

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 January 25, 2023

Members:

Matt Mastin, Chairman
Kurt Bergmann
Don Panton
Robert Jucha
Ralph Viola
John Conway Jr.
Chris Horne

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 seven (7) members were present.

Chairman Mastin read the notice that was posted on the Town's website in regarding to the meeting being moved to Zoom as a result of a snow emergency.

OLD BUSINESS:

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

Chairman Mastin stated that the applicant is before the Board tonight requesting another 90 day extension to fulfill the conditions set forth in their preliminary plat approval. Chairman Mastin stated that the applicant was last before the Board back in December and received a 90 day extension & he believes that they are still just waiting on the Army Corp of Engineers to get final sign off and asked Anna Feltham to confirm. Anna Feltham stated that they have received communication but not a formal written letter & they are also working on finalizing the Developer's agreement regarding the off-site infrastructure improvements. Chairman Mastin asked Don Zee if he had anything to add. Don Zee was muted and didn't state he had anything to add. Chairman Mastin asked if anyone from the Board had any questions in regards to this request.

•John Conway asked how long we can expect to be doing this, he doesn't have a problem with the current extension. Don Zee stated that they have had their paperwork down at the Army Corp of Engineers since 2022. Don Zee stated that in August of 2022 Brad Sherwood had agreed that they had complied with everything and he submitted the permit to NYC for signature. Don Zee stated that the Army Corp has been sitting on it. The last communication they have had with Brad Sherwood was on January 3, 2023 when he had indicated that the permit is ready to be signed. Don Zee stated that in regards to the developer's agreement, a meeting was held and an agreement was reached in regards to the off-site sanitary sewer improvements which need to be installed. The Town has requested that the applicant over size the pipes and they are waiting for prices before they can finalize the developer's agreement. Chairman Mastin asked the Board if anyone had any concerns or comments. There were none.

MOTION: A motion was made by Chairman Mastin 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 receive written request for an additional ninety (90) day extension from the applicant dated January 12, 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 February 8, 2023 until May 9, 2023.

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; R. Jucha-YES.

MOTION CARRIED BY 7-0 VOTE

NEW BUSINESS:

LUZZI COMPANIES-GILLIGAN ROAD-MAJOR SITE PLAN (23-01)

Chuck Pafundi who is the head of real estate development at Luizzi Companies presented the proposal to the Board. Please use [this link for the slide show presented](#) by the applicant. Chuck Pafundi stated that the property consists of 11 acres and is in the B-1 zone and is located on Gilligan Road. The proposal is for 205 units of luxury apartments with 334 parking spaces with a pool, clubhouse, fitness room, activity area, and walking paths with a mixed use component and connectivity to surrounding developments. Chuck Pafundi stated that they are over on residential density and short on the commercial component. The project will consist of 2-80 units' buildings and 1-45 unit building, 2,000 square foot restaurant & 2,000 square feet of retail. They are proposing a shared use path from the baseball fields on Gilligan Road to Columbia Turnpike. Variances will be required for the dwelling units per acre and the commercial square footage. Chuck Pafundi stated that Adam Frosino with McFarland Johnson, who is their lead from the civil engineering of the project was also present and asked if he wanted to add anything. Adam Frosino stated that Chuck covered it pretty well but could answer any technical questions that the Board may have.

Chairman Mastin asked if they think they can fit a four story building within the required 50', including the parapet wall at the roof. Chuck Pafundi stated that they should be able to fit it. Chairman Mastin asked if they would have air handlers on the roof. Chuck Pafundi stated that they would be on the flat roof and concealed behind the parapet, set back and centered on the building, they might be slightly taller than the parapet, and they would be blocked visually. Chairman Mastin asked if they would fall within the 50'. Chuck Pafundi stated that he believes so but will have to check that.

Chairman Mastin stated that traffic is a big concern and asked what the peak pm trips would be. Adam Frosino stated that the ballpark figure would be ½ trip per unit, about 100 trips over an hour period.

- Chris Horne asked if the entrance & exit would be where the back entrance to Hannaford is today.

Adam Frosino stated that the main entrance would be on Gilligan Road & a secondary entrance would just be a connection to the existing driveway to Hannaford.

- Bob Jucha commented that the existing driveway to Hannaford where they want to connect is one way. Chuck Pafundi stated that yes they are aware of that & they are open to reconfiguring the entrance into Hannaford.

- John Conway stated that when he leaves Hannaford, he would like to take a right turn on Gilligan but it's not legal to do so, he's afraid people will use their main entrance as a cut through so that they can turn right onto Gilligan Road.

Chairman Mastin stated that this project will require two variances, one for density and the second one is for the commercial component.

- Ralph Viola asked if the wetlands shown are what is the existing pond now or is it a designated wetland that doesn't have water in it currently. Chuck Pafundi stated it's an existing area that is more of a stormwater management area that they will work with DEC on any maintenance and then to beautify it.

- Ralph Viola asked if the wetlands would be owned by the developer. Chuck Pafundi stated that it would. Chuck Pafundi stated that everything on this development would be private, water, sewer, stormwater etc.

- Ralph Viola asked about the dirt road on the top of & towards the rear the parcel, if it was part of their property and since there is only one main entrance to this parcel, that dirt road could possibly be an emergency exit at the rear. Adam Frosino stated they would potentially look into that as a secondary entrance for emergency access. Also with the discussion of reconfiguring the Hannaford driveway they could made a secondary entrance there and that will be discussed with the Town.

- Don Pantan stated that he is concerned about traffic. Chairman Mastin stated that a traffic study should be done April-June.

Anna Feltham stated one point to make on the signal, she recommends they research synchronizing the Gilligan Road intersection with the Elliot Road signalized intersection.

- Chris Horne stated that she would like to see the traffic study include the May/June time frame & asked if they had any prospects for the commercial or retail yet. Chuck Pafundi stated they don't yet.

Chuck Pafundi stated that their price point on one bedrooms is about \$1,600 and upwards of about \$2,800 on two bedrooms.

- Chris Horne asked what the square footage is. Chuck Pafundi stated 750 sq. ft. to 900 sq. ft. for one bedrooms and 1,100 sq. ft. to 1,300 sq. ft. for two bedrooms.

- Chris Horne asked if the new commercial & retail would have their own signage at the entrance to the complex. Chuck Pafundi stated that it all depends on where they're located on the site.

- Kurt Bergmann stated he assumed the buildings will have elevators in it and will the doghouse on the top be included in the maximum height. Chuck Pafundi stated that the elevators would only go to the fourth floor and not to the roof top. There will be a hatch to the roof for maintenance.

- Kurt Bergmann asked about the sidewalk path to go up to the middle school if there was room for it, if the Town has worked that out. Anna Feltham stated that the multi-use siddepath has been researched and was submitted for grant funding which has been approved for design only through CDTC and right-of-way acquisition was part of that research and proposal. There would be some amount of Town right-of-way required and there has been many discussions with the school district as a good portion of it at the

end of the proposed path would be on their property, so that would be in coordination with them. Chairman Mastin asked if it would require acquisition of property from private landowners. Anna Feltham stated she doesn't believe it would require any acquisition from private landowners, she said the last time they talked about it was fall of 2021.

- Kurt Bergmann stated that years ago there was some fill that was brought in to the land across from the DPW garage and asked if there could be a risk of that fill being contaminated. Chuck Pafundi stated that he's not aware of any fill being brought onto their property, he is aware of fill being brought into the property across from DPW. If there is anything that needs to be looked at, they can handle it.

- John Conway asked what the density is (units per acre) for Starbuck Island & if the new zoning law that's being written will have any impact on this project. Chuck Pafundi stated that Starbuck Island was 23 units per acre. Anna Feltham stated that since this application was received under the current zoning that it will be reviewed under the current zoning.

- Bob Jucha stated has concerns with the traffic on Gilligan Road and doesn't know if that road will be able to handle the traffic and is also concerned with any possible contaminates from the fill & asked if the dirt road that's proposed as the emergency exit is completely on their property. Chuck Pafundi stated that they will do a comprehensive overview in regards to the traffic study & that right now the dirt road isn't being proposed as an emergency exit, it was just proposed by someone to look at it.

- Bob Jucha stated that where the main entrance is being proposed, there is a stream that floods quite drastically due to the elevation difference. Adam Frosino stated that they are not sure how they will address that yet, but it will be looked at.

- Bob Jucha also asked how much cut & how much fill will they need & asked about retention ponds for the paved areas. Adam Frosino stated that they don't have that number right now. Chuck Pafundi stated that they will contain things below grade.

Chairman Mastin asked if they will be applying for a PILOT (payment in lieu of taxes). Chuck Pafundi stated that right now there is no intention to apply for a PILOT.

Anna Feltham stated that during PRT, Dan Fiacco did raise concern with capacity at existing pump stations, so that is something that needs to be addressed.

Joe Slater stated that from a legal/procedural stand point, two area variances are required by the Zoning Board, this is a major site plan so this project will ultimately require Town Board approval, the Town Board will also be lead agency under SEQR.

Chairman Mastin asked the Board if they were comfortable on voting on the two motions tonight or if they wanted to wait until the next meeting. All the Board members wanted to wait on voting on any motions tonight.

REGENERON BLDG. 85-81 COLUMBIA TURNPIKE-SITE PLAN MODIFICATION (23-02)

Steve Hart from Hart Engineering presented the proposal to the Board. Steve Hart stated that the existing building is approximately 100,000 square feet and the proposal is for a single story 12' x 102' café addition to the existing building 85 for a food prep area. Steve Hart stated that the façade will match and it will bump out about 12 feet. This addition is located approximately 400' off of Discovery Drive.

- Bob Jucha asked what the roof would be. Steve Hart stated it should be a pitched, singled roof.

- John Conway asked Steve Hart for some sort of orientation. Steve Hart showed the overall campus map.

- Don Panton asked if there was a café there now and that they're just extending it. Steve Hart stated that is correct.

- Chris Horne asked if the extension was all indoor, no outdoor seating that is being added. Steve Hart stated that there is no alteration outside other than the building extending out 12'.

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(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 minor site plan modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town’s Consulting Engineer and Town Planning Department**

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; R. Jucha-YES.

MOTION CARRIED BY 7-0 VOTE

BREEZY MEADOWS-5 TYLER DRIVE-LOT LINE ADJUSTMENT (23-03)

Steve Hart stated that the existing lot #31 on Tyler Drive is where he has resided for about 20 years which consists of about ¾ of an acre, they are looking to make it a little bit larger, adding about .06 acres, which would be coming from Breezy Meadows which consists of about 52 acres and fronts on Waters Road. Steve Hart stated that when this phase of Huntswood was approved, there was a 20’ utility easement coming off the end of Tyler Drive, this easement is just extending it along the width of the line about 88’. Chairman Mastin stating this meets the zoning requirements and is straight forward.

•Chris Horne asked if there is also part of Brian Hart’s property that’s going to be absorbed. Steve Hart stated that Breezy Meadows is Brian, and it’s just that 0.6 acres is just being added to his property from Brian’s.

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 (16) “granting of individual setback and lot line variances and adjustments”;**
- 2. Grants final approval of the proposed Lot Line Adjustment prepared by Creighton Manning Engineering, LLP and dated January 4, 2023, 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.**

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; R. Jucha-YES.

MOTION CARRIED BY A 7-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2023 – 01 – Verizon Wireless – Adjacent to Hampton Inn Drive – Small cell – Special Use Permit-assigned to John Conway

ZBA Appeal #2023-02- Barner-9 Eileen Drive-Area Variance - Garage attached to existing shed - Side setback-assigned to Robert Jucha

NEW ZBA REPORTS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the January 11, 2023 meeting minutes with a minor change by John Conway. Seconded by John Conway. Motion carried by a 6-0-1 vote. Chris Horne abstained.

Chairman Mastin reminded the Board that at the next meeting on February 8, 2023 they are reconvening the public hearing for the Mountain View Avenue subdivision.

Bob Jucha asked if for the Mountain View Avenue subdivision, if anyone ever found out who owns the road. Anna Feltham stated that this will be addressed at the public hearing and that they're certain the Town owns the roadway.

Chairman Mastin also stated that the Zoning Update Committee would like the Board to review Section 3.5 Recommended Design Practice in the Comprehensive Zoning Law & comment.

Anna Feltham stated that the next Zoning Update Meeting will be on February 6, 2023 at 6:30 pm.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Ralph Viola. Motion carried by a 7-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary