

TOWN OF NISKAYUNA
Planning Board and Zoning Commission
Agenda
August 12, 2024
7:00 PM

REGULAR AGENDA MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. July 8, 2024
2. July 22, 2024

IV. PUBLIC HEARINGS

V. PRIVILEGE OF THE FLOOR

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. RESOLUTION: 2024-24: A Resolution for site plan approval of a tenant change to Community Bank at 420 Balltown Rd. (No PB Lead yet)
2. RESOLUTION: 2024-28: A Resolution to call for a public hearing for zoning code changes regarding short term rentals. (Ms. Gold)
3. RESOLUTION: 2024-29: A resolution for site plan approval of a tenant change to the Easy Method Driving School at 2341 Nott St. E. (No PB Lead yet)

VIII. DISCUSSION ITEMS

1. 1045 Palmer Ave – A sketch plan application for a 2-lot subdivision (Mr. Khan)
2. 424 Balltown Rd. – A site plan application for a tenant change to a Wing Stop restaurant (No PB Lead yet)
3. 2428 and 2429 Heartland St. – An application for a lot line adjustment (No PB Lead yet)

IX. REPORTS

X. COMMISSION BUSINESS

XI. ADJOURNMENT

NEXT MEETING: August 26, 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
July 8, 2024

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- 6 **Members Present:** David D’Arpino, Acting Chairman
- 7 Chris LaFlamme
- 8 Nancy Strang
- 9 Genghis Khan
- 10 Sarah Bilofsky
- 11 Ehasuyi Gomes
- 12 Leslie Gold

- 13 **Also in attendance** Robert Hess, Attorney
- 14 Laura Robertson, Town Planner
- 15 Clark Henry, Assistant Town Planner (virtual)
- 16 Trisha Bergami, Planning Department Assistant

17 **I. CALL TO ORDER**

18 Acting Chairman D’Arpino called the hybrid meeting to order at 7:00 P.M.

19 **II. ROLL CALL**

20 All members were present

21 **III. APPROVAL OF MINUTES**

22 1. June 10, 2024

23 Mr. Khan made a motion to approve the minutes, seconded by Ms. Gold.

24 Acting Chairman D’Arpino noted that Mr. Henry had been present but was marked as virtually present on
25 June 10. He made a motion to amend the minutes with this comment and the Board voted all in favor of the
26 adjustment. Acting Chairman D’Arpino called for a vote on the minutes as amended. All in favor for
27 approval of the minutes as amended. Acting Chairman D’Arpino stated the amended minutes from June
28 10, 2024 were approved.

29 **IV. PUBLIC HEARINGS**

30 No Public Hearings

31 **V. PRIVILEGE OF THE FLOOR**

32 Ray Gillan, chairman of Metroplex and Commissioner of Planning and Economic Development for
33 Schenectady County thanked former Chairman Walsh for his efforts, professionalism, effectiveness, and
34 time over the years as Chairman.

35 Former Chairman Kevin Walsh, 2843 Whitmyer Dr, thanked the Board members for their service, and for
36 the work they do for the town. He thanked the Planning Department for their hard work and years of
37 friendship. He wished the Board good luck.

38 Laura Scordino, 1240 Milton Keynes Dr, thanked the Board for working to figure out the code for short-
39 term rentals in Niskayuna. Ms. Scordino stated that she was still having problems regarding the short-term
40 rental property on her street. The other weekend there was an incident where neighbors were woken up at
41 about 11:00 at night due to the occupants of the rental property setting off fireworks. The police were called

42 due to the worry that they had heard gunshots. She said that it was a disturbing thing to happen in a quiet
 43 neighborhood. Last weekend there was a group at the property consisting of 10-15 cars, and they were loud
 44 in the pool for the duration of the afternoon. At 11 that day, Ms. Scordino came home from work and saw
 45 a group of people from the rental property drinking and smoking while sitting in the street. Ms. Scordino
 46 says that she almost hit somebody with her car due to her not expecting there to be people sitting in the
 47 street. She expressed frustration with short-term rentals and their causing of unexpected, unsafe, and
 48 unneighborly things in her neighborhood. She wants these regulations to address the problems she has
 49 spoken about, and expressed worry that too few regulations would not prevent these occurrences.

50 Ms. Scordino asked the Board to be appropriately strict with their regulations in order to restrict the events
 51 that she has witnessed on her street. She cited an article that she read in the Times Union which covered
 52 the increasing number of short-term rentals being rented in the Hudson Valley. Ms. Scordino wished to
 53 comment on the discussion from the previous meeting, bringing up Mr. Khan’s claim that short-term rentals
 54 in Niskayuna are not good for the Town and are out of line with the Comprehensive Plan. She expressed
 55 her wish for the regulations to be as strict as possible, as she believes that almost every resident of
 56 Niskayuna would say that they do not want any short-term rentals in the town. She suggested focusing on
 57 limiting the number of occupants on a short-term rental property, perhaps based on the number of bedrooms
 58 on the property.

59 Acting Chairman D’Arpino said seeing and hearing no one else, he closed Privilege of the Floor.

60 **VI. UNFINISHED BUSINESS**

61 No unfinished business.

62 **VII. NEW BUSINESS**

63 *Editor’s Note: The resolutions were brought up out of order, beginning with resolution 6, and continuing*
 64 *to resolution 1.*

65 1.RESOLUTION: 2024-22: A Resolution for site plan approval of exterior changes for TD Bank
 66 at 2301 Nott St. E.

67 Acting Chairman D’Arpino read the following into the record:

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

- 71 1. A building permit for the façade and landscaping improvements is required.
- 72 2. The trash container shall be screened to improve the aesthetics of the site – such screening shall
- 73 be reviewed and approved by the Planning Department prior to the building permit,
- 74 3. The two mature trees adjacent to the multi-use path on Nott St, designated with a number 6 “to be
- 75 removed” on drawing G-004, shall not be removed. These trees shall remain because they are
- 76 healthy and provide shade and benefit to walkers in the area and shall be protected during
- 77 construction of the new facades and signage.
- 78 4. The final landscaping and planting plan shall be reviewed and approved by the Tree Council prior
- 79 to issuance of a building permit.
- 80 5. The parking lot shall be restriped prior to final close out of the building permit.

81 Mr. Khan made a motion to approve the resolution, seconded by Ms. Bilofsky.

82 Chris Norton, appearing on behalf on RWD Construction, addressed the board via phone, reporting that
 83 everything seems to be in line with the Resolution. Mr. Norton said that he had submitted from TD Bank
 84 a landscape standard after the last meeting.

85 Hearing no further discussion, Acting Chairman D’Arpino asked the roll to be called.

86 Mr. LaFlamme Aye
 87 Ms. Strang Aye
 88 Mr. Khan Aye
 89 Ms. Bilofsky Aye
 90 Ms. Gomes Aye
 91 Ms. Gold Aye
 92 Acting Chairman D’Arpino Aye

93 Acting Chairman D’Arpino stated that the resolution has passed.

94 2. RESOLUTION: 2024-23: A Resolution for site plan approval of a tenant change to Capital
 95 Kids Care childcare at 3041 Troy – Schenectady Rd.

96 Acting Chairman D’Arpino read the following into the record.

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

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

102 Mr. Khan made a motion to approve the resolution, seconded by Ms. Bilofsky.

103 Katie Brownell from Capital Kids Care addressed the Board via Zoom.

104 Acting Chairman D’Arpino said that everything looks straightforward, and that it fills a need in the
 105 community.

106 Hearing no further discussion, Acting Chairman D’Arpino asked the roll to be called.

107 Mr. LaFlamme Aye
 108 Ms. Strang Aye
 109 Mr. Khan Aye
 110 Ms. Bilofsky Aye
 111 Ms. Gomes Aye
 112 Ms. Gold Aye
 113 Acting Chairman D’Arpino Aye

114 Acting Chairman D’Arpino stated that the resolution has passed.

115 3. RESOLUTION: 2024-24: A Resolution for site plan approval of a tenant change to Community
 116 Bank at 420 Balltown Rd.

117 Acting Chairman D’Arpino noted that this resolution had been requested to be tabled by the applicant,
 118 and that next meeting would potentially have the resolution presented with more information.

119 Ms. Robertson added that the applicant was still waiting for submittals from Community Bank and
 120 therefore the applicant decided to present at a later date with a complete set of information. The applicant
 121 did mention to her that the islands may not be able to be done in the way that was agreed due to leasing
 122 structures, but are exploring other ways of adding greenspace to the property.

123 Acting Chairman D’Arpino pointed out that there seemed to be ample parking spaces available, and
 124 suggested a large green area due to its relative ease of maintenance.

125 Ms. Gold expressed apprehension because if the use of the lot changes, the parking may be needed again.
 126 She suggested not going too far.

127 4. RESOLUTION: 2024-25: A Resolution for site plan amendment for the construction of a new
 128 building at GE Vernova at 2690 Balltown Rd.

129 Acting Chairman D’Arpino read the following into the record:

130 RESOLVED, that the Planning Board and Zoning Commission has determined that the required parking is
 131 excessive due to the unique nature of the research and development at this site and is allowing the landowner
 132 to bank 19% of the required parking (82 spaces), with the following conditions:

- 133 1. Should the applicant decide to construct the banked parking in the future, an additional site
 134 plan review will be required from the Planning Board to ensure adequate stormwater, lighting
 135 and landscape screening is included with the construction of the banked parking spaces.
- 136 2. Prior to the preconstruction meeting, an amended sketch of where the proposed banked parking
 137 could be added shall be provided to, and approved by, the Planning Office.

138 and be it

139 FURTHER RESOLVED, that this Planning Board and Zoning Commission finds that the site plan
 140 application referenced above meets the requirements of the Zoning Code, contingent upon a height variance
 141 from the Zoning Board of Appeals, and hereby approves this site plan with the following conditions.

- 142 1. Prior to issuance of the final Certificate of Occupancy (CO), the final amended landscaping and
 143 tree planting plans shall be reviewed and approved by the Niskayuna Tree Council.
 144
- 145 2. Prior to the preconstruction meeting, the final amended stormwater calculations and changes to
 146 engineering shall be reviewed and approved by the Town Designated Engineer at the applicant’s
 147 expense.
 148
- 149 3. A variance allowing a 54 ft. high building, 19 ft. height variance (54 – 35 = 19) is required from
 150 the Zoning Board of Appeals (ZBA), based on the amended application involving a proposed lo-
 151 cation change of the building.
 152
- 153 4. Prior to site disturbance, the applicant shall participate in a preconstruction meeting with the Town
 154 of Niskayuna and shall address any concerns raised by the Town or the Town Designated Engineer
 155 (TDE).
 156
- 157 5. Prior to the preconstruction meeting:
 158 a. Any engineering and drainage concerns will be addressed to the satisfaction of the Town
 159 Superintendent of Water, Sewer and Engineering.
 160 b. Any questions or concerns raised by the Town Designated Engineer (TDE) will be ad-
 161 dressed by the applicant in a formal letter to the Town.
 162 c. Any minor changes to the final site plans will be addressed to the satisfaction of the Town
 163 Planning Department.
 164
- 165 6. Prior to site disturbance, the plans shall be modified to reflect agreed upon decisions of the precon-
 166 struction meeting, if any, and distributed as required to the Town. Final site plans labeled “For
 167 Construction” shall be submitted to, and approved by, the Town.
 168
- 169 7. In accordance with Chapter 180 of the Soil Erosion and Sediment Control Ordinance of the Town
 170 of Niskayuna, the applicant shall put in place soil erosion and sediment control measures sufficient
 171 to stabilize disturbed areas. These measures shall be satisfactory to the Superintendent of Water,
 172 Sewer, and Engineering and shall remain in place until such time as natural vegetation has been
 173 successfully established.
 174

175 Mr. Khan recused himself from the resolution, as it is a continuation from when there was a more active
 176 conflict of interest before GE separated into 3 distinct companies.

177 Acting Chairman D'Arpino moved forward with the motion, seconded by Ms. Gold.

178 Charles Dumas, attorney representing GE Vernova, took the stand to address the Board. In support of the
179 application, accompanying Mr. Dumas was Peter Lilholt from CT Male, who is the division manager for
180 Civil Engineering, Ray Gillan from Metroplex, and Matthew Savoy, the leader for project facilities for
181 GE Vernova in Niskayuna.

182 Mr. Dumas gave a recap of the existing project for the benefit of the new Board members. Mr. Dumas
183 described the recent organizational and division reworkings that took place at GE in 2023. He described
184 the history of the land acquisition and plans for the direct air capture facility.

185 Acting Chairman D'Arpino requested Mr. Dumas display the images from different vantage points as to
186 where the building's proposed location has been moved to.

187 Mr. Dumas showed the new proposed building location and described its attachment to a different office
188 building instead of the laboratory building.

189 Mr. Dumas clarified that what he was asking for was not a new building, but a modification of the prior
190 site plan. The plan is to take the approved facility and to move it 1,000 ft North. The reason behind this
191 change is that at the previous location there had not been optimal coordination with the other buildings on
192 the property. The intention is to join the proposed direct air capture (DAC) facility with existing office
193 space, which has been underused.

194 Mr. Dumas described some aesthetic and security features of the proposed DAC building. He argued in
195 support of the new location, citing increased traffic due to the proprietary technology being utilized. He
196 expressed gratitude with the quality and completeness of the resolution, as well as for the strict standards
197 for stormwater technology.

198 Mr. Dumas announced his intention to return on the 17th to speak to the Zoning Board of Appeals about
199 an amendment to a prior variance that was granted. Mr. Dumas said he would appreciate a
200 recommendation from the Planning Board to the Zoning Board of appeals, before asking the Board if they
201 had any additional questions.

202 Ms. Gold asked when the meeting was with Ms. Robertson and Ms. D'Arpino to discuss the additional
203 pictures of the site modifications. Acting Chairman D'Arpino told her that they had spoken that
204 afternoon. Ms. Gold expressed her belief that everything should be in the packet by Friday. Ms.
205 Robertson responded by saying that everything they were discussing was in the packet, but she agreed to
206 the presentation because it helped to understand the materials presented in the packet. Acting Chairman
207 D'Arpino said that it was a rendering that he thought would be useful to visualize the new location. Mr.
208 Dumas said that there was not anything that he had spoken of this evening that has not been before the
209 Board in the past.

210 Ms. Robertson said that occasionally during the building permit process the building could shift 10-15 ft
211 on the site or so, but this proposal essentially moves the building from the south side of the one side of the
212 building to the north end, which is a big enough change to return to the Planning Board. She said that it
213 was not conceptually different from what the Planning Board had seen and previously approved. She
214 stated it looks like a better use of the existing site based on the layout of the road and buildings.

215 Acting Chairman D'Arpino added that he personally believes that the proposal is a better use of the site,
216 and spoke about the benefits of the proposal.

217 The Board and Mr. Dumas went over the specifics of the parking arrangement again for clarification, as
218 well as the advantages of the new building location.

219 Hearing no further discussion, Acting Chairman D'Arpino asked the roll to be called for a resolution for
220 this matter to go to the Zoning Board of Appeals.

221 Mr. LaFlamme Aye

222	Ms. Strang	Aye
223	Mr. Khan	Recused
224	Ms. Bilofsky	Aye
225	Ms. Gomes	Aye
226	Ms. Gold	Abstain
227	Acting Chairman D’Arpino	Aye

228 Acting Chairman D’Arpino stated that the resolution had passed with one abstention.

229 Ms. Robertson addressed Mr. Dumas stating that she thinks the Board will include the original
 230 recommendation to the Zoning Board on the height with a note on the additional discussions tonight, as
 231 there is not any material difference in the previous recommendations.

232 5. RECOMMENDATION TO Zoning Board of Appeals: 1769 Union St. – A recommendation to
 233 the Zoning Board of Appeals for an Application for Site Plan Review for new signage requiring
 234 a variance.

235 Mr. Khan stated that he and Ms. Strang, as project leads, did not get a chance to confer on the matter, but
 236 expressed his wish to discuss it with the entire Board.

237 Mr. Khan stated that he personally liked the reduction in size of the sign, as well as the new location on
 238 the building. Mr. Khan stated his desire to focus on the second item on the sign’s design; the material
 239 with which it will be constructed.

240 Ms. Strang stated that she continues to struggle with the sign, even with the reduction in size and new
 241 placement. She said that it is her understanding that the other two signs are lit until 11:00pm at night,
 242 saying that it would not have been something for which she would have voted. Since the proposed sign
 243 would also be lit, she said that she did not think it appropriate.

244 Mr. Khan proposed the hypothetical of the sign not being internally lit, and whether or not that would be
 245 acceptable. Ms. Strang said that it would make a difference to her, as the sign is at the cusp of a
 246 residential neighborhood. Ms. Gold added that without internal lighting, it would be less likely to be a
 247 distraction at night. Ms. Gold added that she does not like this type of signage on buildings. She stated
 248 that she would like this part of the zoning ordinance looked at with the intention of perhaps removing
 249 such signage in the future. Ms. Gold acknowledged that there are similar signs in the area. Ms. Gold
 250 concurred that she did not want the internal lighting either. She expressed her desire to see such signage
 251 vanished from the town.

252 Ms. Bilofsky received confirmation that the reason why the lit signs on the sides of the building were
 253 allowed was because of the nature of a building providing emergency services. Ms. Robertson added that
 254 the building initially only had doors on the side, and the signs were necessary because they included
 255 information regarding the front entrance that was added to the building.

256 Ms. Bilofsky asked if there was any additional vacancy in the building to be leased to another party. Ms.
 257 Robertson said that the current occupants took over from a previous tenant.

258 The Board discussed the previous decisions regarding the other similar cases brought before the Planning
 259 Board and Zoning Board of Appeals.

260 Mr. Khan stated that his original position was that a third sign was not suitable, and he noted that
 261 although the applicant has made beneficial modifications, the lighting was still off the table for him.

262 Ms. Gold noted that the new proposal is a vast improvement over the previous one.

263 Mr. LaFlamme concurred with Ms. Gold’s comment, but also expressed an interest in not allowing for
 264 another sign in the area.

265 Ms. Gomes expressed her belief that if the sign were to be lowered, it would be less useful as a visual
266 indicator than if it were to be left at a higher elevation.

267 Acting Chairman D'Arpino added that he agrees that the illumination is not necessary, and the proposed
268 location would be the best location for the sign. He suggested adding a recommendation to not let them
269 add the red and white logo to the monument sign, but to use the logo with the blue background with white
270 lettering so the aesthetic remains intact.

271 Mr. Khan and Ms. Strang agreed that the sign is not suitable.

272 Ms. Robertson suggested either adding a comment to the Zoning Board that the new location was better
273 but still not suitable, or making the exact same recommendation to them.

274 Ms. Robertson noted that the applicant was present via Zoom earlier, but that they currently were not in
275 attendance.

276 Ms. Gold suggested adding a comment to the Zoning Board that the new location was better but still not
277 suitable.

278 Ms. Bilofsky expressed concern of starting a precedent for tenants if they were to allow the sign.

279 Ms. Strang expressed concern that the location of the sign on the façade may create confusion as to where
280 the entrance is.

281 Ms. Robertson mentioned that the resolution exclusively referred to the sign, and that the applicant would
282 have to come back to the next meeting to discuss the tenant change.

283 Acting Chairman D'Arpino suggested not voting on the resolution at the current meeting, but instead,
284 bringing all of their thoughts, questions, and concerns to the next meeting where hopefully the applicant
285 will be in attendance.

286 Ms. Robertson said that the Zoning Board specifically tabled their decision so that the Planning Board
287 would have time to look at the new design. She said that the Board can wait for more information regarding
288 the tenant change, but that the Zoning Board is expecting the issue to be at the next Zoning Board meeting.

289 Acting Chairman D'Arpino asked what the effect would be on the comprehensive plan. Mr. Khan proposed
290 that there would be no effect on the comprehensive plan. All were in favor, none were opposed.

291 Acting Chairman D'Arpino asked what the suitability of use would be. Mr. Khan proposed that it was not
292 suitable. All were in favor, none were opposed. Ms. Robertson added that she would write a draft of the
293 Board's recommendations to the Zoning Board, including the clarifications that were made during the
294 meeting.

295 Acting Chairman D'Arpino asked what the recommendation would be to the Zoning Board of Appeals. Mr.
296 Khan proposed that they do not grant the variance. All were in favor, none were opposed.

297 Acting Chairman D'Arpino stated that the summary will be that the three standing variances will be
298 reviewed by the Zoning Board. The suitability of use focused on the disallowance of the backlighting and
299 materials proposed in addition to the previous concerns. Acting Chairman D'Arpino also suggested keeping
300 the colors in the monument sign as consistent as possible.

301 6.RESOLUTION: 2024-26: A Resolution for recognition of Planning Board Chairman Kevin
302 Walsh

303 *Editors Note: This resolution was taken out of order and presented to Mr. Walsh at the beginning of the*
304 *meeting prior to Resolution 2024-22.*

305 Ms. Robertson read the following into the record:

306 WHEREAS, Kevin Walsh was appointed to the Zoning Board of Appeals by the Niskayuna Town Board
307 on January 1, 1998 (Resolution 98-11); and

308 WHEREAS, Kevin Walsh was appointed to the Planning and Zoning Commission by the Niskayuna
309 Town Board on January 5, 1999 (Resolution 99-8) and served continuously for over 25 years; and

310 WHEREAS, Kevin Walsh was appointed Chairman of the Planning and Zoning Commission by the
311 Niskayuna Town Board on January 2, 2007 (Resolution 2007-4), a position which he was appointed to
312 continuously for the next 17 years; and

313 WHEREAS, Kevin Walsh was appointed Chairperson of the 2003 Comprehensive Plan Committee and
314 was instrumental in editing the 2013 Comprehensive Plan, investing his time in a document that provides
315 an overarching vision for the future of this community and guides planning and decision making towards
316 that vision over the long term; and

317 WHEREAS, Kevin Walsh had a wide reputation for always being willing to lend a helping hand, always
318 being willing to meeting with an applicant, and always being willing to go the extra mile to find a
319 solution that would work for everybody; and

320 WHEREAS, Kevin Walsh's leadership at the Planning Board was steadfastly professional, respectful and
321 trustworthy and the Planning Board grew into a strong and competent Board with Chairman Walsh at its
322 helm; and

323 WHEREAS, Kevin Walsh participated in and lead many transformative development in the Town of
324 Niskayuna, including, among countless projects: Windsor/Edison Woods Subdivisions, Hummingbird
325 Manor, St. James Square / ShopRite Plaza, Seneca Manor, Catherine's Woods, Cerone/Paulson
326 Subdivision, Flower Hill, Ridge Manor, Fieldstone PUD, Upper Union St Improvements, GE
327 Improvements, Niskayuna Square (Hannaford), Hillside Avenue / Commerce Park development, Campo
328 Court, Park Ridge, Harmon Grove, the Holocaust Memorial, E-One improvements, Momentive
329 Improvements, Kelts Farm PUD, and Nott Street / Town Center Overlay District Improvements; and

330 WHEREAS, Kevin Walsh dedicated himself professionally to designing, building and maintaining
331 systems, structures and technologies that improve quality of life to all people, working at General Electric
332 Global Research for 10 years and the Naval Nuclear Laboratory (KAPL) for 30 years - facilitating
333 engineering and materials research on power distribution transformer studies, electrostatic air cleaning,
334 electrostatic powder coating and materials development, low pressure synthesis of diamond, and
335 eventually overseeing an important testing laboratory at KAPL; and

336 WHEREAS, Kevin Walsh used this strong professional work ethic, management experience and technical
337 knowledge to foster a positive and collaborative atmosphere at the Planning Board; and

338 WHEREAS, Kevin Walsh maintained his positive, "we'll get through it" attitude even when the meetings
339 went late into the night and the stormwater calculations didn't add up, even when the neighbors didn't get
340 along and the traffic counts needed more analysis, and despite the toll it took he would still dedicate
341 himself each and every week to the work and put the time in to each and every meeting, because of his
342 deep love and commitment to his Town and to its people; and

343 WHEREAS, Kevin Walsh, through his kindheartedness and leadership, built a strong foundation that
344 allowed the Town Planner and Planning Department staff to flourish and his decades of hard work and
345 commitment will never be forgotten; and

346 WHEREAS, in his capacity as a Zoning Board member, Planning Board member, and Planning Board
347 Chairman, Kevin Walsh treated property owners and applicants alike with kindness and respect and
348 unfailingly demonstrated the kind of excellence in service to the public that the Town of Niskayuna
349 strives for; and

350 WHEREAS, Kevin Walsh served the people of the Town of Niskayuna with honor and distinction, and
 351 his knowledge and understanding of planning, zoning, engineering and local law will be greatly missed;

352 NOW, THEREFORE, be it

353 RESOLVED, that the Planning Board and Zoning Commission of the Town of Niskayuna offers its
 354 personal and official thanks and appreciation to CHAIRMAN KEVIN WALSH, and it does so publicly to
 355 commend him for his excellent service.

356 Mr. Khan made a motion to approve the resolution, seconded by Ms. Strang.

357 Acting Chairman D’Arpino thanked former Chairman Walsh again for his guidance and leadership.

358 Mr. LaFlamme also thanked former Chairman Walsh for his guidance and leadership.

359 Mr. Khan also commended and thanked former Chairman Walsh for his work and for his leadership.

360 Ms. Bilofsky thanked former Chairman Walsh for welcoming her to the board.

361 Acting Chairman D’Arpino asked for the roll to be called:

- 362 Mr. LaFlamme Aye
- 363 Ms. Strang Aye
- 364 Mr. Khan Aye
- 365 Ms. Bilofsky Aye
- 366 Ms. Gomes Aye
- 367 Ms. Gold Aye
- 368 Acting Chairman D’Arpino Aye

369 Acting Chairman D’Arpino stated that the resolution passes, and thanked former Chairman Walsh once
 370 again.

371 **VIII. DISCUSSION ITEMS**

- 372 1. 3410 State St – Application for site plan review of a building addition from Upstate Guns and
 373 Ammo. Building has a dual use of firearm sales and automobile sales.

374 Mr. Serafini of Upstate Guns and Ammo stated he applied for this project a few years ago, but is now
 375 moving forward with an application that is very similar to the original application. The second item is the
 376 continuation of a metal container that remains on the site that is used to secure and maintain items, which
 377 is a separate issue, but is tied to the site plan. Mr. Serafini stressed the importance of dealing with the issue
 378 of the metal container.

379 Acting Chairman D’Arpino asked Mr. Serafini if it was correct that the proposed building would hold
 380 documents as well as the items that are currently stored in the container. Mr. Serafini said that that was
 381 correct, saying that the container will disappear entirely once the addition is constructed.

382 Acting Chairman D’Arpino referred to the plan that has parking and site improvements on it, stating that
 383 the proposed site would make it very difficult for cars to use the parking spaces between the building and
 384 container. He said that including the space needed for construction, the container may need to be relocated
 385 to a different area. Mr. Serafini discussed his willingness to find the best location for the container during
 386 construction, as once construction is completed, the container will be removed entirely.

387 Mr. Khan expressed concern that since the Board had already approved a previous plan that has since
 388 expired, that if the Board were to approve the current plan, it would not be acted upon by Mr. Serafini again.
 389 Mr. Serafini said that the previous setbacks were due to regulatory constraints on his industry, and that after
 390 speaking with his attorney, he will be expecting decisions from NYS in the next few months that will set
 391 his timetable. He also stressed his desire to eliminate the container, and that he wants to get rid of it as soon
 392 as possible.

393 Mr. Hess brought up that Mr. Serafini is a plaintiff in litigation that is on an unpredictable timeline. He is
394 concerned that Mr. Serafini is basing his construction timeline on the outcome of the court decision.
395 Depending on the outcome of the decision, Mr. Hess feared that the application may sunset again.
396 Separately, there is an enforcement action pending regarding the storage. Mr. Serafini said that he is looking
397 for an alternative form of storage.

398 Mr. Hess expressed frustration that the Board is spending time and Town resources for the second time
399 going over Mr. Serafini's application, without confirmation as to whether or not he may follow through on
400 the plan. Mr. Serafini said that he cannot go forward with the plan before the other litigation is settled, and
401 gave information as to why.

402 Acting Chairman D'Arpino and Mr. Serafini discussed the metal container and its future in more detail.

403 Ms. Gomes asked if the application could be tabled until Mr. Serafini has a solid idea of what is expected
404 of him based on the outcome of future litigation.

405 Mr. Hess stated that Mr. Serafini has been in violation of the Town code for the past 4 years, and as a
406 courtesy to the applicant, the Board has been allowing him to resolve the issue with the new construction.
407 If Mr. Serafini chooses to slow-walk the process to save costs, the Town would have to allow the enforcement
408 action to proceed.

409 Mr. Khan suggested that it is not within the jurisdiction of the Board that they approve a resolution without
410 knowing if it will be acted upon within a reasonable timeframe.

411 Ms. Robertson said that the only option that Mr. Serafini would have without site plan approval from the
412 Planning Board is to remove the container.

413 Mr. Serafini asked what it would take to get a short or long-term approval to keep the container while
414 handling the litigation, with the addition plans being held separately.

415 Ms. Gold confirmed with Mr. Serafini that he did not currently know what to build for the addition. He said
416 that he is waiting for the state regulations to be decided so that he does not spend time and money on a
417 project that may not be in compliance with code.

418 Acting Chairman D'Arpino said that if Mr. Serafini choose to wait it would be out of the Board's hands
419 and up to the discretion of enforcement. Mr. Khan suggested letting the case exist at the mercy of the
420 enforcement agency of the Town, adding that he cannot see the Board adding any kind of extension to the
421 allowance of the container without a timeframe for the addition construction.

422 Ms. Gold expressed that she would be willing to grant an extension for a period of up to six months, but
423 that she does not know if the Board has that authority.

424 Mr. Hess said that he does not believe that the Board has the authority to grant an extension at this point
425 because everything, including the Zoning Board variance, has expired. He added that there is a way forward
426 if the applicant builds the addition and adheres to the strictest potential of the ongoing litigation, although
427 he notes that it would be expensive for the applicant.

428 Ms. Robertson addressed Mr. Serafini saying that the best course of action for him would be to commit to
429 building the addition now, and that it cannot be tied to the outcome of litigation.

430 Mr. Serafini detailed why the ongoing litigation is preventing him from building the addition, and
431 acknowledges that he had presented the Board with a challenging situation.

432 Mr. Serafini said that within 30 days, either the container will be completely gone, or he will commit to
433 going forward with an application for an addition.

434 Acting Chairman D'Arpino said that it would be fair to give Mr. Serafini some time to sort out his plan. He
435 stated that he would expect Mr. Serafini back at the first August meeting, and that his case would remain a
436 discussion item.

437 Mr. Khan reiterated his respect for Ms. Robertson stating Mr. Serafini has been good to work with and his
438 respect for the benefit of Mr. Serafini's business in the community, but stressed that if he came back in a
439 month with his plan still being contingent upon litigation, he would receive the same answers the Board
440 had already given him.

441 Ms. Robertson noted that the application would also need to go back to the Zoning Board.

442 Acting Chairman D'Arpino wrapped up the discussion by asking Mr. Serafini to keep the Planning
443 Department updated with any progress over the next month before the first August meeting.

444 2. 2773 Balltown Rd – E One application for a lot line adjustment.

445 Luigi Palleschi with ABD Engineers and Surveyors appeared before the Board to represent the applicant.
446 ABD Engineers and Surveyors were part of the site design that is currently under construction. Mr. Palleschi
447 said that there has been discussion with the neighbor, Galesi Trust, to do a land swap. E One would be
448 starting at 34.25 acres and with the land swap, they would come down to 33.94 acres, but gain a 1.52 acre
449 triangular piece along the west side of the plot. The land swap would make the currently irregular boarder
450 more rectangular.

451 Mr. Khan confirmed with Mr. Palleschi that the addition to E One is currently under construction. Mr.
452 Palleschi said that it was.

453 The Board discussed the lot adjustments, referring to a projected image of a map.

454 Mr. Khan added that the land swap would not affect the current addition plans for E One, and asked Ms.
455 Robertson if the swap would affect the plans of Galesi. Ms. Robertson said that she would want
456 confirmation on the existence of an easement over the railroad bed in the former Hillside Park subdivisions,
457 but it didn't appear to impact anything negatively.

458 Hearing no other discussion, Acting Chairman D'Arpino stated that before the follow-up application, Ms.
459 Robertson inquiry will be looked into, and with that, closed the discussion.

460 Ms. Gold volunteered to be the project lead.

461 3. 929 Pierce Rd. – Application for a minor two-lot subdivision.

462 Acting Chairman D'Arpino stated the property is looking to subdivide, but the road frontage does not meet
463 the required 100 foot length clearance.

464 Luigi Palleschi with ABD Engineers and Surveyors appeared before the Board to represent the applicant.
465 Mr. Palleschi stated that there is an additional home that the applicant is looking to keep, and the applicant
466 wants to propose a new property line that still meets the setback with the existing home. Mr. Palleschi
467 discussed the current problems and proposed changes, referring to a projected proposal on screen.

468 Ms. Strang asked Mr. Palleschi if there was any buffering between one lot line and the adjacent homes. He
469 said that there is some greenspace there, but that he does not think the applicant would be opposed to
470 installing trees to create more of a buffer.

471 Mr. Palleschi also noted that the barn on the northern property line would be torn down, potentially to be
472 replaced with trees.

473 Mr. Khan confirmed with Mr. Palleschi the ownership structure of the existing and proposed houses and
474 lots.

475 Ms. Robertson added that keyhole lots are discouraged by the Comprehensive Plan, and this keyhole lots
476 seems significantly smaller than others that have been approved under high scrutiny.

477 Ms. Robertson said that the next steps would be to work through the sketch plan, and talk about the different
478 configurations possible for the lot in order to make recommendations to the Zoning Board.

479 Mr. LaFlamme volunteered to be the project lead.

480 4. Zoning Code Updates

481 Ms. Strang stated that even though Towns such as Saratoga and Elba are struggling with the number of
482 short-term rentals, they are vacation spots, whereas Niskayuna is not a destination in high demand. Despite
483 this, there is still an increasing number of short-term rentals. Although she admits that banning short-term
484 rentals would open the Town to lawsuits, she believes that allowing them would alter the character of the
485 neighborhood, and violate the Comprehensive Plan. She believes that allowing short-term rentals would
486 not be in the best interest of the residents of Niskayuna, and will only serve to be a source of frustration and
487 nuisance for residents. Due to these concerns, Ms. Strang expressed that she may not be a productive lead
488 for this project under the code as written.

489 Mr. Khan concurred with Ms. Strang, saying that it would be unjust to the Board for him to be a co-lead on
490 the project. Mr. Khan also expressed his concern about the difficulty of enforcing current Planning
491 Department code. He strongly insisted that any code should simply disallow short-term rentals in R1, R2,
492 and R3 in accordance with the Comprehensive Plan.

493 Ms. Robertson stated that Niskayuna cannot ban short-term rentals, citing that it is a matter of legal
494 overreach, not fear of litigation. Mr. Khan expressed his vehement disagreement with Ms. Robertson, but
495 she insisted that it would be illegal to issue a blanket ban.

496 Acting Chairman D'Arpino floated the idea of creating a committee to work even closer at the issue, but
497 said that a ban would be inadvisable due to the potential for a lawsuit.

498 Ms. Robertson said that a more effective and equitable solution would be to impose rules in the code about
499 keeping rentals hosted and occupancy limits, and that the owner could be held accountable for violations
500 easily. If someone gets a significantly serious, or certain number of violations and loses their license to rent
501 out their property, it would be extremely easy to enforce. She expressed that if the code is strict enough to
502 disincentivize lots of rentals, they will be kept in check without the need for a ban. Ms. Robertson stressed
503 the need for a reasonable code that applies equally to the entire Town.

504 Mr. Khan expressed concern that basing a code on enforcing violations would put unreasonable stress on
505 the enforcement mechanisms of the Town, ultimately leading to an increased tax burden for residents. The
506 Board then discussed potential funding avenues.

507 Mr. Hess said that he would be fine with strict regulations, but was less in favor of any policy that would
508 burden the taxpayer. He also added that if the Planning Board ends up giving the Town Board a code that
509 is not legal, they will have wasted lots of time and resources.

510 Mr. Hess stressed the need to make decisive action as soon as possible. Ms. Gold added that before any
511 decision is to be made, the Board would need to have a public hearing.

512 Mr. Khan stressed that the key question is whether or not the prohibition of hosted short-term rentals in R1,
513 R2, and R3 would constitute a ban. Ms. Gold said yes, Mr. Khan disagreed because it would be permitted
514 elsewhere. Mr. LaFlamme said that he believed that Ms. Robertson and Council had made it clear that it
515 would be a de-facto ban because the other zones are insignificant. He said that the Board can not take that
516 approach. Ms. Strang and Mr. Khan disagreed.

517 Ms. Strang stated that if the Board were to adopt a strict code, people would find loopholes or violate the
518 code under the radar, making enforcement difficult and expensive. Mr. Khan concurred, and added that
519 such a policy would increase neighborhood animosity and a culture of complaining and reporting neighbors.

520 Mr. LaFlamme said that he believes that the Board should make a decision based on its outcome, rather
521 than focusing on how it would be enforced.

522 Mr. Hess said that in ten or fifteen years, other towns will have adopted different codes, and will have delt
523 with a variety of problems, allowing for Niskayuna to see what worked and what did not work. He

524 recommended making the best move that the Board could at this time, and then revisit the discussing in the
525 future where the Town can get a better look at other examples.

526 Ms. Gold expressed concern that if the Town waited to see problems arise, there will already be negative
527 effects on the Town by the time the issue is revisited.

528 Mr. Khan and Ms. Strang discussed the rest of the Board about stepping down as co-leads, due to the
529 potential implication of voting against their own projects.

530 Ms. Robertson said that the current proposed code is workable, and it would be reasonable to take the
531 current complaints to the police into the jurisdiction of the Zoning Department.

532 Mr. Khan asked the Board if it would be feasible to ban short-term rentals in zones R1, R2, and R3, but
533 allow them in other zones. If this were to be adopted, it would be a de-facto ban, but not a de-jure ban. **Mr.**
534 **Hess said that he would speak to Ms. Finan and try to find out.** Ms. Robertson said that there are issues
535 involves equity. This plan would effectively push these rentals into areas of Niskayuna’s limited affordable
536 housing, and place more burden on the most vulnerable members of the community.

537 Mr. LaFlamme proposed the idea that some families can only start their move to Niskayuna via short-term
538 rentals. Ms. Bilofsky said that she has already seen that exact situation. She said that she knows multiple
539 families that are renting in order to enter the school district. Mr. Khan pointed out that these would be long-
540 term rentals, and the issue on that has already been settled. Ms. Bilofsky said that their code does not need
541 to be perfect, but most importantly, it must set a precedent. If their code is difficult for investors trying to
542 set up rentals, they will choose a different location than Niskayuna, and the code can be altered later as the
543 circumstances change.

544 Acting Chairman D’Arpino announced that he would be ending the discussion there, and would reach out
545 to other Board members for new project leads.

546 **IX. REPORTS**

547 Ms. Robertson said that the last Town Board meeting was missed due to a water main break at Town Hall,
548 but that they are planning on appointing David D’Arpino as the permanent chair for the Planning Board.
549 Acting Chairman D’Arpino added that there is a consideration to add a Vice Chairperson of the Board.

550 **X. COMMISSION BUSINESS**

551 No commission business.

552 **XI. ADJOURNMENT**

553 Mr. LaFlamme made a motion to adjourn, Ms. Bilofsky seconded. All were in favor. The meeting was
554 adjourned at 10:00 pm.

555 *The video recording for this meeting can be found at: [https://www.youtube.com/live/b611zG5jvUk?si=Ex-](https://www.youtube.com/live/b611zG5jvUk?si=Ex-q4orXlo7LXR8E)*
556 *q4orXlo7LXR8E*

TOWN OF NISKAYUNA
Planning and Zoning Commission
Hybrid Meeting
Meeting Minutes
July 22, 2024

- 6 **Members Present:** David D’Arpino, Chairman
- 7 Nancy Strang
- 8 Genghis Khan
- 9 Sarah Bilofsky
- 10 Ehasuyi Gomes
- 11 Leslie Gold

- 12 **Also in attendance** Robert Hess, Attorney
- 13 Laura Robertson, Town Planner
- 14 Clark Henry, Assistant Town Planner (virtual)
- 15 Trisha Bergami, Planning Department Assistant

16 **I. CALL TO ORDER**

17 Chairman D’Arpino called the hybrid meeting to order at 7:00 P.M.

18 **II. ROLL CALL**

19 Mr. LaFlamme was absent/excused

20 **III. APPROVAL OF MINUTES**

21 1. July 8, 2024

22 Ms. Gold moved to approve July 8, 2024 minutes, seconded by Ms. Bilofsky.

23 Mr. Khan said he is questioning his comment on line 491. He also said he asked a direct question of legal
24 and he did not see the response in the minutes.

25 Ms. Robertson recommended the minutes be tabled so the meeting video could be relistened to by the intern
26 to add the specific missing verbiage in.

27 Motion to table the minutes by Ms. Gold, seconded by Ms. Bilofsky. Chairman D’Arpino stated all were
28 in favor of tabling the minutes.

29 **IV. PUBLIC HEARINGS**

30 No Public Hearings

31 **V. PRIVILEGE OF THE FLOOR**

32 Chairman D’Arpino opened up privilege of the floor. Hearing and seeing no one, privilege of the floor was
33 closed.

34 **VI. UNFINISHED BUSINESS**

35 No unfinished business

36 **VII. NEW BUSINESS**

37 1. RESOLUTION: 2024-27: A Resolution for site plan approval of a lot line adjustment at E-
38 One located at 2773 Balltown Road

39 Chairman D’Arpino read the following into the minutes:

40 NOW, THEREFORE, be it hereby
 41 RESOLVED, that the Planning Board and Zoning Commission does hereby grant final lot line adjustment
 42 approval for 2773 Balltown Rd. and parcel 31.00-1-73.4 as shown on the aforementioned 1-page survey
 43 drawing, with the following conditions:

- 44 1. Prior to recording the plat – the final lot line adjustment map and associated deed shall be sent to
 45 the Planning Department for their review and approval. Any changes, additions or deletions re-
 46 quested shall be addressed to the satisfaction of the Planning Department before printing the
 47 mylars.

48
 49 Ms. Gold, Project Lead moved to approve, seconded by Mr. Khan.

50 Mr. Palleschi, P.E. of ABD Engineers said he didn't see any issues addressing the comment letter from
 51 July 17, 2024.

52 Ms. Gold said this makes both lots a little more conforming which is a plus to the Town.

53 Chairman D'Arpino asked Ms. Bergami to call the roll.

- | | | |
|----|-------------------|-----|
| 54 | Ms. Strang | Aye |
| 55 | Mr. Khan | Aye |
| 56 | Ms. Bilofsky | Aye |
| 57 | Ms. Gomes | Aye |
| 58 | Ms. Gold | Aye |
| 59 | Chairman D'Arpino | Aye |

60 Chairman D'Arpino stated the resolution passed.

61 **VIII. DISCUSSION ITEMS**

- 62 1. 929 Pearse Rd.-A sketch plan application for a 2-lot subdivision

63 Mr. Palleschi said he made some changes to the original plan and feels moving the driveway to the side
 64 away from the current home and angling the new home, would give more privacy especially given the
 65 existing trees and vegetation on the property. The other thing that Mr. Palleschi mentioned was the existing
 66 barn. He said they will leave it but ultimately it will be up to the owner of the new home if it stays or comes
 67 down.

68 Chairman D'Arpino said with all the changes it is still a smaller lot than any of the other flag lots on Pearse
 69 Road.

70 Ms. Bilofsky asked about fire truck accessibility and a turn around.

71 Ms. Robertson said any driveway over 150 feet has to be built to the specifications of handling a fire truck
 72 but it doesn't necessarily need a turnaround, it does need sixteen-foot height clearance on trees and a certain
 73 weight carrying capacity.

74 Chairman D'Arpino said it sounded like Mr. Palleschi had a couple items he needs to work on. He would
 75 like to see those items and the images Mr. LaFlamme forwarded an email that should be added to the packet
 76 and included in the summary and then the applicant can come back for further discussion.

- 77 2. 1045 Palmer Ave – A sketch plan application for a 2-lot subdivision

78 Ms. Griffin of 1045 Palmer Avenue came before the Board to request a 2-lot subdivision.

79 Chairman D'Arpino stated this is a current lot with a house and adjoining property that the City of
 80 Schenectady shares part of the parcel line in the back but the street frontage is in Niskayuna.

81 Ms. Griffin stated her goal is to age at home. She feels if she builds a one floor home on that parcel it will
82 enable her to age in place and if need be, a family member can be close. She stated this will not change the
83 consistency of the street.

84 Chairman D'Arpino suggested a home accessory care unit to avoid some of the variances that would be
85 needed.

86 Ms. Griffin said she is trying to avoid the decommissioning of the accessory care unit when it is no longer
87 needed. She said she thinks that something comparable to what is already there doesn't change the nature
88 of the neighborhood. She said the cost of going into something else is not feasible but having a second unit
89 could possibly supplement the cost of her care.

90 Chairman D'Arpino said this is an interesting project and he requested someone from the Board volunteer
91 to be Project Lead and he thinks it would be worthwhile for all the Board members to do a site visit when
92 they can. He also requested they take a look at the Comprehensive Plan and the information from the City
93 of Schenectady as well.

94 Mr. Khan volunteered to be Project Lead.

95 3. Zoning Code Updates (Short term rental regulations)

96 Chairman D'Arpino stated Ms. Gold volunteered to be Project Lead on the Zoning Code update.

97 Ms. Gold said unless someone had something to address, she felt they should move forward with the Public
98 Hearing. She said they can take information they get from the public and revise the code if needed.

99 Mr. Hess answered the question referring to banning STR's in R-1, R-2 & R-3 being constituted as a ban.
100 He said he doesn't think it would stand up in court. He said so far there is not much background for that
101 yet but they would definitely look at how many residences are available for STR that are not in R-1, R-2 or
102 R-3. He said he doesn't know if the court would say that it is an outright ban but his sense is that they
103 would. He said the advice from the Town Attorney is to not have something that is in essence totally
104 restricted. Mr. Hess said he thinks the proposal that is under discussion now will address a lot of the
105 concerns the neighbors have brought to the Board.

106 Ms. Robertson said she looked and it seems there are not a lot of homes of the 8000 or so residential units
107 in Town that are outside those listed zones. That being said, she feels very confident with this code she
108 will be able to enforce it most of the issues that have come up from the public under privilege of the floor.

109 Chairman D'Arpino asked if the code needs to be finished for the Public Hearing to be called.

110 Ms. Robertson said it is finished as a draft and the Board can call for a public hearing.

111 Mr. Khan said he needs to clarify his statements. He has never requested to ban short term rentals altogether,
112 he would like to ban them in R-1, R2 and R-3 Zoning Districts and is willing to put RR in play for hosted
113 rentals.

114 Ms. Robertson estimated maybe 60 houses in RR. She said she did adjust a couple items in the proposed
115 code. She reduced four warning violations down to one warning violation and following the warning a
116 resident would no longer be allowed to have a STR license. The other was she added they are required to
117 make their listings explicit that the residence is hosted and include the limits and the rules in their listing.
118 Ms. Robertson said they her department can draft the Resolution for the next meeting calling for the Public
119 Hearing at the August 26 Planning Board meeting.

120 IX. REPORTS

121 1. 1769 Union St. – Capital Cardiology – sign request withdrawn, tenant change still needed

122 Ms. Robertson said the owner said they withdrew the application for the façade sign and will be doing the
 123 interior decals on the windows. She said she sent the owner the site plan application to fill out. This was
 124 a cardiology office and is going to a cardiology office but they still need to go through the process.

125 Mr. Khan stated that was a missed part of the application before and he appreciates the follow-up.

126 2. 3410 State St. – Upstate Guns & Ammo – site plan withdrawn

127 Chairman D’Arpino stated the applicant is not moving forward with his application for an addition and will
 128 be removing the metal container within 30 days.

129 Ms. Gold asked if the Planning Department knows if the business is staying there or if he is moving. Ms.
 130 Robertson said they do not know.

131 **X. COMMISSION BUSINESS**

132 Ms. Robertson asked if the Board saw she put out an email blast for the open alternate positions to the
 133 Planning Board. She asked they share with anyone interested. Ms. Robertson said she is hopeful they will
 134 get several resumes for the Town Board to look at.

135 Congratulations were given to Chairman D’Arpino for his newly appointed position as Chairman of the
 136 Planning Board.

137 **XI. ADJOURNMENT**

138 Ms. Bilofsky made a motion to adjourn, Ms. Strang seconded. All were in favor. The meeting was
 139 adjourned at 8:13.

140 *The video recording for this meeting can be found at: <https://www.youtube.com/watch?v=mEPv3KPwbk0&list>*



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 1

MEETING DATE: 8/12/2024

ITEM TITLE: RESOLUTION: 2024-24: A Resolution for site plan approval for a tenant change to a Community Bank at 420 Balltown Rd.

PROJECT LEAD: TBD

APPLICANT: Jeff Levy

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:

Jeff Levy submitted a site plan application for a tenant change to a Community Bank branch at 416 Balltown Road in Mohawk Commons. The previous tenant at this location was a Taco Bell restaurant. The site falls within the C-S Shopping Center Commercial zoning district. Banks are permitted principal uses in the C-S district.

The applicant responded to feedback from the Planning Board during their 6/10/24 meeting. Approximately (9) nine parking spaces were removed so that the landscaping islands in the northwest, southwest and southeast corners of the property could be expanded. Updated site plan drawings and a resolution for site plan approval are included in the meeting packet.

COMPREHENSIVE PLAN

Issue #4 Commercial Activity in the Town on page 75 of the Economic Development chapter of the 2013 Comprehensive Development Plan includes a paragraph about Mohawk Commons. Mohawk Commons is one of the seven commercial areas identified within the Town. Objective #4 on page 82 of the Plan reads, "The Town should consider the following improvements to the commercial areas." The Implementation Tasks for Mohawk Commons are listed below.

1. Work with the State to provide better pedestrian connectivity with sidewalks that connect the surrounding neighborhoods with a sidewalk along the east side of Balltown Road.
2. Work with the owners to make the grounds more pedestrian friendly and install more sidewalk to connect the retail buildings with the property.
3. Construct a staircase or ramp that connects Raymour & Flanigan Plaza to the north end of Mohawk Commons.

Page 94 of the Land Use chapter of the Comprehensive Development Plan includes a section about Balltown Road that includes the following recommendations for Subarea B1 which includes Mohawk Commons.

- Current zoning districts and associated standards should be retained.
- In 2000 the Town adopted Design Standards for the C–S zoning district.
- Standards established in the Rt. 5 Corridor Study should be employed to enhance the character and business viability of State Street.

The proposed tenant change is compliant with the 2013 Comprehensive Development Plan.

BACKGROUND INFORMATION

A 1-page site plan drawing entitled, “Proposed Site Plan, Community Bank, 420 Balltown Rd., Schenectady, NY” by NES Group Architects with a most recent revision of 4/23/24 was provided with the application. The application stated that the bank would completely renovate the existing structure and add a second drive through lane as shown.

Parking Review

The Planning Office reviewed the parking space requirements in the C-S zoning district and produced the table below.

Zoning District / Schedule	Permitted Use	Min. Req. Off-Street Parking Spaces
C-S / Sch I-F	Shopping center intended and designed to serve the regional community and may include any of the retail and service uses in the C-N and CH Districts	1 space / 200 sq. ft. of GFA
C-N / Sch I-D	Banks	1 space / 200 sq. ft. of GFA, plus, 4 stacking spaces for each drive-in window
	Restaurants, sit-down	1 space / 50 sq. ft. of GFA
	Restaurants, sit-down or take-out, in multi-use shopping centers with shared parking facilities	1 space / 200 sq. ft. of GFA
C-H / Sch I-E	Eating and drinking establishments; restaurants, sit-down	1 space / 50 sq. ft. of GFA
	Restaurants, fast food (vehicle pickup and ordering facilities)	1 space for each 100 sq. ft. of GFA plus 6 stacking spaces for each drive-up window unless otherwise specified by the Planning Board

	Restaurants, take-out (no vehicle pickup and ordering facilities)	1 space for each 75 sq. ft. of GFA
--	---	------------------------------------

The proposed use as a bank with drive-in windows with a parking space requirement of 1 space for every 200 sq. ft. of Gross Floor Area plus 4 stacking spaces for each drive-in window is similar to the previous use as a restaurant, sit-down or take out, in multi-use shopping centers with shared parking facilities.

The site plan application also included the following regarding the days and hours of operation.

Hours of operation

Monday – Thursday	9 AM – 4:30 PM
Friday	9 AM – 5 PM
Saturday Lobby Open Drive Thru	9 AM – 12 PM
Sunday	Closed
ATM	24 Hour drive-up

Approximate number of employees

- 8 full time employees

There is an excess of parking for the proposed bank. Based upon its square footage the bank would demand a maximum of 14-15 parking spaces and the area around the site contains 50+ parking spaces. While the parking is shared across the plaza – the Planning Department has also worked with tenants like Chase Bank to increase green space and reduce impervious surface in the plaza as a whole wherever possible. The Planning Department recommends working with the applicant and landlord to convert some parking into greenspace with landscaping or sitting tables (see attached map as an idea). This has the benefit of adding trees to an area that is very underserved with greenspace, and working to achieve the Comp Plan goal of a more pedestrian friendly grounds.

The Planning Board should also discuss the proposed traffic flow, lighting and signage with the applicant.

6/10/2024 Planning Board (PB) meeting -- The Planning Board discussed this project with the applicant. The Planning Board reviewed the site plan map for areas that could be converted from parking spaces to greenspace with the applicant. The Applicant felt the long row of parking would not work for plowing reasons but agreed to trying to increase the greenspace on the islands at the ends of several parking areas.

The Planning Board reviewed traffic flow on the property with a concern noted about a third drive around lane to the north because of the addition of the second bay for bank business.

A resolution for tentative site plan approval was included in the 7/8/24 meeting packet. The applicant indicated to the Planning Department that they may not be able to increase the greenspace due to lease constraints but can offset this with increased landscaping.

7/8/24 Planning Board (PB) meeting – After the agenda for the 7/8/24 PB meeting had been finalized, the applicant asked to postpone their next appearance before the Board to provide

them additional time to revise the landscaping plan. Therefore, the Board did not discuss the project at the 7/8/24 meeting.

Following that meeting, a 3-page updated landscaping and lighting plan drawing set was provided to the Planning Office by Advance Engineering & Surveying, PLLC containing the following pages.

1. Sheet 1 of 3, "Site / Landscaping Plan, Proposed Community Bank, Street No. 420 Balltown Road" Rev 1 dated 6/24/24.
2. Sheet 2 of 3, "Lighting Plan, Proposed Community Bank, Street No. 420 Balltown Road" Rev 1 dated 6/24/24.
3. Sheet 3 of 3, "Lighting Details, Proposed Community Bank, Street No. 420 Balltown Road" Rev 1 dated 6/24/24.

The revised landscaping plan removes 3 parking spaces each in the northwest, southwest and southeast corners of the property and enlarges the landscaping islands and greenspace accordingly.

The tentative resolution for site plan approval that was prepared for the 7/8/24 meeting is included in the meeting packet for the 8/12/24 meeting.

RESOLUTION NO. 2024-24

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 12TH DAY OF AUGUST 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: DAVID D'ARPINO, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
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 _____,
whom moved its adoption, and seconded by _____.

WHEREAS, Jeffrey Levy made an application to the Planning Board and Zoning Commission for site plan approval for tenant change at 420 Balltown Rd. to a Community Bank, and

WHEREAS, the property is within the C-S Shopping Center Commercial zoning district and banks 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, a 1-page site plan drawing entitled, "Proposed Site Plan, Community Bank, 420 Balltown Rd., Schenectady, NY" by NES Group Architects with a most recent revision of 4/23/24 was provided with the application, and

WHEREAS, a 3-page landscaping and lighting plan set was provided by Advance Engineering & Surveying, PLLC including the following pages:

1. Sheet 1 of 3, "Site / Landscaping Plan, Proposed Community Bank, Street No. 420 Balltown Road" Rev 1 dated 6/24/24.

2. Sheet 2 of 3, "Lighting Plan, Proposed Community Bank, Street No. 420 Balltown Road" Rev 1 dated 6/24/24.
3. Sheet 3 of 3, "Lighting Details, Proposed Community Bank, Street No. 420 Balltown Road" Rev 1 dated 6/24/24, 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. Any and all proposed signage for the property shall be reviewed and approved by the Planning Board at a future date.
2. A significant surplus of parking lot area (approximately 26 extra parking spaces) surrounds the site, the applicant shall continue to work with the landlord and Planning Office to try to convert additional parking into greenspace with landscaping or sitting tables or significantly add to and refresh existing landscaping.
3. Final landscaping plans shall be reviewed and approved by the Niskayuna Tree Council.

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

DAVID D'ARPINO, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
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):

Location:

Name Mohawk Commons Owner, LLC

Number & Street 402-442 Balltown Rd.

Address 565 Taxter Road, Suite 400
Elmsford, NY 10523

Section-Block-Lot 60.15 - 1 - 1.3

Email jlevy@dlcgmt.com

Telephone 716-428-5163 Fax 716-568-8400

Zoning District I

Proposal Description:

The proposed idea is to convert the existing Taco Bell to a
new Community Bank branch. The bank would completely renovate
the existing structure and add a second drive through lane as
shown on the attached site plan.

Our preliminary work up shows this as an acceptable use for this site.

Signature of applicant: *Jeffrey Levy* Date: 5/15/2024
a/a/f Mohawk Commons Owner, LLC

Signature of owner (if different from applicant): _____

Date: 5/14/2024

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 VIII B 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.



SITE PLANTING SCHEDULE

PLANT TYPE	SYMBOL	SIZE	QUANTITY	SPACING
RED MAPLE		1.5" CAL. 6-8"	3	AS SHOWN
SERVICE BERRY SHRUB		1.5" CAL. 4-6"	8	AS SHOWN

MAP NOTES:

1. BASE MAPPING SHOWN HEREON WAS COMPILED PER THE MAP REFERENCE AND DOES NOT CONSTITUTE AN ACTUAL FIELD SURVEY CONDUCTED BY ADVANCE ENGINEERING & SURVEYING, PLLC.

2. TAX MAP DESIGNATION: 60.15 - 1 - 1.3

MAP REFERENCE:

1. "PROPOSED SITE PLAN, 420 BALTOWN RD, SCHENECTADY NY" DATED APRIL 23, 2024, AS PREPARED BY NESGROUP ARCHITECTS.

SITE STATISTICS

	EXISTING	% COV.	PROPOSED	% COV.
LOT SIZE	44,866 S.F.		UNCHANGED	
PAVED AREA	26,351 S.F.	58.7	24,274 S.F.	54.8
GREEN SPACE	15,505 S.F.	34.6	17,282 S.F.	38.5
BUILDING AREA	3,010 S.F.	6.7	3,010 S.F.	6.7
TOTAL	44,866 S.F.	100.0	44,866 S.F.	100.0

PARKING ANALYSIS:

EXISTING PARKING = 51 SPACES (INCL. 2 HANDICAP ACCESSIBLE SPACES)

PROPOSED PARKING = 42 SPACES (INCL. 2 HANDICAP ACCESSIBLE SPACES)

NO.	REVISION	BY	APPROV.	DATE
1	ISSUED FOR REVIEW			6-24-2024

ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEW YORK STATE ENGINEERING PROFESSIONAL REGULATORY BOARD'S (ES&ES) REGULATIONS AND THE FEDERAL AND STATE SPECIFICATIONS FOR CONSTRUCTION MATERIALS AND METHODS.

THIS PLAN AND ANY PART THEREOF SHALL BE VOID WITHOUT THE SIGNATURE AND SEAL OF A LICENSED PROFESSIONAL ENGINEER OR SURVEYOR.

DATE: JUNE 24, 2024

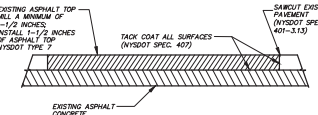
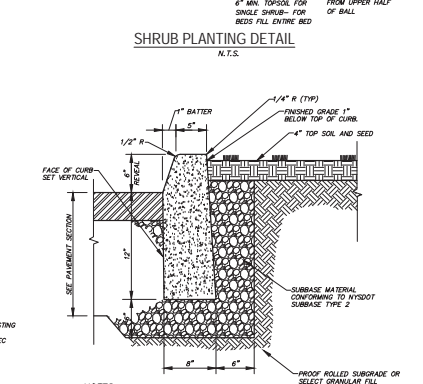
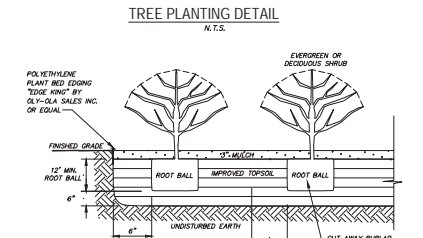
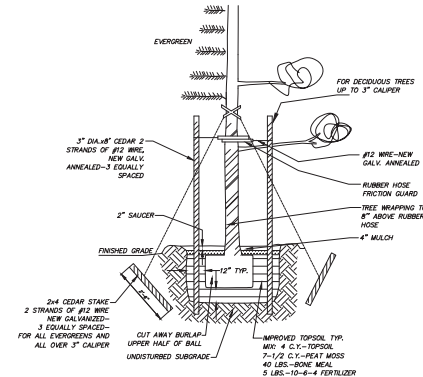
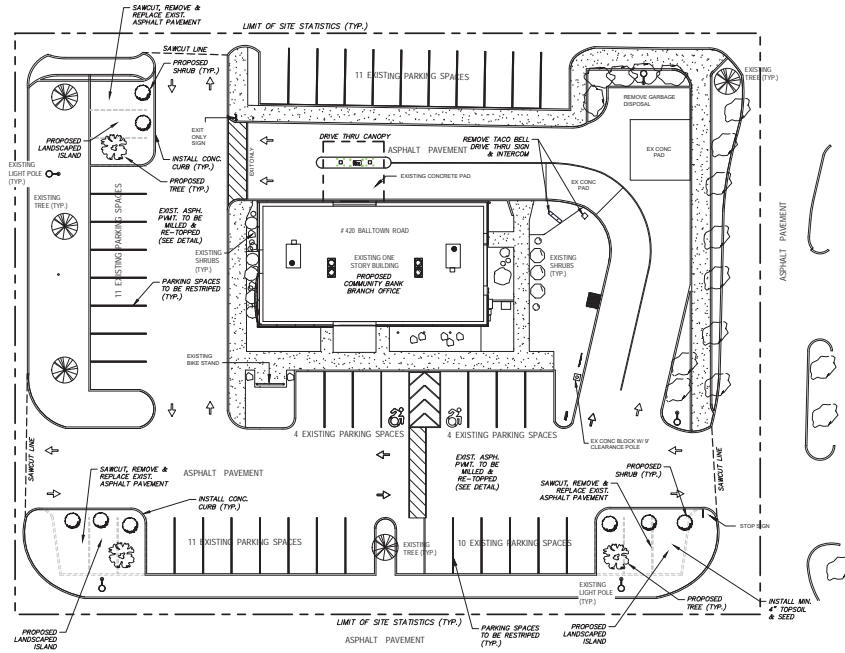
SCALE: 1" = 30'

Design of:
ADVANCE ENGINEERING & SURVEYING, PLLC
 CONSULTING IN -
 CIVIL & ENVIRONMENTAL ENGINEERING
 COMMERCIAL AND RESIDENTIAL
 11 HERBERT DRIVE, LATHAM, N.Y. 12110
 PHONE: (518) 698-3772
 E-MAIL: NCS@AESV.com



Design of:
ADVANCE ENGINEERING & SURVEYING, PLLC
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SHEET NO.
SITE
 1 OF 3 24052-SITE



1. DATE: JUNE 24, 2024
 2. SCALE: 1" = 30'
 3. SHEET NO.: SITE
 4. 1 OF 3
 5. 24052-SITE



WDGE2 LED Architectural Wall Scone Precision Refractive Optic



Specifications

Depth (D1)	2"
Depth (D2)	1.5"
Height	9"
Width	11.5"
Weight (without options)	13.5 lbs



Project: _____
 Fixture Type: _____
 Location: _____
 Contact/Phone: _____

Introduction
 The WDGE2 LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectangular design comes in four sizes, with Lumens packages ranging from 1,200 to 2,400 lumens, providing a true site-wide solution. Embedded with rLGPAT™ ABL wireless controls, the WDGE2 family provides additional energy savings and cost compliance.

WDGE2 with industry leading precision refractive optics provides great uniform distribution and optical control. When combined with multiple integrated emergency battery backup options, including an 18W cold temperature option, the WDGE2 becomes the ideal wall-mounted lighting solution for pedestrian scale applications in any environment.

WDGE LED Family Overview

Luminaire	Type	Nominal CCT (K)	Beam	Approximate lumens output (90°)								
				F1	F1	F1	F1	F1	F1	F1	F1	
WDGE2 LED	Recessed	40K	—	750	1,200	2,400	—	—	—	—	—	—
WDGE2 LED	Recessed	50K	100°	Standard height	—	1,200	2,400	1,200	4,500	1,800	—	—
WDGE2 LED	Recessed	50K	100°	Standard height	750	1,200	2,400	1,200	4,500	1,800	—	—
WDGE2 LED	Recessed	50K	100°	Standard height	—	1,200	4,500	1,200	1,800	—	—	—
WDGE2 LED	Recessed	50K	100°	Standard height	—	1,200	1,800	2,400	2,400	2,400	—	—

Ordering Information

EXAMPLE: WDGE2 LED P3 40K 60CRI 90° MVOLT 5RM DDBXD

Option	Package	Color Temperature	Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam
WDGE2 LED	P1	27K	100°	100°	750	1,200	2,400	1,200	4,500
	P2	40K	100°	100°	750	1,200	2,400	1,200	4,500
	P3	50K	100°	100°	750	1,200	2,400	1,200	4,500
	P4	50K	100°	100°	750	1,200	2,400	1,200	4,500

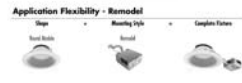
Option	Package	Color Temperature	Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM

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Juno

Podz™ LED Downlight Series 6" Circular Round and Square LED Downlight New Construction or Remodel

JPDZ Series



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Project: _____
 Fixture Type: _____
 Location: _____
 Contact/Phone: _____

Product Features

- Custom low profile 1" LED recessed downlight with deeply recessed light source and technology rich bezel offers performance up to 12000 and combination solutions for both new construction and remodel applications.
- Patented color temperature and intensity configurable lighting fixture (LGPAT™ Patent No. 11,239,377.82)
- Integrated light engine offers variable CCT (color temperature) and adjustable beam output directly on module for easy switching
- Advanced color mixing technology provides excellent performance on the black body curve of all LED color temperatures while maintaining a high CRI
- Wireless™ - setting performance similar to recessed downlight light systems that allows the LED color temperature over the dimming range from 2830K to 1900K
- Installation flexibility and ease
- Low profile integrated LED downlight less than 3" in height fits virtually any area
- Installs directly into the plenum, eliminates need for typical recessed housing
- Installs into new construction or remodel applications

- Applications**
- Ideal for a breadth of residential and commercial applications
 - Showcase plenum installations
 - Can be used for direct contact with insulation
 - Wet location listed for use in shower and outdoor covered ceiling applications

Performance

Track-able Diffused Lumens	7000, 10000, 12000
Track-able LED Color Temperature	27K, 30K, 35K, 40K, 50K
Maximize included in standard	2830K, 1900K over dimming range
CRI	90+
Voltage	Decoded 120V or MVOLT (120/277V)
Dimming	Forward/Reverse Phase or 0-10V Dimming range from 100% to 3%

- Application Flexibility - Remodel**
- Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed

- Application Flexibility - New Construction**
- Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed
 - Recessed



D-Series Size 0 LED Area Luminaire



Specifications

EPA:	0.64 ft ² (0.60 m ²)
Length:	26.18" (667.6 mm)
Width:	14.56" (369.7 mm)
Height H1:	2.26" (57.4 mm)
Height H2:	7.46" (189.4 mm)
Weight:	23 lbs (10.4 kg)

Project: _____
 Fixture Type: _____
 Location: _____
 Contact/Phone: _____

Introduction
 The modern styling of the D-Series features a highly refined aesthetic that blends seamlessly with its environment. The D-Series offers the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire.

The photometric performance results in spaces with excellent uniformity, greater pole spacing and lower power density. D-Series outstanding photometry aids in reducing the number of poles required in area lighting applications, with typical energy savings of 40% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: D5X0 LED P6 40K 70CRI 13M MVOLT 5PA NETAIQ P18-H DDBXD

Series	Size	Low Temperature	Low Beaming Angle	Technology	Height	Beaming	Mounting
D5X0	P1	27K	30°	13M	13M	5PA	NETAIQ
	P2	40K	30°	13M	13M	5PA	NETAIQ
	P3	50K	30°	13M	13M	5PA	NETAIQ
	P4	50K	30°	13M	13M	5PA	NETAIQ

Option	Package	Color Temperature	Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam	Beam/Beam
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM
SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM	SDM

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NO.	REVISION	BY	APPROV.	DATE
1)	ISSUED FOR REVIEW			6-24-2024

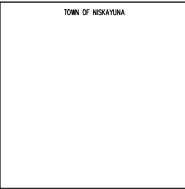
FOR ALL PROJECTS, THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

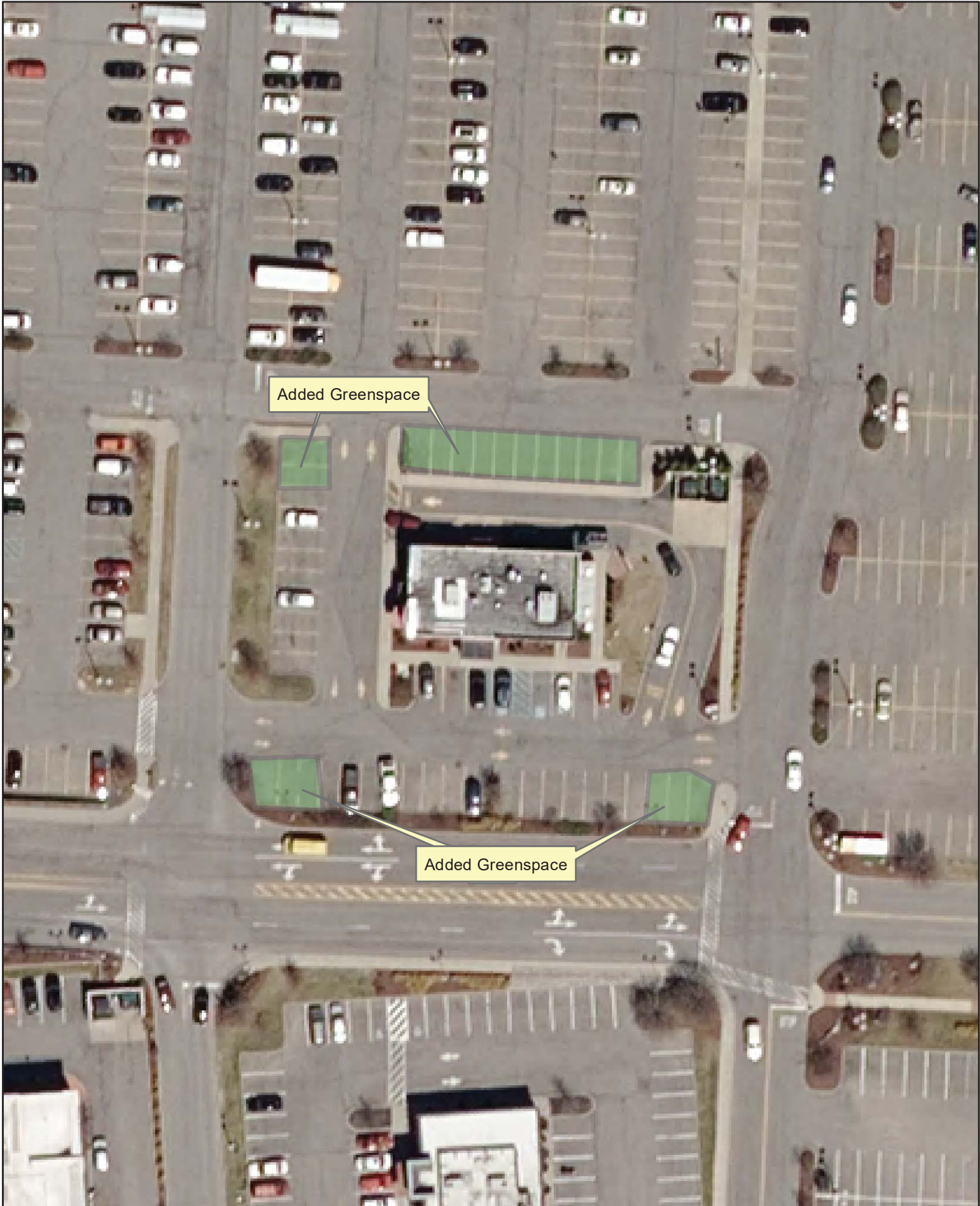
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DESIGNER OF:
ADVANCE ENGINEERING & SURVEYING, PLLC
 CONSULTING IN -
 CIVIL & ENVIRONMENTAL ENGINEERING
 COMMERCIAL AND RESIDENTIAL
 11 HERBERT DRIVE, LATHAM, N.Y. 12110
 PHONE: (518) 698-3772
 E-MAIL: INFO@AESURV.COM

LIGHTING DETAILS
 PROPOSED COMMUNITY BANK
 STREET NO. 420 BALLTOWN ROAD
 TOWN OF NISKAYUNA
 COUNTY OF SCHENECTADY NEW YORK
 DATE: JUNE 24, 2024 SCALE: NONE



SHEET NO.
LIGHT
 3 OF 3 24052-SITE



Added Greenspace

Added Greenspace





TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 2

MEETING DATE: 8/12/24

ITEM TITLE: RESOLUTION: 2024-28: A Resolution to call for a public hearing for zoning code changes regarding short term rentals.

PROJECT LEAD: Ms. Gold

APPLICANT: Town of Niskayuna

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.

At their regularly scheduled meeting on 7/22/24 the Planning Board directed the Planning Office to do the following at their 8/12/24 meeting: prepare a resolution to call for a SEQR determination public hearing for the 8/26/24 Planning Board meeting. A resolution is included in the meeting packet.

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, was reviewed.

5/13/2024 The Planning Board discussed the example code and what the reasons they wanted to adopt a code that restricted short term rentals. They were considered about impacts to the neighborhood, trash, noise and whether or not it was a commercial use of a single family home. They discussed fines for violating the code and revocation of the short-term rental license.

The Planning Board wanted to explore whether short term rentals could be restricted to C-N and R-P zones. The Planning Department discussed the difference between hosted and un-hosted and limitation of un-hosted to a certain zone. The Planning Board directed the Town Planner to explore both options. Planning Board members sent their comments on the draft Code to the Planning Department to incorporate into the draft.

6/5/2024 The Conservation Advisory Council took a look at the first pass of the draft short term rental code. They discussed similar concerns and have also been sending their comments to the Planning Department for incorporation into the code.

6/10/2024 The Planning Department refined the Code and added/noted comments from the Board members in the packet draft. Areas highlighted in yellow needed some additional discussion.

The Board discussed the code changes and focused heavily on the negative impact of short term rentals on residential neighborhoods and limiting it. There was mixed input on the Board between Hosted and Hosted and the limits for the individual rentals were not finalized. It was requested for more discussion at the 7/8/2024 meeting.

7/2/2024 The Town Legal Department researched some of the legal questions brought up at the last meeting by the Planning Board. The main points of the research are not to focus on the status of the homeowner and make sure the regulations focus only on land use.

The Planning Department made some small changes to the code based upon the discussion at the last meeting and recommends further discussion based upon input from the project leads and the guidance from the legal department before finalizing a code that is ready for public hearing.

7/8/2024 Planning Board (PB) meeting – Ms. Strang commented that she regularly visits and observes the short-term rental house that has been mentioned by Town residents during Privilege of The Floor portions of several PB meetings. She noted that the 2013 Comprehensive Plan supports “keeping the character of the community.” She, and several Board members indicated that in their opinions using single-family residential properties exclusively, or primarily, for commercial gain by changing the occupants so frequently is not in keeping the character of the community. Mr. Khan continued to advocate for his proposal to not allowing short term rentals in the R-1, R-2 and R-3 zoning districts but allow them elsewhere.

Town Attorney Hess stated that if the majority of the Board supports the current revision the next step would be to call for a public hearing. Ms. Robertson outlined the next few steps as follows.

- Planning Board call for a public hearing
- Planning Board hold a public hearing
- Planning Board recommendation to the Town Board on the draft code
- Town Board make a SEQR determination and call for a public hearing
- Town Board hold a public hearing

- Town Board makes their decision regarding adopting of the revised Zoning Code

7/22/2024 The Planning Department drafted the discussed code into the proper formatting and finalized the language for a public hearing. The Planning Department has initiated a SEQR review on the draft and a County Referral, and recommends the Planning Department call for a public hearing for August 26, 2024.

7/22/24 Planning Board (PB) meeting – Ms. Gold initiated the Board's discussion by stating that she believes the current draft of the revised code is ready for a public hearing. Town Attorney Hess supported her position by stating that the proposed revisions are a positive step forward and timely incremental improvements to the Code are beneficial to the Town. Ms. Strang reported that she observed and photographed 12 cars parked at the short-term rental house on Milton Keyes the past weekend. Ms. Robertson expressed her support under the current draft of the revised code and noted that she is confident that the Building Department can enforce the issues of concern with the existing staff and the code as proposed. The Board concluded their discussion by calling for a resolution for the 8/12/24 PB meeting to call for a public hearing for the 8/26/24 PB meeting.

The Planning Office prepared a summary of the number of dwelling units by zoning district as well as statistics of the size of lots within said zoning districts, attached to this agenda statement, for the Board's review.

RESOLUTION NO. 2024-28

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 12TH DAY OF AUGUST 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: DAVID D'ARPINO, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

One of the purposes of the meeting was to schedule a public hearing for Amendments to Chapter 220, entitled *Zoning*, of the Code of the Town of Niskayuna.

The meeting was duly called to order by the Chairman.

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

WHEREAS, the Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend Chapter 220, entitled *Zoning*, of the Code of the Town of Niskayuna, and

WHEREAS, the Planning Board has reviewed similar codes and legal guidance for the preparation of a new section, entitled Short Term Rentals, of Chapter 220, and determined that it is ready for public comment.

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board and Zoning Commission does hereby call for a public hearing to be held on Monday, August 26, 2024 at 7:00pm in the Niskayuna Town Hall, One Niskayuna Circle, Niskayuna New York to consider amendments to Chapter 220, entitled *Zoning*, of the Code of the Town of Niskayuna.

DAVID D'ARPINO, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
LESLIE GOLD

NANCY STRANG
SARAH BILOFSKY
EHASUYI GOMES

The Chairman declared the same _____.

Proposed Local Law ? (2024)

A LOCAL LAW TO AMEND CHAPTER 220, ENTITLED ZONING, OF THE CODE OF THE TOWN OF NISKYUNA

Section 1: Amend section 220-4, entitled Definitions, of Chapter 220 of the Code of the Town of Niskayuna to add as follows:

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.

HOSTED SHORT-TERM RENTAL

A short-term rental property at which an owner of the property or the owner's designee resides overnight during the entire term of each short-term rental of the property

UNHOSTED SHORT TERM RENTAL

A short-term rental property at which an owner of the property or the owner's designee does not stay overnight during the entire term of each short-term rental of the property.

Section 2: Add section 220-32.8, entitled Short-Term Rentals, to read as follows:

- A. Purpose:** The purpose of this section is 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 recognizes that the majority of the Town is a small, residential community of owner-occupied dwellings and that extensive short-term rentals endanger the affordability of housing in Niskayuna, endangers the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners. Accordingly, due to the potential adverse and/or harmful impacts of extensive short-term rentals, these standards shall supplement the applicable regulations of 220-10, District Regulations.
- B. 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.
 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 220-73 of the Town of Niskayuna Zoning Code, as well as the penalties set forth in this Section 220-32.8 (J).
 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, 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, if applicable; and (iii) payment of the permit fee.
- C. 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 (excluding gas 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 220-32.8.
 - 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 NYS Building Codes 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 Section 220-32.8 or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.

D. 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 sixty (60) 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.
5. 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 in conformance with Chapter 107 (Fires, Open) of the Code of the Town of Niskayuna.
 - f. A statement that renters must comply with and be provided with a copy of Chapter 142 (Noise) 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 Code Enforcement Officer of the Town of Niskayuna or any other law enforcement officer of the Town of Niskayuna
 - g. A statement acknowledging Fireworks are prohibited in Schenectady County and the Town of Niskayuna;
 - 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.

E. 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 Niskayuna 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 requirements listed in Section F shall be posted upon any online listing site or advertisement used in this promotion of the short-term rental unit.

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

1. Occupancy Requirements

- a. The maximum number of occupants (as defined at Section 220-4) for each short-term rental unit shall be the most restrictive of the following:

- i. Two (2) times the number of bedrooms (as defined by the NYS Building Code) that are rented in compliance with Section 220-32.8 plus one (1) additional occupants, not to exceed 3 rented bedrooms or 8 occupants total.

Examples:

1 Bedroom unit = 2 occupants for 1 bedroom + 2 additional = 4 maximum.

2 Bedroom unit=4 occupants for 2 bedrooms + 2 additional = 6 maximum

3 Bedroom unit = 6 occupants for 3 bedrooms + 2 additional =8 maximum

- ii. Maximum capacity of the septic system for properties serviced by a septic system.

2. Guests of the occupants are not allowed.

3. Required Off-Street Parking.

- a. The number of vehicles permitted overnight is limited to one (1) vehicle per bedroom +1 vehicle, not to exceed 3 rented bedrooms or 4 vehicles total.
- b. 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.
- c. A parking space shall have a minimum of 180 square feet in a rectangular configuration of at least 9 feet by 20 feet.
- d. Parking for the short-term rental unit is not allowed on any part of the lawn of the property or on the public or private street.

4. A house number visible from the street or road shall be maintained.
 5. 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.
 6. 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.
 7. Weddings, corporate events and commercial functions are not allowed at short-term rentals in the Town of Niskayuna.
 8. 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.
 9. 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.
 10. Owners of a short-term rental shall have a short-term rental agreement in writing with every renter, 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.
 11. 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 carbon monoxide detectors as required by NYS Building Codes.
 12. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 13. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 14. 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.
 15. Each bedroom shall be in compliance with the New York State Building Code.
- G.** The following two 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. Un-hosted Short-Term Rental
 - a. Un-hosted Short-Term Rental Permits shall be limited to the following Zoning District:
 - i. R-P Residential Professional
 - ii. C-N Neighborhood Commercial Zoning District
 - b. 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 220-4 shall be permitted in all Zoning Districts.
 - b. Online listings and advertisements for a hosted short-term rental must clearly and prominently indicate the host will be on the premises during the time that the unit is rented.
 - c. In addition to the application requirements set forth at Section 220-32.8 (F), applicants for a Hosted Short-Term Rental Permit shall provide a sworn statement that the applicant or the applicant's designee resides at the property overnight during the entire term of each short-term rental of the property.

- H. 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 220-32.8 or a permit issued hereunder:

1. The complaining party may contact a law enforcement agency or the Niskayuna Building Department and describe the problem from which the complaint arises.
2. 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.
3. 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.
4. If the Enforcement Officer finds a violation of the permit or of Section 220-32.8, the Enforcement Officer may do any of the following depending on the circumstances:
 - a. Attach reasonable additional conditions to the existing short-term rental

- permit;
 - b. Issue a warning or violation;
 - c. Suspend the short-term rental permit; or
 - d. Revoke the short-term rental permit.
- 5. The Enforcement Officer of 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.
- 6. Decisions of the Enforcement Officer will be provided to the parties and may be appealed to the Town of Niskayuna Zoning Board of Appeals, within 30 days of receipt of the decision, by the owner or by the complainant in accordance with Section 220-32.8 (l).
- 7. 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.
- 8. Two warnings or violations issued by the Enforcement Officer within a one-year period will constitute an immediate revocation of the permit. Actions to remedy the revocation will require the owner to discontinue any existing contract for a short-term rental for the property, giving the current renter three days to vacate. Further, owner will void any future contracts with potential renters until remedies are agreed on and completed. Property owner should reflect conditions that will allow them to legally discontinue an existing short-term rental agreement if said status occurs during a renter's stay.
- 9. Revocation of 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.

I. Appeals

- 1. The Zoning Board of Appeals shall be appointed by the Town of Niskayuna to carry out the duties hereinafter prescribed.
- 2. Decisions and determinations made by the Enforcement Officer under this Section shall be made in writing and provided to the owner and complainant, if any. Said decision/determination may be appealed to the Zoning Board of Appeals within thirty (30) days of receipt of the decision. The decision/determination appealed from shall not be stayed unless the Zoning Board of Appeals agrees to grant appellant a stay upon his/her/its application for such stay. The Zoning Board of Appeals 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.

3. The general procedures for appeals to the Zoning Board of Appeals shall be the same as the general procedures set forth in Section 220-69 of Town Code.
4. An owner or complainant with standing who wishes to appeal the decision or determination made by the Enforcement Officer shall make a written request for a hearing to the Zoning Board of Appeals. At the hearing the Zoning Board of Appeals 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.

J. Penalties for Offenses.

1. 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:
 - a. By a fine or civil penalty of not less than \$1000.00 for a first violation.
 - b. 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 two (2) years.
 - c. By a fine or civil penalty of not less than \$3,000.00 for a third violation, all of were committed within a period of two (2) years.
 - d. Each week's continued violation constitutes a separate additional violation.
2. 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.
3. Violations of any provision of this Section or a permit issued hereunder may be remedied or enforced pursuant to this Section or Zoning Code 220-73. Enforcement remedies available are not exclusive and may be sought cumulatively.

Section 3. 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 4. This Local Law shall take effect as provided in §27 of the NYS Municipal Home Rule Law.

A Proposed Amendment to Disallow Hosted Short-Term Rentals in R-1, R-2, and R-3

Genghis Khan, August 7, 2024

The current draft of the proposed Short-Term Rental Code does well to regulate the practice in the Town of Niskayuna. Proposed Section 2-A rightly states – consistent with the objectives of the Comprehensive Plan - that,

“extensive short-term rentals endanger the affordability of housing in Niskayuna, endangers the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners.”

It is for this purpose, I would like to propose one amendment to the proposed code. I propose Section 2-G.2.a should read:

Hosted Short-Term Rentals as defined by Zoning Code Section 2220-4 shall be permitted in all Zoning Districts *except R-1, R-2, and R-3.*

As residential zones, this proposed amendment effectively permits hosted short-term rentals only in R-R, R-P, and C-N. Three reasons follow below. They are best explained considering Figure 1 which shows a scaled depiction of the single family dwelling minimum lot size areas in R-R vs. R-1 and R-2,3.

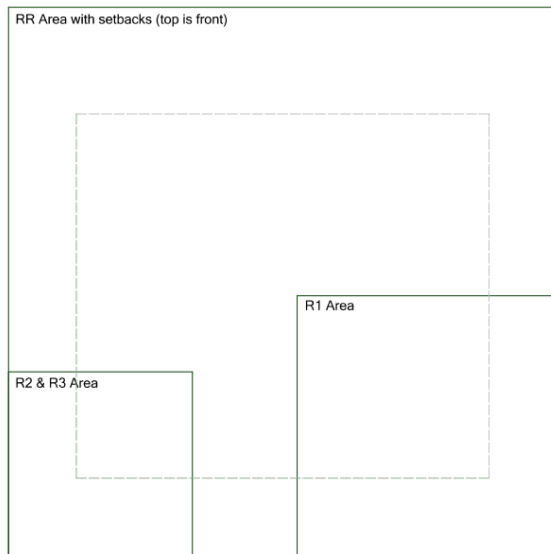


Figure 1. Scale drawing of minimum single family dwelling lot size areas assuming a square-shaped lot.

Single Family Dwelling Minimum Lot Size Area (square feet)	
RR-80 (Schedule I-A)	80,000
R-1 (Schedule I-B)	18,000
R-2, R-3 (Schedule I-C)	9,000

Reason 1 – The R-R lot sizes – being 4.4 times and 8.8 times greater than R-1 and R-2,3 respectively, will significantly promote “the peace, quiet and enjoyment of neighboring homeowners.” The current neighborhood complaints about the existing unregulated short-term rentals will most likely not occur.

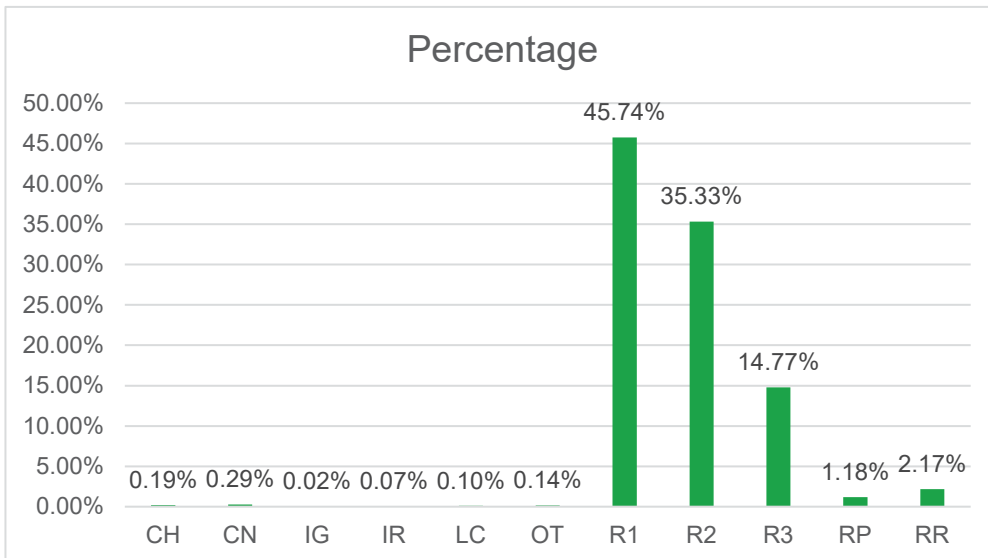
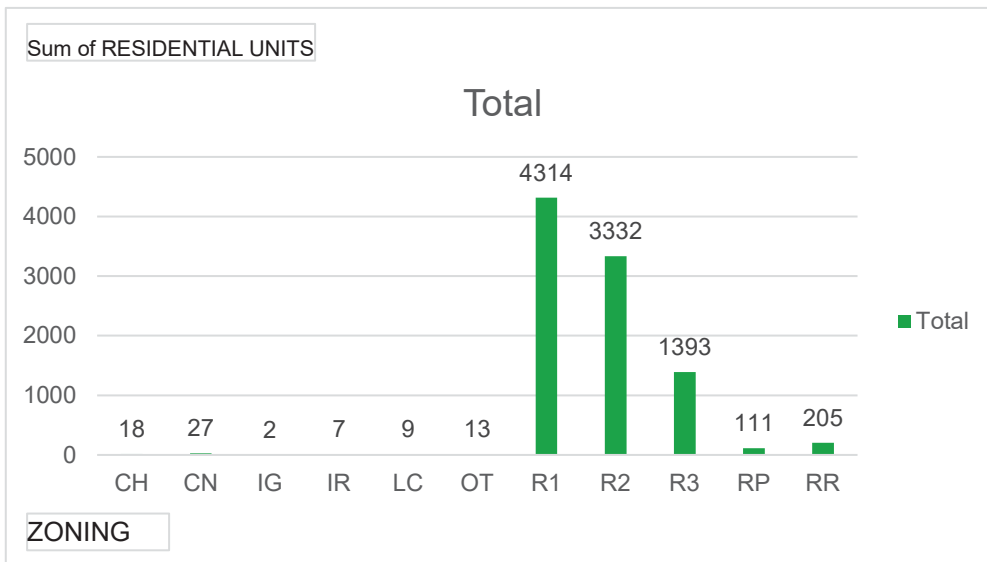
Reason 2 – There are enough dwellings in R-R, R-P, and C-N (number to be provided by Planning Department) such that limiting to these zones cannot be construed as a ban.

Reason 3 – Nothing changes – relative to the proposed code - for R-R, R-P, and C-N whether the proposed amendment is accepted or not.

RESIDENTIAL UNIT SUMMARY

ZONING	Sum of RESIDENTIAL UNITS	Percentage
CH	18	0.19%
CN	27	0.29%
IG	2	0.02%
IR	7	0.07%
LC	9	0.10%
OT	13	0.14%
R1	4314	45.74%
R2	3332	35.33%
R3	1393	14.77%
RP	111	1.18%
RR	205	2.17%
Grand Total	9431	100.00%

R1, R2, R3	9039	95.84%
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TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VII. 3

MEETING DATE: 8/12/2024

ITEM TITLE: RESOLUTION: 2024-29: A Resolution for site plan approval for a tenant change to an Easy Method Driving School at 2341 Nott St. E.

PROJECT LEAD: TBD

APPLICANT: Joanne Darling

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:

Joanne Darling submitted a site plan application to operate an Easy Method Driving School at 2341 Nott St. E. The property is located within a Planned Development District (PDD). Retail sales and service uses are allowable uses within the district. This is a proposal for a tenant change from the vacant storefront, formally the Empire State Asset Management offices.

This is the initial presentation of the proposed tenant change to the Board.

COMPREHENSIVE PLAN

The proposed application complies with the 2013 Comprehensive Development Plan.

BACKGROUND INFORMATION

The following site plan drawings for the proposed tenant in Market 32 Place at 2341 Nott St. E. were included with the application.

- A drawing entitled “St. James Square Phase II Site Plan” by Miller Associates Landscape Architects dated 2/13/97.
- A drawing entitled “St. James Square Phase 2, Niskayuna, New York by Rovetto Design Group dated December 2004.

The following details are included in the site plan application.

- Max. students: 36
- Staffing: 1 or 2 staff members in the office
- Hours of operation: Monday – Saturday 8 AM – 6 PM

- Planned renovations: Interior painting & new carpeting only

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

RESOLUTION NO. 2024-29

AT A REGULAR MEETING OF THE PLANNING BOARD AND ZONING COMMISSION OF THE TOWN OF NISKAYUNA DULY CALLED AND HELD ON THE 12TH DAY OF AUGUST 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: DAVID D'ARPINO, CHAIRMAN
GENGHIS KHAN
CHRIS LAFLAMME
LESLIE GOLD
NANCY STRANG
SARAH BILOFSKYw
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 _____,
whom moved its adoption, and seconded by _____.

WHEREAS, Joanne Darling made an application to the Planning Board and Zoning Commission for the operation of an Easy Method Driving School at 2341 Nott St. E. as described in the following documents:

1. A drawing entitled "St. James Square Phase II Site Plan" by Miller Associates Landscape Architects dated 2/13/97.
2. A drawing entitled "St. James Square Phase 2, Niskayuna, New York by Rovetto Design Group dated December 2004.

, and

WHEREAS, the property is within a Planned Development District (PDD) and retail and service uses are allowable 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 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. 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:

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

The Chairman declared the same _____.

TOWN OF NISKAYUNA

Application for Site Plan Review

Applicant (Owner or Agent):

Name JOANNE DARLING
Address 2862 Rymex Corners Rd
Pattersonville NY 12137

Telephone 518847817 Fax _____
jdarling7@icloud.com

Location:

Number & Street 2341 Nutt Street E.

Section-Block-Lot 40 - 1 - 17.6

Zoning District P.D.D

Proposal Description:

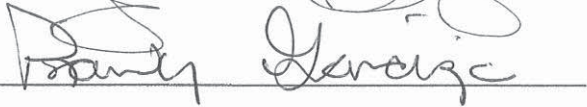
Office space and Driver Safety Classroom
for Easy Method Driving School Inc.

Each site plan application shall be accompanied by:

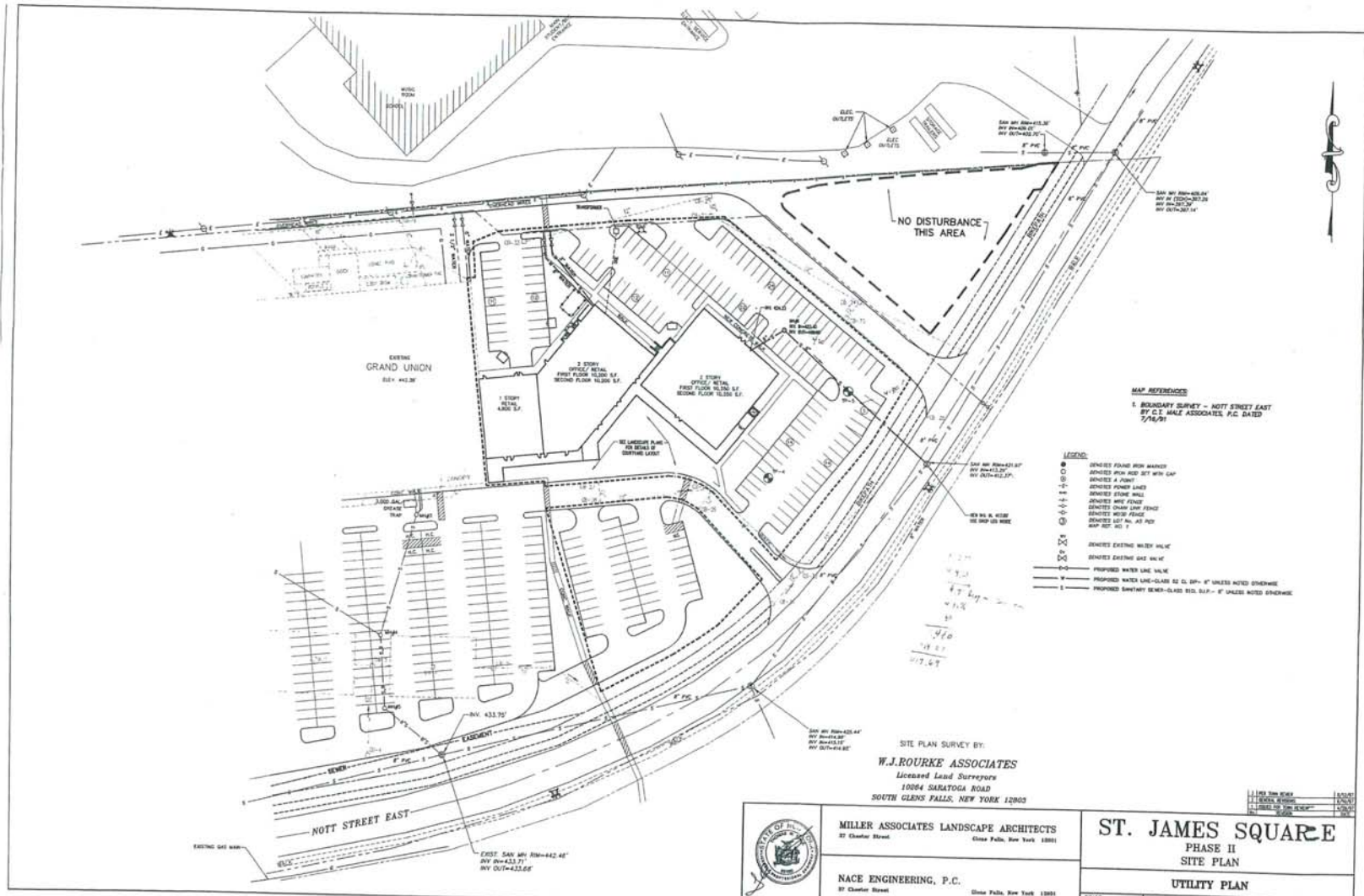
1. Twelve (12) site plan maps prepared by a licensed engineer, architect or surveyor.
 - a. The site plan shall include the following: the title of the drawing, including the name(s), address(es), phone and fax numbers of the applicant and the name address, phone and fax number of the person, firm or 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 lighting plan showing the lighting distribution of existing or proposed lights, specifications, photometric data, and catalog cuts of the proposed fixture(s) which meet the requirements of Article VIII B of the Zoning Ordinance of the Town of Niskayuna entitled "Guidelines for Lighting of Outdoor Areas under Site Plan Review".
3. Six (6) copies 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 *two hundred dollars (\$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.

Signature of applicant:  Date: 

Signature of owner (if different from applicant): 

Date: 7/31/24



MAP REFERENCES
 1. BOUNDARY SURVEY - NOTT STREET EAST
 BY C.E. MALE ASSOCIATES, P.C. DATED
 7/26/91

- LEGEND:
- DESIGNED FENCED SIGN MARKER
 - DESIGNED SIGN MARK SET WITH CAP
 - DESIGNED A POINT
 - DESIGNED POWER LINES
 - DESIGNED STONE WALL
 - DESIGNED IRON FENCE
 - DESIGNED CHAIN LINK FENCE
 - DESIGNED WIRE FENCE
 - DESIGNED LOT NO. AT PDS MAP REF. 91.1
 - DESIGNED EXISTING WALKER W/UT
 - DESIGNED EXISTING SIDE W/UT
 - PROPOSED WATER LINE-GLASS
 - PROPOSED WATER LINE-GLASS 42 CL. 80'- 4" UNLESS NOTED OTHERWISE
 - PROPOSED SANITARY SEWER-GLASS 42 CL. 80'- 4" UNLESS NOTED OTHERWISE

SITE PLAN SURVEY BY:
W.J. ROURKE ASSOCIATES
 Licensed Land Surveyors
 10804 SARATOGA ROAD
 SOUTH GLENS FALLS, NEW YORK 12003



MILLER ASSOCIATES LANDSCAPE ARCHITECTS
 27 Charles Street
 Glens Falls, New York 12001

NACE ENGINEERING, P.C.
 27 Charles Street
 Glens Falls, New York 12001

ST. JAMES SQUARE
 PHASE II
 SITE PLAN

UTILITY PLAN			
SCALE	DATE	JOB NO.	DRAWING
1"=40'	2/12/97	4778	2

1. SEE THE WORK
 2. CHECK DIMENSIONS
 3. CHECK FOR CONFLICTS
 4. CHECK FOR ERECTION



UPPER FLOOR plan
 (SEE PLAN 1)

SUPRAMCO III LLC
 CBRE Albany

<p>FORVETTO <i>design group</i> <small>1100 Broadway, 10th Floor New York, NY 10038 Tel: 212.512.1000 Fax: 212.512.1001</small></p>	<p>Project ST JAMES SQUARE PHASE 2 <small>MANHATTAN, NEW YORK FIELD VERIFIED DRAWINGS</small></p>	<p>Revision 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 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TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 1

MEETING DATE: 8/12/2024

ITEM TITLE: DISCUSSION: 1045 Palmer Ave. – An application for a Minor 2-Lot Subdivision

PROJECT LEAD: Genghis Khan

APPLICANT: Sandra Griffin, 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:

Sandra Griffin submitted an Application for Sketch Plan Approval for a 2-lot subdivision of 1045 Palmer Ave.

The properties lie within the R-2 Medium Density Residential zoning district.

COMPREHENSIVE PLAN

The Public Facilities and Utilities section of the Comprehensive Plan notes that in general, the oldest water and sewer distribution systems in Town are in Old Niskayuna and both existing systems are aging out and undersized. This is also likely true of stormwater systems.

In the Housing Diversity section, the Comp Plan notes that this area of old Niskayuna, specifically lower Palmer Ave/Van Antwerp Rd/Regent St contain a number of 2 family homes which can be good for affordable housing options. However, on page 101 the plan does not recommend adding any more two-family units to the neighborhood because it “would result in an increase in population density and an aggravation of existing parking problems along these neighborhood roads which currently carry significant traffic volumes. Therefore, it would not be practical to permit new two-family homes in this area.”

BACKGROUND INFORMATION

A 1-page sketch entitled “Request for Subdivision Lot 50.6-5-22” by Sandra Griffin a.k.a. Sandra DeMond stamped “Received Jul 10 2024 Planning Office Niskayuna, NY” was included with the application. It shows the existing 80 foot wide parcel being separated into two 40 foot wide parcels.

The map also indicated the boundary with the City of Schenectady, in which these two parcels cross over. Coordination with the City of Schenectady shall need to begin immediately and the Planning Board should request more data as to what would be happening in the rear portion (Schenectady side) of these lots.

The Minimum lot dimensions for the R-2 zoning district are listed below.

Parameter	R-2 Requirement	As Proposed Lot 1	* As Proposed Lot 2
Lot Width	80'	Approx. 40'	Approx. 40'
Lot Depth	100'	>100'	>100'
Lot Size	9,000 SF Min	TBD	TBD

Setback distances for the R-2 district are shown in the table below.

Parameter	R-2 Requirement
Front	30
Side	15
Rear	20

A more detailed site plan drawing is required to determine the current setback distances for the existing home and the proposed setback distances for both homes if the subdivision is allowed. This lot would not qualify as an existing lot of record as it is being created in 2024 – therefore the full force of the R-2 setbacks would apply to the lots. With a width of 40 feet and side setbacks of 15 per side, that would leave 10 feet on the proposed new lot to build a home without a variance.

As is, the existing home is legally preexisting non-conforming and complies with regulation. Should the proposal move forward, the existing home does not meet current setbacks and would require a variance to remain as it is constructed.

The Planning Office created a map of the surrounding neighborhood that shows the relative sizes of lots in the general vicinity of 1045 Palmer Ave. Many of the neighboring lots are 40' wide. Currently, 1045 Palmer Ave. is approximately 80' wide. As proposed, 1045 Palmer Ave. would be divided into two lots, each being approximately 40' wide. As proposed, variances for lot width and setback dimensions for both homes would be required from the Zoning Board of Appeals.

7/22/24 Planning Board (PB) meeting – Ms. Griffin presented the proposed subdivision to the board. She noted that she has been a resident since 1987 and the goal of her project is to allow her to build a single-floor home on the property that will allow her to age in place. She noted that many of her neighboring lots are the same width as what is proposed in her application. Ms. Robertson noted that if the lot was subdivided any new home will need to meet the current setback requirements for the R-2 district. Therefore, she will need variances from the ZBA for the existing home and the new home. Ms. Robertson stated that since a portion of the lot is within the City of Schenectady, she will reach out to their Planning Department regarding the application.

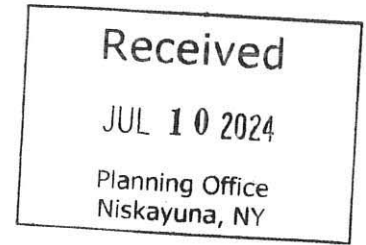
8/2/2024 The Planner for the City of Schenectady, Christine Primiano, stated it was most appropriate for Niskayuna to take the lead early on. If the applicant is able to obtain the variances and the subdivision approval from Niskayuna, then the applicant will need to go to the City of Schenectady for their own subdivision review of the rear portions as well. Therefore two subdivision applications and reviews are required – but Niskayuna's should come first.

The next step for the Board is to call for action on the sketch plan concept. The Board can recommend approval of the sketch plan, in which case the application would move to a minor subdivision application and the proposal would be denied based upon frontage and setbacks – setting up a recommendation to the ZBA. The Board can also recommend denial of the current sketch plan and include recommendations for what they would like to see in any future submission.



TOWN OF NISKAYUNA

Planning Department
One Niskayuna Circle
Niskayuna, New York 12309
Phone: (518) 386-4530
Fax: (518) 386-4592



Application for Sketch Plan Approval – 4 Lots or Less

Applicant: Saundra Griffin AKA Saundra G DeMond

Address: 1045 Palmer Avenue

Phone Number: 518 210 1556 Email: griffin_1681@msn.com

Owner Name (if different from applicant): _____

Address: _____

Phone Number: _____ Email: _____

Description / Address of Property: _____

Section – Block - Lot: 50. 6-5-22

Each application shall be accompanied by:

1. A digital copy, three (3) full size copies and thirteen (13) 11x17 copies of any large scale plans or maps.
2. Administrative Fees: An application for Sketch Plan Approval shall be submitted to the Planning Department at least ten (10) days prior to a regular meeting of the Planning Board. Each application shall be accompanied by a fee of \$100. Fees are payable to the *Town of Niskayuna*.
3. Consulting Fees: The cost incurred by the Town for the review of an application by the Town Engineer, consulting engineering firm or other consulting fees, in connection with a Board's review of a proposed application shall be charged to the applicant. The Board to whom the application is made shall obtain an estimate from any designated consultant of the amount sufficient to defray the cost of such services and shall collect from the applicant the estimated charges. Any portion of the estimated charges so collected, which are not expended by the Town, shall be returned to the applicant. Any such costs incurred by the Town beyond the estimated charges initially collected from the applicant, shall be collected from the applicant prior to final action upon the application.

Signature of applicant: Saundra G Griffin Date: 7/10/24

Signature of owner (if different from applicant): _____

Upon approval of Sketch Plan:

An Application for Approval of Plat Plan must be filed along with all appropriate documentation.



TOWN OF NISKAYUNA

Planning Department

One Niskayuna Circle
Niskayuna, New York 12309
Phone: (518) 386-4530
Fax: (518) 386-4592

Received

JUL 10 2024

Planning Office
Niskayuna, NY

TOWN CODE

Chapter 189: Subdivision of Land

Article III: Subdivision Application Procedures

§ 189-6. Sketch plan.

- A. Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least 10 days prior to a regular meeting of the Board two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of § 189-22 for the purposes of classification and preliminary discussion.
- B. Discussion of requirements and classification.
1. The subdivider or his duly authorized representative may be required by the Board to attend a meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information, or he may be required to meet with a subcommittee of the Board for this purpose.
 2. Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision, as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.
 - a. If the sketch plan is classified as a **minor subdivision**, the subdivider shall then comply with the procedure outlined in **§ 189-7** of this chapter.
 - b. If it is classified as a **major subdivision**, the subdivider shall then comply with the procedures outlined in **§ 189-8, § 189-9 and § 189-10**.
- C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.



TOWN OF NISKAYUNA

Planning Department

One Niskayuna Circle
Niskayuna, New York 12309
Phone: (518) 386-4530
Fax: (518) 386-4592

Received

JUL 10 2024

Planning Office
Niskayuna, NY

TOWN CODE

Chapter 189: Subdivision of Land

Article V: Documents to be Submitted

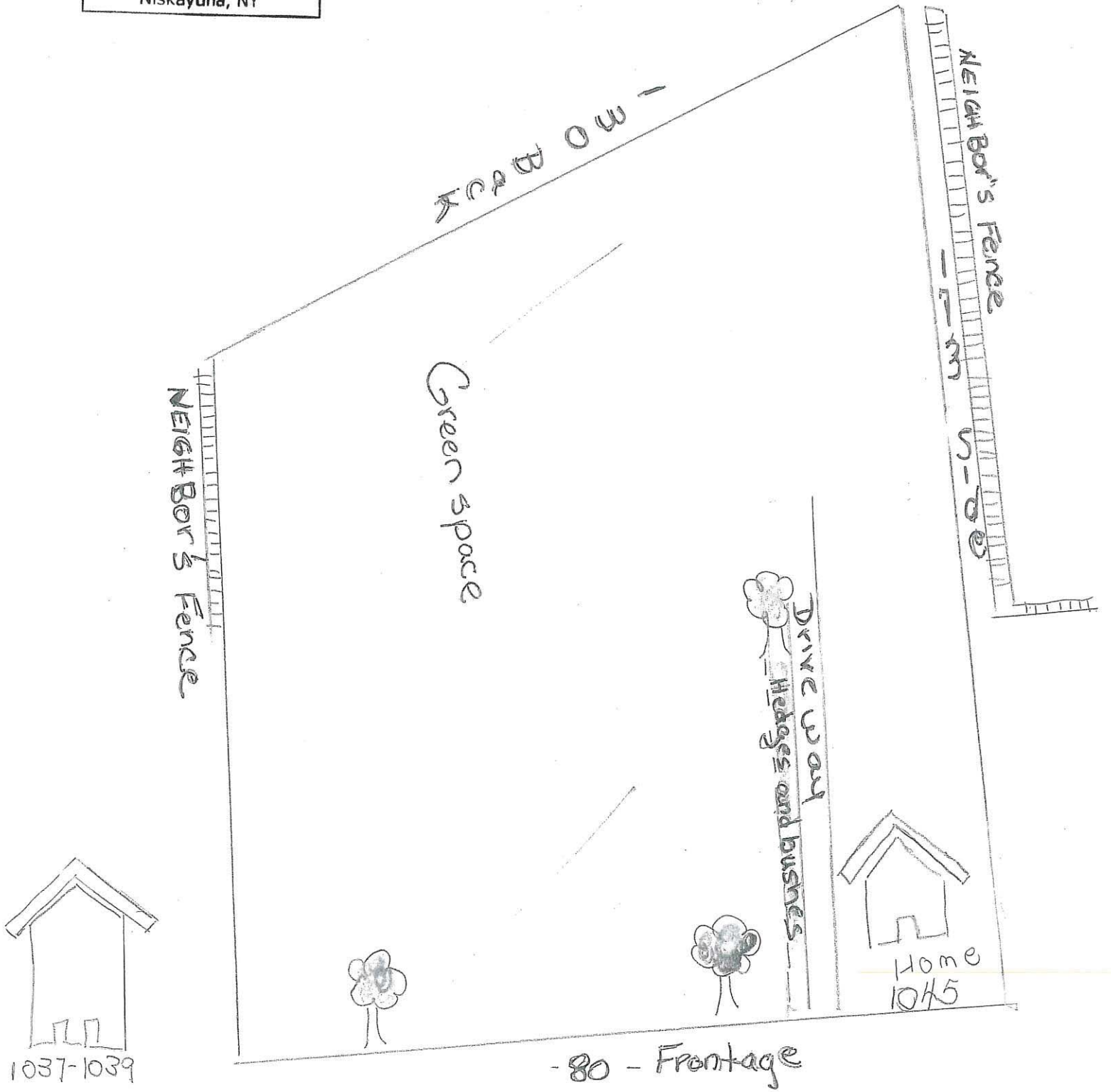
§ 189-22. Sketch plan.

- A. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale of not less than 100 feet to the inch to enable the entire tract to be shown on one sheet.
- B. The sketch plan shall be submitted, showing the following information:
 1. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
 2. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
 3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 4. The Tax Map sheet, block and lot numbers, if available.
 5. All the utilities available and all streets which are either proposed, mapped or built.
 6. The proposed pattern of lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewerage and water supply (see § 189-23C) within the subdivided area.
 7. All existing restrictions on the use of land, including easements, covenants or zoning lines.

Request For subdivision
of Lot 50.6-5-22

Saundra
Griffin
AKA Saundra
DeMond

Received
JUL 10 2024
Planning Office
Niskayuna, NY



Palmer Avenue Niskayuna, 12309

Driveway

Javiera
Griffin
AKA SG DeMond

1051 - 1053

1047 - 1049

Driveway

Received

JUL 10 2024

Planning Office
Niskayuna, NY

1045

Driveway

1037- 1039

Driveway

1033- 1035

Driveway

Palmer Avenue, Niskayuna 12309

MAP IDENTIFICATION NO.
1045 Palmer

DATE PRINTED: July 05, 2024

Received

JUL 10 2024

Planning Office
Niskayuna, NY

TOWN OF NISKAYUNA

0 162.5



This tax map was prepared for tax purposes only and is not to be reproduced or used for surveying or conveying.

1045 Palmer Ave.
R-2 Medium Density Residential zoning district
Minimum Lot Size: 80' wide x 100' deep
Actual Lot Size of many neighboring lots: 40' wide x >100' deep



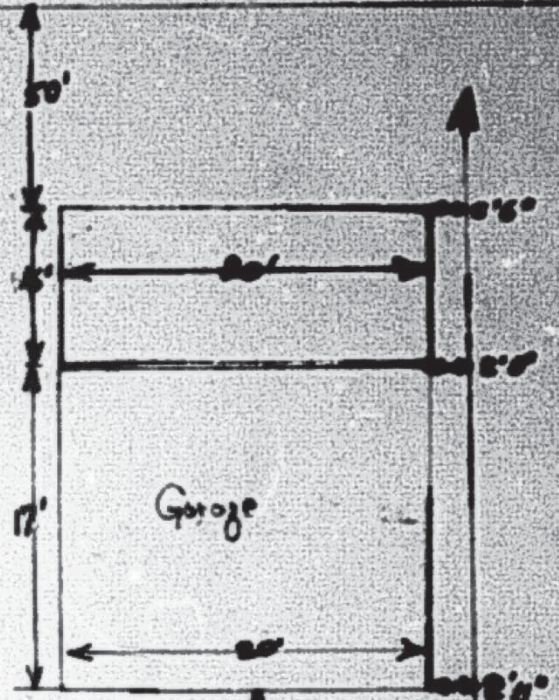
Back of lot

Int. new addition
Prev. - present buildings

To end of lot

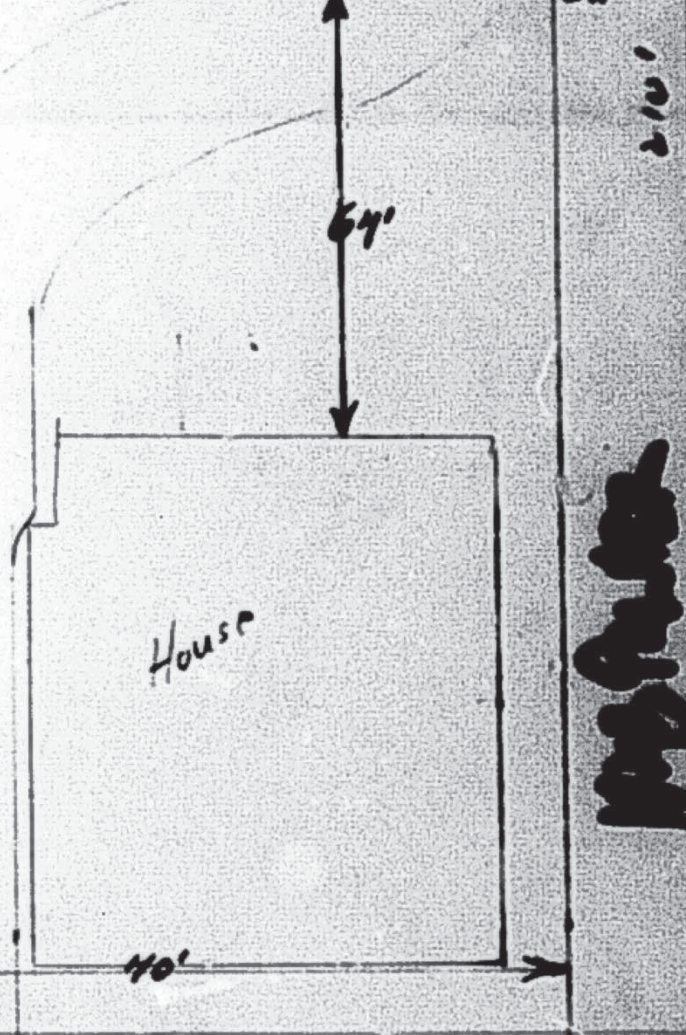


lot



21'

64'



11/10/11

35'

40'

Sub 1210' (Roughly)

Palmer Ave 75'



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 2

MEETING DATE: 8/12/2024

ITEM TITLE: DISCUSSION: 424 Balltown Rd. -- A site plan application for a tenant change to a Wing Stop restaurant.

PROJECT LEAD: TBD

APPLICANT: Alex Gioeni

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:

Alex Gioeni submitted a site plan application to operate a Wing Stop restaurant at 424 Balltown Rd. The property is located within the Shopping Center Commercial (C-S) Zoning District. Eating and drinking establishments, fast-food, sit-down and/or take-out restaurants are permitted principal uses in the district. The address was most recently a Party City retail and service store.

This is the initial presentation of the proposed tenant change to the board.

COMPREHENSIVE PLAN

The proposed application complies with the 2013 Comprehensive Development Plan.

BACKGROUND INFORMATION

A 37-page site plan drawing set was provided with the application entitled "Wing-Stop 424 Balltown Rd., Schenectady, NY 12304" by Cherico King Architect, P.C. dated 6/5/24.

No information regarding the hours of operation was provided with the application.

Signage

- Section 220-48.22 G (2) (2) [3] states that 1 sq. ft. of façade signage is allowed for each linear ft. of frontage up to a maximum of 50 sq. ft.

- Page 6 of the site plan displays approximately 20' of frontage
- Page 8 of the site plan includes 1 façade sign measuring approximately 130" w x 18" h
 - 16.25 sq. ft.

The Planning Board should discuss the proposed tenant change with the applicant and consider calling for a resolution for site plan approval for the 8/26/24 meeting.



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Applicant (Owner or Agent):

Location:

Name ALEX GIOENI

Number & Street 402-442 Balltown Rd

Address 402-442 Balltown Rd
Schenectady, NY 1230

Section-Block-Lot 60.15 - 1 - 1.3

Email Agioeni@wingstopny.com / Daniel@ckingarch.com / Cherico@ckingarch.com

Telephone (303)-859-3564 Fax _____ Zoning District C-S (Shopping center Comm)

Proposal Description:

Interior renovation and fit out for a new eating & drinking establishment for Wingstop Restaurant. including non load-bearing walls, floor and ceiling tiles, cooking equipment, kitchen exhaust system and new hvac rooftop units. no change in use, egress or occupancy.

Signature of applicant:  Date: 7/26/2024

Signature of owner (if different from applicant): _____

Date: _____

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 VIII B 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.

PROJECT COORD. NOTES

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL INSPECTIONS AND APPROVALS REQUIRED DURING THE COURSE OF THE WORK.
- ALL CONTRACTORS FOR THIS WORK ARE REQUIRED TO HAVE INSURANCE OF THE TYPES AND LIMITS SPECIFIED BY THE LANDLORD AND BRAND PARTNER.
- IF REQUIRED BY LEASE AGREEMENT, THE GENERAL CONTRACTOR SHALL PROVIDE SCHEDULING AND/OR COORDINATION WITH THE LANDLORD'S FIELD REPRESENTATIVE FOR THE FOLLOWING INSTALLATIONS AND/OR WORK:
 - INSTALLATIONS OF CONDENSATE PIPING IN OR BELOW THE FLOOR SLAB.
 - CONNECTIONS TO DOMESTIC WATER, SANITARY AND GREASE WASTE, SANITARY VENT, AND SMOKE/FIRE ALARMS.
 - INSTALLATION OF PRIMARY DUCTWORK, VAN BOX AND CONTROLS.
 - PROGRAMMING OF THE VAN BOX CONTROL AND SENSORS.
 - ANY WORK REQUIRED AT THE LANDLORD'S SWITCHGARD.
 - HARDWARE AND SOFTWARE MODIFICATIONS TO COMPLETE THE INTERFACE WITH LANDLORD'S BASE BUILDING LIFE SAFETY SYSTEM.
- UPON SUBSTANTIAL COMPLETION OF BRAND PARTNER'S WORK IN THE PREMISES, BRAND PARTNER AND HIS CONTRACTOR MUST SCHEDULE WITH THE LANDLORD'S FIELD REPRESENTATIVE TO CONDUCT A FINAL INSPECTION AND PREPARE A PUNCHLIST WHICH ENUMERATES ANY AREAS OF CONSTRUCTION, FIXITING, LIGHTING OR LAMPING, REWORKING, ETC., THAT ARE NOT IN ACCORDANCE WITH THE LANDLORD APPROVED PLANS OR LEASE. THE STOREFRONT BARCADE MAY NOT BE REMOVED UNTIL THIS INSPECTION AND ANY CORRECTIONS HAVE BEEN COMPLETED.
- LANDLORD CONDITIONS IN THE SHOPPING CENTER TENANT DESIGN GUIDE HANDBOOK SHALL BE PART OF ANY CONTRACT AND/OR AGREEMENT ENTERED INTO BY THE GENERAL CONTRACTOR. THE GENERAL CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE ABOVE NOTED LANDLORD CONTACT PRIOR TO ANY CONTRACT.
- PROVIDE PROPERTY MANAGER REQUIRED PROOF OF BUILDER RISK INSURANCE AND DAMAGE DEPOSIT PRIOR TO BEGINNING ANY DEMOLITION OR CONSTRUCTION PROCEDURES.
- CONTRACTOR SHALL REPORT TO THE ARCHITECT ANY ERRORS, INCONSISTENCIES, OR OMISSIONS HE MAY DISCOVER PRIOR TO COMMENCING WORK. DIMENSIONS TAKE PRECEDENCE OVER DRAWINGS - DO NOT SCALE. ALL DIMENSIONS ARE FROM FACE OF BRICKING UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPERVISING AND DIRECTING THE WORK USING HIS BEST JUDGMENT AND ATTENTION. HE SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND ACCESS. THE BRAND PARTNER RESERVES ALL RIGHTS TO ALLOW ASSIGNED VENDORS IN CONNECTION WITH THE WORK. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR COORDINATING THE RESPONSES OF ALL SUBMITTED INFORMATION TO THE VENDORS ASSIGNED WITH THE BRAND PARTNER, WITH THE BRAND PARTNER UPON RECEIVING THE CONTRACTOR'S PROPOSED RESPONSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION, SCHEDULING, AND SUPERVISION OF ALL BRAND PARTNER SUPPLIED AND INSTALLED ITEMS.
- GENERAL CONTRACTOR TO COORDINATE LOCATION OF TRASH DUMPER WITH PROPERTY MANAGER.
- SAW CUTS: NEVER PERFORM ALL SAW CUTS SHALL BE LOCATED INSIDE THE PROPOSED COOKING AND SERVICE AREAS SCHEDULED FOR FLOOR TILE AND SHALL NOT OCCUR IN PROPOSED SEATING AREAS AS DEFINED BY THE DRAWING UNLESS AS ALL WORK IN CONNECTION WITH THE TOTAL PROJECT. PARTIAL PLANS SHOULD NOT BE ISSUED BY THE BRAND PARTNER OR THE GENERAL CONTRACTOR FOR BIDDING OR CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE WOOD BLOCKING AS REQUIRED FOR MOUNTING TABLES, SHELVING, CABINETS, AND ANY OTHER EQUIPMENT NOT SPECIFICALLY MENTIONED. ALL WOOD SHALL BE NON-COMBUSTIBLE AS PER LOCAL AUTHORITY HAVING JURISDICTION.
- EXISTING UTILITY SERVICES SHOWN TO REMAIN, REROUTE AS REQUIRED TO CONCEAL THE SERVICE IN WALLS AND CEILING.
- TEMPORARY ENCLOSURES SHALL BE PROVIDED BY THE CONTRACTOR OVER AND/OR AROUND ANY EXTERIOR OPENINGS AS NECESSARY FOR THE PROPER INSTALLATION OF ANY PORTION OF WORK IN CONNECTION WITH THE LANDLORD'S STANDARD GUIDELINES.
- GENERAL CONTRACTOR SHALL FURNISH AND INSTALL REQUIRED ROOF OPENING FRAMING FOR SCHEDULED HVAC AND EXHAUST UNITS. FOR STRUCTURAL SUPPORT OF EQUIPMENT AND SUPPORT OF ROOF OPENINGS, REFER TO STRUCTURAL DRAWINGS.
- GENERAL CONTRACTOR SHALL FURNISH AND INSTALL REQUIRED ROOF DOCUMENTATION FOR THE MODIFICATION OF EXISTING ROOF AS APPLICABLE PER THE BRAND PARTNER'S LEASE. THE LANDLORD SHALL BE CONTACTED TO OBTAIN ALL REQUIREMENTS FOR LISTED SUBCONTRACTORS WITH WARRANTY WORK FOR THE SPECIFIED ROOFING SYSTEM.
- ALL IN WOOD TRIM AS NOTED SHALL BE OF A CLEAR, MEDIUM STAIN GRADE PINE.
- CONTRACTOR SHALL PROTECT THE LANDLORD DURING THE BRIDING PHASE OF THE PROJECT FOR ANY REQUIREMENTS FOR THE FIRE ALARM SYSTEMS. THESE SYSTEMS IF REQUIRED, SHALL BE INCLUDED IN THE BID & CONSTRUCTION FOR THIS PROJECT. CONTRACTOR FORM.
- A. THE CONTRACT FORM SHALL BE A STANDARD FORM OF AGREEMENT BETWEEN CONTRACTOR AND BRAND PARTNER OF THE CONSTRUCTION BUILDING A.I.A. DOCUMENT FORM A-10 CURRENT EDITION.
- GENERAL CONDITIONS OF THE CONTRACT A.I.A. DOCUMENT A-201; GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION, 1997 EDITION, IS HEREBY MADE A REQUIREMENT OF THE CONTRACT. A COPY IS ON FILE WITH THE ARCHITECT FOR THE CONTRACTOR TO REVIEW.
- SUBSTITUTIONS.
- A. NO MATERIAL SUBSTITUTIONS SHALL BE PERMITTED AFTER THE CONTRACTOR HAS BEEN AWARDED BID. SUBSTITUTIONS SHALL BE EQUAL OR BETTER IN THE OPINION OF THE BRAND PARTNER PRIOR TO AWARD.
- IF THE CONTRACTOR HAS ANY QUESTIONS IN PREPARING THESE DOCUMENTS TO ESTABLISH MINIMUM QUALITIES WHICH SUBSTITUTIONS MUST MEET TO BE CONSIDERED ACCEPTABLE, THE CONTRACTOR SHALL CONSULT WITH THE ARCHITECT. ADEQUATE SUPPORTING INFORMATION MUST ACCOMPANY ALL SUBSTITUTION SUBMITTALS, WHICH MUST BE SUBMITTED TO THE PROJECT COORDINATOR FOR APPROVAL.
- MECHANICAL, ELECTRICAL AND PLUMBING THE GENERAL CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES FOR COORDINATION WITH THE MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS PRIOR TO THE START OF WORK. THE CONTRACTOR SHALL PROVIDE AN ALTERNATE BID TO REUSE EXISTING AIR HANDLERS AND COMPRESSORS OR ROOF-TOP PACKAGE UNITS. THE TOTAL HVAC LOAD SHALL MATCH THE SPECIFIED TOTAL LOAD ON THE MECHANICAL DRAWINGS. THE CONTRACTOR SHALL CONTACT THE MECHANICAL ENGINEER WITH THE EXISTING LOAD INFORMATION FOR APPROVAL.
- WINSTOP STANDARDS: THE WINSTOP STANDARD DESIGN, INCLUDING BUT NOT LIMITED TO LIGHTING, SEATING, PART SELECTION, KITCHEN FLOORING, WALL FINISHES, COUNTER HEIGHTS, SIGNAGE, AND ALL OTHER ELEMENTS AS NOTED AND INCLUDED IN THESE CONTRACT DOCUMENTS ARE AS PER WINSTOP RESTAURANTS, INC. FRANCHISE AGREEMENT. ANY REVISIONS TO THESE DOCUMENTS OF WINSTOP RESTAURANTS, INC.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING THE EXTERIOR GREASE INTERCEPTOR IN A MANNER THAT DOES NOT INTERFERE WITH ANY EXISTING SETBACKS, EASEMENTS, UNDERGROUND UTILITIES, OR OTHER SITE FEATURES.
- THE GENERAL CONTRACTOR SHALL VERIFY FIELD CONDITIONS FOR THE HOOD EXHAUST DUCT AND WALK-IN COOLER/FREEZER AND COORDINATE WITH THE KITCHEN EQUIPMENT SUPPLIER PRIOR TO FABRICATION AND INSTALLATION.

FIRE DEPARTMENT

- ALL LIFE-SAFETY SYSTEMS SHALL BE DESIGNED PER APPLICABLE FIRE PREVENTION CODES.
- FIRE EXTINGUISHER REQUIREMENTS SHALL BE AS DETERMINED BY FIELD INSPECTION AND NFPA 10. THE CONTRACTOR SHALL SUPPLY AND FIRE EXTINGUISHERS.
- BUILDING ADDRESS NUMBERS SHALL BE PROVIDED ON THE FRONT OF THE BUILDING AND SHALL BE VISIBLE AND LEGIBLE FROM THE PUBLIC RIGHT-OF-WAY. SAID NUMBERS SHALL CONTRAST VISUALLY WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE PROVIDED BY THE CONTRACTOR.
- POST "NO PARKING - FIRE LANE" SIGNS ALONG VEHICULAR ACCESS ROADS.
- ENGINEERED AUTOMATIC FIRE SPRINKLER SYSTEM DRAWINGS AND CALCULATIONS SHALL BE DESIGNED AND SUBMITTED BY AN APPROVED INSTALLER PRIOR TO INSTALLATION.
- THE INSPECTION, HYDROSTATIC TESTING, AND FLUSHING OF THE AUTOMATIC FIRE SPRINKLER SYSTEM AND/OR FIRE HYDRANTS SHALL BE WITNESSED BY THE PROPER FIRE DEPARTMENT REPRESENTATIVE AND NO UNDERGROUND PIPING SHALL BE COVERED OR HIDDEN FROM VIEW UNTIL THE PROPER FIRE DEPARTMENT REPRESENTATIVE HAS BEEN NOTIFIED AND GIVEN NO LESS THAN FORTY-EIGHT HOURS IN WHICH TO INSPECT SUCH INSTALLATIONS.

NOTES

- GENERAL**
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL CODE ORDINANCES AND LAWS.
 - THE CONTRACTOR SHALL VISIT THE JOB SITE, VERIFY EXISTING CONDITIONS, AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO SUBMITTING A BID AND/OR BEGINNING ANY CONSTRUCTION WORK.
 - ALL WORK, WHEN COMPLETED, SHALL CONFORM TO THE GOVERNING JURISDICTIONAL ACCESSIBILITY STANDARDS.
 - THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES FOUND BETWEEN THE CONTRACT DOCUMENTS FOR RESOLUTION.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A COMPLETE AS-BUILT SET OF CONSTRUCTION DRAWINGS AT THE JOB SITE AND TURNING THE AS-BUILT DRAWINGS OVER TO THE OWNER UPON COMPLETION OF THE PROJECT.
 - REFER TO INDIVIDUAL DRAWINGS WITHIN THIS SET OF CONSTRUCTION DOCUMENTS FOR ADDITIONAL GENERAL NOTES.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THOROUGHLY CLEANING THE COMPLETED JOB SITE PRIOR TO TURNING THE PROPERTY OVER TO THE OWNER FOR OCCUPANCY.
 - IN THE EVENT THAT THE CONTRACTOR, OR SUBCONTRACTOR AT ANY TIER, DETERMINES THAT SOME PORTION OF THE DRAWINGS, SPECIFICATIONS, OR OTHER CONTRACT DOCUMENTS REQUIRES CLARIFICATION OR INTERPRETATION BY THE ARCHITECT, THE CONTRACTOR SHALL SUBMIT A REQUEST FOR INFORMATION IN WRITING TO THE ARCHITECT.
 - REQUESTS FOR INFORMATION MAY ONLY BE MADE BY THE GENERAL CONTRACTOR. THE CONTRACTOR SHALL CLEARLY AND CONCISELY SET FORTH THE ISSUE FOR WHICH CLARIFICATION IS SOUGHT AND WHY A RESPONSE IS NEEDED FROM THE ARCHITECT AND/OR CONSULTANTS. IN THE REQUEST FOR INFORMATION, THE CONTRACTOR SHALL SET FORTH AN UNDERSTANDING OF THE REQUIREMENT, ALONG WITH A REASON WHY SUCH AN UNDERSTANDING WAS REACHED. THE ARCHITECT WILL REVIEW THE REQUEST FOR INFORMATION TO DETERMINE IF IT IS A REQUEST FOR INFORMATION WITHIN THE MEANING OF THIS TERM. IF THE ARCHITECT WILL REVIEW THE REQUEST FOR INFORMATION, IT WILL BE RETURNED TO THE CONTRACTOR UNREVIEWED AS TO CONTENT, FOR RESUBMITTAL IN THE PROPER FORM AND THE PROPER MANNER.
 - RESPONSES TO REQUESTS FOR INFORMATION SHALL BE ISSUED UPON RECEIPT, BUT NO LATER THAN FIVE WORKING DAYS OF RECEIPT OF THE REQUEST UNLESS THE ARCHITECT DETERMINES THAT A LONGER PERIOD OF TIME IS NEEDED IN ORDER TO PROVIDE AN ADEQUATE RESPONSE. IF A LONGER PERIOD OF TIME IS DETERMINED NECESSARY BY THE ARCHITECT, THE ARCHITECT WILL, WITHIN FIVE WORKING DAYS OF THE RECEIPT OF THE REQUEST FOR INFORMATION, NOTIFY THE CONTRACTOR OF THE ANTICIPATED RESPONSE TIME.
 - IF THE CONTRACTOR SUBMITS A REQUEST FOR INFORMATION WITH FIVE WORKING DAYS OR LESS FLOAT ON THE CURRENT PROJECT SCHEDULE, THE CONTRACTOR SHALL NOT BE ENTITLED TO ANY TIME EXTENSION DUE TO THE TIME IT TAKES THE ARCHITECT TO RESPOND TO THE REQUEST FOR INFORMATION. PROVIDED A RESPONSE IS GIVEN WITHIN FIVE WORKING DAYS AS SET FORTH ABOVE.
 - RESPONSES FROM THE ARCHITECT WILL NOT CHANGE ANY REQUIREMENTS OF THE CONTRACT DOCUMENTS. IN THE EVENT THAT THE CONTRACTOR BELIEVES A RESPONSE TO A REQUEST FOR INFORMATION WILL CAUSE A CHANGE TO REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL IMMEDIATELY GIVE WRITTEN NOTICE TO THE ARCHITECT AND THE OWNER STATING THAT THE CONTRACTOR CONSIDERS THE RESPONSE TO BE A CHANGE ORDER. FAILURE TO GIVE SUCH WRITTEN NOTICE IMMEDIATELY SHALL WAIVE THE CONTRACTOR'S RIGHT TO SEEK ADDITIONAL TIME OR COST.
 - THE CONSTRUCTION SHALL NOT RESTRICT A FIVE-FOOT CLEAR AND UNOBSTRUCTED ACCESS TO ANY WATER OR POWER DISTRIBUTION FACILITIES (POWER POLES, PULL BOXES, TRANSFORMERS, VALVES, PUMPS, VALVES, METERS, APPURTENANCES, ETC.) OR TO THE LOCATION OF THE HOOP-UP. THE CONSTRUCTION SHALL NOT BE WITHIN TEN FEET OF ANY POWER LINES-WHETHER OR NOT THE LINES ARE LOCATED ON THE PROPERTY. FAILURE TO COMPLY MAY CAUSE CONSTRUCTION DELAYS AND/OR ADDITIONAL EXPENSES.
 - PROVIDE ULTRA FLUSH WATER CLOSETS OR ALL NEW CONSTRUCTION. EXISTING POWER HEADS AND TOILETS MUST BE ADAPTED FOR LOW WATER CONSUMPTION.
 - A COPY OF THE VALID EVALUATION REPORT AND/OR CONDITIONS OF LISTING SHALL BE MADE AVAILABLE AT THE JOB SITE.
 - OBTAIN SEPARATE PERMIT FOR RETAINING WALLS OR BLOCK FENCE WALLS, GRADING WORK, ELECTRICAL, PLUMBING, AND SIGNAGE.

NOTES TO BIDDERS

- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING THE EXTERIOR GREASE INTERCEPTOR AND VERIFY ALL SITE CONDITIONS DURING THE BRIDING PHASE OF THE PROJECT AND ASSIGN ALL APPLICABLE COSTS. THE LOCATION SHALL NOT INTERFERE WITH ANY EXISTING SETBACKS, EASEMENTS, UNDERGROUND UTILITIES, OR OTHER SITE FEATURES.
- THE GENERAL CONTRACTOR SHALL PROVIDE ENGINEERED AUTOMATIC FIRE SPRINKLER SYSTEM DRAWINGS AND CALCULATIONS, DESIGNED AND SUBMITTED BY AN APPROVED INSTALLER PRIOR TO INSTALLATION.

SYMBOLS LEGEND

	STRUCTURAL GRID		KEYED NOTE MARKER
	ENLARGED DRAWING BUBBLE		ROOM NAME/NUMBER
	ELEVATION MARKER		DOOR / WINDOW NUMBER
	SECTION MARKER		REVISION MARKER
	WALL TYPE MARKER		EQUIPMENT MARKER
	ACCESSIBLE PATH OF TRAVEL		MATERIAL MARKER
			DECOR MARKER



CODE INFORMATION

- APPLICABLE CODES:**
- Building Code: 2020 BUILDING CODE OF NEW YORK STATE
 - Plumbing Code: NEW YORK STATE Plumbing Code 2020
 - Mechanical Code: NEW YORK STATE Mechanical Code 2020
 - Electrical Code: NEW YORK STATE Electrical Code 2017
 - Fuel Gas Code: NEW YORK STATE Fuel Gas Code 2020
 - Fire Prevention Code: 2001 FIRE CODE OF NEW YORK STATE
 - Accessibility Code: NEW YORK STATE ACCESSIBILITY CODE 2009

CHAPTER 3: USE & OCCUPANCY CLASSIFICATION:
 LOCATION: MOHAWK COMMONS
 ADDRESS: 424 Balltown Rd, Schenectady, NY 12304
 ASSEMBLY GROUP: A-2
 RESTAURANTS, INCLUDING ASSOCIATED COMMERCIAL KITCHEN
 EXISTING BUILDING AREA: 12,000 SF ±
 LEASED AREA: 2,135 SF

DEFERRED SUBMITTALS

FIRE ALARM AND SPRINKLERS
 ADJUSTMENTS TO THE FIRE ALARM AND THE FIRE PROTECTION SYSTEMS, IF REQUIRED, ARE TO BE COMPLETED BY A QUALIFIED FIRE ALARM AND/OR FIRE PROTECTION CONTRACTOR UNDER CONTRACT TO THE STORE OWNER. OWNER SHALL CONTACT LANDLORD REGARDING LANDLORD APPROVALS AND/OR REQUIREMENTS FOR FAPP CONTRACTORS AND/OR SYSTEMS. FAPP DRAWINGS, IF REQUIRED, ARE TO BE PROVIDED BY THE FAPP CONTRACTOR UNDER A SEPARATE SUBMITTAL, AND WORK SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR.



Schenectady, NY (GL#AB003)

PROJECT TEAM

BRAND PARTNER / OWNER
 VIV'NSY PENNSYLVANIA, LLC
 353 W 120th Street, New York, NY 10027
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 EMAIL: christian.cheney@gmail.com
 ATTN: Christian Cheney, Reggie Walker

PROJECT COORDINATOR
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 ADDISON, TX 75001
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 FAX NO.: (972) 686-6502
 ATTN: TODD BRIN

ARCHITECT
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M.E.P. ENGINEER

CHERICO KING ARCHITECT, PC
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 LIC. NY 11101
 PHONE NO.: (718) 392-0078
 EMAIL: CHERICO@CKINGARCH.COM
 ATTN: CHERICO KING

STRUCTURAL ENGINEER
 N/A

LANDLORD / LESSOR:
 Mohawk Commons Owner LLC

SHEET INDEX

NO.	DATE	SHEET DESCRIPTION
A0.0		SHEET INDEX
ARCHITECTURAL		
B1.0		INTERIOR ACCESSIBILITY
B2.0		ACCESSIBILITY & ENLARGED RESTROOM PLAN
A0.1		ARCHITECTURAL DEMO PLAN
A1.0		ARCHITECTURAL FLOOR PLAN
F1.0		FLOOR FINISH PLAN & DETAILS
A2.0		REFLECTED CEILING PLAN & DETAILS
A2.1		EXTERIOR ELEVATIONS
A3.0		INTERIOR ELEVATIONS
A4.0		FINISH, DOOR, & HARDWARE SCHEDULES
A5.0		SALES COUNTER PLAN & DETAILS
A6.0		WALL SECTIONS & DETAILS
KITCHEN EQUIPMENT		
E0.1		EQUIPMENT PLAN
E0.2		INTERIOR EQUIPMENT ELEVATIONS
MECHANICAL		
M1		MECHANICAL SYMBOLS
M2		MECHANICAL PLANS
M3		MECHANICAL DETAILS
M4		MECHANICAL SPECIFICATIONS
PLUMBING		
P1.0		PLUMBING SYMBOLS, ABBREVIATIONS & NOTES
P1.1		SANITARY PLAN, SANITARY & GAS RISER DIAGRAMS
P2.0		PLUMBING DETAILS
P3.0		PLUMBING SPECIFICATIONS
P3.1		PLUMBING SPECIFICATIONS
P3.1.1		SPRINKLER PLANS & DETAILS
ELECTRICAL		
E1.0		ELECTRICAL SYMBOLS & ABBREVIATIONS
E2.0		LIGHTING PLAN & POWER PLAN
E3.0		ELECTRICAL PANELS & SCHEDULES
E4.0		ELECTRICAL DETAILS
E5.0		ELECTRICAL SPECIFICATIONS
ENERGY		
EN.1		ENERGY ANALYSIS (1 OF 2)
EN.2		ENERGY ANALYSIS (2 OF 2)
STRUCTURAL		

CONSULTANT:
 Cheric King Architect, P.C.
 Architectural Design & Planning
 36-06 37th Street, 2nd floor
 LIC. NY 11101
 Tel: (718) 392-0078
 E-MAIL: cheric@ckingarch.com

CLIENT:
 6501 LBJ FREEWAY, 3TH FLOOR
 DALLAS, TX 75240
 TELEPHONE: (972) 686-6500
 FAX: (972) 686-6502

DESIGNER:
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PROJECT INFORMATION:
WING-STOP
 STORE NUMBER: GL#AB003
 424 BALLTOWN RD
 SCHEENECTADY, NY 12304

REAL:
 IN A VIOLATION OF THE LAW FOR ANY PERSON WHOSE NAME OR DESIGNATION IS SET FORTH ON THESE DRAWINGS TO ALTER THESE DOCUMENTS IN ANY MANNER.



CHERICO KING ARCHITECT, PC
 LICENSE NUMBER: 0218
 EXPIRATION DATE: 07-31-25
 DATE: 07/16/2024
 DRAWN BY: CK
 CHECKED BY: CK

ISSUE: DATE:
 INITIAL: 06/05/2024

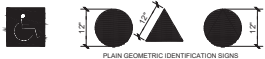
REVISION: DATE:
 1

PROJECT LOCATION:
 SCHEENECTADY, NY

SHEET NUMBER / TITLE:
 A0.0

TITLE SHEET & INDEX
 Dept. of Buildings Approval:

NOTE:
REFER TO B1.0 FOR ADDITIONAL
ACCESSIBILITY REQUIREMENTS

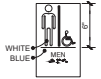


PLAIN GEOMETRIC IDENTIFICATION SIGNS

ISA SYMBOL - TYPICAL @ THESE LOCATIONS, BUT NOT LIMITED TO:
RESTROOMS, TABLES/BOOTHES, SERVICE COUNTERS, ACCESSIBLE
RESTROOM STALLS, AND FRONT ENTRY

REFER TO ADAAG 703.7.2.1 FOR SIGNAGE REQUIREMENTS

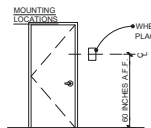
MODEL NUMBERS:



MEN'S: #840-A
(PROVIDE @ SPACES W (2)
TOILET ROOMS)



WOMEN'S: #840
(PROVIDE @ SPACES W (2)
TOILET ROOMS)



WHERE NO WALL SPACE ON LATCH SIDE,
PLACE NEAREST ADJACENT

ACCESSIBILITY SIGNAGE:
AND APPROX. 1/2"
PLASTIC, NEMA RATED
SELF-EXTINGUISHING
ADHESIVE MOUNTED

BLUE COLOR NO. EQUAL TO
15050 IN FEDERAL
STANDARD 595B

RESTROOM SIGNAGE DETAILS

N.T.S.

ACCESS. PLAN LEGEND

- ◇ PROVIDE INTERNATIONAL SYMBOL OF ACCESSIBILITY - MOUNT 60" A.F.F. TO CENTERLINE OF SIGN
- ◇ PROVIDE TACTILE GRADE-2 CONTRACTED BRAILLE WALL SIGN - REFER TO RESTROOM SIGNAGE DETAIL 4/B2.0 FOR ADDITIONAL INFORMATION
- ◇ LINE INDICATES 36" PATH OF TRAVEL
- ◇ ACCESSIBLE TABLE - PROVIDE KNEE / TOE CLEARANCE PER B1.0 "TABLE SEATING & COUNTERS"

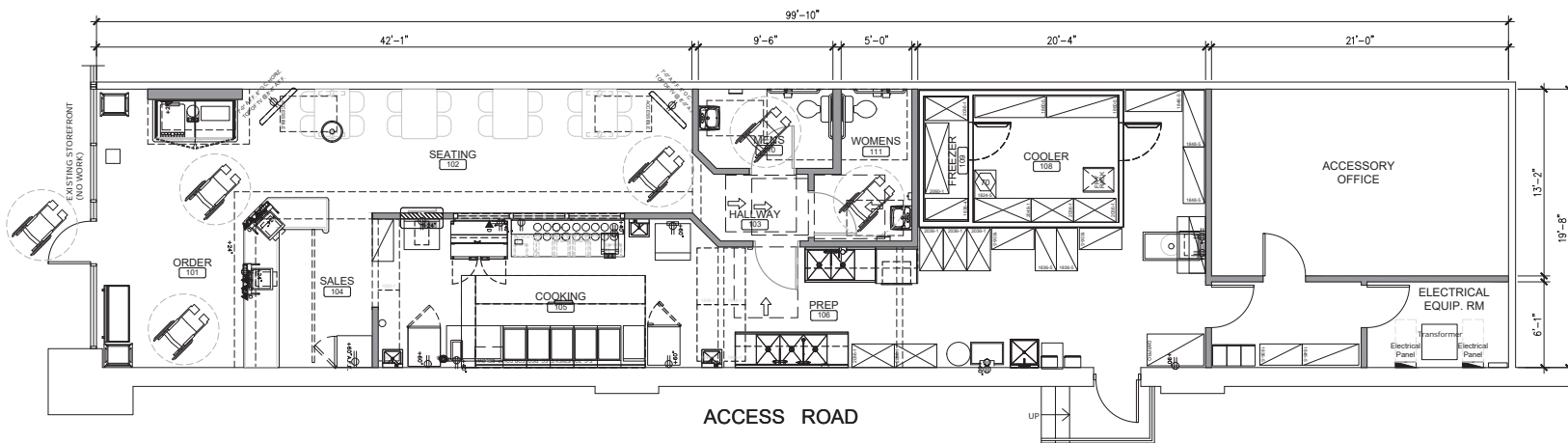
CHAPTER 11 ACCESSIBILITY

SECTION 1108.2 ASSEMBLY AREA SEATING.
DINING AREAS OR GENERAL SEATING SHALL COMPLY WITH SECTION 1108.2.2.1

TABLE 1108.2.2.1 ACCESSIBLE WHEELCHAIR SPACES
BETWEEN 26 TO 50, MINIMUM REQUIRED: 2

TOTAL SEATING PROVIDED: 44 SEATS
TOTAL WHEELCHAIR ACCESSIBLE SEATS PROVIDED: 3 SEATS (6%)
TOTAL SEATS: 47 SEATS

ADJ. TENANT (FIVE BEL^{OW})



ACCESSIBILITY PLAN

1/4" = 1'-0"

CONSULTANT:
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PROJECT INFORMATION:

WING-STOP
STORE NUMBER: G1#AB003
424 BALLTOWN RD
SCHENECTADY, NY 12304

REAR:
IF IN A VIOLATION OF THE LAW FOR ANY PERSON
TO REUSE, ALTER, REPRODUCE, OR TRANSMIT THE
LICENSED ARCHITECT TO ALTER THESE DOCUMENTS
IN ANY WAY.



CHERICO KING ARCHITECT, P.C.
LICENSE NUMBER: 120188
EXPIRATION DATE: 07-31-25
03/16/2024
DATE

PROJECT NO.:
DRAWN BY:
CHECKED BY:

ISSUE: DATE:
INITIAL: 06/05/2024

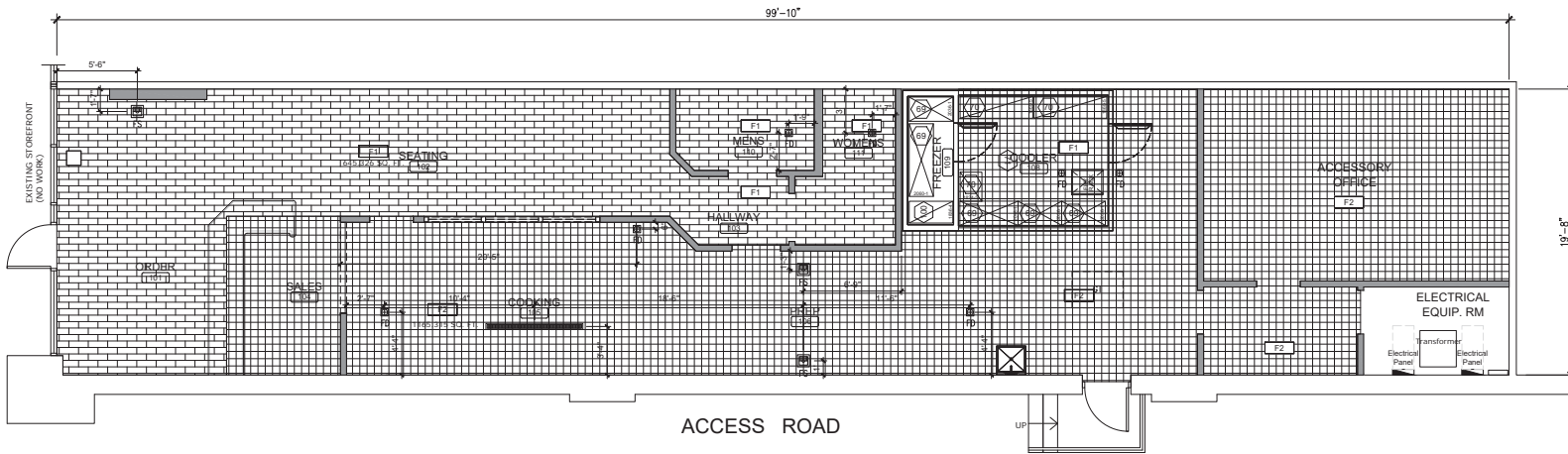
REVISION: DATE:

PROJECT LOCATION:
SCHENECTADY,
NY

SHEET NUMBER / TITLE:
B2.0
ACCESSIBILITY PLAN

Dept. of Buildings Approval:

ADJ. TENANT (FIVE BEL^{OW})



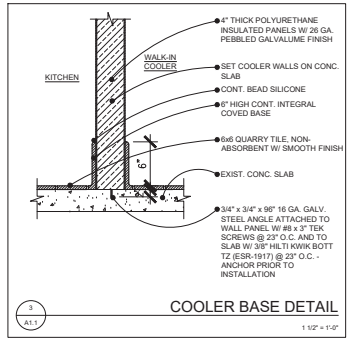
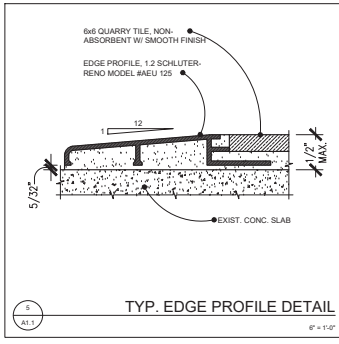
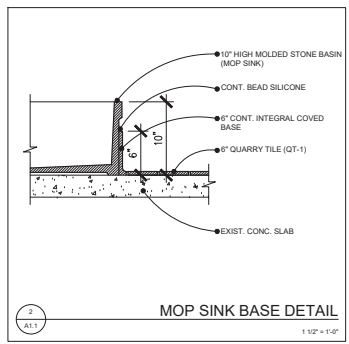
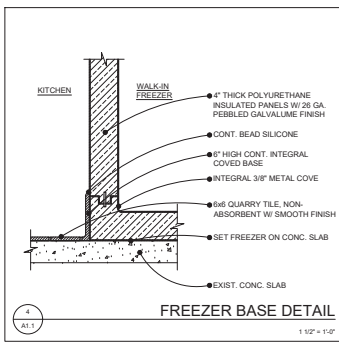
1 1st FLOOR FINISH PLAN
A1.1 SCALE: 1/4" = 1'-0"

FINISH FLOOR PLAN NOTES

- REFER TO FINISH SCHEDULE ON SHEET A4.0 FOR CONCRETE FLOOR.
- EDGE PROFILE AT QUARRY TILE - REFER TO DETAIL S/A1.1.
SCHLUTER SYSTEMS: 1-800-472-4588
- REFER TO PLUMBING DRAWINGS FOR ALL FLOOR SINK AND FLOOR DRAIN LOCATIONS. PREPARE AND INSTALL ALL FLOOR PENETRATIONS PER MANUFACTURER'S DETAILS - FIXTURES MUST BE CLAMPING-TYPE - USE APPROPRIATE WATERPROOF SEALANT AND FOAM BACKER TO SEAL SPACE AROUND PENETRATIONS.
- PREPARE AND INSTALL ALL FLOOR PENETRATIONS PER MANUFACTURER'S DETAILS - FIXTURES MUST BE CLAMPING-TYPE - USE APPROPRIATE WATERPROOF SEALANT AND FOAM BACKER TO SEAL SPACE AROUND PENETRATIONS.

FINISH FLOOR PLAN LEGEND

- ALUMINUM EDGE PROFILE (TYP.) - REFER TO DETAIL S/A1.1
- NO QUARRY TILE BELOW FREEZER - COORDINATE EXACT LOCATION WITH MANUFACTURER'S SHOP DRAWINGS
- EXISTING CONCRETE - PROVIDE FLOOR DYE AND SEAL - REFER TO ADDITIONAL FLOOR FINISH NOTES ON THE FINISH SCHEDULE ON SHEET A4.0 FOR SUGGESTED FLOOR PREPARATION OF SEATING AREA
- 10" HIGH MOLDED STONE BASIN AROUND MOP SINK - REFER TO DETAIL 2/A1.1
- SET ALL MILLWORK PRIOR TO COMPLETING Q.T. FLOORING



CONSULTANT:
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PROJECT INFORMATION:
WING-STOP
STORE NUMBER: GL#A8003
424 BALTOWN RD
SCHENECTADY, NY 12304

REG. ARCHITECT
CHERICO KING ARCHITECT P.C.
LICENSE NUMBER: 020186
EXPIRATION DATE: 07-31-25
DATE: 03/16/2024

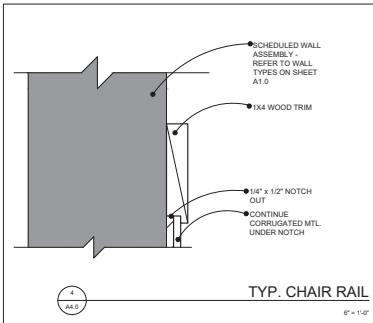
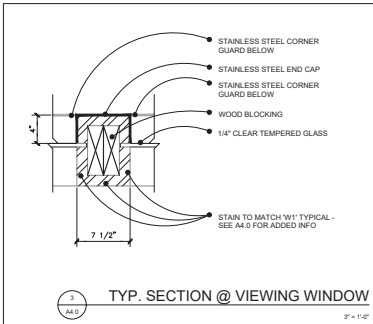
PROJECT NO.: _____
DRAWN BY: _____
CHECKED BY: _____
ISSUE: _____ **DATE:** _____
INITIAL: _____ **06/05/2024**

REVISION: _____ **DATE:** _____

PROJECT LOCATION:
SCHENECTADY, NY

SHEET NUMBER / TITLE:
A1.1
FINISH FLOOR PLAN

Dept. of Buildings Approval: _____



HARDWARE SCHEDULE

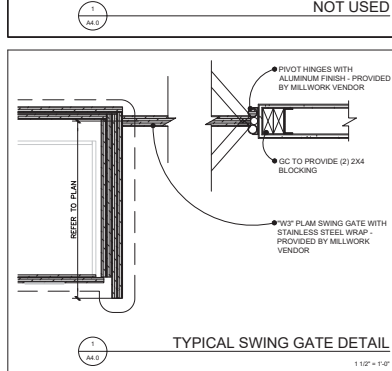
HARDWARE SET	DESCRIPTION	QTY.
1	NOTE: FIELD VERIFY EXISTING DOOR CONDITIONS AND REUSE IF ALLOWABLE KEYED LOCK SIGN - THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED HINGES THRESHOLD PUSH/PULL BAR WITH PADDLE HANDLE EMERGENCY EXIT DEVICE	1 EA 1 EA 1 SET 1 EA 1 EA 1 EA
2	NOT USED	
3	NOTE: FIELD VERIFY EXISTING DOOR CONDITIONS AND REUSE IF ALLOWABLE LOCKSET W/ LEVER HAND OR REPLACE CYLINDER EXTERIOR STRIKE GUARD PLATE VIEWER CLOSER THRESHOLD 36" HIGH 1/4 GA STEEL DIAMOND PLATE KICK PLATE ON INTERIOR SIDE EMERGENCY EXIT DEVICE	1 EA 1 EA 1 EA 1 EA 1 EA 1 EA
4	HINGES PASSAGE SET LEVER HANDSET CLOSER DOOR STOP 8" HIGH KICK PLATE (BRUSHED SS FINISH) ONE ON EACH SIDE	1 SET 1 EA 1 EA 1 EA 1 EA
5	HINGES PRIVACY LOCK SET LEVER HANDLE CLOSER SIGN "MEN" / "WOMEN" (DECOR BY OWNER) ACCESSIBLE SIGN "MEN" / "WOMEN" (BY CONTRACTOR) DOOR / WALL STOP - REFER TO A1.0 8" HIGH KICK PLATE (BRUSHED SS FINISH) ONE ON EACH SIDE	1 SET 1 EA 1 EA 1 EA 1 EA

HARDWARE NOTES

- ALL HARDWARE NEW AND EXISTING SHALL BE IN ACCORDANCE WITH LOCAL AND STATE ACCESSIBILITY STANDARDS, AND AMERICANS WITH DISABILITY STANDARDS.
- A READILY VISIBLE, DURABLE SIGN IS POSTED ON THE EGRESS SIDE OR ADJACENT TO THE DOOR STATING, "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED".
- EGRESS DOORS TO BE READILY OPERABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR ANY REQUIRED SPECIAL KNOWLEDGE OR EFFORT.
- EGRESS DOOR LOCK AND LATCHES SHALL COMPLY WITH ALL LOCAL AND STATE CODE REQUIREMENTS.

HARDWARE SCHEDULE

HARDWARE SET	DESCRIPTION	QTY.
1	NOT USED	



DOOR SCHEDULE

MARK	SIZE	DESCRIPTION	FRAME	NOTES	RATING	HARDWARE
101	EXISTING	EXISTING ALUMINUM AND GLASS STOREFRONT	ALUM.	FIELD VERIFY EXISTING CONDITIONS USE EXISTING HARDWARE IF POSSIBLE	N/A	NUMBER 1
106	3'-0" x 7'-0" x 1 3/4"	NEW SOLID CORE WOOD (PAINT GRADE)	METAL	KNOCK-DOWN PRIMER GRADE FRAME PAINTED P9 ON PRIME SIDE, P4 ON HALLWAY SIDE	N/A	NUMBER 4
107	EXISTING	EXISTING HOLLOW METAL (PAINTED)	METAL	FIELD VERIFY EXISTING CONDITIONS & USE EXISTING HARDWARE IF POSSIBLE (PAINT INTERIOR SIDE P5)	N/A	NUMBER 3
110	3'-0" x 7'-0" x 1 3/4"	NEW SOLID CORE WOOD (PAINT GRADE)	METAL	KNOCK-DOWN PRIMER GRADE FRAME PAINTED P4 ALL SIDES	N/A	NUMBER 5
111	3'-0" x 7'-0" x 1 3/4"	NEW SOLID CORE WOOD (PAINT GRADE)	METAL	KNOCK-DOWN PRIMER GRADE FRAME PAINTED P4 ALL SIDES	N/A	NUMBER 5
112	3'-0" x 7'-0" x 1 3/4"	NEW SOLID CORE WOOD (PAINT GRADE)	METAL	KNOCK-DOWN PRIMER GRADE FRAME PAINTED P9 ALL SIDES	N/A	NUMBER 4

ROOM FINISH SCHEDULE

ROOM #	ROOM NAME	FLOOR	BASE	WALLS	CEILING	REMARKS
101	ORDER	F1	F5	W6, W7, W9, W10	C1	-
102	SEATING	F1	F5	W1, W6, W7, W9, W10, W11, W12	C1	-
103	HALLWAY	F1	F5	W6, W9, W10	C1	-
104	SALES	F2	F2	W7, W11	C2	REFER TO SHEET E02 FOR WALL TILE LOCATION
105	COOKING	F2	F2	W2, W8	C2	-
106	PREP	F2	F2	W2	C2	-
107	JANITOR	F2	F2	W2	C2	-
108	WALK-IN COOLER	-	-	REFER TO WALK-IN SPECIFICATIONS ON E01	-	EXTERIOR WALLS HAVE F2 AS BASE
109	WALK-IN FREEZER	-	-	REFER TO WALK-IN SPECIFICATIONS ON E01	-	EXTERIOR WALLS HAVE F2 AS BASE
110	MEN	F6	F3	W4, W6, W11, W12	C3	REFER TO SHEET A3.0 FOR FINISH LOCATIONS
111	WOMEN	F6	F3	W4, W6, W11, W12	C3	REFER TO SHEET A3.0 FOR FINISH LOCATIONS
112	OFFICE	F2	F2	W2	C2	-

ROOM FINISH SCHEDULE NOTES

- REFER TO SHEET A2.0 FOR CEILING HEIGHTS
- REFER TO SHEETS A1.1 FOR ADDITIONAL FLOOR FINISH NOTES
- REFER TO SHEETS A3.0 AND E02 FOR PAINT AND FINISH MATERIAL LOCATIONS

FINISH TYPES

FLOORS

F1) EXISTING CONCRETE SLAB TO BE DYED COLOR: BROWN #2000-40356
ALTERNATE: 12"x24" CMC BLACK, WI MAPEI ULTRACOLOR PLUS FA, GROUT COLOR 107 IRON, LAY W/ 1/3 OFFSET
F2) 6x6 QUARRY TILE (HARD, SMOOTH UNDER ALL EQUIPMENT AND ABRASIVE IN WALL WALKWAYS, NON ABSORBENT) CMC DARK GREY QUARRY TILE COVE BASE, CMC DARK GREY SMOOTH EXIST QUARRY TILE, CMC DARK GREY ABRASIVE 600X12" QUARRY TILE, WI MAPEI KERAPoxy EG INDUSTRIAL EPOXY GROUT, 47 CHARCOAL GROUT
F3) 12" x 24" CMC ONDDED CHARCOAL, CUT IN HALF - 6", WI MAPEI ULTRACOLOR PLUS FA 07, GROUT COLOR 47 CHARCOAL
F4) CMC ONN BLACK 6X6 COVE BASE, WI MAPEI ULTRACOLOR PLUS FA 47 CHARCOAL GROUT
F5) 1X6 WOOD BASE, PAINT F4
F6) 6X6 QUARRY TILE, CMC DARK GRAY QUARRY TILE COVE BASE, WI MAPEI KERAPoxy INDUSTRIAL EPOXY GROUT
F7) NOT USED
F8) SILKAL RESIN, INTEGRAL COVE BASE, COLOR: QUARTZ BLEND #4

WALLS

W1) 1X6 TONGUE & GROOVE YELLOW PINE WITH CHAMFERED EDGES, 10'-12" LONG BOARDS - SANDED UP TO 220 GRIT, (1) COAT MINWAX PERFORMANCE - SEMI TRANSPARENT STAIN FRUITWOOD SW9118 TO BE MIXED IN STONE - (2) COATS OF MINWAX FAST DRYING POLYURETHANE CLEAR SATN - PROVIDED & INSTALLED BY CONTRACTOR - REFER TO 6A6.1 FOR INSTALLATION DETAIL
*SEE BELOW FOR CALIFORNIA STAIN SPECS
W2) F.R.P. (FIBERGLASS REINFORCED PANELING) PEBBLED FINISH - #P199, COLOR: WHITE
W3) PLASTIC LAMINATE, MATTE SURFACE, #E52007, COLOR: SENNA ESSENCE
W4) 12"x24" CMC CHARCOAL, WI MAPEI ULTRACOLOR PLUS FA, GROUT COLOR 107 IRON, LAY W/ 1/3 OFFSET
W5) F.R.P. (FIBERGLASS REINFORCED PANELING) SMOOTH FINISH, COLOR: WHITE
W6) WALL SURFACE FINISH - LEVEL 03 TEXTURED FINISH, ORANGE BLEN
W7) WALL SURFACE FINISH - LEVEL 04 SMOOTH FINISH, SMOOTH SURFACE W/ NO TEXTURE
W8) STAINLESS STEEL WALL PANEL - 48" WIDE MAXIMUM 20 GAUGE 400 STAINLESS STEEL PANELS WITH 4S 04 FINISH, SMOOTH SURFACE, REFER TO SHEET E02 FOR LOCATION - PROVIDED BY KITCHEN EQUIPMENT VENDOR AND INSTALLED BY GENERAL CONTRACTOR, SEE 6E03
W9) CORRUGATED METAL, 1 1/4" x 14" PANEL PROFILE
W10) 1X CHAIR RAIL, CUSTOM
W11) CMC AGELESS WHITE 07 GLOSS FINISH TILE 4"x16", VERTICAL STACKED BOND, MAPEI ULTRACOLOR PLUS FA 92 WARM GRAY GROUT
W12) SCHULTER STRIP QUADRE C6 BRUSHED STAINLESS STEEL
* IN CALIFORNIA ONLY, THE STAIN SPECS ARE THE FOLLOWING:
MINWAX WATER BASED WOOD FINISH, CLEAR TINT BASE, COLOR: COLONIAL PINE

CEILING

C1) 2X4 LAY-IN CEILING TILES W/ PRELUDE GRID SYSTEM- FINE FISBURD #1728 COLOR: BLACK W/ BLACK GRID, OR APPROVED EQUAL
C2) 2X4 LAY-IN CEILING TILES W/ PRELUDE PLUS GRID SYSTEM- CLEAN ROOM VL #870, COLOR: WHITE, OR APPROVED EQUAL
C3) GYP. BD. - PAINTED W/ P5

PAINT SCHEDULE

P1) COLOR: CRAFTSMAN BROWN, COLOR NO: SW 2835, PROMAR 200 ZERO VOC SEMI-GLOSS
P2) COLOR: WINGSTOP BRICK RED, COLOR NO. CUSTOM, PROMAR 200 ZERO VOC SEMI-GLOSS
P3) COLOR: PAVILION BEIGE, COLOR NO: SW 7512, PROMAR 200 ZERO VOC SEMI-GLOSS
P4) COLOR: 2015 WINGSTOP GREEN, PROMAR 200 ZERO VOC SEMI-GLOSS
P5) COLOR: EXTRA WHITE, COLOR NO: SW 7006, PROMAR 200 ZERO VOC SEMI-GLOSS

CEILING

C2) 2X2 LAY-IN CEILING TILES W/ PRELUDE GRID SYSTEM- PREMIER H-LITE CLIMAPLUS KAPOK PANELS, #70546, BLACK

ADDITIONAL MATERIAL FINISH NOTES:

- ALL FINISH MATERIALS TO COMPLY W/ THE FLAME SPREAD CLASSIFICATION RATING AS SPECIFIED IN THE BUILDING CODES INDICATED ON THE COVER SHEET, A0.0

ADDITIONAL CONCRETE FLOOR FINISH NOTES:

- THE G.C. SHALL INSPECT THE EXIST. FLOOR PRIOR TO ANY INSTALLATION PROCEDURES & NOTIFY WINGSTOP OF ANY SERIOUS DEFECTS W/ THE EXIST. FLOOR THAT WOULD WARRANT THE INSTALLATION OF A FLOOR LEVELING COMPOUND. THE LEVELING COMPOUND SHALL BE NOTED AS AN ALTERNATE BID TO THE CONSTRUCTION CONTRACTOR.
- MECHANICALLY GRIND FLOOR & EDGES W/ 50-HYBRID DIAMONDS TO BEGIN PROCESS OF PROFILING THE CONC.
- CLEAN & PATCH FLOOR.
- MECHANICALLY GRIND FLOOR & EDGES W/ 100-HYBRID DIAMONDS TO BEGIN THE PROCESS OF PROFILING THE CONC.
- MARK OFF WALLS AND APPLY SCOFFIELD FORMULA ONE LIQUID DYE CONCENTRATE TO FLOOR.
- APPLY SCOFFIELD FORMULA ONE LITHIUM DENSIFIER TO FLOOR.
- MECHANICALLY GRIND FLOOR & EDGES W/ 40000-HYBRID DIAMONDS TO BEGIN PROCESS OF POLISHING THE CONC.
- APPLY (1) ONE COAT OF SCOFFIELD CONCRETE GUARD - BURNISH FLOOR W/ 100 GRIT DIAMOND PADS.
- APPLY SECOND COAT OF SCOFFIELD FORMULA ONE GUARD & BURNISH W/ 3000 GRIT DIAMOND PADS.

ADDITIONAL QUARRY TILE FINISH NOTES:

- EDGE PROFILE @ QUARRY TILE - REFER TO DETAIL 5A1.1

CONSULTANT:
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CLIENT:

6501 LBJ FREDWAY, 5TH FLOOR
DALLAS, TX 75240
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PROJECT INFORMATION:
WING-STOP
STORE NUMBER: G1#A003
424 BALLTOWN RD
SCHENECTADY, NY 12304

REAL: IF IN VIOLATION OF THE LAW FOR ANY REASON, THE ARCHITECT HEREBY AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE OWNER FROM AND AGAINST ALL SUCH DAMAGES AND COSTS.

CHERICO KING ARCHITECT, P.C.
LICENSE NUMBER: 02016
EXPIRATION DATE: 03/31/25
DATE: 03/16/2024

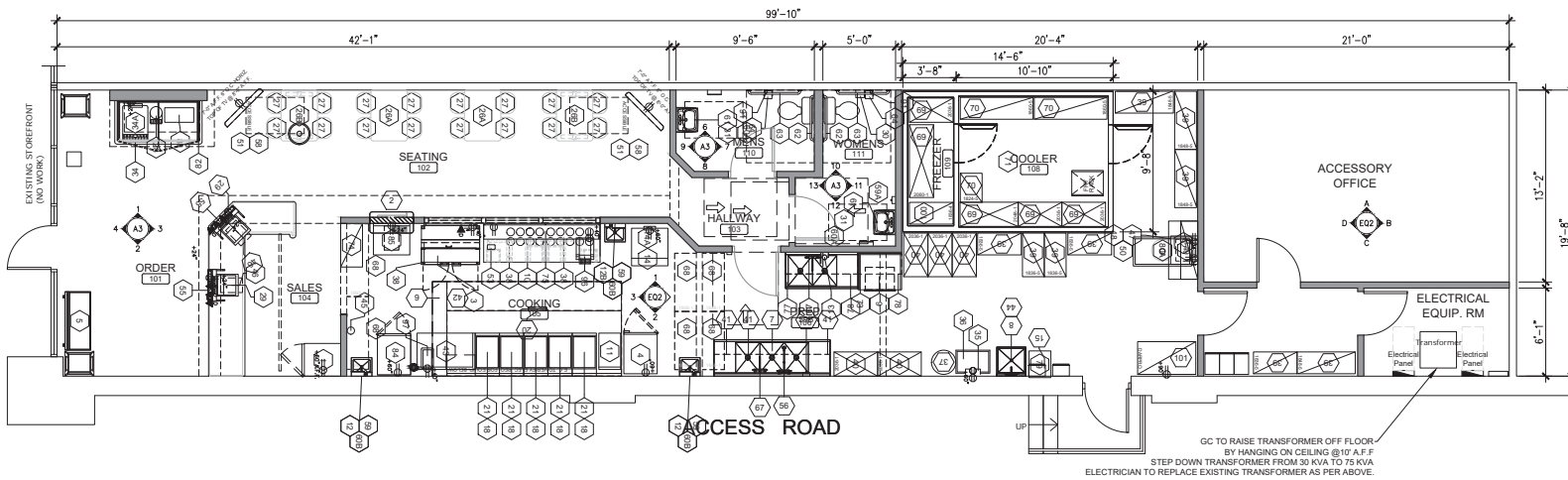
PROJECT NO.:
DRAWN BY:
CHECKED BY:
ISSUE: DATE:
INITIAL: 06/05/2024

REVISION: DATE:

PROJECT LOCATION:
SCHENECTADY, NY
SHEET NUMBER / TITLE:
A4.0
FINISH/ DOOR HARDWARE

Dept. of Buildings Approval:

ADJ. TENANT (FIVE BEL^{OW})



EQUIPMENT PLAN

EQUIP. PLAN NOTES

1. ALL SWITCHES, COVER PLATES, AND PLUGS SHALL BE WHITE AS FOLLOWS:
 - A. LINE 1 SHALL BE PRIMARY TELEPHONE LINE.
 - B. LINE 2 SHALL BE FOR ROLL-OVER TELEPHONE LINE AND FAX LINE.
 - C. LINE 3 SHALL BE FAX AND DATA LINE.
2. TELEPHONE SERVICE SHALL BE (3) THREE LINES OF SERVICE AS FOLLOWS:
 - A. LINE 1 SHALL BE PRIMARY TELEPHONE LINE.
 - B. LINE 2 SHALL BE FOR ROLL-OVER TELEPHONE LINE AND FAX LINE.
 - C. LINE 3 SHALL BE FAX AND DATA LINE.
3. THE GENERAL CONTRACTOR SHALL PROVIDE THE MOUNTING OF TRANSFORMERS AND FINAL ELECTRICAL CONNECTION OF THE OWNER PROVIDED AND INSTALLED INTERIOR AND EXTERIOR BUILDING SIGNAGE. ALL SIGNS SHALL BE ON INDIVIDUAL CIRCUITS WITH DEDICATED GROUNDS.
4. THE FLOOR SINK UNDER THE 3-COMPARTMENT SINK IS USED FOR THE PLUMBING HOSE BIB.
5. COOKING AREA PROTECTION SYSTEM SHALL BE SUBMITTED FOR PLAN REVIEW UNDER A SEPARATE PLAN CHECK AND PERMIT.
- NOTE: EXTERIOR SIGNAGE SHALL BE SUBMITTED UNDER A SEPARATE SIGN CHECK REVIEW AND PERMIT PROCESS.

CONSULTANT:
Cherico King Architect, P.C.
Architectural Design & Planning
16-06 37th Street, 2nd floor
L.C. NY 11101
Tel: (718) 392-6078
E-mail: chericko@kingarch.com

CLIENT:
5501 LBJ FREETWAY, 5TH FLOOR
DALLAS, TX 75240
TELEPHONE: (972) 686-4500
FAX: (972) 686-4502

DATE: 09/15/2024

EQUIP. PLAN LEGEND

- ◇ PROVIDE DEDICATED CIRCUIT AND GROUND 12'-0" A.F.F. ABOVE SOFFIT FOR LED SIGNS - TYPICAL - REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
- ◇ PROVIDE DEDICATED CIRCUIT AND GROUND WITH CIRCUIT TIMER FOR EXTERIOR BUILDING SIGN - TYPICAL - VERIFY LOCATION WITH SIGN VENDOR - REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
- ◇ REMOVE HOOD FIRE SUPPRESSION PULL STATION - VERIFY LOCATION WITH LOCAL FIRE MARSHAL
- ◇ GAS SERVICE CONNECTION - REFER TO MECHANICAL DRAWINGS FOR ADDITIONAL INFORMATION
- ◇ 6" P.V.C. BEVERAGE CONDENS RUN IN CEILING WITH 6" 90° AND 6" P.V.C. IN PARTITIONS - REFER TO DETAIL 7/EO2 FOR ADD. INFO.
- ◇ CENTER TIMER ON FRYER BANK

PROJECT INFORMATION:
WING-STOP
STORE NUMBER: G1#A8003
424 BALTOWN RD
SCHENECTADY, NY 12304

DATE: 09/15/2024

WALK-IN COOLER/FREEZER SPECIFICATIONS

COMPONENT	DESCRIPTION
INSULATION:	FOAMED IN-PLACE U.L. LISTED, CLASS 1 URETHANE FOAM INSULATION WITH A FLAME SPREAD RATING OF LESS THAN 25, AND SMOKE DENSITY OF LESS THAN 450 - W/GB TESTED IN ACCORDANCE TO A.S.T.M. E84 (UL 723)
FLOOR:	FLOOR, WALL AND CEILING PANELS: 4" THICK HIGH DENSITY PRE-FABRICATED FRAME - N.F.S COVERED, STEP-UP @ FREEZER FRAME
FINISH:	INTERIOR: 26 GA. STUCCO EMBOSSED GALVALUM EXTERIOR: 26 GA. STUCCO EMBOSSED GALVALUM FLOOR FINISH: #10 SMOOTH ALUMINUM
DOORS:	(1) 34" x 78" FLUSH-IN FITTING COOLER DOOR (1) 30" x 72" FLUSH-IN FITTING FREEZER DOOR

DATE: 09/15/2024

PROJECT NO.:
DRAWN BY:
CHECKED BY:

DATE: 06/05/2024

DATE:

DATE:

EQUIP. LEGEND & AREA OF RESPONSIBILITY

ITEM	DESCRIPTION	MODEL	NSF	OWNER	SUPPLIER	INSTALLATION	COORD./SUPERVISED	REMARKS	ITEM	DESCRIPTION	MODEL	NSF	OWNER	SUPPLIER	INSTALLATION	COORD./SUPERVISED	REMARKS	
01	DOUBLE GLASS DOOR MERCHANDISER	GDM-33-HC-10	X	X	X	X	X	115 VOLTS, 6.3 AMPS / WITH CASTORS / NOTE 09	51	SATELLITE RECEIVER	MODEL VARIES	N/A/X	X	X	X	X	PROVIDED AND INSTALLED BY OWNER	
02	PASS-THRU COUNTER	CUSTOM	X	X	X	X	X	52 NOT USED	52	NOT USED								
03	SANDWICH/SALAD UNIT	SABBA-8	X	X	X	X	X	115 VOLTS, 11.8 AMPS / WITH INTEGRAL SHELVING #38 / NOTE 09	53	1/2" SINK 4"	W5124	N/A/X	X	X	X	X	PROVIDED OWNER AND INSTALLED BY CONTRACTOR	
04	1.0M. REACH-IN REFRIGERATOR	RLA-FS	X	X	X	X	X	115 VOLTS, 40.0 AMPS / WITH CASTORS / NOTE 09	54	POS COUNTER	CUSTOM	N/A/X	X	X	X	X	PROVIDED OWNER AND INSTALLED BY CONTRACTOR	
05	48" WOODEN BENCH	CUSTOM	N/A/X	X	X	X	X	55	RIS SHROUD	CUSTOM	N/A/X	X	X	X	X	X	PROVIDED OWNER AND INSTALLED BY CONTRACTOR	
06	HOOD FIRE SUPPRESSION SYSTEM	CUSTOM	N/A/X	X	X	X	X	REF. TO HOOD DRAWINGS FIRE SUPPRESSION PERMITTED/INSTALL WITH (2) 18" DRAIN BOARDS, (2) 8" SIDS SPLASHES. VERIFY W/ LOCAL JURISDICTIONS FOR DRAIN BOARD & BOWL SIZE. WITH BUILT-IN ANTI SIPHON DEVICE WITH INTEGRAL SHELVING #38 / WITH CASTORS WITH UNDERSHELF / WITH INTEGRAL SHELVING #38	56	STAINLESS STEEL FLEX HOSE	CUSTOM	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.
07	5.3 COMPARTMENT SINK, 96" L	CUSTOM	X	X	X	X	X	57	EXTERIOR BUILDING SIGNAGE "WINGSTOP"	MODEL VARIES	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
08	MOP SERVICE BASIN	MSB-2424	X	X	X	X	X	58	1" V. WALL BRACKET & STAND	MODEL VARIES	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
09	5.5 WORK TABLE 30" D x 36"	CUSTOM	X	X	X	X	X	59	HAND SOAP DISPENSER	54025	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
10	5.5 WORK TABLE 30" D x 36"	CUSTOM	X	X	X	X	X	60	ELECTRIC HAND DRYER	M17AC-UL	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
11	5.5 WORK TABLE 30" D x 36"	CUSTOM	X	X	X	X	X	61	PAPER TOWEL DISPENSER	T220W6	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
12	HAND SINK W/ SIDE SPLASH (R & L)	T295-66	X	X	X	X	X	62	5.5 FRAMED MIRROR	B-365-2436	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
13	POTATO SLICER	300 SERIES	X	X	X	X	X	63	24" TALL	B-6106	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
14	ICE MACH. W/ STORAGE BIN	IRM 3200M	X	X	X	X	X	64	63" W x 1 1/2" GRAB BAR	B-6106	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
15	TANKLESS WATER HEATER	1993-DV	X	X	X	X	X	65	TOILET PAPER DISPENSER	8735200	N/A/X	X	X	X	X	X	PROVIDED AND INSTALLED BY THE SIGN VENDOR.	
16	NOT USED							66	5.5 GROUND INTERCEPTOR	MODEL VARIES	N/A/X	X	X	X	X	X	ITEM NOT INDICATED ON PLAN - REFER TO PLUMBING DRAWING	
17	NOT USED							67	NOT USED									
18	SOLDFICE SUPREME GAS FRYER	SSH575	X	X	X	X	X	68	WALL MOUNTED MIXING FAUCET	CUSTOM	X	X	X	X	X	X	REFER TO EQ1 FOR SIZE	
19	NOT USED							69	WIRE WALL SHELVING	METRO	X	X	X	X	X	X	REFER TO EQUIPMENT PLAN FOR SIZES & MOUNTING HEIGHTS	
20	COOKING & HOLDING TIMER	U160dK87503	X	X	X	X	X	70	COOLER DUNNAGE RACK	DRB0212	X	X	X	X	X	X	5 TIER HIGH REFER TO EQUIPMENT PLAN FOR SIZES NOTE 09 / WSPROTO-3	
21	SOLDFICE SUPREME FILTER	SSH575	X	X	X	X	X	71	WALL-IN COOLER	CUSTOM	N/A/X	X	X	X	X	X	28.86, 4 TIER WITH SOLID SHELVES AND 6" CASTERS	
22	DRAIN RACK & COVER	1509PAC-12	X	X	X	X	X	72	STOCKER/FRONT VINYL GRAPHICS	EGG1-00	X	X	X	X	X	X	REFER TO EQ1 FOR SIZE	
23	NOT USED							73	WALL-KNIFE HOLDER	CUSTOM	X	X	X	X	X	X	REFER TO EQUIPMENT PLAN FOR SIZES	
24	NOT USED							74	TICKET RAIL	CUSTOM	X	X	X	X	X	X	REFER TO EQ1 FOR SIZE	
25	30" x 24" TABLE & BASE	CUSTOM	N/A/X	X	X	X	X	75	HIGH CHAIR	CHH-104	N/A/X	X	X	X	X	X	REFER TO EQ1 FOR SIZE	
26	30" x 42" TABLE & BASE	CUSTOM	N/A/X	X	X	X	X	76	5.5 COMPARTMENT SINK, 60" L	CUSTOM	X	X	X	X	X	X	WITH (2) 18" DRAIN BOARDS, (2) 8" SIDS SPLASHES WITH OPT. VERIFY W/ LOCAL JURISDICTIONS FOR DRAIN BOARD & BOWL REFER TO EQUIPMENT PLAN FOR SIZES	
28	ACCESSIBLE 20" x 42" TABLE & BASE	CUSTOM	N/A/X	X	X	X	X	77	DRY STORAGE WIRE SHELVING	EGG1-00	X	X	X	X	X	X	REFER TO EQUIPMENT PLAN FOR SIZES	
27	WOOD CHAIR	638P	X	X	X	X	X	78	COMMERCIAL MOP BUCKET	7500-80	N/A/X	X	X	X	X	X	REFER TO EQUIPMENT PLAN FOR SIZES	
28	TEA DISPENSER	BIB	X	X	X	X	X	79	24" OFFICE BAR STOOL	4202P	N/A/X	X	X	X	X	X	REFER TO EQUIPMENT PLAN FOR SIZES	
28A	NOT USED							80	NOT USED									
29	5.5M AM TRASH RECEPTACLE	832364	X	X	X	X	X	81	CONDENSATE DISPENSER	CUSTOM	X	X	X	X	X	X	COORDINATE WITH EQUIPMENT MANUFACTURER	
30	SANITARY NAPKIN RECEPTACLE	1102	X	X	X	X	X	82	NOT USED									
31	TRASH RECEPTACLE	MODEL VARIES	X	X	X	X	X	83	NOT USED									
32	BEVERAGE / CONDENSMENTS COUNTER	CUSTOM	N/A/X	X	X	X	X	84	REACH-IN FREEZER	FJA-FS	X	X	X	X	X	X	115 VOLTS, 9.0 AMPS / WITH CASTORS / NOTE 09 WITH UNDERSHELF	
33	SHORTENING SHUTTLE	SS-611-T	X	X	X	X	X	85	S.L.S. WORK TABLE 30" W x 26" D x 30" H	CUSTOM	X	X	X	X	X	X	12" W x 12" H x 18" D / 7/6 TIERS / WITH 6" A.F.F.	
34	5.5 VALVE SODA SYSTEM	IBD-4500-22-MED	X	X	X	X	X	86	NOT USED									
34A	SODA DISPENSER FILTER	COCA COLA	X	X	X	X	X	87	NOT USED									
35	CARBONATOR	N/A	X	X	X	X	X	88	EMPLOYEE LOCKERS	KMM6E	N/A/X	X	X	X	X	X		
36	88 REEL RACK SYSTEM	44230	X	X	X	X	X	89	NOT USED									
37	CO2 SYSTEM	CARBONATOR 450	X	X	X	X	X	90	NOT USED									
38	SOLID SHELVES	CUSTOM	X	X	X	X	X	91	VERTICAL GRAB BAR	B-6106	N/A/X	X	X	X	X	X	COORDINATE WITH EQUIPMENT MANUFACTURER	
39	DRY STORAGE SHELVING	EGG1-00	X	X	X	X	X	92	MANAGER'S DESK	CUSTOM	X	X	X	X	X	X	WITH CASTORS REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
40	DUNNAGE RACK (PRODUCE STAND)	DRB2012	X	X	X	X	X	93	NOT USED									
41	SCULLERY SHELVING (2 ROWS)	EGG1-00	X	X	X	X	X	94	NOT USED									
42	12" x 12" x 12" EXHAUST HOOD	NO SERIES	X	X	X	X	X	95	TOASTER TABLE	CUSTOM	X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
43	5.5 WORK TABLE (42") (FRY TABLE)	CUSTOM	N/A/X	X	X	X	X	96	TOASTER	VARIES	X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
44	BROOM & MOP RACK	40731	X	X	X	X	X	97	NACHO CHEESE DISPENSER	GENES	N/A/X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
45	FIRE EXTINGUISHER	RE-2019	X	X	X	X	X	98	STAINLESS STEEL CORNER GUARD	CUSTOM	N/A/X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
46	POINT-OF-SALE SYSTEM	RE-2730	N/A/X	X	X	X	X	99	STAINLESS STEEL END CAP	CUSTOM	N/A/X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
46A	POINT-OF-SALE SYSTEM - WALL MOUNT	CMX	N/A/X	X	X	X	X	100	FREEZER SHELVING	EGG1-00	X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
47	5M FRACK 12" WALL MOUNT RACK	579090	X	X	X	X	X	101	DIPPRO COOKING OIL COLLECTION	B.O.S.S.	X	X	X	X	X	X	REFER TO ELECTRICAL DRAWINGS / MODELS HATCO TOWING 1200DAYS, OR WARRING CTS100DAYS	
48	POINT-OF-SALE EQUIPMENT	N/A/X	X	X	X	X	X	102	NOT USED									
49	SAFE & STAND	9050413-03	N/A/X	X	X	X	X	103	NOT USED									

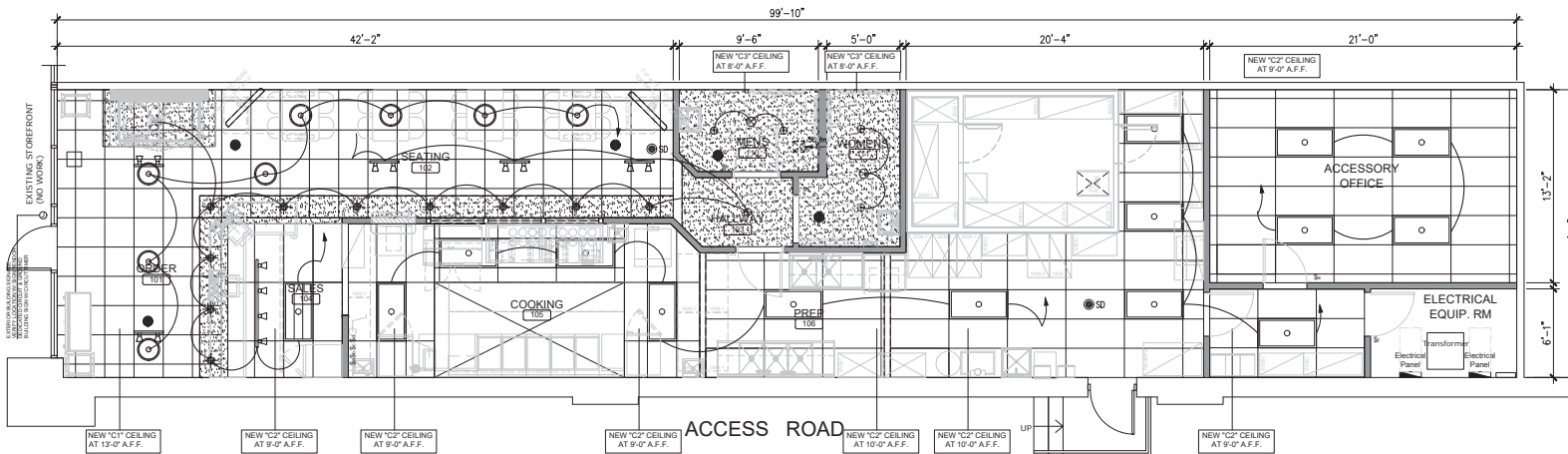
- EQUIPMENT LEGEND NOTES:
1. FLAT PANEL TV DISPLAY WALL MOUNTING BRACKET & MONITOR BRAND SELECTION TO BE DETERMINED BY OWNER. CONTRACTOR TO COORDINATE ITEM #68 WITH OWNER FOR INSTALLATION.
 2. THE OWNER SHALL PROVIDE WALL MOUNTED DECOR ITEMS. THESE ITEMS ARE TO BE INSTALLED BY THE CONTRACTOR. THE CONTRACTOR SHALL COORDINATE AND SCHEDULE THE DELIVERY AND INSTALLATION OF ALL DECOR ITEMS WITH THE OWNER. REFER TO A3.1
 3. THE CONTRACTOR SHALL VERIFY WITH ALL LOCAL AGENCIES QUANTITY AND LOCATION OF ALL FIRE EXTINGUISHERS.
 4. ALL KITCHEN EQUIPMENT SHALL MEET THE REQUIREMENTS OF THE NATIONAL SANITATION FOUNDATION (NSF).
 5. THE EXHAUST HOOD, EXHAUST FAN, EXHAUST DUCT, EXHAUST DUCT FIRE WRAP AND MAKE-UP AIR FAN SHALL BE SUPPLIED BY THE OWNER AND INSTALLED BY THE CONTRACTOR. THE MAKE-UP AIR DUCT SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.
 6. THE EXHAUST HOOD FIRE SUPPRESSION SYSTEM SHALL BE SUPPLIED AND INSTALLED BY THE OWNER. THE CONTRACTOR SHALL SUPPLY AND INSTALL THE EXHAUST GAS SHUT-OFF VALVE FOR THE EXHAUST HOOD FIRE SUPPRESSION SYSTEM.
 7. THE CONTRACTOR SHALL COORDINATE AND SCHEDULE THE DELIVERY OF ALL KITCHEN EQUIPMENT WITH THE EQUIPMENT VENDOR.
 8. THE CONTRACTOR SHALL MAKE ALL FINAL ELECTRICAL CONNECTIONS REQUIRED FOR THE OWNER PROVIDED SIGNAGE.
 9. ALL SPECIFIED REFRIGERATION UNITS SHALL BE SELF-CONTAINED AND SELF-EVAPORATING.
 10. CONTACT SMARTRACK 90 WALL-MOUNT RACK SUPPLIER FOR ADDITIONAL INFORMATION: CHRIS JANUZZO AT 517-347-6031 (630) 358-6316

PROJECT LOCATION:
SCHENECTADY, NY

SHEET NUMBER / TITLE:
EQ1
EQUIPMENT PLAN

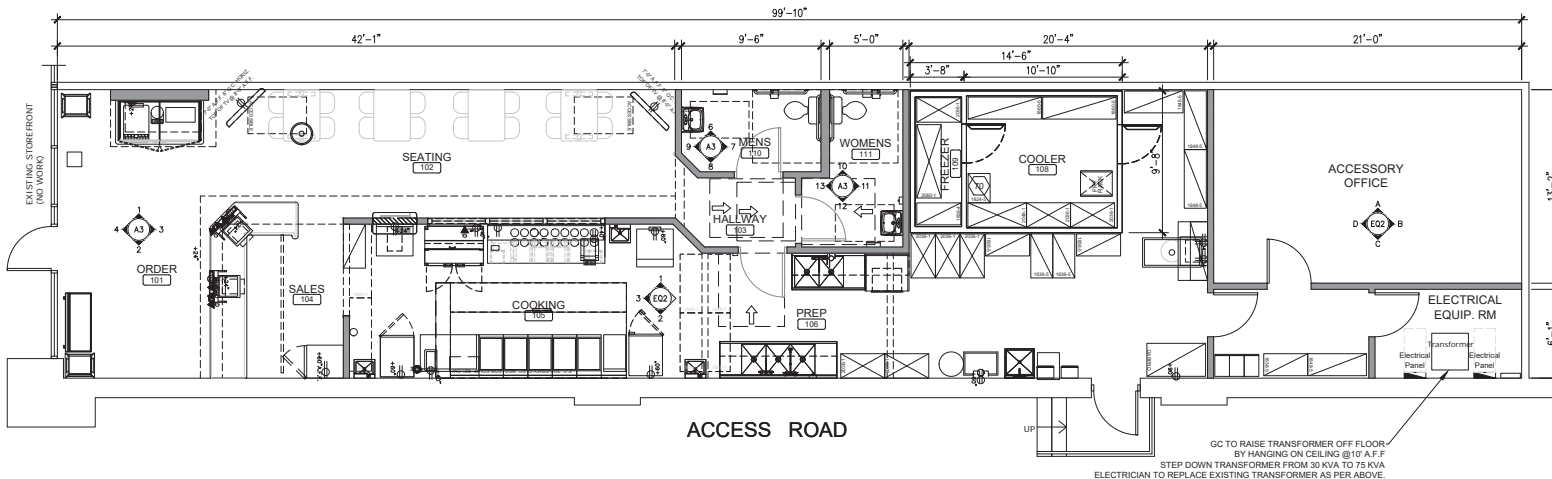
Dept. of Buildings Approval:

ADJ. TENANT (FIVE BEL^{OW})



1
A2.0 1st FLOOR REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

ADJ. TENANT (FIVE BEL^{OW})



1
E21 EQUIPMENT PLAN
SCALE: 1/4" = 1'-0"

LIGHTING GENERAL NOTES

- EACH SUB-TRADE WILL BE RESPONSIBLE FOR REVIEWING ENTIRE SET OF DRAWINGS AND NOTING HIS WORK AS APPLICABLE. WORK INDICATED OR INFERRED ON DRAWINGS WILL BE DEMED, UNDERSTOOD AND SHOULD BE INCLUDED IN SUBCONTRACTOR'S COSTS.
- ALL WORK SHALL BE AS PER BUILDING STANDARDS.
- COORDINATE SWITCHING OF LIGHTING FIXTURES WITH ARCHITECT AND LIGHTING SPECS. ALL FIXTURES SHALL BE DIMMABLE.
- CONTRACTOR SHALL PROVIDE JUNCTION BOXES (OUTLETS) WITH FLEXIBLE CONNECTION TO LIGHT FIXTURES IN ACCESSIBLE CEILING AS FOLLOWS:
 - MINIMUM 4" MAXIMUM 6" IN LENGTH
 - MAXIMUM 4 FIXTURES PER JUNCTION BOX.
- ALL EMERGENCY AND EXIT LIGHTS SHALL BE UNSWITCHED AND CIRCUITED WITH AN ADDITIONAL WIRE TAPPED AHEAD OF SWITCH OR RELAY CONTROLLING FIXTURE, WHICH SHALL BE TIED INTO SENSING LEG OF BATTERY BALLAST, SUCH THAT THE FIXTURE TO BE SWITCHED CAN BE SUCCESSFULLY SWITCHED WITHOUT GOING INTO EMERGENCY MODE DISCHARGING THE BATTERY. PROVIDE A 90 MIN BATTERY PACK FOR LIGHTING FIXTURES WITH 'EM'.
- COORDINATE ALL LIGHTING FIXTURE LOCATIONS, QUANTITY, TYPES, AND SWITCH/OCCUPANCY SENSORS WITH ARCHITECTURAL DOCUMENTS.
- ALL NEW LIGHTING FIXTURES SHALL BE CIRCUITED TO PANEL, EP-1B U.O.N.
- SEE POWER PLAN FOR PANEL LOCATIONS
- CIRCUITING NUMBERS ARE DIAGRAMMATIC AND INDICATE CIRCUITING INTENT. RUN CIRCUIT(S) TO SPARE CIRCUIT BREAKERS IN PANELS INDICATED.
- MAINTAIN CIRCUITING AND CIRCUIT CONTINUITY IN CORE AREA AND AREAS NOT SHOWN ON PLAN. ALL CORRIDOR AND EATING AREA LIGHTING SHALL BE CONTROLLED BY TIMECLOCK
- ALL FLUORESCENT LIGHT FIXTURES SHALL BE PROVIDED WITH FACTORY INSTALLED ELECTRONIC BALLASTS AND ENERGY SAVING LAMPS. PROVIDE INTEGRAL CURRENT LIMITER FOR TRACK LIGHTS. (TYPICAL)

POWER GENERAL NOTES

- CONTRACTOR SHALL SURVEY SCOPE OF WORK AREAS PRIOR TO START OF ANY WORK.
- ELECTRICAL CONTRACTOR SHALL PERFORM BRANCH CIRCUIT TRACING TO IDENTIFY EXISTING CIRCUITS AS NECESSARY. UPDATE PANEL SCHEDULE AFTER CONSTRUCTIONS.
- ELECTRICAL CONTRACTOR SHALL COORDINATE WITH EQUIPMENT MANUFACTURERS FOR NEUA CONFIGURATIONS. REFER TO DRAWING EL-401 FOR DETAILS.
- CIRCUIT ALL DEVICES TO PANEL, EP-1A10 ON LINE SPARE BREAKERS MADE AVAILABLE AFTER DEMOLITION IF APPLICABLE. ALL CIRCUIT NUMBERS INDICATED ARE FOR REFERENCE ONLY.
- PROVIDE WIRE AND CONDUIT FOR BRANCH CIRCUITING AS FOLLOWS:
 - 1#10-1#10N-1#10G-3/4"C FOR ONE CKT. HOMERUN, U.O.N.
 - 2#10-2#10N-1#10G-3/4"C FOR TWO CKT. HOMERUN, U.O.N.
 - 3#10-3#10N-1#10G-3/4"C FOR THREE CKT. HOMERUN, U.O.N.
 - 4#10-4#10N-1#10G-1"C FOR FOUR CKT. HOMERUN, U.O.N.
- DO NOT SHARE A NEUTRAL FOR HOME RUNS MORE THAN 3 CIRCUITS.
- CONTRACTOR SHALL PROVIDE P-TOUCH LABEL FOR ALL NEW RECEPTACLES WITH PANEL NAME AND CIRCUIT NUMBER.
- ALL RECEPTACLES IN KITCHEN AREA AND MOUNTED WITHIN 6 FT OF A SINK SHALL BE GFI TYPE.
- COORDINATE EXACT LOCATION OF ALL MECHANICAL EQUIPMENT AND REQUIREMENTS WITH MECHANICAL CONTRACTOR PRIOR TO ROUGH-IN.
- PROVIDE ISOLATED GROUND FOR POS EQUIPMENT (TYPICAL)
- PROVIDE EMERGENCY POWER OFF BUTTON WITH RELAY CONTACTS AND ENCLOSURE. PROVIDE SHUNT TRIP BREAKER(S) AND AUTOMATIC GAS SHUTOFF FOR EQUIPMENT UNDER THE HOOD.

CONSULTANT:
Cherico King Architect, P.C.
Architectural Design & Planning
36-06 71st Street, 2nd floor
LIC. NY. 11001
TEL: (718) 392-6078
E-mail: chericko@ckarch.com

CLIENT:
5501 LBJ FREEWAY, 5TH FLOOR
DALLAS, TX 75240
TELEPHONE: (972) 686-6500
FAX: (972) 686-6502

DISCLAIMER:
THESE DRAWINGS, IDEAS, SPECIFICATIONS AND REQUIREMENTS ARE THE SOLE PROPERTY OF WING-STOP RESTAURANTS, INC. NO PART OF THESE DRAWINGS MAY BE COPIED, REPRODUCED OR CIRCULATED WITHOUT THE WRITTEN CONSENT OF WING-STOP RESTAURANTS, INC.

PROJECT INFORMATION:
WING-STOP
STORE NUMBER: GL#A8003
424 BALLTOWN RD
SCHENECTADY, NY 12304

REAL:
I, SA, A VALIDATION OF THE LAW FOR ANY PERSON, REGISTERED ARCHITECT, THE SIGNATURE OF A LICENSED ARCHITECT TO ENTER THESE DOCUMENTS IN ANY WAY.

CHERICO KING ARCHITECT, P.C.
LICENSE NUMBER: 02198
EXPIRATION DATE: 07-31-25
DATE: 03/15/2024

PROJECT LOCATION:
SCHENECTADY, NY

SHEET NUMBER / TITLE:
E2.0
ELECTRICAL LIGHTING & POWER PLANS

Dept. of Buildings Approval:



TOWN OF NISKAYUNA

PLANNING BOARD AND ZONING COMMISSION

AGENDA STATEMENT

AGENDA ITEM NO. VIII. 3

MEETING DATE: 8/12/2024

ITEM TITLE: DISCUSSION: 2428 & 2429 Hartland St. – An application for lot line adjustment.

PROJECT LEAD: TBD

APPLICANT: Steve McIntosh & Douglas Hexel, property owners

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:

Steve McIntosh and Douglas Hexel, property owners, submitted an application for a lot line adjustment of 2428 Hartland St. and 2429 Hartland St., respectively. The application proposes to shift the existing eastern side property line of 2428 Hartland St. in a parallel manner approximately 15 ft. to the east, thereby increasing the area of 2428 Hartland St. by approximately 1,400 sq. ft. and reducing the area of 2429 Hartland St. by the equivalent amount. The application states that the adjustment will result in “better defined yard maintenance and frontage.”

The properties lie within the R-2 Medium Density Residential zoning district. Single-family homes are permitted principal uses in the district.

This is the applicants first appearance before the Planning Board.

COMPREHENSIVE PLAN

The proposed lot line adjustment is compliant with the 2013 Comprehensive Plan.

BACKGROUND INFORMATION

A 1-page drawing entitled “2428 Hartland Street, Survey Map of the Lands of Steven & Deborah McIntosh” by Ausfeld & Waldruff Land Surveyors LLP dated 6/5/17 was provided with the application.

Article IV Design Standards Section 189-19 Lots B states that side lines of lots shall be substantially at right angles to straight street lines...The proposed action generally complies

with this section of the code and in the opinion of the Planning Office neither increases nor reduces compliance.

A 15 ft. wide utility easement exists along the rear property line of 2428 Heartland St. The proposed lot line adjustment has no impact on the easement.

The proposed adjustment also has no impact on the compliance of any structures in terms of setback distances.

The Planning Board should review the application and give the applicant any feedback. The next step is for the applicant to prepare a full survey for the Planning Board's review.



TOWN OF NISKAYUNA

Planning Department
One Niskayuna Circle
Niskayuna, New York 12309
Phone: (518) 386-4530
Fax: (518) 386-4592

APPLICATION FOR LOT LINE ADJUSTMENT

Building And Engineering Department Review

Each application shall be accompanied by:

1. Administration Fees: An application for lot line adjustment shall be submitted to the Planning Department. Each petition shall be accompanied by a fee of **\$100.00**. Fees are payable to the *Town of Niskayuna*.
2. Two (2) Copies of a Sketch Plan. Sketch Plan must include: Existing lot line locations, proposed lot lines, building envelopes, location of existing structures / fences with distances to lot lines where appropriate and any additional information requested by the Zoning Enforcement Officer in order to review the proposal for compliance with the Subdivision and Zoning codes.

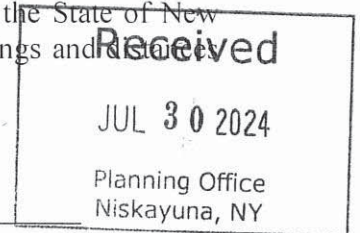
Planning Board Review

After receiving sketch plan approval from the Zoning Enforcement Officer, a Final Map must be prepared by a licensed surveyor or engineer and submitted to the Town for Planning Board review.

Submit a digital copy, thirteen (13) 11x17 copies of the Final Map to the Planning Department at least ten (10) business days prior to a regular meeting of the Planning Board.

Final Map must include: A signed seal of a surveyor or engineer licensed in the State of New York, actual field survey of boundary lines of the amended parcels with bearings and distances and appropriate monumentation, and a signature block described below.

ALSO: include lines for signatures as shown below.



Planning Board Chairman

Date

Town Engineer

Date

The complete Lot Line Adjustment regulations can be found at the Niskayuna Town Code online, at: <http://ecode360.com/N110974>.



TOWN OF NISKAYUNA

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Niskayuna, New York 12309
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Received
JUL 30 2024
Planning Office
Niskayuna, NY

Application For Lot Line Adjustments

Property Information

Physical Address(es): 2428 HARTLAND ST; 2429 HARTLAND ST, NISKAYUNA
Section-Block-Lot(s): 40.19-1-43.12 40.19-2-38
Number of Lots Involved: 2 Current Zoning(s): R2
Approximate Acreage: 2428 .30 2429 .31

Additional Information:

PROPOSED LOT LINE ADJUSTMENTS WILL RESULT IN
BETTER-DEFINED YARD MAINTENANCE AND FRONTAGE.

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

Section-Block-Lot: 40.19-1-43.12

Name: STEVEN B. MCINTOSH

Address: 2428 HARTLAND ST

City/State: Zip:
NISKAYUNA, NY 12309

Phone: 518-225-6713

E-Mail: sbmcintosh@nycap.rr.com

Section-Block-Lot: 40.19-2-38

Name: DOUGLAS M. HEXEL

Address: 2429 HARTLAND ST

City/State: Zip:
NISKAYUNA, NY 12309

Phone:

E-Mail:

Name: DEBORAH G. MCINTOSH

Address: 2428 HARTLAND ST

City/State: Zip:
NISKAYUNA, NY 12309

Phone: 518-370-1397

E-Mail: dgmcintosh@nycap.rr.com

Name: LAURA C. DEWITT

Address: 2429 HARTLAND ST

City/State: Zip:
NISKAYUNA, NY 12309

Phone:

E-Mail:

Surveyor Or Engineer

Company: AUSFELD + WAZDRUFF
LAND SURVEYORS LLP

Name: VINCENT AUSFELD P.L.S.

Address: 323 CLINTON ST

City/State: Zip:
SCHENECTADY, NY 12305

Phone: 518-346-1595

E-Mail: dmartinelli@awlslip.com
vaustfeld@awlslip.com

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

LICENSE #: 049597

Received

JUL 30 2024

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Niskayuna, NY



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Application For Lot Line Adjustments

Supplementary Information (Attach separate sheet if necessary)

1. What is the purpose of this adjustment?

TO INCREASE USABLE SIDE YARD GRASS/LANDSCAPE AREA
OF 2428 HARTLAND ST.

2. What is the proposed timeline for adjustment completion?

FALL 2024.

3. Is any part of the proposed adjustment within the regulated floodplain as designated by the Federal Insurance Rate Maps (FIRMs) adopted by the Town of Niskayuna on December 1983? Yes ___ NO . If yes, explain what area is in the floodplain and how this is being accounted for in the adjustment process.

4. Is there additional information which may aid in the processing of this application (e.g., proposed variances, zoning change requests, building permit applications, etc.)?

NONE.

5. Are there any potential adverse environmental impacts that could be triggered by this lot line adjustment? Include any impacts to wetlands, surface water, groundwater, flooding, plants and animals, aesthetics, Historic sites, open space, recreation, transportation, noise, odor, light, geological features, etc. (Attach separate pages as necessary).

NONE.



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Planning Office
Niskayuna, NY

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

Section-Block-Lot: 40.19-1-43.12

Physical Address: 2428 HARTLAND ST NISKAYUNA 12309

Acknowledgments:

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

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

Sworn to me on this 20th day of June, 2024

Dorothy A Pelland
Notary Public, State of New York
Reg. No. 01PE4936029
Qualified in Schenectady County
Commission Expires 08/13/2026

Steven B. McIntosh
Signature of Applicant

STEVEN B. MCINTOSH
Printed Name

Notary Public, State of New York *Dorothy A Pelland* Date 6/20/2024

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



TOWN OF NISKAYUNA

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**Notarized Owner's Acknowledgment/
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Section-Block-Lot: *40,19-1-43.12*
Physical Address: *2428 HARTLAND ST NISKAYUNA 12309*

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Notary Public, State of New York
Reg. No. 01PE4936029
Qualified in Schenectady County
Commission Expires 08/13/2026

Deborah G McIntosh
Signature of Applicant

Deborah G McIntosh
Printed Name

Notary Public, State of New York *Dorothy A Pelland* Date *6/20/2024*

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



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Niskayuna, NY

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

Section-Block-Lot: 40.19-2-38
Physical Address: 2429 HARTLAND ST NISKAYUNA 12309

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

Sworn to me on this 25th day of June, 2024

[Handwritten Signature]
Signature of Applicant

Douglas Herel
Printed Name

[Handwritten Signature]

Notary Public, State of New York

Date 25 JUN 24

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

MICHELLE C ROST
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in Schenectady County
Registration No. 01RO6384235
My commission Expires 12/10/2026



TOWN OF NISKAYUNA

Planning Department

One Niskayuna Circle

Niskayuna, New York 12309

Phone: (518) 386-4530

Fax: (518) 386-4592



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

Section-Block-Lot: *40.19 - 2 - 38*

Physical Address: *2429 HARTLAND ST NISKAYUNA 12309*

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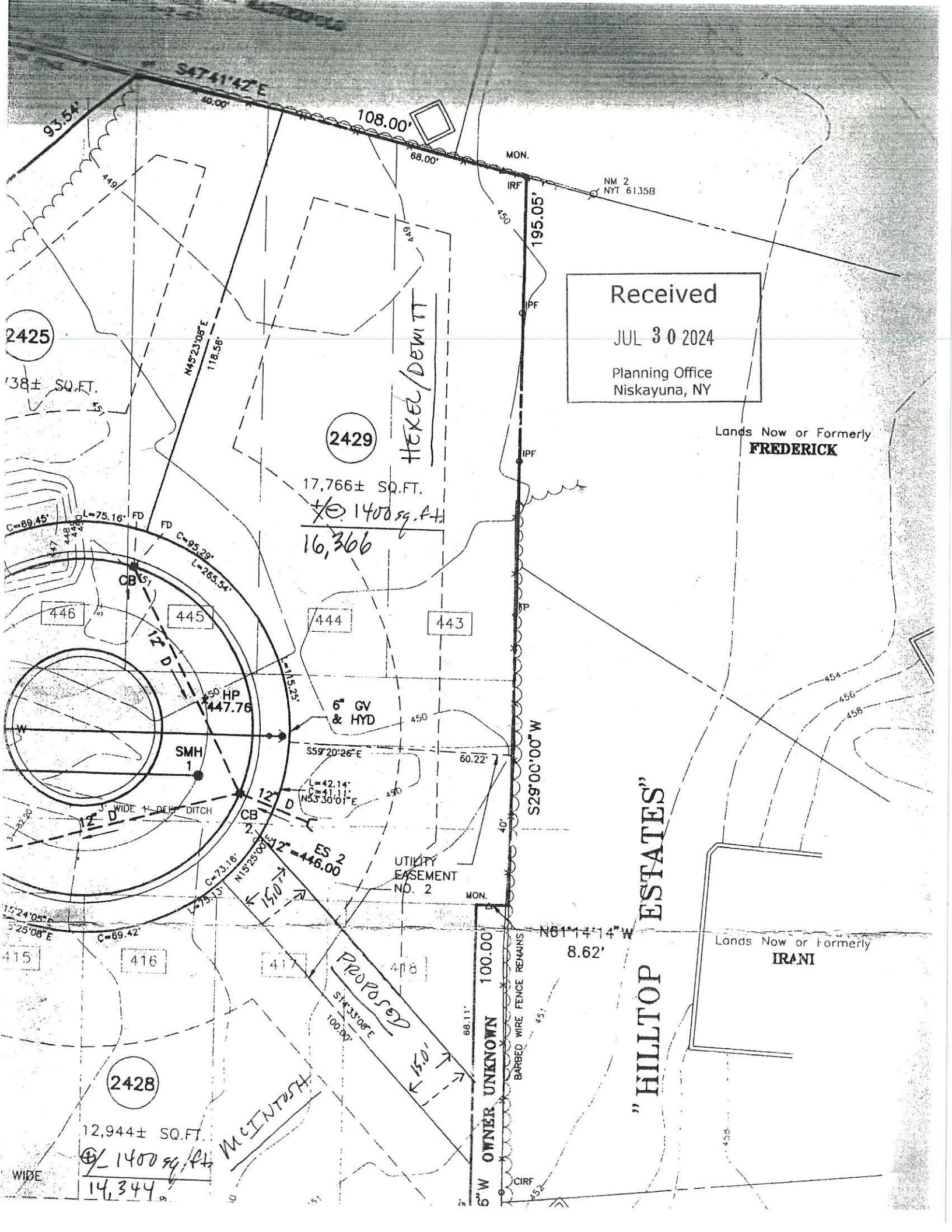
Sworn to me on this *5th* day of *July, 2024*

MICHELLE C ROST
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in Schenectady County
Registration No. 01RO6384235
My commission Expires 12/10/2026

Michelle Rost
Notary Public, State of New York

[Signature]
Signature of Applicant
Laura Herel
Printed Name
7/5/2024
Date

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



Received
 JUL 30 2024
 Planning Office
 Niskayuna, NY

2425

138± SQ.FT.

2429

17,766± SQ.FT.
 1/2 @ 1400 sq. ft.
 16,366

Lands Now or Formerly
FREDERICK

446

445

444

443

415

416

417

418

2428

12,944± SQ.FT.
 1/2 @ 1400 sq. ft.
 14,344

MCINTOSH

PROPOSED

"HILLTOP ESTATES"

Lands Now or Formerly
IRANI

6" W OWNER UNKNOWN

BARBED WIRE FENCE REMAINS

100.00'

8.62'

SAT 41'42" E

108.00'

MON.

NM 2
 NYT 61.358

195.05'

M 45'23"08" E
 118.58'

C=89.45' L=75.16' FD
 C=95.29' L=265.54'

6" GV & HYD

S 59'20"26" E

60.22'

L=42.14' C=41.11' N 83'30"01" E

ES 2

446.00'

UTILITY EASEMENT NO. 2

MON.

S 29'00"00" W

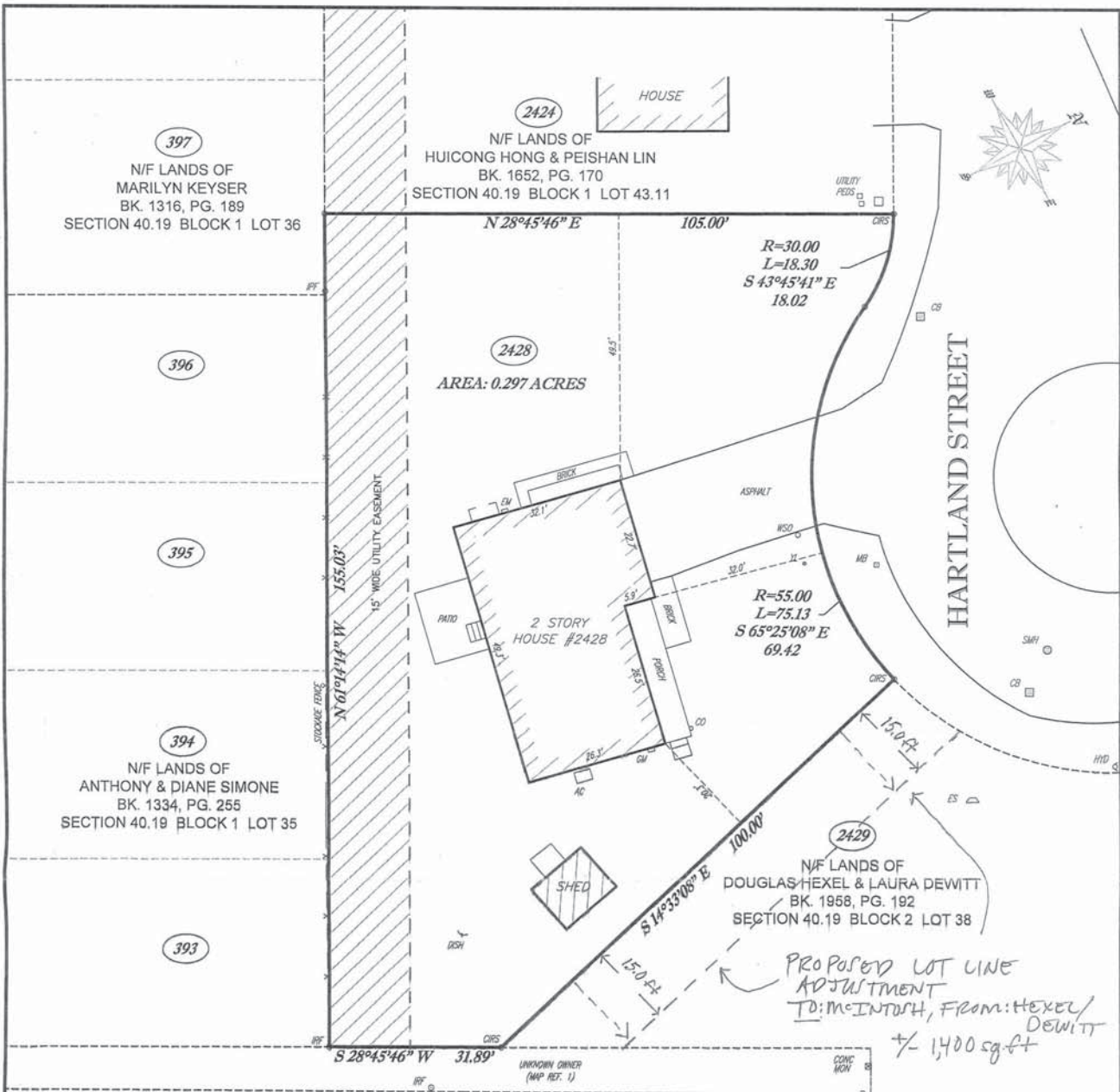
N 61'14"14" W

1'24"05" D
 5'25"08" E

C=89.42'

WIDE

CIRF



TAX PARCEL NUMBER:

TOWN OF NISKAYUNA, SCHENECTADY COUNTY, NEW YORK
 SEC. 40.19 - BLK. 1 - PARCEL 43.12

DEED REFERENCES:

1. BISAILLON CUSTOM BUILDERS, LTD. TO STEVEN B. AND DEBORAH G. MCINTOSH, DATED APRIL 9, 1999 AND RECORDED IN THE SCHENECTADY COUNTY CLERKS OFFICE IN DEED BOOK 1554 AT PAGE 797.

GENERAL NOTES:

NORTH IS ORIENTED TO MAP REFERENCE 1

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

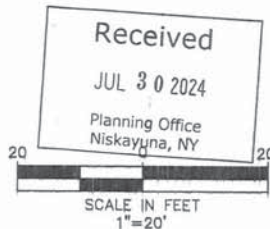
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.

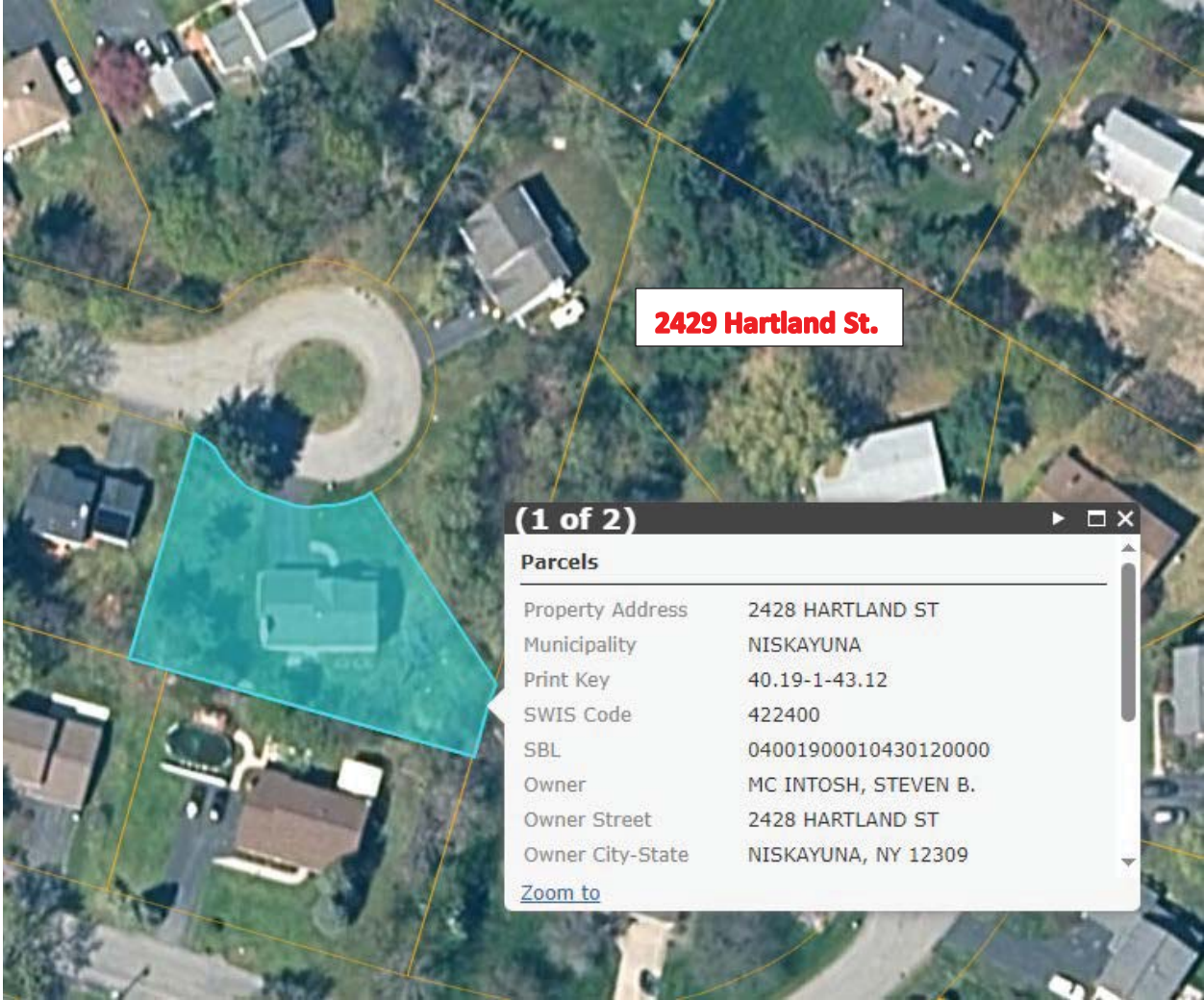


MAP REFERENCES:

- "HARTLAND STREET SUBDIVISION" PREPARED BY C.T. MALE, DATED MAY 10, 1996, LAST REVISED OCTOBER 14, 1997 AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE AS MAP J-202.
- "SUBDIVISION PLAN HILLTOP ESTATES." PREPARED BY GILBERT VANGUILDER, DATED JULY 23, 1986, LAST REVISED JULY 20, 1987 AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE AS MAP P-20.
- "SECTION 2 RESERVOIR PARK." PREPARED BY ERNEST BRANCH, DATED APRIL 1919 AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE AS MAP E-181.

2428 HARTLAND STREET		
SURVEY MAP		
OF THE LANDS OF		
STEVEN & DEBORAH MCINTOSH		
REVISION:	TOWN OF NISKAYUNA	SCHENECTADY COUNTY, N.Y.
	SCALE: 1"=20'	JUNE 5, 2017
	DRAWN BY: KCW	PROJECT NO: 17-1918
DATE:	AUSFELD & WALDRUFF LAND SURVEYORS LLP 323 CLINTON STREET, SCHENECTADY NY PHONE: (518) 346-1595 FAX: (518) 770-1655	
	VINCENT P. AUSFELD P.L.S. LICENSE #0449597 www.awslsllp.com	

2428 / 2429 Hartland St. Lot Line Adjustment



Address	Original Area	Area Transferred	Final Area
2428	0.30 Acres	+ 0.03 Acres	0.33 Acres
2429	0.31 Acres	- 0.03 Acres	0.28 Acres