

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 MAY 26, 2021

Members:

Matt Mastin, Chairman
Ralph Viola
Don Pantan
Chris Horne
Kurt Bergmann
John Conway
Noreen Gill

Also Present:

Alison Lovely, Secretary, Planning/Zoning
Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of seven (7) members were present. Chairman Mastin welcomed new member Noreen Gill to the Planning Board.

PUBLIC HEARINGS:

ZASSOWSKI-125 MOHAWK AVENUE-SUP-ONLINE EBAY BUSINESS

(21-11)

Chairman Mastin read the legal notice as follows:

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 3.11.1 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 125 Mohawk Avenue, East Greenbush, NY, Tax Map # 155.13-11-11, which is Zoned R-2. The applicant proposes a Home Occupation in a portion of his basement. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section II Table II-A Use Schedule references a Home Occupation requiring a Special Use Permit in the R-2 Zone. Said Public Hearing will be held on Wednesday, May 26, 2021 at 7:00 PM at the East Greenbush Red Barn on Town Park Road. 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

Robert Zassowski presented his proposal to the Board which is having an online only eBay store out of his basement in an approximately 120 sq. ft. of his basement, selling personal care, cosmetics and general merchandise with no employees & no changes to the existing structures & deliveries would be every 1 or 2 months and he would be bringing packages to the Post Office, there will also not be any additional parking spaces needed or any signage.

Chairman Mastin asked the Board if anyone had any questions.

- Kurt Bergmann just wanted to clarify that there would be no flammables, liquids or hazardous materials. Robert Zassowski stated that would be correct.

- John Conway asked if the applicant was the owner of the property and if he had any tenants. Robert Zassowski stated that he was the owner and didn't have any tenants.

Chairman Mastin asked if there was anyone in the public that wanted to speak. There wasn't anyone.

Chairman Mastin then asked if there was anyone present who wanted to speak in favor of or opposition to the Special Use Permit. There was no one for either.

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

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; N. Gill-YES.**

MOTION CARRIED BY A 7-0 VOTE

OLD BUSINESS:

ZASSOWSKI-125 MOHAWK AVNUE-SUP-ONLINE EBAY BUSINESS (21-11)

Chairman Mastin asked the Board if everyone was comfortable granting conditional final approval. Ralph Viola asked about putting a stipulation in the resolution about restricting the number of packages being picked up at the site. Robert Zassowski stated that no packages will be getting picked up, he will be bringing them all to the Post Office. Ralph Viola stated he is fine with it as it is.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby approves the Special Use Permit. *See attached resolution.**

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; N. Gill-YES.**

MOTION CARRIED BY A 7-0 VOTE

CRISTO-24 OLD TROY ROAD-TWO LOT SUBDIVISION (21-07)

Mike Cristo Jr. was present and stated that there was a modification to the drawing and there were some items that were outstanding because they are difficult to do as far as it requires the engineering. Mike Cristo stated that he and Adam had met and conditions will be placed on the approval prior to a building permit being issued that the MS4 requirements will be met and any of the utility connections will be met and there is a notation on the drawing that states something to the effect that utility connections will be engineered prior to any building permits being issued. Mike Cristo stated that he can't draw up new deeds until he has the map filed with the county. Mike Cristo stated that the deeds would have the easement requirements for the two lots. Mike Cristo stated that he will provide the Town with the new deeds that will have the language for the utility easement and the ingress and egress will be maintained for just lot #2 and the utility easement will be for lots #2 & #4. Chairman Mastin asked Adam Yagelski if that was his understanding of the conversation and Adam Yagelski stated that is correct and that the proposed easement should also be shown on the plat.

Chairman Mastin asked the Board if there were any questions.

- Chris Horne asked if they could see what is going to be built. Mike Cristo stated that he wasn't sure yet.
- Chris Horne asked if he doesn't know what he's going to build, how do you know what the level of disturbance would be. Mike Cristo stated that the lots are build ready, the disturbance will be only within the setback limits. Mike Cristo stated each lot is ¼ of an acre.
- John Conway stated that he is confused on the lots and asked if lot #2 would border the Kelly property and if the applicant lived on the same side of the road/driveway and then there's another lot (lot#4) across from him. Mike Cristo stated that all is correct.
- John Conway asked how lot #4 compares to lot #2 in size. Mike Cristo stated that lot #4 is 1.54 acres & lot #2 is .88 acres. It was noted that the resolution refers to lot#4 and #2 as "Lot#1" and "Lot#2".
- Don Panton asked if he is going to remain there. Mike Cristo stated that is correct.

Chairman Mastin asked if everyone was ok to vote on this.

•John Conway sought clarification as to what they are voting on, specifically whether it pertained to any future development on the lots in question. Chairman Mastin stated that the Board is voting on a two lot subdivision to create lot #2 & lot #4.

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER SEQRA

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS**, the East Greenbush Town Planning Board is in receipt of an application by Michael P & Rose T Cristo (the Owners) for approval under Section 276 of the Town Law of a minor subdivision plat entitled “Old Troy Road Minor 2-lot Subdivision” consisting of two proposed building lots, lot 1 (1.54 +/- acres) and lot 2 (0.88 +/- acres), on property located in the R-2, Residential Zoning District, Tax Map #'s 166.11-1-1.12 & 166.7-7-7.11; and

WHEREAS, the Town Planning Board did conduct a public hearing on April 14, 2021 on said action, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, on March 30, 2021 the Planning Board initiated a coordinated review in accordance with SEQRA and in view of the changes proposed according to the amended application; and

WHEREAS, the Planning Board, has carefully reviewed the development proposal, including a land development application form, proposed minor subdivision plat, a Short Environmental Assessment Form (SEAF) Part 1, and related reports and studies for this project in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/ or the conditions of this resolution; and

WHEREAS, the Planning Board has compared the proposed action (minor subdivision approval) against the criteria listed in 617.7 (c) (i – xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7 (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7 (3) (i-vii).
Now, therefore, be it

RESOLVED, that the Planning Board, upon completion of the coordinated review as required by 6 NYCRR Part 617, hereby declares itself lead agency under SEQRA and re-affirms the classification of the action as an unlisted action in accordance with 6NYCRR Part 617; and

be it further

RESOLVED, that, based on the environmental assessment and review, the Planning Board has determined that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, which attached hereto and made a part hereof, is hereby adopted; and

be it further

RESOLVED, that the Planning Board authorizes the Chair to endorse the SEQRA determination and supporting rationale contained therein.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 6-0-1 VOTE

**PLANNING BOARD RESOLUTION GRANTING CONDITIONAL APPROVAL PLAT
APPROVAL**

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

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Michael P & Rose T Cristo (the Owners) for approval under Section 276 of the Town Law of a minor subdivision plat entitled “Old Troy Road Minor 2-lot Subdivision” consisting of two proposed building lots, lot 1 (1.54 +/- acres) and lot 2 (0.88 +/- acres), on property located in the R-2, Residential Zoning District, Tax Map #'s 166.11-1-1.12 & 166.7-7-7.11; and

WHEREAS, the Town Planning Board did conduct a public hearing on April 14, 2021 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, the Planning Board, acting as lead agency as part of a coordinated review under SEQRA, and after carefully reviewing the development proposal, including land development application form, proposed minor subdivision plat, and a short Environmental Assessment Form (SEAF) for this project, determined, in accordance with Title 8 of the Environmental Conservation Law and 6 NYCRR Part 617, that there will be no significant adverse environmental impacts as a result of the action and has therefore issued a negative declaration on May 12, 2021; and

WHEREAS, the Planning Board has received and reviewed the revised proposed preliminary plat dated January 4, 2021 as prepared by K. M. FLATLEY LLC, including review comments from the Town Planning and Zoning Department; and
now therefore be it

RESOLVED that the Town of East Greenbush Planning Board hereby grants conditional approval of the Cristo Minor 2-Lot Subdivision for the 2 lots in the Town of East Greenbush. prepared by K. M. FLATLEY LLC, dated March 23, 2021, and in strict compliance with each of the following conditions which must be satisfied by the applicant within 180 calendar days of this resolution, unless extended upon written request of the applicant by mutual consent for two (2) periods not to exceed ninety (90) days each:

1. Outstanding technical details as determined by the Town Planning and Zoning Department must be satisfied.
2. The Commissioner of Public Works must sign the final plat.
3. The following notes must be added to the final plat:
 - a. “Prior to issuance of a building permit for any lot or lots in the proposed subdivision, a professional engineer licensed to practice in the State of New York must certify in writing to the Town Building Inspector and Commissioner of Public Works that the proposed water supply and wastewater disposal facilities have sufficient capacity to serve any lot to be developed in the proposed subdivision.”
 - b. “Prior to issuance of a building permit for any lot or lots in the proposed subdivision, an engineering report prepared by a professional engineer licensed to practice in the State of New York for the design of the proposed water supply and wastewater disposal facilities to serve any lot in the proposed subdivision be submitted to the Town for approval.”
 - c. “Prior to issuance of a building permit for any lot or lots in the proposed development, a grading and drainage plan prepared by a professional licensed to practice in the State of New York must be submitted to the Town.”

- d. "Land disturbance equal to or greater than one acre must conform to the requirements of the Town of East Greenbush Comprehensive Zoning Law and NYS Department of Environmental Conservation (SPDES) General Permit for Construction Activities GP-0-20-001 or as amended or revised, including preparation of an approved stormwater pollution prevention plan."
 - e. "In accordance with Article IV Section 1(G) of the Town's Subdivision Regulations, no topsoil shall be removed from any land in the Town, except that in areas over which heavy equipment will be operated. The topsoil shall be stripped and piled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and recovered with topsoil to a depth of at least four (4) inches after rolling, except that portion covered by buildings or included in the roads."
4. A copy of the proposed utility easement serving proposed Lots 2 & Lot 4 must be provided to the Town's Planning and Zoning Department, subject to Planning Board Attorney review and approval. The proposed utility easement serving proposed Lots 2 & 4 must be shown on the plat.
 5. Prior to commencement of construction, all fees due are paid as required by the Town of East Greenbush in accordance with the Western Generic Environmental Impact Statement (GEIS) fee schedule and Local Law 5-2018 of the Town of East Greenbush, a letter for which will be provided from the Director of Planning and Zoning.
 6. All remaining fees must be paid to the Town

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-NO; D. Panton-YES; J. Conway-YES; N. Gill-ABSTAIN.

MOTION CARRIED BY A 5-1-1 VOTE

NEW BUSINESS:

NONE

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

DISCUSSIONS:

SITE PLAN COMPLIANCE: Jack Conway spoke in regards to site plan compliance and how to enforce it once it is approved by the Planning Board and once it's built. The Building Department has been short staffed. In years past there was three full time people in the building department and now there is only one. Jack Conway stated a full time and a part time person will be hired for the Building Department.

PZD UPDATE: Adam Yagelski spoke about Lakeshore Drive and if all the Board members could read the packet provided. The Town Board wants the Planning Board to come to the public hearing on June 9th. The complete streets proposes to make Lakeshore Drive a one way and are trying to make it more pedestrian friendly.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the May 12, 2021 meeting minutes as is. Seconded by John Conway. Motion carried by a 6-0-1 vote. Noreen Gill abstains.

Ralph Viola asked if we had a new planner. Adam Yagelski stated that they made an offer and it was accepted by Anna Feltham and she starts June 3, 2021.

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