

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
JUNE 10, 2020

Members:

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

Also Present:

Adam Yagelski, Director, Planning/Zoning
Joseph Slater, Planning Board Attorney
Alison Lovely, Planning & Zoning Secretary
Dalia Szarowicz, Planner
Taylor Tibbits, Recreation Assistant

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Jim Moore & Kurt Bergmann were absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the May 27, 2020 meeting minutes as is.
Seconded by Ralph Viola. Motion carried by a 5-0 vote.

PUBLIC HEARINGS:

7:05 PM PHEASANT HOLLOW-2670 PHILIPPS ROAD-10 LOT CLUSTER SUBDIVISION(19-18)

Chairman Mastin read the Legal Notice.

PLEASE TAKE NOTICE that the PLANNING BOARD of the Town of East Greenbush will hold a public hearing on June 10, 2020 beginning at 7:05 pm to consider the following matter(s):
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 Hartland Associates

Inc. for a Major 10- Lot Subdivision called the "Pheasant Hollow 10-lot Cluster Subdivision". The property to be developed consists of approximately 10+/- acres and is the location of the proposed 9 lots. The 10th lot is the remaining lands, which consists of approximately 96+/- acres. The property is located off of Phillips Road in the R-B Residential Buffer Zoning District, Tax Map # 177.-5-22. Said Public Hearing will be held on Wednesday, June 10, 2020 at 7:05 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. By order of the Planning Board Matt Mastin, Chairman

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the public hearing will be held remotely as follows:

The Public Hearing will commence at 7:05 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

Chairman Mastin read the following Public Hearing Disclosure:

1. The Public Hearing notice used should generally follow the format of the Town's Template Public Hearings notice. It should inform those calling in (voice-only participants) that they may experience a brief silent wait or hold prior to being admitted to the hearing.

2. The meeting should generally be configured according to the most recent version of the Town's Virtual meetings policy.
3. The meeting host will admit all participants from the Waiting Room at the time stated by the public hearing notice.
4. Participants will be muted upon entry and only the host can unmute participants. The host should unmute Town Officials upon entry, however, instruct participants that a list of those wishing to offer public comment ("speakers") will be generated to organize public comment. Participants will be placed on mute until their turn to speak. Speaking will normally be limited to between 3-5 min or as otherwise determined by the Ranking Member.
5. Participants should be instructed that, once each speaker has finished their remarks or their business before the public body is complete, they will be placed on mute again. Their video may remain active or it may be disabled.
6. Participants can also offer comment by typing their comments into the chat box. The chat box will be visible to meeting hosts and will be read into the record.
7. Disruptive participants will be removed permanently from the meeting at the discretion of the Ranking Member.
8. Once the virtual meeting ground rules have been set forth, the Ranking Member should read aloud the Public Hearing notice. This notice should explicitly state that "This virtual Public Hearing is being conducted pursuant to requirements set forth in NYS law and Executive Order 202.1." If it does not, the Ranking Member should restate it for the record.
9. The Ranking Member and Board will decide whether to keep the Public Hearing open after it is adjourned. If it is so decided, the public should be informed that they can submit written comments in the interim.

Chairman Mastin asked Steve Hart to present to the Board. Steve Hart stated that the parcel is 106 acres in size and 10+ acres will be utilized for a 9 lot cluster subdivision utilizing frontage on Hays and Phillips Road which range in size from ½ acre to 4 acres. Steve Hart stated that the parcel has access to existing water from Phillips & Hays Road and lower pressure sewer as they are working with the Town Board on a sewer district extension and there will be landscape islands for each lot near the roadway. Chairman Mastin asked if there were any questions from the Board. There were no questions from the Board. Chairman Mastin asked if there was any public that wished to comment.

- Gary & Karen Wolfe wanted their email read into the record. Dalia Szarowicz read the letter from Gary & Karen Wolfe which is attached. Chairman Mastin stated that this isn't really a back & forth and that it is an allowed use. Chairman Mastin asked Steve Hart if he had any response and he said he would like to get all the comments and then comment best he can.

- Adam Wolfe sent an email. Dalia Szarowicz read the letter from Gary & Karen Wolfe which is attached.

- Laura Cook spoke and stated that she would like answers to the questions that were raised and specifically if there were any variances required and if so what they are and that Phillips & Hays Road is a very busy intersection. Chairman Mastin stated that there are no variances required, it meets the Zoning Law.

- Dave Cook stated that he would like to just offer a word of caution to Steve Hart about the trees on lot #3, there have been several roll overs there so Steve Hart might want to reconsider the tree location. Chairman Mastin asked if there was anyone else in the chat room to speak, there was no one. Chairman Mastin asked if any of the Board members had comments.

- Ralph Viola stated that in regards to post construction concerns to the Wolfe's, a developer cannot cause anything adverse to your property in the long run that would not be excused.

- Nancy Kupiec asked if Steve Hart could go visit the Wolfe's property and address the concerns they brought up regarding drainage from the golf course. Steve Hart spoke briefly about the drainage & stated he would go meet with the Wolfe's.

•Chris Horne agreed with Nancy that a walk thru would be good regarding the run off & in regards to traffic safety, all of the driveways have turn arounds which are good, so they won't be backing into the road.

Chairman Mastin asked Steve Hart if he could address the concerns raised in the two letters received. Steve Hart stated that no variances are required for the project, in regards to the comment on the placement of trees, they will be planted 15' to 20' off the roads, as far as the speed limit is concerned, the Supervisor in the Town of Schodack would have to be contacted to see if he would lower the speed limit, as far as basements, the intent is for every house to have a basement with average house size of 2,000 square but the homes could be larger but the size of the houses would have to be able to fit into the required setbacks. Steve Hart stated that Adirondack Engineering did review a layout of a conventional plan which had 12 lots on it but they only wanted 9 lots as they didn't want it any denser than it is. Steve Hart stated that County Highway is good with the driveway locations. Steve Hart stated that he will meet with the Wolfe's regarding drainage, they were asked to raise the level of the pond by installing a berm around the pond as now sometimes when it rains, the cart path overflows. It will then discharge to the pipe. Steve Hart stated that an extensive storm water was done and reviewed by Adirondack Engineering. The smaller pond will handle water from lots 1-5 and slow it down.

•Gary Wolfe stated that his neighbor Johanna wanted to convey a message to the Town that she feels this project doesn't fit within the neighborhood.

Chairman Mastin stated that the Wolfe's can tell their neighbor to write a letter and send it in the Town Hall and the Board will take Johanna's concerns into consideration. The Wolfe's kept interrupting and were trying to start a debate so Chairman Mastin told the Wolfe's they would be muted.

Steve Hart spoke again and stated that whatever drainage problems are occurring now are not from him because they have not started doing any work yet.

Chairman Mastin stated that the Town has a licensed engineer reviewing this for stormwater & all utilities and that each engineer has their license on the line & also just because Steve Hart is before the Board a lot, he does not get any kind of preference over anyone else.

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

Seconded by Nancy Kupiec & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

PHEASANT HOLLOW-2670 PHILIPPS ROAD-10 LOT CLUSTER SUBDIVISION(19-18)

Chairman Mastin stated that the project is in front of the Board for a SEQR Determination. Chairman Mastin asked Adam Yagelski what the intent was. Adam Yagelski stated that the intent is to button up the environmental aspect of the review of this project, the Planning Board is lead agency under SEQR for this project. Adam Yagelski walked through Part 2 & Part 3 of the short EAF & proposed supportive narrative for the Negative Declaration.

ADOPTION OF NEGATIVE DECLARATION

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Hartland Associates, Inc. (the Owner) for preliminary plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Pheasant Hollow Major 10-Lot Cluster Subdivision, for nine (9) single-family detached dwelling units and one (1) remaining lot on which a golf course will

continue to be operated consisting of 106.78 +/- acres in the R-B Zoning District located off of Phillips Road and Hays Rd (Tax Map I.D. SBL: 177.00-5-22); and

WHEREAS, the Town Planning Board did conduct a public hearing on June 10, 2020 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 has submitted the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, the Project Review Team May 13, 2019 meeting notes show discussion related principally to engineering, site development, and sewer district extension details, and generally confirm the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements, and through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, on June 26, 2019 the Planning Board initiated a coordinated review under SEQRA and, having received no responses to the contrary, on June 26, 2019 declared itself lead agency and classified the action as an unlisted action in accordance with 6NYCRR Part 617; and

WHEREAS, on December 9, 2019, the Owner submitted an amended application for a major residential cluster subdivision including, among other changes, an increase in the number of proposed building lots from six (6) to nine (9); and

WHEREAS, on February 26, 2020 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, conceptual master plan, a Short Environmental Assessment Form 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 (major 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, is hereby adopted; and

be it further

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

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; C. Horne-YES; D. Pantan-YES.

MOTION CARRIED BY A 5-0 VOTE

CELLULAR-597 COLUMBIA TURNPIKE-MINOR SITE PLAN-MIXED USE (19-27)

Guy & Angela Donahoe were both present as well as Luke Fletcher from Verizon. Guy Donahoe gave a quick recap of the project. Guy Donahoe stated that they made some changes to the decorative block of the dumpster enclosure, they pulled the parking back from the street and reduced the number of parking spaces to the maximum that the Zoning Law asks for, added landscape buffers between the parking area and the landscaping up against the building on the south & west sides, provided a sidewalk that extends to the existing sidewalk and softened the marquee on the building to create an arch look. Guy Donahoe asked the Board if there were any questions on the above items prior to going into the discussion on the trees. Chairman Mastin stated that he spoke to Jim Moore and he was fine with the above but his concern was with the trees and the traffic calming approach. Guy Donahoe stated that from the last meeting Nancy Kupiec had suggested low landscaping with some up-lighting to highlight the landscaping as well as low landscaping under the one tree they were purposing to leave. Guy Donahoe stated that the other thing the Board wanted him to provide was a visual aid showing all the trees and then removing one tree at a time. Guy Donahoe used Google Earth to show what it is like what it is to East & West on Columbia Turnpike & North & South on Troy Road. Chairman Mastin asked the Board members if they had any comments on the above presentation.

- Ralph Viola stated that the Board has an obligation to the residents of the Town to preserve as much greenspace as possible in regards to development. Ralph also noted that trees are not even on the developers property. Ralph Viola stated that as proposed he is not in support of this project.

- Nancy Kupiec stated that she appreciated the applicant putting the landscaping & up-lighting underneath the one tree that they are saving. She understands that they can't save all of them but she would like to see more than one saved. She stated that maintenance of the landscaping would be key. She stated that she feels that the applicant is going in the right direction regarding this.

- Chris Horne stated that she agrees with Ralph, that it would be devastating to lose all the trees on the site. She also feels that the viable of the business isn't dependent on the visibility of the store on every side. She is struggling as the renderings look beautiful but don't always look that way. She is also confused on what tree the applicant is proposing to remain. Chris Horne also showed the Board some pictures that she has regarding the trees. Guy Donahoe stated that there are 7 maple trees and 3 pine trees and they are proposing to keep one maple tree and the 3 pines. Chris Horne shared her screen to show the pictures she took of the different trees.

Chairman Mastin asked if there was a happy medium that they could all come to.

- Guy Donahoe stated that he feels they have come a long way in meeting the requests of the Planning Board.

- Nancy Kupiec stated that she feels they could keep the one their proposing to on the point and then two others.

Chairman Mastin asked for clarification on exactly how many trees they are proposing to remove.

Luke Fletcher spoke and stated that yes they are in favor of meeting in the middle.

More discussion was held regarding the trees & a simulation was shown taking one tree out at a time to show what it would look like.

Chairman Mastin asked if the applicant was amendable to keeping three trees. Luke Fletcher stated that would be fine. Chairman Mastin asked if the trees were labeled on the site plan so they made sure they would keeping the correct three trees.

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 6 CRR-NY 617.5(c)(2) and approves the Minor Site Plan prepared by Donahoe Group dated September 10, 2018, last revised March 17, 2020, subject to the following conditions:

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;**

- Payment of remaining all applicable fees, including any fees required in connection with the Town's Western East Greenbush Generic Environmental Impact Statement (GEIS) and/or Local law No. 5 of 2018;
- Prior to issuance of a certificate of occupancy, a sub-slab depressurization (SSD) system must be installed, subject to review by the Planning and Zoning Department and the approval of the Building and Codes Department;
- Prior to issuance of a certificate of occupancy, it must be demonstrated, subject to Planning and Zoning Department review and Building and Codes Department approval, that:
 - The SSD system was installed and tested successfully in accordance with NYSDEC and NYSDOH guidelines;
 - The SSD system as installed is to be certified to the Town by a responsible third-party, such as a licensed professional engineer;
 - A test for soil vapor intrusion (SVI) was conducted in conformance with NYSDEC and NYSDOH guidelines and shows that no SVI on the subject property.
 - The Applicant should, within a reasonable timeframe, convey the results of the SVI tests to other authorities having jurisdiction and/or may be interested, such as NYSDEC and NYSDOH, for their information and to support ongoing remediation activities relating to the adjacent superfund site.
 - That the three pine trees remain in the site plan & the three most southern maple trees remain.

Seconded by Nancy Kupiec & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

FORTH-282 HAYS ROAD-MINOR 2-LOT SUBDIVISION

(20-07)

Murray & Kathleen Forth were both present & stated that Brian Holbriiter would be speaking on their behalf but also commented that the Phillips & Hays Road intersection has been dangerous for a number or years and feel that a traffic light should be installed. Brian Holbriiter could not get himself unmuted. Chairman Mastin stated this is a very straight forward 2 lot minor subdivision and asked if the Board had any questions. There were no questions.

A motion was made by Chairman Mastin as follows: **The Planning Board hereby determines that project is an unlisted action under SEQRA and hereby declares its intent to seek lead agency status in connection with a coordinated review under SEQRA. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA review of the Project. The following involved and interested agencies under SEQRA have been identified:**

- Rensselaer County Health Dept.
- Rensselaer County Highway Department
- East Greenbush Fire District #3
- New York State Department of Environmental Conservation
- New York State Historic Preservation Office

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for June 24, 2020 and will be held virtually via Zoom @ 7:05 PM.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

TEMPLETON-29 MICHAEL ROAD-MINOR 2-LOT SUBDIVISION

(20-08)

Steve Hart was present on behalf of the applicant the Templeton's. Steve Hart stated that the parcel is located on Michael Road, a couple of years ago they subdivided a parcel for their daughter to build a house. Steve Hart stated that this proposal is to subdivide 2 ½ acres of land with their existing house with their well & septic on it in order to refinance their house. A 46.65 piece would be left and be lot #1. Steve Hart stated that a few things that need to be added to the map, the stormwater area needs to be added around the stream area, a 30% buffer area. Chairman Mastin asked the Board if they had any questions.

•Ralph Viola asked Steve Hart if the applicant has subdivided before. Steve Hart stated that is correct, the lot at the intersection of Elliot & Michael Road was subdivided for the applicant's daughter. Steve Hart stated that they have one, two & now three lots and anything after four lots would be considered a major subdivision. Ralph Viola stated that's what his concern was.

•Nancy Kupiec asked what was across the road from the applicant's house. Steve Hart stated that Michael Road breaks up the remainder of their parcel.

•Chris Horne asked if there is a significant curve where the proposed lot is. Steve Hart stated that it isn't a significant curb.

•Don Panton asked what borders the applicant land to the North. Steve Hart stated that it used to be the Gordon's land which he believes where they have done some logging in the past.

Chairman Mastin asked if there was anything else. Adam Yagelski stated that in the departments comments that one of the key things this is missing is that this land is actually buildable.

A motion was made by Chairman Mastin as follows: **The Planning Board hereby determines that project is an unlisted action under SEQRA and hereby declares its intent to seek lead agency status in connection with a coordinated review under SEQRA. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA review of the Project. The following involved and interested agencies under SEQRA have been identified:**

-NYSDEC

-Rensselaer County Health Dept.

-Rensselaer County Highway

-EG Fire District #3

-New York State Historic Preservation Office

Seconded by Nancy Kupiec & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

A Public Hearing is hereby scheduled for July 22, 2020 at the East Greenbush Town Hall or will be held virtually via Zoom @ 7:05 PM.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

KEYSTONE FIREWORKS-580 COLUMBIA TURNPIKE- SITE PLAN MOD.-TEMP. FIREWORKS TENT (20-06)

Rick Seery & Keith Lambert both from Keystone Fireworks were present to present the proposal. Chairman Mastin stated that this year two sites are being proposed, one at the old Weather Vane site and one at the True Value Site. Chairman Mastin stated he doesn't feel they need to go in depth but asked Adam Yagelski or Dalia Szarowicz if there is anything to be concerned about. Dalia Szarowicz stated that this site has been approved in the past. The applicant must show that the tent is located 20' from the lot line & generators are prohibited in the state right away. Chairman Mastin asked the Board if they had any issues. None of the Board members had any issues.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board classifies this project as a Type II action under SEQRA; 6 CRR-NY 617.5 (c) (21) "minor temporary uses of land having negligible or no permanent impact to the environment" and hereby grants final approval of the proposed temporary minor site plan modification subject to the following conditions:**

1. Tent setup will not occur before June 18, 2020 and shall be removed no later than July 6, 2020.
2. All external signs and advertising not be displayed prior to June 20, 2020 and shall be removed no later than July 5, 2020.
3. The business must be run in full compliance with New York State and Rensselaer County Laws.
4. That the above mentioned modification will be limited to a one-time use for the period of June 20, 2020 to July 5, 2020.
5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage. All signage must be connected to the tent. Absolutely no signage shall be placed along Columbia Turnpike.
6. Hours of Operation limited to 9am to 9pm.
7. Adequate lighting shall be provided on site.
8. Shipment of products not to arrive prior to June 18, 2020.
9. That, prior to issuance of a building permit, the Applicant provide, subject to approval by the Building Inspector, evidence that the proposed activity complies with Executive Order 202, issued by Governor Cuomo, and related guidance from federal, state, and local authorities relating to COVID-19. Compliance must be demonstrated to the satisfaction of the Building Inspector and other authorities, as may be involved, and may include: development of a written Safety Plan outlining how the workplace will prevent the spread of COVID-19, which Safety Plan must be retained on the premises of the business and must be made available to the New York State or local health or safety authorities in the event of an inspection.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

Chairman Mastin stated that he knows Chris Horne has a conflict and that whenever she needs to she can go.

**KEYSTONE FIREWORKS-2 TROY ROAD- SITE PLAN MOD.-TEMP. FIREWORKS TENT:
(20-06A)**

Rick Seery & Keith Lambert both from Keystone Fireworks were present to present the proposal.

Chairman Mastin asked what the concerns were for this site.

Dalia Szarowicz stated that this is the first time the applicant has proposed to be at this site & that there was a concern raised as to how close it is to the other sales location from the same applicant. . Dalia Szarowicz stated the she mentioned in her staff report that the Building Inspector had a concern regarding the 20' from the lot line & that generators are prohibited within the state right away.

Chairman Mastin asked the applicant why they were putting tents so close to one another. Keith Lambert stated that when they first put their applications in, the located at 580 Columbia Turnpike might not be available so they decided to propose both sites and they like the Route 4 and Columbia Turnpike location. Chairman Mastin asked if they planned on operating both. Keith Lambert stated that is correct. Keith Lambert stated that he has an updated plan that shows the new proposed location of the tent is set back and that the generator is not in the right away. Adam Yagelski asked if the applicant can share that map.

•Ralph Viola commented that it's a very busy store and he's concerned where they would place a tent. Keith Lambert shared the site plan. Chairman Mastin asked if the tent is blocking the egress. Rick Seery stated that they could move the tent back to the double row of parking, they are just trying to keep out of the parking area. Chairman Mastin stated that he is concerned as the entrance is a one way in & there are only two points of egress and it appears as if they are blocking one of them.

•Ralph Viola said that if it was up against the tree line on Iroquois Place he feels that's a much better location for it & also tractor trailers park in that area to unload products for the store, he feels this would be a very congested site & asked what the required distance to the propane fill. Keith Lambert stated 300'.

•Ralph Viola asked where they proposed their customers to park. Keith Lambert stated that they would park in the third or fourth row.

Chairman Mastin stated that Chris Horne dropped off the meeting.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board classifies this project as a Type II action under SEQRA; 6 CRR-NY 617.5 (c) (21) "minor temporary uses of land having negligible or no permanent impact to the environment" and hereby grants final approval of the proposed temporary minor site plan modification subject to the following conditions:**

1. Tent setup will not occur before June 18, 2020 and shall be removed no later than July 6, 2020.
2. All external signs and advertising not be displayed prior to June 20, 2020 and shall be removed no later than July 5, 2020.
3. The business must be run in full compliance with New York State and Rensselaer County Laws.
4. That the above mentioned modification will be limited to a one-time use for the period of June 20, 2020 to July 5, 2020.

5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage. All signage must be connected to the tent. Absolutely no signage shall be placed along Columbia Turnpike or Route 4.
6. Hours of Operation limited to 9am to 9pm.
7. Adequate lighting shall be provided on site.
8. Shipment of products not to arrive prior to June 18, 2020.
9. That, prior to issuance of a building permit, the Applicant provide, subject to approval by the Building Inspector, evidence that the proposed activity complies with Executive Order 202, issued by Governor Cuomo, and related guidance from federal, state, and local authorities relating to COVID-19. Compliance must be demonstrated to the satisfaction of the Building Inspector and other authorities, as may be involved, and may include: development of a written Safety Plan outlining how the workplace will prevent the spread of COVID-19, which Safety Plan must be retained on the premises of the business and must be made available to the New York State or local health or safety authorities in the event of an inspection.
10. Subject to all technical comments from the Town's Planning/Zoning & the Building Departments.

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; D. Panton-YES.

MOTION CARRIED BY A 4-0 VOTE

CLDZ LLC./REED-63 UPPER MANNIX ROAD- LOTLINE ADJUSTMENT: (20-09)

Brett Steenburgh on behalf of CLDZ which is the entity developing Carver Court & they were approached by the Reed's to purchase a portion of their parcel which is right next to their right away providing ingress and egress to Carver Court. Brett Steenburgh stated that Carver Court has recently pulled their application to comply with the SEQRA for the proposed lot line adjustment which they felt was the simplest way to merger approximately 13 acres of the Reed parcel to the 1.78 acre parcel of the Carver Court right away, retaining 2.11 acres for the Reed homestead located along Upper Mannix Road. Brett Steenburgh stated that both parcels meet the frontages and lot areas for that area. Brett Steenburgh stated that the reason for this is it allows a much better access point & minimize the wetland impacts for Carver Court.

•Nancy Kupiec what CLZD is & they need the wooded area to access the property behind it . Brett Steenburgh stated that CLDZ is the entity that owns Carver Court Cluster Subdivision & no it was just the desire of the Reeds to sell them a little more of that land.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) and grants final approval of the proposed lot line adjustment prepared by Ingalls & Associates, LLP. and dated May 15, 2020, & last revised June 9, 2020, subject to the following:**

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

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; D. Panton-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW ZBA REFERRALS:

ZBA APPEAL #2020-05-Collins Homeland LLC.-44 Troy Road-Area Variance-Parking-report due at the June 24, 2020 meeting-report from Chris Horne and/or Nancy Kupiec

Nancy Kupiec stated that she feels they should get back into Town Hall as soon as possible for meetings. Joe Slater stated that there is still an executive order from the Governor to have public hearings remotely. Adam Yagelski stated that the order is in place until July 7, 2020.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Ralph Viola. Motion carried by a 4-0 vote.

Respectfully Submitted

A handwritten signature in black ink that reads "Alison Lovely". The signature is written in a cursive, flowing style.

Alison Lovely, Planning Secretary