

# 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 December 14, 2022

#### **Members:**

Matt Mastin, Chairman  
Kurt Bergmann  
Don Panton  
Chris Horne  
Robert Jucha  
Ralph Viola  
John Conway Jr.

#### **Also Present:**

Anna Feltham, Director of Planning  
Joseph Slater, Planning Board Attorney  
Alison Lovely, Secretary, Planning/Zoning

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

Chairman Mastin called the meeting to order and determined that a quorum of seven (7) members were present.

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

#### **CARVER COURT-UPPER MANNIX ROAD-MAJOR 110-LOT CLUSTER SUBDIVISION (20-11)**

Don Zee, co-owner and attorney for the project stated that they are in front of the Board tonight seeking an extension on their approvals, Brett Steenburgh was also present. Don Zee stated that there are a couple of reasons that they're not able to complete their approvals at this point. Don Zee stated that one reason holding them up is that about 6-8 months ago they submitted their mitigation plan to the Army Corp of Engineers and have not heard back from them. Don Zee stated that the second reason is that due to several modifications to the Town's sanitary sewer reports that were generated due to Regeneron & this project. Don Zee stated the NYSDEC has allowed Regeneron to use what's called equalization (Don Zee stated he doesn't know exactly what it is) but that it changed the number of downstream pipes that had to be modified. Don Zee stated that they have been working with the town on the number of downstream sanitary sewer pipes that have to be improved at their expense off site. Don Zee stated that they have a meeting tomorrow and hope to finalize that, then they can complete the developer's agreement that the Town Board requires for their project. Don Zee stated that those things listed above have been outside their control. Don Zee stated last week they received from the CAC, the preferred planting & tree schedule for this development. Don Zee stated they are requesting an extension on this project until the above items are worked out.

•Kurt Bergmann asked if there was a stop work order in place. Don Zee stated that they were permitted by NYSDEC initially to go forward with tree clearing, they had then submitted information about the wetlands to the Army Corp of Engineers. Brett Steenburgh stated that the Army Corp always had a standpoint that you could drop trees as long as you didn't stump or grub without the NOI in place. Just last fall, NYSDEC changed their standpoint and said you can't use any mechanized clearing of trees without the NOI in place because of potential issues with ground disturbance. It occurred just as they had started the work and that's why they received the "Stop Work Order" so they stopped immediately.

Chairman Mastin stated that the thing holding them up the most is the Army Corp.

Chairman Mastin asked the Board if anyone had any concerns or comments. There were none.

**MOTION:** A motion was made by Chairman Mastin as follows: **WHEREAS, the Town of East Greenbush Planning Board granted conditional preliminary plat and preconstruction approval for the 110-lot cluster subdivision in the Town of East Greenbush, known as Carver Court, prepared by Brett Steenburgh, PE, PLLC, dated February 15, 2021 most recently revised January 25, 2022; and**

**WHEREAS, the conditional final plat approval dated February 9, 2022, required the applicant to satisfy conditions within 180 calendar days of the resolution; and**

**WHEREAS, in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations, conditions described in the aforementioned conditional preliminary plat and pre-construction approval resolution must be satisfied by the applicant within one hundred eighty (180) days after the date of the resolution, February 9, 2022; and**

**WHEREAS, the applicant may be granted two (2) periods of extension not to exceed ninety (90) days each upon written request of the applicant and by mutual consent; and**

**WHEREAS, the Planning Board did grant a ninety (90) day extension beginning August 10, 2022 and expiring November 8, 2022; and**

**WHEREAS, the Planning Board did receive written request for a second ninety (90) day extension from the applicant dated November 30, 2022; and**

**NOW, THEREFORE, BE IT RESOLVED** that the Town of East Greenbush Planning Board hereby grants an extension to the applicant to satisfy the conditions within the preliminary plat approval in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations which allows for the Planning Board to extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed two (2) additional periods of ninety (90) days each; and

**Be it further**

**RESOLVED** that the Planning Board hereby grants an extension of conditional approval in accordance with Article IV, Section 5 (E)(2) of the Town's Subdivision Regulations retroactively commencing on November 9, 2022 until February 7, 2023.

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

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

**MOTION CARRIED BY A 7-0 VOTE**

**EW BIRCH BUILDERS-26 MOUNTAIN VIEW AVE.-MAJOR 4 LOT SUBDIVISION** (21-30)

Ed Brzozowski, owner and Aaron Frank the engineer of the applicant were both present. Aaron Frank stated that this was a minor subdivision but it is now a major subdivision, they will be putting in a sewer line via force main, with individual grinder pumps, the Town will own the sewer line out in the right-of-way and they will also be providing sewer stubs for the neighbors to tie into. Aaron Frank stated that this is the major change that has occurred since the last meeting. Chairman Mastin stated that was a significant issue and that has been cleared up as far as DPW is concerned. Anna Feltham stated that is correct and Fred Mastroianni is also good with it. Chairman Mastin also stated that they received correspondence from the Fire Department about turning around on that road, they cannot and have backed up in the past.

- Robert Jucha asked if the sewer laterals would be available for other residents to hook up to.

Aaron Frank stated stubs will be provided with curb stops for hook up.

- Ralph Viola stated in regards to the proposed run off, the detention pond or area is designed based on the rain shed from that given area and what happens if that detention pond area overflows, is there any overflow piping that will be diverted. Aaron Frank stated that each infiltration area was sized based off of the tributary area flowing to them, there is an overflow area coming down the back that will have some storm reinforcement, but nothing should go over the top of that except for something greater than a 100 year storm event. Anything under a 100 years storm event should infiltrate with no problems.

- Ralph Viola stated that he visited the site today and wondered if the soils are adequate enough to withstand the house loads when the area behind the homes are saturated with hydraulic pressure. There maybe a global instability failure if the soils are clay during a 100 year flood.

Aaron Frank stated that a geotechnical engineer hasn't looked into it at all, they did do soil tests to verify that it would drain well, it's a very coarse sand and gravel mix, not clay.

Robert Jucha asked for clarification that the retention areas were designed for a 100 year storm and what size building were they designed for. Aaron Frank stated the houses would be roughly 1,800 to 2,000 square feet.

- Kurt Bergmann asked if someone wanted to put a deck on how far could they come out. Aaron Frank stated approximately 15'.

- John Conway asked aren't there going to be deed restrictions to restrict any type of building on the lot. Aaron Frank stated that there would be.

- Kurt Bergmann stated that they can't accommodate pools. Aaron Frank stated no pools, the slopes of the site would make pools very difficult.

Chairman Mastin asked what the grade is from the retention basin down to the rear of the lots. Aaron Frank stated it's approximately 30'.

- Chris Horne asked when they're digging the foundation, will the dirt from that be used to create the berm, where will it all go. Aaron Frank stated that they would use some for the berm and if they have to they will remove some from the site.

- Don Panton asked what type of vegetation is on the lot. Aaron Frank stated that currently it's all trees & some of the trees will be left in the rear of the lots.

- Ralph Viola asked what would happen in like three years from now if the bottom home continually gets flooded because of the disturbance of these other three lots, what recourse does the Town have if any.

Anna Feltham stated that if it's still under developer ownership, the Town could request they do additional work but if it's under private ownership then there is no recourse.

- Robert Jucha asked if anyone was in the existing house. Ed Brzozowski stated it's vacant.

Chairman Mastin asked if the retention basins would be inspected. Anna Feltham stated that they could have a TDE inspect it when it's being built. Chairman Mastin asked Ed Brzozowski if he would be fine with a TDE inspecting the basins as they are being installed. Ed Brzozowski stated that he was fine with that.

Chairman Mastin asked if there were any other comments. There were none.

**MOTION:** A motion was made by Chairman Mastin as follows: **WHEREAS, the Planning Board accepted sketch plat by London – Birch Group, Inc. dated February 16, 2021 and revised August 3, 2021 and classified it as a minor subdivision on November 10, 2021 with the condition that in accordance with Section 2.B. of the Town’s Land Subdivision Regulations, should the subdivision require the extension of any municipal facilities, the applicant shall comply with some or all of the requirements specified for Major Subdivisions; and**

**WHEREAS, after consultation with the project engineer and Town Designated Engineer, Fred Mastroianni, it was determined extension of sewer facilities by the developer is required, with the intent that it be taken over by the Town;**

**now, therefore, be it**

**RESOLVED, that the Town of East Greenbush Planning Board accepts the preliminary plat and re-classifies the Preliminary Plat prepared by Frank Engineering, PLLC dated August 25, 2022 last revised, December 1, 2022 as a Major 4-lot Subdivision.**

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

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

**MOTION CARRIED BY A 7-0 VOTE**

**MOTION:** A motion was made by Chairman Mastin as follows:

**The Town of East Greenbush Planning Board hereby schedules a Public Hearing related to the proposed Major 4-Lot Subdivision for January 11, 2023 at the East Greenbush Town Hall at 7:00PM.**

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

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

**MOTION CARRIED BY A 7-0 VOTE**

**MARTIN ELECTRIC-164 COLUMBIA TURNPIKE-MAJOR SITE PLAN (19-01A)**

Steve Hart stated that this is a formal submission, as the last meeting was just a presentation to the Board. The application has been submitted. Chairman Mastin stated that the motion tonight is to make a recommendation to the Town Board declare their intent for lead agency under SEQR, since this is a major site plan, the Town Board would approve it with a recommendation coming from the Planning Board.

Joe Slater stated that this also requires a special use permit from the Planning Board. Chairman Mastin stated the special use permit is required due to the garage and Joe Slater stated the canopy as well as per the letter from Kevin Hitchcock in the Building department. Anna Feltham stated that both actions, major site plan & special use permit both require public hearings.

Chairman Mastin asked if there has been any thought at the border of the property into putting up any sound attenuating fence or something like that. Steve Hart stated that they have not, but can.

•John Conway stated that along those lines if they could consider lighting, what exists is really bright and maybe modern technology may have new options.

Chairman Mastin asked if there were any comments or questions. There were none.



Chairman Mastin asked if there was a TDE on Board. Anna Feltham stated not yet. Anna Feltham stated that for the most recent proposal of the Bank of Greene County they brought on board Fred Mastroianni, so they could use him.

Chairman Mastin asked when the Town Board would see this. Anna Feltham recommends that they do a presentation in January. Chairman Mastin stated he would be interested in their feedback, areas of focus for the Board.

Anna Feltham feels her initial guess would be consideration of potential and existing nuisances such as lights, sound & buffer and any increase in impervious area, easements, etc.

Steve Hart stated that Hershberg was the surveyor so that they could highlight a map showing an existing conditions plans showing the location of the easements.

Anna Feltham asked if he could also provide a street view of what was proposed to see what the building would look like and also a cross section of canopy and the existing garage and the proposed garage and what they would look like.

•Robert Jucha also asked if they could provide a blow up of just the proposed areas only so they can focus on what's going on.

Chairman Mastin stated that they have to figure out something regarding the temp structures, dumpsters, etc.

Chairman Mastin asked if there was anything else from the Board. There was nothing else.

•Dave Terpening asked if he could ask the applicant a question. Chairman Mastin stated that they're not taking any public comment, there will be a public hearing with the Planning Board and a public hearing with the Town Board. Dave Terpening asked if he could send an email. Chairman Mastin stated, absolutely, please send us an email.

**MOTION:** A motion was made by Chairman Mastin as follows: **The Planning Board hereby recommends that the project be classified as an unlisted action under SEQRA and hereby recommends that the Town Board declare its intent to seek lead agency status in connection with a coordinated review under SEQRA.**

**The Planning Board hereby further recommends that the Town Board direct that notices to all involved/interested agencies requesting their consent to designation of the Town Board as lead agency for SEQRA review of the Project. The following involved and interested agencies under SEQRA have been identified:**

- **NYSDEC**
- **NYSDOT Region 1**
- **NYS Office of Parks, Recreation & Historic Preservation**
- **Rensselaer County Health Dept.**
- **Rensselaer County Economic Development and Planning**
- **Clinton Heights Fire Department**
- **Town of East Greenbush Department of Public Works**
- **Town of East Greenbush Planning Board**

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

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

**MOTION CARRIED BY A 7-0 VOTE**

**NEW BUSINESS:**

NONE

**NEW ZBA REFERRALS:**

NONE

**NEW ZBA REPORTS:**

ZBA Appeal #2022-11-Farrell-306 Sunset Avenue-2 Area Variances-Shed-report by Don Panton

A report was written by Don Panton and discussed by the Board. The Board discussed the 2 area variances in favorable terms. However, it was decided since the Zoning Board approved the application the previous night, the Board wasn't going to vote on submitting an advisory opinion to the ZBA since the issue was moot.

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the November 9, 2022 meeting minutes. Seconded by Robert Jucha. Motion carried by a 6-0-1 vote.

Motion by Chairman Mastin to cancel the December 28, 2022 meeting. Seconded by Don Panton. Motion carried by a 7-0 vote.

Chairman Mastin stated that there is a Zoning Update Committee meeting tomorrow night at 6:30pm.

Anna Feltham mentioned that Mike Brown's last day was last Friday, he will be missed.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Don Panton. Motion carried by a 7-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary

December 14, 2022

To: Alison Lovely

For your information:

Appeal Number: 2022-11

Tax Map Number: 155.14-6-1

Address: 306 Sunset Avenue



William Farrell, the applicant is proposing to place a 12 ft by 12 ft shed (144 sq ft) on a concrete slab in the front yard. The property is located in an area which is zoned: Residential District (R-2). Section II 2.6.6 Residential District of the Town Zoning Law requires a front setback of 25 ft and the proposed setback is 15 ft. The required rear setback is 5 ft and the proposed setback is 3 ft. These actions require (2) area variances.

1. I had a site visit with William Farrell on December 1, 2022. He said placing the shed in the proposed location in the front yard will allow for better access to their driveway.
2. The new shed will be sided the same color as the house. From a planning perspective, this will help maintain the character of the neighborhood.
3. The current neighbors feel that placement of this new shed will result in no detriment to nearby properties. They are in agreement with the location of the proposed new shed.
4. After, making a thorough review of the (2) area variances and with appropriate planning and zoning considerations in mind, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,  
Donald Panton  
Planning Board Member

cc: Anna Feltham











