

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 NOVEMBER 10, 2021

Members:

Matt Mastin, Chairman
Kurt Bergmann
Don Pantan
Chris Horne
Ralph Viola
John Conway Jr.

Also Present:

Alison Lovely, Secretary, Planning/Zoning
Adam Yagelski, Director of Planning & Zoning
Joseph Slater, Planning Board Attorney
Anna Feltham, Planner

CALL TO ORDER / DETERMINATION OF QUORUM

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

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

CARVER COURT-UPPER MANNIX ROAD-MAJOR CLUSTER SUBDIVISION (20-11)

Chairman Mastin stated that the public hearing that was originally scheduled for tonight's meeting but the applicant was not ready and if there are people in the audience that are here for this, the public hearing will be scheduled for some point in December. Chairman Mastin stated that SEQR needs to be closed before they can schedule a public hearing and asked Adam Yagelski what was outstanding. Adam Yagelski stated that there are still a couple of items the applicants are addressing: 1) Wetlands mitigation & 2) Sewer system capacity.

MOTION: A Motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for December 8, 2021 @ the East Greenbush Town Hall @ 7:10 PM, in order to receive public comment on the proposed preliminary plat for the Carver Court major cluster subdivision in accordance with the Article IV Section 4(E) of the Town's Subdivision Regulations and Section 276 of the NYS Town Law.**

Seconded by Don Pantan & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Pantan-YES; J. Conway-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

E.W. BIRCH BUILDERS -26 MOUNTAIN VIEW AVE.-4 LOT SUBDIVISION (21-30)

Ed Bzrozowski of E.W. Birch Builders was present & stated that he is proposing a four lot subdivision at 26 Mountain View Avenue which will all be serviced by public utilities available at the street. Mr. Bzrozowski stated he's proposing two building lots & leaving one house conforming.

•Ralph Viola asked if there was a telephone/power pole on proposed lot 4. Ed Bzrozowski stated that it will be moved, he needs to contact National Grid.

Chairman Mastin asked if there were any variances required. Anna Feltham stated that they didn't think that there were any variances required, and they would want to see the building envelopes, typically for lot #1 for the proposed driveway access & the location of the house on the other two lots. Anna Feltham stated that there are ongoing discussions with DPW regarding the utility access on Mountain View Avenue, which needs to be cleared up.

Joe Slater stated that in regards to the classification as to whether it's a minor or major subdivision, generally four lots or fewer would be classified as a minor subdivision, however if the subdivision requires an extension of municipal facilities, than it would then trigger the classification to a major subdivision, which in the resolution there is a condition that if this is classified as a major subdivision then this board may ask the applicant to comply with all the requirements of a major subdivision.

Chairman Mastin asked the Board if anyone had any questions.

•John Conway stated that there are four lots and asked what will happen to lot #1. Ed Bzrozowski stated that lot #1 encompasses the rest of the parcel and at this time will be left undeveloped. John Conway asked for clarification that lot #1 will be left undeveloped and lot's 2, 3, & 4 will be developed. Ed Bzrozowski stated that is correct, lot 3 is an existing house that has public services & doesn't believe that they will need to extend any public services or infrastructure & he believes that this falls under a minor subdivision. John Conway asked then that if the current road extends up to lot #1. Ed Bzrozowski stated that it does.

Chairman Mastin stated that the intent tonight is to accept the sketch plan and initiate SEQR.

Adam Yagelski asked Ed Bzrozowski to talk through the development and what happens to lot #1. Ed Bzrozowski stated that he doesn't know at this time, he may sell it or keep it.

•Don Panton asked if lot #1 is the same size of the other 3. Ed Bzrozowski stated that lot #1 is larger. Adam Yagelski stated that the existing house does not meet the required setbacks as it stands & stated that he's not sure if there is an area variance required or not, he'll have to check on that & that they have brought a Town Designated Engineer on board, Wayne Bonesteel from Colliers Engineering.

Joe Slater stated that he doesn't believe that any variances would be needed since their not altering lot #3, but that he will check.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plat and classifies the Sketch Plat prepared by London – Birch Group, Inc. dated February 16, 2021 last revised, August 31, 2021 as a Minor 4-lot Subdivision, with the following condition:

- 1. In accordance with Section 2.B. of the Town's Land Subdivision Regulations, the Planning Board requires that should the subdivision require the extension of any municipal facilities, the applicant shall comply with some or all of the requirements specified for Major Subdivisions, as it deems necessary for the protection of the public health, safety, and welfare.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby

- 1. Declares its intent to seek lead agency status in connection with a coordinated review of the project under SEQR. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA of the project. The following involved and/or interested agencies under SEQRA have been identified:**

**Town of East Greenbush Department of Public Works
East Greenbush Fire District
NYSDEC
Rensselaer County Department of Public Health**

2. Declares this action as an Unlisted SEQR action in accordance with 6 CRR-NY 617.

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

DEJULIO—40-44 TANNERS LANE-MINOR 2-LOT SUBDIVISION (21-31)

Brian Holbriiter, Surveyor presented the proposal to the Board. He stated that Mr. & Mrs. DeJulio are also present. Brian Holbriiter stated that the proposal is a two lot subdivision. The property is located at 40 & 44 Tanners Lane and the applicant wants to build a house on the one lot in between the two existing homes and possibly downsize, the new house would access existing water & sewer, this is Lot #2 and would consist of 20, 232 sq. ft. & have 39.3' of frontage. Lot #3 has an existing home on it at 40 Tanners Lane and consists of 11,200 sq. ft. and have 75 feet of frontage. Lot #1, the remaining lands at 44 Tanners Lane would consist of 47,374 sq. ft. & have 35.7' of frontage. Brian Holbriiter stated that the proposal meets all the setbacks within the building envelope, but the problem is the frontage on the cul de sac, where 75' is required they will only have 39. 3 feet of frontage on Lot #2 & 35.7 feet of frontage on Lot # 1. Brian Holbriiter stated that there is an old AT & T access easement that is 100' wide that runs through the proposed new lot and they are doing their best not to encroach on it. Mrs. DeJulio stated that the easements don't need to be there and are trying to get it extinguished. The line & poles are gone & they are in the process of getting something to show it's been abandoned.

•Kurt Bergmann asked if the proposed house would be far enough off the lines to meet the requirements Brian Holbriiter stated it would be.

Chairman Mastin asked if all that encroaching on the AT & T easement is an existing driveway. Brian Holbriiter stated that's correct.

Anna Feltham stated that there are some details to work out with DPW on how to connect the existing utilities.

Chairman Mastin stated that they would need one area variance per lot then.

•Kurt Bergmann asked if they could shift the lines. Brian Holbriiter stated that they cannot as they don't have enough frontage.

Adam Yagelski asked them to talk about the changing of the existing vegetation. Brian Holbriiter stated that there are some large trees along the existing property line & stated that one or two trees may have to be taken down.

Anna Feltham asked if they would have to move the existing utility pole at the end of the proposed driveway. Brian Holbriiter stated that there not proposing to have that be in the way at all.

•Chris Horne asked if there are homes in the lots to the rear. Brian Holbriiter stated that they sit about 60' to 80' away & didn't think he needed to show them.

•Kurt Bergmann asked if there were any current water issues on the property, any flooding or ponding. Brian Holbriiter stated that there is not. Mr. DeJulio stated that it's a very dry lot.

Adam Yagelski stated that they had a conversation with Dan Fiacco, Commissioner of Public Works and didn't express any issues with drainage.

Chairman Mastin stated that the intent tonight is to accept the sketch plat, classify the subdivision & refer this to the Zoning Board of Appeals for two Area Variances.

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby accepts the sketch plat and classifies the Sketch Plat prepared by Brian R. Holbriiter P.L.S. dated July 14, 2021 and last revised November , 2021 as a Minor 2-Lot Subdivision.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby

- 1. Declares its intent to seek lead agency status in connection with a coordinated review of the project under SEQR. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA of the project. The following involved and/or interested agencies under SEQRA have been identified:**

**Town of East Greenbush Department of Public Works
Clinton Heights Fire District
NYSDEC
Rensselaer County Department of Public Health
Town of East Greenbush Zoning Board of Appeals**

- 2. Declares this action as an Unlisted SEQR action in accordance with 6 CRR-NY 617.**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby determines that the plat as proposed would violate Section 2.6.6.E of the Town's Comprehensive Zoning Law, specifically:

- Proposed Lot #1, with a proposed area of 1.08 +/- acres, lacks appropriate width (frontage), having only 35.71 feet of width in violation of Section 2.6.6.E:**
 - Area and Bulk Schedule in Residential District (R-2) requires a minimum lot width of 75 feet**
- Proposed Lot #2, with a proposed area of 0.46 +/- acres lacks appropriate width (frontage), having only 39.35 feet of width in violation of Section 2.6.6.E:**
 - Area and Bulk Schedule in Residential District (R-2) requires a minimum lot width of 75 feet**

The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law.

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

GREENBUSH ASSOCIATES-30 TECH VALLEY DR.-LOT LINE ADJUSTEMENT (21-32)

Bill Mafrici from Hershberg & Hershberg as well as Paul Dombrowski from Greenbush Associates was also present. Bill Mafrici stated that the purpose of the lot line adjustment is to provide common ownership for the existing SWPPP basins. Bill Mafrici stated that 30 Tech Valley Drive will consist of 6.4 acres & the balance will be 40 Tech Valley Drive will consist of 33 acres, there is no new development proposed. The point of the lot line adjustment is just to separate the parcels for sale.

•Ralph Viola asked for Bill Mafrici to point out the existing lot lines on the plan. Bill Mafrici stated that the separation in color is what dictates it on the map.

•Chris Horne asked if the proposed lot line will still include some basins. Bill Mafrici stated that yes, 3 for 30 Tech Valley Drive and 3 for the remainder.

Adam Yagelski stated that the zoning is PDD and asked Bill Mafrici to talk about the development of the PDD. Bill Mafrici stated that back in 2016, this is section 2 of the PDD and at some point the hope to develop more of Section 2.

Chairman Mastin asked if there were any other questions.

Kurt Bergmann asked for clarification of the basins and which properties they go to. Bill Mafrici stated that the three smaller basins are associated with 30 Tech Valley Drive and that the other 3 basins service 33 Tech Valley Drive across the street.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby:

- 1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) “granting of individual setback and lot line variances and adjustments”;**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows:

- 1. Grants final approval of the proposed Lot Line Adjustment prepared by Hershberg & Hershberg and dated November 2, 2021, subject to the following:**
 - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and
 - All remaining fees are paid to the Town.

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MARTIN ELECTRIC-164 COLUMBIA TURNPIKE-SITE PLAN

(21-33)

Steve Hart of Hart Engineering stated that the site is the old Big Lots site, the building consists of 27,000 sq. ft. and is split between Martin Electric and a gymnastics studio up front. Steve Hart stated that about a year ago a Special Use Permit was granted to build a storage building in the rear of the parcel. Steve Hart stated that vehicles are parked all over so Martin Electric is proposing a 60' x 100' approximately 20' tall hard top tent with no foundations, it secured to heavy block. Steve Hart stated that a canopy has been installed over the loading dock as well. Steve Hart stated that there is a National Grid easement behind the building that they can't encroach on and he'll get an answer regarding the easement.

Chairman Mastin asked if the garage was built bigger than it was supposed to be. Adam Yagelski stated that the garage that was built is 1,100 sq. ft. larger than what was previously approved. This site also has two stop work orders have been issued at the site. Adam Yagelski stated with respect to site plan compliance, the other proposed items that aren't shown are the 14 parking spaces, the snow storage area, and the privacy slats in the various landscaping & also the hatched area, and asked if that is existing or proposed. Steve Hart stated that the hatched area is a crusher run area.

Adam Yagelski stated that they were approved for 3,900 sq. ft. of disturbance and there is 1,700 sq. ft. of additional disturbance. Steve Hart stated that stormwater comes into play as well. Adam Yagelski stated that he recommends a note on the plan with the accumulative amount of disturbance.

•Chris Horne asked if it's all open air enclosure. Steve Hart stated that it has sides.

Adam Yagelski stated that he had several questions regarding this structure: the color, texture, what are the main framing members, is it translucent, is it going to reflect natural or artificial light onto adjacent properties, is it going to blow in the wind, cause noise and is it a permanent installation and visibility from Routes 9 & 20. Steve Hart stated he will have to get some information regarding the tent.

Don Panton asked what kind of snow load it could take. Steve Hart stated that they are meant for the northeast and he's sure an engineer would have to stamp the plans on it.

•Kurt Bergmann asked if you'll be able to see that from Columbia Turnpike & how far are the house from it. Steve Hart stated maybe for a split second or so and that one house is 193' & 187'.

•Ralph Viola stated that we had to remember what was here before, two box stores will lots of tractor trailers, they have done a great job with the landscaping in the front and the building looks great as well, they have been able to hide their vehicles, he feels this could be worked through to make everyone happy.

Adam Yagelski asked Steve Hart to talk about the canopy. Steve Hart stated that it's just a roof, the sides are open on it.

•Chris Horne asked where the snow removal area would be moved to. Steve Hart stated that he'll have to check on that.

•Kurt Bergmann asked if there was a lot of rain would it act as a drum & also asked about the stop work orders. Steve Hart stated he's not sure & will have to get that information. Adam Yagelski stated that the first stop work order was for the canopy and the steel & concrete and filling & the placing of the mafia block.

•Kurt Bergmann stated that it's dis-concerning about the applicant not adhering to what was approved. Chairman Mastin stated that the intent tonight was just for a presentation, it was a last minute addition to the agenda, due to the stop work orders.

Adam Yagelski stated that the Board will need to classify this and it might be pushed to a major site plan & may require another special use permit.

•Ralph Viola stated that he didn't really think that these weren't considered a structure. Adam Yagelski stated that it could possibly be an interpretation or a check with the building & codes department.

Chairman Mastin asked what would be stored in the tent. Steve Hart stated trucks, lulls, lifts & stuff like that. Adam Yagelski stated there was some stuff stored outside and if that would be put in the tent. Steve Hart stated that is the intent to get the storage in there.

Chairman Mastin asked if there were any other questions. There were none.

Chairman Mastin stated that they need more info on the tent & what will be stored in it and the easement.

Adam Yagelski stated he needs an amended application and definition of the structure proposed.

Joe Slater stated that they would be a determination from the Code Enforcement Office on the use & if it's a structure or not.

Steve Hart asked if it's definitely a Special Use Permit & Major Site Plan. Chairman Mastin stated that the assumption is that it will be.

Anna Feltham asked if they want to officially assign the ZBA referral for Benoit now. Joe Slater asked if there was an application. There is not, so Chairman Mastin stated that he & Joe will take care of it when they get an application.

Anna Feltham asked if they wanted to talk about the November 24, 2021 meeting.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby cancels the November 24, 2021 Planning Board meeting.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

NEW ZBA REFERALLS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the October 27, 2021 meeting minutes. Seconded by Kurt Bergmann. Motion carried by a 6-0 vote.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Kurt Bergmann. Motion carried by a 6-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary