

Town of North Greenbush Planning Board

2 Douglas Street, Wynantskill, NY 12198

Meeting Minutes

March 25, 2019 at 6:30 pm

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

- **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.**

Mr. Costa Advanced Eng., spoke about the application. He provided a map for the board and public to review. This has been before the board for the past few months. There will be an emergency access entrance on Renshaw Road. There will be 4-6 unit condominiums. Public water is available. Storm water management will be built and bring it to the two retention basins according to the DEC storm water regulations. There will be visitor parking. They have met with the school district, fire department and NYS DOT and responded to the Laberge comments along with Board comments. Zoned R3. There are several hydrant locations. DOT has no issue with the proposed access road. DOT stated there is no need for a left hand turn lane per Mr. Costa. They also met with the post office and they have agreed to the location of the mailboxes centrally located and that is noted on the map. Jared George is one of the applicants. Mr. Premo asked to have the parking fields modified and they completed that as well as the sidewalks. Chairman Lacivita suggested they speak with the town board about this. This is regarding it being a town road. They are providing future access to town owned property. The response letter item A. They replied it does not need to be because the complex will be sprinklered. Mr. Miner stated that it has to be 26 feet but they will clarify that. Chairman Lacivita would like it clarified. Chairman Lacivita asked about the ravine crossings. It is all Army Corps and Mr. Costa stated they will only cross the lands.

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Ms. Foley asked if there will be a berm and Mr. Costa stated there would be with evergreens. She asked about the site to get onto the road and Mr. Costa stated they won't interfere with the site pulling out. Mr. Laberge commented about the sidewalks along Whiteview and will they do that. Mr. Costa stated they can extend the sidewalks at the board request. They added landscaping per Mr. Laberge. He asked about the trail. Does the board want that? Laberge mentioned a second connection to water. Mr. Costa agreed. However it is very difficult to do a second connection in the front because of the slope. In the future they have an area they can add a second connection when the parcel next to this is developed. They will look at a possible connection at Arden Lane. He asked the applicant to keep working on the second connection. Chairman Lacivita asked about connection to sewer from adjacent properties. Mr. Costa stated people could connect and it would be allowed. A sewer district would have to be formed. Mr. Laberge stated the design should be completed taking into consideration other could connect. Mr. Miner asked about overflow parking areas and how many spaces? 14-16 per Mr. Costa. He also asked about recreational space. It is no longer on the plans per Mr. Costa. Mr. Miner is asking for recreational space. Mr. Miner would like them to look at that aspect again and also asked about the water lines: Renshaw and Arden are 8 inch lines. They could connect not too far from their entrance. Mr. Costa will look at that. Units out front: That will require a considerable amount of fill. The board should look at that to see if the front area is a buildable. They don't know the depth of fill in that area yet.

Chairman Lacivita has written comment from the Fire District but asked about the school district discussion. Jared spoke about that. He and the superintendent will be in contact and have good communication to keep the school district in the loop as units are being sold so they can expect a certain number of children. Chairman Lacivita stated the board will monitor that prior to final approval.

Phasing: Chairman Lacivita asked for dates and development plans. If it will be amended the building department will need to be notified.

Ms. Foley: Recreational areas. Will there be a dog park? Yes per Mr. Costa.

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Ms. Foley asked if the town has made official trails and Mr. Miner stated there are existing trails that have been there but nothing the town has been maintained. The dog park is just for this community.

Public Hearing Opened:

Rosalie Richard, Sharp road: Environmental and animal habitat? Will there be any trees left. She also feels the area is oversaturated with housing areas. Chairman Lacivita commented that they are going through the proper channels for this project. She also asked about the animals. She is concerned about that. Chairman Lacivita stated they will go through the environmental approval process. Mr. Costa stated 8-10 acres are not going to be developed at this time so if anything is displaced it will go to the other area.

Samantha Morris, 300 Whiteview Road: She is concerned about the sidewalks and we need them in that area and it is a concern. She said there were two dead deer's in front of the Pastures. She said the neighbors near there have a lot of water and how will be rectified? Mr. Laberge explained the general storm water management process. A developer cannot put more water in the area that is already there. This project has a storm water maintenance plan per Mr. Laberge. She also stated what is the proposed pricing structure and is there proof that a lot of them will not be sold. Mr. Costa stated the project will be done in phases. Jared stated the preliminary market study for this project but it is not finalized.

Chuck Dooley, 2 Renshaw Road: Issues with design and details. Entranceway- the original design has increased considerably. The buildings itself are right up against their backyards with no buffer, before the plan was different. Env study: he has seen a lot of wild life in that area. He asked if they could be for sale instead of purchasing.

Mr. Law said a certain amount can be rented by the developer. The HOA document will regulate how many if any will or could be rented. They are highly regulated under the Attorney General's office as to how many can be rented per Mr. Law. Mr. Miner stated our zoning does not allow for apartments in that area only townhouses and condominiums so that would trump anything they would be able to do and would be in

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violation of the zoning code. Mr. Law stated the HOA has rules for a lot of this. The board could make a condition for short term rentals.

Mr. Dooley asked if there would be construction traffic on Renshaw and Mr. Miner stated it will not be permitted through Renshaw or Arden. It will be the main entrance. He also spoke about the school: They will monitor how many children will be moving into there with children. Chairman Lacivita stated it is up to the homeowner if they want to provide census data to school district. Chairman Lacivita stated a typical study that these types of living situations do not produce a lot of children. Mr. Dooley asked if more children come than expected and the school has to expand will taxes go up? Chairman Lacivita stated he cannot answer that question. He asked where the pump station will be and if he will hear it and Mr. Costa stated you will not be able to hear.

Kyle ? Gardner Dickinson parent: She said if more children than expected come they school district will not be able to absorb it. Adding more children to the school district will not work. They just implemented a Pre-K school in there as well. There is literally no where to put another classroom. She said if the data is wrong the school will be in trouble.

Brian Gross, 5 Parkview way: He feels there will be more storm water running through his property now. Asking for an infiltration system on site. He is asking to retain it more on the site. He asked the price point per unit? Jared guessed entry level high \$200,000 climbing from there. He said there is a pond on Charlotte court that overflows every time it rains.

Chairman Lacivita stated there is data in the file comparatively and the school district has looked into it.

Bill Madsen, Melrose (was 9 Renshaw road prior). Asked about the entrance road on Renshaw and Miner stated it is only an emergency access road planned there. Madsen is asking for some sort of signage and Mr., Dooley stated the dead end sign was knocked over and never replaced.

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Width of Renshaw road: he said in order to enlarge the road there the utilities would have to be relocated. He asked about footings and foundations: Mr. Costa stated there will be a mixture of footings and slabs and a lot will have basements. Mr. Madsen asked about blasting because there is a significant amount of shale. Mr. Costa stated the project was moved slightly away from all the shale. He asked for signage for residents leaving the development so they don't exit on Renshaw and the board stated there will be a gate there so they won't be able to come out.

Amy Keegan, 249 Morner Road: Her children live near this. The traffic is crazy there now. She asked if there was a traffic study and Mr. Costa stated it was complete and there was not significant traffic to warrant a left hand turn. She asked if there was only one access and the main entrance and there is.

Paul Kemka, 9 Renshaw Road: He met with Jared a couple times and has been kind and courteous. He was concerned if the water can handle and Laberge feels they can. He asked when it will be determined how wide they will make Renshaw. Mr. Laberge stated it will be decided soon, Mr. Kemka said the road is currently 18 foot wide. He asked if anything will be done with water runoff once the road is widened. Mr. Laberge said no. Mr. Kemka asked if there will be a retaining wall but Mr. Costa said there is a grading land to deal with that. Mr., Kemka said his yard is flooded now and anything the board can do to assist with that. He said his kids enjoy the wildlife. He asked if the HOA would maintain the land around the emergency exit and Mr. Costa stated yes. Mr. Kemka asked how much frontage he will loose depending on the new road width. Mr. Laberge said it is the fire code determination not the developer. Mr. Kemka said he is not against the project.

Mr. Miner asked Mr. Costa to take into consideration the current runoff when they look at their storm water management. He also asked that when they design the turnaround to take into consideration bicycles turning around so they don't have to go onto Whiteview. Mr. Miner stated after the line is run for the project the residents on

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Renshaw could be asked for a sewer district and tap into that. Mr. Laberge said they need to take into consideration the current water.

Derrill ? 3 Renshaw: he said there are accidents and there is a current traffic issue. He doesn't understand how the traffic study worked. He would like to see access so people can access the site. He would like to see sidewalks because it is dangerous. They need access to sidewalks, please. He needs access to tie into the infrastructure for this project. He said the school is packed.

Andrew Mair, Brinker Drive, DeFrestville: Primary concern is traffic. 312 cars added. This will all lead to route 4. That is a lot more traffic. Tech valley is another 400 cars as well. This is unsupportable. He is asking for a complete traffic impact study that also includes Williams road Winter Street and route 4. Also take into consideration what is being built on Tech valley. He asked that be included in a full env assessment statements. He is concerned about the wetlands on the site. We need something from Army Corp of Eng has to say before the project is approved and before they obtain a permit.

Kevin Kane, 120 Whiteview: at the entrance of the project. He said if there were rental properties he feels they will be concerned about their living environment as if they owned it. He said the area has always flooded and has gotten worse. He thanked the developers for taking interest in the town. He feels the planning process is thorough. He said the planning process is good in the town.

Mr. Miner asked about Renshaw flooding. Mr. Dooley said it is the standing water coming from the street and homes.

Mr. Miner stated it looks as if the project will have a negative impact on the storm water and the development could take that into consideration and try to mitigate that for other residents.

Dave Kutlowsky, 4 Renshaw: He said it looks as if there is only 65-70 feet from the rear of his house to the rear of the new condominiums. He asked if there will be some vegetation there and Mr. Costa stated yes. Mr. Kutlowsky stated it has to be higher than 6 feet. Mr. Costa stated it could be built up. He asked how much woodlands will be

take down. Mr. Costa stated only what is needed and show him on the map. He is not against the project.

Katie Tendamorey, Whiteview road: She has a concern about the negative health impact. She has heard that area has been used as an illegal dumping ground and containments that have been there for years and will be disturbed. She thinks it will be a health concern and asked if they would take soil samples. Mr. Laberge said not typically so there would need to be evidence showing hazardous dumping there. If they discover something there is a duty to report it but until you get into it you don't know. Mr. Miner said when that crest was take out there is stump and blacktop dumped there from that. Has a major concern with traffic on Whiteview. She has a hard time getting onto Whiteview in the morning. She feels it is dangerous. She asked if a traffic signal can be put there? Chairman Lacivita stated many times traffic studies show no traffic issue. Mr. Laberge said the towns hands are tied. She moved here a year and a half ago and moved here because it is a small town and that is why they came. She is worried this project will devalue their property.

Anthony Gross, Whiteview Road: Spoke to Jared on the phone. Would there be a no cut zone on the plans so he could keep his woods. T=He said he and the developer are in agreement and feels it should be in the plans. He said water is an issue for years and floods the culvert. Could they help with that would be great. Mr. Costa said that is why they are building the retention basins.

Tom Dingley, 190 Pershing Avenue: Concerned that prior to approving more developments the town needs to take a look at the infrastructure and impact on the schools before they entertain any more projects because the infrastructure needs to be developed (roads, roadways, schools) and look at town budgets. Jared commented that this property has been off the tax rolls for many years. \$5000 per unit in taxes will be generated by these condominiums. Please take into account the tax revenue this project will generate. Mr. Miner said the plan needs to show clearing limits.

Mr. Dooley commented again: said there has been multiple fatalities in that area and a lot of accidents. Between 7-9 am and 5-7 pm Whiteview is a freeway. Lacivita stated no one on this board will argue traffic and the Police have commented on the project= with no specific concerns. Mr. Dooley asked if he can speak with the police chief about that. Joseph Bott, Deputy Supervisor: He agreed with some of the comments. He asked if there would be town roads there. He asked the developer about the construction of the bridge over the wetlands.

Nancy Mosher, Edwards Roads: Why can't the speed be reduced? Lacivita stated state DOT regulates the speed on that road. Mr. Miner said a petition could be sent to DOT for them take a look.

Bill Madsen spoke again: He said the accidents have occurred without the development and maybe the chief could be petitioned for enforcement there. Maybe a police car in that area. Mr. Madsen said the fill in that area in dirt not blacktop. He suggested a secondary water line run on Arden Lane. Mr. Madsen asked if the arch for the retention could be sufficient to handle all the water issues and Laberge asked Mr. Costa what the plans are for that and he said it is still in planning stages. The new Gardner Dickinson addition causes water to come across the street. It will be looked at.

Mr. Kemke spoke again: He said it is difficult to take a turn into his road and is afraid he will be rear-ended.

Rose Marie spoke again: can we create some areas and declare it forever wild? She said it helps the development of children to see wildlife.

Motion made to table until the April 22 by Mr. Wilson and seconded by Ms. Foley. All in favor.

- **Presentations:**

- **The Application for a 19 lot major subdivision of Sharpe Road Development, LLC (c/o David Mulinio), 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), having North Greenbush parcel ID#: 113-3-9, in an AR district.**

Eric ? submitted a full set of site plans and a Swip report. The project has been shorted to 17 homes with some in Brunswick. Utilities they met with both water departments. Lots in Brunswick will be connected to that water direct and the ones in North Greenbush would be connected to that water line. Storm water management will have one retention area in each lot and one retention pond at the low spot on the site. Each will have septic no public sewer.

Chairman Lacivita asked if he received the letter dated today from Mr. Laberge and he had. Mr. Laberge said the health dept had a few comments on the north greenbush water main. There are some small concerns in north greenbush that the developer will need to address. The water line will come in from Woodridge. Mr. Wilson asked if anyone can get to the nearest hydrant and Eric stated they get to it now. He will run calculations to ensure it will work and the health department is review the water. Mr. Wilson is concerned about it affecting the pressure for Woodridge residents and he said it will not.

Ms. Foley said now that they have reconfigured how many feet is the longest driveway and it is 200 maximum.

Chairman Lacivita said Brunswick declared themselves lead agency because the majority of the homes are in Brunswick. Eric said the town boards need to coordinate how the homes will be assessed before they can move forward. Mr. Laberge said it seems there is a standstill but to keep both towns informed. Mr. Laberge said this board cannot do anything until Brunswick does SEQRA. Chairman Lacivita asked the board if there are any problems with us that need to be addressed before it is moved forward in Brunswick. Chairman Lacivita would like the fire district to look at driveways. Eric said he sent the project to the district and have not heard anything. Lacivita gave him the information to call the district. Laberge said he needs to show static pressure of the

hydrants and water pressures to show there is adequate pressure and the comments from the department of health need to be worked out per Mr. Laberge.

Motion made to table this until the April meeting to allow time for the above details to be completed by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **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.**

Thomas Dingley representing the owner: They could not get the variances needed with the existing footprint and made amendments to the site plan to mitigate variances and parking. He spoke with Mr. Miner and there is some clarification needed as to the front setback. The state is 25 feet but the file shows 30 feet so that will be clarified with the building department and the board will go with whatever they say. Chairman Lacivita asked the new engineer if he is aware of the new design guidelines and he is and will speak about that. ADA accessibility for the second floor. Mr. Dingley said there will be an elevator. Outside storage will be none except during construction per Mr., Dingley. Outside sales: 12 foot apron in the front and down the side to do outside sales f lawn mowers, seasonal' s and plants. There will be a path so it doesn't interfere with parking. Chairman Lacivita asked they show it on the plans anything outside the building. Everything needs to be shown on the plans.

Ms. Foley stated this project doesn't meet the master plan requirements. She asked how it meets the master plan. Andy Gilcrest spoke about that. He said they reviewed the zoning code but has not focused on the comprehensive plan yet but will do that. They will review with the building department. He is focused what is allowed in the zoning law. He feels the building footprint is allowable and Ms. Foley stated the second floor is not. Mr. Gilcrest said he would review all with the building department. Main Avenue design guidelines and what is on file with the department of state only includes

the Rt. 4 not main avenue. They will review the main avenue guidelines and will work with that. Ms. Foley said the 3700 feet on the second floor is that office space? They stated it will be retail and office space. They will work with the building department and counsel. Lacivita stated Miner told him there is no zoning required.

Motion made to table until April 22nd by Ms. Foley and seconded by Mr. Wilson. All in favor.

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.**

Steve Hartt, Hartt Engineering. Modified plans and narratives since last meeting. There is a wetland biologist working with Army Corp of engineering and so far no issues. They are in the middle of preparing SWIP. Mr. Laberge said they just need to work on the comments made. All others will be highlighted in SWIP per Mr. Hartt. Mr. Laberge stated some of the other agencies need to pipe in. Mr. ? asked about conditional approval because all they have left is SWIP. Can the board give conditional approval? Mr. Laberge said the acreage disturbance needs to be nailed down because that will affect things if it is over 5 acres. Mr. Laberge said with a more complete SWIP it will show water quality and other important items and would like to wait on that. Shipo and Army corp need to sign off per Mr. Laberge and nothing will happen until those things happen. Mr. Laberge and Chairman Lacivita are not comfortable with a conditional approval tonight. The board agrees.

Motion made to adjourn until the developer gets the additional information above by Ms. Foley and seconded by Mr. Wilson. All in favor. They will be first on the agenda.

- **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.**

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Brian Sipperly distributed photos of the proposed car wash. 3200 sq foot building addition. They have been before the board several times. The last times there were several changes made to the site plans because of some comments made at the prior meeting. The moved the vacuums doe to those comments. The board wanted to see a landscaping plan which he distributed. Painted strip islands be converted to a raised area to support landscaping and they made that change. They added some lower shrubs and screening. Mr. Sipperly showed a mapped landscaping. The pics showed the styles of the proposed vacuums. They can be any color. Chairman Lacivita asked about the water use and the town board scheduled a public hearing for that. Chairman Lacivita asked Mr. Laberge if Laberge Eng was asked to do a water study on this project. Mr. Laberge said no. Mr. Sipperly said he was asked to produce some technical documentation about the water. Mr. Laberge commented that he wanted to see some additional analysis and that was sent to Mr. Laberge. Mr. Sipperly said it will only change the pressure at a max rate by an extremely a tenth of percent. He said there is lots of flow.

Joe Bott stated they asked for to schedule a public hearing and to look at flow rates for this car wash and they asked Mr. Laberge to look at the higher levels for flow. Mr. Laberge will comment on the initial analysis and asked how much water are they actually going to use? How will they get a number of cars per day? We need to get to a good number. Is 147 per day a good number? Mr. Laberge will take a closer look because he did not realize it was a town board concern. Chairman Lacivita asked about retail and deliveries. He is concerned about trucks delivering and he sees no provisions on the plan for that. We need to see where deliveries will be made without making a mess with traffic. Mr. Sipperly stated there will not be deliveries interfering with the traffic function. They have not included it in the plan yet because they don't know exactly now. They will work things out with tenants. The concern is at grade deliveries at the current dock. The board feels that is a concern because it will take up parking spaces unless it is done after hours. Chairman Lacivita stated others have had to show deliveries on their plans in the past but we cannot control lack of compliance with others.

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Mr. Enzien stated most places are getting away from tractor trailer deliveries. He showed where he would prefer to have all deliveries and feels there is plenty of room. But that is not the area Mr. Sipperly pointed out. Mr. Sipperly stated since we do not know who the tenants will be they would come back before the board then. They agreed. A condition will be on the approval that they have to come before the board when they get tenants per Chairman Lacivita. Mr. Laberge said if the new area Mr. Enzien pointed out he needs to make sure it won't interfere with anything. Chairman Lacivita said we can't go any further tonight until the town board grants the local law. Ms. Foley asked where the dumpsters will be and Mr. Sipperly said it was not on the plan but showed the board where they will be and Lacivita said it has to have appropriate enclosures. Mr. Enzien stated there will not be any signage in windows and Mr. Laberge said we will have that as a condition of approval. Ms. Foley asked about evergreens. Mr. Sipperly stated they do not want to screen the car wash and Ms. Foley asked why. Mr. Enzien stated he will out some trees in the plan but he can't overload the site. She is asking for arborvitae trees that won't lose their leaves. Mr. Enzien feels no one else has been asked to have trees. Mr. Enzien said there is a plan with an easement to have A BET sign on the corner of the property. Mr. Laberge and Chairman Lacivita stated that need to be on the site plan. Mr. Sipperly showed where the snow removal will be on the map. Mr. Enzien said there will be a certain area there will be radiant heat so they won't have to plow that area. Mr. Enzien asked about the grassy area in the back and what he can do with it. Mr. Laberge said he can propose anything but needs to put all of that on the plans for the board to review. It will affect the storm water system.

Mr. Laberge said he would like all the answers in one letter from the applicant. Mr. Sipperly said he has a letter from DOT that he will submit with the new site plan and answered questions. Both districts need to be extended and Mr. Sipperly said they will not go before the town board for that until the application is approved. Mr. Sipperly said he spoke with Gerry at RENSCO and as of right now they have no issues with the flow. Mr. Laberge said we need all of this in writing. Just something in writing from the county Chairman Lacivita stated.

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The town board meeting is April 14th.

Motion made to adjourn until April 22 to allow time for applicant to work out issues and get some comments in writing and update the site plan by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **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.**

No one is present for the Gables.

Motion made to table by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **Business Meeting**

Motion made to approve February 25 Meeting Minutes by Mr. Wilson and seconded by Ms. Foley. All in favor.

Motion made to adjourn at 9:56pm by Mr. Wilson and seconded by Mr. Ahern.