

**TOWN OF NISKAYUNA
Conservation Advisory Council**

**A G E N D A
January 5 2022**

7:00 P.M.

**VIA HYBRID FORMAT
IN PERSON (TOWN HALL) AND VIRTUAL (GOOGLE MEETS)**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES**
 - 1. November 3, 2021
- IV. PRIVILEGE OF THE FLOOR**
- V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS**
 - 1. EAF 2021-07: 1356 Balltown Rd. – Subdivision application for 20 Townhomes
- VI. DISCUSSION ITEMS**
- VII. REPORTS**
 - 1. Climate Smart Communities Grant
 - 2. Natural Resource Inventory
 - 3. Pesticide Outreach Update
 - 4. Low Mow / Biodiversity Initiatives Update
 - 5. Historic Preservation Code
- VIII. ADJOURNMENT**

**Next Meeting: February 2, 2022
AT 7 PM, Hybrid Format**

**TOWN OF NISKAYUNA
CONSERVATION ADVISORY COUNCIL**

Meeting Minutes
November 3, 2021

Members Present: Dart Strayer, Chairman
Steve Burkholder
Ryana Sarcar, Youth Representative
Ellen Daviero
Chelsea Rattner
Miki Vysohlid
Ashok Ramasubramanian

Also Present: Laura Robertson, Town Planner
Clark Henry, Assistant Planner

I. CALL TO ORDER

Chairman Strayer called the meeting to order at 7:00 PM.

II. ROLL CALL

Mr. Buonanno was absent tonight.

III. APPROVAL OF MINUTES

There were no minutes to approve tonight.

IV. PRIVILEGE OF THE FLOOR

There were no residents who came to speak.

V. ENVIRONMENTAL ASSESSMENT FORM REFERRALS

There were no EAF Referrals tonight.

VI. DISCUSSION ITEMS

1. 1356 Balltown Rd. – Subdivision application for 20 Townhomes

Chairman Strayer reminded the Council of the discussion regarding this project during the last CAC meeting. He updated the Council on the changes to the project since the last CAC meeting. He stated one of the buildings has been rotated off of Van Antwerp Road and that a sidewalk was added to connect the townhome complex to VA Apartments and CVS.

Ms. Robertson explained to the Council the reasoning for the Townhomes. They discussed the concerns regarding this development and the difference between single-family homes on this site or trying to do an average density development style Townhome development.

Ms. Robertson stated the applicants submitted some additional information regarding the traffic study for the Council to review.

Ms. Daviero expressed her concern for the extra traffic on Balltown Road. Ms. Robertson stated that due to the current volume on Balltown, an estimated 10 extra cars in an hour would not generally be noticeable to Balltown Road.

Mr. Ramasubramanian asked if the neighbors have expressed concern. Ms. Robertson stated there have been residents at the Planning Board meeting expressing concerns. She stated the developers reached out to the neighbors personally.

Chairman Strayer stated that it would fit a housing need to be closer to shopping and walkability in the Town. Mr. Ramasubramanian stated preserving open space is very important also. Ms. Robertson reminded the Council that engineering will not be done on this project until they meet with the ZBA and get a decision on the variances.

Ms. Robertson stated the CAC input on concerns regarding environmental impact does get discussed by the ZBA. The CAC can make a recommendation to the ZBA. The Council discussed recommending limiting the number of townhomes and to preserve the existing wetlands.

VII. REPORTS

- 1. Rivers Ledge Senior Housing** – Ms. Robertson discussed the updates to the senior housing and the amenities that will be there. She noted that they will need to get a permit from the Army Corps of Engineers because of the disturbance to the wetland. She stated that the prior recommendations the CAC gave to the Planning Board regarding this building have been discussed and will be part of the discussion at the next Board meeting when this project is finalized.
- 2. 1851 Union St. -- Mohawk Club** – all was approved and being built this fall.
- 3. 2733 Rosendale Rd. – site plan app. for pesticide-free Korean apple pear orchard** – This is still in the conceptual stage.
- 4. Draft of 2022 Meeting Calendar** – Ms. Robertson asked the Council to review the calendar and they will vote on it next meeting.
- 5. Natural Resource Inventory 2021** – Mr. Ramasubramanian gave an update on the NRI and stated that a major aspect for the NRI is public outreach. He stated the importance of letting the residents know and understand the importance of greenspace within the Town. Mr. Ramasubramanian asked if Ms. Robertson could forward some information to the Mohawk Watershed. He is having difficulty getting a response from that agency. She stated she would. She stated that the NRI can research for other grants that could possibly apply to this project. Ms. Robertson thanked Mr. Ramasubramanian for his incredible dedication to this work.
- 6. Pesticide Outreach Update** – Ms. Daviero stated it is still a work in progress. She stated the farmers market was a great success and love discussing with residents who are already pesticide free and those wanting to switch. Ms. Daviero stated the need is still to work with a Contracting Lawn Service Company to find an alternative to pesticides to offer for lawn care.

Ms. Daviero stated she will begin looking at the data of how many signs were sold, and how many residents committed to be pesticide free.

7. **Low Mow / Biodiversity Initiatives Update** – The Council discussed where the Town is with putting up the low mow signs at Blatnick Park. Ms. Robertson stated she spoke with Mr. Smith from Highway and he would like to get the signs in before winter. Ms. Robertson stated that seemed like a good idea. Mr. Ramasubramanian asked if Ms. Robertson could update the website with the new low mow map and new NRI information. Ms. Robertson agreed.

8. **Historic Preservation Code** – No updates at this time.

VIII. ADJOURNMENT

With no further business, Ms. Daviero made a motion to adjourn and it was seconded by Chairman Strayer. The members voted to adjourn the meeting at approximately 8:30 pm.

DRAFT



TOWN OF NISKAYUNA

CONSERVATION ADVISORY COUNCIL

AGENDA STATEMENT

AGENDA ITEM NO. V. 1

MEETING DATE: 1/5/2022

ITEM TITLE: 1356 Balltown Rd. – Application for Site Plan Review for 10 townhome buildings (20 dwelling units)

PROJECT LEAD: David D’Arpino

APPLICANT: Victor A. Caponera, agent for property owner Niskayuna RB Holding Co, LLC

SUBMITTED BY: Laura Robertson, Town Planner

REVIEWED BY:

Planning Board & Zoning Commission Zoning Board of Appeals (ZBA) Town Board
 OTHER

ATTACHMENTS:

Resolution Site Plan Map Report Other:

SUMMARY STATEMENT:

Victor A. Caponera submitted an Application for Sketch Plan Approval – 5 Lots or More for a major subdivision consisting of 20 single family townhomes (10 buildings with 2 units per building) of the 5.3 acre lot at 1356 Balltown Road, in the R-2 zoning district and Town Center Overlay District. Single family residences are permitted principal uses in the R-2 Medium Density Residential zoning district.

BACKGROUND INFORMATION

On the 10/6/21 meeting for the Conservation Advisory Committee (CAC), the proposed project was a “Discussion” agenda. Mr. Caponera made a presentation to the CAC members. Laura Robertson (LR) mentioned a completed EAF form was received and will be circulated for review following the meeting. The CAC provided the following comments and feedback.

- Requested a tree planting plan
- Requested the inclusion of solar energy technologies and pesticide-free lawn care
- Details of a storm water plan were requested
- 10/18/21 Planning Board (PB) meeting – The PB discussed the following topics during their review of the project.
 - Privilege of The Floor comment -- regarding drainage of the surrounding properties. LR confirmed that a full SWPPP will need to be performed as part of the proposed project.
 - Traffic Report letter dated 7/8/21 -- that was included in the meeting packet. The Board requested that a revised report be generated with total traffic counts as well as peak hour counts.

- Minimizing variances required – discussed eliminating one of the ten buildings to increase the side setbacks between the buildings along Van Antwerp.
- Recommendations from the 9/27/21 PB meeting -- they noted that many of the recommendations from the meeting, listed above, have not been addressed yet.

A revised site plan drawing (Rev 3, dated 10/14/21), variance summary stamped “Received Oct 21 2021 Planning Office Niskayuna, NY” and trip generation report (dated 10/6/21) were received by the Planning Office on 10/21/21. The changes from previous versions of these documents are listed below.

- **Site Plan**
 - The building containing units 19 & 20 was relocated to the northeast corner of the property to lengthen the side setback distances between buildings (13/14), (15/16), (17/18) & (19/20) and minimize the variances required.
 - An overflow parking area consisting of 10 contiguous spaces was added along the proposed interior road that runs parallel to Van Antwerp Rd.
 - An overflow parking area consisting of 12 contiguous spaces was added along the proposed interior road that runs parallel to Van Antwerp near its intersection with the interior road that runs parallel to Balltown Rd.
 - The sidewalk along Van Antwerp Rd. was extended to the driveway for Van Antwerp apartments.
- **Trip Generation Report**
 - Revised to include daily “weekday” traffic counts as shown below

Trip Generation Summary

Time Period	17 single Family Homes	Proposed 20 Townhomes	Difference
AM Peak Hour	17	10	-7
PM Peak Hour	19	14	-5
<i>Weekday</i>	<i>204</i>	<i>110</i>	<i>-94</i>

- **Variances Required**
 - The revised site plan design (Rev 3) reduced the total number of area variances needed by 21 (94-73) or 22%, relative to the Rev 2 design.
 - Note: a few omissions were noted in the variance table that was provided with the Rev 2 site plan design
 - Lots 2, 3 & 20 require front setback variances
 - Lots 10, 11, 14, 16-19 require side setback variances
 - The chart below displays the design parameters, zoning code requirements and number of variances required for the Rev 2 & Rev 3 site plan designs.

	Front Setback	Side Setback Common Lot Line	Side Setback	Rear Setback	Width	Depth (avg.)	Area	Maximum Coverage	Total
Code Requirement	30'	15'	15'	20'	80'	100'	9,000 SF	30%	
Rev 2	19	20	8	0	20	0	20	16	103

Rev 3	4	20	2	0	20	1	18	8	73
Diff R3 to R2	-15	0	-6	0	0	+1	-2	-8	-30

10/29/2021 Complete Streets recommended bending the WRGB access so that WRGB still had a “Driveway” off of the access road but the area wouldn’t get a second curb cut (also would reduce cut-through traffic).

11/3/21 Architectural Review Board (ARB) – The ARB held a preliminary review of the “Rev 3” version of the site plan for the proposed townhome project. Recommendations included: ensuring the 10 buildings include a variety of facades and architectural individuality, exploring the use of the WRGB entrance road off of Balltown Rd. and exploring the elimination of the proposed entrance off of Balltown Road.

11/3/21 Conservation Advisory Council (CAC) – The “Rev 3” version of the site plan was presented and discussed. The Planning Office noted this was a preliminary review by the CAC and advised the group that they would most likely be making a formal comment on the proposed project during their 12/1/21 meeting. The following comments and recommendations were made.

- Follow average density development (ADD) regulations even though the overall size of the property is significantly smaller than what is required for an ADD project and keep number of units to 17 or less.
- Recommend the “shared property line” 0 foot side setback variance but require that all other side setbacks, and as many other setback parameters as possible, be adhered to.
- Quantify and compare the open space included in all site plan revisions
- Consider working with the Niskayuna Racial Equity Task Force regarding the inclusion of affordable housing in the project.
- Require the implementation of green energy concepts, solar power, EV charging stations, etc.

The memo submitted to the Zoning Board of Appeals based upon discussions at the December 1 CAC meeting is attached to this agenda statement. The Planning Board and applicant decided to adjourn the case until January and the applicant is working to remove a building from the plans. The Planning Department will invite the applicant to attend the Jan 5th CAC meeting.



TOWN OF NISKAYUNA

PLANNING DEPARTMENT

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MEMO

Environmental Assessment Form Referral 2021-07: 1356 Balltown Road Major Subdivision Review

December 9, 2021

TO: ZONING BOARD OF APPEALS

FROM: CONSERVATION ADVISORY COUNCIL

At its regular meeting held on December 1, 2021 the Conservation Advisory Council reviewed the environmental impacts of the proposal for improvements to 1356 Balltown Road that included 10 Townhome buildings (20 dwelling units) and 73 area variances. The Council carefully reviewed the open space proposed and the number of area variances requested and strongly recommended to the ZBA that 1-2 buildings be removed from the plan to preserve adequate and high quality open space, reduce the area variances necessary for this proposal, adhere more closely to the Average Density Development code, and set good precedence for future townhome developments. They noted they do not count stormwater management areas as open space and recommended removing lots 19 and 20 because of their proximity to existing open space. They voted unanimously (5-0) on this recommendation to the ZBA, for the following reasons:

1. The proposal is similar to an Average Density Development (ADD), a planning tool which is only allowed in R-1 and R-R zones. The CAC supports the environmental benefits that come from clustering development closer together and allowing for greater open space / preservation for the general community, the stated intent of an ADD. The CAC recommends that the ADD code be used as a guide and adhered to whenever possible in the case of this R-2 proposal, both for an environmental benefits standpoint and precedence for future townhome development in the Town.
 - a. Section 220-28 (A) of the ADD Code states "The purpose of this section is to permit variation in lot size and housing type in suitable areas in order to encourage flexibility of design, facilitate the adequate and economical provisions of streets and utilities and preserve the natural and scenic

qualities of open space.” Section 220-8 (B) states that the conditions to allow for lot size reduction are (1) “The overall density does not exceed that which is permitted in the applicable zoning district;” and (2) “The land thus gained is preserved as permanent open space for the use of the residents of the area.” Therefore both the number of units and the quality of open space should be strictly adhered to.

- b. The CAC noted there is a single family home sketch from the developers that indicated 17 single family home lots can fit on this parcel but the current townhome proposal shows 20 dwelling units. They feel the density is too high – and therefore recommends reviewing no more than 16- 17 units for the parcel.
 - c. Section 220-28 (F) (4) (b) [1] states “Land reserved for open space shall, in the judgment of the Planning Board, be in a location(s), of a size and shape and of a type or character suitable for the purposes for which such land shall be primarily reserved. Types may include playgrounds, neighborhood parks or a natural or conservation area such as a natural watercourse.” The CAC identified that the 1-acre open space on this plot plan is largely demarcated as stormwater management – a condition they do not feel meets the intent of the code for open space. They feel the number of variances can be reduced, and the quality of the open space can be increased, by removing 1 or 2 buildings from the proposal.
 - d. The CAC identified lots 19 and 20 as a good candidate to remove the building and preserve as open space – because this area is adjacent to the proposed stormwater and Van Antwerp village forest and can provide a continuous conservation area for this neighborhood.
2. Because the CAC identified that the Townhome concept could reduce some environmental impacts compared to the single family homes and felt the townhomes could provide walkability and a diversity of housing to the Town Center Overlay District, they felt the 20 area variances for the “shared property line” (0 foot side setback variances) were appropriate. The CAC felt that of the remaining 53 variances, all other side yard setbacks, and as many other area parameters as possible, should be adhered to.
 3. They also requested consideration for affordable housing within the project and requiring the implementation of green energy concepts, solar power, EV charging stations, etc. to reduce greenhouse gas emissions from the development.

CC. PLANNING BOARD