

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)477-2005 FAX (518)477-2386

MEMORANDUM

PLANNING BOARD MEETING AGENDA JANUARY 10, 2024

MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

I. 7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:

II. PUBLIC HEARINGS:

None

III. ORGANIZATIONAL MEETING:

Appointment of Planning Board Consultants- Completed at the Town Board Organizational meeting on 1/2/24

Appointment of Attorney – Completed at the Town Board Organizational meeting on 1/2/24

Appointment of Secretary – Completed at the Town Board Organizational meeting on 1/2/24

Appointment of Vice Chairperson

Acceptance of 2024 Meeting Calendar

IV. OLD BUSINESS:

(22-08) Island Park-180-200 American Oil Rd-Site Plan modification/SUP/LLA – *Review for conditional approval*

V. NEW BUSINESS:

(24-01) 40 Iroquois LLC-40 Iroquois Pl-Site Plan Mod - *Review for conditional final approval*

(24-02) Da Great Lounge-596 Columbia Tpk-SUP – *Introduction. Schedule Public Hearing for Special Use Permit*

(24-03) Hutton-115 Craver Rd-SUP – *Introduction. Schedule Public Hearing for Special Use Permit*

VI. NEW ZBA REPORTS:

None

VII. NEW ZBA REFERRALS:

ZBA Appeal # 2023-17 KenseyBri LLC-6 Ridge Road-2 Area Variances – *Front Setback & Density & Interpretation on how the height of the building is determined-Report due on 1/24/2024*

VIII. REVIEW & APPROVAL OF MEETING MINUTES:

December 13, 2023 meeting minutes

*To view application materials, use this link: <https://www.eastgreenbush.org/departments/planning-zoning/apps>

ORGANIZATIONAL MEETING 2024:

Meetings:

- Meetings will be held two times per month on the second and fourth Wednesday of each month.
- Meetings will commence at 7:00 PM in the Town Court Room or Community Room or via Zoom.

Appointments:

The Town Board appointed Alison Lovely as the Planning Board Secretary & Joseph Slater as the Planning Board attorney at their January 2, 2024 Organizational Meeting. The Town Board appointed our seven Town Designated Engineers, i.e. consultants at their January 2, 2024 Organizational Meeting.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby appoints _____ as the Vice Chairperson in absence of the Planning Board Chairman.**

Roll Called as follows:

MOTION CARRIED BY A - VOTE.

Chairman Mastin _____
 Mr. Panton _____
 Mr. Viola _____
 Mr. Bergmann _____
 Ms. Horne _____
 Mr. Conway _____
 Mr. Jucha _____

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby approves the proposed 2024 meeting calendar.**

Roll Called as follows:

MOTION CARRIED BY A - VOTE.

Chairman Mastin _____
 Mr. Panton _____
 Mr. Viola _____
 Mr. Bergmann _____
 Ms. Horne _____
 Mr. Conway _____
 Mr. Jucha _____

LLIM, LLC
180-200 AMERICAN OIL RD
JANUARY 10, 2024

MOTION for SEQRA NEGATIVE DECLARATION
(22-08b)

WHEREAS, in July 2022, the applicant LLIM, LLC (“Applicant”) submitted an initial proposal for a 2-lot subdivision in the CI Coastal Industrial district (“CI Zone”) at 180-200 American Oil Road, East Greenbush, NY 12061. Due to an ongoing asphalt recycling operation at the site, the Town of East Greenbush Building and Codes Department did a site inspection and confirmed the onsite existing conditions and issued a use determination that the use of an asphalt recycling operation is classified as an ‘Industry; extractive operations or soil mining’, requiring a Special Use Permit in the CI Zone. As a result of this use determination, the Applicant submitted an application for a 2-lot subdivision, site plan modification and special use permit (“Project”) on January 3, 2024.

WHEREAS, the Town of East Greenbush Planning Board (“Planning Board”) reviewed the Application, declared itself Lead Agency under SEQRA, and determined the project to be an Unlisted Action on February 22, 2023.

WHEREAS, the Planning Board retained Stantec to be its designated engineer to conduct a review of the project on July 22, 2022. Stantec submitted their application review to Island Park LLC on August 15, 2022; and

WHEREAS, on August 18, 2022, the Applicant submitted a Full Environmental Assessment Form.

WHEREAS, on February 27, 2023, the Applicant submitted a revised Site Plan which Stantec reviewed and provided notes to the Applicant and the Planning Board.

WHEREAS, on September 1, 2023, the Planning Board received correspondence from the New York State Department of Environmental Conservation (“DEC”), and was advised that the DEC performed a site inspection on the subject property on April 14, 2022 and found that the occupants of the subject property have no unresolved violations with the DEC and therefore, the DEC has no open or pending enforcement actions against the applicant or on the subject property.

WHEREAS, on December 13, 2023, the Planning Board held a public hearing on the Special Use Permit.

WHEREAS, on December 18, 2023, the Planning Board received a Letter of No Effect from the State of New York Parks Recreation & Historic Preservation (“SHPO”) which stated that they reviewed the Phase I Archaeological Survey Report prepared for this project (December 2023;

23SR00658), and that no archaeological sites were identified by the survey. It was noted that the project plans indicate that the infiltration basin floor will remain at existing grade and berms will be constructed to shape the basin. It is the opinion of SHPO that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the project.

WHEREAS, on December 23, 2023, the Applicant withdrew the application for the subdivision and submitted a revised application consisting of the same Special Use Permit, same site plan modification and a lot line adjustment in place of the subdivision.

WHEREAS, on January 3, 2024, the Applicant submitted a revised Environmental Assessment Form;

WHEREAS, the Planning Board in conjunction with its designated Engineer, Stantec, has reviewed the Environmental Assessment Forms and all attachments, has reviewed all materials submitted in conjunction with the application, and

WHEREAS, the Planning Board has taken a “hard look” at the potential environmental impacts of this project by carefully considering all the Applicant’s proposed mitigation measures as they relate to environmental issues and more particularly to air quality and MS-4 storm water management consideration; and

WHEREAS, the Planning Board has compared the impacts that may reasonably be expected to result from the Project to the criteria for determining significance as identified in Section 617.7(c)(1) of the Regulations, which is attached hereto and incorporated herein; and

WHEREAS, the Planning Board has received no objections from the involved agencies for this Project’s SEQRA review; and

WHEREAS, the Planning Board has considered the significance of the potential environmental impacts of the Project and said review has resulted in a reasoned determination that the proposed action will NOT result in any large and important impact(s) and, therefore, is one which will not have a significant negative impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, the Project be classified as an Unlisted Action, as the quoted term is defined in the Regulations; and a NEGATIVE DECLARATION for the proposed Project be issued in full compliance with the New York State Environmental Conservation Law and the New York State Quality Review Act.

LLIM, LLC
180-200 AMERICAN OIL RD
SITE PLAN MODIFICATION
JANUARY 10, 2024

MOTION FOR CONDITIONAL APPROVAL
(22-08b)

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval of the site plan modification subject to the following:**

- **That the Applicant obtain and provide documentation of all certificates required from state and federal agencies including but not limited to New York State Department of Environmental Conservation and U.S. Army Corps of Engineers;**
- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
- **All remaining fees are paid to the Town.**

End of Motion

Town of East Greenbush
PLANNING BOARD

In the matter by:
LLIM, LLC
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 22-08b

Whereas, an application has been filed by LLIM, LLC, for the property located at 180-200 American Oil Rd, East Greenbush, NY 12061 which is currently operating as an asphalt recycling plant known as New Castle Asphalt; and

Whereas, a determination has been made by the Town of East Greenbush Building and Codes Department, that operating an asphalt recycling plant falls under the definition of “Industry; recycling and materials reuse” in the Town’s Coastal Industrial (CI) Zone, which requires a Special Use Permit;

Whereas, the applicant has filed an application for a Special Use Permit for a “Industry; recycling and materials reuse” at the property located on 180-200 American Oil Rd, East Greenbush, NY (Tax Map No. 165.-1-3.2 & 165.-1-4.12); and

Whereas, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on December 1, 2023; and

Whereas, notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, a Public Hearing was held by the Planning Board on Wednesday, December 13, 2023 to consider this application; and

Whereas, at this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, the Planning Board has carefully reviewed the materials submitted in connection with this appeal under SEQRA, including the full environmental assessment form, classified the action as an UNLISTED action under 6 CRR-NY 617 and has issued a Negative Declaration for the project on January 10, 2023; now, therefore, be it

Resolved, that the Planning Board makes the following findings of fact:

1. The location and size of the use, the nature and intensity of the operation involved, the size of the site in relation to the use, and the location of the site with respect to the existing and any future streets providing access are in harmony with the orderly development of the CI Zoning District as such district is intended to encourage light manufacturing;
2. The nature and intensity of the intended operation will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The development plans are designed to minimize conflict with existing adjacent agricultural operations;
3. Proposed traffic access ways are adequate;
4. Additional off-street parking is not necessary or required for the proposal.
5. The proposal would not be contrary to the general harmony of the neighborhood as another asphalt recycling plant exists in close proximity; and be it further

Resolved, that the application for a Special Use Permit for “Industry; recycling and materials reuse” in the Town’s CI Zone, be Granted with the following conditions:

1. The applicant must comply with all local, State, and Federal laws.
2. The applicant must comply with the accompanying site plan and its conditions.
3. This Special Use Permit is valid until July 10, 2025 (18 months), at which time the applicant must renew the Special Use Permit with the Planning Board to ensure the applicant has been compliant with the conditions stated herein.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on January 10, 2024.

(Discussion)

A vote was taken as follows:

- Matt Mastin ___
- Ralph Viola ___
- Kurt Bergmann ___
- Don Panton ___
- Chris Horne ___
- John Conway ___
- Robert Jucha ___

Motion carried

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By: _____
Matt Mastin, Chairperson

Dated: _____, 2024

****Granting of this Special Use Permit does not constitute a building permit. The applicant is still required to obtain a building permit from the Town's Building Department prior to commencing any construction activities.***

Copy To:

LLIM, LLC

Attn:

180-200 American Oil Rd
East Greenbush, NY 12061

Cc: Rensselaer County Planning (via email)
Town Clerk (via email)
Building Inspector (via email)
Assessor (via email)
PB File No. 23-16

LLIM, LLC
180-200 AMERICAN OIL RD
LOT LINE ADJUSTMENT
JANUARY 10, 2024

MOTION FOR CONDITIONAL APPROVAL
(22-08b)

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

**FORTY IROQUOIS LLC
40 IROQUOIS PLACE
SITE PLAN MODIFICATION
JANUARY 10, 2024**

**MOTION for CONDITIONAL APPROVAL
(24-01)**

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(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**
- 2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the site plan prepared by Hart Engineering, dated May 16, 2023 most recently revised December 14, 2023 subject to the following conditions:**
 - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;**
 - All remaining fees are paid to the Town.**

DA GREAT LOUNGE
SPECIAL USE PERMIT
596 COLUMBIA TPKE
JANUARY 10, 2024

MOTION to DECLARE SEQR CLASSIFICATION
(24-02)

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

- 1. Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(18): Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.**

MOTION to SCHEDULE PUBLIC HEARING
SPECIAL USE PERMIT
(24-02)

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 Special Use Permit for January 24, 2024 at the East Greenbush Town Hall at 7:00 PM.

End of Motion

HUTTON
SPECIAL USE PERMIT
115 Craver Rd
JANUARY 10, 2024

MOTION to DECLARE SEQR CLASSIFICATION
(24-03)

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

- 1. Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(18): Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.**

MOTION to SCHEDULE PUBLIC HEARING
SPECIAL USE PERMIT
(24-03)

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 Special Use Permit for January 24, 2024 at the East Greenbush Town Hall at 7:10 PM.

End of Motion