

# TOWN OF EAST GREENBUSH PLANNING BOARD

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

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES September 27, 2023

#### **Members:**

Matt Mastin, Chairman  
Kurt Bergmann  
John Conway  
Robert Jucha  
Don Panton  
Ralph Viola

#### **Also Present:**

Josh Giller, Director of Planning  
Alison Lovely, Secretary, Planning/Zoning  
Joseph Slater, Planning Board Attorney

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

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

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

#### **LUZZI COMPANIES-GILLIGAN ROAD-MAJOR SITE PLAN-APARTMENTS (23-01)**

Chuck Pafundi was present from Luizzi Companies, he stated that for some reason when they were before the Board previously, he never caught the need for a third variance for the front yard setback. Variances are needed for increase in density, the decrease in commercial component and the front setback. Chuck Pafundi stated that the front setback has not changed and this is to allow for extra buffering on Gilligan Road and for the commercial businesses in the back to allow for better greenspace for Gilligan Road and the neighboring front businesses on Columbia Turnpike. Chairman Mastin asked if the Zoning Board of Appeals application only had two variances on it. Chuck Pafundi stated that it had three variances on it and that's how the Planning Department caught it. The Planning Board minutes only referenced two variances the last time the project was before the Board. Chairman Mastin asked what the status of the other two variances are if whether they've gone in front of the Zoning Board. Josh Giller stated that they haven't yet and confirmed that this is to refer the third variance to the Zoning Board.

Chairman Mastin asked the Board if anyone had any questions.

·John Conway stated that since there is a new ordinance in the works with a new zone being developed with reference to this project, is there any thought in the new ordinance in changing the setback requirements for the front. Chuck Pafundi stated he's not that familiar with the new ordinance, but he doesn't believe that his project fits in the confines of that on Gilligan Road. Joe Slater stated that legally speaking, this applicant came in while the current zoning was in effect, not the proposed code, so it has to be reviewed under the current code regardless. Chairman Mastin asked if they studied the traffic when little league was going on, when school was in session when the peak of traffic is. Chuck Pafundi stated that they planned on that for spring. They wanted to get in front of the Zoning Board first and then they planned on doing the traffic study in the spring.

Chairman Mastin asked if there were any other questions.

·John Conway asked if this was only an initial referral to the Zoning Board and then they would come back to the Planning Board for a more formal review.

Chairman Mastin asked the Board if anyone had any further questions. There were none.

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

**The Town of East Greenbush Planning Board hereby recognizes that the sketch plan as proposed would violate Section 2.7.2 of the Town’s Comprehensive Zoning Law, specifically:**

- **Dwelling units per acre exceeds district Area and Bulk Schedule with a proposed density of 18.01 dwelling units per acre in violation of Section 2.7.2.E:**
  - **Area and Bulk Schedule in General Business Mixed Use District (B-1) allows for a maximum of 12 dwelling units per acre**
- **Residential Mixed-Use Requirement, with a total proposed commercial area of 4,000 sf, in violation of Section 2.7.2.F 02:**
  - **Specific District Standards, Residential Mixed-Use Requirement in General Business Mixed Use District (B-1) requires a minimum of 30% commercial use per total gross floor area of the residential and commercial uses combined**
- **Front Setback Requirement, with a proposed front setback of 73 feet, in violation of Section 2.7.2.E:**
  - **Area and Bulk Schedule in General Business Mixed Use District (B-1) allows for a minimum front setback of 0 feet and a maximum front setback of 15 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 Don Panton & roll called as follows:**

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

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

**GOLDEN GRAIN-118 TROY ROAD-MINOR SITE PLAN/SUP (23-16)**

Chairman Mastin stated that since the last time they had a public hearing nothing has happened with the Planning Board so the intent of this meeting is for the applicant to update the Board on what they’ve revised since that public hearing, this is not an extension of the public hearing so there won’t be any public comment. The Planning Board is also not voting on this tonight, it’s an update only. Chairman Mastin stated to the public that if they have any comments to please put them in writing to either him or to Josh Giller. Chairman Mastin stated that there is a clarification to Janet who asked about the Zoning Board and the Special Use Permit but Chairman Mastin stated that the Planning Board handles the Special Use Permits.

Nick Costa from Advance Engineering and Zafer Ak the owner were both present. Nick Costa stated that they’ve eliminated the exit out onto Glaz Street. The only access (ingress & egress) is from Route 4. Chairman Mastin stated that there are two things that really bother him, one, the traffic and the fact that delivery drivers were cutting across the lawn and out to Glaz Street and he went up there last night for a bit and still saw tire marks in the grass & that has to get mitigated. The second thing is the exhaust and he asked what has been done for that issue. Nick Costa stated that there is an exhaust with filters. Chairman Mastin stated that it points right out of the back of the building & that the filters don’t work. Chairman Mastin stated that one of the criteria under a special use permit has to do with exhaust. It’s effecting the neighbors quite a bit. Chairman Mastin asked if they could put the exhaust on the roof. Nick Costa stated that there is a problem with prevailing winds & he thinks if the exhaust is on the roof, it will make things worse as it will be carried further. Chairman Mastin asked if they have consulted with a mechanical engineer in regards to that. Nick Costa stated that they are in the process. Nick Costa stated that Zafer Ak has looked into the manufacturer to see if there was any other type of filters that could be added to it.

Chairman Mastin stated that he would like to see something from a mechanical engineer.

- Bob Jucha commented that he's gone over there several times and the smell is pretty bad.
- Kurt Bergman asked if the filters were more for particles as opposed to fumes & odors. Nick Costa stated that these pick up more food processing and stuff.
- Ralph Viola stated his take is that it's hard for the neighbors to put up with this. The residents have been there a long time and need to be given consideration regarding the odor since their quality of life has been affected. His opinion is that the fumes should be exhausted up to above the roof line.
- Ralph Viola asked the applicant to explain the new traffic flow on their site plan.
- Ralph Viola asked where their dumpster location was. Nick Costa pointed it out on the plan and stated that they get into the site to dump it no problem.
- Ralph Viola asked what the setback from the existing home to the sidewalk. Nick Costa stated it's about three feet from the corner of the house and it's a five-foot sidewalk.
- Ralph Viola asked if they're going to provide any striping or crosswalk. Nick Costa stated that there is a crosswalk.

Zafer Ak asked if there was a rule or regulation on how far an exhaust fan has to be from houses. He stated that he saw some 20', 10' and even 5' away. Chairman Mastin asked which pizza place. Zafer Ak stated Eliah's pizza. Chairman Mastin stated that faces the Elk's and not residences.

Chairman Mastin stated that what they frequently do with Special Use Permits is put a time restraint on approval and then have the applicant come back in 6 months or a year and get feedback to see if the exhaust system is working.

- John Conway stated he was wondering how Denny's or Cracker Barrel is doing regarding their exhaust. Chairman Mastin stated that they will wait to hear feedback from a mechanical engineer.
- John Conway stated that he has a general comment that he feels the goal of Town is to preserve the residential character of the neighborhood & he thought that the house that the lawyer was in at the corner of Route 4 and Glaz would always be there, but he guesses if that changes then the applicant would need to come back before the Board.
- Don Panton asked what their plan was with the home. Nick Costa stated that Zafer Ak is looking for a tenant.

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

Chairman Mastin stated that this was just an update only.

### **NEW BUSINESS:**

#### **REGENERON-26/30 TECH VALLEY DR.-CONNECTOR RD-SITE PLAN MOD. (23-20)**

Steve Hart stated that the project is located at Building 26/30 on Tech Valley Drive. Steve Hart stated that the applicant is looking to better accommodate traffic, so they are proposing this connector road which will be one way and be 24' wide & approximately 150' long. Steve Hart stated the proposal to connect 26 & 30 Tech Valley Drive for better access in and out of the site & if people need to go to building 30 from building 26, they can just use the connector road. The road has also been designed for deliveries and has been designed to accommodate tractor trailers and fire trucks.

- Kurt Bergmann asked if there were any wetlands in that area. Steve Hart stated there isn't.
- Bob Jucha confirmed it would be one way and asked why it wouldn't be two ways. Steve Hart stated it will work better as one way.
- Don Panton stated they're not walking any of this, the employees would drive. Steve Hart stated that's correct.
- Ralph Viola asked about the do not enter sign he saw on the plan. Steve Hart said it is to stop the traffic at a certain point.
- John Conway asked Steve Hart to point out the gates and their fencing. Steve Hart pointed them out on the plan.

Chairman Mastin asked the Board if anyone had any other questions. There were none.

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

1. **Accepts the site plan entitled “Regeneron Pharmaceuticals Building 30 Connector Road” prepared by Hart Engineering, dated June 2023; and**
2. **Declares itself as Lead Agency under SEQRA and classifies this action as an Unlisted action in accordance with 6 CRR-NY 617. The Planning Board declares the following involved/interested entities:**
  - **East Greenbush Fire Department**

**Seconded by Kurt Bergman & roll called as follows:**

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

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

**REGENERON-BLDG. 20 -DISCOVERY DR.-ADA SIDEWALKS-SITE PLAN MOD. (23-21)**

Steve Hart stated that the project is located at Building 20 on the Discovery Drive campus. Steve Hart stated that the applicant stated about three years ago they built an addition on building 85 and need to add an ADA sidewalk and two parking spaces to be closer to the entrance to the building.

Chairman Mastin asked the Board if there were any questions. There were no questions.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(9) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”, and grants final approval of the proposed Site Plan Modification as depicted on the site plan entitled “ Regeneron Pharmaceuticals Building 20 ADA Access” prepared by Hart Engineering, dated June 2023 subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town’s Department of Planning and Zoning.**
- **All remaining fees are paid to the Town.**

**Seconded by John Conway & roll called as follows:**

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

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

**NEW ZBA REPORTS:**

NONE

**NEW ZBA REFERRALS:**

**ZBA Appeal #2023-12-Curley-1 Gail Court- 3 Area Variances-Inground Pool-assigned to Bob Jucha**

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the September 13, 2023 meeting minutes. Seconded by Bob Jucha. Motion carried by a 5-0-1 vote. Kurt Bergman abstained.

Josh Giller discussed the Lukowski referral & stated that he sent the Board information about that today and stated that the Board can discuss this at the next meeting.

Joe Slater stated one issue that might have Planning implications is that he saw a proposed law that was going to be voted on by the Town Board regarding the enforcement of the vehicle and traffic law by the local police in private parking lots. Joe Slater asked if it's been voted on yet. Josh Giller stated that they had a public hearing on it but he's not sure if they've voted on it yet.

**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*

Alison Lovely, Planning Secretary