

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)477-2005 FAX (518)477-2386

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## MEMORANDUM

### PLANNING BOARD MEETING AGENDA FEBRUARY 23, 2022 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

**7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:**

**PUBLIC HEARINGS:**

*7:00 PM Benoit-416-418 Hays Road-Major 2 lot Subdivision*

**ORGANIZATIONAL MEETING ITEM:**

*Appointment of Vice Chairperson*

**OLD BUSINESS:**

(21-23) Benoit - 416/418 Hays Road-Major 2-lot Subdivision – *Review for Conditional Approval*

(22-05) Hart – 1 Huntswood Lane – Lot Line Adjustment – *SEQR Classification and Review for Conditional Approval*

**NEW BUSINESS:**

*NONE*

**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

**REFERRALS-REPORTS & RECOMMENDATIONS:**

*NONE*

**NEW ZBA REFERRALS:**

*NONE*

**REVIEW & APPROVAL OF MEETING MINUTES:**

*February 9, 2022 meeting minutes*

# **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**

### **LEGAL NOTICE BENOIT MAJOR 2-LOT SUBDIVISION PLANNING BOARD TOWN OF EAST GREENBUSH**

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

**ORGANIZATIONAL MEETING 2022:**

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby appoints \_\_\_\_\_ as the Vice Chairperson in absence of the Planning Board Chairman.**

Roll Called as follows:

MOTION CARRIED BY A    -    VOTE.

Chairman Mastin	_____
Mr. Panton	_____
Mr. Viola	_____
Mr. Bergmann	_____
Ms. Horne	_____
Mr. Conway	_____
Ms. Gill	_____

**BENOIT  
MAJOR 2-LOT SUBDIVISION  
416-418 HAYS ROAD  
FEBRUARY 23, 2022**

**PLANNING BOARD RESOLUTION GRANTING  
CONDITIONAL PLAT APPROVAL (21-23)**

**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

DRAFT

**HART**  
**LOT LINE ADJUSTMENT**  
**1 HUNTSWOOD LANE**  
**FEBRUARY 23, 2022**

**MOTION for CONDITIONAL APPROVAL (22-05)**

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 Donald G. Sovey, P.L.S, Creighton Manning Engineering, LLP and dated February 8, 2022, 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.**

*End of Motion*