

TOWN OF SCHODACK COUNTY OF RENSSELAER STATE OF NEW YORK

PLANNING BOARD MEETING- MARCH 17, 2008

CALLED TO ORDER BY: CHAIRMAN PETER GOOLD AT 7:00 p.m.

PRESENT

Peter Goold, Chairman
Wayne Johnson
Sylvester Kedzierski
John LaVoie
Denise Mayrer, Vice Chairman
Paul Puccio
Nadine Fuda, Director
Attorney Timothy Nugent, Esq.
Richard Laberge, Planning Board Engineer

MEMBERS ABSENT

G. Jeffrey Haber

APPROVAL OF MINUTES—MARCH 3, 2008

Johnson moved, Kedzierski seconded that the minutes be approved as amended

6 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, LaVoie, Mayrer, Puccio

Oppose:

PUBLIC COMMENT

None

3. Edward Scott 2008-10/LB/190.-1-9-12 SITE PLAN
2398 NY RT.150
Proposed - Grocery and Deli
Change in Tenancy

Edward Scott, applicant, was present for this meeting.

Mr. Johnson asked why this was coming before the board. It is not a change in use just a change in tenancy.

Mr. Laberge stated that even though the lots are large and there is 100 plus acres they all look to be flag lots. Actually, they each have the 200 feet of frontage.

Mr. Meyer states each lot has 200 plus frontage.

Mr. Laberge stated each home could have there own driveway if needed. But the idea of a shared driveway is for convenience and the applicant would take care of the cross easements and maintenance agreements.

Mr. Meyer stated they will have cross easements, the deed will also state this is a private driveway and not a town road.

Mr. Puccio asked about emergency equipment and access.

Mr. Laberge asked about the grades for the shared driveway for emergency access.

Mr. Meyer stated it will be under the 10% grade about 8%, they are not going to create a typical driveway. It will be wider then normal for access of emergency vehicles.

Mr. Laberge stated one of the major items is the emergency access and to get the engineering completed. If we can get emergency service comments by the next meeting, we should then be able to set the public hearing.

Mr. Johnson asked about the lot line adjustment and if that would be done before or during the subdivision.

Mr. Laberge asked for further clarification on the lot lines.

Mr. Meyer stated lots 1 and 2 have been conveyed. Lot 3 was triangle shaped; they have moved some of the frontage from lot 5 to give it more of a rectangle shape.

Mr. Laberge suggested we do both the subdivision and the lot lines at the same time.

Members and applicant agree to send this to Mr. Laberge Planning Board engineer for review.

PUBLIC HEARING

Nadine Fuda read the hearing notice(s) as published in the Troy Record:

Title of the Spinney @ Pond View March 7, 2008

Chairman Goold directed the affidavit(s) of publication be made part of the hearing record(s).

Spinney @ Pond View 72-2005/R-40/178.-4-2.1 SUBDIVISION
Pond View Road
Proposed - Adult Community

Chairman Goold opened the public hearing at 7:30 p.m.

Rex Ruthman, Ed Feinberg, applicants, Tom Brewer and Richard Tice, Brewer Engineering, were all present for this meeting.

Mr. Ruthman spoke about the project. They are planning senior housing that would include single-family residence, with their own porch, front yard, back yard with a patio, private garages with extra storage and private entrance. They want to create the feel of a real neighborhood instead of an institutional setting. The plan includes landscaping, sidewalks for the residents to move around safely. This plan includes no annual tax bills, snow removal cost, no home maintenance or repair bills. They are here tonight to present their site design to the planning board and the public.

Steven Tiley, 275 Miller Road States his property is not shown on the map, and asked, if the project is going to be 30 feet from his property line. Also question the condition of Miller Road and required improvements to support the additional traffic, as well a the poor drainage on all the properties with backyards leading to the project.

Mr. Tice stated that the back yard setbacks range from 35 to 40 feet. Which is the requirement in the R40 zone?

Mr. Ruthman stated they are going to conduct drainage swales along the property lines that will pick up the existing drainage and run it to a catch basin that will then go to the existing pond on their property.

Mr. Tice states it is very important to understand that this is going to be a senior development, all the roads and the buildings will be cared for by the owners of the property. The town will not be responsible for the maintenance.

Mr. Tiley asked if the development will have a septic system and public water. The Miller Road residents all have well and private septic systems. In addition, wondered if they were going to have the opportunity to tap into the same system.

Mr. Tice stated when the water and sewer districts were put in everyone on the Miller Road were asked if they wanted to connect. They all refused. This was in the early 1990s.

Mr. Laberge asked Mr. Tice to point out on the map where the water and sewer is located on Miller Road.

Mr. Tice stated the water and sewer lines are in front of home on Miller Road to the West of Pond View, which goes into Pond View to the medical building and then to the sanitary pump station.

Mr. Laberge asked where the water would go once leaves the sanitary pump station.

Mr. Tice stated it goes back over to exit 10-pump station.

Mr. Tiley asked if trees will be planted behind their homes for a buffer or are they going to look into the developments backyards.

Mr. Tice stated along the property line there will be 6 to 8 foot in height evergreens planted on a stagger leaving a 10-foot opening.

Charles Boyd, 259 Miller Road states he has been in construction for 50 years and does not see how the swale will take care of the amount of water they get every time it rains.

Mr. Tice states there is more than swales that will be used there is an entire piping system being put in.

Mr. Brewer explains the workings of the drainage system being proposed and how it will benefit the home owners on Miller Road.

Mr. Laberge asked Mr. Boyd about the photos of the water on his property and if he knows the date of that particular rain event. So he can verify the storm intensity.

Mr. Boyd stated the flooding happened in July of 2006. Also spoke about the recent storm and the flooding that occurred because of it. He does not feel that this project will benefit anyone; it is only going to add to the problems.

Frances Bonner, 221 Miller Road stated their house, is the second one before the turn into Pondview, the map states that their property is owned by someone else. And the map needs to be corrected. She has reviewed the plans and the housing will be only 35 feet from their back yard. She is upset that her rural area (exit 10) has turned into a business community. And is not happy with the progress.

Carolyn Naumburg, 13 Miller Road spoke for the project. She is unable to keep up with a two story seven room house. To her this project is wonderful and she is all for it, She also wanted to know if there is a time schedule so she can pick out her unit.

Mr. Brewer stated that they will know more when and if they get the approval to start construction.

Barbara Smith, East Greenbush, stated they were 35 year residents of Schodack and want to move back. They moved because Schodack did not have senior housing and this project is exactly what they are looking for.

Regina Zimmerman, resident, asked about the lighting on the units that are up against the homes on Miller Road.

Mr. Tice stated the intent is that the back of each home will have some type of rear door lighting. The interior street lighting will have 12-foot high poles with 3-foot illuminator a total of 15 feet they will be about 80 to 100 feet apart. The housing units will have a roof elevation 24 to 28 feet. The plan is to not have any lighting that would be intrusive to the development or the residents on Miller Road.

Diane Hutchinson, 244 Miller Road, question the lighting on the existing medical building. It is quite intense will it stay the same or will the lighting be down graded.

Mr. Tice states when Pond View was originally up and running the medical facility was open 24 hours a day and asked if the lighting has always been as intense. As the project continues and the street lights the medical building lights could be reduced as far a security is concerned.

Mary Faso, East Greenbush, states she is a life long resident of Rensselaer County.

When she read about this development, she contacted the project manager and he has answered all her questions and is looking forward to moving in.

Jim Morris, 245 Miller Road, asks about the constant construction and all the noise this will cause, The trucks will be running on a already vary bad road, no one who lives on Miller Road could sell their homes even if they wanted. In addition, questioned the amount of cars that will be coming and going from the development.

Mr. Tice stated when the doctors originally opened Pond View their intent was to have senior housing. The water and sewer district for exit 10 was formed to service the pending development.

Timothy Adair, 207 Miller Road, He agrees that seniors do need a place to settle and thinks it will be good place to have the housing. But wants to make sure there is a plan for development and that the town and the developer are going to stick to that plan. Such as the age of the seniors, if they cannot rent all the units will the owners be able to adjust the age requirements to suit their needs.

Rick Bonner, 221 Miller asked about the 100-foot buffer, his property only has 30 feet and it is all wet lands.

Chairman Goold Stated the 100 foot buffer is for DEC wet lands and Mr. Bonners property and others on the Miller Road is not considered wet land by DEC standards. Also stated that this project is not what every one may want in their backyard but this is a legal project. Once this public hearing is completed, the project goes to the town engineer for review to make sure it does comply with town codes.

Raymond Lempka, Phillips Road, asked about the zoning and when was it changed. He does not believe it was always zoned R40.

Mr. Tice stated the area was always zoned R40, there is a small spot that is RA but the homes in front of and including Pond View is listed as R40.

Mr. Lempka stated that this is perfect for Mr. Laberge and Mr. Puccio to consider when they are working on the new zoning and planning of Schodack. It is to late for the people on Miller Road. But the 30 to 35 feet of back yard towards a development should be reflected on and changed accordingly. He also asked Mr. Tice about the plowing of Pond Views road, has the town ever plowed it.

Mr. Tice stated he does not know if the town has ever plowed. When the doctors put Pond View in they spent a fortune on the road. It is built to town specs and wanted the town to take ownership of the road. That did not happen.

Don Decouris, Property Manager at Pond View states they take care of plowing and maintenance of the road. He researched the prior owners going back 3 years and independent contractors always plowed the site,

Mr. Lempka asked the developers if they receive a tax break for putting in senior housing.

Mr. Ruthman. Stated there are tax breaks but they are not interested in them for the following reasons.

- The government regulations and requirements and the conditions put on a project like this - limits the type of development they want to offer the senior community.
- Cannot have age restriction and we want this to be for seniors.
- We also want to keep the rent at a reasonable rate, something the average person can afford.

Mr. Lempka asked if they would guarantee that only seniors would live in the rental units. In addition, that if they do not rent all the units they will stay empty.

Mr. Ruthman stated that everything they are putting on the table planning, and marketing, is based on 55 and older.

Mr. Lempka stated that you may try to be 100% senior living but he can not make that grantee. He also stated if this was to come before the ZBA today he does not think this would be approved. One reason is this does not conform to the surrounding area. He also asked if this is East Greenbush sewer.

Mr. Rothman stated the sewer will be in East Greenbush.

Mr. Tice stated East Greenbush already agrees upon the sewer system. There have been many meetings to get this approved.

Mr. Lempka asked about the buffer and the replacement of trees that have died. Will there be a permit to make sure that the development will be reasonable for the planting of new trees.

Mr. Laberge stated there is a note that shrubs and trees will be replaced in kind.

Mr. Morris stated that without taking federal money as in tax breaks it sounds like they will be able to rent to any one at any age.

Mr. Tice stated that is not correct, if the owners took the federal funds or tax breaks they would be able to rent 20% of the units to under the age of 55, and since they are not reaching out for tax breaks they can guarantee the age of all residents will be 55 and older.

Mrs. Bonner stated she appreciates the consideration of the senior community and would like some consideration towards their own homes on Miller Road, and asked the board if they have already accepted the plans.

Chairman Goold stated the developer has the right to make a proposal to the board and we as the planning board then review what appears to be a legal proposal, after tonight's public hearing this proposal will be submitted to the towns engineer for review. And Rensselaer County will review the plans as well.

Mrs. Bonner asked the developer why they put the homes only 35 feet from their back yard property lines.

Chairman Goold stated 35 feet is the back yard set back per the town code.

Mrs. Bonner asked if the 35 feet is the minimum required.

Chairman Goold stated yes, that is correct.

Mrs. Bonner stated despite their care for the senior, the housing and the landowners they are doing the minimum.

Mr. Puccio asked about the original proposal for this site which goes back to 1992, so the notion segmenting still pertains, Back in 1992 what was the plan that was presented and what was approved at that time including the engineering.

Mr. Tice stated the only item that was presented to the board in 1992 was the medical building.

Mr. Puccio stated that there was no build out at that time, doesn't SEQR require a presentation on the entire build out.

Mr. Johnson stated that in 1992 the original plan did show a nursing home on the west side, and senior housing with assisted_living on the east side of the

development. And the units are close to what is being proposed at this time. As well as private residences.

Mr. Puccio asked about the process for constant review on a project.

Chairman Goold stated the nursing home was presented and due to economics it was withdrawn. Now there are different owners with the same idea to help seniors, but are presenting a different plan.

Mr. Laberge stated from a SEQR perspective this project is subject to completely new SEQR analysis.

Mr. Johnson asked about the park and green space by the pond for the residents, is it still part of the project.

Mr. Tice stated the pond area is still going to be green space, They did find a foundation that turned out to be historic, that also will be left undisturbed as green space.

Mr. Johnson asked if they could still put in park benches.

Mr. Tice stated they could but per SHPO they are not allowed to dig and put in concrete footing the land has to stay undisturbed.

Mr. Johnson stated their report states there will be building on the remaining lands. Is that still true or are they planning for more development on that land.

Mr. Tice presented a map showing 18 acres of wet land which cannot be disturbed, so will remain as undeveloped.

Mr. Johnson asked about the lighting issue, they used the large parking lot lights, what we would like to see, is lighting that is down facing so the people in and out of the development will not be disturbed.

Mr. Tice stated they plan to replace all the existing lighting on the medical building and the parking lot, with zero spill off.

Mr. Johnson asked about the Bruen Rescue Squad servicing this area, is this correct?

Mr. Tice stated no, that is incorrect East Greenbush could no longer service this area so Castleton Ambulance will take over.

Mr. Johnson asked about the traffic report, and if it will be made available to the engineer.

Mr. Laberge stated he has the full traffic report.

Chairman Goold closed the public hearing at 8:39 p.m

PUBLIC HEARING

Nadine Fuda read the hearing notice(s) as published in the Troy Record:

Title of the Alpine Meadows March 7, 2008

Chairman Goold directed the affidavit(s) of publication be made part of the hearing record(s).

**Alpine Meadows Subdivision 2008-3/R-40/219.-1-8.11 SUBDIVISION
South Schodack Road
Proposed - 4 Lot Subdivision**

Chairman Goold opened the public hearing at 8:40 p.m.

Chairman Goold ask for any questions or comments.

There were no questions or comments from the public or the board

Chairman Goold closed the public hearing at 8:40 p.m.

Kedzierski moved, Johnson seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.
Ayes: Goold, Johnson, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: None

Puccio moved, Mayrer seconded a **NEGATIVE DECLARATION**.

6 Ayes. 0 Noes. Motion carried.
Ayes: Goold, Johnson, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: None

Puccio moved, Mayrer seconded that the following resolution be adopted:

6 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, LaVoie, Mayrer, Puccio

Oppose: None

WHEREAS, a formal application was submitted to the Planning Board on: January 25, 2008 for approval of a 4 -lot subdivision entitled, " Alpine Meadows", map prepared by: Brewer Engineering, dated October 10, 2007, and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on March 17, 2008 at 7:30 p.m., and

WHEREAS, the requirement of the subdivision regulations of the Town of Schodack have been met by said subdivision plat and application;

NOW, THEREFORE, BE IT RESOLVED, that the application of Roy A. Fredriksen be **APPROVED CONTINGENT UPON** submission of final maps, payment of fees and before building permits can be issued, permits to construct well and septic must be obtained from the Rensselaer County Health Department.

ADJOURN

Mayrer moved, Puccio seconded that the Planning Board meeting be adjourned. There being no objections, Chairman Goold adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning