

TOWN OF NISKAYUNA
Planning Board and Zoning Commission

Agenda
July 10, 2023
7:00 PM

REGULAR AGENDA MEETING

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES**
 - 1. May 22, 2023
 - 2. June 12, 2023
- IV. PUBLIC HEARINGS**
- V. PRIVILEGE OF THE FLOOR**
- VI. 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.
 - 2. RECOMMENDATION TO ZBA: 2386 Algonquin Rd. and 2383 Troy Schenectady Rd. – A Recommendation to the ZBA regarding an application for lot line adjustment requiring a rear setback area variance of 19.9 ft. at 2383 Troy Rd.
- VIII. DISCUSSION ITEMS**
- IX. REPORTS**
- X. COMMISSION BUSINESS**
- XI. ADJOURNMENT**

NEXT MEETING: July 24, 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)

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Skrebutenas, Mr. McPartlon was 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 11th green so it's straight and in the center of the right away.
- Shown the appropriate landscaping and fencing between 11th 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 n 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 accordingly.

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

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

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

- c). Minimum width. Reserved open space shall not be narrower than 200 feet, except where necessary to provide a pathway or other means of access. An easement for a natural watercourse dedicated to the Town may be considered as open space for the purpose of this regulation if such easement is at least 200 feet wide. Open space shall be arranged to provide an area of adequate size and shape so as to be of value to the residents.

The open space is, at its narrowest, 50 feet. The strip of 50 feet extends approximately 1,000 feet, totaling 50,000 square feet of the proposed open space. The remaining area is a forested triangle of approximately 68,000 square feet. The maximum width of the triangle is 200 feet. This proposal has the maximum width of the land at 200 feet, not the minimum. This land would also be difficult for the developer to develop and is not accessible to surrounding residents. The open space does not take advantage of the open or scenic qualities of the golf course, and as habitat for wildlife it becomes fragmented and mostly linear. Two acres of long, fragmented habitat does not support wildlife in the same manner as larger, consolidated acreage reserves.

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

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

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

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

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

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

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

Furthermore, as the Plan examines issues related to residential development, it states "Residential areas throughout the Town are one of its greatest assets and should be protected from inappropriate and poor design 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

Mr. McPartlon NAY

Mr. D'Arpino NAY

Ms. Gold AYE

Mr. Drescher NAY

354 Chairman Walsh AYE

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

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

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

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

367
368 *The current arrangement of the long cul-de-sac does not provide for the continuation of principal streets into*
369 *adjoining subdivisions.*

370
371 J. Culs-de-sac.

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

375
376 *The cul-de-sac, as proposed is 1,750 feet long*

377 **189-21 Parks, open space and natural features**

378 A. Recreation areas shown on Town Plan. Where a proposed park, playground or open space shown on the Town Plan
379 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
380 accordance with the requirements specified in Subsection B below. Such area or areas may be dedicated to the
381 Town or County by the subdivider if the Town Board approves such dedication.

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

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

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

391
392 There were no comments. Mr. D’Arpino read:

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

403
404 *There is no data available to the Planning Board at this time concerning the numbers, sizes and locations of trees over 8*
405 *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 be 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

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

There were no further comments. Chairman Walsh asked if there was anything else to discuss prior to a vote. Hearing none, Chairman Walsh made a clarification that an "Aye" vote meant the Board member is recommending the Town Board deny the Special Use Permit. He asked Mr. Henry to call the roll.

Upon voting the resolution passed 5-2.

Mr. LaFlamme AYE

Mr. Khan AYE

Mr. McPartlon AYE

516 Mr. D'Arpino AYE

517 Ms. Gold NAY

518 Mr. Drescher AYE

519 Chairman Walsh NAY

520 Chairman Walsh stated the recommendation to deny the special use permit will be moved to the Town Board, which
521 will begin the start of their process for the application. He thanked the applicant and the Board for their time.
522

523 **NEW BUSINESS**

524 No new business

525 **VII. DISCUSSION ITEMS**

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

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

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

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

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

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

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

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

549 Ms. Robertson's second comment is in reference to the sewer connections going to the line that the DEC is
550 monitoring because of concerns that it is full. She stated any Town approval would be subject to approval from the
551 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
552 condition of the resolution. The Town may not be able to approve sewer connections right away.

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

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

557 **VIII. REPORT**

558 Ms. Robertson gave a reminder that the second meeting in June, on the 26th, had to be cancelled due to early voting.

559 **COMMISSION BUSINESS**

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

565 Mr. D'Arpino stated he would like to establish a deadline for all applicants getting information in for Planning
566 Board meeting agenda and having the hard deadline posted so that it is publicly known. Mr. D'Arpino said there is
567 a balance between the Board trying to be accommodating and also getting information in the packets with enough
568 time to thoroughly review it.

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

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

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

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

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

582 **IX. ADJOURNMENT**

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

TOWN OF NISKAYUNA
Planning and Zoning Commission
Hybrid Meeting
Meeting Minutes
June 12, 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)

I. CALL TO ORDER

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

II. ROLL CALL

All members present

III. MINUTES

No minutes for last meeting tonight that action will be handled at next meeting.

IV. PUBLIC HEARINGS

No public hearings tonight.

V. PRIVILEGE OF THE FLOOR

Mr. McFadden of 1388 Rowe Road had comments about the 2-lot minor subdivision. He acknowledged Mr. Henry for all his help with the technical information and excellent communication. He also wanted to know why this project is moving forward so quickly.

Ms. Parisi of 1362 Ruffner Road would like to know if you can run an Airbnb in Niskayuna. Ms. Parisi stated her neighbors bought the house next door and are renting it out. She is very unhappy and feels it is a safety issue.

Mr. Shilling of 1400 Rowe Road stated he feels it should have stated at the beginning of the subdivision paperwork that all the TDE requirements have been fulfilled. Mr. Shilling also feels that the neighbors should be allowed to see the final Resolution before the Planning Board approves it to move forward.

Ms. Malik and Mr. Mazer's of 2526 of Angelina Drive sent an email which was summarized by Ms. Robertson. They couldn't attend the meeting last minute. They have concerns about the Polsinelli property. There is a steep hill going down to their property from the Polsinelli property. The residents

have spent thousands of dollars to remediate the current drainage problem. They are worried about water moving from the Posinelli property down the steep hill into their property. They are requesting that a swale or deep trench be dug along the property line to keep the drainage away from their land.

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

VI. PLANNING DEPARTMENT PRESENTATION – Average Density Development Subdivision and Special Use Permit Process and Steps (update).

Mr. Henry gave an update on the presentation from a few months ago. He discussed two parallel branches of an ADD project, special use permit and the SEQR determination. The information Mr. Henry presented is listed below.

“Average Density Development (ADD) Subdivision Project Flow

- 1. Sketch Plan (Planning Board)**
 - a. Applicant submits sketch plan app. and special use permit
 - b. Planning Board (PB) reviews project with applicant at PB meetings
 - c. Conservation Advisory Council (CAC) reviews project with applicant at CAC meetings
 - d. Tree Council (TC), Complete Streets (CS), ARB review project at their monthly meetings
 - e. PB holds a **PUBLIC HEARING** on their Recommendation to the Town Board (TB)
 - i. Mail out notification sent to residents within 500’ of the perimeter of the site
 - f. PB acts on a Resolution for sketch plan and makes a Recommendation to TB re: SUP
- 2. Special Use Permit (Town Board)**
 - a. CAC makes SEQR Recommendation on SUP to the Town Board
 - b. TB holds a **PUBLIC HEARING** regarding the project
 - i. General newspaper notification only – no individual address based mail outs
 - c. Town Board acts on a Resolution re: SUP
- 3. Application for Preliminary Plat Plan – Major Subdivision (Planning Board)**
 - a. Applicant submits App. for Preliminary Plat Plan
 - b. PB reviews project with applicant at PB meetings
 - c. CAC, TC, CS, ARB review project at their monthly meetings
 - i. CAC makes a SEQR Recommendation to the PB on the subdivision
 - d. PB holds a **PUBLIC HEARING** regarding SEQR determination on the subdivision
 - e. PB takes action on a Resolution for approval
 - i. This allows applicant to construct the roads, utilities & 1 home (w/building permit)
- 4. Site Development Permit Application (Building Department)**
 - a. Allows applicant to install roads & utilities
- 5. Acceptance of Roads and Utilities (Town Board)**
 - a. Town Board acts on a Resolution to accept the roads and utilities
- 6. Application for Approval of a Final Plat Plan – Major Subdivision (Planning Board)**
 - a. Applicant submits App. for Approval of a Final Plat Plan – Major Subdivision
 - b. PB review project with applicant at PB meetings
 - c. PB takes action on a Resolution for approval

There were no comments from the Board. Chairman Walsh thanked Mr. Henry for the presentation.

VII. NEW BUSINESS

- 85 **1. RESOLUTION: 2023-16: A Resolution for approval of plat plan for a 2-lot minor**
86 subdivision and lot line adjustment at Antonia Park / Polsinelli Dr. (40.-1-54.11).

87 Chairman Walsh read the following conditions into the record.

88 “RESOLVED, that the Planning Board and Zoning Commission does hereby grant minor subdivision
89 approval for a 2-Lot subdivision at tax map parcel 40.-1-54.11 as shown on the aforementioned a 5-page
90 drawing set by Brett L. Steenburgh, P.E. PLLC subject to the following conditions:

- 91 1. The declaration of intention regarding future construction activity on Lot 4 of the 4-lot
92 subdivision referenced in Niskayuna Planning Board Resolution 2020-15 is attached to this minor
93 subdivision approval and included as a condition herein, as amended to include “Applicant and
94 owners” where designated by the Town Attorney.
95
- 96 2. Prior to recording the plat, a final letter of approval shall be received from the Town Designated
97 Engineer (TDE) regarding all engineering and drainage aspects of the site plan.
98
- 99 3. Prior to recording the plat, any engineering, sewer connection and drainage concerns will be
100 addressed to the satisfaction of the Town Superintendent of Water, Sewer and Engineering.
101
- 102 4. Prior to recording the plat, the aforementioned subdivision drawings shall be revised to include a
103 note stating that no further subdivision of lots 1 or 2 are allowed. “No further subdivision” deed
104 restrictions for lots 1 & 2 shall be provided to the Planning Department for review and approval.
105 The deed restrictions shall be filed jointly with the subdivision plat.
106
- 107 5. As noted under the heading “Future Subdivision Note” of the aforementioned site plan drawings,
108 any future subdivision of the unrestricted lands of the amended Lot 4 (lot line adjusted) will
109 require a major subdivision review as required under the Town of Niskayuna Subdivision Law at
110 that time.
111
- 112 6. Prior to recording the plat, any minor textual changes to the subdivision map will be addressed to
113 the satisfaction of the Town Planning Department.
114
- 115 7. Prior to recording the plat, a tree plan shall be submitted to and approved by the Niskayuna Tree
116 Council. The Planning Board requests that as many trees as possible, including unmarked trees
117 and understory, be preserved during the building permit and construction process so that the
118 forested nature of the land is maintained.
119
- 120 8. Prior to issuing a building permit, the new houses shall be referred to and reviewed by the
121 Architectural Review Board.
122
- 123 9. Prior to issuance of a building permit, the applicant shall participate in a preconstruction meeting
124 with the Town of Niskayuna if so requested by the Planning or Building Department.
125
- 126 10. Prior to site disturbance, the subdivision maps shall be modified to reflect agreed upon decisions
127 of the preconstruction meeting, if any, and distributed as required to the Town and to all involved
128 contractors. Final site plans shall be submitted to the Town labeled “for Construction.”
129
- 130 11. Prior to the preconstruction meeting, any questions or concerns raised by the Town Designated
131 Engineer (TDE) will be addressed by the applicant in a formal letter to the Town.
132

12. Prior to final certificate of occupancy for either of the two new homes, the applicant shall sign a Storm Water Control Facility Maintenance Agreement and Access Easement, in order to ensure the proposed storm water facilities are installed and maintained per plans.
13. In accordance with Chapter 180 of the Soil Erosion and Sediment Control Ordinance of the Town of Niskayuna, the applicant shall put in place soil erosion and sediment control measures sufficient to stabilize disturbed areas. These measures shall be satisfactory to the Superintendent of Water, Sewer, and Engineering and shall remain in place until such time as natural vegetation has been successfully established.
14. Wetland boundaries shall be recorded and shown on any plot plan of a building lot containing wetlands. Wetlands may not be disturbed, drained or physically altered in any way without first contacting the Army Corps of Engineers. Additionally, the Town of Niskayuna requires that no land can be disturbed within a twenty-five (25) foot buffer from the boundary of the wetland.
15. Should the garage floor elevation (GFE) for individual lots deviate by more than six inches from the elevations approved for construction by the Planning Board and Zoning Commission or the Building Department, then revised grading plans shall be submitted immediately to the Town's Engineering office for their review and approval.
16. The limits of clearing on this subdivision shall be strictly adhered to during construction. To the maximum extent practicable the applicant shall retain as many of the site's healthy trees and native vegetation as possible. Driveways shall be installed with least possible disturbance to trees.
17. The portion of land "to be annexed to Lecce Development Co, LLC" shall be conveyed in such a manner that the portion is combined with 6 St Gerard Drive (Lot 4 / Lands N/F of Lecce Development Co LLC) immediately and shall at no time be considered a freestanding parcel, per Niskayuna Town Code."

Ms. Gold made motion for adoption second by Mr. Skrebutenas

Chairman Walsh asked the applicant if he had any questions for the board, Mr. Polsinelli stated he did not. Chairman Walsh asked if they had any concerns with any of the open items put forth by the Town designated engineer.

Brett Steenburgh apologized for not being in person but stated he looked over the letter and saw no show stoppers. He was agreeable to everything. He thanked the Board for moving forward with the resolution hopefully tonight.

Mr. Polsinelli followed up by thanking the Board as well.

Mr. Khan had several Town Designated Engineer (TDE) questions for Brett, regarding drainage and the house that is on the down slope to the Polsinelli property that wrote to the Board this evening. Brett confirmed that they have a proposed swale on the property already to keep water away from that property and they are separating out the roof drainage and the footing drainage. He believes that the water issue will not get worse but might even be slightly better when they are done for the home owners down slope.

With no more comments, Chairman Walsh asked Mr. Henry to call the roll:

177 CHRIS LAFLAMME – Aye
178 MICHAEL A. SKREBUTENAS -- Aye
179 GENGHIS KHAN -- Aye
180 PATRICK MCPARTLON – Aye
181 DAVID D'ARPINO -- Aye
182 LESLIE GOLD – Aye
183 KEVIN A. WALSH, CHAIRMAN -- Aye

184 Chairman Walsh declared the Resolution approved with a vote of 7-0.

185 **VIII. DISCUSSION ITEMS**

186 **1. 1222 Troy Schenectady Rd.** – An application for site plan approval for a tenant change
187 at a lot that is partially within the Town of Colonie and partially within the Town of
188 Niskayuna.

189 Jed Yaffee, Attorney, and Lead Pastor Dr. Jason Karampatsos are representing the Church. The church is
190 in contract to purchase seven parcels, four located in the Town of Colonie and three located in the Town
191 of Niskayuna. It is stated that seven percent of the building in question is located in Niskayuna, the
192 remainder of the building is located in the Town of Colonie.

193 They are requesting a change of use for the seven percent that is in Niskayuna. The plan is to use the
194 space for child care and a food pantry.

195 Chairman Walsh asked if Niskayuna would defer to The Town of Colonie.

196 Ms. Robertson stated the Board can defer but she spoke with the Town Attorney and being that the
197 daycare is a permitted principal use and the food pantry can be considered an accessory use. Ms.
198 Robertson thinks that a tenant change resolution is an option if the Board chooses not to defer to the
199 Town of Colonie.

200 Chairman Walsh stated that for the record Mr. D'Arpino is recusing himself and Mr. Drescher will step in
201 as the alternate taking his seat.

202 Pastor Karampatsos stated for signage, which is in Colonie, they will keep the sign that is already there
203 and just change the name on it. On the Niskayuna side they would like to add a food pantry sign on the
204 door.

205 The only additional information that might be needed would be the number of children for the daycare
206 and the hours of operation for the daycare.

207 Pastor Karampatsos stated that currently they are listed as before care and afterschool care. They are
208 licensed for 100 right now, they have 40 registered for summer and in the fall they are keeping it to right
209 around 50. Down the road these numbers will probably increase.

210 Chairman Walsh stated that a tentative resolution is possible for the July 10 meeting.

211 Mr. Khan asks if they have late hours of operation. Pastor Karampatsos responded that Youth Ministry
212 on Fridays goes to 8:30 pm and on Tuesday night from 7-8pm. He stated the food pantry runs until
213 7:30pm on one night and vacation bible school ends at 8:00pm but then the leaders stay after to clean up.

214 Mr. Khan verified that they currently service the Colonie School District but asked will they service the
215 Niskayuna School District with this new location.

216 Pastor Karampatsos said that the current student for before and after-school programs are bused to the
217 facility and absolutely they would love to service both districts as long as the buses are willing to drive
218 the students.

219 Ms. Robertson clarified that most of the parking lot is in Niskayuna which means the Board should ask
220 for a lighting plan if there was going to be changes.

221 Mr. Khan requested a traffic flow plan for bus drop off.

222 Mr. Drescher asked about their current plan for parking lot lighting. He asked if lighting would be added.

223 Chairman Walsh asked if they know what the Town of Colonie's schedule is and Mr. Yaffee replied that
224 without an approval from Niskayuna they are dead in the water to move forward with the parcel.

225 Mr. McPartlon asked if there are people living in the house that is on the property. Mr. Yaffee states that
226 there is a family living there and they have been offered by the Church to stay if they choose.

227 Mr. McPartlon states that there is about an acre of land that is undeveloped, he would like to know what
228 their plans are for that. Pastor Karampatsos said that there isn't a definite plan for the property right now.

229 Chairman Walsh asks if the Board wanted to proceed with working up a tentative resolution for site plan
230 approval. The Board agreed.

231 Mr. Khan stated his concern with traffic flow pressure added to a very curvy residential road and
232 requested a delta in traffic numbers so that the Board could understand how much traffic would be added
233 with this proposal. Ms. Robertson suggested an engineer put together a traffic delta using the standard
234 traffic manual comparing office vs church.

235 Hearing no further discussion, Chairman Walsh called the next agenda item.

236 **2. 2386 Algonquin Rd. – An application for a lot line adjustment.**

237 Mr. Pfeiffer was present virtually. Mr. Pfeiffer was hoping to purchase a triangle piece of wooded
238 property from his neighbor. In doing this the neighbors shed would need a variance - being only five feet
239 off the property line after the proposed adjustment.

240 Ms. Robertson stated the lot line application can be denied and then a recommendation can be made by
241 the Planning Board to the Zoning Board of Appeals. Ms. Robertson believes this could be put on the July
242 19 Zoning Board of Appeals meeting if the Board was comfortable moving forward with it.

243 Chairman Walsh requested pictures of the shed on Mr. Horton's property before the next meeting as well
244 as dimensions, stating with additional information he was comfortable calling for a tentative
245 recommendation.

246 The Board agreed to have a recommendation at the July 10 meeting so Mr. Pfeiffer can be on the July 19
247 Zoning Board of Appeals meeting.

248 **IX. REPORTS**

249 1. Benchmarking update – deadline to submit applications and supporting materials to appear on
250 Planning Board meeting agendas.

251 Mr. Henry stated that he reviewed Clifton Park, Glenville, Half Moon and Bethlehem to see what their
252 deadlines were for receiving materials. He stated they will create a packet for the Board to review with
253 comparison timelines and other recommendations based upon their research.

254 2. Airbnb status

255 Ms. Robertson said that currently the Town does not have a timeline for rentals. It is allowable to rent a
256 single-family home for a day, a week, or 15 years (etc). However, residents cannot rent a piece of their
257 home because that would be considered two unrelated people living under a single roof and that is not
258 allowed per Niskayuna's code. A single family home can only be rented as a single family home (one
259 family occupying).

260 Chairman Walsh suggested that maybe this needs to be added to the Comprehensive Plan Committee's
261 agenda because of the increasing number in the Town. He suggested possibly checking with Bethlehem to
262 see if they have a code for Airbnb's in their Town.

263 Ms. Parisi spoke again to state she feels unsafe to the extent she put up cameras and she wants to help the
264 home owners but she didn't buy a house in Niskayuna to live next door to a hotel. She also states that
265 Airbnb's are bringing down property values.

266 Chairman Walsh reiterated that this subject matter is on their radar but it will take some time.

267 **X. COMMISSION BUSINESS**

268 Chairman Walsh thanked Mr. Henry for the reminder to get some project leads for 1222 Troy Road and
269 2386 Algonquin Road for the next meeting.

270 **XI. ADJOURNMENT**

271 Ms. Gold motioned to adjourn the meeting, Mr. Khan seconded the motion. All were in favor. The
272 meeting was adjourned at 8:45 pm.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 7/10/2023

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

PROJECT LEAD: TBD

APPLICANT: Patrick Rafferty, agent for the owner (Jason Karampatsos)

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Patrick Rafferty, agent for the property owner Jason Karampatsos, submitted an application for site plan review for a tenant change at a lot that is proportioned as follows between Niskayuna & Colonie.

	Total (sq. ft.)	Niskayuna (sq. ft. / %)	Colonie (sq. ft. / %)
Lot area	73,749	26,982 (37%)	46,767 (63%)
Building area	17,657	1,266 (7%)	16,391 (93%)

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

Mr. Rafferty's proposal is to use the site as a place of worship including a before and after school child care center that operates daily and a food pantry that operates for 2 hours per week.

BACKGROUND INFORMATION

The following documents were provided with the application.

- Floor plan drawings
 - A 3-page floor plan drawing entitled "Feasibility study for Capital Church" by C2 Architecture, PC dated 5/23/23 with no subsequent revisions.
- Data sheet
 - A 1-page data sheet was provided by the applicant that includes the square footage values for the lot, building and the portions of each that are in Niskayuna and Colonie.
- Road survey sheet

- A 1-page Road Survey sheet was provided that shows the striping of parking spaces

The Planning Office reviewed the materials submitted and noted the following.

SUMMARY

Due to the shared nature of this property between the Town of Colonie and the Town of Niskayuna analyzing the portions of the lot and building in each town becomes quite complicated. It is the recommendation of the Planning Office that due to the fact that **63%** of the lot area and **93%** of the building area lie within the Town of Colonie, the use of the property should be governed by Colonie code. The Niskayuna zoning code has been used as a feasibility check to determine that adequate parking exists for the proposed use. Using values for a typical place of worship approximately 51 parking spaces are required and approximately 68 exist.

Principal Use -- Analysis

As shown in the Floor Plan Drawings the portion of the building that lies within the Town of Colonie will contain a place of worship.

- Section 220-10 District Regulations E C-N Neighborhood Commercial zoning district of the Niskayuna zoning code does not list places of worship, religious educational facilities and parish houses as permitted principal or special principal uses.

As shown in the Floor Plan Drawings the portion of the building that lies within the Town of Niskayuna will contain a Child Day Care Center (in a mixed-use building with shared parking) and a food pantry that operates 2 hours per week.

- Section 220-10 District Regulations E C-N Neighborhood Commercial zoning district (1) Permitted principal uses limited to reuse and/or expansion by not more than 25% of an existing building (e) Child day-care centers in mixed-use buildings with shared parking facilities, and (c) neighborhood retail convenience stores.

Parking – Place of Worship

Schedule I-B R-1 Low Density Residential District of the Niskayuna zoning code includes the following requirements for places of worship. Actual values for the entire lot or building (Colonie & Niskayuna) are included for reference. (Note: 1222 Troy Schenectady Rd. is not within the R-1 zoning district – this analysis is provided as a general reference)

Minimum Lot Size Required	Actual Lot Size	Parking Spaces Required	Actual Parking Spaces
2 acres	1.8 acres	1 / 200 sq. ft. of floor area but not less than 1 space for each 4 seats where provided (89 spaces or 51)	Approx. 68

17,657 sq. ft. floor area / 200 sq. ft. / parking space = 89 parking spaces
 201 seats / 4 parking spaces / seat = 51 parking spaces

Parking – For Only the Portion of the Building in Niskayuna

The data sheet shows that 633 sq. ft. of the building that is within Niskayuna is proposed to be used as a food pantry and 633 sq. ft. of the building in Niskayuna is proposed to be used as a child care center.

Schedule I-D C-N District of the Niskayuna zoning code includes the following requirements for food pantries. All values are for only the portion of the lot / building in Niskayuna.

Use	Area in Niskayuna	Parking spaces req'd.	Actual parking spaces
Food pantry	633 sf	3	Approx. 55
Child care	633 sf	13	Approx. 52

Food pantry = 633 sq. ft. floor area / 225 sq. ft. / parking space = 3

Child care = 1 space for each employee plus 0.15 space for each child

- * Applicant noted a maximum of 40 students in an email dated 6/27/23 (=6 parking spaces)
- * Assume 1 employee for every 6 children = 40 / 6 = 7 employees
- * Total: 13 spaces

6/12/23 Planning Board (PB) meeting – Mr. Rafferty attended the PB meeting and presented the proposed project to the Board. He noted that any signage will be located on Town of Colonie property. Mr. Rafferty stated that the church congregation is currently approximately 89 members and the daycare facility will be licensed for up to 100 children but they intend to limit the number to approximately 50. The Board inquired about the hours of operation and Mr. Rafferty noted that they are occasionally open in the evening but never beyond 8:30 pm. The Board requested that a traffic flow map be provided to show how children will be dropped off and picked up from the daycare and how traffic on Niskayuna side streets will be impacted. Mr. Rafferty stated that a lighting plan will not change.

Traffic generation data and a traffic flow map were provided by the applicant.

- Trip generation data shows the following
 - Weekday AM Peak increase from 29 trips to 108 trips
 - Weekday PM Peak increase from 39 trips to 114 trips
 - Sunday Peak Hr. trips of 167

Current Office Use	Area (sq. ft.)	Weekday AM Peak	Weekday PM Peak	Sunday – Peak Hr.
	17,657	29	39	NA
Proposed Church Use		Weekday AM Peak	Weekday PM Peak	Sunday – Peak Hr.
* Church	9,360	3	8	167
* Day Care	9,300	102	103	
* Office	835	3	3	
* TOTAL	19,495	108	114	

- Traffic Flow Map shows the following
 - Traffic enters the property from Troy Schenectady Rd.
 - Traffic exists the property onto Vly Rd.

Although not discussed previously, the Planning Department recommends discussing / adding a condition to plant additional street trees and recommends consideration of a sidewalk on Vly Road.

A tentative resolution for site plan approval is included with the meeting packet. The resolution includes a condition that the applicant must receive approval from the Town of Colonie regarding the proposed use of the property within their jurisdiction.

RESOLUTION NO. 2023-17

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 10TH DAY OF JULY 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 a final site plan approval.

The meeting was duly called to order by the Chairman.

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

WHEREAS, Patrick Rafferty, agent for Dr. Jason Karampatsos, owner, of Capital Church, submitted an Application for Site Plan Review to the Planning Office dated 6/6/23 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, and

WHEREAS, the following documents were provided with the application.

- A 1-page survey drawing entitled "Boundary Survey of 1222 Troy-Schenectady Road..." by C.T. Male Associates, P.C. dated 1/16/2004 with a most recent revision date of 2/3/2004.
- A 1-page survey drawing entitled "Boundary and Topography Survey for 1222 Troy-Schenectady Road" by MJ Engineering and Land Surveying, P.C. dated 9/21/2018 with no subsequent revision date.

- A 3-page drawing set entitled “Feasibility Study for Capital Church” by C2 Architecture, PC” dated 5/23/2023 with no subsequent revisions
- A 1-page data sheet dated “Tuesday, June 6, 2023” containing summaries in square feet of the following.
 - Total lot size, total in Niskayuna, total in Colonie
 - Total sq. footage (sf) of building, total in Niskayuna, total in Colonie
 - Total sf of building 1st floor, total in Niskayuna, total in Colonie
 - Total sf of building basement, total in Niskayuna, total in Colonie
 - Total parking spaces on site, total in Niskayuna, total in Colonie
 - Food pantry days and hours of operation
 - Childcare days and hours of operation

, and

WHEREAS, the zoning classification of the property is C-N Neighborhood Commercial zoning district, and

WHEREAS, the 1-page data sheet listed above, and the other documents provided with the site plan application indicate the following regarding the site and the building.

- Approximately 36% of the site lies within Niskayuna (64% Colonie)
- Approximately 7% of the building lies within Niskayuna (93% Colonie)
- Approximately 61% of the parking spaces lie within Niskayuna (39% Colonie)

, and

WHEREAS, the Niskayuna Planning Office utilized the Niskayuna zoning code to analyze the number of parking spaces required for the entire building, and for the portion of the building that lies within the Town of Niskayuna, and compared the results with the number of spaces available on the entire lot, and on the portion of the lot that lies within the Town of Niskayuna, and determined that adequate parking spaces exist for the proposed tenant change, and

WHEREAS, the application was referred to the Schenectady County Planning Department who approved of the proposal, and

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

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission, 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

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.

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 _____.

From: Jed Yaffee <jyaffee@lemerygreisler.com>

Date: Tue, Jun 27, 2023 at 1:05 PM

Subject: [EXTERNAL] RE: 1222 Troy Schenectady Road

To: Laura Robertson <lrobertson@niskayuna.org>

Cc: Clark A. Henry <CHenry2@niskayuna.org>, Trisha Bergami <tbergami@niskayuna.org>

Good afternoon Laura,

Below are responses to the first three notes in your email of 6/14/23. The fourth question regarding a traffic delta will be addressed as soon as possible.

1. Summary of the total possible number of children in the daycare. The total possible number of children in the before and after care/daycare programs is up to 40 children. The number of children enrolled in the before and after/day care programs vary throughout the year between 10 and 40 children. For example, there are currently 40 children enrolled in the program; however, the enrollment will be reduced to 10 children in the Fall. The church anticipates that a move to 1222 Troy-Schenectady Road will cause a drop and then an increase in enrollment to the same level- between 10 and 40 children throughout the year.
2. Create a traffic flow diagram / bus drop off area on the site plan. Attached is a bus drop off flow diagram. Colonie buses currently will not come to 1222 Troy-Schenectady Road. Niskayuna buses will come to the property. The church consulted with the Niskayuna Central School Transportation Office regarding the attached plan.
 - a. Drive in from Route 7 (green arrows), pull up to the back entrance, and exit (red arrows) on to Vly Road.
 - b. The buses would be come from the west and use the light at Vly Road to turn back to Niskayuna. The entrance/exit on Route 7 is a "right turn only" exit, which would send the buses into Colonie/Latham.
3. Submit a lighting plan if the lighting is changing. The lighting plan is not changing.

Thank you,
Jed

Jed Yaffee
Member
Lemery Greisler LLC
677 Broadway, 8th Floor
Albany, New York 12207
Tel: 518-433-8800 ext. 317
Direct Dial: 518-831-5118
Fax: 518-433-8823
jyaffee@lemerygreisler.com
www.lemerygreisler.com

From: Laura Robertson <lrobertson@niskayuna.org>
Sent: Wednesday, June 14, 2023 1:37 PM
To: Jed Yaffee <jyaffee@lemerygreisler.com>
Cc: Clark A. Henry <CHenry2@niskayuna.org>; Trisha Bergami <tbergami@niskayuna.org>
Subject: 1222 Troy Schenectady Road

Hi Jay,

Thanks for speaking with me on the phone today. The notes I made from the meeting indicate you need to provide the Planning Department with the following ASAP:

- Summary of the total possible number of children in the daycare.

- Create a traffic flow diagram / bus drop off area on the site plan.

- Submit a lighting plan if the lighting is changing

- Submit a traffic delta between what cars would be generated by the square footage of office space and what cars would be generated by the church/daycare use as prescribed in the ITE Trip Generation Manual.

The conditions that will likely be included in a site plan tenant change resolution would include the Planning Board's request that no additional changing/flashing LEDs be added to the monument sign (the time and temperature is okay) and any changes to the parking lot will need further site plan review. This building is at the gateway into Niskayuna – so any plans to spruce up the landscaping or façade are appreciated and the Planning Department would be happy to assist with them.

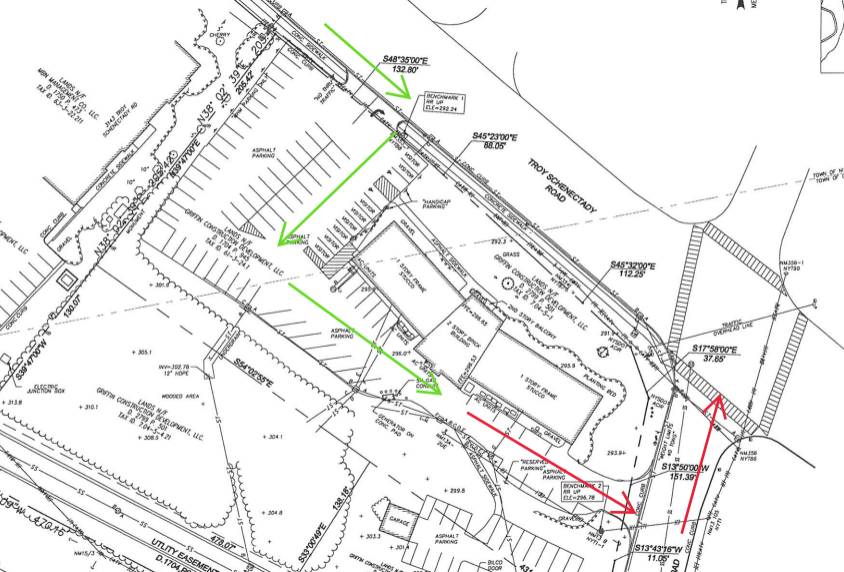
Laura

Laura Robertson, AICP

Town Planner
(518) 386 -4530

Town of Niskayuna
1 Niskayuna Circle
Niskayuna, NY 12309

lrobertson@niskayuna.org



LANDS N/F
D.1758 P. 151-152
TAX ID 63-3-12-21

3143 TROY RD
SCHENECTADY

ASPHALT PARKING

ASPHALT PARKING

ASPHALT PARKING

ASPHALT PARKING

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ASPHALT PARKING

S48°35'00"E
132.80'

BENCHMARK 1
RE. UP
ELE=292.24

S45°23'00"E
88.05'

TROY SCHENECTADY
ROAD

S45°32'00"E
112.25'

S17°58'00"E
37.65'

S13°50'00"W
151.39'

S13°43'16"W
11.05'

LANDS N/F
D.1758 P. 151-152
TAX ID 7.04-5-4.21

GRITIN CONSTRUCTION DEVELOPMENT, LLC

WOODED AREA

12" HOPE

GENERATOR ON CONC. PAD

RESERVED PARKING

ASPHALT PARKING

GRASS

CONCRETE SIDEWALK

TRUCK OVERLOAD LINE

UTILITY EASEMENT

D.1704

CONCRETE SIDEWALK

GRASS

CONCRETE SIDEWALK

GRASS

CONCRETE SIDEWALK

GARAGE

ASPHALT PARKING

CONCRETE SIDEWALK

GRASS

CONCRETE SIDEWALK

GRASS

Applicant – Capital Church
31 Vly Rd.
Colonie, NY 12205

Date- Tuesday, June 6, 2023

For Location – 1222 Troy Schenectady Road
Niskayuna NY, 12309

Total Lot size - 73,749 SF
Total in Niskayuna - 26,982 SF (36.59%)
Total in Colonie - 46,767 SF (63.41%)

Total Square footage of building (all levels)- 17,657sf
Total Square footage in Niskayuna (all levels)- 1,266sf (7.17%)
Total SF in Town of Colonie (all levels)- 16,391 (92.83%)

Total SF of 1st Fl. (Main Level) – 7,961sf Food Pantry occupies 1,390 sf (17.46%)
Total SF of food Pantry in Niskayuna – 633 (45.54%)
Total SF of food Pantry in Colonie – 757 (54.46%)
Total amount of spaced used as Food Pantry in
Niskayuna township – 633sf (100%)

Total SF of basement (lower level) – 7,961 sf Child Care occupies 4,600 sf (57.78%)
Total SF of Child Care in Niskayuna – 633 (13.76%)
Total SF of Child Care in Colonie – 3,967 (86.24%)
Total amount of spaced used as Child Care in
Nisakyuna township – 633sf (100%)

Total Parking Spaces on Site – 84
Total in Niskayuna - 51
Total in Colonie - 33

Food Pantry Hours of Operation – Thursdays Only, between 6:00pm -7:30pm

Child Care Hours of Operation – M-F 7:00am – 9:15am, 2:30pm – 6:00pm
With intentions to expand hours to 7:00am - 6:00pm in the future.

Map References

- Map entitled "Topographic Survey 3120 Troy-Schenectady Road, Portion of Lands of Lawrence Group, Inc.", prepared by C.T. Male Associates, P.C., dated May 13, 1991 and bearing drawing no. 91-285.
- Map entitled "As-Built Survey Portion of Lands Now or Formerly of Meyer Dall", prepared by C.T. Male Associates, P.C., dated August 7, 1970 and last revised April 15, 1987 and bearing 70-257.
- Map entitled "Lot Line Adjustment Between Lands of Niskayuna Professional Development, LLC", prepared by Gilbert VanGulder Land Surveyor, PLLC, dated December 9, 2003 and bearing map no. 03-22-124.
- Map entitled "Survey of Lands to be Conveyed to Albert W. Lawrence", prepared by Raymond A. Koch, PLS, dated September 28, 1990 and last revised December 19, 1991.
- Map entitled "Survey of Lands to be Conveyed to Lawrence Group, Inc.", prepared by Raymond A. Koch, PLS, dated September 28, 1990.
- Map entitled "Survey of Premises Known as Street No. 3140 Troy-Schenectady Road", prepared by Raymond A. Koch, PLS, dated December 27, 1991.
- Map entitled "Survey of Premises Known as Street No. 3144 Troy-Schenectady Road (N.Y.S. Rte. 7)", prepared by Raymond A. Koch, PLS, dated March 10, 1987 and last revised November 27, 1991.
- New York State Department of Public Works appropriation maps for S.H. No. 407 and S.H. No. 604, Albany and Schenectady Counties are as listed: Map 187 Parcel 17, Map 431 Parcel 487, Map 429 Parcel 465 and Claim Map 494.
- Map entitled "Foundation Location Plan Portion of Lands Now or Formerly of Meyer Dall", prepared by C.T. Male Associates, P.C. dated June 5, 1988 and bearing drawing no. 69-A-77-L.

Map Notes

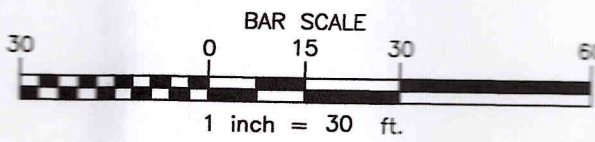
- North orientation and bearing base per deed reference # 1.
- Underground facilities, structures, and utilities have been plotted from data obtained from previous maps and record drawings. Surface features such as catch basin rims, manhole covers, water valves, gas valves, etc. are the result of field survey unless noted otherwise. There may be other underground utilities, the existence of which are not known to the undersigned. Size and location of all underground utilities and structures must be verified by the appropriate authorities. The Underground Facilities Protective Organization must be notified prior to conducting test borings, excavation and construction.
- This survey does not constitute a record search by C.T. Male Associates, P.C. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, the surveyor relied upon title commitment number 09-784, prepared by Old Republic Title Insurance Company dated June 8, 2009.
- Prior to and during the course of this survey this geographic area accumulated approximately 6-8 inches of packed snow and ice. Therefore the undersigned cannot certify that some object or feature has been omitted or that there is an elevation error consistent with the depth of the snow pack. However every effort to provide a complete plotting of the conditions has been made.
- Town Lines established from Town of Colonie GIS mapping provided by the town.
- Boundary information shown hereon is from actual field survey conducted on January 16, 2004 and field updated on June 9, 2009.

Deed Reference

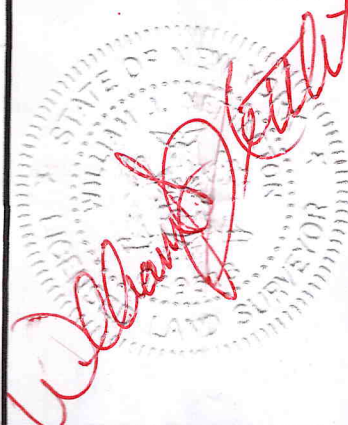
- Deed dated January 29, 2001 between First Amherst Investment I, LLC and Niskayuna Professional Development, LLC as described in Book 2676 Deeds at Page 846.

LEGEND

- CB CATCH BASIN
- CB CATCH BASIN CURB INLET
- ACIRF ALUMINUM CAPPED IRON ROD/NYSDOT
- DECIDUOUS TREE
- WSD WATER SHUT-OFF
- GV GAS VALVE
- HYD HYDRANT
- IPF IRON PIPE FOUND
- MB MAILBOX
- MH MANHOLE
- SIGN
- MON CONCRETE MONUMENT FOUND
- TSP TRAFFIC SIGNAL POLE
- UTILITY POLE
- UTILITY POLE WITH LIGHT
- GUY
- CIRS CAPPED IRON ROD SET



WILLIAM J. NETTLETON
P.L.S. NO. 49513

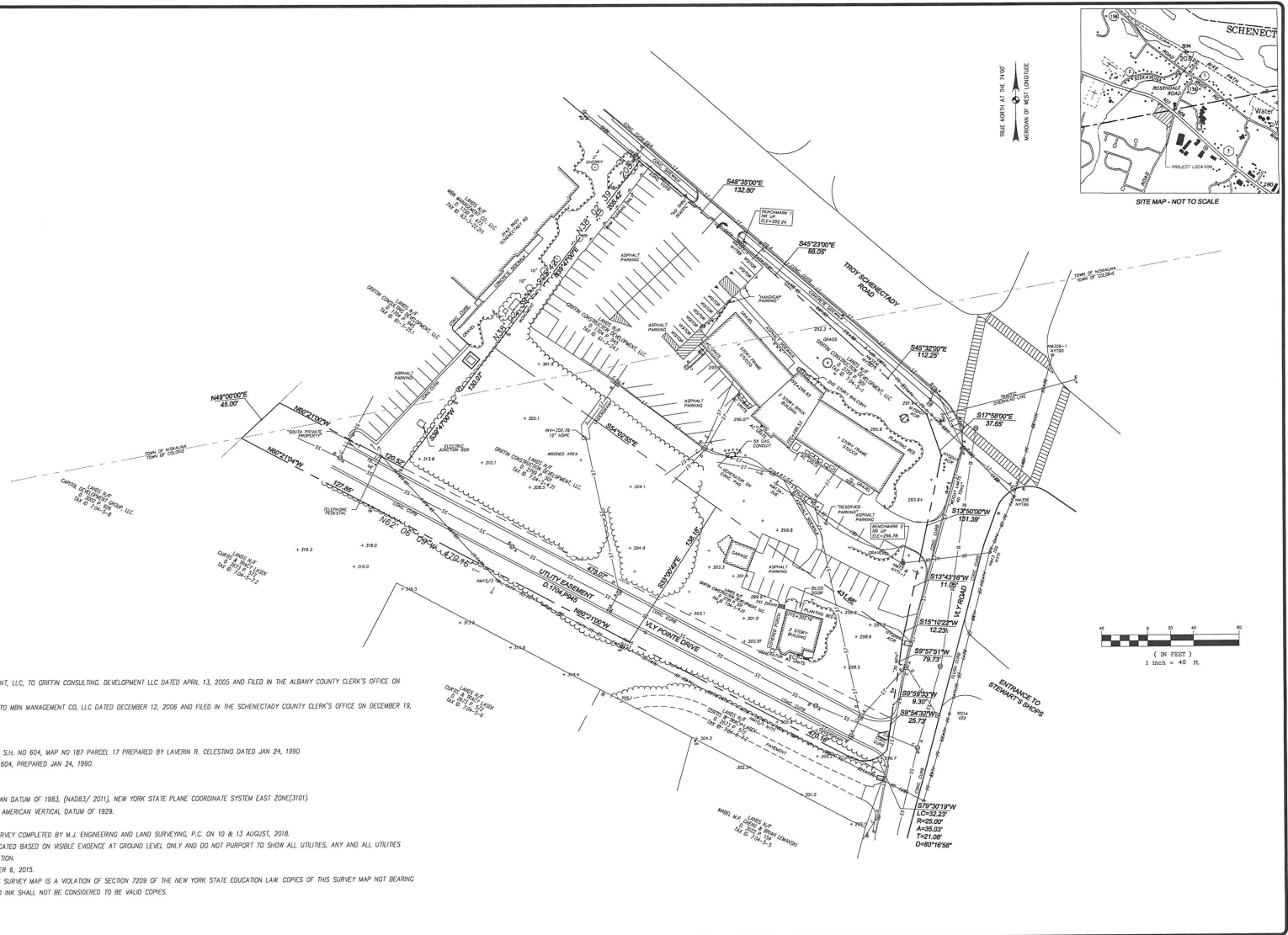


DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
2/3/04	△ CAPPED IRON RODS SET AS SHOWN	CMD	RNS	
3/30/05	△ ADDED PARCEL TO ORIGINAL CONVEYANCE	J. WHITE	RNS	
6/9/09	△ SURVEY UPDATE	SMW	RNS	
6/8/17	△ CORNERS RECOVERED AS SHOWN/NW LINE FLAGGED	MDD	WJN	
	△			
	△			
	△			
	△			
	△			

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.	
© 2004 C.T. MALE ASSOCIATES P.C.	
APPROVED:	
DRAFTED : CMD	
CHECKED : RNS	
PROJ. NO: 04.9023	
SCALE : 1"=30'	
DATE : JAN 16, 2004	

BOUNDARY SURVEY OF 1222 TROY-SCHENECTADY ROAD LANDS NOW OR FORMERLY OF NISKAYUNA PROFESSIONAL DEVELOPMENT, LLC	
TOWN OF NISKAYUNA/TOWN OF COLONIE	SCHENECTADY COUNTY/ALBANY COUNTY, NEW YORK
C.T. MALE ASSOCIATES, P.C. 50 CENTURY HILL DRIVE, P.O. BOX 727, LATHAM, NY 12110 518.786.7400 * FAX 518.786.7299 ARCHITECTURE & BUILDING SYSTEMS ENGINEERING * CIVIL ENGINEERING ENVIRONMENTAL SERVICES * SURVEY & LAND INFORMATION SERVICES	
SHEET 1 OF 1 DWG. NO: 04-116	

LEGEND	
CATCH BASIN	⊞
SANITARY MANHOLE	⊙
FIRE HYDRANT	⊕
GATE VALVE	⊞
DECIDUOUS TREE	⊙
SHRUBS	⊙
UTILITY TELEPHONE BOX	⊞
LIGHT POLE	⊞
DOUBLE POST SIGN	⊞
SINGLE POST SIGN	⊞
UTILITY POLE WITH LIGHT	⊞
BENCHMARK	⊞
HANDICAP SIGN	⊞
ELECTRIC METER	⊞
MONUMENT POINT	⊞
ELECTRIC VALVE	⊞
BOLLARD	⊞
GAS VENT	⊞
GUTTER	⊞
LIGHT POST	⊞
MAILBOX	⊞
FLAG POLE	⊞
TRAFFIC CONTROL BOX	⊞
PEDESTRIAN CROSSING SYMBOL	⊞
GAS METER	⊞
GAS MARKOUT	⊞
IRON ROD MARKER	⊞
IRON PIPE MARKER	⊞
UTILITY POLE	⊞
UNKNOWN VALVE	⊞
HOUSE WATER SERVICE	⊞
IRRIGATION BOX	⊞
FRONT GROUND LIGHT	⊞
TRANSFORMER	⊞
STORM LINE	⊞
SANITARY LINE	⊞
SITE VEGETATION	⊞
4" WHITE FENCE	⊞
GAS LINE	⊞
PLANTING BED	⊞
OVERHEAD POWER LINE	⊞
OVERHEAD TELEPHONE LINE	⊞
OVERHEAD CABLE LINE	⊞



DEED REFERENCES:

- DEED FROM NISKAYUNA PROFESSIONAL DEVELOPMENT, LLC, TO ORFFIN CONSULTING DEVELOPMENT LLC DATED APRIL 13, 2005 AND FILED IN THE ALBANY COUNTY CLERK'S OFFICE ON APRIL 29, 2005 IN BOOK 2799 PAGE 501.
- DEED FROM NISKAYUNA PROFESSION OFFICE, LLC, TO MBN MANAGEMENT CO, LLC DATED DECEMBER 12, 2006 AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON DECEMBER 19, 2006 IN BOOK 1750 PAGE 473.

MAP REFERENCES:

- APPROPRIATION MAP TROY-SCHENECTADY, PART 1, S.H. NO 604, MAP NO 187 PARCEL 17 PREPARED BY LAYERN R. CELESTINO DATED JAN 24, 1990
- CLAIM MAP, TROY-SCHENECTADY PART 1, S.H. NO 604, PREPARED JAN 24, 1990.

GENERAL NOTES:

- COORDINATES ARE REFERENCED TO NORTH AMERICAN DATUM OF 1983 (NAD83/ 2011), NEW YORK STATE PLANE COORDINATE SYSTEM EAST ZONE(3101).
- THE VERTICAL DATUM REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1929.
- CONTOUR INTERVAL = 1 FOOT.
- INFORMATION SHOWN HEREON IS FROM A FIELD SURVEY COMPLETED BY M.J. ENGINEERING AND LAND SURVEYING, P.C. ON 10 & 13 AUGUST, 2018.
- UNDERGROUND UTILITIES SHOWN HEREON WERE LOCATED BASED ON VISIBLE EVIDENCE AT GROUND LEVEL ONLY AND DO NOT PURPORT TO SHOW ALL UTILITIES, ANY AND ALL UTILITIES SHOWN ARE SUBJECT TO VERIFICATION BY EXCAVATION.
- SURVEY FIELD WORK WAS COMPLETED ON NOVEMBER 6, 2015.
- UNAUTHORIZED ALTERATIONS OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS SEAL AND SIGNED WITH RED INK SHALL NOT BE CONSIDERED TO BE VALID COPIES.

SUBMITTAL / REVISIONS				
No.	DATE	DESCRIPTION	BY	REVIEWED BY:
1				

PROJ. MANAGER:	JGM
CHIEF DESIGNER:	
DESIGNED BY:	
DRAWN BY:	NA
CHECKED BY:	MJF

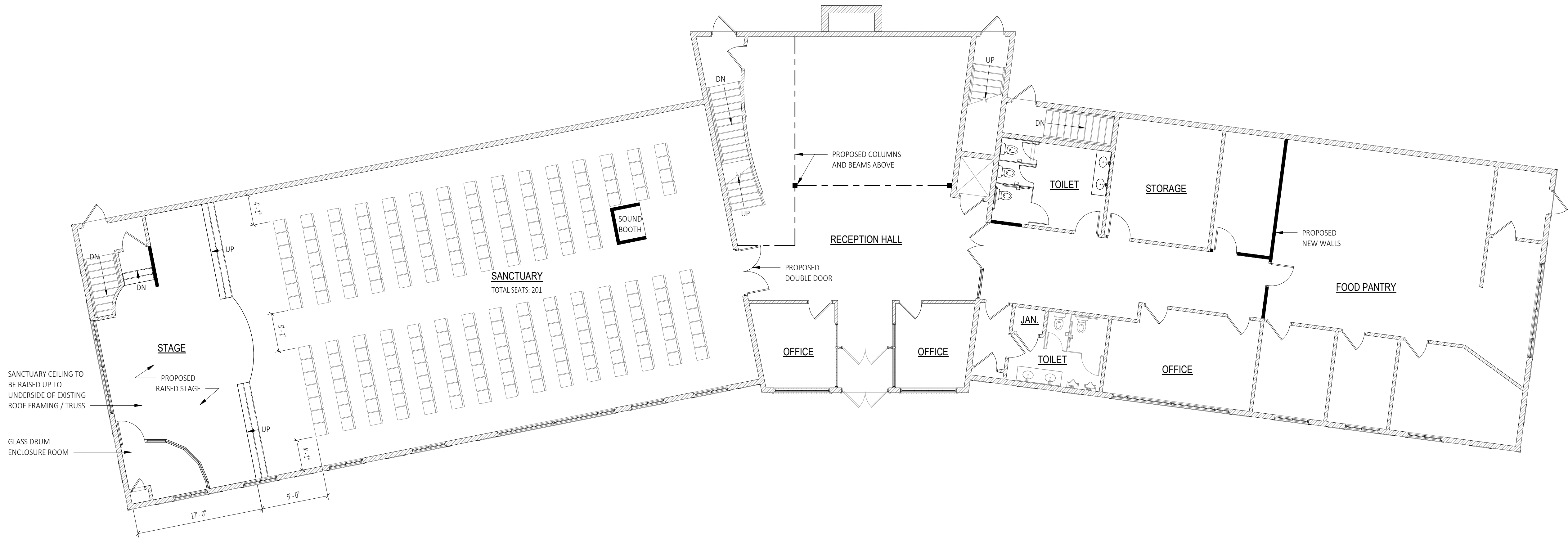
DATE	DATE

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A CHARTERED PROFESSIONAL (P.E.) ARCHITECT FOR AN ARCHITECT OR ENGINEER OR FOR AN ENGINEER OR LANDSCAPE ARCHITECT, IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW AND IS A CLASS "A" MISDEMEANOR.

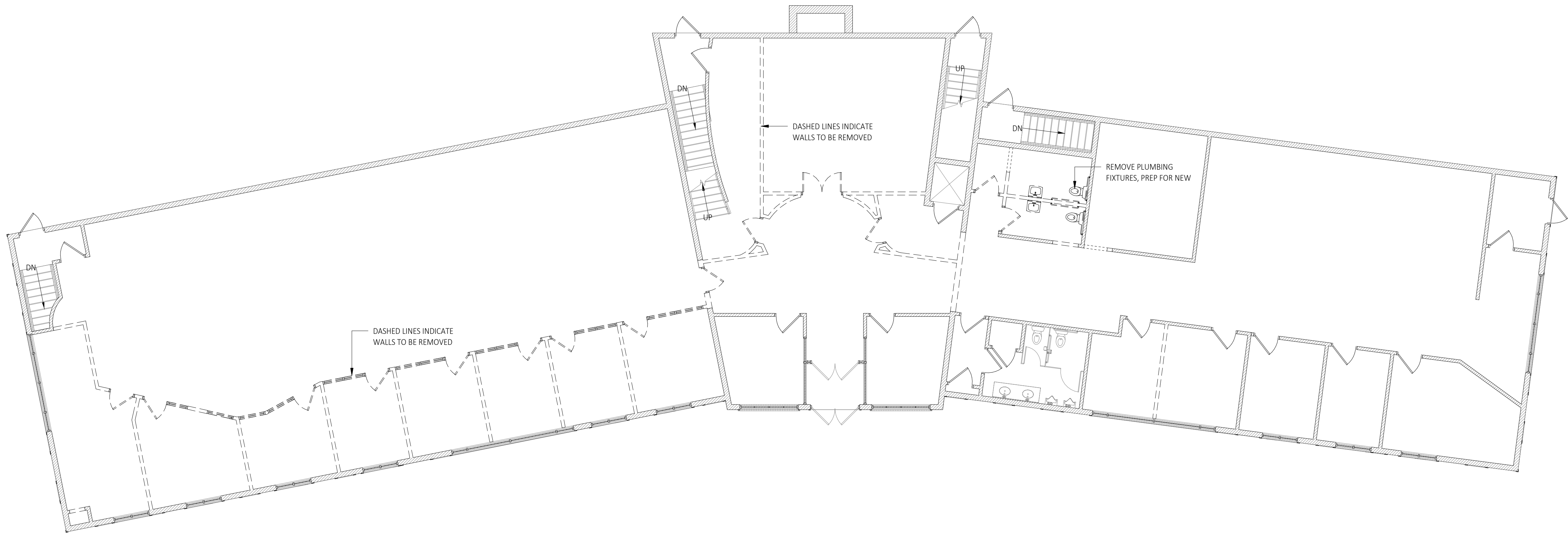
Engineering and Land Surveying, P.C.
1533 Crescent Road - Clifton Park, NY 12065

BOUNDARY AND TOPOGRAPHY SURVEY
FOR
1222 TROY SCHENECTADY ROAD
T/O COLONIE & NISKAYUNA SCHENECTADY & ALBANY COUNTY

SCALE: 1" = 40'
CONTRACT NO.
MAP PROJ. NO. M18072.29
DATE: 09/21/2018



2 Proposed First Floor Plan
A101 SCALE: 1/8" = 1'-0"



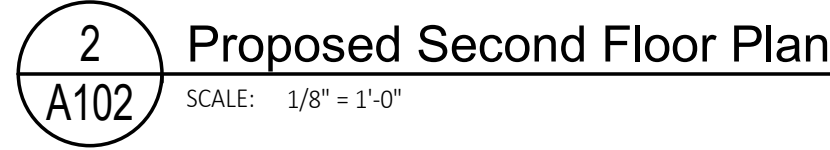
1 First Floor Demolition Plan
A101 SCALE: 1/8" = 1'-0"

DRAWN BY:	C2 Architecture
DATE:	05/23/2023
SCALE:	AS NOTED
JOB NO:	2341
SHEET:	A101

SHEET TITLE	First Floor Plans
PROJECT:	Feasibility Study for: Capital Church 1222 Troy-Schenectady Road Schenectady, NY 12309

Schematic Design	
Submittal / Revision	Date
No.	

Stamp



A102

1222 Troy Schenectady Rd.
C-N Neighborhood Commercial Zoning District





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 2

MEETING DATE: 7/10/2023

ITEM TITLE: RECOMMENDATION: A Recommendation to the ZBA for a lot line adjustment between 2386 Algonquin Rd. and 2383 Troy Rd. requiring a rear setback area variance of 19.9 ft. for an existing shed at 2383 Troy Rd.

PROJECT LEAD: Patrick McPartlon

APPLICANT: William Pfeiffer, Gary Horton, 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:

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.

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.

The PB should review the new materials provided and make a recommendation to the ZBA.



Town of Niskayuna

M E M O R A N D U M

TO: File

FROM: Laura Robertson, Town Planner

DATE: July 10, 2023

RE: 2386 Algonquin Rd. – lot line adjustment

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 –

Suitability of Use –

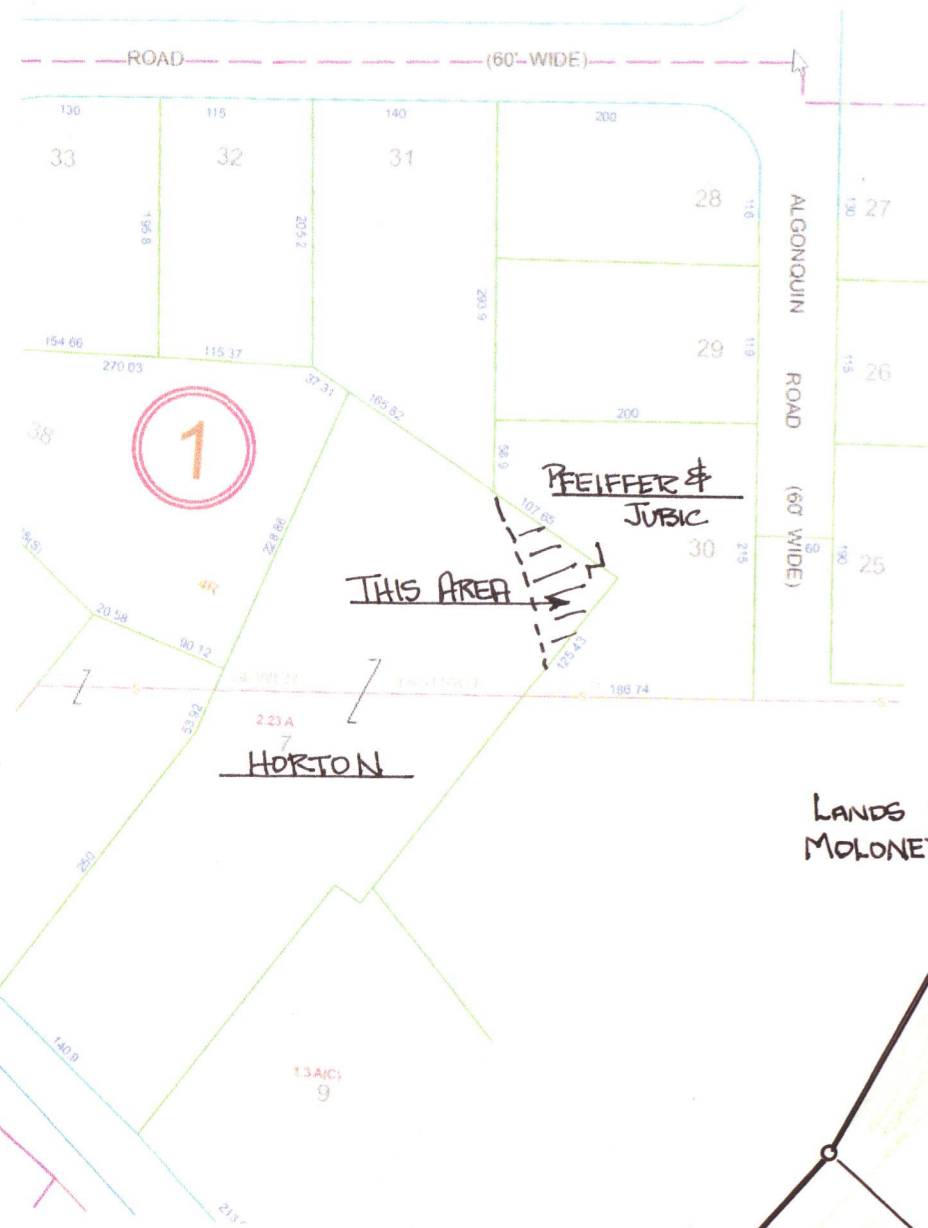
RECOMMENDATION –

PROPOSED LOT LINE ADJUSTMENT BETWEEN THE LANDS

of William Pfeiffer & Jean Jubic and the Lands of

Gary V. Horton, et.al

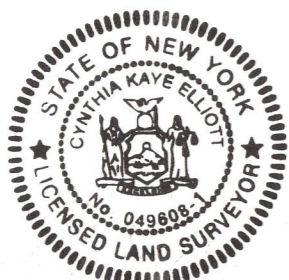
Located in the Town of Niskayuna, Schenectady Co., N.Y.



Tax ID#	Name	Address
51.17-01-29	Carly & Neil Desiderio	2382 Algonquin Road
51.17-01-31	Gail & Geoffrey Gillett	2376 Cayuga Road
51.17-01-25	Joseph Perrella	2389 Algonquin Road
51.17-01-38	Ainsley & Peter Moloney	2110 Cayuga Court
51.17-01-6	Jason & Maria Stanco	2375 Troy Schenectady Road
51.17-01-24.2	Kahina Rockwell Van Dyke	1051 Van Antwerp Road
All @ Niskayuna, New York 12309		

Owners of Record: William Pfeiffer/Jean Jubic
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

Zoned: R-1



Added Data: 6/18/2023

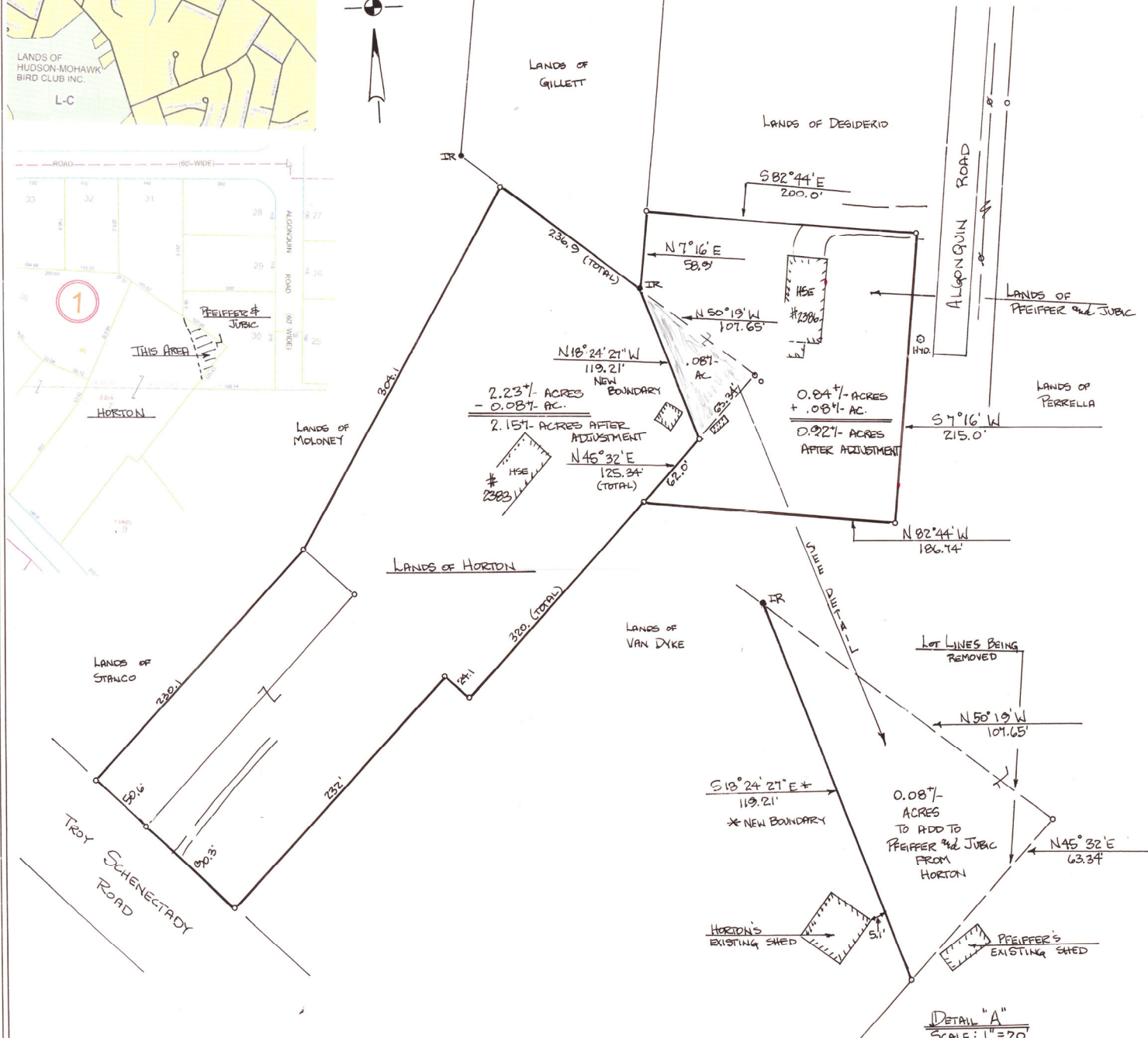
Date: May 22, 2023

Scale: 1"=50'

Surveyed by Cynthia K. Elliott
N.Y.P.L.S.#49608

P.O. Box 220 Feura Bush, New York 12067
(518) 992-5927

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.



Surrounding Landowners
 Tax ID# Name Address
 51.17-01-29 Carly & Neil Desiderio 2382 Algonquin Road
 51.17-01-31 Gail & Geoffrey Gillett 2376 Cayuga Road
 51.17-01-25 Joseph Perrella 2389 Algonquin Road
 51.17-01-38 Ainsley & Peter Moloney 2110 Cayuga Court
 51.17-01-6 Jason & Maria Stanco 2375 Troy Schenectady Road
 51.17-01-24.2 Kahina Rockwell Van Dyke 1051 Van Antwerp Road
 All @ Niskayuna, New York 12309

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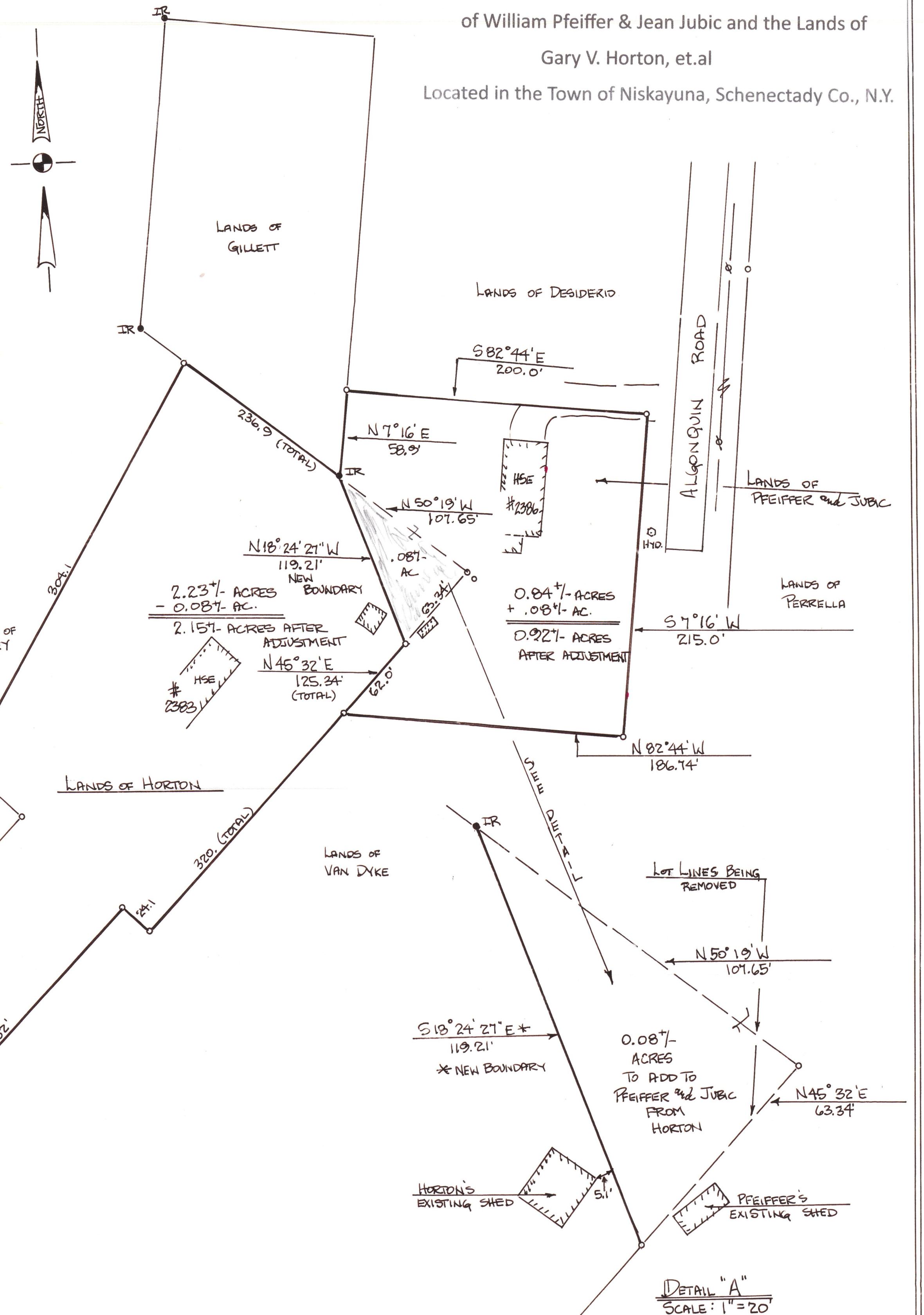
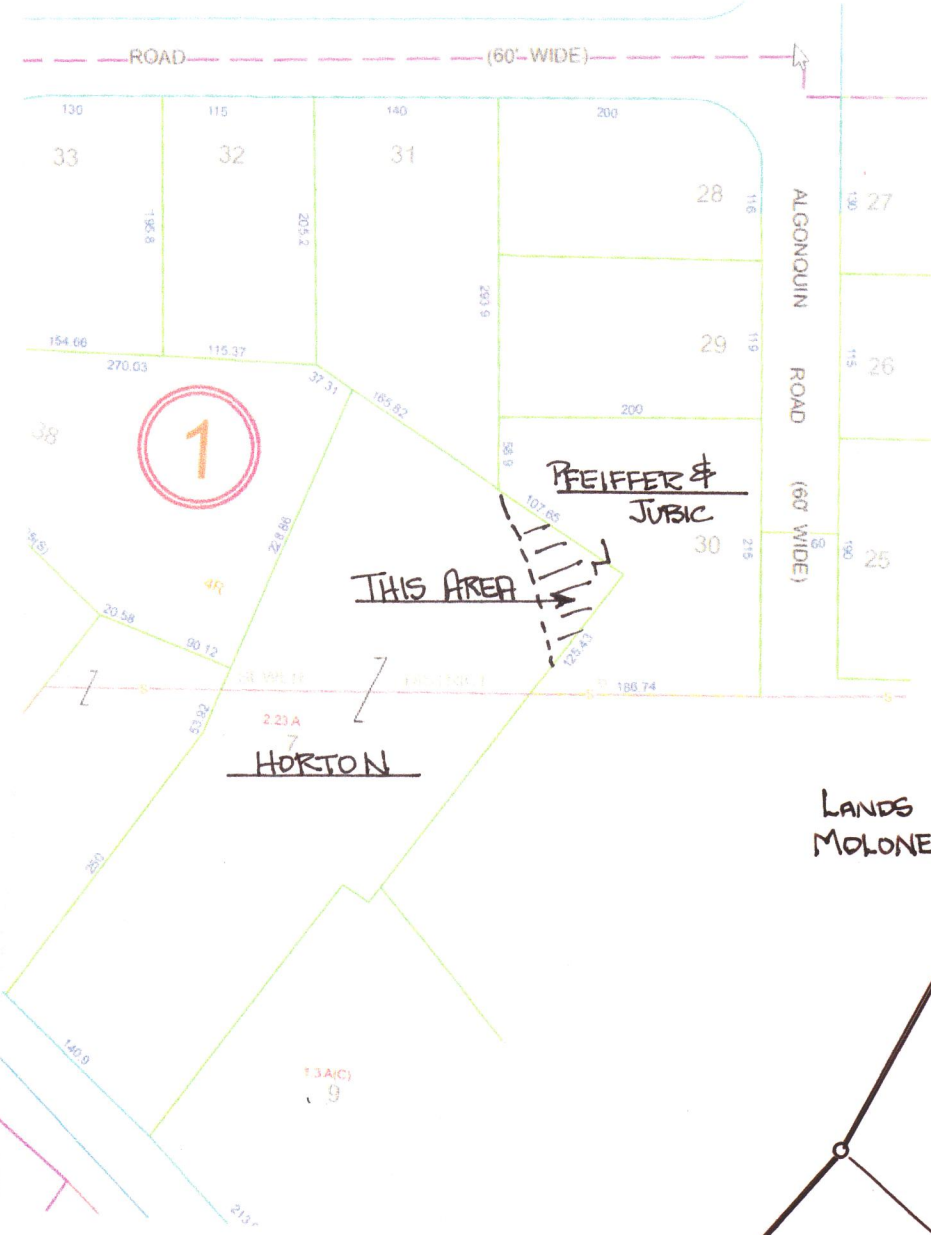
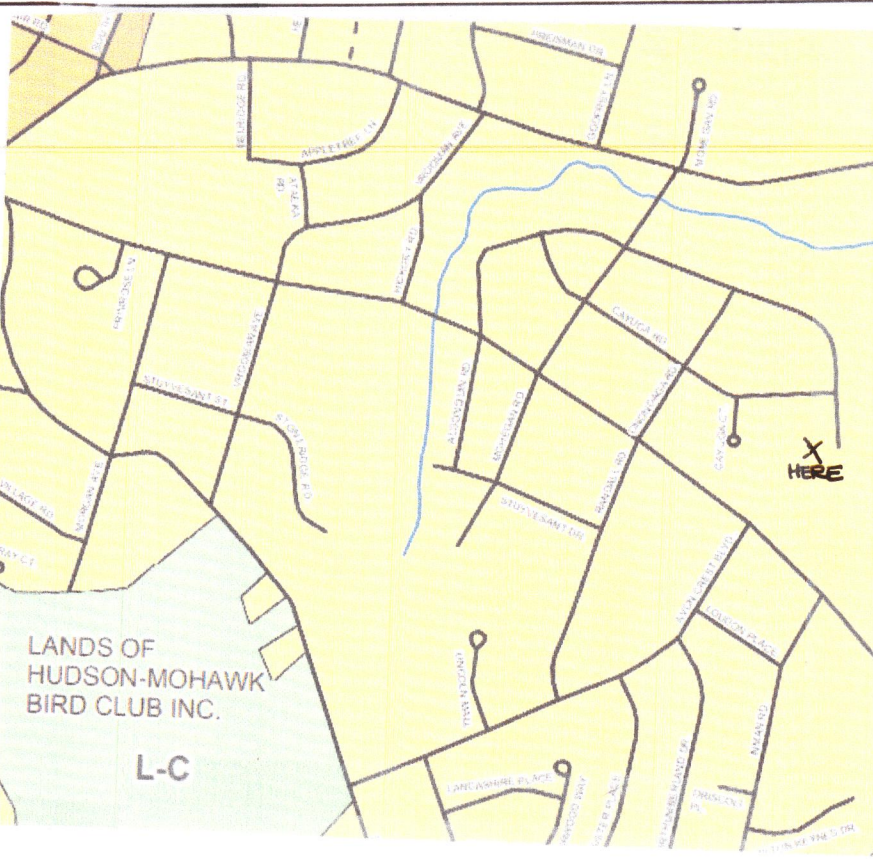


PROPOSED LOT LINE ADJUSTMENT BETWEEN THE LANDS

of William Pfeiffer & Jean Jubic and the Lands of

Gary V. Horton, et.al

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



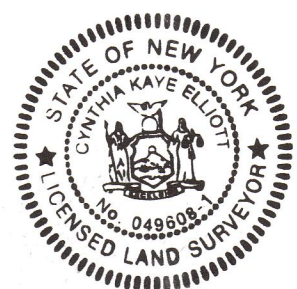
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ZONED: R-1



Date: May 22, 2023
Scale: 1"=50'

Surveyed by Cynthia K. Elliott
N.Y.P.L.S.#49608

P.O. Box 220 Feura Bush, New York 12067
(518) 992-5927

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Laura Robertson <lrobertson@niskayuna.org>

[EXTERNAL] Re: [EXTERNAL] supplement to application

William Pfeiffer <wpfeiffer@albanyelderlaw.com>

Thu, Jun 29, 2023 at 12:31 PM

To: Clark Henry <chenry2@niskayuna.org>, Laura Robertson <lrobertson@niskayuna.org>, Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>, Cindi Elliott <ckelandsurveyor@aol.com>

Hi Clark,

I have attached 4 pictures taken from Gary's yard.

1. back of Gary's shed. you can see that access from my yard is not practical.
2. front of Gary's shed. you can see it is not practical to move.
3. view of Gary's house taken from standing in front of shed. They are not close.
4. view of my house taken from the front of Gary's shed. You can see the value of the buffer.

I will send pictures from my yard separately,

thanks,

Bill

William D. Pfeiffer, Esq.

[20 Corporate Woods Blvd.](#)

Albany, New York 12211

518.407.0347 phone

518.730.0377 fax

CIRCULAR 230 Disclosure: To ensure compliance with requirements imposed by the IRS, please be aware that any U.S. federal tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used and cannot be used for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to any other person any transaction or matter addressed herein.

The contents of this message and any attachments are confidential and may contain privileged information. If you have received this communication in error, we regret any inconvenience and ask that you notify the sender and delete this message and any attachments.

From: Clark Henry <chenry2@niskayuna.org>

Sent: Thursday, June 29, 2023 11:40 AM

To: William Pfeiffer <wpfeiffer@albanyelderlaw.com>; Laura Robertson <lrobertson@niskayuna.org>; Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>; Cindi Elliott <ckelandsurveyor@aol.com>

Subject: RE: [EXTERNAL] supplement to application

Bill,











Laura Robertson <lrobertson@niskayuna.org>

[EXTERNAL] Re: [EXTERNAL] supplement to application

William Pfeiffer <wpfeiffer@albanyelderlaw.com>

Thu, Jun 29, 2023 at 12:58 PM

To: Clark Henry <chenry2@niskayuna.org>, Laura Robertson <lrobertson@niskayuna.org>, Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>, Cindi Elliott <ckelandsurveyor@aol.com>

Hi Clark,

These pictures were taken from my yard.

1. view of bird bath (current pin) and corner of my back porch. please note how close they are so that proposal will increase by sixty feet.
2. view of bird bath and house from Algonquin. My shed is to left of bird bath behind lilac bush.
3. view of bird bath with current property line just to left of tall pine.
4. view of my shed with new property line being to the left of the shed by white chairs. also note that Gary's shed is behind growth and to the left of my shed.

thanks,

Bill

William D. Pfeiffer, Esq.

20 Corporate Woods Blvd.

Albany, New York 12211

518.407.0347 phone

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Cc: jean jubic <jean@albanyelderlaw.com>; Cindi Elliott <ckelandsurveyor@aol.com>

Subject: RE: [EXTERNAL] supplement to application

Bill,











Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

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

Kenneth P. Hassett
Building Inspector

BUILDING AND ZONING PERMIT DENIAL

**Address: 2386 Algonquin Rd. / 2383 Troy Rd.
Niskayuna, NY**

Application Date: 1/25/23

William Pfeiffer
2386 Algonquin Rd.
Niskayuna, NY 12309

Gary Horton
2383 Troy Rd.
Niskayuna, NY

Dear Mr. Pfeiffer and Mr. Horton:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that the Application for Site Plan Approval for a lot line adjustment with 2386 Algonquin Rd. and 2383 Troy Rd. has been denied by reason of failure to comply with the provisions of Section 220-18 (B) (3) (b) and Schedule I-B, R-1 District, of the Niskayuna zoning code. The property is located in the R-1 Low Density Residential Zoning District.

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. Under the provisions of Section 220-69 the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

A handwritten signature in black ink, appearing to read "Laura Robertson", is written over a horizontal line.

Laura Robertson, Deputy Code Enforcement Officer

6/14/23

Date