

Town of North Greenbush Planning Board

2 Douglas Street, Wynantskill, NY 12198

Meeting Minutes

February 25, 2019 at 6:30 pm

Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson-absent, Leanne Hanlon-absent (Secretary), Mark Ahern, Steven Kirk-present, Justin Law (Legal Counsel), Michael Miner (Building Department-acting town engineer).

- **Public Hearings:**

- **The Application for a major subdivision of Mark Van Vleck/Van Vleck Development, LLC, P.O. Box 376, West Sand Lake, NY 12196, for a major subdivision at the property located at Reichard Lane, Wynantskill, NY 12198, in an R2 zoning district, having parcel ID#: 124.00-8-1. This is a renewal of a previously approved sub division.**

Marty Zangy, ABD Eng. Schenectady representing Mark Van Vleck. Project proposes 9 residential lot. Remaining lot of 50 acres will remain untouched. New homes will be connected to water main and sanitary sewer will be run to the 9 homes. Disturbance is under 9 acres. Improvements will be made to widen Reichard Lane along the nine homes. Chairman Lacivita asked what changed since 9/12/16? Mr. Zangy stated there is a t-turnaround and no cul-de-sac and the end is long enough for town vehicles to turn around. Mr. Miner stated that there are details in the town code and Mr. Zangy should review that and make any changes necessary. Chairman Lacivita stated that is a condition already on the project. Chairman Lacivita stated when it was approved before, it was stated there has to be a second egress. There will be per Mr. Zangy. This project was approved 2 years ago. Mr. Miner stated there was a conceptual plan shown to the board 2 years ago. They cannot develop the other side until they have another access point. If access to the street to the east would ever be obtained there would be conceptual drawings for additional lots. Mr. Laberge asked who owns the other piece of land. Mr. Zangy does not know. He said there is a town road to the east. The applicant does not own the other 50 acres. Chairman Lacivita stated there will be a condition that if the other 50 acres were to be developed there would need to be another egress. Chairman Lacivita asked if the end 20 feet is a town road and Mr. Zangy stated yes. There is a current house at the end of the property that has been there 40 years per Mr. Miner. The road there is only 20 feet wide. The plan shows relocating the culvert and per Mr. Laberge that will need a DEC permit. To widen the road they will need an easement. Laberge told applicant to get DEC comments. Mr. Laberge recommends an easement of 24 feet throughout however that can be done.

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Mr. Law stated you cannot make a developer fix something already there unless it causes an unsafe condition and he feels this is an unsafe condition. The plan is to remove the existing asphalt and redo the road. Mr. Laberge is asking that the road be corrected now especially on the end on the private property. Possibly control the intersection with a stop sign per Mr. Laberge? He said they have to show us options. It has to be addressed to the satisfaction of the highway and building department per Chairman Lacivita. Mr. Miner stated the FD needs to take a look at this. Mr. Zangy stated he has not received comments from the municipalities. Mr. Zangy asked if there could be conditions placed on this and be approved with conditions. Chairman Lacivita stated it could be provided all the conditions have been handled and approved. Mr. Laberge stated there could be some area needed for detention and that could affect the lots. They will not be filing subdivision plans with the county until everything is all set and conditions are met. They could be over the acres if they have to change the drainage issues per Mr. Laberge. The board would like to review it again once all conditions have been met per Chairman Lacivita even if it goes from 9 lots to 8 lots. Mr. Wilson is concerned with the bottom part and how narrow it is. He feels that the remainder of the land will eventually be developed and the road will need to be fixed at the end to accommodate that. Chairman Lacivita stated that as the project grows and the 50 acres are eventually developed the narrow end of the road will need to be mitigated. Mr. Laberge asked how long the road has been there? Mr. Miner stated the town paved it. Chairman Lacivita stated that when this is reviewed by the building department all these things have to be reviewed and mitigated. If they cannot be they have to come back before the board.

Public Hearing opened:

Andrew Mair, Brinker Drive: He agrees that the short stubby substandard piece of roadway needs to be widened and cleaned up before the 9 lots be developed. Miner stated there is a small portion that cannot be widened to 24 feet. Mr. Mair asked why it all can't be widened. Mr. Miner stated there would be a jog in the road at the end and the road would not be straight. Make everything meet all specs. He feels everyone should take a look at this to rectify. Chairman Lacivita stated everyone is going to take a look at it and if it can't be resolved it will come back to us. Mr. Mair is asking that it not be approved until this is rectified. He also stated water detention ponds may be disturbed more than 5 acres. SWIP may come into play. He is asking that it not be approved until this is looked at again by all parties. He feels these things need to be looked at before this is approved and to not approve with this long list of conditions.

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Mr. Zangy stated he would be putting the retention pond to the east on the applicant's property and would not lose a lot because of that.

Andrea Caglione, 16 Reichard Lane: She stated 16, 18 and 20 is constantly flooded. They now have to have a sump pump and then her and neighbor's back yard gets flooded. She is concerned about the drainage. She stated it is an existing condition. Miner stated this project will not fix or worsen the current condition. Chairman Lacivita stated to her that we cannot request this applicant to fix an existing problem. She is aware of that and asked where she can go from here. Chairman Lacivita stated he has to refer her back to the town board and highway superintendent.

Motion made to close public hearing by Ms. Foley and seconded by Mr. Kirk. All in favor.

- **The Application for a minor subdivision of Scott Noel, 53 Haywood Lane, Rensselaer, NY 12144, for a four lot minor subdivision, at the property located on Mammoth Springs Road, in an AR district, having parcel ID#: 145.-10-20.1.**

Steve Hart for applicant stated they have been working with Fire Department, SHIPPO, archaeology etc. FD wanted a larger map and that was provided to him. He did have concerns and they have agreed to mitigate those concerns from the FD. Driveway will be maintained by the owner. Lot 2 and 3 will be sharing a portion of the driveway. The homes will not have sprinkler systems. They still need SHIPPO. He stated the map is the same as last time. Chairman Lacivita looked at the Army Corp letter and Mr. Hartt stated they have been addressed and sent back to them. He stated they are at .06 acres of disturbance. Chairman Lacivita stated that Lot 4 and 1 the driveway are 500 feet long. Mr. Hartt confirmed that. Per Mr. Hartt there is a pull off area on the roadway. Miner met with McGrath regarding the fire code and they meet the requirements per Mr. Miner.

Public Hearing opened:

Lloyd Miller, 157 Mammoth Spring Road: he said he concurs that the road to the Y is 700 feet. He is concerned even though the FD states it meets code he feels it barely does. He also stated the road should be 20 not 1 and Miner explained that is why there is a pull off. There is no staging area requirement and why? Lacivita stated he can't speak to this but Miner stated it does not fall into the fire code but in a shared driveway code. Chairman Lacivita stated there is one driveway servicing 6 homes. He asked if the radius is appropriate now and Mr. Miner stated it is NYS Fire coded correctly and meets fire code per Mr. Miner. Mr. Miller

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is concerned about the sharp turn in Lot 3 driveway and Lacivita stated the FD had comments about that as well. Mr. Miller stated a single driveway would ease access point on Mammoth Spring Road. He is asking if army corps will be monitoring some things to ensure they will be done properly. He is also asking if the culvert can handle heavy vehicles going over it. He is concerned about water going onto adjoining properties. He asked who would be liable to anything that happens to the shared driveway and would easements will be required. He asked if since these are all flag lots will this be the process from now on? He feels there would be a moratorium until the town board takes a look. Mr. Miller wants the board to take it to the town board. He feels more that 6 acres will be disturbed. He feels there is a risk to existing wells and to Mammoth Spring itself. Mr. Miller provided a printout of his questions.

Sue Bove, Mammoth Spring Road: She asked question 3 of the short EAF. She asked how much soil will be disturbed.

Question 13b: she asked about wetlands

Question 17: storm water discharge he answered no but she stated the neighbor to the east of this had a severe water problem. How will storm water be captured and redirected?

24 inch PVC culvert? What methods and equipment will o be using around stream crossings? To the Board have you classified this action? Chairman Lacivita and Mr. Laberge stated it is an unlisted action.

ACOE application: Is it possible that the public comment period remain open until all the reviews have been completed. Chairman Lacivita stated it has been remained opened but the Board does not feel it is appropriate to further extend the comment period any longer than it has. She provided written notes on her questions.

Mr. Gage, 205 Mammoth Spring Road: He provided written comments as well that he read-see them and add them to notes.

Andrew Mair, Brinker Drive: Concerned about shared long driveways. What if there are neighbor issues? The agreement will fall through and nothing will get done. He recommends that there be an HOA to ensure and oversee maintenance and enforce maintenance of the driveways. If that doesn't happen the town will have to take over the roads at the town resident's expense. They would become town roads if they are not maintained if the maintenance agreement falls through and a burden on the taxpayers. Do not approve a sub division for a driveway this long with a maintenance agreement and not an HOA. The reason

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it is important to have good maintenance of these shared driveways is for access for emergency vehicles. It is very important.

Motion made to leave the public comment open for 10 days (March 8th) and close public hearing by Ms. Foley and seconded by Mr. Kirk. All in favor

Mr. Hartt stated he will review all comments and issues brought up and take action. He did state all fill material will be clean fill. Wetland mapping will all be shown. Full SWIP will be completed. They will be coming before the board next month to take care and answer all questions that have been brought up at this meeting. Will other wells be affected? When a new well is drilled and the flow is appropriate the existing wells are not checked to see if another well is affected per Mr. Miner and Mr. Laberge. Multiple projects impacting the current aqua fare. How do we mitigate future issues per Chairman Lacivita?

This application will be tabled until March 25th by Mr. Wilson and seconded by Ms. Foley. All in favor.

- **Presentations:**

- **The Application for the site plan approval of Scott Noel, 53 Haywood Lane, Rensselaer, NY 12144, for a Commercial Building, at the property located at 480-490 North Greenbush Road, Rensselaer, NY 12144, in a BG (General Business) district, having parcel ID#: 133.-2-10.**

Mr. Wilson is recusing himself from this application. Mr. Hartt showed a map that changes and the firehouse will be added to make two buildings and no longer a car wash. The building is now 8200 square feet. There are four access areas to the site. They are removing se accesses and proposing one. There will be future uses for offices in the building as well. Water line runs in front of the site and down Ludlow. Mr. Miner stated the 36" main is the east greenbush line that he cannot use. He can use the one that runs along Ludlow. Storm drainage was reviewed on the map as well and being reviewed with DOT. 30% greenspace. They will need rear setback approvals from the ZBA as well as a parking setback in front from ZBA. Chairman Lacivita stated there is an easement somewhere on the firehouse property that they need to look at. Mr. Laberge asked if there will be storm water management and Mr. Hartt stated yes.

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Chairman Lacivita asked if the public hearing is scheduled for March 25th would Laberge have time to review everything. He stated yes but board needs to review the comments before the next meeting. Ms. Foley asked what the elevation change is. Mr. Hartt stated a 2 foot change. They need to get everything to BD and the board will review again on March 25th. No public Hearing scheduled at this time.

Motion made to table until March 25th by Ms. Foley and seconded by Mr. Kirk. All in favor. Mr. Wilson has recused himself.

- **Old Business:**
- **The Application of R.A. Momentum, LLC, 1 Madison Street, Suite 300, Troy, NY 12180, for a revised site plan and revised major subdivision plan, at the property known as the Tech Valley Residential Community Planned Development District in the area of Route 4, Glenwood Road and Glenmore Road, having parcel ID#s: 123.-1-6.12, 123.13-7-1, 123.-1-6.11 and 122.-2-9.**

Justin Law has recused himself on this application.

Mr. John Romeo discussed the changes to the plan. There will now be one story homes instead of two story homes. The onsite storm water treatment can handle this now. They will need to submit a revised SWIP. 1.89 reduction in overall greenspace. He has the notes from the residence and notes from Mr. Laberge. Traffic study has been completed and accurate. Drainage at 55 Glenwood drive. Meeting was held on site 1/30/19. Mitigated. Hammerhead turnaround- 2/11 meeting the hammerhead has been moved. Drainage at the bottom of slope- resident will allow fill on their property do the drainage issue will be resolved. 8" water line – Hydrant will be installed and SWIP will be resubmitted as well as NOI for increase in impervious area. Mr. Miner stated that at the town board meeting that the board have no resolution or action take and that they did not need to do that to modify local law. Mr. Casale did agree to extend the length of pipe and place a hydrant. This was verbal. Mr. Laberge – hydrant he told them how they wanted the line and hydrant installed. Also asked what the schedule? The bio retention has been installed and they are progressing on the way down and agreed it should be done by May 30th. Mr. Laberge stated there will be a June 30th cutoff.

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Mr. Miner stated drainage and flooding on Nizenkirk property: the existing pipe is undersized culvert pipe and will be looked. Traffic study: Mr. Miner stated in speaking with the engineer there were two parts of the study one when HVCC was in session and one when they were not. Mr. Laberge stated in the letter that on number 6 it does require more than just an email as stated in the letter. Mr. Romeo is aware of this.

Letter of Feb 20th.

DEC approval

Dept of health approval

Drainage will be completed by June 30th

8" main diagram nothing in the letter but in the file in number five of the letter. Mr. Miner stated it can be conditioned on approval. There is a sketch though from Mr. Laberge. Sketch dated Jan 11th.

These are conditions.

Chairman Lacivita asked the one resident if all of this is accurate as to the meetings she attended (Ms. ?). She cannot speak for Nizenkirk's though.

She said the hammerhead did affect her property and moving it down has helped so they don't have to use her driveway now. She said she is disappointed about the hammerhead and people backing up and that is a concern she has left. Lack of cul-de-sac is a concern. Mr. Miner stated the silk fence will be removed. She said the other silk fence has not been removed by the hay field and she is concerned about that. She appreciates being invited to the meetings on site and appreciated the board letting her speak when there was no public hearing. It has been determined that there is not enough room to put in the cul-de-sac. The water line and hydrants deadline will be June 30th per Mr. Laberge. The hammerhead will be completed after June 30th per Mr. Miner and the timeline can be enforced as soon as the house comes down.

Item 2,4 and 5 June 3rd deadlines in the letter. All have agreed on the above conditions.

Mr. Laberge considers this a Type II SEQRA

Motion made for a Type II SEQRA and final approval by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **The Application for the site plan approval of Enzien, Inc., 167 Lape Road, Rensselaer, NY 12144, for a full service carwash and building addition, at the property located at 531 North Greenbush Road, Rensselaer, NY 12144, in a C (Commercial) zoning district, having parcel ID#: 144.2-4-8.**

Brian Sipperly representing Mr. Enzien:

A full service car wash facility. He showed on the map the drawing plans of the project. The parcel is 3.81 acres in size. 14,900 commercial structure currently and is zoned commercial. The building addition will be 3200 square feet. ZBA determined this is an allowed use and received area variances. Site access will remain unchanged from its current state. They are proposing municipal water and tapping into municipal sewer. 77 Spaces are proposed. Summer hours 8am-7pm and winter 8am-6pm. 120 cars a day spread out during the day or 11-12 vehicles per hour.

Concerns from last month:

Local law 189-12H- connections to municipal water lines cannot be hooked up to car washes. Location of vacuum stalls: they were moved due to an aesthetic concern and they worked on that with the building department.

Architectural: they met and reviewed and have arrived of the plan to the design guidelines. Mr. Miner stated the moving of vacuum stalls is excellent. The building will meet the intent if the guidelines and they will need ZBA signage approvals. Mr. Miner is asking for a picture of the façade. Mr. Sipperly provided a pic of the new façade. The BD and ZBA need to approve the design. Ms. Foley asked what the second story will be and Mr. Sipperly stated there will be a few offices there. She asked if this will increase the square footage and Mr. Sipperly stated yes but the zoning is lot coverage.

Vacuums – what are they going to look like per Ms. Foley? Mr. Sipperly stated the modern ones are more like the ones that are at the Hoosick Street carwash. These won't be bright shiny pipe and are out of view of Rt. 4 and screened from view and he did the best job to get them out of the way. Ms. Foley said she doesn't feel they are out of site. The rest of the board feels the new location is ok. Mr. Enzien stated the ones on Hoosick Street are a big back to back monstrous thing. These will not be like that and if they have to put up some shrubbery. He also plans to put shrubbery and flowers etc. Per Mr. Laberge there is a landscaping plan for the entire site and it is recommended that the islands be landscaped and Mr. Enzien will present that design plan. He relocated the vacuums at the direction of the board. That are not going to be that visible per Mr. Enzien.

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Mr. Miner stated action should be contingent upon conditions.

Conditions: Screening (trees in parking lot, etc). Laberge is recommending that we get a review letter to the applicant and have the applicant respond and show this board what they will do.

Mr. Laberge is asking if Ms. Foley wants a pic or a drawing or landscaping plan and she would like a landscaping plan. Mr. Kirk asked the other building will be one sort and it will be. The current building will be matched with the new building per Mr. Sipperly and Mr. Enzien. Mr. Sipperly stated the tenant has not yet been verified. Mr. Miner stated it also needs to be known approx how much water will the car was use. Chairman Lacivita stated that is they use this well more than what it should be used for there will be well problems at another location so don't put the planning board in a position to approve something that will cause another problem and not use the well for anything and use municipal water. Mr. Sipperly stated the well today does not produce a good flow of water. The plan is to cap it and not use it. The applicant does want to connect and use municipal water. However the applicant is not ready to say they will not drill another well to supplement to water use at a later time. Mr. Miner stated there will be a condition stating no us of well water and if they decide to at a later date they need to come back before the board. Mr. Sipperly discussed with Mr. Enzien in private about the possibility of not using well water and that will be discussed more and a decision will be made. Drainage report will be summarized per Mr. Laberge. The geometry was shrunk in the front to allow for storm water and the building was slightly shifted but will not affect the areas variables that were already received.

Outstanding issues:

Water and sewer extension

Connection to municipal water and utilize the current well without reapplication to the planning board

Review letter

Landscaping design.

Mr. Wilson asked about the back side of the drive thru and taking it down from 30 feet to 15 feet there? Mr. Sipperly stated they will need to take a look at that and make a change because it is tight. He also stated there is 24 feet between the curb and the back of the car wash and it is two separate functions? Can someone enter the detailing without entering the car wash? The point of sale is where everyone goes. Mr. Sipperly showed how people will get into the detailing building and there is a standard drive road and standard width and there is

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adequate room. If things do not work as far as stacking they can come back for more roadway but they don't anticipate that. Wilson also stated it does not look like there is room for a truck to get to the loading dock. Mr. Sipperly stated the filling will eliminate that dock grade. When the tenant is chosen they will know their needs and other things can be mitigated at the time. Ms. Foley asked what are they proposing for right in and right out so people don't enter the wrong way. Typical signage per Mr. Sipperly. The island will not be "mountable" and too high. They meet highway design and is an existing right in right out. Mr. Laberge stated they need information directional signage. It was decided that Mr. Laberge will take a look at all of this and they will come before the board next month and prepare a review letter.

Motion made to table until March 25th by Ms. Foley and seconded by Mr. Kirk. All in favor.

- **The Application of Whiteview Development, LLC, P.O. Box 38171, Albany, NY 12203, for a 184 unit condominium development, proposed at the property located on Whiteview Road, having parcel ID#: 123.12-1-1, in an R3 zoning district.**

Mr. ? showed the board a map and changes to the project. The postmaster is ok with the mail drop area. There are two separate areas for overflow parking.

They sent letters to the Renshaw residences to let them know there will be improvements to that road. They met with FD last week and the board has the letter. They finished the DOT request to evaluate the traffic on Whiteview. The study was completed and reviewed by the resident engineer in Rensselaer county and forwarded. He said there was no warrant for a left turn lane on Whiteview. They have continued their discussions with the school district. Chairman Lacivita stated they decided they need to have a building schedule and provide information to the school district as to the occupants when they arrive or purchase. He feels they went through the lost and also received a review letter from Mr. Laberge and are in the process of reviewing that.

Fire Code: specification for fire apparatus access road. Mr. Miner will meet with him and the fire marshal to discuss all of those requirements. Chairman Lacivita stated the goal was to get this proposal to the point to schedule a public hearing. Mr. Miner stated the only concern is if they meet that code with the access and he will determine that soon. Mr. Laberge stated his review letter had detailed comments that the applicant is working on.

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Mr. Wilson asked about the postal vehicle having room at the main entrance and exit and for people to get their mail. Mr. ? stated there is enough room but will provide a detail design of that area.

Motion made to accept sketch plan and make planning board lead agency and schedule public hearing for March 25th at 6:30pm by Mr. Wilson and seconded by Mr. Kirk.

- **The Application for a major subdivision of MJSR, Tech Valley Development LLC, P.O. Box 51, Poestenkill, NY 12140, for a major subdivision (the Gables at Mammoth Spring), of the property located at Mammoth Spring Road and Morner Road, in an AR district, having parcel ID#: 145.-10-13.12.**

Applicant requested prior to meeting that they be removed from the agenda.

- Business Meeting

Action to be taken: The Application for a major subdivision of Mark Van Vleck/Van Vleck Development, LLC, P.O. Box 376, West Sand Lake, NY 12196, for a major subdivision at the property located at Reichard Lane, Wynantskill, NY 12198, in an R2 zoning district, having parcel ID#: 124.00-8-1. This is a renewal of a previously approved sub division.

Conditions: 50 acres remain undeveloped without further review from the Planning Board.
Revised storm water analysis and review by County.

All necessary permits.

The access point to the site be approved be approved by Highway Superintendent and fire district for maximum width and length.

Engineering review.

Motion made for a neg dec by Mr. Kirk and seconded by Mr. Ahern with the completed application given.

Motion made to approve final site plan with above conditions by Mr. Kirk and seconded by Mr. Ahern. All in favor.

- **Action to be considered: The Application for a minor subdivision of Scott Noel, 53 Haywood Lane, Rensselaer, NY 12144, for a four lot minor subdivision, at the property located on Mammoth Springs Road, in an AR district, having parcel ID#: 145.-10-20.1.**

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See above
- **Action to be considered: The Application for the site plan approval of Enzien, Inc., 167 Lape Road, Rensselaer, NY 12144, for a full service carwash and building addition, at the property located at 531 North Greenbush Road, Rensselaer, NY 12144, in a C (Commercial) zoning district, having parcel ID#: 144.2-4-8.**
See above
- **Action to be considered: The Application of Whiteview Development, LLC, P.O. Box 38171, Albany, NY 12203, for a 184 unit condominium development, proposed at the property located on Whiteview Road, having parcel ID#: 123.12-1-1, in an R3 zoning district.**
See above
- Approval of last month's meeting minutes. Motion made to approve 2/4/19 minutes with changes on page one and last page showing the January minutes were approved by Ms. Foley and seconded by Mr. Ahern.
- **Discussion:**
A letter was received to the town board by the residents of Mammoth Springs to review flag lots and shared driveways. A committee will be formed at the direction of the town board. Chairman will send an email to recommend that the town board take a look at this.
- Motion to Adjourn at 10:08 pm by Mr. Ahern and seconded by Mr. Wilson. All in favor
- Next meeting is: March 25, 2019