

**Town of North Greenbush Planning Board**  
**2 Douglas Street, Wynantskill, NY 12198**  
**Meeting Minutes**  
**August 26, 2019 at 6:30 pm**

- Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson, Leanne Hanlon (Secretary), Mark Ahern, Steven Kirk, Richard Laberge, Michael Miner, Eric Westfall(new Town Engineer).
  
- **Public Hearings: None**
- **Presentations:**
- **The Application of Ted & Luciana Owens, 191 Sharpe Road, Wynantskill, NY 12198 for a four lot minor subdivision (Oak Ridge), 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.**

Dave Dickinson distributed updated map for the board. 4 lot minor sub division. Each lot is over 5 acres accessed via Sharp Road. The zoning application was approved for the setbacks at the August meeting. Septic systems and public water. Wynantskill School district. Chairman received one written comment from the Kennedy's and that was read and given to Mr. Dickinson. Mr. Wilson asked how long each driveway would be for each lot. West side 300 feet and the other is 350 feet before they break off. One common driveway before they split. Ms. Foley asked how he would get the water lines up and he said he would have room. Chairman Lacivita stated he wants to fire district to review this application. He requested Mr. Dickinson to have the map updated after the fire district reviews to ensure their suggestions are on there. Mr. Laberge asked about cross easements for the shared water. Identify probable area of disturbance and show where the lots will be located per Mr. Laberge.
  
- **The Application of Bloominggrove 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 Bloominggrove Drive, Rensselaer, NY 12144, in a BG district, having parcel IDs#: 133.-2-15.12 & 133.-2-16.2.**

Tim Freitag, Bohler Eng. On behalf of the applicant.

Mr. Freitag displayed a map showing the project. This will be a two story medical facility. He said this is a great opportunity for the community. They were before ZB August 13<sup>th</sup> to get their variances which were approved. They are proposing 41% greenspace coverage. They received some preliminary comments. Mr. Freitag show photo concepts of the proposed site and building. They are making some changes to comply with the design guidelines. They will prepare a formal response to the preliminary comments. This will be Urgent Care, primary care and surgical suites in the building. They are in the process of locking in a formal tenant. Chairman Lacivita stated he received a call from the Ambulance (Tom) and they want to know exactly what will be in there because they may receive emergency calls for the facility. There are approximately 2 calls per month for urgent care and Tom would like to know about the other offices. Chairman Lacivita asked if there will be a separate access for an ambulance to respond for patients. Mr. Freitag stated the ambulance will pull around the building and pick up in the front. The Fire Chief spoke to Chairman Lacivita about a new code. Deputy Chief Craig and the Fire Marshall will talk with Mr. Freitag about this new code and system. They will need sign off from the fire district. The town engineer provided 23 comments that they will need to address and they will. He received the comments. Ms. Foley asked about the mature trees in front of the site and will they come

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down? Mr. Freitag stated they will view the site to see what trees will stay and what will need to come down. Ms. Foley talked about the front of the building and the footage from the roadway. She said because the building is right there sidewalks and turning lanes will be difficult. They were also listed on the town engineer's questions. Mr. Laberge asked about connecting to the property on the south. Can he do a thru-road? He will look at that. Chairman Lacivita asked that he show the access on the site plan. Ms. Foley asked how the single house that was not sold going to be accessed. Mr. Freitag stated they will still have access to Bloomingrove Drive. He showed on the map where they will still have access.

- **Old Business:**

- **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.** Chairman Lacivita stated the applicant is not present and he spoke with the applicant about not scheduling a public hearing last month so his appearance is excused. A Public hearing will be scheduled for next month per Chairman Lacivita.

- **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.**

They are not present and not prepared to present this evening per Chairman Lacivita.

- **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.**

Charlie Gotleib, John Romeo and Shane Cahill. They reviewed the application again and a neg dec was declared. The public hearing was opened until August 12<sup>th</sup> and they obtained every comment letter and they have a document with response to all the comments which the board received. They feel there is nothing significant that would change the board's negative declaration. He said they revised the driveway maintenance agreements. Based on the board's recommendation they have delineated a property owner to be the maintenance person. The town attorney reviewed and approved the driveway maintenance agreements and they provided that approval email to the board. The Fire Marshal has the right to go on the property and list problems if needed. The town has no liability for the shared driveway agreements. The fire apparatus can be enforced through the town code. They also looked into other driveway agreements and where they have been used before and they discussed that. That was a question from the board. HOA is not practical in this situation because there are no common lands per Mr. Gotleib so no common lands for an HOA to govern. It would be costly and there is no benefit. Therefore an HOA is not practical. Two other real estate attorneys reviewed this and came to the same conclusion that it would be burdensome and costly. Chairman Lacivita attended the meeting between Mr. Miner and Mr. Kerwin and stated what Mr. Gotleib stated was what was discussed was accurate

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List of all the public comments there was overlap and noted them and provided explanations. There was a common theme about the SWIFT, Final plans, well permits. He stated they have to meet all the requirements for the final sub division approval and things have to be completed as conditions to get to the final approval. Mr. Gotleib stated they would like to get a list of conditions that everyone is comfortable with them.

1. Meet all conditions from the PB engineer comment letter
2. Obtain final approval from Town attorney or PB attorney
3. Finalize and execute all the shared driveway maintenance agreements.
4. Storm water maintenance agreement needs to be finalized.
5. After obtaining approval from town attorney complete proposed landscaping and show who is responsible for it and he showed the vegetative landscape buffer
6. Obtain storm water retention plan.
7. Obtain approval for the wells and septic from health dept.
8. All deeds must show the access agreements.

Mr. Romeo stated they are submitting exact plans tomorrow for the board. They tried to complete all the conditions they need to complete and they have with the exception of the SWIFT documents and the Dept of Health approval. He also showed in the plans the preliminary easements for utilities, drainage and egress. Mr. Romeo stated the icing occurring on one of the shared driveways. They have proposed a trench there to help drain the water away and three under drains for drainage underneath that driveway. He said that was a concern of the community at the public hearings. The added more dimensions to show placement of the wells and some are located further down the hill as suggested. They included a hydrodynamic separator as well. He explained what that will do for the water and contaminants. He said that will be added to the SWIFT. He feels this is the best solution they could find. Chairman Lacivita stated he should discuss and show this to the engineers. It will be maintained by the maintenance agreements. Chairman Lacivita asked if the utilities will be underground and Mr. Laberge stated typically they will be but it needs to be on the plan. Town has requested that all utilities be placed underground will be a condition. Performance bond or escrow account asked by Chairman Lacivita. Mr. Gotleib stated he is not aware that a bond or escrow is needed to the wells. He stated there is no requirement. Pavement specifications per Chairman Lacivita asked if it was addressed in the design. Laberge stated the last set of plans has showed that. Mr. Laberge stated we have to meet the 75,000 pound load per town specifications. Mr. Laberge asked that he add that detail to the responses. Eric Westfall stated they need to review the new drawing when it becomes available. Ms. Foley stated she contacted a town regarding shared driveway agreements in the town of New Scotland. They have one shared driveway agreement which is old and shares 5 homes. She said there are problems with that. They have another which has 4 homes on it. She said the person she spoke to was not happy about the shared driveway agreements and have had problems. She said in the agreement the town can come once a year and check it and if there are problems they contact the residents to make repairs. Her point is that there are 6 properties that have this one shared driveway and it is a lot of money for the residents to come up with to make repairs and maintenance. The residents may not know at first how much it will

cost. Her concern is that if all do not pay and it is not maintained and the fire apparatus cannot enter. Mr. Gotleib stated this town has no guidelines for shared driveways. Ms. Foley stated this board just wants to talk to other towns about the pros and cons. Mr. Gotleib stated the town attorney approved this and using one in New Scotland may not be coordinated and may not have the same conditions in the contract. This contract would help with that. What after 10 years the driveway deteriorates and after inspection it shows it is not acceptable all homeowners will get a ticket to appear to town court? Foley concern is that there will be different companies maintaining the lots and driveways. If there is an HOA it would be one large company maintaining the driveways. Mr. Gotleib stated there are only two areas that have shared driveways and that would not be fair to the other residents and properties that don't have a shared driveway and the costs associated with that. Chairman Lacivita wanted an HOA and asked the town attorney and he said it would make no difference and would not matter and that was the legal advice. Chairman Lacivita started he is hoping that by the time it is time to get a final approval we should have a PB attorney to speak publically about this application. The applicant will await a town engineer response.

- **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.**

Mr. Costa-advanced engineering- presented the application. He provided a rendering of the proposed facility. Corner of Jordan road and Rt. 4. There was some clearing and grading that was previously done. The use has changed from an office facility to a bank with a drive thru. The parking has also been rearranged to accommodate the access road around the building. A neighbor at the last meeting asked for a better screening and Mr. Costa showed that on the map. Also some better lighting so it does not shine on the neighbors. Sewer and water is available as well. Ms. Foley asked about the retaining wall and heights. Mr. Costa showed how it will be higher and taper down. The neighbor that was present last month is selling his property. This was approved for an office building several years ago. Ms. Foley asked if he would be willing to put a fence along the area in question and Mr. Costa said he will ask but it shouldn't be a problem. Chairman Lacivita asked about an archeological study. Mr. Laberge stated there was clearance years ago. Because the property under and acre it needs a basic SWIP. Laberge stated they do not need SHIPPO sign off. Since it was already approved and they are doing a modification can we require it now because there was no SHIPPO clearance before? Mr. Costa stated the site is cleared down to the wetlands. No fill was brought in just graded. Mr. Laberge stated it is not a problem. Mr. Greenberg town historian asked if someone could go in there and be aware that there are gravestones and other artifacts that could be there so be careful. This could be a condition that if they come across a tombstone or grave they need to notify appropriate authorities. This was approved in July 2016 but no SHIPPO or archeological study ordered.

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- **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.**

Per Chairman Lacivita this is pending action from the town or Brunswick and this board will not act until that is complete. The storm water management plan has to be jointly approved. Applicant is not present. The next Brunswick meeting is September 5<sup>th</sup> and Chairman Lacivita provided our minutes to the town of Brunswick.

**Discussion:**

Chairman Lacivita stated there are outstanding issues at Van Rensselaer Square and they have to be resolved before a CO is issued with the building permit. There are issues with the new building. Chairman Lacivita spoke with Mr. Goldman about all of this and stated they will not receive a CO until all is rectified.

- **New Business: None**
- **Business Meeting**
- **Action to be considered: The Application of Ted & Luciana Owens, 191 Sharpe Road, Wynantskill, NY 12198 for a four lot minor subdivision (Oak Ridge), 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.**

Motion made to accept sketch plan and declare planning board as lead agency and schedule public hearing for September 23 at 6:30 by Mr. Wilson and seconded by Mr. Ahern. All in favor.

- **Action to be considered: 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.**

Motion made to accept sketch plan and declare planning board as lead agency and schedule public hearing for September 23 at 6:30 by Mr. Kirk and seconded by Ms. Foley. Mr. Laberge stated the ZB has already acted in an uncoordinated manner.

- **Action to be considered: 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.**

Motion made to accept sketch plan and declare planning board as lead agency and schedule public hearing for September 23 at 6:30 by Mr. Kirk and seconded by Ms. Foley. ZB approved variances. All in favor.

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Tabled until September meeting. Table until next month because the applicant was not prepared this month.
- **Action to be considered: 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.**  
Tabled until September meeting.
- **Action to be considered: 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.**  
Mr. Laberge stated the new plan with take precedence for the project. Safety fence to the top of the retaining wall on the south side as required by the building department. Any disturbance of tombs, gravestones or caskets will require them to contact authorities.  
Motion made to declare a neg dec by Ms. Foley and seconded by Mr. Kirk.  
Motion made to declare PB as lead agency and to accept sketch plan and schedule public hearing for September 23<sup>rd</sup> at 6:30pm with above conditions by Mr. Wilson and seconded by Mr. Ahern.
- **Action to be considered: 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 until Brunswick acts.  
  
-Building department will get new notice signs per Chairman Lacivita.  
-Property at Thompson Court and Rt. 4 has been proposed as medical.  
-Chairman received a letter from Mr. Lambert on Teliska Avenue. This is not a PB issue. Eric Westfall updated the board about working toward a solution.  
-Aries Cove PDD to change it from numerous lots to a signal lots.  
-50 North Greenbush road went to town board may 21<sup>st</sup>.
- Approval of last month's meeting minutes made by Mr. Ahern and seconded by Ms. Foley and Mr. Wilson abstaining.
- Motion made to adjourn at 8:33pm by Mr. Ahern and seconded by Mr. Wilson.
- Next meeting date: September 23, 2019