

Town of North Greenbush Planning Board
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
May 23, 2022 6:30 pm

Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson, Leanne Hanlon (Secretary), Mark Ahern, Steven Kirk-absent, Michael Miner, Eric Westfall (Town Engineer), Ian Silverman (counsel), Michael Miner-BD.

Chairman Lacivita discussed notification of meetings issue and it was discussed at the town board meeting. Chairman explained how the legal notices are posted and how the signs are placed. Town Clerk posts the PB and ZB agenda as well and we go above and beyond of what is required. There is no regulation that abutters to the property in question be notified per Chairman Lacivita.

Public Hearings:

- **The Application for Site Plan amendment of the BDC Group (Cosmo D. Marifione, P.E.), 11 Herbert Drive, Suite 3, Latham, NY 12110, of the Vanderburgh Point Condominium Site (formerly Stacey Way Condos) at the property located within the 50 North Greenbush and Vicinity PDD, having parcel ID#: 123.-1-1.112.**

Luigi Pellushi, BBC engineers explained the application. About a year ago this was included in the PDD. 6- 4 unit buildings and some 6 unit buildings. The layout has not changed. At the end of Stacey Way will be extended with a cul-de-sac and for emergency vehicles. One car garage per unit and a driveway parking space. There is overflow parking. 2.3 parking spaces per unit. They added the bocce ball court. The proposed pickle ball is still there. The entrance has change and made better since the last plans and be inviting. All other items have not changed. The storm water has changed and will be in compliance with the DEC storm water regulations per Mr. Pellushi.

There is an HOA separate from the others. Mr. Pellushi showed a rendering of what the townhomes will look like. There is not less overflow parking since the original plan, it will stay the same. There are 150 spaces. Chairman stated we will need to do SEQRA. The new cul-de-sac is part of Stacey Way per Mr. Pellushi. No sidewalks to get to the original townhouse development. There is an access road behind the proposed Starbucks next to Well Now Care.

There is 27 feet from the driveway to the road. The retention pond will hold up to 6 inches at most so no fence is necessary.

Public Hearing opened: Bob Corseo, 60 Stacey Way: Why is there not an access road to Rt. 4? Chairman stated there is no way to do that and that design has been scrutinized so this plan is the only and safest way to make this work.

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Motion made to close public hearing by Ms. Foley and seconded by Mr. Wilson.
Condition: review of HOA by Counsel and SWIP review.

In reviewing the SEQRA document per Chairman Lacivita the only change is the persuual surface.

Motion made for a neg dec on the revisions and conditions by Ms. Foley and seconded by Mr. Wilson. All in favor.

Presentation: None

Old Business/Tabled Discussion:

- **The Site Plan Application of Deschamps Brothers, Inc., 169 Cordell Road, Schenectady, NY 12303, for a proposed farm stand nursery, to be located at 4402 NY Rt. 43, in an AR district, having parcel ID#: 145.-9-9.2.**

Mr. Deschamps distributed a large copy of the drawing of the site to the board. The board needed some additional detail from last month's meeting.

We did get additional comments after the public hearing and the deadline had long past per Chairman that were related to traffic safety.

Mr. Deschamps discussed the updated site plan. Switched the entrance and exit to give 200 extra feet of breaking, increased the overflow parking, supply bins have room for trailers to turn around and he now has extra room for turn around. They plan to plant some items as screening and he will speak with the neighbor. Chairman said there are a lot of hazards on Rt. 3 and this kind of contributes to it. Blake Buckner from DOT responded and has no issue and Chairman read that letter. However, the board asked for the entrance and exits to be moved for safety. DOT will do an onsite visit per Mr. Deschamps. Mr. Deschamps stated he would like to become a part of the community and this town needs a place like this nursery.

Mr. Miner stated with traffic if they move to a conditional approval but the in and out needs to be clearly marked. Ms. Foley stated the sign needs to go where the exit.

Overflow parking can be for employees but they can park across the field and walk on site per Mr. Deschamps. Mr. Miner stated there has been discussions of what is an allowable use. A nursery is an allowable use and the board needs to know what products they will be selling. The application stated "landscape supplies" but that can include many things and the board needs to state what would be allowed on this site. Ms. Foley said under the utility bins there is compost and she feels it should not be sold there. It smells and draws flies. He did not plan to have a big bin of manure. It would be bagged.

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Mr. Deschamps is agreeable that he does not need to sell compost. In addition, there should not be anything non-bagged that could drain to the wetlands. The board agreed. The large bins will have mulch, river stone, top soil, pea stone, white marble chip stones. Ms. Foley asked for a list of items this nursery would be selling. He will provide that. Mr. Miner asked about the building on site. He will have a small farm stand and maybe some crafts. There will be no food sold.

Mr. Deschamps stated his hours would be 8-6 and Sunday 8-4. End of April through November unless they sell Christmas trees. 2 employees to start. There will be a bathroom in the building. Ms. Foley stated there is something on the plan that states dwelling. He will change that description.

Chairman Lacivita spoke to the Police Chief about the traffic concerns. He is well aware of the traffic concerns there. He also suggested moving the entrance which has already been decided.

Chairman Lacivita asked Mr. Miner to go back to DOT and state we need more specificity information from them. Mr. Deschamps stated he should not have to do a safety study. He had one application that was denied and if this one is denied they would probably sell it to a developer so they could put homes on the 130 acres.

Ms. Foley asked what makes him different from Hewitt's. Planning on doing larger trees and shrubs etc. She feels they will get more than 30 cars a day.

Chairman said we are only speculating about traffic. And he is concerned about safety with traffic. The safety issue is a concern per Chairman. The board was told that there was a traffic study suggested for that site before. Chairman is suggesting that as well.

Mr. Deschamps was hoping for a conditional approval upon the traffic study. Chairman stated Mr. Deschamps can be there during the study. He feels this is the safest way and traffic is never irrelevant. In addition, this is a poorly designed road per Chairman Lacivita. He feels it is in all our best interest to get DOT there and postpone this one more month.

Mr. Miner agreed that the BD and this board needs a list on what they are selling at this nursery and he will provide it. Chairman stated he has no problem with any other detail with this plan except traffic safety. Mr. Miner stated he will contact DOT tomorrow to get them on site as soon as possible. We are not asking for an engineer and a huge traffic study.

Motion made to table to June 27 to give time for DOT study on site by Ms. Foley and Mr. Wilson. All in favor.

Mr. Mair asked to speak and Chairman Lacivita said this is not a public hearing so he cannot accept any public comment. Chairman said there are a number of people here about this project and he told them they could come to the meeting but it is not a public hearing and they can send their comments in and they will be reviewed as if they were

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speaking at the public hearing. Chairman Lacivita told Mr. Mair to give the written comments to me and they will be put into the file and read. This is not a public hearing and they will be discussed at the appropriate time.

The Site Plan Application of Bloomingrove Drive, LLC (Contact: Tom Rento), 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district having parcel ID#'s: 133.-2-17, 145.-7-5 & 145.-7-1.132.

Tim Freitag, Bohler Engineering and Mr. Tom Rento to discuss the proposed fitness center. The application was tabled pending area variances which they obtained last ZB meeting. Bloomingrove Drive section will be accessible for public access to the one resident to use. Chairman Lacivita read a ZB comment from ZBA Chairman French. Recommendation to the PB as part of the site plan review process to negotiate with eagle rock apartments (oak hill) and the town to have an access sidewalk connecting both sites to this. This would be a condition here as well to negotiate some agreement with parties involved for a walkway. Mr. Freitag and Mr. Rento do understand this. Aldi's will be in the back. Front will be a restaurant (unknown at this time) and Vent Fitness in the back. Traffic will come in at the new signaled entrance.

Another condition is that the board would like to take a look at the final plan. They will apply to Zoning for a sign package. MS. Foley asked what the pylon signs will look like. Mr. Freitag said they consolidated the signage. Miner stated they would have to follow the Rt. 4 design guidelines. Chairman said he would like to see on the site plan signage placement etc.

Ms. Foley asked if they plan to cut anymore trees down. Rento said until they acquire the other residence they can't do anything. They do not plan anything else until they acquire the other residence and they will come back before the board for that. Mr. Freitag said they consolidated the signage. Miner stated they would have to follow the Rt. 4 design guidelines. Chairman said he would like to see on the site plan signage placement etc. Ms. Foley asked if they plan to cut anymore trees down. Rento said until they acquire the other residence they can't do anything. They do not plan anything else until they acquire the other residence and they will come back before the board for that. Chairman asked if there will be a pool even though the building footprint will allow for it but that may be done later per Mr. Rento.

SEQRA: Motion made for a neg dec by Mr. Wilson and seconded by Ms. Foley. All in favor.

Motion made to approve with 2 above conditions This board will need to look at the site plan again and the negation of a walk way with parties involved by Ms. Foley and seconded by Mr. Wilson. All in favor.

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- **The Site Plan Application of Rosetti Companies, 427 New Karner Road, Albany, NY 12205, for a 24 unit apartment building to be located on Valley View Blvd., in an IG (Industrial) district, parcel ID#: 133.-2-1.133.**

Mr. Daniel Hershberg and Matt Folvey spoke about the application. Mr. Hershberg stated the older plan was on the website but this board has the newest one. Chairman stated the newer one should be on there somewhere. He distributed the new plan to the board. Mr. Hershberg said they appeared before ZB and their special permit was approved. There will be sidewalks to the two properties and they will make a contribution for sidewalks near the site. The final SWIP is close to being submitted. Knox boxes were added to the plan and the FD will dictate where the additional hydrants will be.

Ms. Foley asked about the parking underneath the buildings and will this have sprinklers. They will and the code calls for this anyway. There are the availability on the other site for residents to use the electric vehicle chargers but none on this new site.

When Mr. Hershberg submits his plans he would like the fire district to confirm there is no change to the sprinkler plan. Ms. Foley asked about storm water. It will be an infiltration basin and bio retention basin which only allows the water to get to 6 inches so no fencing is required. Police Chief commented that egress needs to be marked well. SEQRA – Motion made for a neg dec by Mr. Wilson and seconded by Ms. Foley. All in favor.

Motion made with one condition of storm water review by Foley and Ahern. All in favor.

- **The Site Plan Application of ELP Greenbush, Solar, LLC, 522 Massachusetts Avenue, Suite 201, Cambridge, MA, 02139, for the purpose of building a solar photovoltaic facility (solar farm), at the property located at 13 Morner Road in an AR district, having parcel ID#: 145.-8-19 & 145.-2-2.**

They were before the board last month. This is a coordinated review with East Greenbush. Wendy DeWolf and Mr. Bliss spoke about the application and noted who they have met with since last meeting. Mr. Bliss stated they walked the neighbors property and it is not visible from their property but they will put in a number of plantings along the boundary. They removed a couple rows of panels after speaking with the Woodworths (neighbors). Any changes has been reflected in the plan. The items in the letter need to be included in Laberge's report. Any agreements need to be incorporated into the site plan per Chairman Lacivita. Especially neighbor comments and how they were addressed. They increased the setbacks and a new landscaping plan is now reflected in the new plan and are very specific on the plan. 4 abutters has comments and they met with 3. The other one is in East Greenbush and they gave them their contact information but have not heard from them.

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Mr. Westfall spoke about East Greenbush conversations he had. They have a moratorium though June. Adam from EG will let Mr. Westfall know when the new code is in effect after the moratorium is lifted. Mr. Westfall said we will wait until we receive EG comments and Laberge additional comments since March 14 letter. He did say we are in a holding point until the moratorium is lifted in EG. Chairman said since Westfall is meeting with EG we need to include their concerns in our approval which will be a condition per Chairman Lacivita.

Everyone will sit down and make sure all is ok in order to do a SEQRA approval and if there is a loose end that can be taken care of by conditioning. Ms. DeWolf was hoping they could get a conditional approval this evening. Any additional poles is on the EG side. She said if any changes happen it would be slight. Chairman is stating we can do a SEQRA approval next month because we do not have the final review letter from Laberge and that's why they we cannot move forward. The letter of changes would come from Mr. Westfall though after he finishes reviewing Laberge comments. Mr. Bliss said they submitted a response to Laberge's first letter. Ms. DeWolf feels that they have provided all items they needed. They thought there would still be a conditional approval tonight.

Chairman Lacivita wants a letter to say they are compliant after he reviews Laberge comments next month and Mr. Westfall understands. Chairman states that if we can do a neg dec next month we can do a conditional approval next month as well.

Mr. Bliss asked if this board has adequate documentation and Chairman stated they have agreed with all the concerns and they provide a response that they agree to all of the concerns. The poles from National Grid will be on the EG site. Mr. Westfall will send them something in writing after he speak again with EG and finishes comments from Laberge.

Motion made to table until June 27 to have time to prepare the letter from Mr. Westfall in order to do a final SEQRA determination and a conditional approval by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **The Site Plan application of Joseph Bowers (Ingraham Solar, Inc), 1 Washington Place, Troy, NY 12180, for the purpose of building a solar photovoltaic facility (solar farm), at the property located at 391 Winter Street, Ext., Troy, NY 12180, in an AR district, having parcel ID#: 123.-5-6.1.**

Lyndsay McIntyre from Sole Source Power and Dave ? Engineer for the project.. They have responded to all the Laberge comments and BD comments. Ms. McIntyre did not receive the comments from a lawyer who is representing a resident dated May 11 and follow up May 19. Ms. McIntyre stated they walked the Kohler land today on Geneva Blvd. They took pictures looking over to their property. Chairman Lacivita said there

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are 4 abutters to this project. They have not seen any of the abutter comments. Mr. Miner asked if they could reach out to them to work out any concerns with the neighbors independently of the town. They are opened to talking with the abutters. The Kohler property is across the street. Dave ? stated the solar property drops down and there is a wooded area they do not own that has about 100 feet of vegetation that is staying. Miner asked what vegetation they are keeping. To the left are wetlands so they are not disturbing any of that. To the east they are keeping a buffer of 100 feet. There is a natural burning affect to the south that is remaining. Mr. Miner stated he will give out their information and they are willing to meet with any neighbor about this and that the board can meet on site as well. Ms. Foley asked about the 100 foot buffer and where is the guarantee they will not be cut down. One their side there are trees that are 40 – 50 feet high. The trees on their side will need to be cleared but not the national grid trees.

Chairman is asking Miner to make sure the applicant receives all the comments the board and BD received.

Per Chairman we need a review letter from Westfall or Laberge and completes the SE-QRA long form and if that is done we can act on this next month. Ms. Foley asked how much of the mature trees they expect to cut down. David stated about ¼ of them. She also asked about the power lines and if they spoke to the PD about security cameras. They will reach out to the PD but had planned on doing that anyway per Ms. McIntyre. There are 4 wheel and dirt bike riders in there all the time. Miner will get the list of comments and they will talk to the neighbors.

Motion made to table until June 27 meeting to tie up some letters and items and for them to meet with the abutters by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **The Site Plan Application of Leon Fiacco, 30 Red Oak Lane, Rensselaer, NY 12144, for the vacant property located at 325 North Greenbush Road (Route 4), Troy, NY 12180, having parcel ID#: 134.1-4.4 located in a BG (General Business) district.**

No one present

- **Referral from the Town Board of the re-zone application of Points North Holdings, LLC, 634 Bloomingrove Drive, Rensselaer, NY 12144.**

Mr. Clinkey presented a list of uses allowed in the area to the board. This is a proposed re-zoning which the town board will need to approve. This board will give their comments to the town board after reviewing. This is for an auto servicing business. The reason for the request is because that is the district this use is allowed by special permit.

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Chairman Lacivita pointed out the large apartment complexes in the area as well as the church and the credit union, Stewarts, CVS, as well as the Quackenderry proposal, etc. Chairman noted this is just a report back to the town board for the auto repair facility with no car sales and no gas sales.

Should the town allow spot zoning for just this parcel but not change any of the remaining area and why should they or should not do that. Also I this the appropriate zone for this area per Chairman. There can be conditions as well. What would justify this working Chairman Lacivita asked.

Ms. Foley stated it is not a very safe area for an additional business. Chairman stated what would be allowed there? Pharmacy, small restaurant, dry cleaner, etc. He does not see traffic as an issue with a car repair facility with constant customers. Miner stated we had discussed with the applicant we would look for adherence to the Rt. 4 design guidelines and have more of a residential character to the building. He would like that to go with the referral. The building is proposed 7200 square feet. Ms. Foley asked if we could limit the building size.

Mr. Clinkey gave the board a preliminary plan to review of the proposed building. There are four service bays. Mr. Miner stated they spike about not having 5-6 garage doors bays and have a better look. Ms. Foley asked that if that is the case why do we need so much parking? Miner stated when this goes through town board for rezoning and then comes before PB and ZB they can ask for reduced parking. There is also a well water concern from the older buildings. The bank was required to bring water through and there I now a hydrant. Chairman said the repair shop could generate oil and fluids which is a hazard.

Mr. Miner pointed out that the credit union was required to get sewer with a second line for anyone to get into if needed. The town did eliminate residential zone in that area.

Mr. Wilson stated that if this does goes to BG the value of the homes could increase in value.

Mr. Mair was allowed to briefly speak and stated there is no opportunity for public hearing for a referral so no public input. Miner stated there is no public input they asked for PB input. Chairman said the board members did see Mr. Mair's written comments and they will be put in the record. He was not allowed to speak any further. He asked that this referral process be changed.

Chairman stated that we will make a recommendation with comments to the town board. When comparing BN to BG we really cannot clarify why some are included and some are not and some are just as intense and present the same hazards. ZB will get this then PB will get this if the town approves the rezoning. Why are there differences in the BG and BN. He also does not see the purpose of the BN district and BG seems

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acceptable. The board agreed his comments. Ms. Foley said is the limit in square footage in BG of 10000 but 5000 in BN. Chairman stated there is enough secondary reviews to go through to help with this and the other level of review. Chairman asked what is the realistic zoning for that area given the condition of some of the building, some of the historic buildings. The BG given some of the special permit requirements the BG gives as much protection as BN. They could say maybe the BG is appropriate for all the parcels in this area. Chairman will word it differently. Ms. Foley asked if this area was changed to BG what effect would it have on the historical buildings? Miner did not have an answer. Church, school and Van Allen home are the ones that abut. Chairman will draft a letter and send it to the board members for review and comment and vote on it next month. Get their comments a week before the meeting. Mr. Clinkey asked that he receive the public comments that the board received. Motion made to table until June 27 by Ms. Foley and seconded by Mr. Wilson. All in favor.

The Grand at Creekside PDD, 125 West Sand Lake Road, Wynantskill, NY 12198, Constance Holding, LLC, c/o Greg Grande, a proposed residential development has been referred to the Planning Board for review and recommendation. This proposed PDD is located on a property having 26.5 acres, parcel ID#: 124.-5-9.1. No one present.

New Business: None

• **Business Meeting:**

Chairman stated they received comments on the incorrect trees being planted on Rt. 4. Tony got in touch with DOT and Rifenberg and they are planting correct trees.

Comments received about van Rensselaer Square pond and the BD is dealing with that.

For the Meadows Miner stated they have been given permission to do some soil and some foundations but not build.

Ace Hardware Storage across the street and there was a delay in putting the product into the store so they are aware of that and they are not going to store anything more in that lot. They are held up with a catch basin and Mr. Premo will take care of that.

Approval of last month's meeting minutes: Motion made to approve March 2022 meeting minutes by Ms. Foley and seconded by Mr. Ahern. All in favor.

- **Motion to Adjourn at 9:50pm by Mr. Ahern and seconded by Mr. Wilson**
- **Next meeting date: June 27, 2022**

All written public comments (mail, e-mail, faxes or hand delivered) are due to the Building Department by 4:00 pm on the business day preceding the meeting. If you need additional information or have questions about the process, please contact us at: 518-283-2714 or building@townofng.com . Please see the Planning Board page on the Town's website to view proposed plans.