

# PLANNING BOARD MEETING AGENDA January 12, 2011

7:00PM Workshop Session & Public Comment

## CALL TO ORDER/DETERMINATION OF QUORUM/PUBLIC HEARINGS NONE

## ANNUAL ORGANIZATIONAL ITEMS

Appointment of Advisors to the Planning Board  
Determination of Annual Meeting Schedule

## OLD BUSINESS

(05-50b) Thompson Way Subdivision – Review for SEQRA Determination & Approval of the Preliminary Plat

(05-65a) Elliot-Michael Road Subdivision – Update to Planning Board (Tentative)

## NEW BUSINESS

(10-28) James Polsinello/ OTB Minor Site Plan Modification - Review of Sketch Plan

(10-29) Zinzow Lot Line Adjustment – Presentation to Planning Board

(11-01) HKM Properties/ Cafua Management, Dunkin Donuts Site Plan – Review of Sketch Plan & Recommendation for SEQRA Lead Agency

(11-02) Goldstein 2-Lot Subdivision – Sketch Plat Review & Declaration of SEQRA Lead Agency

## REFERRALS-REPORTS & RECOMMENDATIONS

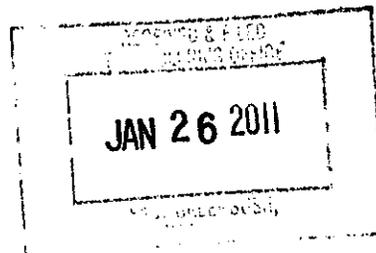
ZBA Appeal # 2010-32, North Greenbush Associates, LLC, (Aspen Dental), 307 Troy Road – Request for Area Variance, report by Don Panton

## NEW ZBA REFERRALS

NONE

## REVIEW & APPROVAL OF MEETING MINUTES

November 3, 2010, and December 15, 2010



Approved  
1/20/11  
De K-ly  
Chamma

# **EAST GREENBUSH PLANNING BOARD MEETING MINUTES January 12, 2011**

## **Members**

**Chairman Dean Kennedy  
Don Panton  
Lewis Dubuque  
Bill Ritz  
Joe Kelley  
Matt Polsinello  
Bob Davey**

## **Also present:**

**Jim Moore, Planning Director  
Amy Konisky, Planning Board Secretary  
Tim Nugent, Attorney  
Rich Benko, Town Engineer**

## **Alternates:**

**Pete Stenson  
Judy Condo-absent**

## **7:00PM WORKSHOP SESSION AND PUBLIC COMMENT**

Mr. Kennedy introduced himself to the Board and Mr. Rich Benko, Planning Board Consultant. The Board introduces themselves individually. Dean states that he has been reviewing the Planning Board Projects and meeting minutes for the last month and a half and is up to date on all the information.

Mr. Kennedy opens the public comment portion of the meeting.

Ed Gilbert, 20 California Ave, states that he feels the Thompson Way Subdivision Project doesn't match the current neighborhood on Thompson Hill and will increase traffic volumes. He doesn't think cluster subdivision is appropriate for the project.

Mr. Kennedy closes the public comment portion of the meeting.

## **ANNUAL ORGANIZATIONAL ITEMS**

### **Appointment of Vice Chairman**

Mr. Kennedy makes a motion to elect Matt Polsinello as the new Vice Chairman of the Planning Board. Motion seconded by Mr. Dubuque. Roll call as follows: Kennedy-yes; Dubuque-yes; Ritz-yes; Kelley-yes; Panton-yes; Davey-yes; Polsinello-yes. Motion carried by a 7-0 vote.

### **Approval of the 2011 Meeting Calendar**

Mr. Kennedy makes a motion to approve the meeting schedule which will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month except for the day before Thanksgiving. Motion seconded by Mr. Polsinello. Roll call as follows: Kennedy-yes; Dubuque-yes; Ritz-yes; Kelley-yes; Panton-yes; Davey-yes; Polsinello-yes. Motion carried by a 7-0 vote.

**Appointment of the Advisors to the Planning Board**

Mr. Kennedy makes a motion to appoint the following advisors to the Planning Board; Chazen Companies, Laberge Group, H.V. Labarba Associates, Behan Planning and Greenman-Pederson. Motion seconded by Mr. Ritz. Roll call as follows: Kennedy-yes; Dubuque-yes; Ritz-yes; Kelley-yes; Pantan-yes; Davey-yes; Polsinello-yes. Motion carried by a 7-0 vote.

**OLD BUSINESS**

**(05-50b) Thompson Way Subdivision** – Review for SEQRA Determination & Approval of the Preliminary Plat

Iver Anderson, Project Manager of Boswell Engineering passes out information to the Board. He states that the Project has not changed since last meeting. The only addition to project has been the preparation of preliminary plat drawings includes the sanitary and utilities for this project which are connected to the Towns system. The water and sewer issues have been resolved and reviewed by Chazen Companies.

Mr. Anderson provides the Board with an overview of the project. The lot size for this project is 19.81 acres in the RB Zoning District. The yield plan for cluster development zoning ½ acre minimum lots, 26 lots gives density count applied to cluster development. There are single family lots, both attached and detached, 23 new units in total. The green space will remain open limiting disturbance on site. The lots for the attached units will share common driveways. The deed to the common green space was offered to the Town by the owner.

Mr. Polsinello asked about the sewer issues that were brought up at the last meeting. Mr. Anderson states that they were resolved in the new plan drawings. The sewer line exits off the property and onto the Route 4 right of way to Third Avenue. New parallel 8 inch water mains will be constructed on either side of the existing main on Thompson Hill Road. Each water lateral would connect into its own main on each side of Thompson Hill. This was one of recommendations from Chazen.

Mr. Kennedy read the following motion:

**Town of East Greenbush Planning Board  
(05-50b) Thompson Way Subdivision  
Resolution for SEQRA Determination**

**WHEREAS**, the Town of East Greenbush received an application for subdivision for the Thompson Way Subdivision, tax parcel number 144.00-4-41.2, prepared by Boswell Engineering; and

**WHEREAS**, the application was accompanied by a proposed subdivision plan, Part 1 of a Full Environmental Assessment Form (“EAF”) and other supporting information; and

**WHEREAS**, the Planning Board has determined that the action is a Type 1 Action under SEQRA and conducted a coordinated review of the Project; and

**WHEREAS**, the Planning Board prepared and circulated a lead agency coordination letter requesting the consent of all the involved agencies to designation of the Planning Board as Lead Agency for review of the Project under the State Environmental Quality Review Action (“SEQRA”); and

**WHEREAS**, all involved agencies consented to such designation and, therefore, pursuant to 6 New York Code of Rules and Regulations (“NYCRR”) Section 617.6, the Town of East Greenbush Planning Board is the lead agency for SEQRA review of the Project; and

**WHEREAS**, the Planning Board conducted a public hearing for the proposed project at its meeting of August 4, 2010; and

**WHEREAS**, the Planning Board, as lead agency, has reviewed and fully considered the proposed Project and Part I of the EAF, and has completed Part II of the EAF; and

**WHEREAS**, The Town Planning Board, Project Review Team and the Planning Board’s designated consultant(s) have taken a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the application, proposed subdivision plans, Part 1 of a Full Environmental Assessment Form (“EAF”) and other supporting information, considering all the Applicant’s proposed mitigation measures as they relate to all environmental issues and more particularly to water, sewer, traffic, fire and rescue and MS-4 stormwater management.

**NOW THEREFORE, BE IT RESOLVED**, that based on the “Reasons Supporting this Determination” discussed in the attached SEQRA Negative Declaration – Notice of Determination of Non-Significance (“Negative Declaration”) the Planning Board hereby finds that the Project will not have a significant impact on the environment and authorizes the filing of a Negative Declaration for the Project.

The foregoing Resolution was duly moved by Mr. Kennedy and seconded by Mr. Polsinello and brought to a vote resulting as follows:

Chairman Kennedy	yes
Mr. Davey	yes
Mr. Ritz	abstained
Mr. Kelley	yes
Mr. Panton	yes
Mr. Polsinello	yes
Mr. Dubuque	yes

Motion carried by a 6-0-1 vote.



The proposed action is located on approximately 19.83 acres of land located at 76 Thompson Hill Road, East Greenbush, New York (the "Site"); Tax Map No. 144.00-4-41.2.

### **Procedural History:**

The applicant made initial application to the Town of East Greenbush in the form of a sketch plat and supporting documents, including a full environmental assessment form on August 12, 2005. At its meeting of November 16, 2005 the planning board accepted the initial sketch plat and declared its intent to seek Lead Agency status in connection with a SEQRA coordinated review of the project. A coordinated review letter, dated December 6, 2005 was distributed to Involved and Interested Agencies under SEQRA. The planning board held a public hearing for the project at its meeting of March 1, 2006. Based upon comments generated from the public hearing the hearing was adjourned until the board's meeting of April 5, 2006. At the planning board's meeting of April 5, 2006 Chairman William Haney read a letter from the applicant stating the applicant wished to withdraw their application. The planning board accepted the letter of withdrawal from the applicant without prejudice.

Based on comments generated from the members of the public, the planning board, the planning board's consultants and town staff two (2) subsequent revised applications were submitted for the project. These revised applications were respectively submitted to the Town on June 16, 2006 and August 12, 2008. For each revised application SEQRA coordinated review letters, dated July 14, 2006 and April 22, 2009, with supporting documents, were re-distributed to Involved and Interested Agencies. The planning board also held public hearings for each of revised application. These public hearings were held on July 5, 2006 and August 4, 2010, respectively.

On April 15, 2009 The Planning Board determined the Project to be a Type I action under SEQRA and circulated project materials to interested and involved agencies. Concurrently, the Planning Board requested SEQRA Lead Agency Status from interested and involved agencies.

No agency objected to the Planning Board's request and the Planning Board assumed SEQRA Lead Agency status.

The applicant presented a lot-by-lot plan (or yield plan) as required by Section 3.8.1(B) of Town Zoning to the Planning Board on March 4, 2009. This purpose of this plan is to identify the maximum number of lots permitted by existing zoning, employing the minimum bulk lot requirements of the RB District for lots having water and sewer. This yield plan was reviewed by the Town designated consultants. Based upon the iterative review conducted by the Town's consultants, the Town Planning Board on March 18, 2009 endorsed the yield plan and determination that the parcel could support no more than 23 new residential lots.

The applicant then developed the cluster plan which represented the actual project to be constructed. This plan provides no specified minimum bulk lot requirements, however, the cluster plan provides for the required open space and a set aside for a portion of the project's buildable area to be contained within the open space.

The Planning Board scheduled and held a public hearing on the project on August 4, 2010. The Planning Board closed the public hearing on August 4, 2010.

Following the close of the public hearing, the applicant appeared before the Planning Board to review minor project changes on December 1 and 15 of 2010, and January 12, 2011.

As a result of this open dialogue throughout the process, modifications to the Project, as initially proposed, were made by the Applicant and additional information was provided to the Town Planning Board.

Members of the Town Planning Board are familiar with the Project Site. The Town Planning Board as SEQRA lead agency has examined expert reports and documentation, sought advice from the, the Town designated engineer and planner for the Project, involved and interested agencies and the public.

After careful consideration of all relevant documentation and comments, the Town Planning Board finds that it has adequate information to evaluate the potential adverse environmental impacts of the Project. The Town Planning Board has determined that the potential impacts noted, individually as well as cumulatively, will not result in any significant adverse environmental impacts and, therefore, it is appropriate to adopt a negative declaration of significance.

**Determination:**

In July 2009, the Town of East Greenbush initiated a comprehensive land use analysis of future growth and associated impacts in the western area of the Town. An integral part of this study was the completion of a Generic Environmental Impact Statement (“GEIS”) for the western area of the Town which includes the Project Site. The GEIS was intended to serve the Town and other involved and interested agencies as a long-range planning tool for future projects proposed in that area of the Town. The GEIS considered a number of documents including the Town’s Land Use Update and Zoning Study (the “Land Use Update”) and the Route 4 Corridor Study. A series of thresholds and mitigation measures were identified to promote a balance between projected development and physical/social and environmental impacts including, but not limited to, numerous traffic improvements, other infrastructure improvements and cost projections.

The GEIS is being utilized by the Town to assist it in understanding, assessing and guiding the growth and development of the Project site, which is located within the GEIS study area. The GEIS allows the Town to consider “a hypothetical exploration of potential development scenarios and a plan to address cumulative impacts within the prescribed study area.” GEIS at p. 1.

The GEIS addresses potential environmental impacts associated with the proposed Project; however the Project shall still undergo a site specific evaluation and analysis.

After reviewing the site specific evaluation and analysis conducted by the applicant for the Project, the Town Planning Board had determined that (1) the Project will be carried out in general compliance with the conditions and thresholds established in the GEIS; and (2) for the reasons contained herein, the potential impacts of the Project, both individually as well as cumulatively, will not result in any significant adverse environmental impacts. Accordingly, a negative declaration is appropriate to complete the SEQRA process for the Project.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

After considering the criteria for the determining significance as set forth in 6 NYCRR 617.7(e), the Town Planning Board has determined, for the reasons discussed below, that the proposed Project will not have a significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

#### Conformance to Zoning

The Project is located within the RB Zoning District and the applicant has requested the RB Incentive as described under Section 2.6.3 (F)(03) of Town Zoning. In order for the project to be eligible for the incentive zoning, the project must (1) have municipal water and sewer and (2) adhere to the Town's cluster ordinance with the noted exception of requiring 50% open space and 20% of the site's buildable area contained within the open space as identified in Sections 2.6.3(F)(03) a and b, respectively.

The applicant presented a lot-by-lot plan (or yield plan) as required by Section 3.8.1(B) of Town Zoning. This purpose of this plan is to identify the maximum number of lots permitted by existing zoning, employing the minimum bulk lot requirements of the RB District for lots having water and sewer. This yield plan was reviewed by the Town designated consultants. Based upon the iterative review conducted by the Town's consultants, the Town Planning Board on March 18, 2009 endorsed the yield plan and determination that the parcel could support no more than 23 new residential lots.

The applicant then developed the cluster plan which represented the actual project to be constructed. This plan provides no specified minimum bulk lot requirements, however, the cluster plan provides for the minimum open space and a set aside for a portion of the project's buildable area to be contained within the open space.

Based upon the Planning Board's review of the yield plan and cluster subdivision plan, in consultation with Town staff and Town consultants, the Planning Board has determined that the Project, as proposed meets the regulatory requirements for the Town's Cluster Subdivision regulations with incentive zoning for the following reasons:

#### Section 2.6.3(F)(03)(a) of Town Zoning

Municipal water is located along Thompson Hill Road and municipal sewer is located at the intersection of Thompson Hill Road and U.S. Route 4, which is approximately 900-foot north of the project's northern most property boundary. Section 2.6.3(F)(03)(a)(ii) of Town Zoning states that municipal water and sewer needs to be reasonably adjacent to the proposed site such that the applicant could get approval from the Town Board to make a connection to the existing services. Such approval would be conditional on the findings of an independent engineering report" The Planning Board has determined that the location of the existing water main immediately adjacent to the project and that the extension of public sewers to the point of connection to existing sewer infrastructure as being "reasonably adjacent such that the applicant could get approval from the Town Board as the Town Board has authorized such water and sewer extensions equal to or greater than these lengths as a past practice for other similar projects. The applicant, through their consultants has completed independent reports and plans that evaluated the

project's impacts on the existing water and sewer systems. These plans and reports have been reviewed by the Town and their consultants and it has been determined that the existing water and sewer systems have adequate capacity to service this Project.

#### Section 2.6.3(F)(03)(b) of Town Zoning

It is required to provide open space equal to a minimum of 50% of the total project area, and the Project provides the minimum required. Within the open space there shall be a minimum of 20% of the site's buildable area and the Project provides the minimum required.

#### Construction Impacts

The construction of the Project is not expected to result in any significant adverse environmental impacts. Several short term and minor impacts are expected during construction. For example, the use of construction vehicles and equipment may increase air emissions and noise temporarily on site. These temporary emissions are not expected to adversely affect air quality in the area and the efficient use and proper maintenance of both vehicles and equipment will mitigate these impacts. Additionally, common construction practices (i.e. water suppressants, blanket screening, limiting activities to non-windy days, etc.) will be used as necessary to minimize additional impacts, if any.

Waste generated during construction will not result in any significant adverse environmental impacts. All construction waste will be collected and removed on a regular basis. Construction waste will be delivered off-site to a proper disposal facility. The efficient management of construction materials will be employed on-site to discourage waste and reduce construction costs.

A site specific stormwater pollution prevention plan will be developed and implemented to control construction phase water run off and control sediment and erosion from disturbed areas.

#### Ground Water / Aquifers

No significant adverse impacts to groundwater quantity or quality will occur from the Project. The facility is not within an EPA designated sole source aquifer area, nor within the stream flow source of a sole source aquifer. The Project is connected to the Town's municipal water supply system, meaning groundwater will not be utilized or impacted. In addition, all storm water will be managed in accordance with local and state regulations.

The Project will not result in construction or operation activity with the potential to cause any contamination of a water supply well. There are no septic systems associated with the Project that could affect groundwater. The Project will be connected to the municipal sewer system.

Based on the foregoing, the Project will not create any significant adverse impacts on groundwater quality or quantity.

#### Surface Water

Based on the foregoing discussion, the Project will not have any significant adverse impact on the quantity or quality of surface water resources. The site includes regulated U.S. Army Corps of Engineers wetlands. The Project minimizes both temporary and permanent impacts to these wetlands to the greatest extent practicable by strategically placing proposed buildings in a condensed area of the Project site. There are disturbances to the regulated wetlands proposed as part of this project.

Furthermore, as discussed below the Project will result in an increase in stormwater runoff due to increased impervious areas and may be susceptible to sediment transport and erosion of surface soils during construction. As such, the applicant will be required to prepare and implement a fully conforming Stormwater Pollution Prevention Plan (SWPPP) that provides for the requisite construction phase stormwater controls.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the quantity or quality of surface water resources.

### Traffic

The Project is located within the Town's Western East Greenbush Generic Environmental Impact Statement Study Area which evaluated the cumulative impacts of potential future development in the Town in order to plan for and mitigate impacts due to growth. To evaluate the impacts associated with the Town's anticipated growth trends, a 20-year planning period was chosen. The FEAF submitted indicates a maximum vehicle trip generation per hour resulting from full build out will be 28 trips.

In order to mitigate anticipated impacts due to increased traffic, the applicant will be required to pay mitigation fees for future transportation improvements as outlined in the Western East Greenbush Generic Environmental Impact Statement, Local Law 1 of the year 2010. The payment of these mitigation fees will reduce any adverse impacts as a result of this Project to traffic to the greatest extent practicable.

### Noise

The Project is not expected to result in any adverse change to noise levels on or around the site. Construction activities associated with the Project may result in a temporary increase in noise emissions. These emissions are not expected to be significant. The construction activities will comply with all applicable local, state and federal regulations. Moreover, construction is not expected to occur at night, on Sundays or on holidays, further reducing noise impacts.

### Solid Waste Disposal

The Project will not have any significant adverse impact on the disposal of solid waste in the area. No waste will be disposed on on-site. The Project is expected to generate approximately 3.3 tons of solid waste per month which will be waste typical of a residential development. All recyclable materials will be separated in accordance with applicable local, state and federal laws. All waste generated from the Project will be collected by a local waste hauler and disposed of at a permitted facility.

### Stormwater

A preliminary Stormwater Management Plan was prepared to address temporary and permanent stormwater controls for the facility. Erosion and sedimentation control measures will be employed during construction of the expansion to avoid potentially adverse impacts from storm water runoff. They include, among other things, vegetative stabilization of disturbed areas, limits of clearing and grading, use of sedimentation fencing and hay-bales, and protection of stockpiled materials. Existing storm water management facilities will be improved and stormwater will be directed to these facilities

Because potential adverse impacts from storm water runoff will be avoided through the proper design and implementation of a SWPPP and storm water control measures, no significant adverse impacts are expected.

### Water Supply

The developed area of the Project lies within to the Town's General Water District. The Project is estimated to have an average daily water demand of 8,250 gallons. The connection to the Town's water distribution system would be accomplished by extending a new water main along Thompson Way Road, paralleling an existing water transmission main.

The developer will provide all required improvements to the existing water system that are necessary to accommodate this Project and shall complete these improvements and convey specific sections to the Town at no cost. All water facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, or other appropriate entity as determined by the Town of East Greenbush in effect at the time of subdivision approval being made by the developer.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the Town's water supply, distribution or treatment systems. However to mitigate unforeseen impacts due to increased demands for potable water, the applicant will be required to pay mitigation fees for future water system improvements as outlined in the Western East Greenbush Generic Environmental Impact Statement.

### Sanitary Sewer

The developed area of the Project lies partially within the Town's Third Avenue Sewer District. The Project is estimated to generate an average daily sewage flow of 8,250 gallons. The connection to the Town's sewer system would be accomplished by extending a new sewer main along U.S. Route 4 Upper. The Project will also include internal sewer collection system appurtenances such as sewer mains, manholes, and individual sewer services, all to be installed at the developer's expense.

The developer agrees to provide for any and all required improvements to the existing sanitary sewer system that are necessary to accommodate this Project and shall complete these improvements and convey specific sections to the Town at no cost.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the Town's sanitary sewer conveyance and treatment systems. However to mitigate unforeseen impacts due to increased demands imposed on the sanitary facilities, the applicant

will be required to pay mitigation fees for future water system improvements as outlined in the Western East Greenbush Generic Environmental Impact Statement.

#### Electric / Gas Service

The Project will not have any significant adverse impact on electric or gas services provided to the area. Both electric and gas will be supplied to the Project by Niagara Mohawk. There is sufficient capacity to meet the demands of the Project.

#### Agricultural Resources

The Project will not have any significant adverse impact on agricultural resources. The site is not located in close proximity to an agricultural district or farming operation. No agricultural land exists adjacent or substantially contiguous to the site.

#### Visual

Overall, the Project will not have any adverse visual impacts on the surrounding community. The Project will include the appropriate landscape buffers to mitigate any potentially objectionable visual impacts to nearby residences.

Based on the foregoing discussion, the Project will not have any significant adverse impact on visual appearance.

#### Cultural / Historic Resources

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) provided comments on the project initially on December 14, 2005 and then again on October 1, 2008.

The December 14, 2005 OPRHP correspondence indicated that there are no properties listed in the State or National Register of Historic Places within or adjacent to the Project. Further OPRHP noted that the Project area has not been comprehensively surveyed for historic resources. OPRHP requested additional information prior to offering a determination of impact/effect.

The October 1, 2008 correspondence indicated that a determination of impact/effect will be provided upon submission of additional information.

OPRHP has determined that in case where a state agency is involved in the Project, it is appropriate for that agency to determine whether consultation should be placed with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. This Project will require both NYSDEC and NYSDOT approvals and as such, prior to any site disturbances, the applicant and approving state agencies must consult with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law.

#### Air Quality

Potential adverse air quality impacts are not anticipated from the Project. Rensselaer County is located in an "attainment" area for criteria air pollutants monitored and considered important by NYSDEC and the USEPA. The Project will not generate any large quantity of

vehicle emissions or associated air emissions. The Project will not change air quality to such a degree that it will jeopardize attainment of the National Ambient Air Quality Standards for this region.

During construction, construction vehicles will be equipped with factory installed muffler and emission control devices. Dust will be suppressed as necessary.

Based on the foregoing, the Project will not have any significant adverse impacts on air quality in the area or the region.

#### Wild, Scenic and Recreational Rivers

There are no nationally or State designated wild, scenic or recreational rivers on or adjacent to the Project. As a result, there will be no significant adverse impacts to these resources from the Project.

#### Loss of Soil, Vegetation and Other Natural Material

The Project will not result in any significant adverse impacts to natural resources or result in any significant loss of soil, vegetation or other natural material. The GEIS Findings recommends that development proposals be evaluated on a case-by-case basis and that projects be designed consistent with topography. The Project is a developed area and will be redeveloped. However, the Zoning Law limits development on slopes greater than 25% and the Project avoids any areas that are at or exceed 25% slopes.

This Project proposed to disturb between 1 and 5 acres, is not located within the watersheds listed in Appendix C of the NYS Stormwater Management Manual, does not discharge to a 303(d) listed water body and proposes 25% or less impervious areas. As such, the SWPPP prepared only needs to address construction phase sediment and erosion control measures. The SWPPP prepared conforms with both local and state regulations pertaining to stormwater management and sets forth procedures and protocols to reduce and/or minimize the loss of soil, and vegetation to the greatest extent practicable. Construction will not occur where bedrock is exposed or generally within 3 feet of bedrock. No blasting will occur and there are no unique or unusual landforms that will be affected by the Project.

Based on the foregoing, the Project is not expected to have any significant adverse impact on soil, vegetation or natural resources.

#### Flood Plains

The Project will not have any significant adverse impacts on flood plains in the Town. The project will be located well outside of any 100-year floodplain. As noted above, all storm water from the Project will be designed in full conformance with local and state regulations. No impacts to flood plains are expected.

#### Induced Growth

The Project will not induce growth in the Town. The remaining undeveloped lands of the Project will be restricted from future development due to limitations imposed for cluster subdivisions. As a result, no growth impacts are expected from the proposed Project.

### Community Services

The Project is not expected to significantly increase the demand for police services. Police protection will be provided mainly by the Town of East Greenbush police department with assistance available from the New York State Police, County Sheriff and other nearby police departments on a mutual aid basis. The site currently has limited demands for these services. The Project is not expected to significantly increase the demand for these services beyond the Town police department's current staffing levels and equipment capabilities.

The Project is also not expected to significantly increase the demand for fire protection. Fire protection is provided by the East Greenbush Fire District No. 3. The fire department has adequate equipment and personnel to fight fires at the Project. Additionally, upon extension of the municipal water system to and throughout the Project, the water supply and pressure available to the Project will be adequate to fight fires. The Project will comply with all local and state fire prevention codes including installation of the appropriate fire suppression systems and fire resistant construction materials. These measures will provide additional protection to the public. The site currently has limited to no demands for these services, however, the Project is not expected to significantly increase the demand for these services beyond the Town fire department's current staffing level and equipment capabilities.

The Project is also not expected to significantly increase the demand for ambulatory/emergency services. Ambulatory service is provided by the Bruen Rescue Squad. The rescue squad has adequate equipment and personnel to provide ambulatory and emergency response to the Project. The site currently has limited to no demands for these services. The Project is not expected to significantly increase the demand for these services beyond the Town rescue squad's current staffing level and equipment capabilities.

### Cumulative Impacts

No significant adverse cumulative impacts are expected from this action. The Project will not induce growth in the Town. The action is also not part of a larger plan of development beyond the limited of the current proposed Project.

As required by SEQRA, the Town Planning Board considered reasonably related long-term, short-term, direct, indirect and cumulative impacts including other simultaneous or subsequent actions which are: (1) included in any long range plan of which the Project is a part; (2) likely to be undertaken as a result of the Project; or (3) dependent on the Project. No such actions were identified.

Based on the foregoing, the Project will not create any significant adverse cumulative impacts.

### Findings

In addition to the foregoing the Town Board has also determined that the Project will not result in:

1. The creation of a material conflict with the Town of East Greenbush's current community development plans or goals as officially approved and adopted. The Project is consistent with the Town's comprehensive Plan and the character of the area surrounding the site.

2. The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14(g). No such area exists in or adjacent to the site.
3. A major change in use of either the quantity or type of energy. The Project will increase the existing energy demands of the community. However, with the extension of the appropriate service infrastructure, there will be adequate demand to serve the Project.
4. The creation of a hazard to human health. The Project will promote the public health, safety and welfare by providing appropriate mitigation measures satisfying the requirements of the Town's Route 4 Generic Environmental Impact Statement and associated Statement of Findings.
5. The creation of a material demand for other actions that would result in one of the above consequences. The Project will not result in a demand for other actions.
6. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. No such changes will result from the Project.
7. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c). No such cumulative impacts will occur.

For the reasons set forth above, the proposed Project is in conformance with the Western GEIS and Statement of Findings, will not have any significant adverse impact on the environment and will be subject to the GEIS mitigation fees established in the Western GEIS Statement of Findings and the issuance of a negative declaration under SEQRA is warranted.

**If Conditioned Negative Declaration** (provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication In the ENB)

Mr. Kennedy reads the following for the resolution.

**Town of East Greenbush Planning Board  
(05-50b) Thompson Way Subdivision  
Approval of the Preliminary Plat**

**WHEREAS**, the East Greenbush Town Planning Board is in receipt of a request from LAD Properties for Approval of Preliminary Plat for Major Subdivision under Sections 276 & 277 of the Town Law and Article IV, Section 4, of the Town of East Greenbush Land Subdivision Regulations for a subdivision entitled the Thompson Way Subdivision, comprised of twenty three (23) new single-family dwelling units consisting of Lots 1 through 25, tax map parcel #144.00-4-41.2; and

**WHEREAS**, the application for approval of the preliminary plat, with supporting documents, has been accepted as complete by the Planning Board, including but not limited to, the Applicant's payment of all applicable fees and the providing of required escrow with receipt therefore provided to the Town Clerk; and

**WHEREAS**, such preliminary plat has been clearly marked "Preliminary Plat" and is in the form prescribed by Article VII, Section 3, of the Town's Land Subdivision Regulations; and

**WHEREAS**, the Planning Board, Project Review Team and the Planning Board's designated consultant(s) have received and reviewed the preliminary plat and supporting documents; and

**WHEREAS**, comments received by the Planning Board from the Project Review Team and its designated consultant(s) related principally to site planning, 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. Furthermore, through the subdivision review process will result in lots that, if granted final approval, are in fact readily buildable; and

**WHEREAS**, the Town Planning Board did conduct a public hearing on August 4, 2010 for 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 review the development proposal for this project and determined, in accordance with Title 8 ECL and Part 617 NYCRR, that the intended action shall not have an adverse environmental impact and, therefore, issued a Negative Declaration under State Environmental Quality Review Act (SEQRA) at its meeting of January 12, 2011; and

**WHEREAS**, mitigation measures, as appropriate to this subdivision proposal, have been incorporated into the design of this subdivision and the conditions of the project approval; and

**WHEREAS**, the Planning Board has not provided the Applicant waivers from the requirements of the Town's Land Subdivision Regulations, unless specifically noted in the conditions of this approval; and

**WHEREAS**, prior to the approval of the final plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or, as when deemed necessary by the Planning Board, as a result of new information obtained at the public hearing for the final plat. When revision of the proposed subdivision is required, the preliminary plat shall be revised accordingly, so that the files of the Planning Board and other officials remain current; and

**WHEREAS**, approval of the preliminary plat shall expire one hundred eighty (180) days after the date of this resolution, unless the requirements have been certified as completed within that time or unless such time limit is extended by mutual consent of the Applicant and the Planning Board.

**NOW, THEREFORE, BE IT RESOLVED** that the East Greenbush Planning Board hereby grants approval of the Preliminary Plat for the Thompson Way Subdivision, prepared by Boswell Engineering, dated July 29, 2005 and last revised January 7, 2011 with the following conditions:

- 1 The applicant respond to all technical comments offered by the Town's designated engineer revise and resubmit for review and acceptance;
- 2 The applicant respond to and address additional comments that the Planning Board may have prior to the Planning Board Chair's signature;
- 3 The applicant shall obtain all other regulatory approvals prior to any site disturbances occurring, including but not limited to: Rensselaer County Dept of Health (for realty subdivision, extension of public water mains, extension of public sewer mains), NYSDEC (for extension of public sewer mains, taking of additional water and stormwater discharges), NYSDOT (for work proposed within the Route 4 right of way). The applicant shall provide all comments offered by the above regulatory agencies to the Town and the Town's Designated Engineer for the project records. Any plan changes shall be incorporated into the Preliminary Plat.
- 4 In the event that any technical reviews by other regulatory authorities result in significant change in the subdivision as approved by the Town, the applicant must appear before the Planning Board for review and approval of amendments;
- 5 The Applicant shall execute the Work described in the Approved Documents according to the Town's Minimum Construction Standards, the Comprehensive Zoning Law, Subdivision Regulations, all other applicable laws and regulations, and the conditions of this approval.

- 6 That the preliminary plat include the Town's Standard Notations for Filed Subdivision Maps, hereto attached as an appendix to this approval.
- 7 That all public and/ or required improvements, as defined by the Town's Land Subdivision Regulations and those within the Development as shown on the preliminary plat, are completed by and at the expense of, the Applicant.
- 8 That the Applicant complies with the requirements set forth in the Code of the Town of East Greenbush, § 36-4 Street and Highway Acceptance and the Standard Practices for the Acceptance of Roads by the Town of East Greenbush, hereto attached as an appendix to this approval.
- 9 That the Applicant provides all payments and escrow required for review, evaluation, testing and inspection of improvements performed by the Town's designated engineer, and as otherwise deemed necessary by the Town for completion of the proposed project.
- 10 That the Applicant provides payment in lieu of recreational land dedication in accordance with Local Law #1 of 2010.
- 11 That the Applicant shall be required to pay the following GEIS mitigation fees in accordance with Local Law #1 of 2010 of the Town of East Greenbush. According to Local Law #1 of 2010, the Applicant will be assessed a 16% discount from the total calculated GEIS mitigation fees due to the Town.
  - a) GEIS: \$52.29 per PM Peak Hour Trip (less 16%)
  - b) Land Use/ GIS: \$5.67 per PM Peak Hour Trip (less 16%)
  - c) Water/ Sewer: \$5,100 per dwelling unit (less 16%)
  - d) Recreation: \$1,000 per dwelling unit (less 16%)
  - e) Traffic: \$1,325 per detached single-family dwelling unit; \$681.20 per attached single-family dwelling unit (less 16%)
12. That in lieu of the installation of street trees within the public right-of-way, the developer shall provide and install, or cause to be provided and installed, two (2) shade trees in the front yard of each residential lot prior to the issuance of a Certificate of Occupancy for each building lot. Each street tree shall be a have a minimum 2 ½" caliper. In circumstances where street trees cannot be provided and installed prior to the issuance of a Certificate of Occupancy, the Applicant shall provide the Town Building Department with a cash escrow in an amount adequate to pay for the purchase and installation of said trees prior to the issuance of a Certificate of Occupancy.
13. That the installation for sanitary sewer, stormwater, water, roadway systems and other required improvements is according to the Town's Minimum Construction Standards and the requirements of all other Town Approved Documents.

14. The Applicant is required to fully execute the Work described in the Town Approved Documents. The Town Approved Documents include but are not necessarily limited to, this document, municipal resolutions, drawings, specifications, reports, review and comment letters from the Town's designated professional(s) and Involved and Interested Agencies under SEQRA.
15. The Listing of Town Approved Documents at the time of this approval includes, but is not necessarily limited to, the following:

Reports/ Specifications/ SWPPP:

<u>Description</u>	<u>Date</u>	<u>Current Revision</u>
SWPPP	April 2010	n/a
Notice of Intent	TBD	n/a
SWPPP Acceptance Form	TBD	n/a

Drawings:

<u>Sheet #</u>	<u>Title</u>	<u>Date</u>	<u>Current Revision</u>
Cover	Cover Sheet	7/29/2005	1/07/2011
1 of 10	Plat Plan	7/29/2005	1/07/2011
2 of 10	Site Plan	7/29/2005	1/07/2011
3 of 10	Site Plan	7/29/2005	1/07/2011
4 of 10	Grading Plan	7/29/2005	1/07/2011
5 of 10	Erosion & Sediment Control Plan	7/29/2005	1/07/2011
6 of 10	Utility Plan & Profile West Side	7/29/2005	1/07/2011
7 of 10	Utility Plan & Profile West Side	7/29/2005	1/07/2011
8 of 10	Utility Plan & Profile East Side	7/29/2005	1/07/2011
9 of 10	D1 – Details	7/29/2005	1/07/2011
10 of 10	D2 – Details	7/29/2005	1/07/2011

16. Subsequent revisions and/ or additions to the Town Approved Documents must be agreed to in writing by the Town. When revision of the proposed subdivision is required, the preliminary plat shall be revised accordingly. Six (6) printed copies of such revisions are to be resubmitted to the Town Planning Department and one (1) printed copy to the Planning Board's designated professional(s) within two (2) business days of any such revision so that the files of the Planning Board and other officials will be current.
17. That the Applicant provides performance guarantees, as noted throughout this approval, for required improvements that shall faithfully cause to be constructed and completed within a reasonable time and convey the required lands and improvements, where applicable, to the Town free and clear of all encumbrances. Performance guarantees shall be provided in a form and amount acceptable to the Town Attorney and Town's designated engineer.
18. That at the expense of the Applicant, the Town's designated engineer is authorized to perform on-site observation of the construction of all public and required improvements, as well as privately owned improvements appurtenant to public/

required improvements, on behalf of the Planning Board and Town Board. And, that the installation of all public and/or required improvements are certified in writing to the Planning Board and Town Board by the Town's designated engineer that the work was inspected and was found to be in accordance with the Town's Land Subdivision Regulations, Town's Minimum Construction Standards and the requirements of all other Approved Documents.

19. That, according to Article V, Section 1.C - Modification of Design Improvements, in the Town's Land Subdivision Regulations, if at any time before or during construction of the required improvements it is demonstrated to the designated Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the designated Town Engineer may, upon concurrence of the Chairman of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any of the improvements required by the Planning Board. The designated Town Engineer shall issue any such authorization under this provision in writing and shall transmit a copy of such authorization to the Clerk of the Planning Board.
20. That the Applicant's designated licensed professional perform stormwater inspections as required by the NYSDEC and Section 3.13 - Erosion, Sediment Control and Stormwater Management in the Town of East Greenbush Comprehensive Zoning Law. The Applicant's designated licensed professional shall distribute the required inspection reports in a manner acceptable to the Town Planning Department.
21. That the Applicant notifies the Town Planning Department and the Town's designated engineer, in writing, at least five (5) days prior to commencing construction of the required improvements.
22. That construction traffic routes are limited to routes as determined by the Commissioner of Public Works, Town Building Department and, where applicable, the New York State Department of Transportation.
23. That the Applicant shall provide a detailed itemized engineer's cost estimate, or contractor's cost proposal, for all required improvements for review and concurrence by the designated Town Engineer, with a copy transmitted concurrently to the Town Planning Department and Commissioner of Public Works.
24. That the Applicant shall provide a detailed construction schedule for the installation of all improvements for review and approval of the Town's designated engineer, with a copy transmitted concurrently to the Town Planning Department and Commissioner of Public Works.
25. That the Applicant, and the Applicant's contractors and key subcontractors attend a Pre-Construction Meeting and satisfy the requirements outlined in the Town's Construction Phase Procedures.

26. That the Applicant provides a Road Bond for excavating on or along town highways to lay water, drainage or sewer pipes and for other purposes including purposes referred to in Section 149 as amended of the Highway Law of the State of New York be provided, at the discretion of the Commissioner of Public Works in a form acceptable to the Town Attorney. Such bond shall be in an amount adequate to ensure the repair costs of town highways and infrastructure, as determined by the Town's Designated Engineer.
27. That in lieu of the installation of street lights within the public right-of-way, the Applicant shall provide and install, one (1) pole-type, residential lamp fixture per residential lot, which fixture shall be operated by photo-electric switch only and be uniformly located in the front yard of each lot.
28. That the Applicant shall file with the Town Attorney, for review and approval, a General Liability Insurance Policy at the same time the Applicant files performance guarantees. Limits of coverage shall be based upon the recommendation of the designated Town Engineer and Town Attorney.
29. That the Applicant prepare suitable offers of cession for all improvements and interest in all land areas within Public Rights-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 Planning Board and the Town Attorney, who shall review the same and confirm to the Planning Board their sufficiency for the purpose intended, which determination shall not commit the Town Board in any way to acceptance of the improvements, once installed.
30. That the Applicant file with the Planning Board and Town Attorney, for review and approval, where pertinent to the Planning Board's approval, a complete copy of the any restrictive covenants to be imposed within the proposed subdivision.
31. That the Applicant is required to execute a Stormwater Management System Maintenance Agreement in a form acceptable to the Town Attorney for systems not being conveyed to the Town.
32. That a written application for acceptance of public improvements be made to the Town accompanied by a proposed warranty deed, or quit-claim deed conveying improvements to the Town with all necessary releases from mortgages or other claimants, together with a proper title search and tax search as determined by the Town Attorney.
33. That all underground utilities shall be installed in such street prior to acceptance by the Town. Such underground utilities shall include storm sewer, water, gas mains, telephone, electric power and sanitary sewers.

34. That the Applicant has planted all required street trees, or has provided adequate performance guarantee, as determined by the Town Attorney, that shall faithfully cause for the planting all required street trees.
35. That the Applicant shall provide a Maintenance Bond to assure the satisfactory condition of the initial public improvements for a period of three (3) years following their completion and acceptance, where applicable, by the Town Board. The Maintenance Bond shall be provided in the amount of ten percent (10%) of the cost estimate for the installation of required improvements and which will be adequate to assure the satisfactory condition of the initial public improvements for a period of three (3) years following their completion and acceptance. Such bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety and in amount satisfactory to the Town's designated engineer.
36. Upon the posting of a satisfactory performance guarantee or upon certification of completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with Article V, Section 2 – Performance Guarantees for Required Improvements of the Town's Land Subdivision Regulations, and upon Planning Board approval of the Preliminary Plat, the subdivider may be issued building permits for the construction of buildings in accordance with the approved subdivision plat and the Town's Comprehensive Zoning Law.
37. That for each building lot any deviation of the location of the house, driveway, water service, or sanitary sewer service as shown on the approved plans shall be subject to review and approval by the Town Planning Department and Building Inspector prior to the issuance of a building permit for such lot. If deemed necessary by the Planning Department or Building Inspector, such modifications may be subject to additional review and approval by the Town's designated engineer and/or Planning Board at the cost of the Applicant.
38. That upon completion of all required public improvements to Town standards and upon certification of such as provided in Article V, Section 2 – Performance Guarantees for Required Improvements of the Town's Land Subdivision Regulations, the subdivider may be issued certificates of occupancy for any buildings constructed in the subdivision. No such certificate of occupancy shall be issued until grading, re-spreading of topsoil, seeding and planting has been completed in accordance with Article VI, Section 1 – General Requirements of the Town's Land Subdivision Regulations and the conditions of this approval, unless a performance guarantee in an amount sufficient to ensure the proper grading of the property, and re-spreading of the top soil, seeding and landscaping has been posted.
39. That the Applicant shall provide Landscaping Guarantee in a form and amount acceptable to the Town Building Department for all building sites seeking a Certificate of Occupancy prior to completion of the required landscaping. Cash escrow will be returned to the Applicant upon installation satisfactory to the Town.

The foregoing Resolution was duly moved by Mr. Kennedy and seconded by Mr. Polsinello and brought to a vote resulting as follows:

Chairman Kennedy	yes
Mr. Davey	yes
Mr. Ritz	abstained
Mr. Kelley	yes
Mr. Panton	yes
Mr. Polsinello	yes
Mr. Dubuque	yes

Motion carried by a 6-0-1 vote.

### NEW BUSINESS

#### (10-28) James Polsinello/ OTB Minor Site Plan Modification - Review of Sketch Plan

Phil Vecchio, attorney for Mr. Polsinello in regards to the building at 308 Columbia Turnpike in the B-2 Zoning District. The building is an existing structure to be used as OTB. It is located off 9&20 and Barber Drive. There will be no cosmetic changes to the building and all traffic and parking patterns have been resolved. Parking exceeds the minimum required. The exit is on to Barber Drive and the entrance is off Columbia Turnpike. Across the street from the building is Hoffman's Carwash, and Nopper's Autobody is on the other side of 9&20. Mr. Kennedy asks Mr. Jim Moore if DOT has reviewed the plans. Mr. Moore states that they have not. He recommends that the Board consider referring the issue of the turning radii and parking issues (the adjacency of accessible parking) to be reviewed by Chazen. He recommends that it be considered a minor site plan modifications with the recommendations from Chazen. If this were the case the planning board would issue a Negative Declaration and approval.

Mr. Vecchio was not aware that there is an issue with the parking. He believed that the issues were resolved when he consulted with Mr. Moore and Mr. Bergeron. Mr. Kennedy states that he would like the plans to be reviewed by DOT (entrance only) and have Chazen review turning radiuses. Mr. Davey asks about signage. Mr. Ted Rudzinski, who is assisting Mr. Polsinello during construction, states what is on the map was recommended by the building inspector and Mr. Moore. He states that they would have had DOT review if they would have known. Mr. Moore states that he did not endorse the plans as is. They only discussed conceptual traffic patterns. He again agrees that the plans should be reviewed by Chazen. Mr. Jim Polsinello, owner, states that when the building was a restaurant there were no problems with entering or exiting. Mr. Jim Polsinello states that there was also more ion/out traffic at that time as well. DOT modified by eliminating one driveway and widened the other. Mr. Ritz suggested to make Barber Drive entrance. Mr. Vecchio states that they will modify plans to please the Board. Mr. Jim Posinello states that this project is becoming a hardship.

He states that he has complied with everything. The understanding was since no changes to building etc there was no need for site plan review. Then parking plan was requested. Mr. Rudzinski states that OTB's Attorneys have said since they are a state organization that a site plan review wasn't necessary. He states that he heard Mr. Nugent reviewed plans. The drawings were modified for parking based on recommendations this is what is currently in front of the Board. Mr. Nugent states that he was never asked to review this project. He was only

asked if it was true that the applicant was immune from town's code. OTB has been told that they are not immune to code and it is required for site plan modification. Mr. Vecchio states that the 25 parking spaces can be adjusted and add more handicapped spaces if that is Planning Boards desired. This drawing has been modified several times by Mr. Bergeron and with the Town's recommendations. Mr. Nugent states that this is the first time the Board has had a chance to see plans. The board is not questioning handicapped parking spaces. It's whether handicapped spaces will cause an issue with other traffic etc.

Mr. James Polsinello states that his contract with OTB states that they didn't need site plan review. Mr. Nugent states that OTB is not immune from town's code. It's not OTB who is the landowner that's why site plan review is necessary. The landowner is ultimately responsible for following the town's code for the new use of the building.

Mr. Kennedy wants to discuss the matter further. It will be reviewed by Chazen with Planning Boards recommendations and discussed at the next meeting.

**(10-29) Zinzow Lot Line Adjustment** – Presentation to Planning Board

Katherine Hentnik, Pershing and O' Leary, representing the Zinzow adjustment to lot line with agreement from the Prospect Homeowners Association. The property has been used/owned by the Zinzow family since 1908. There has been no change in the use of the property. They only wish to adjust the lot line and make the property all one parcel that is a total of 2.16 (.47 acres that would not be buffer or greenspace) the rest will be greenspace .The land is backed up to the railroad, there are no homes in this area – 3.5 % change of the of total greenspace for the Prospect Townhomes development. They met with Mr. Moore and discussed additional easement area, the Prospect Townhomes HOA is retaining a 10 ft strip along side and front and the Town project review team is suggesting an additional 50 ft easement for emergency purposes. Mr. & Mrs. Zinzow are willing to revise the map to reflect a 50' easement if the Planning Board wishes. A new map showing this adjustment (2.16 acre parcel and easements was requested by Mr. Kennedy. Mr. Nugent states that the Homeowners Association, Prospect Housing Association, may have to request a modification of their existing approval. Mr. Nugent states that the land under old subdivision (1992-1993) was suppose to be forever wild. Ms. Hentnik states that the property has always been used by the Zinzow family for sheds, equipment etc. Mr. Nugent believes the Board needs to look into matters and make sure the agreement of adverse possession exists as does the Board (2009). Mr. Nugent is not sure that litigation involves the Town. Mr. Kennedy agrees with Mr. Nugent and wishes to research this new information further before approving.

**(11-01) HKM Properties/ Cafua Management, Dunkin Donuts Site Plan** – Review of Sketch Plan & Recommendation for SEQRA Lead Agency

Victor Campanero, attorney representing Cafua Management, along with Dan Cleary, Bohler Engineering. Three variances were granted by the Zoning Board. Mr. Cleary reviews the plan, no changes, 23 parking spaces, variance for drive thru 2200 sq feet Dunkin Donuts shop. The building is a Cape type structure (looks two-story) with gables, 23 ft minimum height. This morning the building department requested changes in height of light poles etc. Those issues will be addressed. Mr. Kennedy questions the front elevation as well as the one with the front door. Mr. Cleary states he checked after the meeting and the drawing is correct. Mr. Davey asks about the signage. Mr. Cleary states that they plan to reduce the signage to meet the Town's Code. Mr. Kennedy makes a motion to accept the sketch plat, seconded by Mr. Pantan.

The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated 11/19/10, prepared by Bohler Engineer for the proposed site plan; and

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 determine the proposed project as an Unlisted Action under SEQRA

Roll call as follows: Kennedy-yes; Dubuque-yes; Ritz-yes; Kelley-yes; Panton-yes; Stenson-yes; Polsinello-yes. Motion carried by a 7-0 vote.

Mr. Stenson is voting as Mr. Davey had to leave meeting.

**(11-02) Goldstein 2-Lot Subdivision** – Sketch Plat Review & Declaration of SEQRA Lead Agency

Steven Hart, Hart Engineering, representing Greg Goldstein. The parcel is located within the Spruce Run subdivision off of New Road, a 6.91 acre parcel of land he would like to subdivide into 2 lots. One lot is at 4.25 acres, the other lot at 2.67 acres. The property is situated in the R-B Zoning District. It may qualify as a flag lot for either lot 1 or 2. There is 180' of frontage on lot 1 and 30 ft frontage on lot 2. The applicant may need two variances. Mr. Kennedy states that they will need to come back in front of project review to discuss options further.

**REFERRALS-REPORTS & RECOMMENDATIONS**

**ZBA Appeal # 2010-32, North Greenbush Associates, LLC, (Aspen Dental), 307 Troy Road** – Request for Area Variance, report by Don Panton.

Mr. Panton spoke with the manager Katie Dunbar. The rear 22sq ft. 24 inch letters meet the required Zoning. According to the Zoning Laws, the front decals in windows can only occupy 15% of the window. The decals currently on the windows occupy 41% of the window area. North Greenbush Associates has agreed to reduce the signs to conform with the town zoning requirements. No further variances are required  
Jim Moore asks Mr. Kelley what information he requested from Peter Harris at the last meeting. Jim Moore presents the available information for Peter Harris project he received from the building department. The building department information included the proposed canopy revisions and appeared to be consistent with the applicant's zoning application.

**NEW ZBA REFERRALS**

NONE

**REVIEW & APPROVAL OF MEETING MINUTES**

November 3, 2010 and December 15, 2010

There was no quorum for Nov 3<sup>rd</sup> meeting. It was suggested that the Board members review tapes.

Mr. Polsinello makes a motion to approve the December 15, 2010 meeting minutes, seconded by Mr. Kelley.

Roll call as follows: Kennedy-abstained; Dubuque-abstained; Ritz-yes; Kelley-yes; Panton-yes; Polsinello-yes. Motion carried by a 4-0-2 vote.

Mr. Kennedy makes a motion to adjourn the meeting, seconded by Mr. Polsinello.

Meeting Adjourned.

*Respectfully submitted,*

*Amy Konisky  
Planning Board Secretary*