# TOWN OF NISKAYUNA Planning Board and Zoning Commission Agenda December 12, 2022 7:00 PM

#### REGULAR AGENDA MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
  - 1. November 28, 2022
- IV. PUBLIC HEARINGS
- V. PRIVILEGE OF THE FLOOR
- VI. UNFINISHED BUSINESS
  - 1. 2023 Calendar Adoption

#### VII. NEW BUSINESS

- 1. RESOLUTION: 2022-33: A Resolution for site plan approval for new signage at Hillcrest Village apartments at 1515 Hillside Ave.
- 2. RECOMMENDATION TO ZBA: 2721 Balltown Rd. A Recommendation to the ZBA regarding a site plan app. requiring a use variance for the construction of two additional 6-unit apartment buildings on the premises along with an accessory garage and associated parking.

#### VIII. DISCUSSION ITEM

- 1. 1851 Union St. Mohawk Golf Club application for sketch plan approval including a Special Use Permit for a 22-lot Average Density Development (ADD) subdivision consisting of 10 single-family detached homes and 12 townhomes.
- 2. 2475 Brookshire Dr. Tall Oaks Apts. site plan app. for the replacement of existing signage and the installation of new signage.
- IX. REPORTS
- X. COMMISSION BUSINESS
- XI. ADJOURNMENT

NEXT MEETING: January 9, 2023 at 7 PM
To be Held in the Town Board Room & via Remote Software

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1		TOWN OF NISKAYUNA
2	Pla	nning and Zoning Commission
3		Hybrid Meeting
4		Meeting Minutes
5		November 28, 2022
6	Members Present:	Kevin Walsh, Chairman
7		David D'Arpino
8		Genghis Khan
9		Mr. McPartlon
10		Chris LaFlamme
11		Michael Skrebutenas
12 13		Daci Shenfield (Virtual) Nancy Strang
14		Leslie Gold
15		Don't Cold
16	Also Present:	Laura Robertson, Town Planner
17		Alaina Finan, Town Attorney
18		Clark Henry, Assistant Planner (Virtual)
19	I. CALL TO ORDER	
20	Chairman Walsh called the hy	brid meeting to order at 7:00 P.M.
21	II. ROLL CALL	
22	All members present tonight.	
23	III. MINUTES	
24	• November 28, 2022	
25	Mr. D'Arpino made a motion	n to approve and it was seconded by Mr. Skrebutenas. After some
26	1	ed minutes were approved unanimously.
27	IV. PUBLIC HEARING	SS .
28	No public hearings tonight	
29	V. PRIVILEGE OF TH	HE FLOOR
30	Ms. Gail King of Niskayuna	was present to speak at the meeting. She stated she feels like her
31	business and other businesse	s in the CO-OP Plaza have been negatively affected by the Broken
32		or seating for the restaurant and the lack of parking that has been a
33	result of the Board and Plann	ner's lack of attention to the problems.

Mr. Thomas Nicchi, the owner of the Broken Inn approached the podium. He stated that he has

been working on this project since May 23, 2022. He stated there have been multiple revisions

of the plan and would love direction from the Board to allow for discussions about the project

- for outdoor dining to begin again. He asked the Town to respond to his concerns. His hope is for
- this project to be able to go forward soon.
- Mr. Charles Horowitz stated his opposition to the proposed townhomes at the Mohawk Club.
- He stated that this neighborhood is a very stable neighborhood. He stated this plan is a surprise
- for him. He doesn't believe it belongs in this neighborhood.
- Ms. Cynthia Fairbanks of Niskayuna stated her concern regarding the proposed townhomes at
- the Mohawk Country Club. She stated she is concerned about overpopulation at the schools.
- She asked the Board to keep that into consideration when voting on this project.

#### 45 VI. UNFINISHED BUSINESS

No unfinished business today.

#### 47 VII. NEW BUSINESS

- 1. RESOLUTION: 2022-31: A Resolution for minor subdivision approval of tax map parcel 61.-1-33.2 on Empire Dr. into two separate lots of 1.83 and 2.0 acres.
- Mr. McPartlon made a motion and it was seconded by Mr. Skrebutenas. Mr. Speulstra and Mr.
- Joralemon were present for the meeting. Chairman Walsh noted the hard work of the applicant
- and his engineer to address the concerns that were raised at the Planning Board. He specifically
- thanked them for taking the concerns of their neighbors regarding the drainage and tree buffer
- into consideration. Ms. Robertson appreciated them taking the time to find a stormwater practice
- that kept as many trees intact as possible.

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- Hearing no further discussion, Chairman Walsh called for a vote.
- Upon voting, the resolution was approved 7-0.
- 60 Mr. D'Arpino AYE
- 61 Mr. Skrebutenas AYE
- 62 Mr. Khan AYE
- 63 Mr. LaFlamme AYE
- 64 Mr. McPartlon AYE
- 65 Ms. Shenfield AYE
- 66 Chairman Walsh AYE

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2. RESOLUTION: 2022-32: A Resolution for site plan approval of new signage for Momentive Performance Materials at 2750 Balltown Rd.

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- Mr. Bill McQueeny was present for the meeting. He consulted with the Board and Ms. Finan on
- the process of appealing the time constraints on the lighting for the new signage. Ms. Finan noted
- that any changes requested of the conditions of the variance will need to be addressed with the
- 74 **ZBA**.

Page 3 of 5

- 75 With no further discussion, Chairman Walsh called for a vote.
- Upon voting the resolution was approved 7-0.
- 77 Mr. D'Arpino AYE
- 78 Mr. Skrebutenas AYE
- 79 Mr. Khan AYE
- 80 Mr. LaFlamme AYE
- 81 Mr. McPartlon AYE
- 82 Ms. Shenfield AYE
- 83 Chairman Walsh AYE

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#### VIII. DISCUSSION ITEMS

1. 2721 Balltown Rd. – application for construction of two additional 6-unit apartment buildings on the premises along with an accessory garage and associated parking.

Mr. Robert Stout was present virtually to represent the applicant. Chairman Walsh stated that the Board wanted to touch base with the applicant regarding any revisions made to the plan before they make a recommendation to the ZBA next meeting. Mr. Stout noted that due to the short turn-around, he was not able to get updated drawings. The Board discussed the process for making their recommendation to the Zoning Board and their concerns about making a recommendation on an unfinished site plan as it related to a use variance. Ms. Robertson explained that the applicant is allotted certain legal timeframes to bring their application to the Zoning Board of Appeals and the Boards have to be cognizant of those timeframes. Mr. Ritmo is currently scheduled for the Zoning Board meeting on December 14. The Board questioned having the use variance and area variance looked at by the Planning Board at the same time due to the lack of updated site plans and not knowing the best location of potential future buildings. They did not want an area variance locking in a site plan they had not reviewed or approved yet. Mr. Stout stated they would separate out their area variance request from the use variance request and, should the ZBA grant the use variance, they were willing to go back to the Zoning Board a second time to have them look at an area variance. This would allow the Planning Board to have a clearer understanding of the exact placement of the buildings based upon allowable density and wetland delineated, which may or may not trigger the for an area variance. The Board agreed they wished to separate the two variance requests and only take action on the use variance recommendation for December 12.

The Board discussed their concern with how the additional buildings would impact the nearby residential neighborhood. Mr. Skrebutenas noted that in 2019 a 24 unit apartment development was proposed for the area and was rejected by the Planning Board. He noted his concern that this project could become a development of accretion. The Board noted that the wetland delineation will also change the area in which the buildings can be built and could significantly change the site plan. Chairman Walsh re-iterated that due to the lack of information on the site plan - they will need to be discerning in their recommendation to the ZBA that it is based on use variance only.

The Board discussed with the applicant to consider alternative site plans designs including flipping the garages and exploring the concept of only adding one building instead of two. They asked for an accurate delineation of wetlands and a defined site plan that the board can use to make a well informed recommendation to the ZBA on the use variance in December. The Board discussed reviewing the Zoning Code ahead of time to be well informed regarding the ZBA process and the Planning Boards role in its recommendation.

Chairman Walsh thanked Mr. Stout for attending the meeting.

## 2. 1851 Union St. – Mohawk Golf Club – application for subdivision sketch plan approval for 22 new single-family townhouses.

Mr. Kimmer from ABD Engineering was present for the meeting. Mr. Khan volunteered to be project lead on this project. Mr. McPartlon stated his recusal for this project. Ms. Robertson gave a brief review of the meeting between the applicant and the CAC. She noted that the CAC was concerned about the neighborhood impacts and would like to see more green space utilized. Mr. Khan asked about the meetings the applicant had with the residents. Mr. Kimmer stated he was not in attendance, but they were held at the country club. He stated Mr. Sweet would know more information regarding the meetings. Chairman Walsh asked Mr. Kimmer to look into the effect this project will have on the population increase at the Niskayuna public schools. He stated he will get numbers.

Ms. Robertson explained to the Board that this project will need to get through sketch plan approval as a major subdivision before they can go before the ZBA. Chairman Walsh asked about widening the boulevard. Mr. Kimmer stated that can be looked at but as of now, the road is a dead end and is compliant with NYS Emergency Access Fire Coded for width for emergency vehicle turnaround. Chairman Walsh stated the Town of Niskayuna Code is 500 feet.

Mr. Kimmer noted that the Board wanted to see an alternative look other than the hammerhead design. He presented the full loop design to the Board. He noted it has a similar number of lots (21) with a similar number of variances. He added that about 25% more land would be disturbed and it would have a few "thru-lots". Mr. Khan asked if there is another location that this project would work on the golf course. Mr. Kimmer stated not for this type of project. This is the location they are committed to.

Mr. D'Arpino discussed with Mr. Kimmer the possibility of multiple home designs to break up the neighborhood.

Ms. Gold noted that this will be a public road and that Ray from Highway and Police and Fire should look at the plan.

- Ms. Robertson and the Board discussed the uniqueness to this project. She noted that this will be a first where a home was demolished to create access for a new road that leads to a whole new development. This was not a stub road and there was no way neighbors could have known there would be a proposed road in this location. It was not a planned future development connection.
- The Board expressed their concern with making the two adjacent homes corner lots.

- Mr. Khan asked the applicant to look at other access points for the development without 163 removing a home. Mr. Kimmer stated they had grade issues and didn't want to rearrange a golf 164
- course hole. The Board agreed it was important to look at alternative accesses so they could 165
- understand all options. 166

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Ms. Robertson added that she recommended that the Planning Board push for a Complete Streets 168 connection that was recommended by the committee between Country Club Estates and Ruffner 169 Road.

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Mr. D'Arpino asked Mr. Kimmer to present a plan at the next meeting that gives alternatives to 172 the current ingress and egress to the development. He asked him to give reasoning on why this 173 would be difficult to accomplish. He noted it would give the Board a better understanding for 174 why they want to keep with the plan present. 175

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Mr. Kimmer stated he will take all comments into consideration for the next meeting. Chairman 177 Walsh thanked him for coming. 178

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- 180 3. 1515 Hillside Ave. – site plan app. for new signage at Hillcrest Village Apts.
- Mr. Crawford was present virtually for the meeting. He presented the updated version of the 181 signs that now include the designation of "East" and "West" on the signs. He explained the
- 182 numberings. Chairman Walsh stated he was happy with the changes and called for a resolution 183
- on the signage for the next meeting. The Board agreed. 184

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#### IX. **REPORT**

#### 1. Planning Department Updates

- Ms. Robertson noted that she will email the 2023 Planning Board calendar to the Board 188
- members. She stated she will put it on for adoption for the next meeting. Mr. Skrebutenas asked 189
- for the status of the review of the Broken Inn special use permit request. Ms. Robertson 190
- explained briefly the legal issues with allowing dining in the right of way and how it relates to 191
- the project at the Broken Inn. 192
- Ms. Robertson reminded the Board she has posted opportunity for trainings. She will continue to 193
- post opportunities for the Board so they will get their four hours of training in this year. 194

#### **COMMISSION BUSINESS** 195

No commission business tonight 196

#### XI. **ADJOURNMENT** 197

- Chairman Walsh asked for a motion to adjourn. Mr. Skrebutenas made a motion to adjourn and 198
- it was seconded by Mr. LaFlamme. The meeting was adjourned at approximately 9:20 pm. 199

## 2023

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Planning	Zoning	CAC
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HOLIDAYS Early Voting

TB Agenda	



## **Town of Niskayuna**

# Planning Board and Zoning Commission 2023 Meeting Schedule

January	9
January	23
February	13
February	27
March	13
March	27
April	17
May	8
May	22
June	12
June	26
July	10
July	24
August	14
August	28
September	11
October	2
October	16
November	13
November	27
December	11

Meetings are held on Mondays at 7:00 p.m. in the Town Board meeting room. Dates and times are subject to change.



### **TOWN OF NISKAYUNA**

#### PLANNING BOARD AND ZONING COMMISSION

#### **AGENDA STATEMENT**

AGENDA ITEM NO. VII. 1 MEETING DATE: 12/12/2022

ITEM TITLE: RESOLUTION: 2022-33: A Resolution for site plan approval for new signage at Hillcrest Village Apartments at 1515 Hillside Ave.

PROJECT LEAD: TBD

APPLICANT: Richard Crawford, agent for the owner

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

Conservation Advisory Council (CAC) □ Zoning Board of Appeals (ZBA) □ Town Board □ OTHER:

ATTACHMENTS:

Resolution ■ Site Plan □ Map □ Report □ Other:

#### **SUMMARY STATEMENT:**

Richard Crawford, agent for the new owners, submitted an Application for Site Plan Review to replace the existing monument sign panels and the addition of several new freestanding directional signs at the 14.43 acre Hillcrest Apartment site at 1515 Hillside Ave.

#### **BACKGROUND INFORMATION**

The property is located within the R-3 High Density Residential zoning district.

A 2-page survey drawing entitled "ALTA / ACSM Land Title Survey, Lands Now or Formerly of, Hillcrest Apartments, LLC" by C.T. Male Associates dated 4/20/15 (sheet 1) and 4/23/15 (sheet 2) with no subsequent revisions was provided with the application.

A 14-page document entitled "Sign Summary" by Bartush Signs dated 8/18/21 with a most recent revision of 7/20/22 was also provided with the application.

SIGN	Туре	Notes
1	Access Point	Code Compliant
2	Directional	Waiver for 8 sf sign area required
3	Access Point	Code Compliant
4	Directional	Code Compliant
5	Directional	Waiver for 4 sf sign area needed
5B	Leasing Sign	To be Removed

#### Schedule I-C Part 2 R-3 District

 Refers to Section 220-26 for sign requirements and regulations for multiple-family dwelling units

#### Section 220-22 Signs

#### Section 220-26 Multiple-family dwellings

The 14-page document was reviewed against the relevant portions of the zoning code resulting in the following.

#### Sign 1 – Main ID Sign at Corner

- Access point sign replacement
- Replace existing 32sf panels with code conforming panels of the same size

#### Sign 2 – Secondary Building ID Sign – West

- Directional sign -- new
- There is currently no existing sign at this entry point to the property
- Section 220-26 J Signs states "....any number of directional signs, each not to exceed four square feet in area and eight feet above average grade, may be permitted."
- As proposed, the proposed new directional sign measures 12sf. in area and is 6' high
- Therefore, a waiver of 8 sf of directional sign area is needed

#### Sign 3 - Secondary ID Sign - Rosa Road

- Access point sign replacement
- Replace existing 13.8sf panels with code conforming panels of the same size

#### Sign 4 – Leasing Center Directional Sign

- Directional sign replacement
- Replace existing 21sf directional sign with a new code conforming 20sf directional sign

#### Sign 5 – Leasing Center ID Sign

- Directional sign replacement
- Replace existing 5.25sf sign with a new 8sf sign
- Section 220-26 J Signs states "....any number of directional signs, each not to exceed four square feet in area and eight feet above average grade, may be permitted."
- As proposed, the new directional sign measures 8sf in area and is 6' high
- Therefore, a waiver of 4sf of directional sign area is needed

#### Sign 5B – Leasing Center Wall Sign

Wall sign is to be removed and not replaced

8/8/22 Planning Board (PB) meeting – a representative from Hillcrest Apartments presented the proposed new signage images to the PB. He apologized for the fact that the signs were already installed and explained that he was not aware of the need for a permit to replace existing signs. The Planning Office noted that waivers from the Board are required for signs 2 and 5 due to their size. The PB asked the applicant to provide images for code (size) compliant signs for the 8/29/22 PB meeting as a reference. The Board was comfortable enough with the proposed signage as submitted to call for a tentative resolution for the 8/29/22 PB meeting.

The applicant provided a new revision of the Sign Summary documentation package dated 8/22/22 that includes sign images that comply with code. Reference materials supporting the larger signs were also provided. A resolution was been prepared.

<u>8/29/22 Planning Board (PB) meeting</u> – the applicant presented the revised sign package to the Board. The Board expressed concerns that the crowded wording of sign 2 would confuse delivery service drivers and emergency responders. A suggestion was made to identify the buildings as being either west or east. After additional discussion the Board took action on a motion to approve the resolution with waivers for the proposed sign package. The Resolution failed with a vote of 3 ayes and 4 nays.

The applicant has submitted a new simplified design for sign 2. The text on the sign has been changed from "Buildings 10, 20, 30, 40, 50, 60, 70, 80" to "Buildings 10 – 80".

The applicant also resubmitted the 3' 0" x 2' 8" (8 sq. ft.) version of sign 5. As noted above, zoning code limits the size of directional signs to 4 sq. ft. A narrative document was provided with the resubmitted design package that includes the following points for the Board's consideration.

- The previous approval of this sign was 5.25 sq. ft. in size
- The sign is located in front of the Leasing Center building in an area of low traffic density
- The applicant removed and did not replace a Leasing Center façade sign that measured 10.1 sq. ft. when the 8 sq. ft. version of sign 5 was installed. The applicant notes this resulted in a net decrease in signage of 2.1 sq. ft. of signage.

The applicant is before the Planning Board this evening to present the new simplified version of sign 2 and request reconsideration of sign 5.

9/12/22 Planning Board (PB) meeting – Mr. Crawford presented a redesigned version of sign 2 to the PB. The PB agreed the size of the sign was acceptable but they felt the text on the sign does not clearly distinguish the locations of all of the buildings. The revised sign reads "Buildings 10 – 80". This is not accurate because buildings ending in a "5" – Building 5, 15, 25, etc., are actually located in the opposite direction from Buildings 10, 20, 30, etc. The PB asked the applicant to clearly distinguish between the even and odd numbered buildings.

A revised drawing package with the revision date of 11/15/22 was delivered to the Planning Office on 11/17/22. Sign 2 has been revised to read "West Buildings 10, 20, 30, 40, 50, 60, 70, 80" Sign 4 has been accordingly revised to read "Leasing Center", "East Buildings 5, 15, 25, 35, 45, 55, 65, 75, 85-175." As proposed, the design dated 11/15/22 will require the two waivers identified above for signs 2 and 5.

11/28/22 Planning Board (PB) meeting – Mr. Crawford presented the revised sign drawing package authored by Bartush Signs dated 11/15/22. The PB approved the new design and called for a resolution for site plan approval for the 12/12/22 meeting.

A resolution for approval is included in the meeting packet.

#### RESOLUTION NO. 2022 - 33

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 12TH DAY OF DECEMBER 2022 AT THE NISKAYUNA TOWN OFFICE BUILDING, ONE NISKAYUNA CIRCLE, IN SAID TOWN AT 7:00 P.M., THE FOLLOWING MEMBERS WERE PRESENT VIRTUALLY OR IN PERSON:

HONORABLE: KEVIN A. WALSH, CHAIRMAN

**GENGHIS KHAN** 

MICHAEL A. SKREBUTENAS

CHRIS LAFLAMME

PATRICK MCPARTLON

DAVID D'ARPINO

DACI SHENFIELD LESLIE GOLD

NANCY STRANG

One of the purposes of the meeting was to take action on an Application for Site Plan Review.

The meeting was duly called to order by the Chairman.
The following resolution was offered by,
whom moved its adoption, and seconded by

WHEREAS, Richard Crawford, agent for the owner of Hillcrest Village Apartments has made an application to the Planning Board and Zoning Commission for site plan review for new signage for Hillcrest Village Apartments at 1515 Hillside Ave. Niskayuna, and

WHEREAS, the zoning classification of the property is R-3: High Density Residential zoning district, and

WHEREAS, a 13-page document entitled "Sign Summary" by Bartush Signs dated 8/18/21 with a most recent revision of 11/15/22 was also provided with the application, and

WHEREAS, Niskayuna Zoning Code Schedule I-C for the R-3 zoning district states: "See Section 220-26 for requirements and regulations" regarding design parameters (minimum lot size, minimum yard dimensions, etc.) including signage, and

WHEREAS, Niskayuna Zoning Code Section 220-26 Multiple-family dwellings J signs states: "In the addition to the regulations of Section 220-22A (10), one sign may be permitted at each access point to the site. In addition to the principal sign(s), any

number of directional signs, each not to exceed four square feet in area and eight feet above average grade, may be permitted....", and

WHEREAS, as proposed, "Sign 2 Secondary Building ID Sign – West" on page 4 of the 13-page drawing set describes a directional sign measuring 4' wide x 3' high (12 sq. ft.), therefore a waiver of 8 sq. ft. of sign area is required, and

WHEREAS, as proposed, "Sign 5 Leasing Center ID Sign – West" on page 10 of the 13-page drawing set describes a directional sign measuring 3' wide x 2' 8" high (8 sq. ft.), therefore a waiver of 4 sq. ft. of sign area is required, and

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission has determined that the proposed sign waivers as described above would have a minimum negative effect on aesthetics, and be it

FURTHER RESOLVED, that the Planning Board and Zoning Commission does hereby grant said waivers to allow for the signage as described in the 13-page document entitled "Sign Summary by Bartush Signs dated 8/18/21 with a most recent revision of 11/15/22, and be it

FURTHER RESOLVED, that the Planning Board and Zoning Commission finds the above referenced site plan meets the requirements of the Zoning Code and previous site plan approvals, and therefore, hereby approves this site plan.

Upon roll call the foregoing resolution was adopted by the following vote:

KEVIN A. WALSH, CHAIRMAN GENGHIS KHAN MICHAEL A. SKREBUTENAS CHRIS LAFLAMME PATRICK MCPARTLON DAVID D'ARPINO DACI SHENFIELD LESLIE GOLD NANCY STRANG

The Chairman declared the same \_\_\_\_\_\_.

## Hillcrest Village Apartments Sign 2 + Sign 5 Application Narrative Addendum 2

#### 1. Sign 2

The copy is revised on Sign 2 to include the wording "West Buildings"; the Building number listings are also simplified and larger, and easier to read.

#### 2. Sign 4

The copy on Sign 4 is revised to include the wording "East Buildings"; the Building number listings are also simplified and larger, and easier to read.

#### 3. Sign 5

Again the Applicant appreciates the Board's consideration of the minimal size increase for the replacement Sign 5:

- The previous sign was 5.25 SF, not 4 SF
- This sign is located in front of the Leasing Center, in an area of low traffic density
- The Applicant removed a Leasing Center wall sign @ 10.1 SF when the replacement Sign 5 was installed, and did not replace the wall sign in the interests of sign economy, and request some credit for the overall reduction in sign area at the Leasing Center, and not an increase.

Richard B. Crawford, Esquire PA Attorney ID 38030

Bartush Signs, Inc., for Morgan Properties et. al.

302 N Washington Street, Orwigsburg PA 17961

### MORGAN PROPERTIES MC CONVERSION: HILLCREST

#### **EXTERIOR SIGNAGE REBRANDING**





#### **SIGN SUMMARY**























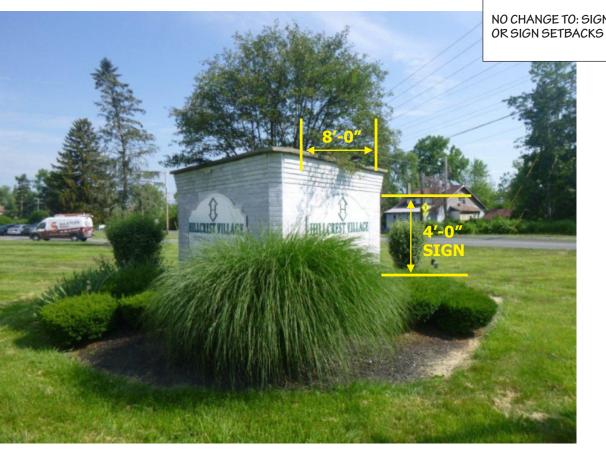
## SIGN 1 - MAIN ID SIGN AT CORNER QUANTITY (2 PANELS)

SIGN ZONING RECAP:

EXISTING SIGN: PANELS ON STRUCTURE SIGN AREA: 4'-0" X 8'-0" = 32 SF PER PANEL EXTERNAL ILLUMINATION

REPLACEMENT SIGN:
PANELS ON STRUCTURE
SIGN AREA: 4'-0" X 8'-0" = 32 SF PER PANEL
EXTERNAL ILLUMINATION

NO CHANGE TO: SIGN LOCATION, SIGN STRUCTURE OR SIGN SETBACKS



Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

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RBC RBC

Dwg No: HAH0818214017

1

2

of 13

11-15-22



#### SIGN 1 - MAIN ID SIGN AT CORNER **QUANTITY (2 PANELS)**

SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

8'-0" Hillcrest Village **APARTMENT HOMES** 4'-0" 518-372-9684 morganproperties.com MORGAN

3" ALUMINUM **WARM GRAY ACCENTS** SEPARATE FROM SIGN PANEL

#### **COLORS FOR SIGN**

BLACK

WHITE

GRAY

BLUE

PMS WARM GRAY 9C SILVER/ALUMINUM

MORGAN PROPERTIES

SIGN ELEVATION

1/2"=1'-0"

APARTMENT HOMES

MORGAN PROPERTIES

Location:

HILLCREST

Client:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

Dwa. Bv:

RBČ

Dwa No:

HAH0818214017



11-15-22





ORWIGSBURG, PENNSYLVANIA 17961 PHONE 570-366-2311 E-Mail: signsetc@bartush.com

Web Address: www.bartush.com

#### SIGN #1 DETAILS -

FABRICATE & INSTALL (2) NEW SF SIGN PANELS FOR EXISTING V-SHAPED BRICK MONUMENT AT THE CORNER OF HILLSIDE **AVENUE + PROVIDENCE AVENUE;** 

**REMOVE THE EXISTING SIGN PANELS + DISPOSE OF SAME:** 

REPLACEMENT SIGN PANELS TO BE **FABRICATED .125" ALUMINUM WITH ALUMINUM ANGLE SUB-FRAMING: NO VISIBLE SEAMS, FASTENERS OR RIVETS** ON THE FACE OF THE SIGN PANELS;

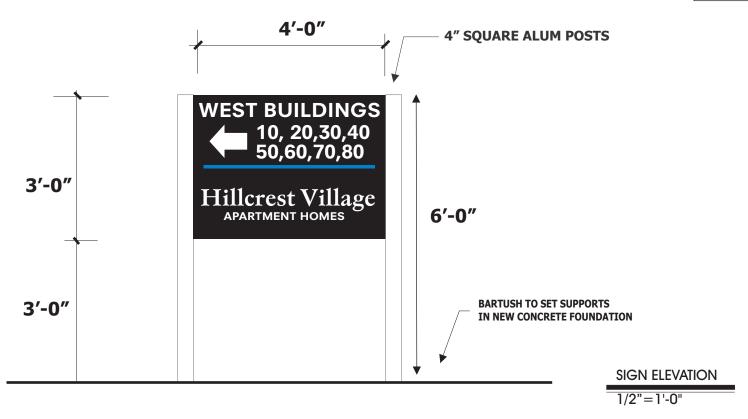
PANELS TO BE SINGLE SIDED; SIGN FACE OPTIONS: SEE BOX IN UPPER RIGHT;



## SIGN 2 - SECONDARY BUILDING ID SIGN - WEST QUANTITY (1)

SIGN CABINET OPTIONS

A. NON LIT FLAT COPY



SIGN #2 DETAILS -

FABRICATE & INSTALL (1) NEW DF FS FREESTANDING ID SIGN;

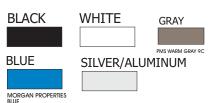
SIGN TO BE FABRICATED ALUMINUM POST & PANEL STYLE: STANDARD DESIGN WITH 4" DEEP PANEL;

THERE IS NO SIGN AT THIS ENTRY POINT CURRENTLY;

SIGN TO DOUBLE SIDED; SIGN FACE OPTIONS: SEE BOX IN UPPER RIGHT;

DISPOSAL OF ANY EXCAVATED EARTH TO BE ON CUSTOMER'S SITE;

#### **COLORS FOR SIGN**







### SIGN 2 - SECONDARY BUILDING ID SIGN - WEST

**QUANTITY (1)** 



DIRECTIONAL ID SIGN INSTALLED

**12 SF SIGN AREA** 

POSTED SPEED 30 MPH VIEWER REACTION DISTANCE: 220'-0" VIEWER REACTION TIME: 5 SECONDS Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22 11-15-22

Dwg. By:

Dwg No:

HAH0818214017









## SIGN 3 - SECONDARY ID SIGN - ROSA ROAD QUANTITY (2 PANELS)



SIGN ZONING RECAP:

EXISTING SIGN: PANELS ON STRUCTURE SIGN AREA: 2'-4" X 6'-0" = 13.8 SF PER PANEL EXTERNAL ILLUMINATION

REPLACEMENT SIGN:
PANELS ON STRUCTURE
SIGN AREA: 2'-4" X 6'-0" = 13.8 SF PER PANEL
EXTERNAL ILLUMINATION

NO CHANGE TO: SIGN LOCATION, SIGN STRUCTURE OR SIGN SETBACKS

Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

Dwg. By:

RBC . D

Dwg No: HAH0818214017





11-15-22



## SIGN 3 - SECONDARY ID SIGN - ROSA ROAD

**QUANTITY (2 PANELS)** 



**COLORS FOR SIGN** 

BLUE STLVER

MORGAN PROPERTIES

SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

GRAY

PMS WARM GRAY 9C

SILVER/ALUMINUM

Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

Dwg. By: RBC

Dwg No: HAH0818214017

DWG# 7

OF

of 16

11-15-22

302 NORTH WASHINGTON ST.
ORWIGSBURG, PENNSYLVANIA 17961
PHONE 570-366-2311
E-Mail: signsetc@bartush.com
Web Address: www.bartush.com

**SIGN #3 DETAILS -**

FABRICATE & INSTALL (2) NEW SF SIGN PANELS FOR EXISTING BRICK MONUMENTS AT THE CORNER OF ROSA ROAD + RANDI ROAD;

REMOVE THE EXISTING SIGN PANELS + DISPOSE OF SAME;

REPLACEMENT SIGN PANELS TO BE FABRICATED .125" ALUMINUM WITH ALUMINUM ANGLE SUBFRAMING; NO VISIBLE SEAMS, FASTENERS OR RIVETS ON THE FACE OF THE SIGN PANELS;

PANELS TO BE SINGLE SIDED; SIGN FACE OPTIONS: SEE BOX IN UPPER RIGHT;



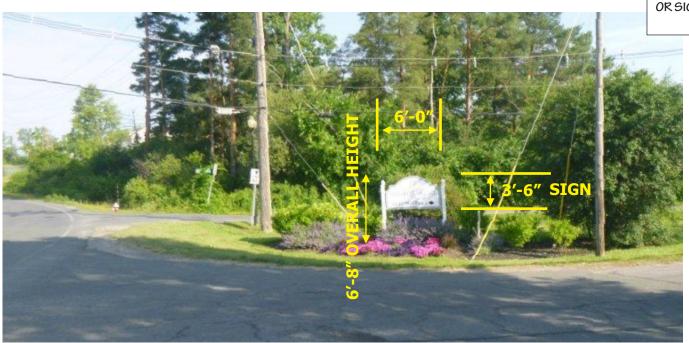
## SIGN 4 - LEASING CENTER DIRECTIONAL SIGN QUANTITY (1)

SIGN ZONING RECAP:

EXISTING SIGN: SIGN AREA: 3'-6" X 6'-0" = 21 SF SIGN HEIGHT: 6'-8" NO ILLUMINATION

REPLACEMENT SIGN: SIGN AREA: 3'-6" X 6'-0" = 21 SF SIGN HEIGHT: 6'-0" NO ILLUMINATION

NO CHANGE TO: SIGN LOCATION, SIGN STRUCTURE OR SIGN SETBACKS



Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

Dwg. By:

RBC RBC

Dwg No: HAH0818214017

wg#

8

of 13

11-15-22



### SIGN 4 - LEASING CENTER DIRECTIONAL SIGN **QUANTITY (1)** 5'-0" **6" SQUARE ALUM POSTS LEASING CENTER EAST BUILDINGS** 5,15,25,35,45,55 65,75,85-175 4'-0" 6'-0" Hillcrest Village APARTMENT HOMES 2'-0" **BARTUSH TO SET SUPPORTS** IN NEW CONCRETE FOUNDATION SIGN ELEVATION

SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

#### **COLORS FOR SIGN**

**BLACK** 

WHITE

**GRAY** 

PMS WARM GRAV OC

BLUE

MORGAN PROPERTIES

SILVER/ALUMINUM

Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

Dwa. Bv:

11-15-22

RBČ

Dwa No:

HAH0818214017







302 NORTH WASHINGTON ST. ORWIGSBURG, PENNSYLVANIA 17961 PHONE 570-366-2311

E-Mail: signsetc@bartush.com Web Address: www.bartush.com

#### **SIGN #4 DETAILS -**

FABRICATE & INSTALL (1) NEW REPLACEMENT DF FS FREESTANDING ID SIGN;

**REMOVE THE EXISTING SF POST & PANEL** SIGN & RE-USE THE LOCATION FOR THE **NEW SIGN**;

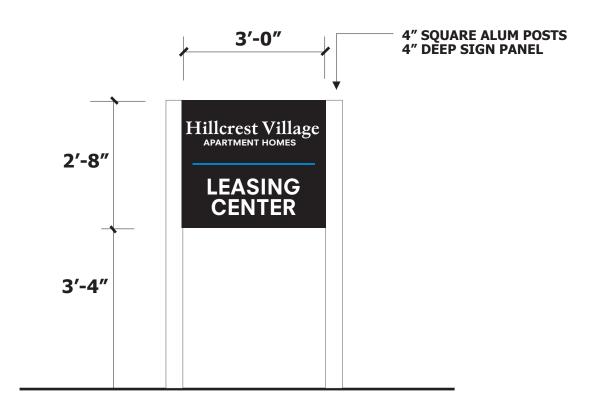
REPLACEMENT SIGN TO BE FABRICATED ALUMINUM; TO BE DOUBLE SIDED; SIGN FACE OPTIONS: SEE BOX IN UPPER RIGHT;

**DISPOSAL OF ANY EXCAVATED EARTH TO BE ON CUSTOMER'S SITE;** 



## **SIGN 5 - LEASING CENTER ID SIGN**

**QUANTITY (1)** 



LEASING CENTER SIGN INSTALLED

7.8 SF SIGN AREA



SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

#### **COLORS FOR SIGN**

BLACK

WHITE

**GRAY** PMS WARM GRAY 9C

BLUE

MORGAN PROPERTIES BLUE

SILVER/ALUMINUM

Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

Date:

08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22

Dwa. Bv:

RBC

Dwg No: HAH0818214017

11-15-22



**PREVIOUS SIGN = 5.25 SF** 

## SIGN 5B - LEASING CENTER WALL SIGN QUANTITY (1)



# THIS SIGN REMOVED = 10.1 SF



MORGAN PROPERTIES HILLCREST APARTMENT HOMES Location: 1515 HILLSIDE AVENUE NISKAYUNA NY 12309 Date: 08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22 11-15-22 Dwg. By: RBC Dwg No: HAH0818214017

302 NORTH WASHINGTON ST.
ORWIGSBURG, PENNSYLVANIA 17961
PHONE 570-366-2311

E-Mail: signsetc@bartush.com

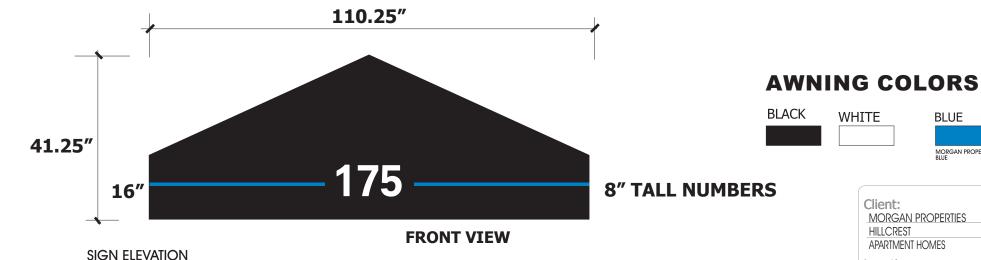
Client:

LEASING CENTER SIGN AS INSTALLED

#### **SIGN 6 - BUILDING ID AWNING CANOPIES**

**QUANTITY (18)** 

1/2"=1'-0"



**SIGN #6 AWNING CANOPY DETAILS -**

**AWNINGS ARE LOCATED ON THE EAST SIDE OF THE PROPERTY;** 

**RE-COVER EXISTING AWNING FRAMES;** COVER TO BE BLACK SUNBRELLA MATERIAL WITH WHITE & BLUE HEAT TRANSFERRED **GRAPHICS ON THE FRONT + SIDES OF AWNING COVERS;** 

**AWNING CANOPIES ARE NON-LIT; EXISTING SUPPORT STRUCTURE TO BE RE-USED**;

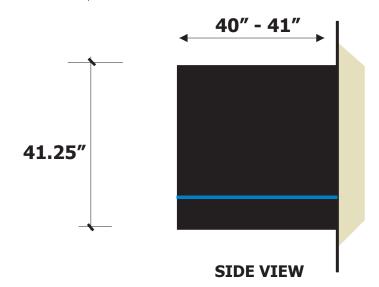
Client: MORGAN PROPERTIES HILLCREST APARTMENT HOMES Location: 1515 HILLSIDE AVENUE NISKAYUNA NY 12309 Date: 08-18-21 03-23-22 10-18-21 07-20-22 08-22-22 09-07-22 11-15-22 Dwa. Bv: RBC Dwa No: HAH0818214017

BLUE

MORGAN PROPERTIES BLUE

WHITE





### **SIGN 6 - BUILDING ID AWNING CANOPIES**

**QUANTITY (18)** 



LEAVE RAISED NUMBERS AS IS

REMOVAL WILL EXPOSE MOUNTING HOLES IN METAL SIDING



Client:

MORGAN PROPERTIES

HILLCREST

APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE NISKAYUNA NY 12309

08-22-22 09-07-22 11-15-22

Dwg. By:

Dwg No:

HAH0818214017

DWG# 13



302 NORTH WASHINGTON ST.
ORWIGSBURG, PENNSYLVANIA 17961
PHONE 570-366-2311

E-Mail: signsetc@bartush.com Web Address: www.bartush.com



#### **TOWN OF NISKAYUNA**

#### PLANNING BOARD AND ZONING COMMISSION

#### **AGENDA STATEMENT**

AGENDA ITEM NO. VII. 2	MEETING DATE: 12/12/2022
ITEM TITLE: RECOMMENDATION: 2721 Balltown Road – A regarding a site plan application for two new 6-unit apartment	
PROJECT LEAD: David D'Arpino	
APPLICANT: Alex Ritmo, owner	
SUBMITTED BY: Laura Robertson, Town Planner	
REVIEWED BY:  ■ Conservation Advisory Council (CAC) □ Zoning Board of □ OTHER:	Appeals (ZBA) $\square$ Town Board
ATTACHMENTS:  ☐ Resolution ■ Site Plan ☐ Map ☐ Report ☐ Other:	

#### **SUMMARY STATEMENT:**

Alex Ritmo submitted an Application for Site Plan Approval for the construction of two new 6-unit apartment buildings including one accessory garage and associated parking at 2721 Balltown Road. Mr. Ritmo received a use variance for the property on 10/21/20 to convert the existing main animal hospital building into a 6-unit multiple-family dwelling unit.

#### **BACKGROUND INFORMATION**

2721 Balltown Road is located within the R-P Residential and Professional Zoning District. However, as noted the Zoning Board of Appeals (ZBA) granted a use variance to allow the preexisting building (3 residential apartment units on the second floor and an animal hospital on the first floor) to be converted into a 6 unit apartment building – which also received Planning Board site plan approval. Central to several of the Board's recommendations during this process was that the existing buildings contained two non-conforming uses (multi-family apartments and an animal hospital) and the use variance actually made the building more conforming by consolidating it down to one use within the building (multi-family).

A letter dated 10/12/22 authored by Mr. Robert A. Stout of Whiteman, Osterman & Hanna LLP was provided with the Application for Site Plan Review stating that Mr. Ritmo is now requesting an amended Site Plan Approval for the construction of two new 6-unit apartment buildings and an accessory garage.

A 1-page site plan drawing labeled Proposed Layout Plan 2721 Balltown Rd. Dwg. No. C-110 by Insite Northeast Engineering and Land Surveying, P.C. dated 9/21/22 with no subsequent revisions was also provided with the application.

The Town of Niskayuna reviewed the application and determined that the Zoning Board of Appeals granted a use variance for the site plan application as written and the approval specific to the existing building does not extend to any future buildings on the property. Therefore the Planning Department denied the site plan application and the applicant will need to return to the Zoning Board of Appeals for a second use variance request.

<u>10/24/22 Planning Board (PB) meeting</u> – The PB provided a number of comments on the proposed plan, including the following.

- New Multi-family apartment buildings are currently only allowed as a right in the R-3 zoning district
- The Multiple-Family Dwellings Code (section 220-26) requires 40' side yard setbacks for new apartment buildings. Conformance with Section 220-26 should be considered in review and recommendation of a potential use variance
- The applicant shall work to minimize the amount of pavement on the site
- The applicant shall consider a parking area under the building rather than constructing a parking garage to minimize impervious surfaces.
- The applicant shall locate the dumpsters such that noise is limited
- The PB requested renderings of how the site would appear post-construction

The Planning Office issued a denial letter for the proposed project based on its noncompliance with the current use variance and the fact that the current zoning code does not allow multifamily homes in the R-P zoning district. They noted the next step for Mr. Ritmo and Mr. Stout would be to appeal to the Zoning Board of Appeals. The denial letter was issued on 10/31/22.

The Planning Office received updated site plan drawing dated 11/7/22.

- The proposed side setbacks are unchanged (remain 25')
- The amount of pavement on the site has been increased very slightly
- A separate 12-space parking garage structure is proposed
- The 2 garbage dumpsters have been relocated
- Wetlands are indicated but they appear to be added from a GIS source (approximate).
  The Planning Department recommends a full wetland delineation prior to submittal to
  the ZBA as the wetland boundaries and buffers may limit where the pavement or
  buildings can be places and change the amount of units that could be constructed on
  the property.

The applicant filed an appeal to the ZBA for a use variance with their case potentially scheduled for December 21, 2022.

11/14/22 Planning Board (PB) meeting – Mr. Robert Stout and Mr. Ritmo presented the updated version of the site plan drawing. Mr. Stout provided a broad overview of the case they will be presenting to the ZBA. The PB noted the rather narrow width of the lot and questioned if it was suitable for the additional proposed buildings. They suggested that the developer evaluate alternate layouts such as mirroring / flipping the parking garage and one of the apartment buildings. This would minimize the impact on the single-family detached homes to the south by placing the shorter parking garage nearest to the existing homes. Ms. Robertson noted that she believes there is some wetland area on the property that is not shown on the site plan drawing

and the exact location of the wetland will have a significant impact on the project. The PB summarized the meeting by noting the following action items.

- 1. Consider and create alternate site plan designs
  - a. Flip the garage and the southernmost building
  - b. Explore the concept of one > 6 unit building vs. two 6 units buildings
- 2. Add accurate wetland delineation to the current and all future site plan drawings
- 3. Refine & define the site plan to the point that the PB can make a recommendation to the ZBA at their 12/12/22 meeting regarding all requested variances.
- 4. Provide rendered images to better visually communicate site plan proposals

<u>11/15/22 Conservation Advisory Council</u> – Mr. Stout presented the project to the CAC. He noted that the wetland area should be delineated in approximately 2 weeks. Ms. Robertson noted that the CAC does not need to act on the EAF until their 12/7/22. Overall the CAC was concerned about the density and impacts to the surrounding community to this project, as well as the necessary variances. During the discussion the CAC requested the following in order to evaluate the environmental impacts.

- 1. The CAC asked if the applicant would consider a forever wild designation for the back area of the property.
- 2. Requested that solar panels be utilized on the roof of the garage.
- 3. Requested pesticide free lawn maintenance
- 4. CAC suggested that a historical survey will probably be required
- 5. Requested a walking path connection to the town owned land behind the property
- 6. Perform a preliminary check regarding water & sewer and traffic report
- 7. Explore traffic generation and issues to Balltown Rd.

<u>11/16/22 Architectural Review Board (ARB)</u> – the ARB briefly reviewed the site plan drawing during their 11/16/22 meeting.

11/28/22 Planning Board (PB) meeting – Mr. Stout attended the meeting and represented the developer. LR noted that the zoning code requires the ZBA to hear the application at their 12/21/22 meeting. The PB is also required to make a recommendation to the ZBA therefore at the 12/12/22 PB meeting. A detailed discussion was held that focused on defining the information the PB will use to make their recommendation. The Planning Office defined the required information as: the most current site plan of the project, the 2013 Niskayuna Comprehensive Plan and their assessment of things such as the impact the proposed project will have on the neighborhood. The group then reviewed the open action items from the 11/14/22 PB meeting.

A revised 1-page site plan drawing entitled "Layout Plan 2721 Balltown Rd. Dwg. No. PLOT" by Insite Northeast Engineering and Land Surveying, P.C. dated 11/7/22 with a most recent revision of Rev 1 11/7/22 was provided to the Planning Office via. email on 12/7/22. The drawing includes the same original drawing date and revision status as the site plan that was provided on 11/8/22 however, it has the locations of the proposed parking garage and one of the proposed new apartment buildings reversed. It is the opinion of the Planning Office that the applicant forgot to update the revision status of the new drawing. It should be identified as Rev 2 dated 12/7/22.

<u>12/7/22 Conservation Advisory Committee (CAC) meeting</u> – The CAC reviewed the new site plan drawing at their regularly scheduled meeting. A lengthy detailed discussion resulted in the following highlights.

- 1. The CAC was concerned about neighborhood impacts and preservation of open space. Mr. Stout agreed to designate the undeveloped land in the back of the parcel as Forever Wild and Mr. Ritmo noted that he would still like to have a walking trail pass thru it to the Town of Niskayuna land near the rear property line.
- 2. Mr. Stout stated that an Ecologist walked the site on 12/7/22 to mark the wetlands and an updated drawing including wetland delineations will be available early next week.
- 3. The CAC explored with the applicant how clean energy, LED lights, minimal area lighting, solar panels, landscaping and landscape screening, and pesticide-free practices would be important to a future site plan application.
- 4. The Council discussed that the original use variance moved the site from two nonconforming uses, an animal hospital and multi-family apartments, to one nonconforming use, multi-family apartments. In this way the original proposal was bringing the property more into conformance with the Zoning (2 non-conforming uses to one). They were concerned that this increased the multi-family units by 200% and since multi-family was not allowed in the R-P Zone, this increase was moving the property farther away from conformance with the Zoning.
- 5. The CAC discussed the concern of segmented review of the environmental impacts. They were concerned that the original SEQR determination looked at minimal site disturbance and converted a higher intensity use to a lower intensity use for the site. They were concerned that the original SEQR determination may have been different if they were looking at adding 15 units to the property instead of 3.
- 6. The CAC explored with the applicant what it would look like to have permitted principal uses allowed in the R-P zoning district constructed on the property.

The CAC completed Part 2 and Part 3 of the Short Environmental Assessment Form (SEAF) for the Use Variance and voted 3-1 on a negative declaration recommendation to the Zoning Board of Appeals. A copy of their findings will be emailed to the Planning Board when it has been completed.

The PB should review the new project materials and make a recommendation to the ZBA regarding the requested area variance. At this time the PB recommendation should be focused only on the requested use variance. If the proposed site plan also requires area variances a separate recommendation will be drafted by the PB at a future meeting.



#### Town of Niskayuna

#### MEMORANDUM

TO: File

FROM: Laura Robertson, Town Planner

DATE: October 5, 2020

RE: 2721 Balltown Road

At a regular Planning Board and Zoning Commission meeting held on December 12, 2022 the Planning Board reviewed the proposal to construct two (2) additional six (6)-unit apartment buildings along with an accessory garage structure and associated parking at 2721 Balltown Road. The property is within the R-P Residential and Professional zoning district. The application was denied for the following reasons:

#### 1. Failure to comply with the use variance granted by the ZBA on 10/21/20

The current 6-unit multiple-family dwelling building was granted a use variance by the Niskayuna Zoning Board of Appeals (ZBA) at their regularly scheduled meeting on 10/21/20. In his approval letter dated 10/23/20 Mr. Fred Goodman, Chairman of the ZBA, states "the Animal Hospital portion of the main building would be converted into three (3) additional apartment units, the existing three (3) units would remain and the kennels and outbuildings associated with the Animal Hospital would be removed". As proposed, the construction of two new additional multiple-family dwelling units does not comply with the use variance granted at the 10/21/20 ZBA meeting; therefore, a new use variance is required.

#### 2. Failure to comply with Section 220-4 of the Niskayuna Zoning Code

Section 220-4 states: "LOT – A portion or parcel of land considered as a unit devoted to a certain use. A "lot" is occupied or is to be occupied by one principal use in one principal building, together with any accessory buildings or uses permitted by this chapter. Only one principal use and one principal building are permitted on any "lot". A "lot" may or may not be the land shown as a "lot" on a duly recorded plat". As proposed, the construction of two new additional multiple-family dwelling units would constitute additional principal buildings and therefore does not comply with the zoning code. Therefore, a new use variance is required.

#### 3. Failure to comply with Section 220-10 (K) of the Niskayuna Zoning Code

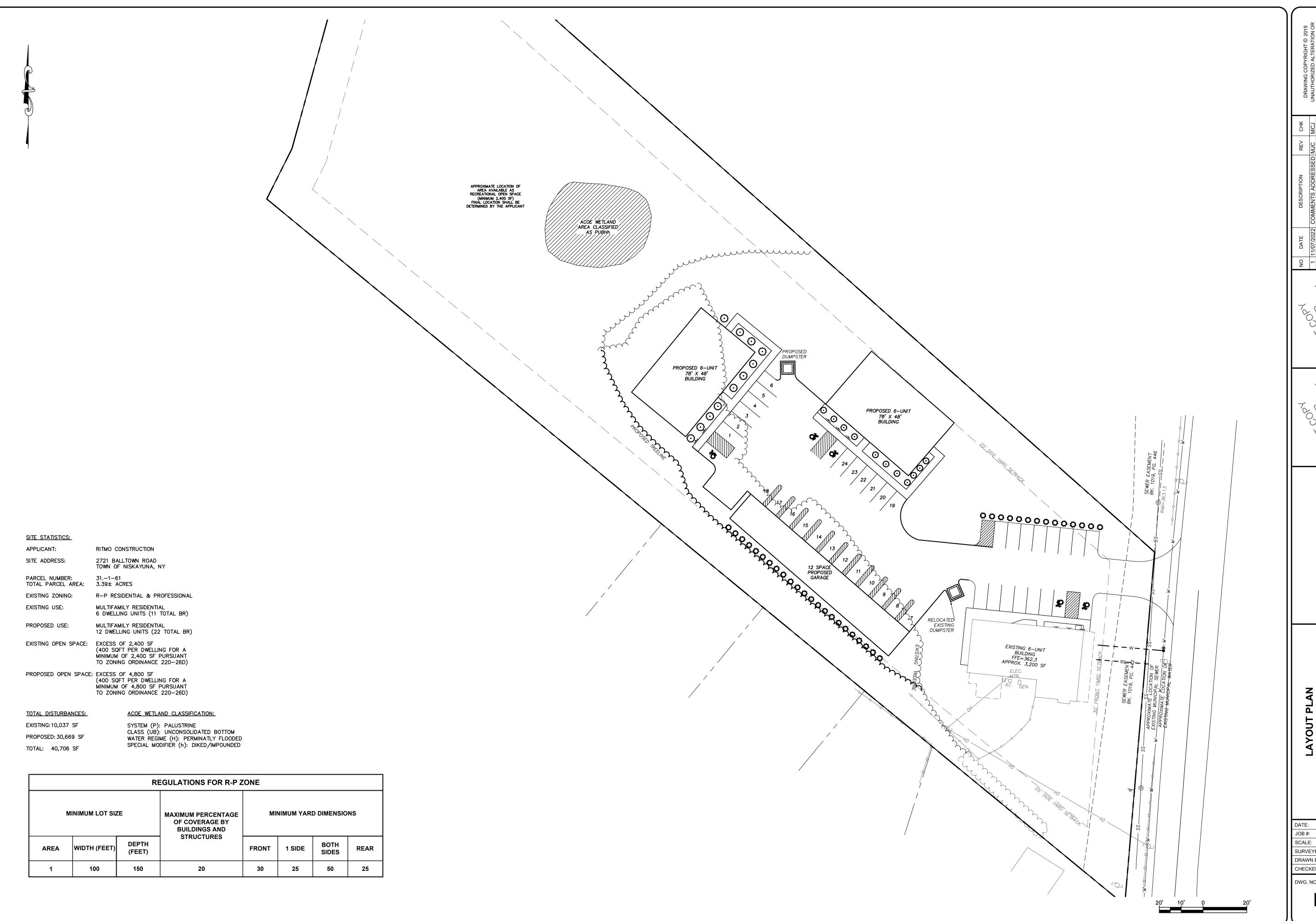
Section 220-10 District regulations states: "The principal uses and accessory uses permitted and those uses allowed upon granting of a special permit in each district are set forth in this section as follows". Section 220-10 (K) lists the principal, accessory and special permit uses for the R-P zoning district. As proposed, multiple-family dwelling units are not listed as principal or special permitted uses. Therefore, a new use variance is required.

The Planning Board made the following recommendations:

Effect on the Comprehensive Plan -

Suitability of Use -

**RECOMMENDATION -**

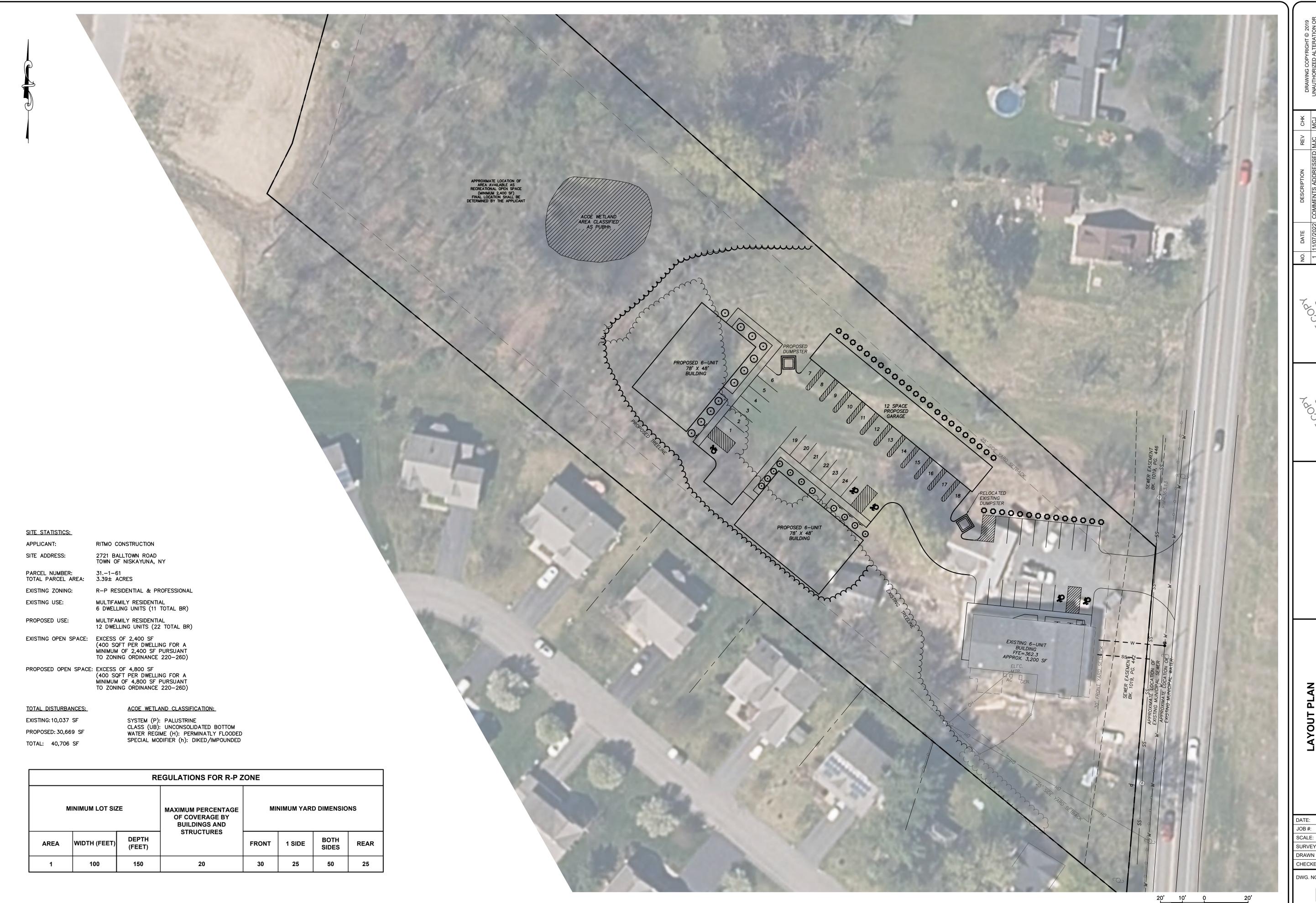


**AYOUT PLAN BALLTOWN** 

11/07/22 20031 AS SHOWN SURVEYED BY: XXXX DRAWN BY: CHECKED BY: MCJ

DWG. NO.

SHEET 1 OF 1



**BALLTOWN** 

11/07/22 20031

AS SHOWN SURVEYED BY: XXXX DRAWN BY: MJC CHECKED BY: MCJ

DWG. NO.

SHEET 1 OF 1



#### TOWN OF NISKAYUNA

#### PLANNING DEPARTMENT

One Niskayuna Circle Niskayuna, New York 12309-4381

**Laura Robertson, AICP** 4530

Town Planner 4592

lrobertson@niskayuna.org

Phone: (518) 386-

Fax: (518) 386-

#### **BUILDING AND ZONING PERMIT DENIAL**

Address: 2721 Balltown Road Application Date: October 31, 2022

31.-1-61

\_\_\_\_\_\_

Alex Ritmo 2990 Furbeck Road Altamont, NY 12009

Re: 2721 Balltown Rd., R-P Residential and Professional Zoning District, 3.40 acres.

Dear Mr. Ritmo:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your site plan application to construct two (2) additional six (6)-unit apartment buildings along with an accessory garage structure and associated parking at 2721 Balltown Road has been denied for the following reasons.

#### 1. Failure to comply with the use variance granted by the ZBA on 10/21/20

The current 6-unit multiple-family dwelling building was granted a use variance by the Niskayuna Zoning Board of Appeals (ZBA) at their regularly scheduled meeting on 10/21/20. In his approval letter dated 10/23/20 Mr. Fred Goodman, Chairman of the ZBA, states "the Animal Hospital portion of the main building would be converted into three (3) additional apartment units, the existing three (3) units would remain and the kennels and outbuildings associated with the Animal Hospital would be removed". As proposed, the construction of two new additional multiple-family dwelling units does not comply with the use variance granted at the 10/21/20 ZBA meeting; therefore, a new use variance is required.

#### 2. Failure to comply with Section 220-4 of the Niskayuna Zoning Code

Section 220-4 states: "LOT – A portion or parcel of land considered as a unit devoted to a certain use. A "lot" is occupied or is to be occupied by one principal use in one principal building, together with any accessory buildings or uses permitted by this chapter. Only one principal use and one principal building are permitted on any "lot". A "lot" may or may not be the land shown as a "lot" on a duly recorded plat". As proposed, the construction of two new additional

multiple-family dwelling units would constitute additional principal buildings and therefore does not comply with the zoning code. Therefore, a new use variance is required.

#### 3. Failure to comply with Section 220-10 (K) of the Niskayuna Zoning Code

Section 220-10 District regulations states: "The principal uses and accessory uses permitted and those uses allowed upon granting of a special permit in each district are set forth in this section as follows". Section 220-10 (K) lists the principal, accessory and special permit uses for the R-P zoning district. As proposed, multiple-family dwelling units are not listed as principal or special permitted uses. Therefore, a new use variance is required.

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.

10/31/2022

—\_\_\_\_\_\_\_
Date

Deputy Zoning Enforcement Officer

cc: Thomas Cannizzo, Building Inspector Kenneth Hassett, Building Inspector Alaina Finan, Deputy Town Attorney

# **ZONING BOARD OF APPEALS Application and Procedures For A Variance**

Case No		
Date Rece'd B	A	
Date Hearing_		
Date Action_		
Ref.P.B	Date	
Ref. County	Date	

TO: ZONING BOARD OF APPEALS	
FROM: Alexander Ritmo	
RE: Property at 2721 Balltown Road	
	he (owner) (agent of the
owner) of the property located at 2721 Balltown Road	
in the Town of Niskayuna, New York, hereby petition the Zoning Bo decision of the Zoning Enforcement Officer on the above-referenced variance from Section(s) of the Zoning Ordinance in order to permit the on the accompanying drawings.	d application and to grant a
I, also certify that I have provided the items listed below as required docu variance before the Zoning Board of Appeals. I further acknowledge that items may result in delay in the Board's hearing of my application.	
CHECKLIST OF REQUIRED ITEMS	
One (1) copy of plot plans	
One (1) copy of construction plans, if applicable	
Appeal fee (see application procedures for details)	
Appeal statement (see application procedures for details)	
Short Environmental Assessment Form, Project Information, as applicabl	e for use variance
Additional information as specified by the Zoning Enforcement Officer	
Signature of Agent:Da	ate
Signature of Owner (if different from Agent)	W
Telephone Number: 518 - 538 - 0250	
Email Address: (it mo construction @ ame	Hacan

the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.
To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:
1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.
See attached Cover Letter.
2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:
See attached Cover Letter.

For an area variance can be granted, State Law requires that

	See attached Cover Letter.
······································	
reques follow	her the variance will have adverse physical or environmental effects on the neighborhood or district. The ted variance will not have an adverse physical or environmental effect on the neighborhood or district for ing reasons:
Se	e attached Cover Letter.
Wheth varian	her the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area ce.) Explain whether the alleged difficulty was or was not self-created:
See	attached Cover Letter.

<u>USE VARIANCE</u> - Before the ZBA can grant a use variance, State Law requires that, the applicant must demonstrate "unnecessary hardship". Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a use variance. To prove unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:

(a)	The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.					
	See attached Cover Letter.					
(b)	The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.					
	See attached Cover Letter.					

(c)	The requested use variance, if granted, will not alter the essential character of the neighborhood.
	See attached Cover Letter.
(d)	The alleged hardship has not been self-created.
	See attached Cover Letter.



Robert A. Stout Jr.
Partner
518.487.7730 phone
RStout@woh.com

One Commerce Plaza Albany, New York 12260 518.487.7600 phone 518.487.7777 fax

November 15, 2022

#### **VIA EMAIL and HAND DELIVERY**

Chairperson Frary And Members of the Town of Niskayuna Zoning Board of Appeals One Niskayuna Circle Niskayuna, NY 12309

Re: Partial Appeal of Building and Zoning Permit Denial dated October 31, 2022

Request for Modified Use Variance Request for Area Variance

1 0

2721 Balltown Road (the "Property")

Dear Chairperson Frary and Members of the Zoning Board of Appeals:

We represent Alex Ritmo and 2721 Balltown, LLC, owner of the above referenced Property. The Property is located at 2721 Balltown Road (SBL: 31-1-61) in the Residential and Professional zoning district ("R-P District") under the Town of Niskayuna (the "Town") Zoning Ordinance (the "Zoning Ordinance"). You may recall that Mr. Ritmo (collectively with 2721 Balltown, LLC, referred to as the "Applicant") previously was granted a use variance to redevelop a mixed-use veterinary clinic/three-unit apartment building into a six-unit apartment building by the Zoning Board of Appeals (the "ZBA") in 2020. Please see enclosed, **Attachment A**, October 2020 ZBA Decision. Subsequently, Mr. Ritmo applied for and was granted site plan approval from the Planning Board, and the project was constructed pursuant to the approved plans.

#### **Current Project**

Mr. Ritmo now proposes to construct two (2) additional six (6)-unit apartment buildings along with an accessory garage and associated parking on the Property (the "Project"). A proposed layout plan is included at **Attachment B**. This plan has undergone several revisions as part of a robust Planning Board review in connection with the Planning Board's formulation of a recommendation to the ZBA on this matter. Should the ZBA grant the relief requested, the Planning Board's review will continue in the context of a Site Plan Amendment. As of the filing

of this submission, the plan is being further updated to reflect a "swapping" of the location of the proposed residential structure to the south with the proposed accessory garage to the north. Given that this recommendation was just received at the Planning Board meeting last evening, the plan has not yet been updated, but will be within the next several days. A supplemental submission will be made upon receipt of the updated plan. This modification is being made mindful of the fact that the several neighbors to the south are located closer than the sole neighbor to the north. We are scheduled to again appear before the Planning Board at its November 28<sup>th</sup> meeting, for further discussion on plan refinements.

The Project is being advanced, in part, because of a unique set of circumstances, including unanticipated issues encountered during the construction process of the initial project and unanticipated market forces, which have combined to render the initial project materially more costly than initially anticipated.

#### **Overview of Relief Requested**

#### Use Variance Overview

As this Board is aware, multiple family dwelling units are not listed as principal or special permitted uses in the R-P Zoning District. In order to provide the ZBA with as much information as possible, this application summarizes three available options to address this issue and the legal authority supportive of each option.

In brief, paragraph 1 below under the "use variance" heading attaches and incorporates our previous letter to the Planning Board attorney summarizing case law which stands for the proposition that once a use variance is granted, the contemplated use becomes conforming and a further use variance for the same use is not necessary. This perspective was rejected by the Planning Department in its October 31, 2022 Building and Zoning Permit Denial (the "Denial Letter").

If the ZBA disagrees with our perspective on this issue, paragraph 2 summarizes how courts have treated requests to modify previously issued use variances. As detailed further below, courts have found that modifying previously issued use variances does not require the re-application of the four-part test of hardship necessary for obtaining a use variance in the first instance.

Finally, notwithstanding the case law cited in paragraph 2, paragraph 3 presents an analysis of the Applicant's request in connection with the factors set forth at Town Law Section 267-b and Section 220-69(D)(2) of the Zoning Ordinance to establish that the applicable zoning regulations and restrictions have caused unnecessary hardship, in support of the Applicant's request for two additional residential structures and an associated garage.

#### Area Variance Overview

We believe there are two area variance requests required (i) distance of building from property line and (ii) number of principal buildings on a lot.

#### Distance of Building From Property Line

While the Property is located in the R-P Zoning District, which generally contains a 25-foot setback requirement applicable to permitted uses in that zone (i.e. general business and nonmedical professional offices; professional medical offices), Section 220-26 of the Zoning Ordinance contains dimensional regulations applicable to Multiple-family dwellings (the "Supplementary Regulations"). Our client's project satisfies all of these dimensional regulations (some by a large margin) with the exception of the "yard requirements", which provide that no building shall be closer than 40 feet to the defined project property line<sup>1</sup>. For example, the Dimensional Regulations require the following:

- The minimum size of the site shall be two acres.
  - The Property is approximately 3.39 acres.
- The maximum dwelling units per gross acre for condominiums shall be six. For all other dwelling units, the maximum units per gross acre shall be 10.
  - o This limitation would yield approximately 33 units. The Applicant is proposing an additional 12 units, for a total of 18.
- The maximum building height shall be 35 feet.
  - The Applicant anticipates the dwelling structures will be a maximum height of 30 feet or less.
- The maximum number of stories shall be three.
  - The Applicant is proposing two story dwelling structures.
- Site Coverage. The maximum site coverage by all buildings and structures shall be 30% of the total area.
  - The Applicant is proposing site coverage by all buildings and structures less than
    or equal to 20% of the total area, consistent with the underlying requirements in the
    R-P Zoning District (i.e. a standard that is more strict than the Supplementary
    Regulations).
- Yard Requirements.
  - o No building shall be closer than 70 feet to the street line of any street;
    - All proposed structures will comply with this;
  - No building shall be closer than 30 feet to the edge of the pavement of any interior access drive.
    - All proposed structures will comply with this;
  - o No building shall be closer than 40 feet to the defined project property line.
    - The current plan provides for 25-foot setbacks, consistent with the underlying requirements of the R-P Zone. This is the subject of the first

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<sup>&</sup>lt;sup>1</sup> Zoning Code Section 220-26

area variance request discussed below.

This letter contains an analysis of the area variance balancing test below.

#### Number of Principal Buildings on a Lot

The Denial Letter, citing the definition of "Lot" contained at Section 220-4 of the Zoning Code, (which provides that only one principal use and one principal building are permitted on any "lot") indicates that, "As proposed, the construction of two new additional multiple-family dwelling units would constitute additional principal buildings and therefore does not comply with the zoning code. Therefore, a new use variance is required."

We do not dispute that a variance is required to address this issue. However, the Denial Letter incorrectly states that a use variance is required to address this issue. Because the relief sought is from a physical, rather than a use requirement, the appropriate relief is area variance relief.

The New York State Court of Appeals has held that a use variance should apply where the requested "use" is prohibited in the zoning district, while the area variance should apply where the "use" itself is permitted but does not meet a dimensional or physical requirement imposed by zoning regulations. See *Colin Realty Co., LLC v. Town of N. Hempstead*, 24 N.Y.3d 96 (N.Y. 2014) (holding that a request for off-street parking should be treated as an area variance as long as the purpose itself is permitted). Notwithstanding the "use" issue discussed at length in this letter, the issue of a "lot" allowing only one principal building is a dimensional or physical requirement. Accordingly, this letter evaluates the area variance criteria applicable to this request below.

#### **Use Variance**

## 1. The Previously Granted Use Variance Operates to Render the Applicant's Proposed Use Conforming.

Given that the initial project was permitted by way of use variance, a threshold issue encountered is whether the construction of the (2) additional six (6)-unit apartment buildings would be permitted pursuant to the previously granted use variance. We believe that the law provides that once a use variance is granted, the contemplated use becomes conforming. Our client is proposing to increase the number of structures on the lot, not the nature of the use that was established by the previously granted use variance. We provided the Planning Board attorney with an analysis of this issue in our February 10, 2022 letter, included here as **Attachment C** for your reference.

The Planning Department disagrees with this perspective, as reflected in the Denial Letter, which, among other things, found that: "the construction of two new additional multiple-family dwelling units does not comply with the use variance granted at the 10/21/20 ZBA meeting; therefore, a new use variance is required".

While we respectfully disagree with this conclusion and seek to appeal this aspect of the Denial Letter, our client nevertheless wishes to cooperate fully with the ZBA, and provide it with all of the information necessary to obtain the appropriate variance relief.

#### 2. Request to Modify Previously Issued Use Variance

While the Planning Department's Denial Letter indicates that "a new use variance is required", the request is properly characterized as a request to modify the previously issued use variance. New York courts have consistently held that the four-factor variance test contained in Town Law Sec. 267-b (i.e. a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship) does not apply to requests to modify previously issued use variances.

Our approach is informed by the decision of the New York State Supreme Court, Appellate Division, Second Department, in the matter of *Jackson v. Zoning Board of Appeals of City of Long Beach*<sup>2</sup>. In the *Jackson* matter, the applicant was granted a use variance which permitted him to convert a two-family dwelling into a one-family dwelling with a dental office on the main level. *Id. at* 268. The use variance required the applicant to reside at the premises on a permanent basis. *Id.* Six years later, the applicant applied to the ZBA for elimination and/or modification of the condition. The Appellate Division found that obtaining elimination and/or modification did not require the applicant to again satisfy the four-part test of hardship necessary for obtaining a use variance. Rather, modification could be sought from the ZBA without the need to again establish the requisite hardship. *Id.* 

Likewise, the Appellate Division, Third Department, has held that "a mere increase in the volume of business activity will not of itself require a use variance" and does not need to undergo the fourpart variance test. *Red House Farms Inc. v. ZBA of East Greenbush*, 234 A.D.2d 770, 772 (3d Dep't 1996)(holding that the success of the applicant's business resulted in a need to expand his workforce and renovate the existing tenant house and to increase his employees in a manner that did not require the Zoning Board to review the application under the four-part variance test). *Id.* 

The principles underlying the *Jackson* and *Red House Farms* decisions are consistent with New York State Town Law 267 and 267-b. A "use variance" is defined to be "... the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations." (emphasis added). In this instance, Mr. Ritmo has previously been granted a use variance to allow an apartment building on property where such buildings are not permitted. The question before the ZBA is, given the Planning Department's view that the previously issued variance does not provide for the additional structures, may the variance be modified to allow such structures? In considering this question, the ZBA should note that while the additional structures would result in a greater density, they would not serve a distinct purpose (use) beyond that which was previously authorized. To require the Applicant to again make a showing that the applicable zoning regulations and restrictions have caused unnecessary hardship would be duplicative of the previous review given the only issue presented is the permissible density of structures on the lot, not the purpose for which the lot is being used.

3. Even if the Current Application Is Reviewed Pursuant to the Use Variance Criteria contained at Town Law Section 267-b and Section 220-69(D)(2) of the

<sup>&</sup>lt;sup>2</sup> 270 A.D.2d 267 (March 6, 2000).

<sup>&</sup>lt;sup>3</sup> New York State Town Law Section 267(1)(a)

## Town's Zoning Ordinance, the Current Application Satisfies the Use Variance Criteria.

While we think it unnecessary and contrary to the principles contained in the above referenced cases, in the interest of full cooperation with the ZBA and supplying as much information as possible, we include the below analysis of our client's request, pursuant to Town Law Section 267-b and Section 220-69(D)(2) of the Town's Zoning Ordinance.

#### 1. Reasonable Rate of Return

The Applicant has demonstrated that the underlying zoning requirements as applied to the Property have caused unnecessary hardship. In light of unforeseen events subsequent to the issuance of the existing use variance, the existing six-unit apartment building has proven inadequate for realizing a reasonable return.

Following the ZBA's issuance of a Use Variance and commencement of construction, several unanticipated conditions required further investment by the Applicant. This included the uncovering of a water line that was determined to be the wrong size by the Town, requiring the installation of a new line at Applicant's expense and the discovery of a deteriorated cast iron sewer line requiring replacement. Additionally, market forces exacerbated the Applicant's expenses, including supply chain shortages and inflation, which collectively operated to increase project costs materially above that which was anticipated at the time of the issuance of the use variance.

Specifically, in developing the six-unit existing apartment building, the Applicant spent roughly \$145,000 more than anticipated. In order to complete the conversion to a six-unit building, the Applicant borrowed an additional \$130,000, which was not foreseen at the time of the initial variance issuance. Under the present circumstances, the Applicant estimates it will take an additional eight (8) years to recoup the expenditures.

#### 2. The Hardship is Unique

The hardship is unique to the Applicant. The initial need for a use variance resulted from the circumstances surrounding the change of use of the Property from a mixed-use veterinary clinic/three-unit apartment building into a six-unit apartment building, consistent with the historic use of the Property and the residential nature of its neighboring properties. Given the scope of the initial application and use variance, as interpreted by the Planning Department in its Denial Letter, the need to modify the previously issued use variance uniquely affects this Property. Moreover, unique constructability issues (the need to replace a water and sewer lines at the Property) directly impacted the Applicant's ability to advance the initial project on its initially contemplated budget.

### 3. The variance will not alter the essential character of the neighborhood

Granting the use variance will not alter the essential character of the surrounding neighborhood. The Project is located in an established residential neighborhood and has already operated to enhance the aesthetic appeal of the Property. We are unaware of any complaints or adverse impacts associated with it.

Other alternative additional uses for the Property, which would not require a use variance, such as office buildings, medical offices, adult day care facilities or nursery schools and child day-cares would not be consistent with the use of the Property and adjacent properties. Indeed, the fact that the original use variance operated to return this parcel to residential use was an important consideration of the ZBA in its previous deliberations.

Granting the variance will benefit the neighborhood by providing additional housing to residents in the Town. During its consideration of the existing use variance, the Board discussed the workforce changes created by the Covid-19 pandemic. While we have thankfully moved beyond the acute stages of the pandemic, those workforce changes remain, and a greater proportion of the workforce is working from home at least partially compared to pre-pandemic times, creating less pressure on commercial and professional office development, and increased interest in residential uses.

#### 4. The Hardship is not self-created

As discussed above, the Applicant has experienced a unique set of circumstances outside of its control, including constructability issues and market forces, that have ultimately resulted in its need to pursue the Project in order to realize a reasonable return. While the Applicant is making this request of his own volition, the fluctuations in the market and construction issues encountered are not the result of any action or inaction by the Applicant.

#### **Area Variances**

#### Relief From Section 220-26 of the Zoning Code – Distance of Building From Property Line

New York State Town Law Sec. 267-b(3) requires the ZBA, in deciding whether to grant an area variance, to undertake a "balancing test" that considers the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. An analysis of the balancing test factors follows:

# 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The location of structures within the 40-foot setback contained in the Supplementary Regulations will not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties. The underlying setback in the R-P District is 25 feet and thus the proposed setback is consistent with the existing character of the neighborhood. Moreover, the 40-foot setback provided for in the Supplementary Regulations contemplates a multi-family dwelling development materially more dense than the Applicant is proposing. As noted above, our client is proposing 12 additional units for a total of 18 units where the Supplementary Regulations provide for up to 33; buildings will be two stories in height where three stories are permitted and site coverage for buildings and structures will abide by the 20% requirement in the R-P Zoning District, rather than the 30% requirement allowed by the Supplementary Regulations. Thus, the need for

a 40-foot setback is minimized given the smaller scale development contemplated for this particular multi-family development than would otherwise be permitted.

It is also worth noting that if the Applicant were proposing a use that is permitted by the underlying zoning (i.e. general business and nonmedical professional offices; professional medical offices); it would have only been subject to the 25-foot setback requirement, even though the permitted uses are less compatible with the neighboring residential uses. The consistent nature of the residential uses should be considered by the Board as part of this review.

We also note that the Project has benefited from the Planning Board review to date. The Applicant has agreed to move its proposed residential structure along the southerly Property boundary to the northern Property boundary, as the neighboring residential use to the north is at a greater distance than those to the south. This will operate to preserve more of the tree line to the south. Moreover, the Applicant will provide additional landscaping and screening where possible along the Property lines to further buffer the Property from adjoining uses.

Finally, we note that the Applicant is not proposing any decks, terraces or patios extending from the rear of the residential structure to be located along the northerly property line. This will further guard against the possibility of any detriment to neighboring property owners.

## 2) Whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than the area variance.

N.Y.S Town Law § 267-b(3)(b)(2) requires the Board to consider "whether the benefit sought by the applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance." The benefit sought be the Applicant – installation of two additional apartment buildings on its lot containing a total of 12 units with accessory parking, cannot be achieved by some other method, given the requirements of the Supplementary Regulations and existing site constraints.

# 3) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested Area Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Please refer to our discussion above in the first element of the balancing test.

### 4) Whether the requested area variance is substantial.

Given the underlying setback requirement in the R-P Zoning District is 25 feet, and the Supplementary Regulations contemplate a multi-family dwelling development materially more dense than the Applicant is proposing, the request is not substantial.

The mitigation measures discussed in the first element of the balancing test above are also relevant to this consideration. In determining whether a variance request is substantial, the ZBA must examine the totality of the circumstances. *See Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner*, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (3d Dep't

2008)(although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community.); see also Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821, 824, 968 N.Y.S.2d 702, 705 (3rd Dep't 2013)(upholding ZBA determination that an area variance was not substantial when compared to the nearby buildings).

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

While the Applicant is requesting the area variance as part of its effort to obtain a reasonable return on its investment in the property, and thus could be deemed to be self-created, we note that the fluctuations in the market and construction issues encountered are not the result of any action or inaction by the Applicant. We note that as provided for in Town Law § 267-b(3)(b)(5), this criteria does not necessarily preclude the granting of the area variance.

## Relief From Section 220-4 of the Zoning Code - Number of Principal Buildings on a Lot

New York State Town Law Sec. 267-b(3) requires the ZBA, in deciding whether to grant an area variance, to undertake a "balancing test" that considers the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. An analysis of the balancing test factors follows:

1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The Project will not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties. Although the Project is located in the R-P District, where multifamily dwellings are not permitted, the applicant was issued a use variance on October 21, 2020 establishing the right for a multi-family dwelling on the Property. The addition of two additional apartment buildings and an associated accessory garage is not anticipated to create an undesirable change in the neighborhood or a detriment to nearby properties. The fundamental residential use of the structures is consistent with the existing neighborhood. To mitigate any potential impacts from the additional structures, the Applicant has proposed including screening where possible. Moreover, a substantial portion of the rear of the property will remain undeveloped, as there is an existing pond and potential wetland buffer areas that are not proposed to be developed. The Project meets open space and coverage requirements. Please also see the mitigation measures discussed in the first element of the balancing test related to the setback variance above, as the same considerations are relevant here.

2) Whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than the area variance.

N.Y.S Town Law § 267-b(3)(b)(2) requires the Board to consider "whether the benefit sought by the applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance." The benefit sought be the Applicant – installation of two additional apartment buildings on its lot, cannot be achieved by some other method, given the language of the Zoning Code and the existence of a principal structure.

## 3) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested Area Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As mentioned above, the Applicant intends to include screening where possible to shield neighboring property owners. Additionally, no development is proposed for any wetland area or buffer area.

As provided in the Layout Plan, the proposed Project will provide an excess of 4,800 square feet of open space, resulting in a building coverage that is under 20%. See Zoning Code § 220-26D. Additionally, pursuant to Zoning Code § 220-26(A)(2), the maximum dwelling units per gross acre for multiple family dwellings is ten (10). Mr. Ritmo is requesting 12 additional units (for a total of 18 units), rather than the approximately 33 units that are provided for by the Zoning Code.

### 4) Whether the requested area variance is substantial.

While the request for two additional principal buildings on one lot may be substantial in number, the area variance requested is not anticipated to have a substantial impact on the community for the reasons discussed above.

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

While the Applicant is requesting the area variance as part of its effort to obtain a reasonable return on its investment in the property, and thus could be deemed to be self-created, we note that the fluctuations in the market and construction issues encountered are not the result of any action or inaction by the Applicant. We note that as provided for in Town Law § 267-b(3)(b)(5), this criteria does not necessarily preclude the granting of the area variance.

## **Conclusion**

We appreciate your attention to and thorough review of this variance application. The Project has been improved based on feedback received from the Planning Board. We look forward to discussing this matter further with you at an upcoming ZBA meeting and taking your comments and concerns into consideration as well.

Very truly yours,

Robert A. Stout, Ir.

Robert A. Stout Jr.

#### Enclosures

cc: Alex Ritmo

Insite Northeast Engineering & Land Surveying, P.C.

# ATTACHMENT A

## TOWN OF NISKAYUNA ZONING BOARD OF APPEALS

One Niskayuna Circle Niskayung New York 12309 (518) 386-4530

#### FILED TOWN OF NISKAYUNA

October 23, 2020

Alex Ritmo 2990 Furbeck Rd Altamont, NY 12009 OCT 2 3 2020

MICHELE M MARTINELLI TOWN CLERK

Dear Mr. Ritmo,

At its regularly scheduled meeting held on October 21, 2020, the Zoning Board of Appeals ("the Board") reviewed the following case:

Appeal by Alex Ritmo for a variance from Section 220-52 (A) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2721 Balltown Road, Niskayuna, New York, located in the R-P: Residential and Professional Zoning District, to convert a preexisting non-conforming animal hospital / apartment building into a 6-unit apartment building. The Animal Hospital portion of the main building would be converted into three (3) additional apartment units, the existing three (3) units would remain, and the kennels and outbuildings associated with the Animal Hospital would be removed. Section 220-52 (A) states "No nonconforming use shall be changed to other than a conforming use for the district in which it is situated". As proposed, multiple-family dwelling units are not listed as Permitted (conforming) Uses in Schedule of Supplementary Regulations 220 Attachment 22 Schedule I-H R-P District. Therefore, a use variance is required.

It was the decision of the Board to grant the use variance as written.

The Board based its decision on the findings of fact set forth in the applicant's appeal and the discussion between the applicant (or the applicant's representative) and the Board members during the meeting. You can view a video of the meeting at https://www.youtube.com/watch?v=dSg2z9RWL w.

The approval of a variance by the Board does not constitute authorization to proceed with the establishment on extension of any use, nor the construction of any structure. It shall authorize the filing of an application for permits with the Building Department on approval as required by Town Code.

Town Code Section A235-10(D) provides: "Unless otherwise specified, any order or decision of the Board for a permitted use shall expire if a building or occupancy permit for the use is not obtained by the applicant within 90 days from the date of the decision; however, the Board may extend this time an additional 90 days." As such, you must proceed with applying for a permit within 90 days of the date of this decision.

Sincerely,

Fred Goodman Chairman

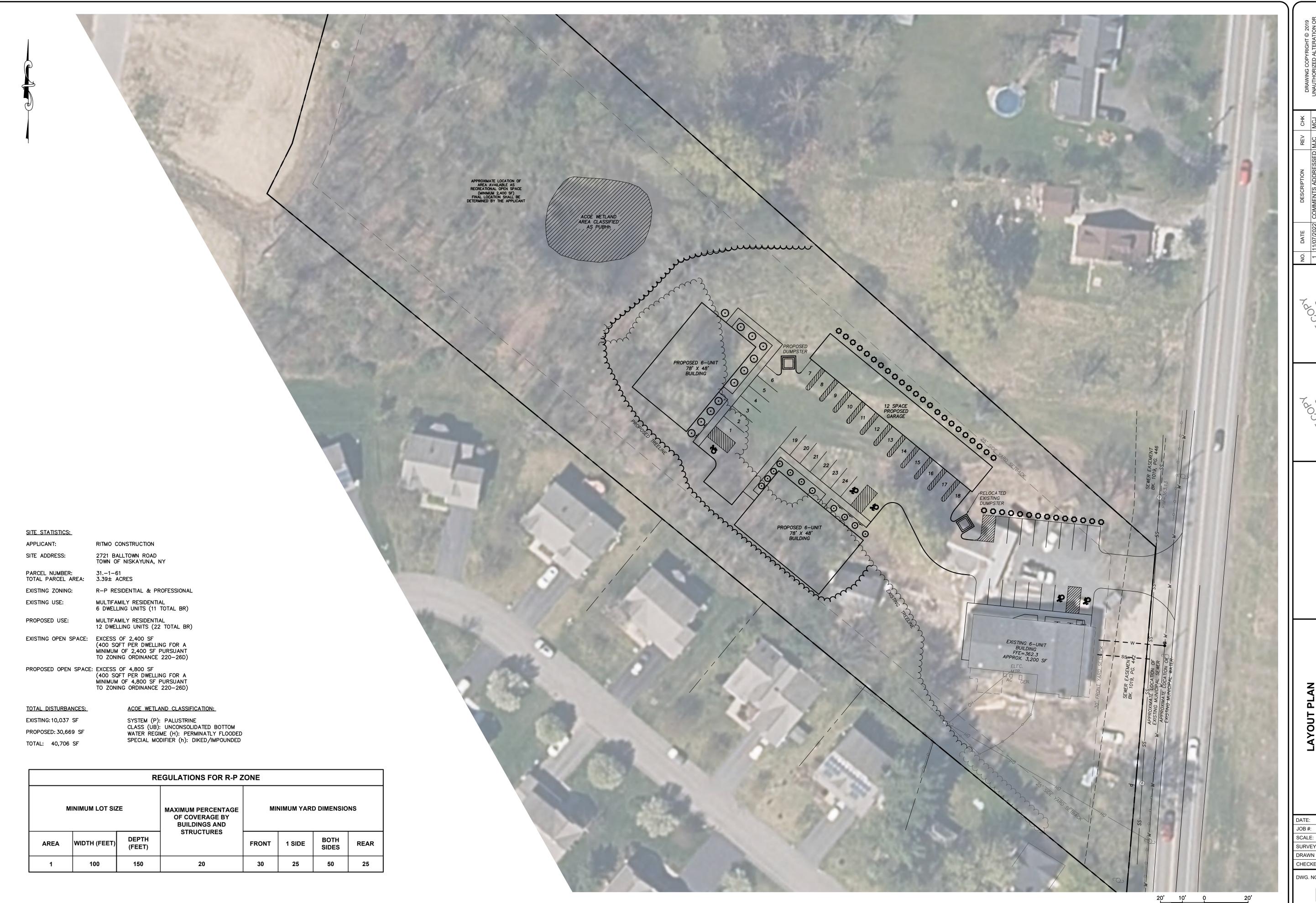
cc: Town Clerk

**Building Department** 

ZBA File

Fred Doodman/Ims

# ATTACHMENT B



**BALLTOWN** 

11/07/22 20031

AS SHOWN SURVEYED BY: XXXX DRAWN BY: MJC CHECKED BY: MCJ

DWG. NO.

SHEET 1 OF 1

# ATTACHMENT C



One Commerce Plaza Albany, New York 12260 518.487.7600 phone 518.487.7777 fax Robert A. Stout Jr.
Partner
518.487.7730 phone
rstout@woh.com

February 10, 2022

#### Via Email Only

Alaina Finan, Esq. Planning Board Attorney Town of Niskayuna One Niskayuna Circle Niskayuna, NY 12309

Re: 2721 Balltown Road (the "Premises")

Dear Ms. Finan:

We represent Alex Ritmo and 2721 Balltown, LLC, owner of the above referenced Premises, located in the Town's Residential and Professional (R-P) District. At its meeting on October 23, 2020, the Zoning Board of Appeals granted a use variance in connection with the conversion of a pre-existing non-conforming animal hospital/apartment building into a 6-unit apartment building. The variance was required because multiple-family dwelling units are not listed as Permitted Uses in the Schedule of Supplementary Regulations 220 Attachment 22, Schedule I-H, R-P District. Please see enclosed **Attachment A**, Town of Niskayuna Zoning Board of Appeals letter dated October 23, 2020 (the "ZBA Approval").

Subsequently, Mr. Ritmo obtained Site Plan approval from the Planning Board by Resolution No. 2020-36, filed as of December 15, 2020. Please see enclosed **Attachment B**. Given the success of the approved project, Mr. Ritmo is currently exploring his options and is considering seeking approval from the Town for an additional multiple-family dwelling unit on the Premises, which is an approximately 3.4 acre parcel. While any such proposal would be subject

to Site Plan review and approval by the Planning Board, we seek to initially confirm that no additional use variance is required from the Zoning Board of Appeals related to any potential extension of the previously approved use.

In making such request, we note that the Appellate Division, Second Department has observed that "a use for which a use variance has been granted is a conforming use and, as a result, no further use variance is required for its expansion, unlike a use that is permitted to continue only by virtue of its prior lawful, nonconforming status..." Scarsdale Shopping Center Associates, LLC v. Board of Appeals on Zoning for the City of New Rochelle 64 A.D.3d 604 at 606. The Appellate Division went on to point out that: "[t]he use of the property remains subject to the terms of the use variance ... and, where the Board of Appeals has previously determined that the development is limited only to a certain extent by the terms of the variance, the Board of Appeals is not free to later disregard that determination ..." Id. See also Kogel v. Zoning Board of Appeals of Town of Huntington, 58 A.D. 3d 630 (Second Dept. 2009).

In the present instance, the ZBA Approval recites the nature of the underlying application that required a use variance, namely, the applicant's request to convert a pre-existing non-conforming animal hospital/apartment building into a 6-unit apartment building. The ZBA Approval contains no limiting language, other than providing that a building/occupancy permit must be obtained within 90 days and that: "The approval of a variance by the Board does not constitute authorization to proceed with the establishment on extension of any use, nor the construction of any structure. It shall authorize the filing of an application for permits with the Building Department on approval as required by Town Code." The effect of this is to require that prior to proceeding with or extending the use, the applicant need obtain the requisite building and other permits required.

Prior to our client investing in preparing the necessary site plan/building permit applications, we seek to confirm that the Town will not require an additional use variance, should our client submit a proposed site plan related to the extension of the previously approved use. We believe requiring a use variance would be inconstant with how courts have handled the issue.

Are you available for a brief conversation to discuss your perspective on the next appropriate steps to have this request be considered?

Very truly yours, *Rob Stout*Robert A. Stout Jr.

<sup>&</sup>lt;sup>1</sup> We believe the intended language was "or" extension of any use.

# ATTACHMENT A

## TOWN OF NISKAYUNA ZONING BOARD OF APPEALS

One Niskayuna Circle Niskayung New York 12309 (518) 386-4530

#### FILED TOWN OF NISKAYUNA

October 23, 2020

Alex Ritmo 2990 Furbeck Rd Altamont, NY 12009 OCT 2 3 2020

MICHELE M MARTINELLI TOWN CLERK

Dear Mr. Ritmo,

At its regularly scheduled meeting held on October 21, 2020, the Zoning Board of Appeals ("the Board") reviewed the following case:

Appeal by Alex Ritmo for a variance from Section 220-52 (A) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2721 Balltown Road, Niskayuna, New York, located in the R-P: Residential and Professional Zoning District, to convert a preexisting non-conforming animal hospital / apartment building into a 6-unit apartment building. The Animal Hospital portion of the main building would be converted into three (3) additional apartment units, the existing three (3) units would remain, and the kennels and outbuildings associated with the Animal Hospital would be removed. Section 220-52 (A) states "No nonconforming use shall be changed to other than a conforming use for the district in which it is situated". As proposed, multiple-family dwelling units are not listed as Permitted (conforming) Uses in Schedule of Supplementary Regulations 220 Attachment 22 Schedule I-H R-P District. Therefore, a use variance is required.

It was the decision of the Board to grant the use variance as written.

The Board based its decision on the findings of fact set forth in the applicant's appeal and the discussion between the applicant (or the applicant's representative) and the Board members during the meeting. You can view a video of the meeting at https://www.youtube.com/watch?v=dSg2z9RWL w.

The approval of a variance by the Board does not constitute authorization to proceed with the establishment on extension of any use, nor the construction of any structure. It shall authorize the filing of an application for permits with the Building Department on approval as required by Town Code.

Town Code Section A235-10(D) provides: "Unless otherwise specified, any order or decision of the Board for a permitted use shall expire if a building or occupancy permit for the use is not obtained by the applicant within 90 days from the date of the decision; however, the Board may extend this time an additional 90 days." As such, you must proceed with applying for a permit within 90 days of the date of this decision.

Sincerely,

Fred Goodman Chairman

cc: Town Clerk

**Building Department** 

ZBA File

Fred Doodman/Ims

# ATTACHMENT B

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 14TH DAY OF DECEMBER 2020 AT 7:00 P.M., THE FOLLOWING MEMBERS WERE PRESENT BY VIDEOCONFERENCE, PURSUANT TO NYS EXECUTIVE ORDER 202.1:

HONORABLE: KEVIN A. WALSH, CHAIRMAN

MORRIS AUSTER GENGHIS KHAN

MICHAEL A. SKREBUTENAS

CHRIS LAFLAMME PATRICK MCPARTLON

DAVID D'ARPINO DACI SHENFIELD

LESLIE GOLD

FILED TOWN OF NISKAYUNA

DEC 15 2020

MICHELE M MARTINELLI TOWN CLERK

One of the purposes of the meeting was to take action on a final site plan approval.

The meeting was duly called to order by the Chairman.

The following resolution was offered by Mr. D'Arpino. whom moved its adoption, and seconded by Mr. Khan.

WHEREAS, Alex Ritmo, owner of Ritmo Construction, has made an application to the Planning Board for site plan review with a use variance for a 6 unit multi-family dwelling unit apartment at 2721 Balltown Road, Niskayuna, and

WHEREAS, the site plan is shown on a drawing entitled "Proposed Layout Plan 2721 Balltown Road" dated 11/20/20 authored by Institute Northeast Engineering and Land Surveying, P.C., and

WHEREAS, the zoning classification of the property is R-P Residential and Professional zoning district, and

WHEREAS, the previous owner / use, Aqueduct Animal Hospital was a registered nonconforming use at this address, and

WHEREAS, per Town Zoning Code Section 220-10 District Regulations K R-P Residential and Professional the proposed 6 unit multi-family dwelling unit apartment building is neither a (1) permitted principal use, (2) permitted accessory use or (3) special principal use it is therefore nonconforming, and

WHEREAS, the site plan application was denied by the Planning Board and Zoning Commission by reason of Article IX. Nonconforming Uses and Structures Section 220-52 Changes in nonconforming uses (A) which states "No nonconforming use shall be changed to other than a conforming use for the district in which it is situated". Schedule of Supplementary Regulations 220 Attachment 22 Schedule I-H R-P District does not include multiple-family dwelling units as a Permitted (conforming) Use, and

WHEREAS, Mr. Ritmo submitted an appeal to the Niskayuna Zoning Board of Appeals (ZBA) and during their regularly scheduled meeting on 10/21/20 was granted a use variance, and

WHEREAS, a zoning coordination referral was sent to the Schenectady County Department of Economic Development & Planning on September 25, 2020 and they responded that they deferred to local consideration, and

WHEREAS, Mr. Robert E. Rice Jr., P.E., Regional Program and Planning Manager for the New York State Department of Transportation (NYSDOT), contacted Ms. Robertson, Town Planner, in a letter dated December 2, 2020 regarding SEQR: 2020.1-6.013 Site Plan Application 2721 Balltown Road, Town of Niskayuna, Schenectady County. Mr. Rice's letter included the following four points.

- 1. The NYSDOT acknowledges the Town of Niskayuna as Lead Agency for environmental review. NYSDOT believes we are an involved agency under SEQR.
- 2. A NYSDOT Highway Work Permit will be necessary...driveway shall be improved to meet commercial highway standards.
- 3. Access shall be limited to one driveway. NYSDOT would require removal of driveway to the south.
- 4. A PERM 32 NYSDOT permit application will be required for any utility work or connection needed in the NYSDOT right-of-way.

WHEREAS, the Conservation Advisory Council (CAC) reviewed EAF 2020-08 for the project during their 11/4/20 meeting and voted to recommend a negative declaration with comments, and

WHEREAS, the Planning Board referred this application to the Town's Superintendent of Water, Sewer and Engineering, the Fire District Chief and the Chief of Police and there were no objections to the proposal, and

WHEREAS the Planning Board, acting in accordance with the State Environmental Quality Review (SEQR) regulations and local law, has contacted all involved agencies, and they have concurred with the Planning Board that it should assume the position of lead agency for site plan review of this project.

WHEREAS, this Board has carefully reviewed the proposal and by this resolution does set forth its decision heron,

### NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission hereby determined that this project will not have a significant effect on the environment and hereby directs the Town Planner to file a negative SEQR declaration for the site plan:

RESOLVED, that the Planning Board and Zoning Commission finds the above referenced site plan meets the requirements of the Zoning Code, and therefore, hereby approves this site plan and tenant change with the following conditions.

- 1. The final parking lot configuration and curb cut onto Balltown Road shall be provided to the Planning Office for review and approval at a future date, and such configuration shall comply with the points identified in the letter authored by Mr. Robert E. Rice Jr, P.E., Regional Program and Planning Manager, of the New York State Department of Transportation dated December 2, 2020.
- 2. Mr. Ritmo will work with the Architectural Review Board (ARB) on façade upgrades and building modifications at 2721 Balltown Road to give it a more residential feel in harmony with the neighboring properties in this predominantly residential zoning district.

Upon roll call the foregoing resolution was adopted by the following vote:

KEVIN A. WALSH, CHAIRMAN -- Aye MORRIS AUSTER -- Aye GENGHIS KHAN -- Aye MICHAEL A. SKREBUTENAS -- Aye CHRIS LAFLAMME -- Aye PATRICK MCPARTLON -- Aye DAVID D'ARPINO -- Aye DACI SHENFIELD LESLIE GOLD

The Chairman declared the same duly adopted.



## **TOWN OF NISKAYUNA**

#### PLANNING BOARD AND ZONING COMMISSION

#### **AGENDA STATEMENT**

AGENDA ITEM NO. VIII. 1	MEETING DATE: 12/12/2022
ITEM TITLE: DISCUSSION: 1851 Union St. – Mohawk Club – ma acre portion of the property to construct twenty-two (22) new single	
PROJECT LEAD: Genghis Khan	
APPLICANT: Matthew Moberg, agent for the owner	
SUBMITTED BY: Laura Robertson, Town Planner	
REVIEWED BY:  ☐ Conservation Advisory Council (CAC) ☐ Zoning Board of Appe ☐ OTHER:	als (ZBA) $\square$ Town Board
ATTACHMENTS:  ☐ Resolution ■ Site Plan ☐ Map ☐ Report ☐ Other:	

#### **SUMMARY STATEMENT:**

Matthew Moberg, agent for the owner of the Mohawk Golf Club, submitted a Sketch Plan Application for a Major Subdivision of a 14 acre portion of the existing property including the construction of twenty-two (22) single-family townhomes at 1851 Union St.

#### **BACKGROUND INFORMATION**

The property is located within the R-1 Low Density Residential zoning district.

The following drawings were provided with the application.

- A 1-page drawing entitled "Sketch 22-lot Townhouse Layout Residential Subdivision Mohawk Golf Club 1851 Union St. and 1245 Ruffner Rd." by ABD Engineers, LLP 411 Union St. Schenectady, NY dated October 20, 2022 and labeled Dwg. "5429A-S4 Townhouse" with no subsequent revisions.
- 2. A 2-page drawing set entitled "Unit A" by Pigliavento Builders

The sketch plan includes the removal of a single family home on Ruffner Road in order to construct access to the greater Mohawk Golf Club parcel. The road is proposed as a boulevard with a strip of greenspace between traffic lanes.

#### **ZONING CODE ANALYSIS**

Niskayuna Zoning Code Article IV: Use Regulations

<u>Section 220-10 District Regulations:</u> includes "single-family dwellings" as Permitted principal uses in the R-1 zoning district.

<u>Section 220-4 Definitions</u>: includes "dwelling, single family – A detached building designed for or occupied exclusively by one family. See "dwelling."

<u>Dwelling:</u> – A building designed or used exclusively as the living quarters for one or more families. This shall not be deemed to include mobile home, motel, hotel or tourist home. See "single-family dwelling", "multi-family dwelling" and "dwelling unit."

<u>Dwelling, multi-family:</u> - A detached building containing separate living units for two or more families which may have joint services or facilities or both. Such dwellings may include, among others, garden apartments, cooperatives or condominiums.

<u>Dwelling unit:</u> – A building or portion thereof providing complete housekeeping facilities for one family. For the purposes of this chapter, a single-family dwelling shall consist of one "dwelling unit."

<u>Townhouse</u>: - A single-family dwelling which is one of a series of noncommunicating dwelling units having a common wall between each adjacent unit, each with private outside entrance, having individual yard areas and having open space or ancillary buildings and parking areas which may be shared in common.

Based on the definitions above, the Planning Department finds that Townhomes, as single family dwellings, are a permitted principal use in the R-1 zoning district but, with their contiguous sidewall, do not comply with the side setback requirement of the R-1 district and therefore require area variances from the Zoning Board of Appeals (ZBA). The aforementioned sketch plan drawing provided with the application includes the table of 67 required area variances shown below.

ZONING: R-1 (LOW DENSITY RESIDENTIAL) — SINGLE FAMILY DWELLINGS

NOTE: BOLD NUMBERS INDICATE VARIANCE REQUESTED

	Front	Side	Side	Rear	Lot	Lot	Lot	Maximum
	Setback	Se:back (L)	Setback (R)	Setback	Width	Depth	Area	Coverage
Recuired	35 ft	20 ft	20 ft	25 ft	100 ft	125 ft	18,000 F	25%
Lot1	35	N/A	0	95	66	188	12,674	19%
Lot2	35	0	38	95	70	188	13,112	19%
Lot3	47	39	0	66	77	170	12,905	19%
Lot4	35	0	45	66	79	156	15,652	16%
Lot5	35	40	0	104	61	175	23,379	10%
Lot6	35	0	40	58	61	134	13,92÷	18%
Lot7	35	33	0	48	61	134	12,054	20%
Lot8	35	0	33	73	61	152	15,761	16%
Lot9	35	40	0	69	75	152	12,063	20%
Lot10	56	0	36	65	72	178	12,235	20%
Lot11	35	37	0	88	68	180	12,240	20%
Lot12	35	0	37	88	68	180	12,240	20%
Lot13	35	36	0	87	68	180	12,240	20%
Lot14	35	0	36	87	68	180	12,240	20%
Lot15	58	37	0	64	72	179	12,23!	20%
Lot16	35	0	46	53	83	114	12,210	20%
Lot17	35	57	0	21	92	94	12,38?	20%
Lot18	35	0	55	60	83	151	38,506	6%
Lot19	35	49	0	59	69	154	12,357	20%
Lot20	35	0	44	61	83	154	12,575	19%
Lot21	35	38	0	94	69	185	12,81)	19%
Lot22	35	0	N/A	95	69	187	13,25‡	18%
TO AL VARIANCES	0	11	11	1	22	2	20	0
GRAND TOTAL	67							

#### **Additional Utility Concerns**

The Town of Niskayuna maintains a 6 inch water main on Ruffner Road, which is in the High Pressure Zone. This Zone may not have the capacity to handle the addition of 22 single family units. An independent engineering analysis of the water system capacity for this area will be required.

The sewer line to the Niskayuna Waste Water treatment plant is near or at capacity. An independent engineering analysis of the sewer system capacity for this development may be required.

There are known drainage issues in the area. Depending on where the storm water management pond is discharged to – an independent downstream drainage analysis may be required.

A wetland delineation will be required.

#### **Emergency Access**

Section 189-17 (J) (1) states: "Where cul-de-sacs are designed to be permanent, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 45 feet." As these cul-de-sacs appear to be longer than 500 feet, the Planning Board should discuss a proposed secondary means of access for emergencies.

#### **General Planning**

It is important to keep in mind the long term gains to the Mohawk Golf Club that come from integrating potential residential development into the golf course campus while preserving the natural and scenic quality of open space and ensuring the subdivision is in harmony with the development pattern of the neighboring residential properties.

Some thoughts to consider that may help with some of the above goals include:

- A more organic shaped road which follows the contours of the land and has vistas which open out onto the golf course, which would add value both to the golf course and the proposed homes.
- 2. A walking connection from the proposed subdivision to the golf course.
- 3. Quality open spaces such as a gathering pavilion or picnic area which overlook the golf course and provide amenities to the home owners, which would continually connect them to the land and to the golf course.
- 4. Discussion on parkland, preservation of natural features and trees, and conformance with the Comprehensive Plan are important to the ultimate layout of any proposed subdivision in the area.

#### **Complete Streets**

The Complete Streets Committee identified a critical multi-use path connection along the Mohawk Golf Club property – between Rosendale Heights (Country Club Estates) neighborhood and Ruffner Road, along the boundary with 1218 S Country Club Drive. A walking/biking connection here would be critical to connecting neighborhoods and promoting alternative transportation methods that reduce greenhouse gas emissions. This connection should be a part of any development discussion to offset traffic impacts.

11/14/22 Planning Board (PB) meeting --- Mr. Dave Kimmer of ABD Engineering and Mr. Bill Sweet of the Mohawk Club presented the project to the PB. They noted that the proposed project would disturb approximately 10 acres of the property. The Board noted the number of variances that will be required particularly those related to the size of the proposed lots. The Planning Office stated that cul-de-sacs have emergency access challenges. The developers indicated that they believe the boulevard entrance with wide access roads should address this concern. The PB expressed concerns regarding the mass and scale of the garage doors that dominate the front facades of the townhomes. The PB asked that Mr. Kimmer and Mr. Sweet provide additional information on the items listed below.

- 1. Explore and present alternate site plan layouts that eliminate the need for cul-de-sacs. This may include ring roads or a road looping through the property.
- 2. Reduce the number of required variances by adjusting the lot sizes to be more zoning code compliant. This may require impeding on the currently proposed 50' buffer between the existing homes on Ruffner Rd. and the proposed townhomes.
- 3. Investigate widening the boulevard roads to facilitate emergency access.
- 4. Explore ways to decrease the visual impact of the aligned front facing garages, including working with the Niskayuna ARB.

11/15/22 Conservation Advisory Council (CAC) meeting – Dave Kimmer and Bill Sweet repeated the presentation they made to the PB on 11/14/22. During the discussion Mr. Sweet added that the Mohawk Club would maintain the storm water management areas. The CAC was concerned with the loss of greenspace with the proposal and asked for greenspace to be offset somewhere else on the Club parcel. The developer did not want to offset greenspace within the Mohawk Golf Club. The CAC requested the developer maximize the undevelopable greenspace within the subdivision by reducing some of the oversize lots at the ends and adding this area to the community greenspace. The CAC agreed with the additional detail the PB requested and added that they would like the developer to explore quantifying and mitigating the increased traffic on Ruffner Road and the surrounding area.

The Planning Office spoke with Mr. Kimmer about the Thanksgiving holiday shortened turnaround between the 11/14 and 11/28 PB meetings. Mr. Kimmer stated that they would not be able to address the action items in time for the 11/28 meeting and would target the 12/12/22 PB meeting, instead.

<u>11/16/22 Architectural Review Board (ARB) meeting</u> – the ARB reviewed the site plan and elevation images of the project very briefly at their 11/16/22 meeting. The Planning Office made them aware of the PB's concern regarding the size and proportion of the garage doors. The ARB will review the project in more detail during their December meeting.

11/28/22 Planning Board (PB) meeting – Mr. Kimmer attended the meeting and represented the applicant. The PB had a general discussion of the site plan that was presented at the 11/14/22 PB meeting. Ms. Robertson noted that the project is at the sketch plan phase of the review process. She reminded the PB that to approve the sketch plan they need to be generally in support of the design – 22 units, overall layout, etc. Mr. Kimmer explained how the proposed boulevard entrance to the

subdivision complies with NYS Emergency Access Fire Code. He also presented a "loop layout" site plan design that disturbs approximately 25% - 30% more land and would include several "thru lots".

The Board noted that demolishing an existing home and using the lot to create a boulevard entrance to the subdivision is a significant change to the two immediately adjacent properties and the neighborhood. They noted that this should be considered very carefully during the sketch plan review process. They asked the applicant to thoroughly explore all possible access points to the land for alternate entrance and emergency access options. Ms. Robertson reminded Mr. Kimmer that the Niskayuna code is more stringent regarding the allowed length of cul-de-sac roads than the NYS Fire Code. Mr. Kimmer acknowledged that he has some additional CAD work to complete and committed to provide the materials requested in the 11/14/22 and 11/28/22 meetings.

<u>12/6/22</u> -- The applicant provided the Planning Office with a significantly revised site plan design and documentation set on 12/6/22. The following documents were stamped "Received Dec 06 2022 Planning Office Niskayuna, NY".

- 1. A summary letter authored by Joseph J. Bianchine, P.E. addressed to Laura Robertson, Town Planner dated 12/6/22 that describes the new Average Density Development design proposal.
- 2. An Application for Special Use Permit
- 3. A 2-page (containing two options for page 1) site plan drawing entitled "Sketch 22-Lot Subdivision Average Density Development Mohawk Golf Club 1851 Union St. and 1245 Ruffner Rd." dated December 6, 2022 with no subsequent revisions.
- 4. A 1-page exhibit entitled "Alternate Access Exhibit Average Density Development Mohawk Golf Club" dated December 6, 2022 with no subsequent revisions.
- 5. A Full Environmental Assessment Form (EAF) dated 12/6/22.

The project summary letter describes the revised design as an Average Density Development subdivision consisting of a mix of 12 townhomes and 10 single family homes. The letter also includes the following description of the changes.

- 1. A secondary access to the subdivision is now shown in the plans. A 12' wide grass paver access road will connect to the existing golf course maintenance / cart path via a full width 60' Town R.O.W. stub off of the northern cul-de-sac.
- 2. There are two "Sheet 1s" included in the plan set. The second Sheet 1 demonstrates that it is possible, although less desirable, to meet the open space requirements for an ADD project set forth in Niskayuna zoning code Section 220-28 F (4) (a).
- A separate color exhibit is included which demonstrates why building roads from either of the
  existing access points to the north or south along Ruffner Road would not be possible without
  steep slopes or excessive disturbance to existing golf course features and / or neighboring
  properties.

12/7/22 Conservation Advisory Commission (CAC) – The CAC reviewed the 12/6/22 site plan drawings. Mr. Kimmer of ABD Engineers and Mr. Sweet of the Mohawk Club attended the meeting and explained why the design has shifted back to an Average Density Design (ADD). They noted that a secondary emergency access road off of the north end of the property is included in the revised design. They explained that the project now includes 10 single-family homes and 12 townhomes and complies with all of the requirements of an ADD subdivision.

The CAC discussed with the applicant their concern for the reduction of quality wildlife habitat and open space from this proposal and asked if there is a consideration for offsetting the loss elsewhere

on the golf course. The applicants agreed to explore a development restriction near the Schenectady Water reservoir that wouldn't restrict the ability of the club to use the land for the golf course needs.

The CAC discussed with the applicant the long term plans for the development and protection of the golf club, including where future development could go along Balltown Road. They requested the applicant consider a long range plan for the golf club that would protect the golf club operations and outline anywhere there could be future changes and development.

The CAC felt there would be traffic impacts and wanted the applicant to explore traffic mitigation in the area, including a critical complete streets connection between Country Club Estates and Ruffner Road. The applicants agreed to see if they could fit a walking path connection from the corner of South and East Country Club Drive to Ruffner Road.

The Planning Office noted that the applicants should review the plan with the Town Water & Sewer Department and complete a traffic count analysis.

The PB should review the 12/6/22 site plan relative to Niskayuna zoning code Section 220-28 Average Density Development (ADD). This section of the code includes several design requirements that must be met for a subdivision to qualify as an ADD. The Planning Office has reviewed the proposed site plan drawing dated 12/6/22 against these criteria and recommend that the Board discuss the size and configuration of the land identified as open space in the site plan.

PARTNERS JOSEPH J. BIANCHINE, P.E. LUIGI A. PALLESCHI, P.E. MARK C. BLACKSTONE, P.L.S. ENGINEERS, LLP.
411 Union Street

Schenectady, NY 12305 518-377-0315 Fax 518-377-0379 www.abdeng.com

DEDICATED RESPONSIVE PROFESSIONAL

December 6, 2022

Re:

Mohawk Golf Club Subdivision 1849 Union St & 1245 Ruffner Rd

Town of Niskayuna Project #5429A

Ms. Laura Robertson, Town Planner **Town of Niskayuna**One Niskayuna Circle
Niskayuna, NY 12309-4381

Dear Laura:

In response to the feedback received to date from the Town Planning Board with regards to the conventional townhouse subdivision most recently submitted for the Mohawk Golf Club, the Applicant is electing to revise the proposal back to an Average Density Development. The proposed layout remains similar to what has been reviewed by the Board thus far, however, the proposal now contains a mix of 12 townhomes and 10 single family homes, in compliance with § 220-28F(3)(b) of the Average Density Development code.

In addition to the fundamental change in the mix of dwelling types, please also note the following:

- 1. A dedicated secondary access to the subdivision is now shown. A 12' wide grass paver access road will connect to the existing golf course maintenance/cart path via a full width 60' Town R.O.W. stub off the northern cul-de-sac. The existing golf course path will be paved, and a connection to Rowe Road is proposed. Details of the secondary access are now shown on Sheet 2 of the plans.
- 2. There are two Sheet 1s included in the plan set. The purpose of the "2<sup>nd</sup>" Sheet 1 is to demonstrate that while it is *possible* to meet the requirements of § 220-28F(4)(a) under Open Space Requirements for Average Density Development, what we are proposing on the "1<sup>st</sup>" Sheet 1 is, in the Applicant's opinion, more desirable by offering a *larger* conservation area and a greater buffer to the neighbors on Ruffner Road.
- 3. Based on questions and comments from the Planning Board, a separate color exhibit is now included which demonstrates why building roads from either of the existing access points to the north or south along Ruffner Road would not be possible without steep slopes or excessive disturbance to existing golf course features and/or neighboring properties.

Enclosed for further review of this proposed Average Density Development subdivision are the following revised materials:

- 1) Application for Special Use Permit
- 2) Twelve (12) copies of the Subdivision Plan (Average Density Layout)
- 3) Twelve (12) copies of the Alternate Access Exhibit (11"x17")
- 4) Six (6) copies of the Full EAF

We greatly appreciate you scheduling this project for review at the December 12, 2022 Planning Board meeting. Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

ABD ENGINEERS, LLP

Joseph J. Bianchine, P.E.

Partner

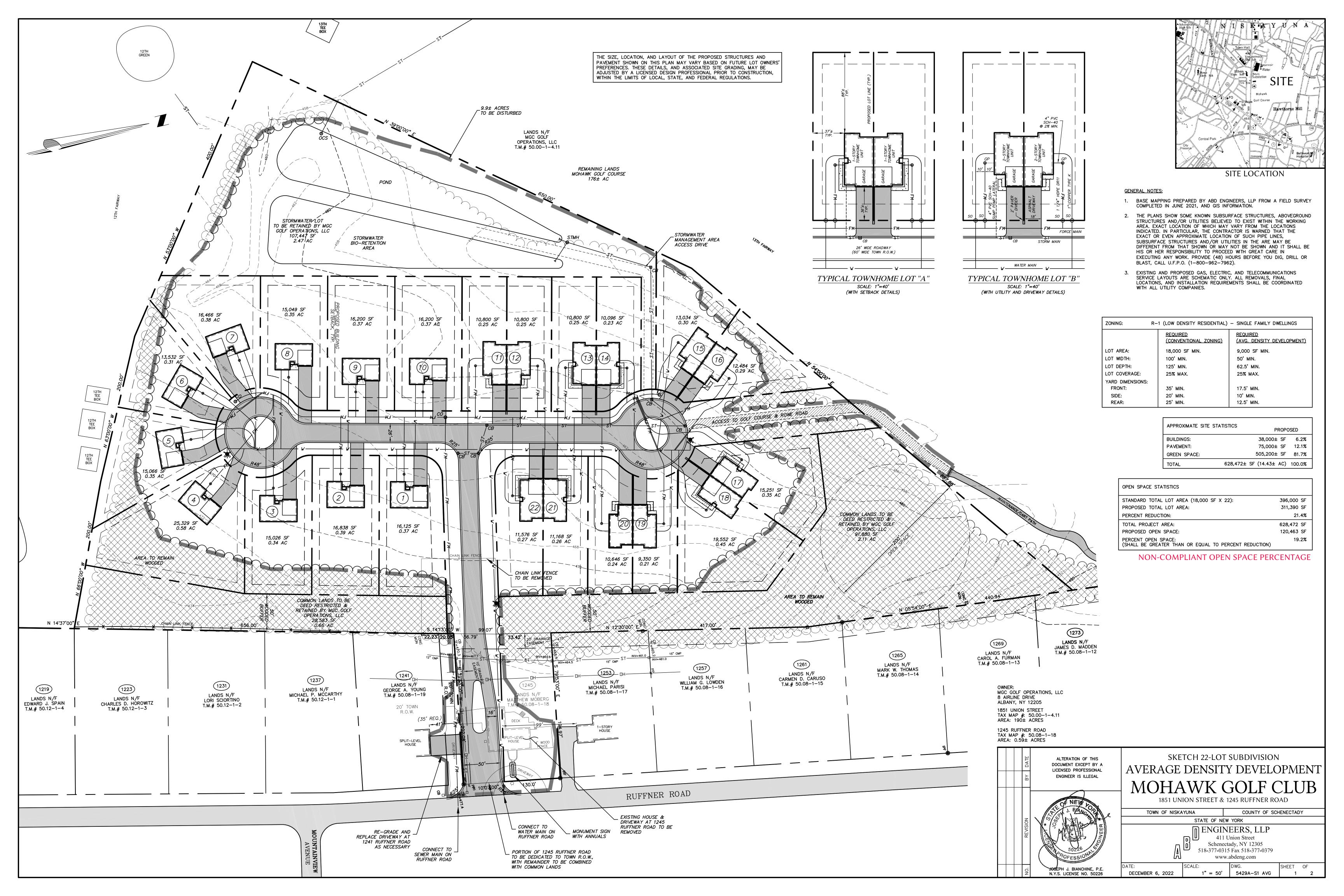
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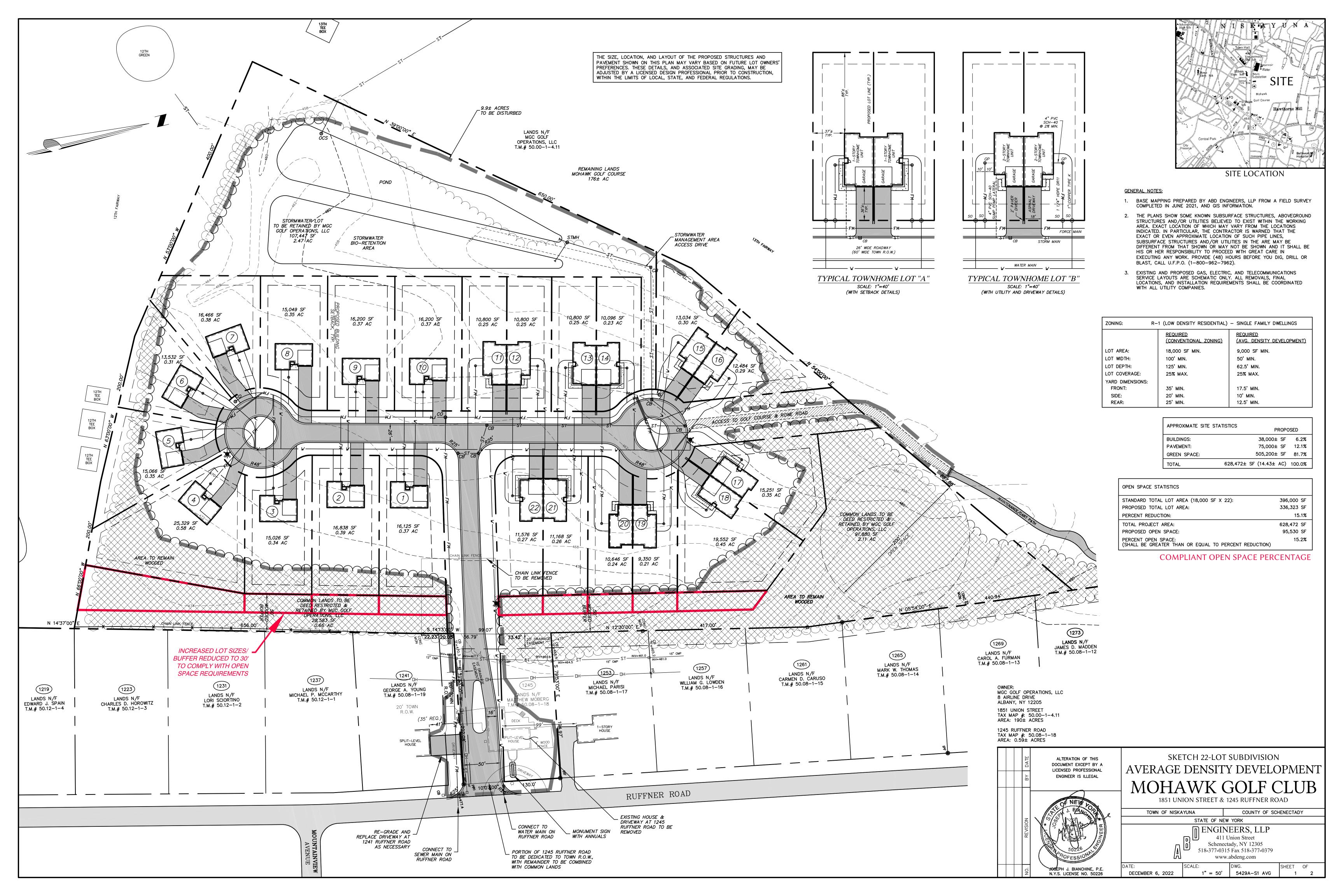
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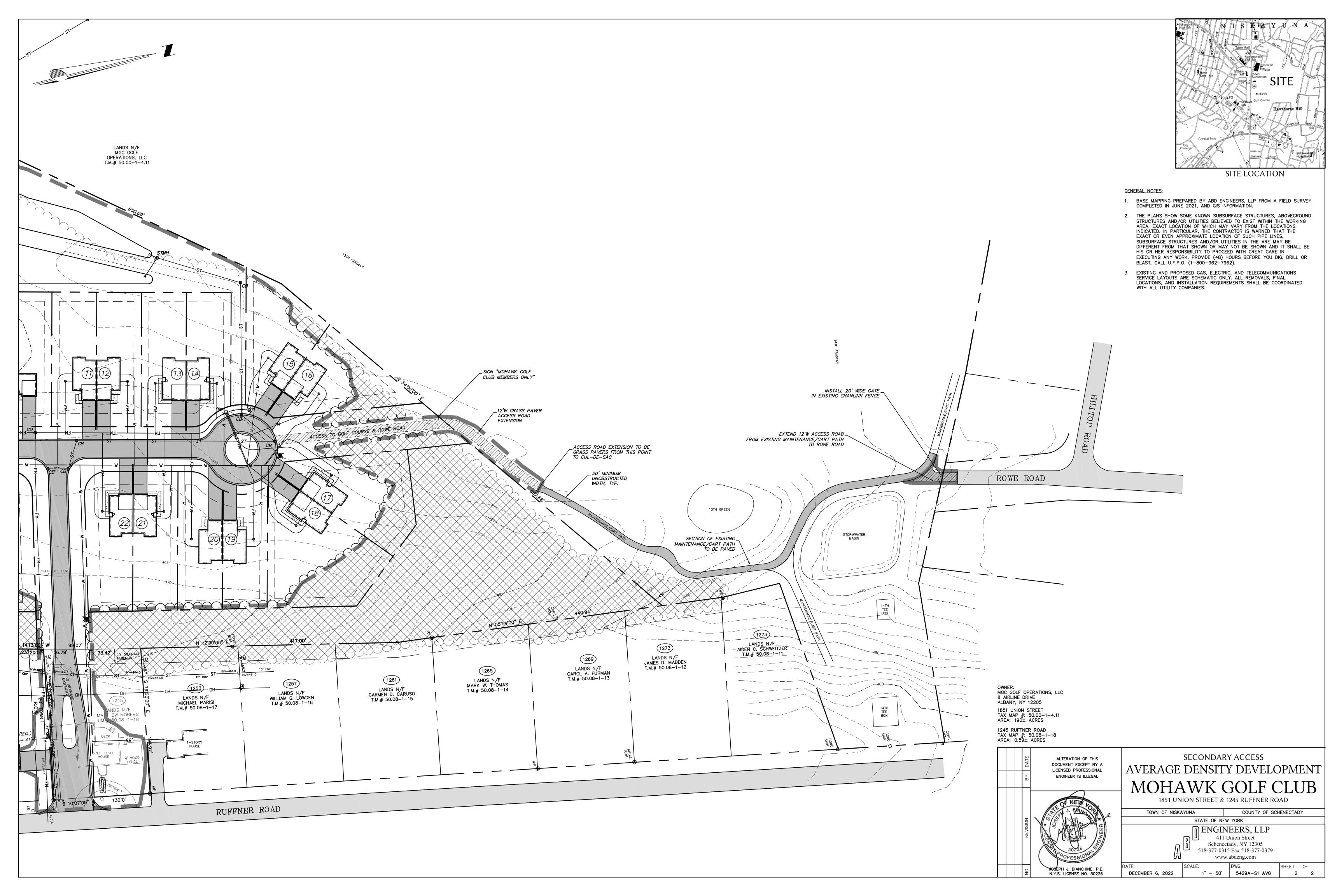
Matt Moberg w/encl (via email)

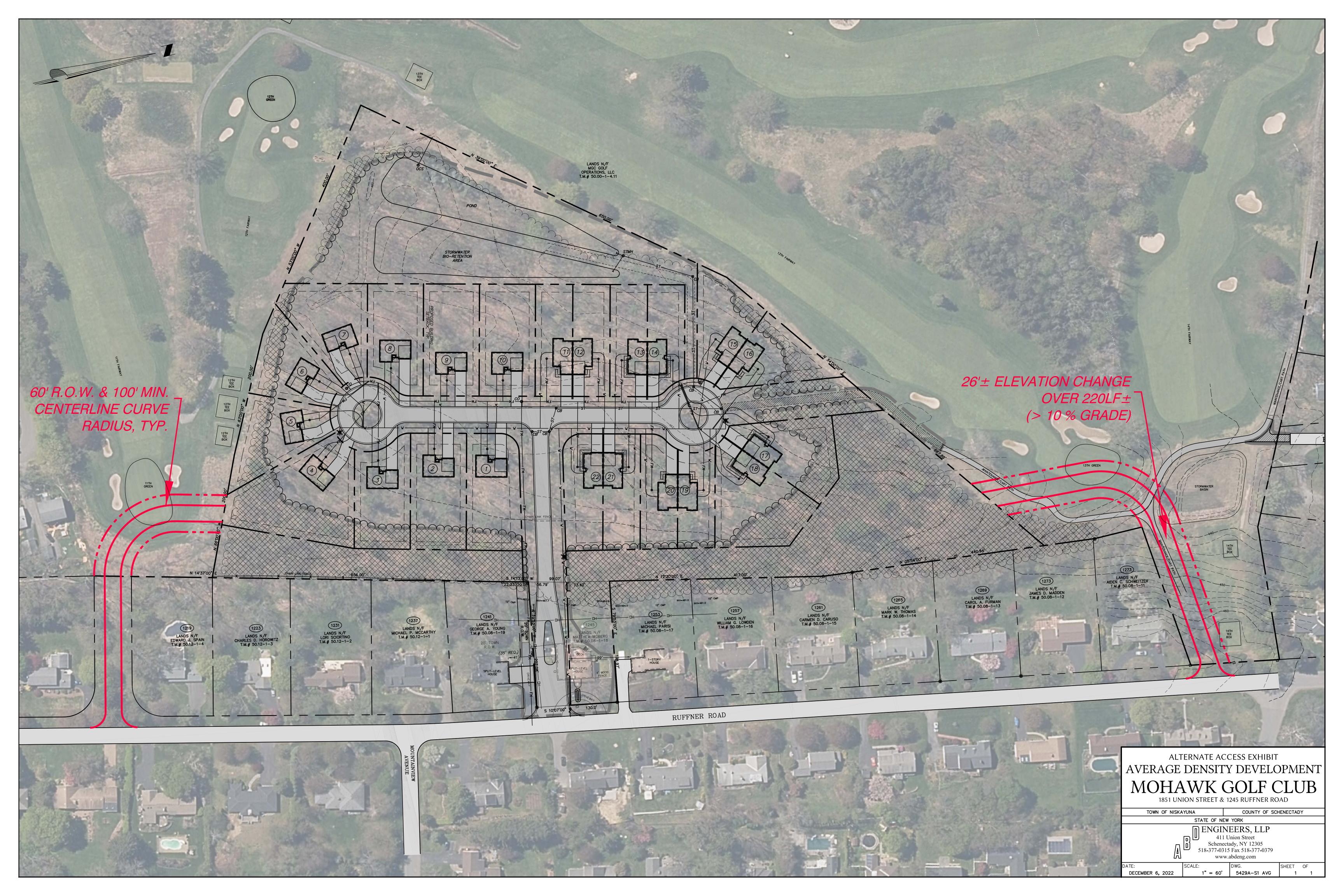
Bill Sweet w/encl (via email)

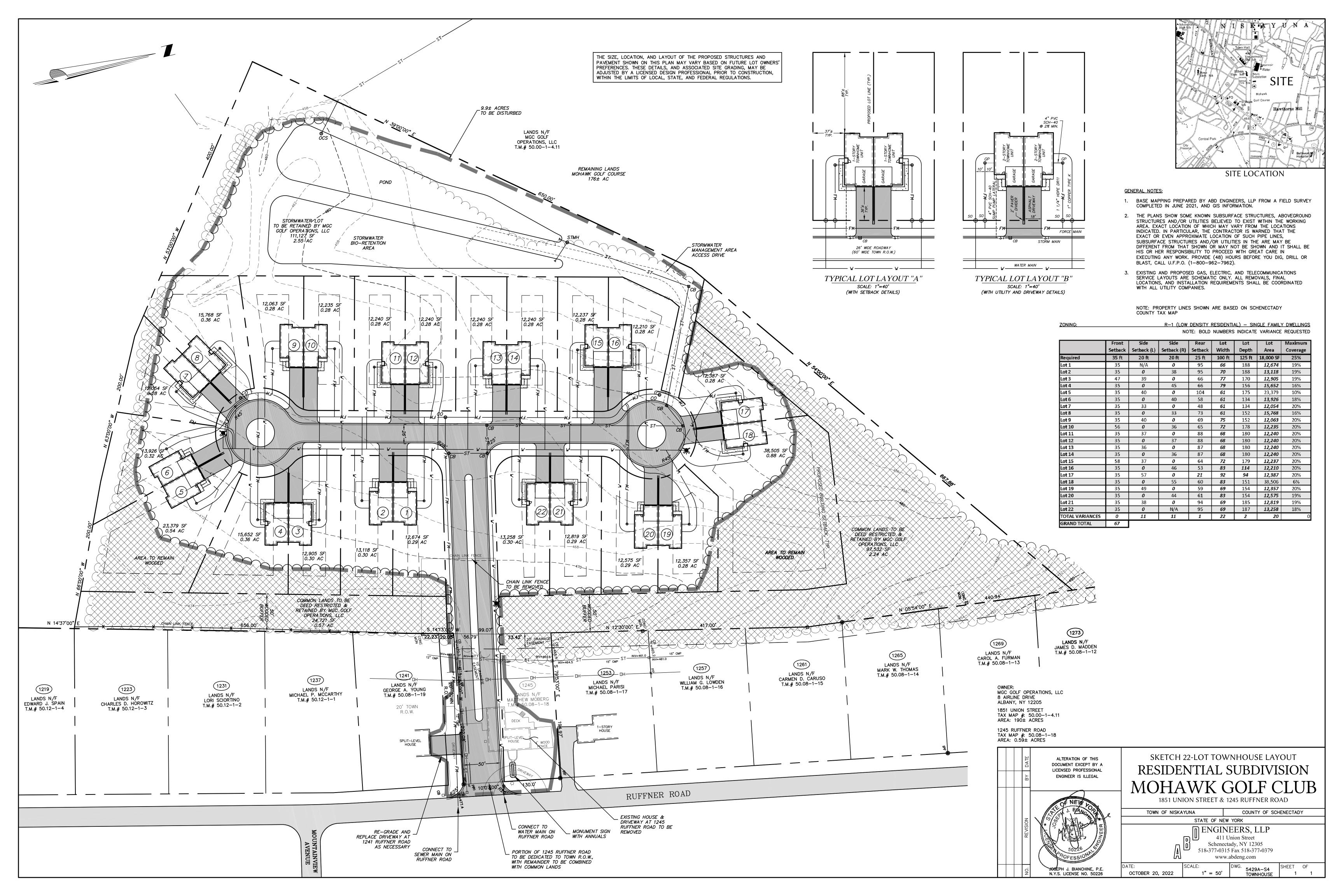
5429A-2022-12-06













### **TOWN OF NISKAYUNA**

### PLANNING BOARD AND ZONING COMMISSION

### **AGENDA STATEMENT**

AGENDA ITEM NO. VIII. 2	MEETING DATE: 12/12/2022
ITEM TITLE: DISCUSSION: 2475 Brookshire Dr. – Tall Oaks Apts replacement of existing signs and the installation of new signage.	s. – site plan app. for the
PROJECT LEAD: TBD	
APPLICANT: Kristen Macleod	
SUBMITTED BY: Laura Robertson, Town Planner	
REVIEWED BY:  ☐ Conservation Advisory Council (CAC) ☐ Zoning Board of Appe ☐ OTHER:	als (ZBA) □ Town Board
ATTACHMENTS:  ☐ Resolution ■ Site Plan ☐ Map ☐ Report ☐ Other:	

### **SUMMARY STATEMENT:**

Kristen Macleod of AJ Signs, agent for the owner of the Tall Oaks Apartments, submitted an Application for Site Plan Review for the replacement of existing signage and the installation of new signage at 2475 Brookshire Dr.

#### **BACKGROUND INFORMATION**

The property is located within the R-3 High Density Residential zoning district. Schedule I-C of the Niskayuna zoning code, lists Sections 220-22 and 220-26 as the relevant signage requirements and regulations associated with the district.

A 7-page drawing set entitled "Exterior Signs Tall Oaks Apartments" by AJ Sign Co. dated 8/4/22 with no subsequent revision was included with the application.

### **PROPOSAL**

<u>Section 220-22 A (10)</u> states: "At any time there is a new sign or a modification or a replacement of an existing sign associated with a nonresidential use identified in Section 220-10 as a permitted or speical principal use, with a legally nonconforming nonresidential use or with <u>multifamily dwellings</u>, the following standards apply.....

- (a) In residential and conservation districts:
  - 1. A legally permitted nonresidential use is permitted one sign.
  - 2. A sign for a nonresidential use shall not exceed twenty square feet in area or eight feet in height above the average grade at its location.

3. Freestanding signs shall be ground (monument) signs only. Building signs shall be wall signs only." (Section 220-4 Definitions of the zoning code includes the following: "Sign, Ground – A freestanding sign whose entire bottom is in contact with or in close proximity (within two feet) to the ground.")...

<u>Section 220-26 J</u> of the zoning code states: "In addition to the regulations of Section 220-22 A (10), one sign may be permitted at each access point to the site. In addition to the principal sign(s), any number of directional signs, each not to exceed four square feet in area and eight feet above average grade, may be permitted."

### Page 1 -- Monument Sign on Route 7 (replacement of an existing sign)

The existing access point signs include a "V" shaped brick base containing two code conforming sign panels each measuring 18.6 sq. ft. (70.5" x 38"). The existing signs were approved with building permit number B20-450. As proposed, two new panels measuring 17.6 sq. ft. (78" x 32.5") will replace the existing panels. *No PB action is required.* 

### Page 3 – Monument Sign on Pearse Rd. (replacement of an existing unpermitted sign)

An unpermitted sign that reads "Tall Oaks Apartments Leasing Office" including a large arrow pointing down Brookshire Dr. exists at the corner of Pearse Rd. & Brookshire Dr. A new 2-sided monument sign that reads "Tall Oaks Apartments" measuring approximately 19 sq. ft. (84" x 32.5") x 61.5" high with a distance between the underside of the sign and the ground of 29" is proposed on the property at the approximate location of the intersection of Pearse Rd. and Brookshire Dr. <u>The Planning Board should discuss this proposed sign with the applicant.</u> It does not provide any descriptive directional assistance, is not located near an access point to the apartment complex and the bottom of the sign is 5" (29" – 24") farther from the ground than code allows. Relocation and redesign of the proposed sign could help it conform to the requirements for either a directional sign or an access point monument sign or, the Board may consider this sign the one permitted sign allowed per Section 220-22 A (10) (a) [1].

#### Page 5 – Column (monument) Sign at the Entrance off of Brookshire Dr. (new sign)

Four (4) new sign panels that read "Tall Oaks Apartments" measuring 3 sq. ft. (22" wide x 20" high) are proposed on rectangular brick monuments at the entrance to the apartment complex off of Brookshire Dr. *The Planning Board should discuss these proposed signs with the applicant.* As noted above, the zoning code allows any number of directional signs up to 4 sq. ft. each in area and one sign is permitted at each entrance point to the site. As currently proposed, the signs do not appear to qualify as directional signs since they provide no descriptive directional assistance. They are located at an entrance point to the site but 4 signs are proposed where the zoning code only allows 1.

The applicant is before the board this evening to present the proposed sign package and address any questions that arise.



### TOWN OF NISKAYUNA APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle Niskayuna, New York 12309 Phone 518-386-4522 Fax 518- 386-4592

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions or alterations, or for the removal or demolition, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for all inspectors to enter the premises for inspections.

BUILDING SITE	ADDRESS3	475 Brookshi	re Dr	
DESCRIBE WORK	X APPLIED FOR		signs-Replace	existin
ESTIMATED VAL	UE OF ALL WORK:	(labor and materials)	TOTAL \$	
Please submit the	ree sets of plans witl	h this application.		
APPLICANT AJS	Signs		DAY PHONE 399-9291	
CHECK ONE:	✓ CONTRACTO	)R		
	HOMEOWNE	R		
	OTHER (expla	ain)		
ADDRESS 842 Sa	ratoga Rd			
CITY Burnt Hills		STATE_NY	ZIP12027	
CONTRACTOR _			DAY PHONE	
ADDRESS 842 San	aloga Ro	OT LTD NV		
CITY Burnt Hills		STATE_NY	ZIP	
and Section 220 S application.	ub. 8 of the Disability	y Benefits Law by providing	57 of the Workers' Compensation proof of insurance at the time the Building Department and recommendations.	of
PROPERTY OWN	ver tall 60	alcs Property De	DAY PHONE	
ADDRESS (if diffe		le21 Colombia	· ST	
CITY (	onoes	STATE N	ZIP 12047	

Oualified in Schenectady County
My Commission Expires 05-09-20

The applicant has reviewed and fully understands the requirements and conditions listed on this application. Article II, Section 75.5B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Applicants who are the owners of the property DO NOT have to have this application notarized.

D		
n 大 .16		on this application is true, correct and accurate.
	ay of <u>Pecember</u> , 23	12
TEN I		Signature of Applicant
MAC		organial of Applicant
9 FE		Thomas Whoole
NEW YO		Printed Name
3 NX		12/5/22
Notary Public, State of New York	k	Date
	(EOR OFFICE VOE	W U D D OUD
	(FOR OFFICE USE O	,
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	BASED ON	
COMMENTS		
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Monument Sign
Qty: (1) Double Sided
Materials: TBD

Colors: White 7125 Dark Gray Pantone 7317C 7125 Medium Grey





842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 AJSigns.com

Client: Jankaw Companies Project: Exterior Signs Location: Tall Oaks Apartments

Customer Approval: Landlord Approval (If Required):

Date: Date: File Name: E39191 Salesperson: Tom Designer: Liesel Date: 8/4/22



### Monument Sign

Qty: (2) Single Sided Materials: TBD

Additional Information: Raised Letters and Externally Lit

Install Information: Install on existing structure Colors: White 7125 Dark Gray Pantone 7317C







842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 AJSigns.com Client: Jankaw Companies Project: Exterior Signs Location: Tall Oaks Apartments

Customer Approval: Landlord Approval (If Required):

\_\_Date:\_\_\_\_ Date: File Name: E39191 Salesperson: Tom Designer: Lisa Date: 8/4/22

rifylald circumygraed designs are the property of A.J Sign Co. and may not be duplicated or reproduced in whole or part as a durning or on without written germistion from A.J Sign Co. Daving sulpsi is included in project portion, if downlop is. Designer's Rendering! do not result as subsequent project you will then be financially responsible for the value of drawings. Designer's Renderings are available:



Column Signs
Qty: (4) Single Sided
Materials: Painted Aluminum with Vinyl Graphics.

Install Information: Stud Mount

Colors: White 7125 Dark Gray Pantone 7317C

22 in



Photo Representation of Approximate Sizing



842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 AJSigns.com

Client: Jankaw Companies Project: Exterior Signs Location: Tall Oaks Apartments

**Customer Approval:** Landlord Approval (If Required): Date: Date:

File Name: E39191 Salesperson: Tom Designer: Liesel Date: 8/4/22



### **TOWN OF NISKAYUNA**

One Niskayuna Circle, Niskayuna, New York 12309 518-386-4522 Fax 518-386-4592

### SIGN PERMIT

Permit No.: B20-450

Issue Date: 09/14/2020

Tax Parcel #: 61.5-2-11.1

Fees: \$120.00

Location: 2475 Brookshire Dr

Cost of Work: \$2,500.00

Tall Oaks Apt

Contact type	Full name	Address 1	City	State	Zip
Contractor	Adirondack Sign Co, Inc	72 Ballston Avenue	Saratoga Springs	NY	12866
Owner	Prime Tall Oaks LLC	621 Columbia Street Ext	Cohes	NY	12047

Comments: renovate Sign

Fee type	Amount
Signs > 1000	120.00

### CONDITIONS:

- 1. IT IS THE RESPONSIBILITY OF THE APPLICANT TO SCHEDULE EACH INSPECTION. All inspections must be performed prior to proceeding to the next phase of construction. Inspections must be scheduled at least one working day in advance. Action on this permit is not finalized until all required inspections have been performed. FINAL inspections are required for all permits issued.
- 2. This permit shall expire in six months unless construction is in progress.
- 3. Sign permits expire ONE YEAR from Issue Date.
- 4. Permit RENEWALS expire SIX MONTHS from Renewal Due Date.

Approved by, total Califizzo / 2/1/2 Date. 1/11/30	Approved By: Tom Cannizzo	ILMI	Date:	9/14	1/20
--	---------------------------	------	-------	------	------



### **TOWN OF NISKAYUNA**

One Niskayuna Circle Niskayuna, New York 12309-4381

Phone: (518) 386-4530

### **Application for Site Plan Review**

Applicant (Owner or Agent):	<u>Location</u> :
Name ATSigns	Number & Street 2475 Brookshire Dr
Address 842 Saratoga Rd Burnt Hills Ny 12027	Section-Block-Lot 61.5 - 2 -11.1
Email	
Telephone 5/839939   Fax 5/8/880179	Zoning District R3
Proposal Description:	
Replace existing sign faces or	Brick monunent Sign at Tray Schenke
Replace existing freestanding	sign (Brokshire / Pearse) entrance
Justall 2 sign faces on	entrance  Sign (Brokshire/Pearse)  entrance  entrance  entrance  entrance  entrance  entrance  entrance  entrance
Signature of applicant:	Date:
	A sale.
Signature of owner (if different from applicant)	
Date:	

Each site plan application shall be accompanied by:

### Monument Sign

Qty: (2) Single Sided

Materials: TBD

Additional Information: Raised Letters and Externally Lit

Install Information: Install on existing structure

Colors: White 7125 Dark Gray Pantone 7317C







842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 AJSigns.com

Client: Jankaw Companies **Project: Exterior Signs** Location: Tall Oaks Apartments

Customer Approval: Landlord Approval (If Required):

Date: Date:

File Name: E39191 Salesperson: Tom Designer: Lisa Date: 8/4/22



### Google Maps 2490 Troy Rd

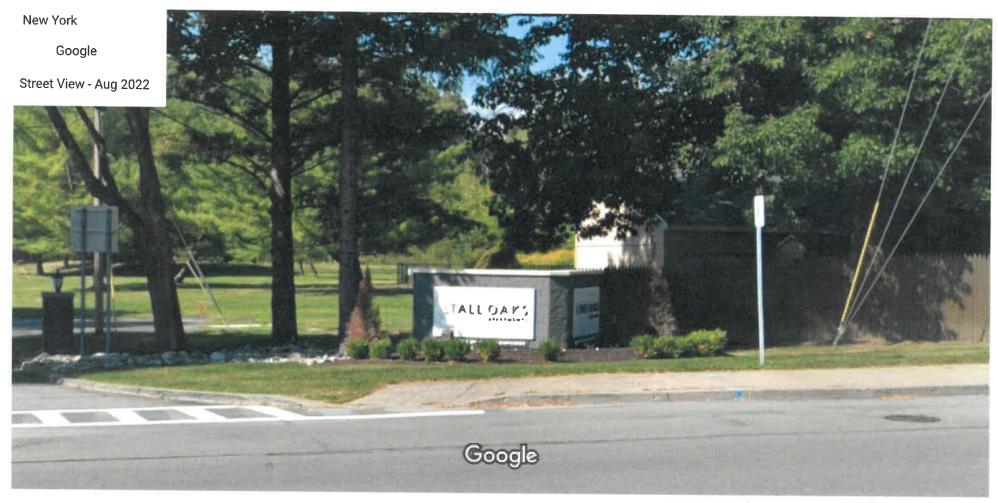
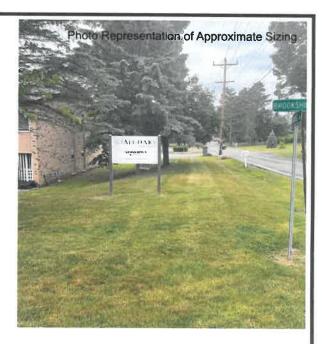


Image capture: Aug 2022 © 2022 Google

Monument Sign
Qty: (1) Double Sided
Materials: TBD

Colors: White 7125 Dark Gray Pantone 7317C 7125 Medium Grey





842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 AJSigns.com

Client: Jankaw Companies Project: Exterior Signs Location: Tall Oaks Apartments

Customer Approval: Landlord Approval (If Required):

Date: Date:

File Name: E39191 Salesperson: Tom Designer: Liesel Date: 8/4/22

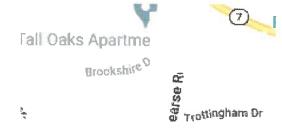




# Corner Brookshire + Pearsp



Image capture: Aug 2019 © 2022 Google



### Column Signs

Qty: (4) Single Sided

Materials: Painted Aluminum with Vinyl Graphics.

Install Information: Stud Mount

Colors: White 7125 Dark Gray Pantone 7317C





Photo Representation of Approximate Sizing



842 Saratoga Road Burnt Hills, NY 12027 (518) 399-9291 AJSigns.com Client: Jankaw Companies Project: Exterior Signs Location: Tall Oaks Apartments

Customer Approval:

Landlord Approval (If Required):

\_\_ Date:\_\_\_\_ \_ Date: File Name: E39191 Salesperson: Tom Designer: Liesel Date: 8/4/22

Original clawings and designs are the property of JA Sign Co. and may not be duplicated or reproduced in whole or part as a drawing or slight without writing permission from a Sign oc. Drawing value is included in project pricing it (Swawings ILD. Designer's Renderings of heart that it is a subsequent project you will them be financially responsible for the value of drawings. Designer's Renderings are available for purchase for use in competitive bill orconsess suom consest:



### Google Maps 2475 Brookshire Dr

# 2 at Brookshire Entranço



Image capture: Aug 2019 © 2022 Google

Fall Oaks Apar

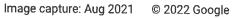
Brooks



Google Maps 968 Pearse Rd

29+ Rearse entrance









### 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.

Part 1 - Project and Sponsor Information					
Tare 1 - 11 oject and Sponsor Information					
Name of Action or Project: 1 all OglCS Apar	tme	ents Sig	no	29	P
Project Location (describe, and attach a location map):  3475 Brookshive Dr				J	
Brief Description of Proposed Action:					
Tall Oals Sigh Replacer	ren	t and a	del	Fill	na
Signage					
Name of Applicant or Sponsor:	Telep	hone: 518-399-9291			
AJ Signs		il: Kristen@ajsigns.com			
Address:		ranscri@ajsigns.com			
842 Saratoga Rd					
City/PO:		State:	Zip	Code:	
Burnt Hills		NY	12027	7	
1. Does the proposed action only involve the legislative adoption of a plan, le administrative rule, or regulation?	ocal law	, ordinance,		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to	the env questio	ironmental resources t n 2.	hat	×	
2. Does the proposed action require a permit, approval or funding from any	other go	overnmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:				Ż	
3.a. Total acreage of the site of the proposed action?		acres			
b. Total acreage to be physically disturbed?		acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_acres			
4. Check all land uses that occur on, adjoining and near the proposed action.	1				
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commo	ercial	Residential (suburb	an)		
☐Forest ☐Agriculture ☐Aquatic ☐Other (s	specify)	);			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?	H	\ <u>\</u>	H
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar If Yes, identify:	ea?	NO V	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?		
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 V	YES
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:		<b>✓</b>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:		V	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES
b. Is the proposed action located in an archeological sensitive area?		<b>✓</b>	
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?		NO V	YES
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:	_	V	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all Shoreline Forest Agricultural/grasslands Early mid-succession. Wetland Urban Suburban		pply:	
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 V	YES
16. Is the project site located in the 100 year flood plain?	+	NO J	YES
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?		<b>V</b>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains If Yes, briefly describe:	)?		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:	_	
	$\overline{\mathbf{V}}$	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
	V	ш
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
		ш
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST O	F MY
Applicant/sponsor name: Momas Wheeler Date: 12/7/h2		
Signature:		
1		



# TOWN OF NISKAYUNA APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle Niskayuna, New York 12309

Phone: 518-386-4522 Fax: 518-386-4592

Email: building@niskayuna.org

RECEIVED

AUG 3 1 2020

BUILDING DEPARTMENT

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code and the New York State Uniform Fire Prevention and Building Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 2475 Brookshire Drive		
DESCRIBE WORK APPLIED FOR Monument existing-Page 1	aint base of m	onument-fabricate and installation
of aluminum composite face with 1" tubular frame and	1/2" PVC lette	ers and logo-stud mount to base
ESTIMATED VALUE OF ALL WORK (labor and materials):		TOTAL \$ 2,500.00
Please submit three sets of plans with this application.		
APPLICANT Adirondack Sign Co LLC		DAY PHONE (518) 409-7446
CHECK ONE: CONTRACTOR		
HOMEOWNER		
OTHER (explain)		
ADDRESS 72 Ballston Ave		
CITY Saratoga Springs	STATE NY	ZIP 12866
EMAIL ADDRESS John@adksignco.com		
CONTRACTOR Adirondack Sign Co LLC		DAY PHONE (518) 409-7446
ADDRESS 72 Ballston Ave		
CITY Saratoga Springs	STATE NY	ZIP 12866
Note: Proof of insurance is required. Please review of contractors and homeowners have filed all appropriate documents.	ur Insurance cuments with the	Requirements document to ensure
PROPERTY OWNER Prime Companies		DAY PHONE (518) 785-9000
ADDRESS (if different than above) 621 Columbia		X 130
CITY Cohoes	STATE NY	ZIP 12047

The <u>applicant</u> has reviewed and fully understands the requirements and conditions listed on this application. Article II, Section 75.5B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

### Applicants who are the owners of the property DO NOT need to have this application notarized.

The undersigned hereby swears that the information provided on this application is true, correct and accurate.											
Sworn	to m	me on this at day of August, 20 KAISTEN MACLEOD									
Ň	ATO	ARY PUBLIC-STATE OF NEW YORK	signature of Applicant								
	No. 01MA6341719  Qualified in Schenectady County of C										
		· // U	Tom Wheeler								
	\\		rinted Name								
	X	K V Alio X V -									
Notary	Dubli	lic, State of New York	8/24/20								
	1 4011	Inc., State of New York	Date								
(FOR OFFICE USE ONLY BELOW)											
BUILD	ING	SITE ADDRESS 2475 Brookshire Drive									
KNOW	N EA	EASEMENTS:WATERSEWERD	RAINAGEOTHER								
PERMI	T FE	EE DUE \$ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	ustra)								
COMM		TS									
		Kapitarman Morina	UT 316W								
ZONIN	CONING DISTRICT SECTION-BLOCK-LOT										
REQUI	ONING DISTRICT SECTION-BLOCK-LOT EQUIRED INSPECTIONS:										
×	1. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE LE APPLIE										
	2.	FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION									
X	3.	FOUNDATION WALL AND DRAIN TILE INCLUDING LATERA	AL PRIOR TO BACKFILLING ( IF ADDICAL)								
	4.		(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,								
	5.	ROUGH PLUMBING									
1	6.	ROUGH ELECTRICAL (FAPPUC)									
	7. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED										
	8.	INSULATION INCLUDING PROPER VENTILATION									
	9.	FINAL PLUMBING									
2	10.	. FINAL ELECTRICAL (FAGRIC)									
V		. FINAL BUILDING INSPECTION									
	12.	. FINAL GRADING AND SOIL EROSION CONTROL									
	13.	. (ADDITIONAL INSPECTIONS)									
APPRO	VED	DBY The Control of th	DATE 9/3/20								

2

3-2016

Ben Moore Paint Colors

Sign Background: Chantilly Lace 2121-70

Leaf Graphic: Adirondack Brown 2095-10

Letters: Grey 2121-10

A division of prime companies Chantilly Lace 2121-70

Birck Monument: (to be painted by customer) Grey 2121-10

Quantity: 2 Size:35.5" x 74" Material:ACM & PVC Mounting:Blind



## OFFICE COPY

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AUG 3 1 2020

BUILDING DEPARTMENT NISKAYUNA, NY

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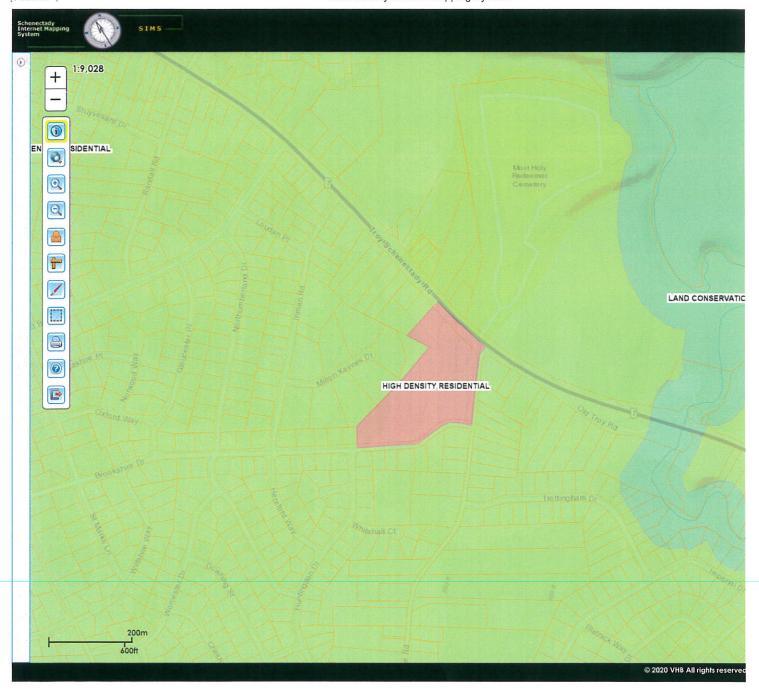
Project & Est#: 11779

Designer: AW Date: 8/12/20

Revision Date:8/14/20







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- A. Enclosed uses. Any enclosed use required by this chapter to be landscaped in accordance with this section may be required to provide fencing, screening and/or landscaping sufficient to obscure such uses from view from abutting properties lying in R Districts or from public rights-of-way.
- B. Unenclosed uses. Any use which is not conducted within a completely enclosed building, including but not limited to junkyards, storage yards, lumber and building-materials yards, parking and loading areas and which is in, abuts or is adjacent to a residential district or fronts on a public right-of-way shall be obscured from view from such residential districts and public rights-of-way in an effective manner, which shall include, but not be limited to, landscaping and screening, including the installation of berms and/or plantings. This section shall also apply to nurseries and the display for sales purposes of new or used cars, trucks, trailers, bicycles, motorcycles or farm equipment where such uses abut a residential district, but not when such uses abut a public right-of-way.

  [Amended 8-17-1999 by L.L. No. 12-1999]
- C. Trash collection and compaction. No areas or facilities for trash collection or trash compaction shall be located within 20 feet of any public street, public sidewalk, on-site roadway or internal pedestrianway. Trash-collection and trash-compaction facilities shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view of adjacent properties, public streets, public sidewalks, on-site roadways or internal pedestrianways. No attention shall be attracted to these service facilities by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. These provisions shall not apply to individual outdoor trash receptacles and recyclable receptacles intended for use by pedestrians or visitors.

  [Added 8-17-1999 by L.L. No. 12-1999[1]]
  - [1] Editor's Note: This local law also redesignated former Subsection C, Maintenance, as Subsection D.
- D. Maintenance. Any fencing or landscaping installed in accordance with this section and the provisions of Articles V and VI shall be maintained in good order to achieve the objectives of this section, including replacement of dead or diseased plants used in screening and/or landscaping.
- E. Waivers. The Planning Board may waive one or more of the specific requirements of this section upon a showing by the applicant that the regulations impose an undue hardship on the site or will result in a threat to public health or safety.

  [Added 10-3-2000 by L.L. No. 6-2000]

#### § 220-22 Signs.

No sign or other device for advertising purposes of any kind may be erected or established in the Town of Niskayuna, except and as provided as follows:

- A. For uses in all districts.
  - (1) Signs shall be nonflashing, nonanimated and nonrevolving, and illumination shall not cause excessive glare to adversely affect abutting properties.
  - (2) Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
  - (3) Directional signs, such as entrance, exit, etc., shall be of a size not to exceed three square feet and not to exceed four feet in height above the existing grade of the street unless otherwise specified in this chapter.

    [Amended 9-19-1974 by Res. No. 276; 10-27-1992 by L.L. No. 8-1992]
  - (4) Signs shall not project beyond property lines nor over public sidewalk areas, except as expressly permitted in commercial districts. In those cases where a sign is permitted to project beyond property lines or over public sidewalks, the owner of the sign or his authorized agent shall file with the Town Clerk a bond in the amount of \$5,000 prior to erection of the sign. Such bond shall be kept in effect at all times until the sign is removed. In the event of the abandonment of the sign by the owner, such bond may be used to defray the cost of removal by the Town.
  - (5) Signs shall be accessory to the principal use where they are erected.
  - (6) A zoning and building permit shall be required for the erection, alteration or reconstruction of any business or advertising sign. Signs associated with the promotion and/or sale of materials, merchandise or service dealing with the principal use on a commercial property are advertising signs and require a permit, regardless of the time said signs are displayed.

[Amended 8-13-1981 by Res. No. 239]

(7) Permission must be secured from the Building Inspector to erect any temporary sign for a special event. Each such sign must be removed promptly by the property owner when its purpose has been served, but in no case shall a temporary sign remain on the property for more than 30 days unless further permission has been granted. There shall be no more than a total of two temporary signs for special events on the property in a calendar year. This shall not apply to a temporary sign advertising a garage sale.

[Amended 8-13-1981 by Res. No. 239]

- (8) One temporary nonilluminated sign advertising the sale, lease or construction of or on the premises shall be permitted for a period not to exceed 12 months. Such sign shall not exceed 16 square feet in area.
- (9) No sign shall be painted or similarly applied to a building or part thereof, except in compliance with these regulations.
- (10) At any time there is a new sign or a modification or a replacement of an existing sign associated with a nonresidential use identified in § 220-10 as a permitted or special principal use, with a legally nonconforming nonresidential use or with multifamily dwellings, the following standards shall apply. These sign requirements shall apply in addition to the standards in Schedule I<sup>[1]</sup> and § 220-26J.

 $[Added\ 9-19-1974\ by\ Res.\ No.\ 276;\ amended\ 9-2-1997\ by\ L.L.\ No.\ 11-1997;\ 12-8-1998\ by\ L.L.\ No.\ 8-1998\ ]$ 

- (a) In residential and conservation districts:
  - [1] A legally permitted nonresidential use is permitted one sign.
  - [2] A sign for a nonresidential use shall not exceed twenty square feet in area or eight feet in height above the average grade at its location.
  - [3] Freestanding signs shall be ground (monument) signs only. Building signs shall be wall signs only.
  - [4] Freestanding signs shall have a minimum setback of 10 feet from the right-of-way line and ten feet from the side property line. They shall be located in a manner that does not interfere with required minimum sight distance at driveways or intersections.
  - [5] Additional signs for nonconforming gasoline service stations are permitted. They may include one sign not exceeding nine square feet in area for advertisement of principal product prices and one sign not exceeding six square feet in area for advertisement of sales promotional material. These signs shall be located not less than five feet from any street lot line, on the side away from the street. Such signs may be double-faced.

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- [6] Signs shall not be internally lit. External lighting shall be placed in a manner that minimizes glare to adjacent properties and streets.
- [7] Sign materials and colors shall be compatible with the essentially residential character of the area in which they are located.
- [1] Editor's Note: Schedule I is located at the end of this chapter.
- (11) In the Highway Commercial (C-H) and Shopping Center Commercial (C-S) Districts, signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or between the street line and building line.

  [Added 9-19-1974 by Res. No. 276]
- (12) Except as otherwise specified for residences, address signs shall not exceed 12 square feet in area or six feet in height above the average grade at its location. [Added 9-2-1997 by L.L. No. 11-1997]
- B. Exemptions. The provisions and regulations of this section and of Schedule I, Column 7,[2] shall not apply to the following signs:
  - (1) Traffic or other municipal signs, school signs, legal notices, railroad crossing signs and such temporary, emergency or nonadvertising signs as may be authorized by the Town Board.
  - (2) Memorial signs and/or tablets not exceeding three feet by two feet in size when cut into any masonary surface or when constructed of bronze, stainless steel or similar material and attached to the main structure.
  - [2] Editor's Note: See Column 7 of Schedules I-A through I-H, which are included as attachments to this chapter.
- C. District regulations. The provisions and regulations of Schedule I, Column 7,[3] shall apply as specified in each district for specified uses.
  - [3] Editor's Note: See Column 7 of Schedules I-A through I-H, which are included as attachments to this chapter.
- D. Subdivision signs.

[Added 9-2-1997 by L.L. No. 11-1997; amended 3-22-2016 by L.L. No. 1-2016; 1-3-2017 by L.L. No. 1-2017]

- (1) Building permit. A zoning and building permit shall be required for the erection, alteration or reconstruction of any subdivision sign.
- (2) Location. Subdivision signs shall be located on private property owned by the subdivision developer, his or her successor or assign and not in the public right-of-way unless otherwise permitted by the Town Board. In general, subdivision signs shall be located near entrances to the subdivision, but no subdivision sign shall be placed on a lot containing a residence. Subdivision signs shall not be placed on a corner lot within a triangle formed along the edge of pavement of said lot and a line drawn between the points along such edge of pavement 30 feet distant from their point of intersection, as calculated in Figure 1.<sup>[4]</sup>
  - [4] Editor's Note: Figure 1 is included as an attachment to this chapter.
- (3) Number. The number of signs shall be limited to no more than one per entrance street to the subdivision, up to a maximum of three signs.
- (4) Size. A subdivision sign may be a maximum of 16 square feet in area and eight feet in height above the average grade at its location.
- (5) Maintenance. Subdivision signs shall be maintained in good condition by the subdivision developer, his successor or assign. The developer may provide payment to the Town of Niskayuna in a sum to be determined by the Town Board to be held in a fund to be used by the Town of Niskayuna to maintain the subdivision sign in good condition.
- (6) Design. The Planning Board and Zoning Commission shall have final approval over the design and size of any proposed subdivision sign.
- E. Neighborhood signs.

[Added 1-3-2017 by L.L. No. 1-2017]

- (1) In accordance with the Town of Niskayuna's 2013 Comprehensive Development Plan, duly adopted by the Town Board of the Town of Niskayuna in November 2014, the Town recognizes the importance of identifying neighborhoods throughout the Town through various means such as freestanding monument signs or street signs. This subsection shall only apply to those neighborhoods or subdivisions with no existing neighborhood or subdivision sign per Subsection D of this section.
- (2) A "neighborhood" is an area of the Town of Niskayuna defined by its residents and its distinctive characteristics as enumerated and defined more in depth in the 2013 Comprehensive Plan, consisting of the narratives of 20 identified neighborhoods within the Town.
- (3) Petition. A petition for the establishment of a neighborhood sign shall be signed by owners of taxable real property situated in the neighborhood or subdivision for the proposed sign. In order to proceed, signatures must be obtained from at least 51% of the residences whose aggregate assessed valuations make up at least 51% of the total assessed values of the properties in the proposed neighborhood or subdivision. Such petition shall be certified by the Town Assessor.
- (4) Standards.
  - (a) Permitted signs:
    - [1] Freestanding monument signs.
    - [2] Street signs.
  - (b) Materials.
    - [1] Freestanding monument signs shall be constructed of materials compatible with the surrounding neighborhood.
  - (c) Height.
    - [1] Freestanding monument signs shall be no greater than five feet in height above finished grade.
  - (d) Size.
    - [1] Freestanding monument signs shall have a maximum area of 16 square feet.
  - (e) Illumination.
    - [1] Neighborhood signs shall not be illuminated.

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#### ZONING

220 Attachment 16

SCHEDULE I-C

Part 2
R-3 District

Schedulc of Supplementary Regulations
Town of Niskayuna
[Amended 9-8-1987 by Res. No. 276; 12-19-1989 by Res. No. 8-322; 11-19-1991 by L.L. No. 13-1991; 10-27-1992 by L.L. No. 8-1992;
4-20-1999 by L.L. No. 5-1999; 4-15-2003 by L.L. No. 5-2003

1	2		3		4	5				6	7	8
		Mi	nimum Lot		Maximum Percentage of Coverage by	Minimum Yard Dimer			ensions (feet)	Minimum Required Off-Street Parking Space(s) (Also see § 220-19.)	Permitted Signs (Also see § 220-22.)	Additional Use Regulations, Prohibitions, Notes, Other Provisions and Requirements (Also see § 220-16 and 220-21.)
Zoning District	Permitted Uses	Area	Area (feet) (fe			Front	1	1 Both	Rear			
R-3 <sup>2</sup> High- Density Residential	Multiple-family dwelling units		Sec § 220-26 for requirements and regulations.									
	Single-family dwelling	9,000 square feet	80	100	30	30	15	25	20	Same as R-R District regulation	Same as R-R District regulation	Sec § 220-15A.
	Places of worship	2 acres	150	150	25	50	25	50	50	1 space for each 4 seating spaces	Same as R-R District regulation	
	Public utility substations, pumping station, telephone exchange and switching station	l acre	150	150	25	25	25	50	25	At least 3 spaces for company service vehicles. Such spaces shall not encroach upon required yard or landscaped and/or fenced areas. Sufficient interior lot space for accommodating and maneuvering large equipment pieces. Such area shall not be less than 15x50 feet.	I nonilluminated sign not over 6 square feet in area.	Such facilities shall be housed in completely enclosed buildings, where applicable, and shall be compatible with the neighborhood.     Such use shall be landscaped and/or fenced and, in the case o unenclosed substations, such landscaping and/or fencing shall provide screening.
	Nursery schools	1 acre	150	150	25	25	25	50	25	1 space per teacher and staff member		
	Care homes	5 acres	100	150	20	50	50	100	25	See § 220-31G	See § 220-22A(10) for nonresidential signs in residential area	See § 220-31
	Adult day-care centers in independent buildings	9,000 square feet	80	100	30.	30	15	30	20	1 space for each employee, plus 0.15 space for each client	I permanent sign attached to the building (no freestanding), not to exceed 2 square feet in area, which may be illuminated by low- intensity lamp(s) only	See § 220-32.1.
	Child day-care centers									1 space for each employee, plus 0.15 space for each child	I permanent sign attached to the building, not to exceed 2 square feet, which may be illuminated by low-intensity lamp(s) only	See § 200-32.2.
												For all nonresidential uses: There shall be a minimum 25% of the total land area of the site reserved as landscaped open space At the discretion of the Planning Board, a portion of this open space shall be used to provide landscaping internal to required off-street parking areas

NOTES:

<sup>1</sup> Editor's Note: Resolution No. 276, adopted 9-8-1987, amended the schedule for this district to delete the standards for retail stores and professional offices, as amended 9-19-1974 by Res. No. 276.

### Questions about eCode360? Municipal users <u>Join us</u> Monday through Wednesday between 12pm and 1pm EDT to get answers and

#### other tips!

#### § 220-26 Multiple-family dwellings.

In addition to the regulations given in Articles IV and VIII, the following shall apply to all multiple-family dwellings:

- Dimensional regulations.
  - (1) The minimum size of the site shall be two acres.
  - (2) The maximum dwelling units per gross acre for condominiums shall be six. For all other dwelling units, the maximum units per gross acre shall be 10. [Amended 6-1-2004 by L.L. No. 14-2004]
  - (3) The maximum building height shall be 35 feet.
  - (4) The maximum number of stories shall be three.
  - (5) Site coverage. The maximum site coverage by all buildings and structures shall be 30% of the total area.
  - (6) Yard requirements.
    - (a) No building shall be closer than 70 feet to the street line of any street.
    - (b) No building shall be closer than 30 feet to the edge of the pavement of any interior access drive.
    - (c) No building shall be closer than 40 feet to the defined project property line.
- B. Locational criteria
  - (1) Access. Project proposals shall be proximate to a major road and shall have direct access to an arterial or major local street, except when such an arterial or street shall exclusively serve single-family residential neighborhoods. Further, any development with only one access road shall have an alternate clear accessway available for the use
  - (2) Utilities. No project proposal shall be considered unless adequate public water supply and sewage disposal are available.
- C. Landscaping requirements. All projects shall be suitably landscaped as required in § 220-21, including the provision of effective screening along the property boundaries, including side and rear boundaries abutting streets.
- D. Open space requirements. Every project shall have suitable open space available for the use of the residents therein. A ratio of 400 square feet per dwelling unit shall be provided. Development of this open space for passive and/or active recreational uses, including swimming pools, shall be provided in a suitable manner. Required yard areas may be considered as long as access to them is not prohibited by fencing or other means. Off-street parking areas, access drives and streets shall not be included in such
- E. Building spacing and layout. Buildings shall be located so that the privacy of individual units is protected, so that their arrangement creates usable open spaces and a satisfactory environment for the residents and avoids monotonous and undifferentiated silhouettes. In no case shall buildings be closer to one another than 25 feet,
- F. Parking requirements. In addition to the requirements of §§ 220-19 and 220-20, the following shall apply:
  - (1) \_Spaces. There shall be a minimum of two parking spaces per apartment. At least one of these spaces must be enclosed or under cover.
  - (2) Parking areas. Parking areas shall be distributed so as to service the individual dwelling units. As a general standard, no resident should have to travel more than 200 feet between his car and dwelling unit. Parking lots shall be adequately designed, landscaped and screened so as to conform to all applicable regulations; provide for adequate access and traffic circulation; and prevent headlights from shining into dwelling units. Maneuvering area for moving vans shall be reasonably provided throughout so as to provide convenient access to individual units.
- Pedestrian circulation. Sidewalks and pathways should be integrally designed so as to provide safe and convenient access between buildings and internal recreation, parking, service areas and public transportation routes.
- H. Lighting. Outdoor lighting may be required in parking areas and along streets, access drives, sidewalks and pathways and wherever deemed necessary so that the safety of the residents shall be ensured. Lighting fixtures shall be designed at a scale compatible with purposes served and of such intensity so as not to reflect or to cause glare on public streets, adjacent residential uses or in dwelling units therein. Lighting shall be maintained in an operable condition.
- Nonresidential uses.
  - (1) Convenience service uses. Convenience uses shall not comprise more than 5% of the rentable floor area of any multiple-family complex of single ownership, and such facilities shall be located within a separate building and be so located as to be integrated to function and relate to the residents therein. The maximum floor area of such use shall be 1,500 square feet. The minimum off-street parking and loading standards and permitted sign standards of the retail convenience stores in the C-N District shall be applied.
  - (2) Utilities. Public utility substations, pumping stations and telephone exchange and switching stations shall be located within completely enclosed buildings that harmonize with the character of the adjacent neighborhood and, in the case of electric and gas utility substations, shall provide adequate screening and landscaping as provided in § 220-21.
- J. Signs. In addition to the regulations of \$ 220-22A(10), one sign may be permitted at each access point to the site. In addition to the principal sign(s), any number of directional signs, each not to exceed four square feet in area and eight feet above average grade, may be permitted. Signs for convenience service uses shall be limited to one externally lit wall sign not to exceed 20 square feet in area. 220-22 A (10) (a) [2] 70 59 +8' high

[Amended 12-8-1998 by L.L. No. 8-1998]

K. Planning Board consideration. Recognizing that it is cumbersome and self-defeating, if not impossible, to anticipate all possible design contingencies, the planning Board reserves the right to raise any other related questions and requirements as may be appropriate in achieving the intent of this section.

https://ecode360.com/8405595

18-2 st



189" from sign to main road 121" from sign to property line



72 Ballston Ave., Saratoga Springs, NY 12866 p: 518.409.SIGN(7446) f: 518.478.8489 www.Adk Sign Co.com Customer: Prime Companies

Project & Est#: 11779

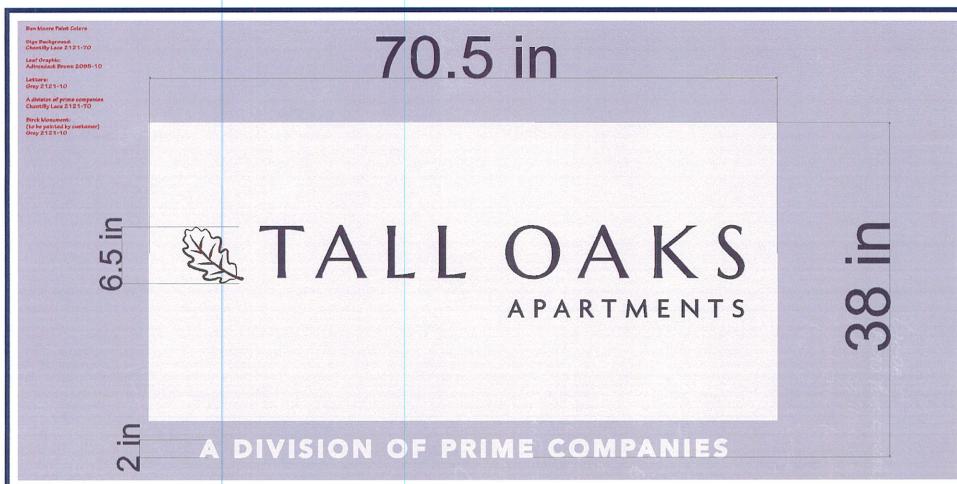
Designer: AW
Date: 09/02/20
Revision Date:

Approved As Is: \_

Signature/Date

Approved with Corrections; no further proof needed:

Revisions Required; New proof needed:



Quantity: 2

Size:38" x 70.5"

Material: Sign to have aluminum composite face with 1" tubular aluminum frame, graphics to be 1/2" thick and mounted onto sign face. "A DIVISION OF PRIME COMPANIES" to be 3/4" thick PVC and stud mounted on brick.

Mounting:Blind

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