

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518) 477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES JUNE 24, 2020

#### **Members:**

Matt Mastin, Chairman  
Ralph Viola  
Jim Moore  
Don Pantan  
Nancy Kupiec  
Kurt Bergmann

#### **Also Present:**

Adam Yagelski, Director, Planning/Zoning  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Planning & Zoning Secretary  
Dalia Szarowicz, Planner  
Taylor Tibbits, Recreation Assistant

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present. Chris Horne was absent.

Chairman Mastin started the meeting with the following:

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene its June 24, 2020 Board meeting remotely as follows:

The meeting will commence at 7:00 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow The Planning Board and those with business before the Board to participate electronically and remotely by audio and with or without a video connection. In order that members of the public can view the proceedings, the meeting will be live streamed on the Town's YouTube Channel. To view the live stream, go to the Town's You Tube Channel at

[https://www.youtube.com/channel/UCzStopZCsgZKn\\_GV0i1WalA](https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA). Members of the public with questions or comments can send correspondence to [info@eastgreenbush.org](mailto:info@eastgreenbush.org). Comments sent to this email will not be answered in real time. Please note that this meeting will be held remotely only & will not be held at Town Hall which is currently closed. Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

#### **PUBLIC HEARINGS:**

##### **7:05 PM FORTH-282 HAYS ROAD-MINOR 2 LOT SUBDIVISION**

(20-07)

Chairman Mastin read the Legal Notice.

PLEASE TAKE NOTICE that the PLANNING BOARD of the Town of East Greenbush will hold a public hearing on June 24, 2020 beginning at 7:05 pm to consider the following matter(s):

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 Murray Forth for a Minor 2- Lot Subdivision called the "Subdivision of Lands N/F of Murray & Margaret Forth". Proposed lot 1 consists of 9.58 +/- acres with an existing home on it. Proposed lot 2 consists of 4.17 +/- acres for a building lot. The property is located in the R-B, Residential Buffer Zoning District, and Tax Map #177.-2-3.62. Said Public Hearing will be held on Wednesday, June 24, 2018 at 7:05 PM. 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

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene the public hearing remotely as follows:

The Public Hearing will commence at 7:05 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

To access the Board's public hearing, you have several options:

1. Go to [www.zoom.us](http://www.zoom.us) and download the free application. Once downloaded, enter 822 9309 8226 as the "Join Meeting" invitation code.
2. Click on <https://us02web.zoom.us/j/82293098226>
3. With a smartphone, utilize one click id: +16468769923, 84292187040# US (New York).
4. Call +1 646 876 9923 with your phone, and then enter Meeting ID: 822 9309 8226.

**Important notes for voice-only participants:** Please note that when dialing in (voice only) you may experience time on hold until being admitted to the meeting. To protect the privacy of your phone number please call in dialing \*67 before +1 646 876 9923.

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Written comment may be submitted to the Planning Board by email to [alovely@eastgreenbush.org](mailto:alovely@eastgreenbush.org) or to the Planning Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE PLANNING BOARD  
DATED JUNE 10, 2020  
MATT MASTIN CHAIRMAN  
PLANNING BOARD  
TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CONTACT THE EAST GREENBUSH PLANNING AND ZONING DEPARTMENT BY EMAIL AT [ALOVELY@EASTGREENBUSH.ORG](mailto:ALOVELY@EASTGREENBUSH.ORG).

Brian Holbritter was present on behalf of Mr. & Mrs. Murray Forth who would like to subdivide their lot and to create a building lot on the front lot of 4.17 acres so that they can build a house on it and sell the rear parcel. Brian Holbritter stated that the parcel will have well & septic and will have access off of the existing driveway and there currently exists easements for the driveway use between the Forths &

the Papas & a newer wider easement of 50' will be created to encompass for the existing driveway and access to this new 4.17 acre lot.

Chairman Mastin asked the Board if anyone had any questions.

- Jim Moore asked what the frontage is for both of the lots. Brian Holbritter stated that the new parcel will have 73' of frontage and 27' for the remainder of the lot in the rear with the existing house on it, a 25' flag strip goes back to the 9.58 acres.

- Kurt Bergmann asked Jim Moore a question on the shared driveways, doesn't historically the Town shy away from shared driveways. Jim Moore answered and stated that it used to be a hotly debated topic prior to the adoption of the current code, but ultimately now the Town is comfortable with it. Chairman Mastin stated that ultimately there is room for two driveways.

- Don Panton asked how far apart the structures will be. Brian Holbritter stated that the houses will be approximately 360' to 380' apart, they will not be visible in the summer due to the foliage.

Chairman Mastin asked the Board if they had any other questions. There were none. Chairman Mastin asked if there was anyone in the public who wanted to speak in favor of or opposition to the minor subdivision. There was no one to speak in favor or opposition.

**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; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES;  
D. Panton-YES.**

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

Murray Forth had a question and asked what their next step was. Adam Yagelski stated that they have some technical comments out to Brian Holbritter on the proposed plat & also there is a coordinated review under SEQR so the Board maybe act on this project now and likely not until the second meeting in July after the 30 day review period is over.

**PUBLIC HEARINGS CONT.**

**7:05 PM HERTZEL-19 BRUEN COURT-SUP-RESTORATION & REPAIR OF ANTIQUE GUNS  
(20-05)**

Chairman Mastin read the Legal Notice.

PLEASE TAKE NOTICE that the PLANNING BOARD of the Town of East Greenbush will hold a public hearing on June 24, 2020 beginning at 7:05 pm to consider the following matter(s):

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b (6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 19 Bruen Court, East Greenbush, NY, Tax Map # 155.9-1-15, which is Zoned R-2, Residential Zoning District. The applicant proposes to repair & restore modern & antique guns in the R-2 Zoning District. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.6.6 Residential District (R-2) Subsection D Accessory Uses: "Home Occupation (SP)". Said Public Hearing will be held on Wednesday, June 24, 2020 at 7:05 PM. 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

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BY ORDER OF THE PLANNING BOARD  
DATED JUNE 10, 2020  
MATT MASTIN CHAIRMAN  
PLANNING BOARD  
TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CONTACT THE EAST GREENBUSH PLANNING AND ZONING DEPARTMENT BY EMAIL AT [ALOVELEY@EASTGREENBUSH.ORG](mailto:ALOVELEY@EASTGREENBUSH.ORG).

Ron Hertzal the applicant stated that he is applying for his Federal Firearms license. Ron Hertzal stated that in order to repair modern guns he needs another license from the ATF, which is the regular buy/sell/repair license. Ron Hertzal stated that the ATF requires that he has an area separate from the rest of the house. Ron Hertzal stated that he has been buying, selling & collecting guns for many years. Ron Hertzal stated that 99% of his business is buying and selling he does at gun shows & he would only be open approximately two hours a week but could expand if required.

Chairman Mastin stated that the intent is to use his home address for his home occupation but not sell guns out of it. Ron Hertzelt stated that is correct and stated that he's never sold anything out of his house in all these years.

- Ralph Viola asked if he currently brings his guns to shows to be sold & also asked if anyone will ever come to his home and park in the driveway to do a transaction & whether or not he'll be selling ammunition. Ron Hertzelt stated that he brings his guns to the shows for sales.

- Jim Moore asked for the correct location of his house, he's looking at google and wanted to know if it was is the red brick house. Ron Hertzelt stated that it's the shingle sided white house with the red front.

- Nancy Kupiec asked if he has a room in his house or his garage that he'll be working out of. Ron Hertzelt stated that he has a 20' x 43' two story garage with a separate entrance but he's not sure what the ATF will require as far as the number of square feet, if they require the separate entrance, then the garage will work.

- Nancy Kupiec stated that in repairing the modern guns, do you have to fire them to make sure they are working. Ron Hertzelt stated no, and that he has no place there to fire a gun.

- Don Panton asked that up to now, has he been repairing guns. Ron Hertzelt stated that he has just been repairing antique guns. Don Panton stated that doesn't require a license. Ron Hertzelt stated that no it doesn't.

Chairman Mastin asked if there was anyone from the public who would like to comment. There was no one in the public. Chairman Mastin asked if there was anyone in the public who wanted to speak in favor of or opposition to the Special Use Permit. There was no one to speak in either.

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

**Seconded by Nancy Kupiec & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES;  
D. Panton-YES.**

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

**OLD BUSINESS:**

**HERTZEL-19 BRUEN COURT-SUP-RESTORATION & REPAIR OF ANTIQUE GUNS  
(20-05)**

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

**Whereas**, An application has been filed by Ronald Hertzelt of 19 Bruen Court, Rensselaer, NY, proposing the repair and restoration of modern and antique guns. The applicant has started an application under the Federal Firearms License which requires a physical place of business where records must be stored and be made available for the ATF to access and inspect. ATF requires that Mr. Hertzelt be open for business a minimum of two hours per week. The applicant has no interest in the sale of any goods out of the proposed site; and

**Whereas**, The applicant has filed an application requesting a Special Use Permit at the property located on 19 Bruen Court, East Greenbush, NY (Tax Map No. 155.9-1-15); and

**Whereas**, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on June 24, 2020; and

**Whereas**, Notice of the initial Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

**Whereas**, A Public Hearing was held by the Planning Board on Tuesday, June 24, 2020 to consider this appeal; and

**Whereas**, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

**Whereas**, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

**Whereas**, the Planning Board has carefully reviewed the materials submitted in connection with this appeal under SEQRA, including the short environmental assessment form, and hereby classifies the action as a type 2 action under 6 CRR-NY 617.5(c)(18); now, therefore, be it

**Resolved**, That the Planning Board makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law; and

be it further

**Resolved**, that the application for a Special Use Permit for the repair and restoration of modern and antique guns, be Granted with the following conditions:

1. That no sales occur on the premises.

This resolution was moved by Matt Mastin and seconded by Kurt Bergmann at a meeting duly held on June 24, 2020.

*(Discussion)*

A vote was taken as follows:

Matt Mastin	<u>Yes</u>
Jim Moore	<u>Yes</u>
Ralph Viola	<u>Yes</u>
Nancy Kupiec	<u>Yes</u>
Kurt Bergmann	<u>Yes</u>
Don Panton	<u>Yes</u>
Chris Horne	<u>Absent</u>

Motion carried 6-0

**PHEASANT HOLLOW-2670 PHILIPPS ROAD-10 LOT CLUSTER SUBDIVISION(19-18)**

Chairman Mastin asked Joe Slater to touch real quick on a proposed change to the preliminary plat resolution. Joe Slater stated that they received an email regarding a potential change to the resolution. Joe Slater stated it was a potential change that instead of having the TDE for the landscape inspections on each lot, to instead have the Town's Planning & Building Department inspect it. Joe Slater stated that legally he doesn't have an issue with it and will leave it up to the Board to make a decision. Chairman Mastin stated that personally he doesn't have a problem with it. Chairman Mastin asked the Board members if anyone had any comment.

•Nancy Kupiec asked what the reasoning behind the change is concerned as to whether the Building Department would have time to do that. Chairman Mastin stated that he believes it would be a cost factor.

Adam Yagelski stated that he echo's Nancy's sentiment on it, it's not only a resource thing but also making sure that the plantings are compliant with plot plan and ultimately with the landscape plan.

•Kurt Bergmann asked if this would set a precedence for other projects if the Building Department is tasked with this. Joe Slater stated that each project and resolution is unique & the Planning Board can essentially set its own conditions with each approval so it would not set a precedent.

Adam Yagelski stated that with this project they will get a plot plan showing the landscaping so they will have something to go by.

•Ralph Viola stated that he has one comment that Kurt Bergmann brought up a couple of meetings ago and that is that the one lot didn't show that driveway turnaround and asked if Steve Hart could make that change. Steve Hart stated that he would make that change.

Chairman Mastin asked if there was anything else from the Board. The Board didn't have anything else.

**MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby approves the Preliminary Plat & Preconstruction Approval for the Pheasant 10 lot Cluster Subdivision, as outlined in the approval resolution dated June 24, 2020, which was attached to the June 24, 2020 agenda and annexed hereto, which will included in full in the meeting minutes and please note the following changes to condition #5: An escrow account must be established and funded by the developer, prior to the commencement of any site work or permit issuance to cover the expenses associated with the Town's Designated Engineer's full time inspection of improvements to be dedicated to the Town. The Town Designated Engineer field reports shall be provided to the Town and developer in an electronic format to be approved by the Town; and #15 All landscaping as shown on the approved plot plan and/or the Landscaping Plan (Sheet 14) must be installed and inspected to the satisfaction of the Town's Building & Planning & Zoning Departments.**

**Seconded by Don Panton & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES;  
D. Panton-YES.**

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

**NEW BUSINESS:****PAPA-284 HAYS ROAD-MINOR 2-LOT SUBDIVISION****(20-10)**

Brian Holbriiter was present on behalf of the Papas who were also present. Brian Holbriiter stated that he was approached by the Papas who are interested in doing the exact same thing as the Forths. Brian Holbriiter stated that the proposal is for a 3.3 acres lot with frontage on Hays Road which leave a 10.5 acre flag lot in the rear of the site with an existing home and improvements.

Chairman Mastin asked the Board if anyone had any questions.

•Jim Moore asked what the frontages of the lots were. Brian Holbritter stated that the 10.5 acre flag lot has 27' of frontage and the 3.3 acres front lot has 73' of frontage.

•Kurt Bergmann asked if there was any planned small subdivision lots in the future, or is this the only one. Brian Holbritter stated that this is the only subdivision they can do. Chairman Mastin stated that the flag lot limits them from subdividing anymore.

A motion was made by Chairman Mastin as follows: **The Planning Board hereby determines that project is an unlisted action under SEQRA and hereby declares its intent to seek lead agency status in connection with a coordinated review under SEQRA. The Planning Board hereby directs that notices to all involved/interested agencies requesting their consent to designation of the Planning Board as lead agency for SEQRA review of the Project. The following involved and interested agencies under SEQRA have been identified:**

- **Rensselaer County Health Dept.**
- **Rensselaer County Highway Department**
- **East Greenbush Fire District #3**
- **New York State Department of Environmental Conservation**
- **New York State Historic Preservation Office**

**Seconded by Nancy Kupiec & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; D. Panton-YES.**

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

A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for July 8, 2020 @ the East Greenbush Town Hall or by virtual means @ 7:05 PM.**

**Seconded by Nancy Kupiec & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; D. Panton-YES.**

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

**CLARKE-178 COLUMBIA TURNPIKE- SITE PLAN MOD.-**

**(20-12)**

Al Clarke was present and stated that he is proposing to purchase the old garage at 178 Columbia Turnpike to operate an antique engine rebuilding operation, as well as transmissions and rear ends. Al Clarke stated that he's not servicing any vehicles or have any car storage there. Chairman Mastin asked the Board if anyone had any questions.

•Ralph Viola asked if this was the old Sidoti garage & if he's doing anything exterior to it. Al Clarke stated that is correct and he said that it's been sided and that the rear needs attention and a trailer body needs to be removed & a hole in the back wall needs to be repaired.

Chairman Mastin stated that they can make a condition on no outside storage. Al Clarke stated that there would be no outside storage or dumpster.

•Nancy Kupiec asked if the site plan was accurate as far as parking & is any sound barrier going to be installed or maybe a firewall & asked if the engines will run, will there be any fumes & if they are preserving the greenspace in the rear of the building. Al Clarke stated that is correct and there is no plan to add a sound barrier, there are two separate walls & that they are not testing engines there and the greenspace in the rear will be maintained.



- Kurt Bergmann asked what the plan was for oil etc. Al Clarke stated that they will have a limited amount and will be stored in a drum.
- Ralph Viola asked if there are still floor pits in the garage & if he is purchasing or renting the building & if there were any plans for the garage doors in the front as he has an issue with the way the garage doors look. Al Clarke stated that there is and that they are removing the lift and filling in the pit and installing a new floor and he is purchasing the building and he is probably just painting the garage doors.
- Don Panton stated that transmission & engines are heavy, is there any special equipment. Al Clarke stated that he has a hydraulic lift to move the engines etc. around and will be using the existing benches there.

Chairman Mastin asked if he could take pictures of what he does now that the Board could see. Al Clarke stated that he will forward the website for the Board to view.

**MOTION:** A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board accepts the sketch plan dated June 23, 2020 by Hershberg & Hershberg for the proposed site plan modification.

**Seconded by Don Panton & roll called as follows:**

**M. Mastin-YES; J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; R. Viola-YES; D. Panton-YES.**

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

**NEW ZBA REFERRALS:**

ZBA APPEAL #2020-05-Collins Homeland LLC.-44 Troy Road-Area Variance-report by Chris Horne-report due at the July 8, 2020 meeting

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Approval of the June 10, 2020 meeting tabled until the next meeting.

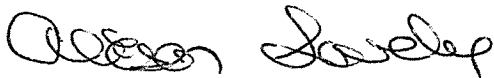
**OTHER:**

Adam had a discussion with the Board regarding communication line and if the Board was getting what they need regarding the projects at the meetings. The Board expressed interest of getting the materials for the meetings, the weekend before.

**CLOSING:**

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

Respectfully Submitted



Alison Lovely, Planning Secretary

## **PHEASANT HOLLOW MAJOR 10-LOT CLUSTER SUBDIVISION**

### **CONDITIONAL PRELIMINARY PLAT APPROVAL**

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

WHEREAS, the Town Planning Board did conduct a public hearing on June 10, 2020 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, the Planning Board, acting as lead agency, and after reviewing a development proposal and conceptual master plan and a short Environmental Assessment Form 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 June 10, 2020; and

WHEREAS, the Planning Board has received and reviewed the revised proposed preliminary plat dated September 2019 and last revised on March 27, 2020 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, the owners/developers of the subdivision have filed with the Town Clerk of the Town Board of the Town of East Greenbush a petition to extend the East Greenbush General Sewer District in order to include the Pheasant Hollow Major 10-Lot Cluster Subdivision; and

WHEREAS all nine (9) building lots and one (1) additional lot on which a golf course is situated cannot be serviced by gravity sewers, the developer will install approximately 2,300 lineal feet of 2" and 3" low pressure sanitary forcemain sewer and related appurtenances to be connected to the General Sewer District and dedicated to the Town; and individual sewage grinder pumps shall be installed to convey sewage to the Town system by the developer/builder of each lot; and

WHEREAS the Town will not own or have maintenance responsibilities over the individual sewage grinder pump systems; and

WHEREAS, the proposed subdivision lies within the General Water District and water supply will be provided from an existing 8" water line situated within the Phillips Rd right-of-way; and

WHEREAS, to the extent that little would be gained from the cluster development open space due to the particular aspects of the proposal, the Planning Board has determined that the Applicant's proposal to extend the Town's General Sewer District to include the proposed subdivision, as well as install approximately 2,300 lineal feet of 2" and 3" low pressure sanitary forcemain sewer and related appurtenances to be connected to the General Sewer District and dedicated to the Town, shall serve as an acceptable amenity as defined in Section 3.8.1.H of the Town's Comprehensive Zoning Law.

WHEREAS, a Storm water Pollution Prevention Plan (SWPPP) dated December 6, 2019, last revised February 7, 2020, has been prepared in accordance with NYSDEC and Town of East Greenbush MS4 requirements and includes the required construction phase erosion and sediment controls and permanent erosion and sediment control measures, such as vegetative controls, rock outlet protection, and permanent turf reinforcement, which will be owned and maintained solely by the owners of lands within the subdivision; and

WHEREAS, the Town's Designated Engineer, Adirondack Mountain Engineering, PC, has reviewed the amended application, plans, short EAF, and related reports and materials for the proposed Pheasant Hollow Major 10-Lot Cluster Subdivision, as prepared by Hart Engineering, dated September 2019, and recently revised March 27, 2020, and can recommend to the Planning Board consideration of preliminary plat approval subject to all conditions and requirements by the Town; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants preliminary plat approval for the 10 lots in the Town of East Greenbush of Pheasant Hollow Major 10-Lot Cluster Subdivision, prepared by Hart Engineering, dated September 2019, and recently revised March 27, 2020, 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 and Town Planning and Zoning Department and submit a final plan set which addresses all remaining technical comments and which conforms to Art. VII.4 of the Subdivision Regulations;
2. That the applicant reimburses the Town for all costs and expenses associated with the review and evaluation of the plans and associated reports by the Planning Board's consultants;

3. That the final plat submission be in strict accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations as well as Section 3.8 of the Town's Comprehensive Zoning Law, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board;
4. That the East Greenbush General Sewer District be extended per the requirements of New York State Town Law Article 12-A to incorporate the project;
5. That the Commissioner of Public Works sign off on the plans prior to final plat approval;
6. That copies of agreements or other documents relating to the long-term ownership and maintenance of designated open space areas shall be provided, in compliance with the Town's Comprehensive Zoning Law Sections 3.8.G and 3.8.J;
7. That the Final Engineers Report must be submitted to the Town's Planning and Zoning Department;
8. That the final plat show the location and type of monuments, subject to Planning and Zoning Department approval, to be installed in accordance with Art. VII.4.B.1.F.2.
9. That the location of electric, telephone, cable TV, gas, and other energy-related lines and utilities be depicted on the plat;
10. That the following certifications be forwarded to the Town Planning and Zoning Department:
  - a. Certification showing that the applicant is the owner;
  - b. Written offers of cession for all rights-of-way and copies of agreements showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained, subject to Town Attorney approval;
  - c. Certification by the Town Designated Engineer in accordance with Art. VII.4.B.2.C of the Town Subdivision Regulations;
  - d. All protective covenants must be submitted in a form for recording;
  - e. Letter from National Grid approving the design and indicating that adequate service will be provided;
  - f. Letter from school district stating acknowledging the number of lots and the district's ability to service the subdivision;
  - g. A letter indicating that the plan for required work within the County Right of Way has been reviewed and approved by the Rensselaer County Highway Department;
  - h. A letter indicating that the plan for required work within the Town Right of Way has been reviewed and approved by the Commissioner of Public Works;
  - i. 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.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

1. That the 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; and
2. That the Army Corps of Engineers be consulted relative to the presence of wetlands within the Pheasant Hollow Major 10-lot Cluster Subdivision, the avoidance of impacts to such wetlands, and a determination relating to the need for federal permit coverage, and that such determination be forwarded to the Town; and
3. That an approved Utility Permit for Work in the Town Right of Way be submitted to the Town for their records; and
4. That an approved Utility Permit for Work in the County Right of Way be submitted to the Town for their records; and
5. An escrow account must be established and funded by the developer, prior to the commencement of any site work or permit issuance to cover the expenses associated with the Town's Designated Engineer's full time inspection of improvements to be dedicated to the Town. The Town Designated Engineer field reports shall be provided to the Town and developer in an electronic format to be approved by the Town; and
6. That for each building lot, a detailed plot plan; grading plan and utility service plan shall be submitted and approved by the Commissioner of Public Works and the Building Inspector prior to the issuance of a Building Permit for that building lot. The plot plan must also show the extent of land clearing, a proposed building envelope, and a landscaping plan with planting schedule consistent with the approved Final Subdivision Plat, subject to Building Inspector and Planning and Zoning Department approval. Proposed landscaping must be in accordance with the Landscaping Plan (Sheet 14) included with the subdivision plans. Any proposed modifications for any building lot must be approved by the Planning Board Chairperson; and
7. That it must be stated on the plans in notes or diagrams, as well as in the deeds conveying each, that the individual homeowner will own the individual sewage grinder pump systems units and shall be responsible for future operation and maintenance as required, and that a copy of the deed covenants be reviewed by the Town Planning and Zoning Department; and
8. That the developer, at the discretion of the Commissioner of Public Works, shall provide financial security in accordance with the Town of East Greenbush Street

Ordinance. Such security or bond, if required by the Commissioner of Public Works, must be in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said security will be released upon the completion of sanitary sewer and related infrastructure, up to and including site restoration, to the satisfaction of the Commissioner of Public Works; and

9. All storm water pollution prevention permits will be obtained prior to any land disturbance as defined in the Comprehensive Zoning Law and as required in accordance with applicable SPDES MS4 and Construction general permits, which includes tree cutting, clearing, grading, grubbing, and/or site work, and regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002 and the approved SWPPP; and
10. Prior to commencement of construction, all fees due are paid as required by the Town of East Greenbush in accordance with the Western Generic Environmental Impact Statement (GEIS) fee schedule and Local Law 5-2018 of the Town of East Greenbush, a letter for which will be provided from the Director of Planning and Zoning.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

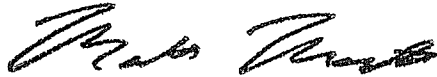
11. That all fees due are paid as required by the Town of East Greenbush in accordance with the Western Generic Environmental Impact Statement (GEIS) fee schedule and Local Law 5-2018 of the Town of East Greenbush, a letter for which will be provided from the Director of Planning and Zoning.
12. The applicant shall prepare suitable offers of cession for all improvements and interest in all land areas within Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements, and that all such offers of cession shall be submitted to the Commissioner of Public Works and Town Attorney, who shall review the sufficiency for the purpose intended, which determination shall not commit the Town Board in any way to acceptance of the improvements, once installed; and
13. The owner/developer shall install sanitary sewer facilities within existing Town and County right-of-way or within lands with utility easement rights to be approved as to form by the Commissioner of Public Works and Town Attorney and accepted by the Town of East Greenbush Town Board, and all facilities once installed and approved for operation become the property of the Town whom will operate and maintain said system installed in public rights-of-way and easements; and
14. That all public and/or required improvements within the Development as shown on the subdivision plans be completed by the developer and be approved in

writing by both The Town's Designated Engineer and the Town's Commissioner of Public Works; and

15. All landscaping as shown on the approved plot plan and/or the Landscaping Plan (Sheet 14) must be installed and inspected to the satisfaction of the Town's Building and Planning Zoning Departments; and
16. That a mechanism for the long-term protection, operation and maintenance of the required open space area, subject to the approval of the Planning Board and Town Attorney, be in place and that evidence of its filing in the Rensselaer County Clerk's Office, if required, be submitted to the Town; and
17. That an as-built plan in approved electronic (e.g., PDF, DWG, and TIFF file formats) and paper copy formats shall be submitted to the Town by the owners/developers based upon marked up plans provided by the Planning Board's designated engineer for review/approval at the completion of construction. This plan shall show an accurate and complete record and description of the final "as-built" conditions of improvements to be dedicated to the Town; and
18. That monuments required to be installed in accordance with Art. VII.4.B.1.F.2 and as shown on the final plat be installed.

RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON June 24, 2020



MATT MASTIN, PLANNING BOARD CHAIRMAN