

**TOWN OF NISKAYUNA**  
***Planning Board and Zoning Commission***  
**Agenda**  
**March 13, 2023 7:00 PM**

**REGULAR AGENDA MEETING**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES**
  - 1. February 27, 2023
- IV. PUBLIC HEARINGS**
- V. PRIVILEGE OF THE FLOOR**
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
  - 1. RESOLUTION: 2023-08: A Resolution for site plan approval for clearing and construction of recreational fields at Trinity Baptist Church located at 2635 Balltown Rd.
- VIII. DISCUSSION ITEM**
  - 1. 1851 Union St / 1245 Ruffner Road – Mohawk Golf Club – application for sketch plan approval including a Special Use Permit for a 22-lot Average Density Development (ADD) subdivision consisting of 10 single-family detached homes and 12 townhomes.
  - 2. 2209 Nott St. – The Broken Inn – A site plan app. for a new permanent seasonal outdoor picnic table area on Town property including additional and reconfigured parking.
  - 3. 2837 Aqueduct Rd. – Rivers Ledge Sr. Center – A site plan application for a 55 apartment unit building containing 2,000 sq. ft. of mixed-use commercial space and a 3,000 sq. ft. commercial space outbuilding.
  - 4. 3900 State St. / 17, 25 and 33 Fagan Ave. – A site plan application to combine the three Fagan Ave. properties with the existing Kia Automobile lot, take down two single family homes and extend the Automobile Sales lot.
  - 5. 2321 Nott St. CHASE Bank – A site plan application for new façade and ATM signage.
- IX. REPORTS**
- X. COMMISSION BUSINESS**
- XI. ADJOURNMENT**

**NEXT MEETING: March 27, 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**  
**February 27, 2023**

**Members Present:**

Kevin Walsh, Chairman  
David D'Arpino  
Genghis Khan  
Patrick McPartlon  
Chris LaFlamme  
Michael Skrebutenas  
Leslie Gold (Virtual)  
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**

Ms. Strang was excused and absent.

**III. MINUTES**

Chairman Walsh discussed the minutes from 2/13/27. Mr. McPartlon moved for approval of the minutes. Seconded by Mr. LaFlamme. Chairman Walsh noted that Mr. McPartlon was listed as virtual and requested that be removed as he was in person. Hearing no further comments, the minutes were voted on and approved unanimously.

**IV. PUBLIC HEARINGS**

No public hearings tonight.

**V. PRIVILEGE OF THE FLOOR**

Mr. Mark Thomas of 1265 Ruffner Rd approached the microphone. Mr. Thomas came forward to read emails on behalf of his neighbors, the first from Margaret Corey of Hilltop Rd. Ms. Corey stated that many homes in the area would be negatively affected by construction vehicles and noise in the short term as well as increased traffic and decreased privacy in the long term. Ms. Corey emphasized that wildlife would be harmed by this project, and believed that the Mohawk Club did not care about wildlife. Ms. Corey said that the traffic study in the public record was incomplete. Ms. Corey cited increased impervious surfaces as reasoning that drainage and water issues would continue in the area. Ms. Corey stated that this project provides no benefits to residents of the area and will lower property values.



38 Mr. Thomas next read an email from David Furman of 1269 Ruffner Rd. Mr. Furman stated that  
39 decreased aesthetics, increased traffic, lowering of property values, negative drainage effects,  
40 impact on Town water and sewer and impact on wildlife were concerns that made many  
41 neighbors shared about this project. Mr. Furman voiced displeasure that the Mohawk Club has  
42 not expressed any willingness to alter their golf course to accommodate this project. Mr. Furman  
43 believed there are many negatives of this project for the community, which outweighs any  
44 potential positives.

45 Mr. Thomas next read an email from Deborah Friedson of 2508 Whamer Ln. Ms. Friedson stated  
46 that this project goes against the quiet and family-oriented nature of their community. Ms.  
47 Friedson wrote that she disagreed that a home (1245 Ruffner Rd.) should be taken down and  
48 stated that the development would increase traffic concerns. Ms. Friedson further commented on  
49 concerns regarding property values and wildlife.

50 Mr. Thomas next read an email from Rita Fleischman of 1353 Wemple Ln Ms. Fleischman  
51 stated that this project would harm the environment and public safety.

52 Ms. Shoshanah Bewlay of 1119 Ruffner Rd stepped forward and noted that the roundabout  
53 proposed in previous meetings had been removed in the most recent plans. Ms. Bewlay believed  
54 that the only reason the roundabout was put in was to outrage the community and when it was  
55 taken away the community would be grateful.

56 Ms Tracey Morehouse of 1206 Ruffner Rd spoke about a time last year when she presented a  
57 case in front of the ZBA, and noted how the ZBA paid great respect to how her application  
58 would affect her neighbors. Ms. Morehouse questioned why if the Mohawk Club property is 190  
59 acres there would be a need to put a development in the proposed area. Ms. Morehouse echoed  
60 concerns about the character of the neighborhood being affected as well as property values.

61 Mr. Jim Dillon of 1242 Ruffner Rd spoke on the quality of 1245 Ruffner Rd, and stated it was  
62 not fit for demolition. Mr. Dillon believed that the previous owners of 1245 would not have sold  
63 their house to the Mohawk Club had they been fully aware of their plans. Mr. Dillon believed  
64 that the Mohawk Club did not tell the whole truth when buying the house in fear that it would  
65 not be sold to them. Mr. Dillon was adamant that the home not be destroyed. Mr. Dillon stated  
66 approving this project could set a bad precedent in the future. Mr. Dillon said that this proposal  
67 goes against the Town goal of preserving neighborhoods.

68 A woman from 1219 Carlyle Dr. came forward and stated that there was an empty lot next to her  
69 house that was developed, and since then she has experienced flooding on her property. The  
70 woman feared that the same issue may impact the people in the Ruffner Rd area.

71 Mr. Jonathan Vaillancourt of 1274 Ruffner Rd spoke against the Average Density Development  
72 (ADD) proposal, and requested the proposal change to a Low Density Residential plan that is  
73 consistent with the zoning requirements of the rest of the area. Mr. Vaillancourt further opposed  
74 the demolition of 1245 Ruffner Rd, and believed access to the development could be achieved  
75 through Mohawk Club land. Mr. Vaillancourt believed a sewer study should be done for every  
76 property bordering the entirety of the Club. Mr. Vaillancourt stated that the proposed monument  
77 sign goes against the developer's stated objective of developing within the harmony of the



neighborhood. Mr. Vaillancourt feared that the school district would suffer as many schools are already near capacity and requested hard data to verify this. Mr. Vaillancourt praised the applicant's submittal of proposal #7 and #8, stating that they likely have high viability.

Mr. Ken Schwartz of 1363 Ruffner Ct questioned a previous meeting quote where it was said by the Mohawk Club that the State would never allow an access route via Balltown Rd. Mr. Schwartz requested to see verification of this. Mr. Schwartz asked why the Mohawk Club doesn't reach out to the Niskayuna Curling Club to see if there land would be available. Mr. Schwartz believed this project would increase flooding in the area.

Mr. Josh Spain of 1219 Ruffner Rd stated the character and walkability of Ruffner Rd. is what drew him to the area. Mr. Spain objects to the Mohawk Club prioritizing the history of their club over the character of the neighborhood. Mr. Spain stated the character and wildlife of the community would be greatly harmed.

Ms. Melissa Cummins of 26 South Fagan Ave spoke about the Matthew's Kia proposal on 3900 State St. Ms. Cummins stated that bright lights already shine from the dealership into her house, and more parking and lights would be detrimental to her home. The proposed design would have an entrance and exit directly in front of Ms. Cummins house, which is where delivery drivers would have to unload automobiles. Many of these deliveries currently take place in Ms. Cummins' driveway where her kids play, or in the reconditioning center by her bedroom. Deliveries occasionally take place in the middle of the night and last hours. Ms. Cummins requested her driveway be replaced as it had been heavily damaged by the multitude of heavy duty vehicles that have used it without authorization. Ms. Cummins spoke on a large Spruce tree that is proposed to be taken down and is home to birds of prey seasonally. Ms. Cummins believed that the Commercial-Highway zoning of S Fagan Ave is outdated and should be changed. Ms. Cummins has experienced many failures with her water system, and pointed to the dealership putting strain on her water system. Ms. Cummins stated that although the applicants stated in previous meetings that work does not take place at night, she has experienced the opposite on a regular basis.

Mr. Mike McCarthy of 1237 Ruffner Rd echoed the concerns brought forward by his neighbors regarding the Mohawk Club project. Mr. McCarthy spoke strongly against tearing down 1245 Ruffner to place a road. Mr. McCarthy said the only proposals worth considering were #7 and #8. Mr. McCarthy stated that proposals 7 and 8 would not be as impactful to the Mohawk Club as they say it would be. Mr. McCarthy believed that more development would take place on the Mohawk Club after this project is completed.

Ms. Johanna Horowitz of 1223 Ruffner Rd spoke to the solidarity of the community through this process as well as the variety of reasons for opposing the project. Ms. Horowitz cited the Town's comprehensive plan and stated that this project does not support the present and future benefits for its residents.

Mr. Charles Horowitz of 1223 Ruffner Rd stated that the Town Hall area development was opposed at the time of its original concept, however in the long run it has benefitted the Town. Mr. Horowitz would like the Board to imagine this development were taking place in a green area near Town Hall. He did not feel it would benefit the Town in the long run.



119 Mr. Joel Rosenzweig of 1241 Hawthorn Rd stated that he works in construction, and sees on a  
120 regular basis engineers approve plans that are not suitable for construction. Mr. Rosenzweig  
121 stated that if the character of the neighborhood should be changed it should be to reduce traffic.  
122 Mr. Rosenzweig stated that this development does not fit in with the rest of the neighborhood.

123 Mr. Ben Romer of 1250 Ruffner Rd spoke virtually and echoed many concerns in opposition to  
124 the Mohawk Club development. Mr. Romer said he believed only State or County roads could  
125 handle the increased traffic that this development would bring. Mr. Romer said that the par-3  
126 course is rarely used and may be a better site for development.

127 Hearing no further comments in person or virtually, Chairman Walsh closed Privilege of the  
128 Floor.

## 129 VI. Planning Department Presentation

130 Mr. Henry gave a presentation regarding the general process an Average Density Development  
131 (ADD) proposal has to take as required by Town Code. Mr. Henry walked through the process  
132 and noted its relation to both the Subdivision and Zoning Codes in Niskayuna. He noted the  
133 Mohawk Golf Club proposal was still at the very beginning of this code process.

## 134 VII. NEW BUSINESS

### 135 1. RESOLUTION: 2023-06:- A Resolution for sketch plan approval of a 2-Lot minor 136 subdivision and lot line adjustment, SEQR determination and a call for a public 137 hearing at Antonia Park / Polsinelli Drive (40.-1-54.11)

138 Chairman Walsh briefly summarized the project history.

139 Mr. Skrebutenas moved for adoption of the Resolution. Seconded by Ms. Gold.

140 Mr. Brett Steenburgh presented himself on behalf of the applicant, and requested that the public  
141 hearing be moved from the 3/13 meeting to the 3/27 meeting. Ms. Robertson said that would not  
142 be an issue.

143 Chairman Walsh made a motion to amend to change the resolution to reflect the new public  
144 hearing date. Seconded by Ms. Gold. Upon voting, the amendment to the resolution was  
145 approved unanimously.

146 Ms. Robertson reminded the applicant that utilities and drainage were the main concerns that the  
147 Conservation Advisory Council had with the proposal, and the applicant should look further into  
148 those.

149 Hearing no further comments, Chairman Walsh asked Mr. Henry to call the role.

150 Upon voting the resolution was approved unanimously.

151 Mr. LaFlamme AYE

152 Mr. Skrebutenas AYE

153 Mr. Khan AYE

154 Mr. McPartlon AYE



155 Mr. D'Arpino AYE

156 Ms. Gold AYE

157 Chairman Walsh AYE

158 **2. RESOLUTION: 2023-07: A Resolution for site plan approval for a tenant change to a**  
159 **CHASE Bank with walk-up ATM service at 2321 Nott St. E**

160 Chairman Walsh briefly outlined the project and its history.

161 Mr. Khan moved for adoption of the resolution. Seconded by Ms. Gold.

162 Ms. Jennifer Porter was present virtually on behalf of the applicant. Ms. Porter discussed the  
163 third condition of the resolution regarding landscaping. Ms. Porter stated that the applicant  
164 would be happy to comply with landscaping goals, but as a tenant would need approval from the  
165 property owner to do so.

166 Ms. Robertson said that signage plans had come to the Planning Department and Chairman  
167 Walsh requested that if any issues arise with those plans they be reviewed at the next meeting.

168 Hearing no further comments, Chairman Walsh asked Mr. Henry to call the roll.

169 Upon voting the resolution was approved unanimously.

170 Mr. LaFlamme AYE

171 Mr. Skrebutenas AYE

172 Mr. Khan AYE

173 Mr. McPartlon AYE

174 Mr. D'Arpino AYE

175 Ms. Gold AYE

176 Chairman Walsh AYE

177

178 **VIII. DISCUSSION ITEMS**

179 **1. 31 East St. – NE Underlayments – A site plan app. for a tenant change under pre-**  
180 **existing nonconforming interior storage use in the R-R Zoning District.**

181 Ms. Janet Konis was present virtually to discuss the project.

182 Chairman Walsh noted that Mr. D'Arpino would be recusing himself from this project, and Mr.  
183 Drescher would be filling in for him.

184 Chairman Walsh detailed the brief history of the case and its proceedings with the ZBA.

185 Chairman Walsh clarified one of the ZBA's points regarding permitted vehicle storage outside,  
186 emphasizing that trailers would be permissible as long as they are licensed and registered.



187 Chairman Walsh also stated that he would like the exact square footage of the office space and  
188 bathroom included in any future resolution regarding this matter.

189 Ms. Finan made clear that the Planning Board could not alter the 10% total area of office space  
190 determination made by the ZBA.

191 Chairman Walsh confirmed with Mr. LaFlamme that they felt ready for a resolution for approval  
192 for the next meeting.

193 Ms. Konis reminded the Board that the ZBA recommended outdoor lighting be limited to the  
194 right hand side of the building towards the bike path.

195 Ms. Robertson requested a site plan with more detail regarding landscaping and septic tank  
196 placement for the next meeting. Chairman Walsh said if Ms. Konis was able to get those plans in  
197 by the end of the week the Board would be ready for a tentative resolution for the following  
198 meeting.

199 **2. 1851 Union St / 1245 Ruffner Road – Mohawk Golf Club – application for sketch plan**  
200 **approval including a Special Use Permit for a 22-lot Average Density Development**  
201 **(ADD) subdivision consisting of 10 single-family detached homes and 12 townhomes.**

202 Chairman Walsh noted that Mr. McPartlon would be recusing himself from this project, and Mr.  
203 Drescher would be filling in.

204 Mr. Dave Kimmer of ABD Engineering came forward on behalf of the Mohawk Club. Mr.  
205 Kimmer stated that plans for this meeting have not significantly changed, except the previously  
206 proposed roundabout had been removed from all designs. 11 alternate schemes were presented as  
207 well that had been included in the Planning Board packet. The schemes show all possible  
208 entrances to the subdivision, and other supporting documents provide detail why the 14 acres  
209 selected are the best option on Mohawk Club property, as well as drainage details.

210 Mr. Kimmer stated that the 22 homes on 14 acres fits in with the density of the surrounding area,  
211 and in fact is less dense than some areas of the neighborhoods.

212 A traffic impacts table had also been submitted, showing the traffic impacts that the 22 new  
213 homes would provide. Mr. Kimmer stated he had a meeting with Ms. Robertson and Matt Yetto,  
214 the Superintendent for Niskayuna's Department of Water and Sewer, on the Town's water and  
215 sewer issues.

216 In order to avoid capacity issues, the Mohawk Club will have to construct a longer sewer line to  
217 connect to an 18-inch line, as the originally proposed 15-inch line is at capacity.

218 Mr. Kimmer asked the Board to call for a public hearing on the original proposal tonight.

219 Ms. Robertson clarified that the 18-inch line has potential to handle the proposed sewer but has  
220 not been fully studied to prove it would not be at capacity with this subdivision. Mr. Kimmer  
221 said grinder pumps in the homes would be necessary and they understood they would have to do  
222 an analysis of the sewer system. Ms. Robertson said the engineering department would not  
223 accept individual grinder pumps and that a public pump station would likely be needed. Mr.  
224 Kimmer said that would not be a problem and they could look at that option if needed.



225 Mr. Khan and Ms. Robertson recommended more details regarding water and sewer plans before  
226 any public hearing be called.

227 Chairman Walsh asked about any secondary plans, as the character of the neighborhood has been  
228 discussed heavily by the public. Mr. Kimmer stated that there is no real secondary plan. Mr.  
229 Kimmer said that the property owner has a right to develop the land in an R-1 zone, and the  
230 proposed entrance off of Ruffner Rd has the least amount of impact to the community.

231 Chairman Walsh said that scheme 3A was intriguing as Ruffner Rd appears the same  
232 aesthetically and 1245 Ruffner stays intact. Chairman Walsh also questioned the need for  
233 signage at the entrance to the development. Scheme 3A does impact hole 11 on the Mohawk  
234 Club, but Chairman Walsh noted that would indicate that the Club was willing to work with the  
235 community to get this project done. Chairman Walsh echoed earlier concerns stating that taking  
236 down 1245 Ruffner could set a bad precedent for the Town going forward.

237 Mr. Skrebutenas agreed with Chairman Walsh's opinions regarding scheme 3A. Mr. Skrebutenas  
238 strongly emphasized disapproval for taking down 1245 Ruffner.

239 Mr. Drescher wanted to see future Mohawk Club plans to understand the overall context of this  
240 proposal in the Golf Clubs future. Mr. Drescher did say he did not approve of scheme 3A, but  
241 instead favored scheme 8. Although scheme 8 goes directly through the course, it offers the  
242 possibility for less but bigger units that have a more picturesque view of the course. Mr.  
243 Drescher fully agreed with the opposition to taking down 1245 Ruffner. Mr. Drescher labelled  
244 scheme 7 as his secondary choice.

245 Mr. LaFlamme furthered the Board's opinions regarding taking down 1245 Ruffner and stated he  
246 was opposed to the home coming down. Mr. LaFlamme favored schemes 7 and 8.

247 Mr. Kimmer stated that schemes 7 and 8 were provided at the Board's request but they are not  
248 feasible for this project. Mr. Kimmer stated that no matter which scheme gets selected, the  
249 residents of Ruffner Rd will still be unhappy, and therefore it would make sense to keep the  
250 access road there as to not upset multiple areas.

251 Mr. Khan mentioned that it did not matter how many residents spoke against the proposal, taking  
252 down a house and replacing it with a street would still be an issue that would be problematic to  
253 the Board. Mr. Khan believed that many of the presented schemes alter the character of the  
254 neighborhood.

255 Mr. Bill Sweet stepped forward on behalf of the Mohawk Club. Mr. Sweet asked Mr. Khan if it  
256 was the access point via Ruffner Rd or the development on the whole that impacted the character  
257 of the neighborhood. Mr. Khan said the access point undoubtedly impacts the character. Mr.  
258 Sweet said the demolition of buildings to create development opportunities is commonplace, and  
259 not dissimilar to other projects in surrounding areas. Mr. Sweet believed that no access point  
260 could alter the character of the neighborhood as drastically as the Board believed.

261 Mr. Sweet stated that it would be short-sighted to continue to spend money on engineering and  
262 utility plans, as Mr. Khan requested, without confirmation the project will progress. Mr. Sweet  
263 would like to see the project advance with the condition that sewer issues will be more  
264 thoroughly examined upon approvals.



265 Mr. Sweet restated that it is the owner's right to demolish 1245 Ruffner if he sees fit. Mr.  
266 LaFlamme stated removal of the home is still inconsistent with the comprehensive plan. Mr.  
267 LaFlamme also stated that he got the sense many residents would not be against the plan if the  
268 access point were moved.

269 Mr. LaFlamme went on to say he believed the development as a whole could be worked on, but  
270 the access point was his main issue with this proposal.

271 Mr. Sweet stated that access through Country Club Estates would inherently change the nature of  
272 that character of that neighborhood as well. Furthermore, Mr. Sweet said that Ruffner Rd is more  
273 equipped to handle the increased traffic.

274 Mr. LaFlamme said that the traffic impacts created by this development would be relatively  
275 insignificant, and therefore Country Club Estates would not be overly burdened. Mr. LaFlamme  
276 reiterated that his preferred entrance points are still Balltown Rd and Union St, however.

277 Mr. Sweet said that he had previously met with members of DOT who were unwilling to discuss  
278 another curb cut on Balltown Rd. As for Union St, Mr. Sweet said that would incorporate putting  
279 a public road through parking lots which would not be feasible.

280 Ms. Gold stated her support for the ADD as it leaves more green space. Ms. Gold further stated  
281 that she did not believe moving the access point would make many residents more favorable to  
282 the development. She believed that while she did not support taking down the home on 1245  
283 Ruffner, it would cause the least amount of impact out of any of the feasible options. Ms. Gold  
284 cited traffic as the biggest concern that deterred her from approving of the Country Club Estates  
285 entrance.

286 Ms. Robertson emphasized to the Board that generalized neighborhood opposition cannot be a  
287 criteria used in the decision making process of the Board.

288 Mr. Khan said that looking through all the criteria he has considered, he believed that the project  
289 may not work as a whole. He stated again that this is not because of public opposition. He  
290 believes he would come to this conclusion with or without the public comment.

291 Mr. Sweet was concerned that Mr. Khan, as the project lead, would voice his opposition to the  
292 project. Mr. Sweet reiterated that they are in an R1 zone, and every aspect of what they are doing  
293 complies with Town code.

294 Mr. Khan said every access point proposed either impacts the golf course, which the Mohawk  
295 Club will not consider, or impacts the character of the neighborhood. He stated if the Mohawk  
296 Club won't impact the golf course and the Planning Board has concerns about impacting the  
297 character of the neighborhood, he is struggling to see a viable option for the project to move  
298 forward.

299 Ms. Finan clarified that the ADD is not a permitted use, but a special permitted use. Mr. Sweet  
300 said if he changed it to full single family homes it would be permitted. Ms. Finan said single  
301 family would be permitted but there would still be approvals needed from the Town to proceed.

302 Mr. Sweet restated that all plans past, present and future will be up to all Town standards.



303 Ms. Robertson said even for a single family subdivision in an R1 zone, the Planning Board  
304 would still carefully consider the removal of a single family home to create an access point, as  
305 the Mohawk Club is proposing.

306 Chairman Walsh asked about the two homes on either side of 1245 Ruffner, and wondered if that  
307 house were taken down and turned into a street, would each of them then have two front yards.  
308 The other option Chairman Walsh proposed was if the Mohawk Club owned a buffer strip on  
309 either side of the access road, the adjacent homeowners potentially would still have only one  
310 front yard each. Ms. Robertson responded saying 1253 would not be considered a corner lot as  
311 proposed, however 1241 would. Ms. Robertson was unsure if their tax rate would change as this  
312 was a question for the assessor.

313 Mr. Sweet said if the road were split between the two properties and the Mohawk Club retained  
314 property right on either side of the road this would not be an issue.

315 Mr. D'Arpino mentioned that the scheme he approves of the most is scheme 2, with scheme 3A  
316 being his second choice. As someone who worked on the past comprehensive plan, Mr.  
317 D'Arpino truly believed that removing 1245 Ruffner would change the character of the  
318 neighborhood. Mr. D'Arpino cited the previously platted road that was created for an instance  
319 such as this.

320 Mr. Kimmer stated that the Planning Board is not a legislative board and therefore allowing this  
321 project would not create a precedent in the Town moving forward. Ms. Finan disagreed and  
322 stated that actually this Board does set precedent with its decisions. Mr. Drescher agreed. Mr.  
323 Khan stated that the Board had been sued before and precedent is a key consideration for them.

324 Chairman Walsh asked what the applicants thought of scheme 2. Mr. Sweet reiterated the private  
325 right to tear down 1245 Ruffner, and said that the access road would be wider in scheme 1. Mr.  
326 Sweet believed a wetland disturbance permit would be needed for scheme 2 as well. Mr. Sweet  
327 also stated that altering hole 11, as scheme 2 proposed, would not be optimal for the Mohawk  
328 Club.

329 Mr. Khan stated that given the lack of consensus on the best scheme the question of the overall  
330 viability of the project is pertinent.

331 Mr. Khan said he is confident the applicants could get the utilities aspects to a suitable level, but  
332 did not believe the Board would be able to get past the issue of the access road. Mr. Sweet asked  
333 how consensus can be built. Mr. Skrebutenas responded saying it's not up to the Board to build  
334 consensus, it's upon the applicant to persuade the Board, and the applicant has failed in that  
335 regard.

336 Mr. Khan told Mr. Sweet that if he wanted the project to proceed, he suggested to pick one of the  
337 schemes and then a public hearing can be called. Mr. Sweet decided to move forward with the  
338 original scheme 1, which would tear down the home at 1245 Ruffner.

339 Ms. Gold reiterated her stance that she is uncomfortable removing a house but still thinks it's the  
340 best entry way into the proposal.

341 Mr. D'Arpino said he did not see the value necessarily in bringing the applicants back for  
342 another discussion, and if they were fine going ahead with a public hearing then he would be on



343 board with that. Mr. D'Arpino went on to say that the sewage would be the biggest hurdle going  
344 forward, not the water issues.

345 Mr. Khan asked Ms. Robertson how quickly a recommendation would have to be made  
346 following a public hearing. Ms. Robertson said that she would double check but she believed the  
347 typical turnaround was 60 days from when the hearing is held.

348 Chairman Walsh summarized some of the main points of the Board, the first being that although  
349 engineering is premature the Board is anticipating engineering problems can be solved, although  
350 sometimes at great expense. The second point made by Chairman Walsh was that although there  
351 was high variability in terms of what the best proposal was, there was near unanimous consensus  
352 that the demolition of 1245 Ruffner was not favorable. Lastly, Chairman Walsh confirmed that  
353 the applicants would like to move forward with a public hearing on scheme 1 for the March 13  
354 meeting.

355 Mr. LaFlamme asked if the applicants ended up deciding on a new scheme, would another  
356 hearing have to be called for, which Ms. Finan confirmed that it would.

357 Ms. Robertson and Ms. Finan further confirmed with Mr. Sweet that notices would be sent to all  
358 residents within 500 feet of the entire Mohawk Club parcel, not just the boundaries of the  
359 proposed subdivision.

360 Ms. Robertson confirmed that this recommendation was solely for a recommendation to the  
361 Town Board regarding the issuance of a special use permit.

362 The Board was in unanimous approval of moving forward with a public hearing. Chairman  
363 Walsh thanked the applicant, stated they would have a public hearing on March 13, and called  
364 the next case.

365 **3. 2209 Nott St. – The Broken Inn – A site plan app. for a new permanent seasonal**  
366 **outdoor picnic table area on Town property including additional and reconfigured**  
367 **parking.**  
368

369 Mr. Thomas Nicchi stepped forward on behalf of The Broken Inn.

370 Mr. D'Arpino briefly outlined the project at hand. The applicant brought forward a new site plan  
371 that involved a reconfiguration of County parking spaces as well as sidewalk plans that went past  
372 Lange's Pharmacy. The site plan includes an outdoor eating area with six umbrella tables.

373 Mr. Nicchi stated that four of the six picnic tables fall on the property of Lange's Pharmacy. Mr.  
374 Nicchi also mentioned that the reconfiguration of parking brings the total number of usable  
375 spaces from 11 to 15. The four parking spots implanted by the County only consisted of one  
376 usable space, as the remaining either opened their doors into traffic or were blocked in by  
377 perpendicular parking spaces.

378 Mr. Nicchi wanted to clarify with the Board that he would be able to open The Broken Inn's ice  
379 cream window when the time comes, as he had submitted the required paperwork although it had  
380 not yet been approved. Chairman Walsh requested focus remain on the site plan.

381 Mr. Nicchi stated that two of the picnic tables fall on the Town right-of-way.



382 Chairman Walsh asked for clarification regarding the outdoor dining, and asked if waiters would  
383 be taking orders outside. Mr. Nicchi said that would not be the case. The seating would not be  
384 solely used for The Broken Inn- residents could bring food from other areas and sit at these  
385 tables, according to Mr. Nicchi's proposal.

386 Mr. Khan confirmed with Mr. Nicchi that the tables would be provided by The Broken Inn, but  
387 could be used for all members of the public. Planters and maintenance would all be provided by  
388 The Broken Inn.

389 Mr. Nicchi said that the current water-filled parking barriers would be covered up by planters to  
390 add to the aesthetics of the area.

391 Mr. Nicchi proposed that the planters be removed in the winter, however Ms. Robertson pushed  
392 back stating that she had received complaints about the look of the parking barriers as they look  
393 without planters covering them. This raised concerns for Mr. Nicchi, who believed without  
394 flowers growing in the winter the barriers would be run into and require maintenance. Ms.  
395 Robertson said that the barriers without planter coverings were not cohesive with the look of the  
396 Town Center Overlay District and she did not believe they could be considered a permanent  
397 solution over the winter times.

398 Mr. McPartlon concurred with Ms. Robertson, and suggested a look that does not change  
399 seasonally. Mr. McPartlon then asked if a six-inch curb would be possible as a parking barrier,  
400 despite the topography issues with that area.

401 Both Mr. Nicchi and Mr. D'Arpino agreed that a curb would be a good idea however did not  
402 believe the topography allowed for it.

403 Mr. McPartlon furthered his support for a year round fixture as a parking barrier. Mr. McPartlon  
404 stated that some practices, such as the current parking barriers, were granted to The Broken Inn  
405 due to the fact that the Town wanted such an establishment in the Town Center Overlay District,  
406 however, those were purely temporary and needed to be refurbished to fit with the area.

407 Mr. Nicchi asked if there was a legal path to create the seating areas as proposed. Ms. Finan  
408 stated that her main concern was the two tables that fall on the Town right-of-way. Ms. Finan  
409 said that there are no provisions in the Town code that would allow for that. In response to Mr.  
410 Nicchi, Ms. Finan said that leasing the right-of-way to The Broken Inn would also not be  
411 feasible.

412 As Ms. Finan mentioned change in the Town code could happen in the future, Mr. Nicchi asked  
413 if it would be possible to allow the tables to be placed in the Town right-of-way while the  
414 provisions were under review. Ms. Finan said that would not be possible.

415 Mr. Nicchi asked if he would be liable if a patron moved the tables from the Lange's property  
416 into the Town right-of-way.

417 Mr. D'Arpino recommended putting all six tables on the Lange's property and then potentially  
418 revisiting the idea later if Town provisions were to change. Mr. D'Arpino stressed that adding  
419 outdoor seating would promote outdoor use of the area, which was a good thing.

420 Speaking to this, Ms. Finan stated that the Supervisor has been having discussions with  
421 Metroplex about the possibility of a pocket park to add additional outdoor seating in that area.



422 Mr. Nicchi asked why Metroplex was being discussed, when The Broken Inn is a Niskayuna  
423 company that would be paying for and maintaining the property itself.

424 Ms. Finan clarified that legally Metroplex would be able to provide funds for Town property that  
425 the Town would be liable to maintain, but the Town could not engage in that same business with  
426 The Broken Inn.

427 Mr. McPartlon raised concerns about pedestrian safety in the Nott St, Clifton Park Rd, Crescent  
428 Rd. intersection.

429 Mr. Nicchi again asked about Metroplex and stated that if The Broken Inn were responsible for  
430 maintaining the fixtures placed on Town right-of-ways it would boost the aesthetics and  
431 uniformity of the area. Ms. Finan stated that The Broken Inn could donate fixtures to the Town  
432 however once that occurred they would be Town property and must be maintained by the Town.

433 Mr. Nicchi asked if there was a possibility of approval to put the picnic tables on the landlord's  
434 property, near Lange's Pharmacy. Mr. Nicchi said he was willing to either reduce the amount of  
435 table, or reconfigure them so they all fall on the landlord's property.

436 Mr. Nicchi asked about Mr. D'Arpino's request to include striping in the next plan, as the  
437 landowner would not plow the striping area seeing as it is Town property. Mr. Nicchi also asked  
438 about the parking barriers which, along with the striping, fall on Town property. Ms. Finan  
439 confirmed that those items were part of the special use permit and needed to be completed.

440 Mr. LaFlamme asked if there was a curb next to the parking lot to the west and south. Mr. Nicchi  
441 confirmed that there is.

442 Ms. Robertson said that the County did not object to changes in the parking spaces, however she  
443 did not talk to them regarding any potential curbing.

444 Chairman Walsh was unclear how the striping of the parking spaces as well as the planters as  
445 parking barriers would proceed in the short term. Ms. Robertson recommended that Mr. Nicchi  
446 move forward with striping. The planter coverings over the parking barriers will suffice for the  
447 time being, with the understanding that the Town is still exploring a long term solution in that  
448 area of the Clifton park - Crescent Road intersection.

449 Ms. Robertson confirmed with Mr. Nicchi that he will be able to open the ice cream window for  
450 The Broken Inn when the time comes. Mr. Nicchi also confirmed that he is more than willing to  
451 put planter boxes over the temporary parking barriers when he is able to.

452 Chairman Walsh and Ms. Finan stated that a new sketch would be needed that shows none of the  
453 picnic tables being placed in the Town right-of-way.

454 Mr. Nicchi stressed that when further conversations progress with Metroplex regarding the area  
455 that he would like to be included.

456 **4. 2837 Aqueduct Rd. – Rivers Ledge Sr. Center – A site plan application for a 66**  
457 **apartment unit building containing 2,000 sq. ft. of mixed-use commercial space and a**  
458 **3,000 sq. ft. commercial space outbuilding.**

459 Mr. Chuck Pafundi came forward on behalf of Rivers Ledge. Mr. Pafundi detailed infrastructure  
460 costs regarding the site that came in at over \$3.5 million. Mr. Pafundi stated that not only was  
461 this infrastructure necessary for Rivers Ledge, but also provided benefits to the community  
462 beyond.



463 Mr. Pafundi talked about other unanticipated expenses such as parking lot irregularities and  
464 Army Corps of Engineers fees regarding stream mitigation.

465 Due to the expenses listed, key objectives with phase 2 of the Rivers Ledge project, such as  
466 underground parking, were now unfeasible. The only way to recapture the expenses of a project  
467 like that would be to increase rent on the senior center, however Mr. Pafundi stated that many of  
468 those residents would be on a fixed income and could not manage an increase.

469 Mr. Pafundi mentioned he is in contact with solar companies to research exposure limits as solar  
470 panels on the garages is a possibility that is being explored.

471 Hearing comments expressed at the previous Planning Board meeting, Mr. Pafundi stated that  
472 the Board should be familiar with the quality of work that has been provided in the past and any  
473 garages would fall in line with that high quality work.

474 Mr. Pafundi added increased green space and curb islands that would provide seating areas to  
475 address previous Board concerns.

476 Mr. Khan asked about some of the economics regarding the project. Mr. Pafundi said that rates  
477 involved with this project are short-term and can be fixed with refinancing. Inflation is a bigger  
478 concern for Mr. Pafundi, especially in regards to labor price increases. Mr. Pafundi did not  
479 believe that this situation would change a few years from now.

480 Mr. Pafundi said the current iteration of the proposal put the senior center at 55 units with 41  
481 parking spaces. There is another design with 55 parking spaces, however the Board had  
482 expressed concern with that at the last meeting.

483 Mr. Pafundi stated that some aspects of the original proposal are being sacrificed due to these  
484 inflation costs, however he did not believe that would impact the quality of what would be  
485 provided.

486 Chairman Walsh said the biggest issue he had with this proposal is how the garages would look.  
487 Mr. Pafundi said that garage renderings were in the process of being completed and would be  
488 relayed to the Planning Board and Architectural Review Board soon. These should be ready for  
489 the next Board meeting.

490 In response to Mr. Khan's question, Mr. Pafundi stated that a center corridor would be added to  
491 the back of the building so those who park in the back lot would have easy entrance to the  
492 building.

493 Mr. D'Arpino stated that he was concerned with the roof design, and has seen previous projects  
494 with the same design that did not look good in the end. Mr. D'Arpino suggested a flat roof that  
495 may increase the aesthetics.

496 Mr. Pafundi pushed back on this idea saying that he has faith in their architects and believed that  
497 the design proposed with gables would be better than a flat roof.

498 Mr. Pafundi confirmed with Mr. Khan that all HVAC mechanicals will not be seen.

499 Mr. Khan said that if the parking garages should be approved, the proposal with only 41 spaces  
500 would not be acceptable and he would like to revisit the 55 parking stalls.

501 Chairman Walsh asked if a temporary parking area with an awning would be possible for  
502 residents who are bringing in groceries. Mr. Pafundi said that conversations had occurred



503 regarding this, and he could provide more detail on an aesthetic and architecturally sound  
504 approach. Mr. Pafundi mentioned previous buildings he has worked on entrances like this for  
505 residents to utilize.

506 Mr. Pafundi confirmed for Mr. Skrebutenas that phase two is on a separate tax lot than phase 1.

507 Mr. LaFlamme asked to be reminded about the intended commercial component of the site. Mr.  
508 Pafundi said the preferred option for that space is a retro style diner that he anticipated being  
509 well received by residents. A survey had been sent out to the residents living in phase one to  
510 gauge their thoughts on what should be in that area. Mr. Pafundi said that any proposed restaurant  
511 in that commercial area would be isolated from the residences to avoid sounds or smells  
512 transferring to other areas.

513 Chairman Walsh recommended soffit or indirect lighting for the parking garages.

514 Mr. Khan requested height dimensions regarding the garages for the next meeting.

515 Mr. Pafundi stated that there has also been an increased buffer space from any structures to the  
516 bike path.

517 Ms. Robertson requested a setback delineation for the garages to the property line and the bike  
518 trail.

519 Chairman Walsh asked if there were any further comments, Seeing none, he thanked the  
520 applicant for their time.

521 **IX. REPORT**

522 No reports tonight.

523 **X. COMMISSION BUSINESS**

524 Chairman Walsh stated that while public comments are welcomed under privilege of the floor,  
525 he is proposing that for equity sake there needs to be some level of control with how that  
526 proceeds in the future. Chairman Walsh proposed instituting a five-minute limit on each  
527 privilege of the floor speaker.

528 Ms. Gold recommended putting in a measure that said only new comments would be accepted,  
529 as she felt many comments by the public were spoken many times over.

530 Mr. D'Arpino stressed that it should be five minutes per speaker, not per letter being read.

531 Mr. Khan said he was against this as he believed the Planning Board was a democratic place  
532 where the voices of the people should be heard.

533 Chairman Walsh asked Ms. Finan if this measure were adopted, would it have to apply to public  
534 hearings as well. Ms. Finan confirmed that it would.

535 Mr. D'Arpino stated that he wanted to make sure that the length of privilege of the floor did not  
536 short-change applicants on the latter end of the agenda. Mr. D'Arpino believed that if topics  
537 were being repeated multiple times the Board should reserve the right to interject.



538 Mr. McPartlon questioned whether a five minute limit would get the Board to New Business  
539 any faster than currently. Mr. McPartlon said that many of the public do not reach five minutes  
540 as it is, and this limit may encourage people to fill the whole time. Mr. McPartlon recommended  
541 a less defined structure to handling privilege of the floor.

542 Mr. LaFlamme asked if it would be possible to alter the limits to privilege of the floor  
543 dependent on the agenda for that given meeting. Chairman Walsh said he would prefer to stick  
544 with one format for fairness and consistency.

545 Pre-registration was an option that was not looked at favorably by the Board, but Mr. McPartlon  
546 suggested a sign-in sheet. The Board was generally against this as people are often moved to  
547 speak that were not planning on speaking originally and may not be signed in.

548 Ms. Finan mentioned that the Town Board had a five minute limit that was reduced to three  
549 minutes. Mr. McPartlon said five minutes sounded like too long and asked Ms. Finan what  
550 prompted the Town Board to go down to three. Ms. Finan said the Town Board did that to align  
551 with the School Board. Mr. McPartlon recommended having consistency with the Town Board  
552 and setting the limit at three minutes.

553 Ms. Finan recommended that if a limit were approved it would be mentioned in the coming  
554 public hearing notice.

555 Chairman Walsh said his position would be to start with a five minute limit and if further  
556 changes needed to be made the Board could adjust from there.

557 Chairman Walsh made a motion to limit privilege of the floor and public hearing speakers to  
558 summarize their comments in a five minute period starting at the next Planning Board meeting.  
559 Seconded by Mr. Skrebutenas.

560 Upon voting the motion was approved with a vote of 4-3

561 Mr. LaFlamme AYE

562 Mr. Skrebutenas AYE

563 Mr. Khan NAY

564 Mr. McPartlon NAY

565 Mr. D'Arpino AYE

566 Ms. Gold NAY

567 Chairman Walsh AYE

568 Chairman Walsh mentioned that if changes needed to be made to this motion in the future the  
569 Board could revisit the decision, but felt as if this was a good starting point.

570 **XI. ADJOURNMENT**



571 Chairman Walsh made a motion to adjourn and it was seconded by Mr. Skrebutenas. The  
572 meeting was adjourned at approximately 11:36 PM.

DRAFT



My name is Carol Furman. I live at 1269 Ruffner Rd and am speaking about the proposed development by Mohawk Golf Club.

I too am concerned about the impacts on water and sewer capacity and agree that an engineering study should be completed before further consideration.

I too am concerned about setting a precedent in allowing for the removal of an existing home in order to establish a road in a previously unplanned location. How will this affect current and future home buyers and owners when there is the possibility that no matter where you buy, you can become a corner lot or be located directly opposite a road intersection.

I continue to be very concerned about the safety of an intersection created one house lot away from another intersection. There does not seem to be enough reaction time to respond to a car entering the road such a short distance away. What are the requirements for safe intersections?

The golf course has affected traffic patterns in surrounding areas. Through traffic is already impeded and causes traffic flow to concentrate in those streets that allow north/ south flow. Looking at the aerial maps allows you to see how there are access alternatives that would allow this development and future development with through roads rather than adding traffic to streets already impacted by impeded traffic.



## Laura Robertson

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**From:** Kath Lucero <kathlucero8@gmail.com> on behalf of Kath Lucero  
**Sent:** Tuesday, February 28, 2023 9:33 AM  
**To:** lrobertson@niskayuna.org  
**Subject:** [EXTERNAL] Mohawk mtg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sorry I had left the room when my name was called. Please note I oppose this project.

Thx k lucero

2537 Hilltop rd

Niskayuna 22309.

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- Kathleen Lucero Mistretta.



# Mohawk Club Proposal

Mike, Cory & Maddie McCarthy

1237 Ruffner Rd



# General Concerns

- We oppose the Mohawk Club development for many of the same reasons that have been stated by my neighbors
  - Not in keeping with the character of the neighborhood
  - Water and sewer impacts
  - Traffic and Safety impacts
  - School crowding impacts
  - Wildlife and wetlands impacts
  - Believe any tax revenue increase will be offset by infrastructure projects
- These are all legitimate concerns that need to be addressed by independent parties before allowing the proposal to proceed
- Would like to spend some time discussing the proposed Access options



# Access

- Scheme 1 & 9– tearing down house on Ruffner and creating an access road should be struck down by the planning board tonight.
  - It is in direct conflict to the town's comprehensive plan and sets a dangerous precedent for any of the town's remaining green space
  - It adds a new intersection 100 ft from the existing intersection with Mountainview Dr
  - It puts undue burden on the neighbors immediately bordering the proposed road- it's basically swapping an existing neighbor for one with 50 cars
  - This is not a viable alternative and these Schemes should be removed from consideration now.



# Access – Not just about Ruffner Rd

- Proposal is for the sole benefit of one individual on the backs of his neighbors
- Mr Sweet has stated club is not experiencing financial hardship, so this is strictly the owner looking to profit on an undeveloped piece of land
- Mr Sweet has said in numerous meetings the primary intention is to not impact the golf course at all, thereby shifting those impacts to the surrounding neighbors
- Rowe, Ruffner, Lynnwood and the Country club neighborhoods are already part of the “cut-through corridor”
- The only two Schemes the Town should be considering are Scheme 7 & Scheme 8 – access via club property to Union or Balltown roads



# Scheme 7 (Union)& Scheme 8 (Balltown)

- Unlisted benefit of access via the club is that it doesn't impact any of the surrounding neighborhoods
- Unlisted benefit - sale of 1245 Ruffner to a family should offset financial impacts of access through the club
- Access is drawn to increase club impacts
  - Road drawn over tee boxes on holes 11 and 12
  - Any hole bordering road listed as impacted
  - Not accessing plot near tees on holes 3 and 13
  - Space exists near club house to offset parking loss
- Balltown # 8 –
  - Possible partnership with curling club to create single Balltown entrance and curling club would enter from new access road
  - Most likely sites of future development are Par 3 and John Paul Ct plots – Balltown Rd entrance would solve those access requirements
- Previous concern about a public road thru a private club
  - Albany Country Club has a public rd thru course, borders 6 holes
  - Most courses have an access roads thru club that border holes



# Conclusion

- We oppose the Mohawk Club proposal for all the reasons previously stated
- If the proposal were to pass independent review of those concerns, we ask that you restrict access to use Union or Balltown roads through club property and not ask the existing neighborhoods to shoulder that burden



Joshua Spain  
1219 Ruffner Road  
Niskayuna, NY 12309

27 February 2023

Town of Niskayuna Planning Board  
Attn: Ms. Laura Robertson, AICP  
One Niskayuna Circle  
Niskayuna, New York 12309

Dear Ms. Robertson,

My name is Joshua Spain, and my three boys and I live at 1219 Ruffner Road. My wife and I, less than 2 years married, bought this home as our first home in 1999 – with the intent that it would be our only home, our forever home.

While we were drawn to the town itself, and the Niskayuna schools, it is the neighborhood that we fell in love with. The mature trees (in front yards and back yards), beautiful and varied landscaping, the assortment of homes (shapes, sizes, and designs), and, of course, the people. We have loved the walkable nature of Ruffner and the surrounding streets and neighborhoods. It has been all of that for us, and more, over these last 23+ years. As you have heard from so many - I want to emphasize it here again, the incredible wildlife that is also supported and sustained by these neighborhoods, and the wooded areas in particular that run behind our homes on our properties and Mohawk Club property: different varieties of woodpecker and hawk, hummingbirds, deer, fox, wild turkey, and coyote – to name a few.

Why do I – and so many of my neighbors – find it important to continue to emphasize all of these elements of our neighborhoods? It's what has drawn so many of us to call this our home – these elements make up the **character of our neighborhoods**, it's why so many of us are here, why so many of us have stayed – and it can't be taken lightly.

I find it absurd, almost insulting, that representatives of the Mohawk Club are unapologetically prioritizing the history and "character" of their golf course, which serves the true needs of so few, over the history and character our Ruffner Road neighborhood and other surrounding neighborhoods. Reconfiguring any part of the course is simply not an option, is what we have heard. How could the character of the golf course possibly take any precedence whatsoever over the history and character of these neighborhoods?

I know I don't have to tell you, Ms. Robertson, that you and the members of the Planning Board, as well as the members of the other important committees and councils that serve this board (such as the Conservation Advisory Council, the Complete Streets Committee, the Architectural Review Board – to name a few),



play an important role in the development of our town, as well as the preservation of our precious neighborhoods. I trust, and so many of us trust, that you will give this proposal the right level of consideration – and apply the appropriate math and science and studies – to inform and aid you in your questions, your guidance and your decisions. But – I also beg of you – to consider what this project would do to the **character and rich history of these neighborhoods**, the families that make them up, the wildlife that is sustained by them and the wooded areas of the club. There may not be specific statistics that back up how important those are, there may not be a Gantt chart or an engineering study that can exhibit what they mean – but I beg of you to make them a very important part of weighing the benefits and drawbacks of the project.

Thank you for giving me the opportunity to voice my opinion and appeal to you here. We need to preserve the Ruffner Road neighborhood, and surrounding neighborhoods – so that so many families such as my own, can remain in their forever homes as they envisioned 1 year, or 5 years, or 20 years, or 50 years ago.

In closing, just in case there is any question – I emphatically oppose any development by the Mohawk Club of the wooded area along Ruffner Road.

With Sincere Regards..



Joshua Spain



Shoshanah and Bernard Bewlay  
1119 Ruffner Road  
Niskayuna, NY 12309

February 27, 2023

Niskayuna Planning Board  
One Niskayuna Circle  
Niskayuna, NY 12309

Re: *Mohawk Golf Club Application for Sketch Plan Approval/Ruffner Road Impacts*

Dear Members of the Planning Board:

My family and I have lived on Ruffner Road for more than 10 years and I have previously written letters containing my substantive arguments expressing opposition to the plan of the Mohawk Golf Club (Club) to use Ruffner Road to create an entrance to its planned development. I will not reiterate all of the arguments that I have previously made in support of my position; however, I write today to underscore a significant point with a simple example.

In my review of the Club's newly submitted materials posted with the Agenda Statement in preparation for this meeting, I noted that the Club has now abandoned its proposed "traffic circle" contained within the sketch plan submitted to the Board before its January 23, 2023, meeting. This appears to me to be intentional: in fact, I never believed that the Club intended a traffic circle at the entrance to the proposed development on our narrow road because it was a patently ridiculous idea – a clear red herring that, based on the comments at the January 23 meeting, achieved the Club's objective of maximum distraction and outrage.

The fact that the Club is now backtracking could have been predicted, and it is significant because it demonstrates that the Club is craftily proposing absurdities in the hope that enough of my neighbors become enraged by them that they "cave in" to what may seem later like a more "reasonable" proposal. I assure this Board: WE WILL NOT. No one with sense believes that it is a good idea for the Town to allow the Club to tear down an existing home and create an additional road, with all of the ancillary requirements and overuses of resources, to service this proposed development, especially because it is clear that the Club is able to accommodate any additional structures on its property, in the currently proposed location or elsewhere on its acreage, by existing entrance and exit points.

The bottom line is that Club wants a variance and a special use permit to build on part of its land and it will do anything, even pretend they want the absurd in a gross waste of your time and resources, because they want to capitalize on a relatively cheap per-acre investment the new owner made. However, it is clear that if the Club gets what it wants from you now, it will use the precedent to ask for more variances and special use permits to build on the remainder of the course in the near future. Niskayuna should resist this and should not set this dangerous precedent.

Thank you for your attention to this important matter. Please do not hesitate to contact me if I may provide any further information for your review or consideration.

Very truly yours,

/s/ Shoshanah Bewlay

Shoshanah Bewlay



## Laura Robertson

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**From:** Margaret Corey <margaret.corey@gmail.com> on behalf of Margaret Corey  
**Sent:** Monday, February 27, 2023 1:21 PM  
**To:** lrobertson@niskayuna.org  
**Cc:** beckythomas29@yahoo.com; marktheshark@reagan.com  
**Subject:** [EXTERNAL] Statement on proposed Mohawk Club housing development

Dear Ms. Robertson,

I am a resident of Hilltop Road, which parallels the northern edge of the Mohawk Club golf course. I commented earlier on the proposed housing development proposed for the Mohawk Club property, but since then I have learned more about the project. I am writing to document my **OPPOSITION** to allowing the project to proceed any further, for the following reasons:

- The project adversely impacts a significant number of existing properties: besides the impact of the two homes on Ruffner Road affected by the proposed entrance boulevard, other homes along Ruffner Road will be adversely impacted: in the short term by construction vehicles and noise (if the project proceeds), but more importantly, long term due to the loss of privacy, adverse impact to views, and increased traffic.
- As noted by many other commenters, there is significant wildlife in the area including pileated woodpeckers and peregrine falcons. I have seen both species several times while walking through the neighborhood, as well as many other bird species, fox, and deer. The meeting minutes from the 12/7/22 CAC meeting state that the petitioners would "consider" some type of wildlife mitigation on other areas of the Mohawk Club property. However, as noted by commenters during the last Planning Board meeting, the Mohawk Club is in fact destroying additional wildlife habitat on the northwestern portion of their property where they have been cutting down mature trees for many weeks. To me, this speaks to their lack of interest in protecting wildlife and open spaces.
- The "traffic study" put forth in the public record is incomplete, not to say disingenuous. The drawing of traffic impact only considers a portion of Ruffner Road. Vehicles proceeding northward will make their way to Nott Street East either by accessing Rosehill Blvd, or (more commonly), turning onto Rowe Road from Whamer. Rowe Road is already victim to speeding vehicles, despite several residents with young children who live along the road and enjoy biking in the neighborhood. This is in addition to the traffic concerns directly on Ruffner Road which other commenters have documented.
- The "Compliant Open Space" drawing actually shows a greater square footage of disturbed space than the "Non Compliant" drawing.
- Living downgradient from the golf course as I do, there have been drainage and runoff issues from Mohawk Club property, and adding more impervious footage, from both structures and paving, will only increase the potential impact on downgradient land owners.
- Issues identified with at or near capacity water lines and sewer lines seem to have been lost in recent discussions. Expansion of these utilities will result in only more construction and land disturbance.
- There is nothing in the project to provide any additional community benefit. In fact, it is disheartening that the developers flatly refuse to consider options that would impact the existing golf course layout in any way.



Finally, it was stated in an article in the Albany Business Review noted that the project addresses a need for additional housing in Niskayuna. The same article states the proposed housing will be in the \$500,000 and up range. Who's "need" is being addressed by this housing? The impacted properties on Ruffner Road and the adjacent neighborhoods have been desirable housing for many years, and we are fortunate that our properties have not only maintained, but increased, in value. Yet, as documented in previous comments from a Realtor, construction of the proposed homes and townhouses is very likely to adversely impact property values of many town residents, who not only pay taxes but are good neighbors and good community members. The record shows that there will be no adverse financial impact to Mohawk Club operations if the project does not proceed. I can only conclude that the beneficiary of the project is only the owner of the club and his developer.



**Laura Robertson**

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**From:** Rita Fleischman <rita.f930@gmail.com> on behalf of Rita Fleischman  
**Sent:** Monday, February 27, 2023 8:51 AM  
**To:** lrobertson@niskayuna.org  
**Subject:** [EXTERNAL] Opposition to the proposed Ruffner Road project

To the Niskayuna Planning Board

My name is Rita Fleischman, I've resided at 1353 Wemple Lane since 2005. When I made the decision to move from Schenectady I told my real estate agent I only wanted to look at homes in the Ruffner Road neighborhood.

I enjoy walking my dog in this peaceful neighborhood. On my walks I see children playing basketball, people riding their bikes and other dog walkers. I've seen deer and foxes on my walks. I believe this project will negatively impact the environment, wildlife and will create a public safety risk with the increase in traffic. The Mohawk Club's proposal will forever change the character of the neighborhood.

I'm imploring the board to do the what is right and protect our neighborhood,

Respectfully,  
Rita Fleischman



lrobertson@niskayuna.org  
To the Niskayuna Planning Office  
Opposition of proposed Ruffner Road Project

My name is Deborah Friedson. I am a retired Niskayuna teacher, community advocate, volunteer, healing artist, and an over 30-year Whamer Lane resident. When I see something that is clearly wrong, I find a way to work for what is right. Such is the situation with the Mohawk Golf Club Residential Development's proposed destruction of our neighborhood. This is a clear violation of trust for those of us who purchased homes in a quiet area that values family, children, nature, safety, and community. I am appalled by the scope of this project.

I grew up in Schenectady admiring the beauty of Ruffner Road. One of my friends lived in a home not far from 1245 Ruffner Road, (the house purchased for demolition.) I walk on Ruffner Road daily and although I enjoy it tremendously, there is a large amount of traffic on the road already. The thought of the town allowing a home to be removed, a possible traffic light and the certain increase in traffic is counter to how our neighborhood was designed. **This is clearly wrong.**

We invested in this neighborhood in good faith that the town would protect our environment. The proposed development will certainly alter the character of our community, adversely impact the amount of traffic, disrupt, and displace wildlife, destroy a home, and impact property value, create a neighborhood access that is an eyesore and dangerous. **This is clearly wrong.**

The Mohawk Club appears to not respect the neighbors who surround the immense golf course property. If they did, they never would have considered popping an entrance to their proposed project in the middle of such a historic and beautiful neighborhood. There already has been a flurry of activity by Hilltop Road. It is unsightly. I do not trust what they will do that will impact neighbors on every side. **This is clearly wrong.**

I hope the town will protect the residents impacted by this proposed development. My husband and I have raised our children here. Now we help care for a grandchild within the safety of our beloved neighborhood. We beg you to **do what is right.**

Respectfully,  
Deborah Friedson  
2508 Whamer Lane



## Laura Robertson

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**From:** mike mason <hobo617@live.com> on behalf of mike mason  
**Sent:** Monday, February 27, 2023 10:33 AM  
**To:** lrobertson@niskayuna.org  
**Cc:** mike mason  
**Subject:** [EXTERNAL] Mohawk Golf Club Proposal Dated: Feb. 26, 2023

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Laura,

Please share this letter with the members of the Town Planning Board.

My name is Mike Mason and live at 2144 Mountain View Ave. in Niskayuna. My home is within 500 feet of the proposed development of a wild area owned by the Mohawk Golf Club. What happens on that piece of property has always had an effect on my life as well as my neighbors'.

When I bought my home in 1981 there was a driveway between 1241 and 1245 Ruffner Rd., the purpose of which was to access a water tower and the two mentioned properties on either side of it. It was not an access road to the Mohawk Golf Club. When the water tower was removed, its sole purpose became a driveway to those two homes on Ruffner Rd..

The peaceful, rural feel of this neighborhood (individual houses on large lots, long blocks, and narrow roads (without shoulders or ditches)) is what attracted me. Each house is unique in its architecture and landscaping.

Neighborhood planners went to special effort to keep power lines away from the roads and placed them on property lines in back of the houses.

Homeowners here prioritize home and yard maintenance, often hiring experts to keep their properties beautiful. Homeowners here also value one of the last totally wild areas in the middle of town, an area owned by the Mohawk Golf Club. This area harbors many forms of indigenous mammals, as well as birds that eat at our feeders during the winter. If anyone wonders why homes in this mature neighborhood keep attracting young homeowners, and why residents are content paying the taxes they must pay to live here, the answer is clear; it's a well-established, lovely neighborhood.

Since I've moved here, traffic has increased; Mountain View has been connected to Hedgewood Lane, and Whamer Ln. now connects Rowe Rd. and Ruffner. These connections allow drivers to use Ruffner as a short cut to work and school. Now the Mohawk Golf Club, an entity that has largely ignored the Ruffner neighborhood, plans to destroy this gem of wildlife refuge and replace it with a crowd of cookie cutter single family units and two-family structures that are not in compliance with the zoning codes area residents have always lived by. Since the club doesn't maintain the chain link fence at the fourteenth tee, which borders Ruffner Rd., it's evident that being a good neighbor is not a priority.

We all know that town governments feel a need to raise revenue. That's why we have so many new developments in Niskayuna. But this particular development would come at a high cost for residents of the Ruffner community by diminishing not only our quality of life, but also the value of our homes, which would



be reflected in a reduction of our taxes. Not a good trade off. So I ask you to please consider the future of our community and disallow development of this valuable wildlife refuge.

Sincerely,  
Mike Mason



**Laura Robertson**

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**From:** ken schwartz <kschwartz@schwartzfamilydentistry.com> on behalf of ken schwartz  
**Sent:** Friday, February 24, 2023 9:43 PM  
**To:** lrobertson@niskayuna.org  
**Subject:** [EXTERNAL] Mohawk golf club expansion

I strongly oppose the project on many levels.

Ken Schwartz  
1363 Ruffner ct  
Cell 518-369-0699  
Work 518-374-1935



## Laura Robertson

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**From:** Rebecca Shurtleff <rebecca.shurtleff01@gmail.com> on behalf of Rebecca Shurtleff  
**Sent:** Monday, February 27, 2023 11:21 AM  
**To:** lrobertson@niskayuna.org  
**Subject:** [EXTERNAL] Statement for tonight's Planning Board Meeting

Hi there,

I understand that the Mohawk Club will be present at tonight's Planning Board meeting. I previously shared a letter stating our opposition to the proposed development of Ruffner Road by the club (attached), but I wanted to reiterate our opposition once again for tonight's record --

As residents of Rowe Road, and property owners who will potentially be sharing a tree line and thoroughfare with the proposed development, we have a number of concerns regarding the project; for the record, we are specifically in opposition of:

1. New traffic patterns, such as roundabouts, and increased club traffic; golfers who drink on the course or at the club and then exit into our neighborhood would be a major threat to public safety -- a change to known traffic patterns and/or an influx of drivers who are unfamiliar with the neighborhood will also increase the potential for severe accidents.
2. The destruction of nature and the impact that the build will have on wildlife and residential quality of life. We purchased our property specifically for the solitude this area provides, and have since been pleasantly surprised by the number of creatures who make our backyard their home. The destruction and development of existing tree lines will not only eliminate animal habitats and natural vegetation, but it will add construction noise and bring general resentment and unhappiness to a previously quiet and friendly community.

At the heart of it all, we believe that there is a dangerous precedent being set in this instance: by allowing the developers to purchase affordable single family homes and demolish them for the sake of building half-a-million-dollar properties, the average homebuyer and family will be priced out of the area.

It is very sad to see the town prioritize the personal profit of a developer over the livelihoods of their vocally opposed community and tax base. We encourage the town to do everything in its power to prevent the further development of Ruffer Road and the area surrounding the Mowhawk Golf Club.

Thank you,

Rebecca Shurtleff & Justin Craig  
1324 Rowe Road, Niskayuna



## Laura Robertson

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**From:** mstoodley22@gmail.com  
**Sent:** Monday, February 27, 2023 3:13 PM  
**To:** lrobertson@niskayuna.org  
**Subject:** [EXTERNAL] Mohawk Club planning project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We are unfortunately unable to attend tonight's meeting about this development project and would like our email read at the meeting if possible? Thank you!

Letter below:

We are opposed to more houses being developed in our neighborhood. We live on Hilltop Road (across from part of the Golf Club) where there is continued building at the top of our street. Why all the construction in an older neighborhood like ours? The new houses being built do not share the same design integrity at all as the rest of the neighborhood. Trees are being destroyed and the wildlife will suffer. We have seen in the 5 short years we have lived here plenty of rabbits, foxes, hawks, deer, coyotes and even a black bear.

We drive on Ruffner Rd. a lot and also walk/run on it. We see kids play out front near the road, see lots of other walkers/runners and we also consistently see drivers speeding through and sometimes not stopping at the stop signs. Knocking down that beautiful mid-century house and adding another road to a new development where there will be even more traffic speeding through does not make sense. Well, only sense to the developer's and Mohawk's pockets.

Our schools are crowded enough. Mohawk is already cutting down big patches of trees. Why can't we have a little wilderness and peace and quiet? We moved to this neighborhood for this very reason and we are becoming bombarded with construction all across this neighborhood, including houses recently built and being built on Antonia Dr. & Rowe Rd.

It's really a shame and we whole heartedly oppose this development.

Sincerely,  
Mike Matvey & Maria Stoodley  
2493 Hilltop Rd.



## Laura Robertson

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**From:** Melissa Cummins <missdish84@gmail.com> on behalf of Melissa Cummins  
**Sent:** Monday, February 27, 2023 12:28 AM  
**To:** Laura Robertson  
**Subject:** [EXTERNAL] Re: Planning Board 2/27/23

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Laura !!

I hope this finds you well . I intend to be at the meeting tomorrow night if all goes well with my day . I was able to watch a few meetings online and here's my thoughts. I will bring these up tomorrow hopefully I don't leave anything out if I do that's why I'm emailing you ;)

No one at Kia or Mitch Comer reached out to me regarding this application or anything pertaining to it or any contracts . He stated in the meeting he had and that is simply not true . I received a letter in my mail box a few days prior to the meeting from Kevin Walsh .

Some problems and issues I've had living next to Kia . The lights are SOO bright I need black out curtains on one whole entire side of my house . Adding another lot in front of my home means I will need more !

When asked where the haulers park to unload . The answer is MY driveway. If not my drive way in the street blocking it or in the reconditioning lot . The people who are running these operations don't care or know about these details as long as they get there cars .My driveway is crumbled !!! In the past I've complained at a town meeting because the town parks there trucks in my driveway when there on my street. I now have no trespassing signs in place and private property signs. I absolutely want my driveway replaced. The town , the dealership someone better be fixing it come spring.

The haulers often come and unload at all hours of the night which is very loud, disruptive ,and inconsiderate. I can't sleep with my windows open because it's a Guarantee they will startle me awake banging and clanking chains . They unload outside my bedroom window. The staff that work in the reconditioning site work very late. Mitch stated they were done at 6 I believe , that's the farthest thing from the truth. They work until 9/10/11/12 o'clock it depends on when they expecting deliveries. During this time there is music blasting , vacuums, and car alarms going off (there looking for cars to move) I think it's a wonderful idea to have a delivery plan. But my question is who will enforce that it's actually happening that way? The reality is the haulers do what they want to do because they do not work for Kia/Mathew's . Has the board considered watching a delivery with Matthew/Kia ? Because I honestly don't think they even know how it's done either because it can sometimes take hours. The haulers often arrive many hours before delivery and Idle waiting. It would give them better insight on how it all takes place if they see it themselves. One day a hauler was parked in my driveway unloading. We asked him to leave because my children were playing basketball in that driveway and he said that we would be making him risk his life to move elsewhere to unload. Don't ask me why I've been so nice and not called the police but I promise you pressing forward I plan to.

With the new 5 million dollar construction there planning would come traffic directly in front of my house . If im not mistaken that's where the entrance to this lot will be ? Unfortunately I can not find the plan for the project on the town website. My home is in a residential neighborhood with several other houses however it is zoned as commercial. Which is why the town just placed an automatic flushing machine on my property. Since moving here I've had nothing but trouble with the water which is why it required the flushing machine. There has been Many many many breaks in my line . Just the other day I did not have water for 2 days ! I Have three children under the age of seven do you know how difficult, inconvenient, and frustrating that is? I believe there has been at least 5 or more breaks in my line this year . People really need to be asking why , what is happening?



There is a HUGE spruce tree in the middle lot directly across the street from my home . Every year there is a pair of regular migrant birds of prey. These huge beautiful birds nest at the top of this tree . And I know this because my son is very fascinated with them . He watches them with his many pairs of binoculars. I am unsure exactly what kind of birds they are. Falcons, bald eagles, hawks I'm not positive I will get a closer look and photo of them when they return in the spring . I did reach out to the DEC and they said they will be monitoring that site/tree.

There is a Vacant Commercial space next to 41 S. Fagan. Then next to that is a residential home. I believe that property falls on the colonie line. From my front door I see 4 other homes on the other side of the street . Removing 2 of them and many trees will make my street look like a highway.

If this plan continues forward then I demand safe guards be put into place for my children. Children at play signs could be placed on both ends of the street . Also I would like to request that my home be re zoned or spot zoned for the safety and well being of my family .

Thats all I can think of for now I appreciate your time. Ill see you tomorrow.

Melissa Cummins

On Tue, Feb 14, 2023 at 4:00 PM Laura Robertson <[lrobertson@niskayuna.org](mailto:lrobertson@niskayuna.org)> wrote:

Hi Melissa,

Here is the login for the next Planning Board meeting. Let me know ahead of time if you want to test your ability to connect to the meeting.

### **Planning Board**

Monday, February 27 · 7:00 – 9:00pm

Google Meet joining info

Video call link: <https://meet.google.com/tjs-gkdb-rtr>

Or dial: (US) +1 708-965-4083 PIN: 449 018 751#

More phone numbers: <https://tel.meet/tjs-gkdb-rtr?pin=4710775092209>

Also if you would like to watch the video of the public hearing and discussion on 2/13/2023 it is here: <https://www.youtube.com/watch?v=a0F5jY3C7ak&list=PLfof9Ej2RfcOSj0GQ3QpOhPHGTUy0iglv&index=60>. The public hearing starts around 2 minutes into the meeting, then I recommend you skip to spot hour/min 1:22 when the planning board discusses the project with the applicant.

This project also appeared before the Planning Board on 1/23/2023 (part 2)

<https://www.youtube.com/watch?v=hCSdVo40ujY&list=PLfof9Ej2RfcOSj0GQ3QpOhPHGTUy0iglv&index=59&t=2675s> (starts right away)



## Laura Robertson

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**From:** Melissa Cummins <missdish84@gmail.com> on behalf of Melissa Cummins  
**Sent:** Monday, February 27, 2023 12:34 AM  
**To:** Laura Robertson  
**Subject:** [EXTERNAL] Re: Planning Board 2/27/23  
**Attachments:** IMG\_0681.MOV; IMG\_0683.mov

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Also here's a video of the town trucks in parked in my driveway. I asked many many times that day for them to please move an they didn't.

On Mon, Feb 27, 2023 at 12:28 AM Melissa Cummins <[missdish84@gmail.com](mailto:missdish84@gmail.com)> wrote:

Hi Laura !!

I hope this finds you well . I intend to be at the meeting tomorrow night if all goes well with my day . I was able to watch a few meetings online and here's my thoughts. I will bring these up tomorrow hopefully I don't leave anything out if I do that's why I'm emailing you ;)

No one at Kia or Mitch Comer reached out to me regarding this application or anything pertaining to it or any contracts . He stated in the meeting he had and that is simply not true . I received a letter in my mail box a few days prior to the meeting from Kevin Walsh .

Some problems and issues I've had living next to Kia . The lights are SOO bright I need black out curtains on one whole entire side of my house . Adding another lot in front of my home means I will need more !

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With the new 5 million dollar construction there planning would come traffic directly in front of my house . If im not mistaken that's where the entrance to this lot will be ? Unfortunately I can not find the plan for the project on the town website. My home is in a residential neighborhood with several other houses however it is zoned as commercial. Which is why the town just placed an automatic flushing machine on my property. Since moving here I've had nothing but trouble with the water which is why it required the flushing machine. There



## Laura Robertson

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**From:** Melissa Cummins <missdish84@gmail.com> on behalf of Melissa Cummins  
**Sent:** Monday, February 27, 2023 12:37 AM  
**To:** lrobertson@niskayuna.org  
**Subject:** [EXTERNAL] Huge Tree

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I think it's a spruce. Right now there is a proposal to tear it down . It is located in the lot directly across the street from my home on 26 s Fagan Ave . Regular migratory birds nest here every year .





--  
Melissa Cummins RN





# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VII. 1

MEETING DATE: 3/13/2023

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**ITEM TITLE:** RESOLUTION: 2023-08: A Resolution for site plan approval for clearing and construction of recreational fields at Trinity Baptist Church located at 2635 Balltown Rd.

**PROJECT LEAD:** Patrick McPartlon

**APPLICANT:** Tess Healey & Larry Noyes, applicant for the owner

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

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**SUMMARY STATEMENT:**

Tess Healey, agent for the owner, submitted an Application for Site Plan Review for the construction of recreation fields at Trinity Baptist Church located at 2635 Balltown Road. The front half of the property, fronting Balltown Rd, is within the R-2 Medium Density Residential zoning district. The back half of the property is within the R-3 High Density Residential zoning district. The proposed project would be limited to the portion of the property zoned R-3. Places of worship and religious education facilities are special principal uses in both the R-2 and R-3 zoning districts.

The applicant, Planning Board (PB), and Tree Council (TC) have rigorously reviewed and refined the proposed project resulting in the inclusion of critical details in the site plan drawing. The Conservation Advisory Council reviewed the EAF form and voted to approve a Negative SEQR declaration which means that based on the materials provided they do not think the project will have a negative impact on the environment. A resolution for site plan approval will be acted on by the Planning Board at the 3/13/23 meeting.

**BACKGROUND INFORMATION**

The lot at 2635 Balltown Road includes 7 acres of land, 3.6 acres of which are undeveloped. A survey was performed on 5/24/21 and a wetland delineation map of the property was created. The map entitled "Wetland Delineation Map A Portion of TMP #31.-1-55" by Gilbert VanGuilder Land Surveyor, PLLC dated May 24, 2021 and a model indicating the area of wetland elimination pending Army Corp of Engineers approval was provided with the Application for Site Plan Review.



Within the surveyed area 2.4 acres are uplands and 1.2 acres are wetlands. Trinity Baptist Church is seeking site plan approval to clear 1.8 acres of the uplands. Trinity Baptist Church is applying for a Nationwide Permit from the Army Corps of Engineers to eliminate 10% of the wetlands, 0.12 acres (see site plan). Around the remaining wetlands a 25' vegetative buffer will be left and a 15' offset will remain un-cleared along property lines. The clearing will include chopping and removing stumps from trees and grading as needed. Disturbed area will be restored as natural-appearing landforms and shall blend in with the terrain of adjacent undisturbed land. Grass seed and topsoil, if needed, will be used to stabilize the cleared area.

To divide the cost of the project into manageable portions, the project will be divided into phases. Phase 1 activities will include the clearing and restoration of the 1.8 acres of land. Subsequent phases will include the construction of a proposed picnic pavilion and 15' wide crush run gravel access road to the pavilion.

Phase 1: Construction phasing plan (estimated exposure of 1 week to finish)

1. Silt fence will be installed around the construction perimeter
2. Wetland area will be taped off
3. Clearing of area specified in site plan -- estimated exposure of 1 week to finish entire clearing
4. Grading to level / runoff towards wetlands. Disturbed areas will be restored as natural-appearing landforms and will blend in with the terrain of adjacent undisturbed land.
5. Grass seed and topsoil, as needed, will be distributed over the cleared area

8/9/21 Planning Board (PB) meeting – The applicant explained the project to the PB and a general discussion ensued. The applicant explained a broken drainage pipe bisects the proposed area to be cleared and runs from the small white square (storm water drain) on the wetland delineation drawing towards the back of the property. It was reported that the pipe has been repaired. The town noted that a TDE may be required to review and evaluate the impact the project may have on drainage.

The following action items were determined.

1. Planning Office – check wetland buffer requirements for residential & commercial lots ☒
2. Applicant – prepare a site drawing that includes elevations ☒
3. Applicant – add the proposed location of the proposed pavilion on the drawing. ☒

A site plan drawing entitled “Trinity Baptist Church 2635 Balltown RD. Niskayuna, NY 12306” by VanGuilder Engineering dated 12/5/2021 with no subsequent revisions was provided to the Planning Office on 3/1/22 and stamped “Received Mar 01 2022 Planning Office Niskayuna, NY”. The drawing includes the following.

1. A 25 ft. wetland buffer along the boundaries of all wetland areas ☒
2. Elevation / contour lines ☒
3. The proposed location of a 50 ft. x 60 ft. pavilion that includes gutters with leaders directed towards the wetland area ☒
4. Identification of a wetland area of approximately 1/10 TH of an acre that will be removed pending approval from a nationwide permit that has been submitted to the Army Corps. of Engineers. ☒
5. An approximately 15 ft. wide x 100 ft. long crusher run road leading to the pavilion ☒



6. A proposed berm to be constructed 5 ft. from the southwest property line to direct water away from property lines and towards wetlands ☒
7. Identification of an area that will be graded to correct a drainage pipe that sank over time ☒

3/14/22 Planning Board (PB) meeting – Mr. Noyes updated the PB on the progress of the project. He noted that he last appeared before the PB on 8/9/21. An extensive discussion ensued during which the PB and Mr. Noyes reviewed the changes that had been made to the site plan drawing. Highlights of the discussion are as follows.

- The PB like the location of the proposed pavilion – relatively tucked away
- LR noted the Tree Council will be reviewing the site and making a recommendation
- KW noted that the 1/10 of an acre that is proposed to be reduced is not marked as wetland
  - Applicant agreed to fix this ☒
- PB also noted that the area around the broken pipe should be marked as wetland ☒
- The PB discussed the possible need for a grading plan & an engineering review ☒
- The PB wants to know how much area, in sq. ft. or acres, etc., will be cleared ☒
- Discussed adding limits of clearing to the site plan & a numerical value of area cleared ☒
- The PB noted that when stumps are removed fill soil will be needed ☒
- The PB asked PO to see if an easement exists around the pipe shown on the site plan dwg.
- LR asked the applicant to determine where they could add trees on the property ☒
  - to offset some of trees that will be removed during clearing
- Discussed timeline for a response from Army Corps of Engineers ☒
  - 45 days from application submission
- PO agreed to organize a site walk ☒
- PO requested a revised site plan drawing with the information noted above included ☒

The following action items were established.

1. Applicant – update the site plan drawing to include
  - a. Add wetland symbol to the 1/10<sup>th</sup> of an acre area ☒
  - b. Add wetland symbol to the land along the broken pipe ☒
  - c. Add limits of clearing to the site plan ☒
  - d. Determine and label the square footage of land being cleared ☒
  - e. Determine if a grading plan is needed – provide if needed
  - f. Identify approximate location of trees to be removed on the drawing and show where trees will be added to offset or partially offset ☒
  - g. Determine and label where fill soil will be needed. ☒
2. Planning Office
  - a. Organize a site walk with PB and Tree Council ☒
  - b. Research potential easement near the broken pipe ☒

Mr. Noyes provided the Planning Office with an updated revision of the site plan drawing dated 8/15/22. Many of the action items listed above were addressed and are identified with a ☒. Identifying which trees will be removed and where replacement trees will be added on the site remains an open item.

10/3/22 Planning Board (PB) meeting – Mr. Noyes attended the meeting and presented the Rev 8/15/22 site plan drawing to the Board. He stepped through the open action items and a general review of the project status ensued. During the course of the discussion the PB requested the following.



- a. Add grading lines in the vicinity of the berm – *a 362' contour on either side of the berm note has been added*
- b. Add the requirement of a fence at the 25' wetland buffer – *a split rail fence along the wetland buffer has **NOT** been added to the plan set*
- c. Add a note that the 3 large oak & 7 or 8 large white pine trees will be preserved – *see below*

Buffer note currently states: "Tree Preservation – Per Tree Council 3 large oaks in vicinity of pavilion to remain and 7 to 8 white pines further north may be in the buffer, these trees are 20" plus in diameter versus all other trees which are less than 10" in diameter."

The Planning Department feels this language is confusing and proposes the following from Code and Subdivision plats: "Per Planning Board approval, 3 large oaks in the vicinity of the pavilion and 7 to 8 large white pines noted within the limits of clearing shall be retained and protected during and after construction and grading. Additionally,

Section 201-11 (D), (E) & (F) states:

(D) The developer shall mark trees to be preserved with flagging and safeguard them by such high visibility barriers or other protective measures as shall effectively prevent injury to the tree and its root system during construction, due to such causes as soil compaction, grade change, root severance, drainage change, soil chemistry change and trunk and limb impact change.

(E) The developer shall provide, at his/her cost, that trees to be preserved are inspected for tree condition and tree protection adequacy at four stages, as applicable, in the course of development: prior to site disturbance, prior to subdivision plat plan final approval, prior to the issuance of a building permit and prior to certificate of occupancy issuance. The inspection shall be conducted by a member of the American Society of Consulting Arborists or by a qualified professional trained and experienced in tree preservation as approved by the Tree Council. The inspector shall provide directly to the Town Enforcement Officer a copy of the inspection report. The report shall contain such information as determined by the Tree Council as sufficient to evaluate the condition of trees designated for preservation and shall be certified as true and accurate by the inspector. No appropriation or authorization for action shall occur until the Town Enforcement Officer certifies that the inspection report is satisfactory or that the recovery of value terms outlined in Subsection F are met.

(F) Prior to continued development or the issuance of a certificate of occupancy, the developer shall provide to the Town moneys equal to the value of any tree designated for preservation that is removed or injured or that died as a result of construction.

- d. Include this in the final Resolution as well

In addition to a note about the split rail fence and updating the tree clearing language - the only other thing remaining for the previous checklists appears to be that the applicant has not submitted a planting plan to offset the tree clearing. This was originally discussed with the Tree Council as a line of trees from Balltown Road along the property line with the adjacent southern neighbor. This can be included as a condition in the proposed resolution.

1/9/23 Planning Board (PB) meeting – The applicant appeared at the PB meeting and presented the revised site plan drawing. The split rail fence located at the 25' buffer from all wetlands had been added. The Planning Office noted the additional information that the Tree Council requested be placed on the drawing had not been included. After a short discussion the applicant agreed to revise the drawing and include the additional information.



An updated site plan drawing was provided that includes the information the Tree Council requested. The last step for the project is to have the CAC review the EAF form and make a SEQR declaration. The Planning Department proposes calling for a resolution for March 13, 2023.

2/13/23 Planning Board (PB) meeting – The PB and the applicant reviewed an updated site plan drawing that included the information the Tree Council requested. After a short discussion the Board called for a resolution for site plan approval for the 3/13/23 PB meeting contingent upon the outcome of the CAC's SEQR recommendation.

3/1/23 Conservation Advisory Board (CAC) meeting – The CAC reviewed the updated site plan at their 3/1/23 meeting. The Council approved a Negative SEQR Declaration recommendation (their findings are attached), with the following comments:

1. The community would be impacted by the clearing proposed in this plan, so limiting the clearing to the least amount necessary and saving the large white pines and oaks was very important to mitigating the environmental impacts.
2. Keep the integrity of the wetlands as much as possible – the fence on the 25 foot buffer was important for this.
3. The CAC recommended the applicant attempt to participate in the pesticide free pledge for its facilities to limit the amount of pesticides entering into the wetlands and forest.

3/9/2023 Tree Council Meeting

The Tree Council reviewed the notes and general planting plan. The notes were in line with their comments and site walkthrough and they look forward to working with the applicant to choose final location and tree species.

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



RESOLUTION NO. 2023 - 06

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 13TH DAY OF MARCH 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, Trinity Baptist Church, represented by Tess Healey and Larry Noyes, has made an application to the Planning Board for clearing and grading for recreational areas on the rear of the property at the Trinity Baptist Church located at 2365 Balltown Rd. and

WHEREAS, a 1-page drawing set entitled "Trinity Baptist Church....2635 Balltown Rd." by VanGuilder Engineering dated 8/15/22 with a most recent revision of 1/27/22 was provided with the application, and

WHEREAS, the zoning classification of the front half of the property, the portion of the property with frontage on Balltown Rd., lies within the R-2 Medium Density Zoning District and the back half of the property lies within the R-3 High Density Residential Zoning District, and

WHEREAS, the proposed project would be limited to the portion of the property zoned R-3 High Density Residential, and

WHEREAS, places of worship are approved special principal uses in both the R-2 and R-3 Zoning Districts, and



WHEREAS, the application was referred to the Niskayuna Conservation Advisory Council (CAC) and on March 1, 2023, the Council recommended a negative SEQR declaration with comments on the clearing and trees to be saved, and

WHEREAS, the Planning Board, acting in accordance with the State Environmental Quality Review regulations and local law, has assumed the position of lead agency for this project, 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 this Planning Board hereby determines that this project will not have a significant effect on the environment and hereby directs the Town Planner to file a negative declaration;

and be it

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

1. Wetlands may not be disturbed, drained or physically altered in any way without first contacting the Army Corps of Engineers. Additionally, the Town of Niskayuna requires that no land can be disturbed within a twenty five (25) foot buffer from the boundary of the wetland.
2. 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. A split rail fence must be installed at said boundary and along designated no clearing buffers prior to close out of building permit.
3. The limits of clearing on this site plan shall be strictly adhered to during construction.
4. 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.



5. Prior to site disturbance, the applicant shall participate in a preconstruction meeting with the Town of Niskayuna and shall address any concerns raised by the Town, as well as finalize a tree planting plan (species and specific locations) with the Niskayuna Tree Council.
6. As a condition of site plan approval, all notes included on the site plan drawing must be followed including those pertaining to “tree preservation” and the planting of “a line of trees from Balltown Road along the property line with the adjacent southern neighbor”.
7. Per Niskayuna Town Code Section 220-48 E: Final site plan approval shall expire two years after the date of this written final approval of the Planning Board unless construction in accordance with the approved plan has begun or an additional extension of time has been granted by the Planning Board.

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

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

The Chairman declared the same \_\_\_\_\_.



## PROJECT LOCATION

## LOCATION MAP

SCALE: NONE

- PLANTING PLAN:  
A LINE OF TREES FROM  
BALLTOWN ROAD ALONG  
THE PROPERTY LINE WITH  
THE ADJACENT SOUTHERN  
NEIGHBOR WILL BE  
PLANTED TO OFFSET  
CLEARING.

GUTTERS WITH LEADERS —  
DIRECTED TOWARD THE WETLAND

362' CONTOUR EACH SIDE  
OF BERM

BERM TO BE CONSTRUCTED APPROX. 5' FROM \_\_\_\_\_  
PROPERTY LINE WITH EARTH FROM HIGHER ELEVATION  
AREAS IN VICINITY OF THE PAVILION. BERM WILL DIRECT  
WATER AWAY FROM PROPERTY LINES TOWARD WETLANDS

APPROXIMATELY 15' WIDE BY 100'  
LONG CRUSHER RUN ROAD TO  
PAVILION

— RESIDENTIAL BUFFER

- TOWN OF NISKAYUNA  
EASEMENT


TREE PRESERVATION NOTE:

3 LARGE OAKS IN THE VICINITY OF THE PAVILION AND 7 TO 8 LARGE WHITE PINES NOTED WITHIN THE LIMITS OF CLEARING SHALL BE RETAINED AND PROTECTED DURING AND AFTER CONSTRUCTION AND GRADING. ADDITIONALLY, DEVELOPER SHALL MARK TREES TO BE PRESERVED WITH FLAGGING AND SAFEGUARD THEM BY SUCH HIGH VISIBILITY BARRIERS OR OTHER PROTECTIVE MEASURES AS SHALL EFFECTIVELY PREVENT INJURY TO THE TREE AND ITS ROOT SYSTEM DURING CONSTRUCTION, DUE TO SUCH CAUSES AS SOIL COMPACTION, GRADE CHANGE, ROOT SEVERANCE, DRAINAGE CHANGE, SOIL CHEMISTRY CHANGE AND TRUNK AND LIMB IMPACT CHANGE. THE DEVELOPER SHALL PROVIDE, THAT TREES TO BE PRESERVED ARE INSPECTED FOR TREE CONDITION AND TREE PROTECTION ADEQUACY AT FOUR STAGES, AS APPLICABLE, IN THE COURSE OF DEVELOPMENT: PRIOR TO SITE DISTURBANCE, PRIOR TO SUBDIVISION PLOT PLAN FINAL APPROVAL, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND PRIOR TO CERTIFICATE OF OCCUPANCY ISSUANCE. THE INSPECTION SHALL BE CONDUCTED BY A MEMBER OF THE AMERICAN SOCIETY OF CONSULTING ARBORISTS OR BY QUALIFIED PROFESSIONAL TRAINED AND EXPERIENCED IN TREE PRESERVATION AS APPROVED BY THE TREE COUNCIL. THE INSPECTOR SHALL PROVIDE DIRECTLY TO THE TOWN ENFORCEMENT OFFICER A COPY OF THE INSPECTION REPORT. THE REPORT SHALL CONTAIN SUCH INFORMATION AS DETERMINED BY THE TREE COUNCIL AS SUFFICIENT TO EVALUATE THE CONDITION OF TREES DESIGNATED FOR PRESERVATION AND SHALL BE CERTIFIED AS TRUE AND ACCURATE BY THE INSPECTOR. NO APPROPRIATION OR AUTHORIZATION FOR ACTION SHALL OCCUR UNTIL THE TOWN ENFORCEMENT OFFICER CERTIFIES THAT THE INSPECTION REPORT IS SATISFACTORY. PRIOR TO CONTINUED DEVELOPMENT OR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE DEVELOPER SHALL PROVIDE TO THE TOWN MONEYS EQUAL TO THE VALUE OF ANY TREE DESIGNATED FOR PRESERVATION THAT IS REMOVED OR INJURED OR THAT DIED AS A RESULT OF CONSTRUCTION.

PLANTING PLAN NOTE:

A LINE OF TREES FROM BALLTOWN ROAD ALONG THE PROPERTY LINE WITH THE ADJACENT SOUTHERN NEIGHBOR WILL BE PLANTED TO OFFSET CLEARING. SEE LOCATION MAP AS THIS AREA IS NOT SHOWN ON SITE PLAN.

LEGEND:

 .....25' WETLAND BUFFER

----- ..... SPLIT RAIL FENCE ALONG  
WETLAND BUFFER. ALL TREES  
WITHIN THIS AREA WILL BE  
CLEARED. ASIDE FROM THOSE  
SELECTED FOR PRESERVATION

 SELECTED FOR PRESIDENTIAL CAMPAIGN  
 ..... RESIDENTIAL BUFFER

..... WETLAND

12" CMP ..... 12" DIAMETER CORRUGATED  
METAL PIPE

.....PROPOSED TOPOGRAPHY  
CONTOUR

.....CURRENT TOPOGRAPHY  
CONTOUR

.....TOWN OF NISKAYUNA EASEMENT  
THIS IS THE ONLY EASEMENT PER  
TOWN ENGINEER

## 360 SITE PLAN

SCALE: 1"=30'

GRADING NOTE:

DISTURBED AREA OF APPROXIMATELY 1.48 ACRES. EXISTING TOPOGRAPHY PROMOTES NATURAL RUNOFF OF WETLANDS THEREFORE OVERALL MINIMUM GENTLE GRADING TO APPROXIMATELY 360' ELEVATION AS NEEDED TO ACHIEVE SUITABLE SLOPES FOR RECREATION FIELDS. MINOR GRADING WILL REDUCE MANMADE WETLANDS AND WILL WORK WITH EXISTING WETLANDS. ALL CLEARING WILL BE SUBSEQUENTLY STABILIZED WITH GRASS. NO CLEARING WITHIN WETLANDS AND WETLAND BUFFERS. GRADING IS SHOWN ON SITE PLAN AND HAS BEEN PROPOSED AND REVIEWED BY VANGUARDER ENGINEERING. PLACE FILL WHERE STUMPS ARE REMOVED.

VanGuilder Engineering

333 Kingsley Rd Burnt Hills, NY 12027

(518)491-3287

vanguildereng@gmail.com

**WARNING:**

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER IN ANY MANNER ANY PLANS, SPECIFICATIONS, PLOTS OR REPORTS TO WHICH THE SEAL OF PROFESSIONAL ENGINEER HAS BEEN APPLIED.

RECORD OF WORK:		BY:
DATE:	DESCRIPTION:	PJB
8/4/5/22	WETLANDS, BERM, GRADES, CALLOUTS	
<del>11/2/22</del>	NOTE PER TREES, BERM CONTOURS, CONTOUR EDITS, LEGEND UPDATE	
	TITLE BLOCK INFO.	
1/27/23	NOTES - TREE PRESERVATION, PLANT PLAN AND GRADING LEGEND, LOCATION MAP, TITLE BLOCK	

TRINITY BAPTIST CHURCH  
CHURCH REPRESENTATIVE,  
LARRY NOYES 518-378-3465

2635 BALLTOWN RD.  
NISCAYUNA, NY 12306

## START DATE:

**STAMP:**

**DATE:** 01/27/2023

**FILE:**

**PAGE CONTENT:**

SITE PLAN, NOTES  
LOCATION MAP,  
LEGEND

**DRAFTER:**  
PJB

**ENGINEER:**  
CLIFTON  
VANGUILDER

**PAPER SIZE:**  
22X34

**SCALE:**  
**AS NOTED**

**SHEET:**

1 OF 1



**CAC SEQR**  
**FINDINGS EAF**  
**2023-04**  
**2635 Balltown Rd.**  
**3/1/2023**

**Part 2:**

**1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?**

No, the CAC did not believe so.

**2. Will the proposed action result in a change in the use or intensity of use of land?**

Yes there would be a minimal change in intensity.

**3. Will the proposed action impair the character or quality of the existing community?**

There would be little impairment on the character of the community. The CAC recommended the smallest limits of clearing necessary to reduce impacts on the community.

**4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?**

No. There is no CEA in the area.

**5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?**

No. There will be no impacts on traffic.

**6. Will the proposed action cause an increase in the use of energy and/or does it fail to incorporate reasonably available energy conservation or renewable energy opportunities?**

No. The CAC did not find this relevant to this project.

**7. Will the proposed action impact existing: (a) public / private water supplies?(b) public / private wastewater treatment utilities?**

N/A

**8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?**



No/small. The CAC noted that it is important and good that the white pines and wetlands are maintaining their integrity.

**9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?**

Yes. The CAC noted that the wetlands should be protected in perpetuity, which they are receiving from the Army Corps of Engineers. The limits of clearing should be as small as possible, and the white pines should remain protected. The CAC recommended adding trees to the front yard of the property if possible.

**10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?**

Yes, there is a small increase however the berm added is important as is the drainage work that the Planning Board worked on. It is helpful that no additional impervious surfaces are proposed to be added.

**11. Will the proposed action create a hazard to environmental resources or human health?**

No. The CAC did not identify any hazards to environmental resources or human health.

**Part 3:**

The Council discussed the clearing of nearly 1.4 acres out of a total of 3.6 undeveloped acres on the back side of the property at Trinity Baptist Church. Given the fact that the mature white pine trees would remain standing, there is still suitable buffer to adjacent properties, and the area of clearing was not yet a mature forest, some of the Council's concerns were mitigated.

The applicant's addition of a berm to the side of the property closest to the Schenectady JCC was looked at favorably by the CAC, as this addressed concerns of runoff going onto neighboring lots. They still mentioned drainage should be looked at closely during Building Permit.

The Council factored in the applicant's willingness to add additional trees towards the westerly portion of the property, and recommended the applicant get guidance from the Tree Council as to which trees would be most appropriate in that location. The CAC also requested the applicant look into strategically planting trees in the front yard to help offset the levels of clearing in the back.

The CAC further recommended the Church participate in Niskayuna's voluntary "pesticide free" campaign, which the applicant seemed willing to do.

**Upon voting, the CAC voted unanimously to recommend a negative declaration to the Planning Board.**



# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

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

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

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:			State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3.   a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><input type="checkbox"/> Urban</span> <span><input type="checkbox"/> Rural (non-agriculture)</span> <span><input type="checkbox"/> Industrial</span> <span><input type="checkbox"/> Commercial</span> <span><input type="checkbox"/> Residential (suburban)</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><input type="checkbox"/> Forest</span> <span><input type="checkbox"/> Agriculture</span> <span><input type="checkbox"/> Aquatic</span> <span><input type="checkbox"/> Other(Specify):</span> </div> <div style="margin-top: 5px;"><input type="checkbox"/> Parkland</div>				



5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	



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





# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 1

MEETING DATE: 3/13/2023

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**ITEM TITLE:** DISCUSSION: 1851 Union St / 1245 Ruffner Road – Mohawk Golf Club – application for sketch plan approval including a Special Use Permit for a 22-lot Average Density Development (ADD) subdivision consisting of 10 single-family detached homes and 12 townhomes.

**PROJECT LEAD:** Genghis Khan & David D’Arpino

**APPLICANT:** Matthew Moberg, agent for the owner

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

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**SUMMARY STATEMENT:**

Matthew Moberg, agent for the owner of the Mohawk Golf Club, submitted a Sketch Plan Application and average density development special use permit for a Major Subdivision of a 14 acre portion of the existing property including the construction of 10 single family homes and 12 townhomes.

A new site plan that includes primary access to the property from an existing easement along Ruffner Road, therefore eliminating the demolition of the existing home at 1245 Ruffner Rd., was provided for the 3/13/23 Planning Board meeting. The plan also includes a walking path connecting Country Club Drive to Ruffner Rd.

**BACKGROUND INFORMATION**

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

In November of 2022, the applicant submitted a sketch plan drawing entitled The following entitled “Sketch 22-lot Townhouse Layout Residential Subdivision Mohawk Golf Club 1851 Union St. and 1245 Ruffner Rd.” by ABD Engineers, LLP 411 Union St. Schenectady, NY dated October 20, 2022 and labeled Dwg. “5429A-S4 Townhouse” with no subsequent revisions and a 2-page drawing set entitled “Unit – A” by Pigliavento Builders. The initial sketch plan includes the removal of a single family home on Ruffner Road in order to construct access to the greater Mohawk Golf Club parcel.

The initial sketch plan was all townhome units (22). The Planning Department found that Townhomes, as single family dwellings, are a permitted principal use in the R-1 zoning district but, with their contiguous sidewall, they did not comply with the side setback requirement of the R-1 district and therefore required area variances from the Zoning Board of Appeals (ZBA). The aforementioned sketch plan drawing provided with the application included a table of 67 required area variances.



Additionally, in a letter to the applicant, the Planning Department outlined the following additional concerns over the initial sketch plan:

### **Utility Concerns**

The Town of Niskayuna maintains a 6 inch water main on Ruffner Road, which is in the High Pressure Zone. This Zone may not have the capacity to handle the addition of 22 single family units. An independent engineering analysis of the water system capacity for this area will be required.

The sewer line to the Niskayuna Waste Water treatment plant is near or at capacity. An independent engineering analysis of the sewer system capacity for this development may be required.

There are known drainage issues in the area. Depending on where the storm water management pond is discharged to – an independent downstream drainage analysis may be required.

A wetland delineation will be required.

### **Emergency Access**

Section 189-17 (J) (1) states: "Where cul-de-sacs are designed to be permanent, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 45 feet." As these cul-de-sacs appear to be longer than 500 feet, the Planning Board should discuss a proposed secondary means of access for emergencies.

### **General Planning**

It is important to keep in mind the long term gains to the Mohawk Golf Club that come from integrating potential residential development into the golf course campus while preserving the natural and scenic quality of open space and ensuring the subdivision is in harmony with the development pattern of the neighboring residential properties.

Some thoughts to consider that may help with some of the above goals include:

1. A more organic shaped road which follows the contours of the land and has vistas which open out onto the golf course, which would add value both to the golf course and the proposed homes.
2. A walking connection from the proposed subdivision to the golf course.
3. Quality open spaces such as a gathering pavilion or picnic area which overlook the golf course and provide amenities to the home owners, which would continually connect them to the land and to the golf course.
4. Discussion on parkland, preservation of natural features and trees, and conformance with the Comprehensive Plan are important to the ultimate layout of any proposed subdivision in the area.

### **Complete Streets**

The Complete Streets Committee identified a critical multi-use path connection along the Mohawk Golf Club property – between Rosendale Heights (Country Club Estates) neighborhood and Ruffner Road, along the boundary with 1218 S Country Club Drive. A walking/biking



connection here would be critical to connecting neighborhoods and promoting alternative transportation methods that reduce greenhouse gas emissions. This connection should be a part of any development discussion to offset traffic impacts.

11/14/22 Planning Board (PB) meeting --- Mr. Dave Kimmer of ABD Engineering and Mr. Bill Sweet of the Mohawk Club presented the project to the PB. They noted that the proposed project would disturb approximately 10 acres of the property. The Board noted the number of variances that will be required particularly those related to the size of the proposed lots. The Planning Office stated that cul-de-sacs have emergency access challenges. The developers indicated that they believe the boulevard entrance with wide access roads should address this concern. The PB expressed concerns regarding the mass and scale of the garage doors that dominate the front facades of the townhomes. The PB asked that Mr. Kimmer and Mr. Sweet provide additional information on the items listed below.

1. Explore and present alternate site plan layouts that eliminate the need for cul-de-sacs. This may include ring roads or a road looping through the property.
2. Reduce the number of required variances by adjusting the lot sizes to be more zoning code compliant. This may require impeding on the currently proposed 50' buffer between the existing homes on Ruffner Rd. and the proposed townhomes.
3. Investigate widening the boulevard roads to facilitate emergency access.
4. Explore ways to decrease the visual impact of the aligned front facing garages, including working with the Niskayuna ARB.

11/15/22 Conservation Advisory Council (CAC) meeting – Dave Kimmer and Bill Sweet repeated the presentation they made to the PB on 11/14/22. During the discussion Mr. Sweet added that the Mohawk Club would maintain the storm water management areas. The CAC was concerned with the loss of greenspace with the proposal and asked for greenspace to be offset somewhere else on the Club parcel. The developer did not want to offset greenspace within the Mohawk Golf Club. The CAC requested the developer maximize the undevelopable greenspace within the subdivision by reducing some of the oversize lots at the ends and adding this area to the community greenspace. The CAC agreed with the additional detail the PB requested and added that they would like the developer to explore quantifying and mitigating the increased traffic on Ruffner Road and the surrounding area.

The Planning Office spoke with Mr. Kimmer about the Thanksgiving holiday shortened turnaround between the 11/14 and 11/28 PB meetings. Mr. Kimmer stated that they would not be able to address the action items in time for the 11/28 meeting and would target the 12/12/22 PB meeting, instead.

11/16/22 Architectural Review Board (ARB) meeting – the ARB reviewed the site plan and elevation images of the project very briefly at their 11/16/22 meeting. The Planning Office made them aware of the PB's concern regarding the size and proportion of the garage doors. The ARB will review the project in more detail during their December meeting.

11/28/22 Planning Board (PB) meeting – Mr. Kimmer attended the meeting and represented the applicant. The PB had a general discussion of the site plan that was presented at the 11/14/22 PB meeting. Ms. Robertson noted that the project is at the sketch plan phase of the review process. She reminded the PB that to approve the sketch plan they need to be generally in support of the design – 22 units, overall layout, etc. Mr. Kimmer explained how the proposed boulevard entrance to the subdivision complies with NYS Emergency Access Fire Code. He also presented a “loop layout” site plan design that disturbs approximately 25% - 30% more land and would include several “thru lots”.

The Board noted that demolishing an existing home and using the lot to create a boulevard entrance to the subdivision is a significant change to the two immediately adjacent properties and the neighborhood. They noted that this should be considered very carefully during the sketch plan review



process. They asked the applicant to thoroughly explore all possible access points to the land for alternate entrance and emergency access options. Ms. Robertson reminded Mr. Kimmer that the Niskayuna code is more stringent regarding the allowed length of cul-de-sac roads than the NYS Fire Code. Mr. Kimmer acknowledged that he has some additional CAD work to complete and committed to provide the materials requested in the 11/14/22 and 11/28/22 meetings.

12/6/22 -- The applicant provided the Planning Office with a significantly revised site plan design and documentation set on 12/6/22. The following documents were stamped "Received Dec 06 2022 Planning Office Niskayuna, NY".

1. A summary letter authored by Joseph J. Bianchine, P.E. addressed to Laura Robertson, Town Planner dated 12/6/22 that describes the new Average Density Development design proposal.
2. An Application for Special Use Permit
3. A 2-page (containing two options for page 1) site plan drawing entitled "Sketch 22-Lot Subdivision Average Density Development Mohawk Golf Club 1851 Union St. and 1245 Ruffner Rd." dated December 6, 2022 with no subsequent revisions.
4. A 1-page exhibit entitled "Alternate Access Exhibit Average Density Development Mohawk Golf Club" dated December 6, 2022 with no subsequent revisions.
5. A Full Environmental Assessment Form (EAF) dated 12/6/22.

The project summary letter describes the revised design as an Average Density Development subdivision consisting of a mix of 12 townhomes and 10 single family homes. The letter also includes the following description of the changes.

1. A secondary access to the subdivision is now shown in the plans. A 12' wide grass paver access road will connect to the existing golf course maintenance / cart path via a full width 60' Town R.O.W. stub off of the northern cul-de-sac.
2. There are two "Sheet 1s" included in the plan set. The second Sheet 1 demonstrates that it is possible, although less desirable, to meet the open space requirements for an ADD project set forth in Niskayuna zoning code Section 220-28 F (4) (a).
3. A separate color exhibit is included which demonstrates why building roads from either of the existing access points to the north or south along Ruffner Road would not be possible without steep slopes or excessive disturbance to existing golf course features and / or neighboring properties.

12/7/22 Conservation Advisory Commission (CAC) – The CAC reviewed the 12/6/22 site plan drawings. Mr. Kimmer of ABD Engineers and Mr. Sweet of the Mohawk Club attended the meeting and explained why the design has shifted back to an Average Density Design (ADD). They noted that a secondary emergency access road off of the north end of the property is included in the revised design. They explained that the project now includes 10 single-family homes and 12 townhomes and complies with all of the requirements of an ADD subdivision.

The CAC discussed with the applicant their concern for the reduction of quality wildlife habitat and open space from this proposal and asked if there is a consideration for offsetting the loss elsewhere on the golf course. The applicants agreed to explore a development restriction near the Schenectady Water reservoir that wouldn't the ability of the club to use the land for the golf course needs.

The CAC discussed with the applicant the long term plans for the development and protection of the golf club, including where future development could go along Balltown Road. They requested the applicant consider a long range plan for the golf club that would protect the golf club operations and outline anywhere there could be future changes and development.



The CAC felt there would be traffic impacts and wanted the applicant to explore traffic mitigation in the area, including a critical complete streets connection between Country Club Estates and Ruffner Road. The applicants agreed to see if they could fit a walking path connection from the corner of South and East Country Club Drive to Ruffner Road.

The Planning Office noted that the applicants should review the plan with the Town Water & Sewer Department and complete a traffic count analysis.

12/12/23 Planning Board (PB) meeting – Dave Kimmer, of ABD Engineers, and Bill Sweet of the Mohawk Club attended the meeting and described the revised site plan. Mr. Kimmer explained that the applicant had reimagined the project and is no longer pursuing 22 townhomes. The project is now proposed as an Average Density Development (ADD). This eliminates the need for the 67 area variances. He noted that ten (10) single-family detached homes are included and that an emergency access path was added. After a general discussion the Board stated they would prefer to provide access to the proposed development via. an existing easement or the extension of an existing road rather than demolishing an existing home to create room for a new road. They asked the applicants to explore providing access from East Country Club Drive. Dave Kimmer agreed to explore this option. The Board also reviewed and discussed the open space requirement of an ADD project.

1/9/23/23 Planning Board (PB) meeting – The project was not on the agenda for the 1/9/23 meeting.

1/23/2023 UPDATE: Dave Kimmer provided the Planning Office with the following documents in response to the action items noted in the 12/12/23 PB meeting.

- A modified site plan that now includes a roundabout at the intersection with Ruffner Rd to calm the existing traffic on Ruffer Rd and help mitigate impacts caused by the ADD project.
- An exhibit showing a proposed walking path connection between East Country Club Drive and Ruffner Rd.
- A typical townhome image with a side-load garage
  - Floor plans and elevation view images are included
- A 3-sheet traffic exhibit and document with supporting calculations (using ITE Trip Generation, 9<sup>th</sup> Edition)
  - The documents compare the estimated traffic (trip) impact of the ADD “as proposed” to the traffic impact that could be expected if alternative access points to the south and north are used thereby creating a “thru connection”.

Traffic Direction	Peak Period	As Proposed (trips)	Thru Connection (trips)
Southbound	AM	6.4	71.6
	PM	8.1	95.1
Northbound	AM	6.4	60.8
	PM	8.1	80.6

*Example* -- the ITE Trip Generation analysis is estimating that “As Proposed”, with a single entrance off of Rufner Rd., 6.4 trips of southbound traffic will be added during the AM peak and 8.1 trips of southbound traffic will be added during the evening peak.

Mr. Moberg and Mr. Sweet of the Mohawk Club led a project site walk on their property so that members of the Planning Board and Planning Office could see and assess the location first hand. The attendees included: Mr. Khan and Mr. D'Arpino of the Planning Board, Mr. Kimmer of ABD Engineers (engineer for the Mohawk Club) and Planning Office staff.



The Planning Office has initiated the process of securing a Town Designated Engineer (TDE) to review the traffic exhibit and other technical materials on behalf of the Town.

1/23/23 Planning Board (PB) meeting – Dave Kimmer, of ABD Engineers, and Bill Sweet of the Mohawk Club attended the meeting and presented their updated site drawings and traffic exhibit. A general discussion of the overall project followed that included topics of concern that were raised by neighboring residents during Privilege of The Floor earlier in the meeting. Ms. Robertson provided a top level summary of the project and briefly described the numerous steps that remain, including several public hearings, before the project could be acted on by the Planning Board. The Board requested that the applicant provide additional information on the following items.

- Demonstrate that they have taken a hard look at all options to provide access to the 14 acre site by creating fully documented design drawings for access from other points including: Rowe Rd., East Country Club Drive and the existing easement connecting to Ruffner Rd.
- Continue to formalize the proposed deed restrictions that have been discussed.
- Provide the Town Planning Office with a long term strategic plan for the Mohawk Club or initiate a process to work with the Town to develop one.

2/6/23 Meeting to discuss utilities – Dave Kimmer and Joe Bianchine of ABD Engineers and Bill Sweet of The Mohawk Club attended a meeting at Town Hall with staff from the Planning, Engineering and Legal Departments to discuss utility (water and sewer) related service to the proposed project site. The Town presented existing DEC capacity concerns in the gravity sewer trunk line along River Road to the wastewater treatment plant. They stated that a documented and approved water and wastewater plan for the project is a required next step. Without an approved plan for water and wastewater there is no way to know the true feasibility of the project.

2/22/23 Architectural Review Board (ARB) meeting – The ARB reviewed the most recent site plan documents for the project at their 2/22/23 meeting (rescheduled from 2/15/23). The Board commented that the existing plan, including the positioning & renderings of the proposed homes, neither capitalized on the potential for beautiful views of the golf course nor did it blend well with the neighboring homes. They commented that it appeared to be a “densified” design that located as many dwelling units as possible on the land. Their suggestion was to consider a smaller number of more upscale units on larger lots contiguous to the fairway with more picturesque views of the golf course. They noted that they would be happy to work with all involved parties as appropriate.

The Planning Office received an updated documentation package for the project on 2/17/23 consisting of the following.

1. **DENSITY EXHIBIT:** A “Density Exhibit” that depicts the number of lots (homes) on (10) ten, 14-acre areas of land contiguous to the proposed project site to the north, south and east.

	Project Site	1	2	3	4	5	6	7	8	9	10
Acres	14	14	14	14	14	14	14	14	14	14	14
Lots	22	28	25	28	25	25	20	19	23	48	46

2. **HISTORICAL EXHIBIT:** An 8-page “Historical Exhibit” that consists of aerial images of the proposed project site, including the surrounding lands, for the time span of 1940 thru 2021. The images provide a time stamped sequential progression of the development of this portion of Niskayuna.



3. **OVERALL GOLF COURSE MAP:** A 1-page image of the layout of the golf course and the overall club grounds including the driving range, 9-hole course and undeveloped land.
4. **OVERALL STORM WATER:** A 1-page map of the project area that includes existing storm water retention areas, the general direction of storm water flow on the land and proposed storm water management areas.
5. **SUBDIVISION PLAN:** A revised 3-page subdivision plan with a revision date of 2/16/23.
  - a. The plan indicates a connection to the sewer main on Ruffner Road
  - b. The traffic circle that was included in the previous drawing revision is removed.
6. **TRAFFIC STATISTICS:** A table of proposed traffic statistics using the ITE Trip Generation, 9<sup>th</sup> Edition manual.
7. **ALTERNATE LAYOUTS:** A 12-page document set of (9) nine alternate methods of providing primary and emergency access to the proposed 14 acre site including advantages and concerns for each method.
8. **ALTERNATE LAYOUTS TABLE:** A 4-page document that summarizes the (9) alternate layouts from the Alternate Layout exhibit including the advantages and concerns for each in a tabular format.
9. **COVER LETTER:** A 2-paged cover letter addressed to Ms. Laura Robertson, Town Planner dated 2/17/23 that lists the documents that were provided with the letter and a request to be placed on the agenda for the 2/27/23 Planning Board meeting.

As previously mentioned, it is the Town's policy to utilize a consulting engineering firm to act as a Town Designated Engineer (TDE) to review technical materials including but not limited to: water, sewer, drainage, traffic, roadways, etc. The Planning Office is securing quotations for this service and will initiate a technical review in the next few weeks.

2/27/23 Planning Board (PB) meeting – Dave Kimmer of ABD Engineers and William Sweet of the Mohawk Club attended the meeting and presented the new project documents to the Board. Mr. Kimmer stated that he had a conversation with Matt Yetto, Town Engineer, regarding providing water and sewer to the project site and believes they have come up with an alternative connection that solved the capacity issues. Ms. Robertson stated that the alternate sewer connection had not been evaluated yet and that he does not have Town approval; a full sewer study by the applicant would be required. She stated there is also a possibility of needed a public lift station. Mr. Sweet stated that he understood and wanted the project to advance with the understanding that the utility / engineering analysis will be completed at a later date. Chairman Walsh noted that the applicant's #1 plan is to demolish the existing house at 1245 Ruffner Rd. and provide access to the proposed subdivision via a newly constructed road on that property. He asked if the applicant has a #2 plan. Mr. Kimmer said no, they are fully committed to the #1 plan.

The Planning Board members expressed major concerns over demolishing the existing home at 1245 Ruffner Rd, indicating they felt that would have a negative impact on the neighborhood. Several Board members expressed support in further reviewing alternate designs.

Design Option (Scheme)	Main Access Point	Emergency Access Point
3A	S. Country Club Dr.	Ruffner Rd.
7	Union St.	Ruffner Rd.



8	Balltown Rd.	Ruffner Rd.
2	Ruffner Rd. at existing easement	Ruffner Rd.

The applicant stated that they would like to move forward and have a public hearing on their preferred design – Scheme #1. The Board voted and agreed to hold a public hearing on design Scheme #1 at the 3/13/23 PB meeting.

### 3/1/23 Conservation Advisory Council (CAC) meeting –

At the March 1 CAC meeting, the CAC went carefully through the long form EAF and summarized their concerns with the project as follows:

- Impact to utilities was a concern
- Clearing 14 acres of land has impact of aesthetics and creates loss of habitat for a number of different species
- This parcel was a core part of the public/private recreation and open space system
- Impact to the character of the neighborhood was a concern.
- Removing the home was a concern that it would set a bad precedence for the Town of Niskayuna.
- There are alternatives proposed by the applicant that mitigate some of the impacts to the surrounding community and the neighborhood disruption, but they aren't being pursued by the applicant.
- A public road that runs through the golf course could open up further development of the parcel which is also concerning – there needs to be a long term plan for the golf club.

They specifically noted the following sections of Part 2:

1. Impact on land (1) – the water table is 2 feet , drainage is a concern to be evaluated
2. Impacts on Surface water (3) – drainage to the Rowe Rd / Whamer, Hilltop drive area to be evaluated
3. Impacts on Plants and Animals (7) – substantial impacts to predominant species (g) and conversion of more than 10 acres of forest (h)
4. Impact on Aesthetic Resources (9) – publically seen (c) & (d), diminish enjoyment of aesthetic resource (e)
5. Impact on Historic and Archeological Resources (10) – Golf course may be on 1982 historic inventory to be evaluated
6. Impact on Open Space and Recreation (11) – impairment of ecosystem services and wildlife habitat (a) and potential loss of future recreational resource (b)
7. Impact on Transportation (13) – still being evaluated
8. Consistency with Community Plans (17) – large impacts
9. Consistency with Community Character (18) – large impacts

On March 2, 2023, Dave Kimmer, on behalf on the Mohawk Golf Club, withdrew their request for a public hearing on March 13 and indicated they would be submitting an alternative design to the Planning Board on March 13 for their review, with a request to call for a public hearing on that design, potentially for March 27, 2023. The public hearing was withdrawn by Planning Staff.

On March 6, 2023, a new design and supporting documents were provided to the Planning Office for review. The new design is based on Scheme #2 with primary access to the proposed subdivision from the existing 60' easement off of Ruffner Rd and emergency access from the existing easement near 1245 Ruffner Rd.



3/3/2023 Complete Streets (reviewing scheme #2) – A Complete Streets member questioned the measurements on the single family home sketch plan (via email) and whether or not they were truly compliant with Town Zoning requirements. The Committee discussed that they were in favor of pedestrian connections to County Club Estates, Rowe Road and Ruffner as part of any development proposal here – to increase connectivity between neighborhoods.

3/9/2023 Tree Council – The Tree Council heard comments from the public concerned about trees being removed in the Ruffner Road neighborhood generally and also the amount of trees being removed specifically for this proposal. The Council briefly discussed the plan and discussed whether or not clearing could be done over top of wetlands. They made the following comments:

1. 10 acres was a large swath of clear cutting that did not appear to include saving groves or trees interspersed with development. They suggested considering alternative home configurations that allowed pockets of trees to be saved between some of the lots.
2. They questioned whether or not the stormwater ponds could be incorporated into the golf course as water features, allowing more forest to remain and not be cleared to create detention ponds
3. They requested trees of significance (10" DBH) be marked on future plans to see if different road or home configurations could avoid removing the larger trees.

Planning Department – In its review on the revised plans, the Planning Department notes that 1245 Ruffner Road is no longer proposed to be demolished and replaced with a road access, which is an improvement to the plan. The plan utilizes an existing paper street for access, shows a multi-use path connection to Country Club Drive, and shows some modification to the golf course layout. The Planning Department notes the following items still need to be worked through:

1. Utilities – the utility connections and drainage have not been preliminarily studied/designed and reviewed by a Town Designated engineer to ensure that the water and sewer systems have capacity and the project is not draining to areas within the Town that are at capacity.
2. Number of Lots – The Planning Department is requesting a new single family drawing with lot line dimensions labeled (and new access point shown) to verify that the 22 lot number is compliant with the new road configuration and Town Code.
3. Wetland delineation – the applicant indicated at the 2/27/23 meeting that the road configuration for Scheme #2 may require a wetland permit. The Board has also expressed concerns that a single wetland determination was completed during a draught last year (summer 2022). A new wetland determination will be required for the parcel and proposed access way.
4. The proposed public road is not shown in the center of the ROW. The Planning Department needs to check with Highway and Engineering if this is an issue for maintenance in the future.
5. The applicant presents two ADD drawings for the Planning Board to discuss, one with a 50 foot buffer to the Ruffner Road residents (that does not comply with the square footage of open space set aside) and one that shows a 30 foot buffer but lots that are compliant with the square footage of open space requirement. The applicant will need to comply with the square footage of open space requirement. The Planning Department recommends exploring options that increase open space set asides along the golf course and in other areas around the edges of the subdivision – to try and get the 50 foot buffer to be compliant with code.

The Planning Board should review and discuss the new plan. The applicant is requesting a public hearing on it for March 27, 2023.



PARTNERS  
JOSEPH J. BIANCHINE, P.E.  
LUIGI A. PALLESCHI, P.E.  
ROBERT D. DAVIS, JR., P.L.S.

**ABD ENGINEERS, LLP.**  
411 Union Street  
Schenectady, NY 12305  
518-377-0315 Fax 518-377-0379  
www.abdeng.com

DEDICATED  
RESPONSIVE  
PROFESSIONAL

March 6, 2023

**Re: Mohawk Golf Club Subdivision  
1849 Union St & 1245 Ruffner Rd  
Town of Niskayuna  
Project #5429A**

---

Ms. Laura Robertson, Town Planner  
**Town of Niskayuna**  
One Niskayuna Circle  
Niskayuna, NY 12309-4381

Dear Laura:

In response to the feedback received to date from the Town Planning Board, Planning Department, and from neighbors of the proposed Mohawk Golf Club Subdivision, we are proposing an alternative layout based on "Alternate Layout - Scheme #2" that was submitted and presented at the most recent Planning Board meeting. The existing home at 1245 Ruffner Road is no longer involved in the plan, instead, the new Town road will connect off of the existing ROW stub between 1191 and 1219 Ruffner Road. Enclosed for further review of the proposed Mohawk Golf Club subdivision are the following revised materials:

1. Three (3) copies of the revised Subdivision Plans
2. Three (3) copies of the revised Application for Special Use Permit
3. Three (3) copies of the revised Full EAF

We greatly appreciate you scheduling this project for consideration of a public hearing at the March 13, 2023 Planning Board meeting. Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

**ABD ENGINEERS, LLP**



Joseph J. Bianchine, P.E.  
Partner

JJB:dmk  
encl.

cc: Matt Moberg w/encl (via email)  
Bill Sweet w/encl (via email)

5429A-2023-03-06



**TOWN OF NISKAYUNA**  
*Application for Special Use Permit*

**APPLICANT (Owner or Agent):**

**LOCATION:**

Name: Matthew Moberg (MGC Golf Operations, LLC) Number & Street: 1851 Union Street

Address: 8 Airline Drive Section-Block-Lot: 50.00 - 1 - 4.11  
Albany, NY 12205

Telephone: 518-377-0315 Fax: \_\_\_\_\_ Zoning District: R-1 (LOW DENSITY RESIDENTIAL)

**Proposal Description:**

Subdivide 14± acres from existing Mohawk Golf Course, adjacent to Ruffner Road. A new Town road will be built off an existing ROW stub, on which twelve (12) new single-family townhouse lots and ten (10) single family conventional lots are proposed as an Average Density Development, with common lands to remain with the Mohawk Golf Course.

Each special use permit application shall be accompanied by a site plan for which there are additional fees.

*Each application shall be accompanied by twelve (12) site plan maps and six (6) copies of the long Environmental Assessment Form (EAF).*

**Administration Fees:** An application for a special use permit shall be submitted to the Town Board at least ten (10) days prior to a regular meeting of the Town Board. An application shall be submitted in accordance with Article X of the Zoning Ordinance of the Town of Niskayuna. Each petition shall be accompanied by a fee of three hundred dollars (\$300.00), payable to the Town of Niskayuna and presented to the Town Clerk.

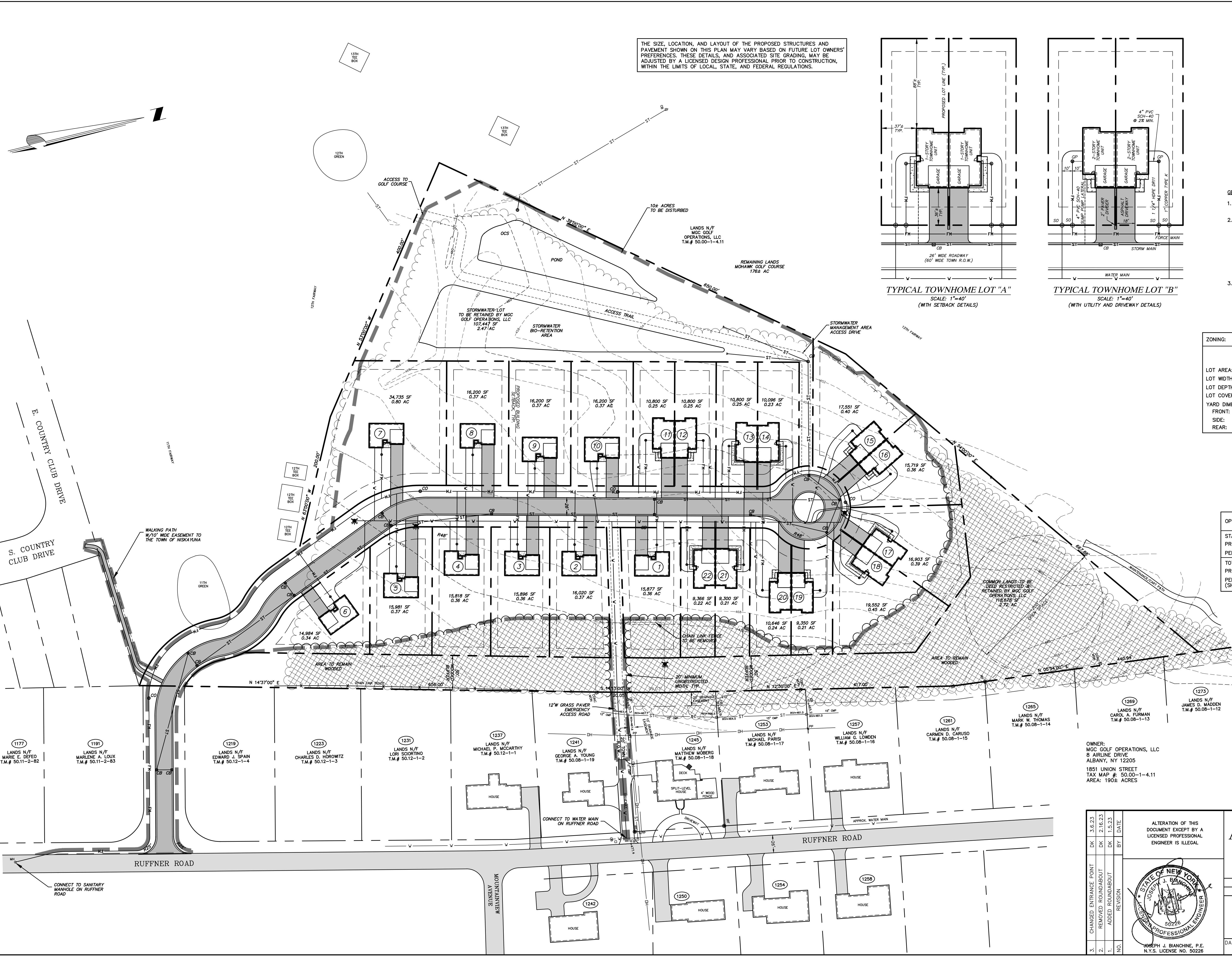
**Consulting Fees:** The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.

Signature of applicant: Matthew Moberg Date: March 6, 2023  
Matthew Moberg

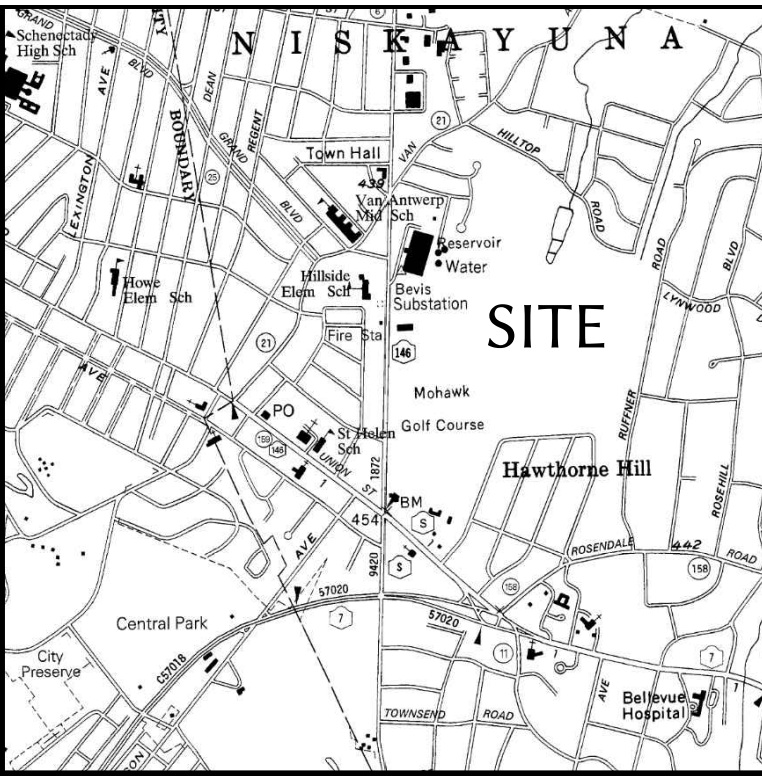
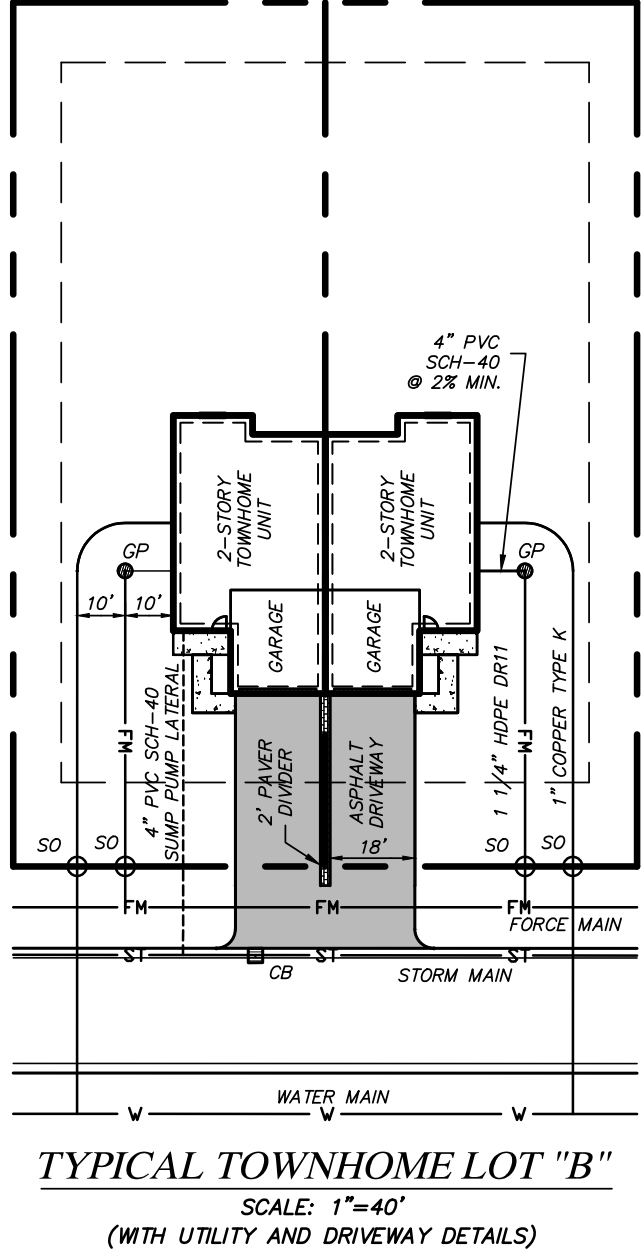
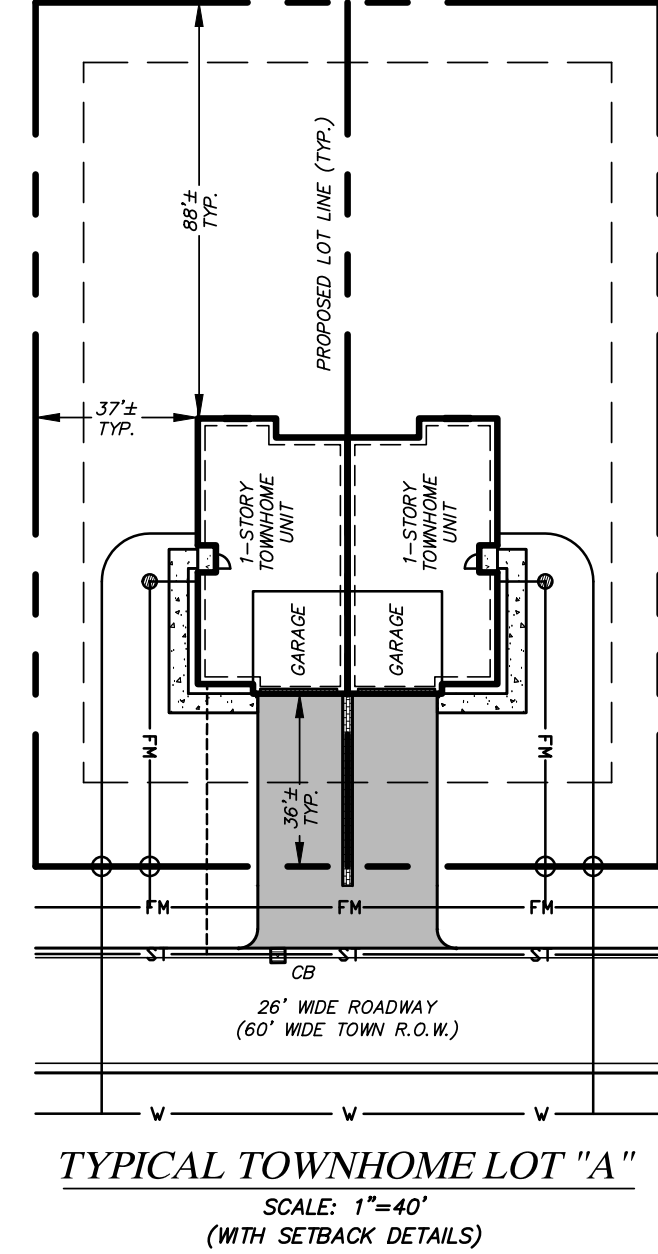
Signature of owner (if different from applicant): \_\_\_\_\_

Date: \_\_\_\_\_





THE SIZE, LOCATION, AND LAYOUT OF THE PROPOSED STRUCTURES AND PAVEMENT SHOWN ON THIS PLAN MAY VARY BASED ON FUTURE LOT OWNERS' PREFERENCES. THESE DETAILS, AND ASSOCIATED SITE GRADING, MAY BE ADJUSTED BY A LICENSED DESIGN PROFESSIONAL PRIOR TO CONSTRUCTION, WITHIN THE LIMITS OF LOCAL, STATE, AND FEDERAL REGULATIONS.



SITE LOCATION

- GENERAL NOTES:**
- BASE MAPPING PREPARED BY ABD ENGINEERS, LLP FROM A FIELD SURVEY COMPLETED IN JUNE 2021, AND GIS INFORMATION.
  - THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVEGROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST WITHIN THE WORKING AREA. EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN OR MAY NOT BE SHOWN AND IT SHALL BE HIS OR HER RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. PROVIDE (48) HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.F.P.O. (1-800-962-7962).
  - EXISTING AND PROPOSED GAS, ELECTRIC, AND TELECOMMUNICATIONS SERVICE LAYOUTS ARE SCHEMATIC ONLY. ALL REMOVALS, FINAL LOCATIONS, AND INSTALLATION REQUIREMENTS SHALL BE COORDINATED WITH ALL UTILITY COMPANIES.

ZONING: R-1 (LOW DENSITY RESIDENTIAL) - SINGLE FAMILY DWELLINGS		
	REQUIRED (CONVENTIONAL ZONING)	REQUIRED (AVG. DENSITY DEVELOPMENT)
LOT AREA:	18,000 SF MIN.	9,000 SF MIN.
LOT WIDTH:	100' MIN.	50' MIN.
LOT DEPTH:	125' MIN.	62.5' MIN.
LOT COVERAGE:	25% MAX.	25% MAX.
YARD DIMENSIONS:		
FRONT:	35' MIN.	17.5' MIN.
SIDE:	20' MIN.	10' MIN.
REAR:	25' MIN.	12.5' MIN.

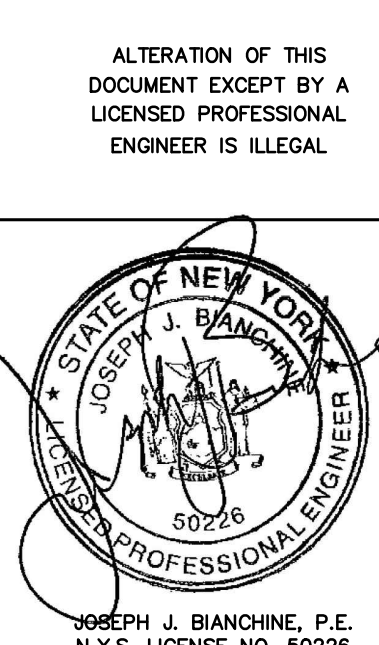
APPROXIMATE SITE STATISTICS		
	PROPOSED	
BUILDINGS:	38,000± SF	6.1%
PAVEMENT:	72,000± SF	11.5%
GREEN SPACE:	514,781± SF	82.4%
TOTAL:	624,781± SF (14.34± AC)	100.0%

OPEN SPACE STATISTICS	
STANDARD TOTAL LOT AREA (18,000 SF X 22):	396,000 SF
PROPOSED TOTAL LOT AREA:	328,795 SF
PERCENT REDUCTION:	20.4%
TOTAL PROJECT AREA:	624,781 SF
PROPOSED OPEN SPACE:	118,678 SF
PERCENT OPEN SPACE:	19.0%
(SHALL BE GREATER THAN OR EQUAL TO PERCENT REDUCTION)	

NON-COMPLIANT OPEN SPACE PERCENTAGE

OWNER:  
MGC GOLF OPERATIONS, LLC  
8 AIRLINE DRIVE  
ALBANY, NY 12205  
1851 UNION STREET  
TAX MAP # 50.00-1-4.11  
AREA: 190± ACRES

3.	CHANGED ENTRANCE POINT	DK	3.6.23
2.	REMOVED ROUNDABOUT	DK	2.16.23
1.	ADDED ROUNDABOUT	DK	1.3.23
NOL	REVISION	BY	DATE



SKETCH 22-LOT SUBDIVISION  
AVERAGE DENSITY DEVELOPMENT  
MOHAWK GOLF CLUB  
1851 UNION STREET & 1245 RUFFNER ROAD

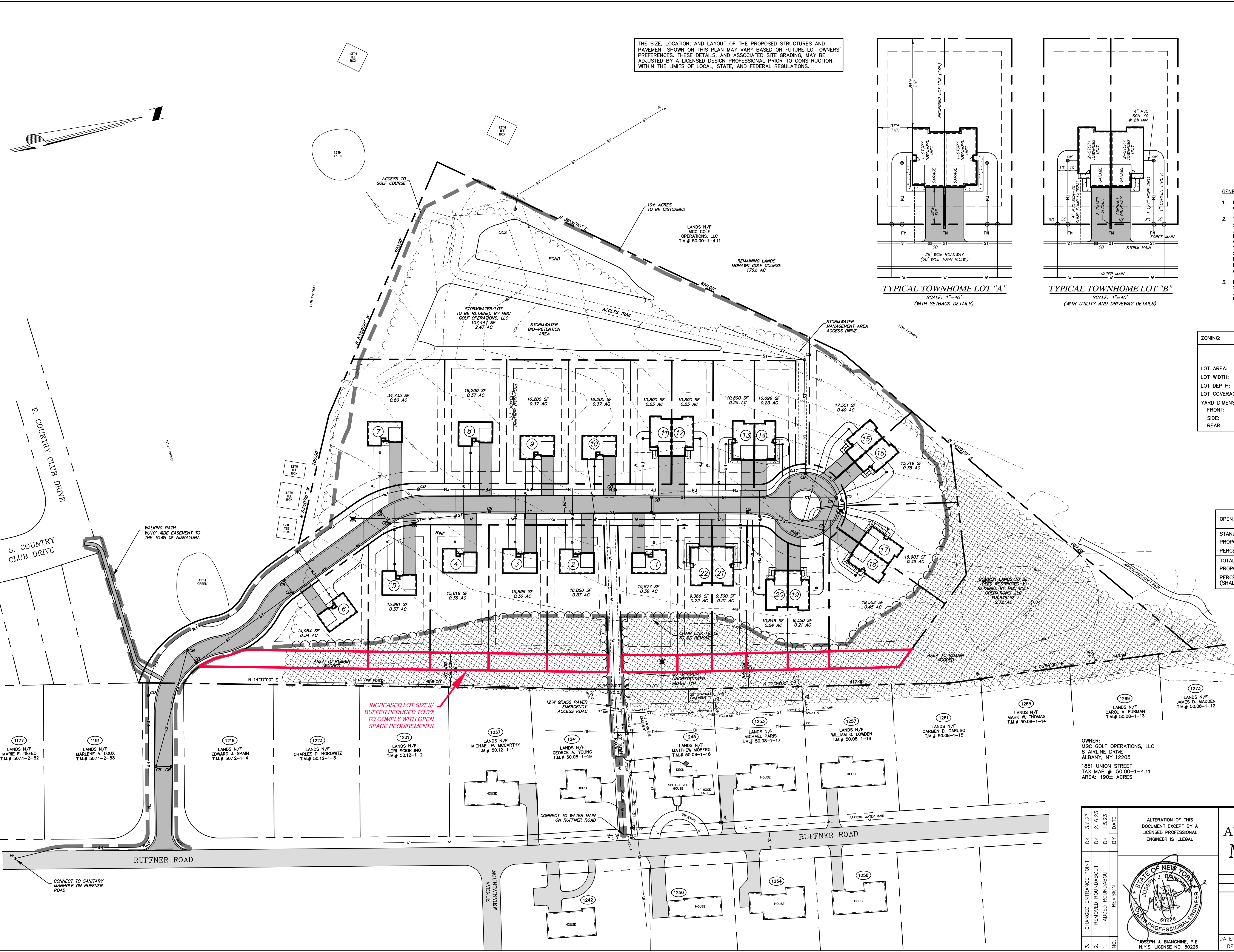
TOWN OF NISKAYUNA    COUNTY OF SCHENECTADY

STATE OF NEW YORK

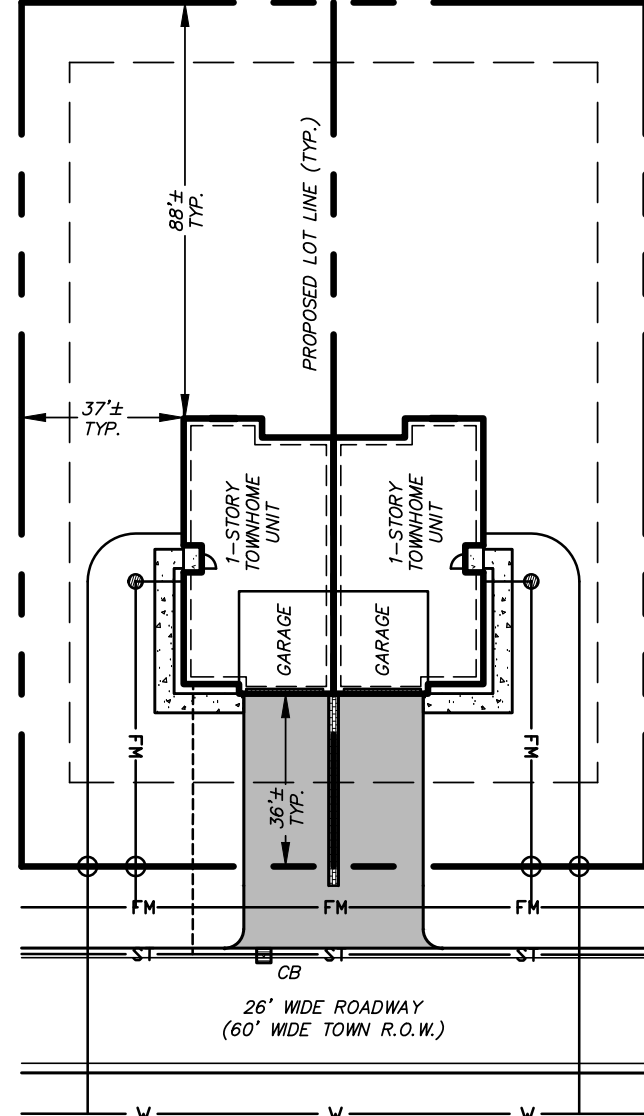
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Schenectady, NY 12305  
518-377-0315 Fax 518-377-0379  
www.abdeng.com

DATE: DECEMBER 6, 2022    SCALE: 1" = 60'    DWG. 5429A-S9 AVG    SHEET 1 OF 2

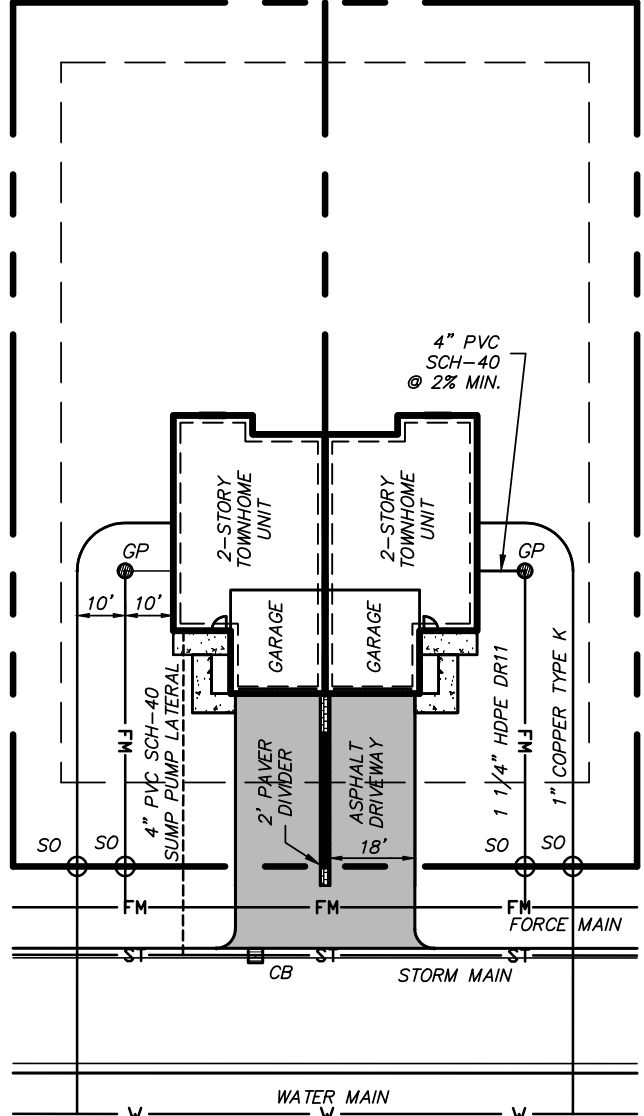




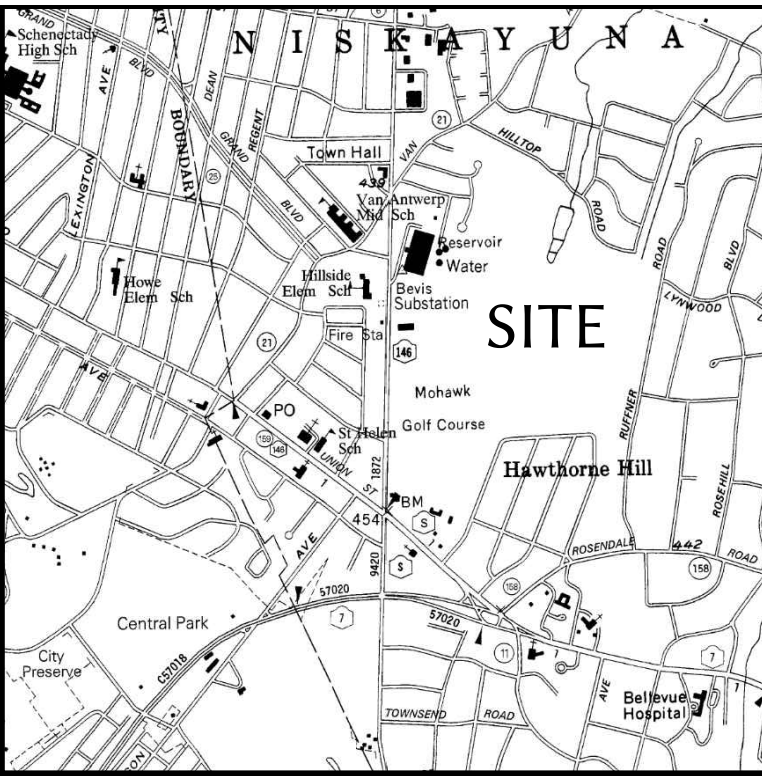
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TYPICAL TOWNHOME LOT "A"  
SCALE: 1"=40'  
(WITH SETBACK DETAILS)



TYPICAL TOWNHOME LOT "B"  
SCALE: 1"=40'  
(WITH UTILITY AND DRIVEWAY DETAILS)



SITE LOCATION

- GENERAL NOTES:
- BASE MAPPING PREPARED BY ABD ENGINEERS, LLP FROM A FIELD SURVEY COMPLETED IN JUNE 2021, AND GIS INFORMATION.
  - THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVEGROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST WITHIN THE WORKING AREA. EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN OR MAY NOT BE SHOWN AND IT SHALL BE HIS OR HER RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. PROVIDE (48) HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.F.P.O. (1-800-962-7962).
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ZONING:	R-1 (LOW DENSITY RESIDENTIAL) - SINGLE FAMILY DWELLINGS	
	REQUIRED (CONVENTIONAL ZONING)	REQUIRED (AVG. DENSITY DEVELOPMENT)
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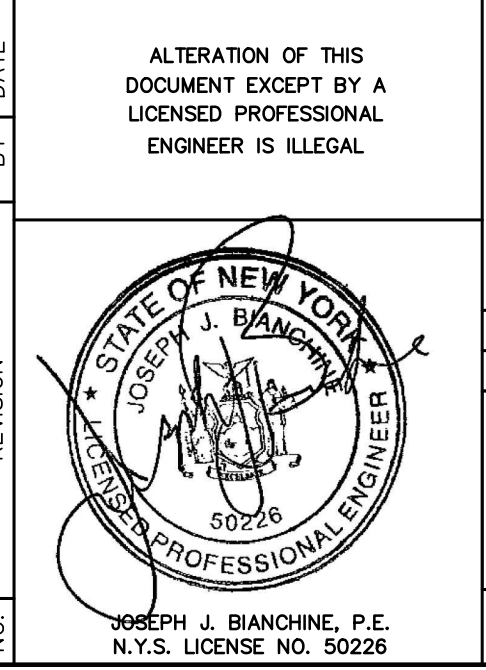
APPROXIMATE SITE STATISTICS			PROPOSED
BUILDINGS:		38,000± SF	6.1%
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TOTAL:		626,209± SF (14.38± AC)	100.0%

OPEN SPACE STATISTICS	
STANDARD TOTAL LOT AREA (18,000 SF X 22):	396,000 SF
PROPOSED TOTAL LOT AREA:	354,991 SF
PERCENT REDUCTION:	11.5%
TOTAL PROJECT AREA:	624,781 SF
PROPOSED OPEN SPACE:	94,258 SF
PERCENT OPEN SPACE:	15.1%
(SHALL BE GREATER THAN OR EQUAL TO PERCENT REDUCTION)	

COMPLIANT OPEN SPACE PERCENTAGE

OWNER:  
MOC GOLF OPERATIONS, LLC  
8 AIRLINE DRIVE  
ALBANY, NY 12205  
1851 UNION STREET  
TAX MAP # 50.00-1-4.11  
AREA: 190± ACRES

NO.	REVISION	DATE
3.	CHANGED ENTRANCE POINT	3.6.23
2.	REMOVED ROUNDABOUT	2.16.23
1.	ADDED ROUNDABOUT	1.13.23



SKETCH 22-LOT SUBDIVISION  
**AVERAGE DENSITY DEVELOPMENT**  
**MOHAWK GOLF CLUB**  
1851 UNION STREET & 1245 RUFFNER ROAD

TOWN OF NISKAYUNA COUNTY OF SCHENECTADY

STATE OF NEW YORK  
**ABD ENGINEERS, LLP**  
411 Union Street  
Schenectady, NY 12305  
518-377-0315 Fax 518-377-0379  
www.abdeng.com

DATE: DECEMBER 6, 2022 SCALE: 1" = 60' DWG. 5429A-S9 AVG SHEET 1 OF 2



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Mohawk Golf Club Subdivision - Ruffner Road		
Project Location (describe, and attach a general location map): 1851 Union Street		
Brief Description of Proposed Action (include purpose or need): Subdivide 14± acres from existing Mohawk Golf Course, adjacent to Ruffner Road. A new Town road will be built off an existing ROW stub, on which twelve (12) new single-family townhouse lots and ten (10) single family conventional lots are proposed as an Average Density Development, with common lands to remain with the Mohawk Golf Course.		
Name of Applicant/Sponsor: Matthew Moberg (MGC Golf Operations, LLC)	Telephone: 814-571-4414	
	E-Mail: mmoberg@homesteadfunding.com	
Address: 8 Airline Drive		
City/PO: Albany	State: NY	Zip Code: 12205
Project Contact (if not same as sponsor; give name and title/role): Joseph J. Bianchine, P.E. (ABD Engineers, LLP)	Telephone: 518-377-0315	
	E-Mail: joe@abdeng.com	
Address: 411 Union Street		
City/PO: Schenectady	State: NY	Zip Code: 12305
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:



## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Niskayuna Town Board, approval for Average Density Development	To be submitted
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Niskayuna Planning Board, Subdivision Approval	To be submitted
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Schenectady County Planning Board, referral	To be submitted
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Army Corps of Engineers, Wetland Determination	To be submitted
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):



### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

R1 (Low Density Residential)

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Niskayuna CSD

b. What police or other public protection forces serve the project site?

Niskayuna PD

c. Which fire protection and emergency medical services serve the project site?

Niskayuna FD #1

d. What parks serve the project site?

River Road Park, Blatnick Park, Niskayuna Soccer Park

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 14± acres

b. Total acreage to be physically disturbed? 10± acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 190± acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
Residential

ii. Is a cluster/conservation layout proposed? ☒ Yes ☐ No

iii. Number of lots proposed? 22 residential + 1 Storm + 1 Conservation + Remaining Lands

iv. Minimum and maximum proposed lot sizes? Minimum 0.21± Maximum 0.80±

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 24 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_



f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	22			
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: <u>Temporary stormwater</u> ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater runoff</u> iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ TBD million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ TBD height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>TBD</u>	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Freshwater Forested/Shrub Wetland (isolated)</u> _____ _____	



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
Wetlands will be channeled using culverts to further direct them to the existing municipal storm system.

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iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No  
 If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☒ Yes ☐ No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: TBD
- expected acreage of aquatic vegetation remaining after project completion: TBD
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_  
Site preparation
- proposed method of plant removal: Excavation
- if chemical/herbicide treatment will be used, specify product(s): N/A

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_  
N/A

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c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 6,000± gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No  
 If Yes:

- Name of district or service area: Niskayuna Water District #3
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☐ Yes ☒ No

iii. Will line extension within an existing district be necessary to supply the project? ☒ Yes ☐ No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
1,100± feet of new water main
- Source(s) of supply for the district: Schenectady-Niskayuna SSA

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No  
 If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
N/A

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: 3,000± gallons/minute.

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d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 5,400± gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater

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iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No  
 If Yes:

- Name of wastewater treatment plant to be used: Niskayuna Wastewater Treatment Plant
- Name of district: Niskayuna Sewer District #6
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No



Page 6 of 13



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____  <div style="text-align: center;">N/A</div></p> <p>iii. Parking spaces: Existing <u>0</u> Proposed <u>N/A</u> Net increase/decrease <u>N/A</u></p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  <u>New Town road proposed to serve the 22 residential lots.</u></p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>7am-5pm</u></li> <li>• Saturday: <u>7am-5pm</u></li> <li>• Sunday: <u>7am-5pm</u></li> <li>• Holidays: <u>7am-5pm</u></li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>Residential (24/7)</u></li> <li>• Saturday: <u>Residential (24/7)</u></li> <li>• Sunday: <u>Residential (24/7)</u></li> <li>• Holidays: <u>Residential (24/7)</u></li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>7am-5pm</u></li> <li>• Saturday: <u>7am-5pm</u></li> <li>• Sunday: <u>7am-5pm</u></li> <li>• Holidays: <u>7am-5pm</u></li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>Residential (24/7)</u></li> <li>• Saturday: <u>Residential (24/7)</u></li> <li>• Sunday: <u>Residential (24/7)</u></li> <li>• Holidays: <u>Residential (24/7)</u></li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;">Noise from construction equipment _____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">Describe: <u>Tree clearing for development</u></p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;"><u>Residential building lighting, 75+ feet from nearest residential property line.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">Describe: <u>Tree clearing for development</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Golf Course

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	2.5	+2.5
• Forested	14.0	2.6	-11.4
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal) (Isolated)	TBD	TBD	TBD
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Landscaped</u>	0	8.9	+8.9



<p>c. Is the project site presently used by members of the community for public recreation?</p> <p>i. If Yes: explain: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?</p> <p>If Yes,</p> <p>i. Identify Facilities:</p> <p>Hillside Elementary School, Van Antwerp Middle School</p> <p>_____</p> <p>_____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam?</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?</p> <p>If Yes:</p> <p>i. Has the facility been formally closed?</p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____  Provide DEC ID number(s): _____ </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____  _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ 6+ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> Silt Loam  _____  _____ </div> <div style="width: 35%; text-align: right;"> 100 %  _____  _____ </div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ 2± feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Well Drained:  <input checked="" type="checkbox"/> Moderately Well Drained:  <input type="checkbox"/> Poorly Drained </div> <div style="width: 65%; text-align: right;"> _____% of site  100 % of site  _____% of site </div> </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <input checked="" type="checkbox"/> 0-10%:  <input type="checkbox"/> 10-15%:  <input type="checkbox"/> 15% or greater: </div> <div style="width: 55%; text-align: right;"> 100 % of site  _____% of site  _____% of site </div> </div>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> <li>• Streams:      Name _____ Classification _____</li> <li>• Lakes or Ponds:      Name _____ Classification _____</li> <li>• Wetlands:      Name Freshwater Forested/Shrub Wetland (isolated)      Approximate Size TBD</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Name of aquifer: Sole Source Aquifer Names: Schenectady-Niskayuna SSA _____	



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____  <u>Typical Suburban</u> _____          _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:            i. Describe the habitat/community (composition, function, and basis for designation): _____            ii. Source(s) of description or evaluation: _____            iii. Extent of community/habitat:              • Currently: _____ acres              • Following completion of project as proposed: _____ acres              • Gain or loss (indicate + or -): _____ acres</p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:            i. Species and listing (endangered or threatened): _____          _____          _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:            i. Species and listing: _____          _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If yes, give a brief description of how the proposed action may affect that use: _____          _____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>            i. If Yes: acreage(s) on project site? _____            ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:            i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature            ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____          _____          _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:            i. CEA name: _____            ii. Basis for designation: _____            iii. Designating agency and date: _____</p>	



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: <u>Mohawk Towpath Scenic Byway</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Scenic Byway</u> iii. Distance between project and resource: _____ 1 miles.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    <input type="checkbox"/> Yes <input type="checkbox"/> No

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Joseph J. Bianchine, P.E. (ABD Engineers, LLP) Date March 6, 2023

Signature  Title Professional Engineer





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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names: Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No



E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No





# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 2

MEETING DATE: 3/13/2023

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**ITEM TITLE:** DISCUSSION: 2209 Nott St. – The Broken Inn – A site plan app. for a new permanent seasonal outdoor picnic table area on private property including additional and reconfigured parking.

**PROJECT LEAD:** David D'Arpino

**APPLICANT:** Thomas Nicchi, agent for the owner

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

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**SUMMARY STATEMENT:**

Thomas Nicchi, of Stand Up Global, proprietor of The Broken Inn, and agent for the property owner, submitted an Application for Site Plan Review for a permanent seasonal outdoor picnic table area on private (Lange's Pharmacy) property and additional and reconfigured parking spaced on Town property. Mr. Nicchi proposes to purchase and provide the tables, chairs, umbrellas, bike racks and parking barriers referenced in the project application.

An updated site plan drawing showing tables and chairs on only the private property owned by Lange's Pharmacy was provided on 3/8/23.

**BACKGROUND INFORMATION**

2207 2209 Nott Street is located within the C-N Commercial Neighborhood Zoning district and Town Center Overlay District. Section 220-10 District regulations E C-N Neighborhood Commercial District (3) Special principal uses (d) Restaurants, sit-down or take-out (no vehicle pickup and ordering facilities) allows a restaurant to be located in the C-N district upon granting of a special permit by the Town Board. The Town Board granted a special use permit on December 22, 2020 to allow a restaurant with bar, sit-down or take-out (no vehicle pickup and ordering facilities) by Resolution No. 2020-327.

Temporary outdoor seating (on private & Town property) and reconfigured parking

- **5/27/22** – A site plan application, signed by the property owner, for temporary outdoor seating was approved with a memo. from the Planning Office to safely allow public assembly and queuing at and around the ice cream window.

Proposed outdoor dining (on private & Town property), expansion of hours & reconfigured parking



- **10/19/22** – A proposal, not supported by the property owner, to expand the hours of operation of The Broken Inn, expand the public assembly and queuing area to add a Broken Inn outdoor dining area on private and Town owned property and reconfigure parking is denied by the Planning Office via email for not having the required approval of the property owner.

Proposed outdoor dining (on Town property), expansion of hours & reconfigured parking

- **12/14/22** – A site plan application, not supported by and independent of the property owner, to expand the hours of operation of The Broken Inn, expand the public assembly and queuing area to add a Broken Inn outdoor dining area on Town owned property and reconfigure parking is denied by the Planning Office via a letter for the following reasons.
  - The application did not have the approval of the legal owner of the property – modification of hours and expansion of use are tied to the special use permit amendment of which requires the property owner's approval.
  - NYS Covid-19 related legislation allowing restaurants to use sidewalks & streets for outdoor dining has expired and Niskayuna Town Code only allows outdoor dining on private property.

Proposed exterior seating (dining?) - (on private & Town property) and reconfigured parking

- **2/14/23** -- A site plan application, signed by the property owner, to expand the public assembly and queuing areas to add a public picnic table area on private and Town owned property and reconfigured parking is received by the Planning Office.

The Planning Office placed the proposal described in the Application for Site Plan Review dated and received on 2/14/23 on the meeting agenda this evening to allow the applicant to present the project to the Board and answer questions from the Planning Board and Planning Office. The application is supported by the private property owner but questions still persist regarding the potential expansion of use relative to the special use permit and the appropriateness of use of public property.

Inconsistencies also exist in the documents provided with the application regarding the proposed use of the land for only general outdoor seating or for outdoor dining.

- Page 1 of the narrative document includes the statement “request permission to place an exterior seating, dining and bicycle parking area” .....
- The remainder of the document, including the portion entitled “Seating Area” refers only to seating and does not make any reference to dining.
- The 3 site plan drawings provided with the application all include an area identified as “proposed outdoor dining area”.

The Planning Board should use this meeting to seek clarification of the most recent proposal to understand whether the tables are proposed to be public or private (who they serve) and whether any outdoor dining is proposed or if it is seating only. Once the proposal is clarified the Town Planning Office and Legal Department will be properly informed so that they can define a next step for the project. If the project is allowed to move forward the Planning Board and Planning Office will review the comments from other Town councils and committees that were made during the aforementioned previous projects relative to this new proposal. The Town is also exploring its own ideas for improvements to the area with Metroplex, which will also need to be considered.

2/27/23 Planning Board (PB) meeting – The applicant attended the meeting and presented the 2/14/23 site plan design. He confirmed that his proposal was to place tables and chairs on the private property owned by Lange's Pharmacy and on public property owned by the Town of Niskayuna. Ms. Finan confirmed that placing the tables and chairs on Town property is not



allowable per Town Code. She also confirmed that pending normal site plan review and approval locating tables and chairs on private property is acceptable per code. Ms. Robertson noted that the protective water-filled barriers detract from the overall appearance of the site and should remain permanently without a planter covering.

3/1/23 CAC meeting – The CAC noted the landscaping, umbrellas and seating were a good improvement to the area. They had concerns with cars backing out near the Crescent / Clifton Park intersection because cars go through there fast and it's still not very defined.

3/3/2023 Complete Streets Meeting – Complete Streets discussed how much traffic uses these side streets to get to schools and other areas in the neighborhood. They understood that some striping may be helpful and this proposal may help with alongside the building, but they still felt that overall more was needed at this intersection. They still recommended making Crescent Road a T intersection with Clifton park and better defining the vehicle lanes and movements at the intersections for safety.

#### Proposed exterior seating – (on private property only) and reconfigured parking

- **3/8/23** -- The site plan drawing that was submitted with the site plan application and documentation package on 2/14/23 was modified to expand the public assembly and queuing areas to add a public picnic table area on privately owned (Lange's Pharmacy) property and reconfigured parking is received by the Planning Office.

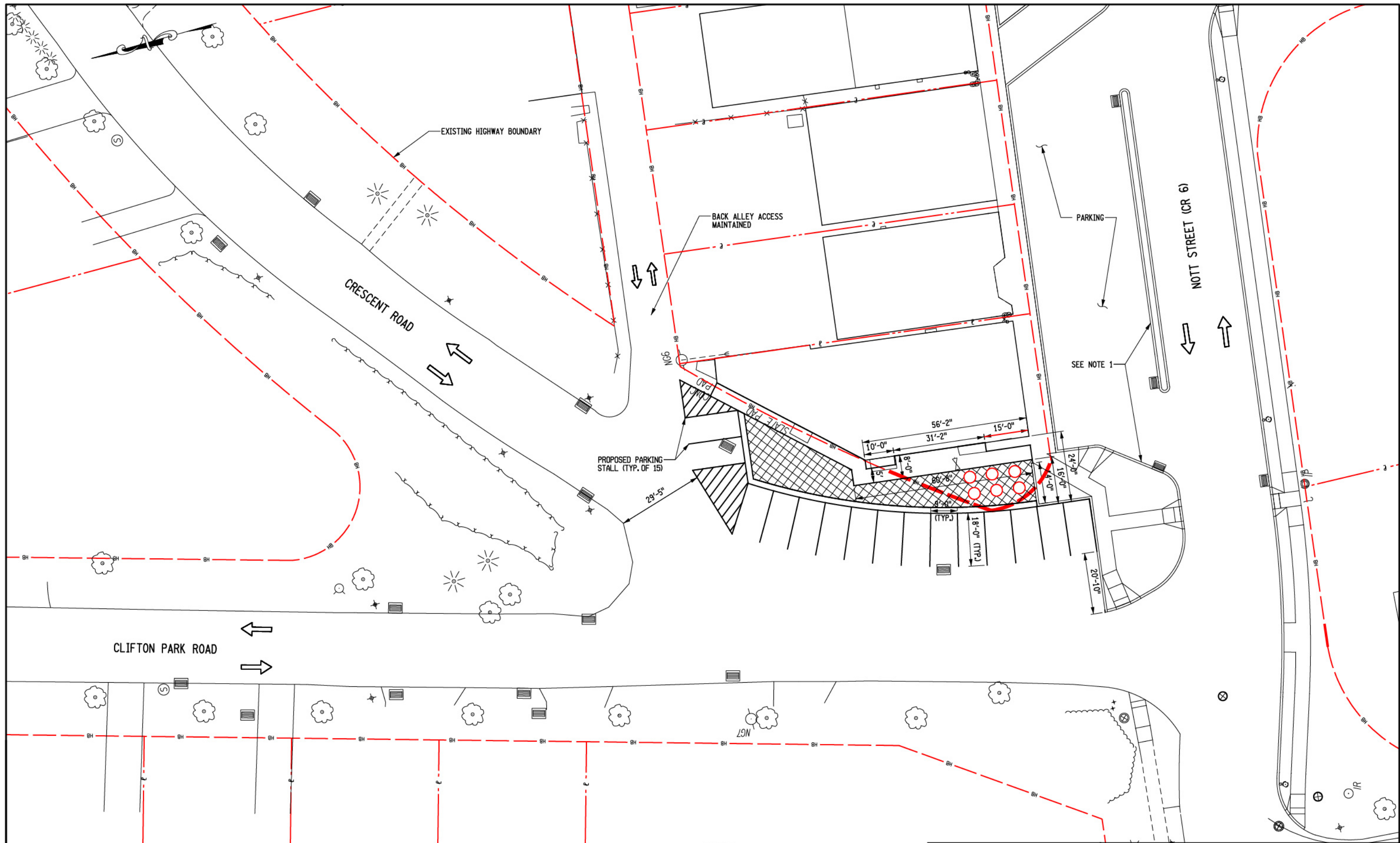
The site plan drawing was updated to show tables and chairs only on the privately owned property but the other project related documents provided with the 2/14/23 application were not similarly revised, thereby making the package ambiguous. The documentation includes the inconsistencies listed below.

- Page 1 of the narrative document includes the statement "request permission to place an exterior seating, dining and bicycle parking area" .....
- The handicap accessible parking space near Lange's Pharmacy has been eliminated
- The site plan application refers to the materials provided with the 2/14/23 application and does not refer to the updated site plan with tables and chairs only on private property.
- Both drawings have the same name – one should be entitled "Site Plan Drawing" and one entitled "Aerial image drawing" so they can be distinguished from each other
- Both drawings are dated "March 2022" – an appropriate drawing date or revision date should be added to each so they can be appropriately identified
- Both drawings show 6 tables on the property owned by the Lange's Pharmacy
  - A building inspector took a cursory review of the drawing and they said 6 tables may not fit on the private property
  - A more detailed dimensioned drawing is required to assess clearances around the tables, handicap access, etc.

The PB should review and discuss the updated site plan drawing and discuss the required next steps for the project.



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USER = ngibson



**NOTES:**

1. THE EXISTING CONDITION OF NOTT STREET INCLUDING CURBS, SIDEWALKS AND LANE WIDTHS REPRESENT THE PROPOSED DESIGN OF SCHENECTADY COUNTY'S PIN 1760.60 NOTT STREET SAFETY IMPROVEMENTS. CONSTRUCTION IS SCHEDULED FOR 2022.



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

**CONCEPT DRAWING  
NOTT  
STREET/CRESCENT  
ROAD OUTDOOR DINING  
AREA AND PARKING  
MODIFICATIONS**

MARCH 2022

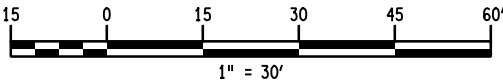
MJ PROJ. No.: 874.30

DRAWING NO.

**1.0**



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**NOTES:**

1. THE EXISTING CONDITION OF NOTT STREET INCLUDING CURBS, SIDEWALKS AND LANE WIDTHS REPRESENT THE PROPOSED DESIGN OF SCHENECTADY COUNTY'S PIN 1760.60 NOTT STREET SAFETY IMPROVEMENTS. CONSTRUCTION IS SCHEDULED FOR 2022.



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**CONCEPT DRAWING  
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ROAD OUTDOOR DINING  
AREA AND PARKING  
MODIFICATIONS**

MARCH 2022

MJ PROJ. No.: 874.30

DRAWING NO.

**1.0**



## **2209 Nott Street (UPDATED - FEBRUARY 2023)**

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

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

### **SAFETY:**

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

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

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

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

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

### **PARKING:**

The proposed layout would increase usable parking spaces in this area from 11 spaces at present to a proposed 15 spaces (net gain of 4 additional parking spaces to the plaza) on the Clifton Park Rd side of the building.

The new parking would be defined by concrete parking bumpers at the front of each spot and striped parking spaces, neither of which exist currently.

### **SIDEWALK/BARRICADE/ BICYCLES/SEATING:**

The proposed layout would allow for a seated area of six tables for guests of the plaza to sit and enjoy.

The proposed layout would allow for an area for people to park their bicycles. No bicycle parking exists currently.

### **SIDEWALK:**

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

### **PLANTER BARRICADES -**

The proposed outdoor area would be delineated by painted/striped lines, parking bumpers, and planter barricades. Per planter barricades - these would be spaced out to allow visitors to the Plaza to easily walk through them for easy access to the building. There would be 9 planter barricades in



total. The planter barricades are each 6' x 2' and are to be constructed by using wood framing around the exterior of a water jersey barricade as we have been using for quite some time and that currently meet traffic safety standards. These will be wood framed with wood fencing material on four sides and would have a flower planter bed placed across the top. This construction allows us to create something that is both safe and visually appealing while also allowing us to move them should that be needed (seasonal, during construction, etc). The Broken Inn will purchase and construct the planter barricades and will maintain them.

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

**SEATING AREA** – We request to create an area for outdoor seating where guests of The Broken Inn's Ice Cream window can sit outside and safely enjoy their ice cream. This area would be safely enclosed from the parking area by planter barricades and would include 6 octagon shaped picnic tables with umbrellas. Each of these tables would seat between 4 and 8 guests (depending on guest size – children vs adult). It would be adjacent to the new sidewalk on the South side and adjacent to an 8' sidewalk area on the East side. The area would have tables with umbrellas for shade, string lights hanging over the area for evening lighting, and would be handicap accessible. Lightbulbs to be incandescent bulbs not to exceed 25w each. This area would not create any lighting that faced towards residences, and would be closed one hour prior to the restaurant closing to ensure no additional evening noise to those residences nearest by. There will be no music (live or recorded) played in this area. Tables, trash cans and any other furnishings to be paid for by The Broken Inn. Cleanliness of this area to be maintained by The Broken Inn.

**SEASONAL NOTE:**

While this seating area would be used on a seasonal basis, the safety benefits related to the parking/motorists area would take remain all year long. The seated areas are likely to be used from approximately April 1<sup>st</sup> until October 31<sup>st</sup> (possibly a few weeks on either side depending on weather). Outside of this time frame the picnic tables and umbrellas will be removed and stored at another site at the expense of The Broken Inn

**SUMMARY:**

Allowing this area to be created improves safety, increases parking and makes the entire plaza more welcoming to guests. It makes great use of an area that is truly a "no mans land", continues the great work that has already started and is clearly wanted by the majority of the community as reflected in the 150+ letters of support already sent in. And again, our plan comes at no expense to the town.





# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 3

MEETING DATE: 3/23/2023

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**ITEM TITLE:** DISCUSSION: 2837 Aqueduct Rd. (Rivers Ledge) – site plan app for a building containing 55 senior apartments and 2,000 sq. ft. of mixed use commercial space.

**PROJECT LEAD:** Genghis Khan & Chris LaFlamme

**APPLICANT:** Chuck Pafundi, agent for the owner

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

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**SUMMARY STATEMENT:**

Chuck Pafundi, Project Manager for the River's Ledge development project, submitted an Application for Site Plan Review for a Rivers Ledge Senior Center building. This third revision of the design includes a building containing 55 senior apartment units and 2,000 sq. ft. of mixed use commercial space near the west end of the River's Ledge Phase I property line and a second 3,000 sq. ft. commercial building located approximately 380' to the east at the River's Ledge site off of Aqueduct Road. The originally proposed underground parking has been replaced with several detached parking garages.

**BACKGROUND INFORMATION**

The lot at 2837 Aqueduct Road, known as Rivers Ledge of Niskayuna, received approval as a Planned Unit Development with 2 phases – the first phase was the 16 ten-unit apartment buildings and club house (& Rec Center) that is under construction now and the second phase was 100 senior living apartments and commercial space.

**Phase 2 – Revision 1**

The initial, Rev 1, version of a proposed Senior Center building is included in a drawing entitled "Overall Layout Plan 2837 Aqueduct Road" by Arico Associates dated January 2017 with a most recent revision status of 1 dated 4/14/17. The specific details of the 100 unit proposed building are not included on the above referenced drawing however the water and wastewater impact of the Senior Center were included in relevant design calculations.

**Phase 2 – Revision 2**



The Rev 2 proposal includes a building containing 60 senior apartment units and 2,000 sq. ft. of mixed use commercial space with 60 below grade garage parking spaces and 65 outdoor parking spaces. A proposed standalone 3,000 sq. ft. commercial building including 11 parking spaces is also included.

The Rev 2 version of the design was reviewed at the 11/3/21 Architectural Review Board (ARB) meeting, the 11/3/21 Conservation Advisory Council (CAC) meeting and the 11/8/21 Planning Board (PB) meeting. A brief summary of salient points from those meetings is included below.

11/3/21 Architectural Review Board (ARB) – The Planning Office presented the initial version of the site plan drawing and elevation drawing for the proposed buildings. A very general overview of the project was provided and it was noted that a more formal review will be held at a future meeting.

11/3/21 Conservation Advisory Council (CAC) – The Planning Office presented the initial version of the site plan drawing and elevation drawing for the proposed buildings. It was noted that the building was proposed as a 100 unit apartment building during the initial approval process for the Planned Utility District (PUD) but the presence of wetlands necessitated the reduction in the size of the building to its current size. Army Corps of Engineers approval will be required. The visibility of this building from Aqueduct Road was acknowledged and the need for appropriate facades and screening is required to keep the rural character of Aqueduct Road.

11/8/22 Planning Board (PB) meeting -- Staff's initial thoughts are the reduction in disturbance to the wetlands is good, and a standalone commercial building could lend itself to a sit down restaurant or something that can complement the Mohawk Hudson bike hike trail's recreational use – but the height of the mixed use building is a problem and the mixed use commercial space could benefit from facing the bike path and having an outdoor seating and tables feature (originally discussed in the PUD concept). Niskayuna zoning code Section 220-17 Height Regulations does not allow buildings over 35 feet high. As proposed, the 3 story apartment building is 44' 4". Therefore a variance of 9' 4" (44' 4" – 35' = 9' 4") would be required from the Zoning Board of Appeals. The rural character of the road is not incorporated into the façade, the public parking has been reduced, and the sidewalk connection is not yet shown.

## **Phase 2 – Revision 3**

A Rev 3 version of a proposed Rivers Ledge Senior Center was submitted to the Planning Office on 5/19/22. This version includes a building containing 66 senior apartments and 2,000 sq. ft. of mixed use commercial space. The plan includes 66 below grade and 78 grade level parking spaces. A small parking area containing 7 parking spaces is also included to provide access to nearby Aqueduct Park. A second building consisting of 3,000 sq. ft. of commercial space with 11 nearby parking spaces is also included.

The following documents were provided as part of the Rev 3 proposal.

1. A 12-page drawing set entitled "Overall Plan – Phase 2" by Brett L. Steenburgh, P.E., PLLC dated 5/11/22 with no further revisions.
2. A 24-page drawing set intended for the Niskayuna Architectural Review Board (ARB) with the first page entitled "Exterior Perspective – View from Aqueduct Road" by HCP Architects dated 5/3/22 with no subsequent revisions.
3. A 1-page drawing entitled "First Floor Plan – East Wing" by HCP Architects dated 5/11/22 with no subsequent revisions.



4. A 144 page "Sewer Report" entitled "Addendum to the Project Narrative for Sanitary Sewer District #1 Extension #123" by Brett L. Steenburgh, P.E. PLLC dated February 3, 2020 with no subsequent revisions.
5. A 706-page "SWPPP Report" entitled Storm water Pollution Prevention Plan for the Development of Rivers Ledge of Niskayuna" by Arico Associates Engineers, Land Planners & Consultants dated April 2017 with a most recent revision of January 2018.
6. A 59-page "Water Report" entitled "Addendum to the Engineers Report Sanitary Water District #1 Extension #168" by Brett L. Steenburgh, P.E. PLLC dated December 11, 2020 with no subsequent revisions.

## **SUMMARY FROM THE PLANNED UNIT DEVELOPMENT SITE PLAN APPROVAL**

**Condition 3 of the Rivers Ledge Planned Unit Development Site Plan Approval (last amended 9/27/2021 via PB Resolution 2021-31) required the following:**

*The following general site plan improvements and requirements shall be addressed for Phase II of Rivers Ledge of Niskayuna.*

- a) *The Developer shall work to preserve and protect the rural character of Aqueduct Road through the facades and landscaping of the properties along Aqueduct Road. The building designs shall remain the same height and character as those renderings presented to the Conservation Advisory Council on May 3, 2017.*
- b) *A landscaping design should be established to mitigate the loss of any wetlands and forests, with special attention to the Aqueduct Road corridor. The Tree Council shall survey the trees to be removed and approve the replanting plan. The developer shall work with the Town to preserve the Northern Long-Eared Bat habitat trees wherever possible, and replace and replant similar species if they must be removed.*
- c) *Where applicable, the Developer shall work with the Planning Board to reduce impacts to wetlands wherever possible. Mitigation for the wetlands shall be local first, in place and in kind and the Developer shall go to great lengths in a good faith effort to mitigate any wetland impacts within the local watershed area.*
- d) *The applicant shall be responsible for the construction of a public parking area between Aqueduct road and the Mohawk Hudson Hike Bike Trail. Prior to final PUD approval, all access easements necessary for the public parking shall be granted to the Town of Niskayuna.*
- e) *Phase II includes the construction of senior living apartments. Transit has not been addressed in the previous site plans. The Developer shall contact CDTA and explore the possibility of extending service to Phase II of the Rivers Ledge PUD.*
- f) *The Developer shall be responsible for the parkland, sewer trunk and water trunk fees as outlined on a per unit cost in Town Board Resolution #2016-218.*
- g) *The applicant shall strive to meet the objectives of the Planned Unit Development Code, Section 220-34 and all multi-family dwelling regulations outlined in Chapter 220-26 of the Town of Niskayuna Zoning Code.*
- h) *The applicant shall install a sidewalk from the edge of the Rivers Ledge of Niskayuna property line down Aqueduct Road to the entrance to the Aqueduct Park on Aqueduct Road.*

5/23/22 Planning Board (PB) meeting – Mr. Pafundi attended the meeting and presented the Rev 3 version of the proposed Senior Center. He noted that since they last appeared before the



PB (11/8/21) their design team completely redesigned their approach. One of their primary goals was to break up the long length of the building with the use of a row house look and a variety of façade depths, colors, etc. He noted that they were able to maintain the requirement of 1 parking space for each apartment unit in the building. PB members noticed and commented on the height of the building being 41' (35' is max. allowed per zoning code) and would therefore still require a variance. The PB suggested that Mr. Pafundi utilize a mixture of roof lines – dormers, gable, mansard roof, etc. to soften the building appearance.

Mr. Pafundi stated that he can have his architects and civil engineers work together to create a rendering of how the building will appear with the existing trees and vegetation around it. Mr. Pafundi noted that he is working with the Army Corps of Engineers regarding wetlands.

The PB established the following action items.

- Applicant – work with design team regarding the PB's façade comments
  - Create a rendering showing proposed building with exiting trees around it to help w/scale
  - Explore ways to shorten the height of the building and also make it appear shorter
- PO – schedule a review with the ARB
- PO – provide pictures of Notts Landing to Mr. Pafundi

On Monday June 6, 2022 Mr. Pafundi emailed the Planning Office stating that he and his design team evaluated the following 3 design options.

1. Reduce the height of the building to comply with the 35' maximum zoning code height.
2. Employ design features such as dormers, gable roofs, mansard roofs, etc. to reduce the visual impact of a building that is taller than 35'. (Make the building appear <= 35').
3. Proceed with the design as it was presented at the 5/23/22 PB meeting and request a variance for building height from the Zoning Board of Appeals (ZBA).

In the email Mr. Pafundi stated that they would like to proceed with option 3. A scaled rendering of the 41' high building and the surrounding trees was also provided.

6/8/22 Conservation Advisory Council (CAC) meeting – the Planning Office described the details of the Rev 3 version of the proposed Senior Center Building to the CAC. After an engaged discussion the CAC members concurred on offering the following suggestions.

- They would like to see what a 2 story rendition would like that complies with the 35' height requirement because they are concerned about the height.
- They asked for green energy practices to be utilized – solar, EV charging stations, etc.
- They asked the Planning Board to require pesticide free maintenance of the building grounds, especially with all the wetland around
- They asked for a path or walkway to connect all of the buildings, including the small commercial building, to the bike path.
- They requested outdoor seating and outdoor recreation space for the senior center building and outdoor seating for the commercial building.
- They appreciated the reduction in wetland impacts.



6/13/22 Planning Board (PB) meeting – Mr. Pafundi attended the meeting and explained that the developer would like to pursue approval of the 41' high building as shown in the "Rev 3" design. He noted that their design team believes the extra 6' ( $41 - 35 = 6$ ) of building height allows for a more residential looking pitched roof design. He requested that the Planning Board proceed with the "Rev 3" design and make a recommendation either for or against the design so that he could pursue an area variance for 6 additional feet of building height with the ZBA. Ms. Robertson displayed the colored rendering that was included in the PB meeting packet that showed a scaled side elevation view of the building including the nearby trees. After discussion the PB requested the following additional detail for the 7/11/22 PB meeting and agreed to make a recommendation on the ZBA application at that meeting.

6/15/22 Architectural Review Board (ARB) meeting – the ARB reviewed the most recent images of the building and discussed the upcoming ZBA meeting.

7/6/22 Conservation Advisory Council (CAC) meeting – Mr. Pafundi attended the meeting and repeated the presentation he made to the Planning Board at their 6/13/22 meeting. He responded to each of the CAC's requests from their 6/8/22 meeting and explained why some could be implemented and why others could not. Mr. Pafundi and the CAC discussed several potential additions to the site plan including the following.

- Add a sidewalk and cross walk that connects the small commercial building that is part of the Senior Center site plan to the bike path.
- Add an outdoor seating and potentially dining area between the Senior Center and River Run Drive.
- Add more landscape screening between the Senior Center building and Aqueduct Road
  - Utilize a mixture of evergreen and deciduous trees
  - Retain as many existing trees as possible
- Utilize pesticide free landscaping practices

Mr. Pafundi noted that he is working with his team to produce architectural renderings of the Senior Center as viewed from the Rexford side of the Mohawk River. The Planning Board previously asked for renderings that show where the air conditioning units will be located on the buildings.

7/11/22 Planning Board (PB) meeting – Mr. Pafundi attended the meeting and addressed the questions that were raised at the 6/13/22 PB meeting. He confirmed that the HVAC units will not be visible from the sidewalks, streets or anywhere outside and around the building. He noted that the design team is still working on preparing renderings of how the proposed Senior Center building will appear when viewed from the Alplaus side of the Mohawk River. He expected to have the renderings in time for the 8/24/22 ZBA meeting. He also noted that the final package has been submitted to the Army Corps of Engineers and that the first comments from the Town's TDE were received on 7/7/22. The PB inquired about how the "barbell" ends of the building connect with the main building roofline. Mr. D'Arpino requested an aerial roof plan. Mr. Pafundi agreed to provide the plan. The PB discussed the effect on the comprehensive plan, the suitability of use and then recommended with a vote of 7-0 that the ZBA grant the requested area variance for building height.

8/3/22 Schenectady County Planning and Zoning Coordination Referral – The Commissioner of Economic Development and Planning received the Town's referral and approved the proposal on 8/3/22.



8/17/22 Architectural Review Board (ARB) – The ARB reviewed the most recent documents and renderings of the proposed Senior Center at their 8/17/22 meeting. The Planning Office had prepared a Power Point presentation of several existing “row house” type buildings in the Capital District for reference. The presentation includes buildings in Ballston Spa, Saratoga, Green Island as well as generic “row house images” that were obtained with a simple Goggle search. The ARB still has concerns regarding the mass and scaling of the buildings. They agreed that a roofline plan is necessary to assess how the building would be constructed and how it would appear from various viewing angles. The ARB agreed to schedule a follow up working session with Mr. Pafundi and HCP Architects.

8/24/22 ZBA meeting – The Zoning Board of Appeals reviewed the application for an area variance for 6 additional feet of building height and granted the variance at their 8/24/22 meeting. They requested that the applicant work with the Planning Board to remove white siding from the proposed new building (per Alplaus resident request at meeting).

8/29/22 Planning Board (PB) meeting – Mr. Pafundi was not able to attend the 8/29/22 PB meeting. Chairman Walsh and Ms. Robertson updated the Board regarding the ZBA’s granting of the area variance for building height. The PO and PB discussed the next steps for the project and the outstanding action items from the 7/11/22 PB meeting.

Mr. Pafundi and his engineer Mr. Steenburgh submitted a “site section view” drawing to the Planning Office on 9/8/22. The drawing shows a cross section view of an elevation view of the Alplaus side of the Mohawk River, the Mohawk River, and the Niskayuna side of the Mohawk River. The drawing shows the general elevation differences between the homes on the Alplaus side of the river and the Rivers Ledge site. The Planning Office reviewed their notes from previous meetings and compiled the following list of open action items for review at the 9/12/22 meeting.

1. Add a sidewalk and cross walk that connects the small commercial building to the existing bike path.
2. Add outdoor seating / dining area between the Sr. Center and River Run Drive.
3. Add more landscape screening between the Sr. Center building and Aqueduct Rd.
  - a. Utilize a mixture of evergreen and deciduous trees.
  - b. Retain as many existing trees as possible.
4. Per resolution 2021-31 Condition 3 (h) install a sidewalk from the edge of the Rivers Ledge of Niskayuna property line down Aqueduct Road to the entrance to the Aqueduct Park on Aqueduct Road.
5. Remove white siding from the proposed buildings.
6. Provide a roof plan for the Sr. Center building.
7. Meet with the ARB to continue to refine the façade design of the building.

9/12/22 Planning Board (PB) meeting – Mr. Steenburgh attended the meeting on behalf of the applicant. Ms. Robertson informed the PB that the area variance for a building height of 41’ (6’ variance) was approved by the ZBA at their 8/24/22 meeting. Ms. Robertson noted that nearby residents had requested that white siding not be used on the Senior Center building due to the high level of reflectiveness and brightness. Mr. Steenburgh agreed. He also noted that a roof plan will be provided for the 10/3/22 meeting.

A roof plan drawing was received and is included in the meeting packet.



10/3/22 Planning Board (PB) meeting – There were no representatives on behalf of the applicant at the meeting. The PB briefly discussed the roof plan. Mr. D'Arpino explained how the HVAC system will be stored and concealed. The Planning Office noted that the Weston and Sampson engineering firm has been selected as the TDE for the project. The PB requested additional information and details for the smaller 3,000 sq. ft. building.

On 1/10/23 Mr. Steenburgh emailed the Planning Office stating that construction costs associated with the underground parking have made the project cost prohibitive. The email includes a revised sketch plan that includes 55 car port parking spaces to meet the one covered space per unit as required in the Town zoning code. The revision status of the drawing was not changed but a hard copy version is stamped "Received Jan 10 2023 Planning Office Niskayuna, NY" and saved in the paper folder archives. The sketch plan now includes 55 covered parking spaces and 69 uncovered parking spaces.

A new 23-page design package entitled "Exterior Perspective – View from Aqueduct Road, Rivers Ledge Development Senior Building, Aqueduct Road, Niskayuna, NY 12309 by HCP Architects dated 12/12/22 was also included with the email. The design package includes renderings of the exterior of the revised building, window and siding specifications, interior floor plans and manufacturer's spec. sheets for several other key components of the proposed design.

While the Planning Office does not object to changing the parking to above ground, the Board should explore the visual change/impact to the Mohawk Hudson Bike Hike Trail, what the materials for the proposed garages would be, whether the main building height can be lowered as a result of the loss of the underground parking, what the impact is to landscaping and screening. The PO notes the conditions for Phase 2 of the PUD includes:

1. Preserving and protected the rural character of Aqueduct Road
2. Mitigate the loss of wetlands with landscaping and protect northern long-eared bat trees
3. Reduce impacts to wetlands (as proposed one building reduces impacts)
4. Construct a public parking lot (shown in proposed plan)
5. Explore transit opportunities / bus stop on premises
6. Meet multi-family dwelling regulations wherever possible
7. Install a sidewalk from the edge of Rivers Ledge property line down Aqueduct road to the entrance to Aqueduct Park on Aqueduct Road (not shown)

The Board should review and discuss the revised design.

2/23/2023 Planning Board (PB) meeting – Mr. Steenburgh, engineer for the applicant, attended the meeting and presented the new design on the applicant's behalf. The Board expressed dismay that the underground parking that was included in the original proposal was not included as part of the most recent proposal for the senior center building and asked the applicant to look into several alternative designs to keep the feel of the PUD. Some of the considerations were:

1. Look at underground parking again
2. Look at moving underground parking adjacent to building
3. Look at breaking up the sea of asphalt around this building
4. Consider less covered parking – only covered parking to one side of building
5. Consider inside of building – entrances and exits are not conducive to walking to covered parking – consider covered entry or walkway to parking



2/27/2023 Planning Board (PB) meeting – Mr. Chuck Pafundi, applicant for the project and Project Manager for the Rivers Ledge development, attended the meeting to discuss some of their findings following the last Planning Board meeting and discuss options to pursue for approval. The Planning Board discussed that if the project had to move to detached garages, they would want to ensure one covered space per unit (55 total). They requested the following information:

1. Renderings of the garages to review the aesthetics
2. An elevation profile of the site which included the garages and their relation to Aqueduct road, the main building and the bike path.
3. Setbacks labeled for the garages
4. Height dimensions for the garages
5. Landscape buffering to bike path
6. A reconfiguration of the building with entrances that face the parking garages

3/1/23 Conservation Advisory Council (CAC) meeting – The project was a Discussion Item at the 3/1/23 CAC meeting. The CAC discussed that it would be difficult for residents to have to clean the snow of their cars without a covered spot.

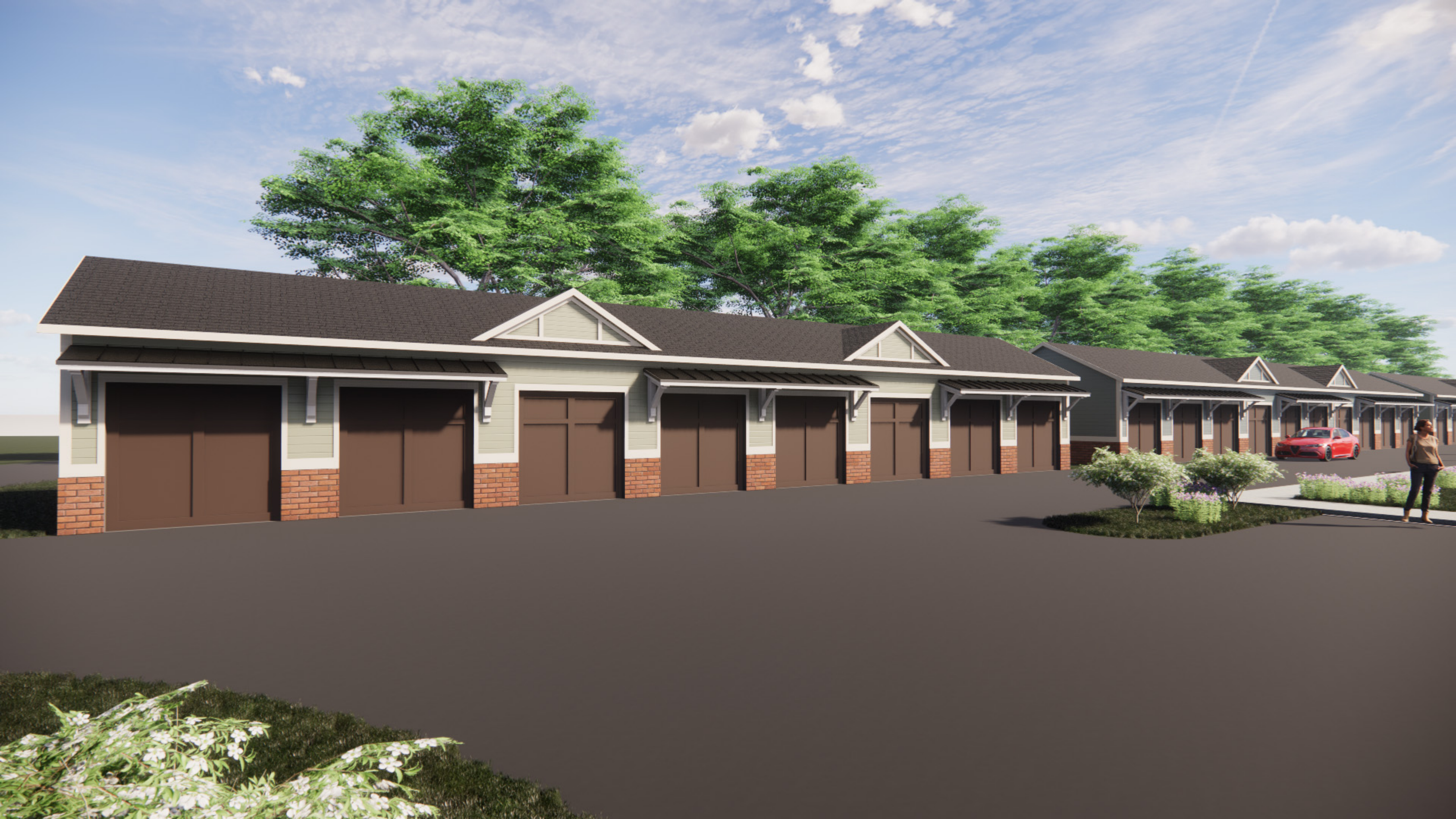
3/3/2023 Complete Streets – The Complete Streets recommended the applicant incorporate covered bike racks for the commercial area (as well as bike rack storage or outside covered storage bike rack for residents) into this proposal and locate a free bike maintenance station similar to several that have been installed in nearby communities. They also requested that since more trees and brush were being removed along the bike path – more should be put back to screen the garages. They did not want the garages to look like a long wall along the bike path.

3/9/2023 Tree Council – Tree Council briefly reviewed the site plan changes and agreed to be ready to review additional landscaping plans and screenings.

Mr. Pafundi provided the Planning Office with colored renderings of proposed garages on 3/7/23 and asked to be on the agenda for the 3/13/23 PB meeting.

The Board should review and discuss the proposed garage renderings.





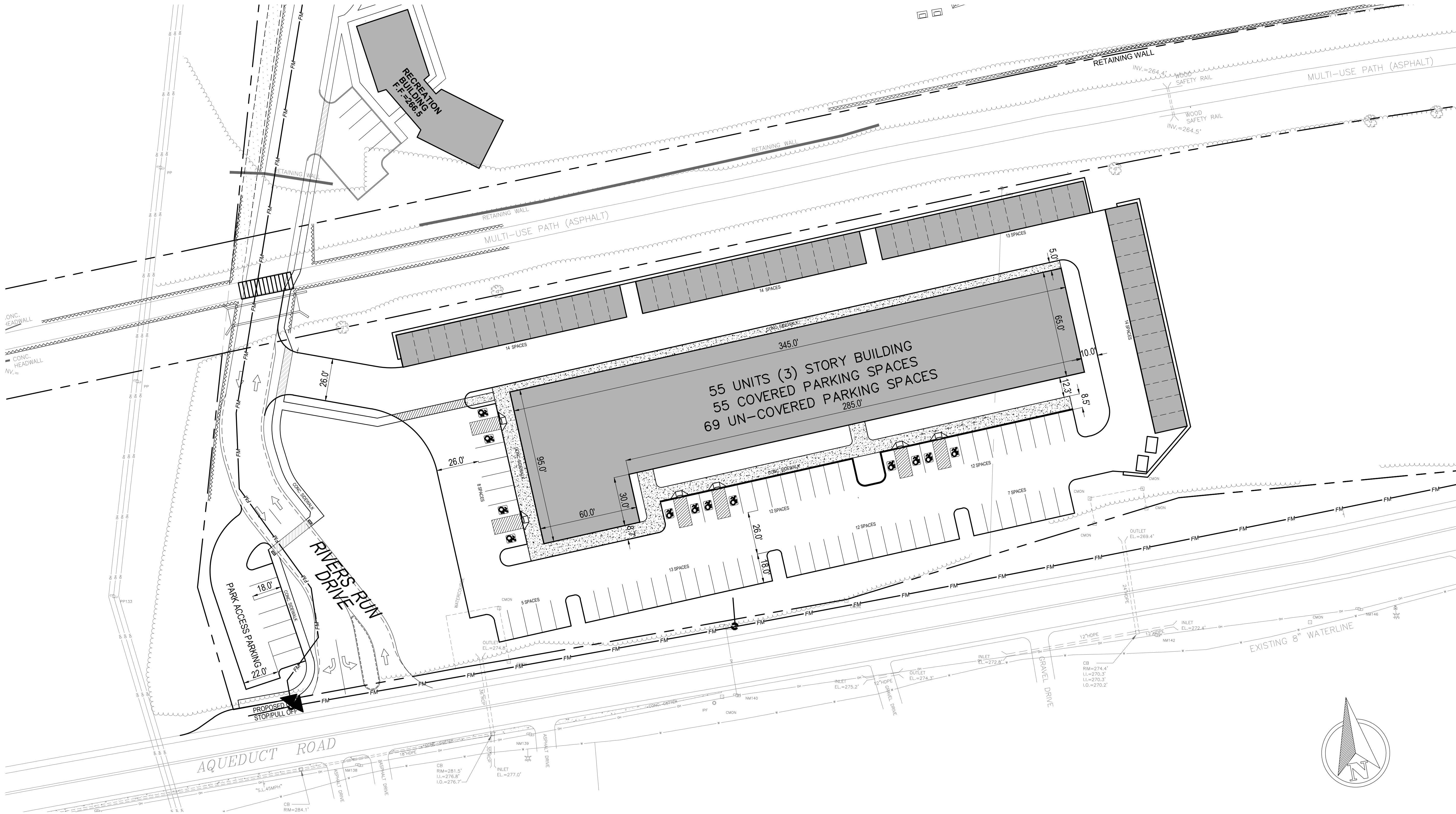


SITE STATISTICS

OWNER: RIVERS LEDGE OF NISKAYUNA  
APPLICANT: RIVERS LEDGE OF NISKAYUNA  
49 RAILROAD AVENUE  
ALBANY, NY 12205  
AREA = 5.25± ACRES  
USE: SENIOR APARTMENTS AND MIXED USE COMMERCIAL  
MAIN BUILDING: 55 SENIOR APARTMENTS + 2,000 S.F. COMMERCIAL  
PARKING PROVIDED = 124 SPACES  
GARAGE SPACES = 55 SPACES  
OUTDOOR SPACES = 69 SPACES  
BUILDING HEIGHT - 41'  
STAND ALONE COMMERCIAL BLDG = 3,000 S.F.  
PARKING PROVIDED = 11 SPACES  
BUILDING HEIGHT - 16'

LEGEND

- |   |   |    |                         |
|---|---|----|-------------------------|
| 1 | HANDICAP RAMP PER ADA STANDARDS             | 10 | BEGIN GUIDE RAIL        |
| 2 | CONCRETE SIDEWALK                           | 11 | END GUIDE RAIL          |
| 3 | BEGIN CURB                                  | 12 | CROSSWALK               |
| 4 | END CURB                                    | 13 | CONNECT TO EX. SIDEWALK |
| 5 | HANDICAP PARKING SIGN (MUTCD R7-8 W. R7-8P) | 14 | DUMPSTER ENCLOSURE      |
| 6 | STOP SIGN (MUTCD R1-1 MIN. 30" X 30")       |    |                         |
| 7 | NO PARKING ANYTIME SIGN (MUTCD R7-1)        |    |                         |
| 8 | BEGIN RETAINING WALL                        |    |                         |
| 9 | END RETAINING WALL                          |    |                         |



SKETCH PLAN		BRETT L. STEENBURGH, P.E. PLLC	
PHASE 2 - RIVERS LEDGE OF NISKAYUNA		2832 Rosendale Road Niskayuna, NY 12309 (518) 365-0875 bsteenburgpe@gmail.com	
COUNTY OF SCHENECTADY	TOWN OF NISKAYUNA	STATE OF NEW YORK	ENGINEERING THAT TRANSFORMS IMAGINATION INTO REALITY
DRAWN BY:	CHECKED BY:	SCALE: 1" = 30'	SHEET S-1
CADD FILE:	JOB NO.		
DATE:	MAY 11, 2022		



Scaling off these drawings shall be done only for review and approval purposes. Contractors shall not scale drawings for construction. No scaling shall be done for layout and construction.

Unauthorized alterations or additions to these drawings are prohibited. Any use of these drawings without the express written consent of Brett L. Steenburgh, P.E., PLLC is prohibited.

Copyright 2021 Brett L. Steenburgh, P.E., PLLC. Sub. 2 of the NYS Education Law, § 1209.1(2)(ii) requires that all drawings be signed by a professional engineer or architect.

BRETT L. STEENBURGH, P.E.  
NYS LIC. NO. 075456

BRETT L. STEENBURGH MAP REFERENCE:  
PLAN SET ENTITLED "RIVERS LEDGE NISKAYUNA" AS PREPARED BY  
ARICO ASSOCIATES, ENGINEERS, LAND PLANNERS & CONSULTANTS  
DATED MARCH 7, 2016 AND LAST REVISED FEBRUARY 2017.



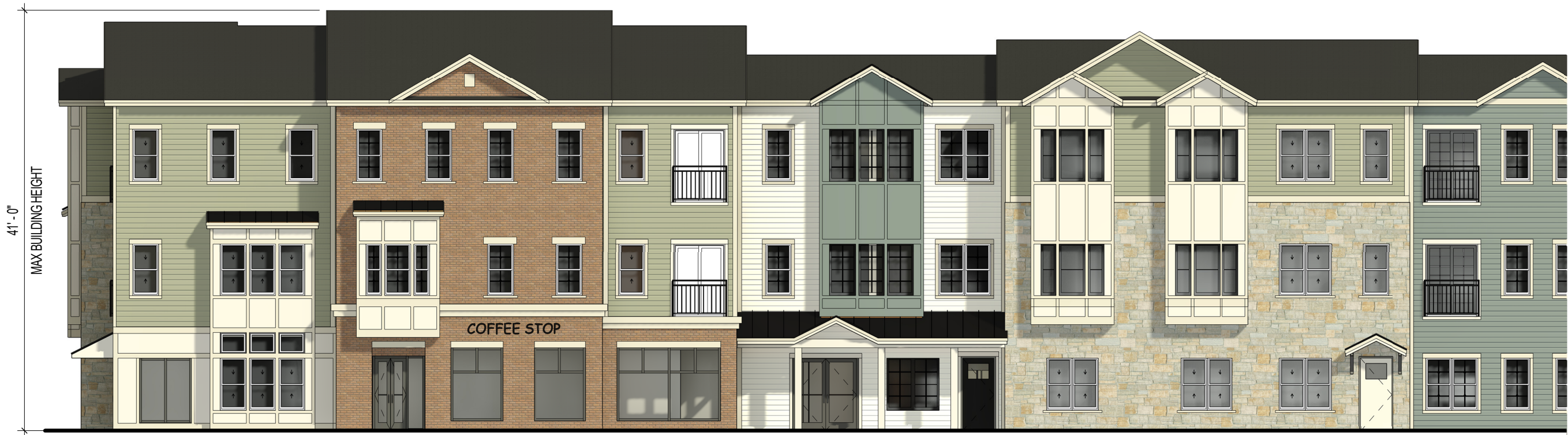




EXTERIOR CLADDING SPECIFICATIONS	WINDOW SPECIFICATIONS
<p><u>CULTURED STONE VENEER:</u></p> <ul style="list-style-type: none"> <li>CASA DI SASSI <ul style="list-style-type: none"> <li>VOLTERRA TURIN</li> </ul> </li> </ul> <p><u>EIFS BRICK</u></p> <ul style="list-style-type: none"> <li>STOCREATIV BRICK <ul style="list-style-type: none"> <li>OHIO STANDARD BRICK</li> <li>COLOR: VARIES</li> </ul> </li> </ul> <p><u>SIDING / TRIM:</u></p> <ul style="list-style-type: none"> <li>JAMES HARDIE FIBER CEMENT</li> <li>7" SMOOTH LAP SIDING <ul style="list-style-type: none"> <li>COLOR: VARIES</li> </ul> </li> <li>VERTICAL &amp; PANEL SIDING <ul style="list-style-type: none"> <li>COLOR: VARIES</li> </ul> </li> <li>TRIM, FASCIA &amp; SOFFITS <ul style="list-style-type: none"> <li>COLOR: VARIES</li> </ul> </li> </ul> <p><u>STANDING SEAM METAL ROOF - DORMERS &amp; SHED ROOFS:</u></p> <ul style="list-style-type: none"> <li>ATAS 2" FIELD-LOK <ul style="list-style-type: none"> <li>COLOR: BLACK</li> </ul> </li> </ul> <p><u>ROOFING:</u></p> <ul style="list-style-type: none"> <li>GAF TIMBERLINE HDZ</li> <li>ARCHTIECTURAL ASPHALT SHINGLES <ul style="list-style-type: none"> <li>COLOR: WEATEHRED WOOD</li> </ul> </li> </ul>	<p><u>WINDOWS:</u></p> <ul style="list-style-type: none"> <li>ANDERSEN 100 SERIES OR EQUAL</li> <li>SINGLE HUNG: (2) 2'-6" X 5'-0" <ul style="list-style-type: none"> <li>EXT. COLOR: VARIES</li> <li>INT. COLOR: WHITE</li> </ul> </li> </ul> <p><u>SLIDING PATIO DOORS</u></p> <ul style="list-style-type: none"> <li>ANDERSEN 100 SERIES OR EQUAL</li> <li>GLIDING PATIO DOOR: 8'-0"w X 7'-0"h <ul style="list-style-type: none"> <li>EXT. COLOR: VARIES</li> <li>INT. COLOR: WHITE</li> </ul> </li> </ul> <p><u>BUILDING ENTRANCES:</u></p> <ul style="list-style-type: none"> <li>KAWNEER 350 MEDIUM STILE ALUMINUM ENTRANCES</li> <li>3-1/2" VERTICAL STILES AND TOP RAILS</li> <li>10" HIGH BOTTOM RAIL</li> <li>ALUMINUM FINISH: PERMAFLUOR, VARIES</li> </ul>

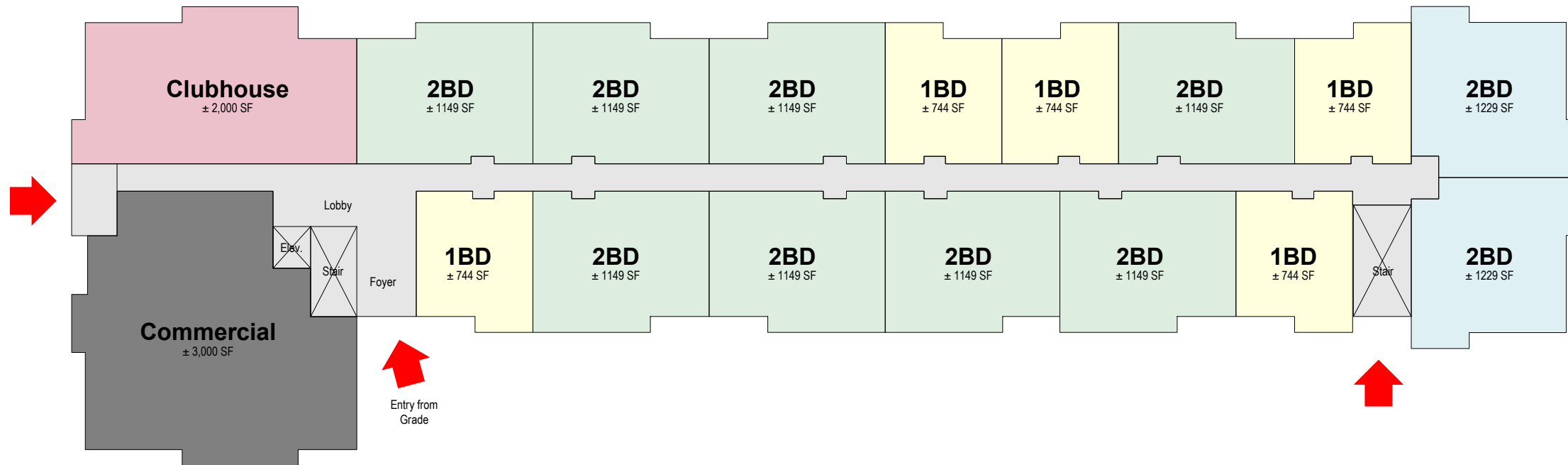
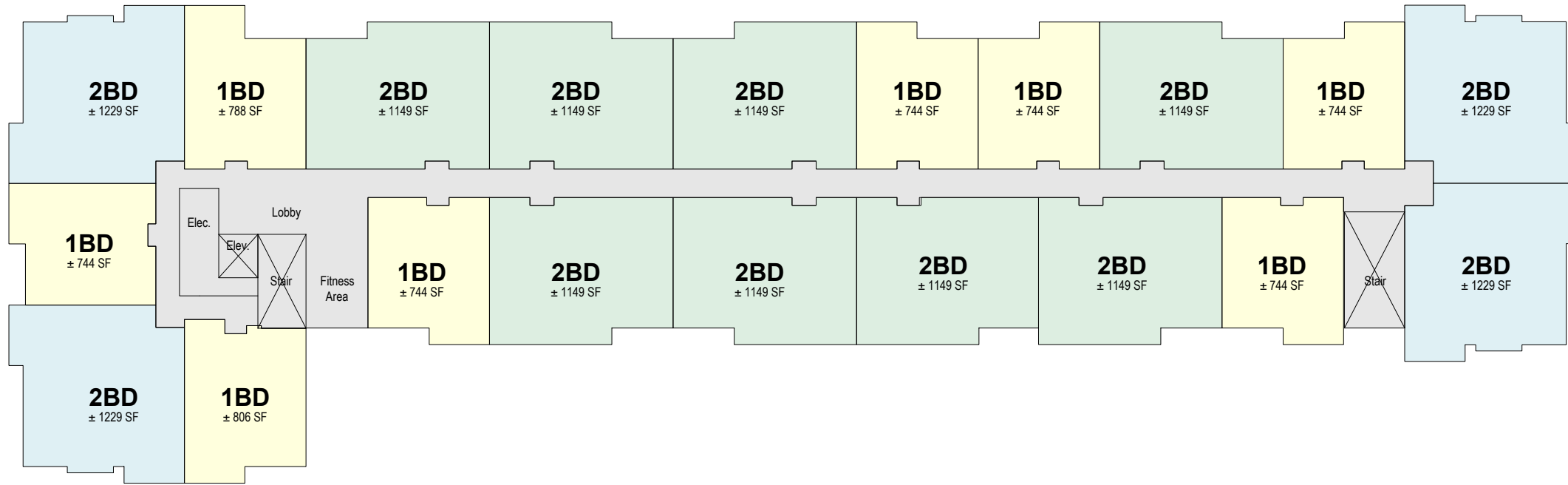


West Elevation



South Elevation - West Wing





Unit Count Matrix			
	1 Bedroom	2 Bedroom	
First Floor	5	10	± 55 Units
Second Floor	8	12	
Third Floor	8	12	
Total	21	34	

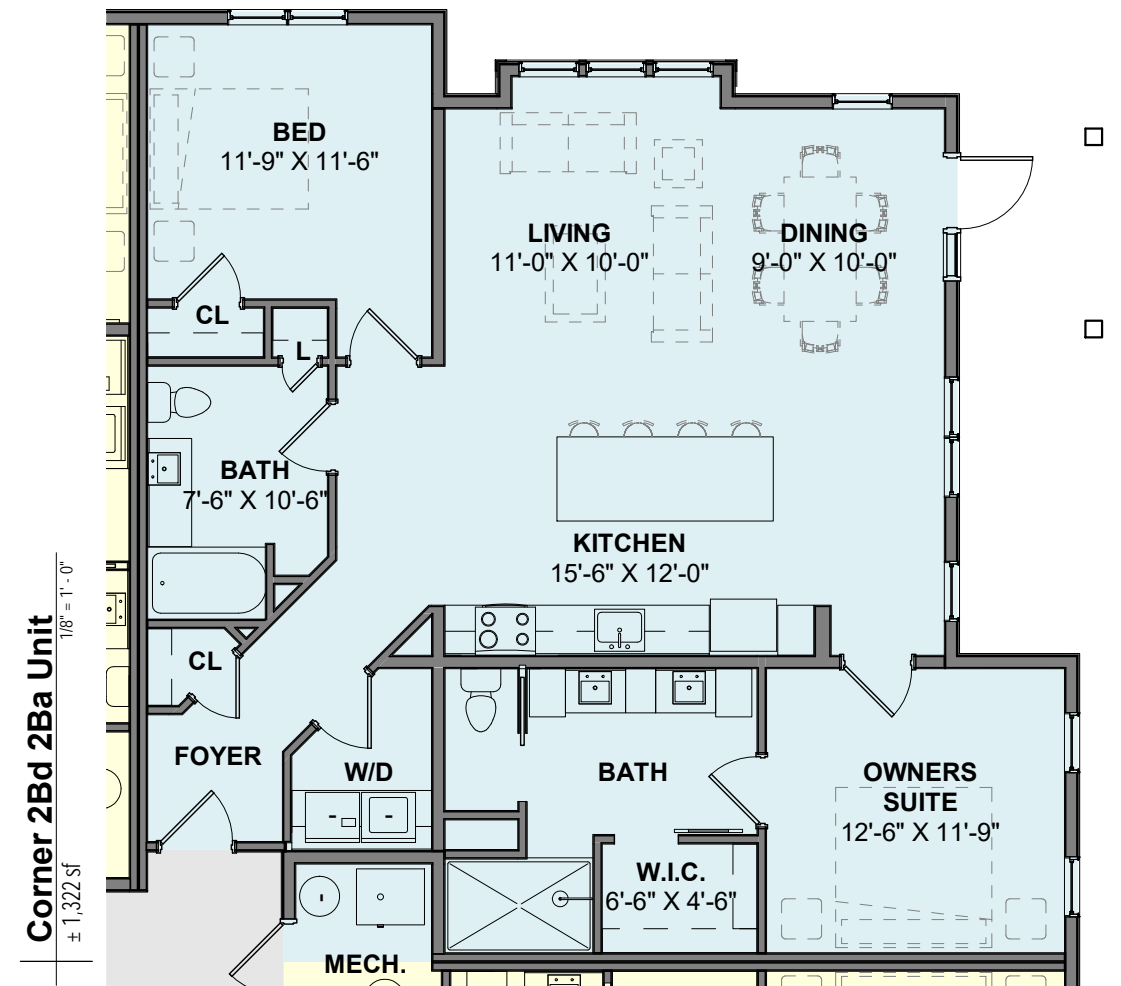
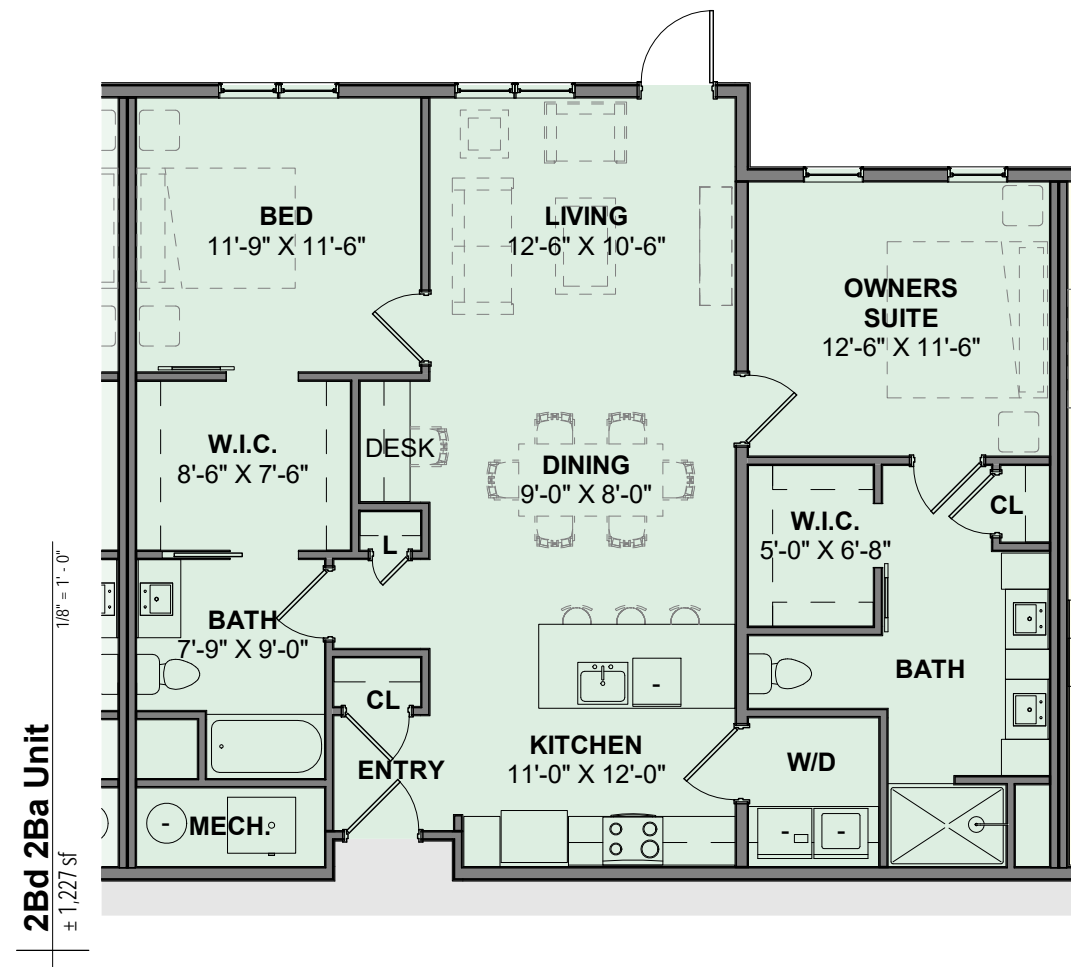
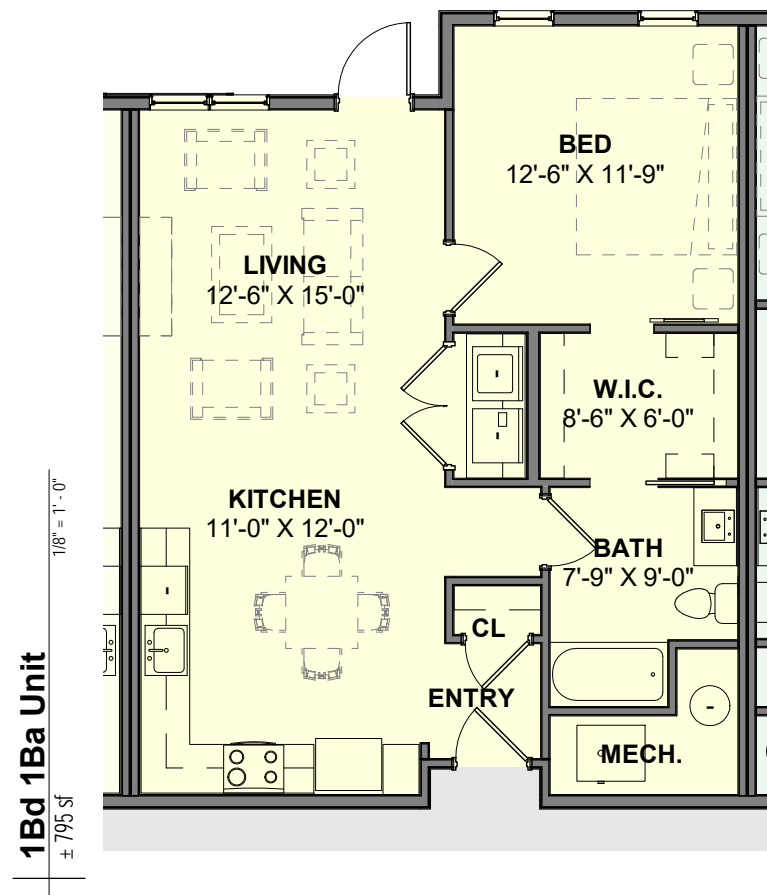
## Rivers Ledge Senior Building Block Plans

Rivers Ledge Development: Senior Building  
Aquaduct Road, Niskayuna, New York 12309



Scale: 1" = 30'-0"  
December 12, 2022









# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 4

MEETING DATE: 3/13/2023

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**ITEM TITLE:** DISCUSSION: 3900 State St. – Kia car dealership – site plan application to combining 17, 25 and 33 Fagan Ave. with the existing Kia Automobile lot, take down two single family homes and extend the Automobile Sales lot.

**PROJECT LEAD:** Mr. McPartlon

**APPLICANT:** Mitch Cromer, agent for the owner

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

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**REVIEWED BY:**

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

**ATTACHMENTS:**

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

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**SUMMARY STATEMENT:**

Mitch Cromer, agent for the owner of the Kia automobile dealership, submitted an Application for Site Plan Review to combine 17, 25 and 33 Fagan Ave. with the existing Kia Automobile lot, take down two single family homes and extend the Automobile Sales lot.

The applicant and the Board have reviewed and refined the site plan at several Planning Board meetings, resulting in the plan dated 2/27/23. A critical undefined detail is the inclusion of a clearly designed and marked area for large trailers to unload automobiles at the site.

**BACKGROUND INFORMATION**

The property is located within the C-H Commercial Highway zoning district. Automobile sales and service establishments are special principal uses in the C-H district.

A two site drawings entitled “Kia Schenectady Parking Lot Expansion, Drawing Reference Number C-1” both authored by Griffiths Engineering dated 12/14/22 and 12/22/22 were included with the application. The drawing dated 12/14/22 shows the proposed additional 114 parking space parking lot encompassing the three lots. It also shows the neighboring lots on Fagan Ave., Amherst Ave. and State St. The drawing dated 12/22/22 shows an aerial pictorial image of the proposed future condition of the site including the new 114 parking space lot.

A two page information sheet was prepared by the Planning Office that shows the approximate location of the storm water system for the existing parking lot. An underground storm water pipe runs from a catch basin at the southern-most corner of the existing lot, along Fagan Ave. running away from State St. for approximately 4 lots. The pipe then crosses under Fagan Ave. and runs the full depth of the lot on the south side of Fagan Ave. and eventually empties into an open drainage ditch that runs perpendicular to State St.



The initial review from the Planning Department indicates that, should this application proceed, the applicant will need to submit a special use permit to conduct the Automobile sales use upon the three adjacent lots which are currently single family residential or vacant/treed lots. There are also strict buffering requirements for unenclosed uses adjacent to residential homes, as this proposal would be : 220-21 (B) and 220-16 (A) (3) (a).

This application will require an Environmental Assessment Review. In their initial look at this project, the Conservation Advisory Council had some immediate concerns about the additional impervious space and the impact to the adjacent residential neighborhood. Their preliminary comments are:

1. The proposal would be detrimental to the residential nature of the affected neighborhoods. The Northwest side of S Fagan Ave is currently all residential within the Town of Niskayuna, with the exception of a substantial buffered portion of the existing KIA parking lot on State St. This proposal would leave one residential home sandwiched between the Town of Colonie and the new proposed parking lot and disrupt the resident character on both S Fagan and S Amherst.
2. The CAC had concerns over the loss of green space and the negative impact the additional asphalt could have on the adjacent homes on S Amherst Ave. They were particularly concerned about the negative impacts of increases in temperature due to the large increase in asphalt.
3. The CAC noted KIA already appears to own a lot across the street from its main building, on the Southwest side of S Fagan Ave. This lot appears to be underutilized and not well maintained and should be explored to help mitigate the need for additional land.
4. The CAC was concerned this proposal goes against the Comprehensive Plan.

1/9/23 Planning Board (PB) meeting – Mr. Cromer was present at the meeting. He explained the impetus behind his proposal and stated that he is exploring multiple options for securing dependable secure storage of his automobile inventory. He stated the proposal to combine the three lots into his existing lot is one of the potential solutions he is pursuing. He explained that he currently has approximately 250 automobiles stored at a lot on Morris Road. However, use of this lot is subject to a lease agreement that may be terminated by the lessor with a 30 day notice. Mr. Cromer explained that the merging of the three lots with his existing lot appeared to be a potential solution to him so he chose to present it to the Board.

The PB, Planning Office and Mr. Cromer discussed the potential project in significant detail. Mr. Cromer spoke to the concerns of the CAC and proposed mitigation plans and adjustments to the site plan to minimize its impact on the neighboring properties. He noted that the facility across Fagan Ave. is a reconditioning center and is used to detail cars prior to sale. He noted that the use of the area is not optimized and agreed work on improving that situation. The PB noted their primary concern is the potential negative impact the project could have on the neighborhood. The PB requested the following action items be completed for the 1/23/23 PB meeting.

1. Provide an updated site plan that hopes to address the CAC's concerns regarding screening of the proposed parking lot from neighboring properties.
2. Provide a detailed breakout of all parking spaces on the existing lot identifying which spaces are for customers, employees, automobile storage, etc.

Mr. Cromer provided the Planning Office with an updated site plan that was stamped "Received Jan 13 2023 Planning Office Niskayuna, NY" that includes a vegetative screening of American Arborvitae trees 6' on center along the north and west edges of the proposed combined lot. A



version of the updated site plan was marked to identify how each parking space would be used – for customers, employees, storage, etc.

1/23/23 Planning Board (PB) meeting – Mr. D’Arpino recused himself from this project due to a relationship with the presenting engineer. Mr. Cromer attended the meeting and stated that he has hired the engineering firm Clough Harbor & Associates to help him with the project. An engineer from their staff was also at the podium with Mr. Cromer. Ms. Robertson projected the site plan stamped 1/13/23 on the screen and Mr. Cromer identified the Arborvitae tree screening and color coded breakout of parking spaces. Mr. Cromer provided the Board with a copy of the letter that was provided to neighboring residents describing the project. The storm water system was very briefly discussed including a discussion of the use of an underground storm water vault. The engineer representing Clough Harbor stated that he is still getting up to speed regarding the project details. The Board agreed on the following next steps.

1. Arrange a site walk of the property
2. Hold a public hearing at the 2/13/23 PB meeting.

1/27/23 Complete Streets Committee (NCSC) meeting – The Complete Streets Committee reviewed the most recent site plan drawing and requested that the project include the addition of a new sidewalk along Fagan Ave from State St. to Albany St.

2/1/23 Conservation Advisory Council (CAC) meeting – Mr. Cromer and Mr. Devan from Clough Harbor & Associates attended the meeting and repeated the presentation at the 1/23/23 PB meeting. The CAC expressed many of the same concerns they had expressed at the previous meeting: that the project may have a negative environmental, human and neighborhood impact. The CAC asked if the size of the proposed parking lot could be reduced to allow for additional green space. Mr. Cromer noted that he is working on a long form EAF.

2/9/23 Tree Council (TC) meeting -- The Tree Council requested that the patch of large trees between 17 S Fagan Ave and 33 S Fagan Ave be retained and the proposed parking spaces to be worked around the existing trees.

2/13/23 Planning Board (PB) meeting – Notifications for a public hearing were circulated and a public hearing was held at the 2/13/23 Planning Board meeting. No residents chose to attend the hearing but Ms. Robertson, Town Planner, did receive a phone call from a resident on South Amherst Ave. The resident expressed concerns related to traffic congestion caused during the offloading of vehicles being delivered to the dealership, light bleed off of the site and cars being parked on the lawn of the dealership.

The applicant’s engineer presented revised site plan drawings. The new design reduces the number of parking spaces from 107 to 94 and reduces the curb cuts on S. Fagan Ave. from two to one. This preserves more green space and the new design allows the proposed new parking lot to connect to the existing lot so cars may be moved back and forth without the need to come out on public streets. A colored rendering of the property with proposed extensive mature landscaping was shown. A lengthy discussion of the new design ensued between the Board, the applicant and the applicant’s engineer.

Mr. McPartlon, the PB project lead for the project, stated that he and other members of the Planning Office participated in a site walk to assess the property and neighborhood first-hand.

Several members of the Planning Board and Planning staff expressed concern about the demolition of single family homes for this project. The Board was particularly concerned with removal of the second home, 33 S Fagan Ave, and asked for a proposal that keeps that allows that home to remain.



The Board noted that the storm water management areas in the updated plan are above ground rather than the closed subterranean system of the previous plan.

The Board requested the following additional information from the applicant.

1. Explore a plan that allows the second home (33 S Fagan) to remain standing
2. Include a clearly marked vehicle delivery area in the plan.
3. Include a more optimized plan for the vehicle reconditioning portion of the property.
4. Provide a long form EAF.
5. Provide a comprehensive look at how all potential sites fulfill Mathews needs (alternatives) to help support the decision making process.

The applicant provided the Planning Office with an updated site concept plan / rendering dated 2/27/23 and a full EAF dated 2/14/23. The new drawing includes more landscaping on the vehicle reconditioning site and a sidewalk along S. Fagan Ave. from State St. to the end of the proposed new parking lot area.

2/27/2023 Planning Board – the application was not on the PB agenda but a neighbor spoke in opposition to the project under privilege of the floor because they were unable to attend the public hearing due to a health issue. She had concerns with the offloading of vehicles onto the residential streets, the encroachment of commercial use towards her residential property, increased commercial lighting, safety for her children and disruption to the neighborhood from the current business. She also requested the large Spruce tree not be removed because it is home to birds of prey seasonally and she has contacted the DEC for guidance.

3/1/23 Conservation Advisory Council (CAC) meeting – The applicant was on the agenda for the 3/1/23 CAC meeting but at the applicant's request discussion of the project was tabled until the 4/19/23 meeting. Without significant discussion, the only additional comment the CAC had on March 1<sup>st</sup> was they need to understand how many and how often vehicles are being delivered.

3/3/2023 Complete Streets – The Complete streets recommended:

1. All vehicle drop offs need to occur onsite, not on State Street or side streets
2. The sidewalk looks good but should extend all the way to Albany St

3/9/2023 Tree Council – The Tree Council reiterated their request for the Norway Spruce to be worked around, strengthened by the evidence presented by the homeowner across the street that it is a nesting site for birds of prey. They noted the increased landscaping around the parking lot was an improvement – but they wanted to see the parking spaces go around the Norway Spruce.

Planning Department: The Planning Department continues to review this special use permit for the potential precedent of taking down single-family homes to allow for the expansion of commercial parking lots on State Street into residential side streets. The 2013 Comprehensive Plan specifically states that the Stanford Heights area has well-established residential neighborhoods and notes that the State Street Corridor should “maintain its low density development that doesn't overwhelm and consume the adjacent residential neighborhoods” (p77).

The PB should review and discuss the new site plan.



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- SITE COVER FOR 17, 25, 33, S. FAGAN:**
- TOTAL PROPERTY (~1.09 ACRES)
  - BUILDING COVER (~0.07 ACRE)
  - DRIVEWAY COVER (~0.10 ACRE)
  - WOOD COVER (~0.28 ACRE)
  - GRASS COVER (~0.64 ACRE)
  - IMPERVIOUS AREA (~16%)

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MATTHEWS KIA  
PARKING LOT EXTENSION  
PROJECT

No.	Submittal / Revision	App'd	By	Date

EXISTING  
CONDITIONS

Designed By:	Drawn By:	Checked By:
DD	HB	DD

Issue Date:	Project No:	Scale:
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OF THE ALTERATION.

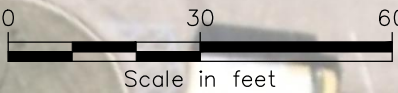
MATTHEWS KIA  
PARKING LOT EXTENSION  
PROJECT

No.	Submittal / Revision	App'd	By	Date

CONCEPT SITE PLAN

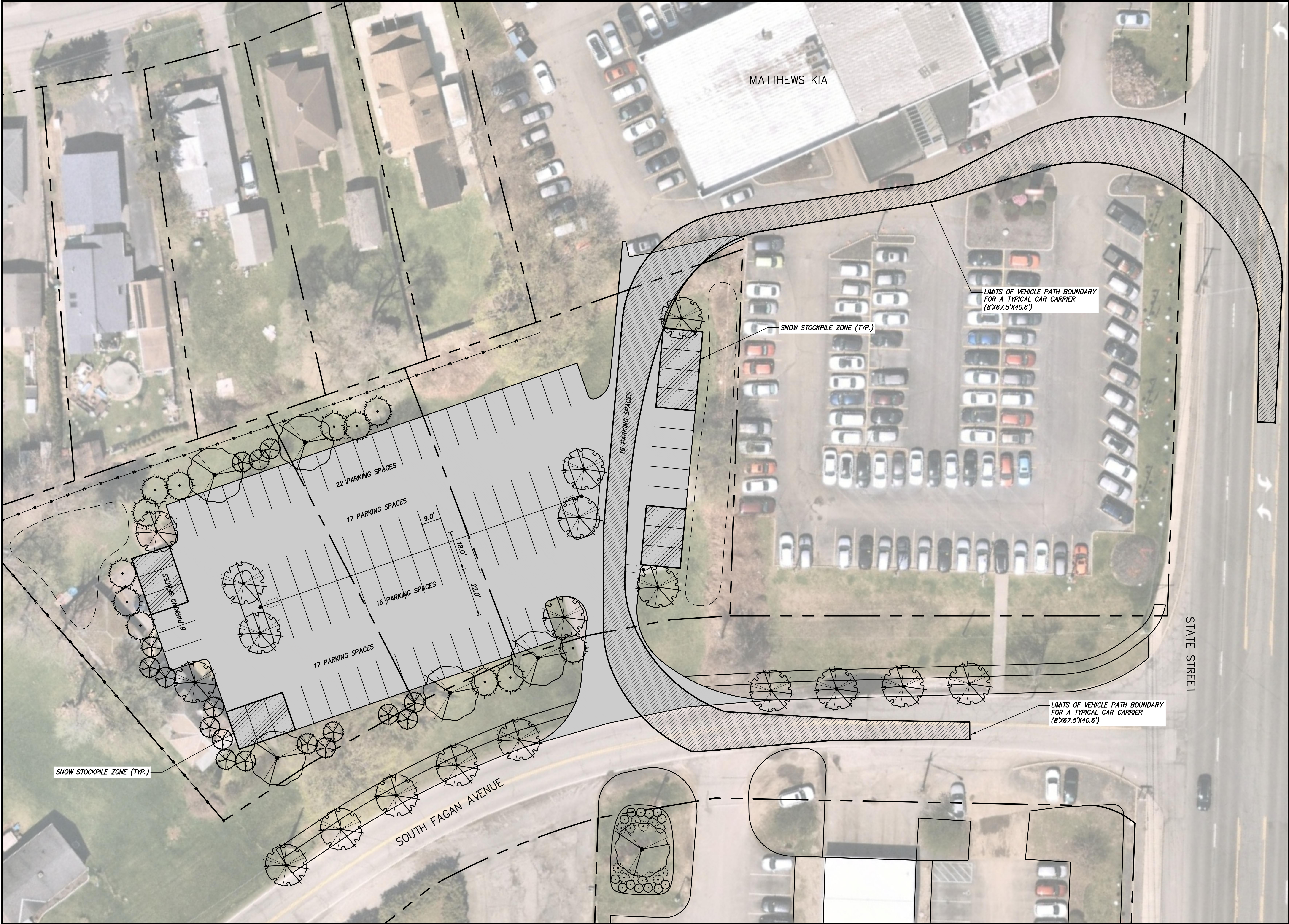
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MATTHEWS KIA  
PARKING LOT EXTENSION  
PROJECT

No.	Submittal / Revision	App'd	By	Date

SNOW & OFF  
LOADING

Designed By:  
XXX

Drawn By:  
XXX

Checked By:  
XXX

Issue Date:  
XXXXX

Project No:  
080685

Scale:  
**AS SHOWN**

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MATTHEWS KIA  
PARKING LOT EXTENSION  
PROJECT

No.	Submittal / Revision	App'd	By	Date

CONCEPT SITE PLAN

Designed By:	Drawn By:	Checked By:
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Issue Date:	Project No:	Scale:
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**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	□ Yes □ No
<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div>	
b. Is the use permitted or allowed by a special or conditional use permit?	□ Yes □ No
c. Is a zoning change requested as part of the proposed action? If Yes,	□ Yes □ No
i. What is the proposed new zoning for the site? _____	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? _____	
b. What police or other public protection forces serve the project site? _____	
c. Which fire protection and emergency medical services serve the project site? _____	
d. What parks serve the project site? _____ _____	

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. a. Total acreage of the site of the proposed action?	_____ acres
b. b. Total acreage to be physically disturbed?	_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ acres
c. Is the proposed action an expansion of an existing project or use? □ Yes □ No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)?    % _____    Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? □ Yes □ No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? □ Yes □ No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? □ Yes □ No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated	_____
• Anticipated commencement date of phase 1 (including demolition)	_____ month _____ year
• Anticipated completion date of final phase	_____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	



f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	



*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐  
If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐  
If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐  
If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

*d.* Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐  
If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐



<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____            _____            _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____            _____            _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____            _____            _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____            _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____            _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____              _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		



<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			



c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____  Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____  _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features. <ul style="list-style-type: none"> <li>i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> <li>iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> </li> </ul>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: _____</li> </ul>	



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

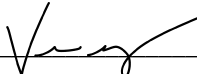
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

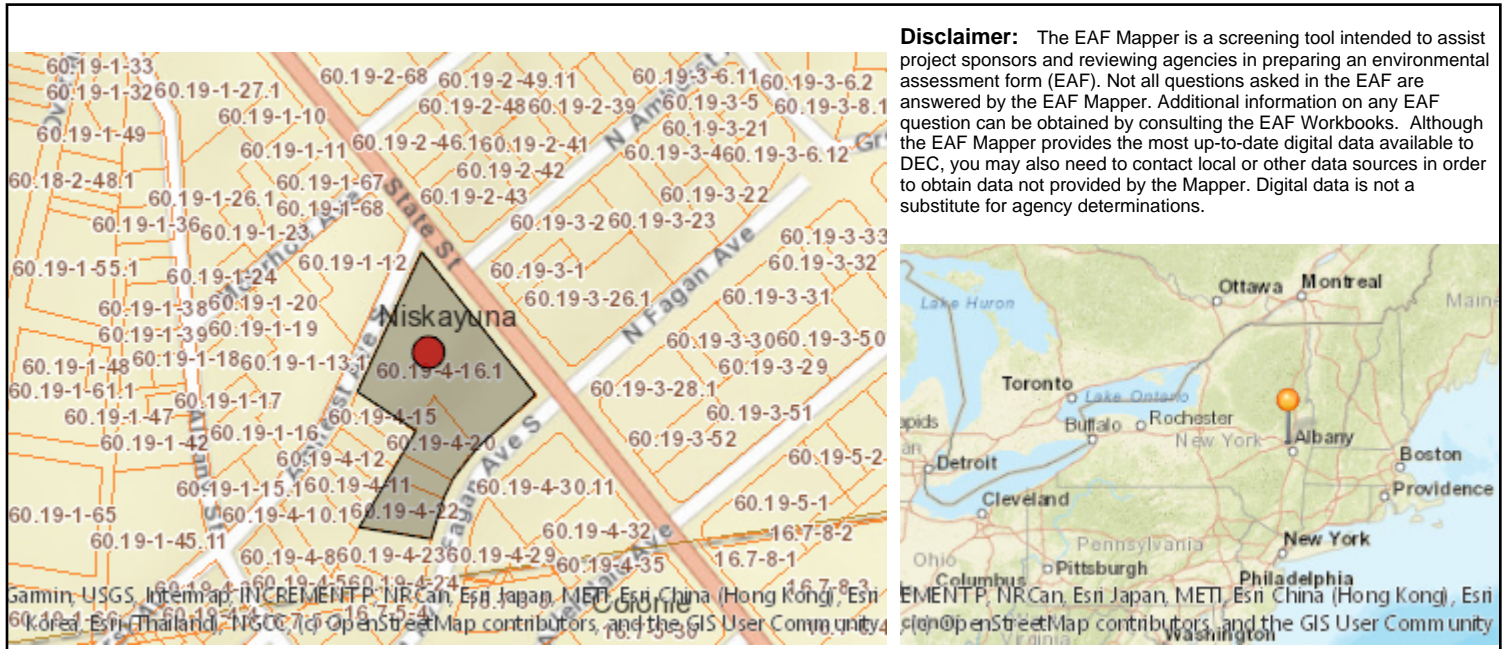
#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature  \_\_\_\_\_ Title \_\_\_\_\_





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

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	Yes



E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest
E.2.n.i [Natural Communities - Acres]	2819.0
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No





# TOWN OF NISKAYUNA

## PLANNING BOARD AND ZONING COMMISSION

### AGENDA STATEMENT

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AGENDA ITEM NO. VIII. 5

MEETING DATE: 3/13/2023

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**ITEM TITLE:** DISCUSSION: 2321 Nott St. E. – CHASE Bank -- A site plan application for new façade and ATM signage.

**PROJECT LEAD:** TBD

**APPLICANT:** Kimberly Keene, Paul Landa agents for the owner

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

---

**REVIEWED BY:**

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

**ATTACHMENTS:**

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

---

**SUMMARY STATEMENT:**

Kimberly Keene, of Project Expeditors Consulting Corp. and agent for the owner, has submitted an Application for Site Plan Review for a tenant change to a CHASE Bank with an outside walk-up ATM machine at Suites 2 and 3 of 2321 Nott St. E. The two suites were most recently occupied by Karma Bistro and Best Cleaners, respectively. The property is located within the C-N Neighborhood Commercial zoning district, the Town Center Overlay District (TCOD) and is part of a Planned Unit Development (PUD). The Planning Board approved the tenant change with PB Resolution 2023-07 at their 2/27/23 meeting.

Paul Landa, of Permit.com, provided the Planning Office with proposed new signage plans for the CHASE Bank. As proposed, the signage appears to require two waivers from the Planning Board as described, below.

**BACKGROUND INFORMATION**

A 7-page sign documentation package entitled "Niskayuna North 2309 Nott Street Niskayuna, NY 12309" by Philadelphia Sign dated 1/20/23 was submitted to the Planning Office.

Façade Sign 1 – DRC Page 6

- The frontage for the CHASE Bank portion of 2321 Nott St. E. is approximately 40 ft.
- Schedule I-D of the Zoning Code allows 1 sq. ft. of façade signage for each linear foot of building frontage up to a maximum of 50 sq. ft.
  - As proposed, the façade sign measures 25.6 sq. ft. and is therefore compliant with Zoning Code.
- Section 220-48.4 E 5 states that a picture logo shall not exceed 30% of the overall sign area



- As proposed, the façade sign includes the CHASE Bank logo measuring 4.8 sq. ft. or 18.8% of the overall sign area and is therefore compliant with Zoning Code.

#### ATM Surround – DRC Page 7

- Section 220-48.4 E 9 Number of Signs: states that “one façade sign per use is permitted except that buildings fronting on two streets may have one sign for each building front.....”
  - As proposed, the CHASE Bank sign located on the ATM Surround is a second façade sign and therefore requires a waiver for a second façade sign on one building front by the Planning Board.
- Section 220-48.7 C 1 Architectural Review Standards: colors: states that “colors utilized for building exteriors shall be compatible and shall visually reflect the traditional concept of the Town Center....Examples of incompatible colors include metallics, neons and / or primary colors”.
  - As proposed, the ATM Surround includes a neon blue border and therefore requires a waiver from the Planning Board.

The Planning Board should review the proposed signage with the applicant and discuss potential options. A slide of the color scheme that was approved on 8/29/22 with PB Resolution 2022-20 for the CHASE Bank drive-up ATM is included in the meeting packet for reference.



CHS.NB.1204

NISKAYUNA NORTH

2309 Nott Street  
Niskayuna, NY 12309



REVISION NOTES:  
01.31.23    FP    Added E04a & E04b



B104171





ita from private and government sources deemed to be reliable. The information herein is provided without representation or warranty



CHS.NB.1204 - Niskayuna North  
2309 Nott Street  
Niskayuna, NY 12309

DESIGNER - FP  
CREATED - 01.20.23  
DRAWING - B104171



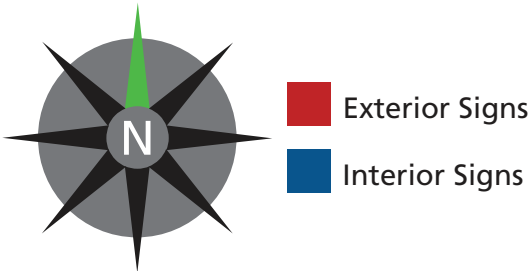
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Exterior Scope of Work

E01	LIF-WBO-20-LED	WHITE W/ BLUE OCTAGON ILLUM CHANNEL LETTERS	25.6F
E02	SUR-TTW-U-4-TP	ILLUMINATED THIN PROFILE ATM SURROUND	33SF
E04A	MT-A-V	ACRYLIC FACE W/ LOGO AS VINYL 1ST & 2ND SURFACE	TBD
E04B	MT-A-V	ACRYLIC FACE W/ LOGO AS VINYL 1ST & 2ND SURFACE	TBD



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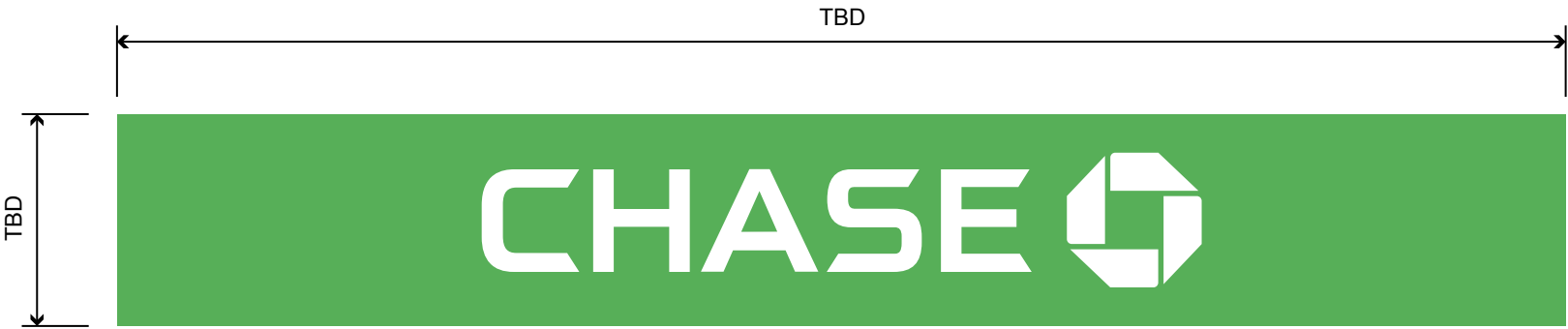




Close-Up View



Rendering



**MT-A-V**  
**ACRYLIC FACE w/ LOGO AS VINYL 1ST & 2ND SURFACE**  
**SCALE: NTS**  
**NOTE: FACES WILL BE GREEN TO MATCH EXISTING. EXACT GREEN TO BE DETERMINED.**



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Niskayuna, NY 12309

**DESIGNER -** FP  
**CREATED -** 01.20.23  
**DRAWING -** B104171

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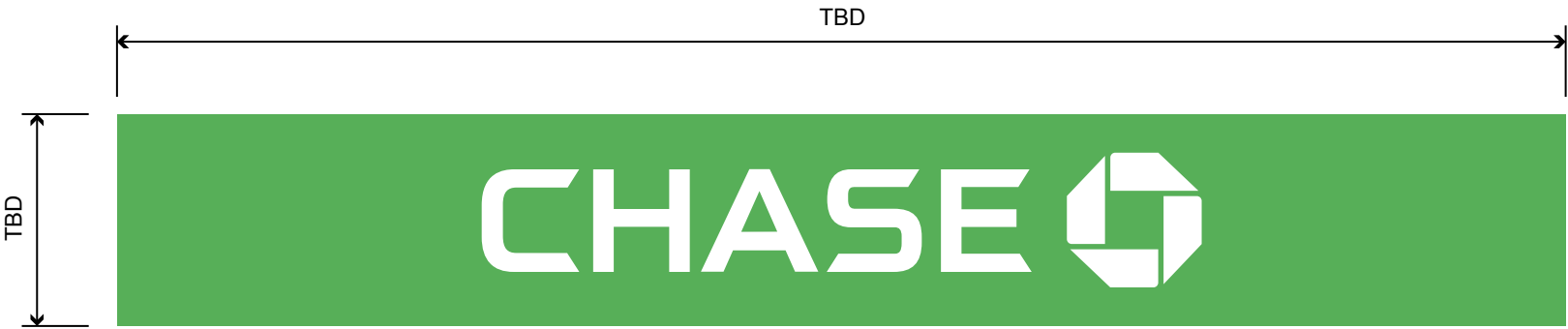




Close-Up View



Rendering



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South Elevation

DIMENSIONS TO BE FIELD VERIFIED



**LIF-WBO-20-LED**  
**WHITE W/ BLUE OCTAGON ILLUM CHANNEL LETTERS - 25.6SF**  
SCALE: NTS



**CHS.NB.1204 - Niskayuna North**  
2309 Nott Street  
Niskayuna, NY 12309

**DESIGNER** - FP  
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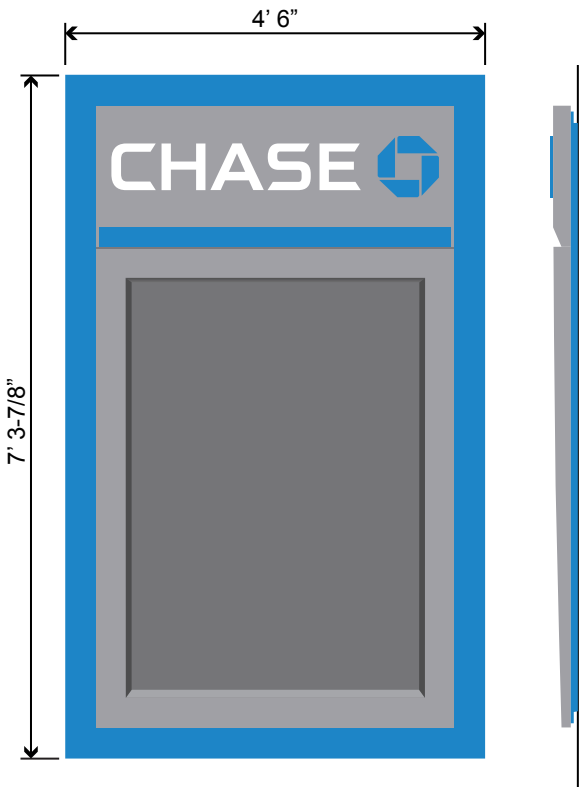
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South Elevation

DIMENSIONS TO BE FIELD VERIFIED



**SUR-TTW-U-4-TP**  
**THIN PROFILE ATM SURROUND - 33SF**  
SCALE: NTS



**CHS.NB.1204 - Niskayuna North**  
2309 Nott Street  
Niskayuna, NY 12309

**DESIGNER** - FP  
**CREATED** - 01.20.23  
**DRAWING** - B104171



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E01 - LIF-WBO-20-LED

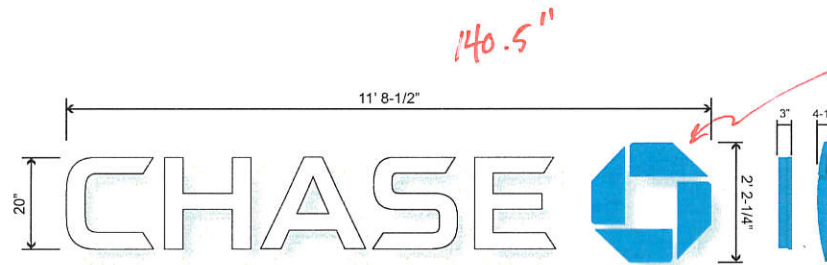
E03 - ADA-EP-NY

E03.1 - CUST.VIN



South Elevation

DIMENSIONS TO BE FIELD VERIFIED



LIF-WBO-20-LED  
WHITE W/ BLUE OCTAGON ILLUM CHANNEL LETTERS - 25.6SF  
SCALE: NTS

$26.25 \times 26.25 = 4.8 \text{ SQ. FT.}$   
 $4.8 \text{ IS } 18.8\% \text{ OF } 25.6$   
 $25.6 \text{ SQ. FT.}$

CHASE

CHS.NB.1204 - Niskayuna North  
2309 Nott Street  
Niskayuna, NY 12309

DESIGNER - FP  
CREATED - 01.20.23  
DRAWING - B104171

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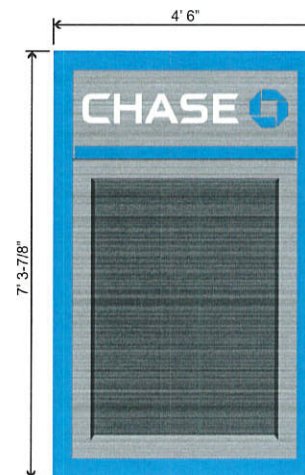
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South Elevation

DIMENSIONS TO BE FIELD VERIFIED



**SUR-TTW-U-4-TP**  
**THIN PROFILE ATM SURROUND - 33SF**  
 SCALE: NTS



CHS.NB.1204 - Niskayuna North  
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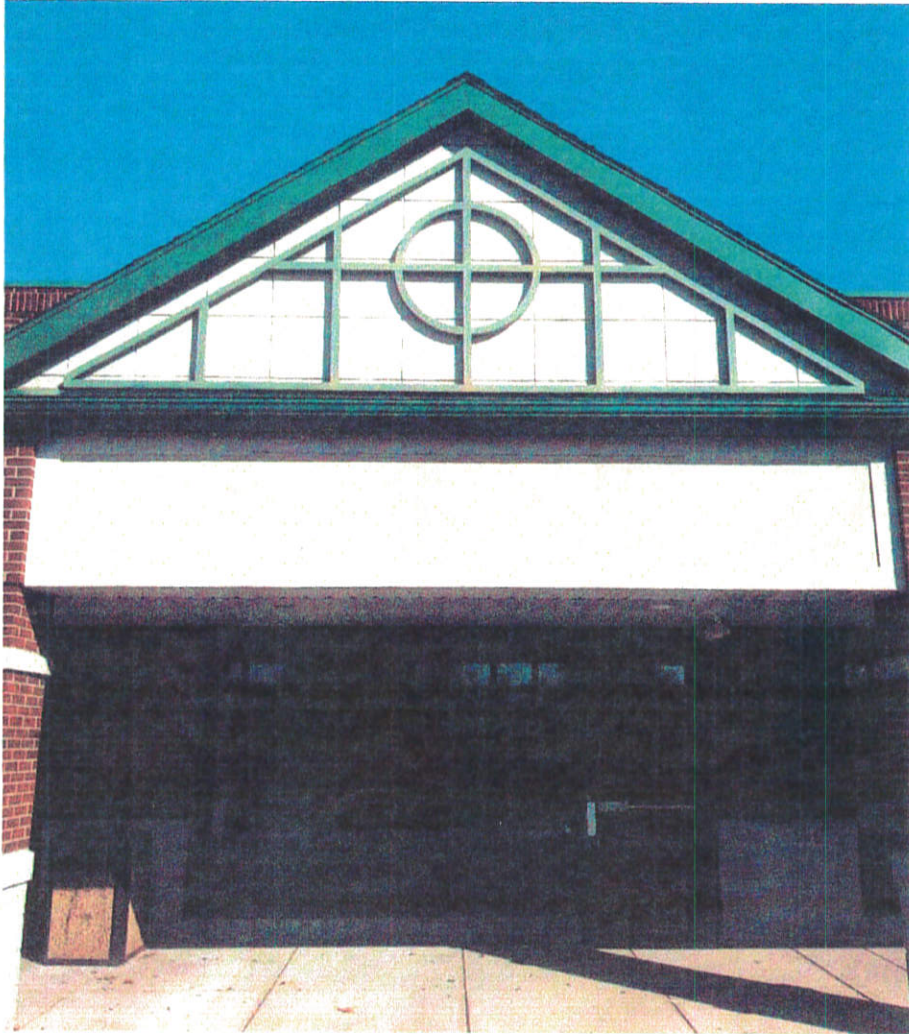
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Darla - Ray Sign  
694-1496



30 sf





**Nott and Balltown - ATM**  
**# 38100P375091**

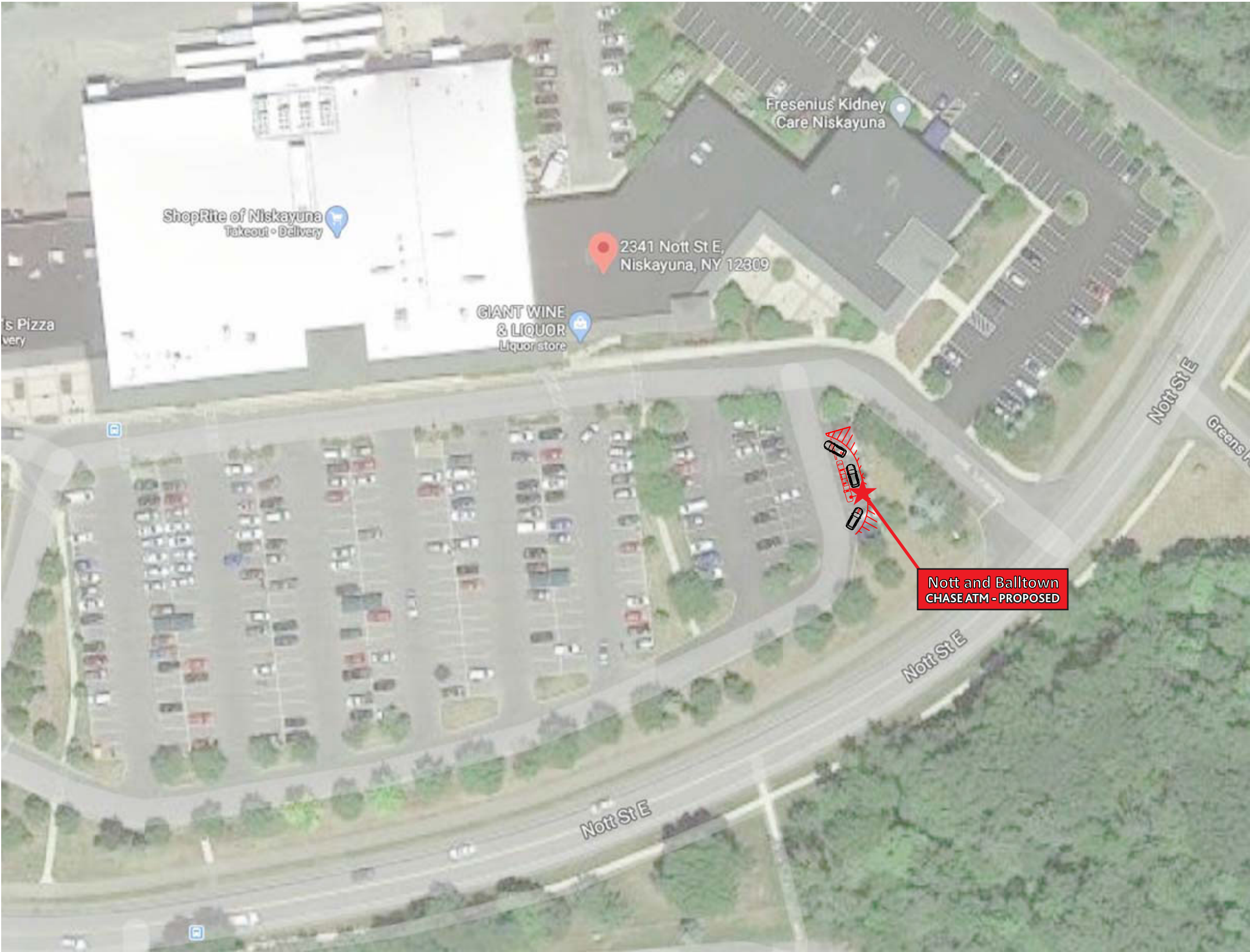
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REVISION NOTES

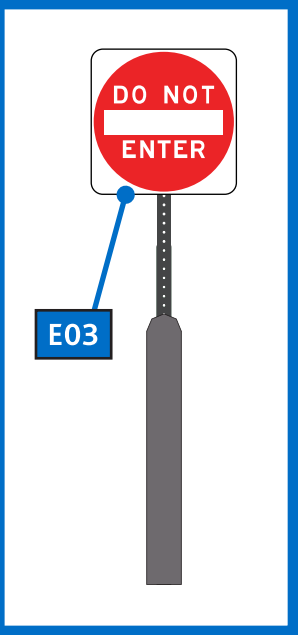
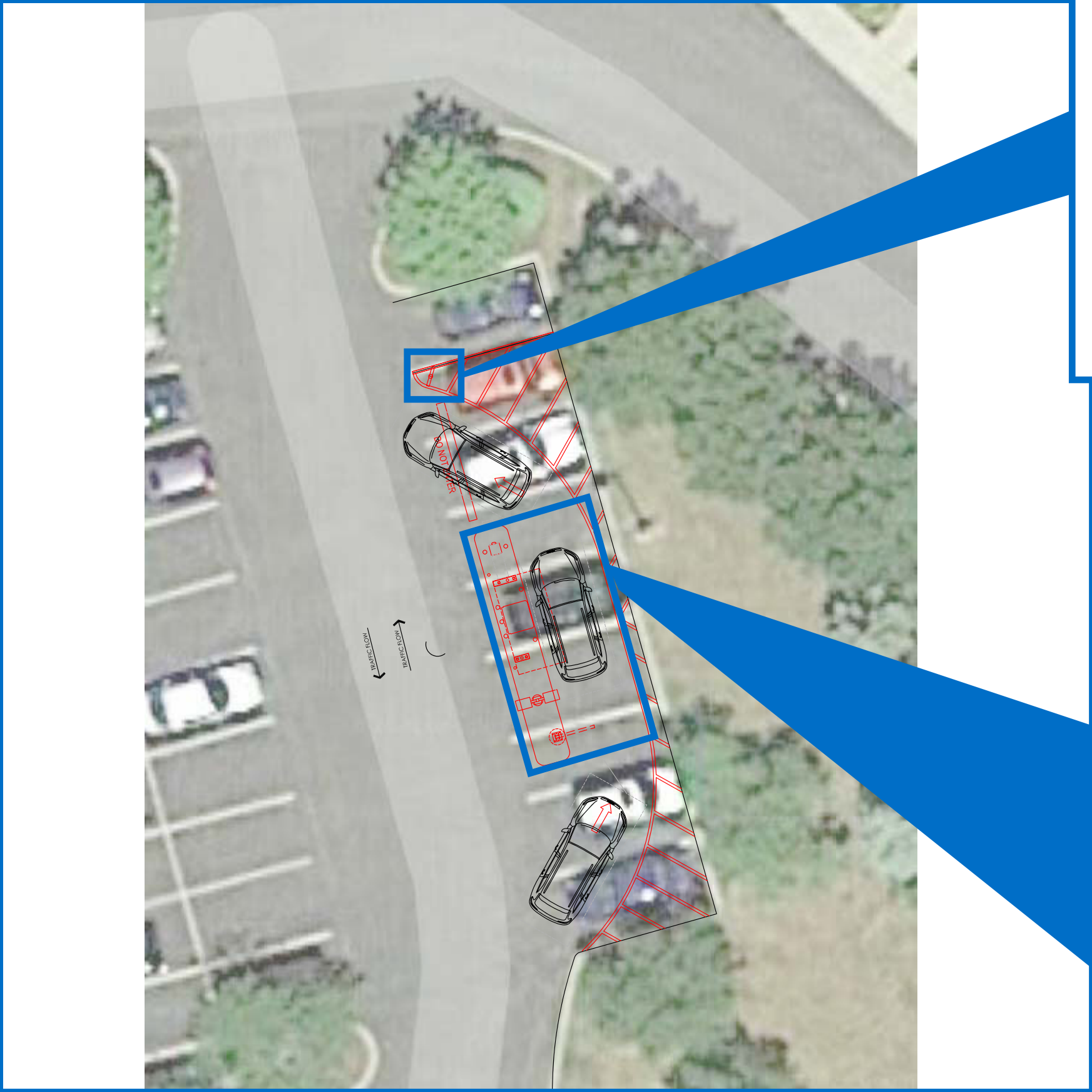
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DATE:  
DESCRIPTION:



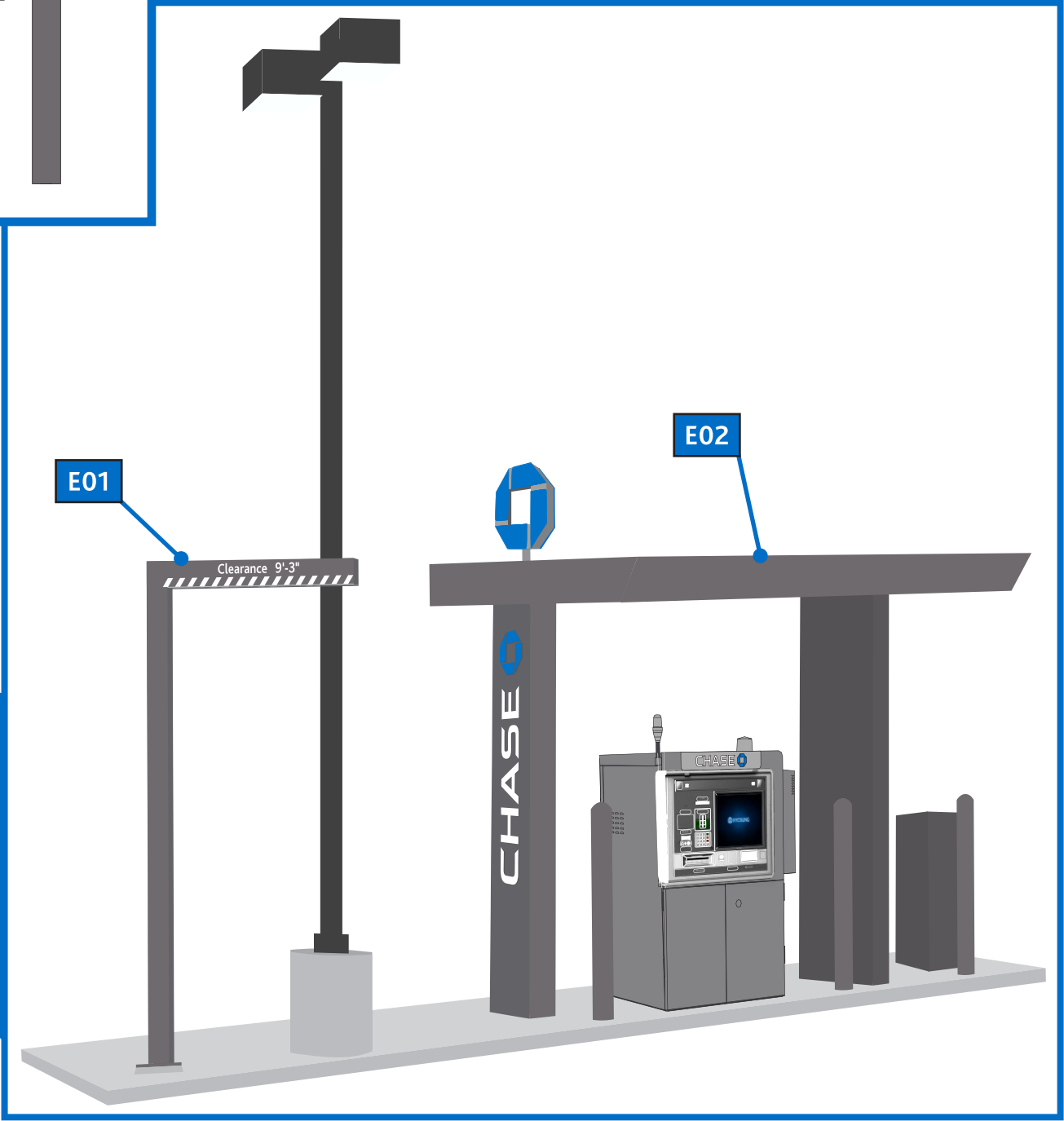


<div>CHASE</div>	LOCATION	Nott and Balltown - ATM	LOCATION ID#	# 38100P375091	INITIAL DATE	07-18-2022	ALL DESIGNS DEPICTED HEREIN ARE THE SOLE PROPERTY OF CHASE, CREATED SPECIFICALLY FOR BRANDING APPLICATION. USE OF THIS INFORMATION FOR ANY PURPOSE OTHER THAN THE INTENDED USE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF THE OWNER.	<div> <b>Pattison Sign Group</b> Powering Your Brand</div>
	ADDRESS	2341 Nott St Schenectady, NY 12309	DRAWN BY		REVISION DATE			
			DRAWING#		REVISION#	PAGE#		
						2		





	SIGN TYPE	DESCRIPTION
E01	HB-U	Headache Bar
E02	CAN-ATM-SIG-OCT	ATM Signature Canopy w/ Octagon
E03	DOT	Double-Faced Do Not Enter/Stop - Pole-Mounted



LOCATION **Nott and Balltown - ATM**  
ADDRESS 2341 Nott St  
Schenectady, NY 12309

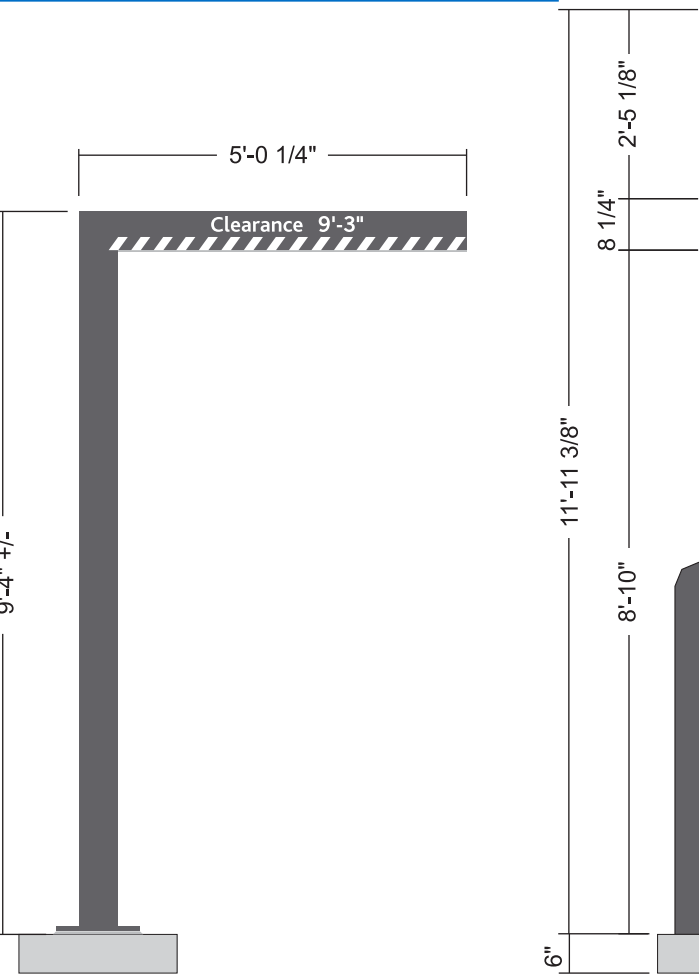
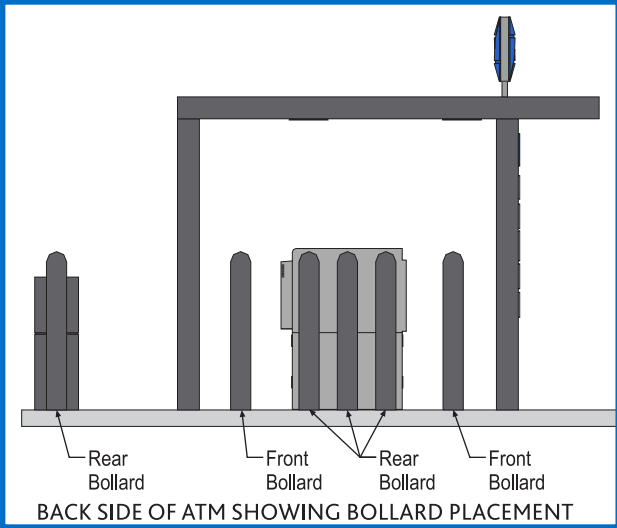
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DRAWING#

INITIAL DATE **07-18-2022**  
REVISION DATE  
REVISION# PAGE# 3

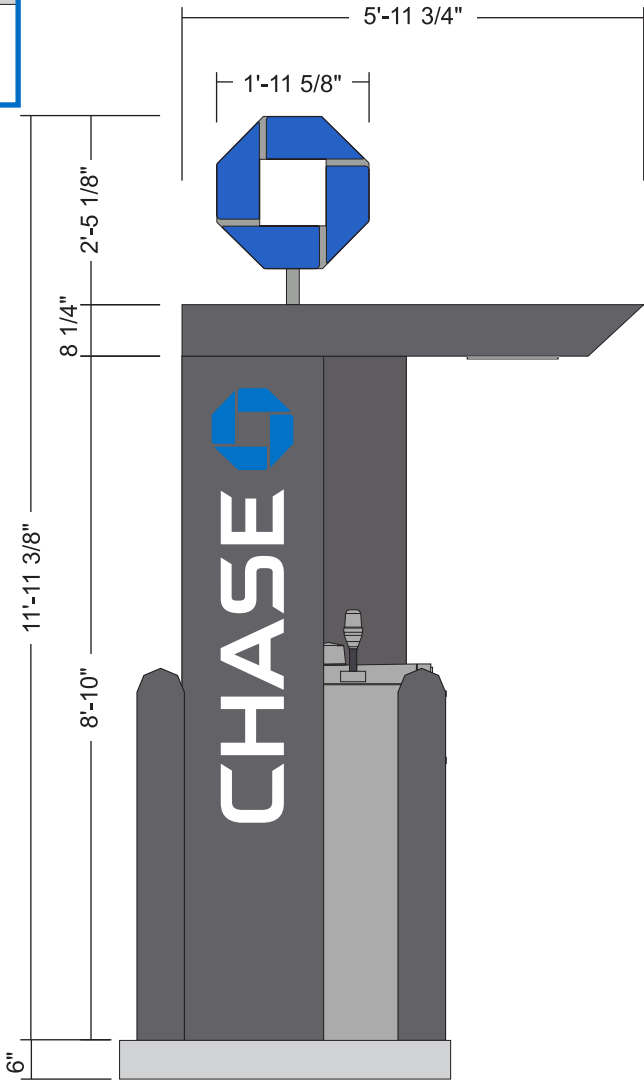
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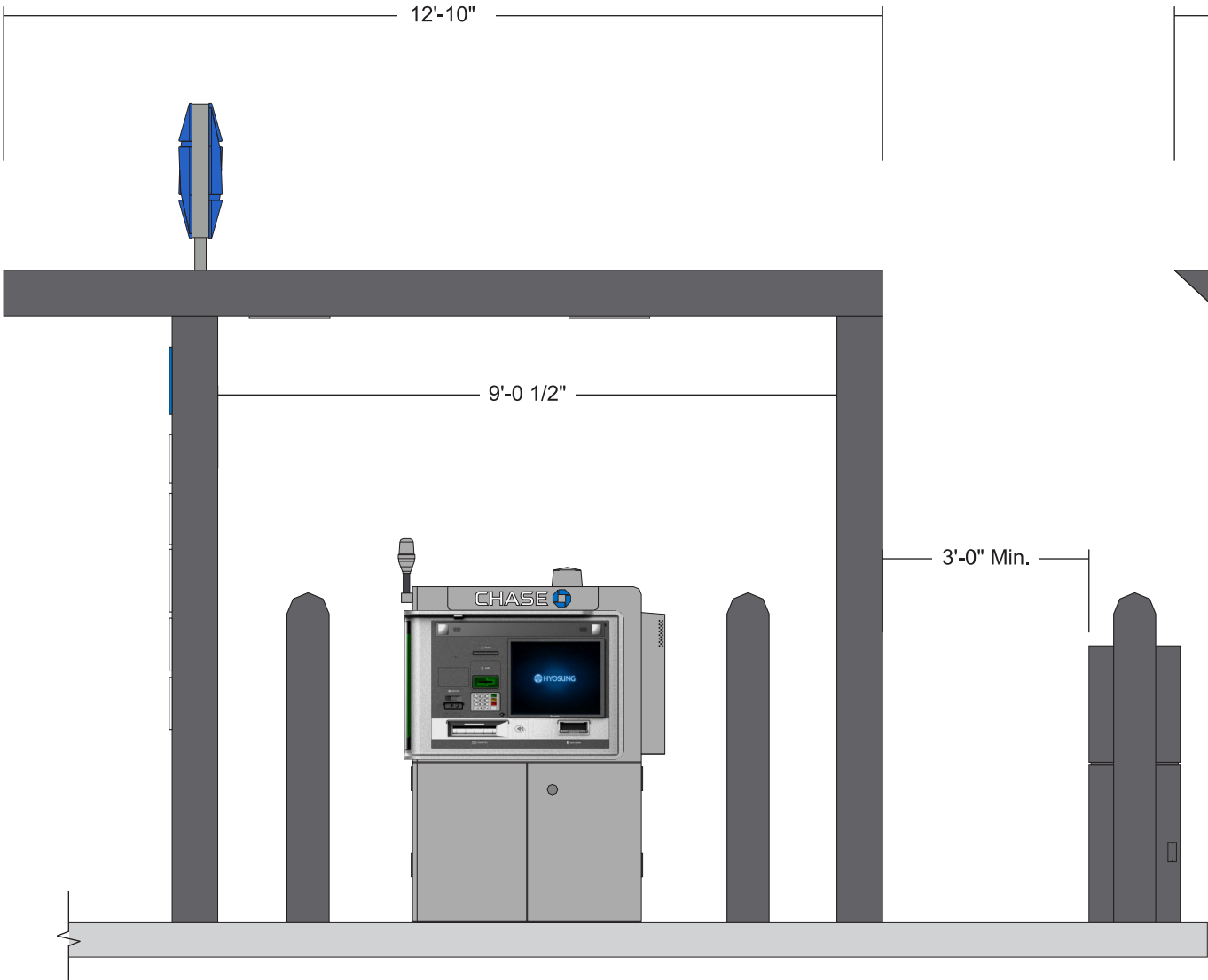




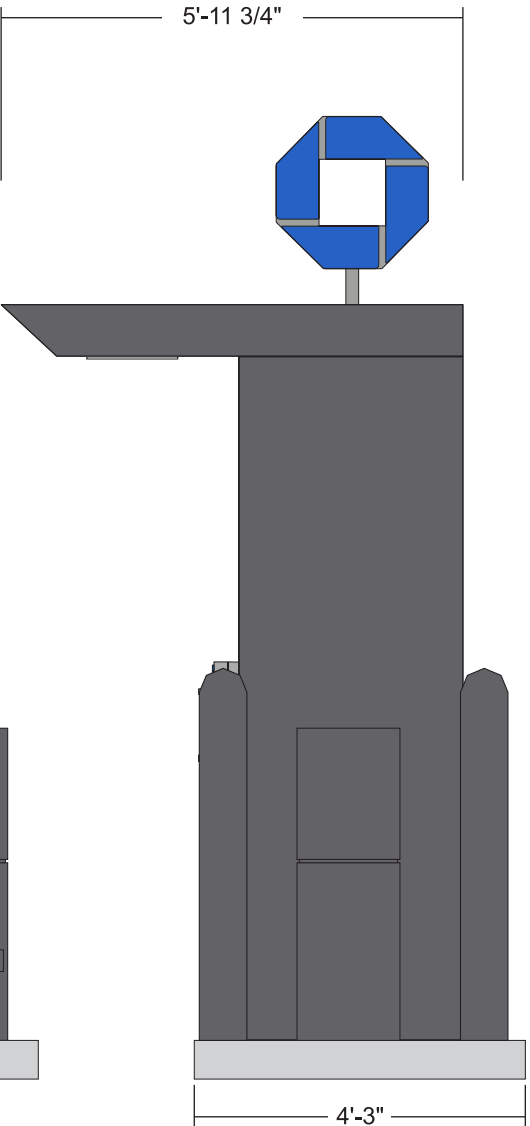
ELEVATION



APPROACH  
ELEVATION



ELEVATION



DEPARTURE  
ELEVATION

*\* Utility Pedestal  
to be installed by GC*

**E01** HB-U Headache Bar

**E02** CAN-ATM-SIG-OCT ATM Signature Canopy w/ Octagon



LOCATION **Nott and Balltown - ATM**  
ADDRESS 2341 Nott St  
Schenectady, NY 12309

LOCATION ID# **# 38100P375091**  
DRAWN BY  
DRAWING#

INITIAL DATE **07-18-2022**  
REVISION DATE  
REVISION# PAGE# 4

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