

TOWN OF EAST GREENBUSH PLANNING BOARD

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

MEMORANDUM

PLANNING BOARD MEETING AGENDA MARCH 23, 2022 MEETING WILL BE HELD IN THE COURT ROOM AT TOWN HALL

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

PUBLIC HEARINGS:

NONE

ORGANIZATIONAL MEETING ITEM:

Appointment of Vice Chairperson

OLD BUSINESS:

(20-11) Carver Court-Upper Mannix Road – Major 110-Lot Cluster Subdivision – Preliminary Plat modifications discussion and review of the draft development agreement for possible referral to Town Board

(22-03) Shelley's Salon 2 Greenbush Ave – Site Plan Modification and Lot Line Adjustment – Review for conditional approval-Tentative

NEW BUSINESS:

(22-04) Phantom Fireworks – 570 Columbia Turnpike – Site Plan Modification – Presentation & SEQOR Classification-Tentative

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

NEW ZBA REFERRALS:

NONE

REVIEW & APPROVAL OF MEETING MINUTES:

March 9, 2022 meeting minutes



March 22, 2022

Ref: 20604.00

Mr. Nick Laraway
c/o Brett Steenburgh, PE, PLLC
Brett L. Steenburgh PE PLLC
2832 Rosendale Road
Niskayuna, NY 12309

Re: Planning Board Comments, Carver Court Cluster Subdivision, Upper Mannix Road, Town of East Greenbush, NY

Dear Mr. Laraway,

VHB Engineering, Surveying, Landscape Architecture, and Geology, PC (VHB) completed a traffic impact evaluation dated April 20, 2021, associated with the proposed Carver Court Cluster residential subdivision development. This letter provides supplemental analyses in response to comments and questions raised at the February 9, 2022, Planning Board meeting.

Comment 1: The existing traffic on Thompson Hill Road includes a large amount of cut-through traffic and the proposed project will increase the amount of cut-through traffic.

Response: License plate surveys were conducted at the Thompson Hill Road intersections with US Route 4 and Mannix Road to identify the number of vehicles travelling through Thompson Hill Road that could be considered a cut-through trip. Data was collected on Saturday, March 5, 2022, during the midday peak period from 11:00 a.m.-1:00 p.m. and on Tuesday, March 8, 2022, during the weekday AM peak period from 7:00-9:00 a.m. and the weekday PM peak period from 4:00-6:00 p.m. The peak hour traffic on Thompson Hill Road is summarized in Table 1.

Table 1 Peak Hour Through Traffic on Thompson Hill Road

Peak Hour	Total Trips	Total Through Trips		
		Total	Police and/or Bus	Passenger Vehicle
Saturday Midday	20	8 (2 NB and 6 SB)	0	8
Weekday AM	19	9 (2 NB and 7 SB)	2	7
Weekday PM	35	13 (2 NB and 11 SB)	0	13

Table 1 shows that through traffic on Thompson Hill Road ranges from seven to 13 vehicles during the peak hours which equates to one through trip on Thompson Hill Road every 4.5 to 8.5 minutes during the peak hours. Peak hour through traffic is heavier in southbound direction and ranges from 75 to 85 percent of the through traffic during the identified peak hours.



The traffic evaluation prepared for the project dated April 20, 2021, noted 65% of the site traffic is expected to travel to and from the west on Upper Mannix Road toward US Route 4. This distribution of traffic will result in an increase of 54 vehicle trips (14 eastbound and 40 westbound) traveling to and from the west on Upper Mannix Road during the AM peak hour and 73 vehicle trips (46 eastbound and 27 westbound) traveling to and from the west during the PM peak hour. To estimate a worst-case condition, if all of the site generated traffic travels to and from the west on Upper Mannix Road there would be an increase of 83 vehicle trips (21 eastbound and 62 westbound) on Upper Mannix Road during the AM peak hour and 111 vehicle trips (70 eastbound and 41 westbound) during the PM peak hour.

The through traffic on Thompson Hill Road was compared to the ETC+10 (estimated time of completion plus 10 years) traffic volumes contained in the NYSDOT Final Design Report for the US Route 4 & Mannix Road Intersection Improvement Project PIN 1757.99 from September 2012. Based on the distribution of traffic at the US Route 4 at Upper Mannix Road intersection, 40% of the site-generated traffic is expected to travel to and from the north and 60% is expected to travel to and from the south. The weekday AM and PM peak hour through volumes on Thompson Hill Road represent one to ten percent of the weekday AM and PM peak hour traffic volumes turning to and from US Route 4 at Upper Mannix Road. Using the highest value of ten percent of the peak hour traffic, Table 2 summarizes the additional through traffic on Thompson Hill Road that may be associated with the proposed project using the trip distribution pattern included in the April 20, 2021, traffic evaluation and a worst-case condition assuming 100% of the site traffic travels to and from the west.

Table 2 Potential Site-Generated Peak Hour Through Traffic on Thompson Hill Road

Distribution Condition	AM Peak Hour			PM Peak Hour		
	Northbound	Southbound	Total	Northbound	Southbound	Total
April 20, 2021 Distribution	2	1	3	1	2	3
100% Distribution	3	1	4	2	3	5

The table shows that with ten percent of the site-generated traffic travelling to and from the north on US Route 4 using Thompson Hill Road, an increase of 3 trips may be experienced during the AM and PM peak hours which equates to one vehicle every 20 minutes. If all of the site-generated traffic travels to and from US Route 4 (no traffic travelling to Best Road), then the peak hour increase on Thompson Hill Road would be 4 vehicles during the AM peak hour and 5 vehicles during the PM peak hour which equates to one vehicle every 12 to 15 minutes.

Information published by the Capital District Transportation Committee (CDTC) notes that local roads can accommodate 625 vehicles per hour per direction while maintaining acceptable operations. Residents of Thompson Hill Road may notice an increase in traffic with construction of the proposed project; however, the roadway is currently serving 19 to 35 vehicles during the weekday peak hours. Thompson Hill Road has sufficient capacity to accommodate the maximum potential addition of three to five peak hour trips associated with the proposed project. The proposed project will not have a significant impact on traffic operations and therefore no traffic-related mitigation is recommended.



Comment 2: What traffic calming measures can be implemented to reduce the amount of cut-through traffic on Thompson Hill Road?

Response: Based on a review of Thompson Hill Road and the surrounding area, the following measures are offered for consideration by the Town to reduce the potential for through traffic on Thompson Hill Road:

- **Alter the flow of traffic on Thompson Hill Road to one-way southbound along the entire length of the roadway.** This would eliminate traffic travelling northbound from Upper Mannix Road onto Thompson Hill Road to access US Route 4 northbound. The travel pattern change would require residents to arrive at their homes from the north via US Route 4 and depart their homes via Upper Mannix Road. The access change would also impact travel patterns for guests, deliveries, school busses, etc. on Thompson Hill Road.
- **Alter the flow of traffic on Thompson Hill Road to one-way southbound at the south end of the roadway.** This would eliminate traffic traveling northbound from Upper Mannix Road onto Thompson Hill Road to access US Route 4 northbound. Altering to one-way southbound flow on Thompson Hill Road only at the south end of the roadway would minimize the impacts to residents on Thompson Hill Road but would still restrict access for residents accessing their homes from Upper Mannix Road and diverting them to US Route 4. Similar impacts will result for guests, deliveries, school busses, etc. traveling to Thompson Hill Road from Upper Mannix Road.
- **Dead-end Thompson Hill Road at the north end of the roadway eliminating the connection between Thompson Hill Road and US Route 4.** Due to the length of Thompson Hill Road a secondary emergency access would likely need to be maintained and a cul-de-sac may be needed for a vehicle turnaround. This change would force all traffic accessing Thompson Hill Road to utilize Upper Mannix Road.
- **Dead-end Thompson Hill Road at the south end of the roadway eliminating the connection between Thompson Hill Road and Upper Mannix Road.** Due to the length of Thompson Hill Road a secondary emergency access would likely need to be maintained and a cul-de-sac may be needed for a vehicle turnaround. This change would force all traffic accessing Thompson Hill Road to utilize US Route 4.
- **Install speed humps on Thomson Hill Road.** Installation of speed humps would reduce the attractiveness of Thompson Hill Road to cut through traffic. The speed humps would impact all travelers on Thompson Hill Road and snow removal during inclement weather. To minimize impacts during winter months, removeable speed humps could be considered and removed during the winter.
- **Restrict right-turn movements from westbound Upper Mannix Road onto Thompson Hill Road with installation of a "No Right Turn" sign and/or a raised island to physically restrict the right-turn movement.** This restriction would apply to westbound traffic on Upper Mannix Road turning right onto Thompson Hill Road to access a residence or to use Thompson Hill Road to reach US Route 4 northbound. VHB has concerns with the placement of a turn restriction sign on Upper Mannix Road at Thompson Hill Road due to the proximity of this intersection to the roundabout at US Route 4 and potential for driver confusion; therefore, we defer the decision for the placement of this sign to Town technical staff and NYSDOT.

As noted, the proposed project will not have significant impact on traffic operations; therefore, no traffic-related mitigation is recommended. The above identified traffic calming measures are included for Town consideration.

Mr. Nick Laraway
Ref: 20604.00
March 22, 2022
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If you have any questions on the above evaluation, please call.

Sincerely,

VHB Engineering, Surveying, Landscape Architecture and Geology, P.C.

A handwritten signature in blue ink, reading "Wendy C. Holsberger" with a long, sweeping horizontal line extending to the right.

Wendy C. Holsberger, PE, PTOE
Director of Transportation
wholsberger@vhb.com

A handwritten signature in blue ink, reading "Alanna M. Moran" with a stylized, cursive script.

Alanna M. Moran, PE
Project Manager
amoran@vhb.com

**DEVELOPMENT
AGREEMENT**

This Agreement, by and between CLDZ, LLC, with offices located at 494 Western Turnpike, Altamont, NY 12009, hereinafter called the “Developer”, and the Town of East Greenbush, a municipal corporation located in Rensselaer County with offices at 225 Columbia Turnpike Rensselaer, NY 12144, hereinafter called the “Town”.

WHEREAS, the Developer has received preliminary plat approval from the Town of East Greenbush Planning Board for a major cluster subdivision off Mannix Road, as shown on a certain subdivision map prepared by Brett Steenburgh PLLC comprising sheets 1 through 32, as set forth on sheet 1 (SP-1) entitled “Overall Plan CLDZ, LLC, Carver Court, Town of East Greenbush County of Rensselaer State of New York” dated February 15, 2021, last revised January 26, 2022, and as bounded and described as set forth in Exhibit “A” annexed hereto; and

WHEREAS, the Developer intends to build and dedicate certain roadways, as shown on Exhibit A, above. The Developer intends to build and dedicate the areas described as public roadways in the Town of East Greenbush, in connection with the development of the site as set forth in the subdivision plan. Said construction is to be in accordance with the rules, regulations and specifications of the Town of East Greenbush and its Planning Board; and

WHEREAS, the Town of East Greenbush Planning Board, in its capacity as lead agency in connection with a coordinated review of the proposed action, issued a conditioned negative declaration on January 26, 2022; and

WHEREAS, pursuant to and in accordance with the preliminary plat and

preconstruction approval of the Town of East Greenbush Planning Board for this project, the Developer is obligated to construct certain roadways, storm water control facilities and storm water conveyance facilities, install water mains in the roadway, install sewer mains in the roadway, install a sanitary sewer pumping station, provide landscaping as shown on the subdivision plan, install sidewalks adjacent to ~~the~~ Roadways "A" located within the subdivision, construct and implement various natural resources conservation measures as identified in Exhibit B, construct a passive recreation field and walking trail, and install fencing in identified areas; and

WHEREAS, the Town Board of the Town of East Greenbush and Planning Board of the Town of East Greenbush require a letter of credit or other security to insure the prompt and faithful construction of said roadway and other improvements as set forth above; and

WHEREAS, the Developer is required to pay certain inspection fees to the Town to confirm that all construction and installation is in accordance with the rules, regulations and specifications of the Town of East Greenbush and its Planning Board and to the satisfaction of the Town's Designated Engineers and Commissioner of Public Works; and

NOW, THEREFORE, in consideration of the mutual covenants expressed herein, and in order to set in writing the terms of their agreement, the parties do mutually covenant and agree as follows:

1. The Developer agrees to construct the public portion of the roadway, as set forth on the preliminary subdivision plat described in Exhibit "A" attached hereto, and as adjusted through final approval by the Planning Board and that said construction

and installation will be in accordance with the rules, regulations, standards and specifications of the Town of East Greenbush, its engineers and Commissioner of Public Works, and the Developer shall promptly make payment to all persons supplying labor and materials for the same. The Developer, and subsequently the HOA, shall retain ownership and responsibility for the common mailbox area, required open space areas (including the "Cleared Area" for recreation), trails installed as part of the project in the required open space areas, permanent stormwater management facilities, wetland protection signage, and the emergency access roadway, which shall remain private. The Developer and HOA shall assume maintenance responsibility for the sidewalks.

2. The Developer further agrees that the construction and installation of the storm water control facilities, storm water conveyance facilities, water mains and sewer mains in the future Town roads, sanitary sewer pumping station, conservation measures, recreation area and walking path, and the sidewalk, as identified in the preliminary subdivision plat described in Exhibit "A," and as adjusted through final approval by the Planning Board shall be constructed and installed in accordance with the laws, rules, regulations, standards and specifications of the Town of East Greenbush, its engineers and Commissioner of Public Works. Developer agrees that, prior to offering for dedication any of the storm water conveyance public improvements, these facilities shall be clean and free sediment and other debris, subject to Commissioner of Public Works approval.

3. Construction of the project is to be phased in accordance with the preliminary subdivision plat for Carver Court, as approved by the Town of East Greenbush Planning Board, as set forth in Exhibit "A" attached hereto and as adjusted through

final approval by the Planning Board. The Developer proposes to develop and file the conservation plat in three (3) sections as shown on the plat. The Developer shall complete and secure all public improvements on a section-by-section basis. A construction sequencing plan as approved by the Planning Board has been made part of the final plat and filed with any section thereof. The sections must proceed in order, commencing with section 1 to the first section and no building or clear-cutting may start in any new section except with the permission of the Planning Department for limited disturbance associated with the installation of utilities and infrastructure where such installation is necessary in that section to serve the preceding section or to undertake clearing activities within the seasonal limits established for the Long Eared bats, as per the approved plans. If roadways and limited clearing are necessary, any roads or cleared areas will be for construction purposes only, shall not be paved, and in the event these roads or cleared areas are no longer needed for construction purposes, shall be stabilized and vegetated in accordance with the approved stormwater pollution prevention plan (SWPPP). No other work may commence in any new section until Building Permits are issued for 10 of the 28 lots in section 1, and 18 of the 54 lots in section 2; however, the Developer may request that the Planning Board in its discretion reduce the number of building permits in section 1 or section 2 that need to be obtained prior to preceding with the next section.

Comment [AY1]: D. Zee request to remove -
Needs further discussion

4. For each of the three phases, the Town is waiving the requirement of the Developer to furnish, as security for this agreement, and the faithful completion of the requirements of the same, a letter of credit, or other security for construction and installation of the roadway, sidewalks, the storm water control facilities and storm water conveyance facilities, water mains, sewer mains, sanitary sewer pumping station,

conservation measures, fencing and landscaping, which are necessary for the completion of such phase, except as set forth hereafter. It is agreed that only two model home building permits shall be issued for phase 1 and only one for subsequent phases until the public improvements (roadways, sidewalks, storm water control facilities, storm water conveyance facilities, water mains, sewer mains, sanitary sewer pumping station, fencing and landscaping) for such section are either fully constructed and installed and accepted by the Town or sufficient and adequate security has been furnished and accepted by the Town pursuant to the agreement. The Town shall require security for all items which are customarily installed after completion of the infrastructure and dedication of the road, including but not limited to top course pavement, striping, sidewalks, fencing, and landscaping. The locations of the model homes within the development must be fully accessible to emergency services and fire services in order to obtain the building permits.

5. Pending completion and dedication as a public roadway, Developer agrees to maintain, repair and plow said roadway and sidewalks in a timely fashion, keep them open in all weather conditions and provide immediate access for emergency vehicles. The Developer shall hold the Town harmless for any liability thereunder. The Developer shall not cause damage or leave the said road in a dangerous, unsafe or impassable condition.

6. The Developer hereby agrees to:

- a. submit to the Town Planning Board attorney a draft of the Declaration which will be submitted to the NYS Department of Law for the creation of a Homeowner's

Association to confirm that provisions required as part of the Planning Board's approvals are included in the Declaration such as the maintenance of the emergency access (ie snow removal, installation of the barriers/gates);

b. pay the mitigation fees;

c. pay for the required off-site improvements which include installation of sections of sanitary sewer lines.

7. The Developer agrees to maintain all public improvements at its own expense, and to dedicate them to the municipality when they are accepted, after full inspections and to the satisfaction of the Commissioner of Public Works. The Developer further agrees to grant to the Town of East Greenbush any necessary easements for the maintenance and/or operation of water, sewer, drainage and other improvements, as depicted on the subdivision plan, as well as enter into any required Stormwater Maintenance Agreement. For any public improvements accepted by the Town, the Developer agrees to provide a one-year warranty of said improvements in the amount of 20% of the cost of the improvements and to be provided in a form acceptable to the Town. The one-year period shall commence upon acceptance by the Town Board of said improvements.

8. The Town Board shall determine whether to accept dedication of the public facilities upon the completion of the public facilities such as the roadway, sidewalks, storm water control facilities and storm water conveyance facilities, water mains, sewer mains, and sanitary sewer pumping station, upon the approval of the Commissioner of Public Works, Planning and Zoning Department, Building and Codes Dept., and their Engineers. All dedication documents, deeds and title insurance shall be prepared by the

Applicant and submitted to the Town Attorney for approval.

9. Developer agrees that it will pay for all inspections and testing by the Town of East Greenbush personnel or Engineers, and will maintain satisfactory escrows, as specified by the Town or its Planning Board or Planning and Zoning Department, to pay all testing, engineering and legal requirements.

10. It is further agreed that a deed, with all accompanying documents for recording with the County Clerk, to the premises described as a public roadway, along with a dedication to the Town of East Greenbush of the roadway and all public improvements, e.g. sewer, water and stormwater for each section, shall be deposited by the Developer with the Town Attorney, prior to the filing of the subdivision map for that section. These documents shall be held in escrow and utilized when the roadway and infrastructure are accepted for dedication by the Town Board.

11. Commencing upon the start of any construction or installation of improvements on any Town property or rights of way, and at all times thereafter until completion of the work thereon, the Developer shall maintain and shall cause its contractors performing the work to maintain, public liability insurance covering death or bodily injury of not less than \$1,000,000.00 for one person and \$3,000,000.00 in the aggregate and property damage coverage with limits of not less than \$500,000.00, which insurance shall name the Town as an additional insured and Worker's Compensation insurance fully covering all persons engaged in the performance of such work.

Comment [AY2]: Director of Finance to review

12. The Developer acknowledges that the development will impact the Town's sanitary sewer system. The Developer acknowledges that the Town is undertaking improvements to upgrade the Town's sanitary sewer system, which have been designed to

address these potential impacts, and the Developer has provided an Engineers Report showing that capacity of approximately 3,089 lf of sanitary sewer main and related infrastructure will need to be increased ("Required Off-Site Sewer Improvements"). Developer has agreed to provide final design for the Required Off Site Sewer Improvements and further agrees to provide the Town sufficient funds in escrow to cover the Town's costs for a peer review of the final design as well as the required bid and construction phase services. Developer has agreed to provide a contribution for said improvements to the Town in the amount necessary for the bidding and construction of the improvements. Said payment will be made prior to the signing of the first section of the subdivision map by the Town of East Greenbush Planning Board Chairperson.

13. The Developer acknowledges that the Town's General Sewer District and Consolidated Water District will need to be extended to encompass the following properties: 155.-5-4.

14. If the Developer at any time fails to comply with any of the material terms of this agreement or any part of the requirements herein mentioned with respect to the construction of the highway or other improvements which are subject to this Agreement, then, upon notice to the Developer, as set forth herein, the Town may issue a Stop Work Order and require the Placement of a Letter of Credit or Performance Bond to guaranty completion of this phase of construction. The Town shall give notice to CLDZ, LLC in writing at 494 Western Turnpike, Altamont, NY 12009, that states:

- (a) The requirement, obligation or agreement that the Developer has failed to keep or the default that has occurred;
- (b) The action that Developer must take to correct the default; and
- (c) A date by which Developer must correct the default. That date must be at

least thirty (30) days from the date on which the notice is given.

15. The Developer is required to pay GEIS land development mitigation fees and agrees to pay such fees as required under Local Law 5 of 2018 and any subsequent amendments thereto. 18. The Developer agrees that a homeowners association (HOA) will be formed in accordance with applicable law. The HOA formation documents will be provided to the Town for review prior to their filing with the NYS Office of the Attorney General. The Developer agrees that the HOA will be responsible for annual and required seasonal maintenance of the following: the emergency access road as shown on Exhibit A to the satisfaction of the East Greenbush Fire District and Best Luther Fire District and Town Commissioner of Public Works; the common mailbox area, stormwater management practices, required open space areas (including the recreation area), permanent stormwater management facilities, wetland protection signage, and the emergency access roadway, sidewalks installed as part of the project, and trails.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement this _____ day of _____, 2022.

TOWN OF EAST GREENBUSH

By: _____
Jack Conway
Supervisor

DRAFT

CLDZ , LLC

By:_____

By:_____

STATE OF NEW YORK)
) ss.:
COUNTY OF RENSSELAER)

On the _____ day of _____, in the year 2022, before me, the undersigned, a Notary Public in and for said State, _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the Instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF RENSSELAER
)

On the _____ day of _____, in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared SCOTT SASO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the Instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

On the _____ day of _____, in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the Instrument.

Notary Public

DRAFT 2/9/2022

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

On the _____ day of _____, in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the Instrument.

Notary Public

Comment [AY3]: UPDATE

DRAFT 2/9/2022

EXHIBIT "A"

DRAFT

DRAFT 2/9/2022

EXHIBIT "B"

DRAFT

DRAFT 2/9/2022

EXHIBIT "B"

DRAFT

DRAFT 2/9/2022

EXHIBIT "D"

DRAFT

**CARVER COURT
UPPER MANNIX ROAD
MAJOR 110-LOT CLUSTER SUBDIVISION
MARCH 23, 2022**

**MOTION to REFER DEVELOPMENT AGREEMENT TO
TOWN BOARD (20-11)**

MOTION: A motion was made by Chairman Mastin as follows:
The Town of East Greenbush Planning Board hereby acknowledges the Developer's intent to enter into a Development Agreement with the Town of East Greenbush Town Board, in accordance with the Carver Court Major 110-Lot Cluster Subdivision Conditional Preliminary Plat and Preconstruction Approval by the East Greenbush Town Planning Board dated February 9, 2022. The Planning Board has received and reviewed a draft Development Agreement, last updated [REDACTED], 2022 and recommends said Development Agreement to the Town Board for their review.

**SHELLEY'S SALON
2 GREENBUSH AVENUE
SITE PLAN MODIFICATION
MARCH 23, 2022**

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

- 1. Finds that, although the proposed parking area is larger than required, a) there is preexisting parking on the site, b) the site is an adaptive re-use under Section 3.1.3 of the Comprehensive Zoning Law Parking requirements, c) the proposed site will result in no net increase of impervious cover, d) and stormwater runoff from the proposed parking area will be managed on-site through the use of infiltration practices and other methods; and**
- 2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the site plan prepared by Advance Engineering & Surveying, PLLC, of dated December 2, 2021, most recently revised March 21, 2022, subject to the following conditions:**
 - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;**
 - All remaining fees are paid to the town.**

MOTION (22-04)
570 COLUMBIA TURNPIKE
MINOR SITE PLAN MODIFICATION
PHANTOM FIREWORKS
(TEMPORARY TENT SALE OF SPARKLING DEVICES)
MARCH 23, 2022

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board classifies this project as a Type II action under SEQRA; 6 CRR-NY 617.5 (c) (21) “minor temporary uses of land having negligible or no permanent impact to the environment” and hereby grants final approval of the proposed temporary minor site plan modification subject to the following conditions:**

- 1. Tent setup will not occur before June 17, 2022 and shall be removed no later than July 6, 2022.**
- 2. All external signs and advertising not be displayed prior to June 20, 2022 and shall be removed no later than July 5, 2022.**
- 3. The business must be run in full compliance with New York State and Rensselaer County Laws.**
- 4. That the above mentioned modification will be limited to a one-time use for the period of June 20, 2022 to July 5, 2022.**
- 5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage. All signage must be connected to the tent. Absolutely no signage shall be placed along Columbia Turnpike.**
- 6. Hours of Operation limited to 9am to 9pm.**
- 7. Adequate lighting shall be provided on site.**
- 8. Shipment of products not to arrive prior to June 18, 2022.**