

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 April 26, 2023

Members:

Kurt Bergmann, Acting Chairman
Don Panton
John Conway Jr.
Robert Jucha

Also Present:

Anna Feltham, Director of Planning
Joseph Slater, Planning Board Attorney-on phone
Alison Lovely, Secretary, Planning/Zoning
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Acting Chairman Bergmann called the meeting to order and determined that a quorum of four (4) members were present. Matt Mastin, Chris Horne & Ralph Viola were absent.

PUBLIC HEARINGS:

7:00 PM MABEY'S-486 THIRD AVE EXT.-PHASE 2 - SUP

Acting Chairman Bergmann read the Legal Notice: The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b(6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 486 Third Avenue Extension, East Greenbush, NY, Tax Map # 144.-3-6.2, which is Zoned OC. The applicant proposes the construction of a warehouse and commercial building and related improvements. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.7.5 Corporate Office/Regional Commercial District (OC) Subsection C Special Use Permits: "Storage; self-storage rental facility" and Storage; wholesaling/warehousing, off site". Said Public Hearing will be held on Wednesday, April 26, 2023 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

Steve Hart of Hart Engineering presented the proposal on behalf of Mabey's. Steve Hart stated that the project has not changed much & that he would be happy to address any of the seven criteria of the special use permit. Steve Hart stated that there were comments at the last meeting in regards to the renderings & showed the plans from the last meeting & then the new plans that were drawn up since Board members had asked for a more enhanced look to the building. Steve Hart presented plans that showed the east & west views, glass has been added to three different places on the building (both corners and the middle of the building).

•Don Panton asked if there are any dividers or walls inside the building or if it was all open. Steve Hart stated that most of it is open. Steve Hart stated that most of it is open.

Acting Chairman Bergmann asked what you would see when looking into the windows, will you see boxes stored or is it more of a hallway. Steve Hart stated they may have some partitions inside to break it up but they won't be stacking boxes.

•Robert Jucha asked if the windows would be tinted/shaded. Steve Hart stated that he imagines that they will be.

Acting Chairman Burgmann asked if anyone else on the Board had questions. There were none. Acting Chairman Bergmann asked three times if anyone was in favor of or opposed to the project. There was no one in favor or against. David Terpening stated that he had comments.

· Dave Terpening stated that whole section of Third Avenue used to be residential and not it's being industrialized. In the resolution #4, there shall be no outside parking or storage of commercial vehicles or heavy moving vehicles on a long-term basis on site and asked why that is. Acting Chairman Bergmann stated it was from a discussion regarding lift trucks and tractor trailers and construction trucks. Dave Terpening asked if that was due to the current comprehensive zoning law. Joe Slater stated that it was from comments by Chairman Mastin. Dave Terpening stated then it's not a zoning code requirement. Acting Chairman Bergmann stated it's more for aesthetics.

· Dave Terpening stated that the other comment he has is #12, this is the first time he's ever seen the certification document & asked why that is. Acting Chairman Bergmann stated that it's to ensure that proposers of the project adhere to what's been voted on and approved and it's a follow up to that. Acting Chairman Bergmann stated that it's due to some past history in the area of the applicant. Joe Slater stated it's due to both the applicant and owner, during the first phase of construction, Mabey's didn't follow the site plan to the exact specifications. Joe Slater that this will probably be a practice that the Town uses going forward on all major projects.

· Dave Terpening asked on the first page of the resolution, the last whereas states there is a public hearing on May 10th. Anna Feltham stated that this is a public hearing on the major site plan with the Town Board. Joe Slater stated that tonight's public hearing with the Planning Board is on the Special Use Permit and the Board is not voting on that tonight because the Planning Board is waiting for the Town Board to close SEQR. Joe Slater stated that the resolution before the Board tonight is to make a recommendation to the Town Board on the major site plan.

Acting Chairman Bergmann closed the public hearing.

7:05 PM PAPA BRILLOS-9 TROY ROAD- SUP

Acting Chairman Bergmann read the Legal Notice: The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b(6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 9 Troy Road, East Greenbush, NY, Tax Map # 166.15-4-6, which is Zoned B-1. The applicant proposes outdoor seating. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section II-4 Use Schedule. Said Public Hearing will be held on Wednesday, April 26, 2023 at 7:05 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

Jeffrey Puppolo stated that he's proposing a patio area on the left side of the building with flower boxes on the top and fencing on a platform that will all be removable during the winter months & is also proposing two bistros in the front of the building. Jeffrey Puppolo stated that Ralph Viola had suggested an additional flower box towards the rear of the building.

Acting Chairman Bergmann asked if he was still proposed a shed. Jeffrey Puppolo stated he is not at this time.

Acting Chairman Bergmann asked if there was in already a pad in the front of the building to put the two bistro tables and chairs on. Jeffrey Puppolo stated that there was already a pad there.

· Don Pantan asked what the total seating will be. Jeffrey Puppolo stated about 20 or 22. Don Pantan asked what the inside seating was. Jeffrey Puppolo stated 78.

Jeffrey Puppolo stated that he also ordered two picnic tables that will be put by the bike path.

Acting Chairman Burgmann asked if anyone else on the Board had questions. There were none. Acting Chairman Bergmann asked three times if anyone was in favor of the project.

· David Terpening stated that it's nice to see someone come into Town and open up a small business and thrive & be a good neighbor. It's good use of that building. More small businesses should be encouraged in Town.

There was no one in opposition of the project.
Acting Chairman Bergmann closed the public hearing.

OLD BUSINESS:

MABEY’S-486 THIRD AVE EXT.-PHASE 2 -MAJOR SITE PLAN & SUP

(19-02A)

Acting Chairman Bergmann asked the Board if anyone had any questions.

•John Conway stated that he likes the old design better without all the glass. Anna Feltham stated that since there have been different views among the Board members & that some members are absent that there can be another opportunity when this comes back for final special use permit approval to talk about the windows & it could still be a condition of the final approval which can be discussed when the full board is present.

MOTION: A motion was made by Acting Chairman Bergmann as follows: **WHEREAS**, the East Greenbush Town Planning Board (“Planning Board”) is in receipt of an application for a major site plan by Mabey’s Realty, Inc. (“Owner”) and Hart Engineering, authorized representative of the Owner to construct an approximately 30,566 square foot warehouse storage building and related improvements, phase 2, (“the Project”) located at 486 3rd Avenue Extension, Town of East Greenbush, New York. Tax Parcel No. SBL: 144.-3-6.2; and

WHEREAS, the project is an unlisted action under the State Environmental Quality Review Act (SEQRA) and the Town Board declared itself lead agency for the review of the project on September 21, 2022; and

WHEREAS, the original approval of Mabey’s located at 486 3rd Avenue Extension included a proposed ‘phase 2’ for development of a single-story 15,000 sq. ft. building proposed for multi-tenant retail/commercial and a single-story 5,460 sq. ft. retail/commercial building, for which approval of the original ‘phase two’ could have been reviewed by the Planning Board only as a site plan modification if it was “substantially similar” to the original ‘phase 2’ proposal; and

WHEREAS, the proposal was found to not be substantially similar to the original ‘phase 2’ proposal and is therefore considered a major site plan review consisting of a proposed single-story 30,566 sq. ft. warehouse storage building and a proposed ‘phase 3’ consisting of a single-story 5,460 sq. ft. retail/commercial building; and

WHEREAS, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Mabey’s Realty Storage & Commercial Buildings – Phase 2” 16 sheets in total as prepared by Hart Engineering dated August 2022 most recently revised March 21, 2023; and

WHEREAS, the Planning Board has also reviewed the SEAF and accompanying correspondence and reports addressing potential environmental impacts of the project; and

WHEREAS, the Town Board did schedule a public hearing to take place on May 10th, 2023 on said major site plan, at which time members of the public are invited to speak either in favor of, or in opposition to this application; and

WHEREAS, the Planning Board has carefully considered the comments of and recommendation of its Town Designated Engineer, MJ Engineering, as well as the responses to those comments and recommendations provided by the Applicant;

now, therefore, be it

RESOLVED, that the Town Planning Board hereby recommends that the Town Board issue a negative declaration finding that the proposed application for major site plan application for the Project will not result in any significant adverse environmental impacts;

and be it further

RESOLVED, that the Town Planning Board hereby recommends that the Town Board approve the major site plan application as set forth in the Site Plans entitled, “Mabey’s Realty Storage & Commercial Buildings – Phase 2” 16 sheets in total as prepared by Hart Engineering dated August 2022 most recently revised March 21, 2023, subject to the following conditions:

1. Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town’s Planning and Zoning Department.
2. Approval of Major Site Plan is contingent upon approval of Special Use Permit under review by the Town’s Planning Board.
3. The plans are subject to any conditions and time limitations which are attached to approval of the Special Use Permit by the Planning Board, if any, and must be modified accordingly. The plans must also include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of said approval.
4. There shall be no outside parking or storage of commercial vehicles or heavy moving vehicles on a long-term basis on site.
5. Prior to issuance of a building permit, all remaining fees and escrow must be paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town.
6. The plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.
7. A Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, must be obtained for any work involving connection to the Town’s sanitary and/or water supply systems.
8. A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way. Additional grading is being proposed within the NYS Route 43 right-of-way, the applicant should coordinate this work with the Region 1 office of the NYSDOT.
9. Applicant must provide evidence of coordination with responding emergency services, Clinton Heights Fire Department. Proposed locations of fire department connections on proposed buildings shall not be blocked during winter months due to stock piled snow. Fire department connection location should be reviewed by responding agency to ensure full access.
10. Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified

individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.

11. Prior to issuance of a Certificate of Occupancy, the property owner or Mabey's Realty, Inc. must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.
12. Prior to issuance of a Building Permit, the property owner or Mabey's Realty, Inc. must retain a New York State licensed professional land surveyor, engineer, registered architect or landscape architect to submit the completed attached form entitled, "Professional Certification Commitment For Site Plan And/or Special Use Permit Approval, Town of East Greenbush" and comply with said form by making periodic observations of the site and providing copies of all site reports to the Building and Codes Department and Planning and Zoning Department.
13. Provided the Phase 3 development proposal is substantially similar to that which is shown on the approved site plan, consisting of a single-story 5,460 sq. ft. retail/commercial building, it is subject to further Planning Board approval as a site plan modification.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

PAPA BRILLOS-9 TROY ROAD-SITE PLAN MODIFICATION & SUP

(23-07)

MOTION: A motion was made by Acting Chairman Bergmann as follows:

Whereas, an application has been filed by Jeffrey Puppolo, P. Brillo's, 9 Troy Rd, East Greenbush, NY 12061 proposing the construction of a patio for the purposes of outdoor seating for the existing restaurant; and

Whereas, the proposal would constitute a "Restaurant; with outdoor seating" in the Town's B-1 Zone, requiring a Special Use Permit;

Whereas, the applicant has filed an application for a Special Use Permit for a "Restaurant; with outdoor seating" at the property located on 9 Troy Rd, East Greenbush, NY (Tax Map No. 166.15-4-6); and

Whereas, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on April 13, 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, April 26, 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 short environmental assessment form, and hereby classifies the action as a type 2 action under 6 CRR-NY 617.5(c)(18); 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 B-1 Zoning District;
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;
3. Proposed traffic access ways are adequate;
4. Additional off-street parking is not necessary or required for the proposal. The current restaurant site already contains sufficient off-street parking to accommodate the effects of the proposal;
5. The proposal would not be contrary to the general harmony of the neighborhood; and

be it further

Resolved, that the application for a Special Use Permit for the construction of a patio for the purposes of outdoor seating for the existing restaurant be Granted with the following conditions:

1. This Special Use Permit and accompanying minor site plan modification is approved for a period of 6 months post certificate of substantial completion as determined by the Town Building Department and Town Planning and Zoning Department;
2. The applicant must comply with all local, State, and Federal laws.

This resolution was moved by Kurt Bergmann and seconded by Robert Jucha at a meeting duly held on April 26, 2023.

(Discussion)

A vote was taken as follows:

Matt Mastin Absent
Ralph Viola Absent
Kurt Bergmann Yes
Don Panton Yes
Chris Horne Absent
John Conway Yes
Robert Jucha Yes

Motion carried 4-0

MOTION: A motion was made by Vice_Chairman Bergmann as follows: **The Town of East Greenbush Planning Board hereby grants conditional final approval of the proposed Site Plan Modification as depicted on the revised site plan prepared by FRIENDLY ICE CREAM CORPORATION dated June 30, 1983 and accompanying hand drawn diagram and rendering and subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;**
- **The site plan is subject to any conditions or time limits attached to the Special Use Permit relative to outdoor seating; and**
- **All remaining fees are paid to the Town.**

Seconded by Robert Jucha & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

CARVER COURT-UPPER MANNIX ROAD-MAJOR 110-LOT CLUSTER SUBDIVISION (20-11)

Anna Feltham stated that in the last month of two quite a bit of progress has been made, there is almost a final draft of the developer's agreement, there is an attachment, that is the construction document that goes through the details. Anna Feltham stated that the main purpose of the developer's agreement is laying out the work that's required of the developer on the existing Town infrastructure on the sewer. Once it's finalized it will come before the Planning Board to recommend to the Town Board for approval. Anna Feltham stated once that's done then they can really get into the final plat stage. Anna Feltham stated that the developer is intending to file the plat in three sections and all the infrastructure will be completed in the first section.

Acting Chairman Bergmann asked if they got their approvals from the Army Corp of Engineers. Anna Feltham stated that they did back in January. Anna Feltham stated that they will need a final set of construction plans on the sewer which would be reviewed by the Town's designated engineer.

John Conway asked in terms of the phasing, there is no real risk that they won't finish the project. Anna Feltham stated that the pump station on site will be completed with phase 1 & then the storm water is sectioned out to meet each of the three sections, same with sidewalks and the roads.

Acting Chairman Bergmann asked if there were any other questions from the Board. There were no more questions.

MOTION: A motion was made by Acting Chairman Bergmann as follows: WHEREAS, the Town of East Greenbush Planning Board granted conditional preliminary plat and preconstruction approval for the 110-lot cluster subdivision in the Town of East Greenbush, known as Carver Court, prepared by Brett Steenburgh, PE, PLLC, dated February 15, 2021 most recently revised January 25, 2022; and

WHEREAS, the conditional final plat approval dated February 9, 2022, required the applicant to satisfy conditions within 180 calendar days of the resolution; and

WHEREAS, in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations, conditions described in the aforementioned conditional preliminary plat and pre-construction approval resolution must be satisfied by the applicant within one hundred eighty (180) days after the date of the resolution, February 9, 2022; and

WHEREAS, the applicant may be granted periods of extension not to exceed ninety (90) days each upon written request of the applicant and by mutual consent; and

WHEREAS, the Planning Board did grant a ninety (90) day extension beginning August 10, 2022 and expiring November 8, 2022; and

WHEREAS, the Planning Board did grant a ninety (90) day extension beginning November 9, 2022 and expiring February 7, 2023; and

WHEREAS, the Planning Board did grant a ninety (90) day extension beginning February 8, 2023 and expiring May 9, 2023; and

WHEREAS, the Planning Board did receive written request for an additional ninety (90) day extension from the applicant dated April 3, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Town of East Greenbush Planning Board hereby grants an extension to the applicant to satisfy the conditions within the preliminary plat approval in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations which allows for the Planning Board to extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed ninety (90) days; and

Be it further

RESOLVED that the Planning Board hereby grants an extension of conditional approval in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations commencing on May 10, 2023 until August 8, 2023.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

OTHER:

Advisory report by Planning Board on proposed changes to Zoning Law & Zoning Map:

Anna Feltham wanted to bring this up as any changes to the Zoning Law & Map have to have a report for a recommendation by the Planning Board to the Town Board. Anna Feltham stated it will be discussed further with the entire Board.

NEW BUSINESS:

NONE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Approval of the April 12, 2023 meeting minutes tabled due to a quorum issue.

CLOSING:

There being no further business before the Board, the meeting was closed by Acting Chairman Bergmann. Seconded by John Conway. Motion carried by a 4-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary