

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 AUGUST 12, 2020

This meeting will be held at the Town of East Greenbush Red Barn on Town Park Road. Please arrive at 6:30pm to allow time for COVID-19 safety and screening protocols prior to the start of the meeting. Please see the attached notice.

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

OLD BUSINESS:

(19-18) Pheasant Hollow-2670 Phillips Road-10 Lot Cluster Subdivision- *Review for conditional final plat approval*

(20-11) Carver Court-Upper Mannix Road-Major Cluster Subdivision-*Review for sketch plan approval of conventional subdivision plan and presentation of proposed cluster subdivision plan*

(20-10) Papa-284 Hays Road-Minor 2-lot Subdivision- *Review for SEQOR determination and conditional final plat approval*

NEW BUSINESS:

(20-13) Lots 24 & 25 Olcott Lane - Lot Line Adjustment- *Presentation and review for conditional final plat approval*

(20-15) Regeneron-Discovery Drive-Bldg. 85 (Fence)-Site Plan Modification- *Presentation*

NEW ZBA REFERRALS:

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

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

REVIEW & APPROVAL OF MEETING MINUTES:

July 22, 2020 meeting minutes

Planning Board Meeting Notice

The Planning Board Meeting will be held at the East Greenbush Red Barn on Town Park Road on Wednesday, August 12, 2020 at 7:00 PM. The following protocols will be in place to ensure everyone's health and safety:

There will be a screener at the main entrance to screen everyone who will be granted access to the building. The screening process includes recording name, phone number, temperature check and screening questions. Upon completion of the screening process those granted access to the Red Barn will be provided a Visitor badge that will verify that you were screened at the door. Masks are required. Physical distancing protocols will be in effect.

The screener will monitor occupancy, which will be limited. There will be a list of attendees and/or presenters that have business in front of the Planning Board that will be prioritized for entry. Access to the Red Barn will be limited to the meeting area. Bathrooms will be closed to the public during meetings.

For those unable to attend the meeting at the Red Barn can watch the live stream via the Town of East Greenbush YouTube Channel. To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

We appreciate your compliance of the rules put into place to keep everyone safe during these times. We will continue to monitor safety concerns and protocols and adjust as necessary. Updates will be provided prior to each meeting.

PHEASANT HOLLOW MAJOR 10-LOT CLUSTER SUBDIVISION

CONDITIONAL FINAL PLAT APPROVAL

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Hartland Associates, Inc. (the owner) for final plat and pre-construction approval under Section 276 of the Town Law for a major residential cluster subdivision entitled Pheasant Hollow 10-Lot Subdivision, for nine (9) single-family detached dwelling units and one (1) remaining lot on which a golf course will continue to be operated consisting of 106.78 +/- acres in the R-B Zoning District located off of Phillips Road and Hays Rd (Tax Map I.D. SBL: 177.00-5-22); and

WHEREAS, the Town Planning Board did grant preliminary plat approval of the Pheasant Hollow 10-Lot Subdivision on June 24, 2020 that included 9 new building lots with 1 lot remaining as the golf course in the Town of East Greenbush of Pheasant Hollow 10-Lot Subdivision prepared by Hart Engineering, dated January 29, 2020 and last revised March 27, 2020; and

WHEREAS, the Town Board approved Resolution 150-2020 to extend the general sewer district to include certain lands encompassed by the Pheasant Hollow Major Cluster Subdivision, owned by Hartland Associates, Inc., and certain other lands; and

WHEREAS, the Town Planning Board did conduct a public hearing on June 10, 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 did submit 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 and would, 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 Planning Board did carefully review a subdivision application, development proposal and conceptual master plan for this project consisting of 10 lots, consisting of 9 new building lots and 1 lot remaining as the golf course, and determined, in accordance with Title 8 ECL and Part 617 NYCRR, and as part of a coordinated review under SEQRA, that the intended action and the associated conceptual development plan shall not have environmental impacts of the project after a Full Environmental Assessment Form was prepared and given and has, therefore, issued a Negative Declaration on June 10, 2020; 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 and the Planning and Zoning Department have received and reviewed the proposed final plat last revised on July 30, 2020 as prepared by Hart Engineering; 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 and final plat application fee, with receipt therefore provided to the Planning Board by the Town Clerk; and

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

WHEREAS, the Town's Designated Engineer, (Adirondack Mountain Engineering, PC) has reviewed the plans for Pheasant Hollow 10-Lot Subdivision as prepared by Hart Engineering consulting engineers and surveyors dated January 29, 2020, and recently revised July 30, 2020, and has concurred that the application and its supporting documents are now consistent with the Town's zoning and subdivision regulations and that the final plat has been updated to address previous issues raised as part of their review, and that the final plat is complete for consideration of approval by the Planning Board; 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, Section 3.8 of the Town's Comprehensive Zoning Law, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board; 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 correspondence has been submitted to the Town for their records; and

WHEREAS the plan for required work within the Rensselaer County Right of Way was reviewed by the County, and preliminary approval was issued by the Rensselaer County Department of Engineering and Highways, 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 developer has provided a letter from the utility, National Grid, outlining a proposal to provide electric and gas service for the 9 units; and

WHEREAS, the Planning Board deems the final plat to be in substantial agreement with the aforementioned preliminary plat approved under Section 4 of this Article, and will be modified in strict accordance with requirements of such approval, and, therefore, the Planning Board hereby waives the requirement for a public hearing under Article IV Section 5(E)(1);

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants conditional final plat approval of the Pheasant Hollow 10-Lot Subdivision prepared by Hart Engineering, dated January 29, 2020 and last revised July 30, 2020, subject to the following conditions: and in strict compliance with Article 4 Section 4 of the Town's subdivision regulations 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. That the applicant addresses all remaining technical comments of the Town's Designated Engineer and Town Planning and Zoning Department and submit a final plan set which addresses all remaining technical comments and which conforms to Art. VII.4 of the Subdivision Regulations;
2. 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;
3. That the final plat submission be in strict accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations as well as Section 3.8 of the Town's Comprehensive Zoning Law, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board;
4. That the Commissioner of Public Works sign off on the final plat;
5. That copies of agreements or other documents relating to the long-term ownership and maintenance of designated open space areas shall be provided and approved by the Planning Board attorney, in compliance with the Town's Comprehensive Zoning Law Sections 3.8.G and 3.8.J;
6. That the Final Engineers Report must be submitted to the Town's Planning and Zoning Department;
7. That the final plat show the location and type of monuments, subject to Planning and Zoning Department approval, to be installed in accordance with Art. VII.4.B.1.F.2.
8. That the location of electric, telephone, cable TV, gas, and other energy-related lines and utilities be depicted on the plat, as appropriate;
9. That the following certifications be forwarded to the Town Planning and Zoning Department:
 - a. Certification showing that the applicant is the owner;

- b. Written offers of cession for all rights-of-way and copies of agreements showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained, subject to Town Attorney approval;
- c. Certification by the Town Designated Engineer that the improvements have been constructed or a financial security has been provided to the Town in accordance with Art. VII.4.B.2.C of the Town Subdivision Regulations;
- d. All protective covenants must be submitted in a form for recording;
- e. Letter from school district acknowledging the number of lots and the district's ability to service the subdivision;

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.

1. That the Army Corps of Engineers be consulted relative to the presence of wetlands within the Pheasant Hollow Major 10-lot Cluster Subdivision, the avoidance of impacts to such wetlands, and a determination relating to the need for federal permit coverage, and that such determination be forwarded to the Town; and
2. That an approved Utility Permit for Work in the Town Right of Way be submitted to the Town for their records; and
3. That an approved Utility Permit for Work in the County Right of Way be submitted to the Town for their records; and
4. An escrow account must be established and funded by the developer, prior to the commencement of any site work 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. The Town Designated Engineer field reports shall be provided to the Town and developer in an electronic format to be approved by the Town; and
5. That for each building lot, a detailed plot plan; grading plan and utility service plan shall 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. The plot plan must also show the extent of land clearing, a proposed building envelope, and a landscaping plan with planting schedule consistent with the approved Final Subdivision Plat, subject to Building Inspector and Planning and Zoning Department approval. Proposed landscaping must be in accordance with the Landscaping Plan (Sheet 14) included with the subdivision plans. Said detailed plot plan must be consistent with the approved plat, including the typical lot layout shown thereon. Any proposed modifications for any building lot must be approved by the Planning Board Chairperson; and
6. That it must be stated in the deeds conveying each lot consistent with the final approved plat that the individual homeowner will own the individual sewage grinder pump systems units and shall be responsible for future operation and maintenance as required,

and that a copy of the deed covenants be reviewed by the Town Planning and Zoning Department; and

7. That the developer, at the discretion of the Commissioner of Public Works, shall provide financial security in accordance with the Town of East Greenbush Street Ordinance. Such security or bond, if required by the Commissioner of Public Works, must be in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said security will be released upon the completion of sanitary sewer and related infrastructure, up to and including site restoration, to the satisfaction of the Commissioner of Public Works; and
8. All storm water 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; and
9. 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.

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:

10. That 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.
11. 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; and
12. The owner/developer shall install sanitary sewer facilities within existing Town and County right-of-way or within lands with utility easement rights to be approved as to form by the Commissioner of Public Works and Town Attorney and accepted by the Town of East Greenbush Town Board, and all facilities once installed and approved for operation become the property of the Town whom will operate and maintain said system installed in public rights-of-way and easements; and

13. That all public and/or required improvements within the Development as shown on the subdivision plans be completed by the developer and be approved in writing by both The Town's Designated Engineer and the Town's Commissioner of Public Works; and
14. All landscaping as shown on the approved plot plan and/or the Landscaping Plan (Sheet 14) must be installed and inspected to the satisfaction of the Town's Building Department and Planning and Zoning Department prior to issuance of a certificate of occupancy; and
15. That a mechanism for the long-term protection, operation and maintenance of the required open space area, subject to the approval of the Planning Board and Town Attorney, be in place and that evidence of its filing in the Rensselaer County Clerk's Office, if required, be submitted to the Town; and
16. That an as-built plan in approved electronic (e.g., PDF, DWG, and TIFF file formats) and paper copy formats shall 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
17. That monuments required to be installed in accordance with Art. VII.4.B.1.F.2 and as shown on the final plat be installed.

The installation of the required 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 and Zoning Department and the Commissioner of Public Works.

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 _____, 2020

MATT MASTIN, PLANNING BOARD CHAIRMAN

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