

TOWN OF EAST GREENBUSH PLANNING BOARD

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

MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES FEBRUARY 9, 2022

Members:

Matt Mastin, Chairman
Kurt Bergmann
Don Panton
Chris Horne
John Conway Jr.
Noreen Gill

Also Present:

Adam Yagelski, Director of Planning & Zoning
Joseph Slater, Planning Board Attorney
Anna Feltham, Planner

CALL TO ORDER / DETERMINATION OF QUORUM

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

The Ranking Board Member should read aloud the following information after calling a virtual **Public Meeting** to order but prior to conducting business.

1. "This meeting is being conducted remotely pursuant to Executive Order 202.1 and related federal, state, and local guidance relating to the COVID-19 virus. Members, staff, and applicants are participating in a virtual meeting via Zoom."
2. "This virtual meeting is being broadcast live on the Town's YouTube channel, is being recorded, and will be later transcribed in accordance with Executive Order 202.1. For those participating tonight, please note there may be a 30 second delay between this meeting and the YouTube broadcast."
3. "Board members, staff, and other participants are requested to mute themselves when not speaking to reduce interference."
4. "Applicants will be placed on mute until their item is up for consideration. Applicants are free to remain in the meeting on mute after their item is complete, or they may leave."
5. Alison Lovely of the Planning and Zoning Dept., is the zoom meeting host and will admit participants, mute/unmute participants, monitor the chat box, and working with me, generally manage the meeting. Text placed in the chat box will be read aloud or otherwise addressed by Anna, Adam and myself during the course of the meeting."
6. "During the course of the meeting, in order to keep the broadcast and discussion clear, I will call on members to offer comments during discussion of agenda items. Members may also request to speak via the chat box. Finally, Members can unmute themselves to offer comment, if urgent and as needed but are encouraged to wait until they are called upon."

The Ranking Board Member should read aloud the following information after calling a virtual **Public Hearing** to order but before beginning to accept public comment.

1. The Public Hearing Notice used should generally follow the format of the Town's Template Public Hearings notice. It should inform those calling in (voice-only participants) that they may experience a brief silent wait or hold prior to being admitted to the hearing.
2. The meeting should generally be configured according to the most recent version of the Town's Virtual Meetings Policy.

3. The meeting host will admit all participants from the Waiting Room at the time stated by the public hearing notice.
4. Participants will be muted upon entry and only the host can unmute participants. The host should unmute Town Officials upon entry, however.
5. Instruct participants that a list of those wishing to offer public comment (“speakers”) will be generated to organize public comment. Participants will be placed on mute until their turn to speak. Speaking will normally be limited to between 3-5 min or as otherwise determined by the Ranking Member.
6. Participants should be instructed that, once each speaker has finished their remarks, they will be placed on mute again. Their video may remain active or it may be disabled.
7. Participants can also offer comment by typing their comments into the chat box. The chat box will be visible to meeting hosts and will be read into the record.
8. Disruptive participants will be removed permanently from the meeting at the discretion of the Ranking Member.
9. Once the virtual meeting ground rules have been set forth, the Ranking Member should read aloud the Public Hearing notice. This notice should explicitly state that “This virtual Public Hearing is being conducted pursuant to requirements set forth in NYS law and Executive Order 202.1.” If it does not, the Ranking Member should restate it for the record.

The Ranking Member and Board will decide whether to keep the Public Hearing open after it is adjourned. If it is so decided, the public should be informed that they can submit written comments in the interim.

PUBLIC HEARINGS:

7:00 PM CARVER COURT-UPPER MANNIX ROAD-110 LOT CLUSTER SUBDIVISION

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 February 9, 2022 beginning at 7:00 pm to consider the following matter:

The Town of East Greenbush Planning Board shall conduct a Public Hearing on the preliminary plat pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of CDLZ Inc. for a Major 110- Lot Cluster Subdivision called the “Carver Court Major 110-lot Cluster Subdivision”. The property is located off of Upper Mannix Road in the R-B Residential Buffer Zoning District, Tax Map #'s 155.-5-4 & 145.-1-21. Said Public Hearing will be held on Wednesday, February 9, 2022 at 7:00 PM remotely via Zoom. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board

Pursuant to New York State first law of 2022, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board will convene its February 9, 2022 Board Meeting 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 and download the free application. Once downloaded, enter 881 6212 6943 as the "Join Meeting" invitation code.
2. Click on <https://us02web.zoom.us/j/88162126943>
3. Call +1 646 876 9923 US (New York) with your phone, and then enter Meeting ID: 881 6212 6943

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.

To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Please note that this public hearing will be conducted remotely only and will not be held at Town Hall. Please be patient upon joining the meeting. You will be provided instructions on how to deliver your comments once in the meeting.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

Written comment may be submitted to the Planning Board by email to aloveley@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 FEBRUARY 2, 2022
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.

Brett Steenburgh presented the project to the Board & public. The parcel is located on Upper Mannix Road and consists of 110 lots and also abuts Thompson Hill Road & consists of 89.99 acres in the R-B zoning district. The lots will consist of 60 Townhomes, 36 cottage lots and 14 estate lots. There will be 46.8 acres of open space, 35.6 acres will be usable open space which meet the requirements for open space for a cluster subdivision. The wetland impacts have been minimized to 0.194 acres, the wetland impacts will be minimized on site. A little of 6,000 linear feet of new town road will be constructed. There will be a gated emergency only access connected to Thompson Hill Road, construction of the utilities of water & sewer will be connected on Thompson Hill Road. The emergency access road will contain grass pavers. An easement will be provided to a resident adjacent to the access road so that they can continue to use their driveway, as part of their driveway is on the applicant's property. Brett Steenburgh stated that there is an area consisting of 1.75 acres in the rear of the site that is open park land with walking trails that will connect the open space area to the two cul de sacs. Sidewalks will be constructed from Upper Mannix Road up to what is referred to as Road #1, to the mailbox kiosks as well as constructed alone Road #2 which will also provide access to future development to the north of this site for pedestrians. Stormwater management will be managed on site with several stormwater management areas which will all be fenced and all turned over to the Town.

Water will be connected to Thompson Hill Road via a 30 inch main. In regards to the sewer system, it will be a full gravity sewer to a pump station will be constructed on the site and six sections of pipe equally 2,000 linear feet will be replaced going to the Third Avenue & Barracks Road pump station. Brett Steenburgh stated that the Town has asked for a 100/gallon a minute reserve. Brett Steenburgh stated that they have received a conditional negative declaration for SEQR and tonight their here tonight to review the preliminary plat. Brett Steenburgh stated that also present tonight is Alanna Moran from VHB, who is the traffic consultant for the project.

Alanna Moran talked about the potential for cut through traffic on Thompson Hill Road from the proposed projects. A couple of options were put together for the Town to consider. One is to restrict potential right turns from west bound traffic on Upper Mannix Road to Thompson Hill Road & the second is to install speed humps on Thompson Hill Road. Alanna Moran also referenced the email with several questions that was received today from a resident on Thompson Hill Road. She stated that the traffic study was conducted with industry standards and methodologies.

Chairman Mastin asked if Alanna Moran could explain the differences from the 2017 manual and the 2021 manual. Alanna Moran stated that when they completed the study in April, the trip generation manual was in the 10th edition and in September, the 11th edition of the trip general manual came out. Alanna Moran stated that she ran the numbers to see what the difference might be and she stated that if she used the 11th edition, the trips would've gone down a little bit.

Chairman Mastin asked Brett Steenburgh where the rest of the sidewalks go, he doesn't remember them stopping where they are. Brett Steenburgh stated that they were changed due to cost. Chairman Mastin stated he'd like to see the sidewalks go all the way up road #1. Chairman Mastin asked if any of the Board members have questions.

- Noreen Gill concerned about the sidewalks.

- Chris Horne stated that she agrees with the comments about the sidewalks and asked for clarification on the speedbumps. Brett Steenburgh stated that this will be up to the Town.

- Don Panton asked if the residences were going to have a grinder pumps. Brett Steenburgh stated no grinder pumps, will be gravity sewer to the pump station and then from the pump station up, it will be pressure sewer.

- Kurt Bergmann asked if there was a traffic study done of people cutting through Thompson Hill Road. Alanna Moran stated that they did not include an analysis of Thompson Hill Road.

- Kurt Bergmann asked if the future development planned for the northern part of the site that could connect to Carver Court was taken into consideration. Alanna Moran stated that the traffic study was only done on the current proposal.

- Kurt Bergmann stated that he still has concerns that signs or speed bumps won't stop the traffic. He had a discussion with the DPW Commissioner about other options, one included a dead end.

- John Conway asked if they could address the issue about the survey being based on one day in 2021. Alanna Moran stated that they were more concerned with the travel speed data, so when you're collecting that type of data, it's typical to only do it for one day.

- John Conway asked about the encroachments of the swimming pools & sheds & what will be done. Brett Steenburgh stated that there are several encroachments and that becomes a legal matter. Don Zee spoke and stated that prior to the applicant's purchase of the property & prior to the action of purchasing the property, the previous owner, notified all parties were notified of the encroachments and given a license to maintain their encroachments.

- John Conway asked if the licenses were still in effect & if they had expirations. Don Zee stated that yes they are in effect and they don't feel the need to terminate the licenses and hope in the future to give lot line adjustments to those with encroachments.

Chairman Mastin asked Adam to explain where they are in process as far as the preliminary plat and what would follow. Adam Yagelski stated that a conditional negative declaration was issued at the last meeting, they had a public hearing previously, but a second was required by the Planning Board after SEQR was closed. The next step is for consideration of the preliminary plat. Adam Yagelski stated that there is a draft resolution tonight for that. A draft of the developer's agreement has been drafted to possibly recommend to the Town Road.

- Kurt Bergmann wanted clarification that the traffic study was more meant to collect data on speed and line of site for the entrance. Alanna Moran stated that was the point of the study.
- Chairman Mastin asked if there anyone in the public who wished to speak.
- Chairman Mastin read a chat by David Terpening stating that he's not a fan of these large developments. Heard at the Town Board meeting that there's appears a 500 unit PDD project coming down the pike. Hope I heard this wrong. Is this was Mr. Bergmann was referring to.
- Chairman Mastin stated that he's not aware of any 500 unit PDD. Mr. Bergmann stated that he was referring not specify but to any future development to the parcel to the north.
- Dwight Jenkins stated he sent the email and he's not comfortable about the traffic study and how it was done. He stated that there is no sign off from DOT. Adam Yagelski stated that they did receive a concurrence from NYSDOT Region 1 regarding the traffic study.
- Dwight Jenkins also talked about no thru traffic signage, cul de sac, talked about preserving and enhancing existing neighborhood, talked about traffic, Thompson Hill needs a baseline traffic count.*See attached email from Dwight Jenkins.
- Justin Brzyski recently bought 47 Upper Mannix Road has concerns with blind hills, speed and safety on Upper Mannix Road, if there will be any expansion to neighboring properties for public sewer, wetlands which are close to his property. Also wanted to know if his lot was a corner lot with the development of the new road. Also a chat from Justin: I already had my turn but will pedestrian traffic be through access Rd to Mannix then route 4 or will the emergency access road to Thompson Hill allow pedestrian traffic.
- Lillian Kramer would like to see sidewalks to go through the whole development, concerned about traffic and would like to see another traffic study done and one that's geared towards counting traffic as opposed to speed.
- Patrick Bergmann lives adjacent to the access road on Thompson Hill Road, what type of fence or gate will be put there and worried about grading and how he will be able to access his rear yard and will he be given deeded access to his back yard.
- Mike Walsh has issues with traffic, likes the idea of the cul de sac and would like to have some property deeded to him that he has taken care of on Thompson Hill Road.
- Susan Skinner from Thompson Hill Road has a concern with traffic.
- Chairman Mastin asked if there was any other questions from the Board.
- Chris Horne is confused about the traffic discussion, were the counts based on engineering in place. Alanna Moran explained how trip generation works.
- Noreen Gill wants to reaffirm the need for sidewalks throughout the project.
- Kurt Bergmann wanted to summarize some of the points he heard regarding no traffic pattern data being taken, it was for line of site and speed data, no data was taken outside of the Covid time, no all options that were mentioned in previous Planning Board meetings were investigated regarding Thompson Hill Road through traffic & concern with cut down of sidewalks. So there is still some things open.
- John Conway agreed that there are still many things open.
- Adam Yagelski read one more comment from Justin Brzyski: "Based on statements said, since trying to prevent pedestrian access to Thompson Hill, would East Greenbush be looking to add sidewalks from Route 4 to the development along Mannix Road, residential buffer side or Tech property side".
- Chairman Mastin stated that not as part of this project.
- Dave Terpening chatted that "he agrees with Ms. Kramer, and also that another traffic study should be completed and that the other variables regarding other traffic generated".

Chairman Mastin asked three times if anyone was in favor of the subdivision or opposition to the subdivision. There was no one additional to speak in favor or opposition to the subdivision.

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; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

7:00 PM DEJULIO-40-44 TANNERS LANE-MINOR 2-LOT SUBDIVISION

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 February 9, 2022 beginning at 7:00 pm to consider the following matter: 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 Michael & Mary Jane DeJulio for a Minor 2- Lot Subdivision called the "Subdivision of lands of Michael & Mary Jane DeJulio". The property is located at 40-44 Tanners Lane in the R-2 Residential Zoning District, Tax Map #'s 144.3-1-1.115 & 144.3-1-14. Said Public Hearing will be held on Wednesday, February 9, 2022 at 7:00 PM remotely via Zoom. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board

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BY ORDER OF THE PLANNING BOARD

DATED FEBRUARY 2, 2022

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.

Brain Holbriiter present, representing the applicant's Mike & Mary Jane DeJulio. The proposal is to subdivide two lots at the end of Tanners Lane and do a lot line adjustment and create a new lot in between the two existing homes for the purpose of the applicant's to build a smaller home on a new 20,200 sq. ft. lot, leaving their existing home on a 47,374 sq., ft., lot & their rental home at 40 Tanners Lane on 11,250 sq. ft. Brian Holbriiter stated that they were in front of the Zoning Board last night and received approval of their two area variances for the insufficient road frontage. Brian Holbriiter stated that they have gotten ahold of Steve Hart to work to finalize the utility connections for lot #2 as well as putting together a grading plan as requested by the Planning Department.

Chairman Mastin asked the Board if anyone had any questions.

- Chris Horne had a concern of the location of the driveway of the new lot and wondered if there was any discussion by the Zoning Board and if an easement was granted. Brian Holbriiter stated that the driveway of the new lot comes out onto the cul de sac and there are no issues with this driveway. Brian Holbriiter stated that the existing driveway for lot #1 with their existing house, this driveway cuts over the corner of lot #2 and they are proposing to grant an easement for approximately 20 sq. ft. total, so they are hoping to handle that with an easement at this time. Adam Yagelski stated that proof of filing that easement could be conditioned prior to sign off of the final plat. Joe Slater stated that he would be fine if the Board went in that direction.

- Don Panton stated that he did a site visit on the site and recommended that a house should be allowed to be built.

- John Conway Jr. stated that there was some discussion at the Zoning Board about how far off the road the new house would be & how wide the lot is. Brian Holbriiter stated about 75' back from the right away & where the house is located the lot is about 90'-95' wide.

- David Terpening chatted a response which states: "Regarding the DeJulio 40-44 Tanners Lane Minor 2 Lot Subdivision. As I stated at the Zoning Board as a public comment, the applicant has gone through much expense in an attempt to get variances. It's my understanding that that they were approved at the 2/8/2020 Zoning Board meeting with I believe it was a 3 Yes and 2 No vote. As a member of the public, I would encourage the Planning Board approve this Minor 2 Lot Subdivision to go forward. The applicant has dotted all his/her "I's" and crossed all their "T's" and had a professional land surveyor, I would suspect at great expense. This additional new residential property lot will generate additional tax revenue for the Town of East Greenbush. This is a good use of an individual residential property. It's not a mega development effort such as Town Center and Carver Court, taking up large portions of wooded property adding additional load on the Town's Water/Sewer infrastructure".

- MT a resident stated that he was a close neighbor and didn't have any objections.

Chairman Mastin asked if there was anyone in favor of or opposition to the subdivision. There was no one additional to speak in favor of or opposition to the subdivision.

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; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

ORGANIZATION MEETING ITEM:

The appointment of a Vice Chair was tabled until the next meeting.

OLD BUSINESS:

CARVER COURT UPPER MANNIX ROAD MAJOR CLUSTER SUBDIVISION (20-11)

Don Zee, Nick Laraway & Brett Steenburgh were all present. Chairman Mastin stated the Board is reviewing the preliminary plat & based on the public hearing and the comments from the Board, there are two things outstanding and asked Adam Yagelski how they deal with them, if they vote on the preliminary plat, how does the Board deal with the traffic mitigation & sidewalk issues. Adam Yagelski stated that unfortunately the TDE couldn't be present tonight but they have reviewed the study, NYSDOT has signed off. Adam Yagelski stated that the Board can always reopen SEQR.

Joe Slater stated that once the public hearing is held, the Planning Board has 45 days to act on the preliminary plat. Joe Slater stated that if there are considerations or conditions that the Board feels warrant further review, the Board doesn't need to vote on it tonight, they do have some time.

•Kurt Bergmann stated that the traffic isn't anything new, it's been an issue for a long time and that he asked the applicant to come with an engineering solution.

Don Zee stated that they are agreeable with the signage and also agree with speed bumps or humps and also the sidewalks, but are not agreeable to do a cul de sac on Thompson Hill Road.

Chairman Mastin asked if Adam has had any formal feedback from Dan Fiacco. Adam stated that Dan Fiacco is ok with the signs.

Nick Laraway spoke and stated that there is a substantial amount of fees due in sections for traffic, could this amount be put in escrow up front until a solution is figured out.

Chairman Mastin stated that ultimately DPW makes this decision, how do we move forward & also that Nick was talking about GEIS fees which are meant for areas of Town in need, any escrow would be above and beyond those fees.

Chairman Mastin asked Alanna Moran to provide backup that speed humps works. Chairman Mastin asked the applicant if their good with providing sidewalks all the way up Road #1. Nick Laraway stated they are.

Chairman Mastin asked if the Board had any other comments on the sidewalks. There were none.

Chairman Mastin asked how the address traffic mitigation. Joe Slater stated that the Board could address the traffic migration prior to approving the final plat. Joe Slater stated that there is a significant amount of time to address the traffic prior to approval of the final plat.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby conditionally approves the preliminary plat, referencing the posted draft resolution that was posted on the website and with the redline changes made at tonight's meeting, (Page 1, 2, 3 & 4). * See the attached.**

Seconded by John Conway Jr. & roll called as follows:

M. Mastin-YES; R. Viola-ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

Adam Yagelski asked what the Board wanted to do with the developer's agreement. Chairman Mastin asked if the Board wanted to recommend the developers agreement to the Town Board or wait until the next meeting. It was determined to wait until a future meeting.

BENOIT -416-418 HAYS ROAD –MAJOR 2-LOT SUBDIVISION

(21-23)

A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby schedules a Public Hearing for February 23, 2022, either remotely via Zoom or at the East Greenbush Town Hall at 7:00PM.**

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; R. Viola- ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

C & T EAST GREENBUSH, LLC.-590 COLUMBIA TURNPIKE-SITE PLAN MOD. **(22-01)**

Steve Hart of Hart Engineering stated that a few notes have been added to the plan, which are:

-20 Arborvitaes were added to the plan.

-A note for the sign location was modified.

-A note on grading & drainage related to the Town Center plan.

Chairman Mastin asked Adam Yagelski if there were there were any other modifications. Adam Yagelski asked Anna Feltham to address the question. Anna Feltham stated that something was brought up by a resident that came out of the ongoing Zoning Board Interpretation in regards to an existing gravel area shown on the plan, the question was whether the gravel area was used for outdoor storage. Anna Feltham stated that she confirmed with Kevin Hitchcock stated that the gravel area was not part of the violation. Anna Feltham stated that the resident asked why the gravel area wasn't shown on the plan, it was determined that the gravel area is outside of the existing fence and has not been used for outdoor storage previously. Anna Feltham stated that another question was brought up in regards to timing of maintaining access to this site in conjunction with the Town Center project, how will access be maintained while the Town Center project is under construction.

Chairman Mastin asked if based on the site plan if Adam Yagelski & Anna Feltham are satisfied. Adam Yagelski stated it would be good to show the existing conditions.

•John Conway Jr. asked what they were doing with the sign. Steve Hart stated that they are taking the sign that exists on Columbia Turnpike right now and moving it to the access road at their facility and making sure it meets Town Code & also there will be a place on sign for Town Center at Columbia Turnpike.

A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5(9) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”, and grants conditional final approval of the proposed minor site plan modification subject to the following conditions:**

- Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department;
- Site plan shall not be considered to have final approval until necessary improvements in connection with Town Center PDD, approved major site plan as shown on plans entitled "Town Center Development Phase 1" prepared by Hart Engineering, dated December 2020, and last revised July 12, 2021, are determined by the Town to be complete; and
- That the site plan be modified to include the gravel area on the west side of the parcel;

Seconded by John Conway Jr. & roll called as follows:

M. Mastin-YES; R. Viola- ABSENT; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-YES; N. Gill-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the January 26, 2022 meeting minutes. Seconded by Chris Horne. Motion carried by a 5-0-1 vote. Matt Mastin abstained.

CLOSING:

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

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary

CARVER COURT MAJOR 110-LOT CLUSTER SUBDIVISION
CONDITIONAL PRELIMINARY PLAT AND PRECONSTRUCTION APPROVAL

WHEREAS, the East Greenbush Town Planning Board (the “Planning Board”) is in receipt of an application by CLDZ, LLC (the Owner) for major subdivision approval under Section 276 of the Town Law for a residential subdivision entitled Carver Court Major 110-lot Cluster Subdivision, for 110 single-family detached and attached dwelling units, with 60 townhome lots, 36 ‘cottage home’ lots and 14 ‘estate home’ lots, and an area of open space consisting of 47.86 acres or 52% of total area, part of which will be reserved as ‘active park,’ located within the Residential Buffer (R-B) Zoning District located off Upper Mannix Road (Tax Map I.D. SBL: 155.-5-4 and 145.-1-21) (hereinafter, the “Project”); and

WHEREAS, on October 14, 2020, and in accordance with Sections 3.8 and 2.6.3.F of the Town’s Comprehensive Zoning Law and Section 276 of the Town Law, the Planning Board issued conditional approval of the proposed conventional and cluster development sketch plats, finding that a the maximum number of dwelling units that may be permitted and approved within the proposed cluster development shall not exceed, 110, the number of lots shown on the conditionally approved sketch plat for lot-by-lot development; and

WHEREAS, the Planning Board, has classified the Project as an unlisted action, initiated a coordinated review pursuant to SEQRA, and upon receiving no correspondence to the contrary for potential involved agencies, on July 8, 2020 declared itself lead agency; and

WHEREAS, the Planning Board, in its capacity as lead agency, after reviewing a development proposal and conceptual master plan and a full Environmental Assessment Form for this project, determined in accordance with Title 8 of the Environmental Conservation Law and 6 NYCRR Part 617, issued a conditioned negative declaration on January 26, 2022, finding certain conditions are necessary in order to eliminate or reduce the identified potentially significant adverse impact(s) to a non-significant level and that, upon satisfaction of these SEQR conditions, there will be no significant adverse environmental impacts as a result of the action; and

WHEREAS, the Planning Board did conduct public hearings on July 14, 2021 and on February 9, 2022 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 has received and reviewed the proposed Preliminary Plat, dated February 15, 2021, and most recently revised January 25, 2022, as prepared by Brett L. Steenburgh, P.E. LLC, including related reports and other information; and

WHEREAS, the applicant has filed the necessary application with the Planning Board and has paid to the Office of Town Clerk the applicable preliminary plat application fee, with receipt therefore provided to the Planning Board by the Town Clerk; and

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WHEREAS, the Planning Board has received and reviewed the Conservation Advisory Council (CAC) report on the Project, dated October 25, 2021; and

WHEREAS, the Project requires that the Developer, at its expense, install the following improvements necessary for multi-modal transportation accessibility and mobility: 1) approximately 6,048 lf of new roadway, to be connected to an existing Town-owned roadway, Mannix Road; 2) 3,450 lf of sidewalks along "Road 1," as depicted on the aforementioned Preliminary Plat; 3) grading, drainage, culvers, and other roadway improvements; and 4) a second access point, to be connected to Thompson Hill Road, which second access point shall be for emergency use only; and

WHEREAS, the Developer will offer for dedication to the Town the multi-modal transportation accessibility and mobility improvements lying within the proposed right-of-way areas as shown on the Preliminary Plat, including 1) approximately 6,048 lf of new roadway, to be connected to an existing Town-owned roadway, Mannix Road; 2) 3,450 lf of sidewalks along "Road 1," as depicted on the aforementioned Preliminary Plat; 3) grading, drainage, culverts, and other roadway improvements, but excepting the following improvements: and 1) the second access point, to be connected to Thompson Hill Road, which second access point shall be for emergency use only and 2) the proposed stormwater management facilities connected to the proposed drainage system; and

WHEREAS, maintenance of the aforementioned 3,450 lf of proposed sidewalks along "Road 1" shall be the responsibility of the Developer; and

WHEREAS, a portion of the Project lies within the General Sewer District but an approximately 15-acre portion lies outside of the General Sewer District; and

WHEREAS, in order to provide sanitary sewer service to the Project, the Developer, at its expense, will install sewer within the emergency access road and proposed public right-of-way, a sanitary sewer pumping station, and approximately 2,377 lf of 6" sanitary sewer forcemain, and related appurtenances on the Project site, to be connected to the General Sewer District, which improvements will be offered for dedication to the Town; and

WHEREAS, the Developer, at its expense, must also upgrade approximately 3,089 lf of existing sanitary sewer gravity main located off of the Project site in order that the Town's existing system have sufficient capacity to serve the Project; and

WHEREAS, a portion of the Project lies within the General Water District but an approximately 15-acre portion lies outside of the General Water District; and

WHEREAS, in order to provide water supply to the Project, the Developer will, at its expense, install, within the emergency access road and proposed public right-of-way, new water line, to be

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connected to existing Town water supply infrastructure, at two points, located on Thompson Hill Rd and in Tech Valley Drive; and

WHEREAS, the Project will provide approximately 47.86 (53% of total Project site area) of required open space area, approximately 1.75 acres of which will be set aside and maintained as parkland for passive recreation purposes, and the Developer will contribute land development mitigation fees for recreation improvements, as required by the Town's Western East Greenbush Generic Environmental Impact Statement (GEIS) and Town code; and

WHEREAS, a Storm water Pollution Prevention Plan (SWPPP) dated May 26, 2021, last revised January 25, 2022, 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 bioretention areas, 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 Developer has submitted a request for a waiver of the requirement, set forth at Section 3.13.11 (O) of the Town's Comprehensive Zoning Law, that a vegetative buffer (25' minimum) shall be maintained between disturbed areas and protected federal wetlands that are not proposed to be filled as part of an US Army Corps of Engineers (ACOE) wetlands permit, relating to encroachment into the required vegetative buffer as shown on the Preliminary Plat and, more particularly, in the following areas: Along the rear of lots T-23, T-28 and T-29; along the rear of lots T-13, T-20 and T-21; and adjacent to Stormwater Managements 1, 2 and 4 (the "Limited Vegetative Buffer Waiver Request"), which Limited Vegetative Buffer Waiver Request is described in a letter dated January 7, 2022 from Brett Steenburgh, PE, PLLC attached hereto and made a part hereof; and

WHEREAS, a homeowners association ("HOA") will be created and will be responsible for long term ownership and maintenance of common areas, the emergency access drive, all permanent stormwater management facilities, sidewalk maintenance, maintenance of the required open space and recreation area, limiting use of lawn chemicals in certain areas as identified on the Preliminary Plat; and

WHEREAS, the Project plans and Engineers Report have been submitted to the USACOE for their review and approval; and

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

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

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WHEREAS, in accordance with Article 4 Section 4(b) of the Town's Land Subdivision Regulations and Section 276 of the Town Law, Sheet P-1 "Phasing Plan" has been included in the Preliminary Plat and shall serve as the "key map" for the filing of future section(s); and

WHEREAS, the Town's Designated Engineer, CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., has reviewed the application, plans, full EAF, and related reports and materials for the proposed Project, including the aforementioned Preliminary Plat, and can recommend to the Planning Board consideration of preliminary plat approval subject to all conditions and requirements by the Town; and

WHEREAS, the Planning Board acknowledges the Developer's intent to enter into a Development Agreement with the Town of East Greenbush Town Board, and the Planning Board has received and reviewed a draft Development Agreement, which is attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Town Planning Board hereby: 1) reaffirms the conditional negative declaration issued on January 26, 2022; 2) approves the Limited Vegetative Buffer Waiver Request, as set forth above; and 3) grants preliminary plat and preconstruction approval for the 110 lots in the Town of East Greenbush of Carver Court Major 110-Lot Cluster Subdivision prepared by Brett L. Steenburgh, P.E. LLC, dated February 15, 2021 most recently revised January 25, 2022, 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 preliminary plat be revised as follows:
 - a. to show a sidewalk along "Road 1" and
 - b. to recalculate the amount of required open space area taking into account the loss of said open space due to the footprint of existing encroachments;
4. 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;

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5. That any required mitigation measures, including wetland construction plans and/or details, deed covenants, etc., required by the USACOE be shown on the final plat and evidence of USACOE approval of the same be submitted to the Planning and Zoning Department;
6. That the East Greenbush General Sewer District and General Water District be extended per the requirements of New York State Town Law Article 12-A to incorporate the project;
7. That the Commissioner of Public Works sign off on the plans prior to final plat approval;
8. That a draft of the proposed homeowners association (HOA) required bylaws and NYS filing(s) be provided to the Town, which bylaws must include permanent permissions for the existing encroachments if lot line adjustments are not to take place, subject to approval by the Planning Board Attorney;
9. 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;
10. That the Final Engineers Report must be submitted to the Town's Planning and Zoning Department, subject to approval by the Town Designated Engineer and Commissioner of Public Works;
11. 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.
12. That the location of electric, telephone, cable TV, gas, and other energy-related lines and utilities be depicted on the plat;
13. That a revised traffic mitigation plan be developed, which includes a comprehensive review and analysis of specific impacts as a result of Project and recommendations for Thompson Hill Road, and submitted to the Town, subject to Planning Board, Department of Public Works, and Planning and Zoning Department approval;
14. 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;

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- e. Letter from National Grid approving the design and indicating that adequate service will be provided;
 - f. Letter from school district acknowledging the number of lots and the district's ability to service the subdivision;
 - g. A letter indicating that the responding fire service providers approve of the plans;
 - 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.
15. That the Developer enter into a Development Agreement with the Town of East Greenbush Town Board, and in accordance with that agreement, the Town's Land Subdivision Regulations, Town Code, and NYS Town Law, the required improvements, as identified on the Preliminary Plat, be constructed and accepted by the Town, in accordance with Town Code, or sufficient financial security be provided for same.
16. That the final plat application fee be paid to the Town.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite building permit for tree clearing in the Phase 1 area as depicted on the Preliminary Plat, the following conditions must be satisfied by the applicant:

- 1. That a plan for the tree clearing be submitted to the Town, subject to review and approval by the Director of Planning and Zoning and Building Inspector. The plan must show the proposed limits of tree and vegetation clearing.
- 2. That the limits of tree and vegetation clearing must be staked out on the Project site with wooden lath and/or ribbons prior to any clearing activity and orange snow fence and signage indicating "Protected Site – Keep Out" or similar demarcation be installed along the proposed limits of clearing prior to any clearing activity, subject to approval by the Director of Planning and Zoning and Building Inspector.
- 3. That prior to clearing of any areas shown on the plans for future building lot development, Town officials must conduct a site walk to identify any trees to be retained and not cleared, in accordance with the Conservation Advisory Council (CAC) recommendations.
- 4. That tree clearing must not occur between April 1st and October 31st.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of an onsite grading permit and/or building permit for any sitework to install the required improvements in the Phase 1 area as depicted on the Preliminary Plat, the following conditions must be satisfied by the applicant.

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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 subdivision plans be reviewed and approved by the Rensselaer County Health Department and such documentation submitted to the Town for their records; and
3. That evidence of approval of the Project by the USACOE be provided to the Town's Planning and Zoning Department; and
4. That an approved Utility Permit for Work in the Town 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 and as shown on the landscaping plan as set forth herein. The Town Designated Engineer field reports shall be provided to the Town and developer in a format to be approved by the Town; and
6. 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
7. 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.
8. That the Developer be permitted to be issued not more than two (2) building permits and certificates of occupancy for construction of residential structures to serve as model housing units, subject to approval by the Building Inspector.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a building permit for any unit in the Phase 1 area as depicted on the Preliminary Plat following conditions must be satisfied by the developer:

5. That the final plat for the first section of the Project, shown as "Phase 1" on the Preliminary Plat, be approved by the Planning Board and filed and recorded in the Rensselaer County Clerk's office.
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

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Inspector prior to the issuance of a Building Permit for that building lot. The plot plan must also show the extent of land clearing, existing and proposed grading, 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 included with the subdivision plans. Any proposed modifications for any building lot must be approved by the Planning Board Chairperson; and

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit in the Phase 1 area as depicted on the Preliminary Plat following conditions must be satisfied by the developer:

9. That all the off-site improvements to the Town's sanitary sewer system be completed, accepted by the Town, and placed into service.
10. That all required off-site traffic improvements be completed, including the "No Thru Traffic" signage on Thompson Hill, vegetation elimination at the Mannix Rd Project site access, and other improvements as identified on the Preliminary Plat.
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. That a duly executed stormwater management maintenance agreement be filed in the County Clerk's Office and evidence of such filing be submitted to the Building Inspector and Director of Planning and Zoning.
13. 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
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 must be installed and inspected to the satisfaction of the Town Designated Engineer; 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

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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 or sufficient financial security, as determined by the Town's Commissioner of Public Works, be provided to the Town.

In effect, this preliminary plat and pre-construction approval by the Planning Board authorizes the applicant to initiate necessary site work and the installation of public and/ or other required improvements with the rights-of-way, easements and drainage ways and other public improvements, as needed.

The installation of such public improvements shall be subject to: (1) the Planning Board's final review and approval of engineering and construction details; (2) the conduct of a project initiation conference, including the applicant, the applicant's consultant engineer, appropriate contractors, the Planning Board's designated engineer and the Town's Commissioner of Public Works, Building Inspector and Director of Planning and Zoning; and (3) a detailed itemized cost estimate and construction schedule for construction of all improvements for the project shall be provided to the Planning Board's designated engineer, which estimate and schedule shall be provided by and satisfactory to the Planning Board's designated engineer, and a copy of which shall be transmitted concurrently to the Planning and Zoning Department and the Commissioner of Public Works.

This approval shall be required as limited in its authorization in that no sale of a lot or an offer of sale within the intended subdivision may be undertaken until the stamping of the plans by the Planning Board's designated representative. Subsequent filing of the approved final plat in the Office of the Rensselaer County Clerk must occur within 62 days of the final plan approval/signature.

FURTHERMORE, the Planning Board advises that all work undertaken and all expenses incurred by the applicant, pursuant to this resolution, are at the risk of the applicant. It is the applicant's exclusive responsibility to ensure that all conditions and requirements are met in a timely manner prescribed within the Town's Land Subdivision Regulations and referenced earlier in this resolution. Failure of the applicant to meet this timetable shall result, without the requirements of any further action by the Planning Board, in the expiration of this final plat approval and the requirement that a new application, with associated application fees, be filed with the Planning Board should it still be the applicant's desire at that time to pursue approval of the subdivision.

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RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON February 16, 2022

A handwritten signature in black ink, appearing to read "Matt Mastin", written over a horizontal line.

MATT MASTIN, CHAIRPERSON OF THE PLANNING BOARD

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