

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)477-2005 FAX (518)477-2386

MEMORANDUM

PLANNING BOARD MEETING AGENDA MARCH 22, 2023 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

(21-30) E.W. Birch Builders-26 Mountain View Avenue-Major Subdivision – *Review for Extension of Preliminary Plat Review Period*

NEW BUSINESS:

(23-06) Empire – Henshaw – 91 Louis Drive – Site Plan Modification & Special Use Permit –
Sketch Plan Presentation, Accept Sketch Plan & Referral to Zoning Board of Appeals

NEW ZBA REPORTS:

ZBA Appeal #2023-03-Calamaras-45 Point View Drive-Area Variance-Enlarge Deck-Side Setback-report by Don Panton

NEW ZBA REFERRALS:

ZBA Appeal #2023-06 Empire – Henshaw – 91 Louis Drive –Area Variance- Ground-mounted solar array proposed in front yard

REVIEW & APPROVAL OF MEETING MINUTES:

March 8, 2023 meeting minutes

*To view application materials use this link: <https://www.eastgreenbush.org/departments/planning-zoning/apps>

E.W. BIRCH BUILDERS
4-LOT MAJOR SUBDIVISION
26 MOUNTAIN VIEW AVENUE
MARCH 22, 2023
(21-30)

MOTION to GRANT SIXTY (60)- DAY EXTENSION of
PRELIMINARY PLAT REVIEW

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

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by EW Birch Builders (the Owner) with Frank Engineering, PLLC, engineering consultant to the Owner, for a 4-lot Major Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 2.61 acre parcel located at 26 Mountain View Avenue (Tax Map I.D. SBL 166.20-18-3); and

WHEREAS, based on the environmental assessment and review, the Planning Board 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, was adopted on January 11, 2023; and

WHEREAS, the Planning Board did conduct a public hearing on January 11, 2023 which was adjourned and reconvened on February 8, 2023 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, in accordance with Article IV, Section 4 (E)(3) of the Town's Subdivision Regulations, within forty-five (45) days from the date of such public hearing, the Planning Board shall act by resolution on the preliminary plat by either approving, with or without modifications, or disapproving the preliminary plat; and

WHEREAS, the time in which the Planning Board must take action following the date of such public hearing may be extended by mutual consent of the Owner and the Planning Board; and

WHEREAS, the Town of East Greenbush Planning Board did receive written request from the applicant dated March 13, 2023 to extend the time in which the Planning Board must act by resolution on the preliminary plat by sixty (60)- days.

NOW, THEREFORE, BE IT RESOLVED that the Town of East Greenbush Planning Board hereby grants an extension of sixty (60)-days within which the Planning Board must act by resolution on the preliminary plat in accordance with Article IV, Section 4

(E)(3)) of the Town's Subdivision Regulations upon mutual consent of the Owner and the Planning Board commencing on March 22, 2023 until May 21, 2023.

DRAFT

**EMPIRE SOLAR - HENSHAW
91 LOUIS DRIVE
SPECIAL USE PERMIT
MARCH 22, 2023**

**MOTION to REFER to ZONING BOARD OF APPEALS
(23-06)**

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

The Town of East Greenbush Planning Board hereby recognizes the determination by the Town's Building Inspector on **March 17, 2023, that the sketch plan as proposed would violate Section 6.C.7 of Local Law 1 of 2017, specifically:**

- **All such [ground-mounted solar energy] systems in residential district shall be install in the side or rear yards. Installation in any front yard is prohibited.**

The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law.