

Town of North Greenbush Planning Board
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
September 23, 2019 at 6:30 pm

- Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson, Leanne Hanlon (Secretary), Mark Ahern, Steven Kirk, Richard Laberge, Ian Silverman (Legal Counsel), Eric Westfall (Town Engineer).

- **Public Hearings:**

- **The Application for site plan approval of CMCL, LLC – Chris Constantine, P.O. Box 116, Wynantskill, NY 12198, at the property located at 422-424 North Greenbush Road, Rensselaer, NY 12144, in a BN (Neighborhood Business) district, having parcel ID#: 134.13-1-6 & 134.13-1-7.**

Mr. Sipperly presented the application. .74 acres. 150 feet of frontage along route 4 and 200 along avenue B. The current home is uninhabitable and will be taken down. Currently has municipal water and sewer. They will replace the current absorption with a new larger one and is shown on the map Mr. Sipperly distributed. No wetlands on the site. 3000 square foot two story office building with a garage/storage. 28 new parking spaces. Curb cut will be slightly west to its current location. They have received area variance as well. Not sure how many employees right now. Traffic will be negligible.

Chairman received a written letter from a neighbor and her principle comment is snow storage and the leech field. Mr. Sipperly. She is requesting a fence as well. Mr. Sipperly stated an arrangement has already been made for a fence and divide the property. Ms. McGloughlin who is a neighbor stated she is good with these details. Ms. Foley asked about handicapped parking which is in the lower level and will there be an elevator for handicapped persons. Mr. Sipperly showed the access from the rear to both locations.

Public Hearing opened:

Andrew Mair, Brinker Drive, DeFreestville: what is the existing sq footage of the building not being torn down and it is 1316 square feet. He asked about the six foot fence mentioned. They want a six foot fence and only 4 is allowed. Eric Westfall

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stated they will need an area variance. Mr. Mair asked about two principle uses. Chairman Lacivita stated the BD assured him it was an allowed use. Chairman Lacivita also stated it meets the town code.

Ms. McGloughlin is fine with a 4 foot fence so they don't have to get a variance.

Motion made to close public hearing by Mr. Wilson and seconded by Ms. Foley.

- **The Application of Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084 for a site plan approval for a proposed 40,000 SF medical office/facility, at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel IDs#: 133.-2-15.12 & 133.-2-16.2.**

Timothy Freitag spoke about the building. 2 parcels totaling 5 acres. One other home is proposed to be demolished. 40,000 square feet total for a medical office facility. Public utilities will be used. He showed where the runoff of storm water will go. They will complete a SWIPP as well and it has been submitted and currently under review. The plan that was proposed has changed slightly. They changed the width of the roadway in to 36 feet. A public sidewalk connection is now on the south side of the facility as well. They have formally responded all the comments and went before the zoning board and all approved. They prepared a landscape plan as well. They will keep 3 trees on the side in front in good condition and not take down. He also showed where they will landscape the site on the map. Letter from Town Eng comments have been responded to and incorporated into the plan. The fire district letter has been reviewed and will work with the fire department on those comments which include relocating the hydrants. Ambulance and patient stretchers will be looked into and responded to. They have also met with state DOT. Ms. Foley asked if they have gotten any further with the vet next door about the south entrance. Mr. Freitag will provide a written agreement with them so the vet will make the connection. Future connectivity to parcels in the rear are shown as well to allow access. There are wetlands in the northern part of the property which they will not disturb. They also provided a grading topography plan. Mr. Westfall gave the applicant more information including contact information from Bonesteel. Per Chairman Lacivita Mr. Greenfield is requesting the historical sign be restored.

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Public Hearing Opened:

Mr. Greenfield, town historian was asked if there was any significant historical significance of the homes being taken down and he would like to get inside to take photos if possible.

Andrew Mair, Brinker Drive, DeFreesville: Asked about future land acquisition by this applicant can we have more detail as to what those plans might be? Chairman Lacivita stated that it is difficult to show how future parcels will be connected. Mr. Freitag stated there is no project or tenants lined up for those other parcels at this time. Mr. Mair wanted to hear more about the future parcels and Chairman Lacivita stated that application is not before us at this time but the applicant showed where the properties will connect in the future.

Kathy Allen, Meadow Drive, President North greenbush ambulance: She is asking is the road project will occur before this project? Chairman Lacivita stated it will start in February 2020 and likely completed by the end of the construction season in 2020. Mr. Freitag stated they have no construction schedule at this time.

Coordination needs to take place. They have met with DOT to come up with a construction entrance. He said they would like to have a spring 2020 start. Allen stated added construction vehicles will be a nightmare. She also asked what kind of services will be provided. Mr. Freitag stated Urgent care, surgical suites and office space but he does not know who many employees. She also stated they have to provide adequate ambulance access and an elevator to the second floor that will hold a stretcher. Chairman Lacivita stated Mr. Freitag needs to coordinate radio traffic with the fire and ambulance and keep communication opened.

Lyn Mack, 25 near Dutch Acres: she is trying to determine what the size of this building will be. Lacivita stated the new building will be a little smaller than the Community Care building in the tech park. Mr. Laberge explained the plan for higher water pressure that will raise her water pressure. Ms. Foley asked about the elevations and Mr. Freitag showed her the rendering with a flat roof there will be a two foot wall to hide the units on the roof.

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

- **Presentations: None**
- **Old Business:**

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- **The Application of Whiteview Development, LLC, P.O. Box 38171, Albany, NY 12203, for a 156 unit condominium development (Ridge Creek Condos), proposed at the property located on Whiteview Road, having parcel ID#: 123.12-1-1, in an R3 zoning district.**

Mr. Westfall stated he spoke with Nick about drawings tonight but no one showed. Motion made to table until the October 28th meeting by Ms. Foley and seconded by Mr. Wilson

- **The Application** for a 19 lot major subdivision of Sharpe Road Development, LLC, 1 Coyote Lane, Troy, NY 12180, of the property located on Sharpe Road and in both the Town of North Greenbush and the Town of Brunswick (4 lots will be located in the Town of North Greenbush), in an AR district, having North Greenbush parcel ID#: 113-3-9.

Tabled no action taken because of the Brunswick board.

- **The Application** for final site plan approval of Capital Development & Construction, LLC, 241 Riverside Avenue, Rensselaer, NY 12144, for the proposed construction of a banking facility, at the corner of Jordan Road and North Greenbush Road, Troy, NY 12180, in a BG (General Business) district, having parcel ID#: 134.-1-4.1. (Approved)

Should not be on the agenda

- **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.**

Charles Gotleib representing the applicant. He reviewed all the details from the other meetings that occurred. They have responded to all public comments and revised the shared driveway agreements and the town attorney reviewed them with no issues and also stated no HOA is not necessary. He said letters were received after the public comment and they dealt with them. He said they were accused of having an aggressive stand and he said that is not the case and this has been before the board for almost a year.

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Chairman Lacivita stated that during the course of the information over the last several months regarding the shared driveways. Ms. Foley with the approval of the Chairman looked at other municipalities that have shared driveway agreements and she explained what she found out. Mr. Gotleib stated they have not received any information. She stated the four municipalities. Lake George, She said Lake George has a shared driveway and has nothing but problems and they knew nothing about that.

Town of Duansberg: Dale Warner- head of planning building department. He did not have any knowledge of any shared driveway agreements.

Town of Queensbury: They do not know anything about shared driveway agreements.

Mr. Gotleib stated the towns may not be involved in the shared driveway agreements. He also introduced a shared driveway agreement for the town of New Scotland and entered it into the record. He also stated they have done shared driveway agreements in those municipalities that she checked. He distributed the one for New Scotland. He also stated that this town does not have any rules for shared driveways. Chairman Lacivita stated there was no intent to undermine his integrity. This town attorney reviewed the document and stated it is enforceable. Mr. Romeo stated the project attorney looked at the agreement for new Scotland and their town attorney looked at it and approved it. Ms. Foley asked how long the one he provided has been in force. Mr. Romeo stated about 15 years. He also said he has not received any specific complaints on that one. Ms. Foley asked where he got the cost figure to make a road a town road and he spoke to several entities and stated asphalt has gone up and it is \$500 a linear foot. She also stated they are putting in a road that fire apparatus can get up and down. With turn offs. And a hammerhead. She asked what the binder density is but Mr. Romeo was not sure. She asked what the difference between that road is and a town road would be. Mr. Romeo stated the thickness is different and would take away frontage on resident's front yard. More materials are required. Mr. Cahill asked what is the most recent road and Chairman Lacivita stated Haywood Lane. He asked how many homes were built before they dedicated the road to the town and he said probably none. He also asked how

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quickly after the approval could he develop the property – immediately. Why is it more to build a town road is the question. Chairman Lacivita stated we need to look into every question that has been raised. This is the last stages of review and we found some information that we need to look into. Cost and more efficient if this is not a town road per Chairman Lacivita. Mr. Gotleib stated this project got sketch plan approval over a year ago. At the last hour to go back and question why this can't be a town road. Chairman Lacivita stated that is not the intent. And no intent to delay this at all. Ms. Foley again spoke with the highway superintendent and the information she received is that we have (159.24A) town road specs. She said she got figures to install a town road per Mr. Premo. She said the figure she got is \$77,000 not \$750,000 as the applicant quoted. Mr. Romeo stated a residential road cost more than that. Ms. Foley asked why we are not doing the town road and Cahill stated that is not the correct cost and the numbers are not correct. Mr. Gotleib stated a shared driveway is acceptable in town code. And everything has been satisfied. And if it is a town road the town will be responsible for all costs and they are trying to prevent that. Ms. Foley also stated Premo said make this a town road. Mr. Cahill stated he received conceptual approval and why would this be brought up at this meeting tonight. Mr. Gotleib also brought up that the highway superintendent has seen this plan before and had no comment. Mr. Laberge read a letter from Sept. 18th with his findings. He read his comments. Eng plans, health department approval etc are all factors. Spoke about the homeowners understanding it is their responsibility for these shared driveways and a sign would be a good idea and that was a comment in the letter as well. There are a lot of details in the storm water as well. They meet the standard for preliminary approval and the shared driveways are in our code. Chairman Lacivita stated the fire marshal has signed off on this as well. No other comments from Mr. Westfall.

Mr. Silverman spoke and has reviewed this project to get him up to speed but has not been through the entire process. Meets town code meets state fire code and meets BD regulations and there is no legally permissible reason this cannot be approved tonight. There is no reason to deny it because there is no town road.

Brian McCrea Defreestville FD: He said the developers have been very cooperative through this process. Water issues in general in the 43 corridor anyway and there is

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already a delay in getting water there. He is not saying the homes are not safe. They are probably one of the safest. He said water is an issue. Mr. Romeo stated they have another plan so there will not be icing on that driveway. Mr. Laberge stated they will review all the technical aspects and conditions for final approval and will be in writing. Chairman Lacivita asked about the sign that was discussed. The town can insect the fire access driveway and can issue an order to remedy and wants to make sure the signage is included in that so it can be enforceable. Mr. Laberge stated the shared driveway agreement did not include the sign but the developers will add that. Chairman Lacivita also stated the town attorney needs to approve it and we are not addressing that with this board. Chairman Lacivita stated he does not like the shared driveway concept and wants that on the record. He is concerned. Motion made for preliminary site approval from the resolution prepared by the applicant that counsel has approved by Mr. Wilson and seconded by Mr. Ahern. Roll call vote: Foley, Kirk, Lacivita, Wilson and Ahern all yes.

- **New Business: None**

- **Action to consider: The Application for site plan approval of CMCL, LLC – Chris Constantine, P.O. Box 116, Wynantskill, NY 12198, at the property located at 422-424 North Greenbush Road, Rensselaer, NY 12144, in a BN (Neighborhood Business) district, having parcel ID#: 134.13-1-6 & 134.13-1-7.** Mr. Westfall spoke about a few details that he discussed with the applicant. Motion made for a neg dec by Kirk and Foley. Motion made to approve site plan with conditions stockade fence and guardrails and review the required handicapped parking and that they get all necessary approvals by Mr. Wilson and seconded by Mr. Ahern. All in favor.

- **Action to consider: The Application of Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084 for a site plan approval for a proposed 40,000 SF medical office/facility, at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel IDs#: 133.-2-15.12 & 133.-2-16.2.** Mr. Westfall stated they are conducting a review with Mr. Laberge.

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Motion made to table approval until the October meeting by Foley and Kirk. All in favor.

- **Discussion**
- **The Application** of Ted & Luciana Owens, 191 Sharpe Road, Wynantskill, NY 12198 for a four lot minor subdivision (Oak Ridge II), at the property located at 188 & 191 Sharpe Road, Wynantskill, NY 12198, in an AR district, having parcel ID#s: 113.-3-7.1 & 113.-3-7.3.
(TABLED – Public hearing in October) Motion made to rescheduled public hearing to October 28th by Ms. Foley and Mr. Wilson
- **Discussion on Van Rensselaer Square** regarding non-compliance with the approved site plan. Chairman Lacivita met on site with Bill Miller and Paul Goldman. All conditions that have been laced have been met for Wendy's to get a CO. There have been debris issues. He met with CDTA as well. Signs were also moved for the bus turning radius. All signs have been replaced. Vehicles are turning left into the site and are turning left out of the site. The police will be present. Excavating clear cutting law has been approved. Chairman Lacivita meet with the east greenbush budget committee and answered their questions. Chairman Lacivita met with the superintendent of little red. They are discussing expanding the building. He will forward that information to the town board.
Rt. 4 project there was a meeting several weeks ago.

A question came up at the town board meeting about the planning board complying with the ethics law. We are not required to submit annual financial information. We know when to excuse ourselves from an application.

- Business Meeting
- Approval of last month's meeting minutes: Motion made to approve August minutes by Mr. Ahern and seconded by Mr. Kirk and change Gotley to Gotleib.
- Motion to Adjourn at 8:43pm by Ahern and Wilson
- Next meeting date: October 28, 2019