

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 JUNE 12, 2024

Members:

Matt Mastin, Chairman
Bob Jucha, Member
Mike Tierney, Member
Kurt Bergmann, Member
Chris Horne, Member

Also Present:

Dan Rodriguez, Co-Director of Planning & Zoning
Darlene Waters, 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. Members Ralph Viola and John Conway were absent. Planning Board Attorney Joe Slater was not present but available by phone.

Chairman Mastin points out that the Stenographer is not in attendance tonight. Dan Rodriguez advised that Stenographer Kateri Rhatigan will be attending virtually and asked that all participants speak loudly as to help the stenographer capture the public hearing accurately.

PUBLIC HEARINGS:

7:00 PM (24-15) Whelan-592 Elliot Rd-Special Use Permit

Chairman Mastin read the legal notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town's Comprehensive Zoning Law Section 2.6.3 Residential Buffer District (R-B) Subsection C Special Use Permit Uses: "Boarding; inn or bed and breakfast" of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 592 Elliot Road, East Greenbush, NY, Tax Map # 167.-4-6.21, which is Zoned R-B. The applicant is proposing the use of a portion of his home for short terms stays as a Bed & Breakfast. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.4 Use Schedule. Said Public Hearing will be held on Wednesday, June 12, 2024 at 7:00 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. 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

Applicant Josh Whelan was present. Josh Whelan provided an overview of the proposal, stating that this is an in-law apartment built a couple of years ago when they first moved into the house which they plan to use as a short-term Airbnb. Being that the zone allows for that [Boarding; inn or bed and breakfast], they applied for a permit.

Chairman Mastin asked if anyone on the Board had any questions.

- Bob Jucha stated that he saw today [6/12/2024] that Governor Hochul signed an agreement stating that all short-use occupancies have to be registered with the State of New York for tax purposes. Josh Whelan agreed to comply with this.

Chairman Mastin asked if there was anything else. There was nothing from the Board.

Chairman Mastin asked if there was anyone in the public that wished to speak.

- Neighbor #1 opposed the application and inquired about the status of a previously approved in-law apartment. Josh Whelan confirmed it was theirs, and Chairman Mastin mentioned the relative who resided there had passed away.
- Neighbor #2 noted the applicant has been operating a short term rental (hereinafter “STR”) for at least a year. Josh Whelan confirmed this. Neighbor #1 expressed dissatisfaction, stating the community does not need it. Chairman Mastin explained the public hearing process allows residents to voice concerns and clarified that any resident wanting to operate a STR must follow the same procedure and meet zoning code requirements. Dan Rodriguez added that the proposal meets the necessary criteria for the zone.
- Neighbor #1 asked about the number of STRs in the area. Dan Rodriguez responded that there are none known, to which Neighbor #1 commented to keep it that way.

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

- Neighbor #2 inquired about property tax implications. Chairman Mastin noted that obtaining a permit would likely trigger a review by the assessor. Josh Whelan mentioned that a reassessment was done when they received their certificate of occupancy.
- Public members discussed the nearest STRs, including June Farms and a location in Schodack. Kurt Bergmann asked about rental lengths, and Josh Whelan confirmed they are short-term via Airbnb. Dan Rodriguez clarified that long-term rentals are not allowed under the current code.
- Neighbor #1 expressed concern about potential issues from STR operations. Chris Horne asked about maximum occupancy, which Josh Whelan stated is six due to bedroom sizes. Neighbor #1 questioned if construction was complete, and Whelan confirmed no structural changes are planned.
- Kurt Bergmann inquired about parking and differences in certificates of occupancy. Whelan described a large driveway fitting ten cars. Dan Rodriguez stated there are no code differences between STR and regular certificates of occupancy.
- Kurt Bergmann asked about future lot changes, and Whelan indicated no plans. Chairman Mastin asked about current STR operations, leading to a discussion about visitors and neighbors observing multiple cars. Whelan explained frequent guests are due to a recent baby.
- Neighbor #2 reiterated that the property has been an STR for over a year, which Whelan confirmed. Chairman Mastin clarified the goal of the planning board is to rectify the situation of operating without a Special Use Permit. Whelan expressed intent to comply with proper channels after realizing the code violation.

Chairman Mastin asked if the board had any other comments or questions.

- Mike Tierney stated that the applicant has answered all of his questions throughout the presentation.

Chairman Mastin asked three times if anyone was present to speak in favor to the project.

- 0 members of the public spoke in favor.

Chairman Mastin asked three times if anyone was present to speak in opposition to the project.

- 1 member of the public spoke in opposition.

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

Seconded by Mike Tierney & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

SEABOARD SOLAR- 405 MILLER ROAD -SPECIAL USE PERMIT/LOT LINE ADJ.

Chairman Mastin recapped the recent approval of the Special Use Permit and reminded the Board that they are reviewing the Major Site Plan for recommendation to the Town Board. Dan Rodriguez confirmed this.

Chairman Mastin asked if the board had any comments or questions. The board had none.

Chairman Mastin asked if anyone has an issue with making a recommendation. The board had none.

Chairman Mastin clarified with Dan Rodriguez that there are two resolutions for this project since it involves two projects reviewed as a whole. The board will vote on both.

Chairman Mastin asked one more time if the board had any comments or questions. The board had none.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby recommends that the Town Board of the Town of East Greenbush Issue an Approval of the Major Site Plan for the Miller Road Solar, LLC Large-Scale Solar Project (#23-17) with the resolution as written which includes a total of 21 conditions:**

- 1. Prior to the issuance of a building permit, the Applicant must address any remaining technical comments from the Town's Designated Engineer and the Town Planning and Zoning Department.**
- 2. Prior to the issuance of a building permit, all remaining fees and escrow must be paid to the Town.**
- 3. The plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.**
- 4. The landscaping plan must be revised to include landscaping required by the Planning Board and/or Comprehensive Zoning Law (CZL). Specifically, it must include year-round visual screening along the property boundaries, consistent with Section 57-57(G)(5)(c)(3)¹ with the inclusive mitigation of the vegetative buffer.**
- 5. The Applicant must comply with the conditions of the Special Use Permit approval by the Planning Board. The plans must include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of this approval. (Exhibit A)**
- 6. 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. Therefore, tree cutting must occur between November 1 and March 31.**
- 7. Prior to site work and/or issuance of a building permit, all stormwater 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-0-24-001, the approved SWPPP, and the Town's Comprehensive Zoning Law.

8. Any future phases of development, as shown on the approved site plan, are subject to further Planning Board approval as a site plan modification.
9. The Applicant must comply with the Fire Protection and Emergency Response Plan named "A. Fire Protection and Emergency Services Plan.pdf" reviewed by the Town's Designated Engineer, the Town Planning and Zoning Department, and the responding fire department per section 57-57G(5)(a)[12]¹ and 57-58G(2)(l)¹ of the CZL. (Exhibit B)
10. Prior to the issuance of a building permit, the Applicant must enter into an agreement with the Town for the supply of a decommissioning plan that complies with Section 57-57(G)(5)(22)¹ of the Town's solar law and shall submit financial surety in the form of a bond or letter of credit to cover the cost of decommissioning prior to the issuance of a building permit.
11. Prior to the issuance of a building permit, the Applicant must execute a Payment In Lieu Of Taxes (PILOT) agreement and a Community Host Agreement with the Town, as required by Section 57-57(G)(11)¹. These agreements must be recorded at the office of the Rensselaer County Clerk.
12. Prior to the issuance of a building permit, The Applicant must submit proof of the execution of sale and/or documentation of ownership or leasehold interest in the property, including deeds, easements, leases, licenses, or other real property rights or privileges necessary for the facility.
13. Prior to the issuance of a building permit, the Applicant must receive final approval of the Lot Line Adjustment conjoining Tax ID: 167.-4-36 and Tax ID: 167.-4-37 into one lot known as 405 Miller Road.
14. The Applicant must comply with the Operation and Maintenance Plan named "F. Operations and Maintenance Plan.pdf" reviewed by the Town's Designated Engineer and the Town Planning and Zoning Department per section 57-57G(5)(a)[21]¹ of the CZL. (Exhibit C)
15. The Applicant must adhere to the mitigation measures proposed to limit the adverse environmental effects resulting from the siting of the system, including but not limited to the installation of trees to completely buffer the viewshed of the proposed system to the Town Park trail system, and the execution of a Community Host Agreement which will allow the Town to offset impacts of the proposal's siting.
16. The Applicant must provide evidence of coordination with the local utility company, including a signed interconnection agreement or proof of application in accordance with section 57-57G(5)(a)[20]¹ of the CZL.
17. The Applicant must provide proof of liability insurance covering potential risks associated with the solar energy system per section 57-40D(2)(g)¹ of the CZL.
18. The Applicant must comply with all recommendations provided by the Conservation Advisory Council set forth in their letter "East Greenbush Conservation Advisory Council Review of Miller Road Solar & Miller Road Solar West" approved on September 18, 2023. (Exhibit D)
19. The Applicant must comply with all recommendations provided by the Conservation Advisory Council set forth in their letter named "Vegetation management for pollinator solar.pdf". (Exhibit E)
20. The remaining lands located within the site plan shall remain undeveloped to preserve natural resources, animal habitat, and the rural character of the neighborhood.
21. The applicant must comply with all requirements of the Town's CZL, Solar Law, and State and Federal Laws not specifically referenced herein.

¹The sections referred to herein are those within the Town's Ecode.

Seconded by Bob Jucha & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; J. Conway-ABSENT; 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 recommends that the Town Board of the Town of East Greenbush Issue an Approval of the Major Site Plan for the Miller Road Solar West, LLC Large-Scale Solar Project (#23-17) with the resolution as written which includes a total of 21 conditions:**

- 22. Prior to the issuance of a building permit, the Applicant must address any remaining technical comments from the Town's Designated Engineer and the Town Planning and Zoning Department.**
- 23. Prior to the issuance of a building permit, all remaining fees and escrow must be paid to the Town.**
- 24. The plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.**
- 25. The landscaping plan must be revised to include landscaping required by the Planning Board and/or Comprehensive Zoning Law (CZL). Specifically, it must include year-round visual screening along the property boundaries, consistent with Section 57-57(G)(5)(c)(3)¹ with the inclusive mitigation of the vegetative buffer.**
- 26. The Applicant must comply with the conditions of the Special Use Permit approval by the Planning Board. The plans must include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of this approval. (Exhibit A)**
- 27. 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. Therefore, tree cutting must occur between November 1 and March 31.**
- 28. Prior to site work and/or issuance of a building permit, all stormwater 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-0-24-001, the approved SWPPP, and the Town's Comprehensive Zoning Law.**
- 29. Any future phases of development, as shown on the approved site plan, are subject to further Planning Board approval as a site plan modification.**
- 30. The Applicant must comply with the Fire Protection and Emergency Response Plan named "A. Fire Protection and Emergency Services Plan.pdf" reviewed by the Town's Designated Engineer, the Town Planning and Zoning Department, and the responding fire department per section 57-57G(5)(a)[12]¹ and 57-58G(2)(1)¹ of the CZL. (Exhibit B)**
- 31. Prior to the issuance of a building permit, the Applicant must enter into an agreement with the Town for the supply of a decommissioning plan that complies with Section 57-57(G)(5)(22)¹ of the Town's solar law and shall submit financial surety in the form of a bond or letter of credit to cover the cost of decommissioning prior to the issuance of a building permit.**
- 32. Prior to the issuance of a building permit, the Applicant must execute a Payment In Lieu Of Taxes (PILOT) agreement and a Community Host Agreement with the Town, as required by**

Section 57-57(G)(11)¹. These agreements must be recorded at the office of the Rensselaer County Clerk.

33. Prior to the issuance of a building permit, The Applicant must submit proof of the execution of sale and/or documentation of ownership or leasehold interest in the property, including deeds, easements, leases, licenses, or other real property rights or privileges necessary for the facility.
34. Prior to the issuance of a building permit, the Applicant must receive final approval of the Lot Line Adjustment conjoining Tax ID: 167.-4-36 and Tax ID: 167.-4-37 into one lot known as 405 Miller Road.
35. The Applicant must comply with the Operation and Maintenance Plan named “F. Operations and Maintenance Plan.pdf” reviewed by the Town’s Designated Engineer and the Town Planning and Zoning Department per section 57-57G(5)(a)[21]¹ of the CZL. (Exhibit C)
36. The Applicant must adhere to the mitigation measures proposed to limit the adverse environmental effects resulting from the siting of the system, including but not limited to the installation of trees to completely buffer the viewshed of the proposed system to the Town Park trail system, and the execution of a Community Host Agreement which will allow the Town to offset impacts of the proposal’s siting.
37. The Applicant must provide evidence of coordination with the local utility company, including a signed interconnection agreement or proof of application in accordance with section 57-57G(5)(a)[20]¹ of the CZL.
38. The Applicant must provide proof of liability insurance covering potential risks associated with the solar energy system per section 57-40D(2)(g)¹ of the CZL.
39. The Applicant must comply with all recommendations provided by the Conservation Advisory Council set forth in their letter “East Greenbush Conservation Advisory Council Review of Miller Road Solar & Miller Road Solar West” approved on September 18, 2023. (Exhibit D)
40. The Applicant must comply with all recommendations provided by the Conservation Advisory Council set forth in their letter named “Vegetation management for pollinator solar.pdf”. (Exhibit E)
41. The remaining lands located within the site plan shall remain undeveloped to preserve natural resources, animal habitat, and the rural character of the neighborhood.
42. The applicant must comply with all requirements of the Town’s CZL, Solar Law, and State and Federal Laws not specifically referenced herein.

¹The sections referred to herein are those within the Town’s Ecode.

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

CITRINE POWER- 82 MOORE ROAD -MAJOR SITE PLAN/SPECIAL USE PERMIT

Chairman Mastin advised the board that the meeting is to review the conditional approval of the Special Use Permit and to recommend the Major Site Plan to the Town Board.

Chairman Mastin asked if a presentation from Citrine was needed; it was not.

Chairman Mastin asked if the board had any comments, questions or concerns; there were none.

Chairman Mastin reminded the board that during Citrine's public hearing, there was one member of the public against the project and six members in favor.

Dan Rodriguez noted that the public hearing was in the last meeting and emphasized that this review is for conditional approval and recommendation to the Town Board, with no Lot Line Adjustment involved.

Chairman Mastin asked again if the board had any comments, questions or concerns; there were none.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional approval of the Special Use Permit for Citrine Power 82 Moore Rd for a Special Use Permit under the following conditions:

- 1. The location and size of the Proposal, the nature and intensity of the Proposal, the size of the site in relation to the use, and the location of the site with respect to the existing of future streets providing access, are in harmony with the orderly development of the Residential Open Space District.**
- 2. The location, nature, and height of the fence, and the nature and intensity of intended operations of the Proposal, will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.**
- 3. All proposed traffic accessways are adequate but not excessive in number and meet the applicable safety considerations as taken by the Town Planning Department and Planning Board.**
- 4. Adequate provision for safe and accessible off-street parking and loading spaces are not required due to the nature of the Proposal, though provisions for the safety and accessibility of emergency services and appropriate maintenance officials have been made.**
- 5. All parking and service areas have been designed to be screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site is designed to be in character with that generally prevailing in the neighborhood. Existing trees over eight inches in diameter have been preserved as part of the Proposal to the maximum extent possible.**
- 6. The character and appearance of the proposed use, is in general harmony with the character and appearance of the surrounding neighborhood, and is not more objectionable to nearby properties by reasons of noise, fumes, vibration, or principal lights, than would be the operations of any permitted use and does not adversely affect the general welfare of the inhabitants of the Town of East Greenbush.**
- 7. Adequate measures have been taken as part of the Proposal for fire and police protection.**
- 8. The Proposal protects adjacent land uses will not adversely affect the existing character of the neighborhood in which the large-scale solar energy system would be located, and will not adversely affect surface waters, wildlife and wildlife movement, forests, wetlands, and other important natural resources on the site.**
- 9. The Proposal is in harmony with local laws of the Town and complies with the design standards and other requirements of the Solar Energy Law for the Town of East Greenbush as well as all applicable safety and safety-related codes and requirements.**
- 10. The operation of the large-scale solar energy system does not create significant adverse impacts to human health and the environment with the proposed mitigation measures offered within the Proposal.**
- 11. The visual assessment demonstrates that with the proposed mitigation measures taken, including but not limited to the installation of a vegetative buffer to screen view from the Town Park trail system, the large-scale solar energy system will not have a detrimental effect on the public's use, enjoyment or view of the aesthetic resources, including the Town Park,**

nor the Town's rural character, as the project has been sited and is designed to be screened from view.

12. The large-scale solar energy system is not located within a reasonable radius of an existing or permitted large-scale solar energy system.

Seconded by Mike Tierney & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; J. Conway-ABSENT; 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 recommends that the Town Board of the Town of East Greenbush Issue an Approval of the Major Site Plan for the CP East Greenbush 1, LLC Large-Scale Solar Project (#23-27)**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

24-15 WHELAN-592 ELLIOTT ROAD-SITE PLAN MOD./SUP

Chairman Mastin reminded the board that this meeting is to review the conditional approval of the Special Use Permit.

- Chairman Mastin asked Josh Whelan about his history with neighbors and any complaints. Whelan reported no bad history or complaints and mentioned some historical animosity due to the property's past association with a family farm.
- Whelan confirmed there has never been police involvement for renter issues and mentioned he met Neighbor #1, father of Neighbor #2, for the first time at this meeting.
- Chairman Mastin appreciated Whelan's effort to obtain the Special Use Permit once he realized it was required. Whelan apologized for any confrontations with neighbors.
- Bob Jucha asked if a complaint prompted the application. Whelan explained it was a proactive review of the code due to his familiarity with reviewing local laws as his family has rental properties.
- Chairman Mastin reviewed conditions for the Special Use Permit, including no signage, noise ordinance compliance, waste disposal facilities, liability insurance, notifying adjacent property owners, occupancy limits, and passing annual health and safety inspections.

Chairman Mastin asked if the board has any questions, comments or concerns.

- Mike Tierney asked the board about the meaning of "conditional approval." Chairman Mastin clarified it involves meeting certain conditions and requirements, allowing the use under specified conditions once outstanding documents and fees are addressed.
- Josh Whelan again confirmed the apartment complies with the town code.

- Kurt Bergmann expressed concern about the potential impact on neighborhood characteristics but noted this situation does not convert the property to a two-family residence. Whelan emphasized the property is on Elliot Rd, not in a traditional neighborhood.
- Chairman Mastin confirmed Whelan lives on the premises.
- Dan Rodriguez mentioned a condition regarding parking, prohibiting parking on the main road. Whelan reiterated their driveway accommodates at least 10 cars.
- Bergmann noted future implications for other residences considering similar uses.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional approval of the Special Use Permit for Citrine Power 82 Moore Rd. for a Special Use Permit with the following conditions;

- 1. Each room used for short-term rental must have proper egress access, including windows and doors that meet local fire safety and building codes to ensure safe exit in case of emergency.**
- 2. The applicant must maintain adequate on-site parking for all guests. Renters are not permitted to park vehicles on public streets or in a manner that obstructs traffic or pedestrian pathways.**
- 3. No signage advertising the short-term rental shall be displayed on the exterior of the property without adhering to the Signage guidelines set forth in Section 3.3.1(E) and Section 3.3.2(C) of the Town's Comprehensive Zoning Law.**
- 4. The property owner must ensure that renters comply with the local noise ordinances, especially during quiet hours between 10 PM and 7 AM, to minimize disturbances to neighboring properties.**
- 5. The applicant must provide adequate waste disposal facilities and ensure that trash and recycling bins are not left out on the street except for designated collection times.**
- 6. The property owner is responsible for the removal of all trash, waste, and other materials that may be left on the property by renters.**
- 7. The property owner must maintain appropriate liability insurance coverage for operating a short-term rental.**
- 8. The applicant must notify adjacent property owners of the intent to operate a short-term rental and provide a contact number for complaints or emergencies.**
- 9. The number of guests staying at the property at any given time shall not exceed the occupancy limit set by the local building code for the dwelling.**
- 10. The property owner must maintain a guest log, including names and dates of stay, which must be available for inspection by the Town upon request.**
- 11. The property must pass an annual health and safety inspection conducted by the local building department to ensure compliance with all applicable codes and regulations.**

Seconded by Mike Tierney & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

24-10 Clinton Heights Fire Department-164 Columbia Tpke-Major Site Plan-Minor2-Lot Subdivision

Steve Hart from Hart Engineering presented the project: constructing a building with 6 fire truck bays. They are addressing comments from the first review letter received on May 30 from Town Designated Engineer (TDE) Fred Mastroianni of FCM. The building will be located on a parking lot, with no decrease in green space. The project includes maintaining or increasing existing landscaping and managing storm drainage into catch-basins at the back of the site.

Chairman Mastin clarified that the meeting's purpose is to recommend the Town Board seek lead agency status under SEQR. No approvals will be granted at this meeting.

Chairman Mastin asked if anyone on the Board had any questions or comments.

- Kurt Bergmann noted the plans show 6 bays, not 5. Confirmed the original proposal was always for 6 bays, but the plans initially lacked clarity.
- Mike Tierney asked about sidewalks and whether they should be included. Chairman Mastin noted a retaining wall prevents sidewalks on part of 9&20. Discussed whether sidewalks should lead to the existing crosswalk and inquired about traffic light synchronization with the fire alarm. Also suggested adding Town Designated Engineer's comments to the project drive and proposed screening for rooftop units.
- Bob Jucha supported sidewalks for large projects but noted maintenance concerns. Asked about traffic light synchronization and the need for an easement. Also pointed out that landscaping islands shown in the plans may be removed to ensure fire truck access. Confirmed that easement access is necessary due to subdivision and questioned the proposed use of the second floor.
- Steve Hart explained why direct access to Columbia Tpke was avoided, citing traffic flow and fewer curb cuts. Confirmed traffic counts and ample parking for the plaza occupants.
- Chairman Mastin assured that the Clinton Heights Fire Department project will not affect the Martin Electric project's review and approvals. Martin Electric will be reviewed first.
- Confirmed landscaping islands will not be included in the sketch plan. Chairman Mastin reiterated that approving the sketch plan does not mean project approval and changes can still be required later.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plan.

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; J. Conway-ABSENT; 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 recommends that the Town Board of the Town of East Greenbush seek lead agency and initiate and uncoordinated review for the Clinton Heights Fire Department project (#24-10)

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

24-16 Keybank-615 Columbia Tpke-2 Lot Subdivision

Gary Burke, speaking for Jared George and Thomas Burke, presented the plan to subdivide 1.14 acres from an existing lot to create a new lot for purchase. Existing and new easements will provide access to all occupants. No project proposal will be made until after new zoning is in place.

- Chris Horne confirmed the property is entirely owned by KeyBank.
- Dan Rodriguez noted the parcel spans three zones (B-1, R1a, and R3) and a subdivision alone does not require interpretation, which is why the applicant might be waiting for new zoning to consolidate the property into one zone.
- Bob Jucha highlighted the need for an easement on Elliot Road. The applicant confirmed two easements: one for Elliot Road and one for Columbia Tpke.
- Chairman Mastin stated the meeting's purpose was to initiate SEQR and schedule a public hearing, not to approve any plans.
- Bob Jucha emphasized that accepting the sketch plat is not an approval of the plans, as he wants to see easements reflected in the plans.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat and classifies the Sketch Plat prepared by Ausfeld & Waldruff Land Surveyors LLP dated June 4, 2024 as a Minor 2-Lot Subdivision under the Town's Land Subdivision Regulations, Article IV, Section 2.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; J. Conway-ABSENT; 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, and declares its intent to initiate an uncoordinated review.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; J. Conway-ABSENT; 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 2-Lot Subdivision for June 26, 2024, at the East Greenbush Town Hall at 7:00 PM.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2024-07-Peck-57 Louis Dr-Area Variance-Front Setback for Shed

Chairman Matt Mastin read the proposal: The applicant is proposing to construct a 12' x 20' shed in the side yard. The shed is a permitted accessory use, but structures over 160 sq ft must follow a 50 ft side setback requirement. The proposed shed has a 41 ft side setback, requiring a 9 ft Area Variance.

Chairman Mastin asked for a volunteer to report on this zoning referral. Chris Horne volunteered.

REVIEW AND APPROVAL OF MEETING MINUTES:

A quorum was not achieved in order to approve the May 22, 2024 meeting minutes.

Chairman Matt Mastin asked a member of the public which project they were interested in. The public member mentioned being informed by Dan Rodriguez that Golden Grain (23-16) might be on the agenda for this meeting. Dan Rodriguez clarified that Golden Grain was unable to be included on this meeting's agenda but assured that the department is working to schedule it soon.

Chairman Mastin recommended that any further discussion regarding Golden Grain be held after the meeting is closed.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Mike Tierney. Motion carried by a 4-0 vote.

Respectfully Submitted

Dan Rodriguez, Town Planner