

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 AUGUST 12, 2020

Members:

Matt Mastin, Chairman
Ralph Viola
Don Panton
Nancy Kupiec
Kurt Bergmann

Also Present:

Dalia Szarowicz, Planner
Joseph Slater, Planning Board Attorney
Alison Lovely, Planning & Zoning Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Jim Moore & Chris Horne were both absent.

OLD BUSINESS:

PHEASANT HOLLOW-2670 PHILIPPS ROAD-10 LOT CLUSTER SUBDIVISION (19-18)

Steve Hart was present to discuss the project & stated that the map has not changed. Steve Hart stated he has been following up with NYSDEC, County Health & County Highway & have been working with the Town's designated Engineer, addressing comments from the preliminary plat resolution. Steve Hart stated that there is nothing new except that we now have NYSDEC & County Health Dept. signoff. Chairman Mastin stated that the Town's designated engineer sent an email today that stated they were good with moving forward with approval tonight.

•Nancy Kupiec asked if we've heard from any of the neighbors. Chairman Mastin stated that he hasn't seen any correspondence.

Chairman Mastin stated that the Town Board approved the extension of the sewer district.

Chairman Mastin asked Steve Hart if he had anything further. He did not.

Chairman Mastin stated that he's going to make a motion to grant conditional final plat approval of the Pheasant Hollow Major Cluster 10-lot subdivision & stated that the approval resolution was attached to the agenda and posted on the Town's website.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional final plat approval of the Pheasant Hollow Major Cluster 10-lot subdivision.

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; N, Kupiec-YES; K. Bergmann-YES; D. Panton-YES.

MOTION CARRIED BY A 5-0 VOTE

CARVER COURT-UPPER MANNIX ROAD-MAJOR CLUSTER SUBDIVISION (20-11)

Brett Steenburgh & Don Zee were both present for the project tonight. Brett Steenburgh stated that he is representing CLDZ. Brett Steenburgh stated that on July 24, 2020 he received concurrence from the Town's designated Engineer regarding using the conventional layout for the proposed subdivision, using the conventional layout to determine the maximum site density allowable in the proposed cluster subdivision. Brett Steenburgh stated that a parcel, a portion of the Reed parcel was added to establish better site distance and to minimize wetland impacts for the access road to the site. Brett Steenburgh stated that overall with the additional acreage there is a little over 99 acres of property. Brett Steenburgh stated that they removed the area of steeper slopes and in the lighter shaded areas are areas of open space. Brett Steenburgh stated that the proposal is for 110 building lots with a mixture of 50'-60' wide lots for both twin homes and carriage homes, they haven't determined the number of each yet, and this allows them to retain 49% of greenspace.

Brett Steenburgh stated that the lighter shade of green area is the location of the 110 building lots, the dark green areas on the plan are green space, the blue areas are storm water management area & there is an area at the end of the cul-de-sac for an active park, which abuts up against the Girl Scout council property, which they could possibly use. Brett Steenburgh stated that they are showing two full size lacrosse fields. Brett Steenburgh stated to meet Appendix D of the NYS Fire code, they have to show two forms of egress to avoid the cost of sprinkling buildings, so there will be an emergency access to Thompson Hill Road. Chairman Mastin stated that the intent tonight is to potentially accept the sketch plat. Chairman Mastin stated that Kurt Bergmann mentioned there are a lot of wetlands there. Brett Steenburgh stated that is correct but they are able to maintain the wetlands impacts to less than a ¼ of an acre throughout the entire project and that does include the 25% buffer around the wetlands. Chairman Mastin asked the Board if there were any questions.

•Kurt Bergmann stated that the road that goes out to Thompson Hill Road, crosses a swamp area. Brett Steenburgh stated that it does and there is an area that narrows right down and that's where the road will be, the road is only required to be 22' wide and that's what it will be & they are able to maintain the 7% grade. Kurt Bergmann asked if that road would be gravel & gated. Brett Steenburgh stated that it would be a gravel emergency access road & probably would be gated.

Chairman Mastin stated that he misspoke and the intent tonight is to potentially accept the conventional sketch plat, not the actual cluster. Joe Slater stated that so the Board is aware, in any cluster subdivision, the applicant has to show how it would meet conventional subdivision regulations, and the applicant has done that and the TDE has reviewed that and stated it's acceptable. So the intent tonight is to show that it is an approvable sketch plat under regular subdivision regulations and they can proceed with the cluster plan.

•Nancy Kupiec asked if there would be a public meeting. Joe Slater stated yes, for every subdivision there is a public hearing. Nancy Kupiec stated that there are a lot of neighbors involved, she thinks it would be good for them to go around and talk to them & also the applicant stated they are proposing carriages house and twin homes, meaning zero setback with a fire wall in between, and if this was to preserve greenspace & also they will have one driveway? Brett Steenburgh stated that for narrower lots, the twin homes do work well and have a little bit lower construction cost. They are trying to hit a market point that will allow this to be a place for seniors and just overall affordable housing. There will be two driveways for the twin homes.

•Nancy Kupiec asked if there was water & sewer. Brett Steenburgh stated that they will be bringing both to the site. Nancy Kupiec stated that you have the potential to sprinkler but you want that other right.

•Don Pantan asked where the units are going to be is there going to be a lot of drainage or is that more flat, would it be wet in that area if you didn't provide drainage. Brett Steenburgh stated that the site is rolling, the drainage will need to meet the NYS guidelines and that's more of an upland area.

•Nancy Kupiec asked if the wetland areas are wooded. Brett Steenburgh stated that yes they are.

•Ralph Viola stated that on the conventional layout, your showing the unbuildable areas, are they the bold shaded areas. Brett Steenburgh stated that the lighter shaded area are deemed open space and

the darker shaded areas are the areas of steep slopes. Ralph Viola stated it looks like your encroaching on your wetlands. Brett Steenburgh stated they weren't.

Chairman Mastin asked if they are meeting the requirement percentage in a cluster of buildable land that is required to remain as open space. Nancy Kupiec read that at least 10% of buildable land must be included in this area.

Don Zee stated that he wanted to inquire on whether there would be an objection as part of their approval that they would donate land to property owners abutting the project so that those residents could expand their back yard as some of the residents have structures on their property. Chairman Mastin stated that's up to you. Chairman Mastin asked if they are exactly at the 10%. Brett Steenburgh stated that they are far greater than the 10%, but the cluster requires more open space. Joe Slater stated it's 25%. Brett Steenburgh stated that they are almost near 50%. Brett Steenburgh stated that the only issue they would be running into with a calculation is land they had utilized for the 110 lots and taking it out of the project and giving it to neighbors.

•Nancy Kupiec stated instead maybe you could grant the neighbors easements to use the land & keep it green and wild.

Don Zee stated the only problem with that is there is going to be a homeowner's association and they are going to say we own this land and they could go right up to the back yards of neighbors.

Chairman Mastin stated that he would leave it up to Brett how to figure out the calculations while giving them land.

Don Zee stated that he brought the issue up because he wants to make sure that it doesn't penalize them in regards to the 100 lots. Don Zee stated he didn't know if the Planning Board was able to grant any waivers if they demonstrate it now that they have the numbers and then say half a percent low since their donating land to these neighbors. Joe Slater stated he doesn't know if the Board is in the position to do that now and that the applicant should make that proposal to the neighbors first to see if they are actually willing to take ownership of those additional lands. Chairman Mastin stated that it was up to the applicant what they want to do. Chairman Mastin asked if there were any other comments or questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby acknowledges the recommendation of its designated engineer, CPL Architecture – Engineering – Planning, that the proposed conventional subdivision sketch plat is an approvable sketch plat for lot-by-lot development,, and in partial fulfillment of the requirements set forth by Article VIII of the Town's Subdivision Regulations and Section 3.8 of the Town's Comprehensive Zoning Law, hereby accepts the conventional subdivision sketch plat dated, July 23, 2020 & prepared by Brett L. Steenburgh P.E. PLLC for the proposed 110-lot cluster subdivision, subject to the following:

- In accordance with Section 3.8 of the Comprehensive Zoning Law, an open space area totaling not less than twenty-five percent (25%) of the total cluster development site shall be provided in perpetuity for the use and beneficial enjoyment of all residents within the cluster development. At least ten percent (10%) of the site's buildable land must be included within this area.
- In accordance with requirements of the residential buffer zone set forth by Section 2.6.3(F)04(a) of the Town's Comprehensive Zoning Law, a minimum of 30% of the total site area shall be maintained as undisturbed natural area. This undisturbed natural area may be incorporated into lots and/or it may be located in common open space blocks of land. The location and the form of ownership of the undisturbed area must be acceptable to the Planning Board.
- The Planning Board reserves its right under Section 3.8 that if, in its opinion, little would be gained from the cluster development open space due to the particular aspects of the proposal or characteristics of the site compared to other opportunities for conservation in the vicinity, the Planning Board may mandate other amenities and/or cash equivalent to improve the area, tie into a local trail system and/or conservation rights to nearby lands.
- The cluster layout shall provide suitable buffer areas to adjacent properties. Buffer areas shall include existing natural vegetation and/or enhanced landscaping for the purposes of screening

and be maintained as undisturbed open space. Future submissions should include aerial photos or mapping for the property, all lands within 1000 feet of the property lines, and the extents of proposed tree removal or land disturbance.

- In accordance with the Town's Subdivision Regulations Article VI, Section 2.B.2 and 2.B.7, regarding Street Connections, the Cluster Subdivision layout shall be provided with at least two (2) connections with existing public streets.
- The applicant shall comply with all provisions of the Town's Land Subdivision Regulations and Comprehensive Zoning law.

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; D. Panton-YES.

MOTION CARRIED BY A 5-0 VOTE

PAPA-284 HAYS ROAD-MINOR 2 LOT SUBDIVISION (20-10)

Brian Holbriiter was present on behalf of Theresa and Charles Papa who were also present. Brian Holbriiter stated that he added 30% undisturbed nature area to the plan. Brian Holbriiter stated that their required to have 4.17 acres total, 2.64 acres will be in the rear of the lot out of the way & 1.53 acres will be out in front of the parcel in front of the 200'line that you have to build behind. Chairman Mastin asked the Board if anyone had any questions. There were no questions from the Board.

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Charles and Theresa Papa (the Owner) for final plat approval under Section 276 of the Town Law for a residential subdivision entitled Papa Minor 2-Lot Subdivision for one (1) single-family detached dwelling unit and one (1) remaining lot on which exists a single family detached dwelling unit and other improvements consisting of 13.79+/- acres in the R-B Zoning District located off of Hays Rd (Tax Map I.D. SBL: 177.-2-3.61); and

WHEREAS, the Town Planning Board did conduct a public hearing on July 8, 2020 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, on June 24, 2020 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, 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 Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; D. Panton-YES.

MOTION CARRIED BY A 5-0 VOTE

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Charles and Theresa Papa (the Owner) for approval under Section 276 of the Town Law of a minor subdivision plat entitled Papa Minor 2-Lot Subdivision, for one (1) single-family detached dwelling unit and one (1) remaining lot on which exists a single family detached dwelling unit and other improvements consisting of 13.79+/- acres in the R-B Zoning District located off of Hays Rd (Tax Map I.D. SBL: 177.-2-3.61); and

WHEREAS, the Town Planning Board did conduct a public hearing on July 8, 2020 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 August 12, 2020; and

WHEREAS, the Planning Board has received and reviewed the revised proposed preliminary plat dated June 6, 2020 as prepared by Brian R. Holbritter, P.L.S., 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 Papa Minor 2-Lot Subdivision for the 2 lots in the Town of East Greenbush. prepared by Brian R. Holbritter, P.L.S., dated June 6, 2020, 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 plat must show that a minimum of 30% of the total site area to be maintained as undisturbed natural area in accordance with the Comprehensive Zoning Law Section 2.6.3(F) (04) (a), and the location and form of ownership of the undisturbed area must be reviewed by the Planning and Zoning Department prior to the Chair stamping the final plat.
5. Evidence must be submitted to the Planning and Zoning Department that Rensselaer County Health Department has approved of the on-site water supply and wastewater treatment systems.
6. 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.
7. All remaining fees must be paid to the Town.
8. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein.

Seconded by Nancy Kupiec & roll called as follows:

M. Mastin-YES; R. Viola-YES; N, Kupiec-YES; K. Bergmann-YES; D. Panton-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

LOT'S 24 & 25 OLCOTT LANE-15-17 RYSEDORPH LANE-LOT LINE ADJ. (20-13)

Frank Palumbo from CT Male representing the applicant presented the proposal to the Board. The size of the area is approximately 2,874 sq. and the sole reason for the adjustment to have better access into where the house is located. The one lot goes from 7.03 acres to 7.01 acres.

• Nancy Kupiec asked if their just widening the approach. Frank Palumbo stated that is correct. Chairman Mastin asked if anyone else had any comments or questions. There were none.

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 CT Male Associates and dated March 17, 2020 & last revised June 29, 2020, subject to the following:**

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

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; N, Kupiec-YES; K. Bergmann-YES; D. Panton-YES.

MOTION CARRIED BY A 5-0 VOTE

REGENERON-DISCOVERY DRIVE-BLDG. 85-SITE PLAN MOD. (20-15)

Steve Hart was present on behalf of the applicant as well as Kyle Cherry & David Yost from Regeneron. Steve Hart stated the fencing proposed in front of the Building 20 was a 72” black aluminum decorative fence & Regeneron would like to put a black vinyl chain link fence with three strands of barbed wire on top of it for security reasons. Chairman Mastin stated that the Board had a pretty in depth discussion on the fence and it was a specific request to get the decorative fence as opposed to the chain link fence. Kyle Cherry stated that yes it was.

•Nancy Kupiec asked what’s up with the change. Kyle Cherry stated that Regeneron is now working towards an antibody for Covid-19, so there is a lot of interest in that drug from people that want to do good things and not so good things. Kyle Cherry stated that Gerry Underwood, the Senior VP of technical operations said that they are consistent with their security measures surrounding the property that manufacture their materials & the property where they store the materials. Kyle Cherry stated that this is one of those properties where they do both. Kyle Cherry stated that they have replaced a section of fence along Discovery Drive with the black vinyl chain link fence with three barbed wire strands on top and that is the desire of the senior leadership at the facility to continue that around the perimeter of the facility.

•Nancy Kupiec asked if it’s permanent or would barbed wire come off at some point. Kyle Cherry stated that it’s a strong preference to keep it.

Chairman Mastin asked if there was an alternative, like putting the barbed wire on the bottom and screening it.

•Nancy Kupiec asked what’s the height of the current fence and if the height is increasing.

Steve Hart stated that they are both 72” but that the proposal is for 72” plus three strands of barbed wire.

•Ralph Viola asked if their putting vinyl slates in chain link fence to also block the view of the landscaping. Kyle Cherry stated that’s not part of the current plan.

•Don Pantan asked how high the fence will be. Kyle Cherry stated that it will be six feet with three strands of barbed wire on top, so about 7 feet in total.

•Kurt Bergmann as if Regeneron is changing their security and if more changes will come in front of the Board. Kyle Cherry stated that they do want to put up more covered lite walkways.

•Ralph Viola asked if there are any doors or entrances to the front of the building or could this fencing just be on the sides and leave the front as it is. David Yost stated there are no doors or entrances in the front.

After a long discussion regarding the proposed fence, Chairman Mastin stated that he would like Kyle Cherry to bring Gerry Underwood to the next meeting and that the Board members will drive by the facility and see what it looks like.

NEW ZBA REFFERALS:

ZBA Appeal #2020-06 Dominy Family Irrevocable Trust- 8 Hillview Avenue-Area Variance-Addition-report due at the August 26, 2020 meeting-assigned to Nancy Kupiec

ZBA Appeal #2020-07-DeJulio-5 Rosebud Court-Area Variance-Shed-report due at the August 26, 2020 meeting-assigned to Don Pantan

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the July 22, 2020 meeting minutes as is.

Seconded by Don Pantan. Motion carried by a 4-0 vote. Kurt Bergmann left the meeting

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin.

Seconded by Don Pantan. Motion carried by a 4-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary