

# 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 March 22, 2023

#### **Members:**

Matt Mastin, Chairman  
Chris Horne  
Don Panton  
John Conway Jr.  
Kurt Bergmann

#### **Also Present:**

Anna Feltham, Director of Planning  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Secretary, Planning/Zoning  
Corneil Smith, Planner

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Ralph Viola & Robert Jucha were absent.

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

#### **E.W. BIRCH BUILDERS-4 MOUNTAIN VIEW AVE-MAJOR 4-LOT SUBDIVISION (21-30)**

Chairman Mastin stated this project has been before the Board a number of times, most recently a public hearing was held and stretched over two meetings & there has been some discrepancies in the surveying & ownership of the road with what's public and what's private. Joe Slater stated that the Board asked the applicant to conduct a right-of-way survey to determine where the public portion starts and then where it becomes private and that will determine how much road frontage that lot #1 has. Chairman Mastin stated that the motion before the Board is to extend the preliminary plat review at the Board's request. Joe Slater stated that this isn't the same as the extensions the Board has done in the past for allowing applicants to finalize conditions after a plat's been conditionally approved. Under the subdivision regulations the Board has 45 days after the public hearing closes to make a determination on the plat. Joe Slater stated that at this point the Board feels they need more information in order to make a decision on whether this plat should be approved or disapproved, so the Board wanted a mutual extension. Chairman Mastin asked if any of the Board members had any concerns or comments.

- John Conway stated that the one remaining concern he has is about the end of the road and maybe that's what the Board is looking at with the survey. It appears to end when it goes into the driveway of the last property. Joe Slater stated that's exactly what the Board is looking at to determine where the public portion of that road ends and where it becomes private. Joe Slater stated that if the survey comes back and it's determined that there isn't 70 feet of road frontage then the applicant will have to reconfigure the subdivision or possibly drop that lot. Chairman Mastin asked if there was anything else from the Board. There was not.

**MOTION:** A motion was made by Chairman Mastin as follows:

**WHEREAS**, the East Greenbush Town Planning Board is in receipt of an application by EW Birch Builders (the Owner) with Frank Engineering, PLLC, engineering consultant to the Owner, for a 4-lot Major Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 2.61-acre parcel located at 26 Mountain View Avenue (Tax Map I.D. SBL 166.20-18-3); and

**WHEREAS**, based on the environmental assessment and review, the Planning Board determined that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, was adopted on January 11, 2023; and

**WHEREAS**, the Planning Board did conduct a public hearing on January 11, 2023 which was adjourned and reconvened on February 8, 2023 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

**WHEREAS**, in accordance with Article IV, Section 4 (E)(3) of the Town's Subdivision Regulations, within forty-five (45) days from the date of such public hearing, the Planning Board shall act by resolution on the preliminary plat by either approving, with or without modifications, or disapproving the preliminary plat; and

**WHEREAS**, the time in which the Planning Board must take action following the date of such public hearing may be extended by mutual consent of the Owner and the Planning Board; and

**WHEREAS**, the Town of East Greenbush Planning Board did receive written request from the applicant dated March 13, 2023 to extend the time in which the Planning Board must act by resolution on the preliminary plat by sixty (60)- days.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of East Greenbush Planning Board hereby grants an extension of sixty (60)-days within which the Planning Board much act by resolution on the preliminary plat in accordance with Article IV, Section 4 (E)(3)) of the Town's Subdivision Regulations upon mutual consent of the Owner and the Planning Board commencing on March 22, 2023 until May 21, 2023.

**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-ABSENT.**

**MOTION CARRIED BY A 5-0 VOTE**

**NEW BUSINESS:**

**EMPIRE-HENSHAW-91 LOUIS DRIVE-SITE PLAN MODIFICATION & SUP (23-06)**

Chairman Mastin stated that this project is for a site plan modification and special use permit for a small residential solar system. Dave Martin & Rodney Wilson were both present from Empire Solar. Dave Martin stated that this is a small array consisting of 15 panels, 338 sq. ft, it meets the design parameters for the Town solar local law, but it's located in the front yard so they needed to apply for an area variance. Dave Martin stated the applicant's lot is just about all front yard which makes it a unique situation. Dave Martin stated that the location would be out of direct view. The way the panels will lean they won't cause any glare onto the cul-de-sac at the end of the road. Dave Martin stated that the home owner is willing to add vegetation to shade the south park of the cul-de-sac where the array would be visible. Rodney Wilson stated that there is no other reasonable location as there are trees on the rest of the lot, with a lot tilt angle and on its highest edge it's below the 8-foot height requirement on the back edge. Chairman Mastin stated that it looks like they are proposing 6-foot blue spruce and max height of the solar array is 6.8'.

• Don Panton asked if this was only going to provide energy to one structure. Dave Wilson stated yes, just the applicant's house. Rodney Wilson stated there is no commercial benefit to it.

• John Conway asked how far the array will be off the existing asphalt. Rodney Wilson stated 55' to property line & 69' to the edge of pavement.

Chairman Mastin stated what's under the Board's purview is the site plan, which the Board can ask questions on but what the action is tonight is to refer this to the Zoning Board of Appeals & they would address the required variance for this being in the front yard.

• John Conway stated that there is some topography there so the property kind of slopes down. Does the array come up from the road and then down. Rodney Wilson stated that where the array is, it's pretty level with the road.

• Chris Horne asked if there was another drive coming off the circle that goes to nowhere right now. Rodney Wilson pointed out that it was a driveway to the house way in the back.

Chairman Mastin pointed out again that tonight they are referring this to the Zoning Board of Appeals, a member from this Board would review it and would do a report to the Zoning Board.

Anna Feltham stated that there is a special use permit required as it's over 160 square feet, so at some point the Planning Board will hold a public hearing.

• Chris Horne asked if the neighbors were aware. Dave Wilson stated yes, one of the neighbors has a solar array. Chairman Mastin stated that they will all be notified as part of the variance process as well as for the special use permit process.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby recognizes the determination by the Town's Building Inspector on March 17, 2023, that the sketch plan as proposed would violate Section 6.C.7 of Local Law 1 of 2017, specifically:**

- **All such [ground-mounted solar energy] systems in residential district shall be installed in the side or rear yards. Installation in any front yard is prohibited.**

**The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law.**

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

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

**MOTION CARRIED BY A 5-0 VOTE**

**NEW ZBA REPORTS:**

ZBA Appeal #2023-03-Calamaras-45 Point View Drive-Area Variance-Enlarge Deck-Side Setback-report by Don Panton

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board makes a positive recommendation for the area variance based on the report submitted today.**

**\* See attached report for further details.**

Seconded by Chris Horne & roll called as follows:

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

**MOTION CARRIED BY A 5-0 VOTE**

**NEW ZBA REFERRALS:**

ZBA Appeal #2023-06-Empire-Henshaw-91 Louis Drive-Area Variance-Ground-mounted solar array proposed in front yard-report due April 12, 2023- assigned to Kurt Bergmann

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Approval of the March 8, 2023 meeting minutes tabled due to a quorum issue.

Chairman Mastin welcomed Corneil Smith to the staff, as he missed the last meeting when Anna had first introduced him to the Board.

Chairman Mastin stated that there is a Zoning Update Committee meeting on March 29, 2023 at 6:30 pm here at Town Hall.

Chairman Mastin mentioned that the Route 4 Corridor public hearing was rescheduled to March 27, 2023 at 6:30 pm at the Defreestville Fire House or via Zoom.

Anna Feltham stated that there is a public scoping session for the GEIS update by the Town Board on March 30, 2023 at 6pm.

Chris Horne asked if the Ethics Training was still going on that she could attend. Anna Feltham stated that there was an evening session last night and that there is a morning session next Tuesday March 28 from 9am-11am at the Red Barn at the Town Park and then if there are still people who haven't been able to take it, there will be something that those people can do.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Kurt Bergmann. Motion carried by a 5-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary

March 22, 2023

To: Alison Lovely

For your information

Appeal Number: 2023-03

Tax Map Number: 166.16-10-4

Address: 45 Point View Drive

Linda and Tom Calamaras, the applicants are proposing to remodel and enlarge an existing deck located at the rear of their house. The deck extension will measure 5ft X 12ft (60 sq ft). The property is located in an area which is zoned: Residential District (R-1). Section II 2.6.4 Residential District of the Town Zoning Law requires a building side setback of 8ft and the proposed deck extension leaves a setback of 2ft. This action requires (1) area variance.

1. I had a site visit with Tom Calamaras on March 12, 2023. He showed me the existing deck and the approximate location for the 5ft X 12ft deck extension. Tom also pointed out how the angled property line and fence have resulted in a side setback of 2ft.

2. The existing deck will be remodeled and made sturdier. This structure will have 6in X 6in upright supports matching the two uprights on the 5ft X 12ft extension instead of the 4in X 4in posts supporting it now. Also, the existing wood railings will be replaced with Trex railings to match the in place Trex flooring and steps .

Note: The 5ft X 12ft extension will also have Trex flooring and railings.

3. The remodeled and extended deck will be a major improvement to the Calamaras's backyard. From a planning perspective, this will definitely help maintain the current character of the neighborhood.

4. The neighbor on the other side of the angled fence and high shrubs is in full agreement with the proposed extension.

5. After making a thorough review of the (1) area variance and with appropriate planning and zoning considerations in mind, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,

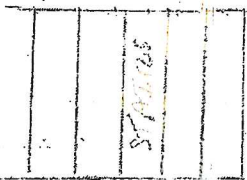
Donald H. Panton

Planning Board Member

cc: Anna Feltham

CHILDREN'S POOL

EXISTING POOL



PROPERTY LINE

6'5"

PROPOSED SECTION

5'

4'5"

12'

25'5"

EXISTING POOL

POINT VIEW DR.











