

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES June 28, 2023

#### **Members:**

Matt Mastin, Chairman  
Kurt Bergmann  
John Conway Jr.  
Robert Jucha  
Chris Horne  
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. Don Pantan was absent.

Chairman Mastin asked the Board if anyone had any questions. There were no questions from the Board. Chairman Mastin stated that they want to give a SEQR determination prior to the public hearing.

#### **FUSCO SEQR DETERMINATION:**

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town Planning Board has taken a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant’s proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water management and hereby determined that the project would not have any significant adverse impacts on the environment.**

**Now, therefore be it resolved that a negative declaration under SEQRA has been adopted by the Planning Board.**

**Seconded by John Conway & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

#### **PUBLIC HEARINGS:**

##### **7:00 PM FUSCO - 26 OREGON AVENUE - MINOR 2 LOT SUBDIVISION**

Chairman Mastin read the Legal Notice: The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Fusco for a Minor 2- Lot Subdivision called the “Fusco Minor 2-lot Subdivision”. Proposed lot 1 will consist of 11,819 +/- square feet, which has an existing house on it. Proposed lot 2 will consist of 9,181 +/- square feet. The property is located in the R-2, Residential Zoning District, Tax Map # 166.10-16-8.

Said Public Hearing will be held on Wednesday, June 28, 2023 at 7:00 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY, in the Community Room. 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

Luigi Palleschi from ABD Engineering was present as well as the property owner Sal Fusco. Luigi Palleschi stated that the property is located at 26 Oregon Avenue and the proposal is for a 2-lot minor subdivision, the existing lot consists of 21,000 square feet and minimum lot size requires 7,500 sq. ft. in the R-2 zoning district. Luigi Palleschi stated that they are proposing a subdivision of two lots. There is an existing home on lot #1, which is proposed at 11,819 sq. ft. & proposed lot #2 would consist of approximately 9,181 sq. ft. & lots meet the requirements for lot size, frontage and setbacks. The setbacks for the proposed house are shown on the proposed plat. Luigi Palleschi stated that there was discussion at the last meeting about showing the proposed dwelling, driveway and utilities & storm, these have all been added to the current plan & a note, which is #8 has been added to the plan which states that the front of the house & driveway shall face Oregon Avenue.

Chairman Mastin stated that two things to add were that the Board received correspondence from DPW stating that connections for water & sewer will be made off of Oregon Avenue, the water department will provide a shut off for the water on Oregon Avenue and the owner shall place a road bond for the sewer connection, permits & fees will be due to the Water & Sewer Dept. and a driveway utility permit will need to be obtained from the building dept. as well as GEIS fees will be due for the new dwelling. Chairman Mastin stated that there was also a letter of support from the EGF. Chairman Mastin asked if anyone on the Board had any comments or questions.

·Ralph Viola asked if they knew what the approximate square footage is for the proposed house on the first floor. Luigi Palleschi stated that they're not sure, they just put something on the plan that was comparable to the sizes on the street already, but they could go a little larger, right now it's roughly 40' x 50'.

Chairman Mastin asked if anyone in the public wanted to speak. Chairman Mastin asked three times if anyone was present to speak in favor or opposition of the minor 2 lot subdivision. No one spoke in favor or against.

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

**Seconded by Robert Jucha & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**OLD BUSINESS:**

**FUSCO - 26 OREGON AVENUE - MINOR 2 LOT SUBDIVISION** (23-12)

Chairman Mastin asked if anyone on the Board had any comments or questions. There were no comments or questions from the Board. Chairman Mastin commented that he did get David Terpenings email but that it wouldn't apply to this resolution because it's a 2-lot subdivision and not a site plan.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval subject to the following:**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department and the Department of Public Works; 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-ABSENT;  
J. Conway-YES; R. Jucha-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**IMMANUEL CHURCH -274 COLUMBIA TURNPIKE-SITE PLAN MODIFICATION  
(23-12)**

Steve Hart of Hart Engineering stated that this is the same plan that was presented a couple of weeks ago which showed that the building footprint had been modified, the retention pond that was at the rear of the building has now been moved to the side of the building. Steve Hart stated they did receive a comment letter from Stantec and had addressed all the comments and responded back. Steve Hart stated at the last meeting some board members asked to have some screening added, so 6 shrubs are shown on the plan in front of the pond since it is now more visible. Steve Hart stated that there were some questions on the utility crossings, where the sanitary and storm lines were crossing one another, so he added some inverts to the plan. There was a SWPPP modification so the maps and exhibits get put into the mailbox on site.

John Conway stated that in terms of the screening he hopes they will do something with the retention pond that fronts on Columbia Turnpike. Steve Hart stated that the plan in front of the Board is not the landscape plan but there is planned trees 30 foot on center and shrubs 5 foot on center which is standard town code. Chairman Mastin asked for clarification that it wouldn't be fenced in. Steve Hart stated that is correct. Chairman Mastin asked if there would be plantings inside of that. Steve Hart stated that is correct. Steve Hart stated that it's more of a shallow depression, it's not a four-foot-deep pond that going to hold water all the time.

Chairman Mastin asked if anyone from the Board had any questions. No one from the Board had any questions. Chairman Mastin stated that they added an additional condition, one that is consistent with site plans, which is that the property owner must retain a New York State licensed professional land surveyor, engineer, registered architect or landscape architect to submit the completed form entitled, attached to the Planning Board resolution, "Professional Certification Commitment for Site Plan And/Or Special Use Permit Approval to the Town of East Greenbush.

**MOTION: A motion was made by Chairman Mastin as follows: On September 28, 2022, the Planning Board, as SEQRA involved agency, recommended that the Town Board as Lead Agency issues a negative declaration under SEQRA and approve the major site plan. The Town Board did issue a negative declaration and approve the major site plan Resolution #243-2022 on October 19, 2022. The Planning Board has carefully considered the environmental record with respect to the proposed changes to the Immanuel Church building dimensions & location of SWPPP pond and has determined that the plan does not pose any significant adverse environmental impacts not addressed or inadequately addressed in the environmental record developed by the Town Board as lead agency, including the amended SEQRA Statement of Findings, pursuant to the State Environmental Quality Review Act.**

**The Town of East Greenbush Planning Board hereby grants conditional final approval of the Site Plan Modification as depicted on the site plan pages entitled "Site and Utility Plan Sheet C010, Landscaping Plan Sheet C014 & Grading, Drainage and Erosion Control Plan Sheet C020" prepared by Hart Engineering, all dated March 3, 2022 & last revised June 26, 2023, subject to the following:**

- 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. The applicant has stated that the Town will have an access easement across the whole parcel for the Town to perform stormwater practice inspections and/or maintenance if the Town deems the owner to be negligent of maintenance responsibilities. The easements shall be provided to the Town Attorney for review and approval prior to issuance of a building permit.**
- 3. The Onderdonk Ave driveway or 'hammerhead' measuring 34' x 40' easement shall be provided and approved by the Town Attorney prior to issuance of a building permit.**
- 4. Prior to issuance of a building permit, final review and sign off from New York State Parks, Recreation & Historic Preservation ("SHPO") is required to be provided to the Town's Planning and Zoning Department. SHPO's review letter, dated September 14, 2022, determined that the project will have No Adverse Impact on historic resources with the condition that the Division for Historic Preservation and Office of Parks, Recreation and Historic Preservation have another chance to review the project when architectural details become available.**
- 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 detail 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 Town of East Greenbush Department of Public Works highway work permit must be obtained for all work within the Town's right-of-way.**
- 8. 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.**
- 9. The Town Department of Public Works (DPW) has reviewed the layout of the large diameter water service. Any adjustments to the diameter of this water service shall be coordinated with the DPW and request as part of the water service application.**
- 10. A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way.**
- 11. Construction access shall be through the new driveway entrance located on Columbia Turnpike. Construction access through Onderdonk Ave shall be restricted to local work being performed in this area.**
- 12. Site development must be in accordance with USFWS and NYSDEC guidelines for the conservation and protection of the northern long eared bat, including time-of-year restrictions for the removal of trees between April 1 and October 31.**

- 13. 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.**
- 14. Prior to issuance of a Certificate of Occupancy, the property owner or 4 Onderdonk LLC must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.**
- 15. The overflow parking area shall not be constructed without obtaining an additional building permit with justification to disturb this area. Future disturbance will require additional erosion and sediment controls.**
- 16. Areas shown to be dedicated to adjacent landowners are option to the adjoining residents. If these residents do not wish to obtain the additional lands as shown on plan sheet X020, the lands shall remain within the bounds of the existing parcel boundary.**
- 17. Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department;**
- 18. Prior to issuance of a building permit, the Immanuel Church shall obtain all necessary approvals and/or permits required for the project.**
- 19. Prior to issuance of a Building Permit, the property owner of 274 Columbia Turnpike must retain a New York State licensed professional land surveyor, engineer, registered architect or landscape architect to submit the completed form entitled, attached to the Planning Board resolution, "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.**
- 20. All remaining fees are paid to the Town.**

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**NEW BUSINESS:**

**SAHASRA DEVELOPERS-743 COLUMBIA TURNPIKE-SITE PLAN MOD.**

**(23-14)**

Nick Costa from Advance Engineering as well as the property owner Mr. Garrepalli were present. Nick Costa stated that this is an existing developed site which consists of 1.6 acres and has sufficient greenspace, it is a split zone- B-2 and R-3, that has an existing parking lot and the proposal is to add 13 additional parking spaces and stripe those spaces. Nick Costa stated that the building is almost fully

occupied and some of the tenants require more parking and that is the reason for proposing additional parking spaces.

Chairman Mastin oriented the location of the site to the Board.

•Chris Horne asked if they are adding lighting to the new parking spaces. Nick Costa stated that they are not adding lighting. There is enough lighting on the site.

•John Conway asked if they are adding additional paving or if they were just striping it. Nick Costa stated that they are extending the existing parking lot and removing some existing greenspace.

Chairman Mastin stated that they are extending the length but not the depth. Nick Costa stated that is correct.

•Robert Jucha asked what the current greenspace was. Nick Costa stated this it's 30.5% and it will be 27.4%

•Ralph Viola asked how many tenants there are in the building. Nick Costa stated that there are nine tenants. Ralph asked where the dumpster was located and if it will be enclosed or have some kind of screening like a fence. Nick Costa stated it would.

•Robert Jucha asked if the dumpster will be three sides or closed with a gate. Mr. Garrepalli stated that he will enclose it.

•Ralph Viola asked which way the opening of the dumpster faced. Nick Costa stated that it opens towards the building. Ralph asked if they would correct the location on the plan & put a note on it about the fence being added. Chairman Mastin asked if the Board had any more questions. There were none.

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

- 1. Declares itself as Lead Agency under SEQRA, classifies this action as an Unlisted Action & accepts the sketch plan, dated May 17, 2023 by Advance Engineering & Surveying, PLLC.**

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**BRAD ROSE LANDSCAPING-3609 ROUTE 9J/RIVER RD.-SITE PLAN MOD. (23-15)**

Steve Hart from Hart Engineering on behalf of Brad Rose Landscaping presented the proposal to the Board. Steve Hart stated that back in 2009 or 2010, the site was approved for a 3,200 square foot building. Only 2,000 sq. ft. were built. The applicant now wants to build the remaining 1,200 sq. ft. and add an 8' breezeway between the two buildings as to not disturb the foundation.

Chairman Mastin stated that it will total the previous approval, it's just a different configuration. Steve Hart stated that is correct.

•Ralph Viola asked if the elevation will be the same height as the existing building. Steve Hart stated that yes it will match. Ralph stated that one wall that will be adjacent may need to be fire rated due to the distance. Steve Hart stated that will be addressed with the Building Department.

•John Conway asked what the use of the building will be. Steve Hart stated he believes to make nicer offices.

•Ralph Viola stated that it's a nice clean operation. Chairman Mastin stated that it's nice to see them doing so well, it's zoned for this type of business. Chairman Mastin asked if anyone for the Board had any questions. There were none.

**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 “ Brad Rose Landscaping, Building Addition” prepared by Hart Engineering, dated June 17, 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 Robert Jucha & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**NEW ZBA REPORTS:**

NONE

**NEW ZBA REFERRALS:**

NONE

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the June 14, 2023 meeting minutes with corrections by John Conway. Seconded by John Conway. Motion carried by a 5-0-1 vote. Kurt Bergmann abstained.

Chairman Mastin welcomed Josh Giller the new director of Planning & Zoning & asked him to tell the Board a little bit about himself. Josh Giller stated he came from Cohoes; he was there for about 1 ½ years. He’s excited to be here and work with the Board. Josh Giller stated as far as a quick note about Zoning Updates, that the Board will hear from either himself or Colleen in the morning about that.

**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*  
Alison Lovely, Planning Secretary