

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 July 26, 2017

Members:

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

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney

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 Moore and Paul DiMascio were absent.

PUBLIC HEARINGS:

NONE

NEW BUSINESS:

EHMANN-WERKING ROAD-LOT LINE ADJUSTMENT

(17-13)

The Ehmann's were both present to discuss their proposal with the Board. The proposal is to expand their existing lot to make a safe entrance to their home. There are site distance issues currently and the purchase of this additional 50' of frontage (a total of 1.11 acres) will help as they are right on a corner where the road peaks. There will ultimately be better sight lines. Chairman Mastin asked the Board if they had any questions.

●Matt Polsinello asked the applicant if they were any existing utilities in the area of the additional frontage. Donna Ehmann stated there are not.

Chairman Mastin added that there is adequate frontage and lot size for the lot.

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 William Darling P.L.S., and dated May 17, 2007 & last revised July 7, 2017.**

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

HANNAFORD-598 COL. TRNPIKE-MINOR SITE PLAN MODIFICATION

(17-12)

Jay Lord, representing Hannaford presented the proposal to the Board. He said that Hannaford is getting ready to do some interior remodeling of their store and there are also a few outside items that are being addresses. There are some drainage issues, so a 6 inch pipe is being replaced with a 10 inch pipe and then paving needs to be done. A compactor is being moved 16' to the loading dock and an emergency generator is being added as well as a grocery pick up service. Seven parking spots will be reserved for the pickup. There is a problem with parking along the side of the building where there are no stripes.

- Matt Polsinello asked if the seven proposed spots for the grocery pickup are already included in the 251 numbers on the plan. Jay stated that yes they are included.

- Ralph Viola asked if the pickup is calling in an order and then have the groceries delivered to your car. Jay stated that is correct.

- Chairman Mastin stated that the exit from the store isn't an issue but the entrance is and asked if something could be done to make it more visible, by maybe adding some signage. Jay stated that they could add signage.

Chairman Mastin stated that they will accept the sketch plan but wants to wait on approval until the next meeting until such time that the Building Dept. has had a chance to look over the plan with the changes proposed.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated May 3, 2017 by Crawford & Associates for the proposed minor site plan.**

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

TOWN CENTER PDD PROPOSAL-580 COL. TRNPIKE-LANDS OF WITBECK:

Tyler Culberson representing the Witbeck family and Steve Hart were both present to discuss the proposal with the board. Steve Hart stated that they met with the Town Board last week and the Project Review Team on Monday. The property consists of 100 acres and has frontage on Columbia Turnpike across from the Fun Plex plaza and is located next to the old Weather Vane site. The proposal is for a mixed use development on 35 acres consisting of apartments and commercial uses. A three story building is proposed for the front of the site consisting of commercial on the first floor and apartments above. The front of the site is zoned B-1 and the rear of the site is zoned R-B. There are 300 apartment units proposed for the rear of the site consisting of three stories and are proposing a 50' buffer to the residential area to the west of the site. There is water, sewer and natural gas available on Columbia Turnpike. They are considering Jefferson Avenue a possible access point but are thinking more of a walkway with a crash gate. They are proposing sidewalks as an amenity on both sides of the road going into the side.

- Matt Polsinello asked if there is a cul de sac at the end or if this was going to be continued on to the Witbeck Cluster subdivision in the rear of the site. Steve Hart stated that at this time there is a cul de sac proposed but that maybe it would continue through.

- Chairman Mastin asked if the main road in, consisting of 2,200 feet would be a Town road. Steve stated that yes it would.

EAST GREENBUSH PLANNING BOARD/MEETING MINUTES/JULY 26, 2017
PAGE 3

Steve Hart stated that they can talk more about extending the sidewalk from the site all the way over to the Hannaford Plaza entrance.

- Ralph Viola stated that the vegetation that has existed for the residents that would have views to this project should be maintained, there are people who have lived there for a long time and they need to be kept happy.

- Matt Polsinello asked if the front building would be all commercial. Steve Hart stated that just the bottom floor would be. There would be apartments up above.

- Ralph Viola asked about what happens with the mixed use and parking. How are they going to separate the residents and business parking. Tyler stated they would look into that.

- Chairman Mastin asked if a market study was done. Tyler stated that a market study and traffic study was done.

Steve Hart stated that the project would be done in phases. Buildings A & B would be done first.

- Matt Polsinello asked if the boulevard lines up with something on the other side of Columbia Turnpike. Steve Hart stated that it lines up with the Fun Plex entrance. They are proposing one lane going into the site and two coming out.

OLD BUSINESS:

REGENERON –THIRD AVE EXT.-MAJOR 3-LOT SUBDIVISION: (15-20A)

Steve Hart asked the Board if anyone wanted to see the project again. Chairman Mastin asked the Board and they were all in agreement that they were familiar with the subdivision and it was not necessary. Chairman Mastin read the following:

MOTION FOR APPROVAL

MOTION: A motion was made by Chairman Mastin as follows: **Whereas**, the Applicants, Regeneron Pharmaceuticals and Capital City Cemetery, D/B/A New Rural Cemetery Hereinafter referred to as “The Cemetery”) have proposed the Major 3 lot subdivision.

Whereas, The Cemetery owns 98 +/- acres of land on the south side of Third Avenue Extension which is the proposed land to be subdivided into 3 lots.

Whereas, Proposed Lot #1 is 77.5 +/- acres in size and has 2000+ feet of frontage on Third Avenue Extension.

Whereas, Lot #2 is 11.0 +/- acres in size and has approximately 100 feet of frontage on Third Avenue Extension It is proposed that this lot will be merged with the existing 95 acre Regeneron Tempel Lane Campus which fronts on Tempel Lane, and be used solely as a transportation and utility corridor.

Whereas, the Supplemental Draft Environmental Impact Statement being prepared for the Regeneron Campus on Tempel Lane includes the proposed Lot #2 Transportation and Utility corridor, and surrounding lands.

Whereas, Lot #3 is 9.9 +/- acres in size and does not have frontage on an existing street.

Whereas, it is the intention of the Cemetery to sell Lot #2 to Regeneron for the purpose of a utility and transportation corridor only and a note to that affect has been added to the plans.

Whereas, it is the intention that Regeneron will grant full easement access to the Cemetery through Lot #2, such that the Cemetery can access any part of Lot #3.

Whereas, proposed Lots #2 and #3 do not meet the required parcel size required in the OC, Corporate Office/Region Commercial Zoning District, which has a minimum width of 400 feet.

Whereas, proposed Lot #2 contains numerous hills and ravines with regulated wetlands which limits the ability to develop the land in accordance with the OC zoning district. As such the placement of the proposed utility and transportation corridor has been so located to minimize impacts to the wetlands and to cross the ravines at their shortest span distances.

Whereas, proposed Lot #3 would not front an existing street which would ordinarily trigger Required Improvements and Performance Guarantees associated with a Major Subdivision.

Whereas, proposed Lot #3 will be accessible from Lot #1 by incorporation of an access easement across the entirety of Lot #2 and that Lot #1 does have 2000+ feet of frontage on Third Avenue Extension.

Whereas, proposed Lot #3 contains existing gravesites and the maintenance of such does not suit the business of Regeneron Pharmaceuticals. Furthermore, given the limited size and the existence of gravesites on Lot #3, any development on this parcel not consistent with a cemetery would not be consistent with the OC zoning district and should be forbidden unless developable lands exist and can be combined with an adjacent conforming lot.

Whereas, a Waiver of Specific Improvements at this time is appropriate as the proposed subdivision is not in conflict with the interests of public health, safety and general welfare of the Town. Furthermore the specific improvements are not required at this time as connecting facilities are not necessary for proposed Lot #3.

Whereas, compliance with the Specific Requirement of a 400 foot minimum lot width would cause the applicant extraordinary difficulties given the exceptional and unique conditions contained within proposed Lots #2 and #3. Modification of such is consistent with the general spirit and intent of the Land Subdivision Regulations and the Comprehensive Zoning Code in general as it will encourage the development of the OC Zone in a manner consistent with its intentions.

Whereas, the Town of East Greenbush Planning Board recommended to the Town Board that the Applicant be granted a Waiver of Specific Improvements and Modification of Specific Requirements in accordance with Article IX of the Town's Land Subdivision Regulations.

Whereas, the Town Board, by resolution dated July 19, 2017, concurred with the Planning Board's recommendation granting a Waiver of Specific Improvements and Modification of Specific Requirements with conditions
Now, therefore, be it

Resolved, that the Planning Board approves the proposed 3 lot subdivision proposed by Applicants, Regeneron Pharmaceuticals and New Rural Cemetery, D/B/A Capital City Cemetery, with the following conditions:

- **Proposed Lot #2 shall be restricted to the use of transportation and utilities. The transfer of land between the Cemetery and Applicant shall include a deed restriction to that effect. In addition, the Cemetery shall be granted an easement on proposed Lot #2 to access proposed Lot #3.**
- **Proposed Lot #3 shall be restricted to its current use as a Cemetery or limited to incorporation into a conforming adjacent lot.**
- **All remaining fees associated with a major subdivision are paid to the Town.**

- No development of the proposed transportation and utility corridor shall occur until all reported environmental impacts contained within the Environmental Impact Statement of the Regeneron Tempel Lane Campus have been remedied.
- Should development of the proposed transportation and utility corridor occur, the Applicant shall install the required improvements as contained within Article V of the Town's Land Subdivision Regulations in accordance with the standards, specifications, and procedures acceptable to the appropriate Town Boards and Departments.

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2017-08-Cleary-Start Avenue-Area Variance-Proposal to construct on an undersized lot-report by Ralph Viola

Ralph Viola stated that the Zoning Board had an issue with the 7,500 sq. ft. lot size requirement so he went out to do a report on that. He stated that he has determined by using an Auto Cad program that the total area is 7,855 square feet, which exceeds the 7,500 square foot requirement for the R-2 Zoning District. * See the attached report for further details.

MOTION: A motion was made by Ralph Viola as follows: **The Town of East Greenbush Planning Board hereby determines that the square footage of the lot meets the minimum requirement in the R-2 Zoning District.**

Seconded by Chairman Mastin & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-14-Heitzman-516 3rd Ave Ext.-Special Use Permit & Area Variance-Proposes home office for online auto sales (vehicles to be stored at another site)& larger sign then allowed-report by Matt Polsinello

Matt Polsinello stated that he visited the site which is right next door to Garelick Farms on Third Avenue Extension. The applicant proposes online auto sales. He has a lot for his vehicles in another Town. He was told that he can't display cars at his house. He meets all the criteria for a Special Use Permit. He is also proposing an 18 square foot sign on his front lawn. The allowable size of the sign is 3 square feet. Matt Polsinello recommends that that the Board grant something in the middle of those two figures but something that's less than the 18 square feet the applicant is proposing. * See the attached reports for further details.

MOTION: A motion was made by Matt Polsinello as follows: **The Town of East Greenbush Planning Board hereby provides a positive recommendation to the Zoning Board to grant the Special Use Permit, with the condition that no display vehicles be allowed on site. In addition, the Planning Board provides a positive recommendation to the Zoning Board to grant the Area Variance for a sign larger than the 3 square feet permitted, but less than the 18 square feet proposed.**

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-17-Hoffman's-302 Columbia Turnpike- Area Variance-Side setback -
Proposal to construct an addition-report by Mike Bottillo

Mike Bottillo visited the site and stated that Hoffman's wants to construct a storage room addition to the side of their existing building with a 6.97 foot setback. The required side setback in the B-2 zoning district is 12 feet. *See attached report for further details.

MOTION: A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby provides a positive recommendation to the Zoning Board to grant the Area Variance for the side setback of the addition.**

Seconded by Chairman Mastin & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-18-Hitchcock-7 Rugby Road-Special Use Permit-Proposes home
occupation (business vehicles being stored at residence)-assigned to Mike Bottillo

After some discussion, the following motion was given for ZBA Appeal #2017-18-Hitchcock:

MOTION: A motion was made by Chairman Mastin as follows: **Whereas, the Town of East Greenbush Planning Board was presented an application for a Special Use Permit by the above applicant for a Home Occupation;**

Whereas, after review and discussion of the application, the Planning Board has determined that the application seeking to park multiple commercial vehicles, trailers, and plows for a landscaping business does not qualify as a "Home Occupation" consistent with the Town's Comprehensive Zoning Law;

Whereas, the Planning Board has determined that the application is more consistent with "Accessory Use: Parking off street or garage, commercial vehicles", which is not permitted in the R-1A District;

As Such, be it resolved that the Planning Board provides a negative recommendation to the Zoning Board of Appeals and recommends that this application be denied.

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

NONE

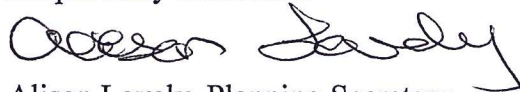
REVIEW AND APPROVAL OF MEETING MINUTES:

Approval of the June 14, 2017 & June 28, 2017 meeting minutes tabled.

ADJOURNMENT:

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

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Alison Lovely", written in a cursive style.

Alison Lovely, Planning Secretary

July 20, 2017

East Greenbush Planning Board
225 Columbia Turnpike
East Greenbush, NY 12061

Attn: Chairman Matt Mastin

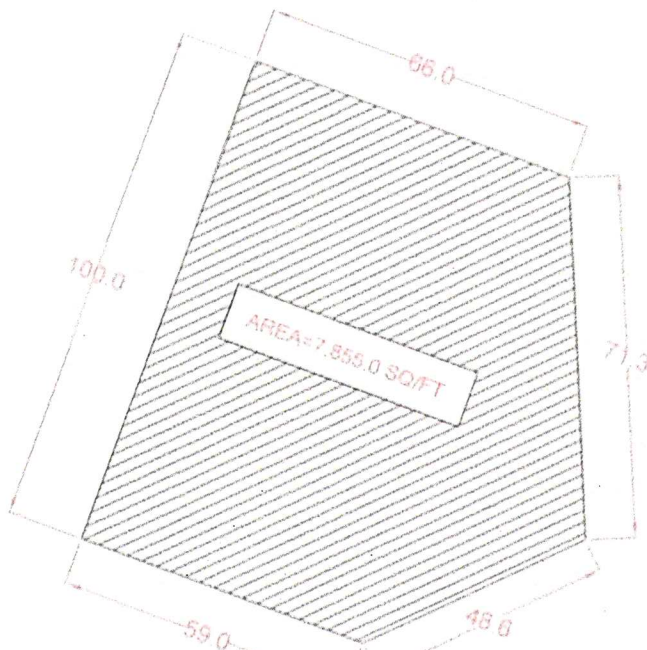
RE: Area Variance Review 2017-08
Additional Information disputing under size lot

William Cleary
Start Avenue Tax Map# 166.14-13-5.2
Rensselaer, NY 12144

I visited the property with the applicant on June 20, 2017 to review the site.

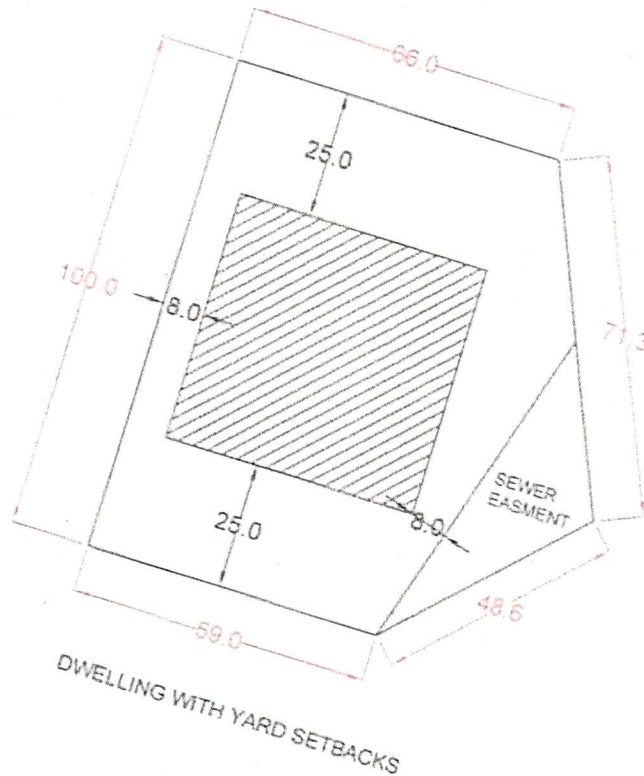
The applicant is requesting an area variance for the construction of a home on an undersized lot. This parcel is in a Residential District (R-2). This Residential District is intended to provide higher density residential housing opportunities to match the older housing developments in the area.

One of the reasons the applicants building permit request was denied was his proposal to construct on an under-size lot. In accordance with section 2.6.6E Area and Bulk Schedule, the minimum lot area shall be 7,500. square feet. The lot has a difficult shape to calculate the area.



I plotted the lot boundaries on Auto Cad and found the total area to be 7,855.0 square feet. exceeding the 7,500 square feet required.

This parcel meets the minimum lot size requirements of R-2 Zoning District, therefore no Area Variance required.



The above plot shows the minimum yard dimensions allowed in a R-2 District. This would still allow for a 50 ft. x 50 ft. dwelling to be built if all other requirements were met.

In accordance with section 2.6.6E Area and Bulk Schedule, the maximum lot coverage is 25% of total area. Given 7855. sqft of actual lot area, the applicant is limited to only a 1950 sqft dwelling on this particular site. Example: 50 ft. x 39 ft. house. This is still a viable home size in this particular neighborhood.

Respectfully,

Ralph J. Viola

Ralph J. Viola
E.G. Planning Board Member

7/26/17

ZBA Referral: Erik Heitzman – 516 3rd. Ave. Ext.

Prepared by: Matt Polsinello
PB Member

**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.
 - a. There will not be a detriment not undesirable change created by allowing the variance. The home is located in and around other homes of its character and behind it is heavy industrial use.
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 area variance is needed in order to be represented on the street by passing cars. The allowed 3 sq ft would most likely go unnoticed by passersby considering the amount of signage currently present across the street and adjacent to this property
3. Whether the requested area variance is substantial.
 - a. The variance is substantial and perhaps could be reduced to something less substantial. With that said, the allowed 3 sq ft would provide little visibility.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - a. The signage would match the OC zone as many of the businesses already have signs of the same size and larger on the same road. The only concern is allowing a substantial variance for a use that requires a special use permit on a parcel that does not meet the intent of the zone as well.
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.
 - a. The difficulty is self-created but the property owner bought an existing home and layout that does not conform to a zoning district that was created after the existing conditions were created.

The Planning Board recommends the zoning board of appeals grant an area variance greater than the 3 sq ft allowed but less than 18 sq ft requested.

7/26/17

ZBA Referral: Erik Heitzman – 516 3rd. Ave. Ext.

Prepared by: Matt Polsinello
PB Member

East Greenbush Planning Board
Special Use Permit: Guide for Advisory Opinion

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to the existing or future streets providing access, shall be in harmony with the orderly development of the district;
 - a. It is an existing home in an OC district. The home and the surrounding homes do not conform to the OC intended use but together they represent the existing character of the neighborhood.
2. The location, nature, and height of buildings, walls and fences, and the nature and intensity of intended operations, will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
 - a. It is an existing home in an OC district. The home and the surrounding homes do not conform to the OC intended use but together they represent the existing character of the neighborhood.
3. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade, alignment, and visibility; be located not less than 25-feet from street corners or other places of public assembly; and meet similar safety considerations;
 - a. The home as is offers ample parking and the proposed use will only require up to 2 spaces per transaction which will occur one at a time.
4. Adequate provision for safe and accessible off-street parking and loading spaces shall be made;
 - a. The home as is offers ample parking and the proposed use will only require up to 2 spaces per transaction which will occur one at a time.
5. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site shall be in character with that of the neighborhood;
 - a. The parking lot & driveway area mirror what exists presently and match in form and function that of the homes that existed on 3rd avenue before the OC zone was contemplated for the area.
6. The character and appearance of the proposed use shall be in general harmony with the character and appearance of the neighborhood, shall not be more objectionable to nearby properties by reasons of noise, fumes, vibration, or principal lights, that would be the

operations of any permitted use and shall not generally affect the general welfare of the inhabitants of the Town;

- a. The proposed use is a low impact use and will go mostly unnoticed by the surrounding neighbors. Unfortunately, the small building and small lot layout runs counter to the OC zone but the immediately adjacent homes match and this use will not create a negative impact.

7. All proposed buildings shall be readily accessible for fire and police protection.

The Planning Board recommends the zoning board of appeals grant the special user permit as requested by the applicant with particular attention paid to restricting any vehicles being displayed on premises.

AREA VARIANCE FOR Hoffmans car wash 302 Columbia Turnpike

Storage room needs 12 side setback, only 6.97 feet.

Hoffman's car wash want to construct a storage room addition on side of existing building but needs a 12 setback, but will only have 6.97 after construction. One pine tree will be taking down on side of building, storage will be for chemicals used for car wash. I talked to the owner of the used car dealership, Steve Hough, he said he owned the property, he had no issue with the addition of the storage building.

- 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 do not believe the variance will change the character of the neighborhood, due to most of the properties around are business and the addition can not be viewed from Columbia Turnpike.
- 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) There is no other method for the applicant to pursue, the only place to construct the addition is on that side of the building.
- 3) Whether the requested area variance is substantial.
 - a) The variance is not substantial
- 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 not have an adverse effect or a physical impact on the district, since most of the surrounding properties on Columbia Turnpike are commercial and again the addition will not be in view from the road.
- 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 NOT self-created for the fact that they can only put the addition in that location.

I am going to make a positive recommendation to the Zoning Board to Approve the area variance for the side set back of the addition for storage at Hoffman's car wash.

Michael Bottillo