

# 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 DECEMBER 22, 2021

#### **Members:**

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

#### **Also Present:**

Adam Yagelski, Director of Planning & Zoning  
Joseph Slater, Planning Board Attorney  
Anna Feltham, 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. Ralph Viola was absent.

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

#### **NAHAL/FAWCETT-21-25-27 ORIEL LANE-LOT LINE ADJUSTMENT (21-03)**

Fred Metzger, Surveyor presented the proposal to the Board. The Nahals & Fawcetts went in on a piece of property which is located between them and 1/3 will go to the Fawcetts with 2/3 going to the Nahals. Chairman Mastin stated that the Planning Board had referred this project to the Zoning Board back in January and they determined that no variances were required for the lots. Chairman Mastin asked if any Board members had any questions. There were no questions.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby:

- 1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) “granting of individual setback and lot line variances and adjustments”;**
- 2. Grants final approval of the proposed Lot Line Adjustment prepared by Frederick Metzger Land Surveyor and dated August 23, 2021, last revised December 16, 2021, subject to the following:**
  - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department; and
  - All remaining fees are paid to the Town.

Seconded by Don Pantan & roll called as follows:

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

MOTION CARRIED BY A 5-0-1 VOTE

**BENOIT-416/418 HAYS ROAD-MINOR 2-LOT SUBDIVISION**

**(21-23)**

Chairman Mastin stated that at the last meeting, he did a referral to the Zoning Board of Appeals & one thing that hadn't been completed was closing out SEQR. So tonight the Board will close out the SEQR process in order for the Zoning Board to be able to move forward with their process. Joe Slater mentioned that a public hearing needs to be scheduled as well. Chairman Mastin asked if anyone had any comments or questions. There were none.

**MOTION: A motion was made by Chairman Mastin as follows: WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by John Benoit (the Owner) with Santo Associates, professional design consultant to the Owner, for a 2-lot Major Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 3.99 acre parcel located at 416 - 418 Hays Road on which there are currently two single family homes and according to information from the Town Assessor, the two homes were built in 1934 and 1940; and**

**WHEREAS, the proposal would subdivide the parcel so that each home is on its own lot and would involve no ground-breaking or site improvements; and**

**WHEREAS, the Town Project Review Team did review the preliminary plat and the various supporting data on September 28, 2021 and meeting notes show discussion related principally to procedural review regarding lack of roadway frontage and area variances; and**

**WHEREAS, on October 13, 2021 the Planning Board did classify the proposed sketch plat as a Major Subdivision, as one of the proposed lots lacks frontage on an existing street, and both proposed lots are in conflict with the Zoning Ordinance because they do not meet the minimum lot area permitted by the Town's Comprehensive Zoning Law; and**

**WHEREAS, on October 13, 2021 the Planning Board classified the action as an unlisted action in accordance with 6NYCRR Part 617, declared its intent to seek lead agency status, and initiated a coordinated review under SEQRA ; and**

**WHEREAS, the Planning Board, has carefully reviewed the land development application, sketch plat, Short Environmental Assessment Form Part 1, and related materials 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 (major 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); and**

Now, therefore, be it

**RESOLVED, that the Planning Board, upon completion of the coordinated review in accordance with 6 NYCRR Part 617, and having received no responses from other involved agencies to the contrary, hereby declares itself lead agency under SEQRA and re-affirms the classification of the action as an Unlisted action in accordance with 6 NYCRR Part 617; and**  
be it further

**RESOLVED, that based on the environmental assessment and review, the Planning Board has determined that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, is hereby adopted; and**  
be it further

**RESOLVED**, that the Planning Board authorizes the Chair to endorse the SEQRA determination and supporting rationale contained therein.

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby schedules a Public Hearing for January 12, 2022 at the East Greenbush Town Hall at 7:00PM.**

**Seconded by John Conway & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**NEW BUSINESS:**

**MARTIN-BUBAR-WITBECK PRESERVE -21 TERNAN AVENUE -LOT LINE ADJUSTMENT (21-37)**

Chairman Mastin asked Adam Yagelski to give an overview of the project. The proposal is to extend the rear property line at 21 Ternan Avenue. Chairman Mastin asked if any of the Board members had any questions.

•John Conway asked how close this particular lot is to the new development on Wyatt Circle. The homeowner from 21 Ternan Avenue stated that he would estimate 400 yards. John Conway stated that the shed is not visible at all then. The homeowner stated that was correct that the shed existed when he purchased the property in 2017.

•John Conway asked if there was anything else developed on the Witbeck. The homeowner stated that there is nothing past his shed till you get to Phillips Road. Adam Yagelski stated that was part of the property set aside as part of the cluster subdivision.

•John Conway asked if this is in excess of the 30 % of open space required. Adam Yagelski stated that's a good question. The Board went on to the next item while Adam went to do some research. Chairman Mastin stated that the larger project never really meant the requirements of the open space. Adam Yagelski stated that the total project equaled 42. 6 acres of which 20.86 or 49% was in the open space, so if you subtract the 8,104 sq. ft.; that leaves 48.5 or less than ½ a percent. Chairman Mastin asked if anyone had an issue with moving forward. No one had an issue.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

- 1. Classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) "granting of individual setback and lot line variances and adjustments";**
- 2. Grants final approval of the proposed Lot Line Adjustment prepared by Advance Engineering & Surveying and dated December 14, 2021, last revised December 15, 2021, subject to the following:**

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

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**NEW ZBA REFERRALS:**

NONE

**REFERRALS-REPORTS & RECOMMENDATIONS:**

**ZBA Appeal #2021-15-DeJulio-40-44 Tanners Lane-2 Area Variances-Frontages-Minor 2-lot**  
Subdivision– report by Don Panton

After some discussion from the Board, the following motion was made.

**A motion was made by Chairman Mastin as follows: The Planning Board accepts Don Panton’s report and makes a positive recommendation on this proposal as it relates to planning & recommends approval of the two Area Variances & forwards the report to the Zoning Board.**

**\*See attached report for further details.**

**Seconded by Noreen Gill & roll called as follows:**

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

**MOTION CARRIED BY A 6-0 VOTE**

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the December 8, 2021 meeting minutes. Seconded by Noreen Gill. Motion carried by a 6-0 vote.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Kurt Bergmann. Motion carried by a 6-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary

December 22, 2021

Appeal Number: 2021-15

To: Alison Lovely

For your information:

Tax Map Numbers: 144.3-1-1.115 and 144.3-1-14 (new lot)

Address: 44 Tanners Lane

Michael and Mary Jane DeJulio, the applicants, are proposing to create a new lot between 40 and 44 Tanners Lane (both lots are owned by the DeJulio's ). The property is located in an area which is zoned : Residential District (R-2) with a minimum of 75 feet of lot frontage. The frontage of lot 1 (44 Tanners Lane) will be 35.7 feet and lot 2 (new lot) will be 39.3 feet. The proposed action will require two (2) area variances.

1. I had a site visit with Michael and Mary Jane DeJulio on December 9, 2021. We walked the complete property and Michael DeJulio noted that even with the narrow frontage of lots 1 and 2, there is still plenty of land area for two (2) homes. The DeJulio's plan to build a raised ranch on lot 2 and their daughter will live in their home on lot 1 (44 Tanners Lane).
2. The purpose of the R-2 district is to provide higher density residential housing opportunities of around six residential units per acre of land to match some of the older housing development patterns in the area. Both lot 1 and lot 2 meet the minimum land area required for the R2 district. One (1) additional home will not have an adverse effect or impact on the physical or environmental condition in the neighborhood.
3. After making a complete review of the two (2) area variances and with sound planning and zoning considerations in mind, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,  
Donald Panton  
Planning Board Member

cc: Adam Yagelski  
cc: Anna Feltham