

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 JANUARY 11, 2023 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

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

PUBLIC HEARINGS:

7:00 PM Mountain View Avenue Major 4 lot Subdivision

ORGANIZATIONAL MEETING:

Appointment of Planning Board Consultants- Completed at the Town Board Organizational meeting on 1/3/23

Appointment of Attorney – Completed at the Town Board Organizational meeting on 1/3/23

Appointment of Secretary – Completed at the Town Board Organizational meeting on 1/3/23

Appointment of Vice Chairperson

Acceptance of 2023 Meeting Calendar

OLD BUSINESS:

(21-30) E.W. Birch Builders-26 Mountain View Avenue-Major Subdivision – *Review for conditional approval*

(22-08) Island Park LLC.-American Oil Road-Minor 2 lot Subdivision- *Presentation*

(22-08b) Buono- 180-200 American Oil Road-Site Plan Mod & SUP - *Presentation*

NEW BUSINESS:

NONE

NEW ZBA REPORTS:

NONE

NEW ZBA REFERRALS:

NONE

REVIEW & APPROVAL OF MEETING MINUTES:

December 14, 2022 meeting minutes

**To view application materials use this link: [*https://www.eastgreenbush.org/departments/planning-zoning/apps](https://www.eastgreenbush.org/departments/planning-zoning/apps)*

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)694-4011 FAX (518)477-2386

MEMORANDUM

LEGAL NOTICE MOUNTAIN VIEW AVENUE MAJOR 4-LOT SUBDIVISION PLANNING BOARD TOWN OF EAST GREENBUSH

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

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.

The Town Board voted on 1/3/23 to appoint the following Town Engineering Services Consultants: **The Town of East Greenbush Planning Board hereby** (1) designates Adirondack Mountain Engineering, P.C.; Tighe & Bond; Greenman-Pedersen, Inc.; JMT of New York, Inc.; M.J. Engineering and Land Surveying, P.C.; Stantec Consulting Services, Inc. and FCM Engineering PLLC, as the Town’s engineering services consultants to perform services under term services agreements executed with each firm; and (2) designate H.V. LaBarba & Associates to provide water supply and sanitary sewer/treatment engineering services to Town units requiring these services.

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.

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

Roll Called as follows: MOTION CARRIED BY A - VOTE.

Chairman Mastin _____
 Mr. Panton _____
 Mr. Viola _____
 Mr. Bergmann _____
 Ms. Horne _____
 Mr. Conway _____
 Mr. Jucha _____

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

Roll Called as follows: MOTION CARRIED BY A - VOTE.

Chairman Mastin _____
 Mr. Panton _____
 Mr. Viola _____
 Mr. Bergmann _____
 Ms. Horne _____
 Mr. Conway _____
 Mr. Jucha _____

E.W. BIRCH BUILDERS
4-LOT MAJOR SUBDIVISION
26 MOUNTAIN VIEW AVENUE
JANUARY 11, 2023

ADOPTION of NEGATIVE DECLARATION
(21-30)

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.

E.W. BIRCH BUILDERS
4-LOT MAJOR SUBDIVISION
26 MOUNTAIN VIEW AVENUE
JANUARY 11, 2023

CONDITIONAL APPROVAL OF SUBDIVISION PLAT

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

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 11, 2023; and

WHEREAS, the Planning Board did conduct a public hearing on January 11, 2023 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, in order to provide sanitary sewer service to the Project, the Developer, at its expense, will install approximately 340 lf of 2" HDPE sanitary sewer forcemain, and related appurtenances to be connected to the General Sewer District, which improvements will be offered for dedication to the Town; and

WHEREAS, in order to provide adequate water service to the Project, the Town, at its expense, will extend the existing 3/4" copper water service to the property line of each lot; and

WHEREAS, a Storm Water Pollution Prevention Plan (SWPPP) dated August 26, 2022 last revised, December 1, 2022 has been prepared in accordance with NYSDEC and Town of East Greenbush MS4 requirements and includes the required temporary construction phase erosion and sediment controls and permanent erosion and sediment control measures that will mainly consist of infiltration and grassed swale areas, which will be maintained solely by the owners of lands within the subdivision; and

WHEREAS, the Project plans and engineering calculations have been submitted to the NYSDEC for their review and approval; and

WHEREAS, the Project plans and engineering calculations have been submitted to the Rensselaer County Health Department for their review and approval; and

WHEREAS, the Planning Board has received and reviewed the proposed final plat dated August 25, 2022 last revised, December 1, 2022 as prepared by Frank Engineering, PLLC, including review comments from the Town Planning and Zoning Department; and

WHEREAS, the Town's Designated Engineer, FCM Engineering, PLLC has reviewed the application, plans, short EAF, and related materials for the proposed Project, including the preliminary plat, and can recommend to the Planning Board consideration of final plat approval subject to all conditions and requirements by the Town; and

Now, therefore, be it

RESOLVED, that the Town of East Greenbush Planning Board hereby grants conditional approval of the E.W. Birch Builders Major 4-lot Subdivision for 4 lots in the Town of East Greenbush, prepared by Frank Engineering, PLLC, dated August 25, 2022 last revised, December 1, 2022, and in strict compliance with each of the following conditions:

1. Outstanding technical details as determined by the Town Planning and Zoning Department must be satisfied;
2. All remaining fees must be paid to the Town;
3. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein;
4. That the Commissioner of Public Works sign off on the plans prior to final signature by the Chair of the Planning Board;
5. That the subdivision plans be reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation be submitted to the Town for their records;
6. That an approved Utility Permit for Work in the Town right-of-way be submitted to the Town for their records;

7. Any easements needed from utility companies on private properties for electrical, cable and gas connections be provided to the Town and the County.
8. Elimination of any current easements on private properties that are no longer needed due to the proposed development be provided to the Town.
9. Review and approval of public utilities by the Rensselaer County Department of Health with a copy of the approval letter be provided to the Town.
10. Review and approval by the Town of each deed for each subdivided property to confirm that the restriction is stated regarding maintaining the infiltration area.
11. All stormwater pollution prevention permits will be obtained prior to any land disturbance as defined in the Comprehensive Zoning Law and as required in accordance with applicable SPDES MS4 and Construction general permits, which includes tree cutting, clearing, grading, grubbing, and/or site work, and regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002 and the approved SWPPP;
12. In accordance with the SWPPP dated August 26, 2022 last revised, December 1, 2022 permanent erosion and sediment control measures will be installed, the TDE shall inspect and provide final sign-off of completed stormwater catchment areas prior to issuance of certificate of occupancy;
13. In accordance with the SWPPP dated August 26, 2022 last revised, December 1, 2022 permanent erosion and sediment control measures will be maintained solely by the owners of lands within the subdivision, such language should be included in the deed covenant for each of the three new buildable lots created and be submitted to the Town for their records;
14. 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.