

TOWN OF EAST GREENBUSH PLANNING BOARD

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

MEMORANDUM

PLANNING BOARD MEETING AGENDA MAY 12, 2021

***TO BE HELD IN PERSON AT THE RED BARN ON
TOWN PARK ROAD***

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

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

- (20-17) Capital Region Environmental Lab-137 Columbia Turnpike-Re-Approval of Site Plan Modification
- (21-07) Cristo-Old Troy Road-Lot Line Adjustment-Review for SEQR Determination & possible Conditional Final Approval-Tentative
- (21-08) Craw-45 Acorn Avenue-Lot Line Adjustment-Review for possible Conditional Final Approval
- (21-09) Frey - Cream Retro, LLC.-351 Columbia Turnpike-Site Plan Modification-Review for Conditional Final Approval
- (19-18) Pheasant Hollow-Phillips Road-Open Space covenant modification-Presentation

NEW BUSINESS:

- (21-10) Wilber-12 Pine Grove Street-Special Use Permit- In-Law Apartment-Presentation & Schedule Public Hearing for May 26, 2021
- (21-11) Zassowski-125 Mohawk Avenue-Special Use Permit- Home Occupation-Presentation & Schedule Public Hearing for May 26, 2021
- (21-12) Meppen-Elliot Road-Lot Line Adjustment-Presentation & review for Conditional Final Approval

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2021-05 Mabey's-486 Third Ave Ext.- 4 Area Variances-4 Signs-Report by Don Panton
ZBA Appeal #2021-06-Kretzschmar-24 Rysedorph Lane-Area Variance-Shed-Report by John Conway

NEW ZBA REFERRALS:

NONE

REVIEW & APPROVAL OF MEETING MINUTES:

April 14, 2021 meeting minutes

**CAPITAL REGION ENVIRONMENTAL LABORATORY
137 COLUMBIA TPKE
SITE PLAN MODIFICATION RE-APPROVAL
MAY 12, 2021**

MOTION for CONDITIONAL APPROVAL (20-17)

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby re-affirms its prior classification of the proposed action as a Type II action, acknowledges that its prior approval of the site plan will expire on April 30, 2021 if further site plan approval is not granted, and approves the Site Plan Modification, as shown on an amended site plan dated [INSERT] and prepared by [INSERT], subject to the following conditions:

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

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**CRISTO
MINOR 2-LOT SUBDIVISION
24 OLD TROY ROAD
MAY 12, 2021**

**RESOLUTION TO ISSUE A NEGATIVE DECLARATION
UNDER SEQRA
(21-07)**

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Michael Cristo Jr. (the Owner) for approval under Section 276 of the Town Law of a minor subdivision plat entitled “Old Troy Road Minor 2-lot Subdivision” consisting of two proposed building lots, lot 1 (1.54 +/- acres) and lot 2 (0.88 +/- acres), on property located in the R-2, Residential Zoning District, Tax Map #'s 166.11-1-1.12 & 166.7-7-7.11; and

WHEREAS, the Town Planning Board did conduct a public hearing on April 14, 2021 on said action, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, on March 30, 2021 the Planning Board initiated a coordinated review in accordance with SEQRA and in view of the changes proposed according to the amended application; and

WHEREAS, the Planning Board, has carefully reviewed the development proposal, including a land development application form, proposed minor subdivision plat, a Short Environmental Assessment Form (SEAF) Part 1, and related reports and studies 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 (minor subdivision approval) 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).

Now, therefore, be it

RESOLVED, that the Planning Board, upon completion of the coordinated review as required by 6 NYCRR Part 617, hereby declares itself lead agency under SEQRA and re-affirms the classification of the action as an unlisted action in accordance with 6NYCRR 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, which attached hereto and made a part hereof, 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.

DRAFT

**PLANNING BOARD RESOLUTION GRANTING CONDITIONAL
APPROVAL PLAT APPROVAL FOR THE CRISTO MINOR 2-LOT
MAY 12, 2021
SUBDIVISION (21-07)**

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Michael Cristo Jr. (the Owner) for approval under Section 276 of the Town Law of a minor subdivision plat entitled “Old Troy Road Minor 2-lot Subdivision” consisting of two proposed building lots, lot 1 (1.54 +/- acres) and lot 2 (0.88 +/- acres), on property located in the R-2, Residential Zoning District, Tax Map #'s 166.11-1-1.12 & 166.7-7-7.11; and

WHEREAS, the Town Planning Board did conduct a public hearing on April 14, 2021 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, acting as lead agency as part of a coordinated review under SEQRA, and after carefully reviewing the development proposal, including land development application form, proposed minor subdivision plat, and a short Environmental Assessment Form (SEAF) for this project, determined, in accordance with Title 8 of the Environmental Conservation Law and 6 NYCRR Part 617, that there will be no significant adverse environmental impacts as a result of the action and has therefore issued a negative declaration on May 12, 2021; and

WHEREAS, the Planning Board has received and reviewed the revised proposed preliminary plat dated January 4, 2021 as prepared by K. M. FLATLEY LLC, including review comments from the Town Planning and Zoning Department; and
now therefore be it

RESOLVED that the Town of East Greenbush Planning Board hereby grants conditional approval of the Cristo Minor 2-Lot Subdivision for the 2 lots in the Town of East Greenbush. prepared by K. M. FLATLEY LLC, dated January 4, 2021, and in strict compliance with each of the following conditions which must be satisfied by the applicant within 180 calendar days of this resolution, unless extended upon written request of the applicant by mutual consent for two (2) periods not to exceed ninety (90) days each:

1. Outstanding technical details as determined by the Town Planning and Zoning Department must be satisfied.
2. Prior to commencement of construction, all fees due are paid as required by the Town of East Greenbush in accordance with the Western Generic Environmental Impact Statement (GEIS) fee schedule and Local Law 5-2018 of the Town of East Greenbush, a letter for which will be provided from the Director of Planning and Zoning.
3. The extent of proposed land disturbance must be shown on the plans, subject to Planning and Zoning Department review for conformance with Town MS4 requirements.
4. The Commissioner of Public Works must sign the final plat.

5. Existing and proposed elevation information must be included on the final plat. Driveway slopes must not exceed 10%.
6. Certification by a licensed professional engineer must be supplied to the Town indicating that the existing private water supply and sanitary sewer service laterals have the capacity to supply the proposed development.
7. A copy of the existing and proposed easements, including the proposed ingress/egress easement and existing utility easement(s), must be provided to the Town's Planning and Zoning Department, subject to Planning Board Attorney review and approval.
8. All remaining fees must be paid to the Town

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CRAW
45 ACORN AVENUE
LOT LINE ADJUSTMENT
MAY 12, 2021

MOTION FOR CONDITIONAL APPROVAL (21-08)

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

1. Declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16);
2. Approves the proposed double frontage lot in accordance with Section 2.5.1.D.03; and
3. Grants final approval of the proposed lot line adjustment prepared by Hershberg & Hershberg and dated January 14, 2021, subject to the following:
 - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and
 - That the garage not be used as a residential or apartment space.
 - That the garage not be used for commercial purposes.
 - No connection be made between Acorn Avenue and Newbury Street through the parcel.
 - All remaining fees are paid to the Town.

End of Motion

**FREY-CREAM RETRO LLC.
351 COLUMBIA TPKE
SITE PLAN MODIFICATION
MAY 12, 2021**

MOTION for CONDITIONAL APPROVAL (21-09)

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II action, which involves reuse of a commercial structure under SEQRA and Chapter 6 Part 617.5(C)(18) of the Codes, Rules, and Regulations of the State of New York, and approves the Site Plan Modification subject to the following conditions**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
- **Prior to issuance of a building permit, the Applicant submit to the Building and Codes Department an application for approval of proposed signage and, if necessary, obtain a variance from the ZBA for proposed signage if the proposed signage does not conform to the Town code;**
- **All remaining fees are paid to the Town**

WILBUR
SPECIAL USE PERMIT
12 PINE GROVE STREET
MAY 12, 2021
(21-05)

MOTION TO SCHEDULE PUBLIC HEARING (21-05)

A Public Hearing is hereby scheduled for May 26, 2021 at the East Greenbush Red Barn on Town Park Road @ 7:00 PM.

End of Motion

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ZASSOWSKI
SPECIAL USE PERMIT
125 MOHAWK AVENUE
MAY 12, 2021
(21-11)

MOTION TO SCHEDULE PUBLIC HEARING (21-11)

A Public Hearing is hereby scheduled for May 26, 2021 at the East Greenbush Red Barn on Town Park Road @ 7:00 PM.

End of Motion

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MEPPEN
ELLIOT ROAD
LOT LINE ADJUSTMENT
MAY 12, 2021

MOTION FOR CONDITIONAL APPROVAL (21-12)

MOTION: A motion was made by Chairman Mastin as follows:
The Town of East Greenbush Planning Board hereby declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) and grants final approval of the proposed lot line adjustment prepared by Bethlehem Land Surveying and dated April 28, 2021, subject to the following:

- Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;
- Prior to issuance of a building permit, the Applicant provide the Town evidence of Rensselaer County Health Department approval of the proposed on-site water supply and wastewater disposal facilities.
- Prior to issuance of a building permit, the Applicant obtain a permit from Rensselaer County for any proposed work in the Elliot Road right-of-way.
- Prior to any land development activity, the limits of the proposed land disturbance and/or clearing must be staked out to the satisfaction of the Building Inspector and Stormwater Management Officer;
- Construction activity including clearing, grading, excavating, soil disturbance, or placement of fill resulting in land disturbance of equal to or greater than one acre requires a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications contained in the Town's Comprehensive Zoning Law (CZL) Section 3.13, MS4 requirements, and NYSDEC regulations;
- The applicant must include on the plat the Required Undisturbed Area as specified in CZL Section 2.6.3.F.04(a), which stipulates that a minimum of 30% of the total site area

shall be maintained as undisturbed natural area in a location and with a form of ownership acceptable to the Planning Board.

- All remaining fees are paid to the Town.

End of Motion

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