

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 AUGUST 28, 2019

Members:

Matt Mastin, Chairman
Nancy Kupiec
Kurt Bergmann
Ralph Viola
Chris Horne
Don Pantan

Also Present:

Adam Yagelski, Director, Planning/Zoning
Joseph Slater, Planning Board Attorney
Alison Lovely, Planning & Zoning Secretary
Kateri Rhatigan, Court 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. Jim Moore was absent. Chairman Mastin introduced the newest Planning Board member Don Pantan who had previously served for 14 years on the Board and is now back.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the July 24, 2019 meeting minutes as is.

Seconded by Chris Horne. Motion carried by a 4-0-3 vote. Matt Mastin, Ralph Viola & Don Pantan abstained.

Motion by Chairman Mastin to approve the August 14, 2019 meeting minutes as is. Seconded by Kurt Bergmann. Motion carried by a 4-0-2 vote. Chris Horne & Don Pantan abstained.

PUBLIC HEARINGS:

7:05 PM DENTAL OFFICES/FORMER SPORTS GRILL-4 MIDDLE MANNIX ROAD-SITE PLAN MODIFICATION & SPECIAL USE PERMIT: (19-21)

Chairman Mastin read the Legal Notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b (6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 4 Middle Mannix Road, East Greenbush, NY, Tax Map #'s 155.-4-3 & 155.-4-4, which is Zoned OC. The applicant proposes the use of Dental Offices in the OC Zoning District. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.7.5 Corporate Office/Regional Commercial (OC) Subsection C Special Use Permits: "Health/Medical; offices or clinic, outpatient". Said Public Hearing will be held on Wednesday, August 28, 2019 at 7:05 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

Steve Hart presented the proposal to the Board. Steve Hart stated that JMA Properties owns the property. The proposal is to convert the old Sports Grill into two dental offices which requires a Special Use Permit in the OC Zoning District. Steve Hart read the Special Use Permit criteria he prepared of which there is a copy in the file. Chairman Mastin asked if anyone on the Board had any questions.

•Kurt Bergmann asked if the dental offices will be significantly regulated by the health department for a containment system to be installed for the disposal of the metals, meaning it will be an internal system as opposed to outside disposal. Steve Hart stated that is correct.

Steve Hart stated that at the last meeting they had discussed that the dental offices would be sharing a dumpster with the hotel but that any dental waste that Kurt is referring to will be contained and disposed of internally. Kurt Bergmann stated he knows there is another dentist right down on Route 4. Steve Hart stated that is correct. Chairman Mastin stated that there are 4 or 5 dentists on Route 4. Chairman Mastin asked if there was anyone in the public who would like to comment. There were no comments. Chairman Mastin asked if there was anyone in the public who wanted to speak in favor of or opposition to the Special Use Permit. There was no one to speak in either.

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

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

DENTAL OFFICES/FORMER SPORTS GRILL-4 MIDDLE MANNIX ROAD-SITE PLAN MODIFICATION (19-21)

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby classifies this action as a Type II action under SEQRA and approves the Site Plan Modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;**
- **The applicant produce record of an easement representing that the Owner and/or Lessee of 4 Mannix Road has the legal right to meet the traffic access and off-street parking requirements set forth in Section 3.11.1 of the Town’s Comprehensive Zoning Law.**
- **All remaining fees are paid to the Town.**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

WORKSHOP:

DENTAL OFFICES/FORMER SPORTS GRILL-4 MIDDLE MANNIX ROAD- SPECIAL USE PERMIT: (19-21)

After some discussion Chairman Mastin made a motion to approve the Special Use Permit. *See the attached resolution.

OLD BUSINESS:

STEWART'S-95 TROY ROAD-MINOR SITE PLAN-ADDITION

(19-12)

Chad Fowler of Stewart's presented the project to the Board. The proposal is for an addition and exterior freezer. The project received approval from the Zoning Board of Appeals for the 2 Area Variances for the setback for both the addition & freezer. Chairman Mastin asked if the Board had any questions.

•Ralph Viola asked if this required a fire wall. Chairman Mastin stated that they don't have to do the fire wall since a setback variance was granted.

Chairman Mastin asked what the construction will be of, if it had to be block. Chad Fowler stated that it will be wood frame construction and stone siding as the exterior and for the freezer, it will be a foam panel which locks together and will be a beige color. Chairman Mastin asked if anyone else on the Board had any comments.

•Ralph Viola asked if the dumpster enclosure would still be open to Route 4. Chad Fowler stated that is correct, it would be open to the delivery area and would be enclosed with a white vinyl fence with white slates on the chain link gates.

•Ralph Viola asked if they will be removing the vegetation on the right side of that. Chad Fowler stated that there are three trees that will be removed to accommodate the black top to the right and then adding landscaping to comply with the code.

•Ralph Viola stated that one comment he had from the last meeting was that if the dumpster was going to be visible would it be possible to put the stone & siding veneer on the side of the dumpster as opposed to the white vinyl. Chad Fowler stated that the only thing that will be visible from Route 4 will be the gates, so they wouldn't be able to do stone & siding on them. Ralph Viola asked then that the vegetation will still block the right side of it. Chad Fowler stated that is correct, the right and rear, the left side is against the building.

•Nancy Kupiec asked if the skin of the cooler will be a beige and not silver. Chad Fowler stated it's going to match the siding color. The siding is a cobblestone. Nancy asked if they could do the fencing in maybe a beige color instead of white. Chad Fowler stated that the white is custom ordered due to the height, he's not sure about the beige. Chad Fowler stated that he can inquire.

•Don Panton asked if that was going to be a cooler. Chad Fowler stated that it's an exterior freezer, the cooler will be inside the store. Don Panton asked if they would have more food-to-go products. Chad Fowler stated that is correct, that's the reason for the change.

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 action under SEQRA and approves the Site Plan modification prepared by Stewart's Shops Corp. dated July 2, 2019, last revised July 22, 2019, subject to the following conditions:

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;**
- **;** and
- **Payment of remaining all applicable fees.**

Seconded by Don Panton & roll called as follows:

**M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES;
C. Horne-YES; D. Panton-YES.**

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

CARVER COURT-UPPER MANNIX ROAD-110 LOT CLUSTER SUBDIVISION (19-24)

Brett Steenburgh presented the proposal on behalf of the applicant. Don Zee was also present. The proposal is for a 110 lot cluster subdivision, this project was before the Project Review Team, it will consist of smaller lots with cottage style homes, a minimum lot size of 7,000 sq.ft. with 60' width. Brett Steenburgh stated that 111 conventional lots could fit & there is adequate open space, they are utilizing 44% of the site for building lots & stormwater. They are looking at a couple of different options for use of the open space. There is a small parking area for some possible lacrosse fields that the lacrosse club is looking for places to build lacrosse fields. There will be no development off of Thompson Road that will be left as open space. There is a reduction in the amount of Town road required. Don Zee the attorney and principal of the property went into the history of the parcel.

•Chris Horne asked what the square footage of a typical home would be. Don Zee stated approximately 2,000 square feet.

Chairman Mastin wanted to point out that this is a completely different project & asked how the lacrosse fields work, who owns them. Don Zee stated all of that would need to be worked out.

Joseph Slater stated that in a cluster subdivision, open space is supposed to be for the use and benefit of the people living in the subdivision. In the cluster approval there would be some kind of Home Owners Association or deed restriction for the long term maintenance of the open space areas.

•Nancy Kupiec asked how they decided on lacrosse & also stated that she likes the combination of older folks and first-time homeowners.

Brett Steenburgh stated that it was the recommendation of Adam as someone requested field space in the Town Park. Chairman Mastin stated that parents of the Lacrosse Club of East Greenbush are volunteering to build them, they are just looking for a place to put them.

•Chris Horne asked where the parking would be. Brett Steenburgh stated that the small lot that's shown on the plan could be expanded.

Chairman Mastin asked about the water & sewer and if it would be made available to the people on Mannix Road. Don Zee stated that they would include.

Chairman Mastin stated that he recalls that there are a lot of wetlands on this parcel, is 110 lots really feasible & also asked about an updated traffic study. Don Zee stated that the wetlands were delineated within the past month. He stated that they're going to have to meet with the TDE to confirm this. Joe Slater stated that another thing they want the TDE to look at is if these are all buildable lots.

•Kurt Bergmann stated that the one plan looks like there are more lots. Don Zee stated that they are just smaller lots.

Chairman Mastin asked Adam if he had anything to add. Adam asked if there was an environmental impact statement done for the previous project Carver Court. Don Zee stated that just the reports were done.

•Don Pantan asked if this project borders the Girl Scout camp. Don Zee stated yes and that they are showing connections to surrounding properties.

Chairman Mastin asked if there is anything else. There was no action tonight.

WITBECK-MARYLAND/EASTERN AVE.-36 LOT CLUSTER SUBDIVISION (19-25)

Steve Hart presented the project on behalf of the Witbeck family. The proposal is for a 36 lot single family cluster subdivision on a 10 ½ acre parcel of land. This project was approved several years ago but never went anywhere and the approval expired. A number of reports have been done. The sewer would be connected to near Maryland Avenue and the water would be connected to on Eastern Avenue. Steve Hart stated that the intent is to build smaller homes, the cost per home would be approximately \$250,000. The site borders the gravel pit.

•Chairman Mastin stated that with the last approval, there was a \$30,000 fee for infrastructure upgrades and he wondered if it had been determined if it was for water or sewer. Steve Hart stated that he has documentation on that somewhere, they thought it was for water

•Chris Horne asked if the open area that is proposed is the forested area. Steve Hart stated that is correct. Joe Slater asked if it was the plan to keep that area wooded. Steve Hart stated that is correct. Steve Hart stated that he has a 24 sheet final plan set that he could resubmit tomorrow as nothing has changed, he just needs to check with NYSDEC in updating the SWPPP.

•Chris Horne asked how old the gravel mine section was due to possible settling issues. Steve Hart stated that it's at least 20 years old. Chairman Mastin asked if there was anything else, the plan tonight is to accept the sketch plat, then get a TDE & Teresa Bakner on board. Chairman Mastin asked if they've figured out a process for this, is it a modification to the approval. Joe Slater stated that the approval lapsed so they will have to resubmit an application go back through the approval process with SEQ. Steve Hart stated that they have already submitted a new application and EAF & fee. Adam stated that at some point to that they will need a public hearing as it's a major subdivision.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, April 13, 2015, prepared by Hart Engineering for the proposed 36-lot cluster subdivision.**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

UPDATES:

MABEY'S—486 THIRD AVE. EXT.-SUP & MAJOR SITE PLAN: (19-02A)

Steve Hart stated that he was there on behalf of Mabey's & of Greg & Ryan Blass who were also present for Mabey's. Steve Hart stated this is a 5 acre site next to I-90. Steve Hart stated that the proposal is for a climate controlled building & a warehouse in the rear of the site. They have buildings proposed for the front of the site but those are just speculative at this point. Steve Hart stated that the plans haven't changed much, they received a letter on the technical review from MJ Engineering so they have been working on addressing that. Steve Hart stated that they have been working with Adam, the Fire Dept. & NYSDOT & are waiting for some feedback from NYSDOT with regards to the site distance. Steve Hart stated that there will only be one employee for the rear two buildings, the warehouse building will be 31' high and the climate controlled building would be 43' high. Steve Hart stated that as far as a view from I-90, the view will probably be of ½ of the building.

•Chris Horne asked what the siding was on the building. Steve Hart stated that it's vertical metal siding.

•Ralph Viola asked about the mechanicals, if they are on the roof. Steve Hart stated that they will be located on the ground.

•Ralph Viola asked if the Fire Department's response was that they do not need access behind the two rear buildings. Steve Hart stated that is correct, as long as there weren't any emergency or overhead doors.

•Chairman Mastin asked why use so many smaller air conditioners instead of one larger one. One of the Blass brothers stated that they don't like them on the roof.

Steve Hart stated that in regards to utilities, they would be boring under Third Avenue for water access on the other side. There is sewer located on the same side and drainage would be to the rear of the site.

•Kurt Bergmann asked what size trucks are they are designing the entrance for. Steve Hart stated that the trucks coming into the site are 72' long and the fire trucks are the same size.

•Chairman Mastin asked if there would be a dumpster with a dumpster enclose. One of the Blass brothers stated that they don't use any dumpsters. Chairman Mastin stated that the dumpster shown on the plan would only be for the front buildings if they get built. Steve Hart stated that is correct.

Chairman Mastin stated that this was an update only. Joe Slater asked when the project would be ready

for final site plan approval. Steve Hart stated that he would be submitting final plans next week. Joe Slater stated that the Town Board would be approving the major site plan and there is also an open Special Use Permit application that needs to be resolved. Joe Slater stated that the public hearing was left open but adjourned, but that since the project has changed substantially since then that they should reopen the public hearing. Joe Slater stated that they could have a public hearing and recommend approval to the Town Board that night. Joe Slater stated that they could reopen the public hearing, vote on the Special Use Permit & make a recommendation to the Town Board on the major site plan. Steve Hart asked if the notice needs to be republished. Joe Slater stated that is correct and the public hearing needs to be left open until SEQR is closed out. Adam stated that the Planning Board will need to make a recommendation on SEQR and the major site plan to the Town Board. Adam stated he also needs to check with the Town Board to see if they want to have a public hearing or not.

•Kurt Bergmann asked what the view of this building from Route 4 would be & what color the roof would be.

Chairman Mastin asked if there was anything else. There was not. This was an update only.

Adam stated that the second Comprehensive Plan meeting for visions, goals & recommendations on September 30, 2019.

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the July 24, 2019 meeting minutes as is.

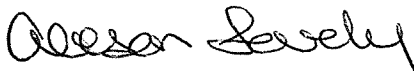
Seconded by Chris Horne. Motion carried by a 4-0-3 vote. Matt Mastin, Ralph Viola & Don Pantan abstained.

Motion by Chairman Mastin to approve the August 14, 2019 meeting minutes as is. Seconded by Kurt Bergmann. Motion carried by a 4-0-2 vote. Chris Horne & Don Pantan abstained.

ADJOURMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin. Seconded by Don Pantan. Motion carried by a 6-0 vote.

Respectfully Submitted


Alison Lovely, Planning Secretary

Resolution and Final Decision of Planning Board: Appeal No. 19-21

Copy To:

JMA Properties, LLC.
302 Washington Avenue Extension
Albany, NY 12203

Cc: Rensselaer County Planning
Town Clerk
PB File No. 19-21

Via Email: Building Inspector
Assessor
BBL

Town of East Greenbush
PLANNING BOARD

In the matter by:
JMA Properties, LLC.
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 19-21

Whereas, An application has been filed by JMA Properties, LLC., of 302 Washington Avenue Extension, Albany, NY 12203, for the proposed use of Dental Offices in the OC Zoning District. The property is located in the Corporate Office/Regional Commercial Zoning District (OC). The review of the proposed use requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.7.5 Corporate Office/Regional Commercial (OC) Subsection C Special Use Permits: "Health/Medical; offices or clinic, outpatient"; and

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located at 4 Middle Mannix Road, East Greenbush, NY (Tax Map No's. 155.-4-3 & 155.-4-4); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on August 16, 2019; 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 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, August 28, 2019 in the Town Hall of the Town of East Greenbush to consider this application; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this application 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 application have been carefully considered; and

Whereas, This application has met all the requirements of the **SEQR**; now, therefore, be it

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

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law; therefore be it

Resolved, that the application for a Special Use Permit for the proposed use of Dental Offices, be Granted for an initial period of 3 months with the following condition:

1. Compliance with the site plan and its attached conditions.

This resolution was moved by Matt Mastin and seconded by Kurt Bergmann at a meeting duly held on August 28, 2019.

(Discussion)

A vote was taken as follows:

Matt Mastin	<u>Yes</u>
Jim Moore	<u>Absent</u>
Ralph Viola	<u>Yes</u>
Nancy Kupiec	<u>Yes</u>
Kurt Bergmann	<u>Yes</u>
Chris Horne	<u>Yes</u>
Don Panton	<u>Yes</u>

Motion carried 6-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By:



Matt Mastin, Chairperson

Dated: 9/4, 2019

**Granting of this Special Use Permit, does not preclude the applicant from obtaining a building permit.*