

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 JULY 10, 2019

Members:

Matt Mastin, Chairman
Jim Moore
Ralph Viola
Kurt Bergmann
Chris Horne

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Nancy Kupiec was absent.

OLD BUSINESS:

DEER POND-ELLIOT ROAD-MAJOR 62-LOT SUBDIVISION

(14-08)

Chairman Mastin stated that this project received preliminary plat approval in April of 2018, and needed additional time to meet the conditions necessary for final plat approval. Andy Brick, representing the applicant, stated that they are asking for an additional 90 day extension as they are still working with NYSDEC and Rensselaer County and are hoping to be wrapped up in three months.

MOTION: A motion was made by Chairman Mastin as follows: **Whereas the Town of East Greenbush Planning Board granted conditional preliminary plat & preconstruction approval of the above mentioned subdivision on April 11, 2018;**

And whereas the preliminary plat approval dated April 11, 2018, required the applicant to satisfy several conditions within 180 calendar days of the resolution;

And whereas in accordance with Article IV, Section 5 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 preliminary plat approval;

And whereas on the applicant was granted an extensions in accordance with the Town's Subdivision Regulations on September 10, 2018, January 9, 2019, & April 10, 2019 extending conditional approval until July 8, 2019;

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 5 of the Town's Subdivision Regulations until October 8, 2019.

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

PUBLIC HEARINGS:

7:05 PM: KUDLER-92 LOUIS DRIVE-SPECIAL USE PERMIT

(19-16)

Chairman Mastin read the Legal Notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b(6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 92 Louis Drive, East Greenbush, NY, Tax Map # 157.-1-1.21, which is Zoned R-OS. The applicant proposes the installation of a 20 panel ground mount solar array. The review of the proposed work will not comply with the following provisions of the Town's Solar Law: Local Law #1 of 2017. Letter: C Ground Mounted Solar Energy Systems: Ground mounted solar energy systems that use the electricity primarily onsite and are no larger than 160 sq. ft. are permitted as accessory structures. The applicant proposes a ground mounted solar array of 446.10 total square feet. The proposed action requires a Special Use Permit. Said Public Hearing will be held on Wednesday, July 10, 2019 at 7:05 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board Matt Mastin, Chairman

Chairman Mastin read a letter received from Mr. Henshaw who is the closest neighbor at 91 Louis Drive and he stated that he supports the Special Use Permit. Chairman Mastin also read the Rensselaer County Recommendation into the record and Ralph Viola read his report. *see the attached.

Chairman Mastin asked the applicant to present what he was looking to do. Scott Stevens from Kasselmann Solar was present as well as the home owner, Dustin Kudler. Scott Stevens stated that the proposal is the installation of a 20 panel ground mount solar array on his property which consist of 39 acres. Scott Stevens stated he feels that there is more than enough vegetation to shield the proposal from the neighbors. Chairman Mastin asked if there was anything else and if the Board had any questions. There was nothing and no one had questions. Chairman Mastin asked three times if anyone was present in favor of or opposition to the Special Use Permit. No one spoke.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby closes the public hearing.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

KUDLER-92 LOUIS DRIVE-SITE PLAN MODIFICATION

(19-16)

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Environmental Assessment Form(s), considering all the Applicant's proposed mitigation measures as they relate to environmental issues, finds that the proposal will not have a significant adverse environmental impact and hereby issues a Negative Declaration under SEQRA.**

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby approves the Site Plan Modification subject to the following conditions:**

- **Full Compliance with the Town's Solar Energy Law and Town's Comprehensive Zoning Law;**
- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;**

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

KUDLER-92 LOUIS DRIVE-SPECIAL USE PERMIT: (19-16)

After some discussion Chairman Mastin made a motion to approve the Special Use Permit. *See the attached resolution.

Jim Moore recused himself prior to the next project being presented.

250 MCCULLOUGH PLACE-CLUSTER SUBDIVISION & MAJOR SITE PLAN: (19-06)

It was discussed amongst the Board and counsel that at the last meeting the applicant's representative Dan Hershberg requested the Planning Board defer a determination on SEQRA lead agency until after the ZBA provided an interpretation as to whether Townhouses require site plan review under the comprehensive zoning law. Mr. Yagelski notified the Board that the ZBA provided an opinion that Townhouses do require site plan review. Discussion was then held that this would be a major subdivision and major site plan requiring Town Board review and approval. It was discussed that the town practice when Town Board approval is required is that the Town Board is generally the lead agency under SEQRA.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review of this Unlisted Action under SEQRA.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

NEW BUSINESS:

YANKEE TRAILS-THIRD AVENUE EXT.-MINOR SITE PLAN-ADDITION: (19-20)

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of the applicant Steve Tobin from Yankee Trails. The proposal is for a 21' x 28' addition. Steve Hart stated that there will not be any new water, sewer or electric, as it will all be internal to the addition. Chairman Mastin asked what parcel this is adjacent to. Steve Hart stated NYISO. Chairman Mastin asked if there were any questions from the Board.

•Chris Horne asked if the addition would be single story. Steve Hart stated that it would be.

Chairman Mastin asked if there was anything else.

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 pursuant to 6CRR-NY 617.5(c)(9) and accepts the proposed sketch plan dated June 24, 2019, prepared by Hart Engineering for the proposed minor site plan modification.**

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

4 MIDDLE MANNIX RD.-SPECIAL USE PERMIT/SITE PLAN MODIFICATION:
(19-21)

Steve Hart of Hart Engineering presented the proposal to the Board. Steve Hart stated that the proposal is for two dentists to occupy the old Sports Grill building at 4 Middle Mannix Road. Steve Hart stated that they are looking to add a new entrance and a canopy. Steve Hart stated that the parcel is zoned OC and requires a Special Use Permit for dental offices. Steve Hart stated that the large dumpster area will go away and they will be adding landscaping.

- Chris Horne asked what they would do with the area with the deck. Steve Hart stated that he is not sure. Steve Hart stated that BBL is doing the site plan.

- Chris Horne asked if BBL owns it. Steve Hart stated the JMA Properties owns the property and BBL is the applicant.

Steve Hart stated that they need 50 parking spaces and have 76 parking spaces.

Chairman Mastin asked how many employees. Steve Hart stated that its two different offices, he thinks approximatley 10 employees.

- Chris Horne asked if the dentists are local. Steve Hart stated that he doesn't know.

Adam Yagelski asked how parking works, since this parcel is one with the hotel too. Steve Hart stated that there should be easements some place.

Adam Yagelski stated that the property boundaries need to be cleared up and a survey should be done.

- Ralph Viola stated that there should be a small dumpster for the site and asked where it would be put. Steve Hart stated that he wasn't sure yet.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares itself as Lead Agency under SEQRA, classifies this action as an Unlisted Action & accepts the sketch plan.**

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

LEMKA/EG ANIMAL HOSPITAL-700 COLUMBIA TRPK.-DOGGIE DAY CARE-SITE PLAN MODIFICATION:
(19-15)

Steve Hart was present as well as the applicant Dr. Chris Rocchio who owns the East Greenbush Animal Hospital next to the proposal. Steve Hart stated that he met Adam Yagelski on the site. They are now proposing an access to connect this site with the animal hospital next door. Steve Hart stated that they are widening the pavement on the side of the building closest to the animal hospital to 20' to allow two-way traffic all the way around the site. Steve Hart stated that they will be cleaning up vegetation on the site and are proposing cut off lights and 8 parking spaces.

•Chris Horne asked where the employees would park. Dr. Chris Rocchio stated the employees could park in either location. There will be a back door for employees coming over from the animal hospital. Chairman Mastin asked if there was a variance granted for this. Steve Hart stated that they went for an Interpretation for the use and it was rendered in their favor.

•Chris Horne asked about the shed on the plan. Steve Hart stated that it is existing.

Adam Yagelski asked Steve Hart what he thought about a pedestrian connection between the two businesses. Steve Hart stated that the sidewalk extension was removed from the plans because Dr. Chris Rocchio didn't think it would work and thinks people would walk through the parking lot instead of on the sidewalk. Adam asked if they expected people to just drive over. Dr. Chris Rocchio stated that he doesn't expect people to visit the vet if they're dropping their dogs off at the daycare.

•Ralph Viola asked Adam if he was content with the landscaping in front of the site. Adam stated that he and Steve talked about cleaning it up but a lot of the vegetation is mature. Steve Hart asked Ralph Viola if he was talking about the front of the building, he commented yes. Dr. Chris Rocchio stated that there is a flower bed and it is taken care of really well. Steve Hart stated that they're thinking of installing a small 1'x5' sign under the existing sign for the Sweater Venture if the code allows it. Steve Hart stated that he will follow up with code enforcement. Steve Hart stated that they were hoping for an approval tonight. Chairman Mastin asked the Board if they were comfortable approving it tonight. They all stated yes.

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 action under SEQRA and approves the Site Plan prepared by Hart Engineering dated May 14, 2019, last revised June 24, 2019, subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;**
- **The operation must not consist of external canine activities ; and**
- **Payment of all remaining applicable fees.**
- **That there be no external construction to the Building.**

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

MABEY'S REALTY LLC.-486 THIRD AVE. EXT.-SPECIAL USE PERMIT/MAJOR SITE PLAN: (19-02)

Steve Hart presented the update to the Board. The site consists of 5 acres on Third Avenue adjacent to I-90. The proposal has changed to being 4 different buildings. Proposed now is a one story 16,000 sq. ft. storage building, a two story 32,000 sq. ft. climate controlled building and up front a one story 5,460 sq. ft. retail/commercial building and a one story 16,250 sq. ft. retail/commercial building. The buildings up front will be for future retail. Steve Hart stated that NYSDOT has reviewed their proposal and they don't have a site distance issue. Steve Hart stated that there will be one entrance/exit and then a secondary access. The project requires a Special Use Permit for the storage but retail is allowed. The buildings are 50' high.

•Ralph Viola thinks the side parking lot will be an issue.

•Jim Moore has concerns with landscaping and the Third Avenue Extension (Frontage) and on the side access road. He asked if there were any renderings of the buildings or elevations. Steve Hart stated that he will provide them to the Board.

•Jim Moore asked consideration for the view of the mechanical stuff on the roof.

Adam Yagelski asked what the view would be from the highway.

Joe Slater stated that they are waiting for the SEQR recommendation from the Town Board, the public hearing was left open. The Board needs the SEQR determination before the Board can give their recommendation on approval. Chairman Mastin asked if there was anything else and that they are awaiting MJ's comment letter. Adam asked about lighting. Steve Hart stated that there will be LED lighting.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2019-09-Michela-108 Maryland Ave West-2 Area Variances for proposed 26' x 28'.8" addition-report by Jim Moore

Jim Moore stated that the proposal is to construct a 26'x23'8" three season room addition onto the back of the house located at 108 Maryland Avenue West. Required side setbacks in the R-2 zone are 8' and the applicant has 5.4'. Required rear setbacks in the R-2 zone are 25' and the applicant has 12'. Jim Moore stated that the foundation for the addition exists. The proposed addition is in the same footprint of a previously constructed deck. Jim Moore spoke with the most directly affected neighbor who had no problem with it. * See the attached report for further details.

After some discussion, the following motion was made:

MOTION: A motion was made by Acting Vice Chairman Moore as follows: The Town of East Greenbush Planning Board hereby accepts Jim Moore's report, and recommends that the report be forwarded to the Zoning Board specifically from a planning perspective and gives a positive recommendation with one condition that the roof line of the proposed addition not be higher than the roof line of the existing house.

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the June 26, 2019 meeting minutes as is.

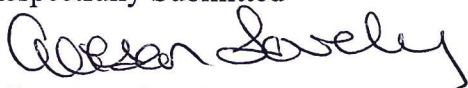
Seconded by Jim Moore. Motion carried by a 4-0-1 vote. Kurt Bergmann abstained.

ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin.

Seconded by Jim Moore. Motion carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

Copy To:

Dustin Kudler
92 Louis Drive
West Sand Lake, NY 12196

Cc: Rensselaer County Planning
Town Clerk
PB File No. 19-16

Via Email: Building Inspector
Assessor
Kasselman Solar

Town of East Greenbush
PLANNING BOARD

In the matter by:
Dustin Kudler
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 19-16

Whereas, An application has been filed by Dustin Kudler, of 92 Louis Drive, West Sand Lake, NY 12196, proposes the installation of a 20 panel ground mounted solar array. The property is located in the Residential Open Space Zoning District (R-OS). The review of the proposed work will not comply with the following provisions of the Town's Solar Law: Local Law #1 of 2017. Letter: C Ground Mounted Solar Energy Systems: Ground mounted solar energy systems that use the electricity primarily onsite and are no larger than 160 sq. ft. are permitted as accessory structures. The applicant proposes a ground mounted solar array of 446.10 total square feet; and

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located on 92 Louis Drive, East Greenbush, NY (Tax Map No. 157.-1-1.21); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on June 28, 2019; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Planning Board on Wednesday, July 10, 2019 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR**; now, therefore, be it

Resolved, That the Planning Board makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law; and the requirements of a Home Occupation as defined in Section 3.9 of the Town's Comprehensive Zoning Law; therefore be it

Resolved, that the application for a Special Use Permit for the installation of a 20 panel ground mounted solar array, be Granted for an initial period of 3 months with the following condition:

1. Compliance with the site plan.

This resolution was moved by Matt Mastin and seconded by Ralph Viola at a meeting duly held on July 10, 2019.


(Discussion)

A vote was taken as follows:

Matt Mastin	<u>Yes</u>
Jim Moore	<u>Yes</u>
Ralph Viola	<u>Yes</u>
Nancy Kupiec	<u>Absent</u>
Kurt Bergmann	<u>Yes</u>
Chris Horne	Yes

Motion carried 5-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By: 
Matt Mastin, Chairperson

Dated: July 19, 2019

**Granting of this variance, does not preclude the applicant from obtaining a building permit.*

ZBA Appeal #2019-09: 108 Maryland Ave. West

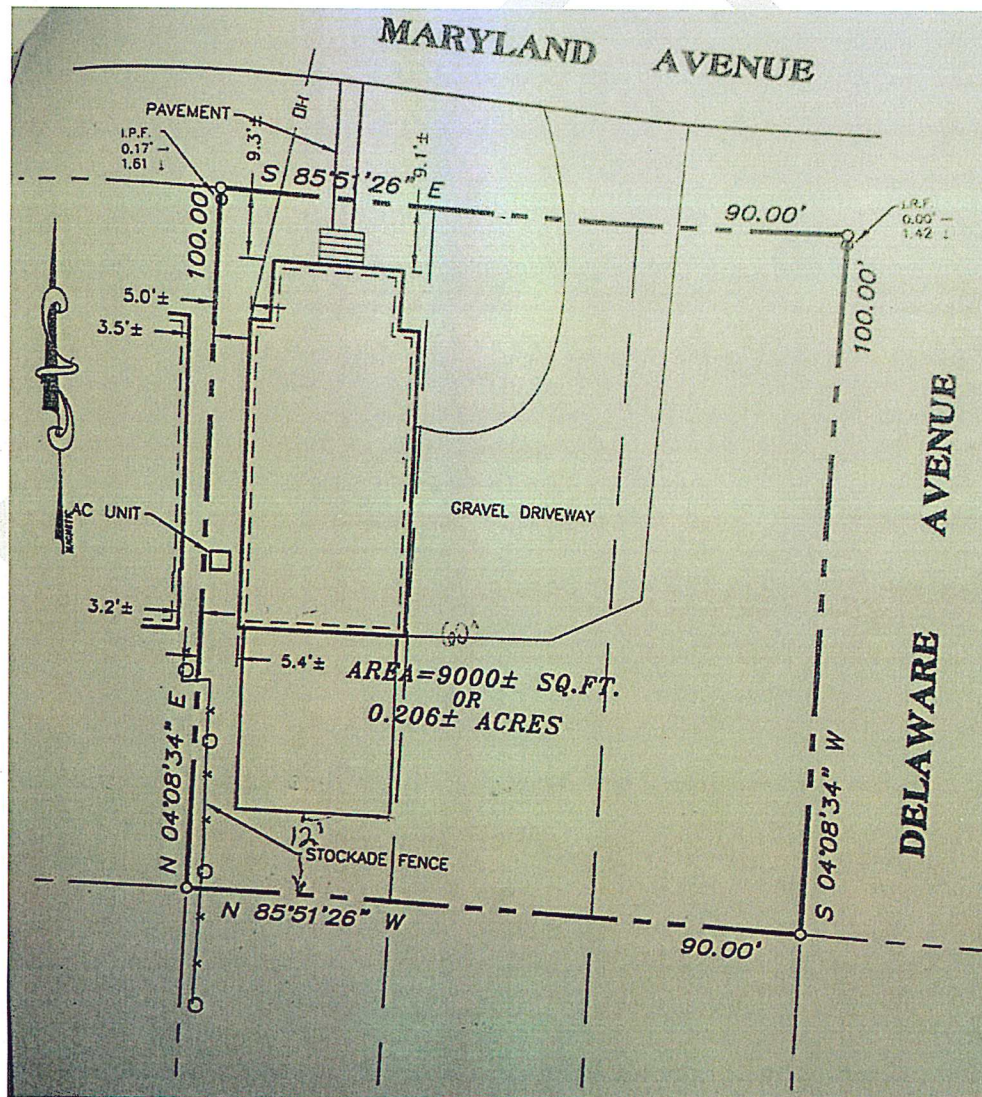
Applicant/ Owner: Andrew Michela

Zoning District: R2

Application for Two (2) Area Variances

Description of the Proposal and Area Variances:

An application was submitted to the building department to construct 26'x 23'-8" 3-season room addition onto the back of the house located at 108 Maryland Ave. West; tax map parcel 155.17-13-6. As cited by the Code Enforcement Officer, per Section II 2.6.6 Residential District (R-2), the required setbacks for the rear and side yards are 25' and 8', respectively. The proposed addition leaves a rear yard setback of 12' and a side yard setback of 5.4'.



Plot Plan submitted by Applicant.

The footprint of the proposed addition is drawn on the submitted plot plan, which proposes to align the addition with the side of the existing house that is nearest to the neighbor's house. Mr. Michela wishes to build the 3-season room in the shown location due to the sloping nature of his yard.

Mr. Michela was not home at the time of the site visit. In speaking with the adjacent neighbor most directly impacted by the proposed addition, the neighbor mentioned that an outdoor deck was previously constructed within the footprint of the proposed addition and took no exception to Mr. Michela's proposal and wished him well with the potential approval proposed addition.



View from the driveway side of the proposed addition. The proposed 3-season room would be constructed on top of the tarped structural deck shown in the photo.



View of back yard from the driveway. Based upon the plot plan, the rear property line of the lot would approximately be located at the existing tree stump shown in the photo above. It appears Mr. Michela and other neighbors mow property owned by the property owner to the rear, Edison Paving Corporation. The treed area provides a natural buffer between the residential lots and an active mining operation that has it's vehicular entrance on 9&20 between the Sunoco gas station and Nopper's autobody shop.



View of back yard and structural deck from between the houses.

Balancing the Benefit to the Applicant Versus Detriment to the Community:

I recommend approval of the requested area variances, because If the area variances are granted;

- 1. Overall, this proposal will not result in an undesirable change in the character of the neighborhood, nor will it be detrimental to nearby properties.** The slope of the existing yard and configuration of the driveway limit the proposed addition to the location proposed. Though the addition is taller than the previous outdoor deck, the side yard encroachment of 2.6' is not significant. The rear yard encroachment of 13' is significant, but will not adversely impact the adjacent property owner to the rear, Edison Paving Corporation. Nor does it present a foreseeable adverse impact to Edison Paving that could not be reasonably mitigated upon any future change of use proposed for the existing mining operation; and
- 2. The proposed variances will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district, for the reasons described herein.**

End of Report