

**PLANNING BOARD MEETING - MAY 1, 2023
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
Lawrence D'Angelo
Andrew Aubin, P.E.
Stephanie Leonard
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Planning & Zoning

MEMBERS ABSENT

James Shaughnessy, P.E.
John LaVoie

APPROVAL OF THE DRAFT MINUTES FOR — APRIL 17, 2023

Johnson moved, Leonard seconded that the draft minutes be approved as amended, as the final minutes of this meeting.

5 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Leonard, Mayrer

Oppose: None

Absent: LaVoie, Shaughnessy

Public Comment

None

Subdivision / Lot Line

Melissa Hackart & Dustin Swan
372 Clove Road
Proposed - 2 Lot Subdivision

2022-34/RA/209.-11-25.133

This application was approved and had a public hearing on 12/19/22 they had changes that needed to be made. They are back with the new maps.

Paul Baker, SY Kim surveyors, was present for this meeting.

Mr. Baker stated he is here to show the board the easement and the new plans and the deed with the easement.

Mr. Baker Stated he hopes the document with the easement description is what the board is looking for he's clients are looking to close soon.

Attorney Crist stated you are looking to have a stand-alone easement document that will be filed with the maps.

Mr. Baker stated yes that way everything is nice and clear.

Mr. Johnson asked if a maintenance agreement is needed.

Attorney Crist stated he would defer to the engineer on that question.

Mr. Laberge stated asked what is the situation for this application.

Mr. Johnson stated it is a shared driveway that we requested to be widened.

Mr. Baker stated on lot has an existing house and the other lot will remain vacant.

Attorney Crist stated he recommends any approval of this application be subject to a filed easement that will also delineate maintenance obligations of the parties to the easement.

- This application was approved on December 19, 2022 pending changes being made to the plans for the easement and the width of the driveway.

Aubin moved; Leonard seconded to approve of this application with conditions listed below,
5 Ayes: 0 noes, Aubin, D'Angelo, Johnson, Leonard, Mayrer

Oppose: none

1. An easement agreement entered into concerning the property and would also provide for the maintenance obligation between the parties.
2. That easement would be filed contemporaneously with the plans at the county clerk's office.

Site plan / Special Permit

Suzanne Livingston-Sukup
4161 Rt. 20 / 1924 Dover Lane
Proposed - Change in tenancy.

2023-10/LB/200.1-7-67.1

Suzanne Livingston-Sukup, applicant and business owner was present for this meeting.

Mrs. Livingston-Sukup stated she is here for a site plan approval related to a change in tenancy, it is currently an auto sales lot, and she would like to cut down to 2 cars for sale and the remaining lot be for the sale of storage sheds.

Mr. Johnson stated the plan doesn't show a distance from Dover Lane to the sheds. Is there 25 feet between.

Mrs. Livingston-Sukup stated she tried to follow what they originally did with the cars. What are your suggestions? The plans shows plenty of open space on the right that actually has more space then it did when the cars were there.

Mr. Johnson asked the board if they want to consider 25 feet from Dover Lane just line it is on Rt. 20, so the building inspector knows what to go by is he has to go out there.

Mrs. Livingston-Sukup stated there is already 15 feet or more. It all Lilacs and shrubs in that area. She doesn't want to push them any closer to Dover Lane.

LEAD AGENCY

Aubin moved; D'Angelo seconded, that the Planning Board be **LEAD AGENCY**.

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Leonard, Mayrer,

Oppose: none

TYPE II ACTION

Johnson moved; Aubin seconded that the board resolves to issue a **TYPE II ACTION** for this action.

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Leonard, Mayrer,

Oppose: none

CHANGE IN TENANCY

Leonard moved, D'Angelo seconded APPROVAL of a change in tenancy as shown on the site plan in order to sell sheds at

"4161 Rt. 20 / 1924 Dover Lane"

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Leonard, Mayrer,

Oppose: none

Site plan / Special Permit

Nadide's Eatery

2022-29/HC/178.-12-11

1607 Columbia Tpke

Proposed - Restaurant and Drive Through

Tony Tisenchek, Engineer and Havzi Ipek, applicant, were present for this meeting.

Mr. Tisenchek stated they hope they have addressed all the comments and questions from the board at the last meeting,

Attorney Crist stated the deed was submitted to the planning office and to himself just for the purpose of the board review. because we do not opine on the vitality of private property rights. But what we transmitted was an August 16, 1954 deed which discusses the right of the grantee to use the driveway " as the same as located and laid out to the north of an adjacent to the above-described premises", again this is as of August 16, 1954. This board does not opine as to whether you have valid easement. That is the applicants to make sure that you have that especially if that is proposed as a condition of this board.

Mr. Laberge stated they did a quick deed plot for the parcel, and it does match up with the property line that is shown on the existing sketch plan. And as Mr. Crist pointed out, the right to use the driveway to the north of said parcel and what is difficult in it is that no one shall block access to the back property owners. "They will not allow said driveway be obstructed by parking of cars or otherwise and will so use same as to not interfere with the first party." In terms of a proposal to put in a drive-thru window in looks like it is now permitted.

Attorney Crist read to the board from the document handed in by the applicant. "Further agree that they will not allow the said driveway to be obstructed by parking of cars or otherwise and will so use the same as to not to interfere with the right of the use by the first party and all others now or hereafter having right of use thereof." That is a provision that would cause him some concern if he was the applicant.

Mr. Laberge stated we don't want to get between the grantor or the grantee on this easement. The applicant needs to tell us this is a valid easement it is not for this use.

Attorney Crist stated we need a certified letter by applicant's attorney to the town indicating this is a valid easement. If the board wants to have clarity on the issue.

Chairperson Mayrer stated it calls into question that the parties of the first part and the parties of the second part are still the same parties since 1954. Whose names are on the deed now. Wouldn't the person listed on the deed grant the easement.

Attorney Crist stated what this document does is reserve an easement over the property from Kenneth Gardinier to Frank and Cora Gregory so what the applicant is saying they take it as a successor an assign.

There was a discussion on the document and whether or not all parties know this exist.

Mr. Tisenchek stated they went back to the original surveyor that had surveyed this property and hired him to check into Krug Road, that is how they had obtained the document they handed to the board. It is a private road, but technically if we look at the property the road is used by his client as well as the tenants and the 2 residents in the rear of the property. he understands the boards concerns about not being 100% sure this document is viable, and the applicants right to use Krug Road as they want to, also the 2 parking spots for the apartment upstairs have always been in this location and that is part of the land owned by his client Mr. Ipek. He is not sure how to get the board what they are requesting because this is the only document that has been found.

Mr. Johnson stated he thinks the new deed for this property in the back would have this right-of-way listed.

Attorney Crist stated sometimes the new deeds state " all easement of record ".

Mr. Johnson stated if it is on that deed then this would be covered, but if it is now written on the deeds for your lot and the lots in the back. If not, then the deeds need to be changed to include this easement and the people in the back that are sharing Krug Road need to be informed that they are going to be sharing the road with the proposed drive-up window and traffic.

Mr. Tisenchek stated basically they know they are sharing the road now and the applicant has spoken to them about the proposed business.

Mr. Johnson stated the people in the back need to view their deeds to see what they have listed for an easement for Krug Road and what part of it is theirs and what part is the applicants. And also, to see it matched the document submitted.

Mr. Laberge stated you need to protect yourself with your rights to use this easement, he also stated if it is clear, if indeed that applicant has the right to use the easement for the purpose of a drive thru then there is the issue of the road being a dustless surface and the other concern is the one way out which could also be an issue for the neighbors and needs to be worked out. From a safety standpoint and a site plan point of view on the driveway the cars exiting is on the left and need to be on the right if this is to be a two-way road. You cant have the vehicles cutting across in front of vehicles entering Krug Road.

Mrs. Leonard stated have you thought about not having the drive-thru.

Mr. Aubin stated this is an approvable site without the drive-thru.

Mr. Tisenchek stated that is an option.

Mr. Ipek stated he has property in the back and maybe it could be used as a turnaround and only use the front driveway as the in and out.

Mr. Laberge stated that would create a whole new set of issues with the site. Im not sure how you would be able to do a drive-up window on this site and 3 lanes on Krug Road will not work.

Mr. Johnson asked about the gas meters on the Krug Roadside of the building, how far do they stick out, they may have to be moved.

Mr. Tisenchek stated a new plan and will put all the car park on the restaurant side and have everyone enter and leave on the same side.

Mr. Laberge stated the final plan before signing will need a P.E. stamp.

Mr. Johnson stated the apartment parking spaces on Krug Road need to be looked into. They shouldn't be parking there.

Mr. Tisenchek stated the spaces have been there forever and he is not going to make them move. If the board is unhappy with the existing apartment parking, he will put 2 parking spots in the back of the building.

Site plan / Special Permit

Schodack Golf Senior Housing

2023-11/RA-R20/188.-5-5.11

92 Schuurman Road

Proposed- Senior Housing - Golf Haven

Steve Hart, Hart Engineering was present for this meeting.

Mr. Hart stated the submitted plan is the old short 9-hole golf course. There is about 283 acres of land left over from the subdivision for the front 11 lots on Schuurman road and hopefully the builder Van black Homes will start to build the model home on lot #6 sometime in the upcoming week. What they are looking to do is try to bring a senior living community out on the site, he went over the plan, (see file) in the green is about 24 acres of 283 acres. They are looking to use the primary access that comes into the site, keep it a private road, put a boulevard at the entrance and have that be the main access to the development. There is an existing road on the easterly side of this site, it is a dirt driveway with an easement to the property in the back which will be maintained as a 26-foot-wide drive to be used for emergency access. The plans show 20, 6-unit buildings making 120 units in total, a density of 5 units per acre. They plan to have town water using an 8-inch stub and bring the water in from Schuurman Road, and there will be onsite septic

which they have been working on with Rensselaer County Health Department. They hope to save as many trees as they can but will add screening along the way. There is a list of items that need to be looked at such as overflow parking, traffic study, emergency access, sidewalks which will all be done as the project progresses. Just a note: these will be all single-story buildings; they are looking at a 55+ community and not sure if this is a town board decision to allow the age to be under 62. He asked if there were any comments.

Mr. Laberge asked if the units are going to be sold or rented.

Mr. Hart stated they are rentals.

Mr. Aubin stated as for density, this project meets the use code for the town.

Mr. Laberge asked if they had any idea what they were going to do about stormwater.

Mr. Hart stated infiltration, the soils on site are great, its topsoil, silty sandy type, and gravel.

Mr. Johnson, suggest they look into sidewalks for access to the community gardens, maybe all though the project.

Mr. Hart stated they are looking into sidewalks to the pool area with emergency access, and possibly 5-foot sidewalks elsewhere on site.

Mr. Laberge asked about a lot line adjustment in future.

Mr. Hart stated the line that is on the map now does not exist yet, it will be a future 2 lot subdivision.

Mr. Johnson stated two mail the roadway to the units needs to be wider to accommodate sidewalks and on street parking should residents have guest over for an event.

Mr. Hart asked about having overflow parking lots or wider roads.

Discussion on both parking options, no decisions were made.

Mrs. Leonard asked about the units.

Mr. Hart stated each unit is 24-foot wide by 60-foot width which is a total of 1440 sq. ft, take out 240 sq. ft. garage. The intent is one to two bedrooms no 3 bedrooms. And no dens that can be made into a bedroom. They do not have a final design for the floor plans yet.

Mr. Laberge asked Mr. Hart if he wanted to embellish the plan with anything he heard tonight before he does a concept review.

Mr. Hart stated he wouldn't mind if a review letter was done, we both heard what the board is looking for and if he finds more than that would be helpful.

There were no more questions for the applicant.

MEMBER DISCUSSION

None

ADJOURN

Leonard moved; Johnson seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:40 p.m.

Respectfully submitted,
Melissa Knights
Director of Planning & Zoning