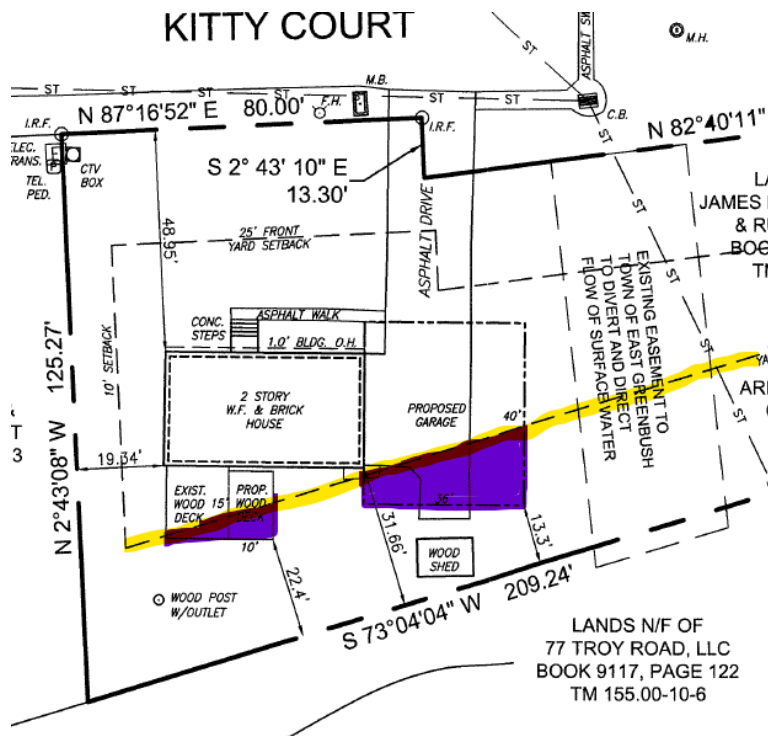


Figure 1

The proposed new garage would be a single-story structure with a pitched roof that would attach to the east side of the house. It would extend 7.5' beyond the front and beyond the back

footprint of the existing house. There is currently a two-car garage within the footprint of the two-story house. That space would remain a garage space accessible through the new attached garage, though the owner intends to use one of the bays as a workshop. The proposed addition would be capable of holding four additional cars. The entrance to the proposed garage would face Kitty Court, nearly in line with Kitty Lane. Figure 2, below, shows the location of the existing driveway in relation to Kitty Lane. The new driveway would be in approximately the same location.



Figure 2

Figure 3, below, shows show the rear of the property as it now exists. The stake in the lower right of the photo shown with a pink ribbon marks one corner of the property. The rear property line runs from there to within a foot or two of the (non-complying) wooden shed.

As can be seen, on the other (right) side of this property line, there is a strip of lawn roughly ten to fifteen feet wide. Beyond that, there is a sharp drop into a ravine that is heavily wooded. This land is part of the property owned by 77 Troy Road LLC. That property is on Troy Road (Route 4) and in a B-1 business district. It contains a building that houses a number of offices and a nursery school. Figure 4 shows the ravine from the parking lot of 77 Troy Road.

Given the location and nature of ravine, it seems unlikely that there would be any substantial development any closer to the rear of 10 Kitty Court.



Figure 3



Figure 4

I spoke to a neighbor across Kitty Court, she expressed support for the project. I also spoke the nearest neighbor on Kitty Lane (via Ring doorbell). He was very interested in the project. He too expressed support for the project as it is currently described including an attached garage. He noted however that if it were changed to a detached garage, as had been considered by the property owner, he would need to see more details.

From a planning perspective the incursion of the deck into the rear setback, probably less than 50 square feet, seems minimal. The proposed attached garage is relatively large at 1,440 square feet, but there appears to be ample space on the 0.437-acre lot. The proposed attached garage would cover an area which is now paved – to a great extent. So, there would not be a significant increase in impermeable surface.

It appears that the steep-walled ravine on the neighboring property serves in effect, as a constraint on future development of the adjacent 77 Troy Road. It is likely that proposed attached garage will not impact any neighboring properties.

I recommend that this case be forwarded to the Zoning Board of Appeals with a positive recommendation.