

TOWN OF EAST GREENBUSH PLANNING BOARD

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MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES JULY 22, 2020

Members:

Matt Mastin, Chairman
Ralph Viola
Don Panton
Nancy Kupiec
Chris Horne
Jim Moore
Kurt Bergmann

Also Present:

Adam Yagelski, Director, Planning/Zoning
Joseph Slater, Planning Board Attorney
Alison Lovely, Planning & Zoning Secretary
Dalia Szarowicz, 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. Kurt Bergmann arrived late.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the July 8, 2020 meeting minutes as is.
Seconded by Don Panton. Motion carried by a 4-0-2 vote.

PUBLIC HEARINGS:

7:05 PM TEMPLETON-29 MICHAEL ROAD-MINOR 2 LOT SUBDIVISION (20-08)

Chairman Mastin read the Legal Notice.

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 Hugh Templeton for a Minor 2- Lot Subdivision called the "Templeton 2-lot Subdivision". Proposed lot 1 consists of 44.09 +/- acre. Proposed lot 2 consists of 2.56 +/- acres and has an existing house on it. The property is located at 29 Michael Road in the R-B, Residential Buffer Zoning District, Tax Map # 166.-5-19.11. Said Public Hearing will be held on Wednesday, July 22, 2020 at 7:05 PM at the Red Barn, Town Park Road, 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

Steve Hart was present on behalf of Hugh & Margaret Templeton who were both also present & who would like to subdivide their lot for refinancing purposes. The larger piece, Lot #1 would consist of remaining lands of approximately 46 acres. Lot #2 is has the Templeton's dwelling on it & would consist of 2.88 acres. Steve Hart stated that the blue line on the plan is the stream and the dashed blue line is the 50' watercourse management overlay district. The required 30% undisturbed open space area is shown on the map as part of Lot #2 as this area consists of the stream/wetland area. Steve Hart stated that the parcel is located in the R-B zoning district which requires 1 ½ acre lots with 200' of frontage without water & sewer & the proposal meets that criteria on both lots. Steve Hart stated that water is available on Michael Road but sewer is not. Steve Hart stated that they are showing a house & footprint that could work on lot#1 with the septic area but nothing is proposed at this time. Steve Hart stated that he is trying to get a topography map from Hershberg & Hershberg to show the level & the grade on the 46 acre parcel.

Chairman Mastin asked the Board if anyone had any questions.

•Don Panton asked what would be the address of the new parcel. Steve Hart stated that he wasn't sure, usually 911 doesn't issue an address until a structure is built, but there is also access to this parcel off of Elliot Road, so it could be either. Steve Hart stated that he's received a checklist from Adam & Dalia and they've been going through it.

Chairman Mastin stated the intent tonight was to not necessarily vote on it, it was to have the public hearing & then get an update.

Chairman Mastin asked if there was anyone in the public who wanted to speak in favor of or opposition to the minor subdivision. Chairman Mastin stated that there was no one in the public to speak in favor or opposition of the minor 2 lot subdivision.

Joe Slater asked Adam Yagelski if he specified that he wanted to keep the public hearing open for any reason. Adam Yagelski stated no, I think we're good.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby closes the public hearing.**

Seconded by Chris Horne & roll called as follows:

**M. Mastin-YES; J. Moore-YES; R. Viola-YES; N, Kupiec-YES; C. Horne-YES;
D. Panton-YES.**

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

TEMPLETON-29 MICHAEL ROAD-MINOR 2 LOT SUBDIVISION (20-08)

Chairman Mastin stated this was on for an update but that he's not sure if the Board needs an update as its pretty straight forward. Steve Hart stated that he has the list that Adam & Dalia put together so over the course of the next two weeks he'll be able to address those comments & he hopes to be back in front of the Board on August 12, 2020. Steve Hart asked if the owners had anything they wanted to say. They did not. Adam Yagelski stated that one thing to raise with the Board is the ownership of the common open space. Adam Yagelski stated that the Comprehensive Zoning Law that the location and form of owner has to be acceptable to the Board, it could be by a deed restriction. Steve Hart stated that since the 30% is part of the parcel the Templeton's live on that Hugh & Margaret Templeton will own it & it will be written into their deed. Adam Yagelski asked if the natural open space is along the stream corridor. Steve Hart stated that is correct. Chairman Mastin asked the Templetons if they would be ok with that as a condition. Margaret stated she would be fine with that as you couldn't build on it anyway. Chairman Mastin stated that the condition could be worked out with Adam Yagelski & Steve Hart. Adam Yagelski asked what parcel the 30% was part of. Steve Hart stated its part of the proposed 2.88 acre parcel. Adam Yagelski stated that he believes the 30% applies to both parcels. Chairman Mastin stated that he's more concerned with the parcel that has the stream on it.

FORTH-282 HAYS ROAD-MINOR 2 LOT SUBDIVISION (20-07)

Brian Holbriiter was present on behalf of Murray & Kathleen Forth who were also present. Brian Holbriiter stated that he's waiting on a letter from SHPO. Brian Holbriiter stated that SHPO requested pictures of both of the houses on the properties & the year they were built as he think they want to make sure there is no historical significance with the house.

Chairman Mastin asked the Board if anyone had any questions. There were no questions from the Board. Adam Yagelski stated that he recommends that the Board close SEQR tonight even though SHPO is still pending.

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS**, the East Greenbush Town Planning Board is in receipt of an application by Murray & Margaret Forth (the Owner) for final plat approval under Section 276 of the Town Law for a residential subdivision entitled Forth 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 9.58 +/- acres in the R-B Zoning District located off of Hays Rd (Tax Map I.D. SBL: 177.-2-3.62); and

WHEREAS, the Town Planning Board did conduct a public hearing on June 24, 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 Town Project Review Team has reviewed the preliminary plat and the various supporting data; and

WHEREAS, the Project Review Team March 9, 2020 meeting notes show discussion related principally to engineering, and site development details, and generally confirm 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, will result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, on February 26, 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 Jim Moore & roll called as follows:

**M. Mastin-YES; J. Moore-YES; R. Viola-YES; N, Kupiec-YES; K. Bergmann-YES;
C. Horne-YES; D. Panton-YES.**

MOTION CARRIED BY A 7-0 VOTE

Chairman Mastin stated that he's going to make a motion to grant conditional approval of the Forth minor 2-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 approval of the Forth Minor 2-Lot Subdivision

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; J. Moore-YES; R. Viola-YES; N, Kupiec-YES; K. Bergmann-YES;
C. Horne-YES; D. Panton-YES.**

MOTION CARRIED BY A 7-0 VOTE

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

Steve Hart stated that he is currently working on the preliminary plat & preconstruction approval conditions, he's working with NYSDEC, County Health Dept., Army Corp & County Highway. Steve Hart stated that it's the same plan nothing has changed except he pointed out to Ralph Viola that he added the turn around to the one lot that didn't have one.

Chairman Mastin asked what was outstanding with sewer. Chairman Mastin stated that the Town Board approved the sewer extension now they are just waiting for NYSDEC to give their blessing. Steve Hart stated that he's going to follow up with Ellen Pangburn (Town Clerk) & Dave Gruenberg (Town Attorney) to see if anything else is needed, he believe it gets filed with the state.

Steve Hart stated that they will be putting up a letter of credit for the sewer work.

Chairman Mastin stated that they are not voting on this tonight to take the next two weeks to address the conditions.

- Chris Horne asked how the walk thru went with the neighbors. Steve Hart stated the Wolfes never reached out to meet.

- Don Panton asked when he thought they would start building. Steve Hart stated that he's hoping in August sometime.

Chairman Mastin asked if there was anything else. There was not.

NEW BUSINESS:

NONE

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Kurt Bergmann. Motion carried by a 7-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary