

# TOWN OF EAST GREENBUSH PLANNING BOARD

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES MARCH 9, 2022

#### Members:

Matt Mastin, Chairman  
Ralph Viola  
Don Panton  
Chris Horne  
John Conway Jr.  
Kurt Bergmann

#### Also Present:

Adam Yagelski, Director of Planning & Zoning  
Joseph Slater, Planning Board Attorney  
Anna Feltham, Planner

#### CALL TO ORDER / DETERMINATION OF QUORUM

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

#### PUBLIC HEARINGS:

NONE

#### OLD BUSINESS:

##### RYSEDORPH-OLCOTT LANE-MAJOR 27 LOT SUBDIVISION (14-11A)

Adam Yagelski stated that the Commissioner of Public Works & the Town's Designated Engineer GPI have both signed off on the infrastructure in accordance with the street & highway acceptance law.

Adam Yagelski stated that there were a few conditions in GPI's certification letter. Fred Mastroianni stated that GPI has been conducting the inspections of the project's infrastructure, including the water, sewer, road & drainage. Improvements have been made to Olcott Lane due to run off from this project during construction, the road section on Olcott has been super elevated. Fred Mastroianni stated that there are just minor things left in the spring like regrading, new topsoil & reseeding of some lawns, as-builts are needed, drainage structures need to be inspected, easements and the right away monuments need to be installed. Fred Mastroianni stated that retaining walls were installed on some lots, a drainage ditch was installed behind lot #6 that wasn't on the plan, and it was inspected and does its job. A retaining wall was constructed on lot #5 with no specs, so that is needed.

•Ralph Viola asked if there was any screening/plantings around the storm water ponds & has it been installed. Fred Mastroianni stated that has been completed.

Adam Yagelski stated that there is a resident present (Derek Thorpe) present from 4 Olcott Lane who has had drainage issues from this project and specifically from Lot #6 & the development. Drainage historically came onto lot #6 before the project was developed. Adam Yagelski stated that the drainage ditch picks up drainage from the development. Adam Yagelski stated the issues with the individual lots is a Building Department issue and doesn't affect the dedication for the recommendation to the Town Board for the infrastructure for the project.

•Kurt Bergmann asked if there is ongoing issues would they be taken care of through the building department. Adam Yagelski stated that is correct.

Chairman Mastin asked if anyone from the Board had any questions.

•John Conway Jr. asked for clarification that the Board is trying to figure whether the Board should recommend to the Town Board the dedication of the infrastructure, which is the roads, and water & sewer, and that there are also individual lot issues, which are not the subject of what the Board is doing tonight. Chairman Mastin stated that is correct.

•Ralph Violas asked what happens if the lots sells and changes hands (that has the drainage ditch on it) and someone puts in a pool and fills in the drainage ditch. Adam Yagelski stated there would most likely be an easement for the lot #6 drainage ditch.

•Chris Horne asked about the issue of drainage with the homeowner at 4 Olcott Lane.

•Derrick Thorpe from 4 Olcott Lane spoke & discussed the water problems he’s been having on his property.

Chairman Mastin asked the Board if they all felt comfortable voting on this tonight and the census was to wait until the next meeting to vote on the resolution.

**DEJULIO-40-44 TANNERS LANE-MINOR SUBDIVISION**

**(21-31)**

Brian Holbriiter stated that since the last meeting, Steve Hart has put together a grading and utility connection plan for Lot #2. Brian Holbriiter stated that there were only minor revisions to his plan and he has added some notes. There were none. Chairman Mastin stated that this project did go before the Zoning Board awhile back and the area variances requested were approved. Chairman Mastin asked the Board if anyone had any questions. No one had any questions.

**WHEREAS**, the East Greenbush Town Planning Board is in receipt of an application by Michael and Mary Jane DeJulio (the Owner) with Brian Holbriiter, P.L.S, professional design consultant to the Owner, for a 2-lot Minor Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of two parcels totaling 1.81 acres parcel located at 40 and 44 Tanners Lane (Tax Map I.D. SBL: 144.3-1-14 and 144.3-1-1.115, respectively) on which there are currently two single family homes, one per lot, both of which are owned by the Owner; and

**WHEREAS**, the proposal would subdivide the parcel so that each home remains on its own lot creating a third new buildable lot between the two existing parcels and single family homes; and

**WHEREAS**, the Town Project Review Team did review the preliminary plat and the various supporting data on May 10<sup>th</sup>, 2021 and meeting notes show discussion related principally to procedural review regarding area variances; and

**WHEREAS**, on November 10, 2021 the Planning Board did classify the proposed sketch plat as a Minor Subdivision; 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 (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); and

**WHEREAS**, based on the environmental assessment and review, the Planning Board 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, was adopted on January 26, 2022; and

**WHEREAS**, the Planning Board did conduct a public hearing on February 9, 2022 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

**WHEREAS**, the Planning Board has received and reviewed the proposed preliminary plat dated July 14, 2021 most recently revised March 9, 2022 as prepared by Brian Holbitter, P.L.S., and corresponding Site and Utility Plan prepared by Hart Engineering, dated March 1, 2022 most recently revised March 5, 2022, including review comments from the Town Planning and Zoning Department; and

**WHEREAS**, the Planning Board did refer the application to the Town's Zoning Board of Appeals on November 10, 2021, in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law, as the application as proposed required the following variances:

1. Proposed Lot #1, with a proposed area of 1.08 +/- acres, lacks appropriate width (frontage), having only 35.71 feet of width in violation of Section 2.6.6.E:
  - a. Area and Bulk Schedule in Residential District (R-2) requires a minimum lot width of 75 feet
2. Proposed Lot #2, with a proposed area of 0.46 +/- acres lacks appropriate width (frontage), having only 39.35 feet width in violation of Section 2.6.6.E:
  - a. Area and Bulk Schedule in Residential District (R-2) requires a minimum lot width of 75 feet; and

**WHEREAS**, on February 8, 2022 the Zoning Board of Appeals did approve each of the two variances required by the proposed application, with the following conditions:

1. Pertaining to the following variance; Lot #1, with proposed 35.71' front setback was granted with the following conditions:
  - a. That the lot contain one and only one driveway to the primary building on that lot.
  - b. That the future subdivision of the cul de sac lot was not precluded as part of their original subdivision approval as indicated on the final site plans
2. Pertaining to the following variance; Lot #2 with proposed 39.35' front setback with the following conditions:
  - a. That the lot contain one and only one driveway to the primary building on that lot.
  - b. That the future subdivision of the cul de sac lot was not precluded as part of their original subdivision approval as indicated on the final site plans.

Now, therefore, be it

**RESOLVED**, that the Planning Board, hereby grants conditional approval of the DeJulio Minor 2-Lot Subdivision for 2 lots in the Town of East Greenbush, prepared by Brian Holbitter, P.L.S., dated July 14, 2021 most recently revised March 9, 2022, and corresponding Site and Utility Plan prepared by Hart Engineering, dated March 1, 2022 most recently revised March 5, 2022, and in strict compliance with each of the following conditions which must be satisfied by the applicant within 180 calendar days of this resolution, unless extended upon written request of the applicant by mutual consent for two (2) period not to exceed ninety (90) days each:

1. Outstanding technical details as determined by the Town Planning and Zoning Department must be satisfied.
2. A copy of the proposed ingress/egress easement must be provided to the Town's Planning and Zoning Department, subject to Planning Board review and approval.
3. All remaining fees must be paid to the Town.
4. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein.
5. No further subdivision of the property shall be permitted.

**Seconded by Don Panton & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**HART-1 HUNTSWOOD LANE-LOT LINE ADJUSTMENT**

**(22-05)**

Steve Hart stated that his parents own the house and are selling it to one of their granddaughters. Steve Hart stated that the original lot sizes were 6 & 34 acres and they will now be 5 & 35 acres. The frontage on the left side of the lot went from 33' to 51'. The frontage on the right side went from 161' to 168' and the frontage where the house is, is 169'. Chairman Mastin stated that if the larger lot were to be developed then it would need to be reviewed by the Planning Board & the Building Department. Chairman Mastin asked if the Board had any questions. Chairman Mastin stated that after discussions with Joe Slater, Adam Yagelski & Anna Feltham, that the bigger lot does meet the provisions for a flag lot, so that is still a buildable lot with frontage. If the larger lot were to be developed, it would require review from the Planning Development and Building & Codes Department. Chairman Mastin asked if the Board had any questions.

- John Conway Jr. wanted confirmation on the frontages. Steve Hart stated that section A is going from 33' to 51', B is going to be 169' and C is going to be 168'.
- Chris Horne stated that Adam Yagelski or Joe Slater had made some suggestions for the language for the resolution. Joe Slater stated that there was a suggestion that the Planning Board review any development on the back lot, but based on the Comprehensive Zoning Law, the Planning Board doesn't necessarily have jurisdiction to review individual plot plans so the Board has to leave that up to the Building & Codes & Planning Department. Chairman Mastin read the last two bullet points that reflect the above from the resolution.

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

- 1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) "granting of individual setback and lot line variances and adjustments";**
- 2. Finds that the existing parcel labeled as "Lot 1" (SBL 167.0-5-1.112) conforms to Section 2.5(G) "Flag Lot Development Standards" of the Town's Comprehensive Zoning Law; and**
- 3. Grants final approval of the proposed Lot Line Adjustment prepared by Donald G. Sovey, P.L.S, Creighton Manning Engineering, LLP and dated February 8, 2022, subject to the following:**
  - **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and**
  - **Beyond conformance to Section 2.5(G), the Planning Board has conducted no further review of Lot 1 with regard to whether Lot 1 is a buildable lot under the Town's Land Subdivision Regulations; and**

- **Prior to issuance of a building permit for development of proposed “Lot 1,” the Planning and Zoning Dept. and Building and Codes Dept. must review and approve the plan for development, including any required plot plan for residential or other construction; and**
- **That notes be added to final plat in accordance with the above-listed conditions, subject to Planning and Zoning Department review; and**
- **All remaining fees are paid to the Town.**

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

Anna Feltham mentioned that Carver Court cancelled at the last minute. Chairman Mastin stated that the Town’s Designated Engineer & their traffic engineer is doing further studies of traffic counts on Mannix Road & Thompson Hill Road & are specifically recording the vehicles and determine what the traffic counts are. Anna Feltham stated that also there were modifications they wanted to make to the developer’s agreement. Chairman Mastin stated that is was the applicant’s request to button up the traffic and make modifications to the developer’s agreement before coming into the meeting today.

**NEW BUSINESS:**

NONE

**ORGANIZATION MEETING ITEM:**

The appointment of a Vice Chair was tabled until the next meeting.

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the February 9, 2022 meeting minutes with corrections from John Conway Jr. Seconded by Don Panton. Motion carried by a 5-0-1 vote. Ralph Viola abstained.

Motion by Chairman Mastin to approve the February 23, 2022 meeting minutes. Seconded by John Conway Jr. Motion carried by a 5-0-1 vote. Kurt Bergmann abstained.

**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