

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
MARCH 22, 2017

Members:

Matt Mastin, Chairman
Matt Polsinello
Mike Bottillo
Jim Moore

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

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

PUBLIC HEARING:

HARTLAND ASSOCIATES-RIDGE ROAD-MINOR 4-LOT SUBDIVISION (16-19)

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 Hartland Associates for a Minor 4- Lot Subdivision called the "Hartland Associates Minor 4-lot Subdivision". Lot 1 consists of 4.95 +/- acres. Lot 2 consists of 3.72 +/- acres. Lot 3 consists of 3.88 +/- acres. Lot 4 consists of 5.46 +/- acres. The property is located in the R-B, Residential Buffer Zoning District, Tax Map # 177.-2-1.11. Said Public Hearing will be held on Wednesday, March 22, 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 stated this is a four lot subdivision. Three of the lots have 200' of frontage and one lot is a flag lot with frontage that has been increased to 100' to increase the site distance. Steve stated that the plans are noted that setbacks have been doubled. The parcel consists of 18 acres and is located on the east side of Ridge Road. The lots will be serviced with wells and septic.

Chairman Mastin asked if anyone had any comments regarding the proposal. There were none. Chairman Mastin asked the Board if they had any comments.

Chairman Mastin stated that the Board cannot approved the subdivision tonight as the plans have not been noted with the 30% undisturbed natural area as required by the Town's Zoning Code, Section 2.6.3.

OLD BUSINESS:

HARTLAND ASSOCIATES-RIDGE ROAD-MINOR 4-LOT SUBDIVISION (16-19)

This project was tabled.

REGENERON-BLDG. 81-BULK CHEMICAL STORAGE-MINOR SITE PLAN: (12-11M)

Steve Hart from Hart Engineering and Dom DeFelice from Regeneron were present. Steve Hart stated that there are two small areas, one at building 12 & building 81. The bulk storage will be in those areas instead of in drums spread out throughout the campus. The areas are buffered well. Steve Hart stated there is a small canopy where the tanks would unload & store chemicals. The area is located within the courtyard.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board, Project Review Team and Planning Board's Designated Engineer have 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; M. Bottillo-YES;
J. Moore-YES.**

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants final site plan approval subject to the following conditions;**

- **Satisfying outstanding technical details as determined by the Town Planning Department & Town's Consulting Engineer**
- **All remaining fees are paid to the Town**
- **The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the C of O or C of C.**

Seconded by Matt Polsinello & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

LANGLEY-70 RIDGE ROAD-FILL OPERATION: (16-17)

Dave Ingalls from Ingalls and Associates and Don Quay were present. Dave stated that the fill area is approximately 3 ½ acres and are looking at approximately 38,000 yards of fill. Dave stated the hours of operation would be from 7am to 4pm for a duration of approximately 2-3 years. Chairman Mastin asked Dave if he received the Town's designated engineers (Hank Labarba) latest comment letter. Dave Ingalls stated he had not and Hank handed him a copy. A fill permit is required and Hank Labarba recommends a monthly inspection by the building department with even a log of loads. Don Quay stated that would be hard to keep track of. Don Quay stated he has exclusive rights to use the property and that his company would be the only one bringing fill in.

MOTION: A motion was made by Chairman Mastin as follows: The Town Planning Board, Project Review Team and Planning Board's Designated Engineer have 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.

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

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants final site plan approval subject to the following conditions;

- Satisfying outstanding technical details as determined by the Town Planning Department & Town's designated Engineer, Hank Labarba
- Compliance with all Town, County, State and Federal laws.
- All remaining fees are paid to the Town
- The Operator shall make the site available for inspections by the Town.
- The Town reserves the right to hold the Applicant/Owner and Operator liable for damages sustained by the Town, including but not limited to Ridge Road, which are reasonable attributed to the operation.
- August Bohl shall have the exclusive rights to this operation, strictly limited to clean fill from capital district projects.
- Execution and compliance with the applicable Storm water Pollution Prevention Plan prepared by Ingalls & Associates, LLP, and revised March 14, 2017, subject to the technical comments by the Town designated Engineer, Hank Labarba.
- Hours of operation are limited from 7:00 a.m. to 4:00 p.m.
- In the event the operation is causing downstream storm water impacts, or unreasonable levels of noise or dust akin to an industrial operation, the Town Enforcement Officer shall have the authority to administer violations and take legal actions consistent with the Enforcement provisions of the Town Zoning Law.
- Site plan approval expires on March 31, 2020, subject to yearly permit approval by the Building Department.

Seconded by Matt Polsinello & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

NEW BUSINESS:

GREANEY-145 OLD RED MILL ROAD-LOT LINE ADJUSTMENT (16-20)

Jason Peterson from Bethlehem Land Surveying presented the proposal to the Board. He stated that the applicant proposals to consolidate the vacant lot they own across the street with their lot on the other side of the street where their house is.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares itself Lead Agency and issues a Negative Declaration under SEQRA and grants final approval of the proposed lot line adjustment prepared by Bethlehem Land Surveying, and dated February 5, 2017.**

Seconded by Jim Moore & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

WALMART-279 TROY ROAD-MINOR SITE PLAN MODIFICATION (16-21)

Sara Baker of HFA presented the proposal to the Board. Sara stated that Walmart's is proposing alterations to allow for an online grocery pick up area including signage, wall paint, parking lot striping, and a canopy.

●Jim Moore asked how many parking spaces will be removed. Sara stated that their removing 10 spaces and downsizing to 8 spaces, only losing 2 spaces. Chairman Mastin asked if there were any modifications to the building. Sara stated there were not. Chairman Mastin asked if there were any questions from the Board. There were none.

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 Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2017-02-Fuccillo Ford-634 Columbia Turnpike –Special Use Permit & 5 Area Variances-Signs, light poles, parking in front of the building & construction of a new/used car facility-report by Jim Moore

Jim Moore stated that the applicant proposes the demolition of the current building and is building a brand new facility. The applicant is proposing four façade wall signs on the east elevation facing Columbia Turnpike, one is permitted. The applicant also proposes lighting poles 25' high, light poles must not exceed 18' high. The applicant also proposes parking in front of the parcel which encroaches on the 15' front setback. Lastly a Special Use Permit is required in the B-2 Zoning District for the proposed use. *See the attached report for reasons the Planning Board believes the 5 Area Variances and Special Use Permit should be granted.

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 5 Area Variances & Special Use Permit.**

Seconded by Matt Mastin & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-03-Verizon Wireless-5 University Place-Special Use Permit-Antenna on side of building-report by Jim Moore

Jim Moore stated that the proposal is to install a single antenna, 17" tall by 6.5" wide, on the exiting brick rooftop penthouse at 5 University Place. The installation of electric and telecommunications equipment will be installed inside the existing penthouse on a steel platform.

Jim Moore feels that the Board should recommend granting the Special Use Permit for the following reasons:

1. The location, size, nature and intensity of the use of the proposed antenna is very small, which remains in harmony with the orderly development of the district; and
2. The location nature, and height of the antenna will not discourage appropriate development and use of adjacent land and buildings, or impair the value thereof; and
3. The character and appearance of the proposed use, building, structures and outdoors signs are in harmony with the character and appearance of the surround neighborhood/campus. * See attached report for further details.

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 Special Use Permit.**

Seconded by Matt Polsinello & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-04-Nardacci-Washington Avenue -Area Variance-Frontage on vacant lot with proposal to construct-report by Matt Polsinello

Matt Polsinello stated that the lot is on Hudson Avenue/Washington Avenue. The applicant wishes to subdivide the lots and sell the vacant parcel. At some points the two lots were merged into one lot, it's unsure who did it. The lot has 60' frontage and predates the current zoning requirement of 75' and should be given fair consideration.* See attached report for further details.

MOTION: A motion was made by Matt Polsinello 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.**

Seconded by Matt Mastin & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2017-05-Moscatiello-550 Third Avenue Extension-Area Variance for parking in the front of the building, public hearing on April 25, 2017-report due on April 12, 2017-assigned to Mike Bottillo

ZBA Appeal #2017-06-JMA Properties-4 Middle Mannix Road-3 Area Variances for sign-public hearing on April 25, 2017-report due on April 12, 2017-assigned to Matt Polsinello

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the January 25, 2017 meeting minutes as is.

Seconded by Jim Moore. Motion carried by a 4-0 vote.

Approval of the February 22, 2017 & March 8, 2017 meeting minutes tabled due to a quorum issue.

ADJOURNMENT:

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

Seconded by Matt Polsinello. Carried by a 4-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

ZBA Appeal #2017-02 Fuccillo Ford: 634 Columbia Turnpike

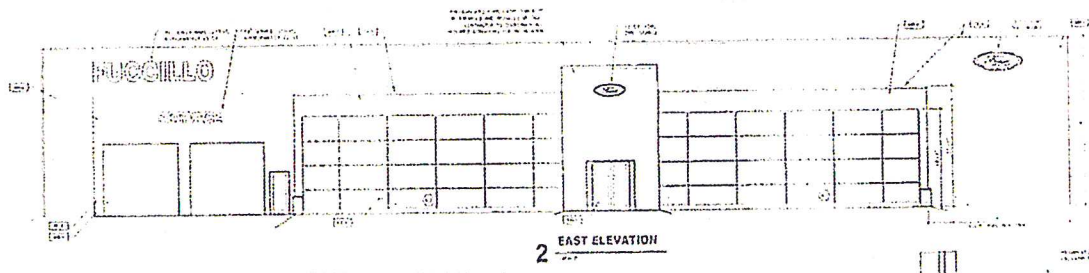
Application for Special Use Permit & Area Variances

WBF Properties, XVII, LLC has submitted applications to the Town of East Greenbush for Site Plan Review, Area Variance and Special Use Permit for 634 Columbia Turnpike, Fuccillo Ford.

Description of Area Variances:

A total of five (5) area variances are requested.

In the first citation, the applicant is proposing four (4) façade-mounted signs on the east elevation, facing Columbia Turnpike. Per the citation from the Code Enforcement Officer, paragraph 3.3.2.A.01 requires *"each commercial use is permitted one (1) instance of applied channel lettering or a surface mounted wall sign for each street frontage of a town road."* Four (4) instances of signage are proposed.



1. Fuccillo sign, 65 square feet in size, and understood to be permissible under the town zoning code; and
2. Service sign, 22 square feet, requires an area variance; and
3. Ford sign, 10 square feet, requires an area variance; and
4. A 2nd Ford sign, 23 square feet, requires an area variance.

Per the March 1, 2017 letter from the town Code Enforcement Officer, this "proposed action requires three (3) area variances."

The proposed façade is consistent with the submitted Ford dealership building façade prototype.



Prototype Ford
Exterior Rendering



Second citation, the installation of site lighting poles is proposed at a height of twenty five (25) feet. Per Section 3.2.6 Exterior Lighting Standards, paragraph 'C', parking and security lighting must not exceed 18 feet in height. A combination of approximately thirty (30) single and double fixture lighting standards are proposed. The proposed action requires one (1) area variance.

Third citation, the proposed parking creates a partial encroachment upon the fifteen (15) setback required by Section 3.1.6 Table IIIC Parking Area Minimum Setbacks. The property lot frontage along Columbia Turnpike is approximately eight hundred fifty (850) feet in length, with about 700' conforming to the setback requirement. The remaining 150' that is not in conformance with the setback requirement is the result of a jog in the property line. The proposed action requires one (1) area variance.

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

The Planning Board recommends approval of the requested area variances, because if the area variances are granted;

1. **This will not result in an undesirable change in the character of the neighborhood, nor will it be detrimental to nearby properties.** The additional façade-mounted signage is consistent with new car dealership buildings throughout the capital district and is not perceived to be unusual or offensive in character. Exterior light standards will be approximately five (5) feet shorter than the existing light standards. Even at 25' tall there are approximately thirty light standards proposed. On page 2 of the rider sheet, submitted by The Caponera Law Firm on behalf of the applicant, "down-style lighting will not spill over onto

surrounding properties.” This is consistent with past planning board practices to require cutoff site lighting and have zero lumens extend beyond property lines. In addition, this will be a significant improvement over the existing lighting standards that do not currently function as cutoff fixtures and have a great deal of light spilling beyond the property lines.

The large majority of the parking lot setback from Columbia Turnpike complies with zoning requirements. The portion of the parking lot that does not comply with property line setback requirements maintains the same setback distance from Columbia Turnpike as the compliant portion of the parking lot. As result, there is no visual or meaningful physical impact upon the character of the neighborhood; and

2. **The majority of the benefit sought by the applicant cannot be achieved by other methods, feasible for the applicant to pursue, other than an area variance.** The façade-mounted signage proposed is consistent with other large corporate dealership buildings throughout the capital district. Limiting the applicant to one (1) façade-mounted sign would compromise their corporate branding and general recognition as a business, as both Fuccillo and Ford are critical identifiers of the business. In addition, the total area of the façade-mounted signage complies with the intent of Section 3.3.2 Permitted Signs A. Façade Mounted Signs 01.b that allows the total cumulative area of the sign to be much larger than the 120 square feet of façade-mounted signage that is proposed.

The applicant could propose 18’ exterior lighting standards, but in doing so it is reasonable to expect many more standards would be required. The approximately thirty standards proposed seem reasonable for an environment not heavily trafficked by pedestrians. The proposed parking lot setback maintains a consistent setback from Columbia Turnpike and its non-compliance would be imperceptible to the neighborhood; and

3. **The requested area variances are not substantial,** for the reasons described herein; and
4. **The proposed variances will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district,** for the reasons described herein; and
5. **The alleged difficulty is self-created,** but consistent with sound site planning practices.

Special Use Permit:

The Planning Boards recommends granting of a special use permit for the following reasons.

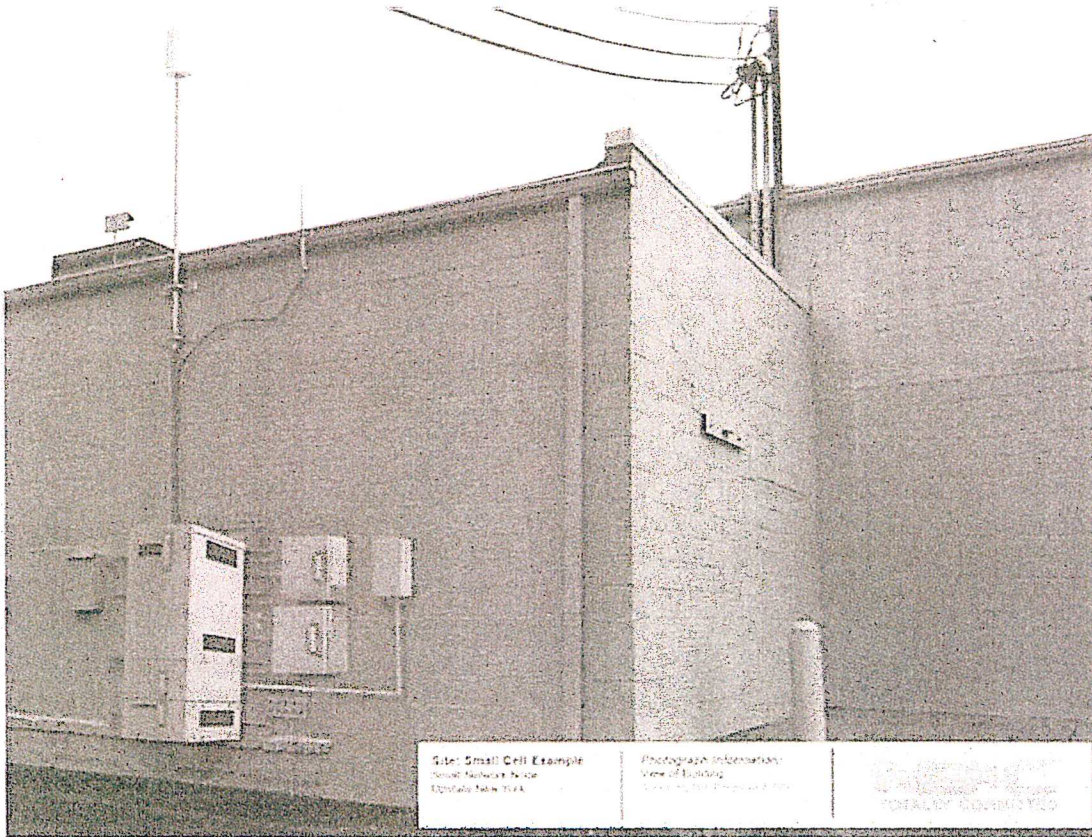
1. The location, size, nature and intensity of use of the proposed car dealership is very similar to those of the existing car dealership on the site, which remains in harmony with the orderly development of the B-2 district; and
2. The location, nature, and height of the building, nature and intensity of operations will not discourage appropriate development and use of adjacent land and buildings, or impair the value thereof. The proposed development proposes no change in use and would replace an existing building and site in need of significant maintenance; and
3. The proposed number of curb cuts along Columbia Turnpike, two (2), remains the same, but the width of the proposed curb cuts is much less than the existing curb cuts and significantly reduces the potential for conflicting traffic movements and accidents along Columbia Turnpike and within the site itself. The proposed curb cuts are greater than twenty five (25) feet from street corners and public assembly; and
4. Safe and accessible off-street parking and loading spaces are proposed; and
5. As per page 2 of the rider sheet, submitted by The Caponera Law Firm, the applicant proposes to retain the existing vegetation and trees over 8" in diameter to the maximum extent possible and add fencing in areas along the rear to help maintain privacy; and
6. The character and appearance of the proposed use, building, structures and outdoor signs are in harmony with the character and appearance of the surrounding neighborhood. The use of the proposed property is the same as the current use and the scale is very similar to existing conditions. The proposed development replaces a building and site in need of significant maintenance and will be an overall improvement to the existing site; and
7. All proposed buildings, structures, equipment and/or material appear to be readily accessible for fire and police protection.

Overall, the proposed project would be a significant improvement in the community.

End of Report

Application for Special Use Permit

Verizon Wireless has submitted an application to the Town of East Greenbush for a Special Use Permit for a wireless service facility. The applicant is proposes to install a single antenna, 17" tall by 6.5" wide, on the existing brick rooftop penthouse at 5 University Place. The installation of electric and telecommunications equipment will be installed inside the existing penthouse on a steel platform.



Example of the proposed antenna; small cell cantenna at left side of photograph



Antenna shown mounted against wall of brick penthouse is visually unobtrusive.

The Planning Boards recommends granting of a special use permit for the following reasons.

1. The location, size, nature and intensity of use of the proposed antenna is very small, which remains in harmony with the orderly development of the district;
and
2. The location, nature, and height of the antenna will not discourage appropriate development and use of adjacent land and buildings, or impair the value thereof;
and
3. The character and appearance of the proposed use, building, structures and outdoor signs are in harmony with the character and appearance of the surrounding neighborhood/ campus.

End of Report

3/22/17

ZBA Appeal #2017-04-Nardacci/Smith-Washington Avenue

Report by Matt Polsinello:

Regarding the Nardacci/Smith Area Variance I have found the following. The area variance requested will not alter the character of the neighborhood and would in fact mirror the lot width of adjoining neighbors and many neighbors within Hampton Manor; therefore it will not have an adverse effect or impact on the conditions in the neighborhood. The difficulty arose when two lots were merged into one lot and now the applicant wishes to re-subdivide the lots to sell the vacant parcel. It is not known if the husband of the applicant had done so or if the county had consolidated the maps into one parcel. Regardless, the width of the lot at 60' predates the current zoning requiring 75' and should be given fair consideration. I spoke with a couple neighbors (none were immediately adjoining unfortunately) and they expressed no concerns and looked forward to seeing the lot put to good use.

Therefore, I make a positive recommendation that the area variance be granted by the Zoning Board of Appeals.