

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 APRIL 14, 2021

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

PUBLIC HEARINGS:

7:00 PM Cristo-Old Troy Road-Minor 2-lot Subdivision

OLD BUSINESS:

(21-05) Guffey-15 Troy Road-Special Use Permit & Site Plan Approval-Conditional Final Approval

(14-08) Deer Pond-Elliot Road-Major 62-lot Subdivision- Conditional Final Plat Approval

(19-18) Pheasant Hollow-Phillips Road - Final Plat Amendment for Sewer Easement
Modification

NEW BUSINESS:

NONE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2021-03-Nettinger-1266 Best Road-Area Variance-Solar Array-report by Chris Horne

ZBA Appeal #2012-04 Craw-45 Acorn Avenue-Area Variance-Driveway Access-report by Ralph Viola

NEW ZBA REFERRALS:

NONE

REVIEW & APPROVAL OF MEETING MINUTES:

March 24, 2021 meeting minutes

Notice Regarding Planning Board Meeting

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene its April 14, 2021 Board Meeting remotely as follows:

The Board Meeting will commence at 7:00 PM and will be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow the Planning Board members and those with business before the Board to participate electronically and remotely by audio and with or without a video connection.

In order that members of the public can view the proceedings, the meeting will be live-streamed on the Town's YouTube Channel. To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Members of the public with questions and/or comments can send correspondence to info@eastgreenbush.org. Correspondence sent to this email will **not** be answered in real time.

Please note that this meeting will be conducted remotely only and will not be held at Town Hall, which is currently closed.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the PLANNING BOARD of the Town of East Greenbush will hold a public hearing on April 14, 2021 beginning at 7:00 pm to consider the following matter(s):

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Michael Cristo Jr. for a Minor 2- Lot Subdivision called the "Old Troy Road Minor 2-lot Subdivision". Proposed lot 1 consists of 1.54 +/- acres for a proposed building lot. Proposed lot 2 consists of .88 +/- acres for a building lot. The property is located in the R-2, Residential Zoning District, Tax Map #'s 166.11-1-1.12 & 166.7-7-7.11. Said Public Hearing will be held on Wednesday, April 14, 2021 at 7:00 PM. 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

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene the public hearing remotely as follows:

The Public Hearing will commence at 7:00 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

To access the Board's public hearing, you have several options:

1. Go to www.zoom.us and download the free application. Once downloaded, enter 871 9101 8450 as the "Join Meeting" invitation code.
2. Click on <https://us02web.zoom.us/j/87191018450>
3. With a smartphone, utilize one click id: +16468769923, 8893517621# US (New York)
4. Call +1 646 876 9923 with your phone, and then enter Meeting ID: 871 9101 8450.

Important notes for voice-only participants: Please note that when dialing in (voice only) you may experience time on hold until being admitted to the meeting. To protect the privacy of your phone number please call in dialing *67 before +1 646 876 9923.

To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WaA.

Please note that this public hearing will be conducted remotely only and will not be held at Town Hall, which is currently closed. Please be patient upon joining the meeting. You will be provided instructions on how to deliver your comments once in the meeting.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

Written comment may be submitted to the Planning Board by email to alovely@eastgreenbush.org or to the Planning Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE PLANNING BOARD
DATED March 30, 2021
MATT MASTIN CHAIRMAN
PLANNING BOARD
TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CONTACT THE EAST GREENBUSH PLANNING AND ZONING DEPARTMENT BY EMAIL AT ALVELY@EASTGREENBUSH.ORG.

DEER POND MAJOR 65-LOT SUBDIVISION

CONDITIONAL FINAL PLAT APPROVAL

WHEREAS, the Town of East Greenbush Planning Board is in receipt of an application by SAI Developmental Projects, Inc. (“Owner” or “Applicant”) for final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Deer Pond Subdivision, for sixty (60) single-family detached dwelling units, two (2) storm water management lots, and three (3) lots for water and sewer utilities consisting of 96.7 +/- acres in the R-B Zoning District located off of Elliot Road (Tax Map I.D. SBL: 167.00-1-12.11 and 167.00-1-12.10) (the “Project”); and

WHEREAS, the Planning Board did submit the preliminary plat and the various supporting data, to the Town Project Review Team on February 26, 2014; and WHEREAS, the Town Planning Board did conduct a public hearing on December 23, 2015 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 Town Planning Board did grant preliminary plat and preconstruction approval of the Deer Pond Subdivision on April 11, 2018 for the 65 lots in the Town of East Greenbush of the plans, entitled “Deer Pond Estates,” prepared by Boswell Engineering, dated December 3, 2015 and with revision date of March 9, 2018; and

WHEREAS, the Town Planning Board did grant eight (8) 90-day extensions for the applicant to file its conditional final plat and preconstruction approval application for the Deer Pond Major Subdivision, the most recent of which was issued on December 19, 2020; and

WHEREAS, on March 24, 2021 the Town Planning Board and Applicant did mutually consent to an extension of the 45 day time for the Planning Board to act by resolution on the final plat submission for the subject project until April 14, 2021, in accordance with Article 3, Section 5(E)(2) of the Town of East Greenbush Land Subdivision Regulations; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board’s view that the proposed subdivision of this site would be consistent with the Town’s land use, zoning and service requirements, and through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, the applicant has filed the necessary application with the Planning Board and has paid to the Office of Town Clerk the applicable preliminary plat application fee

PROJECT NAME: DEER POND CLUSTER SUBDIVISION

FINAL DATE: April 14, 2021

and final plat application fee, with receipt therefore provided to the Planning Board by the Town Clerk; and

WHEREAS, the Town's Designated Engineer, HV LaBarba and Associates, has reviewed the plans for Deer Pond Subdivision as prepared by Boswell Engineering dated December 3, 2015, and recently revised April 8, 2021, and can recommend to the Planning Board consideration of final approval, subject to all conditions and requirements contained herein; and

WHEREAS the final plat has been submitted in accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations and that the requisite fees be paid in accordance with the fee schedule established by the Town Board; and

WHEREAS, upon successful installation and testing of the water, sewer and stormwater facilities within the public right of way and/or easements shall be dedicated to the Town of East Greenbush, who will own and the same; and

WHEREAS the subdivision plans have been reviewed and approved by the Rensselaer County Health Department in accordance with applicable provisions of the Public Health Law, and such documentation has been submitted to the Town for their records; and

WHEREAS the plan for required work within the Rensselaer County Right of Way has been reviewed and approved by the County, and such documentation has been submitted to the Town for their records; and

WHEREAS the subdivision plans have been reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation has been submitted to the Town for their records; and

WHEREAS the proposed Project involves discharge of fill into regulated wetlands, and on November 14, 2018, the USACOE authorized the proposed work under Nationwide General Permit Number 29, subject to certain conditions as outlined in their November 14, 2018 letter; and

WHEREAS documentation of completion of a limited addendum Phase 1B archaeological investigation and reconnaissance in the additional areas of the water tower and water line extensions along the roadside of Elliot Road has been submitted to the Town as per a letter from Hudson Mohawk Archeological Consultants, LLC ("HMAC") dated March 9, 2018, and such documentation has been included in a revised report, prepared by HMAC dated November 2018; and

WHEREAS the applicant has prepared a Storm Water Pollution Prevention Plan dated January 2016, most recently revised March 2021, and the applicant's engineer Boswell Engineering has provided a certification letter that the SWPPP is complete and final.

WHEREAS the developer has submitted written offers of cession for all improvements and interest in all land areas within the Public Right-of-Way to be dedicated to the Town

of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements; and

WHEREAS, the Town Board of the Town of East Greenbush did, as part of a Joint Consolidation Agreement, establish a new Consolidated Water District with boundaries that incorporate the Project; and

WHEREAS, the Planning Board did review a development proposal and conceptual master plan for this project consisting of 65 lots and determined, in accordance with Title 8 ECL and Part 617 NYCRR, that the project will not have a significant adverse environmental impact after a Full Environmental Assessment Form was prepared and, therefore, issued a Negative Declaration on April 11, 2018; 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, having carefully reviewed the application for final plat approval, including a revised proposed final plat, by resolution on April 14, 2021 reaffirmed its determination that the project would not have a significant adverse environmental impact and reaffirmed a negative declaration under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants conditional final plat and pre-construction approval for the 65 lots in the Town of East Greenbush of Deer Pond Subdivision prepared by Boswell Engineering, dated December 3, 2015 and last revised April 8, 2021, and in strict compliance with each of the following conditions which, in accordance with Article IV Section 5(E)(2), must be satisfied by the applicant within one hundred eighty (180) days after the date of this resolution:

1. That the applicant addresses all remaining comments of the Town's designated engineer and Planning and Zoning Department;
2. All outstanding fees be paid to the Town.
3. That the applicant reimburses the Town for all costs and expenses associated with the review and evaluation of the plans and associated reports by the Planning Board's consultants;
4. That the Commissioner of Public Works sign off on the plans prior to final plat approval;
5. That, in accordance Article 4, Section 5 of the Town's Land Subdivision Regulations and Section 36-26 of the New York State Town code, the developer must issue to the Town a letter of credit or other suitable performance guarantee to cover the full cost of the required improvements. Such bond, if required by the Commissioner of Public Works, shall be satisfactory to the Commissioner of Public Works, the Town Supervisor, and the Town Attorney as to form,

sufficiency, manner of execution. Said letter of credit will be released upon the completion of roadway and related infrastructure, up to and including the binder course of pavement and top course of pavement, to the satisfaction of the Commissioner of Public Works, and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface

6. All utilities, roadways, and other infrastructure as shown on the final plat must be constructed as part of an initial phase and must be substantially completed, subject to the satisfaction of the Town designated engineer and Commissioner of Public Works, prior to commencement of construction on any building lots; and
7. Compliance with all provisions of the Town's Subdivision Regulations and Town's Comprehensive Zoning Law, including those not specifically mentioned in this resolution.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

8. A "will serve" letter from the public utility providing natural gas and electricity service must be submitted to the Town.
9. Tree clearing must not occur during restricted time periods or otherwise in a manner disallowed by ACOE and/or NYSDEC.
10. Tree clearing limits and/or protected wetland sites identified on the plat must be staked out.
11. The Developer must provide the Town evidence of valid permit coverage under the ACOE Nationwide Permit, and evidence that any applicable deed restrictions have been filed in with the Rensselaer County Clerk's Office must be submitted to the Town.
12. An escrow account must be established and funded by the developer, prior to the commencement of any site work, land disturbance, and/or permit issuance, to cover the expenses associated with the Town's Designated Engineer's full time inspection of improvements to be dedicated to the Town.
13. All storm water pollution prevention permits will be obtained prior to tree cutting, clearing, grading, grubbing, and/or site work and regularly scheduled required inspections will 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 Storm Water Pollution Prevention Plan; and
14. That, for each building lot, a detailed plot plan; grading plan and utility service plan must be submitted and approved by the Commissioner of Public Works and the Building Inspector prior to the issuance of a Building Permit for that building lot. Also, each building plot will include a post light on at dusk to dawn time set and one 2.5" caliper deciduous tree.

15. Regularly scheduled required inspections will 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 Storm Water Pollution Prevention Plan.
16. All land development mitigation fees due are paid as required by the Town of East Greenbush in accordance with the Western East Greenbush Generic Environmental Impact Statement (“GEIS”) and local law number 5 of 2018. A letter specifying required GEIS mitigation fees will be provided by the Director of Planning and Zoning.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

17. The relevant conditions remaining to be satisfied of the ACOE Nationwide Permit coverage, if any, must be satisfied and documentation must be submitted to the Town.
18. The applicant shall prepare suitable offers of cession for all improvements and interest in all land areas within Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements, and that all such offers of cession shall be submitted to the Commissioner of Public Works and Town Attorney, who shall review the sufficiency for the purpose intended, which determination shall not commit the Town Board in any way to acceptance of the improvements, once installed.
19. That construction of all public and/or required improvements within the Development as shown on the subdivision plans be substantially completed by the developer, and be approved in writing by both The Town’s Designated Engineer and the Town’s Commissioner of Public Works.
20. That all street signs and regulatory signs shall be furnished and installed.
21. That the developer provide and install a chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water management practice area(s); and
22. The owner/developer shall install an on-site sewage pump station compatible like in kind to other existing Town owned pump stations, on a lot to be dedicated to the Town, and all facilities once installed and approved for operation become the property of the Town which shall operate and maintain the system; and
23. That the Couse Sewer District be extended per the requirements of New York State Town Law Article 12-A to incorporate the Project; and
24. That payment for the cost of maintenance of the storm water management system to the Town in the amount of \$32,416.00 shall be paid to the Town upon final

acceptance of all right of ways and other facilities to be dedicated for Town ownership; and

25. That an as-built plan be submitted to the Town by the owners/developers based upon marked up plans provided by the Planning Board's designated engineer for review/approval at the completion of construction. This plan shall show an accurate and complete record and description of the final "as-built" conditions of improvements to be dedicated to the Town and which as-built must be provided in hardcopy and/or electronic format(s) acceptable to the Commissioner of Public Works and Director of Planning and Zoning; and
26. All land development mitigation fees due are paid as required by the Town of East Greenbush in accordance with the Western East Greenbush Generic Environmental Impact Statement ("GEIS") and local law number 5 of 2018. A letter specifying required GEIS mitigation fees will be provided by the Director of Planning and Zoning.

In effect, this final plat and pre-construction approval by the Planning Board authorizes the applicant to initiate necessary site work and the installation of public and/ or other required improvements with the rights-of-way, easements and drainage ways and other public improvements, as needed.

The installation of such public improvements shall be subject to: (1) the Planning Board's final review and approval of engineering and construction details; (2) the conduct of a project initiation conference, including the applicant, the applicant's consultant engineer, appropriate contractors, the Planning Board's designated engineer and the Town's Commissioner of Public Works, Building Inspector and Planning Department; and (3) a detailed itemized cost estimate and construction schedule for construction of all improvements for the project shall be provided to the Planning Board's designated engineer, which estimate and schedule shall be provided by and satisfactory to the Planning Board's designated engineer, and a copy of which shall be transmitted concurrently to the Planning Board Office and the Commissioner of Public Works.

This approval shall be required as limited in its authorization in that no sale of a lot or an offer of sale within the intended subdivision may be undertaken until the stamping of the plans by the Planning Board's designated representative. Subsequent filing of the approved final plat in the Office of the Rensselaer County Clerk must occur within 60 days of the final plan approval/signature.

FURTHERMORE, the Planning Board advises that all work undertaken and all expenses incurred by the applicant, pursuant to this resolution, are at the risk of the applicant. It is the applicant's exclusive responsibility to ensure that all conditions and requirements are met in a timely manner prescribed within the Town's Land Subdivision Regulations and referenced earlier in this resolution. Failure of the applicant to meet this timetable shall result, without the requirements of any further action by the Planning Board, in the expiration of this final plat approval and the requirement that a new application, with

associated application fees, be filed with the Planning Board should it still be the applicant's desire at that time to pursue approval of the subdivision.

RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON _____, 2021

MATT MASTIN, PLANNING BOARD CHAIRMAN

DRAFT

DEER POND MAJOR SUBDIVISION (14-08)

A RESOLUTION REAFFIRMING ISSUANCE OF A NEGATIVE DECLARATION UNDER SEQR

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by SAI Developmental Projects, Inc. (the owner) for final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Deer Pond Major 65-Lot Subdivision, for 60 single-family detached dwelling units, three (3) lots for water and sewer utilities, and 2 storm water management lots consisting of 96.7 +/- acres in the R-B Zoning District located off of Elliot Road (Tax Map I.D. SBL: 167.00-1-12.11 and 167.00-1-12.10); and

WHEREAS, the Town Planning Board conducted a public hearing on December 23, 2015 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 submitted the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements.

WHEREAS, the Planning Board did carefully review a development proposal and conceptual master plan for this project as well as a Full Environmental Assessment Form and determined that the project would not have any significant adverse impacts on the environment and that 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.

WHEREAS, the Planning Board adopted a negative declaration for the project on April 11, 2018; and

WHEREAS, the applicant has made minor modifications to the proposed master plan, most recently revised on March 31, 2021, and has included with their application for final plat and preconstruction approval certain supplementary materials, which are described in the attached Amended Addendum to Negative Declaration, which the Planning Board has carefully reviewed;

Now, therefore, be it

RESOLVED, that the Planning Board hereby reaffirms its determination that the project will not have a significant adverse effect on the environment and that an amended negative declaration, in the form annexed hereto, is hereby readopted.

Date: April 12, 2021

DEER POND ESTATES
AMENDED ADDENDUM TO NEGATIVE DECLARATION

The following is a summary of the potential adverse environmental impacts that were considered.

- **Sewage** – The Project is projected at full build-out to generate approximately 21,000 gallons per day (“gpd”) of sewage, with a maximum peak flow of 84,000 gpd. This will be conveyed to the existing infrastructure of the Town’s Couse Sewer District, and will not have a significant impact of the Town’s sewer treatment facility. NYSDEC has reviewed and approved the engineering report and plans for the Project, subject to conditions outlined in their December 11, 2020 letter. The Applicant will seek approval from the Town Board to extend the Couse Sewer District to include the Project.

- **Water Supply** – It is projected that at full build-out the Project will consume 46,200 gpd of potable water. It has been determined that the Town’s East Greenbush General Water District has the capacity to meet such demand. At the same time, to increase water supply / pressure, the Applicant proposes to construct a water supply tank. This tank will be of benefit to neighboring properties, as well as the project. It is contemplated that this tank would ultimately be conveyed to the Town. Rensselaer County Health Department has reviewed and issued preliminary approval of the proposed water supply system, subject to certain technical comments and the application for approval of a public water

supply improvement permit (DOH-348), as outlined in their February 3, 2021 memorandum.

- **Wetlands** – The Department of Environmental Conservation has confirmed that no State wetlands exist on the Project site, although the Army Corps of Engineers (“ACOE”) has indicated some Federal wetlands exist on the property. According to correspondence dated November 14, 2021, ACOE determined that the proposed Project activities could be accomplished under Nationwide General Permit Number 29, subject to certain Special Conditions. Prior to on-site grading or building permit issuance, the Town must be provided written approval by ACOE of discharge of fill material to wetlands, including that the determinations and conditions for Nationwide General Permit coverage outlined in the above-referenced correspondence remain valid for the Project. Any necessary tree-clearing associated with the Project shall be conducted between October 1 and March 31.
- **Archeology and Historic Resources** – The applicant’s consultant, Hudson Mohawk Archeological Consultants, conducted an examination of the project site and submitted a report concluding that no archeologically sensitive resources exist on the site. The State Historic Preservation Office (“SHPO”) has stated that there are no historically sensitive resources on the project site. The applicant has submitted an additional 1A/1B report, dated November 2018 that included the proposed water tank site, which was not within the originally examined project site. This additional report reaffirmed the prior conclusion that no archeologically sensitive resources exist on the site, including the proposed water tank site. An updated letter of no effect from SHPO will be provided to the Town prior to any land disturbance.

- **Stormwater Management** – The project will trigger the need for a Storm Water Pollution Prevention Plan (SWPPP). The applicant has provided a SWPPP for the Town’s review. A detailed phasing plan and narrative for construction-phase erosion and sediment controls have been provided in the SWPPP. The applicant has proposed, as part of its long-term stormwater management plan, construction of stormwater retention/management facilities. All storm water pollution permits will be obtained prior to tree-cutting, clearing or other site work involving land disturbing activity.
- **Traffic** – Creighton Manning Engineering conducted a traffic evaluation of the proposed project. The evaluation found that the project would generate 52 new vehicle trips during the a.m. peak hour and 66 new vehicle trips during the p.m. peak hour. The report concluded that the site driveway approach to Elliot Road, a County-owned roadway, would operate at a level of service A during both a.m. and p.m. peak hours. The Applicant has obtained approval from Rensselaer County for the proposed roadways to be constructed.