

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 13, 2021

Members:

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

Also Present:

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

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:

WITBECK-PHILLIPS ROAD-MAJOR SUBDIVISION

(11-10A)

Mark Johnson from DeGraff Bloom was present to give an update on the project. Mark Johnson stated that at the October 27th meeting he is looking to dedicate the road to the Town. The project is sold out. Thirty –five houses are complete, twelve are currently under construction & seven are set to start construction. Mark Johnson stated that there is a punch list of items that Adam will be providing to the Board. Since there is more construction to be completed, the top course won't be done until spring, there is currently a letter of credit in place to protect the Town.

Chairman Mastin asked about the sidewalks and if they were complete. Mark Johnson stated that the only sidewalks left are where the house aren't built. As they are built, the sidewalk section in front of that house is constructed. Chairman Mastin asked if the crosswalk is done to the soccer field. Mark Johnson stated that he is currently waiting for the county to repave Phillips Road, so he doesn't have to strip it twice. Adam Yagelski stated that the county is waiting until the construction is done on this project to pave Phillips Road. Chairman Mastin asked Adam if there were any show stoppers. Adam stated that there were not and that he will get the punch list to the Board, a lot of the paperwork for the dedication is already done. Chairman Mastin asked the Board if anyone had any questions. There were no questions from the Board. On the 27th the Planning Board would consider sending a resolution to the Town Board. Chairman Mastin stated that this was an update only.

DEER POND-ELLIOT ROAD-MAJOR 62 LOT SUBDIVISION-UPDATE

(14-08)

Surya Sulapu was present and stated that he's requesting a 90 day extension on the final plat approval. Surya Sulapu stated that due to the increase in cost for the infrastructure, that he wants to increase the density and has purchased an additional 42 acres adjacent to the property. Chairman Mastin asked if he could confirm that the Commissioner of Public Works signature need to happen in regards to the bond. Adam Yagelski stated that as long as the bond is in place, then the final plat can be filed.

- Ralph Viola asked where the additional land is located & how many additional homes is he proposing. Surya Sulapu stated that it's towards I-90 & that it will be part of a Phase 2.
 - Ralph Viola stated that the applicant first stated he would develop these two parcels in phases but now the applicant stated that he was going to do both simultaneously. Surya Sulapu state that is correct.
 - Chris Horne stated that he is adding about 50% more land, so you're talking a total of 90 homes. Surya Sulapu stated that is correct.
 - Ralph Viola asked if there would be a second entrance. Surya Sulapu stated that is correct. Chairman Mastin asked if the new parcel has been surveyed. Surya Sulapu stated it has not.
 - Chris Horne commented that it sounds like this is turning into a different project. Chairman Mastin asked if the original plan could be built without this other parcel. Surya Sulapu stated that he could but he will have a loss.
- Chairman Mastin asked Adam Yagelski what happens if they deny the extension.
Adam Yagelski stated that it would be a new application at some point.
- Ralph Viola commented that there are a lot of uncertainties here, the entrances, the egresses, the traffic flow, the number of homes, etc. Ralph stated that he feels that this project should start back at the beginning, including the additional acreage if that's what the applicant plans on doing.
- Chairman Mastin stated that this was the 9th 3-month extension that the Board has given to the applicant & also stated that the applicant stated that the bond was already in place, so why don't you just post the bond & start the project.
- John Conway Jr. stated that it feels like the Board is committing themselves to something that they don't have any idea about.
- Chairman Mastin asked if there were any further questions from the Board. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS, the Town of East Greenbush Planning Board granted conditional final approval and pre-construction approval for the 65 lots in the Town of East Greenbush of Deer Pond Subdivision prepared by Boswell Engineering, dated December 3, 2015 and last revised April 8, 2021; and**

WHEREAS, the conditional final plat approval dated April 14, 2021, 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 final plat and pre-construction approval resolution must be satisfied by the applicant within one hundred eighty (180) days after the date of the resolution, April 14, 2021; and

WHEREAS, the applicant was granted extensions in accordance with the Town's Subdivision Regulations on September 10, 2018, January 9, 2019, April 10, 2019, July 8, 2019 & October 8, 2019, January 8, 2020, September 23, 2020 and December 9, 2020 extending conditional approval until February 10, 2021; 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 final 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 two (2) additional periods of ninety (90) days each; 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 October 13, 2021 until January 11, 2022.

Seconded by Chris Horne & roll called as follows:

M. Mastin-NO; R. Viola-NO; K. Bergmann-NO; C. Horne-NO; D. Panton-NO; J. Conway-NO; N. Gill-NO.

MOTION DENIED BY A 0-7 VOTE

CARVER COURT-UPPER MANNIX ROAD-MAJOR CLUSTER SUBDIVISION (20-11)

Don Zee and Brett Steenburgh were both present. Brett Steenburgh stated that this is a 110 cluster subdivision & that they have addressed the TDE's comments. Brett Steenburgh stated that there is one change and that they have changed the grinder pumps to gravity sewers and will construct a pump station that will be turned over to the Town. Brett Steenburgh also stated that sidewalks were added to Road 1 and will be extended all the way to Upper Mannix Road & also a kiosk has been added with a pull off for people to get their mail. Brett Steenburgh stated that he walked the site last week with a couple of Board members and the CAC. Brett Steenburgh stated that the engineers report has been given to the Town for water & sewer and that the traffic report has been sent to NYSDOT.

- Chris Horne asked that they no longer need generators, etc. Brett Steenburgh stated that is correct.
- Kurt Bergmann asked Brett to point out where the sewer terminates on Thompson Hill Road & he is also concerned with traffic going through Thompson Hill Road as it's been used as a cut through. Kurt requests that the applicant look at something to deter traffic from cutting through Thompson Hill Road, something more than just signage.
- John Conway Jr. asked if the housing mix and size of lots have changed. Brett Steenburgh stated that they haven't.

Chairman Mastin asked if the Board had any further questions. There were none.

Chairman Mastin thanked the CAC, there were two members present for their report on the project to the Planning Board. Chairman Mastin stated that this was an update only.

NEW BUSINESS:

BENOIT-416/418 HAYS ROAD-MINOR 2-LOT SUBDIVISION (21-23)

John Benoit stated that he's recently purchased 416/418 Hays Road, in which there are two houses on one lot. He is looking for approval to separate the two houses. John Benoit stated that each house is on approximately 2 acres and would share a driveway, he wanted to do a flag lot but the two wells are on the right side of the property & a septic tank in front of the house on the left side. John Benoit stated that he wants to go for a variance to use the existing driveway for access.

- Ralph Viola asked where on Hays Road these properties are located. John Benoit stated its right past the railroad tracks going towards Route 9J.

John Benoit stated that the property is 240' wide by 730' deep and the houses are right in the middle of the property.

- Kurt Bergmann asked if there were two separate wells. John Benoit stated that originally they were both on one but now they are separate.

•Joe Slater stated that this project was at PRT a couple of weeks ago, it is a pre-existing non-conforming having two houses on one parcel. The applicant wants to put them each on their own parcel & the problem is that the back parcel wouldn't have any road frontage, wouldn't meet the required setbacks. So essentially what would be needed would be certain variances from the Zoning Board before this Board could approve the subdivision.

- Ralph Viola asked if there was the parcel where the landslide was. John Benoit stated that it is not.
- John Conway Jr. asked if this property borders on the residential buffer district. John Benoit stated that it's zoned A-R (Agricultural Residential).
- Don Panton asked when the house were built. Anna Feltham stated 1934 & 1940.
- John Conway Jr. asked what the Town get out of this. John Benoit stated that it increase the taxes for each parcel.

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

- 1. Classifies the proposed sketch plat as a Major Subdivision, as one (1) of the proposed lots lacks frontage on an existing street, and both proposed lots are in conflict with the Zoning Ordinance because the proposed lots do not meet the minimum lot area permitted by the Town's Comprehensive Zoning Law**
- 2. Accepts the sketch plat dated June 24, 2021, prepared by Santo Associates for the proposed major subdivision.**

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; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

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

- 1. Declares its intent to seek lead agency status in connection with a coordinated review of the project under SEQR. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA of the project. The following involved and/or interested agencies under SEQRA have been identified:**

**Town of East Greenbush Department of Public Works
East Greenbush Fire District
NYSDOT
NYSDEC
Rensselaer County Department of Public Health
Town of East Greenbush Zoning Board of Appeals**

Declares this action as an Unlisted SEQR action in accordance with 6 CRR-NY 617.

Seconded by John Conway Jr. & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

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

The Town of East Greenbush Planning Board hereby finds that the plat as proposed would violate Sections 2.5.F.02 and 2.6.1 E of the Town’s Comprehensive Zoning Law, specifically;

- **Proposed Lot 2 lacks direct frontage on a public street, in violation of Section 2.5.F.02;**
- **And with respect to Section 2.6.1.E:**

	Prop. Parcel 1		Prop. Parcel 2	
	Required	Provided	Required	Provided
Area	5 acres	1.815 acres	5 acres	2.184 acres
Width	400’	218.83’	400’	163.08’
Setbacks				
Rear	50’	14.7		
Side (South)			50’	14.7’
Side (East)	50’	14.7’		

The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with Town Law Section 277 Sub-section 6.

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; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

REGENERON—DISCOVERY DRIVE BLDG. 85-SITE PLAN MODIFICATION (21-25)

Steve Hart stated that the temporary trailers are proposed behind building 85 on Discovery Drive. Steve Hart stated that he has reached out to the Fire Department and has received a letter that he submitted to the Planning Office as well as a letter from Clough Harbour Associates regarding the traffic.

• John Conway Jr. asked if the one street is connected to Sherwood Avenue is a through street. Steve Hart stated that it is not. It is gated for emergency access only.

Chairman Mastin asked if there were any other questions. There were none.

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;**
- **The applicant shall comply with all setbacks contained within the Town’s Comprehensive Zoning Law;**
- **This site plan approval for the temporary trailers shall expire three years from date of approval. Should the applicant require additional time for the use of the approved trailers, the applicant shall return to the Planning Board for further approvals.**

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; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

REGENERON—DISCOVERY DRIVE- TEMP. TRAILERS -OVERALL SITE - SITE PLAN MODIFICATION (21-26)

Steve Hart presented the proposal to the Board. The proposal was to update the Board on all of Regeneron's temporary trailers on the Discovery Drive campus. Steve Hart stated that Building 81, Building 95 & now Building 85 all have temporary trailers. The approvals have expired on the Building 81 & 95 trailers so Regeneron is asking for a 3 years extension on them all.

Chairman Mastin asked the Board if anyone had any questions.

- Don Panton asked if all the trailers are used for employees. Steve Hart stated that some were storage but now they're all for employees.
- John Conway Jr. asked what the ultimate plan is. Steve Hart stated that when the Tempel Lane Campus construction is completed, that all the employees in the trailers would move there.

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;
- This site plan approval for the temporary trailers shall expire three years from date of approval. Should the applicant require additional time for the use of the approved trailers, the applicant shall return to the Planning Board for further approvals.

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; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

CART & CAFE—593 COLUMBIA TURNPIKE- SITE PLAN MODIFICATION (21-26)

Raghu & Urval Patel were both present. Raghu stated that he currently has a location at 350 Columbia Turnpike & has partnered with Urval and has purchased 593 Columbia Turnpike. He would like to have a grocery store & restaurant & stated there is adequate space inside to do so. Raghu stated that there will not be anything done to the exterior of the building.

- John Conway Jr. asked if the applicant would close his existing location. Raghu stated that is correct.
- Ralph Viola asked if they would also review landscaping & parking. Chairman Mastin stated they would.

Chairman Mastin stated that there would be emphasize on landscaping, dumpster enclosure & signage.

•Ralph Viola asked if the parking lot was striped. Raghu stated that it is and has 76 spaces. Chairman Mastin stated that the next steps would be that the applicant should get an engineer for landscaping, signage, dumpster enclosure, parking spaces & any agreement with Grand Premier on any shared parking.

Chairman Mastin thanked Anna Feltham for her thorough staff memo. Chairman Mastin asked the Board if anyone had any more questions. There were none.

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; and**
- 2. Makes the following determination that it requires additional sketch plan information prior to making a determination regarding the applicability of the site plan review & approval procedure in accordance with Section 4.3.1. Site Plan Review & Approval Procedures B) 03. C).**

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; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2021-12-Kline-596 Columbia Turnpike-Area Variance-Sign – report by Ralph Viola

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

A motion was made by Ralph Viola as follows: **The Planning Board votes to accept Ralph Viola’s report and makes a positive recommendation on this proposal to the Zoning Board with the condition that the Zoning Board take a look at the currently existing signage for any further review from the Comprehensive Zoning Law that maybe needed. * See attached report for further details.**

Seconded by Matt Mastin & roll called as follows:

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

MOTION CARRIED BY A 7-0 VOTE

NEW ZBA REFERALLS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the September 22, 2021 meeting minutes as is.

Seconded by John Conway Jr. 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 Kurt Bergmann. Motion carried by a 7-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary

October 10, 2021

East Greenbush Planning Board
225 Columbia Turnpike
East Greenbush, NY 12061

Attn: Chairman Matt Mastin

RE: Area Variance Review 2021-12

Andrew Kline (Bloodmoon Tattoo)
598 Columbia Turnpike Suite 4
East Greenbush, NY 12061

The applicant is requesting an area variance to install an internally illuminated façade mounted sign on the building above the roof line. The property is in the B-1 General Business Mixed Use Zone.



In accordance with the E.G. Town Zoning Law, Section III 3.,3.7 H Signs which are mounted on the vertical, horizontal or sloped surface of the building roof or extend beyond the roofline or sides of buildings are NOT permitted.



Proposed sign 34.5" high x 120" (10ft.) long

The applicants proposed sign would extend above the roof line approximately 18" -20"

The reason for the sign application is because a tree was removed which allowed more visibility to the store front

Item of importance:

Currently the applicant is not compliant with E.G. Town Zoning Law, Section III 3.,3.7 F

Items placed in window and door areas, such as temporary or permanent posters, permitted signs, advertisements, neon or other window advertisementsshould not exceed 15% of the total window area of a given façade.

The current front window/door surface area exceeds 15% of gross area. **Zoning Board of Appeals may want to have applicant adhere to this standard as a condition of approval.**

Additional Signage on building facade:



View from Rt. 9&20 entering Hannaford Plaza



View from Starbucks Coffee

includes adjacent tenant with sign protruding above roof line.

No undesirable change would be produced in character of neighborhood or a detriment to nearby properties.

Only businesses and passing motorists would be able to view the proposed sign. There aren't any residential neighbors that would be affected.

There is not any feasible alternative sought by applicant that can be achieved without this variance. The applicant is a dedicated business owner in East Greenbush and is trying to make his business more visible and noticeable from Hannaford Shopping Plaza.

The reason for the sign application is because a tree was removed which now allows more visibility to the store front

Installing an illuminated sign should help potential customers locate him.

This requested area variance is not substantial.

There are two other tenants with roof mounted signs on the same building.



Installation of another non-conforming sign roof mounted sign is not substantial.

Approval of this variance would have NO adverse impact on the physical or environmental conditions in the neighborhood

After careful review of these Area Variance request, based upon sound planning and zoning considerations, visual aesthetics and existing conditions I offer a positive recommendation to the Zoning Board of Appeals.

Respectfully,

Ralph J. Viola

Ralph J. Viola / E.G. Planning Board Member