

# TOWN OF EAST GREENBUSH PLANNING BOARD

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES June 22, 2022

**Members:**

Matt Mastin, Chairman  
John Conway Jr.  
Don Panton  
Kurt Bergmann  
Ralph Viola

**Also Present:**

Anna Feltham, Director of Planning  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Secretary, Planning/Zoning

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Chris Horne was absent.

**PUBLIC HEARINGS:**

NONE

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

NONE

**ZBA REPORTS:**

ZBA Appeal #2022-05-Steele-35 Maine Avenue-Area Variance-Front Porch- Report by Matt Mastin

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board accepts Matt Mastin's report & makes a positive recommendation from a Planning perspective & forwards this recommendation & report to the Zoning Board. \* See attached report for further details.**

**Seconded by Don Panton & roll called as follows:**

**M. Mastin-YES; K. Bergmann-YES; R. Viola-YES; D. Panton-YES; J. Conway-YES.**

**MOTION CARRIED BY A 5-0 VOTE**

**NEW ZBA REFERRALS:**

NONE

Chairman Mastin stated that at the Town Board meeting last week, Anna was voted into her new position of Director of the Planning & Zoning Department & congratulated her on her new position.

**UPDATES:**

**Town Board Comprehensive Zoning Law Amendment Referral; Amendments to Solar Energy Law (Local Law #1 of 2017) with respect to Large-Scale Solar Energy Systems –**

Anna Feltham gave an update on the above and stated that the Town Board had a public hearing in early June and there is one month left on the moratorium. The Town Board is taking this month to examine the law a little further. The Town has received comments from NYS Ag & Markets, and just tweaking a couple of definitions and has also received language from our counsel about the PILOT agreement. There will be a second public hearing on July 13<sup>th</sup> & the Town Board should be taking action at their next meeting the following week. The revised local law should be posted by June 30<sup>th</sup> the latest. There has been no changes to setbacks, zoning or process. Chairman Mastin asked if the moratorium expires sometime in July. Anna Feltham stated yes, the night of the Town Board meeting.

•Kurt Bergmann asked where they post the public notices. Anna Feltham stated on the main page under news on the Towns web site & the Record & all surrounding municipalities are also notified.

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

**Town Board Comprehensive Zoning Law Amendment Referral; Proposed Battery Energy Storage Systems Local Law –**

Anna Feltham stated that this was tabled by the Town Board at their last meeting and will be done at the same time as the Solar Energy law. Since the two go hand and hand, it makes sense to do them at the same time. There have been no changes to this law & no second public hearing is required. Chairman Mastin asked if there was more or less feedback than the solar. Anna Feltham stated that there was less.

**Zoning Update Advisory Committee –**

Chairman Mastin stated that he is on the committee and that there has been a lot of focus on 9 & 20. Anna Feltham stated that there is no meeting in July, the next meeting is August 8<sup>th</sup> & their homework for that meeting is to go through the existing allowed uses and to filter out what the members feel should be kept and what they feel shouldn't be kept.

Chairman Mastin stated that the committee is looking to have fewer districts, right now 9 & 20 consists of a few different districts.

Chairman Mastin asked if there were any questions.

•John Conway asked if there is an outside Engineering firm working on this. Chairman Mastin stated that the Town is working with MJ Engineering.

•John Conway asked if there has been any discussion on new industries or new technologies, specifically like Doggie Daycares, brew pubs, things that weren't around in the past and are kind of awkward in the current law.

Anna Feltham stated that they have discussed brew pubs, distilleries, air bnb's (short term rentals), drive thru' s and home occupations that don't fit into our current definitions or categories very well. There is a long list of things.

•John Conway asked in terms of zoning, has anyone talked about a separate signage law. Chairman Mastin stated not yet.

•John Conway asked what the time table is. Anna Feltham stated that they're hoping at the end of this year or early next year. Anna stated that there is a website on the Zoning update that's linked to the Planning & Zoning Department page.

Anna Feltham stated that they had a new RFP for new Town Designated Engineer services and they have received 10 viable submissions & they are currently doing the review process right now, then have interviews & hoping at the July Town Board meeting to secure a new batch of TDEs' . Chairman Mastin asked how many they were looking to bring on. Anna stated that there are 7 now, and the idea was to decrease that number, they're not looking for a specific number.

**Planning and Zoning Department Staff –**

Anna Feltham stated that at the Town Board meeting on June 15, 2022 the Town hired Mike Brown who currently works for GPI and has over 20 years of experience. He's worked for the City of Rensselaer as the assistant director of Planning & an Engineer liaison to the Planning Council down there. He lives in Town and is familiar with Town projects as he's done inspections for Rysedorph and is currently doing inspections for Regeneron & Town Center. Anna feels it will be an easy transition. He will be the MS4 coordinator and also Planning Engineer. He will start July 11, 2022.

Chairman Mastin asked the Board if they had any questions for Anna.

Ralph Viola asked what the status is of the Food Truck local law. Anna Feltham stated that the Town Board passed a Demonstration Program last Wednesday and it's posted on the Town's website, but so far the Town has not received any inquires. Chairman Mastin stated that they didn't pass a local law. Chairman Mastin thanked Ralph Viola for putting together the report on the Food Trucks, it got high praise at the Town Board meeting. Anna stated that the Town Board doesn't know how to move forward but they felt they had to do something, so that's why they went with the demonstration program and it's only in effect until December 31, 2022.

Joe Slater asked if there is any update on the Planning Board vacancy. Anna Feltham stated they haven't heard of anyone yet and that if anyone has anybody that they could recommend, have them send in a resume.

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the June 8, 2022 meeting minutes. Seconded by Kurt Bergmann. Motion carried by a 5-0 vote.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Kurt Bergmann. Motion carried by a 5-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary

June 11, 2022

RE: Area Variance Application  
Steele  
35 Maine Ave

The applicant is seeking to build a front porch at their home on 35 Maine Avenue (Tax Map #166.10-19-2) in the Town's Residential District (R2). The applicant submitted for a building permit for a 10' x 19'10" front porch structure, facing Maine Avenue. Upon review by the Town Building Inspector, it was determined that the proposed structure would leave a front set back of 19' and did not meet Section 2.6.6 E Area and Bulk Schedule of the Town Comprehensive Zoning Law. Section 2.6.6 E Area and Bulk Schedule requires a front set back of 25'. The applicant is seeking relief through the Zoning Board of Appeals for one area variance for the front yard set back.

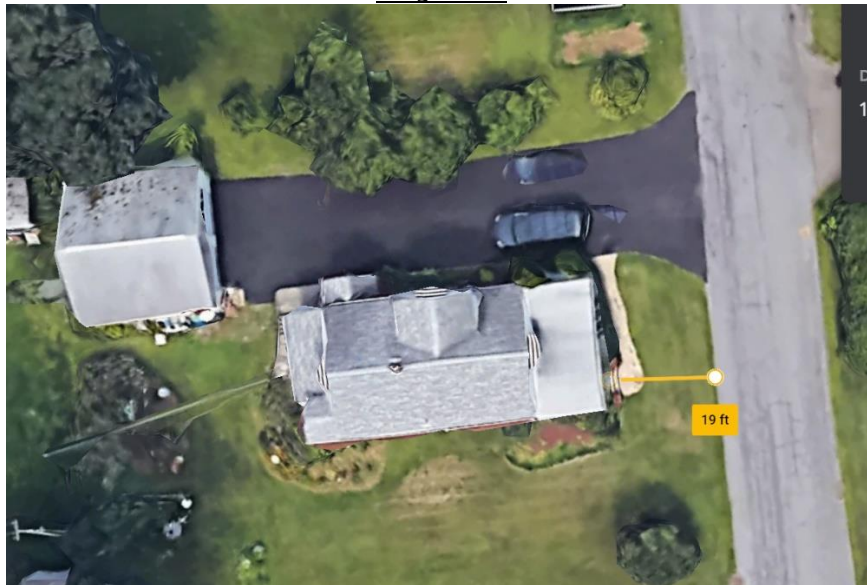


I visited 35 Maine Avenue on June 11<sup>th</sup> at approximately 3:45 p.m. I briefly spoke with the applicant, Lea Steele. During the site visit, I walked and drove around the neighborhood. What I observed during the site visit, and through use of Google Earth, is many structures that do not meet the front set back of 25'. The Sherwood Park neighborhood is one of the oldest in town with a dense parcel layout. Many homes in the area would not meet the standards set forth in the Comprehensive Zoning Law, passed in 2008.

A second observation is that 35 Maine Avenue is a corner lot. If the location of the proposed porch were designated a "side yard" a variance would not be required. The side set back required in the R-2 district is 8'.



***Oregon Ave***



Based on my review of the area variance application, the construction of a 10' x 19'10" porch at 35 Maine Avenue will not have an adverse impact on the neighborhood. The proposed construction meets the character of the area.

The Planning Board thereby gives a positive recommendation on the area variance from a planning perspective. The Planning Board further recommends that the Zoning Steering Committee take a hard look at older subdivisions in town to ensure that the updated Comprehensive Zoning Law does not have an adverse impact on preexisting residential structures in neighborhoods such as Sherwood Park, Woodland Park, and Hampton Manor.

*Matt Mastin*

Matt Mastin  
Chairman  
East Greenbush Planning Board