

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 OCTOBER 23, 2019

Members:

Matt Mastin, Chairman
Nancy Kupiec
Don Pantan
Ralph Viola
Chris Horne
Kurt Bergmann

Also Present:

Adam Yagelski, Director, Planning/Zoning
Joseph Slater, Planning Board Attorney
Alison Lovely, Planning & Zoning Secretary
Kateri Rhatigan, Court Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present. Jim Moore was absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Approval of the October 9, 2019 meeting minutes tabled.

NEW ZBA REFERRALS:

ZBA Appeal #2019-16-Merckx-5 Van Buren Drive-2 Area Variances-Proposed garage within side & rear setback-assigned to Don Pantan

Chairman Mastin asked the Board if had read the memo regarding the Town starting to video/live streaming Town meetings.

PUBLIC HEARINGS:

RECONVENE:

MABEY'S—486 THIRD AVE. EXT.-SPECIAL USE PERMIT:

(19-02A)

Chairman Mastin read the legal notice:

The Town of East Greenbush Planning Board shall reopen the Public Hearing pursuant to New York State Town Law Section 274-b(6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 486 Third Avenue Extension, East Greenbush, NY, Tax Map # 144.-3-6.2, which is Zoned OC. The applicant proposes the construction of self-storage and warehousing buildings. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.7.5 Corporate Office/Regional Commercial District (OC) Subsection C Special Use Permits: "Storage; self-storage rental facility" and Storage; wholesaling/warehousing, off site". Said re-opening of the Public Hearing will be held on Wednesday, October 23, 2019 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 stated that not much has changed. Steve Hart stated that about a month ago the Planning Board made a positive recommendation to the Town Board on the proposed site plan and that they have since gone to the Town Board and received site plan approval with conditions. Steve Hart gave the Board packets that were handed out in February regarding the Special Use Permit and went over the criteria. Steve Hart asked the Board if anyone had any questions on the narrative or the plans. Chairman Mastin asked if anyone on the Board had any comments regarding the Special Use Permit. No one had any comments.

Chairman Mastin asked if there was anyone in the public who would like to comment. There was no one in the public. Chairman Mastin asked if there was anyone in the public who wanted to speak in favor of or opposition to the Special Use Permit. There was no one to speak in either.

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

Seconded by Don Panton & roll called as follows:

**M. Mastin-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; C. Horne-YES;
D. Panton-YES.**

MOTION CARRIED BY A 6-0 VOTE

WORKSHOP:

MABEY'S—486 THIRD AVE. EXT.-SPECIAL USE PERMIT:

(19-02A)

After some discussion Chairman Mastin made a motion to approve the Special Use Permit. *See the attached resolution.

NEW BUSINESS:

REGENERON-26 TECH VALLEY DRIVE-SITE PLAN MODICATION-2 Trash Compactors, generator & pad

(19-26)

Steve Hart from Hart Engineering presented the proposal, also present was Mike Boamah, Project Engineer from Regeneron for this project. Steve Hart stated that the proposal is located at 26 Tech Valley Drive. The proposal is to add two trash compactors units, a generator with a 10' x 30' pad and an automatic transfer switch (8'x8'). Steve Hart stated that trucks come once or twice a week. Chairman Mastin asked what they're doing there that warrants a compactor verses a dumpster. Mike Boamah stated due to the amount of waste and they also want to separate the processed waste from the regular waste. Chairman Mastin asked what they do there. Mike Boamah stated its office space and lab space.

•Kurt Bergmann asked if it has any dangerous, hazardous waste. Mike Boamah stated no there is not. Steve Hart believes that a lot of it is that with the compactor, it only needs to be removed maybe once or twice a week instead of more frequently.

•Nancy Kupiec asked if there is a container that gets taken away and a new one put in its place & if it was noisy or smelly. Steve Hart stated that is correct. Mike Boamah stated it's neither noisy or smelly.

•Chris Horne asked if this is in the Tech Park. Steve Hart stated that is correct.

Chairman Mastin asked if he shared with Steve Hart that the Planning Board isn't taking any action tonight. Adam Yagelski stated that no he had not. This project is subject to a 239 review, so Rensselaer County needs to weigh in due to its proximity with the highway. Steve Hart asked then if that requires them to come back to another meeting.

Adam Yagelski stated that is correct and that someone will send it in to the County tomorrow.

•Chris Horne asked if they could take action contingent on Rensselaer County approval. Adam stated that they cannot. If they have any comments they would be incorporated into the review process.

•Nancy Kupiec asked if they had asphalt or concrete work to get in yet. Steve Hart stated that they do.

Chairman Mastin asked if anyone else had any comments. Adam Yagelski asked if the existing dumpster pad is staying or going away, asked about the landscaping, it's pretty green right now but what will it look like from the road. Steve Hart stated that the dumpster pad is staying and that there is a fence there now and a couple of trees there.

•Ralph Viola stated that it's just chain link fence though, not a privacy fence & what the height of the generator is. Steve Hart stated that's correct, it's decorated aluminum fence. Steve Hart stated that they could ask about putting a couple of evergreens there and the height of the generator is less than 12' and has an enclosure around it for noise control.

Adam Yagelski asked what the purpose of the generator was and the horsepower of it as an emergency generator with more than 400 hp is subject to a certain NYSDEC requirement.

Steve Hart stated that the purpose of the generator is that it's an emergency backup generator so it runs like 15 minutes a month and he'll have to get the information regarding the horsepower of it.

Mike Boamah stated its 60 decibels at like 23'.

Adam Yagelski asked about lighting and drainage. Steve Hart stated that nothing will be modified. A stub needs to be relocated around the building.

•Nancy Kupiec stated that there are little bushes on the drawing. Steve Hart stated that those are existing.

Adam Yagelski asked about the color of the generator and if there was going to be a lot of contrast. Steve Hart stated that the color will be khaki like the wall.

•Ralph Viola asked if there will be an enclosure around it with a privacy fence. Steve Hart stated that it will be a block enclosure on three sides with a double gate with privacy slates & if they had something else going on the other side. Alison Lovely stated wasn't it chiller pads? Mike Boamah stated that was correct. Chairman Mastin asked if there was anything else and stated that the Board is not taking any action tonight. Adam Yagelski stated that he would forward any comments that the County had regarding the project. Chairman Mastin stated that they would see this project in a couple of weeks.

OLD BUSINESS:

HERITAGE HILLS/AMEDORE NEWKIRK ROAD SENIOR APARTMENTS Update & potential SEQR & Major Site Plan recommendation to Town Board

Chairman Mastin stated that they are not doing anything tonight regarding the above.

UPDATES:

NONE

Chairman Mastin talked about the recommendation (from Steve Hart) for help to ensure that site plans the Board approves are built the way they're approved. Chairman Mastin stated that it's a form for a licensed land surveyor, professional engineer or architect that comes in, monitors the project and then signs that it was built per the approved site plan. There was some discussion among the Board regarding this.

Nancy Kupiec then recused herself as she is the applicant on ZBA Appeal #2019-15.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2019-15-Kupiec/Pitcher-61 Highland Drive-2 Area Variances-Proposed carport within front setback-report by Kurt Bergman-report by Kurt Bergmann

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

MOTION: A motion was made by Kurt Bergmann as follows: After careful review of the Area Variance request, the Planning Board give a positive recommendation to the Zoning Board of Appeals based upon Kurt Bergmann's report. * See report for further details

Seconded by Don Panton & roll called as follows:

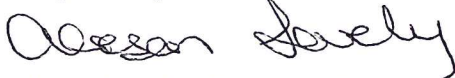
M. Mastin-YES; R. Viola-YES; C. Horne-YES; D. Panton-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0

ADJOURNMENT:

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

Town of East Greenbush
PLANNING BOARD

In the matter by:
Mabey's Realty Inc. For a
Special Use Permit

**Resolution and
Final Decision of
Planning Board**

File No. 19-02

Whereas, An application has been filed by Mabey's Realty Inc. of 486 Third Avenue Extension, Rensselaer, NY, proposing the construction of approximately 64,000 square feet of storage facilities and 18,000 square feet of commercial buildings and related improvements. The property is located in the Corporate Office/Regional Commercial Zoning District (OC) zone. This application has been examined for compliance with the applicable provisions of the Comprehensive Zoning Laws and the Town Code of East Greenbush; New York State Town Law Section 274-b and Section 3.11 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit to construct a storage facility, which is required Per Section 2.7.5 C of the Town's Comprehensive Zoning Law (Storage; self-storage rental facility & Storage; wholesaling/warehousing, off site); and

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located at 486 Third Avenue Extension, East Greenbush, NY (Tax Map No. 144.-3-6.2); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on February 14, 2019 & on October 11, 2019; and

Whereas, Notice of the initial Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Planning Board on Wednesday, February 27, 2019 & continued on Wednesday, October 23, 2019 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of SEQR, with the Town Board issuing a **Negative Declaration on the subject application and accompanying site plan on October 16, 2019** now, therefore, be it

Resolved, That the Planning Board makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law. Specifically, the location and size of the use, and the intensity of the operations involved are in harmony with the district. The location, nature, and height of the buildings will not discourage appropriate development and use of adjacent land and buildings. Proposed traffic access ways and off-street parking is adequate. Parking areas will be screened from adjacent residential lots. The proposed buildings are readily accessible for fire and police protection.

Resolved, that the application for a Special Use Permit for the proposed 64,000 square feet storage facility at the property located at 486 Third Avenue Extension, be Granted with the following conditions:

1. That the applicant be compliant with the corresponding site plan approval conditions: Lighting & hours of operation as indicated on the site plan; and
2. Subject to renewal 60 days after the issuance of a Certificate of Occupancy by the Planning Board to ensure compliance within the aforementioned conditions.

This resolution was moved by Chairman Mastin and seconded by Kurt Bergmann at a meeting duly held on October 23, 2019.

(Discussion)

A vote was taken as follows:

Matt Mastin	<u>Yes</u>
Jim Moore	<u>Absent</u>
Ralph Viola	<u>Yes</u>
Nancy Kupiec	<u>Yes</u>
Kurt Bergmann	<u>Yes</u>
Chris Horne	<u>Yes</u>
Don Panton	<u>Yes</u>

Motion carried 6-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By:


Matt Mastin, Chairperson

Dated: 10/29, 2019

****Granting of this Special Use Permit, does not preclude the applicant from obtaining a building permit.***

Appeal Number: 2019-15

Tax Map: 166-20-5-20

Address: 61 Highland Drive, East Greenbush, NY 12061

Applicant request the construction of a carport 12'x27', 10' high and a deck 12'x 18', Zoned R-1A. See sketch
A corner lot which is consider having two front yards and setbacks of 35' and it is a former commercial building now a two unit residential.

The carport and deck each require area variances.

The existing building is located 25' from the street property line.

The proposed deck and carport will result in a 13' set back from the street property line.

1. The character of the neighborhood will not change. In the vicinity of this property across the street on Greenbush Ave is the US Post office, a commercial two business building. Across s Highland Drive is another commercial building.
2. No other means is feasible on this corner lot that is also bound by the buildings leach field. The building does not have direct access to town sewer.
3. The proposal will increase green space by 180 sq. ft. and improve the runoff to the nearby storm sewer. The deck will be on the second floor with no enclosed structure under it. The carport will be an open design of quality architectural steal and woos materials.
4. There will be no physical, environmental or visual negative impact to the neighborhood.
5. The location of the existing building currently is at 25' from the road right away which does not enable any modifications.

Kurt Bergmann

10/20/19



HIGHLAND DRIVE

EXISTING
PAVEMENT

20'-0"
R.O.W.

87.6

SIDEWALK

10'-0"

35'-0"
R.O.W.

25'-0"

EXISTING
STRUCTURE

GATE

PROPOSED
DECK

15'-0"

PROPOSED
CARPORT

12'-0"

SEPTIC
SYSTEM

13'-0"

27'-0"

EXISTING
PAVEMENT

EXISTING
PAVEMENT

250.2