

TOWN OF EAST GREENBUSH PLANNING BOARD

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MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES DECEMBER 9, 2020

Members:

Matt Mastin, Chairman
Ralph Viola
Don Panton
Nancy Kupiec
Jim Moore
Chris Horne

Also Present:

Adam Yagelski, Director, Planning/Zoning
Dalia Szarowicz, Planner
Joseph Slater, Planning Board Attorney

*The meeting was held via Zoom videoconference due to the Covid-19 pandemic.

CALL TO ORDER / DETERMINATION OF QUORUM

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

OLD BUSINESS:

DEER POND-ELLIOT ROAD-MAJOR 62 LOT SUBDIVISION-UPDATE

(14-08)

Andy Brick presented an update to the Board on behalf of the applicant, Surya Sulapo, who was also present. Also present were Kevin Boswell & Alvaro Gonzalez from Boswell Engineering. Andy Brick stated that they have made significant progress on the three remaining items, water/sewer and highway. Andy Brick stated that they are very close on receiving NYSDEC signoff on the sewer. Andy Brick stated that they reached out to Rensselaer County Highway after the meeting in September and with Adam Yagelski's help, they eventually received the necessary forms they needed to fill out & immediately returned them, and are awaiting their approval of the permit. Andy Brick stated that Adam reached out again on their behalf to see when they might be receiving them. Andy Brick stated that they had a zoom meeting in November on the water report & are currently finishing up all the final details, during the zoom call DPW asked for an analysis of another scenario, which Alvaro went back and immediately did & they are now finalizing the report to send to Fred Howard of the county, as well as the Town & Hank Labarba, the Town's sewer engineer. Andy Brick stated that he'd love to say that they're going to get everything approved this year. Andy Brick stated that realistically, he doesn't think they will get the approvals and get back in front of the Board at the end of the month in order to obtain final plat approval. Andy Brick stated they are asking for one further 3 month extension. Andy Brick is confident that they will be back in front of the Board in early 2021 for final plat approval. Andy Brick stated they'd be happy to answer any questions. Chairman Mastin stated that he's not very confident that this will get done in 2025 and stated he'd like to hear what the Planning Board member's opinions are.

- Chris Horne stated that when they met the last time the Board was very clear that at the time that was the very last extension they were granting them & is concerned with the precedence that this will set. Chairman Mastin asked them to outline the steps they have in place to get this done.

Kevin Boswell asked Alvaro Gonzalez to give a summary of the status of all three of the remaining issues. Alvaro Gonzalez stated that the sanitary water report was submitted on October 16, 2020, the county highway submission was on December 2, 2020 & the water report is being submitted on December 11, 2020.

- Nancy Kupiec stated that she knows with her own construction business that it's been very difficult to get agencies to respond.

- Ralph Viola asked for assurance from the owner that the pond issues would be addressed.

Chairman Mastin asked Joe Slater if they could issue an extension that's less than 90 days. Joe Slater stated it was at the discretion of the Board.

- Chris Horne asked if it's a site distance issue that they are dealing with regarding County Highway. Kevin Boswell stated that the site distance issues have been resolved & that everything that has been requested by all three of the remaining agencies have been delivered and they are just waiting to hear they have been approved.

Chairman Mastin asked how many days do they need. Andy Brick stated 60 days from December 11, 2020. Andy Brick stated that as far as Ralph Viola's question, they want to start construction as soon as possible. And in regards to the pond, whatever needs to be done can be while they are installing the infrastructure.

- Ralph Viola stated that also when approved, the project could still sit for years, due to lack of funding or whatever as it's already taken 6 years for design and development.

Chairman Mastin stated that he's inclined not to vote on an extension now and would like to wait until January. Surya Sulupa spoke and stated that he is the developer and that the funding is approved and they are ready to go. Chairman Mastin stated that he appreciated the investment but he would like to wait until January to grant an extension.

Andy Brick stated that he'd like to make a proposal. Chairman Mastin stated that he'd like to get the Board's thoughts.

- Jim Moore stated he has a question for Alvaro, in regards to the water model, did the Town DPW request the new scenario. Alvaro Gonzalez stated that is correct. Jim Moore asked if he is resubmitting the model at the end of the week. Alvaro Gonzalez stated that is correct. Jim Moore stated that he thinks DPW's request is out of sync with the Planning Department & Planning Board's work to date and isn't sure what anyone can do about that and stated that there is shared responsibility with the recent changes. Chairman Mastin stated that he is not opposed to granting a 90 day extension but would like to get feedback by the Board.

- Ralph Viola stated that he would like to give them 60 days.

- Chris Horne stated 2 months seems like enough time.

- Don Pantone stated that he wasn't around for like 5 years of this and asked how many extensions they've had. Chairman Mastin stated that there are have been 7.

- Nancy Kupiec is good with a 3 month extension.

Chairman Mastin stated that he could set the date for February 15, 2020.

Surya Sulupa stated that he is requesting the full three month extension and stated that if he can't get it approved in three months that he will walk away from the project.

Chairman Mastin proposes an extension to February 10, 2020 which is the first Planning Board meeting in February.

Andy Brick stated that they hope to come back on that date for final plat approval.

- Jim Moore asked which of the three remaining items are most susceptible to comments, sounds like the new water model maybe. Alvaro Gonzalez doesn't believe that will be an issue as he has been in constant contact whenever there has been a comment.

Chairman Mastin stated that he believes February 10, 2021 is reasonable and all the Board members agreed.

MOTION: A motion was made by Chairman Mastin as follows: Whereas the Town of East Greenbush Planning Board granted conditional preliminary plat & preconstruction approval of the above mentioned subdivision on April 11, 2018;

And whereas the preliminary plat approval dated April 11, 2018, required the applicant to satisfy several conditions within 180 calendar days of the resolution;

And whereas in accordance with Article IV, Section 5 of the Town's Subdivision Regulations, the final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, within 180 days after preliminary plat approval;

And whereas on the applicant was granted extensions in accordance with the Town's Subdivision Regulations on September 10, 2018, January 9, 2019, April 10, 2019, July 8, 2019 & October 8, 2019, January 8, 2020, September 23, 2020 extending conditional approval until January 4, 2021;

Be it resolved that the Town of East Greenbush Planning Board hereby grants an extension to be applied retroactively to the period December 9, 2020 through February 10, 2021 to the applicant to satisfy the conditions within the preliminary plat approval and file the final plat and supplementary documents in accordance with Article IV, Section 5 of the Town's Subdivision Regulations.

And be it further resolved that the Planning Board hereby grants an extension of conditional approval in accordance with Article IV, Section 5 of the Town's Subdivision Regulations commencing on December 9, 2020 until February 10, 2021.

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; N, Kupiec-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

Chris Horne asked if she could bring up old business while they are waiting for Steve Hart to get back online. She stated that she noticed that regarding 44 Troy Road, that they repaved the front parking area and paved a lot more than what was paved prior and wondered if anything could be done about it. Jim Moore stated he drove by and it looked like they paved the whole back yard as well. Ralph Viola stated that he has pictures of what existed prior and stated to Adam, that he could send them to him if he needs them. Joe Slater stated if there is a prior site plan on file then it could be referred to Code Enforcement to check to see if they're in compliance with it.

NEW BUSINESS:

IMMANUEL CHURCH-4 ONDERDONK AVENUE-MAJOR SITE PLAN/LLA. (20-18)

Steve Hart of Hart Engineering presented the proposal to the Board. Also present was Brad Guenther, the pastor of the church. Steve Hart stated that the proposal is to construct a 10,000 square foot, one story church with 200 parking spaces. The lot in the front of the church would consist of 100 parking spaces and there would be an area for banked parking consisting of 100 parking spaces and would consist of crusher run. Steve Hart stated that the current site of the church in Castleton consists of 5,000 square feet and has 80 parking spaces. The parcel is in the B-2 Zoning District which currently does not allow churches. The site consist of 6.2 acres and is located at the end of Onderdonk Avenue and has frontage on Columbia Turnpike & has water & sewer (water from Columbia Turnpike & sewer from Onderdonk Avenue. Steve Hart stated that the property to the south and west border the Greenbush cemetery. Steve Hart stated that the project would require a Zoning amendment since churches aren't currently allowed in the B-2 Zone. Chairman Mastin stated that as far as process goes, the Board would make a recommendation to the Town Board on a zoning amendment & asked the Board what their feelings were on this. Joe Slater stated that the site plan presentation is informational as the Board cannot take any action on it, and the Board will discuss a possible amendment later during the meeting.

- Nancy Kupiec feels churches should be allowed in B-2.

•Jim Moore asked what was the driving the location of the overflow parking lot as it seems as if it could be moved closer to the existing residential property & disturb less greenspace. Steve Hart stated that the reason is there is a 10' climb in elevation, so they were using the road in the change in elevation and then where the land levels off, that's where they would build the parking lot otherwise there is no other reason to push it so far away.

•Ralph Viola asked about the agenda mentioning a lot line adjustment, if the Onderdonk home was part of this parcel & with 200 cars exiting onto Columbia Turnpike if they would be looking to exit cars off of Onderdonk Avenue at some point. Steve Hart stated that due to a previous approval for single family homes and apartments for which variances were granted that for the residents most impacted it was agreed that the people off of Barber Drive & the last house on Onderdonk Avenue are being given 15' to 20' for a buffer, the Onderdonk parcel is separate & that he would ask the Board to make that a condition out of respect for the neighbors that they cannot exit on Onderdonk Avenue as it's a horrible location to exit from there with the retaining wall.

•Don Panton asked if the people and the cars will be going to use the roadway to the overflow lot at the same time. Steve Hart stated that he could propose a walk path.

Chairman Mastin asked the Board if anyone else had any questions about the site plan.

•Chris Horne asked if the property would be clear cut all the way to the neighbors. Steve Hart stated no, that they will leave as much wooded area as possible.

•Nancy Kupiec stated that they should be thinking about signage to point out the entrance to the church.

TOWN BOARD REFERRAL:

B-2 ZONING TEXT AMENDMENT REFERRAL TO TOWN BOARD

Chairman Mastin stated that he isn't really comfortable making a recommendation today. He'd like to hear from the Board.

•Jim Moore doesn't have an issue, but doesn't understand what the rush is while the Town Board is evaluating land use issues.

Chairman Mastin isn't comfortable presenting stuff to the Planning Board in one meeting and asking them to make a recommendation to a change in the zoning.

•Nancy Kupiec said she'd like to hear from Joe Slater.

Joe Slater stated that in 2000 there was a Federal Law passed called the "Religious Land Uses & Institutionalized Person's Act", which essentially requires Religious uses not to be treated differently from other non-religious uses. So the question came up of Religious uses not being allowed in the B-2 Zoning District, as to whether in effect the Town is treating them differently than other non-religious uses & if the Town had any compelling reason for doing so. Joe Slater stated that in discussions, The B-2 exclusion was purely based on a legal defect & there wasn't really any purpose behind it. Joe Slater stated there is a 30 day time frame that the Town Board expects a report.

Chairman Mastin asked what the start date of the clock was. Joe Slater stated it was from the time the matter was referred to the Planning Board, which is the same date he sent out the email to the Board.

Adam Yagelski stated that the Town Board kept the Public Hearing open through at least their next meeting.

Chairman Mastin stated that he would like to wait and asked the Board for their opinion.

•Chris Horne stated that she would also like more time.

•Don Panton would like more time.

•Nancy Kupiec has no problem acting, but if the rest of the Board needs time, she's fine with it.

•Ralph Viola would like more time.

•Jim Moore would like more time also.

This item will be discussed further at the Board's January 13, 2021 meeting.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the October 14, 2020 meeting minutes as is. Seconded by Don Panton. Motion carried by a 5-0-1 vote. Nancy Kupiec abstained.

UPDATES:

COMP PLAN:

Adam Yagelski stated that the Comp Plan Steering Committee voted on 11/24/20 to recommend the draft with a few modifications to the Town Board. The committee anticipated that the Town Board would do a couple of things tonight: 1. That they would accept the plan; 2. That they would initiate the required review & referral under SEQR, it's a type 1 action & schedule a public hearing. Adam Yagelski stated that the plan is in its final stages & he will let the Board know when the draft is up on the website.

GILLIGAN ROAD COMPLETE STREETS FEASIBILITY STUDY:

Dalia Szarowicz stated that the stakeholder meeting is on Friday, December 11, 2020 at 10am, which will include staff from DPW, Police Dept., Parks & Recreation, School District & neighbors on Ternan Avenue & in Greenbush Terrace, so they can have feedback. Dalia Szarowicz stated they will talk about the technical memo that is in place with CDTC & GPI has been selected as the consultant. Dalia Szarowicz stated that they have a map for future alignment for connectivity with residents of Gilligan Road. Adam Yagelski stated that the intent after the stakeholder meeting is to make a presentation to the Planning Board more formally once they have the stakeholders input & some initial results from GPI's review & a public hearing will be done on the Town Board level.

Chairman Mastin stated that the December 23, 2020 meeting would be cancelled and the next meeting would be January 13, 2021.

CLOSING:

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

Respectfully Submitted



Alison Lovely, Planning Secretary