

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 FEBRUARY 23, 2022

Members:

Matt Mastin, Chairman
Ralph Viola
Don Pantan
Chris Horne
John Conway Jr.

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 five (5) members were present. Kurt Bergmann & Noreen Gill were both absent.

PUBLIC HEARINGS:

7:00 PM BENOIT-416/418 HAYS ROAD-MAJOR 2-LOT 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 John Benoit for a Major 2- Lot Subdivision called the "416-418 Hays Road 2-lot Subdivision". Lot 1 would consist of 1.815 acres. Lot 2 would consist of 2.184 acres. The property is located off of Hays Road in the A-R Agricultural - Residential Zoning District, Tax Map # 177.-1-2. Said Public Hearing will be held on Wednesday, February 23, 2022 at 7:00 PM at the East Greenbush Town Hall in the Community Room or Court 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

Chairman Mastin asked if the applicant was present and could give a brief presentation. Drew Schaufert from Santos Associates was present representing the applicant who is ill. Drew Schaufert stated that the property is located on Hays Road and is about 200' wide x 700' deep and there has been two houses on it since the 1940's about 40' apart, one in front of the other. The house in the rear will have an easement to share the driveway. Each house has its own well & septic. The applicant wants to subdivide the parcel. Drew Schaufert stated that the Zoning Board granted 8 Area Variances & there will be a note added to the plan that states no further subdivision will be allowed. Chairman Mastin stated that he's not sure if the Board remembers but he did the report for this with the help of Joe, Adam & Anna which gave a positive recommendation to the Zoning Board. Chairman Mastin asked if any of the Board members had any questions. There were none.

Chairman Mastin asked three times if anyone was in favor of the subdivision or opposition to the subdivision. There was no one to speak in favor or opposition to the subdivision.

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

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; R. Viola-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES.

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

BENOIT-416/418 HAYS ROAD-MAJOR 2-LOT SUBDIVISION SUBDIVISION (21-23)

Chairman Mastin asked if the Board had any other comments or questions on voting on final approval. There were none. Joe Slater stated that the Zoning Board did attach a couple of conditions to their approval. The first was that if the homes were to be reconstructed that the homes would have to meet the setbacks in that zone & the second was that the lots not be further subdivided.

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 (Tax Map I.D. SBL: 177.-1-2); and

WHEREAS, the proposal would subdivide the parcel, 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, 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, did carefully review 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

WHEREAS, based on the environmental assessment and review, the Planning Board 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, was adopted on December 22, 2021; and

WHEREAS, the Planning Board did conduct a public hearing on February 23, 2022 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.

WHEREAS, the Planning Board has received and reviewed the proposed preliminary plat dated June 24, 2021 as prepared by Santo Associates, including review comments from the Town Planning and Zoning Department; and

WHEREAS, the Planning Board did refer the application to the Town's Zoning Board of Appeals on October 13, 2021, as the application as proposed required the following variances:

1. Proposed Lot 1 would be 1.815 acres. The minimum lot size in the A-R district is 5 acres. As such, an area variance would be required to allow an undersized lot of 1.815 acres.
2. Proposed Lot 2 would be 2.184 acres. The minimum lot size in the A-R district is 5 acres. As such, an area variance would be required to allow an undersized lot of 2.184 acres.
3. Proposed Lot 2 would have no frontage on a public street and would thus violate the town Comprehensive Zoning Law (CZL) Section 2.5.1.F.02. As such, an area variance would be required to allow a lot with no frontage.
4. The side (south) setback on proposed Lot 2 would be 14.7'. The minimum side setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 14.7' side setback.
5. The rear setback on proposed Lot 1 would be 14.7'. The minimum rear setback distance in the A- R district is 50'. As such, an area variance would be required to allow the 14.7' rear setback.
6. The side (east) setback on proposed Lot 1 would be 46.0'. The minimum side setback distance in the A-R district is 50'. As such, an area variance would be required to allow the 46.0' side setback.
7. Proposed Lot 1 would be 215' in width at the road. The minimum lot width in the A-R district is 400' feet. As such, an area variance would be required to allow 215' of road frontage.
8. Proposed lot 2 also does not meet the minimum lot width (and the town code does not explicitly define lot width, but the Town generally uses lot frontage which is addressed in #3 above).

WHEREAS, on February 8, 2021, the Zoning Board of Appeals did approve each of the eight variances required by the proposed application, with the following conditions:

1. Pertaining to the following variance; for the proposal for a major two lot subdivision in order to separate a parcel with two single family dwellings on it with proposed Lot #1 only having 1.8 acres where 5 acres is required was granted with one condition;
 - a. No further subdivision of the lot be allowed.
2. Pertaining to the following variance; for the proposal for Lot #1 only having a 14.7' rear setback where 50' is required was granted with one condition;
 - a. If a new house is constructed on Lot #1, the standard setbacks of the code shall be followed.
3. Pertaining to the following variance; for the proposal for a major two lot subdivision with proposed Lot #2 only not having frontage on a public street was granted with one condition;

- a. That the easement be shown on the survey map as well as filed with Rensselaer County Clerk.
4. Pertaining to the following variance; for the proposed Lot #2 only having 2.1 acres where 5 acres is required was granted with one condition;
 - a. No further subdivision of the lot be allowed.
5. Pertaining to the following variance; for the proposed Lot #2 only have a 14.7' rear setback where 50' is required was granted with one condition;
 - a. If a new house is constructed on Lot #2, the standard setbacks of the code shall be followed.

Now, therefore, be it

RESOLVED, that the Town of East Greenbush Planning Board hereby waives any specific improvements required for major subdivision approval in the Town's Subdivision Regulations as such improvements are not applicable to this proposal, and;

be it further,

RESOLVED, that the Town of East Greenbush Planning Board hereby grants conditional approval of the Benoit Major 2-lot subdivision for 2 lots in the Town of East Greenbush, prepared by Santo Associates, dated June 24, 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. That the proposed ingress/egress easement be shown on the survey map
3. A copy of the proposed ingress/egress easement must be provided to the Town's Planning and Zoning Department, subject to Planning Board review and approval.
4. All remaining fees must be paid to the Town.
5. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein.
6. No further subdivision of the property shall be permitted

Seconded by John Conway Jr. & roll called as follows:

M. Mastin-YES; R. Viola-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

HART – 1 HUNTSWOOD LANE-LOT LINE ADJUSTMENT (21-23)

Don Sovey, Surveyor from Creighton Manning presented the proposal to the Board. Don Sovey stated that Don Hart is selling his property at 1 Huntswood Lane which consists of 6 acres. Don Sovey stated that he wanted to widen the left side of his property to have at least 50', and on the right side of the property he just wanted to make sure the house in the rear could be accessed. There is access on Hemlock Lane but it's not feasible to use for access. Don Sovey stated that there is no plans at the moment to further survey the large lot.

- Chris Horne asked to be shown where the lot line is moving on each side of the property. Don Sovey pointed it out on the drawing.

•John Conway Jr. asked if there are two houses on the one lot & has concern with access to the rear house. Don Sovey stated that there are two houses on one lot and right now they have access to the house in the back and that isn't changing.

•Chris Horne asked what the issues were with the Hemlock Lane access. Don Sovey said it's not feasible to develop it. It's a hill that is all rock.

Chairman Mastin asked if these new lot lines meet the zone. Anna Feltham stated that they asked for clarification on the measurements of the frontage, but as far as she can tell they meet the requirements.

•John Conway Jr. asked for clarification on the frontages. Don Sovey stated that Lot #2 will have 169' of frontage & Lot #1 will have 168' of frontage.

Adam Yagelski asked if Lot #1 was buildable now. Don Sovey stated that there is no plan for that, that wasn't investigated.

•Chris Horne asked if Don Sovey knew the reason for the lot line adjustment on the left side. Don Sovey stated that they wanted to meet the minimum of 50' for access to the rear lot.

Adam Yagelski asked if the frontage has to be continuous, or can it be fragmented. Joe Slater stated he thinks it goes to the definition of lot width. Chairman Mastin stated that any action will be tabled until the next meeting.

OTHER:

“MS4 Stormwater Program and Planning Board Review” presented by Wayne Bonesteel, P.E. of Foit-Albert Associates in accordance with the in accordance with the Town's Stormwater Management Program Plan (i.e. MCM 1, MCM 2, MCM 4) and the SPDES General Permit for Stormwater Discharges

An overview of the Training was:

- History of Stormwater Regulations
- MS4 Program Requirements for Stormwater Management
- Planning Board Review Process Relating to Stormwater Management
- Stormwater Pollution Prevention Plans
- Post Construction Stormwater Management Practices
- Stormwater Management Planning

After the training which lasted about 1 hr. & 40 minutes, there was a question & answer period.

ORGANIZATION MEETING ITEM:

The appointment of a Vice Chair was tabled until the next meeting.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion to approve the February 9, 2022 meeting minutes tabled until the next meeting.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Don Panton. Motion carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, Planning Secretary