

**Town of North Greenbush Planning Board**  
**2 Douglas Street, Wynantskill, NY 12198**  
**Meeting Minutes**  
**May 20, 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-absent (new Town Engineer).

We do not have a legal counsel at this point.

- **Public Hearings:**
- **The Application for site plan approval of Mazzone Administrative Group, 743 Pierce Road, Clifton Park, NY 12065, for a proposed food service business for the property located at 480 North Greenbush Road, in a BG district having parcel ID#: 133.-2-10.** Angelo Mazzone was present. Steve Hartt, Hartt Eng. Presented the application. This project does not include the house adjacent to the old firehouse. 46,000 square foot and water and sewer exists. They are taking away all the front access to the building. It will be converted to grass. There will be a loading dock on the site as well. It is a food service operation taking food and delivering to Regeneron Pharmaceuticals. Chairman Lacivita asked what the proposed use of the home would be. Mr. Hartt stated they have no plan at this time. Chairman Lacivita is concerned that the home will not stay maintained so he would like to see it continue to be cared for. They agreed. They will get a letter from Creighton Manning and DOT. There will be some outside work on the front design and will stay within the architectural guidelines. Ms. Foley asked how many employees. Mr. Hartt stated 10-12 and they will park on the side and make it ADA compatible. Mr. Kirk asked about hours of operation. Mr. Mazzone stated they will arrive at 7:00am but not shut down until 8:00pm at the latest. There will be a box fan and a sprinter truck on the site a lot of time for deliveries. Mr. Laberge asked about the drainage plan, Mr. Hartt stated it will be directed toward the road and toward the trench drain that is already on the site and there are swales present.

Public Hearing opened:

Charles Hoff, 4 Ludlow Lane, thinks this is a good project and welcomes it.

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

Motion made to table until the June 24<sup>th</sup> meeting by Mr. Kirk and Ms. Foley. Mr. Wilson abstained.

- **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.**

Andrew Gilcrest, representing his client. He showed a map and drawing of the proposed layout. Proposed Ace Hardware 2 story building. Pitched roof and covered porch. Parking will be on the side and the rear near the creek. Outdoor display will also take place. A drainage plan was submitted prior. The architectural design does fit within the architectural guidelines for the town and will clean up that undeveloped vacant lot per Mr. Gilcrest. They also submitted the Env. Assessment form. Chairman Lacivita stated he met with the Laberge group. Mr. Miner stated that the comprehensive plan and it has a hamlet zoning proposed. The board should seek to have business on the first floor and residence on the second floor per the comprehensive plan. It was discussed with Mr. Laberge and he doesn't feel that it is against the comprehensive plan. The current law does now state that businesses can be on the second floor now. This law may be passed in a few months. Chairman Lacivita asked if Mr. Miner feels the application is compliant with the zoning and Mr. Miner stated it does. Retail on first and retail and office space on second. Chairman Lacivita stated the ZBA on March 25<sup>th</sup> and had a different footprint since then. The ZBA issues were resolved with the submission of a new plan per Chairman Lacivita. There are 47 parking spaces per Lacivita. But 58 are required and 63 are shown on the plan per Mr. Wilson. No outside storage jus display per Mr. Gilcrest. Per Mr. Miner they may have to get a flood plain permit for the parking area. The prior application DEC issued a letter stating there was no need for a permit. Mr. Miner asked for a detail on the area and what will be displayed outside and he needs to see the detail. It needs to be clearly described and nothing in the parking area. Chairman Lacivita asked if they meet the architectural guidelines and Mr. Miner said he will take a closer look. Ms. Foley asked where the greenspace is going to be and Mr. Miner does not know but asked Mr. Gilcrest to prepare a landscaping plan. 4 proposed light poles in the parking lot as well as wall lighting outside for the sidewalk per Mr. Gilcrest. Mr. Miner asked to add some planters to the front because the green space is all in the back.

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Public Hearing opened:

Mr. Joe Stazinsky, 14 Hill view Court: what are the plans on storm water mitigation in regards to the proximity of the creek. Chairman Lacivita stated the board has not seen that. Chairman Lacivita stated it needs to be part of the completed application. He also said there are other items needed before the board can act on this. Mr. Stazinsky asked about the architecture of the building and he would like to see it. He was shown a picture of the proposed structure. Mr. Stazinsky asked about the referral application and it was explained that public comment will be at the town board meeting.

Joe Gross, 20 Middle road: he saw the plan at the building department. He said the overhang is excessive. Why doesn't the overhang be included on the foot print? He said when an overhang is supported by beams he feels it is part of the structure. He feels the second floor should not be used for retail because it goes against the Hamlet idea. He stated a decision should be made on what the public wants. They are not denying the competition and this application has been before several boards and they still do not comply with the town laws. He also does not feel there is 25% greenspace.

Mary Francis Sabo, Buckbee road: we should uphold the village like feel and if we allow this large hardware store we are defeating the purpose – use the second floor for apartments. Mr. Miner stated all of these things need to be added to the final plan.

Joe Bott, 7 Nicolas Ave: He talked about the overhang and asked if that exceeds the overall square footage of the plan. The building department needs to take a look at that and report back on it per Chairman Lacivita.

Items to complete:

Outside display area to be defined.

Flood plain line is shown on the plan per Miner. Mr. Gilcrest stated DEC stated they do not need a permit.

Architectural guidelines need to be reviewed.

Landscaping and greenspace.

Lighting needs to be shown on the plan

Chairman Lacivita is asking for a full size depiction next meeting.

Mr. Kirk asked Mr. Gilcrest to ask the owner if they would consider residential on the second floor.

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Ms. Foley stated she was on the comprehensive planning committee she said the intent was to have only 5000 square feet for a footprint. It was done to look like a hamlet. She said we have a business is more than 5000 square foot. Her concern now is there is a building that has an overhang that will be used for retail and that makes it more than 5000 square foot. She is concerned about that. It was not the intention of the comprehensive planning committee to have this.

Nick Gross asked if that was the intention than why is this board even considering this application.

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

The above information listed needs to be completed for June 24<sup>th</sup> meeting.

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

- **Presentations:**

- **Referral from the Town Board for Recommendations regarding the proposed modification to 50 North Greenbush Road & Vicinity Planned Development District.** Luigi Flushing for ABD Eng. Stated the project is located just north of Glenmore Drive. In 2014 about 25 acres was approved for a PDD. He described the business that are currently in the plaza and the rear has been developed and are currently still under construction and previously approved. Only 44 and not 46 units were built. They are putting those other two at the end of the project. The project is an amendment to extend further north. This is behind Juniors and Stewarts. Proposing additional condos/townhouses. 8 unity buildings a piece and 8 units. He provided a large map of the project for the board to review. They made some minor adjustments at the town board direction. He showed the storm water management area that acts as a buffer to the new proposed town homes. Water and sewer will be public and there is an existing stub there. This is Phase II of the PDD project. They added a pavilion, pickle ball, bocce ball court and cookout areas have been added to the project. There will be access for the people in the back to have access to the businesses on the front. He also provided a rendering of the new business buildings they would like to build on the site. The parking lots will be connected to provide more parking for Juniors. He said they will provide more detail as they move forward for review. One of the building will have a drive-

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through. The third building will be 7,000 square foot office building. Mr. Mulino is moving his office and business to this new area and use it for his equipment storage. Lacivita asked about the northbound turn lane. We have discussed that as a deficiency. There's impact at that intersection and DOT needs to make suggestions regarding a left hand turn. It's a problem area and causes bottleneck now and will be worse so things need to change. Mr. Flushing stated they will certainly take a look at that.

Mr. Mulino stated he is ok to pay for a new traffic signal and a new turning lane but what if DOT doesn't agree to it. Chairman Lacivita said there is nothing we can do. He will propose the changes for them. Intersection of Glenmore, Rt. 4 and Williams Road: Chairman Lacivita stated that this was mentioned to be upgraded at this last project. Chairman Lacivita stated any recommendation to be given is contingent upon that road being upgraded and it was discussed before. Chairman Lacivita asked about density. Mr. Miner stated the PDD allows twice the amount (42 x 1.5), currently proposed 63. Proposed would be 111 residential use. Mr. Miner stated it appears to be in line with what the code requires. 8,000 square foot per unit is allowed under R3 zoning. Mr. Miner stated that the proposed PDD meets the density and code and that should be the recommendation and it appears that it complies. Greenspace is about 4 acres per Mr. Flushing. The school district line cuts halfway through Stacy Lane and half is Troy district and the rest is in North Greenbush. Chairman Lacivita stated it has no impact on the Little red schoolhouse. Per Mr. Flushing the roads will be privately maintained. Chairman Lacivita stated the Troy School district will need to respond to the town board about this project.

Traffic impact: has there been any analysis and report per Chairman Lacivita? Mr. Flushing stated it has been looked at and a roundabout has been proposed. They will work with DOT. Chairman Lacivita asked if the area that has been filled will have a building on it and it will. He also asked about the stop work order on the site filling. Mr. Flushing stated it is being resolved and they are attempting to mitigate it now. Mr. Miner stated once the plan that the town set forth to mitigate some other site this site can be started again per Army Corp. Mr. ? spoke and stated that there is a streak and culvert that is partially covered with the fill. The other Lawyer/Eng. who has passed and he had not completed the permit application for fill on this site. They know they cannot move forward on this site until Mr. Casey from Army Corp approves the fill and wetland

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permit. The application is completed but the permit has not yet been issued and some things have to be mitigated first. Mr. Wilson asked about how many new storefronts are proposed and Mr. Flushing stated there will be several in the three new buildings. He also asked about a right in and right out and it was denied and Mr. Mulino stated it should be entertained again. Ms. Foley: she feels right in and right out is a great idea but she doesn't like it and if everyone does it legally it will work. 20,000 square feet of retail how many parking spaces, 130 per Mr. Flushing and that should help with Juniors parking problem. Mr. Flushing stated there will be sidewalks all around the entire project. She also asked what Mr. Mulino will store in that building because it is surrounded with parking so how can he access the building. Mr. Mulino stated a few spaces will be delineated to. No rentals just sales and owner occupied. She said this will be a community and is nice what about a dog park? Where will they go? It's something that can be considered in some room they have. Mr. Miner stated it will come back for a more detailed review with a site plan. This is to recommend if it is within the town code.

- **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.**

This has been before the board before. They received a letter from SHIPPO showing no effect and they received something from the fire department and are waiting for the army corp letter in a few days and are waiting for Mr. Laberge comments. DEC wetlands are at the back of the site and they are now maintain a 100 foot buffer. Mr. Laberge stated the density is fine and the health department will be looking at each well. Mr. Laberge went through the short env. assessment form and provided a part 2 and has recommending a neg dec for this project. Necessary for approval: Shared driveways, army corp sign off, final acceptance of SWIP by the town after review by his office. Chairman Lacivita asked what we can do to ensure the water table stays in tack for the current residents. He has a stack of comments from the public and wants then all addressed. Laberge is aware of all the comments. Mr. Laberge stated that even if there is only one house built it could affect the wells. Chairman Lacivita stated we need to do our due diligence. Chairman Lacivita stated a lot of comments asked about further subdivision. They would have to come back before the board anyway but can we put a

condition on this that no more subdivision can occur? Mr. Laberge stated he has seen boards do it and some that won't. Chairman Lacivita said we can say we don't want to see another subdivision occur on the record. Mr. Noel stated he is good with whatever the board decides. Chairman Lacivita stated he has Shippo, correspondence, and FD comments.

- **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.**

This will be called ridge creek condos. Nick Costa and Jarred George presented the project again. He showed a map of the proposed site for 130 condo units. The homes that were originally proposed on Whiteview have been eliminated. A berm and landscaping plan has been showed on the detailed plans. They added a sanitary sewer placement that will serve the residents of Renshaw road was well. They are also increasing Renshaw road to 120 feet. The sidewalks that have been added to the plan have to be approved by DOT. The HOA will be responsible to maintain them. There is a recreation area and a dog park on the plan. They will have a project sign at the entrance of the site. There will be a pump station on the site for sewer and a forced main. Mr. Costa showed that on the map. Storm water will be collected in catch basins and put in two large catch basins. A large culvert will be installed in the two roads and they will install a trail to connect to existing trails for the town parcels. At the last meeting it was brought up about crossing the wetland and the board wanted DEC clearance and Mr. Costa stated they were on the site and have no issue with it. Mr. Miner met with Ms. Berry from DEC and went to the site and she said everything was done in accordance to best management practices. He also met with the contractor hired to cut the trees and they spoke to DEC prior to cutting and there was no permit required before cutting so they did what they were supposed to do. All the streets will be turned over to the town per Mr. Costa. There was a traffic analysis dated 2/19/19. There was no turn lane warranted and DOT said they can revisit that. Mr. Laberge said the utilities should be turned over to the town. There has been no feedback from the town board. Mr. Miner met with Highway superintendent and he had no objection. Ms. Foley asked about a legal easement and Mr. Miner will talk to Fred Kirwin about that. They show a parking

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area for town residents to use to access the trails. Mr. Miner asked if they could extend that road a little more and add more parking spaces and they agreed. Chairman Lacivita asked if the sidewalk along Whiteview will be maintained by the association and it will be. Chairman Lacivita would like to see what DOT says about the sidewalks to get their comments.

Mr. Laberge :

Sidewalks extended out to Whiteview.

Landscaping-additional trees along the entrance and access roads. Tighten up and add more trees by the berm.

Fencing along voyage drive – plant shrubs to break it up

Few more evergreens near the dog park

Left turn lane on Whiteview: See what DOT says.

Speed signs feedback from PD he would prefer a speed trailer on Whiteview road.

Chairman Lacivita said the Police chief was willing to recommend a reduction in the speed in that area. A speed study will be added to the list. Chairman Lacivita would like this board to recommend things and conditions for this project. Chairman Lacivita stated he feels we should pursue a traffic study and a left turn lane.

Laberge: water connection-try to connect to the west but they don't have access to the west. Also a second connection will be prudent and they should connect to Arden lane so they have two sources of supply. There are existing conditions and this project should not aggravate or add to any existing issues. We owe the applicant a more detailed letter from Laberge. Get an indication if the town board has any issues. Mr. Miner asked if they could show on the plan the neighboring existing homes and they will. Ms. Foley asked about the trees and they will use evergreen and spruce on the site. Mr. Laberge asked Mr. Costs to send the plan on the map to his email.

Miner: typically on these projects the board has established traffic mitigation fees to use on certain town projects even though we have not discussed it yet. Chairman Lacivita stated he thought the town board set those fees. Chairman Lacivita will ask the BD to come up with a number for this. Mr. Laberge will have a review letter to the applicant within two weeks.

Motion made to table until the June 24<sup>th</sup> meeting by Ms. Foley and seconded by Mr. Kirk. All in favor.



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- **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.**

Mr. ? gave an update to changes since the last time they were here. Today they received correspondence from Army corp. to give them a permit to disturbed 1.5 acres. The driveways and the lots have not changed. They are proposing 13 lots from 15. Lot 1 will encompass the remainder of the property. They moved some well layout. Dept of health they have submitted preliminary plans and will finish field testing. They have not heard back yet. They increased swales and erosion control plan is complete. Increased silk fence locations and completed. They extended fencing and temp swale. Biggest change is they've split it up into two phases per Mr. Laberge comments. They feel phasing will help with the project and provided responses to Laberge comments they also completed the env. Letters that are over 100 pages that the board received. Chairman Lacivita stated the town has zero authority regarding the shared driveways. In the plan they state that if driveway number 4 is not maintained the town will maintain it and be compensated. Chairman Lacivita stated the town will not be responsible to do this and cannot do this and cannot be responsible if it is not maintained. The highway superintendent told Chairman Lacivita that is not possible. That has to come out of the comments they provided and the applicant stated that was not their intent. They received a letter from the police chief. Mr. Cahill read the letter to the board. Basically he stated he has never had a problem with not being able to get to a resident because the driveway has not been maintained. This addresses the flag lots and extended driveways. The applicant is proposing a maintenance agreement for all these shared driveways. The applicant is willing to do something drafted about some kind of an agreement whether it be drafted by a lawyer or form an HOA. Mr. ? said that because there is no commonly owned property it is difficult to form an HOA. They will have their attorney prepare something to present o the BD for review then the two attorneys can talk. Hydrologist report for the wells: Mr. Laberge has paperwork stating a study is not required. The applicant did an analysis on other wells in the areas. Mr. ? read some comments in that report. They will provide the two tests required before approval. They will test each well carefully as they are dug. Mr. Laberge feels they should prove out the wells before construction. Mr. ? stated they will not do anything until they have a preliminary approval.

Chairman Lacivita asked Mr. Laberge what documentation the board needs to make a SEQRA determination. Mr. Laberge stated it's difficult to say it's a wide question. A geologist or hydrologist taking a look is a good thing to have. Mr. Cahill asked if the draw down test is enough when testing using the park 5 water test? Mr. Laberge is looking for a professional opinion. Qualified opinion that talks about the quantity of water, impact to surrounding properties, and other information that would inform the design of this piece of property. Chairman Lacivita stated that is we get that information we could be better able to form a SEQRA determination. Mr. Laberge stated yes. Mr. Cahill asked if they provide a report that is positive and the public provides the report that is negative how will that be handled. We will look at it when it happens. They will make sure there are no issues before they move forward. Chairman Lacivita stated a desktop test should occur first then possibly a field test.

Grading on the lots: The applicant stated it's difficult because they don't know exactly where the homes will go and Laberge stated they need to pick a spot and do it. Mr. ? stated they can show the grading on the plan showing the contractor will do this, etc. Chairman Laberge stated that will suffice. They provided an extensive SEQRA letter. Motion made to table until June 24<sup>th</sup> meeting to work on all the comments and needs above by Ms. Foley and seconded by Mr. Wilson. All in favor.

- **Actions to be considered:**
- **The Application for site plan approval of Mazzone Administrative Group, 743 Pierce Road, Clifton Park, NY 12065, for a proposed food service business for the property located at 480 North Greenbush Road, in a BG district having parcel ID#: 133.-2-10. See above**
- **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.**

Motion was made above to table until next month.

- **Referral from the Town Board for Recommendations regarding the proposed modification to 50 North Greenbush Road & Vicinity Planned Development District.**

- **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.**  
Conditions: submittal of shared driveway easement to the town , correspondence from army corp regarding wetlands delineation, acceptance of he SWEEP by the town and necessary revisions, necessary permits from dept. of health , no further sub division be permitted and must be marked on plaque.  
Completed short form per Lacivita and Laberge completed part 2.  
Motion made for neg dec and conditional approval with above conditions by Wilson and Kirk. All in favor. Conditional approval by Mr. Kirk and seconded by Mr. Wilson.
- **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.**  
Motion made above to table until June Meeting.
- **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.**  
Town board referral – Mr. Miner stated the town board is considering modifying the Hamlet district wording. Hamlet district use law. The town board would like this board to make a comment and they support this change regarding residential on second floors. What is the board’s opinion on having a two story building with business first floor and residential above? Motion made that the chairman communicate to the town board that there be retail and services only on the first floor and offices can be located on the second floor as well as residences. No retail on second floor allowing other permitted uses by Chairman Lacivita and seconded by Mr. Kirk. Roll call vote: Foley, Kirk, Lacivita, Wilson, Ahern.  
Town board referral -Mulino project: 2<sup>nd</sup> phase of his project. He didn’t own it at the time. Is it consistent with the town code guidelines? 50 north greenbush road on the agenda already. Motion made to allow second phase by Mr. Wilson and seconded by Mr. Ahern. All in favor.

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Mr. Miner stated town code will be changed that when an application for a major subdivision or site plan there will be no cutting of trees until a conditional approval is made.

Recommend language that whenever a site plan or major sub division is submitted that no cutting occur until conditional approval is made. There would be a fine if something is cut prior to their application being submitted. This is the board's recommendation. Motion made by Mr. Wilson and seconded by Mr. Ahern. All in favor.

- Approval of last month's meeting minutes: Motion made to approve April's meeting minutes by Ms. Foley and seconded by Mr. Wilson.
- **Discussion:** None
- Motion to Adjourn at 10:35pm by Mr. Ahern and seconded by Ms. Foley.
- Next meeting date: June 24, 2019