

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 January 11, 2023

Members:

Matt Mastin, Chairman
Kurt Bergmann
Don Panton
Robert Jucha
Ralph Viola
John Conway Jr.

Also Present:

Anna Feltham, Director of Planning
Joseph Slater, Planning Board Attorney
Alison Lovely, Secretary, Planning/Zoning

CALL TO ORDER / DETERMINATION OF QUORUM

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

E.W. BIRCH BUILDERS-4 MOUNTAIN VIEW AVE-MAJOR 4-LOT SUBDIVISION (21-30)

Chairman Mastin stated that they need to close SEQR prior to holding the public hearing & asked either Joe Slater or Anna Feltham to explain that. Joe Slater stated that essentially under the subdivision law, the Planning Board needs to make a SEQR determination before holding a public hearing on the subdivision. Chairman Mastin asked the Board if anyone had any concerns or questions. There were none. Chairman Mastin stated that this was not a vote to approve a project or disapprove a project, it's just the environmental review that the Board is voting on prior to the public hearing.

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

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by EW Birch Builders (the Owner) with Frank Engineering, PLLC, engineering consultant to the Owner, for a 4-lot Major Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 2.61 acre parcel located at 26 Mountain View Avenue (Tax Map I.D. SBL 166.20-18-3); and

WHEREAS, the proposal is to subdivide the parcel, on which there is an existing single family home creating a smaller lot for the existing single family home and three new buildable lots for proposed additional single family homes; and

WHEREAS, on December 14, 2022 the Planning Board did re-classify the proposed sketch plat as a Major Subdivision in accordance with Section 2.B. of the Town's Land Subdivision Regulations, because the subdivision requires the extension of a municipal sewer facilities; and

WHEREAS, on November 10, 2021 the Planning Board classified the action as an Unlisted action in accordance with 6NYCRR Part 617, declared its intent to seek lead agency status, and initiated a coordinated review under SEQRA; and

WHEREAS, the Planning Board did carefully review the land development application, sketch plat, Short Environmental Assessment Form Part 1, and related materials for this project in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; 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 has compared the proposed action against the criteria listed in 617.7 (c) (i-xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7. (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7. (3) (i-vii); and

Now, therefore, be it **RESOLVED**, that the Planning Board, upon completion of the coordinated review in accordance with 6 NYCRR Part 617, and having received no responses from other involved agencies to the contrary, hereby declares itself lead agency under SEQRA and re-affirms the classification of the action as an Unlisted action in accordance with 6 NYCRR Part 617; and

be it further **RESOLVED**, that based on the environmental assessment and review, the Planning Board has determined that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, is hereby adopted; and

be it further **RESOLVED**, that the Planning Board authorizes the Chair to endorse the SEQRA determination and supporting rationale contained therein.

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

PUBLIC HEARINGS:

7:00 PM MOUNTAIN VIEW AVE. MAJOR 4 LOT SUBDIVISION

Chairman Mastin read the Legal Notice: The Town of East Greenbush Planning Board shall conduct a Public Hearing on the preliminary plat pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of EW Birch Builders for a Major 4- Lot Subdivision called the "Mountain View Avenue Major 4-lot Subdivision". The property is located off of Mountain View Avenue in the R-1A Residential Zoning District, Tax Map # 166.20-18-3. Said Public Hearing will be held on Wednesday, January 11, 2023 at 7:00 PM at the East Greenbush Town Hall in the Community Room, 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

Chairman Mastin gave a back ground on what the Planning Board has done so far with this application. The applicant has come in with one house on a single lot that they want to subdivide into 4 separate lots, one with the existing home and the intent is to build 3 new houses on the new lots. This project has been in front of the Planning Board 3 or 4 times. The Planning Board asked for changes in the shape of the lots, the sanitary sewer, drainage, retention ponds and how the existing home would be effected, the turnaround at the end of the street. Chairman Mastin asked the applicant to present.

Aaron Frank from Frank Engineering stated that there is a single family house on one lot and the parcel is being subdivided into 4 lots and building 3 new homes. Each lot will have an infiltration area behind the houses. An area to the rear of each parcel will remain forested. Chairman Mastin asked if the Board had any questions. There were no questions by the Board. Chairman Mastin stated that Fred Mastroianni represents the Town as the Town's designated engineer for this project and asked him to talk about what's been reviewed and any outstanding issues. Fred Mastroianni stated that there were 6 plan sheets that were reviewed that included the site grading, utilities, storm water management report and the sewer and the water and the infiltration areas, turn around, width of the road & he doesn't have any issues with anything at this time. Chairman Mastin stated that the Board did received comments via email which spoke specifically to the width of the road.

Chairman Mastin asked if there were any comments from the public.

- A woman spoke and stated she sent the email and stated that there will be 6 driveways coming off of it and has concerns if the road is widen that it will take some of her property. Anna Feltham stated that since this is an existing road that had a dead end, that widening the road wasn't a requirement.
- A resident asked if there was a plan to widen the road. Chairman Mastin stated that the design as submitted does not show the road being widened and at this time it is not a requirement.
- A resident asked the size of the houses and how far back they would sit. Ed Brzozowski stated the houses will be approximately 2,000 +/- square feet, 2 story colonial. Aaron Frank stated that the lots will have a 35' front setback and the width of the lots are 80'+.
- A resident spoke and asked about the trees on the lot. Aaron Frank stated that a lot of trees along Mountain View Avenue will be removed and they will be leaving a portion of the trees on the lower part of the lot.
- A resident who said they live at the end of Mountain View Avenue and stated that if there are people parked all over the street, then it would be hard for a fire truck to back down that road during an emergency.
- George Cash spoke and stated that he lives at the bottom of the hill, behind the development and asked if stormwater considerations depend on the amount of forest. Aaron Frank stated that yes it does.
- George Cash asked if a tree line could be modified once someone buys one of the houses. Aaron Frank stated that during construction it's enforceable, after that point, it's not enforceable. Chairman Mastin stated that they could condition the trees as forever wild, as a deed restriction or a note on the plat.
- George Cash asked if there are sewer connections. Aaron Frank stated that the houses will be on grinder pumps.

George Cash had other questions about engineering terms and descriptions on infiltration areas, sediment control fence, discussions on the area where the two Town culverts are on applicant's property and property values & who owns Mountain View.

- A resident asked if there would be a turnaround then. Chairman Mastin stated that the Board had raised the question about a turnaround at a previous meeting and that resulted in a conversation with the Fire Department and they explained that they were pulling forward and then backing out of the road in the event of an emergency.
- A resident asked what happens if someone parks on the main street.
- Andrew Petruzzelli stated their concerned about plowing & the maintaining of the road, concerned about access to his house on Elliot Ave, also concerned about retention areas and losing the forested areas & property values.
- A resident asked about having the forested area as a separate lot. Chairman Mastin stated that the original proposal showed that and the Board was concerned with later on someone coming in and wanting to develop the lot, so the Board asked the applicant to adjust the lot lines to remove that 5th lot originally. Joe Slater stated that the Board will consider a condition to keep the forested area forever wild.
- A resident stated their concern about extra driveways.
- A resident stated that they don't want to look at the development.
- A resident asked if there is a distance that the retention area needs to be from a property line.

- A resident asked what the elevation of the road is & is concerned about drainage & states they have a water problem on their property now. Aaron Frank stated approximately 302’.
- A resident stated that the road is not great as it is and asked what will be done to not make it worse after construction.

Ed Brzozowski stated that the Town DPW did state that they would try to allocate money to blacktop the road at the end of construction. Chairman Mastin asked Anna Feltham to speak to that. She stated that the Town goes out every year and scores every road, roads are paved from worst to best.

- Dave Terpening asked how early on are residents notified of this and feels the notification time was not sufficient. Chairman Mastin stated that they follow the proper protocol for notifying residents. Joe Slater stated in terms of legal procedural answer to that question, the Board cannot hold a public hearing under the law until they go through a SEQR review.

Ralph Viola is concerned with the infiltration areas and any overflow on the southwest edge of the infiltration slope. If it fills to 100 year flood, it will only have 6 inches to fill. Aaron Frank stated that it was lowered, there is a depression on the southwest side.

Ralph Viola asked what happens to the 6 inch depression if it freezes. Aaron Frank stated in the condition if the ground was frozen then the depression would not function the same way.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby adjourns the public hearing until the February 8, 2023 meeting for any additional public comment.**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

E.W. BIRCH BUILDERS-4 MOUNTAIN VIEW AVE-MAJOR 4-LOT SUBDIVISION (21-30)

No action taken on this tonight.

ISLAND PARK LLC.-AMERICAN OIL ROAD-MINOR 2-LOT SUBDIVISION (22-08)

Steve Hart of Hart Engineering was present representing the applicant. Steve Hart stated that the property is located on American Oil Road and consists of 32 acres and the applicant wants to break off 10 acres which is where the asphalt recycling area is which has been in operation now for 10 to 15 years. Steve Hart stated that he’s waiting for a letter for NYSDEC. Joe Slater stated that procedurally this project and the next project is in front of the Board for a 2-lot subdivision, Special Use Permit for current site plan.

BUONO-180-200 AMERICAN OIL ROAD-SITE PLAN MOD. & SUP (22-08A)

This project was discussed with the above project.

ORGANIZATIONAL MEETING 2023:

Meetings:

- Meetings will be held two times per month on the second and fourth Wednesday of each month.
- Meetings will commence at 7:00 PM in the Town Court Room or Community Room or via Zoom.

Appointments:

The Town Board appointed Alison Lovely as the Planning Board Secretary & Joseph Slater as the Planning Board attorney at their January 3, 2023 Organizational Meeting. The Town Board appointed our seven Town Designated Engineers, i.e. consultants at their January 3, 2023 Organizational Meeting.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby appoints Ralph Viola as the Vice Chairperson in absence of the Planning Board Chairman.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby approves the proposed 2023 meeting calendar.**

Seconded by Don Panton & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

NONE

NEW ZBA REFERRALS:

NONE

NEW ZBA REPORTS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the December 12, 2022 meeting minutes with a minor change by Ralph Viola. Seconded by John Conway. 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 Panton. Motion carried by a 6-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary