

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 October 12, 2022

Members:

Matt Mastin, Chairman
Kurt Bergmann
Don Panton
Chris Horne
Robert Jucha
Ralph Viola
John Conway Jr.

Also Present:

Anna Feltham, Director of Planning
Joseph Slater, Planning Board Attorney
Mike Brown, Planning Engineer
Alison Lovely, Secretary, Planning/Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of seven (7) members were present.

PUBLIC HEARINGS:

7:00 PM FORTY IROQUOIS LLC.-40 IROQUOIS PLACE-SPECIAL USE PERMIT

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 40 Iroquois Place, East Greenbush, NY, Tax Map # 166.15-5-1, which is Zoned B-1. The applicant proposes the construction of a single story 30' x 26' garage which is considered an accessory structure. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section II-4 Use Schedule. Said Public Hearing will be held on Wednesday, October 12, 2022 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

Steve Hart from Hart Engineering & Nancy Kupiec, property owner were both present. Steve Hart stated that they're here for the Special Use Permit for the 30' x 26' garage. Steve Hart stated that the use of the garage is to provide one parking space, as Nancy intends to live in the house & a ½ bath in the garage, as well as a service area that will be used for the pickle ball courts that will be built. Steve Hart stated that the garage is considered an accessory building and requires a Special Use Permit. Steve Hart stated that the only modification to the plans was that they added 4 banked parking spaces at the end of the parking lot with a little pull out area. Steve Hart stated that the intention isn't to develop that area yet, but leave it vacant until the additional parking is needed. Steve Hart stated that there will be four pickle ball courts with a roof over them and open sides.

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

•John Conway asked if the four extra parking spaces wouldn't be built unless needed and did they ever give any thought to putting the parking in the rear of the pickle ball courts. Steve Hart stated that those spaces won't be built until if/when they are needed.

Nancy Kupiec stated that they had originally laid out the parking that way but think it would bring the pickle ball courts closer to the road and she thought that maybe it would be better to leave all the trees around, they would need to use more asphalt to make the turn to the rear of the pickle ball courts and there are trees in the rear that she didn't want to remove and plus she wants people to be able to see the pickle ball courts from the bike trail.

•Don Panton asked when the first retail tenant is moving in and if this is the only tenant. Nancy Kupiec stated that there's been a delay in supplies for remodeling and also issues with the supply chain for the ebikes, so they won't move in until approximately April. Nancy Kupiec stated that she also would like to get Cider Belly donuts in there with a little kiosk, but she needs to check with Kevin in the Building Department to make sure that the space is adequate.

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

Chairman Mastin asked if there was anyone in the public that had a comment.

•Dave Terpening stated that the applicant has done her homework, she was a Planning Board member and knows the rules and regulations, and she's making good use of the property & not disturbing any residential properties nearby. Back in 2019 a Special Use Permit was granted to a property in this Town and there has been multiple violations on that property since.

Chairman Mastin asked three times if anyone is in favor or opposition of the Special Use Permit. There was no one in opposition and it was noted that Dave Terpening spoke in favor.

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

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

OLD BUSINESS:

FORTY IROQUOIS LLC.-40 IROQUOIS PLACE-SITE PLAN MOD & SUP (22-11A)

Chairman Mastin asked if the Board had any comments and concerns with taking action on the project. The Board had none.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional final approval of the proposed Site Plan Modification as depicted on the plans prepared by Hart Engineering dated 5/16/22, most recently revised 10/11/2022 and subject to the following conditions:

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department; and**
- **All remaining fees are paid to the Town.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **Whereas**, an application has been filed by Forty Iroquois LLC., P.O. Box 212, East Greenbush, NY 12144 proposing the construction of a single story 30' x 26' garage which is considered an accessory structure; and

Whereas, the proposal would constitute an "Accessory; structure" in the Town's B-1 Zone, requiring a Special Use Permit;

Whereas, the applicant has filed an application for a Special Use Permit for an "Accessory; structure" at the property located on 40 Iroquois Place, East Greenbush, NY (Tax Map No. 166.15-5-1); and

Whereas, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on October 1, 2022; and

Whereas, notice of the initial 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, October 12, 2022 to consider this appeal; 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

Whereas, the Planning Board has carefully reviewed the materials submitted in connection with this appeal under SEQRA, including the short environmental assessment form, and hereby classifies the action as a type 2 action under 6 CRR-NY 617.5(c)(9); 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 operation involved, the size of the site in relation to the use, and the location of the site with respect to the existing and any future streets providing access are in harmony with the orderly development of the B-1 Zoning District;
2. The nature and intensity of the intended operation will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
3. Proposed traffic access ways are adequate;
4. Off-street parking is not necessary or required for the proposal;
5. The proposal would not be contrary to the general harmony of the neighborhood; and

be it further

Resolved, that the application for a Special Use Permit for the construction of a 30' x 26' garage be Granted with the following conditions:

1. The applicant must comply with all local, State, and Federal laws in the construction of their accessory dwelling unit.

This resolution was moved by Matt Mastin and seconded by John Conway Jr. at a meeting duly held on October 12, 2022.

(Discussion)

A vote was taken as follows: **M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; R. Jucha-YES.**

MOTION CARRIED BY A 7-0 VOTE

RYSEDORPH-OLCOTT LANE-MAJOR 27-LOT CLUSTER SUBDIVISION (14-11A)

Chairman Mastin stated that this was just an update. Chairman Mastin stated that at the last meeting they were potentially making a recommendation to the Town Board regarding the infrastructure improvements, but there were some comments from neighbors, so no action was taken. The Board asked Fred Mastroianni who is the Town's Designated Engineer for this project to go out and take a look. Chairman Mastin asked Fred Mastroianni to provide an update & Mike Brown was on site as well. Fred Mastroianni stated that there were some issues with the height of the hill area. Fred Mastroianni stated that the developer cut back the hill a bit and dug the ditch to direct the drainage to the road instead of to the property, which leads to a drainage structure. Fred Mastroianni stated that he talked to the homeowners as well & feels that he doesn't see any reason to hold up the dedication of the road to the Town. Fred Mastroianni had some pictures of the work that was done and showed them to the Board.

- Chris Horne asked when the work was done. Ken Barber from Barber Engineering spoke and stated that they met on site Friday and that the work was done Monday & Tuesday of this week.
- Chris Horne asked if there was an issue with one of the culverts or pipe not being connected & not functional. Ken Barber stated that it was a driveway culvert that was adjacent to a catch basin and the water does pond in that area, but it only ponds for about 24 hours and goes away, only about 3-4 inches. It is functional, it just drains slowly.
- John Conway asked if that culvert is part of the infrastructure that the Town will assume ownership of. Fred Mastroianni stated that it's in the Town's right-of-way but it's not part of the Town Road, it's just a driveway culvert.
- Robert Jucha asked if the culvert is in the Town right-of-way and if so won't that be assumed by the Town. Ken Barber stated that it is & would be. Dan Fiacco would have to answer the questions whether the culvert is the Town's responsibility.
- John Conway asked if the swale at the rear of the property is the Town's responsibility. Fred Mastroianni stated that it is not the Town's responsibility.

Chairman Mastin stated that the Board wasn't going to take any action tonight, this was just an update. Chairman Mastin asked the Board if anyone had any more questions. There were no more questions.

NEW BUSINESS:

NONE

NEW ZBA REFERRALS:

NONE

NEW ZBA REPORTS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the September 28, 2022 meeting minutes, with minor corrections by John Conway. Seconded by John Conway. Motion carried by a 7-0 vote.

Chairman Mastin stated that last Monday, October 4, 2022 there was another Zoning Update Committee meeting & that the next meeting is November 14, 2022. Anna Feltham stated that yes it will be held that night.

Chairman Mastin stated that he drove by the Target store last week. All the construction trailers were removed. The containers that the store wants to make permanent are still there, so the Board will see what they come back with as a proposal.

Anna Feltham stated that an update for 65 Sherwood Avenue, was that the Town Board seems amenable to granting limited government immunity, so Community Hose should be coming back before the Planning Board soon.

CLOSING:

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

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary