

**TOWN OF NISKAYUNA  
Conservation Advisory Council**

**A G E N D A**

**May 7, 2025**

**7:00 P.M.**

**HYBRID IN-PERSON (TOWN BOARD ROOM) & VIRTUAL (GOOGLE MEETS)**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

1. January 8, 2025
2. February 5, 2025
3. March 5, 2025
4. May 7, 2025

**IV. PRIVILEGE OF THE FLOOR**

**V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS**

1. EAF 2025-05 3900 State St, Kia Matthews, Building Addition, Parking lot expansion
2. EAF 2025-06 25 & 33 S Fagan Ave, Lot Line Adjustment, Area Variance request

**VI. DISCUSSION ITEMS**

1. Planning Project Reports
  - a) GE Vernova Patio approval, Momentive site upgrades, 1748 Union St, 4240 Consaul Road

**VII. CLIMATE SMART COMMUNITIES TASK FORCE**

**Awarded Contracts**

1. GHG Emissions Inventories and Government Climate Action Plan
2. Natural Resource Inventory – Summarize top recommendations for Town Board / Adoption

**Ongoing Initiatives**

3. Land Preservation Tools
4. Pesticide Outreach
5. Low Mow / Biodiversity Initiatives
6. Quiet Niskayuna
7. Composting Initiative
8. Wildlife Corridors
9. Sustainability Checklist

**VIII. ADJOURNMENT**

**Next Meeting: July 2, 2025  
7pm, Town Board Room, Hybrid Format**

1 **TOWN OF NISKAYUNA**  
 2 **CONSERVATION ADVISORY COUNCIL**  
 3 Meeting Minutes  
 4 January 8, 2025  
 5 Hybrid Meeting Google Meet

6 Members Present: Chairman Strayer  
 7 Chuck Piotrowski  
 8 Georgia Murray-Bonton (Virtual)  
 9 Ashok Ramasubramanian  
 10 Jue Wang  
 11 Simran Uttukar  
 12 Also Present: Laura Robertson, Planner

13 **I. CALL TO ORDER**

14 Chairman Strayer called the meeting to order at 7:00 PM.

15 **II. ROLL CALL**

16 Ellen Daviero and Chelsea Rattner were absent/excused.

17 **III. APPROVAL OF MINUTES**

18 1. November 6, 2024

19 Hearing no comments regarding the minutes, Chairman Strayer made a motion to approve the November 6,  
 20 2024 minutes, seconded by Ms. Wang. All were in favor, except Mr. Piotrowski, who abstained.  
 21

22 2. December 4, 2024

23 Hearing no comments regarding the minutes, Chairman Strayer made a motion to approve the December 4,  
 24 2024 minutes, seconded by Mr. Ramasubramanian. All were in favor.  
 25

26 **IV. PRIVILEGE OF THE FLOOR.**

27 Chairman Strayer opened up privilege of the floor. Hearing and seeing no one in person or online, Privilege  
 28 of the Floor was closed.  
 29

30 **V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS**

31 1. EAF 2025-01 Niskayuna Harbor PUD application

32 Chairman Strayer discussed the meaning, requirements, and uses of PUDs, and went over the details of the  
 33 proposed project. Ms. Robertson added that the project is still in the beginning of the process, and that the  
 34 applicant had not yet received approval from the Town Board to submit their application.  
 35

36 Ms. Robertson said that the purpose of the PUD is to be granted flexibility to construct condominiums on the  
 37 site, rather than exclusively adhering to the underlying R2 medium density residential zoning. She said that  
 38 the Board can ask questions and discuss the project, but that no formal action was needed at the meeting.

39 Mr. Ramasubramanian asked what was currently occupying the lot. Ms. Robertson and Chairman Strayer  
 40 indicated that the location was primarily wooded. Ms. Robertson projected a map of the location to show the  
 41 current developments in the area. Ms. Robertson showed that on the proposed site location, there was an  
 42 abandoned residence, which was owned by the applicant, and which would be removed in the proposal.

43 Mr. Ramasubramanian noted the importance of maintaining greenspace to the residents of the Town, as  
44 expressed in the 2025 Comprehensive Plan survey, and he was concerned this development would not be in  
45 harmony with these goals. Mr. Ramasubramanian added that he would like to see an opportunity for public  
46 comment from residents regarding the development. Ms. Robertson said that she shared Mr.  
47 Ramasubramanian's concern, but noted that the land was private property with an underlying development  
48 right, meaning that it was not up to the Town to forbid development.

49 Ms. Robertson discussed the zoning history of the land next to the river.

50 Ms. Robertson reiterated that the site proposal is not yet approved, and that the final site may look very  
51 different. Ms. Wang asked if the proposal was using all of the land. Ms. Robertson said that they have to  
52 reserve a lot of the wetland area, noting that it was important to make sure the developer is preserving the  
53 wetland. Chairman Strayer and Ms. Robertson discussed more of the geography and infrastructure of the area.  
54 Ms. Wang and Ms. Robertson discussed the manner in which PUDs are implemented.

55 Ms. Murray-Bonton asked if the Town would still have jurisdiction over the protection of wetland area if the  
56 PUD was granted, Ms. Robertson said that they would.

57 Ms. Robertson said that her number one priority would be the maintenance of the forest, but since they do  
58 not have the jurisdiction to forbid development, her next priority would be the grant the PUD such that  
59 condominiums can be constructed, as there are a low amount of that kind of housing in Niskayuna. She noted  
60 the benefits to aging in place and building equity in condos as compared to apartments. Ms. Murray-Bonton  
61 said that she agreed with Ms. Robertson, noting her preference for single-story condos. Ms. Robertson  
62 reiterated that the plan was in the early stages of development. She added that the reason why they are looking  
63 at it so early is to keep the Board updated and get them thinking about the future of the project sooner rather  
64 than later.

65 Chairman Strayer emphasized his desire to keep as much open space as possible, and that the housing options  
66 are selected in a way that diversifies residence availability and aesthetic variation, while considering the  
67 maintenance of the character of the neighborhood. He added that appropriate commercial integration, similar  
68 to River's Ledge, may be beneficial. Chairman Strayer added his recommendation that the Town have  
69 waterfront access, or development consistent with the Schenectady County Waterfront Plan.

70 Mr. Piotrowski noted that the 250<sup>th</sup> year anniversary of the Erie Canal was approaching, and to expect  
71 celebrations in the area. He asked if there were any regulations or laws to be conscious of regarding  
72 development near the canal. Ms. Robertson said that it would need approval from the State Historic  
73 Preservation Office (SHPO) in order to begin development.

74 Mr. Ramasubramanian asked if there would be any impact on the bike path. Ms. Robertson said that there  
75 would be a crossing, which was included in the packet. She added that the addition of a crossing would require  
76 the approval of New York State Parks. Ms. Robertson discussed the changes that needed to be made to the  
77 bike path during the River's Ledge construction.

78 Ms. Wang pointed out several significant inconsistencies in the description of the plan regarding the number  
79 of acres available for development, and how many acres would be disturbed. Ms. Robertson stated this math  
80 would need to be checked and clarified by the applicant.

81 Mr. Ramasubramanian asked where their comments would be utilized. Ms. Robertson said that they would  
82 be received by the Planning Board, who would bring it to the Town Board. Ms. Robertson discussed the  
83 roadmap and timeline for the PUD application process.

84 Chairman Strayer noted his specific comments that the property in question has significant value to the Town,  
85 and that an emphasis should be placed on the importance of preservation of open space and aesthetic qualities.  
86 He reiterated the Comprehensive Plan desire for housing to be diversified, and added that the waterfront  
87 should meet the standards in the Schenectady County Mohawk Waterfront Plan.

88 Ms. Murray-Bonton suggested including waterfront access for recreational swimming.

89 Ms. Wang pointed out that the data including regarding the bike path was outdated. Ms. Robertson said that  
90 they should request more recent data.

91 Chairman Strayer brought up the future connection of a possible mutli-use path along the old railroad spur.

92 Mr. Ramasubramanian suggested adding traffic calming measures in addition to stop signs to the bike path  
93 crossing should it be granted. The Board discussed the potential inadequacy of stop signs to prevent cars from  
94 colliding with cyclists.

95 Chairman Strayer added that the Town Park overlooks the parcel in question, saying that the current view  
96 was pristine. He said that this would get into decisions regarding lighting, shrubbery, and other choices that  
97 will not be made yet.

98

## 99 VI. DISCUSSION ITEMS

### 100 1. Planning Project Reports

- 101 • 2339 Troy Schenectady Road (EAF 2024-04)

102 Ms. Robertson said that they had not been given a formal revision since the last time the CAC looked at the  
103 site.

104

- 105 • 1356 Balltown Road preliminary subdivision approved

106 Ms. Robertson noted that they had received their preliminary subdivision approval, but that they will need to  
107 go to the Tree Council, Architectural Review Board, and other boards.

108

- 109 • Short-term rental ordinance

110 Chairman Strayer noted that they had reviewed the formal ordinance at their September meeting, and that  
111 changes have since been made to that ordinance. He noted the changes for the benefit of the Board members,  
112 such as the removal of zoning restrictions on unhosted rentals, the removal of limits on number of rentals on  
113 one property, the removal of limits on number of bedrooms that could be rented, and the removal of restriction  
114 on number of allowed guests.

115 Chairman Strayer said that if a project has undergone significant changes, it should be brought back to the  
116 committee for review.

117 Chairman Strayer went over a memo that he had drafted, which discussed many of the concerns of the  
118 committee regarding the changes to the town code.

119 Chairman Strayer and Mr. Ramasubramanian discussed the changes made and the implications for rentals  
120 therein. Ms. Robertson projected the code with the changes in order to further explain the changes made and  
121 how they impact the code.

122 Chairman Strayer discussed the implication of the code changes on the Comprehensive Plan, reading from  
123 segments in the Plan.

124 Chairman Strayer read the following excerpt from his memo:

125 “In the SEQR determination process, the Board evaluates the impacts of a given project by reviewing 18  
126 question or topic areas established by the Department of Environment Conservation (DEC). For each of  
127 these areas, potential impacts (direct or indirect) can be identified as none, minor, moderate to large. In the  
128 review process, the Council felt that the proposed 9/4/2024 STR zoning regulations had no or minor  
129 impacts in each of SEQR topic areas. As such the CAC recommended a Negative Declaration and included  
130 several comments with this recommendation which would further reduce the impact of STR on neighboring  
131 properties.

132 As with all projects reviewed during the SEQR process, if substantial changes are made potentially  
133 affecting the Council's recommendation, the project is subject to rereview. This possibility was discussed  
134 during the 9/4/2024 meeting and the Town stated that if substantial changes were made the Town would  
135 bring back the proposed ordinance back to the CAC (see meeting mins line115-116).

136 It has come to the Council's attention that several revisions have been made to the STR ordinance  
137 (9/4/2024) and the council believes that the current STR ordinance draft (12/17//2024) before the town  
138 board is substantial different from the one reviewed by the CAC, and likely does not meet the threshold for  
139 a negative declaration. Consequently, the Council is withdrawing their negative declaration  
140 recommendation.

141 In particular the removal of the hosted requirement and the extension of un-hosted STR to all zoning  
142 districts, the removal of 1 dwelling unit limit per property, the removal of the 3 rented bedroom cap and the  
143 removal of the prohibition of guests, are substantial and potentially impactful."

144 Chairman Strayer said that due to these changes, the ordinance is no longer the same one that they had  
145 looked at previously, and that the committee will remove their recommendation to adopt the ordinance as  
146 written. He added that if the previous version had come back, it would not be the case.

147 Chairman Strayer once again read the following except from the memo:

148 "Un-hosted STR properties should be viewed as investments properties owned either by individual or group  
149 investors. These investors may not live in the immediate neighborhood or the surrounding community, as  
150 such they are likely not to have same vested interest in the local neighborhood or Niskayuna. Un-hosted  
151 STR are strictly commercial endeavors appropriate for mixed commercial/residential (RP-Residential and  
152 CN Zoning) districts, as set forth in the 9/4/2024 proposed STR Ordinance presented to the CAC board.  
153 Unlike hosted STR, allowing un-hosted STR in residential (R1, R2, and R3) districts is an insertion of a  
154 commercial business residential neighborhood with little or no benefit to the surrounding neighbors. In  
155 fact, it is likely to reduce the amount of affordable housing stock within the town. Finally, removal of rental  
156 caps and allowing guests will increase the impact of un-hosted STR on the community.

157 With these changes, the current version of the STR ordinance will fail to meet the negative impact threshold  
158 for 2 of the 18 SEQR topic areas. Specifically, as written the proposed ordinance is inconsistent with the goal  
159 of Niskayuna's 2013 Comprehensive Plan "*that any expanded commercial use in a residential neighborhood*  
160 *preserve the residential appearance and character of the neighborhood*". Moreover, its adoption will likely  
161 result in Short Term Rentals having a moderate to large impact on community/neighborhood character  
162 throughout the town neighborhoods."

163 Chairman Strayer reiterated that either the ordinance can come back to the Committee to be looked over once  
164 more, or if the Committee felt comfortable enough having gone through it, to say that it would be given a  
165 positive declaration as written, but that he did not make that decision for the Town Board.

166 Ms. Robertson discussed the drafting process and roadmap for the new code.

167 Mr. Ramasubramanian asked Ms. Robertson if there had been any public comment via email, to which Ms.  
168 Robertson said that there had been; mostly indicating that they thought that short-term rentals are disruptive,  
169 and the minimum time that someone is able to rent a property should be increased from one to two weeks.  
170 Ms. Robertson also indicated that a majority of public comment has been opposed to any unhosted rentals  
171 being permitted in the Town.

172 Mr. Ramasubramanian asked what the rationale was for the changes made by the Town Board. Ms. Robertson  
173 said that the Town wanted a more streamlined code that was easier to enforce, as well as not wanting to craft

174 code around a single instance of a problem residence in the Town.

175 Mr. Piotrowski said that he was strongly in favor of reviewing the code again, due to the significant changes  
176 that had been made, citing that the Town was holding another public input meeting, indicating that there were  
177 sufficient changes to necessitates more input from the Town.

178 Chairman Strayer insisted that the Committee withdraw their negative declaration recommendation for the  
179 current code, as their previous recommendation ought not carry over.

180 Mr. Piotrowski stated that there is an unfounded assumption of future negative events and he is not certain  
181 that all these changes are bad, but he would like to review them further. Mr. Piotrowski said that the point  
182 about commercial rentals in residential areas is important, and is a no-go for him. Chairman Strayer responded  
183 that the criterium put forth by the SEQR regulation is “may have an impact.” Chairman Strayer added that if  
184 highly-commercialized rental properties emerged in Niskayuna, and then an ordinance banned them, they  
185 would be allowed to continue operation, as they would be grandfathered in. Mr. Piotrowski nodded and said  
186 that it was a good point. Chairman Strayer said that he believed the best course of action would be to start  
187 conservative and then move forward.

188 Mr. Ramasubramanian indicated that he would like to learn more about the rationale behind the Town Board’s  
189 decision to make changes. He requested acting on the code during the next month’s meeting, after hearing  
190 the public input. Chairman Strayer said that there was a possibility that the Town would adopt the changes  
191 before the next CAC meeting. Ms. Robertson suggested drafting a memo asking the Town Board to withhold  
192 their adoption of the code. Mr. Ramasubramanian indicated hesitation to opposed the Town Board in such a  
193 strong manner.

194 The Committee discussed the role of the CAC and Planning Board in relation to the authority of the Town  
195 Board on the matter of the code changes. Ms. Robertson indicated that she believed that the Planning Board  
196 was unhappy with the changes, although they have not issued a formal memo.

197 Ms. Murray-Bonton likewise issued her support for withdrawing the CAC’s declaration until they were able  
198 to revisit the altered code.

199 Chairman Strayer asked if the committee was satisfied with the draft memo, including editorial changes  
200 discussed (with several paragraphs deleted). Mr. Piotrowski said that he approved of the memo with the  
201 changes, and thanked Chairman Strayer for his work on the memo.

202 The Committee discussed and debated wording and content edits to Chairman Strayer’s memo.

203 Mr. Piotrowski made a motion to send the memo with the agreed upon edits, as drafted by Chairman Strayer  
204 to the Town Board, copying in the Planning Board. Ms. Wang seconded the motion. All were in favor. Mr.  
205 Ramasubramanian requested the CAC be carbon copied on the memo when it was sent to the Town Board  
206 and Planning Board.

207 Ms. Robertson requested that, due to the late hour, the Climate Smart Task Force meeting be adjourned until  
208 the next meeting.

209 Chairman Strayer made a motion to postpone the Climate Smart Task Force meeting until the next meeting.  
210 Mr. Ramasubramanian seconded the motion. All were in favor.

211

## 212 **VII. CLIMATE SMART COMMUNITIES TASK FORCE (postponed to next meeting)**

### 213 **Awarded Contracts**

- 214 1. GHG Emissions Inventories and Government Climate Action Plan
- 215 2. 2. Natural Resource Inventory

### 216 **Ongoing Initiatives**

- 217 1. Land Preservation Tools
- 218 2. Pesticide Outreach
- 219 3. Low Mow/Biodiversity Initiatives

- 220 4. Quiet Niskayuna
- 221 5. Composting Initiative
- 222 6. Composting Initiative
- 223 9. Wildlife Corridors

224 **VIII. ADJOURNMENT**

225 Chairman Strayer made a motion to adjourn the meeting. Mr. Ramasubramanian seconded the motion. All  
226 were in favor. The meeting was adjourned at approximately 8:47 PM.

DRAFT



**MEMO:** Short Term Rental Zoning Code Amendments

**TO:** Town Board

**FROM:** Conservation Advisory Council (CAC)

**DATE:** January 10, 2025

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**On January 8, 2025 at a regular meeting of the Conservation Advisory Council (CAC), the Council voted 5-0 in favor of sending the following memo to the Town Board requesting that the Short Term Rental Zoning Code Amendments be returned to the CAC for an updated SEQR review and recommendation:**

Early last year residents raised concerns about the impact of short-term rentals (STR) on their neighborhoods. These concerns included impacts related to increased noise and on-street parking, especially when rental guests hosted parties. At subsequent Board meetings, residents expressed concerns about negative impacts on neighborhood character resulting from unregulated STR growth. Because Niskayuna does not have a Short-Term Rental code, the Town has limited options to regulate such properties and needs to adopt an appropriate STR ordinance. The CAC acknowledges this situation and supports the adoption of appropriate STR regulations tailored to address Niskayuna's needs.

Over the past year the Planning Department in conjunction with the Planning Board and the Conservation Advisory Council examined numerous existing municipal regulations and the planning department drafted a town ordinance based on community best practices.

Because changes in land use are a type 1 actions under NYS SEQRLaw, the Town of Niskayuna asked the CAC to review the proposed Short-Term Rental ordinance for potential environmental, community, social and economic impacts. In this review process the CAC reviewed several ordinance drafts and made several suggestions. From the CAC's perspective, it was important that such regulations minimize environmental and neighborhood character impacts, protect affordable housing options for residents, and balance potential neighborhood concerns with town and resident economic benefits afforded by short term rental opportunities.

Equally important to the CAC throughout this process was that any recommended STR regulations support Niskayuna's Comprehensive Plan 2013 objective of "*maintaining an appropriate balance between residential and commercial needs*". Specifically, as discussed in the plan, "*the conversion from residential to commercial uses can have a negative impact on surrounding residential properties... [and the plan advocates] protecting residential neighborhoods from commercial encroachment by ensuring any expanded commercial use in a residential neighborhood preserve the residential appearance and character of the neighborhood*".

The 9/4/2024 STR ordinance draft presented to the CAC by the Town of Niskayuna met the above objectives and goals by:

1. Allowing hosted rentals in all zoning districts,
2. Restricting un-hosted rentals to mixed commercial residential areas such as R-P and C-N zoned districts (the committee did express concerns about the possible loss of affordable housing stock caused by un-hosted STR in these districts),

3. Enforcing a strict limitation on the number of bedrooms rentals to 3, and limiting the maximum allowable rental guests to 8,
4. Restricting the number of rental units/buildings to 1 per property,
5. Limiting off-street parking to four spots including one for the host (the committee was concerned about the addition of impervious pavement), and
6. Providing a mechanism to quickly resolve complaints by allowing contact with law enforcement.

In the SEQR recommendation process, the CAC evaluates the impacts, of a given project, by reviewing 18 question or topic areas established by the Department of Environment Conservation (DEC). For each of these areas, potential impacts (direct or indirect) can be identified as none, minor, moderate to large. In the review process, the CAC felt that the proposed 9/4/2024 STR zoning regulations had no or minor impacts in each of SEQR topic areas. As such the CAC recommended a Negative Declaration and included several comments with this recommendation which would further reduce the impact of STR on neighboring properties.

As with all projects reviewed during the SEQR process, if substantial changes are made potentially affecting the Town Board's SEQR determination, the project is subject to rereview. This possibility was discussed during the CAC's 9/4/2024 meeting and the Town stated that if substantial changes were made the Town would bring the proposed ordinance back to the CAC.

It has come to the CAC's attention that several revisions have been made to the reviewed STR ordinance (9/4/2024) and the CAC believes that the current STR ordinance draft (12/17/2024) before the Town Board is substantially different from the one reviewed by the CAC, and may no longer meet the threshold for a negative declaration. Consequently, the CAC is withdrawing their negative declaration recommendation.

**The Conservation Advisory Council respectfully requests that the Town Board resubmit the modified STR draft ordinance (12/17/2024) to the CAC for an updated SEQR review and recommendation.**

CC. Conservation Advisory Council  
Planning Board  
Planning Department

**TOWN OF NISKAYUNA  
CONSERVATION ADVISORY COUNCIL**

Meeting Minutes

February 5, 2025

Hybrid In Person (Town Board Room) and Google Meet

Members Present: Chairman Dart Strayer  
Ashok Ramasubramanian  
Jue Wang (virtual)  
Ellen Daviero

Also Present: Laura Robertson, Planner  
Clark Henry, Planner

**I. CALL TO ORDER**

Chairman Strayer called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Chuck Piotrowski, Chelsea Rattner and Georgia Murray-Bonton were absent/excused.

**III. APPROVAL OF MINUTES**

1. January 8, 2025

Chairman Strayer asked if there were any comments on the minutes. Mr. Ramasubramanian requested a small change clarifying he was expressing **resident preferences** based on surveys as part of the comprehensive planning process when he mentioned green space needed to protected (line 43). He noted he was coming from the concerns stated by residents, line 43 and 44. Ms. Robertson proposed to change the line to: "Mr. Ramasubramanian noted the importance of maintaining greenspace to the residents of the Town, as expressed in the 2025 Comprehensive Plan survey, and he was concerned this development would not be in harmony with these goals."

Ms. Daviero stated on line 111 "chances" should be changed to "changes." She mentioned she was not at the meeting though so she wouldn't be able to vote on them. Without a quorum, Chairman Strayer stated the minutes would be brought back to the next meeting for a vote.

Mr. Ramasubramanian requested that line 205 be struck from the minutes. Ms. Robertson said that would be appropriate and she apologized, she thought she had taken that line out of the draft minutes.

Lastly Mr. Ramasubramanian and Chairman Strayer discussed the final memo from the CAC to the Town Board being CC'd to the CAC. Chairman Strayer requested the memo be attached to the January minutes. Ms. Robertson also noted she would update this into lines 199 to 203.

The minutes were deferred until the requested changes could be made.

**IV. PRIVILEGE OF THE FLOOR.**

There were no comments under privilege of the floor.

**V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS**

1. EAF 2025-02: 2 Lot subdivision 929 Pearse Road

Chairman Strayer introduced the project with the reconfiguration of the proposed two lot subdivision. Ms. Robertson noted the previous plan was flag lot, the new plan had the property evenly divided but it still need an area variance. She brought the proposal up on her screen.

43 The plan involves demolishing the existing house to make way for two new homes. A major sticking point  
44 with the Board is the property's size; at 1.5 acres, it's notably smaller than other subdivided lots in the area.  
45 This necessitates a 5-foot area variance for each new lot, as the current frontage falls short of the required  
46 200 feet for two compliant lots. This means the subdivision isn't "as-of-right" and would require approval  
47 from the Zoning Board of Appeals (ZBA).

48

49 Another critical concern revolves around drainage issues, which are already problematic in the area and  
50 have even led to legal disputes for the Town. A natural drainage path runs through the property, so the  
51 developer must ensure their plan either improves or, at minimum, doesn't worsen the existing drainage  
52 situation by retaining stormwater on-site. An engineer has already been brought in to address these  
53 concerns.

54

55 A key point of contention for the CAC is the precedent of demolishing an existing home for subdivision.  
56 This is a first for the committee, raising questions about the environmental impact of demolition, the  
57 potential loss of the nearly 50-year-old home's historic value (requiring a review), and how this could alter  
58 the character of the neighborhood and town. The CAC expressed apprehension that this could encourage  
59 speculative buying of older homes on Pearse Road for similar subdivisions. The developer, who has  
60 previously subdivided land nearby, purchased this property specifically for this purpose, leading to  
61 questions about whether their need for a variance constitutes a genuine hardship. Pearse Road's "spaghetti  
62 lots" with varied frontages already make it distinct from newer subdivisions, and this proposal, even  
63 without the flag lot, could further impact its unique character. The Committee will continue to monitor this  
64 proposal and eventual forward its recommendation to the ZBA and Planning Board, with an Environmental  
65 Assessment Form (EAF) and frontage details expected next month.

66

67 Hearing no more comments, Chairman Strayer asked to discuss the next agenda item.

68

69 2. EAF 2025-03: 2-Lot subdivision 2727 Balltown Road

70 Ms. Robertson introduced a two-lot subdivision at 2727 Balltown Road, located near the former Aqueduct  
71 Vet / new apartment building. The applicant proposes to divide an existing triangular lot into two. While the  
72 smaller of the two new lots will have an 80-foot frontage, this is permissible under the current Residential  
73 Professional (RP) zoning, meaning no variances are needed for lot size or frontage.

74 A key point of discussion revolved around the unusual shape of the proposed lots. Although the Town  
75 discourages triangular and odd-shaped lots, there's no specific variance required for such configurations; it's  
76 simply a preferred design standard. The existing property has a house to the north of the former vet building.  
77 The owner of the apartment complex had previously tried to acquire this triangular piece of land but was  
78 unsuccessful. Notably, the original owner of the vet lived in the house, but when the business was sold, the  
79 house and business were separated, leading to different owners for each parcel.

80 It was clarified that while the property is zoned R-P and the minimum lot size for commercial use in this zone  
81 is two acres, meaning the subdivided lots could only support single-family homes. The apartment complex  
82 received a use variance for its multi-family dwelling, and it would be challenging for them to obtain another  
83 for additional units.

84 Concerns were raised about the noted wetlands in proximity to the subdivision. A revised map, not yet  
85 included in the packet, indicates a 100-foot buffer around the wetland, suggesting there's still ample room for  
86 a house. Unlike the 929 Pierce Road proposal, this subdivision doesn't involve removing a large section of  
87 forest, which is seen as a benefit. While the homes on Balltown Road tend to be more affordable (around  
88 \$200,000), the large frontage of the proposed lots could potentially allow for larger homes, though this is  
89 considered unlikely given the traffic challenges of Balltown Road. The Environmental Assessment Form  
90 (EAF) is expected next month, and a recommendation will likely be needed then.

91 **VI. DISCUSSION ITEMS**

92 No items were discussed under discussion items.

93

## 94 **VII. CLIMATE SMART COMMUNITIES TASK FORCE**

### 95 **Awarded Contracts**

96 1. GHG Emissions Inventories and Government Climate Action Plan: Ms. Robertson stated the  
97 community greenhouse gas inventory for 2025 is back on track. A submission date has been set, and  
98 Ms. Robertson has specifically requested data on greenhouse gas emissions offset by reduced lawn  
99 mowing and associated cost savings for inclusion in the plan.

100  
101 2. Natural Resource Inventory: Mr. Ramasubramanian indicated that phase two of the Natural Resource  
102 Inventory (NRI) is complete, and the report is finalized. Its recommendations are being integrated  
103 into the comprehensive plan. The CAC plans to put the complete inventory in the packet for next  
104 month's meeting and will recommend the Town Board adopt it, or at least acknowledge it as they did  
105 with phase one. There was a discussion about the Town Board's preference for acknowledgment over  
106 full adoption due to concerns about being held immediately accountable for all recommendations.  
107 The CAC aims to provide the Town Board with a prioritized list of recommendations, acknowledging  
108 completed items and highlighting those still outstanding. They also plan to request time for a  
109 presentation to the Town Board to spotlight their successes and ongoing initiatives from the NRI.

110

### 111 **Ongoing Initiatives**

112 3. Land Preservation Tools – no updates.

113 4. Pesticide Outreach:

114 Ms. Daviero report that pesticide outreach will continue at farmers' markets in the spring and summer. A new  
115 idea was proposed to potentially use the TV screen in Town Hall to display CAC ads, possibly including  
116 information on composting.

117 5. Low Mow / Biodiversity Initiatives

118 Ms. Daviero reported that she is working with the designer of the Niskayuna disc golf course and the Town  
119 Highway Department and together they are actively working on improving its mowing practices and overall  
120 layout. The course designer and Highway Superintendent Ray Smith are collaborating to define specific  
121 mowing pathways to reduce unnecessary mowing. A work party is planned in March before a disc golf  
122 tournament to improve the holes. Ms. Daviero emphasized that the low mow areas for bobolinks will not be  
123 impacted, as the disc golf paths will be clearly defined. There's also a general initiative to engage with large  
124 industries on Balltown Road, such as Momentive and General Electric, to discuss their green initiatives,  
125 including potentially encouraging pollinator-friendly seeding, bat houses, and birdhouses on their properties.

126 6. Quiet Niskayuna – no updates.

127

128 7. Composting Initiative

129 Ms. Daviero reported that a composting project is underway at St. Kateri, involving a waste analysis with  
130 the elementary school and aiming for completion by Earth Day. She has also been in contact with  
131 Schenectady Soil and Water regarding their five-year plan for composting at Hetchletown Road. The  
132 importance of composting was stressed as a "double greenhouse gas reducer" by diverting waste from  
133 landfills and allowing soil to absorb carbon. The critical issue of overflowing landfills in New York State  
134 and the need for public action on waste reduction were highlighted.

135 8. Wildlife Corridors – no updates.

136 9. Sustainability Checklist – no updates.

137 **VIII. ADJOURNMENT**

138 Chairman Strayer made a motion to adjourn the meeting. Ms. Daviero seconded. All were in favor. The  
139 meeting adjourned at 8:16 pm.

DRAFT

**TOWN OF NISKAYUNA  
CONSERVATION ADVISORY COUNCIL**

Meeting Minutes

March 5, 2025

Hybrid In Person (Town Board Room) and Google Meet

6	Members Present:	Chairman Dart Strayer
7		Ashok Ramasubramanian
8		Jue Wang
9		Ellen Daviero
10		Chuck Piotrowski (virtual)
11		Simran Utturker, student representative
12	Also Present:	Laura Robertson, Planner
13		Clark Henry, Planner

**I. CALL TO ORDER**

Chairman Strayer called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Chelsea Rattner and Georgia Murray-Bonton were absent/excused.

**III. APPROVAL OF MINUTES**

There were no minutes for this meeting.

**IV. PRIVILEGE OF THE FLOOR.**

Denise Cashmere, 949 Pearse Road, mentioned she used to be a Schenectady County Planner and she was here tonight to talk about the subdivision proposal for 929 Pearse Road. She stated some of the contour lines on the plan for the neighboring lot (943) are incorrect. The contours on the property changed substantially when the new home was built, and a substantial amount of fill was brought in, over 3.5 feet. The drainage predominantly goes towards her lot and her neighbors lot. They have been struggling with drainage since the new home went in and she is certain that the subdivision proposal would do harm to her neighbors lot.

Ms. Cashmere stated another issue was clearing. Even if trees are supposed to be protected by subdivision, in her experience they are not saved. 943 Pearse Road cleared every single tree on the lot. She also mentioned the stormwater management practices for the new home were not maintained and the plan was not executed properly. She felt there were no guarantees that any plan would be executed properly and the Town Code says that development cannot negatively impact it's downstream neighbors. She has directly felt the negative impacts from one new single family home.

Lastly, Ms. Cashmere stated she is concerned about the character of the neighborhood. She has lived on Pearse Road for 36 years. The Pearse homestead sits directly adjacent to this property to the South, and the home that proposed to be demolished is a 1910 Sears Roebuck catalogue house. The trend for developers to purchase a house on a larger property, let it deteriorate, and then say it needs to come down so they can build two new homes is very concerning. She stated this home was in good condition when it sold and then the developers left the windows open once it was purchased. She hopes this is not allowed to happen in Niskayuna.

Mr. Ramasubramanian asked if the water that is coming into Ms. Cashmere's driveway and her basement is clear that it is from development? Because all of Niskayuna has wet basements. Ms. Cashmere stated it was 100% percent different following the 2023 construction and she had a geohydrologist come over and say yes,

44 the hydrology had changes. She had lived there for 34 years before and never had any issues, the issues came  
45 after the buildout.

46 Nadia Rockwell, 2488 Brookshire Dr. She was here to speak against the subdivision at 929 Pearse Road. She  
47 doesn't think new homes are a good idea in this area, and she also wanted to talk about the impact that one  
48 new home had on her home. She had fast moving rivers on her property and large standing water that never  
49 occurred prior to the new home construction. She said the plans that allowed the home to be backfilled with  
50 sand was determinetal to the surrounding homes. She stated Brookshire Dr would sometimes be underwater.  
51 She stated it was a difficult time for her family and she doesn't want to go through this again with more new  
52 homes. 943 Pearse road had a water management plan but it was never enforced. Her fear is a new subdivision  
53 would also have a water management plan that would not be enforced.

54 Ms. Rockwell also stated that the tree lines in her rear property were a big draw for her family choosing to  
55 buy this house. She was concerned about the trees and barn being removed from the property, as they currently  
56 give her home and her neighbors home privacy. She stated if the barn was removed she thinks it will force  
57 rodents to find new homes in the surrounding basements and garages. Every single tree was removed at 943  
58 Pearse Road and she is concerned that this developer, who has a reputation of taking down trees where he is  
59 not supposed to, would take down all the trees. She mentioned this home was lived in and fine until it sold a  
60 year ago and has remained vacant since. She stated windows were left open and grass wasn't mowed for  
61 month. She feels under this subdivision proposal a perfectly good home would be taken down and two new  
62 homes would be built in close proximity, and her property simply cannot take the additional water. She asked  
63 the Board to think long and hard about how the decisions affect the character of the neighborhood and how  
64 the oversight of development has effected existing homes.

65 Mr. Ramasubranian asked Ms. Rockwell is she was not able to live in her home for two years. She said no,  
66 she was not able to use her yard, her kids and dogs had to stay on the driveway or in the garage because the  
67 lawn was just too wet. She has to spend 10s of thousands of her own dollars to install a system that allowed  
68 her family to use the yard again.

## 69 V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS

### 70 1. EAF 2025-02: 2 Lot subdivision 929 Pearse Road

71 Ms. Robertson introduced this project, previously reviewed multiple times by the Council, that proposes the  
72 demolition of an existing home to construct two new houses on the lot. The applicant had initially proposed  
73 a "flag lot" or "spaghetti lot" configuration, which is discouraged by the comprehensive plan, but has since  
74 revised to a new plan with two even lots at 95 foot of frontage each.

75  
76 The primary issues and project specifics discussed were:

- 77 • Non-conforming Frontage: The subdivision would result in each new house having only 95 feet of  
78 frontage, falling 5 feet short of the required 100 feet in the area. This necessitates an area variance  
79 from the Zoning Board of Appeals (ZBA).
- 80 • Previous Findings on Frontage: Laura Robertson presented findings from a rough comparison of  
81 frontages along Pierce Road, showing that this was a small parcel for this type of area variance  
82 request.
- 83 • Water Drainage Issues: This was a major concern. Residents reported existing issues with water  
84 flowing from higher elevations, particularly from 943 Pierce Road, towards lower-lying properties  
85 like Ms. Cashmere's house. Fill brought in for previous construction at 943 Pierce Road reportedly  
86 altered original contour lines, and they are requesting the applicant's engineer to update contour  
87 lines to accurately reflect current water flow. A storm water analysis has not yet been provided.
- 88 • Historic Value of Existing Structures: The Council raised questions about the historic value of the  
89 existing house and barn slated for demolition. While the house's historical significance was deemed  
90 low after an evaluation process by the Historic Preservation Committee, as is typical for structures

- 91 over 49 years old, its direct adjacency to the Pearse Homestead (potentially the most historic house  
92 on the road) raised further questions about broader historic implications. The developer is  
93 proposing to take down the barn, despite a Planning Board member suggesting it may have historic  
94 value.
- 95 • Precedent and Neighborhood Character: A central concern was the precedent set by allowing the  
96 demolition of an existing home to build two new ones, particularly given the lot's non-conforming  
97 frontage. Council members worried about the impact on the character of the Pearse Road  
98 neighborhood and the potential for a "slippery slope" that could lead to similar "de facto zoning  
99 changes" and increased density in other R1 residential areas across Niskayuna, as there is "nothing  
100 unique" about this property to justify such a request.
  - 101 • Lack of Hardship: The Council perceived no inherent hardship for the applicant, who purchased a  
102 lot with an existing house and now seeks to demolish it to build two new homes. This was  
103 contrasted with requests for fixing or integrating existing houses.
  - 104 • Tree Clearing: While the applicant is not proposing extensive clear-cutting in the back of the  
105 property, the Planning Board is concerned about the removal of a "chunk" of evergreen trees along  
106 the northern property line due to tight building constraints. The difficulty of enforcing tree  
107 preservation promises once machinery is on-site was also noted.
  - 108 • Stormwater Management and ZBA Review: It was clarified that a full engineering study and  
109 stormwater analysis would only be conducted if the ZBA grants the necessary frontage variance.  
110 The applicant's engineer had penciled in a stormwater retention area near the barn, but detailed  
111 plans are contingent on ZBA approval.

#### 112 Recommendations and Motion

113 Given the preliminary sketch plan stage and the outstanding need for a ZBA variance, the CAC opted to  
114 make a SEQR recommendation to the Zoning Board of Appeals (ZBA) rather than the Planning Board at  
115 this time. This recommendation would focus on the impacts of allowing less-than-code-compliant lots and  
116 drainage concerns.  
117

118  
119 The committee proceeded to review the Environmental Assessment Form (EAF) questions to guide their  
120 recommendation:

- 121 1. Material conflict with land use plan/zoning: YES (Moderate to Large Potential). The proposal could  
122 create a "de facto zoning change" for the area and town, setting a precedent.
- 123 2. Change in use or intensity of land: YES (Moderate to Large Potential). Two houses instead of one  
124 clearly increases density, with the potential to create more density in the future.
- 125 3. Impair character/quality of existing community: YES (Moderate to Large Potential). Concerns  
126 about setting a precedent for demolishing existing homes to build more, impacting the character of  
127 Pierce Road and potentially the entire town.
- 128 4. Impact on critical environmental area: NO.
- 129 5. Adverse change in traffic/infrastructure: NO (Minimal). Complete Streets is requesting a sidewalk,  
130 which is seen as positive.
- 131 6. Increase in energy use/failure to incorporate conservation: YES (Moderate Potential). Demolishing  
132 existing homes and building new ones is energy-intensive and contributes to landfill waste,  
133 suggesting a lack of energy conservation.
- 134 7. Impact on water supplies/wastewater utilities: NO (Minimal). Water and sewer are believed to be in  
135 front of the house.
- 136 8. Impair historic/archaeological/architectural/aesthetic resources: UNKNOWN. While the house  
137 itself may not be historic, its proximity to the Pierce Homestead raises broader questions.
- 138 9. Adverse change to natural resources (wetlands, water, flora, fauna): YES (Small Potential). While  
139 no wetlands are currently identified as being impacted, and extensive clear-cutting is not proposed,  
140 the potential for tree clearing exists, and the council expressed a desire to "assume the worst"  
141 regarding potential clear-cutting given past challenges with enforcement.
- 142 10. Increase potential for erosion, flooding, or drainage problems: YES (Moderate Potential). The area

143 has existing drainage issues, and any development could exacerbate them, especially without a full  
144 stormwater analysis.

145 11. Create hazard to environmental resources or human health: NO (Mild). Not a major concern.  
146

#### 147 Final Motion

148 Based on the significant number of "yes" answers and the identified potential for moderate to large adverse  
149 impacts, the committee concluded that a positive declaration was warranted.

150 Motion: To give this project a positive declaration from the Conservation Advisory Council. Second: The  
151 motion was seconded, emphasizing the precedent-setting nature of the project for future subdivisions and its  
152 potential to change the character of not only the Pierce Road area but other parts of the town as well due to  
153 the applicant's desire to demolish an existing building for two new houses without unique justification.

154 Vote: The motion carried unanimously.  
155

156 The ZBA is expected to meet in April (earliest) to consider the appeal for the frontage variance, with the  
157 Planning Board acting on the sketch plan on Monday.  
158

#### 159 2. EAF 2025-03: 2-Lot subdivision 2727 Balltown Road

160 The Conservation Advisory Council (CAC) continued its review of EAF 20253, a two-lot subdivision at 2727  
161 Balltown Road, a project previously seen by the Council and already granted sketch plan approval by the  
162 Planning Board. While this particular subdivision doesn't require Zoning Board of Appeals (ZBA) action, it  
163 does need a SEQR (State Environmental Quality Review) determination before a public hearing can proceed.  
164 The proposal involves subdividing an existing lot to create two new parcels, one with an 80-foot frontage  
165 meeting zoning requirements and another with a significantly larger 168-foot frontage. Although the new  
166 houses are designed to fit within the building envelope, the Council noted a general dislike for triangular lots,  
167 which might be part of the configuration, and recalled previous concerns about the number of curb cuts on  
168 busy Balltown Road.

169 A major focus of the discussion revolved around wetlands and drainage issues. While the applicant  
170 proactively applied a 100-foot buffer to a delineated wetland, a note in the National Wetlands Inventory  
171 deemed it "not regulatory." However, Laura Robertson, referencing the New York State DEC wetland  
172 mapper, disagreed with this classification, noting that it showed a "purple wetland" which could be regulatory.  
173 Despite this, she acknowledged that the 100-foot buffer met the requirements for a regulatory wetland and  
174 that the new home would not significantly impact it. The Council also highlighted the area's existing wet  
175 conditions, describing it as having "poor soils," and noted concerns about water shedding from the proposed  
176 new house, potentially creating an 8-foot drop towards the existing home's property line. This raised questions  
177 about stormwater management, with the consensus that a full engineering study and stormwater analysis  
178 would be crucial, but are typically not provided until later in the review process.

179 Concerns also emerged regarding the elevation and grading of the proposed new house. Learning from past  
180 experiences on Pearse Road where new homes were built much taller than existing ones, the Council  
181 emphasized the importance of keeping the new house within 1-2 feet of the existing home's elevation to  
182 maintain neighborhood character. The proposed finished floor elevation (366 ft, or 368 ft for the garage) was  
183 still deemed too high by the Planning Board's preferred standard (within 2 feet of the 364 ft road elevation).  
184 The applicant's engineer's preference to avoid building below road grade and the potential for adding fill to  
185 create walk-out basements were also discussed as problematic. Additionally, the Council asked for more trees  
186 to be planted on the lot and a sidewalk easement along Balltown Road. Ultimately, due to the need for more  
187 detailed engineering and stormwater analysis, the CAC decided to defer making a SEQR determination for  
188 this project, opting to revisit it in April with more comprehensive information from the applicant.

## 189 VI. DISCUSSION ITEMS

### 190 1. Planning Project Reports

- 191 • GE Vernova Patio Upgrades River Rd and Balltown Rd

192 Ms. Robertson reported that GE Vernova is planning upgrades to their building, which include connecting a  
193 new greenhouse gas capturing facility to their office building and adding an outdoor gathering area (described  
194 as an "outside office patio"). The Council had previously reviewed the greenhouse gas capturing project. It's  
195 noted that the CAC will be informed if this new patio project requires a SEQR review in an upcoming meeting.

- 196 • EAF 2025-01 Niskayuna Harbor PUD application – April

197 Ms. Robertson stated that the Niskayuna Harbor PUD application is anticipated to be submitted in April. The  
198 Town Board has already approved the submission of their application.

- 199 • 2339 Troy Schenectady Road (EAF 2024-04)

200 Ms. Robertson said that the preliminary site plan for Hari's Mobil business at 2339 Troy Schenectady Road  
201 was discussed. It has not changed or been resubmitted to the planning board since the CAC last reviewed it.  
202 However, it's considered possible that this project will go before the Zoning Board of Appeals (ZBA) in April  
203 for an area variance or use variance situation, which would likely lead to a recommendation from the CAC  
204 to the ZBA.

205

## 206 **VII. CLIMATE SMART COMMUNITIES TASK FORCE**

### 207 **Awarded Contracts**

#### 208 1. GHG Emissions Inventories and Government Climate Action Plan

209 Laura Robertson mentioned that she has an email from Jim Yienger regarding the Greenhouse Gas Emissions  
210 Inventory. A new employee is reportedly dedicating time to this initiative, and Laura plans to reach out to  
211 Jim to get their contact information, indicating the project is progressing, albeit slowly.

212

#### 213 2. Natural Resource Inventory

214 The Natural Resource Inventory (NRI) report was reviewed and deemed "very good." Laura Robertson is  
215 actively working on creating a summary and recommendations for the Town Board, aiming for a "nice  
216 presentation" and a "little pamphlet type thing." The goal is for one or two members of the CAC to address  
217 the Town Board directly to present the findings and recommendations. There's a push to get this on the Town  
218 Board's calendar for April or May. The initial phase of collecting data for the NRI is complete, and the funding  
219 for this phase has concluded.

220

221 Mr. Ramasubramanian stated that the immediate task for the committee is to synthesize the NRI's findings  
222 into a concise, prioritized list of top recommendations for the Town Board, ideally presented as a one-page  
223 "top 10 hits" document. This focused summary is crucial to motivate the Town Board towards action and  
224 ensure that the valuable data collected translates into tangible environmental initiatives. Mr.  
225 Ramasubramanian committed to leading the initial drafting of this prioritized list, which will then be  
226 circulated among the committee for final review and input via email. The Council also acknowledged the  
227 need to prepare for future NRI grant funding by proactively engaging private property owners to secure pre-  
228 approvals, as grant application windows are typically very short, making last-minute outreach challenging.  
229 Ms. Wang further suggested gathering post-walk feedback from nature walk participants, even without  
230 immediate funding, to reinforce the NRI's value and inform future outreach, particularly for underrepresented  
231 communities. Informal conversations with residents confirm a high interest in parks and green spaces,  
232 underscoring the importance of making existing, often unknown, natural areas like Brendan Lane and Avon  
233 Crest more accessible, with a Girl Scout troop potentially assisting in designing and building stairs for the  
234 Fieldstone Estates Trails, aligning with their public outreach Silver Award requirement.

235

### 236 **Ongoing Initiatives**

#### 237 3. Land Preservation Tools

238 Chairman Strayer mentioned that he has not yet completed the work on the land preservation tools initiative.  
239 He expressed that he has been focusing on other tasks but will try and get back to this soon..

240 4. Pesticide Outreach:

241 Ms. Daviero report the Schenectady County Environmental Advisory Council (SCEAC) has recently adopted  
242 a binding resolution to eliminate pesticide use on County properties, which will go into effect this season. As  
243 a result, the County did not renew its contract with True Green. The SCEAC has also been tasked with  
244 developing signage for County-owned parks and other properties. These signs are designed to be educational,  
245 informing the public that the County is no longer using pesticides and that the presence of weeds is a conscious  
246 decision to protect human and pet health. These signs, similar in size and composition to standard political  
247 lawn signs, include QR codes and URLs linking to the SCEAC website for more information. This resolution  
248 broadly covers both pesticides and herbicides, with specific, well-deserved exceptions for dangerous  
249 situations like wasp nests or particularly problematic invasive species, but generally prohibits their use for  
250 ornamental purposes. This initiative also ties into the GE Vernova project, where discussions have taken place  
251 with a GE Vernova contact responsible for grounds and buildings, focusing on native plantings and  
252 landscaping for a proposed patio. It was suggested that another meeting be scheduled with GE Vernova to  
253 further connect on CAC initiatives, given the current energy and activity at their facilities.

254 3. Low Mow / Biodiversity Initiatives

255 Regarding low-mow initiatives and biodiversity, there was a discussion about existing signage and the  
256 nuanced understanding of "No-Mow May." While the County has educational signs about their pesticide-free  
257 decision, the Town also has its own low-mow signs for designated Town-maintained areas. However, there  
258 are currently no specific signs for residents to put in their own yards to indicate low-mow practices, although  
259 Saratoga County does have such signage. A key point of discussion revolved around the scientific basis of  
260 "No-Mow May." It was explained that letting grass grow very tall in May and then mowing it down can be  
261 counterproductive for insects, as they might establish homes only to have them destroyed. The  
262 recommendation is either to maintain a lawn at a consistent, slightly taller height (e.g., six to seven inches)  
263 or, if going for a more natural approach, to mow only twice a year—before insect activity and after. The  
264 Town generally permits lawns up to ten inches before issuing citations, and designated low-mow areas within  
265 an otherwise manicured lawn are usually acceptable, unlike unrestrained growth across an entire parcel. The  
266 consensus was that while "No-Mow May" is often intended to support pollinators, its unintended consequence  
267 can be negative, and the best way to help bees is to plant a garden for them. There was a suggestion to clarify  
268 the rationale behind these practices to the public.

269 6. Quiet Niskayuna – no updates.

270 7. Composting Initiative – no updates.

271 8. Wildlife Corridors – no updates.

272 9. Sustainability Checklist – no updates.

273 *Planning Department Training update:* Niskayuna Planner Mr. Clark Henry shared insights from a planning  
274 and zoning conference held in Saratoga, which was attended by 730 people, including three other members  
275 of the planning board. He highlighted four key presentations he attended:

276 Changes to the Regulations of State Wetlands: New state wetland regulations, effective January 1, 2025, are  
277 a significant change. A crucial point for Niskayuna is that wetlands meeting any of 11 new criteria are  
278 considered "of unusual importance," triggering a 100-foot buffer. Given that the U.S. Census Bureau  
279 classifies all of Niskayuna as an "urban area," essentially every wetland in the town will likely require this  
280 100-foot buffer. This change is expected to impact ongoing projects like Niskayuna Harbor. While there are

281 provisions for "transitional projects," working with a biologist is highly recommended for wetland  
282 classification.

283 How to Say No: Practical Strategies for Disapproval: This session focused on effectively scrutinizing and  
284 vetting projects, rather than simply denying them. Drawing on 30 years of experience, the presenters observed  
285 that about 50% of projects are approved without changes, 40% are modified and then approved, and while  
286 10% should be denied, less than 2% actually are. This discrepancy is attributed to a natural human "yes bias."  
287 Key takeaways included the importance of doing homework, conducting site visits, addressing major issues  
288 early, asking for alternative designs, and fostering healthy debate to thoroughly examine projects.

289 Recordkeeping, Minute Taking, and Public Meeting Laws: This presentation covered the fundamental aspects  
290 of minute-taking and record-keeping, emphasizing the use of checklists and templates to ensure a consistent  
291 process.

292 Striking the Balance of Parking and Trees: Is Your Local Code Working With You or Against You? This  
293 discussion explored strategies to optimize parking space and integrate more green infrastructure, particularly  
294 in shopping centers that often have excessive parking. The concept of "developing gray fields" was  
295 introduced, showcasing examples like Wilton Mall where underutilized parking areas were redeveloped for  
296 commercial space, which also improved pedestrian pathways. The speakers also touched on the importance  
297 of aligning local codes with development projects to facilitate beneficial infill development.

298 Mr. Piotrowski thanked Mr. Henry for the presentation.

#### 299 **VIII. ADJOURNMENT**

300 Chairman Strayer made a motion to adjourn the meeting. Ms. Wang seconded. All were in favor. The meeting  
301 adjourned at 9:03 pm.

**TOWN OF NISKAYUNA  
CONSERVATION ADVISORY COUNCIL**

Meeting Minutes

May 7, 2025

Hybrid In Person Town Board Room and Google Meet

6	Members Present:	Chairman Strayer
7		Ashok Ramasubramanian
8		Jue Wang
9		Ellen Daviero (virtual)
10		Chelsea Rattner (virtual)
11		Daniel MacPherson
12	Also Present:	Laura Robertson, Planner
13		Clark Henry, Planner

**I. CALL TO ORDER**

Chairman Strayer called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Chuck Piotrowski and Georgia Murray-Bonton were absent/excused.

**III. APPROVAL OF MINUTES**

- 1. April 2, 2025

Chairman Strayer asked if there were any comments on the minutes. Hearing none, Mr. Ramasubramanian motioned to adopt the minutes, seconded by Ms. Wang. All were in favor and the minutes were adopted.

**IV. PRIVILEGE OF THE FLOOR.**

Karyn Berry, 2336 Cayuga Road, spoke to the Committee about her concerns with the business expansion proposal at 2339 Troy Schenectady Road (Hari's). She talked about the many benefits that trees have to a neighborhood, environmental and health benefits, and then detailed the impact that the removal of numerous large trees which served as a buffer for the residential neighborhood, has had on her property. Ms. Berry stated that the removal of trees has led to increased light pollution from the business shining into residential homes, impacting quality of life and even making outdoor activities like movie night in her backyard very difficult. Noise from the business was also mentioned.

Ms. Berry brought up the unsightly views and construction equipment that have sat on the property for several years. She stated the recent erection of a large concrete wall has further detracted from the neighborhood's aesthetics. Residents expressed frustration with a lack of communication from the business owner regarding tree removal and a belief that more trees were marked for removal after public opposition to a business expansion, in direct retaliation of their comments requesting the tree remain. She feels there has been a significant impact to her neighborhood and the loss of tree lines and the increase in fencing were noted as changes to the historic character of the neighborhood, which previously relied on natural buffers.

Mr. Ramasubramanian asked how many trees have been removed from the property over the last several years. Ms. Berry said he husband has pictures and evidence to present the Committee and although she doesn't have the exact number, is has been a significant and detrimental number of trees. Mr. Ramasubramanian asked about the size and species of tree removed or marked for removal.

46 Jeremy Berry, 2336 Cayuga Road, stated there is a large white pine, 24-36” in diameter that is marked right  
47 now. There is a black walnut that is a decent size tree. He said the tape marking the trees for apparent removal  
48 showed up following a planning meeting. He and his wife felt it was imperative to show up at the CAC  
49 meeting. He handed out google earth aerial photos that illustrated tree cover over time. One thing he pointed  
50 out was that the presentation would show there was extensive and approved tree removal that adversely  
51 impacted the neighborhood as a result of unapproved activities and development at the site.

52  
53 Mr. Berry asserted that a significant number of large deciduous trees have already been cut down, and a road  
54 was built in front of them to facilitate the installation of a concrete wall. He provided Google Earth images  
55 from 2011, 2019, and 2022 to visually demonstrate the drastic reduction in tree cover. He made the following  
56 4 points:

- 57 1. Discrepancy in Tree Removal: Mr. Berry highlighted a significant contradiction between what was  
58 presented by the applicant's engineer, Mr. Sipperly, and the reality of tree removal. Mr. Sipperly had  
59 stated that only a "few" or "three small" trees would be removed, but Mr. Berry's observations and  
60 photographic evidence from Google Earth (dating back to 2011, 2019, and 2022) showed that a large  
61 number of mature deciduous trees (such as sugar maples and cottonwoods) had been clear-cut from  
62 the property and an adjacent lot also owned by Hari Singh. He also mentioned that more trees were  
63 taped for removal after a public meeting, raising concerns about transparency and unapproved  
64 actions.  
65
- 66 2. Impact of Construction Timeline and Structures: Mr. Berry questioned the prolonged construction  
67 timeline of a new concrete wall on the property, which has been underway for "years rather than  
68 months" with no clear completion date. He emphasized that this wall, along with the extensive tree  
69 removal, has drastically altered the view and negatively impacted the neighborhood. The clear-cutting  
70 in anticipation of the site plan submission was also a major concern.  
71
- 72 3. Light Pollution and Future Development Concerns: Mr. Berry expressed strong agreement with a  
73 Board member's concern about light pollution. He stated that the removal of trees and the construction  
74 of the concrete wall have led to substantial light from the gas station shining directly into residential  
75 homes, especially at night, disrupting the historically dark character of the neighborhood. He also  
76 voiced apprehension about the "future impact" if Mr. Singh decides to develop the currently wooded,  
77 residentially zoned adjacent lot, fearing further adverse effects on neighboring properties.  
78
- 79 4. Inconsistency with Community Plans and Desire for Town Protection: Mr. Berry argued that the  
80 applicant's repeated attempts to expand the business beyond its allowable 10% expansion, dating back  
81 to 2017, are inconsistent with the Town's Comprehensive Plan. He emphasized the community's  
82 desire to limit commercial development on Route 7 and maintain green space in residentially zoned  
83 areas. He implored the Council to consider all facts, including light and noise pollution, unsightly  
84 conditions, and the need for less pavement, and to vote against the project to protect the Town and  
85 its neighborhoods from setting a negative precedent. He suggested the applicant consider developing  
86 a second location with ample parking in a commercially zoned area like Mohawk Commons as a  
87 better alternative.

## 88 **V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS**

### 89 1. EAF 2025-04 2690 Balltown Road – GE Vernova Site Improvements

90 Matthew Savoie, E Vernova's Facilities Operations Leader, presented an update on the proposed site  
91 improvements at their Niskayuna research center which include an entertainment patio and a small security  
92 guard house. Peter Lilholt of CT Male Civil Engineering and Christiana Kastalek from VHB Engineering  
93 were also present to provide technical details and answer questions.

94

95 Mr. Savoie stated that the security guard house, a compact 90-square-foot structure, will be set back  
96 significantly (1,750 feet) from Balltown Road, utilizing an existing utility corridor to minimize disturbance.  
97 The entrance will be widened by approximately 14 feet with tapers to accommodate a raised curved island  
98 for the guard booth. The entertainment patio area, currently a grassy knoll near wetlands, will incorporate a  
99 green roof and substantial plantings. The project is well into the engineering phase, with the aim to begin  
100 construction within four months. Importantly, the overall project design aims to decrease the number of  
101 employees on-site due to the reconfiguration of an office building.

102 The Council heavily focused on GE Vernova's commitment to environmental stewardship and addressing  
103 potential impacts. They discussed:

- 104 1. Tree Preservation and Planting: Only six trees are slated for removal for the patio, and the guard  
105 house area requires no tree removal. The plan includes over 50 new plantings, including wildflower  
106 mixes and native species like milkweed and dogwood, consistent with previous DAC building  
107 plantings. The Tree Council will review these plans.  
108
- 109 2. Wetlands Protection: While the project's wetlands are not currently deemed regulatory, a 100-foot  
110 buffer has been proactively applied. GE Vernova is seeking a jurisdiction determination from the  
111 New York State DEC regarding the wetlands' status, acknowledging that new state regulations  
112 categorize most Niskayuna wetlands as requiring a 100-foot buffer. They will comply with state  
113 regulations if the wetlands are determined to be jurisdictional.  
114
- 115 3. Pesticide-Free Approach: GE Vernova confirmed their commitment to a pesticide-free approach for  
116 the landscaping and trees within the proposed project area. They also expressed willingness to  
117 consider adopting the Town of Niskayuna's broader pesticide-free pledge for the entire campus, with  
118 internal discussions planned.  
119
- 120 4. Lighting: The project incorporates LED and directional lighting at low, ballot-eye height for safety,  
121 with the ability to adjust light levels. The intent is to minimize light pollution and ensure the lighting  
122 matches the aesthetic of the property.  
123
- 124 5. Solar Panels: The guard house is designed for future solar panel integration; however, it's not part of  
125 the initial construction due to the small structure's limited utility needs and the cost-effectiveness of  
126 traditional power for such a small footprint, especially given the flexibility to relocate the  
127 prefabricated guard house in the future.  
128
- 129 6. Biodiversity and Habitat Management: The GE Vernova site already features well-maintained fields  
130 with bird boxes and other habitat management efforts by former employees. The council encouraged  
131 adding more biodiversity to the wetlands through volunteer plantings and monitoring the fields to  
132 prevent them from becoming early successional forests over time. Minor amounts of invasive species  
133 like fragmities were noted at the wetland's edge, which could potentially be hand-pulled.  
134
- 135 7. Sustainability Reporting: A Council member praised GE Vernova's commitment to sustainability and  
136 requested that the Niskayuna site be featured in a future corporate Environmental, Social, and  
137 Governance (ESG) report, recognizing the genuine positive efforts being made locally.

138 When discussing transportation and access, the GE Vernova team clarified that while the property currently  
139 has no perimeter fencing, the proposed guard house is a security enhancement. Therefore, connecting to the  
140 town's bike path is not currently feasible or desired for public access, although bike racks and shower rooms  
141 are available for employees internally. The site's significant slopes also act as a natural barrier.

142 Overall, the Council viewed the GE Vernova project favorably. Due to the comprehensive nature of the plans,  
143 the applicant's responsiveness to concerns, and the proactive measures taken regarding environmental  
144 impacts, the Conservation Advisory Council voted unanimously to issue a negative declaration for the GE

145 Vernova site improvements, indicating no significant adverse environmental impacts.

146 2. EAF 2025-05 3900 State St, Kia Matthews, Building Addition, Parking lot expansion

147 The Conservation Advisory Council initiated discussion on the Kia Matthews building addition and parking  
148 lot expansion project, noting that the applicant was not present for this preliminary review. Laura Robertson  
149 provided an overview, highlighting that this is a modified proposal from a previous plan which the CAC  
150 had given a positive declaration (indicating potential significant adverse environmental impacts). The  
151 current application includes both modifications to the building and a lot line adjustment, which requires a  
152 separate motion.

153 The core of the new proposal revolves around upgrading the existing auto dealership (formerly Fusillo) to  
154 meet Kia's current requirements. Key changes include:

- 155 • **Service Bay Extension:** The dealership proposes to expand its service bays to 17, approaching  
156 Kia's preferred 20 bays.
- 157 • **Enclosed Service Reception:** An enclosed service reception area will be added for customer  
158 convenience.
- 159 • **Building Facade Upgrade:** A "significant upgrade" to the front of the building is planned,  
160 featuring increased height and more glass, in line with Kia's contemporary design standards.
- 161 • **Parking Lot Expansion:** A parking lot expansion is still part of the plan, though it is "similar but  
162 not the same" as the previous, larger proposal.

163 A critical modification from the original proposal is the retention of the single-family home at 33 South  
164 Fagan. The previous plan intended to demolish both 17 and 33 South Fagan, which had raised significant  
165 CAC concerns about commercial intrusion into residential neighborhoods and the loss of affordable  
166 housing. Under the new plan:

- 167 • 17 South Fagan: The single-family home at 17 South Fagan (closest to the dealership) will still be  
168 removed. This property was acquired by Kia due to a pre-existing agreement.
- 169 • 25 South Fagan: This remains a vacant lot.
- 170 • 33 South Fagan: The home at 33 South Fagan will be preserved, requiring a lot line adjustment to  
171 bring the parking lot boundary closer to the existing lot line. This adjustment would make the 33  
172 South Fagan lot only 50 feet wide, requiring a variance from the Zoning Board of Appeals (ZBA).

173 The project plans include:

- 174 • **Stormwater Management:** Two stormwater areas are proposed, one adjacent to the preserved  
175 single-family home and a long, linear one.
- 176 • **Vehicle Delivery Area:** A dedicated access drive and vehicle delivery area is planned to allow 18-  
177 wheelers to offload vehicles on-site, rather than on Route 5 or side streets, which has historically  
178 bothered neighbors and created safety concerns.
- 179 • **Sidewalk and Landscaping:** A new sidewalk is proposed along South Fagan, which the Complete  
180 Streets committee supports due to the presence of a bus stop and affordable housing in the area.  
181 Street trees are planned along the sidewalk for shade and traffic calming, and additional  
182 landscaping is intended across South Fagan to improve the aesthetics of the entrance.
- 183 • **Existing Trees:** While new trees will be planted around the parking lot, concerns were raised about  
184 the fate of existing mature trees, including a large 40-inch spruce and a 24-inch maple on the 17 and  
185 25 South Fagan lots. The Tree Council has specifically requested to keep the large spruce. The  
186 applicant is reportedly consulting with a certified arborist (not affiliated with a tree removal  
187 company) to assess the spruce. The proposed fencing for the 33 South Fagan home appears to go  
188 along the property line between the parking lot and the house.

189 Ms. Robertson outlined the project's complex approval process, which includes: a special use permit (for the  
190 parking lot on commercially zoned land), site plan approval, the merging of all lots into a single parcel, and  
191 the lot line adjustment requiring a ZBA variance.

192 Council members reiterated past concerns and raised new ones:

- 193 • **Commercial Intrusion:** The underlying concern about commercial expansion into residential areas  
194 remains, particularly with the removal of one house and the significant increase in impervious  
195 surfaces.
- 196 • **Lighting and Noise:** Residents have historically complained about Kia's lighting and delivery  
197 noise. The council stressed the need for low-lighting strategies and buffering.
- 198 • **Impact on Trees:** The loss of significant existing trees, particularly the 40-inch spruce, was a  
199 concern, with a request for the number of trees to be cut versus planted.
- 200 • **Glass Facade:** Concerns about the increased glass on the building's front included bird safety and  
201 potential heat gain, with a call for bird-safe glass and energy efficiency.
- 202 • **Parking Adequacy:** The Council questioned whether the proposed parking expansion would  
203 genuinely meet Kia's inventory needs, given that a larger lot was previously deemed inadequate and  
204 that the dealership still relies on an off-site rented lot.
- 205 • **Precedent of Lot Size Reduction:** A significant concern was voiced about the precedent set by  
206 granting a variance for the 50-foot wide lot at 33 South Fagan, seeing it as a "self-imposed  
207 hardship" for economic benefit that could encourage similar requests elsewhere.
- 208 • **Procedural Order:** Confusion arose regarding the timing of public hearings and ZBA decisions,  
209 with concerns that the Planning Board's public hearing on the overall project might put undue  
210 pressure on the ZBA's independent decision regarding the lot line adjustment variance.

211 The CAC decided to defer making a recommendation on this project at this meeting, preferring to receive a  
212 formal presentation from the applicant and gain more information. They emphasized the need for the  
213 applicant to address the "hard questions" and concerns outlined by the council members.

### 214 3. EAF 2025-06 25 & 33 S Fagan Ave, Lot Line Adjustment, Area Variance request

215 The Conservation Advisory Council (CAC) engaged in a detailed discussion regarding the proposed lot line  
216 adjustment for the Kia Matthews building addition and parking lot expansion project. This specific aspect of  
217 the project centered on the fate of the single-family home at 33 South Fagan, which the applicant proposes  
218 to retain.

219 The applicant's revised plan seeks to keep the existing home at 33 South Fagan, which was previously  
220 slated for demolition. To achieve this, a lot line adjustment is proposed, which would reduce the lot width  
221 for 33 South Fagan to 50 feet, falling short of the required 80 feet for that area. This necessitates a variance  
222 from the Zoning Board of Appeals (ZBA). The adjustment would effectively make the adjacent vacant lot  
223 (25 South Fagan) larger while shrinking the residential parcel.

224 A key concern raised by Council members was the precedent set by reducing the lot size for 33 South  
225 Fagan. It was argued that this represents a "self-imposed hardship" by the applicant, as the primary  
226 motivation for the variance is to gain an economic benefit by creating approximately 15 more parking  
227 spaces for their sales inventory. This directly links the lot line adjustment to the overall parking needs of the  
228 dealership. The council questioned whether granting such a variance, driven by the applicant's business  
229 needs rather than an inherent property hardship, would open the door for similar requests across the town,  
230 potentially eroding zoning standards.

231

232 The proposed lot line adjustment also has significant implications for existing trees, particularly a large 40-  
233 foot spruce tree located at the corner of the existing 33 South Fagan property, which currently serves as a  
234 buffer. If the lot size is reduced along the proposed line, this significant tree would be in the way of the  
235 expanded parking area. While the Planning Board had previously asked the applicant to explore ways to  
236 preserve this tree, its fate remains uncertain. The applicant's drawings also indicate proposed fencing  
237 (potentially a six-foot high stockade fence) between the parking lot and the 33 South Fagan house, but there  
238 appeared to be a misaligned or typographical error in the drawing's depiction of this fence line.

239 A significant portion of the discussion revolved around the intertwined nature of the lot line adjustment  
240 (ZBA jurisdiction) and the special use permit/site plan application (Planning Board jurisdiction). The  
241 process was described as a "chicken and egg" situation or "circular logic" by Council members, leading to  
242 procedural concerns:

## 243 VI. DISCUSSION ITEMS

244 1. Planning Project Reports – There were no additional items under reports tonight.

245

## 246 VII. CLIMATE SMART COMMUNITIES TASK FORCE

### 247 Awarded Contracts

248 1. GHG Emissions Inventories and Government Climate Action Plan

249 No new updates were provided on the Greenhouse Gas (GHG) Emissions Inventories or the Government  
250 Climate Action Plan for this meeting. A recurring question about obtaining cost savings data for "no-mow"  
251 practices was reiterated, with the relevant individual having not yet provided the data despite previous  
252 requests.

253

254 2. Natural Resource Inventory

255 A recommendation for the Natural Resource Inventory (NRI) was submitted to the Town Board on the  
256 previous Friday for adoption. The main task for this committee is to summarize the top recommendations  
257 from the NRI into a concise, one-page document for the Town Board, with the goal of encouraging their  
258 implementation. Mr. Ramasubramanian stepped up to lead the initial compilation of this list, which will then  
259 be circulated to the committee for feedback and finalization via email. Mr. MacPherson said he would also  
260 help.

261

### 262 Ongoing Initiatives

263 3. Land Preservation Tools – no update.

264 4. Pesticide Outreach – Ms. Daviero reported that the Conservation Advisory Council's presence at  
265 Arbor Day led to the sale of several pesticide-free signs. She believes many more residents practice  
266 pesticide-free methods than have purchased signs, and she will continue outreach efforts at upcoming  
267 farmers markets this summer.

268 5. Low Mow/Biodiversity Initiatives - This initiative was discussed in conjunction with pesticide  
269 outreach.

270 6. Quiet Niskayuna - Updates on the Quiet Niskayuna initiative, which involves the town's purchase of  
271 battery-powered landscaping equipment, were provided. While 80% of the equipment has been  
272 delivered, a pole is still missing. The Highway Department has noted that the current batteries don't  
273 last long, and they are in the process of ordering larger, more powerful batteries. The long-term  
274 environmental balance of battery production versus gasoline use was briefly acknowledged, with the  
275 general understanding that electric options are still preferred. The committee also put out a call for a  
276 volunteer to research and draft language for a town ordinance to regulate the use of large blowers,  
277 drawing inspiration from ordinances in other New York municipalities, particularly in Long Island  
278 and Westchester.

279 7. Composting Initiative – Ellen Daviero provided positive updates on the composting initiative. The  
280 composting site near the senior center has been reopened after freezing, and Ellen will help monitor

- 281           it. She is also actively pursuing a contact to establish a composting drop-off location at the  
282           Schenectady farmers markets.  
283           8. Wildlife Corridors – No update was provided.  
284           9. Sustainability Checklist -No Update – the intern could work on this in the summer.

285           **VIII. ADJOURNMENT**

286           Ms. Wang made a motion to adjourn. Chairman Strayer seconded the motion. All were in favor. The meeting  
287           adjourned at 9:01 pm.

DRAFT



# TOWN OF NISKAYUNA

## CONSERVATION ADVISORY COUNCIL

### AGENDA STATEMENT

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AGENDA ITEM NO. V. 1

MEETING DATE: 6/4/2025

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**ITEM TITLE:** EAF 2025-05: 3900 State St. - Kia Automotive – A site plan application requiring a special use permit for building expansion for additional service bays, new signage, merging with 25 & 17 S. Fagan Ave and expansion of the parking lot.

**PROJECT LEAD:** Mr. LaFlamme

**APPLICANT:** Rob Matthews, owner

**SUBMITTED BY:** Laura Robertson

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**REVIEWED BY:**

Planning Board (PB)  Zoning Board of Appeals (ZBA)  Town Board  
 OTHER:

**ATTACHMENTS:**

Resolution  Site Plan  Map  Report  Other: Special Use Permit

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**SUMMARY STATEMENT:**

Vincent Salvangi, agent for the property owner, submitted an application for site plan approval requiring a special use permit for building expansion for additional service bays, new signage, merging the existing lot with 25 & 17 S. Fagan Ave and expansion of the parking lot.

The property is located within the C-H Commercial Highway zoning district. Automobile sales and service establishments are special principal uses in the C-H district. This is the initial appearance of this application before the Planning Board.

**PREVIOUS REQUEST:** An application to remove two existing single-family homes and expand the parking area of 3900 State St onto 17, 25 & 33 S. Fagan Ave was reviewed by the Planning Board in 2023. A big sticking point for the Board was removing both single-family homes and expanding the parking lot so far into a residential area. On 3/27/23, the Planning Board voted against the recommendation to the Town Board on granting a special use permit, via Resolution 2023-13. The Agenda Statement, site plan, Resolution 2023-13 with findings (not approved) for that project from the 3/27/23 Planning Board meeting are included in the meeting packet for general reference. The CAC also made a recommendation to the Town Board for a positive declaration. Upon reviewing the concerns of both Boards, the applicant withdrew the 2023 application.

A public hearing was held at the 5/19/25 PB meeting. A resident of S. Fagan Ave. chose to speak at the hearing and present her concerns about the proposed project. They are included in this agenda statement and were discussed in detail by the board and the applicant. The PB suggested a site plan modification at the 5/19/25 meeting to move more parking spaces toward State St. and add more landscape buffering near 33 S. Fagan Ave. The modifications were echoed by the Niskayuna Architectural Review Board at their 5/21/25 meeting. The Niskayuna Historical

Preservation Commission (HPC) concluded their review of the property and determined the house at 17 S. Fagan Ave. is not historic in nature. The next key step for the project is the ZBA's 7/16/25 decision on the potential variance for 33 S. Fagan Ave.

## **COMPREHENSIVE PLAN**

Page 17 of the 2013 Comprehensive Development Plan describes the Stanford Heights neighborhood as being bounded on one side by the City of Schenectady and by the Town of Colonie on another and as being well known for its commercial areas: Mohawk Commons, Mansions Square and other commercial establishments on State Street. It also has a well-established residential neighborhood centered on the Niskayuna portion of Albany Street and the residential Central/Taurus/Jewett Road area.

## **BACKGROUND INFORMATION**

The following drawings were included with the site plan and special use permit applications.

- A 3-page site plan drawing by CHA including the following sheets.
  - Sheet 1 – Existing Conditions Plan dated 2/9/24
  - Sheet 2 – Overall Site Plan dated 2/9/24
  - Sheet 3 – An annotated aerial image of the site dated 2/9/24
- A 1-page floorplan entitled “Renovation and Addition Matthews Kia 3900 State St. First Floor Plan” by Joseph M. Davidson Architect dated 3/31/25.
- A photo rendering of the proposed exterior of the revised building.
- A photo rendering of the proposed interior of the revised building.

To best explain the proposed actions the projects and their corresponding sub-projects will be addressed individually.

### **Site Plan Application**

#### **1. Building expansion**

The application proposes the following alterations to the existing building.

- 3,645+/- SF Service Bay expansion to the southern and eastern facing sides of the bldg.
- 1,815+/- SF Service Reception expansion to the eastern side of the building
- Addition of a 5' wide concrete sidewalk and curb wrapping around the northeastern and northwestern end of the building
- Two (2) handicap accessible parking spaces at the northwestern side of the building

#### **2. New Signage**

The application proposes the following new signs.

- A proposed 80 SF pedestal sign (details to follow)

#### **3. Site improvements**

The application proposes the following general site improvements to the property.

- Numerous proposed street trees and landscape screening & stockade fencing

- A 5' wide concrete sidewalk from the intersection of Fagan Ave. and State St. to the southern side property line of 33 S. Fagan Ave.
- A proposed parking area expansion including an access drive and vehicle delivery area accessible from S. Fagan Ave.

#### 4. Merging 25 & 17 S. Fagan with 3900 State St.

The application proposes to combine 25 S. Fagan Ave, 17 S. Fagan Ave and 3900 State St into one lot identified as 3900 State St. This would be after the proposed lot line adjustment to save the second house (33 S Fagan Ave)

### **Special Use Permit**

The application proposes to utilize the lands currently identified as 25 S. Fagan Ave and 17 S. Fagan Ave for Automotive Sales and Service. The proposed use is allowable in the C-H district upon the approval of a Special Use Permit by the Town Board.

### **Planning Office Comments**

As noted in the Summary Statement of this Agenda Statement, a similar project was proposed in 2023 to expand the existing parking lot of 3900 State St. onto the neighboring lots of 17, 25 and 33 S. Fagan Ave. The Board received a fair amount of public comment and the applicant and the Planning Board refined the design via a number of iterations, but continuing concerns with the project resulted in the Planning Board's denial of Resolution 2023-13 and its findings (the denied resolution and minutes for the meeting are attached). In 2023 the Planning Board would not recommend the Town Board grant the special use permit. At the time the CAC also reviewed the environmental impacts of the project and recommended that the Town Board issue a positive declaration to look more closely at the environmental impacts of the proposed project (the CAC findings are attached). The applicant withdrew the plan a few months after the Planning Board recommendation to deny and the CAC review.

The applicant has taken the time to try and address some of the concerns that precipitated the lack of support for the project at the Planning Board and CAC level. One of the major concerns was the removal of the second home much farther down the street, 33 S Fagan. Through the lot line adjustment, the applicant is now proposing to keep this home intact and has reduced the size of the parking lot expansion. It is important for the Board's to review the original proposal and go point by point to ensure the former issues and concerns have been addressed.

Please read the attached 2023 agenda statement for the most detailed explanation of the issues, but some of the highlights from the previous discussions are:

- Demolition of single-family homes. The Planning Board was concerned about removing existing single-family homes and allowing a commercial parking lot to abut many more existing single-family homes. Impact to the neighborhood, especially with the second home removal, was a huge area of concern. Several requests were made for alternatives that kept the second home intact.

- Lighting: Some additional information about the lighting and signs was requested. The neighbor across the street at S Fagan Ave was concerned about lighting, so the Board's goal was minimal lighting that was security and safety based.
- Landscaping: The Planning Board was going to continue to work with the Tree Council on landscaping and buffering. They felt it was especially important to existing single family homes that were adjacent or across the street on S Fagan and S Amherst Ave. The applicant had agreed to try and save a large spruce tree along S Fagan that had been shown to be a landing area for bald eagles and other birds of prey. A bald eagle was also observed overhead on a site walk.
- Utilities: At the time snow removal areas were delineated and no significant changes to sanitary water, water supply, fire protection or solid waste disposal were proposed. Stormwater needed to be examined more closely during final site plan review.
- The Planning Board wanted to require a strong visual barrier to homes on S. Amherst Ave and S Fagan Ave to protect the residential nature of the neighborhood and to protect adjacent property values. They wanted to ensure there would be no extension of the PA system to the proposed parking lot.
- The Planning Board felt it was important to ensure there is no light pollution from the parking lot onto the adjacent residential homes.
- The Planning Board had discussed issues with vehicle deliveries and trucks stopping on State Street or disrupting the neighbors on side streets – therefore the applicant proposed an internal vehicle delivery area on the site plan.
- The Planning Board was concerned with the aesthetics of the Kia parcel on the other side of S Fagan (4002 State St) and discussed an opportunity to clean up the parking lines on this parcel as well as add landscaping and screening here. Before new parking was created they wanted to ensure the site was maximized. They also discussed ROW plantings along the South side of S Fagan Ave to discourage vehicle idling and turn around on the adjacent private properties.
- Complete Streets: requested a sidewalk along S Fagan Ave to access the bus stop.

4/21/25 Planning Board (PB) meeting – Devin Dickinson of CHA attended the meeting. Immediately prior to explaining this project Mr. Dickenson explained the lot line adjustment project between 33 & 25 S. Fagan Ave. During that explanation he stated the proposed adjustment reduces the size of 33 S. Fagan Ave, however, all resulting lot dimensional requirements remain code compliant with the exception of the lot width. The lot width is proposed to be reduced from the current 100' to 50'. Mr. Dickinson added that although the proposed lot width is 30' less than code, due to the orientation of the existing home on the lot, it will still meet the 15' side setback requirement to the adjusted lot line with 25 S. Fagan Ave. The Planning Board asked why the lot was being moved so much. Mr. Dickinson then explained the correlation between the lot line adjustment and the parking lot expansion project at 3900 State St. The Board asked that an alternate site plan be drafted that showed what an 80' wide 33 S. Fagan Ave lot would look like. They also requested that an alternate site plan for the 3900 State St project be prepared showing the impact an 80' wide 33 S. Fagan Ave lot would have on it.

With that background established, Mr. Dickenson proceeded to explain the proposed project at 3900 in greater detail. Ms. Robertson projected the site plan images for 3900 State St on the screen and Mr. Dickenson explained each feature of the new design. He stressed that the

applicant's team had taken the feedback received from Town residents during the 2023 project and strived to include their suggestions in the new plan. He noted that the Kia corporate management is strongly pressuring them for additional service bays and a covered car drop off and pick up service area. He noted that the building expansion will absorb approximately 12 existing parking spaces, further necessitating the need for an additional parking lot area.

Ms. Robertson recalled the previous plan went to significant lengths to preserve a large existing Norway Spruce tree and stated that she would like to see this plan do the same. Mr. Dickenson replied that he would look into it. The Board inquired if at least a cursory review of a stormwater plan had been initiated. Mr. Dickenson replied that a feasibility study had been performed.

Ms. Robertson informed the Board that the next step for the lot line adjustment is for the board to make a recommendation to the ZBA regarding the variance needed for lot width. Mr. LaFlamme volunteered to be the Planning Board Project Lead for this project and agreed to organize a site walk for board members. The Board concluded the discussion by listing the following action items.

1. Applicant – show the wheel path on the site plan for the vehicle delivery truck
2. Applicant – consider adjusting the plan if necessary to preserve the Norway Spruce tree
3. Applicant – create site plans for the lot line adjustment project and expansion project with an 80' lot at 33 S. Fagan Ave. and determine the impact on parking spaces that has on the proposed project at 3900 State St.

Mr. Dickinson confirmed via. email that he will provide updated site plans for the 5/19/25 PB meeting.

4/28/25 site walk – A walk of the project site was performed on Monday 4/28/25. Mr. LaFlamme, Ms. Bilosky, Ms. Gold and Ms. Robertson attended for Planning along with Mr. Dickenson and Mr. Salvagni for the applicant. On the sidewalk the attendees walked the property lines, observed existing vegetation, visualized the proposed fencing, observed the existing façade and proposed expansion of the building, and looked at the dumpster areas. The existing parking lot was overflowing with cars and there were cars parked on the side street of Amherst Ave. It appeared that the utility poles in front of the two existing single-family homes were not being used and may be able to be removed.

4/28/25 Complete Streets Committee meeting – The committee discussed the project at their 4/28/25 monthly meeting and compiled the following suggestions.

- Reaffirm the recommendation to have the sidewalk extend all the way to the Town line
- Recommend continuation of trees planted between sidewalk and S. Fagan Ave in front of the existing parking lot (trees will be traffic calming in that location).

5/19/25 Planning Board Public Hearing – A public hearing was held at the beginning of the 5/19/25 PB meeting. A resident of 26 S. Fagan Ave. spoke during the hearing and explained her concerns about the project. She stated that she opposes it for the following reasons:

- 3900 State St. & the area in general is currently extremely well lit and she is concerned the expansion project will only make matters worse.
- She stated the project was denied before and she does not see this project as being very different.

- The current loudspeaker for the existing parking lot is very loud. She hears people being paged to pick up phone calls all day long. She is concerned that a larger parking lot will exacerbate an already annoying situation.
- The proposed entrance to the new parking area will be directly across from her home. She is concerned delivery vehicles will back into her driveway to navigate the relatively narrow street.

Ms. Robertson stated that she received an email from the resident of 26 S. Fagan Ave. earlier in the day. She added that the email implied that more residents would be at the public hearing but they had not been notified about the hearing. She explained that all notification procedures were accurately followed and she confirmed that notifications were circulated.

5/19/25 Planning Board (PB) meeting – Mr. Salvagni attended the meeting on behalf of Kia. Mr. LaFlamme, PB Project Lead, lead a discussion regarding the project. The board discussed comments that were received earlier that evening during the public hearing. Mr. Salvagni was not aware of several of the complaints and responded that they will be addressed very quickly. The board also discussed the advantages of having vehicles offloaded on site rather than in the middle of State St. or S. Fagan Ave. Ms. Robertson added that the improvements suggested at the 5/5/25 PB meeting had not been added to the site plan yet. She asked for the plans to be updated for the next meeting.

Chairman D’Arpino suggested locating more parking spaces up by State St. in the more commercial area and using more of 25 S. Fagan Ave. for landscape buffering between the commercial automotive dealership and single-family residential homes. He suggested looking at eliminating some of the greenspace between the front parking lot and S. Fagan Ave. and adding more greenspace between 25 S. Fagan Ave. and the expanded parking lot. Chairman D’Arpino concluded the discussion by requesting that the draft public meeting roadmap created by the Planning Office be circulated to the entire board.

5/21/25 Architectural Review Board (ARB) meeting – During their regularly scheduled meeting on 5/21/25 the ARB reviewed the most recent site plan drawings and project documentation. They agreed with Chairman D’Arpino’s suggestion to push more parking spaces up by State Street and add more landscape buffering near 25 S. Fagan Ave. They noted that a similar expansion project is currently under review by the Planning Board in Glenville for Capitaland Subaru.

5/23/25 Historical Preservation Commission (HPC) decision – On 5/23/25 the Planning Office received an email from the HPC stating the commission had reviewed the property and the existing home at 17 S. Fagan Ave. is not historic in nature and therefore may be demolished.

The CAC should be prepared to make a SEQR recommendation to the ZBA’s 7/16/25 decision regarding the lot line adjustment between 33 and 25 S. Fagan Ave, which is tied into this site plan application.



# TOWN OF NISKAYUNA

One Niskayuna Circle  
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

## Application for Site Plan Review

### **Applicant (Owner or Agent):**

Name Matthews KIA c/o Vincent Salvangi

Address 320 N Jensen Rd  
Vestal, NY 13850

Email vsalvagni@matthewsauto.com

Telephone (315) 430-7824 Fax \_\_\_\_\_

### **Location:**

Number & Street 3900 State Street

Section-Block-Lot 60.19 - 4 - 16.1

Zoning District C-H

### **Proposal Description:**

Renovate existing KIA dealership including addition of service bays and new pedestal sign. New building facade is proposed to meet KIA design standards. All zoning criteria will be met including setbacks, lot coverage and required parking. Combine 25 S Fagan, 17 S Fagan, and 3900 State St. into single parcel. Expand existing Special Use Permit (SUP) for automotive sales and service for 3900 State Street onto 17 and 25 S Fagan parcels. (Town board approval required for SUP)

Demolish home on 17 S Fagan ave. Construct new parking and vehicle unloading area on newly expanded 3900 State Street parcel.

Signature of applicant:  Date: 4/10/2025

Signature of owner (if different from applicant): 

Date: 4/10/25

## **Each site plan application shall be accompanied by:**

1. Digital copies in pdf format of all application forms and supporting documents.
2. A digital copy in pdf format and three (3) full size copies of any large scale plans or maps prepared by a licensed engineer, architect or surveyor.
  - a. The site plan shall include the following: the title of the drawing, including the name(s), address(es), phone and fax numbers of the applicant and the name address, phone and fax number of the person, firm or organization preparing the map.
  - b. The North point, date and scale.
  - c. Boundaries of the property.
  - d. Existing watercourses and direction of existing and proposed drainage flow.
  - e. The location of all proposed site improvements; proposed water and utility facilities; a description of the method of sewage disposal and location of such facilities; the location of all proposed signs; and location of proposed areas of vegetation.
2. A digital copy in pdf format of a lighting plan showing the lighting distribution of existing and proposed lights, specifications, photometric data, and catalog cuts of the proposed fixture(s) which meet the requirements of Article VIII B of the Zoning Ordinance of the Town of Niskayuna entitled "Guidelines for Lighting of Outdoor Areas under Site Plan Review".
3. One (1) copy of the short or long Environmental Assessment Form (EAF), as required by 6NYCRR Part 617, "State Environmental Quality Review", and Chapter 95, "Environmental Quality Review" of the Code of the Town of Niskayuna.
4. If the application is being made by someone other than the current property owner, the applicant or the agent for the applicant must provide proof that they are authorized to pursue this site plan approval. Such proof may be in the form of a contract for sale or letter by the current owner that the applicant/agent is authorized to proceed with this application.
5. Administration Fees: An application for site plan approval shall be submitted to the Planning Board at least ten (10) business days prior to a regular meeting of the Planning Board. Each petition shall be accompanied by a minimum fee of **\$200.00** plus an additional fee based on the square footage of new building construction. Fees are payable to the Town of Niskayuna.
6. Consulting Fees: The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.



# TOWN OF NISKAYUNA

One Niskayuna Circle  
Niskayuna, New York 12309-4381

Phone: (518) 386-4530  
Fax: (518) 386-4592

## Application for Special Use Permit

### APPLICANT (Owner or Agent):

### LOCATION:

Name: Vincent Salvagni  
Address: 320 N Jensen Rd  
Vestal, NY 13850

Number & Street: 17 and 25 South Fagan Ave  
Section-Block-Lot: 60.19 - 4 - 20 & 21

Telephone: (315) 430-7824 Fax: \_\_\_\_\_ Zoning District: C-H

### Proposal Description:

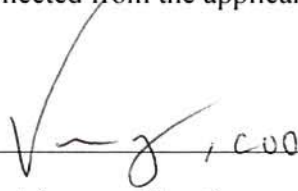
Requesting special use permit for 25 South Fagan Ave and 17 South Fagan Ave as automobile sales & service establishment in the C-H district. These parcels are to be combined with 3900 State Street, which has a current special use permit for an automobile sales & service establishment.


Each special use permit application shall be accompanied by a site plan for which there are additional fees.

*Each application shall be accompanied by three (3) full size copies and twelve (12) 11x 17 copies of any large scale plans or maps and twelve (12) copies of the long Environmental Assessment Form (EAF).*

**Administration Fees:** An application for a special use permit shall be submitted to the Town Board at least ten (10) days prior to a regular meeting of the Town Board. An application shall be submitted in accordance with Article X of the Zoning Ordinance of the Town of Niskayuna. Each petition shall be accompanied by a fee of **three hundred dollars (\$300.00), payable to the Town of Niskayuna and presented to the Town Clerk.**

**Consulting Fees:** The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.

Signature of applicant:  Date: 4/8/25

Signature of owner (if different from applicant): 

Date: 4/8/25



**MAP NOTES:**

- Portions of boundary information shown herein was compiled from an actual field survey conducted by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. during the months of March 2022 and January 2023.
- Portions of boundary information shown herein was compiled from an actual field survey conducted by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. during the months of April 2022 and January 2023.
- North orientation and bearing shown per map reference no. 1.
- Objects shown on this drawing with a distance indicating how far they subject to them in particular, are on the same side of the line that the other distance is written.
- The location of underground improvements or encroachments, if any exist, or if shown herein, are not verified. There may be underground utilities, the existence of which are not known to the undersigned. Signs and locations of all underground utilities and structures must be verified by the appropriate authorities. Dig safety New York must be notified prior to conducting any boring, excavation and construction.
- The map entitled National Flood Insurance Program, 1988 Flood Insurance Rate Map, Town of Montgomery, Schenectady County, New York, Community Development Number: 0800201100, effective date January 1, 2014. The parcel shown herein falls within an area designated as Zone X areas of minimal flooding.
- This survey does not constitute a record search by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, the appropriate real estate commission number 100000020-0000001-1, issued by Fidelity National Title Insurance Company, dated July 4, 2022.
- Subject to easements, covenants and restrictions as described in Book 133 of Deeds of Page 405, Book 103 of Page 42, Book 144 of Deeds of Page 141 and Book 146 of Deeds of Page 206.
- This survey does not constitute a record search by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, the appropriate real estate commission number 100000020-0000001-1, issued by Fidelity National Title Insurance Company, dated January 25, 2024, (17 F. Fagan Ave.).
- Subject to easements, covenants and restrictions as described in Book 1011 of Deeds of Page 111 (17 F. Fagan Ave.).
- This survey does not constitute a record search by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, the appropriate real estate commission number 100000020-0000001-1, issued by Fidelity National Title Insurance Company, dated January 25, 2024, (17 F. Fagan Ave.).
- Subject to easements, covenants and restrictions as described in Book 141 of Deeds of Page 141 and Book 202 of Deeds of Page 119, (23 S 33 Fagan Ave.).
- The description property in this survey project is described in the Right Condominium proposed by Stewart Title Insurance Company bearing Title Commitment Number 17-23-2024 and 17-23-2024, dated January 25, 2024.
- Vertical datum shown herein is NAD83 as obtained from GPS observations using the Albany CORS.

**MAP REFERENCES:**

- Survey of Lands for Amertex Realty, Town of Montgomery, Schenectady County, New York prepared by C.T. Mink Associates, P.C. dated September 17, 1970 and revised September 22, 1970. Drawing No. 70-218.
- Survey of Lands of J.T. Carmon Corporation, Town of Montgomery, Schenectady County, New York prepared by C.T. Mink Associates, P.C. dated March 19, 1970. Drawing No. 70-70.
- Map of Fagan's Lot and Park, Schenectady County, New York made by William Collins, dated October 18, 1903 and filed in the Schenectady County Clerk's Office on April 1, 1903 in Plat Booked F-100.
- Map of Fagan's Lot and Park, Schenectady County, New York showing the change of location of the Eastern part of said Lot and Park as approved by the Schenectady County Clerk, dated July 20, 1903 and filed in the Schenectady County Clerk's Office on October 2, 1903.
- 1/4 ACRES Land Title Survey Lots Now or Formerly of William L. 3000 State Street, Town of Montgomery, Schenectady County, New York prepared by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C., dated October 18, 2008. Project No. 08-0466. Drawing No. 08-042.
- Map of Fagan's Lot and Park, Schenectady County, New York made by William Collins, dated October 18, 1903 and filed in the Schenectady County Clerk's Office on April 1, 1903 in Plat Booked F-100.
- 1/4 ACRES Land Title Survey Lots Now or Formerly of WFB PROPERTIES IX, LLC Prepared for State Street Quad K, LLC prepared by C.T. Mink Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. dated April 16, 2022. Project No. 22-2271. Drawing No. 22-267.
- Survey of Premises known as State Street No. 42 South Amherst Street prepared by Howard A. Roth Land Surveyor, dated January 12, 1998, recorded on July 19, 1999.





MATTHEWS AUTO GROUP,  
3900 STATE ST.  
SCHENECTADY, NY 12304

Matthews Kia of Schenectady

THIS PLAN AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF CMA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CMA.

MATTHEWS KIA  
DEALERSHIP UPGRADE  
PROJECT

Rev. Number Date By Date

Rev.	Number	Date	By	Date

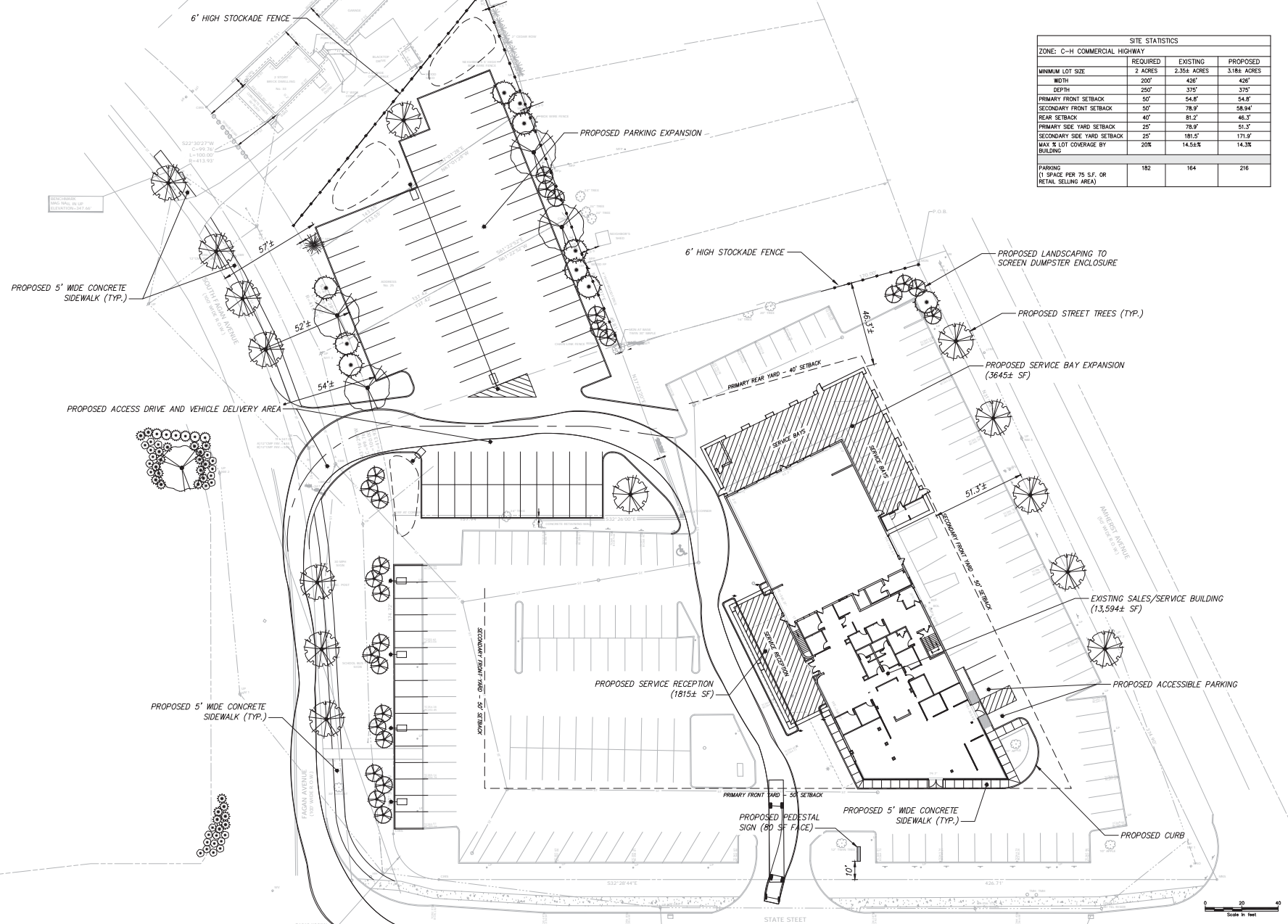
Designed By: Drawn By: Checked By:  
Issue Date: 03/09/2024 Project No: 501473 Scale: AS SHOWN

Drawing No:





SITE STATISTICS			
ZONE: C-H COMMERCIAL HIGHWAY			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	2 ACRES	2.35± ACRES	3.18± ACRES
WIDTH	200'	426'	426'
DEPTH	250'	375'	375'
PRIMARY FRONT SETBACK	50'	54.8'	54.8'
SECONDARY FRONT SETBACK	50'	78.9'	58.94'
REAR SETBACK	40'	81.2'	46.3'
PRIMARY SIDE YARD SETBACK	25'	78.9'	51.3'
SECONDARY SIDE YARD SETBACK	25'	181.5'	171.9'
MAX % LOT COVERAGE BY BUILDING	20%	14.5±%	14.3%
PARKING (1 SPACE PER 75 S.F. OR RETAIL SELLING AREA)	182	164	216



MATTHEWS AUTO GROUP  
3900 STATE ST.  
SCHENECTADY, NY 12304  
Matthews Kia of Schenectady

THIS PLAN IS A PROFESSIONAL ENGINEERING DESIGN AND IS THE PROPERTY OF GMA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF GMA IS STRICTLY PROHIBITED. THE USER OF THIS PLAN AGREES TO HOLD GMA HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS PLAN.

MATTHEWS KIA  
DEALERSHIP UPGRADE  
PROJECT

No.	Revised	By	Date

OVERALL SITE PLAN

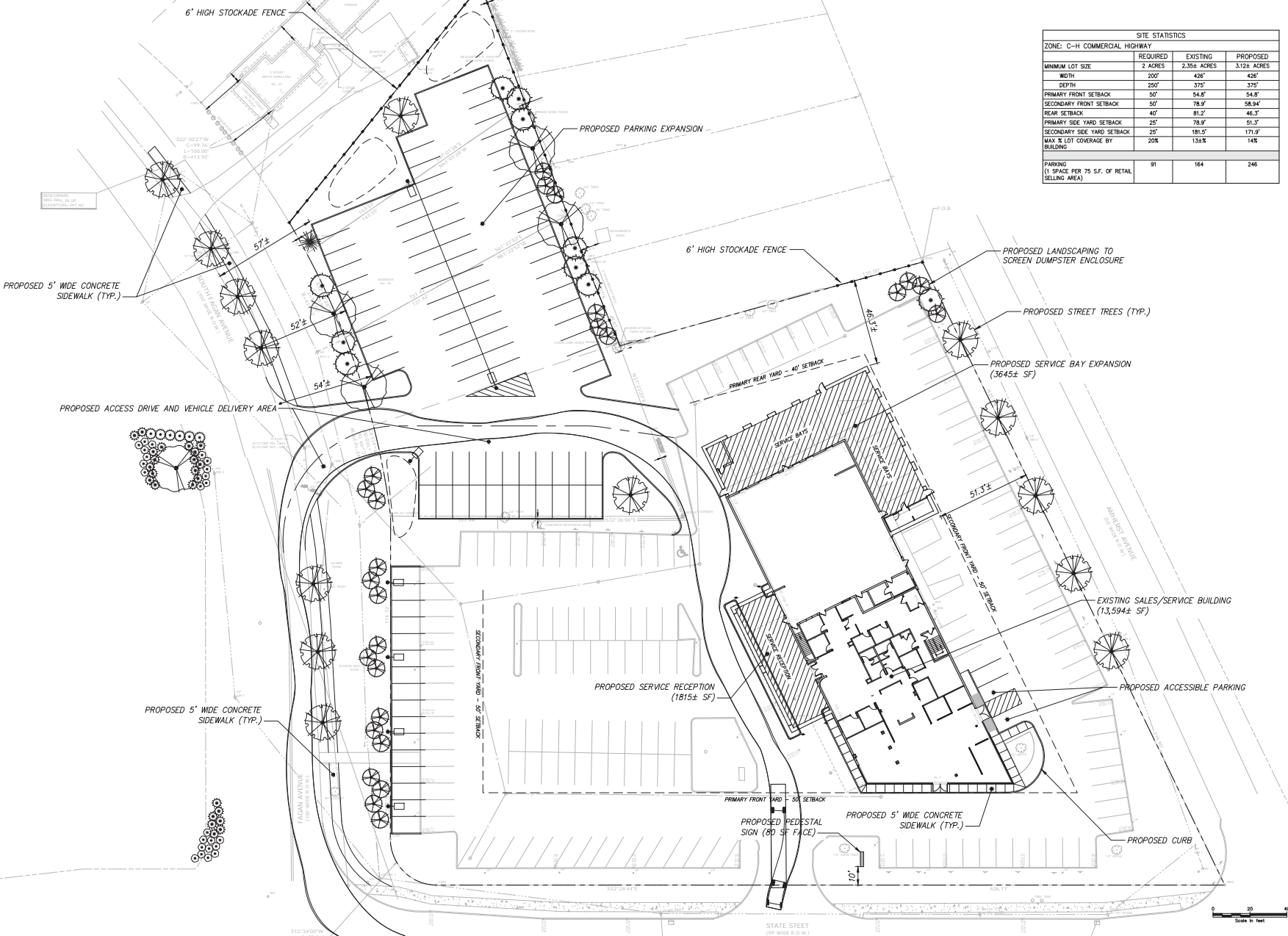
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Drawn By: XXXX  
Checked By: XXXX  
Issue Date: 10/05/2024  
Project No: 081473  
Scale: AS SHOWN

Drawing No: C-101

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 Design: ALEXANDER, J.  
 Date: 10/05/2024 2:52:28 PM  
 Plotter: HP DesignJet 5000 Series  
 Plot Size: 36x48  
 Plot Scale: 1:1  
 Plot Orientation: Landscape  
 Plot Color: Black  
 Plot Lineweight: 0.25  
 Plot Linetype: Solid  
 Plot Font: Arial, 10  
 Plot Title: Overall Site Plan  
 Plot User: alexander.j.  
 Plot Password:



SITE STATISTICS			
ZONE: C-H COMMERCIAL HIGHWAY			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	2 ACRES	2.35± ACRES	3.12± ACRES
WIDTH	200'	426'	426'
DEPTH	250'	375'	375'
PRIMARY FRONT SETBACK	50'	54.8'	54.8'
SECONDARY FRONT SETBACK	50'	78.9'	58.94'
REAR SETBACK	40'	81.2'	46.3'
PRIMARY SIDE YARD SETBACK	25'	78.9'	51.3'
SECONDARY SIDE YARD SETBACK	25'	181.5'	171.9'
MAX % LOT COVERAGE BY BUILDING	20%	134%	14%
PARKING (1 SPACE PER 75 S.F. OF RETAIL SELLING AREA)	91	164	246



MATTHEWS AUTO GROUP,  
3900 STATE ST,  
SCHENECTADY, NY 12304

Matthews Kia of Schenectady

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

MATTHEWS KIA  
DEALERSHIP UPGRADE  
PROJECT

No.	Revised	By	Date

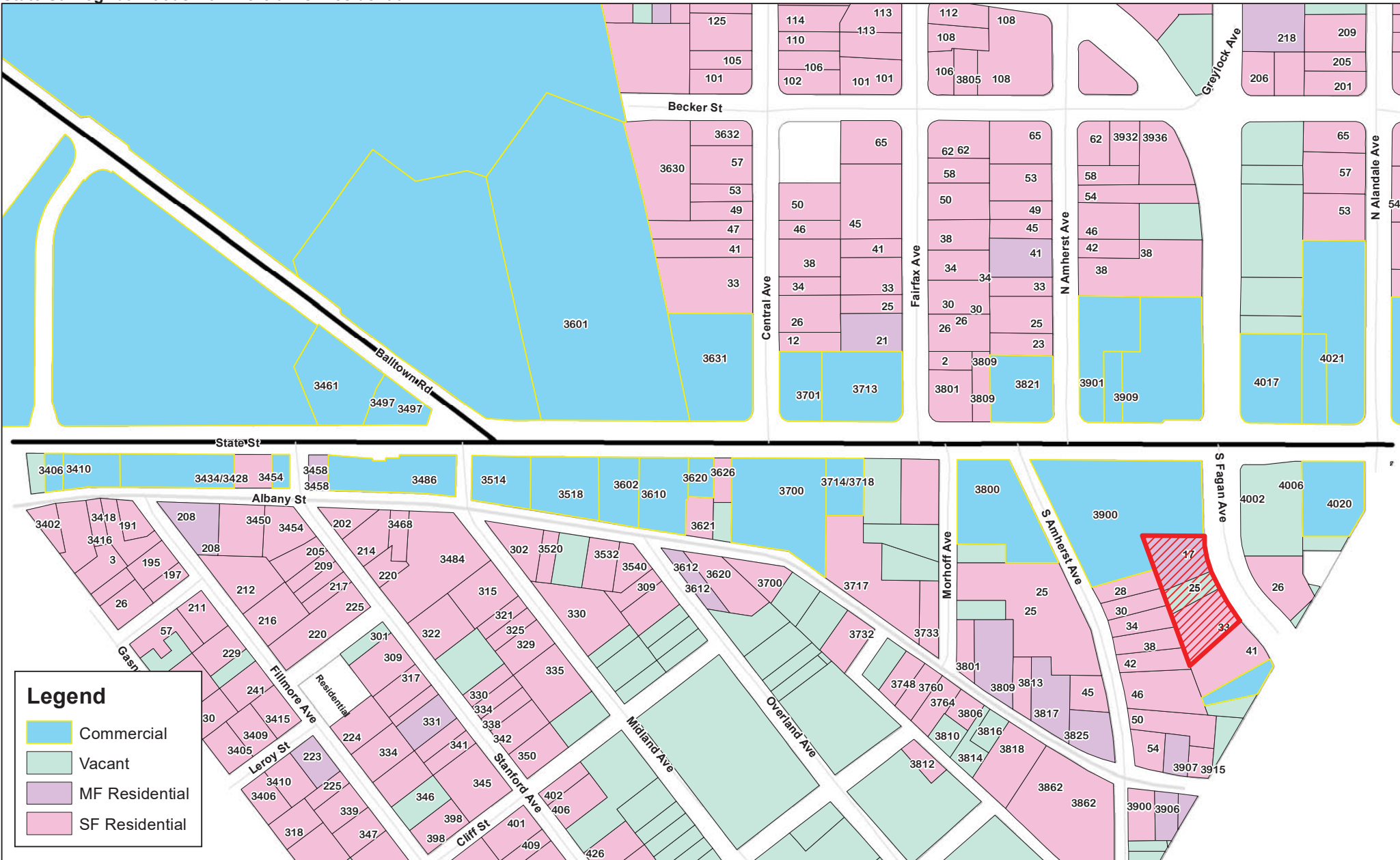
OVERALL SITE PLAN

Designed By: XXXX  
Drawn By: XXXX  
Checked By: XXXX  
Issue Date: 10/05/2024  
Project No: 087473  
Scale: AS SHOWN

Drawing No:  
**C-101**

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 PLOT SCALE: 1:1  
 PLOT DATE: 10/05/2024 10:28:59 AM PLOT BY: XXXX PLOT SCALE: 1:1

**State St Neighborhoods Commercial vs. Residential**



**Legend**

- Commercial
- Vacant
- MF Residential
- SF Residential

# PARKING ANALYSIS PLAN

**PARKING STATISTICS:**

FULL THREE LOT PARKING: 90 SPACES

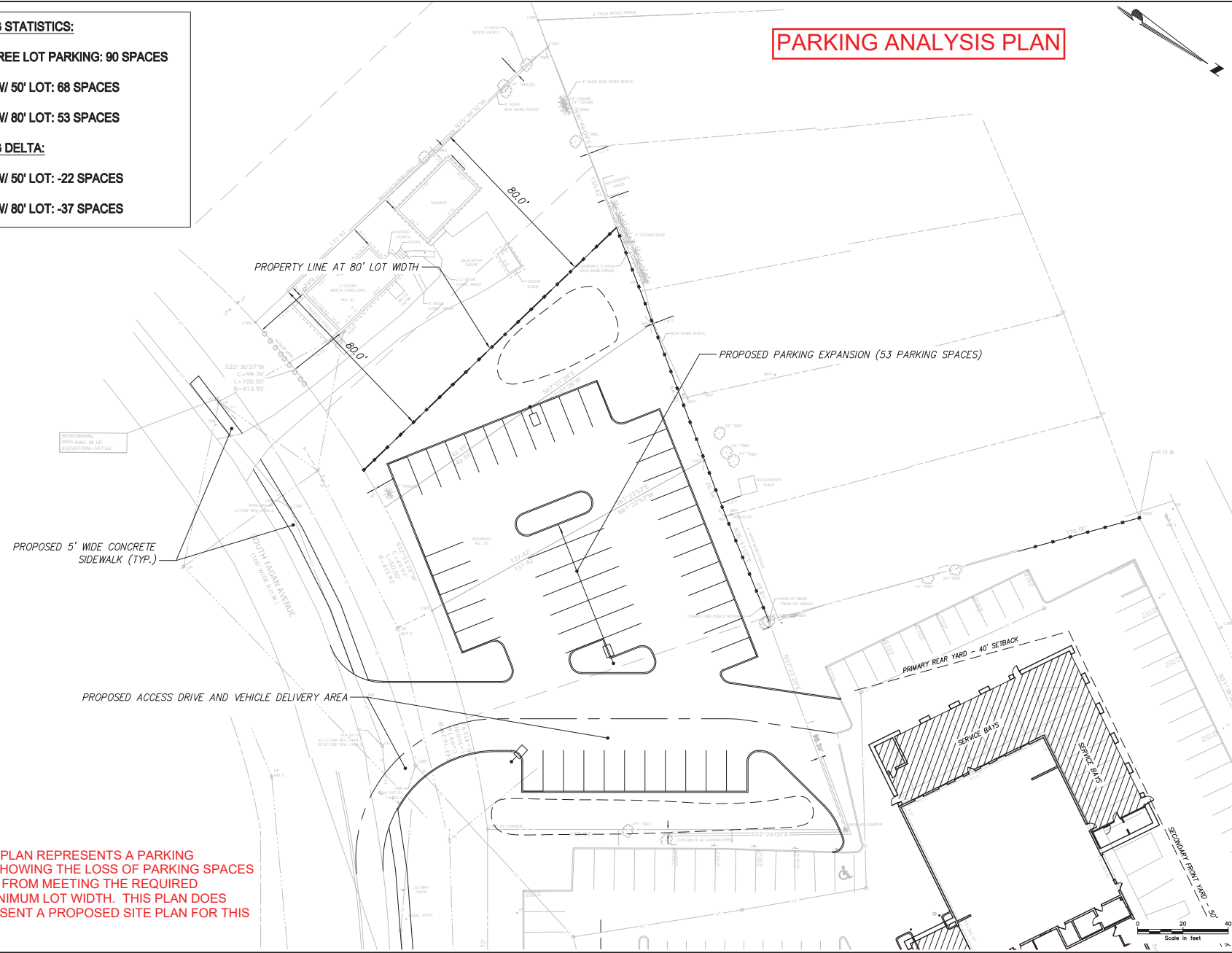
HOUSE W/ 50' LOT: 68 SPACES

HOUSE W/ 80' LOT: 53 SPACES

**PARKING DELTA:**

HOUSE W/ 50' LOT: -22 SPACES

HOUSE W/ 80' LOT: -37 SPACES



MATTHEWS AUTO GROUP,  
3900 STATE ST,  
SCHEENECTADY, NY 12304

**Matthews Kia of Schenectady**

THIS ANALYSIS OF THE LOSS OF PARKING SPACES HAS BEEN CONDUCTED FOR THE PURPOSES OF THE PROJECT AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE CLIENT SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL INFORMATION AND FOR THE PROTECTION OF THE PUBLIC INTEREST.

MATTHEWS KIA  
DEALERSHIP UPGRADE  
PROJECT

No.	Revised / Revision	Appr.	By	Date

**PARKING LOSS ANALYSIS PLAN**  
NOT A SITE PLAN

Designed By:	Drawn By:	Checked By:
XXX	XXX	XXX
Issue Date:	Project No.:	Scale:
05/07/2024	087473	AS SHOWN

Drawing No.:

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 Sheet: 5/7/2025 2:37:59 PM Plotter: 5/7/2025 2:38:14 PM Current User: Dickinson, Devin Lattinowally, 6417

**NOTE: THIS PLAN REPRESENTS A PARKING ANALYSIS SHOWING THE LOSS OF PARKING SPACES RESULTING FROM MEETING THE REQUIRED 80-FOOT MINIMUM LOT WIDTH. THIS PLAN DOES NOT REPRESENT A PROPOSED SITE PLAN FOR THIS PROJECT.**





SERVICE



MATTHEWS





# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

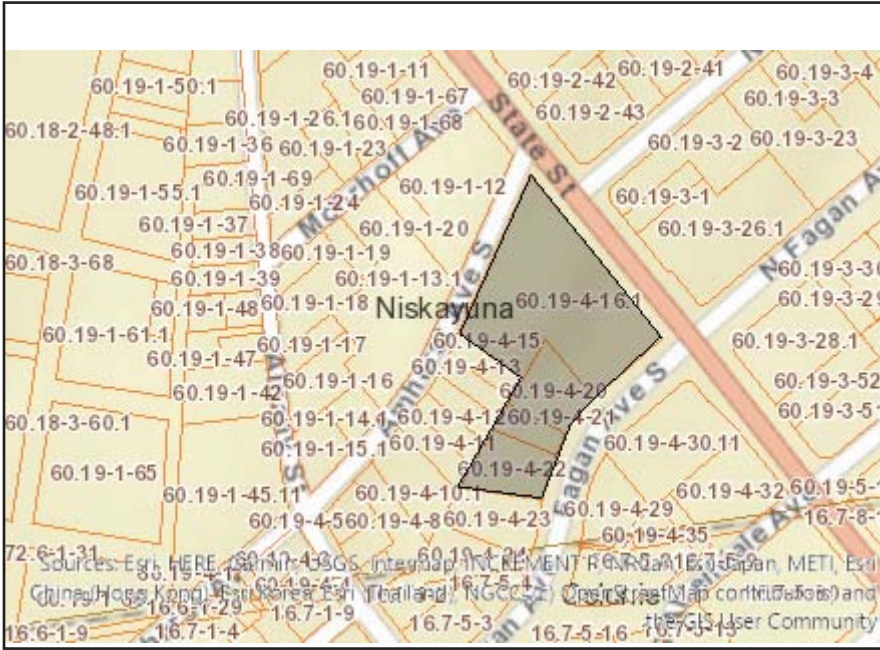
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Matthews KIA of Niskayuna			
Name of Action or Project: Matthews KIA Parking Lot Expansion and Dealership Renovations			
Project Location (describe, and attach a location map): 3900 State Street (17, 25, 33 South Fagan Avenue)			
Brief Description of Proposed Action: The applicant is proposing to remove a single family home in disrepair (17 S. Fagan Ave.) and construct an asphalt parking lot for additional new vehicle inventory. A lot line adjustment is proposed at 33 South Fagan Avenue to allow for the new parking lot, as well as maintain the single family home. Significant landscaping has been proposed to help visually screen the development, as well as replace trees that are proposed to be removed for construction. Most trees to be removed are in poor health, invasive, or at the end of their lifespan. A concrete sidewalk is proposed along South Fagan Avenue with a connection to the sidewalk located on State Street. Stormwater management practices will be implemented to address runoff generated by the development.			
Name of Applicant or Sponsor: Matthews Auto Group		Telephone: 518-430-7824 E-Mail: vsalvagni@matthewsauto.com	
Address: 320 N. Jensen Rd.			
City/PO: Vestal		State: NY	Zip Code: 13850
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.38 acres	
b. Total acreage to be physically disturbed?		1.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.38 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ The dealership building is serviced by an existing public water connection. A new water connection will replace the old connection to allow for fire protection within the dealership building.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ There are no new sewer connections proposed. Dealership is currently serviced by public sanitary service.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ Stormwater generated by the development will be treated according to NYSDEC regulations and will outlet to the existing Town of Niskayuna storm system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Vincent Salvagni</u> Date: _____		
Signature: _____      Title: _____		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

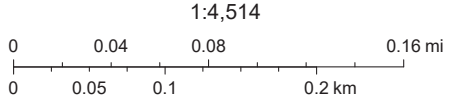


Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

# 3900 State Street - Matthews KIA



April 11, 2025



Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



# TOWN OF NISKAYUNA

## CONSERVATION ADVISORY COUNCIL

### AGENDA STATEMENT

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AGENDA ITEM NO. V. 2

MEETING DATE: 6/4/2025

---

**ITEM TITLE:** EAF 2025-06: 25 & 33 S. Fagan Ave - A site plan application for lot line adjustment at 25 and 33 South Fagan Ave.

**PROJECT LEAD:** TBD

**APPLICANT:** Rob Matthews, owner

**SUBMITTED BY:** Laura Robertson

---

**REVIEWED BY:**

Planning Board (PB)  Zoning Board of Appeals (ZBA)  Town Board  
 OTHER:

**ATTACHMENTS:**

Resolution  Site Plan  Map  Report  Other: App. for lot line adjustment

---

**SUMMARY STATEMENT:**

Rob Matthews, property owner, submitted an application for a lot line adjustment of 33 and 25 S. Fagan Ave. The application proposes to revert 33 S. Fagan Ave. back to the original tax parcel by reducing the frontage from 100 ft. to 50 ft. and shifting approximately 0.20 +/- Acres from 33 S. Fagan Ave. to 25 S. Fagan Ave.

The vacant property at 25 S. Fagan Ave is entirely within the C-H Commercial Highway zoning district. The property at 33 S. Fagan Ave is mostly within the C-H district but has a tiny piece of R-2 Medium Density Residential zoning on the property. The home itself is in the C-H zone and therefore a legal pre-existing nonconforming single-family detached dwelling. For the purposes of this lot line adjustment however, the R-2 zoning requirements are applied to 33 S. Fagan Ave, as the stricter zone, when reviewing the lot line adjustment's compliance with Zoning Code.

At their 5/5/25 meeting, the Planning Board discussed the proposed lot line adjustment and how it impacted the site plan application for 3900 State St. The applicant has provided a 1-page drawing including an 80' wide 33 S. Fagan Ave and an analysis of how that impacts parking spaces.

**COMPREHENSIVE PLAN**

No references to lot line adjustments were found in the 2013 Comprehensive Plan.

**BACKGROUND INFORMATION**

A 1-page drawing entitled “Matthews Auto Group 3900 State St. Schenectady, NY Lot Line Adjustment Project” by CHA dated 4/9/24 was provided with the application.

The Site Area Statistics table shown below lists the existing and proposed lot areas for both addresses and the required and proposed minimum lot size, minimum setbacks and maximum lot coverage for 33 S. Fagan Ave.

SITE AREA STATISTICS		
PARCEL	EXISTING	PROPOSED
25 SOUTH FAGAN AVE (60.19-4-21)	0.18± ACRES	0.38± ACRES
33 SOUTH FAGAN AVE (60.19-4-22)	0.40± ACRES	0.20± ACRES (9000± SF)
ZONE: R-2 MEDIUM DENSITY RESIDENTIAL*		
33 SOUTH FAGAN AVE	REQUIRED	PROPOSED
MIN. LOT SIZE	9000 SF	9000± SF
MIN. LOT WIDTH	80'	50'
MIN. LOT DEPTH	100'	168'
MIN. FRONT SETBACK	30'	17.4' (EXISTING)
MIN. SIDE SETBACK	15'	21.7'
MIN. REAR SETBACK	20'	50.1'
MAX. LOT COVERAGE	30%	18%
* NOTE: 33 SOUTH FAGAN AVE IS LOCATED WITHIN THE C-H ZONING DISTRICT. HOWEVER, SINGLE FAMILY RESIDENTIAL IS NOT AN APPROVED USE BY ZONING CODE SO THE ADJACENT R-2 MEDIUM DENSITY RESIDENTIAL ZONING REQUIREMENTS WERE USED FOR REFERENCE.		

As proposed, the lot line adjustment results in 33 S. Fagan Ave. having a lot width of 50 ft. Therefore, a variance of 30 ft. (80 – 50) is required by the Zoning Board of Appeals.

4/21/25 Planning Board (PB) meeting – Devin Dickinson of CHA attended the meeting and explained the project to the Board. He stated the proposed adjustment reduces the size of 33 S. Fagan Ave, however, all resulting lot dimensional requirements remain code compliant with the exception of the lot width. The lot width is proposed to be reduced from the current 100' to 50'. Mr. Dickinson added that although the proposed lot with is 30' less than code, due to the orientation of the existing home on the lot, it will still meet the 15' side setback requirement to the adjusted lot line with 25 S. Fagan Ave. The Planning Board asked why the lot was being moved so much. Mr. Dickinson then explained the correlation between the lot line adjustment and the parking lot expansion project at 3900 State St. The Board asked that an alternate site plan be drafted that showed what an 80' wide 33 S. Fagan Ave lot would look like. They also requested that an alternate site plan for the 3900 State St project be prepared showing the impact an 80' wide 33 S Fagan Ave lot would have on it. The Board concluded their discussion

and proceeded to the next item on the meeting agenda which was the expansion project at 3900 State St.

4/28/25 site walk – A walk of the project site was performed on Monday 4/28/25. Mr. LaFlamme, Ms. Bilosfky, Ms. Gold and Ms. Robertson attended for Planning along with Mr. Dickenson and Mr. Salvagni for the applicant. On the sidewalk the attendees walked the property lines, observed existing vegetation, visualized the proposed fencing, observed the existing façade and proposed expansion of the building, and looked at the dumpster areas. The existing parking lot was overflowing with cars and there were cars parked on the side street of Amherst Ave. It appeared that the utility poles in front of the two existing single-family homes were not being used and may be able to be removed.

5/5/25 Planning Board (PB) meeting –Mr. Salvagni provided an update on the project and answered the Board's questions. The Board had discussed the lot line adjustment of 33 and 25 S. Fagan Ave during the discussion of the 3900 State St project earlier in the evening during the special use permit and site plan discussions. Ms. Robertson repeated her prior request for a site plan showing what a lot line adjustment resulting in an 80' wide 33 S. Fagan Ave would look like.

5/7/25 Conservation Advisory Council (CAC) meeting – The Council briefly discussed the proposed lot line adjustment and how it impacted the 3900 State St project in conjunction with how it was related to the special use permit and site plan application. Ms. Daviero stated that the concerns she had with the similar proposed project from a year or two ago are still present with this proposal. She stated she does not support the demolition of a house, particularly a house in a more moderately priced residential district of Niskayuna, to expand a commercial use. Other CAC members also expressed concerns that the project could negatively impact the neighborhood with additional lighting, noise, traffic, removal of existing trees, etc. They also voiced concerns regarding the lot line adjustment of 33 S. Fagan Rd. to a nonconforming width of 50 Ft. The Council asked Mr. Salvagni to consider glass in the building that reduces the chances of bird strikes and the use of energy conservation building practices.

On 5/8/25 the Planning Office received a 1-page drawing entitled "Parking Loss Analysis Plan" by CHA dated 5/7/2024 (believed to be a mistake and should be 5/7/2025).

The CAC should be prepared to make a SEQR recommendation for the lot line adjustment portion of this project for the July ZBA meeting.



# TOWN OF NISKAYUNA

## CONSERVATION ADVISORY COUNCIL

### AGENDA STATEMENT

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AGENDA ITEM NO. V. 3

MEETING DATE: 5/7/2025

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**ITEM TITLE:** EAF 2025-06: 25 & 33 S. Fagan Ave - A site plan application for lot line adjustment at 25 and 33 South Fagan Ave.

**PROJECT LEAD:** TBD

**APPLICANT:** Rob Matthews, owner

**SUBMITTED BY:** Laura Robertson

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**REVIEWED BY:**

Planning Board (PB)  Zoning Board of Appeals (ZBA)  Town Board  
 OTHER:

**ATTACHMENTS:**

Resolution  Site Plan  Map  Report  Other: App. for lot line adjustment

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**SUMMARY STATEMENT:**

Rob Matthews, property owner, submitted an application for a lot line adjustment of 33 and 25 S. Fagan Ave. The application proposes to revert 33 S. Fagan Ave. back to the original tax parcel by reducing the frontage from 100 ft. to 50 ft. and shifting approximately 0.20 +/- Acres from 33 S. Fagan Ave. to 25 S. Fagan Ave.

The vacant property at 25 S. Fagan Ave is entirely within the C-H Commercial Highway zoning district. The property at 33 S. Fagan Ave is mostly within the C-H district but has a tiny piece of R-2 Medium Density Residential zoning on the property. The home itself is in the C-H zone and therefore a legal pre-existing nonconforming single-family detached dwelling. For the purposes of this lot line adjustment however, the R-2 zoning requirements are applied to 33 S. Fagan Ave, as the stricter zone, when reviewing the lot line adjustment's compliance with Zoning Code.

Devin Dickenson, engineer for the owner, attended the 4/21/25 Planning Board meeting and presented the project to the Board. He explained the correlation between this lot line adjustment and a building and parking lot expansion project at 3900 State St. The Board noted that the lot line adjustment proposes to reduce the width of 33 S. Fagan Ave. to 50' which is 30' below the current code requirement. Mr. Dickenson explained that the existing house on the narrowed lot would still meet the side setback to the new lot line and the additional land transferred to 25 S. Fagan Ave will benefit the proposed parking lot expansion project. The Board asked that a plan with a code compliant width (80') of 33 S. Fagan Ave. be prepared for both the lot line adjustment application and the application for the expansion project at 3900 State St.

**COMPREHENSIVE PLAN**

No references to lot line adjustments were found in the 2013 Comprehensive Plan.

**BACKGROUND INFORMATION**

A 1-page drawing entitled “Matthews Auto Group 3900 State St. Schenectady, NY Lot Line Adjustment Project” by CHA dated 4/9/24 was provided with the application.

The Site Area Statistics table shown below lists the existing and proposed lot areas for both addresses and the required and proposed minimum lot size, minimum setbacks and maximum lot coverage for 33 S. Fagan Ave.

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and the parking lot expansion project at 3900 State St. The Board asked that an alternate site plan be drafted that showed what an 80' wide 33 S. Fagan Ave lot would look like. They also requested that an alternate site plan for the 3900 State St project be prepared showing the impact an 80' wide 33 S Fagan Ave lot would have on it. The Board concluded their discussion and proceeded to the next item on the meeting agenda which was the expansion project at 3900 State St.

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The next step for the project is for the Conservation Advisory Council to review the proposal and start working on SEQR recommendations.



## TOWN OF NISKAYUNA

Planning Department  
One Niskayuna Circle  
Niskayuna, New York 12309  
Phone: (518) 386-4530  
Fax: (518) 386-4592

# APPLICATION FOR LOT LINE ADJUSTMENT

## Building And Engineering Department Review

Each application shall be accompanied by:

1. Administration Fees: An application for lot line adjustment shall be submitted to the Planning Department. Each petition shall be accompanied by a fee of **\$100.00**. Fees are payable to the *Town of Niskayuna*.
2. Two (2) Copies of a Sketch Plan. Sketch Plan must include: Existing lot line locations, proposed lot lines, building envelopes, location of existing structures / fences with distances to lot lines where appropriate and any additional information requested by the Zoning Enforcement Officer in order to review the proposal for compliance with the Subdivision and Zoning codes.

## Planning Board Review

After receiving sketch plan approval from the Zoning Enforcement Officer, a Final Map must be prepared by a licensed surveyor or engineer and submitted to the Town for Planning Board review.

Submit a digital copy, thirteen (13) 11x17 copies of the Final Map to the Planning Department at least ten (10) business days prior to a regular meeting of the Planning Board.

Final Map must include: A signed seal of a surveyor or engineer licensed in the State of New York, actual field survey of boundary lines of the amended parcels with bearings and distances and appropriate monumentation, and a signature block described below.

*ALSO: include lines for signatures as shown below.*

\_\_\_\_\_ Date

Planning Board Chairman

\_\_\_\_\_ Date

Town Engineer

The complete Lot Line Adjustment regulations can be found at the Niskayuna Town Code online, at: <http://lecode360.com/N110974>.



## TOWN OF NISKAYUNA

Planning Department  
One Niskayuna Circle  
Niskayuna, New York 12309  
Phone: (518) 386-4530  
Fax: (518) 386-4592

### Application For Lot Line Adjustments

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#### Property Information

Physical Address(es): 25 and 33 South Fagan Ave  
Section-Block-Lot(s): 60.19-4-21 and 22  
Number of Lots Involved: 2 Current Zoning(s): C-H  
Approximate Acreage: 0.59 +/- acres

Additional Information: \_\_\_\_\_  
0.21 acres of 33 South Fagan will be combined with 25 South Fagan.  
33 South Fagan will have 0.20 acres after the lot line adjustment.  
25 South Fagan will have 0.39 acres after the lot line adjustment.

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#### Owner(S) Of Record (Attach additional sheets if necessary)

Section-Block-Lot: 60.19-4-21  
Name: State Street Quad K, LLC Name: \_\_\_\_\_  
Address: 320 N Jensen Rd, Vestal Address: \_\_\_\_\_  
City/State: NY Zip: 13850 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: (315) 430-7824 Phone: \_\_\_\_\_  
E-Mail: vsalvagni@matthewsauto.com E-Mail: \_\_\_\_\_

Section-Block-Lot: 60.19-4-22  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: 320 N Jensen Rd, Vestal Address: \_\_\_\_\_  
City/State: NY Zip: 13850 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: (315) 430-7824 Phone: \_\_\_\_\_  
E-Mail: vsalvagni@matthewsauto.com E-Mail: \_\_\_\_\_

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#### Surveyor Or Engineer

Company: CT Male Associates  
Name: \_\_\_\_\_  
Address: 50 Century Hill Dr, Latham  
City/State: NY Zip: 12110  
Phone: 518-7876-7400  
E-Mail: d.albrecht@ctmale.com

Surveyor or engineer must have a current professional license with the State of New York.  
LICENSE #: \_\_\_\_\_



# TOWN OF NISKAYUNA

Planning Department  
One Niskayuna Circle  
Niskayuna, New York 12309  
Phone: (518) 386-4530  
Fax: (518) 386-4592

## Application For Lot Line Adjustments

### Supplementary Information (Attach separate sheet if necessary)

1. What is the purpose of this adjustment? \_\_\_\_\_  
The proposed lot line adjustment reverts 33 South Fagan to the original tax parcel.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. What is the proposed timeline for adjustment completion? \_\_\_\_\_  
The proposed lot line adjustment will be executed as soon as possible following Town  
procedures.  
\_\_\_\_\_  
\_\_\_\_\_
3. Is any part of the proposed adjustment within the regulated floodplain as designated by the Federal Insurance Rate Maps (FIRMs) adopted by the Town of Niskayuna on December 1983? Yes \_\_\_ NO X . If yes, explain what area is in the floodplain and how this is being accounted for in the adjustment process. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Is there additional information which may aid in the processing of this application (e.g., proposed variances, zoning change requests, building permit applications, etc.)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Are there any potential adverse environmental impacts that could be triggered by this lot line adjustment? Include any impacts to wetlands, surface water, groundwater, flooding, plants and animals, aesthetics, Historic sites, open space, recreation, transportation, noise, odor, light, geological features, etc. (Attach separate pages as necessary). \_\_\_\_\_  
Based on the NYS DEC Environmental Mapper and Short EAF there are no known  
environmentally critical areas or species at the project site. Therefore there will be no adverse  
environmental impacts. There are no areas of historical significance at the project site.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## TOWN OF NISKAYUNA

Planning Department  
One Niskayuna Circle  
Niskayuna, New York 12309  
Phone: (518) 386-4530  
Fax: (518) 386-4592

### Notarized Owner's Acknowledgment/ Authorization For Lot Line Adjustment

Section-Block-Lot: 60.19-4-21 and 60.19-4-22

Physical Address: 25 South Fagan Ave and 33 South Fagan Ave.

#### Acknowledgments:

1. I am aware of and consent to the filing of this application.
2. I confirm that the information provided in this application is true and correct to the best of my knowledge and I assume all responsibility for the truth and validity of this application and all associated exhibits and documents submitted.
3. I agree to allow representatives of the Town of Niskayuna to go on or about the subject property for inspection purposes in connection with this application.
4. I confirm that I have uncontested legal ownership of the subject property, without any outstanding rights, reservations or encumbrances which could nullify the intended development and use of this lot line adjustment (if there is a loan or mortgage on the affected property, it is my responsibility to inform the appropriate party of the property changes and secure their consent).
5. If the owner is a corporation, partnership, limited liability company (LLC), governmental agency or other entity, I confirm that I am authorized to act on behalf of the corporation, partnership, LLC, governmental agency or other entity in processing this application.
6. I acknowledge that any potential or existing separate lots, land titles, partitions, previously subdivided lots or other such land units will be consolidated with this lot line adjustment and upon final approval only the newly created lot(s) will be recognized.

The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this 10<sup>th</sup> day of April 2025

CARLA K. HAMILTON  
Notary Public, State of New York  
No 4942350  
Qualified in Broome County  
Commission Expires Sept. 19, 2026

*Carla K. Hamilton*

Notary Public, State of New York

*[Signature]*  
Signature of Applicant

ROB MATATEWS  
Printed Name

4/10/25  
Date

Each property owner is required to sign. Attach additional sheets if necessary

**MATTHEWS AUTO GROUP,  
 3900 STATE ST,  
 SCHEENECTADY, NY 12304**

THIS IS A PRELIMINARY SURVEY MAP. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE ONE SPECIFICALLY STATED HEREON. THE USER OF THIS SURVEY MAP ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS SURVEY MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS SURVEY MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS SURVEY MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**MATTHEWS KIA  
 DEALERSHIP UPGRADE  
 PROJECT**

No.	Submitted / Revision	Appr.	By	Date

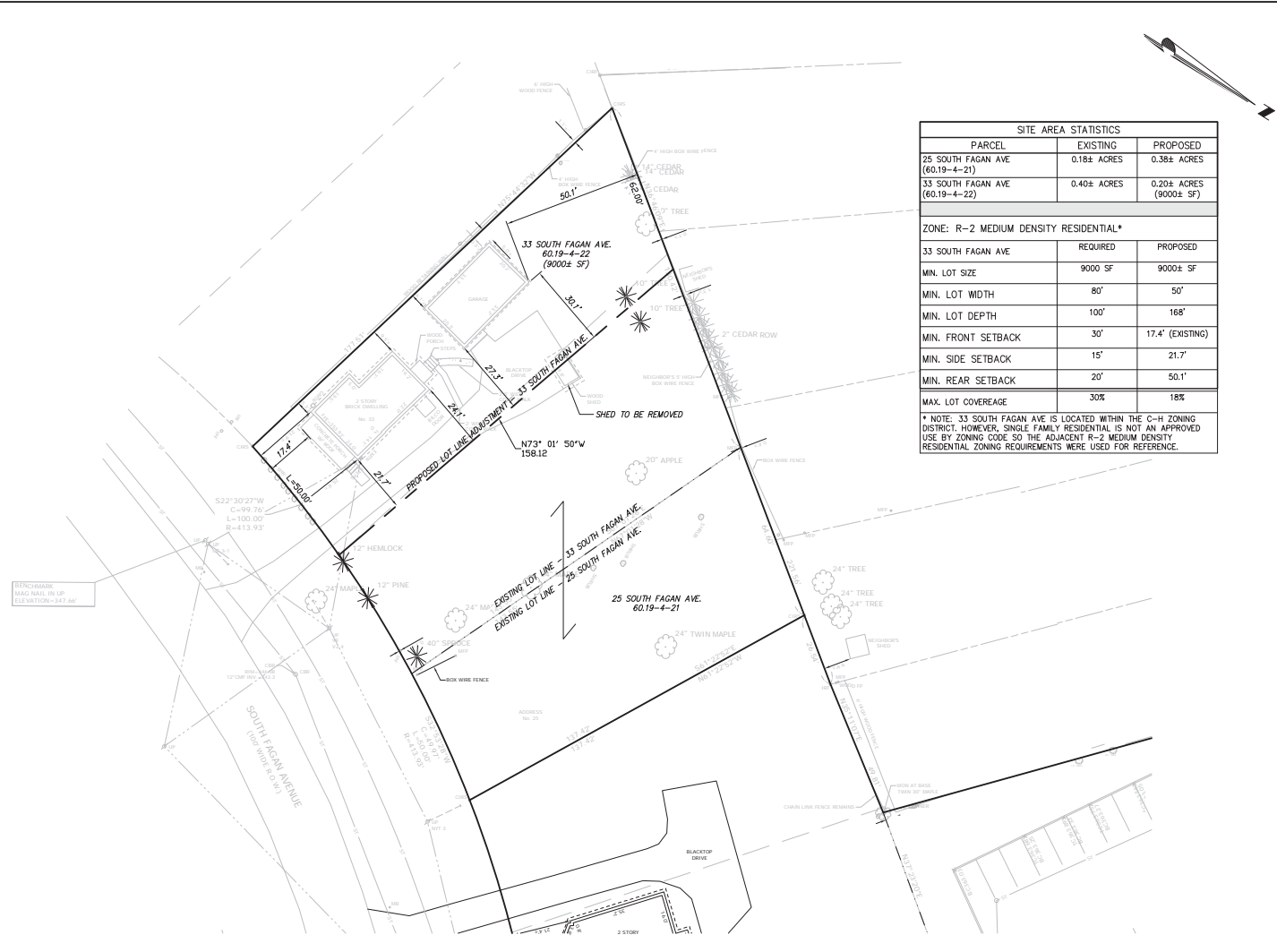
**LOT LINE ADJUSTMENT**

Designed By: DTD	Drawn By: JC	Checked By: DTD
Issue Date: 04/08/2025	Project No: 087478	Scale: AS SHOWN

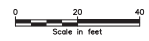
Drawing No.:  
**C-101A**

SITE AREA STATISTICS		
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\* NOTE: 33 SOUTH FAGAN AVE IS LOCATED WITHIN THE C-H ZONING DISTRICT. HOWEVER, SINGLE FAMILY RESIDENTIAL IS NOT AN APPROVED USE BY ZONING CODE SO THE ADJACENT R-2 MEDIUM DENSITY RESIDENTIAL ZONING REQUIREMENTS WERE USED FOR REFERENCE.



- SURVEY MAP REFERENCE:**
1. SURVEY OF 17, 25, 33 SOUTH FAGAN AVENUE FOR STATE STREET QUAD K, LLC, DATED MARCH 15, 2023, REVISED JANUARY 16, 2025, BY CT MALE ASSOCIATES
  2. SURVEY OF 3900 STATE STREET FOR STATE STREET QUAD K, LLC, DATED APRIL 26 2022, REVISED JANUARY 16, 2025, BY CT MALE ASSOCIATES





# TOWN OF NISKAYUNA

## BUILDING DEPARTMENT

Thomas J. Cannizzo  
Building Inspector

One Niskayuna Circle  
Niskayuna, New York 12309-4381  
(518) 386-4522  
FAX: (518) 386-4592

Kenneth P. Hassett  
Building Inspector

### Building and Zoning Permit Denial

**Address: 33 & 25 S. Fagan Ave.**

**Application Date: 4/10/2025**

Vincent Salvagni  
State Street Quad K, LLC  
320 N Jensen Rd.  
Vestal, NY 13850

Dear Sir and Madam:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna that your application for a lot line adjustment has been denied by failure to comply with the provisions of 220 Attachment 15, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna. The properties are located predominantly in the C-H Commercial Highway Zoning District, with a rear corner of 33 S Fagan Ave within the R-2: Medium Density Residential Zoning District. Single-family residential is not an approved use in the C-H district by the zoning code so the more restrictive R-2 Medium Density residential zoning requirements were used to determine the lot requirements for 33 S Fagan Ave.

**220 Attachment 15, Schedule I-C** states that for single-family dwellings the minimum lot area is 9,000 square feet, the minimum lot width is 80 feet, and the minimum lot depth is 100 feet.

The existing lot width for 33 S. Fagan Ave, a single-family dwelling lot, is 100 feet. The proposed lot line adjustment indicates the new lot width for 33 S. Fagan Ave would be 50 feet, therefore a 30-foot variance is required for the adjusted lot width.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna, you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

5/14/2025

Date

A handwritten signature in blue ink that reads "Laura Robertson".

Laura Robertson  
Deputy Zoning Enforcement Officer



**Town of Niskayuna**  
**M E M O R A N D U M**

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**TO:** File  
**FROM:** Laura Robertson, Town Planner  
**DATE:** May 19, 2025  
**RE:** 33 & 25 S. Fagan Ave. - lot line adjustment

---

At a regular Planning Board and Zoning Commission (PB) meeting held on May 19, 2025, the PB reviewed the appeal by Vincent Salvagni of Matthews Kia., acting on behalf of State St Quad K, LLC, property owners, for failure to comply with the provisions of 220 Attachment 15, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna. The properties are located predominantly in the C-H Commercial Highway Zoning District, with a rear corner of 33 S Fagan Ave within the R-2: Medium Density Residential Zoning District. Single-family residential is not an approved use in the C-H district by the zoning code so the more restrictive R-2 Medium Density residential zoning requirements were used to determine the lot requirements for 33 S Fagan Ave.

**220 Attachment 15, Schedule I-C** states that for single-family dwellings the minimum lot area is 9,000 square feet, the minimum lot width is 80 feet, and the minimum lot depth is 100 feet.

The existing lot width for 33 S. Fagan Ave, a single-family dwelling lot, is 100 feet. The proposed lot line adjustment indicates the new lot width for 33 S. Fagan Ave would be 50 feet, therefore a 30-foot variance is required for the adjusted lot width.

The Planning Board shall consider the following in their recommendation:

**Effect on the Comprehensive Plan** - The Planning Board voted 6 - 1 that the proposed variance would have no effect on the Comprehensive Plan. The board member who voted that the variance would have an impact on the Comprehensive Plan stated they did not endorse creating a nonconforming lot to assist a larger project that would demolish an existing single-family home in a relatively affordable area of Niskayuna.

**Suitability of Use** - The board voted 6 - 1 that the proposed variance was suitable as proposed. They noted that with the proposed lot line the property would retain its residential use. The Planning Board member who voted the proposed variance was not suitable repeated their statement that they did not endorse creating a nonconforming lot to assist a larger project that would demolish an existing single-family home in a relatively affordable area of Niskayuna.

**RECOMMENDATION** - The board voted 6 - 1 to recommend the ZBA approve the variance. The board member who voted not to approve the variance stated the variance harms the land into the future.