

TOWN OF NISKAYUNA
Planning Board and Zoning Commission
Agenda
October 24, 2022 7:00 PM

REGULAR AGENDA MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. October 3, 2022

IV. PUBLIC HEARINGS

1. 2209 Nott St. – The Broken Inn – Site plan app. for a new outdoor dining area and reconfigured parking requiring an amended special use permit.

V. PRIVILEGE OF THE FLOOR

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. RECOMMENDATION TO ZBA: 2750 Balltown Rd. – Momentive Performance Materials – A Recommendation to the ZBA for new façade signage.
2. RESOLUTION: 2022-25: A Resolution for site plan approval for remodeling including a 149 sq. ft. addition of the existing Stewart's Shop at 1502 Balltown Rd.
3. RESOLUTION: 2022-26: A Resolution for site plan approval for a 492 sq. ft. addition to the existing 1,455 sq. ft. retail / service store and gas station at 1747 Union St.
4. RESOLUTION: 2022-27: A Resolution for minor subdivision approval for a 2-lot subdivision at 2239 Van Antwerp Rd.
5. RESOLUTION: 2022-28: A Resolution for site plan approval for a tenant change to Hickory Farms at 412B Balltown Rd.

VIII. DISCUSSION ITEM

1. 2209 Nott St. -- The Broken Inn – site plan app. for new outdoor dining area including additional and reconfigured parking : ON HOLD
2. Empire Dr. – application for a 2 lot minor subdivision of tax map parcel 61.-1-33.2 into two separate lots of 1.83 and 2.0 acres
3. 2501 Troy Schenectady Rd. – site plan app. for constructing a berm and adding a sign at the Capital District Holocaust Memorial.
4. 2721 Balltown Rd. – application to amend site plan approval to include construction of two additional 6-unit apartment buildings on the premises along with an accessory garage and associated parking.

IX. REPORTS

1. 3413 State Street – Smoke Shop (rescheduled to November 14, 2022)

X. COMMISSION BUSINESS

XI. ADJOURNMENT

NEXT MEETING: November 14, 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
October 3, 2022

Members Present:

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

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 and Ms. Shenfield were excused tonight.

III. MINUTES

1. September 12, 2022

Mr. Khan made a motion to approve the minutes and it was seconded by Mr. McPartlon. Chairman Walsh stated some minor changes to the minutes. He asked that on line 33 the names of 2 of the members of privilege of the floor be corrected.

Hearing no other corrections, Chairman Walsh asked for a vote on the minutes. The minutes were approved unanimously 7-0.

IV. PUBLIC HEARINGS

There were no public hearings tonight.

V. PRIVILEGE OF THE FLOOR

Mr. Carl White of Colonie stated his concern for the Empire Drive project regarding what he sees as the potential for future drainage issues. He noted that there are some very large trees on the property and he is concerned that if the soil becomes oversaturated, they could fall.

VI. UNFINISHED BUSINESS

No unfinished business today.

VII. NEW BUSINESS

- **RECOMMENDATION TO ZBA: 1502 Balltown Rd. – Stewarts Shop -- A Recommendation to the Zoning Board of Appeals (ZBA) for a 149 sq. ft. addition requiring an area variance of 11 ft. of rear setback distance.**

Mr. Chuck Marshall from Stewart Shops was present for the meeting. He gave a brief description of the project that included an addition of a freezer to one corner of the building and an updated façade.

Chairman Walsh read the summary of the project included on the Planning Board Recommendation to the Zoning Board of Appeals for the area variance. Ms. Strang recused herself from discussions and voting. Chairman Walsh and Mr. Khan began the 3 questions included in the recommendation.

1. Effect on the Comprehensive Plan

The Board agreed 6-0 that there was no effect on the Comprehensive Plan (1 recusal).

2. Suitable Use

The Board agreed 5-1 that the project was a suitable use for the area. The Board noted that the pre-existing nonconforming building is located 8 ft. from the rear property line. The proposed location for the new freezer portion of the building addition that requires the 11' area variance relative to the rear property line is slightly more compliant to the rear property line than the existing building (1' improvement). They also noted that the area variance will have no impact on neighbors since the rear property line of 1502 Balltown Road abuts the interior parking lot of ShopRite Plaza. No residential properties are impacted by the potential area variance. Mr. McPartlon voted that it was not suitable because the addition is not integrated into the aesthetics of the main building and will be visible from Balltown Road (1 recusal).

3. Recommendation

Mr. Khan made a motion for the Board to recommend that the ZBA grant the area variance for the addition to Stewarts. The Board voted 6-0 on the positive recommendation.

Mr. Marshall noted that they will try as best they can to buffer the looks of the freezer to Balltown Road. He noted that when the improvements are made to the outside of the building, the hardy board will blend better with the freezer. He stated that Stewarts does not own this property and is limited to the extent to what they can change on the property. Ms. Robertson commented that the Complete Streets Committee noted that many high school students frequent this shop. They suggested more outdoor seating and re-painting of the crosswalks to improve safety for patrons.

The Planning Board called for a tentative resolution for October 24.

VIII. DISCUSSION ITEMS

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

Mr. Speulstra from CT Male Associates and Mr. Joralemon, the owner, were present for the meeting. Mr. Speulstra updated the Board on changes to the subdivision plan, including an update on the drainage plan. This included a swale around the northern property line to divert water from the homes to a gravel filter strip on Lot 1.

He noted that there is minor grading proposed that would not affect the trees but trees that are near the proposed driveways and homes will need to be removed. Ms. Robertson stated the Tree Council will do a site walk next week.

Mr. McPartlon (project lead) stated he did a site walk last week. He commented on some of his observations on the site. This included the proposed drainage plan. He noted that the area is flat and asked if Mr. Speulstra would comment on the plan for the impervious areas. Mr. Speulstra stated they would grade the land and use filter strips so water would be directed away from the existing homes, but this plan proposes to leave the trees so that the forest can absorb the water. Mr. McPartlon noted his concern that water would be flowing over driveways which will cause possible freezing issues.

Ms. Robertson stated that historically, a culvert would be put in place so that water would not flow across a driveway. Chairman Walsh noted that there will be feedback from the TDE once one is selected. Chairman Walsh asked who will maintain the filter strip. Mr. Speulstra stated it would be the homeowner on a subdivision this small. Ms. Robertson asked if there would be a conservation easement noted on the plan or it would just remain an open forest area. Mr. Speulstra stated it would remain an open forest area. Ms. Robertson deferred to Ms. Finan on what the Town should legally require. Ms. Finan suggested that the Town consult the TDE and then make a decision.

Chairman Walsh asked if the stub road would need to be named. Ms. Robertson stated that it will probably need a new road name. She added that the Town or applicant can name the road. Mr. Henry suggested that once the TDE report is in, Mr. Speulstra explain the drainage report and the process of how hydro cad works.

2. 1747 Union St. – Raizada gas station -- site plan app. for a 492 sq. ft. addition to the existing 1,455 sq. ft. retail and gasoline service station.

Mr. Kauffman was present to represent the applicant. He displayed an updated site plan for the Planning Board to discuss. They discussed raising the sidewalk and how it might be problematic with snow removal. Mr. Kauffman reiterated that the client is willing to make improvements to the sidewalk area. After some discussion, the Board suggested delineating the sidewalk from the road on Van Antwerp by surrounding certain areas with grass. The Board discussed with Mr. Kauffman ways to improve the look of the landscape on the Union Street side of the building. They noted that adding and maintaining greenery would be very helpful in improving the look of the area. Mr. Kauffman stated that any addition to lighting around the building will be pointed downward. Ms. Robertson stated that they will not need a TDE for this project but they will need to work with and notify Schenectady County.

3. 2209 Nott St. -- The Broken Inn – site plan app. for new outdoor dining area including additional and reconfigured parking

Mr. Nicchi updated the Board regarding the site plan and the work that Metroplex is doing on paving. He stated he has not updated the plan but did do a walk through with Metroplex. He confirmed that they will be paving the parking lot starting 10/17 and will partially extending the concrete sidewalk along the Clifton Park side of the buidlin. It should take 3-4 days to complete. Chairman Walsh reminded Mr. Nicchi that his updated site plan needs to be submitted to the Planning Department before the next meeting. He stated he would be submitting it soon. He noted that the new plans will have the changes that Metroplex is doing included so everything is consistant.

The Board called for a public hearing for the October 24 meeting.

4. 2837 Aqueduct Rd. – Rivers Ledge Sr. Center -- site plan app. for a 66 apartment unit building containing 2,000 sq. ft. of mixed-use commercial space and a 3,000 sq. ft. commercial space outbuilding

Representatives for the project were not present tonight. The Board briefly discussed the updated plan for the roof that was submitted for the Senior building. Mr. D'Arpino described the plan to the Board. He noted where and how the HVAC system will be stored and covered on the roof. Chairman Walsh asked who the TDE is on this project. Ms. Robertson stated it was Weston and Sampson and they had very little comments regarding Phase 2 of this project so far.

5. 2239 Van Antwerp Rd. 2-lot minor subdivision

Mr. Patrick Jarosz, the representative for the applicant was present for the meeting. He updated the Board about the project and noted the updates on the site plan. He stated he added the direction of the drainage flow, defined the wetland buffer and noted the trees with a diameter of more than 25" on the updated map.

Mr. LaFlamme noted that the subdivision is pretty straight forward and he is satisfied with the additions to the plan. The Board discussed the possibility of saving most of the trees. Mr. Jarosz noted that the trees marked by the potential driveway for saving will need to be removed but he will try to preserve as many trees as possible.

Ms. Robertson noted that the Engineering Department submitted comments regarding the proposed foundation height of the building. They asked for the foundation and fill height to be lowered to stay consistent with other homes in the area. Mr. Jarosz stated he would try to stay within the limits as long as it did not create problematic drainage towards the proposed home.

Ms. Robertson and Mr. Jarosz discussed the possibility of maintaining the designated trees along the southern property line by moving the swale slightly to and reducing the amount of fill in the area. He asked her to send an updated marked tree plan for reference. She stated she would. Chairman Walsh called for a tentative resolution for the next meeting.

6. 2538 River Rd. – site plan app. for a subdivision sign at Kelts Farm

The Board discussed the size of the subdivision sign that was installed by the applicant. They stated it is 24 square foot sign when only a 16 square foot sign is allowed by code. Ms. Robertson noted that the Board should review and make a recommendation on the sign before it goes to the Town Board for action.

Chairman Walsh discussed with the Board the design for when it becomes a permanent subdivision sign. He noted he would like to see what a 16 sq. foot sign would look like as a monument sign. Ms. Robertson suggested that Mr. Bisailon submit a design for 16 sq. feet and 24 sq. feet to see which one looked more appropriate. The Board agreed to review the aesthetics of a proposed permanent sign prior to making any recommendations to the Town Board.

7. 2750 Balltown Rd. – site plan app. for a monument sign at Momentive Performance Materials

Mr. Robert McQueeney was present to represent the applicant. He displayed the signage plan to the Board. This included the monument sign and 2 façade signs on the building. He noted that all the signs will require a variance. Chairman Walsh asked to start the discussion with the monument sign. Mr. McQueeney stated the monument sign will be placed in the same location as the former tenant's monument sign. He added that it will be lit with the same lights. He noted that it is compliant with Town Code. Ms. Robertson stated that if the Board was in agreement that this sign is appropriate for the area, it could go proceed right to building permit as it is a direct replacement of a previous sign. The Board agreed that it was appropriate and allowed the monument sign to proceed to a building permit.

Mr. McQueeney told the Board the reason for the proposed 2 façade signs. He stated it was to brand the building that it is now owned by Momentive. He stated it gives ownership to the building, for employees and visitors to the site and he believes that tasteful signage improves the aesthetics of the front of the building.

The Board was in favor of the façade signs because they are so far from the road and the façade of the building is very large. Chairman Walsh c a recommendation to the ZBA for the next meeting. He noted Momentive will be on the November 16 ZBA meeting.

8. 2635 Balltown Rd. – Trinity Baptist Church – site plan app. for clearing and construction of recreation fields

Mr. Larry Noyes was present for the meeting. He stated that he submitted the Army Corps of Engineers report and the Archeological report to the Planning Department. Ms. Robertson stated that the Engineering Department will need to review the plan especially where the berm will be due to its proximity to the adjacent property (JCC). Mr. McPartlon noted his concern for drainage issues due to the amount of tree removal and fill being added.

Mr. Noyes discussed the trees marked by the surveyor for the 25 foot wetland buffer and the trees marked by the Tree Council. He stated that the understory trees that are in the proposed

field will need to be removed and seeded for grass but the large trees that the Tree Council marked will remain. Mr. Noyes stated that there will be a permanent picket fence installed for the delineation of the wetlands.

The Board discussed with Mr. Noyes the replacement of trees removed elsewhere on the property. Ms. Robertson stated she will get an exact number but believes the original Tree Council recommendation was around 8-12 trees planted near Balltown Road by the adjacent property. She noted that the proposed planting plan can be labeled on the site plan as proposed circles designating that there will be trees for replanting in each area.

Chairman Walsh stated to Mr. Noyes that if he can submit the outstanding items, this project could have a tentative resolution for the end of October. Mr. Noyes stated he will try to get things in to be on the next agenda.

9. 3413 State St. – site plan app. for a tenant change to a retail smoke shop

Mr. Norvici, the accountant for the applicant, and the applicant, Mr. Alharby, were present for the discussion. Mr. Norvici gave a brief description of the business and what changes will be made to the tenant space to make it a smoke shop. Chairman Walsh noted that the sign will need approval. He stated that if the sign can be submitted to the Planning Department soon, the Board will be able to review it before the next meeting.

The Board asked the applicant if there will be smoking within the store. Mr. Alharby stated no. It will be for sales only. Ms. Robertson reminded the applicant that the Town of Niskayuna had opted out of Marijuana sales so no marijuana products could be sold at this store. The applicant stated he understood that and would not sell marijuana products, just regular CBD oil that did not require any special permits. He stated there will be signage limiting entrance to the store for patrons 21 years of age or older. The Board called for a tentative resolution for the October 24 meeting.

10. 412 B Balltown Rd -- Hickory Farms – site plan app. for tenant change & signage

The applicant was not present for the meeting. The Board discussed the signage and tenant change application. They noted that Hickory Farms will need a sign waiver from the Board due to it being over the 20 square foot maximum size. The Board called for a resolution for site plan approval at the next Planning Board meeting but discussed approving a sign that was in conformance with the Zoning Code and did not require a waiver.

11. 1748 Union St. – conversion of a single-family home to a retail / service store

Mr. Vladimir Goikman was present to represent the applicant. He described the project as an upgrade to the multi-use building that will have residential units on the second floor and retail units on the first floor. He noted that the property group he represents will be purchasing the adjacent property too, which will remain as a financial institution. He submitted a site plan to the Board to review.

Mr. Goikman noted that there is a curb between the 2 properties that is about 11/2 feet high that they are proposing to remove so parking can be shared between properties.

Chairman Walsh discussed the site plan application process with Mr. Goikman. He noted that there will need to be an engineering review due to the addition to the impervious surface. The Board had a positive response to the idea of the project and noted that saving the existing building was important because it added character to Union St.

The Board discussed that a planting and landscape plan will be important and he will need to create a parking and traffic plan for both properties. Mr. Goikman agreed. The Board discussed the next steps for Mr. Goikman to proceed with the project. Mr. Goikman thanked the Board for the feedback.

IX. REPORT

1. Planning Department Updates

Ms. Robertson stated that there have been a lot of sandwich signs appearing in the Town Center Overlay District. She stated the Building Department will be working with the Planning Board to address this issue.

X. COMMISSION BUSINESS

No commission business tonight

XI. ADJOURNMENT

Chairman Walsh asked for a motion to adjourn. Mr. LaFlamme made a motion to adjourn and it was seconded by Ms. Gold. The meeting was adjourned at 10:00 pm.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. IV. 1

MEETING DATE: 10/24/2022

ITEM TITLE: PUBLIC HEARING: Site plan review and amended special use permit for outdoor dining at The Broken Inn at 2207 2209 Nott St

PROJECT LEAD: David D'Arpino

APPLICANT: Thomas Nicchi

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: Public Hearing

SUMMARY STATEMENT:

Thomas Nicchi, applicant for the owner Daniel Lange, has submitted an Application for Site Plan Review for the creation of a new outdoor dining area for The Broken Inn at 2207 / 2209 Nott St. The Town Board granted a special use permit (Resolution 2020-327) for an indoor restaurant with ice cream and take-out windows. The addition of outdoor dining requires an amendment to the special use permit for the restaurant. Amendment of the special use permit requires a new public hearing.

BACKGROUND INFORMATION

There is no action to be taken at a public hearing. The Public Hearing Notice is attached.

There is no discussion item for this application due to the Town putting it on hold.
Drawings for the purposes of the public hearing are attached to this agenda statement.



NOTICE OF PUBLIC HEARING

TO BE HELD BY THE
PLANNING BOARD & ZONING COMMISSION
OF THE TOWN OF NISKAYUNA

NOTICE IS HEREBY GIVEN that pursuant to the Zoning Ordinance of the Town of Niskayuna, New York and the applicable provisions of the Town Law of the State of New York, a public hearing will be held by the Planning Board and Zoning Commission of the Town of Niskayuna in the Town Board Meeting Room at One Niskayuna Circle on the twenty-fourth (24th) day of October 2022 at 7:00 p.m. to consider an application from Thomas Nicchi for a site plan review and amended special use permit at 2207 / 2209 Nott Street East in the Town of Niskayuna (Tax Parcel ID#40.14-5-50). The property is located within the C-N Commercial Neighborhood Zoning District.

A copy of the site plan application will be available for inspection at the Planning Department in the Niskayuna Town Hall and can be viewed at <https://www.niskayuna.org/planning-board> under the "News and Announcement" tab and will be shown electronically during the public hearing.

If you wish to express an opinion regarding the public hearing you may do so at the above-mentioned time and place. If you cannot be present, you may request a virtual login to the meeting by emailing lrobertson@niskayuna.org or calling 518-386-4530 or you may set forth your opinion in a letter which will be made part of the permanent record.

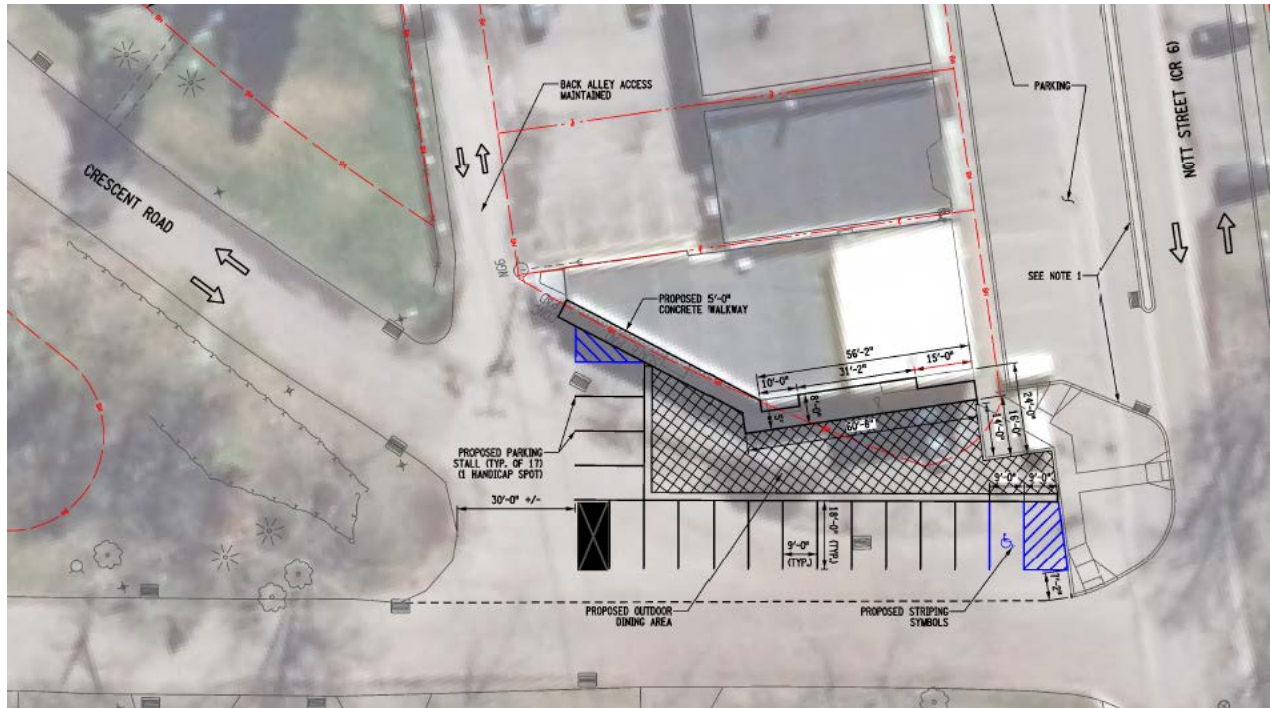
The Planning Board and Zoning Commission of the Town of Niskayuna will hear all persons interested during the aforementioned public hearing.

BY ORDER of the Planning Board of the Town of Niskayuna, New York.

KEVIN A. WALSH
Chairman, Planning Board and Zoning Commission

2207 / 2209 Nott Street – Site Plan Detail

Town Board Resolution 2020-37 approved a special use permit for a restaurant with a bar and a to-go window serving on-premise meals, take-out meals and soft serve ice cream during the warm weather months. The applicant seeks to amend the special use permit to include an outdoor dining area where beverages and menu items from the restaurant may be ordered, served and consumed.



2209 Nott Street (UPDATED – October 2022)

For both safety, increased parking, and community enjoyment we request permission to place an exterior seating, dining and bicycle parking area on the Clifton Park Rd side of 2209 Nott Street. Our layout has been drawn up by MJ Engineering to work in concert with the new Nott Street construction which they designed as well.

Please note – this plan requires no expenditures by the Town of Niskayuna.

SAFETY:

At present there is a temporary barricade area set up along the side of our business (The Broken Inn) so that people can safely walk, sit and eat ice cream. This was previously approved by the Planning Board and has been widely welcomed and used by the community.

At present there are no defined parking spaces (not striped).

At present there is no space for bicycles to be parked. They are laid on the ground or set to lean against a building thus limiting “sidewalk” area (there are no sidewalks).

At present there is no sidewalk on the Clifton Park Rd side of the plaza.

At present there is no place for visitors to the Plaza to sit outside.

At present there is no defined road area (no lines) at the intersection of Clifton Park Rd and Crescent Rd and this area has become a high speed “cut through” for motorists looking to avoid the stoplight at Balltown Rd when travelling from Nott Street (Eastbound) to Balltown Rd (Northbound).

PARKING:

The proposed layout would increase usable parking spaces in this area from 11 spaces at present to a proposed 16 spaces (net gain of 5 additional parking spaces to the plaza) on the Clifton Park Rd side of the building.

It would “square off” an otherwise awkward intersection which in turn would require motorists who are either making a right hand turn from Clifton Park Rd to Crescent Rd, or a left hand turn from Crescent Rd to Clifton Park Rd, to slow down. To ensure this, planter barricades (described below) would be placed in an “L” formation at the corner of the parking area requiring motor vehicle traffic to drive around it, and thus slowing down.

The new parking would be defined by concrete parking bumpers at the front of each spot and striped parking spaces. This area would now provide 18’ parking spaces (per code) and approx. 8’ for vehicles to back out. This is a non-conforming layout, however the present non-conforming layout has even less space in areas given that there is no defined road and motorists drive right along the backside of vehicles at high speeds, and thus this would be an improvement.

OUTDOOR SEATING/DINING/BICYCLE PARKING:

The proposed layout would be divided into 3 areas totaling approx. 80’ x 20’ including sidewalk space. These areas are a seating area, a dining area and a bicycle parking area.

At present the outdoor area described below is being paved, graded and stamped by Carver Industries as contracted by the Metroplex Authority. The parking lot area is to be paved while an 8’ section along the Clifton Park Rd side of

the building is being stamped to match the new sidewalks on the Nott Street side of the building. This work is scheduled to begin on/around October 17, 2023 and to be completed by the end of October 2023 and is being paid for by the Metroplex Authority.

SIDEWALK:

The proposed layout would continue the 8' wide sidewalk area recently built on the Nott Street side of the building. It would run adjacent to the Clifton Park Rd side of the building and would be the same width as the newly placed sidewalk. This would not be raised but rather stamped to match the sidewalks on Nott Street.

PLANTER BARRICADES –

The proposed outdoor area would be delineated by painted/striped lines, parking bumpers, and planter barricades. Per planter barricades - these would be spaced out to allow visitors to the Plaza to easily walk through them for easy access to the building. There would be 9 planter barricades in total. 2 at the intersection of Clifton Park Rd and Crescent Rd to slow traffic and require a turn. 3 along the Clifton park road side to separate vehicles from the outdoor seated area. 2 along the Crescent road side to separate vehicles from the outdoor seated area. 1 separating the bench area from the dining area and one separating the dining area from the bicycle area. The planter barricades are each 6' x 2' and are to be constructed by using wood framing around the exterior of a water jersey barricade as we have been using for quite some time and that currently meet traffic safety standards. These will be wood framed with wood fencing material on four sides and would have a flower planter bed placed across the top. This construction allows us to create something that is both safe and visually appealing while also allowing us to move them should that be needed (seasonal, during construction, etc). The Broken Inn will purchase and construct the planter barricades and will maintain them.

BICYCLE AREA – We request to create an area for bicycles/bicycle rack which would increase safety and further encourage people to ride their bicycles to the Plaza. This area would be designed for approx. 10 bicycles to be parked (2 racks – each approx. 8' long x 2' wide). Bicycle racks to be purchased by The Broken Inn. Cleanliness of this area to be maintained by The Broken Inn.

DINING AREA – We request to create an area for outdoor dining where guests of The Broken Inn can sit outside and order a meal. This area would be safely enclosed from the parking area by a barrier on both the North and West sides and would include 8 tables. 4 of these tables would seat 4 guests (each table 48" x 30") and 4 of these tables would seat 2 guests (each table 30" x 30") for a total seating of 24 guests at maximum capacity and include 24 chairs. It would be adjacent to the new sidewalk on the South side and adjacent to an 8' sidewalk area on the East side. The area would have tables and chairs with umbrellas for shade, string lights hanging over the area for evening lighting, and would be handicap accessible. This area would not

create any lighting that faced towards residences, and would be closed one hour prior to the restaurant closing to ensure no additional evening noise to those residences nearest by. There will be no music (live or recorded) played in this area. Tables, chairs, trash cans and any other furnishings to be paid for by The Broken Inn. Cleanliness of this area to be maintained by The Broken Inn.

SEATING AREA – We request to create an area for outdoor seating so guests of the Plaza have somewhere to sit including daytime visitors waiting for their friends/family to get haircut or shop and of course those who order Ice Cream and wish to sit for a short period and enjoy it. This area would have approx. 4 benches. These benches would face towards the parking area and would be purchased and maintained by The Broken Inn. Cleanliness of this area to be maintained by The Broken Inn.

SEASONAL NOTE:

While this seating/bicycle area would be used on a seasonal basis, the safety benefits related to the parking/motorists area would take remain all year long. The seated areas are likely to be used from approximately April 1st until October 31st (possibly a few weeks on either side depending on weather). As this is town property, the Town would have a smaller area to plow in the winter as snow could remain in the area used for seating with the exception of the sidewalk area which would be shoveled by The Broken Inn.

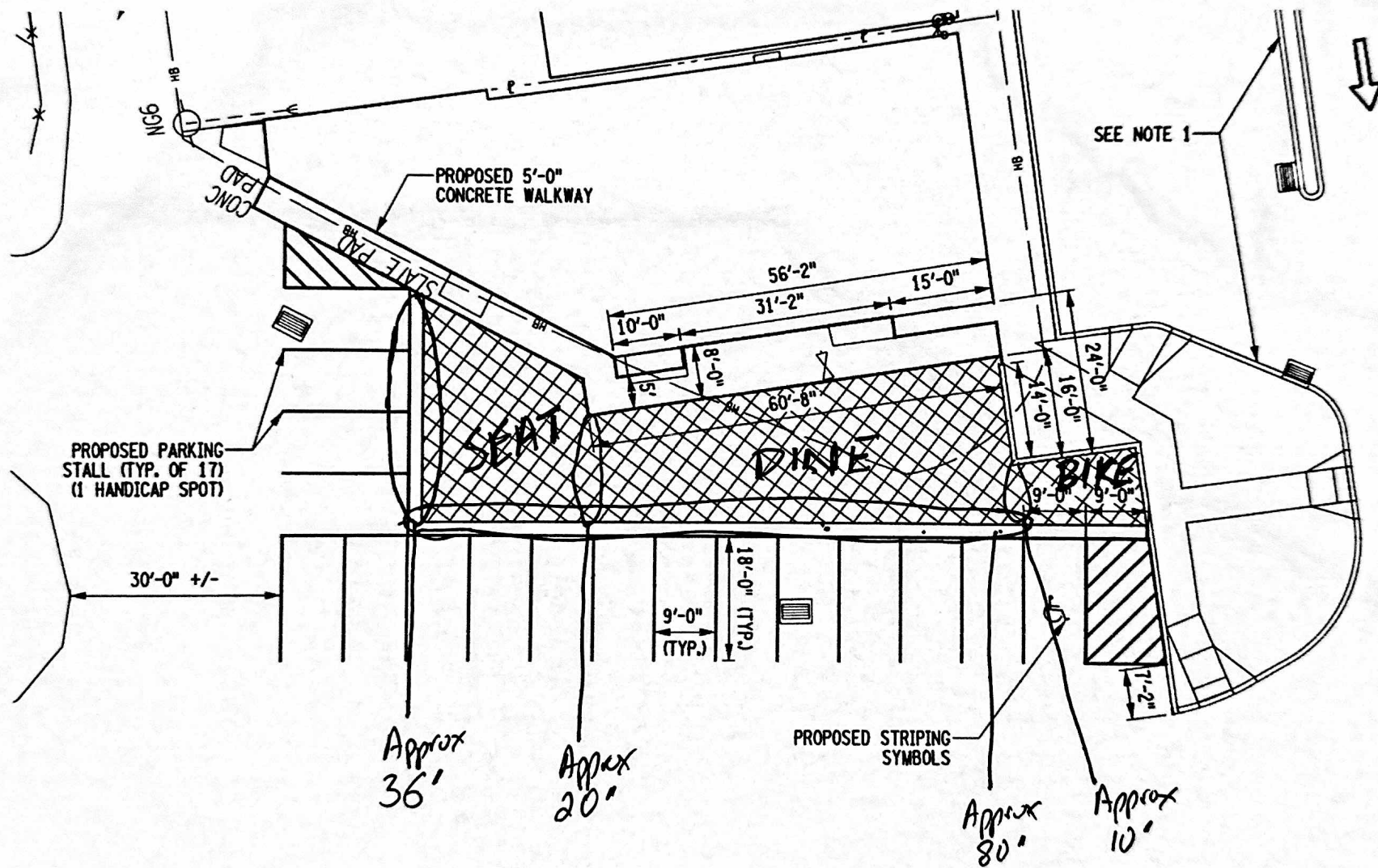
ADDITIONAL:

We request a modification to the existing special use permit granted for our operation as it relates to our hours of operation. When the Town granted our special use permit, hours of operation were listed as follows: Mon-Thur 4p to 10p, Friday 4p to 11p, Saturday 9a to 11p, Sunday 9a to 10p. This was done at the Broken Inn's suggestion, and out of an abundance of caution, to ensure parking was not compromised during the day to the neighboring businesses. At present we are requesting the special use permit be modified to reflect hours as follows: Mon-Thur 11a to 10p, Friday 11a to 11p, Saturday 9a to 11p and Sunday 9a to 10p. In short – we are requesting the capability to operate weekdays starting at 11am instead of 4pm. No other changes are requested. We have found that parking during the daytime hours in the plaza is more than adequate to justify any increased traffic this change would create. This request is based on customer demand. Local businesses (GE, Knolls, CBS6, etc) are requesting dine in (and take out) for lunch, parents are looking for a place to bring their kids to eat during the day in the summer and on school breaks/holidays, people are looking for ice cream at 12p/1p/2p on warm days, etc.

SUMMARY:

Allowing this area to be created improves safety, increases parking and makes the entire plaza more welcoming to guests. It makes great use of an area that is truly a “no mans land”, continues the great work that has already started and is clearly wanted by the majority of the community as reflected in the 150+ letters of support already sent in. Our plan does this at no expense to the town, and the amended hours of operation allow us to satisfy guests and pay for the project.







TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 10/24/2022

ITEM TITLE: RECOMMENDATION TO ZBA: 2750 Balltown Rd. -- site plan approval for new signage for Momentive Performance Materials.

PROJECT LEAD: TBD

APPLICANT: Robert W. McQueeney, agent of the owner

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

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

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

BACKGROUND INFORMATION

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

The following documents were included with the application.

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

Area variances requested

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

Monument Sign – “Momentive Monument B”

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

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

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

Façade Signs – “Momentive CH LTTRS opt4”

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

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

Façade Sign 1: “Momentive”

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

Façade Sign 2: “V”

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

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

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

The Board agreed to make a recommendation to the Zoning Board of Appeals (ZBA) at the 10/24/22 PB meeting.



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

TO: File

FROM: Laura Robertson, Town Planner

DATE: October 24, 2022

RE: 2750 Balltown Rd. – Momentive Performance Materials

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

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

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

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

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

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

The Planning Board made the following recommendations:

Effect on the Comprehensive Plan –

Suitability of Use –

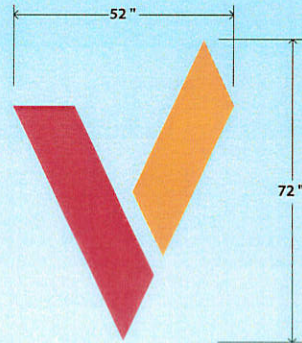
RECOMMENDATION –

Received

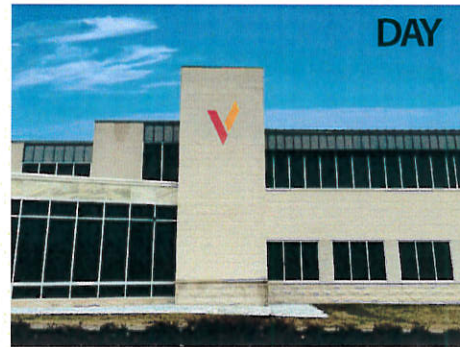
SEP 23 2022

Niskayuna Building Dept.

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



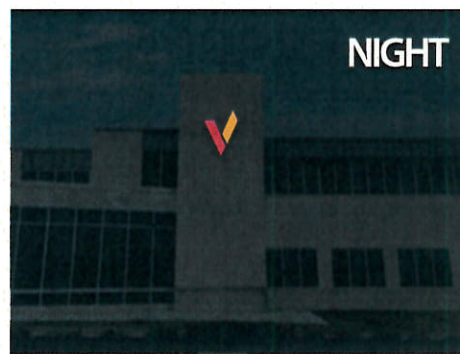
-  PMS 534C BLUE
-  PMS 151C ORANGE
-  PMS 200C RED
-  WHITE



DAY



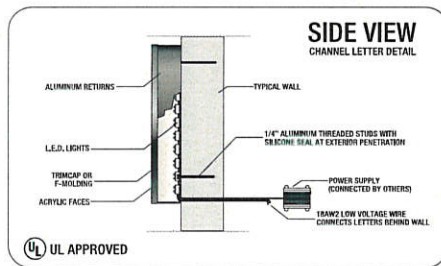
DAY



NIGHT



NIGHT



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

CLIENT:

Momentive

JOB LOCATION:

Balltown Road
Niskayuna, NY

CUSTOMER APPROVAL

DATE

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



DATE: 8-31-22

FOLDER: SP/Momentive

FILE NAME:

Momentive CH LTTRS opt4

REVISION: 3

DRAWN BY: SP

SALESPERSON: JB

WSA

MEMBER

USSC

UNITED STATES
SIGN COUNCIL





TOWN OF NISKAYUNA

BUILDING AND PLANNING DEPARTMENT

Thomas J. Cannizzo
Building Inspector

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

Kenneth P. Hassett
Building Inspector

APPLICATION FOR SITE PLAN REVIEW DENIAL

**Address: 2750 Balltown Rd.
Niskayuna, NY**

Application Date: 8/22/22

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

Dear Mr. McQueeney:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your Site Plan application entitled "Momentive CH LTTRS opt4" by Saxton Sign Corp, for new signage at 2750 Balltown Road has been denied by reason of failure to comply with the provisions of Niskayuna Zoning Code Schedule I-F Part 1. The property is located in the I-R Research and Development Zoning District.

Chapter 220 Schedule I-F Part 1, for the I-R Research and Development zoning district, states: "For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building face and shall not protrude more than 1 foot from the building face and shall be a single face sign. Under no circumstances shall any 1 sign exceed 50 sq. ft. and no more than 1 façade sign shall be permitted per property."

As proposed, the building would have two façade signs, a "Momentive" sign measuring 99 square feet (297" wide x 48" high) and a "V" sign measuring 26 square feet (52" wide x 72" high). Therefore, a variance for a second sign and variances for 49 square feet and 26 square feet respectively (75 square feet total), are required.

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.

Laura Robertson, Deputy Code Enforcement Officer

10/13/22

Date

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rec'd BA	_____
Date Hearing	_____
Date Action	_____
Ref. P.B.	_____ Date _____
Ref. County	_____ Date _____

TO: ZONING BOARD OF APPEALS

FROM: Momentive Performance Materials

RE: Property at 2750 Balltown Road

Section Block Lot 31.-1-38.1

I, Robert McQueeney, the (agent of the owner) of the property located at 2750 Balltown Road in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

☒ Fifteen (15) copies of plot plans

☒ Two (2) copies of construction plans, if applicable

} Documents showing sign dimensions
and where on facade sign will
be placed

_____ Appeal fee (see application procedures for details)

I can provide credit card #
in person or over the phone

☒ Appeal statement (see application procedures for details)

NA Short Environmental Assessment Form, Project Information, as applicable for use variance

_____ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent:

[Signature]

Date OCT. 13, 2022

Signature of Owner (if different from Agent _____)

Telephone Number: 518-527-5321

For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

Options considered included

Making sign smaller.

- With the distance from the road (approximately 1000 feet from site entrance), a 50 square foot sign would be extremely small.
- Additionally, a 50 square foot sign placed at this specific location (160 foot long section) looks out of proportion given the size of the building. Figure 1 shows the rendering for how the sign will look from the site entrance.
- The 99 square foot sign appears to be appropriately sized for visitors and employees entering the property.
- The proposed sign will not be detrimental to the neighborhood due to the approximately 1,000 ft distance from the sign to the road.

Having single sign vs. two signs.

- Both the “V” logo and Momentive sign allow us to proudly display our brand. Our “V” represents Vision for what we want to achieve including the safety and well-being of our employees, our sustainability initiatives, the values we like our employees to embrace, the solutions we want to bring to the market and customer, and our financial goals.
- Having the two signs allows Momentive to proudly display our brand in an aesthetically appealing manner and enhances the appearance of the building. The second sign will have no adverse effect to the neighborhood due to the approximately 1,000 ft distance from the proposed sign to Balltown Road.
- Lastly, having two signs appears to be consistent with the prior owners signage.

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:
- Momentive does not think that the signage is intrusive and/or overpowering in any way.
 - Similar to the comments from question 1, with the distance from the road (approximately 1000 feet from site entrance), a 50 square foot sign would be extremely small.
 - Additionally, a 50 square foot sign placed on the 160 foot long section of the façade looks out of proportion given the size of the building. The renderings included with this application show how the sign will look from the site entrance.
 - The 99 square foot sign appears to be appropriately sized for visitors and employees entering the property.
 - Momentive has asked former SIG employees if there have ever been any complaints from the neighbors across the street from the property and the feedback was that there have been none.
 - The intent is to have the façade signage operate on a light sensor or timer.

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

Momentive feels that the requested variance is not substantial for the following reasons;

- The size of the sign relative to the building size appears to be appropriate.
- Given the distance from the site entrance the size of the proposed sign appears to be appropriate.
- Having two signs on the façade appears to be consistent with the prior owners design.

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

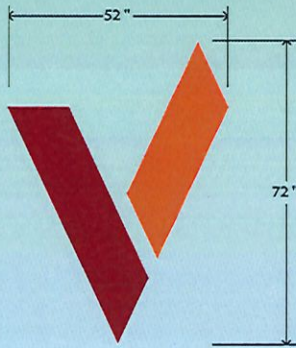
Momentive believes that requested variance will have no adverse effects on the environment.

- Installation of the signage will require no physical changes to the site that could impact noise, existing ground conditions or building structure.
- No earthwork will be required to install the signage on the façade of the building.

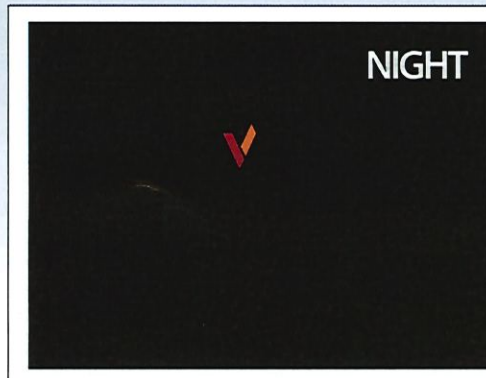
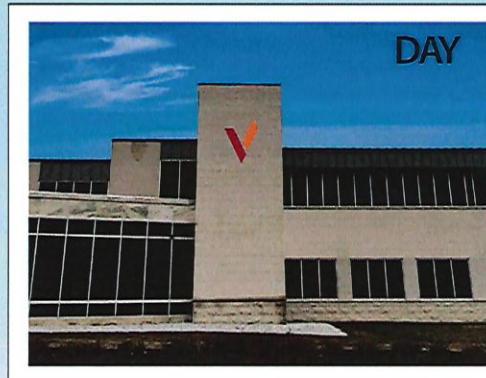
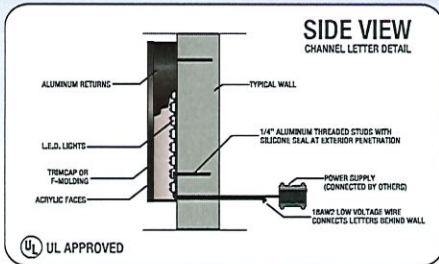
5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

The proposal to install 2 signs on the façade of the building and for one of the signs to be greater than 50 square feet is Momentive's preference so the alleged difficulty is self-created.

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



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



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

CLIENT:

Momentive

JOB LOCATION:

Balltown Road
Niskayuna, NY

CUSTOMER APPROVAL

DATE

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DATE: 8-31-22

FOLDER: SP/Momentive

FILE NAME:

Momentive CH LTTRS opt4

REVISION: 3

DRAWN BY: SP

SALESPERSON: JB





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

CLIENT:
MOMENTIVE

JOB LOCATION:

CUSTOMER APPROVAL

DATE

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





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

CLIENT:
MOMENTIVE

JOB LOCATION:

CUSTOMER APPROVAL

DATE

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



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





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 2

MEETING DATE: 10/24/2022

ITEM TITLE: RESOLUTION: 2022-25: A Resolution for site plan approval for exterior improvements including an addition for the Stewarts Shop located at 1502 Balltown Rd.

PROJECT LEAD: Genghis Khan

APPLICANT: Jennifer Howard, 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:

Jennifer Howard, agent for the owner, submitted an Application for Site Plan Review to remodel the existing Stewarts Shop at 1502 Balltown Rd. The remodeling is to include the installation of new stone veneer and clapboard siding on the building, painting the remaining brick and the installation of a new freezer to the rear of the building.

BACKGROUND INFORMATION

The property is located within the C-N Neighborhood Commercial zoning district.

A 1-page site plan drawing entitled "Nott Balltown – 126 – NBTS, 1502 Balltown RD, Niskayuna, NY 12309, T-1, Title Sheet" by Stewart's Shop dated 8/10/22 with no subsequent revisions was provided with the application.

A 1-page site plan drawing entitled "Nott Balltown – 126 – NBTS, 1502 Balltown RD, Niskayuna, NY 12309, S-1, Existing Site Plan " by Stewart's Shop dated 8/2/22 with no subsequent revisions was also provided with the application.

A 1-page site plan drawing entitled "Nott Balltown – 126 – NBTS, 1502 Balltown RD, Niskayuna, NY 12309, S-2, Proposed Site Plan " by Stewart's Shop dated 8/2/22 with no subsequent revisions was also provided with the application.

9/12/22 Planning Board (PB) meeting – the applicant presented the project to the PB. The exterior cosmetic / façade changes are identical to the changes that were approved for the Stewarts Shop at 1739 Union Street. The focus of the discussion concerned the addition of a 149 sq. ft. freezer along the north side of the existing building. Ms. Howard explained that this particular Stewarts Shop is a bit small and the larger freezer will allow them additional storage space.

Schedule I-D Part 2 C-N District Schedule of Supplementary Regulations includes a rear setback requirement of 20 ft. for retail and service stores. The existing building is pre-existing nonconforming with a rear setback of 8 ft. As proposed, the rear setback of the addition / freezer is 9 ft. Therefore, an 11 ft. area variance for rear setback distance is required.

The Planning Office has issued a letter of denial to the applicant regarding the Application for Site Plan Review due to the conditions described above. The applicant has filed an application for appeal to the Zoning Board of Appeals (ZBA) and is scheduled for the 10/19/22 ZBA meeting.

A Zoning Coordination Referral was filed with Schenectady County due to the projects proximity to Balltown Road (state road).

9/30/22 Complete Streets Committee meeting – the Committee reviewed the project and asked for new striping of sidewalks. They also commented that this Stewarts needs more outdoor seating and asked that the Planning Board make sure no outdoor seating is being removed and also work with Stewarts to potentially add more outdoor seating in the greenspace.

10/3/22 Planning Board (PB) meeting – the PB discussed the project and made a recommendation to the ZBA to approve the variance. The Board asked that the condensing unit for the new freezer be placed towards the rear and that a drawing or image of its proposed location be shown at the 10/24/22 PB meeting. They also requested that the applicant explore ways to blend the new freezer into the overall design of the building. After some additional discussion the Board called for a resolution for site plan approval for the 10/24/22 PB meeting.

The applicant provided an updated design package on 10/17/22 that includes a screening wall to shield the freezer from view from Balltown Rd. The design package also shows the condensing equipment concealed behind the building and new seating along the edges of the parking lot beside Shoprite plaza.

10/19/22 Zoning Board of Appeals (ZBA) meeting – the ZBA granted the area variance for 11 ft. of rear setback distance at their regularly scheduled meeting on 10/19/22.

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

RESOLUTION NO. 2022 - 25

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 24TH DAY OF OCTOBER 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 final site plan 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, Jennifer Howard, representing Stewart's Shops, has made an application to the Planning Board and Zoning Commission for interior and exterior renovations including a 149 sq. ft. addition to the building containing a new freezer for the store located at 1502 Balltown Road, and

WHEREAS, the following 4 drawings were provided with the site plan application:

A 1-page site plan drawing entitled "Nott Balltown - 126 - NBTS, 1502 Balltown RD, Niskayuna, NY 12309, T-1, Title Sheet" by Stewart's Shop dated 8/10/22 with a most recent revision of 10/5/22 was provided, and

A 1-page site plan drawing entitled "Nott Balltown - 126 - NBTS, 1502 Balltown RD, Niskayuna, NY 12309, S-1, Existing Site Plan " by Stewart's Shop dated 8/2/22 with no subsequent revisions was provided, and

A 1-page site plan drawing entitled "Nott Balltown - 126 - NBTS, 1502 Balltown RD, Niskayuna, NY 12309, S-2, Proposed Site Plan " by Stewart's Shop dated 8/2/22 with a most recent revision of 10/5/22 was provided, and

A 1-page site plan drawing entitled "Nott Balltown - 126 - NBTS, 1502 Balltown RD, Niskayuna, NY 12309, S-3, "Grading Plan " by Stewart's Shop dated 8/16/22 with no subsequent revisions was provided, and

WHEREAS, the zoning classification of the property is C-N Neighborhood Commercial within the Town Center Overlay District (TCOD), and

WHEREAS, Schedule I-D Part 2 C-N District Schedule of Supplementary Regulations includes a rear setback requirement of 20 ft. for retail and service stores, and

WHEREAS, the existing building is pre-existing nonconforming with a rear setback of 8 ft. and as proposed, the rear setback of the addition / freezer is 9 ft., and

WHEREAS, the Zoning Board of Appeals (ZBA) reviewed and approved an application for an 11 foot area variance for rear setback ($20 - 9 = 11$) at their regularly scheduled meeting on October 19, 2022, and

WHEREAS, this application was referred to the Schenectady County Planning Department, and

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

WHEREAS, the Planning Board shall refer this project to the Niskayuna Architectural Review Board (ARB) for review and approval of the site plan drawings and elevation images, and

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

NOW, THEREFORE, be it hereby

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

1. The aesthetics of the building, given its location in the epicenter of the Town Center Overlay District, was an important part of the project review. To mitigate the impact of the building addition, prior to the issuance of a building permit the final building design shall be reviewed and approved by the Niskayuna Architectural Review Board (ARB).
2. Prior to final closeout of the building permit - all crosswalks shall be re-striped.

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 _____.



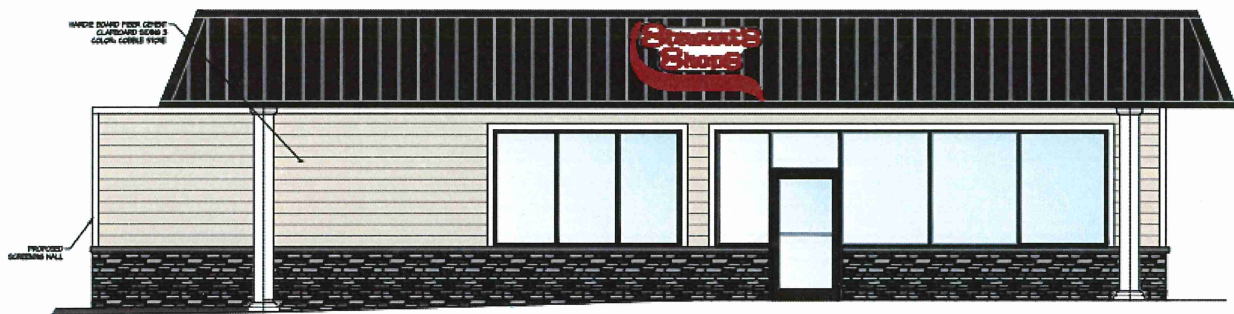
October 17, 2022

Mr. Kevin Walsh, Chairman
Town of Niskayuna Planning Board
One Niskayuna Circle
Niskayuna, New York 12309

Chairman Walsh and Members of the Niskayuna Planning Board,

At the October 3rd meeting of the Town's Planning Board, Stewart's was asked to revisit its proposal for the parcel we lease at 1502 Balltown Road. This project seeks to install an external freezer on the northern side of the existing Stewart's building. The original proposal had the metal freezer components visible to the traveling public on its proposed western elevation. Stewart's revisited and is going to install a screening wall with the same Hardie Board siding and stone veneer façade as the building to screen visibility of the freezer from Balltown Rd. The revised elevation is pasted below.

Proposed Elevation Change



Proposed Piping Behind Freezer



Outside this element, the Planning Board requested Stewart's look at the potential installation of additional tables. There are two areas of seating totaling 6 tables, on the south side there are 2 tables in the delivery area and to the north there are 4. While a small wall is being proposed to address grading and stormwater issues, we believe the tables to the north can be shifted west and remain.

As these were the major concerns of the Board, we shall proceed to the October 19th of the ZBA in pursuit of the necessary variance and then return to the Planning Board on October 24th. At the meeting of October 24th, Stewart's will be represented by Marcus Andrews. Unfortunately, a staff departure and conflict prevent my participation and attendance and it's a-typical for three people to represent a project. If there are any questions or concerns, please reach me at (518) 581-1201 ext 4435.

Respectfully submitted,

Chuck

Charles "Chuck" Marshall
Stewart's Shops Corp.

PROPOSED STEWART'S SHOP ALTERATIONS

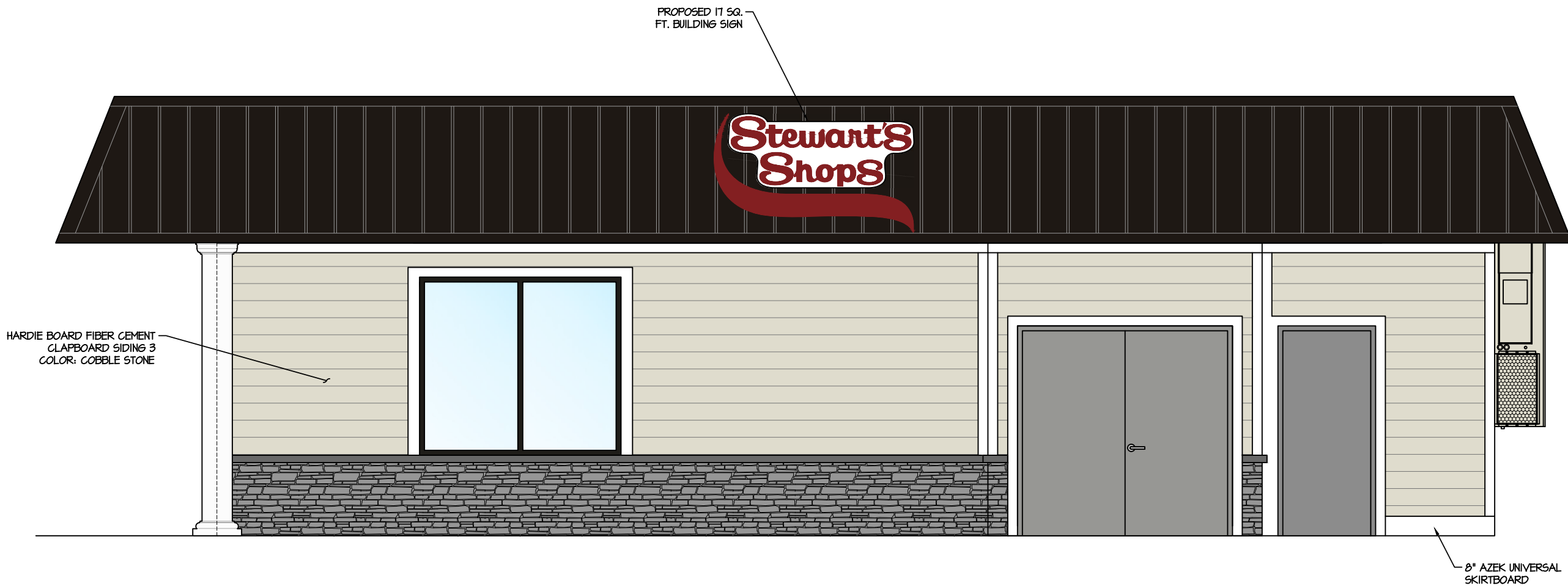
1502 BALLTOWN RD, NISKAYUNA, NY 12309



PROPOSED BUILDING ELEVATION, N



PROPOSED BUILDING ELEVATION, W



PROPOSED BUILDING ELEVATION, S



PROPOSED BUILDING ELEVATION, N



PROPOSED BUILDING ELEVATION, N



PROPOSED BUILDING ELEVATION, S

		STORE NAME, ABBREVIATION & NO.		NOTT BALLTOWN - 126 - NBT5	
		SITE LOCATION		1502 BALLTOWN RD, NISKAYUNA, NY 12309	
DATE	NO.	REVISIONS			
10/5/22		ADDED WALL TO SCREEN FREEZER			
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW				DRAWN BY: RR SCALE: NTS DATE: 8/10/22	
		SARATOGA SPRINGS, NY 12866 TEL. (518)581-1200 FAX (518)581-1204		DRAWING NO. T-1	
		TITLE: TITLE SHEET			

LEGEND	
PROPERTY LINE	---
FIRE HYDRANT	
WATER VALVE	
GAS VALVE	
SEWER MANHOLE	
SEWER CLEANOUT	
CURB INLET	
CATCH BASIN	
GUY WIRE	
UTILITY POLE	
SIGNPOST	
TRAFFIC SIGNAL CONTROL BOX	
POLE LIGHT	
WELL	
BOLLARD	
IRRIGATION SLEEVE	---IR---
OVERHEAD UTILITIES	---CHK---
W/G WATER SERVICE, 1" TYPE "K" COPPER	---W---
SEWER SERVICE, 4" SDR 26	---S---
STORM PIPE, PROPOSED, HDPE	---STP---
STORM PIPE, EXISTING	---STP---
STOCKADE FENCE	---O---
CHAINLINK FENCE	---O---
SPLITRAIL FENCE	---A---
W/G ELECTRICAL/TELE SERVICE	---UE/UT---
W/G ELECTRICAL CONDUIT	---UE---
W/G GAS LINE	---G---
W/G CAMERAL CONDUIT	---CAM---
DIESEL PRODUCT LINE	---DSL---
SUPER PRODUCT LINE	---SUP---
UNLEADED PRODUCT LINE	---UNL---
EXISTING MAJOR CONTOUR	---100---
EXISTING MINOR CONTOUR	---100---
PROPOSED MAJOR CONTOUR	---100---
PROPOSED MINOR CONTOUR	---100---
PROPOSED SPOT ELEVATION	
EXISTING UNCHANGED SPOT ELEVATION	
NOTES: 1. SOME FEATURES IN LEGEND MAY NOT HAVE BEEN USED. 2. DARKER LINES INDICATE NEW WORK. 3. DOTTED LINES INDICATE REMOVED ITEMS.	



TOWN OF NISKAYUNA			
SCHENECTADY COUNTY PARCEL #: 40.00-1-18.1			
ZONE: NEIGHBORHOOD COMMERCIAL (C-N)			
USE: RETAIL CONVENIENCE STORES			
	EXISTING	PROPOSED	REQUIRED
LOT AREA	21,645 SF (0.50 AC)	21,645 SF (0.50 AC)	15,000 SF (0.34AC) MIN.
GREENSPACE	12%	12%	25% MIN.
FRONT BLDG SETBACK (W)	91 FT	91 FT	15 FT MIN.
FRONT BLDG SETBACK (S)	57 FT	57 FT	15 FT MIN.
SIDE BLDG SETBACK (N)	55 FT	40 FT	10 FT MIN.
REAR BLDG SETBACK (E)	8 FT	8 FT (NOTE 3)	20 FT MIN.
SIGNS (BUILDING) (NOTE 2)	1 @ 17 SF	2 @ 17 SF EACH	50 SF
PARKING SPACES (NOTE 1)	14	13	13
NOTES: 1. 1 SPACE PER 225 SQUARE FEET OF GROSS FLOOR AREA, BUT NOT FEWER THAN 4 SPACES PLUS 1 SPACE FOR EACH EMPLOYEE; (2,554 SF/225) + 3 EMPLOYEES ≈ 13 SPACES 2. FOR EACH LINEAR FOOT OF BUILDING FRONTAGE, 1 SQUARE FOOT OF SIGN AREA SHALL BE PERMITTED. UNDER NO CIRCUMSTANCES SHALL ANY 1 SIGN EXCEED 50 SQUARE FEET. 18' FRONTAGE = 18 SF + 50 SF MAX 3. EXTERIOR FREEZER ADDITION HAS A REAR SETBACK OF 9' AND WILL REQUIRE 1' RELIEF FROM ZBA.			
EXISTING SITE USAGE DATA		PROPOSED SITE USAGE DATA	
GREENSPACE	2,555 SF (12%)	GREENSPACE	2,704 SF (12%)
BUILDING	2,004 SF (9%)	BUILDING	2,238 SF (10%)
CONCRETE	3,130 SF (14%)	CONCRETE	3,201 SF (15%)
PAVEMENT/GRAVEL	14,007 SF (65%)	PAVEMENT/GRAVEL	13,636 SF (63%)

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW

STORE NAME, ABBREVIATION & NO.
NOTT BALLTOWN - 126 - NBTS

SITE LOCATION
1502 BALLTOWN RD, NISKAYUNA, NY 12309

DATE	NO.	REVISIONS
4/8/22		
10/5/22		ADDED REQUIRED RELIEF TO PROPERTY TABLE ADDED SEATING AREA AND SCREENING WALL

SARATOGA SPRINGS, NY 12866
TEL. (518) 581-1200 FAX (518) 581-1204

DRAWN BY: RR
SCALE: 1" = 10'
DATE: 8/2/22
DRAWING NO.
S-2

TITLE:
PROPOSED SITE PLAN

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

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

Received _____

Case No. _____

Returned _____

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

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

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

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

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: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____

Signature Date: _____



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

TO: File

FROM: Laura Robertson, Town Planner

DATE: October 3, 2022

RE: 1502 Balltown Rd. – Stewarts Shop

At a regular Planning Board and Zoning Commission (PB) meeting held on October 3, 2022 the PB reviewed the appeal by Jennifer Howard of the Stewart's Company, acting on behalf of Wayne Green and Claudia Denison, property owners, for a variance from Niskayuna Zoning Code Schedule I-D Part 2 C-N District Schedule of Supplementary Regulations Town of Niskayuna as it applies to the property at 1502 Balltown Rd. Niskayuna, New York located in the C-N Neighborhood Commercial Zoning District, for an Application for Site Plan Review for the construction of a new single-story approximately 18.6 ft. x 8 ft. (149 sq. ft.) freezer / addition to the existing single-story retail and service store / gas station on the property. The retail and service store / gas station is a permitted principal use in the C-N zoning district. An area variance for the rear setback of the proposed addition is required.

Niskayuna Zoning Code Schedule I-D Part 2 C-N District Schedule of Supplementary Regulations for retail and service stores includes a Minimum Yard Dimension (setback) for the rear yard of 20 ft. As proposed, the 1-page site plan drawing entitled "Nott Balltown - 126 - NBTS, 1502 Balltown Rd., Niskayuna, NY 12309, S-2, Proposed Site Plan" by Stewart's Shop dated 8/2/22 with no subsequent revisions depicts a rear setback distance to the proposed addition (freezer) of 9 ft. Therefore, a variance of 11 ft. of rear setback distance is required.

The Planning Board made the following recommendations:

Effect on the Comprehensive Plan – The Planning Board voted with 6 "Aye" votes and 1 "recusal" that the proposed project will have no effect on the Comprehensive Plan.

Suitability of Use – The Planning Board voted with 5 "Aye" votes, 1 "recusal" and 1 "Nay" vote that the proposed project is suitable for the use. The Board noted that the pre-existing nonconforming building is located 8 ft. from the rear property line. The proposed location for the new freezer portion of the building addition that requires the 11' area variance relative to the rear property line is slightly more compliant to the rear property line than the existing building (1' improvement). They also noted that the area variance will have no impact on neighbors since the rear property line of 1502 Balltown Road abuts the interior parking lot of ShopRite Plaza. No residential properties are impacted by the potential area variance. The Board member who voted that the project is not suitable for use noted their disappointment that the redesign of the building could not be done in a manner that integrated the addition more aesthetically into the main building.

RECOMMENDATION – The Board recommended by a vote of 6 "Ayes" and 1 "recusal" that the Zoning Board of Appeals grant the requested area variance.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 3

MEETING DATE: 10/24/2022

ITEM TITLE: RESOLUTION: 2022-26: A Resolution for site plan approval for a 492 sq. ft. addition to the existing 1,455 sq. ft. Raizada retail and gasoline service station at 1747 Union St, with conditions

PROJECT LEAD: David D'Arpino

APPLICANT: Sal Khan, owner

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Sal Khan, property owner, submitted an Application for Site Plan Review for the construction of a new single-story 492 sq. ft. addition to the existing single-story 1,455 sq. ft. gas / service station at 1747 Union Street. The addition will relocate the existing 10' x 22' cooler to a newly created space in the back of the building and will also create new space for two additional merchandise racks, resulting in three total merchandise racks inside the building.

The property falls within the C-N Neighborhood Commercial zoning district. Section 220-10 District Regulations of the Niskayuna Zoning Code lists a gasoline service station as a special principal use in the C-N district. It is therefore an allowable use after the approval of a special use permit by the Town Board.

BACKGROUND INFORMATION

Mr. Khan provided a 7-page drawing set entitled "Gas Station Addition 1747 Union Street Schenectady, NY Raizada Mart Sal Khan" by Cobble Court Engineering PLLC dated 7/1/22 with no subsequent revisions. The drawing package includes the following.

- Pages 1 – 3: Design / Build / Construction notes
- Page 4 (S01): Proposed Site Plan
- Page 5 (A01): Existing Floor Plan
- Page 6 (A02): Proposed Floor Plan
- Page 7 (A03): Proposed Rendering and Proposed Front Elevation

Impact on the use of the building

- The hours of operation of the service station will not be impacted by the addition
- The number of employees will not be impacted by the addition

Impact on parking

Gasoline service station – existing condition

Schedule I-D, Part 2, C-N District, column 6, Minimum Required Off-Street Parking Spaces in the Niskayuna Zoning Code states that for a gasoline service station “3 spaces for each service bay plus 1 space for each employee” are required. The site plan shows 7 parking spaces at the site. The existing building does not contain any service bays so the available number of parking spaces complies with the zoning code.

Gasoline service station – proposed condition

The proposed building addition does not add a service bay or any additional employees so the number of available parking spaces is still compliant with code.

Retail convenience store – existing condition

The existing building is similar to a retail convenience store and contains:

- 1 -- 10' x 22' cooler
- 1 -- merchandise rack
- 2 -- enclosed storage areas
- 2 – bathrooms
- 1 – check-out counter

For “Retail convenience stores” Schedule I-D, Part 1, C-N District, column 6 states that “1 space per 225 sq. ft. gross floor area, but not fewer than 4 spaces plus 1 space for each employee” is required. If the building is viewed as a retail convenience store the existing parking space requirement would be $1,455 / 225 = 6.5 = 7$ parking spaces. The site plan shows 7 parking spaces and is therefore compliant with the zoning code for a retail convenience store.

Retail convenience store – proposed condition

The proposed configuration of the building with the addition in place includes all of the items listed above in the existing condition plus the following:

- 492 additional sq. ft. of gross floor area
 - 2 – additional merchandise racks

The parking space requirement would therefore be $(1,455 + 492) / 225 = 8.6 = 9$ parking spaces. The site plan shows 7 parking spaces.

7/11/22 Planning Board (PB) meeting – Mr. Khan presented the project to the PB and a discussion ensued regarding the principal use of the property and the impact that the

classification of the use has on the number of parking spaces required by the zoning code. Gasoline service stations are special principal uses in the C-N zoning district with 3 parking spaces required for each service bay plus one space for each employee. Retail and service stores are permitted principal uses with 1 parking space required for each 225 sq. ft. of gross floor area of the building. The Planning Office (PO) and PB noted that if the addition is approved and the property is viewed as a retail and service store, then 10 parking spaces will be required. The PB asked the PO to investigate how similar businesses in town such as Stewart's Shops and Hari's Mobil compare to code. After additional discussion the PB established the following action items.

1. Provide a site plan with 10 parking spaces with the handicap space closer to the door
2. Provide renderings showing other improvements to the site – landscaping, etc.
3. Explore maximizing parking spaces by possibly eliminating a curb cut
4. Relocate the donation bin
5. Provide anticipated trip visits to the store
6. Add protective bollards in front of the propane tank exchange cage
7. PO – review with Fire & Police
8. PO – draft a summary of how similar businesses match up against the zoning code

7/20/22 Architectural Review Board (ARB) meeting – the ARB reviewed the site plan drawing and rendering of the proposed addition. They noted that the addition is shown as an indistinguishable match and continuation of the existing building. The façade, roofline, materials and colors are an exact match. They approved the addition as shown. They did note that the site was rather messy and could use some overall organization and cleanup.

7/29/2022 Complete Streets Committee meeting – The Complete Streets Committee discussed adding street trees along Union St to provide shade for pedestrians. They also requested better delineation of the entrances onto van Antwerp, particularly between the gas station and Van Antwerp Road – so that pedestrians had designated spots to look for cars crossing over the sidewalks.

8/3/22 Conservation Advisory Council (CAC) meeting – The CAC reviewed the project at their regularly scheduled meeting on 8/3/22. Mr. Khan and his engineer were not at the CAC meeting and were therefore unable to respond to several questions that were raised by the CAC. The Council noted that they had some time before a recommendation regarding a SEQR determination was necessary so they chose to summarize their questions and allow Mr. Khan to provide responses.

1. Provide a more detailed update of the proposed new plantings & landscaping
2. Work with the pizza restaurant across Van Antwerp of the proposed addition and the impact it may have on the perceived availability of parking spaces and traffic flow.
3. Request Planning Board to assess traffic flow on the lot, particularly around the back of the building, and review the potential need for directional traffic signage. They want to look at the balance of available parking spaces vs. traffic flow on the lot.

The applicant provided the Planning Office (PO) with a revised site plan drawing dated 8/1/22 that addressed many of the action items noted above. The revised plan shows 10 parking spaces, includes the location for proposed landscaping improvements and relocates the handicap accessible parking space closer to the front door of the building.

The Planning Office drafted a document that summarizes how the Planning Board applies the zoning code to the two Stewarts Shops on Balltown Rd. and the Mobil gasoline service station on Route 7. The document was included in the meeting packet materials. The two Stewart's Shops are considered retail and service stores and the Mobil station is considered a gasoline service station. The business at 1747 Union St. is also a retail and service store.

The site requires an area variance as follows: Section 220-10 (E) (1) of the Niskayuna zoning code includes the following regarding retail and service stores in the C-N zoning district: "permitted principal uses limited to reuse and/or expansion by not more than 25% of an existing building." As applied to the 1,455 square foot existing retail and service store, the allowable area of expansion would be 364 square feet. As proposed, the 7-page drawing set entitled "Gas Station Addition 1747 Union Street Schenectady, NY Raizada Mart Sal Khan" by Cobble Court Engineering PLLC, shows a 492 square foot addition (12 ft. x 41 ft.) to the existing retail and service store building, or a 33.8% expansion. Therefore a 128 square foot (or 8.8%) variance is required.

8/8/22 Planning Board (PB) meeting – The applicant presented the revised site plan drawing to the PB. He stated that quite a few elderly neighbors reside in the neighboring properties and need a place within an easily walkable distance to purchase basic groceries. He stated the requested additional 128 sq. ft. of floor area is dedicated to the retail sale of these types of items. The PB discussed the traffic flow through the property and the location of the 10 parking spaces. The Board requested that the revised plan be reviewed by Town Police and Fire again. The PB made a recommendation to the ZBA that they approve the requested variance at their 8/24/22 ZBA meeting.

8/23/22 Schenectady County Referral Response – the Commissioner of Economic Development and Planning responded on 8/23/22 to the Town's referral application by deferring to local consideration. In the email the Commissioner requested that they be provided with a final site plan drawing of the site prior to site plan approval by the PB.

8/24/22 ZBA meeting – The Zoning Board of Appeals took action on the applicant's request for an area variance for an additional 128 sq. ft. (8.8%) of building area at their regularly scheduled meeting on 8/24/22. The variance was approved with a vote of 7-0. The ZBA requested the applicant comply with advertising signage within Niskayuna.

Mr. Khan provided an updated version of the site plan drawing that includes many of the items requested by the PB.

1. 10 parking spaces are shown
2. Renderings showing landscape improvements were not provided
3. A site plan that included a curb cut was not provided
4. The donation bin was removed
5. An estimate of anticipated trips to the store / gas station was not provided
6. Protective bollards were added
7. The site plan was reviewed with Niskayuna Fire & Police
8. A summary of how similar businesses match up against zoning code requirements was prepared

8/29/22 Planning Board (PB) meeting – Mr. Khan and his engineer Mr. Kaufman presented a revised site plan to the Board. After a general discussion the following action items were identified.

1. Add striping from the handicap accessible parking space to the sidewalk

2. Eliminate the “second” door facing Union Street.
3. Commit to cleaning up the overall site and removing the cluttered signs in the windows.
4. Create a “no drive thru” portion of the sidewalk and curb cut along Van Antwerp Road to control traffic patterns. Consider creating a curb encircling a landscaped area along Van Antwerp that will be free of automotive traffic.

9/7/2022 Conservation Advisory Council – the CAC made a unanimous recommendation for a negative declaration on SEQR with the conditions that planting trees and landscaping be a requirement for site plan approval. Their findings include:

1. There is no conflict in land use but the site plan should conform to Schenectady County’s Upper Union St Corridor plan – site should be cleaned up and replanted
2. There will be a small increase in traffic that can be mitigated by the sidewalk improvements and property amendments that will encourage more walkability to the site.
3. There isn’t an impact to the Community Character except that the site should be cleaned up to protect the quality of the community and trees/greenspaces are desperately needed in the area.
4. There wouldn’t be an adverse impact to traffic but increasing the walkability will help with pedestrian opportunities.
5. There is little impact on energy but to help the CAC recommends using energy efficient construction materials, using LED lighting, choosing renewable energy, and installing outdoor area lights that are dark sky certified.
6. There wouldn’t be an impact to existing natural resources from the project but the lack of shade and greenspace on this corner creates a heat island, so trees are critical to the site plan wherever they can be added
7. The addition won’t impact human health but the CAC recommends the owner adopt the pesticide free pledge and refrain from using chemicals on the vegetation once established.

9/12/22 Planning Board (PB) meeting – Mr. Kaufman presented and explained a revised site plan drawing (Rev 9/12/22) that had been sent to the Planning Office on the afternoon of 9/12/22. Landscaping, a crosswalk, protective bollards and a handicap accessible parking space had been added per the PB’s request. The outline of a gasoline delivery truck was also included to show what the site would look like when a delivery was being made. During a discussion the PB requested that some information be added regarding snow storage and that the option of utilizing a one way entrance and one way exit along Union Street be explored. Ms. Robertson read the CAC’s comments from their 9/7/22 meeting.

10/3/22 Planning Board (PB) meeting – Mr. Kaufman and the Board discussed the Rev 9/12/22 version of the site plan drawing. The PB asked for a note to be added indicating that snow storage will be near parking space #4. The owner, Sal Khan, and Mr. Kaufman agreed to add a grassy area around the existing telephone poles near Van Antwerp Rd. Ms. Robertson indicated that a TDE review of the project is not necessary. The PB called for a resolution for the 10/24/22 meeting.

The Schenectady County Planning Department indicated they still had several outstanding planning comments related to the project. The Planning Department expects the comments by Monday, October, 24 and has added a condition to the resolution to address the County comments with the Planning Department prior to construction.

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

RESOLUTION NO. 2022 - 26

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 24TH DAY OF OCTOBER 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 final site plan 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, Salman Khan, owner of the Raziada gas station and convenience store, submitted an Application for Site Plan Review for the construction of a new single-story 492 sq. ft. addition to the existing single-story 1,455 sq. ft. gas / service station at 1747 Union Street. , and

WHEREAS, Mr. Khan provided a 12-page drawing set entitled "Gas Station Addition 1747 Union Street Schenectady, NY Raizada Mart Sal Khan" by Cobble Court Engineering PLLC dated 7/1/22 with a most recent revision date of 10/19/22. The drawing package includes the following.

- Pages 1 - 3 (G01, G02, G03): Design / Build / Construction notes
- Page 4 (S01): Proposed Site Plan
- Page 5 (A01): Existing Floor Plan
- Page 6 (A02): Proposed Floor Plan
- Page 7 (A03): Proposed Rendering and Proposed Front Elevation
- Page 8 (A04): Proposed Foundation
- Page 9 (A05): Proposed Roof Plan
- Page 10 (A06): Section Views

- Page 11 (A07): Details
- Page 12 (A08): Rendering

WHEREAS, the zoning classification of the property is C-N Neighborhood Commercial zoning district. Section 220-10 District Regulations of the Niskayuna Zoning Code lists a gasoline service station as a special principal use in the C-N district, and

WHEREAS, Section 220-10 (E) (1) of the Niskayuna zoning code includes the following regarding retail and service stores in the C-N zoning district: “permitted principal uses limited to reuse and/or expansion by not more than 25% of an existing building.” As applied to the 1,455 square foot existing retail and service store, the allowable area of expansion would be 364 square feet. As proposed, the 7-page drawing set entitled “Gas Station Addition 1747 Union Street Schenectady, NY Raizada Mart Sal Khan” by Cobble Court Engineering PLLC, shows a 492 square foot addition (12 ft. x 41 ft.) to the existing retail and service store building, or a 33.8% expansion.

WHEREAS, the Zoning Board of Appeals (ZBA) reviewed and approved an application for 128 sq. ft. (8.8%) of additional building area at their regularly scheduled meeting on 8/24/22, and

WHEREAS, this application was referred to the Schenectady County Planning Department, and on 10/21/2022 they responded with conditions and recommendations that shall be addressed by the applicant, and

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

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

NOW, THEREFORE, be it hereby

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

1. Prior to the issuance of a building permit – the Applicant shall work with the Planning Department to address the comments and recommendations from the Schenectady County Planning Department.
2. Prior to issuance of a building permit – the applicant shall participate in a preconstruction meeting with the Building and Planning Departments to ensure that the required site plan improvements are completed prior to or in conjunction with the improvements to the interior of the store.

3. The aesthetics of the building was an important part of the project review. To mitigate the impact of the building addition, prior to the issuance of a building permit the final building design shall be reviewed and approved by the Niskayuna Architectural Review Board (ARB).

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

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

The Chairman declared the same _____.

ADDITION
1747 UNION STREET
SCHENECTADY, NY 12309

CONSTRUCTION TYPE: V

DESIGN PROVISIONS: 2020 BUILDING CODE OF NYS

DESIGN LOADS:

ROOF.....40 PSF (SNOW) 15 PSF (DEAD)
ATTIC (W / STORAGE).....20 PSF (LIVE)
ATTIC (W/O STORAGE).....10 PSF (LIVE)
CEILING.....10 PSF (DEAD)
FLOOR (SLEEPING).....30 PSF (LIVE) 12 PSF (DEAD)
FLOOR (NON-SLEEPING).....40 PSF (LIVE) 12 PSF (DEAD)
STAIRS.....40 PSF (LIVE)
HANDRAILS.....200 LBS (ANY POINT/DIRECTION)
DECKS.....40 PSF (LIVE)
EXTERIOR BALCONY.....40 PSF (LIVE)

WIND LOADS:

BASIC WIND SPEED (3 SECOND)
GUST.....110MPH
IMPORTANCE FACTOR
(Iw).....1.0
HIGHEST POINT OF ROOF
(FT).....N/A
TOPOGRAPHIC FACTOR
(Kzt).....1.0
EXPOSURE CATEGORY: C

NAILING SCHEDULE: PER R602.3(1)

TOP PLATE TO STUD (END NAIL).....2-16D COMMON
STUD TO SOLE PLATE (END NAIL).....2-16D COMMON
STUD TO SOLE PLATE (TOE NAIL).....4-8D COMMON OR 3-16D BOX
DOUBLE TO PLATES.....10D BOX @ 12" OC
DBL TOP PLATE LAP SPLICE.....8-16D COMMON
TOP PLATES LAPS (INTERSECTION).....3-10D BOX
SOLE PLATE TO JOISTS OR BLOCKING.....16D COMMON @ 16" OC
CEILING JOISTS TO TOP PLATE (TOE-NAIL).....3-8D COMMON
CEILING JOISTS OVER PARTITION.....4-10D BOX
CEILING JOISTS TO PARALLEL RAFTER.....PER R802.5.1(9)
RAFTER TO TOP PLATE (TOE-NAIL).....3-16D BOX
1X BRACE TO STUD/PLATE.....2-8D COMMON
JOISTS TO SILL PLATE (TOE-NAIL).....3-8D COMMON
RAFTER TO RIDGE, HIP OR VALLEY (TOE-NAIL).....4-16D BOX
RAFTER TO RIDGE, HIP OR VALLEY (END-NAIL).....3-16D BOX
RAFTER-TIES TO RAFTER.....4-8D BOX
SUBFLOOR TO FLOOR JOISTS.....6D COMMON @ 6"OC EDGE 12" OC FIELD
WALL SHEATHING TO STUD.....6D COMMON @ 6" OC EDGE 12" OC FIELD
ROOF SHEATHING TO RAFTER/TRUSS.....8D COMMON @ 6" OC EDGE 12" OC FIELD

SHEET

G01 OVERVIEW NOTES
G02 NOTES
G03 NOTES
S01 PROPOSED SITE PLAN
A01 EXISTING FLOOR PLAN
A02 PROPOSED FLOOR PLAN
A03 ELEVATION AND RENDERING
A04 FOUNDATION PLAN
A05 ROOF PLAN
A06 SECTIONS
A07 DETAILS
A08 RENDERINGS

FRAMING NOTES:

1. STRUCTURAL FRAMING MEMBERS SHALL BE SPF #2 OR BETTER UNLESS OTHERWISE STATED.
2. FLOOR SHEATHING SHALL BE GLUED AND NAILED TO FLOOR JOISTS ACCORDING TO NAILING SCHEDULE. ROOF AND WALL SHEATHING SHALL BE NAILED ACCORDING TO NAILING SCHEDULE.
3. SILL PLATES SHALL BE PRESSURE TREATED WOOD OR WOOD OF NATURAL RESISTANCE TO DECAY.
4. FRAMING MEMBERS SHALL NOT BE CUT OR NOTCHED IN EXCESS TO:
BEARING WALL OR NON BEARING WALL MEMBERS: IRC R602.6.
FLOOR MEMBERS: RESIDENTIAL CODE OF 2015 IRC R502.8
5. PROVIDE SOLID BLOCKING FOR FLOOR JOISTS UNDER ALL INTERMEDIATE BEARING WALLS AND AT ENDS BY FULL DEPTH BLOCKING, PROVIDE BLOCKING EVERY 8' MAX. OF FLOOR JOIST SPAN.
6. ENGINEERED WOOD PRODUCTS TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.
7. ALL WOOD INCLUDING POSTS LOCATED NEARER THAN 18" (12" FOR GIRDERS) TO EARTH OR LOCATED ON CONCRETE PLACED ON EARTH SHALL BE PRESSURE TREATED OR WOOD OF NATURAL RESISTANCE TO DECAY.
8. HEADERS ARE TO BE BUILT UP (PER CODE) IN FRAMED WALLS U.N.O.-SUPPORT EACH HEADER W/ DOUBLE TRIMMER STUDS WHERE OPENINGS ARE 48" WIDE OR GREATER.
9. FIRE BLOCKING SHALL BE PROVIDED TO CUT OFF ALL CONCEALED DRAFT OPENINGS (BOTH VERTICAL AND HORIZONTAL). FIRE BLOCKING SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS:
1.1. IN CONCEALED SPACES OF STUD WALLS, INCLUDING FURRED SPACES, AT CEILING AND FLOOR LEVELS. CONCEALED HORIZONTAL FURRED SPACES SHALL ALSO BE FIRE BLOCKED AT INTERVALS NOT TO EXCEED 10 FT. BATTS OR BLANKETS OF MINERAL OR GLASS FIBER SHALL BE ALLOWED AS FIRE BLOCKING.
1.2. AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROP CEILINGS, AND COVE CEILINGS.
IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN. AT OPENINGS AROUND VENTS, PIPES, AND DUCTS AT CEILING AND FLOOR LEVEL, TO RESIST FIRE PASSAGE OF FLAME AND PRODUCTS OR COMBUSTION.
FIRE BLOCKING OF CORNICES OR A TWO-FAMILY DWELLING IS REQUIRED AT THE LINE OF DWELLING UNIT SEPARATION.
10. JOISTS EXCEEDING A NOMINAL 2 X 4 SHALL BE SUPPORTED Laterally BY SOLID BLOCKING, DIAGONAL BRIDGING, OR A CONTINUOUS 1 X 3 STRIP NAILED ACROSS THE BOTTOM OF JOISTS PERPENDICULAR TO JOISTS AT INTERVALS NOT EXCEEDING 8 FT.
11. PROVIDE FULL BEARING SUPPORT FOR ALL BEAMS (EX. 4X BEAMS SUPPORTED BY (2) 2X OR 4X POSTS, 6X/8X BEAMS SUPPORTED BY 6X/8X POST, ETC).
12. HARDWARE IS TO BE "SIMPSON STRONG-TIE" OR EQUAL.
13. ANY WOOD EXPOSED TO EXTERIOR ELEMENTS IS TO BE PRESSURE TREATED, COMPOSITE, WOOD SPECIES OF NATURAL RESISTANCE TO DECAY, STAINED, SEALED, PAINTED, OR WRAPPED W / VINYL OR NON CORROSIVE METAL
14. ALL EXTERIOR WALL HEADERS = (2) 2x10 UNLESS NOTED DIFFERENT. ALL INTERIOR NON-BEARING WALL HEADERS = (2) 2x6 UNLESS NOTED DIFFERENT.

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GAS STATION ADDITION

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COVER SHEET / NOTES

DESIGNER: MIKE T.	ENGINEER: DCK
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SHEET:

G01

GENERAL NOTES:

DESIGNED IN ACCORDANCE WITH THE 2020 BUILDING CODE OF NYS

DIMENSIONS TO, OF, AND IN EXISTING STRUCTURE SHALL BE VERIFIED IN FIELD BY CONTRACTOR.

DO NOT SCALE DRAWINGS. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES IN DIMENSIONS BETWEEN EXISTING CONDITIONS AND / OR ARCHITECTURAL DRAWINGS AND THE STRUCTURAL DRAWINGS.

DO NOT CHANGE SIZE OR SPACING OF STRUCTURAL ELEMENTS.

DETAILS SHOWN ARE TYPICAL, SIMILAR DETAILS APPLY TO SIMILAR CONDITIONS UNLESS NOTED OTHERWISE.

DIMENSION AND NOTES THAT INCLUDE THE WORD "TYPICAL" REFER TO ALL SIMILAR DETAILS UNLESS OTHERWISE STATED.

THE NOTES ON THIS DRAWING ARE TYPICAL UNLESS NOTED OTHERWISE.

BRACE BUILDING UNTIL STRUCTURAL ELEMENTS NEEDED FOR STABILITY ARE INSTALLED. THESE ELEMENTS ARE AS FOLLOWS: ROOF DECK, CONNECTION TO EXISTING BUILDING.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE BUILDING DURING CONSTRUCTION AND SHALL PROVIDE ADEQUATE SHORING AND BRACING DURING CONSTRUCTION AND COMPLY WITH ALL APPLICABLE SAFETY REGULATIONS.

CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING OF PROPOSED DEVIATIONS OR SUBSTITUTIONS FROM DIMENSIONS, MATERIALS, OR EQUIPMENT SHOWN ON THE DRAWINGS AND MAKE ONLY THOSE DEVIATIONS OR SUBSTITUTIONS ACCEPTED BY THE ENGINEER.

THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION SAFETY.

ALL DOORS AND WINDOWS TO BE INSTALLED ACCORDING TO THE MANUFACTURERS PRODUCT INSTALLATION INSTRUCTIONS.

UNLESS SPECIFIED, ALL ROOM FINISHES, APPLIANCES, FIXTURES, HARDWARE, TRIM AND ARCHITECTURAL DETAILS ARE TO BE DETERMINED AND INSTALLED ACCORDING TO ALL BUILDING CODES AND THE MANUFACTURERS PRODUCT INSTALLATION INSTRUCTION.

INSTALL 1/2" GYPSUM ON WALLS AND CEILING. INSTALL MOISTURE RESISTANT GREENBOARD GYPSUM IN ALL BATH, KITCHEN, AND OTHER WET AREAS.

ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE STATE AND LOCAL BUILDING CODE REQUIREMENTS. DETAILS OF CONSTRUCTION UNLESS NOTED OTHERWISE

CONTRACTOR SHALL PERFORM ALL MISCELLANEOUS REMOVALS, MODIFICATIONS, CONSTRUCTION AND CLEAN-UP REQUIRED TO COMPLETE THE GENERAL SCOPE OF THIS PROJECT.

NO SITE INSPECTIONS DURING CONSTRUCTION ARE TO BE MADE BY THIS OFFICE. CONTRACTOR TO BE RESPONSIBLE FOR MATERIALS AND WORKMANSHIP. SUBSTITUTIONS FOR MATERIALS SPECIFIED TO BE MADE WITH PERMISSION OF LOCAL BUILDING DEPARTMENT.

ALL PLUMBING, HVAC, ELECTRICAL AND FIRE SYSTEMS ARE BY OTHERS. LOCATION DESIGN AND INSTALLATION OF ALL NOTED ABOVE ARE TO BE COMPLETED BY LICENSE INDIVIDUALS ACCORDING TO ALL BUILDING CODE AND THE MANUFACTURERS PRODUCT INSTALLATION INSTRUCTION.

THE CONTRACTOR SHALL RESTORE LAWNS, DRIVEWAYS, CULVERTS, SIGNS AND OTHER PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO AT LEAST AS GOOD AS A CONDITION AS BEFORE BEING DISTURBED. ANY DAMAGED TREES, SHRUBS, AND/OR HEDGES SHALL BE REPLACED AT THE COE CONTRACTOR'S EXPENSE.

THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.

ALL PAVEMENT REMOVALS SHALL BE SAW-CUT TO LEAVE A NEAT EDGE

ON STATE AND COUNTY HIGHWAYS HIGHWAYS, MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. REFER TO APPROPRIATE NYSDOT STANDARD SHEETS.

CONTRACTOR TO BE RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE BUILDING, ELECTRICAL, MECHANICAL, SANITARY AND ENERGY CONSERVATION CODES, STATE AND / OR LOCAL.

CONTRACTOR TO BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES AND SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.

THE CONTRACTOR / OWNER SHALL REQUEST LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY DIGGING.

THE CONTRACTOR SHALL INDEMNIFY THE OWNER AND HIS AGENTS THROUGH ADEQUATE INSURANCE COVERAGE AGAINST ANY CLAIMS ARISING FROM INJURIES DURING CONSTRUCTION, OR FAILURE TO MAINTAIN SAFE CONDITIONS ON THE CONSTRUCTION SITE.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR, OWNER OR BUILDER OF THIS RENOVATION TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THESE DRAWINGS.

THESE PLANS COMPLY WITH ALL THE CODES, PROVISIONS AND INTENT OF THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE PURSUANT TO ARTICLE 2 OF THE ENERGY LAW. LOCAL CODE REQUIREMENTS SHALL TAKE PRECEDENCE WHERE DISCREPANCIES OCCUR.

ANY ERRORS, OMISSIONS OR DISCREPANCIES IN THESE PLANS SHALL BE REPORTED IN WRITING TO THE ENGINEER BEFORE START OF CONSTRUCTION AND SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OR CONTRACTOR.

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209.

HOLD HARMLESS THE ENGINEER, THE CONSTRUCTION MANAGER, THE OWNER AND THEIR AGENTS LOSS, DAMAGE, LIABILITY OR ANY EXPENSE ARISING IN ANY MANNER BY THE INDEPENDENT CONTRACTOR OR THEIR RESPECTIVE EMPLOYEES, INCLUDING SHALL BE THE STATE SCAFFOLDING ACT.

THE ENGINEER SHALL NOT BE RESPONSIBLE FOR COMPLETED WORK.

CONTRACTOR IS TO FOLLOW ALL MANUFACTURERS PRODUCT INSTALLATION AND INSTRUCTION.

WHENEVER A VALUE OR SIZE IS IN CONFLICT THE MORE STRINGENT VALUE OR SIZE WILL APPLY.

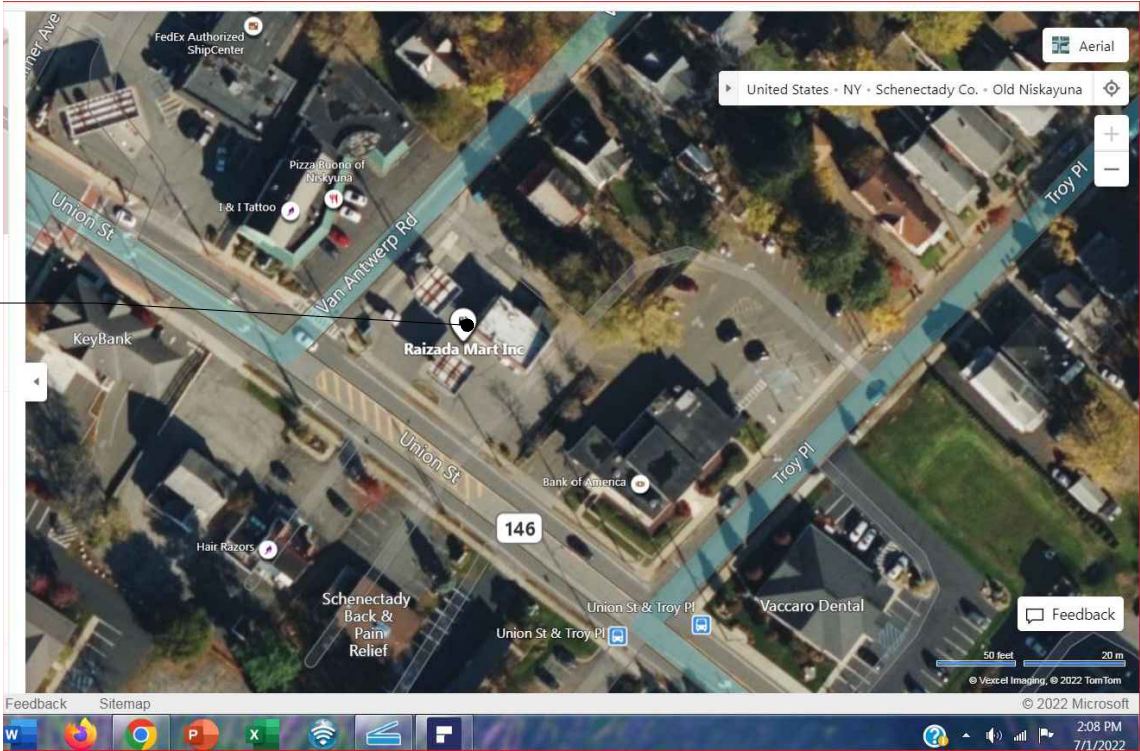
THE CONTRACTOR SHALL CLEAR AND GRUB THE SITE WHERE NECESSARY, TO PERFORM THE WORK REQUIRED.

SMOKE DETECTORS AND CARBON MONOXIDE ALARMS TO BE INSTALLED ACCORDINGLY THROUGHOUT THE BUILDING.

NOTIFY DIG SAFELY NEW YORK AT LEAST TWO (2) WORKING DAYS PRIOR TO DIGGING, DRILLING, OR BLASTING AT 1-800-962-7962 FOR UTILITY STAKE-OUT.

ROADS TO BE KEPT CLEAN OF MUD AND DEBRIS AT ALL TIMES.

LOCATION



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MIKE T.

ENGINEER:
DCK

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FOUNDATION NOTES:

1. FOOTINGS ARE TO BEAR ON UNDISTURBED LEVEL SOIL DEVOID OF ANY ORGANIC MATERIALS AND STEPPED AS REQUIRED TO MAINTAIN THE REQUIRED DEPTH BELOW THE FINAL GRADE.
2. SOIL BEARING PRESSURE ASSUMED TO BE 2500 PSF.
3. ANY FILL UNDER GRADE SUPPORTED SLABS TO BE A MINIMUM OF 4" GRANULAR MATERIAL COMPACTED TO 95%.
4. CONCRETE:

BASEMENT WALLS & FOUNDATIONS NOT EXPOSED TO WEATHER: 3000 PSI

BASEMENT & INTERIOR SLABS ON GRADE: 3000 PSI

BASEMENT WALLS & FOUNDATIONS EXPOSED TO WEATHER: 3000 PSI
5. CONCRETE SIDEWALKS TO HAVE TOOLED JOINTS AT 5' O.C. (MINIMUM)
6. REINFORCED STEEL TO BE A-615 GRADE 40. WELDED MESH WIRE TO BE A-185.
7. COVER ENTIRE CRAWLSPACE WITH 6 MILL BLACK "VISQUEEN" AND EXTEND UP FOUNDATION WALLS TO P.T. MUDSILL.
8. PROVIDE A MINIMUM OF 1 SQ. FT OF VENTILATION AREA FOR EACH 150 SF OF CRAWLSPACE AREA. VENTS ARE TO BE CLOSABLE WITH OPENINGS IN CORROSIVE RESISTANT SCREEN. POST NOTICE RE: OPENING VENTS ARE FOR ELECTRICAL PANEL.
9. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED OR PROTECTED WITH #55 ROLL ROOFING.
10. PROVIDE CRAWLSPACE DRAIN AS PER CODE.
11. DAMP PROOF BASEMENT WALL BEFORE BACKFILLING, PROVIDING A 4" PERFORATED DRAIN TILE BELOW THE TOP OF THE FOOTING.
12. DAY STRENGTH AND NOT BEFORE STRUCTURAL FLOOR FRAMING (INCLUDING SUB-FLOOR) IS IN PLACE (FRAMING MUST BE FULLY NAILED AND ANCHORED).
13. CONCRETE COMPRESSIVE STRENGTH SHALL BE 3500 PSI AT 28 DAYS FOR ALL CONCRETE.
14. CONCRETE SHALL BE AIR ENTRAINED AND SHALL BE PLACED IN ACCORDANCE WITH ACI 318-11 LATEST EDITION.
15. FORMS SHALL CONFORM TO THE SHAPE, LINES GRADE AND DIMENSIONS INDICATED ON THE DRAWINGS. THEY SHALL BE SUBSTANTIAL AND SUFFICIENTLY TIGHT TO PREVENT LEAKAGE OF MORTAR, AND SHALL NOT DEFLECT UNDER THE WEIGHT OF THE WET CONCRETE OR CONSTRUCTION LOADS. THEY SHALL BE PROPERLY BRACED OR TIED TOGETHER SO AS TO MAINTAIN POSITION AND SHAPE, AND INSURE THE SAFETY OF WORKMEN AND PASSERBY.
16. IF APPLICABLE, CONCRETE POUR FOR THE HOUSE FOUNDATION AND THE GARAGE FOUNDATION ARE TO BE A CONTINUOUS POUR WHERE MEET.
17. CONCRETE CONSTRUCTION JOINTS ARE TO BE INSTALLED EVERY 100' MAXIMUM AROUND THE BASEMENT WALL PERIMETER TO AVOID WALL CRACKS.

PLACING CONCRETE:

PLACING CONCRETE BEFORE INITIAL SET HAS OCCURRED, AND IN NO EVENT AFTER IT HAS CONTAINED ITS WATER CONTENT FOR MORE THAN ONE HOUR. PLACE ALL CONCRETE ON CLEAN, DAMP SURFACES, FREE FROM WATER, OR UPON PROPERLY CONSOLIDATED FILLS, BUT NEVER UPON SOFT MUD, DRY POROUS EARTH, OR FROZEN GROUND.

PLACING CONCRETE CONTINUED:

- DEPOSIT CONCRETE CONTINUOUSLY AND AS RAPIDLY AS PRACTICAL UNTIL THE UNIT OF OPERATION IS COMPLETED.
- CONSOLIDATE ALL CONCRETE BY VIBRATION SO THAT THE CONCRETE IS THOROUGHLY WORKED AROUND THE REINFORCEMENT, AROUND IMBEDDED ITEMS, AND INTO CORNERS OF FORMS, ELIMINATING ALL AIR OR STONE POCKETS WHICH MAY CAUSE HONEY-COMBING, PITTING, OR PLANES OF WEAKNESS. USE MECHANICAL VIBRATORS WITH A MINIMUM FREQUENCY OF 7,000 REVOLUTIONS PER MINUTE, OPERATED BY COMPETENT WORKMEN. USE OF VIBRATORS AT MANY POINTS FROM 18 TO 30 INCHES APART FOR A 5 TO 10 SECOND DURATION. KEEP A SPARE VIBRATOR ON THE JOB DURING ALL CONCRETE PLACING OPERATIONS.
- EXERCISE CARE IN PLACEMENT OF CONCRETE FOR SLABS OR GRADE OVER A VAPOR BARRIER. AVOID PUNCTURING OR TEARING VAPOR BARRIER DURING TRANSPORTATION AND PLACEMENT.
- THE PLACING OF CONCRETE SHALL BE CARRIED ON CONTINUOUSLY BETWEEN CONSTRUCTION JOINTS SHOWN ON THE DRAWINGS. IF FOR ANY REASON IT SHALL BECOME NECESSARY TO STOP THE PLACING OF CONCRETE AT PLACES OTHER THAN THOSE INDICATED ON THE DRAWINGS, SUCH PLACES SHALL HAVE THE APPROVAL OF THE ENGINEER AND THE MANNER OF MAKING THE JOINT SHALL BE APPROVED. EXTRA REINFORCING MAY BE REQUIRED IF ADDT'L CONSTRUCTION JOINTS ARE USED.
- PROVIDE ADEQUATE PROTECTION AGAINST RAIN, SLEET, AND SNOW BEFORE AND DURING PLACEMENT AND FINISHING OF CONCRETE. PROVIDE ADEQUATE PROTECTIVE MEASURES TO MAINTAIN THE TEMPERATURE OF THE CONCRETE AS SPECIFIED.
- TIE HOLES LEFT BY WITHDRAWAL OF RODS OR THE HOLES LEFT BY REMOVAL OF END OF TIES SHALL BE FILLED WITH MORTAR. FOR HOLES PASSING ENTIRELY THROUGHOUT THE WALL, A PLUNGER TYPE GREASE GUN OR OTHER DEVICE SHALL BE USED TO FORCE THE MORTAR THROUGH THE WALL STARTING AT THE BACK FACE.
- ANY CONCRETE WORK NOT FORMED AS SHOWN ON THE PLANS OR FOR ANY REASON IS OUT OF ALIGNMENT OR LEVEL OR SHOWS A DEFECTIVE SURFACE SHALL BE CONSIDERED AS NOT CONFORMING WITH THE INTENT OF THESE SPECIFICATIONS AND SHALL BE REMOVED FROM THE JOB BY THE CONTRACTOR AT HIS EXPENSE UNLESS THE ENGINEER GRANTS PERMISSION TO PATCH THE DEFECTIVE AREA WHICH SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PROCEDURE. PERMISSION TO PATCH ANY SUCH AREA SHALL NOT BE CONSIDERED A WAIVER OF THE ENGINEERS RIGHT TO REQUIRE COMPLETE REMOVAL OF THE DEFECTIVE WORK IF THE PATCHING DOES NOT, IN HIS OPINION, SATISFACTORILY RESTORE THE QUALITY AND APPEARANCE OF THE SURFACE.
- IF APPLICABLE THE COMPRESSIVE STRENGTH OF EXISTING CONCRETE SLAB (f ' c)=2500 PSI MINIMUM
- STEPPED FOOTING TO BE INSTALLED PER SITE REQUIREMENTS. MIN 24 IN. DOWN AND 48 IN. OVER.
- STEEL REINFORCEMENT
1. ALL REINFORCING STEEL SHALL BE MANUFACTURED FROM NEW BILLET STEEL, GRADE 60, DEFORMED BARS, IN ACCORD WITH STANDARD SPECIFICATIONS ASTM A 15 LATEST EDITION.
2. STEEL REINFORCEMENT SHALL CONSIST OF FURNISHING AND PLACING BAR STEEL OR STEEL FABRIC REINFORCEMENTS AS SHOWN ON THE PLANS AND REQUIRED BY THE CONTRACT. FOR REINFORCEMENT IN FLOOR SLABS PLACED ON EARTH, THE REINFORCING SHALL BE SUPPORTED BY MASONRY BLOCKING OF PROPER HEIGHT TO INSURE THAT THE REINFORCING MATERIAL WILL BE PLACED IN THE CENTER OF SUCH SLABS. WHERE WIRE MESH IS USED IN FLOOR SLABS, IT SHALL BE 6" BY 6" / #6 X #6 GAUGE WELDED WIRE. ALL MESH SHALL BE LAPPED A MINIMUM OF 6 INCHES. UNLESS THE PLANS SHOW SPECIFIC SPACING, THE MINIMUM CLEAR SPACING BETWEEN THE EDGE OF THE BARS AND THE EXTERIOR SURFACE OF ALL POURED CONCRETE SHALL BE 1-1/2 TIMES THE MAXIMUM NOMINAL SIZE OF THE CONCRETE AGGREGATE. HOWEVER CLEAR SPACING SHALL NOT BE LESS THAN 3" WHEN THE CONCRETE IS CAST AGAINST EARTH. IF FOR ANY REASON, REINFORCING STEEL HAS TO BE PLACED CLOSER THAN 1-1/2 INCHES TO ANY FORM, THE CONTRACTOR SHALL OBTAIN THE ENGINEER'S APPROVAL OF SUCH PLACEMENT BEFORE THE POUR IS MADE.

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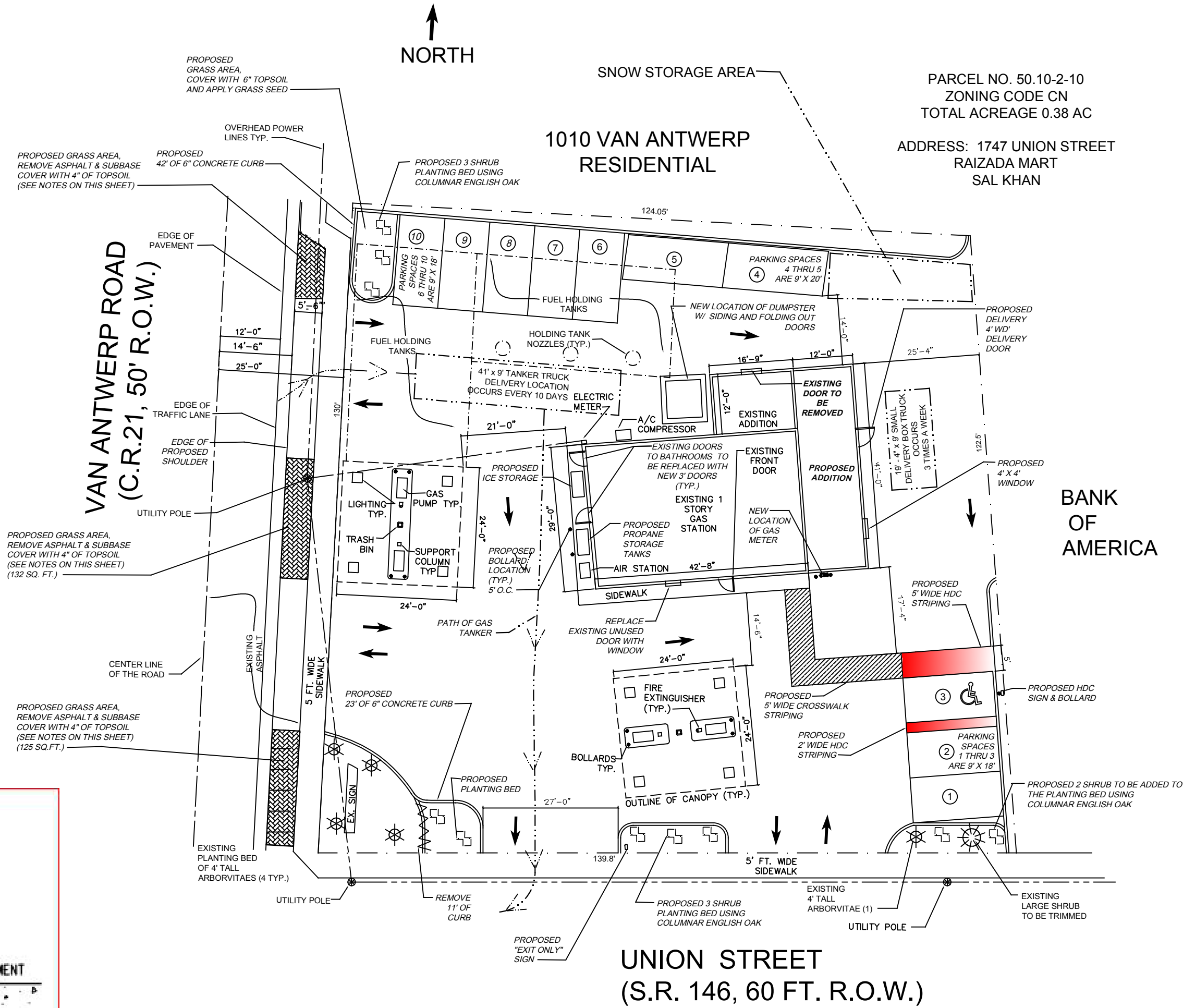
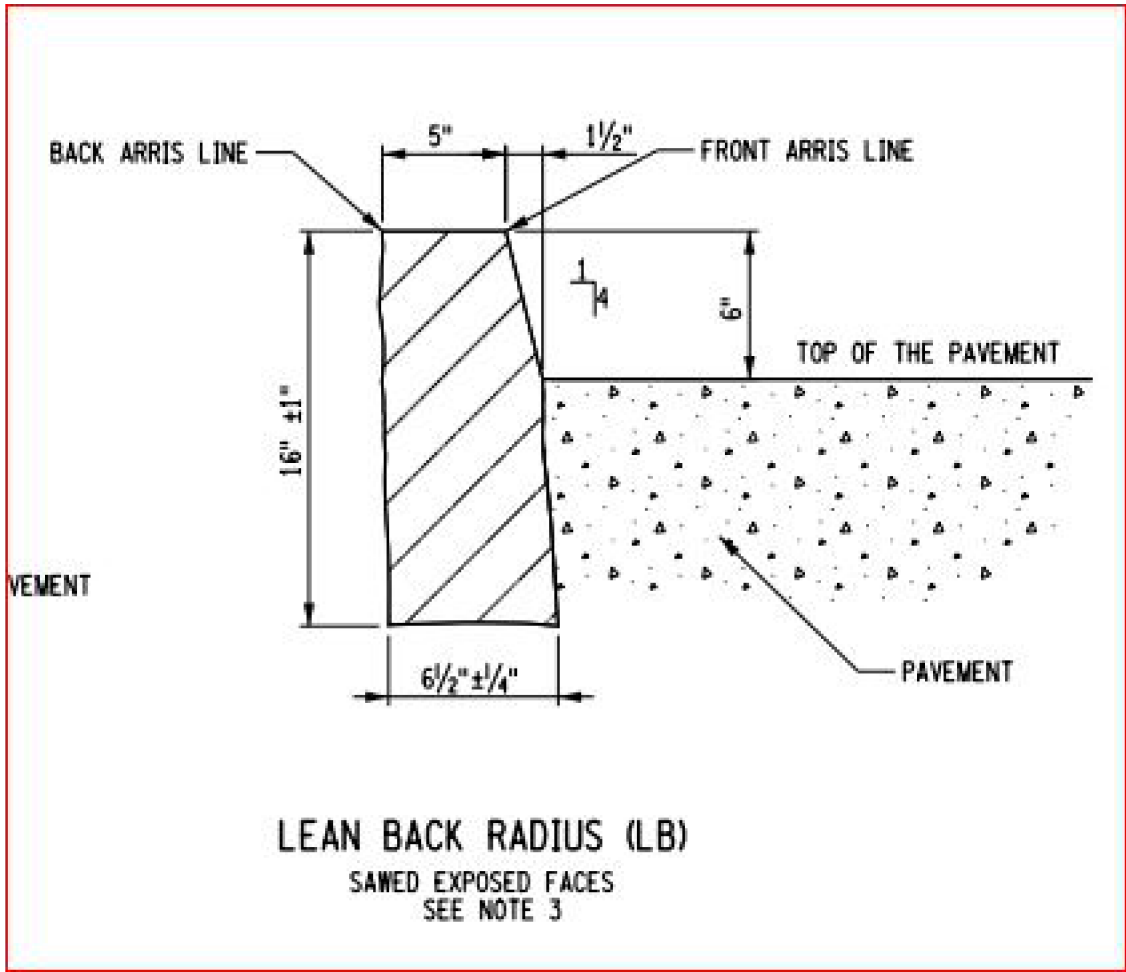
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- GENERAL NOTES:
- 1.) NO PESTICIDES ARE ALLOWED TO BE USED
 - 2.) REMOVE SOME SALES BANNERS ON WINDOWS
 - 3.) ALL OUTDOOR LIGHTING TO BE REPLACED WITH LED BULBS THAT SHALL BE AIMED DOWNWARD
 - 4.) ALL PROPOSED PLANTING BEDS AND TOPSOIL AREAS ARE TO BE COVERED IN 4" OF TOPSOIL, LOCAL GRASS SEED AND MULCH.
 - 5.) THE CONTRACTOR IS TO GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE.

PROPOSED GROSS FLOOR AREA = 1947 SQ.FT.
225 SQ.FT PER PARKING SPACE.
1947 / 225 = 8.65 SPACES FOR CUSTOMERS
1 SPACE FOR EMPLOYEE THEREFORE: 10 SPACES
EXISTING BUILDING: OVERALL AREA = 1,455 SQ.FT.

PROPOSED BUILDING: OVERALL AREA = 1,947 SQ.FT.

NO SNOW STORAGE ON-SITE



PROPOSED SITE PLAN
SCALE: 1" EQUALS 20'

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7/11	OPTION 1
8/8	OPTION 2
8/24	ZBA APPROVAL
8/29	OPTION 3
9/12	OPTION 4
10/18	FINAL PLAN

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SITE PLAN

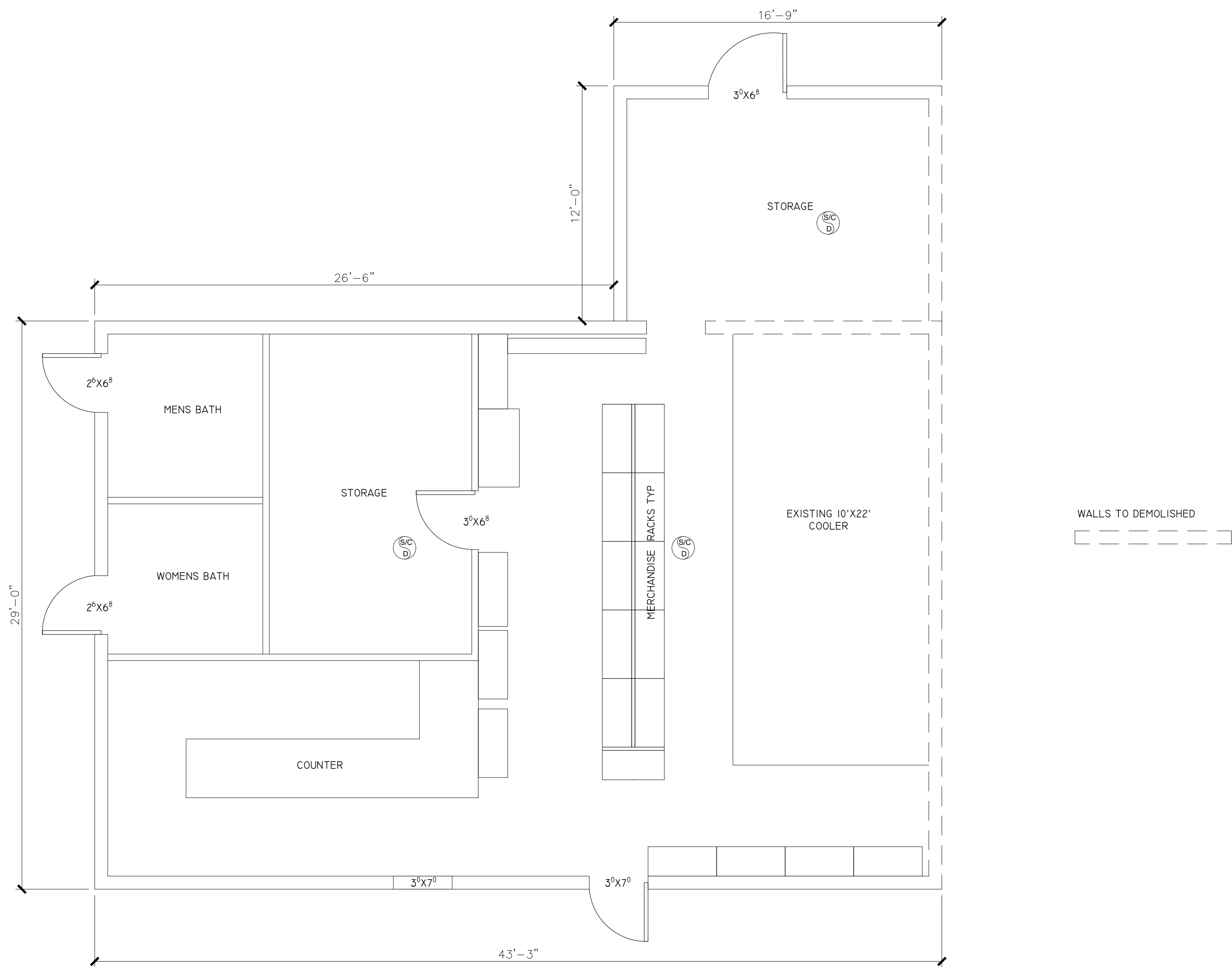
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EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"

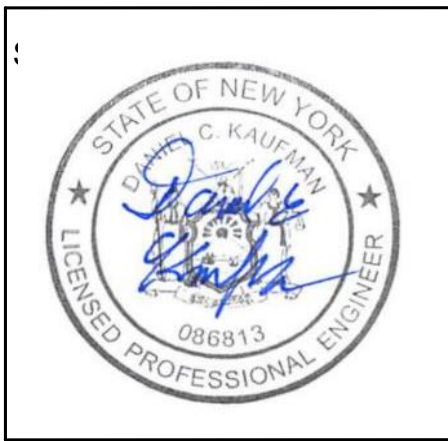
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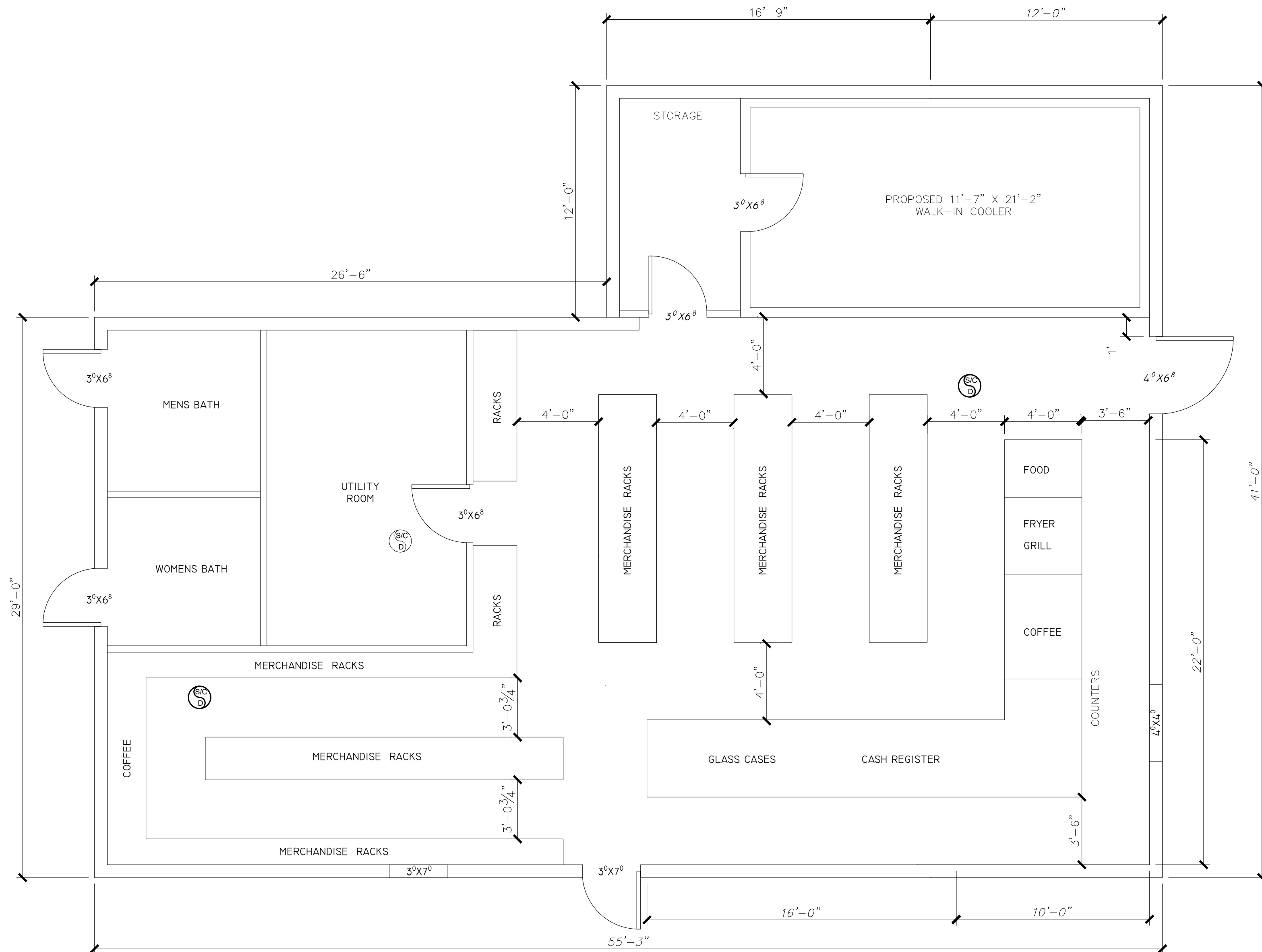
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EXISTING FLOOR PLAN

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PROPOSED FLOOR PLAN

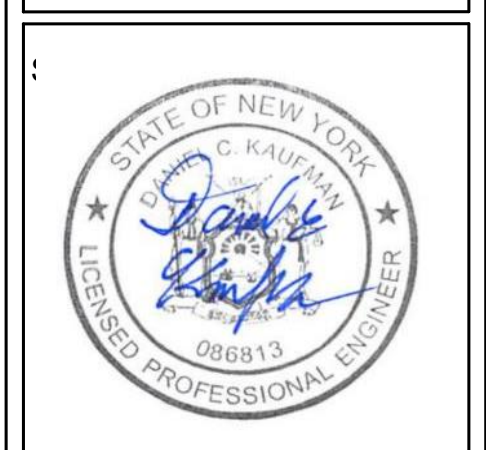
SCALE: $\frac{1}{4}" = 1'-0"$

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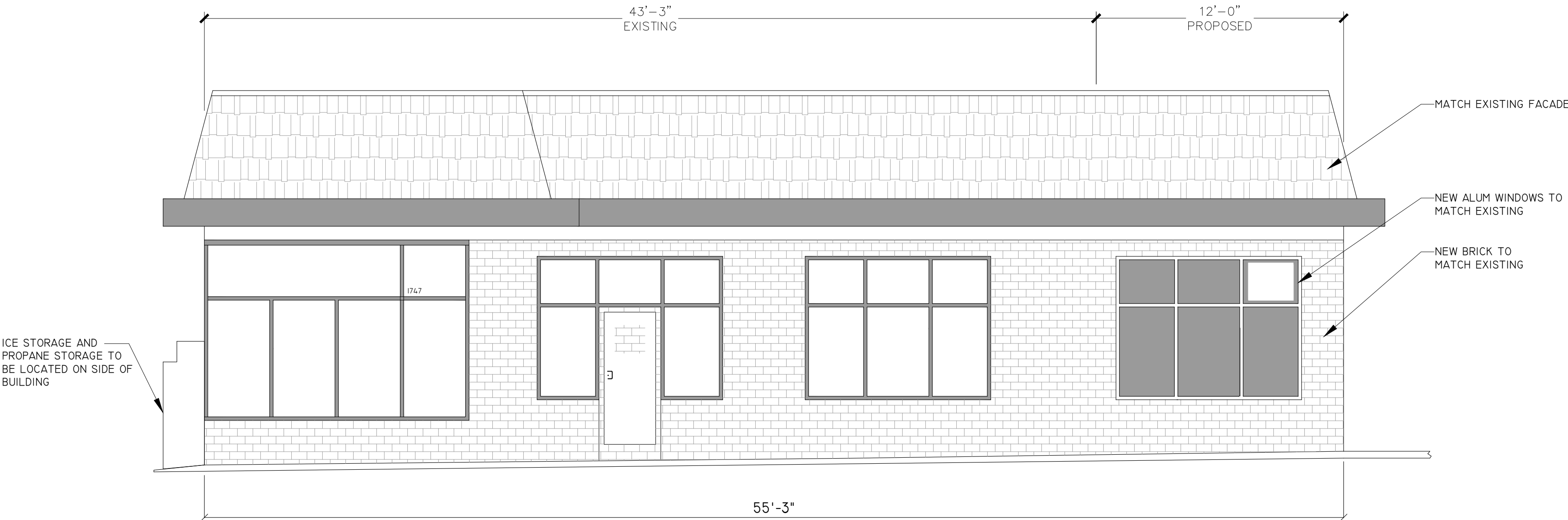
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PROPOSED RENDERING
REVISED 9/12/22



PROPOSED FRONT ELEVATION
SCALE: $\frac{1}{4}$ " = 1'-0"

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RECORD OF WORK:	
DATE:	BY:
9/12/22	rev. Rendering

GAS STATION ADDITION
ADDRESS:
1747 UNION STREET
SCHENECTADY, NY 12309
RAIZADA MART
SAL KHAN

START DATE: 7/1/22



DATE: 10/19/2022

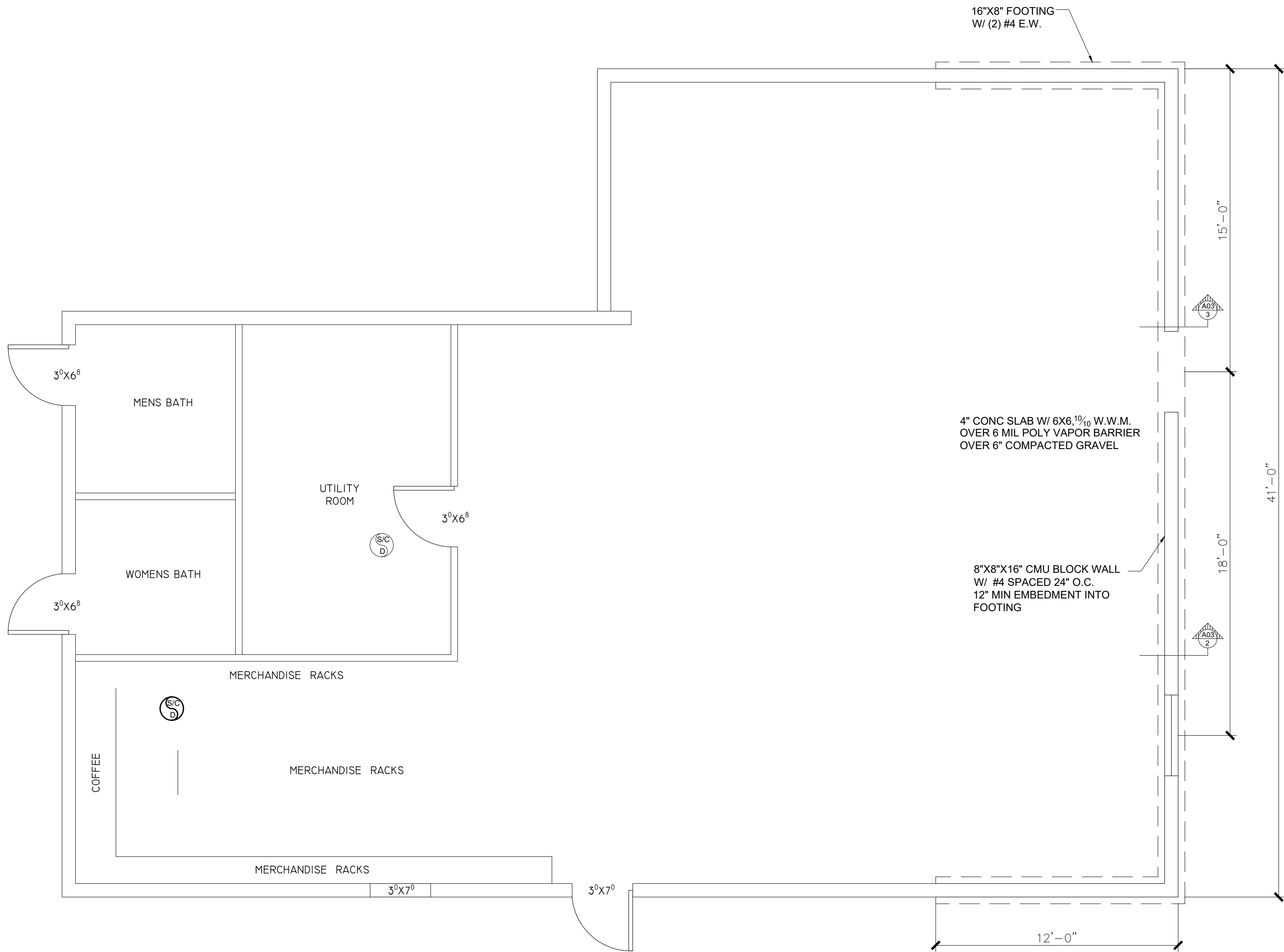
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PROPOSED ELEVATION

DESIGNER: MIKE T. ENGINEER: DCK

PAPER SIZE: C (18"x24") SCALE: AS NOTED

SHEET: A03



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

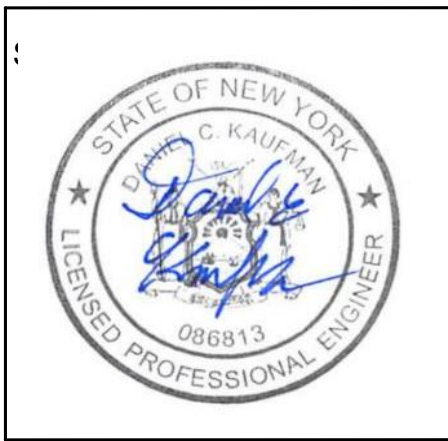
Cobble Court Engineering PLLC
511 Walnut Drive
Clifton Park, NY 12065
Phone # (518) 956-1282
dckengnypa@outlook.com
DANIEL C. KAUFMAN NYS
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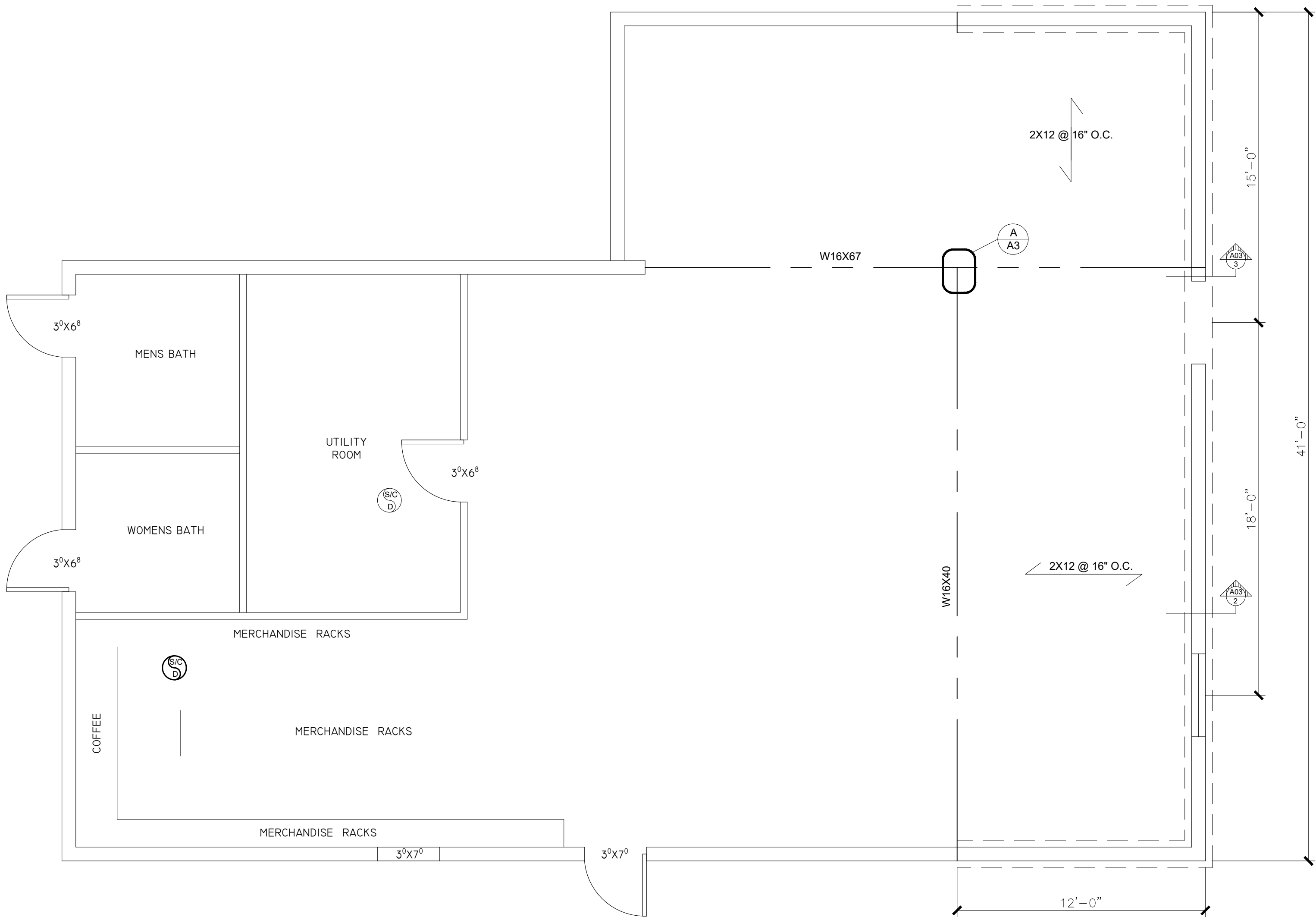
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DESIGNER: MIKE T.	ENGINEER: DCK
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ROOF PLAN

SCALE: 1/4" = 1'-0"

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START DATE: 7/1/22

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DATE: 10/19/2022

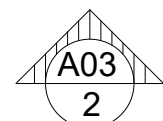
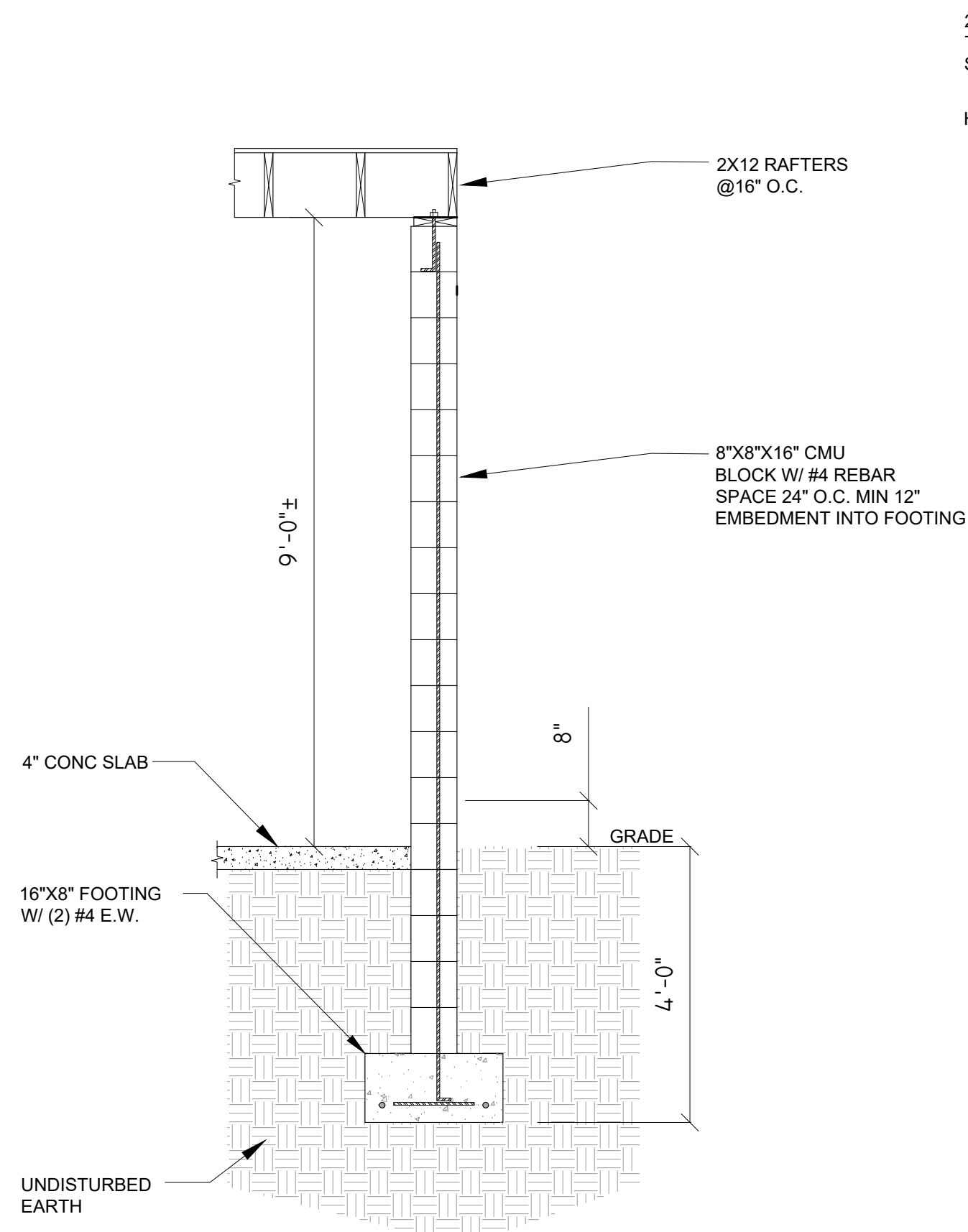
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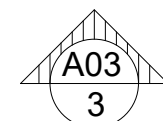
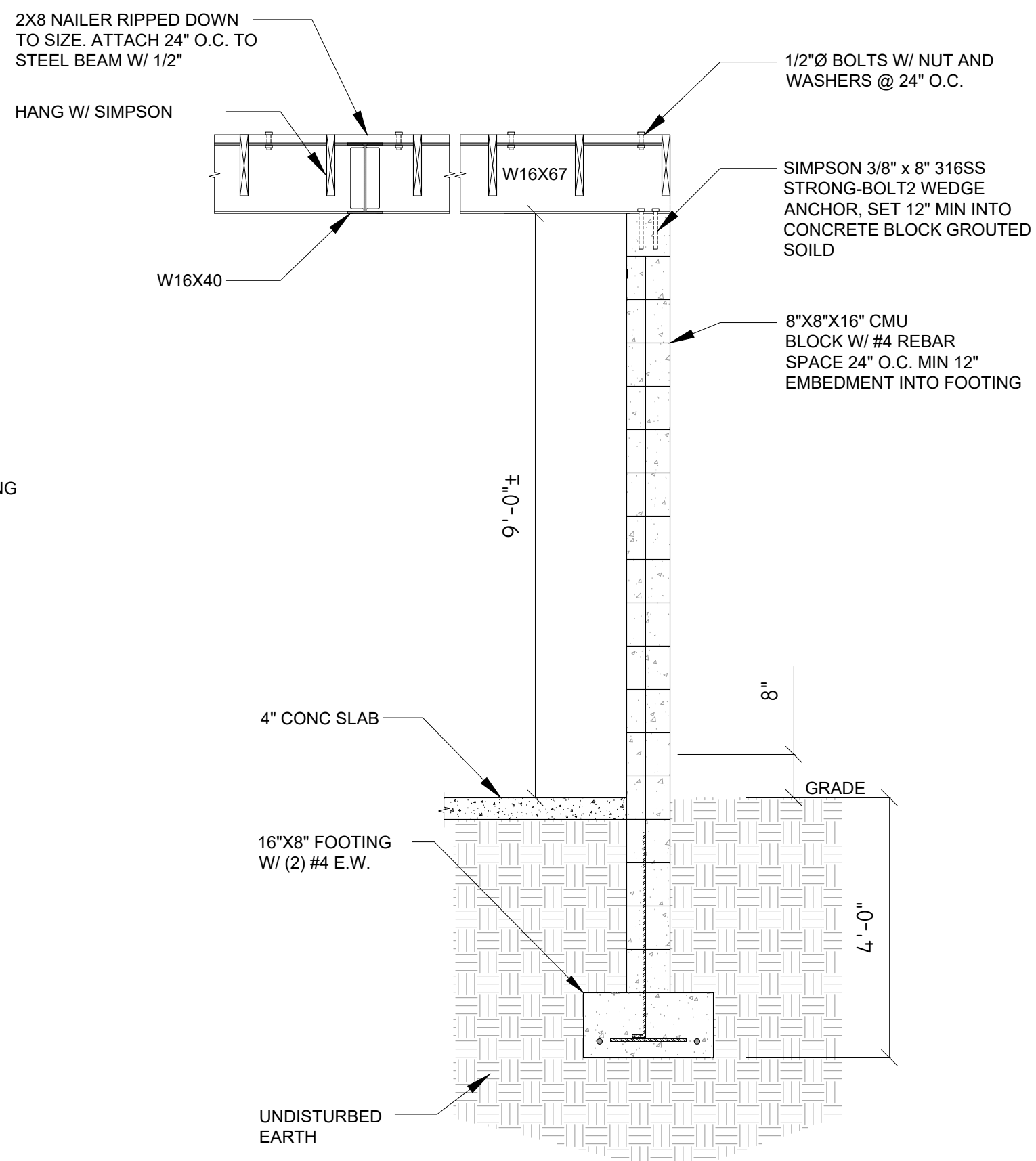
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WALL SECTION
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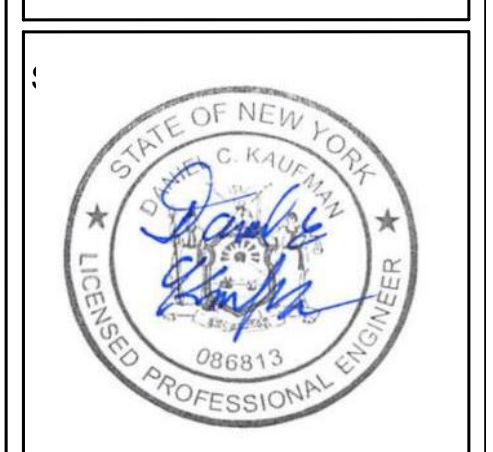
WALL SECTION
N.T.S.

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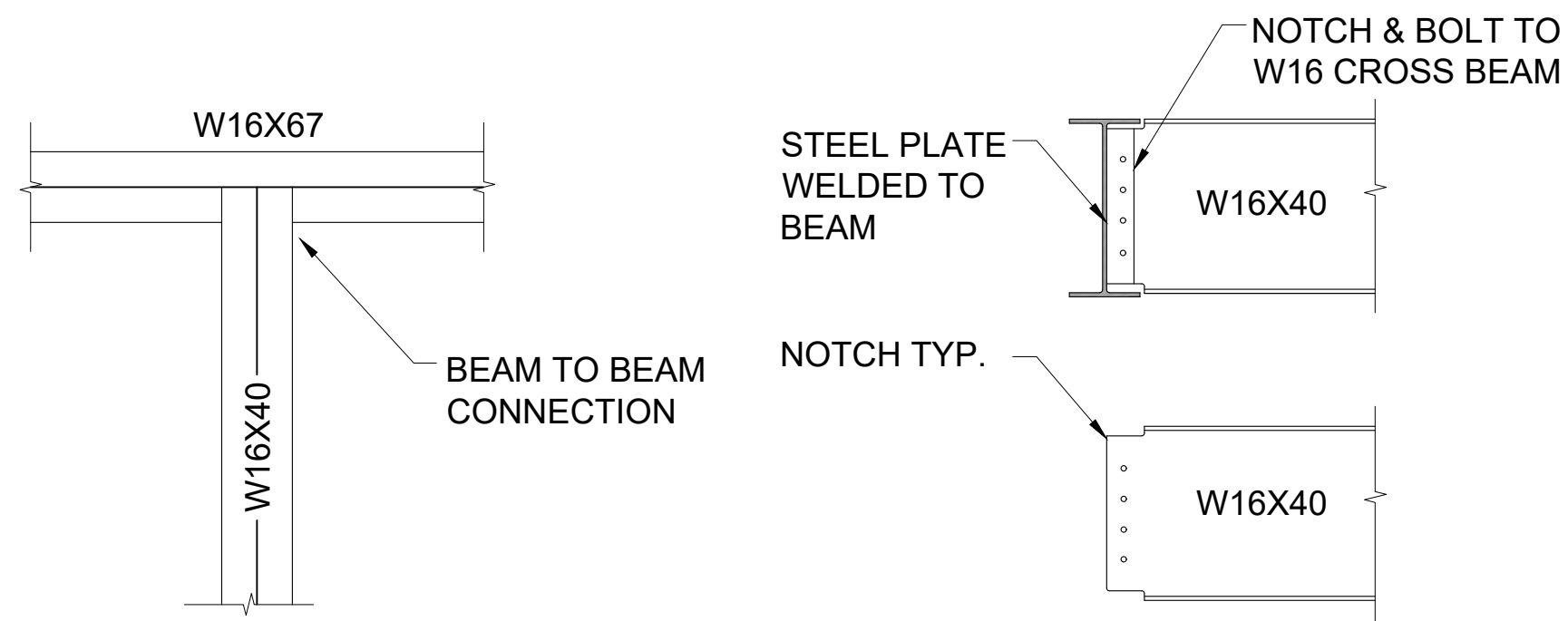
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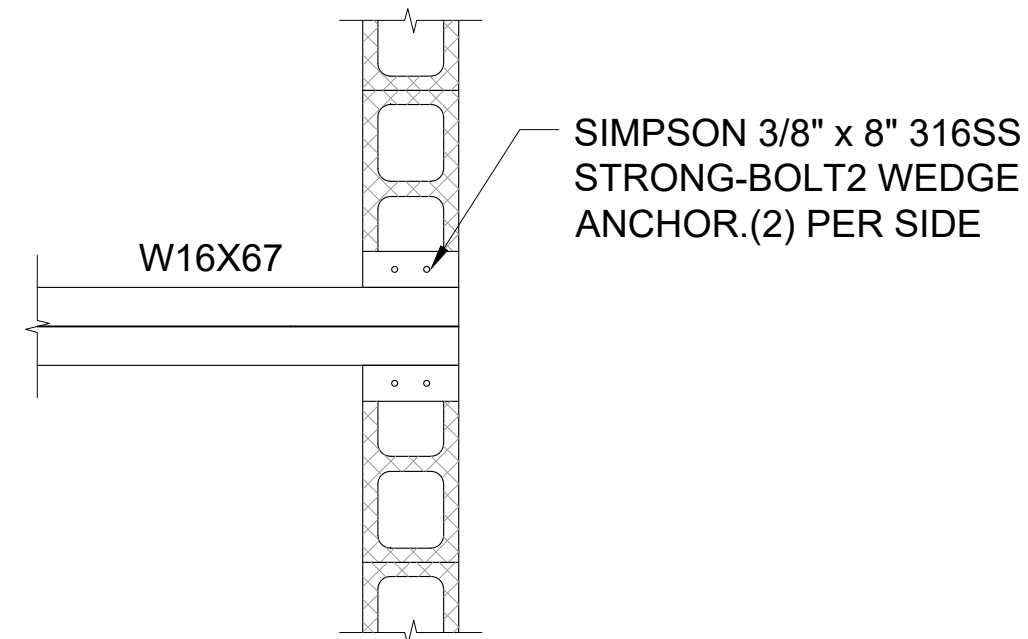
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STEEL CONNECTION DETAIL A
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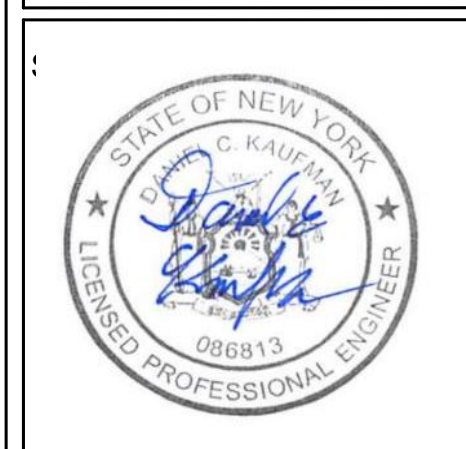


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SAL KHAN

START DATE: 7/1/22



DATE: 10/19/2022

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DETAILS

DESIGNER: MIKE T. ENGINEER: DCK

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START DATE: 7/1/22



DATE: 10/19/2022

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DESIGNER: MIKE T.	ENGINEER: DCK
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TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 4

MEETING DATE: 10/24/2022

ITEM TITLE: RESOLUTION: 2022-27: A Resolution for preliminary subdivision approval of a 2-lot subdivision at 2239 Van Antwerp Rd.

PROJECT LEAD: Chris LaFlamme

APPLICANT: Patrick Jarosz, agent for the owners

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:

Patrick Jarosz, agent for the owners, submitted an Application for Approval of Plat Plan for a 2-lot minor subdivision of the 2.08 acre property at 2239 Van Antwerp Rd. into two separate lots of .56 (24,392 +/- sq. ft.) and 1.53 acres, respectively.

BACKGROUND INFORMATION

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

A 1-page drawing entitled "Subdivision of the Land of Ryan #2239 Van Antwerp Road" by Gilbert VanGuilder, PLLC Professional Land Surveyors dated May 3, 2022 and revised on 5/31/22 was provided with the application. Lot lines demarcating "Area = 24,392+/-" and "Area = 1.53+/- Acres" are included on the drawing.

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

Permitted Use	Minimum Lot Size			Minimum Yard Dimensions (setbacks)		
	Area sf	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.
Single-family dwelling	18,000	100	125	35	40	25
Lot 1	24,392	≈124	≈200	≈50.6	≈19.7 / ≈55.3	≈OK
Lot 2	66,647	≈170	≈400	≈50	≈50 / ≈50	≈OK

While the bulk requirements in the R-1 Zoning are easily met – the presence of the wetland will require further modification of the subdivision plan or an Army Corps of Engineers permit. Section 180-9 (O) states: “In general, wetlands and watercourses should not be filled, graded, or altered. The crossing of watercourses should be avoided to the maximum extent practicable. When protection of wetlands, watercourses, trees, steep slopes or other environmentally sensitive area is required, the location shall be shown on the erosion control plan and the method of protection during construction identified (e.g., silt fence, construction fence, stakes, etc.). 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.” Therefore the 25 foot wetland vegetative buffer needs to be identified on the plans and no grading or disturbing of soils should be shown within the buffer.

There is also an issue with sewer or septic that should be examined during sketch plan approval. The existing sewer main is in the back of the property at 2239 Van Antwerp Road. Extending the public sewer main beneath the wetlands may be required or an onsite septic system should be reviewed (see aerial image in packet).

7/25/22 Planning Board (PB) meeting – a representative from Gilbert VanGuilder Land Surveyor, PLLC represented Mr. Jarosz and explained the project to the Board members. He mentioned that they would like to connect the future home to be located on the newly created lot to the existing public sewer. He also stated the wetlands on the property are Army Corps only. After additional discussion the PO called for a resolution for sketch plan approval at the 8/8/22 PB meeting, agreed on the following action items.

1. Revise site plan drawing to pull grading & limits of clearing away from 25' wetland buffer
2. Add sewer line to site plan and include easement boundaries

8/3/22 Conservation Advisory Council (CAC) meeting – the CAC reviewed the project at their regularly scheduled meeting on 8/3/22 and voted unanimously to recommend a negative SEQR declaration to the Planning Board. During the discussion related to the review of the EAF form the following recommendations were identified.

1. Retain as many existing trees on the site as possible, have Tree Council review limits of clearing and avoid / protect large trees during construction
2. Include a 10' wide easement along Van Antwerp ROW for a potential future multi-use path
3. Revise subdivision plan so there is no disturbance to wetlands and no grading / disturbance to the 25 foot wetland buffer
4. Utilize reasonable energy conservation practices and sustainable energy for new building.

8/8/22 Planning Board (PB) meeting – The PB approved Resolution 2022-18 granting sketch plan approval, calling for a public hearing at the 8/29/22 PB meeting and instructing the Town Planner to file a Negative SEQR declaration with the following 4 conditions

1. Work with the Tree Council to preserve as many trees as possible and review limits of clearing
2. Include a 10' wide easement along Van Antwerp for a future multi-use path
3. Revise site plan so there is no disturbance to wetlands and no grading or disturbance to the 25' buffer to the wetlands
4. Utilize energy conservation practices and sustainable energy for new buildings

The applicant is to provide an updated site plan drawing for the 8/29/22 meeting.

The Tree Council walked the site and noted the area has old forest characteristics, large trees, snags and down logs. They also noted there are many large trees of significance. See list and photos below. They recommend the Planning Board require adding trees that have a diameter at breast height of greater than 25 inches to the subdivision plan so that the Town can work with the developer to avoid the large trees and retain as much forest patch as possible.

- 8 White oaks 25 to 40 inches in diameter
- 7 white pine 25 to 35 inches in diameter
- 1 hickory ~ 30 inches in diameter.

8/29/22 Planning Board (PB) meeting – The PB and Mr. Jarosz reviewed the 8/9/22 revision of the site plan drawing. The drawing included a 25' buffer along the limits of clearing border and a 10' wide easement along Van Antwerp Rd. The PB requested that trees > 25" in diameter be shown on the site plan and a description of how storm water will be drained from the site be added. They also discussed adding a split rail fence along the 25' buffer boundary to the wetlands.

Mr. Jarosz provided a revised site plan drawing identified as Rev 9/2/22. The revised drawing shows the location of approximately 19 trees on the property near the proposed limits of clearing and grading that are over 25" in diameter. Per Town Code 201-11 Land Development (B) "the Planning Board may require the developer to identify trees of value by locating them on a survey map at an average density of up to 10 trees per acre. This information shall be used by the Planning Board to determine which trees shall be preserved and so designated on approved development plans." There are several trees which are close to the edges of clearing and grading that the Planning Department recommends to be preserved (see attached map with suggestions highlighted in yellow and reduced clearing limits marked in green).

Also – the proposed ground floor of this house is 2.3 feet higher than the adjacent home to the north, and potentially even higher than that compared to the adjacent home to south. The Planning Board has heard and agreed with complaints in the past with approved in-fill homes being higher than the surrounding homes makes them look very out of character with the existing community. Areas of 4-6 feet of fill are being proposed to be added for much of the lot, especially along the south side (highlighted in blue) The Planning Department consulted with the Engineering Department on this – who also suggests requiring the proposed home foundation be lowered to more closely match the surrounding homes. This should reduce the amount of grading/filling that needs to be done around the home, help preserve more trees, and help the proposed new home blend into the neighborhood better.

The revised plan also includes Note 13 which reads "All grading for new construction shall be directed to the rear of the property and not directed towards adjoining properties".

10/3/22 Planning Board (PB) meeting – Mr. LaFlamme agreed to be the PB Project Lead for the project. Ms. Robertson displayed the new site plan drawing dated 9/2/22 and Mr. Jarosz provided an update on the project. A discussion ensued regarding lowering the elevation of the proposed new home to approximately 101.5' to match the elevations of the neighboring homes. The PB and Mr. Jarosz also discussed trying to preserve as many trees as possible on the site. Mr. Robertson presented a drawing of the site with trees that the Tree Council would like to have preserved and several that may be cleared to make room for the new home. The discussion ended with the PB calling for a resolution for the 10/24/22 PB meeting.

An updated site drawing with a revision date of 10/4/22 was delivered to the Planning Office on 10/11/22. Nine trees were identified “to be preserved” and nine trees were labeled “to be removed”. The ground floor elevation of the proposed house was lowered from 102.3’ to 101.3’ which makes it closer to the existing home ground floor elevation of 100.05’.

A resolution is included in the meeting packet.

RESOLUTION NO. 2022-27

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 24TH DAY OF OCTOBER 2022 AT THE NISKAYUNA TOWN OFFICE BUILDING, ONE NISKAYUNA CIRCLE, IN SAID TOWN AT 7:00 P.M., THE FOLLOWING MEMBERS WERE PRESENT VIRTUALLY OR IN PERSON:

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

One of the purposes of the meeting was to take action on a 2-Lot Minor subdivision approval.

The meeting was duly called to order by the Chairman.

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

WHEREAS, Patrick Jarosz, representing the applicant, has made application to the Planning Board for a 2-Lot Minor Subdivision at 2239 Van Antwerp Rd. as shown on a 1- page drawing entitled "Subdivision of the Land of Ryan #2239 Van Antwerp Road" by Gilbert VanGuilder, PLLC Professional Land Surveyors dated May 3, 2022 with a most recent revision dated 10/4/22, and

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

WHEREAS, the Planning Board, by its Resolution 2022-18, granted sketch plan approval for this project on August 8, 2022, and

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

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

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

WHEREAS, the Planning Board, acting in accordance with the State Environmental Quality Review regulations and local law, contacted all involved agencies, and assumed the position of lead agency for this project and on August 8, 2022 via resolution 2022-18 made a negative declaration, and

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

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission does hereby grant minor subdivision approval for a 2-Lot subdivision at 2239 Van Antwerp Rd. as shown on a 1-page drawing entitled "Subdivision of the Land of Ryan #2239 Van Antwerp Road" by Gilbert VanGuilder, PLLC Professional Land Surveyors dated May 3, 2022 with a most recent revision dated 10/4/22, subject to the following conditions:

1. Prior to recording the plat, any engineering and drainage concerns will be addressed to the satisfaction of the Town Superintendent of Water, Sewer and Engineering.
2. The Tree Council required the demarcation of all trees of value within the limits or near the limits of clearing. The trees marked on the subdivision plan to be saved shall not be removed during the construction of the new single family home and to the extent that any of the remaining trees of value proposed to be removed can be saved during the building permit and construction process, the Planning Board requests that they be saved.
3. Prior to recording the plat, any minor textual changes to the subdivision map will be addressed to the satisfaction of the Town Planning Department.
4. Prior to issuing a building permit, the new houses shall be referred to and reviewed by the Architectural Review Board.
5. In accordance with Chapter 180 of the Soil Erosion and Sediment Control Ordinance of the Town of Niskayuna, the applicant shall put in place soil erosion

and sediment control measures sufficient to stabilize disturbed areas. These measures shall be satisfactory to the Superintendent of Water, Sewer, and Engineering and shall remain in place until such time as natural vegetation has been successfully established.

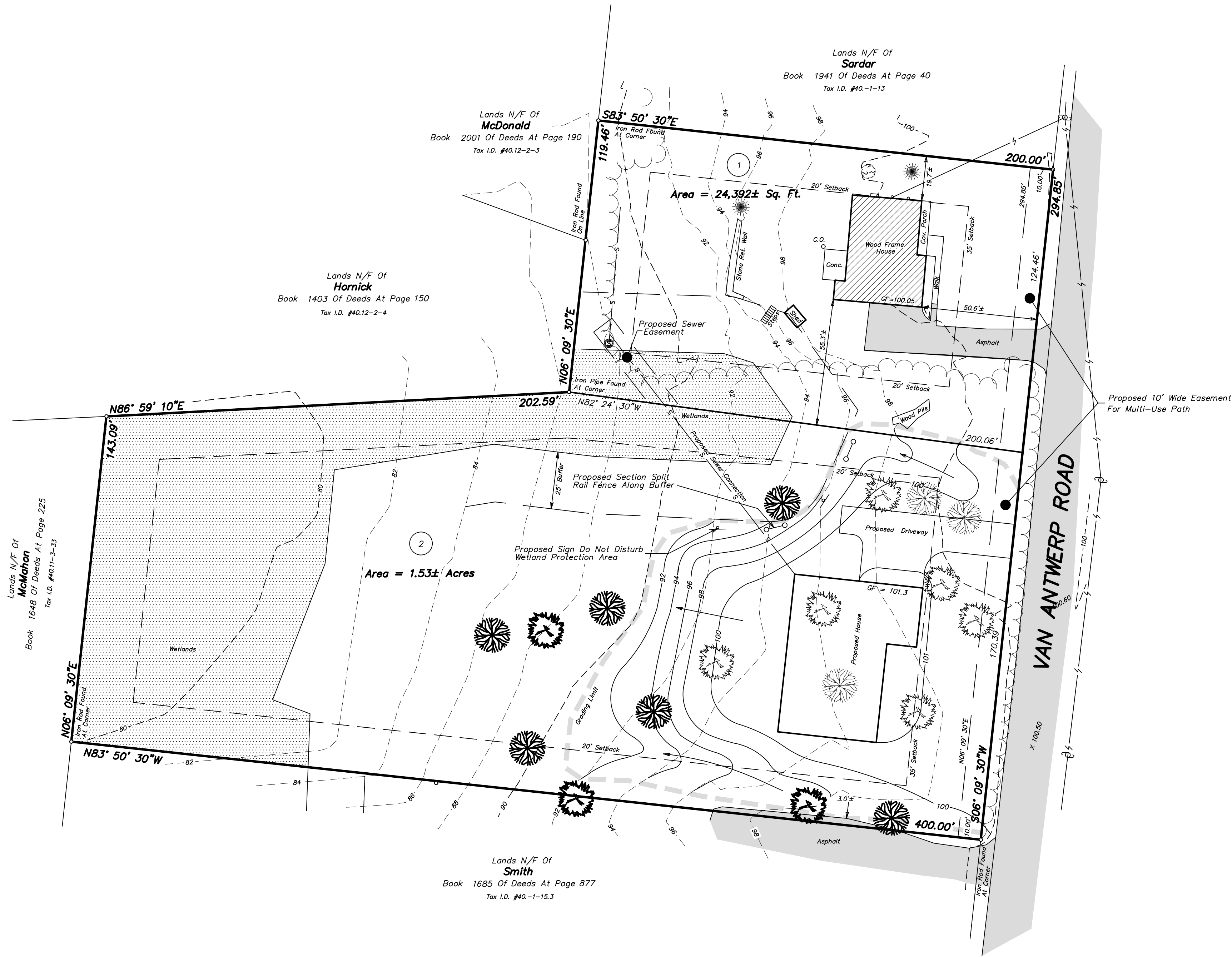
6. Wetland boundaries shall be recorded and shown on any plot plan of a building lot containing wetlands. Wetlands may not be disturbed, drained or physically altered in any way without first contacting the Army Corps of Engineers. Additionally, the Town of Niskayuna requires that no land can be disturbed within a twenty five (25) foot buffer from the boundary of the wetland.
7. Should the garage floor elevation (GFE) for individual lots deviate by more than six inches from the elevations approved for construction by the Planning Board and Zoning Commission or the Building Department, then revised grading plans shall be submitted immediately to the Town's Engineering office for their review and approval.
8. The limits of clearing on this subdivision shall be strictly adhered to during construction. To the maximum extent practicable the applicant shall retain as many of the site's healthy trees and native vegetation as possible. Driveways shall be installed with least possible disturbance to trees.
9. Prior to issuance of a building permit, the applicant shall participate in a preconstruction meeting with the Town of Niskayuna if so requested by the Planning or Building Department.

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

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

The Chairman declared the same _____.

Per Deed Reference



DEED REFERENCE:

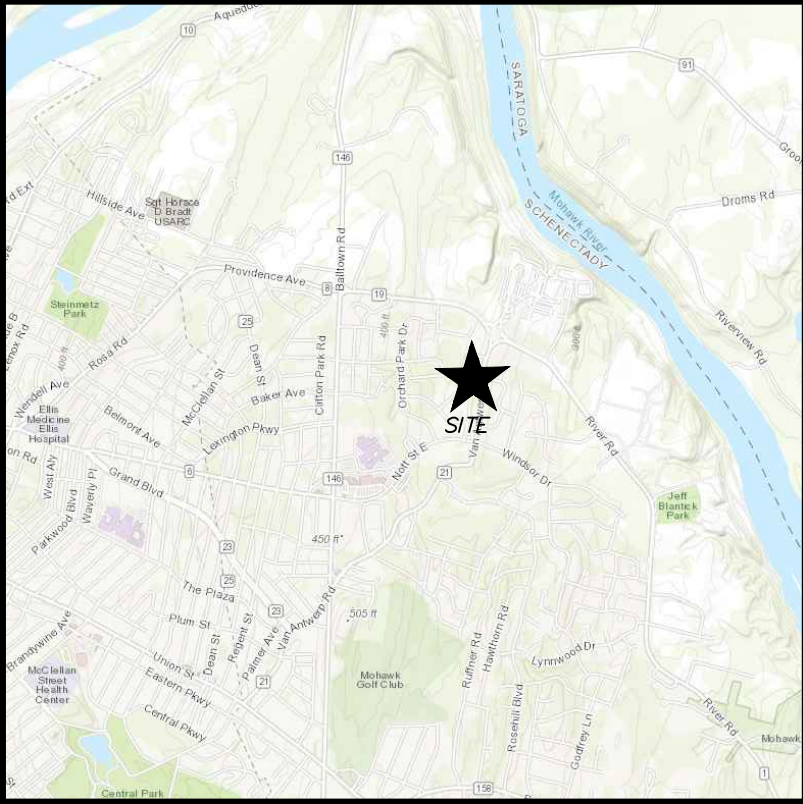
CONVEYANCE TO JOANNE M. RYAN BY DEED DATED AUGUST 27, 2021 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE IN BOOK 2066 OF DEEDS AT PAGE 287.

NOTES:

1. NO ATTEMPT WAS MADE TO SHOW UNDERGROUND IMPROVEMENTS IN THE PREPARATION OF THIS SURVEY.
2. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
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4. CERTIFICATIONS HEREIN ARE NOT TRANSFERABLE, UNLESS OTHERWISE NOTED.
5. THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.

TOWN NOTES:

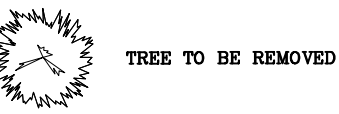
1. BY ISSUANCE OF A BUILDING PERMIT, THE TOWN OF NISKAYUNA DOES NOT ASSUME ANY LIABILITY FOR STORM WATER DAMAGE BY GENERAL APPROVAL OF THESE PLANS. THE OWNER MUST ASSUME ANY AND ALL LIABILITIES FOR DAMAGE CLAIMED ARISING OUT OF INCREASED STORM WATER FLOW.
2. DAMAGE TO SURFACE WATERS RESULTING FROM EROSION AND SEDIMENTATION SHALL BE MINIMIZED BY STABILIZING DISTURBED AREAS AND BY REMOVING SEDIMENT FROM CONSTRUCTION SITE DISCHARGES.
3. INsofar AS PRACTICABLE, EXISTING VEGETATION SHALL BE PRESERVED.
4. SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISRUPTION.
5. PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND ROUTES OF CONVENIENCE SHALL BE AVOIDED.
6. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DITCHES.
7. THE DEVELOPER/CONTRACTOR OR HIS BUILDER SHALL INSPECT THE INTEGRITY AND FUNCTION OF ALL TEMPORARY EROSION CONTROL MEASURES THROUGHOUT THE DURATION OF THE DEVELOPMENT PROCESS. TO ASSURE PROPER FUNCTION SITUATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, EXTENDED, REPAIRED, RESSEDED AND PROTECTED FROM FURTHER EROSION. ALL ACCUMULATED SEDIMENT SHALL BE REMOVED AND CONTAINED IN APPROPRIATE SPOIL AREAS. WATER SHALL BE APPLIED TO NEWLY SEEDED AREAS AS NEEDED UNTIL GRASS COVER IS WELL ESTABLISHED.
8. SUBDIVISION APPROVAL BY THE PLANNING BOARD AUTHORIZES GRADING AND CLEARING WITHIN THE ROAD RIGHT OF WAY AND EASEMENTS ONLY. THE APPLICANT SHALL SUBMIT PLANS FOR INDIVIDUAL LOT GRADING TO BE APPROVED AS PART OF THE BUILDING PERMIT APPLICATION.
9. THE GRADING PLAN SUBMITTED FOR THE BUILDING PERMIT SHALL IDENTIFY ALL TREES WITH DIAMETER OF 6 IN. OR MORE AS MEASURED 3 FT. ABOVE THE BASE OF TRUNK AND INDICATE THOSE THAT ARE PROPOSED TO BE REMOVED AND THE REASON WHY SUCH REMOVAL IS NECESSARY.
10. ANY TREES REMOVED FROM A LOT IN A MANNER THAT IS NOT CONSISTENT WITH THE APPROVED GRADING PLAN FOR THAT LOT SHALL BE REPLACED AT THE EXPENSE OF THE DEVELOPER BEFORE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. REPLACEMENT TREES SHALL BE OF A TYPE AND SIZE SATISFACTORY TO THE TOWN ENGINEER.
11. THE GRADING PLAN SHALL BE CONSISTENT WITH THE PURPOSES OF THE SOIL EROSION AND SEDIMENT CONTROL ORDINANCE. IN PARTICULAR, ERODIBLE MATERIALS SHALL NOT BE STOCKPILED WITHIN THE DRIP LINE OF TREES TO BE PRESERVED.
12. THE APPLICANT SHALL TREAT THE GRADING PLAN SUBMITTED FOR THE SUBDIVISION AS ADVISORY ONLY AND SHALL SUBMIT GRADING PLANS FOR REVIEW BY THE BUILDING INSPECTOR ON A LOT-BY-LOT BASIS THAT ARE CONSISTENT WITH THE PLANNING BOARD REQUIREMENTS FOR TREE PRESERVATION.
13. ALL GRADING FOR NEW CONSTRUCTION SHALL BE DIRECTED TO THE REAR OF THE PROPERTY AND NOT DIRECTED TOWARDS ADJOINING PROPERTIES.



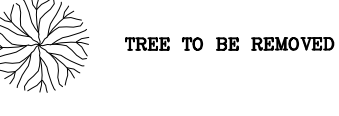
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SITE STATISTICS:

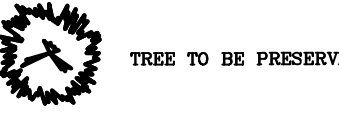
ZONING: R-1 SINGLE FAMILY DWELLING
MIN. LOT SIZE - 18,000 SQ. FT.
MIN. WIDTH - 100 FT.
MIN. DEPTH - 125 FT.
MIN. FRONT SETBACK - 35 FT.
MIN. SIDE SETBACK - 20 FT./BOTH 40 FT.
MIN. REAR SETBACK - 25 FT.
PROPOSED DISTURBED AREA - 0.6± ACRE



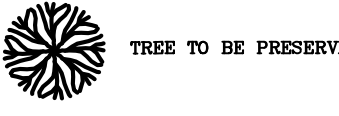
TREE TO BE REMOVED



TREE TO BE REMOVED



TREE TO BE PRESERVED



TREE TO BE PRESERVED

← DRAINAGE DIRECTION (SEE NOTE #13)

PLANNING BOARD CHAIRMAN _____ DATE _____

TOWN ENGINEER _____ DATE _____

Per Comments - 10/4/22

Per Comments - 9/2/22

Per Comments - 8/9/22

Revised Lot Line - 5/31/22

SUBDIVISION
OF THE LANDS OF RYAN
#2239 VAN ANTWERP ROAD

TOWN OF NISKAYUNA		SCHENECTADY COUNTY, NEW YORK	
MAP NUMBER: 22 - 22 - 85	SCALE: 1" = 30'	DATE: MAY 3, 2022	

Gilbert VanGuilder
Land Surveyor, PLLC
Professional Land Surveyors

988 Route 146, Clifton Park, New York 12065
Telephone: (518) 383-0634
gvglandsurveyors.com

OWNER/APPLICANT:

JOANNE M. RYAN AND ELIZABETH A. RYAN
2239 VAN ANTWERP ROAD
NISKAYUNA, N.Y. 12309

TAX I.D. #40-1-14.1

TODD WESTERVELD, P.L.S. No. 50,319

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES OF THIS SURVEY MAP BEARING THE LAND SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL SHALL BE CONSIDERED VALID.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 5

MEETING DATE: 10/24/2022

ITEM TITLE: RESOLUTION: 2022-28: A Resolution for site plan approval of a tenant change including new signage to a Hickory Farms retail store at 412B Balltown Rd.

PROJECT LEAD: TBD

APPLICANT: Dyan Walls, 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:

Lorrie Hammer, of Hickory Farms and agent for the owner, submitted an Application for Site Plan Approval for a temporary tenant change (Oct. 2022 – Jan. 2023) to a Hickory Farms retail store at 412B Balltown Road. The site falls within the C-S Shopping Center Commercial zoning district. Retail and service stores are permitted principal uses in this district.

Hickory Farms formally occupied 412 B Balltown Rd. from Oct. of 2021 thru Jan of 2022 and was approved with PB Resolution 2021-34.

BACKGROUND INFORMATION

A completed site plan application was provided on 9/26/22 that included the following details.

- No improvements or modifications to the interior of the space are planned
- Hours of operation will be 7 days per week with opening and closing times matching the neighboring stores
- 5 part-time employees are expected
- A 3' x 20' sign is proposed for the outside of the building

A Building Permit was provided to the Building Office that included a proposed floorplan of the space and an exterior elevation image of the building.

A Power Point presentation entitled "Hickory Farms 2021 Sign Plan" was provided that documents their corporate approach to signage.

Section 220-48.22G(2)(c)[3] states that for façade signs one square foot of sign area shall be permitted for each linear foot of building frontage. Façade signs shall be attached only to the building façade and shall not protrude more than one foot from the building façade. Under no circumstances shall any one façade sign exceed 50 square feet.

The frontage of 412B measures 20'. The proposed banner sign measures 20' wide x 3' high (60 sq. ft.). Therefore, a waiver of 40 sq. ft. of sign area is required.

Article VIII E Design Guidelines and Standards for Shopping Center Commercial (CS) Zoning District Section 220-48.21 B Waivers of the Niskayuna zoning codes states that the Planning Board may waive one or more of the standards of the Article

10/3/22 Planning Board (PB) meeting – Ms. Hammer presented the project to the Board. They were in favor of the tenant change. The PB noted that the façade sign that still hangs over 412B Balltown Rd. was not included in the site plan application that was approved in 2021 (Resolution 2021-34). The sign was installed without approval from either the Planning Board or issuance of a building permit. The 3' x 20' (60 sq. ft.) sign also exceeds the zoning code limit for a façade sign (50 sq. ft.). The Board called for a resolution for site plan approval for the 10/24/22 PB meeting with the understanding that the proposed sign will be reduced to the zoning code compliant size of 2' x 20' (40 sq. ft.).

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

RESOLUTION NO. 2022 - 28

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 24TH DAY OF OCTOBER 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 final site plan 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, Lorrie Hammer, of Hickory Farms, applicant for the owner, has made an application to the Planning Board and Zoning Commission for site plan review for a tenant change at 412B Balltown Road, Niskayuna, and

WHEREAS, the site plan is shown on a 10-page drawing set entitled "2021 Hickory Farms Sign Plan" stamped "Received Sept 26 2022 Planning Office Niskayuna, NY", and

WHEREAS, the zoning classification of the property is C-S Shopping Center Commercial zoning district, and

WHEREAS, the new tenant, Hickory Farms (retail and service store), qualifies as a permitted principle use for this zoning district, and

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

NOW, THEREFORE, be it hereby

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

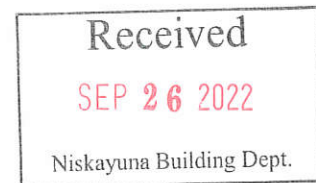
1. The aforementioned 10-page drawing set includes several examples of Hickory Farms signage options. This resolution only approves a 2' x 20' (40 sq. ft.) sign, or smaller, that is a flat vinyl banner sign as described on pages 1, 2, 3 & 5 of the drawing set.

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

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

The Chairman declared the same _____.

TOWN OF NISKAYUNA
Application for Site Plan Review



Applicant (Owner or Agent):

Name LORRIE HAMMER

Address 2510 HAVEN AVE
Joliet, IL 60433

Telephone 312-801-6935 Fax _____

Location:

Number & Street 412 B BAITOWN RD.

Section-Block-Lot _____ - _____ - _____

Zoning District _____

Proposal Description:

We will have a temporary retail location at Mahawick Commons.
We have no plans to do any improvements to the building, only to use
the current space. We do intend to place a 3x20 banner to the
outside of the building.

Each site plan application shall be accompanied by:

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

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

Signature of applicant:  Date: 9-21-22

Signature of owner (if different from applicant): _____

Date: _____

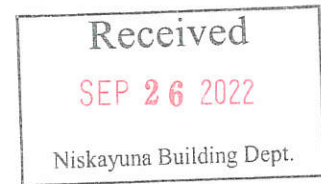
2021 Hickory Farms Sign Plan

The logo for Hickory Farms, featuring the words "HICKORY" and "FARMS" in a white, serif, all-caps font, stacked vertically and centered within a dark gray rectangular background.

**HICKORY
FARMS**

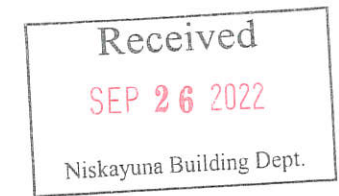


All Signs will be attached directly to the building bulkhead/facade with appropriate fasteners. Typically, with Tapcon or similar concrete anchors by a qualified/insured sign company/contractor. If your center uses a specific or preferred sign company/installer, please fwd. us the contact info. Upon removal holes from fasteners will be filled with similar colored sealant.



We will utilize flat vinyl/banner signs as frequently as possible. Several reasons- Cost is much lower, and storage/shipping of these signs is much easier and cost effective. Most developers and landlords approve our banners due to our seasonal natured business, they look good, least likely to cause any injury/damage and require less anchor points to your building's façade. Banners can be made to any size.

- Our second option will be a flat ACM (Aluminum composite material) metal sign. Our artwork for both above signs are the same, simply the material they are made of. ACM sign sizes are limited to 3'X20' maximum
- If there is specific county/city/municipality/board that require a specialty sign, we will adhere to there additional requirements. Please advise any known clearances/boards needed from above.
- We do have 3D raised letter signs and individual raised letter options, we will only these use if absolutely required. Very Expensive and difficult to store/transport after use.
- The sign size will be proportioned to the bulkhead adhering to all local requirements.



The next few slides will be examples of sign sizes by renderings and actual photos of our executed sign plan.

HICKORY FARMS

2'X16', 2'X20' and 3'X20' Artwork



← Executed actual
location photo-
2'X16' flat banner sign
(window signs are static clings - not stickers)

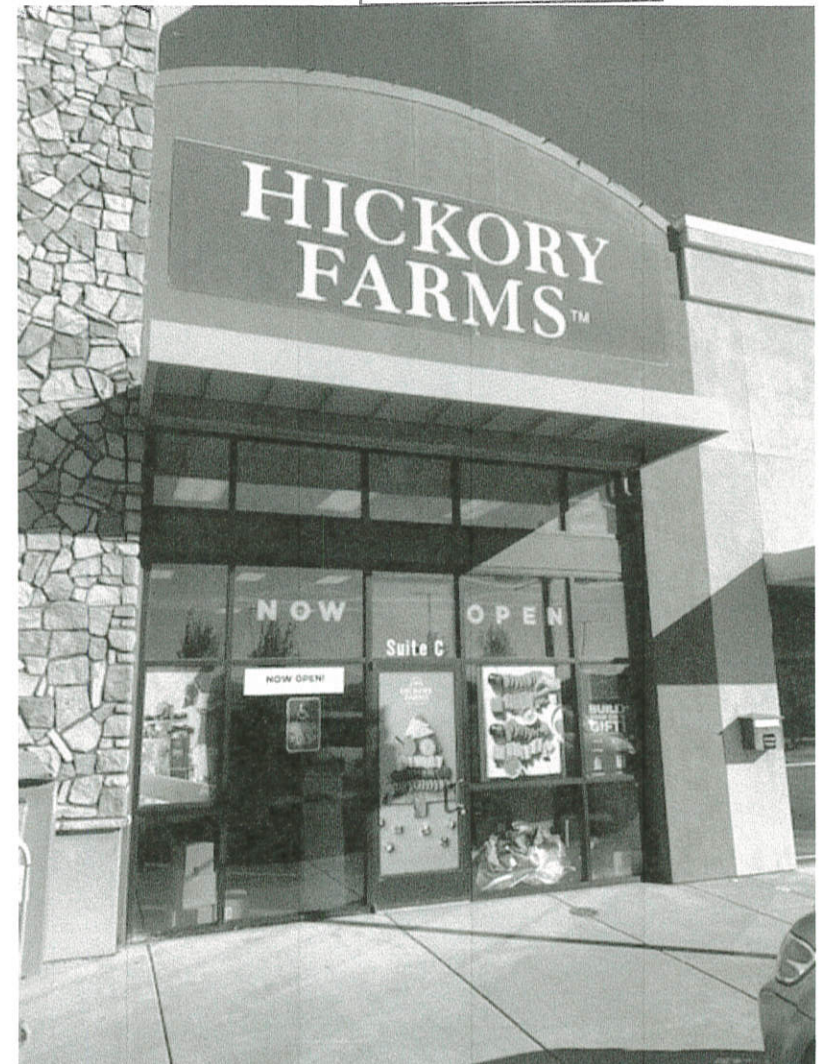
2021 Hickory Farms Confidential

HICKORY FARMS

3'X10' - Artwork

Executed actual location photo →
3'X10' banner sign

2021 Hickory Farms Confidential



Received

SEP 26 2022

Niskayuna Building Dept.

Received

SEP 26 2022

Niskayuna Building Dept.

Rendering- 3'X20' Flat Sign →



2021 Hickory Farms Confidential

Received

SEP 26 2022

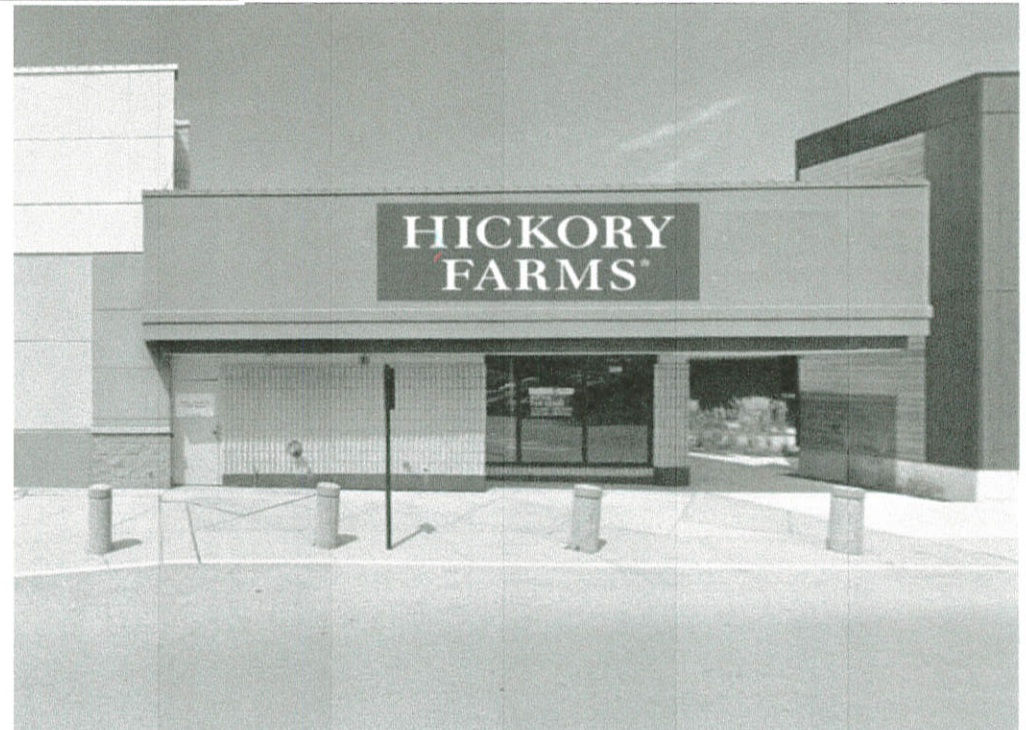
Niskayuna Building Dept.

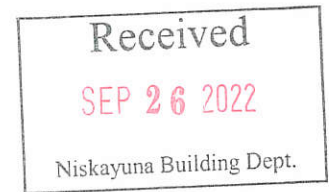
HICKORY FARMS

← 6'X20' Artwork -
Flat Vinyl/Banner only

6'X20' Rendering- Mostly can only be used
at Junior Anchor or Anchor sites. →

2021 Hickory Farms Confidential





As you can see from the attached examples, we have a very simple yet appealing sign plan in place. Please approve our standard sign plan for your center, we will use all avenues to ensure our signs meet all local guidelines and fit the space we are operating in appropriately. We have limited staff to complete individual renderings for all locations and appreciate your assistance allowing us to use our standard sign plan. Thank You!

Received

SEP 26 2022

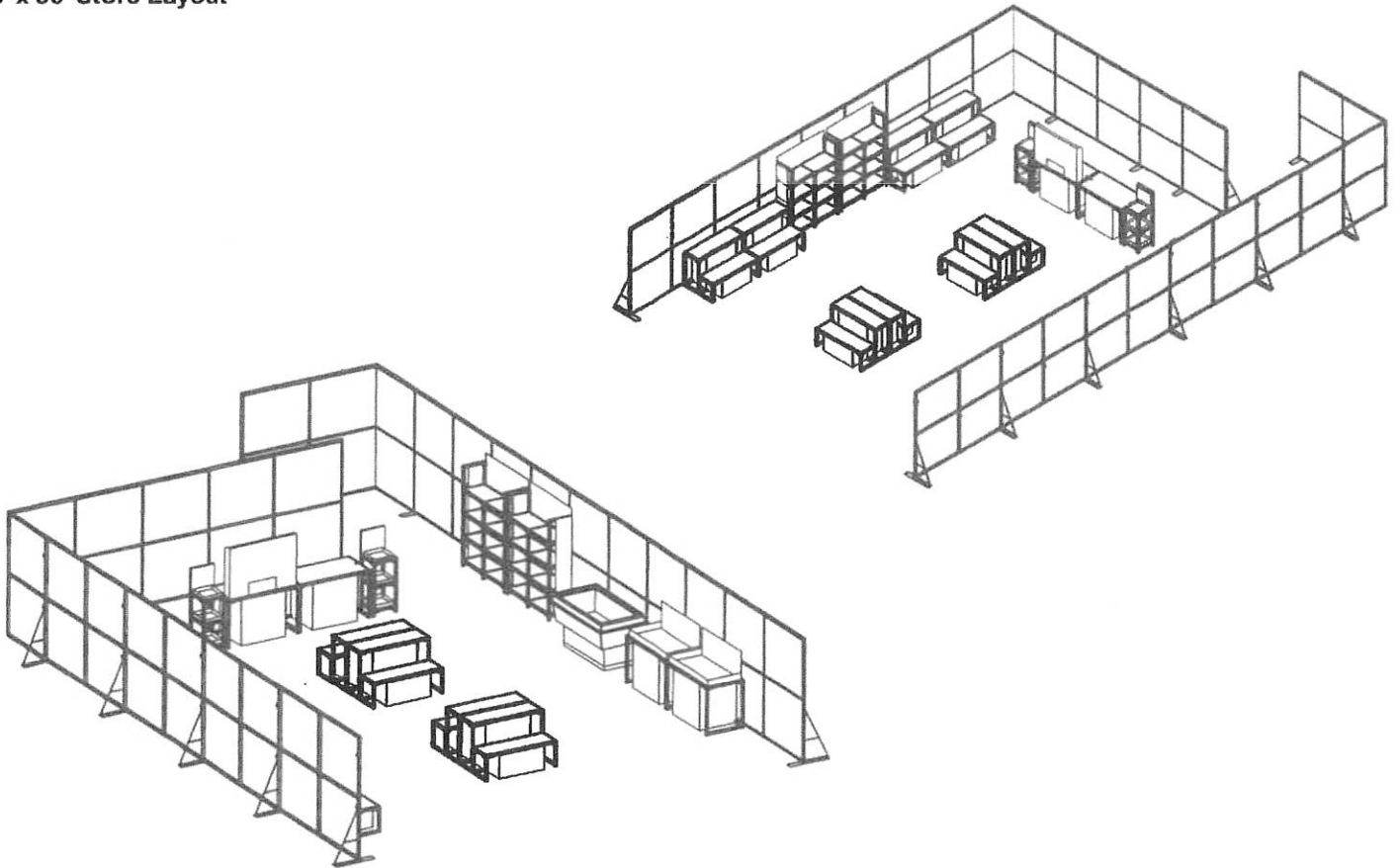
Niskayuna Building Dept.

PG 3 OF 89

2004 051 - 2020 Retail Store Front - 30'x36' Store Layout
Retail Assembly Instructions


HICKORY FARMS™

30' x 36' Store Layout



Received

SEP 26 2022

Niskayuna Building Dept.

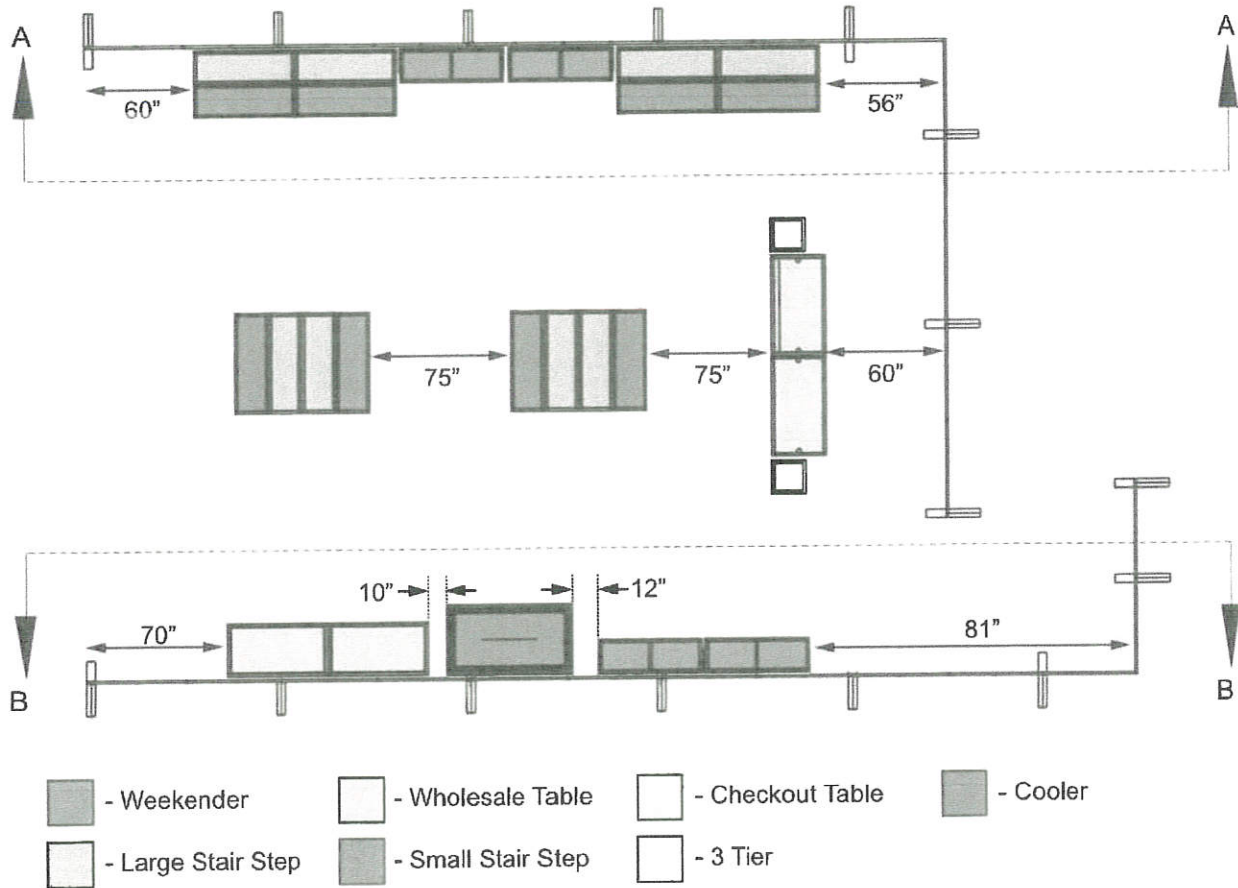
PG 4 OF 89

2004 051 - 2020 Retail Store Front - 30'x36' Store Layout

Retail Assembly Instructions

 **HICKORY FARMS™**

These floor plans & dimensions are a recommendation only. Floor plans may need to be adjusted based on each retail space. Ensure to keep a minimum of 3ft in between walkways



Received
SEP 26 2022
Niskayuna Building Dept.



ERA
D

HICKORY FARMS

Spect





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 10/24/2022

ITEM TITLE: DISCUSSION: 2209 Nott St. – The Broken Inn -- Site plan app for new outdoor dining area including additional and reconfigured parking – ON HOLD

PROJECT LEAD: David D'Arpino

APPLICANT: Thomas Nicchi, agent for the owner

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

The Town has put this application on hold and will not hold a discussion following the public hearing.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 2

MEETING DATE: 10/24/2022

ITEM TITLE: DISCUSSION: Empire Dr. – Application for a 2-lot minor subdivision of tax map parcel 61.-1.33.2 into two separate lots of 1.83 and 2.0 acres.

PROJECT LEAD: Patrick McPartlon

APPLICANT: Robert Joralemon

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

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

BACKGROUND INFORMATION

Tax map parcel 61.0-1-33.2 is located within the R-1 Low Density Residential zoning district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A 1-page drawing entitled “Layout Plan 2-Lot Minor Subdivision Empire Drive Lands N/F of Joralemon” by C.T. Male Associates dated 6/30/22 with a most recent revision of Rev 2 dated 9/6/22. A Filter Strip Treatment Area has been added to the plan to the west of the house on Lot 1. A tree buffer has also been added between the houses on Lots 1 and 2.

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

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

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

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

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

The Conclusions / Recommendations portion includes the following.

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

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

10/24/22 Planning Board (PB) meeting – a representative of C.T. Male Associates summarized the Storm Water Management Report they prepared. He described the 3 existing

subcatchments and the 3 subcatchments that would exist if the proposed subdivision was executed. He noted that he recommends the use of a 120' wide filter strip along the entire west edge of the property to transition any runoff from subcatchment #2 to sheet flow so that it can be evenly absorbed on the property. The Planning Office (PO) noted that the Tree Council will walk the site prior to the 10/24/22 PB meeting. They also reported that they had received a quotation for TDE services to review the storm water report. Because several neighbors had expressed concerns regarding storm water drainage the Planning Office asked the applicant's engineer to provide a more comprehensive summary of the storm water report at the 10/24/22 PB meeting.

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

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

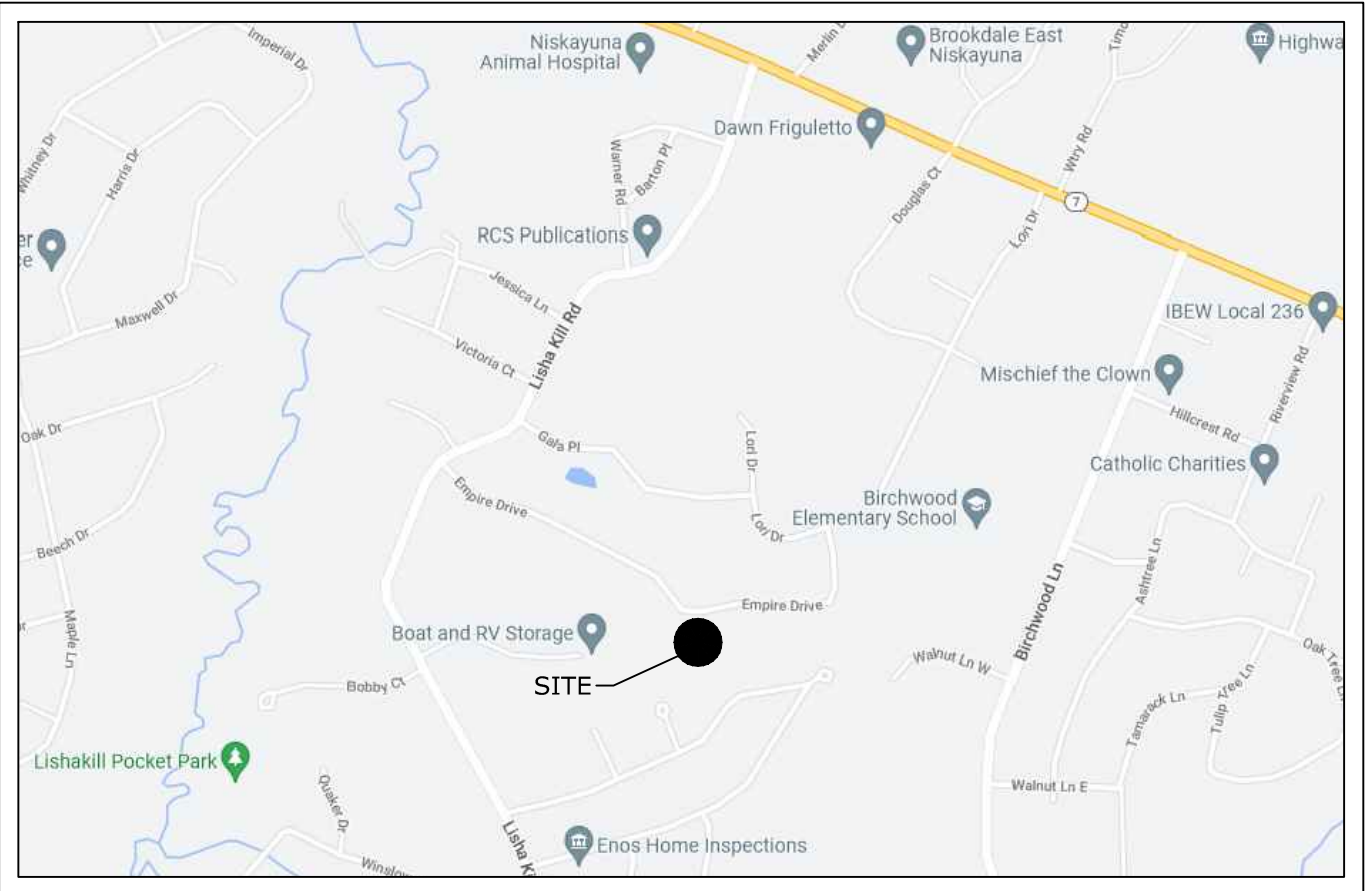
The PO engaged the services of a TDE to review the storm water report. The TDE is currently reviewing the storm water report and will issue comments to the developer as soon as the review is completed, which the Planning Department expects within the next few days.

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

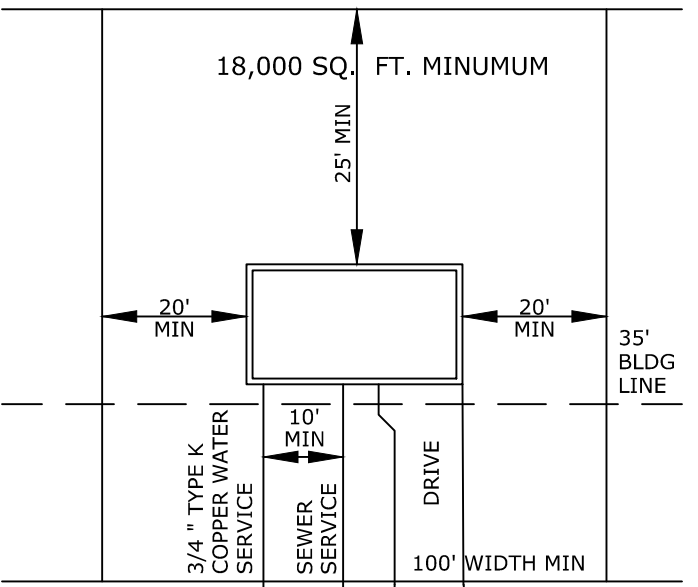
The TDE is also requested to comment on the requirement for a driveway culvert.

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

The next step for the PB is to discuss the Tree Council comments, have the TDE confirm the stormwater management plan and consider calling for a resolution for final action on the two lot subdivision.



SITE LOCATION PLAN
N.T.S.



R-1 ZONING
TYPICAL HOUSE UTILITY LAYOUT
(NOT TO SCALE)

GENERAL NOTES:

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

SOIL AND SEDIMENT CONTROL MEASURES:

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

MAINTENANCE OF EROSION CONTROL MEASURES:

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

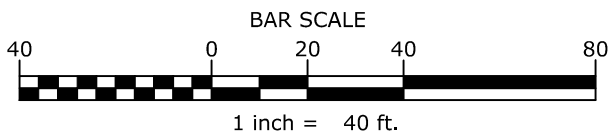
TREE PRESERVATION POLICY:

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

GRADING NOTES:

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

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



ZONING DATA:

ZONE: R-1
MIN. LOT AREA: 18,000 SF
MIN. LOT WIDTH: 100 FEET

YARD REQUIREMENTS:

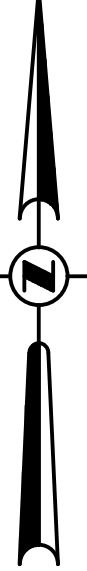
FRONT SETBACK MINIMUM: 35 FEET
SIDE SETBACK MINIMUM: 20 FEET (40 FEET BOTH)
REAR SETBACK MINIMUM: 25 FEET

MAP REFERENCE:

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

MAP NOTES:

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



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

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

Lands Now or Formerly of
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Book 1685 Page 756
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Tax Map I.D. No. 7.4-1-75

PLANNING BOARD CHAIRMAN

DATE

TOWN ENGINEER

DATE

LAYOUT PLAN
2 - LOT MINOR SUBDIVISON
EMPIRE DRIVE
LANDS N/F OF JORALEMON

TOWN OF NISKAYUNA SCHENECTADY COUNTY, NEW YORK

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



SK2
SHEET 1 OF 1
DWG. NO: 04.9065

5.3.2 Sheetflow to Riparian Buffers or Filter Strips

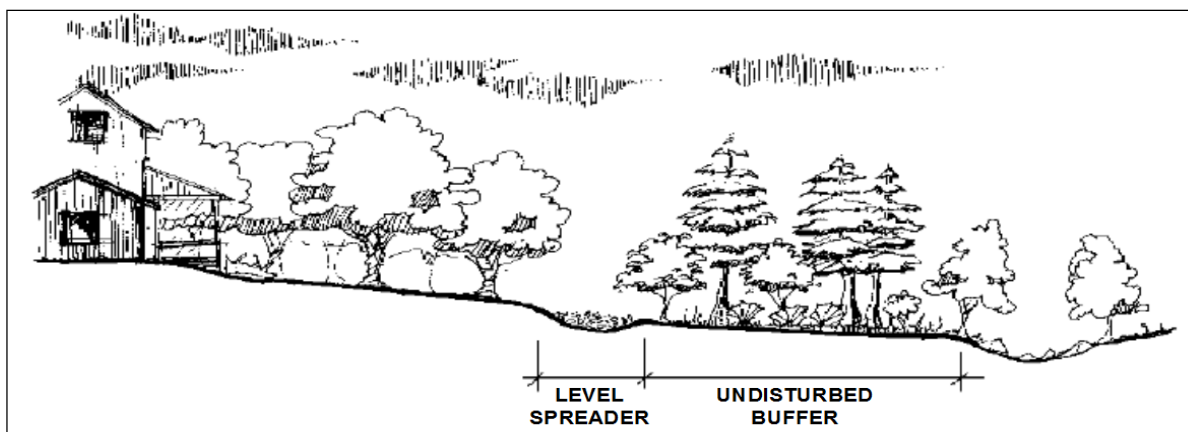
Description: Vegetated filter strips or undisturbed natural areas such as riparian buffers can be used to treat and control stormwater runoff from some areas of a development. Vegetated filter strips (a.k.a., grassed filter strips, filter strips, and grassed filters) are vegetated surfaces that are designed to treat sheet flow from adjacent surfaces and remove pollutants through filtration and infiltration. Riparian reforestation can be applied to existing impacted riparian area corridors.

Runoff can be directed towards riparian buffers and other undisturbed natural areas delineated in the initial stages of site planning to infiltrate runoff, reduce runoff velocity and remove pollutants. Natural depressions can be used to temporarily store (detain) and infiltrate water, particularly in areas with more permeable (hydrologic soil groups A and B) soils.

The objective in using natural areas for stormwater infiltration is to intercept runoff before it has become substantially concentrated and then distribute this flow evenly (as sheet flow) to the buffer or natural conservation area. This can typically be accomplished using a level spreader, as seen in Figure 5.33. A mechanism for the bypass of higher-flow events should be provided to reduce erosion or damage to a buffer or undisturbed natural area. Recommended buffer widths for various uses are indicated in Figure 5.34.

Carefully constructed berms can be placed around natural depressions and below undisturbed vegetated areas

Figure 5.32 Use of a level spreader with a riparian buffer



with porous soils to provide for additional runoff storage and/or infiltration of flows.

There are two design variants for sheet flow into filter strips and riparian buffers. The design, installation and management of these design variants are quite different, as shown in Table 5.8.

New York State Stormwater Management Design Manual

Chapter 5: Green Infrastructure Practices

Section 5.3 Green Infrastructure Techniques

Table 5.8 The Two Design Variations of the Filter Strip and Vegetative Buffer

Design Issue	Sheetflow to Riparian Buffer	Sheetflow to Grass Filter Strip
Soil and Ground Cover	Undisturbed Soils and Native Vegetation	Amended Soils and Dense Turf Cover
Construction Stage	Located Outside the Limits of Disturbance and Protected by ESC controls	Prevent Soil Compaction by Heavy Equipment
Typical Application	Adjacent Drainage to Stream Buffer or Forest Conservation Area	Treat small areas of impervious cover (e.g., 5,000 sf) close to source
Compost Amendments	No	Yes
Boundary Spreader	GD at top of filter	GD at top of filter PB at toe of filter
Boundary Zone	10 feet of level grass	At 25 feet of level grass
Concentrated Flow	ELS with 40 to 65 feet long level spreader* per one cfs of flow, depending on width of conservation area	ELS with length of level spreader per one cfs of flow
Maximum Slope, First Ten Feet of Filter	Less than 4%	Less than 2%
Maximum Overall Slope	6%	8%
GD: Gravel Diaphragm PB: Permeable Berm. ELS: Engineered Level Spreader, * See the NY Standards and Specifications for Erosion and Sediment Control for the design of level spreaders		

Recommended Application of Practice

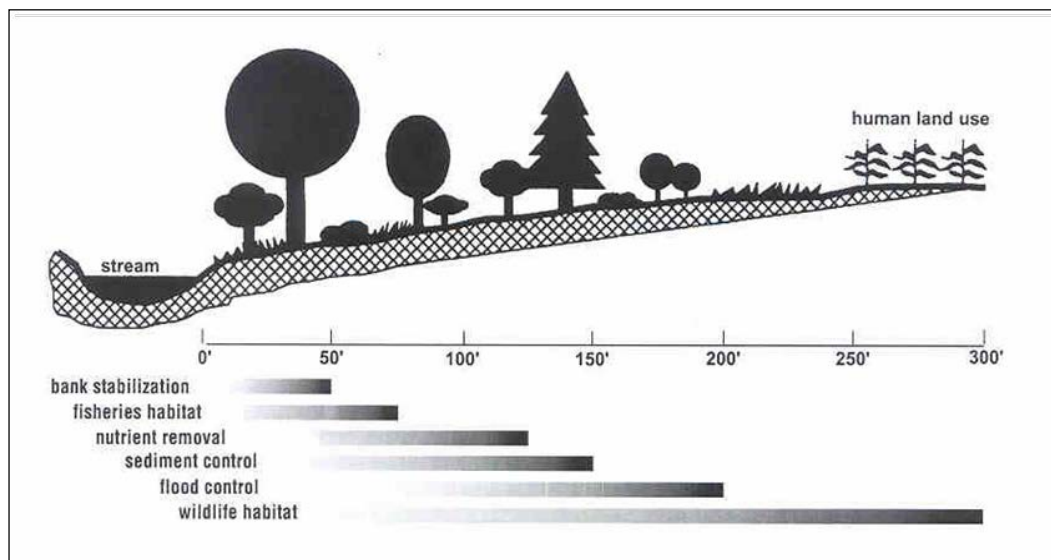
- Direct runoff towards undisturbed riparian buffers or filter strips, using sheet flow or a level spreader to ensure sheet flow
- Use natural depressions for runoff storage
- Examine the slope, soils and vegetative cover of the buffer/filter strip
- Disconnect impervious areas to these areas
- Buffers may also be used as pretreatment

New York State Stormwater Management Design Manual

Chapter 5: Green Infrastructure Practices

Section 5.3 Green Infrastructure Techniques

Figure 5.33 Preservation of buffers for various environmental quality goals



Benefits

- Riparian buffers and undisturbed vegetated areas can be used to filter and infiltrate stormwater runoff
- Natural depressions can provide inexpensive storage and detention of stormwater flows
- Can provide groundwater recharge
- Provides a valuable corridor for protection of stream or wetland and shoreline habitats
- Reduces the runoff volume that requires treatment and reduces SMP storage volume and size - See Figure 5.35
- Saves cost and possible land consumption for SMPs
- Promotes protection of natural hydrologic balance that maintains pre-developed groundwater recharge characteristics
- Reduces pollutant load delivery to receiving waters that will help meet water quality standard requirements

Feasibility /Limitations

- Require space – Use in areas where land is available and land costs are not significantly high
- Will not be available to sites without riparian areas or already forested riparian areas

Figure 5.34 Use of a vegetated filter



New York State Stormwater Management Design Manual

Chapter 5: Green Infrastructure Practices

Section 5.3 Green Infrastructure Techniques

- May be inappropriate in areas of higher pollutant loading due to direct infiltration of pollutants– Integrate with other practices to ensure adequate treatment prior to discharge
- Channelization and premature failure can occur. This can be alleviated with proper design, construction and maintenance
- Requires delineation, permanent protection of natural areas, and enforcement for buffer area protections to be effective
- Sheet flow to a buffer is difficult to maintain and enforce
- Some sites may be too steep to effectively implement these practices
- Some residents may perceive natural buffer areas as potential nuisance areas for vermin and pests
- May be difficult to maintain minimum buffer distances and contributing flow paths

Required Elements

Filter Strip and Riparian Buffers to stream and wetland:

- Maximum contributing length shall be 150 feet for pervious and 75 feet for impervious surfaces
- Runoff shall enter the buffer as overland sheet flow; a flow spreader can be supplied to ensure this, if average contributing slope criteria cannot be met (Note: a level spreader shall be used between buffer slopes ranging between 3% and 15%; for buffer slopes beyond 15% this practice cannot be applied)
- Minimum width of a vegetated filter strip or undisturbed riparian buffer shall be 50 feet for slopes of 0% to 8%, 75 feet for slopes of 8% to 12% and 100 feet for slopes of 12 % to 15 %.
- Buffers must be fully vegetated.
- Siting and sizing of this practice should address WQv and runoff reduction requirements and cannot result in overflow to undesignated areas.

Note: The NYS Freshwater Wetlands Act requires a 100-foot buffer for wetlands greater than 12.4 acres. Applicants required to meet other regulatory requirements are still eligible to meet the stream and wetland buffer credit provided the criteria cited above are also met.

Sizing and Design Criteria:

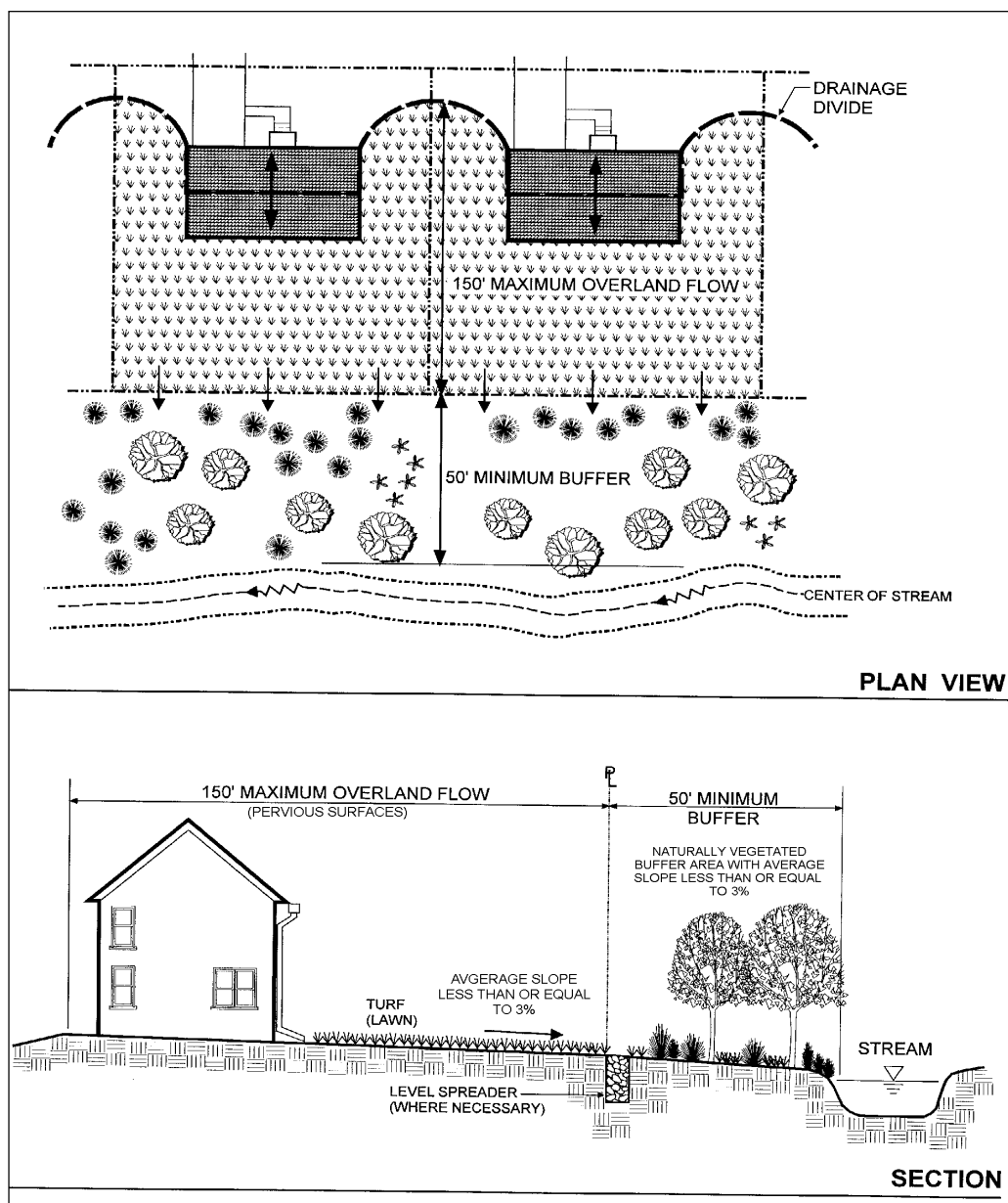
Subtract area draining by sheet flow to a riparian buffer or filter strip when computing the water quality volume. See Figure 5.36. If the area draining contains impervious surface, the R_v value is reduced as well. This practice is not applicable if the Disconnection of Rooftop Runoff or another area based practice is already being applied to this area.

New York State Stormwater Management Design Manual

Chapter 5: Green Infrastructure Practices

Section 5.3 Green Infrastructure Techniques

Figure 5.35 Illustration of stream buffer practice. Site areas draining to stream buffer that meet the specified criteria are removed from site area when calculating storage volumes for water quality.



- Maximum contributing length shall be 150 feet for pervious surfaces and 75 feet for impervious cover
- In HSG C and D buffer length should be increased by 15%-20% respectively.
- For a combination of impervious cover (IC) and pervious cover (PC), use the following to determine the maximum length of each contributing area:
- $150 - IC = \text{contributing length of PC}$ (maximum IC = 75, maximum PC = 150).

New York State Stormwater Management Design Manual

Chapter 5: Green Infrastructure Practices

Section 5.3 Green Infrastructure Techniques

- Example: $(75-IC)*2+IC$ = total of contributing length.
- The average contributing slope shall be 3% maximum unless a flow spreader is used
- Runoff shall enter the riparian corridor as overland sheet flow. A flow spreader can be supplied to ensure this, or if average contributing slope criteria cannot be met
- Not applicable if overland flow filtration/groundwater recharge is already credited for the same impervious cover
- Newly created riparian reforestation areas shall be maintained as a natural area

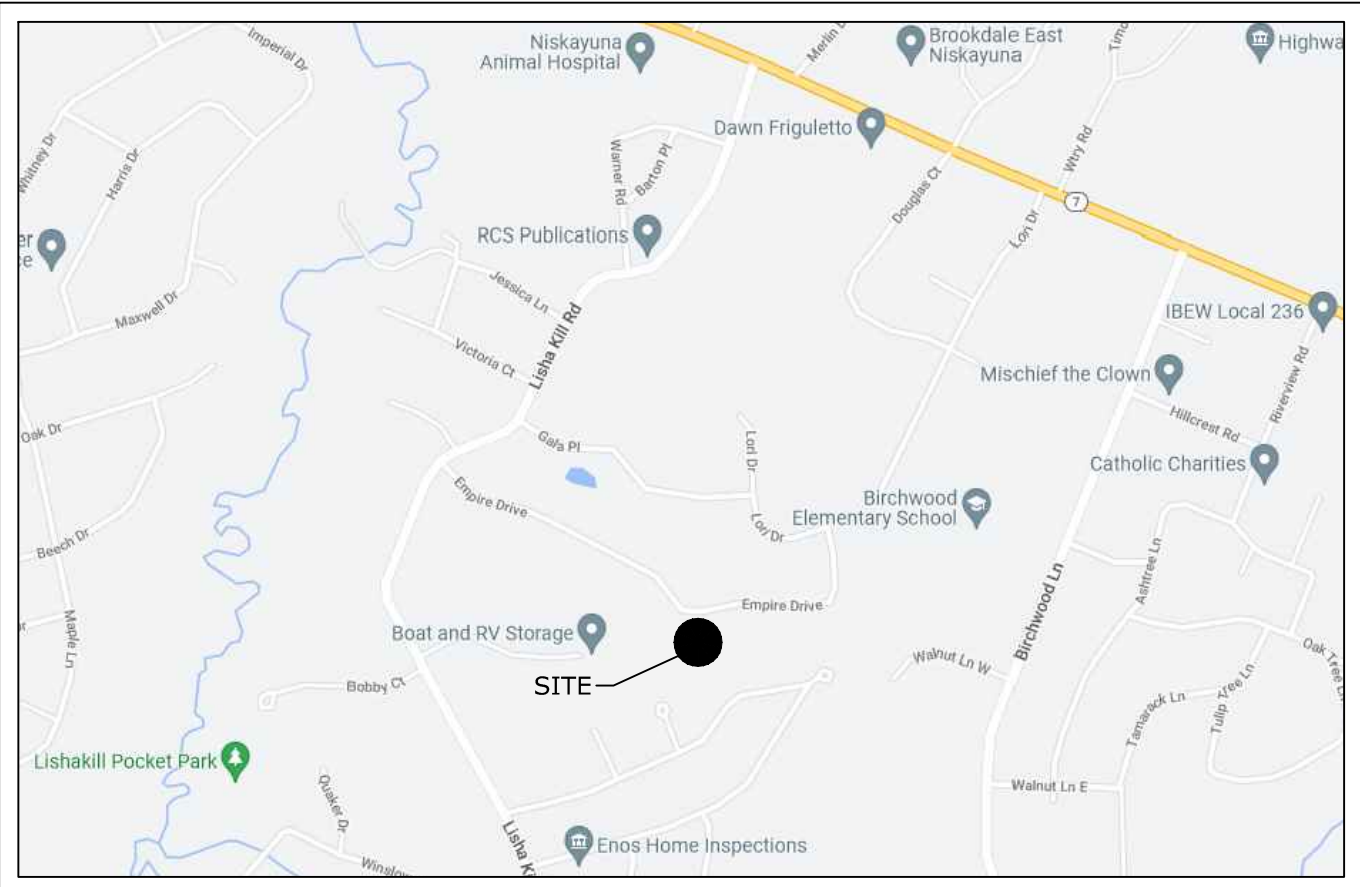
References/Further Resources

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Virginia Department of Conservation and Recreation (VA DCR), Virginia DCR Stormwater Design Specification No.2, "Sheet Flow To A Filter Strip or Conserved Open Space", Version 1.6, Dated September 30, 2009.



SITE LOCATION PLAN
N.T.S.

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Tax Map I.D. No. 61.0-1-34,11

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Book 1884 Page 586
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Book 1900 Page 720
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& JIANHUA WANG**
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ROBERT W. JORALEMON
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Tax Map I.D. No. 61.0-1-33.2

PARCEL AREA=3.831±ACRES

E2
±2.59
ACRES

E3
±0.74
ACRES

E1
±0.50
ACRES

DENOTES DRAINAGE
FLOW DIRECTION
(TYP)

DENOTES DRAINAGE
FLOW DIRECTION
(TYP)

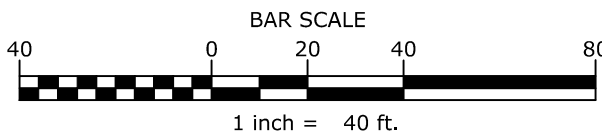
DENOTES DRAINAGE
AREA ON JORALEMON
PARCEL (TYP)

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

ARBOR ESTATES SECTION II

RIESLING ROAD

IVES COURT



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9/6/22	△	REVISED PER PLANNING BOARD REVIEW	OKS	FGP	FGP	
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EXSITING DRAINAGE PLAN
2 - LOT MINOR SUBDIVISON

EMPIRE DRIVE
LANDS N/F OF JORALEMON

TOWN OF NISKAYUNA SCHENECTADY COUNTY, NEW YORK

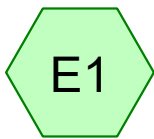
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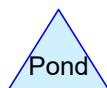
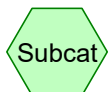
TO RAVINE DP



TO WEST PROP LINE
DP

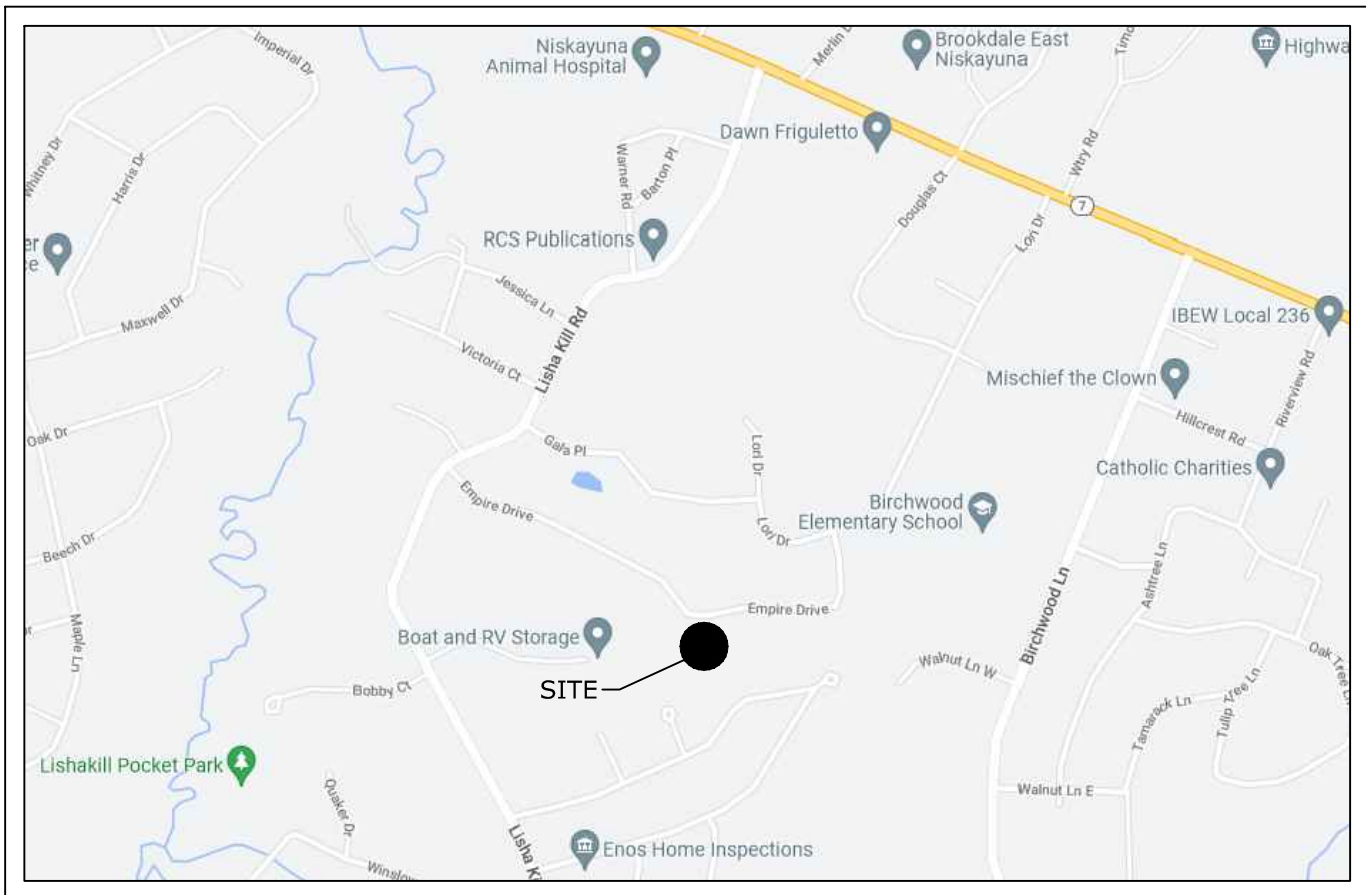


TO STUB ROAD DP



Routing Diagram for JORALEMON Empire Drive EX

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HydroCAD® 10.00-20 s/n 07427 © 2017 HydroCAD Software Solutions LLC



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Tax Map I.D. No. 7.4-7-25

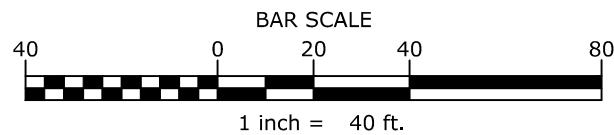
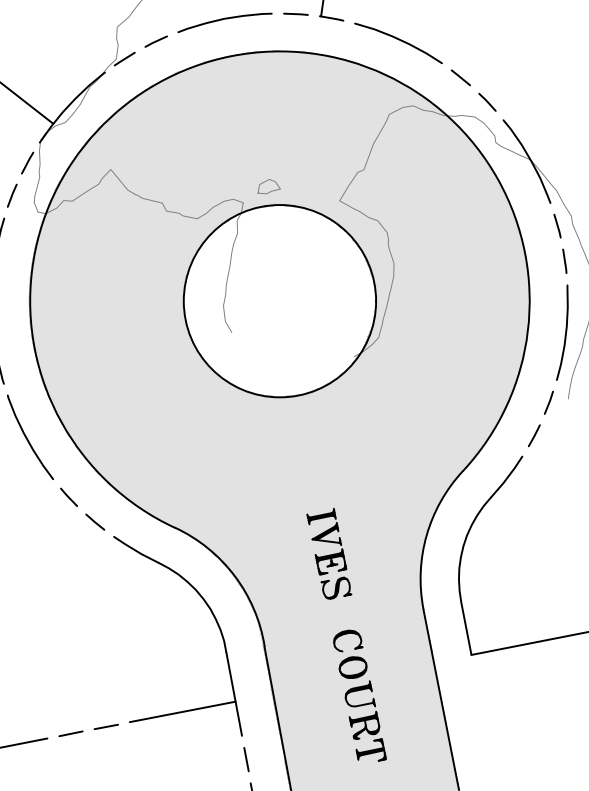
Lands Now or Formerly of
CHARLES J. SOGOIAN
Book 2316 Page 930
Tax Map I.D. No. 7.4-7-26

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

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

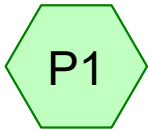
Lands Now or Formerly of
**JEFFERY C. COMLEY &
JANICE B. COMLEY**
Book 2620 Page 812
Tax Map I.D. No. 7.4-1-76

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



DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.
8/10/22	REVISED PER SKETCH APPROVAL	OKS	FGP	FGP	© 2022 C.T. MALE ASSOCIATES
9/6/22	REVISED PER PLANNING BOARD REVIEW	OKS	FGP	FGP	
9/26/22	REVISED PER PLANNING BOARD REVIEW	OKS	FGP	FGP	
					DESIGNED: MAC
					DRAFTED : MAC
					CHECKED : FGP
					PROJ. NO : 04.9065
					SCALE : 1"=40'
					DATE : JUNE 30, 2022

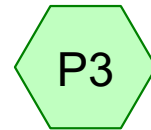
PROPOSED DRAINAGE PLAN 2 - LOT MINOR SUBDIVISON	
EMPIRE DRIVE LANDS N/F OF JORALEMON	
TOWN OF NISKAYUNA	SCHENECTADY COUNTY, NEW YORK
C.T. MALE ASSOCIATES Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. 50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH 518.786.7400 COBLESKILL, NY • GLENS FALLS, NY • Poughkeepsie, NY JOHNSTOWN, NY • RED HOOK, NY • SYRACUSE, NY	
 www.ctmale.com	
SK2 SHEET 1 OF 1 DWG. NO: 04.9065	



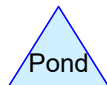
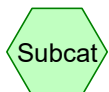
TO RAVINE DP



TO WEST PROP LINE
DP FILTER STRIP



TO STUB ROAD DP

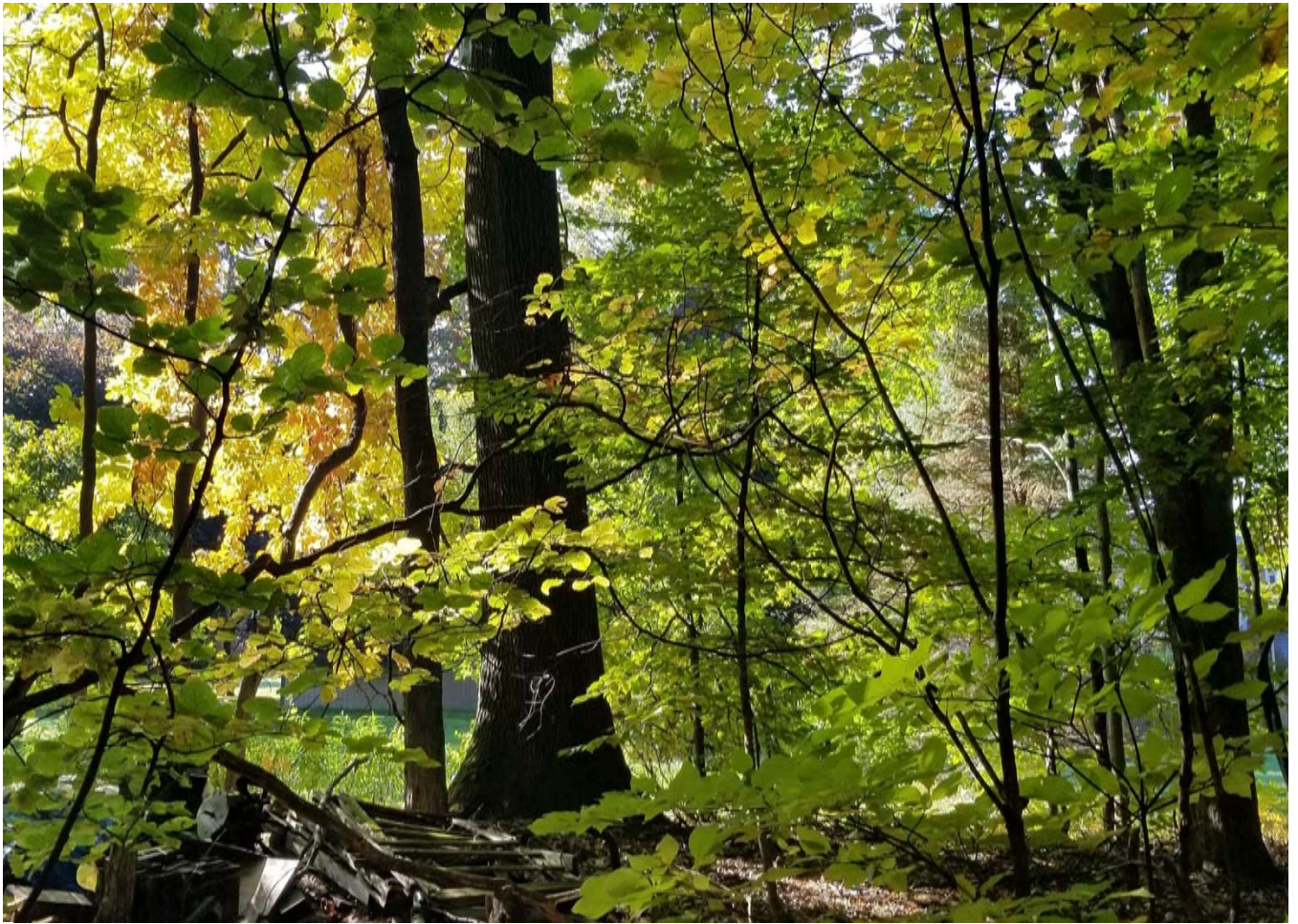


Routing Diagram for JORALEMON Empire Drive PROP
Prepared by {enter your company name here}, Printed 9/27/2022
HydroCAD® 10.00-20 s/n 07427 © 2017 HydroCAD Software Solutions LLC







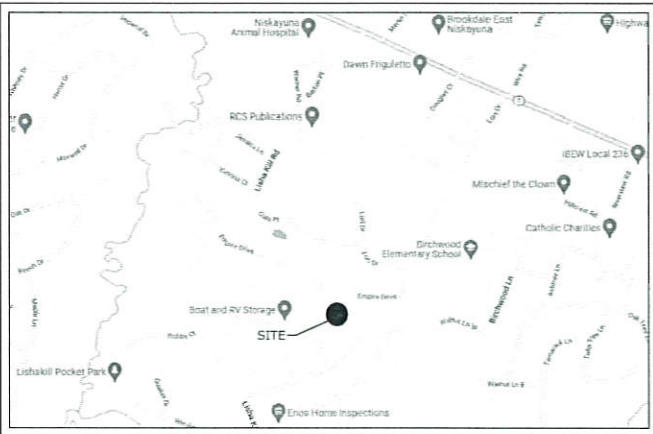
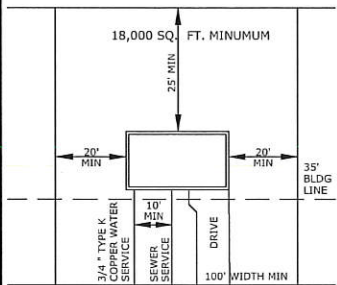










SITE LOCATION PLAN
N.T.S.R-1 ZONING
TYPICAL HOUSE UTILITY LAYOUT
(NOT TO SCALE)

GENERAL NOTES:

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

SOIL AND SEDIMENT CONTROL MEASURES:

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

MAINTENANCE OF EROSION CONTROL MEASURES:

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

TREE PRESERVATION POLICY:

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

GRADING NOTES:

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

LOT AREA AND IMPERVIOUS COVERAGE

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



Little to no invasive species

ZONING DATA:

ZONE: R-1
MIN. LOT AREA: 18,000 SF
MIN. LOT WIDTH: 100 FEET

YARD REQUIREMENTS:

FRONT SETBACK MINIMUM: 35 FEET
SIDE SETBACK MINIMUM: 20 FEET (40 FEET BOTH)
REAR SETBACK MINIMUM: 25 FEET

MAP REFERENCE:

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

MAP NOTES:

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

* Intact understory
- do not remove
- witchhazel
- iron wood
- hophornbeam

Important - no clear boundary

VERY IMPORTANT
NO CLEAR BOUNDARY → MANY LARGE OAKS + MAPLES

LAYOUT PLAN
2 - LOT MINOR SUBDIVISIONEMPIRE DRIVE
LANDS N/F OF JORALEMON

TOWN OF NISKAYUNA SCHENECTADY COUNTY, NEW YORK

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

**SK2**SHEET 1 OF 1
DWG. NO: 04.9065



TOWN OF NISKAYUNA

PLANNING BOARD & ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII.3

MEETING DATE: 10/24/2022

ITEM TITLE: A proposal for a site plan amendment adding a berm and constructing a sign at the Capital District Jewish Holocaust Memorial at 2501 Troy Schenectady Rd.

PROJECT LEAD: Chris LaFlamme & Genghis Khan

APPLICANT: Restoration of Eastern European Jewish Cemeteries Project, Inc., represented by Dr. Michael Lozman

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

☒ Conservation Advisory Council (CAC) ☐ Zoning Board of Appeals (ZBA) ☒ Town Board
☒ OTHER: Economic Development, Historic Preservation & Environmental Conservation Committee, Tree Council

ATTACHMENTS:

☒ Resolution ☒ Site Plan ☒ Map ☐ Report ☐ Other: Engineering Response Letter

SUMMARY STATEMENT:

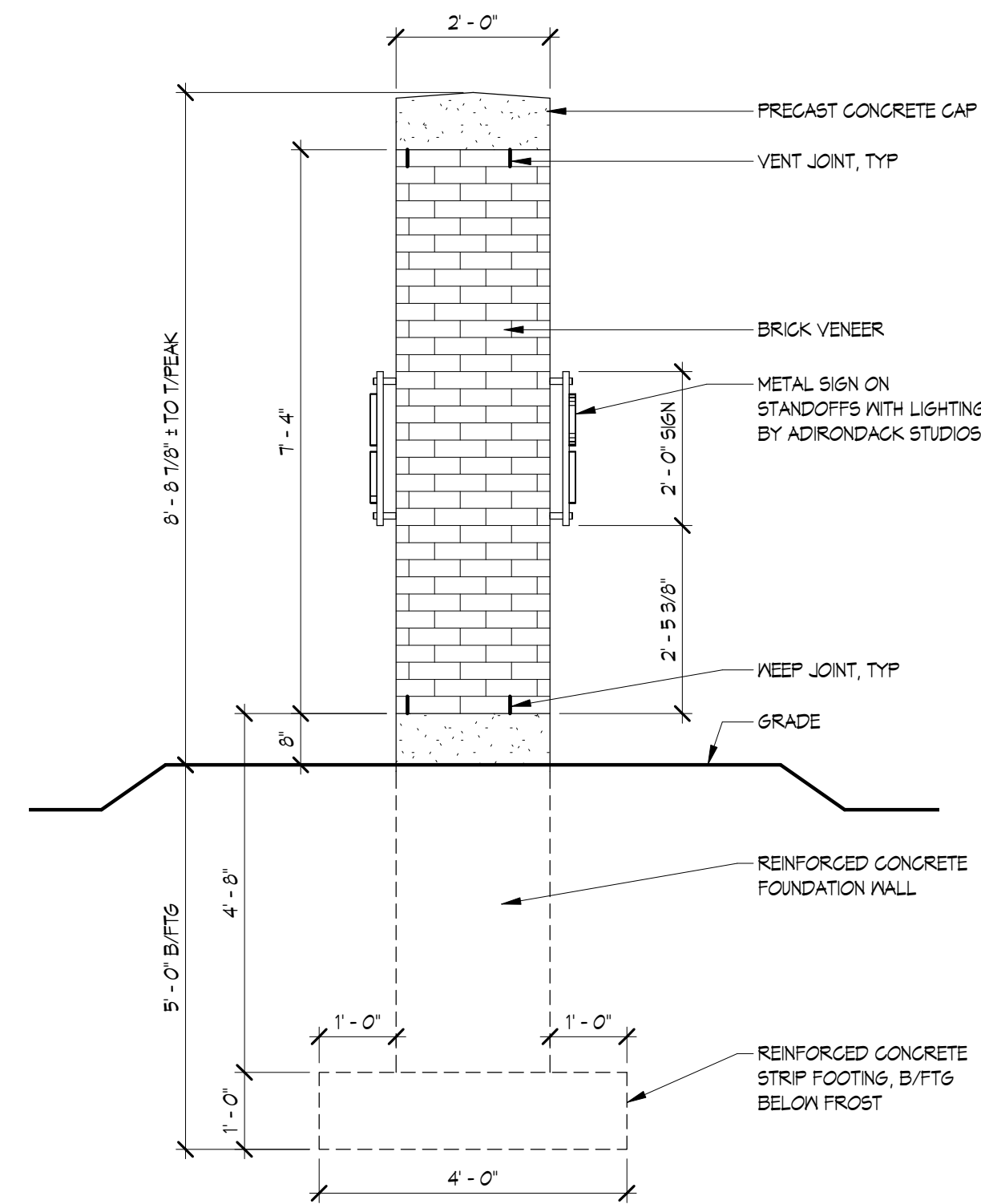
Dr. Michael Lozman, Director of Restoration of Eastern European Jewish Cemeteries Project, Inc, the applicant for the Capital District Jewish Holocaust Memorial at 2501 Troy Schenectady Road, is requesting a site plan amendment to add a berm and is also requesting to construct the approved sign.

BACKGROUND INFORMATION

The Planning Board renewed the approval of the Capital District Jewish Holocaust on January 10, 2022 with conditions including a thick vegetative buffer to Route 7 and a preconstruction meeting prior to site disturbance. The applicant has used the site for observances relating to the Holocaust remembrance, and in the use of the property noted how loud the noise from Route 7 is in an area that necessitates solemnity. Based upon their experience with the actual land – they are proposing to add a berm to the plan in an attempt to reduce some of the road noise within the monument area.

Additionally, the applicant is still fundraising but at this point he finds that is would be very helpful to install the approved sign. The details of the sign are included in the packet – it is intended to mimic the memorial and use the same materials as the memorial.

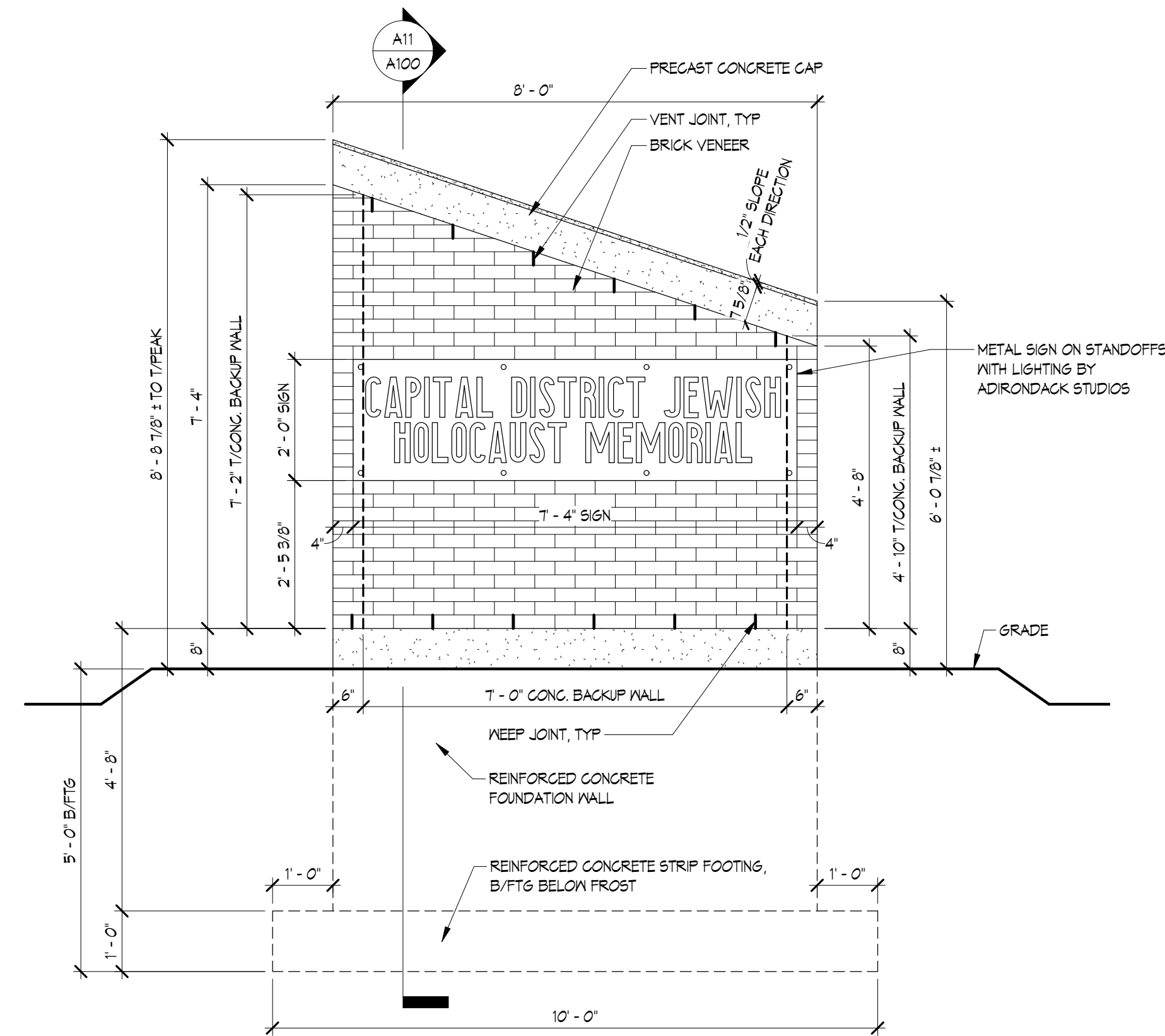
If the Board has no objections to the proposed changes – they can call for a resolution to add the berm to the site plan and approve the installation of the sign prior to the preconstruction meeting. Staff recommends these changes as they add additional screening of the site to Route 7 and add clarity to the location of the site to help with future events and safety.



H1	MONUMENT SIGN ELEVATION
----	-------------------------

1/2" = 1'-0"	H11 / A100
--------------	------------

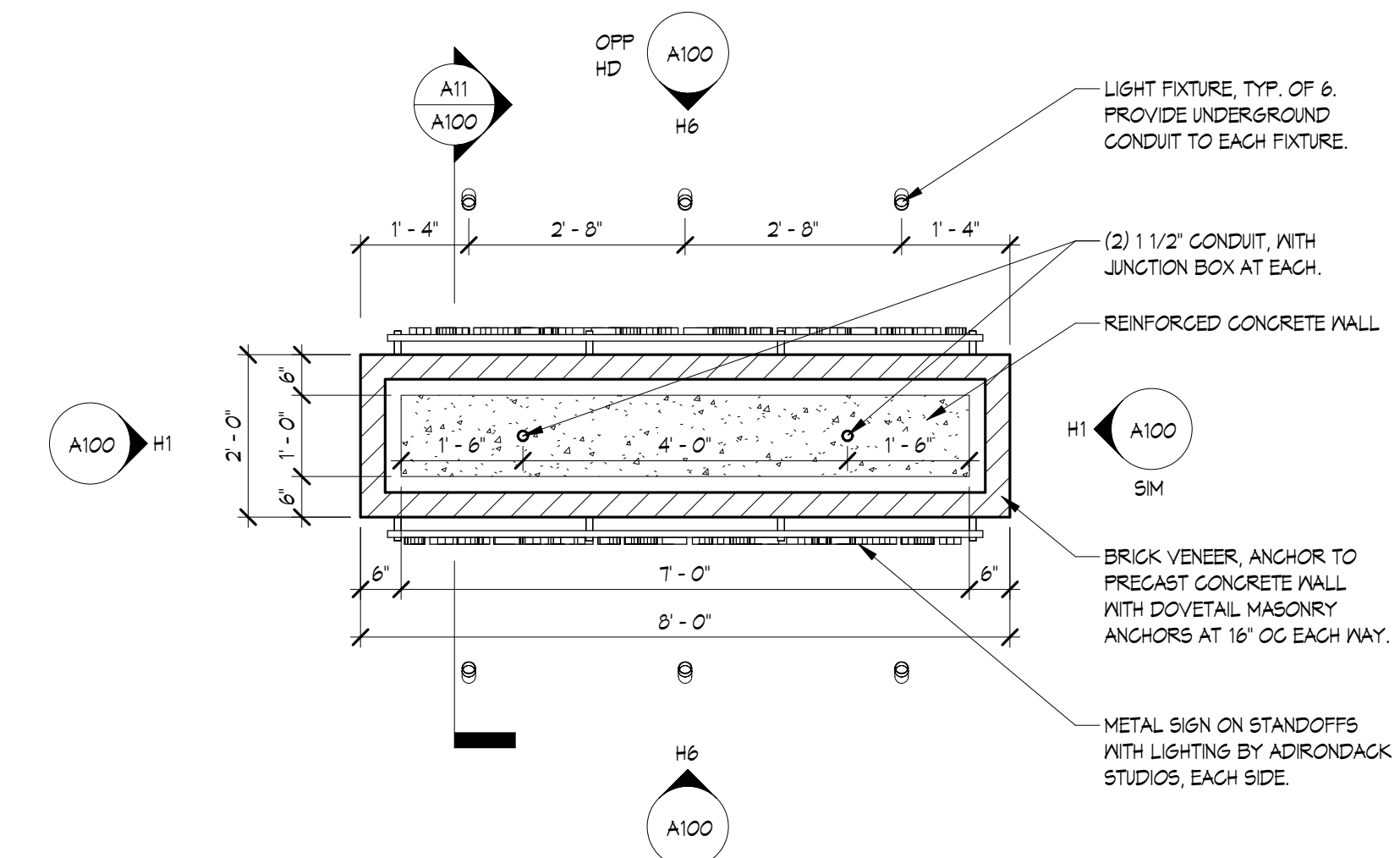
H11 / A100



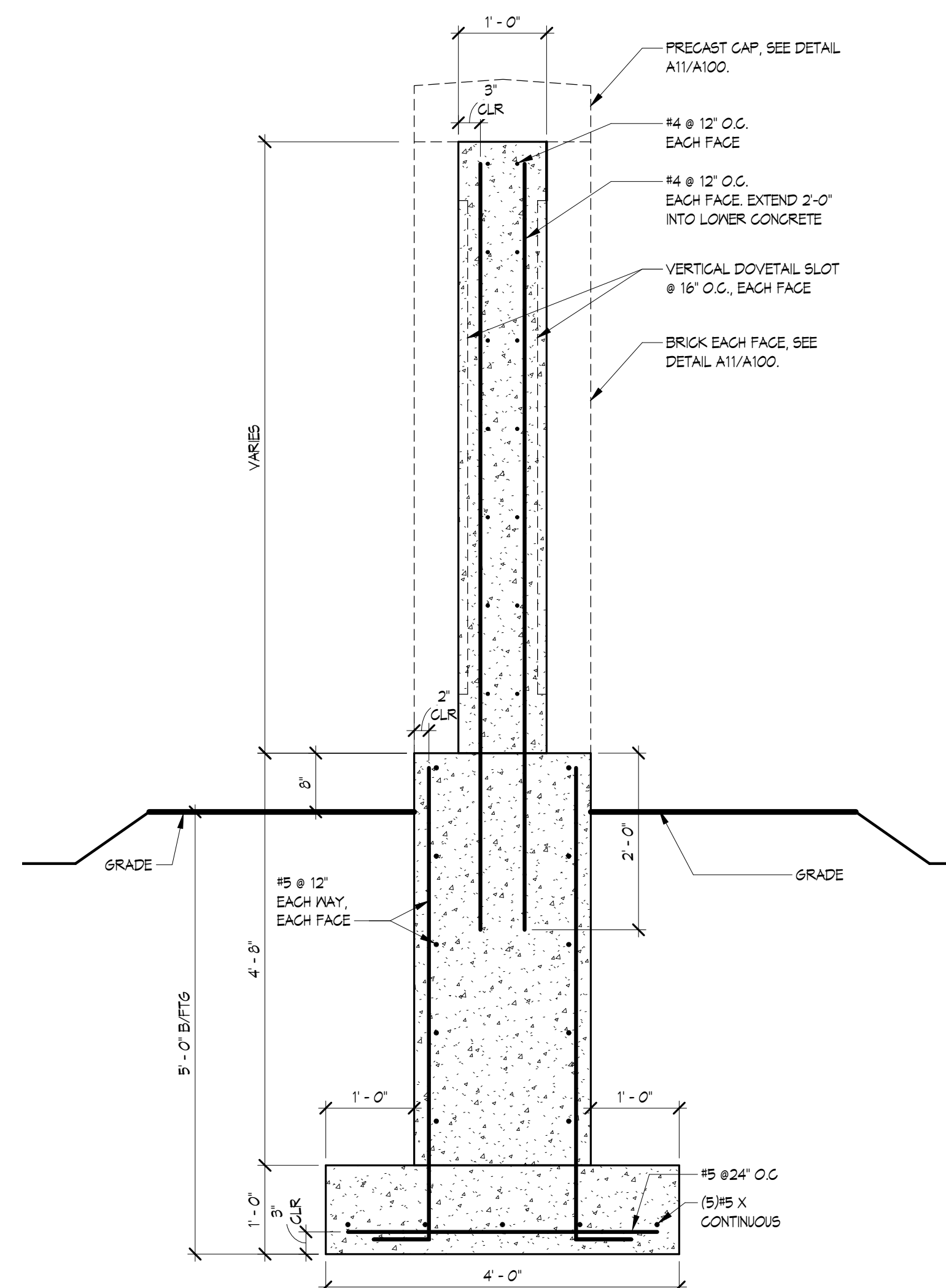
H6	MONUMENT SIGN ELEVATION
----	-------------------------

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

H11 / A100

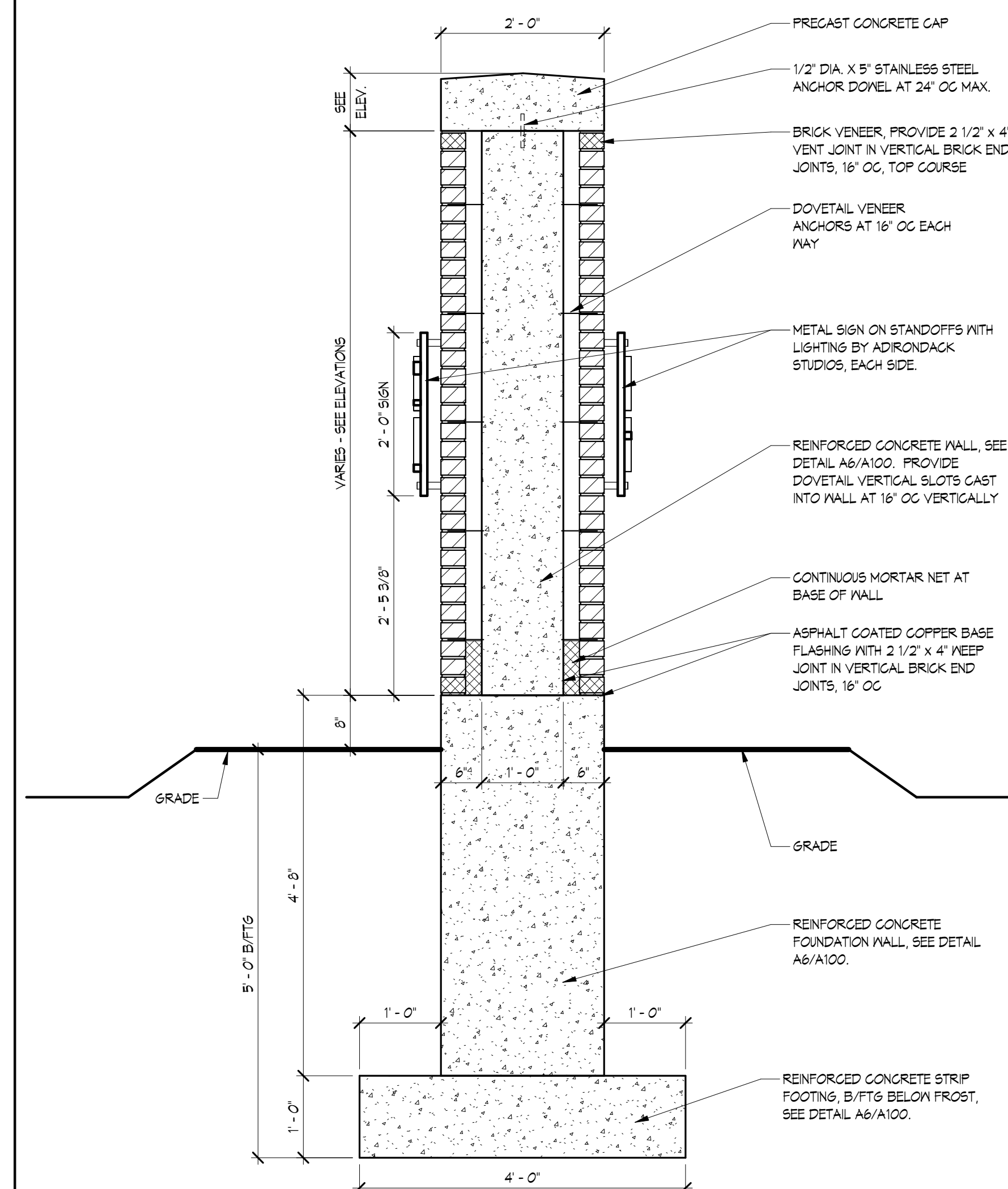


H11	MONUMENT SIGN PLAN
-----	--------------------

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


A6	MONUMENT SIGN SECTION - REINFORCING
----	-------------------------------------

$3/4" = 1'-0"$



A11	MONUMENT SIGN SECTION
-----	-----------------------

$3/4'' = 1'-0''$

H6 /A100



ARCHITECTURE
■
INTERIORS
■
PLANNING

307 Washington Avenue
Albany, New York 12206 USA
<http://www.DDArch.com>
T: 518.463.8066 F: 518.463.8610

PROJECT TITLE

**CAPITAL DISTRICT JEWISH
HOLOCAUST MEMORIAL**
2501 TROY-SCHENECTADY RD
NISKAYUNA, NY 12309

DDA PROJECT #M17-006

[illegible]

PROGRESS DRAWINGS
NOT FOR
CONSTRUCTION
10/14/22

Drawn	Project Manager	P.I.C.
CLH/JZ	DWD	DWD

SHEET TITLE

MONUMENT SIGN

SHEET NUMBER

A100

LEGEND

R.O.W. RIGHT OF WAY
No. NUMBER
ENC. ENCROACHMENT
P.O.B. POINT OF BEGINNING
S.F. SQUARE FEET
N/F NOW OR FORMERLY
FL. FEET
Deg. DEGREE
R. RECORD
M. MEASURED
N. NORTH
S. SOUTH
E. EAST
W. WEST
Tel. TELEPHONE
Elec. ELECTRIC
L. LIBER
P. PAGE

IS MONUMENT
IRON ROD
MANHOLE
CATCHBASIN
SIGN
BOLLARD
FENCE LINE
GUARD RAIL
OVERHEAD WIRE, UTILITY POLE & OUT WIRE
WATER SHUT OFF
WATER VALVE
HYDRANT
GAS VALVE
STREET LIGHT
LIGHT POLE
CONCRETE
PAVEMENT

PROPOSED LIGHT POLE
PROPOSED BOLLARD
PROPOSED SHRUB OR TREE
NEW STORM SEWER
NEW UNDERGROUND ELECTRIC
PROPOSED CONTOURS

NEW PAVEMENT AND PAVEMENT MARKINGS
NEW CATCH BASIN
LIMITS OF CLEARING

UTILITY NOTES

1. POWER SERVICE TO BE SUPPLIED BY NATIONAL GRID AND INSTALLED TO NATIONAL GRID REQUIREMENTS. SUBMIT SHOP DRAWING.

VICINITY MAP
MAP NOT TO SCALE

NEW EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE

3-2"x2" HARDWOOD STAKES TO 42" ABOVE GROUND OR TO LOWEST BRANCHES, WHICH EVER IS LOWER

DOUBLE STANDARD 12 GAUGE GALV. WIRE TWISTED IN RUBBER HOSE 6" FROM TOP OF STAKE UP TO LOWEST BRANCHES

REMOVE BURLAP FROM TOP OF BALL

GROUND LINE TO BE THE SAME AS IN THE NURSERY

CONSTRUCT EARTH SAUCER WITH 4" HIGH BERM, FLOOD WITH WATER TWICE IN FIRST 24 HOURS

NOTE: PRUNE A MAX. OF 1/5 OF BRANCHES, BUT RETAIN NATURAL FORM OF TREE. SPRAY WITH WILT-PROOF ACCORDING TO MFG'S INSTRUCTIONS IF FOLIAGE IS PRESENT.

LOOSEN SUB-SOIL AT THE BOTTOM OF THE PIT

WRAP TRUNK WITH WATERPROOF TREE WRAP SECURED WITH TWINE AFTER SPRAYING TRUNK WITH 10% SOLUTION OF INSECTICIDE

WEED BARRIER

3" MULCH EXTENDING OVER BERM

PLANTING SOIL MIX:
2/3 TOPSOIL PLUS
1/3 ORGANIC COMPOST

TREE PIT SIZE TO BE 2-3 TIMES THE WIDTH OF THE BALL

TREE PLANTING DETAIL
NOT TO SCALE

Pruning shall be in accordance with approved horticultural standards in order to preserve the natural form of the specific plants. If applicable & approved by the landscape architect, one-fourth to one-third of the wood shall be removed by thinning out to balance root loss due to transplanting.

Black rubber reinforced hose not less than 1/2" I.D. above first set of branches

2 strands of 12 gauge galv. wire, twisted

2"x2"x8'-0" Pointed Cedar Stakes: 3 stakes per tree - drive at angle and draw vertical

Remove burlap entirely

4" Mulch - finely shredded bark mulch (Sample to be approved)

3" Soil saucer typ.

Finished grade

Subsoil

CU-Structural soil

Compact planting mix below ball. Pitch to perimeter of pit

STAKING
Stake deciduous trees under 3" Cal. and evergreen trees under 8' HT.

GUYING
Guy deciduous trees over 3" Cal. and evergreen trees over 8' HT.

Guy wires - Double strand #12 galvanized wire, 3 per plant

Treewrap - 6" wide heavy duty burlap

Turnbuckle - 1/4" x 4"

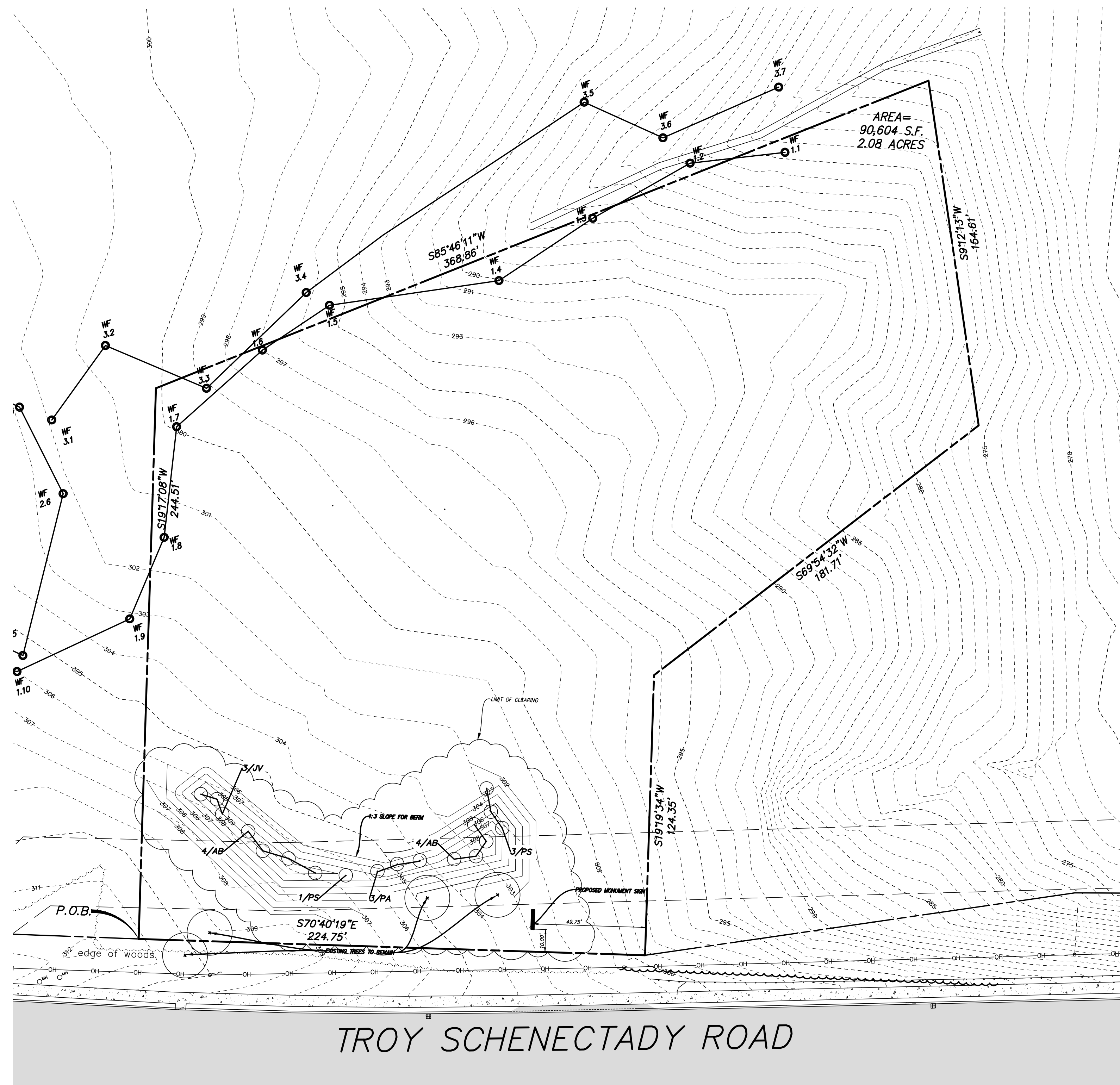
Flag - White plastic, 3" x 10"

Set top of root ball at or slightly above fin. grade

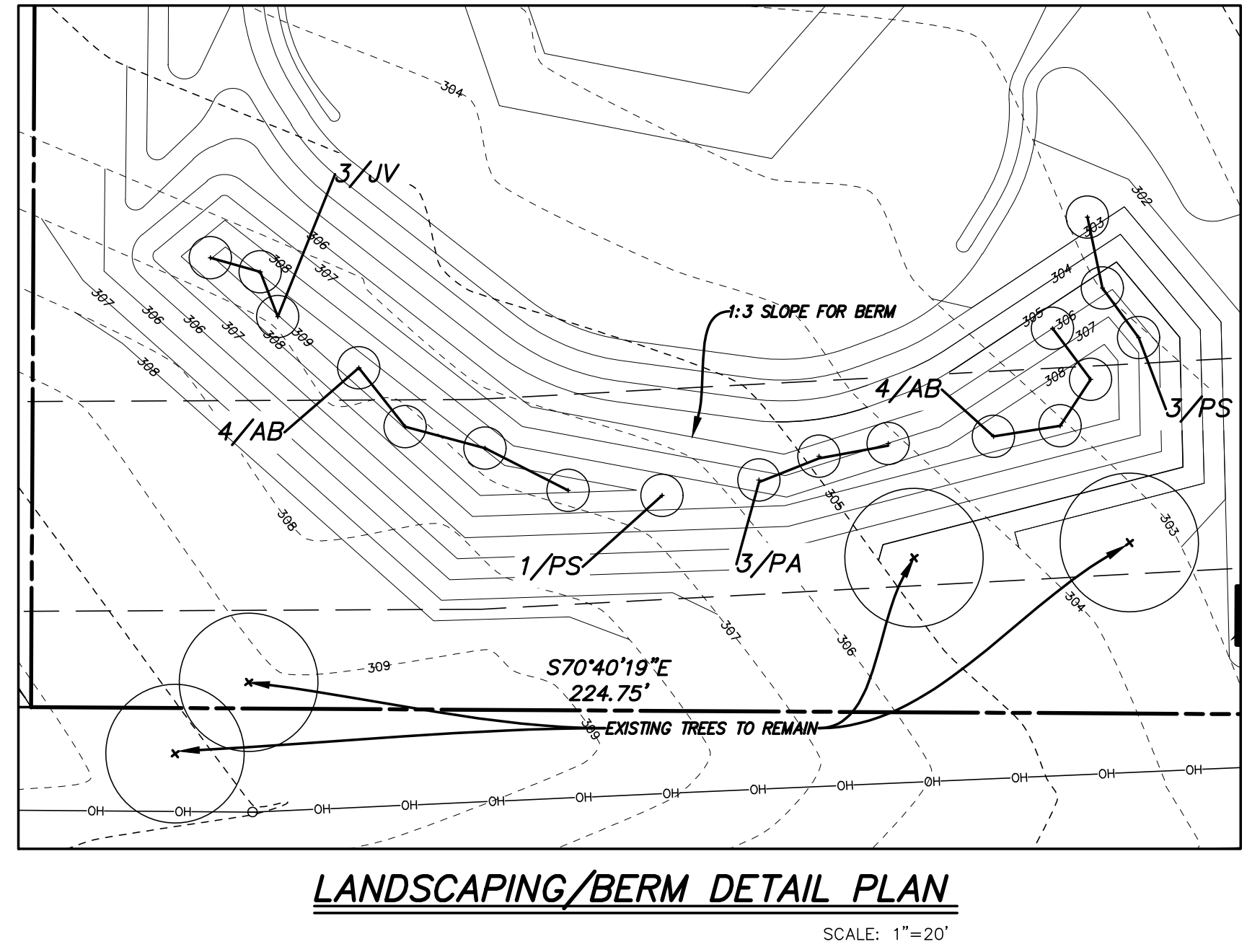
3" below grade

2"x2" Stakes

Scarify glazed sides or hardened surface if pits are dug with auguring device



PLANT MATERIAL SCHEDULE					
SYM	BOTANICAL NAME	COMMON NAME	SIZE	AMT	COMMENTS
TREES					
AB	ABIES CONCOLOR	WHITE FIR	5'-6" HT.	8	B & B
JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	6'-8" HT.	3	B & B, NYNS
PA	PICEA ABIES	NORWAY SPRUCE	10'-12' HT.	3	B & B
PS	PINUS STROBUS	WHITE PINE	9' HT.	4	B & B



FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

HERSHBERG & HERSHBERG
Consulting Engineers and Land Surveyors
18 Locust Street
Albany, New York 12203

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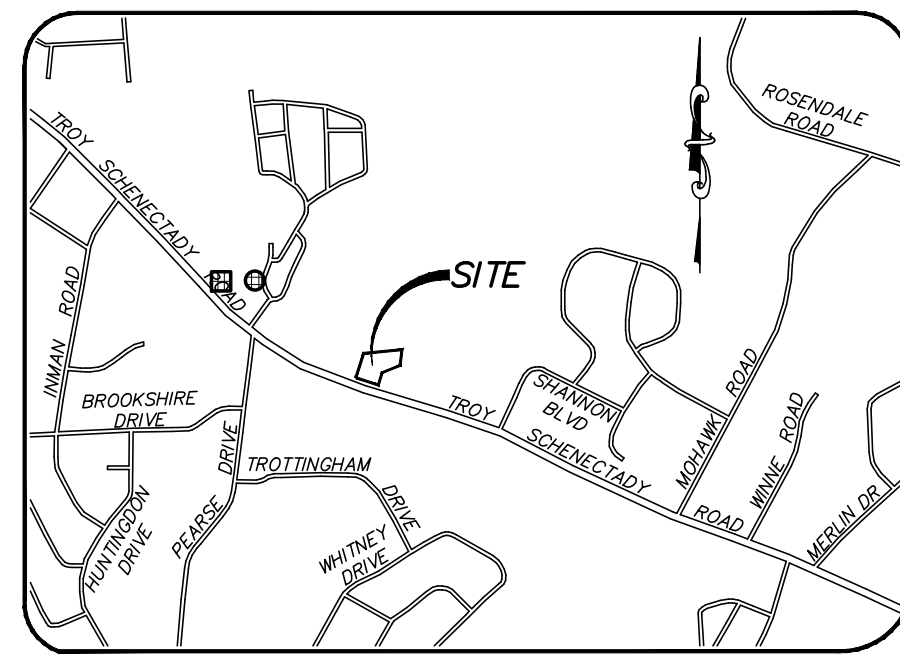
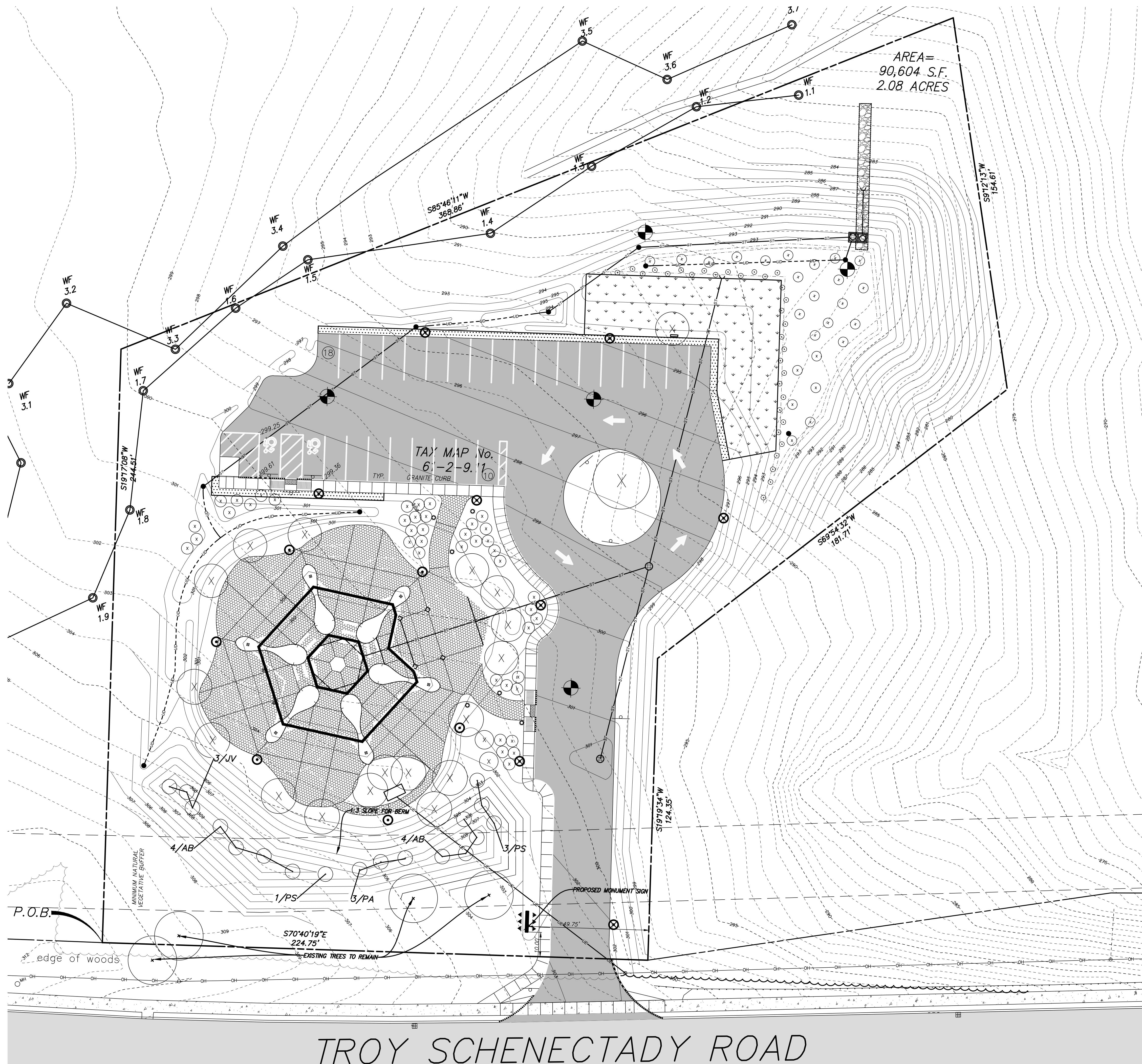
STATE OF NEW YORK
JAMES R. HERSHBERG
PROFESSIONAL ENGINEER & LAND SURVEYOR
044225

DATE: 10/21/23
REMARKS:
GENERAL REMARKS:
REVISIONS:

SITE PLAN FOR PROPOSED SIGN AT
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044
SCALE: AS NOTED
CHK: DRH
BY: MLW
DATE: 10/14/22
TOWN OF NISKAYUNA APPROVAL
PLANNING BOARD CHAIRMAN
TOWN ENGINEER
DATE

01

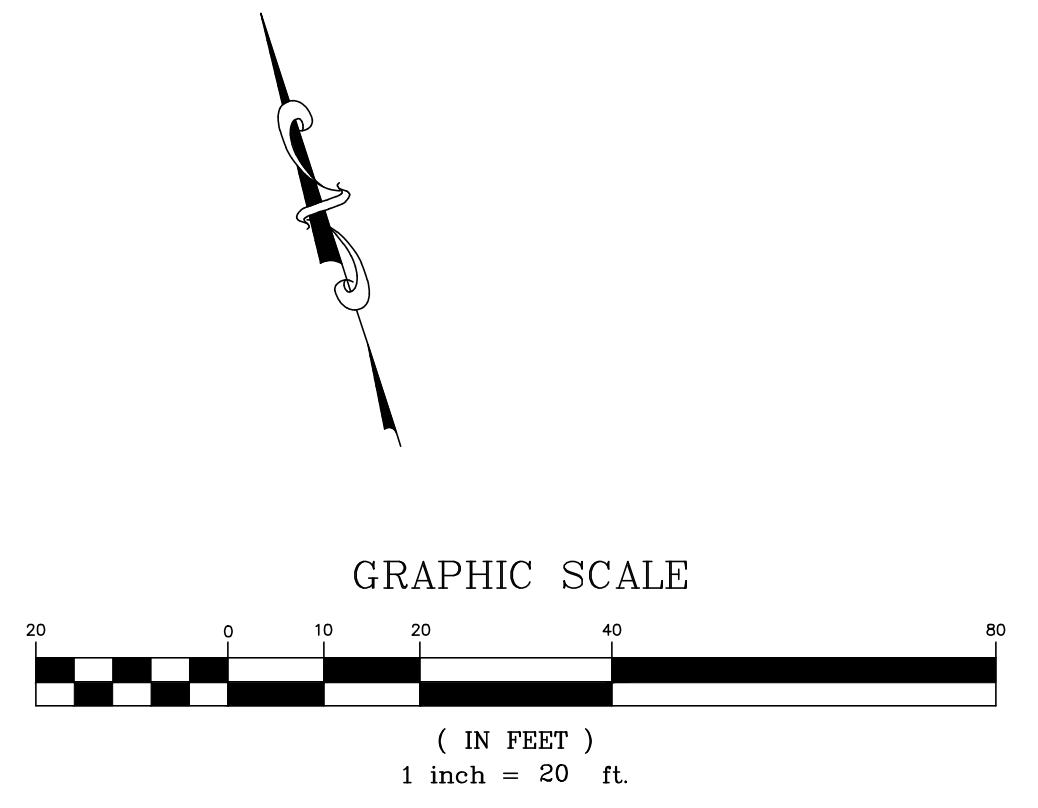


VICINITY MAP
MAP NOT TO SCALE

LEGEND	
R.O.W.	RIGHT OF WAY
No.	NUMBER
ENC.	ENCROACHMENT
P.O.B.	POINT OF BEGINNING
S.F.	SQUARE FEET
N/F	NOW OR FORMERLY
FL.	FEET
Deg.	DEGREE
R.	RECORD
M.	MEASURED
N.	NORTH
S.	SOUTH
E.	EAST
W.	WEST
TEL.	TELEPHONE
ENC.	ELECTRIC
L.	LIBER
P.	PAGE
MONUMENT	IRON ROD
MANHOLE	MANHOLE
CATCHBASIN	CATCHBASIN
SIGN	SIGN
BOLLARD	BOLLARD
FENCE LINE	FENCE LINE
GUARD RAIL	GUARD RAIL
OVERHEAD WIRE, UTILITY POLE & OUT WIRE	OVERHEAD WIRE, UTILITY POLE & OUT WIRE
WATER SHUT OFF	WATER SHUT OFF
WATER VALVE	WATER VALVE
HYDRANT	HYDRANT
GAS VALVE	GAS VALVE
STREET LIGHT	STREET LIGHT
LIGHT POLE	LIGHT POLE
CONCRETE	CONCRETE
PAVEMENT	PAVEMENT
PROPOSED LIGHT POLE	PROPOSED LIGHT POLE
PROPOSED BOLLARD	PROPOSED BOLLARD
PROPOSED SHRUB OR TREE	PROPOSED SHRUB OR TREE
NEW STORM SEWER	NEW STORM SEWER
NEW UNDERGROUND ELECTRIC	NEW UNDERGROUND ELECTRIC
PROPOSED CONTOURS	PROPOSED CONTOURS
NEW PAVEMENT AND PAVEMENT MARKINGS	NEW PAVEMENT AND PAVEMENT MARKINGS
NEW CATCH BASIN	NEW CATCH BASIN
LIMITS OF CLEARING	LIMITS OF CLEARING

UTILITY NOTES

1. POWER SERVICE TO BE SUPPLIED BY NATIONAL GRID AND INSTALLED TO NATIONAL GRID REQUIREMENTS. SUBMIT SHOP DRAWING.



SCALE: 1"=20'

TOWN OF NISKAYUNA APPROVAL	
PLANNING BOARD CHAIRMAN	DATE
TOWN ENGINEER	DATE

HERSHBERG & HERSHBERG
Consulting Engineers and Land Surveyors
18 Locust Street
Albany, New York 12203

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR IS ILLEGAL.

DATE	5/11/21
REMARKS	SKETCH PLAN SUBMISSION
REVISIONS	

OVERALL PLAN FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044
SCALE: AS NOTED
CHK: DRH
BY: MLW
DATE: 10/14/22
70044-LDWG

FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

RESOLUTION NO. 2022 - 01

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 10TH DAY OF JANUARY 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

**FILED
TOWN OF NISKAYUNA**

JAN 11 2022

**MICHELE M MARTINELLI
TOWN CLERK**

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 Mr. Khan.
whom moved its adoption, and seconded by Mr. LaFlamme.

WHEREAS, Dr. Michael Lozman, Director of Restoration of Eastern European Jewish Cemeteries Project, Inc., has made an application to the Planning Board for a time extension to the previously approved site plan for a 2.08-acre religious education facility at 2501 Troy Schenectady Road, as shown in a 10 page site plan set entitled "Existing Conditions Plan for Holocaust Memorial, 2501 Troy Schenectady Road, Town of Niskayuna, County of Schenectady, State of New York," by Hershberg & Hershberg, consulting engineers and land surveyors, and dated 5/1/2017, and

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

WHEREAS, A religious education facility in an R-1 Zone requires a special use permit, and

WHEREAS the Planning Board conducted a public hearing on February 12, 2018 to consider the application for a special use permit and preliminary site plan review, and

WHEREAS this application was referred to the Schenectady County Planning Department and on November 20, 2017 the County responded that it conditionally approved of the project, pending NYSDOT approval of highway access, and

WHEREAS, the application was referred to the Niskayuna Conservation Advisory Council, and on January 3, 2018, the Council recommended a negative declaration, and

WHEREAS, the Town 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, the Town Board granted a special use permit on June 20, 2019 to allow a religious education facility at 2501 Troy Schenectady Road, by its Resolution No. 2018-182, and

WHEREAS, the Planning Board referred this application to the Town's Engineering Department and the department does not object to the proposed plans, and

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

NOW, THEREFORE, be it hereby

RESOLVED, that this Planning Board and Zoning Commission does hereby grant final site plan approval for a special use permit to allow the Capital District Jewish Holocaust Memorial at 2501 Troy Schenectady Road, subject to the following conditions:

1. Wetlands may not be disturbed, drained or physically altered in any way without first contacting the Army Corps of Engineers. Additionally, the Town of Niskayuna requires that no land can be disturbed within a twenty five (25) foot buffer from the boundary of the wetland.
2. In accordance with Chapter 180 of the Soil Erosion and Sediment Control Ordinance of the Town of Niskayuna, the applicant shall put in place soil erosion and sediment control measures sufficient to stabilize disturbed areas. These measures shall be satisfactory to the Superintendent of Water, Sewer, and Engineering and shall remain in place until such time as natural vegetation has been successfully established.
3. Prior to issuance of a final CO, the applicant shall sign a Storm water Control Facility Maintenance and Access Agreement, in order to ensure the proposed storm water facilities are installed and maintained per plans.

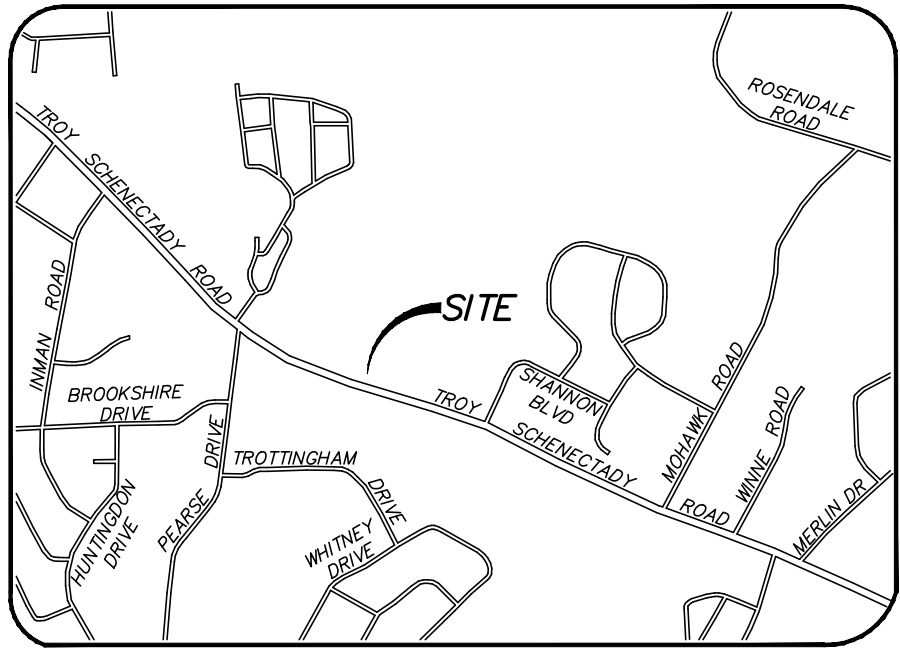
4. Prior to site disturbance, the applicant shall participate in a preconstruction meeting with the Town of Niskayuna and shall address any concerns raised by the Town or the Town Designated Engineer (TDE).
5. Prior to site disturbance, the site plan maps shall be modified to reflect agreed upon decisions of the preconstruction meeting, if any, and distributed as required to the Town and to all involved contractors. Final site plans shall be submitted to the Town labeled "For Construction."
6. Prior to site disturbance, confirmation shall be made by the applicant to the Department of Public Works that material specifications and site details, including road and utility plan/profiles, meet Town standards.
7. Prior to the preconstruction meeting, any engineering and drainage concerns will be addressed to the satisfaction of the Town Superintendent of Water, Sewer and Engineering, including item #7 in the TDE comment letter dated 2/3/2020.
8. Prior to the preconstruction meeting, any questions or concerns raised by the Town Designated Engineer will be addressed by the applicant in a formal letter to the Town.
9. Prior to the preconstruction meeting, the applicant shall provide written approval from the NYSDOT for the curb cut on Route 7.
10. As a condition of the special use permit, hours of operation for the property shall be dawn to dusk.
11. As a condition of the special use permit, a thick vegetative buffer shall be established along the Route 7 corridor to protect the residential nature of the corridor and limit impact to adjacent properties.
12. As a condition of the special use permit, temporary onsite restroom facilities shall be required at any time the memorial is open, with an area reserved on the site plan that will adequately serve for the construction of permanent bathrooms in the event that they are deemed necessary by the Town and overseeing Foundation.
13. All large events that require traffic control / Niskayuna police presence shall be coordinated with the Town of Niskayuna Police Department in well in advance of each event.
14. 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.

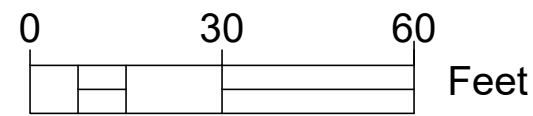
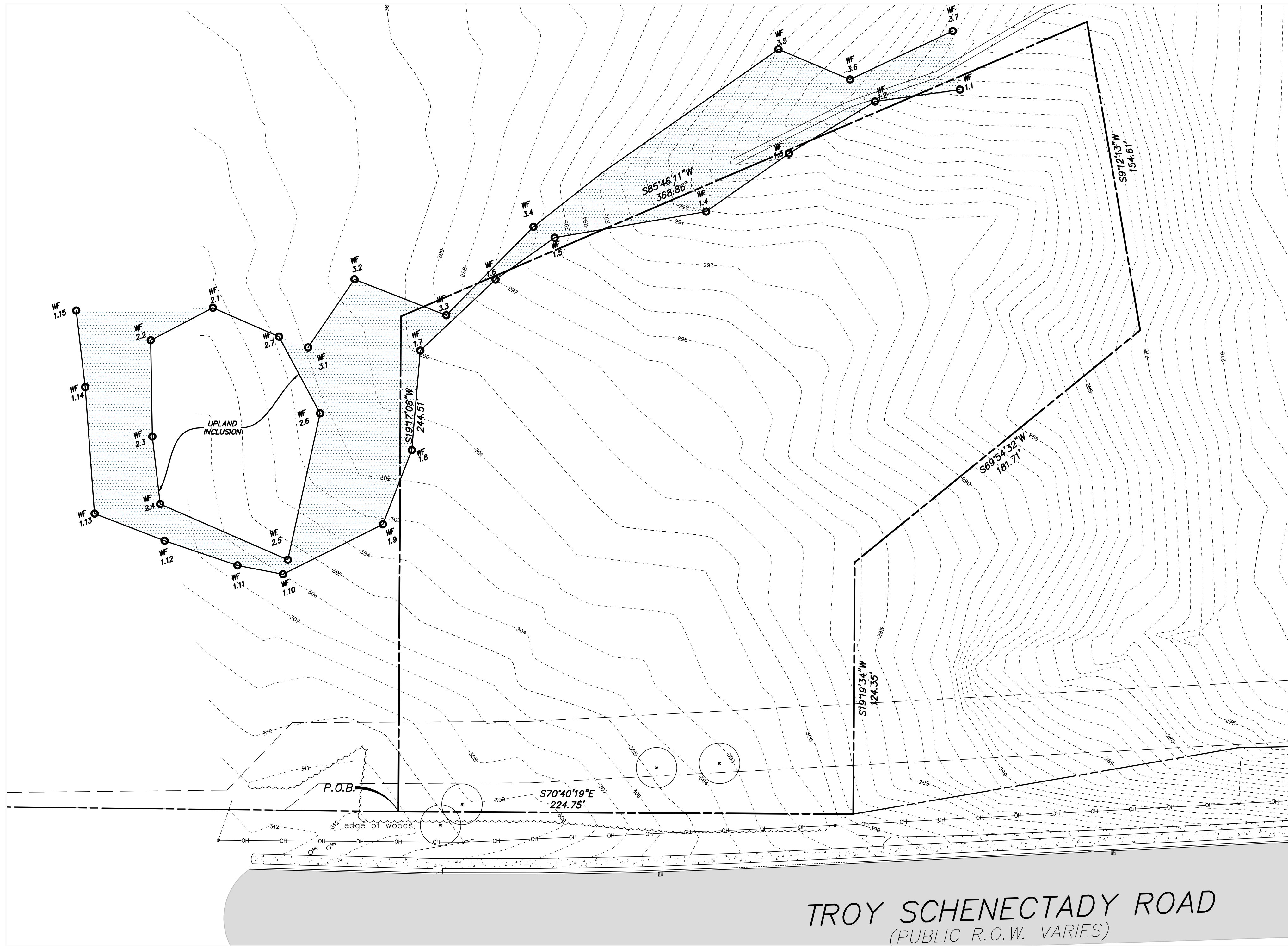
Upon roll call the foregoing resolution was adopted by the following vote:

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

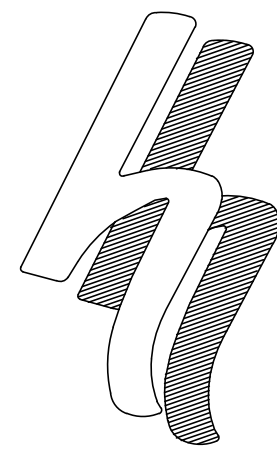
The Chairman declared the same duly adopted.



VICINITY MAP
MAP NOT TO SCALE



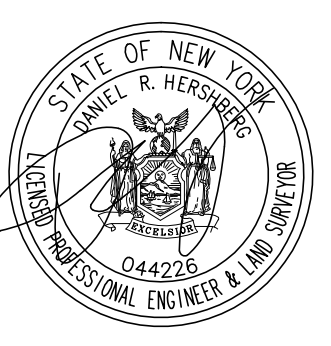
LEGEND			
R.O.W.	RIGHT OF WAY	□	MONUMENT
No.	NUMBER	○	IRON ROD
ENC.	ENCROACHMENT	⊗	MANHOLE
P.O.B.	POINT OF BEGINNING	⊞	CATCHBASIN
S.F.	SQUARE FEET	—	SON
N/F	NOW OR FORMERLY	•	BOLLARD
FL	FEET	—	FENCE LINE
Deg.	DEGREE	—	GUARD RAIL
R	RECORD	—	OVERHEAD WIRE, UTILITY POLE & GUY WIRE
M	MEASURED	⊕	WATER SHUT OFF
N	NORTH	⊕	WATER VALVE
S	SOUTH	⊕	HYDRANT
E	EAST	⊕	GAS VALVE
W	WEST	⊕	STREET LIGHT
TEL	TELEPHONE	⊕	LIGHT POLE
ELC	ELECTRIC	⊕	CONCRETE
UBR	UBR	⊕	PAVEMENT
P.	PAGE		



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Consulting Engineers and Land Surveyors

18 Locust Street
Albany, New York 12203

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REMARKS	DATE
LAYOUT REVISED	6/7/17
SITE PLAN REVISIONS	8/29/19
REVISIONS	

EXISTING CONDITIONS PLAN FOR
HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044 SCALE: 1"=30' BY: MLW DATE: 5/1/17 CHK: DRH 170044-3.DWG

FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

SUBDIVISION MAP STANDARD NOTES

GENERAL NOTES

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

SOIL EROSION AND SEDIMENT CONTROL MEASURES

- DAMAGE TO SURFACE WATERS RESULTING FROM EROSION AND SEDIMENTATION SHALL BE MINIMIZED BY STABILIZING DISTURBED AREAS AND BY REMOVING SEDIMENT FROM CONSTRUCTION SITE DISCHARGES.
- INsofar AS PRACTICABLE, EXISTING VEGETATION SHALL BE PRESERVED.
- SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISRUPTION.
- PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED.

MAINTENANCE OF EROSION CONTROL MEASURES

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

TREE PRESERVATION POLICY

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

GRADING NOTES

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

EXISTING LEGEND

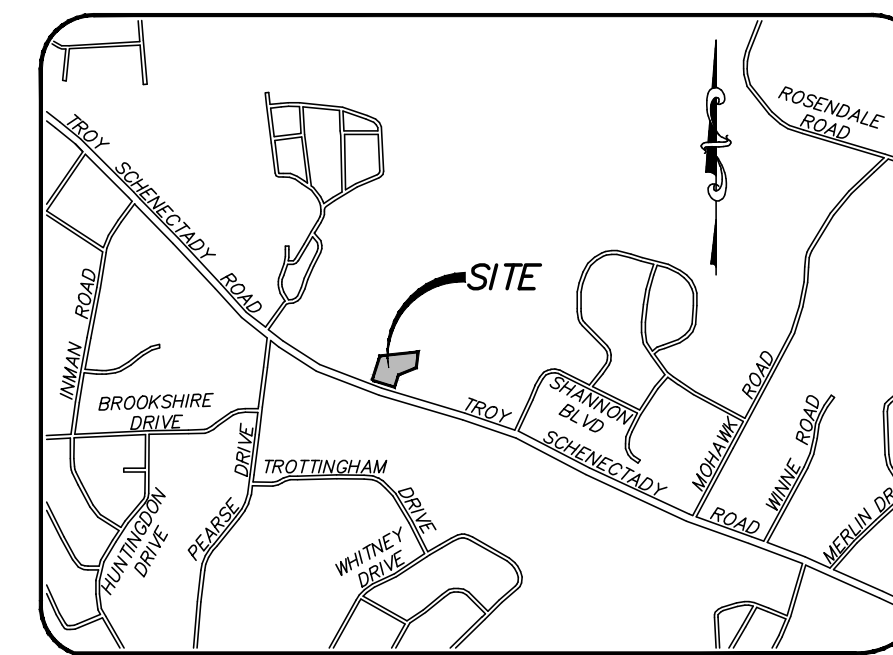
R.O.W.	RIGHT OF WAY	○	MONUMENT
No.	NUMBER	○	IRON ROD
ENC.	ENCROACHMENT	○	MANHOLE
P.O.B.	POINT OF BEGINNING	○	CATCH-BASIN
S.F.	SQUARE FEET	○	SIGN
N/F	NOW OR FORMERLY	○	BOLLARD
FL	FEET	○	FENCE LINE
Deg.	DEGREE	○	GUARD RAIL
R	RECORD	○	OVERHEAD WIRE, UTILITY POLE & CUT WIRE
M	MEASURED	○	WATER SHUT OFF
N	NORTH	○	HYDRANT
S	SOUTH	○	GAS VALVE
E	EAST	○	STREET LIGHT
W	WEST	○	LIGHT POLE
tel.	TELEPHONE	○	
elec.	ELECTRIC	○	
L	LIBER	○	
P.	PAGE	○	

PROPOSED LEGEND

○	PROPOSED LIGHT POLE
○	PROPOSED BOLLARD
○	PROPOSED SHRUB OR TREE
—	NEW STORM SEWER
—	NEW UNDERGROUND ELECTRIC
—	PROPOSED CONTOURS
□	NEW PAVEMENT AND PAVEMENT MARKINGS
□	NEW CATCH BASIN
□	LIMITS OF CLEARING

UTILITY NOTES

- POWER SERVICE TO BE SUPPLIED BY NATIONAL GRID AND INSTALLED TO NATIONAL GRID REQUIREMENTS. SUBMIT SHOP DRAWING.
- SECURITY SYSTEM AND SECURITY LIGHTING BY OTHERS.



VICINITY MAP

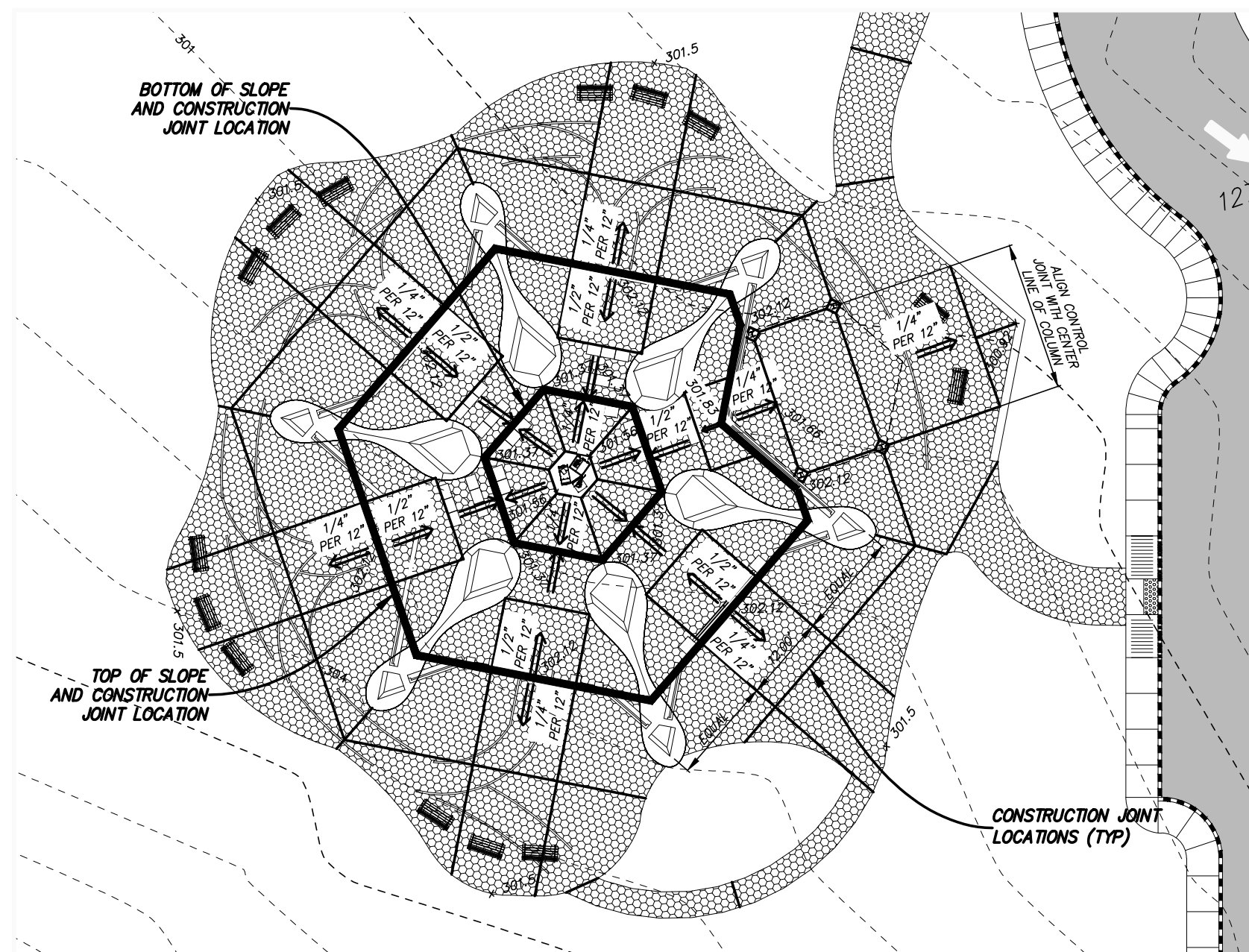
MAP NOT TO SCALE

EXISTING SITE COVERAGE STATISTICS

DESCRIPTION	S.F.	ACRES	%
GROSS SITE AREA	90,604	2.08	100.0%
IMPERVIOUS AREA	0	0	0
BUILDING COVERAGE	0	0	0
PAVEMENT/SIDEWALK COVERAGE	0	0	0
PERVIOUS AREA	90,604	2.08	100.0%

PROPOSED SITE COVERAGE STATISTICS

DESCRIPTION	S.F.	ACRES	%
GROSS SITE AREA	90,604	2.08	100.0%
IMPERVIOUS AREA	31,812	0.73	35.11
BUILDING COVERAGE	0	0	0
PAVEMENT/SIDEWALK COVERAGE	31,812	0.73	35.11
PERVIOUS AREA	58,792	1.35	64.89

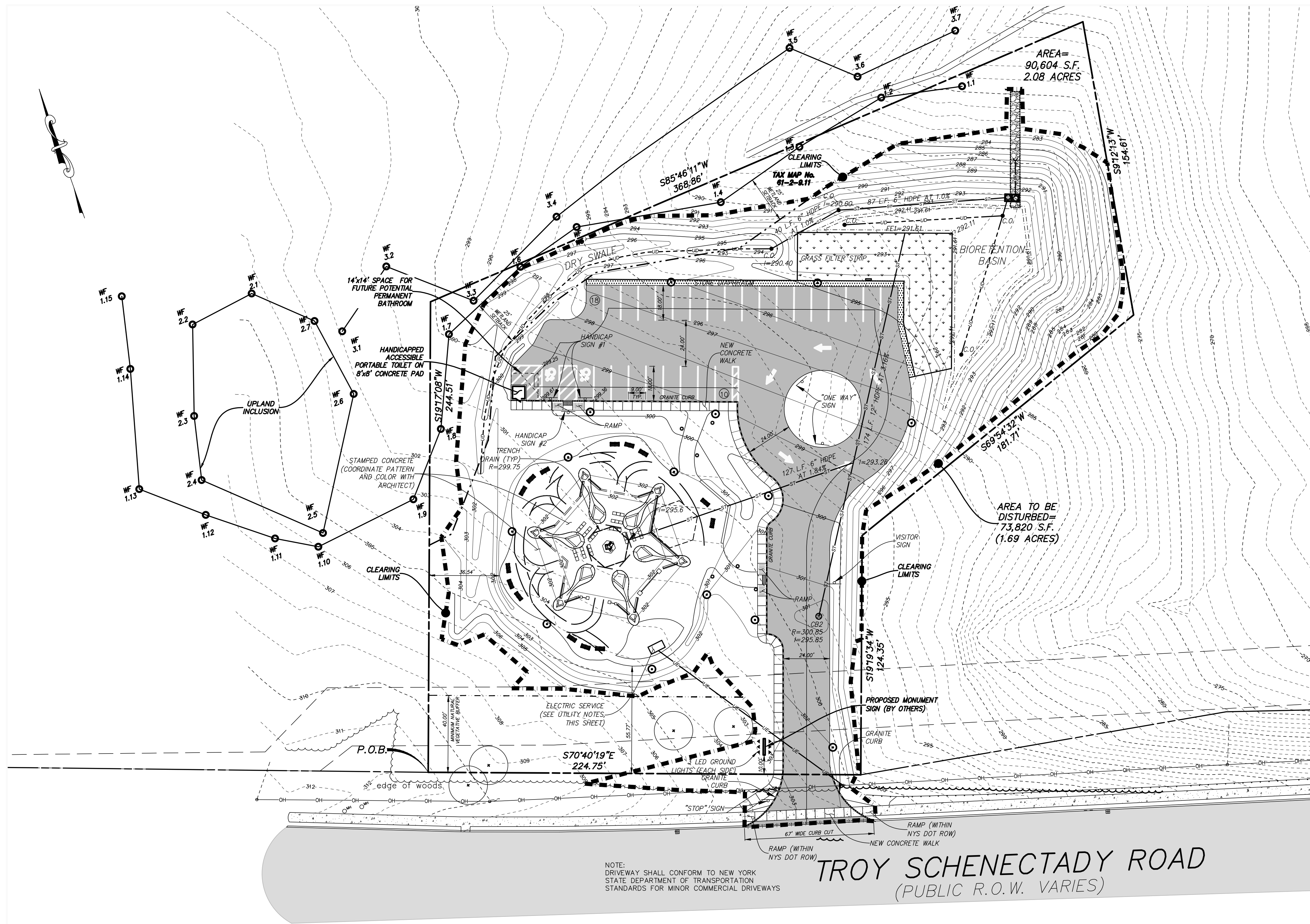


NOTE:

CONSTRUCTION JOINTS, AFTER CONCRETE HAS CURED, REMOVE TOP OF DEVICE, CON-TIE OR EQUAL, AND FILL WITH POLYSULFIDE CAULK.

CONSTRUCTION JOINT LOCATIONS AND SPOT ELEVATIONS FOR STAMPED CONCRETE PLAN

SCALE: 1"=20'

TROY SCHENECTADY ROAD
(PUBLIC R.O.W. VARIES)

SITE PLAN

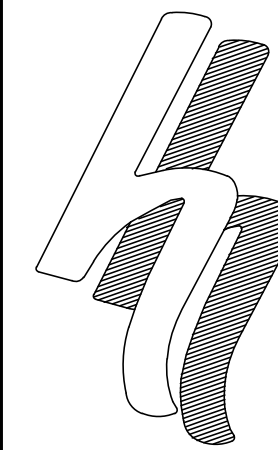
SCALE: 1"=30'

TOWN OF NISKAYUNA APPROVAL

PLANNING BOARD CHAIRMAN DATE

TOWN ENGINEER DATE

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Albany, New York 12203ALTERATION OF THIS
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REMARKS	DATE
NEW MEMORIAL LAYOUT	5/1/19
GRADING AND LANDSCAPE REVS	5/19/19
DONOR WALL ADDED	6/12/19
SITE PLAN REVISIONS	8/29/19
COORDINATION WITH SWPPP	9/12/19
SIDEWALK TO RT 7/DRIVEWAY NOTE	12/16/19

SITE PLAN FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044

SCALE: 1"=30'

BY: MLW

CHK: DRH

DATE: 5/1/17

770044-3.DWG

PLANT MATERIAL SCHEDULE									
SYM	AMT	BOTANICAL NAME	COMMON NAME	SIZE	ROOTS	MIN. BALL DIA.	MIN. PIT DIA.	SOURCE	REMARKS
MAJOR DECIDUOUS TREES									
AR	17	ACER RUBRUM VAR. 'OCTOBER GLORY'	RED MAPLE	2 1/1"-3" CAL.	B & B	28"	52"	NG, SP	
QR	9	QUERCUS RUBRUM	NORTHERN RED OAK	2 1/2"-3" CAL.	B & B	28"	52"	NG, SP	
QP	9	QUERCUS PALUSTRIS	PIN OAK	2 1/2"-3" CAL.	B & B	28"	52"	NG, SP	
MINOR DECIDUOUS TREES									
AA	4	AMELANCHIER ARBOREA	SERVICEBERRY	6'-7' HT.	B & B	20"	40"	NG	CLUMP FORM
AC	3	ACER CAMPESTRE	HEDGE MAPLE	2"-2 1/2" CAL.	B & B	24"	48"	NG	
CV	3	CRATAEGUS VIRIDIS	WINTER KING HAWTHORNE	2"-2 1/2" CAL.	B & B	24"	48"	NG, SP	
EVERGREEN TREES									
WF	7	ABIES CONCOLOR	WHITE FIR	6'-7' HT.	B & B	24"	48"	NG	SPACE 8" O.C.
JV	9	JUNIERUS VIRGINIANA	EASTERN RED CEDAR	6'-7' HT.	B & B	24"	48"	NG	
PA	3	PICEA ABIES	NORWAY SPRUCE	10'-12' HT.	B & B	27"	51"	NG	SPACE 8" O.C.
PS	10	PINUS STROBUS	WHITE PINE	7'-8' HT.	B & B	27"	51"	NG	
GRASSES									
SS	33	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUE STEM	#2 CONTAINER	CG			NG	SPACE 3' O.C.
PS	16	PANICUM VIRGATUM 'SHENANDOAH'	'SHENANDOAH' SWITCH GRASS	2 GAL.	CG				
HERBACEOUS PLANTS									
OC	16	OSMUNDA CINNAMOMEA	CINNAMON FERN	1 GAL.	CG				
SHRUBS									
IV	13	ILEX VERTICILLATA	WINTERBERRY	3'-4' HT.	B & B				
VD	12	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	3' HT.	B & B				

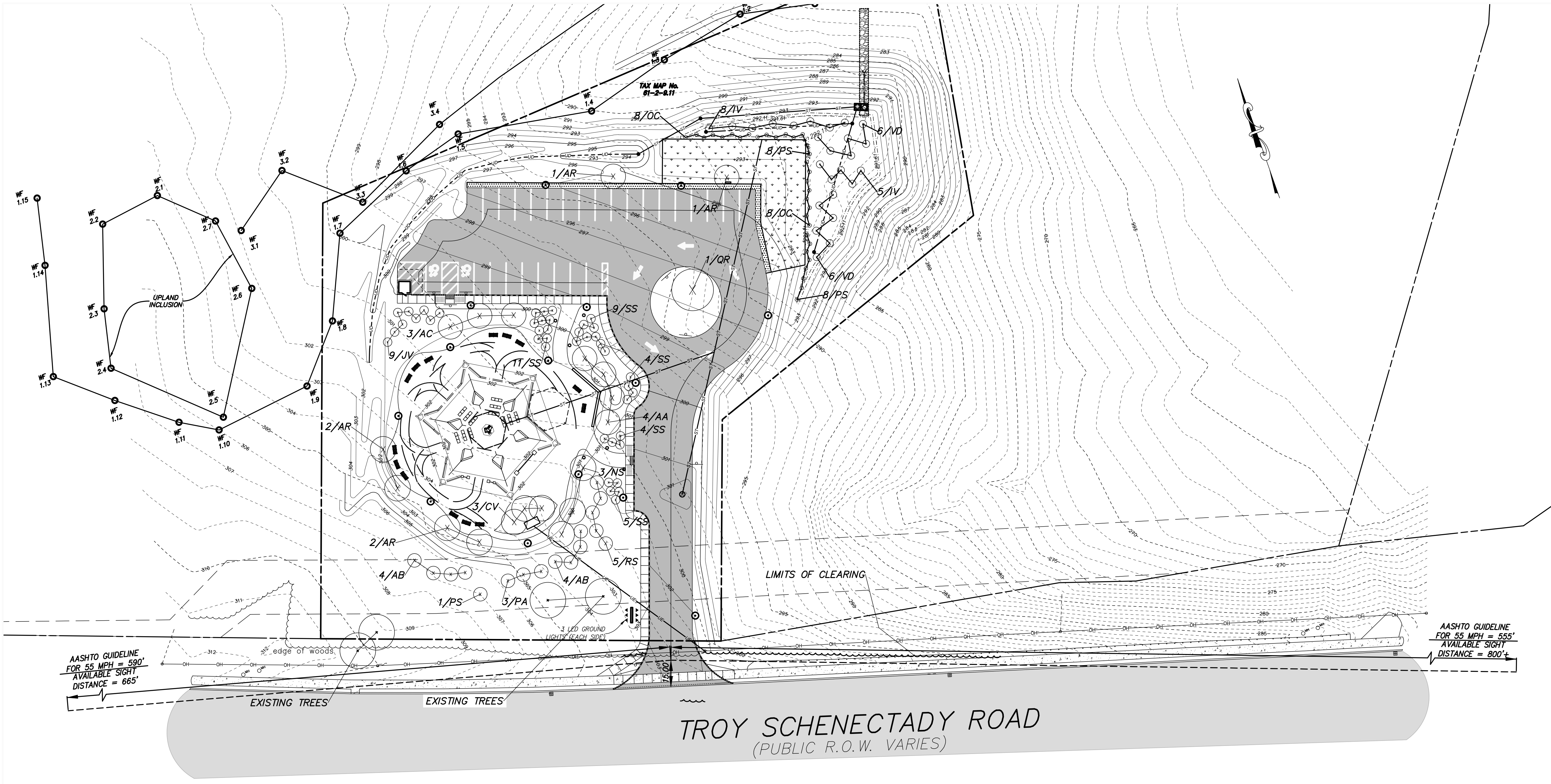
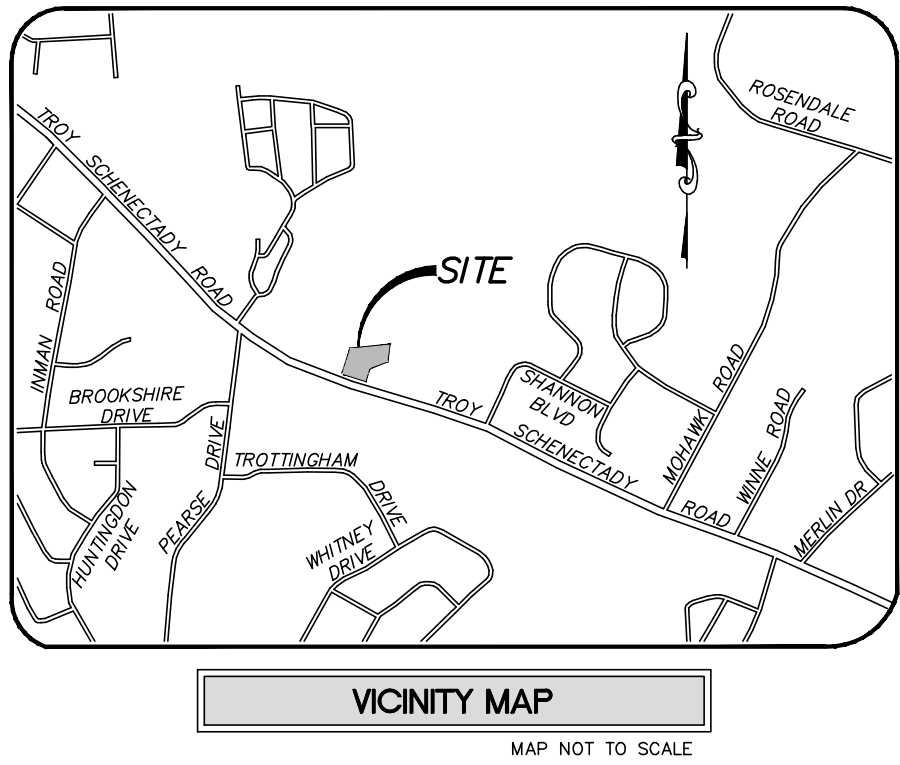
KEY TO ABBREVIATIONS:
ROOTS:
B&B - BALLED AND BURLAPPED
CG - CONTAINER GROWN
SOURCE:
NG - NURSERY GROWN
SP - FALL DIGGING HAZZARD
SIZE:
CAL. - CALIPER
SP - SPREAD
HT. - HEIGHT

EXISTING LEGEND	
R.O.W.	RIGHT OF WAY
No.	NUMBER
ENC.	ENCROACHMENT
P.O.B.	POINT OF BEGINNING
S.F.	SQUARE FEET
N/F	NOW OR FORMERLY
FL	FEET
Deg.	DEGREE
R	RECORD
M	MEASURED
N	NORTH
S	SOUTH
E	EAST
W	WEST
tel.	TELEPHONE
elec.	ELECTRIC
L	LIBER
P.	PAGE
MONUMENT	
IRON ROD	
MANHOLE	
CATCHBASIN	
SIGN	
BOLLARD	
FENCE LINE	
GUARD RAIL	
OVERHEAD WIRE, UTILITY POLE & GUY WIRE	
WATER SHUT OFF	
WATER VALVE	
HYDRANT	
GAS VALVE	
STREET LIGHT	
LIGHT POLE	
CONCRETE	
PAVEMENT	

PROPOSED LEGEND	
PROPOSED LIGHT POLE	
PROPOSED LIGHT BOLLARD	
PROPOSED LANDSCAPING	

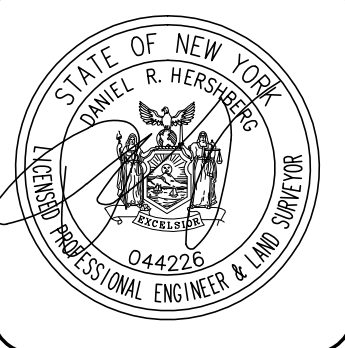
1. EXISTING TREES TO REMAIN TO BE TAGGED.

GENERAL NOTES	
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REVISIONS	DATE	REMARKS
NEW MEMORIAL LAYOUT	5/7/19	
GRADING AND LANDSCAPE REVS	5/8/19	
DONOR WALL ADDED	5/8/19	
SITE PLAN REVISIONS	8/29/19	
SIGHT DISTANCE LINES ADDED	11/26/19	
SIDEWALK TO RT 7	12/16/19	

**LANDSCAPE AND SIGHT DISTANCE PLAN FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK**

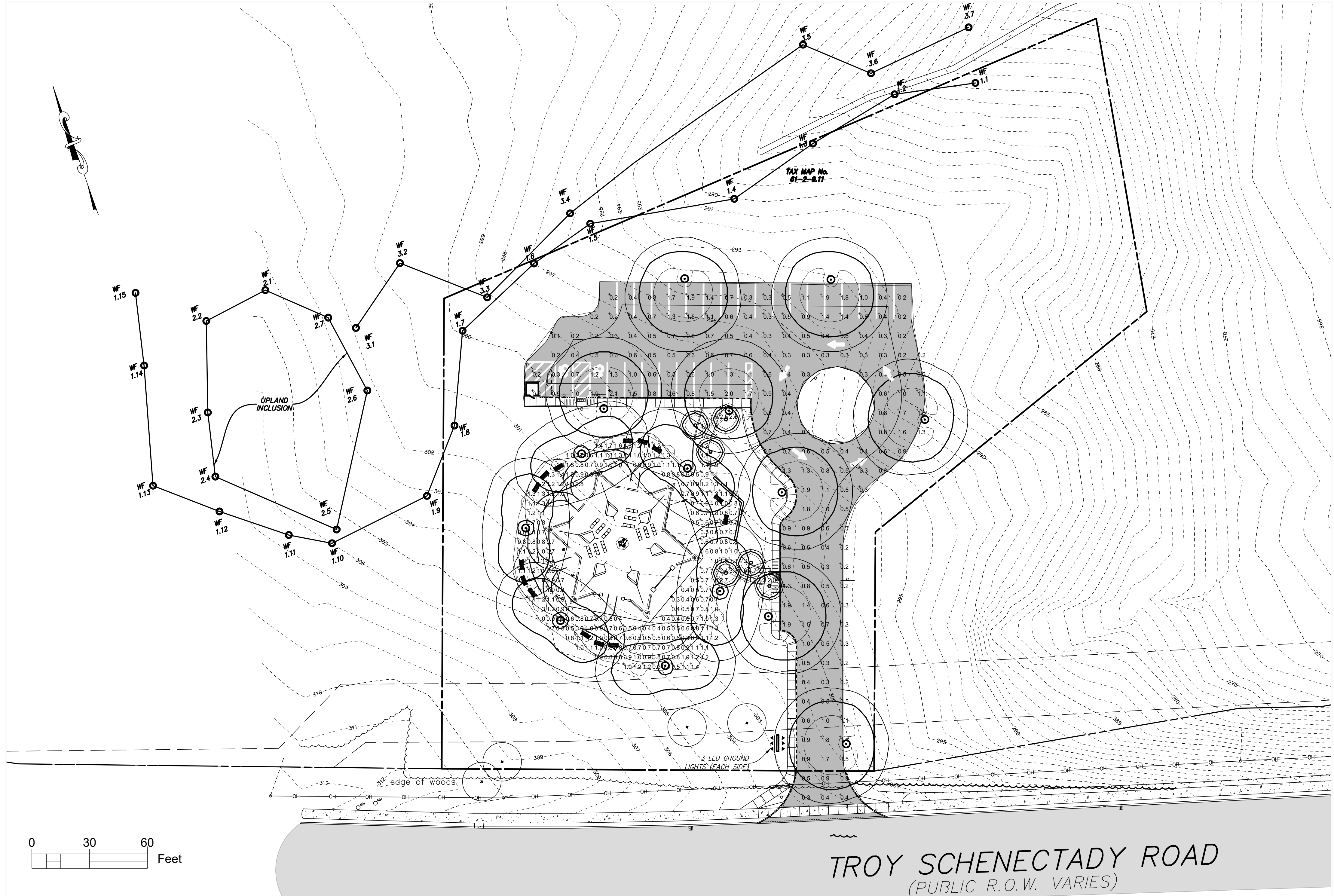
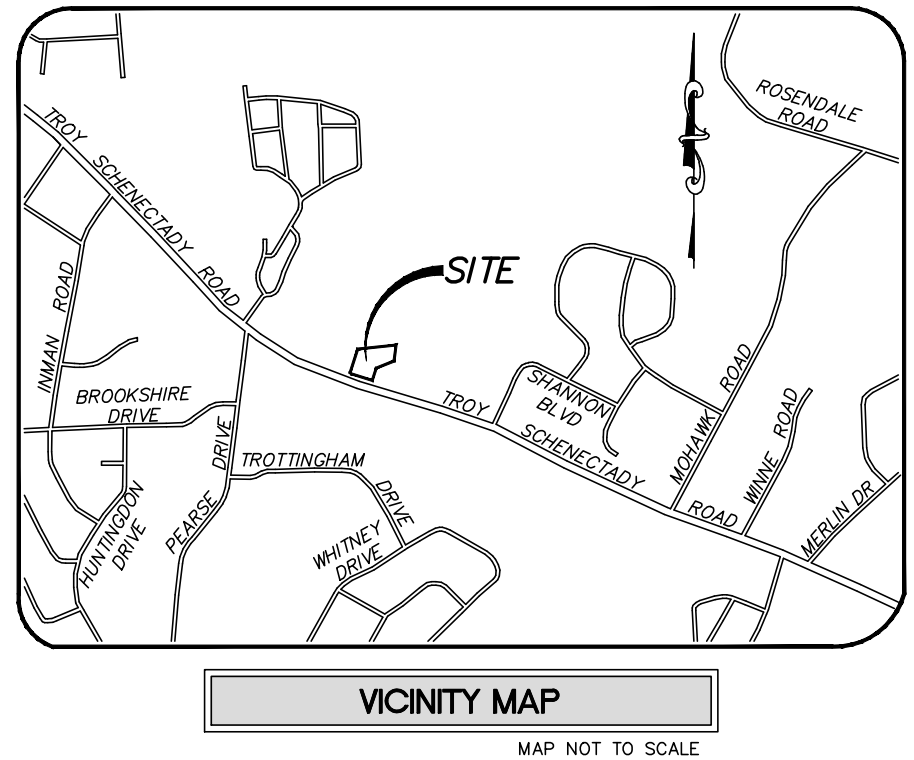
SCALE: 1"=30'
FILE: 170044
CHK: DRH
BY: MLW
DATE: 5/1/17
TOWN OF NISKAYUNA APPROVAL
PLANNING BOARD CHAIRMAN _____ DATE _____
TOWN ENGINEER _____ DATE _____

FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

EXISTING LEGEND			
R.O.W.	RIGHT OF WAY	□	MONUMENT
No.	NUMBER	○	IRON ROD
enc.	ENCROACHMENT	○	MANHOLE
P.O.B.	POINT OF BEGINNING	■	CATCHBASIN
S.F.	SQUARE FEET	—	SIGN
N.Y.	NOW OR FORMERLY	•	BOLLARD
Fl.	FEET	—	FENCE LINE
Dep.	DEGREE	—	GUARD RAIL
R	RECORD	—	OVERHEAD WIRE, UTILITY POLE & GUY WIRE
M	MEASURED	—	WATER SHUT OFF
N	NORTH	—	WATER VALVE
S	SOUTH	—	HYDRANT
E	EAST	—	GAS VALVE
W	WEST	—	STREET LIGHT
tel.	TELEPHONE	—	LIGHT POLE
elec.	ELECTRIC	—	CONCRETE
L	LBER	—	PAVEMENT
P.	PAGE		

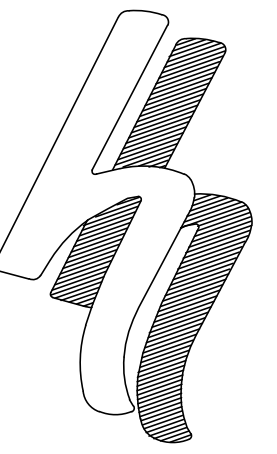
EXISTING LEGEND	
○	PROPOSED LIGHT POLE
○	PROPOSED BOLLARD

Schedule							
Symbol	Label	TY	Manufacturer	Catalog Number	Description	Lumens (or Lum.)	Wattage
○	SL1	8	Lithonia Lighting	RADPT LED P1 40K ASY MVOLT RADPT20 DOBXD RSS 12-48 T20 DOB	RADEAN Post-To- with P1 4000K Asymmetric distribution	3168	0.9 25,4134
○	SL2	6	Lithonia Lighting	RADPT LED P1 40K PATH MVOLT RADPT20 DOBXD RSS 12-48 T20 DOB	RADEAN Post-To- with P1 4000K Pathway distribution	2593	0.9 25,4134
○	BL1	6	Lithonia Lighting	RADB LED P1 40K SYM DOBXD	RADB LED P1 40K SYM DOBXD	331	0.9 5,21



TOWN OF NISKAYUNA APPROVAL	
PLANNING BOARD CHAIRMAN	DATE
TOWN ENGINEER	DATE

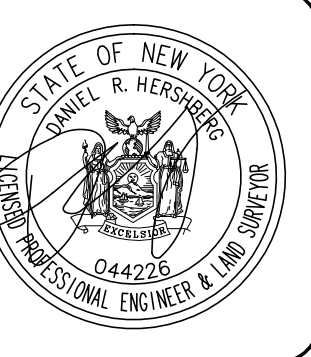
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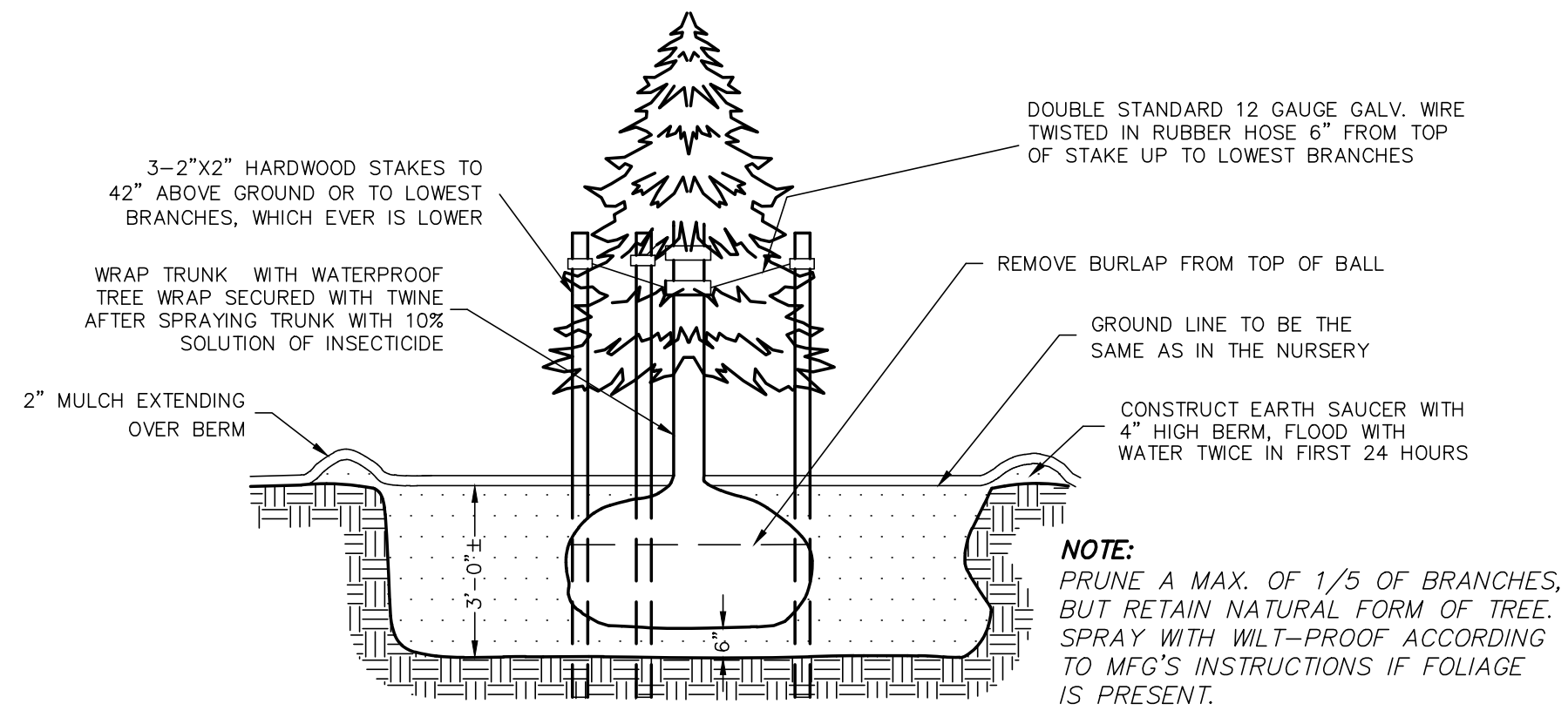


REVISIONS	DATE	REMARKS
LANDSCAPING REVISED	3/19/18	
NEW MEMORIAL LAYOUT	5/1/19	
GRADING AND LANDSCAPE REVISED	5/15/19	
DONOR WALL ADDED	8/19/19	
SITE PLAN REVISIONS	8/29/19	
SIDEWALK TO RT 7	12/16/19	

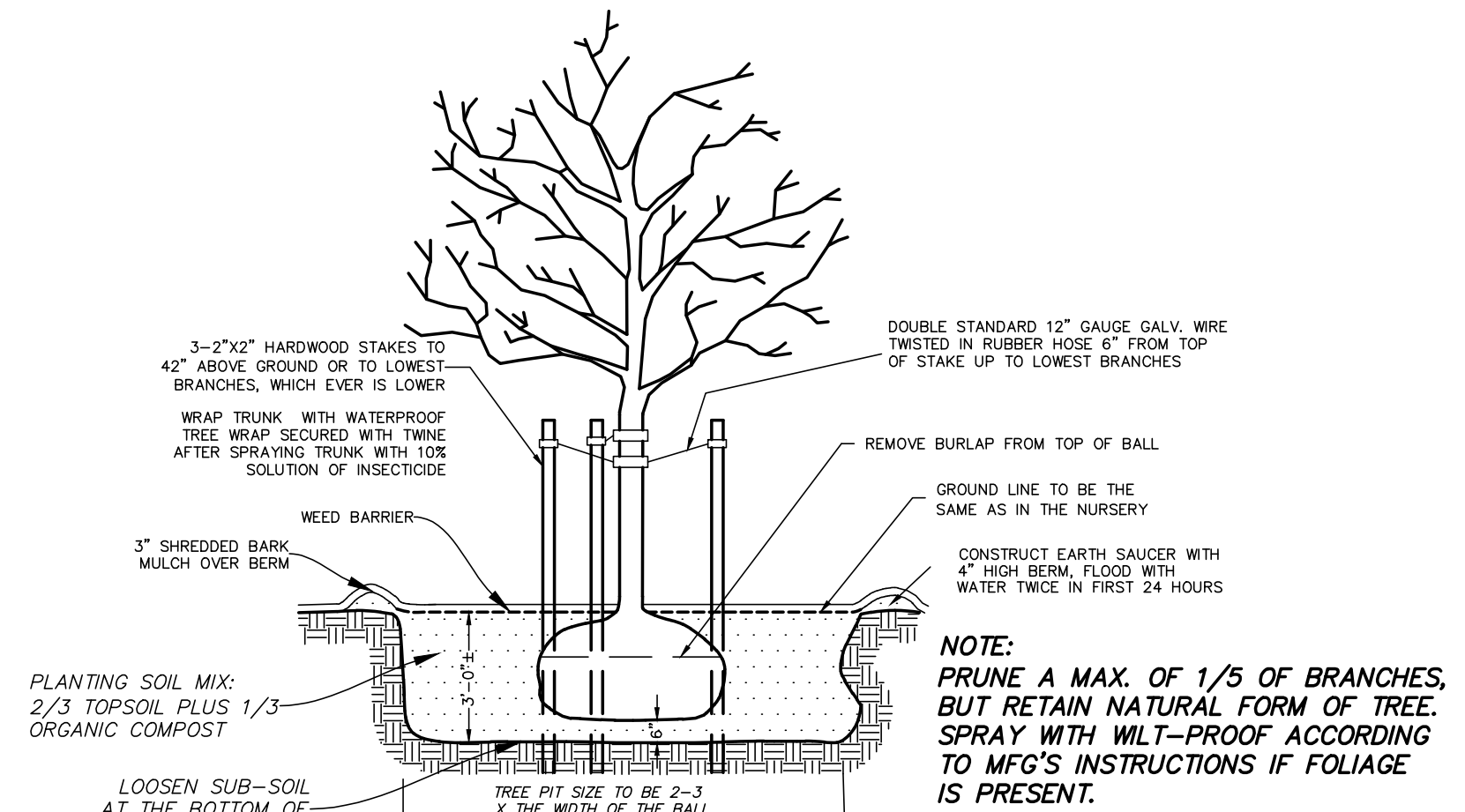
LIGHTING PLAN FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044 SCALE: 1"=30' DATE: 5/1/17 CHK: DRH BY: MLW

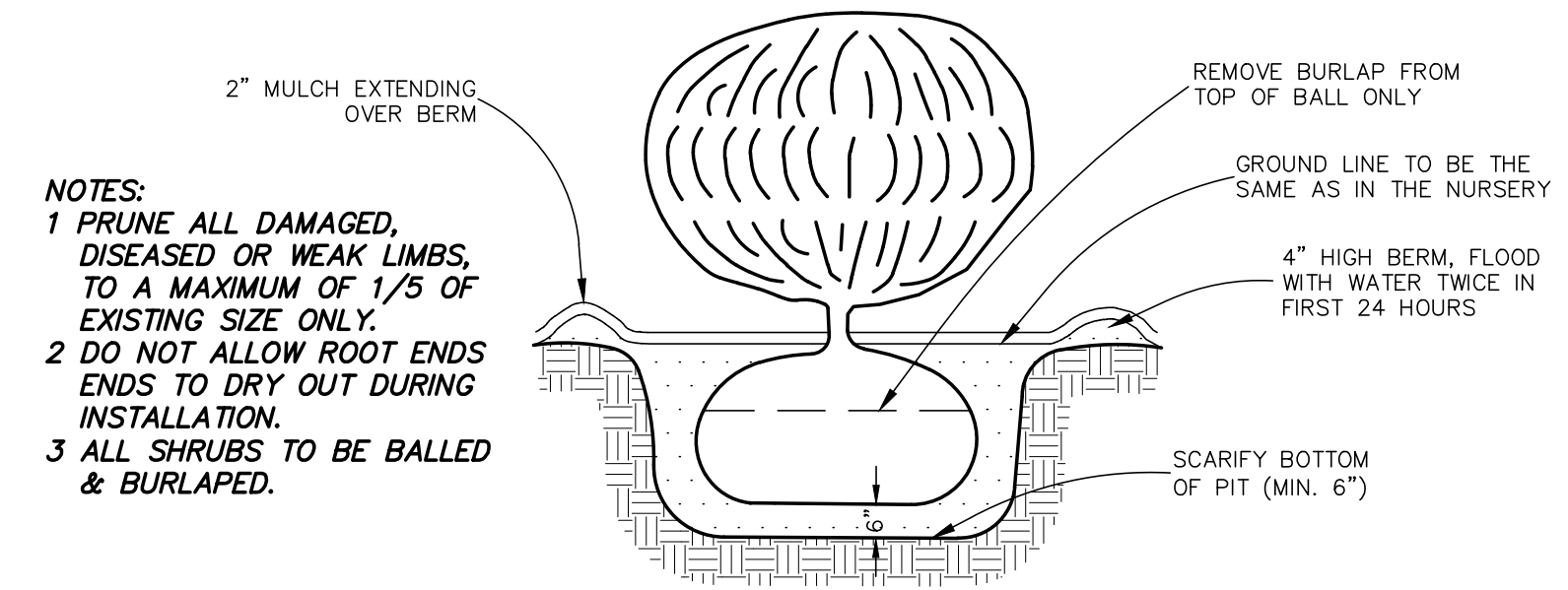
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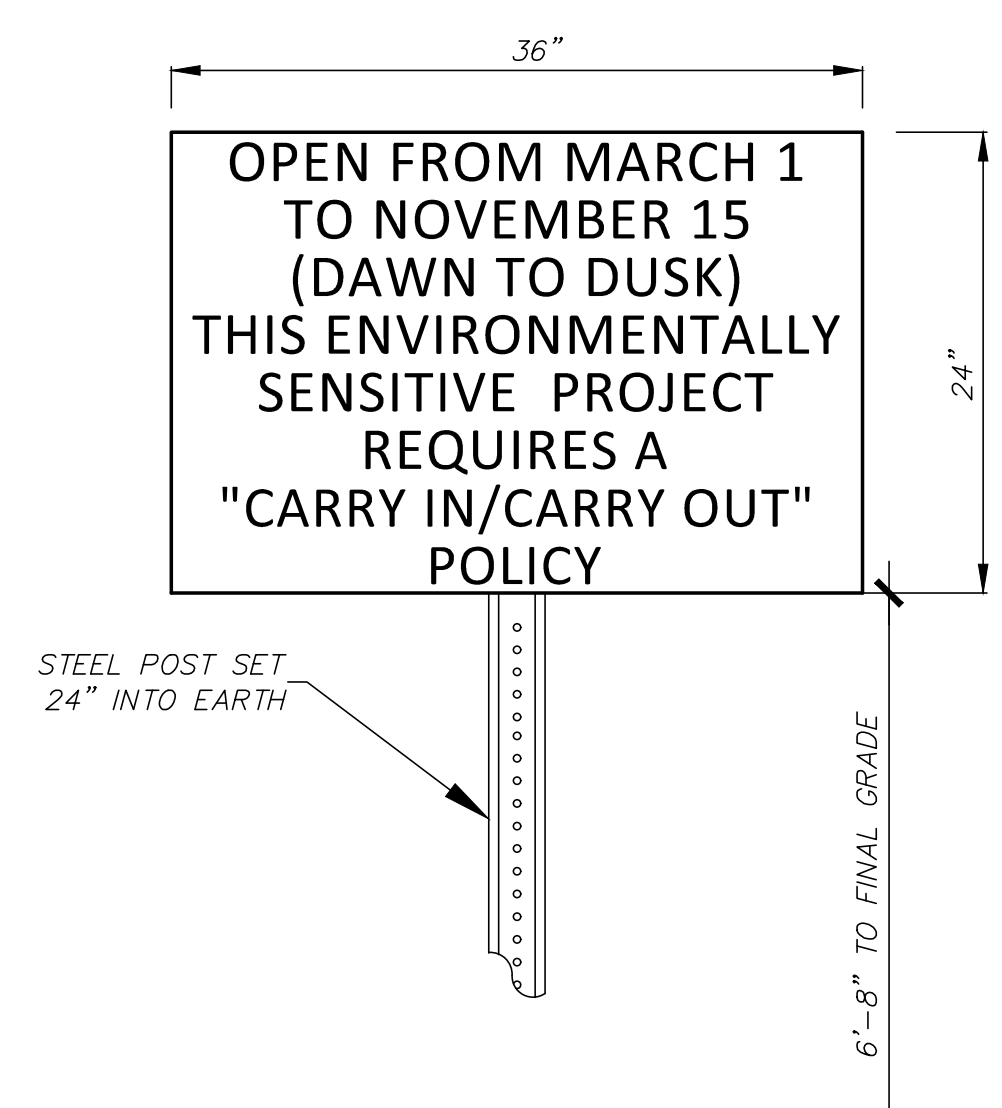
NEW EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE



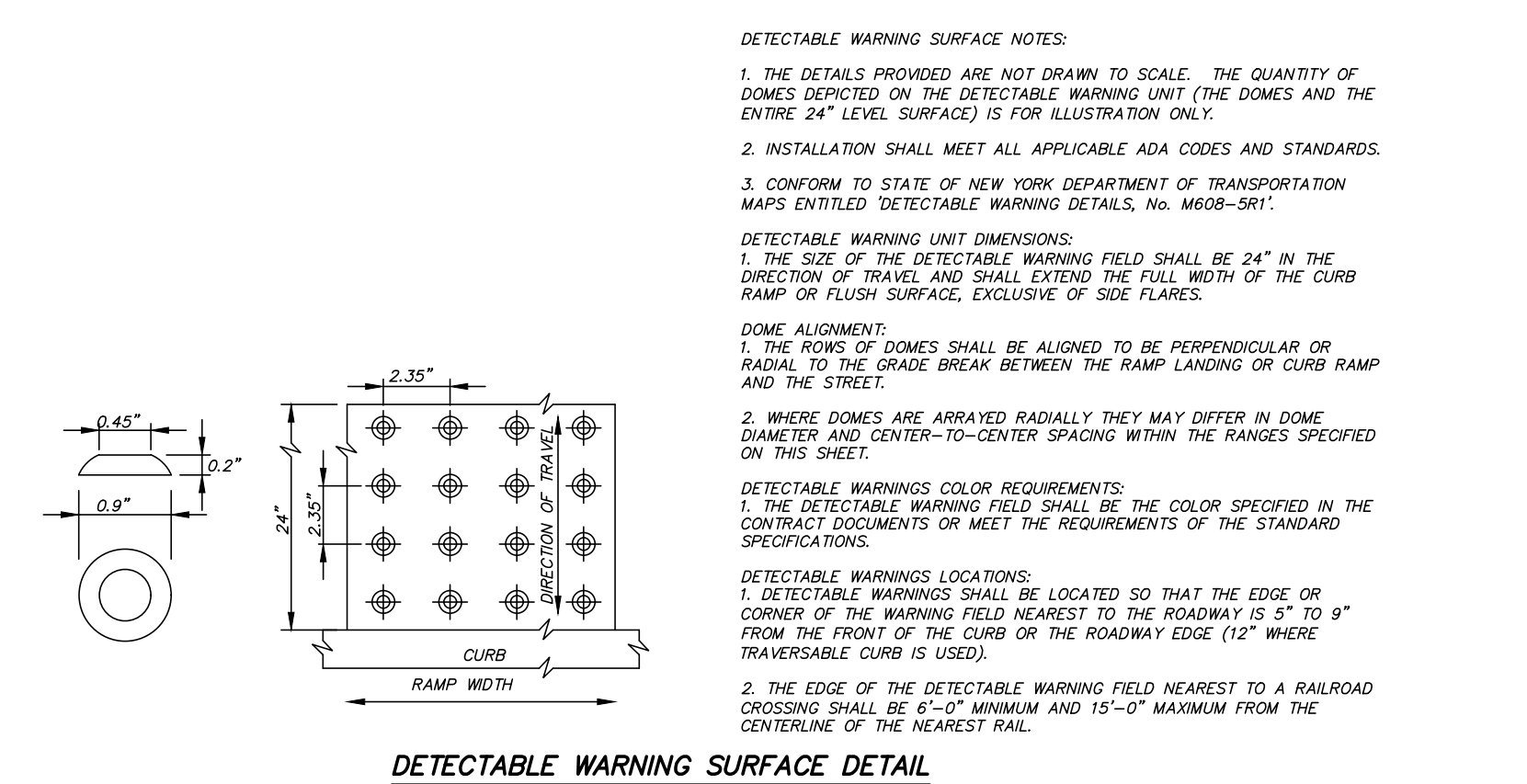
NEW DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



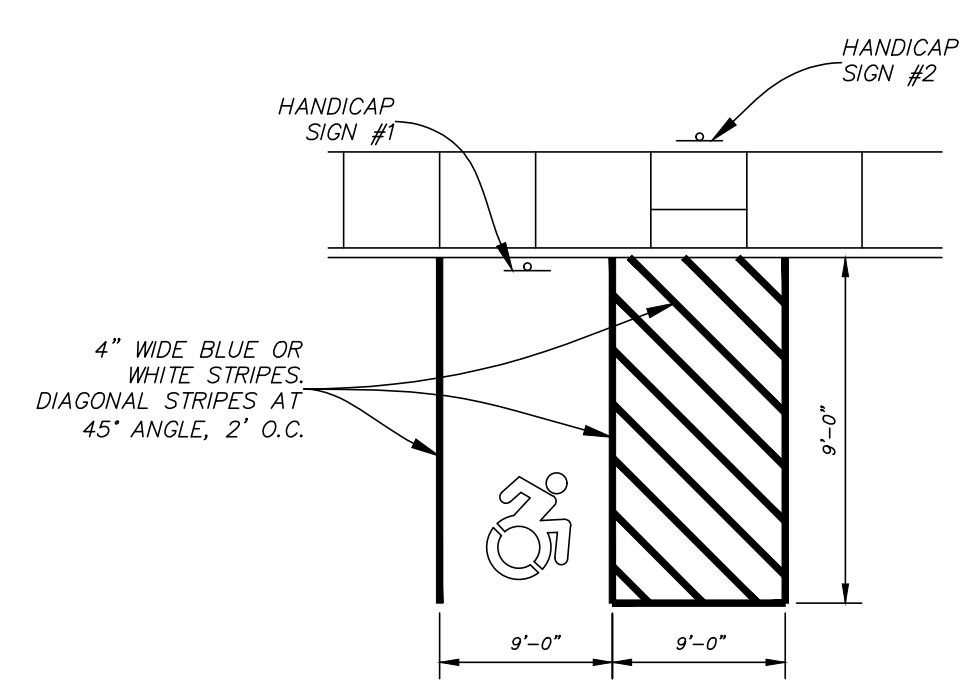
SHRUB PLANTING DETAIL
NOT TO SCALE



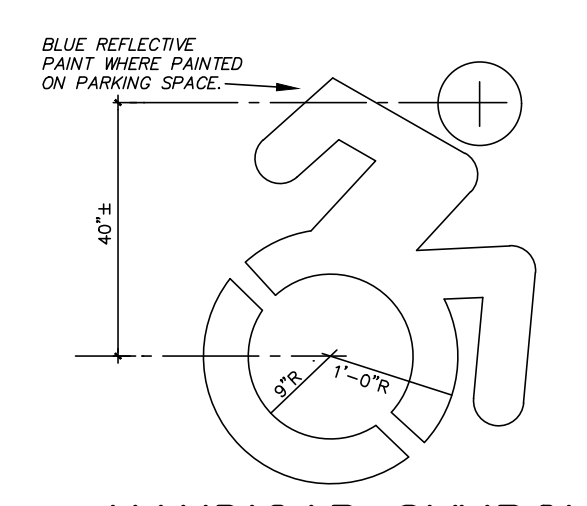
VISTOR SIGN
NOT TO SCALE



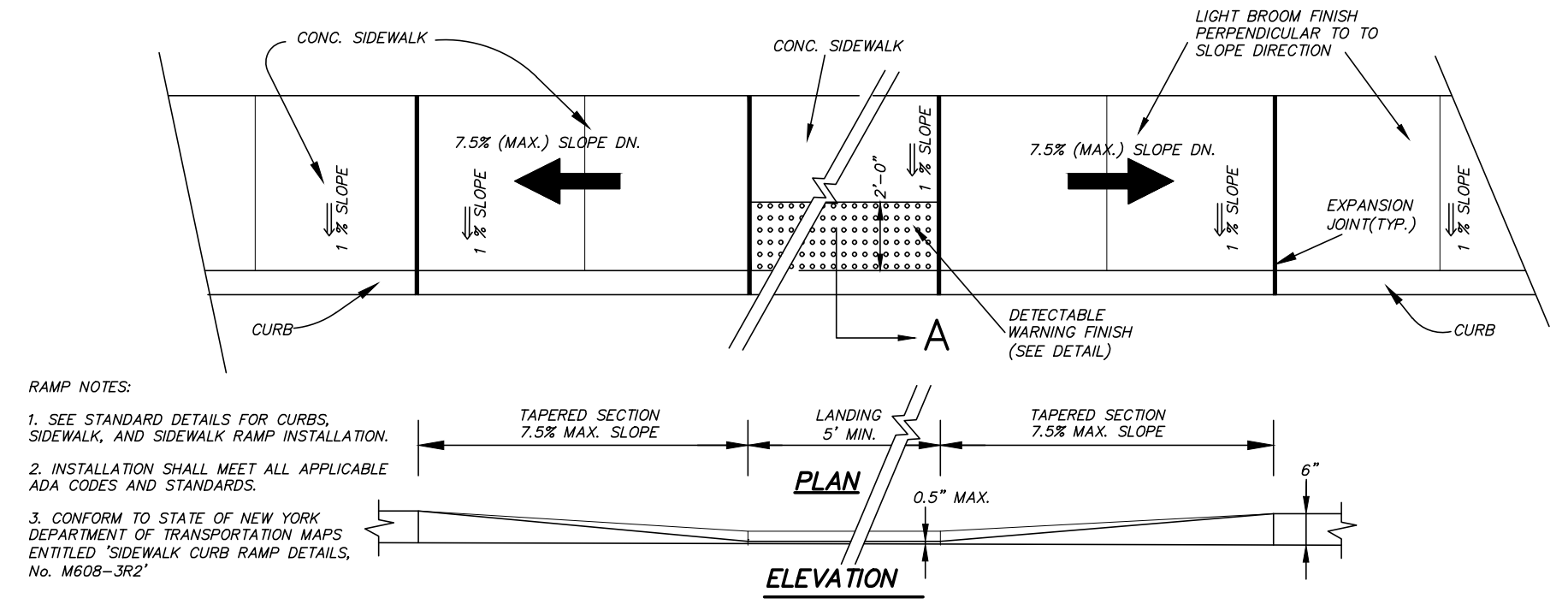
DETECTABLE WARNING SURFACE DETAIL



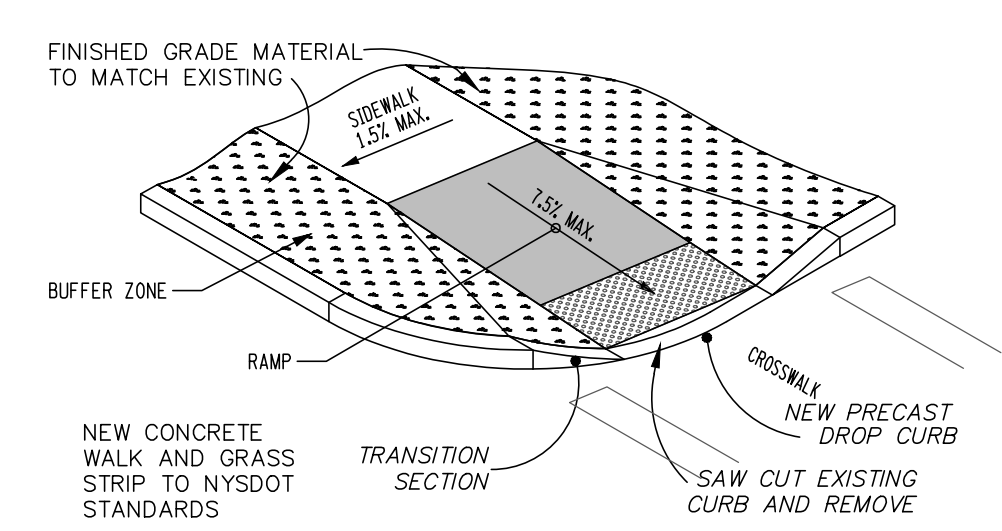
HANDICAPPED PAVEMENT STRIPING DETAIL
NOT TO SCALE



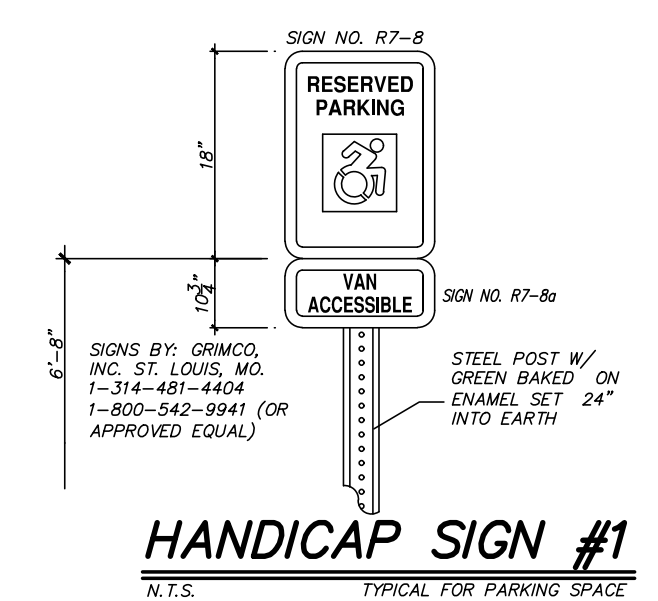
HANDICAP SYMBOL
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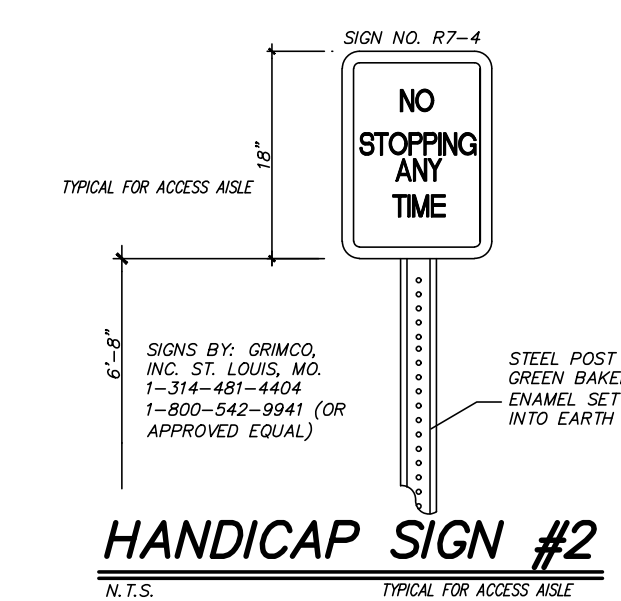
HANDICAPPED RAMP (WITHIN PARKING LOT) PLAN
NOT TO SCALE



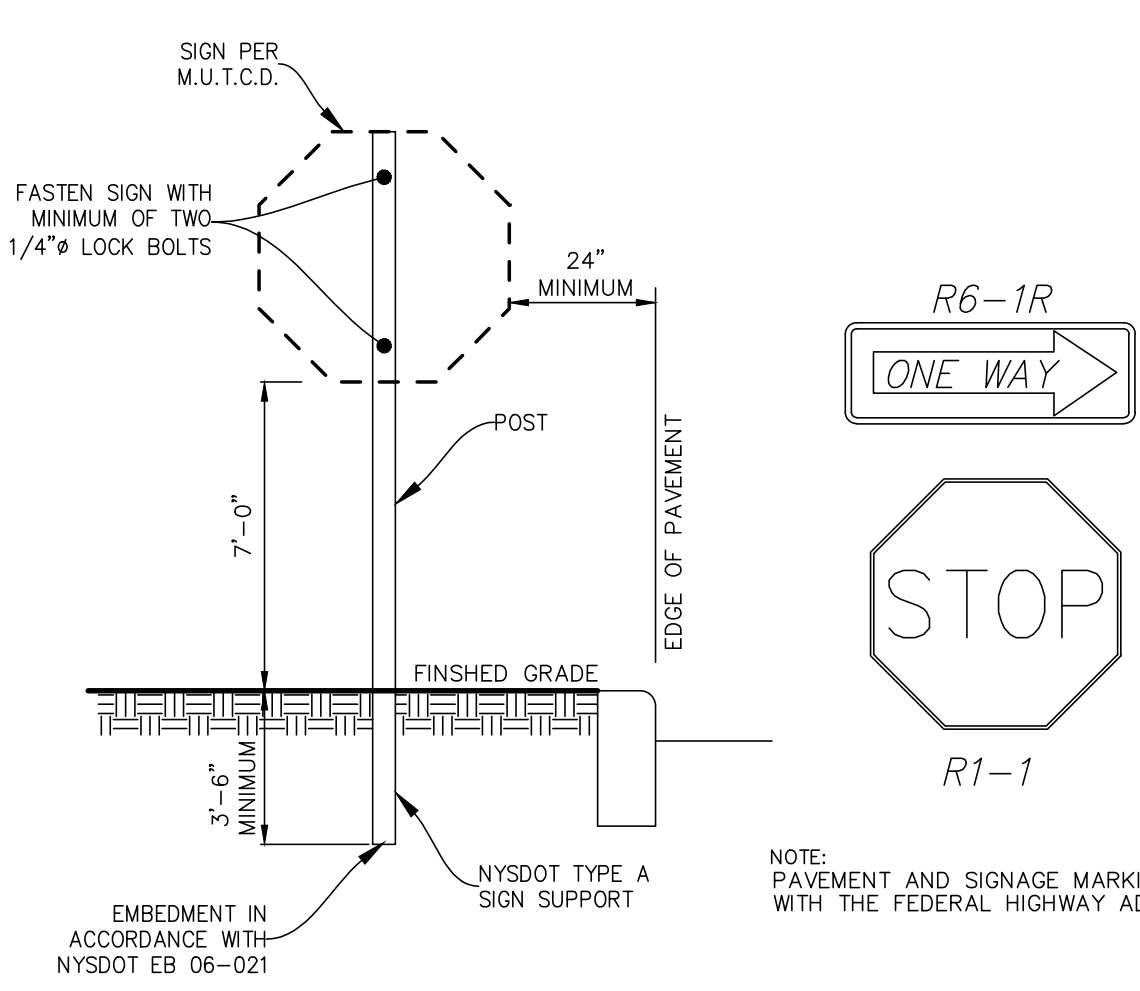
RAMP DETAIL IN NYSDOT ROW
NOT TO SCALE



HANDICAP SIGN #1
TYPICAL FOR PARKING SPACE



HANDICAP SIGN #2
TYPICAL FOR ACCESS AISLE



SIGN INSTALLATION DETAIL
NOT TO SCALE

TOWN OF NISKAYUNA APPROVAL

PLANNING BOARD CHAIRMAN	DATE
TOWN ENGINEER	DATE

FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

HERSHBERG & HERSHBERG
Consulting Engineers and Land Surveyors
18 Locust Street
Albany, New York 12203

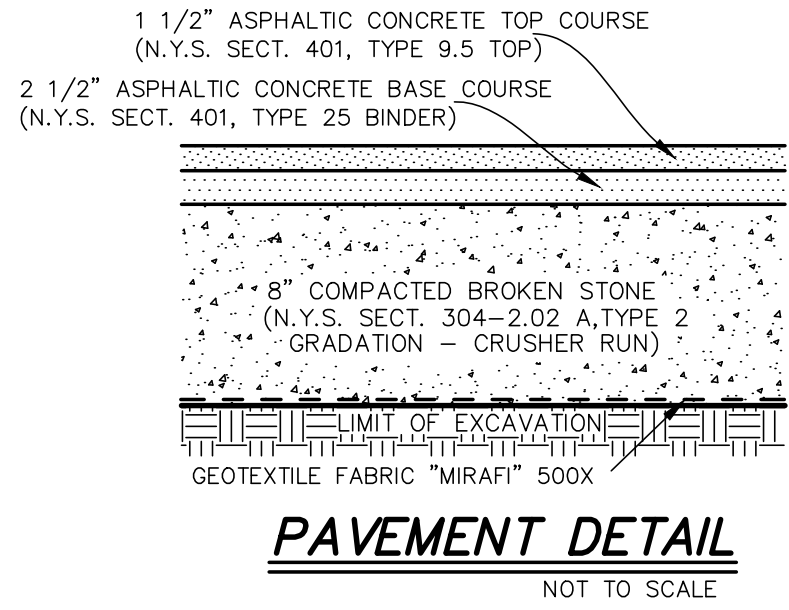
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REMARKS	DATE
SITE PLAN REVISIONS	8/29/19
VISITOR SIGN REVISION	12/16/19

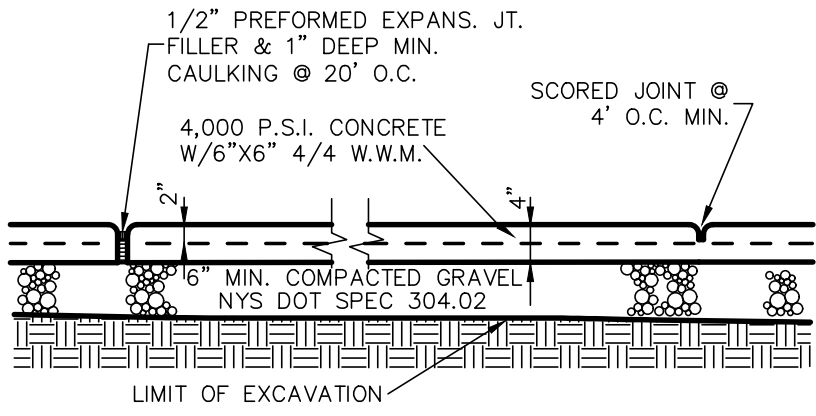
REVISIONS

SITE DETAILS FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

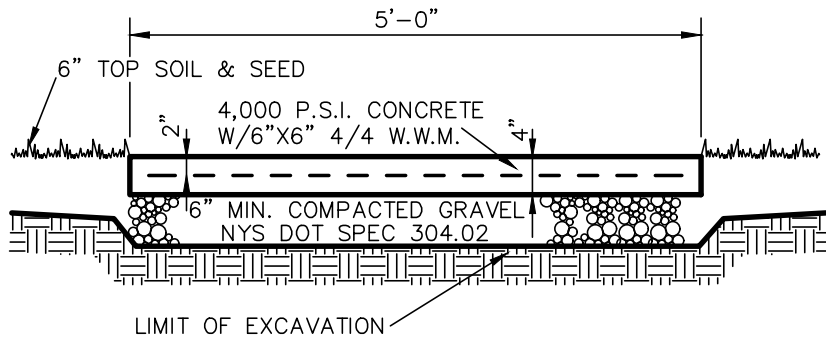
FILE: 170044
SCALE: AS NOTED
CHK: DRH
DATE: 1/17/18
BY: MLW
770044-3.DWG



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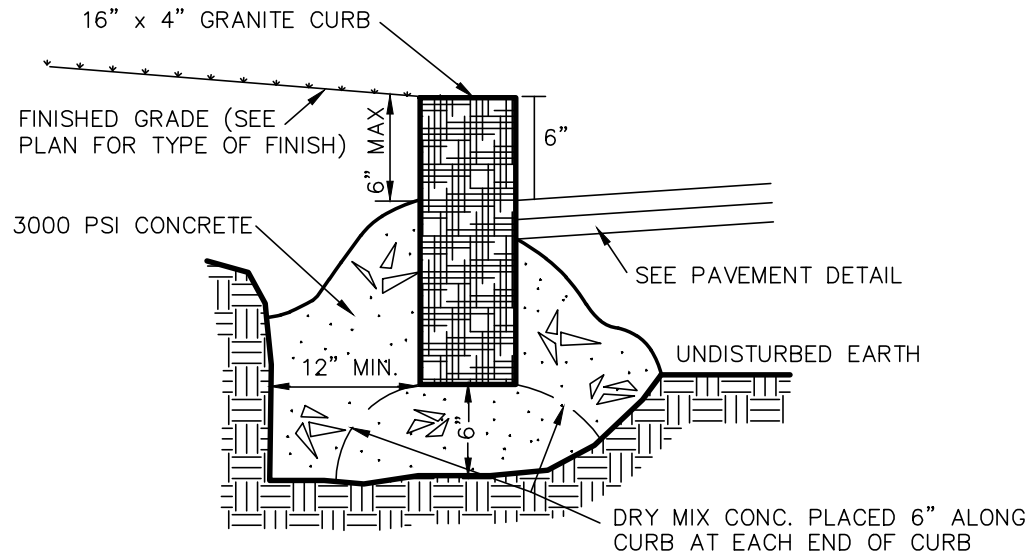


LONGITUDINAL SECTION

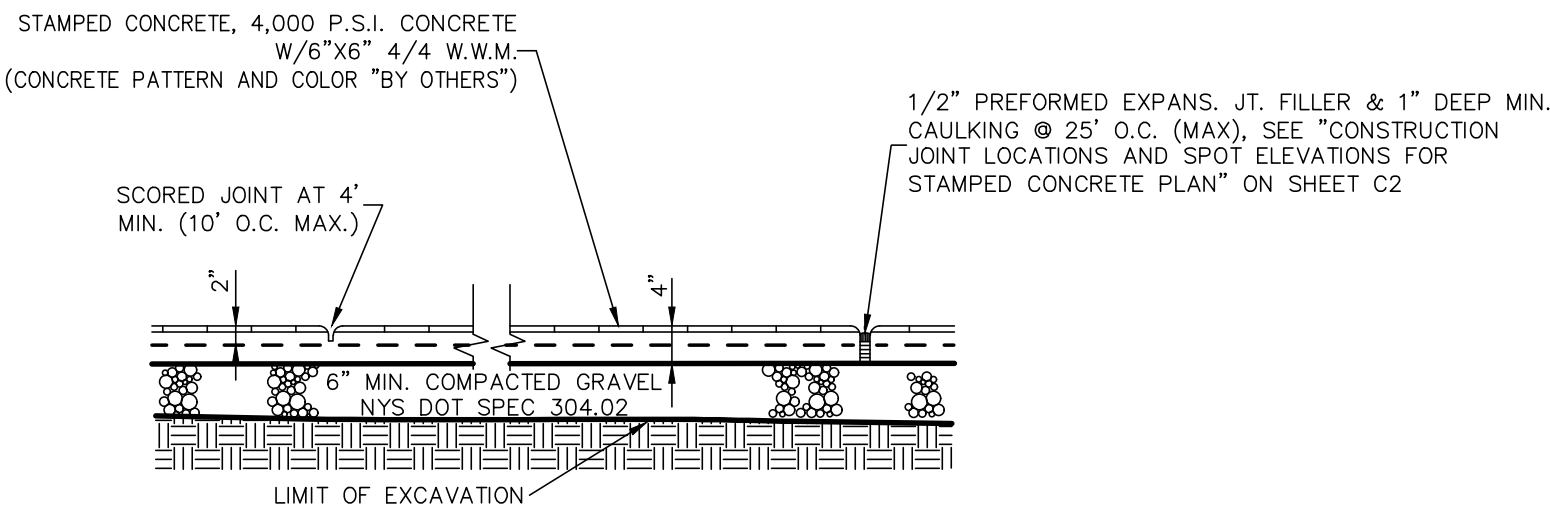


CROSS SECTION

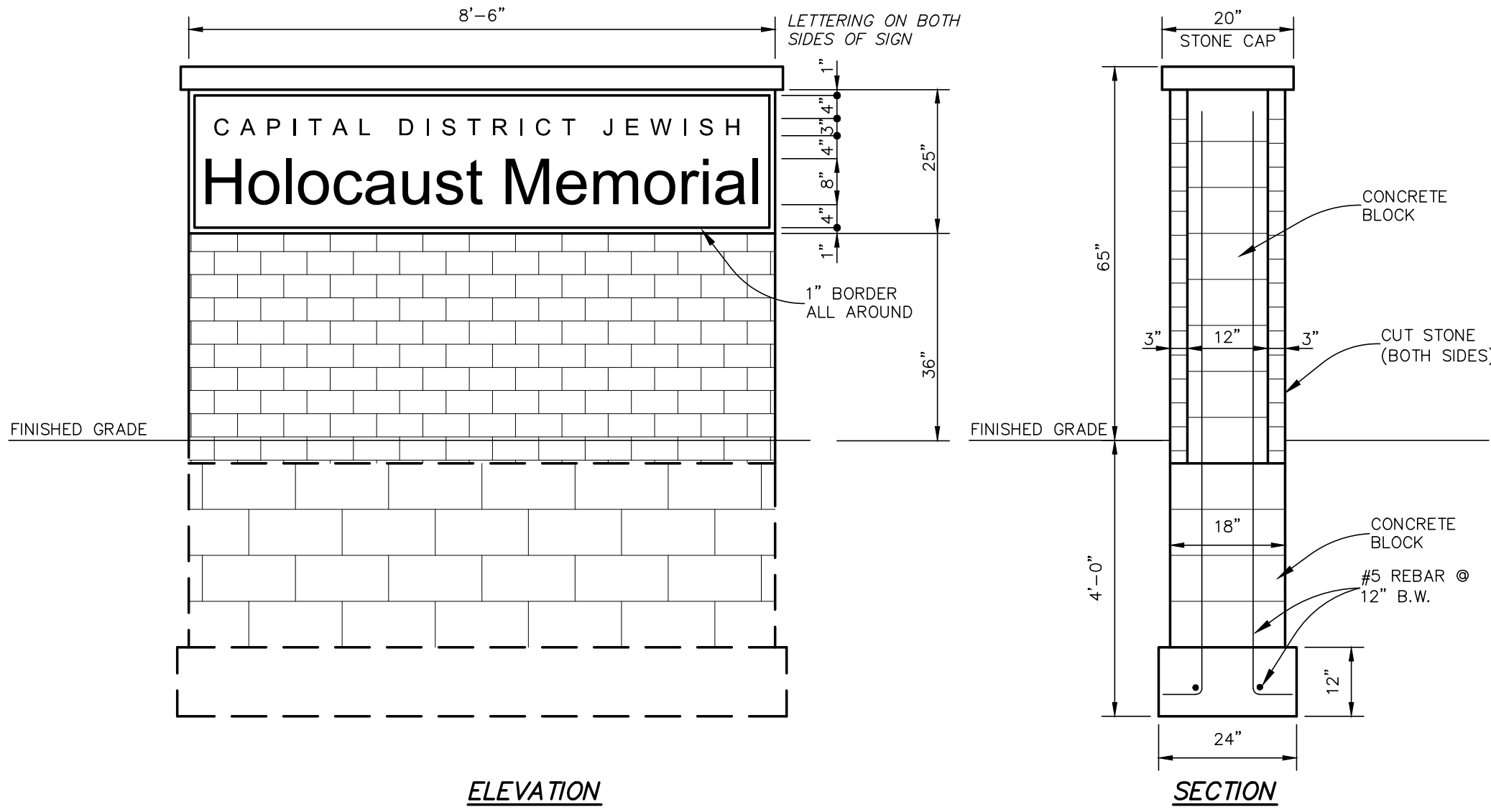
CONCRETE WALK DETAIL
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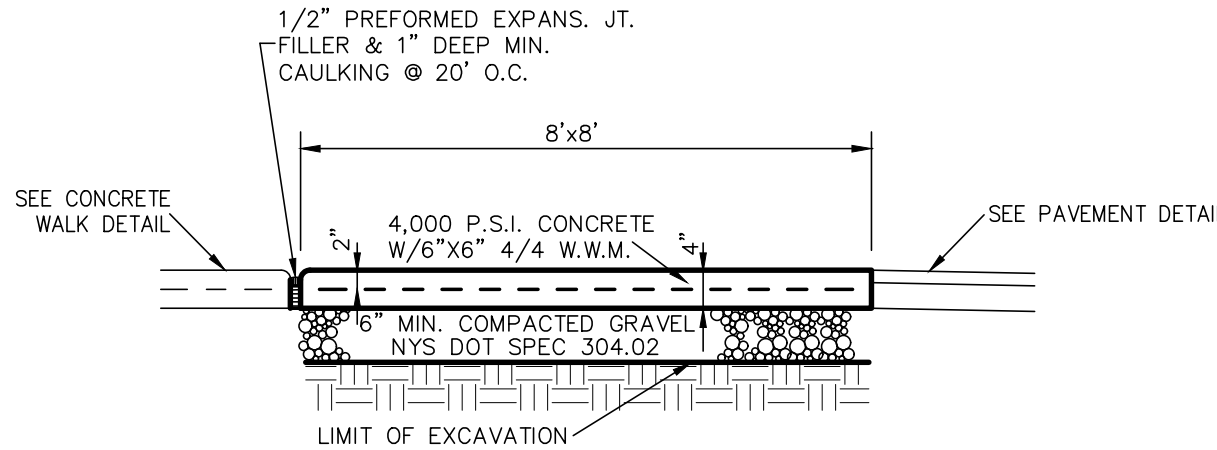
NEW GRANITE CURB DETAIL
NOT TO SCALE



STAMPED CONCRETE DETAIL
NOT TO SCALE



PROPOSED MONUMENT SIGN
NOT TO SCALE

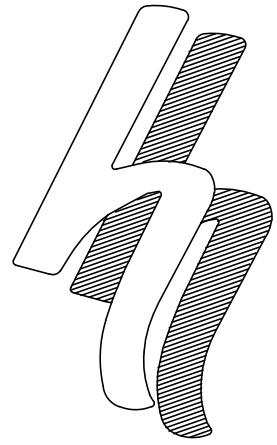


CONCRETE PAD FOR PORTABLE TOILET DETAIL
NOT TO SCALE

TOWN OF NISKAYUNA APPROVAL

PLANNING BOARD CHAIRMAN	DATE
TOWN ENGINEER	DATE

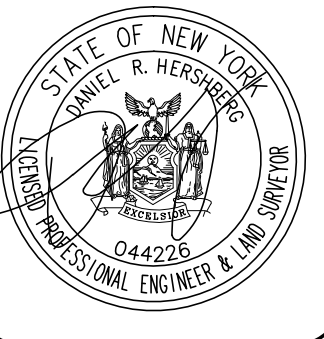
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HERSHBERG
&
HERSHBERG
Consulting Engineers
and Land Surveyors

18 Locust Street
Albany, New York 12203

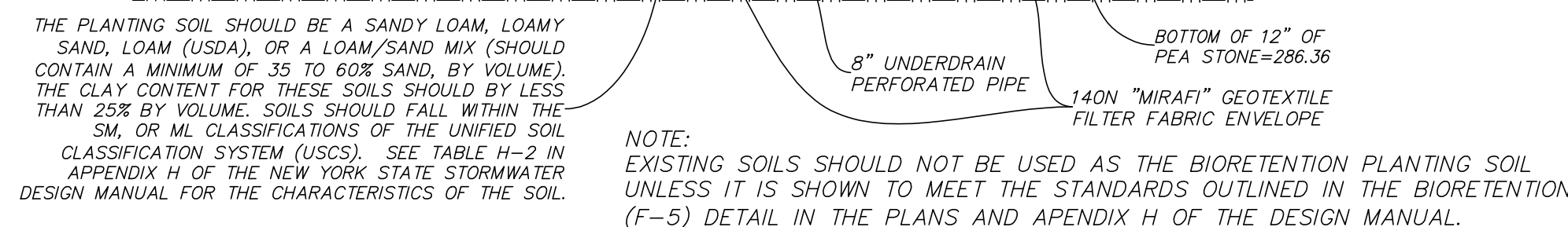
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REVISIONS	DATE	REMARKS
1	8/29/19	SITE PLAN REVISIONS

SITE DETAILS FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044
SCALE: AS NOTED
BY: MLW
CHK: DRH
DATE: 1/17/18
170044-2.DWG



SWPPP AREAS No. 1 & 2
WQv=3,209 C.F.
PRETREATMENT VOLUME REQUIRED
(25% OF WQv)=802 C.F.
PRETREATMENT VOLUME PROVIDED
=1,665 C.F. (DRY SWALE &
STONE DIAPHRAGM)

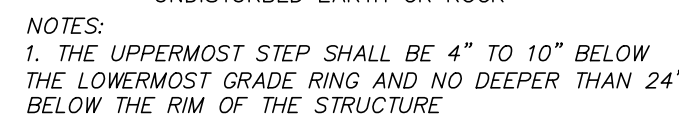


Diagram illustrating the outlet assembly for a bio-retention basin. The components shown are:

- DRAINAGE GRATE (SUBMIT SHOP DRAWINGS) IN BIO RETENTION BASIN
- FINISHED GRADE
- SOLID PVC
- PVC BELL END ADAPTER
- 6" H.D.P.E.
- GASKET
- 135° ELBOW FITTING
- 8"x6"x8" WYE
- SPLIT END CAP
- FLOW direction indicated by an arrow.

FINISH GRADE (RESTORE TO MATCH ADJACENT GRADE)

SAW-CUT ALL EXISTING PAVED AREAS AS REQUIRED

SUITABLE GRANULAR MATERIAL FROM EXCAVATION OR TRENCH BACKFILL COMPACTED IN 6" LAYERS (MAXIMUM)

12" MIN.

1/2 O.D.

6" MIN.

PIPE

PROVIDE SHEETING OR SLOPE TRENCH WALLS AS REQUIRED BY STATE OR FEDERAL CODES

SELECT GRANULAR TRENCH BACKFILL SAND—NYSDOT SPEC. 203-3.15

BEDDING MATERIAL—CRUSHED STONE 6" COMPACTED CRUSHED STONE NYS DOT SPEC 703-0201, TABLE 703-4, SIZE 1A

O.D. + 2'-0"

Diagram illustrating the dimensions and materials for a sand trap:

- Top width: 5' WIDE
- Side slope: 4" TO 12"
- Bottom width: 3"
- Height: 1'
- Material: MIRAFI 500X OR EQUAL
- Fill: LIGHT STONE FILL (NYSDOT ITEM 620.03)

OVERFLOW RIP-RAP CHANNEL

2.0'

4.0'

2.50'

2.0'

0.50'

GEOTEXTILE FABRIC
"MIRAFIX 500X",
TYPICAL

6" INLET PIPE
l=289.13

0.50'

AS REQUIRED

0.66'

ORIFICE
6"ø l=291.00

0.50'

INLET PIPE

5"ø l=288.80

ORIFICE

4"ø l=288.50

ORIFICE

2.5"ø l=286.36

2.00'

12" OUTLET PIPE

OUTLET ELEVATION
l=286.36

INLET ELEVATION
l=289.36

[illegible]

TOWN OF NISKAYUNA APPROVAL

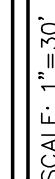
PLANNING BOARD CHAIRMAN

DATE

TOWN ENGINEER

DATE

FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION



TEMPORARY EROSION AND SEDIMENT CONTROL NOTES

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE JULY 2016 "NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL" (aka: THE BLUE BOOK) EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
2. IT IS THE INTENT OF THESE PLANS AND NOTES TO BE USED AS A GUIDE BY THE CONTRACTOR TO ENSURE THAT NO ERODED MATERIAL MIGRATES FROM THE SITE OR ENTERS ANY WATER COURSE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT THIS GOAL IS MET, BY IMPLEMENTING THESE PLANS AND ANY ADDITIONAL MEANS THAT MAY BE NECESSARY. FURTHER MEASURES MAY BE REQUIRED BY THE CITY, VILLAGE, OR TOWN ENGINEER, WHILE MANY OF THE EROSION CONTROL DETAILS CONTAINED WITHIN THESE PLANS ARE TAKEN DIRECTLY FROM THE BLUE BOOK, THE CONTRACTOR SHOULD CONSIDER ANY OF THE DETAILS CONTAINED IN THE JULY 2016 NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL AS ACCEPTABLE PRACTICE IN THE APPROPRIATE APPLICATION.
3. THE DEVELOPER/CONTRACTOR OR HIS BUILDER SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES WEEKLY AND AFTER EACH RAINFALL EVENT THROUGHOUT THE ENTIRE DEVELOPMENT PROCESS, TO ASSURE PROPER FUNCTION. SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REPAIRED, EXTENDED, REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION. ALL SEDIMENT ACCUMULATED SHALL BE REMOVED AND CONTAINED IN APPROPRIATE SPILL AREAS. WATER SHALL BE APPLIED TO NEWLY SEEDD AREAS AS NEEDED UNTIL GRASS COVER IS WELL ESTABLISHED. DURING THESE PERIODIC INSPECTIONS, THE FOLLOWING ITEMS SHOULD BE PAID PARTICULAR ATTENTION:
 - A. THE BASIN INLET LOCATIONS SHALL BE INSPECTED FOR SILT ACCUMULATION CAUSED BY THE LACK OF ESTABLISHED SURROUNDING VEGETATION.
 - B. CATCH BASINS SHALL BE CHECKED FOR SEDIMENT ACCUMULATION.
 - C. RIP-RAP OUTLET PROTECTION SHALL ALSO BE CHECKED FOR SEDIMENT ACCUMULATION. IF SIGNIFICANT AMOUNTS OF SEDIMENT ACCUMULATE, RIP-RAP SHALL BE REMOVED AND REPLACED.
 - D. STONE CHECK DAMS AND SILT FENCING SHALL BE INSPECTED REGULARLY FOR UNDERMINING AND DETEIORATION.
 - E. SEEDD/MULCHED AREAS SHALL BE INSPECTED REGULARLY TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHALL BE REPAIRED AS NECESSARY.
4. EROSION CONTROL DEVICES SHALL NOT BE REMOVED UNTIL THE CITY, VILLAGE OR TOWN ENGINEER HAS APPROVED FINAL STABILIZATION.
5. STONE CHECK DAMS AND SILT FENCE SHALL BE INSTALLED IN ACCORDANCE WITH PLAN AND DETAIL LOCATIONS AND AS DESCRIBED IN GP-0-15-002.
6. PRIOR TO CONSTRUCTION OF ANY PHASE, THE STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED.
7. CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES. EQUIPMENT SHALL NOT OPERATE, UNNECESSARILY.
8. EXISTING PAVEMENT AREAS SHALL BE CLEANED AT THE DIRECTION OF THE CITY, VILLAGE, OR TOWN ENGINEER.
9. WATER TRUCKS SHALL BE USED TO MINIMIZE DUST POLLUTION ON SITE, AND ON ADJACENT ROADWAYS ROADWAY AREAS AS DIRECTED BY THE CITY, VILLAGE, OR TOWN ENGINEER.
10. ANY WATER PUMPED AS A RESULT OF DEWATERING ACTIVITIES SHALL BE PUMPED INTO A DEWATERING PIT.
11. CONCRETE WASHOUT AREAS SHALL BE DESIGNATED BY THE DESIGN ENGINEER AND PROTECTED IN ACCORDANCE WITH GP-0-15-002.
12. ALL AREAS DISTURBED IN THE CONSTRUCTION PROCESS SHALL BE RE-SEEDD AS SOON AS PRACTICABLE. PARTICULAR CARE SHALL BE TAKEN TO RE-SEED DISTURBED SLOPES IN A TIMELY MANNER.
13. IT IS RECOMMENDED THAT ALL EROSION CONTROL DEVICES BE PLACED FOR THE ENTIRE PHASE AS SHOWN ON THE EROSION CONTROL PLAN. PLACEMENT MAY BE DONE, HOWEVER, TO SUIT CONSTRUCTION SEQUENCING AS APPROVED BY THE CITY, VILLAGE, OR TOWN ENGINEER.
14. STOCK PILES SHALL BE PROTECTED BY A SEDIMENT CONTROL FENCE OR TEMPORARY SEDIMENT CONTROL TRENCH PER GP-0-15-002. THESE FENCES/TRENCHES SHALL BE MAINTAINED IN GOOD CONDITION UNTIL SAID STOCK PILES ARE REMOVED AND STOCK PILING AREAS ARE PERMANENTLY STABILIZED.
15. STOCK PILES SHALL BE SEEDD UPON SUSPENSION OF WORK OR IF MATERIAL IS NOT TO BE USED WITHIN 14 DAYS, IN ACCORDANCE WITH GP-0-15-002.
16. IN NO CASE SHALL ERODIBLE MATERIALS BE STOCKPILED WITHIN 25 FEET OF ANY DITCH, STREAM OR OTHER SURFACE WATER BODY.
17. SILT FENCING SHALL BE INSTALLED AT THE DOWN GRADIENT PERIMETERS OF ALL SLOPES TO BE GRADED, PRIOR TO GRADING OPERATIONS.
18. SEDIMENT STILLING BASINS SHALL BE UTILIZED TO PREVENT OFF SITE EROSION.
19. THE STORMWATER DETENTION PONDS AND CUT-OFF SWALES SHALL BE COMPLETED PRIOR TO CONSTRUCTION OF ADJACENT AREAS.
20. WHERE NECESSARY, TEMPORARY GRADING WILL BE REQUIRED TO ROUTE STORMWATER TO CUT OFF SWALES AND DETENTION PONDS.
21. UPON INSTALLATION OF ANY CATCH BASIN, INSTALL EXCAVATED DROP INLET PROTECTION. THIS SHALL REMAIN UNTIL THE DRAINAGE AREA IS STABILIZED.
22. PRIOR TO ANY CONSTRUCTION ALL FEDERAL JURISDICTIONAL WETLANDS SHALL BE FIELD LOCATED AND DELINEATED WITH SILT FENCING AND ORANGE CONSTRUCTION FENCE. THE ORANGE FENCING SHALL BE INSTALLED AT THE ESTABLISHED WETLAND BUFFER LINE, AND THE SILT FENCE SHALL BE LOCATED BETWEEN THE BUFFER AND THE JOB SITE.
23. CLEARING OPERATIONS SHALL BE LIMITED TO ACTIVE WORK AREAS.
24. CARE SHALL BE TAKEN TO PRESERVE AS MUCH EXISTING VEGETATION AS POSSIBLE AND HEALTHY TREES OF DESIRABLE SPECIES SHALL BE PROTECTED.
25. RIP-RAP OUTLET PROTECTION: RIP-RAP SHALL BE PROVIDED AT CULVERT LOCATIONS AS INDICATED ON THESE DRAWINGS. THE RIP-RAP SHALL PROTECT SIDE SLOPES FROM EROSION, AND SHALL BE ESTABLISHED AS THE CULVERT IS INSTALLED.
26. STORM INLET PROTECTION: IMMEDIATELY FOLLOWING COMPLETION OF ANY AND ALL OF THE PROPOSED STORM DRAIN INLETS, STORM DRAIN INLET PROTECTION SHALL BE CONSTRUCTED. THIS PROTECTION SHALL FUNCTION TO PREVENT SEDIMENT ENTRANCE INTO THE STORM DRAINS. PROTECTION SHALL BE MAINTAINED IN GOOD CONDITION UNTIL THE DRAINAGE AREAS HAVE BEEN PERMANENTLY STABILIZED.
27. STONE CHECK DAMS SHALL BE PROVIDED AT ALL STORMWATER OUTLETS UNTIL VEGETATION HAS BEEN STABILIZED.
28. REOP (ROLLED EROSION CONTROL PRODUCT) SHALL BE JUTE OR EXCELGRASS MATTING PROVIDE 4' MIN TOPSOIL, AND SEED WITH KENTUCKY BLUEGRASS, CREEPING RED FESCUE AND PERENIAL RYGRASS AT A RATE OF 25, 20 AND 10 LBS PER ACRE RESPECTIVELY.
29. EROSION AND SEDIMENT CONTROL MEASURES SHALL INCLUDE A SWPPP MONITORING PROFESSIONAL AS WELL AS COORDINATION WITH MUNICIPALITY OFFICIALS IN ADDITION TO INSPECTION ROLES OF CONTRACTOR AND/OR SITE CONTRACTOR.

EROSION AND SEDIMENT CONTROL NOTES

1. THIS PROJECT IS AUTHORIZED UNDER NYSDEC SPDES GENERAL PERMIT GP-0-15-002.
2. ANY CONTRACTOR INVOLVED IN EARTHWORK ACTIVITIES, INCLUDING BUT NOT LIMITED TO, CLEARING, GRADING AND TRENCHING, SHALL REVIEW ALL PERMIT CONDITIONS AND CERTIFY UNDERSTANDING OF THESE CONDITIONS, IN WRITING. IT IS THE CONTRACTOR'S RESPONSIBILITY TO IMPLEMENT ALL EROSION CONTROL MEASURES DESCRIBED IN GP-0-15-002, AND IT IS NOT THE INTENT OF THESE DRAWINGS TO REPLACE OR DISSEMINATE THE PERMIT REQUIREMENTS. THE CONTRACTOR SHALL REMAIN IN COMPLIANCE WITH THE PERMIT AT ALL TIMES.
3. AT NO TIME, SHALL MORE THAN FIVE (5) ACRES REMAIN UNSTABILIZED. THE CONTRACTOR SHALL COORDINATE EARTHWORK ACTIVITIES AND IMPLEMENTATION OF SOIL STABILIZATION MEASURES TO ENSURE COMPLIANCE TO THIS PERMIT REQUIREMENT.
4. THE CONTRACTOR SHALL MAINTAIN A CLEAN CONSTRUCTION AND EQUIPMENT ENTRANCE WHENEVER PRACTICABLE.
5. DISTURBED AREAS SHALL BE STABILIZED WITHIN 14 DAYS OF COMPLETION OR SUSPENSION OF GRADING OPERATIONS.
6. INSTALL TEMPORARY & PERMANENT SEEDING IN ACCORDANCE WITH THE JULY 2016 NEW YORK GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL, STANDARD AND SPECIFICATION FOR TEMPORARY CONSTRUCTION AREA SEEDING PAGE 4.58 AND FOR MULCHING PAGE 4.39.
7. INSTALL PERMANENT RIP-RAP AT ALL PIPE END SECTIONS AT TIME OF INSTALLATION OF PIPE.
8. DURING EXCAVATION OF TEMPORARY SEDIMENT BASIN, FIELD VERIFY A MINIMUM OF 2' SEPARATION DISTANCE FROM GROUND WATER ELEVATION TO SURFACE SAND FILTERS WITH AN IMPERMEABLE BOTTOM AND 3' WITH A PERMEABLE BOTTOM. NOTIFY ENGINEER IMMEDIATELY IF THESE MINIMUM SEPARATION REQUIREMENTS DO NOT EXIST FOR ALTERNATIVE MEANS OF STORMWATER POLLUTION PREVENTION.
9. SEE REMAINDER OF PLANS FOR PERMANENT IMPROVEMENTS. PERMANENT IMPROVEMENTS SHOWN ON THIS PLAN ARE FOR REFERENCE ONLY.
10. PAVED AREAS ARE TO BE SWEEP DAILY TO REMOVE ANY SEDIMENT AND ALL NEWLY PAVED AREAS SHALL BE DIRECTED TO THE TEMPORARY OR FINAL SEDIMENT CONTROL BASINS.

EXISTING LEGEND

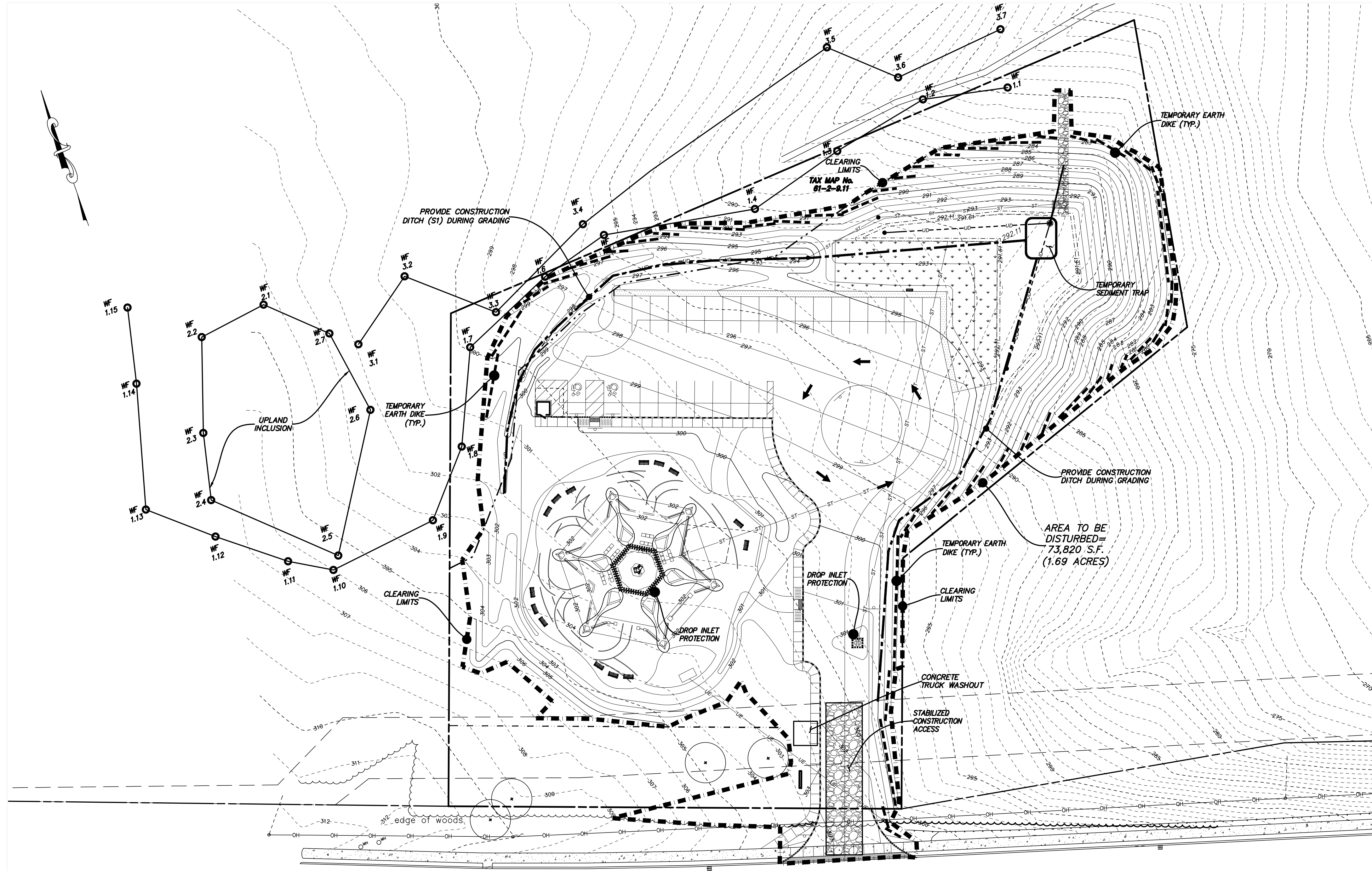
R.O.W.	RIGHT OF WAY	MONUMENT
ENC.	ENCROACHMENT	IRON ROD
P.O.B.	POINT OF BEGINNING	MANHOLE
S.F.	SQUARE FEET	CATCHBASIN
N/Y	NOW OR FORMERLY	SIGN
FL	FEET	BOLLARD
Dip	DEGREE	FENCE LINE
R	RECORD	GUARD RAIL
M	MEASURED	OVERHEAD WIRE, UTILITY POLE & CUT WIRE
N	NORTH	WATER SHUT OFF
S	SOUTH	WATER VALVE
E	EAST	HYDRANT
W	WEST	GAS VALVE
TEL	TELEPHONE	STREET LIGHT
ELC	ELECTRIC	LIGHT POLE
L	LIBER	CONCRETE
P	PAGE	PAVEMENT

PROPOSED LEGEND

PROPOSED LIGHT POLE
PROPOSED BOLLARD
PROPOSED SHRUB OR TREE
NEW STORM SEWER
NEW UNDERGROUND ELECTRIC
PROPOSED CONTOURS
NEW PAVEMENT AND PAVEMENT MARKINGS
NEW CATCH BASIN
LIMITS OF CLEARING

EROSION AND SEDIMENT CONTROL LEGEND

PROPOSED SEDIMENT CONTROL FENCE
PROPOSED PIPE OUTLET SEDIMENT TRAP
PROPOSED DROP INLET PROTECTION
PROPOSED TEMPORARY SWALE



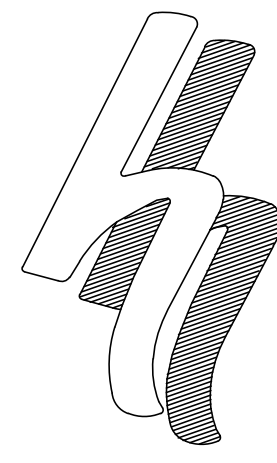
TROY SCHENECTADY ROAD
(PUBLIC R.O.W. VARIES)

EROSION AND SEDIMENT CONTROL PLAN

SCALE: 1"=30'

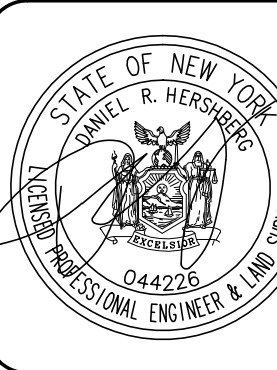
TOWN OF NISKAYUNA APPROVAL	
PLANNING BOARD CHAIRMAN	DATE
TOWN ENGINEER	DATE

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Consulting Engineers and Land Surveyors
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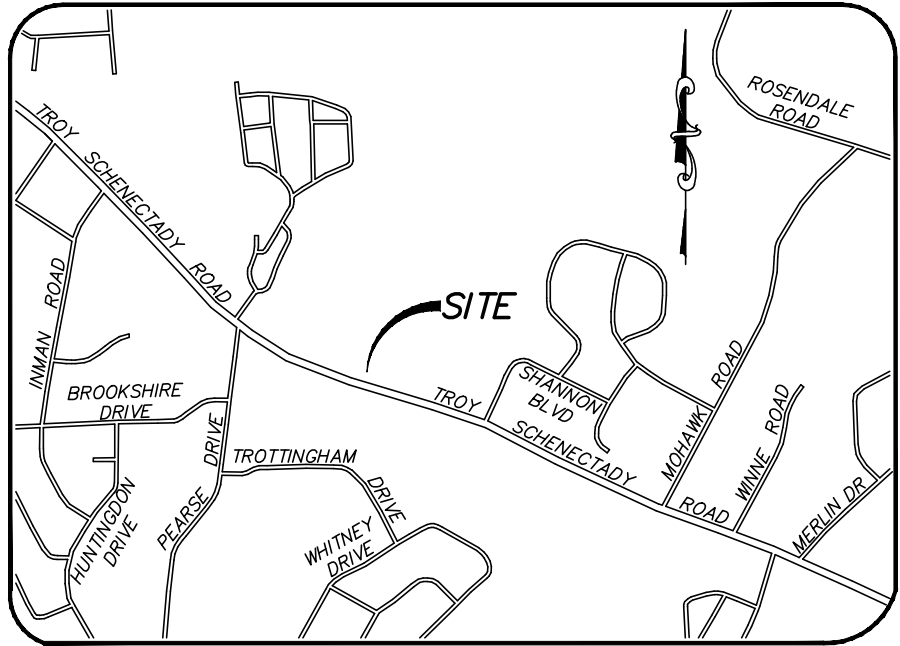
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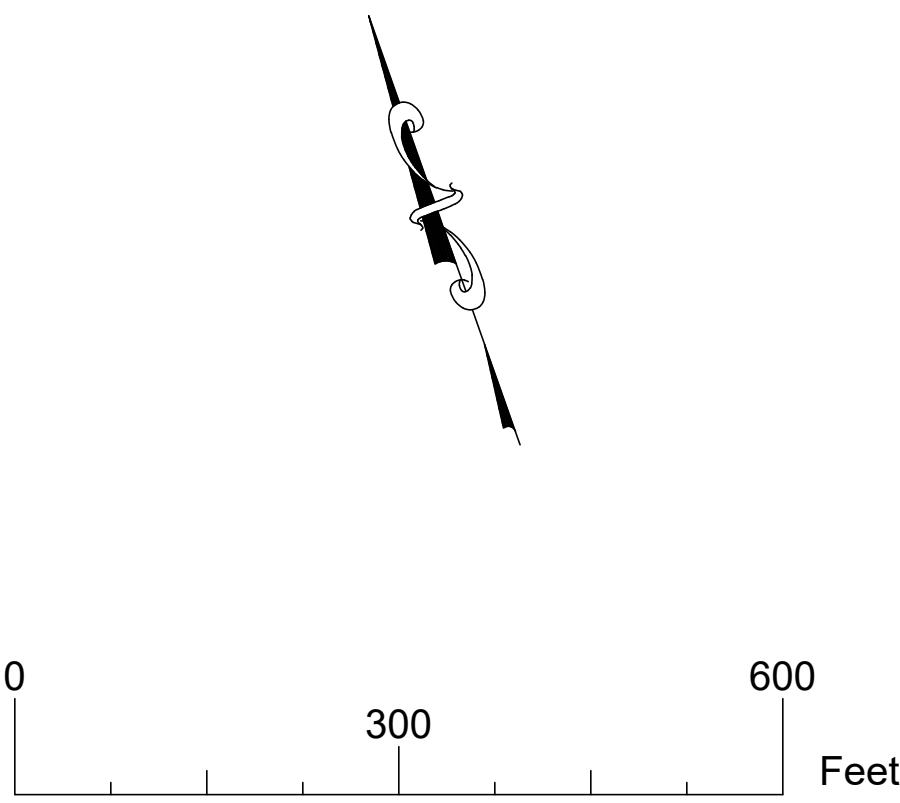
DATE	REVISIONS
9/29/19	SITE PLAN REVISIONS
9/12/19	COORDINATION WITH SWPPP
12/16/19	SEWALK TO RT 7

EROSION AND SEDIMENT CONTROL PLAN FOR
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044 SCALE: 1"=30' DATE: 5/1/17 CHK: DRH BY: MLW



VICINITY MAP
MAP NOT TO SCALE



SUBDIVISION MAP STANDARD NOTES

- GENERAL NOTES**

 - BY ISSUANCE OF A BUILDING PERMIT, THE TOWN OF NISKAYUNA DOES NOT ASSUME ANY LIABILITY FOR STORM WATER DAMAGE BY GENERAL APPROVAL OF THESE PLANS. THE OWNER MUST ASSUME ANY AND ALL LIABILITIES FOR DAMAGE CLAIMED ARISING OUT OF INCREASED STORM WATER FLOW.
 - ALL ON-SITE SANITATION AND WATER SUPPLY FACILITIES SHALL BE DESIGNED TO MEET THE MINIMUM SPECIFICATIONS OF THE STATE DEPARTMENT OF HEALTH.
 - **SOIL EROSION AND SEDIMENT CONTROL MEASURES**
 - DAMAGE TO SURFACE WATERS RESULTING FROM EROSION AND SEDIMENTATION SHALL BE MINIMIZED BY STABILIZING DISTURBED AREAS AND BY REMOVING SEDIMENT FROM CONSTRUCTION SITE DISCHARGES.
 - INsofar AS PRACTICABLE, EXISTING VEGETATION SHALL BE PRESERVED.
 - SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISRUPTION.
 - PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "ROUTES OF CONVENIENCE" SHALL BE AVOIDED.
 - CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES, AND SHALL NOT OPERATE UNNECESSARILY WITHIN WATERWAYS OR DRAINAGE DITCHES.
 - **MAINTENANCE OF EROSION CONTROL MEASURES**
 - THE DEVELOPER/CONTRACTOR OR HIS BUILDER SHALL INSPECT AND MAINTAIN THE INTEGRITY AND FUNCTION OF ALL TEMPORARY EROSION CONTROL MEASURES THROUGHOUT THE DURATION OF THE DEVELOPMENT PROCESS. TO ASSURE PROPER FUNCTION, SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, EXTENDED, REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION. ALL ACCUMULATED SEDIMENT SHALL BE REMOVED AND CONTAINED IN APPROPRIATE SPOIL AREAS. WATER SHALL BE APPLIED TO NEWLY SEEDED AREAS AS NEEDED UNTIL GRASS COVER IS WELL ESTABLISHED.
- TREE PRESERVATION POLICY**

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

GRADING NOTES

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

LEGEND

■ ■ ■ ■ ■ ZONING LINE

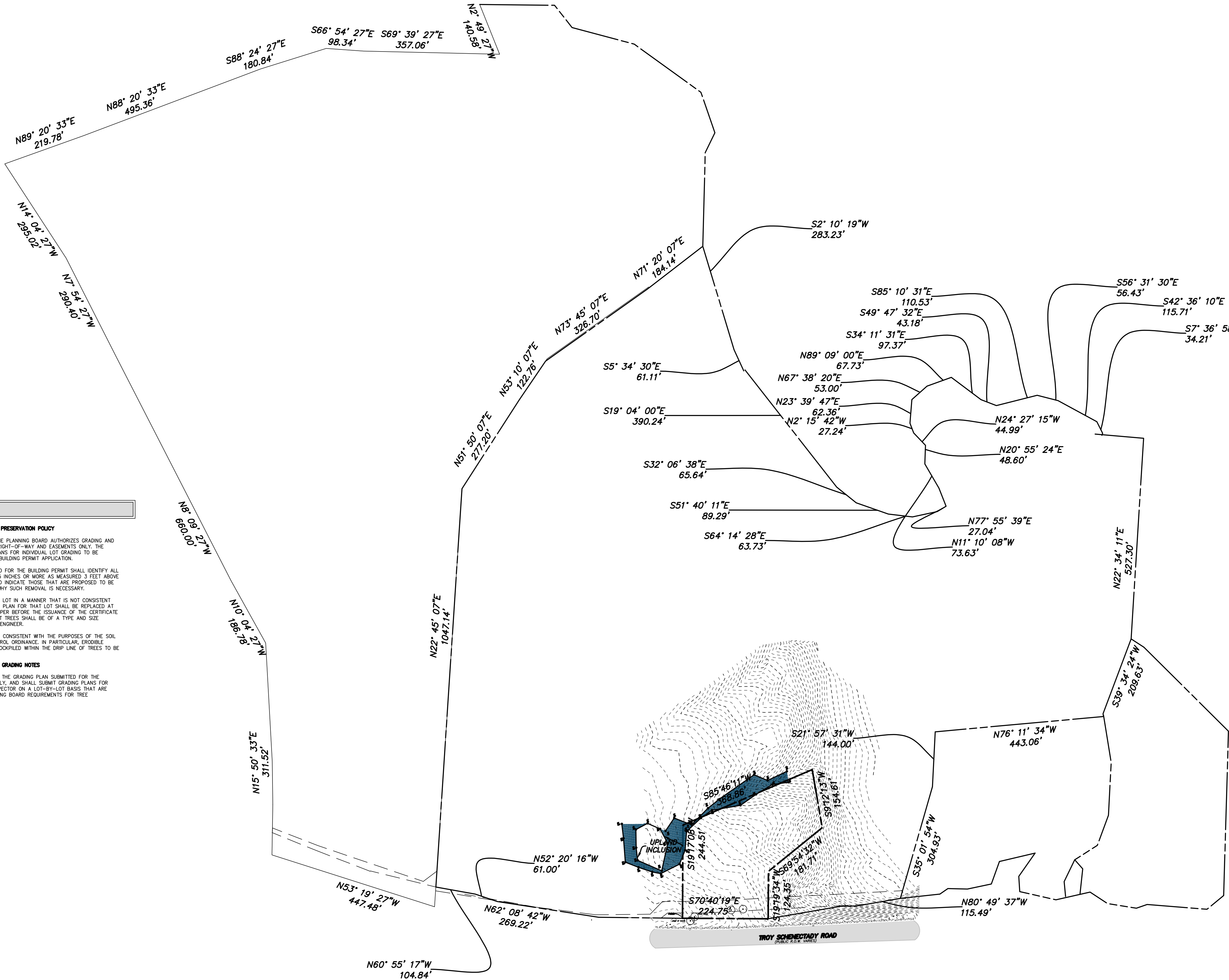
--- PROPERTY LINE

OWNER

CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL, LLC
17 JOHNSON ROAD, LATHAM, NY 12110

SUBDIVIDER

MOST HOLY REDEEMER
2501 TROY SCHENECTADY ROAD, SCHENECTADY, NY 12309



DOES NOT AFFECT:
1528794 NIMO
1531.178 UTILITY
1531.396 UTILITY
1531.428 UTILITY
1675.710 UTILITY

NO LOCATION:
1276.7 UTILITY
1061.99 SEWER
11527.265 SEWER

TOWN OF NISKAYUNA APPROVAL

PLANNING BOARD CHAIRMAN	DATE
TOWN ENGINEER	DATE

HERSHBERG & HERSHBERG
Consulting Engineers and Land Surveyors
18 Locust Street
Albany, New York 12203

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, IS ILLEGAL.

DATE	REMARKS	REVISIONS

PROPOSED SUBDIVISION
CAPITAL DISTRICT JEWISH HOLOCAUST MEMORIAL
2501 TROY SCHENECTADY ROAD
TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, STATE OF NEW YORK

FILE: 170044 SCALE: 1"=30' BY: MLW CHK: DRH DATE: 2/6/18

010



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 4

MEETING DATE: 10/24/2022

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

PROJECT LEAD: TBD

APPLICANT: Alex Ritmo, owner

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

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

BACKGROUND INFORMATION

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

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

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

The Town of Niskayuna reviewed the application and determined that the Zoning Board of Appeals granted a use variance for the site plan application as written and the approval specific

to the existing building does not extend to any future buildings on the property. Therefore the Planning Department will deny the site plan application and the applicant will need to return to the Zoning Board of Appeals for a second use variance request.

The applicant is before the Board this evening to present the project and answer any questions that arise. The Planning Board will need to make a recommendation to the Zoning Board on the potential use variance after some initial review and discussion.

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

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

Robert A. Stout Jr.
Partner
518.487.7730 phone

October 12, 2022

VIA EMAIL & HAND DELIVERY

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

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

Dear Chairman Walsh and Members of the Planning Board:

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

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

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

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

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

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

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

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

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

Very truly yours,

/s/ *Robert A. Stout*

Robert A. Stout

ATTACHMENT A

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

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

October 2, 2022

VIA EMAIL

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

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

Dear Mr Cannizzo and Mr. Hassett:

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

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

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

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

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

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

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

Very truly yours,
Rob Stout
Robert A. Stout

Enclosures

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

Attachment A

Niskayuna Zoning Board of Appeals

Use Variance Approval Letter dated October 23, 2020

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

**FILED
TOWN OF NISKAYUNA**

October 23, 2020

OCT 23 2020

Alex Ritmo
2990 Furbeck Rd
Altamont, NY 12009

**MICHELE M MARTINELLI
TOWN CLERK**

Dear Mr. Ritmo,

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

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

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

The Board based its decision on the findings of fact set forth in the applicant's appeal and the discussion between the applicant (or the applicant's representative) and the Board members during the meeting. You can view a video of the meeting at https://www.youtube.com/watch?v=dSg2z9RWL_w.

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

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

Sincerely,

Fred Goodman/LMS

Fred Goodman
Chairman

cc: Town Clerk
Building Department
ZBA File

Attachment B

Niskayuna Planning Board and Zoning Commission

Site Plan Resolution dated December 14, 2020

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

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

FILED
TOWN OF NISKAYUNA

DEC 15 2020

MICHELE M MARTINELLI
TOWN CLERK

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

The meeting was duly called to order by the Chairman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, be it hereby

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

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

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

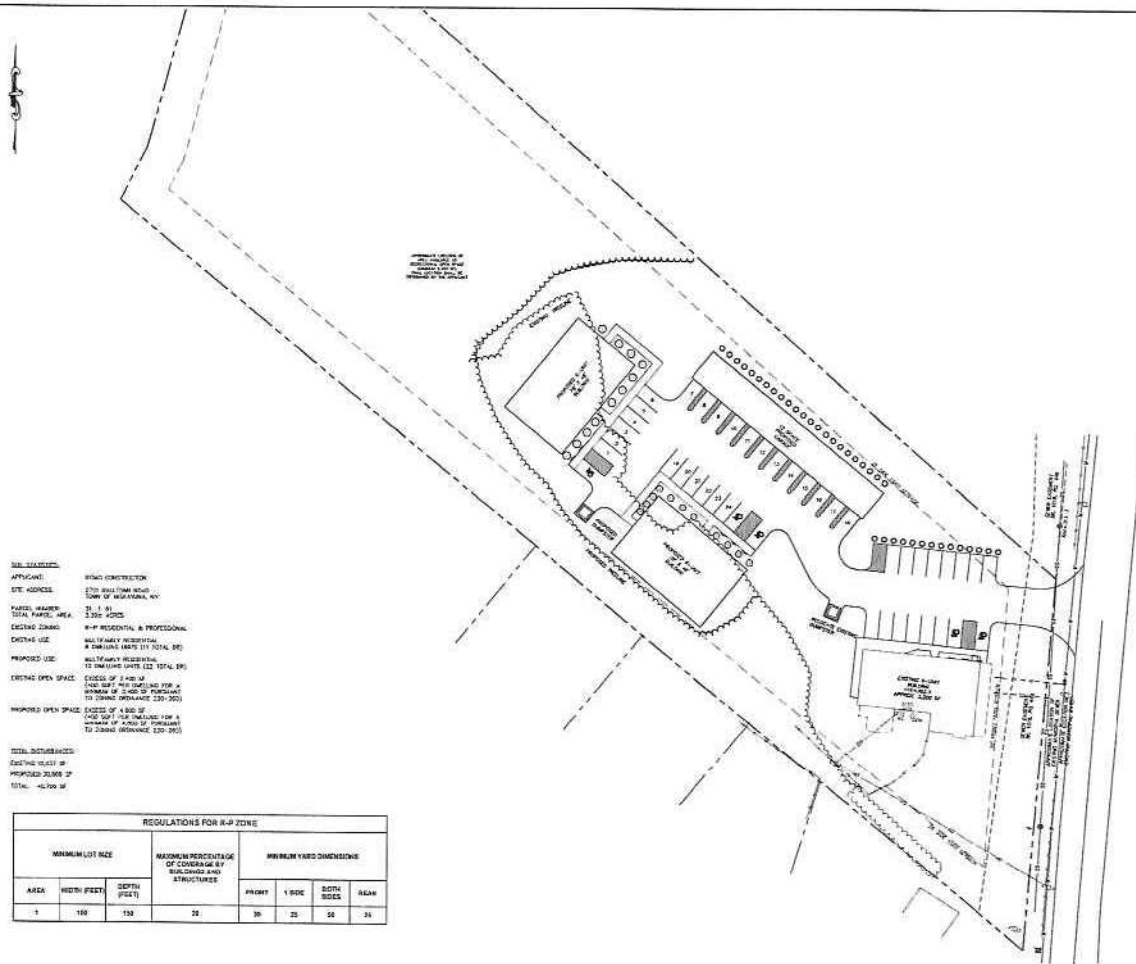
Upon roll call the foregoing resolution was adopted by the following vote:

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

The Chairman declared the same duly adopted.

Attachment C

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



ATTENTION:	WINDY CONSTRUCTION
SITE ADDRESS:	2705 MILLINGTON ROAD SOUTH OF MILWAUKEE, WI
PLANNED/HAZARDOUS TREATED/PAVED AREA:	31 ± A/C 3,300 ± ACRES
EXISTING ZONING:	R-1P RESIDENTIAL & PROFESSIONAL
EXISTING USE:	WILDLIFE RESERVATION & COWLETS 10075 (11 TOTAL BIR)
PROPOSED USE:	WILDLIFE RESERVATION
EXISTING OPEN SPACE:	120 ACRES (120 TOTAL BIR) 120 ACRES (120 TOTAL BIR)
PROPOSED OPEN SPACE:	120 ACRES (120 TOTAL BIR) 120 ACRES (120 TOTAL BIR) 120 ACRES (120 TOTAL BIR)

REGULATIONS FOR R-P ZONE							
MINIMUM LOT SIZE			MINIMUM PERCENTAGE OF COVERAGE BY BUILDINGS AND STRUCTURES	MINIMUM YARD DIMENSIONS			
AREA	WIDTH FEET	DEPTH (FEET)		FRONT	1 SIDE	BOTH SIDES	REAR
1	100	150	20	10	25	50	25

[illegible]

Attachment D

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

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

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

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

February 10, 2022

Via Email Only

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

Re: 2721 Balltown Road (the "Premises")

Dear Ms. Finan:

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

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

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

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

In the present instance, the ZBA Approval recites the nature of the underlying application that required a use variance, namely, the applicant’s request to convert a pre-existing non-conforming animal hospital/apartment building into a 6-unit apartment building. The ZBA Approval contains no limiting language, other than providing that a building/occupancy permit must be obtained within 90 days and that: “*The approval of a variance by the Board does not constitute authorization to proceed with the establishment on¹ extension of any use, nor the construction of any structure. It shall authorize the filing of an application for permits with the Building Department on approval as required by Town Code.*” The effect of this is to require that prior to proceeding with or extending the use, the applicant need obtain the requisite building and other permits required.

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

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

Very truly yours,

Rob Stout

Robert A. Stout Jr.

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

Attachment E

Building Permit Application Form



TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle

Niskayuna, New York 12309

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

Email: building@niskayuna.org

Application # _____

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

BUILDING SITE ADDRESS 2721 Balltown Road

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

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

TOTAL \$ _____

Please submit three sets of plans with this application.

APPLICANT Alex Ritmo/2721 Balltown, LLC

DAY PHONE (518) 538-0250

CHECK ONE:



CONTRACTOR



HOMEOWNER



OTHER (explain) Owner/Contractor

ADDRESS 2721 Balltown Road

CITY Niskayuna

STATE NY

ZIP 12309

EMAIL ADDRESS ritmoconstruction@gmail.com>

CONTRACTOR _____

DAY PHONE _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

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

PROPERTY OWNER 2721 Balltown, LLC

DAY PHONE (518) 538-0250

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

CITY One Commerce Plaza, Albany

STATE NY

ZIP 12260

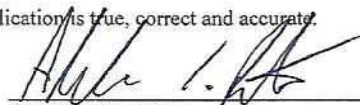
PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

Alex R. Marino
Printed Name

9/28/22
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 2721 Balltown Road

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

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

APPROVED BY _____

DATE _____

ATTACHMENT B

TOWN OF NISKAYUNA
Application for Site Plan Review

Applicant (Owner or Agent):

Name Alexander Ritmo

Address 2721 Balltown Road
Niskayuna, NY

Telephone 518-538-0250 Fax _____

Location:

Number & Street 2721 Balltown Road

Section-Block-Lot 31 - 1 - 6

Zoning District R-P District

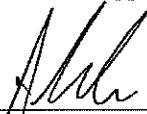
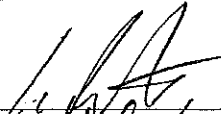
Proposal Description:

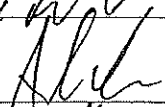
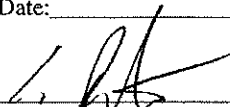
The Applicant is proposing to construct two (2) additional six 6-unit apartment buildings along with an accessory garage and associated parking on the Premises

Each site plan application shall be accompanied by:

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

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

Signature of applicant:   Date: _____

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

Date: 10/10/22

ATTACHMENT C

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

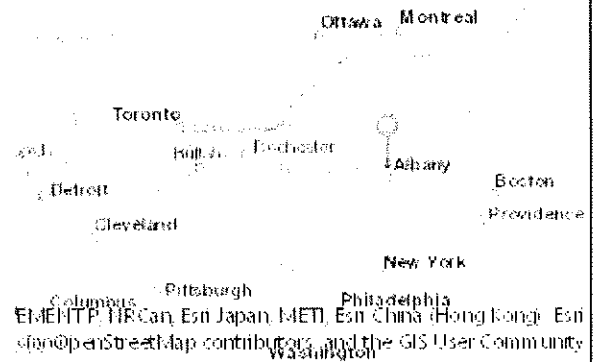
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

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

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

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

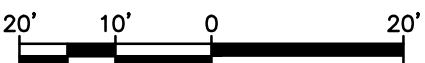
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the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



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

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

ATTACHMENT D



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BE TRUE AND VALID COPIES.

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

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

October 2, 2022

VIA EMAIL

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

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

Dear Mr Cannizzo and Mr. Hassett:

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

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

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

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

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

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

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

Very truly yours,
Rob Stout
Robert A. Stout

Enclosures

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

Attachment A

Niskayuna Zoning Board of Appeals

Use Variance Approval Letter dated October 23, 2020

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

**FILED
TOWN OF NISKAYUNA**

October 23, 2020

OCT 23 2020

Alex Ritmo
2990 Furbeck Rd
Altamont, NY 12009

**MICHELE M MARTINELLI
TOWN CLERK**

Dear Mr. Ritmo,

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

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

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

The Board based its decision on the findings of fact set forth in the applicant's appeal and the discussion between the applicant (or the applicant's representative) and the Board members during the meeting. You can view a video of the meeting at https://www.youtube.com/watch?v=dSg2z9RWL_w.

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

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

Sincerely,

Fred Goodman/LMS

Fred Goodman
Chairman

cc: Town Clerk
Building Department
ZBA File

Attachment B

Niskayuna Planning Board and Zoning Commission

Site Plan Resolution dated December 14, 2020

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

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

FILED
TOWN OF NISKAYUNA

DEC 15 2020

MICHELE M MARTINELLI
TOWN CLERK

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

The meeting was duly called to order by the Chairman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, be it hereby

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

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

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

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

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

The Chairman declared the same duly adopted.

Attachment C

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

Attachment D

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

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

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

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

February 10, 2022

Via Email Only

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

Re: 2721 Balltown Road (the "Premises")

Dear Ms. Finan:

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

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

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

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

In the present instance, the ZBA Approval recites the nature of the underlying application that required a use variance, namely, the applicant’s request to convert a pre-existing non-conforming animal hospital/apartment building into a 6-unit apartment building. The ZBA Approval contains no limiting language, other than providing that a building/occupancy permit must be obtained within 90 days and that: “*The approval of a variance by the Board does not constitute authorization to proceed with the establishment on¹ extension of any use, nor the construction of any structure. It shall authorize the filing of an application for permits with the Building Department on approval as required by Town Code.*” The effect of this is to require that prior to proceeding with or extending the use, the applicant need obtain the requisite building and other permits required.

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

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

Very truly yours,

Rob Stout

Robert A. Stout Jr.

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

Attachment E

Building Permit Application Form



TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle

Niskayuna, New York 12309

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

Email: building@niskayuna.org

Application # _____

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

BUILDING SITE ADDRESS 2721 Balltown Road

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

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ _____

Please submit three sets of plans with this application.

APPLICANT Alex Ritmo/2721 Balltown, LLC

DAY PHONE (518) 538-0250

CHECK ONE:



CONTRACTOR



HOMEOWNER



OTHER (explain) Owner/Contractor

ADDRESS 2721 Balltown Road

CITY Niskayuna

STATE NY

ZIP 12309

EMAIL ADDRESS ritmoconstruction@gmail.com>

CONTRACTOR _____

DAY PHONE _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

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

PROPERTY OWNER 2721 Balltown, LLC

DAY PHONE (518) 538-0250

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

CITY One Commerce Plaza, Albany

STATE NY

ZIP 12260

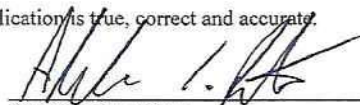
PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

Alex R. Marino
Printed Name

9/28/22
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 2721 Balltown Road

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

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

APPROVED BY _____

DATE _____