

Town of North Greenbush Planning Board
2 Douglas Street, Wynantskill, NY 12198
Draft Meeting Minutes
July 22, 2019 at 6:30 pm

- Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson-absent, Leanne Hanlon (Secretary), Mark Ahern, Steven Kirk, Richard Laberge-absent, Michael Miner, Eric Westfall-absent (new Town Engineer).
- **Public Hearings:**
- **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. Laberge spoke about the SEQRA and submitted a memo on July 17th. The applicant submitted a memo that they are willing to accept the Laberge comments. Laberge requested a hydro geological study of the property as well. Study was included in the submittal and explains why the 13 lots could be supported by the aqua fur there. It also included comments from the public. Alfa Geo Science provided the report and does not overtax the land it's on. Shared driveways" Need to be reviewed by the town attorney however the agreement seems fair. They will provide a report every two years to the town as to the condition of the shared driveways. Mr. Laberge stated the enforcement is under the fire code however and the owners can be sited if they are not kept up.

Storm water: maintenance of the pond is the homeowner's responsibility but an agreement needs to be in place that they will maintain that. Needs to be reviewed by the town attorney. The applicants agreed with all the comments.

Part 2 of the EAF: it was previously declared a Type I action. Laberge's analysis did not turn up any major problems and it went through all the Env. Categories. Mr. Laberge is recommending a neg dec on this action. Mr. Laberge has commented on each of the SERQA and it is justified why there is no major impact.

The 13 lots fits in to the character of the neighborhood there and a neg dec is justified. He referred to the letter of the 17th. This board needs to be lead agency and vote for neg dec. and needs to be filed with the town clerk per Mr. Laberge. Chairman Lacivita asked Mr. Miner about the Town's responsibilities.

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Chairman Lacivita asked Mr. Miner what if there are deficiencies they have to come before the building department and property owners would be cited and ordered to remedy. Mr. Miner suggested there needs to be a condition on the application if approved. Chairman Lacivita does not want to create something we cannot enforce. Ms. Foley asked about the driveway maintenance and who coordinates it. The lawyer stated one of the lots will be serviced and organized by one homeowner to coordinate the service on the driveway and a service coordinator will be chosen and on the deed. They coordinate all the service for the driveway (snow removal, repairs etc.). Ms. Foley asked how you choose the service coordinator among the lots. Mr. ? stated the applicant can choose or the PB can. Mr. Miner stated all the property owners within the maintenance agreement can be cited. Also an alternative service coordinator can be chosen. All of this can be enforced by the BD anyway. If the service coordinator is no longer in the home for whatever reason there is always an alternate. Chairman Lacivita stated some of this makes him nervous because of the approvals required and there are other steps in this process. The board needs to see that the town attorney and BD need to agree there is sufficient protection for the town to be able to enforce. This board does not need the responsibility and the enforcer needs to be comfortable with whatever action is taken to enforce. Language that can be added is that the town has the right to enter the property for inspection purposes.

Motion was made to declare the Planning Board as lead agency on August 6th 2018 per Chairman Lacivita.

Andrew Mair stated that before this board votes once they declare themselves lead agency and they must contact other agencies for input.

Motion made for a neg dec from recommendations by the Laberge Group and Town engineer and file the neg dec with the Clerk by Ms. Foley and seconded by Mr. Kirk. Roll call vote: Foley, Kirk, Lacivita, Ahern. All in favor

A letter was received on July 8th and again on July 15th. Chairman Lacivita asked was all the information complete on the 8th or was there new information in the seconded letter because everything has to be done before?

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John Romeo spoke: he spoke about the discrepancy. He did review everything and saw the Laberge comments. There were answers to 2 questions on the second letter. They have committed to addressing all the comments and engineering. May 7, 2018 first application, then July 2018 they had a presentation. They have submitted a lot of information to the board. Originally 15 lots were planned. After they coordinated and realized they were wetlands and are permitted by Army Corp. They looked at threatened and endangered species. It was determined there is no threat for any endangered species. County Dept of Health is not involved at this point. They did review it though. They do need to see final engineering drawings after preliminary approval. Biggest public comments were related to the driveways. So the driveway layout was revised. 26 feet wide, swale to capture storm water. Mr. Romeo also spoke about the wells because that was a major public comment. They made all necessary adjustments and provided a hydro geological study. They also received recommendations to shift wells in the upper portion of the property and they will do that as best they can. They also updated their environmental narrative. They also responded to the Laberge recommendations. They sent out notifications to every homeowner that would be within 600 feet of this property. Rensselaer County Planning will also receive this project for their comments.

Public Hearing opened:

The record will be open until August 12th per Chairman Lacivita.

Susan Bove, 186 Mammoth Spring Road: She is requesting a public hearing continuance until the August meeting. She read a letter prepared by herself and she read it at the hearing. Copy will go into file.

Donald Dwyer, Civil Eng that represents the Mammoth Spring and Morner Road neighborhood group: he distributed. He read the letter at the hearing. Copy attached for file.

Priscilla Duskin – geologist spoke about the documentation she provided and is included in the file.

Lloyd Miller, 157 Mammoth Spring Road: Passed out a packet and made comments regarding this. Copy included in the file. 6 page document

Susan Bove distributed a packet of information again: comments included in file and minutes. She read that document. 4 page document

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Andrew Mair, DeFrestville: He focuses on one topic. Shared driveway maintenance and storm water. He is requesting that a Homeowners association be created for this development. 10 of 13 have shared driveways. He discussed all paying and a maintenance agreement and a HOA would work better. Properly maintaining a driveway is important due to an emergency etc. Having an HOA may reduce the chance of homeowners requesting town assistance to help with a driveway issue. Requests this board not approve this sub division proposal and requests the public hearing be continued.

Chairman Lacivita asked if there has been adequate time to review the information received on July 15th. The record will remain open until August 5th and will that give people enough time? He asked Mr. Laberge and Building Department. Mr. Laberge stated that he requested omissions and that there were changes to the plans that they have not submitted. He spoke with Mr. Romeo but suggests the letter be rewritten. He did reviewed the maintenance agreements though. He feels the timing until August 12th is fair.

Chairman Lacivita is now requesting the record remain open until August 12th. This will allow ample time for everyone.

Motion made to close public hearing and keep the record open until August 12th by Ms. Foley and seconded by Mr. Kirk.

The applicant needs sufficient time to respond and they can do that in writing for the meeting on the 26th. The comments will be discussed at that meeting. Mr. Laberge stated the town attorney will review all the documents as well. There are questions that need to be responded to and reviewed. Chairman Lacivita stated there have been legitimate concerns raised and he is not comfortable about the driveway mess.

Mr. ? Stated they will start working on the comments. Also in August they want to work on conditions so they are ready for the September meeting. Ms. Foley asked about the shared driveway agreements and what other towns they are using them in. The lawyer stated he does not know but will have an answer for her. Chairman Lacivita stated the town attorney has to review and respond to make sure he is comfortable with the shared driveway agreements. Chairman Lacivita stated he wants to revisit the creation of the

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HOA and needs it to be explained why they are not creating this. Also how these shared driveway agreements are working in other towns.

- **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 presented the application and provided a map to the board and public. Plans have slightly changed and there are a few less parking spaces and the size slightly changed. The topography slopes toward a wetland and a stream. Was an office building and now a proposed bank. The drive thru is also an addition. The drive through is only for an ATM. 2-4 employees.

Ms. Foley asked about the parking spaces and why they cannot be all together with the other 5 closer and the three on the other side should be with the five. Mr. Costa stated there would be some maneuvering problem. Also she asked about garbage. Mr. Costa stated there will be small residential bins and no dumpster required. Ms. Foley asked that one of the comments was all the parking spaces were facing the same way and what about lighting problems and asked about arborvitae. White Spruce will get too large and arborvitae are easy to maintain. The applicant agreed.

Mr. Miner stated the only reason they needed to come back was the drive through addition and they need to comply with the design guidelines. Ms. Foley asked what are they planning for landscaping and Mr. Costa stated maple and blue spruces. She asked if they can add small shrubs and they agreed.

Public Hearing opened:

Jim Greenfield as town historian: on the EAF form #12. He said there is a building on the historical list (DeFreest House). He said it is possible that this is the other part of the DeFreest Property and there may be headstones there because they were found at Jordan Point and on the M&T site. He is asking for an archeological study. Mr. Miner stated that was not required for the Jordan Point project. Steve Kirk asked Mr. Greenfield where the other two graves were found.

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Andrew Mair, DeFreestville: This site joins the DeFreest house site and is on the national registry. Mr. Mair distributed “North Greenbush Notes” that were prepared by the town historian. He feels an archeological study needs to be complete. He is stating that the Jordan Point project did have an archeological study and this property is very close to this. The long form should also be completed before anything is complete. He is requesting that because of the immediate proximity to the Defreest house and this project these things need to be complete because the Defreest house is fragile. He said question answers also need to be changed. Mr. Miner is stating an archeological study was not required in the original plan for Jordan Point. The drive through is what is causing this project to have to come before the board. Mr. Costa stated the site has been cleared and rated in 2016. He also stated there was an archeological study completed before.

Travis Klein, 27 Jordan Road: He is adjacent to this project. He said the De Freest house is very important. He has never received any notifications regarding this project. They are restoring their 200 year old farmhouse. He said there is a fine line there between residential and commercial. Nature behind his house is amazing and is a thoroughfare for animals and there is a stream that runs behind his house that is important to the eco system in that area. He is concerned that the proposed retaining wall is too close to the stream. The development has to be done with nature and the neighborhood in mind.

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

Chairman Lacivita stated this project was approved prior but not as a bank so it needs to be re-reviewed.

Motion made to table until the August 26th meeting and hopefully we will have the historical report for that meeting by Mr. Kirk and seconded by Ms. Foley. All in favor.

- **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.**

Chairman Lacivita read what was commented on at the Brunswick Planning Board.

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Eric Readman of Berkaman and spoke about that meeting. Density, storm water, wildlife. And public hearing was left open until August 1st. Lot sizes are 1.5 and two are 2 acres. No variances are needed per Chairman Lacivita. Mr. Readman stated they have addressed many comments from Brunswick. There will be an emergency connection between the two water districts. Driveways are 200 feet long for two of the properties. 7 total fire hydrants and he showed them on the map. He said the fire district in Brunswick were good with the turning radius of the cul-de-sacs. Mr. Laberge stated Brunswick seems to be all set and Mr. Miner went to the Brunswick meeting and noted their public comments. Their concerns seemed to be about drainage.

Public Hearing opened:

Chairman Lacivita received a written comment about this project and stated we do not have any official interaction and can only comment on the North Greenbush side and cannot comment on the Brunswick area.

Rosalee Richards, Sharpe Road: what is the soil situation and what if it's clay and how will that affect the septic. Lacivita stated the applicant has to comply with county health department code and that is reviewed by them as well. Brunswick is responsible for most of this project. She asked about privacy along Sharpe Road and doesn't fit in the neighborhood. The town of Brunswick has to deal with these issues.

Jean Code Hill, 242 Sharpe Road: This is not a flat piece of land and slopes all over and she noted on the map. She also stated there is no drainage and all the water runs into a spill way under the road and will affect the wetlands in the area. It can affect a mile down the road as well. The homes on the west side of Sharpe road will be affected. She said this will be a disaster with no public sewer system. She said there is a lot of hardpan and gravel. She said trees were cut down and now there is flooding across the street. She said Brunswick adjourned the public hearing until August 1st. Ms. Hill asked if there was a study done of downhill drainage. Chairman Lacivita stated any development cannot cause any additional water flow than what is already there. Mr. Laberge stated the new rate of discharged cannot exceed the current rate of discharge. Ms. Hill asked if there was an environmental study and Chairman Lacivita stated Brunswick should have done that.

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Chairman Lacivita stated this board will not approve anything until Brunswick acts. If Brunswick doesn't approve the project this board will have nothing to approve or disapprove.

Ms. Foley asked about the natural swale and is there anything we can do about putting in a storm water retention pond on our section. Mr. Laberge stated something can be done but may not be required. Mr. Laberge stated we are reviewing the storm water and both towns have to review and approve the SWPP. Chairman Lacivita stated he was given a view on the Brunswick meeting and stated they have a lot of work to do. Chairman Lacivita read a comment that was sent as well.

Mary Brewer Treventi, 188 Sharpe Road: property in both towns: She asked if there was a problem will the people who live in north greenbush have support from the town. Because there are people who already live on the line where this is in North Greenbush. She said she is flooded now and that is going to change and get worse. Chairman Lacivita stated that the water that comes down in the north greenbush district we can act. She wants the town to be supportive to them. The BD and Highway department will have to look if a problem arises. There will be a fight as to whose water it could be causing the problem. Will the aquafer be affected? Chairman Lacivita stated to her that we can only look at what is affected in this town and this board has nothing to do with enforcement. Ms. Foley asked Mr. Laberge to take a look at the water issue and possibly having a storm water treatment or SWALE.

Katherine Knauer, 18 Woodridge Road: Her property lies to the right of this proposed development. She had to dig a ditch to help with the water problem. Mr. Readman stated the water flow will be maintained.

Donna Holkcomb: She said everything is going to run off onto her land. Her land is maintained for hay for cows and horses. She has a hand dug shallow well and the runoff will come down to her well and the lawn chemicals for new lawns will run into her hay field and well. Mr. Laberge stated the rate of flow cannot be greater after the project is done. 70% of the water is directed to the drainage pond and Readman agreed. Her property is in both Brunswick and North Greenbush.

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She was told that she needs to talk with Brunswick because that is where most of her property is. Chairman Lacivita does not know how to address her concerns about people treating the new lawns and the chemical runoff to her. Chairman Lacivita stated this is out of the scope of our jurisdiction. Ms. Holcomb stated it's been quiet and peaceful and this will change. Mr. Miner stated she could petition Brunswick once the water district is developed to get water.

Chuck Prefore, 108 Sharpe Road: Run off situation is very serious and gets under his pool and gets into his cellar as well. He had drainage put in but it hasn't helped because there is so much. He said this is going to ruin everything-the wildlife, etc. what about the traffic congestion? They're killing a way of life that they are used to for generations. We are living in a time where progress is not on our side. Mr. Laberge stated it appears that there are existing problems even before the project is started. Chairman Lacivita stated it is possible that Brunswick will submit changes due to the comments. It will not make it worse.

Mary Brewer again: Traffic will mostly be in North Greenbush.
Mr. Miner stated the county highway will take a look because it is a county road.

Scott Kennedy, Sharpe Road: He discussed the water flow and that the water flows through his yard and it never ends and always flowing. It goes onto Sharpe Road. He cannot see it getting better. He already has water flowing everywhere.

Motion to close public hearing and table this until the applicant notifies this board that Brunswick has acted by Ms. Foley and seconded by Mr. Kirk.

- **Presentations:**
- **The Application of Ted & Luciana Owens, 191 Sharpe Road, Wynantskill, NY 12198 for a four lot minor subdivision, 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.**

Postponed until the August 26th meeting.

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- **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.**

Rob Osterholt, Bold Eng. Presented the application and provided a map to review. They would like to construct a medical building. Acres is just over 5 acres and there is two tax map parcels that exists. Medical facility two story 40,000 square feet. It would be built toward the road and have the parking lot in the rear. They will abide by the design requirements. Access will be off Route 4 and there are plans to develop the roadway there as well. He said he has three variances that they need to go before the ZB as well. They are not showing any landscaping at this time. They are limited to a 10,000 square footprint and are proposing a 20,000 square foot. Also they need to get a parking variance. They are proposing 171 spaces. The interior greenspace and there is a 10% requirement and are at 5.5%. He feels since the parking is tucked away in the rear it better to view. Served with Public utilities. A sidewalk is also planned for the project. Chairman Lacivita asked about any abatements and IDA's and they probably will. Chairman Lacivita spoke with one of the homeowners to the south. What are the future plans for the rest of the homeowners that do not want to sell or move? They purchased most of the homes and one will be a difficult acquisition. Tom Renshaw works with the developer and spoke about the project. He showed what things will look like once the other homes are purchased. They will provide an easement to the vet if their route 4 access is cutoff due to this project. Mr. Laberge asked about the storm water and Mr. Osterholt stated they have a plan for underground. He did note a couple of small wetlands that will not be affected. Chairman Lacivita stated we will need elevations on the map and show landscaping and better parking on the map. They also need to show a pedestrian sidewalk into the building. Mr. Miner said it would be better to move the building to the south and ask for another variance. He also said show on the plan for future additional parking if necessary. Also show if the back acreage was developed show that and the future road. Mr. Miner also stated they need a variance for signage as well. Chairman Lacivita stated they need to show what parcels they owns and which ones they do not.

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Motion made to table until they go before ZBA to be put back on the agenda by Mr. Kirk and seconded by Ms. Foley. All in favor.

- **Old Business:**

- **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.**

Applicant has requested this be postponed until the August 26th meeting.

- **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.**

The lots are being merged and no sub division. Motion made to accept sketch plan and schedule public hearing for August 26th and declare planning board lead agency by Mr. Kirk and seconded by Ms. Foley. All in favor. Ms. McGoghlin lives at 420 and she has been working with the applicant to get a fence and guiderail along her property. She cannot be at the August meeting and attended this one.

- **Presentations:**

- **Action to be considered: The Application of Ted & Luciana Owens, 191 Sharpe Road, Wynantskill, NY 12198 for a four lot minor subdivision, 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.**

Postponed until August 26th meeting

- **Old Business:**

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- **Action to be considered: 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.

Postponed until August 26th meeting.

- **New Business:**

- **Referral from the Town Board for recommendations regarding 50 North Greenbush Road, Planned Development District Local Law.**

Mr. Miner stated it was referred to this board once. Because this board replied to the Town Board it is all set.

- **Referral from the Town Board for recommendations regarding Aries Cove, PDD and Permitting.**

Approved in 2009 and re-approved in 2011

18 twin and 9 single family was proposed. Mr. Miner has purchased the property and has asked the town board to abolish the PDD. He is asking for it to become an AR and convert it to one lot. On house and a big barn is planned for the 37 acres. Has no intentions on building any other homes. Serviced by water and sewer. Section in town law that established a 100 foot barrier to the lake per Mr. Miner. He will show the board where he is clearing he will but referring it to DEC is the correct way per Chairman Lacivita and Mr. Miner has already submitted his application to them.

Grading and clearing approves grading within the 200 foot setback as approved by DEC. If they don't approve it our approval mean nothing per Chairman Lacivita.

Motion made for a Resolution that pursuant to the referral from the town board for a positive recommendation to dismiss the PPD and allow one lot 37 acres and make AR and discussed with Mr. Laberge by Mr. Kirk and seconded by Ms. Foley.

Motion made for a resolution that approved grading within 100 foot lake setback subject to the review and approval of NYS DEC by Mr. Kirk and seconded by Ms. Foley. All in favor.

- **Discussion** - Van Rensselaer Square: Lacivita spoke with Paul Goldman and a CO will not be issued until all issues are rectified. He is the counsel for BET and he agreed.

Business meeting:

- Approval of last month's meeting minutes- motion made to approve June 2019 minutes by Mr. Ahern and seconded by Ms. Foley but change Hartt to Hart in all spots.
- Motion to Adjourn at 10:45pm by Mr. Ahern and seconded by Mr. Kirk.
- Next meeting date: August 26, 2019