

**TOWN OF SCHODACK COUNTY OF RENSSELAER STATE OF NEW
YORK**

PLANNING BOARD MEETING- August 20, 2007

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

PRESENT

**Peter Goold, Chairman
Chairman
Wayne Johnson
Sylvester Kedzierski
Secretary
John LaVoie
Paul Puccio
Nadine Fuda, Director of Planning & Zoning
Richard Laberge, Planning Board Engineer
Tim Nugent, Esq**

MEMBERS ABSENT

**Denise Mayrer, Vice-

G. Jeffrey Haber
Melissa Knights,**

PUBLIC COMMENT:

There was no comment from the public.

MINUTE APPROVAL— August 6, 2007

Johnson Moved, Puccio seconded that the minutes be approved as amended.

5 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, LaVoie, Puccio

Oppose: None

**Byers Lot Line 2007-26/R-20/188.-1-29.111 Lot Line
Adjustment
Circle Drive. & Johns Lane
Proposed – Lot Line**

Richard Tice, Brewer Engineering, was present for this meeting.

Mr. Tice states that the parcel of land is on the northern end of Byers Estate. This originally was not a building lot when Byers Estates was constructed. The lot in question has a pond at one end. Mrs. Byers intends to split the lot and give it to the two adjacent owners.

Mr. Johnson asked if the pond had anything to do with drainage.
Are the new owners going to maintain the pond?

Mr. Tice stated that it drains to the north into Sunset Hills. The pond is going to remain as is.

Mr. Johnson asked if the pond required regular cleaning out.

Byers Lot Line Continued...

Mr. Tice stated that he does not think the pond has ever been touched. He knows that the town has not done anything with it over the years.

Mr. Kedzierski asked about the water flow to the detention basin on either side of Fawn Ridge.

Mr. Tice stated the water does eventually end up down on Fawn Ridge through the drainage.

Mr. Nugent asked if the original approval requires the applicant to maintain the pond.

Mr. Tice stated that he had no idea what the original application stipulated regarding the pond.

Mr. Kedzierski asked if there was ever been a problem with the pond, and will the town still have access.

Mr. Tice asked if the board would like a note on the plans stating that the town retains the right for access to the pond to maintain drainage.

Mr. Puccio stated he does not think the note on the plans for pond access is sufficient, he thinks that we need to find out if there was a maintenance responsibility for the Byers when this was set up. The key is that piece of property was under one owner and now splitting it in half, if there is something wrong who would take ownership.

Mr. Nugent states that we should look into exactly whether or not there is responsibility with the existing owner. The fact that the town on one or two occasions may have come in on emergency does not mean the town has any obligations to the maintenance of the pond.

Chairman Goold states that Ms. Fuda will research this item for the next meeting that is to be held on September 17, 2007.

All parties agree to come back at that time.

**Kohler Home Builders, LLC 2007-10/LB,R-40,R-20/210.-7-39.11 Site Plan
US Rt. 9 & Schodack Drive
Proposed - Proposed – PD-2 / Residential and Commercial**

Steve Hart, Hart Engineering, and Rob Kohler, applicant, was present for this meeting.
Kohler Home Builders, LLC Continued...

Mr. Laberge spoke about the July meeting and the letter he had prepared on the application for this PDD proposal by Kohler. He has put together a drafted report for discussion purposes amongst this board. If the board is satisfied, then the next step in the process is to authorize the Chairman to send the report to the Town Board.

Mr. Nugent asked if we previously determined that we have sufficient information on the PDD.

Mr. Laberge stated yes this was discussed at the July meeting.

Mr. Johnson asked if the phasing has any effect on this, the EAF states that they expect to have three phases and the last phase will be in the year 2011. He does not see any mention of phasing in the draft.

Mr. Laberge states that his only comment on phasing is with the multi family units. It is dependent upon access and utilities coming through the commercial retail portion. He was not sure about the year 2011.

Mr. Hart stated that 2011 is their goal between the commercial and residential.

Mr. Johnson asked if they were going to start with the commercial. Then the residential is going to be the last phase.

Mr. Hart states that it is up in the air. It will most likely be market driven. Mr. Kohler is a residential contractor he may start with the apartment, it will depend on the approval period.

Chairman Goold states what is contemplated is a favorable report to the Town Board with the finding of our engineer. That this plan meets the intent and objections of the PD section of our code.

Puccio moved, Kedzierski second the motion.

5 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, LaVoie, Puccio

Oppose: None

Robert Davis 2007-24/HC/189.-10-13
1836 Columbia Turnpike
Proposed – Miniature Golf and Lighting

Site Plan

Robert Davis, applicant, was present for this meeting.

Robert Davis Continued...

Mr. Davis states that he would like to put in a miniature golf course behind his business (Wholly Cow) the area is 160 feet deep and 115 wide. The golf course design will coordinate with the businesses in Rensselaer that are coming on board, He would also like to put in lighting where he has car and motorcycle shows. The lighting will be state of the art florescent floodlights that will be facing away from the road.

Mr. Johnson states the plans show the stone and paved parking area going right up to the state highway. He requests that the plans need to show the entrances, curb stops and the parking should not be on the state property.

Mr. Davis states that the paving and the entrances already exists.

The access road that he is looking at already exists and goes around the back of the building. There are three different areas off Rt.9 to get onto the property.

1. the entrance to the left, next to the dinner is for delivery trucks. This is not safe for them to leave. He would like the trucks to exit around the building and leave to the west of the property.
2. and the west entrances/exit is located towards the Hess station.
3. and the exit further down by the vegetable stand.

Mr. Johnson states that the plan shows the entire length from the west end up to the building which includes blacktop and stone parking as being access and it should be delineated from the highway.

Mr. Davis states that there are two section delineated.

Mr. Johnson states that the plans do not indicate the delineation. He thinks that the map should be adjusted to show this delineation and he asks Mr. Laberge to make comments and resolve the issue.

Mr. Laberge asked Mr. Johnson if his concern was to get the curb cuts correct and the flow of the traffic in and out of the site. He asked the board if they had any other concerns that he should look at.

Chairman Goold stated that it needs a water quality special permit.

Mr. Davis states that he has the original print of the site before he owned the business and it also does not show the curb cuts. He will add the items mentioned if it is required.

Mr. Laberge stated that if the approximant location and dimensions should be sufficient for what we are doing.

Robert Davis Continued...

Mr. Johnson states that he is looking at the site plan that was submitted to the board and it shows the parking going from the west end to the east end of the property and there are no curb cuts shown at all, and the parking is on state right a way. The plan needs to be more specific.

Mr. Davis states that is fine, he will take care of it.

Mr. Puccio asked if he could use full cut off lighting.

Mr. Davis states that he is only open until 10:00 at night and the lights will not be on after that time. In addition, this is a seasonal business; he closes the first week of October.

Mr. Puccio asked if the all the lights are shut off at that time.

Mr. Davis stated yes the lights are off on the entire site.

Chairman Goold talked about the items on the site, ice cream shop, the vegetable stand and the pavilion for barbeques.

Mr. Kedzierski asked, is there a single egress to the property or can you pull off at any point.

Mr. Davis stated there are a three entrances, the first one is about 50 feet long the second is about 35 feet and the third is about 60 feet it is the whole length of the 9&20 dinner. The state came in and put in two circular curb with brick inlay. Mr. Blake from DOT came in and measured off the building where the state property was. It is 15 feet off one end of the ice cream building and 20 feet of the other end which is to the curb cut.

Chairman Goold suggests we send this to Mr. Laberge to have this issue figured out for the next meeting and we will have a recommendation to make it legal.

Mr. Davis stated he will still adjust the plans to reflect the state property line and the curb cuts.

Chairman Goold asked Mr. Davis to work with Ms. Fuda on the issues.

**Tina Murray 2007-25/RA/208.-2-3.10/208.-1-6/208.-6-18-16 Special Permit
1141 Muitzeskill Road
Proposed – Not for Profit Equine Rescue**

Tina Murray, applicant, was present for this meeting.

Ms. Murray stated that she has 13 acres and operates a Not for Profit Equine Rescue and she also works full time as the director of operations at the Mohawk and Hudson River Humane Society. She is requesting two special use permits.

1. the first permit is to have more then 5 horse on 13 acres. With the not-for profit she takes in horses, rehabilitates and adopts them out. She also works with Law enforcement on cruelty cases. The special use permit will allow her to continue in her work.
2. the second permit will be for dogs. She fosters dogs through the shelter rehabilitates them and brings them back to adopt them out. She sometimes has up to 8 dogs and they all stay in her home.

Mr. Puccio asked where the lot is located on the map.

Ms. Murray states that there are three lots adjacent to each other.

Chairman Goold stated there is a section in the codebook that we have to comply with for the horse's special permit. But the dog rescue is a different issue.

Ms. Murray states that she is not here for a kennel permit unless that is what they require her to have.

Chairman Goold asked Mr. Nugent what the guidelines are on this issue.

Mr. Puccio states that the special permit process requires a public hearing and we should get comments in from the neighbors.

Chairman Goold asked the members if they think this requires engineering.

Mr. Nugent stated that we are going to need a public hearing on both special permits.

Chairman Goold asked Ms. Murray if she will agree to a public hearing on September 17, 2007

Ms. Murray stated that will be fine.

**Kohler Place
39-2004/RA/200.7-47.11
332 Shufelt Road
Proposed – 5 Lot**

Public Hearing

**Nadine Fuda read the hearing notice as published in the Troy Record:
Title of the Kohler Place published August 10, 2007**

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

Chairman Goold opened the public hearing at 7:31 p.m.

Steve Hart, Hart Engineering and Robert Kohler, Applicant was present for this meeting.

Mr. Hart stated that the parcel of land is about 23 acres located on the south side of Shufelt Road it is in the RA zone. The map shows that each lot meets or exceeds the RA requirements. Currently Mr. Kohler's house is on lot 2, the intent will be to have each lot on separate wells and septic systems. There is 1100 lineal feet of road to be constructed. They have been working with the Laberge Group and their review letter on the waver request for the road cross section and the drainage system.

Michaelyn Doyle, resident, 336 Shufelt Rd. states that she is the first house on the left of the proposed road and has lived there for the last 20 years and has long waited for the road and development to be constructed. Her only issue is her embankment on the left side of her home, which is about 300 feet long from Shufelt Road and up the hill. It is very steep and she has spent a lot of time with the department of conservation developing the bank. She has planted over 30 different kinds of flowers, shrubs and trees to prevent the embankment from sliding. And in the last 20 years there has been no problems with erosion or sliding and would like it to remain that way. Also would not like to see retaining walls put in that will take away the country look of the area. She wish's Rob well and would like to see this project go through.

Mr. Puccio asked if the construction of the roadbed could possibly alter the grading on either side.

Mr. Hart states that with revising the road profile it would alter the grading.

Mr. Laberge states that his comment before is on safety and maintenance. The issue in this section is one of drainage, to keep ice and water off the road. Plowing and the placement of snow will also be an issue. Hearing the [Kohler Place Continued...](#)

neighbors concerns are important, what they need to do is sit down and work on this detail and talk with the highway superintendent and come up with an acceptable final solution.

Mr. Nugent asked about the short EAF section 6 the project description states that it is a four-lot subdivision and later changed to a five lot. However, in the description, it speaks about the 3 building lots and it is his understanding that there's a total of five lots one for the existing house with 4 building lots. And asked for the EAF to be corrected.

Mr. Hart stated no problem.

Mr. Johnson stated that they were going to look into the site distance on Shufelt Rd. Has that been done yet?

Mr. Hart stated that is something they are looking into and will put it in the plans.

Mr. Johnson asked about the contours of the slope, it looks to have less than a two-foot cut and does not achieve a one on three grade. Could it be avoided with a two-foot landscape wall at the back of the swale?

Mr. Hart stated the Laberge comment was to get the retaining wall back out of the right of way and put it at the 50-foot mark. It is one thing that they are looking into.

Chairman Goold asked Mr. Hart if they agree to comply with the items listed in the Laberge letter dated July 18, 2007.

Mr. Hart stated that item #3 on the road cross section is one item that they are still working on with the Laberge Group and with Ken Holmes of the highway dept.

Chairman Goold asked the members if they wanted to approve this on the contingency that the road issue needs to be worked out.

Mr. Laberge states that there is some engineering detail that needs to be looked at and was looking for the public hearing to get the benefit of the neighbors and any one else comments. Because of the road cross section and storm water detail that has to be looked at he would be more comfortable closing the hearing at this time and letting the applicant make his next submission and hopefully it will be a very short comment letter at that time. At this time, he would recommend the board entertain approving with some conditions.

[Kohler Place Continued...](#)

Mr. Puccio questions the steep gradient and whose land is it on.

Mr. Hart stated that 25 feet off the centerline where the existing driveway sits is Mrs. Doyle's land.

Mr. Puccio stated that they would have to get her permission to grade.

Mr. Hart stated that was correct, If they did not get permission to grade they would need to construct a retaining wall seven feet back from Shufelt Road and up to her driveway.

Mr. Puccio states that his concern is they should move forward with the engineering and see how it all comes together.

Mr. Johnson asked if they have to do something about the 10% grade and the 50 foot width on the driveway.

Mr. Laberge stated that the meeting in July there were recommendation that these could be waved, but the idea was that would all be done at the final approval. There are no guarantees until we get to that point.

Mr. Hart agrees to work with Mr. Laberge and come back at a later date.

Chairman Goold closed the public hearing at 7:46 p.m.

Darlene & Allen Dow 2007-20/RA/219.-1-8.144 Public Hearing
1015 South Schodack Road
Proposed – Two Family Dwelling

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

Title of the Two Family Dwelling published August 10, 2007

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

Chairman Goold opened the public hearing at 7:47 p.m.

Mr. and Mrs. Dow, applicants were present for this meeting.

Mr. Dow states that they want to construct a two family dwelling for them selves and their daughter's family on South Schodack Road.

Darlene & Allen Dow Continued...

Chairman Goold states that this public hearing is on the application from the Dows to construct a two family dwelling. This is an allowed use in our code under article 10 it

requires a special permit and the major elements are that each dwelling unit needs to have a minimum of 600 square feet of living space.

The board had no comment.

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

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

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

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

Puccio moved, Johnson seconded that the **SPECIAL PERMIT** be **GRANTED**: for an **initial period of 5 YEARS**

Chairman Goold closed the public hearing at 7:49 p.m.

Roy & Deborah Denniston 2007-22/RA/200.-4-3.1 Public Hearing
Woodward & Kingman Road
Proposed – 2 Lot Subdivision

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

Title of the Roy & Deborah Denniston published August 10 , 2007

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

Chairman Goold opened the public hearing at 7:52 p.m.

Laurence Cash, 377 Woodward Road, states that his property is opposite the first lot and is not here to speak for or against the subdivision but would like to make a couple of comments. This piece of property when you pull in from Kingman Road onto Woodward you get quite an expansive view and think it is worth preserving. By making this subdivision it could be subjected to future development. He would like to make sure the Zoning regulations are upheld on such a prime piece of property.

Abby Cash, 377 Woodward Road, states what needs to be protected is the view, from her house you look over the section which is to be subdivided. She would like to purchase the land to keep it open but if that is not an option would like the house placed **Roy & Deborah Denniston Continued...**

so that the they and the new owners could enjoy the view. Bottom line when someone has the advantage of such a wonderful view they should not be disadvantaged.

The board had no comment.

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

5 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, Mayrer, Puccio

Oppose: None

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

5 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, LaVoie, Puccio

Oppose: None

Kedzierski Moved, LaVoie seconded that the following resolution be adopted:

WHEREAS, a formal application was submitted to the Planning Board on: July 24, 2007, for approval of a 2 -lot subdivision entitled, "Land of Roy and Deborah Denniston", map prepared by: Brewer Engineering & Associated , dated "July 24, 2007", and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on August 20, 2007 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 and Deborah Denniston 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.

Chairman Goold closed the public hearing at 7 p.m.

Mark Teliska **2007-3/HC/178.-11-13** **Public Hearing**
1572 Columbia Turnpike
Proposed – General Contractor Building & Outdoor Sales Lot

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

Title of the Mark Teliska published August 10, 2007

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

Chairman Goold opened the public hearing at 7:58 p.m.

Mark Teliska Continued...

Chairman Goold speaks about the proposed plan by Mark Teliska to open a out door sales lot and one additional building on the property of the old Morris Body Shop. He asks if the board members or the public have any comment or questions.

Mr. Johnson he states that he asked Mr. Laberge look into the required distance from the highway the sales lot would need to be. And asked if the distance has been determined.

Mr. Laberge states he has no input on the distance at this time. He states that he missed the earlier meeting and has not been forward the revised plan, which is much smaller in nature. But he will look in the set back for the sales lot and have it for the next meeting.

Chairman Goold asked Mr. Laberge to look into the issue.

Mr. Laberge stated that he will take a look at the plan and offer any remaining comments to see what has dropped away from original submission. He will have a comment letter by the September 17, 2007 meeting.

All parties agree to come back for the September 17, 2007 meeting.

Chairman Goold closed the public hearing at 8:00 p.m.

Comprehensive Plan Resolution

Mr. Nugent recommends the Planning Board to adopt the following resolution and submit it to the Town Board.

WHEREAS, in accordance with New York State Town Law section 272-a, the Town has compiled studies from the past several decades which contribute to the common law Comprehensive Plan, articulate a set of principles and guidelines about growth and development in the Town of Schodack, and

WHEREAS, the Comprehensive Plan is comprised of many documents which may make it difficult to easily and concisely identify the elements of the Plan, and

WHEREAS, the Town Board declared a preference to condense these documents into a single document which may subsequently be adopted as a "Town Comprehensive Plan," and

WHEREAS, on June 14, 2007 the Town Board declared the Planning Board to be the lead agency for this initiative and charged the Planning Board with determining the appropriate steps to seek a qualified consultant to compile, as a single document, a Draft Comprehensive Plan for the Town of Schodack, based upon previous reports, studies and papers that currently comprise the Town Comprehensive Plan and charged the Planning Board with administering said scope of services, and

Comprehensive Plan Resolution Continued...

WHEREAS, pursuant to that delegation the Planning Board has circulated Requests For Proposals from qualified consultants and has received and reviewed the responses thereto

NOW, THEREFORE, BE IT RESOLVED the Schodack Planning Board hereby determines that the Laberge Group best meets all of the needs of the Town and has the lowest cost for services and recommends that the Town Board enter into a contract with the Laberge Group pursuant to their response to the Request for Proposal and their amendment entitled Attachments A and B.

Puccio motion, and Kedzierski seconded to recommend to the Town Board the selection of the Laberge Group.

5 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Johnson, Kedzierski, LaVoie, Puccio

Oppose: None

ADJOURN

Kedzierski moved, Puccio seconded that the Planning Board meeting be adjourned. There being no objections, Chairman Goold adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Nadine Fuda
Director of Planning & Zoning

THIS PAGE INTENTIONALLY LEFT BLANK