

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
October 26, 2022

Members:

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

Also Present:

Anna Feltham, Director of Planning
Joseph Slater, Planning Board Attorney
Mike Brown, Planning Engineer
Alison Lovely, Secretary, Planning/Zoning

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:

RYSEDORPH-OLCOTT LANE-MAJOR 27-LOT CLUSTER SUBDIVISION (14-11A)

Chairman Mastin stated that this project was in front of the Board two meetings ago and they were potentially going to vote on a resolution of recommendation to the Town Board on the infrastructure. There were some neighborhood residents that came to a previous meeting and expressed their concerns with the infrastructure. At that point, Fred Mastroianni who is the Town's Designated Engineer for this project was in attendance and met on site with the neighbors and the developer, who then made some improvements regarding drainage. Chairman Mastin asked Mike Brown, who was on site as well, to give description of what they did. Chairman Mastin stated that it has been installed as designed & reviewed by Mike, Anna & Fred Mastroianni.

Chairman Mastin asked the Board if anyone had any more questions & if the Board was comfortable voting on this. There were no more questions & the Board stated that they were comfortable voting.

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS, the Town Planning Board did grant conditional final plat approval of the Rysedorph Cluster Subdivision on June 13, 2018 for the 27 lots in the Town of East Greenbush prepared by C.T. Male Associates, dated May 24, 2018 (the "Plans"); and**

WHEREAS, the approved Plans required the installation of certain improvements, including roadway, water supply, sanitary sewer, stormwater drainage, pedestrian, and other infrastructure (the "Required Improvements"); and

WHEREAS, the Town's Designated Engineer, (GPI – Greenman Pedersen Inc.) has conducted regular inspections of the construction of the Required Improvements as required by the Planning Board, as shown on the Plans, and as specified by Town requirements and in accordance with engineering best practices; and

WHEREAS, the Town’s Designated Engineer has certified, in writing, to the Commissioner of Public Works, Planning Board, and Town Board that they have supervised such improvements and that the completed Required Improvements conform to all approved plans and specifications of the Town; and

WHEREAS, the Commissioner of Public Works has approved in writing that all of the Required Improvements have been completed; and

WHEREAS the developer, at the discretion of the Commissioner of Public Works, has provided a Cash Bond in accordance with the Town of East Greenbush Town Code for the Required Improvements. Said Cash Bond, in the amount of \$110,000.00, has been provided in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney; and

WHEREAS the developer has submitted written offers of cession for all improvements and interest in all land areas within the Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby recommends, in accordance with Section 36-25 of the Town Code, to the Town Board that the streets and other Required Improvements be accepted, subject to the following conditions:

- 1. That the Developer reimburses the Town for all costs and expenses associated with the Planning Board’s consultants and inspections of all Required Improvements.**
- 2. The Developer, as soon as practicable complete the Required Improvements identified as having been incomplete as specified in and as of the date of the Town’s designated engineer certification letter, dated February 24, 2022 which is attached hereto and made a part hereof.**
- 3. The Developer must maintain sufficient financial security with the Town in a form acceptable to the Town until such time as all Required Improvements are completed, certified, and approved in accordance with the Town’s requirements, including the required one-year maintenance**

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; R. Jucha-YES.

MOTION CARRIED BY A 7-0 VOTE

REGENERON-81 COLUMBIA TURNPIKE-SITE PLAN MODIFICATION (22-14)

Steve Hart stated that he is here representing Regeneron. Steve Hart stated that the proposal is to build a 12’ x 14’ elevator shaft addition on the east side of building 16. Steve Hart stated that the height proposed is 69.2’ and the code allows for 50’ maximum, they received approval from the Zoning Board of Appeals for a variance in the beginning of October. Steve Hart stated that the Zoning Board of Appeals had two conditions, the first being that the fire department is ok with the proposal, which they are. The fire department sent an email to the Planning Department, the second that the elevator shaft

matched the existing building. The stair well in front of the elevator shaft is 68.5', so it's only 3.5' taller than the stairwell. The second condition was that the elevator shaft blend in with the architecture of what currently exists. Chairman Mastin asked the Board if there were any comments, concerns or questions. There were no questions by the Board.

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 SEQRA action in accordance with 6 CRR-NY 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities", and grants final approval of the proposed Site Plan Modification as depicted on the site plan entitled "B16 Elevator Shaft, Regeneron Pharmaceuticals" prepared by Hart Engineering, dated August 2022 and last revised October 17, 2022, subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town's Department of Planning and Zoning.**
- **That the applicant secures Fire Department approvals relevant to the construction of the elevator shaft.**
- **That the applicant builds the elevator shaft to blend into the existing building and architecture that exists today; and**
- **All remaining fees are paid to the Town.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

E.W. BIRCH BUILDERS-25 MOUNTAINVIEW AVE.-MINOR 4-LOT SUBDIVISION (21-30)

Ed Bzrozowski of E.W. Birch Builders was present & stated that he is proposing a four lot subdivision at 26 Mountain View Avenue & is back before the Board with an update. Ed Bzrozowski stated that his engineer Aaron Frank couldn't be there tonight. Chairman Mastin asked Ed Bzrozowski to explain what's existing and what's proposed. Ed Bzrozowski stated that there is an existing lot with a house on it and he's creating three other building lots.

Chairman Mastin asked if they were on a hill. Ed Bzrozowski stated that is correct.

•Kurt Bergmann stated that in looking at the grading plan, which way is the flow of water. Anna Feltham stated that each lot has its own stormwater and the houses would sit a little higher. Ed Bzrozowski stated that they were able to keep everything on each lot, the lots are gravel & soil. Joe Slater asked Anna Feltham if this was the subdivision that received conditional approval. Anna Feltham stated that the Board previously conditionally accepted the sketch plat, with the condition that should the subdivision require the extension of any municipal utilities, then the applicant would be required to comply with some or all of the requirements specified for a Major Subdivision. Anna Feltham stated that four lots draws the line between minor and major and if water, sewer or road were to be extended then they would be looking at a major subdivision. Joe Slater asked if there was any

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indication that's its required. Ed Bzrozowski stated that public water is out in front, there is no sewer on the street, but they will install three grinder pumps, one grinder pump will replace the existing sewer line for the existing house that has sewer, two existing houses across the street have their own septic systems. Ed Bzrozowski stated that they are not extending anything. Anna Feltham stated that the Town has a comment letter out to Ed, looking for some more information on water & sewer calculations, so we're not at the final design yet, but are waiting to receive a letter back. Ed Bzrozowski stated that he thought the letter was given to the Town, they are installing grinder pumps in a private right of away and are within 400' of an existing sewer line.

Joe Slater asked if a coordinated action under SEQR has been initiated yet. Anna Feltham stated that the Board did that when they accepted the sketch plan.

- Chris Horne asked if there were any existing homes on any of the lots. Ed Bzrozowski stated that there is one home that encompassed all the land.

- John Conway asked if that's what's referenced as lot #3. Ed Bzrozowski stated that is correct.

- Chris Horne asked if he's proposing three additional building lots & if the long lot will also be a building lot. Ed Bzrozowski stated that he's creating three new building lots with the rear lot belonging to one of the proposed building lots.

- Robert Jucha asked if the flag lot will ever be subdivided, that would create a 5th lot. Ed Bzrozowski stated he doesn't think so and that it is not a flag lot.

- Ralph Viola asked Ed to point out the nearest house to the rear and asked if anything will cause water to the lots below. Ralph Viola stated that he'll have to fill those lots. Ed Bzrozowski stated that it won't as each lot will have its own detention basin & no fill, they will have walk out basements.

Chairman Mastin asked if they're creating a detention basin at each new lot. Ed Bzrozowski stated that is correct.

Chairman Mastin asked who the TDE was for this project. Anna Feltham stated Fred Mastroianni, and he will look at the retention areas closely, people will want to use their back yards so it can easily be seen that 10 to 15 years down the road that it's not maintained. Chairman Mastin asked how that worked, if each homeowner would be responsible for maintaining their own retention pond. Anna Feltham stated that's correct. Chairman Mastin stated it's unlikely that would happen.

- Kurt Bergmann asked what the depth of the retention basins will be. Ed Bzrozowski stated anywhere from 18" to 3'.

- Ralph Viola stated that his only concern is not creating any issues on the other lots with water. Ed Bzrozowski stated that it will be in each homeowners deed that they are each responsible for maintaining their retention basin.

- Chris Horne asked if this had been 5 lots then it would've been a major subdivision.

Chairman Mastin stated that the Board wasn't taking any action tonight, this was just a presentation & asked what the next steps would be. Anna Feltham stated the Board should get to get to a point where the Board is comfortable that the comments have been addressed between Fred Mastroianni & Aaron Frank. Anna Feltham stated that the Town just received a SHPO letter of no effect from Aaron Frank. Joe Slater stated that the Board would need to close SEQR and hold a public hearing.

- Kurt Bergmann asked if there was any reason why each lot isn't extended all the way to the back property line. Ed Bzrozowski stated that he would have to clear cut the property. Chairman Mastin stated that he wouldn't have to cut anything down, he could just extend the property line back.

- John Conway asked the question another way, what if you made the lots 200' deep, they are 150' deep now. Ed Bzrozowski stated that it would be more surface area for him to take care of & feels that he would have to increase the SWPPP.

There was some discussion back and forth between the Board & Ed Bzrozowski as to why he can't move the lots line all the way back for each lot.

Chairman Mastin stated that they could make a condition that the larger lot not be further subdivided and stay forever wild.

•Robert Jucha asked if there were any sidewalks in the front. Ed Bzrozowski stated there are not. Chairman Mastin asked if the Board had any further questions. There were none.

NEW BUSINESS:

MATCHLESS STOVE & CHIMNEY-300 COLUMBIA TRPK.-SITE PLAN MOD. (22-17)

Jeremiah Madden stated that the location is 300 Columbia Turnpike, the old NAPA store. Jeremiah Madden stated that they opened up a new location in Halfmoon last year and would like to do the same thing here. They want to have a showroom with 2 sales people & one clerical person. The front portion would be the showroom with displays of wood stoves, gas fireplaces and mantles and in the rear is cold storage for stoves, chimneys, etc. Jeremiah Madden stated that there is no customer pickup at this location. Jeremiah Madden said their products are high end so the appearance of the plaza is important to the company. He wants curb appeal so he plans on matching the landscaping of what Hoffman's did. Jeremiah Madden stated that he talked to the owner of the auto service facility and he would like to stay there for another 20 years until he retires so he wants to renovate the exterior of not only his building but the auto service facility section of the building as well. The parking lot will get resurfaced, restriped and he will put in ADA parking and he also wants to build an ADA compliant bathroom on the showroom level.

Chairman Mastin asked the Board if anyone had any questions.

- John Conway asked if Jeremiah will own the entire building & Feldman's will rent from him and does he think that they are a compatible use & won't be in their way. Jeremiah Madden stated that he owns the building and there are two separate uses and that there is a lot of parking that Feldman's needs and there parking is all on the left of the building and there are a lot of parking to the right of the building. Their business only needs about 3 or 4 parking spaces so there will be plenty of room.
- John Conway stated that in the show room there is room for about 12 fireplaces and 10 stoves, how often they burn and is there any smoke that come off of them. Jeremiah Madden stated that they don't burn any wood, they show wood stoves but they're cold and all they burn are with gas and they are directly vented, they produce heat & they are all on thermostats.
- Don Pantan asked if they're still on 9W. Jeremiah Madden stated yes they have been there for 43 years.
- Ralph Viola asked what his intention is with the sign and if both businesses be on one sign. Jeremiah Madden stated that the current sign is big enough for both businesses, he would like to put a sign on the front of the building & possibly have a sign on the side of the building facing Hoffman's.
- Kurt Bergmann asked if he planned on changing the footprint of the building at all & if the cold storage was under cover. Jeremiah Madden stated that no he does not and the cold storage is under cover.
- Robert Jucha asked if there was enough gas capacity coming in for the stoves. Jeremiah Madden said that there is a commercial size gas meter & Feldman's also has a commercial size gas meter that they don't even use, so they should have more than enough.

Joe Slater stated that he looked at the sign requirements and stated the applicant might have some trouble getting a sign on two sides on the building, it looks like they're only allowed to have a sign on the building that front a public street.

Chairman Mastin asked the Board if there was anything else. He stated that that he has a motion to vote on this tonight if anyone is ok with it. Everyone stated that they were find with voting on it tonight.

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 SEQR action in accordance with 6 CRR-NY 617.5 Type II Actions (C)(18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance”; and**
- 2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the revised site plan prepared by Donald Sovey, P.L.S. dated May 22, 2014, and 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 Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2022-10-Curley-1 Gail Court-Area Variance-Roof over rear Patio- Assigned to Robert Jucha report due at the November 9, 2022 meeting

NEW ZBA REPORTS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the October 12, 2022 meeting minutes. Seconded by Chris Horne. Motion carried by a 7-0 vote.

Target Update:

Anna Feltham stated that Target has removed all the permanent containers that were located behind the building. There was some damage from the removal to the curb sections that is supposed to be fixed. There has also been a permit out since May for the drive up grocery area.

360-362 Columbia Turnpike:

Anna Feltham stated that this applicant will likely withdrawal their application due to the distance to the existing Stewart’s. The Town has had interest from them for another property. Chairman Mastin stated that the applicant is pursuing an Interpretation for the property at 577 Columbia Turnpike that used to have gas pumps, but the gas pumps haven’t been active for a very long time & in that zone, it doesn’t allow for gas stations.

Chairman Mastin stated that there will be a Zoning Update meeting in the middle of November.

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Motion by Kurt Bergmann to cancel the November 23, 2022 meeting. Seconded by Ralph Viola.
Motion carried by a 7-0 vote.

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