

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 MARCH 24, 2021

Members:

Matt Mastin, Chairman
Ralph Viola
Don Panton
Chris Horne
Kurt Bergmann
John Conway

Also Present:

Alison Lovely, Secretary, Planning/Zoning
Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present.

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene its March 24, 2021 Board Meeting remotely as follows:

The Board Meeting will commence at 7:00 PM and will be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow the Planning Board members and those with business before the Board to participate electronically and remotely by audio and with or without a video connection.

In order that members of the public can view the proceedings, the meeting will be live-streamed on the Town's YouTube Channel. To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Members of the public with questions and/or comments can send correspondence to info@eastgreenbush.org. Correspondence sent to this email will **not** be answered in real time.

Please note that this meeting will be conducted remotely only and will not be held at Town Hall, which is currently closed.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

PUBLIC HEARINGS:

GUFFEY-15 TROY ROAD- SPECIAL USE PERMIT-

(21-05)

Chairman Mastin read the legal notice:

PLEASE TAKE NOTICE that the PLANNING BOARD of the Town of East Greenbush will hold a public hearing on March 24, 2021 beginning at 7:00 pm to consider the following matter:

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 3.11.1 of the Town's Comprehensive Zoning Law,

on an application for a Special Use Permit for the property located at 15 Troy Road, East Greenbush, NY, Tax Map # 166.-7-6-5, which is Zoned PPB. The applicant proposes a Health/Medical: office or clinic, outpatient. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section II Table II-A Use Schedule references a Health/Medical: offices or clinic, outpatient. Said Public Hearing will be held on Wednesday, March 24, 2021 at 7:00 PM via Zoom. 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

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene the public hearing remotely as follows:

The Public Hearing will commence at 7:00 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

Please note that this public hearing will be conducted remotely only and will not be held at Town Hall, which is currently closed. Please be patient upon joining the meeting. You will be provided instructions on how to deliver your comments once in the meeting.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

Written comment may be submitted to the Planning Board by email to alovely@eastgreenbush.org or to the Planning Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing. By Order of the Planning Board, dated March 15, 2021, Matt Mastin, Chairman, Planning Board, Town of East Greenbush.

Winter Guffey stated that she wants to use the space at 15 Troy Road for her chiropractic office. Winter Guffey stated that she will require a waiver for parking as there is only 4 parking spaces and 5 are required. Winter Guffey stated that they have addressed signage and landscaping. Winter Guffey stated that George Balogh had sent over the site plan. Adam Yagelski stated that the parking, landscaping and signage were addressed. Ms. Guffey stated there is a vacant lot across the street that could be used for parking if necessary, but Adam Yagelski stated that would be an issue as you can't have a parking lot be a primary use in the R-2 Zone. Winter Guffey also stated that she would not have any employees. Chairman Mastin asked the Board if anyone had any questions.

- Ralph Viola stated that he didn't see the landscaping and asked if the sign will have delineated plantings underneath and also mentioned the letter of support from 1 Greenbush Avenue. George Balogh spoke about the landscaping. Chairman Mastin asked George Balogh if he could update the site plan to show the landscaping.

- Chris Horne asked where the vacant lot for parking was. Winter Guffey stated it's across the street from them. George Balogh stated that it's been there for years and he used to park there when Blue Sky Travels was there.

Chairman Mastin asked if the vacant lot will really need to go to the Zoning Board. Joe Slater thinks it's better for the Planning Board to grant a waiver on the parking on the existing lot instead of making the applicant go before the Zoning Board for a use variance on the vacant lot across the street.

Adam Yagelski stated that the vacant parking lot across the street has been used for 50 or so years and could be a preexisting non-conforming use and asked George Balogh to present some evidence that it's been used that long.

- Don Pantton stated that Ralph asked the question about landscaping around the sign, so his question was answered.

•John Conway is curious as to how it will look on Route 4 and how the landscaping will be and if the parking is the same that existed with Blue Skies travel. George Balogh stated that yes it is.

•Ralph Viola doesn't think there is an issue with parking.

Chairman Mastin asked if there was anyone in the public to speak.

•Ricki & Marianne Crow stated that they were ok with it.

•Mike Cristo Jr. stated he was in support of it.

Chairman Mastin asked if there was anyone to speak against it. There was no one.

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

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

GUFFEY-15 TROY ROAD- SPECIAL USE PERMIT-

(21-05)

Chairman Mastin stated that they are going to wait on approval of the Special Use Permit until the next meeting.

Adam Yagelski stated that the applicant needs to amend their site plan application to a minor site plan application and pay the \$200 application fee.

CRISTO-24 OLD TROY ROAD-LOT LINE ADJUSTMENT (21-07)

Mike Cristo Jr. was present and stated that he's not sure if this is still a lot line adjustment or if it's a minor subdivision and the purpose of this is to move the easement to have enough property for frontage. Joe Slater stated based on the drawing that was filed with the county that it needs to be reclassified as a minor subdivision. Adam Yagelski stated that the requirement is to start from the most recently recorded plat that's on file with Rensselaer County.

Chairman Mastin asked the Board if there were any questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **In accordance with Article IV, Section 2(B) of the Town of East Greenbush Land Subdivision Regulations, the Town of East Greenbush Planning Board hereby classifies the sketch plat previously submitted as a minor subdivision.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby declares its intent to seek lead agency status in connection with a coordinated review under SEQRA. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA review of the Project. The following involved and/or interested agencies under SEQRA have been identified:**

**Town of East Greenbush Department of Public Works
East Greenbush Fire District #3
NYSDEC
Rensselaer County Department of Public Health**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

A Public Hearing is hereby scheduled for April 14, 2021 @ the East Greenbush Town Hall or by virtual means @ 7:00 PM.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

DEER POND-ELLIOT ROAD-62 LOT MAJOR SUBDIVISION

(14-08)

Kevin Boswell spoke on behalf of the applicant and stated that Surya Sulapo & Alvaro Gonzalez were present as well. Kevin Boswell stated that they received the comments from the Town on March 5, 2021 and that today they responded to the comments as well as submitted a revised subdivision package, SWPPP, plans & bond.. Chairman Mastin asked if Kevin Boswell believed that the comments are complete and ready for approval. Kevin Boswell stated he does. Chairman Mastin stated the intent today was to give the Town's TDE time to review the information that was submitted today.

Joe Slater stated that this extension was a mutual agreement between the Town & applicant to provide the Town's TDE enough time to do a thorough review on what was submitted today as there is a window of 45 days in which the Town has time to act on it. Joe Slater stated that they did submit an application for final plat approval and the Board has 45 days in which to approve or deny and they want to make sure they give the TDE enough time to review it.

•Ralph Viola asked what the intent of the pond that has algae on it 10 months of the year. Kevin Boswell stated he'll defer that question to the applicant. Surya Sulapo stated that the house and pond aren't part of the Deer Pond project.

•Ralph Viola stated that they will need some kind of infiltration or irrigation for the pond.

•Kurt Bergmann stated that he was concerned about the extension.

•Chris Horne stated that she was also concerned about all the extension.

Joe Slater stated that this was not the same type of extension that was granted previously, in which time was extended for the applicant so submit their final plat application. He also stated that it's in the best interest of the Board to grant the extension to give time for a thorough review of the final plat, if the Board doesn't grant it then the project will get approved by default in accordance with the subdivision regulations.

MOTION: A motion was made by Chairman Mastin as follows: **Whereas the Town of East Greenbush Planning Board hereby acknowledges that, in accordance with Article 3, Section 5(E) (2) of the Town of East Greenbush Land Subdivision Regulations, both parties mutually consent to an extension of the 45 day time for the Planning Board to act by resolution on the final plat submission for the subject project and does hereby grant said extension until April 14, 2021.**

Seconded by Don Panton & roll called as follows:

**M. Mastin-YES; R. Viola-NO; K. Bergmann-YES; C. Horne-YES; D. Panton-YES;
J. Conway-YES.**

MOTION CARRIED BY A 5-1-0 VOTE

NEW BUSINESS:

CRAW-45 ACORN AVENUE-LOT LINE ADJUSTMENT

(21-08)

Ricki and Marianne Craw were present. Ricki Craw stated that he wants to build a garage & use Newbury Street for the driveway and needs a lot line adjustment to add the two parcels together. Adam Yagelski stated that the primary issue is the double frontage for the driveway, the Planning Board can create double frontage lots, but the code requires that driveway access only be on one street. The other issue is that they are now separate parcels and you can't have a garage as a primary use on a lot and most likely needs an area variance.

Chairman Mastin asked the Board if there were any questions.

- Kurt Bergmann asked if the garage would be one story. Ricki Craw stated that it will be 30' x 40' - 1,200 square feet with upstairs storage. Kurt Bergmann asked if in the future it would turn into a residential building. Ricki Craw stated that it would not.
- Don Panton asked if the garage would be insulated & have a heating system. Ricki Craw stated that he would like to in the future.
- John Conway stated that he's hesitant to just send them to the Zoning Board as there are a lot of issues. John Conway stated that he's concerned with the size of the accessory building. Ricki Craw stated that his main garage has his cars in it and the other garage would be for him to tinker with cars. Marianne stated it's not for commercial use.
- Kurt Bergmann asked if they were going to run any sewer & water into the building. Rick Craw stated that he would like to.
- John Conway asked how the proposed driveway will connect to Newbury Street. Adam Yagelski shared the proposal that Ricki send to him regarding the access.
- Kurt Bergmann asked how he is picking up electric for this. Ricki Craw stated that he's not sure, he's either running it from the house or from the street, its run underground.

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

- 1. Acknowledges the application for a lot line adjustment.**
- 2. In accordance with Article IV, Section 2(B) of the Town of East Greenbush Land Subdivision Regulations, the Town of East Greenbush Planning Board hereby classifies the sketch plat previously submitted as a lot line adjustment.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby finds that the plat as proposed would violate Section 2.5.D.03.b of the Town's Comprehensive Zoning Law and hereby refers this project to the Zoning Board of Appeals in accordance with Town Lawn Section 277 Sub-section 6.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

**FREY/CREAM RETRO. LLC.-351 COLUMBIA TURNPIKE-SITE PLAN MOD.
(21-09)**

Adam Yagelski stated that the proposal is for a minor site plan modification for retail use and indoor storage of merchandise. There are two structures on the parcel, one is a residential house consisting of about 1,400 square feet and the one the applicant is using consists of 1,500 square feet and is commercial space. Most of the site is paved and there is a parking lot in the rear of the building. Jennifer Frey the applicant stated that she has an online vintage clothing business & would store clothes at this location and maybe offer in person retail in the future.

- Ralph Viola stated that he would love to see the building occupied but that there are a lot of issues there, one being you can't park in the front of the building & you wouldn't be able to make too many parking spaces in the rear of the building.
- Kurt Bergmann asked if the applicant could put signage up to direct people to park in the rear. Jennifer Frey stated that she could.
- Chris Horne asked what the building next door was and if there would be any building signage. Jennifer Frey stated that they are both residential & that she was going to put a vinyl sign on the inside of the window.
- Don Panton asked if this was online and an open retail sales area in the store. Jennifer Frey stated that is correct with no more than 2-3 customers at a time.
- Kurt Bergmann asked if there would be any Fed Ex or UPS deliveries. Jennifer Frey stated that she just uses the Post Office.
- John Conway wanted confirmation of where the site was and an explanation of the site and the issue with the three curb cuts.

Joe Slater stated that the Planning Board does not need to do a full blown site plan review. Chairman Mastin stated he'd prefer not to require a site plan and asked if the Board agreed. Don Panton stated that they will need to stripe the parking lot.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plan and determines that the action is a Type II SEQR action & hereby requires additional sketch plan information, consistent with the Board's comments prior to the Board making a determination regarding the applicability of the site plan review & approval procedures in accordance with Section 4.3.1.B.3 of the Town's Comprehensive Zoning Law.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW ZONING BOARD REFERRALS:

ZBA Appeal #2021-03-Nettinger-1266 Best Road-Area Variance-Solar Array-assigned to Chris Horne and report due at the April 14, 2021 meeting

ZBA Appeal #2012-04 Craw-45 Acorn Avenue-Area Variance-Driveway Access-assigned to Ralph Viola and report due at the April 14, 2021 meeting

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the March 10, 2021 meeting minutes as is.

Seconded by Don Panton. Motion carried by a 6-0 vote.

PZD UPDATE:

Adam Yagelski stated that the public hearing for the Comp Plan has been rescheduled to April 14, 2021 and that the Town is hiring for a Planner and are going to start interviews next week.

CLOSING:

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

Seconded by Kurt Bergmann. Motion carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary