

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 13, 2019

Members:

Matt Mastin, Chairman
Nancy Kupiec
Don Panton
Ralph Viola
Chris Horne
Kurt Bergmann

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

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

OLD BUSINESS:

HERITAGE HILLS/AMEDORE-NEWKIRK ROAD-SENIOR APARTMENTS-Update & potential SEQR & Major Site Plan recommendation to Town Board

Brett Steenburgh & John Bossolini were both present on behalf of the applicant. Brett Steenburgh stated that they have been waiting for the sewer study to see what they need to do to connect to Town sewer. To update new Board members, Brett Steenburgh gave a brief overview of the project. It consists of 96 senior apartments, they are cutting off Newkirk Road to Luther Road and are working with DPW and DOT to abandon that intersection to put all traffic to the light at Michael Road and Luther Road. The building will have underground parking with an elevator to service all floors. Brett Steenburgh stated that they are looking for action on SEQR and a Planning Board Recommendation to the Town Board regarding the site plan.

Chairman Mastin asked if anyone had any comments/questions. Chairman Mastin asked Adam Yagelski if all outstanding items have been addressed. Adam Yagelski stated that there may be some technical issues left, if there are any they are conditions in the Findings Statement.

- Kurt Bergmann asked about the underground parking and how many living quarters there are. Brett Steenburgh stated that there are 3 in the rear and 4 in the front due to the garage being in the rear.

- Chris Horne asked if the lighting goes all the way around the site and how it will affect the nearby houses. Brett Steenburgh stated that lighting is internal to the site and there is a large space between the site and houses and the lights are low lying.

Chairman Mastin asked if everyone was ok with making a recommendation on SEQR and recommendation to the Town Board on the major site plan. Everyone stated they were.

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

WHEREAS, Amedore Land Development LLC (aka Amedore Homes) (the "Applicant") has submitted an application for major site plan development for its Project known as Amedore Senior Housing (aka "Heritage Hills") (the "project") located at 22 Newkirk Road, Town of East Greenbush, New York (tax parcel no. 155-7-10.0).

The project consists of three 32-unit senior housing apartment buildings (for a total of 96 senior housing units)—all with associated sewer, water and stormwater utilities and parking, access ways, and pedestrian facilities; and

WHEREAS, the Project is a type 1 action under the State Environmental Quality Review Act and the Town Board has taken the necessary steps to declare itself lead agency for the review of the project; and

WHEREAS, the Town Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Heritage Hills,” 14 sheets in total as prepared by Brett L. Steenburgh, P.E. LLC and last revised October 25, 2019; and

WHEREAS, the Town Planning Board has also reviewed the Full EAF and accompanying correspondence and reports addressing the potential environmental impacts of the project; and

WHEREAS, the Town Planning Board has carefully considered the comments and recommendations of its Town Designated engineers, MJ Engineering and Land Survey and H.V. LaBarba and Associates, 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 issue a negative declaration finding that the proposed application for major site plan approval for the Project will not result in any significant adverse environmental impacts;

and be it further

RESOLVED, that the Town Planning Board hereby recommends that the Town Board issue a waiver from the Town’s Comprehensive Zoning Law requirement of a 25-foot buffer from wetlands, in as much as the Applicant has undertaken steps to ensure that there are no adverse impacts to wetlands, subject to the following: the Applicant must take steps to ensure that snow storage shall not infringe on the areas of the site in which wetland buffer waivers have been granted, subject to Planning and Zoning Department approval;

and be it further

RESOLVED, that the Town Planning Board hereby recommends that the Town Board approve Amedore major site plan application as set forth in the Site Plans entitled “Heritage Hills,” 14 sheets in total as prepared by Brett L. Steenburgh, P.E. LLC and last revised October 25, 2019, subject to the following conditions:

- Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town’s designated engineer and Town Planning and Zoning Department.
- Prior to issuance of a building permit, all remaining fees and escrow must be 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.

- Prior to issuance of a building permit, the Applicant must 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 the issuance of a Certificate of Occupancy, the applicant shall submit a certification from the designated site inspector that the project has been completed in substantial accordance with the subject site plans.
- Prior to issuance of a building permit, the plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.
- Prior to issuance of a building permit, the Applicant must obtain approval of the Town Zoning Board of Appeals for four (4) area variances for relief from:
 - 1) Section 2.6.6 F01 stipulating that there be only one principle building per lot in the R-2 zone, as the proposed site plan indicating construction of (3) buildings; and
 - 2) Section 2.6.6 E (R-2 district Area and Bulk Schedule) stipulating a maximum building height in the R-2 zone of 35 feet, as the proposed building height for each of the (3) buildings is 47 feet 3 inches.
- Prior to issuance of a certificate of occupancy, the Applicant must provide an offer of cession, including a metes and bounds legal description, proposed deed, and survey map, for the proposed abandonment of the portion of Newkirk Rd.
- Prior to issuance of a building permit, the Applicant must submit correspondence from NYSDOT including any comments NYSDOT have concerning the proposed site plan.
- A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way.
- Prior to issuance of a building permit, the Applicant must submit correspondence with property owner at 1022 Luther Rd (tax parcel no. 155.-6-18.2) demonstrating existence of an easement agreement or other legal arrangement with the Applicant allowing the construction of the proposed off-site sidewalk connection to Luther Rd (NY-151). Or in the alternative, the Applicant must propose an alternative design allowing for the construction of the proposed sidewalk connection.
- Prior to issuance of a certificate of occupancy, the Applicant, or any succeeding property owner, must execute an agreement with the Town providing that the owner of the Project will maintain all sidewalks to be installed as part of the Project. This agreement is subject to Commissioner of Public Works and Town Attorney approval.
- Prior to issuance of a building permit, the Applicant must submit correspondence from Rensselaer County Department of Health (RCHD) including any comments RCHD may have concerning the proposed site plan.
- Prior to issuance of a certificate of occupancy, the Applicant must submit evidence of RCHD approval of the water and sewer system extensions.
- Prior to issuance of a certificate of occupancy, improvements to the Commons pump station must be designed and constructed, and the improved station must be placed into service. The Applicant must design and construct improvements to the Commons pump station, subject to Town, RCHD, and NYSDEC approval. Where the Applicant has contributed in-kind services and/or materials, the Applicant, upon providing substantiating documentation, will be entitled to

a corresponding reduction and/or refund, as appropriate, in required GEIS Water/Sewer mitigation fees.

- Prior to issuance of a certificate of occupancy, the Applicant must submit evidence of NYSDEC approval of the proposed sanitary sewer system extension.
- A Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, must be obtained for any work involving connection to the Town's sanitary sewer system and/or water supply system, or any work in the Town right-of-way.
- Site development must be in accordance with USFWS and NYSDEC guidelines for the conservation and protection of the northern long eared bat, including time-of-year restrictions for the removal of trees between April 1 and October 31. Therefore, tree cutting must occur between November 1 and March 31.
- 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.
- Prior to issuance of a certificate of occupancy, the property owner must 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, the property owner must provide evidence of the filing of an easement for the approximately 4 acres of land within the project site to be set aside as open space natural buffers.
- Prior to obtaining a building permit, the Applicant shall obtain all required approvals and/or permits for the project.
- The Applicant shall be solely responsible for the costs associated with the abandonment of Newkirk Road, including but not limited to, the removal of the Newkirk Road curb cut.
- The dwellings to be constructed as part of the Project are eligible to house people in accordance with the definition of "Senior Housing" provided in Section 4.5 of the Town's Comprehensive Zoning Law adopted June 11, 2008, or as subsequently amended or new law passed. Should a new Comprehensive Zoning Law be passed which does not include a definition of Senior Housing, this project shall remain under the conditions of the definition of Senior Housing as contained in the Comprehensive Zoning Law adopted on June 11, 2008.
- The applicant shall be solely responsible for the costs associated with the installation of all sidewalks as depicted on the site plan.

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; J. Moore-Absent; R. Viola-YES; N. Kupiec-YES;
K. Bergmann-YES; C. Horne-YES; D. Panton-YES.**

MOTION CARRIED BY A 6-0 VOTE

REGENERON-26 TECH VALLEY DRIVE-SITE PLAN MODIFICATION-2 Trash Compactors, generator & pad (19-26)

Steve Hart of Hart Engineering was present as well as Kyle Cherry and Mike Boamah from Regeneron. Steve Hart stated that there were questions from the last meeting. A generator pad as well as 2 compactor pads will be placed on the east side of the building with an 8' block enclosure around them. Steve Hart stated that he received the report from the Rensselaer County Development and Planning. The generator is 12' tall and has 2,000 hp. As far as the landscaping goes, they have placed evergreens internal to the site and are also using existing vegetation.

Chairman Mastin asked if the Board had any questions.

•Ralph Viola asked if the generator would run on diesel or natural gas. Steve Hart stated that it would run on diesel.

Chairman Mastin asked Adam if there was anything outstanding. Adam stated there was not.

•Chris Horne asked if there was a buried tank under the generator. Chairman Mastin stated there is a belly tank underneath.

•Ralph Viola stated that the whole site is very well landscaped now.

•Chris Horne asked if the generator will only be used as backup.

Both Steve Hart and Kyle Cherry stated that was correct.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby determines this action to be a Type II action under SEQRA and grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering and dated September 15, 2019 & last revised November 8, 2019 subject to the following:**

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

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; J. Moore-Absent; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES;
C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

NONE

UPDATES:

TOWN CENTER-COLUMBIA TURNPIKE-PDD-UPDATE

(17-19)

Steve Hart and the applicant Tyler Culberson were both present. Steve Hart stated that the Town Board had a public hearing. Steve Hart stated that there have been some changes to the plan. The number of units has changed from 300 units down to 275 units. Building C changed from 60 units to 55 units and Building D from 60 units down to 55 units. The mixed use building in phase E were proposed to be either 10, 12 or 14 units, now it's a max of 10 units which would abut neighbors. Steve Hart stated they have added a 6' vinyl fence for Jefferson Avenue. The amenity fees have increased from \$70,000 to \$150,000. Adam Yagelski asked Steve Hart to talk about lighting. Steve Hart stated that anything abutting neighbors, the light poles will be 12' tall as opposed to the previously proposed 18' tall.

•Ralph Viola asked about vegetation relative to the fence, will they be 30' on center & will they sit in front of the fence. Steve Hart stated that is correct but they would be placed behind the fence.

Ralph Viola also asked at what point will the buffer be installed, can they be done from the start so the trees mature.

Chairman Mastin asked Adam Yagelski if the changes were the result of comments from homeowners. Adam Yagelski stated that this was an overall comment. Town Board member Tina Tierney was present and stated that they are very sensitive to car lights coming around the bend. The fence was a suggestion. Chairman Mastin stated that the desire is to vote on the revised Planning Board recommendation tonight. Joe Slater stated that the red line changes in the proposed local law were sent around to the Board members.

•Kurt Bergmann talked about residents on the west side and asked if there is a way to walk.

Chairman Mastin stated near the connection from Eckmann Place. Chairman Mastin asked if everyone was good with voting tonight. The Board stated they were.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board has reviewed the proposed changes to the Town Center PDD application as reflected in the revised draft local law dated 11/13/2019 and hereby reaffirms the positive recommendation issued for the PDD proposal on 6/26/19 and hereby issues a positive recommendation to the Town Board on the PDD application, as modified. With the recommendation that the proposed vegetative buffer for 37 Jefferson Avenue be planted prior to the issuance of a building permit for Phase 1. * See previously approved recommendation from 6/26/19 & attached draft final Local Law dated 11/13/19.**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; J. Moore-Absent; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

WORKSHOPS:

NONE

OTHER ITEMS:

Complete Streets Follow-Up

Sam Morreale, the Planning Intern gave an update regarding this. There is a resolution on the Town Board Agenda. A set of priorities were put together which is also part of the Town Board Agenda for the November 20, 2019 meeting, one which is the change of Lakeshore Drive to a one way completely around the lake in its entirety and another is dedicating money to a Route 4 study.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2019-16-Merckx-5 Van Buren Drive-2 Area Variances-Proposed garage within side & rear setback-report by Don Panton

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

MOTION: A motion was made by Don Panton as follows: After careful review of the 2 Area Variance requests, the Planning Board gives a positive recommendation to the Zoning Board of Appeals based upon a Planning perspective and Don Panton's report. * See attached report for further details

M. Mastin-YES; J. Moore-Absent; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

ZBA Appeal #2019-17-Browzowski-Oriel Lane-2 Area Variances-Proposed single family dwelling that doesn't meet the minimum lot size and frontage-report due via email prior to the December 10, 2019 Zoning Board meeting

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the October 9, 2019 meeting minutes as is.

Seconded by Ralph Viola. Motion carried by a 6-0 vote.

Motion by Chairman Mastin to approve the October 23, 2019 meeting minutes as is.

Seconded by Ralph Viola. Motion carried by a 6-0 vote.

CLOSING:

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

Seconded by Don Pantan. Motion 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

Motion (17-19)
Town Center Planned Development District
Recommendation to the Town Board
June 26, 2019

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

WHEREAS, 580 Columbia Turnpike, LLC has submitted an application for a Planned Development District within the Town of East Greenbush's R-B Residential Buffer Zoning District and B-1 General Business Mixed Zoning District, consisting of parcels totaling approximately 35 acres;

WHEREAS, the Town Board, with the concurrence of other involved agencies designated itself as lead agency for the State Environmental Quality Review Act ("SEQRA");

WHEREAS, the Planning Board, as an involved agency, has reviewed the application documents, proposed Local Law, Full Environmental Assessment Forms corresponding to the application, and recommends that the Town Board adopt a Negative Declaration on the proposed Planned Development District;

Now, therefore, be it

RESOLVED, that the Town of East Greenbush Planning Board hereby issues a positive recommendation to the East Greenbush Town Board for the Town Center Planned Development District subject to the comments and conditions contained within the attached document entitled "Town Center Planned Development District Recommendation to the Town Board"

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

**Town Board
Town of East Greenbush, Rensselaer Co, New**

York Local Law No. __ of 2019

**“Town Center Planned Development
District”**

Section 1 – Local Law Designation

This local law shall be known as "No. __ of 2019" and amends the Town of East Greenbush Zoning Code to provide for the creation of a Planned Development District No. __, Town Center, Town of East Greenbush (the “Town Center Planned Development District”).

Section 2 – Zoning Law Amendment

The Town of East Greenbush, New York, Zoning Code and the Zoning Map of the Town of East Greenbush are hereby amended by changing the area set forth in Section 3 below from the B-1 and R-B Zoning District as such is now zoned, and creating within the boundaries of said newly described area a planned development district to be known and described as "Planned Development District No. __, Town Center Planned Development District, Town of East Greenbush" (hereinafter referred to as “PDD”), in which shall be permitted the uses set forth in Appendix “A”.

Section 3 – PDD Area

A. The area of the PDD consists of approximately thirty (35) acres in the Town of East Greenbush and is further described in Appendix B which contains a map and metes and bounds description of the PDD area attached hereto and made a part hereof. The area of the PDD will include the following tax parcels: 0 Gilligan Road SBL No. 166.00-7-6.111, 576 Columbia Turnpike SBL No. 166.00-7-3.5 (A portion of), 578 Columbia Turnpike SBL No. 166-7-3.4, 0 Columbia Turnpike SBL No. 166-7-6.51, and 580 Columbia Turnpike SBL No. 166-7-5. With the exception of SBL No. 166.00-7-3.5 and SBL No. 166-7-3.4, these tax parcels will remain separate parcels for purposes of the PDD.

The parcels within Town Center PDD include:

- 580 Columbia Turnpike
SBL # 166.-7-5
- 578 Columbia Turnpike
SBL # 166.-7-3.5
- 576 Columbia Turnpike - A portion of
SBL # 166.-7-3.4
- 0 Columbia Turnpike
SBL # 166.-7-6.51
- 0 Gilligan Road - A portion of
SBL # 166.-7-6.111

B. The zoning regulations applicable to the PDD shall be provided in this local law.

Section 4 – Purpose

A. The purpose of this local law is to provide for the rezoning of certain land to mixed use commercial and residential development in accordance with certain provisions and standards

set forth herein which insures compatibility with the Town's comprehensive land use plan, land uses adjacent to the PDD and fosters innovation in site planning and development and which encourages sound design practices, such as enhancing pedestrian access and designing walkable spaces, as well as promoting pedestrian activity and accessible public transportation.

B. It is the further purpose of this local law to promote flexibility and design of the PDD by creating a cohesive mixture of residential and commercial uses in a compatible and unified plan of development. In accordance with conditions and standards designed to mitigate environmental impacts to the greatest extent practicable, the development plan shall be in the interest of the general welfare of the public and will result in a more efficient and compatible use of the land within the PDD area and with the surrounding land uses.

C. This local law establishes the nature, parameters and limits of the described uses herein which are permissible within the PDD.

Section 5 – Development Proposal

A. The PDD will consist of a maximum of two hundred and seventy-five (275) multi-family residential units and approximately 12,800 square feet of commercial space located in Building A on the parcel currently known as 578 and 580 Columbia Turnpike, as depicted on the General Development Plan, annexed hereto as Appendix C (the "Project"). The area labeled "Future Commercial Development Area" shall be developed for any of the following commercial or retail uses as listed in Appendix A. The square footage of Future Commercial Development Area shall be in addition to the 12,800 square feet as proposed in Building A of the General Development Plan. Size of the building shall be limited by Area and Bulk Schedule set forth in the PDD and under no circumstances exceed 25,000 square feet based on the current parcel configuration. The General Development Plan includes the conceptual layout of the project as contemplated by this legislation.

Section 6 –Development Requirements and Constructions Specifications

A. Phasing. The Project may be completed in a maximum of six (6) phases. Each phase will be subject to site plan approval. The Project may be, at the developer's discretion, and subject to site plan approval, completed in fewer phases. The location of each phase of the Project may coincide with each specific tax parcel identified above.

B. Lighting:

1. Site and roadway lighting shall be determined during site plan review. All fixtures shall be full-cutoff, downward-facing and be Dark Sky compliant. Light fixtures located within the interior asphalt area of a parking lot shall not exceed 30 feet in height. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 18 feet. Light fixtures located along roadways shall not exceed 25 feet in height. Light fixtures located along pedestrian walkways adjacent to parking lots shall not exceed 18 feet in height. Light fixtures located on the southern side of Building C in Area 1 shall not exceed twelve feet (12') in height. Light fixtures located along internal pedestrian walkways or paths not adjacent to a parking area shall not exceed 12 feet in height. Average 0.2 foot-candle at grade level maximum 2.0 foot-candles. The Planning Board will consider exterior lighting fixtures that minimize glare while reducing light trespass and skyglow.

2. All exterior building or security lighting must be full-cutoff, shielded and/or angled downward to focus the light only on the intended doorway or walkway as necessary. Building-mounted architectural "accent lights" are permitted as downward-facing only. Average 2.0 foot-candles, maximum four foot-candles.
- C. Project landscaping shall be determined during site plan review according to Town Standards applicable at the time of site plan review
- D. To the extent street trees are required by the planning board during site plan review, the location and species of trees will be determined during site plan review.
- E. Signs. The final design, lighting, if any, and location of signs shall be determined during site plan review subject to the conditions and standards set forth in Appendix E.
- F. Utilities. All new utilities shall be installed underground.
- G. Architectural standards. Proposed architectural renderings attached as Appendix F represent proposed general standards for the buildings to be built in the PDD.

Section 7 – Bulk Lot Requirements

A. General Parameters:

1. Existing Vegetation Buffer. A portion of the existing vegetation between the PDD (and located on property included in the PDD Area) and the existing residential homes (located within R-2 zone) on Parkview Drive and Jefferson Ave shall remain undisturbed and be used as a buffer ("Buffer"), with the exception of 1 Parkview Drive and 37 Jefferson Ave to the extent necessary to maintain use of an existing easement for a municipal ingress and egress and related infrastructure. The size of the Buffer and Developer's obligations hereunder shall be:

- i. For residences existing as of the effective date of this local law on Parkview Drive (excluding the parcel listed above), the Buffer shall be fifty feet (50') from the rear lot line of the homes.
- ii. For residences existing as of the effective date of this local law on Jefferson Avenue (excluding the parcel listed above), the Buffer shall be fifty feet (50') from the rear lot line of the homes. In addition to the vegetation buffer noted in this Section (ii), the installation of a six foot (6') tall white or similar colored vinyl fence along the property line of the project shall be deemed a sufficient buffer by both the Town Planning Board and Town Board.
- iii. Developer shall ensure said Buffer is not disturbed during construction and shall preserve and maintain the Buffer. To the extent existing trees or shrubs die, the buffer shall be replanted with new trees and shrubs to create a visual separation between uses and Land Use Districts, provided however, the new trees to be planted will not be greater than six feet (6') in height. The buffer and any open space shall be protected by a deed restriction provided by Developer and approved by the Town Board.

2. The PDD shall provide for parking in the following increments:

- i. Subject to the credit set forth in Section 3(iii) below, total of 1.5 spaces per one bedroom units and 1.8 spaces per two bedroom units, which may include garage spaces, if applicable but not required.
 - ii. Subject to the credit set forth in Section 3(iii) below, five (5) spaces per 1,000 square feet of net usable square feet (not including mechanical, storage, etc.) in Proposed Buildings A and B.
 - iii. A credit of twenty percent (20%) of the above referenced parking requirements may be provided in area of commercial and residential mixed used development.
 - iv. During site plan review the developer may propose banked parking for the Planning Board's consideration.
- 3. Service areas and loading docks: Trash and recycling dumpsters or similar collection areas shall be located in the rear or to the side of buildings and screened from view from Columbia Turnpike, properties not part of the PDD and, to the extent practicable, pedestrian walkways (not including service alleys). Trash pick-up will not be allowed prior to 7:00 a.m. Screening shall be achieved with building enclosures on three sides which match or complement the exterior building materials. Required Off-Street Loading areas shall be subject to site plan approval.
 - 4. Signage: Any signs shall be consistent with the standard set forth in Appendix E.
 - 5. Additional Bulk Requirements for Specific Areas of PDD

- i. Units located within Area labeled "Area 1" on the Area Summary (attached as Appendix D).

Lot Coverage for Area 1: eighty percent (80%), maximum

Building Height: 50 feet (50'), maximum

Setbacks:

- a. Front yard from Columbia Turnpike: Minimum setback is zero feet (0') and maximum setback twenty-five feet (25').
- b. Front yard from the Primary Road (as shown on the General Development Plan): Minimum setback is zero feet (0') and maximum setback is one hundred feet (100').
- c. Side yard: 10 feet each side, minimum zero feet (0') for common walls between units), except where lands in the B-1 zone abut an existing R-2 district, in which case the minimum building side setback shall be fifty feet (50') from the rear lot lines of residences on Jefferson Ave.
- d. Rear yard: 15 feet, minimum
- e. The maximum number of units in Building C and D shall not exceed fifty-five (55) units per building.

- ii. Units located within Area labeled "Area 2" on the Area Summary.

Lot Coverage: seventy-five percent (75%), maximum

Building Height: thirty-five feet (35'), maximum

Setbacks:

- a. Front yard: zero foot (0) minimum from public road or the Primary Road (as shown on the General Development Plan).
- b. Side yards: five feet (5') each side, minimum (0 feet for

common walls between units) except where lands in the R-B zone abut an existing R-2 district, in which case the minimum building side setback shall be one hundred feet (100') from the rear lot lines of residences on Parkview.

c. Rear yard: 30 feet, minimum 0 feet from the Primary Road (as shown on the General Development Plan).

d. The maximum number of units in the four buildings directly adjacent to Parkview Drive shall not exceed ten (10) units per building.

iii. The Project shall be established as an "open development area" pursuant to NYS Town Law § 280-a.

6. The location, design and layout of the outdoor amenities will be provided to and reviewed by the Planning Board and Town Board during site plan review. The amenities to be provided are set forth in Appendix G.

Section 8 – Sanitary Sewers

A. Sewer will be supplied by the Town of East Greenbush General Sewer District if sufficient capacity is determined by the Town of East Greenbush to exist in the Town's Sewer Infrastructure. The developer, at its expense, will provide the connection to the existing sewer system and any necessary mitigation.

B. All sewer facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, in effect at the time of site plan review application being made by the developer, and are subject to approval by applicable agencies.

C. The developer agrees to offer for dedication to the Town of East Greenbush, all completed on-site sewer facilities at no cost to the Town of East Greenbush.

D. The developer shall provide twenty feet (20') wide permanent easements (five feet (5') additional feet during construction, repair and maintenance) for any sewer pipes crossing privately owned land or when along private roads, the entire width of a private right of way and shall offer these utility easements along with the installed infrastructure for dedication to the Town.

E. The Town shall determine what portions of these facilities are appropriate for public ownership.

Section 9 – Water Supply

A. Water will be supplied by the Town of East Greenbush General Water District if the Town of East Greenbush determines sufficient water is available for the project. The developer, at its expense, will provide the connection to the existing water distribution system and any necessary mitigation.

B. All water facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, in effect at the time of site plan / subdivision application being made by the developer, and are subject to approval by applicable agencies.

C. The developer agrees to provide for any and all required improvements to the existing water system that are necessary to accommodate this PDD and shall complete these improvements at no cost to the Town.

D. The developer agrees to offer for dedication to the Town of East Greenbush, all completed on-site and off-site water facilities at no cost to the Town of East Greenbush

E. The developer shall provide twenty feet (20') wide permanent easements (five feet (5') additional feet during construction, repair and maintenance) easements for any water pipes crossing privately owned land or when along private roads, the entire width of a private right of way and shall offer these utility easements along with the installed infrastructure for dedication to the Town.

F. The Town shall determine what portions of these facilities are appropriate for public ownership

G. Fire hydrants shall be installed throughout the Project by the developer pursuant to the New York State Uniform Fire Prevention and Building Code (Uniform Code) and Town of East Greenbush requirements.

Section 10 – Stormwater Management

A. All stormwater management plan and associated utilities shall conform to the specifications of the Town of East Greenbush, applicable State Pollutant Discharge Elimination System (SPDES) permits, and the latest version of the NYSDEC - New York State Stormwater Management Design Manual in effect at the time of site plan review being made by the developer. If the stormwater infrastructure will be owned in whole or in part by the developer rather than the Town then an Operation and Maintenance Agreement will be provided by the developer.

Section 11 – Roadways and Pedestrian Facilities

A. Roads:

1. The Primary Road (as shown on the General Development Plan) shall be constructed in accordance with the Town of East Greenbush specifications and design requirements of the Department of Public Works at the time of site plan approval.
2. Any Road to be offered for dedication to the Town of East Greenbush shall include a right of way of at least sixty feet (60') and shall comply with the Town of East Greenbush specifications and design requirements of the Department of Public Works at the time of site plan approval
3. The Primary Road, upon final construction shall be offered for dedication to the Town of East Greenbush, New York.
4. Developer shall be permitted to construct all roads in phases based upon the building phased development.

B. Sidewalks:

1. A five-foot (5') wide concrete sidewalk shall be constructed along a minimum one side of all public roads as depicted on the General Development Plan attached as Appendix C.
2. A five foot (5') wide concrete sidewalk shall be constructed along one side of the Primary Road as depicted on the General Development Plan attached as Appendix C. All sidewalks to comply with the latest version of the American with Disabilities Standards for Accessible Design at the time of site plan review being made by the developer.

C. Nature trails:

1. Upon completion of the Project in Area 2 as shown on General Development Plan, the

developer shall install a ten foot (10') wide paved walking trail along the existing sewer easement connecting to the paved section of Eckman Place to the rear of the Hannaford Shopping Center and terminating at the paved parking lot. The walking trail shall be open to the public and measure approximately 1,800 linear feet.

2. The walking trail shall be constructed in accordance with American with Disabilities Standards for Accessible Design at the time of site plan review being made by the developer, where feasible.

3. Upon final construction of the walking trail, the trail will be offered for dedication to the Town of East Greenbush.

Section 12 – Wetlands (25 foot buffer on the wetlands) and Steep Slopes

The developer shall be required to comply with all wetland determinations and mitigation measures as prescribed by the local, state and/or federal authorities. The Town has a 25 foot buffer on all regulated wetlands in the Town. In areas of severe slopes (exceed 25 percent), land-disturbing activities are not permitted. A 25-foot buffer must be maintained between any disturbed area and the top of slopes 25 percent and greater.

Section 13 - Project Related Review Fees.

The developer shall be responsible for reimbursing the Town for any and all expenses incurred for this Project as required by the Town's zoning regulations including but not limited to costs incurred for the technical review of the applications, construction observation of installed infrastructure or any other services deemed appropriate by the Town.

Section 14 – GEIS Impact Fees

The developer shall be required to pay the applicable mitigation fees set forth in the then current Town Code pursuant to the payment schedule set forth therein.

Section 15 – Amenity Package

A. The following amenity package shall be provided that includes provisions for on-site and/or off-site amenities beyond measures required to service the needs of the subject project and/or beyond the measures needed to mitigate the impacts of the subject project:

1. Development and construction of an approximate 1,800 linear foot 10 feet wide paved multi-use nature trail at no cost to the Town. Construction of the multi-use trail shall occur during construction of the first phase of development in Area 2.
2. Pedestrian connections to area shopping, such as the Hannaford Plaza, Sherwood Park, and Columbia Turnpike businesses.
3. Thirty foot (30') wide Sewer Easement provided to Ternan Avenue over lands of developer to allow for future connection of sewer facility to homes on Ternan Avenue. The developer will provide the necessary easement description to the Town for review and approval.
4. Developer will provide the Town of East Greenbush with a one-time payment of \$50,000 which shall specifically be utilized for improvements to the Grant Ave Park. This fee shall be payable 50% at receipt of any building permit of Phase I, including sitework, and the remaining 50% at receipt of any building-related building permit for Phase II.

5. Developer will provide the Town of East Greenbush with a one-time payment of 100,000 which shall be specifically applied to Stormwater improvements within the Sherwood/Woodland Park Neighborhoods. This fee shall be payable 50% at receipt of building permit of Phase I, including sitework, and the remaining 50% at receipt of any building-related building permit for Phase II.

Section 16 – Additional Town Approvals

Following adoption of this local law, the developer shall make application to the Town of East Greenbush for the following “planning “related approvals:

1. Subdivision Application to consolidated lots in accordance with the Town’s Land Subdivision Regulations.
2. Site Plan Application in accordance with the Town’s Comprehensive Zoning Law and site plan review requirements.

Section 17 – Supporting Documents

Attached and made a part hereof as appendices are documentation, diagrams, and plans associated with the Planned Development District as follows:

1. Appendix A: List of Uses
2. Appendix B: PDD Metes and Bounds Legal Description
3. Appendix C: PDD General Development Plan
4. Appendix D: PDD Area Summary
5. Appendix E: Sign Standards
6. Appendix F: Architectural Standards
7. Appendix G: Project Specific Amenities

Section 18 – Zoning Map to Incorporate the Town Center PDD

The Town of East Greenbush Zoning Map is hereby amended by providing that said Town Center Planned Development District be set forth on the Zoning Map of the Town of East Greenbush and on any supplementary map later adopted by the Town Board, all of which are hereby made a part of this local law.

Section 19 – Effective date

This local law shall take effect upon filing with the Secretary of State of New York State.

Section 20 – Severability

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law.

Appendix A

Allowable Uses:

The following uses as defined by Town of East Greenbush Zoning Code adopted in 2008 Local Law No. 1 of 2008:

Area 1:

Buildings with frontage directly on Columbia Turnpike shall be permitted to include the below uses.

Permitted Uses:

1. Residential: Multi family residence
2. Residential: Mixed Use with Commercial
3. Boarding; hotel
4. Civic; Religious facility
5. Civic; cultural facility
6. Civic; public facility, bank, or government office
7. Restaurant; indoor, fully enclosed
8. Restaurant; with drive-thru or curb service
9. Restaurant; with outdoor seating
10. Retail; single tenant
11. Retail; single tenant, < 15,000 square feet
12. Retail; multi-tenant shopping center
13. Retail; with drive-thru
14. School; college or trade
15. School; nursery, day care
16. Services; personal care
17. Services; professional office

Special Use Permit:

1. Health/Medical; offices or clinic, outpatient
2. Recreation; private, veteran/fraternal or social club

Accessory Uses:

1. Parking Off Street or Garage
2. Storage: Indoors, merchandise in stock
3. Structure: Commercial garage
4. Residential Recreation facility

The remainder of Area 1 without frontage on Columbia Turnpike shall be limited to the below uses only:

Residential: Multi Family residence

Area 2:

The below uses shall be permitted within the land area labeled “Area 2”
Permitted Uses:

Residential: Multi family residence

Accessory Uses:

Residential recreation facility – This use shall specifically be related to the Club House which shall include amenities open to all PDD residents.

Structure; commercial garage or shed – This use shall be restricted not to exceed 2,500 square feet, specifically related to grounds maintenance of the PDD area.

Appendix B
Town Center Planned Development District
Legal Description

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND with the improvements thereon, situate, lying and being in the Town of East Greenbush, County of Rensselaer and State of New York and more particularly bounded and described as follows:

Appendix C
PDD General Development Plan

Appendix D
PDD Area Summary

Appendix E

Signage Standards

Commercial tenants shall be permitted building mounted signage on the front and rear of building not to exceed 32 square feet per tenant per side. In addition to building mounted signage tenants shall be permitted Window and Door sign not to exceed 15% of the total window and door area.

PDD shall be permitted (2) Monument / Free standing signs similar in design and construction to Kinderhook Bank Commons as pictured below. One Monument/Free Standing sign will be located on Parcel A and the other Monument/Free Standing will be on the Future Pad site. Signage shall adhere to sign standards summarized in the 2008 Zoning Local Law Section 3.3.2 Paragraph B.2

PDD shall provide for appropriate way finding signs as deemed necessary by the Planning Board at the time of site plan approval.



Appendix F
Architectural Standards:

Area 1:

Multi-Family Residential Only:



Multi-Family Residential Only:



Multi-Family Residential Only:



Commercial – Mixed Use:



Commercial – Mixed Use:



Area 2: Multi-Family Residential Only



Appendix G

Potential Project Specific Amenities:

General Amenities:

- Wi-Fi Access in common areas.
- Green Space
- Interior Building Storage Units
- Electric Car Charging Station
- Security Cameras
- Solar Panels
- On Site Garages w/ Storage

Area 1:

- Interior and Exterior Lounge/Seating Area (each building)
- Interior Pet Washing Station
- Outdoor Patio
- Courtyard Entertainment Area
- Gas Fire Pits
- BBQ Grilling Stations
- Central Mail Room w/ Package Delivery Service (each building)
- Fenced Dog Park – Bark Park
- Interior Garbage/Recycling Center
- Bike Storage Area

Area 2:

- Main Club House
- Leasing/Management Staff Offices
- Co Workings Space/Business Center
- Private Event Space: Available to tenant for Birthdays and similar events.
- Fitness Center
 - Traditional Gym
 - Yoga/Dance Studio – Equipped with 24/7 Video Program
- Pet Washing Station
- Pool/Hot Tub
- Central Mail Room w/ Package Delivery Service
- Fenced Dog Park – Bark Park
- Billiard Gaming Area
- Outdoor Kitchen Area w/ Grilling Stations

From: Patricia Panton
To: Alison Lovely
Subject: Appeal Number: 2019-16
Date: Tuesday, November 12, 2019 5:53:04 PM

For your information:

Tax Map Number: 177.08-09-17.2
Address: 5 Van Buren Avenue

Daniel Merckx, the applicant is proposing to construct a 26ft by 36ft garage in the rear yard. The required rear setback in the R-2 Zone is 25 feet. The proposed garage leaves a rear setback of 5 feet. The required side setback is 8 feet. The proposed garage leaves a side setback of 3 feet. The proposed action requires (2) area variances.

1. I had a site visit with Mr. Merckx and his neighbors on October 28, 2019. The neighbors feel the tearing down of the old structure and construction of a new one would result in no detriment to nearby properties. They are completely onboard with the proposed construction.

2. The new garage location will make ingress and egress much easier.

3. The new garage will definitely help maintain the character of the neighborhood.

4. After careful review of these area variances request, based upon sound planning and zoning considerations, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,
Donald H. Panton
Planning Board Member