

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES MAY 12, 2021

#### **Members:**

Matt Mastin, Chairman  
Ralph Viola  
Don Panton  
Chris Horne  
Kurt Bergmann  
John Conway

#### **Also Present:**

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

The meeting took place at the Red Barn, East Greenbush Town Park.

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present.

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

#### **CAPITAL REGION ENVIRONMENTAL LAB-137 COLUMBIA TRPK. (20-17)**

Brian Collins & Edward Smathers were both in attendance to present the proposal to the Board. Ed Smathers stated that Kevin Hitchcock came out to the site and they had the approved version of the site plan and made some changes prior to them having the parking lot striped. Ed Smathers stated that per their agreement with the Planning Board that they would keep an eye on the parking and traffic flow through the site and he stated that there were no parking issues or complaints.

Chairman Mastin asked the Board members if anyone had any questions.

• John Conway stated that he's the new guy and wasn't around during the first approval. So he asked if the house is part of the site plan. Ed Smathers stated that it is, but nothing has changed with the site.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby re-affirms its prior classification of the proposed action as a Type II action, acknowledges that its prior approval of the site plan will expire on April 30, 2021 if further site plan approval is not granted, and approves the Site Plan Modification, as shown on an amended site plan dated May 11, 2021 and prepared by Edward Smathers, subject to the following conditions:**

- Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and
- All remaining fees are paid to the Town

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**CRAW-45 ACORN AVENUE-LOT LINE ADJUSTMENT**

**(21-08)**

Ricki Craw stated that he's looking to join 2 parcels to build a garage & the Zoning Board approved the variance for the double egress. Chairman Mastin asked if the Board had any questions. There were no questions.

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

- 1. Declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16);**
- 2. Approves the proposed double frontage lot in accordance with Section 2.5.1.D.03; and**
- 3. Grants final approval of the proposed lot line adjustment prepared by Hershberg & Hershberg and dated January 14, 2021, subject to the following:**
  - **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
  - **That the garage not be used as a residential or apartment space.**
  - **That the garage not be used for commercial purposes.**
  - **No connection be made between Acorn Avenue and Newbury Street through the parcel.**
  - **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.**

**MOTION CARRIED BY A 6-0 VOTE**

**PHEASANT HOLLOW-2670 PHILIPPS ROAD-10 LOT CLUSTER SUBDIVISION** **(19-18)**

Steve Hart presented the proposal to the Board. Steve Hart stated that there is a two acre piece of open space that the original approval resolution stated that the 9 lots would enjoy the open space but with that comes maintenance and cost responsibility for that 2 acres. The people who are purchasing lots weren't in favor of doing that. Steve Hart stated that the open space area goes with lot #5, so he's here asking for relief from the open space declaration.

- Kurt Bergmann asked if others get relief, the open space will stay with lot #5. Steve Hart stated that is Correct, it's just the language in the document that needs to be modified.
- Don Panton asked if lot #5 was Steve's. Steve Hart stated that is correct. Chairman Mastin stated that it's a forever wild situation.
- Chris Horne stated that he will just have the attorney adjust the language.
- John Conway asked for clarification on whether Steve would still be maintaining it & paying any costs. Steve Hart stated that is correct.

Joe Slater asked Steve Hart if he was going back to his law firm and draw up a declaration and send it back to the Board to review. Joe Slater stated that since the approval resolution gave the Board authority to approve an open space declaration, it could be handled without coming back to another meeting.

**NEW BUSINESS:**

**WILBUR-12 PINE GROVE ST.-SUP-IN-LAW APARTMENT**

**(21-10)**

Leslie Wilbur & Matt Allen were both present to discuss their proposal which is for an in law suite. Chairman Mastin asked what the in-law suite will consist of. Matt Allen stated that it's detached from

the main house as part of a two car 24' x 44' garage. Chairman Mastin asked the applicant to bring a drawing next time showing the addition with setbacks, height of the garage, etc.

Adam Yagelski asked if the in-law suite would be above the garage. Matt Allen stated that no, the building is all one level.

•Ralph Viola asked if there was water & sewer there. Matt Allen stated that yes there is public water & sewer.

•John Conway asked if the garage was accessible from Pine Grove Street. Matt Allen stated that is correct. There would be no access from Neptune Street any longer. John Conway asked if the house is on Pine Grove Street. Matt Allen stated that is correct.

Joe Slater asked the applicants to look at the standards in the Zoning Law regarding Special Use Permits prior to the next meeting so they could be addressed with the Board.

**MOTION:** A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for May 26, 2021 at the East Greenbush Town Hall 225 Columbia Turnpike or Red Barn on Town Park Road @ 7:00 PM.**

**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.**

**MOTION CARRIED BY A 6-0 VOTE**

**ZASSOWSKI-125 MOHAWK AVNUE-SUP-ONLINE EBAY BUSINESS** (21-11)

Robert Zassowski presented his proposal to the Board which is having an online only eBay store out of his basement in an approximately 120 sq. ft. of his basement, there will not be any employees and he won't be altering anything inside or outside the building and no sign or additional parking is required. Robert Zassowski stated that deliveries would be every 1 or 2 months and he would be bringing packages to the Post Office.

•Ralph Viola asked if he'd be shipping every day. Robert Zassowski stated that he'll be bringing packages to the Post Office.

•Chris Horne asked if this is online only. Robert Zassowski stated that is correct.

•Kurt Bergmann asked if he'd be breaking down a lot of cardboard and how he'd be disposing of it. Robert Zassowski stated it wouldn't be more than his recycling can handle.

•Don Panton asked how often he would be getting deliveries & if he'd have a large storage area. Robert Zassowski stated probably a couple of boxes every two months & that it would just be a couple of shelves.

**MOTION:** A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for May 26, 2021 at the East Greenbush Town Hall 225 Columbia Turnpike or Red Barn on Town Park Road @ 7:00 PM.**

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**MEPPEN-ELLIOT ROAD-LOT LINE ADJUSTMENT****(21-12)**

Josh Meppen stated that a previously approved 6 lot subdivision was approved on Elliot Road on the lot he's looking to purchase. Josh Meppen stated that he wants to eliminate those lots and just have one lot, with one house as he wants the privacy.

•Ralph Viola stated to be cautious with the site distance on the driveway. Josh Meppen stated that he has met with Rensselaer County Highway and did receive a curb cut permit from them.

•Don Panton asked if he needed to drill a well. Josh Meppen stated that there is a well that exists & believes it may have been done back when the subdivision was approved but he's not sure if they will use it or not.

•John Conway asked if he owned the land. Josh Meppen stated that they are scheduled to close on Friday.

Adam Yagelski asked about the title work that was done on the existing subdivision. Josh Meppen stated that the title is clear. The road and right away was never dedicated or recorded.

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

The Town of East Greenbush Planning Board hereby declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) and grants final approval of the proposed lot line adjustment prepared by Bethlehem Land Surveying and dated April 28, 2021, subject to the following:

- Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;
- Prior to issuance of a building permit, the Applicant provide the Town evidence of Rensselaer County Health Department approval of the proposed on-site water supply and wastewater disposal facilities.
- Prior to issuance of a building permit, the Applicant obtain a permit from Rensselaer County for any proposed work in the Elliot Road right-of-way.
- Prior to any land development activity, the limits of the proposed land disturbance and/or clearing must be staked out to the satisfaction of the Building Inspector and Stormwater Management Officer;
- Construction activity including clearing, grading, excavating, soil disturbance, or placement of fill resulting in land disturbance of equal to or greater than one acre requires a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications contained in the Town's Comprehensive Zoning Law (CZL) Section 3.13, MS4 requirements, and NYSDEC regulations;
- 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.**

**MOTION CARRIED BY A 6-0 VOTE**

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal 2021-05-Mabey's-486 Third Avenue Extension -4 Area Variances - Signs-report by Don Panton**

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board votes to accept Don Panton's report and makes a negative recommendation on all four variances on this proposal to the Zoning Board, as the Planning Board feels it's not the minimum variance that the Board**

**deems necessary and adequate to preserve and protect the character of the neighborhood & forwards the report to the Zoning Board. \* See attached report for further details.**

**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.**

**MOTION CARRIED BY A 6-0 VOTE**

**ZBA Appeal 2021-06-Kretzschmar-24 Rysedorph Lane -Area Variance – Shed-report by John Conway Jr.**

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board votes to accept John Conway's report and forwards the report to the Zoning Board and gives a positive recommendation to the Zoning Board, as it relates to a planning perspective of the Town of East Greenbush. \* See attached report for further details.**

**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.**

**MOTION CARRIED BY A 6-0 VOTE**

**FREY-CREAM RETRO, LLC.-351 COLUMBIA TURNPIKE-SITE PLAN MOD. (21-09)**

**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, which involves reuse of a commercial structure under SEQRA and Chapter 6 Part 617.5(C)(18) of the Codes, Rules, and Regulations of the State of New York, and approves the Site Plan Modification subject to the following conditions**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
- **Prior to issuance of a building permit, the Applicant submit to the Building and Codes Department an application for approval of proposed signage and, if necessary, obtain a variance from the ZBA for proposed signage if the proposed signage does not conform to the Town code;**
- **All remaining fees are paid to the Town**

**Seconded by Chris Horne & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the April 14, 2021 meeting minutes as is.

Seconded by John Conway. Motion carried by a 6-0 vote.

Ralph Viola asked if we had a new planner. Adam Yagelski stated that they made an offer and it was accepted by Anna Feltham and she starts June 3, 2021.

Adam Yagelski stated that the Comp Plan will be approved by the Town Board next week.

**CLOSING:**

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

Seconded by Don Panton. Motion carried by a 6-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary

May 10, 2021

Appeal Number: 2021-05

To: Alison Lovely

For your information:

Tax Map Number: 144.-3-6-2

Address: 486 Third Avenue Extension

1. I met with Ryan Blass from Mabey's Realty and Tom Wheeler from AJ Signs on 5/5/2021. They pointed out where the four (4) facade signs would be located on the two new buildings off Third Avenue Extension. These channel letter signs will consist of (2) sets of 112 square feet (Mabey's Self Storage) each on the East and North elevations and (1) set of 92.5 square feet (Climate Controlled Storage) on the same East elevation of the building bordering I-90. The fourth channel letter sign will consist of (1) set of 372 square feet (Mabey's Moving and Storage) on the North elevation of the second new building situated to the West of the building next to I-90.
2. These buildings are located in an area which is zoned: OC Corporate Office / Regional Commercial. The Town Zoning Law for this location states signs shall be a maximum of 24 square feet. The installation of the four (4) channel letter signs requires four area variances.
3. Three signs will be attached to the facade of the building closest to I-90 at the third story level approximately 40 feet from grade. The fourth sign will be attached to the facade of the second building approximately 25 feet from grade. Ryan Blass and Tom Wheeler want the signs to be larger than the 24 square feet allowed to be visible from I-90 and Third Avenue Extension.
4. After a careful review, I recommend to deny as the proposal is not the minimum variance necessary and adequate to preserve and protect the character of the neighborhood.

Respectfully,  
Donald Panton  
Planning Board Member

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## SUPPLEMENTAL REPORT

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**TO:** MATT MASTIN, CHAIRMAN, PLANNING BOARD

**FROM:** JOHN CONWAY

**SUBJECT:** 24 RYSEDORPH LANE – KRETZSCHMAR PROPERTY - ZONING BOARD OF APPEALS (2021-06)

**DATE:** MAY 12, 2021

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The applicant seeks an area variance to install a shed measuring 12 feet by 16 feet (192 square feet) with a 5-foot set-back from the rear line. The Zoning Law requires that accessory buildings larger than 120 square feet maintain a 30-foot set-back façade in the Residential Buffer (RB) zone.

I visited the property on May 5, 2021, and spoke to the Property-owner, Lindsey Kretzschmar.

The property in question is located within the Rysedorph Lane Subdivision that was developed under the Town's Residential Buffer Incentive Zoning (Section 2.6.3 F 03 Zoning Law). The lot is on the cul-de-sac at the end of the lane, and is thus wedged shaped. Its area is listed at approximately 15,908 square feet, making it relatively small in an RB zone. Even under the Incentive Zoning provisions, a minimum of 21,780 square feet is generally required. The rear, right side of the lot (as you face the property from the street) where the proposed shed is planned, is substantially higher than the front and left sides.

The lot at 24 Rysedorph Lane is bordered on the right and left by residences. Abutting the property on the rear is an odd-shaped lot that is hilly, heavily forested, and difficult to access. This lot is being held in partial fulfillment of the requirement that there be undisturbed natural land in any subdivision developed in a Residential Buffer zone.

The shed is to be sited near the high point of the property to minimize drainage issues, according to the property-owner. Although it is the high point of the lot in question, it is slightly lower than the nearest residential adjacent property (to the right). Any precipitation coming off the roof of the shed would drain onto the property-owner's own property.

The shed would be visible between the two residences as one moves around the cul-de-sac. It would be visible to the neighbor to right, though not as apparent or intrusive as would be if it were moved back 30 feet from the rear line, closer to the houses. It would not be visible from Red Mill Road as there is a gulley, behind the property in question that then steeply rises up again along Red Mill Road. There is one residence with an address on Red Mill Road, that is situated well-back and up a hill that might be able to see the shed. Rysedorph Lane is also somewhat visible on Rose Lane in the August Gate Development, but it would be difficult to find the shed



unless a great deal of the foliage was down and one knew precisely where to look. In considering the visibility of the shed, it should be noted that 120 square foot shed would be acceptable under the Law. The question might therefore be reframed as how much more visible a 192 square foot shed would be?

The Zoning Board of Appeals will evaluate the application according to five criteria. In summary:

1. **Will the variance produce an undesirable change in the neighborhood?** In this case keeping the shed at the rear of the property would seem to minimize the impact on the neighborhood, generally, to the point of not producing an undesirable change. It should be noted however that it would be more visible from land intended to be “undisturbed natural land”.
2. **Can this be achieved by other means?** The property-owner asserts that there is a lack of storage available on site. This is supported by the relatively small, wedge-shaped lot size. If the lot size could be expanded back another 25 feet into the undisturbed natural land, it would still be a small lot in an RB zone and the shed would be in compliance. The house has a relatively modest footprint and much of that is taken up by a two-car garage on the first floor. While that provides some storage, it also substantially limits the size of basement.
3. **Is the requested variance substantial?** The requested variance asks for an 83% reduction in the rear set-back, in order to build a shed that is 60% larger than allowed that close to the rear line. The property owner notes that in absolute terms the incremental increase in the shed is 72 square feet.
4. **Will the variance have a substantial adverse impact on the environment?** Siting the proposed shed near the high point of the property will minimize any drainage issues on adjacent properties. Placing it at the rear of the property will diminish any visual impact of that 72 square foot increment except as concerns the undisturbed natural land.
5. **Is the situation self-created?** The conditions were known when the property was acquired about a year ago.

The requested variance seems to me to be a reasonable question for the Zoning Board of Appeals. Its approval would not be materially inconsistent with the planning principles that established the Ryserdorph Lane subdivision. Some consideration might be given to ensuring that the larger shed be used for storage, and not an additional garage for an automobile. I recommend a favorable recommendation to the Zoning Board of Appeals.



24 Rysedorf Lane is indicated by the blue pin



24 Rysedorf Lane is visible on the right in the cul-de-sac24 in the cul-de-sac





View between 24 Rysedorph Lane and neighbor nearest proposed shed showing site of proposed shed in the rear



Proposed site of shed, marked and cleared