

Town of North Greenbush Planning Board

2 Douglas Street, Wynantskill, NY 12198

Meeting Minutes

April 22, 2019 at 6:30 pm

Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson, Leanne Hanlon (Secretary), Mark Ahern, Steven Kirk, Justin Law (Legal Counsel), Richard Laberge, Michael Miner, Eric Westfall (new Town Engineer).

- **Old Business:**
- **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.**
Applicant asked that he be on the next agenda in May. Not present.
- **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.**

There was a town board hearing on April 11th regarding changing the water local law. Brian Sipperly, Verity Engineering. He discussed the project with the board. He reviewed new items and changes. Town Board actions for proposed rescinding town law that did not allow a car wash connection to a municipal water line on April 11th. Mr. Sipperly stated there was a public hearing as well. Max daily usage resulted in .12 psi difference without reclamation. Mr. Laberge agreed with the findings. There are 4 reclamation tanks proposed for the site. They moved the vacuum location to the side north. He also showed a landscaping plan and have added some trees and he provided a colored rendering of the site. He received Mr. Laberge's letter of March 4th as well. Chairman Lacivita stated the final design needs to meet the Rt. 4 design guidelines and will need to be a condition. Chairman Lacivita is asking the BD to look at the landscaping plan. Signage in the windows will be prohibited. Ms. Foley: the rest of the trees are residues trees. She asked Mr. Sipperly to just confirm the landscaping questions she has. She also asked for some arborvitae trees to be added to the landscaping along the berm. Sipperly agreed. Mr. Wilson asked about the other building and if there are tenants for the other spaces.

**Planning Board
Meeting Minutes
April 22, 2019
Page 2**

Mr. Sipperly stated they are searching and the tenant will have to come before the board once selected to get a change of use. Ms. Foley also asked about grading and Mr. Sipperly showed her on the maps and renderings. He also showed the dumpster enclosure and snow removal. Chairman Lacivita stated the existing building use any occupancy must come before the board as a condition to show parking, deliveries etc. Mr. Miner stated the signage is not part of any approval. They would need to go before the ZB for that. Mr. Laberge stated he is expecting a resubmittal from the applicant to answer or mitigate his comments in the March 4th letter. Chairman Lacivita stated he feels they are prepared to move this forward.

Conditions: approval by town board for water district, comments of Mr. Laberge letter March 4, approval of final plan, compliance with Rt. 4 design plan, no signage in windows, any new tenants must come before the board once selected. Signage plan must be submitted to ZBA.

Motion made for a neg dec on SEQRA by Mr. Wilson and seconded by Mr. Kirk. All in favor. They have the completed paperwork.

Motion made to approve with above conditions by Ms. Foley and seconded by Mr. Kirk. All in favor.

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

Chairman Lacivita stated there has been some activity and controversy since the last meeting. Mr. Costa and Jared George spoke about the application. He said there was clearing scheduled and it was a coincidence he showed up the day after the meeting. There was 162 units now 140 units. The ones along the road and the front have been taken off the site. The revised drawings now show the extension of the sewer on Renshaw per Mr. Costa. He also stated the emergency access will be designed so people can walk around the gate. Sidewalks are now showing along Whiteview and DOT will need to approve. He said they added more plantings along the side of the project with trees to act as a buffer. They added a dog park and activity area. The project signage has also been relocated. He also showed a photo of what the proposed units would look like.

**Planning Board
Meeting Minutes
April 22, 2019
Page 3**

Mr. Costa stated the access road will now be twenty feet wide. Chairman Lacivita asked about a berm on the border on the top of the project. The BD will decide the design. Mr. Miner said it was discussed about clearing limits the PB was going to ask for but things have been cleared before that could happen. They plan to replant trees where brush was cleared. Mr. Miner also asked what happened to the greenspace. Mr. Costa stated it was cut to the clearing limits. He said they will put in a berm and show a landscaping plan to show evergreens 8-10 feet high. Mr. Wilson asked if the clearing area is just where the buildings are noted and that the rest will remain woods and that is correct per Mr. Costa. Chairman Lacivita asked if there is significant clearance between the berm and the property line. Mr. Costa stated there is 55 feet between the property lines. Mr. Miner stated he will need to take a look at it. Mr. Laberge wants to take a look at the new plan. He will do a concept review.

Public Hearing opened:

Chuck Dooley, 2 Renshaw: thanked the builders for the changes that will affect them. He is happy about the 22 units going away. He also asked if that was a permanent change and Chairman Lacivita stated yes unless they submit a new site plan and have to come before the board. He asked for that to be a condition.

Joe Stazinski, 14 Hillview Court: Advise on the intent of the public hearing. Lacivita stated that the applicant caused some issues and hear their explanation and they proposed a significant change so the PB wanted to give the public another chance to make comment. He also asked why the clearing was allowed. Lacivita stated it was not prevented under the town law. Mr. Stazinsky said there is a pile of trees on the ground on Whiteview road. Asked to apply some logic and Lacivita stated it's the code. And the applicant does not have to come before the bd to cut trees and the town has no jurisdiction to stop it. Chairman Lacivita stated in the future they could change things to say the applicant cannot cut trees until everything is approved. Chairman Lacivita stated they never mentioned they would cut right away at the last meeting. Stazinsky said the town should have rights and should have told the applicant no cutting or clearing until approval. Mr. Miner stated logging does not fall under our code. Planning board and town was not aware the clearing could occur right after the meeting and now it is an issue. Chairman Lacivita stated we do not have the authority to stop it and we did not

Planning Board
Meeting Minutes
April 22, 2019
Page 4

know and explained that to Mr. Stazinsky. Chairman Lacivita stated maybe we don't like what happened however the applicant came back with some favorable changes and will go to the town and Laberge Engineering to make comment. The law does not allow the board to do anything about the trees cutting. Mr. Stazinsky stated Mr. Miner should not comment on any of these engineering and there is a conflict of interest. Mr. Stazinsky asked what the ethics board stated about that and he did not receive and information about that. Mr. Costa stated all the trees will be removed.

Bill Madsen, formerly of Renshaw Road: He asked for detail on the improvements on Renshaw road and asked about the phasing of the second water line. Mr. Miner stated he feels the seconded connection should be done before a CO is issued. Mr. Costa stated there will be 2-3 building phases and showed the public where the phases will start. Mr. Madsen is recommending the second water connection should be done as soon as possible.

Dave Konkowski, Renshaw road: thank you for keeping those condos out of my back yard. They did get aggressive with the clearing though.

Joe Gross, Meadow Drive: They are building some homes that abut this property. He said Anthony and Jared had an agreement but the tree person did not follow it correctly. It was not right and he feels they could have controlled their tree person. He feels they should have taken all the input from the board and public. He said it is difficult to get in and out of his sons property which abuts this property and there is a lot of traffic that is going to be added to Whiteview. He also stated he feels they should be single family homes though and the area would be served better. Has there been a traffic study? Chairman Lacivita said DOT did approve this. Mr. Laberge spoke about the peak hours and the standard that was used. Mr. Gross asked about approvals (DEC, Army Corp, etc.). He said the wildlife population was totally disturbed and is anyone watching this? Chairman Lacivita stated they have to have permits and have final approval in the file before the BD can issue any permits. Mr. Miner stated there are guidelines the loggers have to follow. Mr. Miner stated DEC is aware of the cutting. Mr. Gross said the stream is very sensitive. Who notifies who?

John Greeves, 902 North Road, Env scientist: talked about permit approval and said they should have had approval from Army corp and DEC before they drove anything over a stream or wetland and if not it is a violation and they should be notified. He said that is

Planning Board
Meeting Minutes
April 22, 2019
Page 5

a potential violation of the clean water act. He is concerned about the traffic on Whiteview this will create. He also said the Oak Creek watershed. Pulling the trees out is not helping with runoff and downstream flooding and water quality. He said trees absorb the water and release it back into the atmosphere. That is a significant amount of water that will now run off because the trees are gone and it will increase erosion. That was one of the last forests on Whiteview road that has now affected the rural character of the town. Habitat fragmentation, and other impacts and we are reducing our environments ability and quality of life and this affects that watershed. He feels the rest of the land should be preserved. It would be nice if the town could request buffers along Oak Creek. Chairman Lacivita stated there will be a certain amount of land that will be preserved.

Andrew Mair, Brinker Drive: Traffic-high density residential projects that have already been approved and he named them that have been added to the town and the cars that have been added. This particular project will generate a lot of vehicles and they will all end up on route 4. When will we stop allowing high density projects that affect the infrastructure? When will we stop? He also said this board has the authority to order a traffic study and an assessment of wetlands. He is asking for a full long form env. assessment with a traffic study and Army Corp of eng approval. He mentioned one project that now has a stop order because a permit was not issued yet. Please make sure the Army Corp of engineers permit is in place before approval.

Todd Bonesteel, 32 Crimson Circle: He has been a town resident his whole life and understands there is no law to clear your land. He said the developer was very disrespectful to the board and town that they immediately cleared after the meeting. He said he doesn't feel the 100 cars is correct and we should do an appropriate traffic study. He said he sees the traffic and congestion the Pasture puts on the roadways now and that's half the size.

Mary Francis Sabo, Buckbee Road: she did some research. She feels there was a lack of good faith. She said some other municipalities do have laws about clearing before approval. The town board would take a look at that if they need to.

Brian Gross, 232 Whiteview: There is nothing in place and the silt and runoff is now entering the creek bed. Can the town authorize some sort of SWIP plan now. Mr. Miner stated the army corp and DEC is aware of it and believes there will be a site visit this

**Planning Board
Meeting Minutes
April 22, 2019
Page 6**

week. He also asked about monitoring this tree removal. He said there is 0 measures in place to stop silt going into the stream and creeks. Mr. Laberge stated since the BD is coordinating with DEC they should take a look at the situation

Tom Testo, Charlotte court: He is dismayed that DOT approved the traffic. He said the traffic is unreal. There is flooding there now. The water problem has changed a great deal.

Paul Kemka, 9 Renshaw road: Drainage onto Renshaw into the hammerhead and into the creek has that been discussed? Chairman Lacivita stated Mr. Laberge and Mr. Westfall will review that. Mr. Laberge stated they have to review the details of that planning and do not have a new set of plans. He asked about the new sewer connection and how the neighbors go about hooking in. Chairman Lacivita stated the residents will have to petition to connect to the town board for a sewer district connection. Widening of the road will that be on the west side and it will. He said there were more trees down than he planned.

Anthony Gross, Whiteview road: Berm- he thought it was agreed that over the phone he thought there was an agreement. He said they cleared after people went to work. He would hope 12-15 feet trees be replanted. He said there were gorgeous trees that are gone. He said they did not honor their words about not clearing all the way to his property line. His road now has a lot of water over his road now. He said it needs silt fence to protect the stream.

Motion made to close public hearing by Mr. Wilson and seconded by Ms. Foley. Chairman Lacivita stated all the board members are concerned with that went on with the clearing and that Army Corp and DEC need to be contacted to take a look at this and report back to the BD and Board and noted that the board is not happy about the clear cutting that took place the day after the meeting. He also said everything will now be documented regarding this project. He said we are at least two more meetings will need to occur about this project. He knows residents are also angry about this. We are now going to make sure everything is done by the book and documented. Chairman Lacivita asked that the berm and tree plantings be well defined. The public hearing is closed but the public is welcome to come to any future meetings. And they can reach out to the Engineer and applicant anytime.

Planning Board
Meeting Minutes
April 22, 2019
Page 7

Ms. Foley: asked what can the applicant do to mitigate the stream bed right now and they should not be allowed to drive through the stream and what are they going to do? Jared George said the loggers were given the go ahead to do what they are doing. Mr. Costa said DEC has jurisdiction over the stream not the wetlands. Jared said Army Corp has been in contact with him and they visited the site and he has not heard anything from them after that. She said did it occur to them that they should not be driving over the stream and common sense. She said this board could have been noticed at the meeting that clearing was scheduled for the next day. Jared said they submitted documentation about that clearing. Ms. Foley said it was told that they would not clear to the property line and it was. They did not follow through. They should not be driving through the stream. Jared George did not know that there was an issue with the stream. Jared said tonight is the first time he heard there was muddy water runoff and he will take a look at it. Jared said the logging company said they are following the standards for Army Corp and DEC. Jared does not know how the stream looked before. Mr. Laberge asked what their plans are starting tomorrow. Mr. Costa said the logger will still be on site and he will talk to them about silt fence and stone etc. Laberge said it looks as if there are water quality violations. Mr. Laberge asked what can be done to mitigate it now? Minimize the activity until another agency looks at this. Mr. Costa said he can tell the logger to stop until someone can look at it. Chairman Lacivita said we need to find out what the rules are and we need to get some rules and code in place and make some changes about cutting until the PB approves the application.

Jared George said they have concerns about the speed on that road and it needs to be reduced. They are willing to get a solar speed counter in that area to see what people are driving to help get the speed reduced. Lacivita stated that can definitely be addressed and they need to put it in writing to the BD. Mr. Kirk asked if they are ceasing logging and Mr. Costa said yes. The piles on Whiteview will continue to be cleared per Mr. Miner.

Motion made to table until the next set of plans comes to Laberge and BD until May 20th by Mr. Kirk and seconded by Ms. Foley. All in favor.

- **Presentations:**

Mazone Administrative – copy from other agenda.

Building will not be open to the public. Dining commissary proposal. They will have vehicles for delivery parked out back. He stated there should not be any signage on the building. He showed the board a picture and outline of the proposed building. Chairman Lacivita mentioned that there is a Rt 4 design project on redoing route 4 so he wanted him to be aware. Mr. ? showed the board where deliveries will be made. Mr. Laberge stated DOT will need to be contacted about some of this design. Mr. Miner will follow up with Steve Hartt.

Motion made to make planning board lead agency, accept sketch plan and schedule public hearing for May 20th by Ms. Foley and seconded by Mr. Kirk. Mr. Wilson has abstained.

- **Old Business:**
- **The Application for a site plan review of 128-130 Main Ave, LLC, P.O. Box 370707, Brooklyn, NY 11237, for a proposed 8,703 SF two story hardware store with a building footprint of approximately 4,994 SF, at the property located at 128/130 Main Avenue, Wynantskill, NY 12198, in a H (Hamlet) district, having parcel ID's#: 124.05-6-15.1 and 124.05-6-15.2.**

This was tabled last meeting per Lacivita. The master plan and zoning laws are not synchronized. It has been reviewed and they are not in agreement with each other. Chairman Lacivita spoke with the town attorney and received a very preliminary comment. Their application is complete and they are prepared to schedule public hearing and counsel will provide a legal decision because master plan and zoning differ. Lacivita stated there is nothing else to discuss with the application.

Motion made to get a formal written decision by council from Mr. Wilson and Ms. Foley. Motion made to schedule public hearing for May 20th at 76:30pm by Mr. Wilson and Ms. Foley.

- **Business Meeting**
- **Approval of last month's meeting minutes:**

Motion made to approve March minutes by Mr. Ahern and seconded by Mr. Wilson.

**Planning Board
Meeting Minutes
April 22, 2019
Page 9**

- **Discussion: None**
- Motion to Adjourn at 8:40pm by Mr. Ahern and Mr. Wilson
- Next meeting is: **May 20, 2019 - on the 3rd Monday** because May 27th (the 4th Monday) is a Holiday/Memorial Day)