

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

November 14, 2018

Members:

Matt Mastin, Chairman
Matt Polsinello
Jim Moore
Nancy Kupiec
Kurt Bergmann

Also Present:

Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning
Donna Moran, Court Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Mike Bottillo & Ralph Viola were absent.

OLD BUSINESS:

WITBECK-PHILLIPS ROAD-54 LOT CLUSTER SUBDIVISION-FINAL PLAT APPROVAL (11-10A)

Chairman Mastin stated that the status of this project is that they have approved the Preliminary Plat & Preconstruction, it had conditional approval and has been under construction and have met all the conditions of that project. The action is to approve the final plat. Chairman Mastin asked if anyone had any questions. Jim Moore asked that the conditions from the preliminary plat & preconstruction approval have all been satisfied. Chairman Mastin stated that they installed all their utilities and the sub course of pavement. Fred Mastroianni from GPI stated that the applicant plans to install the binder course soon. Adam stated that the conditions have been met.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby approves the Conditional Final Plat Approval for the Witbeck 54 lot Cluster Subdivision which is attached.**

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

PUBLIC HEARINGS:

HARRINGTON-SHERWOOD AVE/CLINTON ST.MINOR 3- LOT SUBDIVISION (18-24)

Chairman Mastin read the legal notice: 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 Kevin Harrington for a Minor 3- Lot Subdivision called the "Harrington 3-lot Subdivision". Proposed lot 1 consists of 0.230 +/- acres of vacant land to be known as 79 Sherwood Avenue. Proposed lot 2 consists of 0.230 +/- acres of vacant land to be known as 18 Clinton Street. Proposed lot 3 consists of 0.230 +/- acres and has an existing house on it and is located at 22 Clinton Street.

The property is located in the R-2, Residential Zoning District, Tax Map #'s 155.13-4-8 & 155.13-4-3. Said Public Hearing will be held on Wednesday, November 14, 2018 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

Kevin Harrington presented the proposal to the Board. Kevin Harrington stated that the property is located on Clinton St & Sherwood Ave. and has been in his family since it was built in the 50's. The proposal is to split the parcel into three lots, two vacant lots to sell and the last lot has the existing residence on it. Chairman Mastin stated that the applicant has worked with Adam to make sure the lots conform to the R-2 Zoning District. Chairman Mastin stated that there was thought to be an issue with an existing shed but it was determined that the lot line closest to the shed wasn't being modified. Joe Slater stated that is correct and also Adam worked the applicant on the lot coverages. Chairman Mastin asked Adam is there was anything outstanding. Adam stated that the EAF mapper picked up that there is a super fund site at 170 Columbia Turnpike, an old dry cleaning site, which is about 750 feet away so that just needs to be addressed as part of the SEQR record. Chairman Mastin asked if there was anyone in favor of or opposition to the proposed three lot subdivision. There was no one present for either as well as no general comment.

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

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

HARRINGTON-SHERWOOD AVE/CLINTON ST.MINOR 3- LOT SUBDIVISION (18-24)

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 Short Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water management and hereby determined that the project would not have any significant adverse impacts on the environment.**

Now, therefore be it resolved that a negative declaration under SEQRA has been adopted by the Planning Board.

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval subject to the following:**

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

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

“For the record Chairman Mastin stated that he misses Alison Lovely” ☺

REGENERON-81 COLUMBIA TRPK.-BLDG. 85 ADDITION MAJOR SITE PLAN (12-11P)

Steve Hart stated that he is here representing the applicant Regeneron and that also present was the project Engineer David Yost from Regeneron. Steve Hart stated that there was an area of temporary trailers which have been removed and that is where the proposed addition will be built. Steve Hart stated that the addition will be about 42,000 square feet, about 21,500 square feet per story. The first floor will be office and the second floor will be laboratory. Steve Hart referred to the rendering that the Board had to show the details. Type 2 landscaping with colors matching the surrounding buildings. There is a front setback issue and they are in front of the Zoning Board. The Zoning Board can't make their decision until the Town Board makes a SEQR determination. Steve Hart stated that MJ Engineering stated that they are satisfied with everything. Chairman Mastin asked Adam if everything has been addressed. Adam stated that there is a lighting plan that MJ had a comment about. Chairman Mastin stated that there is a condition in the resolution regarding the lighting plan and also that the applicant obtain the Area Variance from the Zoning Board. Matt Polsinello asked if the fence was going to be moving in any relation to the way it currently exists. Steve Hart stated that it's going to be in about the same location. Nancy Kupiec asked how many feet is the proposed front setback. Steve Hart stated that the required front setback is 35' and they are proposing 22.4'. Joe Slater stated that there was a positive recommendation from the Planning Board to the Zoning Board. Chairman Mastin asked if there was anything else. Nancy Kupiec stated that it looks good and asked if they are using bollards. Steve Hart stated that there will be low bollards along the sidewalk.

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

WHEREAS, Regeneron Pharmaceuticals, Inc. has submitted to the Town an application for major site plan approval for the expansion of Building 85 at Regeneron's Discovery Drive Campus (SBL 155.00-1-4.21); and

WHEREAS, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan prepared by Hart Engineering and HCP Architects, LLP dated July 10, 2018 and last revised November 9, 2018; and

WHEREAS, the Planning Board has also reviewed the comments of the Town's designated engineers, MJ Engineering and Land Surveying, PC.

now, therefore, be it

RESOLVED, that the Planning Board hereby recommends that the Town Board adopt a negative declaration under SEQR and approve Regeneron's major site plan application, subject to the following:

1. Regeneron address any remaining technical comments from the Town's designated engineer and the Town Planning and Zoning Department.

2. All remaining fees and escrow are paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS), as detailed in the GEIS fee statement provided by the Town, prior to issuance of building permit.
3. Applicant shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department prior to issuance of building permit;
4. All storm water pollution prevention permits will be obtained prior to site work and regularly scheduled required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved Storm Water Pollution Prevention Plan, and the Town's Comprehensive Zoning Law.
5. Regeneron submit a lighting plan for review by the Town Department of Planning and Zoning.
6. Submission to the Town of an approved Stormwater Pollution Prevention Plan (SWPPP);
7. All storm water pollution prevention permits will be obtained prior to site work and regularly scheduled required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved Storm Water Pollution Prevention Plan, and the Town's Comprehensive Zoning Law.
8. Regeneron shall obtain approval of the Town Zoning Board of Appeals for an area variance for front yard setback.

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

REGENERON-TEMPEL LANE. BLDG.17-MAJOR SITE PLAN

(15-20D)

Chairman Mastin stated that Teresa and Phil from Whiteman Osterman & Hanna, Fred from GPI and Hank Labara on behalf of the Town were present. Chairman Mastin stated that there was just a public hearing held

for this Regeneron proposal by the Town Board at 6pm and there was not a single comment relevant to this proposed building, most of the comments were relative to the road extension of Temple Lane to Third Avenue Extension. The major comments were from the four residents that live on the Third Avenue Extension end. Chairman Mastin stated that amended statement of findings stated the road would have to be extended through, but as Phil Dixon pointed out that could still be amended in the future if there was a different route for that road to run and as far as the site plan the Planning Board is just making a recommendation to the Town Board on this one building of Phase 2, this is the second building on the campus. Chairman Mastin asked Teresa and Phil if this was correct.

They both concurred. Joe Slater stated that the road wouldn't be triggered until Phase 3, which is not part of this current site plan. Chairman Mastin stated that they met 6 days ago and there was some difference of opinion between Regeneron's Engineer-Jacobs and the Town's TDE GPI as to some of the technical comments that came from GPI specific to the wetlands, and both sides had agreed to meet and have a conversation and Chairman Mastin stated it would be good to know how all that went. Lou DiBello from Jacob's Engineering spoke and stated they had a meeting just this morning with GPI where they talked about all of the comments that were presented and he believes that from a technical standpoint, they are well on the road to resolving all of the technical issues.

Lou DiBello stated that they haven't demonstrated them all in the plans but that they are all in letter form and confident that they will all be addressed. Chairman Mastin asked that the major ones be addressed. Lou DiBello stated that there were four main items. A) Was that a site plan application hadn't been submitted. A Site Plan application was resubmitted earlier today. B) Bio-retention, the drawings have been cleared up, they will provide more details, plans, charts and CAD files so that they can demonstrate that the areas of bio-retention meet the minimum requirements. Chairman Mastin asked Fred, from GPI's prospective that there's reasonable space that this can be accomplished. Lou DiBello stated that there were 5 small ones in the parking area but they have been eliminated and it's been redesigned that they are one larger bio-retention area that takes the smaller ones into account. C) Landscaping, Chairman Mastin stated that this issue was around the parking lot landscaping and some of the larger trees within the 50' separation. Steve Hart stated that he, Fred & Ryan had some back and forth on that. Steve Hart stated that all the islands add up to 6,000 square feet of landscaping which was required and that the issue with the trees has been resolved. Nancy Kupiec asked what the function was from for all these islands. Steve Hart stated shade and esthetics. Kurt Bergmann asked that if it's also safety when you drive up to the end of an island. Steve Hart stated that is correct. Chairman Mastin stated he doesn't know how others feel but he's good with them just planting three trees at islands 700 sq. ft. and under. Steve Hart stated that the proposed sugar maples around the perimeter of the site, Jim Moore had asked the growth span and its approximately 15 years. Steve Hart stated that he and GPI came to an agreement to plant the trees every 40'. D) Wetlands impacts, Lou DiBello stated that they needed to demonstrate that they weren't disturbing any, so at the pinch point area at the south side of the building where the road comes close to the building and the wetland is under the road, they have designed a natural bottom arched culvert to span the wetlands. Nancy Kupiec asked wasn't there two pinch points and Lou DiBello stated that there is another on the north side but the wetlands were already north of that, so they're not impacting the wetlands there. Chairman Mastin stated that in the letter they received today there was mention of where they were going to be pushing snow.

Chairman Mastin stated he's like to see designated areas on the plan of where they're going to push the snow. Lou DiBello stated that they will provide a plan showing where they will designate snow removal. Kyle Cherry stated that he talked to the people who remove the snow and he is hesitate to mark off specific parking spaces on the site plan as he'd like to make it easiest for the snow removal people as they know where to push the snow. Kyle Cherry stated that if they keep the snow on the parking areas that they are all pitched to go to the storm drains. Matt Polsinello stated that basically it's going to be on Regeneron to make sure that the snow doesn't go into any wetlands. He'd like to see some natural barriers, landscape boulders, etc. to prevent snow from being pushed into snow that they don't want it to go. Nancy Kupiec stated that since parking is a premium have you looked into trucking the snow off site. Kyle Cherry stated that they have but a lot of times that doesn't happen until 48 hours plus after a storm. Chairman Mastin asked what the Board's feeling is on the waiver of the 25' buffer. Everyone was in favor of the waiver as the applicant is making an effort to do something about the circumstance. Chairman Mastin asked Hank about water and sewer. Hank Labarba stated that Regeneron has built the water and sewer extensions at Third Avenue, and it is not shown on a plan where they extend to and what is it serving right now. Steve Hart stated that their coming out to Third Avenue from the North Utility corridor with a low pressure 2 inch line servicing the warehouse and a 6' line. Hank Labarba asked how the new building will connect to these. Steve Hart stated that the lines are existing and they would need to build a pump station.

Hank Labarba stated that he needs to see specifics, with a proposed 94,000 gallons a day, he hasn't seen any plans. Hank Labarba stated that the Town's systems currently have a flow problem and he doesn't understand how they're going to control the flow from building 17 to the Town's system. Hank Labarba stated that he hasn't seen an engineering narrative. Chairman Mastin asked about the water. There is no concern except that ownership of the water line is Regeneron, so if more development happens with a different developer, that will have to be worked out. Joe Slater has added a condition relative to the sewer issue. Chairman Mastin asked if they had a color sample of the roof. Kurt Bergmann took some pictures from Route 4 and Thompson Hill Road of the visual impacts of the Regeneron Campus. Chairman Mastin asked if anyone had any other questions.

Matt Polsinello stated that he had a question about condition #5, is the Town taking over any stormwater maintenance facilities from Regeneron. Adam stated that ultimately the Town is responsible but that Regeneron would do the maintenance. Chairman Mastin asked when does Regeneron plan to submit materials for review of Phase 3. Kyle Cherry stated that they have put millions of dollars in review for the next Phase but that they just need to get the road issue figured out for Tempel Lane. So if they get the road issue figured out within the next month then the Board will see them back.

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

WHEREAS, Regeneron, Inc. has submitted to the Town an application for major site plan approval for construction of Building 17 (manufacturing) at Regeneron's Tempel Lane Campus (SBL 144.-3-5.1); and

WHEREAS, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled "Regeneron Pharmaceuticals, Inc. Tempel Lane Campus, Building 17 Design Set" last revised October 25, 2018; and

WHEREAS, the Planning Board has also reviewed the draft Amended Statement of Findings prepared pursuant to the State Environmental Quality Review Act ("SEQRA") for Regeneron's Tempel Lane Campus, which includes the proposed Building 17.

now, therefore, be it

RESOLVED, that the Planning Board hereby recommends that the Town Board approve Regeneron's major site plan application, subject to the following:

1. Regeneron address any remaining technical comments from the Town's designated engineers and Town Planning and Zoning Department.
2. Implementation of a traffic monitoring program, as outlined in the March 2018 Traffic Impact Study (TIS) prepared by CHA, Consulting and updated July 27, 2018.

This would include bi-annual traffic counts at the site to confirm the trip generation after each phase of development. In addition to the Phase 1 development (Warehouse) required mitigation, the intersection that is noted to be monitored in the future for traffic signal installation for Building 17 ("Phase 2"), NY Route 151 & Tempel Lane, would also be included in the traffic monitoring program to determine if they meet signal warrant criteria.

3. All remaining fees and escrow are paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town prior to commencing construction.
4. Regeneron shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department prior to issuance of building permit;
5. The property owner shall enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity prior to issuance of a Certificate of Occupancy or, in the alternative, submit documentation to the Town of coverage under the NYSDEC multi-sector general permit.

6. Providing a letter to the Town Planning and Zoning Department from the Clinton Heights Fire Department as to its approval of the proposed site plan; and
7. Submission to the Town of an approved Stormwater Pollution Prevention Plan (SWPPP);
8. All storm water pollution prevention permits will be obtained prior to site work and regularly scheduled required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved Storm Water Pollution Prevention Plan, and the Town's Comprehensive Zoning Law.
9. That, prior to issuance of a building permit, Regeneron provide to the Town a site engineering report describing the design, installation, and operation of any onsite conveyance facilities necessary in connection with this site plan approval;
10. Roofing material on Building 17 shall be of a dark gray, brown, or earth tone color, subject to the approval of the Town's Planning Department, prior to installation of the roofing system.
11. Regeneron shall provide the Town with funds for the improvements to the 3rd Avenue and Barracks Road pump stations identified in the engineering reports discussed in the Amended Findings Statement; as well as any new pump stations deemed necessary by the Town's Designated Engineer at Regeneron's expense and subject to the approval of the Town's Designated Engineer.
12. Prior to the installation of new and/or upgraded Town sanitary sewer pump stations Regeneron shall provide facilities and operational plans that mitigate projected peak flows from Building 17 by use and/or implementation of flow control and equalization devices for the discharge of all wastewater from Building 17
13. A waiver should be granted from the Town's Comprehensive Zoning Law requirement of a 25-foot buffer from wetlands, in as much as Regeneron has undertaken steps to ensure that there are no adverse impacts to wetlands. Regeneron shall take steps to ensure that snow storage shall not infringe on the areas of the site in which wetland buffer waivers have been granted.
14. Regeneron be subject to any applicable conditions set forth in the Amended Statement of Findings.

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

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

WHEREAS, the Planning Board of the Town of East Greenbush has reviewed the draft Amended Statement of Findings prepared pursuant to the State Environmental Quality Review Act (SEQRA) for Regeneron's Tempel Lane Campus and related documentation and public input.

Now, therefore, bet it

RESOLVED, that the Planning Board hereby recommends that the Town Board approve the amended Statement of Findings, subject to the following:

1. Regeneron address any remaining technical comments from the Town's designated engineer.
2. Regeneron be subject to any applicable conditions set forth in the Amended Statement of Findings, as such may be enacted.

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

KHAN-(SRI SIAM) – 44 SHERWOOD AVENUE-SITE PLAN MODIFICATION (18-27)

Faraz Khan presented the proposal to the Board. Faraz Khan stated that they did some regrading back in the summer to deal with some flooding issues they had and it caused some flooding problems to some neighbors. Faraz Khan stated when they had regraded they made a small swale and installed a catch basin. Faraz Khan stated that Steve Hart suggested that they install a dry well, a deeper swale and add some additional shrubbery. Chairman Mastin asked if he had anything to add or had significant points with this. Adam stated that they had Hank Labarba review the site plan, particular to the storm water elements of it. Adam stated that some back ground is that the applicant expanded their parking area to the North with some gravel without site plan approval and also tied into the Town's system on New Jersey Avenue without a utility permit. Adam stated that the use at the property is also a preexisting nonconforming use and they cannot expand the parking for it. Adam stated that the major issues are making sure that the site is restored, landscaping and stormwater. Adam stated that he talked to the DPW Commissioner and he had some particulars about the size and amount of gravel placed around the catch basin. Adam stated that Hank just started his review. Adam stated that an order of remedy was issued by the Building Department. One of the neighbors who was affected by the issues was present and wanted to speak and talked about the issues.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plan dated July 17, 2018 last revised August 12, 2018 by Stephen T. Dean, P.E. P.C. for the proposed site plan modification.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board has determined the project an Unlisted Action and hereby declares itself Lead Agency in connection with a coordinated review under SEQRA.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES.

MOTION CARRIED BY A 5-0 VOTE

UPDATES:

NONE

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

NEW ZBA REFERRALS:

NONE

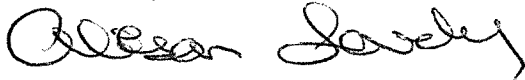
REVIEW AND APPROVAL OF MEETING MINUTES:

NONE

ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin.
Seconded by Matt Polsinello. Carried by a 6-0 vote.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Alison Lovely", written in a cursive style.

Alison Lovely, Planning Secretary

WITBECK SINGLE FAMILY CLUSTER SUBDIVISION

CONDITIONAL FINAL PLAT APPROVAL

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Witbeck Preserve LLC (the owner) for final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Witbeck Cluster Subdivision, for 54 single-family detached dwelling units consisting of 42 +/- acres in the R-B Zoning District located off of Phillips Road; and

WHEREAS, the Town Planning Board did grant preliminary plat and preconstruction approval of the Witbeck Cluster Subdivision on October 25, 2017 for the 54 lots in the Town of East Greenbush of Witbeck Cluster Subdivision prepared by Hart Engineering, dated July 27, 2016 and last revised October 18, 2018; and

WHEREAS, the Town Planning Board did grant one (1) 90-day extensions of conditional final plat and preconstruction approval of the Witbeck Major 54-Lot Cluster Subdivision on April 11, 2018; and

WHEREAS, the Town Board did adopt certain amendments to the Section 36-26 (Street and Highway Acceptance) of the Town Code of the Town of East Greenbush on June 20, 2018 (Local Law No. 4 of 2018); and

WHEREAS, the Town Planning Board did grant modified preliminary plat and preconstruction approval of the Witbeck Cluster Subdivision on June 27, 2018 for the 54 lots in the Town of East Greenbush of Witbeck Cluster Subdivision prepared by Hart Engineering, dated July 27, 2016 and last revised October 18, 2018;

WHEREAS, the Town Planning Board did conduct a public hearing on August 10, 2016 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 did submit the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements. And through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, the Planning Board did review a development proposal and conceptual master plan for this project consisting of 54 lots and determined, in accordance with Title

PROJECT NAME: WITBECK CLUSTER SUBDIVISION

FINAL DATE: November 14, 2018

8 ECL and Part 617 NYCRR, that the intended action and the associated conceptual development plan shall not have environmental impacts of the project after a Full Environmental Assessment Form was prepared and given and has, therefore, issued a Negative Declaration on October 25, 2017; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/ or the conditions of this resolution; and

WHEREAS, the Planning Board and the Project Review Team have received and reviewed the revised proposed final plat last revised on October 18, 2018 as prepared by Hart Engineering; and

WHEREAS, the applicant has filed the necessary application with the Planning Board and has paid to the Office of Town Clerk the applicable preliminary plat application fee and final plat application fee, with receipt therefore provided to the Planning Board by the Town Clerk; and

WHEREAS, upon successful installation and testing of the water, sewer and stormwater facilities within the public right of way and/or easements shall be dedicated to the Town of East Greenbush, who will own and the same; and

WHEREAS, the owners/developers of the subdivision are required to install sidewalks/walkways within the subdivision and pedestrian crossing across Phillips Road as indicated on the Site Plans. As the applicant has expressed that sidewalks will be installed concurrently with the development of each lot, the applicant shall connect the completed sidewalks of the developed lots with temporary sidewalks consisting of crusher run on the undeveloped lots to ensure consistency and walkability throughout the neighborhood during development; and

WHEREAS, the owners/developers of the subdivision will maintain the sidewalks/walkways, which includes snow removal along the roadway except along Phillips Road where the Town will maintain the sidewalk that runs parallel to the road; and

WHEREAS, an agreement will be prepared with respect to the maintenance of the stormwater management system; and

WHEREAS, the Towns Designated Engineer, (GPI – Greenman Pedersen Inc.) has reviewed the plans for Witbeck Cluster Residential Subdivision as prepared by Hart Engineering consulting engineers and surveyors dated July 27, 2016, and recently revised October 18, 201, and can recommend to the Planning Board consideration of final approval subject to all conditions and requirements by the Town final plat approval; and

WHEREAS the final plat has been submitted in accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations, Section 3.8 of the Town's Comprehensive Zoning Law, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board; and

PROJECT NAME: WITBECK CLUSTER SUBDIVISION

FINAL DATE: November 14, 2018

WHEREAS the subdivision plans have been reviewed and approved by the Rensselaer County Health Department in accordance with applicable provisions of the Public Health Law, and such documentation has been submitted to the Town for their records; and

WHEREAS the plan for required work within the Rensselaer County Right of Way has been reviewed and approved by the County, and such documentation has been submitted to the Town for their records; and

WHEREAS the applicant has applied for and received coverage under SPDES General Permit for Storm Water Discharges from Construction Activity (GP-0-15-002) and submitted documentation to the Town for their records; and

WHEREAS the subdivision plans have been reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation has been submitted to the Town for their records; and

WHEREAS the developer has provided a Letter of Credit or other method acceptable to the Town and in accordance with the Town of East Greenbush Town Code for top course of pavement in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney; and

WHEREAS the developer, at the discretion of the Commissioner of Public Works, has provided a Letter of Credit or other method acceptable to the Town and in accordance with the Town of East Greenbush Town Code for the required improvements. Said Letter of Credit or other acceptable method, if required by the Commissioner of Public Works, has been provided in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney.

WHEREAS the developer has submitted written offers of cession for all improvements and interest in all land areas within Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements; and

WHEREAS the developer has provided a letter from the utility, National Grid, outlining a proposal to provide electric and gas service for the 54 units; and

WHEREAS, the applicant has addressed the remaining technical comments of the Town's Designated Engineer; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants conditional final plat and pre-construction approval for the 54 lots in the Town of East Greenbush of Witbeck Cluster Subdivision prepared by Hart Engineering, dated July 27, 2016 and last revised October 18, 2018, and in strict compliance with each of the following conditions which must be satisfied by the applicant:

1. That the applicant addresses all remaining comments of the Town's designated engineer and Planning and Zoning Department.

2. That the applicant reimburses the Town for all costs and expenses associated with the review and evaluation of the plans and associated reports by the Planning Board's consultants.
3. That the Commissioner of Public Works and the Building Inspector sign off on the plans prior to final plat approval.
4. Compliance with all provisions of the Town's Subdivision Regulations, including those not specifically mentioned in this resolution.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

5. An escrow account will be established and funded by the developer, prior to the commencement of any site work or permit issuance to cover the expenses associated with the Town's Designated Engineer's full time inspection of improvements to be dedicated to the Town.
6. That for each building lot, a detailed plot plan; grading plan and utility service plan shall be submitted and approved by the Commissioner of Public Works and the Building Inspector prior to the issuance of a Building Permit for that building lot. Also, each building plot will include a post light on at dusk to dawn time set and one 2.5" caliper deciduous tree.
7. The Letter of Credit for the required improvements will be released upon the completion of roadway and related infrastructure, up to and including the binder course of pavement, to the satisfaction of the Commissioner of Public Works; and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface.
8. The aforementioned Top Course Letter of Credit or other acceptable method will be released upon the completion of roadway, which must be completed within two years of placing binder for dedication to the Town.
9. Regularly scheduled required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002 and the approved Storm Water Pollution Prevention Plan.

All fees due are paid as required by the Town of East Greenbush in accordance with the GEIS fee schedule, a letter for which will has been provided by the Director of Planning and Zoning.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

PROJECT NAME: WITBECK CLUSTER SUBDIVISION
FINAL DATE: November 14, 2018

10. A homeowner's association, deed restriction or similar mechanism, for the long term ownership and maintenance of open space areas as required by Section 3.8 (G) and (J) shall be provided, subject to the approval of the Planning Board.
11. The applicant shall prepare suitable offers of cession for all improvements and interest in all land areas within Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements, and that all such offers of cession shall be submitted to the Commissioner of Public Works and Town Attorney, who shall review the sufficiency for the purpose intended, which determination shall not commit the Town Board in any way to acceptance of the improvements, once installed.
12. That all public and/or required improvements within the Development as shown on the subdivision plans be completed by the developer and be approved in writing by both The Town's Designated Engineer and the Town's Commissioner of Public Works.
13. That all street signs and regulatory signs shall be furnished and installed.
14. That the developer provide and install a chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water detention area; and
15. That an as-built plan be submitted to the Town by the owners/developers based upon marked up plans provided by the Planning Board's designated engineer for review/approval at the completion of construction. This plan shall show an accurate and complete record and description of the final "as-built" conditions of improvements to be dedicated to the Town; and

In effect, this final plat and pre-construction approval by the Planning Board authorizes the applicant to initiate necessary site work and the installation of public and/ or other required improvements with the rights-of-way, easements and drainage ways and other public improvements, as needed.

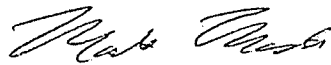
The installation of such public improvements shall be subject to: (1) the Planning Board's final review and approval of engineering and construction details; (2) the conduct of a project initiation conference, including the applicant, the applicant's consultant engineer, appropriate contractors, the Planning Board's designated engineer and the Town's Commissioner of Public Works, Building Inspector and Planning Department; and (3) a detailed itemized cost estimate and construction schedule for construction of all improvements for the project shall be provided to the Planning Board's designated engineer, which estimate and schedule shall be provided by and satisfactory to the Planning Board's designated engineer, and a copy of which shall be transmitted concurrently to the Planning Board Office and the Commissioner of Public Works.

This approval shall be required as limited in its authorization in that no sale of a lot or an offer of sale within the intended subdivision may be undertaken until the stamping of the plans by the Planning Board's designated representative. Subsequent filing of the approved final plat in the Office of the Rensselaer County Clerk must occur within 60 days of the final plan approval/signature.

FURTHERMORE, the Planning Board advises that all work undertaken and all expenses incurred by the applicant, pursuant to this resolution, are at the risk of the applicant. It is the applicant's exclusive responsibility to insure that all conditions and requirements are met in a timely manner prescribed within the Town's Land Subdivision Regulations and referenced earlier in this resolution. Failure of the applicant to meet this timetable shall result, without the requirements of any further action by the Planning Board, in the expiration of this final plat approval and the requirement that a new application, with associated application fees, be filed with the Planning Board should it still be the applicant's desire at that time to pursue approval of the subdivision.

RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON November 20, 2018



MATT MASTIN, PLANNING BOARD CHAIRMAN

PROJECT NAME: WITBECK CLUSTER SUBDIVISION

FINAL DATE: November 14, 2018