

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 JULY 24, 2024

Members:

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

Also Present:

Dan Rodriguez, Co-Director of Planning & Zoning
Josh Giller, Co-Director of Planning & Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that the board was in full attendance.

PUBLIC HEARINGS

(19-01a) Martin Electric 164 Columbia Turnpike-Major Site Plan/SUP

Chairman Matt Mastin read the following legal notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the New York State Town Law Section 274-B(6) section 3.11.1(B)(2) of the Town’s Comprehensive Zoning Law (CZL). On an application for a Special Use Permit for the property located at 164 Columbia Turnpike, Rensselaer, NY 12144 Tax Map # 155.13-21-13, located in the General Business Mixed use District (B-1). The applicant is proposing the postconstruction approval of a 5,100sqft commercial garage, the construction of one (1) 48’ x 62’ enclosed cold storage garage, and the construction of one (1) 40’ x 62’ enclosed cold storage garage. The Accessory Use of “Structure; commercial garage or shed (SP)” requires a Special Use Permit pursuant to Section 2.7.2 (D) of the Towns CZL. Said Public Hearing will be held on Wednesday, July 24, 2024 at 7:00 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.

EAST GREENBUSH PLANNING BOARD/MEETING MINUTES/JULY 24 2024

Page 2 of 5

Steve Hart from Hart Engineering, representative for the applicant, summarized the history of the building. He also acknowledged the increase in size of the garage from what was approved by the Planning Board and other outstanding violations.

Chairman Mastin clarified that there are two different actions in motion for the project. The first being the Special Use Permit for the two cold storage units and existing garage on the parcel. The second is a Major Site Plan review, which is separately reviewed by the Town Board.

Chairman Mastin asked if members of the Board have comments or questions.

- Hart confirmed to Bergmann that the building is powered. Bergmann follows up and confirms that he does envision some light use of tools and machinery; however, the primary purpose of the building is for storage. As outdoor storage is not permitted, the building helps facilitate this. Thus, the potential for sustained noise generation is minimal.
- Tierney asked for clarification regarding the process as it relates to the garage being built larger than approved. Giller confirmed to Tierney that the Certificate of Occupancy was originally approved for the 3,900sf. Afterward, the Code Enforcement Department issued a notice of violation for constructing the building at 5,700sf. Giller further clarifies that a Minor Site Plan review would be for any building smaller than 4000sf. Anything larger than that requires a Major Site Plan review at the Town Board level. Martin Electric has been brought in to remedy this violation. This meeting will also help reduce other outstanding violations within this parcel. Tierney confirmed with Giller that the year 2021 was when the earliest violation was discovered. Bergmann stated that in an earlier decision, the town board determined that anything the town required would be overseen and approved by a third-party licensed engineer.

Chairman Mastin asked if members of the public have any comments.

- Chairman Mastin then read an email from resident David Terpening, also present during the meeting. Terpening cited noise, odor, stormwater runoff, as well as general disregard for the neighbors in their complaints. The resident also provided a link to documentation that supports his complaints.
- Terpening confirmed with Chairman Mastin that the stenographer was present virtually. Terpening also mentioned that the canopy over the dock area doesn't appear to be built with a permit, and that it was not present in the site plan application and never brought before the board. He also cited a series of issues, including encroachment into the access easement for his property and removed much of the trees on the property line, providing little coverage. Terpening then notes an overarching theme of the developer pushing the bounds of their requirements. He provided supporting documentation to the board via email and links within the email.

Chairman Mastin asked three times if anyone was present to speak in favor to the project.

0 members of the public spoke in favor.

Chairman Mastin asked three times if anyone was present to speak in opposition to the project.

1 member of the public spoke in opposition.

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

Seconded by Bergmann and roll called as follows:

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 7-0 VOTE

OLD BUSINESS:

(23-16) Golden Grain-118 Troy Rd-Site Plan Mod/SUP – Review for Conditional Approval

Applicant, Zafer Ak, Owner of Golden Grain, Nick Costa, of Advanced Engineering and Surveying, who was representing Ak and two neighbors of Golden Grain were in attendance.

Rodriguez detailed his visits to the neighbors that border the property to discuss each of their respective preferences for the property line.

- Rodriguez confirmed with Horne that the time of day he visited the area was during the afternoon of Tuesday, July 23rd around 12:30PM and again in the evening of 6:30PM.
- Rodriguez stated the neighbor next to the establishment on Glaz St wished to see a fence that is taller than six feet; however, Rodriguez acknowledged that code does not permit that and such would require a berm.
- Costa confirmed to Viola that the fence will go to the property line.

Neighbors A and B stated their specific concerns regarding the boundary:

- Neighbor A clarified what her understanding of the situation was and expressed confusion regarding what the fence line would look like. A consensus emerged that a fence line would be installed with conifer trees and be placed five feet away from an existing fence on Neighbor A's property. Berms will be added near the fence line by Neighbor A's property to add height to both the fence and the tree line, as per her request. The berm will also add to landscaping and as a deterrent to errant parking practices.
- Potential survey discrepancies were also discussed during the meeting. This doesn't alter the consensus of placing conifer trees with the fence line on the property boundary, only who would be responsible for maintenance.
- All parties agreed to having a split rail fence extend solely from the front lawn to the street to account for line-of-sight concerns.
- Viola confirmed with the applicant that parking lot lighting would only exist towards the front of the homes.

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

Page 4 of 5

Grants final approval of the proposed Site Plan Modification as depicted on the site plan prepared by Advanced Engineering, PLLC, dated July 19, 2024, and subject to the following conditions:

- a) **The applicant must abide by all of the conditions set forth in their Special Use permit approval dated March 13, 2024.**
- b) **Satisfying outstanding technical details as determined by the Town’s Department of Planning and Zoning.**
- c) **All remaining fees are paid to the Town.**

With the addition of new conditions:

- d) **That a three-foot tall berm be added to the northeast side of the parcel with seven six-to-eight feet tall conifer trees. These trees will be six-to-eight feet tall at time of planting.**
- e) **Add a white vinyl fence at the West 1001 Glaz Street where it is even with the front of the house at 1001 Glaz Street which point that fence transitions to a split rail fence until the property line at Glaz Street. Additionally, a berm will be added as depicted on the site plan, a two-and-a-half foot tall berm where the white vinyl fence will also sit on.**
- f) **The landscape island at 1001 Glaz Street remain three trees with the intent of preventing any traffic from driving through that parcel.**

Seconded by Jucha and roll called as follows:

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 7-0 VOTE

NEW BUSINESS:

(24-18) Town Center-1 Town Center Dr-Major Site Plan – Project Introduction/Presentation

Steve Hart, representing 585 Columbia Turnpike LLC, described progress and efforts towards construction of Town Center. Discussion was focused on Building C, a three-story tall building consisting of fifty-five residential units, ninety-one parking spaces met as per requirements to fit the building. Twenty-three garages are shown but are subject to change. The other buildings have seventy-eight residential units, coupled with Building C, averaging roughly eight units per acre. Water and sewer installed on site. Hart anticipates an underground retention system, regarding stormwater management. Landscaping buffers in the form of 50’ no-clearing zones along Jefferson are being incorporated per PDD requirements. A larger dog park is also proposed for the area. Six electric charging stations have been added, although currently, two are heavily used and four remain fairly unused. More can be added in anticipation of greater use, but absorption wasn’t as substantial as expected.

NEW ZBA REFERRALS:

ZBA Appeal #2024-10 Francis-8 Lake Shore Dr-Area Variance for Addition –

Report Due 08/14/2024

EAST GREENBUSH PLANNING BOARD/MEETING MINUTES/JULY 24 2024

Page **5** of **5**

Chairman Mastin reiterated the proposal by the applicant: Adding a seventeen-foot by twenty-four foot two-story addition to the back of their home. Twelve-point-six foot rear setback, which is required at twenty-five feet.

Rodriguez brought a survey for this parcel. It is a corner-lot with a shed. The whole parcel is coming near the 25% capacity limit. Due to this, Rodriguez requested that the applicant returns with a site-plan, as it would be difficult to determine capacity without a survey of the project. The proposal was scaled down to allow for two area variances, as opposed to several more that were in the original proposal.

Chairman Mastin asks for anyone willing to take up this report. Tierney volunteers to take up this report.

REVIEW AND APPROVAL OF MEETING MINUTES:

June 12, 2024 meeting minutes - Tentative

There were no minutes to approve at this time

CLOSING

There being no further business before the Board, the meeting was closed by Chairman Mastin

All spoke in favor.

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY - YES

MOTION CARRIED BY A 7-0 VOTE

Respectfully Submitted

Vincent Meade, Secretary for Planning and Zoning