

# 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 14, 2017

### Members:

Matt Mastin, Chairman  
Mike Bottillo  
Jim Moore  
Ralph Viola

### Also Present:

Joseph Slater, Planning Board Attorney

### CALL TO ORDER / DETERMINATION OF QUORUM

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

### PUBLIC HEARINGS

NONE

### OLD BUSINESS:

NONE

### NEW BUSINESS:

#### REGENERON-3<sup>rd</sup> AVE EXT.-MINOR 3-LOT SUBDIVISION

(15-20a)

Steve Hart of Hart Engineering and Kyle Cherry & Eric Rose from Regeneron was also present. The property is owned by the Capital City Cemetery and consists of approximately 97 acres. Regeneron is looking to purchase approximately 11 acres of land for their access road into the Tempel Lane Regeneron site. The access road cuts the cemetery parcel into two. Lot #1 will consist of approximately 77.5 +/- acres to be retained by the cemetery. Lot #2 will consist of approximately 11 +/- acres and will be combined with the balance of the land on Tempel Lane owned by Regeneron and lot #3 which consists of 9.97 +/- acres and retained by the cemetery. Steve Hart stated the new lots meet the lot size of 5 acres in the OC zoning district. The OC Zone also requires 400' of frontage which Steve Hart stated all lots meet. Lot #3 will be landlocked but an easement will be drawn up to allow the cemetery to access this lot. Joe Slater stated that lot #2 doesn't have the required frontage on Third Ave Ext. Joe Slater stated that he would look into it and check with the Zoning Board attorney to see if an area variance would be required. Kyle Cherry stated that utilities would be run through this access road.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, February 23, 2017, prepared by Maser Consulting P.A. for the proposed 3-lot minor subdivision.**

**Seconded by Mike Bottillo & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola-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 a coordinated review under SEQRA.**

**Seconded by Ralph Viola & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**MOTION:** A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for June 28, 2017 @ the East Greenbush Town Hall @ 7:05 PM.**

**Seconded by Mike Bottillo & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**TNT FIREWORKS-(PLANET FITNESS) 609 COLUMBIA TRPK.-MINOR SITE PLAN MODIFICATION** (17-10)

Robyn Curran from TNT Fireworks was present. She stated they picked this site due to the visibility. They like the double rows of parking as this allows them to put a barrier around them for safety purposes. Chairman Mastin stated that this site concerns him as the parking lot gets a little full. Robyn submitted a letter upon the request of the owner regarding parking.

- Ralph Viola stated he drives by the site every day and doesn't really know of a good time there, when the front parking area isn't crowded. It's definitely going to cause problems for parking.

- Jim Moore stated what about setting the tent up on the side on the grass. Robyn stated that she's afraid sales will suffer and they won't be visible.

Chairman Mastin drew a new location over on the right side of the site closer to Elliot Road and asked if the Board and applicant were satisfied with that location. (Location map in file)

Robyn stated that they've already paid for state permits, paid for the tent and delivery and she has hired workers to man the tent.

- Jim Moore asked how many employee spots are needed. Robyn stated there are two.

- Ralph Viola stated that one of the conditions he wants included in approval is that all signage is on the tent only.

**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:**

1. Tent setup will not occur before June 22, 2017 and shall be removed no later than July 8, 2017.
2. All external signs and advertising not be displayed prior to June 23, 2017 and shall be removed no later than July 5, 2017.
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 24, 2017 to July 8, 2017.



5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.
6. Hours of operation limited to 10am to 10pm.
7. Tent will be constructed as eastern as possible toward Elliot Road as depicted on site plan signed by Chairman Mastin dated 6/14/17.
8. Barriers to be installed at Eastern most curb cut along Columbia Turnpike along the tent.

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

**TNT FIREWORKS-(BIG LOTS) 164 COLUMBIA TRPK.-MINOR SITE PLAN**  
**MODIFICATION** (17-10a)

Robyn Curran from TNT Fireworks was present. As the Board was familiar with this site from years prior, and the site plan was unchanged, there was no discussion regarding this site.

**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:**

1. Tent setup will not occur before June 22, 2017 and shall be removed no later than July 8, 2017.
2. All external signs and advertising not be displayed prior to June 23, 2017 and shall be removed no later than July 5, 2017.
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, 2017 to July 8, 2017.
5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage.
6. Hours of operation limited to 10am to 10pm.

Seconded by Jim Moore & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal #2017-09-Kowalski-45 Louis Drive-Proposal to construct a two car garage with ADA access to the principle dwelling and located in the side yard-assigned to Matt Polsinello**

Matt Polsinello was present but Chairman Mastin read the report that he provided to the Board.

\*see attached report.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby offers a positive recommendation to the Zoning Board of Appeals to grant the Area Variance as requested however special consideration should be given to any input from the neighbor who adjoins the property line that is being encroached upon and screening/buffering may be appropriate to maintain their sense of privacy.**

**Seconded by Ralph Viola & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**ZBA Appeal #2017-10-Greenbush Reformed Church-682 Columbia Trpk.-Proposal to create 2 non-conforming lots for planned subdivision in PPB zone-assigned to Jim Moore**

Jim Moore stated that he visited the Greenbush Reformed Church near the corner of Hayes Road. They own two residential properties. The proposal is to create two non-conforming lots. One residential home was the old Church parsonage and the other was where people visiting the church would stay. The applicant wants to split the two lots for a subdivision. One lot has 100' of frontage and the lot size is 43,560 square feet. The second lot is 15,135 square feet. \*see attached report.

**MOTION:** A motion was made by Jim Moore as follows: **The Town of East Greenbush Planning Board hereby offers a positive recommendation to the Zoning Board of Appeals to grant the two Area Variances based upon the reasons stated in the attached report.**

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

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

**MOTION CARRIED BY A 4-0 VOTE**

**ZBA Appeal #2017-11-O'Reilly's Auto Parts Store-40 Iroquois Place-Proposal to construct a 7,500 sq. ft. Auto Parts Store, 5 Area Variances required for single story building, 2 Front yard setbacks, landscaping & parking within the front yard-assigned to Mike Bottillo**

Mike Bottillo stated that he visited the site and the applicant is looking for 5 Area Variances. Mike stated that he sat down near the site for a bit to watch the traffic. He stated that the back up at Route 4 on Iroquois has back up to the second entrance on Iroquois to True Value. He feels that they don't need two curb cuts; he thinks one should be sufficient. He spoke to customers of True Value and they stated that they would stop coming to True Value if the Auto Store gets built. He believes that if he recommends denial on the first variance it's going to trickle down to the rest of the variances.

\*see attached reports.



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**MOTION:** A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby offers a negative recommendation to the Zoning Board of Appeals to deny the 5 Area Variances based upon the reasons stated in the attached reports.**

**Seconded by Jim Moore & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**NEW ZBA REFERRALS:**

ZBA Appeal #2017-12-Price Chopper-501 Columbia Turnpike-7 Area Variances-Proposal to install (7) additional façade mounted signs totaling 56 square feet-assigned to Mike Bottillo

ZBA Appeal #2017-13-Price Chopper-501 Columbia Turnpike-Area Variance-Proposal to add (3) new tenant panels to existing free standing plaza sign-assigned to Mike Bottillo

**REVIEW AND APPROVAL OF MEETING MINUTES:**

May 24, 2017 meeting minutes tabled.

**ADJOURNMENT:**

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

Respectfully Submitted



Alison Lovely, Planning Secretary

ZBA Appeal  
2017-09  
Kowalski

East Greenbush Planning Board  
Area Variance: Guide for Advisory Opinion

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.**

The Louis Dr. neighborhood is comprised of homes built on large lots with very mature trees separating homes. Most neighbors enjoy private side and rear yards. The potential encroachment towards the neighbor nearest the property line in question would be out of character for the neighborhood. Unfortunately, I was unable to consult with the neighbor in question as they were not home during my site visit.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.**

The lots are topographically challenged and the layout of the home lends itself to the addition being completed as proposed. With that said, it should be determined if there are viable alternatives of building on the opposite side of the home or decreasing the footprint of the proposed addition.

- 3. Whether the requested area variance is substantial.**

The request of about 17+/- feet is not substantial.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The environmental and physical conditions in the neighborhood will not be adversely affected nor impacted. The only concern would be objections to the neighbor most directly impacted.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the area variance.**

The request is being made for a very reasonable reason and will help improve the quality of life for the homeowner/occupants based on their needs. There is a compelling reason for them to move forward with modifying the home to suit their needs.

**Conclusion:**

Based on the site visit and the applicant's proposal I would recommend the zoning board of appeals grant the area variance as requested however special consideration should be given to any input from the neighbor who adjoins the property line that is being encroached upon and screening/buffering may be appropriate to maintain their sense of privacy.

ZBA Appeal #2017-10  
Greenbush Reformed Church

Description:

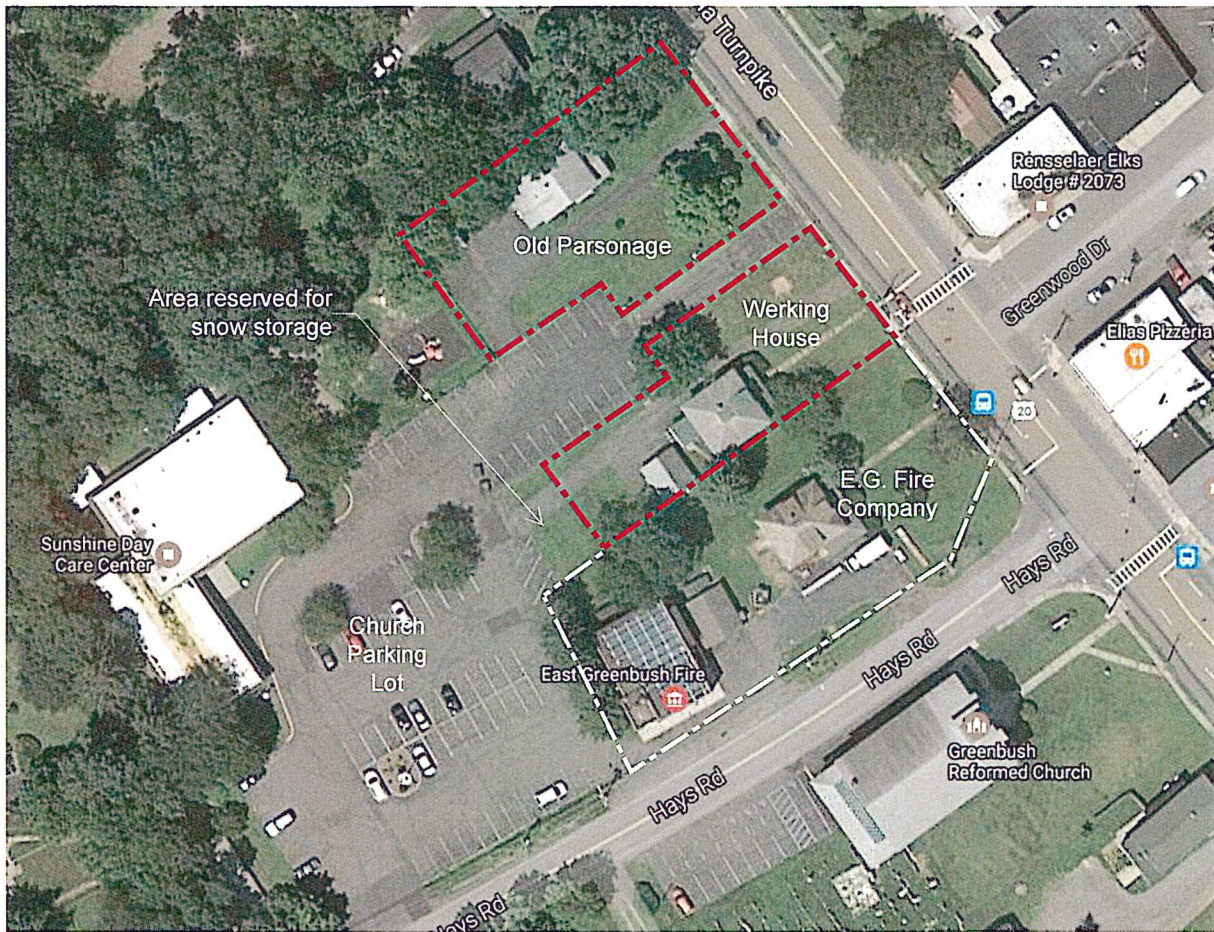
The proposal is to create two non-confirming lots. One at the old Church Parsonage and the other at the Working House. Per Section II 2.7.1 Personal/ Professional District (PPB), the required front yard dimension in the PPB District is 100' and the required lot size is 43,560 square feet. The Working House proposed frontage is 50' and lot area is 11,755 square feet. The Old Parsonage proposed lot area is 15,135 square feet. See the attached 8 ½"x 11" site plan graphic for further clarification.

The planning board recommends approval of the requested area variances, based upon the following assessment of the proposal. In balancing the interest of the applicant and those of the neighborhood or community;

- 1) Granting of the requested area variance for the proposed subdivision will not yield an undesirable change in the character of the neighborhood. The church no longer uses the parsonage for its intended purpose and the building has been reportedly vacant for a 'long time.' The same can be said for the Working House, as the church no longer hosts visiting parishioners or missionaries. In addition, no physical or functional changes are proposed for the property; and
- 2) The benefit sought by the applicant, presumably the potential sale of the two single-family structures, cannot reasonably be achieved by other means. The applicant has sought to maximize the size of each lot, without compromising the operations of its existing parking lot in support of church and school/ daycare functions; and
- 3) The requested area variances are substantial, but do not adversely impact the preexisting character of the neighborhood. No change in the physical character of the neighborhood is proposed. It is possible that the lot for the Working House could be slightly larger than the proposed 11,755 square feet, but maximizing the lot size would still leave the lot substantially undersized and adversely impact snow plowing storage locations within the existing church parking lot. As result, it is felt the proposed lot size is reasonable and effective; and
- 4) The proposed area variances will not have an adverse effect or impact on the physical or environmental condition of the neighborhood or district; and
- 5) The alleged difficulty is self-created, but reflects the operational realities the church is confronted with. It should be considered that the ongoing, potentially long-term vacancy of each of these structures presents a risk of potential adverse impacts to the applicant and the neighborhood. the likelihood that each of these currently habitable structures could fall into disrepair over time, which would adversely impact the neighborhood.

*End of Recommendation*







AREA VARIANCE FOR O’Rielly’s Auto Parts – Parking lot in front yard is not permitted.

I visited O’Rielly’s site on 3 different time and days during the week of June 4<sup>th</sup> and June 10<sup>th</sup>. After visiting the site, I am going to recommend that the zoning board deny the variance for the parking lot in the front of the property.

- 1) Whether the undesirable change will be produced in the character of the neighborhood detriment to nearby properties will be created by the granting of the area variance.
  - a) I believe the 2 curb cuts for the Front parking which are both “IN” and “OUT” will create a backup of traffic in both the O’Rielly parking lot as well as in True Value. As I visited the area at both busy and NOT so busy times of the day traffic already backs up on Iroquois Place for the simple reason that autos are allowed to take left hand turns out of Iroquois onto Rt 4. At certain points in the day, I witnessed traffic back up to the 2<sup>nd</sup> entrance of True Value. This backup occurred when an auto(s) where trying to make a left hand turn off Iroquois onto Rt4, but traffic was already backup on RT 4 because another auto was trying to make a left into Friendly’s. These backups happen often on Iroquois, not just when someone is trying to get into Friendly’s, but with normal busy RT4 traffic. I also talked to customers in True Value parking lot and a few expressed the same concerned about traffic flow as I had witness. The fact the even one True Value customer questioned whether they would even shop at True Value again brings in a major concern that this variance will effect another business. By having the parking lot in the rear of property it and making only 1 curb cut on Iroquois Place it could relieve the stress of traffic on Iroquois.
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - A) The applicant can achieve a method feasible by relocating the parking lot to rear of building, but has not chosen not to consider.
- 3) Whether the requested area variance is substantial.
  - a) The variance is substantial with the issues of locating the parking lot in a front yard of new construction which there are other options.
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.
  - a) The variance will cause an adverse effect on the traffic flow within the neighborhood around that business as well as neighborhoods in Huntswood and Holy Spirt Church neighborhoods trying to travel to RT4 from their homes.

- 5) Whether the alleged difficulty was self-created, which is consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
  - a) The variance IS self-created for the fact that the parking lot can be relocated and the building can be move to the front of the road, but applicant has chosen not to look at that option.



AREA VARIANCE FOR O’Rielly’s Auto Parts – Two story height requirement.

I visited O’Rielly’s site on 3 different time and days during the week of June 4<sup>th</sup> and June 10<sup>th</sup>. After visiting the site, I am going to recommend that the zoning board DENY the variance for Two story height requirement.

- 1) Whether the undesirable change will be produced in the character of the neighborhood detriment to nearby properties will be created by the granting of the area variance.
  - A) The town decided that all new B1 CONSTRUCTION should be have a requirement of 2 stories in that zone. The most current construction over the years, Dunkin Donuts and Kinderhook Back, both meet the requirements of 2 story. The town has had 2 other projects in front of planning board, “OLD WEATHERVANE” site and “OLD TEAGANS”, where those applicants both showed new 2 story construction. O’Rielly did not show the planning board any view of a 2 story building, I believe it is unfair to the applicants that built and will build to meet those requirements and O’Rielly not.
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - A) The applicant can achieve a method feasible by making the effort to constructed a 2 story building, but has not chosen not to consider.
- 3) Whether the requested area variance is substantial.
  - a) The variance is substantial because it is not consistent with new construction in B1.
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.
  - a) The variance will cause an adverse effect overall construction with in the town, due to the fact if the town grants this variance, will it have to continue to ignore the 2 story regulation.
- 5) Whether the alleged difficulty was self-created, which is consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
  - a) The variance IS self-created for the fact that O’Rielly’s chose not to build a 2 story building, but applicant has chosen not to look at that option.

AREA VARIANCE FOR O’Rielly’s Auto Parts –

- Area and Bulk Schedule(2) / Landscaping Design and site Standards

I visited O’Rielly’s site on 3 different time and days during the week of June 4<sup>th</sup> and June 10<sup>th</sup>. After visiting the site, I am going to recommend that the zoning board DENY the 2 variance for Area and Bulk Schedule(2) and (1) for Landscaping Design. I will lump all three together, due to the fact I believe that if the parking lot was located behind the building and the building move, these 3 variance would not be needed. O’Rielly had decided to not present any other site options except for the one presented to the board.

- 1) Whether the undesirable change will be produced in the character of the neighborhood detriment to nearby properties will be created by the granting of the area variance.
  - A) The building being move back off the road is not consist with new construction and Changes the character of what the town wants in new construction.
- 1) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - A) The applicant can achieve a method feasible by making the effort to constructed the parking lot in rear and move the building up, but has not chosen not to consider.
- 2) Whether the requested area variance is substantial.
  - a) The variance is substantial because it is not consistent with new construction in B1.
- 3) Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.
  - a) The variance will cause an adverse effect overall construction with in the town, due to the fact if the town grants this variance, will it have to continue to ignore the front parking lot construction.
- 4) Whether the alleged difficulty was self-created, which is consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
  - a) The variance IS self-created for the fact that O’Rielly’s chose not to put the parking lot in rear, all the other variance would not be needed, but applicant has chosen not to look at that option.