

# 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 October 25, 2017

#### Members:

Matt Mastin, Chairman  
Jim Moore  
Ralph Viola  
Mike Bottillo

#### Also Present:

Alison Lovely, Planning Board Secretary  
Joseph Slater, Planning Board Attorney

#### CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of four (4) members were present. Matt Polsinello was absent. Jim Giordano and Paul DiMascio have both resigned from the Board effective today.

#### PUBLIC HEARINGS:

NONE

#### OLD BUSINESS:

#### EG TECH PARK-MAJOR SITE PLAN/PDD EXPANSION-SECTION 2/PHASE 2 -TECH VALLEY DRIVE (05-49b)

Steve Hart presented the update to the Board. Discussions with Creighton Manning, Hershberg & Hershberg and GPI regarding the new proposed access road have been ongoing. There were discussions with neighbors about acquiring property to make a proper turning radius into the site but nothing was ever agreed upon. So now, a second access road is proposed. An access road is now proposed through lot #3. The existing road would be a right in/out only.

- Ralph Viola asked if the green area on the site plan was storm water. Steve Hart stated that no, it's the road shown cutting through what used to be a parking lot.
- Chairman Mastin asked if a traffic rendering could be sent to the Board.
- Jim Moore stated he feels this change was significant enough that all parties should come in for a discussion at a Planning Board meeting. Jim Moore also asked about landscaping and the construction of the walking trail and if the basins needed fencing in. Steve Hart stated he'd check with Fred from GPI regarding the landscaping. The walking trail will be crusher run and mulch, the basins don't need it. The basins are remaining private.

Chairman Mastin asked about the landscaping along Mannix Road and if GPI was ok with the timber rails. Steve Hart stated that landscaping was added along Mannix Road where the extended road is and GPI was ok with the timber rails.

#### WITBECK-54 LOT CLUSTER SUBDIVISION-PHILLIPS ROAD (11-10A) REVIEW FOR PRELIMINARY PLAT & PRECONSTRUCTION APPROVAL:

Steve Hart of Hart Engineering & Tyler Culberson were both present. Steve Hart stated ten notes have been added to the plans, one of the notes was that each house setback should all be between 30'-40' from the road. Steve Hart stated that a Homeowners Association will be set up for the lands between the houses. Chairman Mastin asked if something would be added to the plans that say forever wild. Joe Slater stated that a paragraph for the maintenance of open areas was added to the resolution.

WITBECK SINGLE FAMILY CLUSTER SUBDIVISION

CONDITIONAL PRELIMINARY PLAT AND PRE-CONSTRUCTION APPROVAL

MOTION: A motion was made by Chairman Mastin as follows: **WHEREAS**, the East Greenbush Town Planning Board is in receipt of an application by R & T Witbeck Trust & George Witbeck Jr. (the owner) for preliminary plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Witbeck Cluster Subdivision, for 54 single-family detached dwelling units consisting of 42 +/- acres in the R-B Zoning District located off of Phillips Road; and

**WHEREAS**, the Town Planning Board did conduct a public hearing on July 27, 2016 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 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 review a development proposal and conceptual master plan for this project consisting of 54 lots and determined, in accordance with Title 8 ECL and Part 617 NYCRR, 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 October 25, 2017; 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 Project Review Team have received and reviewed the revised proposed preliminary plat last revised on September 12, 2017 as prepared by Hart Engineering; and

**WHEREAS**, the applicant has filed the necessary application with the Planning Board and will pay 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 water, sewer and storm water facilities within the public right of way and/or easements shall be dedicated to the Town of East Greenbush, who will own and the same; and

**WHEREAS**, the owners/developers of the subdivision are required to install sidewalks/walkways within the subdivision and pedestrian crossing across Phillips Road as indicated on the Site Plans; and

**WHEREAS**, the owners/developers of the subdivision will maintain the sidewalks/walkways, which includes snow removal along the roadway except along Phillips Road where the Town will maintain the sidewalk that runs parallel to the road; and

**WHEREAS**, an agreement will be prepared with respect to the maintenance of the storm water management system; and

**WHEREAS**, the Towns Designated Engineer, (GPI – Greenman Pedersen Inc.) has reviewed the plans for Witbeck Cluster Residential Subdivision as prepared by Hart Engineering consulting engineers and surveyors dated July 27, 2016, and recently revised September 12, 2017, and can recommend to the Planning Board consideration of final approval subject to all conditions and requirements by the Town final plat approval; and

**NOW, THEREFORE, BE IT RESOLVED** that the East Greenbush Planning Board hereby grants preliminary plat and pre-construction approval for the 54 lots in the Town of East Greenbush of Witbeck Cluster Subdivision, prepared by Hart Engineering, dated July 27, 2016 and last revised September 12, 2017, 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. That the applicant addresses all remaining technical comments of the Town's Designated Engineer.
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, 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 and the Building Inspector sign off on the plans prior to final plat approval.
5. Prior to signature on the final plat, all fees due are paid as required by the Town of East Greenbush in accordance with the GEIS fee schedule, a letter for which will be provided from the Building Inspector.

**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.

6. That the subdivision plans be reviewed and approved by the Rensselaer County Health Department in accordance with applicable provisions of the Public Health Law, and such documentation submitted to the Town for their records.
7. That the subdivision plans be reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation submitted to the Town for their records.
8. That the plan for required work within the Rensselaer County Right of Way be reviewed and approved by the County, and such documentation submitted to the Town for their records.

9. An escrow account will 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.
10. 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. Also, each building plot will include a post light on at dusk to dawn time set and one 2.5" caliper deciduous tree.
11. That the developer, at the discretion of the Commissioner of Public Works, shall provide a Cash Bond in accordance with the Town of East Greenbush Street Ordinance. Such bond, if required by the Commissioner of Public Works, shall be in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway and related infrastructure, up to and including the binder course of pavement, to the satisfaction of the Commissioner of Public Works; and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface.
12. That the developer shall provide a Cash Bond for top course of pavement in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway, which must be completed within two years of placing binder for dedication to the Town.
13. All storm water pollution prevention permits will be obtained prior to site work and regularly schedule required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002 and the approved Storm Water Pollution Prevention Plan.

**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:

14. A homeowner's association, deed restriction or similar mechanism, for the long term ownership and maintenance of open space areas as required by Section 3.8 (G) and (J) shall be provided, subject to the approval of the Planning Board.
15. 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.
16. 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.
17. That all street signs and regulatory signs shall be furnished and installed.
18. That the developer provide and install a chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water detention area; and

19. That an as-built plan be submitted to the Town by the owners/developers based upon marked up plans provided by the Planning Board's designated engineer for review/approval at the completion of construction. This plan shall show an accurate and complete record and description of the final "as-built" conditions of improvements to be dedicated to the Town;  
an

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

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

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

**FURTHERMORE**, the Planning Board advises that all work undertaken and all expenses incurred by the applicant, pursuant to this resolution, are at the risk of the applicant. It is the applicant's exclusive responsibility to insure 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.

**Seconded by Jim Moore & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola -YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**GREENBUSH REFORMED CHURCH-682 COLUMBIA TURNPIKE-MINOR 3 LOT**  
**SUBDIVISION (17-15)**

Frank Palumbo of CT Male stated that the Town Board approved the waivers that the Planning Board recommended. Chairman Mastin stated that the curb cut could remain but questioned whether the sidewalk should be removed on Columbia Turnpike. Joe Slater stated that the Town Board concurred word for word with what the Planning Board recommended. A condition can be added to the approval regarding the asphalt between the right away and curb cut and that it be removed.

●Ralph Viola asked if the property doesn't sell, what happens to the curb cut. Chairman Mastin stated that it would remain as it is today, chained off.

**GREENBUSH REFORMED CHURCH, INC.  
MINOR 3-LOT SUBDIVISION  
PLANNING BOARD  
TOWN OF EAST GREENBUSH  
October 25, 2017**

**MOTION FOR APPROVAL**

MOTION: A motion was made by Chairman Mastin as follows: **Whereas**, the Applicant, Greenbush Reformed Church, Inc. (GRC) has proposed the subdivision of their property at Hays Road and Columbia Turnpike (9&20) for the purpose of creating two (2) new residential lots around two (2) existing residential buildings on the property.

**Whereas**, GRC owns a total of 2.26 +/- acres of land on the north side of Hays Road and the West side of U.S. Route 9&20, aka Columbia Turnpike which is proposed to be subdivided into three (3) lots.

**Whereas**, the property includes six (6) existing structures including a one story concrete block and stone building known as the "Christian Education Building", two (2), two-story single family residential buildings, each with a detached garage, and one metal storage shed.

**Whereas**, the GRC no longer utilizes the residential buildings known as, the Parsonage (Proposed Lot 2) and the Working House (Proposed Lot 3), and proposes the subdivision for the purpose of sale of said lots.

**Whereas**, the property includes lands within two (2) zoning districts R1-A, (41,839 SF) and PPB (56,432 SF) acres.

**Whereas**, proposed Lot #1 is split between the two (2) zoning districts and Lot#2 and Lot#3 are entirely within the PPB zone.

**Whereas**, proposed Lot #1, Christian Education Building, will require the following waivers: A waiver for rear yard setback. (25 ft. required). This is a pre-existing condition.

**Whereas**, proposed Lot #2, the Parsonage, is an existing residential structure. This lot requires the following waivers: A waiver for lot size (43,560 SF required). A waiver for rear yard setback (25 ft. required). A waiver for side yard setback (12 ft. required). This is a pre-existing condition.

**Whereas**, proposed Lot #3, the Working House, is an existing residential structure. This proposed lot requires the following waivers: A waiver for lot size (43,560 required) and a waiver for lot Width (100 ft. required). Additionally, a waiver for side yard setback is required (12 ft. required). This is a pre-existing condition.

**Whereas**, it is the intention of the GRC to sell Lot #2 and Lot#3 for the purpose of Residential use and habitation. It is also GRC's intention to retain Lot #1 to continue its current use for church uses and existing day care.

**Whereas**, the requirements for the two requested waivers for lot size within the PPB zone cannot be met under any condition given the existing locations of all physical buildings, parking lot, and because the land area within the PPB zone is less than 2 acres in size.

**Whereas**, the requirements for the two requested waivers for lot width within the PPB zone cannot be met under any condition given the existing 198.34 would not be sufficient to meet even the division of two lots.

**Whereas**, the requirements for the two waivers for Lot #1 cannot be met due to pre-existing use and physical features of the site including building and pavement locations.

**Whereas**, the requirements for the waivers requested on lots #2 and #3 cannot be met due to pre-existing use and physical features of the site including building and pavement locations.

**Whereas**, a Waiver at this time is appropriate as the proposed subdivision is not in conflict with the interests of public health, safety and general welfare of the Town.

**Whereas**, compliance with the Specific Requirements of the current zoning and subdivision regulations would cause the applicant extraordinary difficulties given the exceptional and unique conditions contained within proposed Lots #1, #2 and #3. Modification of such is consistent with the general spirit and intent of the Land Subdivision Regulations and the Comprehensive Zoning Code in general as it will encourage the development of the PPB Zone in a manner consistent with its intentions.

**Whereas**, the Town of East Greenbush Planning Board recommended to the Town Board that the Applicant be granted a waiver for the Modification of the Specific Requirements in accordance with Article IX of the Town's Land Subdivision Regulations.

**Whereas**, the Town Board, by resolution dated October 18, 2017, concurred with the Planning Board's recommendation granting a Waiver of Modification of Specific Requirements by a vote of 5-0.

**Whereas**, the Planning Board declares a Negative Declaration under SEQRA. Now, therefore, be it

**Resolved**, that the Planning Board approves the proposed 3 lot subdivision as depicted on the site plan prepared by C.T. Male Associates dated October 9, 2017, proposed by Applicants, Greenbush Reformed Church, with the following conditions:

- **All remaining fees associated with a minor subdivision are paid to the Town.**
- **The removal of the asphalt/driveway in Lot 3 as it extends from Columbia Turnpike to Lot 1. Such removal shall occur prior to the sale of Lot 3.**

**Seconded by Mike Bottillo & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola -YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**NEW BUSINESS:**

**EAST GREENBUSH SOCCER-100 PHILLIPS ROAD-CUT/FILL-MINOR SITE PLAN  
MODIFICATION** (17-22)

Josh Sabo representing East Greenbush Soccer presented the proposal to the Board. There is a flat area behind the field furthest from Phillips Road. They want to turn this area into a field. A ½ acre needs to be filled in to create the flat area for the soccer field. Regeneron is giving them fill from their site on Tempel Lane to fill make the 5<sup>th</sup> field. Chairman Mastin asked if there is currently sufficient parking for the site. Josh Sabo stated that yes there is and that this improvement will actually improve the parking situation. Ralph Viola asked how many trucks they anticipate and how long to fill the site. Josh Sabo stated he wasn't sure but Steve Hart spoke on behalf of Regeneron and stated that 4,000 yards of fill will be brought in, roughly 200 truckloads.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed cut & fill and minor site plan modification subject to the following conditions:**

- Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department.

**Seconded by Jim Moore & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola –YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**MULTETT-300 COLUMBIA TURNPIKE- MINOR 2-LOT SUBDIVISION** (17-23)

Steve Hart presented the proposal on behalf of Jonas Ettliger, the owner of Napa. Steve Hart stated that Napa was looking to build a new building a few years ago, but now wishes to subdivide their parcel into two parcels. Steve Hart stated that the parcel is located in the B-2 Zone. Proposed lot 1 consists of .73 +/- acres with approximately 140' of frontage and proposed lot 2 consists of 1.23 +/- acres with approximately 260' of frontage and is located in the B-2 Zoning District and 35% green space is proposed. Steve Hart stated that Napa has more than enough parking. Chairman Mastin asked if there were any questions from the Board.

- Jim Moore asked if there was any reason why the Board wouldn't consider a cross lot easement as part of the subdivision & if the owner would consider a single curb cut out for lot #1. Steve Hart stated that a note could be added to the plan not to deny cross lot easements if the Board wants and he would talk to the owner about the curb cut.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, October 17, 2017, prepared by Hart Engineering for the proposed 2-lot minor subdivision.**

**Seconded by Ralph Viola & roll called as follows:**

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola –YES.**

**MOTION CARRIED BY A 4-0 VOTE**



**MOTION:** A motion was made by Chairman Mastin as follows: **The Planning Board has determined the project an Unlisted Action and hereby declares itself Lead Agency in connection with a coordinated review under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola –YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**MOTION:** A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for December 13, 2017 @ the East Greenbush Town Hall @ 7:05 PM.**

Seconded by Jim Moore & roll called as follows:

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola –YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**FED EX-253 TROY ROAD- MINOR PDD AMENDMENT AND SITE PLAN MOD. (09-12C)**

Dom Arico from Arico Associates presented the proposal to the Board. Dom stated that the manager of the Fed Ex ground location in East Greenbush Gabe Cherock was also present. Dom stated this project is an approved PDD. The proposal is to expand the trailer parking. Some wetlands will need to be disturbed and they have already applied to the Army Corp of Engineers regarding this. Chairman Mastin asked the Board if anyone had any questions.

- Jim Moore asked about the landscaping between the building and Interstate 90. He would like to see generous landscaping on both berms.
- Joe Slater stated that the building department did determine that it's a minor amendment to the PDD, so the Planning Board can approve. Joe requested a full EAF for the wetlands/SWPPP. A Town Designated Engineer will need to review the above and will be reached out to for review.
- Jim Moore asked in terms of the operation, will there be more trucks. Dom Arico stated that is just for trailer parking.

A public hearing will be needed regarding the proposed amendment.

- Ralph Viola asked about the parking lot lights, only showing five additional.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated September 2017 by Arico Associates for the proposed PDD Amendment/Site plan modification.**

Seconded by Jim Moore & roll called as follows:

**M. Mastin-YES; M. Bottillo-YES; J. Moore-YES; R. Viola –YES.**

**MOTION CARRIED BY A 4-0 VOTE**

**REFERRALS-REPORTS & RECOMMENDATIONS:**

NONE

**NEW ZBA REFERRALS:**

NONE

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the July 12, 2017 meeting minutes as is.  
Seconded by Mike Bottillo. Motion carried by a 3-0 vote.

Approval of the July 26, 2017 meeting minutes tabled due to quorum issue.

Motion by Chairman Mastin to approve the September 27, 2017 meeting minutes as is.  
Seconded by Ralph Viola. Motion carried by a 3-0 vote.

Motion by Chairman Mastin to approve the October 11, 2017 meeting minutes as is.  
Seconded by Ralph Viola. Motion carried by a 3-0 vote.

The November 8, 2017 meeting is hereby cancelled due to a quorum issue and the November 22, 2017 meeting is cancelled as well. A special meeting will be held on Tuesday, November 21, 2017 at 7pm.

**ADJOURMENT:**

There being no further business before the Board, the meeting was adjourned by Chairman Mastin.  
Seconded by Ralph Viola. Carried by a 4-0 vote.

Respectfully Submitted

  
Alison Lovely, Planning Secretary