

**TOWN OF NISKAYUNA**  
***Planning Board and Zoning Commission***

**Agenda**  
**July 24, 2023**  
**7:00 PM**

**REGULAR AGENDA MEETING**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES**
  - 1. May 22, 2023
  - 2. July 12, 2023
- IV. PUBLIC HEARINGS**
- V. PRIVILEGE OF THE FLOOR**
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
- VIII. DISCUSSION ITEMS**
  - 1. 2386 Algonquin Rd / 2383 Troy Road – An application for a lot line adjustment
  - 2. 1900 Union St / 1854 Union St – An application for a lot line adjustment
- IX. REPORTS**
- X. COMMISSION BUSINESS**
- XI. ADJOURNMENT**

**NEXT MEETING: August 14, 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**  
**May 22, 2023**

**Members Present:**

Kevin Walsh, Chairman  
Chris LaFlamme  
Genghis Khan  
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**

Mr. Skrebutenas, Mr. McPartlon are excused and absent.

**III. MINUTES**

Motion was made to approve the minutes from the May 8, 2023 meeting motioned by Mr. Khan second by Mr. D'Arpino. After voting the minutes were unanimously approved.

**IV. PUBLIC HEARINGS**

No public hearings tonight.

**V. PRIVILEGE OF THE FLOOR**

Mr. Ken Schwartz of 1363 Ruffner Court has 2 concerns, the first is the flood water guidelines. Mr. Schwartz feels acceptable is not good enough. The second concern is the holding ponds for both the Polsinelli subdivision and the Mohawk Golf Club, he wanted to know who is going to be responsible for keeping them from filling in with over growth.

Ms. Shoshana Bewlay of 1119 Ruffner Road stated the engineer adjustments are not going to change the fact that the Conservation Advisory Council issued a positive declaration which requires of full SEQR review and full environmental impact statement. The engineering corrections will never mitigate the environmental issues and impact to the Town Comprehensive Plan.

Ms. Carol Holmes of 1301 Ruffner Road wanted to speak from her heart to say she feels the people of Niskayuna don't want this development to go through. Ms. Holmes asked the Board to put themselves in the position of the Ruffner Road residents and how would they feel if this was their back yard.

Mr. Charles Horowitz of 1223 Ruffner Road is unhappy that his property was not included in that unforeseen hardship statement in the packet like his neighbor's property was. He stated the project comes the closest to his

backyard. He also thinks that every resident that boards this project should be asked how it affects them in order to get a full picture of the effects of the project.

Mr. Mike Mason of 2144 Mountainview Avenue states he moved to Niskayuna from Schenectady where he lived in a 2-family house in a neighborhood of mostly single-family homes, with the exception of a few multi-family homes that were grandfathered in. He moved to Niskayuna because of his growing family needing a larger home and a large yard. He has done much to update his home inside and out. He doesn't feel its right to let a developer come in and change an already established neighborhood as well as add a road so that a half dozen or so houses will have a road going along the front of their homes as well as along the back. "This is contrary of most of Niskayuna," he stated.

Ms. Louisa Lombardo of 1242 Ruffner Road feels that so many of the ideas with the golf course and the development are not fitting together.

Mr. Josh Spain of 1219 Ruffner Road is here to state his opposition to the development of the 14 acres as well as any access along Ruffner Road. Proposed resolution 2023-15 makes the case as to why this special use permit should be rejected. Mr. Spain urged the Planning Board to do the right thing and vote in favor of the resolution and recommendation that the Town Board reject the special use permit request. This will send a clear message to the Mohawk Club. There are numerous issues and concerns this should be voted down. It's not just whether it's engineering, environment, safety or just pure character of the neighborhood. "It's not just one specific thing, there are so many there," he said.

Mr. Jim Dillon of 1242 Ruffner Road said it is reprehensible to cut down the trees to put a road in. He asks the Board to take 10 minutes and look at the trees that will be cut down. Cutting down the trees is forever.

Ms. Debra Friedson of 2508 Whamer Lane stated she supports her neighbors and thinks this project needs to be voted down. She has heard the Board and appreciates their patience and she would like the Board to hear all of the residents and do the right thing and vote no.

Ms. Julianna Postgood of 1169 Highland Park Road appeared virtually and stated she would like to voice her opposition of the development of the Mohawk Golf Club.

Benjamin & Melanie Roamer of 1250 Ruffner Road stated they see trees already being taken down around the outskirts of the golf course, and it saddens her to see that this potentially could go through. It is truly heartbreaking. She asked the Board to please take into consideration the residents lives and what they have already been going through and the time and the Board's time. Melanie and her husband are voting in opposition and hope the Board does the same.

Hearing no further comments Chairman Walsh closed Privilege of the Floor.

## **VI. UNFINISHED BUSINESS**

The only Unfinished Business is item Resolution 2023-15 to make a recommendation to the Town Board on a Special Use Permit for a 22-lot Average Density Development (ADD) subdivision consisting of 10 single-family detached homes and 12 townhomes at 1851 Union St. off Ruffner Road. The Resolution has been posted. Chairman asked for a motion on the resolution.

Mr. D'Arpino moved for approval and it was second by Mr. Khan.

Chairman Walsh would like to have discussion and have the applicant come forward to give an update on the changes from last meeting.

Mr. Bill Sweet representative for the Mohawk Golf Club (MGC) said there were six items that needed to be addressed immediately and a number of others would be moved later in the approval process. He stated that the MGC proposal had:

- Realigned the entrance road near the 11<sup>th</sup> green so it's straight and in the center of the right away.

- Shown the appropriate landscaping and fencing between 11<sup>th</sup> green and roadway for protection of the roadway use from the potential of golf balls that could hit there.
- Shown the Niskayuna ladder truck required turning radius at the emergency access intersection.
- Indicated the emergency access path will be maintained and plowed by the Mohawk Golf Club, so there would be no Town liability or obligation to maintain it.
- Replaced the individual grinder pumps shown with a gravity sewer system that drains to a single pump station that pumps up to Ruffner Road and to the northern end of the sewer district.
- Included a colored aerial map showing how the storm water area would become integrated into the golf course landscape.

Chairman Walsh thanked Mr. Sweet and stated the Board will now go through the findings.

Mr. D'Arpino stated the first item up is review of section 220-28 Average Density Development (A) Purpose. The purpose of this section is the permit variation lot size and housing type. He read: "The Planning Board finds that this particular configuration of an ADD proposal does not balance the economic provisions of streets and utilities and the preservation of natural scenic qualities in open space. It does not capitalize on the potential for beautiful views of the golf course nor blend in well with the neighboring homes. The proposed gravity Pump Station will need some annual maintenance and a driveway paved and supported by the town's large Vac truck. The last part of the finding was the architectural review board reviewed which stated that this does not capitalized on the potential for beautiful views of the golf course nor does it blend in well with the neighboring homes."

Ms. Gold believes that when the ADD was being developed this was one of the areas that had being considered. They wanted to protect a lot of land without taking the land from the owners. Ms. Gold stated that the fundamental part of this is that property owners are entitled to reasonable use of their land. They would be developing less than 7% of their land putting in a neighborhood similar to what is already there and for which it is already zoned. Ms. Gold believes that is reasonable and appropriate use of their land. There was no further comment.

Mr D'Arpino read:

"B. Conditions for lot size reduction. The purposes are achieved by permitting lot size to be reduced in a subdivision tract if:

1) The overall density does not exceed that which is permitted in the applicable zoning district  
*The applicant has provided an R-1 subdivision sketch showing 22 single family homes and proposed a 22 lot average density development.*

2) The land thus gained is preserved as permanent open space for the use of the residents of the area  
*The forest proposed as a buffer to adjacent residence has benefit limited to the directly adjacent parcels - but little benefit to the surrounding neighborhood. The large triangle of open space would not be for use of the residents in the area.*

F. Requirements for average density developments. In addition to the criteria for review established by Article VIII of this chapter, the Planning Board shall apply the following standards in their site plan review of average density development projects:

1) Where permitted. This section applies only to lands zoned R-R and R-1.  
*The parcel in question is located in an R-1 zone.*

2) Dimension requirements.

a) Minimum area. The minimum area required to apply the provisions of this section shall be 10 contiguous acres of land.

*The proposed development area is 14 acres of contiguous land.*

[2] Lands associated with a structure on which attached single-family dwelling units are located shall be considered a lot for the purposes of applying standards for yard dimensions.  
*The yard dimensions are shown for attached single-family dwellings.*

[3] Lots of detached single-family dwellings and those portions of land on which attached single-family dwelling units are located shall be used when determining the reduced lot size to be set aside for open space purposes.  
*The yard dimensions are shown for detached single-family dwellings.*

## 3) Dwelling Units

- a) Maximum in project. The maximum number of dwellings shall be determined from the preparation of a conventional subdivision sketch plan of the project area. The sketch plan shall be prepared in conformance with Chapter 189, Subdivision of Land, and the provisions of this chapter for detached single-family dwellings and shall include designated park areas. Where two or more zoning districts are involved, the standards for the applicable zoning district shall be applied to each part of the project area. The number of dwelling units permitted in each district will then be added together for the total number of dwelling units permitted. The permitted number of building plots or dwelling units shall not exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Zoning Ordinance applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. Consideration of terrain, topography, drainage, flooding potential and other natural conditions must be considered in determining the maximum number of dwellings in the project.

*The Planning Board reviewed a 22-lot single family home subdivision sketch. The sketch did not show drainage, flooding potential, or account for possible proposed parkland requirements for a single family home subdivision.*

- b) Dwelling unit types. A minimum of 40% of the total number of project dwelling units shall be single-family detached units with the remaining units being townhouses or semidetached units.  
*10 single family homes and 12 townhomes equates to 45 % of units being single family homes."*

There were no comments. Mr. D'Arpino read:

## "4) Open space requirements.

- (a) Quantitative considerations: The subdivider shall set aside for open space purposes the same percentage of the entire proposed development as that by which the total of the lot areas have been reduced.  
*The total area of lot reduction is 67,206. The total area of proposed open space is 118,678 square feet.*

## (b) Qualitative considerations:

- [I] Land reserved for open space shall, in the judgment of the Planning Board, be in a location (s), of a size and shape and of a type or character suitable for the purposes for which such land shall be primarily reserved. Types may include playgrounds, neighborhood parks or a natural or conservation area such as a natural watercourse. As a portion of the submittal to the Planning Board, the subdivider shall propose conditions to be established for continuing ownership and maintenance of the open space land. The Planning Board may require that the open space be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

*The open space of the subdivision consists of a natural area of forest that is 2.72 acres total (at least one acre is a 50 foot wide linear strip of land along the backs of the proposed homes). The Planning Board finds that the size and shape does not take advantage of the open and scenic qualities of the golf course, is not accessible to the public, and is not optimal as a natural conservation area for wildlife."*

A comment was made by Mr. Khan that everything about the open space of this average density development seeks to buffer it from the surrounding neighborhood and the negative impacts it would have on the surrounding neighborhood as the average density development and he believes that is a fundamental flaw in this application.

Chairman Walsh in his view feels the open space being used as a buffer is a positive, because, the more buffer between the backs of the residents along Ruffner Road and the proposed development is good. There are similar situations where there is not a public use of the land but just basically the land is open space and not used by residents of the town.

Ms. Gold interjected that she didn't believe it stated that it had to be open to the public and Chairman Walsh concurred that it was not a requirement. He stated that just because there is open space in an R-1 development it is not necessary to have a pocket park. It would be great to have the land used but it is not required.

Ms. Gold states she doesn't think that the views of the golf course are in the town code. Ms. Gold also states she believes people want the buffering between them and the golf course. There were no further comments.

Mr. D'Arpino read:

"[2]Homeowners' association charters shall provide that, in the event of default by the association, the Town can take over the continuing ownership and maintenance of all open space lands and tax landowners

195 accordingly.

196 *There is no homeowner's association associated with this proposal - the land is proposed to be deed*  
197 *restricted and remain in the ownership of the golf course.*

198  
199 [3]Homeowners' association charters shall address an obligation on the part of all homeowners in the  
200 development to adhere to maintenance and appearance standards established by the association and which  
201 are acceptable to the Town.

202 *There is no homeowner 's association associated with this proposal - the land is proposed to be deed*  
203 *restricted and remain in the ownership of the golf course.*

- 204  
205 c). Minimum width. Reserved open space shall not be narrower than 200 feet, except where necessary to provide a  
206 pathway or other means of access. An easement for a natural watercourse dedicated to the Town may be  
207 considered as open space for the purpose of this regulation if such easement is at least 200 feet wide. Open space  
208 shall be arranged to provide an area of adequate size and shape so as to be of value to the residents.  
209 *The open space is, at its narrowest, 50 feet. The strip of 50 feet extends approximately 1,000 feet, totaling*  
210 *50,000 square feet of the proposed open space. The remaining area is a forested triangle of approximately*  
211 *68,000 square feet. The maximum width of the triangle is 200 feet. This proposal has the maximum width of the*  
212 *land at 200 feet, not the minimum. This land would also be difficult for the developer to develop and is not*  
213 *accessible to surrounding residents. The open space does not take advantage of the open or scenic qualities of*  
214 *the golf course, and as habitat for wildlife it becomes fragmented and mostly linear. Two acres of long,*  
215 *fragmented habitat does not support wildlife in the same manner as larger, consolidated acreage reserves.*

216  
217 H. Considerations in report. In addition to the considerations set forth in chapters 220-59 and 220-46 B of this chapter,  
218 the Planning Board shall also determine that:

- 219 I.) Such development shall not be detrimental to the health, safety or general welfare of the persons residing in  
220 the vicinity or injurious to property or improvements within its proximity; and  
221 *The proposal includes opening up a new intersection on a road that conducts a fair amount of traffic within the*  
222 *neighborhoods (Ruffner Road). The Planning Board explored alternative access points and indicated their*  
223 *preference for pre-existing rights of way."*

224  
225 There were no comments. Mr. D'Arpino read:

226  
227 "2) The proposed development is in conformity with the objectives of the Comprehensive Plan, especially as the  
228 proposal relates to the implementation of highways, parks and the preservation of scenic and open space areas.

229 *The 2013 Comprehensive Plan strives to preserve and build on 'livability factors ' such as parks, open spaces*  
230 *and natural areas, walking and bike paths, traditional tree lined neighborhoods, historic areas and easily accessible*  
231 *and diverse shopping areas. The Plan states preservation of community character " not only has wide support*  
232 *from residents, its preservation makes economic sense" (p5). The Plan also recognizes that "as Niskayuna*  
233 *reaches full buildout, development pressures on the remaining undeveloped land will likely intensify" and*  
234 *therefore the Plan attempts to "ensure an adequate open space and recreation system" and asks the Town to*  
235 *"take advantage of open space opportunities as they arise... (recognizing] the important role open space plays in*  
236 *the character of individual neighborhoods and the Town identity" (p5).*

237  
238 *The Mohawk Golf Club is recognized as an important parcel within the Town's 2013 Comprehensive Plan. On*  
239 *page 52 and 57, the Golf Club is identified as the largest privately owned parcel open space and recreation area*  
240 *in Niskayuna. It accounts for nearly half all privately held recreation areas (190 acres of the total 433). In the*  
241 *neighborhood narratives, neighborhood #5, the Country Club neighborhood, is recognized for deriving its name*  
242 *from the Mohawk Golf Club course founded in 1889. The Club "surrounds this neighborhood and gives it a*  
243 *sense of open space" (p 14).*

244  
245 *On page 35, the Plan reiterates that "Open space is a nonrenewable resource, and as Niskayuna approaches*  
246 *full build out and development pressures intensify the Town's remaining, important and unprotected open space*  
247 *may disappear without upfront planning. " The Planning Board finds that both the larger Mohawk Golf Club*  
248 *parcel and this particular 14 acre piece need careful planning to take full advantage of the scenic qualities of the*  
249 *golf course and remaining forested areas.*

250  
251 *Furthermore, as the Plan examines issues related to residential development, it states "Residential areas*  
252 *throughout the Town are one of its greatest assets and should be protected from inappropriate and poor design*  
253 *that does not contribute to the overall intent of the neighborhood." The Planning Board finds that by maximizing*

the lots and fragmenting the open space, the poor design of this average density development does not contribute to the overall intent of the neighborhood.

In the issue area of land use, the Plan identifies that "as the Town continues to grow, existing large land parcels may be identified for development resulting in drastic shifts from their current use. Such development shifts require careful consideration to determine redevelopment impacts on the surrounding area, infrastructure and existing land use patterns" (p86). This is a large parcel, where poor design could shift adjacent development patterns in the future and therefore piecemeal consideration of subdivision and open space is not advisable.

While the Planning Board recognizes the right of the developer to pursue subdivision application, a poorly planned Average Density Development application that is not harmonious with the surrounding residential neighborhoods, that does not capitalize on open space opportunities, and potentially shifts land use pattern from open space/recreation to clustered home development, is contrary to the Town's Comprehensive Plan."

Ms. Gold states she doesn't think this is a bad subdivision plan and stated just because it is unpopular with the residents doesn't make it a bad plan.

Mr. Drescher stated according to the Comprehensive Plan there are already traffic concerns and safety issues in the area and he felt this proposal would increase these issues. He did also bring up interconnection between isolated subdivisions and cul-de-sacs being mentioned in the Comprehensive Plans.

Chairman Walsh said if that reasoning was continued, the Town would have no development and he feels that the traffic study will show that there will be very little impact with the result of this 22-lot subdivision.

Mr. Khan feels this neighborhood/area warrants a longer duration traffic study to assess what the traffic pressures are and what is causing the existing traffic concerns.

Ms. Robertson added that this is one large parcel and if it was developed without good planning it sets the tone for the remainder of the parcel and could set off piecemeal development.

A statement was made that the Golf Course doesn't want to develop the rest of the land now but what about in 5 or 10 years.

Mr. Khan said this is an ADD in an R-1 district. The code and legality of the code supports the discussion that is occurring. This Board's recommendations are being made to the legal deciding body on the special use permit - the Town Board. From a planning perspective, an analysis of the comprehensive plan and the engineering perspective is critical to weight the merits of this application.

Chairman Walsh reminded the Board that the proposed resolution is written to support a position that the Town Board deny the special use permit. There were no further comments.

Mr. D'Arpino read:

**"CHAPTER 189 Subdivision of Land**

**189-15 General Requirements**

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

*The Planning Board has open questions about the length of the cul-de-sac and the interaction of the proposed public roadway with the golf course use and operations.*

- B. Conformity to Official Map and Master Plan. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan.

*As previously documented in findings for ADD Code 220-28 (H)(2) above, the Planning Board finds that this proposal is not in conformity with the Town Master Plan. The Town's Official Map does not show a layout of roads through this parcel."*

Chairman Walsh asked why would the official map show roads going through a golf course. He noted the access easement is shown on the official Town Map.

Ms. Robertson stated that there are areas that are undeveloped or were undeveloped when the Town's map was enacted but it did contemplated future connections through these larger parcels, including ones that crisscrossed through wetlands and other land features.

Hearing no further comments, Mr. D'Arpino read:

- C. "Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town Specifications, which may be obtained from the Town Engineer.

*Engineering studies are required for all proposed water, sewer and stormwater improvements. The location of the pump station may require a larger parcel for maintenance. The road to the pump station will have to be paved and the width of the pavement/turnaround will need to accommodate the Town's large Vac-truck. Also the Town discourages long driveways to pump stations because of maintenance and plowing in the winter.*

- D. Five copies of a stormwater pollution prevention plan (SWPPP) will be submitted as part of the preliminary subdivision application as outlined in Chapter 180[1] of the Town Code of the Town of Niskayuna.

*A SWPPP would be required should this project progress to preliminary subdivision review*

#### 189- 16 Street layout

- A. Width, location and construction

- 1) Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Master Plan and to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment.

*The TDE has raised concerns over the length of the cul-de-sac and the usability of the emergency access proposed between two single family residences on Ruffner Road. The applicant has addressed the emergency access fire truck turning radiuses and indicated they would maintain and plow the emergency access way, but the TDE may still have concerns about the width of the access."*

There were no comments. Mr. D'Arpino read:

- 2) "The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

*The length of the cul-de-sac is a concern. The sharp bend in the road as it exits the Ruffner Road paper street in essence creates 3 front yards for the 1219 Ruffner Road property, which is potentially an unforeseen hardship. The Complete Streets Committee felt there was a lack of connection from this neighborhood to the adjacent neighborhoods, and that the configuration is potentially isolating to the residents on the proposed cul-de-sac.*

*The proposed walking connection to South Country Club drive is a benefit of the proposal."*

Chairman Walsh didn't agree with the finding that this caused an undue hardship to 1219 Ruffner Road. He stated they already have two front yards and there will be golf course property between them and the road going behind their home so they will not have 3 front yards. It will have an impact yes but not an undue hardship.

After discussion, Chairman Walsh proposed that the resolution findings be amended to state: "Both existing properties currently have two front yards and this application will not result in a third front yard." Chairman Walsh made a motion to add this statement to the findings, it was second by Ms. Gold. He asked Mr. Henry to call the roll.

Upon voting the motion to amend the resolution failed by a vote of 2-5.

Mr. LaFlamme NAY

Mr. Khan NAY

Ms. Strang NAY

Mr. D'Arpino NAY



353 Ms. Gold AYE

354 Mr. Drescher NAY

355 Chairman Walsh AYE

356 Mr. Khan said that the findings state “in essence” creating 3 front yards and also potential “unforeseen hardship.”  
357 He stated they are not discussing the legal definition of the number of front yards but the findings are discussing that  
358 the property would have a road surrounding 3 sides of it under this proposal. He clarified that this is why he voted  
359 nay on Chairman Walsh’s proposed modification.

360 Chairman Walsh stated that he wanted the number of legal front yards on record as a statement of fact.

361 Hearing no further comments, Mr. D’Arpino read:

362 “B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of  
363 adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet  
364 subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension,  
365 presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities.  
366 Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or  
367 impracticable, the above conditions may be modified.

368 *The current arrangement of the long cul-de-sac does not provide for the continuation of principal streets into*  
369 *adjoining subdivisions.*

371  
372 J. Culs-de-sac.

373 1) Where culs-de-sac are designed to be permanent, they should, in general, not exceed 500 feet in length and shall  
374 terminate in a circular turnaround having a minimum right-of way radius of 60 feet and pavement radius of 45  
375 feet.

376 *The cul-de-sac, as proposed is 1,750 feet long*  
377

378 **189-21 Parks, open space and natural features**

379 A. Recreation areas shown on Town Plan. Where a proposed park, playground or open space shown on the Town Plan  
380 is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in  
381 accordance with the requirements specified in Subsection B below. Such area or areas may be dedicated to the  
382 Town or County by the subdivider if the Town Board approves such dedication.

383 *There is currently no recreation or parkland proposed for this subdivision. Parkland is separate from the open*  
384 *space requirement of an average density development special use permit.*

385 B. Parks and playgrounds not shown on Town Plan. The subdivider shall dedicate to the Town usable land equal in size  
386 to 10% or more of the subdivider's tract. This land shall be used by the Town for parks, playgrounds or for other  
387 specific public recreational uses as deemed desirable by the Planning Board. Usable area or areas bordering a stream,  
388 lake or other watercourse can be given special consideration by the Board in excess of the ten-percent minimum.

389 *There is currently no recreation or parkland proposed for this subdivision. The applicant has discussed requesting a*  
390 *waiver for parks and playgrounds - with payment of cash in lieu of land dedication (pursuant to Section 189-21*  
391 *(D)).*

392  
393 There were no comments. Mr. D’Arpino read:

- C. "Preservation of natural features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of five inches or more as measured three feet above the base of the trunk be removed without prior approval by the Planning Board. In those areas where grade contours are to be raised, measures should be taken to ensure against damage or killing of trees. Such measures shall include but not be limited to construction of wells around the bases of trees and making provision for aeration and drainage.

*There is no data available to the Planning Board at this time concerning the numbers, sizes and locations of trees over 8 inches. Vistas to the golf course and natural forest areas are natural features that add value to residential development and to the community. As detailed in the Town's 2013 Comprehensive Plan, the Mohawk Golf Course is a valuable asset in the public/private network of recreational and open space throughout the Town. If not protected and developed correctly, the Town could lose an irreplaceable asset to the Town and surrounding neighborhoods. The Planning Board finds that this plan does not provide for adequate preservation of natural features and more data on the location of trees, as well as retaining patches of forest within the subdivision to avoid clear-cutting 12 acres, is necessary for any proposal within this area."*

Mr. Kahn requested that section 220-28 F. b. Lot size variation be read aloud, as he was concerned it might have been missed. Mr. D'Arpino read as follows:

"b) Lot size variation

- [1] The size(s) of lots in an average density development may vary from the normal requirements of the district in which they are located, but no dimension or area requirement for the district shall be reduced by more than 50%.

*No area dimension requirement appears to have been reduced by more than 50%. The front, side and rear setbacks are all proposed to be reduced by the full 50%. The lot frontages and sizes vary from nearly full 50% reduction for the majority of Town home lots, to 10-20% reduction on the minimum R-1 single family home lots. The average frontage for the lots is approximately 80 feet. The average lot size is approximately 14,850 square feet. The eight smallest lots are between 9,300 and 10,800 square feet.*

*For the existing 12 homes directly adjacent to the average density development proposal, the average lot size is 26,575 square feet. The average frontage of for these homes onto Ruffner Road is 130 feet of frontage. For this particular area, this equates to a 60% reduction in lot frontage with the ADD compared with the adjacent homes, and a 48% reduction in lot size."*

There were no comments. Mr. D'Arpino picked up where he left off reading in the findings:

**"Section 220-60 (Special Use Permit)"**

General Character:

*The Planning Board finds that the general character of this proposed average density development is unsuitable for this location. Typical lot sizes in this area are an average of 26,575 square feet with frontages averaging 130 feet. The proposed lots sizes average 14,850 square feet with average frontages of 80 feet. The bulk and scale of the smaller lots will not be in harmony with the surrounding neighborhood. Similar benefits of forest and buffer preservation could be achieved through single family home subdivision, but the clustering and massing of homes proposed will be markedly different from the surrounding area. There is no discernable benefit to using an average density development in this location. Furthermore, the plan does not provide for adequate preservation of natural features and the open space provided is not useful to the majority of the neighborhood.*

Height and Use of Land:

*The Planning Board finds that the clustering of the improvements is not suitable for this location. The number of units is too high and the configuration does not take advantage of the natural surroundings, including the remaining forest and the golf course holes."*

Ms. Gold stated that she disagrees. Hearing no further comments, Mr. D'Arpino continued reading:

"Building or structures

*The Planning Board finds that the single-family homes and townhomes being clustered is not consistent with the surrounding neighborhoods and is not the recommended approach. The benefit with this configuration is weighted more towards the developer than the characteristics of the surrounding land and neighborhoods."*

After much discussion, Mr. Khan stated that he wanted to make clear that they are not making any recommendations on what kind of application they would like to see in the future. The findings only related to the ADD in front of them now and as proposed for this location.

Hearing no further comments, Mr. D'Arpino read"

"Provisions of Open Space and Treatment of Grounds:

*This lot is the largest and one of the last open space areas in the area. The open space proposed with the ADD is mostly beneficial to a small number of existing homes and does not provide amenity to the majority of the neighborhood. It is strictly related to buffering the negative impacts of this development without providing additional benefit to the neighborhood. Additionally, the open space doesn't provide any value to the golf course because the wooded lot is no longer adjacent to the field of play. As far as habitat preservation is concerned, 2 acres does not provide the same types of habitat for wildlife as 14 acres, and the habitat is fractured, largely linear, and much less useful.*

General Fitness of the structure or use to its proposed location:

*As previously documented, the Planning Board finds that the average density use, as configured, is not a suitable use for this proposed location.*

Provision for Automobile parking or storage:

*The provision for automobile parking and storage is adequate.*

Street capacity and Use:

*The Planning Board recommends an actual traffic study on Ruffner Road to determine the full impacts of adding vehicles and intersections to this area.*

Public Health and Convenience:

*The Planning Board finds this proposal has little impact on public health."*

There were no comments. Mr. D'Arpino read:

"Preservation of general character of the neighborhood:

*As previously documented, the Planning Board finds that this proposal is contrary to the preservation of general character of the neighborhood."*

Ms. Gold disagrees with that statement as well. She stated it was an R-1 proposal in an R-1, so she felt it was in the same character.

Hearing no further comments, Mr. D'Arpino read:

**"Additional Findings**

508 *Please see the Town Designated Engineer's most recent review letter."*  
509

510 There were no further comments. Chairman Walsh asked if there was anything else to discuss prior to a vote.  
511 He noted that all the findings and back-up documentation from the Boards and Committees was in the packet  
512 and available to the public. Hearing no further discussion, Chairman Walsh made a clarification that an "Aye"  
513 vote meant the Board member is recommending the Town Board deny the Special Use Permit. He asked Mr. Henry  
514 to call the roll.

515 Upon voting the resolution passed 5-2.

516 Mr. LaFlamme AYE

517 Mr. Khan AYE

518 Mr. D'Arpino AYE

519 Ms. Gold NAY

520 Mr. Drescher AYE

521 Ms. Strang AYE

522 Chairman Walsh NAY

523 Chairman Walsh stated he agreed with Ms. Gold this is an R-1 development next to an R-1 development. Chairman  
524 Walsh said he is concerned with what the future holds for this property and he felt an average density development  
525 is more suitable than what could be developed. He noted this project is still preliminary and there is a lot of work to  
526 be done and a lot of engineering. Many things can still change. Chairman Walsh stated that the Board has not even  
527 granted sketch plan approval and they would still have to go through the full subdivision approval process if it were  
528 to come back to the Planning Board from the Town Board and he felt there is an opportunity to limit future  
529 extensions of this subdivision at that time. He stated there were still a lot of conditions to review, and some of them  
530 might be show stoppers, like the length of the cul-de-sac. He stated the only types of development in Niskayuna that  
531 directly allow townhomes are in a PUD and an average density development. Chairman Walsh also stated there still  
532 has to be an ARB review where discussions could happen about staggering the homes and working on the views to  
533 the golf course.

534 Mr. Khan stated that Chairman Walsh is factual on all the process statements that he made and his opinion on the  
535 subjective aspects are his own and well respected, but he felt the Board was at that part of the process where the  
536 Board has done the engineering iterations and the TDE has given the evidences so that the Board is at the level  
537 where it can make that recommendation to the Town Board. He felt that the only matter in front of the Board at this  
538 time was making a recommendation to the Town Board based on those discussions and that evidence.

539 Chairman Walsh states that the Resolution passed by a vote of five to two.

540 Chairman Walsh states the recommendation to deny the special use permit will be moved to the Town Board, which  
541 will begin the start of their process for the application. He thanked the applicant and the Board for their time.

542

## 543 **NEW BUSINESS**

544 No new business

## 545 **VII. DISCUSSION ITEMS**

546 **1. Antonia Park / Polsinelli Dr. (40.-1-54.11) – An application for Approval of a Plat**  
547 **Plan-- Minor Subdivision approval for a 2-lot minor subdivision and lot line**  
548 **adjustment.**

549 Chairman Walsh stated the applicant and his engineer Mr. Brett Steenburgh are present and asked them to give the  
550 Board an update.

551 Mr. Steenburgh explained that many adjustments have been made to take into consideration the drainage, buffering  
552 to neighbors, and reduction in the impervious area where the driveway will be.

553 Mr. Steenburgh also stated that after speaking with Doug Cole, the Town Designed Engineer (TDE), he went back  
554 and redesigned the drainage system slightly. Mr. Steenburgh has taken into consideration many different scenarios  
555 when planning for future storm water issues, including using the Cornell mean precipitation table to plan for the 100  
556 year storm. Mr. Steenburgh says he feels confident and hopes the Board feels the same with the stormwater  
557 management design that is proposed.

558 Ms. Gold thanked them for the tremendous amount of work they have gone through, but stated she has  
559 disappointment with the shared driveways. Ms. Strang stated that shared driveways are a nightmare especially in  
560 small claims court.

561 Mr. Polsinelli suggests that they keep the same pavement width but put a two-foot separation in the middle so that  
562 you have two separate driveways but the same pavement width so the calculations will not need to change.

563 Mr. Khan agreed that this is probably a better way to go thinking of future issues. Mr. Khan also stated he  
564 appreciated the work that went into this application and feels it is more than adequate.

565 Ms. Robertson stated there needs to be a pocket delineated where the snow is going to go at the end of Polsinelli  
566 Drive. Mr. Steenburgh's thought is that the snow can go right on top of the basin. Ms. Robertson requested that they  
567 bubble out on the subdivision map where the snow is going to be stored so it can be given to the Highway  
568 Department.

569 Ms. Robertson's second comment is in reference to the sewer connections going to the line that the DEC is  
570 monitoring because of concerns that it is full. She stated any Town approval would be subject to approval from the  
571 DEC for the connections to this line. This will not hold the Planning Board's review of the project up but it will be a  
572 condition of the resolution. The Town may not be able to approve sewer connections right away.

573 Ms. Gold stated she is comfortable calling for a tentative Resolution June 12.

574 Chairman Walsh said he would like to express his thanks for all the hard work, especially to Mr. Polsinelli who has  
575 worked hard to ensure the existing stormwater drainage issues will not be exacerbated. Chairman Walsh stated there  
576 will be a tentative Resolution for the next meeting.

577 **VIII. REPORT**

578 Ms. Robertson gave a reminder that the second meeting in June, on the 26<sup>th</sup>, had to be cancelled due to early voting.

579 **COMMISSION BUSINESS**

580 Mr. Khan requested clarification on how to maintain the culverts, especially behind the existing homes on Rowe  
581 Road. Ms. Robertson stated she spoke with the Town Engineer and the Highway Superintendent and they feel  
582 some of the issue is maintenance of the open channel behind Rowe Road and they asked her to remind residents not  
583 to pile grass clippings and other yard wastes along the stream channel. Ms. Robertson also stated she feels it could  
584 be worthwhile for the Town to look at a Climate Smart or Resiliency Grants to further study the problem.

585 Mr. D'Arpino stated he would like to establish a deadline for all applicants getting information in for Planning  
586 Board meeting agenda and having the hard deadline posted so that it is publicly known. Mr. D'Arpino said there is

587 a balance between the Board trying to be accommodating and also getting information in the packets with enough  
588 time to thoroughly review it.

589 Ms. Robertson stated she would like to come up with a proposal on timelines for the Planning Board to review.  
590 She suggested discussing it publicly and potentially adopting it as a Planning Board policy to help with  
591 transparency. Attorney Finan agrees that this is more of a policy and does not need to be added into the Code.

592 Chairman Walsh stated that this has been in discussion for some time and other towns have been putting the  
593 deadline for information on the bottom of their agendas for the next meeting.

594 Ms. Robertson feels setting forth policies to collect the subdivision application TDE fee early on would also be  
595 helpful. Collecting the TDE fee upon application would be very as it would allow staff to get started earlier with  
596 the TDE review.

597 Mr. Henry stated he would like to go on record that he completely agrees with this. He recommended the Planning  
598 Department and Board establish a deadline and stick to it. Mr. D'Arpino agreed. He stated he thinks this will make  
599 it better for the public and better for the applicants.

600 Mr. D'Arpino gave a quick update that the Comprehensive Plan Committee gave a presentation to the Town Board  
601 basically explaining the general goal for the updates and also mentioned there will be some public outreach soon.

602 **IX. ADJOURNMENT**

603 Ms. Gold motioned to adjourn the meeting Mr. Drescher seconded the motion. All were in favor. The meeting was  
604 adjourned at 9:35 pm.

**TOWN OF NISKAYUNA**  
***Planning and Zoning Commission***  
***Hybrid Meeting***  
**Meeting Minutes**  
**July 10, 2023**

**Members Present:**

Kevin Walsh, Chairman  
Chris LaFlamme  
Michael Skrebutenas  
Genghis Khan  
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**

Mr. McPartlon was absent/excused.

**III. MINUTES**

1. May 2, 2023

Chairman Walsh made a motion to table the Minutes from the 5/22/23 meeting, requesting that more detail be added about what was said following the vote on the Mohawk Golf Club SUP recommendation to the Town Board. The motion was seconded by Mr. Skrebutenas. All were in favor.

2. June 12, 2023

Mr. Khan made a motion to approve the Minutes from the 6/12/23 meeting. Seconded by Mr. D'Arpino. All were in favor.

**IV. PUBLIC HEARINGS**

No public hearings tonight.

**V. PRIVILEGE OF THE FLOOR**

Mr. Charles Horowitz of 1223 Ruffner Road said he is a thousand percent against the Mohawk Golf Club project. Mr. Horowitz said he is not angry with the Board for disagreeing with him, he just wants to know if there are legal obligations that guide how the Board makes its decision or if the Board can just vote on however it believes. He objected to some of the statements made in the minutes and didn't think they were correct.

Ms. Juliana Post-Good (virtual) said she is interested in what the Mohawk Golf Club would come back with after the vote and wanted to keep track of the project.

Hearing no further comments Chairman Walsh closed Privilege of the Floor.

## **VI. UNFINISHED BUSINESS**

No unfinished business

## **VII. NEW BUSINESS**

1. **RESOLUTION: 2023-17:** A Resolution for site plan approval for a tenant change at a lot that is partially within the Town of Colonie and partially within the Town of Niskayuna at 1222 Troy Schenectady Rd.

Mr. D'Arpino is excusing himself and Mr. Drescher will be sitting in on this vote.

Chairman Walsh states Mr. Khan was Project Lead. Chairman Walsh summarized the Resolution as stated below.

“RESOLVED, that the Planning Board and Zoning Commission, acting in accordance with the State Environmental Quality Review (SEQR) regulations and local law, has determined that this project qualifies as a Type 2 action and therefore does not require a SEQR review, and be it

FURTHER RESOLVED, that the Planning Board and Zoning Commission hereby approves the above referenced site plan with the following conditions:

1. Prior to issuance of a building permit, due to the fact that 64% of the site area and 93% of the building area lies within the Town of Colonie, the Niskayuna Planning Board and Zoning Commission requires evidence of site plan approval from the Town of Colonie Planning Department for the proposed use and tenant change.
2. Relocation of existing signage, or the addition of new signage, shall require site plan application review and approval of the Planning Board and Zoning Commission. The Planning Board requests no changing/flashing LEDs be added to the monument sign.
3. Any further changes to the parking lot will require further site plan review.

FURTHER RESOLVED, that this Planning Board and Zoning Commission hereby grants site plan approval to use the Niskayuna related portion of the property shared between the Town of Niskayuna and the Town of Colonie at 1222 Troy Schenectady Rd. for a community food pantry on the main level and for a children's before and after school program and/or daycare in the lower level as depicted in the aforementioned site plan.”

Mr. Khan made a motion to approve this Resolution. Seconded by Mr. LaFlamme.

Mr. Khan added that due to late night activities and the dark parking lot on the Niskayuna side of the property, Niskayuna would like to look at any lighting modification plans when they were made. Mr. Khan also mentioned that churchgoers possibly would be traveling on Vly Road for a few more miles to get to the new location from the old one and it is a very windy rural road. He would like to see the Town of Colonie to give some consideration to this increase in vehicle trips.

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

Upon Voting, the Resolution passed 7-0.



83 Mr. LaFlamme AYE  
84 Mr. Skrebutanus AYE  
85 Mr. Khan AYE  
86 Ms. Gold AYE  
87 Ms. Strang AYE  
88 Mr. Drescher AYE  
89 Chairman Walsh AYE

90 The Resolution was approved.

91

92 2. RECOMMENDATION TO ZBA: 2386 Algonquin Rd. and 2383 Troy Schenectady Rd. –  
93 A Recommendation to the ZBA regarding an application for lot line adjustment requiring  
94 a rear setback area variance of 19.9 ft. at 2383 Troy Rd.

95 Chairman Walsh, stated that Mr. McPartlon, the applicant Mr. Pfeiffer and himself walked the property.  
96 Based on the site walk and previous Board discussions, Chairman Walsh stated the Board was ready to  
97 make a recommendation to the Zoning Board of Appeals. Having had a discussion with Mr. McPartlon  
98 (who was absent/excused this meeting), Chairman Walsh stated he would take the Board through the  
99 questions in the Zoning Board Recommendation.

100 Chairman Walsh read the first recommendation, Effect on the Comprehensive Plan. He stated that both he  
101 and Mr. McPartlon felt there would be no effect on the Comprehensive Plan. He noted that the proposed  
102 action results in two irregularly shaped lots, which are generally discouraged, however, both lots are  
103 irregularly shaped in their current embodiment and the area variance brings the smaller lot at 2386  
104 Algonquin Rd closer to a regularly shaped, rectangular lot. The Board voted 7-0 that there was no effect  
105 on the comprehensive plan.

106 Chairman Walsh said there is a pretty sizable buffer between the two properties but if a new home owner  
107 moved into the property on 2383 Troy Road and cut down the trees Mr. Pfeiffer would lose his privacy.

108 Chairman Walsh stated that, for Suitability of Use, both he and Mr. McPartlon were recommending that it  
109 was a suitable use. He noted that Algonquin Road is a dead-end street, both neighbors are strongly in  
110 favor of the lot line adjustment and the creation of an additional wooded buffer to the existing home at  
111 2386 Algonquin Rd is a desirable outcome that will increase the likelihood that mature growth trees in the  
112 wooded buffer are preserved. He also noted that the area variance occurs in a relatively remote portion of  
113 the two lots and it will not have any impact on neighboring properties. The Board voted 7-0 that the use  
114 was suitable.

115 Chairman Walsh said that for all the reasons stated, he and Mr. McPartlon recommend that the Zoning  
116 Board of Appeals Grant the area variance as written. The Planning Board voted 7-0 on a recommendation  
117 to the Zoning Board to grant the area variance.

118 Chairman Walsh stated the project will go to the Zoning Board on July 19, 2023.

119 **VIII. DISCUSSION ITEMS**

120 No discussion items

121 **IX. REPORTS**

122 Airbnb Status

123 Ms. Robertson said that she used a couple of platforms and currently the Town shows three short-term  
124 rental houses. Ms. Robertson stated that she tried numerous searches changing different dates and  
125 timeframes but was unable to come up with a map with more than those three. The three homes include  
126 the one on Ruffner Road that was a concern raised at privilege of the floor from the last meeting.

127 Ms. Robertson stated she will pull the codes that the Planning Board has looked at before and look at it  
128 with the Comprehensive Plan Committee. Ms. Robertson noted she did not see any drastic changes with  
129 the number of rental homes from three or four years ago but she is always willing to look at it again.

130 Ms. Gold said that Saratoga is taking another look at its short-term rental codes.

131 Chairman Walsh said short term rental registry might be something to look into and the Town should  
132 keep an eye on Saratoga and see how it works out for them.

133 Ms. Gold said that if a home is being rented out most of the time it does impact the neighbors.

134 **X. COMMISSION BUSINESS**

135 Mr. Khan said that to follow up on the comments from the gentleman that spoke at Privilege of the  
136 Floor, he wanted to give a moment of discussion on minutes and the Board process. He said it was good  
137 that Ms. Robertson and Mr. Henry had given presentations a few times on the ADD process. He stated  
138 the Planning Board is well established in code and practice and the code and guidelines they must follow  
139 are available publicly so any residents can do independent research on these things. Mr. Khan does feel  
140 it is important to give a moment of discussion on clarification of the process, especially if people feel  
141 that the roles and responsibility of the Boards are unclear.

142 Ms. Robertson stated she wanted to clarify one point as well. She heard the public object to what was  
143 written in the minutes because they felt like the opinions of some Board members were written as facts  
144 which the public disagreed with. She stated the minutes have to be a reflection of what was actually  
145 stated at the meeting, regardless of whether the statements were opinions, facts or factually accurate. The  
146 minutes just represent what was said and discussed (and voted on). She felt it was important for the  
147 public to understand this clarification.

148 Chairman Walsh said that the Board has ethical responsibilities and legal responsibilities to keep it in  
149 line from a legal standpoint, and the Planning Department gives them guidance as well, but in the end  
150 each Board member is entitled to their own opinion. The Board's opinions are based on years of  
151 experience and training along with the knowledge that comes from being on the Board. Every Planning  
152 Board member is entitled to their professional opinion.

153 Ms. Robertson stated that Mr. Khan and Mr. D'Arpino spent a long time creating the attachment to the  
154 Mohawk Golf Club Resolution and that is why Mr. D'Arpino read the attachment into the record, which  
155 was included in the minutes. Ms. Robertson stated the only time there was discussion in the minutes

156 about what was being read was when there was a disagreement with a statement, but that was a true  
157 reflection of what happened at the meeting.

158 Chairman Walsh said that if there are questions about the meeting, any person can always go to the  
159 YouTube video and watch the video recording of the meeting. He suggested that maybe in the future the  
160 link to the meeting can be on the bottom of the minutes.

161 Ms. Gold said that it is hard to find the videos now, they are not where they used to be.

162 Ms. Robertson said that YouTube changed how to get to the videos and demonstrated to the Board that  
163 a person has to click on the “live” tab to see the most recently uploaded livestreams. She stated maybe an  
164 explanation should be on the website to help people find the meeting they are looking for.

165 Mr. Khan said maybe the Town IT person can create a page to guide people to the videos.

166 **ADJOURNMENT**

167 Hearing no further discussion, Chairman Walsh asked if the Board was ready to adjourn. Mr. LaFlamme  
168 made a motioned to adjourn the meeting, Mr. Khan seconded the motion. All were in favor. The meeting  
169 was adjourned at 7:30 pm.

170

171 *The video recording for this meeting can be found at: <https://www.youtube.com/watch?v=-DWVUv6wI3c>*



# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 1

MEETING DATE: 7/24/2023

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**ITEM TITLE:** DISCUSSION: 2386 Algonquin Rd. / 2383 Troy Rd. – An application for a lot line adjustment.

**PROJECT LEAD:** Patrick McPartlon

**APPLICANT:** William Pfeiffer, Gary Horton, owners

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

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**SUMMARY STATEMENT:**

William Pfeiffer, owner, has made an application for lot line adjustment with Gary Horton residing at 2383 Troy Road. The proposed lot line adjustment will result in an existing shed that is greater than 120 sq. ft. being 5.1 ft. from the new lot line. Therefore, a 19.9 ft. rear setback area variance is required.

At their regularly scheduled meeting on 7/10/23 the Planning Board recommended that the ZBA grant the area variance. The ZBA approved the 19.9 ft. rear setback area variance at their 7/19/23 meeting.

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

**BACKGROUND INFORMATION**

A 1-page survey drawing entitled "William Pfeiffer / Jean Jubic 2386 Algonquin Road Niskayuna, NY 12309" by Cynthia K. Elliott dated May 22, 2023 was provided with the application.

6/12/23 Planning Board (PB) meeting – Mr. Pfeifer attended the meeting and presented his application to the Board. He explained that as shown in the survey drawing the northeast corner of 2383 Troy Schenectady Rd. is very close to the southwest corner of his house at 2386 Algonquin Rd. The land is currently wooded but Mr. Pfeifer is concerned that a future owner of 2383 Troy Rd. may want to clear the land. That would adversely impact Mr. Pfeifer's property.

He explained that the proposed lot line adjustment would add the currently wooded area to his lot and increase the likelihood that it will remain in its current natural state. As proposed the new lot line requires a 19.9 ft. rear setback area variance to an existing shed at 2383 Troy Rd.

The PB requested pictures of the shed and asked that the dimensions of the shed be added to the site plan drawing and called for a recommendation to the ZBA for the 7/10/23 PB meeting.

Patrick McPartlon, Planning Board Project Lead for the project, and Chairman Walsh visited the site and walked the property with Mr. Pfeifer.

The applicant provided several pictures of the shed and updated the site plan to include the dimensions of the shed at 2383 Troy Rd. and the dimensions of a small shed at 2386 Algonquin Rd.

7/10/23 Planning Board (PB) meeting – Mr. Pfeiffer attend the meeting and described the pictures he provided to the Board. After a short discussion the Board discussed the effect on the comprehensive plan, the suitability of use and made a recommendation to the ZBA that they approve the 19.9 ft. rear setback area variance. A summary of the PB's comments in support of the variance is as follows.

*Effect on Comprehensive Plan*

- The variance has no effect on comprehensive plan.
- As they currently exist the two lots are irregularly shaped – the area variance and lot line adjustment allow them to be less irregularly shaped.

*Suitability of Use*

- The area variance is suitable for the area.
- Algonquin Rd. is a dead-end street
- Both neighbors support the creation of a wooded buffer afford by the variance.
- The area variance occurs in a relatively remote portion of the two lots.

*Recommendation*

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

The next step for the Planning Board is to review the ZBA's decision, request a more detailed site plan drawing from the applicants and consider calling for a resolution approving the lot line adjustment once the plat has been prepared.

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

July 21, 2023

Silvia and Paul Romeo  
2331 Algonquin Rd  
Niskayuna, NY 12309

Dear Mr. and Ms. Romeo,

At its regularly scheduled meeting held on July 19, 2023, the Zoning Board of Appeals ("the Board") reviewed the following case:

Appeal by Silvia and Paul Romeo for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2331 Algonquin Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 18' shed partially within the side and rear yard setbacks. Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The shed, at 216 square feet, is a major accessory structure. Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback, and a twenty-five (25) foot rear yard setback. As proposed, the shed would be located five (5) feet from the side property line and ten (10) feet from the rear property line. Therefore, a fifteen (15) foot side yard setback variance and a fifteen (15) foot rear yard setback variance are required.

It was the decision of the Board to grant the variances 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=EittbXSx5II&list=PLfof9Ej2RfcNoJbueLoRmi35Si39n5hVl&index=35>.

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,

*John Hoke / LMS*

John Hoke  
Chairperson

cc: Town Clerk, Building Department, ZBA File



**Town of Niskayuna**

**M E M O R A N D U M**

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**TO:** File

**FROM:** Laura Robertson, Town Planner

**DATE:** July 10, 2023

**RE:** 2383 Troy Rd.

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At a regular Planning Board and Zoning Commission (PB) meeting held on July 10, 2023 the PB reviewed the appeal by William Pfeiffer and Gary Horton, property owners of 2386 Algonquin Rd. and 2383 Troy Rd., respectively, for a variance from Section 220-18 (B) (3) (b) and Schedule I-B, R-1 District, of the Niskayuna zoning code. The single-family detached homes are permitted principal uses in the R-1 Low Density Residential district. A proposed lot line adjustment will result in the need for an area variance for the rear setback of an existing shed on the property at 2383 Troy Rd.

Section 220-4 Definitions states: Accessory Structures, Major – Detached accessory buildings or other structures in excess of 120 square feet in area. Section 220-18 (B) (3) (b) states: the required yard dimensions for any major accessory structure shall be the same as applies to the principal building. Schedule I-B R-1 District states: the minimum yard dimensions for single-family dwellings are Front = 35 feet, Side = 20 feet, Rear = 25 feet.

As proposed, the lot line adjustment shown in the site plan drawing will result in a pre-existing shed on the property at 2383 Troy Rd. that is greater than 120 sq. ft. in area located 5.1 feet from the rear lot line. Therefore, a 19.9 foot rear setback area variance is required.

The Planning Board made the following recommendations:

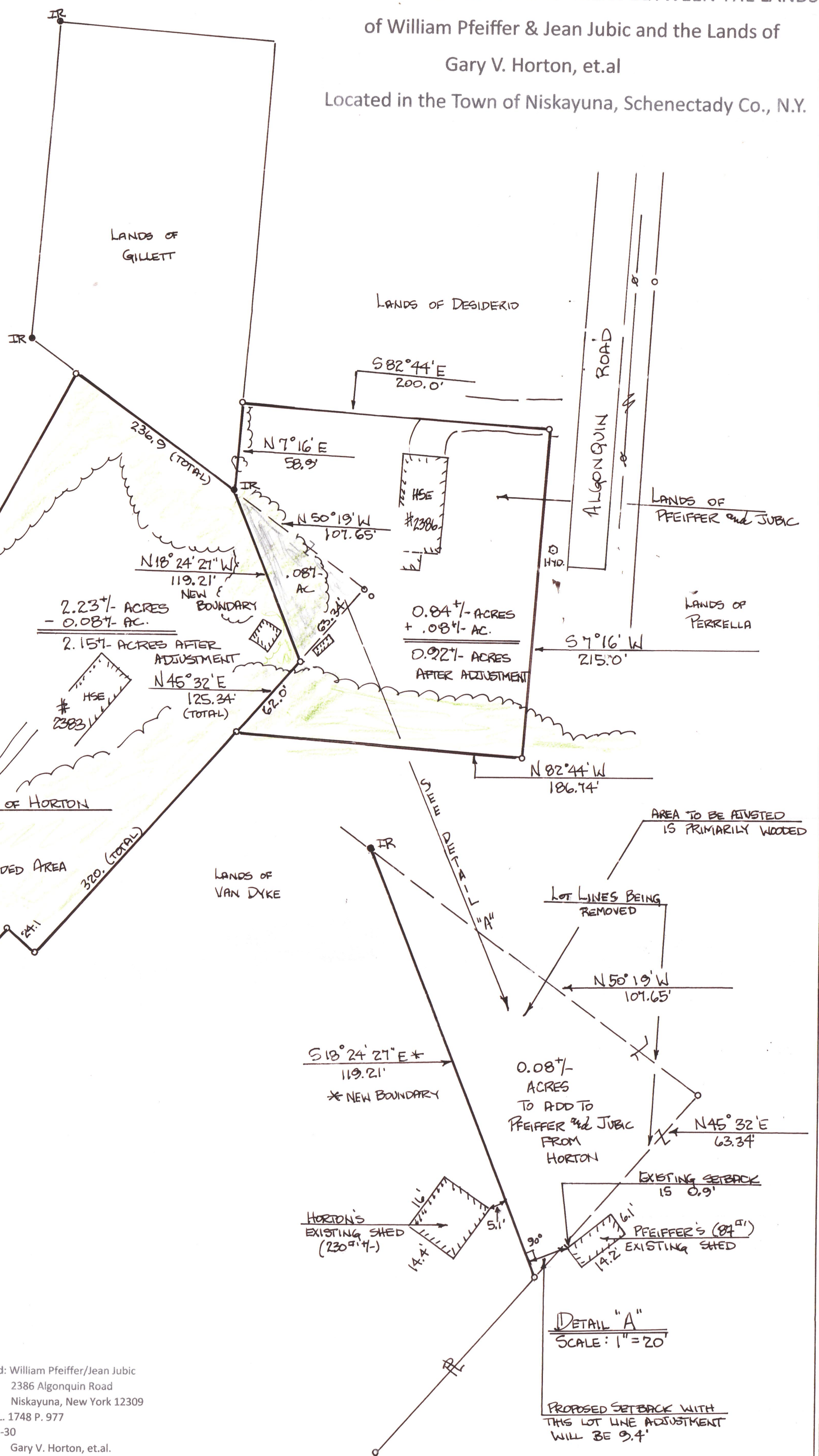
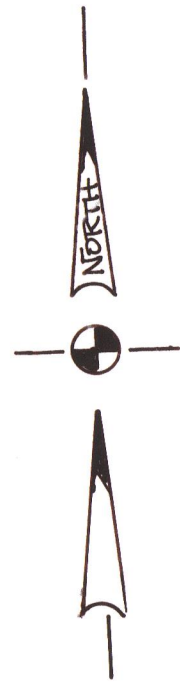
**Effect on the Comprehensive Plan** – The Planning Board voted 7-0 that the proposed area variance has no effect on the Comprehensive Plan. They noted that the proposed action results in two irregularly shaped lots, which are generally discouraged, however, both lots are irregularly shaped in their current embodiment and the area variance brings the smaller lot at 2386 Algonquin Rd. closer to a regularly shaped, rectangular, lot.

**Suitability of Use** – The Planning Board voted 7-0 that the proposed area variance is suitable for the area. They noted that Algonquin Road is a dead-end street, both neighbors are strongly in favor of the lot line adjustment and the creation of an additional wooded buffer to the existing home at 2386 Algonquin Rd. is a desirable outcome that will increase the likelihood that mature growth trees in the wooded buffer are preserved. The Board also noted that the area variance occurs in a relatively remote portion of the two lots and it will not have any impact on neighboring properties.

**RECOMMENDATION** – The Planning Board voted 7-0 to recommend that the Zoning Board of Appeals (ZBA) grant the area variance as written.



Located in the Town of Niskayuna, Schenectady Co., N.Y.



Owners of Record: William Pfeiffer/Jean Jubie  
2386 Algonquin Road  
Niskayuna, New York 12309

Deed of Record: L. 1748 P. 977

Tax ID # 51.17-01-30

Gary V. Horton, et.al.  
2383 Troy Road  
Niskayuna, New York 12309

Deed of Record: L. 2044 P. 574

Tax ID # 51.17-01-7

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y.State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid copies.





# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

AGENDA ITEM NO. VIII. 2

MEETING DATE: 7/24/2023

**ITEM TITLE:** DISCUSSION: 1900 Union St. – An application for a lot line adjustment.

**PROJECT LEAD:** TBD

**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.

**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
<b>Lot Area</b>	0.41 ac	2.4	1.7	0.4	1.1
<b>Frontage</b>	100 ft.	258.61	228	72 ft.	102
<b>Depth</b>	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.

The applicant is before the Planning Board this evening to present the proposed lot line adjustment and answer any questions the Board may have.



## TOWN OF NISKAYUNA

Planning Department

One Niskayuna Circle

Niskayuna, New York 12309

Phone: (518) 386-4530

Fax: (518) 386-4592

### Notarized Owner's Acknowledgment/ Authorization For Lot Line Adjustment

Section-Block-Lot: 50.15-1-7.11  
Physical Address: 1900 Union Street

#### Acknowledgments:

1. I am aware of and consent to the filing of this application.
2. I confirm that the information provided in this application is true and correct to the best of my knowledge and I assume all responsibility for the truth and validity of this application and all associated exhibits and documents submitted.
3. I agree to allow representatives of the Town of Niskayuna to go on or about the subject property for inspection purposes in connection with this application.
4. I confirm that I have uncontested legal ownership of the subject property, without any outstanding rights, reservations or encumbrances which could nullify the intended development and use of this lot line adjustment (if there is a loan or mortgage on the affected property, it is my responsibility to inform the appropriate party of the property changes and secure their consent).
5. If the owner is a corporation, partnership, limited liability company (LLC), governmental agency or other entity, I confirm that I am authorized to act on behalf of the corporation, partnership, LLC, governmental agency or other entity in processing this application.
6. I acknowledge that any potential or existing separate lots, land titles, partitions, previously subdivided lots or other such land units will be consolidated with this lot line adjustment and upon final approval only the newly created lot(s) will be recognized.

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

Sworn to me on this 12 day of July 2023

Linda M Sciocchetti  
Notary Public, State of New York  
Qualified in Schenectady County  
No. 01SC6329397  
Commission Expires Aug. 24, 2027

Linda M Sciocchetti  
Notary Public, State of New York

Glenn A. Forman  
Signature of Applicant

Glenn A. Forman  
Printed Name

July 12, 2023  
Date

Each property owner is required to sign. Attach additional sheets if necessary



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### Application For Lot Line Adjustments

#### Property Information

Physical Address(es): 1900 UNION ST  
Section-Block-Lot(s): 50.15-1-7.11  
Number of Lots Involved: 1 Current Zoning(s): R1 residential  
Approximate Acreage: 0.7

Additional Information: Presently 2.5A lot line adjustment to convey 0.7A with 30' frontage on UNION ST with driveway. Afterward 1900 UNION ST will have 1.8A and 222 ft frontage on UNION ST - 1900 UNION

#### Owner(S) Of Record (Attach additional sheets if necessary)

Section-Block-Lot: 50.15-1-7.11  
Name: Glenn Forman Name: \_\_\_\_\_  
Address: 1900 UNION ST Address: \_\_\_\_\_  
City/State: NY Zip: 12309 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: 518-313-2519 Phone: \_\_\_\_\_  
E-Mail: gaforman@icloud.com E-Mail: \_\_\_\_\_

Section-Block-Lot: 50.15-1-6  
Name: Matthew Conboy Name: \_\_\_\_\_  
Address: 1854 UNION ST Niskayuna Address: \_\_\_\_\_  
City/State: NY Zip: 12309 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: 845-926-6737 Phone: \_\_\_\_\_  
E-Mail: mconboy41@gmail.com E-Mail: \_\_\_\_\_

#### Surveyor Or Engineer

Company: Koch LAND Surveyor  
Name: Raymond Koch  
Address: 133 Mohawk Ave, Scotia  
City/State: NY Zip: 12302  
Phone: 518-393-0989  
E-Mail: \_\_\_\_\_

Surveyor or engineer must have a current professional license with the State of New York.

LICENSE #: 47416





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Niskayuna, New York 12309

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### Application For Lot Line Adjustments

**Supplementary Information** (Attach separate sheet if necessary)

1. What is the purpose of this adjustment? To convey 0.7A of  
2.5A from 1900 Union Street to 1854 Union St.  
It will be family backyard, increasing from 0.4A  
to 1.1A of grass & forest.
2. What is the proposed timeline for adjustment completion? As needed by  
this process.
3. Is any part of the proposed adjustment within the regulated floodplain as designated by the Federal Insurance Rate Maps (FIRMs) adopted by the Town of Niskayuna on December 1983? Yes ☐ NO ☒. If yes, explain what area is in the floodplain and how this is being accounted for in the adjustment process. \_\_\_\_\_
4. Is there additional information which may aid in the processing of this application (e.g., proposed variances, zoning change requests, building permit applications, etc.)? \_\_\_\_\_  
There is only forest and a driveway on the  
0.7A. There are no structures or improvements.  
There is sufficient lot side remaining ~ 60 feet
5. Are there any potential adverse environmental impacts that could be triggered by this lot line adjustment? Include any impacts to wetlands, surface water, groundwater, flooding, plants and animals, aesthetics, Historic sites, open space, recreation, transportation, noise, odor, light, geological features, etc. (Attach separate pages as necessary). None

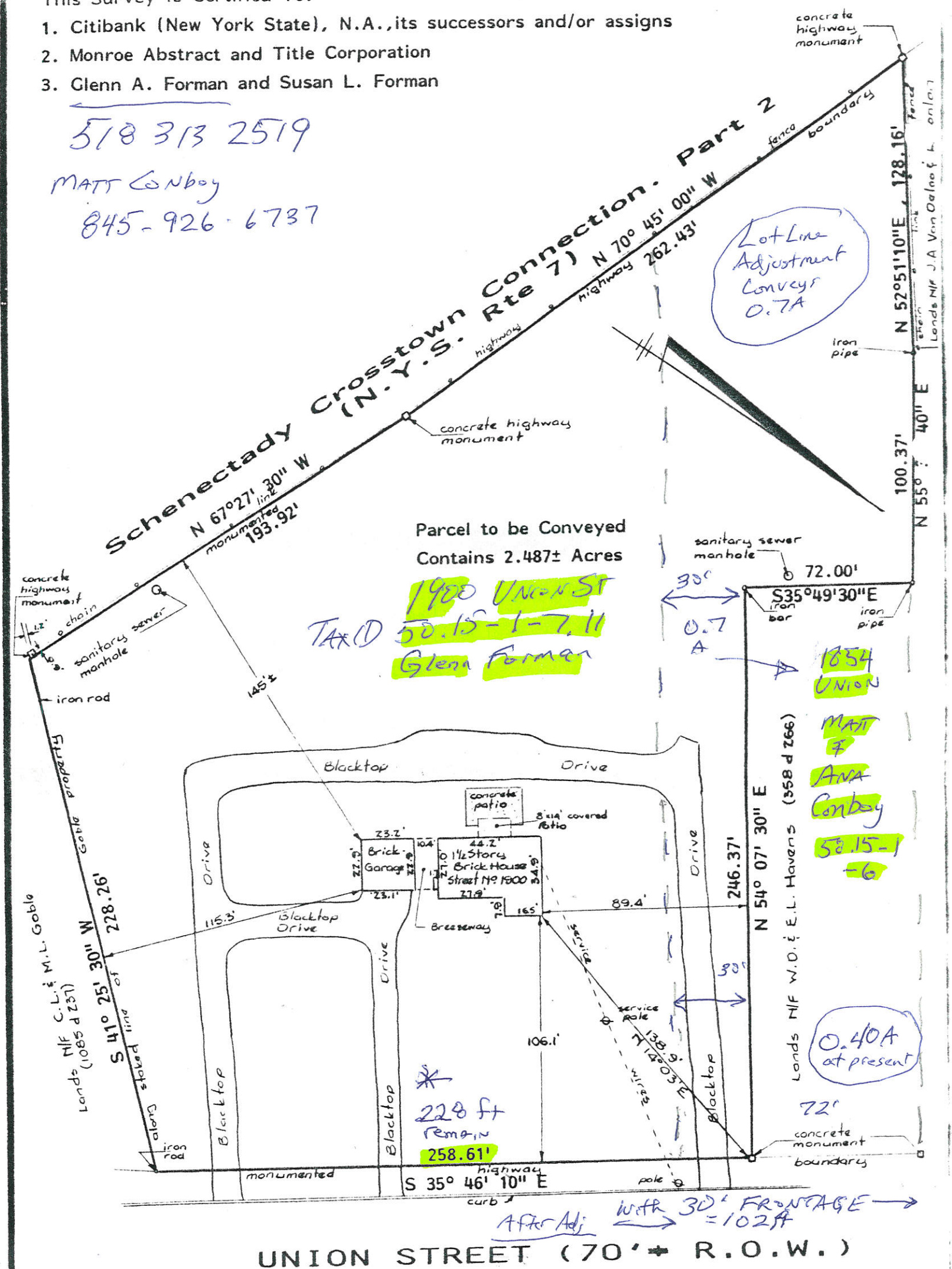


## Sketch Plan

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

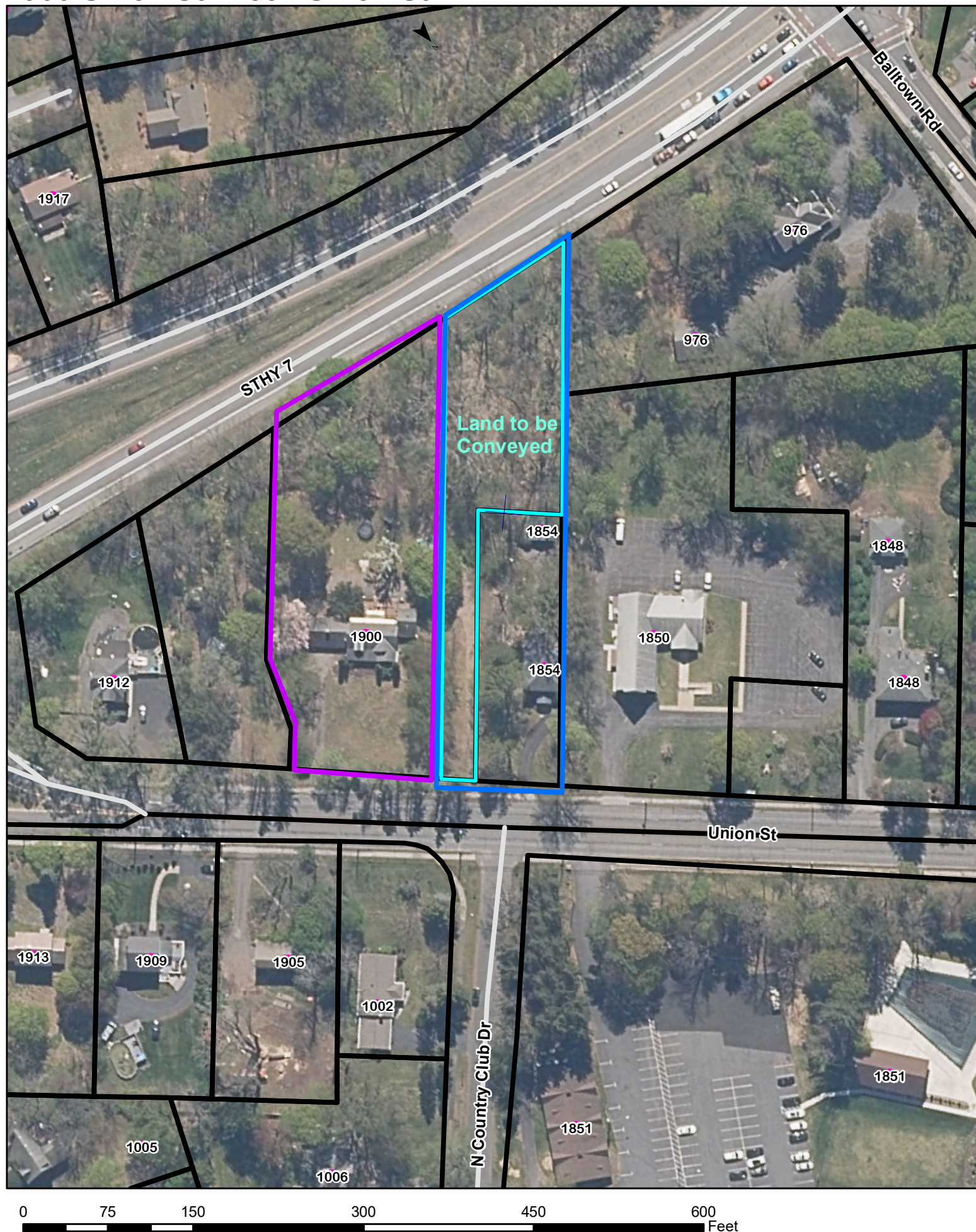


# 1900 Union St / 1854 Union St - Existing





# 1900 Union St / 1854 Union St





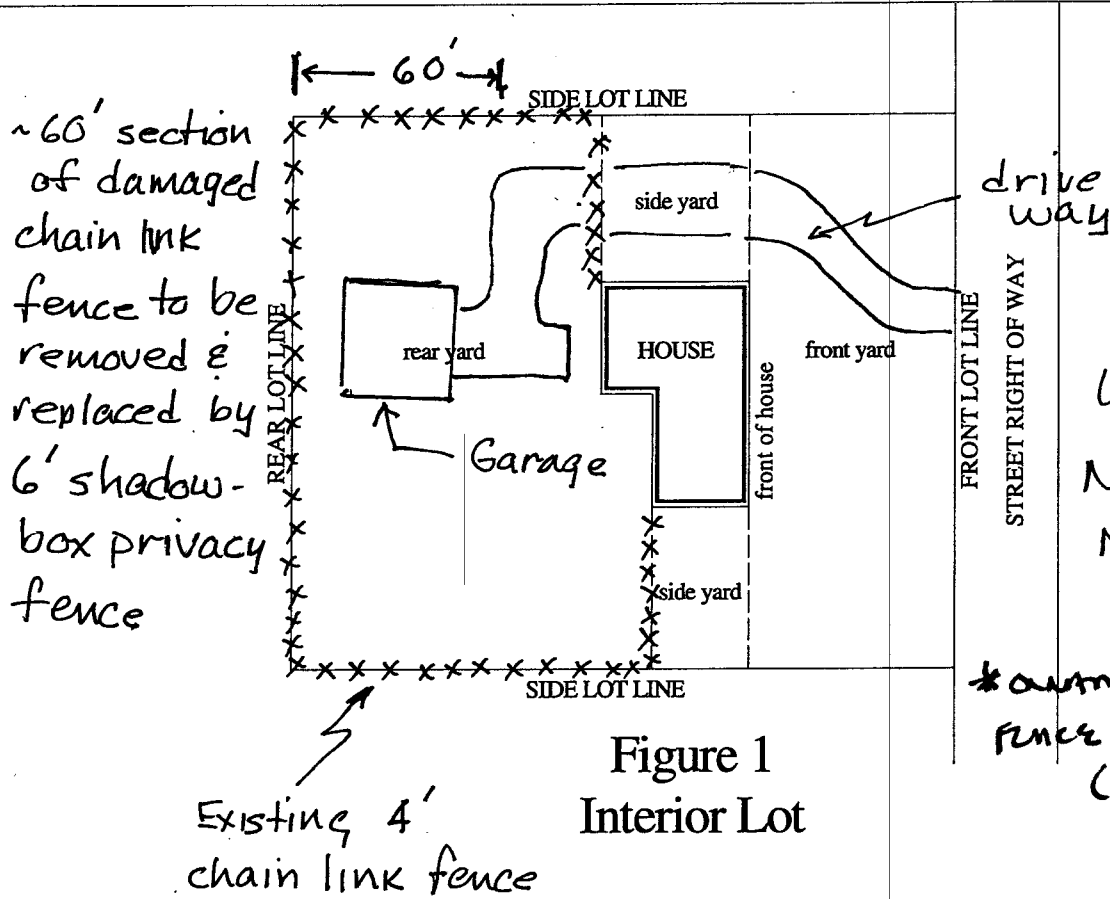


Figure 1  
Interior Lot

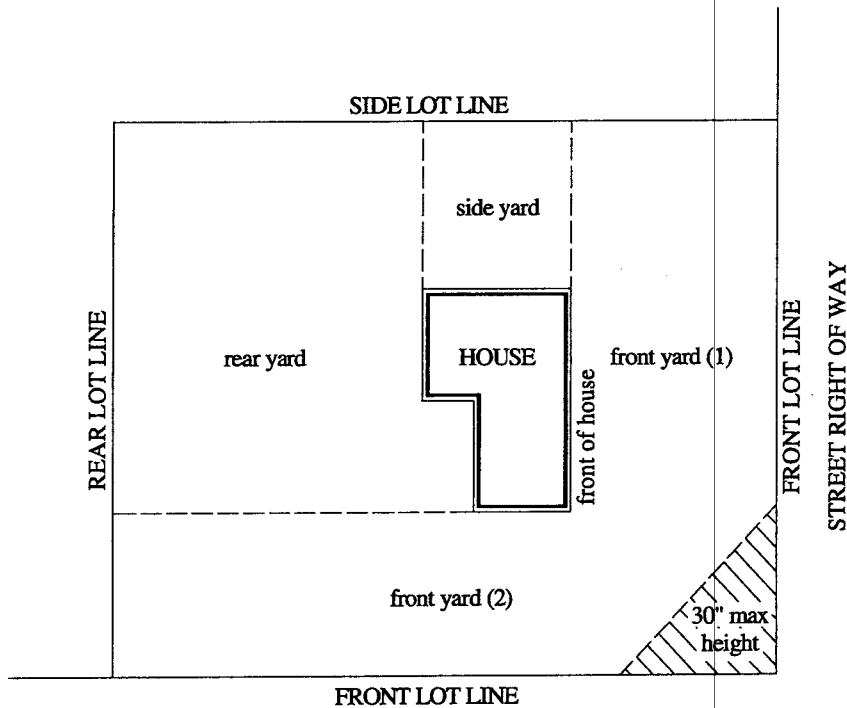


Figure 2  
Corner Lot

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