

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 MARCH 27, 2024

Members:

Matt Mastin, Chairman
Chris Horne
John Conway
Robert Jucha
Mike Tierney

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 five (5) members were present. Kurt Bergmann & Ralph Viola were absent.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

MARTIN ELECTRIC-164 COLUMBIA TURPIE-MAJOR SITE PLAN & SUP (19-01a)

Steve Hart of Hart Engineering was present representing the applicant to give the Board an update on the project. Steve Hart stated that there is an existing loading dock with a canopy consisting of 58'x62' and the applicant wants to square up the building by building a roof and sides (one side consisting of 40'x62' and another consisting of 48'x62') and would close it in with three garage doors. There was a proposed addition for the side of the existing garage which has been removed. There are two existing dumpsters that will be relocated and enclosed with a 6' high black chain link fence with privacy slats and gate will be added. There is also an area of crusher run in the rear of the site to the west of the existing garage that will be removed and replaced with topsoil and seed. A 2' high berm is proposed on the west side property line of the site that eleven 6' high evergreens will be planted on the top of.

- Chris Horne asked Steve to recap the lighting situation. Steve Hart stated that everything out there right now is building mounted, he will drive to the site at night to see what's there. Steve Hart stated that the intent is to just have building mounted lights shining down and not aimed out projected towards the neighbors.

Chairman Mastin asked if the evergreens are 6-foot maximum height or 6 foot high at time of planting. Steve Hart stated that their six feet high at the time of planting. Steve Hart stated that there would be two breaks in the berm so that there are two areas to push snow.

- John Conway stated that he's noticed vehicles parked along the side of the building, looks like right where the evergreens are going. Steve Hart stated that there is an 18 feet wide parking stall along the side of the property not in the area of the evergreens.

Chairman Mastin asked what the intent of all the crusher run along the 5,100 sq. foot garage. Steve Hart stated that when they built the garage, it was probably put down as a pad.

- Chris Horne stated that's all being removed though. Steve Hart stated that the intent was to keep some of it. Chairman Mastin stated that the concern is if it's there, it will be used as a storage area and he would like it cleaned up, cut back.

- Bob Jucha asked if the conex trailers will stay on the site. Steve Hart stated that they would as he thinks they'd like to keep them as storage.

Chairman Mastin asked if they are still needed after enclosing in the loading docks. Steve Hart stated he's not sure.

Steve Hart stated that the dumpster will have an enclosure around it.

Chairman Mastin stated that they have a site plan and a special use permit, and they will maybe have to phase how these actions may have to happen as will have to handle the approval of the original special use permit prior to allowing the new additions.

Chairman Mastin asked if there were any other comments.

- Mike Tierney asked if there are deliveries there and if so, is it by tractor trailers. Steve Hart stated that deliveries are usually by box trucks, tractor trailers are less common.

Joe Slater asked Dan Rodriguez if he knew where the Town Board is as far as reviewing this and the SEQR process since they are lead agency. Dan Rodriguez stated that he's not sure but knows they need to make a determination.

Joe Slater stated that they need a SEQR Determination from the Town Board.

Chairman Mastin asked if there were any other comments from the Board.

E.W. BIRCH BUILDERS-4 MOUNTAIN VIEW AVE-MAJOR 3-LOT SUBDIVISION (21-30)

Steve Hart and Ed Brzozowski were both present. Steve Hart stated that this was previously a five-lot subdivision and is now being proposed as a three-lot subdivision. Steve Hart stated that there is a 100' no clear zone on the proposed plan & the applicant is also going to donate a 50' strip along the rear of the property to the Town for drainage.

Steve Hart stated that they are proposing infiltrator chambers underground for the two new lots. Steve Hart stated that DPW determined that a turn around isn't necessary at the end of Mountain View Avenue. Steve Hart talked about water/sewer. Steve Hart stated that the Town is putting a water line down the road with stubs for the houses on both sides of the road. Steve Hart stated that the applicant will install a 1 ¼" force main sewer line for Lot #1 and Lot #3 will have a gravity sewer line installed down to Park Avenue. Lot #2 is already on an existing gravity line.

Steve Hart stated that he's not sure if the issues with ownership of the road have been resolved. Joe Slater stated that he thinks the issues were with the homeowner at the end of the road and what they owned & then where it became public. Chairman Mastin stated that he believes that the road issue has been sorted out & also stated that the stormwater is a big improvement.

- Bob Jucha asked about the existing house and the existing sanitary sewer and how it runs currently.

Ed Brzozowski stated that gravity is out the back and down to Park Avenue. Steve Hart stated that they will have to show an easement.

- Chris Horne stated she'd like Steve to go over the infiltration chambers again & what happens if a homeowner decides to dig to put a pool in. Steve Hart stated that they could put restrictions on the deed.

Chairman Mastin stated they could restrict an inground pool.

- John Conway stated he wanted clarification as to what is to be donated to the Town and asked if the 50' strip goes across the entire rear of the parcels. Steve Hart stated that's correct, 50' x 400' long.

Chairman Mastin asked if the Town was going to run a water line as part of a capital upgrade and it's not the result of this project. Ed Brzozowski stated that's correct.

- John Conway stated that he noticed that the middle house doesn't have a clearing restriction. Steve Hart stated that is an existing property so it's hard to go to them and tell them they can't clear.

- John Conway asked about the middle house driveway. Steve Hart stated that it used to be a looped driveway, so they were able to get rid of some of the impervious area of approximately 1,350 sq. ft.

- Bob Jucha asked about the buffer on the middle lot and the homeowner that owns that home is staying in that home. Ed Brzozowski stated that it's an existing home & at some point he'll sell it.

Chairman Mastin asked if there was anything else. There were no other comments or questions.

Chairman Mastin stated that the intent tonight was to initiate the coordinated review under SEQR.

Joe Slater stated to also declare lead agency, classify the subdivision and declare the project an unlisted action.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby: Classifies the action as a minor subdivision under the Town’s Land Subdivision Regulations, Article IV, Section 2.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 4-0-1 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby: Declares its intent to seek lead agency status in connection with a coordinated review of the project under SEQR. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA of the project. The following involved and/or interested agencies under SEQRA have been identified:**

**Town of East Greenbush Department of Public Works
East Greenbush Fire District
NYSDEC
Rensselaer County Department of Public Health**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 4-0-1 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby: Declares this action as an Unlisted SEQR action in accordance with 6 CRR-NY 617.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 4-0-1 VOTE

CITRINE POWER-82 MORE ROAD-MAJOR SITE PLAN/SPECIAL USE PERMIT (23-27)

Celay Sinay Bernie, the principal of Citrine Power, as well as Travis Mitchell who is the environmental design were present regarding the project. Travis Mitchell stated that the project consists of a 150 acres parcel and the project consists of a 4.82 megawatts solar array tracker system on 25 acres. Travis Mitchell stated that tree clearing will be minimal, there is none in the solar array area, only into the site where the access is. Travis Mitchell stated that they will have to widen a culvert a bit on the access road, which is less than .05 acres wetland disturbance, it’s headed to the Army Corp for their review. Travis Mitchell showed maps on the visual impacts, there will be none as the site is not possible to see from either Moore or Luther Roads and isn’t visual from any surrounding homes. Cela Bernie stated that they presented to the CAC in February and are awaiting their comments.

Cela Bernie stated that the power lines will be run underground from Luther Road through Moore Road and won't be above ground until the site on Moore Road.

Chairman Mastin asked the Board if there were any questions.

·Bob Jucha stated that they will need to call UDig NY and register and he would like to see the utility become a member prior to the interconnect.

Chairman Mastin asked if there were any other questions. There were none. Chairman Mastin stated that the next step would be for the Board to get a SEQR determination and then they can schedule a public hearing.

TEMPLETON- 29 MICHAEL ROAD -2-LOT SUBDIVISION

(24-07)

Margaret & Hugh Templeton were both present. Margaret Templeton presented the proposal to the Board. She stated that they are selling their house at 29 Michael Road and are now just proposing a two-lot subdivision as opposed to the original three-lot subdivision they were proposing. The proposed lot would consist of 2.13 acres in total, they have no immediate plans for it. Dan Rodriguez stated that the reason why the original configuration didn't work is because it didn't comply with the area requirements for the non-incentive zoning requirements. The issue is that that proposed parcel on Elliot Road is not part of the sewer district so they will worry about a future subdivision possibly in the future, they just wanted to get through the closing on their house.

·Bob Jucha asked what the zoning district was for that area. Dan Rodriguez stated that it's R-B and that lot is not in the sewer district.

·Chris Horne asked for clarification as to what they were selling. Margaret Templeton pointed out the parcels that were being sold on the map.

·John Conway asked why they were looking at the whole map as opposed to just the two lots. Chairman Mastin stated that it's all relevant as it's what's being sold but isn't part of the action in front of the Board.

MOTION: A motion was made by Chairman Mastin as follows: Classifies the action as a minor subdivision under the Town's Land Subdivision Regulations, Article IV, Section 2.

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby: Declares its intent to seek lead agency status in connection with a coordinated review of the project under SEQR. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA of the project. The following involved and/or interested agencies under SEQRA have been identified:

**Town of East Greenbush Department of Public Works
East Greenbush Fire District
NYSDEC
Rensselaer County Department of Public Health**

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby: Declares this action as an Unlisted SEQR action in accordance with 6 CRR-NY 617.

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

NEW BUSINESS:

HENCHEY-20 ORIEL LANE-LOT LINE ADJUSTMENT

(24-08)

John Dunn was present representing the homeowners, Tony & Janet Elacqua & TJ & Elizabeth Henchey of 20 & 24 Oriel Lane. John Dunn stated that when the Henchey's house was built, part of his driveway was constructed 20' onto his father-in-law's property with his permission. John Dunn stated that Mr. Elacqua is doing estate planning and would like to correct the situation by giving them 20 feet.

Chairman Mastin asked if the lots meeting the zoning. Dan Rodriguez stated that they do.

Chairman Mastin asked if the Board had any questions or concerns.

·John Conway asked if Oriel Lane is zoned R-B & he remembers when he was on the Zoning Board that it only seemed like only one property on that road met the zoning requirements for R-B.

·John Conway stated that it seems like the new zoning is contemplating the adjustment of that whole situation. Dan Rodriguez stated that with the new zoning a lot of the properties that aren't in compliance will get adjusted as the new requirements gets rid of the incentive zoning.

·John Conway stated that he saw the Henchey name on the application and wanted to make sure that the Elacqua's were in agreement with this, since they're losing some property. John Dunn stated that Elizabeth is his daughter. Dan Rodriguez stated that the Planning Department did get both of their approvals.

·Bob Jucha stated that the shed looks like it's outside the setbacks. John Dunn stated that it meets the regulations.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby: Classifies the action as a lot line adjustment under the Town's Land Subdivision Regulations, Article IV, Section 2.

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

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 (16) “granting of individual setback and lot line variances and adjustments”.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby: Accepts the sketch plat and grants final approval of the proposed Lot Line Adjustment prepared by John J. Dunn dated December 3, 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 Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

GETTYSBURG FLAGWORKS- 715 COLUMBIA TURNPIKE -SITE PLAN MOD/SUP. (24-09)

Andy Kinerson presented the proposal to the Board. Andy Kinerson stated that he wants to put a 10' x 20' shed for storage near the rear of their property to store their products and shipping supplies. There was a temporary storage pod that has been removed.

·John Conway asked if the shed is in compliance with Zoning. Andy Kinerson stated that it is, it's pretty far from any property line.

·Chris Horne asked what the shed will look like and what will be stored in it, is there anything flammable. Andy Kinerson stated it has double doors and is finished and there will be nothing flammable, just hard goods.

Chairman Mastin asked if the shed will affect any parking. Andy Kinerson stated that it doesn't.

·Bob Jucha asked what the red structure right behind the building was. Andy Kinerson stated that is the conex container for storage, it has their flag poles in it.

·Mike Tierney asked if there was any site lighting in that area. Andy Kinerson stated there isn't, there is a flood light on the side of the building.

·Bob Jucha asked if there would be any lighting in the shed. Andy Kinerson stated that they're not planning on it.

·Bob Jucha asked if the pad under the shed is concrete. Andy Kinerson stated that there will be a 12' x 30' concrete pad under it.

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

Chairman Mastin stated that there are two different actions, one for site plan and one for a special use permit & they need to schedule a public hearing for a special use permit.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby; Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(9): Construction or expansion of a primary or accessory/appurtenant, nonresidential 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.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 5-0- 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 April 10, 2024, at the East Greenbush Town Hall at 7:00 PM.**

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 5-0- VOTE

NEW ZBA REPORTS:

NONE

NEW ZBA REFERRALS:

ZBA Appeal #2024-02 & #2024-02A-Martins-11 Smith Lane-2 Area Variances for Garage & an Area Variance for a greenhouse-assigned to Matt Mastin & Mike Tierney will assist.

REVIEW AND APPROVAL OF MEETING MINUTES:

Approval of the March 13, 2024, meeting minutes tabled until the next meeting.

John Conway asked what the status of the new zoning is. Dan Rodriguez stated that they're hoping it's done within the next 2-3 months. Chairman Mastin asked what the hold up is. The DGEIS is being worked on right now as well.

Chairman Mastin welcome Mike Tierney as new member to the Board.

CLOSING:

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

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary