

# TOWN OF EAST GREENBUSH PLANNING BOARD

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

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## MEMORANDUM

### PLANNING BOARD MEETING AGENDA AUGUST 10, 2022 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

#### **7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:**

#### **PUBLIC HEARINGS:**

7:00 PM – ELP – 13 Morner Road – Minor 2 lot Subdivision

7:05 PM – ELP – 13 Morner Road – Special Use Permit-Utility Poles and Access Road for large-scale solar development in North Greenbush

#### **OLD BUSINESS:**

(22-06) ELP – 13 Morner Road – 2-Lot Subdivision, Site Plan & SUP – TENTATIVE Review for conditional final approval

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

(20-18) Immanuel Church- 4 Onderdonk Avenue-Major Site Plan - Discussion on whether to hold a public hearing

#### **NEW BUSINESS:**

(19-02a) Mabey's-486 Third Avenue Extension-Phase 2- Major Site Plan & SUP – Presentation, accept sketch plan, recommendation to Town Board to declare Lead Agency

(22-10) Bank of Greene County-164 Columbia Turnpike-Minor Site Plan – Presentation, accept sketch plan, classify SEQR & declare Lead Agency & referral to Zoning Board for Area Variances

#### **NEW ZBA REPORTS:**

ZBA Appeal #2022-06-Lombardi-15 Bruen Court-Area Variance-Garage-report by Chris Horne

#### **NEW ZBA REFERRALS:**

ZBA Appeal #2022-06-Bank of Greene County-164 Columbia Turnpike-2 Area Variances-Building Height & Building Setback -report due by 8/24/22 meeting

#### **REVIEW & APPROVAL OF MEETING MINUTES:**

*July 27, 2022 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)*

# **TOWN OF EAST GREENBUSH PLANNING BOARD**

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

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## **MEMORANDUM**

### **LEGAL NOTICE ELP GREENBUSH SOLAR LLC. MINOR 2-LOT SUBDIVISION PLANNING BOARD TOWN OF EAST GREENBUSH**

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of ELP Greenbush Solar LLC. for a Minor 2- Lot Subdivision called the "ELP Greenbush Solar LLC.". Proposed lot 1 consists of 13.12 +/- acres, the remaining lands of the property owner, which has an existing house on it. Proposed lot 2 consists of 24.79 +/- acres which will contain the access road with utility poles. The property is located in the R-OS, Residential Open Space Zoning District, Tax Map # 145.-2-2. Said Public Hearing will be held on Wednesday, August 10, 2022 at 7:00 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

# **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**

### **LEGAL NOTICE ELP GREENBUSH SOLAR LLC. SPECIAL USE PERMIT PLANNING BOARD TOWN OF EAST GREENBUSH**

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town's Solar Energy Local Law #3 of 2022 & Local Law #4 of 2022, on an application for a Special Use Permit for the property located at 13 Morner Road, East Greenbush, NY, Tax Map # 145.-2-2, which is Zoned R-OS. The applicant proposes the installation of an access road and utility poles to support a large scale solar energy system projection parcel in the Town of North Greenbush. The review of the proposed work requires a Special Use Permit per The Town's Solar Energy Local Law #1 of 2017 & the amendment to the Solar Energy Local Law #3 of 2017 and the Town's amendments to Local Law #1 of 2017, large scale solar energy systems and other solar facilities, Local Law #3 of 2022 & Battery Energy Storage Systems, Local Law #4 of 2022. Said Public Hearing will be held on Wednesday, August 10, 2022 at 7:05 PM at the East Greenbush Town Hall at 225 Columbia Turnpike, East Greenbush, NY, in the Community Room. 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

**EAST LIGHT PARTNERS**  
**MINOR 2- LOT SUBDIVISION, MAJOR SITE PLAN &**  
**SPECIAL USE PERMIT**  
**13 MORNER ROAD**  
**AUGUST 10, 2022**

**CONDITIONAL PLAT APPROVAL**  
**(22-06)**

**WHEREAS**, the East Greenbush Town Planning Board (“Planning Board”) is in receipt of an application by Herbert Binck (“Owner”) with East Light Partners (“ELP”), professional solar developer consultant to the Owner, for large-scale solar energy development including a 2-lot Minor Subdivision approval under Section 276 of the New York State Town Law for a subdivision involving the subdivision of one parcel totaling 38.5 acres parcel located at 13 Morner Road (Tax Map I.D. SBL: 145.-2-2) on which there is an existing single family home, owned by the Owner; and

**WHEREAS**, the proposal would subdivide the parcel so that the existing single family home would be on proposed Lot No. 1, 13.12 +/- acres, to be maintained by current Owner and proposed Lot No. 2 would consist of 24.79 +/- acres to be purchased by ELP for construction of an access road and utility poles to support a large-scale solar energy development in North Greenbush; and

**WHEREAS**, on July 27, 2022 the Planning Board did classify the proposed sketch plat as a Minor Subdivision; and

**WHEREAS**, on July 27, 2022 the Planning Board recognized the Town of North Greenbush Planning Board as lead agency on this project having received notice to this effect and having no objection, the North Greenbush Planning Board did classify the action as Type 1 under SEQRA and issued a negative declaration for the proposed project on June 27, 2022; and

**WHEREAS**, the Planning Board did conduct a public hearing on August 10, 2022 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

**WHEREAS**, the Planning Board has received and reviewed the proposed plat dated February 1, 2022 most recently revised June 22, 2022 as prepared by Environmental Design Partnership, LLP; and

Now, therefore, be it

**RESOLVED**, that the Planning Board, hereby grants conditional approval of the ELP Minor 2-Lot Subdivision for 2 lots in the Town of East Greenbush, prepared by Environmental Design Partnership, LLP, dated February 1, 2022 most recently revised June 22, 2022, and in strict compliance with each of the following conditions which must be satisfied by the applicant within 180 calendar days of this resolution, unless extended upon written request of the applicant by mutual consent for two (2) period not to exceed ninety (90) days each:

1. Outstanding technical details as determined by the Town Planning and Zoning Department must be satisfied.
2. Any remaining fees must be paid to the Town.
3. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein.
4. The Plat is subject to conditions of the Special Use Permit from the Planning Board and Site Plan approval from the Town Board, if any, and must be modified accordingly. The plat must also include a note stating the date of Planning Board Special Use Permit approval, Site plan approval from the Town Board, and any conditions required as part of this approval.



**TOWN OF EAST GREENBUSH TOWN PLANNING BOARD  
RESOLUTION**

**A Resolution to Recommend that the Town Board of the Town of East Greenbush Issue a  
Major Site Plan Approval for ELP 13 Morner Road (PZD File #22-06)**

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

**WHEREAS** application by Herbert Binck (“Owner”) with East Light Partners (“ELP”), professional solar developer consultant to the Owner, for a large-scale solar energy development (“project”) located at 13 Morner Road, Town of East Greenbush, New York.; and

**WHEREAS**, the project consists of a two-lot subdivision on Tax Map I.D. SBL: 145.-2-2 which would subdivide the parcel so that an existing single family home would be on proposed Lot No. 1, 13.12 +/- acres, to be maintained by current Owner and proposed Lot No. 2 would consist of 24.79 +/- acres to be purchased by ELP for construction of an access road and utility poles to support a large-scale solar energy development in North Greenbush; and

**WHEREAS**, all solar arrays associated with the large-scale solar energy development are proposed within the Town of North Greenbush on Tax Map I.D. SBL: 145.-8-19; and

**WHEREAS**, in accordance with Local Law 3 of 2022, a local law amending the Solar Energy Law for the Town of East Greenbush, as enacted by Local Law 1 of 2017, all large-scale solar energy applications shall be considered a major site plan; and

**WHEREAS**, on July 27, 2022 the Town of East Greenbush Planning Board (“Planning Board”) recognized the Town of North Greenbush Planning Board as lead agency on this project having received notice to this effect and having no objection, the North Greenbush Planning board did classify the action as Type 1 under SEQRA and issued a negative declaration for the proposed project on June 27, 2022; and

**WHEREAS**, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “ELP Greenbush Solar” 16 sheets in total as prepared by Environmental Design Partnership, LLP dated February 1, 2022 most recently revised June 22, 2022; and

**WHEREAS**, the Planning Board has carefully considered the regulations established in Local Law 3 of 2022, including site plan approval design standards which are supplemental to those site plan requirements under Section 4.3 of the Town’s Comprehensive Zoning Law; and

**WHEREAS**, the Planning Board did conduct public hearings on August 10, 2022 on said major site plan, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application and Special Use Permit; and

**WHEREAS**, the Planning Board has carefully considered the comments of the Town of North Greenbush Planning Board, the Laberge Group, consulting engineers for the Town of North

Greenbush, as well as the responses to those comments and recommendations provided by the Applicant;

now, therefore, be it

**RESOLVED**, that the Town Planning Board hereby recommends that the Town Board approve the major site plan application as set forth in the Site Plans entitled, “ELP Greenbush Solar” 16 sheets in total as prepared by Environmental Design Partnership, LLP dated February 1, 2022 most recently revised June 22, 2022, subject to the following conditions:

1. Final approval conditions by the Town of North Greenbush are met.
2. In accordance with Local Law 3 of 2022, ELP or the operator, shall promptly notify the East Greenbush Town Board and Planning Board of any change to the information contained in the permit application, including changes that may arise from ongoing North Greenbush review. Changes that do not materially alter the initial site plan may be administratively accepted by the Planning and Zoning Department.
3. Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town’s Planning and Zoning Department.
4. Prior to issuance of a building permit, any remaining fees must be paid to the Town.
5. The plans are subject to conditions of the Special Use Permit approval by the Planning Board, if any, and must be modified accordingly. The plans must also include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of this approval.
6. A Town of East Greenbush Department of Public works highway work permit must be obtained for all work within the Town’s right-of-way.
7. In accordance with ongoing NYSDEC review and final approval, tree cutting restrictions for northern long-eared bats are applicable to this project. No trees greater than 3”d.b.h. shall be cleared between November 1 and March 31.
8. ELP, or operator, shall notify the Town Building Inspector and the responding fire department(s) at least three business days prior to the initial energization of the solar energy system. Following such notification, the Building Inspector, or their designee, shall be permitted by the operator to be present for the initial energization of the solar energy system. Failure to comply with the requirements of this provision shall constitute a violation of the building permit.
9. Site access shall be maintained, including snow removal at a level acceptable to the responding fire department(s) and emergency medical services. All means of emergency shut down and/or disconnection of the large-scale solar energy system shall be clearly marked.

10. ELP, or operator, shall be responsible for the cost of maintaining the large-scale solar energy system and any access road(s), unless accepted as a public way.
11. ELP, or operator, shall identify a responsible person with contact information for public inquiries from the commencement of construction of the large-scale solar energy system until the completion of the decommissioning plan.
12. If the operator changes, the special use permit and/or site plan approval shall remain in effect, provided that the successor operator assumes in writing all of the obligations of the special use permit and site plan approval. The new operator shall notify the Building Inspector and the Town Board of such change within 30 days of the change. The new operator must provide such notification to the Building Inspector and the Town Board in writing. The special use permit and all other local approvals for the solar energy system shall become void if a new operator fails to provide written notification to the Building Inspector in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under Local Law 3 of 2022.
13. Solar energy system installer shall comply with all licensing and other requirements of the jurisdiction and the state, as determined by the Building Inspector.
14. All permits required under the NYSDEC Uniform Procedures Act for impacts to regulated waters, if any, must be in place prior to MS4 acceptance of the SWPPP. A formal SWPPP has not yet been submitted for this project, once submitted the Town of North Greenbush, the Laberge Group, consulting engineers for the Town of North Greenbush and the Town of East Greenbush will review the SWPPP.
15. Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.
16. ELP or the property owner must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.
17. The special use permit and site plan approval for a solar energy system shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced. In the event construction has not commenced in accordance with the final site plan, as may have been amended and approved, as required by the Town Board and/or the Planning Board, the Town Board may extend the time to complete construction for up to two consecutive extensions each of 12 months. If ELP or the owner and/or operator fails to commence construction and/or obtain a building permit after 48 months, the approvals shall expire.



Town of East Greenbush  
PLANNING BOARD

In the matter by:  
ELP Greenbush Solar LLC.  
For a **Special Use Permit**

**Resolution and  
Final Decision of  
Planning Board**

**File No. 2022-06**

**Whereas**, an application has been filed by ELP Greenbush Solar (“ELP”) on behalf of Herbert Binck at 13 Morner Road, East Greenbush NY (R-OS), proposing the installation of an access road and utility poles to support a community solar project located in North Greenbush; and

**Whereas**, The review of the proposed work requires a Special Use Permit per the Town’s Solar Energy Local Law #1 of 2017 & the amendment to the Solar Energy Local Law #3 of 2017 and the Town’s amendments to Local Law #1 of 2017, large scale solar energy systems and other solar facilities, Local Law #3 of 2022 & Battery Energy Storage Systems, Local Law #4 of 2022.;

**Whereas**, the applicant has filed an application for a Special Use Permit for the installation of an access road and utility poles to support a community solar project at the property located on 13 Morner Road, East Greenbush, NY (Tax Map No. 145.-2-2); and

**Whereas**, the Town of East Greenbush Planning Board (“Planning Board”) has duly published a notice of public hearing regarding this appeal in The Record on July 31, 2022; and

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

**Whereas**, a Public Hearing was held by the Planning Board on Wednesday, August 10, 2022 to consider this proposal; 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**, at its meeting on July 27, 2022, the Planning Board recognized the North Greenbush Planning Board as lead agency on this project having received notice to this effect and having no objection, the North Greenbush Planning Board did classify the action as Type 1 under SEQRA and issued a negative declaration for the proposed project on June 27, 2022; now, therefore, be it

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

1. The site is zoned Residential Open Space (R-OS), which is partly intended to “permit a low density of residential use (1 unit per 2 acres), designed to retain the open space and rural character of the District.” The location of the large-scale solar development, as proposed, appears to be adequately screened and would be in harmony with the existing low density single-family use of the district;
2. The proposed ground-mounted solar array complies with the Town of East Greenbush Town of East Greenbush Local Law 3 of 2022 regulations regarding the location, height and intensity of the use. The proposal will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
3. Internal traffic circulation will be private and use two to three times a year for regular maintenance, proposed access drive from Morner Road will be maintained by developer including snow removal;
4. Internal off-street parking, maximum of two spaces, will be provided for occasional and as-needed maintenance purposes;
5. Off-street parking appears to be adequately screened at all seasons of the year from the view of adjacent residential lots and streets;
6. The proposed use appears to be in harmony with surrounding neighborhood and in keeping with Town of East Greenbush Local Law 3 of 2022. No exterior lighting is proposed. The use will not be more objectionable than nearby properties and will not adversely affect the general welfare of the inhabitants of the Town of East Greenbush;
7. Site access shall be maintained, including snow removal at a level acceptable to the responding fire department(s) and emergency medical services. All means of emergency shut down and/or disconnection of the large-scale solar energy system shall be clearly marked. Fire and police protection access appear appropriate for the nature of the site;
8. The proposed large-scale solar energy system does not appear to adversely affect the existing character of the neighborhood in which the large-scale solar energy system is proposed, and will not adversely affect surface waters, wildlife and wildlife movement, forests, wetlands, and other important natural resources on the site;
9. The proposed large-scale solar energy system is in harmony with Local Law 3 of 2022 and other applicable local laws of the Town and complies with the design standards and other requirements of Local Law 3 of 2022 and applicable safety and safety-related codes and requirements;
10. The operation of the large-scale solar energy system as proposed would not create significant adverse impacts to human health and the environment;
11. The visual assessment demonstrates that the large-scale solar energy system will not have a detrimental effect on the public's use, enjoyment or view of a significant place, view, scenic roadway, or historic structure, nor the Town's rural character;
12. The large-scale solar energy system as proposed is not located within a reasonable radius of an existing or permitted large-scale solar energy system.

be it further

**Resolved**, that the application for a Special Use Permit for the installation of an access road and utility poles to support a community solar project located in North Greenbush be Granted with the following conditions:

1. The special use permit and site plan approval for a solar energy system shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced. In the event construction has not commenced in accordance with the final site plan, as may have been amended and approved, as required by the Town Board and/or the Planning Board, the Town Board may extend the time to complete construction for up to two consecutive extensions each of 12 months. If ELP or the owner and/or operator fails to commence construction and/or obtain a building permit after 48 months, the approvals shall expire.
2. If the operator changes, the special use permit and/or site plan approval shall remain in effect, provided that the successor operator assumes in writing all of the obligations of the special use permit and site plan approval. The new operator shall notify the Building Inspector and the Town Board of such change within 30 days of the change. The new operator must provide such notification to the Building Inspector and the Town Board in writing. The special use permit and all other local approvals for the solar energy system shall become void if a new operator fails to provide written notification to the Building Inspector in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under Local Law 3 of 2022.
3. The associate Major Site Plans are subject to conditions of this Special Use Permit approval and must be modified accordingly. Major Site Plans must include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of the Major Site Plan approval.
4. Conditions included in the approval of the associated Minor 2-Lot Subdivision of Tax Map I.D. SBL: 145.-2-2 located at 13 Morner Road.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on August 10, 2022.

(Discussion)

A vote was taken as follows:

Matt Mastin \_\_\_\_\_

Ralph Viola \_\_\_\_\_

Kurt Bergmann \_\_\_\_\_

Don Panton \_\_\_\_\_

Chris Horne \_\_\_\_\_

John Conway \_\_\_\_\_



Motion carried

**TOWN OF EAST GREENBUSH  
PLANNING BOARD**

By: \_\_\_\_\_  
Matt Mastin, Chairperson

Dated: \_\_\_\_\_, 2022

***\*Granting of this Special Use Permit does not constitute a building permit. The applicant is still required to obtain a building permit from the Town's Building Department prior to commencing any construction activities***

COPY TO:

ELP Greenbush Solar LLC.  
552 Massachusetts Avenue  
Suite 201  
Cambridge, MA 02139

Cc: Rensselaer County Planning (via email)  
Town Clerk (via email)  
PB File No. 22-06  
Building Inspector (via email)  
Assessor (via email)

**CARVER COURT**  
**MAJOR 110-LOT CLUSTER SUBDIVISION**  
**MOTION TO GRANT EXTENSION TO SATISFY**  
**CONDITIONS WITHIN THE PRELIMINARY PLAT**  
**APPROVAL**  
**August 10, 2022**  
**(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 two (2) periods of extension not to exceed ninety (90) days each upon written request of the applicant and by mutual consent; and

WHEREAS, the Town of East Greenbush Planning Board did receive written request from the applicant dated July 29, 2022; 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 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 August 10, 2022 until November 8, 2022.

**IMMANUEL CHURCH  
4 ONDERDONK AVE  
MAJOR SITE PLAN  
August 10, 2022  
(TENTATIVE)**

**MOTION to SCHEDULE PUBLIC HEARING ON THE  
IMMANUAL CHURCH SITE PLAN  
(20-18)**

**MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby schedules a Public Hearing on the Immanuel Church site plan for August 24, 2022 at the East Greenbush Town Hall at 7:00PM.**

**MABEY'S**  
**THIRD AVENUE EXTENSION**  
**MAJOR SITE PLAN**  
**AUGUST 10, 2022**

**MOTION to ACCEPT SKETCH PLAN (19-02A)**

The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated August 2, 2022, prepared by Hart Engineering for the proposed major site plan.

**RECOMMENDATION for TOWN BOARD TO DECLARE**  
**LEAD AGENCY (19-02A)**

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 under SEQRA.

*End of Motion*



**MOTION (22-10)**  
**BANK OF GREENE COUNTY**  
**164 COLUMBIA TURNPIKE**  
**MINOR SITE PLAN**

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 action, Chapter 6 Part 617.5(C)(9) of the Codes, Rules, and Regulations of the State of New York, “construction or expansion of a primary or accessory/appurtenant, nonresidential 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”;**
- 2. In accordance with Section 4.3.1 B.03.b, the project does require full Site Plan Review and hereby accepts the sketch plan dated, May 2022, prepared by Hart Engineering for the proposed minor site plan.**

*End of Motion*

**BANK OF GREENE COUNTY**  
**MINOR SITE PLAN**  
**164 COLUMBIA TURNPIKE**  
**AUGUST 10, 2022**

**MOTION to REFER TO ZONING BOARD OF APPEALS**  
**(22-10)**

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

**The Town of East Greenbush Planning Board hereby finds that the site plan as proposed would violate Sections 2.7.2 E and 2.7.2 F 03 of the Town's Comprehensive Zoning Law, specifically:**

- **Proposed front yard setback is 47 ft. +/-, exceeding 15 ft. maximum**
- **Proposed structure is one story, does not meet two-story height requirement**

**The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with the Town's Comprehensive Zoning Law Section 4.2.4.**