

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 APRIL 23, 2024

Members:

Matt Mastin, Chairman
Chris Horne
John Conway
Robert Jucha
Mike Tierney
Kurt Bergmann
Ralph Viola

Also Present:

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 seven (7) members were present.

PUBLIC HEARINGS:

7:00 PM TEMPLETON- 29 MICHAEL ROAD -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 Hugh Templeton for a Minor 2-Lot Subdivision called "29 Michael Road". Proposed lot 1 consists of 8.13 +/- acres, the remaining lands and has an existing house on it. Proposed lot 2 consists of 2.13 +/- acres. The property is located at 29 Michael Road in the R-B, Residential Buffer Zoning District, Tax Map # 166.-5-19.11. Said Public Hearing will be held on Wednesday, April 24, 2024 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

Margaret Templeton was present and stated the proposal is to subdivide an 8.13-acre lot with a house on it into two lots with the second lot consisting of 2.13 acres located on Elliot Road. Maragaret Templeton stated that they have no plans for the 2.13-acre lot at this time.

Chairman Mastin asked three times if anyone was present to speak in favor of or opposition to the project. There was none.

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

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

OLD BUSINESS:

TEMPLETON- 29 MICHAEL ROAD -2-LOT SUBDIVISION

(24-07)

Shawn Templeton was present on behalf of Margaret & Hugh Templeton. Chairman Mastin stated that this project is on the agenda for a SEQR determination and to hold a public hearing. Chairman Mastin asked if there was any update since they were last before the Board. Dan Rodriguez stated that they are not going to do the coordinated review. Chairman Mastin stated that at the last meeting the Board did a resolution to initiate a coordinated review under SEQR, they have identified that a coordinated review is not required, so the Board is doing a new resolution, but the project remains the same. Chairman Mastin asked if the Board had any questions. There were no questions.

MOTION: A motion was made by Chairman Mastin as follows: The WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Hugh Templeton (the Owner) with Hershberg & Hershberg, professional design consultant to the Owner, for a 2-lot Minor Subdivision, under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 10.26 acre parcel located at 29 Michael Rd (Tax Map I.D. 166.00-5-19.11) on which there is currently one (1) single family home owned by the Owner;; and

WHEREAS, the proposal would subdivide the parcel so that the existing home remains on its own 8.13+- acre lot to be sold, and a new buildable lot would be created consisting of approximately 2.13+- acres, with frontage on Elliot Rd; and

WHEREAS, the Planning Board did review the preliminary plat and the various supporting data on March 13, 2024 and meeting minutes show discussion related to procedural review per the Town of East Greenbush Land Subdivision Regulations; and

WHEREAS, on March 13, 2024 the Planning Board did classify the proposed sketch plat as a Minor Subdivision; and

WHEREAS, on April 10, 2024 the Planning Board classified the action as an Unlisted action in accordance with 6NYCRR Part 617.6(b)(4)(i), declared its intent to seek lead agency status, and initiated an uncoordinated review under SEQRA; and

WHEREAS, the Planning Board, did carefully review the land development application, sketch plat, Short Environmental Assessment Form Part 1, and related materials for this project in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/or the conditions of this resolution; and

WHEREAS, the Planning Board has compared the proposed action (minor subdivision approval) against the criteria listed in 617.7 (c) (i-xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7. (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7.(3) (i-vii); and

Now, therefore, be it

RESOLVED, that based on the environmental assessment and review, the Planning Board has 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, is hereby adopted; and

be it further

RESOLVED, that the Planning Board authorizes the Chair to endorse the SEQRA determination and supporting rationale contained therein.

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: WHEREAS, the East Greenbush Town Planning Board (“Planning Board”) is in receipt of an application by Hugh Templeton (the Owner) with Hershberg & Hershberg, design consultant to the Owner, for a 2-lot Minor Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 10.26+- acre parcel located at 29 Michael Rd (Tax Map I.D. 166.00-5-19.11) on which there is currently one (1) single family home owned by the Owner; and

WHEREAS, the proposal would subdivide the parcel so that the existing home remains on its own 8.13+-acre lot to be sold, and a new buildable lot would be created consisting of approximately 2.13+- acres, with frontage on Elliot Rd; and

WHEREAS, the Planning Board did review the preliminary plat and the various supporting data on March 13, 2024 and meeting minutes show discussion related to procedural review per the Town of East Greenbush Land Subdivision Regulations; and

WHEREAS, on March 13, 2024 the Planning Board did classify the proposed sketch plat as a Minor Subdivision; and

WHEREAS, on April 10, 2024 the Planning Board classified the action as an Unlisted action in accordance with 6NYCRR Part 617.6(b)(4)(i), declared its intent to seek lead agency status, and initiated an uncoordinated review under SEQRA; and

WHEREAS, the Planning Board, did carefully review the land development application, sketch plat, Short Environmental Assessment Form Part 1, and related materials for this project in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/or the conditions of this resolution; and

WHEREAS, the Planning Board did conduct a public hearing on April 24, 2024 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, the Planning Board has compared the proposed action (minor subdivision approval) against the criteria listed in 617.7 (c) (i-xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7. (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7.(3) (i-vii); 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 April 24, 2024; and

Now, therefore, be it

RESOLVED, that the Planning Board, hereby grants conditional approval of the Templeton 2-Lot Minor Subdivision for 2 lots in the Town of East Greenbush, prepared by Hershberg and Hershberg, dated March 19, 2024, with the following conditions:

1. Resolving any outstanding technical details as determined by the Town Planning and Zoning Department.
2. A copy of the proposed ingress/egress easement must be provided to the Town's Planning and Zoning Department, subject to review and approval of the Planning Board Chair and Planning Board attorney.
3. All remaining fees must be paid to the Town.
4. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein.
- 5.

Seconded by Bob Jucha & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0- VOTE

MARTIN ELECTRIC-164 COLUMBIA TRPK. MAJOR SITE PLAN/SUP (19-01A)

Steve Hart from Hart Engineering presented the project on behalf of the applicant. He stated that more crusher run area has been removed from the site plan, the green area which is currently crusher run will be removed, except for a 4' wide drip edge around the perimeter of the building. Eleven or twelve Evergreen trees with landscaping berm will be installed on the right side of the plan. The plan will be phased, Phase 1 would be the restoration work at the rear of the site before the new building permit would be issued for the two additions in the back of the building.

- Kurt Bergmann asked if the restoration included the topsoil and seeding. Steve Hart stated that is correct including planting of the trees and the construction of the dumpster enclosure.
- Ralph Viola asked if the four trees to the rear of the building to the left are already installed. Steve Hart stated that he is not sure but will check and if they're not, he will make sure that they are.
- Bob Jucha asked if the connex trailers are being removed. Steve Hart stated that yes that's part of Phase 1.

Chairman Mastin stated that the Planning Board will approve the Special Use Permit and the Town Board will approve the major site plan. Chairman Mastin stated in regards to the email he received about accepting the sketch plan, that just initiates the review process, it's not an approval. The Board is just recommending that the Town Board declare lead agency under SEQR, there are no approvals tonight.

•Kurt Bergmann asked once the work is completed, will someone independent of Martin Electric be signing off to make sure the site plan is completed as approved. Steve Hart believes the Town has a certification form that gets signed by an architect, engineer or surveyor and gets returned to the Town. Chairman Mastin stated that even if it's not a formal process yet, the Board will include that as a condition of this project.

•John Conway asked if there is a designated area for snow storage along the side of the building & how big those are between tree to tree. Steve Hart stated that there are 2 gaps, both 20' wide in between two trees.

Chairman Mastin asked what the height of the enclosure in the rear is. Steve Hart stated it would match whatever exists, he believes it's 20'.

Chairman Mastin asked if the building itself is taller. Steve Hart stated that is correct.

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

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

- 1. Accepts the sketch plan as depicted on the site plan dated October, 2022, prepared by Hart Engineering for Martin Electric for the proposed site plan.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby recommends that the project be classified as an unlisted action under SEQRA and hereby recommends that the Town Board declare its intent to seek lead agency status in connection with a coordinated review under SEQRA.**

Seconded by John Conway & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0 VOTE

SEABOARD SOLAR-465 MILLER ROAD-MAJOR SITE PLAN/SUP/LLA (23-17)

Chairman Mastin stated that unless the applicant has an update, this project was just before the Board to schedule a public hearing. Ryan Clark stated that the Town Board voted for a Negative Declaration under SEQR. Steve Wilson stated that nothing has changed, they have been addressing comments. Chairman Mastin asked if there were any questions.

•John Conway asked if the Board was supposed to get pictures of the viewshed from the Town Park. Steve Wilson described the view shed photos from the power point.

•Chris Horne stated she's waiting on the view where the above ground pole was going. Ryan Clark from Seaboard stated that there is only one new on Miller Road and the rest are all underground.

•Ralph Viola asked what they anticipate for the growth of the trees and did the type of trees has been established yet. Steve Wilson stated that they are 6' to 8' at installation and they have not gotten that far yet regarding the types of trees.

Josh Giller stated that the Conservation Advisory Council (CAC) can make recommendations on the types of trees.

•Bob Jucha stated that he wants to attend a Solar training on May 9th. He also stated that prior to digging Seaboard needs to be a member of UDig NY. Mark Sweeney, the attorney for Seaboard stated that it would fall back to the owner who is attaching to the grid.

Chairman Mastin asked if there were any further 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 schedules a Public Hearing related to the proposed Special Use Permit for Miller Road Solar, LLC. May 8, 2024 at the East Greenbush Town Hall at 7:00 PM.

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 7-0 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 Miller Road Solar West, LLC. May 8, 2024 at the East Greenbush Town Hall at 7:00 PM.

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

CITRINE POWER-82 MOORE ROAD-MAJOR SITE PLAN/SUP (23-27)

Travis Mitchell stated that there are no updates. Chairman Mastin asked if there were any questions by the Board. Chairman Mastin stated that the intent was to schedule a public hearing for May 22, 2024.

•John Conway stated he missed the initial meeting when the project was before the board and asked if there are two access roads that go into the site. Travis Mitchell stated that there is one road for construction and one road for maintenance, the two owners share a driveway. Travis Mitchell stated that a gravel road off of Luther Road and then Moore Road for the interconnect.

•John Conway asked if they provided photos of the viewshed & asked what the topography is. Travis Mitchell described the view shed photos from the power point as well as the topography & stated that the homes are much lower.

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 May 22, 2024 at the East Greenbush Town Hall at 7:00 PM.

Seconded by Mike Tierney & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

NEW BUSINESS:

RENSCO SENIOR CENTER- 6 RIDGE ROAD-SITE PLAN MOD/CHANGE OF USE (24-12)

Glenn Govey, the project manager presented the proposal to the Board, also present was Town Councilor Ed Nestler. Glenn Govey stated that the proposal is for a senior center at 6 Ridge Road with no exterior changes, the dumpster from Manor House will be utilized.

Chairman Mastin stated that this is a change of use and a site plan modification. Chairman Mastin asked about the traffic and if people will drive or if they'd be bused. Glenn Govey stated that people will mostly be bused to the site, the building will consist of a full kitchen in rear, will serve lunches among the community, a dining room, multi-use room, library, living room, area with a fireplace, workout room, office spaces, 2 bathrooms and a thrift store.

- Chris Horne asked what the hours of operation would be & how many days a week. Glenn Govey stated probably mid-morning to evening, seven days a week.
 - Ralph Viola stated he thinks it's a great project, but he thinks the dumpster location is not going to work & will be a hassle & thinks it should be on the side of the senior center. Glenn Govey stated National Grid owns an easement right up to their property line on the right side of the building so there is no room for it to work. They plan on having 4 garbage cans in the rear on a concrete pad.
 - Bob Jucha asked if they contacted National Grid. Glenn Govey stated that they did, and they won't help.
 - John Conway asked if there are three doors into the building. Glenn Govey stated that the thrift store will have a separate entrance to where the mattress store was.
 - John Conway asked if the parking is adequate. Josh Giller stated he has checked and there is adequate parking.
 - Bob Jucha stated that he doesn't want to have conflicts with parking.
 - Mike Tierney asked if the people are bused or if they drive & if there is overnight parking there. Glenn Govey stated some drive, and some are bussed by senior transportation and there will be no overnight parking, the people are dropped off and picked up.
 - Mike Tierney asked about lighting & signage. Glenn Govey stated that all the lighting exists, and they will just change the sign on the building.
 - John Conway asked if the signage on the building is compliant. Chairman Mastin stated that the county doesn't own the building.
 - Mike Tierney asked if it was just a senior center, there are no doctors, dentists, barbers, etc. Glenn Govey stated it is just a senior center.
- Chairman Mastin asked if there was anything else. There were no further questions.

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)(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 Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0- VOTE

2. Approves the site plan prepared by Boundary & Topographic Survey of the Lands of Faith and Love Fellowship dated March 4, 2022 with the following conditions:

- 1. Applicant must comply with NYS Laws and**
- 2. All remaining fees are paid.**

Seconded by Bob Jucha & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0- VOTE

NEW ZBA REPORTS:

ZBA Appeal #2024-03-Comstock-Area Variance for pole barn -report by Mike Tierney

After some discussion from the Board, the following motion was made. A motion was made by Chairman Mastin as follows: **The Planning Board gives a positive recommendation from a Planning perspective & accepts Mike Teirney's report. * See attached report for further details.**

Seconded by Mike Tierney & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; J. Conway-YES; R. Jucha-YES; M. Tierney-YES.

MOTION CARRIED BY A 7-0- VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the April 10, 2024 meeting minutes. Seconded by Bob Jucha. Motion carried by a 7-0 vote.

Josh Giller stated he has two updates.

1. They are waiting for the water/sewer studies for the GEIS. Once the GEIS side is good then they can move forward with both the Zoning & the GEIS. They are hopeful for public hearings in May for public comment on both.
2. Josh Giller stated that on a personal note, he is moving to Indiana and will be working remotely.

CLOSING:

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

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary

ZBA# 2024-03 Comstock- 10 Pine Grove St.- ZBA Report
Applicant: Scott Comstock

The applicant owns a residential home at 10 Pine Grove Street. Tax map 155.17-1-1. in the R-2 zone. The applicant is proposing to build 25' x12.5' stand alone pole barn on the east side of the property. The East Greenbush Building Department has determined an Area Variance is required because the proposed pole barn does not meet the 8' setback.

Matt Mastin and I met the applicant at his residents on Friday, April 19th at 5 PM. We toured the applicant's yard and met the gentleman neighbor at 12 Pine Grove Street. The gentleman indicated his girlfriend is the owner of 12 Pine Grove Street and she has no issue with the proposed pole barn with a 5' setback.

- 1) The variance will not produce an undesirable change to the character of the neighborhood or be a detriment to any nearby properties. The proposed pole bar meets the character of the neighborhood. The proposed pole barn would match the roof lines of the existing garage and shed. The existing shed and garage have a 5' setback and do not meet the 8' setback requirement. The applicant indicated this is a double lot (the property stretches from Pine Grove Street to Neptune Street)
- 2) The benefit sought by the applicant could not be achieved by another feasible method, this would require the applicant to remove his fireplace and privacy hedgerow (along Neptune Street) to place the pole barn in the center of the parcel. The applicant indicated there are also drainage concerns in the center of the parcel.
- 3) The requested area variance is substantial since the proposed pole barn would be aligned with the existing shed and barn. The required setback is 8' and the proposed pole barn would have a 5' setback.
- 4) The proposed variance would not have an adverse impact on the physical or environmental condition of the neighborhood. There are other properties with similar conditions in the neighborhood.
- 5) The difficult is self-created. The applicant is requesting the pole barn to park a vehicle under cover. The applicant would access the pole barn from Neptune Street. There is presently an access driveway from Neptune Street to the applicant's back yard.