

Town of North Greenbush Planning Board
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
April 25, 2022 6:30 pm

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

Public Hearings:

- **The Modification of the approved site plan of Gabriel August, 2390 Western Ave, Guilderland, NY 12084, for the property located at 490 North Greenbush Road, Rensselaer, NY 12144, for the purpose of adding an attached walk-in cooler, at the property located at 490 North Greenbush Road, Rensselaer, NY 12144, in a BN district, having parcel ID#: 133.-2-12.**

Mr. August spoke about the application and they would like to install an exterior cooler on the side of the building near the deck.

Public Hearing opened:

Rich French- Chairman of Zoning Board spoke: He stated there is very specific language in the ZB approval regarding the deck and enclosing he. He stated the PB needs to take a look at that approval before approving this. Chairman Lacivita stated there will be a condition on the approval regarding this.

Motion made to close Public Hearing by Mr. Kirk and seconded by Ms. Foley.

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

Motion made for a conditional approval for the cooler that the BD review with ZBA to ensure they are in compliance by Mr. Wilson and seconded by Ms. Foley. All in favor.

- **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.**

Moved out of order. Mr. Tom Deschamps spoke about his application in preparation of the public hearing. They would like to do a landscape supply stand at the address above. This will be a retail business. Last meeting there were questions regarding the design and Mr. Deschamps stated he submitted a new design. Angle parking facing Rt. 43. They will be installing a square wire fencing as a safety measure. He showed a model of the building they will be putting up. State DOT stated no issues with exits and entrance in writing which Chairman read into the record. They move things back in order to use the loader better and showed loader storage. The new plan show lights on motion sensor away from Rt. 43. There will be additional parking on the hillside and they will have a port-a-john on site for customers to use. Mr. Deschamps explained the changes and concerns on the new plan and made changes from the comments at the last meeting. Less than an acre site. Mr. Westfall has no concerns.

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Ms. Foley stated she does not agree with DOT on exits and entrances. She said there are already issues with accidents in that location and the added traffic to this business. There is no turning lane on 43 and potential for stacking all the way to Lape Road and westbound.

Also even though there will be do not enter people will go in. What will happen when cars stack up? Mr. Deschamps answered her concern. He also stated he can't control irresponsible drivers. Ms. Foley stated that she passed this twice this week and she was going 45MPH. She noted she had someone right on her. If she stopped to turn in they would have hit her or tried to pass her.

Ms. Foley suggested they put their driveway down further and Mr. Deschamps explained that is a separate parcel they do not own. He did say however, that he could change the entrance slightly.

Chairman Lacivita asked counsel about the written approval that was received about ingress and egress. Mr. Silverman said they can do more however DOT gave them their blessing. Chairman Lacivita stated it could be changed around away from Lape Road as a safety issue. They are willing to do that.

Ms. Foley stated there is only 15 parking spaces. He was asked to have larger spots for larger vehicles/trucks. That is not on the plan. She pointed out where these could go and Mr. Deschamps stated they would have to be diagonal spots. She feels there is too much in one area and that larger vehicles will stick out. Mr. Deschamps stated that George's is set up with a lot more product than he has and there are no issues there. There is 120 feet between the bins per Mr. Deschamps and he showed Ms. Foley how the trucks would have enough room. She also asked if a truck comes in with a trailer how will they fit. Mr. Deschamps explained. Ms. Foley asked if they will have carts and they will. They will be stored next to the retail building. He said he could add that to the plan. Ms. Foley is also concerned about cars parking on 43 if he does not have enough spots. Mr. Deschamps has land to expand into more parking spots and can show that on the plan.

Chairman Lacivita asked Mr. Westfall if there is anything in the code regarding number of spots and he doesn't think so but will look. It was suggested that he have a meeting with the building department. Mr. Westfall just noted that Mr. Miner stated that it is not in the code for spaces.

Chairman Lacivita will postpone this public hearing to give Mr. Deschamps to meet with the BD and redo the plan. Chairman stated they need to show DOT if they move the egress and ingress to the site.

Public Hearing Opened:

Chairman Lacivita read written comments sent by Andrew Mair into the record.

No one else wishing to speak.

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

- **The Major Subdivision Application of Thomas Dingley, 190 Pershing Avenue, Wynantskill, NY 12198, for the 5 lot subdivision of lands located at 174 Pershing Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.10-2-10.11.**

Mr. Dingley spoke about the application. He distributed maps of the property to the board. Justin Law (legal counsel) spoke about the application. He stated there will be a shared driveway to the site and noted the lots are large. He said everything is compliant and exceeds the code. There will be 4 lots on the land. Access will be on Pershing Avenue. Each lot will have 8 feet access with shared easement and turnaround to service the four lots. He spoke about visibility and from the drawing there is ample visibility. They will preserve as many trees as possible and maintain the character of the land. Chairman Lacivita asked the driveway size and Mr. Law stated it will be 20 feet wide and there will be a turnaround at the top. There will be cross easements for all of them and Mr. Law stated they will have a shared driveway plan submitted to Mr. Kerwin of the town.

Mr. Westfall stated an access way has been coming up and read that code which does not specify the width. The requirement for a buildable lot has to touch a portion of the lot has to touch a portion of the road. Ms. Foley noted that in the past it has been 20 feet or at least 15 feet of access. If it is not in the code why are we requiring it per Ms. Foley. Mr. Westfall does not know where this figure came from. Ms. Foley stated we have been requiring this of developers in the past.

Mr. Westfall stated the width they are proposing satisfies what is written in the code. Brian McCrae, Commissioner, spoke as to where that number came from as far as fire access. This is for an access way that there would be the 20 feet which has been met per Mr. Westfall.

Ms. Foley clarified that this is a 5 lot subdivision. Mr. Dingley agreed. Chairman Lacivita stated that this property is currently owned by Michael Miner who has recused himself from this entire project. Mr. Silverman stated that whoever the seller is it is irrelevant and has no impact on the application and no conflict. Mr. Westfall is handling the entire review.

Public Hearing Opened:

No one wishing to speak.

Motion made to close the public hearing by Mr. Wilson and seconded by Mr. Kirk. All in favor.

All necessary permits will need to be in place as a condition of approval per Chairman Lacivita. Shared driveway agreement, fire access road, cross easement, storm water management approved.

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Motion made for a SEQRA neg dec by Mr. Kirk and Seconded by Mr. Wilson and seconded by Mr. Kirk. All in favor.

- **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. Hershberg present the application again for public hearing. He stated nothing has changed since he presented the application. He also did receive a soil report. He is still waiting for a report to determine the sizing of some of the units.

There will be parking underneath the apartments and additional parking for visitors as well as a connection to Stonegate.

He noted that he missed the ZB meeting therefore he will be there in May. Ms. Foley mentioned that this is the project where the board received an email regarding sidewalks. Fire District sent a letter dated 2/23/22anf for final approval Chairman would like to see a response to the fire district's letter before final approval. Chairman read some of their concerns. Mr. Hershberg stated he has not received that letter and Chairman will ensure he gets it. Comment from the Police Chief as well regarding the underground garage access. Chairman will also get that to Mr. Hershberg.

Chairman Lacivita stated that he has a note that they will be contributing to the Rt. 4 sidewalk traffic mitigation fee. Mr. Hershberg is aware of this.

Public Heating Opened:

Joseph Piperati , 31 Falcon Chase sent an email and raised an issue for sidewalks on Valley view Blvd. Chairman Lacivita did respond to him stating some of these comments are out of the scope of this project. He was also concerned about lighting and people walking on Valley view. He also stated trash is an issue and asked if trash cans could be installed. Jacquelyn Rosetti spoke about that. This will be added to the record. Ms. Foley asked if there could be an escrow for this project with money so sidewalks can be decided. She stated people who live in these complexes' walk on Valleyview Blvd. back and forth. She noted Rt. 4 has sidewalks that these residences access. Mr. Miner stated this has not been discussed at all. Chairman Lacivita stated it is difficult to out this burden on this project or the other Stonegate buildings. This would be more of a town board issue to address. Ms. Foley asked if we could get an amount of money from this project to assist with a sidewalk project but not the entire amount. Chairman Lacivita stated the town board has

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to request this not PB. Chairman Lacivita stated we will not take any action tonight because of pending ZB decisions for a special use permit. The BD could bring it to the attention of the town board. He also stated there is an issue of maintaining them which causes a lot of pushback. Chairman will also talk with the town supervisor.

No one wishing to speak.

Motion to close public hearing and table to the May 23 PB meeting by Ms. Foley and seconded by Mr. Kirk. All in favor. Chairman Lacivita stated he will email Mr. Hershberg all the written information received.

- **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.**

Will Bliss presented the application. They are proposing a community solar farm. Local residents and business can subscribe to receive this energy. They did receive the wetlands delineation by Army Corp of Engineers. They did move some panels around to avoid the wetlands. He provided a response letter to East Greenbush on the SEQRA questions. He has not receive a response from the county yet. He received a “not effect” letter from SHIPPO as well. Ms. DeWolf sated they met with the neighbor to the east and will now move some of the panels near their property. Ms. Foley asked how much space/land take up and how much vegetation are they taking down? Mr. Bliss showed on the map what they are doing and what they are disturbing. Ms. Foley is concerned about the mature trees and they are limiting what they will take down. Total acres is 7-8.

Mr. Westfall stated the county did respond by to the town supervisor. Chairman Lacivita asked if they have any feedback from the fire district and Mr. Bliss has not. Chairman Lacivita has a concern about clearing of the trees as has been done on past projects because they may have cut trees they were not supposed to. Chairman Lacivita stated a rule was developed that the Building Department needs to approve any cutting prior to it happening. Mr. Bliss stated they are waiting for the moratorium to end in East Greenbush and they will need the approval from East Greenbush for the project to be approved by this board. Chairman stated Laberge is also reviewing the project and application and has made some recommendations. They provided a map to show the board. Chairman Lacivita stated there is undercurrent up on the site. He also stated signage and procedures were all completed within the timeframe. Chairman stated EG has not objected to NG planning board to be the lead agency.

Per Mr. Westfall Laberge provided 25 comments that they went through.

Public Hearing Opened:

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Tom Rigino, 50 Mornor Road: They just learned of the project two days ago and they have not received any notification about this project from East Greenbush. He said East Greenbush does provide certified letters to the neighbors for any projects. He asked how it works with the two towns working together. Chairman stated the project cannot be moved forward until the moratorium is canceled which will be sometime in June. Chairman Lacivita explained SEQRA to Mr. Rigino. Mr. Bliss and Ms. DeWolf also explained the process they completed with both towns.

Matthew O'Donnell, 14 Forrest Hills: asked how close the panels are to his property. Ms. DeWolf stated about 300 feet. He is also concerned about his water table and the quality of his well water. Mr. Bliss explained they have taken the water quality into consideration and have completed SWIPP. They will also treat the quality of all the water on site. Ms. Dewolf stated they do not need to clean the panels, rain takes care of that. Mr. O'Donnell also asked how visible this will be to Forrest Hills. Mr. Bliss explained that they do not expect it to be visible to Forrest Hills because of the amount of vegetation and buffer back there.

Art ?: owns a substantial amount of property around this site. He noted that he will still be able to see them on his land. Also, will it affect property values. He lives in Colonie now but they plan to build on their land.

Other neighbors spoke about their concerns on visibility.

Ms. DeWolf stated she understands the neighbors concerns and will give them her card and they can meet on the site and discuss these.

Another neighbor asked about the water runoff and how it would affect their water table and Ms. DeWolf stated it would not. Also they do not use herbicides to treat any of the vegetation.

Another neighbor asked about the wildlife and how they would be affected. Ms. DeWolf stated he small fencing will allow smaller animals to gain access and does not prevent them from getting in.

Tom Dingley, 190 Pershing Avenue: He asked about the batteries. Will the energy be used by neighbors or companies. Ms. DeWolf stated it is a community project. Anyone who has National Grid can use this power but they offer it to local residents first. 5 megawatts will be produced.

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

Lindsey McIntyre (Solar Surge) stated no energy storage and no batteries for this solar site. They have submitted their pilot letters all the necessary information to required places. Some have come back with responses.

Dave Byrne spoke about the project. It is challenging to find good sites.

Ms. Foley noted the abutting transmission line that has a lot of activity thoroughfare and talking with the Police Chief for security on that side. Mr. Byrne stated they have not spoken to him yet but plan to install a 7 foot fence. She also noted they are facing the west of Indian Pipe Drive and what the visual impact would be for neighbors. Mr. Byrne stated he provided the visual impact study to the board and would have very limited visual impact and will be leaving a buffer and burning. He feels the neighbors will not see. Ms. McIntyre stated on the other side the trees are staying.

Chairman Lacivita stated the board had received information that the applicant has not received.

Public Hearing Opened:

Chairman Lacivita read written comments for the record. He also asked that they coordinate with the BD before they do anything.

No one wishing to speak.

Motion made to close Public Hearing by Ms. Foley and seconded by Mr. Wilson.

Presentation:

- **The Application for Site Plan amendment of the BDC Group (Cosmo D. Marifione, P.E.), 27 Burton Lane, Albany, NY 12211, of the Vandenburg 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 Pileschi representing the BDC group. The project has been approved however, there is a modification now to the site. Cul-di-sac and crash gate off Stacey Way. Beverly Rose Way will come behind Juniors.

64 units total. 2 storm water management areas. 33 Pine trees and a vinyl fence will be installed along the property line. The new site plan amendment eliminate many roadways and increases green space. They are also no 4 unit buildings. A lot of pavement has been

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reduced. Amenities are now incorporated. They have also agreed to install an additional tree per Dave Mulino. They are trying to be accommodating to the existing neighbors. They were also able to eliminate one of the storm water ponds and are down to 2. There are a couple 6 unit buildings per Mr. Pileschi.

Mr. Pellushi gave the board renderings of the condos to review. No change in the utilities and water system. The public hearing will be based on the changes only per Chairman Lacivita.

Mr. Wilson asked if they plan on sidewalks in that area because there have been complaints about that and they do not plan to install sidewalks.

Distance to the road from the parking spaces is 25 feet per Mr. Pellushi.

Ms. Foley asked about a fence around the storm water areas but they will be dry so no fence. She also asked about additional parking areas. Mr. Pellushi showed her on the map where the 25 additional spaces will be and they can add a few more if needed.

Ms. Foley asked about the pavilion and what amenities will be available. They will have pickleball and bocce ball. There will be fire pits for cooking in the pavilion as well.

Ms. Foley asked about connecting Stacey Way to this new area. Mr. Mulino stated the people on Stacey Way do not want a gate there to enter the new area.

Motion made to accept the modified sketch plan, make PB lead agency and schedule a public hearing for May 23rd by Ms. Foley and seconded by Mr. Kirk. All in favor.

- **The Minor Subdivision Application of Thomas Dingley, 190 Pershing Avenue, Wynantskill, NY 12198, for a minor subdivision of the vacant property located at 7 Russell Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.05-7-7.**

Mr. Dingley spoke about the application. He presented a surveyed map to the board. H does not have the survey line yet but will be close to what he has on the sketch. 1.39 acre being sub divided. Municipal water and sewer.

Both lots will exceed the minimum acreage requirement. Both driveways will come off of Russell Avenue per Mr. Dingley.

Chairman stated the BD will see if the PB needs to view this and take it off agenda for next month.

Motion made to accept the sketch plan, make PB lead agency and schedule Public Hearing for May 23rd by Ms. Foley and seconded by Mr. Wilson. All in favor.

Old Business/Discussion:

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

Ed Clinky presented the application. 1.79 acre parcel to be rezoned. Corner of Washington Avenue and Bloomingrove. He spoke to the town board at their last meeting and the town board referred it to the PB. The area this parcel is in is neighborhood BN. The applicants are interested in prevising a site for an automotive repair business that is not allowed in a BN district.

Mr. Crinky provided the town board additional documentation which was required for a rezoning and the town board would be lead agency for SEQRA.

Chairman Lacivita asked town supervisor about recommendation to rezone the surrounding area. Mr. Bott stated a broader area can be looked at – BN area to see if it all can be rezoned and the entire area can be looked at.

The difference between BN and BG are what types of businesses can be put there. Mr. Westfall will do a list for the board to review.

Chairman Lacivita asked Mr. Crinky about apartments in that area. Chairman asked him where on the parcel will the building go and screen the residents. It will be on the northern side $\frac{3}{4}$ acre. Mr. Crinky stated there will be landscape screening on the north and west side of the parcel and there will be a seeded grass area. He pointed out some other non-residential uses in that area as well.

Ms. Foley pointed out that a repair garage is noisy. Mr. Crinky stated the building will be constructed to detain the noise inside the building.

Chairman Lacivita said the board has to look at the parcel before they can give a recommendation. Mr. Westfall stated they will have a meeting and make a list of appropriate uses.

Tabled until May 23rd.

- **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. **Tabled – No****

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Andrew Mair's comments for the Dingley major subdivision were read by Chairman Lacivita. These comments were not heard at the meeting for the application.

New Business: None

- **Approval of last month's meeting minutes-April's minutes will be reviewed at the June meeting.**
- **Motion to Adjourn by Mr. Ahern and seconded by Mr. Wilson.**
- **Next meeting date: May 23, 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.