

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

April 13, 2022

Members:

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

Also Present:

Joseph Slater, Planning Board Attorney
Anna Feltham, Planner

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:

NONE

OLD BUSINESS:

SHELLEY'S SALON-2 GREENBUSH AVENUE-SITE PLAN MODIFICATION & LOT LINE

ADJUSTMENT

(22-03)

Chairman Mastin stated that Shelley Hutchinson, the applicant was present tonight. Chairman Mastin stated at the last meeting, this project was reviewed and there was a small technicality that didn't allow the Board to vote on the project. Anna Feltham stated that they have now received the Rensselaer County 239 response and the Board is able to move forward with approval of the project. Chairman Mastin stated that it's a consolidation of two lots, an upgrade of the existing facility, some parking lot modifications & building modifications. Chairman Mastin asked if the Board members had any questions. No one had any comments. Chairman Mastin stated that they are approving both the site plan modification & the lot line adjustment.

MOTION: A motion was made by Chairman Mastin as follows: the Town of East Greenbush Planning Board hereby:

- 1. Finds that, although the proposed parking area is larger than required, a) there is preexisting parking on the site, b) the site is an adaptive re-use under Section 3.1.3 of the Comprehensive Zoning Law Parking requirements, c) the proposed site will result in no net increase of impervious cover, d) and stormwater runoff from the proposed parking area will be managed on-site through the use of infiltration practices and other methods; and**
- 2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the site plan prepared by Advance Engineering & Surveying, PLLC, of dated December 2, 2021, most recently revised March 21, 2022, subject to the following conditions:**
 - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;**

- **All remaining fees are paid to the town.**

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

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby:

- 1. Reaffirms previous, January 26, 2022, classification as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (9), the lot line adjustment is also a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) “granting of individual setback and lot line variances and adjustments”;**
- 2. Grants final approval of the proposed Lot Line Adjustment prepared by RDM Surveying and dated April 7, 2022, 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 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

PHANTOM FIREWORKS-570 COLUMBIA TURNPIKE-SITE PLAN MODIFICATION (22-04)

Chairman Mastin stated that they have received the Rensselaer County 239 response & can vote on this tonight. Chairman Mastin asked if any of the Board members had any questions. No one had any comments.

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 20, 2022 and shall be removed no later than July 6, 2022.**
- 2. All external signs and advertising not be displayed prior to June 20, 2022 and shall be removed no later than July 5, 2022.**
- 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, 2022 to July 5, 2022.**
- 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 16, 2022.**

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 Jr.-YES N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2022-02-Stafford-458 Luther Road-Area Variance-Garage-Report due at the April 27, 2022 meeting-assigned to Don Panton

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the March 23, 2022 meeting minutes. Seconded by Kurt Bergmann. Motion carried by a 6-0-1 vote. John Conway abstained.

UPDATES:

Solar Update-Large Scale Solar Energy System Local Law changes

Anna Feltham stated that the Town is in the middle of a six month moratorium on the large scale solar energy systems. Anna stated that currently she and Adam Yagelski are in the middle of a local law update to the 2017. Anna stated that they presented to the Town Board at their March meeting where her and Adam are in the process, how their tackling the updates. Anna stated that the update consists of 5 slides and can be found on the Town's website. Anna stated that as it pertains to the Planning Board, they will be asked to review it and refer it to the Town Board. Anna stated it's currently going through an internal review and then it will be presented to the Planning Board.

- Chris Horne asked if they could have some of the highlights now. Anna stated that some of the highlights were more site plan regulations & diving more into the definition of what large scale solar is & having two categories instead of one as it exists, it's for anything over 2.5 acres for large scale solar, also looking into co-use over clean cutting forests.

- Kurt Bergmann asked if it will address what happens at the end of the life of a solar farm. Anna stated there would be a decommissioning plan put in place when an application is approved.

- Chris Horne asked about addressing the megawatt threshold. Anna stated that they are expanding what would be allowed, as the law is written now they have by acreage not megawatts, but they kind of go hand in hand.

Chairman Mastin asked about battery storage. Anna stated that they will be doing a separate local law on battery storage.

- Ralph Viola asked if there will be a stringent landscaping buffer package involved. Anna stated that it's required in the site plan & will probably be adjusted from where it is now.

Chairman Mastin asked for residential & commercial. Anna stated definitely residential & that a Special Use Permit would be required for a lot of projects or a SEQR site plan with a lot of review & attention.

NEW BUSINESS:

TOWN CENTER-580 COLUMBIA TURNPIKE-LOT LINE ADJUSTMENT (17-19b)

Steve Hart stated that for bank purposes of Phase 1 they are taking 3 lots and merging them into 2 lots. The first parcel is 4.76 acres & the second parcel is 5.36 acres. Chairman Mastin stated that this is

already an approved PDD & this doesn't affect any approvals. Joe Slater stated that they asked for cross access easements and maintenance agreements & use of internal roadway.

- Ralph Viola asked if they're both owned by the same entity. Steve Hart stated yes.
- Kurt Bergmann asked where the access is to the storage facility. Steve Hart stated that as soon as the Town Center Road is built, that will be the new access.
- John Conway asked where the project is at. Steve Hart stated that Phase 1 is being built out, water, sewer & grading work for the road and they hope to start pouring concrete for the buildings on May 1st.
- Don Pantan asked what the completion date for that. Steve Hart is guessing about a year.
- Chris Horne asked if there were any idea of tenants. Steve Hart stated a few different restaurants are looking as well as a bank.

Chairman Mastin asked if there was anything else from the Board. There were no other comments.

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

The Town of East Greenbush Planning Board hereby:

- 1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) "granting of individual setback and lot line variances and adjustments" and recognizes that said action is being taken in order to create lot lines in accordance with Town Center PDD Local Law 1 of 2020 and consistent with the major site plans entitled "Town Center Development Phase 1" prepared by Hart Engineering, dated December 2020, and last revised July 12, 2021, approved by the Town Board on September 15, 2021;**
- 2. Grants final approval of the proposed Lot Line Adjustment prepared by Advance Engineering & Surveying and dated March 4, 2022, subject to the following:**
 - **Proof of cross-access easement agreement and maintenance agreement and use of internal roadway**
 - **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
 - **All remaining fees are paid to the Town.**

Seconded by Don Pantan & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

Anna Feltham stated that there is a Zoning Update Committee combined with the Town Board next Tuesday at 6pm that's focused on Columbia Turnpike. Chairman Mastin stated it's like a listening session to get feedback from the Community.

There was a discussion by the board on marijuana dispensers.

John Conway asked is there is any update on Rysedorph. Anna Feltham stated that there has been much progress from the Engineer. Anna Feltham stated that their hoping by the end of the month.

CLOSING:

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

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary