

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 FEBRUARY 8, 2023 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

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

PUBLIC HEARINGS:

7:00 PM Reconvene Mountain View Avenue Major 4 lot Subdivision

OLD BUSINESS:

(21-30) E.W. Birch Builders-26 Mountain View Avenue-Major Subdivision – Tentative Review for conditional approval

(23-01) Luizzi Companies-Gilligan Road-Major Site Plan-Apartments -Recommend the Town Board Seek Lead Agency, Referral to Zoning Board of Appeals

NEW BUSINESS:

NONE

NEW ZBA REPORTS:

ZBA Appeal #2023 – 01 – Verizon Wireless – Adjacent to Hampton Inn Drive – Small cell – Special Use Permit-report by John Conway

ZBA Appeal #2023-02- Barner-9 Eileen Drive-Area Variance - Garage attached to existing shed - Side setback-report by Robert Jucha

NEW ZBA REFERRALS:

REVIEW & APPROVAL OF MEETING MINUTES:

January 25, 2023 meeting minutes

*To view application materials use this link: [*https://www.eastgreenbush.org/departments/planning-zoning/apps](https://www.eastgreenbush.org/departments/planning-zoning/apps)

E.W. BIRCH BUILDERS
4-LOT MAJOR SUBDIVISION
26 MOUNTAIN VIEW AVENUE
FEBRUARY 8, 2023

CONDITIONAL APPROVAL OF SUBDIVISION PLAT

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by EW Birch Builders (the Owner) with Frank Engineering, PLLC, engineering consultant to the Owner, for a 4-lot Major Subdivision approval under Section 276 of the New York State Town Law for a residential subdivision involving the subdivision of a 2.61 acre parcel located at 26 Mountain View Avenue (Tax Map I.D. SBL 166.20-18-3); and

WHEREAS, the proposal is to subdivide the parcel, on which there is an existing single family home creating a smaller lot for the existing single family home and three new buildable lots for proposed additional single family homes; and

WHEREAS, on December 14, 2022 the Planning Board did re-classify the proposed sketch plat as a Major Subdivision in accordance with Section 2.B. of the Town's Land Subdivision Regulations, because the subdivision requires the extension of a municipal sewer facilities; and

WHEREAS, on November 10, 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 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 January 11, 2023; and

WHEREAS, the Planning Board did conduct a public hearing on January 11, 2023 which was adjourned and reconvened on February 8, 2023 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, in order to provide sanitary sewer service to the Project, the Developer, at its expense, will install approximately 340 lf of 2" HDPE sanitary sewer forcemain, and related appurtenances to be connected to the General Sewer District, which improvements will be offered for dedication to the Town; and

WHEREAS, in order to provide adequate water service to the Project, the Town, at its expense, will extend the existing $\frac{3}{4}$ " copper water service to the property line of each lot; and

WHEREAS, a Storm Water Pollution Prevention Plan (SWPPP) dated August 26, 2022 last revised, December 1, 2022 has been prepared in accordance with NYSDEC and Town of East Greenbush MS4 requirements and includes the required temporary construction phase erosion and sediment controls and permanent erosion and sediment control measures that will mainly consist of infiltration and grassed swale areas, which will be maintained solely by the owners of lands within the subdivision; and

WHEREAS, the Project plans and engineering calculations have been submitted to the NYSDEC for their review and approval; and

WHEREAS, the Project plans and engineering calculations have been submitted to the Rensselaer County Health Department for their review and approval; and

WHEREAS, the Planning Board has received and reviewed the proposed final plat dated August 25, 2022 last revised, December 1, 2022 as prepared by Frank Engineering, PLLC, including review comments from the Town Planning and Zoning Department; and

WHEREAS, the Town's Designated Engineer, FCM Engineering, PLLC has reviewed the application, plans, short EAF, and related materials for the proposed Project, including the preliminary plat, and can recommend to the Planning Board consideration of final plat approval subject to all conditions and requirements by the Town; and

Now, therefore, be it

RESOLVED, that the Town of East Greenbush Planning Board hereby grants conditional approval of the E.W. Birch Builders Major 4-lot Subdivision for 4 lots in the Town of East Greenbush, prepared by Frank Engineering, PLLC, dated August 25, 2022 last revised, December 1, 2022, and in strict compliance with each of the following conditions:

1. Outstanding technical details as determined by the Town Planning and Zoning Department must be satisfied;
2. All remaining fees must be paid to the Town;
3. The applicant shall comply with all provisions of the Town's Subdivision Regulations and Comprehensive Zoning Law not specifically referred to herein;
4. That the Commissioner of Public Works sign off on the plans prior to final signature by the Chair of the Planning Board;
5. That the subdivision plans be reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation be submitted to the Town for their records;
6. That an approved Utility Permit for Work in the Town right-of-way be submitted to the Town for their records;

7. Any easements needed from utility companies on private properties for electrical, cable and gas connections be provided to the Town and the County.
8. Elimination of any current easements on private properties that are no longer needed due to the proposed development be provided to the Town.
9. Review and approval of public utilities by the Rensselaer County Department of Health with a copy of the approval letter be provided to the Town.
10. Review and approval by the Town of each deed for each subdivided property to confirm that the restriction is stated regarding maintaining the infiltration area.
11. All stormwater 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;
12. In accordance with the SWPPP dated August 26, 2022 last revised, December 1, 2022 permanent erosion and sediment control measures will be installed, the TDE shall inspect and provide final sign-off of completed stormwater catchment areas prior to issuance of certificate of occupancy;
13. In accordance with the SWPPP dated August 26, 2022 last revised, December 1, 2022 permanent erosion and sediment control measures will be maintained solely by the owners of lands within the subdivision, such language should be included in the deed covenant for each of the three new buildable lots created and be submitted to the Town for their records;
14. 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;
15. A road bond be provided by the applicant to ensure installation of final top course along dead-end portion of Mountain View Ave for an amount agreed upon by the Commissioner of Public Works;
16. 'No Parking' signs be installed on either side of roadway in the right-of-way so that they are visible to northbound and southbound traffic along dead-end portion of Mountain View Ave;
17. Geotechnical survey be submitted to the Planning and Zoning Department prior to issuance of building permit for each proposed single family home;
18. Easement language shall be drafted and provided to the Planning and Zoning Department to provide access to the Town for maintenance to existing Town-owned culverts along the southwestern portion of the first lot along Park Ave. Evidence of filing of said easement with Rensselaer County shall be provided to the Town. A note shall be added to the plat referring to said easement;
19. Review and approval by the Town of each deed for each subdivided property to confirm that the restriction is stated regarding the 'rear,' down sloping, western portion remain 'forever wild'.

**LUIZZI COMPANIES
GILLIGAN ROAD
MAJOR SITE PLAN
FEBRUARY 8, 2023**

**MOTION for RECOMMENDATION for TOWN BOARD to
DECLARE LEAD AGENCY and INITIATE A
COORDINATED REVIEW
(23-01)**

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 Department**
- **Rensselaer County Economic Development and Planning**
- **East Greenbush Fire District**
- **Town of East Greenbush Department of Public Works**
- **Town of East Greenbush Planning Board**

**LUIZZI COMPANIES
GILLIGAN ROAD
MAJOR SITE PLAN
FEBRUARY 8, 2023**

**MOTION to REFER to ZONING BOARD OF APPEALS
(23-01)**

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

The Town of East Greenbush Planning Board hereby recognizes the determination by the Town's Building Inspector on January 18, 2023, that the sketch plan as proposed would violate Section 2.7.2 of the Town's Comprehensive Zoning Law, specifically:

- **Dwelling units per acre exceeds district Area and Bulk Schedule with a proposed density of 18.01 dwelling units per acre in violation of Section 2.7.2.E:**
 - **Area and Bulk Schedule in General Business Mixed Use District (B-1) allows for a maximum of 12 dwelling units per acre**
- **Residential Mixed Use Requirement, with a total proposed commercial area of 4,000 sf, in violation of Section 2.7.2.F 02:**
 - **Specific District Standards, Residential Mixed Use Requirement in General Business Mixed Use District (B-1) requires a minimum of 30% commercial use per total gross floor area of the residential and commercial uses combined**

The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law.