

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES JUNE 26, 2024

#### Members:

Matt Mastin, Chairman  
John Conway, Member  
Kurt Bergmann, Member  
Chris Horne, Member

#### Also Present:

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

#### CALL TO ORDER / DETERMINATION OF QUORUM

Dan Rodriguez provided a brief update in regard to the DGEIS and advised that the Public Comment period is open for 30 days starting from June 20, 2024 and provided an estimated adoption date of the new zoning law. An update to the proposed EGPD Firing Range was also given.

Chairman Mastin called the meeting to order at 7:12 pm and determined that a quorum of four (4) members were present. Members Ralph Viola, Bob Jucha, and Mike Tierney were absent.

#### PUBLIC HEARINGS:

##### 7:12 PM (24-16) KEYBANK-615 COLUMBIA TPKE

Chairman Mastin read the legal notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Keybank National Association for a Minor 2-Lot Subdivision called "Keybank 615 Columbia Tpke". Proposed Lot No. 1 consists of 1.40 +/- acres. Proposed Lot No. 2 is the remaining land with an existing business on it and consists of 2.666 +/- acres. The property is located at 615 Columbia Tpke Tax Map # 166.15-7-6 within three (3) zones; General Business Mixed Use District (B-1), Residence District (R-1A), Residence District (R3). Said Public Hearing will be held on Wednesday, June 26, 2024 at 7:00 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY, in the Community Room. 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 representative Jared George was present. Jared George provided an overview of the proposal, stating that Keybank has some excess real estate on the premises that they are looking to sell to the representative's client. For that reason, the applicant is proposing a Minor 2-Lot Subdivision to create a new 1.4 acre lot. George advised that curb-cuts on both Elliot Rd and Columbia Tpke will remain the same, that there will be an internal utility easement that will serve each parcel, and that the existing lot and new lot will enter into an Reciprocal Easement Agreement (REA) to negotiate access for utilities, maintenance, etc.

- Kurt Bergmann asked the applicant to point out the full shape of the proposed new lot vs the existing lot and confirmed that the existing cut-through will remain open to access the adjacent dry-cleaners.
- Chairman Mastin confirmed that there are currently no plans for development on this parcel however, that the applicant will be back for Site Plan Review once plans are established. Mastin confirmed with Dan Rodriguez that this meets all zoning requirements.

- Chris Horne confirmed the location of the existing curb-cuts. Jared George advised that they intend to share the existing entryway and that there are no plans at this time to create new curb-cuts but that this decision would be determined once a project is established.
- Chairman Mastin advised that a condition of this approval would be that the applicant provide proof of new and existing REA.
- John Conway confirmed that the portion being split off includes part of the existing parking lot for Keybank.

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.

- David Terpening asked about the applicants Environmental Assessment Form (EAF) and why the parcel was subject to hazardous waste remediation. The board suspects it was due to past removal of tanks. Terpening then provided his own facts and findings to the board which consisted of a Times Union article regarding the East Greenbush drycleaning site. Mastin advised that this would be entered into the record.

Chairman Mastin asked if there were any other comments from the public. There were none.

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 Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**OLD BUSINESS:**

**(24-16) KEYBANK-615 COLUMBIA TPKE-MINOR 2-LOT SUBDIVISION**

Chairman Mastin confirmed that this is the approval of a subdivision only and that no development is being proposed at this time The board would address any environmental concerns during the Site Plan Review if, and when, a developmental proposal is submitted.

Chairman Mastin asked 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 adopt a Negative Declaration under SEQRA for Keybank Minor 2-Lot Subdivision 615 Columbia Tpke;**

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval for Keybank Minor 2-Lot Subdivision 615 Columbia Tpke with the following conditions;**

- 1. Resolving any outstanding technical details as determined by the Town Planning and Zoning Department.**
- 2. A copy of the proposed and current ingress/egress easements must be provided to the Town's Planning and Zoning Department, subject to review and approval of the Planning Board Chair and Planning Board attorney.**
- 3. All remaining fees must be paid to the Town.**
- 4. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein.**

**Seconded by John Conway & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**23-17 SEABOARD SOLAR-405 MILLER RD-LLA/SPECIAL USE PERMIT/MAJOR SITE PLAN**

Chairman Mastin recapped the approval process for the board in stating that the Planning Board has already approved the Special Use Permit, the Town Board has Approved the Major Site Plan, and now that applicant is back to propose a Lot Line Adjustment (LLA).

The applicant provided a brief overview of the LLA proposal which is to remove the line dividing the two properties, creating one larger parcel.

- John Conway asked if, after the LLA, the solar field would be on only one parcel. The applicant confirmed but advised that the projects would still be separated by leases and will remain as two (2) separate projects.
- The Applicant advised that they hope to file within the Counties filing timelines. Dan Rodriguez confirmed that, if unable to do so, they would have to come back in for re-approval or extension of the approval.

Chairman Mastin asked 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 classifies this action as a Lot Line Adjustment 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-YES; C. Horne-YES; J. Conway-YES; R. Jucha-ABSENT; M. Tierney-ABSENT.**

**MOTION CARRIED BY A 4-0 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 Control Point Associates Inc PC dated May 20, 2024, subject to the following conditions;**

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

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**19-01A MARTIN ELECTRIC-164 COLUMBIA TPKE-SCHEDULE PUBLIC HEARING**

Chairman Mastin advised the board that the applicant is not able to be here tonight, but suggests that a Public Hearing be scheduled anyway as to provide the public with a chance to speak on the project.

Chairman Mastin asked if the board had issue with scheduling the Public Hearing;

- John Conway confirmed that, in scheduling the Public Hearing, the board is not voting on approving anything tonight. Chairman Mastin also noted that the board is not obligated to vote on this matter on the same day of the Public Hearing.

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 July 24, 2024 at the East Greenbush Town Hall at 7:00 PM;**

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**NEW BUSINESS:**

**24-17 CM DESIGNS-589 3<sup>RD</sup> AVE EXT-MAJOR SITE PLAN**

Nick Costa from Advanced Engineering represented the applicant in a proposal of one (1) storage warehouse building and (1) doggy daycare building with additional parking and a greenspace section for dogs that would be fenced in and connected to the building.

Chairman Mastin clarified, for orientation purposes, that this lot is behind the Target.

- Chris Horne confirmed that there is already an existing building on this lot in the Wainschaf Associates commercial building.
- John Conway confirmed that there is already a doggy daycare operator lined up to take over the lease and confirmed the operator has prior doggy daycare operating experience. Conway also asked about the potential for veterinary services. Josh Wainman advised that there would be a veterinary component associated with this project albeit a small one as they won't be taking on clients. However, they will have the resources available if issues arise.
- John Conway asked about hours of operations. The applicant advised that the hours would likely be 7-5 however, it is not yet established.
- Kurt Bergmann confirmed that the proposal includes potential overnight housing for dogs.
- Chris Horne confirmed that the proposed building behind the dog daycare is not going to be used by external sources and only utilized for Wainschaf Associates and their storage needs.
- Chris Horne asked about the current drainage. Nick Costa advised that most of the water travels to the back of target where there is a major ravine however, the front of the lot goes towards the road. The applicant clarified that the front already has existing pavement and that a SWPPP would be included.
- Chairman Mastin confirmed that this would be "low impact development" as this won't create major changes to traffic and is low impact to water and sewer.
- Josh Wainman mentioned that the storage warehouse would help in being able to remove existing pods on the site that are not ideal.
- Matt Mastin asked Dan Rodriguez if any variances would be needed here. Dan Rodriguez advised that, at the time it was reviewed, no variance would be needed. However, a second look is necessary due to the proposal for overnight kettles.
- Joe Slater advised of the Zoning Board of Appeals previous determination on a Dog Daycare roughly 4 years ago and recommended to review their determination for consistency.
- John Conway confirmed that this is not a part of the Target PDD. Dan Rodriguez advised that the parcel is mismarked on the Town's Zoning Map as being a part of the Target PDD. However, the parcel is not referenced anywhere on the PDD documents and therefore, the project is being reviewed under the regulations of the Corporate Office/Regional Commercial District (OC) District. Chairman Mastin confirmed that the original commercial building was also reviewed under OC regulations roughly 10 years ago.
- John Conway confirmed that there is no one currently living in the adjacent house.

Chairman Mastin asked 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 accepts the sketch plan as depicted on the site plan dated April 22, 2024, prepared by Advance Engineering & Surveying, PLLC for CM Designs for the proposed site plan;**

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 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 under SEQRA;**

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**NEW ZBA REPORT:**

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

Chris Horne provided an overview of her their report on the variance application for a 9 ft side setback Variance.

Chairman Mastin asked 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 gives a positive recommendation from a Planning perspective & accepts Chris Horne's report**

**Seconded by John Conway & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**NEW ZBA REFERRALS:**

NONE

**REVIEW AND APPROVAL OF MEETING MINUTES:**

A quorum was not achieved in order to approve the June 12, 2024 meeting minutes.

**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