

TOWN OF NISKAYUNA
Planning Board and Zoning Commission

Agenda

October 2, 2023

7:00 PM

REGULAR AGENDA MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. Sept. 11, 2023

IV. PUBLIC HEARINGS

V. PRIVILEGE OF THE FLOOR

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. RESOLUTION: 2023 – 20: A Resolution for site plan approval for a lot line adjustment between 1900 Union St. and 1854 Union St.

VIII. DISCUSSION ITEMS

1. 2890 River Rd. – A sketch plan application for a 4-lot subdivision
2. 400 Balltown Rd. – A site plan application for a tenant change to a Milan Hair Removal Treatment Center.
3. 2331 Troy-Schenectady Rd. – A site plan application for a tenant change to The Heritage Group Inc. – an insurance agency.
4. 2321 Nott St. E. – A site plan application for a tenant change to Albright's Meat and Company – a local eatery of hot and cold hand sliced sandwiches on artisanal bread.

IX. REPORTS

X. COMMISSION BUSINESS

XI. ADJOURNMENT

NEXT MEETING: Oct. 16, 2023 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
September 11, 2023

Members Present:

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

Also Present:

Laura Robertson, Town Planner
Alaina Finan, Town Attorney
Clark Henry, Assistant Planner (virtual)
Trisha Bergami, Planning Department

I. CALL TO ORDER

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

II. ROLL CALL

All present

III. MINUTES

1. August 28, 2023

Mr. McPartlon made a motion to approve the Minutes from the 8/14/23 meeting. Ms. Gold seconded.
All were in favor with the exception of Mr. Skrebutenas who abstained.

IV. PUBLIC HEARINGS

No public hearings tonight.

V. PRIVILEGE OF THE FLOOR

Chairman Walsh asked if there was anyone in the audience or virtually who wished to speak tonight.
Hearing no comments, Chairman Walsh closed Privilege of the Floor.

VI. UNFINISHED BUSINESS

No unfinished business

VII. NEW BUSINESS

1. RESOLUTION: 2023 – 19: A Resolution for site plan approval for a 55-unit apartment building containing 2,000 sq. ft. of mixed-use commercial space and a 3,000 sq. ft. commercial space outbuilding at 2837 Aqueduct Rd. – Rivers Ledge Sr. Center.

Chairman Walsh read Resolution 2023-19 into the minutes.

Mr. LaFlamme made a motion to adopt, it was seconded by Mr. Khan.

Mr. Khan asked for clarification of number three in the approval conditions as to drainage patterns. Ms. Robertson said the CAC was concerned about the permit that Luizzi received to move the stream that runs through the property right now. They wanted to make sure when it is re-routed - it was taken into consideration that the flow could theoretically increase with the increase in intensity of storms.

Mr. Steenburgh said they added the following setback dimensions to the garages: 11.2 feet on the west side of the garage and 6.1 feet on the east side of the garage. Mr. Steenburgh said they added a drop off zone in the front of the building, with a 15 minute parking allowance, for loading and unloading of vehicles per the Planning Board request. Mr. Steenburgh also mentioned that the wetlands on the site are deed restricted for no further development per the ACOE permit requirements.

Ms. Robertson said the CAC had mentioned that shade is necessary along the bike path. The CAC would like planting of trees that will get big and create shade for future bike path users.

Ms. Robertson said she wanted it on record that if the parking spaces were uncovered, they would be allowed to be five feet from the lot line but because the Planning Board requested that the parking spaces be covered, as a necessary amenity for a senior building, they are allowing the parking structures to be 6.1 feet from the lot line. She said it is a unique set of circumstances specific to this planned unit development and the evolution of the building and parking on the parcel, but she feels it is a better outcome to cover the parking and provide that amenity to future residents since the parking could not be put underground. Chairman Walsh concurred with that assessment of the reason for the accessory structure setbacks.

Ms. Gold said she is still disappointed that the garages are not under the buildings, but she does feel it is a workable compromise. She agreed with Ms. Robertson's statements.

Hearing no further discussion, Chairman Walsh asked for Ms. Robertson to call for the vote. Roll call was as follows:

Mr. LaFlamme Aye

Mr. Skrebutanas Aye

Mr. Khan Aye

Mr. McPartlon Aye

Mr. D'Arpino Aye

Ms. Gold Aye

Chairman Walsh Aye

Chairman Walsh stated that the resolution was adopted

Ms. Robertson reiterated to the applicant that the Engineering Department asked for them to chlorinate the water line so it can be deeded over to the Town.

2. RECOMMENDATION TO ZBA: 1900 Union St. / 1854 union St. – A
Recommendation to the ZBA for a lot line adjustment between 1900 Union St. and 1854 Union St. requiring area variances for a 6' high fence and accessory structure (garage) in the front yard of 1854 Union St.

80 Ms. Gold is project lead on this project.

81 Ms. Gold stated this issue came about because this lot line adjustment makes one of the properties a new
82 through lot. Ms. Gold feels that the through lot in this instance is the best thing for the Town and the
83 neighbors. It serves as a backyard now and it will still serve as a backyard with the lot line adjustment.
84 She does not like the idea of retaining a thin buffer to Route 7 as it can cause problems for property
85 owners in the future.

86 Chairman Walsh stated there are three questions that need to be asked for a recommendation to the
87 Zoning Board of Appeals. He asked Ms. Gold if there was an effect on the Comprehensive Plan.

88 Ms. Gold stated she doesn't feel there is any effect on the Comprehensive Plan. The property use isn't
89 changing and the building and fence already existed. The only result will be more reasonable lot lines.

90 Chairman Walsh called for all in favor. The Board voted unanimously there was no effect on the
91 Comprehensive Plan.

92 Chairman Walsh asked Ms. Gold about the suitability of use. Ms. Gold believes it is suitable as proposed
93 and it will make the two lots more compatible and consistent with the Town code.

94 Chairman Walsh added that it makes the lot at 1854 Union Street dimensionally compliant with the R-1
95 Zoning District. It has no impact on the neighbors. He doesn't feel it is precedent setting because of the
96 unique location between two major arterials. It will result in a more regular lot line shape which is
97 encouraged in the Comprehensive Plan versus leaving a small strip along the back of 1854 Union Street.
98 Chairman Walsh stated he thinks this is the best alternative to achieve the lot line change.

99 Ms. Gold also stated the portion along Route 7 is pretty much wooded.

100 Chairman Walsh said the recommendation is that it is suitable for the area variances and our
101 recommendation is suitability. He called for a vote. All were in favor.

102 Chairman Walsh asked Ms. Gold for the recommendation to the ZBA. Ms. Gold recommended they
103 approve the variances as written. Chairman Walsh asked all those in favor, all were in favor. He stated the
104 recommendation will be documented by the Planning Department and will go forward to the Zoning
105 Board of Appeals.

106 Mr. Foreman of 1900 Union Street thanked everyone for their time.

107 **VIII. DISCUSSION ITEMS**

108

109 1. 2890 River Rd. – A sketch plan application for a 4-lot subdivision

110 Mr. McPartlon and Mr. Khan are project leads on this project.

111 Mr. McPartlon said he feels that dealing with upstream storm water impacts is the utmost concern for the
112 Board. He stated that he and Mr. Khan toured the site last week with Mr. Lucy and Mr. Roman. Mr.
113 McPartlon said he feels the wetland on this property seems to be a collector for water as far as Iroquois
114 and Rosendale Schools. He said it seems to travel through the one neighbor's backyard. (Tiberio - 8
115 Seneca Road)

116 Mr. Khan stated there is definitely something going on in that area and he feels they are going to have to
117 work with the applicant and the Town to delineate where the responsibility lies and whatever mitigation
118 needs to happen.

119 Mr. Roman and Mr. Lucy are co-developing this site. Mr. Roman stated he put together a site plan that
120 reflects what they have discussed.

121 Mr. Khan asked what degree of water mitigation will the applicant have to take on as a responsibility.

122 Ms. Robertson said the Town should collect the data that is out there from Iroquois drainage and Campo
123 Court drainage study and give to the applicant to summarize the upstream and downstream drainage. She
124 stated it was imperative to see where the water is going and how much is coming in, moving through the
125 parcel, and going down stream.

126 There was much discussion on the water in this area as well as the cul-de-sac.

127 Ms. Robertson said it will be good to have a meeting with the Engineering Department. She said the
128 Supervisor's Office has had a fair number of individuals from the town meet about the drainage issue on a
129 semi-regular basis for almost a year.

130 Mr. McPartlon said to bring this into perspective, with an application like this in an area located near a
131 Town Recreation facility in a desirable neighborhood that is an issue area as it relates to storm water, the
132 Planning Board is presented with some good opportunities to capture some easements for conservation,
133 for recreation and possibly some improvements in the way of the Town's infrastructure.

134 Mr. Roman said he needs the FOIL for Iroquois drainage so he can get the reviewer onboard and schedule
135 the Tree Council to do a walk. Mr. Roman also showed the water that doesn't drain out of the culvert on
136 the opposite side of River Road. He showed the path that leads to River Road Park. Mr. Roman said they
137 plan on cleaning up the trees and clearing it a little bit more.

138 Mr. McPartlon said the Planning Board still needs to call for a public hearing and make a SEQR
139 determination before this process can move forward. He said that the Board should give the applicant any
140 direction as to layout, the size of homes, number of homes and the arrangement. The potential for
141 sidewalk easement and an agreement or maintenance easement for drainage.

142 Ms. Robertson said she thinks it is important for the Board to have comfort that the storm water can be
143 handled prior to taking action on a site plan, but she is not sure what the Board needs to have that
144 comfort.

145 Mr. McPartlon asked if that is something they can get from the Town of Niskayuna Water and Sewer
146 Engineering Department.

147 Ms. Robertson's recommendation was to get the information to the applicant as quick as possible. Next
148 the applicant's engineer can take a look at the data and gives us his expert opinion on the feasibility of
149 subdivision. Chairman Walsh agreed with Ms. Robertson. Chairman Walsh stated they need the
150 preliminary information as well as the title issue straightened out or a letter from the owner before the
151 Board can move forward with any formal action.

152 Ms. Gold said she feels it can be worked out by Engineering, but is it financially feasible for the
153 development. She stated some engineering fixes can be very expensive.

154 Much was discussed about Seneca Road and the construction of the area related to the water issues.

155 Mr. Khan suggested that all the Board members go to Seneca Road, park in the cul-de-sac and look at the
156 road. Mr. Roman offered to walk anyone through the site. He said to let him know when and they will
157 meet at the site.

158 Chairman Walsh asked if there was anything for discussion.

159 Ms. Finan said the only thing she had to report is that Judge Powers was appointed to the Appellate
160 Division, where the case is currently pending for Balltown Road.

161 Ms. Robertson stated the 15th is the last day for early bird registration for the Planning Board training if
162 anyone is interested. She said she will finalize and send out the confirmations on Friday.

163 **IX. REPORTS**

164 No reports

165 **X. COMMISSION BUSINESS**

166 No Commission Business

167 **XI. ADJOURNMENT**

168 Ms. Gold made a motion to adjourn the meeting, Ms. Khan seconded the motion. All were in favor. The
169 meeting was adjourned at 8:28 pm.

170 *The video recording for this meeting can be found at: https://www.youtube.com/watch?v=clS_fU60IgE&list*



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 10/2/2023

ITEM TITLE: RESOLUTION: 2023-20: A Resolution for lot line adjustment between 1900 Union St. and 1854 Union St.

PROJECT LEAD: Leslie Gold

APPLICANT: Glenn Forman, Matthew Conboy, 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: Recommendation

SUMMARY STATEMENT:

Glenn Forman and Matthew Conboy, owners of 1900 Union St. and 1854 Union St., respectively have submitted an application for lot line adjustment. The lot at 1900 Union St. is currently a conforming sized lot measuring 2.4 acres with 258.61 feet of frontage. The lot at 1854 Union St. is currently a legally nonconforming lot measuring 0.4 acres with 72 feet of frontage. The proposed lot line adjustment would reduce the frontage of 1900 Union St. by approximately 30 feet from 258.61 feet to approximately 228 feet and increase the frontage of 1854 Union St. from 72 feet to 102 feet. The proposed lot line adjustment would result in 1854 Union St. becoming a conforming lot, but a through lot, and area variances would be necessary for the accessory structures.

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

At their regularly scheduled meeting on 9/20/23 the ZBA approved area variances for Niskayuna zoning code Section 220-18 A (2) (accessory structures not permitted in the front yard) and Section 220-25 B (1) (a) (maximum height of 4 ft. allowed for fences in the front and side yard).

BACKGROUND INFORMATION

A 1-page sketch entitled "Survey of Premises Known as Street No. 1900 Union Street" by Raymond A. Koch, PLS Land Surveyor dated 8/28/86 with no subsequent revisions was provided with the application. The aforementioned sketch was marked up to show the proposed adjusted lot line and entitled "Lot Line Adjustment Sketch Plan."

The table below displays the impact of the proposed lot line adjustment on the two lots.

	R-1 Zoning Code Requirement	1900 Union St. Existing	1900 Union St. After	1854 Union St. Existing	1854 Union St. After
Lot Area	0.41 ac	2.4	1.7	0.4	1.1

Frontage	100 ft.	258.61	228	72 ft.	102
Depth	125 ft.	> 228 ft.	> 228 ft.	> 246 ft.	> 300 ft.

As configured, the lot line adjustment is favorable to bring the property into conformance with bulk zoning requirements.

By creating a through lot however (frontages on both Route 7 and Union St) – all the accessory structures that are in the rear of the yard and the six foot fence become non-compliant. The applicant could work with the Planning Board on alternatives that do not create a through lot or, to keep with the Comprehensive Plan's recommendation for regularly shaped lots – the Planning Board could work with the applicant on a recommendation to the Zoning Board for an area variance.

7/24/23 Planning Board (PB) meeting – Mr. Forman attended the meeting and presented the proposed lot line adjustment project to the Board. He explained how much he loved Niskayuna, his neighborhood and his property / home. He noted that his neighbor, Matthew Conboy, has similar feelings about his property at 1854 Union St. Mr. Forman said that his intention with this lot line adjustment is to provide Mr. Forman with additional property so that his young family may better enjoy their home. He said Mr. Forman and his wife have mentioned they would like to add a pool on their property in the near future.

Ms. Robertson explained how the proposed lot line adjustment causes 1854 Union St. to become a “through lot” with fronts on both Union St. and Route 7 thereby creating two front yards. She went on to say the application would need to be denied but explained the applicants could submit an application to the Zoning Board of Appeals for variances for the six-foot high fence and accessory structures that would now be in the front yard to Route 7.

The Building and Planning Office issued the applicants a denial letter and Mr. Forman and Mr. Conboy have reviewed their options with Ms. Robertson. They submitted an application to the Zoning Board of Appeals for the 9/20/23 ZBA meeting.

9/11/23 Planning Board (PB) meeting – The PB reviewed the application to the ZBA requesting area variances for the existing garage and 6 ft. high fence at 1854 Union St. and drafted a recommendation to the ZBA to grant the variances. The Board based their recommendation on the following factors.

Effect on the Comprehensive Plan

- The Board voted 7-0 that the area variances had no effect on the Comprehensive Plan
- They noted the property use is not changing and the garage & fence already exist on the property

Suitability of Use

- The Board voted 7-0 that the proposed area variances are suitable for the area.
- They offered the following statements in support of this decision.
 - The adjusted lot will be consistent with Town code guidelines while having no impact on the neighboring properties.
 - The lot at 1854 Union St. is very unique with frontages to Union St. & Rt. 7 and therefore this decision is not precedent setting.
 - The portion of the lot that fronts Rt. 7 is heavily wooded thereby providing a visual and sound buffer to the arterial which is not expected to change.

- The proposed change will result in lots that are more regularly shaped which is a goal in the Town's Comprehensive Plan.
- The lot line adjustment associated with the area variance will result in lot at 1900 Union St. changing from a 6-sided lot to a 4-sided lot.
- This is the best choice of the available alternatives.
- An alternate option was to keep a thin strip of land of the 1900 Union St. lot fronting the entire length of the two lots along Rt. 7 which would create irregularly shaped lots.

Recommendation

- The Board voted 7-0 to recommend that the ZBA grant the variances.

9/20/23 Zoning Board of Appeals (ZBA) meeting – The ZBA reviewed the application at their regularly scheduled meeting on 9/20/23 and approved the area variances for an accessory structure in the front yard (existing garage) and a fence taller than 4 ft. high (existing fence is 6 ft. high) in the front or side yard at 1854 Union St.

The Planning Office prepared a tentative resolution for lot line adjustment for the 10/2/23 PB meeting. The resolution is included in the meeting packet.

RESOLUTION NO. 2023-20

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 2ND DAY OF OCTOBER 2023 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
LESLIE GOLD
NANCY STRANG
JOSEPH DRESCHER

One of the purposes of the meeting was to take action on an application for a lot line adjustment.

The meeting was duly called to order by the Chairman.

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

WHEREAS, Glenn Forman and Matthew Conboy, property owners of 1900 Union St. and 1854 Union St., respectively, have made application to the Planning Board for a lot line adjustment between the two properties as noted in a 1-page sketch entitled "Survey of Premises Known as Street No. 1900 Union Street" by Raymond A. Koch, PLS Land Surveyor dated 8/28/86 and revised by hand notations showing the proposed adjusted lot lines and entitled "Lot Line Adjustment Sketch Plan" with no revision date noted, and

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

WHEREAS, the Deputy Zoning Enforcement Officer reviewed said lot line adjustment and determined that such adjustment created a front of 1854 Union St. to NYS Route 7 therefore requiring area variances from Section 220-18 A (2) and Section 220-25 B (1) (a) of the zoning code allowing an existing garage in the front yard of 1854 Union St. between the house and NYS Route 7 and an existing 6 ft. high (2 ft. variance) fence located in the front yard between the house and NYS Route 7, and

WHEREAS, the Zoning Board of Appeals (ZBA) granted area variances for 1854 Union St. for an existing garage in the front yard between the house and NYS Route 7 and an existing 6 ft. high (2 ft. variance) fence between the house and NYS Route 7 at their regularly scheduled meeting on 9/20/23, and

WHEREAS, the Planning Board has determined that the proposed lot line adjustments are classified as a Type II action under State Environmental Quality Review (SEQR) regulations and local law, and no further SEQR review is necessary, and

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission does hereby grant final lot line adjustment approval for 1900 Union St. and 1854 Union St. as shown on the aforementioned 1-page survey drawing, with the following conditions:

1. Prior to recording the plat – all ownership signatures on the lot line adjustment application shall be notarized.
2. Prior to recording the plat – the final lot line adjustment map shall be sent to the Planning Department for their review and approval. Any changes, additions or deletions requested shall be addressed to the satisfaction of the Planning Department before printing the mylars.

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
LESLIE GOLD
NANCY STRANG
JOSEPH DRESCHER

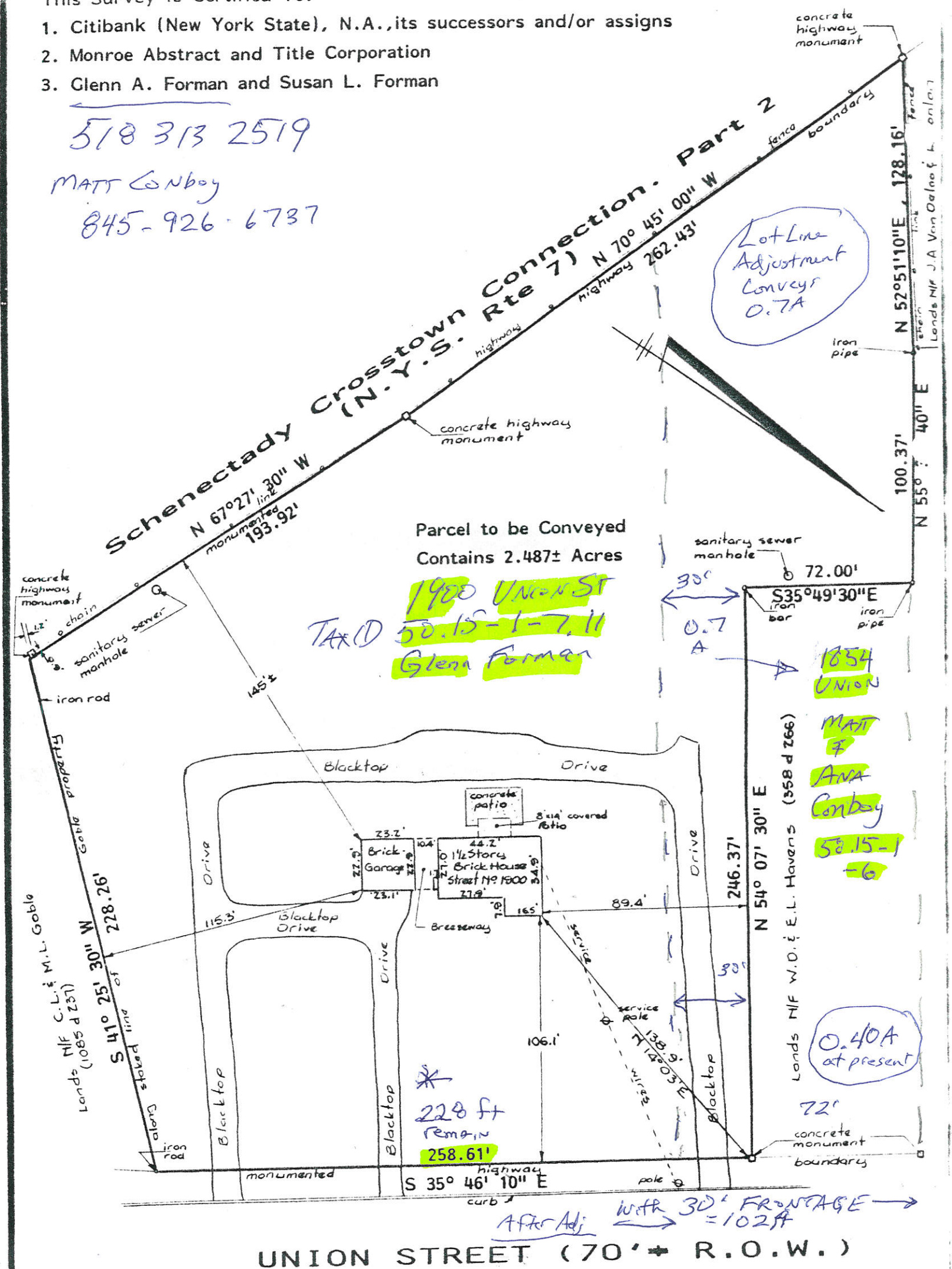
The Chairman declared the same _____.

Sketch Plan

1. Citibank (New York State), N.A., its successors and/or assigns
2. Monroe Abstract and Title Corporation
3. Glenn A. Forman and Susan L. Forman

MATT CONBOY

845-926-6737



UNION STREET (70' + R.O.W.)

PLS#47416

MEMBER: NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS

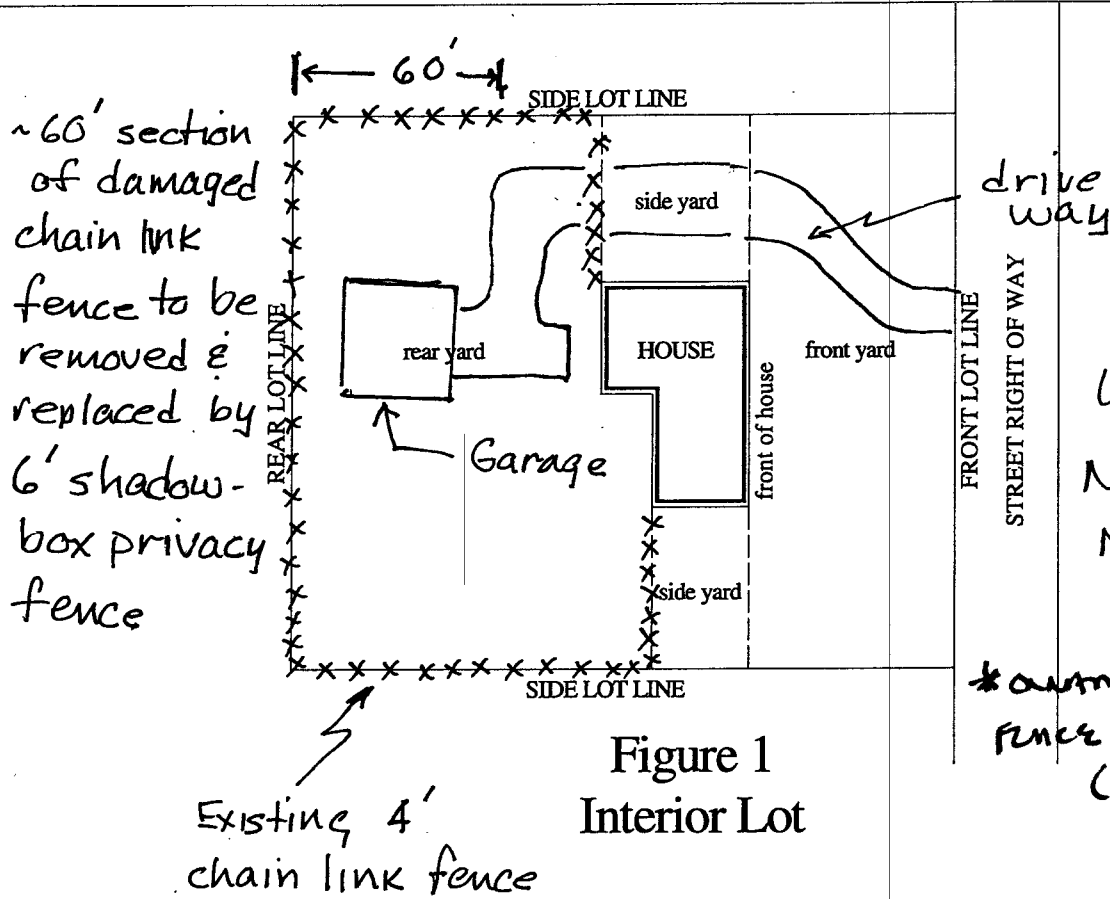


Figure 1
Interior Lot

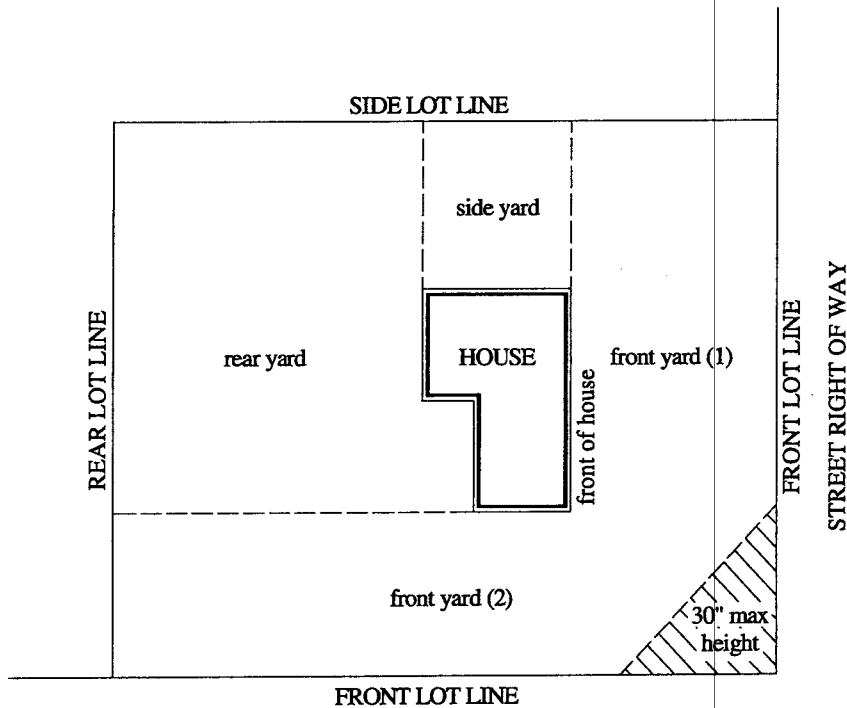


Figure 2
Corner Lot

1854
Union St.
NISKAYUNA
NY, 12309

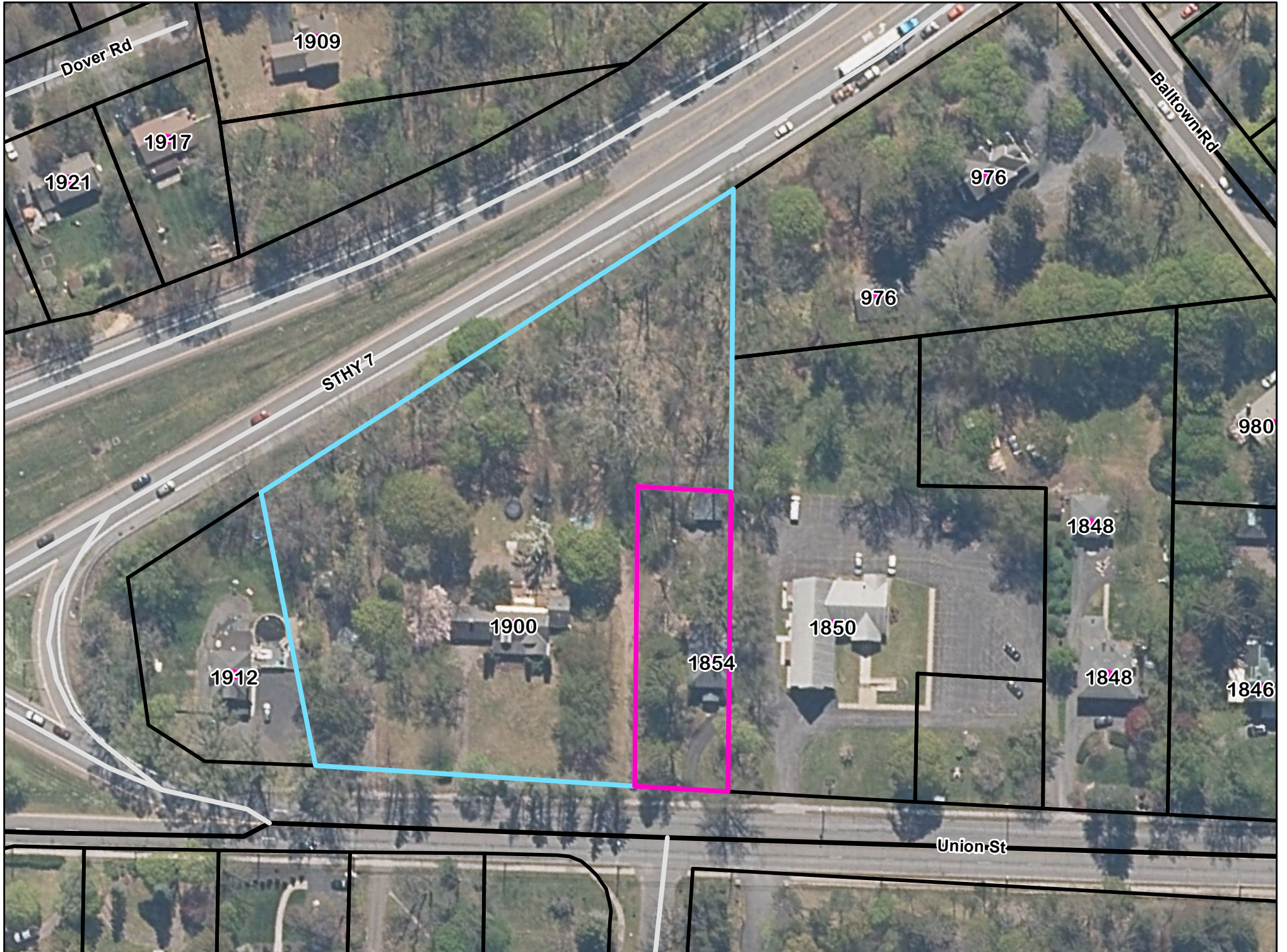
* OUTWARD SIDE OF
FENCE MUST FACE ADJACENT
(IF APPLICABLE)

RECEIVED
NOV 20 2013
BUILDING DEPARTMENT
NISKAYUNA, NY

AS NOTED
NOTE ALL COMMENTS

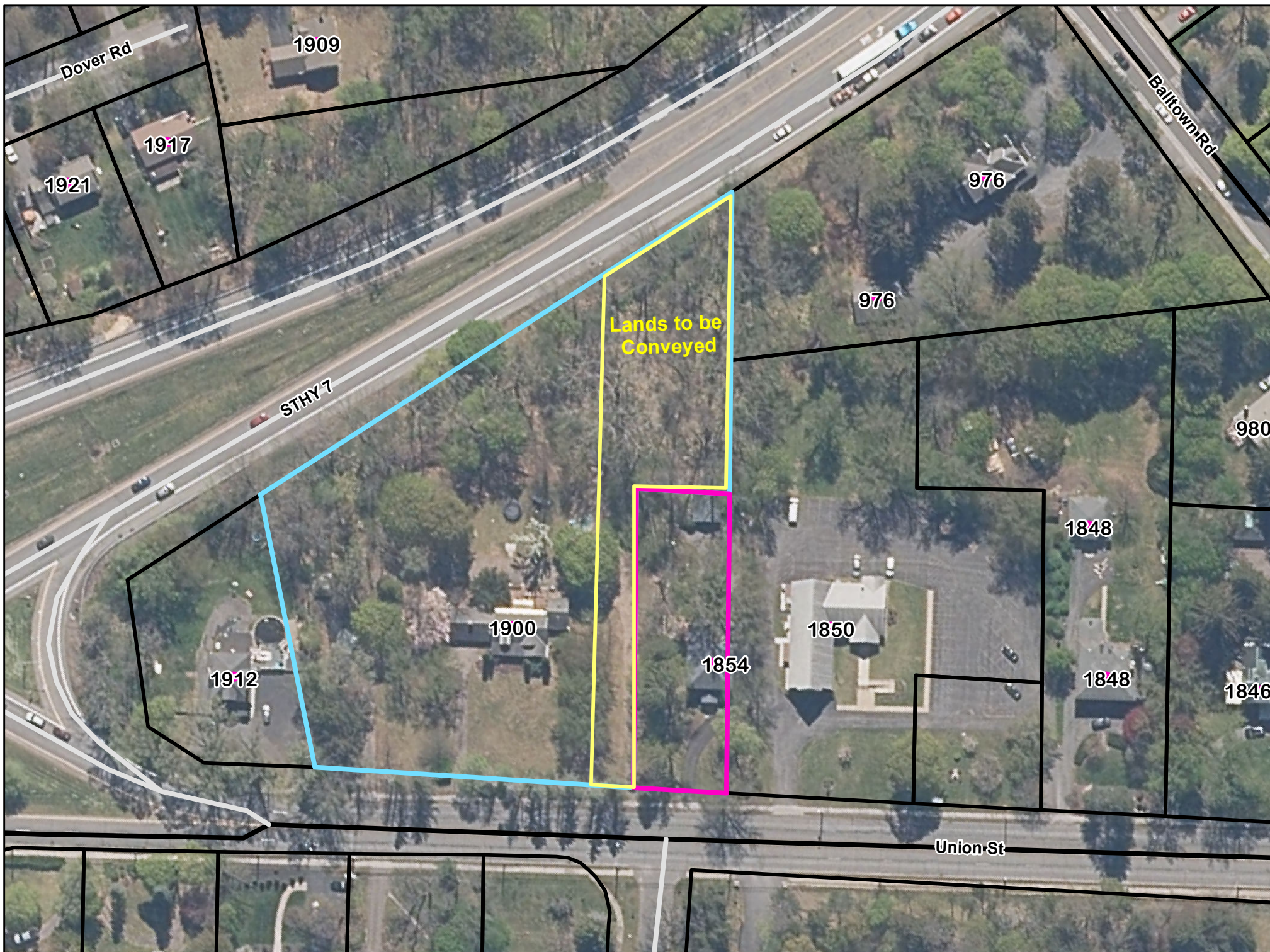
1900 Union St / 1854 Union St - Existing

0 60 120 240 360 480 Feet



1900 Union St / 1854 Union St - Adjustment

0 50 100 200 300 400 Feet





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 10/2/2023

ITEM TITLE: DISCUSSION: 2890 River Rd. – An application for Sketch Plan Approval – 4 Lots or Less for a 4-lot subdivision

PROJECT LEAD: Patrick McPartlon and Genghis Khan

APPLICANT: Michael Dussault, P.E., 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:

Michael Dussault, P.E., of Engineering Ventures, P.C. and agent for Ryan Lucey, property owner, has made an application for Sketch Plan Approval – 4-Lots or Less for a 4-lot subdivision at 2890 River Rd. The proposed subdivision will divide the existing 5.26 Acre property at 2890 River Rd and the 0.83 Acre property contiguous to it along Seneca Rd into 4 lots of 0.46, 0.46, 2.64 and 2.53 Acres, respectively. The existing home at 2890 River Rd is in very poor condition and will be demolished.

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

The Planning Board identified the Storm Water Management Report as a critical component of the feasibility of this sketch plan. The Stormwater Management Report for the upstream Iroquois Middle school property has been provided to Mr. Lucey and the reports for neighboring properties are being located and will also be provided. The Town has issued an RFQ for TDE services and has received 2 quotations to date. The project is on the agenda so that Mr. Lucey and the Planning Office may provide the Board with a progress update.

BACKGROUND INFORMATION

The property owner, Ryan Lucey, met with Department Heads of the Niskayuna Planning, Water, Sewer & Engineering and Highway Departments to discuss a proposed 4-lot subdivision as shown in the drawing entitled "Subdivision Plan 2890 River Rd." by Engineering Ventures, P.C. dated 6/23/23 with no subsequent revisions. At the time Mr. Lucey owned the 5.26 Acre property at 2890 River Road and was in the process of purchasing the 0.83 Acre property contiguous to it along Seneca Rd. The utility review performed by the Town representatives identified the project area as being susceptible to flooding during heavy rain events. It was noted that a thorough storm water review will be required. Mr. Lucey was informed that for his proposed subdivision to come before

the Planning Board he would need to demonstrate site control by obtaining signature approval of the application from the current owner of the 0.83 Acre portion of land or wait until the sale of the land to him was completed.

On 8/23/23 Mr. Lucey provided with Planning Office with the following documents.

- A sketch plan application for a minor subdivision of 4-lots or less
- A “Contract For Purchase and Sale of Real Estate” dated 8/16/23 indicating that Mr. Lucey owned the 0.83 Acre parcel of land.
- A 1-page survey drawing entitled “Survey Lands of RPL Family Trust #2890 River Rd.” by Gilbert VanGuilder Land Surveyor, PLLC dated 12/1/2022 with no subsequent revisions.
- A 1-page subdivision site plan entitled “Subdivision Plan Proposed 4-Lot 2890 River Rd.” by Engineering Ventures P.C.” dated 8/23/23 with no subsequent revisions.
- A Short Environmental Assessment Form (EAF) – Part 1 dated 6/22/23.

6/23/23 Subdivision Drawing

This drawing includes 4 lots. Two (2) of the lots front River Road, one (1) lot fronts Seneca Road near its intersection with River Road and one (1) lot fronts Seneca Road near the cul-de-sac at the northeast end of the road.

8/23/23 Subdivision Drawing

This drawing includes 4 lots. Three (3) of the lots front River Road, the one (1) lot near the intersection of Seneca Rd and River Rd has been eliminated and the one (1) lot that fronts Seneca Rd. near the cul-de-sac at the northeast end of the road remains.

Mr. Lucey and his representatives are before the Board this evening to present and discuss his application. The Planning Board and Planning Office should review the application relative to Town codes and the current storm water conditions along Seneca Rd.

8/28/23 Planning Board (PB) meeting – Ryan Lucey and Michael Roman attended the meeting and presented the project to the Board. They explained the 6/23/23 4-lot subdivision drawing included two lots on Seneca Rd and two lots on River Rd. The 8/23/23 drawing includes one lot on Seneca Rd and 3 lots on River Rd. The Board and Planning Office discussed the history of storm water accumulation during storms in this general area and stated a through upstream and downstream storm water analysis will be needed. Mr. Khan stated that in other areas of Niskayuna the Board has essentially inherited storm water challenges – in this area, and on this project, they have the opportunity to avoid storm water related issues. The Board noted that the small strip of property along Seneca Rd near the intersection with River Rd may be able to be used to help mitigate storm water events. The Board concluded their discussion with a request that a few additional items be added to the site plan: the addition of limits of clearing and footprints of homes that are representative of the size the applicant intends to build.

9/6/23 PB Project Lead site walk – The PB project leads and Mr. Lucey walked the project site to obtain a first-hand look at the land, wetlands, grading, neighboring properties, etc.

9/6/23 Conservation Advisory Council (CAC) meeting – The CAC briefly reviewed the project at their regularly scheduled meeting. Ms. Robertson presented the site plan and provided background regarding the storm water challenges in the area. She asked the Board to familiarize themselves with the project details and the project site. She suggested they drive by the area to

get a first-hand feel for the distances between houses, storm water drainage areas, etc. Chairman Strayer noted that he would like to see a multi-use path be included in the plan connecting Seneca Rd to River Road Park. He also noted that a Town access easement along River Road along the project area would be helpful for the installation of a future sidewalk or multi-use path someday. Ms. Robertson said the CAC will be reviewing this again during the October 4, 2023 meeting.

9/11/23 Planning Board (PB) meeting – Mr. Roman and Mr. Lucey attended the meeting. The co-project leads, Patrick McPartlon and Genghis Khan updated the Board on their observations during the 9/6/23 site walk. They noted the upland properties, Iroquois and Rosendale schools, Campo Court, etc., and observed that water generally flows towards the existing culvert under Seneca Road and into the wetland area of 2890 River Road. Ms. Robertson noted that Niskayuna Zoning Code includes sections requiring the examination of upstream and downstream drainage when conducting a Stormwater Management Report. The discussion primarily focused on drainage and how to efficiently assess the existing condition and post-development condition. Ms. Robertson recommended that existing stormwater reports for the neighboring sites be reviewed by Mr. Lucey's engineer. Mr. McPartlon encouraged the Board members to visit the site and acquaint themselves with the grading, vegetation, etc. Ms. Finan noted that Mr. Lucey still needs to demonstrate full site control of the thin strip of land along Seneca Road via either signed approval of the current land owner or evidence that he is the landowner. Ms. Robertson noted that the Planning Office is in the process of securing quotes for a TDE review of the project.

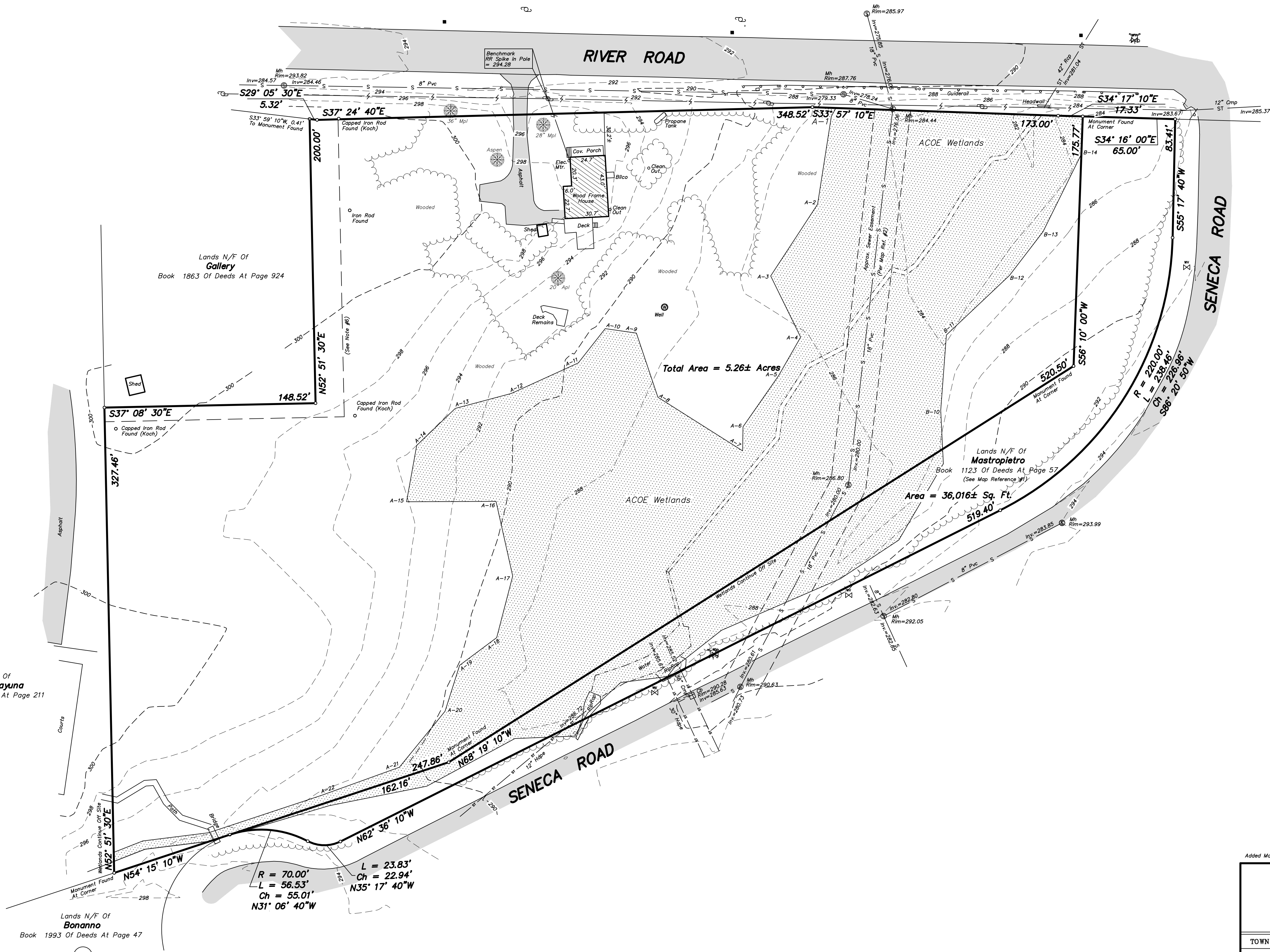
A summary of actions that have occurred since the 9/11/23 meeting is as follows.

- Mr. Lucey submitted a FOIL request and received the Stormwater Management Report for the Iroquois Middle School project that is currently underway.
- The Planning Office has received 2 quotes for a TDE review of the proposed project.
 - One additional quotation is expected.
- The Planning Office has located the Storm Water Management Report for the Campo Court 7-lot major subdivision that is upstream from the proposed action.
 - Stormwater reports for other upstream areas are in the process of being located
- At the request of Mr. Lucey, a site walk with the Engineering and Highway Departments is planned for Thursday 10/5/23.

The project is on the agenda this evening so that Mr. Lucey and the Planning Office may provide them with an update on the project.

DEED REFERENCES:
CONVEYANCE TO RPL FAMILY TRUST, RYAN LUCY AS TRUSTEE BY DEED DATED NOVEMBER 7, 2022 AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN BOOK 2097 OF DEEDS AT PAGE 644.
MAP REFERENCES:
1. MAP ENTITLED "SENECA MANOR SECTION II AMENDED", DATED JUNE 19, 2002, LAST REVISED 9/13/04, PREPARED BY C.T. MALE ASSOCIATES, P.C. AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE AS MAP K-328.
2. MAP ENTITLED "LOT LINE ADJUSTMENT BETWEEN LANDS OF SANDRA LAUDATO ANDERSON AND LAWRENCE GALLERY & KAREN LONG 2890 RIVER ROAD & 2882 RIVER ROAD", DATED JANUARY 4, 2018, PREPARED BY RAYMOND A. KOCH, P.L.S. (NO RECORD OF FILING FOUND).

- NOTES:
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE AND/OR TITLE REPORT AND MAY BE SUBJECT TO WHATEVER STATEMENT OF FACTS THEY MAY REVEAL.
 2. NO ATTEMPT WAS MADE TO SHOW UNDERGROUND IMPROVEMENTS IN THE PREPARATION OF THIS SURVEY.
 3. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
 4. COPYRIGHT © 2022 BY GILBERT VANGUIJDER LAND SURVEYOR, PLLC. ALL RIGHTS RESERVED. REPRODUCTION OR COPYING OF THIS DOCUMENT MAY BE A VIOLATION OF COPYRIGHT LAW UNLESS PERMISSION OF THE AUTHOR AND/OR COPYRIGHT HOLDER IS OBTAINED.
 5. OFFSETS OR DIMENSIONS FROM THE PROPERTY LINE TO STRUCTURES OR IMPROVEMENTS ARE SHOWN FOR THE PURPOSE TO POSITION IT RELATIVE TO THE PROPERTY LINE AND/OR COMPLIANCE WITH ZONING, AND ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR GUIDE IN THE ERECTION OF FENCES OR OTHER IMPROVEMENTS TO THE LAND.
 6. AREA SHOWN ON MAP REFERENCE #2 TO BE CONVEYED TO GALLERY & LONG. NO DEED FOUND OF RECORD FOR THIS CONVEYANCE NOR ANY FILED MAP FOR MAP REF. #2.



Added Mastropietro Parcel - 3/16/2023

SURVEY
LANDS OF RPL FAMILY TRUST
#2890 RIVER ROAD

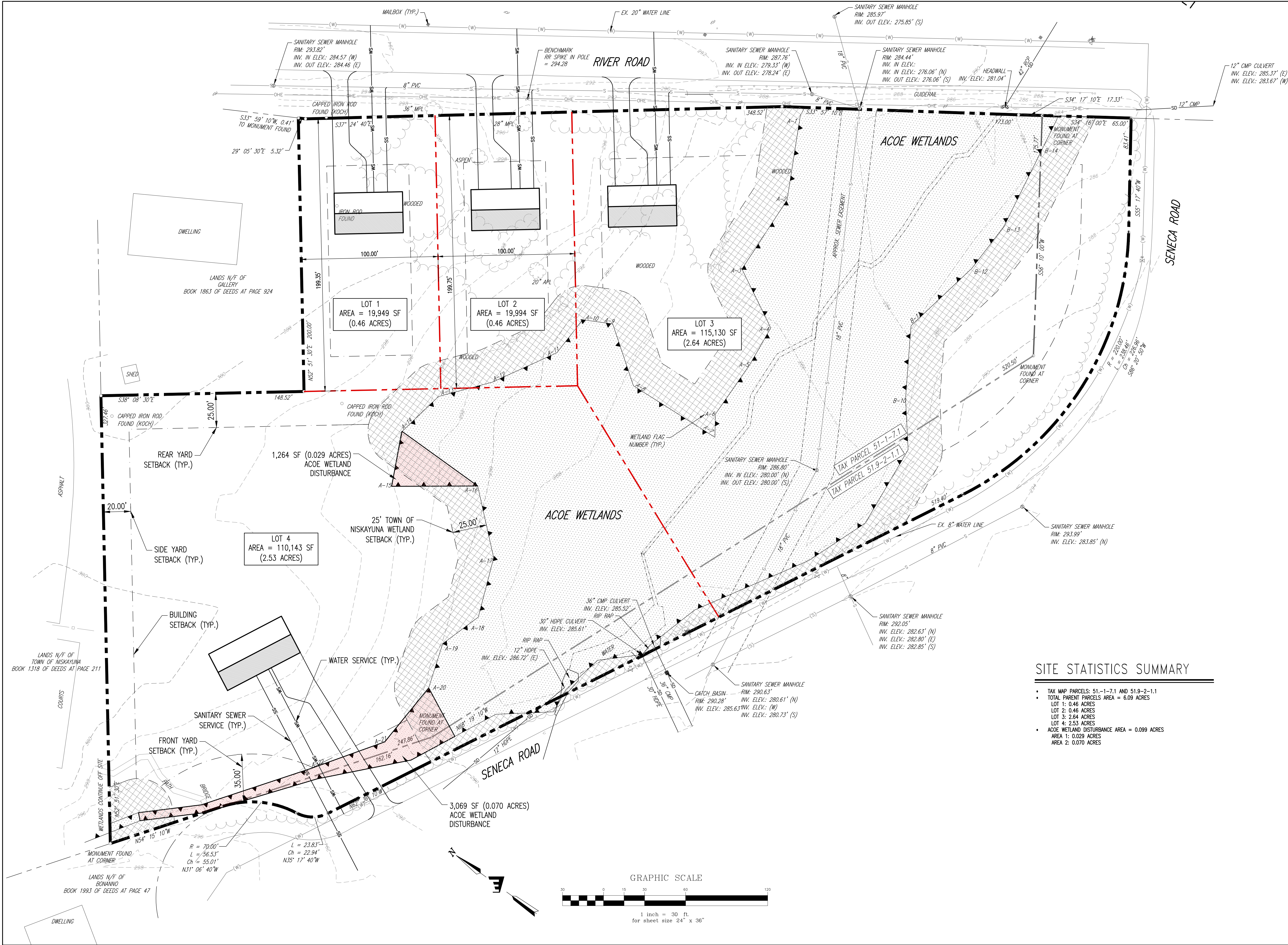
TOWN OF NISKAYUNA SCHENECTADY COUNTY, NEW YORK
MAP NUMBER: 22 - 22 - 251 SCALE: 1" = 40' DATE: DECEMBER 1, 2022

Gilbert VanGuilder
Land Surveyor, PLLC

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

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.



SITE STATISTICS SUMMARY

- TAX MAP PARCELS: 51.1-7.1 AND 51.9-2-1.1
- TOTAL PARENT PARCELS AREA = 6.09 ACRES
- LOT 1: 0.46 ACRES
- LOT 2: 0.46 ACRES
- LOT 3: 2.64 ACRES
- LOT 4: 2.53 ACRES
- ACOW WETLAND DISTURBANCE AREA = 0.099 ACRES
- AREA 1: 0.029 ACRES
- AREA 2: 0.070 ACRES

Stamp	
Date	Description

ENGINEERING VENTURES PC

208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-863-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-3333
414 Union Street, Schenectady, NY 12305 • 518-205-9141
www.engineeringventures.com

RPL Family Trust
2505 Whamler Lane
Niskayuna, NY 12309

SUBDIVISION PLAN
PROPOSED 4-LOT

2890 RIVER ROAD

TOWN OF NISKAYUNA, SCHOENECTADY COUNTY, NY

Sheet Title:

Project Title:

EV Project #: 22352

Drawn By: HMB

Checked By: MHD

Scale: AS NOTED

Date: 8/23/2023

C101



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 2

MEETING DATE: 10/2/2023

ITEM TITLE: DISCUSSION: 400 Balltown Rd. – Milan Laser Hair Removal -- a site plan application for a tenant change.

PROJECT LEAD: TBD

APPLICANT: Bryan Larsen, Construction Manager Milan Laser

SUBMITTED BY: Bryan Larsen, Construction Manager Milan Laser

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Bryan Larsen submitted an Application for Site Plan Approval for a tenant change at 400 Balltown Rd. to a Milan Laser Hair Removal Treatment Center.

COMPREHENSIVE PLAN

The proposed tenant change complies with the Economic Development section, beginning on page 73, of the 2013 Niskayuna Comprehensive Plan.

BACKGROUND INFORMATION

The property is located in the C-S Shopping Center Commercial zoning district. Retail and service stores are permitted principal uses in the C-S district. The façade of the building that includes the front door and proposed signage has 17' 7" of frontage to the parking lot.

The following details were included with the application.

- Hours of operation:
 - Monday – Thursday 9 AM – 6 PM
 - Friday & Saturday 9 AM – 5 PM
 - Sunday Closed
- Approx. number of employees: 3 – 4
- Approx. number of customers: 2
- Exterior changes to the building: None
- Signage: A 27.8 sq. ft. façade sign is proposed

Section 220-48.22 G (2) (c) [3] states that "For façade signs, one square foot of sign area shall be permitted for each linear foot of building frontage..... Under no circumstances shall any one façade sign exceed 50 sq. ft."

The building has 17' 7" (17.6') of street frontage so as proposed the Planning Board would need to grant a waiver of 10.2 sq. ft. ($27.8 - 17.6 = 10.2$) of façade signage.

The applicant is on the agenda this evening to present the application to the Board and discuss the signage.

TOWN OF NISKAYUNA
Application for Site Plan Review

Applicant (Owner or Agent):

Name Bryan Larsen
Address 17645 Wright Street, Building 1
Suite 300, Omaha, NE 68130
Telephone 402-681-4048 Fax _____

Location:

Number & Street 400 Balltown Road
Section-Block-Lot _____ - _____ - _____
Zoning District Shopping Center Commercial

Proposal Description:

This project is an interior tenant build-out of a new Milan Laser Hair Removal Treatment Center.
The scope of work includes demo, new partition walls, new accessible restroom, new interior
finishes throughout the space, modifications to electrical distribution, devices & low voltage system,
modifications to HVAC system, and modifications to existing plumbing (design build).


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): 

Date: 9/14/23

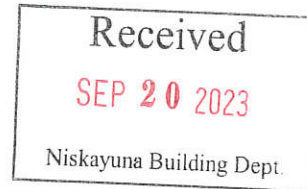




September 12, 2023

Via Email

Haylee Fredericks	HFredericks@lga-partners.com
Rozlynn Roman	RRoman@lga-partners.com
Paulette Burns	PBurns@lga-partners.com
Sigita Ivaska	SIvaska@lga-partners.com
Andria Simons	buildingpermits@milanlaser.com



Re: CONSTRUCTION Drawing Review (AAN) – Milan Laser Hair Removal ("Tenant") for premises located at Mohawk Commons, Niskayuna, NY

Dear Tenant,

By copy of this letter, we wish to confirm that we have reviewed your submitted **CONSTRUCTION** drawings for the above listed project. The drawings are being returned to you **Approved As Noted.**

The Landlord accepts no liability for the adequacy, correctness or completeness of these plans. However, please be aware that these plans must be approved by all governmental agencies having jurisdiction. Lastly, the Landlord does not accept any responsibility for underground or under slab obstructions as it may relate to Tenant's proposed work.

If plans were not submitted for approval electronically, or require modification, please direct your design professional to forward copied of these plans to the Landlord as PDF files, via email or on disc, for file.

Please see the reviewed plans for redlined comments along with the following:

1. **Property Vendors** – Please contact the Property Manager for your location to coordinate if there are any preferred and/or required vendors with must be used on the Premises during Tenant's work (ie: roofer, fire alarm, fire sprinkler, etc) Your Property Management contact is:

Bill Maxwell - Regional Property Manager
Email Address: bmaxwell@dlcmgmt.com

2. **Exterior Sign Shop Drawings** - to be submitted electronically for Landlord approval, to Patti Eick at peick@dlcmgmt.com. Drawing set should include signage design with all dimensions, mock-up of proposed storefront elevation with signage, installation details and specifications



3. Insurance Coverage - All contractors (unless covered by the General contractor's policy) working on this project must have on file, in this office, a Certificate of Insurance as follows:

Contractor shall, at its own expense, for the period of this agreement carry and maintain in full force and effect, general liability insurance with minimum of Two Million Dollars (\$2,000,000.00) combined single limit per occurrence. **Contractor's** Insurance shall not be cancelable without thirty days written notice to Owner. **Contractor** shall also maintain statutory Workers Compensation Insurance. **Contractor** shall furnish to Owner a copy of the Certificate of insurance showing that the above insurance is in effect, stating policy numbers, effective dates, expiration dates, and limits of liability thereunder. The following shall be named as additional insureds:

Mohawk Commons Owner, LLC
c/o DLC Management Corporations
565 Taxter Road
Elmsford, New York 10523

4. Building Permit – Once issued, a copy of the City issued Building Permit for this project must be on file, in this office. Copy is to be submitted electronically for Landlord file to Patti Eick at peick@dlcmgmt.com
5. Certificate of Occupancy - Once issued, a copy of the City issued Certificate of Occupancy for this project must be on file, in this office. Copy is to be submitted electronically for Landlord file to Patti Eick at peick@dlcmgmt.com

Please ensure that these conditions are met prior to commencing the work and that all other required documentation is submitted.

Very truly yours,

Patti Eick

Patti Eick
Senior Tenant Coordinator
DLC Management Corporation
a/a/f Mohawk Commons Owner, LLC

DLC MANAGEMENT CORP. 914.631.3131 T
CORPORATE OFFICE 914.631.6533 F
565 TAXTER ROAD 866.DLC.MGMT
ELMSFORD, NY 10523 WWW.DLCMGMT.COM

400 Balltown Road Suite 6D





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 3

MEETING DATE: 10/2/2023

ITEM TITLE: DISCUSSION: 2331 Troy-Schenectady Rd. -- a site plan application for a tenant change.

PROJECT LEAD: TBD

APPLICANT: Tyler Terpening

SUBMITTED BY: Tyler Terpening

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Tyler Terpening submitted an Application for Site Plan Approval for a tenant change at 2331 Troy-Schenectady Rd to The Heritage Group insurance company. The property was most recently a Berkshire-Hathaway Realtor office.

COMPREHENSIVE PLAN

The proposed tenant change complies with the Economic Development section, beginning on page 73, of the 2013 Niskayuna Comprehensive Plan. The Comp Plan also seeks to protect the residential neighborhoods on the Route 7 corridor. As submitted – this plan does not increase the commercial nature of the building and does not increase the intensity of use either – therefore it is in compliance with the goals and objectives of the Route 7 corridor recommendations of the Comprehensive Plan.

BACKGROUND INFORMATION

The property is located in the R-1 zoning district. The existing “professional office non-medical” use is pre-existing nonconforming relative to the adoption of the zoning code and the classification of the property as being within the R-1 zoning district. Niskayuna Zoning Code Section 220 – 52 Changes in nonconforming uses A states: “No nonconforming use shall not be changed to anything other than a conforming use for the district in which it is situated.” The proposed use by The Heritage Group as an insurance office is also a professional office non-medical use. The use from previous tenant to proposed tenant remains unchanged and is therefore compliant with the zoning code.

The following details were included with the application.

- Hours of operation:

- Monday – Friday:
 - Saturday & Sunday: Closed
- Approx. number of employees:
- Approx. number of customers:
- Exterior changes to the building:
- Signage: TBD
 - Note: the previous tenant had a 24 sq. ft. monument sign

The applicant is on the agenda this evening to present the application to the Board and discuss the signage.



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Applicant (Owner or Agent):

Tyler Terpering / Terpering ASSOCIATES, INC.

Location:

Name TAE Heritage Group.

Number & Street 2331 Troy-Schenectady Rd.

Address 2331 Troy-Schenectady Rd
Niskayuna NY 12309

Section-Block-Lot - -

Email Tyler@taeheritagegrp.com

Telephone 518-782-2211 Fax 518-915-7722
X1061

Zoning District

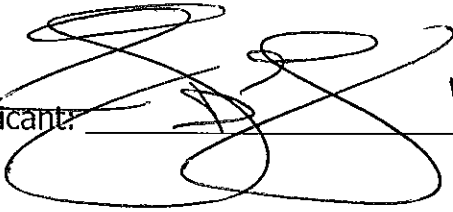
Proposal Description:

Move my Insurance Agency office into new Building.

That we are purchasing @ 2331 Troy Schenectady Rd Niskayuna

Hours of operation 8AM-4:30 pm M-F 10 Employees at location.

Per Day Employee Count 8-10 per Day.

Signature of applicant: 

Date: 9/22/23

Signature of owner (if different from applicant): 

Date: 9/22/23

Each site plan application shall be accompanied by:

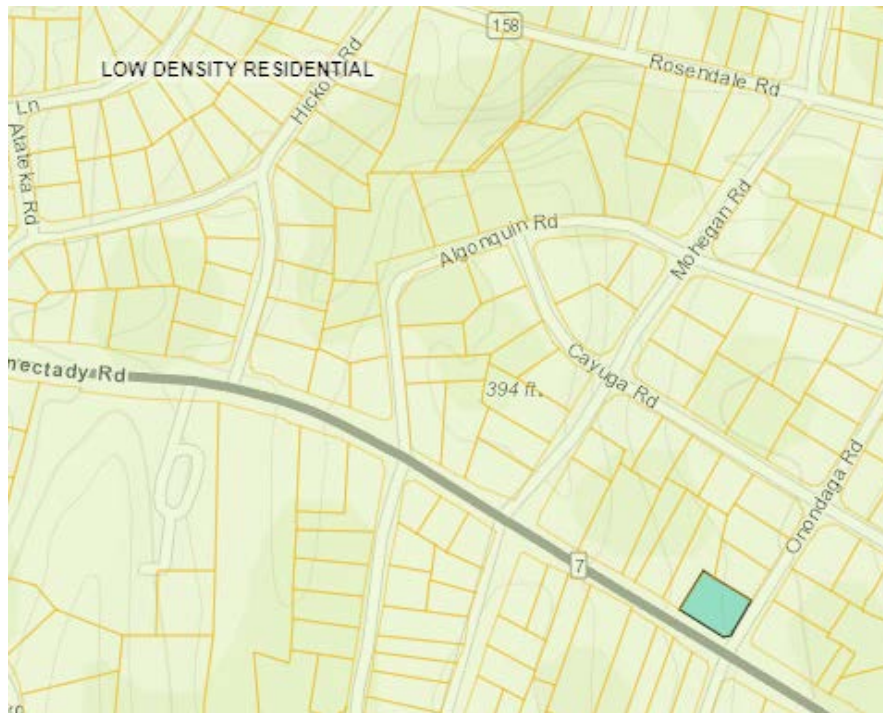
1. Digital copies in pdf format of all application forms and supporting documents.
2. A digital copy in pdf format and three (3) full size copies of any large scale plans or maps prepared by a licensed engineer, architect or surveyor.
 - a. The site plan shall include the following: the title of the 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 digital copy in pdf format of a lighting plan showing the lighting distribution of existing and 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. One (1) copy 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 **\$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.

2331 Troy-Schenectady Rd.

Zoning District: R-1

Previous use: Berkshire Hathaway Realtors Office

Parking Space Requirement: Professional offices non-medical 1 space / 225 sq. ft. of gross floor area





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 4

MEETING DATE: 10/2/2023

ITEM TITLE: DISCUSSION: 2321 Nott St. E. – Albright’s Meat and Company -- a site plan application and special use permit for a tenant change.

PROJECT LEAD: TBD

APPLICANT: Benjamin Albright

SUBMITTED BY: Benjamin Albright

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Benjamin Albright submitted an Application for Site Plan Approval for a tenant change at 2321 Nott St. E. to Albright’s Meat and Company.

COMPREHENSIVE PLAN

The proposed tenant change complies with the Economic Development section, beginning on page 73, of the 2013 Niskayuna Comprehensive Plan.

BACKGROUND INFORMATION

The property is located in a Planned Development District (PDD) within the C-N Neighborhood Commercial zoning district and Town Center Overlay District. “Restaurants, sit-down or take-out (no vehicle pickup or order facilities)” are allowed uses in the PDD. The façade of the building that includes the front door and future signage has approximately 19’ 2” (19.2’) of frontage to the parking lot.

The proposed eatery will feature a variety of hot and cold sandwiches hand sliced to order and served on artisanal bread. A daily special will feature a sandwich of the day, soup and salad. In the evenings they will have a rotating Chef Crafted family meal for easy take home dinners. On Saturdays they will open at 10 AM serving BBQ as a special once a week.

The following details were included with the application.

- Hours of operation:
 - Monday – Friday: 11 AM – 9 PM
 - Saturday: 10 AM – 9 PM

- Sunday: Closed
- Approx. number of employees: 3
- Approx. number of customers: 20
- Exterior changes to the building: None
- Signage: TBD (sign package to be submitted at a later date)

Section 220-48.22 G (2) (c) [3] states that "For façade signs, one square foot of sign area shall be permitted for each linear foot of building frontage..... Under no circumstances shall any one façade sign exceed 50 sq. ft."

The building has approximately 19.2' of building frontage so 19.2 sq. ft. of façade signage is allowed per code.

The applicant is on the agenda this evening to present the application to the Board.



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Applicant (Owner or Agent):

Name: Benjamin M. Albright

Address: **Nott street East**

Niskayuna, NY 12309

Email: Balbright0152@gmail.com

Telephone: 518-506-3703 Fax: N/A

Location:

Number & Street: **2321**

Section-Block-Lot _____ - _____ - _____

Zoning District _____

Proposal Description:

BE5K LLC doing business as **Albright's Meat and Company** will be a local eatery that will feature a variety of **hot and cold sandwiches** hand sliced to orders served on artisanal bread. Daily we will feature a sandwich of the day, Soup and salad. In the evenings we will have a rotating Chef Crafted family meal for easy take home dinners. On **Saturdays** we will open at **10:00** serving BBQ as a special once a week event. Pre orders for Saturday will be highly encouraged.

Signature of applicant: _____

Date: _____

9/25/23

Signature of owner (if different from applicant): _____

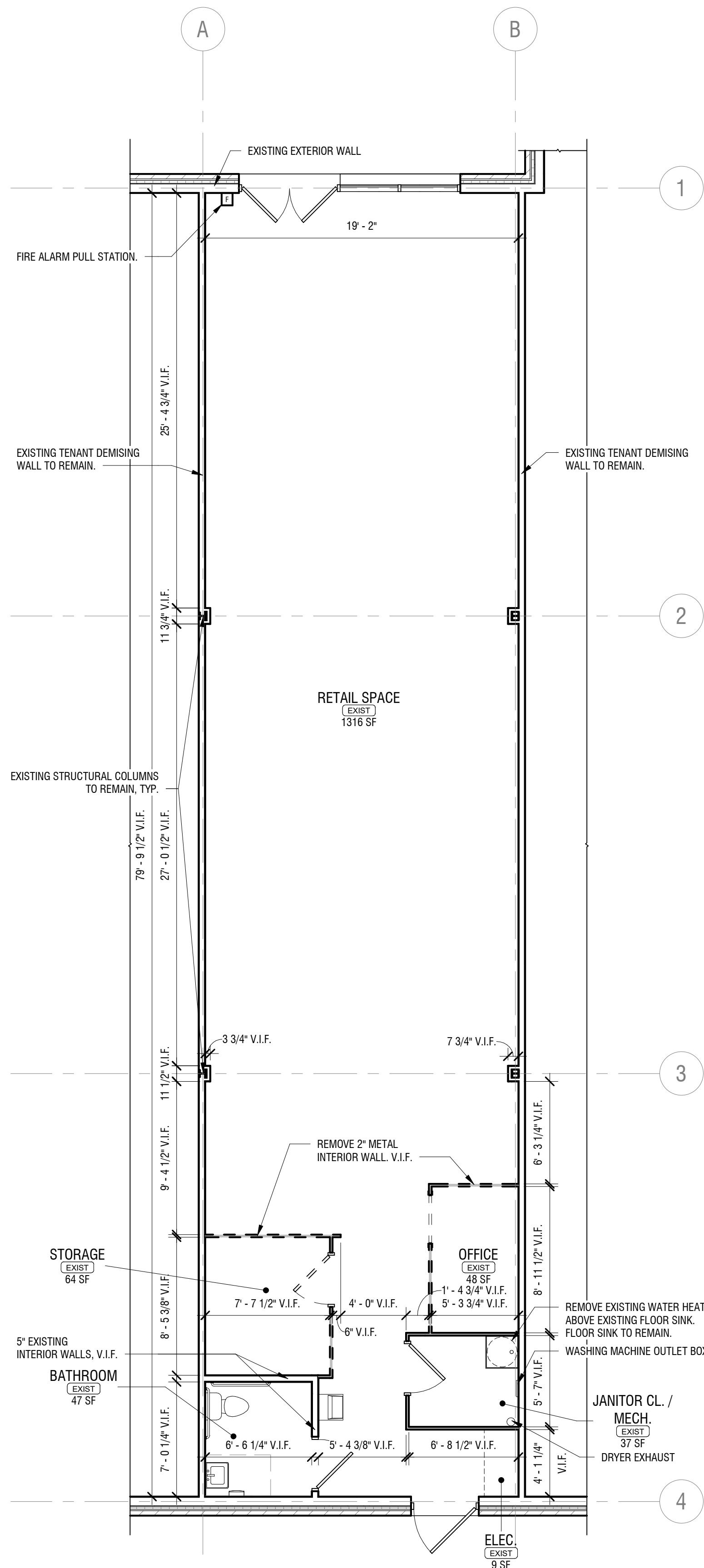
Date: _____

Each site plan application shall be accompanied by:

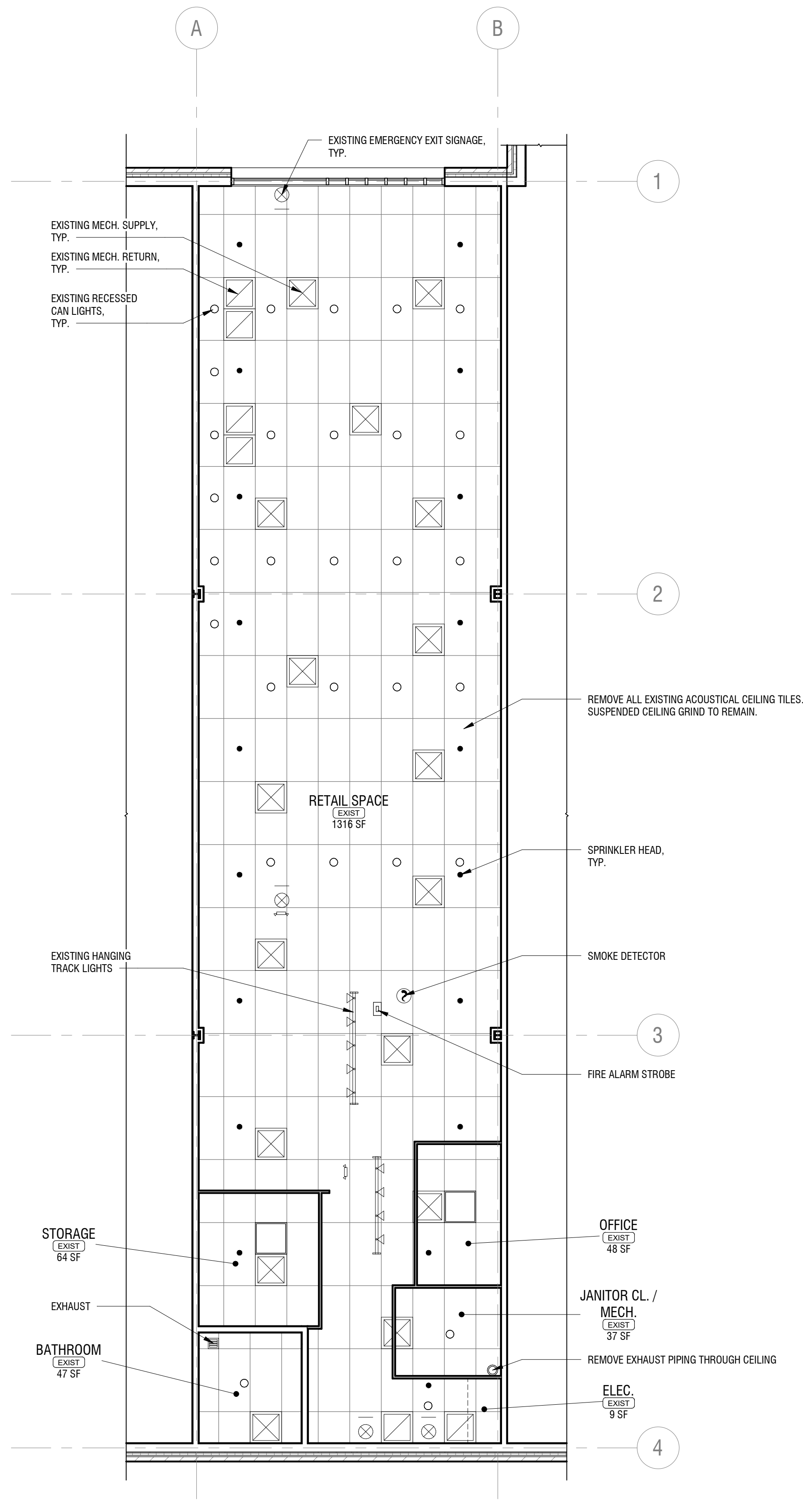
1. Digital copies in pdf format of all application forms and supporting documents.
2. A digital copy in pdf format and three (3) full size copies of any large scale plans or maps prepared by a licensed engineer, architect or surveyor.
 - a. The site plan shall include the following: the title of the 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 digital copy in pdf format of a lighting plan showing the lighting distribution of existing and 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. One (1) copy 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 **\$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.

8/23/2023 10:13:58 AM



1 DEMOLITION PLAN
AD101 SCALE: 3/16" = 1'-0"



2 REFLECTED CEILING DEMOLITION PLAN
AD101 SCALE: 3/16" = 1'-0"

REMOVAL LEGEND:

- ===== EXISTING WALL TO BE REMOVED
- EXISTING DOOR AND FRAME TO BE REMOVED
- ===== EXISTING WALL TO REMAIN
- EXISTING DOOR TO REMAIN

NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:
PROFESSIONAL ENGINEERING: 018281
LAND SURVEYING: 017976
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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BENJAMIN ALBRIGHT

889 MEADOW LN., NISKAYUNA, NY 12309

TENANT FIT-OUT

2321 NOTT ST. EAST, NISKAYUNA, NY 12309

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2232842

DRAWN BY: GH

REVIEWED BY: PM

ISSUED FOR: DESIGN DEVELOPMENT

DATE: 08/23/2023

DRAWING NAME:

FIRST FLOOR EXISTING FLOOR PLAN

DRAWING NUMBER:

AD101

is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

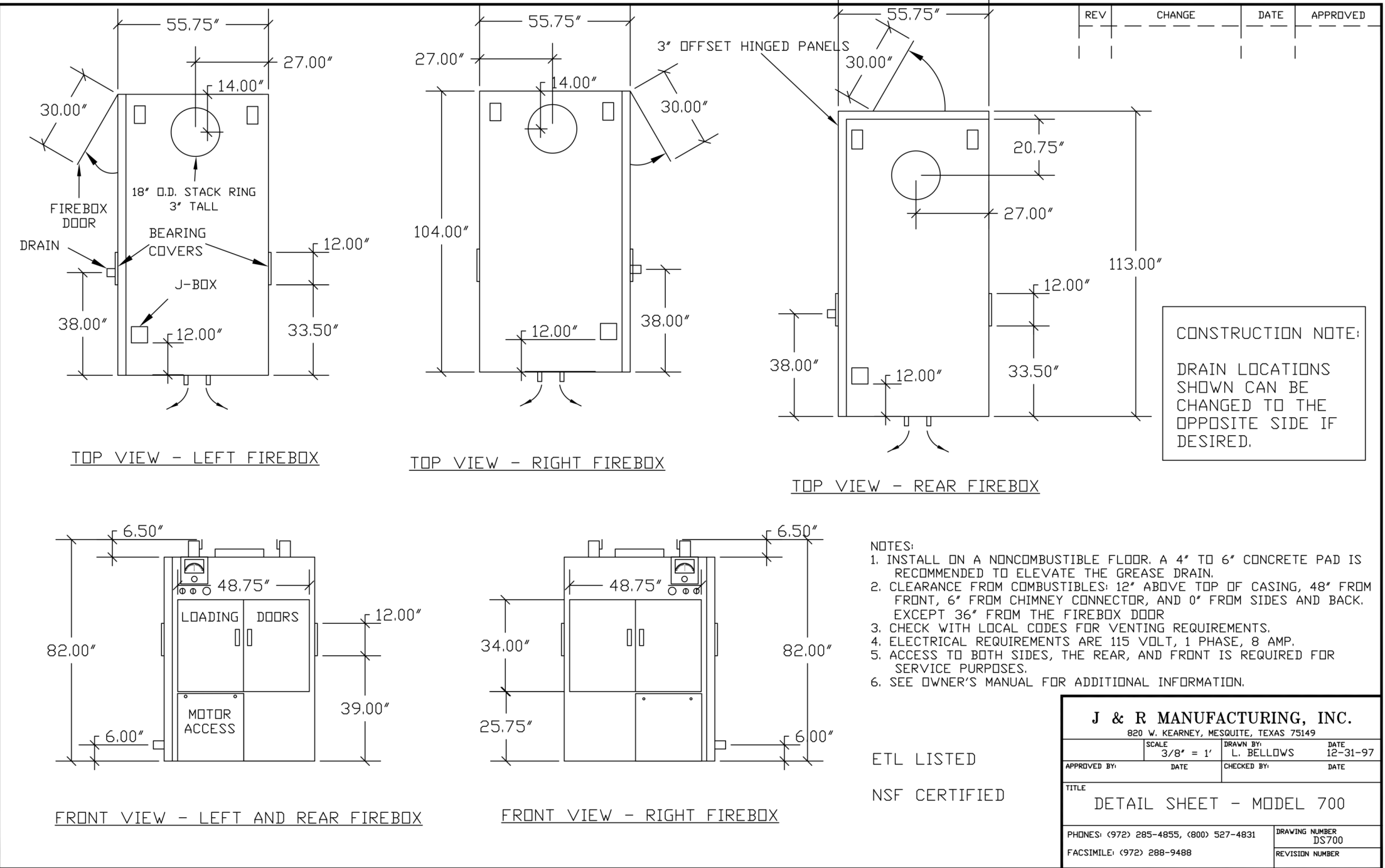
BENJAMIN ALBRIGHT
889 MEADOW LN., NISKAYUNA, NY 12309

TENANT FIT-OUT

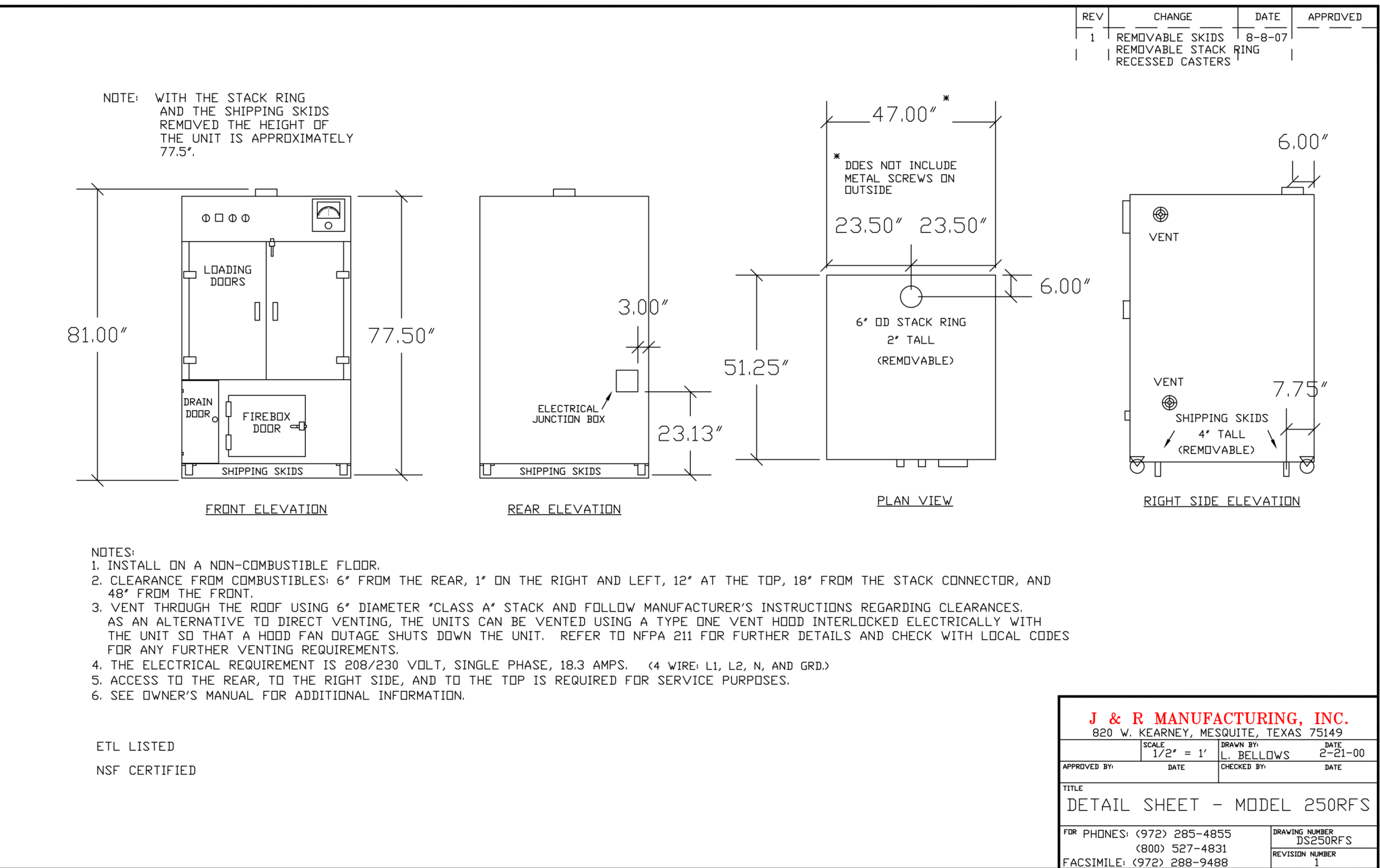
NO:	DATE:	DESCRIPTION:
Revisions		
PROJECT NUMBER:		
2232842		
DRAWN BY:		
GH		
REVIEWED BY:		
PM		
ISSUED FOR:		
DESIGN DEVELOPMENT		
DATE:		
08/23/2023		
DRAWING NAME:		

DRAWING NUMBER: _____

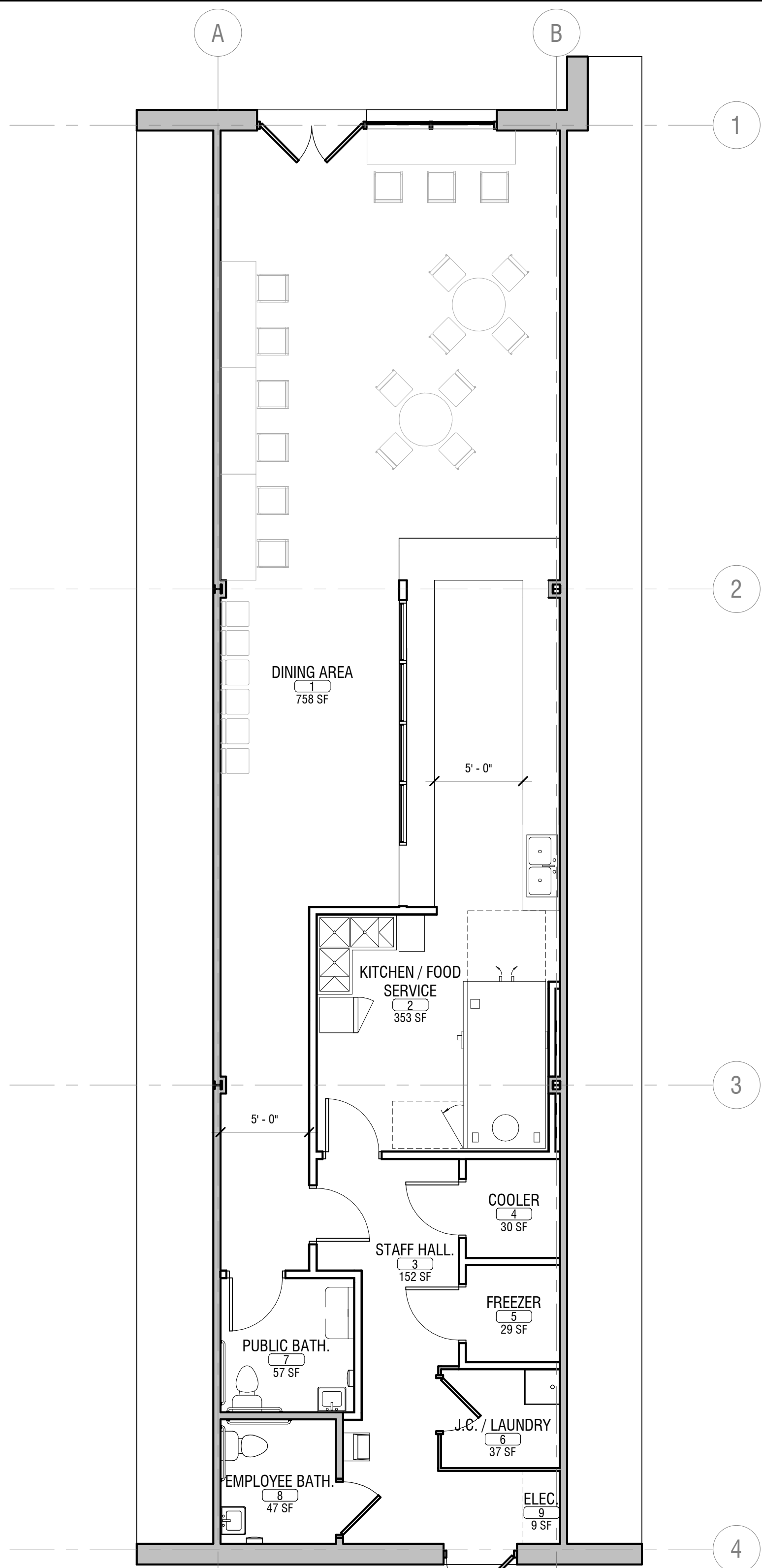
A101



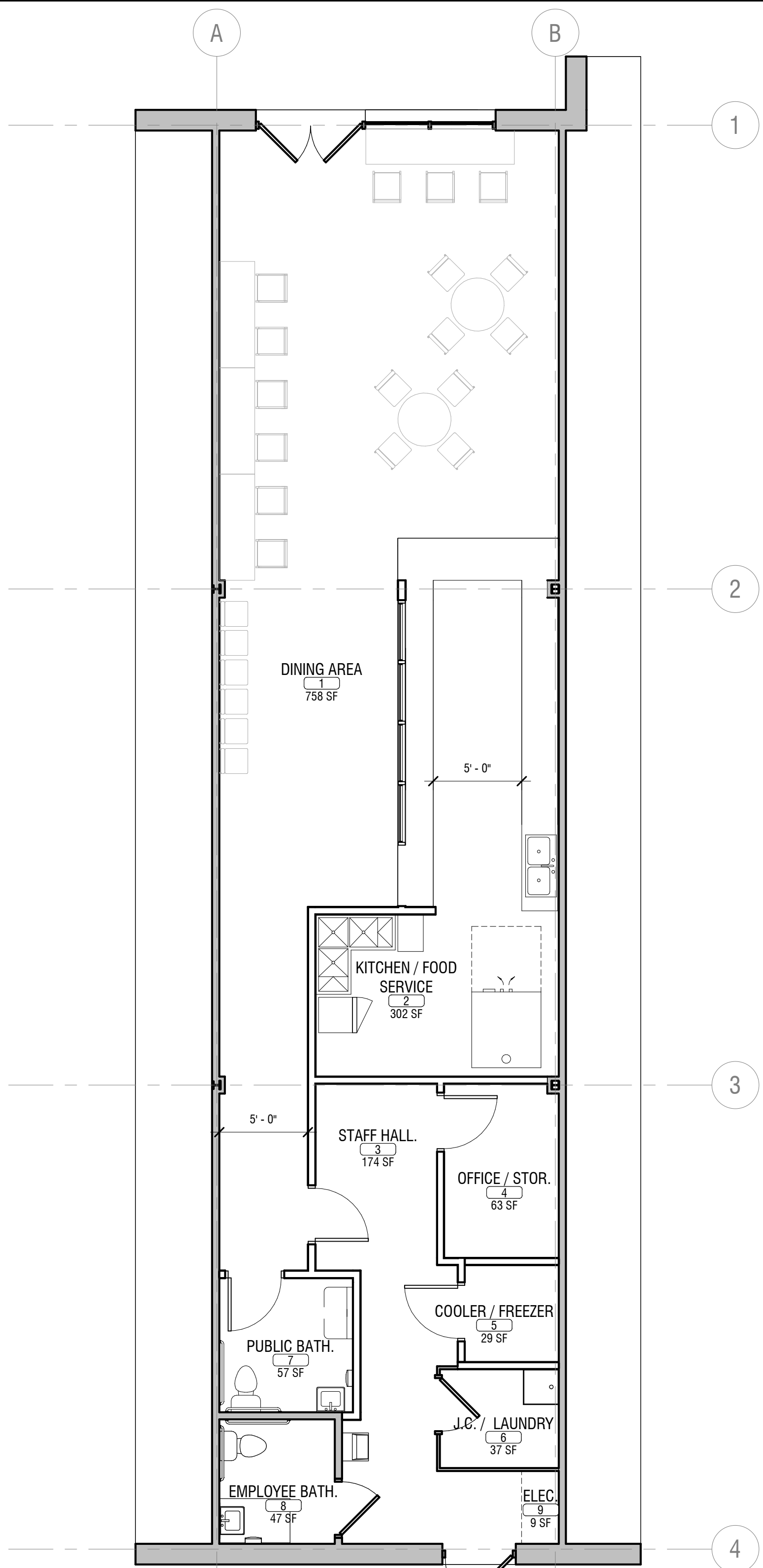
OPTION A - MODEL 700 DETAIL VIEWS



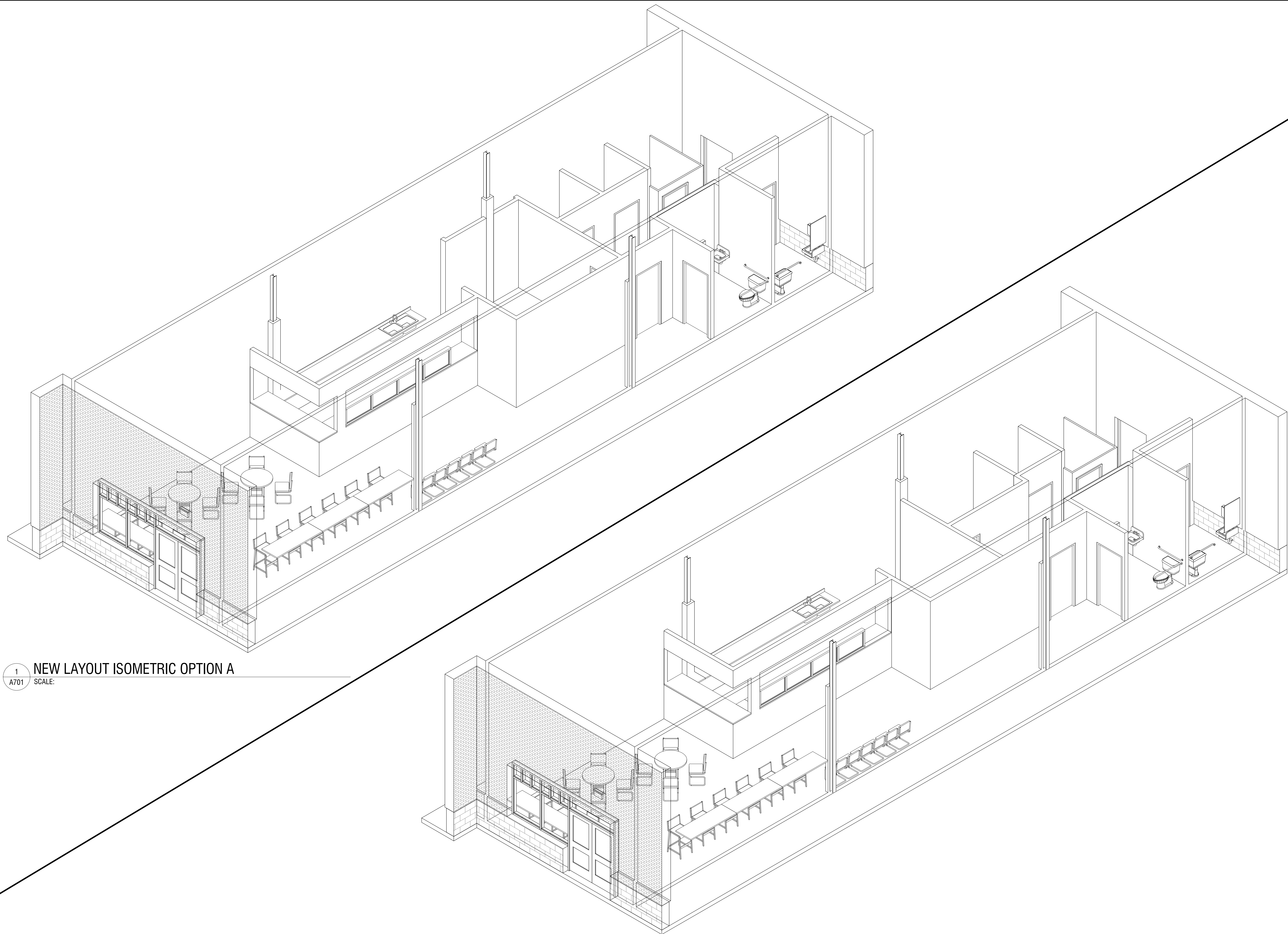
OPTION B - MODEL 250RFS DETAIL VIEWS



1 FIRST FLOOR PLAN - OPTION A
A101 SCALE: 3/16" = 1'-0"



2 FIRST FLOOR PLAN - OPTION B
A101 SCALE: 3/16" = 1'-0"



1
A701
NEW LAYOUT ISOMETRIC OPTION A
SCALE:

2
A701
NEW CONSTRUCTION ISOMETRIC OPTION B
SCALE:

NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:
PROFESSIONAL ENGINEERING: 018281
LAND SURVEYING: 017976
GEOLOGICAL: 018750

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BENJAMIN ALBRIGHT

889 MEADOW LN., NISKAYUNA, NY 12309

TENANT FIT-OUT

2321 NOTT ST. EAST, NISKAYUNA, NY 12309

NO:	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2232842

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REVIEWED BY: PM

ISSUED FOR: DESIGN DEVELOPMENT

DATE: 08/23/2023

DRAWING NAME:

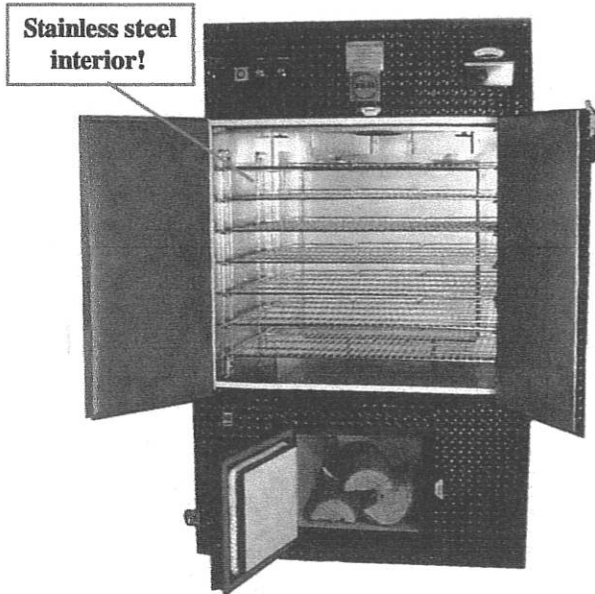
3D VIEWS

DRAWING NUMBER:

A701

SMOKE-MASTER

Model 250 RFS Barbecue Pit



This large capacity pit (big brother to the Little Red Smokehouse) is wood fired but comes equipped with an electric oven heating element. This feature reduces wood consumption and allows you to craft the flavor of the meat to your exact preference. By using safe, clean electrical energy to assist the wood fire you will produce authentic barbecue without the "gassy taste" associated with gas/wood ovens. You can cook up to 600 pounds per load of briskets, pork butts, tri-tips, etc. Even cooking is assured with our unique high velocity convection air system, so no rotation of the meat will be required.

LOADED WITH FEATURES :

Easy to Use

Fire starting is easy with the built in stack fan providing draft and the combustion air fan providing oxygen. However, live coals last over 72 hours in the refractory lined firebox so most customers start a fire from scratch only once. After that, they just scoop out some ashes daily and add fresh wood. The coals and the pit do the rest to ignite the newly added wood. Loading and unloading are easy with the large doors and slide out racks. After loading, just set the thermostat and relax. The air control system will precisely maintain your selected temperature while you sleep.

Electric elements

Safe, clean electrical energy reduces wood consumption if you choose, thereby eliminating the hazard, foul taste, and odor of gas with its sulfurous components (mercaptans).

Economical

The Smoke-Master is incredibly efficient due to the unique temperature control design and heavy insulation. It cooks up to 600 pounds of meat yet requires less than 17 square feet of floor space!

Evacuation System

Just turn the evacuation switch and our damper and fan system goes into action to induce fresh air into the pit and exhaust the smoke out through the stack and not into your kitchen.

Cook and hold.

Set the cooking time and the initial cooking temperature. After the timer counts down, the pit temperature automatically resets to 145 degrees (holding temperature).

Easy to clean.

Removable racks and rack slides. The oven floor slopes to a large drain reservoir, which can be easily drained through a remote valve. Stainless steel interior.

Easy to vent.

Can be vented directly with six inch Class A stack or placed under a Type I exhaust hood.



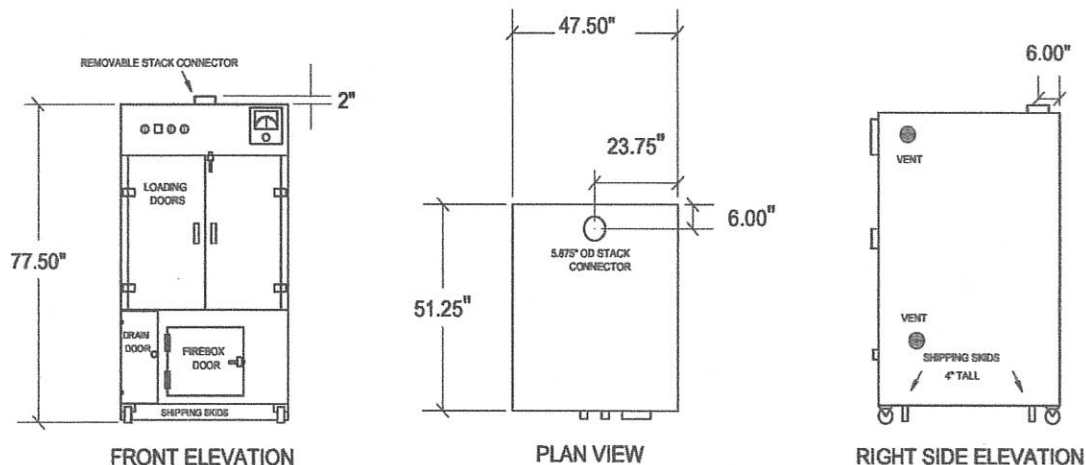
J&R MANUFACTURING
P.O. BOX 850522
MESQUITE, TEXAS 75185-0522



PHONE: 972-285-4855
TOLL FREE: 800-527-4831
FACSIMILE: 972-288-9488

www.jrmanufacturing.com

Model 250 RFS Specifications



NOTES:

1. INSTALL ON A NON-COMBUSTIBLE FLOOR.
2. CLEARANCE FROM COMBUSTIBLES: 6" FROM THE REAR, 1" ON THE RIGHT AND LEFT, 12" AT THE TOP, 18" FROM THE STACK CONNECTOR, AND 48" FROM THE FRONT.
3. VENT THROUGH THE ROOF USING 6" DIAMETER "CLASS A" STACK AND FOLLOW MANUFACTURER'S INSTRUCTIONS REGARDING CLEARANCES. AS AN ALTERNATIVE TO DIRECT VENTING, THE UNITS CAN BE VENTED USING A TYPE ONE VENT HOOD INTERLOCKED ELECTRICALLY WITH THE UNIT SO THAT A HOOD FAN OUTAGE SHUTS DOWN THE UNIT. REFER TO NFPA 211 AND NFPA 96 FOR FURTHER DETAILS AND CHECK WITH LOCAL CODES FOR ANY FURTHER VENTING REQUIREMENTS.
4. THE ELECTRICAL REQUIREMENT IS 208/230 VOLT, SINGLE PHASE, 18.3 AMPS (4 WIRE: L1, L2, N, AND GRD.).
5. ACCESS TO THE REAR, TO THE RIGHT SIDE, AND TO THE TOP IS REQUIRED FOR SERVICE PURPOSES.
6. SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION.

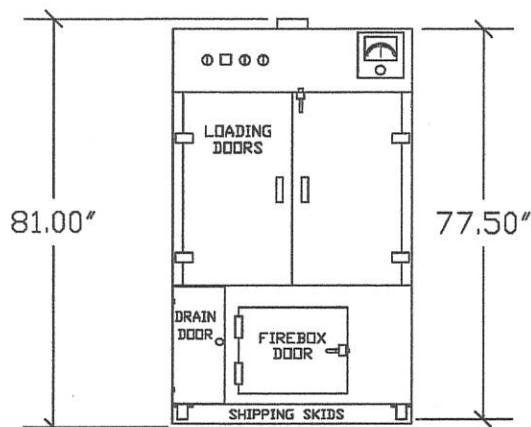
CAPACITIES

ROASTS	BACKRIBS	SPARERIBS*	CHICKEN
600 LBS	161 SLABS	70 SLABS	210 HALVES
7 Racks: 32"x39"		* 2.5 and down	

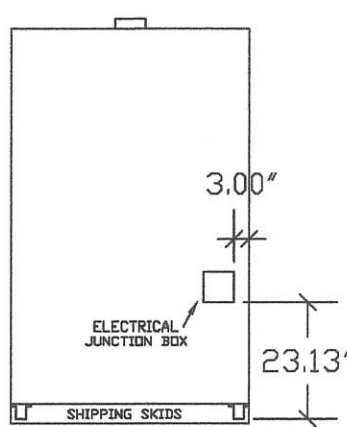
CONSTRUCTION... Extra heavy, all structural steel welded framing with 14 gauge stainless steel interior. Exterior front is 14 gauge epoxy coated steel treadplate. Exterior sides and back are 18 gauge epoxy coated steel. Color choices are red, black, or gray. The firebox and firebox flue are constructed from ten gauge steel lined with 2 inch thick, 2500 degree cast refractory. The oven, flues, and firebox are then wrapped with high temperature insulation. The controls such as relays, overloads, thermostats, and timers are located above the oven front and are accessed through a hinged cover above the oven doors. The oven racks are constructed of heavy nickel chrome plated wire. Shipping weight: 2600 pounds

REV	CHANGE	DATE	APPROVED
1	REMOVABLE SKIDS REMOVABLE STACK RING RECESSED CASTERS	8-8-07	

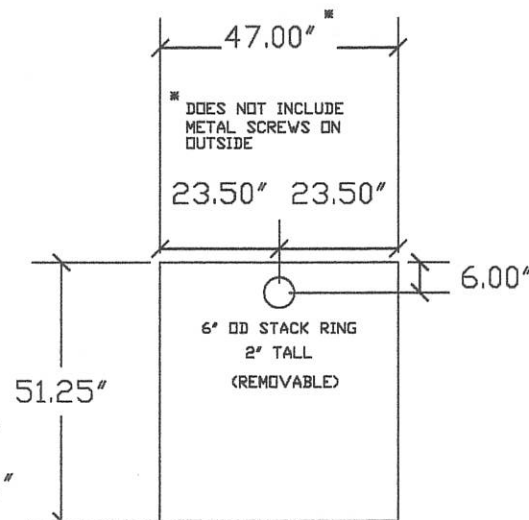
NOTE: WITH THE STACK RING
AND THE SHIPPING SKIDS
REMOVED THE HEIGHT OF
THE UNIT IS APPROXIMATELY
77.5".



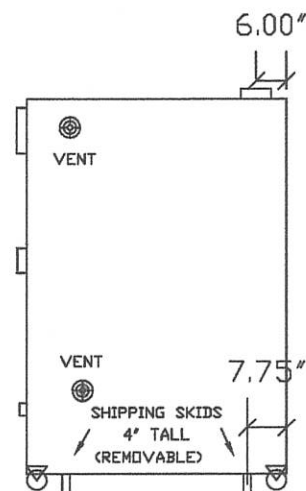
FRONT ELEVATION



REAR ELEVATION



PLAN VIEW



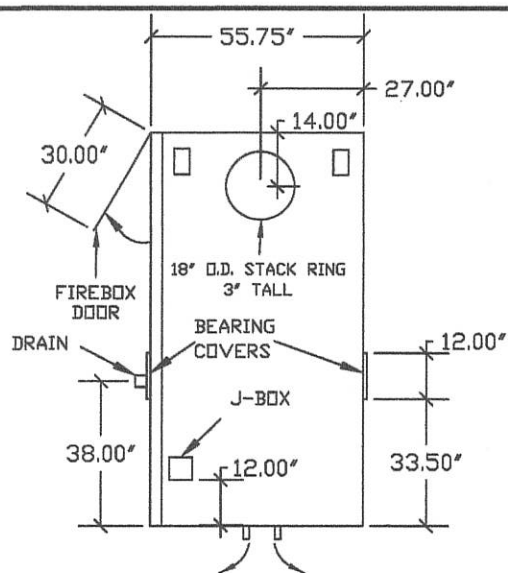
RIGHT SIDE ELEVATION

NOTES:

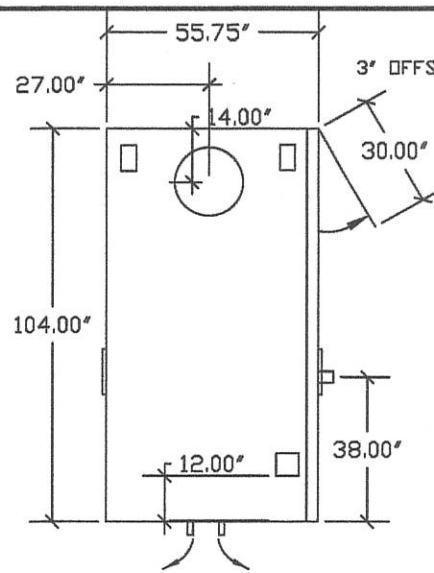
1. INSTALL ON A NON-COMBUSTIBLE FLOOR.
2. CLEARANCE FROM COMBUSTIBLES: 6" FROM THE REAR, 1" ON THE RIGHT AND LEFT, 12" AT THE TOP, 18" FROM THE STACK CONNECTOR, AND 48" FROM THE FRONT.
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5. ACCESS TO THE REAR, TO THE RIGHT SIDE, AND TO THE TOP IS REQUIRED FOR SERVICE PURPOSES.
6. SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION.

ETL LISTED
NSF CERTIFIED

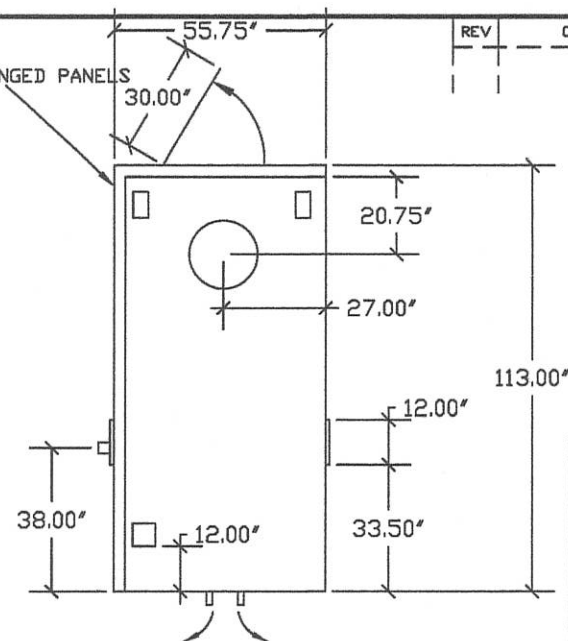
J & R MANUFACTURING, INC. 820 W. KEARNEY, MESQUITE, TEXAS 75149			
SCALE 1/2" = 1'	DRAWN BY L. BELLOWS	DATE 2-21-00	
APPROVED BY DATE	CHECKED BY DATE		
TITLE DETAIL SHEET - MODEL 250RFS			
FOR PHONES: (972) 285-4855 (800) 527-4831		DRAWING NUMBER DS250RFS	
FACSIMILE: (972) 288-9488		REVISION NUMBER 1	



TOP VIEW - LEFT FIREBOX

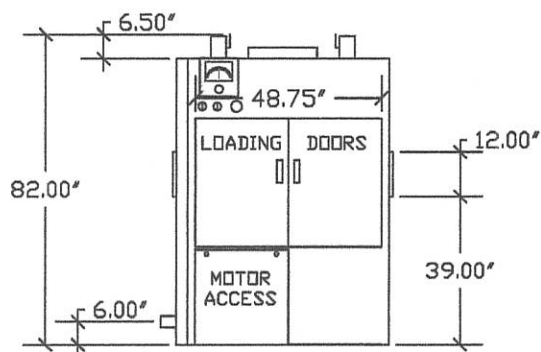


TOP VIEW - RIGHT FIREBOX

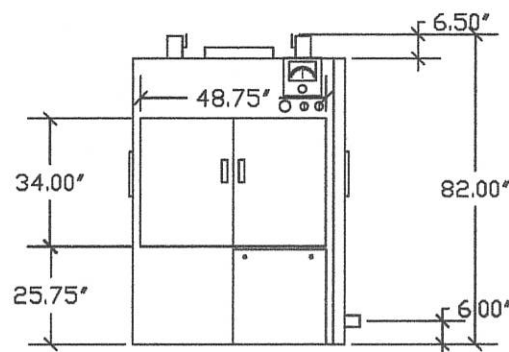


TOP VIEW - REAR FIREBOX

CONSTRUCTION NOTE:
DRAIN LOCATIONS
SHOWN CAN BE
CHANGED TO THE
OPPOSITE SIDE IF
DESIRED.



FRONT VIEW - LEFT AND REAR FIREBOX



FRONT VIEW - RIGHT FIREBOX

NOTES:

1. INSTALL ON A NONCOMBUSTIBLE FLOOR. A 4" TO 6" CONCRETE PAD IS RECOMMENDED TO ELEVATE THE GREASE DRAIN.
2. CLEARANCE FROM COMBUSTIBLES: 12" ABOVE TOP OF CASING, 48" FROM FRONT, 6" FROM CHIMNEY CONNECTOR, AND 0" FROM SIDES AND BACK, EXCEPT 36" FROM THE FIREBOX DOOR.
3. CHECK WITH LOCAL CODES FOR VENTING REQUIREMENTS.
4. ELECTRICAL REQUIREMENTS ARE 115 VOLT, 1 PHASE, 8 AMP.
5. ACCESS TO BOTH SIDES, THE REAR, AND FRONT IS REQUIRED FOR SERVICE PURPOSES.
6. SEE OWNER'S MANUAL FOR ADDITIONAL INFORMATION.

ETL LISTED

NSF CERTIFIED

J & R MANUFACTURING, INC.

880 W. KEARNEY, MESQUITE, TEXAS 75149

SCALE 3/8" = 1'	DRAWN BY L. BELLOWS	DATE 12-31-97
APPROVED BY DATE	CHECKED BY DATE	

TITLE
DETAIL SHEET - MODEL 700

PHONES: (972) 285-4855, (800) 527-4831
FACSIMILE: (972) 288-9488

DRAWING NUMBER
DS700
REVISION NUMBER



