

TOWN OF NISKAYUNA
Planning Board and Zoning Commission

Agenda
August 14, 2023
7:00 PM

REGULAR AGENDA MEETING

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES**
 - 1. July 24, 2023
- IV. PUBLIC HEARINGS**
- V. PRIVILEGE OF THE FLOOR**
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
 - 1. RESOLUTION: 2023 – 18: A Resolution for a lot line adjustment at 2386 Algonquin Rd. / 2383 Troy Schenectady Rd.
- VIII. DISCUSSION ITEMS**
 - 1. 2861 Troy – Schenectady Rd. – Brookdale Sr. Living -- An application for a 10' x 12' storage shed.
- IX. REPORTS**
- X. COMMISSION BUSINESS**
- XI. ADJOURNMENT**

NEXT MEETING: August 28, 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
July 24, 2023

Members Present:

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

Also Present:

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

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Khan, Mr. Skrebutenas & Mr. Drescher was absent/excused.

III. MINUTES

1. May 22, 2023

Mr. D'Arpino made a motion to approve the Minutes from the 5/22/23 meeting. Mr. McPartlon seconded. All were in favor.

2. July 10, 2023

Ms. Gold made a motion to approve the Minutes from the 7/10/23 meeting. Seconded by Mr. LaFlamme. All were in favor.

IV. PUBLIC HEARINGS

No public hearings tonight.

V. PRIVILEGE OF THE FLOOR

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

VI. UNFINISHED BUSINESS

No unfinished business

VII. NEW BUSINESS

38 No new business

39 **VIII. DISCUSSION ITEMS**

40

41 1. 2386 Algonquin Rd / 2383 Troy Road – An application for a lot line adjustment

42 Mr. McPartlon stated the applicant went before the Zoning Board of Appeals for an area variance and was
43 approved. The next step would be to make a few minor changes and updates to the survey map and then
44 it should be ready to call for a Resolution.

45 Ms. Robertson said that it is basically administrative changes that need to be made to make a plat that can
46 be recordable. Ms. Robertson states she will write a letter to the applicant listing the changes that need to
47 be made.

48 Mr. Pfeiffer said he will make whatever changes that are necessary to be ready for the next meeting.

49 Chairman Walsh stated that once these changes are made, the Board will be ready for a Resolution for the
50 lot line adjustment.

51 2. 1900 Union St / 1854 Union St – An application for a lot line adjustment

52 Mr. Foreman stated that the lot line adjustment would give his neighbor a circular driveway and would
53 get rid of one of three driveways on his property as well as increase the size of his neighbor's small lot.
54 Mr. Foreman said that he and his neighbor are willing to do whatever needs to be done. He said they are
55 happy to make any modifications they need to.

56 Chairman Walsh stated that this lot line adjustment in some cases makes it more conforming. The only
57 concerns might be the fence and the garage would be put in a front yard – something that Zoning Board of
58 Appeals would have to look at.

59 Ms. Robertson said that with this lot line adjustment the front does become conforming and the area is
60 better in most respects. The only issue is that with the additional property added to the back of 1854
61 Union Street it then has two front yards. With this change the garage and six foot fence would not be in
62 compliance.

63 Chairman Walsh said a denial letter would be made for the shed and the fence. Then after Mr. Convoy
64 gets his denial letter, he would have to go in front of the Zoning Board of Appeals to get an area variance.
65 The variance would be for the shed in the front yard and the six foot high fence in the front yard which
66 are both not permitted by code, but it makes sense because of the size of the lot.

67 Ms. Robertson said the other option is 1900 Union Street keeps a small strip of land behind 1854 Union
68 Street which would alleviate the two front yard non-conformance.

69 Chairman Walsh said he doesn't think that is a good idea because it creates very oddly shaped lots and
70 future residents don't understand where their lot lines are.

71 Ms. Gold agreed she was not in favor of leaving a small strip of land.

72 Chairman Walsh said the Planning Department will send the denial letter and then at the next Planning
73 Board meeting they can make a recommendation for the Zoning Board of Appeals. Chairman Walsh told
74 the applicant they will schedule him for the Zoning Board of Appeals agenda and when they make their
75 determination, if they approve the area variances, the applicant can come back to the Planning Board and
76 finalize the lot line adjustment. Chairman Walsh explained to the applicant that if the area variance is not
77 approved they can't go forward with the lot line adjustment but they can come back to the Planning Board
78 and they can consider the alternate option with the added strip a land to the back of 1854 Union Street.

79 Chairman Walsh said that they need a project lead for this. Ms. Gold volunteered to take project lead.

80 **IX. REPORTS**

81 Mr. McPartlon asked about enforcement at the Broken Inn.

82 Ms. Robertson said that the traffic barriers have been covered but do not have any plantings yet. There
83 have been no complaints either. The State just completed their inspection and Schenectady County just
84 sent an email stating the curbs can be removed. The original project is closed.

85 Ms. Gold asked if there are any training opportunities coming up.

86 Ms. Robertson said the next one she believes is in October at Hudson Valley.

87 The question was asked about the SEQR on the Mohawk Golf Club. Ms. Robertson said the Mohawk
88 Golf Club has a pretty open timeline for putting a draft scope together. Once the Town receives the draft
89 from the Mohawk Golf Club, the Town has 60 days to review it and find concurrence.

90 Chairman Walsh asked about 2890 River Road application.

91 Ms. Robertson said they had an internal meeting with the applicant because there are a lot of utility issues
92 on that parcel. Ms. Robertson said after the meeting, the impression was that they were going to withdraw
93 the application and just do a single family home. She stated the Planning Department hasn't gotten
94 anything in writing yet though.

95 Chairman Walsh said if they don't withdraw, then it can be put on the agenda for the next meeting.

96 **X. COMMISSION BUSINESS**

97 None

98 **ADJOURNMENT**

99 Mr. LaFlamme made a motioned to adjourn the meeting, Ms. Gold seconded the motion. All were in
100 favor. The meeting was adjourned at 7:27 pm.

101

102 *The video recording for this meeting can be found at: <https://www.youtube.com/watch?v=Qyq0Z3RWVYQ>*



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 8/14/2023

ITEM TITLE: RESOLUTION: 2023-18: A Resolution for a lot line adjustment at 2386 Algonquin Rd. / 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. Therefore, a 19.9 ft. rear setback area variance is required.

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

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

BACKGROUND INFORMATION

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

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

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

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

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

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

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

Effect on Comprehensive Plan

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

Suitability of Use

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

Recommendation

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

7/19/23 Zoning Board of Appeals (ZBA) meeting – The ZBA granted the 19.9 ft. rear setback variance at their regularly scheduled meeting on 7/19/23.

7/24/23 Planning Board (PB) meeting – Mr. McPartlon, project lead for the PB, summarized what had occurred since the 7/10/23 PB meeting and noted that the ZBA approved the area variance. Ms. Robertson added that signature blocks needed to be added to the plat drawing for the Town Engineer and Chairman of the Planning Board. The Board then called for a resolution for approval of the lot line adjustment for the 8/14/23 PB meeting.

A resolution for approval is included in the meeting packet. It includes a condition that all applicants signatures be notarized prior to recording the plat to ensure our records are complete.

RESOLUTION NO. 2023-18

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 14TH DAY OF AUGUST 2023 AT THE NISKAYUNA TOWN OFFICE BUILDING, ONE NISKAYUNA CIRCLE, IN SAID TOWN AT 7:00 P.M., THE FOLLOWING MEMBERS WERE PRESENT VIRTUALLY OR IN PERSON:

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

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

The meeting was duly called to order by the Chairman.

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

WHEREAS, William Pfeiffer and Gary Horton, property owners of 2386 Algonquin Rd. and 2383 Union St., respectively, have made application to the Planning Board for a lot line adjustment between the two properties as noted in a 1-page survey drawing entitled "William Pfeiffer / Jean Jubic 2386 Algonquin Road Niskayuna, NY 12309" by Cynthia K. Elliott dated May 22, 2023, and

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

WHEREAS, the Deputy Zoning Enforcement Officer reviewed said lot line adjustment and determined that such adjustment required an area variance of 19.9 ft. from the minimum rear yard dimension requirement of 25 ft. in Schedule I-B of the zoning code for an existing shed at 2383 Union St., and

WHEREAS, the Zoning Board of Appeals (ZBA) granted a 19.9 ft. rear setback area variance for an existing shed located at 2383 Union St. at their regularly scheduled meeting on 7/19/23, and

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

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission does hereby grant final lot line adjustment approval for 2386 Algonquin Rd. and 2383 Union St. as shown on the aforementioned 1-page survey drawing, with the following conditions:

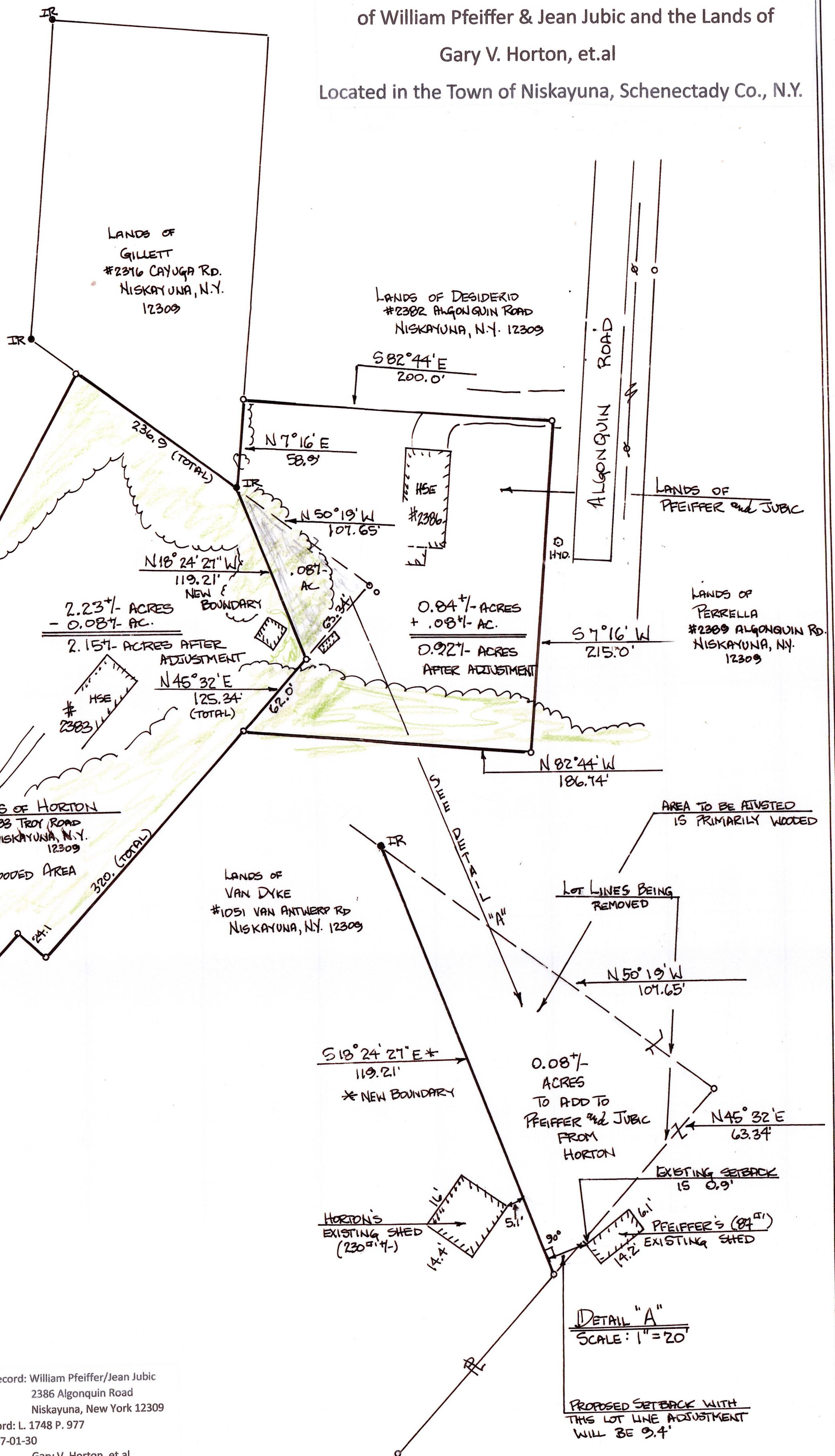
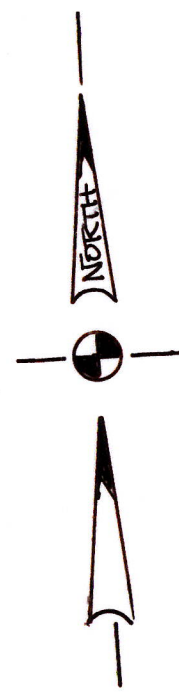
1. Prior to recording the plat – all ownership signatures on the lot line adjustment application shall be notarized.

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 _____.

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



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

Deed of Record: L. 1748 P. 977

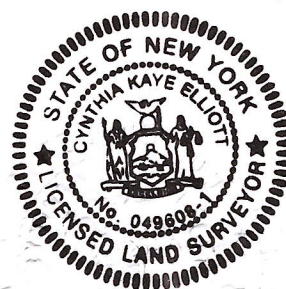
Tax ID # 51.17-01-30

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

Deed of Record: L. 2044 P. 574

Tax ID # 51.17-01-7

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



Date _____

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

July 21, 2023

Gary Horton
2383 Troy Schenectady Rd
Niskayuna, NY 12309

Dear Mr. Horton,

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

Appeal by Gary Horton for a variance from Section 220-18 (B) (3) (b) and Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2383 Troy Schenectady Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a shed partially within the rear setback after a proposed lot line adjustment with 2386 Algonquin Road. Section 220-4 defines major accessory structures as detached accessory buildings or other structures in excess of 120 square feet. 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 states that the minimum rear yard dimension in the R-1 Zoning district is 25 feet. As proposed, the lot line adjustment will result in a pre-existing shed, greater than 120 square feet in area, to be located 5.1 feet from the new rear lot line. Therefore, a 19.9-foot rear yard setback variance is required.

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

The Board based its decision on the findings of fact set forth in the applicant's appeal and the discussion between the applicant (or the applicant's representative) and the Board members during the meeting. You can view a video of the meeting at <https://www.youtube.com/watch?v=EittbXSx5II&list=PLfof9Ej2RfcNoJbueLoRmi35Si39n5hVl&index=35>.

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

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

Sincerely,

John Hoke / LMS

John Hoke
Chairperson

cc: Town Clerk, Building Department, ZBA File



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

TO: File

FROM: Laura Robertson, Town Planner

DATE: July 10, 2023

RE: 2383 Troy Rd.

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

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

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

The Planning Board made the following recommendations:

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

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

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



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII.1

MEETING DATE: 8/14/2023

ITEM TITLE: DISCUSSION: 2861 Troy Road – Brookdale Senior Living Center – a site plan application for a storage shed to replace an existing storage POD.

PROJECT LEAD: TBD

APPLICANT: Chris Socola, Maintenance Manger

SUBMITTED BY: Chris Socola, Maintenance Manager

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Chris Socola of Brookdale Senior Living Center submitted an Application for Site Plan Approval for a 10' x 12' storage shed on their property at 2861 Troy Road. The storage shed is proposed as a permanent solution to the previously approved storage POD currently on site.

BACKGROUND INFORMATION

2861 Troy Road is located within the R-1 Low Density Residential Zoning District. The 5.93 acre parcel is currently occupied by the Brookdale Senior Living Center. The Center consists of one main "Z" shaped building located in the center of the property. The property is bordered by Troy Road on one side and single-family residential properties of approximately .4 acres each on all other sides (refer to Powerpoint slides).

During the Covid-19 pandemic the center's usage of personal protective equipment (PPE) increased drastically. Mr. Socola appeared before the PB and requested approval to place (3) storage PODs on the property to store inventory of PPE.

Section 220-30 "Portable storage units and temporary bulk waste containers" of the Town of Niskayuna Zoning code establishes requirements for temporary storage units and does not allow them to persist on a property beyond 90 days. In order for sites to maintain storage PODs indefinitely, site plan approval from the Planning Board is required (similar to Target and Serafini Properties) and the units are treated as accessory structures.

On 11/23/20 the Planning Board approved (3) storage PODS for a period of (1) year with Resolution 2020-35. Condition 1 in the resolution states that any permanent solution to the storage POD must be approved by the PB.

The need for PPE has returned to normal levels and (2) of the (3) storage PODs have been removed from the site. Mr. Socola is proposing to replace the remaining POD with a relatively inexpensive off-the-shelf 10' x 12' shed.

The Planning Board should evaluate the proposed shed relative to its visibility within the neighborhood.



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Applicant (Owner or Agent):

Location:

Name CHRIS SOCOLA

Number & Street 2861 TROY - SCHENECTADY RD

Address 2861 TROY - SCHENECTADY RD
NISKAYUNA NY 12309

Section-Block-Lot _____ - _____ - _____

Email CSOCOLA@BROOKDALE.COM

Telephone 518 782 7281 Fax 518 782 7382 Zoning District _____

Proposal Description:

TO PLACE 10'W x 12'D METAL STORAGE SHED IN BACK, JUST OFF
PARKING LOT. LANDSCAPER WILL LEVEL AREA WITH CRUSHED STONE
FOR DRAINAGE. I WILL THEN BUILD A BASE FROM PRESSURE TREATED 2x6
AND DRYPY PLYWOOD & ERECT SHED. LAST POD TO BE REMOVED WHEN
SHED IS ERECTED & MATERIAL TRANSFERRED TO SHED. THE SHED IS A
GALVANIZED METAL FRAME THAT USES T1-11 PANELS FOR THE WALLS

Signature of applicant: _____

Date: 7/14/2023

Signature of owner (if different from applicant): _____

Date: _____



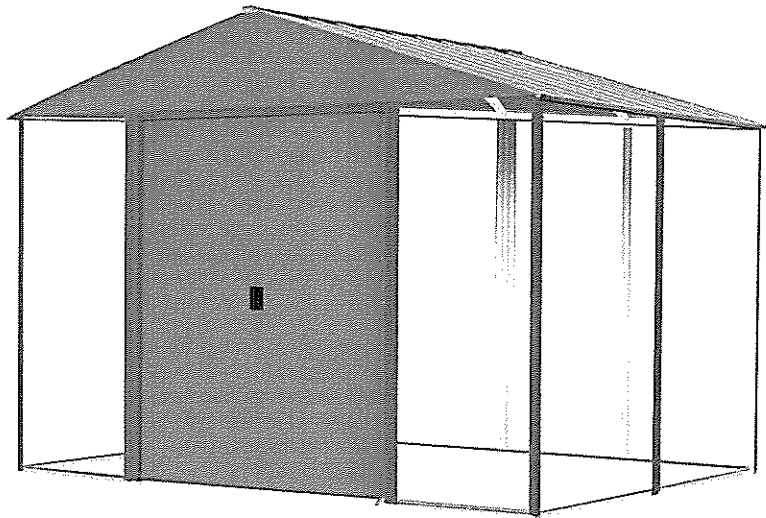
Google Earth

30 m

Camera: 334 m 42°46'47"N 73°50'33"W

88 m

Close X

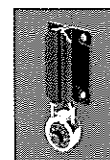
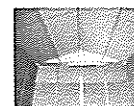
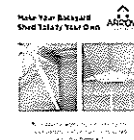
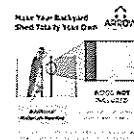
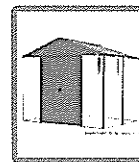


REPRESENTATIVE IMAGE - WOOD WALL PANELS NOT INCLUDED

Ironwood 10 ft. W x 12 ft. D Anthracite-Finish Galvanized Steel Custom Hybrid Shed Kit

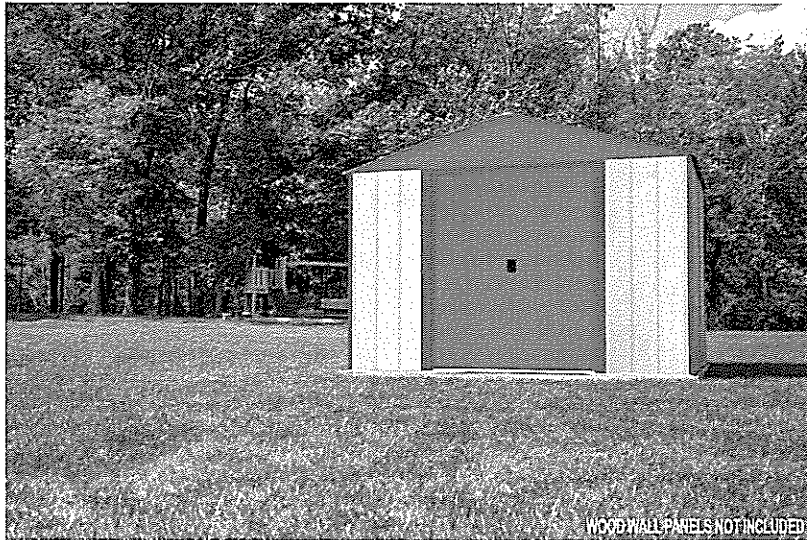
by Arrow

Product Images



Hover Image to Zoom

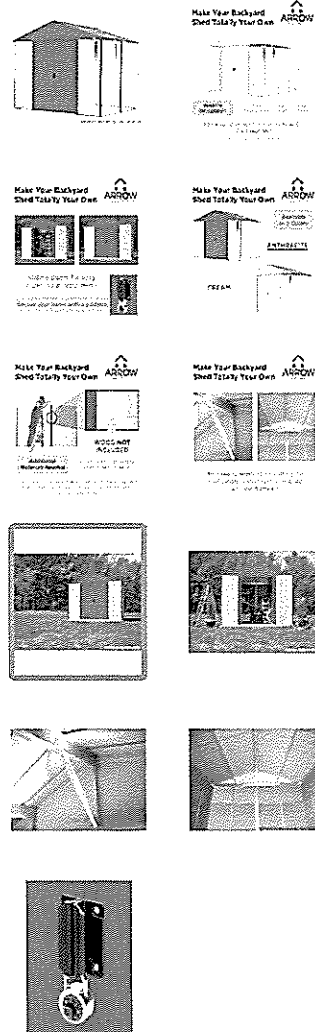
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Ironwood 10 ft. W x 12 ft.
D Anthracite-Finish
Galvanized Steel Custom
Hybrid Shed Kit

by Arrow

Product Images



Hover Image to Zoom

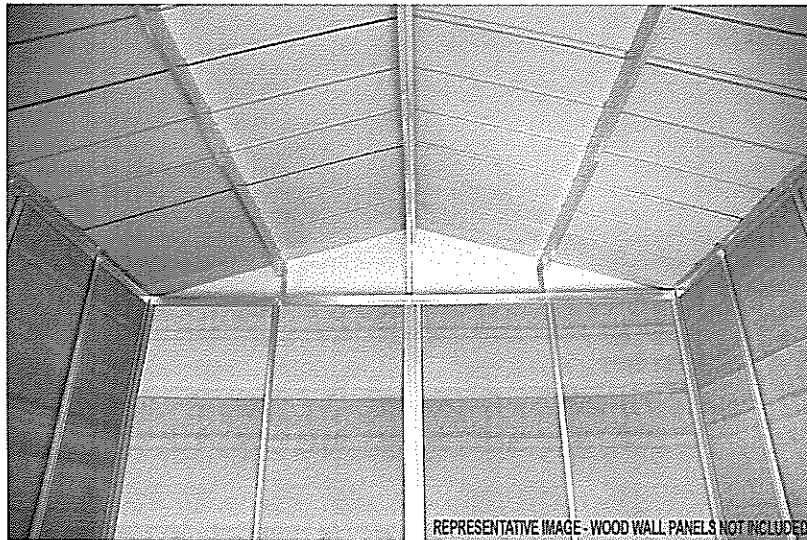
Live Chat

Feedback

Close X

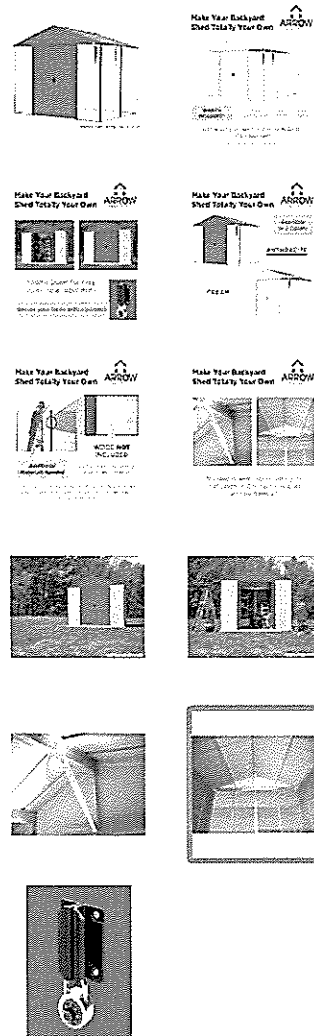
Ironwood 10 ft. W x 12 ft.
D Anthracite-Finish
Galvanized Steel Custom
Hybrid Shed Kit

by Arrow



Hover Image to Zoom

Product Images



Live Chat

Feedback

2861 Troy Road



2861 Troy Road



Blue line indicates path followed driving to the PODs

2861 Troy Road



View to the right as you drive in Brookdale's driveway

2861 Troy Road



Circling behind Brookdale building.
Homes shown in previous slide are off to the right

2861 Troy Road



Closer view of the PODs

2861 Troy Road



View showing closest home behind PODs

2861 Troy Road



View from end of Brookdales's driveway looking back
towards closest home – on right as one drives in

2861 Troy Road



View from end of driveway after passing PODs on the left, closest home to PODs shown on the left