

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

**REGULAR AGENDA MEETING**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

1. March 14, 2022

**IV. PUBLIC HEARINGS**

**V. PRIVILEGE OF THE FLOOR**

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

1. RESOLUTION: 2022-08: A Resolution for site plan approval of an extension of the approved site plan (Resolution 2020-12) for the construction of an 890 sq. ft. addition at 2764 Troy Rd. – Niskayuna Animal Hospital.

**VIII. DISCUSSION ITEM**

1. 1 Research Circle – GE Global Research – site plan application for the construction of a new 16,000 sq. ft. building

**IX. REPORTS**

1. Historic Code Adoption
2. Planning Department Updates

**X. COMMISSION BUSINESS**

**XI. ADJOURNMENT**

**NEXT MEETING: April 11, 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**  
**March 14, 2022**

**Members Present:**

Kevin Walsh, Chairman  
Chris LaFlamme  
Patrick McPartlon  
Genghis Khan  
David D'Arpino  
Daci Shenfield (virtual)  
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. Skrebutenas was absent / excused tonight.

**III. MINUTES**

**February 28, 2022**

Mr. Khan made a motion to approve the minutes and it was seconded by Mr. McPartlon. Chairman Walsh asked for some small attendance changes to be fixed. He noted that under roll call, Mr. McPartlon and Mr. Skrebutenas were marked absent but were present and Ms. Finan was marked virtual and was in person.

Ms. Gold stated on line #138 under "Commission Business" Ms. Gold stated what was written in the minutes was not exactly what she was saying. She noted that there seemed to be a missing document and she raised a procedural question regarding the need for internal memos to be securely filed for future reference or incorporated into resolutions so they could not be lost. She stated that such a procedure would preserve the context of discussions and be better guidance for or against granting a special use permit.

The Board agreed to the changes in the minutes unanimously. Hearing no other changes, the Board took a vote on the amended minutes.

Upon voting, the minutes were approved 7-0.

Mr. LaFlamme	AYE
Mr. Khan	AYE
Mr. D'Arpino	AYE
Ms. Shenfield	AYE
Ms. Gold	AYE
Mr. McPartlon	AYE
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. 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.**

Chairman Walsh stated that new visuals were submitted recently and wanted to discuss the new information. Mr. Khan recused himself from the discussions because he is employed by GE Global Research.

Mr. Corrie Whalen was present to represent GE. He showed a series of photos of the location of the proposed building from various sight line points including River Road and The Niskayuna Soccer fields.

Ms. Robertson gave a summary of nine previously granted variances associated with the property for buildings that exceed the maximum height allowed per zoning code. Chairman Walsh asked for the height of the building closest to the proposed project that can be seen from River Road. Mr. Whalen stated he did not have the exact height. Chairman Walsh asked for that height to be submitted to the Building Department. He added that the ZBA could ask about the height of that building also at their upcoming meeting on 3/16/22.

Mr. D'Arpino stated the CAC has looked at this project and it received a negative declaration from them indicating they do not think the project will have an impact on the environment. He reaffirmed with the applicant that the parking lot will be diminished in size and EV charging stations will be installed. He confirmed there will be no VOCs emitted from the building. Mr.

D'Arpino asked the applicant that as things go forward, higher quality drawings, updated renderings and better information should be submitted well in advance of Planning Board meetings so the Planning Board will have ample time to review them before the meetings. The applicant agreed.

Chairman Walsh read the description of the project in the draft of the referral memo from the Planning Board to the project file. He read the first question for the Board and asked Mr. D'Arpino for a response.

#### Effect on the Comprehensive Plan

Mr. D'Arpino responded that the Board recommends that it did not have an effect on the Comprehensive Plan. Chairman Walsh asked for discussion from the Board. The Board voted 5-1 that it did not affect the Comprehensive Plan. Ms. Gold stated she voted that it would affect the Comprehensive Plan. She stated it appears that it will be visible from offsite and it will be a tall building close to the road. Mr. McPartlon stated his reasoning for voting it does not affect the Comprehensive Plan is due to the fact that the applicant is willing to work with the ARB in making the new buildings façade keep with the character of the other buildings on the site and that it is one of many building or similar size on an industrial research site.

#### Suitability of use

Mr. D'Arpino stated the project is suitable within the site and under the current zoning, and the application was a similar scope to previous projects that have been built on the GE Site. He stated the net delta of developing a building and then removing 2 buildings would lessen impacts to the environment and that they have addressed the concerns of CAC.

The Board unanimously voted 6-0 that the proposed use was suitable. Chairman Walsh added to the recommendation that the shorter end of the building faced River Road, lessening the visual impact of its height, and that it will still need site plan approval from PB and a recommendation from the ARB as to its aesthetics.

#### Recommendation to the ZBA

Mr. D'Arpino recommended that the ZBA approve the variance. The Board voted unanimously 6-0 on the recommendation to the ZBA to approve the height variance.

### **VIII. DISCUSSION ITEMS**

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

Mr. Noyes, a representative from Trinity Baptist Church, was present for the meeting. Chairman Walsh stated that the applicant is waiting on the approval for the impact of a 10<sup>th</sup> of an acre of disturbance from the Army Corps of Engineers.

Chairman Walsh described the project as a recreational area with a proposed pavilion. He stated he liked the area where the pavilion is placed and that it is set back on the property. Chairman Walsh gave Mr. Noyes a brief understanding of the site plan approval process.

Ms. Robertson displayed the designated wetlands map on the property to review. The applicant and Board reviewed the wetland area. Chairman Walsh noted that the proposed wetland area to be reduced is not marked as wetlands and needs to be. Mr. Noyes agreed to change it. The Planning Board noted that there is an area near the broken water pipe that needs to be noted as wetlands also.

The Board discussed the fencing plan for the wetland area. They discussed the need for split rail fencing to delineate and preserve the wetland buffers.

Mr. McPartlon discussed the grading plan with the applicant and if it will be needed. The Planning Board discussed a possible grading plan and engineering review. They discussed the limits of clearing and the need to include a numerical number value of total acreage to be cleared. This value determines how to handle the stormwater from the site disturbance. The Planning Board noted that when the stumps are cleared, fill will need to be added. The Board asked if there were any variances granted regarding the pipe in the ground. The Board discussed organizing a site walk and requested a revised plan with the information discussed tonight. The Board stated they could potentially call for a public hearing at the next meeting and hold the public hearing on 4/11/2022.

## **IX. REPORTS**

### **1. Historic Code Adoption**

Ms. Robertson stated that a public hearing has been called by the Town Board and will be held on 3/22/2022. She invited comments to be emailed to her from the Board to address any concerns. Chairman Walsh commented that due to the lengthy review process, the Boards and Departments need to stay on top of the review to move it along for the applicants. The Board discussed possible issues within the code. Ms. Robertson encouraged the Board to read the revised code thoroughly and pass on any comments they may have.

## **X. COMMISSION OF BUSINESS**

Mr. D'Arpino stated he will be meeting with Dr. Gaegan from the Niskayuna Animal Hospital to establish milestones and a timeline to be included in the resolution for the extension of the site plan approval for the addition.

## **XI. ADJOURNMENT**

Chairman Walsh asked for a motion to adjourn. Mr. LaFlamme made a motion to adjourn and it was seconded by Mr. D'Arpino. The meeting was adjourned at 8:03 pm.



# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VII.1

MEETING DATE: 3/28/22

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**ITEM TITLE:** RESOLUTION: 2022-08: A Resolution for site plan approval of an extension of the approved site plan (Resolution 2020-12) for the construction of an 890 sq. ft. addition at the Niskayuna Animal Hospital located at 2764 Troy-Schenectady Rd.

**PROJECT LEAD:** David D'Arpino

**APPLICANT:** Eileen Gaegan, owner

**SUBMITTED BY:** Laura Robertson, Town Planner

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**REVIEWED BY:**

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

**ATTACHMENTS:**

☒ Resolution ☒ EAF ☒ Site Plan ☒ Map ☐ Report ☒ Other: Recommendation to ZB

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**SUMMARY STATEMENT:**

Dr. Eileen Gaegan, owner of Niskayuna Animal Hospital located at 2764 Troy-Schenectady Road, submitted an application for an extension of the site plan for the construction of an 890 sq. ft. building addition and parking improvements to the existing animal hospital.

**BACKGROUND INFORMATION**

The previous owner of the animal hospital, Dr. Scharf, submitted an Application for Site Plan Review to construct an 890 sq. ft. building addition to connect two veterinary buildings. Minor adjustments to paving and parking were also included.

The application received an area variance from the Zoning Board of Appeals (ZBA) for the 890 square foot addition (a 31% increase to a pre-existing nonconforming building) and noted no change in intensity of use. The Planning Board approved the site plan (Resolution 2020-12, attached) with the conditions of no parking lot expansion, final engineering review and Architectural Review Board review of the final façade.

Upon taking ownership of the Niskayuna Animal Hospital in 2020, Dr. Gaegan experienced significant Covid-19 pandemic related staffing shortages. The unexpected sudden departure of two critical staff members required that Dr. Gaegan assume many of their responsibilities in addition to her own and required that she scale back the practice until new staff could be recruited and trained. She is requesting a 2 year extension to the approved site plan which, similar to the COVID related timeline setbacks for the Capital District Jewish Holocaust Memorial site plan and special use permit, is the controlling timeline for all associated additional approvals (ZBA).

2/14/22 Planning Board (PB) meeting – Dr. Gaegan appeared before the PB at their regularly scheduled meeting. The Board understood the unique circumstances and stated they were in favor of granting the extension with a condition in the resolution listing milestones that must be met to verify that the project is progressing towards completion at an appropriate rate. David D'Arpino, project lead, met with Dr. Gaegan and together they established appropriate 6, 12, 18 and 24 month milestones for the project. The milestones are included in the attached resolution.

RESOLUTION NO. 2022-08

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 MARCH 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 time extension to a final site plan review and 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, Dr. Eileen Gaegan, on behalf of the Animal Hospital of Niskayuna, has made an application to the Planning Board and Zoning Commission for a time extension to the previously approved site plan review for the construction of an 890 square foot addition between the existing exam rooms and the surgery building at 2764 Troy Schenectady Road, and

WHEREAS, the site plan is shown in the map entitled "Site Layout Plan, Building & Parking Lot Expansion, Animal Hospital of Niskayuna," prepared by CT Male Associates, on February 5, 2020 and last revised on February 19, 2020, and

WHEREAS, the zoning classification of the property is the R-2: Medium-Density Residential, and

WHEREAS, this application was referred to the Schenectady County Planning Department on January 23, 2020, and on February 18, 2020, they responded by stating that they defer the project's review to local consideration, and

WHEREAS, the application was referred to the Niskayuna Conservation Advisory Council for its review and on February 5, 2020 it recommended that a negative declaration be prepared with recommendations to the applicant, and

WHEREAS, on April 13, 2020, the Planning Board, acting in accordance with the State Environmental Quality Review regulations and local law, assumed the position of lead agency for this project, determined the project will not have a significant effect on the environment and directed the Town Planner to file a negative declaration, and

WHEREAS, on February 26, 2020, the Zoning Board of Appeals reviewed this application as it related to Town Code section 220-53 (A) of the Zoning Ordinance of the Town of Niskayuna and granted an area variance to allow an 890 square foot addition to the building, an allowance for a 31% increase to the total square footage of the pre-existing non-conforming buildings, with a note that there was no change in the intensity of use to the property, and

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

NOW, THEREFORE, be it

RESOLVED, that the Planning Board and Zoning Commission does grant an extension to the site plan approval for the site plan of the map entitled "Site Layout Plan, Building & Parking Lot Expansion, Animal Hospital of Niskayuna," prepared by CT Male Associates, on February 5, 2020 and last revised on February 19, 2020, with the following conditions:

1. The parking lot shall not be expanded without site plan approval by the Planning Board
2. Prior to issuance of a Building Permit for the building, the applicant shall submit elevation and landscaping drawings to the Architectural Review Board for their review and approval, to ensure that the proposed addition is aesthetically integrated with the existing structures.
3. Prior to issuance of a Building Permit, all site grading and engineering shall be addressed to the satisfaction of the Town Engineering Department.
4. Prior to issuance of a building permit, a handicap parking space is to be added to the site plan drawing "Building & Parking Lot Expansion Animal Hospital C-101" and it shall be constructed upon restriping of the parking lot.
5. Per Niskayuna Town Code Section 220-48 E: Final site plan approval shall expire two years after the date of this written final approval of the Planning Board

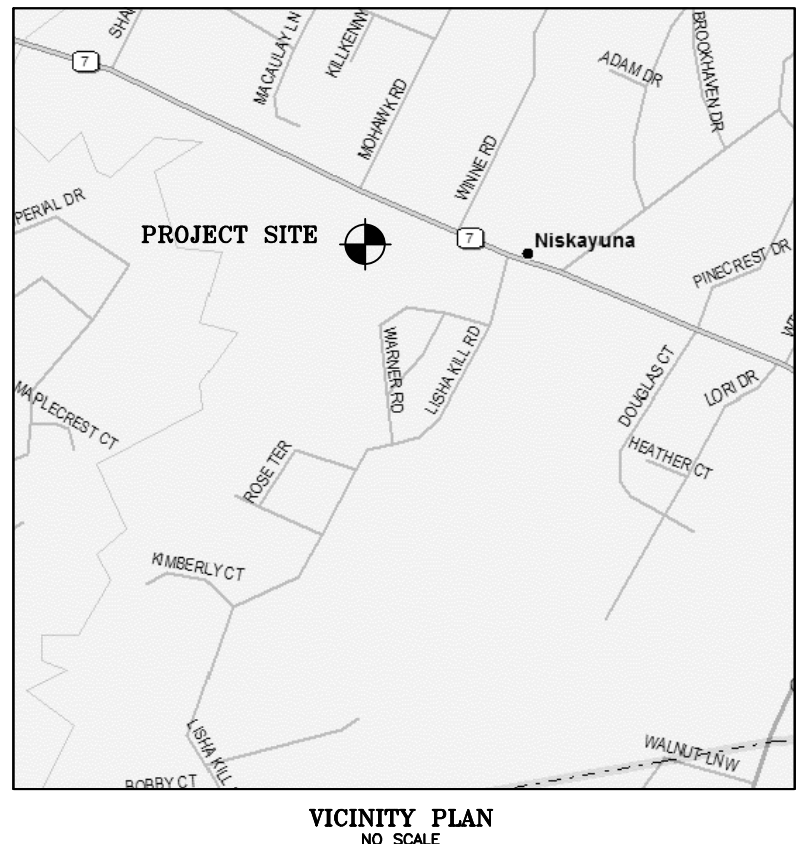
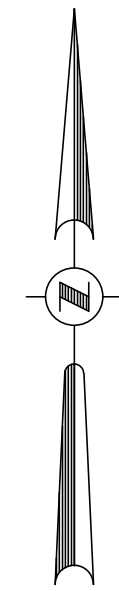
unless construction in accordance with the approved plan has begun or an additional extension of time has been granted by the Planning board. An approved building permit is required to begin construction. To facilitate timely completion of the building addition, the following milestones shall be met to demonstrate appropriate progression of the design and approval phases of the project.

- a. Six (6) months from the date of this resolution, a design consultant shall be under contract and all existing site and existing building conditions drawn up including the proposed footprint of the addition.
- b. Twelve (12) months from the date of this resolution, initial plans showing design options including site plans, floor plans and elevations shall be submitted to the Planning Office and Architectural Review Board (ARB) for review.
- c. Eighteen (18) months from the date of this resolution, plans shall be finalized and a formalized set of project plans shall be provided to the Planning Office.
- d. Twenty-four (24) months from the date of this resolution, as noted above, a building permit shall be submitted and approved and construction in accordance with the approved plan and building permit shall have been started or an additional extension of time shall have to be requested from the Planning Board.

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

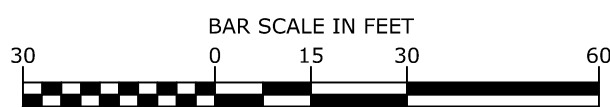
KEVIN A. WALSH, CHAIRMAN  
GENGHIS KHAN  
MICHAEL A. SKREBUTENAS  
CHRIS LAFLAMME  
PATRICK MCPARTLON  
DAVID D'ARPINO  
DADI SHENFIELD  
LESLIE GOLD  
NANCY STRANG

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








BULK REQUIREMENTS: ZONING DISTRICT: R-2			
	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	5 AC	2.65 AC	2.65 AC
MIN. LOT WIDTH	400 FT	275 FT	275 FT
MIN. LOT DEPTH	400 FT	532 FT	532 FT
MAX % COVERAGE OF BUILDINGS	25%	5%	6%
MIN. FRONT YARD SETBACK	75 FT	166 FT	166 FT
MIN. SIDE YARD SETBACK	75 FT	39 FT/ 186 FT	39 FT/ 186 FT
MIN. REAR YARD SETBACK	75 FT	200 FT	200 FT
MIN. PARKING SPACES	*	6	12

SITE METRICS:						
	EXISTING QTY (SF)	EXISTING %	REMOVED QTY (SF)	ADDED QTY (SF)	PROPOSED QTY (SF)	PROPOSED %
PAVEMENT	8182	7.1%	448	611	8345	7.2%
CONCRETE	778	0.7%	317	13	474	0.4%
BUILDING	5441	4.7%	0	890	6331	5.5%
GREEN SPACE	101157	87.5%	1773	0	100408	86.9%
TOTAL	115558	-	2538	2538	115558	-



**LEGEND:**

	PROPOSED BUILDING
	PROPOSED PAVEMENT
	PROPOSED CONCRETE
	PROPOSED PAVEMENT REMOVAL

DOMINICK F. ARICO P.E. NO. 066515	DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.  © 2019 C.T. MALE ASSOCIATES	SITE LAYOUT PLAN		
	2/19/2020	▲ UPDATED SITE METRICS & METRICS TABLE	ARW	DFA	DFA				
		▲					TOWN OF NISKAYUNA		
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		▲					DESIGNED: ARW		
		▲							
		▲					CHECKED : DFA		
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	▲				SCALE : 1" = 30'				
	▲							DATE : FEB. 05, 2020	
	▲				C.T. MALE ASSOCIATES Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. 50 CENTURY HILL DRIVE, LATHAM, NY 518.786.7400 COBLESKILL, NY • GLENS FALLS, NY • POUGHKEEPSIE, NY • JOHNSTOWN, NY LITTLE FALLS, NY • RED HOOK, NY • SYRACUSE, NY www.ctmale.com				
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**TOWN OF NISKAYUNA**  
**ZONING BOARD OF APPEALS**  
**One Niskayuna Circle**  
**Niskayuna, New York 12309**  
**(518) 386-4530**

February 27, 2020

Ronald Scharf  
2764 Troy Rd  
Niskayuna, NY 12309

Dear Dr. Scharf,

At its regularly scheduled meeting held on February 26, 2020, the Zoning Board of Appeals ("the Board") reviewed the following case:

Appeal by Ronald Scharf for a variance from Section 220-53 (A) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2764 Troy Schenectady Road, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District and is a registered non-conforming use, to construct a 890 square foot addition to the veterinary practice which exceeds the allowance for nonconforming properties. Section 220-53 (A) states "A nonconforming building may be structurally altered as long as cumulative alterations do not add more than 10% to the usable floor area of said building or structure as it existed on July 1, 1971, and when a valid zoning and building permit has been obtained. Such alteration shall not tend to increase any inherent nuisance, nor shall such alterations violate any provisions of this chapter regarding yards, lot area or lot coverage for the district in which it is situated or increase any existing violation of such provision." As proposed, an addition of 890 square feet adds 31% to the square foot total of the two buildings (2,839) that are being connected with the addition. Therefore, a use variance is required.

Town Code Section 220-69 (D) (1) allows: "The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Enforcement Officer and to that end shall have all the powers of the Zoning Enforcement Officer from whose order, requirement or decision the appeal is taken." The Board voted 5-2 to modify the Zoning Enforcement Officer's denial. They voted to treat the 890 square foot addition as an area variance which allows a 31% increase to the total square footage of the existing buildings. They noted there was no change in the intensity of use on the property.

Based on the modified denial, it was the decision of the Board to grant an area variance for the 890 square foot addition.

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=\\_BL1gICzGrI](https://www.youtube.com/watch?v=_BL1gICzGrI).

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

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

Sincerely,

Fred Goodman  
Chairman

cc: Town Clerk  
Building Department  
ZBA File

RESOLUTION NO. 2020-12

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 13TH DAY OF APRIL 2020 AT THE NISKAYUNA TOWN OFFICE BUILDING, ONE NISKAYUNA CIRCLE, IN SAID TOWN AT 7:00 P.M., THE FOLLOWING MEMBERS WERE PRESENT:

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

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

The meeting was duly called to order by the Chairman.

The following resolution was offered by Mr. Auster.  
whom moved its adoption, and seconded by Mr. LaFlamme.

WHEREAS, CT Male Associates, on behalf of Ronald Scharf of the Animal Hospital of Niskayuna, has made an application to the Planning Board and Zoning Commission for site plan review for the construction of an 890 square foot addition between the existing exam rooms and the surgery building at 2764 Troy Schenectady Road, and

WHEREAS, the site plan is shown in the map entitled "Site Layout Plan, Building & Parking Lot Expansion, Animal Hospital of Niskayuna," prepared by CT Male Associates, on February 5, 2020 and last revised on February 19, 2020, and

WHEREAS, the zoning classification of the property is the R-2: Medium-Density Residential, and

WHEREAS, this application was referred to the Schenectady County Planning Department on January 23, 2020, and on February 18, 2020, they responded by stating that they defer the project's review to local consideration, and

WHEREAS, the application was referred to the Niskayuna Conservation Advisory Council for its review and on February 5, 2020 it recommended that a negative declaration be prepared with recommendations to the applicant, and

WHEREAS, the Zoning Board of Appeals reviewed this application as it related to Town Code section 220-53 (A) of the Zoning Ordinance of the Town of Niskayuna and granted an area variance to allow an 890 square foot addition to the building, an allowance for a 31% increase to the total square footage of the pre-existing non-conforming buildings, with a note that there was no change in the intensity of use to the property, and

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

NOW, THEREFORE, be it

RESOLVED, that the Planning Board and Zoning Commission, acting in accordance with the State Environmental Quality Review regulations and local law, has determined that this project will not have a significant effect on the environment and hereby directs the Town Planner to file a negative declaration, and be it

FURTHER RESOLVED, that the Planning Board and Zoning Commission does grant final site plan approval for the site plan of the map entitled "Site Layout Plan, Building & Parking Lot Expansion, Animal Hospital of Niskayuna," prepared by CT Male Associates, on February 5, 2020 and last revised on February 19, 2020, with the following conditions:

1. The parking lot shall not be expanded without site plan approval by the Planning Board
2. Prior to issuance of a Building Permit for the building, the applicant shall submit elevation and landscaping drawings to the Architectural Review Board for their review and approval, to ensure that the proposed addition is aesthetically integrated with the existing structures.
3. Prior to issuance of a Building Permit, all site grading and engineering shall be addressed to the satisfaction of the Town Engineering Department.
4. Prior to issuance of a building permit, a handicap parking space is to be added to the site plan drawing "Building & Parking Lot Expansion Animal Hospital C-101" and it shall be constructed upon restriping of the parking lot.

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

The Chairman declared the same duly adopted.

**2764 Troy Schenectady Road SEQR Review and Findings**  
**January 27, 2020**

Memorandum to the Planning Board and Zoning Board  
From: Conservation Advisory Council

RE: CAC SEQR Review and Findings

Project Description

2764 Troy-Schenectady Road is a 2.7 acre parcel located within the R-2, Medium Density Residential, zoning district. Currently, Dr. Ronald Scharf operates the Niskayuna Animal Hospital at this location as a registered non-conforming commercial business within the R-2 zoning district. The business currently utilizes 2 independent and unattached buildings for waiting room / exam room and surgical rooms. The third building is currently a residential rental unit. On 1/23/20 Dr. Scharf submitted an Application for Site Plan Review to construct a 1,640 sq. ft. building addition to connect the two veterinary buildings. Minor adjustments to paving and parking are also included. Two currently paved areas will have the paving removed approximately offsetting the addition of paving in two areas to reconfigure and create new parking spaces.

The site plan application was denied by reason of Section 220-53 (A) of the Zoning Ordinance, increasing more than 10% usable floor area of a nonconforming use, and therefore requires a Use Variance.

In their review of the project and the short form EAF, the CAC made the following findings:

**1. There is a moderate/large conflict with an adopted land use plan or zoning regulation**

The CAC noted that the Zoning regulations are specific about restricting additions to non-conforming uses and the Comprehensive Plan takes a strong stance against any increase in commercial use of properties along Route 7. Therefore this proposal had a large conflict with the adopted land use plan. However, the CAC noted the conflict is mitigated by it being an existing business, the use is not changing, and there is still continuity with the neighborhood. Another mitigating factor was the addition would be difficult to see from the road, the property already has a residential feel, and there is a low visible footprint to this proposal. They also noted the parking is not being extensively modified and that in and of itself may keep the level of use of the property the same.

- a. Any changes to parking to allow more customers at one time should be thoroughly reviewed by the Planning Board.

**2. There is a small change in the use or intensity of land**

The CAC noted the use is continuing and only modernizing and they do not want to see an increase in the intensity of use.

**3. The proposed action will not impact or impair the character or quality of the existing community.**

The CAC noted the applicant has stated they will not be increasing boarding or any of the activities that cause inherent nuisance to the community. There will be the same number of employees. This proposal is to give space to a cramped exam room / waiting room configuration, separate cats from dogs and modernize the practice.

- a. Set limits on use

4. The proposed action will not have an impact on a CEA.

The Environmental Assessment Form (EAF) submitted by the applicant's engineer states that the proposed action is consistent with the predominant natural landscape and that the proposed action is not located in or adjoin a state listed Critical Environmental Area.

5. The proposed action will have no impact to level of traffic or biking

The proposed activity will not significantly increase parking and the applicant is stated there will not be an increase in boarding / kenneling / doggie day care. Therefore this should not increase traffic.

6. The proposed action will cause no/small increase in the use of energy

7. The existing action will have no/small impact on public water and wastewater utilities.

8. The proposed action has no/small impact on the character of quality of important historic, archeological, architectural or aesthetic resources.

The CAC noted that the existing buildings are old and residential looking – so any addition should be kept to the character of the surrounding buildings.

9. The proposal has a small adverse change to natural resources.

There may be some affected Trees. The Tree Council should look at impacted vegetation.

10. The proposed action has no/small increase in the potential for flooding or drainage problems.

11. The proposed action will not create a hazard to environmental resources or human health

The Conservation Advisory Council unanimously approved a recommendation for a negative declaration, with the following recommendations:

- The business must remain a veterinary hospital with the same relative activity it has today. The proposal is to modernize the inside of the hospital - there should not be an increase in boarding levels or doggie daycare that may increase the nuisance to the neighborhood.
- The Parking Lot should not be expanded without site plan approval by the Planning Board. The size of the parking lot contributed to the CAC's decision of low environmental impact.
- The proposed addition shall be aesthetically integrated with the existing structures.
- It is important that the addition is far from the road and does not affect the visual corridor of Route 7. Any changes that affect the visible façade should be thoroughly reviewed.
- The CAC would like to see the least amount of disturbance to existing vegetation and asked the Tree Council to review any impacted trees.



# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 1

MEETING DATE: 3/28/2022

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**ITEM TITLE:** DISCUSSION: 1 Research Circle – GE Global Research – site plan application for the construction of a new research building requiring an area variance.

**PROJECT LEAD:** David D'Arpino

**APPLICANT:** Corrie Whalen, employee / agent for the owner

**SUBMITTED BY:** Laura Robertson, Town Planner

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**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".

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. 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 was required and granted by the Zoning Board of Appeals.

**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. The CAC wanted to know if parking would be added, the building could be put on existing impervious surfaces, whether green practices could be incorporated into the site plan, what the impact to Town utilities would be, and whether or not there would be an VOC emissions. GE responded that no parking would be added and in fact some would be reduced, they couldn't put the building on existing impervious surfaces, they would incorporate green practices into their project, there would be no net impact to Town utilities, and there would be no VOC emissions.

**3/14/22 Planning Board (PB) meeting** – The Board discussed the project and made a recommendation to the Zoning Board of Appeals (ZBA) with a vote of 6 – 0 to grant the 20 ft. area variance for the height of the building. They requested better drawings going forward.

**3/16/22 Architectural Review Board (ARB) meeting** – The ARB reviewed the images that were shown at the 3/14/22 PB meeting and discussed the project during their videoconference on 3/16/22. The ARB made the following suggestions.

- The design of the new building is to match the existing buildings on site
- The applicant is to participate in a review session with the ARB on 3/23/22

**3/16/22 Zoning Board of Appeals (ZBA) meeting** – The ZBA reviewed the project at their regularly scheduled meeting on 3/16/22 and granted the area variance for 20 ft. of additional height (55 ft. total height).

**3/23/22 Architectural Review Board (ARB) videoconference** – The ARB held a 30 minute videoconference with Mr. Whalen to familiarize him with the documentation package that must be submitted for ARB review. It was a very productive session. Mr. Whalen indicated that the design of the building is evolving and changing quickly. Both parties agreed to schedule a follow up videoconference in a week or two.

The project is on the agenda this evening to update the PB regarding the ZBA's decision. The next step for Mr. Whalen is to complete and submit the detailed site engineering work for review.

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

**FILED  
TOWN OF NISKAYUNA**

MAR 17 2022

March 17, 2022

Corrie Whalen  
1 Research Circle  
Niskayuna, NY 12309

**MICHELE M MARTINELLI  
TOWN CLERK**

Dear Mr. Whalen,

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

Appeal by Corrie Whalen, agent for GE Global Research, for a variance from of Section 220-17 A of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1 Research Circle, Niskayuna, New York, located in the I-R: Research and Development Zoning District, to construct an 80' x 220' research building exceeding the allowable building height. Height: Section 220-17 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 the new building measures 55 feet high. Therefore a 20 foot (55' - 35' = 20') area variance for the height of the building is required.

It was the decision of the Board to grant the 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=1paBVg-\\_vUI](https://www.youtube.com/watch?v=1paBVg-_vUI).

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,

*Maureen McGuinness / LMS*

Maureen McGuinness  
Chairperson

cc: Town Clerk  
Building Department  
ZBA File



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

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**TO:** File

**FROM:** Laura Robertson, Town Planner

**DATE:** March 14, 2022

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

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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 –**

The Board voted (5-1) that there was no effect on the Comprehensive Plan. The one dissenting voter stated they voted the project does have a negative effect on the Plan because the proposed new 55 ft. tall building will be at least partially visible from River Road. The Table of Contents of the Comprehensive Plan lists 6 Issue Areas for the Town of Niskayuna: (1) transportation, (2) recreational facilities and open space preservation, (3) public facilities and utilities, (4) economic development, (5) land use and (6) historical and cultural preservation. The project supports the Comprehensive Plan by not impacting areas 1, 2, 3 and 6. The proposed new building supports area 4 of the Plan, economic development, by supporting industry in the I-R Research &

Development zoning district. Area 5 in the Plan, land use, is also supported since the proposed location for the new building is appropriately zoned, the lot is more than 520 acres and has ample space for the 16,000 sq. ft. building.

### **Suitability of Use –**

The Planning Board voted 6 – 0 that the project including the variance for 20 ft. of additional building height is suitable. They noted that the proposed building is in line with the other buildings on the Global Research lot. The Planning Office noted that at least 9 area variances currently exist for structures on the property ranging from 45 ft. high to 88 ft. high. It was noted that the shorter side of the 80 ft. x 220 ft. building faces River Road thereby minimizing its visual impact and the building will be 710 ft. (1/8 of a mile) from River Road and partially obscured by trees. The Board noted that the final building design and appearance will be reviewed by the Niskayuna Architectural Review Board (ARB) and ultimately the Planning Board and Zoning Commission prior to final site plan approval.

They also noted that the 5 concerns raised by the Conservation Advisory Council (CAC) at their regularly scheduled 3/2/22 meeting were satisfactorily addressed by the applicant.

1. Will any new parking area need to be added?
  - No, the parking lot in front of the location of the proposed building is in poor shape. The plan is to reduce the parking area while improving its overall condition.
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 and EV chargers be used?
  - EV charging stations will be used and the Global Research Center is working with NYSERDA & National Grid to make sure the building is as energy efficient and environmentally friendly as possible.
4. Will the new building significantly increase the Town's sewage collection and treatment systems?
  - No, these areas will remain neutral when the project is complete.
5. Will there be any VOC emissions from the proposed building?
  - No.

### **RECOMMENDATION –**

The Planning Board voted 6 – 0 to recommend the area variance for 20 ft. of additional building height (55 ft. total height) be approved.

# GE Research Overhead Site Plan

Proposed  
new building  
location in  
**RED**



# GE Research K-West Zoomed View

Proposed new building location in RED



## Views From Research Circle



Tree line obscures view of existing K West Building



## Views From River Road



Tree line obscures view of existing K West Building



## Views From Niskayuna Soccer Park



Tree line obscures view of existing K West Building



