

TOWN OF NISKAYUNA
Planning Board and Zoning Commission

Agenda
May 13, 2024
7:00 PM

REGULAR AGENDA MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. April 29, 2024

IV. PUBLIC HEARINGS

V. PRIVILEGE OF THE FLOOR

VI. UNFINISHED BUSINESS

1. RESOLUTION: 2024-14: A Resolution for site plan approval of a tenant change to a convenience store / smoke shop at 3905 State St.

VII. NEW BUSINESS

1. RESOLUTION: 2024-17: A Resolution for site plan approval for new signage at TD Bank at 2301 Nott St. E.
2. RESOLUTION: 2024-18: A Resolution for site plan approval for new signage at Market 32 at 2333 Nott St. E.
3. RESOLUTION: 2024-19: A Resolution for site plan approval for a new pavilion at Ingersoll Place at 3359 Consaul Rd.
4. RESOLUTION: 2024-20: A Resolution for site plan approval for a 777 sq. ft. addition to the Chinese Fellowship Church at 2530 Balltown Rd.

VIII. DISCUSSION ITEMS

1. Zoning Code Updates (Short term rental regulations)

IX. REPORTS

1. 3410 State St – Upstate Guns and Ammo

X. COMMISSION BUSINESS

XI. ADJOURNMENT

NEXT MEETING: June 10, 2024 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
April 29, 2024

Members Present:

Kevin Walsh, Chairman
Chris LaFlamme
Nancy Strang
Genghis Khan
Ehasuyi Gomes
David D'Arpino
Leslie Gold

Also in attendance

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

I. CALL TO ORDER

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

II. ROLL CALL

Ms. Bilofsky was absent/excused.

III. APPROVAL OF MINUTES

1. April 15, 2024

Mr. D'Arpino made a motion to approve the minutes, seconded by Mr. LaFlamme. Ms. Gold said there was a typo on page 9 line 373, step should be steep. Chairman Walsh called for a vote on the minutes as amended. The amended minutes were approved unanimously with the abstention from Chairman Walsh.

IV. PUBLIC HEARINGS

No Public Hearings

V. PRIVILEGE OF THE FLOOR

Ms. Jackson of 940 Inman Road said she is waiting for the Planning Board to make a decision about the short-term rentals so they are not confronted with the problems it has been causing throughout the summer.

Hearing or seeing no one else, Chairman Walsh closed Privilege of the Floor.

VI. UNFINISHED BUSINESS

No Unfinished Business.

VII. NEW BUSINESS

1. RESOLUTION: 2024-13: A resolution for an extension to the site plan approval for the CDJHM at 2501 Troy Schenectady Rd.

Chairman Walsh read the following into the minutes:

“WHEREAS, the Planning Board finds that the timelines involved in community fundraising for the project, the requirement for donations to be given reasonable security on permitting in place, the

uniqueness of this proposal, and the overall benefits to the Town of Niskayuna from such a facility require a rare exception to the standard approvals of two years, and

RESOLVED, that this Planning Board and Zoning Commission does hereby grant and extend final site plan approval for a special use permit to allow the Capital District Jewish Holocaust Memorial at 2501 Troy Schenectady Road, subject to the following conditions.”

Chairman Walsh stated he was only going to read the newest conditions and that all conditions are listed in the Planning Board packet online for the public to review. He read:

“14. Final site plan approval shall be granted for four (4) additional years following the expiration date of Resolution 2022-29; therefore site plan approval shall expire on November 14, 2028 unless construction in accordance with the approved plan has begun or an additional extension of time has been granted by the Planning Board.

15. The applicant shall appear before the Planning Board and Zoning Commission at their November 2026 meeting to provide a comprehensive update on the status of the project.

16. Applicant will work with Planning Board to attend any necessary meetings if there are major changes to the Route 7 corridor or other large, relevant events with possible implications on the approvals of the project occur.

Chairman Walsh said the resolution was moved for adoption by Mr. Khan, seconded by Mr. LaFlamme.

Mr. Dembling, applicant, did not have any questions for the Board but he wanted to thank the Board for being a partner with the organization and looked forward to continuing to work on bringing this memorial to Niskayuna.

Chairman Walsh asked for the roll to be called:

Mr. LaFlamme	Aye
Ms. Strang	Abstained
Mr. Khan	Aye
Ms. Gomes	Aye
Mr. D’Arpino	Aye
Ms. Gold	Aye
Chairman Walsh	Aye

Chairman Walsh stated the resolution passed with one abstention.

2. RESOLUTION: 2024-14: A resolution for site plan approval of a tenant change to a convenience store / smoke shop at 3905 State St.

Chairman Walsh read the following into the minutes:

“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 and Zoning Board of Appeals approvals, and therefore, hereby approves the site plan and tenant change with the following conditions:

1. A final parking lot striping and configuration plan shall be submitted to the Planning Department for their review and approval.

a. All parking spaces are to be marked or striped and are to include a concrete curb stop identifying the end of the parking space.

b. One ADA compliant parking space shall be included at the front of the building.

2. Parking areas are located at the front and rear of the building. Customer entrances are required on the front and rear facades near each respective parking area. Customer signage and 'path' from the back of the building to the front shall be review and approved by the Planning and Building Departments.

3. Site lighting, additional greenspace and existing façade shall be reviewed by the Architectural Review Board for their comments and recommendations to the applicant.

4. Applicant shall repair / replace curb ramps from the sidewalk that serves this property according to the specifications of New York State Department of Transportation and extend or mark the area of the sidewalk in front of the building to provide for safe pedestrian crossing.

5. Any and all proposed signage for the property shall be reviewed and approved by the Planning Board at a future date.

Chairman Walsh said the resolution was moved for approval by Mr. LaFlamme and seconded by Ms. Gold.

The applicant was not able to attend the meeting. Ms. Robertson asked if the resolution should be tabled to the next meeting under unfinished business.

Mr. Robertson said the Complete Streets reviewed the project and asked if there would be enough room for the pedestrians to walk in the front of the building in the approximate area of where the sidewalks come down to this property and still be able to park cars in the front of the building. She said they do not have measurements and she has not had the opportunity to discuss this with the applicant, but Complete Streets felt the sidewalk should be built or at a minimum, crosshatched on the asphalt so that people walking on the sidewalks were not forced into a travel lane on Route 5 in order to cross in front of this building.

Mr. Khan said he would like to see the measurements of the sidewalk and parking area.

Ms. Robertson said she would like to see striping connecting the sidewalks and one ADA parking spot in front facing the battery store so people aren't pushed out into the street walking out and around cars parked in the front of the store.

Chairman Walsh made a motion to table the resolution for further discussion with the applicant, seconded by Ms. Gold.

Ms. Gold said she would like to note that it is an existing condition and she has concern that going with just one parking space out front won't be enough.

Chairman Walsh asked for roll to be called on tabling the resolution:

Mr. LaFlamme	Aye
Ms. Strang	Aye
Mr. Khan	Aye
Ms. Gomes	Aye
Mr. D'Arpino	Aye
Ms. Gold	Aye
Chairman Walsh	Aye

130 Chairman Walsh stated the resolution had been tabled for further discussion with the applicant and the
131 Planning Board. Chairman Walsh noted they need a project lead.

132 Mr. D'Arpino volunteered to be Project Lead.

133 3. RESOLUTION: 2024-15: A resolution for site plan approval of a 30' diameter yurt at 2565
134 Balltown Rd.

135 Chairman Walsh read the following into the record:

136 "RESOLVED, that this Planning Board and Zoning Commission finds that the site plan application
137 referenced above meets the requirements of the Zoning Code and previous site plan approvals and hereby
138 approves this site plan."
139

140 Ms. Strang made a motion to approve the resolution, seconded by Ms. Gold.

141 The applicant, Mr. Katz, representing the JCC, was present. Mr. Khan said it was good to see the clean
142 plans without the other projects shown.

143 Chairman Walsh stated he would like to see an up-to-date site plan with everything that has changed
144 when the applicant comes back in the future for an addition to the building. Mr. Katz stated they could do
145 that.

146 Chairman Walsh asked for roll to be called:

147 Mr. LaFlamme Aye

148 Ms. Strang Aye

149 Mr. Khan Aye

150 Ms. Gomes Aye

151 Mr. D'Arpino Aye

152 Ms. Gold Aye

153 Chairman Walsh Aye

154 Chairman Walsh stated the resolution was unanimously approved.

155 4. RESOLUTION 2024-16: A Resolution for lot line adjustment at 850 Oregon Ave. / 875
156 Stark Ave.

157 Chairman Walsh read the following into the record:

158 "RESOLVED, that the Planning Board and Zoning Commission does hereby grant final lot line
159 adjustment approval for 850 Oregon Ave. and 875 Stark Ave. as shown on the aforementioned 2-page
160 survey drawing, with the following conditions:
161

162 1. Prior to recording the plat, the applicant residing at 850 Oregon Ave shall obtain valid building
163 permits from the Town of Niskayuna Building Department that bring all existing accessory
164 structures on the property into compliance with the Niskayuna Zoning Code.
165

166 2. Prior to recording the plat – the final lot line adjustment map and associated deed shall be sent to
167 the Planning Department for their review and approval. Any changes, additions or deletions
168 requested shall be addressed to the satisfaction of the Planning Department before printing the
169 mylars.
170

171 Ms. Gold made a motion for approval, seconded by Mr. Khan.

172 Chairman Walsh asked Mr. Smith if he was able to meet zoning code compliance without going to the
173 Zoning Board of Appeals.

174 Mr. Smith said yes, he believed so. He has submitted all building permits to the Building Department to
175 bring the property into compliance with the Zoning and expects to be able to complete the work shortly.

176 Chairman Walsh asked for roll to be called:

177	Mr. LaFlamme	Aye
178	Ms. Strang	Aye
179	Mr. Khan	Aye
180	Ms. Gomes	Aye
181	Mr. D'Arpino	Aye
182	Ms. Gold	Aye
183	Chairman Walsh	Aye

184 Chairman Walsh stated the resolution was approved.

185 5. RECOMMENDATION TO ZBA: 2546 Balltown Rd. – A Recommendation to the ZBA for
186 an Application for Site Plan Review for new signage requiring a variance.

187 Chairman Walsh read the following into the record:

188 “The property is located in the R-P Residential and Professional Zoning District. Schedule I-H Column 7
189 (1) states for nonresidential uses, one (1) wall sign is allowed per principal building, which shall be
190 attached to the building and shall not protrude more than one (1) foot from the building face. Such a sign
191 shall be a single-face sign and shall not exceed eight (8) square feet in area. As proposed, there is one (1)
192 wall sign measuring 16.1 sq. ft. Therefore, a variance for 8.1 sq. ft. of sign area is required. Schedule I-H
193 Column 7 (3) states for nonresidential uses, all signs shall be approved by the Planning Board for size,
194 construction and lighting. In general, the following standards shall apply: sign surfaces shall be of wood
195 or masonry construction, with painted or raised messages; the number of separate colors on a sign shall be
196 limited to 2 plus white; and sign lighting shall be limited to direct external lighting. As proposed, there is
197 one (1) wall sign constructed of aluminum and acrylic with internal illumination. Therefore, a variance
198 for a wall sign constructed of aluminum and acrylic with internal illumination is required.”

199 Mr. Wheeler, the applicant, was attending virtually.

200 Ms. Strang, Project Co-Lead said this is a residential neighborhood and she doesn't feel it is necessary to
201 have such a large tenant sign on the building facing a home.

202 Chairman Walsh stated the area variance letter was written for a 16.1 square foot sign. He asked if it was
203 Mr. Wheelers intention was to request to go back to the 36 square foot sign originally proposed.

204 Mr. Wheeler said yes, he is requesting a 36 square foot sign. He learned after the meeting that this office
205 is a Cardiac Urgent Care and that is the reason they want to go back to the larger sign.

206 Mr. Khan, Project Lead, asked if the sign would incorporate language stating that it is an urgent care
207 center. Mr. Wheeler stated no, the company name doesn't indicate that it is an urgent care but people
208 know that it is. Mr. Khan said, as a Planning Board, they can't consider that it is a cardiac urgent care if it
209 is not going to be advertised as such.

210 Chairman Walsh said the denial needs to be updated to reflect that the area variance requested would
211 actually be 28 square feet and then the basis for whether or not they would recommend or not recommend
212 the variance on the sign would be in the discussion for the positive or negative recommendation to the
213 Zoning Board of Appeals.

214 Ms. Gold said she doesn't think the sign is beneficial.

Chairman Walsh asked Mr. Wheeler if he wanted to move forward with a 28 square foot variance. He acknowledged that he does. Chairman Walsh said he will modify the denial letter to read 36 square feet and remove the 16.1 square feet, therefore the applicant is asking for a 28 square foot variance that the Planning Board will make a recommendation on. Chairman Walsh stated he would ask the three questions they ask in their recommendation to the Zoning Board:

Effect on Comprehensive Plan. Ms. Strang and Mr. Khan stated there is no effect on Comprehensive Plan. Mr. LaFlamme said his issue is the façade sign is not the owner of the building - it's a single tenant and he has concern that allowing tenant signs to clutter a façade facing residential homes is not fitting into with the residential focus of the Comprehensive Plan. Ms. Gold agreed. She said she thinks it has a negative effect on the Comprehensive Plan because the Board does not encourage such signage and it sets a bad precedent to allow it. She felt it is inconsistent with the boundary to the residential zoning districts.

The Planning Board voted 5-2 that there was no effect on the Comprehensive Plan.

Suitability of use for the area proposed.

Ms. Strang and Mr. Khan recommended that it is not a suitable use for the property. They stated the size of the sign was problematic as well as the location on Balltown Road. It does not fit with the residential area and there is significant pedestrian foot traffic associated with the neighboring school that would be at risk from distracted drivers trying to read the sign so high up on the building. Chairman Walsh said he agrees with those statements and noted the Architectural Review Board (ARB) recommended following the industry accepted practice of using building façade signage for street address identification only and a monument sign with signage for the businesses within the building exists. He suggested the applicant work with the property owner to create a comprehensive façade sign proposal consisting of a single façade signage that represented all of the tenants occupying the building. He would not be opposed to just the number of the building on the façade to show the address.

Mr. D'Arpino stated he felt that the proposed sign was suitable for use. He stated a sign greater than 8 sq. ft. for a single tenant was acceptable to him but he was against the size (36 sq. ft.) of the proposed sign.

The Planning Board voted 6 – 1 that the proposed variance was NOT suitable for use in the R-P Residential and Professional Zoning District.

Chairman Walsh asked the recommendation to the Zoning Board of Appeals from Project Leads.

Ms. Strang and Mr. Khan stated they do not recommend approval to the Zoning Board of Appeals.

The Planning Board voted 7-0 to recommend to the Zoning Board of Appeals to deny the variance as written.

6. RECOMMENDATION TO ZBA: 1769 Union St. – A Recommendation to the ZBA for an Application for Site Plan Review for new signage requiring a variance.

Chairman Walsh read the following summary into the minutes:

“The property is located in the R-P Residential and Professional Zoning District. Schedule I-H Column 7 (1) states for nonresidential uses, one (1) wall sign is allowed per principal building, which shall be attached to the building and shall not protrude more than one (1) foot from the building face. Such a sign shall be a single-face sign and shall not exceed eight (8) square feet in area. At the March 15, 2017 Zoning Board of Appeals (ZBA) meeting the Board granted a variance for five (5) additional wall signs, a two (2) foot projection variance for a blade sign and a variance for 285 sq. ft. of façade sign area. As proposed, there is one (1) additional wall sign measuring 105.4 sq. ft. Therefore, a variance for one (1) wall sign and a variance for 105.4 sq. ft. of sign area are required. Schedule I-H Column 7 (3) states for nonresidential uses, all signs shall be approved by the Planning Board for size, construction and lighting. In general, the following standards shall apply: sign surfaces shall be of wood or masonry construction, with painted or raised messages; the number of separate colors on a sign shall be limited to 2 plus white;

and sign lighting shall be limited to direct external lighting. As proposed, there is one (1) additional wall sign constructed of aluminum and acrylic with internal illumination. Therefore, a variance for one (1) wall sign of aluminum and acrylic with internal illumination is required.”

Mr. Bulman was attending virtually. Mr. Bulman said his client is not Albany Medical Center (AMC) and all the present signs on the building are branded for AMC.

Ms. Strang, Project Co-Lead said she feels it is too much signage for the building. She was concerned with the amount of signage and the additional lighting.

Chairman Walsh said he will ask the questions:

Effect on the Comprehensive Plan: Ms. Strang and Mr. Khan stated there was “no effect” on the Comprehensive Plan because the zoning ordinance anticipates proposals for signage beyond what is allowed in the code and empowers the ZBA to review and take action on such requests. Mr. LaFlamme and Ms. Gold disagreed and felt it would have an impact on the comprehensive plan based on the fact that the is tenant signage on a building that already has multiple signs, the proposed signage does not fit with the residential focus of the comprehensive plan and the plan does not encourage such signage.

The Planning Board voted 5 – 2 that the proposed variance would have no effect on the comprehensive plan.

Suitability of Use – Ms. Strang said it is not suitable and creates too much signage on the building.

Mr. Khan said the variances for the branding of the building and the emergency services sign to let people know there is medical help makes sense but beyond that it is too much square footage for façade signs.

Mr. Khan said the sign itself is unsuitable especially when you add in the characteristics of the size and lighting during the night.

Ms. Strang and Mr. Khan noted that special circumstances were recognized and considered when the building was initially approved. Significant variances were granted for the number and size of façade signage for the building owner, Albany Med. They stated that they did not think a variance for additional signage for a tenant was suitable. They noted an address sign would be acceptable for wayfinding purposes if it was needed.

The Board voted 7 – 0 that the proposed variance was NOT suitable for use in the R-P Residential and Professional Zoning District.

RECOMMENDATION – The Board voted 7 – 0 to recommend that the ZBA deny the variance as proposed.

Chairman Walsh said the recommendation to the Zoning Board of Appeals is a denial.

VIII. DISCUSSION ITEMS

1. 2301 Nott St. E. – TD Bank-An application for site plan review for new signage

Mr. Wheeler, the applicant, appeared virtually. Mr. Wheeler said this is a rebrand for TD Bank. They are changing their logo and signage throughout their branches. This will be changing current signs and adding one additional sign.

Chairman Walsh asked if they have waiver capability.

Ms. Robertson said yes, the Planning Board can look at waivers in the Town Center Overlay District. Ms. Robertson said some of the proposed signs are in compliance and some require a waiver, the square footage facing Starbucks was higher.

Chairman Walsh asked the applicant why the signs are bigger.

Mr. Wheeler said it is a company rebrand and these are the signs they are using at all their locations.

303 Mr. Khan said he doesn't see a need to make them larger if they have the same size signs available, they
304 should use the same size that is existing.

305 Chairman Walsh said he agrees with keeping the sign the same size if possible and then the Board can just
306 discuss the waiver for the additional signage for the front façade sign. The other option would be Mr.
307 Wheeler can take this to the Zoning Board of Appeals and the Board can make their recommendation and
308 the Planning Board will not grant the waivers. Mr. Wheeler thought he could adjust the sign package to the
309 Planning Board's requirements.

310 Chairman Walsh said to summarize the discussion, the Planning Board would like the size of the signs
311 facing Nott Street and Balltown road to be reduced in size and be the same size/sign. They were okay with
312 the sign being a full logo. They were also okay with the additional façade signage square footage facing
313 Starbucks at the front entrance.

314 Ms. Robertson clarified S2 and S3 will be reduced to the same size as the existing S2. Chairman Walsh
315 stated yes, that is the request and with that change they are okay with the rest of the sign package.

316 Mr. D'Arpino asked about the green inserts in the windows and whether or not the Board approved or them
317 or if they were in compliance with Town Code. Ms. Robertson stated they look like they are inside the
318 window and would not be regulated. Mr. Wheeler confirmed the panels were inside.

319 Chairman Walsh asked the Board about the color and hearing no objections, he stated the Board is okay
320 with the additional green showing through the windows. He called for a tentative resolution at the next
321 meeting.

322 2. 2333 Nott St. E. – Market 32 – An application for site plan review for signage

323 Mr. Lee, the representative for this project, said they are looking for a waiver for 13 new façade signs, a
324 waiver of 124.5 square feet for the main Market 32 façade sign which the current schedule allows for a 74.5
325 square foot sign, and they are also looking for a waiver to allow six directional signs measuring six square
326 feet above grade.

327 Ms. Gold, Project Lead, said she thinks it is important to know what is available in the store and the signs
328 on the front are a good way to do that. She stated the signs show where in the store certain products are
329 located, and this store will not have a pharmacy.

330 Ms. Robertson said the tower signs are just a swap out of the old signs so nothing further is needed from
331 the Board to approve those. Her department had no comments on the directional signs either, and the words
332 for the additional façade signs on the front of the building are not illuminated which is good. Her concern
333 would be that future illumination of those signs may negatively impact the adjacent apartment buildings.

334 Ms. Gold said she is in favor of granting the waivers.

335 Ms. Robertson asked Mr. Hess if they can grant the waivers with the stipulation that the property can't
336 illuminate the additional signs in the future because of the negative impacts to the adjacent residences.

337 Mr. Hess said the Board could put a condition restricting lighting of those signs in conjunction with granting
338 a waiver. Mr. Khan stated he is in favor of that condition.

339 Chairman Walsh called for a tentative resolution addressing the waivers at the next meeting with the
340 condition as discussed.

341 3. 3359 Consaul Rd. – Ingersoll Place – An application for site plan review for a pavilion

342 Chairman Walsh recused himself from this application and left the room. Mr. D'Arpino become acting
343 Chair.

344 Ms. Thompson, the Administrator of Ingersoll Place, said they would like to construct a pavilion for their
345 residents to enjoy the outdoors. There will be no electricity or water. She said they are doing a five-foot

346 walkway that is ADA compliant. They will be running programs for their community members to connect
347 with nature and spend more time outdoors.

348 Acting Chairman D'Arpino asked if there were any comments from the Board members. They discussed
349 the sightlines from the road to the pavilion and whether or not the pavilion could shift any. Ms. Thompson
350 stated this was the only location they could put it because of the stormwater and existing forest. They
351 discussed how the drainage worked on site. There were no objections to the proposal.

352 Acting Chairman D'Arpino said they will have a resolution next meeting. He recapped that there would be
353 no plumbing or electricity being run to the site, minimal site disturbance, limited visibility and the project
354 looks like it has a lot of amenities that can help the staff and residents enjoy their natural setting.

355 4. 2530 Balltown Rd. – Chinese Fellowship Church – An application for site plan review for a
356 777 sq. ft. addition

357 Mr. Kramer, the Architect for the project, and Deacon Chen were present. Mr. Kramer said they are adding
358 a small addition to the back of the building which is not visible except from the back parking lot. He said
359 it is within the setbacks and building lines. It will be a kitchen.

360 Chairman Walsh asked if the site usage will change with the addition of the kitchen.

361 Mr. Chen said the addition will be used to prepare food for the members. They currently have about 100
362 members on Sundays and for holidays around 150 members. No new members are expected from the
363 addition.

364 Chairman Walsh asked about the parking. He said the Planning Department is coming up with a different
365 number of spaces required than the site drawing shows and asked if the applicant can re-submit the map
366 with the correct number of parking spaces shown, otherwise a waiver would be necessary. Chairman Walsh
367 said they would like everything shown on the map where they could add “banked” parking if needed down
368 the road.

369 Mr. Lee asked what is needed to meet their current size requirements. Chairman Walsh said for older
370 preexisting building the parking it is what it is but when the owner adds an addition to the building,
371 additional spaces are needed to bring the site into compliance with the current Zoning Code standards. He
372 stated it does not look like very many more parking spaces are needed and the banked parking spaces do
373 not need to be paved.

374 Ms. Robertson said handicapped parking spaces are not usually grandfathered in and when the architect
375 looks at the parking he should make sure his handicap parking spaces meet the current specifications
376 required.

377 Chairman Walsh summarized to the applicant that they need to clarify the number of parking spaces, make
378 the handicap parking space compliant and show where the banked parking would be. He stated one spot is
379 needed per 200 square feet of building space. Chairman Walsh said if they get that info in, they can have a
380 resolution for the next meeting.

381 IX. REPORTS

382 1. 1747 Union St. – Update on Façade Changes

383 Mr. Ahmed, the contractor for this project, said there is a small change to convert the roof into a truss roof
384 which would change the façade but improve the look of the building.

385 Ms. Robertson said with the gables it makes it look more residential and the Architectural Review Board
386 reviewed the façade changes and approved them. She was bringing it to the attention of the Planning Board
387 for any addition comments – no formal action was needed.

388 Mr. Ahmed said with this change it updates the look of the building and all the heating and cooling
389 equipment will be out of sight in the attic space and they will no longer need the drop ceiling.

Chairman Walsh verified with Ms. Robertson that the Planning Board has already approved this project and this item is for a building permit and information purposes only for the Planning Board to see if they have any concerns. Ms. Robertson said yes, that is correct.

Mr. Khan asked if they applicant has completed all the sidewalk work and curb cuts. Mr. Ahmed said not yet but they will do that this spring.

Ms. Robertson said the property can't go to temporary CO without doing all of the things required by the site plan approval. Mr. Khan stated that is satisfactory.

Chairman Walsh summarized the Board was okay with the changes to the roof and thanked the applicant for attending the meeting.

2. Zoning Code Updates (Short term rental regulations)

Mr. Khan asked about a timeline for adoption of a code like this.

Ms. Robertson said code updates take a long time. Especially zoning code updates because they require SEQR review and mandatory public hearings at the Planning Board and Town Board level.

Mr. Khan asked what the current practice is relative to short term rentals.

Ms. Robertson said currently there is no time frame written into the code for short term rentals. The only thing that can be acted upon are standard code violations. Ms. Robertson said she has been researching short-term rental codes and learned that a Town cannot be vague when describing the dwelling involved in the short-term rental when writing the code. She said they can regulate the short-term rentals under New York State Town law. Ms. Robertson said Niskayuna would be considered a bedroom community not a seasonal community. In the suburban areas these rentals stand out because of the impact on the adjacent properties, noise, increase in cars and the increase in garbage. Ms. Robertson said it is very important when a board is formulating this code that they decide the "why". A couple of the "whys" that she heard were to protect the traditional neighborhoods and encourage the long-term living in residential neighborhoods, reducing the impact on adjacent properties and combatting the elevated cost of homes in communities.

Chairman Walsh said yes, if people are buying homes to use for short term rentals there are less homes for people to buy to live in and that raises the price of these homes.

Ms. Robertson said according to the planning agency for the Capital District, the Plannign Board can consider things like parking limits, occupancy limits, zone specific regulations and annual rental day caps.

Mr. D'Arpino said the Town can't ban short term rentals but they could be restricted in certain zones.

Ms. Robertson said that is correct but they have to be fair about where it is acceptable and where it is not allowed. Ms. Robertson said the definition for short term rental in most zoning codes is individual rentals for 30 days or less.

Mr. Hess said the Town would have to have some real basis for why it can be in a certain zone and why not in another.

There was a lot of discussion amongst the Board as to where short-term rentals should be allowed, whether or not to require the home owner to live in the house when renting it out or only allowing a couple of bedrooms to be rented out as well as other stipulations.

Ms. Robertson said Niskayuna typically has taken a very hard line that single family homes are single family homes and owners cannot rent a room unless it is a permitted accessory home care unit.

Chairman Walsh said he thinks it is an interesting concept of having the owner reside there, the neighbors know them, they are on premises if there is a problem and the rental is not going through a third party.

Chairman Walsh summarized the discussion and stated the Board would take the North Elba code and edit it instead of starting from scratch. Mr. Hess agreed with this approach.

433 Chairman Walsh said once they have the regulations in place it will make it easier to enforce. Ms. Gold
434 said enforcement is largely when a neighbor gets upset enough to make a complaint. Mr. Hess said the goal
435 is to have something that is enforceable. Not easy or hard but enforceable.

436 Mr. LaFlamme asked if limiting the number of permits for a zone could be an option.

437 Mr. Hess said he is not sure if he is assigned to this project or not so the Board should email their questions
438 to Ms. Robertson so there is a record of them.

439 Chairman Walsh said they will use North Elba as a model and make sure they do a good job on this.

440 Mr. Khan said he thinks there are elements there they can put together to be fair.

441 Ms. Gomes said in Long Island this is a huge issue. People will rent their homes out for triple their mortgage
442 and then just rent a studio apartment for a few hundred dollars and make a lot of money. She said requiring
443 the owner to be there is not helpful unless you are going to have someone verify they are there each time
444 they rent out the home. Ms. Gomes said all rentals are regulated and need to be approved in Long Island.

445 **3. Project Submittal Timelines Update**

446 Ms. Robertson asked how the Board felt about the Wednesday/Friday packet. They said it was good.

447 Ms. Gold asked if this process is helpful to the Planning Department. Ms. Robertson said as long as they
448 push the timelines back it isn't terribly different to her.

449 Mr. Khan said doesn't want to see a lot of changes in the packet between Wednesday and Friday. Ms.
450 Robertson understood. Mr. D'Arpino said that timeframe should not be for additional information to be
451 added it's just for correction to something, especially by the project leads. Ms. Robertson said yes if there
452 were changes it would be small changes mostly to the resolutions.

453 **X. COMMISSION BUSINESS**

454 Ms. Gold asked if there was any training coming up. Ms. Robertson said she would check. Chairman Walsh
455 said there have been some emails on webinars and lunchtime training.

456 Ms. Robertson said they can watch the hour-long short-term rental regulation training that she is watching
457 and that will count. She stated the link to it is in the bottom of one of the documents she provided.

458 **XI. ADJOURNMENT**

459 Mr. D'Arpino made a motion to adjourn, Ms. Strang seconded. All were in favor. The meeting was
460 adjourned at 9:20 pm.

461 *The video recording for this meeting can be found at: <https://www.youtube.com/watch?v=NBmOK8ob37Q&list>*



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VI. 1

MEETING DATE: 5/13/24

ITEM TITLE: RESOLUTION: 2024-14: A Resolution for site plan approval of a tenant change to a convenience store / smoke shop at 3905 State St.

PROJECT LEAD: TBD

APPLICANT: Zakaria Alsaidi, agent for the owner

SUBMITTED BY: Laura Robertson

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Zakaria Alsaidi, agent for the property owner, submitted an application for site plan review for a tenant change to a convenience store / smoke shop at 3905 State St.

The property lies within the C-H Commercial Highway zoning district. Retail and service stores are permitted principal uses in the district.

At the 4/29/24 PB meeting the board discussed the recommendations from the Complete Streets Committee regarding the sidewalk and parking spaces along State St. The board voted to table Resolution 2024-14 until the 5/13/24 meeting. Mr. D'Arpino visited the site and pictorially documented the space constraints first-hand.

COMPREHENSIVE PLAN

The proposed action complies with the current (2013) Comprehensive Development Plan for the Town.

BACKGROUND INFORMATION

The following documents were included with the application.

1. A 1-page pictorial rendering of the site documenting parking spaces in the front and rear of the building.
2. A 1-page sketch of the proposed interior layout of the building space.

- In the site plan application Mr. Alsaïdi includes the following information.
 - The sign will remain the same – he will only be changing the panels of the sign
 - Exterior lighting will remain as-is
 - The new business will be a convenience store / smoke shop and will sell drinks, snacks, cigarette vape and CBD products.
 - Hours of operation will be 9 A.M. to 9 P.M.
 - He will have approximately 4 employees

§ 220-32.7 Tobacco retailer, e-cigarette retailers and marijuana retailers (B) of the zoning code states that tobacco, e-cigarette and marijuana retailers shall not be located within 1,000 feet from the property lines of any Niskayuna Central School District school, nursery school, school of private instruction, or child day-care center. The Planning Office has determined that the proposed location of 3905 State St. complies with this requirement.

§ 76 Retail Dispensaries and On-Site Consumption Licenses, 76-2, states that “The Town Board of the Town of Niskayuna, Schenectady County, hereby requests the Cannabis Control Board prohibit the establishment of retail dispensary licenses and onsite consumption licenses within its jurisdiction and hereby opts out.” The Planning Office has determined this proposal does not include hosting retail cannabis dispensaries or on-site cannabis consumption, which is prohibited in Niskayuna.

This site is set up similarly to 4013 State St where the Planning Board explored with the applicant how to move customers from the back parking to the front of the store. The Planning Department recommends discussing signage or a back entrance that directs customers to the front of the store if parking is proposed also in the rear.

4/15/24 Planning Board (PB) meeting – Mr. Alsaïdi attended the meeting via. videoconference and presented his application to the Board. He explained that the new retail store would be a Genie Smoke Shop franchise and that he currently has several stores across the United States. The board inquired how many parking spaces exist on the property. Mr. Alsaïdi replied that there are 8 spaces behind the building and several spaces in front of the building. The Board discussed the safest method of allowing patrons who park in the back parking area to enter the store. It was agreed upon that the store would have customer entrances on both the front and rear facades. The Board agreed to call for a resolution for site plan approval for the 4/29/24 PB meeting but they required that the following additional information be provided before they act on the resolution.

- Update the site plan to include clearly dimensioned and marked parking spaces including concrete curb stop bumpers on all parking spaces identifying the end of the parking spaces (partially complete)
- The parking spaces near State St. should be marked or striped (condition to resolution added)
- Provide plan view photographs of the front and back of the building (submitted)
- Review lighting in the front and rear of the building and document the location of light poles and provide pictures of the level of illumination at the site (not complete)

It was agreed that signage would be reviewed by the Planning Board at a future date.

At the April 22 Complete Streets Meeting, the Complete Streets Committee had the following comments related to the site plan application:

1. Fix curb ramps and designate an area for people to walk from sidewalk to sidewalk along State Street – either via sidewalk extension or a painted crosswalk. There is currently no area for pedestrians to walk along State Street. Complete Streets felt if there was not room for parking and a sidewalk – a sidewalk should take precedence at the front of the building.
2. Look at ways to add greenspace to the front / sides of building, especially if the parking doesn't fit.
3. Complete Streets noted the front parking spaces, as configured, mean that cars would back out into sidewalk area / State Street. They suggested looking at a configuration with less parking spaces out front where the parking faced the adjacent business to the east. That way cars could back out into the driveway for the store and face State Street squarely when they exited the property.
4. One of the front parking spaces should be handicap accessible.

A tentative resolution for site plan approval was included with the meeting package. It contains conditions to account for the incomplete resubmittal of the parking plan and Complete Streets comments about the sidewalk and ADA parking space. The requirement for the ARB review is standard and the sidewalk condition was taken directly from a recent tenant change on Union Street which required Schenectady County involvement and was completed successfully.

4/29/24 Planning Board (PB) meeting – Mr. Alsaïdi informed the board at the 4/15/24 meeting that he would be out of the country and unable to attend the 4/29/24 meeting. As noted above, a resolution for site plan approval was prepared for the 4/29/24 meeting that included conditions to account for the requested revisions to the site plan. The PB discussed the project and the comments from the Complete Streets Committee in particular regarding the constraints associated with a sidewalk and parking spaces along State St. They voted to table Resolution 2024-14 until the 5/13/24 meeting. Mr. D'Arpino of the Planning Board offered to visit the site and report back to the PB.

5/5/24 – Mr. D'Arpino visited the site and observed the front parking area. He qualified the space available by taking two pictures of his 4-door short-bed pickup truck parked in front of the store. The pictures are included in the meeting packet.

The site plan materials and documents remain unchanged from those presented at the 4/15/24 PB meeting. The project is on the agenda this evening so the board and Mr. Alsaïdi may continue the discussion regarding the Complete Streets Committee's requests and Mr. D'Arpino's observations during his 5/5/24 site visit.

RESOLUTION NO. 2024-14

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 MAY 2024 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
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
~~SARAH BILOFSKY~~
EHASUYI GOMES

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 Mr. LaFlamme, whom moved its adoption, and seconded by Ms. Gold.

WHEREAS, Zakaria Alsaïdi made an application to the Planning Board and Zoning Commission for site plan approval for tenant change at 3905 State St. to a convenience store / smoke shop as described in the following documents:

1. A 1-page Google Earth image of the top and front view of the building.
2. A 1-page hand sketch of the proposed interior floor plan of the building.

, and

WHEREAS, the zoning classification of the property is C-H Commercial Highway zoning district and retail and service stores are permitted principal uses in the district, and

WHEREAS, the proposed tenant change complies with the Economic Development section of the 2013 Niskayuna Comprehensive Plan, 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, the Planning Board has determined that the proposed tenant change is classified as a Type II action under State Environmental Quality Review (SEQR) regulations and local law, and no further SEQR review is necessary, and

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission finds the above referenced site plan meets the requirements of the Zoning Code and previous site plan and Zoning Board of Appeals approvals, and therefore, hereby approves the site plan and tenant change with the following conditions:

1. A final parking lot striping and configuration plan shall be submitted to the Planning Department for their review and approval.
 - a. All parking spaces are to be marked or striped and are to include a concrete curb stop identifying the end of the parking space.
 - b. One ADA compliant parking space shall be included at the front of the building.
2. Parking areas are located at the front and rear of the building. Customer entrances are required on the front and rear facades near each respective parking area. Customer signage and 'path' from the back of the building to the front shall be review and approved by the Planning and Building Departments.
3. Site lighting, additional greenspace and existing façade shall be reviewed by the Architectural Review Board for their comments and recommendations to the applicant.
4. Applicant shall repair / replace curb ramps from the sidewalk that serves this property according to the specifications of New York State Department of Transportation and extend or mark the area of the sidewalk in front of the building to provide for safe pedestrian crossing.
5. Any and all proposed signage for the property shall be reviewed and approved by the Planning Board at a future date.

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

KEVIN A. WALSH, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME

DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

The Chairman declared the same _____.





**THE
BATTERY
STORE**



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Applicant (Owner or Agent):

Name Zakaria Alsaïdi

Address 154 Madison ave
Albany NY 12202

Email Zakalsaidi5@gmail.com

Telephone 510-228-6625 Fax _____

Location:

Number & Street 3905 State St
Schenectady, NY 12304
United States

Section-Block-Lot _____ - _____ - _____

Zoning District _____

Proposal Description:

This space used to be a battery store it's a retail I'm not changing anything I'm only adding showcases and coolers for drinks . the sign will stay the same I'm only changing the panels of the sign will be adding window sign where it would say open. The lights for out side will also stay the same The new business will be Convenient/smoke shop we will be selling drinks and snacks, cigarette vape and CBD. Our operating hour is from 9 am to 9 pm. We will have around four employees.

Signature of applicant: [Signature] Date: 03/17/2024

Signature of owner (if different from applicant): _____

Date: 03/17/2024

Each site plan application shall be accompanied by:

1. Digital copies in pdf format of all application forms and supporting documents.
2. A digital copy in pdf format and three (3) full size copies of any large scale plans or maps prepared by a licensed engineer, architect or surveyor.
 - a. The site plan shall include the following: the title of the drawing, including the name(s), address(es), phone and fax numbers of the applicant and the name address, phone and fax number of the person, firm or organization preparing the map.
 - b. The North point, date and scale.
 - c. Boundaries of the property.
 - d. Existing watercourses and direction of existing and proposed drainage flow.
 - e. The location of all proposed site improvements; proposed water and utility facilities; a description of the method of sewage disposal and location of such facilities; the location of all proposed signs; and location of proposed areas of vegetation.
2. A digital copy in pdf format of a lighting plan showing the lighting distribution of existing and proposed lights, specifications, photometric data, and catalog cuts of the proposed fixture(s) which meet the requirements of Article VIIIB of the Zoning Ordinance of the Town of Niskayuna entitled "Guidelines for Lighting of Outdoor Areas under Site Plan Review".
3. One (1) copy of the short or long Environmental Assessment Form (EAF), as required by 6NYCRR Part 617, "State Environmental Quality Review", and Chapter 95, "Environmental Quality Review" of the Code of the Town of Niskayuna.
4. If the application is being made by someone other than the current property owner, the applicant or the agent for the applicant must provide proof that they are authorized to pursue this site plan approval. Such proof may be in the form of a contract for sale or letter by the current owner that the applicant/agent is authorized to proceed with this application.
5. Administration Fees: An application for site plan approval shall be submitted to the Planning Board at least ten (10) business days prior to a regular meeting of the Planning Board. Each petition shall be accompanied by a minimum fee of **\$200.00** plus an additional fee based on the square footage of new building construction. Fees are payable to the Town of Niskayuna.
6. Consulting Fees: The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.

Bathroom
Exit closet

Show cases

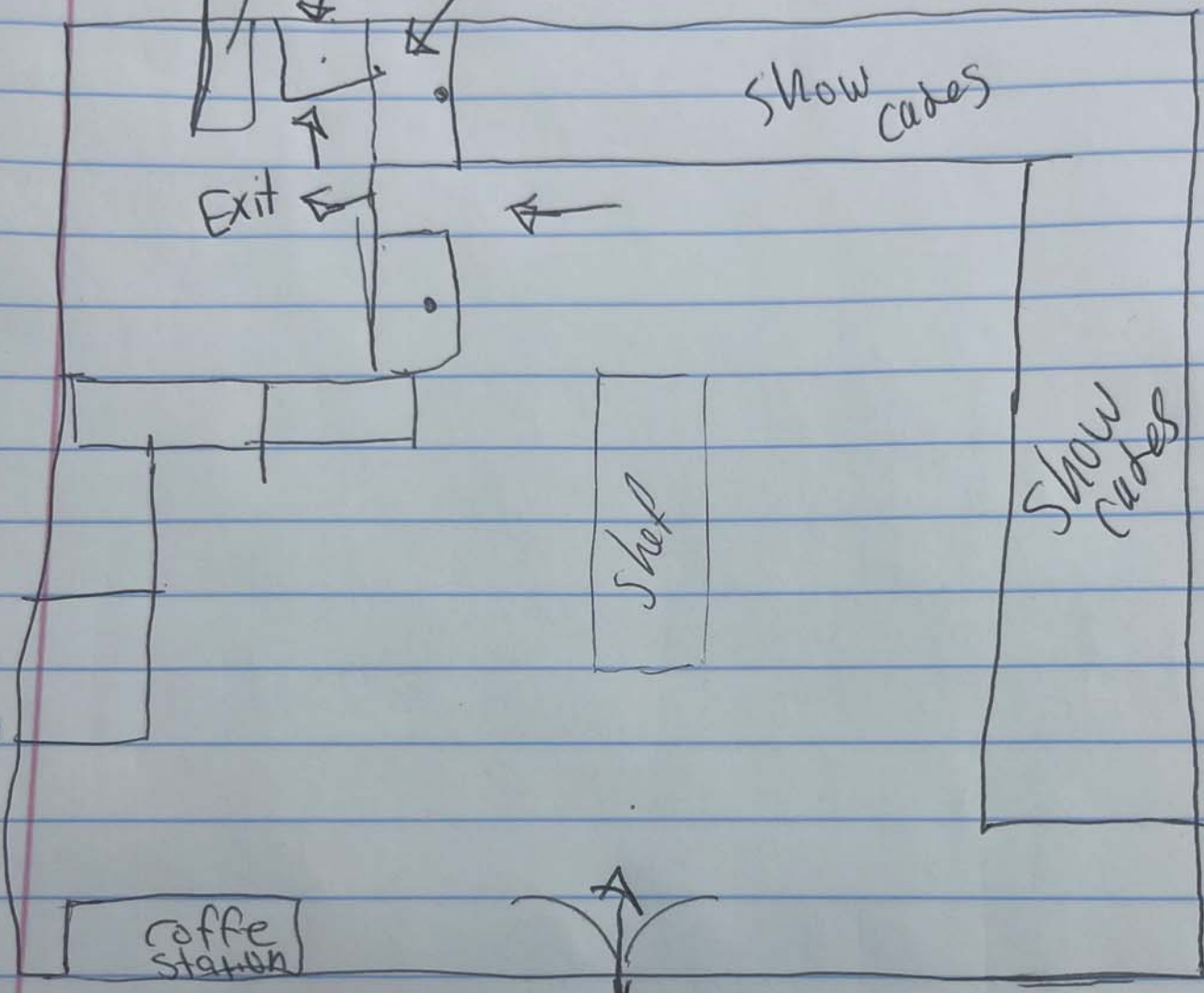
Exit

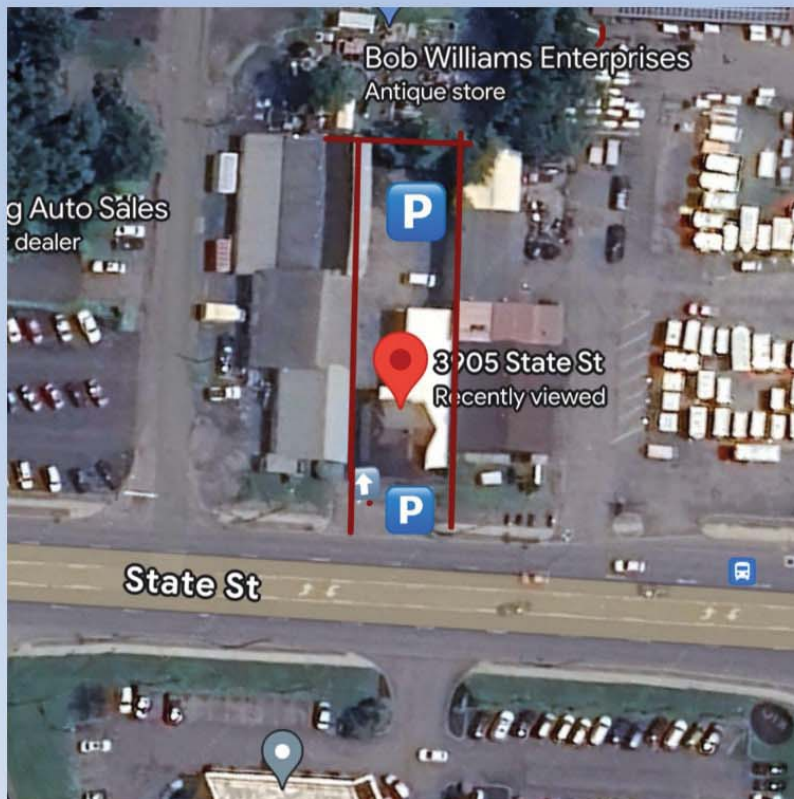
Shelf

Show cases

coffee station

entrance





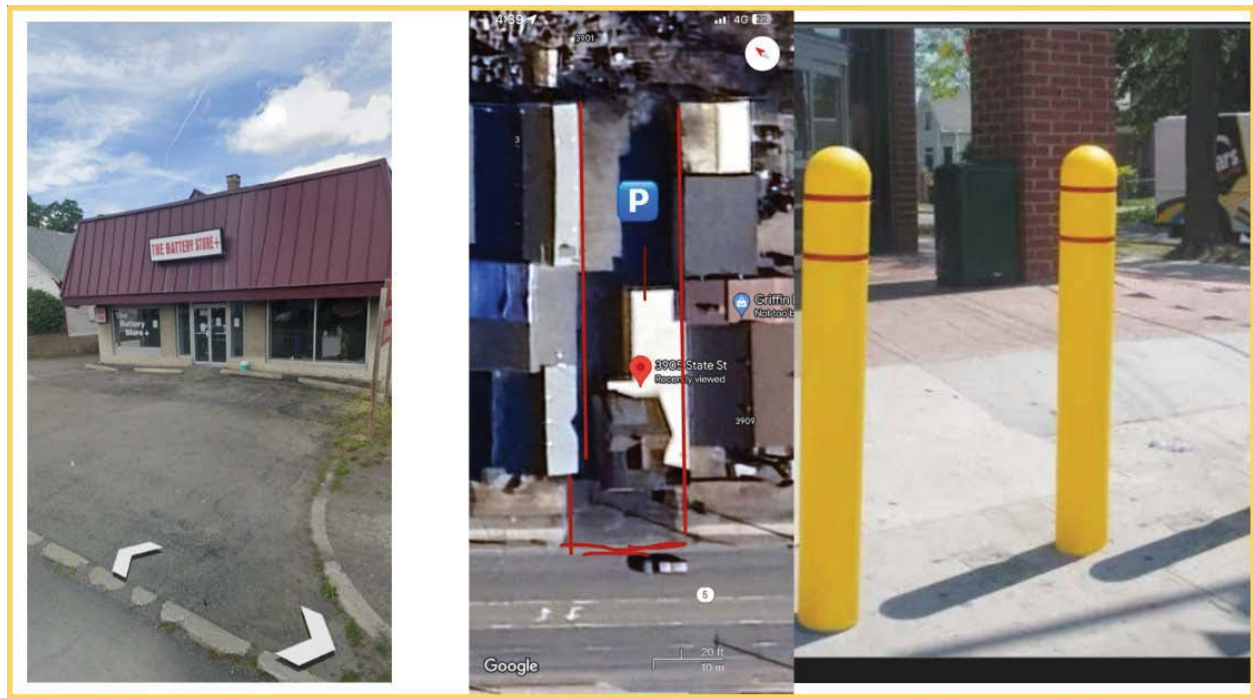
THE PARKING FOR THE SPACE IS ON THE FRONT AND THE BACK IN THE FRONT. THERE IS PARKING FOR FOUR CARS AND IN THE BACK THERE IS PARKING FOR 8 CARS



3901 NY-5

9 months ago · [See more dates](#) >

3905 State St.



This is the exit from the back of the store and it's shared with the tenant upstairs. The other door is the storage door.





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 5/13/24

ITEM TITLE: RESOLUTION: 2024-17: A Resolution for site plan approval for new signage at TD Bank at 2301 Nott St. E.

PROJECT LEAD: TBD

APPLICANT: Thomas Wheeler, agent

SUBMITTED BY: Laura Robertson

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Thomas Wheeler, of AJ Signs, submitted an application for site plan review to update the existing signage at TD Bank located at 2301 Nott St. E.

The property lies within the C-N Neighborhood Commercial zoning district and Town Center Overlay District (TCOD).

Mr. Wheeler and the PB reviewed the proposed signage plan at the 4/29/24 PB meeting. They agreed to standardize the size of signs S02 & S03 to 17.6 sq. ft. which matches the existing size of signage on the façade facing Balltown Rd. Updated drawings were provided on 5/3/24 that complied with agreed upon plan. A resolution for site plan approval is included.

COMPREHENSIVE PLAN

The proposed action complies with the current (2013) Comprehensive Development Plan for the Town.

BACKGROUND INFORMATION

1. A 10-page drawing package from “Atlas, Branding the World” located in West Palm Beach, FL dated 3/19/24 was included with the application.

The table shown below compares the existing signs “E01 – E06” to their corresponding proposed signs “S01 – S08” as shown in the 10-page drawing package in terms of type, size & waiver required.

Old Sign	Sign Type	Sign Size	Code Requirement	Frontage	New Sign	Sign Type	Sign Size	Description of Waiver Required
E01	Monument panel		NA	NA	S07	Monument panel	NA	NA
E02	Façade "TD"	17.6	220-48.4 Schedule I-D 1 sign per façade 1 sq. ft per liner ft. of frontage not to exceed 50 sq. ft.	50 ft.	S01	Façade "TD"	TD 13.7 sf Bank 7.1 sf	2 signs on 1 façade 70% of sign area - TD logo
E03	Façade "TD"	17.6	"	50 ft.	S02	Façade "TD"	28 sf	70% of sign area - TD logo
NA	NA	NA	"	65 ft.	S03	Façade "TD"	13.7 sf	70% of sign area - TD logo
E04	Directional: TD, Enter Drive Thru	2 sf 3 ft high	220-22 A (3) 3 sq. ft., 4 ft. high		S04	Directional: TD, Enter Drive Thru	3.0 sf 4 ft high	None
E05	Directional: TD, Drive-Thru, ATM	2 sf 3 ft high	220-22 A (3) 3 sq. ft., 4 ft. high		S05	Directional: TD, Drive-Thru, ATM	3.0 sf 4 ft high	None
E06	Directional: Exit	2 sf 3 ft high	220-22 A (3) 3 sq. ft., 4 ft. high		S06	Directional: Exit	3.0 sf 4 ft high	None
NA	NA	NA	NA		S08	Directional: TD Bank	1.1 sf	None

Sign S01

- Replaces Sign E02
- Requires a waiver for 2 signs on one façade
 - The TD logo with the green background is considered 1 sign
 - The word “Bank” is considered a second sign
- Requires a waiver for a sign with a logo of more than 30% of the sign area
 - The TD logo with the green background is more than 30% of sign area.

Sign S02

- Replaces Sign E03
- Requires a waiver for a sign with a logo of more than 30% of the sign area
 - The TD logo with the green background is more than 30% of sign area

Sign S03

- Is a new sign – previously there was no sign on this façade
- Requires a waiver for a sign with a logo of more than 30% of the sign area
 - The TD logo with the green background is more than 30% of sign area

Signs S04, S05, S06 & S08

- All signs are code compliant

4/29/24 Planning Board (PB) meeting – Mr. Wheeler presented the application to the board and carefully described the proposed location and size of each new sign. The board and Mr. Wheeler discussed several options and agreed on the following.

Sign S01

- Consists of two signs
 - Sign 1
 - “TD” logo
 - Size: 13.7 sq. ft.
 - Waiver required: for a sign with a logo > 30% of the sign area
 - Sign 2
 - “Bank”
 - Size: 7.1 sq. ft.
 - Waiver required: for having more than 1 façade sign on a single façade

Sign S02

- “TD” logo
 - Size: 17.6 sq. ft.
 - Note: the applicant chose to propose a 17.90 sq. ft. sign for ease of manufacturability
 - Waiver required: for a sign with a logo > 30% of sign area

Sign S03

- “TD” logo
 - Size: 17.6 sq. ft.
 - Note: the applicant chose to propose a 17.90 sq. ft. sign for ease of manufacturability
 - Waiver required: for a sign with a logo > 30% of sign area

5/3/24 – the applicant submitted a new documentation package to the Planning Office for signs “S02” and “S03”, as described above. The drawing set is entitled, “2301 Nott St. East, Niskayuna, NY” by Atlas dated 1/25/24 with no subsequent revisions.

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

RESOLUTION NO. 2024 - 17

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 MAY 2024 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
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

One of the purposes of the meeting was to take action on a **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, Thomas Wheeler, of AJ Signs and agent for the owner, made an application to the Planning Board and Zoning Commission for new signage at TD Bank located at 2301 Nott St. E., and

WHEREAS, a 10-page drawing package from "Atlas, Branding the World" located in West Palm Beach, FL dated 3/19/24 was included with the application, and drawings for signs S02 and S03 were revised on 5/3/24 via a 2-page drawing dated 1/25/24, and

WHEREAS, the property is located within the C-N Neighborhood Commercial zoning district and Town Center Overlay District (TCOD), and

WHEREAS, Section 220-48.4 Signs E (5) Logo states, "Logo. In the event that a picture logo is displayed on a sign, it shall be incorporated into the permitted sign area to comprise not more than 30% of the sign area. All colors associated with a logo, such as defined in this chapter, may be permitted", and

As proposed, signs S01 - "TD", S02 - "TD" and S03 - "TD" each include picture logos that compromise 100% of the sign area of each sign, respectively. Therefore, a waiver for an additional 70% of sign area comprised of a picture logo is required for each sign, and

WHEREAS, Section 220-48.4 Signs E (9) states, “Number of signs. A maximum of one façade sign per use is permitted, except that a use fronting on two streets may have one sign for each building front...”, and

As proposed, sign S01 located on the easternly facing façade of the building consists of one (1) “TD” logo sign measuring 13.7 sq. ft and one (1) “Bank” sign measuring 7.1 sq. ft. Therefore, a waiver for two (2) façade signs on a single façade is required, and

WHEREAS, Section 220-48.6, Application procedures, C. Modifications and waivers, states “The Planning Board may waive one or more of the specific requirements of this article upon a showing by the applicant that the regulation imposes an undue hardship due to such factors as existing conditions, site topography or site configuration. The Planning Board shall approve the minimum waiver necessary to allow the application to be approved. The applicant for any such waiver shall have the burden of showing that the proposed project with such waiver shall have a minimum negative effect on aesthetics and compatibility with neighborhood character”, and

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission has determined that the proposed sign waivers as described above would have a minimum negative effect on aesthetics, and be it

FURTHER RESOLVED, that the Planning Board and Zoning Commission does hereby grant said waivers to allow for the signage as described in the aforementioned sign drawings, 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.

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

KEVIN A. WALSH, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
DAVID D’ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

The Chairman declared the same _____.

Illuminated Shield
(3) illuminated sides

Action:

- Remove Existing Non IL wall sign and LED Light bar.
- Patch, repair, and paint area. .
- Manufacture and install (1) 3 illuminated sided internally illuminated wall cabinet flush to fascia.

Description:

- Face, left and right side faces are illuminated.
- Acrylic faces to be assembled with adhesive and acrylic rods.
- Left and right sides of Face to be secured to aluminum retainers.
- Top and bottom of sign to be capped with aluminum.
- Faces to have TD light green vinyl applied first surface.
- Entire face to be laminated with 3M 3660M Laminate.

Material & Color:

- Vinyl: 3M 3630-5741 Light Green Translucent Vinyl (First Surface)
- Entire face to be laminated with 3M 3660M
- Face: 7328 White Acrylic
- Paint : MP65220 R165605 TD Light Green (Satin Finish)
- Illumination: White LED



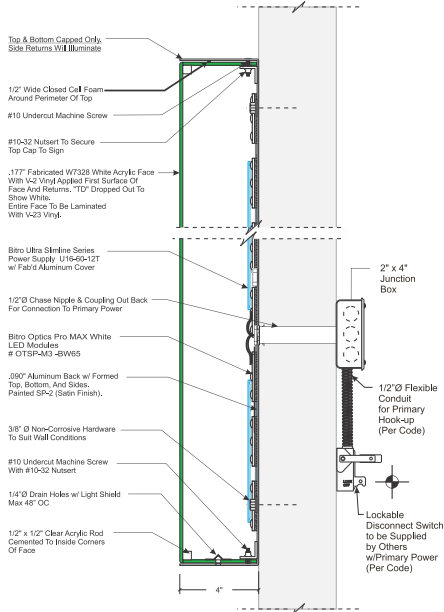
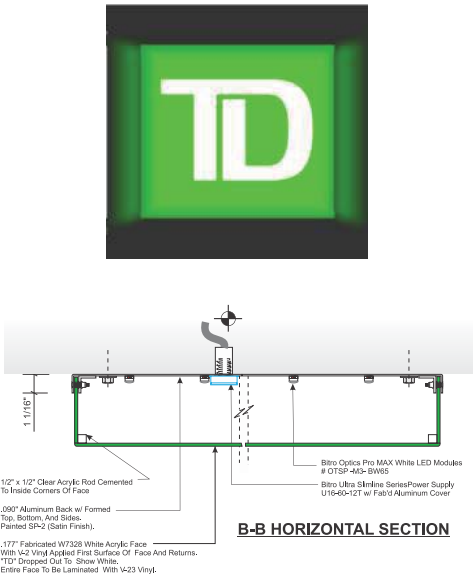
Existing



Proposed



Sign Type	Part Number	A	B	C	D	Sq. Ft.
3SS-4-LP	TD-3S-RMT-48	4'-0"	2' 4"	4'-5 11/16"	4"	17.79



A-A VERTICAL CROSS SECTION



National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
800.772.7932
www.atlasbtw.com

Revisions:	
...	...
...	...
...	...
...	...
...	...

S02

PM: SH	Address: 2301 Nott Street East
Drawn By: TLD	City State: Niskayuna, NY 12309
Date: 01.25.2024	Drawing Number: 180835

Illuminated Shield
(3) illuminated sides

- Action:
- Manufacture and install (1) 3 illuminated sided internally illuminated wall cabinet flush to fascia.
 - GC to cut larger access hatch and run electrical.

- Description:
- Face, left and right side faces are illuminated.
 - Acrylic faces to be assembled with adhesive and acrylic rods.
 - Left and right sides of Face to be secured to aluminum retainers.
 - Top and bottom of sign to be capped with aluminum.
 - Faces to have TD light green vinyl applied first surface.
 - Entire face to be laminated with 3M 3660M Laminant.

- Material & Color:
- Vinyl: 3M 3630-5741 Light Green Translucent Vinyl (First Surface)
 - Entire face to be laminated with 3M 3660M
 - Face: 7328 White Acrylic
 - Paint : MP65220 R165605 TD Light Green (Satin Finish)
 - Illumination: White LED



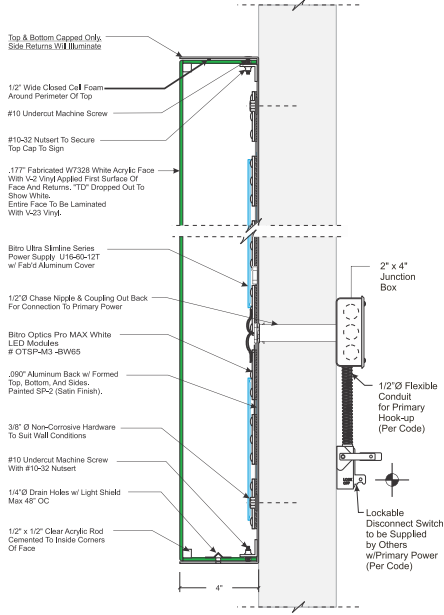
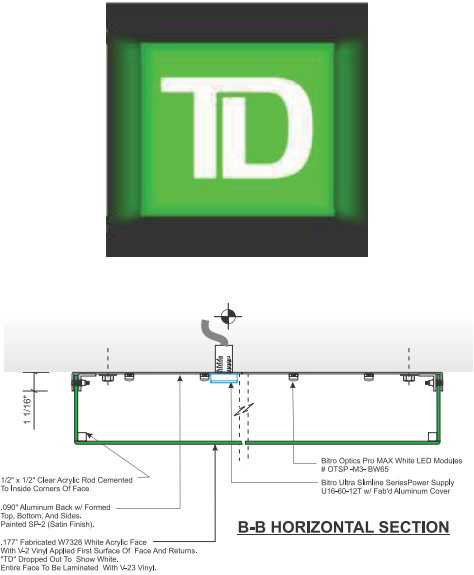
Existing



Proposed



Sign Type	Part Number	A	B	C	D	Sq. Ft.
3SS-4-LP	TD-3S-RMT-48	4'-0"	2' 4"	4'-5 11/16"	4"	17.79



A-A VERTICAL CROSS SECTION



National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
800.772.7932
www.atlasbtw.com

Revisions:	
...	...
...	...
...	...
...	...
...	...

S03

PM: SH	Address: 2301 Nott Street East
Drawn By: TLD	City State: Niskayuna, NY 12309
Date: 01.25.2024	Drawing Number: 180835



BRANDING THE WORLD

national headquarters

1077 West Blue Heron Blvd

West Palm Beach, FL 33409

800.772.7937

www.atlasbtw.com

Dear Customer:

This letter is required in order for Atlas to apply for permit(s) to install signs at your location. It must be signed by an authorized officer (or owner) of your company and **must** be notarized.

Thank you.

I: Julie Bashant Property Owner or agent of:

2301 Nott Street East, Niskayuna, NY 12309

Address

Do hereby give permission to Jeffery Adinolfe with Atlas Sign Holdings, Inc., Atlas Sign Industries of NC LLC, Atlas Sign Industries, Atlas Sign Industries FLA, LLC or any of their agents to sign permit applications, submit & pick-up permits and erect signage at the above address on our behalf.

Julie Bashant - authorized agent for Niskayuna Shopping Center, LLC

Property Owner or Agent (Please type or print)

[Signature]
Signature of Property Owner or Agent

3/19/24
Date

P.O. Box 965 Latham, NY 12110

Mailing Address

518-869-0792

Telephone Number

This instrument was acknowledged before me this 19th Day of March, 2024

[Signature]
Notary Public (Signature)

Cole Harvey Carner
Notary Public (Printed Name)

Personally Known ☒

Produced Identification ☐

Type: _____

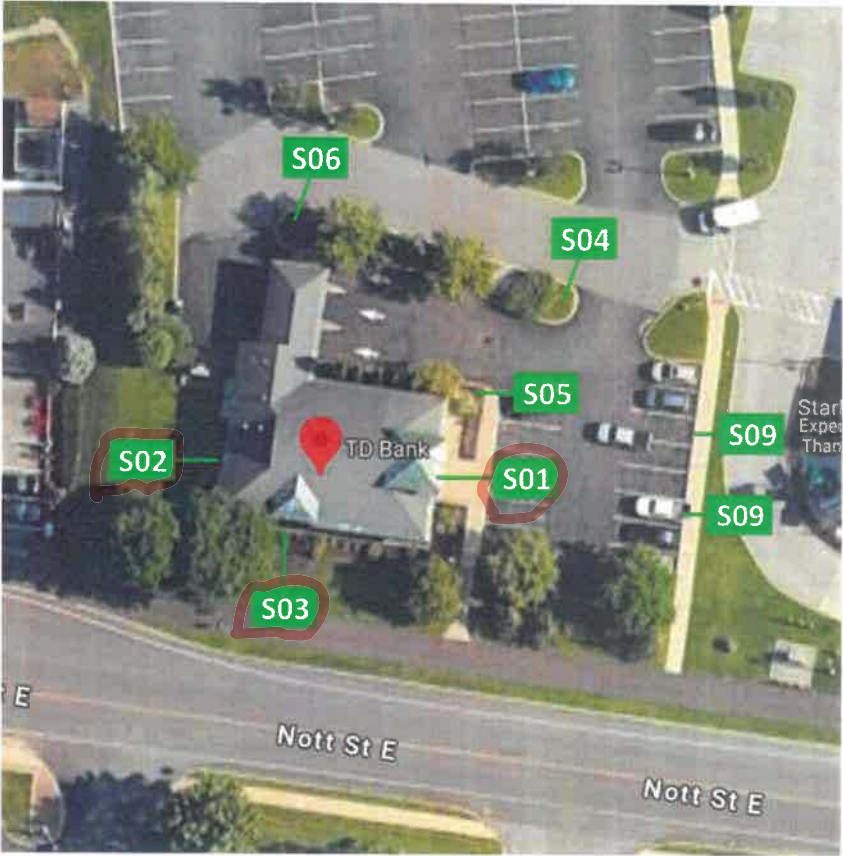
COLE HARVEY CARNER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CA6430491
Qualified in Rensselaer County
Commission Expires MARCH 14, 2026

Site Plan and Code

Code

Wall Signs:
For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building face and shall not protrude more than 1 foot from the building face and shall be a single-face sign. Where uses are joined by a common wall, such sign area shall not be combined into a common sign area. Under no circumstances shall any 1 sign exceed 50 square feet.

Sign	Proposed Sign	Qty	SQ FT
S01	Face Lit Channel Letters	1	34.05
S02	IL Shield	1	27.86
S03	IL Shield	1	13.8
S04	Non IL Directional	1	2.99
S05	Non IL Directional	1	2.99
S06	Non IL Directional	1	2.99
S07	Monument	1	-
S08	Non IL Directional	1	-
S09	Parking Signs	2	-



Face Lit Channel Letters

Action:

- Remove Existing Non IL wall sign and LED Light bar.
- Patch, repair, and paint area.
- Manufacture and install (1) face lit channel letterset.

Description:

- TD Shield construction to be aluminum returns with white acrylic faces secured with trimcap. Vinyl to be applied to logo faces with TD Copy to be exposed face material.
- Letterset and logo cabinet to be illuminated with white LEDs.
- Logo to be mounted flush to wall with non corrosive fasteners.
- Letters to be mounted with nylon spacers.

Material & Color:

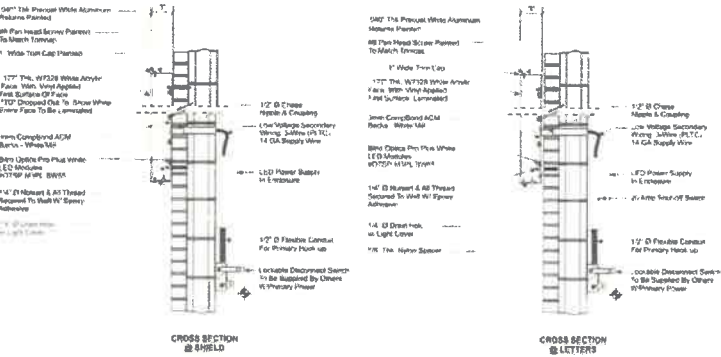
- Logo and Letter Vinyl: 3M 3630-5741 Light Green Translucent Vinyl (First Surface)
- Entire Logo and Letter Faces to be laminated with 3M 3660M
- Logo and Letter Returns: MP65220 R165605 TD Light Green (Satin Finish)
- Logo and Letter Trim Cap: MP65220 R165605 TD Light Green (Satin Finish)
- Logo and Letter Faces: 7328 White Acrylic
- Logo and Letters Illumination: White LED



Existing



Proposed



ELECTRICAL NOTES

1. All materials and fasteners meet 3004.4
2. All electrical components are UL listed, labeled and approved
3. Signs grounded according to NEC 600.7.7
4. Signs manufactured and tested per NEC 600.3 and marked per NEC 600.4
5. All branch circuits per NEC 600.3(B)(1) or (B)(2)
6. All Signs controlled by photo cell or time clock per EBC 13-415 (ABC) 1.4
7. One usable 20 amp disconnect per sign per circuit per NEC 600.6(A) 1



Sign Type	Part Number	A	B	C	D	E	F	G	H	Sq. Ft. (4 Line)
LP-CL-G-3.6	TDB-CL-RMT-G-42	3'-6"	9'-8 3/4"	3'-10 15/16"	1'-5 9/16"	4'-10 3/16"	0'-11 9/16"	3"	3"	34.05



National Headquarters: 1077 West Blue Heron Blvd
West Palm Beach Florida 33404
800 772.7932
www.atlasblw.com

Revisions

...	...
...	...
...	...

S01

SH
TLD
01.25.2024

2301 Nott Street East
Niskayuna, NY 12309
180835

Illuminated Shield
(3) illuminated sides

- Action:
- Remove Existing Non IL wall sign and LED Light bar.
 - Patch, repair, and paint area.
 - Manufacture and install (1) 3 illuminated sided internally illuminated wall cabinet flush to fascia.

- Description:
- Face, left and right side faces are illuminated.
 - Acrylic faces to be assembled with adhesive and acrylic rods.
 - Left and right sides of Face to be secured to aluminum retainers.
 - Top and bottom of sign to be capped with aluminum.
 - Faces to have TD light green vinyl applied first surface.
 - Entire face to be laminated with 3M 3660M Laminate.

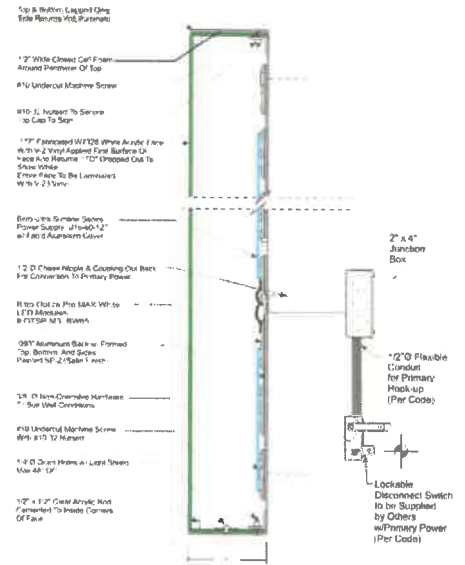
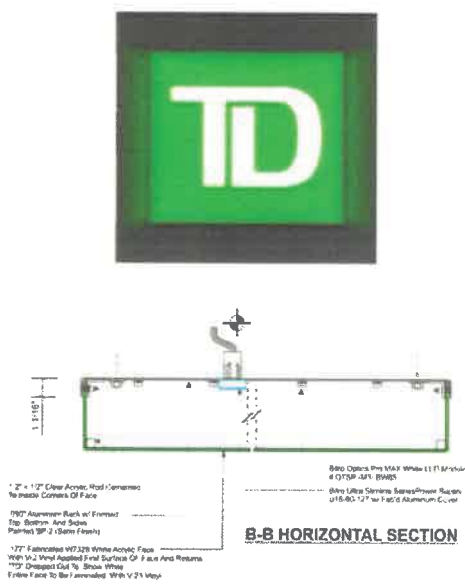
- Material & Color:
- Vinyl: 3M 3630-5741 Light Green Translucent Vinyl (First Surface)
 - Entire face to be laminated with 3M 3660M
 - Face: 732B White Acrylic
 - Paint : MP65220 R165605 TD Light Green (Satin Finish)
 - Illumination: White LED



Existing



Proposed



Sign Type	Part Number	A	B	C	D	Sq. Ft.
3SS-5-LP	TD-3S-RMT-60	5'-0"	2'-10 15/16"	5'-7 1/16"	4"	27.86



National Headquarters: 1077 West Blue Heron Blvd
West Palm Beach Florida 33404
800.772.7932
www.atlasblw.com

Revisions

S02

SH
TLD
01.25.2024
2301 Nott Street East
Niskayuna, NY 12309
180835

2301 Nott Street East
Niskayuna, NY 12309
180835

Non Illuminated Directional

Action:

- Remove existing directional.
- Manufacture and install new DF directional sign.

Description:

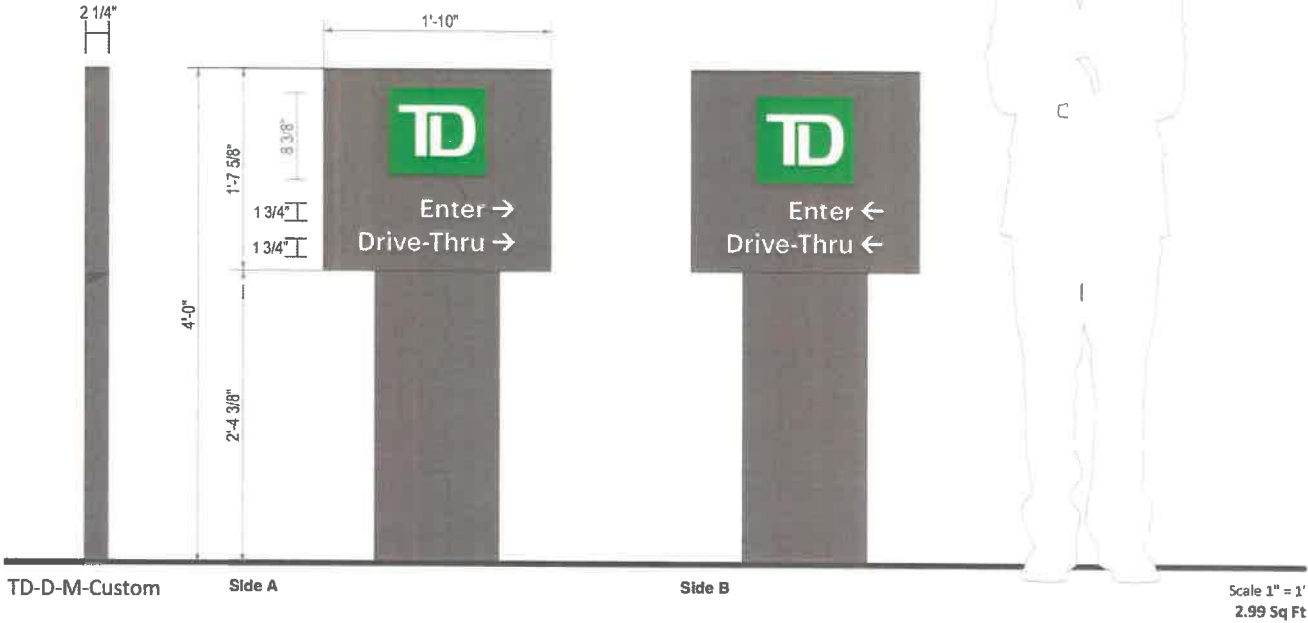
- Directional to be of 2" x 2" aluminum tube frame with aluminum skin painted to match Cloak Gray.
- Vinyl graphics to be applied to face.
- All fasteners to be countersunk screws and painted to match sign.
- Sign to be direct buried in concrete footing.

Material & Color:

- Paint: SW6278 Cloak Gray (Satin Finish)
- Vinyl: 3M 5000-10 Scotchlite Reflective White
- Vinyl: 3M U680-10 Scotchlite Reflective Film to match PMS 361C With 3M MCS approved injet inks



Existing directional to be removed



National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
800.772.7932
www.atlasbtw.com

Revisions:			
...
...
...
...
...

S04

PM: SH
Drawn By: TLD
Date: 01.25.2024

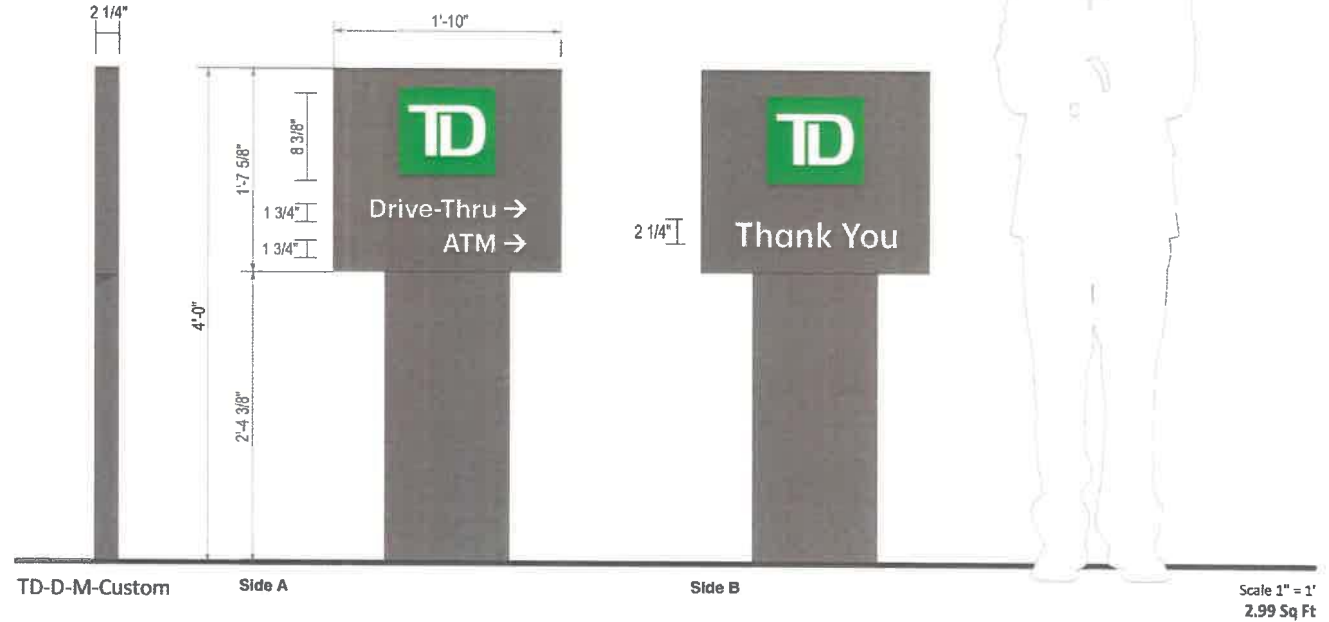
Address: 2301 Nott Street East
City/State: Niskayuna, NY 12309
Drawing Number: 180835

Action:

- Description:**

- Material & Color:**

Vinyl: 3M U680-10 Scotchlite Reflective Film to match PMS 361C
With 3M MCS approved injet inks



Non Illuminated Directional

Action:

- Remove existing directional.
- Manufacture and install new DF directional sign.

Description:

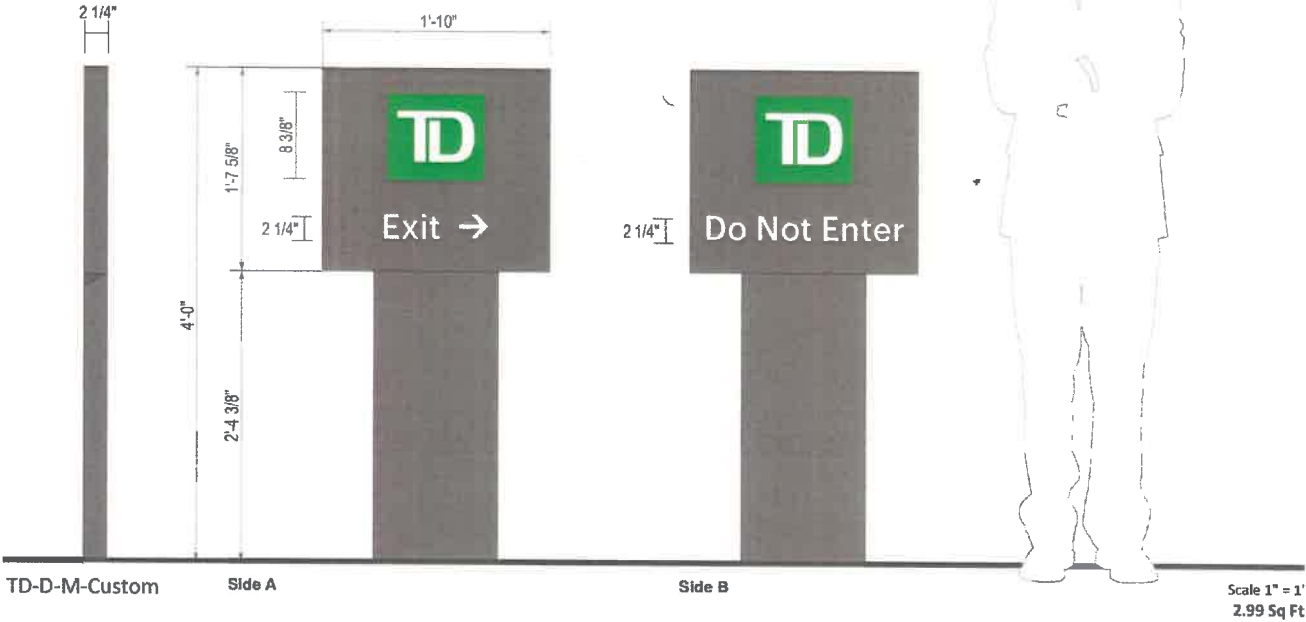
- Directional to be of 2" x 2" aluminum tube frame with aluminum skin painted to match Cloak Gray.
- Vinyl graphics to be applied to face.
- All fasteners to be countersunk screws and painted to match sign.
- Sign to be direct buried in concrete footing.

Material & Color:

- Paint: SW6278 Cloak Gray (Satin Finish)
- Vinyl: 3M 5000-10 Scotchlite Reflective White
- Vinyl: 3M IJ680-10 Scotchlite Reflective Film to match PMS 361C With 3M MCS approved injet inks



Existing directional to be removed



National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
800.772.7932
www.atlasblw.com

Revisions:

REV	DESCRIPTION	DATE
001	Initial Design	01.25.2024
002	Revised Design	01.25.2024
003	Final Design	01.25.2024

S06

Drawn By: SH
TLD
Date: 01.25.2024

Address: 2301 Nott Street East
Niskayuna, NY 12309
Drawing Number: 180835

Action:

- Description:**

- Material & Color:**

Technical drawing of a TD Bank branch exterior. The drawing shows a side elevation with a dark, solid-colored main wall and a lighter-colored upper section. The TD Bank logo is prominently displayed on the dark wall. Dimensions are provided for various parts of the building: the main wall is 3'-11 3/4" CS, the upper section is 3'-9 3/4" VO, and the total height is 10 3/4". On the left side, the width of the building is indicated as 5' 3/4", 4' 3/4", and 3' 7/8".



Revisions:

S07

PM SH
Drawn By TLD
01.25.2024

Address: 2301 Nott Street East
City/State: Niskayuna, NY 12309

Drawing Number 180835

Action:

- ## Material & Color:

■ Vinyl: 3M 3630-61 Slate Gray Translucent Vinyl (First Surface)

Technical drawing of a TD Bank sign. The sign is rectangular with a dark background. It features the TD logo (a green square with white 'TD' text) and the word 'Bank' in white. Dimensions are indicated: the sign is 1'-10" wide and 0'-7 1/8" high. A smaller dimension of 0'-5 3/8" is shown for a portion of the height. A horizontal dimension of 1'-2 15/16" is shown for a section of the sign's width.



BRANDING THE WORLD

Revisions:

[illegible]

Address: 2301 Nott Street East
Niskayuna, NY 12309
Drawing Number: 180835



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 2

MEETING DATE: 5/13/2024

ITEM TITLE: RESOLUTION: 2024-18: A Resolution for site plan amendment adding new signage at the Market 32 at 2333 Nott St. E.

PROJECT LEAD: Leslie Gold

APPLICANT: Kelly O'Neill, agent for the owner

SUBMITTED BY: Kelly O'Neill, agent for the owner

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Kelly O'Neill submitted a site plan application for a tenant change to a Market 32 grocery store at 2333 Nott St. E. The site was previously a Shop Rite grocery store until approximately 12/1/23.

PB Resolution 2024-04 granted tenant change on 1/22/24. At their 4/29/24 meeting, the PB reviewed a proposal to amend the resolution for a sign package that required several waivers. The board agreed to grant the waivers required with a condition that only the large Market 32 signs may be illuminated. A resolution for site plan amendment is included.

COMPREHENSIVE PLAN

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

BACKGROUND INFORMATION

The property is located in a Planned Development District (PDD) within the C-N Neighborhood Commercial zoning district and Town Center Overlay District (TCOD). Grocery stores are allowable uses in the PDD.

The following documents were provided with the site plan application:

1. A 15-page drawing set entitled “Price Chopper P North (SR) Niskayuna, 2333 Nott Street East, Niskayuna, NY 12309 US” by Saxton Sign Corp dated 4/26/24 with no subsequent revisions.
2. A 1-page drawing entitled, “Exterior Building Elevations Painting and Signage Scope of Work” by Price Chopper, Golub Corporation, Engineering Department 461 Nott St. Schenectady, NY12308 dated 4/26/24 with no subsequent revisions.

RELEVANT SECTIONS OF THE ZONING CODE

- Schedule I-D Column 7 Permitted Signs states, “For each linear foot of building frontage, 1 square foot of sign area shall be permitted...Under no circumstances shall any 1 sign exceed 50 square feet.”
- Section 220-22 A (3) states, “Directional signs, such as entrance, exit, etc., shall be of a size not to exceed three square and not to exceed four feet in height above the existing grade of the street unless specified in this chapter.”
- Section 220-48.4 E (9) states, “Number of signs. A maximum of one façade sign per use is permitted, except that a use fronting on two streets may have one sign for each building front...”

SUMMARY OF PLANNING OFFICE SIGNAGE REVIEW

Top level comparison

The Planning Office analyzed the signage proposed for the Market 32 at 2333 Nott St. E. relative to signage approved for the previous tenant at that address (Shop Rite), and the existing signage at the Market 32 on Balltown Rd. in Mohawk Commons. A table showing the frontage, number of façade signs on the main façade and the total sign area for each location is included below.

Name	Address	Frontage (ft.)	No. of Façade Signs (main façade)	Total Sign Area (sq. ft.)
Market 32	2333 Nott St. E.	281	13	223.28
Shop Rite	2333 Nott St. E.	281	7	152.95
Market 32	Balltown Rd. MC	343	13	257.82

Description of proposed sign waivers for Market 32 at 2333 Nott St. E.

A. Façade Signs – a total of 13 façade signs are proposed resulting in the need for 13 variances as shown in the table below.

No.	Description	Size (sq. ft.) South Elevation (Nott St.)	Size (sq. ft.) Plaza Corner Monument (Nott St.)	Size (sq. ft.) Plaza Corner Monument (Balltown)	Schedule I-D Column 7 Variance Required (sign area)	Schedule I-D Column 7 Variance Required (sign > 50 sq. ft.)	Section 220-48.4 E (9) Variance Required (number of signs)
1a	Market 32 Place			44.71			
1b	Market 32 Place		44.71				
2	Market 32	124.50				74.5 sq. ft.	
3	Grocery Pickup	9.72					1
4	Dairy	3.50					1
5	Recycling Center	11.18					1
6	Bakery	4.50					1
7	Deli	2.27					1
8	Butcher	4.80					1
9	Seafood	4.80					1
10	Foodfare	5.30					1
11	Florist	4.40					1
12	Welcome	40.25					1
13	Produce	5.40					1
14	Café	2.66					1
	TOTAL	223.28	44.71	44.71	0	1	12

Market 32 is requesting the following waivers

- ***A waiver for 13 new façade signs on the South (Nott St.) façade***
- ***A waiver for 74.5 sq. ft. of sign area for the Market 32 façade sign measuring 124.50 sq. ft. on the South (Nott St.) façade***
- ***A waiver allowing 6 directional signs measuring 6 ft. above grade***

The Planning Board should review and discuss the requested signage waivers relative to the reference data included on the following page.

BACKGROUND / REFERENCE APPROVALS

Shop Rite Signage – Approved 7/26/11

- Approximate building frontage = 281'
- Approximate square footage of façade signage / linear ft. of building frontage = 0.54
- Waiver granted allowing 152.95 sq. ft. of total façade signage (waiver of 102.95 sq. ft.)
- Waiver granted allowing 7 façade signs (waiver of 6 façade signs)
- Waiver granted allowing 82.4 sq. ft. of Shop Rite Script façade sign (waiver of 32.4 sq. ft.)

	Sign Name	Size (sq. ft.)	Waiver (sq. ft.)
1	Bottle Return	11.25	
2	Circle logo	15.9	
3	Entrance	7.5	
4	Shop Rite script (reduced from 140.1 sq. ft.)	82.4	82.4 – 50 = 32.4
5	Circle logo	15.9	
6	Pharmacy department within	12.5	
7	Entrance	7.5	
Total		152.95	152.95 – 50 = 102.95

Market 32 Signage – Mohawk Commons Store (C-S Shopping Center Commercial District)

- Approximate building frontage = 343'
- Approximate square footage of façade signage / linear ft. of building frontage = 0.75
- Waiver granted allowing 11 façade signs on the front façade (waiver of 10 façade signs)
- Waiver allowing a 175.6 sq. ft. façade sign (125.6 sq. ft. waiver)
- Waiver allowing 257.82 total sq. ft. of façade signage (207.82 sq. ft. waiver)
- Waiver allowing a 118.125 sq. ft. sign (68.125 sq. ft. waiver)

	Sign Name	Size (sq. ft.)	Waiver (sq. ft.)
1	Market	175.6	125.6 (175.6 – 50)
2	Welcome	22.45	
3	Florist	4.4	
4	Butcher	4.8	
5	Dairy	3.5	
6	Seafood	4.8	
7	Produce	5.4	
8	Bakery	4.5	
9	Deli & Cheese	7.5	
10	Food Fare	5.3	
11	Pharmacy +	19.57	
Total		257.82	207.82 (257.82-50)
12	Market (West)	118.125	68.125 (118.125-50)
Total		118.125	

4/29/24 Planning Board (PB) meeting – Mr. Wheeler attended the meeting and presented the proposal for new signage to the board. He noted the similarities between the proposed sign package for the store at 2333 Nott St. and the previously approved sign package for the Market 32 store on Balltown Rd. in Mohawk Commons. He added that this approach is part of the Market 32 brand.

Ms. Gold, PB Project Lead for the project, stated that the twelve (12) relatively small façade signs identifying the locations of the various departments within the store are helpful to shoppers. She also noted that this Market 32 does not include a pharmacy and a pharmacy façade sign is rightfully absent from the proposed design in an effort to communicate this to shoppers.

Although allowed per the zoning code for the Town Center Overlay District (TCOD), Ms. Robertson expressed concerns with a large number of internally illuminated signs at this location if the materials on the signs were to change someday. The property on the opposite side of Nott St. is zoned residential and too many internally illuminated signs could be a nuisance to the neighboring properties.

Mr. Hess, attorney for the Town, stated that since the PB would be granting a waiver to allow additional façade signs they have the authority to include conditions to the waiver. Mr. Wheeler agreed and confirmed the only sign that would be internally illuminated is the 124.5 sq. ft. "Market 32" sign. He noted that all other proposed signage would not be illuminated.

It was agreed upon by the Board that a condition will be included in the resolution for site plan amendment for signage stating that only the one (1) Market 32 façade sign and two (2) Market 32 Place signs may be illuminated.

A resolution for site plan amendment is included in the meeting packet.

RESOLUTION NO. 2024-18

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 MAY 2024 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
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

One of the purposes of the meeting was to take action on a site plan amendment.

The meeting was duly called to order by the Chairman.

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

WHEREAS, Kelly O'Neill has made an application to the Planning Board for the installation of façade signage to the previously approved site plan for tenant change to a Market 32 at 2333 Nott St. E., as shown in the following documents.

1. An 11-page slide set of marked up colored renderings of the site with notes addressing the following topics:
 - a. Page 1 – parking lot - sidewalks, crosswalks and landscaping
 - b. Page 2 – parking lot - grocery pickup and way finding signage
 - c. Page 3 – parking lot – parking spaces, grocery pickup parking spaces, shopping cart corral locations and parking lot lighting
 - d. Page 4 – parking lot – new main entrance, cross walk striping and stop sign
 - e. Page 5 – parking lot – new main entrance, cross walk striping and stop sign
 - f. Page 6 – dimensioned grocery pickup parking stall signs
 - g. Page 7 – picture of a typical pickup parking stall sign, pole and base

- h. Page 8 – drawing of a typical grocery pickup parking stall sign (w/dimensions)
 - i. Page 9 – drawing of a typical grocery pickup parking stall sign “2”
 - j. Page 10 – drawing of a typical grocery pickup parking stall sign “3”
 - k. Page 11 – drawing of a typical grocery pickup parking stall sign “4”
- 2. A 1-page drawing entitled “Exterior Building Elevations Painting and Signage Scope of Work, Price Chopper 2333 Nott Street East, Niskayuna NY 12309” by Golub Corporation Engineering Department 461 Nott Street Schenectady NY 12308 dated 11/29/23 with no subsequent revisions.
- 3. A 1-page drawing with a file name including “demo work” and entitled “EQD1, General Equipment Plan – Proposed – Not For Construction, Price Chopper “Niskayuna” 2333 Nott Street East, Niskayuna, NY 12309” by Golub Corporation Engineering Department 461 Nott Street Schenectady, NY 12308 dated 11/28/23 with no subsequent revisions.
- 4. A 1-page drawing with a file name including “new plan” and entitled “EQ01, General Equipment Plan – Proposed – Not For Construction, Price Chopper “Niskayuna” 2333 Nott Street East, Niskayuna, NY 12309” by Golub Corporation Engineering Department 461 Nott Street Schenectady, NY 12308 dated 11/28/23 with no subsequent revisions.

And,

WHEREAS, the site plan amendments for signage are shown in the following drawings.

- 1. A 15-page drawing set entitled “Price Chopper P North (SR) Niskayuna, 2333 Nott Street East, Niskayuna, NY 12309 US” by Saxton Sign Corp dated 4/26/24 with no subsequent revisions.
- 2. A 1-page drawing entitled, “Exterior Building Elevations Painting and Signage Scope of Work” by Price Chopper, Golub Corporation, Engineering Department 461 Nott St. Schenectady, NY12308 dated 4/26/24 with no subsequent revisions.

WHEREAS, the property is located in a Planned Development District (PDD) within the C-N Neighborhood Commercial zoning district and the Town Center Overlay District (TCOD). Grocery stores are permitted principal uses in the PDD, and

WHEREAS, the proposed tenant change complies with the Economic Development section of the 2013 Niskayuna Comprehensive Plan, 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, Schedule I-D Column 7 Permitted Signs states, "For each linear foot of building frontage, 1 square foot of sign area shall be permitted...Under no circumstances shall any 1 sign exceed 50 square feet." As proposed, the "Market 32" façade sign measures 124.50 sq. ft. Therefore, a 74.50 sq. ft. ($124.50 - 50.00 = 74.50$) waiver for sign area of a single façade sign is required, and

WHEREAS, Section 220-48.4 E (9) states, "Number of signs. A maximum of one façade sign per use is permitted, except that a use fronting on two streets may have one sign for each building front..." As proposed, thirteen (13) façade signs are shown on the façade facing Nott St. E. in the aforementioned drawings. Therefore, a waiver for 12 ($13 - 1 = 12$) nonilluminated façade signs on the façade facing Nott St. E. is required, and

WHEREAS, Section 220-22 A (3) states, "Directional signs, such as entrance, exit, etc., shall be of a size not to exceed three square feet and not to exceed four feet in height above the existing grade of the street unless specified in this chapter." As proposed, six (6) directional signs measuring six (6) feet in height are shown in the drawings. Therefore, a waiver for 2 ft. ($6 - 4 = 2$) of height for the directional signs is required, and

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission has determined that the proposed sign waivers as described above and with the condition outlined below would have a minimum negative effect on aesthetics, and be it

FURTHER RESOLVED, that the Planning Board and Zoning Commission does hereby grant said waivers to allow for the signage as described in the aforementioned sign drawings with the following conditions:

1. In order to protect the character of the residential properties across Nott St and reduce any unnecessary glare from the commercial buildings, the thirteen (13) additional façade signs as shown on the south façade facing Nott St. E. in the aforementioned drawings shall be non-illuminated in perpetuity.

, 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 the site plan with the following conditions:

1. Outdoor storage: No outdoor storage or obstructions shall be allowed on the sidewalk between the main grocery store entrance and the secondary grocery store entrance to protect pedestrian passageway through the plaza.
2. Crosswalks: Prior to completion of the building permit, crosswalks shall be striped in the 6 locations identified by the Planning Office in the aerial map provided to the applicant labeled Nott Street Site Plan.
3. Sidewalks: Prior to completion of the building permit, the missing section of sidewalk between the parking lot and Nott Street East, identified by the Planning Office in the aerial map provided to the applicant labeled Nott Street Site Plan, shall be installed to the satisfaction of the Planning Office.
4. Landscaping: Prior to completion of the building permit – the applicant shall supply a landscaping plan for review and approval by the Tree Council. The landscaping beds in front of the proposed Market 32 should be refreshed; dead or severely distressed trees within the property should be removed, and any removed trees should be replanted.

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

KEVIN A. WALSH, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

The Chairman declared the same _____.



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Applicant (Owner or Agent):

Name Saxton Sign Corp

Address 1320 Rt 9
Castleton, NY 12033

Email DKATZ@SAXTONSIGN.COM

Telephone 518-754-2026 Fax _____

Location:

Number & Street 2333 NOTT ST

Section-Block-Lot _____ - _____ - _____

Zoning District _____

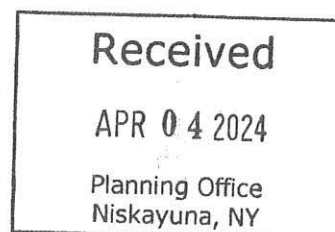
Proposal Description:

Installation of new signage for the re-branding
of Price chopper to Market 32

Signature of applicant: _____ Date: 4/3/24

Signature of owner (if different from applicant): * ATTACHED *

Date: 4/3/24



Each site plan application shall be accompanied by:

1. Digital copies in pdf format of all application forms and supporting documents.
2. A digital copy in pdf format and three (3) full size copies of any large scale plans or maps prepared by a licensed engineer, architect or surveyor.
 - a. The site plan shall include the following: the title of the drawing, including the name(s), address(es), phone and fax numbers of the applicant and the name address, phone and fax number of the person, firm or organization preparing the map.
 - b. The North point, date and scale.
 - c. Boundaries of the property.
 - d. Existing watercourses and direction of existing and proposed drainage flow.
 - e. The location of all proposed site improvements; proposed water and utility facilities; a description of the method of sewage disposal and location of such facilities; the location of all proposed signs; and location of proposed areas of vegetation.
2. A digital copy in pdf format of a lighting plan showing the lighting distribution of existing and proposed lights, specifications, photometric data, and catalog cuts of the proposed fixture(s) which meet the requirements of Article VIIB of the Zoning Ordinance of the Town of Niskayuna entitled "Guidelines for Lighting of Outdoor Areas under Site Plan Review".
3. One (1) copy of the short or long Environmental Assessment Form (EAF), as required by 6NYCRR Part 617, "State Environmental Quality Review", and Chapter 95, "Environmental Quality Review" of the Code of the Town of Niskayuna.
4. If the application is being made by someone other than the current property owner, the applicant or the agent for the applicant must provide proof that they are authorized to pursue this site plan approval. Such proof may be in the form of a contract for sale or letter by the current owner that the applicant/agent is authorized to proceed with this application.
5. Administration Fees: An application for site plan approval shall be submitted to the Planning Board at least ten (10) business days prior to a regular meeting of the Planning Board. Each petition shall be accompanied by a minimum fee of **\$200.00** plus an additional fee based on the square footage of new building construction. Fees are payable to the Town of Niskayuna.
6. Consulting Fees: The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.



From:

Thomas Lee, Price Chopper Design Project Manager

The exterior building signage and pylon sign as shown in the attached drawing as produced by Saxton Signs is approved by Thomas Lee, Design Project Manager. On behalf of Price Chopper/Market 32, I hereby give Saxton Sign permission to obtain the signage permit.

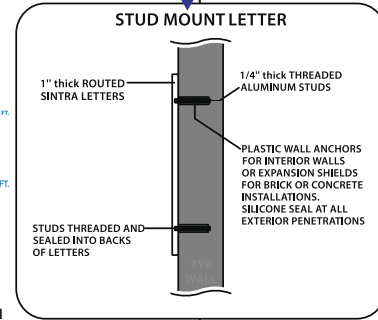
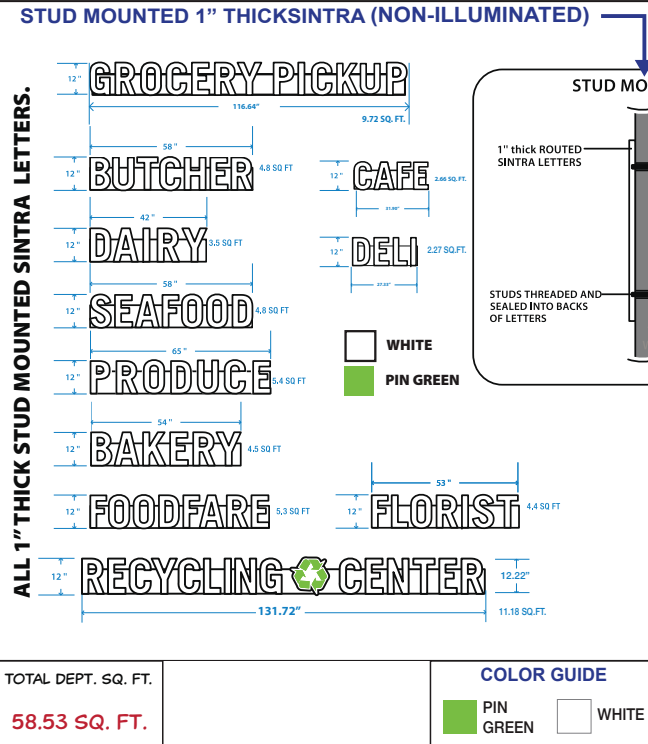
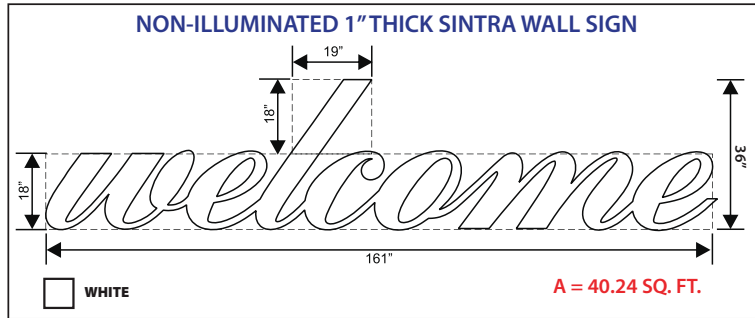
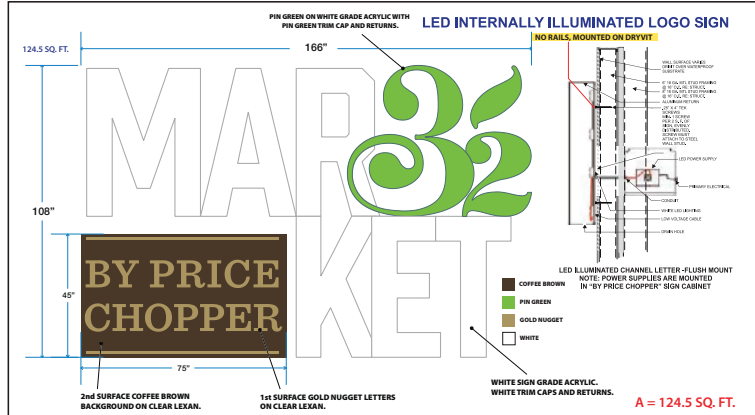
Thomas Lee
Design Project Manager

STATE OF NEW YORK)
COUNTY OF SCHENECTADY) SS.:

On the 22nd day of July in the year 2021 before me, the undersigned a Notary Public in and for said state personally appeared Thomas Lee and personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual executed the instrument.

Notary Public

CARRIE TERRAFERMA
Notary Public, State of New York
No. 01TE6192413
Qualified in Albany County
Commission Expires September 2, 2024



DESCRIPTION:
 QTY (1) Set of 108"H - "Market 32" LED internally Lit Letters (No Rails, mounted on Dryvit) w QTY (1) 45"x 75" - "By Price Chopper" Box Sign
 QTY (1) Set of 18" - 1" Thick Sintra "Welcome" Script Letters
 QTY (1) Set of 12" - 1" Thick Sintra "GROCERY PICKUP" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "DAIRY" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "RECYCLEING CENTER" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "BAKERY" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "DELI" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "BUTCHER" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "SEAFOOD" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "FOODFARE " Letters
 QTY (1) Set of 12" - 1" Thick Sintra "FLORIST" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "PRODUCE" Letters
 QTY (1) Set of 12" - 1" Thick Sintra "CAFE" Letters



1-800-942-6366
 518.732-7704
 fax: 518.732-7716
 saxtonsign.com

CLIENT:
 Price Chopper P
 North (SR) Niskayuna

JOB LOCATION:
 2333 Nott Street East
 Niskayuna, NY 12309 US

CUSTOMER APPROVAL

DATE

THIS ORIGINAL DRAWING AND DESIGN IS THE PROPERTY OF SAXTON SIGN CORPORATION AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP.



DATE: 4/26/24
FOLDER: Drawings/Pat/Market 32/
FILE NAME:
 231485-06 Exterior Signs
REVISION:
DRAWN BY: Chelsea Meissner
SALESPERSON: Pat Boni





SIGN A



DESCRIPTION:
 INSTALL (2) SETS
 of MARKET 32
 PLACE ILLUMINATED
 CHANNEL LETTERS
 O.A.S. 47.5" H X 142.5" W
 MOUNTED ON DRIVET OVER
 TILE WALLS



Target PMS
 Colors to
 Match:



TARGET VINYL COLOR GUIDE TO MATCH



PROPOSED



EXISTING



1-800-942-6366
 518.732-7704
 fax: 518.732-7716
 saxtonsign.com

CLIENT:

Price Chopper P
 North (SR) Niskayuna

JOB LOCATION:

2333 Nott Street East
 Niskayuna, NY 12309 US

CUSTOMER APPROVAL**DATE**

THIS ORIGINAL DRAWING AND DESIGN IS THE PROPERTY OF SAXTON SIGN CORPORATION AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP. ©

DATE: 4/26/24

FOLDER: Drawings/Pat/Market 32/
FILE NAME:

231485-04 More Exterior Signs

REVISION:

DRAWN BY: Chelsea Meissner

SALESPERSON: Pat Boni





SIGN B



DESCRIPTION:
INSTALL QTY (2)
 40.125\"H X 134.5\"W SINGLE FACE
 ILLUMINATED SIGNS "MARKET 32
 PLACE" MOUNTED BACK TO BACK
 ON EXISTING MONUMENT SIGN.
 LEXAN FACES WITH VINYL GRAPHICS.

SIGN C



DESCRIPTION:
INSTALL QTY (2) 28.25\"H X 86.5\"W SINGLE FACE
 ILLUMINATED SIGNS "MARKET 32 PLACE"
 MOUNTED BACK TO BACK ON EXISTING
 MONUMENT SIGN. LEXAN FACES WITH
 VINYL GRAPHICS.

SIGN D



DESCRIPTION:
INSTALL QTY (2) 27.625\"H X 84.5\" (CUT SIZE)
 "MARKET 32 PLACE" LEXAN FACES
 FOR EXISTING MONUMENT SIGN.
 LEXAN FACES WITH VINYL GRAPHICS.

Target PMS
Colors to
Match:

PANTONE 7533C	PANTONE 608C	PANTONE 7503C

TARGET VINYL COLOR GUIDE TO MATCH

COFFEE BROWN	PIN GREEN	GOLD NUGGET	WHITE



1-800-942-6366
 518.732-7704
 fax: 518.732-7716
 saxtonsign.com

CLIENT:
 Price Chopper P
 North (SR) Niskayuna

JOB LOCATION:
 2333 Nott Street East
 Niskayuna, NY 12309 US

CUSTOMER APPROVAL

DATE

THIS ORIGINAL DRAWING AND DESIGN IS THE PROPERTY OF SAXTON SIGN CORPORATION AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP.



DATE: 4/26/24
FOLDER: Drawings/Pat/Market 32/
FILE NAME:
 231485-04 More Exterior Signs
REVISION:
DRAWN BY: Chelsea Meissner
SALESPERSON: Pat Boni





DESCRIPTION:
QTY (4) 13.25\"H x 39.5\"W
Dibond Signs mounted back to back on
QTY (1) Double-face entrance and
QTY (1) Double-face exit signs.



Target PMS
Colors to
Match:



CLIENT:

Price Chopper P
North (SR) Niskayuna

JOB LOCATION:

2333 Nott Street East
Niskayuna, NY 12309 US

DATE: 4/26/24

FOLDER: Drawings/Pat/Market 32/

FILE NAME:
231485-04 More Exterior Signs

REVISION:

DRAWN BY: Chelsea Meissner

SALESPERSON: Pat Boni



CUSTOMER APPROVAL

DATE

THIS ORIGINAL DRAWING AND DESIGN IS THE PROPERTY OF SAXTON SIGN CORPORATION AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP.



1-800-942-6366
518.732-7704
fax: 518.732-7716
saxtonsign.com



Overall Site Plan

047 NOTT STREET MARKET 32 - ENLARGED SITE PLAN



047 NOTT STREET MARKET 32 - NEW MAIN ENTRANCE - PHOTO A

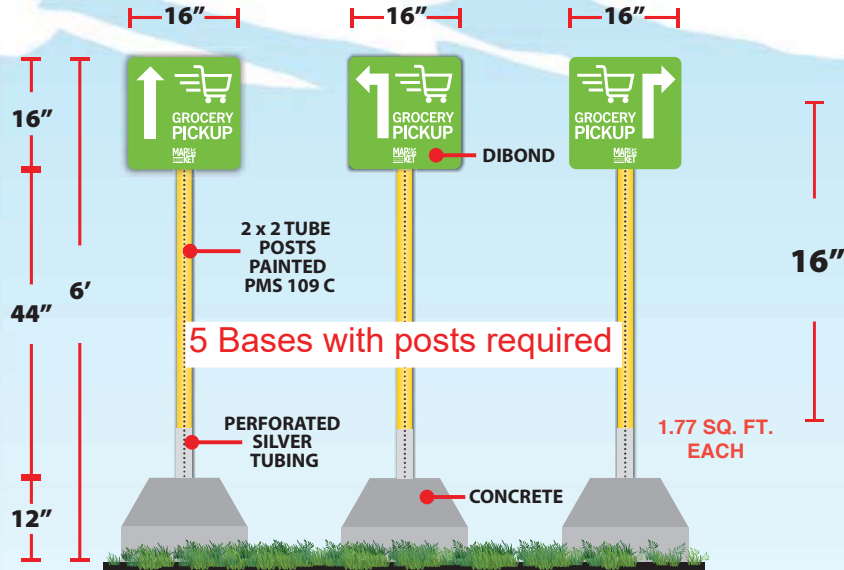


DATE: 4/26/24



047 NOTT STREET MARKET 32 - GROCERY PICKUP PARKING STALL SIGNS

PAGE 9



DESCRIPTION:

(6) Single-face 16"H x 16"W x 1/8" Thick Dibond signs with 1" Radius Rounded corners. Mount signs to separate aluminum 2" x 2" tube posts, painted PMS 109 C. Order yellow dibond for yellow backs.

COLOR GUIDE

	PIN GREEN PMS 368 C		WHITE
	PMS 109 C		BLACK



1-800-942-6366
518.732-7704
fax: 518.732-7716
saxtonsign.com

CLIENT:
MARKET 32

JOB LOCATION:

CUSTOMER APPROVAL

DATE

THIS ORIGINAL DRAWING AND DESIGN IS THE PROPERTY OF SAXTON SIGN CORPORATION AND MAY NOT BE DUPLICATED OR REPRODUCED IN WHOLE OR IN PART AS A DRAWING OR SIGN WITHOUT WRITTEN PERMISSION FROM SAXTON SIGN CORP.

DATE: 4/26/24
FOLDER: Drawings/Pat/Market 32
FILE NAME:
Pick-Up Dibond Signs 3
REVISION:
DRAWN BY: CM
SALESPERSON: PB



047 NOTT STREET MARKET 32 - GROCERY PICKUP PARKING STALL SIGNS



Typical Grocery Pickup Parking Stall Sign

1

GROCERY PICKUP RESERVED

The green section of the sign is 25" tall

The overall sign is 36" tall x 12" wide
The material we print these on is E-Panel also know as DiBond

Let us know you're here.
Use the app or call

518-769-9410

The white section of the sign is 11" tall

Phone number changes based on store location



DATE: 4/26/24

2

GROCERY PICKUP RESERVED

Let us know you're here.
Use the app or call

518-769-9410



Phone number
changes based on
store location

DATE: 4/26/24

3

GROCERY
PICKUP
RESERVED

Let us know you're here.
Use the app or call

518-769-9410

Phone number
changes based on
store location



DATE: 4/26/24

4

GROCERY PICKUP RESERVED

Let us know you're here.
Use the app or call

518-769-9410

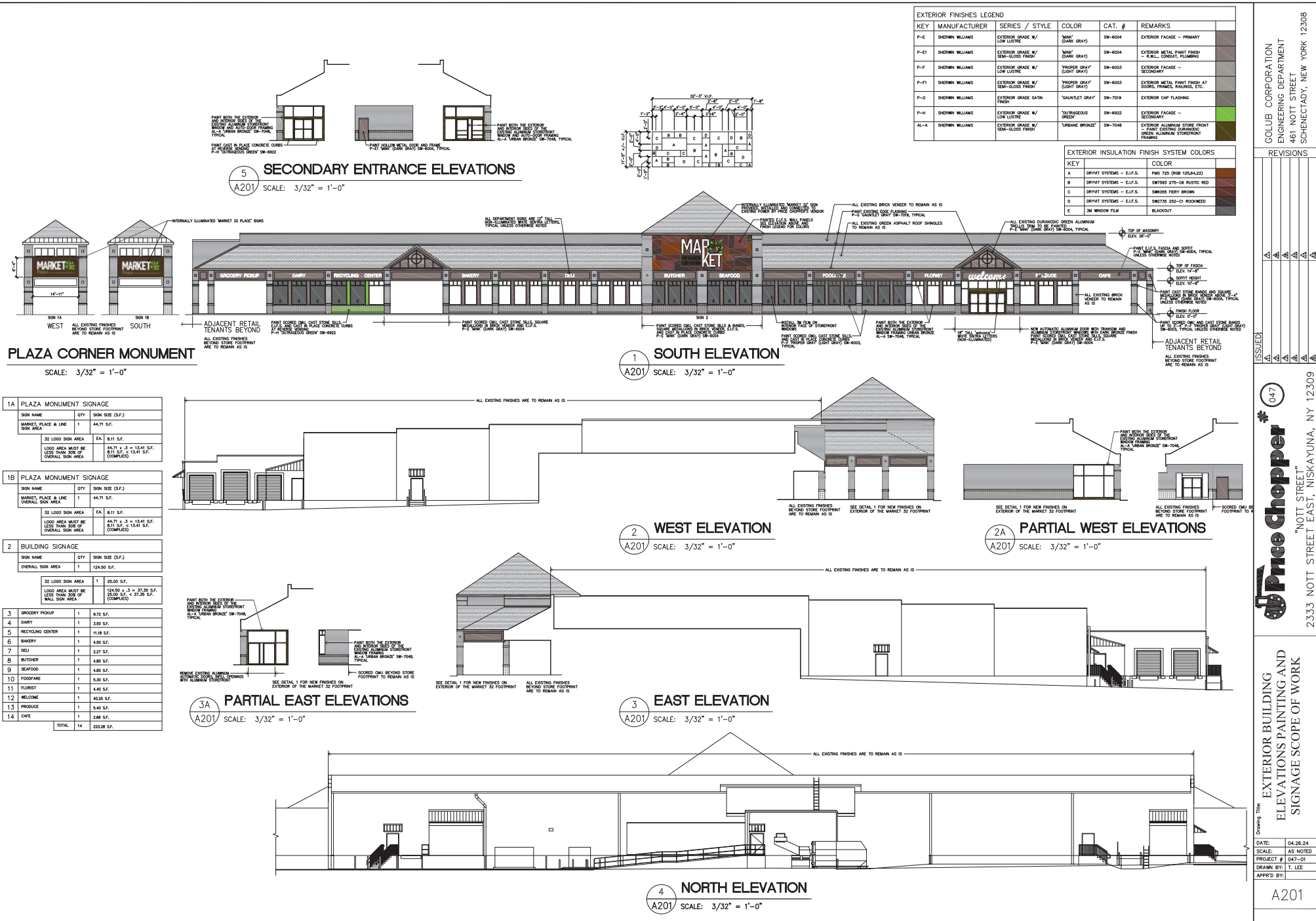
Phone number
changes based on
store location



DATE: 4/26/24



The overall sign is 36" tall x 12" wide.
The bottom of the pole mounted sign in the planted island to be at 7'-3" above the grade to match the current existing signs in this site



COLUB CORPORATION
ENGINEERING DEPARTMENT
461 NOTT STREET
SCHEENCTADY, NEW YORK 12308

REVISIONS

ISSUED

047

Price Chopper
"NOTT STREET"
2333 NOTT STREET EAST, NISKAYUNA, NY 12309

EXTERIOR BUILDING
ELEVATIONS PAINTING AND
SIGNAGE SCOPE OF WORK

DATE: 04.26.24
SCALE: AS NOTED
PROJECT # 047-01
DRAWN BY: T. LEE
APPROVED BY:

A201

RESOLUTION NO. 2024-04

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 22ND DAY OF JANUARY 2024 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
CHRIS LAFLAMME
DAVID D'ARPINO
~~LESLIE GOLD~~
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

**FILED
TOWN OF NISKAYUNA**

JAN 23 2024

**MICHELE M MARTINELLI
TOWN CLERK**

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 Ms. Strang,
whom moved its adoption, and seconded by Mr. D'Arpino.

WHEREAS, Kelly O'Neill has made an application to the Planning Board and Zoning Commission for site plan approval for tenant change at 2333 Nott St. E. to a Market 32 grocery store as described in the Application for Site Plan Review form and accompanying documentation package listed below, and

WHEREAS, the property is located in a Planned Development District (PDD) within the C-N Neighborhood Commercial zoning district and the Town Center Overlay District (TCOD). Grocery stores are permitted principal uses in the PDD, and

WHEREAS, the proposed tenant change complies with the Economic Development section of the 2013 Niskayuna Comprehensive Plan, and

WHEREAS, the following documents were provided with the site plan application.

1. An 11-page slide set of marked up colored renderings of the site with notes addressing the following topics:
 - a. Page 1 - parking lot - sidewalks, crosswalks and landscaping
 - b. Page 2 - parking lot - grocery pickup and way finding signage

- c. Page 3 – parking lot – parking spaces, grocery pickup parking spaces, shopping cart corral locations and parking lot lighting
 - d. Page 4 – parking lot – new main entrance, cross walk striping and stop sign
 - e. Page 5 – parking lot – new main entrance, cross walk striping and stop sign
 - f. Page 6 – dimensioned grocery pickup parking stall signs
 - g. Page 7 – picture of a typical pickup parking stall sign, pole and base
 - h. Page 8 – drawing of a typical grocery pickup parking stall sign (w/dimensions)
 - i. Page 9 – drawing of a typical grocery pickup parking stall sign “2”
 - j. Page 10 – drawing of a typical grocery pickup parking stall sign “3”
 - k. Page 11 – drawing of a typical grocery pickup parking stall sign “4”
2. A 1-page drawing entitled “Exterior Building Elevations Painting and Signage Scope of Work, Price Chopper 2333 Nott Street East, Niskayuna NY 12309” by Golub Corporation Engineering Department 461 Nott Street Schenectady NY 12308 dated 11/29/23 with no subsequent revisions.
 3. A 1-page drawing with a file name including “demo work” and entitled “EQD1, General Equipment Plan – Proposed – Not For Construction, Price Chopper “Niskayuna” 2333 Nott Street East, Niskayuna, NY 12309” by Golub Corporation Engineering Department 461 Nott Street Schenectady, NY 12308 dated 11/28/23 with no subsequent revisions.
 4. A 1-page drawing with a file name including “new plan” and entitled “EQ01, General Equipment Plan – Proposed – Not For Construction, Price Chopper “Niskayuna” 2333 Nott Street East, Niskayuna, NY 12309” by Golub Corporation Engineering Department 461 Nott Street Schenectady, NY 12308 dated 11/28/23 with no subsequent revisions.

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

NOW, THEREFORE, be it hereby

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

1. Outdoor storage: No outdoor storage or obstructions shall be allowed on the sidewalk between the main grocery store entrance and the secondary grocery store entrance to protect pedestrian passageway through the plaza.
2. Crosswalks: Prior to completion of the building permit, crosswalks shall be striped in the 6 locations identified by the Planning Office in the aerial map provided to the applicant labeled Nott Street Site Plan.
3. Sidewalks: Prior to completion of the building permit, the missing section of sidewalk between the parking lot and Nott Street East, identified by the Planning Office in the aerial map provided to the applicant labeled Nott Street Site Plan, shall be installed to the satisfaction of the Planning Office.
4. Landscaping: Prior to completion of the building permit – the applicant shall supply a landscaping plan for review and approval by the Tree Council. The landscaping beds in front of the proposed Market 32 should be refreshed; dead or severely distressed trees within the property should be removed, and any removed trees should be replanted.
5. Signage: This resolution is for tenant change only. The Planning Board shall review and approve any proposed signage and façade color changes at a later date.

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

KEVIN A. WALSH, CHAIRMAN -- Aye
GENGHIS KHAN -- Aye
CHRIS LAFLAMME -- Aye
DAVID D'ARPINO -- Aye
~~LESLIE GOLD~~
NANCY STRANG -- Aye
~~SARAH BILOFSKY~~
EHASUYI GOMES -- Aye

The Chairman declared the same duly adopted.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 3

MEETING DATE: 5/13/24

ITEM TITLE: RESOLUTION: 2024-19: A Resolution for site plan approval for a new pavilion at Ingersoll Place at 3359 Consaul Rd.

PROJECT LEAD: TBD

APPLICANT: Caroline Thompson

SUBMITTED BY: Laura Robertson

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

Caroline Thompson, a representative of Ingersoll Place, submitted an application for site plan review for the construction of a new 16' x 18' pavilion on their property at 3359 Consaul Road. The proposed location is adjacent to the pond and wildlife preserve making the pavilion an exciting new venue for resident activities.

The property lies within the R-1 Low Density Residential zoning district. Nursing homes are special principal uses in the district.

Ms. Thompson presented the project to the board at their 4/29/24 meeting. The board unanimously supported the application and called for a resolution for approval for the 5/13/24 meeting.

COMPREHENSIVE PLAN

The proposed action complies with the current (2013) Comprehensive Development Plan for the Town.

BACKGROUND INFORMATION

The following documents were provided with the application.

1. A 2-page document entitled "Ingersoll Place Description of Pavilion Project."
2. A 2-page snip taken from a survey drawing of the property.

3. 9 pages of pictures including an image of the proposed pavilion, site location and sightlines from various vantage points
4. A short form EAF

The narrative included with the application includes the following details in support of the application.

- Their mission is to provide a supportive and nurturing environment for older adults
- Residents will be able to relax, enjoy the sights and sounds of nature and socialize with friends & family
- The pavilion will also serve as an exciting new venue for scheduled events and activities
- The pavilion will be located near their pond that borders the Henry Gerber Reist Wildlife Sanctuary
- An ADA-compliant walkway will link the existing East Wing Garden to the new pavilion
- Habitat-appropriate plants, flowers and shrubbery will flank the walkway
- The pavilion will provide covered seating for at least 15 individuals.
- Ingersoll Place is partnering with the Environmental Clearinghouse of Schenectady (ECOS) to provide educational programming to its residents. ECOS has already provided two education programs for residents: Trees Around You and Bees in Nature.
- The pavilion will only be seen by one neighbor (when all the leaves are down) and the parking lot of the O.D. Heck Center.
- There will not be any electricity or lighting at the pavilion
- To date they have received several grants to support the project.
 - The Carlilian Foundation \$9,000
 - JM McDonald \$6,000
 - The William Gundry Broughton Foundation \$5,000
 - Price Chopper / Market 32 \$1,000

Schedule I-B Column 5 for the R-1 zoning district lists the following Minimum Yard Dimensions: Front = 35', Side = 20', rear = 25'. The site plan drawing includes a hand drawn sketched-in location for the pavilion with a dimension of 20.6 ft. to the side property line.

Section 220-18 Accessory structures A General (3) states: "Unless otherwise specified, accessory structures shall not exceed 15 feet in height." The materials provided do not include a dimensioned drawing documenting the height of the pavilion.

4/29/24 Planning Board (PB) meeting – Ms. Thompson attended the meeting and explained the project to the board. She stressed the numerous social, environmental and overall mental health benefits the pavilion will have for Ingersoll residents given the proposed location and proximity to the sounds, smells, plants and animals of nature. The board indicated support of the addition to the property and called for a resolution for site plan approval for the 5/13/24 meeting.

A resolution for approval is included in the meeting packet.

RESOLUTION NO. 2024-19

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 MAY 2024 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
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

One of the purposes of the meeting was to take action on an application for 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, Ms. Caroline Thompson, acting on behalf of Ingersoll Place, submitted an Application for Site Plan Review for the addition of a 16' x 18' pavilion on their property at 3359 Consaul Rd. as described in the following documents:

1. A 2-page document entitled, "Ingersoll Place Description of Pavilion Project".
2. A 2-page snip taken from a survey drawing of the property.
3. Nine (9) pages of pictures including an image of the proposed pavilion, site location and sightlines from various vantage points
4. A short form EAF.

and,

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

WHEREAS, nursing homes are special principal uses in the district, and

WHEREAS, the Planning Board shall refer this project to the Niskayuna Architectural Review Board (ARB) for review of the images, and

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

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

NOW THEREFORE, be it

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

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

KEVIN A. WALSH, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

The Chairman declared the same _____.

Ingersoll Place Description of Pavilion Project

Ingersoll Place is a small, stand-alone, 86-bed assisted living and memory care facility located on Consaul Road in Schenectady. Ingersoll provides a family environment; sharing the deep affection and mutual respect of a close-knit community. The staff work together as a team; committed to and responsible for the well-being of each and every resident. Our mission is to provide a supportive and nurturing environment for older adults who are unable to remain in their own homes due to physical limitations, mild to moderate cognitive impairment generally associated with aging and/or need assistance with activities of daily living.

We would like to construct a multi-purpose outdoor pavilion where residents can relax, enjoy the sights and sounds of nature and socialize with friends and family. The pavilion will also serve as an exciting new venue for scheduled events and activities.

Ingersoll Place has a pond that borders the Henry Gerber Reist Wildlife Sanctuary in Niskayuna. The Pavilion, to be located in proximity to the pond and wildlife sanctuary will provide residents, staff and visitors, especially those with mobility challenges, greater opportunity to enjoy green spaces, gardens, birds and other wildlife in a natural setting.

The Pavilion Project will expand resident engagement and learning opportunities with emphasis on the Reist Sanctuary, its geology, ecology and the diverse wildlife that dwells there. It will strengthen Ingersoll's role as an essential and innovative provider of elder care services. The project will feature an ADA-compliant walkway that links Ingersoll's existing East Wing Garden to the new pavilion which overlooks a small pond and the adjacent woodlands of the Reist Sanctuary. Habitat-appropriate plants, flowers and shrubbery will flank the walkway and create a visually appealing approach to the pavilion.

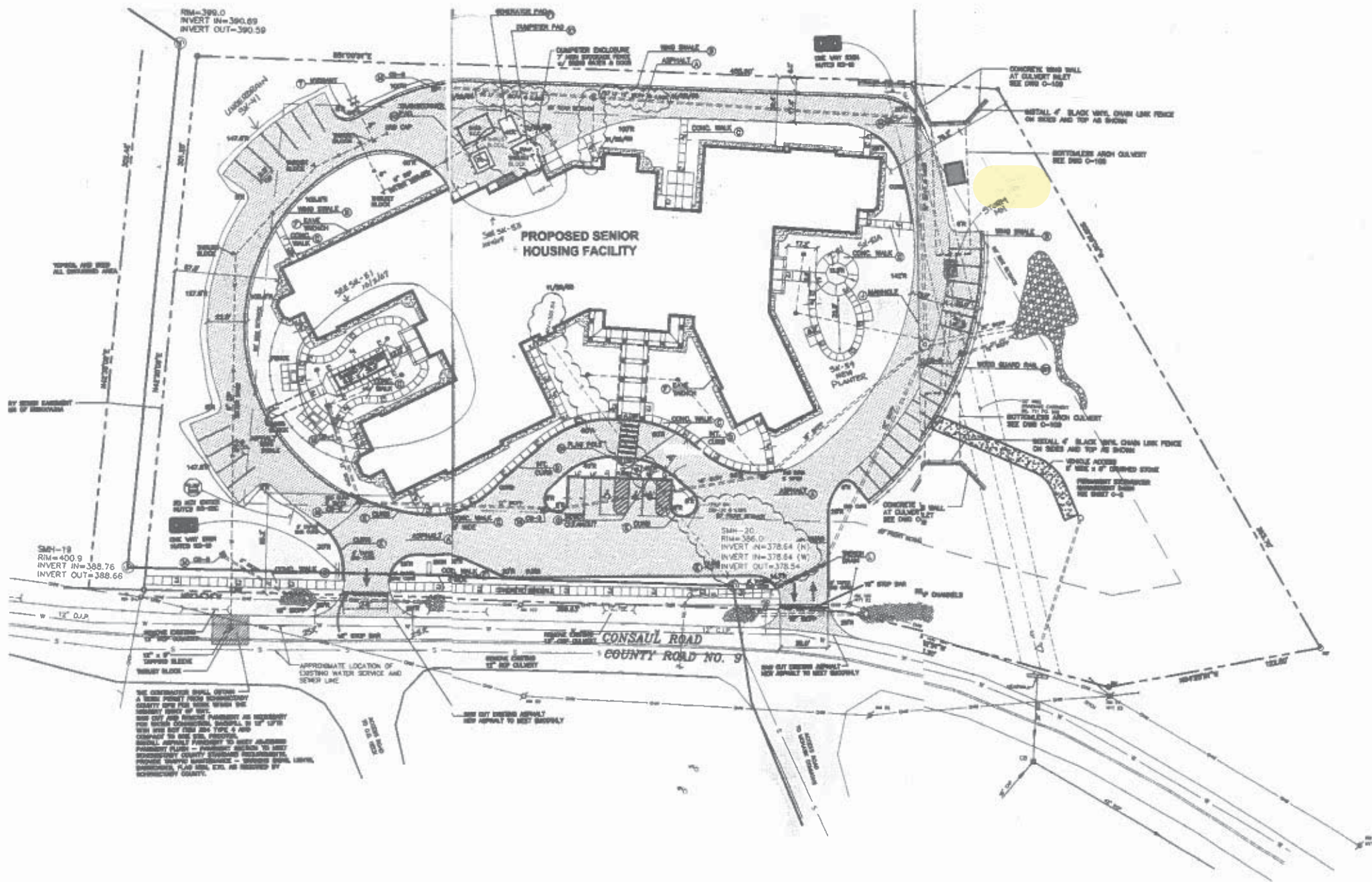
The pavilion, with covered seating for at least 15 individuals, in addition to lawn space accommodations, has been designed for use by individual residents as well as group gatherings as part of Ingersoll's extensive activities program. Anticipated new activities will include but are not limited to birdwatching, drawing/sketching sessions and presentations by local wildlife experts and nature enthusiasts.

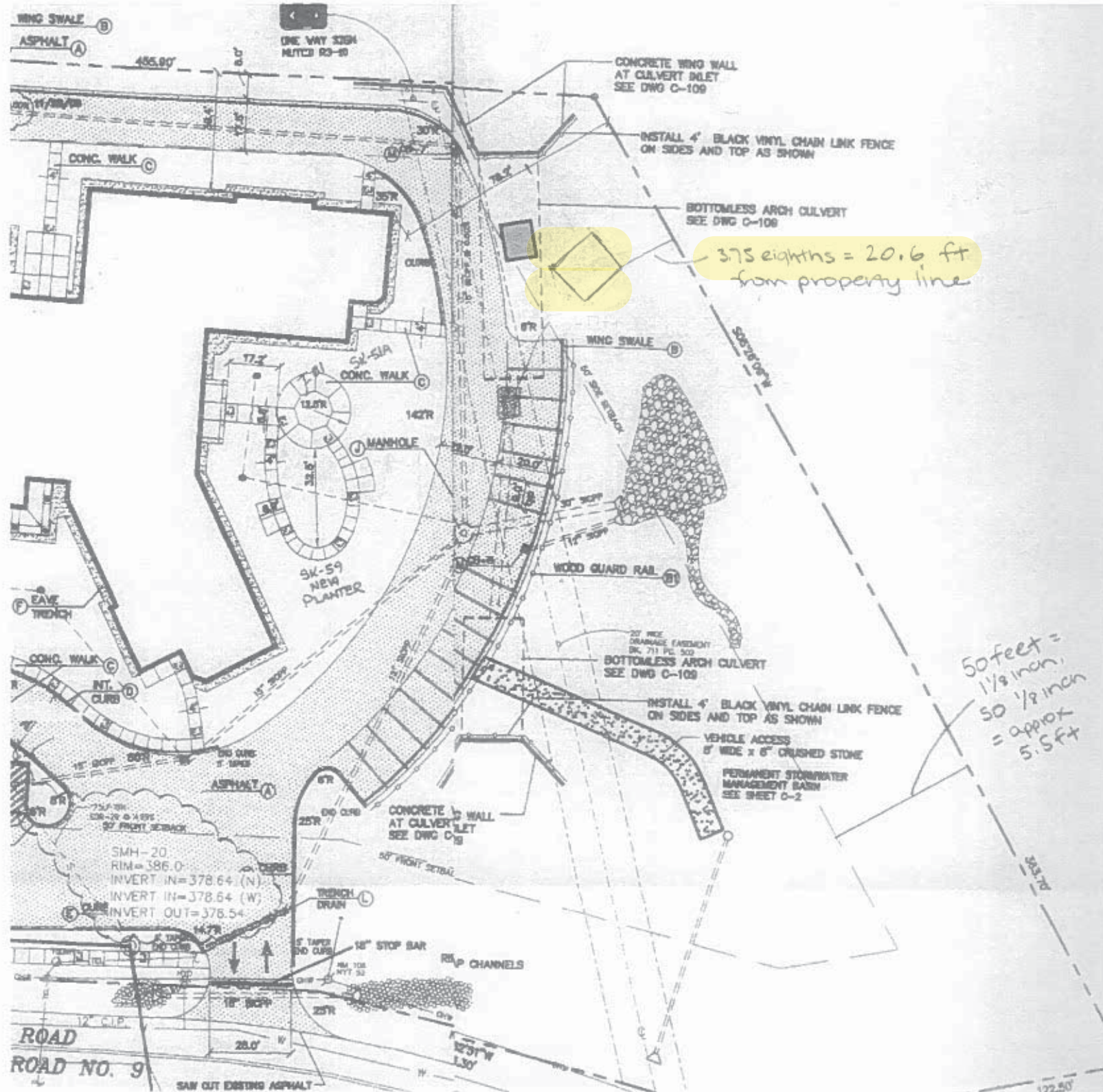
The presence of animals – both domestic and in the wild – plays a significant role in the health and wellbeing of most residents at Ingersoll Place. This observation is consistent with numerous studies that cite such benefits as reductions in stress, anxiety and loneliness, as well as heightened feelings of wellbeing. Tangible proof are the smiles, laughter and lively chatter of residents during their interactions with Oreo and Buttercup, Ingersoll's bunnies-in-residence, hands-on visits with the traveling petting zoo, therapy dogs and beloved family pets. Deer sightings, along with glimpses of herons, ducks, turkeys, foxes, turtles and more, are met with whoops of excitement by residents and staff, alike.

Ingersoll Place is partnering with the Environmental Clearinghouse of Schenectady (ECOS) to provide educational programming to its residents. ECOS has already provided two education programs for residents: Trees Around You and Bees in Nature. They will be providing additional programming once the pavilion is constructed and residents can gather in its space. ECOS provides these programs free-of-charge using nature-inspired volunteers.

The pavilion would only be seen by one neighbor (when all the leaves are down) and the parking lot of the O.D. Heck Center. There will not be any electricity or lighting at the pavilion.

To date, we have received several grants to support this project. The Carlilian Foundation donated \$9,000, JM McDonald \$6,000, The William Gundry Broughton Foundation \$5,000 and Price Chopper/Market 32 \$1,000.





Magnified
view of
affected
area

3.75 eighths = 20.6 ft
from property line

50 feet =
1 1/8 inch
so 1/8 inch
= approx
5.5 ft



rendering of
pavilion



360° view from
pavilion site #1





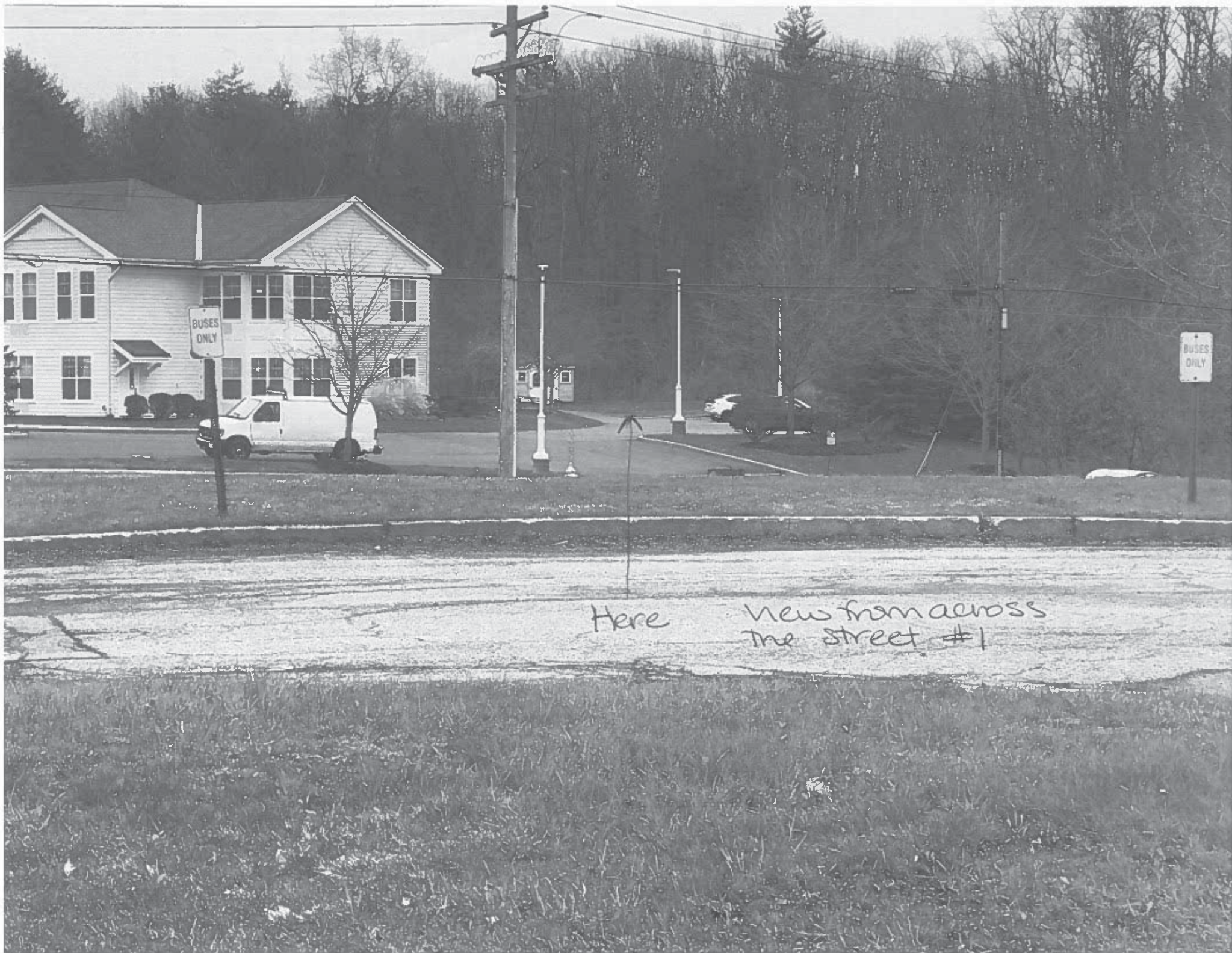


3600 new from
pavilion site
#4



3600 new from
pavilion site #5





Here

View from across
the street #1

View from
across street
2

here





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 4

MEETING DATE: 5/13/24

ITEM TITLE: RESOLUTION: 2024-20: A Resolution for site plan approval for a 777 sq. ft. addition to the Chinese Fellowship Church at 2530 Balltown Rd.

PROJECT LEAD: TBD

APPLICANT: TBD

SUBMITTED BY: Laura Robertson

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

A representative of the Chinese Fellowship Church submitted an application for site plan review for a 1-story 777 sq. ft. addition to the rear of the building at 2530 Balltown Rd.

The property lies within the R-P Residential and Professional zoning district. Places of worship, religious educational facilities, parish houses and rectories are special principal uses in the district.

The applicant presented the application to the board at their 4/29/24 meeting. The board requested a few revisions to the site plan drawing as noted in this agenda statement and called for a resolution for site plan approval for the 5/13/24 meeting.

COMPREHENSIVE PLAN

The proposed action complies with the current (2013) Comprehensive Development Plan for the Town.

BACKGROUND INFORMATION

The following documents were provided with the application.

1. A 1-page site drawing entitled "Chinese Fellowship Bible Church, 2530 Balltown Road, Niskayuna, NY 12309" by Keith A. Cramer, Architect dated 4/15/24 with no subsequent revisions.

2. A Short Form EAF

3. A 5-page drawing set entitled “Chinese Fellowship Bible Church, 2530 Balltown Road, Niskayuna, NY 12309” by Keith A. Cramer, Architect dated 4/15/24 with no subsequent revisions including elevation renderings, an interior floorplan and pictures of the existing building where the addition will be constructed.

The site plan application form notes that the proposed addition will include a kitchen.

The site plan drawing includes the following information for pre and post construction conditions.

No.	Description	Pre-construction	Addition	Post-construction	% of Total Lot
1	Building Area	13,808 SF	777 SF	14,585 SF	8.4
2	Paved Area	31,090 SF	330 SF	31,402 SF	18.2
3	Parking Spaces	64/59?	0	64/59?	NC

Chapter 220-4 Definitions, defines “Floor Area, Gross” as “The sum of horizontal areas of a building, excluding unenclosed or unheated porches, unenclosed decks, unfinished basement areas or garages, measured from the exterior face of the exterior walls.”

Schedule I-C Column 6 Minimum Off-Street Parking Spaces requires “1 space for each 200 sq. ft. of floor area but not less than 1 space for each 4 seats where provided.” The site plan drawing provided with the application states that 64 parking spaces exist on the property although the Planning Office could only identify 59.

Design	Floor Area	Spaces Req'd.	Actual Spaces	Surplus / Deficit
Current	13,808	69	64/59	5/10
Addition	777	4	NA	NA
As Proposed	14,585	73	64/59	9/14

4/29/24 Planning Board (PB) meeting – Mr. Chen, Deacon, and Mr. Cramer, Architect, attended the meeting on behalf of the church and presented the application. Ms. Robertson projected an image of the site plan and the board and the applicants discussed topics such as: the proposed use of the new kitchen space, exterior lighting, access to the building and available and required parking spaces. Chairman Walsh noted there was some ambiguity regarding the number of available spaces and asked that the applicant revise the site plan to more clearly document and quantify them. The Planning Office and Planning Board stated that if the 777 sq. ft. addition required additional parking spaces, they would support a waiver allowing the spaces to be shown on the site plan and “banked” and only constructed if they were determined to be necessary. The board also asked that the number and design of parking spaces required by the Americans With Disabilities Act be checked for compliance. The Board called for a resolution for site plan approval for the 5/13/24 meeting.

5/1/2024 CAC Meeting – The CAC reviewed the site plan and recommended a negative seqr declaration by the Planning Board, with some additional comments on the site plan. Their findings are attached. They requested the applicant look into:

1. Pesticide free lawn maintenance
2. Adding solar to property
3. Using energy efficient fixtures and LED lighting in addition
4. Explore induction stove technology or other types of electric kitchen equipment
5. Adding EV Charging stations to parking lot
6. Adding composting to the property for food scraps
7. Protect existing trees and use native plantings for any additional landscaping
8. Minimize construction noise and other impacts to adjacent residential neighbors.

5/3/24 – A revised drawing was provided to the Planning Office that includes the information the PB requested at their 4/29/24 meeting. The Planning Office noticed that dimensions for the parking spaces and clearance between rows of parking spaces were not included. Mr. Cramer was contacted and he agreed to revise the drawings to include the dimensions.

A resolution is included in the meeting packet.

RESOLUTION NO. 2024 – 20

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 MAY 2024 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
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

One of the purposes of the meeting was to take action on a resolution for 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, Mr. Chen, Deacon, acting on behalf of the church, made an application to the Planning Board and Zoning Commission for a 777 sq. ft. addition to the Chinese Fellowship Church at 2530 Balltown Rd., and

WHEREAS, the following documents were provided with the application:

1. A 1-page site drawing entitled "Chinese Fellowship Bible Church, 2530 Balltown Road, Niskayuna, NY 12309" by Keith A. Cramer, Architect dated 4/15/24 with no subsequent revisions.
2. A Short Form EAF
3. A 5-page drawing set entitled "Chinese Fellowship Bible Church, 2530 Balltown Road, Niskayuna, NY 12309" by Keith A. Cramer, Architect dated 4/15/24 with no subsequent revisions including elevation renderings, an interior floorplan and pictures of the existing building where the additional will be constructed.

WHEREAS, the property is located in the R-P Residential and Professional zoning district, and

WHEREAS, places of worship, religious education facilities, parish houses and rectories and not-for-profit community centers are special principal uses in the district, and

WHEREAS, the proposed application complies with the 2013 Niskayuna Comprehensive Plan, 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, the Planning Board referred the Environmental Assessment Form (EAF) to the Niskayuna Conservation Advisory Council (CAC) for their review and at their regularly scheduled meeting on 5/1/24, they recommended the Planning Board make a Negative SEQR Determination with the following recommendations:

- Consider including EV charging stations on the site and continue exploring the use of green energy practices including solar panels, electric stoves and energy efficient heating/cooling and lighting.
- Consider a pesticide-free lawn maintenance program, composting, and additional native plantings on the site

, and

WHEREAS, the Planning Board, acting in accordance with the State Environmental Quality Review (SEQR) regulations and local law, has assumed position of lead agency for the site plan review, and

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

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission hereby determined that this project will not have a significant effect on the environment and hereby directs the Town Planner to file a negative SEQR declaration with the following comments from the CAC findings:

1. Consider including EV charging stations on the site and continue exploring the use of green energy practices including solar panels, electric stoves and energy efficient heating/cooling and lighting.
2. Consider a pesticide-free lawn maintenance program, composting, and additional native plantings on the site

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

1. Final Landscaping and tree planting plans shall be reviewed and approved by the Niskayuna Tree Council, if applicable.
2. 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.
3. Prior to the preconstruction meeting:
 - a. Any engineering and drainage concerns will be addressed to the satisfaction of the Town Superintendent of Water, Sewer and Engineering.
 - b. Any minor changes to the final site plans will be addressed to the satisfaction of the Town Planning Department.
4. Prior to site disturbance, the site plan drawings shall be modified to reflect agreed upon decisions of the preconstruction meeting, if any, and distributed as required to the town and to all involved contractors. Final site plans shall be submitted to the Town labeled "For Construction".
5. 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.

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

KEVIN A. WALSH, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
DAVID D'ARPINO
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

The Chairman declared the same _____.

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.

Part 1 – Project and Sponsor Information			
CHINESE FELLOWSHIP BIBLE CHURCH			
Name of Action or Project: NEW ADDITION FOR KITCHEN			
Project Location (describe, and attach a location map): 2530 BALLTOWN ROAD, NISKAYUNA, NY 12309			
Brief Description of Proposed Action: 777 SQ FT ADDITION TO EXISTING BUILDING, 1-STORY, SLAB-ON-GRADE, STEEL STUD CONSTRUCTION.			
Name of Applicant or Sponsor: CHINESE FELLOWSHIP BIBLE CHURCH		Telephone: 518.381.6752	
		E-Mail: KYLEYAU@ICLOUD.COM	
Address: 2530 BALLTOWN ROAD			
City/PO: NISKAYUNA		State: NY	Zip Code: 12309
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.97 acres	
b. Total acreage to be physically disturbed?		0.02 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.97 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): OFFICE <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BUILD HAS EXISTING RAIN GUTTERS THAT WILL REMAIN AND NEW ADDITION WILL CONNECT TO THEM		
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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. 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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>KYLE LAU FOR CFBC</u> Date: <u>april 17, 2024</u></p> <p>Signature: <u>KYLE YAU</u> Title: <u>PASTOR</u></p>		

CAC SEQR
FINDINGS EAF

2024 - 01

**2530 Balltown Rd. – Chinese Fellowship Church site plan app. for a 777 sq. ft. addition
3/6/2024**

Part 2:

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

No. Churches are allowable uses and allowing it to continue to function and have a usable kitchen so that it can remain a church aligns with the Comprehensive Planning

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

No. The application indicates the expanded kitchen will not attract additional parishioners – just serve the existing congregation better.

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

No. It has little very impact to the surrounding properties.

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 or small impact. Do not expect additional people or traffic to be generated from this proposal. The addition of the sidewalk from the parking lot to the church helps with pedestrian 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 to Small impact. The CAC would like to see the Chinese Fellowship Church incorporate as much renewable energy and energy conservation into this building addition as possible. The CAC recommends the applicant look at adding solar to the property, using energy efficient fixtures and LED lighting in the addition, and also recommends exploring induction stoves or other electric kitchen equipment instead of gas stoves to help with indoor air quality and reduce greenhouse gas emissions. The CAC also requested adding EV charging stations.

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

No to small. They are adding some plumbing fixtures to the addition, but there are no major draws or additional flows to the system proposed.

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

No to small impact. The additional appears to be in harmony with the remainder of the building.

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

No to small impact. The CAC requested the applicant consider a pesticide free lawn maintenance program or if they already maintain their site pesticide free – consider signing the pesticide free pledge lawn signs to their lawn. Also with the addition of a kitchen – the CAC recommended adding composting to the property to capture food scraps – initially reducing the amount of waste hauled from the site and later sequestering additional greenhouse gas emissions when the finished compost is added back to the soil. Any additional plantings to the property should be native to New York, and all existing trees on the property should be protected during the construction of this addition.

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

No to small. The addition is very small compared to the scale of the site/building on property.

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

No. The CAC did note that there is a home adjacent to the property – so it is important for the Church to make a construction timeline and minimize noise and construction impacts to their residential neighbors.

Part 3:

The CAC found that the project did not have any significant impacts to the environment and, with the recommendations noted above, forwarded a negative declaration recommendation to the Planning Board.

Upon voting, the CAC voted 6-0 to recommend a negative declaration to the Planning Board.

Project: 2530 Balltown Rd

Date: 5/1/2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The CAC found that churches are allowable uses and allowing it to continue to function and have a usable kitchen so that it can remain a church aligns with the Comprehensive Planning. The application indicates the expanded kitchen will not attract additional parishioners and that it is just serve the existing congregation better. They do not expect additional people or traffic to be generated from this proposal. The addition of the sidewalk from the parking lot to the church helps with pedestrian traffic.

The CAC would like to see the Chinese Fellowship Church incorporate as much renewable energy and energy conservation into this building addition as possible. The CAC recommends the applicant look at adding solar to the property, using energy efficient fixtures and LED lighting in the addition, and also recommends exploring induction stoves or other electric kitchen equipment instead of gas stoves to help with indoor air quality and reduce greenhouse gas emissions. The CAC also requested adding EV charging stations.

The CAC found that although they are adding some plumbing fixtures to the addition, there are no major draws or additional flows from/to the existing water and sewer system proposed. The addition appears to be in harmony with the remainder of the building. The addition is very small compared to the scale of the site/building on property.

The CAC requested the applicant consider a pesticide free lawn maintenance program or if they already maintain their site pesticide free – consider signing the pesticide free pledge lawn signs to their lawn. Also with the addition of a kitchen – the CAC recommended adding composting to the property to capture food scraps – initially reducing the amount of waste hauled from the site and later sequestering additional greenhouse gas emissions when the finished compost is added back to the soil. Any additional plantings to the property should be native to New York, and all existing trees on the property should be protected during the construction of this addition.

The CAC did note that there is a home adjacent to the property – so it is important for the Church to make a construction time line and minimize noise and construction impacts to their residential neighbors.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Planning Board - Town of Niskayuna

5/13/2024

Name of Lead Agency

Date

Kevin Walsh

Planning Board Chair

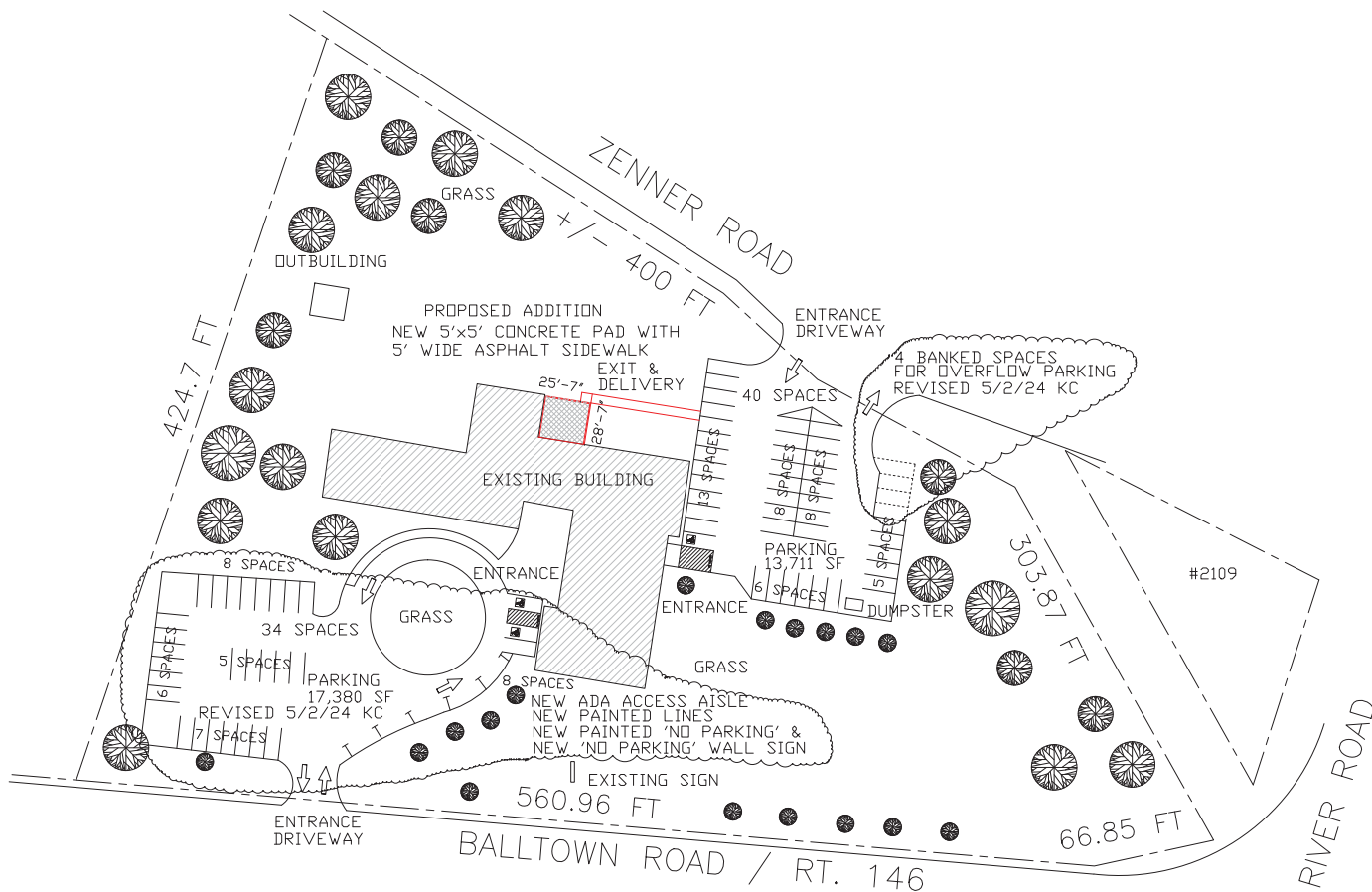
Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Laura Robertson, Town Planner

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



AREA = 3.97 AC, 172,933 SF
 EXISTING BUILDING TOTAL AREA: +/- 13,808 SF, 8%
 PROPOSED ADDITION: 777 SF, 0.4%
 PROPOSED TOTAL BUILDING AREA: +/- 14,585 SF, 8.4%
 EXISTING PAVED AREA: +/- 31,090 SF, 18%
 PROPOSED NEW SIDEWALK/PAVED AREA: +/- 330 SF, 0.2%
 PROPOSED TOTAL PAVED AREA: +/- 31,420 SF, 18.2%
 EXISTING GREEN SPACE: +/- 128,035 SF, 74%
 PROPOSED GREEN SPACE: +/- 126,928 SF, 73%



SITE PLAN

BASED ON TAX MAPS & SURVEY BY:
 C.T. MALE ASSOC. 1/15/88

NO CHANGE TO PROPERTY LINES.
 NO CHANGE TO SETBACK LINES.
 NO CHANGE TO BUILDING HEIGHT.

74 PARKING SPACES-NO CHANGE TO
 PAVED AREA.

ADD (4) BANKED SPACES ON GRASS
 FOR OVERFLOW PARKING.

TOTAL SPACES - 78

REVISED 5/2/24 KC

OWNER: CHINESE FELLOWSHIP BIBLE CHURCH
 2530 BALLTOWN ROAD, NISKAYUNA, NY 12309
 C/O KYLE YAU (518) 381-6752
 TAX ID #: 40-1-2.1

SWIS: 422400

LOT SIZE: 560.96'x66.85'x303.87'x424.7'x NORTH LINE; 172,933 SF, 3.97 AC-NO CHANGE

PROPERTY CLASS: 620- RELIGIOUS

SITE: COM 1

ZONING: RP

NEIGHBORHOOD: 42001- NDTT/BALLTOWN

CONSTRUCTION TYPE: V-B; NO CHANGE

OCCUPANCY: GROUP A-3 CHURCH & GROUP E EDUCATIONAL; NO CHANGE

KEITH A. CRAMER, ARCHITECT
 95 HURST AVE., ALBANY, NY 12208
 (518) 438-8352
 cramerkeith@msn.com

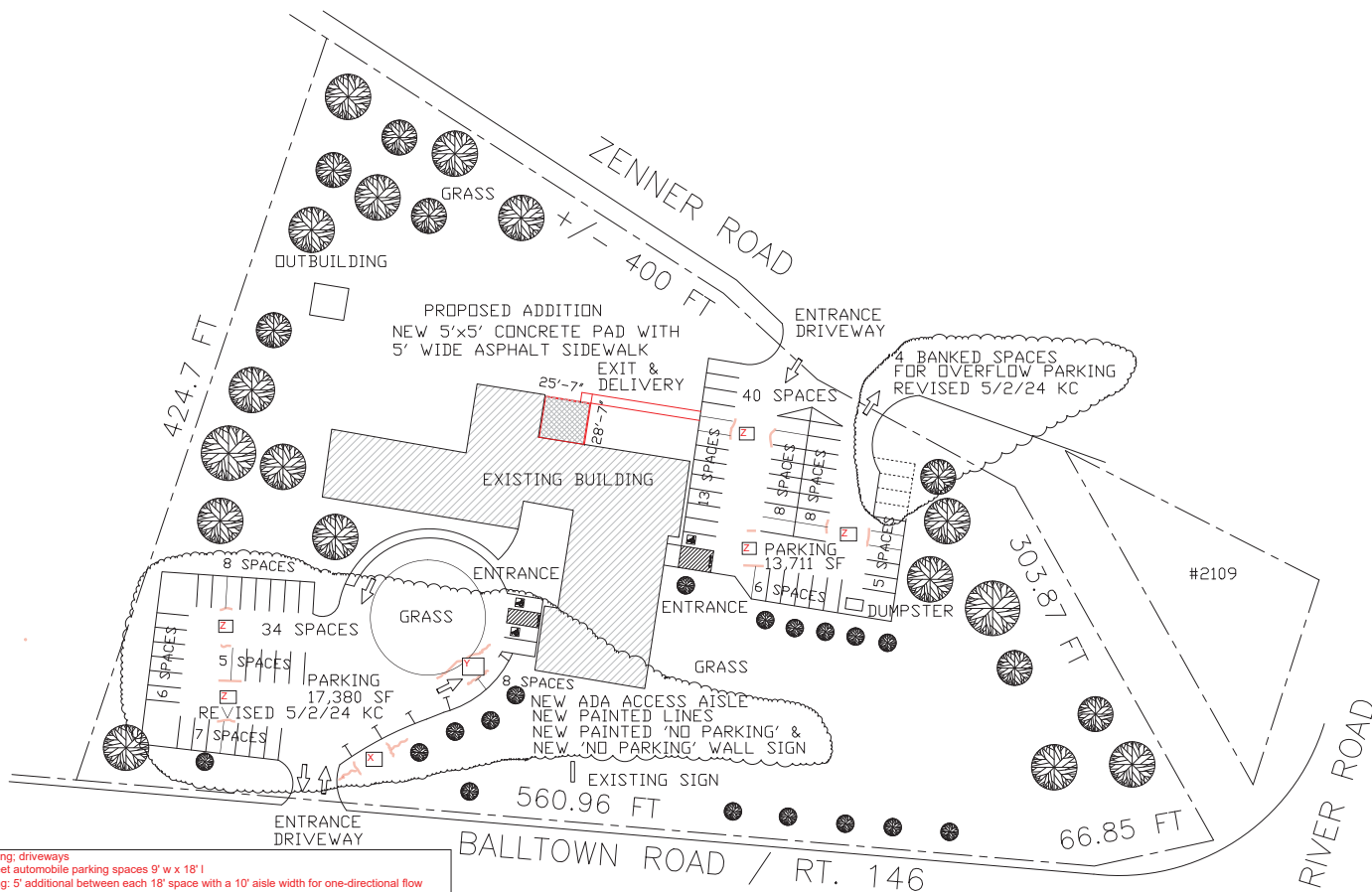


CHINESE FELLOWSHIP BIBLE CHURCH
 2530 BALLTOWN ROAD
 NISKAYUNA, NY 12309

DATE: APRIL 15, 2024
 REVISED: MAY 2, 2024

SCALE:
 1/30"=1'-0"

SHEET:
 S1
 OF:



220-19 C Off-street parking, driveways
 C Dimensions for off-street automobile parking spaces 9' w x 18' l
 C (1) Parallel curb parking: 5' additional between each 18' space with a 10' aisle width for one-directional flow
 C (5) Perpendicular parking: 22' aisle width for one-directional and two-directional flow
 "x" should be 23'
 "y" should be 10'
 "z" should be 22'

AREA = 3.97 AC, 172,933 SF
 EXISTING BUILDING TOTAL AREA: +/- 13,808 SF, 8%
 PROPOSED ADDITION: 777 SF, 0.4%
 PROPOSED TOTAL BUILDING AREA: +/- 14,585 SF, 8.4%
 EXISTING PAVED AREA: +/- 31,090 SF, 18%
 PROPOSED NEW SIDEWALK/PAVED AREA: +/- 330 SF, 0.2%
 PROPOSED TOTAL PAVED AREA: +/- 31,420 SF, 18.2%
 EXISTING GREEN SPACE: +/- 128,035 SF, 74%
 PROPOSED GREEN SPACE: +/- 126,928 SF, 73%

14,585 / 200 = 73 spaces required
 As shown 74 spaces exist therefore no banked parking required



SITE PLAN

BASED ON TAX MAPS & SURVEY BY:
 C.T. MALE ASSOC. 1/15/88

NO CHANGE TO PROPERTY LINES.
 NO CHANGE TO SETBACK LINES.
 NO CHANGE TO BUILDING HEIGHT.

74 PARKING SPACES-NO CHANGE TO PAVED AREA.

ADD (4) BANKED SPACES ON GRASS FOR OVERFLOW PARKING.

TOTAL SPACES - 78

REVISED 5/2/24 KC

OWNER: CHINESE FELLOWSHIP BIBLE CHURCH
 2530 BALLTOWN ROAD, NISKAYUNA, NY 12309
 C/O KYLE YAU (518) 381-6752
 TAX ID #: 40-1-2.1

SWIS: 422400

LOT SIZE: 560.96'x66.85'x303.87'x424.7'x NORTH LINE: 172,933 SF, 3.97 AC-NO CHANGE
 PROPERTY CLASS: 620- RELIGIOUS

SITE: COM 1

ZONING: RP

NEIGHBORHOOD: 42001- NOTT/BALLTOWN

CONSTRUCTION TYPE: V-B; NO CHANGE

OCCUPANCY: GROUP A-3 CHURCH & GROUP E EDUCATIONAL; NO CHANGE

KEITH A. CRAMER, ARCHITECT
 95 HURST AVE., ALBANY, NY 12208
 (518) 438-8352
 cramerkeith@msn.com

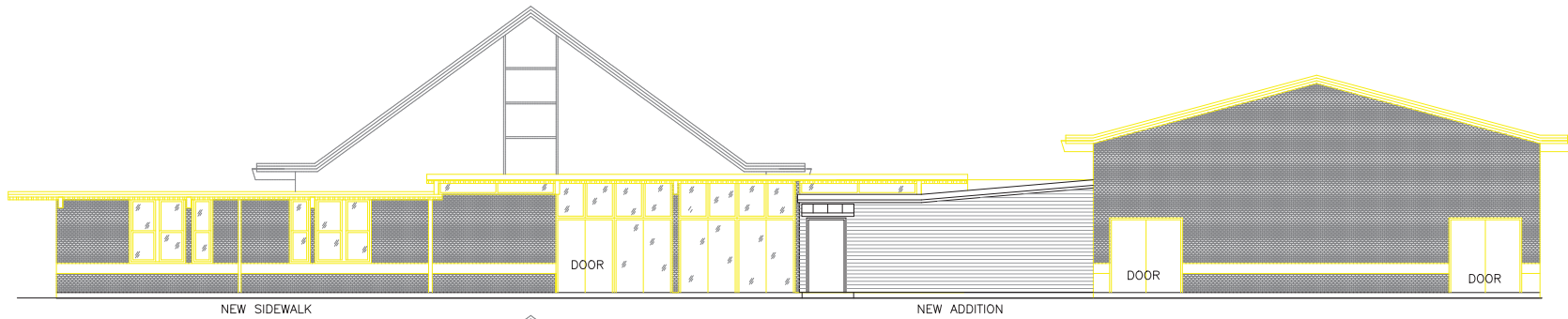


CHINESE FELLOWSHIP BIBLE CHURCH
 2530 BALLTOWN ROAD
 NISKAYUNA, NY 12309

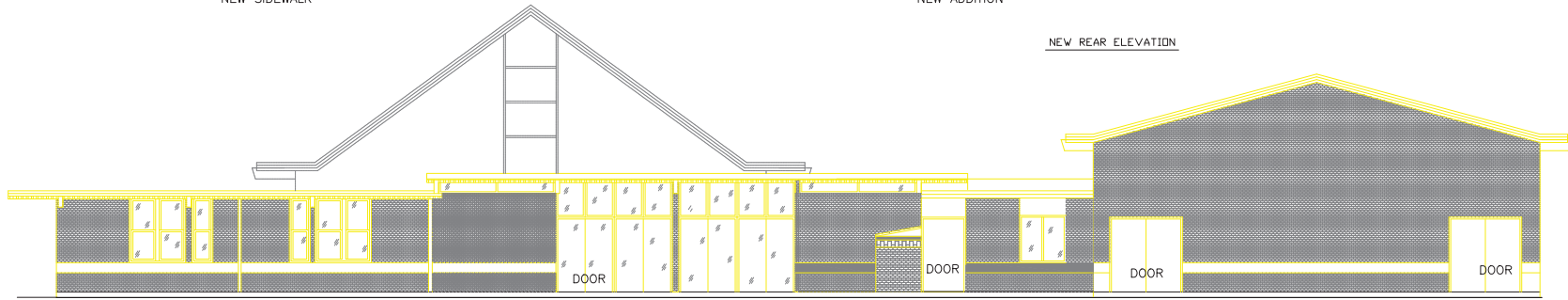
DATE: APRIL 15, 2024
 REVISED: MAY 2, 2024
 MAY 6, 2024

SCALE: 1/30"=1'-0"

SHEET: S1
 OF:

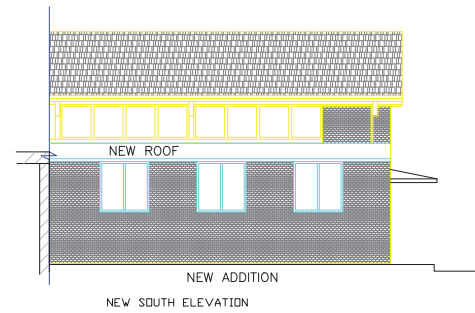
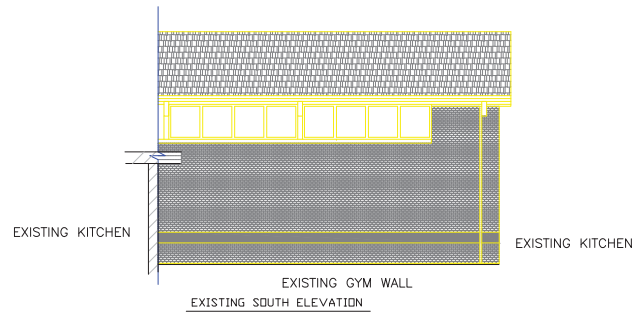


NEW REAR ELEVATION



EXISTING KITCHEN

EXISTING REAR ELEVATION



KEITH A. CRAMER, ARCHITECT
95 HURST AVE, ALBANY, NY 12208
(518) 438-8352
cramerkeith@msn.com



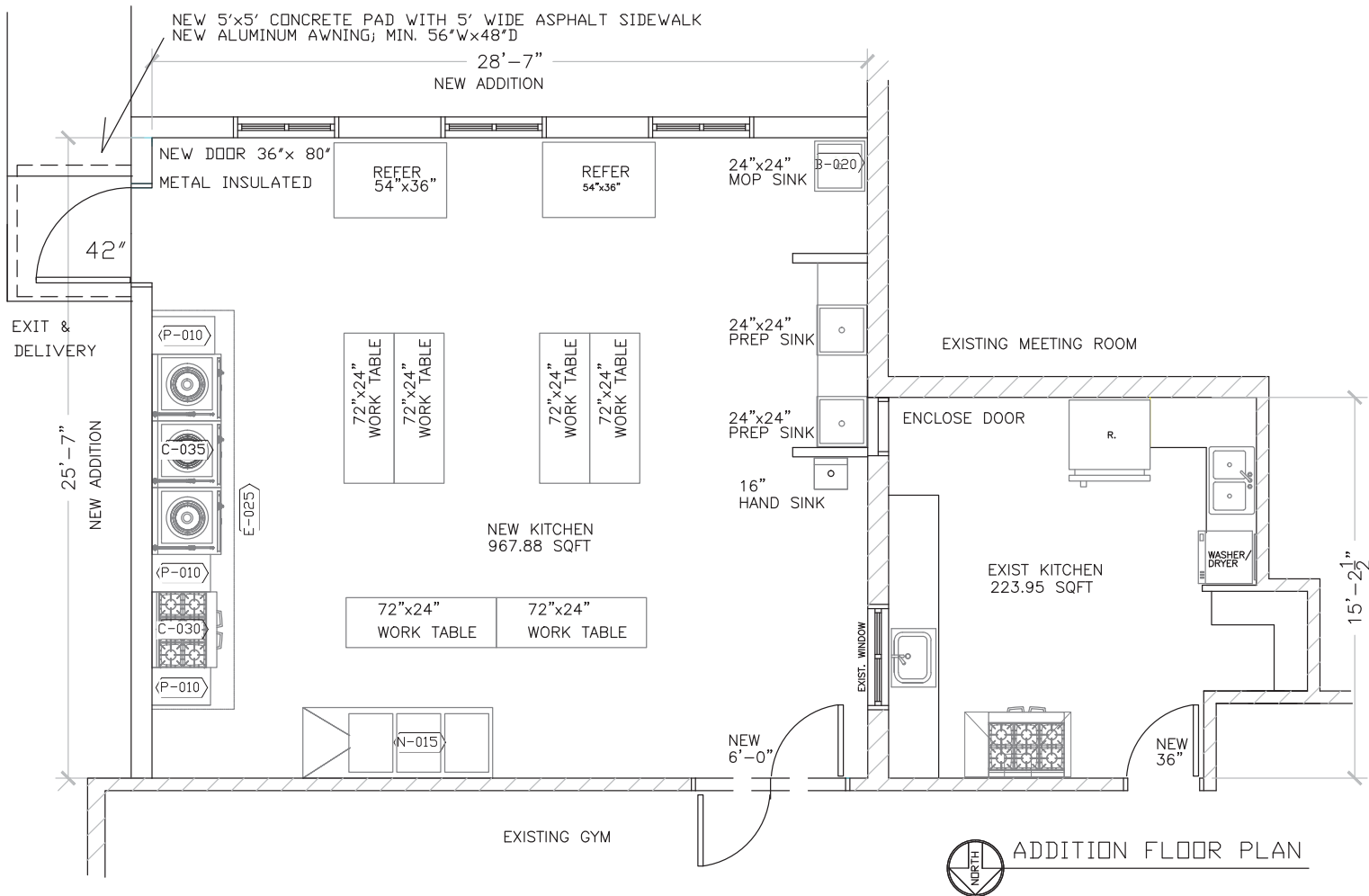
CHINESE FELLOWSHIP BIBLE CHURCH
2530 BALLTOWN ROAD
NISKAYUNA, NY 12309

DATE:
APRIL 15, 2024
REVISED:

SCALE:
1/8"=1'-0"


SHEET:

A1
OF 1



 ADDITION FLOOR PLAN

KEITH A. CRAMER, ARCHITECT
95 HURST AVE, ALBANY, NY 12208
(518) 438-8352
cramerkeith@msn.com



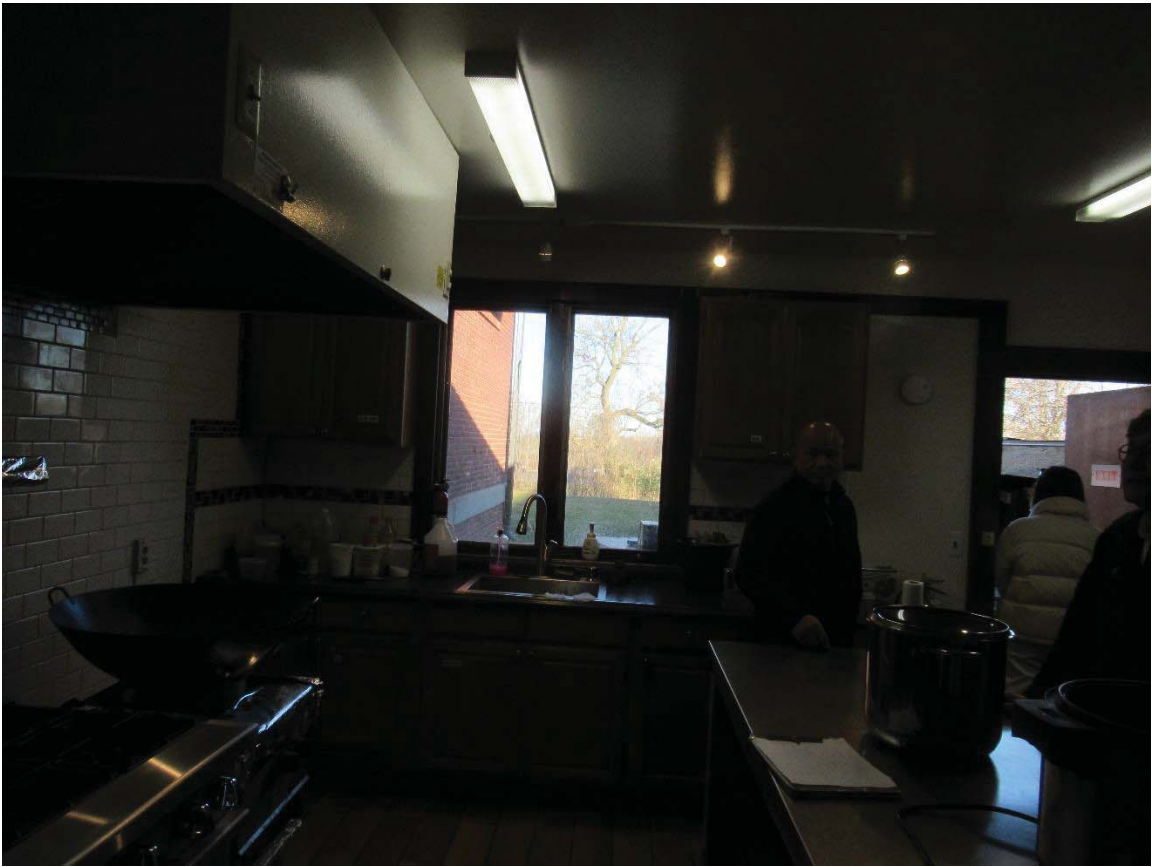
CHINESE FELLOWSHIP BIBLE CHURCH
2530 BALLTOWN ROAD
NISKAYUNA, NY 12309

DATE: APRIL 15, 2024
REVISED:

SCALE:
1/4"=1'-0"

SHEET:
A1
OF 1







ZONING

220 Attachment 15

SCHEDULE I-C

Part 1 R-2 District

Schedule of Supplementary Regulations Town of Niskayuna

[Amended 9-8-1987 by Res. No. 276; 12-19-1989 by Res. No. 89-322; 4-2-1991 by Res. No. 91-101; 10-27-1992 by L.L. No. 8-1992; 6-7-1994 by L.L. No. 5-1994; 4-20-1999 by L.L. No. 5-1999; 6-6-2000 by L.L. No. 2-2000]

1	2	3			4	5				6	7	8
Zoning District	Permitted Uses	Minimum Lot Size			Maximum Percentage of Coverage by Building and Structures	Minimum Yard Dimensions (feet)				Minimum Required Off-Street Parking Space(s) (Also see § 220-19.)	Permitted Signs (Also see § 220-22.)	Additional Use Regulations, Prohibitions, Notes, Other Provisions and Requirements (Also see §§ 220-16 and 220-21.)
		Area	Width (feet)	Depth (feet)		Front	Side		Rear			
R-2 Medium-Density Residential	Single-family dwelling	9,000 sq. ft.	80	100	30	30	15	30	20	Same as R-R and R-1 Districts unless otherwise noted		
	Private college facilities	25 acres	500	600	20	100	100	200	100	1 space for each 4 seats where athletic events involving paid admissions are conducted plus 1 space for each 10 students otherwise	In addition to the R-R District regulations, any number of directional signs each not to exceed 4 square feet in area and not higher than 8 feet above the average grade at their locations.	All residences: Same as R-R and R-1 Districts, except quartering of horses shall be prohibited.
	Places of worship, religious education facilities, parish houses and rectories	2 acres	150	150	25	50	25	50	50	1 space for each 200 square feet of floor area but not less than 1 space for each 4 seats where provided		
	Hospitals	5 acres	400	400	25	75	75	150	75	1 space for each 2 beds plus 1 space for each 2 employees plus 1 space for each staff doctor	In addition to the R-R District regulations, signs not to exceed 6 square feet in area for the purpose of giving direction to emergency facilities	Such use shall front and access only to a major arterial highway.
	Nursery schools	1 acre	150	150	25	25	25	50	25	1 space per teacher and staff member		
	Care homes and nursing homes	5 acres	100	150	20	50	50	100	25	See § 220-31G	See § 220-22A(10) for nonresidential signs in residential area	See § 220-31
	Mobile home parks ¹	See § 220-27.										
	Adult day-care centers in independent buildings	9,000 square feet	80	100	30	30	15	30	20	1 space for each employee, plus 0.15 space for each client	1 permanent sign attached to the building (no freestanding), not to exceed 2 square feet in area, which may be illuminated by low-intensity lamp(s) only	See § 220-32.1.
	Child day-care centers									1 space for each employee, plus 0.15 space for each child	1 permanent sign attached to the building, not to exceed 2 square feet, which may be illuminated by low-intensity lamp(s) only	See § 220-32.2.
	Schools of private instruction	5 acres	250	500	10	100	50	100	100	1 space for each 10 students plus 1 space for each staff member		1. Such use shall front and access only to a major or minor arterial highway. 2. There shall be a maximum FAR (floor area ratio) of 0.15 For all nonresidential uses: There shall be a minimum 25% of the total land area of the site reserved as landscaped open space. At the discretion of the Planning Board, a portion of this open space shall be used to provide landscaping internal to required off-street parking areas

220 Attachment 15:1

AS-15
13,808
14,585

PARKING SPACES REQ'D.
13,808/200 = 69.04
14,585/200 = 72.9

PARKING SPACES
EXISTING
604/59?
922 64/59?

777 SF/200 = 3.9 = 74 SPACES.



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 5/13/24

ITEM TITLE: Discussion: Zoning Code Updates 2024

PROJECT LEAD: TBD

APPLICANT: TBD

SUBMITTED BY: Laura Robertson

REVIEWED BY:

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

ATTACHMENTS:

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

SUMMARY STATEMENT:

The Planning Board is reviewing amendments to Chapter 220 of the Town's Code, the Zoning Code, to add regulation for short term rentals.

COMPREHENSIVE PLAN

The proposed action complies with the current (2013) Comprehensive Development Plan for the Town. The Comprehensive Plan encourages the Town to update the Zoning Code when it is out of date or needs updating.

State Environmental Quality Review (SEQR)

This is a Type 1 action under NYS SEQR and required a full environmental assessment form to be reviewed.

BACKGROUND INFORMATION

The Planning Board has been discussing a major amendment to the Zoning Code to regulate short term rentals. At the 4/29/2024 meeting, the Planning Board discussed starting with the North Elba code and working from there. A draft of the North Elba code, adapted for the Town of Niskayuna, is attached.

Chapter 220

Town of Niskayuna Zoning Code Amendments

SECTION 2. Section 220 (4) of the Zoning Code, "Definitions," is hereby amended as follows:

The following definition is hereby added:

CHANGE IN OWNERSHIP: A transfer of ownership whether by deed, by membership interest in the case of a limited liability company, by partnership interest in the case of a partnership, or by shareholder interest in the case of a corporation. Neither the death of an owner leaving a surviving joint tenant(s) with right of survivorship or tenant by the entirety, nor real property conveyances between spouses, nor real property conveyances, without consideration, from individuals to an entity of which the transferors are principals shall constitute changes in ownership for purposes of the Zoning Code.

RENTAL: Granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

SHORT-TERM RENTAL (STR): Rental of any dwelling unit, in whole or part, to any person, persons or entity for a period of less than 30 consecutive nights including any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, accessory dwelling unit or accessory dwelling (see definition of Accessory Dwelling or Accessory Dwelling Unit). Neither timeshare units, hotels, motels, bed and breakfast establishments and school or non-profit dormitories nor use of a short-term rental by a record owner of a property shall be considered to be a short-term rental for purposes of the Zoning Code.

OCCUPANT: Any persons (including children) located on the short-term rental property between the hours of 10:00 p.m. and 6:00 a.m.

HOSTED SHORT-TERM RENTAL: A short-term rental property at which an owner of the property resides for at least 184 days per calendar year, that is the primary residence of an owner and at which an owner stays overnight during the entire term of each short-term rental of the property.

SECTION 3: Add the following sections to the Zoning Code:

SECTION 11 SHORT-TERM RENTALS

PURPOSE

- A. The purpose of this Local Law is to amend the Town of Niskayuna Zoning Code to regulate the short-term rental of dwelling units within the Town of Niskayuna and to establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of short-term rental properties. The Town of Niskayuna also recognizes that the historical nature of the community has been that of a small, residential community of owner-occupied dwellings and that extensive short-term rentals endanger the residential character of the community and may cause disruption to

the peace, quiet and enjoyment of neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Town of Niskayuna, this Local Law seeks to achieve a balance between those who offer their homes as short-term rental properties and those who choose not to do so.

- B. This Section shall apply to all properties in all zoning districts within the Town of Niskayuna.
- C. The Town of Niskayuna reserves the right to adopt regulations by Resolution to carry out the provisions and purposes of this Section.

SHORT-TERM RENTAL PERMITS

- A. Permit Required. An owner shall obtain a revocable short-term rental permit prior to and whenever a dwelling unit is to be used for short-term rental purposes.
 - 1. No property may be used as a short-term rental without a short-term rental permit.
 - 2. A short-term rental permit shall be valid for one year from the date of issue and must be renewed upon expiration as long as the unit is used as a short-term rental. The renewal application requirements shall be the same as the initial application requirements.
 - 3. The short-term rental permit is not transferable in the event of a change of ownership of a short-term rental property.
 - 4. There shall be only one short-term rental permit issued per property. If a property has more than one dwelling unit, the permit issued shall be limited for one dwelling unit only. (Lake Placid had very specific exemptions allowing a few corridors to have more than one permit)
 - 5. Violation of any provisions of a short-term rental permit or these regulations or those subsequently adopted may result in revocation of the short-term rental permit and the owner shall be subject to the penalties provided in Section 9 of the Town of Niskayuna Zoning Code, as well as the penalties set forth in this Section 11.
 - 6. No permit shall be issued or re-issued unless and until: (i) the property complies with the Town of Niskayuna Zoning Code, specifically including the terms of this Section 11, the New York State Building Code and any other municipal code which may be applicable to the property and its use as a short-term rental; (ii) the Enforcement Officer receives the septic system inspection report required by subdivision (B)(4) of this subsection (DO WE NEED?), if applicable; and (iii) payment of the permit fee.
 - 7. Occupancy Tax Registration. No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office. (DON'T HAVE)

B. Short-Term Rental Permit Application Requirements. An application for issuance or renewal of a short-term rental permit shall be submitted to the Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the annual permit fee in an amount to be set by Resolution of the Niskayuna Town Board, accompanied by a copy of the current vesting deed showing how title to the subject property is held, completed on the form provided and established by the Enforcement Officer, and shall at a minimum provide the following information:

1. A list of all of the property owners of the short-term rental property including names, addresses, telephone numbers and email addresses. If owned by a limited liability company, a partnership, a corporation or other entity the names, addresses, telephone numbers and email addresses of the members, partners, shareholders, officers and principals of such entities.
2. Completion of a signed and notarized Affidavit by the property owner(s) certifying the following:
 - a. Compliance with the following standards:
 - i. There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector.
 - ii. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - iii. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - iv. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within 12 months of application for permit.
 - v. Each bedroom shall be in compliance with the New York State Building Code.
 - b. A statement of the number of bedrooms within the short-term rental property that meet the standards set forth herein.
 - c. A statement of the number of parking spaces on the property that meet the standards set forth herein.
 - d. A statement that the applicant has met and will continue to comply with the standards set forth in this Section 11 of the Zoning Code.
 - e. Affidavit certifications shall be valid during the term of the short-term rental permit. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new Affidavit certification shall be submitted.
 - f. The form of the affidavit certification shall be established by the Enforcement Officer.
3. A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field may be required at the discretion of the Enforcement Officer.

4. If the property is served by a private septic system, a septic inspection report issued and dated within two (2) years before the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with the regulations of the N.Y.S. Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. The maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area. A system failure will require a new passing inspection report.
5. The name, address, telephone number and email address of an owner or a contact person authorized to act on the owner's behalf, who shall be available to promptly remedy any violation of this Section 11 or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person. This contact person must be located within sixty (60) minutes distance by car and must be available 24 hours per day, 7 days a week.

C. Procedure Upon Filing Application.

1. Upon filing with the Enforcement Officer the permit application, permit fee, and all documents and information required by this Section, the Enforcement Officer shall have thirty (30) days to review the application and either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reasons for denial.
2. In reviewing the application, the Enforcement Officer shall have the right to inspect the short-term rental property for purposes of ensuring compliance with this Section after obtaining the express consent of the property owner or the contact person designated by the property owner, for such limited inspection purposes.
3. In issuing a short-term rental permit, the Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to the use of the property for short-term rental so long as such conditions and restrictions are consistent with the requirements of the Town of Niskayuna Zoning Code, including this Section, and are imposed for the purpose of minimizing any adverse impact the short-term rental could have on the neighborhood or community.
4. The Enforcement Officer may deny an application for any of the following reasons:
 - a. If the application is incomplete, the information required by this Section or regulations adopted by the Town of Niskayuna was not included with the application or the full permit fee, in acceptable form of payment, was not

- included with the application.
- b. If the Enforcement Officer previously issued a short-term rental permit to any of the owners of the property and any of such owners had a short-term rental permit revoked within the previous year.
 - c. If the affidavit from the owners or if an inspection conducted by the Enforcement Officer as authorized in this Section evidences that the subject property is not in compliance with this Section or the Town of Niskayuna Zoning Code.
 - d. If the site plan required to be submitted with the application does not comply with the requirements of this Section.
 - e. If a private septic inspection report is required to be submitted with the application such report does not comply with the requirements of this Section or the Town of Niskayuna Zoning Code.
 - f. If access is not granted to the property for purposes of an inspection.
1. Short-term rental permits issued pursuant to this Section shall state the following:
 - a. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and the primary contact person who shall be available to respond within 60 minutes to or investigate complaints during the entire time (24 hours per day) the short-term rental property is being rented;
 - b. The maximum occupancy and vehicle limits for the short-term rental unit;
 - c. Identification of the number of and location of parking spaces available;
 - d. A statement that littering is illegal;
 - e. A statement that all fires must be attended and that any outdoor fire located within the limits of the Town of Niskayuna must be extinguished no later than 9:30 p.m.
 - f. A statement that renters must comply with and be provided with a copy of the Noise Ordinances of the Town of Niskayuna, which set strict limits on noise levels between 9:00 p.m. and 7:00 a.m. in the Town of Niskayuna, which Ordinances will be enforced by the Enforcement Officer, Town of Niskayuna Police Department, New York State Police, or any law enforcement agency properly exercising jurisdiction over the short-term rental property or incident;
 - g. A statement that Local Law prohibits private displays of fireworks;
 - h. Any conditions imposed by the Enforcement Officer;
 - i. The short-term rental permit expiration date; and
 - j. A statement that the short-term rental permit may be revoked for violations.

D. Display of Permit and Notification

1. Holding of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
2. Prior to any renters taking occupancy of the short-term rental property, a hard copy of the short-term rental permit shall be prominently displayed within the interior of the short-term rental unit in an area easily viewed by its occupants. The Enforcement Officer may also require that other information be placed on prominent display within the interior of the short-term rental unit.

3. A list of short-term rental permits may be published and updated quarterly on the Town of North Elba webpage. Information included shall be limited to permit number, physical address, maximum occupancy and number of parking spaces.
4. The owners must ensure that current and accurate information is provided to the Enforcement Officer and that they notify the Enforcement Officer immediately upon any change in information contained on the permit. If, based on such changes, the Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the displayed permit with the amended permit.
5. The Enforcement Officer shall provide a packet of information including "Good Neighbor Guidelines" with the issuance of each permit summarizing the restrictions, guidelines and requirements applicable to short-term rental use. The owner(s) shall provide a copy of the information packet to the renter(s) of the short-term rental property.

SHORT-TERM RENTAL STANDARDS

The following standards must be met and followed for all short-term rentals. The number of bedrooms set forth in the Town of North Elba's assessment records shall be used for purposes of this section.

A. Occupancy Requirements.

1. The maximum number of occupants (as defined at Section 10.2) for each short-term rental unit shall be the most restrictive of the following:
 - a. Two (2) times the number of bedrooms that are in compliance with the New York State Building Code plus two (2) additional occupants.
Examples: 2 Bedroom unit = 4 occupants for 2 bedrooms + 2 additional = 6 maximum.

4 Bedroom unit = 8 occupants for 4 bedrooms + 2 additional = 10 maximum

6 Bedroom unit = 12 occupants for 6 bedrooms + 2 additional = 14 maximum, OR
 - b. For a studio apartment, two (2) occupants for the first 220 sq. ft. with one additional occupant for each additional 100 sq. ft. of living space.

Example: 550 sq. ft. studio = 2 for first 220 sq. ft. + 3 for 330 remaining sq ft. = 5 maximum, OR
 - c. Maximum capacity of the septic system for properties serviced by a septic system.
2. The maximum number of people allowed at a short-term rental from 6:00 a.m.

through 10:00 p.m. shall be no more than twice the number of overnight occupants allowed pursuant to Section 11.3(A)(1) above.

B. Required Off-Street Parking.

1. The number of vehicles permitted overnight is limited to one (1) vehicle per bedroom.
2. Required off-street automobile parking spaces shall be equal to the maximum number of motor vehicles permitted. The applicant must demonstrate that they have off-street parking meeting the standards of this Local Law. Spaces within a home garage shall not be counted as parking spaces unless the garage is actually used for and available for parking and each space meets the standards in subdivision 3 below.
3. A parking space shall have a minimum of 180 square feet in a rectangular configuration of at least 9 feet by 20 feet.
4. Tenants and guests shall park in the off-street parking spaces required by this section and shall not park on any part of the lawn of the property or on the public or private street.

C. A house number visible from the street or road shall be maintained.

D. Provisions shall be made for at least weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except when awaiting pick-up.

E. There shall be no campers located on the short-term rental property nor shall there be any overnight camping in tents or otherwise used in conjunction with short-term rentals to provide additional sleeping areas.

F. Weddings, corporate events and commercial functions are not allowed at short-term rentals in the Town of Niskayuna.

G. Online listings and advertisements for a short-term rental must conform to what is allowed under these regulations and the short-term rental permit and shall clearly and prominently display the short-term rental permit number.

H. The allowable number of vehicles on a short-term rental property shall be clearly and prominently displayed in all online listings or advertisements for short-term rentals.

I. All online listings and advertisements for short-term rentals must include a link to the online "Good Neighbor Guidelines" maintained by the Town.

J. Owners of a short-term rental shall have a short-term rental agreement with every renter, whether written or oral, which contains a provision whereby the owner or owner's representative shall terminate the rental in the event the short-term rental permit is suspended or revoked at least one full week prior to the commencement of the rental term.

- K. There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector.
- L. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- M. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
- N. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within 12 months of application for permit.
- O. Each bedroom shall be in compliance with the New York State Building Code.

SHORT-TERM RENTAL PERMITS IN THE TOWN OF NORTH ELBA OUTSIDE THE LIMITS OF THE TOWN OF NISKAYUNA

- A. The following three types of short-term rentals shall be permitted in the Town of Niskayuna upon issuance of the applicable short-term rental permit and subject to the limitations set forth herein:

1. Lodging Short-Term Rental

- a. Short-Term Rental Lodging Permits shall be limited to the Zoning Districts, areas and properties:
 - i. Properties in the Whiteface Inn Planned Development District, contingent upon written documentation demonstrating that the property is 1) subject to covenants, restrictions, rules and/or regulations of a homeowners association or 2) managed and maintained by the Whiteface Club and Resort, LLC, its successors or assigns (collectively "WFCR"), pursuant to a written agreement between the property owner and WFCR.
 - ii. Properties in the Old Military Road Corridor District that have road frontage on Old Military Road;
 - iii. Properties within the Gateway Corridor District that have road frontage on Cascade Road, Wilmington Road, Saranac Avenue, Old Military Road and NY Route 86; and
 - iv. Condominiums and Townhomes that are subject to covenants, restrictions, rules and/or regulations of a condominium association or homeowners association.
- b. There shall be no limit on the total number of Short-Term Rental Lodging Permits that may be issued by the Town.
- c. There shall be no distinction between hosted and un-hosted short-term rentals for properties eligible for "Lodging Short-Term Rental Permits".

2. Un-hosted Short-Term Rental

- a. Un-hosted Short-Term Rental Permits shall be limited to the following Planning Districts, areas and properties:
 - i. Rural Countryside District;
 - ii. North Lake Residential District;
 - iii. South Lake Residential District;
 - iv. Properties in the Old Military Road Corridor District without road frontage on Old Military Road; Properties within the Gateway Corridor District without road frontage on Cascade Road, Wilmington Road, Saranac Avenue, Old Military Road or NY Route 86;
 - v. Properties within the Whiteface Inn Planned Development District that are not either 1) subject to covenants, restrictions, rules and/or regulations of a homeowners association or 2) managed and maintained by the Whiteface Club and Resort, LLC ("WFCR"), its successors or assigns, pursuant to a written agreement between the property owner and WFCR; and
 - vi. Condominiums and Townhomes that are not subject to covenants, restrictions, rules and/or regulations of a condominium association or homeowners association.
- b. There shall be a limit of 165 Un-hosted Short-Term Rental Permits issued by the Town of Niskayuna.
- c. Un-hosted Short-Term Rentals must be rented for short-term rental purposes for a minimum of 14 days per calendar year.

3. Hosted Short-Term Rental

- a. Hosted Short Term Rentals as defined in Zoning Code Section 2 shall be permitted in all Planning Districts.
- b. Hosted Short-Term Rentals must be rented for short-term rental purposes for a minimum of 14 days per calendar year.
- c. There shall be a limit of 48 Hosted Short-Term Rental Permits issued by the Town of North Elba.
- d. In addition to the application requirements set forth at Section 11.2 (B), applicants for a Hosted Short-Term Rental Permit shall provide a sworn statement that applicant resides at the property for at least 184 days per calendar year and satisfactory proof that the property is applicant's primary residence, such as a driver's license and voting registration.

B. Lodging and Un-hosted Short-Term Rentals are not permitted in the Town Residential District, Village Residential District and in the Planned Development Districts of MacKenzie Overlook, Fawn Valley, Fawn Ridge II and the Peaks at Lake Placid unless expressly allowed pursuant to this Section 11.4.

C. There is no maximum limit on the number of days a permitted short-term rental may be rented annually.

D. Wait Lists. The Town of Niskayuna Building Department will maintain separate wait lists for the limited Hosted Short-Term Rental Permits and Un-hosted Short Term Rental Permits subject to the following requirements and procedures:

1. To be placed on the Un-hosted Waitlist, the property must be located in a

Planning District or area in which Un-Hosted Short Term Rentals are permitted under this Section.

2. Only a current owner of record for an eligible property may be placed on a waitlist and sale of a subject property will result in its automatic removal from the waitlist.
3. An email waitlist application must be sent to STRcompliance@northelba.org and contain a completed Short-Term Rental Waitlist Form (available on the Town of North Elba webpage), the owner's name, mailing address, property address, phone number, email address, and a copy of the most recent deed as proof of ownership. All information must be contained in one email to be valid and the subject line must read either "HOSTED STR permit waitlist" or "UN-HOSTED STR permit waitlist". Waitlisted properties will be eligible for consideration for short-term rental permits in chronological order of receipt of complete and accurate submission of the email required by this Section.
4. A short-term rental permit application must be completed and submitted within 14 calendar days upon being notified that an owner can apply for a permit. Failure to do so will forfeit a property owner's position on the waitlist.
5. The terms and management of the waitlists shall be established and modified from time-to-time by Resolution of the Town Board.

E. The total number of Lodging Short-Term Rental Permits, Un-hosted Short-Term Rental Permits and/or Hosted Short-Term Rental Permits that may be issued pursuant to this subsection 11.4 may be amended by Resolution of the Town Board.

F. To the extent that this subsection 11.4 conflicts with other provisions of this Section 11, subsection 11.4 shall be controlling for short-term rentals outside of the limits of the Town of Niskayuna.

SHORT-TERM RENTAL PERMITS IN THE TOWN OF NISKAYUNA

A. The following types of permits for short term rentals shall be permitted in the Town of Niskayuna, upon issuance of the applicable short term rental permit and the limitations set forth herein:

1. **Village Un-hosted Short-Term Rental:** Property located within the Town of Niskayuna in which is not a Hosted Short Term Rental as that is defined in this local law . Unhosted short-term rentals are prohibited in Town Residential and Village Residential zoning districts.. The maximum number of days per calendar year that Village Unhosted Short-Term Rental property can used for rental is ninety (90) days.
2. **Lodging Short-Term Rental:** A short-term rental located in the Town of Niskayuna within the following designated districts or under the following conditions: Placid Gold LLC PD, Crowne Plaza Resort PD, Mirror Lake Inn Resort PD, or within existing condominium and town home developments in which the property is part of an active homeowner's or condominium association, or properties located in the Gateway Corridor , Village Center or

Old Military Corridor . Village Center and Gateway Corridor properties may have more than one permit per property. Within the Town of Niskayuna, Village Center and Gateway Corridor properties that have (3) three or more units: for every two (2) short-term rental units, the property shall have (1) one long-term rental. Example: If a property has five (5) units, at least two (2) units shall be long-term rental units. There is no limit on the number of days per year that a Lodging Short term Rental may be rented per calendar year.

3. **Main Street Short-Term Rental:** a short-term rental located in the Town of Niskayuna, from #1 Main Street (Brewster Park) to #2693 Main Street (Town Hall). The use of street level street-front space as a short-term rental is prohibited. Street level street-front space must be utilized as a commercial business. Properties that have (3) three or more units: for every two (2) short-term rental units, the property shall have (1) one long-term rental. Example: If a property has five (5) units, at least two (2) units shall be long-term rental units. There is no limit on the number of days that a Main Street Short -Term Rental may be rented per calendar year.

4. **Hosted Short Term Rental :** A short-term rental property in the Town of Niskayuna at which an owner of the property resides for at least 184 days per calendar year, that is the primary residence of an owner and at which an owner stays overnight during the entire term of each short-term rental of the property. There is no limit on the number of days per calendar year that a permitted Hosted Short Term Rental in the Village may be rented.

B. Owners of property with existing Un-hosted STR permits for property in Village Residential and Town Residential Districts are allowed to renew their permits until there is a Change in Ownership as that is defined in this Local Law.

11.6 COMPLAINTS AND VIOLATIONS. Owners, operators, managers, marketers and renters of short-term rental units shall obey all applicable Federal, State and Local Laws, including but not limited to those the Town of Niskayuna, and shall be subject to the enforcement and penalty provisions contained in the Town of Niskayuna Zoning Code and any other State or local law.

The following process shall be followed in the event of a complaint alleging a violation of this Zoning Code Section 11 or a permit issued hereunder:

- A. The complaining party may contact a law enforcement agency or the designated short-term rental complaint online portal and hotline phone number as published on the Town of Niskayuna webpage, and describe the problem from which the complaint arises.
- B. Any property owner or contact person of a short-term rental shall, within sixty minutes of receiving any complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is in violation of this law or the short-term rental permit for the property.
- C. If the response is not satisfactory to the complaining party, the complaining party

may file a written complaint with the Enforcement Officer. The form of the complaint shall be established by the Enforcement Officer and may be filed in person, by mail, by email or online. The complaint shall provide pertinent information including the date, time and nature of the alleged violation.

- D. If the Enforcement Officer finds a violation of the permit or of this Section 11, the Enforcement Officer may, but is not required to, do any of the following depending on the circumstances:
 - 1. Attach reasonable conditions to the existing short-term rental permit;
 - 2. Issue a warning or violation;
 - 3. Suspend the short-term rental permit; or
 - 4. Revoke the short-term rental permit.
- E. Revoke the short-term rental permit. Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
- F. The Enforcement Officer, the Town of Niskayuna may also initiate enforcement proceedings under the Town of Niskayuna Zoning Code at any time following receipt of a complaint or discovery of a violation.
- G. Decisions of the Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant in accordance with Section 11.7.
- H. The Enforcement Officer or her/his designee shall have the right to inspect the short-term rental property to ensure the situation complained of has been remedied and that it complies with the provisions of this Section, but only after obtaining the express consent of the property owner or the contact person designated by the property owner for such limited inspection purposes.

APPEALS PROCESS APPLICABLE TO SECTION 11

STR APPEALS BOARD

- A. The STR Appeals Board shall be appointed by the Town of Niskayuna to carry out the duties hereinafter prescribed.
- B. The STR Appeals Board shall consist of five members, including the Chairman. The STR Appeals Board shall consist of a members who resides within the corporate limits of the Town of Niskayuna.
- C. The STR Appeals Board members first appointed shall serve staggered terms in the same manner as provided in Section 9.2 C. The successors to the original appointees shall be appointed for terms of five years, after the expiration of the

respective terms of the members first appointed.

- D. Appeals arising under Section 11 shall be governed by Section 11.7 and not Section 8.3. Decisions and determinations made by the Enforcement Officer under Section 11 shall be made in writing and provided to the owner and complainant, if any. Said decision/determination may be appealed to the STR Appeals Board within thirty (30) days of receipt of the decision. The decision/determination appealed from shall not be stayed unless the STR Appeals Board agrees to grant appellant a stay upon his/her/its application for such stay. The STR Appeals Board shall have all the powers and duties prescribed by this Code and may reverse, affirm, or modify wholly or partly any order, requirement, decision or determination as in its opinion ought to be made.

STR APPEALS BOARD GENERAL PROCEDURES

- A. The general procedures for the STR Appeals Board shall be the same as the general procedures for the Review Board and the Board of Appeals set forth in Section 9.3.1 of this Code.
- B. An owner, complainant or other party who wishes to appeal the decision or determination made by the Enforcement Officer shall make a written request for a hearing to the Town Clerk and the STR Appeals Board shall endeavor to hear the appeal within 15 days of the request. At the hearing the tribunal shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The STR Appeals Board shall make its decision within 10 days of the hearing.

PENALTIES FOR OFFENSES

- A. Any person, association, firm, company, corporation or entity which violates any provision of this section or assists in the violation of any provision of this section or owns or operates a property at which a violation occurs, shall be subject to the following criminal or civil penalties:
1. By a fine or civil penalty of not less than \$1000.00 for a first violation.
 2. By a fine or civil penalty of not less than \$2,000.00 for a second violation, both of which were committed within a period of five (5) years.
 3. By a fine or civil penalty of not less than \$3,000.00 for a third violation, all of which were committed within a period of five (5) years.
 4. Each week's continued violation constitutes a separate additional violation.
- B. The Enforcement Officer may bring a criminal or civil proceeding in Town Court for enforcement of this Section.
- C. The Town of Niskayuna may seek injunctive relief, civil penalties and any other

relief available to enforce the provisions of this Section through commencement of an action in the New York State Supreme Court. Such action must be authorized by a Resolution of the Town Board. As part of such action, the Town of Niskayuna may seek and obtain an Order from the Court requiring the defendant to reimburse the Town for its legal fees, costs and attorneys' fees related to the action.

- D. Violations of any provision of this Section 11 or a permit issued hereunder may be remedied or enforced pursuant to this Section 11 or Zoning Code Section 9. Enforcement remedies available are not exclusive and may be sought cumulatively.

SECTION 4. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

SECTION 5. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 6. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law §27.

Points for Zoning Code Discussion 4/29/2024

Questions from last meeting:

Can Niskayuna ban short-term rentals in Niskayuna?

Can short term rentals be regulated on a zone-by-zone basis?

Can short term rentals be regulated in terms of distances to schools?

How are other Towns, our size and character, handling this issue?

Can short term rentals be limited to a certain number of days per year?

Is it a change to a commercial use (business) if the owner doesn't live there and the house is rented 24/7?

Can the Town look into allowing rental of a room with the homeowner required to be present on the property?

Resources:

Town Attorneys: Currently looking into questions above and laws that govern these regulations

AirBnB: Providing government best practices documents for regulating AirBnB

Capital District Regional Planning Commission: 2023 Spring Webinar "Short-term Rentals – Balancing Local Impacts and Economic Benefits"

Short term: less than 30 days of renting

Regulation allowed under the Police Powers of NYS Town Law. Allowed to regulate just like any other use. Town Law 130 (20) states the town board, after a public hearing, may enact, amend and repeal ordinances, rules and regulations not inconsistent with law, for the following purposes: (20) "Hotels, inns, boarding houses, etc. Regulating hotels, inns, boarding houses, rooming houses, lodging houses, associations, clubs or any building or part of a building used in the business of renting rooms, individual or several, and also private sanatoriums, convalescent homes, homes for aged or indigent persons, day nurseries, hospitals, rest homes or any building or part of a building used for similar purposes, containing a total number of beds, cots or similar equipment providing sleeping accommodations for more than five persons; specifying the type of construction, the manner of their running and operation and prescribing regulations assuring proper sanitation, cleanliness and fire protection."

Goals for Code Update (the "Why"):

Protect traditional neighborhoods and encourage long-term living in residential neighborhoods

Reduce impacts to adjacent properties – including impacts from noise, cars, increased use, safety, increased garbage, etc.

Address effects to affordability of housing, for both ownership and long term renting

Reasonable ration of beds to guests – no parties or events

Niskayuna-Based

Suburban/Bedroom Communities have different issues than season communities like Lake Placid/Adirondacks or Hunter/Catskills:

Suburban Communities have conflicts over safety, noise, trespassing, trash, potential for infrastructure impacts. Tight-knit communities. Don't have the scale of short-term rentals like seasonal towns but rentals stand out more because they aren't as usual. Identify areas that aren't meant to have short term rentals.

A simple permitting system for short term rentals captures funds to mitigate their impacts to the community but may not address Community concerns.

Economic Benefit for regulations:

1. Creates a mutually beneficial relationship between property owners and the municipality
2. Recapture lost business tax revenue for the municipality through annual permit fees
3. Removes the financial burden on the local government and taxpayers to handle nuisances and infrastructures impacts
4. Provides for more legally defensible issuances of violations

Short-Term Rentals – Balancing Local Impacts and Economic Benefits

REGULATORY ISSUES

No matter which type of community, short-term rentals are primarily taxing to local code enforcement.

WITHOUT REGULATION	WITH REGULATION
<ul style="list-style-type: none">• Code enforcement lacks any true power in dealing with these types of uses.• Can only rely on the property maintenance code or the limited powers of a noise ordinance.	<ul style="list-style-type: none">• With an enacted regulation, code enforcement is often the front line for compliance; in some communities this task can become burdensome to take on for a department that is typically just one person.

MORE VIDEOS CAPITAL DISTRICT Regional Planning Commission

Laberge Group

SHORT-TERM RENTALS Balancing Local Impacts and Economic Benefits

27:07 / 57:10

Short-Term Rentals – Balancing Local Impacts and Economic Benefits

REGULATORY ISSUES

- **Definitions:** Courts have sided with the owner of a rental property when the definition is unclear and clearly meant for outdated uses.
 - Atkinson v. Wilt, 94 A.d.3d 1218 (3d Dept. 2012)
- **Inspection:** Can be time consuming and costly.
- **Violations:** May be difficult to discern if reliant on complaints.
- **Noise:** Ordinances are historically difficult to enforce and measure.
- **Compliance:** Police power and monitoring is generally limited.

MORE VIDEOS CAPITAL DISTRICT Regional Planning Commission

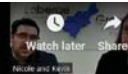
Laberge Group

SHORT-TERM RENTALS Balancing Local Impacts and Economic Benefits

28:45 / 57:10



REGULATORY MEASURES



COMMUNITY-SPECIFIC SOLUTIONS

- Regulatory measures vary widely between municipalities.
- Avoid the temptation to adopt another municipality's regulation and tailor the law to your own circumstances.
- The regulations should directly correlate to the type and scale of the issue(s) the community is dealing with and/or trying to prevent.



PARKING

- If parking or overpopulation is an issue, then set a vehicle limit per bed or per bedroom.



TRASH

- If trash is a major issue, then include regulations on collection and screening.



CAPITAL DISTRICT
**Regional
Planning
Commission**

Laberge
ENGINEERING
ARCHITECTURE

Group
SURVEYING
PLANNING

SHORT-TERM RENTALS

Balancing Local Impacts and Economic Benefits



32:17 / 57:10

YouTube



REGULATORY MEASURES



- Implementation of a permit process allows for a community to:
 - Collect fees which will provide enforcement funding.
 - Provide a mechanism of consequence.
- A permit must be obtained for operation.
- A permit gives residents and customers legal documentation to refer if an issue were to arise.
- A permit can be revoked due to non-compliance.



CAPITAL DISTRICT
**Regional
Planning
Commission**

Laberge
ENGINEERING
ARCHITECTURE

Group
SURVEYING
PLANNING

SHORT-TERM RENTALS

Balancing Local Impacts and Economic Benefits



35:47 / 57:10

YouTube



REGULATORY MEASURES



PERMIT REGULATIONS COULD INCLUDE:

Parking Limit
Occupancy Limit
Building Code Compliance
Fire Code Compliance
Zone Specific Regulations
Annual Rental Days Cap



Guest Registry
Local Contact Person
Clear Signage
Fencing
Nuisance Law Adherence
HOA Rules



CAPITAL DISTRICT
Regional
Planning
Commission

Laberge
ENGINEERING
ARCHITECTURE



Group
SURVEYING
PLANNING

SHORT-TERM RENTALS

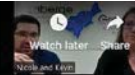
Balancing Local Impacts and Economic Benefits



37:23 / 57:10



REGULATORY MEASURES



LOCAL OCCUPANCY TAX

- Legislation imposing a tax on all transient accommodations (typically 3-5%).
- Any municipality in NYS may charge an additional tax on occupancy; including counties, towns, cities, and villages.
- Many counties have passed this type of legislation which creates greater uniformity between its resident communities.
- Property owners are required to register with the County Treasurer's Office.
- They must collect and remit the tax per guest stay to the County Treasurer.
- Short-Term Rentals are subject to these laws and a municipal regulation should include registration as a requirement of a permit.
- STR service providers may not collect the County Occupancy Tax on behalf of the property owner.
- This registration system not only collects revenue for the local economy, but also provides for an additional layer of compliance.



41:31 / 57:10



Short-Term Rentals – Balancing Local Impacts and Economic Benefits

COMPLIANCE MONITORING SERVICES

- For communities that have only part-time, shared enforcement staff, compliance monitoring services are a great alternative.
- These services are able to track short-term rental properties within a community in real time.
- They can provide weekly reports to the municipality so that the units locations are known and can be regulated through the local permitting process.
- They can also provide customized noticing services to both the community and the property owner.

SHORT-TERM RENTALS
Balancing Local Impacts and Economic Benefits

CAPITAL DISTRICT Regional Planning Commission
Laberge ENGINEERING ARCHITECTURE
Group SURVEYING PLANNING

47:19 / 57:10

YouTube

Short-Term Rentals – Balancing Local Impacts and Economic Benefits

RECOMMENDED MINIMUM REQUIREMENTS

- The cost of a permit should directly correlate to housing unit dimensions (unit size, number of bedrooms, number of parking spaces, etc.) and should be sufficient to cover impacts and personnel costs.
- Periodic renewal of a permit allows for an additional mechanism to track short-term rental properties.
- The permit should be displayed within the unit and neighboring properties should be provided a copy.
- The permit should include contact information for a local property manager who can respond to the property within a reasonable amount of time.

COST RENEWAL DISPLAY CONTACT

SHORT-TERM RENTALS
Balancing Local Impacts and Economic Benefits

CAPITAL DISTRICT Regional Planning Commission
Laberge ENGINEERING ARCHITECTURE
Group SURVEYING PLANNING

44:36 / 57:10

YouTube

CDRPC Recommends starting with North Elba Law and working from there with your Community.
<https://cdrpc.org/news-events/cdrpc-planning-and-zoning-webinar-series>