

# 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 JANUARY 10, 2024

#### Members:

Matt Mastin, Chairman  
Chris Horne  
Kurt Bergmann  
Robert Jucha  
Don Pantan  
John Conway

#### Also Present:

Josh Giller, Director of Planning  
Dan Rodriguez, Planner  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Secretary

#### CALL TO ORDER / DETERMINATION OF QUORUM

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

#### PUBLIC HEARINGS:

NONE

#### OLD BUSINESS:

##### ISLAND PARK-180-200 AMERICAN OIL ROAD-SITE PLAN MOD/SUP/LLA (22-08b)

Steve Hart stated that there is not much different to update the Board on as all final comments have been addressed and also SHPO information has been provided recently. Steve Hart stated that there are two lots that exist today and they are making two parcels, just moving the lot line. One parcel is 22.77 acres and there is a 10-acre lot. Chairman Mastin stated that the air permit was issued by NYDEC and the stormwater maintenance agreement that is being worked out will be signed by the Town Board. Josh Giller stated that the stormwater maintenance agreement for the proposed infiltration basin will have to be agreed upon and signed by the Town Board, which will be a condition of approval. Chairman Mastin stated that there are four actions in front of the Planning Board, there is SEQRA, Lot Line Adjustment, Site Plan Modification & Special Use Permit. Chairman Mastin asked if the Board had any questions. There were none. Chairman Mastin stated that the public hearing was held at the last meeting and there was very little public comment. Josh Giller stated that there were two comments related to the air quality. Chairman Mastin stated that has been addressed through the permit they got through NYSDEC.

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS, in July 2022, the applicant LLIM, LLC (“Applicant”) submitted an initial proposal for a 2-lot subdivision in the CI Coastal Industrial district (“CI Zone”) at 180-200 American Oil Road, East Greenbush, NY 12061. Due to an ongoing asphalt recycling operation at the site, the Town of East Greenbush Building and Codes Department did a site inspection and confirmed the onsite existing conditions and issued a use determination that the use of an asphalt recycling operation is classified as an ‘Industry; extractive operations or soil mining’, requiring a Special Use Permit in the CI Zone. As a result of this use determination, the Applicant submitted an application for a 2-lot subdivision, site plan modification and special use permit (“Project”) on January 3, 2024.**

**WHEREAS, the Town of East Greenbush Planning Board (“Planning Board”) reviewed the Application, declared itself Lead Agency under SEQRA, and determined the project to be an Unlisted Action on February 22, 2023.**

**WHEREAS, the Planning Board retained Stantec to be its designated engineer to conduct a review of the project on July 22, 2022. Stantec submitted their application review to Island Park LLC on August 15, 2022; and**

**WHEREAS, on August 18, 2022, the Applicant submitted a Full Environmental Assessment Form.**

**WHEREAS, on February 27, 2023, the Applicant submitted a revised Site Plan which Stantec reviewed and provided notes to the Applicant and the Planning Board.**

**WHEREAS, on September 1, 2023, the Planning Board received correspondence from the New York State Department of Environmental Conservation (“DEC”), and was advised that the DEC performed a site inspection on the subject property on April 14, 2022 and found that the occupants of the subject property have no unresolved violations with the DEC and therefore, the DEC has no open or pending enforcement actions against the applicant or on the subject property.**

**WHEREAS, on December 13, 2023, the Planning Board held a public hearing on the Special Use Permit.**

**WHEREAS, on December 18, 2023, the Planning Board received a Letter of No Effect from the State of New York Parks Recreation & Historic Preservation (“SHPO”) which stated that they reviewed the Phase I Archaeological Survey Report prepared for this project (December 2023; 23SR00658), and that no archaeological sites were identified by the survey. It was noted that the project plans indicate that the infiltration basin floor will remain at existing grade and berms will be constructed to shape the basin. It is the opinion of SHPO that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the project.**

**WHEREAS, on December 23, 2023, the Applicant withdrew the application for the subdivision and submitted a revised application consisting of the same Special Use Permit, same site plan modification and a lot line adjustment in place of the subdivision.**

**WHEREAS, on January 3, 2024, the Applicant submitted a revised Environmental Assessment Form;**

**WHEREAS, the Planning Board in conjunction with its designated Engineer, Stantec, has reviewed the Environmental Assessment Forms and all attachments, has reviewed all materials submitted in conjunction with the application, and**

**WHEREAS, the Planning Board has taken a “hard look” at the potential environmental impacts of this project by carefully considering all the Applicant’s proposed mitigation measures as they relate to environmental issues and more particularly to air quality and MS-4 storm water management consideration; and**

**WHEREAS, the Planning Board has compared the impacts that may reasonably be expected to result from the Project to the criteria for determining significance as identified in Section 617.7(c)(1) of the Regulations, which is attached hereto and incorporated herein; and**

**WHEREAS, the Planning Board has received no objections from the involved agencies for this Project’s SEQRA review; and**

**WHEREAS, the Planning Board has considered the significance of the potential environmental impacts of the Project and said review has resulted in a reasoned determination that the proposed action will NOT result in any large and important impact(s) and, therefore, is one which will not have a significant negative impact on the environment.**

**NOW, THEREFORE, BE IT RESOLVED, the Project be classified as an Unlisted Action, as the quoted term is defined in the Regulations; and a NEGATIVE DECLARATION for the proposed Project be issued in full compliance with the New York State Environmental Conservation Law and the New York State Quality Review Act.**

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

**M. Mastin-YES; R. Viola-Absent; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-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 grants conditional approval subject to the Special Use Permit. \* See attached resolution.**

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

**M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-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 grants conditional approval of the lot line adjustment 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 Bob Jucha & roll called as follows:**

**M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-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 grants conditional approval of the site plan modification subject to the following:**

- **That the Applicant obtain and provide documentation of all certificates required from state and federal agencies including but not limited to New York State Department of Environmental Conservation and U.S. Army Corps of Engineers;**
- **That the Applicant enter into a Stormwater Management Agreement with the Town of East Greenbush concerning the management of the proposed infiltration basin;**
- **Satisfying outstanding technical details as determined by**

**the Town Planning and Zoning Department; and**

- **All remaining fees are paid to the Town.**

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

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

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

**NEW BUSINESS:**

**IROQUOIS PLACE LLC.-40 IROQUOIS PLACE-SITE PLAN MODIFICATION (24-01)**

Steve Hart stated that this project has been in front of the board on a number of occasions and the applicant is proposing two minor modifications. A parking space has been relocated for better grading and also better backing & turning movements. The other proposed change is that the garage was close to the road and three parking spaces were behind it and it's been flipped to have the parking closer to the road and the garage to the rear of the site.

·Chris Horne asked how the back portion of the site is accessed. Steve Hart pointed out on the site plan how it's accessed.

·John Conway asked if the existing/previous garage is still there & if there was a separate driveway for that. Steve Hart stated that it is part of the main building and labeled as retail area #1.

·John Conway stated he'd like to see additional plantings along the bike path.

·John Conway asked about the area that stated banked parking on the site plan and if that had crusher run on it or anything. The applicant, Nancy Kupiec arrived and stated that she will have to check to see if it already had crusher run placed on it.

Chairman Mastin asked the Board if anyone had any other questions or concerns. There were none.

·Chris Horne asked Nancy Kupiec if she was able to save that one big tree and if she planned on any plantings between the parking lot and the bike path. Nancy Kupiec stated the big tree is there and they have done some ground plantings, such as ferns. She would like to install some type of berm so that the cars aren't rolling down into the bike trail.

·Bob Jucha suggested bumpers.

Nancy Kupiec discussed the reason for the flip flop of the site plan.

·Don Panton asked how many pickleball courts there would be. Nancy Kupiec stated that there will be four.

·John Conway stated that whether Nancy uses the bumpers or the berm that he hopes she considers some additional landscaping along the bike trail. Nancy Kupiec stated that there are wildflowers on that slope but maybe in front of that she can plant some junipers or something similar.

**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(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**
- 2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the site plan prepared by Hart Engineering, dated May 16, 2023 most recently revised December 14, 2023 subject to the following conditions:**
  - **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;**
  - **All remaining fees are paid to the Town.**

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

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

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

**DA GREAT LOUNGE-596 COLUMBIA TRPK.-SPECIAL USE PERMIT (24-02)**

Town Planner Dan Rodriguez spoke and stated that the applicant couldn't make it to the meeting. Dan Rodriguez stated that it's a change of use for that storefront in the Hannaford Plaza to recreation indoor assembly or auditorium as the applicant is proposing a karaoke bar, so they were required to apply for a Special Use Permit. Dan stated that the applicant expressed interest in getting a liquor license. Chairman Mastin stated that this is an odd concept but the use itself requires a special use permit even though it's only taking a certain square footage of the plaza, but we can't just allow any use to go into an existing plaza.

·Bob Jucha asked where this was within the plaza. Dan Rodriguez stated he wasn't certain where it was located in the plaza, but they got a sketch plan, and they would confirm the location.

Josh Giller stated that the applicant will be here for the public hearing, and that the board may also be interested in their hours of operation.

·John Conway stated that we don't know the exact location but do we know the square footage. Josh Giller stated that they can have them provide the square footage for the public hearing & they will find out exactly which space they are in.

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

- 1. Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(18): Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.**

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

**M. Mastin-YES; R. Viola-Absent; K. Bergmann- YES; C. Horne- YES;D. Panton-YES;  
J. Conway-YES. Jucha-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 schedules a Public Hearing related to the proposed Special Use Permit for January 24, 2024 at the East Greenbush Town Hall at 7:00 PM.**

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

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

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

**HUTTON-115 CRAVER ROAD-SPECIAL USE PERMIT**

**(24-03)**

The applicant's father was present on behalf of his daughter who is in medical school and couldn't make it. Josh Giller stated to give some background on this project, this project was originally submitted as a building permit for a shed. When the building department went out to do an inspection it was discovered that it was a tiny home. Josh Giller stated that there are no regulations in the Town code for a tiny home so a Project Review Team meeting was scheduled and decided this would be called an accessory dwelling unit. An accessory dwelling unit in all districts requires a special use permit.

Josh Giller stated that the need for an area variance came through the building department but after the Planning Offices review of the proposal, there are no area variances required as the section that was relayed to the Planning Office was for primary uses which were commercial and this is a primary residential use.

·Bob Jucha asked if it would be a rental. The applicant's father stated not at this time. Josh Giller stated that it could not be used as a rental unless it came back for a variance.

·Kurt Bergmann asked if the square footage was 500 square feet. The applicant's father stated that it's 160 square feet.

·John Conway asked if there was a shed on site now. The applicant's father stated that there is, it's the one that's already there.

·Kurt Bergmann asked if there would be a porch on it & if there will be a driveway. The applicant's father stated that there will be a deck and there is a driveway made of crusher run and with the Town's assistance/advice they installed a culvert.

·Don Panton asked if there would be a loft in it. The applicant's father stated yes about half of it.

·John Conway asked in terms of drainage & sewage, it's a compactor/toilet sort of thing and it will drain into a pit. The applicant's father stated that there is a pit that she's dug and filled with stone. The applicant's father stated that the idea is that it would be a compostable toilet with limited gray water.

John Conway asked if that meets the building standards. Kurt Bergmann stated that the health department is the one that probably approves that.

·Kurt Bergmann asked if there would be a washer and dryer in it. The applicant's father stated that there would not be, she is trying to make it very ecofriendly.

·Bob Jucha asked if there would be public water run to it. The applicant's father stated just water from rainfall. The applicant's father stated that she has some rain basins.

·Don Panton asked if there was a foundation under it. The applicant's father stated that there are piers under it.

·Kurt Bergmann asked if there would be an electric line run to it. The applicant's father stated there will be no electric, she's using solar power.

·Chris Horne asked if the shower was indoor or outdoor. The applicant's father stated that plumbing has been run for a low flow inside shower.

·Bob Jucha asked how she would be heating it in the winter time. The applicant's father stated probably an electric space heater.

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

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

- 1. Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(18): Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.**

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

**M. Mastin-YES; R. Viola-Absent; K. Bergmann- YES; C. Horne- YES;D. Panton-YES;  
J. Conway-YES. Jucha-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 schedules a Public Hearing related to the proposed Special Use Permit for January 24, 2024 at the East Greenbush Town Hall at 7:10 PM.**

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

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

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

**NEW ZBA REPORTS:**

NONE

**NEW ZBA REFERRALS:**

*ZBA Appeal #2023-16 Hutton-115 Craver Road – 1 Area Variance - Sq. footage of Tiny House – assigned to John Conway – no report as no Area Variances was needed.*

*ZBA Appeal # 2023-17 KensityBri LLC-6 Ridge Road-2 Area Variances – Front Setback & Density- Assigned to John Conway-report due at the 1/24/24 meeting.*

**ORGANIZATIONAL MEETING:**

Meetings:

- Meetings will be held two times per month on the second and fourth Wednesday of each month.
- Meetings will commence at 7:00 PM in the Town Court Room or Community Room or via Zoom.

**Appointments:**

The Town Board appointed Alison Lovely as the Planning Board Secretary & Joseph Slater as the Planning Board attorney at their January 2, 2024 Organizational Meeting. The Town Board appointed seven Town Designated Engineers, i.e. consultants at their January 2, 2024 Organizational Meeting.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby appoints Ralph Viola as the Vice Chairperson in absence of the Planning Board Chairman.**

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

**M. Mastin-YES; R. Viola-ABSENT; K. Bergmann- YES; C. Horne- YES; D. Panton-YES;  
J. Conway-YES; Jucha-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 approves the proposed 2024 meeting calendar.**

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

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

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

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the December 13, 2023 meeting minutes. Seconded by Bob Jucha. Motion carried by a 5-0-1 vote. John Conway abstained.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Don Panton. Motion carried by a 6-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary



Copy To:

LLIM, LLC  
180-200 American Oil Rd  
East Greenbush, NY 12061

Cc: Rensselaer County Planning (via email)  
Town Clerk (via email)  
Building Inspector (via email)  
Assessor (via email)  
PB File No. 22-08b

Town of East Greenbush  
PLANNING BOARD

In the matter by:  
LLIM, LLC  
For a **Special Use Permit**

**Resolution and  
Final Decision of  
Planning Board**

**File No. 22-08b**

**Whereas**, an application has been filed by LLIM, LLC, for the property located at 180-200 American Oil Rd, East Greenbush, NY 12061 which is operating as New Castle Asphalt; and

**Whereas**, operating an “Industry; recycling and materials reuse” in the Town’s Coastal Industrial (CI) Zone, requires a Special Use Permit;

**Whereas**, the applicant has filed an application for a Special Use Permit for a “Industry; recycling and materials reuse” at the property located on 180-200 American Oil Rd, East Greenbush, NY (Tax Map No. 165.-1-3.2 & 165.-1-4.12); and

**Whereas**, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on December 1, 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, December 13, 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 full environmental assessment form, and hereby classifies the action as an UNLISTED action under 6 CRR-NY 617; 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 CI 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 “Industry; recycling and materials reuse” in the Town’s CI Zone, be Granted with the following conditions:

1. The applicant must comply with all local, State, and Federal laws.
2. The applicant must comply with the accompanying site plan and its conditions.
3. This Special Use Permit is valid until July 10, 2025 (18 months), at which time the applicant must renew the Special Use Permit with the Planning Board to ensure the applicant has been compliant with the conditions stated herein.

This resolution was moved by Matt Mastin and seconded by Kurt Bergmann at a meeting duly held on January 10, 2024.

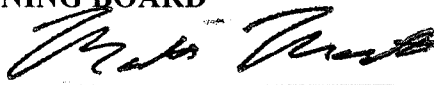
*(Discussion)*

A vote was taken as follows:

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

Motion carried 6-0

**TOWN OF EAST GREENBUSH  
PLANNING BOARD**

By:   
Matt Mastin, Chairperson

Dated: 1/10, 2024

***\*Granting of this Special Use Permit does not constitute a building permit. The applicant is still required to obtain a building permit from the Town's Building Department prior to commencing any construction activities.***