

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 JULY 14, 2021

Members:

Matt Mastin, Chairman
Ralph Viola
Don Pantan
Chris Horne
John Conway Jr.
Noreen Gill
Kurt Bergmann

Also Present:

Alison Lovely, Secretary, Planning/Zoning
Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning
Anna Feltham, Planner

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of seven (7) members were present.

PUBLIC HEARINGS:

7:00 PM CARVER COURT-UPPER MANNIX ROAD-110 LOT CLUSTER SUBDIVISION

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 CDLZ Inc. for a Major 110- Lot Cluster Subdivision called the "Carver Court Major 110-lot Cluster Subdivision". The property is located off of Upper Mannix Road in the R-B Residential Buffer Zoning District, Tax Map #'s 155.-5-4 & 145.-1-21. Said Public Hearing will be held on Wednesday, July 14, 2021 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

Brett Steenburgh presented the proposal to the Board & stated that the proposal is for 110 lots on 91 +/- acres with 6,000 linear feet of new Town Road, with 3 cul de sacs & a stub in to the property to the north should future development occur there and a second means of access on Thompson Hill Road for emergency access only, which they are proposing the use of grass paver blocks equal to the rear of the lots of Thompson Hill Road which will be less visible, then continue in with a gravel access road. Brett Steenburgh stated that they are proposing 60 lots of twin home lots ranging from 7,367 sq. ft. to 20,533 sq. ft., 36 cottage home lots ranging from 1,600 sq. ft. to 27,000 sq. ft., 14 estate home lots ranging from 14,000 sq. ft., to 100,000 sq. ft. Brett Steenburgh stated that with the cluster subdivision they need to provide 25% of open space & 10% of that open space as buildable area.

Chairman Mastin asked the applicant to point out the open space on the map that meets the zoning law. Joe Slater stated that the open space areas are supposed to be for the use of the residences of the subdivision.

Brett Steenburgh stated that they need to talk to the Town as far as the open space amenities, there could possibly be walking trails & ball fields.

•Kurt Bergmann asked in regards to the wetlands on the west side, what is the distance from the existing residence to the proposed property line. Brett Steenburgh stated 80'.

- Chris Horne asked if the light green area on the map is owned by the townhouse owner. Brett Steenburgh stated that it's part of the open space. Chairman Mastin asked what the walking trails would be made of and who would maintain them. Brett Steenburgh stated that they would consist of stone dusk and maintained by the homeowners association.
 - Kurt Bergmann asked them to explain how the emergency access way changed location & if it will be used for construction access. Don Zee stated that they are proposing homes in phases and after talking with Town Officials, they wanted the emergency access in the beginning so that why it's now off of Thompson Hill Road. Brett Steenburgh stated that it will not be used for construction access.
 - Ralph Viola asked if who will maintain the emergency access in the winter. Brett Steenburgh stated that the home association will.
 - Chris Horne asked how the wetlands effect the emergency access. Brett Steenburgh stated it's less than 1/10 of an acre of impact crossing it.
 - Don Pantan asked if there was a total distance of walking trails. Brett Steenburgh stated that they don't have that yet but will provide it when they do.
- Chairman Mastin asked if anyone in the public wanted to speak.
- Carol Seastrand stated she owns the property to the North and asked if there would be a connection to this property. Brett Steenburgh stated there would be. Don Zee stated that they would grant a right away for any future development.
 - Melissa Mulderry asked what the green area is and how it will affect the right away through her property. Brett Steenburgh stated that there is no development on the green, so it won't affect her property at all.
 - Volker Paedelt asked how wide the emergency access way is into the property is as his driveway is right there. Brett Steenburgh stated that the proposed emergency access is 20' wide. Chairman Mastin asked the applicant to work with the Paedelt's to make sure they still have access to his driveway.
 - Brian Baird stated that he's afraid his property will flood when building starts & asked what the timeframe is for starting is & also is the Town going to do anything with Mannix Road & he's concerned with traffic. Chairman Mastin stated that the first step in the public hearing, then further review is necessary from the Town's designated engineer, so depends on how long that all takes, he can't give an exact timeframe.
- Ray Jurkowski the TDE for the project stated that there are many other agencies that approvals have to be obtained from, so it depends on how diligent the applicant is for addressing comments, etc.
- Anita Culp stated it seems like this is a lot of houses near hers, it's going to affect the wildlife and her quality of life and she also doesn't know how Mannix Road will handle the increase in traffic. Chairman Mastin asked if there is a traffic study. Brett Steenburgh stated that it was completed.
 - Lillian Kramer of Upper Mannix Road asked if both water & sewer were both public & private. Brett Steenburgh stated that water will be public and sewer will be a private low pressure sewer system. Brett Steenburgh stated that they are looking to have the grinder pumps maintained by the homeowners association but that the Town wants the developer to take over ownership of the sewer main and homeowners will have the option of purchasing a generator when the home is purchased so that the if the power goes out, the grinder pumps would still run.
 - Chris Horne is not familiar with grinder pumps, what happens if power goes out or they fail. Ray Jurkowski stated that it black flows into the house.
- Chairman Mastin asked about a pump station. Brett Steenburgh stated it's very difficult to place & maintain sewer laterals.
- Melissa Mulderry asked the applicant to show on the map their proposed phasing.
- Joe Slater stated that there is one mandatory public hearing through the Planning Board before the preliminary plat is approved, but the Board has the option to another one before the final plat. Joe Slater urged anyone to get any comments in now to be incorporated into the preliminary plat review.
- Lillian Kramer read a letter. Chairman Mastin asked her to send the letter into the Planning Board office to be made part of the record.
- Chairman Mastin asked three times if anyone was against the major 110 lot cluster subdivision. There

was none.

Chairman Mastin asked three times if anyone in favor of the major 110 lot cluster subdivision. There was none.

- John Conway had a couple of concerns about required lot size. Don Zee stated that prior to submitting this plan, a conventional subdivision plan was submitted showing 110 single family lots. After feedback from the Town & the residents, they then came in with the cluster subdivision.

- A resident spoke and stated that he didn't sign up for a large subdivision in his back yard.

- Another resident spoke and stated that she agrees that older people don't want to maintain large homes but they can live somewhere else. Brett Steenburgh spoke about doing a conventional subdivision versus having a cluster subdivision. Joe Slater asked if they had a copy of the conventional subdivision. Brett Steenburgh stated that they did not. Chairman Mastin stated that the next come they come they should bring the conventional subdivision

Adam Yagelski asked Ray Jurkowski to speak regarding cluster subdivisions.

Brian Barracks asked how much road frontage the main road has into the development. Brett Steenburgh stated that it's 150' wide.

- Lillian Kramer asked about the R-B zone incentive that requires 50% open space & if that was something different from this. Brett Steenburgh stated that they didn't ask for any density incentives.

Adam Yagelski spoke about density.

- Chris Horne asked if they would speak about the buffer to the Girl Scout camp. Brett Steenburgh stated that there is a 100' buffer & that the open space area is contiguous with the Girl Scout camp.

- Ralph Viola stated he thought there was a ravine that separated the two properties. Brett Steenburgh stated that he hasn't walked over there.

- Don Panton asked if the generators would run on propane & also will the HOA set up a battery change for the generators. Brett Steenburgh stated he doesn't know.

- John Conway stated there was a number of encroaching sheds & pools on the applicant's property and asked if there are working with the property owners regarding these. Don Zee stated there were discussions to possibly give those homeowners land so they wouldn't have any encroachments.

- A resident asked if there would be a visual buffer between the two driveways next to the road that comes out from the subdivision. Brett Steenburgh stated that there is a lot of greenspace between them. Chairman Mastin stated that they are closing the public hearing but accepting public comment (written comments) for the next two weeks. Chairman Mastin asked if there were any other comments. There were not.

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby closes the public hearing but leaves the public comment period open for two weeks until July 28, 2021.**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

OLD BUSINESS:

AMEDORE SENIOR APARTMENTS (HERITAGE HILLS): NEWKIRK ROAD PDD –MAJOR SITE PLAN AMENDMENT

(18-02)

Brett Steenburgh stated the proposal is to replace the previously approved 1,000 sq. ft. open pavilion, horseshoe & hibachi pits for a community center building with offices & large community recreation room with an attached garage which is for storage of light bulbs or any maintenance needs for the apartment and a one stall for a van. He stated he feels the noise will be less, that there would be more noise with an open pavilion. They have added additional evergreen landscaping behind the building.

They did look at another area to put this, but there is a large drainage easement in that area. He has submitted elevations and floor plans to the Board.

- Ralph Viola asked where lawnmowers and snow blowers will be stored & also asked what they will do with the garbage. Brett Steenburgh stated that those services will be contracted off site & that there is no dumpster enclosure, there will be containers in the lower garage area that someone will come and collect the garbage from.
 - Ralph Viola asked who owns the vacant lot that won't be built on. Brett Steenburgh stated that the previous owner of this site owns it. Ralph added that eventually then, it could be built on and he asked Brett if he feels confident that the proposed buffer will be enough. Brett Steenburgh stated yes he does.
 - Chris Horne asked if there is a retention pond on site. Brett Steenburgh stated that there is bio-retention basin.
 - Noreen Gill just wanted to clarify that originally there was an exercise room proposed in each building but now that room will be an extra apartment & also asked about the new building and what would be in that.
 - Kurt Bergmann asked what the height of the three units is. Brett Steenburgh stated their three stories and they got variances for the height. Kurt also asked how it fits in with the neighborhood and topography. Brett Steenburgh stated that was all approved.
 - John Conway asked if the parcel that abuts the cul-de-sac is undeveloped & if it was wooded through the area. Brett Steenburgh stated that it is and there is a full forest canopy there.
- John Conway had a question on elevations. Brett Steenburgh stated that the elevations were done by the architect. Chairman Mastin stated that this was just a presentation.

IMMANUEL CHURCH: 4 ONDERDONK AVENUE-MAJOR SITE PLAN (20-18)

Steve Hart from Hart Engineering presented the project to the Board, also present were Pastor Brad Guenther, Dave Yonkers & Cindy Pitts. Steve Hart stated that the proposal is for a 12,000 sq. ft. building surrounded on two sides by the cemetery. Steve Hart stated that the drainage runs to the front of the site. Ninety parking spaces are proposed for the main lot, with an overflow lot with eighty spaces for now of crusher run. Town water & sewer connections will be privately maintained as well as storm sewers & roadway into to the site. Steve Hart stated that there would be a northerly exit only for better site distance. There was also talk in the past of conveying land to abutting land owners off of Faith Lane & Celeste Drive as a buffer for them.

- Ralph Viola asked what the checkerboard area on the site plan was & asked about signage. Steve Hart stated that it's a drainage area & that there will be one sign 15' off the travel way per code.
- Don Pantan asked about the overflow parking and pedestrian safety. Steve Hart stated that there will be sidewalks
- Noreen Gill asked if the overflow parking lot is the same size as the main parking lot. Steve Hart stated that yes it is.
- Chris Horne asked to refresh on lighting. Steve Hart stated that the overflow may not need lighting, but that the main parking lot will have lighting.
- Noreen Gill stated that she's concerned about traffic existing from both points.

MOTION for RECOMMENDATION FOR TOWN BOARD TO DECLARE LEAD AGENCY and INITIATE A COORDINATED REVIEW (20-18)

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board hereby recommends that the project be classified as an unlisted action under SEQRA and hereby recommends that the Town Board declare its intent to seek lead agency status in connection with a coordinated review under SEQRA.**

The Planning Board hereby further recommends that the Town Board direct that notices to all involved/interested agencies requesting their consent to designation of the Town Board as lead

agency for SEQRA review of the Project. The following involved and interested agencies under SEQRA have been identified:

- **NYSDEC**
- **NYSDOT Region 1**
- **NYS Office of Parks, Recreation & Historic Preservation**
- **Rensselaer County Health Dept.**
- **Rensselaer County Economic Development and Planning**
- **Clinton Heights Fire Department**
- **Town of East Greenbush Department of Public Works**
- **Town of East Greenbush Planning Board**

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

SCHUURMAN: START AVENUE-MINOR 2-LOT SUBDIVISION

(21-01)

Cindi Elliot, Surveyor stated that this is for a 2 lot subdivision, both lots meet code. She stated that the Board was concerned about drainage, so they did a drainage study with John DeMais and have now moved the two houses closer together as well as the driveways closer, they lots meet all the setbacks and a public hearing was held previously.

•Kurt Bergmann asked if there will be sump pumps in the basements. Dave Schuurman stated that there will be downspouts directed towards the drainage area in the rear of the lots.

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER SEQRA

MOTION: A motion was made by Chairman Mastin as follows:

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by David Schuurman (the Owner) for approval under Section 276 of the Town Law of a minor subdivision plat entitled “Start Ave 2-lot Subdivision” consisting of two proposed lots, lot 1(0.198 +/- acres) and lot 2 (0.194 +/- acres), on property located in the R-2, Residential Zoning District, Tax Map #'s 166.14-16-11; and

WHEREAS, the Town Planning Board did conduct a public hearing on February 10, 2021 on said action, 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 January 13, 2021 the Planning Board initiated a coordinated review in accordance with SEQRA; 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, which attached hereto and made a part hereof, 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 Chris Horne & roll called as follows:

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES;
J. Conway-YES; N. Gill-YES.**

MOTION CARRIED BY A 7-0 VOTE

**PLANNING BOARD RESOLUTION GRANTING CONDITIONAL APPROVAL PLAT
APPROVAL FOR THE SCHURMAN MINOR 2-LOT**

MOTION: A motion was made by Chairman Mastin as follows:

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by David Schuurman (the Owner) for approval under Section 276 of the Town Law of a minor subdivision plat entitled “Start Ave 2-lot Subdivision” consisting of two proposed lots, lot 1(0.198 +/- acres) and lot 2 (0.194 +/- acres), on property located in the R-2, Residential Zoning District, Tax Map #'s 166.14-16-11; and

WHEREAS, the Town Planning Board did conduct a public hearing on February 10, 2021 on said action, 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 July 14, 2021; and

WHEREAS, the Planning Board has received and reviewed the revised proposed preliminary plat dated February 10, 2021 as prepared by Cynthia Elliot, Surveyor, 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 Schuurman Minor 2-Lot Subdivision for the 2 lots in the Town of East Greenbush prepared by Cynthia Elliot, Surveyor, dated February 10, 2021, 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. The Commissioner of Public Works must sign the final plat.**
- 3. Prior to stamping the final plat, a proposed deed restriction stipulating that, once constructed, the responsibility for continued operation and maintenance of the stormwater management “low areas” receiving sump pump, roof leader, and overland drainage is to lie with the future property owner(s) must be provided to the Planning and Zoning Dept.**
- 4. The following note must be added to the final plat:**
 - a. “Once constructed, the responsibility for continued operation and maintenance of the stormwater management “low areas” receiving sump pump, roof leader, and overland drainage is to lie with the future property owner(s). Prior to issuance of a certificate of occupancy for any lot or lots, evidence that a deed restriction binding the property owner for said operation and maintenance has been filed with the Rensselaer County Clerk’s office must be provided to the Town’s Planning and Zoning and Building and Codes Dept.’s.”**
- 5. Details and/or specifications for the proposed connections to the Town’s water and sanitary sewer systems must be including on the final plat, subject to Commissioner of Public Works approval.**
- 6. 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.**
- 7. Prior to issuance of a certificate of occupancy for any lot or lot(s), letter from the design engineer, or other appropriate licensed design professional, and bearing that designer’s stamp, stating that the proposed drainage improvements have been constructed in accordance with the approved drainage report and plan must be provided to the Planning and Zoning Dept. and the Building and Codes Dept.**
- 8. All remaining fees must be paid to the Town**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

NEW BUSINESS:

TARGET-625 THIRD AVENUE EXT.-SITE PLAN MODIFICATION

(21-16)

Lisa Wong from Kimley Horn presented the proposal. Target has existing 4 drive-up stalls for people who order ahead and are proposing 24 drive-up stalls, which will make a net parking reduction of 6 spaces & proposed is a curb ramp & cross walk & stop control access.

•Ralph Viola asked if the location can't be moved. He stated if it was located on the side it would save people from crossing into the parking lot, it's a high traffic area. Lisa Wong stated that it's located near where the interior storage of the products is located for employees to access it and bring it out.

•Chris Horne is concerned with safety and has the same concerns.

•Ralph Viola stated that Walmart has their drive up pick up service on the side of the building.

•Don Panton asked if there are loading docks near the Third Avenue side. Lisa Wang stated that no, they're in the back of the building.

•Kurt Bergmann asked if there would be any covers over the parking stalls and asked about signage.

Lisa Wong stated there won't be any covering the parking spaces but there will be signage.

•Noreen Gill asked about the location & asked to point out the storage area.

•John Conway agreed with the traffic issues.

Chairman Mastin stated that they are going to postpone any action and have them come back for the July 28th meeting with a Target representative.

Chairman Mastin stated that this was just a presentation.

HLLIOS GROUP LLC. -11 MICHIGAN AVENUE-SPECIAL USE PERMT

(21-17)

Sotiria Efthimiadis from the HLLIOS Group was present to discuss her proposal. She stated that nothing would be disturbed, it was a residence a long time ago and most recently a worship center. She is proposing to turn it into a two family, with a 3 bedroom apartment and a smaller apartment, she stated that it is already set up for this. She stated that she has talked to neighbors and no one has an issue with it, she also stated that there are many other multi-family homes in the area.

•Chris Horne asked if there are two separate entrances. Sotiria stated that there are actually four & that she plans to rent to two different people.

Chairman Mastin stated that this would be a Use Variance then and she'll need a determination from the code enforcement officer on what you plan to do. Chairman Mastin went on to say that in order to go for a Special Use Permit, the space cannot be bigger than 1,000 sq. ft. and a family member must reside in the main part as well as the smaller part.

HERRON -16 WORTHMAN LANE-MINOR 3 LOT SUBDIVISION

(21-18)

Daniel Persing, attorney for the applicant, Tamara Herron presented the proposal to the Board. Daniel Persing stated that the proposal is for a 3 lot minor subdivision to subdivide property owned by family. The lots would be Parcel A/B/C. Daniel Persing stated that a couple of issues is Parcel B is actually split by a residential and a business zone and that they don't have frontage on a public road, Worthman Lane is a private road. Daniel Pershing stated that they maybe to do this as a boundary line adjustment.

Joe Slater asked the applicant to show how they could do a lot line adjustment.

•Ralph Viola asked for clarification of the map. Two conversations started going on between the applicant and half the Board & the applicant's husband and the other half of the Board that couldn't be followed. The result ended up with the recommendation for the applicant to get a survey and to come back in for a lot line adjustment, to take the two existing lots and move lines to make it into two lots.

EASTERN GAS TRANSMISSION & STORAGE -79 PHILLIPS ROAD-SITE PLAN MODIFICATION

(21-19)

Amber Oyler from the Larsen Group presented the proposal to the Board. She stated the proposal is to demolish & replace a heater & regulatory building, dekatherm building & M & R building. Chairman Mastin stated that this proposal is simple and asked the Board if anyone had any questions.

No one on the Board had questions. Adam Yagelski stated that there is other land disturbance on the site and there is a SWPPP that is currently being reviewed by one of the Town's designated engineers. The Board requested that the applicant plant three more arborvitae at the site.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby classifies this action as a Type II action, which involves replacement, or reconstruction of a structure or facility, in kind, on the same site, under SEQRA and Chapter 6 Part 617.5© (2) of the Codes, Rules, and Regulations of the State of New York, and makes the following determination under Section 4.3 B Sketch Plan, 03. A) that the project is limited in modification of existing conforming use and complying structures, wherein no substantial site improvements and no substantial building additions are proposed; and that the applicant add 3 arborvitae to the site.

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

THIRD AVENUE PUMP STATION/CAPITAL CITY CEMETERY –THIRD AVENUE-MINOR 2 LOT SUBDIVISION (21-20)

Chairman Mastin stated that as part of the Tempel Lane Extension that a transaction has to be done for a sanitary solution. Adam Yagelski stated that the Town Board required that the Third Avenue Pump Station be upgraded. Adam stated that the existing site consists of 3/10 of an acre so they need to acquire property from the Capital City Cemetery. In the OC zone the minimum lot size is 5 acres, so this proposal will need two Area Variances, one for lot size and one for lot frontage. Joe Slater asked if it was unresolved whether the Town is immune from its own process. Adam stated that instead of waiting for a decision on that, they are moving forward with the process.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, April 27, 2021, and last revised July 13, 2021 prepared by Colliers Engineering & Design for the proposed minor subdivision; and

The Town of East Greenbush Planning Board hereby finds that the plat as proposed would violate Section 2.7.5 E Area Bulk and Standards for Corporate Office/Regional Commercial District (OC) of the Town's Comprehensive Zoning Law, specifically that the proposed Minimum Lot Area of 0.28 acres and proposed Minimum Lot Width of 117.14' would require area variances, and hereby refers this project to the Zoning Board of Appeals in accordance with Town Law Section 277 Sub-section 6; and

A Public Hearing is hereby scheduled for July 28, 2021 @ the East Greenbush Town Hall @ 7:00 PM.

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 7-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

NEW ZBA REFERALLS:

ZBA Appeal #2021-07 Krug-14 Connecticut Avenue-2 Area Variances-Garage-assigned to John Conway

ZBA Appeal #2021-08-Holland-107 Moore Road-Area Variance-Garage-assigned to Don Pantan

ZBA Appeal #2021-09-3rd Avenue Pump Station/Cemetery-Third Avenue-2 Area Variances-Frontage & Lot Size-assigned to Chris Horne

ZBA Appeal #2021-10-Alcindor-222 Tampa Avenue-2 Area Variances – Garage-assigned to Noreen Gill & Matt Mastin

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the June 23, 2021 meeting minutes as is.

Seconded by John Conway. Motion carried by a 6-0-1 vote. Kurt Bergmann abstained.

CLOSING:

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

Seconded by Noreen Gill. Motion carried by a 7-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary

I don't oppose the development of single-family homes in this area, but I do oppose the amount of homes the town is currently allowing. There are a few zoning issues that don't sit well with me that I had actually brought up at one of the Comprehensive Plan Public Hearings, but I'll speak to them again.

2006 Land Use Plan Update & Zoning Study – this study states that:

- Residents in the vicinity of the East Greenbush Tech Park and eastern rural areas continue to be concerned about impacts to rural character, traffic, and residential character – I believe that it's safe to say, 15 years later, this still holds true. What you approve for this development, sets the tone for what will be developed in the adjacent lot north of this and more.
- This study recommended for immediate action to amend the Residential Buffer zoning district law so that it is in sync with the community's land use vision, to achieve the desired vision and character of this large zoning district, and so that it is clear for landowners, developers, and town officials to follow.
- It states that the R-B zoning district realistically should be two districts, one without water and sewer, which I assume this area would have been zoned as such had this been implemented, & one with water & sewer.
- Now what I want to drill home about this zoning amendment that was never implemented is something that these cluster incentives lack and that's lot minimums.
 - It was recommended that when clustering in these districts, that the districts without water/sewer have lot minimums of one acre and that the districts with water/sewer have lot minimums of 10,000 sf – it was also recommended that the town implement conservation-based designs for these kinds of subdivisions. The density of this development could look a lot different if the town heeded this advice. This development could look a lot more cohesive with its surroundings, as a buffer zone should. And anyone who follows these town meetings knows the town has the capability to amend zoning laws just as you did for Immanuel Church here tonight.
- The land use concept of buffer zones with water/sewer was intended for neighborhoods near traditional patterns consisting of grid streets, that's not this area.
- The whole purpose of the buffer district is to serve as a transition from medium-density neighborhoods to more rural areas. By not mandating lot minimums, the intent of the buffer zone falls flat. It doesn't make sense that the town allow lots that are smaller here than what's required even in the highest density zones. A buffer zone shouldn't look like Hampton Manor.
- This brings me to the 2013 Site Design Guidelines Existing Condition Report that states "The intended purpose of creating these residential zones was to maintain the character of the Town – both the historic hamlet type of development along the main corridors and the rural agricultural character in the northeastern part of Town – but the reality is they are doing neither."
- I don't want to see our town sell out to developers for the tax revenue. You want residents to participate in these town meetings and the updating of the Comprehensive Plan, but as a resident, when I see these reports and see the things that could make our town better and preserve our character get ignored, it makes me think, why bother?
- Because this zoning amendment was never implemented, developers are currently allowed to stack as many houses allowed on top of each other because there are no lot minimums and setback requirements. So of course a developer is going to pack in as many houses as they can, and rightfully so, they're running a business, it's their job to increase profit margins. But we depend on the town to be our advocate and remember that at the end of the day, the developers don't live here and it's the residents who will feel the lasting impact of overdevelopment.

From: [Thomas Buckley](#)
To: [info](#)
Cc: [Alison Lovely](#)
Subject: Comments on Carver Court Cluster Housing Upper Mannix Road
Date: Thursday, July 15, 2021 12:14:17 PM

Dear Chair Matt Mastin,

I was unable to attend the 7/14 Planning Board Public Hearing due to the storm State of Emergency which closed all road travel at 6pm in Rensselaer County by order of our County Executive.

I wish to speak in favor of the Carver Court Cluster Housing Project based on need. Our community is lacking in projects of this nature. I have owned a single family house for 36 years and am aging out of it. I want to maintain a residence in East Greenbush and see the Carver Court initiative as a way to age out while continuing residing in East Greenbush.

I urge an expeditious review of this project. I do not know the project developers or have any relationship with this project; I am just an interested party.

Tom Buckley
118 Horizonview Drive
East Greenbush, NY

Concerns

- Mannix Traffic – this road is a country cut through. It wasn't constructed to handle a lot of traffic, nor do I see a way to widen the road to sufficiently accommodate this kind of influx of cars, especially as more and more development in this area occurs.
- Route 4 Traffic – the traffic during peak hours on route 4 in BOTH directions from Mannix is out of control, further development in this area is only going to make it that much worse. If the town wants development in this area, then the town needs to be proactive and resolve the current and future traffic issues.
 - Go to Target during this time and try taking a left out of their parking lot onto 3rd Ave Ext, it's near impossible.
 - If I want to go to Home Depot during this time, I have to go up Mannix and take a left onto Best and get onto Route 4 that way.
 - I made the mistake of trying to get to my bank before they closed one day. The bank is less than 10 mins away, I left with 20 mins to spare, I didn't even make it to Columbia Turnpike in the 20 mins
- Overdevelopment of the area – traffic issues will continue to worsen & crime will increase in this area with higher density housing and proximity to route 4.
- Amenities have gone from soccer/lacrosse fields and walking trails to they "haven't discussed amenities yet" per the 6/9/2021 meeting – this makes me feel like they were blowing smoke in the beginning to get people on board and now these things are slowly dwindling.
 - Lot sizes have decreased
 - House sizes have decreased
 - Open space has decreased
- Personally, and I believe the other residents would agree, that we would rather see walking trails than sports fields. Sports fields will just increase traffic in this area even more, and that is a main concern for the residents currently living in this area. We are already upset with the amount of housing that is currently being allowed in this development, we don't want another reason for even MORE traffic. However, there aren't many places to take a nice long safe walk in the immediate area. Having another option besides the Tech Park, Thompson Hill, and Empire Drive would be nice. This would provide an amenity that the current residents could also use without causing a further increase in traffic.
- Lastly, I would just like to say that it makes me sad to see the number of trees and habitat that will be destroyed for this project. It is almost all, if not completely, an established forested area and a great majority of those trees will be gone. Allowing that kind of deforestation makes me question whether the town actually has the preservation of its rural character at heart. I really hope to see the town implement conservation-based designs going forward, as this has been a topic for at least 15 years now.

From: [Berneta Reed](#)
To: [Alison Lovely](#)
Subject: Carver Court subdivision
Date: Friday, July 23, 2021 7:49:41 PM

Dear East Greenbush Planning Board,

In response to your suggestion at the East Greenbush Planning Board meeting on Wednesday, July 14, at 7 pm, I would like to make the following appeal:

Due to the size of the proposed Carver Court development, there will be traffic on the entrance / exit road that opens onto Upper Mannix Rd. Would you please make a visual / sound barrier to benefit the private homes whose yards will abut the proposed road? Any easing of the proposed "invasion" of vehicles (especially related to construction) and noise, will go a long way toward lessening the sense of loss of peace and privacy.

Gratefully,
Berneta Reed

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JUL 30 2021
DEPT PZD

Town Of East Greenbush Planning Department

C/O Adam Yagelski

225 Columbia Turnpike

Rensselaer, NY 12144

East Greenbush, Ny 12061

Dear Sirs/Madam:

We recently attended a public meeting on the proposed Carver Rd(Cluster) project, to be located off of Mannix Rd in our town. We have several issues/concerns with this proposed project as presented at that meeting.

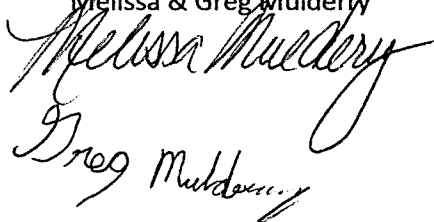
We moved here 20 plus years ago from Latham, Ny choosing East Greenbush for its varied neighborhoods and its "rural" appeal and the ability to live without houses on top of one another. One of the draws of living in RB zoning is the lot size requirements. The 2 acre rule provides for development, while maintaining the peaceful country feel and providing plenty of green space to be as it was intended: a buffer zone between residential and agricultural. This project clearly seeks to circumvent those requirements and change the landscape of this area forever. The developer states that they have found that people are seeking smaller lots-May we suggest then that they look at other current available housing in the town that meets those requirements. We are not suggesting no development occur, but believe that the decisions on development should be in synch with what the town requires and existing zoning, rather than the town bending to suit a developer's bottom dollar. The residential buffer zone is slowly but surely disappearing in our town and there is no going back. Upholding the 2 acre lot size allows for development, but helps to protect the RB zone as well as those of us who have lived here for years. Single family homes on larger lots is the demographic and current neighborhood dynamic and we believe the new project should adhere to that.

We also have concerns as to the noise, pollution, and potential for water table/well damage that can occur during a large project, as this will basically encircle our homes. The homes around here are all on wells/septic and we are concerned that home/well/structural damage may occur if vibrating rollers are used on such a large scale. We ask that the town set some form of restrictions on the use of vibratory and heavy equipment such as this so that we are not subject to constant pounding & earth tremors.

Another concern is the amount of traffic that will be added to Mannix Rd. The average American home has a minimum of 2 vehicles-this will add approx. 220 vehicles per day to the existing narrow road. The proposed entranceway will sit at the bottom of a blind hill. What is being done to ensure motorist safety at that juncture?

We appreciate the opportunity to voice our concerns to the board and thank for you taking the time to read our comments.

Melissa & Greg Mulderry



Melissa Mulderry
Greg Mulderry