

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 23, 2017

Members:

Matt Mastin, Chairman
Matt Polsinello
Jim Moore
Mike Bottillo
Ralph Viola

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney
Donna Moran, Court Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Jim Giordano and Paul DiMascio were absent.

PUBLIC HEARINGS:

LAHTI-FARM/MICHAEL ROAD-MINOR 2-LOT SUBDIVISION

(17-14)

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 Samskid LLC. for a Minor 2- Lot Subdivision called the "Samskid LLC. Minor 2-lot Subdivision". Lot 1 consists of 6.15 +/- acres. Lot 2 consists of 38.72 +/- acres, the remaining lands. The property is located on Michael Road & Farm Road in the R-B, Residential Buffer Zoning District, Tax Map # 167.-1-6.11. Said Public Hearing will be held on Wednesday, August 23, 2017 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 of Hart Engineering presented the proposal to the Board on behalf of SAMSKID LLC/Gary Lahti. Steve Hart stated that the lot consists of 45 acres and fronts on Michael & Farm Road and is located within the R-B Zoning District. Lot #1 is proposed to consist of 6.15 +/- acres and Lot #2 is proposed to consist of 38.72 +/- acres, the remaining lands. Both lots would be serviced with wells & septic's and both are flag lots therefore both lots would have double frontages and setbacks. Chairman Mastin asked the Board if anyone had any questions. There were none. Chairman Mastin asked if there was anyone in the public that was in favor of or opposition to the proposed minor 2-lot Subdivision. There were none.

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

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola -YES.

MOTION CARRIED BY A 5-0 VOTE

**GREENBUSH REFORMED CHURCH-680/682 COL. TRPK-MINOR 3-LOT SUBDIVISION
(17-15)**

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 Greenbush Reformed Church for a Minor 3- Lot Subdivision called the "Greenbush Reformed Church Minor 3-lot Subdivision". Lot 1 consists of 1.64 +/- acres, which is the parcel of the Greenbush Reformed Church. Lot 2 consists of 15,135 sq. ft., and has a two story single family dwelling on it. Lot 3 consists of 11,755 sq. ft., and has a two story concrete block building on it. The property is located at 680-682 Columbia Turnpike, located in the Personal/Professional District (PPB) & Residential (R-1A) Zoning District, Tax Map #'s 177.08-4-3.2 & 178.08-4-4. Said Public Hearing will be held on Wednesday, August 23, 2017 at 7:15 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

Frank Palumbo of CT Male stated that the lot consists of 2.26 acres and that the property is split between two zoning districts. The church is situated in the R-1A zoning district and the two structures (Houses) are located in the PPB zone. The applicant is requesting waivers for frontages and lot sizes. The church wants to sell the two residential lots which were once referred to as the parsonage and the working house. Chairman Mastin asked if there was anyone present to speak in favor of or opposition to. There was no one present to speak in favor or opposition. Chairman Mastin asked if any of the Board members had any questions. There were none.

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

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

LAHTI-FARM/MICHAEL ROAD-MINOR 2-LOT SUBDIVISION

(17-14)

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 issues a Negative Declaration under SEQRA.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –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:**

- **Satisfying outstanding technical details as determined by the Town Planning Department; and**
- **All remaining fees are paid to the Town.**
- **Flag Lots can only consist of one single family residence.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

GREENBUSH REFORMED CHURCH-680/682 COL. TRPK-MINOR 3-LOT SUBDIVISION (17-15)

Frank Palumbo of CT Male presented the Board with two scenarios of what the applicant would like to do. Frank stated that the applicant cannot do anything without waivers or variances as this property is a unique situation. Chairman Mastin asked the Board if anyone had any questions.

●Ralph Viola stated that the applicant needs to adhere to all the codes, laws, etc. He would like to see the driveway eliminated and added to the proposed lot #3, this would make the one frontage close to 100'.

●Joe Slater asked if the driveway on lot #3 could accommodate two cars driving next to one another. Frank stated probably not.

●Chairman Mastin stated that he is struggling as the Board has given recommendations to the applicant and they refuse to bend.

●Jim Moore stated that he feels the most critical issue and greatest improvement would be to eliminate the curb cut onto 9 & 20 from the church.

●Matt Polsinello stated that he agrees with Jim Moore.

Frank stated that the church would be willing to give up access but wants to retain the land.

●Ralph Viola asked would the applicant be willing to give up the strip of land to 9 & 20 and retain the parking area. Frank stated that he will talk to the applicant and come up with plans as well as adjust the line near the garage.

After some discussion, the Board members decided that no decision would be made tonight and that this project should come back in front of the Project Review Team on August 28th.

TOWN CENTER PDD/MAJOR SITE PLAN-COLUMBIA TURNPIKE **(17-19)**

Steve Hart of Hart Engineering and Tyler Culberson of the Witbeck family were both present. Steve stated that two weeks ago they had an informal presentation with the Town Board and the Town Board has since accepted the application for the PDD. Chairman Mastin stated that the Board could accept the sketch plan tonight and recommend that the Town Board declare their intent to seek lead agency. Steve Hart stated that the parcel is a 35 acre lot and 12,800 square feet of commercial space and 300 multifamily residential units are proposed. Water & Sewer are accessible at Columbia Turnpike and also the main sewer trunk is in the rear of the proposed site. The applicant proposes a 50' buffer to the residence along Jefferson Ave & Parkview Drive. Some type of connection would be made to Jefferson Avenue, maybe emergency access only with room for pedestrian access with a future possible cross lot connection. Chairman Mastin asked the Board if anyone had any questions. He stated by asking if the tan lines on the roads were sidewalk & if the future pad was included in the PDD. Steve Hart stated yes to both but the future pad has no intended use at this time. The project would be built in phases with the first phase consisting of buildings A & B.

- Ralph Viola asked if the developer owned property in order to loop onto Eckmann Place. Tyler Culberson stated that they could possibly connect to it with a bike path but it's too steep for a road.
- Jim Moore asked if it could support a full access roadway. Tyler stated just a bike path or pedestrian trail. Chairman Mastin stated that they would get input at the public hearing.
- Matt Polsinello asked about the greenspace in section E, and if it could be made larger. Matt pointed out the access point at the clubhouse and that if something happened there, there is no other way out of the development.
- Jim Moore asked if the boulevard entrance into the site could be made larger for plantings, and if near building A-eliminate that access and wondered if they would looking into how to get the sidewalk access back to the buildings in area E.
- Joe Slater asked if a market analysis had been submitted as well as a traffic study. Tyler stated that the traffic study was and the market analysis should be available next week. Chairman Mastin asked about amenities. Tyler stated that there would be an access point to the back of Hannaford Plaza to Gilligan Road. Chairman Mastin asked if there was anything else. There were no more comments.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated 7/12/17, prepared by Hart Engineering for the proposed major site plan.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review and that the determine the proposed project as an Type 1 Action under SEQRA.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

MICHAELS AUTO PLAZA-601/603 COL. TRPK.-MINOR SITE PLAN MOD. (12-02b)

Steve Hart from Hart Engineering and Don Zee, the attorney for the applicant were both present. Steve stated that the landscaping has been placed in all the areas that it was required. Chairman Mastin stated that the striping hasn't been done yet for the car display areas. Ralph Viola asked if the curbing could be raised up or something to prevent cars/trucks from being driven into the mulched areas, he would like to see something done. Also, the frontage along Iroquois Avenue is un-kept; maybe some screening or shrubbery could be planted there. Jim Moore asked if there was anything proposed for the light green area on the plan, he said he feels it would be a line of site issue. Steve Hart stated that it's 15' off the roadway; he can meet with Blake Buckner of NYSDOT.

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 with/without the following conditions:**

- Applicant shall clearly stripe the front parking lot in accordance with the site plan
- No cars are to be parked in the front of the site unless in a clearly designated parking space, as set forth in the site plan.
- There shall be no cars parked in the front of the site in deviation from the approved site plan.
- Aisle ways are to remain clear in between vehicles throughout the site. As such vehicles are to be parked allowing clear access by the Fire Department throughout the site.
- No triple stacked parking of vehicles at the curb.
- No parking vehicles on the islands.
- Add rock scape & additional landscaping to the south west corner in a manner that prohibits parking on island in accordance with NYS DOT approval.

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

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

Matt Polsinello recused himself. Joe Slater stated that the Town Board has the final say in regards to the GEIS fees. Jim Moore also got up and recused himself. Chairman Mastin stated that any recommendation for the waiver of fees is tabled until the September 13, 2017 meeting.

NEW BUSINESS:

HOLY SPIRIT CHURCH-667 COL. TRPK.-MINOR SITE PLAN MOD. (17-18)

Father Joe from Holy Spirit and Kevin Haggerty were both present. Kevin Haggerty stated that installing a new handicapped accessibility ramp & stairs & removing what exists. Tearing down existing garage and constructing a 675 sq. ft. one story garage in a different location which will still be attached to the parish building.

• Jim Moore asked if there is a provision for not needing a variance in the B-1 zone for the side setback. Kevin Haggerty stated that he spoke with the building department early on and one isn't required. Chairman Mastin asked if there were any other questions. There were none.

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 conditions:**

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

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

HOFFMAN ENTERPRISES-302 COL. TRPK.-MINOR SITE PLAN MOD. (17-20)

Frank Palumbo from CT Male was present along with the business owner, Marty Andrews of Hoffman Enterprises. Frank stated that the proposal is for a 250 square foot addition for storage of supplies for the car wash. A sidewalk will be constructed for access. Frank Palumbo stated that there is no other place to put this addition. The outside will match the current building as close as possible. They are also adding a flag pole.

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 conditions:**

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

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2017-19-Garcia-40 Robin Lane-3 Area Variances - Proposes construction of a 20' x 30' detached accessory structure in their side yard -assigned to Jim Moore

Jim Moore stated that he visited the property and spoke with the applicant. The application wants to replace two existing sheds, once 10' x12' and one 10' x16' with a 20' x 30' structure. Jim stated he also spoke to the neighbor on the side closest to where the structure will be located. They expressed no particular concerns in regards to the proposal. Jim stated that given the size of the structure, which is equal to a garage, it must be emphasized that the use of the structure must be limited to a shed and shall not be modified for use as habitable space or a garage for cars, trucks, or similar motor vehicles. After further discussion from the Board a recommendation for denial is given based on the size of the shed. *See attached report for further details.

MOTION: A motion was made by Jim Moore as follows: **The Town of East Greenbush Planning Board hereby provides a negative recommendation to the Zoning Board to deny the 3 Area Variances for the proposed 20' x 30' accessory structure, but a smaller type structure could be granted that meets the applicant's needs and if granted should be conditioned that it's restricted to non-vehicle use.**

Seconded by Chairman Mastin & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES. R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

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NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the June 14, 2017 meeting minutes as is.
Seconded by Mike Bottillo. Motion carried by a 4-0-1 vote. Matt Polsinello abstained.

Motion by Chairman Mastin to approve the June 28, 2017 meeting minutes as is.
Seconded by Matt Polsinello. Motion carried by a 4-0-1 vote. Chairman Mastin abstained.

Approval of the July 26, 2017 meeting minutes tabled due to quorum issue.

Motion by Chairman Mastin to approve the August 9, 2017 meeting minutes as is.
Seconded by Ralph Viola. Motion carried by a 4-0-1 vote. Mike Bottillo abstained.

ADJOURMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin.
Seconded by Matt Posinello. 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

ZBA Appeal #2017-19: 40 Robin Lane

Applicant/ Owner: Jenny Garcia

Application for 3 Area Variances

Description of the Proposal and Area Variances:

Jenny Garcia submitted an application to replace two pre-existing sheds, one 10'x12' and another 10'x16', with a proposed 20'x30' shed. The proposed shed has a gable roof. On one side of the proposed shed the roof overhangs approximately 5 feet which is will be supported by columns that extend approximately four (4) feet from the longer side of the proposed shed. For clarification of the proposal, a sketch has been included below. The shed configuration shown is based upon information provided to me during my site visit and the plot plan submitted with the application. The front and back sides of the sheds are intended to include a window for front to back ventilation. The side of the shed facing Ms. Garcia's pool is intended to have glass doors spaced between the proposed columns. The opposite side of the shed, facing 42 Robin Lane, is initially intended to have no doors or windows.

Based upon the August 3, 2017 letter from the Town Building Department to Ms. Garcia, the application requires three (3) area variances. The proposed rear yard setback is 5.7 feet – 25 feet is required. The proposed side yard setback is 8 feet – 10 feet is required. Per Section 2.5.D.04.b the proposed shed is required to be located no closer than 12 feet or a distance equal to the height of the shed. The height of the proposed shed is 15 feet and the separation from the house is 12 feet.

I spoke with Ms. Garcia at 40 Robin Lane and Mr. & Mrs. Faas at 42 Robin Lane. Nobody answered the door at 61 Robin Lane.

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

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

1. **This proposal may result in an undesirable change in the character of the neighborhood, but would not be detrimental to nearby properties.** The height of the proposed shed, 15 feet, is lower than the adjacent houses and approximates the height of the adjacent attached garages at 40 and 42 Robin Lane.

Mitigating potential undesirable impacts to the character of the neighborhood, the 20'x30'shed is located at the back side of the lot, significantly setback from the street, which will reduce the shed's visual impact upon the street. In addition, the side yard where the shed is proposed is also uncharacteristically

wide when compared to other lots in the neighborhood. The increased lot width in this location could help accommodate a wider shed. The shed will also be largely concealed from adjacent neighbors back yards by the recently installed solid vinyl fence on the property that is 6 feet tall. No driveway or walkway from the street to the shed is proposed, which also helps to reduce its impact upon the street.

The tradeoff is the size of the shed alone would be unique to the neighborhood and as compared to other accessory buildings in the neighborhood, would be much larger than others. Mr. & Mrs. Faas expressed no particular concerns in regards to the proposal; and

2. **The benefit sought by the applicant cannot be achieved by other methods, feasible for the applicant to pursue, other than an area variance.** In part, the shed is proposed to store the applicant's pool furniture and pool equipment over the winter. It is reasonable to expect the shed will also be used to store yard equipment and other items normally found in residential sheds.

At least a portion of the furniture could be stored in the basement, with remaining items stored in a 10'x12' shed that could comply with the Town's zoning regulations. In this scenario the Applicant would not be able to restore the benefit previously provided by the 2nd pre-existing, 10'x16' shed; and

3. **The requested rear yard area variance is substantial, 25 feet, as compared to the proposed 5.7 feet setback.** The side yard setback is not substantial; and
4. **The proposed variances will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district,** because the shed would be located in the rear of the lot and much of the yard will remain as 'green' space and pervious to rainwater; and
5. **The alleged difficulty is self-created,** but is generally consistent with reasonable site planning principles.

Given that the size of the shed is equal to that of a garage, it is emphasized that the use of the structure must be limited to a shed and shall not be modified for use as habitable space or a garage for cars, trucks, or similar motor vehicles.



End of Report