

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 JANUARY 13, 2021

Members:

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

Also Present:

Alison Lovely, Secretary, Planning/Zoning
Adam Yagelski, Director, Planning/Zoning
Joseph Slater, Planning Board Attorney

*The meeting was held via Zoom videoconference due to the Covid-19 pandemic.

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present.

Chairman Mastin started the meeting by explaining the meeting is being conducted remotely 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. Members, staff and applicants are participating in a virtual meeting via Zoom. This virtual meeting is being broadcasted live on the Town's YouTube Channel, is being recorded and will later be transcribed in accordance with executive Order No. 202.1 For those participating tonight please note there may be a 30 second delay between this meeting and the YouTube broadcast. Board members, staff and other participants are requested to mute themselves when not speaking to prevent potential interference. Applicants will be placed on mute until their item is up for consideration. Applicants are free to remain in the meeting on mute after their item is complete or they may leave.

Adam Yagelski, Director of the Planning & Zoning Department is the Zoom Meeting Host, who will admit participants, mute/unmute participants, monitor the chat box and working with Chairman Mastin generally manage the meeting. Texts placed in the chat box will be read aloud and will otherwise be addressed by Adam or by Chairman Mastin during the course of the meeting. During the meeting in order to keep the broadcast and discussion clear, Chairman Mastin will call on members to offer comments during the discussion of agenda items. Members may also request to speak via the chat box. Finally, members can unmute themselves to offer comment if urgent and as needed but are encouraged to wait until they are called on.

Chairman Mastin welcomed new Board member John Conway, who comes from the Zoning Board. Chairman Mastin stated that he is excited to have him on Board and looks forward to working with him.

Chairman Mastin also wanted to thank Nancy Kupiec for her service as her term was up. She provided a lot of input of the years and also volunteered a lot of her time to the Natural Resources Inventory Group.

Meetings:

- Meetings will be held two times per month on the second and fourth Wednesday of each month.
- Meetings will commence at 7:00 PM in the Town Court Room or Community Room or via Zoom or at the Red Barn.

The Town Board voted on 1/4/21 to appoint the following Town Engineering Services Consultants: **The Town of East Greenbush Planning Board hereby (1) designate Adirondack Mountain Engineering, P.C.; CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C.; Greenman-Pedersen, Inc.; JMT of New York, Inc.; Colliers Engineering & Design; M.J. Engineering and Land Surveying, P.C.; and Stantec Consulting Services, Inc. as the Town's engineering services consultants to perform services under term services agreements executed with each firm, and (2) designate H.V. LaBarba & Associates to provide water supply and sanitary sewer/treatment engineering services to Town units requiring these services.**

Appointments:

The Town Board appointed Alison Lovely as the Planning Board Secretary & Joseph Slater as the Planning Board attorney at their January 4, 2021 Organizational Meeting.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby approves the proposed 2021 meeting calendar.**

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby appoints Jim Moore as the Vice Chairperson in absence of the Planning Board Chairman.**

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.

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

PHEASANT HOLLOW-2670 PHILLIPS ROAD-10 LOT CLUSTER SUBDIVISION-PROPOSED PLAT AMENDMENT (19-24)

Chairman Mastin asked if Steve Hart was present. Adam Yagelski stated that Steve Hart isn't ready to present the proposed amendment. Adam Yagelski gave some background, as they got into constructing the force 1 ½" force main along Phillips Road, they hit rock or something, so they had to deviate away from the road in from Phillips. Adam Yagelski stated that the Commissioner of Public Works, the Town's designated engineer have signed off on that, so they just need the modified plat to show the new easement proposed alignment. Chairman Mastin stated there is no action tonight.

FORTH-282 HAYS ROAD-MINOR 2-LOT SUBDIVISION-PROPOSED 90 DAY EXTENSION

(14-08)

Chairman Mastin stated that the Forths are looking for a 90 day extension to file their subdivision plat. Adam Yagelski stated that they got conditionally approved back in July of 2020 & didn't pursue the conditions or plat modifications for a number of months. Adam Yagelski stated that the subdivision regulations require the plat to be filed within 180 days or if the Board feels it's warranted, 90 day extensions can be granted. Adam Yagelski stated that their conditional approval expires on the 18th of January. Adam Yagelski stated that they have sent in a revised plat & some documentation they have been looking for, shared easement, etc. Adam Yagelski stated that he had a couple of comments on it but that they should be pretty close to satisfy the conditions and get it filed. Chairman Mastin asked all the members if anyone had any comment. The only member that had a question was John Conway, and he asked if this will lead to a minor subdivision. Chairman Mastin stated that this project was already approved, this will just finalize the minor subdivision.

MOTION: A motion was made by Chairman Mastin as follows: Whereas the Town of East Greenbush Planning Board granted conditional plat approval of the above mentioned subdivision on July 22, 2020;

And whereas the conditional plat approval dated July 22, 2020, required the applicant to satisfy several conditions within 180 calendar days of the resolution;

And whereas in accordance with Article IV, Section 3 of the Town's Subdivision Regulations, the final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, within 180 days after conditional plat approval;

Be it resolved that the Town of East Greenbush Planning Board hereby grants an extension to the applicant to satisfy the conditions within the preliminary plat approval and file the final plat and supplementary documents in accordance with Article IV, Section 3 of the Town's Subdivision Regulations until April 13, 2021.

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.

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

SCHURMAN-START AVENUE-MINOR 2-LOT SUBDIVISION

(21-01)

The applicant Dave Schurman presented his proposed minor 2-lot subdivision to the board. Dave Schuurman stated that the lot is on Start Avenue that has 150' of frontage and is 113' deep, so he'll split this in half and each lot will be 75' x 113' and meets all the Town's requirements for lot size & square footage. Chairman Mastin asked Adam for his comments. Adam Yagelski stated there are no variances required and he put together a checklist and needs the details for water/sewer connections and also drainage, grading and contours. Adam Yagelski stated that he needs to work with the Commissioner of Public works to come up with the detail for the sewer connection. Chairman Mastin asked all the members if anyone had any comment. The only member that had questions was Kurt Bergmann, and he asked if either of the properties on either side of this subdivision have had a history of water issues & runoff in the springtime, etc. & asked that the architect or engineer firm be sensitive to the fact that runoff isn't running onto either of the properties on either side. Dave Schuurman stated that any water would flow back to the stream at the rear of the properties.

- Ralph Viola stated that looking how the houses are situated on the lots, they aren't centered so there is going to be more runoff on the sides from the roof, maybe a berm or something to divert the water.
- Ralph Viola also asked about the 911 addresses in that area, he thought there was a problem at one point. Dave Schuurman stated that the house next to the lot is number 15 Start Avenue and the next one is like 25 Start Avenue so there seems to be enough numbers in between.
- John Conway stated that the only concern he had was with drainage which has been discussed quite a bit. Chairman Mastin asked if there were any other questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, January 15, 2020, prepared by Cynthia Elliot, Surveyor for the proposed 2-lot minor subdivision.

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.

MOTION CARRIED BY A 6-0 VOTE

MOTION: 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/or interested agencies under SEQRA have been identified:

**Rensselaer County Department of Health
East Greenbush Fire Department
Town of East Greenbush Department of Public Works**

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.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: A Public Hearing is hereby scheduled for January 27, 2021 @ the East Greenbush Town Hall or by virtual means @ 7:00 PM.

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.

MOTION CARRIED BY A 6-0 VOTE

**TOWN BOARD REFERRAL:
B-2 ZONING TEXT AMENDMENT REFERRAL TO TOWN BOARD**

Chairman Mastin stated that this came about as there is a church that wishes to build on the Onderdonk property but it doesn't meet the Zoning law and the Town Board is looking to amend the law to allow it.

Chairman Mastin asked the Board if anyone had any questions. The only member that had a question was John Conway Jr who stated that he hasn't been part of any of the discussions but has been trying to keep up with it the best he can. John Conway Jr. stated that there are certain provisions in the law in regards to churches. One is that you can't have an adult store within 500' of a church but there is one across the street from this proposed church, also in other areas, you can't have a bar or liquor establishment within a certain amount of feet of a church, he's not sure if this is a state law or what. He wonders if something should be added to the proposed amendment to prevent certain issues down the road. Joe Slater stated that John Conway brings up a couple of good points, he stated that he doesn't know of any other regulations in the Zoning code that would prevent that location from a church. Right now, they're just talking about the B-2 amendment as a whole, and once they get a site plan from the church, then the Board can dive into that just to make sure everything is satisfactory with the Town Law. Adam Yagelski stated he believes its part of the state liquor law. John Conway stated that the point is though, if you allow churches within that zone and then people start putting churches all over 9 & 20, is that going to drive out all the restaurants. Ralph Viola stated that John Conway raises a good point & asks if there was any language that they could put in the recommendation to help other businesses in the B-2. Adam Yagelski stated that the Town Board is continuing the public hearing on this at next week's Town Board meeting. Joe Slater believes the reason their pressing to make this change is that churches are allowed in just about every other zone so they believe their might be a mistake or error when passing the Town Law to not allow churches in the B-2 Zone.

•Chris Horne asked if there was a federal law that was passed that stated that you can't treat churches differently than all other entities and that is why the change needed to happen. Joe Slater stated that in 2000 there was a Federal Law passed called the "Religious Land Uses & Institutionalized Person's Act", which essentially requires Religious uses not to be treated differently from other non-religious uses and that local regulations, including land use regulations must be the least restrictive as possible and there must be compelling public purpose for any restrictions. John Conway asked if they should in their recommendation include some of the federal language to show that they are considering churches just like any other piece of property. Joe Slater stated that he completely agrees and that the proposed Board resolution refers to a memorandum from Town Planner Adam Yagelski which addressed those issues. There was more discussion among the Board members. Ultimately they decided to provide a favorable recommendation to the Town Board but with language advising the Town Board to take into account laws regarding the distance of certain establishments to churches and the effect they may have on future development in town.

MOTION: A motion was made by Chairman Mastin as follows: "In accordance with Section 4.4.1.B of the Town's Comprehensive Zoning Law the Planning Board hereby favorably recommends adoption of a Town Board proposal AMENDING SECTION 2.7.3(B) OF THE COMPREHENSIVE ZONING LAW, TO PROVIDE THAT RELIGIOUS FACILITIES BE A PERMITTED USE WITHIN THE COMMERCIAL BUSINESS DISTRICT (B-2).

In making this recommendation the Planning Board has reviewed, among other documents, the Town's Comprehensive Zoning Law, the Town's Comprehensive Master Plan, and a Memorandum to the Planning Board dated December 3, 2020 from the Town's Director of Planning and Zoning Adam Yagelski, which recommends a favorable adoption of the proposed amendment. The Board hereby attaches Mr. Yagelski's memorandum for reference and agrees with the opinions contained therein.

In making this recommendation the Planning Board finds that such change does not conflict with the general purposes goals, and intent of this Local Law; and

Such change is consistent with the Town's Comprehensive Master Plan." The Planning Board does add the following condition:

The Planning Board recommends that the Town Board take into account any applicable Federal, State or Local laws requiring the distances of certain establishments to religious facilities and the impact that they may have on future development.

Seconded by Chris Horne & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

DISCUSSIONS:

**HUDSON RIVER VALLEY GREENWAY-PROPOSED PARKING AREA/TRAILHEAD
BEHIND EAST GREENBUSH TOWN HALL:**

Adam Yagelski stated that a need was identified for a parking area/trailhead behind the Town Hall. The parking area would be designed and constructed by the Greenway. It would be primarily used as a trailhead but also used as overflow parking. There were three alternatives that Greenway's consultant GPI worked up, the Greenway, Adam Yagelski & Dan Fiacco from the Department of Public Works have settled on alternative #3 for a couple of reasons: 1. Ease of maintenance; especially snow removal. 2. It has the lowest amount of impervious service; thereby it also reduces cost for construction. Some drainage work will be done and they're going to add some benches, stones like what are along the trail now, and signage to denote that it's a trailhead parking area. Adam Yagelski stated that he'd like the Board's thoughts on this.

•Ralph Viola stated that Option #3 with the one way in & out makes the most sense, he believes that the angled parking works well. The only comment he has is that where the handicapped parking is located, it's a very sharp turn when you come in & he's not sure the vans can make the sharper turn, he thinks they should be relocated to the other side of the parking lot.

Chairman Mastin stated that his only comment is that he's been really impressed with the number of people using the trail and having trailheads is very important.

•Don Panton asked where the trail starts. Adam Yagelski stated that its a new trailhead that's on the trail.

•Chris Horne stated that she feels this is needed as well. She stated that this is all new so there is no data on it but she knows how busy the trailheads get in the Adirondacks & is wondering if there is going to be any overflow that is going to impede Town Hall business & if people will start parking at Town Hall. Chairman Mastin stated since Town Hall hours are Monday – Friday 8:30am to 4:30pm & closed weekends, that he doesn't think it will be a problem.

•Chris Horne asked if there was going to be security cameras. Adam Yagelski stated that this hasn't come up yet.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board has reviewed the proposed plan and design alternatives for the construction of a trailhead facility and related improvement to be installed on a portion of the Town Hall parcel in connection with the Albany Hudson Electric Trail (AHET). Pursuant to its authority under Section 4.3.5 of the Comprehensive Zoning Law, the Planning Board hereby recommends that the Town Board authorize the completion of design and construction of the proposed trailhead as shown on the "Pull Through Angled Spots" alternative design.**

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.**

MOTION CARRIED BY A 6-0 VOTE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the December 9, 2020 meeting minutes as is.
Seconded by Chris Horne. Motion carried by a 4-0-2 vote. Kurt Bergmann & John Conway
abstained.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin.
Seconded by Kurt Bergmann. Motion carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary