

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 September 13, 2023

Members:

Matt Mastin, Chairman
Chris Horne
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. Kurt Bergmann was absent.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

ISLAND PARK-180-200 AMERICAN OIL ROAD-SITE PLAN MOD./SUP/2 LOT SUB. (22-08)

Steve Hart presented the update to the Board. He stated that they were waiting several months for responses from NYDEC which they have received. Steve Hart stated that the project is located at 180-200 American Oil Road and consists of 32.7 acres. Applicant is looking to subdivide the parcel, 10 acres with 500' of road frontage in the CI Zone with the remaining parcel consisting of 22.7 acres of land. This parcel has an active asphalt milling plant for the past 10-15 years. There is a swing gate on the plan that has been labeled and a port a john. Steve Hart stated the Board had previously asked about lighting. The applicant rarely comes in at night but if they do they have a light stand and a note was added to the site plan. They have received comments from Stantec and are half way through addressing those. Steve Hart stated that they hope to be back before the Board in a couple of weeks.

Chairman Mastin stated that there are three potential actions, a site plan modification, Special Use Permit & minor 2 lot subdivision & a public hearing has not been conducted yet for the SUP.

Joe Slater stated that they were waiting on information to close SEQR and then hold the public hearing on the subdivision and special use permit & then simultaneously approved the site plan modification.

Chairman Mastin asked the Board if anyone had any questions. There were none. Chairman Mastin stated this was an update only.

SEABOARD SOLAR-465 MILLER ROAD-MAJOR SITE PLAN, LLA & SUP (23-17)

Chairman Mastin stated that the action tonight is to refer this project to the Conservation Advisory Committee ("CAC"). This project is in front of the Planning Board for a major site plan, special use permit & lot line adjustment & the Board is referring it to the CAC tonight for review. Chairman Mastin asked if there was anything to review tonight or if it was just being referred. Josh Giller stated this is just a procedural step to refer it to the CAC so that they can provide comments back to the Board regarding the project. Chairman Mastin asked if the applicant will go to a meeting and present to them. Josh Giller stated that the applicant has already presented the project to the CAC. Josh Giller stated that the CAC is working on comments and should have them back to the Board soon.

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 refers this project to the CAC so that they can provide written comments back to the Board in the form of a report.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

REGENERON-350 TEMPEL LANE BLDG. 17-SITE PLAN MOD. (23-19)

Steve Hart stated that the project is located at Bldg. 17 on the Tempel Lane campus. Steve Hart stated that Regeneron is having safety concerns around the rear part of building 17, as they have about 30' wide of asphalt back there as there are no sidewalks there so when people part, they are walking in the driving lane. The applicant wants to construct 300 feet of a 4-foot-wide sidewalk which will be a connection between two sidewalks. Chairman Mastin asked the Board if anyone had any questions. John Conway asked if the surface parking lot is what they're looking at and if there will be any curbs or guiderails. Steve Hart state that there are guiderails for safety.

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 B17 Sidewalk” prepared by Hart Engineering, dated September 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 Don Panton & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REPORTS:

ZBA Appeal #2023-09-West-25 Stirrup Drive- 2 Area Variances-Shed-assigned to Chris Horne

After some discussion from the Board, the following motion was made. A motion was made by Chairman Mastin as follows: **The Planning Board accepts the report from Chris Horne and recommends approval of the 2 Area Variances with the condition that no flammable liquids be stored within the shed.**

* See attached report for further details.

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

ZBA Appeal #2023-10-Lukowski-12 Redwood Court - Area Variance-Inground Pool-Assigned to Don Panton

After some discussion from the Board, the following motion was made. A motion was made by Chairman Mastin as follows: **The Planning Board withholds an opinion at this time as it wants to investigate the 25' natural buffer in the rear of the lot. * See attached report for further details.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the August 23, 2023 meeting minutes. Seconded by Chris Horne. Motion carried by a 5-0-1 vote. Ralph Viola & John Conway abstained.

Josh Giller stated that the Zoning Update will be in conjunction with the DGEIS and they will both be approved at the same time.

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

September 13, 2023

Town of East Greenbush - Planning Board Review and Recommendation to Zoning Board

Appeal Number: 2023-09

Request for side setback and setback from primary building variances

Address: 25 Stirrup Dr. East Greenbush, 12061

Tax Map Number: 155.68-1-17

Applicant: Ashley West

The applicant installed a 96" (8') x 30" (2.5') shed approximately 2.5 years ago, which required 2 variances that were never obtained. The current application is intended to correct that situation.

The property is located in an area which is zoned: Residence District (R-3). The following variance issues exist.

- The required setback from the house (primary building) is 12 ft, but the existing shed is only 1.8 ft from the house.
- The required side setback is 5ft and the existing side setback is only 8 inches.

Note, the owner has not indicated the required vs requested setbacks correctly on the application... she is mixing up what is meant by side and rear setbacks, thinking it's measured from the side and rear of the shed.

The owner has reported that the shed is used to store lawn chairs, an electric mower and a Christmas tree. No flammable materials were reported to be in the shed.

1. I visited the site on Sept 11, 2023. The applicant was not home, but I talked to the neighbor at 27 Stirrup Dr, who had no issue with the shed. The neighbor at 23 Stirrup Dr... the side where the shed is located... was home, but did not answer the door.
2. Although the shed is at the very edge of the property line, it blocks an old, unattractive 6' fence owned by the neighbor and improves the appearance of the property. Moving the shed further away from the house to meet zoning requirements would require ripping out existing gardens and would place it more in view of the neighbors. See photos included.
3. From a planning perspective, the proposed variance will not have an adverse effect on the physical condition or character of the neighborhood.
5. After making a thorough review of the (2) area variance requests, and with appropriate planning and zoning considerations in mind, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,
Chris Horne
Planning Board Member

