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
DECEMBER 9, 2015

Members:
Matt Polsinello, Chairman
Matt Mastin
Judy Condo
Ralph Viola
Paul DiMascio

Also Present:
Alison Lovely, Planning Board Secretary
Phil Danaher, Planning Board Attorney
Hank Labarba, Consulting Planning Board Engineer
James Connors, P.E, Consulting, Engineer/Planning Board

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Polsinello called the meeting to order and determined that a quorum of five (5) members were present.

PUBLIC HEARING:

NONE

OLD BUSINESS:

WITBECK HAMPTON MANOR CLUSTER SUBDIVISION (97-01a)

Steve Hart stated that this project has been before the Board several times. Steve stated that Tyler Culberson was also present on behalf of the Witbeck family. The proposal is for a 36 lot cluster subdivision. There was a change from twin homes to 36 single family homes. Chairman Polsinello asked the Board if there were any questions, he stated that the black clad fence is around the detention basin as the Board requested. Chairman Polsinello asked Hank Labarba if he was set with all of his comments. He stated that he was. Chairman Polsinello read the draft final plat & preconstruction approval resolution into the record, which is attached. The following motion was made.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby approves the Final Plat & Preconstruction Approval for the Witbeck 36 lot Cluster Subdivision.**

Seconded by Judy Condo & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

BERKELEY ESTATES-MAJOR 8-LOT SUBDIVISION **(07-13)**

Armand Quadrini was present and stated that nine years ago the Town of North Greenbush Planning Board took lead agency on this project as the majority of the subdivision is in North Greenbush. He didn't realize that the Town of North Greenbush didn't coordinate SEQR with the Town of East Greenbush. He stated that he is looking for East Greenbush to declare their intent to seek lead agency at tonight's meeting. The Board decided that it would be best to do this at the next meeting the same night that this project can be approved. This is an uncoordinated, unlisted action under SEQR. This project will be back in front of the Board on December 23, 2015.

REGENERON-BLDG 85 WASTE NEUTRALIZATION BLDG. **(12-11I)**

Steve Hart of Hart Engineering presented the update to the Board. Kyle Cherry & Dom DeFlice were also present. Steve stated that the proposal is located in front of building 85. The project consists of a ¼ of an acre and consists of a 2,600 square foot building approximately 40' x 65', consisting of a single story. Safety data sheets have been provided to the Building Department. Chairman Polsinello asked if there were any questions from the Board. Matt Mastin asked if the safety sheets have been given to the Fire Department as well. Steve stated that they have been given to Joe Cherubino as well as Ron Stark.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town Planning Board, Project Review Team and Planning Board's Designated Engineer have taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water management and hereby issues a Negative Declaration under SEQRA.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby grants final site plan approval subject to the following conditions;**

- **Satisfying outstanding technical details as determined by the Town Planning Department & Town's Consulting Engineer**
- **All remaining fees are paid to the Town**
- **The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the C of O or C of C.**

Seconded by Judy Condo & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

RECOVERY ROOM SPORTS GRILL WALMART PLAZA (14-07)

Greg Ursprung of Bergmann Associates presented the proposal to the Board. Also present was Steve Powers of Nigro Companies and Ken Waldi from BBL. The proposal is to construct a restaurant adjacent to the movie theatre. At the last meeting the Board raised questions about the dumpster and lighting. Gregg stated that the front of the dumpster enclosure will consist of split face block. They took a look at the lighting from the 2002 Walmart plan and a couple of lights have been added in the front of the site. Gregg stated that the fire department has reviewed the plans and a hydrant has been added on an island near the front of the site. Chairman Polsinello asked if there was anything further. Matt Mastin asked when the applicant is looking to start construction. Gregg stated that they are looking to start as soon as possible.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board recommends that the Town Board issue a Negative Declaration under SEQRA.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board recommends granting final site plan approval subject to the following conditions;**

- **Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department; and**
- **All remaining fees and escrow are paid to the Town.**
- **The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the C of O or C of C.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

DEER POND-MAJOR 62-LOT SUBDIVISION **(14-08)**

Dominic Arico from Boswell Engineering presented the proposal to the Board. He stated that the only change is instead of 64 lots, there are now 62 lots. Sixty will be building lots and 2 will be used for storm water. Dom stated that the wetland delineation is complete. A letter will be coming from the New York State Army Corp. The traffic and archeological study has been completed. There are about .34 acres of disturbance due to wetlands. There will be a low pressure gravity sewer to Elliot Road. The water service is still being worked on. Dom said that there is no proposal for a clubhouse anymore. Chairman Polsinello asked how the applicant proposes to maintain the tree line. Dom stated that there will be a 25' buffer near the wetlands, so they can't be disturbed. Dom stated that there will be deed restrictions if there are wetlands on specific lots. Ralph asked if there is still traffic restrictions on the one entrance. Dom stated that there is a right in and right out proposed. Matt Mastin asked if it will be curbed. Judy asked how close the project is to Michael Road. Dom stated a couple of thousand feet. Chairman Polsinello asked if there were any further questions.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the sketch plat dated, December 3, 2015, prepared by Boswell Engineering for the proposed 64 lot major subdivision.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Planning Board has determined the project a Type 1 Action and hereby declares itself Lead Agency in connection with a coordinated review under SEQRA.**

Seconded by Judy Condo & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **A Public Hearing is hereby scheduled for December 23, 2015 @ the East Greenbush Town Hall @ 7:05 PM.**

Seconded by Judy Condo & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

Chairman Polsinello recused himself as he is one of the owners of the project

RYSEDORPH-OLCOTT LANE-MAJOR 27 LOT SUBDIVISION **(14-11A)**

Acting Chairman Mastin stated that he would be taking over the meeting now. Steve Hart of Hart Engineering presented the proposal on behalf of the applicants. The proposed subdivision is located off of Olcott Lane. The proposal is to construct a cul de sac within the cluster subdivision. The parcel consists of 31 acres with 8 acres being set aside for 25% of green space as required of the cluster subdivision regulations. Water will be extended from Olcott Lane via and 8 inch line. Gravity sewer will be utilized in the front park of the subdivision with grinder pumps be utilized in the other half of the subdivision. Half of the storm water will be directed to the pond located in the front of the site and the other half will be directed to the pond at the rear of the site. Steve asked if there were any questions. Acting Chairman Mastin asked if anyone had any questions. Jim Connors stated that he is down to the technical details regarding the subdivision. Acting Chairman Mastin asked if the storm water retention basins will have fences around them. Steve stated that yes they will. Acting Chairman Mastin stated that he wanted to put on the record that two residents have an issue with Olcott Lane and its steepness. Steve stated that the roadway has a 12% grade and then levels off to 3% (the Town code require 8%), this issue was addressed but it is an existing Town Road so he feels the burden shouldn't be put on the developer. Phil asked Jim Connors to address this. Jim stated that this should be referred back to NYSDOT as they involved. Hank stated that GEIS fees are used for Town wide benefits. Phil stated that the Board could condition that the GEIS fees could be earmarked to be used for the improvement of Olcott Lane. Acting Chairman Mastin read the draft final plat & preconstruction approval resolution into the record, which is attached. The following motion was made.

MOTION: A motion was made by Acting Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby approves the Final Plat & Preconstruction Approval for the Witbeck 36 lot Cluster Subdivision, and it is further recommended to the Town Board that all Traffic GEIS fees generated through this subdivision be held in escrow or a separate account for purposes of roadway development of Olcott Lane roadway improvements to reduce the slope of the roadway to the maximum extent practical, and otherwise make such roadway safe for public use.**

Seconded by Judy Condo & roll called as follows:

M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW BUSINESS:

REGENERON-MILL CREEK/TEMPLE LANE-MAJOR SITE PLAN **(15-20)**

Steve Hart of Hart Engineering presented the update to the Board. Kyle Cherry, Dom DeFlice & Mike Williams were also present. Also present from SMRT Architects were Russ Bailey, Ken Costello and Ray Garland. The site is was formally the Mill Creek PDD site off of Third Avenue Extension and Tempel Lane. The proposal is for approximately 480,000 square feet of building. There are wetlands and topography issues on the site. The proposal is for 3 Phases, the initial phase would be the proposal of warehousing a four story office building and a parking garage. The second phase would be the proposal of approximately 82,500 square feet of manufacturing. The third phase would be the proposal of approximately 82,500 square feet of manufacturing. The site consists of approximately 95 acres of land.

There are detention pond areas are proposed on the site. There are existing utilities on Tempel Lane and also utilities from Third Avenue and also a 60 foot right of way through the cemetery. Tempel Lane/Mannix Road will be extended out to Third Avenue Ext. directly across from Cedarcrest Drive. Steve stated that they have met with four neighbors who have a common shared driveway. Landscaping is proposed through that area as a buffer for the residents. Kyle Cherry stated that the connector road will be determined by the traffic study. Tempel Lane could remain a dead end. Steve stated that the project will require an Area Variance for the height of the office building which is proposed to be 60' tall and 50' is what is required in that zone. The other variance is a Special Use Permit for the use of warehousing and manufacturing. Mike Williams stated that they have been talking with the state as far as incentives for job creations.

MOTION: A motion was made by Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated December 2, 2015, prepared by SMRT Architects for the proposed site plan.**

Seconded by Matt Mastin & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Polsinello as follows: **The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review and that the determine the proposed project as a Type 1 Action under SEQRA.**

Seconded by Judy Condo & roll called as follows:

M. Polsinello-YES; M. Mastin-YES; J. Condo-YES; P. DiMascio-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

NEW ZBA REFERRALS:
ZBA Appeal #2015-14-Regeneron-Mill Creek/Tempel Lane-Special Use Permit & Area Variance-assigned to Ralph Viola

REVIEW AND APPROVAL OF MEETING MINTUES
Motion by Chairman Polsinello to approve the November 19, 2015 meeting minutes as is. Seconded by Judy Condo. Motion carried by a 5-0 vote.

ADJOURMENT
There being no further business before the Board, the meeting was adjourned by Chairman Polsinello. Seconded by Matt Mastin. Carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely, Planning Secretary

WITBECK HAMPTON MANOR CLUSTER SUBDIVISION

DRAFT PLAT AND PRE-CONSTRUCTION APPROVAL

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by The Estate of George H Witbeck Jr and R & T Witbeck Irrevocable Trust (the owner) for final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Witbeck Hampton Manor Cluster Subdivision, for 36 single-family detached dwelling units consisting of 11.5 +/- acres in the R-2 Zoning District located in Hampton Manor off of Eastern Avenue & Maryland Avenue East; and

WHEREAS, the Town Planning Board did conduct a public hearing on May 13, 2015 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, the Planning Board did submit the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements. And through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, the Planning Board did review a development proposal and conceptual master plan for this project consisting of 36 lots and determined, in accordance with Title 8 ECL and Part 617 NYCRR, that the intended action and the associated conceptual development plan shall not have environmental impacts of the project after a full environmental impact statement was prepared and given and has, therefore, issued a Negative Declaration on June 24, 2008; 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 and the Project Review Team have received and reviewed the revised proposed preliminary plat last revised on April 13, 2015, and last revised on December 1, 2015 as prepared by Hart Engineering; and

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

Whereas, HV Labarba and Associates has reviewed the final plans for Witbeck Hampton Manor Cluster residential subdivision as prepared by Hart Engineering consulting engineers and surveyors dated April 13, 2015 and recently revised December 1, 2015 and can recommend to the Planning Board consideration of final approval subject to all conditions and requirements by the Town final plat approval; and

Whereas, the Town is rehabilitating the Hampton Manor sewage pump station and some additional capacity is needed to serve Witbeck 36 lot subdivision, the owner or developer will contribute to the cost of pump and controls upgrade and replacement as detailed in a separate letter from HV Labarba and Associates to the Town and design engineer. The cost of pump station upgrades and amount to be paid by the owner/builder of the Witbeck Subdivision will be $30,000.00 to be paid upon application for the first building permit; and

Whereas, the subdivision will be provided water by the Hampton Manor Sewer District. Storm water will be collected, conveyed and managed on-site with no off site discharges. The storm water management system will be maintained in the future by the Town. A storm water management system was designed to serve this project in 2008 and based on that design, runoff calculations from various surfaces including impervious and open space, were used to size the system. This site layout will decrease the impervious area but no changes shall be made to lessen or reduce the proposed storm water management facilities which are sufficient and acceptable for operation as designed; and

Whereas, homes will be stand-alone units not connected to the adjacent lot as once proposed as attached Townhouses, Lots will average about 7,000 square feet, per cluster subdivision regulations; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants final plat and pre-construction approval for the 36 lots in the Town of East Greenbush of Witbeck Hampton Manor Cluster Subdivision. prepared by Hart Engineer, dated April 13, 2015 and last revised December 1, 2015, 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 Towns Designated Engineer.

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 final plat submission be in strict accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board.

4. That the Commissioner of Public Works and the Building Inspector sign off on the plans prior to final plat approval.

5. Prior to signature on the final plat, all fees due are paid as required by the Town of East Greenbush in accordance with the GEIS fee schedule, a letter for which will be provided from the Building Inspector.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

6. 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.

7. 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.

8. An escrow account will 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.

9. 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 Inspector prior to the issuance of a Building Permit for that building lot.

10. That the developer, at the discretion of the Commissioner of Public Works, shall provide a Cash Bond in accordance with the Town of East Greenbush Street Ordinance. Such bond, if required by the Commissioner of Public Works, shall be in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway and related infrastructure, up to and including the binder course of pavement, to the satisfaction of the Commissioner of Public Works; and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface.

11. That the developer shall provide a Cash Bond for top course of pavement in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway, which must be completed within two years of placing binder for dedication to the Town.

12. All storm water pollution prevention permits will be obtained prior to site work and regularly schedule required inspections will 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 Storm Water Pollution Prevention Plan.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

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, 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.

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 Towns Designated Engineer and the Town's Commissioner of Public Works.

15. That all street signs and regulatory signs shall be furnished and installed.

16. That the developer provide and install a black vinyl clad chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water detention area, and a landscaping plan shall be submitted to the Town for approval for evergreen shrubs and trees to be placed in the right away along the frontage of the storm water management facility; and

20. That an as-built plan be submitted to the Town for review/approval. 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

21. That deed restrictions are placed on those lots which contain wetlands, if Applicable; and

22. A stabilized and maintained construction entrance will be installed at the Maryland Avenue East and Eastern Avenue entrances for construction traffic.

23. A Home Owners Association will be established which will oversee certain Basic requirements of lot maintenance and open space management; and

24. Each lot will be provided with a lamp post for timed evening and night lighting requirements and each lot will be required to have a new maple tree planted within five (5) feet of the front property line.

25. Certain off-site improvements will be made to connect new sanitary sewers to an existing sewer on Spring Ave. (about 325 feet) which will be included rehabilitation of the existing sanitary manhole on Spring Avenue as required.

26. Certain easement will be procured on two existing lots on Eastern Avenue at the Entrance to the subdivision for the purpose of right of way grading.

In effect, this final 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 (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 Board Office 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 60 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 insure 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.

RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON_____, 2015

_____
MATT POLSINELLO, CHAIRMAN

RYSEDORPH CLUSTER SUBDIVISION

DRAFT PLAT AND PRE-CONSTRUCTION APPROVAL

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Rysedorph, LLC. (the owner) for final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Rysedorph Cluster Subdivision, for 27 single-family detached dwelling units consisting of 31.24 +/- acres in the R-B Zoning District located off of Olcott Lane; and

WHEREAS, the Town Planning Board did conduct a public hearing on December 10, 2014 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, the Planning Board did submit the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements. And through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, the Planning Board did review a development proposal and conceptual master plan for this project consisting of 27 lots and determined, in accordance with Title 8 ECL and Part 617 NYCRR, that the intended action and the associated conceptual development plan shall not have environmental impacts of the project after a full environmental impact statement was prepared and given and has, therefore, issued a Negative Declaration on December 9, 2015; 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 and the Project Review Team have received and reviewed the revised proposed preliminary plat last revised on December 4, 2015 as prepared by Hart Engineering; and

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

Whereas, the owners/developers of the subdivision are required to make improvements to the Town's existing water distribution system to be able to provide adequate water supply for fire flow and pressure to new and existing residences located on Olcott Lane and proposed roadway; and

Whereas, as to be shown on the final approved plans, the improvements are to consist of two (2) new pressure reducing facilities, connections and all necessary appurtenances to be located on Town right of way along Rt. 151 and on Roberts Lane; and

WHEREAS, the cost of furnishing and installing the two (2) new pressure reducing facilities shall be borne by the owners/developers of the subdivision; and

WHEREAS, upon successful installation and testing, the new pressure reducing facilities shall be dedicated to the Town of East Greenbush, who will own and operate same; and

WHEREAS, sixteen lots within the subdivision cannot be serviced by a new gravity sewer system, individual sewage grinder pumps shall be installed by the developer/builder on said lots; and

WHEREAS, the Town will not own or have maintenance responsibilities over the individual sewage grinder pump systems, it shall be stated on the plans in notes or diagrams, as well as in the deeds conveying each lot, that the individual homeowner will own the pump units and shall be responsible for the future operation and maintenance; and

WHEREAS, sewage laterals located between the Town sewers in the road right of way to a shut off located at the property line will be maintained by the Town, and common force mains used by the sewage grinder pumps which are located in the Town right of way will also be owned and maintained by the Town; and

WHEREAS, the Towns Designated Engineer, (The Chazen Companies) has reviewed the plans for Rysedorph Cluster Residential Subdivision as prepared by Hart Engineering consulting engineers and surveyors dated November 2015 and recently revised November 11, 2015 and can recommend to the Planning Board consideration of final approval subject to all conditions and requirements by the Town final plat approval; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants final plat and pre-construction approval for the 27 lots in the Town of East Greenbush of Rysedorph Cluster Subdivision. prepared by Hart Engineering, dated November 2015 and last revised November 11, 2015, 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 Towns Designated Engineer.

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 final plat submission be in strict accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board.

4. That the Commissioner of Public Works and the Building Inspector sign off on the plans prior to final plat approval.

5. Prior to signature on the final plat, all fees due are paid as required by the Town of East Greenbush in accordance with the GEIS fee schedule, a letter for which will be provided from the Building Inspector, and it is further recommended by the Planning Board to the Town Board that all Traffic GEIS fees generated through this subdivision be held in escrow or a separate account for purposes of roadway development of Olcott Lane roadway improvements to reduce the slope of the roadway to the maximum extent practical, and otherwise make such roadway safe for public use.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

6. 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.

7. 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.

8. That the plan for required work within the State Right of Way be reviewed and approved by the NYSDOT, and such documentation submitted to the Town for their records.

9. An escrow account will 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.

10. 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 Inspector prior to the issuance of a Building Permit for that building lot.

11. That the developer, at the discretion of the Commissioner of Public Works, shall provide a Cash Bond in accordance with the Town of East Greenbush Street Ordinance. Such bond, if required by the Commissioner of Public Works, shall be in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway and related infrastructure, up to and including the binder course of pavement, to the satisfaction of the Commissioner of Public Works; and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface.

12. That the developer shall provide a Cash Bond for top course of pavement in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway, which must be completed within two years of placing binder for dedication to the Town.

13. All storm water pollution prevention permits will be obtained prior to site work and regularly schedule required inspections will 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 Storm Water Pollution Prevention Plan.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

14. 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, 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.

15. 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 Towns Designated Engineer and the Town's Commissioner of Public Works.

16. That all street signs and regulatory signs shall be furnished and installed.

17. That the developer provide and install a black vinyl clad chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water detention area, and a landscaping plan shall be submitted to the Town for approval for evergreen shrubs and trees to be placed in the right away along the frontage of the storm water management facility; and

18. That an as-built plan be submitted to the Town for review/approval. 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; an

In effect, this final 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 (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 Board Office 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 60 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 insure 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.

RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON_____, 2015

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MATT MASTIN, ACTING CHAIRMAN