

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENNELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES APRIL 10, 2024

#### Members:

Matt Mastin, Chairman  
Chris Horne  
John Conway  
Robert Jucha  
Mike Tierney  
Kurt Bergmann  
Ralph Viola

#### Also Present:

Dan Rodriguez, Planner  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Secretary

#### CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of seven (7) members were present.

Chairman Mastin stated that Gettysburg Flagworks was taken off the agenda as unfortunately the applicant had a family emergency today and couldn't make it.

#### PUBLIC HEARINGS:

NONE

#### OLD BUSINESS:

##### TEMPLETON- 29 MICHAEL ROAD -2-LOT SUBDIVISION

(24-07)

Shawn Templeton was present on behalf of Margaret & Hugh Templeton. Chairman Mastin stated that this project is on the agenda for a SEQR classification and to schedule a public hearing. Chairman Mastin asked if there was any update since they were last before the Board. Dan Rodriguez stated that they are not going to do the coordinated review. Chairman Mastin stated that at the last meeting the Board did a resolution to initiate a coordinated review under SEQR, they have identified that a coordinated review is not required, so the Board is doing a new resolution, but the project remains the same. Chairman Mastin asked if the Board had any questions. There were no questions.

**MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby: Declares this action as an Unlisted SEQR action in accordance with 6 CRR-NY 617, and declares its intent to initiate an uncoordinated action.**

**Seconded by Bob Jucha & roll called as follows:**

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-ABSENT; J. Conway-YES;  
R. Jucha-YES; M. Tierney-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 schedules a Public Hearing related to the proposed 2-Lot Subdivision for April 24, 2024, at the East Greenbush Town Hall at 7:00 PM.**

**Seconded by Bob Jucha & roll called as follows:**

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-ABSENT; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.**

**MOTION CARRIED BY A 6-0- VOTE**

**\*Chris Horne showed up a few minutes after 7pm\*.**

**NEW BUSINESS:**

**CLINTON HEIGHTS FIRE DEPARTMENT-164 COLUMBIA TURNPIKE-MAJOR SITE PLAN/MINOR SUBDIVISION** (24-10)

Chairman Mastin stated this is on the agenda for a presentation. Steve Hart from Hart Engineering & John DeForest from BBL were both present. Steve Hart stated the Clinton Heights Fire Department is looking to relocate and move to a new facility. Steve Hart stated the proposal is to construct a 21,152 sq. foot building approximately 10-15 feet off of Columbia Turnpike with two stories of approximately 14,500 square feet on the first floor and approximately 7,000 square feet on the second floor. Steve Hart stated that they are proposing six truck bays with offices, pantry and storage. Steve Hart stated that they are proposing to subdivide the fire house parcel from the main lot which would consist of about 1.04 acres. The requirement in the B-1 zone is ½ acre lots with 100' of frontage. Steve Hart stated that there would be cross lot easements for traffic across the site as well as for shared parking for all of the tenants. Steve Hart stated that there is a water and sewer line along Columbia Turnpike. Steve Hart stated that there is an area next to the proposed firehouse for a landscaped monument with a flagpole and sidewalks along the building. Steve Hart stated that they are looking for a location for a generator (on the west side along the trailer park) and a dumpster location and fire department project sign location.

- Ralph Viola stated he knows this is preliminary but how will the trucks turn to be able to back into the bay. Steve Hart stated that the islands may have to be cut back or may turn into striped islands.
- Bob Jucha asked as far as the subdivision, how will that affect the pulling in and pulling out of the fire house. Steve Hart stated that there will need to be a common access easement, they will overlap.
- Kurt Bergmann mentioned a generator and noise screening and do you expect them to have a siren on top of the building. John DeForest stated that they would have an alarm similar to what's on Hampton Avenue. Kurt is concerned as there are residents in close proximity.
- John Conway asked what the impact on the Hampton Avenue property or the other fire department property across from Columbia Turnpike. John DeForest stated that the old ambulance garage (gray wood frame building) will be sold. The other two fire department properties will be maintained, one would be used as a special use building.
- Ralph Viola asked between the two fire houses how many pieces of apparatus is there now. John DeForest stated that they will be able to put everything in the new location.
- Bob Jucha asked what would be on the second floor. John DeForest stated that the second floor has a community room, some of their offices & a fitness area.
- Bob Jucha asked what a community room is. John DeForest stated where they get all their members together & do training and also, they may open it up to some type of game night or community outreach type thing.

•Bob Jucha asked if they had enough parking for that. John DeForest stated that is the beauty of that parking lot, there are somewhere around 700 parking spaces. Even with what the existing tenants need, they far exceed what the zoning was and what they needed.

•Bob Jucha stated that once you subdivide that piece off you wouldn't have all those parking spaces. John DeForest stated that those cross easements won't only be for egress, they will be used for parking as well.

•Kurt Bergmann asked if it's a community room, will it be ADA compliant & accessible with an elevator. John DeForest stated it will and it will have an elevator.

•Kurt Bergmann asked if there would be a bump out on the roof. John DeForest stated that they wouldn't need to have a bump out.

Chairman Mastin stated that one aspect of this project is that there are some outstanding issues with the property already. Chairman Mastin stated that the ongoing issues will have to get cleared up before the Board could vote on any new action on this property.

Steve Hart stated that Josh Giller sent out a very detailed list of violations that exist on the site and are outstanding. Steve Hart stated that they plan to be very aggressive getting those items addressed, the parking, dumpsters, oversize building & extra parking area.

•Mike Tierney asked if there are three or four roof top units on the top of the building. John DeForest stated that for 20,000 square feet they would probably see three or four gas fired rooftop units, not sure if they will need A/C or not yet.

•Mike Tierney stated he would like to see some kind of screening on them, so you don't see them going down the hill westbound on Columbia Turnpike. John DeForest stated they could do a visual study and he doesn't think they'd object to doing some type of screening.

Steve Hart stated that the generator would run once for a test period, once every three months and then only during an emergency. For clarification the generator would run for 30 minutes once a month.

•Bob Jucha asked if there would be sidewalks out in front of the building. Steve Hart stated that there would be sidewalks to get out of the two doors on the front of the building.

•Kurt Bergmann asked if there were any sidewalks on the side of Columbia Turnpike. John DeForest no, they're on the north side.

•John Conway asked if the idea was to convey the entire parcel to the Fire Department. Steve Hart stated that it will still be owned by the original owners, the Fire Department will just lease it.

Chairman Mastin asked if there were any further questions from the Board, this was just an introduction to the project. There were no further questions.

### **NEW ZBA REPORTS:**

ZBA Appeal #2024-02 & #2024-02A-Martins-11 Smith Lane-2 Area Variances for Garage & an Area Variance for a greenhouse-report by Matt Mastin

After some discussion from the Board, the following motion was made. A motion was made by Chairman Mastin as follows: **The Planning Board gives a positive recommendation for the three area variances included in ZBA Appeal #2024-02 & #2024-02A at 11 Smith Lane with the following conditions. \* See attached report for further details.**

1. That the applicant at 11 Smith Lane install drainage structures to divert stormwater away from 9 Smith Lane.
2. That the garage at the north end of the property be cleaned up and remediated.
3. That the East Greenbush Building Department confirm that if the applicant desires to include the well and the well house in their garage that it is code compliant.

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

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.**

**MOTION CARRIED BY A 7-0- VOTE**

**NEW ZBA REFERRALS:**

ZBA Appeal #2024-03-Comstock-Area Variance for pole barn -report due April 24, 2024-assigned to Mike Tierney

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the March 13, 2024 meeting minutes. Seconded by John Conway. Motion carried by a 6-0-1 vote. Mike Tierney abstained.

Motion by Chairman Mastin to approve the March 27, 2024 meeting minutes with corrections from John Conway. Seconded by Bob Jucha. Motion carried by a 5-0-2 vote. Ralph Viola & Kurt Bergmann abstain.

Josh Giller gave an update on Martin Electric and the violations on the site.

1. The oversized building in the back that originally came in for the minor site plan should've been a major site plan.
2. The overhang over the existing loading area that's not inclusive on the site plan.
3. There is an area in the back right of the parcel that's a crusher run area that wasn't inclusive of the original site plan.
4. There are Conex containers.
5. There is an issue with access of parking commercial vehicles.

Josh Giller stated that his recommendation on how to proceed is that there are certain things that can be resolved through the major site plan process of which the Town is going to have them do. The oversized structure and the overhang will be included in the major site plan. The two new buildings they're proposing to construct are to alleviate some of the violations that exist, so the major site plan will resolve some of those. The Conex containers & some of the parking issues, he's having the applicant deal with as soon as possible. Josh Giller stated that as far as the new proposal with the fire department, they can have conditions of approval that to make sure that the Town verifies from the Building Department and the Planning office that all existing violations with Martin Electric are dealt with before any building permits or approvals go through. Josh Giller stated that he sent Steve Hart every violation that they have.

Josh Giller told the Board that the Police Department is proposing a fire range on the Transfer Station parcel. Josh Giller stated that it's for shared services, The Town of East Greenbush, The City of Rensselaer, the Town of Schodack and the Town of North Greenbush. It would not be for public use at all. Chairman Mastin asked if they were hiring an engineer. Josh Giller stated that Fred Mastroianni is doing it. Josh Giller stated it would be a major site plan.

Dave Terpening asked if he could make a comment. Dave Terpening asked why things are taking so long to remedy the Martin Electric site, as it's been three years. Chairman Mastin stated that he doesn't have any control over what happens with the Building Department.. Dave Terpening stated that the applicant has a track record for doing things without a permit and no punishment for what they've done. Dave Terpening stated he sent Mr. Giller a list of his wishes and wants.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Chris Horne. Motion carried by a 7-0 vote.

Respectfully Submitted

*Alison Lovely*  
Alison Lovely, Planning Secretary

April 9, 2024

RE: Three Area Variances  
ZBA #2024-02 & 2024-02a  
11 Smith Lane

The applicant owns a residential home at 11 Smith Lane, Tax Map #177.-2-11 in the Residential Buffer District (R-B). The applicant is proposing to build a 20' x 32' attached garage on the side yard at the south of the property and a 14' x 28' greenhouse on the side yard at the north of the property. The East Greenbush Building Department has determined Area Variances are required for the following reasons:

- Garage will result in side yard setback of 6.6' and 25' is required
- Garage will result in front yard setback of 21.8' and 40' is required
- Greenhouse will result in front yard setback of 21' and 40' is required.

Mike Tierney and I met the applicant at 11 Smith Lane on April 5th. The applicant, Tiago, and his wife explained that they are fixing up the property to serve as their families primary residence. The house on the property is in disrepair and requires a significant amount of work. In addition to renovating the house, the applicant is proposing to add the garage and greenhouse. The proposed garage will provide covered parking but will also replace a dilapidated, existing well house. The applicant's wife plans to utilize the greenhouse, estimated at 9' tall, for her personal plants such as orange trees which can not survive outdoors in this climate.

While visiting the property, Mike and I spoke to the neighbor immediately to the South of 11 Smith Lane. That neighbor had no objection to the proposed structures.

On April 8th, I spoke to the neighbor at 8 Smith Lane via telephone. Prior to the applicant purchasing 11 Smith Lane, the property has had a problematic history. That neighbor had no objection to the proposed structures and was happy to see improvement to the property. The neighbor did express concern with construction vehicles traversing Smith Lane, drainage, water supply wells, and debris on the property of 11 Smith Lane. The debris was dumped down an embankment by a previous owner.

### **Findings**

1. The proposed structures would not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties. All parcels on Smith Lane feature primary or accessory structures beyond the permitted setback requirements.
2. There is not a feasible alternative that can be achieved for the proposed structures. The garage cannot be built on the north end of the property due to proximity to the septic system. The greenhouse cannot be set back further due to proximity to the septic system.

3. The requested variances are not substantial as all other parcels on the street feature primary or accessory structures beyond the permitted setback requirements.
4. The requested variances would not have an adverse impact on the physical or environmental condition in the neighborhood or district. The proposed structures include an addition to the primary residential structure and a new accessory structure. All parcels on Smith Lane include residential primary structures with accessory structures. However, at the time of the site visit, a large amount of stormwater was evident on the lawn area of 9 Smith Lane. If the variance requests are approved, a condition should be considered for the installation of drainage infrastructure at 11 Smith Lane to divert water away from 9 Smith Lane.
5. The alleged difficulty is self-created although it appears that adoption of the 2008 Comprehensive Zoning Law resulted in non-compliant structures on all lots along Smith Lane. Additionally, the property owner

### **Conclusion**

From a planning perspective, I give a positive recommendation on all three variance requests with the following conditions:

1. Debris be removed from the embankment at the North end of 11 Smith Lane
2. Stormwater infrastructure will be installed at 11 Smith Lane to divert stormwater away from 9 Smith Lane.

Matt Mastin  
Chairman  
East Greenbush Planning Board