

TOWN OF NISKAYUNA
Planning Board and Zoning Commission
Agenda
November 28, 2022 7:00 PM

REGULAR AGENDA MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. November 14, 2022

IV. PUBLIC HEARINGS

V. PRIVILEGE OF THE FLOOR

VI. UNFINISHED BUSINESS

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

VIII. DISCUSSION ITEM

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.
2. 1851 Union St. – Mohawk Golf Club – application for subdivision sketch plan approval for 22 new single-family townhouses.
3. 1515 Hillside Ave. – site plan app. for new signage at Hillcrest Village Apts.

IX. REPORTS

X. COMMISSION BUSINESS

XI. ADJOURNMENT

NEXT MEETING: December 12, 2022 at 7 PM
To be Held in the Town Board Room & via Remote Software

TOWN OF NISKAYUNA
Planning and Zoning Commission
Hybrid Meeting
Meeting Minutes
November 14, 2022

Members Present:

Kevin Walsh, Chairman
David D'Arpino
Genghis Khan
Patrick McPartlon
Daci Shenfield
Nancy Strang
Leslie Gold

Also Present:

Laura Robertson, Town Planner
Alaina Finan, Town Attorney
Clark Henry, Assistant Planner (Virtual)

I. CALL TO ORDER

Chairman Walsh called the hybrid meeting to order at 7:00 P.M.

II. ROLL CALL

Mr. LaFlamme and Mr. Skrebutenas were excused tonight.

III. MINUTES

1. October 24, 2022

Mr. McPartlon made a motion to approve the minutes and it was seconded by Mr. Khan. The Board had 3 minor changes to the minutes. The amended minutes were approved unanimously.

IV. PUBLIC HEARINGS

No public hearings tonight

V. PRIVILEGE OF THE FLOOR

Ms. Gail King of Niskayuna was present to speak at the meeting. She stated she feels like her business and other businesses in the CO-OP Plaza have been negatively affected by the Broken Inn and the proposed outdoor seating for the restaurant. She noted that allowing this seating on Town land will set a precedent for other businesses to use the right of way for personal enterprise. She asked the Board not to allow this project to go forward.

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. He noted that due to his landlord not being supportive of the project, he would need it to be solely on Town land. He stated his frustration for not having been allowed to discuss this

during the last meeting with the Planning Board or this Planning Board meeting. He asked the Town to respond to his concerns. His hope is for this project to be able to go forward soon.

VI. UNFINISHED BUSINESS

No unfinished business today.

VII. NEW BUSINESS

1. RESOLUTION: 2022-29: A Resolution for site plan amendment for constructing a berm and adding a monument sign at the Capital District Holocaust Memorial at 2501 Troy Schenectady Rd.

Mr. Khan made a motion and it was seconded by Ms. Strang. Mr. Khan stated that the amended conditions were appropriate for this project. Chairman Walsh called for a vote.

Upon voting, the resolution was approved 7-0

Mr. D'Arpino AYE

Ms. Strang AYE

Mr. Khan AYE

Ms. Gold AYE

Mr. McPartlon AYE

Ms. Shenfield AYE

Chairman Walsh AYE

2. RESOLUTION: 2022-30: A Resolution for site plan approval for a tenant change to Cool Vibe Smoke Shop at 3413 State St.

Mr. D'Arpino made a motion to approve and it was seconded by Ms. Gold. Chairman Walsh discussed with the applicant that the proposed sign size is not compliant with the zoning of the building. The applicant proposed eliminating the logo on the sign. This changed the dimensions of the sign to 23.3 sq. ft. which the Board rounded up for simplicity to 24 sq. ft. This dropped the required waiver to 5 square feet. Chairman Walsh proposed adding the amended sign to the resolution. Mr. Khan asked if the sign colors are compliant with the zoning in the area. Ms. Robertson stated that they were since there is not a 3 color limit in the sign code for the Commercial/Highway zoning district. Chairman Walsh made a motion to amend the resolution to allow the 24 square foot sign, including a 5 square foot sign waiver. He stated the logo/graphic would be removed but the colors were okay. Mr. McPartlon seconded the motion. The motion to amend the resolution carried by a vote of 5-2.

Mr. Walsh stated they had a modified condition. This condition required the resolution to strike condition number one (required separate approval of sign) and replace it with the modification previously approved. Ms. Robertson stated they also needed to add the standard WHEAREAS and RESOLVED language associated with the waivers. Chairman Walsh stated the amended resolution that they would vote on next would include the modification of the addition of the

sign, with no graphic, and the modified whereas and resolved clauses in support of this amendment. He stated this was where he wanted to be and it saved the applicant and the planning department some work, which was a benefit. Mr. Khan stated he was not in favor and felt a complaint sign was easily achievable. Chairman Walsh made a motion to approve the amended resolution and it was seconded by Mr. McPartlon. He called for a vote on the amended resolution.

Upon voting, the amended resolution was approved 5-2.

Mr. D'Arpino AYE

Ms. Strang NAY

Mr. Khan NAY

Ms. Gold AYE

Mr. McPartlon AYE

Ms. Shenfield AYE

Chairman Walsh AYE

VIII. DISCUSSION ITEMS

1. Empire Dr. – application for a 2 lot minor subdivision of tax map parcel 61.-1-33.2 into two separate lots of 1.83 and 2.0 acres

Mr. Speulstra and Mr. Joralemon were present for the meeting. The Board noted that the TDE's comments were received by the Planning Office last Friday on the 11th and are therefore not in the Planning Board packet. The Board discussed the proposed filter strip and how it will be maintained. Ms. Robertson stated that the strip will need to be maintained by the homeowner. Mr. Speulstra stated that it is essentially maintenance free except if excessive debris gets trapped in the strip. The Board was concerned about maintenance responsibility over time and asked the applicant to denote both on the subdivision plan and the future plot plan of the home that maintenance was required and was the responsibility of the homeowner. This was to ensure future enforcement of maintenance can be carried out.

Mr. McPartlon confirmed with the applicants that a deed restriction will be added to the plan. Mr. Joralemon agreed. Ms. Robertson asked the applicants if the trees that the Tree Council marked are added to the plan to be saved. Mr. Speulstra stated they are planning on saving any tree that they can. Ms. Shenfield asked if the deed restriction will be in perpetuity or will it have an end date. Ms. Finan stated that it would need to be added as a condition but her recommendation would be for the condition to be in perpetuity. Chairman Walsh called for a resolution for minor subdivision approval with conditions for the next meeting on 11/28.

2. 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. Alex Ritmo and his attorney, Mr. Robert Stout, were present for the meeting. Ms. Strang recused herself from the conversation. Mr. Stout reviewed the last meeting and briefly described the project and how they feel it fits into the zoning code. Mr. Stout acknowledged that they will need to be approved for a variance by the ZBA due to the lack of setbacks. Mr. Ritmo discussed

the changes he has made to the site plan since the last meeting. He noted that he has relocated the dumpsters and looked into underground parking but it would make the buildings too tall. He said that the garages would need to be eliminated if he wanted to be compliant with the allowable multi-family setback.

Chairman Walsh discussed concerns with the close proximity of the southernmost building to the neighboring homes to the South. The Board felt this would be a negative impact to the surrounding properties and wanted the applicant to explore ways to alleviate this. They suggested flipping the garage with the southernmost apartment building or aligning the setback of the new building with the existing building. Mr. D'Arpino noted the limits of clearing were not constructible (went to the back of the southern building) and as proposed – there would be no vegetation boundary between this property and the neighboring properties. The Board discussed more ways to increase the vegetative buffer to the southern properties.

Ms. Robertson asked if Mr. Ritmo had explored a lot line adjustment to purchase some of the vacant land to the north to achieve more width for the property. He stated he had not. She cautioned Mr. Ritmo to research how much of his property is designated as wetlands. She noted that there are wetlands on the property and they could impact the discussions the Board had about flipping the buildings and moving everything away from the southern lot line.

Mr. D'Arpino added that a traffic impact study would be needed for the additional traffic increase on to Balltown Road. Mr. Gold expressed her concern with the proposal and the density for the area.

Mr. Ritmo stated they will be going to the Conservation Advisory Council (CAC) tomorrow for review and will be submitting an application for the December ZBA meeting tomorrow. Chairman Walsh thanked the applicant for their time and stated they would discuss further revisions to the plan and the potential ZBA recommendation at the next meeting.

3. 1851 Union St. -- Mohawk Golf Club -- application for subdivision sketch plan approval for 22 new single-family townhomes.

Mr. McPartlon recused himself from this discussion. Chairman Walsh noted that this is the first time the Board will be seeing this presentation. He noted that there will a significant amount of variances needed for this project.

Mr. Dave Kimmer and Mr. Bill Sweet were present for the applicants at the meeting. Mr. Kimmer presented the plans for the project. He noted they are proposing 11 duplex vuildings with a total of 22 townhomes. He noted that the project will need 67 variances from the ZBA.

Mr. Sweet explained that the housing market trend is indicating that there is a need for townhomes. They will be marketing the homes towards Mohawk Golf Club members but it would be open to all in the community. He stated owners would not need to be a member of the golf course to live there. There will be 2 bedroom townhomes with some including an extra loft.

The Board asked for a side level view of the plan. The Board discussed the design of the boulevard. Mr. Kimmer stated they will be taking out 1 home on Ruffner Road that is owned by the golf course and building the boulevard through the open lot. Mr. Sweet noted that the boulevard will be wide with a median.

There was concern from the Board regarding the multiple cul-de-sacs and access for emergency vehicles. They discussed multiple options with Mr. Sweet and Mr. Kimmer, including eliminating some of the proposed 50' buffer to the existing homes to create room to eliminate the cul-de-sacs and minimize the need for so many variances. The Board stated their concern with the aesthetic of the oversized garage doors in the front of the townhomes.

Mr. Sweet noted that this was just a conceptual design. The applicants stated they will present this plan to the CAC tomorrow night but reinforced that there is room for changes. Chairman Walsh commented that the ARB will also take a look at the plan.

IX. REPORT

1. Planning Department Updates

Ms. Robertson noted that she will email the 2023 Planning Board calendar to the Board members. Mr. Khan asked for an update regarding the legal issues regarding the outside seating at the Broken Inn. Ms. Finan gave a brief update and noted that she has her colleague Mr. Hess performing a thorough analysis to make sure the Town has all the legal information to go forward with a decision. Ms. Robertson thanked Mr. LaFlamme for attending the ribbon cutting for Rivers Ledge with her. She noted that it was a nice event.

COMMISSION BUSINESS

No commission business tonight

XI. ADJOURNMENT

Chairman Walsh asked for a motion to adjourn. Ms. Gold made a motion to adjourn and it was seconded by Mr. Khan. The meeting was adjourned at approximately 9:20 pm.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 11/28/2022

ITEM TITLE: RESOLUTION: 2022-31: A Resolution for subdivision approval for a 2-lot minor subdivision of tax map parcel 61.-1-.33.2 on Empire Dr. into two separate lots of 1.83 and 2.0 acres.

PROJECT LEAD: Patrick McPartlon

APPLICANT: Robert Joralemon

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:

Robert Joralemon, property owner, submitted an sketch plan application for a minor 2-lot subdivision of the property at tax map parcel 61.0-1-33.2, creating two separate lots of 1.83 and 2.0 acres, respectively.

BACKGROUND INFORMATION

Tax map parcel 61.-1-33.2 is located within the R-1 Low Density Residential zoning district.

A 1-page drawing entitled "Sketch Plan 2-Lot Minor Subdivision Empire Drive Lands N/F of Joralemon" by C.T. Male Associates dated 6/30/22 with no further revisions was provided with the application. Lot lines demarcating "Lot 1 Area = 1.83 Acres" and "Lot 2 Area = 2.0 Acres" are included on the drawing.

220 Attachment 14 Schedule I-B R-1 District Schedule of Supplementary Regulations defines the following minimum lot size and yard dimensions.

Permitted Use	Minimum Lot Size			Minimum Yard Dimensions (setbacks)		
	Area sf	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.
Single-family dwelling	18,000	100	125	35	40	25
Lot 1	79,715	≈300	≈200	≈70	≈50 / ≈250	≈75
Lot 2	87,120	≈570	≈200	≈70	≈50 / ≈450	≈75

The original sketch plan drawing proposed two parallel contiguous driveways exiting from the stub off of Empire Drive running along the shared side property line of the two lots. Each driveway included a 20' wide turnaround at their intersection with the stub street so that snowplows would be able to turnaround.

7/11/22 Planning Board (PB) meeting – The property owner, Robert Joralemon, and Frank Palumbo of CT Male Associates presented the project to the PB. The PB did not like the proposal to have the Town snowplows turn around on the private driveways of the proposed subdivision. The PB asked for two alternate site plan drawings to be prepared. One version will include a traditional cul-de-sac at the end of the existing stub road. The second version will include a smaller “bulb” end to the existing stub road. The drawings were provided and are included in the packet for the meeting this evening.

7/25/22 Planning Board (PB) meeting – Mr. Joralemon and Mr. Palumbo presented two new site plan drawings that depicted the layouts that were requested by the PB at the 7/11/22 meeting. The PB preferred the second version of the two plans. It is entitled “Sketch Plan-Alt 2, 2 Lot Minor Subdivision, Empire Drive Lands N/F of Joralemon” by C.T. Male Associates dated June 30, 2022 with no subsequent revisions. The site plan includes small snow storage areas along each side of the stub road that intersects Empire Drive. Two completely independent driveways for the proposed two lots connect to a small semi-circular bulbous end of the stub road. Ms. Robertson noted that the Highway Superintendent preferred this version. The PB agreed on the following action items.

1. The PB to call for a public hearing (PH) at the 8/8/22 PB meeting (PH to be held on 8/29/22)
2. PB to make a SEQR determination at their 8/8/22 meeting
3. PB to take action on a resolution for sketch plan approval at their 8/8/22 meeting
4. Resolution to include the requirement that a sign stating “End of Public Road” be placed at the end of the stub road.

7/29/2022 Complete Streets Committee – Explore an easement on lot 1 for a potential future multi-use path that would connect the large forest to the northwest of the lot to Empire Dr. and destinations to the east such as Birchwood Elementary School in case of future development.

8/3/22 Conservation Advisory Council (CAC) meeting – the CAC reviewed the project at their regularly scheduled meeting on 8/3/22 and voted unanimously in favor of making a recommendation to the PB to make a negative SEQR declaration with the following recommendations.

1. Require an easement on lot 1 for a potential future multi-use path that would connect the large forest to the northwest of the lot to Empire Dr. and destinations to the east such as Birchwood Elementary School.
2. Keep the limits of clearing as small as possible so that as many mature trees as possible may be preserved.

8/8/22 Planning Board (PB) meeting – Resolution 2022-17 was approved granting approval of the sketch plan, calling for a public hearing to be held at the 8/29/22 PB meeting and directing the Town Planner to file a Negative SEQR declaration with the following 2 conditions.

1. An easement for a potential future multi-use path is to be included in the site plan drawing
2. Limits of clearing are to be kept as small as possible & as many mature trees as possible are to be preserved.

After additional discussion the PB decided the best location for the easement would be along property line near and parallel to Empire Drive. The PB also requested that the following information be added to the site plan drawing.

1. Show the limits of clearing
2. Include a numerical value for the amount of disturbed land for each lot

Mr. Joralemon provided a revised site plan drawing dated 8/10/22 that includes the requested information. The easement provided is 8 feet however and should be a minimum of 12 feet (2 feet on each side of path for construction and maintenance).

8/29/22 Planning Board (PB) meeting – A public hearing regarding the proposed subdivision was held at the 8/29/22 PB meeting. Approximately six neighbors chose to be heard at the hearing. Concerns were expressed regarding water and drainage and the interruption of a currently forested view. The project was also reviewed during the discussion portion of the meeting. The applicant presented the revised site plan that included the addition of limits of clearing and disturbance, an added multi-use path easement and turn arounds on the driveways. Drainage and water flow from the property were discussed. The PB requested additional information for the 9/12/22 PB meeting all of which has been provided.

The applicant provided a new revision of the site plan drawing that contains the following.

- Revised limit of anticipated clearing
- Revised multi-use path easement
- Added grading showing a grassed swale to direct storm water away from Empire Drive
- Added a chart comparing the proposed two lot sizes to adjacent lot sizes
- Added 25' wetland buffer to plans
- Added a second sheet to the drawing to show drainage area and direction

The Planning Department has also recently reached out to the Town of Colonie Planning Department and has also discussed drainage and wetland concerns with the DEC.

An adjacent resident, Mr., Woolley, requested two emails be sent to the Planning Board which were forwarded to the Board September 9. The concerns detailed in the comments include:

1. Drainage. The adjacent residents are submitting documentation for drainage issues adjacent to the subdivision proposal
2. The adjacent residents are requesting an in-depth storm water review
3. The adjacent residents are requesting a review of the adjacent land conservation areas to see if they should extend into this subdivision
4. The adjacent residents are concerned about noise and water issues

9/12/22 Planning Board (PB) meeting – Mr. Joralemon presented a revised site plan drawing (marked R2 dated 9/6/22) and noted the changes that had been made per the request of the PB. A discussion regarding drainage ensued. Chairman Walsh asked that a written drainage plan be prepared. He noted that a full SWPPP is not necessary but a written plan documenting how drainage is being addressed is necessary. He added that the plan should also include the impact of snow storage and a Town Designated Engineer (TDE) will review the material. A Board member recommended that the site plan be revised to preserve some trees between the two proposed lots. Ms. Robertson stated that the Tree Council will walk the site.

On Tuesday 9/27/22 Mr. Joralemon provided the Planning Office with the following documents.

- A 1-page drawing entitled "Layout Plan 2-Lot Minor Subdivision Empire Drive Lands N/F of Joralemon" by C.T. Male Associates dated 6/30/22 with a most recent revision of Rev 2

dated 9/6/22. A Filter Strip Treatment Area has been added to the plan to the west of the house on Lot 1. A tree buffer has also been added between the houses on Lots 1 and 2.

- A 37-page Storm Water Management Report for “Joralemon Minor Subdivision – Empire Drive” by C.T. Male Associates dated 9/27/22 with no subsequent revisions. The report includes the following sections.
 - Introduction
 - Methodology
 - Existing Conditions
 - Storm Water Run-Off Simulation
 - Post-Developed Conditions
 - Conclusions / Recommendations

The calculated peak storm water runoff rates for the existing conditions are listed below

Subcatchments	Condition	1-yr (cfs)	10-yr (cfs)	100-yr (cfs)
E1	Existing	0.00	0.00	0.01
E2	Existing	0.00	0.00	0.07
E3	Existing	0.00	0.00	0.02

The calculated peak storm water rates for post development conditions are listed below

Subcatchments	Condition	1-yr (cfs)	10-yr (cfs)	100-yr (cfs)
P1	Proposed	0.00	0.00	0.01
P2	Proposed	0.00	0.03*	0.95*
P3	Proposed	0.00	0.00	0.01
*This is prior to accounting for the Filter Strip Green Infrastructure Practice				

The Conclusions / Recommendations portion includes the following.

“In order to control peak runoff rates to existing conditions rates or less, a portion of one of the proposed residences needed to be temporarily detained. This area will be conveyed to a green area filter strip in the rear yard of Lot 1 that is designed to allow the removal of the tributary impervious area from the overall calculations. The runoff rate and volume to the Design Location will be very similar, or less, under post-developed conditions than under existing condition at all subcatchments with a minor increase at subcatchment P2 which is where the filter strip is proposed.”

In Planning discussions with the Town of Colonie – their Planning Department requested drainage be looked at closely and a buffer be left between the subdivision and the Town of Colonie residents wherever possible.

10/24/22 Planning Board (PB) meeting – a representative of C.T. Male Associates summarized the Storm Water Management Report they prepared. He described the 3 existing subcatchments and the 3 subcatchments that would exist if the proposed subdivision was executed. He noted that he recommends the use of a 120' wide filter strip along the entire west edge of the property to transition any runoff from subcatchment #2 to sheet flow so that it can be evenly absorbed on the property. The Planning Office (PO) noted that the Tree Council will walk the site prior to the 10/24/22 PB meeting. They also reported that they had received a quotation for TDE services to review the storm water report. Because several neighbors had expressed concerns regarding storm water drainage the Planning Office asked the applicant's engineer to provide a more comprehensive summary of the storm water report at the 10/24/22 PB meeting.

10/11/22 Tree Council (TC) site walk – the TC walked the site to familiarize themselves with the property. They had the following comments / recommendations:

1. The largest trees which appeared to potentially be old growth specimens were along the boundary with the Town of Colonie. This area is extremely important to remain un-cleared and protected. Some of the largest trees within the buffer were marked to be saved with ribbons but the Tree Council noted all the trees within the 25 foot rear setback buffer should be protected.
2. The Tree Council noted this is an intact forest with very little invasive species. They recommended protecting the understory wherever possible – mostly witch hazels, hophornbeams and ironwoods. There were many large trees and excellent habitat in the areas that are shown not to be disturbed that were not marked for preservations (because they are not proposed to be cleared) but were notable.
3. The Tree Council marked several trees at or near where they estimated the limits of clearing to be. They put ribbon around a line of trees close to the proposed limit of clearing that they would like the developer to retain that shouldn't interfere with construction of the single family homes. This is indicated by the blue line on the attached map.
4. The Tree Council marked several large trees within the limits of clearing that they are requesting the applicant work around if possible but understand that some may need to be cleared if they are too close to the home.
5. The Tree Council also noted many large and important trees within the 35 front yard setback line and also stated this is an important no clear boundary whenever possible.
6. Pictures of the ribboned trees and forest habitat are attached.

The PO engaged the services of a TDE to review the storm water report. The TDE is currently reviewing the storm water report and will issue comments to the developer as soon as the review is completed, which the Planning Department expects within the next few days.

As a note – the developer did not want to have a conservation easement on the property where the subdivision is proposing to use forest to spread and absorb the stormwater from the two future homes – but if this is the stormwater management practice that is going to protect the adjacent properties in perpetuity (which the Planning Department recommends, it preserves valuable forests and habitats) – the Planning Board should discuss how to protect the land against any future encroachments. At the last meeting this was suggested as a comment for the TDE.

The TDE is also requested to comment on the requirement for a driveway culvert.

The Planning Department also consulted with the Highway Department and the consensus is that the stub street should be named and the proposed new homes should have addresses that relate to the stub streets name (similar to Vincenzo and St. Gerard).

10/24/22 Planning Board (PB) meeting – The Planning Office noted that a TDE comment letter was received on 10/24/22 and will be shared with the applicant. The PB and Planning Office asked if the applicant would consider designating the filter strip land as a Land Conservation area. Mr. Joralemon indicated that he would consider it. Mr. Joralemon's engineer provided a comprehensive overview of the storm water analysis.

The TDE's response letter was shared with Mr. Joralemon's engineer and Mr. Joralemon's engineered addressed the items raise in a letter dated 11/4/22. This letter was shared with the TDE. A response from the TDE is expected during the week of 11/14/22.

11/14/22 Planning Board (PB) meeting – The applicant and his engineer appeared before the Board. The Planning Office stated that they had received a 2nd comment letter from the TDE dated 11/11/22. The TDE noted in the letter that all items noted in the 1st TDE letter (dated 10/24/22) had been satisfactorily addressed with the exception of the request for a deed restriction of the land composing the filter strip. The applicant indicated that he agrees to deed restrict in perpetuity this portion of the property. The Board concluded the discussion of the project by calling for a resolution for subdivision approval for the 11/28/22 PB meeting.

An updated version of the site plan drawings dated 11/16/22 were received by the Planning Office on 11/22/22. Notes were added regarding the deed restriction of the land and the inspection and maintenance requirements of the filter strip.

A resolution is included in the meeting packet.

RESOLUTION NO. 2022-31

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 28TH DAY OF NOVEMBER 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 a 2-Lot Minor subdivision approval.

The meeting was duly called to order by the Chairman.

The following resolution was offered by _____.
whom moved its adoption, and seconded by _____.

WHEREAS, Robert Joralemon, owner of the property, has made application to the Planning Board for a 2-Lot Minor Subdivision at tax map parcel 61.-1-33.2 as shown on a 2-page drawing entitled "Layout Plan 2-Lot Minor Subdivision" and "Details 2-Lot Minor Subdivision", respectively by C.T. Male Associates dated 6/30/22 with a most recent revision dated 11/16/22, and

WHEREAS, the zoning classification of the property is R-1: Low Density Residential, and

WHEREAS, the Planning Board, by its Resolution 2022-17, granted sketch plan approval for this project on August 8, 2022, and

WHEREAS the Planning Board conducted a public hearing on August 29, 2022 to consider the application for minor subdivision, and

WHEREAS the Planning Board referred the Environmental Assessment Form to the Niskayuna Conservation Advisory Council (CAC) for their review, and on August 3,

2022, the CAC voted unanimously to recommend a negative SEQR declaration to the Planning Board, and

WHEREAS, the Planning Board, acting in accordance with the State Environmental Quality Review regulations and local law, contacted all involved agencies, and assumed the position of lead agency for this project and on August 8, 2022 via resolution 2022-17 made a negative declaration, and

WHEREAS, the Planning Board and Zoning Commission has discussed the requirements of Chapter 189 of the Code of the Town of Niskayuna for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information, and

WHEREAS, the Superintendent of Water, Sewer and Engineering has reviewed the proposal and will work with the applicant on connections to the public utilities, and

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission does hereby grant minor subdivision approval for a 2-Lot subdivision at tax map parcel 61.-1-33.2 as shown on a 2-page drawing entitled "Layout Plan 2-Lot Minor Subdivision" and "Details 2-Lot Minor Subdivision", respectively by C.T. Male Associates dated 6/30/22 with a most recent revision dated 11/16/22, subject to the following conditions:

1. Prior to recording the plat, any engineering and drainage concerns will be addressed to the satisfaction of the Town Superintendent of Water, Sewer and Engineering.
2. Prior to recording the plat, as noted under the heading "Filter Strip and Level Spreader Notes" of the aforementioned site plan drawings, a deed restriction shall be filed with the Town affirming that no development or alteration of the filter strip area is allowed.
3. The Niskayuna Tree Council walked the property and annotated a copy of the drawing entitled "Layout Plan 2-Lot Minor Subdivision" by C.T. Male Associates with respect to existing high value trees. No clear boundary areas along the north and south property lines are identified. Trees in these areas are to be preserved to maintain a buffer between neighboring properties. Several trees in the approximate vicinity of the newly created property line between the two new lots shall be preserved. The Tree Council placed ribbons on trees of value near the limits of clearing. The trees marked with a ribbon shall not be removed during the construction of the new single family homes without notification to the Tree Council that they are being removed. The Planning Board requests that

as many trees as possible, including unmarked trees and understory, be preserved during the building permit and construction process so that the forested nature of the land is maintained.

4. Prior to recording the plat, any minor textual changes to the subdivision map will be addressed to the satisfaction of the Town Planning Department.
5. Prior to recording the plat, a street tree planting plan shall be submitted to and approved by the Niskayuna Tree Council.
6. Prior to recording the plat, the multi-use path easement shall be submitted to the Town for review and approval by the legal department, and, once approved, a signed copy of the easement with recording fees shall be submitted to the Town of Niskayuna.
7. Prior to issuing a building permit, the new houses shall be referred to and reviewed by the Architectural Review Board.
8. In accordance with Chapter 180 of the Soil Erosion and Sediment Control Ordinance of the Town of Niskayuna, the applicant shall put in place soil erosion and sediment control measures sufficient to stabilize disturbed areas. These measures shall be satisfactory to the Superintendent of Water, Sewer, and Engineering and shall remain in place until such time as natural vegetation has been successfully established.
9. Wetland boundaries shall be recorded and shown on any plot plan of a building lot containing wetlands. Wetlands may not be disturbed, drained or physically altered in any way without first contacting the Army Corps of Engineers. Additionally, the Town of Niskayuna requires that no land can be disturbed within a twenty five (25) foot buffer from the boundary of the wetland.
10. Should the garage floor elevation (GFE) for individual lots deviate by more than six inches from the elevations approved for construction by the Planning Board and Zoning Commission or the Building Department, then revised grading plans shall be submitted immediately to the Town's Engineering office for their review and approval.
11. The limits of clearing on this subdivision shall be strictly adhered to during construction. To the maximum extent practicable the applicant shall retain as many of the site's healthy trees and native vegetation as possible. Driveways shall be installed with least possible disturbance to trees.

12. Prior to issuance of a building permit, the applicant shall participate in a preconstruction meeting with the Town of Niskayuna if so requested by the Planning or Building Department.
13. As noted in the section entitled "Filter Strip and Level Spreader Notes" of the aforementioned site plan drawing the gravel diaphragm level spreader is to be inspected and maintained by the property owner per the requirements of the project SWPPP. The maintenance requirements shall be noted on the recorded subdivision and all future plot plans for this property.
14. No further subdivision of these parcels shall be allowed.

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 _____.

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com



November 22, 2022

Laura Robertson, Town Planner
Planning Department
Niskayuna Town Hall
One Niskayuna Circle
Niskayuna, New York 12309

RE: *Joralemon 2-Lot Minor Subdivision*
Sketch Plan Submission
C.T. Male Project No: 04.9065

Dear Mrs. Robertson,

Please find the revised plan in response to the Planning Board comments from the meeting of November 14, 2022, and Prime AE letter dated November 11, 2022. Responses to the comments appear in ***bold italics*** as follows:

- Maintenance of the gravel diaphragm.

Response: A note has been added to the plan stating, "gravel diaphragm level spreader to be inspected and maintained per the requirements of the project SWPPP with included O&M manual."

- As the 120' filter strip is a critical component of the post-construction stormwater design to provide runoff reduction by conservation of natural areas, it is our opinion that a permanent easement or deed restriction should be considered so that this area is not allowed to be altered in the future.

Response: The applicant has agreed to deed restrict this area. A note has been added to the plan stating, "filter strip to be deed restricted to not allow development or altering of the filter strip area shown hereon."

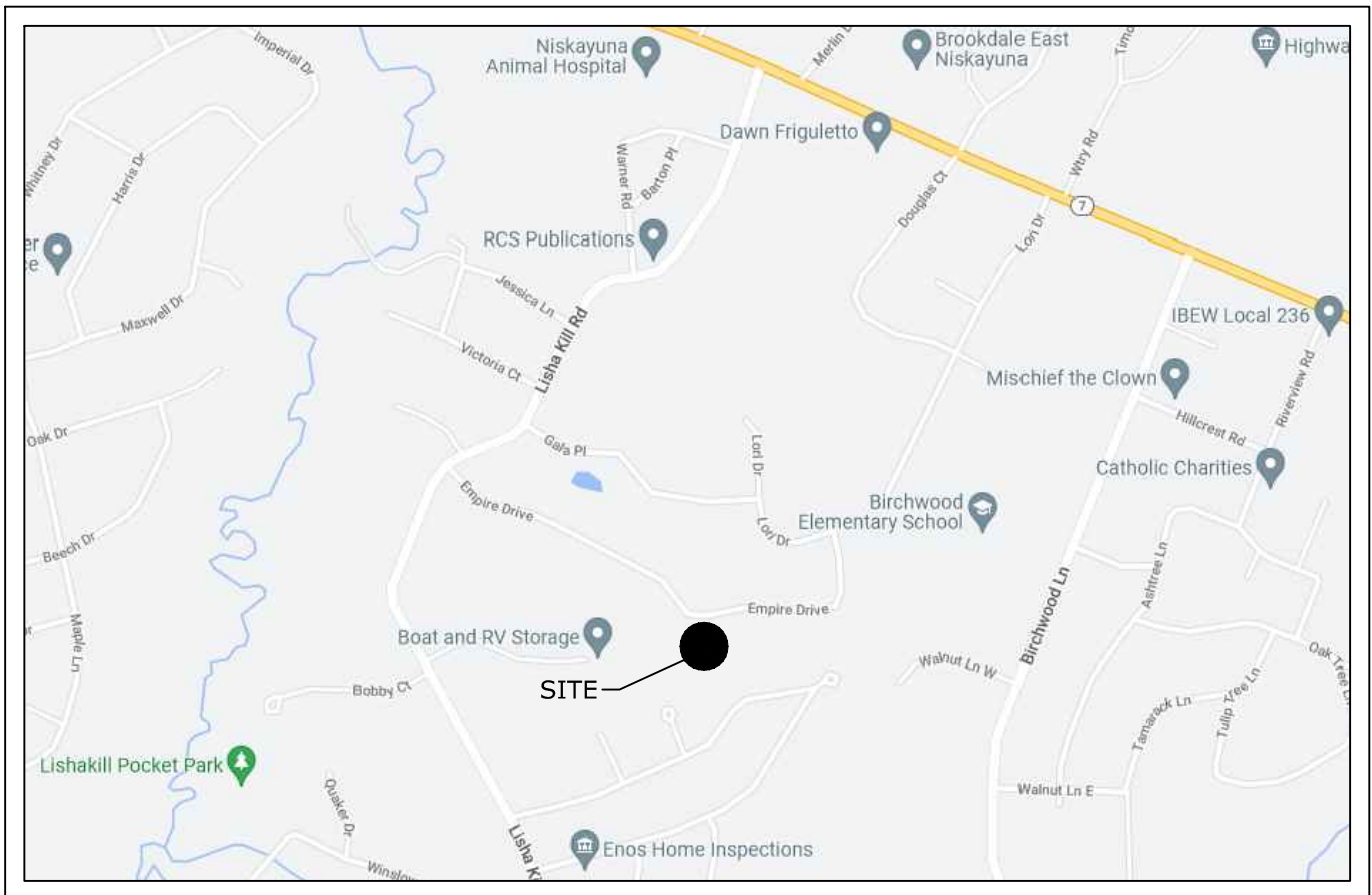
If you have any questions, please feel free to contact me.

Respectfully submitted,

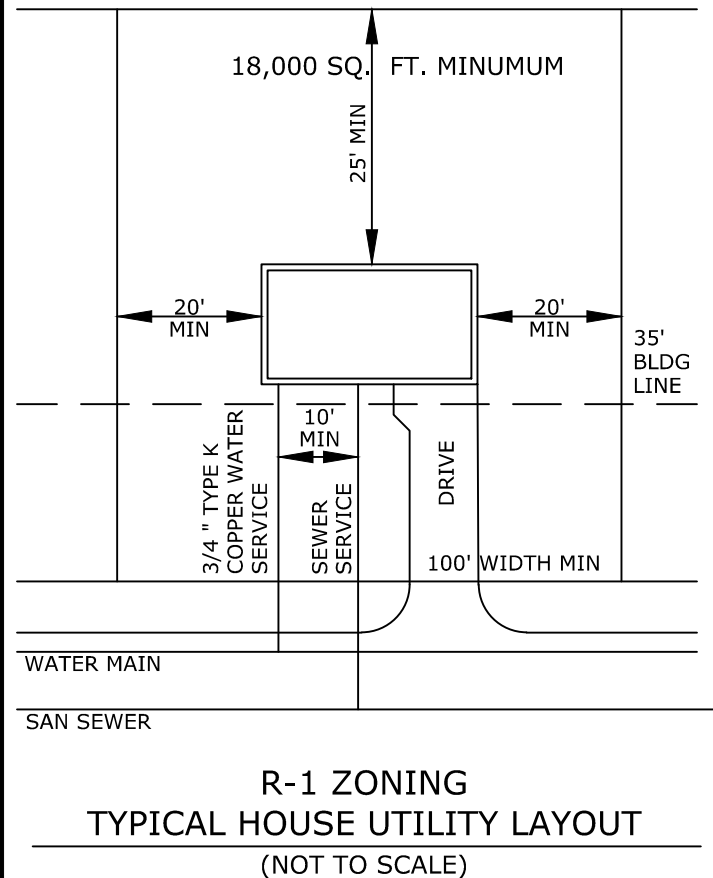
C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

Owen Speulstra, PE



SITE LOCATION PLAN
N.T.S.



GENERAL NOTES:

1. BY ISSUANCE OF A BUILDING PERMIT, THE TOWN OF NISKAYUNA DOES NOT ASSUME ANY LIABILITY FOR STORM WATER DAMAGE BY GENERAL APPROVAL OF THESE PLANS. THE OWNER MUST ASSUME ANY AND ALL LIABILITIES FOR DAMAGE CLAIMED ARISING OUT OF INCREASED STORM WATER FLOW.
2. ALL ON-SITE SANITATION AND WATER SUPPLY FACILITIES SHALL BE DESIGNED TO MEET THE MINIMUM SPECIFICATIONS OF THE STATE DEPARTMENT OF HEALTH.

SOIL AND SEDIMENT CONTROL MEASURES:

1. DAMAGE TO SURFACE WATER RESULTING FROM EROSION AND SEDIMENTATION SHALL BE MINIMIZED BY STABILIZING DISTURBED AREAS AND BY REMOVING SEDIMENT FROM CONSTRUCTION SITE DISCHARGES.
2. INSOFAR AS PRACTICAL, EXISTING VEGETATION SHALL BE PRESERVED.
3. SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISRUPTION.
4. PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED.
5. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DRAINAGE DITCHES.

MAINTENANCE OF EROSION CONTROL MEASURES:

1. THE DEVELOPER/CONTRACTOR OR HIS BUILDER SHALL INSPECT AND MAINTAIN THE INTEGRITY AND FUNCTION OF ALL TEMPORARY EROSION CONTROL MEASURES THROUGHOUT THE DURATION OF THE DEVELOPMENT PROCESS. TO ASSURE PROPER FUNCTION, SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, EXTENDED, REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION. ALL ACCUMULATED SEDIMENT SHALL BE REMOVED AND CONTAINED IN APPROPRIATE SPOIL AREAS, WATER SHALL BE APPLIED TO NEWLY SEEDED AREAS AS NEEDED UNTIL GRASS COVER IS WELL ESTABLISHED.

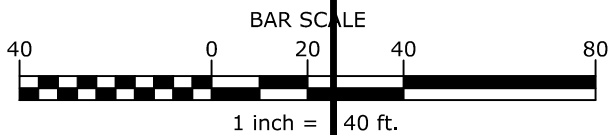
TREE PRESERVATION POLICY:

1. SUBDIVISION APPROVAL BY THE PLANNING BOARD AUTHORIZES GRADING AND CLEARING WITHIN THE ROAD RIGHT-OF-WAY AND EASEMENTS ONLY. THE APPLICANT SHALL SUBMIT PLANS FOR INDIVIDUAL LOT GRADING TO BE APPROVED AS PART OF THE BUILDING PERMIT APPLICATION.
2. THE GRADING PLAN SUBMITTED FOR THE BUILDING PERMIT SHALL IDENTIFY ALL TREES WITH A DIAMETER OF 5 INCHES OR MORE AS MEASURED 3 FEET ABOVE THE BASE OF THE TRUNK AND INDICATE THOSE THAT ARE PROPOSED TO BE REMOVED AND THE REASON WHY SUCH REMOVAL IS NECESSARY.
3. ANY TREES REMOVED FROM A LOT IN A MANNER THAT IS NOT CONSISTENT WITH THE APPROVED GRADING PLAN FOR THAT LOT SHALL BE REPLACED AT THE EXPENSE OF THE DEVELOPER BEFORE THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. REPLACEMENT TREES SHALL BE OF A TYPE AND SIZE SATISFACTORY TO THE TOWN ENGINEER.
4. THE GRADING PLAN SHALL BE CONSISTENT WITH THE PURPOSES OF THE SOIL EROSION AND SEDIMENT CONTROL ORDINANCE. IN PARTICULAR, ERODIBLE MATERIALS SHALL NOT BE STOCKPILED WITHIN THE DRIP LINE OF TREES TO BE PRESERVED.

GRADING NOTES:

1. THE APPLICANT SHALL TREAT THE GRADING PLAN SUBMITTED FOR THE SUBDIVISION AS ADVISORY ONLY, AND SHALL SUBMIT GRADING PLANS FOR REVIEW BY THE BUILDING INSPECTOR ON A LOT-BY-LOT BASIS THAT ARE CONSISTENT WITH THE PLANNING BOARD REQUIREMENTS FOR TREE PRESERVATION.

LOT AREA AND IMPERVIOUS COVERAGE		
	LOT AREA	IMPERVIOUS COVERAGE
NISKAYUNA ADJACENT LOTS	0.42 - 0.67 ±ACRES	15% - 25%
COLONIE ADJACENT LOTS	0.26 - 0.75 ±ACRES	15% - 25%
JORALEMON PROPOSED LOTS	1.83 - 2.00 ±ACRES	5.6% & 6%



FILTER STRIP AND LEVEL SPREADER NOTES:

FILTER STRIP TO BE DEED RESTRICTED TO NOT ALLOW DEVELOPMENT OR ALTERING OF THE FILTER STRIP AREA SHOWN HEREON.

GRAVEL DIAPHRAGM LEVEL SPREADER TO BE INSPECTED AND MAINTAINED PER THE REQUIREMENTS OF THE PROJECT SWPPP WITH INCLUDED O&M MANUAL.

ZONING DATA:

ZONE: R-1

MIN. LOT AREA: 18,000 SF

MIN. LOT WIDTH: 100 FEET

YARD REQUIREMENTS:

FRONT SETBACK MINIMUM: 35 FEET

SIDE SETBACK MINIMUM: 20 FEET (40 FEET BOTH)

REAR SETBACK MINIMUM: 25 FEET

MAP REFERENCE:

1. "BOUNDARY SURVEY PORTION OF LANDS OF ROBERT W. JORALEMON & PATRICIA A. JORALEMON" TOWN OF NISKAYUNA, SCHENECTADY COUNTY, PREPARED BY C.T. MALE ASSOCIATES, DATED MARCH 1, 2004, BEARING PROJECT NO. 04.9065, DWG. NO. 04-151.
2. "CERONE PAULSEN SUBDIVISION" TOWN OF NISKAYUNA, SCHENECTADY COUNTY, DATED FEBRUARY 5, 2004 BEARING DWG NO. PROJECT NO. 383.02 & MAP. NO. 04-30-41B

MAP NOTES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS PER LIDAR INFORMATION OBTAINED ON MAY 13, 2022 AS SUPPLIED BY THE NEW YORK STATE GIS CLEARINGHOUSE, NYS 2 METER DEM INDEX.
2. NORTH ORIENTATION AND BEARING BASE PER MAP REFERENCE NO. 1.
3. NO ATTEMPT WAS MADE TO LOCATE ANY UNDERGROUND UTILITIES. EXISTING UTILITIES WERE PER DESIGN DRAWING INFORMATION PER MAP REFERENCE NO. 2.

Lands Now or Formerly of
HELDERBERG PROPERTY COMPANY LLC
Book 1946 Page 855
Tax Map I.D. No. 61.0-1-34,11

30' WIDE ACCESS LANDS
OF JORALEMON EASEMENT
TO BK.1146 PG.67

Lands Now or Formerly of
**ROBERT W. JORALEMON &
ROSEMARY JORALEMON**
Book 1685 Page 720
Tax Map I.D. No. 61.0-1-31

Lands Now or Formerly of
**STEPHEN P. CONNOLLY &
DENISE I. CONNOLLY**
Book 2509 Page 997
Tax Map I.D. No. 7.4-7-17

ARBOR ESTATES SECTION III

Lands Now or Formerly of
CARL J. WHITE & CATHERINE S. WHITE
Book 3094 Page 886
Tax Map I.D. No. 7.4-7-18

Lands Now or Formerly of
**STEVEN J. MASTRIANNI &
SUSAN A. MASTRIANNI**
Book 2295 Page 1023
Tax Map I.D. No. 7.4-7-23

Lands Now or Formerly of
GREGORY BUTTNER
Book 2017 Page 20073
Tax Map I.D. No. 7.4-7-24

Lands Now or Formerly of
**DONAL E. COOKE &
WENDY J. COOKE**
Book 2654 Page 220
Tax Map I.D. No. 7.4-7-25

Lands Now or Formerly of
CHARLES J. SOGOIAN
Book 2316 Page 930
Tax Map I.D. No. 7.4-7-26

Lands Now or Formerly of
AMY M. SHAUL
Book 2019 Page 7421
Tax Map I.D. No. 7.4-7-27

Lands Now or Formerly of
**JOHN DONOGHUE &
CHRISTINA PENSIERO**
Book 2019 Page 1631
Tax Map I.D. No. 7.4-7-28

Lands Now or Formerly of
**JEFFERY C. COMLEY &
JANICE B. COMLEY**
Book 2620 Page 812
Tax Map I.D. No. 7.4-1-76

Lands Now or Formerly of
**DANIEL J. MARINUCCI &
ANGELINE M. MARINUCCI**
Book 2017 Page 8846
Tax Map I.D. No. 7.4-1-75

LOT 2
AREA ~2.00 ACRES
AREA OF DISTURBANCE
~0.65 ACRES

Lands Now or Formerly of
ROBERT W. JORALEMON
Book 1376 Page 158
Tax Map I.D. No. 61.0-1-33,2

PARCEL AREA=3.831±ACRES

TOWN OF NISKAYUNA (SCHENECTADY COUNTY)
TOWN OF COLONIE (ALBANY COUNTY)

ARBOR ESTATES SECTION II

RIESLING ROAD

PLANNING BOARD CHAIRMAN

DATE

TOWN ENGINEER

DATE

LAYOUT PLAN
2 - LOT MINOR SUBDIVISON

EMPIRE DRIVE
LANDS N/F OF JORALEMON

TOWN OF NISKAYUNA SCHENECTADY COUNTY, NEW YORK

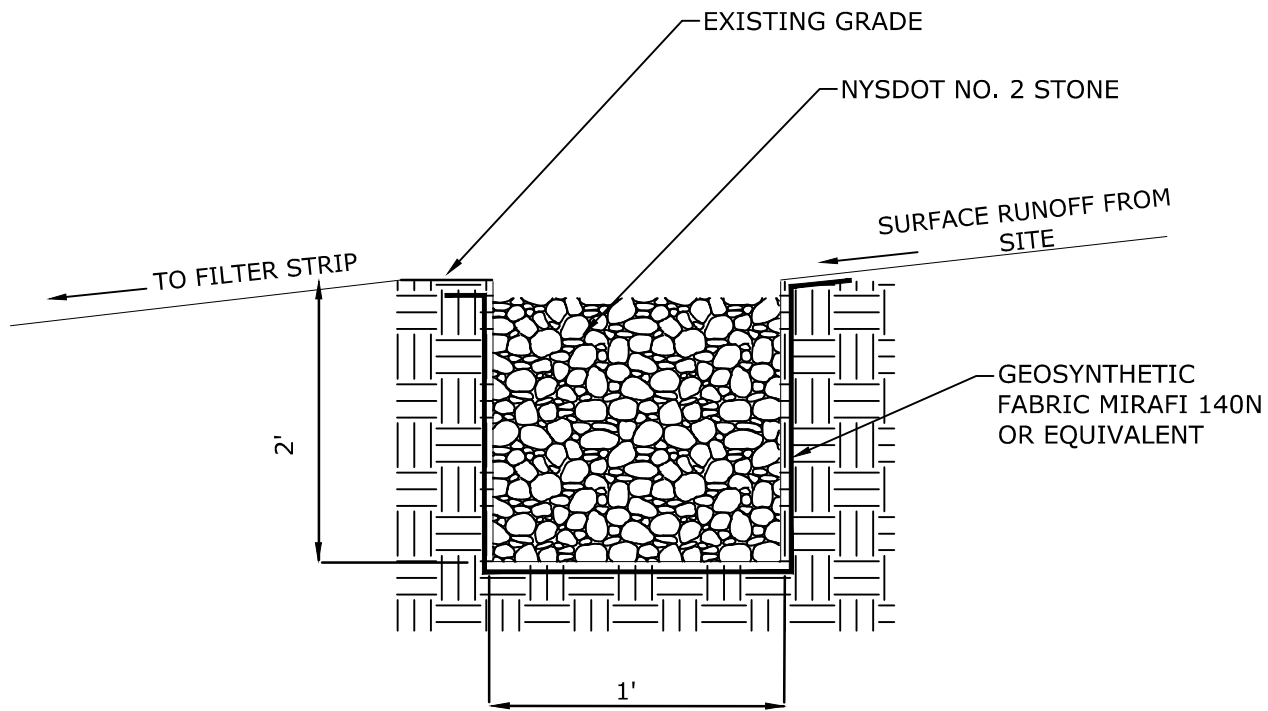
C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY



C-101

SHEET 1 OF 2

DWG. NO: 04.9065



1 GRAVEL DIAPHRAGM LEVEL SPREADER
C-501 SCALE: NONE
CROSS REFERENCE: NONE

SLOPE LENGTH/FENCE LENGTH (ft.)				
SLOPE	STEEPNESS	STANDARD	REINFORCED	SUPER
<2%	<50:1	300/1500	N/A	N/A
2-10%	50:1 TO 10:1	125/1000	250/2000	300/2500
10-20%	10:1 TO 5:1	100/750	150/1000	200/1000
20-33%	5:1 TO 3:1	60/500	80/750	100/1000
33-50%	3:1 TO 2:1	40/250	70/350	100/500
>50%	>2:1	20/125	30/175	50/250

STANDARD SILT FENCE (SF) IS FABRIC ROLLS STAPLED TO WOODEN STAKES DRIVEN 16 INCHES IN THE GROUND.
REINFORCED SILT FENCE (RSF) IS FABRIC PLACED AGAINST WELDED WIRE FABRIC WITH ANCHORED STEEL POSTS DRIVEN 16 INCHES IN THE GROUND.
SUPER SILT FENCE (SSF) IS FABRIC PLACED AGAINST CHAIN LINK FENCE AS SUPPORT BACKING WITH POSTS DRIVEN 3 FEET IN THE GROUND.

GENERAL NOTES:

- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL CONFORM TO THE "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL" (2016 ISSUE) AND ANY ADDENDA THERETO.
- THE SEDIMENT CONTROL MEASURES DETAILED IN THESE PLANS SHALL BE IN PLACE PRIOR TO THE START OF EACH CONSTRUCTION PHASE. ONCE CONSTRUCTED, ALL MEASURES SHALL BE PROPERLY MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD, AND THEN REMOVED FROM THE SITE ONCE THE SITE IS STABILIZED.
- THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR UNTIL THE FINAL SURFACE TREATMENT HAS BEEN INSTALLED AND VEGETATED AREAS HAVE ESTABLISHED 80% COVERAGE. AFTER THE VEGETATED AREAS HAVE BEEN STABILIZED WITH AT LEAST 80% VEGETATIVE COVER, AS DETERMINED BY THE ENGINEER, THE PROJECT SPONSOR SHALL ASSUME RESPONSIBILITY FOR MAINTAINING THE EROSION AND SEDIMENT CONTROL SYSTEM(S).
- THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE CONTRACT DOCUMENTS WILL NEED TO BE SUPPLEMENTED WITH INTERIM MEASURES PRIOR TO ACHIEVING FINAL GRADES. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN INTERIM EROSION AND SEDIMENT CONTROL MEASURES AS NEEDED TO CONTROL EROSION AND SEDIMENTATION THROUGHOUT THE DURATION OF CONSTRUCTION. THE DETAILS AND EXTENT OF THESE MEASURES ARE HIGHLY DEPENDENT ON THE CONTRACTORS MEANS AND METHODS AND THEREFORE NOT DETAILED ON THESE PLANS. THE COSTS ASSOCIATED WITH INSTALLING AND MAINTAINING THESE INTERIM MEASURES SHALL BE INCLUDED IN THE CONTRACTORS BID.
- CONSTRUCTION ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE CONSTRUCTION SEQUENCING NOTES.
- OUTSIDE THE GROWING SEASON, OTHER METHODS OF SOIL STABILIZATION (SUCH AS THE USE OF JUTE MESH, EXCELSIOR MATTING, OR TACKIFIER) SHALL BE USED UNTIL SUCH TIME AS VEGETATIVE COVER CAN BE ESTABLISHED.
- EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE. SITE WORK ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISTURBANCE. REMOVAL OF WOODY VEGETATION SHALL BE KEPT TO THE MINIMUM EXTENT PRACTICABLE.

SILT FENCE NOTES:

- SILT FENCE/ COMPOST FILTER SOCK SHALL BE PLACED ON THE DOWNSLOPE SIDE OF DISTURBED AREAS AND AROUND THE PERIMETER OF SOIL STOCKPILES.
- SILT FENCE/ COMPOST FILTER SOCK SHALL BE PLACED AROUND THE BOUNDARY OF WETLANDS ADJACENT TO THE WORK AREA, AND AT THE EDGE OF WETLANDS AFTER CONSTRUCTION IS COMPLETED.
- SILT FENCE/ COMPOST FILTER SOCK SHALL BE REPAIRED OR REPLACED WHEN THE ENDS ARE FRAVED OR WORN, AND WHEN THE FENCE IS NOT ANCHORED 6" INTO THE GROUND. WHEN THE ACCUMULATED SEDIMENT REACHES 30% OF THE SILT FENCE HEIGHT, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROPRIATE UPLAND AREA.

STABILIZED CONSTRUCTION ENTRANCE NOTES:

- STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED WHERE NECESSARY TO PREVENT SEDIMENT FROM BEING TRACKED ONTO ROADWAYS.
- PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DRAINAGE DITCHES.
- IF INTERNAL CONSTRUCTION ROADS ARE DETERMINED TO BE A SOURCE OF SEDIMENT-LADEN RUNOFF TO SENSITIVE AREAS, THEY SHALL BE STABILIZED AS SOON AS PRACTICABLE.

TEMPORARY SEEDING AND MULCHING NOTES:

- TEMPORARY STABILIZATION MEASURES SHALL START AS SOON AS PRACTICAL ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT NOT MORE THAN (7) DAYS AFTER WORK HAS CEASED. ACCEPTABLE TEMPORARY STABILIZATION MEASURES INCLUDE, BUT MAY NOT BE LIMITED TO SEEDING MULCH, STRAW, EROSION CONTROL BLANKETS, SOIL STABILIZING EMULSION PRODUCTS, OR SOME FUNCTIONALLY EQUIVALENT MEASURE. TEMPORARY SEEDING SHALL BE ANNUAL RYE GRASS, APPLIED AT A RATE OF 30 LBS./ACRE.
- AREAS TO RECEIVE TEMPORARY SEEDING AND MULCHING SHALL RECEIVE BOTH GRASS SEED AND MULCH, AS DESCRIBED BELOW.
- IN SPRING OR SUMMER OR EARLY FALL, SEED SHALL BE ANNUAL RYEGRASS APPLIED AT A RATE OF 30 POUNDS PER ACRE.
- IN LATE FALL OR EARLY WINTER, SEED SHALL BE CERTIFIED "AROOSTOCK" WINTER RYE (CEREAL RYE) APPLIED AT A RATE OF 100 POUNDS PER ACRE.
- MULCH SHALL CONSIST OF STRAW APPLIED AT A RATE OF 2 TONS PER ACRE OR WOOD CHIPS (MIN. 3" DEEP). (A WOOD FIBER HYDROMULCH OR OTHER APPROVED SPRAYABLE PRODUCT MAY BE SUBSTITUTED, IF APPLIED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.)
- A JUTE MESH SHALL BE PLACED OVER THE MULCH IN AREAS WHERE WIND OR WATER EROSION PREVENTS ESTABLISHMENT OF GRASS COVER.

DUST CONTROL NOTES:

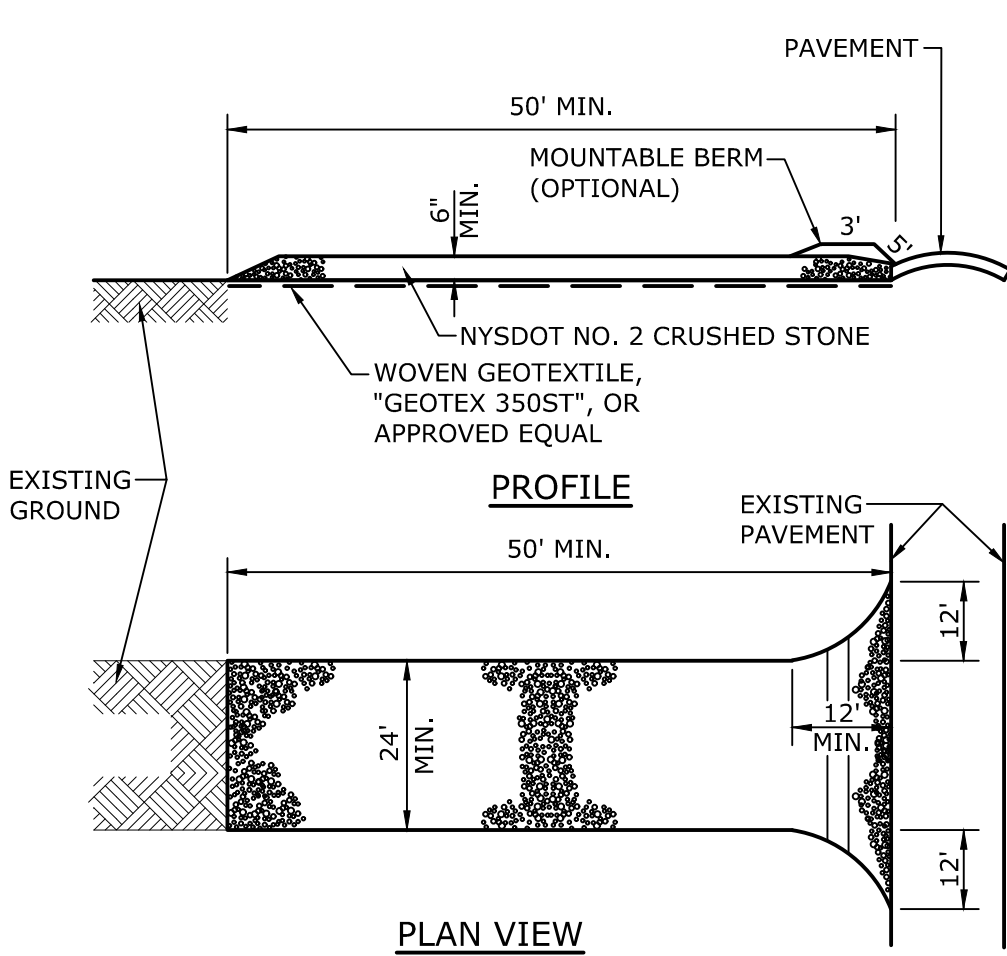
- DUST SHALL BE CONTROLLED ON THIS PROJECT BY USE OF A WATER TRUCK.
- THE QUALIFIED INSPECTOR WILL DETERMINE THE FREQUENCY OF WATER APPLICATION IN ORDER TO CONTROL DUST.
- CHEMICALS OR OTHER METHODS OF DUST CONTROL ARE PROHIBITED TO BE USED ON THIS PROJECT, UNLESS APPROVED BY THE REGIONAL DEC OFFICE.

SEEDING AND MULCHING NOTES:

- TEMPORARY STABILIZATION MEASURES SHALL START AS SOON AS PRACTICAL ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT NOT MORE THAN (7) DAYS AFTER WORK HAS CEASED. ACCEPTABLE TEMPORARY STABILIZATION MEASURES INCLUDE, BUT MAY NOT BE LIMITED TO SEEDING, MULCH, STRAW, EROSION CONTROL BLANKETS, SOIL STABILIZING EMULSION PRODUCTS, OR SOME FUNCTIONALLY EQUIVALENT MEASURE. TEMPORARY SEEDING SHALL BE ANNUAL RYE GRASS, APPLIED AT A RATE OF 30 LBS./ACRE.
- TEMPORARY EROSION CONTROL PROTECTION BY MULCHING SHALL BE CARRIED OUT WITHIN (7) DAYS OF THE FILL GRADE BEING FINALIZED TO AVOID POSSIBLE CONTAMINATION OF PONDS, STREAMS, OR OTHER WATERCOURSES. PLACEMENT OF JUTE MESH OR EROSION CONTROL BLANKETS OVER THE MULCH IS RECOMMENDED TO PROVIDE POSITIVE "TACKING" OF THE MULCH AND INCREASED PROTECTION AGAINST EROSION.
- PERMANENT SEEDING AND MULCH SHALL BE APPLIED AS SOON AS THE DISTURBED AREAS HAVE ACHIEVED FINAL GRADE. IF THE SPECIFIED SEEDING DATES ARE MISSED, MULCH SHALL BE APPLIED TO THE SLOPE AND SEED SHALL BE APPLIED TO THE TOP OF THE MULCH IN THE NEXT SEEDING SEASON AFTER RECONDITIONING THE TOPSOIL. WHEN THE FINAL GRADE CANNOT BE OBTAINED IN (7) DAYS, MULCH SHALL BE APPLIED FOR PURPOSES OF TEMPORARY EROSION CONTROL.
- EROSION CONTROL BLANKETS OR SOIL STABILIZING EMULSION PRODUCTS SERVE AS A TEMPORARY EROSION CONTROL MEASURE ON ALL SLOPES STEEPER THAN OR EQUAL 1V:3H AND AS INDICATED ON THE PLANS.
- THE UNDERLYING SOIL IN AREAS THAT WILL BE PERMANENTLY PERVIOUS (LAWN, GRASS AND LANDSCAPED AREAS) SHALL BE RESTORED IN ACCORDANCE WITH THE MEASURES IDENTIFIED IN THE JANUARY 2015, NYSDEC STORM WATER MANAGEMENT DESIGN MANUAL, SECTION 5.1.6 "SOIL RESTORATION".
- SEEDBED SHALL BE PREPARED BY LOOSENING THE TOPSOIL TO A DEPTH OF 4 TO 6 INCHES, AND LIMING TO A PH OF 6.5. FERTILIZER SHALL BE APPLIED IF NECESSARY.
- MULCH OVER PREEMINENT SEED AREAS SHALL CONSIST OF SMALL GRAIN STRAW APPLIED AT A RATE OF 2 TONS PER ACRE AND ANCHORED WITH WOOD FIBER HYDROMULCH APPLIED AT A RATE OF 500 TO 750 POUNDS PER ACRE. THE WOOD FIBER MULCH SHALL BE APPLIED THROUGH A HYDROSEEDER IMMEDIATELY AFTER SEEDING
- SEED MIXTURES:
 - GENERAL LAWN MIX:
 - SEED SHALL BE A MIXTURE OF THE SPECIES AND PROPORTION AS LISTED BELOW:

SPECIES	PERCENTAGE BY WEIGHT
YELLOW BLOSSOM SWEETCLOVER	25%
ALSIKE CLOVER	25%
CRIMSON CLOVER	15%
RED CLOVER, MEDIUM	20%
WHITE CLOVER, DUTCH	15%

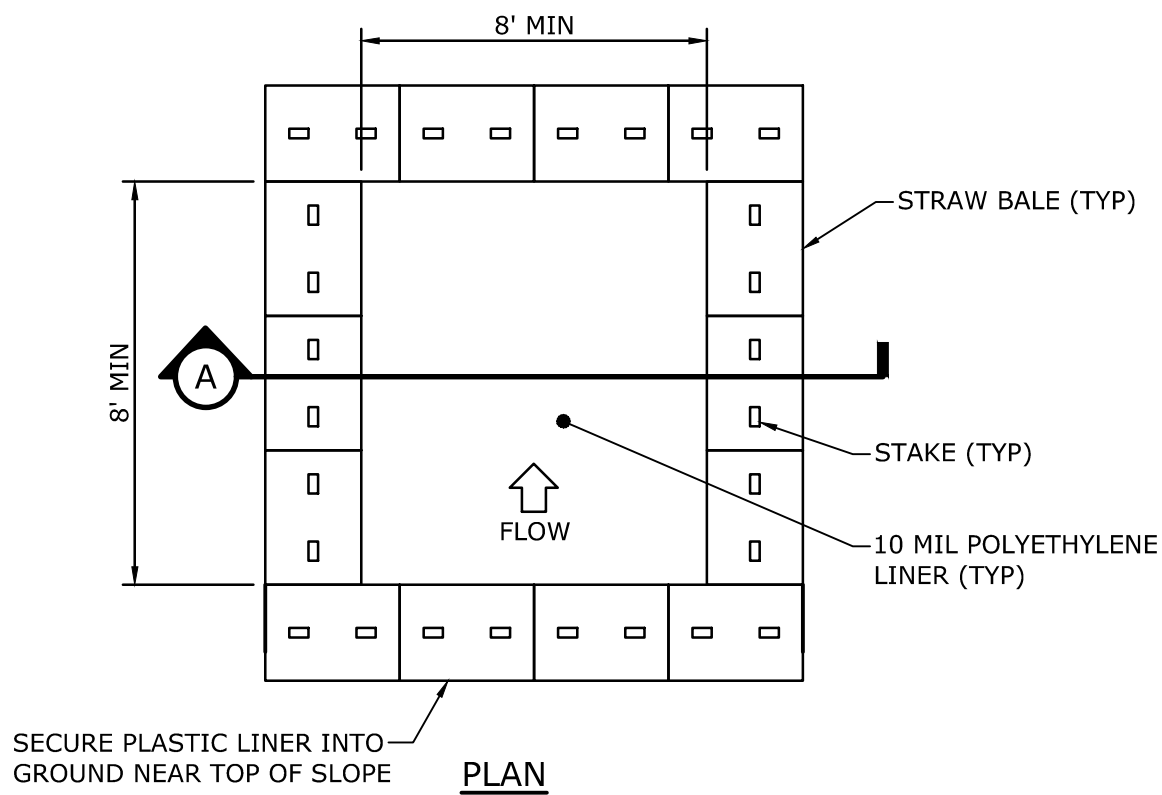
2. RATE: 75 - 150 LBS./ACRE, OR 1.7 - 3.4 LBS./1,000 SF



NOTES:

- USE 1"-4" STONE, NYSDOT NO. 2 CRUSHED STONE, OR RECLAIMED OR RECYCLED CONCRETE, OR APPROVED EQUIVALENT.
- THE LENGTH SHALL NOT BE LESS THAN 50 FEET.
- NYSDOT NO. 2 CRUSHED STONE SHALL BE MAINTAINED AT A MINIMUM OF 6" IN DEPTH.
- ENTRANCE SHALL HAVE A 12 FOOT MINIMUM WIDTH, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. ENTRANCE SHALL BE AT LEAST 24 FEET WIDE IF SINGLE ENTRANCE TO SITE.
- ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS NOT PRACTICAL, A MOUNTABLE BERM WITH 1V:5H SLOPES WILL BE PERMITTED.
- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS- OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.
- WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
- WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

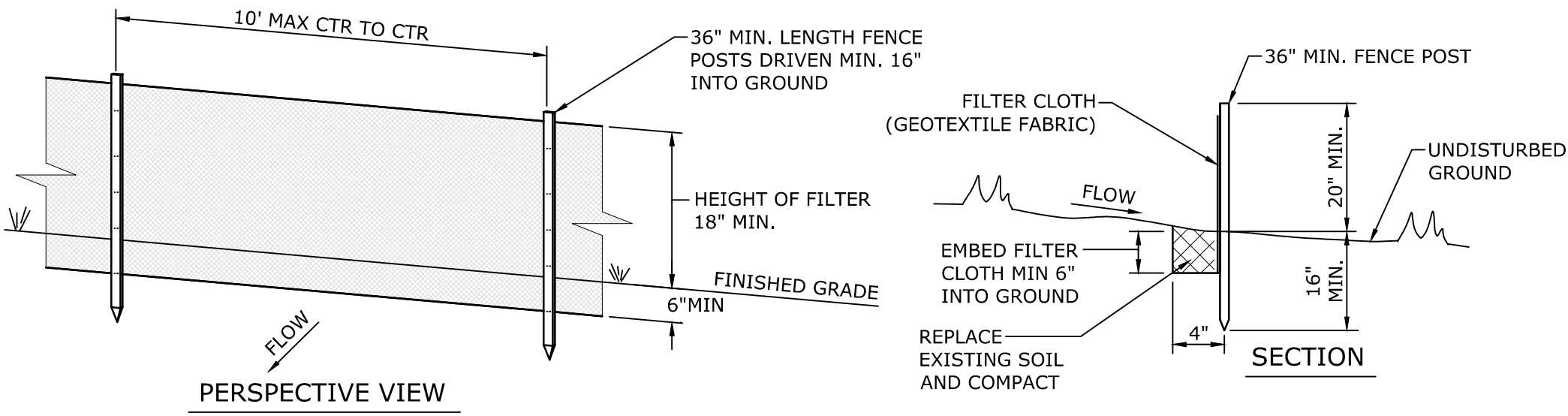
3 STABILIZED CONSTRUCTION ACCESS
C-501 SCALE: NONE
CROSS REFERENCE: NONE



NOTES:

- CONTAINMENT MUST BE STRUCTURALLY SOUND AND LEAK FREE AND CONTAIN ALL LIQUID WASTES.
- CONTAINMENT DEVICES MUST BE OF SUFFICIENT QUANTITY OR VOLUME TO COMPLETELY CONTAIN THE LIQUID WASTES GENERATED.
- WASHOUT MUST BE CLEANED OR NEW FACILITIES CONSTRUCTED AND READY TO USE ONCE WASHOUT IS 75% FULL.
- WASHOUT AREA(S) SHALL BE INSTALLED IN A LOCATION EASILY ACCESSIBLE BY CONCRETE TRUCKS.
- ONE OR MORE AREAS MAY BE INSTALLED ON THE CONSTRUCTION SITE AND MAY BE RELOCATED AS CONSTRUCTION PROGRESSES.
- AT LEAST WEEKLY REMOVE ACCUMULATION OF SAND AND AGGREGATE AND DISPOSE OF PROPERLY.
- SIGN SHALL BE PLACED IN A PROMINENT LOCATION AT WASHOUT AREA

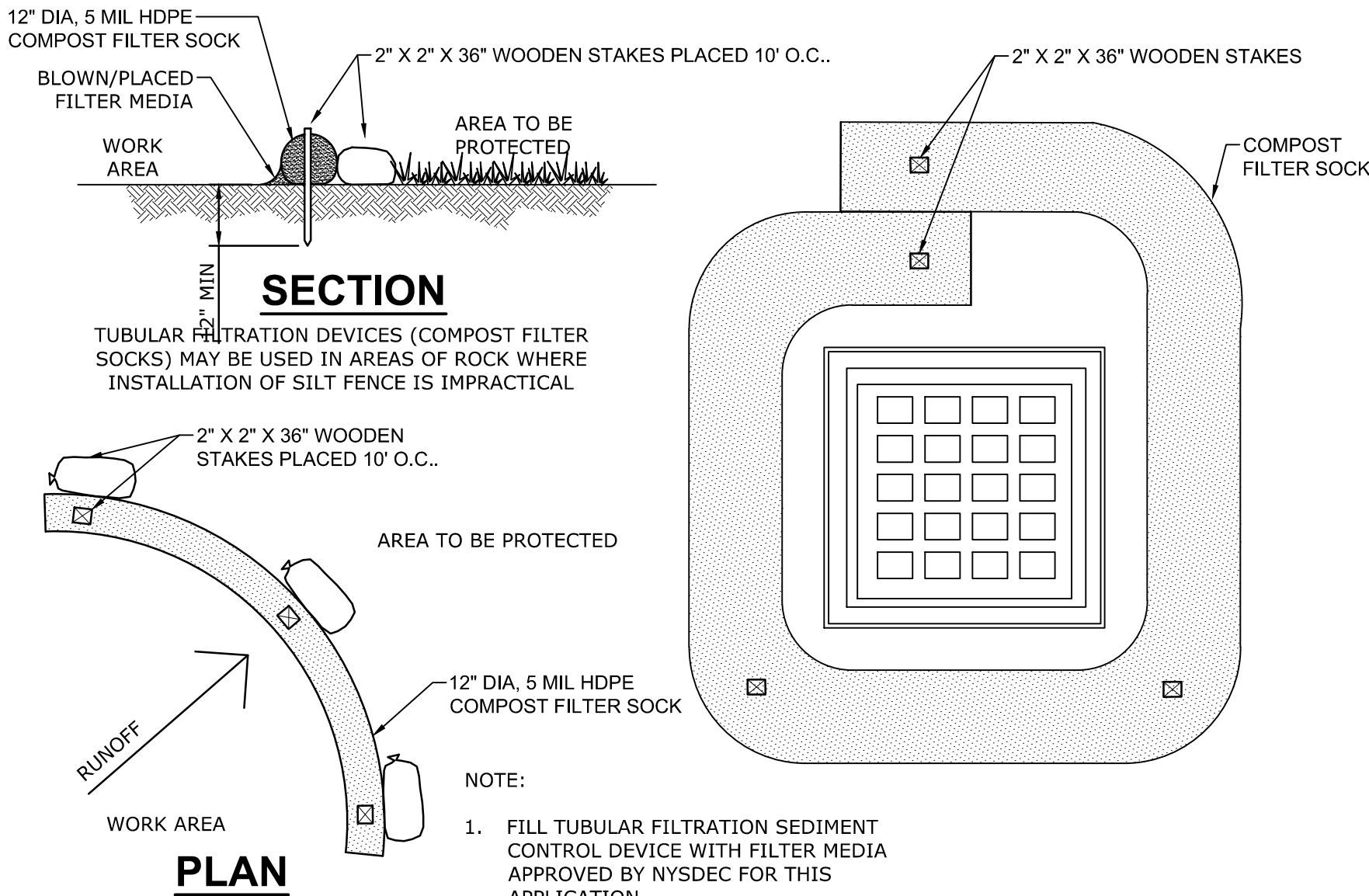
4 CONCRETE WASHOUT DETAIL
C-501 SCALE: NONE
CROSS REFERENCE: NONE



NOTES:

- POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
- FILTER CLOTH SHALL BE FASTENED SECURELY TO POSTS.
- WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6", FOLDED AND STAPLED.
- FILTER CLOTH SHALL BE MIRAFI 100X OR APPROVED EQUAL.
- MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL SHALL BE REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE. WHEN THE ACCUMULATED SEDIMENT REACHES 30% OF THE SILT FENCE HEIGHT, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROPRIATE UPLAND AREA.
- PREFABRICATED UNITS SHALL BE MIRAFI SILT FENCE, MIRAFI ENVIROFENCE OR APPROVED EQUIVALENT.

2 SILT FENCE DETAIL
C-501 SCALE: NONE
CROSS REFERENCE: NONE



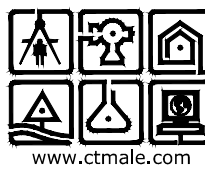
5 COMPOST FILTER SOCK
C-501 SCALE: NONE
CROSS REFERENCE: NONE

DETAILS
2 - LOT MINOR SUBDIVISON

EMPIRE DRIVE
LANDS N/F OF JORALEMON

TOWN OF NISKAYUNA SCHENECTADY COUNTY, NEW YORK

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400
COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY
JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY



C-501
SHEET 2 OF 2
DWG. NO: 04.9065



KB Group of NY, Inc. dba PRIME AE Group of NY

Albany Office

100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

November 11, 2022

Laura Robertson, AICP
Town Planner
One Niskayuna Circle
Niskayuna, NY 12309

Re: Town of Niskayuna
Joralemon/Empire Drive 2-Lot Stormwater Review
Our Project No. 22532

Dear Mrs. Robertson,

We are in receipt of the 11/4/2022 response letter, revised Stormwater Management Report dated 11/11/2022 and revised drawing sheets C-101 and C-501 as prepared by C.T. Male Associates. The Applicant proposed to construct two (2) new residential single-family homes and associated driveways on a total of 3.83 acres of land (tax map id 61.0-1-33.2) located at Empire Drive in the Town of Niskayuna. Based on our review of the Stormwater Management Report we provide the following comments:

Stormwater Management Report:

1. The SWPPP has been revised to state that approximately 1.30 acres of land will be disturbed within the two lots during construction.
2. The SWPPP has been revised to include a general location map, a discussion of construction phasing, a maintenance inspection schedule, descriptions of pollution prevention measures to be taken during construction, and a draft Notice of Intent in the report.
3. The SWPPP now includes the correct proposed area of subcatchment P2 (3.07 acres) on the WQV and filter strip worksheets.
4. The Post-Developed Conditions table on page 3 of the Stormwater Management Report now shows a decrease in the runoff for the 1-year, 10-year and 100-year storm events from the pre-development condition.
5. A culvert has been shown on the site plan to convey flows safely under the two driveways.
6. The filter strip area has been corrected in the runoff reduction techniques by area table on the WQv worksheet under filter strips and riparian buffers.
7. A detail of the level spreader has been added to the drawing set.
8. The site plan has been revised to show the 25 feet of level grass for the boundary zone ahead of the filter strip.
9. The length stated on the filter strip worksheet of 200 feet has been found to be acceptable.
10. The filter strip width has been corrected on the Filter Strip calculation sheet.
11. The applicant has stated that the 120' filter strip is to remain as green/undisturbed area as shown on the plans, and no permanent easement or deed restriction has been offered so that this area is not allowed to be altered in the future. **The Planning Board will need to decide if this is acceptable.**
12. The applicant has stated that the current stub road with driveway configuration was preferred by the Town Highway Department.

We have no further comments on this project.



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Laura Robertson
November 11, 2022
Page 2

If you have any questions, please feel free to contact me.

Sincerely,
KB Group of NY, Inc. dba PRIME AE Group of NY

Douglas P. Cole, P.E.
Senior Director of Engineering

cc: Matthew Yetto, Superintendent of Water, Sewer, and Engineering
Clark A. Henry, Assistant Town Planner
Owen Speulstra, P.E., C.T. Male Associates





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 2

MEETING DATE: 11/28/2022

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

PROJECT LEAD: TBD

APPLICANT: Robert W. McQueeney, agent of the owner

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

☐ Conservation Advisory Council (CAC) ☒ Zoning Board of Appeals (ZBA) ☐ Town Board
☐ OTHER: ARB

ATTACHMENTS:

☒ Resolution ☒ Site Plan ☐ Map ☐ Report ☐ Other:

SUMMARY STATEMENT:

Robert W. McQueeney of Momentive Performance Materials submitted an Application for Site Plan Review for new signage at 2750 Balltown Rd.

The property falls within the I-R Research and Development zoning district. Section 220-10 District Regulations of the Niskayuna Zoning Code lists research, experimental and testing laboratories as permitted principal uses in the I-R district. Therefore, the proposed use is acceptable per Niskayuna zoning code.

BACKGROUND INFORMATION

An Application for Site Plan Review for the tenant change from the SI Group to Momentive Performance Materials was approved by the Planning Board at their 9/12/22 meeting with PB Resolution 2022-24. Condition 1 of the resolution states that proposed permanent signage shall be reviewed and approved by the Planning Board and Zoning Commission.

The following documents were included with the application.

1. A 1-page drawing entitled "Momentum Monument B" by Saxton Sign Corp. dated 8-19-22 with a most recent revision of Rev 2 of a proposed monument sign.
2. A 1-page drawing entitled "Momentum CH LTTRS opt4" by Saxton Sign Corp. dated 8-31-22 with a most recent revision of Rev 3 of two proposed façade signs.
3. A 1-page untitled sketch showing the proposed location of the monument as 15' setback from Balltown Rd.

Area variances requested

Sign Type	Zoning Code	Proposed	Variance
Façade	50 sq. ft. max.	99 sq. ft.	49 sq. ft.
Façade	1 sign / property	2 signs	1 additional sign

Monument Sign – “Momentive Monument B”

Schedule I-F for the I-R Research and Development zoning district states:

“..For sites of five acres or more, 1 freestanding monument (ground) sign is permitted. The freestanding monument sign shall be no greater than 8 feet in height above the finished grade. Such sign shall have a maximum area of 30 square feet at the primary driveway. It shall be set back a minimum of 10 feet from the right-of-way line and side property line and may be located in a manner that does not interfere with required minimum sight distance at driveways or intersections. Such sign shall be constructed of materials complementary to the principal building and shall be externally lit. Content on each sign shall be limited to the identification of one place or one business. Double faced signs are permitted.”

As proposed, the site is 81 acres in size, the monument sign is 5’ 7 ½” high x 5’ 3” wide (29.5 sq. ft.), is set back 15’ from Balltown Rd. and is externally lit. **Therefore, the proposed sign is complaint with Niskayuna zoning code and can be issued a building permit.**

Façade Signs – “Momentive CH LTTRS opt4”

Schedule I-F for the I R Research and Development zoning district states:

“For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building face and shall not protrude more than 1 foot from the building face and shall be a single face sign. Under no circumstances shall any 1 sign exceed 50 sq. ft. and no more than 1 façade sign shall be permitted per property...”

Façade Sign 1: “Momentive”

As proposed, the building frontage exceeds 50’ in length and the signs shown on the drawing entitled “Momentive CH LTTRS opt4” constitute two façade signs. The “Momentive” sign measures 297” wide x 48” high (99 sq. ft.). **Therefore, a variance of 49 sq. ft. of façade sign area is required.**

Façade Sign 2: “V”

As proposed, the “V” sign is the second façade sign on the property and measures 52” wide x 72” high (26 sq. ft.). **Therefore, a variance for a second façade sign measuring 26 sq. ft. is required.** The Planning Office notes that some vague documentation exists in Town records indicating that at one time two façade signs existed on the property.

10/3/22 Planning Board (PB) meeting – Mr. McQueeney presented the project to the PB. He noted the approximately 529 ft. façade on the front of the building and requested the 99 sq. ft. Façade Sign 1, the “Momentive” façade sign, be allowed to better match the large scale of the façade.

He explained that Momentive Performance Materials has branded the red and orange “V”, shown in Façade Sign 2, as a recognizable company logo. Mr. McQueeney explained how the “V” and the colors of the “V” represent the vision statement and mission of the company. He noted the tall rectangular protrusion spanning the full height of the building near the main entrance is an ideal location to reinforce the brand / logo, promote the company’s vision statement and enhance the long expanse of concrete forming the front façade of the building.

10/24/22 Planning Board (PB) meeting – The PB took action on making recommendation to the ZBA. They voted 7 – 0 that the proposed signage would have no impact on the Comprehensive Plan. They voted 7 – 0 that the signage was suitable for use primarily due to the fact that the signs will be located approximately 1,000 ft. from Balltown Rd. and the signs will have no impact on neighboring properties. They concluded with a vote of 7 – 0 recommending that the ZBA grant the requested variances.

11/16/22 Zoning Board of Appeals (ZBA) meeting – The ZBA granted the requested variances at their regularly scheduled meeting on 11/16/22 with the following condition.

1. The signs shall be lit between sunset and 8:30 p.m.

A resolution for site plan approval of the proposed signage is included in the meeting packet.

RESOLUTION NO. 2022 – 32

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 28TH DAY OF NOVEMBER 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, Robert W. McQueeney of Momenive Performance Materials, has made an application to the Planning Board and Zoning Commission for site plan review for new signage for Momenive Performance Materials at 2750 Balltown Rd., Niskayuna, and

WHEREAS, the zoning classification of the property is I-R: Research and Development zoning district, and

WHEREAS, a 2-page drawing set entitled "Momenive Balltown Road Niskayuna, NY" created by Saxton Sign Corp. was provided with the application and includes the following drawings.

1. Momenive Monument B, dated 8/19/22 Rev 2
2. Momenive CH LTTRS opt4, Rev 3

, and

WHEREAS, Niskayuna Zoning Code Schedule I-F for the I-R Research and Development zoning district states: "For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building

face and shall not protrude more than 1 foot from the building face and shall be a single face sign. Under no circumstances shall any 1 sign exceed 50 sq. ft. and no more than 1 façade sign shall be permitted per property...”, and

WHEREAS, the frontage of the building at 2750 Balltown Rd. is 50 linear feet or greater, therefore a sign of up to, but not exceeding, 50 sq. ft. is allowed, and

WHEREAS, as proposed, the “Momentive” sign shown on the “Momentive CH LTTRS” page of the sign package measures 297” wide x 48” high (99 sq. ft.), therefore, a variance of 49 sq. ft. (99 – 50) of façade sign area is required, and

WHEREAS, as proposed the “V” sign shown on the “Momentive CH LTTRS” page of the sign package is the second façade sign on the building facade and measures 52” wide x 72” high (26 sq. ft.), therefore, a variance for a second façade sign measuring 26 sq. ft. is required.

WHEREAS, the Niskayuna Zoning Board of Appeals (ZBA) granted the variances as written, at their regularly scheduled meeting on November 16, 2022 with the following condition:

1. The signs shall be lit between sunset and 8:30 p.m.

, and

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

NOW, THEREFORE, be it hereby RESOLVED, that the Planning Board and Zoning Commission finds that the site plan referenced above, meets the requirements of the Zoning Code and hereby approves this site plan amendment.

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 _____.

TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530

FILED
TOWN OF NISKAYUNA

NOV 17 2022

MICHELE M MARTINELLI
TOWN CLERK

November 17, 2022

Robert McQueeney
Momentive Performance Materials
260 Hudson River Rd
Waterford, NY 12188

Dear Mr. McQueeney,

At its regularly scheduled meeting held on November 16, 2022, the Zoning Board of Appeals ("the Board") reviewed the following case:

Appeal by Robert McQueeney for a variance from Section 220 Schedule I-F Part 1 of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2750 Balltown Road, Niskayuna, New York, located in the I-R: Research and Development Zoning District, to install facade signs exceeding the number and size allowed. Chapter 220 Schedule I-F Part 1, for the I-R Research and Development zoning district, states: "For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building face and shall not protrude more than 1 foot from the building face and shall be a single face sign. Under no circumstances shall any 1 sign exceed 50 sq. ft. and no more than 1 façade sign shall be permitted per property." As proposed, the building would have two façade signs, a "Momentive" sign measuring 99 square feet (297" wide x 48" high) and a "V" sign measuring 26 square feet (52" wide x 72" high). Therefore, a variance for a second sign and variances for 49 square feet and 26 square feet respectively (75 square feet total), are required.

It was the decision of the Board to grant the variances as written, with the following condition:

1. The signs shall be lit between sunset and 8:30 p.m.

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=fLE0mjOHIOA>.

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,

Keith Frary / LMS

Keith Frary
Chairperson

cc: Town Clerk
Building Department
ZBA File



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

TO: File

FROM: Laura Robertson, Town Planner

DATE: October 24, 2022

RE: 2750 Balltown Rd. – Momentive Performance Materials

At a regular Planning Board and Zoning Commission (PB) meeting held on October 24, 2022 the PB reviewed the appeal by Robert W. McQueeney of Momentive Performance Materials, for a variance from Niskayuna Zoning Code Schedule I-F for the I-R District Schedule of Supplementary Regulations Town of Niskayuna as it applies to the property at 2750 Balltown Rd. Niskayuna, New York. The property is located in the I-R Research and Development Zoning District, and the property owner, Momentive Performance Materials, is a research, experimental and testing company and is therefore a permitted principal use of the property.

The Application for Site Plan Review for the tenant change from the previous property owner, SI Group, to Momentive Performance Materials includes two proposed façade signs for the front of the building.

Niskayuna Zoning Code Schedule I-F for the I_R Research and Development zoning district states: “For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building face and shall not protrude more than 1 foot from the building face and shall be a single face sign. Under no circumstances shall any 1 sign exceed 50 sq. ft. and no more than 1 façade sign shall be permitted per property...”

As proposed, the 1-page drawing provided with the site plan application entitled “Momentive CH LTTRS opt4” by Saxton Sign Corp. dated 8-31-22 with a most recent revision of Rev 3 includes two proposed façade signs.

The “Momentive” sign measures 297” x 48” / 144 = 99 sq. ft. The building frontage exceeds 50’ in length therefore, a variance of 49 sq. ft. (99 – 50 = 49) of façade sign area is required.

The “V” sign measures 52” x 72” / 144 = 26 sq. ft. The proposed sign would be the second façade sign on a single façade therefore, a variance for a second façade sign measuring 26 sq. ft. in area is required.

The Planning Board made the following recommendations:

Effect on the Comprehensive Plan – The Planning Board agreed via. a vote of 7 – 0 that the proposed variances will have no effect on the Comprehensive Plan.

Suitability of Use – The Planning Board voted 7 – 0 that the project and variances were a suitable use. The Board noted that the fundamental reason they support the variance is the fact that the building façade is more than 1,000 ft. from Balltown Road and will have no impact at all on the neighboring properties. They also noted the build has a very large façade and the larger sign compliments the scale of the building and the signs advertise and reinforce the positive Vision of the company.

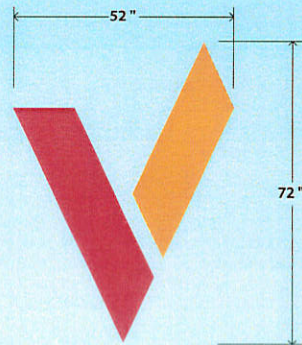
RECOMMENDATION – The Planning Board voted 7 – 0 in favor of recommending the Zoning Board of Appeals (ZBA) grant the two variances.

Received

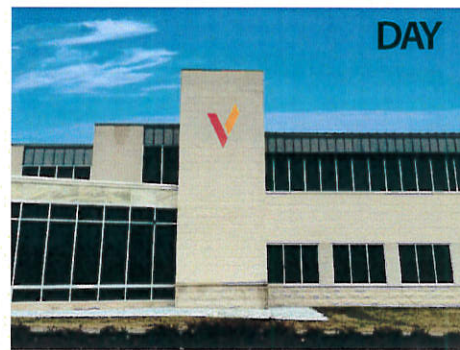
SEP 23 2022

Niskayuna Building Dept.

(1) set of face-lit fabricated aluminum channel letters.
Blue (PMS 534C) by day, illuminated white at night.
"V" icons to be standard face-lit channel letters.



-  PMS 534C BLUE
-  PMS 151C ORANGE
-  PMS 200C RED
-  WHITE



DAY



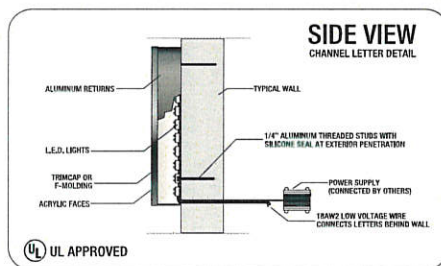
DAY



NIGHT



NIGHT



1-800-942-6366
518.732-7704
fax: 518.732-7716
saxtonsign.com

CLIENT:

Momentive

JOB LOCATION:

Balltown Road
Niskayuna, NY

CUSTOMER APPROVAL

DATE

THIS ORIGINAL DRAWING AND DESIGN IS THE PROPERTY OF SAXTON SIGN CORPORATION AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP.



DATE: 8-31-22

FOLDER: SP/Momentive

FILE NAME:

Momentive CH LTTRS opt4

REVISION: 3

DRAWN BY: SP

SALESPERSON: JB





1-800-942-6366
518.732-7704
fax: 518.732-7716
saxtonsign.com

CLIENT:
MOMENTIVE

JOB LOCATION:

CUSTOMER APPROVAL

DATE

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DATE: 10/3/22
FOLDER: Drawings/Jesse/Momentive
FILE NAME:
 Image Mock-up
REVISION:
DRAWN BY: CM
SALESPERSON: PB





1-800-942-6366
518. 732-7704
fax: 518. 732-7716
saxtonsign.com

CLIENT:
MOMENTIVE

JOB LOCATION:

CUSTOMER APPROVAL

DATE

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 AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING
 OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP.



DATE: 10/3/22
FOLDER: Drawings/Jesse/Momentive
FILE NAME:
 Image Mock-up
REVISION:
DRAWN BY: CM
SALESPERSON: PB



MEMBER



UNITED STATES
 SIGN COUNCIL





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 11/28/2022

ITEM TITLE: DISCUSSION: 2721 Balltown Road – site plan application for two 6-unit apartment buildings

PROJECT LEAD: TBD

APPLICANT: Alex Ritmo, 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:

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.

10/24/22 Planning Board (PB) meeting – 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 multi-family 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 placed 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

11/15/22 Conservation Advisory Council – 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.

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

The project is on the agenda this evening so that the PB can continue their evaluation of the project so that they are in a position to make a recommendation to the ZBA regarding the requested variance at the 12/12/22 PB meeting.

11/7/2022 2:28 PM G:\2020 PROJECTS\20031 - 2721 BALLTOWN ROAD\02_CAD\AC-110 AS-BUILT JAKE WORKING.DWG



SITE STATISTICS:

APPLICANT: RITMO CONSTRUCTION
SITE ADDRESS: 2721 BALLTOWN ROAD
TOWN OF NISKAYUNA, NY
PARCEL NUMBER: 31.-1-61
TOTAL PARCEL AREA: 3.39± ACRES
EXISTING ZONING: R-P RESIDENTIAL & PROFESSIONAL
EXISTING USE: MULTIFAMILY RESIDENTIAL
6 DWELLING UNITS (11 TOTAL BR)
PROPOSED USE: MULTIFAMILY RESIDENTIAL
12 DWELLING UNITS (22 TOTAL BR)
EXISTING OPEN SPACE: EXCESS OF 2,400 SF
(400 SQFT PER DWELLING FOR A
MINIMUM OF 2,400 SF PURSUANT
TO ZONING ORDINANCE 220-26D)
PROPOSED OPEN SPACE: EXCESS OF 4,800 SF
(400 SQFT PER DWELLING FOR A
MINIMUM OF 4,800 SF PURSUANT
TO ZONING ORDINANCE 220-26D)

TOTAL DISTURBANCES:

EXISTING: 10,037 SF
PROPOSED: 30,669 SF
TOTAL: 40,706 SF

ACOE WETLAND CLASSIFICATION:

SYSTEM (P): PALUSTRINE
CLASS (UB): UNCONSOLIDATED BOTTOM
WATER REGIME (H): PERMINATLY FLOODED
SPECIAL MODIFIER (h): DIKED/IMPOUNDED

REGULATIONS FOR R-P ZONE							
MINIMUM LOT SIZE			MAXIMUM PERCENTAGE OF COVERAGE BY BUILDINGS AND STRUCTURES	MINIMUM YARD DIMENSIONS			
AREA	WIDTH (FEET)	DEPTH (FEET)		FRONT	1 SIDE	BOTH SIDES	REAR
1	100	150	20	30	25	50	25

APPROXIMATE LOCATION OF
AREA AVAILABLE AS
RECREATIONAL OPEN SPACE
(MINIMUM 2,400 SF)
FINAL LOCATION SHALL BE
DETERMINED BY THE APPLICANT

ACOE WETLAND
AREA CLASSIFIED
AS PUBHH

PROPOSED 6-UNIT
78' X 48'
BUILDING

PROPOSED DUMPSTER

12 SPACE
PROPOSED
GARAGE

PROPOSED 6-UNIT
78' X 48'
BUILDING

EXISTING 6-UNIT
BUILDING
FTE=362.3
APPROX. 3,200 SF

ELEC.
MTR.
S.C.
AC
GEN.

RELOCATED
EXISTING
DUMPSTER

SEWER EASEMENT
BR. 1019, PG. 446

APPROXIMATE LOCATION OF
EXISTING MUNICIPAL SEWER
PIPELINE LOCATION OF
EXISTING NATURAL WATER

20' 10' 0 20'



LAYOUT PLAN
2721 BALLTOWN ROAD
2721 BALLTOWN ROAD
SBL 31-1-161

TOWN OF NISKAYUNA SCHEMECTADY COUNTY NEW YORK STATE

DATE: 11/07/22
JOB #: 20031
SCALE: AS SHOWN
SURVEYED BY: XXXX
DRAWN BY: MJC
CHECKED BY: MCJ

DWG. NO.

PLOT

SHEET 1 OF 1

DRAFT COPY
NOT FOR
CONSTRUCTION

MARK C. JACOBSON, P.E.
NYS LICENSE NO. 081500

MICHAEL I. GROFF, P.L.S.
NYS LICENSE NO. 49454

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BE TRUE AND VALID COPIES.

NO.	DATE	DESCRIPTION	COMMENTS ADDRESSED	IMC	REV	CHK
1	11/07/2022					MCJ



TOWN OF NISKAYUNA

PLANNING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381

Laura Robertson, AICP
4530
Town Planner
4592

Phone: (518) 386-

Fax: (518) 386-

lrobertson@niskayuna.org

BUILDING AND ZONING PERMIT DENIAL

Address: 2721 Balltown Road
31.-1-61

Application Date: October 31, 2022

=====

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

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

One Commerce Plaza
Albany, New York 12260
518.487.7600 phone
518.487.7777 fax
RStout@woh.com

Robert A. Stout Jr.
Partner
518.487.7730 phone

October 12, 2022

VIA EMAIL & HAND DELIVERY

Chairman Walsh and
Members of the Planning Board
Town of Niskayuna
One Niskayuna Circle
Niskayuna, NY 12309

***Re: 2721 Balltown, LLC/Alexander Ritmo – Site Plan
2721 Balltown Road (SBL: 31-1-61)(the “Premises”)***

Dear Chairman Walsh and Members of the Planning Board:

We represent Alex Ritmo and 2721 Balltown, LLC, owner of the above referenced Premises (collectively with 2721 Balltown, LLC, referred to as the “Applicant”). The Premises are located in the Residential and Professional zoning district (“R-P District”) under the Town of Niskayuna (the “Town”) Zoning Ordinance (the “Zoning Ordinance”). The Applicant is requesting Site Plan Approval to construct two 6-unit apartment buildings on the Project Site with related off-street parking and infrastructure (the “Project”).

By letter dated October 2nd, 2022, our client submitted an Application for Building and Zoning Permit with respect to the Project (the “Permit Application”). The Permit Application is included here as **Attachment A** for your reference. As set forth in the Permit Application, in 2020, the Town’s Zoning Board of Appeals (the “ZBA”) issued the Applicant a use variance for the Premises in connection with the conversion of a pre-existing non-conforming animal hospital/apartment building into a 6-unit apartment building. Subsequently, the Planning Board issued Site Plan Approval for the same. The use variance issued by the ZBA and Site Plan Approval issued by the Planning Board are included with the enclosed Permit Application.

The project as initially contemplated in 2020 has been completed and the building occupied. The Applicant is now requesting an amended Site Plan Approval to construct two additional 6-unit apartment buildings on the Premises, along with an accessory garage and associated parking. The Project includes two buildings with 6-units each, inclusive of 11 bedrooms per building, along with twelve (12) additional parking spaces.

We believe the law provides that once a use variance has been granted, the contemplated use becomes a conforming use and, as a result, no further use variance is required for its expansion, provided an amended Site Plan approval is obtained from this board. In furtherance of this perspective, we submitted a letter to the Planning Board Attorney on February 10, 2022 containing reference to relevant case law. That letter is also included in the attached Permit Application.

We respectfully request to be placed on the next available agenda of the Planning Board. To that end, we are enclosing:

- 1) Planning Board Site Plan Application (**Attachment B**);
- 2) Short Environmental Assessment Form (**Attachment C**);
- 3) Layout Plan, prepared by Insite Northeast Engineering & Land Surveying, P.C. (**Attachment D**); and
- 4) Our Firm's Check in the amount of \$200, representing the Site Plan Application Fee.

Further, we are including 11 additional copies of the Layout Plan and five additional copies of the SEAF for the Board's convenience.

We look forward to meeting with and obtaining initial feedback from the Planning Board. Upon receipt of such feedback, the Applicant will provide any additional information requested by the Planning Board.

Please do not hesitate to contact me with any questions or concerns at (518) 487-7730 or rstout@woh.com.

Very truly yours,

/s/ *Robert A. Stout*

Robert A. Stout

ATTACHMENT A

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

October 2, 2022

VIA EMAIL

Thomas Cannizzo/Kenneth Hassett, Building Inspectors
One Niskayuna Circle
Niskayuna, New York 12309

***Re: 2712 Balltown, LLC/Alexander Ritmo – Site Plan
Property: 2721 Balltown Road (SBL: 31-1-61) (the “Premises”)
Application for Building and Zoning Permit***

Dear Mr Cannizzo and Mr. Hassett:

We represent Alex Ritmo and 2721 Balltown, LLC, owner of the above referenced Premises (Mr. Ritmo and 2712 Balltown, LLC are collectively referred to as the “Applicant”). The Premises is located in the Residential and Professional zoning district (“R-P District”) as set forth in the Town of Niskayuna (the “Town”) Zoning Ordinance (the “Zoning Ordinance”). In 2020, the Town’s Zoning Board of Appeals (the “ZBA”) issued the Applicant a use variance for the Premises in connection with the conversion of a pre-existing non-conforming animal hospital/apartment building into a 6-unit apartment building. Subsequently, the Planning Board issued Site Plan Approval for the same. The use variance issued by the ZBA and Site Plan Approval issued by the Planning Board are included here as **Attachments A and B**, respectively.

The project as initially contemplated in 2020 has been completed and the building occupied. The Applicant is now requesting an amended Site Plan Approval to construct two additional 6-unit apartment buildings on the Premises, along with an accessory garage and associated parking (the “Amended Project”). The Amended Project includes two buildings with 6-units each, inclusive of 11 bedrooms per building, along with twelve (12) additional parking spaces. A proposed layout plan is included as **Attachment C**.

We believe the law provides that once a use variance has been granted, the contemplated use becomes a conforming use and, as a result, no further use variance is required for its expansion, provided an amended Site Plan approval is obtained. In furtherance of this perspective, we

submitted a letter to the Planning Board Attorney on February 10, 2022 containing reference to relevant case law. Please see **Attachment D** (without attachments). As a threshold issue, we are asking to confirm that our client's application may be advanced without further review by the ZBA. We believe the case law supports such an approach. However, we understand that it is generally the Town's preference to subject physical expansions of projects that have previously received a use variance to additional ZBA review pursuant to use variance criteria, in addition to also requiring Site Plan Review. If that is the case, we believe we can make a showing to the ZBA that a unique set of circumstances, including unanticipated issues encountered during the construction process and unanticipated market forces, including rampant inflation, have combined to prevent the Applicant from realizing a reasonable rate of return on his investment for the initial project.

In sum, the Applicant is proposing the additional units to further assist in recouping his initial investment and realize a reasonable return in connection with the already issued use variance. Since the Amended Project is in its early stages of development, and because we would like some clarity from your office and the Planning Board as to whether an additional use variance is required prior making an additional investment in the Amended Project, our client has not yet prepared a full set of site/construction plans.

We look forward to receiving feedback from the Town's Building Department and Planning Board, and providing whatever additional information the Town believes appropriate. To that end, we have enclosed an Application for Building and Zoning Permit, included as **Attachment E**, which we are also submitting in quadruplicate hard copy to your office, as provided for in Section 220-67 of the Zoning Ordinance.

Please do not hesitate to contact me with any questions or concerns at (518) 487-7730 or rstout@woh.com.

Very truly yours,
Rob Stout
Robert A. Stout

Enclosures

cc: Laura Robertson, Town Planner
Clark Henry, Assistant Town Planner

Attachment A

Niskayuna Zoning Board of Appeals

Use Variance Approval Letter dated October 23, 2020

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

**FILED
TOWN OF NISKAYUNA**

October 23, 2020

OCT 23 2020

Alex Ritmo
2990 Furbeck Rd
Altamont, NY 12009

**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/LMS

Fred Goodman
Chairman

cc: Town Clerk
Building Department
ZBA File

Attachment B

Niskayuna Planning Board and Zoning Commission

Site Plan Resolution dated December 14, 2020

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
DADI 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.

Attachment C

**Layout Plan prepared by Insite Northeast Engineering and Land Surveying dated September 21,
2022**

Attachment D

Letter to Planning Board Attorney, Alaina Finan, Esq., dated February 10, 2022

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

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 on¹ 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.

¹ We believe the intended language was “or” extension of any use.

Attachment E

Building Permit Application Form



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

Application # _____

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 2721 Balltown Road

DESCRIBE WORK APPLIED FOR Applicant is proposing to construct two (2) additional six-unit apartment buildings on the Property.

ESTIMATED VALUE OF ALL WORK (labor and materials): _____

TOTAL \$ _____

Please submit three sets of plans with this application.

APPLICANT Alex Ritmo/2721 Balltown, LLC

DAY PHONE (518) 538-0250

CHECK ONE:



CONTRACTOR



HOMEOWNER



OTHER (explain) Owner/Contractor

ADDRESS 2721 Balltown Road

CITY Niskayuna

STATE NY

ZIP 12309

EMAIL ADDRESS ritmoconstruction@gmail.com>

CONTRACTOR _____

DAY PHONE _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

Note: Proof of insurance is required. Please review our **Insurance Requirements** document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER 2721 Balltown, LLC

DAY PHONE (518) 538-0250

ADDRESS (if different than above) c/o Robert Stout, Esq., Whiteman Osterman & Hanna

CITY One Commerce Plaza, Albany

STATE NY

ZIP 12260

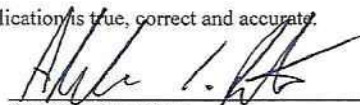
PLEASE SIGN Page 2

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 need to have this application notarized.

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

Alex R. Marino
Printed Name

9/28/22
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 2721 Balltown Road

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

- _____ 1. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
- _____ 2. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
- _____ 3. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
- _____ 4. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
- _____ 5. ROUGH PLUMBING
- _____ 6. ROUGH ELECTRICAL
- _____ 7. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
- _____ 8. INSULATION INCLUDING PROPER VENTILATION
- _____ 9. FINAL PLUMBING
- _____ 10. FINAL ELECTRICAL
- _____ 11. FINAL BUILDING INSPECTION
- _____ 12. FINAL GRADING AND SOIL EROSION CONTROL
- _____ 13. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

DATE _____

ATTACHMENT B

TOWN OF NISKAYUNA
Application for Site Plan Review

Applicant (Owner or Agent):

Name Alexander Ritmo

Address 2721 Balltown Road
Niskayuna, NY

Telephone 518-538-0250 Fax _____

Location:

Number & Street 2721 Balltown Road

Section-Block-Lot 31 - 1 - 6

Zoning District R-P District

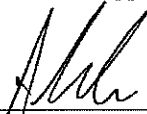
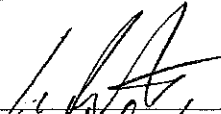
Proposal Description:

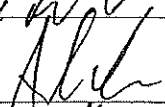
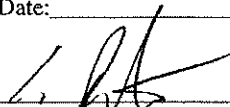
The Applicant is proposing to construct two (2) additional six 6-unit apartment buildings along with an accessory garage and associated parking on the Premises

Each site plan application shall be accompanied by:

1. Twelve (12) site plan maps prepared by a licensed engineer, architect or surveyor.
 - a. The site plan shall include the following: the title of the drawing, including the name(s), address(es), phone and fax numbers of the applicant and the name address, phone and fax number of the person, firm or organization preparing the map.
 - b. The North point, date and scale.
 - c. Boundaries of the property.
 - d. Existing watercourses and direction of existing and proposed drainage flow.
 - e. The location of all proposed site improvements; proposed water and utility facilities; a description of the method of sewage disposal and location of such facilities; the location of all proposed signs; and location of proposed areas of vegetation.
2. A lighting plan showing the lighting distribution of existing or proposed lights, specifications, photometric data, and catalog cuts of the proposed fixture(s) which meet the requirements of Article VIIIB of the Zoning Ordinance of the Town of Niskayuna entitled "Guidelines for Lighting of Outdoor Areas under Site Plan Review".
3. Six (6) copies of the short or long Environmental Assessment Form (EAF), as required by 6NYCRR Part 617, "State Environmental Quality Review", and Chapter 95, "Environmental Quality Review", of the Code of the Town of Niskayuna.

4. If the application is being made by someone other than the current property owner, the applicant or the agent for the applicant must provide proof that they are authorized to pursue this site plan approval. Such proof may be in the form of a contract for sale or letter by the current owner that the applicant/agent is authorized to proceed with this application.
5. Administration Fees: An application for site plan approval shall be submitted to the Planning Board at least ten (10) business days prior to a regular meeting of the Planning Board. Each petition shall be accompanied by a minimum fee of *two hundred dollars (\$200.00)* plus an additional fee based on the square footage of new building construction. Fees are payable to the Town of Niskayuna.
6. Consulting Fees: The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.

Signature of applicant:   Date: _____

Signature of owner (if different from applicant):  
Alexander J. Ritiro

Date: 10/10/22

ATTACHMENT C

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.

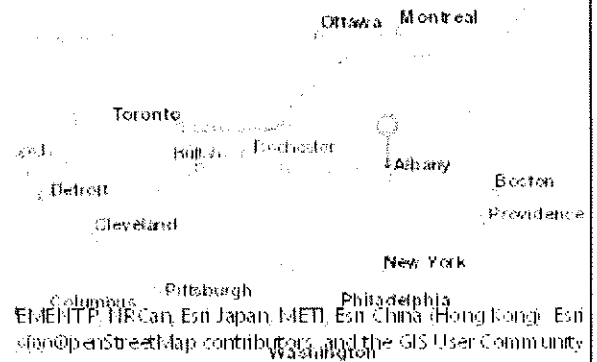
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Alex Ritmo/2721 Balltown, LLC			
Name of Action or Project: Site Plan Application			
Project Location (describe, and attach a location map): 2721 Balltown Road, Niskayuna, NY			
Brief Description of Proposed Action: The Applicant is proposing an expansion of the existing multi-family use on the Property. The Applicant received a use variance from the Zoning Board of Appeals in October 2020 to redevelop a mixed-use veterinary clinic/three-unit apartment building into a six-unit apartment building. The Applicant is now requesting to construct two (2) additional six-unit apartment buildings on the Property.			
Name of Applicant or Sponsor: Alex Ritmo		Telephone: 518-538-0250	
		E-Mail:	
Address: 2721 Balltown Road			
City/PO: Niskayuna		State: NY	Zip Code: 12309
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.4 acres	
b. Total acreage to be physically disturbed?		.704 acres .93 if prior disturbance is included	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.4 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There is a nearby pond on the Property. The Applicant is not proposing any disturbances to the existing pond. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 40px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All storm water generated at the site will be directed to established conveyance systems. The entire site disturbance, including existing and proposed structures, will be less than one acre.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>2721 Balltown, LLC</u> Date: <u>10/12/22</u> Signature: <u>[Signature]</u> Title: <u>Project Attorney</u>		

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



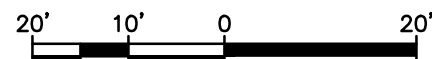
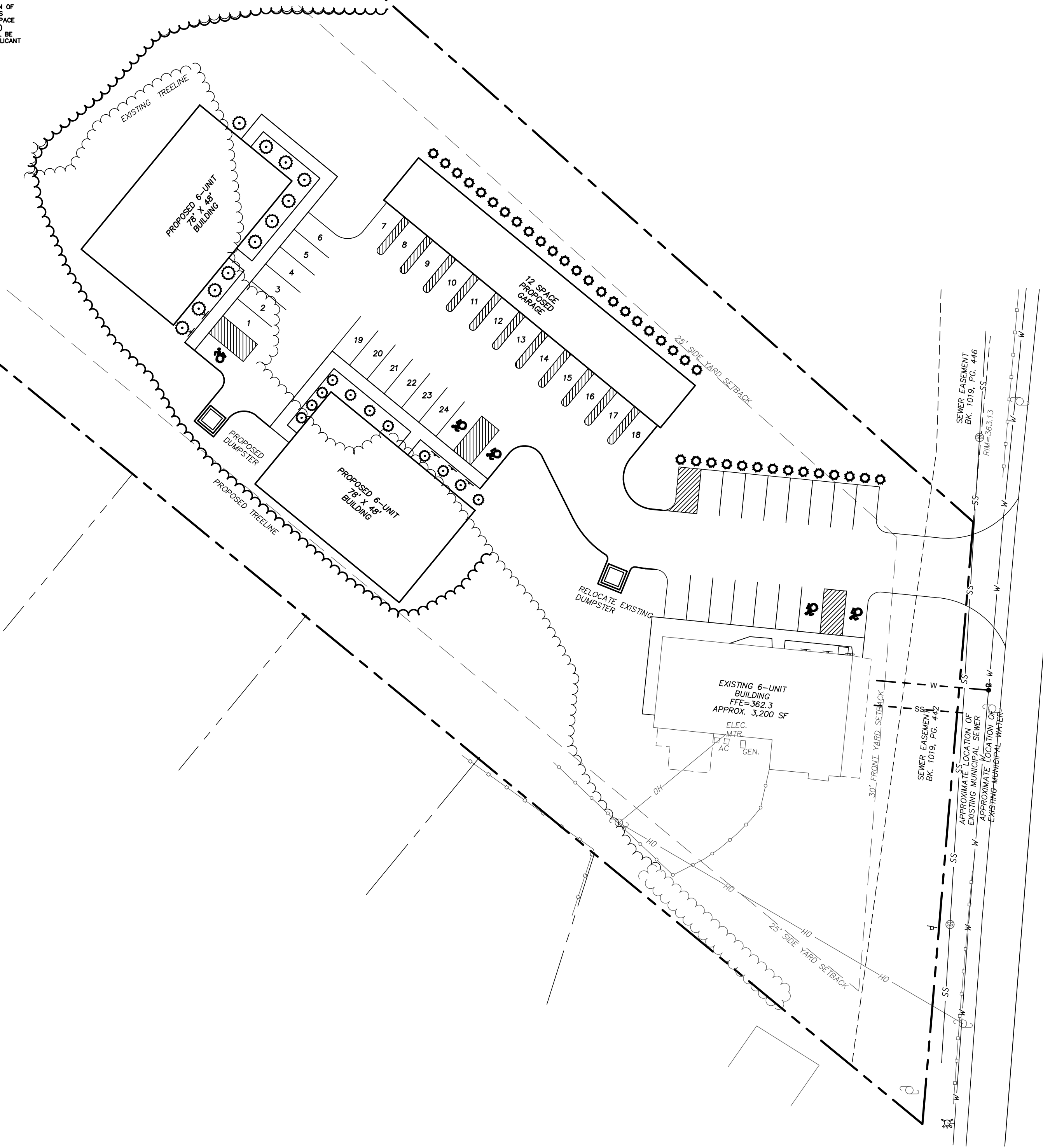
Source: USGS, Intermap, INCREMENT, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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

ATTACHMENT D

TOTAL DISTURBANCES:
EXISTING: 10,037 SF
PROPOSED: 30,669 SF
TOTAL: 40,706 SF

APPROXIMATE LOCATION OF
AREA AVAILABLE AS
RECREATIONAL OPEN SPACE
(MINIMUM 2,400 SF)
FINAL LOCATION SHALL BE
DETERMINED BY THE APPLICANT



SHEET 2 OF 5

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.

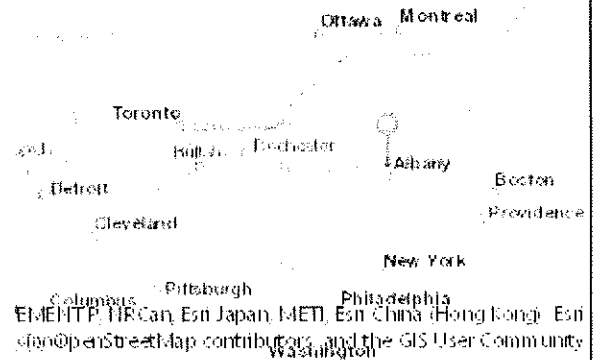
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Alex Ritmo/2721 Balltown, LLC			
Name of Action or Project: Site Plan Application			
Project Location (describe, and attach a location map): 2721 Balltown Road, Niskayuna, NY			
Brief Description of Proposed Action: The Applicant is proposing an expansion of the existing multi-family use on the Property. The Applicant received a use variance from the Zoning Board of Appeals in October 2020 to redevelop a mixed-use veterinary clinic/three-unit apartment building into a six-unit apartment building. The Applicant is now requesting to construct two (2) additional six-unit apartment buildings on the Property.			
Name of Applicant or Sponsor: Alex Ritmo		Telephone: 518-538-0250 E-Mail:	
Address: 2721 Balltown Road			
City/PO: Niskayuna		State: NY	Zip Code: 12309
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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b. Total acreage to be physically disturbed?		.704 acres .93 if prior disturbance is included	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.4 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There is a nearby pond on the Property. The Applicant is not proposing any disturbances to the existing pond. _____ _____			

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16. Is the project site located in the 100-year flood plan?	NO	YES
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17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 40px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All storm water generated at the site will be directed to established conveyance systems. The entire site disturbance, including existing and proposed structures, will be less than one acre.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>2721 Balltown, LLC</u> Date: <u>10/17/22</u> Signature: <u>[Signature]</u> Title: <u>Project Attorney</u>		

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



Samir, USGS, Intermap, IHCREMENTP, HRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
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

I, Alexander Ritmo, the (owner) (agent of the owner) of the property located at 2721 Balltown Road in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these 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 applicable for use variance

☐ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date _____

Signature of Owner (if different from Agent) AR AR

Telephone Number: 518-538-0250

Email Address: ritmoconstruction@gmail.com

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

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

See attached Cover Letter.

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

See attached Cover Letter.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

See attached Cover Letter.

USE VARIANCE - 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.

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

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***

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 28th 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 line¹. 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.
 - 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.
 - 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;
 - 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

¹ 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*². 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 four-part 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.*"³ (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

² 270 A.D.2d 267 (March 6, 2000).

³ 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 by 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 by 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, Jr.

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
Niskayuna, New York 12309
(518) 386-4530**

**FILED
TOWN OF NISKAYUNA**

October 23, 2020

OCT 23 2020

Alex Ritmo
2990 Furbeck Rd
Altamont, NY 12009

**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/LMS

Fred Goodman
Chairman

cc: Town Clerk
Building Department
ZBA File

ATTACHMENT B

11/7/2022 2:28 PM G:\2020 PROJECTS\20031 - 2721 BALLTOWN ROAD\02_CAD\AC-110 AS-BUILT JAKE WORKING.DWG



SITE STATISTICS:

APPLICANT: RITMO CONSTRUCTION
SITE ADDRESS: 2721 BALLTOWN ROAD
TOWN OF NISKAYUNA, NY
PARCEL NUMBER: 31.-1-61
TOTAL PARCEL AREA: 3.39± ACRES
EXISTING ZONING: R-P RESIDENTIAL & PROFESSIONAL
EXISTING USE: MULTIFAMILY RESIDENTIAL
6 DWELLING UNITS (11 TOTAL BR)
PROPOSED USE: MULTIFAMILY RESIDENTIAL
12 DWELLING UNITS (22 TOTAL BR)
EXISTING OPEN SPACE: EXCESS OF 2,400 SF
(400 SQFT PER DWELLING FOR A
MINIMUM OF 2,400 SF PURSUANT
TO ZONING ORDINANCE 220-26D)
PROPOSED OPEN SPACE: EXCESS OF 4,800 SF
(400 SQFT PER DWELLING FOR A
MINIMUM OF 4,800 SF PURSUANT
TO ZONING ORDINANCE 220-26D)

TOTAL DISTURBANCES:

EXISTING: 10,037 SF
PROPOSED: 30,669 SF
TOTAL: 40,706 SF

ACOE WETLAND CLASSIFICATION:

SYSTEM (P): PALUSTRINE
CLASS (UB): UNCONSOLIDATED BOTTOM
WATER REGIME (H): PERMINATLY FLOODED
SPECIAL MODIFIER (h): DIKED/IMPOUNDED

REGULATIONS FOR R-P ZONE							
MINIMUM LOT SIZE			MAXIMUM PERCENTAGE OF COVERAGE BY BUILDINGS AND STRUCTURES	MINIMUM YARD DIMENSIONS			
AREA	WIDTH (FEET)	DEPTH (FEET)		FRONT	1 SIDE	BOTH SIDES	REAR
1	100	150	20	30	25	50	25

APPROXIMATE LOCATION OF
AREA AVAILABLE AS
RECREATIONAL OPEN SPACE
(MINIMUM 2,400 SF)
FINAL LOCATION SHALL BE
DETERMINED BY THE APPLICANT

ACOE WETLAND
AREA CLASSIFIED
AS PUBHH

PROPOSED 6-UNIT
78' X 48'
BUILDING

PROPOSED DUMPSTER

12 SPACE
PROPOSED
GARAGE

PROPOSED 6-UNIT
78' X 48'
BUILDING

EXISTING 6-UNIT
BUILDING
FTE = 362.3
APPROX. 3,200 SF

ELEC.
MTR.
S.C.
AC
GEN.

RELOCATED
EXISTING
DUMPSTER

SEWER EASEMENT
BR. 1019, PG. 446

APPROXIMATE LOCATION OF
EXISTING MUNICIPAL SEWER
PIPELINE LOCATION OF
EXISTING NATURAL WATER

30' FRONT YARD SETBACK

30' SIDE YARD SETBACK

25' SIDE YARD SETBACK

EXISTING TREELINE

PROPOSED TREELINE

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ATTACHMENT C

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

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 on¹ 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.

¹ We believe the intended language was “or” extension of any use.

ATTACHMENT A

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

**FILED
TOWN OF NISKAYUNA**

October 23, 2020

OCT 23 2020

Alex Ritmo
2990 Furbeck Rd
Altamont, NY 12009

**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/LMS

Fred Goodman
Chairman

cc: Town Clerk
Building Department
ZBA File

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. 2

MEETING DATE: 11/28/2022

ITEM TITLE: DISCUSSION: 1851 Union St. – Mohawk Club – major subdivision of an existing 14 acre portion of the property to construct twenty-two (22) new single-family townhomes.

PROJECT LEAD: TBD

APPLICANT: Matthew Moberg, 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:

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.

1. 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

Section 220-10 District Regulations: includes “single-family dwellings” as Permitted principal uses in the R-1 zoning district.

Section 220-4 Definitions: includes “dwelling, single family – A detached building designed for or occupied exclusively by one family. See “dwelling.”

Dwelling: – 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.”

Dwelling, multi-family: - 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.

Dwelling unit: – 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.”

Townhouse: - 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 Setback	Side Setback (L)	Side Setback (R)	Rear Setback	Lot Width	Lot Depth	Lot Area	Maximum Coverage
Required	35 ft	20 ft	20 ft	25 ft	100 ft	125 ft	18,000 SF	25%
Lot1	35	N/A	0	95	66	188	12,674	19%
Lot2	35	0	38	95	70	188	13,114	19%
Lot3	47	39	0	66	77	170	12,905	19%
Lot4	35	0	45	66	79	156	15,651	16%
Lot5	35	40	0	104	61	175	23,374	10%
Lot6	35	0	40	58	61	134	13,924	18%
Lot7	35	33	0	48	61	134	12,054	20%
Lot8	35	0	33	73	61	152	15,764	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	12,231	20%
Lot16	35	0	46	53	83	114	12,210	20%
Lot17	35	57	0	21	92	94	12,381	20%
Lot18	35	0	55	60	83	151	38,506	6%
Lot19	35	49	0	59	69	154	12,351	20%
Lot20	35	0	44	61	83	154	12,575	19%
Lot21	35	38	0	94	69	185	12,813	19%
Lot22	35	0	N/A	95	69	187	13,254	18%
TOTAL 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:

1. 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.

11/16/22 Architectural Review Board (ARB) meeting – 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.

The project is on the agenda this evening so the PB can continue to review and discuss it as they consider the sketch plan proposal.

PARTNERS
JOSEPH J. BIANCHINE, P.E.
LUIGI A. PALLESCHI, P.E.
MARK C. BLACKSTONE, P.L.S.

ABD ENGINEERS, LLP.
411 Union Street
Schenectady, NY 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com

DEDICATED
RESPONSIVE
PROFESSIONAL

October 20, 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

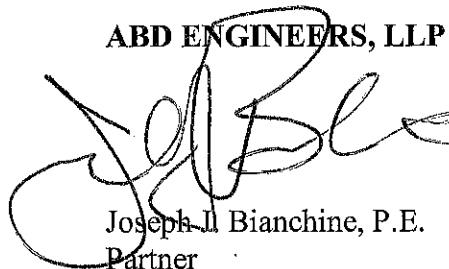
Dear Laura:

The Mohawk Golf Club is proposing to subdivide approximately fourteen (14) acres from an unused area of their golf course, adjacent to Ruffner Road. The course owns an existing home at 1245 Ruffner Road, which will be removed; a new boulevard entrance will be built through the lot, incorporating part of a disused twenty-foot-wide Town right-of-way. The boulevard will branch off onto two new cul-de-sacs on which a total of twenty-two (22) new single-family townhouse lots are proposed. This project is proposed as a **conventional subdivision** with public roads built to Town standards, buffer lands, and a stormwater management pond which will be maintained as a golf course feature by the Mohawk Golf Course. Because the Town Code does not have provisions for conventional townhome development, a table of the requested area variances is provided on the plan.

Enclosed for sketch review of this proposed subdivision are twelve (12) copies of the Subdivision Plan. We would greatly appreciate your immediate consideration of this project and placement on the November 14, 2022 Planning Board agenda. Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

ABD ENGINEERS, LLP

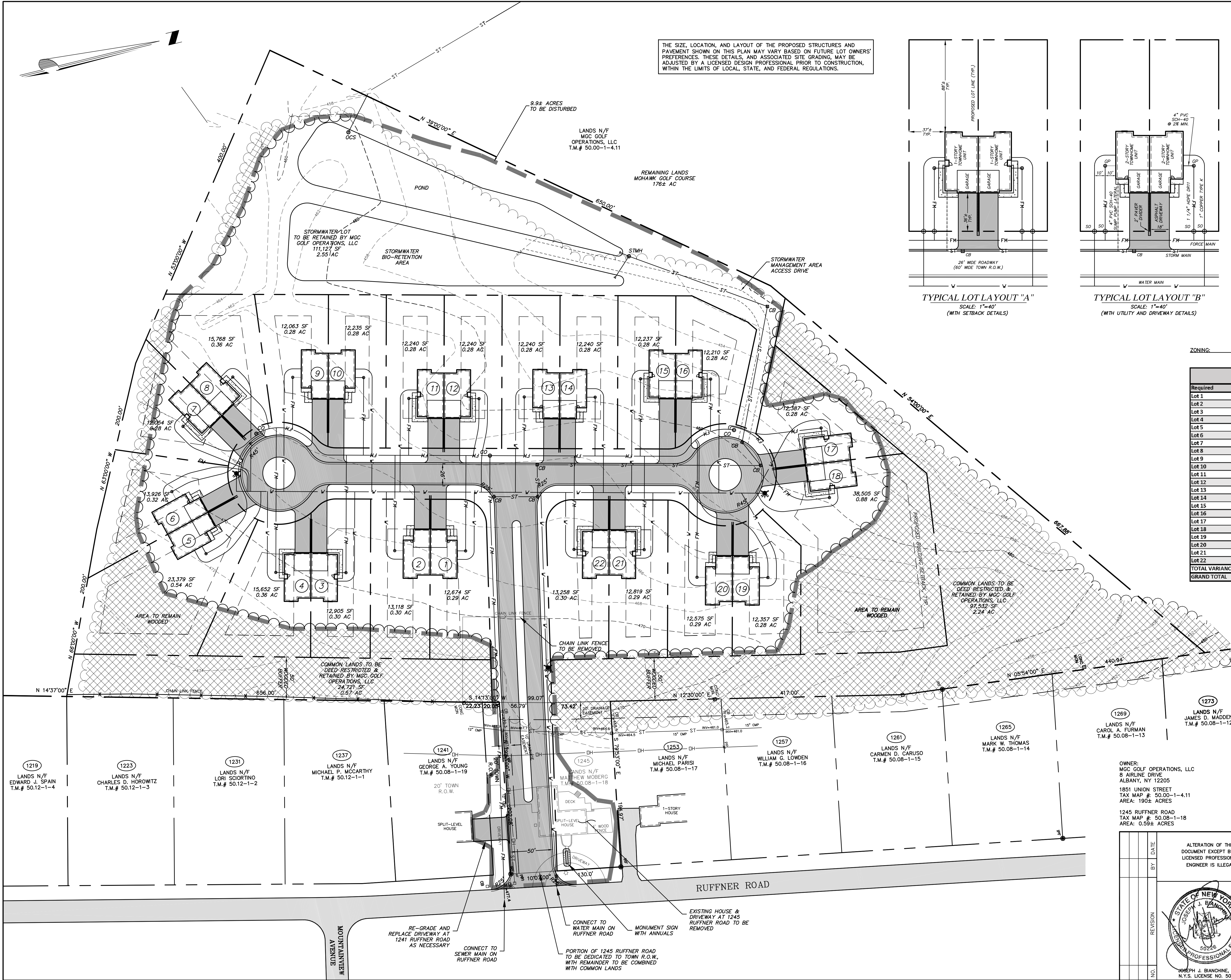


Joseph J. Bianchine, P.E.
Partner

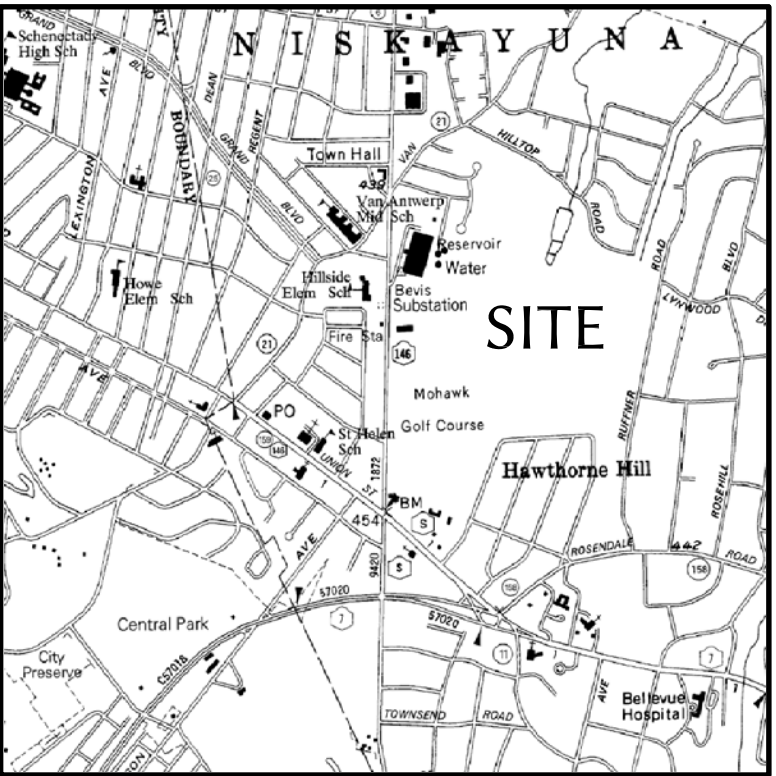
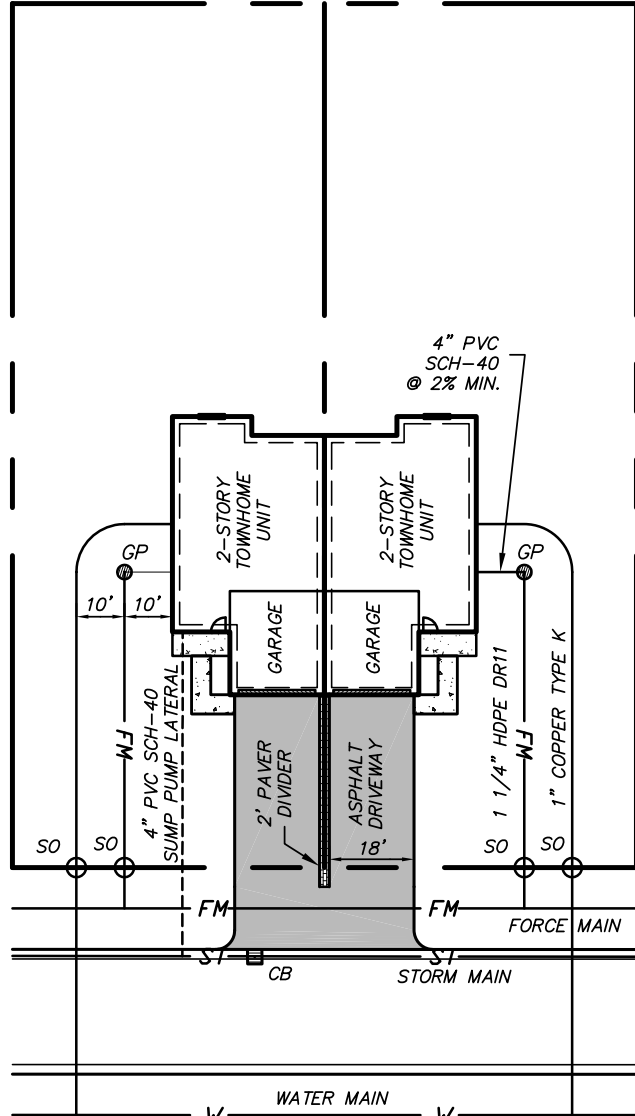
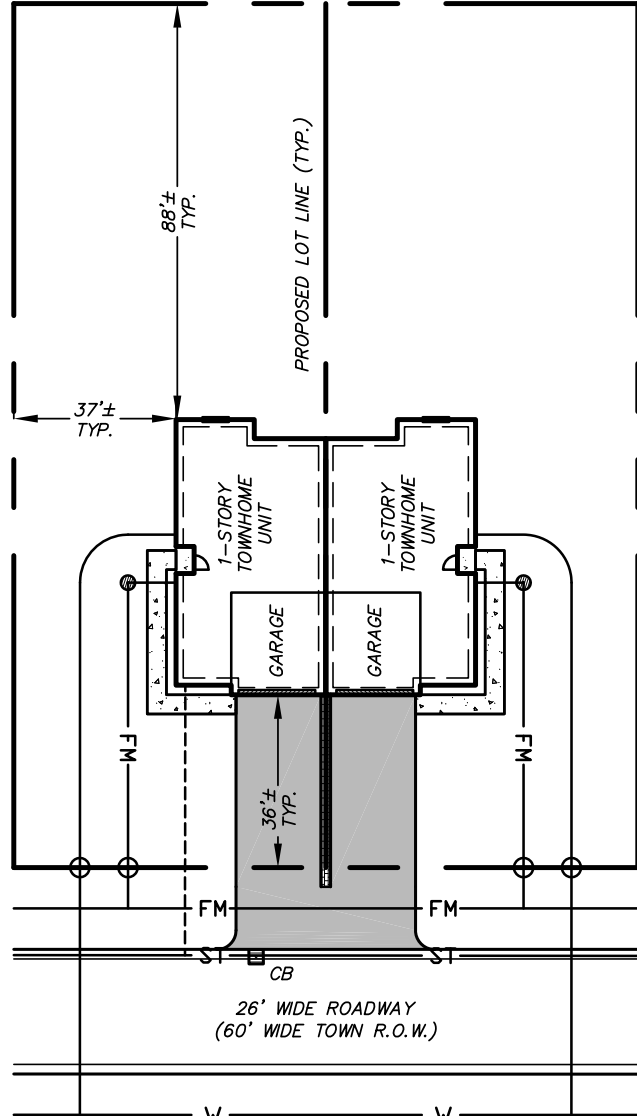
JJB:dmk
encl.

cc: Matt Moberg w/encl (via email)
Bill Sweet w/encl (via email)

5429A-2022-10-20



THE SIZE, LOCATION, AND LAYOUT OF THE PROPOSED STRUCTURES AND PAVEMENT SHOWN ON THIS PLAN MAY VARY BASED ON FUTURE LOT OWNERS' PREFERENCES. THESE DETAILS, AND ASSOCIATED SITE GRADING, MAY BE ADJUSTED BY A LICENSED DESIGN PROFESSIONAL PRIOR TO CONSTRUCTION, WITHIN THE LIMITS OF LOCAL, STATE, AND FEDERAL REGULATIONS.



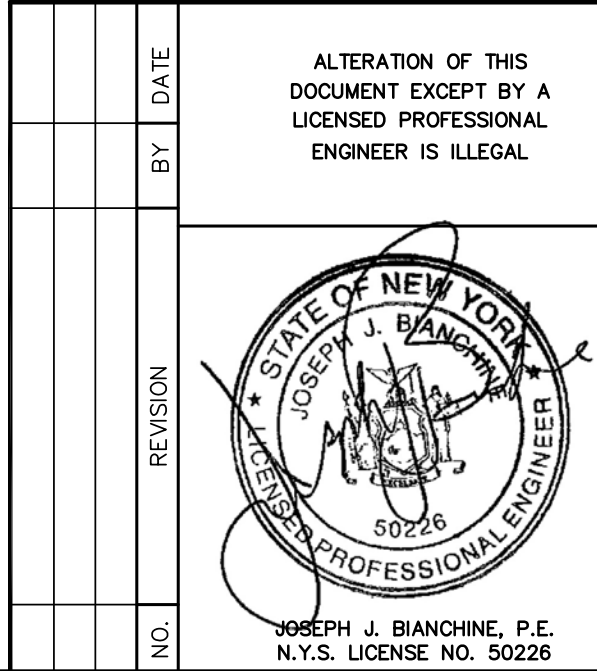
- GENERAL NOTES:
- BASE MAPPING PREPARED BY ABD ENGINEERS, LLP FROM A FIELD SURVEY COMPLETED IN JUNE 2021, AND GIS INFORMATION.
 - THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVEGROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST WITHIN THE WORKING AREA. EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN OR MAY NOT BE SHOWN AND IT SHALL BE HIS OR HER RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. PROVIDE (48) HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.F.P.O. (1-800-962-7962).
 - EXISTING AND PROPOSED GAS, ELECTRIC, AND TELECOMMUNICATIONS SERVICE LAYOUTS ARE SCHEMATIC ONLY. ALL REMOVALS, FINAL LOCATIONS, AND INSTALLATION REQUIREMENTS SHALL BE COORDINATED WITH ALL UTILITY COMPANIES.

NOTE: PROPERTY LINES SHOWN ARE BASED ON SCHENECTADY COUNTY TAX MAP

ZONING: R-1 (LOW DENSITY RESIDENTIAL) - SINGLE FAMILY DWELLINGS
NOTE: BOLD NUMBERS INDICATE VARIANCE REQUESTED

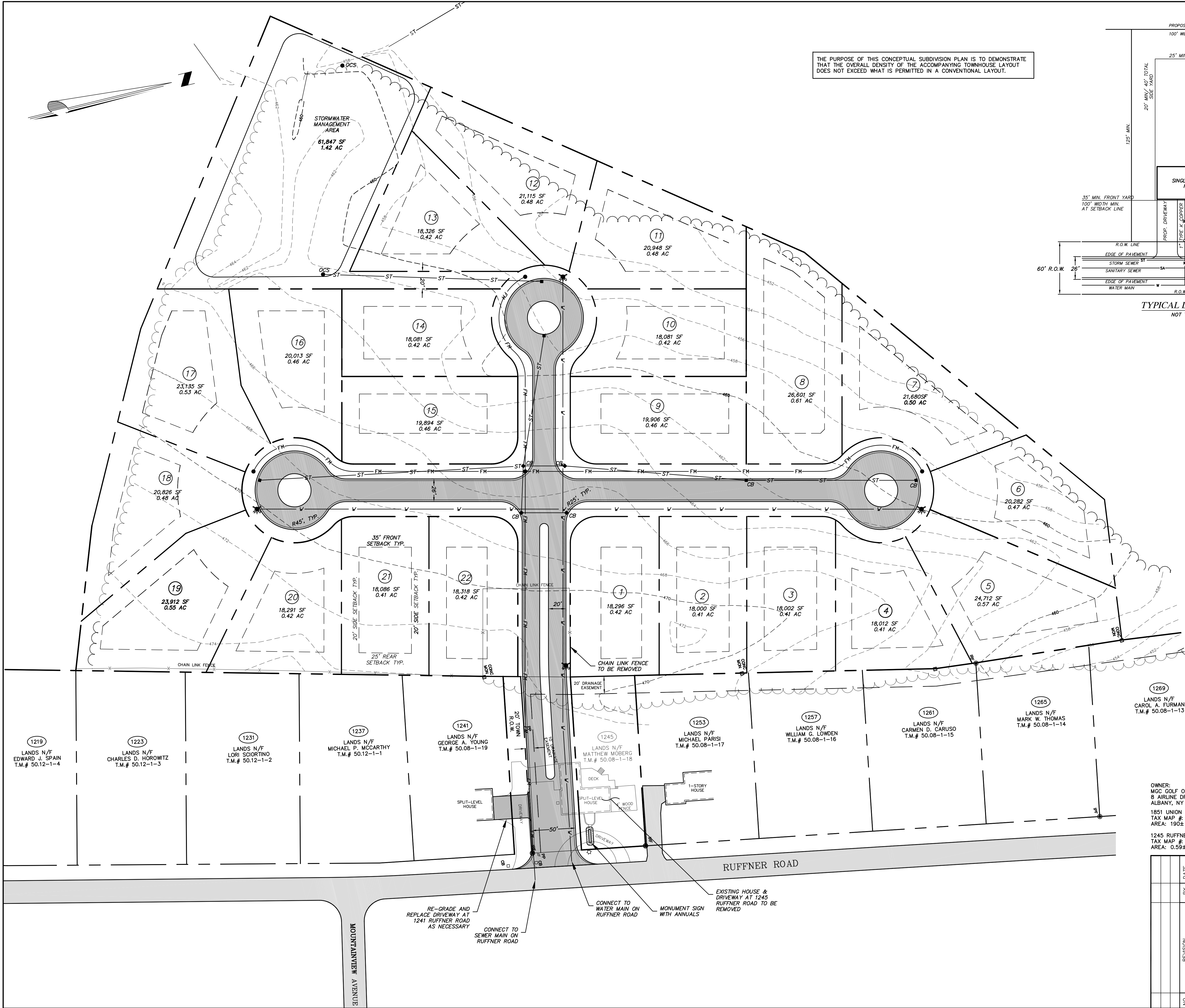
	Front Setback	Side Setback (L)	Side Setback (R)	Rear Setback	Lot Width	Lot Depth	Lot Area	Maximum Coverage
Required	35 ft	20 ft	20 ft	25 ft	100 ft	125 ft	18,000 SF	25%
Lot 1	35	N/A	0	95	66	188	12,674	19%
Lot 2	35	0	38	95	70	188	13,118	19%
Lot 3	47	39	0	66	77	170	12,905	19%
Lot 4	35	0	45	66	79	156	15,652	16%
Lot 5	35	40	0	104	61	175	23,379	10%
Lot 6	35	0	40	58	61	134	13,926	18%
Lot 7	35	33	0	48	61	134	12,054	20%
Lot 8	35	0	33	73	61	152	15,768	16%
Lot 9	35	40	0	69	75	152	12,063	20%
Lot 10	56	0	36	65	72	178	12,235	20%
Lot 11	35	37	0	88	68	180	12,240	20%
Lot 12	35	0	37	88	68	180	12,240	20%
Lot 13	35	36	0	87	68	180	12,240	20%
Lot 14	35	0	36	87	68	180	12,240	20%
Lot 15	58	37	0	64	72	179	12,237	20%
Lot 16	35	0	46	53	83	114	12,210	20%
Lot 17	35	57	0	21	92	94	12,387	20%
Lot 18	35	0	55	60	83	151	38,506	6%
Lot 19	35	49	0	59	69	154	12,357	20%
Lot 20	35	0	44	61	83	154	12,575	19%
Lot 21	35	38	0	94	69	185	12,819	19%
Lot 22	35	0	N/A	95	69	187	13,258	18%
TOTAL VARIANCES	0	11	11	1	22	2	20	0
GRAND TOTAL	67							

OWNER:
MGC GOLF OPERATIONS, LLC
8 AIRLINE DRIVE
ALBANY, NY 12205
1851 UNION STREET
TAX MAP #: 50.00-1-4.11
AREA: 190± ACRES
1245 RUFFNER ROAD
TAX MAP #: 50.08-1-18
AREA: 0.59± ACRES

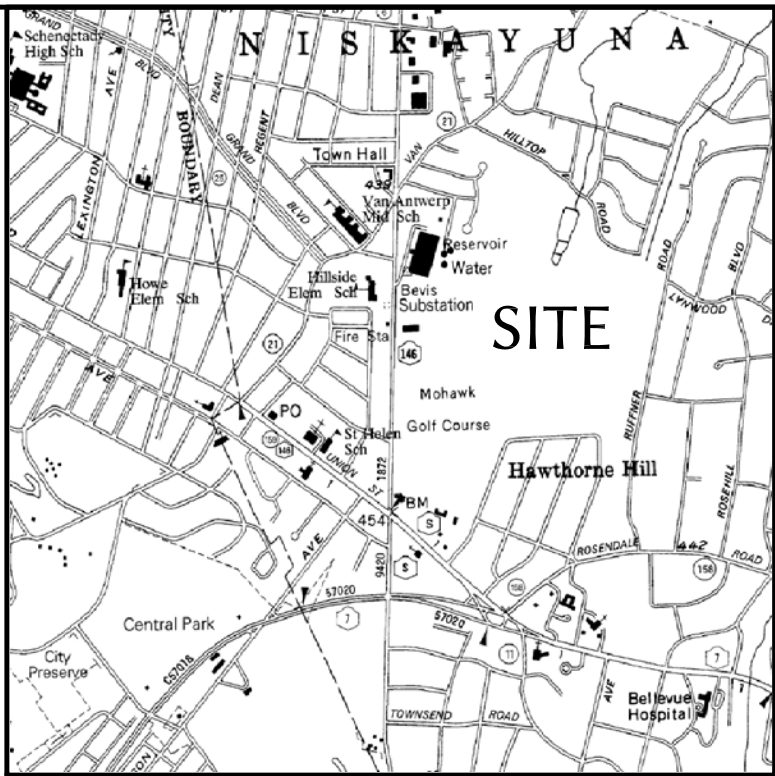
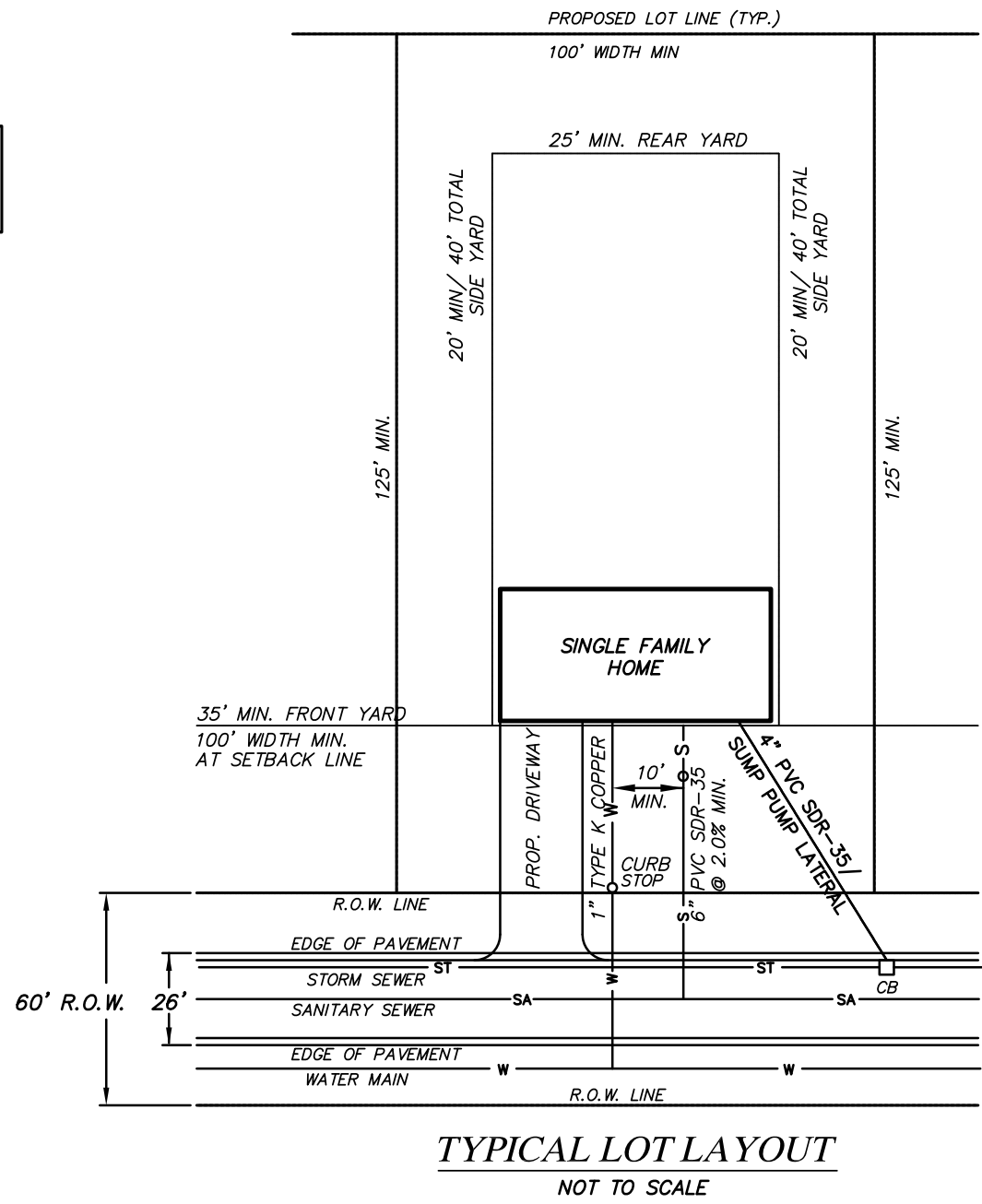


SKETCH 22-LOT TOWNHOUSE LAYOUT RESIDENTIAL SUBDIVISION MOHAWK GOLF CLUB 1851 UNION STREET & 1245 RUFFNER ROAD

TOWN OF NISKAYUNA COUNTY OF SCHENECTADY
STATE OF NEW YORK
ABD ENGINEERS, LLP
411 Union Street
Schenectady, NY 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com
DATE: OCTOBER 20, 2022 SCALE: 1" = 50' DWG. 5429A-S4 TOWNHOUSE SHEET 1 OF 1



THE PURPOSE OF THIS CONCEPTUAL SUBDIVISION PLAN IS TO DEMONSTRATE THAT THE OVERALL DENSITY OF THE ACCOMPANYING TOWNHOUSE LAYOUT DOES NOT EXCEED WHAT IS PERMITTED IN A CONVENTIONAL LAYOUT.



SITE LOCATION

GENERAL NOTES:

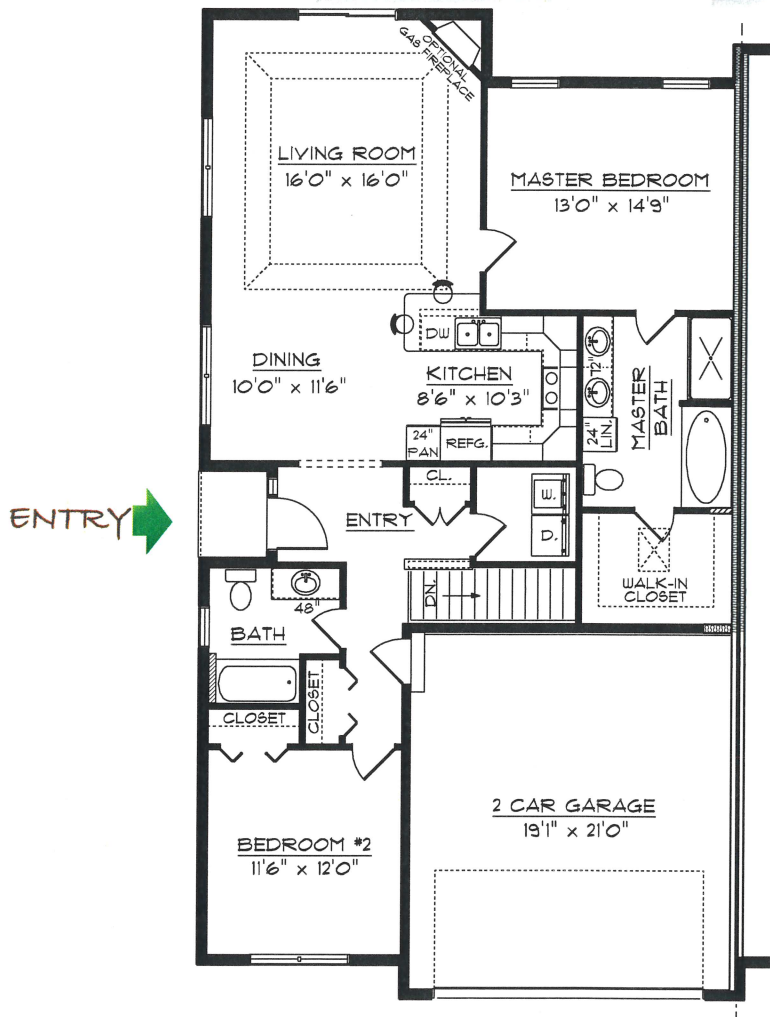
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2. THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVEGROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST WITHIN THE WORKING AREA. EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE ARE MAY BE DIFFERENT FROM THAT SHOWN OR MAY NOT BE SHOWN AND IT SHALL BE HIS OR HER RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. PROVIDE (48) HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.F.P.O. (1-800-962-7962).
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NOTE: PROPERTY LINES SHOWN ARE BASED ON SCHENECTADY COUNTY TAX MAP

ZONING:	R-1 (LOW DENSITY RESIDENTIAL) SINGLE FAMILY DWELLINGS
	REQUIRED (CONVENTIONAL ZONING)
LOT AREA:	18,000 SF MIN.
LOT WIDTH:	100' MIN.
LOT DEPTH:	125' MIN.
LOT COVERAGE:	25% MAX.
YARD DIMENSIONS:	
FRONT:	35' MIN.
SIDE:	20' MIN.
REAR:	25' MIN.

OWNER:
MGC GOLF OPERATIONS, LLC
8 AIRLINE DRIVE
ALBANY, NY 12205
1851 UNION STREET
TAX MAP #: 50.08-1-4.11
AREA: 190± ACRES
1245 RUFFNER ROAD
TAX MAP #: 50.08-1-18
AREA: 0.59± ACRES

NO.	REVISION	BY	DATE	ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL.		CONCEPTUAL 22-LOT CONVENTIONAL LAYOUT RESIDENTIAL SUBDIVISION MOHAWK GOLF CLUB 1851 UNION STREET & 1245 RUFFNER ROAD				
						TOWN OF NISKAYUNA	COUNTY OF SCHENECTADY			
						STATE OF NEW YORK ABD ENGINEERS, LLP 411 Union Street Schenectady, NY 12305 518-377-0315 Fax 518-377-0379 www.abdeng.com				
DATE:		SCALE:		DWG.		SHEET OF				
JULY 20, 2022		1" = 50'		5429A-S SINGLE FAM		1 1				



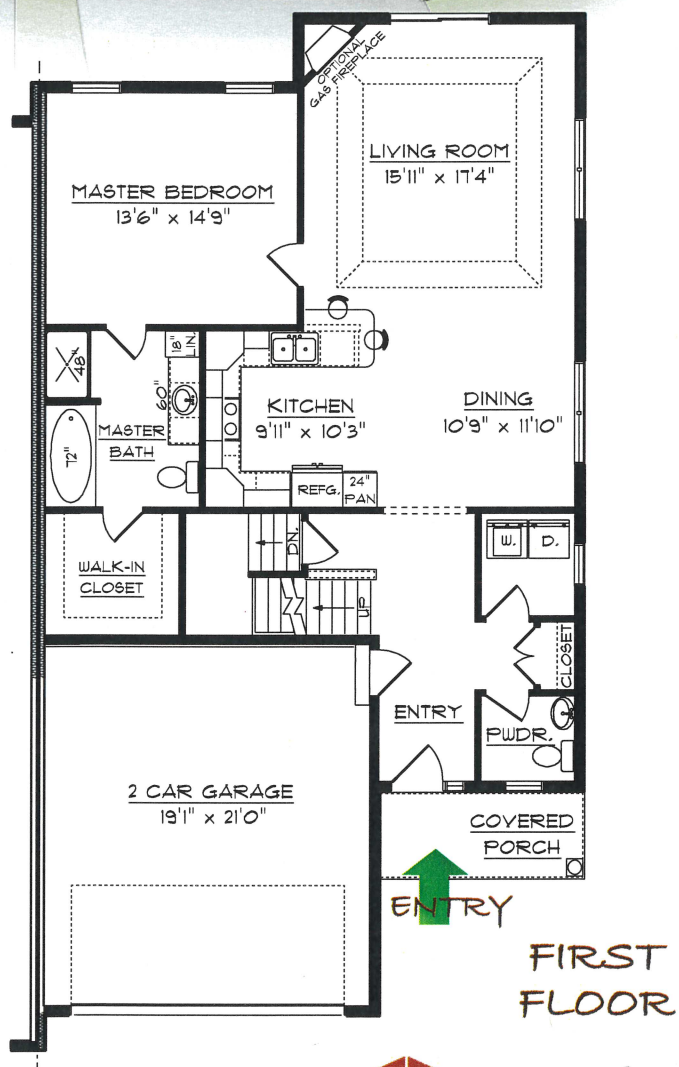
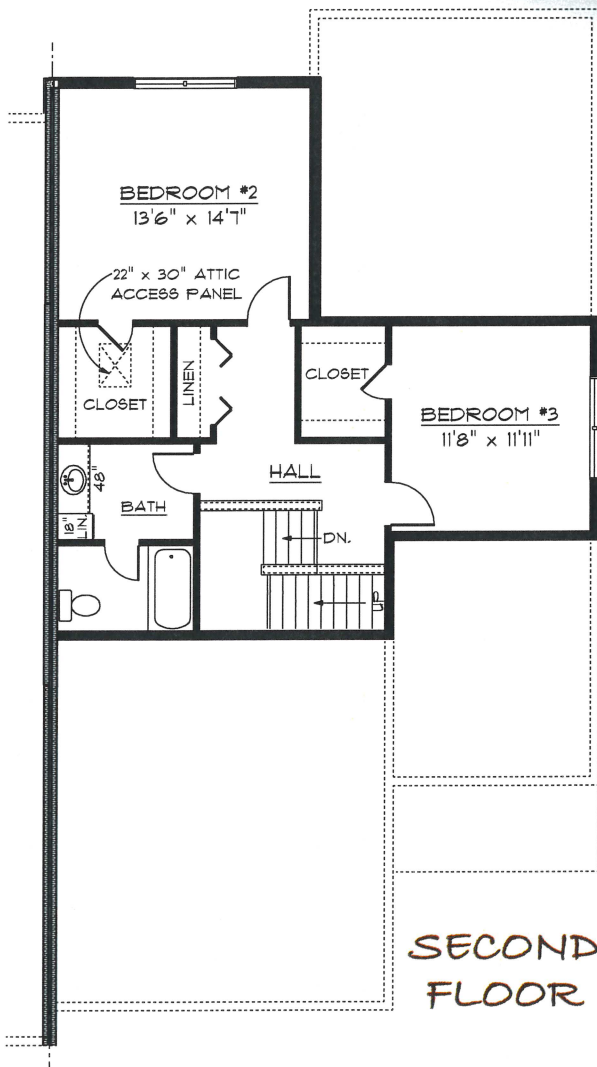
UNIT - A

LIVING AREA = 1,326 SF
GARAGE AREA = 417 SF

UNIT - B

1ST FLOOR = 1,222 SF
2ND FLOOR = 747 SF

LIVING AREA = 1,969 SF
GARAGE AREA = 426 SF



This drawing is for illustrative purposes only and is deemed to be accurate at the time of publication. All room sizes are approximate. The Builder reserves the right to make modifications and revisions as deemed necessary.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Mohawk Golf Club Subdivision - Ruffner Road		
Project Location (describe, and attach a general location map): 1851 Union Street/1245 Ruffner Road		
Brief Description of Proposed Action (include purpose or need): Subdivide 14± acres from existing Mohawk Golf Course, adjacent to Ruffner Road. A new boulevard entrance will be built through 1245 Ruffner Road to access two new cul-de-sac streets, on which twenty-two (22) new single-family townhouse lots are proposed as an Average Density Development, with roads to be dedicated to the Town, and common lands to remain under ownership of the Golf Course.		
Name of Applicant/Sponsor: Matthew Moberg (MGC Golf Operations, LLC)	Telephone: 814-571-4414	
	E-Mail: mmoberg@homesteadfunding.com	
Address: 8 Airline Drive		
City/PO: Albany	State: NY	Zip Code: 12205
Project Contact (if not same as sponsor; give name and title/role): Joseph J. Bianchine, P.E. (ABD Engineers, LLP)	Telephone: 518-377-0315	
	E-Mail: joe@abdeng.com	
Address: 411 Union Street		
City/PO: Schenectady	State: NY	Zip Code: 12305
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Niskayuna Town Board, approval for Average Density Development	To be submitted
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Niskayuna Planning Board, Subdivision Approval	To be submitted
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Schenectady County Planning Board, referral	To be submitted
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Army Corps of Engineers, Wetland Determination	To be submitted
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

R1 (Low Density Residential)

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Niskayuna CSD

b. What police or other public protection forces serve the project site?

Niskayuna PD

c. Which fire protection and emergency medical services serve the project site?

Niskayuna FD #1

d. What parks serve the project site?

River Road Park, Blatnick Park, Niskayuna Soccer Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 14± acres

b. Total acreage to be physically disturbed? 12± acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 190± acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential

ii. Is a cluster/conservation layout proposed? ☒ Yes ☐ No

iii. Number of lots proposed? 22 residential + 1 HOA

iv. Minimum and maximum proposed lot sizes? Minimum 0.22± Maximum 0.93±

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 24 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	22 Townhouses	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Temporary stormwater</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify:	
<u>Stormwater runoff</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
iv. Approximate size of the proposed impoundment. Volume: _____ TBD million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ TBD height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):	
<u>TBD</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	

iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	

v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Freshwater Forested/Shrub Wetland (isolated)</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Wetlands will be channeled using culverts to further direct them to the existing municipal storm system.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☒ Yes ☐ No
 If Yes:

- acres of aquatic vegetation proposed to be removed: TBD
- expected acreage of aquatic vegetation remaining after project completion: TBD
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
Site preparation
- proposed method of plant removal: Excavation
- if chemical/herbicide treatment will be used, specify product(s): N/A

v. Describe any proposed reclamation/mitigation following disturbance: _____
N/A

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 6,000± gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
 If Yes:

- Name of district or service area: Niskayuna Water District #3
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☐ Yes ☒ No

iii. Will line extension within an existing district be necessary to supply the project? ☒ Yes ☐ No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
1,100± feet of new water main
- Source(s) of supply for the district: Schenectady-Niskayuna SSA

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____
N/A

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: 3,000± gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 5,400± gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
 If Yes:

- Name of wastewater treatment plant to be used: Niskayuna Wastewater Treatment Plant
- Name of district: Niskayuna Sewer District #6
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

Page 6 of 13

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ <div style="text-align: center;">N/A</div></p> <p>iii. Parking spaces: Existing <u>0</u> Proposed <u>N/A</u> Net increase/decrease <u>N/A</u></p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>New private roads with access to existing Town road are proposed to serve the 22 townhome lots.</u></p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>7am-5pm</u> • Sunday: <u>7am-5pm</u> • Holidays: <u>7am-5pm</u> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Residential (24/7)</u> • Saturday: <u>Residential (24/7)</u> • Sunday: <u>Residential (24/7)</u> • Holidays: <u>Residential (24/7)</u> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>7am-5pm</u> • Sunday: <u>7am-5pm</u> • Holidays: <u>7am-5pm</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Residential (24/7)</u> • Saturday: <u>Residential (24/7)</u> • Sunday: <u>Residential (24/7)</u> • Holidays: <u>Residential (24/7)</u>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;">Noise from construction equipment _____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">Describe: <u>Tree clearing for development</u></p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;"><u>Residential building lighting, 75+ feet from nearest residential property line.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">Describe: <u>Tree clearing for development</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Golf Course

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	2.5	+2.5
• Forested	14.0	2.6	-11.4
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal) (Isolated)	TBD	TBD	TBD
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Landscaped</u>	0	8.9	+8.9

<p>c. Is the project site presently used by members of the community for public recreation?</p> <p>i. If Yes: explain: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?</p> <p>If Yes,</p> <p>i. Identify Facilities:</p> <p>Hillside Elementary School, Van Antwerp Middle School</p> <p>_____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam?</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?</p> <p>If Yes:</p> <p>i. Has the facility been formally closed?</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 6+ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> Silt Loam _____ _____ _____ </div> <div style="width: 35%; text-align: right;"> 100 % _____ _____ </div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ 2± feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Well Drained: <input checked="" type="checkbox"/> Moderately Well Drained: <input type="checkbox"/> Poorly Drained </div> <div style="width: 65%; text-align: right;"> _____% of site 100 % of site _____% of site </div> </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <input checked="" type="checkbox"/> 0-10%: <input type="checkbox"/> 10-15%: <input type="checkbox"/> 15% or greater: </div> <div style="width: 55%; text-align: right;"> 100 % of site _____% of site _____% of site </div> </div>	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name Freshwater Forested/Shrub Wetland (isolated) Approximate Size TBD • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Name of aquifer: Sole Source Aquifer Names: Schenectady-Niskayuna SSA	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p style="margin-left: 20px;">Typical Suburban _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: <u>Mohawk Towpath Scenic Byway</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Scenic Byway</u> iii. Distance between project and resource: _____ 1 miles.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Joseph J. Blanchine, P.E. (ABD Engineers, LLP) Date 7/20/2022

Signature  Title Professional Engineer



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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names: Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 3

MEETING DATE: 11/28/2022

ITEM TITLE: DISCUSSION: 1515 Hillside Ave. – Hillcrest Village Apartments -- site plan app. for new signage.

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	Type	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

RELEVANT ZONING CODE SECTIONS

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 8sf 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.

8/29/22 Planning Board (PB) meeting – 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.

The next step for the PB is to review the 11/15/22 design and consider calling for a resolution for site plan approval for the 12/12/22 PB meeting.

MORGAN PROPERTIES MC CONVERSION: HILLCREST

EXTERIOR SIGNAGE REBRANDING



SIGN SUMMARY

- 1** MAIN ENTRANCE
SIGN BRICK MONUMENT
- 2** NEW SECONDARY
ID SIGN
- 3** SECONDARY
ENTRANCE SIGN
- 4** LEASING CENTER
DIRECTIONAL SIGN
- 5** LEASING CENTER SIGN
- 6** AWNINGS
- 7**
- 8**
- 9**
- 10**

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(& Crane Service)

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PHONE 570-366-2311
E-Mail: signsetc@bartush.com
Web Address: www.bartush.com

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
	11-15-22

Dwg. By:

RBC

Dwg No:

HAH0818214017

DWG#

2

OF

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SIGN 1 - MAIN ID SIGN AT CORNER

QUANTITY (2 PANELS)



SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

3" ALUMINUM
WARM GRAY ACCENTS
SEPARATE FROM SIGN PANEL

COLORS FOR SIGN

BLACK



WHITE



GRAY



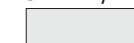
PMS WARM GRAY 9C

BLUE



MORGAN PROPERTIES
BLUE

SILVER/ALUMINUM



SIGN ELEVATION

$1/2" = 1'-0"$

Client:

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HILLCREST
APARTMENT HOMES

Location:

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NISKAYUNA NY 12309

Date:

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

Dwg. By:

RBC

Dwg No:

HAH0818214017

DWG#

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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;



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SIGN 2 - SECONDARY BUILDING ID SIGN - WEST

QUANTITY (1)

SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

COLORS FOR SIGN

BLACK



WHITE



GRAY



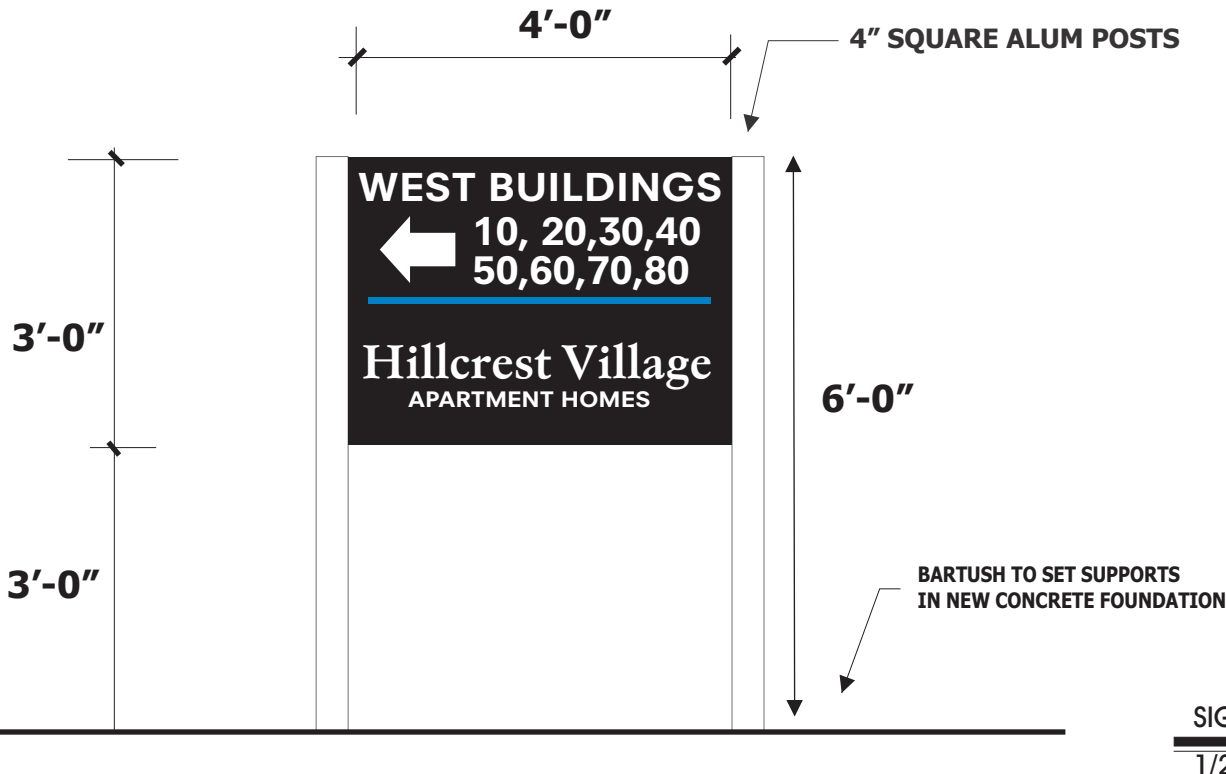
PMS WARM GRAY 9C

BLUE



MORGAN PROPERTIES
BLUE

SILVER/ALUMINUM



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;

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:

RBC

Dwg No:

HAH0818214017

DWG#

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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:
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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

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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

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08-22-22 09-07-22

11-15-22

Dwg. By:

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HAH0818214017

DWG#

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SIGN 3 - SECONDARY ID SIGN - ROSA ROAD

QUANTITY (2 PANELS)



SIGN CABINET OPTIONS

A. NON LIT FLAT COPY

COLORS FOR SIGN

BLACK



WHITE



GRAY



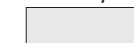
PMS WARM GRAY 9C

BLUE



MORGAN PROPERTIES BLUE

SILVER/ALUMINUM



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 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;



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:

RBC

Dwg No:

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DWG#

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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

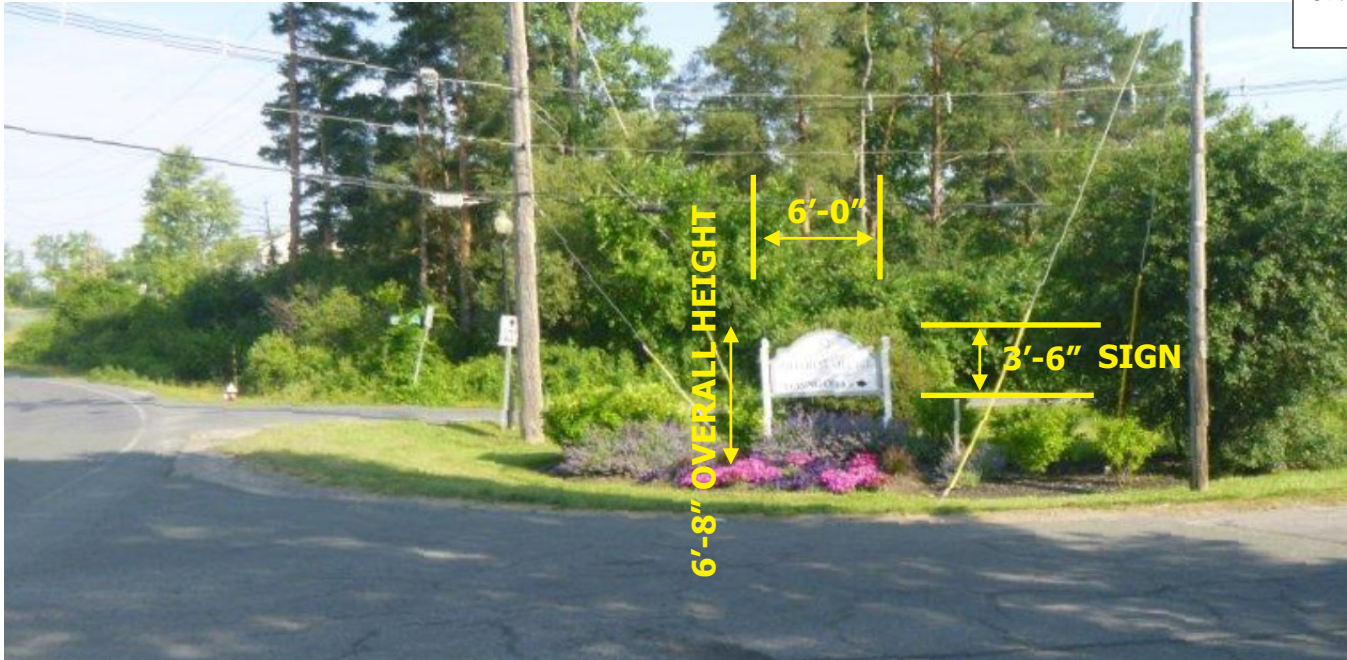
REPLACEMENT SIGN:

SIGN AREA: 3'-6" X 6'-0" = 21 SF

SIGN HEIGHT: 6'-8"

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
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Dwg. By:
RBC

Dwg No:

HAH0818214017

DWG# 8 OF 13

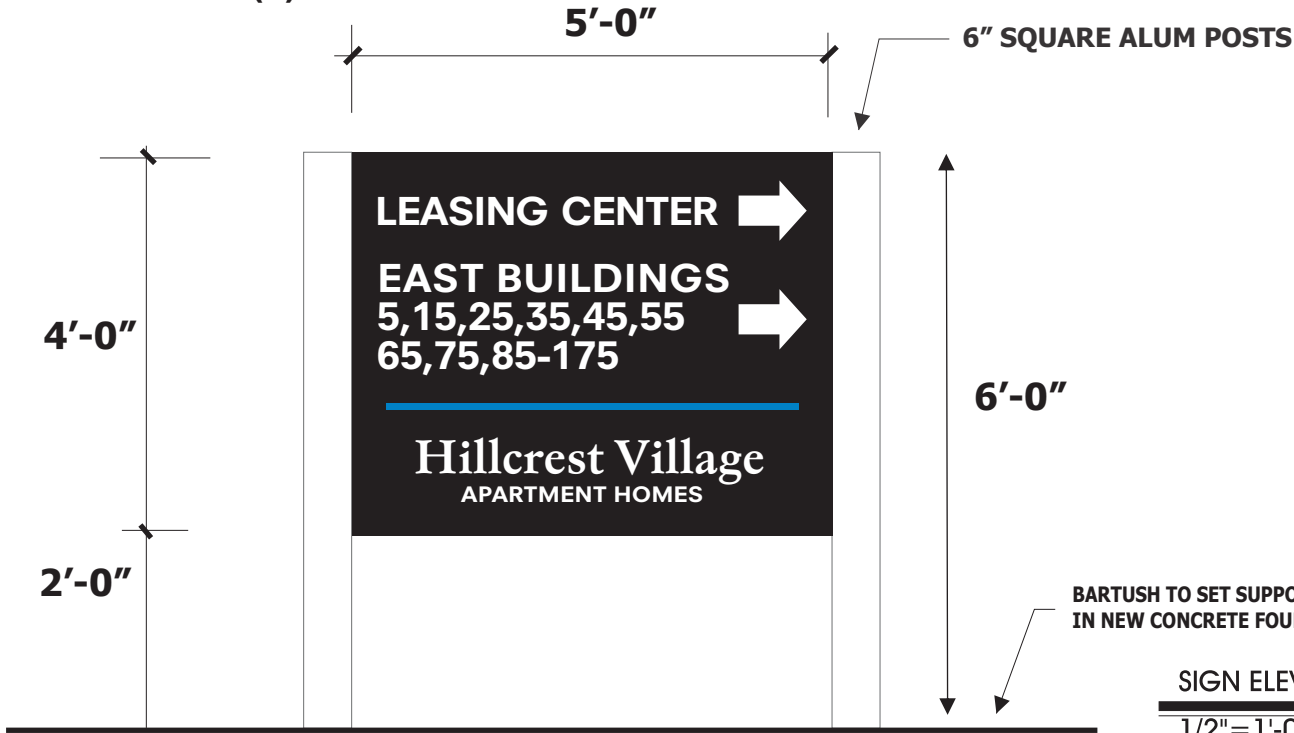
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SIGN 4 - LEASING CENTER DIRECTIONAL SIGN

QUANTITY (1)



SIGN CABINET OPTIONS

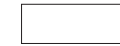
A. NON LIT FLAT COPY

COLORS FOR SIGN

BLACK



WHITE



GRAY



PMS WARM GRAY 9C

BLUE



MORGAN PROPERTIES
BLUE

SILVER/ALUMINUM



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;



Client:

MORGAN PROPERTIES
HILLCREST
APARTMENT HOMES

Location:

1515 HILLSIDE AVENUE
NISKAYUNA NY 12309

Date:

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DWG#

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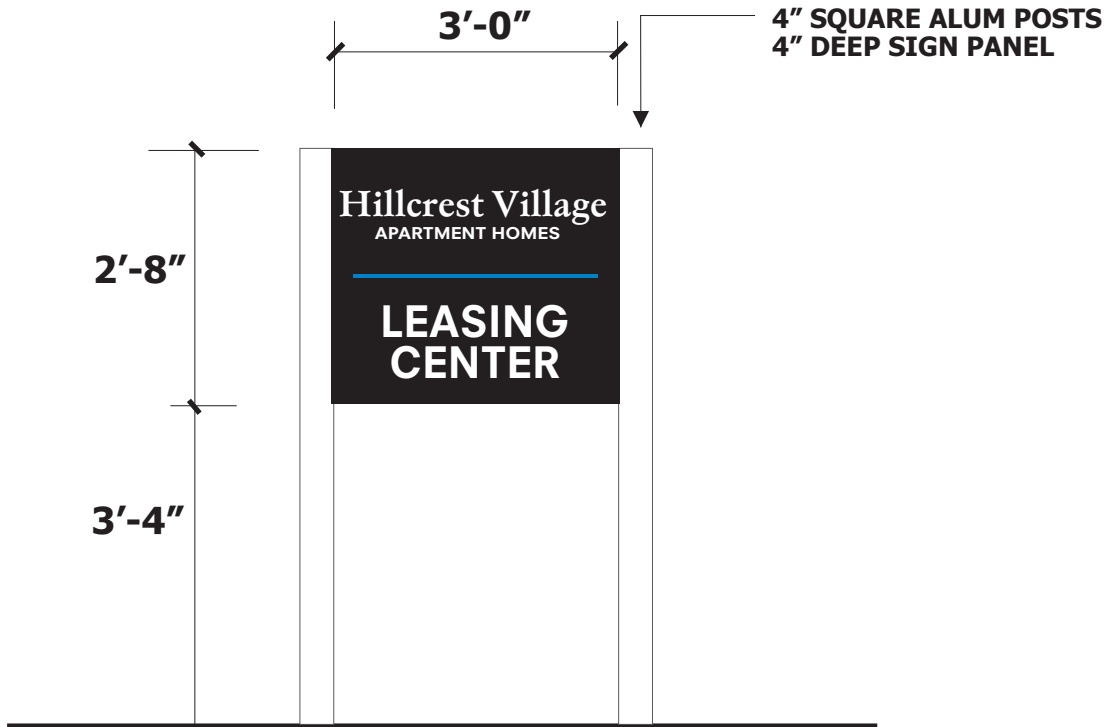
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SIGN 5 - LEASING CENTER ID SIGN

QUANTITY (1)



LEASING CENTER SIGN
INSTALLED

7.8 SF SIGN AREA



SIGN CABINET OPTIONS

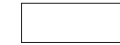
A. NON LIT FLAT COPY

COLORS FOR SIGN

BLACK



WHITE



GRAY



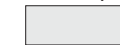
PMS WARM GRAY 9C

BLUE



MORGAN PROPERTIES
BLUE

SILVER/ALUMINUM



Client:

MORGAN PROPERTIES
HILLCREST
APARTMENT HOMES

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Date:

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DWG#

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PREVIOUS SIGN = 5.25 SF

SIGN 5B - LEASING CENTER WALL SIGN

QUANTITY (1)



**THIS SIGN REMOVED
= 10.1 SF**

Client:

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HILLCREST
APARTMENT HOMES

Location:

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NISKAYUNA NY 12309

Date:

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

Dwg. By:

RBC

Dwg No:

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**LEASING CENTER
SIGN AS INSTALLED**



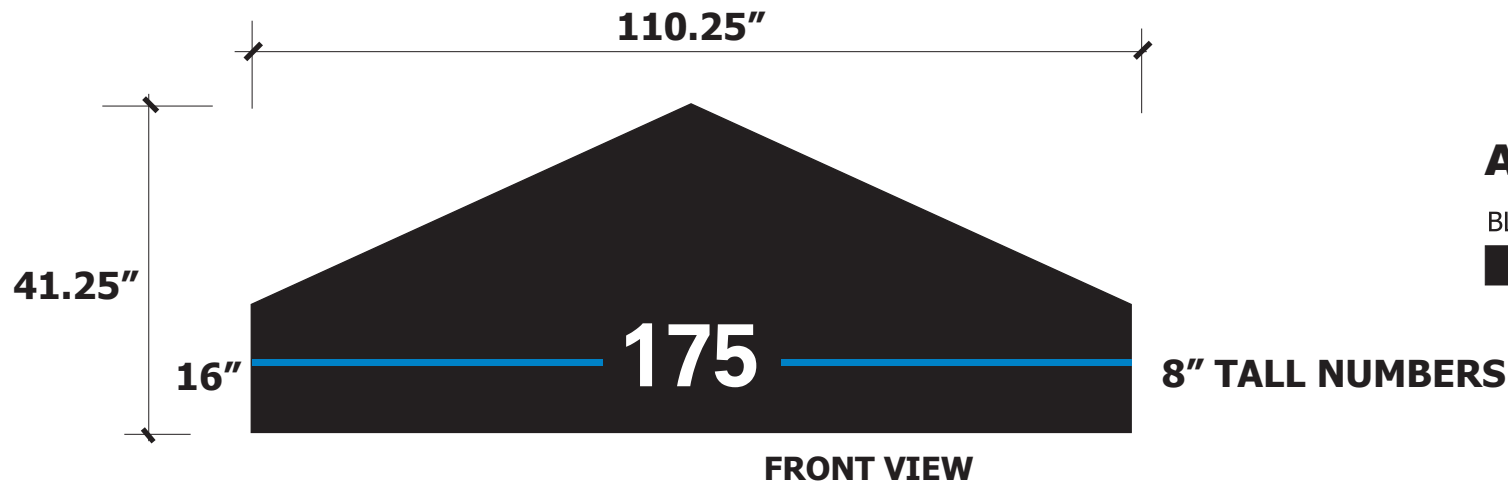
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SIGN 6 - BUILDING ID AWNING CANOPIES

QUANTITY (18)



AWNING COLORS

BLACK



WHITE



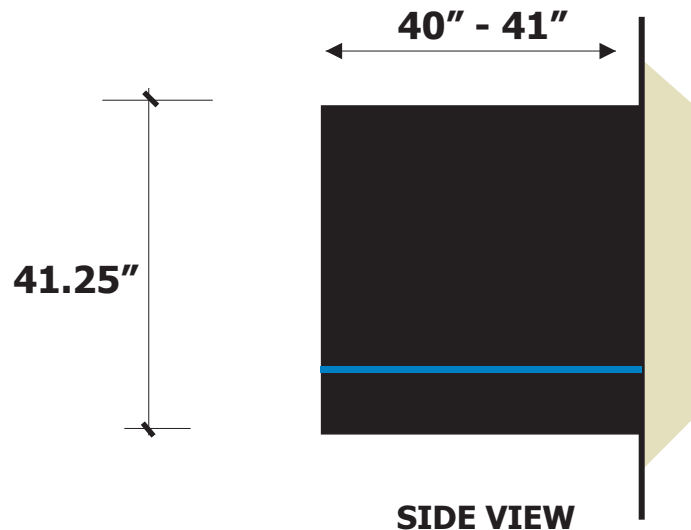
BLUE



MORGAN PROPERTIES
BLUE

SIGN ELEVATION

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:

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APARTMENT HOMES

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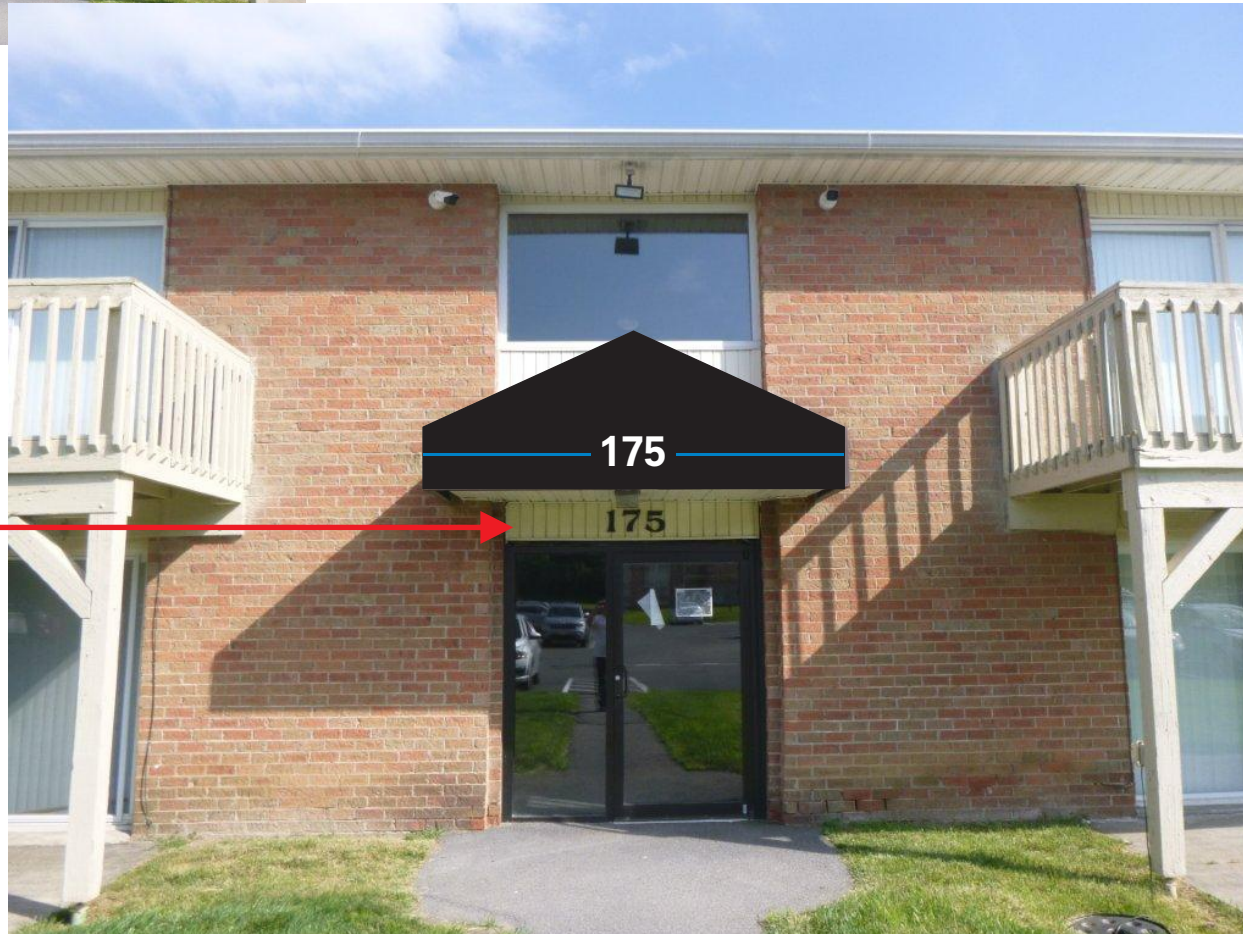
SIGN 6 - BUILDING ID AWNING CANOPIES

QUANTITY (18)



LEAVE RAISED
NUMBERS AS IS

REMOVAL WILL
EXPOSE
MOUNTING HOLES
IN METAL SIDING



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Location:

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Date:

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