

TOWN OF NISKAYUNA
Planning Board and Zoning Commission
Agenda
March 14, 2022
7:00 PM

REGULAR AGENDA MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. February 28, 2022

IV. PUBLIC HEARINGS

V. PRIVILEGE OF THE FLOOR

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. RECOMMENDATION TO ZBA: One Research Circle – A
Recommendation to the Zoning Board of Appeals (ZBA) for the
construction of a new 16,000 sq. ft. building requiring an area
variance for the height of the building.

VIII. DISCUSSION ITEM

1. 2635 Balltown Rd. – Trinity Baptist Church – site plan application for
clearing and construction of recreation fields

IX. REPORTS

1. Historic Code Adoption

X. COMMISSION BUSINESS

XI. ADJOURNMENT

NEXT MEETING: March 28, 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
February 28, 2022

Members Present:

Kevin Walsh, Chairman
Chris LaFlamme (virtual)
Michael Skrebutenas
Patrick McPartlon
Genghis Khan
David D'Arpino
Daci Shenfield
Leslie Gold

Also Present:

Laura Robertson, Town Planner
Alaina Finan, Town Attorney (virtual)
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. Skrebutenas and Mr. McPartlon were absent / excused from the meeting tonight.

III. MINUTES

February 14, 2022

The minutes were approved with one abstention.

Mr. LaFlamme	AYE
Mr. Khan	AYE
Mr. D'Arpino	AYE
Ms. Shenfield	AYE
Mr. Skrebutenas	AYE
Mr. McPartlon	ABSTAIN
Chairman Walsh	AYE

IV. PUBLIC HEARINGS

There were no public hearings.

V. PRIVILEGE OF THE FLOOR

No residents provided comments for privilege of the floor by email, videoconference or in-person participation.

VI. UNFINISHED BUSINESS

There was no unfinished business

VII. NEW BUSINESS**1. RESOLUTION: 2022-06: A Resolution for site plan approval including a special use permit to locate a daycare, Capital Kids Care after school and summer camp, within an existing place of worship at the Indian Orthodox church at 1930 Hillside Ave**

Mr. Khan made a motion to approve the resolution and it was seconded by Mr. Skrebutenas. Mr. Kyle Wright was present for the applicants. Chairman Walsh stated that the Town Board has approved the Special Use permit for this project. Ms. Robertson discussed with the applicant the next steps of the process for the business to open. She stated the fire department and building inspectors will have tasks to be completed before it opens.

Chairman Walsh asked if there were any more questions or comments. Hearing none, he called for the roll.

Upon voting, the resolution was passed 7-0.

Mr. LaFlamme	AYE
Mr. Khan	AYE
Mr. D'Arpino	AYE
Ms. Shenfield	AYE
Mr. Skrebutenas	AYE
Mr. McPartlon	AYE
Chairman Walsh	AYE

2. RESOLUTION: 2022-07: A Resolution for site plan approval for tenant fit up and occupancy of additional medical office space within the existing building at 3140 Troy Rd.

Ms. Shenfield made a motion to approve the resolution and it was seconded by Mr. Skrebutenas. Ms. Gold wanted to make a note that she is still concerned regarding this project. Mr. Ray Trotta was present for the meeting. He thanked the Board for their work. He stated he agreed and understood the conditions of the resolution.

Mr. Skrebutenas thanked the Planning Department for the thorough agenda statement. Ms. Robertson stated she had reached out to the Town of Colonie and the parking that was proposed in Colonie would not be allowed due to the residential home that it is already on the property. It

cannot have 2 uses. Colonie was also concerned about overflow parking on the private road. She stated the Planning Board would require the expensive parking spaces to be built if the parking became a problem and overflowed onto the private road – so she told the applicant it was in their best interest to manage the property so that the parking was never a problem.

Mr. McPartlon made a suggestion to ensure the parking requirements and future enforcement were clear. He proposed to change the words “may be employed” to “the Planning Board may require” in the resolution. The Board agreed. Mr. McPartlon made a motion to amend the resolution and it was seconded by Mr. Khan. The change was approved unanimously.

Hearing no other comments, Chairman Walsh called for a vote.

Upon voting, the resolution was approved 7-0.

Mr. LaFlamme	AYE
Mr. Khan	AYE
Mr. D’Arpino	AYE
Ms. Shenfield	AYE
Mr. Skrebutenas	AYE
Mr. McPartlon	AYE
Chairman Walsh	AYE

VIII. DISCUSSION ITEMS

1. One Research Circle – General Electric Global Research and Development Campus -- Site plan review for the construction of a new 16,000 sq. ft. building.

Mr. Khan stated he will be recusing himself from this project. Ms. Gold replaced Mr. Khan as Board member for this project. The applicants, Mr. Whalen and Mr. Hallas were present virtually for this meeting. Mr. Hallas described the proposed project as a 55 foot high, 16,000 square foot building. He stated it is early in the process with a possible construction and completion date of late 2022. He added that the engineer is still drawing up the plan. Mr. Hallas stated the project will be part of the Next/Gen Technologies in cryogenics and superconducting magnets. Mr. McPartlon asked how deliveries of the liquid nitrogen would be handled at the site. Mr. Whalen stated it would be very similar to how it is delivered now, just in a bigger quantity but less frequent due to the larger size of the building allowing more to be stored at one time.

Ms. Robertson explained to the Board that there is a possibility of 2 structures being removed with this building taking the place of other structures. Ms. Robertson reminded the applicants that the removal of the buildings will need to be noted on the site plan. The applicants acknowledged this process.

Ms. Shenfield asked the applicants what are the heights of buildings in proximity to this proposed building. The applicants thought it would be similar in height to the nearest building. Ms. Robertson stated she has compiled a list of height variances for this property and this building would not be out of character with the general heights of many of the buildings.

Chairman Walsh asked for any other comments or questions. Hearing none, he closed the discussion and thanked the applicants for attending the meeting.

IX. REPORTS

1. Comprehensive Plan Update

Ms. Robertson stated she will be collecting names to help on the committee. She stated she has heard from a few Planning Board members and members from other committees who would like to volunteer. She hopes to have at least one person from the community on the committee also. She asked if anyone was interested in helping, to please email her.

2. Planning Department Updates

Ms. Robertson stated she believed River's Ledge Senior Center would be on tonight's agenda but they called and said they needed more time. She stated it is being redesigned.

Mr. Khan asked about the status of the ACE hardware lighting. Ms. Robertson stated Ace Hardware is working on dimming the interior hanging lights and possibly timing them to turn off with the sign at night. Chairman Walsh asked the Board to drive by and take a look at the lights and give comments regarding them.

3. COVID 19 Updates

Ms. Robertson stated the mask mandate and thermometer check have been lifted. Ms. Robertson stated that masks are not required but it is up to the comfort level of the individual on to whether they wear them or not.

X. COMMISSION OF BUSINESS

Ms. Finan commented on the upcoming lawsuit regarding 1356 Balltown Road. She stated the attorneys filed an Article 78 against the Town and that she will be handling the case. Mr. D'Arpino discussed the residential case that is in front of the ARB presently. He stated the applicant needed to lower the roof due to code and the ARB was giving recommendations on how to visually keep it appealing with the neighborhood. Mr. Khan asked if there were updates regarding the drive-thru restaurant. Ms. Robertson stated there was nothing new to report. Ms. Robertson gave an update regarding the Historical Code. She stated that some revisions have been made by the Town Attorney and Mr. Brennan. Chairman Walsh asked if there were any updates regarding alternates for the Planning Board. Ms. Robertson stated there are 3 applicants and the Supervisor will be looking at those to make a decision. Ms. Gold asked if it could be noted that there seems to be missing documents regarding the original case for 3140 Troy Road. Due to the loss of documents, there is nothing on file regarding the limitations to the Special Use Permit. Ms. Robertson agreed.

XI. ADJOURNMENT

Chairman Walsh asked for a motion to adjourn. Mr. Skrebutenas made a motion to adjourn and it was seconded by Ms. Shenfield. The meeting was adjourned at 7:45 pm.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 3/14/2022

ITEM TITLE: RECOMMENDATION: A Recommendation to the ZBA for an area variance for the construction of a new building at One Research Circle – GE Global R&D Center.

PROJECT LEAD: TBD

APPLICANT: Corrie Whalen, employee / 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:

Corrie Whalen, acting on behalf of the General Electric Company, submitted an Application for Site Plan Review for a proposed new building on the campus at the intersection of KW Rd. and Discovery Drive. The proposed building is approximately 16,000 sq. ft. with a footprint of 80' wide x 220' long x 55' high.

BACKGROUND INFORMATION

The 522 acre property at 1 Research Circle lies within I-R Research and Development zoning district.

A 12-page document package was submitted with the application. Eight (8) of the pages were entitled "GE Cryo Schenectady, NY" by American Buildings Company dated 2/21/22 with no subsequent revisions. All 12 pages were stamped "Received Feb 23 2022 Planning Office Niskayuna, NY".

Mr. Whalen stated that the proposed new building will replace two existing buildings currently on the site. One of the existing buildings contains a piece of special equipment. The special equipment will be relocated to the proposed new building and the existing building will be demolished, along with one other additional building.

Niskayuna Zoning Code Section 220-10 District Regulations H Research and Development District (1) Permitted principal uses includes: (a) Research, experimental and testing

laboratories. The main Global Research and Development building is therefore a permitted principal use in the I-R zoning district.

Schedule I-F Part 1 C-S and I-R Districts Schedule of Supplementary Regulations Column 8 Additional Use Regulations, Prohibitions, Notes, Other Provisions and Requirements 1 states: "Other portions of this chapter notwithstanding for lot areas of 5 acres or larger, at the discretion of the Planning Board, 1 principal use may be contained in more than 1 principal building on the lot". Therefore the Planning Board may consider the proposed new building that is intended to contain a special piece of research and development equipment an additional building of the research, experimental and testing laboratories permitted principal use.

Niskayuna Zoning Code Section 220-17 Height regulations A states: "No building or structure shall exceed a height of 35 feet above the average finished grade adjoining the building unless otherwise specified in this chapter....."

As proposed the new building has a maximum height of 55 feet above finished grade. Therefore a variance of 20 feet ($55 - 35 = 20$) of building height is required.

2/28/22 Planning Board (PB) meeting – Mr. Whalen presented the project to the Board and described GE's need for the building. He stated that once the building is up and running two existing buildings will be demolished. Mr. Whalen disclosed that liquid Nitrogen will be delivered to the building on a regular basis and that there are no hazardous wastes or byproducts produced by the equipment that will be operated within the building. He also noted that no additional parking area will be added, the existing parking lot will actually be reduced. The Board asked for a digital rendering showing how the proposed building would appear from public roads and called for a recommendation to the Zoning Board of Appeals (ZBA) to be made at the 3/14/22 PB meeting.

3/2/22 Conservation Advisory Council (CAC) meeting – Ms. Robertson described the project to the CAC. Several questions were raised that were forwarded on to and answered by Mr. Whalen.

1. Will any new parking need to be added?
 - No, the parking lot in front of the location for the proposed build is in poor shape. The plan is actually to reduce parking spaces.
2. Could the proposed building be located on some of the existing impervious area?
 - The location was chosen so the parking area that is in good condition could continue to be used while the parking area in poor condition is removed.
3. Will green energy concepts such as solar panels, EV chargers be utilized?
 - EV charging stations will be included.
 - The applicant is working with NYSEERDA / National Grid to make sure the building is energy efficient and as environmentally friendly as possible.
 - The HVAC system will be geothermal to reduce carbon emissions.
4. Will the new building significantly increase the demand on the Town's sewage collection and treatment systems?
 - No, these areas will stay neutral when the project is complete.
 - Once the proposed building is up and running two existing buildings will be demolished.

5. Will there be any VOC emissions from the proposed building?

--- No.

Staff was not able to determine the height of the nearest building through the Town files – but did uncover the following building heights allowed by variances over time on the property:

1978 – Variance for 75' high Coal Gasification research building

1983 – Variance for 63' high building

1983 – Variance for 65.5' Semiconductor Facility

1980 – Variance for 67' high Metallurgy and Ceramics Building

1998 – 45' High addition to Coal Gasification Building

2002 – Variance for 88' C-wing building

2002 – Variance for 54' Guest House buildings

2004 – Variance for 55' for Chemistry Building

2017 – Variance for 20' service (accessory) building

This agenda item requires a recommendation from the Planning Board to the Zoning Board regarding the area variance for the project. The Zoning Board of Appeals will review the project at their March 16, 2022 meeting.



Town of Niskayuna

M E M O R A N D U M

TO: File

FROM: Laura Robertson, Town Planner

DATE: March 14, 2022

RE: One Research Circle – new 80' x 220' x 55' high research building

At a regular Planning Board and Zoning Commission (PB) meeting held on March 14, 2022 the PB reviewed the appeal by Corrie Whalen, acting on behalf of the General Electric Company, for a variance from Niskayuna Zoning Code Section 220-17 as it applies to the property at One Research Circle, Niskayuna, New York located in the I-R Research and Development Zoning District, for an Application for Site Plan Review for the construction of a new 80 ft. x 220 ft. x 55 ft. high research building on the 522 acre property. An area variance for the height of the proposed new building is required.

Niskayuna Zoning Code Section 220-17 Height regulations A states: "No building or structure shall exceed a height of 35 feet above the average finished grade adjoining the building unless otherwise specified in this chapter."

A 12-page document package was submitted with the application. Eight (8) of the pages were entitled "GE Cryo Schenectady, NY" by American Buildings Company dated 2/21/22 with no subsequent revisions. All 12 pages were stamped "Received Feb 23 2022 Planning Office Niskayuna, NY".

As proposed in the document package, the new building has a maximum height of 55 feet above finished grade. Therefore a variance of 20 feet ($55-35=20$) of building height is required.

The Conservation Advisory Council (CAC) reviewed the project with the applicant during their regularly scheduled meeting on 3/2/22. The Council requested additional information in response to 5 questions that were raised during the meeting. The applicant responded to the questions and the additional information is included in the Planning Board meeting packet for the 3/14/22 meeting.

The Planning Board made the following recommendations:

Effect on the Comprehensive Plan –

Suitability of Use –

RECOMMENDATION –



TOWN OF NISKAYUNA

PLANNING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381

Laura Robertson
Town Planner

(518) 386-4522
FAX: (518) 386-4592

BUILDING AND ZONING PERMIT DENIAL

Address: One Research Circle
GE Global Research

Application Date: 2/23/22

GE Global Research
One Research Circle
Niskayuna, NY 12309
corrie.whalen@ge.com

Dear Mr. Whalen:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your Application for Site Plan Review for a proposed new building on the GE Global Research campus at One Research Circle has been denied by reason of failure to comply with the provisions of Niskayuna Zoning Code Section 220-17 Height regulations. The property is located in the I-R Research and Development Zoning District.

A 12-page document package was submitted with the application. Eight (8) of the pages were entitled "GE Cryo Schenectady, NY" by American Buildings Company dated 2/21/22 with no subsequent revisions.

Your application is denied based upon the following requirements of the Zoning Ordinance:

Niskayuna Zoning Code Section 220-17 Height regulations A states: "No building or structure shall exceed a height of 35 feet above the average finished grade adjoining the building unless otherwise specified in this chapter. The finished grade of artificial berms or similar earthen structures created for insulation or other purposes adjacent to the building shall be disregarded in the determination of average finished grade".

As proposed in the aforementioned document package the new building measures 55' high. Therefore a 20' ($55' - 35' = 20'$) area variance for the height of the building is required.

Under the provisions of Section 220-69 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.

A handwritten signature in cursive script, appearing to read "Laura Robertson".

Laura Robertson, Deputy Code Enforcement Officer

2/28/22

Date

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 3-8-22
Case No. N-1-22
Returned _____

FROM: ☐ Legislative Body
☒ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Niskayuna

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

Received
Schenectady County

ACTION: ☐ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☒ Site Plan Review

☐ Special Permit
☐ Use Variance
☒ Area Variance
☐ Other (specify) _____

MAR 08 2022

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: March 16, 2022

SUBJECT: The Town of Niskayuna has received a site plan application from General Electric Global Research and Development that requires an area variance for an 80' wide x 220' long x 55' high building. Town Zoning Code Section 220-17 Height regulations permits buildings to be no greater than 35' in height above finished grade. As proposed, the new building would be 55' in height. Therefore a, a 20' height variance is required.

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☒ the boundary of any city, village or town;
 - ☒ the boundary of any existing or proposed County or State park or other recreation area;
 - ☒ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Laura Robertson

Title: Town Planner

Address: 1 Niskayuna Circle, Niskayuna, NY 12309

E-mail: lrobertson@niskayuna.org

Phone: 518-386-4530



Date: 2/28/22

Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. N-01-22

Applicant GE Global Research

Referring Officer Laura Robertson

Municipality Niskayuna

Considerations: Site plan approval and an area variance to construct a 16,000 SF building where the proposed 55' height exceeds the maximum permitted height of 35'. Located on the GE Research Campus approximately 700' north of River Road (CR 19).

RECOMMENDATION

Receipt of zoning referral is acknowledged on March 8, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☒ ***Approve of the proposal.**
- ☐ **Defer to local consideration (No significant county-wide or inter-community impact)**
- ☐ **Modify/Conditionally Approve. Conditions:**

☐ **Advisory Note:**

☐ **Disapprove. Reason:**

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

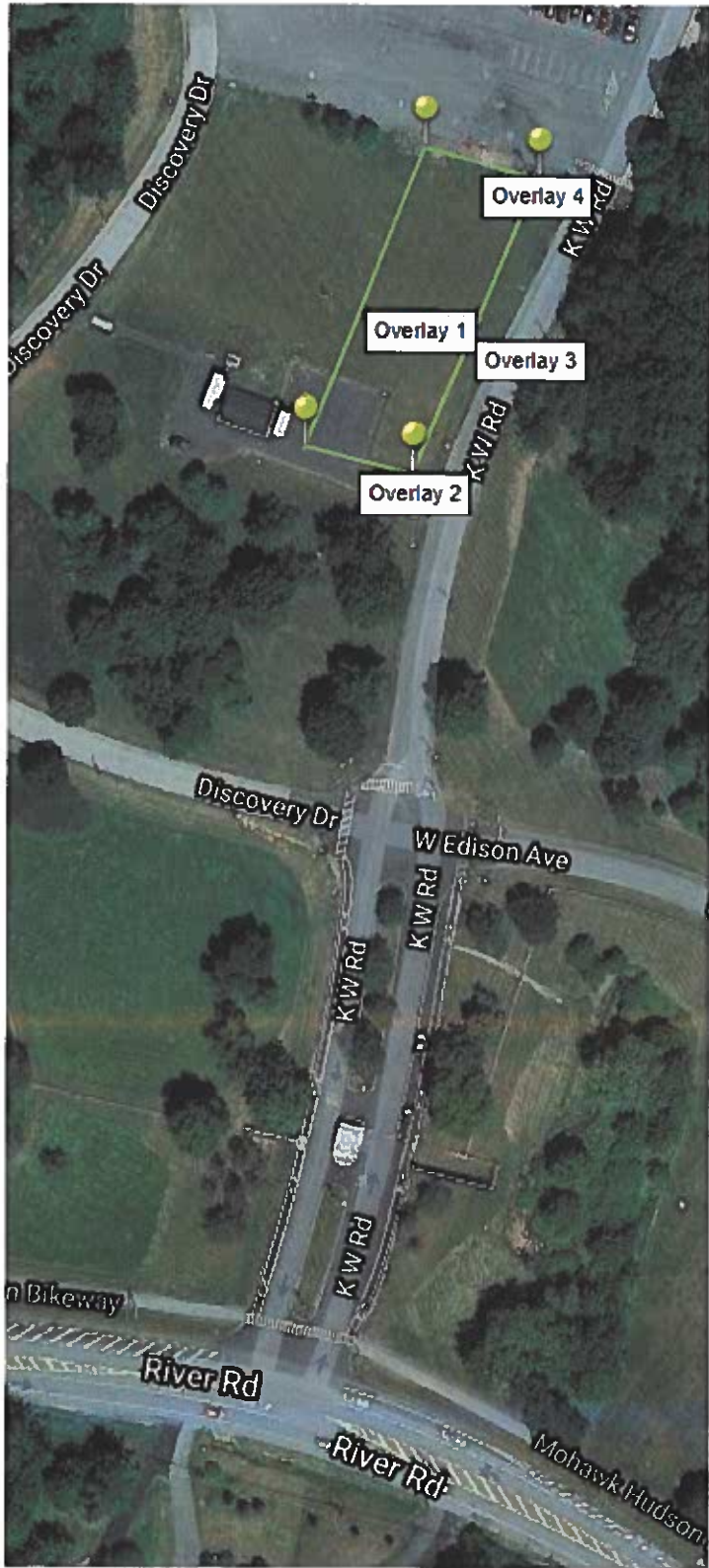
Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

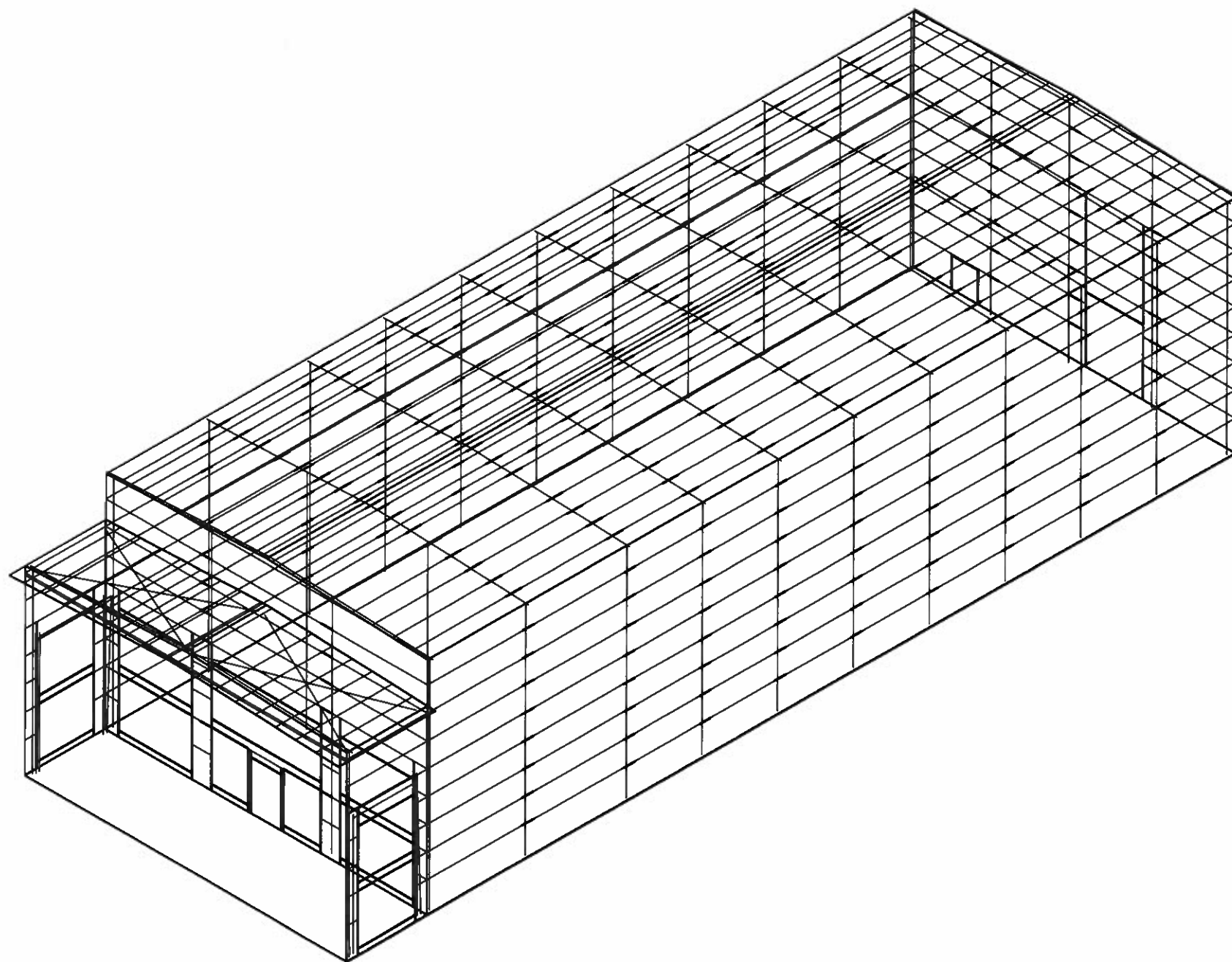
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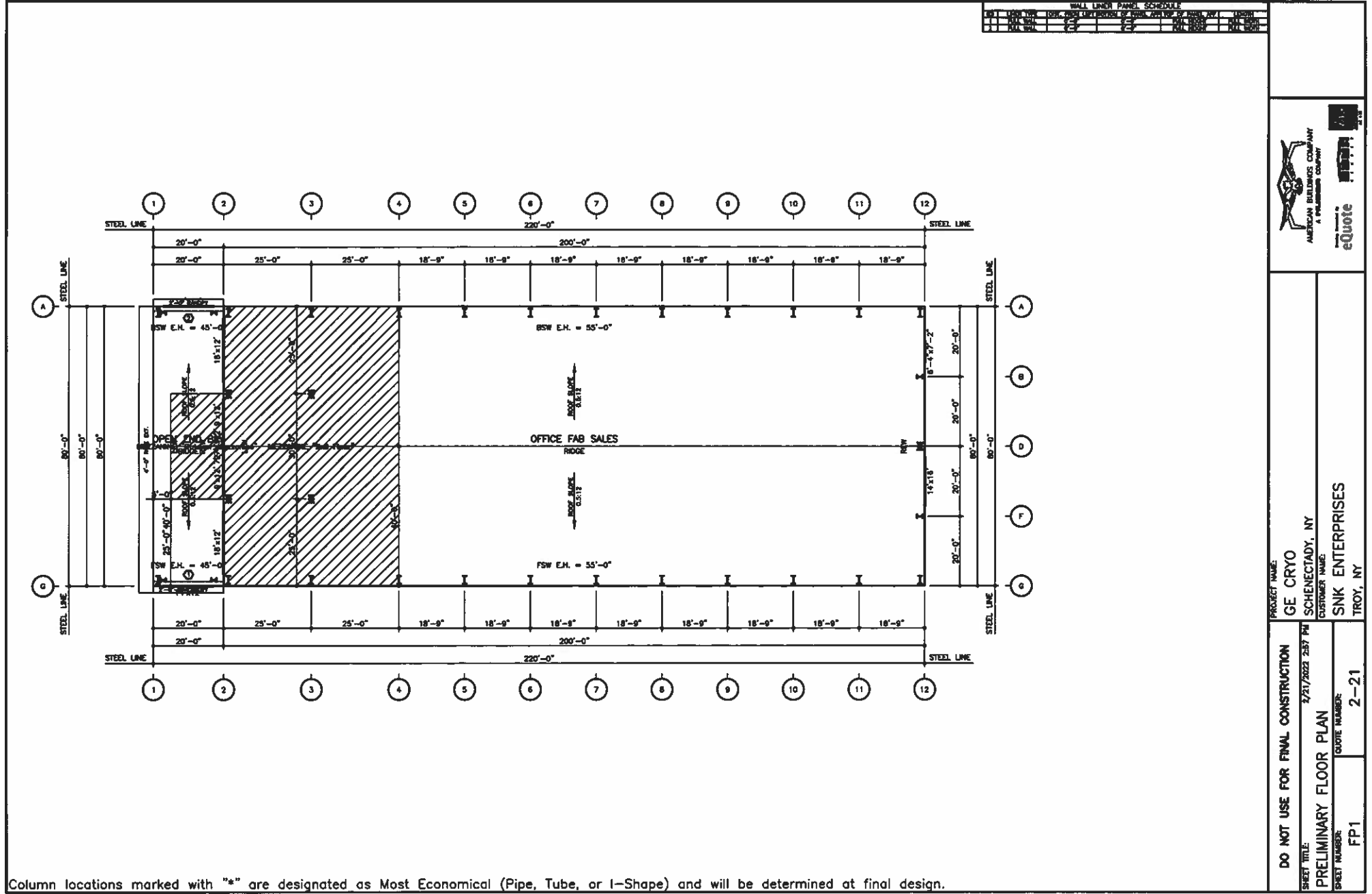
Date

Ray Gillen / SPK
Ray Gillen, Commissioner
Economic Development and Planning



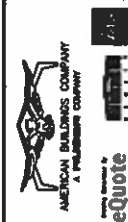








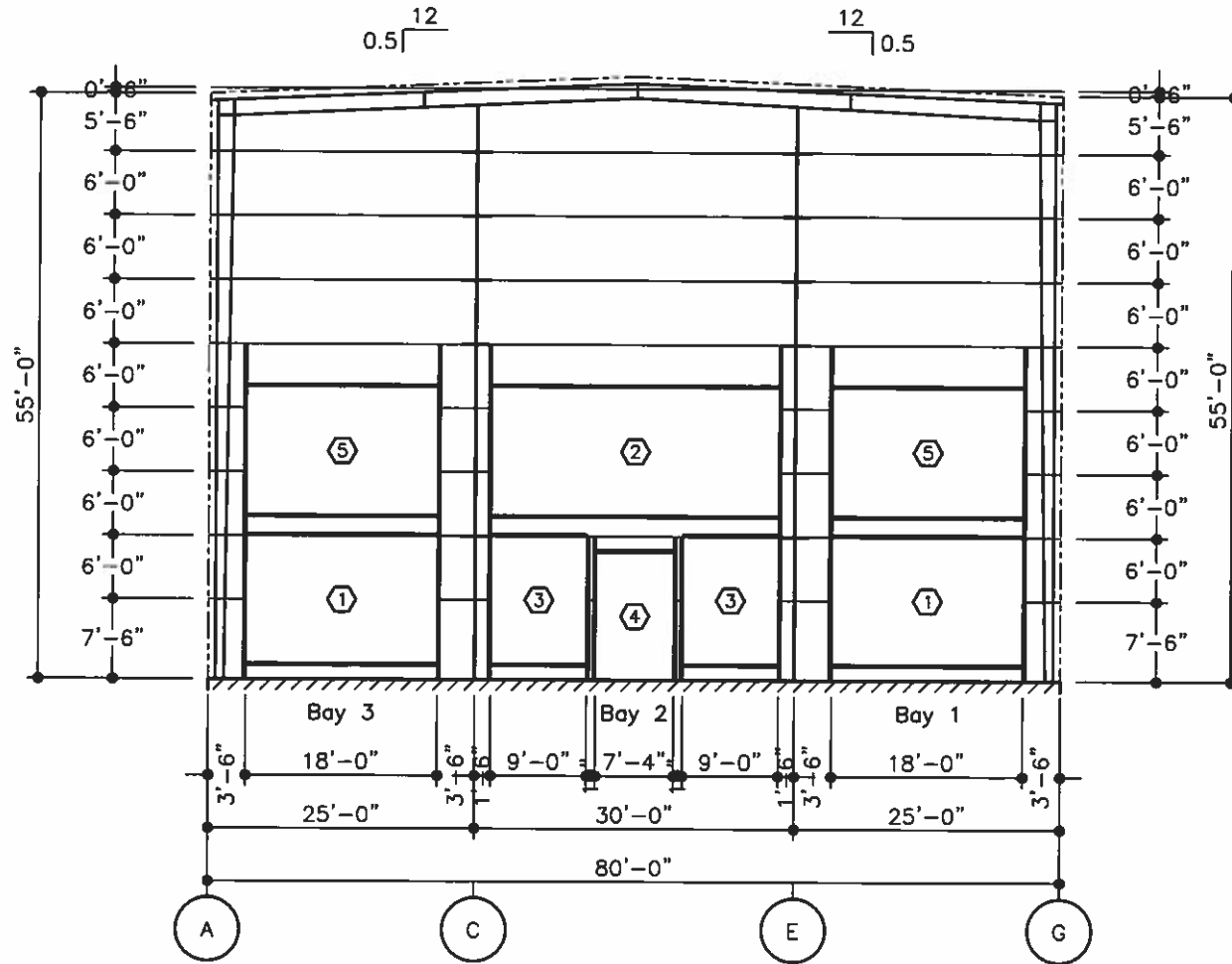
SCHENECTADY, NY
CUSTOMER NAME:
SNK ENTERPRISES



KEY PLAN

OPEN END BAY OFFICE FAB SALES

FRAMED OPENING SCHEDULE					
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	2	18'-0"	12'-0"	1'-6"	FACTORY
2	1	27'-0"	12'-0"	15'-6"	FACTORY
3	2	9'-0"	12'-0"	1'-6"	FACTORY
4	1	7'-4"	12'-0"	0'-0"	FACTORY
5	2	18'-0"	12'-0"	15'-6"	FACTORY



ELEVATION AT LINE 2



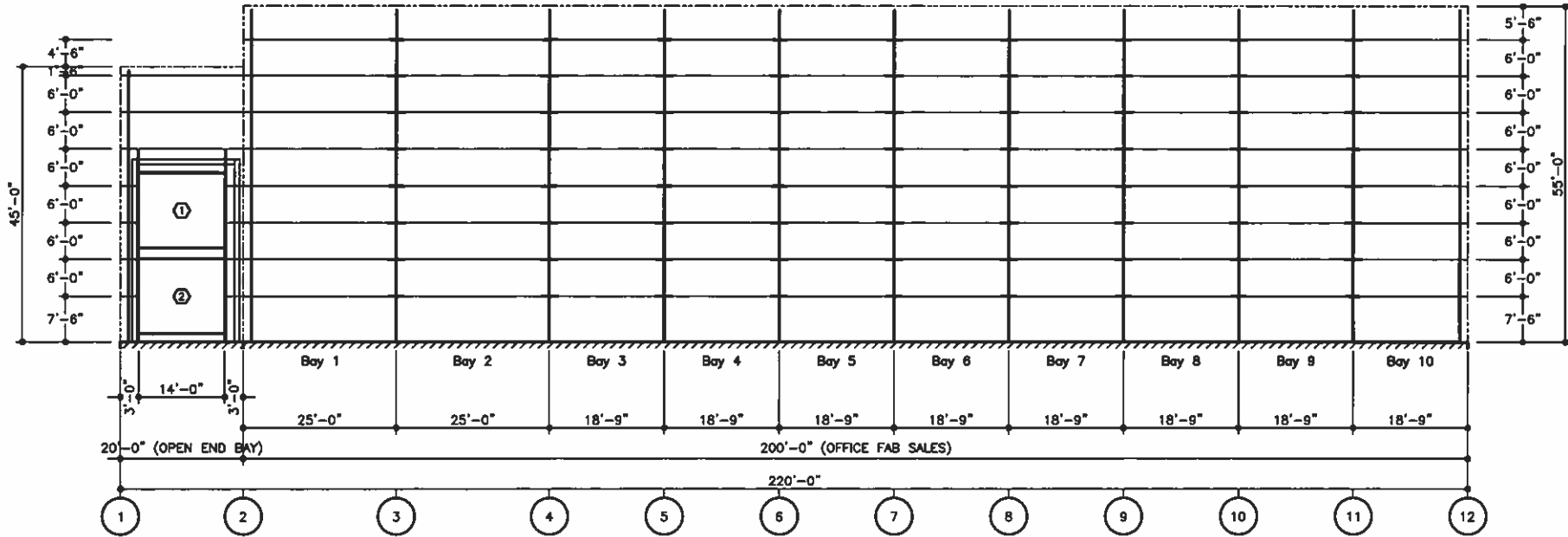
PROJECT NAME:
GE CRYO
SCHENECTADY, NY
CUSTOMER NAME:
SNK ENTERPRISES
TROY, NY

DO NOT USE FOR FINAL CONSTRUCTION
SHEET TITLE:
PRELIMINARY STRUCTURAL ELEVATIONS
SHEET NUMBER:
ST5
2/21/2023 2:57 PM
QUOTE NUMBER:
2-21

KEY PLAN



FRAMED OPENING SCHEDULE				
NO.	QTY	WIDTH	HEIGHT	LOCATED
1	1	14'-0"	12'-0"	15'-6"
2	1	14'-0"	12'-0"	1'-6"
FACTORY				



ELEVATION AT LINE G

DO NOT USE FOR FINAL CONSTRUCTION

SHEET TITLE: PRELIMINARY STRUCTURAL ELEVATIONS

ST6

QUOTE NUMBER: 2-21

PROJECT NAME: GE CRYO

2/21/2022 2:57 PM

SCHENECTADY, NY

CUSTOMER NAME: SNK ENTERPRISES

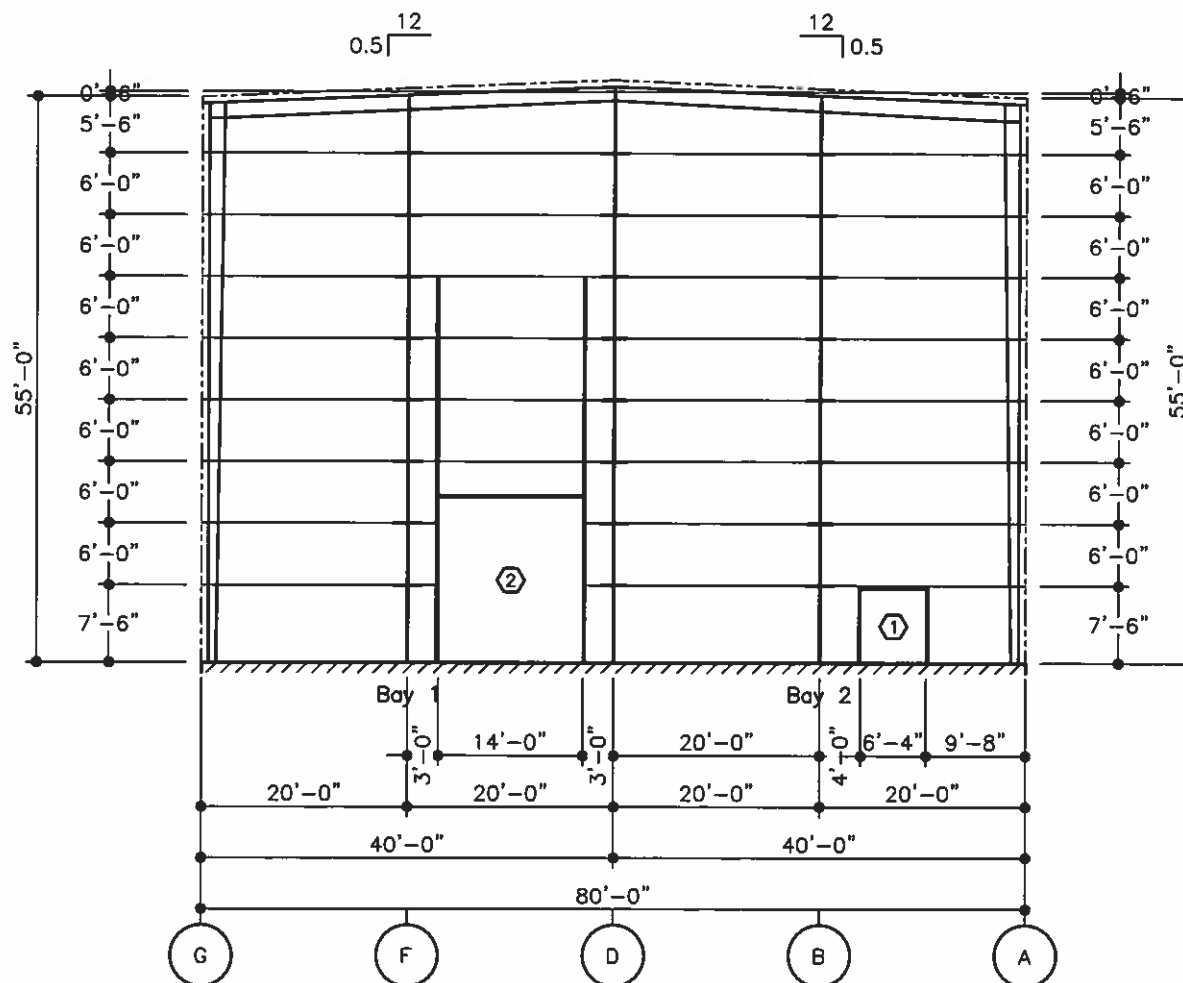
TROY, NY



END BAYOFFICE FAB SALES

END BAYOFFICE FAB SALES

FRAMED OPENING SCHEDULE					
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2	1	14'-0"	16'-0"	0'-0"	FACTORY



ELEVATION AT LINE 12



PROJECT NAME: GE CRYO
SCHENECTADY
CUSTOMER NAME: SNK ENTER
TROY, NY

DO NOT USE FOR FINAL CONSTRUCTION

2/21/2023 2:37 PM

SHEET TITLE:
PRELIMINARY STRUCTURAL ELEVATIONS

QUOTE NUMBER:
2-21

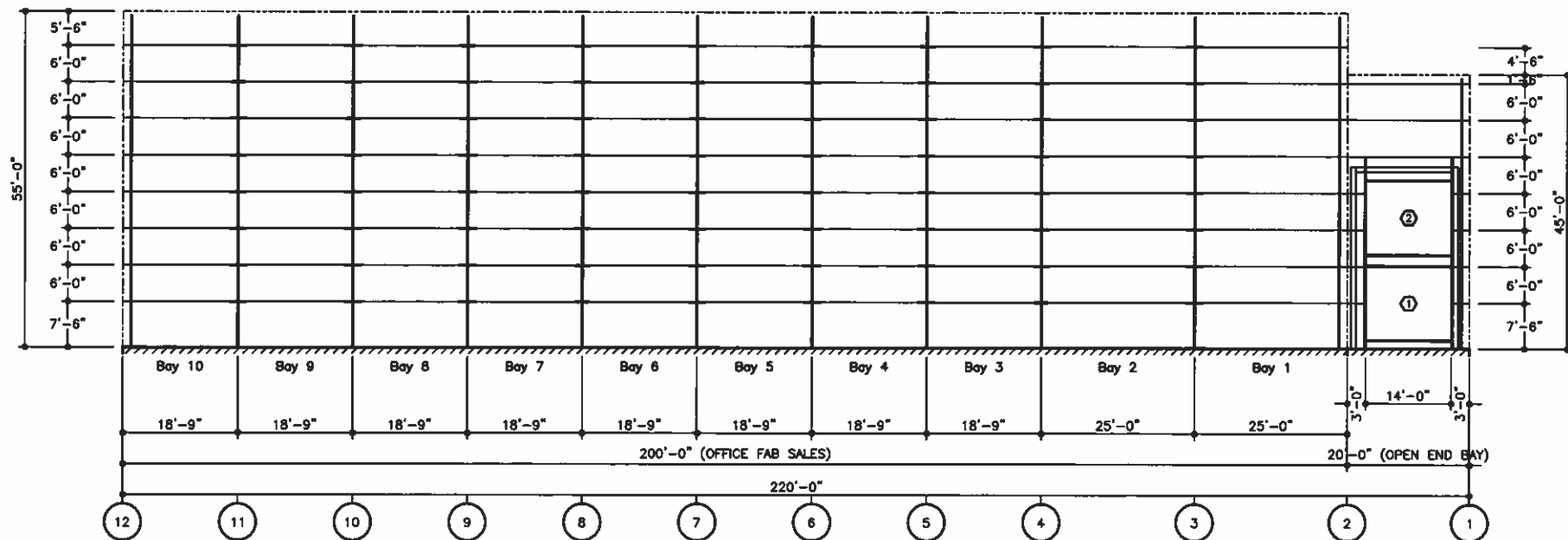
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ST7

33

CT7

DO BADOFFICE FAB SALES

FRAMED OPENING SCHEDULE					
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2	1	14'-0"	12'-0"	15'-6"	FACTORY



ELEVATION AT LINE A















PROJECT NAME: GE CRYO
SCHENECTADY
CUSTOMER NAME: SNK ENT
TROY, NY

DO NOT USE FOR FINAL CONSTRUCTION

2/21/2022 2:37 PM

SHEET TITLE:
PRELIMINARY STRUCTURAL ELEVATIONS

QUOTE NUMBER:
2-21

SHEET NUMBER:
STB

OPEN END BAD OFFICE FAB SALES



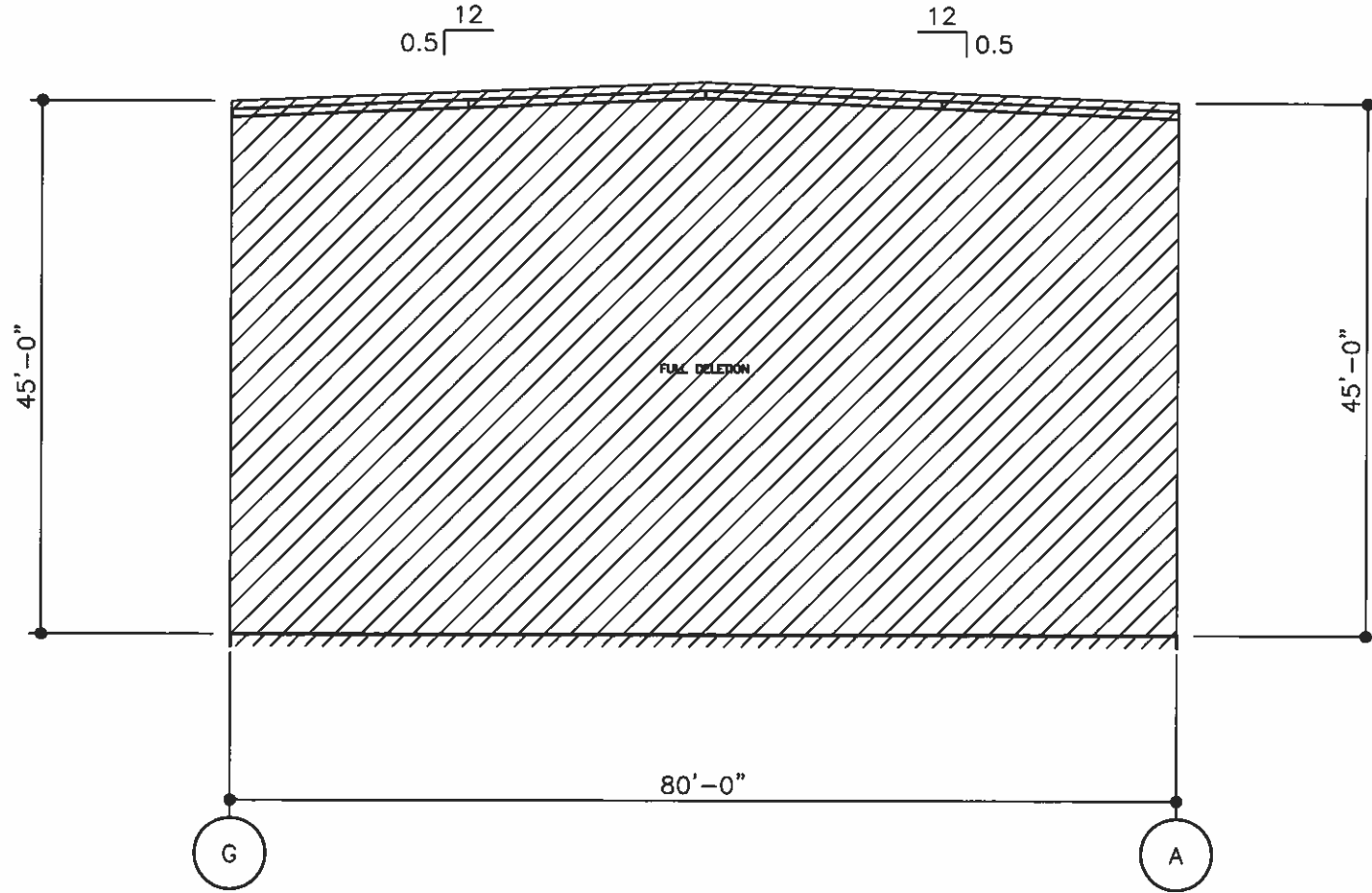

AMERICAN BUILDINGS COMPANY
 A PULPSTONE COMPANY

PROJECT NAME	GE CRYO
CUSTOMER NAME	SCHENECTADY, NY
	SNK ENTERPRISES
	TROY, NY

DO NOT USE FOR FINAL CONSTRUCTION	
SHEET TITLE	2/21/2023 2:57 PM
PRELIMINARY STRUCTURAL ELEVATIONS	
SHEET NUMBER:	QUOTE NUMBER:
ST9	2-21

KEY PLAN

OPEN END BAY OFFICE FAB SALES

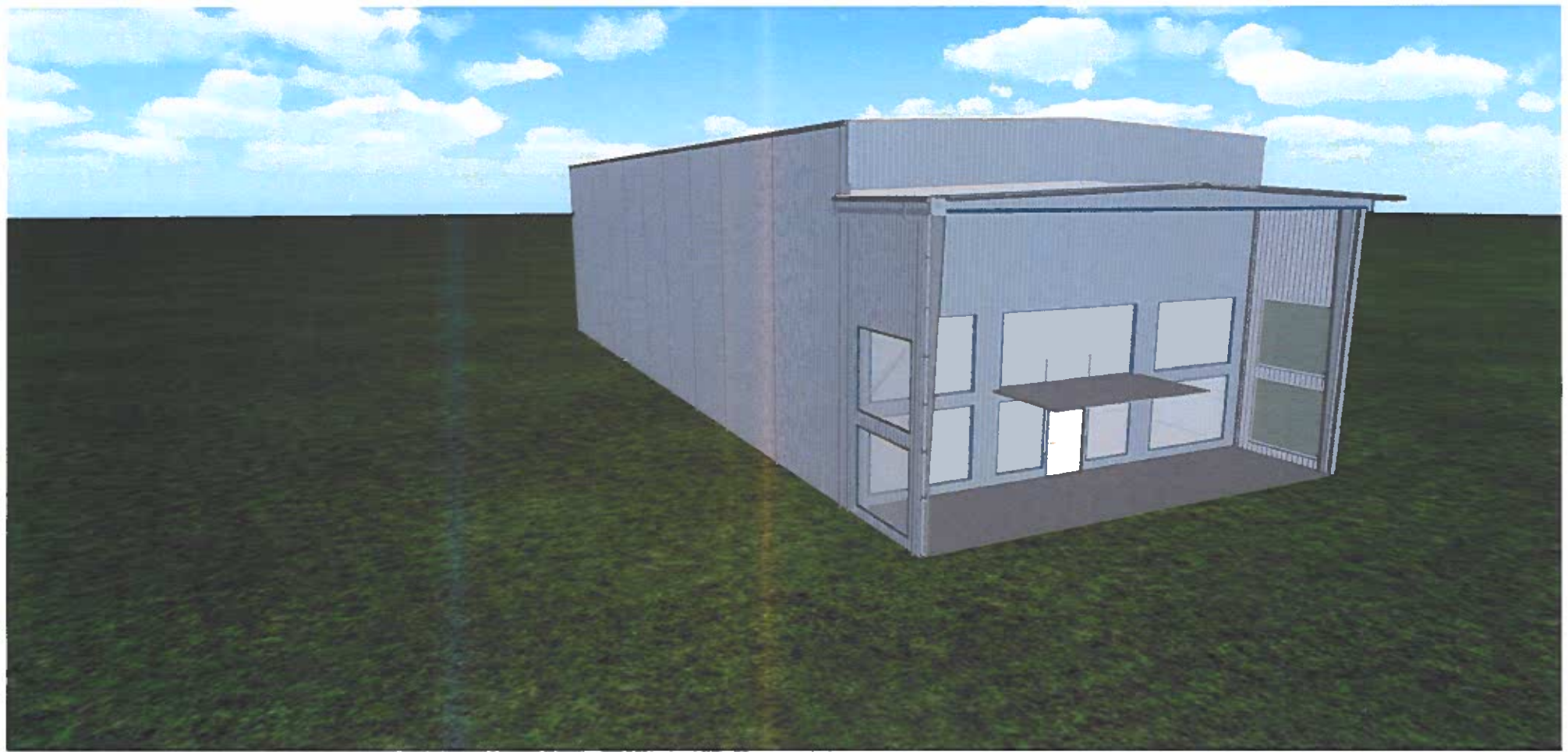


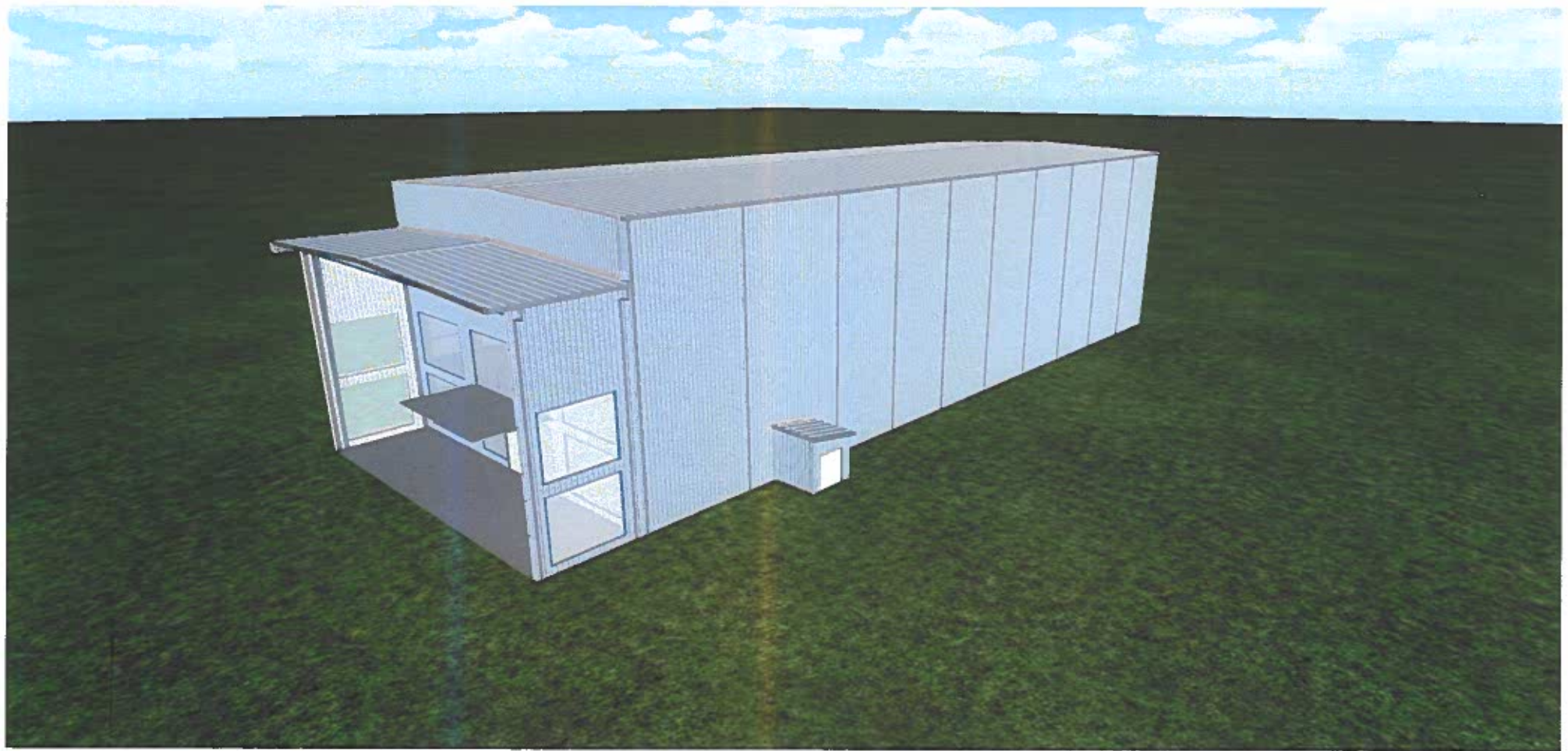
ELEVATION AT LINE 2



PROJECT NAME:
GE CRYO
SCHEMECTADY, NY
CUSTOMER NAME:
SNK ENTERPRISES
TROY, NY

DO NOT USE FOR FINAL CONSTRUCTION
SHEET TITLE:
2/21/2022 2:37 PM
PRELIMINARY STRUCTURAL ELEVATIONS
SHEET NUMBER:
ST11
QUOTE NUMBER:
2-21







TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 3/14/2022

ITEM TITLE: DISCUSSION ITEM: 2635 Balltown Rd. – site plan application for clearing and construction of recreation fields.

PROJECT LEAD: TBD

APPLICANT: Tess Healey, applicant 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:

Tess Healey, agent for the owner, submitted an Application for Site Plan Review for the construction of recreation fields at Trinity Baptist Church located at 2635 Balltown Road. The front half of the property, fronting Balltown Rd, is within the R-2 Medium Density zoning district. The back half of the property is within the R-3 High Density zoning district. The proposed project would be limited to the portion of the property zoned R-3. Places of worship and religious education facilities are special principal uses in both the R-2 and R-3 zoning districts.

BACKGROUND INFORMATION

The lot at 2635 Balltown Road includes 7 acres of land, 3.6 acres of which are undeveloped. A survey was performed on 5/24/21 and a wetland delineation map of the property was created. The map entitled "Wetland Delineation Map A Portion of TMP #31.-1-55" by Gilbert VanGuilder Land Surveyor, PLLC dated May 24, 2021 and a model indicating the area of wetland elimination pending Army Corp of Engineers approval was provided with the Application for Site Plan Review.

Within the surveyed area 2.4 acres are uplands and 1.2 acres are wetlands. Trinity Baptist Church is seeking site plan approval to clear 1.8 acres of the uplands. Trinity Baptist Church is applying for a Nationwide Permit from the Army Corps of Engineers to eliminate 10% of the wetlands, 0.12 acres (see site plan). Around the remaining wetlands a 25' vegetative buffer will be left and a 15' offset will remain un-cleared along property lines. The clearing will include chopping and removing stumps from trees and grading as needed. Disturbed area will be restored as natural-appearing landforms and shall blend in with the terrain of adjacent undisturbed land. Grass seed and topsoil, if needed, will be used to stabilize the cleared area.

To divide the cost of the project into manageable portions, the project will be divided into phases. Phase 1 activities will include the clearing and restoration of the 1.8 acres of land. Subsequent phases will include the construction of a proposed picnic pavilion and 15' wide crush run gravel access road to the pavilion.

Phase 1: Construction phasing plan (estimated exposure of 1 week to finish)

1. Silt fence will be installed around the construction perimeter
2. Wetland area will be taped off
3. Clearing of area specified in site plan -- estimated exposure of 1 week to finish entire clearing
4. Grading to level / runoff towards wetlands. Disturbed areas will be restored as natural-appearing landforms and will blend in with the terrain of adjacent undisturbed land.
5. Grass seed and topsoil, as needed, will be distributed over the cleared area

8/9/21 Planning Board (PB) meeting – The applicant explained the project to the PB and a general discussion ensued. The applicant explained a broken drainage pipe bisects the proposed area to be cleared and runs from the small white square (storm water drain) on the wetland delineation drawing towards the back of the property. It was reported that the pipe has been repaired. The town noted that a TDE may be required to review and evaluate the impact the project may have on drainage.

The following action items were determined.

1. Planning Office – check wetland buffer requirements for residential & commercial lots
2. Applicant – prepare a site drawing that includes elevations
3. Applicant – add the proposed location of the proposed pavilion on the drawing.

A site plan drawing entitled “Trinity Baptist Church 2635 Balltown RD. Niskayuna, NY 12306” by VanGuilder Engineering dated 12/5/2021 with no subsequent revisions was provided to the Planning Office on 3/1/22 and stamped “Received Mar 01 2022 Planning Office Niskayuna, NY”. The drawing includes the following.

1. A 25 ft. wetland buffer along the boundaries of all wetland areas
2. Elevation / contour lines
3. The proposed location of a 50 ft. x 60 ft. pavilion that includes gutters with leaders directed towards the wetland area
4. Identification of a wetland area of approximately 1/10 TH of an acre that will be removed pending approval from a nationwide permit that has been submitted to the Army Corps. of Engineers.
5. An approximately 15 ft. wide x 100 ft. long crusher run road leading to the pavilion
6. A proposed berm to be constructed 5 ft. from the southwest property line to direct water away from property lines and towards wetlands
7. Identification of an area that will be graded to correct a drainage pipe that sank over time

The applicant is here to update the Board on the project and discuss next steps.

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				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): </div> <div style="margin-top: 5px;"><input type="checkbox"/> Parkland</div>				

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional Wetland <input type="checkbox"/> Urban 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 <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
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 <input type="checkbox"/>	YES <input type="checkbox"/>
49. 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

site development permit from the Town of Niskayuna Department of Engineering (DOE). Depending upon the project, this permit may require approval of a stormwater pollution prevention plan (SWPPP)

A written narrative

Trinity Baptist Church located at 2635 Balltown Rd. Niskayuna, NY 12306 is on a parcel of over 7 acres of land. A wide front lawn borders Balltown road and moving further back from Balltown Rd. is the church building then a parking lot behind that. Behind the parking lot is approximately 3.6 acres of undeveloped land. This area was surveyed on 5/24/21 and the wetlands were delineated. Within that surveyed area 2.4 acres are uplands and 1.2 acres are wet. Trinity Baptist Church is seeking permit approval to clear 2.2 acres of this area. All wetlands will be undisturbed and along the property lines at least a 15' vegetated buffer strip will be left undisturbed. For a total 1.4 acres undisturbed. The clearing will include chopping and removing stumps from trees then grading as needed. Every effort will be made to prevent construction equipment from entering the wetland areas. Disturbed areas shall be restored as natural-appearing landforms and shall blend in with the terrain of adjacent undisturbed land. Grass seed and topsoil if needed will be used to stabilize the cleared area. This area is generally flat.

A construction-phasing plan describing the intended sequence of construction activities, including clearing and grubbing; excavation and grading; utility and infrastructure installation; and any other activity at the site that results in soil disturbance. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures and establishment of permanent vegetation. Consistent with the New York Standards and Specifications for Erosion and Sediment Control, there shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.

Construction phasing plan

Silt fence will be installed around the construction perimeter

Wetland area will be taped off

Clearing of specified area on site plan (2.2 acres)

Grading to level/runoff towards wetlands Disturbed areas shall be restored as natural-appearing landforms and shall blend in with the terrain of adjacent undisturbed land.

Estimated exposure of one week for some parts to finish entire clearing
Grass seed and topsoil as needed will be distributed over the cleared area

Pollution prevention measures will focus on enforcing no litter policy.

The construction equipment will be mobilized from and stored on the parking lot when not in use. Only organic waste will be generated. This will be removed for sale or composting.

A vegetative buffer (minimum of 25 feet) shall be maintained between disturbed areas and protected federal wetlands that are not proposed to be filled as part of an Army Corps of Engineers wetlands permit. In the case of state-designated wetlands, the adjacent area of 100 feet shall not be disturbed without a NYS Department of Environmental Conservation permit.

Responsible for the silt fence and tapping off wetlands
Responsible for the clearing and pollution prevention
Responsible for the grading
Responsible for the grass seed and topsoil

The SWPPP shall be prepared by a licensed/certified professional. The SWPPP must be signed by the professional preparing the plan and shall make the following

Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made

herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law."

Contractor certification.

The SWPPP must clearly identify the contractor(s) and subcontractor that will implement each stormwater and erosion control measure.

All contractors and subcontractors identified in the SWPPP shall sign a copy of the following certification statement before undertaking any land development activity:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards.

To obtain inspections, the applicant shall notify the Stormwater Management Officer or designated agent at least 48 hours before the following required by the SWPPP:

(a)

Start of construction and initial installation of sediment and erosion controls.

(b)

Installation of sediment and erosion measures as site clearing and grading progresses.

(c)

Completion of site clearing.

(d)

Completion of rough grading.

(e)

Completion of final grading.

(f)

Close of the seasonal land development activity.

(g)

Completion of final landscaping.

Notice of termination (NOT). Upon certification by the operator's **licensed/certified professional** that a final site inspection has been conducted and that final stabilization has been accomplished and all stormwater management practices have been constructed as described in the SWPPP, the operator shall complete and file an NOT as prescribed by the NYSDEC and file a copy with the Town to notify them that they have complied with Subsection A and that the project is complete.

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- An aerial photograph of a property with a yellow boundary line. The property contains a large building with a brown roof and a parking lot. Several areas are shaded in light blue with a cross-hatch pattern, indicating wetlands. These areas are labeled with numbers: B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-11, B-12, and B-13. A red line runs along the right side of the property, labeled "Limits of Study". The property is adjacent to a road labeled "BALLTOWN ROAD" in red text. The surrounding area includes trees, grass, and other buildings.

KEVIN H. WEED, P.L.S. No. 51,005

TOWN OF NISKAYUNA		SCHENECTADY COUNTY, NEW YORK	
MAP NUMBER: 21 - 22 - 101	SCALE: 1" = 50'	DATE: MAY 24, 2021	
<p align="center"> Gilbert VanGuilder Land Surveyor, PLLC Professional Land Surveyors 988 Route 146, Clifton Park, New York 12065 Telephone: (518) 383-0634 gvglandsurveyors.com </p>			

Proposed Local Law C (2022)

Historic Preservation Code

§ 130-1 Purpose

It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of landmarks and historic buildings is necessary to promote cultural and educational opportunities for the public. It is the intent of the Town of Niskayuna to follow the terms of the National Historic Preservation Act of 1966, which established a national historic preservation policy and authorized the National Park Service to oversee the Act. Additionally, we will follow the mandates of the New York State Commissioner of Parks, Recreation and Preservation Office. In as much as the identity of a people is founded on its past and recognizing that Niskayuna has many significant historic, architectural, and cultural resources which constitute its heritage, this article is intended to:

- (1) Protect and enhance the buildings, structures, objects, sites, and districts which represent distinctive elements of Niskayuna's historical, architectural, and cultural heritage;
- (2) Foster public knowledge, understanding, and appreciation for the character of Niskayuna and promote civic pride in the character and accomplishments of its past;
- (3) Protect and enhance Niskayuna's attractiveness to its residents and visitors, as well as the support and stimulus to the economy thereby provided;
- (4) Promote and encourage continued private ownership and stewardship of historic structures;
- (5) Identify as early as possible conflicts between the preservation of structures/landmarks/districts and alternative land uses;
- (6) Determine the effective resolution of any conflict between the preservation of structures/landmarks/districts and alternative land uses;
- (7) Ensure harmonious, orderly, and efficient growth by integrating future development of Niskayuna with our historic past: and
- (8) Establish a Historic Preservation Commission, as outlined below in Subsection 2, available to provide guidance and technical assistance to owners of landmark properties when restoration work is being contemplated.

§ 130-2 Historic Preservation Commission

There is hereby created a Commission to be known as the "Niskayuna Historic Preservation Commission."

- (1) The Commission shall consist of no fewer than five (5) members, including the Town Historian, appointed by the Town Board for staggered four-year terms.
 - (a) Members shall have a demonstrated significant interest in, competence about, knowledge of, or commitment to historic preservation.
 - (b) To the extent possible, Commission members shall be drawn from the disciplines of architecture, history, archaeology, historic preservation, or closely related fields.
- (2) The Chairperson of the Commission shall be appointed by the Town Board for a one-year term.
- (3) The purpose of this Commission shall include:
 - (a) Conducting inventories of significant historic buildings, structures, objects, sites, and historic districts within the Town. A record of these inventories shall be kept at Town Hall.
 - (b) Establishing the criteria for selection of historic buildings, structures, objects, sites, and historic districts in the Town of Niskayuna to be placed on the Town Register of Historic Places.
 - (c) Recommending to the Town Board suggested buildings, structures, objects, sites, and historic districts which should be listed on the Town Register of Historic Places.
 - (d) Recommendations to the Town Board as to those areas of the Town which should be designated as Town Historic districts.
 - (e) Increasing public awareness of the value of preserving historic buildings, structures, objects and sites by developing and participating in public education programs, conducting preservation workshops, and providing assistance to owners of historic properties.
 - (f) Making recommendations to the Town Board concerning utilization of state, federal, or private funds to promote the preservation of historic buildings, structures, objects, and sites within the Town of Niskayuna.
 - (g) Serving in an advisory capacity to the Town Board, Planning Department, Planning Board & Zoning Commission, Zoning Board of Appeals, and the Architectural Review Board on all matters that affect or impact identified or designated Historic places or historic districts.
- (4) The Commission shall meet at least monthly and a quorum for the transaction of business shall consist of one or more than one-half of the Commission's members.

- (5) Official actions by the Commission shall require an affirmative vote by not less than a majority of the full membership of the Commission.
- (6) Coordinate efforts with other agencies on local, county, state, and federal levels to aid in projects for classifying historical landmarks.

§ 130-3 Designation of Historic Buildings, Structures, Objects, Sites, and Historic Districts on the Town Register of Historic Places

- (1) Pursuant to Town Board Resolution No. 2020-244, the Commission may recommend, for designation by the Town Board, a building, structure, object, site, or historic district for the Town Register of Historic Places if it:
 - (a) Is associated with events that have made a significant contribution to the broad patterns of Niskayuna's history; or
 - (b) Is identified with historic personages or the lives of persons significant in Niskayuna's history; or
 - (c) Embodies distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - (d) Has yielded, or may be likely to yield, information in prehistory or history.
- (2) Each building, structure, or object added to the Town Register of Historic Places will be eligible to receive a plaque acknowledging placement on the Register.
- (3) The Town of Niskayuna Register of Historic Places is strictly a local honorary listing. Properties placed on the Register are given only Town-wide historic recognition.
- (4) Owners of properties on the Historic Register have no restrictions on the use or maintenance of their property as a result of this designation.
- (5) Each site or Historic District added to the Town Register of Historic Places will be eligible to receive a historic road marker acknowledging its history and placement on the register.

§ 130-4 Demolition of any building or structure more than 49 years old.

- (1) Prior to issuing any demolition permit on a building or structure more than 49 years old, the Town of Niskayuna Building Department shall notify the Historic

Preservation Commission, by providing 30 days' written notice, identifying the building or structure for which such permit is sought by address and name of owner or owners, unless, in the opinion of the Building Department, the structure poses an imminent danger to health and safety.

- (2) The Historic Preservation Commission shall evaluate and document the building or structure for historic or architectural significance appropriately, as may be necessary, during the thirty-day notice period prior to issuance of any such demolition permit.
- (3) In the event that the Building Department has received no comment from the Historic Preservation Commission within 30 days after such notification, or if within 30 days the Historic Preservation Commission notifies the Building Department in writing that it has no objection to the issuance of the requested permit for demolition, then the demolition permit may be issued, if the same is otherwise deemed appropriate.
- (4) In cases where additional or more extensive research may be required prior to making a determination, the Historic Preservation Commission, in conjunction with the Building Department, shall notify the applicant of his/her right to submit evidence and proof in support of the demolition application. Once this information is received, the Commission shall fix a reasonable time to hold a public hearing on each application for a demolition permit. Notice of the public hearing shall be published at least ten (10) days prior to the hearing in an official newspaper of the Town and shall be mailed by the applicant at least ten (10) days prior to the hearing to all owners of lots within five hundred (500) feet of the perimeter of the subject lot. The Commission, applicant, and any interested parties may present testimony or documentary evidence at the hearing which will become part of the record regarding the historic, architectural, archeological or cultural importance of the subject building.
- (5) The determination of the Commission shall be in writing and shall be filed with the Town Clerk, Town Board, Building Inspector, Planning Board, Zoning Board of Appeals and the applicant within thirty (30) calendar days from the close of the public hearing.
 - (a) If the Commission determines that the demolition permit should be issued, its determination shall so state and set forth its reasons for such determination.
 - (b) If the Commission determines that the demolition permit shall be issued with conditions, its determination shall so state and set forth its reasons for such determination. Failure to comply with such conditions shall result in revocation of the demolition permit.
- (6) If the Commission determines that the demolition permit should not be issued, it shall so state and set forth its reasons for such determination. In arriving at its determination, the Commission shall consider, in addition to any other pertinent factors, the following criteria in assessing whether the historical, architectural, archeological or cultural significance of the subject building outweighs any special

circumstances or potential hardships posed to the applicant:

- (a) Whether the subject building is associated with events that have made a significant contribution to, and are identified with, United States history, New York history or locally significant history.
- (b) Whether the subject building is associated importantly with the lives of persons significant to United States history, New York history, or local history.
- (c) Whether the subject building represents some great idea or ideal of the American people.
- (d) Whether the subject building embodies the distinguishing characteristics of an architectural type specimen exceptionally valuable for the study of a period, style, or method of construction, or that represents a significant, distinctive and exceptional entity whose components may lack individual distinction.
- (e) That is composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture

(7) Appeals.

- (a) Town Board Review Any determination, decision, or order of the Commission made pursuant to or within the scope of this Article may be reviewed by the Town Board at the request of any person aggrieved thereby provided that such review is commenced by the filing of a notice of appeal to the Town Board within thirty (30) days after the Commission files with the Town Clerk its determination. Such notice of appeal shall specify the grounds for seeking review.
- (b) In making its determination on the appeal, the Town Board shall review the written determination of the Commission in conjunction with the permit application and the criteria set forth in § 130-4 (7), and consider the appropriateness of the demolition, as well as the health, safety, morals and general welfare of the Town, with particular attention given to the needs of the residents and industries within the historic area or any special circumstances or hardship that the applicant may choose to bring forward.
- (c) Based on its determination of appeal, the Town Board shall issue a written determination directing the Building Inspector to issue or deny a demolition permit to the applicant.
- (d) If no person appeals, the determination of the Commission becomes final and binding upon the applicant and Building Inspector.

§ 130-5 Definitions

When used in this article, unless a different meaning clearly appears from the context, the terms listed below shall have the following meanings:

ARCHITECTUAL SIGNIFICANCE

The quality of a building or structure based on its date of erection, style, and scarcity of same, quality of design, present condition, and appearance or other characteristics that embody the distinctive characteristics of a type, period, or method of construction.

BUILDING

Any construction created to shelter any form of human use, such as a house, garage or barn, and which is permanently affixed to the land, including public buildings such as schools, shops, railroad stations, etc. Building may also refer to a historically related complex, such as a house and a barn.

COMMISSION

The Niskayuna Historic Preservation Commission.

HISTORIC DISTRICT

An area which contains or possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

HISTORIC PRESERVATION

The identification, study, documentation, protection, acquisition, restoration, rehabilitation, management, maintenance and use of buildings, structures, objects, sites and historic districts, significant in the history, architecture, or culture of the Town of Niskayuna, the State of New York or the United States.

HISTORIC PROPERTY

Any building, structure, object, site, or district that is of significance in the history, architecture, archeology, or culture of the Town of Niskayuna, the State of New York, or the United States, included on, or potentially eligible for inclusion on the National Register of Historic Places.

INVENTORY

A list of historic properties determined to meet specific criteria of significance.

NATIONAL REGISTER

The National Register of Historic Places authorized by the National Historic Preservation Act of 1966.

PLANNING BOARD & ZONING COMMISSION

The Planning Board & Zoning Commission of the Town of Niskayuna.

STATE REGISTER

The State Register of Historic Places established pursuant to § 14.07 of the New York State Parks, Recreation and Historic Preservation Law.

TOWN BOARD

The Town Board of the Town of Niskayuna.

TOWN REGISTER OF HISTORIC PLACES

The Town of Niskayuna Register of Historic Places established pursuant to Town Board Resolution No. 2020 – 244, is a local honorary listing of buildings, structures, objects, sites, and historic districts deemed by the Commission to be of significant historic value. Owners of property on the Historic Register have no restrictions on the use or maintenance of their property because of this designation.