

# TOWN OF EAST GREENBUSH PLANNING BOARD

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

## MEMORANDUM

### PLANNING BOARD MEETING AGENDA JANUARY 25, 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:**

(20-11) Carver Court-Upper Mannix Road – Major 110-Lot Cluster Subdivision - Request for 90-day Extension

**NEW BUSINESS:**

- (23-01) Luizzi Companies-Gilligan Road-Major Site Plan-Apartments - Presentation, Recommend the Town Board Seek Lead Agency, Referral to Zoning Board of Appeals
- (23-02) Regeneron Bldg. 85 - 81 Columbia Turnpike-Site Plan Modification - Presentation, Review for Conditional Final Approval
- (23-03) Breezy Meadows – 5 Tyler Drive -Lot Line Adjustment - Presentation, Review for Conditional Final Approval

**NEW ZBA REPORTS:**

NONE

**NEW ZBA REFERRALS:**

ZBA Appeal #2023 – 01 – Verizon Wireless – Adjacent to Hampton Inn Drive – Small cell – Special Use Permit  
ZBA Appeal #2023-02- Barner-9 Eileen Drive-Area Variance - Garage attached to existing shed - Side setback

**REVIEW & APPROVAL OF MEETING MINUTES:**

*January 11, 2023 meeting minutes*

*\*To view application materials use this link: [\\*https://www.eastgreenbush.org/departments/planning-zoning/apps](https://www.eastgreenbush.org/departments/planning-zoning/apps)*

**CARVER COURT**  
**MAJOR 110-LOT CLUSTER SUBDIVISION**  
**MOTION TO GRANT EXTENSION TO SATISFY**  
**CONDITIONS WITHIN THE PRELIMINARY PLAT**  
**APPROVAL**  
**January 25, 2023**  
**(20-11)**

WHEREAS, the Town of East Greenbush Planning Board granted conditional preliminary plat and preconstruction approval for the 110-lot cluster subdivision in the Town of East Greenbush, known as Carver Court, prepared by Brett Steenburgh, PE, PLLC, dated February 15, 2021 most recently revised January 25, 2022; and

WHEREAS, the conditional final plat approval dated February 9, 2022, required the applicant to satisfy conditions within 180 calendar days of the resolution; and

WHEREAS, in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations, conditions described in the aforementioned conditional preliminary plat and pre-construction approval resolution must be satisfied by the applicant within one hundred eighty (180) days after the date of the resolution, February 9, 2022; and

WHEREAS, the applicant may be granted periods of extension not to exceed ninety (90) days each upon written request of the applicant and by mutual consent; and

WHEREAS, the Planning Board did grant a ninety (90) day extension beginning August 10, 2022 and expiring November 8, 2022; and

WHEREAS, the Planning Board did grant a ninety (90) day extension beginning November 9, 2022 and expiring February 7, 2023; and

WHEREAS, the Planning Board did receive written request for an additional ninety (90) day extension from the applicant dated January 12, 2023; and

NOW, THEREFORE, 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 in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations which allows for the Planning Board to extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed ninety (90) days; and

Be it further

RESOLVED that the Planning Board hereby grants an extension of conditional approval in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations commencing on February 8, 2023 until May 9, 2023.

DRAFT

**LUIZZI COMPANIES  
GILLIGAN ROAD  
MAJOR SITE PLAN  
January 25, 2023**

**MOTION for RECOMMENDATION for TOWN BOARD to  
DECLARE LEAD AGENCY and INITIATE A  
COORDINATED REVIEW  
(23-01)**

**MOTION:** A motion was made by Chairman Mastin as follows: **The Planning Board hereby recommends that the project be classified as an unlisted action under SEQRA and hereby recommends that the Town Board declare its intent to seek lead agency status in connection with a coordinated review under SEQRA.**

**The Planning Board hereby further recommends that the Town Board direct that notices to all involved/interested agencies requesting their consent to designation of the Town Board as lead agency for SEQRA review of the Project. The following involved and interested agencies under SEQRA have been identified:**

- **NYSDEC**
- **NYSDOT Region 1**
- **NYS Office of Parks, Recreation & Historic Preservation**
- **Rensselaer County Health Department**
- **Rensselaer County Economic Development and Planning**
- **East Greenbush Fire District**
- **Town of East Greenbush Department of Public Works**
- **Town of East Greenbush Planning Board**

**LUIZZI COMPANIES  
GILLIGAN ROAD  
MAJOR SITE PLAN  
January 25, 2023**

**MOTION to REFER to ZONING BOARD OF APPEALS  
(23-01)**

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 January 18, 2023, that the sketch plan as proposed would violate Section 2.7.2 of the Town's Comprehensive Zoning Law, specifically:**

- **Dwelling units per acre exceeds district Area and Bulk Schedule with a proposed density of 18.01 dwelling units per acre in violation of Section 2.7.2.E:**
  - **Area and Bulk Schedule in General Business Mixed Use District (B-1) allows for a maximum of 12 dwelling units per acre**
- **Residential Mixed Use Requirement, with a total proposed commercial area of 4,000 sf, in violation of Section 2.7.2.F 02:**
  - **Specific District Standards, Residential Mixed Use Requirement in General Business Mixed Use District (B-1) requires a minimum of 30% commercial use per total gross floor area of the residential and commercial uses combined**

**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.**

**REGENERON BLDG 85**  
**81 DISCOVERY DRIVE**  
**MINOR SITE PLAN MODIFICATION**  
**January 25, 2023**

**MOTION FOR CONDITIONAL APPROVAL (23-02)**

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(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 minor site plan modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town’s Consulting Engineer and Town Planning Department**

**HART**  
**LOT LINE ADJUSTMENT**  
**5 TYLER DRIVE**  
**JANUARY 25, 2023**

**MOTION for CONDITIONAL APPROVAL (23-03)**

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”;**
- 2. Grants final approval of the proposed Lot Line Adjustment prepared by Creighton Manning Engineering, LLP and dated January 4, 2023, 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.**