

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 SEPTEMBER 11, 2024

Members:

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

Also Present:

Dan Rodriguez, Co-Director of Planning & Zoning
Joseph Slater, Planning Board Attorney
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present. Member Robert Jucha was absent from this board meeting.

PUBLIC HEARINGS

(24-19) Mancini-88 New Rd-SUP

Chairman Matt Mastin read the following legal notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town of East Greenbush Comprehensive Zoning Law Section 2.6.3 (Residential Buffer District, R-B) Subsection D (Accessory uses), on an application for a Special Use Permit for the property located at 88 New Road, East Greenbush, NY, Tax Map # 156.-3-34.3, which is Zoned R-B. The applicant is proposing to operate a home occupation consisting of the preparation and sale of baked goods. The accessory use "Home Occupation" 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, September 11, 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.

Chairman Mastin requests that the applicant, Biolka Mancini, state her proposal:

Biolka Mancini stated her proposal is to operate a bakery business from her home, baking and selling items such as cupcakes, cookies, cake bites, etc. Baking, as a hobby, has been physically therapeutic for

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her as part of her recovery following surgery. Though she feels she has made strides, Mancini still experiences complications. As such, she feels the need to stay close to home. Mancini views the establishment of this small business at home as her only opportunity to frequently engage in this activity.

Chairman Mastin asks the board if they have any questions or comments before proceeding to public comments.

- Conway confirmed with Mancini that sales would be delivered to customers, as opposed to selling the goods on site.
- Viola confirmed with Mancini that there would not be any exterior signage for the business.
- Tierney confirmed with Mancini that she intends to just use her standard kitchen equipment at her house to operate her business. Mancini also confirmed to Tierney that she doesn't intend for this business to be big.

Chairman Mastin asks the public if there are any questions or comments.

- Neighbor #1 confirmed with Chairman Mastin and Joseph Slater that a sign-off from the county department of health would be needed to operate, but it did not necessarily preclude the board from granting the SUP. Slater further clarified that one of the conditions of the SUP was that the applicant must comply with all local, state, and federal health and safety regulations, including obtaining any necessary permits from the Rensselaer County Health Department and ensuring that the home kitchen is inspected and approved for the commercial preparation of food items.

Being that there were no further questions or comments from the public,

Chairman Mastin asked three times if anyone was in favor of the special use permit:

0 members of the public spoke in favor.

Chairman Mastin asked three times if anyone was in opposition to the special use permit:

0 members 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 Tierney and roll called as follows:

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – ABSENT; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY - YES

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

(24-19) Mancini-88 New Rd-SUP - Review for Conditional Approval of Special Use Permit

Chairman Mastin asked the board if they have any questions or comments before proceeding to a vote.

- Conway confirmed with Chairman Mastin that there will be a tentative approval of the SUP for a six-month period. Horne confirmed with Chairman Mastin that the board would be looking for overall compliance with the terms of the Special Use Permit. Viola confirmed with Chairman Mastin that the Zoning Department, along with the Zoning Chair, will monitor the project for compliance.

There being no further questions or comments,

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

The Town of East Greenbush Planning Board hereby approves the Special Use Permit for Mancini - 88 New Road -

Whereas, an application has been filed by Biolka Mancini, for the property located at 88 New Rd, East Greenbush, NY 12061, presently designated as a single-family residential property in the Town of East Greenbush Residential Buffer (R-B) District; and

Whereas, the applicant is proposing to operate a home occupation consisting of the preparation and sale of baked goods; and

Whereas, the accessory use “Home Occupation” requires a Special Use Permit per the Town’s Comprehensive Zoning Law Section 2.4 - Use Schedule - in the Town’s Residential Buffer (R-B) Zone; and

Whereas, the applicant has filed an application for a Special Use Permit for the accessory use of “Home Occupation” at the property located on 88 New Rd, East Greenbush, NY 12061 (Tax Map No. 156.-3-34.3); and

Whereas, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on August 31, 2024; and

Whereas, notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, a Public Hearing was held by the Planning Board on Wednesday, September 11, 2024 to consider this application; and

Whereas, at this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

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Whereas, the Planning Board has carefully reviewed the materials submitted in connection with this appeal under SEQRA, including the short environmental assessment form, and classified the action as a Type 2 action under 6 CRR-NY 617.5 (c)(18); now, therefore, be it

Resolved, that the Planning Board makes the following findings of fact:

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to the existing and future streets providing access, is in harmony with the orderly development of the district.
2. The location, nature, and height of the buildings, walls and fences, and the nature and intensity of intended operations, 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 and not excessive in number; the access ways are adequate in width, grade, alignment, and visibility; they are located not less than 25 feet from street corners or other places of public assembly, and they meet similar safety considerations.
4. Adequate provision for safe and accessible off-street parking and loading spaces are provided as part of the Applicant's home occupation.
5. All parking and service areas will be screened at all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood.
6. The character and appearance of the proposed use and building 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, and would not adversely affect the general welfare of the inhabitants of the Town of East Greenbush.
7. All proposed buildings, structures, equipment and/or material appear readily accessible for fire and police protection; and be it further

Resolved, that the application for a Special Use Permit for "Home Occupation" for the preparation and sale of baked goods as defined in the Town's Comprehensive Zoning Law in the Town's R-B Zone, be Granted with the following conditions:

1. The applicant must comply with all local, state, and federal health and safety regulations, including obtaining any necessary permits from the Rensselaer County Health Department and ensuring that the home kitchen is inspected and approved for the commercial preparation of food items.
2. The business activities shall be limited to the preparation and sale of baked goods only. No on-site dining, seating, or consumption of baked goods by customers is permitted to maintain the residential character of the neighborhood.
3. The sale of baked goods is limited to operating hours between 8:00 AM and 6:00 PM. No business activities, such as customer pickups or deliveries, shall occur outside these hours to minimize disturbance to neighboring properties.

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4. No signage advertising the home occupation shall be displayed on the exterior of the property or in any windows without a permit, in accordance with the Town's Comprehensive Zoning Law Section 3.3.1(E) and Section 3.3.2(C). All advertising must adhere to the residential character of the neighborhood.
5. No employees other than family members residing in the home are permitted to work on-site to ensure that the business remains a low-impact home occupation as intended by the zoning law.
6. The applicant must comply with local noise ordinances, especially during quiet hours between 10 PM and 7 AM, to minimize disturbances to neighboring properties.
7. The applicant must implement an appointment or scheduling system to manage customer flow, limiting customer pickups to no more than two customers at a time, to prevent traffic congestion or parking issues.
8. All materials, equipment, and ingredients related to the home occupation must be stored indoors, in areas that comply with local fire safety and health regulations, to prevent visual clutter and maintain the residential character of the property.
9. The property owner must maintain appropriate liability insurance coverage for operating a home-based business that involves the preparation and sale of food products.
10. Adequate off-street parking must be provided for customers and delivery vehicles to prevent parking on public streets or on adjacent properties. Customers are not permitted to park in a manner that obstructs traffic or pedestrian pathways.

With the additional condition:

11. The Special Use Permit shall be approved for six month period, at which the Special Use Permit will be reviewed by the planning department in conjunction with the planning chair to ensure that the applicant has been compliant with the conditions of the Special Use Permit.
12. The property must be able to pass an annual inspection conducted by the local building department to ensure continued compliance with all applicable health, safety, and zoning regulations.

Seconded by Conway and roll called as follows:

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – ABSENT; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY - YES

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

(20-18a) Immanuel Church-274 Columbia Tpke-Site Plan Mod – Review for Conditional Approval of Site Plan Modification

Steve Hart from Hart Engineering, along with the applicant, summarized the progress of the project since May. There has been blacktop installed leading to a highlighted site, where a 10' wide x 24' long prefabricated shed on top of a 12' wide x 24' long pad will be constructed. The shed is to be built by an

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Amish family in Amsterdam, NY. The applicant stated that the size was chosen to simplify the delivery process. The purpose of the shed would be to store landscaping equipment.

Chairman Mastin asked the board if they have any questions or comments.

- Tierney confirmed with the applicant that sufficient lighting exists to see and get to the shed.
- Conway confirmed with the applicant that the secondary parking lot has been paved.

Being that there were no further questions or comments from the board,

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

1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(9) “Construction or expansion of a primary or accessory/appurtenant, 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.”

2. Determines that the project is limited in scope, with compatible land use, site and building design characteristics, and approves the site plan prepared by Hart Engineering dated September 3, 2024, with the following conditions:

- 1. Applicant must resolve any outstanding technical details as determined by the Town Planning Department; and**
- 2. All remaining fees are paid to the Town.**

Seconded by Tierney and roll called as follows:

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – ABSENT; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY - YES

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

(19-01a) Martin Electric-164 Columbia Tpke-Major Site Plan/SUP – Review for Conditional Approval of Special Use Permit & Recommendation to Town Board

Steve Hart from Hart Engineering, now representing this applicant, detailed the progress made thus far in the project. Hart then described the actions to be taken as being implemented in two phases:

Phase 1 – Improve the vegetative buffer and add more greenery to the area. Hart described the plan of planting trees in the specified areas in the plan brought before the board. The area is to be cleared of its crusher run with the intent of leaving a 4' wide drip-edge around the perimeter. This will leave an area to plant about a dozen or so trees. Some area will be left clear for snow storage. Some infilling of the area by the existing loading dock will be done to assist trucks being able to dock in a sloped area. In addition,

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there will be a 30'x30' dumpster enclosure with a 6' high fence to house the dumpsters near the existing garage near the rear of the property.

Phase 2 – The construction of two enclosed cold storage units, one being 40'x62' and the other being 48'x62', in the area by the existing loading dock. Each unit will have three garage doors and primarily be for the storage of equipment, such as trailers. This is to meet requirements for storage of major equipment indoors.

Chairman Mastin asked if there are questions and concerns amongst the board.

- Chairman Mastin clarified with Hart that many of the trees are not there yet and the intent is to plant 6' tall trees on a 2' tall berm. Hart assured Horne that the intent is to plant the trees upon approval. Chairman Mastin later suggests that Hart and the applicant plant the trees at the largest size they can and that any dead or dying trees are to be replaced within thirty days to maintain compliance with the SUP. Hart also saw no issue with Viola's suggestion to modify the spacing for the trees from 20' on center to 15' on center. Chairman Mastin then clarified with Hart that the greening of the area, as detailed in Phase 1, is going to happen before any additional construction takes place.
- Conway confirms with Hart that parking would be improved with these new structures as equipment, such as trailers, would be then stored inside. Tierney confirms with Hart that the finished look of proposed cold storage building will either match what is on site or have metal siding. Chairman Mastin clarified with Hart that the Conex boxes, currently used for storage, are proposed to be removed and that such is noted. Hart also confirmed that the dumpster would be moved closer to the building.
- Bergmann confirmed with Hart that the planning board utilizes a form that assigns a third-party engineer to review the project. Rodriguez also confirmed with Bergmann that having a third-party engineer review the project is a condition of their SUP, given the past violations by the applicant.
- Tierney confirmed with Hart that in addition to sight lights that already exist, there may be few additional sight lights. Conway confirmed with Hart that requirements including but not limited to lighting and hours of operation are to be added to the site plan.
- Tierney confirmed with Hart that stormwater calculations have been accounted for and that there are three catch basins.
- Chairman Mastin confirmed with Hart that the existing roadway to the rear of the building is for two-way traffic.
- Chairman Mastin confirmed with Rodriguez that materials related to the project have been shared with the board.
- Chairman Mastin also confirmed to Hart that the Site Plan will also need approval from the Town Board. Chairman Mastin states that approval at the Planning Board level is scheduled to take place on September 25th, 2024. Hart confirmed his intent to attend the next meetings.

(24-10) Clinton Height FD-164 Columbia Turnpike-Major Site Plan- Subdivision - Discussion

The board followed up on Bergmann's recounting of a conversation with a fire department member about apparent issues regarding a new firehouse on the Martin Electric site. Board of Fire Commissioner, Seth Tracy was in attendance at the meeting to clarify the district's stance on the situation. Tracy clarified that the district has no issues with the actions of the planning board, as the latter is only fulfilling their role in enforcing codes and regulations. The district is a distinct entity from the members of the department. The members may have their own opinions, but only the five(5) member Board of Fire Commissioners can speak for the district itself. Any questions, concerns or comments the planning board has can be sent to the Board of Fire Commissioners. The fire department is only the tenant of the building, absolving them of some responsibility. There also will not be a siren on the building, nor will there be traffic light pre-emption among other restrictions.

Chairman Mastin clarified to Tracy that issues lie squarely with the landlord, rather than the tenant. Tracy stated that misunderstandings from department members either from details of the contract that the board was unable to share with the department or that members were not in attendance of the meetings that have highlighted the issues.

(24-21 & 24-21a) Seaboard Solar 405 Miller Rd - Site Plan Mod - Discussion

Rodriguez stated that Seaboard Solar is doing roadwork on the Schodack end of their site. A modification the town of Schodack recommended causes the work to go slightly into East Greenbush. Seaboard Solar is coming in for a site plan modification to ensure everything is in order. With that, Rodriguez stated that it is possible to see them during the next meeting.

NEW ZBA REPORTS:

NONE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the June 26, 2024 Meeting Minutes. Conway did not get a chance to read the minutes. Therefore, a vote to approve the minutes did not take place at this time.

CLOSING

There being no further business before the Board, the meeting was closed by Chairman Mastin

All spoke in favor.

M. MASTIN – YES; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – ABSENT; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY - YES

MOTION CARRIED BY A 7-0 VOTE

Respectfully Submitted

Vincent Meade, Secretary for Planning and Zoning