

1 STATE OF NEW YORK COUNTY OF RENSSELAER
2 TOWN OF SCHODACK
3 *****
4 PLANNING BOARD MEETING
5 *****
6 THE STENOGRAPHIC MINUTES of a portion of the
7 above entitled matter on March 1, 2021 as it
8 pertains to Scannell Properties, by NANCY L.
9 STRANG, a Shorthand Reporter at 7:37 P.M.
10 transcribed from the live stream meeting posted
11 to the Town's website.
12
13 BOARD MEMBERS:
14 DENISE MAYRER, CHAIRPERSON
15 WAYNE JOHNSON
16 JAMES SCHAUGHNESSY
17 LAWRENCE D'ANGELO
18 ANDREW AUBIN
19 JOHN LAVOIE
20
21 ALSO PRESENT:
22 CRAIG CRIST, ESQ., COUNSEL TO THE BOARD,
23 (Recused for the Scannell Properties matter)
24 NADINE FUDA, DIRECTOR, PLANNING & ZONING
25 MELISSA KNIGHTS, PLANNING & ZONING SECRETARY

1 DAWNE KELLY

2 STEVEN BOISVERT, PE, MCFARLAND JOHNSON

3 ADAM FROSINO, PE, MCFARLAND JOHNSON

4 DANIEL MADRIGAL, SCANNELL PROPERTIES

5 TERRESA BAKNER, ESQ., WHITEMAN OSTERMAN & HANNA

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1 CHAIRPERSON MAYRER: Now we have the
2 period of public comment, which is where we
3 left off. So, this is it.

4 This is where any member of the public
5 can comment on any item on the agenda
6 tonight. This period is limited to 15
7 minutes. So, I will start to read these and
8 we can see what happens after that.

9 Robert [sic] Giordano submits these
10 comments.

11 Please have the Board drive out to the
12 end of Julian Drive at night and see the
13 lights from the Scannell/Amazon warehouse
14 building. There should have been a barrier.
15 We do live in an industrial area.

16 The first sentence is: We live at the
17 end of Julian Drive and would like to have a
18 barrier or berm to shield our properties. I
19 just saw the plans and we may need to have a
20 noise rule, too.

21 This one is from Marcy Brunner. This
22 could take a few minutes.

23 Dear Members of the Planning Board: My
24 comments this evening are related to Item 8:
25 proposed sales and distribution center

1 Scannell Properties Number 508. To begin
2 with, there are no further details listed on
3 the agenda other than parcel numbers for the
4 public to gain insight to be able to provide
5 meaningful comment or form questions.

6 I would also like to note that the
7 agenda was posted on Friday for the meeting
8 today. This does not allow time to review as
9 the Town Hall closes early and there is no
10 way to get further information in a timely
11 fashion.

12 The tax parcel IDs listed for agenda
13 items 1 through 7 can be found using the tax
14 map to identify parcels, but Item 8 parcel
15 numbers are listed incorrectly and appear to
16 contain an extra 1 at the beginning. If my
17 assumption is accurate, than the proposal
18 tonight is for the property on the other
19 side of the Birchwood Association which is
20 the Valenti parcel formally referred to as
21 the project Red Dollar Tree in the
22 projects/locations.

23 I would like to note that accurate
24 identification of tax parcel IDs on the
25 agenda is crucial if you want to receive

1 public comment.

2 As Item 8 is from the same developer,
3 Amazon and lists only Route 150, this is of
4 particular interest to many residents who
5 would be affected if another sales
6 distribution center is approved which should
7 be categorized as a warehouse.

8 The majority of you on this Board were
9 the same members that approved the Amazon
10 warehouse and issued a negative declaration.
11 I'm not sure how many of you follow projects
12 once they are approved to understand the
13 reality of what is proposed, versus the
14 reality of design and full operation. The
15 approval of application and subsequent
16 negative declaration issued in July 2018 for
17 Amazon was predicated on many assumptions
18 which unfortunately were inaccurate or not
19 fully understood resulting in continual
20 follow-up by residents and lawsuits to
21 ensure compliance.

22 To name only a few from the Amazon
23 approval that caused concern to this
24 evening's proposal has similar issues that
25 could arise include the applicant Scannell

1 indicated to the Board Engineer back in May
2 2018 that if rock removal is required, no
3 blasting will occur. Then, in September 2019
4 residents received blasting notifications
5 from Maine Drilling that blasting would
6 occur and the Town was aware of. Residents
7 filed a motion to stop the blasting as the
8 Town Attorney was unaware of the Rensselaer
9 County Local Law and Drinking Water
10 Protection Law filed in 2015. It is clear
11 that the environmental consequences of
12 drilling and blasting within the protected
13 Schodack aquifer were not given a hard look
14 as the project progressed and more
15 importantly the blasting was to occur within
16 the direct recharge area boundary of the
17 protected aquifer. Blasting did not occur
18 due to residents bringing attention to the
19 dangerous issue, but brings to light the
20 oversight that should have been occurring.

21 Number 2: The flooding issues due to
22 construction in residents' backyards August
23 2019 due to heavy rains and berm structures
24 unable to handle.

25 Item 3: Construction taking place

1 outside approval work hours which were
2 already generous approved for the developer
3 allowing Monday through Friday 6 AM to 8 PM
4 and Saturday 8 AM to 7 PM.

5 The EAF under the smaller L in the EAF
6 included astericks which did not correspond
7 with any additional information and
8 developer's copy was different from the
9 approved when questioned why the work was
10 taking place outside approved hours/days.

11 Item 4: Visual light pollution - I am
12 not sure how many of you have taken a drive
13 into Ridgewood Drive to see what this
14 building looks like from the homes. If you
15 have, you would know that the simulations
16 provided in meetings do not reflect the
17 reality.

18 Item 5: Traffic\Pedestrian studies
19 proved to show no pedestrian traffic and no
20 changes needed. There have already been
21 numerous accidents both during and after
22 construction related to Amazon.
23 Pedestrian/workers walk to and from the
24 facility in the dark along Route 9 to the
25 bus stop on Route 150 with no sidewalks or

1 lighting. This remains extremely dangerous.

2 Item 6: The GPS mapping incorrect
3 resulting in the Uber lift drivers lost in
4 neighborhoods trying to find Amazon and
5 destroying property as they hastily speed
6 and turnaround.

7 Item 7: Landscaping and sound walls
8 were approved and documented that these
9 items would happen early on construction to
10 minimize impacts to the residents. Both
11 happened after construction.

12 Without knowing all the details of
13 Scannell's application, I would like to give
14 you my thoughts for your consideration
15 tonight.

16 1. As the new zoning is still not
17 released, can you please ask and demand a
18 firm timetable for public review of the
19 proposed changes? Back on May 7, 2013
20 residents of the Birchwood Association
21 respectfully submitted a petition for zoning
22 change which has yet to be addressed. The
23 latest update I have is that it will be
24 folded into the new zoning from March 2018
25 and I have continued to ask for updates and

1 received no response.

2 2. Please consider a moratorium until
3 the new zoning is released to ensure
4 compliance with the overall vision for the
5 Town prior to approving any additional
6 projects that would allow each of you to
7 provide you a comprehensive understanding of
8 the allowable uses.

9 3. The Scannell proposal is located in
10 the PD3 zoning and on 9/26/1994 at the
11 Schodack Planning Board meeting the PD3 zone
12 was created to encourage light commercial
13 uses such as office parks, shopping centers
14 and corporate centers that would not
15 generate heavy truck traffic. Permitted uses
16 were listed as office and professional
17 parks, corporate centers, sales distribution
18 centers, hotel/motel, theaters, health
19 medical facilities, hospital, retail and
20 shopping centers. Can someone please tell me
21 the difference between a sales distribution
22 center and a warehouse and not provide a
23 Webster's dictionary definition, but an
24 applicable definition for the Town standard?
25 Will this new sales distribution center

1 be another warehouse in disguise?

2 4. Their proposal is located in the
3 East Greenbush Central School District, same
4 as Amazon. As this is great for the East
5 Greenbush school taxpaying residents, what
6 benefits does it bring to the Schodack
7 Central School?

8 5. Do you know if this proposal will
9 offer a host community agreement?

10 6. Consider requiring developers to
11 meet with residents when there is
12 controversial project to discuss potential
13 concerns which may be adversely affecting
14 neighborhoods and residences.

15 7. When projects propose and promise
16 jobs and benefits, does the Town require an
17 as-built report for comparison of what was
18 approved to gauge how to handle future
19 projects from the same proposer?

20 8. As the new projects are approved in
21 Town, is the town hiring additional
22 personnel to oversee such as compliance
23 officers? This is something that needs to be
24 evaluated.

25 9. The 2011 Comprehensive Plan guiding

1 principle number three states in particular
2 public water supply well head area should be
3 rigorously protected and the systems be
4 developed to monitor water quality and
5 supply from these major sources of public
6 water. The proposal is located in the well
7 head protection area and require a special
8 use permit. The Town of Schodack requires
9 the Planning Board approving or disapproving
10 any special use permit to take into
11 consideration the public health, safety and
12 welfare, the comfort and convenience of the
13 public in general and that of the residents
14 of the immediate neighborhood in particular.
15 The Planning Board must consider the aquifer
16 and groundwater impacts not only upon the
17 general public, but also the direct impacts
18 to the residents of the vicinity of the
19 proposed project. This is especially prudent
20 as Amazon is located directly upon the
21 aquifer recharge area.

22 Cumulative impacts of trucks and
23 vehicles affects of the aquifer must be
24 evaluated as residents rely on the drinking
25 water from public wells in this

1 neighborhood.

2 10. For the Amazon projects
3 Scannell/McFarlane Johnson and its
4 contractors used old dated studies as part
5 of packages and/or applications to present.
6 If the package is similar for this proposal,
7 please pay attention to the dates and the
8 details. If a multimillion dollar project is
9 to be approved, clear concise and accurate
10 documentation on file should be required to
11 avoid confusion and misleading information.

12 Ensure that the package is not a
13 save-as from previous projects. As the
14 Planning Board members, you have the right
15 to ask and receive organized, complete and
16 up-to-date information as this is your
17 responsibility on behalf of all Schodack
18 residents.

19 Now that Amazon is here, any and all
20 studies would need to be redone to take into
21 account the one-million square foot
22 warehouse on the other side as property and
23 wildlife has been considerably changed.

24 Does it make sense to approve another
25 project until all issues with Amazon have

1 been resolved, with negative cumulative
2 impacts while approving a similar project
3 have to the Birchwood community?

4 Does the Planning Board maintain a list
5 of lessons learned from the previous project
6 to help improve decisions for new proposals?
7 If not, this might be something you might
8 want to do.

9 In conclusion, Scannell has been
10 working with me and others to mitigate
11 issues and we do appreciate their efforts,
12 but as members of the Planning Board it is
13 your responsibility to take your time and
14 review everything in detail. It should not
15 be left to the residents to work with the
16 developers after the Town approves the
17 project and to mitigate the issues.

18 I've listened to many members of this
19 Board asked very good questions of
20 applicants, while others never say a word.
21 It is imperative that each of you ask
22 questions to fully understand what you are
23 voting for. Over the years more questions
24 have been asked of applicants of solar
25 development projects then asked of the

1 1,000,000 square foot warehouse in this
2 Town. I respectfully request each Planning
3 Board member to pay careful attention to the
4 proposed site plan, special permit and ask
5 the applicant the tough questions and that
6 the answers are satisfactory and verifiable.
7 No one is against development, but we want
8 to be assured that the Board, residents and
9 all codes/laws are enforced for the
10 protection of all. Sincerely, Marcy Bruner
11 1692 Julian Drive, Castleton.

12 MS. FUDA: I don't have anybody on the
13 phone.

14 So, nobody else was out there that
15 wanted to make public comment?

16 (There was no response.)

17 Okay. We can move on.

18 (Whereas the public comment portion of
19 the meeting was concluded.)

20 (Whereas the portion of the meeting
21 regarding the Scannell properties commenced
22 at 8:26 PM)

23 CHAIRPERSON MAYRER: Number 8: Scannell
24 Properties Sale and Distribution Center.

25 MR. CRIST: Chairperson, before we start

1 on this, I will be recusing myself from this
2 matter because of potential conflict. It's my
3 understanding that the alternate Planning Board
4 Attorney will be serving that role for this
5 matter.

6 CHAIRPERSON MAYRER: Who is that?

7 MS. FUDA: The Town Board attorney.

8 CHAIRPERSON MAYRER: Okay.

9 MS. FUDA: Who's out there for Scannell?

10 MR. BOISVERT: Good evening, Steve

11 Boisvert - can you hear me?

12 MS. FUDA: Yes, we can hear you Steve.

13 MR. BOISVERT: Good evening. I'm Steve

14 Boisvert with McFarland Johnson. I have here

15 with me Daniel Madrigal with Scannell

16 Properties; Adam Frosino with McFarland Johnson

17 and Terresa Bakner with Whiteman Osterman and

18 Hanna.

19 What we have in front of you is a site

20 plan application for a sales distribution

21 center to be located on 55.9 acres of land

22 on 150, approximately 800 feet west of the

23 intersection of Route 9 and 20 at 150.

24 Can I have you share the screen and

25 show our concept plan?

1 MR. FROSINO: Can I get permission to do
2 that? Is that possible?

3 MS. FUDA: Dawn is working on it.

4 MR. FROSINO: Can you guys see my mouse,
5 as well, circulating?

6 CHAIRPERSON MAYRER: Yes.

7 MR. FROSINO: Okay, we are good. So, the
8 project consists of two parcels. If you recall,
9 this property has been subject to two or three
10 previous site plan applications for
11 distribution centers, all of which have
12 received final site plan approval and the most
13 recent project in 2018 subdivided this property
14 into two. One was for a small Boces project and
15 the balance of the site was proposed for a
16 sales distribution center.

17 So, the project, as you can see,
18 contains 55.9 acres and there is the
19 existing vacant property that is to the
20 south of the subject property that contains
21 about another 45 acres that is not part of
22 this project. You can see the property line
23 is roughly 473 feet from the Birchwood
24 Homeowners' Association.

25 So, the project will consist of 670,000

1 square feet sales distribution center with
2 78 loading docks on both sides of the
3 building. The project will contain 294
4 trailer spaces and 442 employee parking lot
5 spaces.

6 Access to the project will be via Route
7 150 with three driveways. The first driveway
8 or the eastern most driveway would be for
9 truck only entrance and then the middle
10 driveway is a full access driveway for
11 employees and the far west driveway is for
12 trucks exit only. So, there is a clockwise
13 truck circulation pattern throughout the
14 property and no interconnection with the
15 employee parking lot. As you enter - as
16 trucks entered there will be a guard shack
17 to check-in vehicles and then as they
18 maneuver through the property out to the
19 exit lane, there is also an exit guard
20 shack.

21 Within the employee parking lot there
22 will be a public transportation drop-off
23 area. There is a potential pond site water
24 storage tank for fire protection services
25 only. The building will be fully

1 sprinklered.

2 As I mentioned this project or this
3 property has had a couple of other previous
4 site plan applications which determined
5 there are a couple of small wetlands
6 primarily along the eastern property line
7 and then along the north west property line.
8 They are very small in nature and based on
9 the previous determinations, we will avoid
10 any wetland impacts.

11 The project will consist also some
12 landscaping and berming, particularly along
13 Route 150 to help screen the facility.

14 Utilities water and sewer will be
15 coming from the Route 9 and 20 intersection.
16 The drainage basins will be located along
17 Route 150 and in that area between the
18 driveways and then also in the rear of the
19 property right where the cursor is.

20 The project will also consist of
21 typical site lighting for the parking lot,
22 retaining walls, security cameras and
23 perimeter fencing.

24 The building is a single-story building
25 and it is a Type I action. We understand it

1 will be a coordinated review with the
2 interested and involved agencies. What we
3 are asking tonight is the Board to consider
4 declaring their intent to become a lead
5 agent under SEQRA to kick off the review
6 process for all involved and interested
7 agencies.

8 Upon completion of the intent, we will
9 be preparing a comprehensive environmental
10 assessment report and we will be prepared to
11 include a very detailed traffic impact
12 study, noise impact study, a utility
13 analysis drainage study and updated wetlands
14 and all applicable environmental SEQRA
15 review scoping items, along with a detailed
16 set of engineering drawings for your review.

17 So, with that, I will be happy to
18 answer any questions.

19 MR. AUBIN: Do you have an approximate
20 height of the building yet determined?

21 MR. BOISVERT: Not exactly. I'm going to
22 say it will probably be in the 45 to 50-foot
23 range. We will have specific information as we
24 move forward.

25 MR. AUBIN: Thank you.

1 MR. JOHNSON: Wayne Johnson. Could you
2 give me some idea of what sales distribution is
3 so that we can have something in our mind that
4 says it's not going to be a warehouse site? I
5 think having the number of parking spaces
6 available - and maybe if you have a number of
7 employees to fill all those parking spaces -
8 would be more than just a warehouse, but give
9 us some idea of what you're thinking about
10 distributing in this building.

11 MR. BOISVERT: So, we will certainly be
12 able to provide additional information. This is
13 intended to be similar to the previously
14 approved site distribution centers that have
15 been on this property. We will give you
16 detailed information as we move forward.

17 MR. JOHNSON: As you are going forward,
18 you're going to hear from me about buffers and
19 some space between the new development and the
20 adjacent property to the south. Right now
21 looking at the plan. it looks like you are 10
22 feet from the property line. You're going to
23 need some kind of buffer to the next property.
24 Even though it's not being used, we can't
25 require the other owner to provide buffers in

1 the future. So, think about how you can change
2 your design to get some buffers and some space
3 between your parking and sidewalks and the
4 adjacent property.

5 Also you're talking about drainage, but
6 we only need to see where you're going to be
7 able to put in your drainage retention
8 basins or detention basins.

9 MR. BOISVERT: We will have a detailed
10 drainage analysis for you.

11 MR. JOHNSON: You said there were two
12 lots. Is the lot line marked in the middle of
13 the lot the one separating the two parcels?

14 MR. BOISVERT: Currently the property does
15 consist of two parcels. A small 15-acre parcel
16 was carved out in the northeast corner and then
17 the balance of the property was to be retained
18 with the existing property owner. This project
19 will combine those two properties into one.

20 MR. JOHNSON: From what I recall - and
21 maybe never went through - there were plans for
22 an access road from 150 to the parcel behind
23 yours to the south. I don't know if that deed
24 was ever filed, but it was definitely looked
25 at.

1 MR. BOISVERT: You're correct. There was a
2 proposed access easement as part of the
3 subdivision that connected Route 150 to the
4 parcel to the south of us. Based on our
5 research, that access easement was not filed.
6 It was just proposed. I think the intent was
7 when and if that particular project, which was
8 a two-lot subdivision, was developed an access
9 easement would be filed. Since that project
10 never moved forward and this project doesn't
11 trigger the need for an access easement since
12 it was just proposed, we are not proposing any
13 kind of access easement to the south.

14 MR. LABERGE: This is Rich Laberge. If I
15 can add some clarification - the last project
16 that we saw the proposed Boces building came
17 through, it was actually a subdivision proposed
18 with a cul-de-sac and I believe the cul-de-sac
19 was to be dedicated and then off of that
20 cul-de-sac the access easement that Mr.
21 Boisvert is talking about extended to the south
22 to the adjacent property. We wanted to leave
23 the potential to have access into that adjacent
24 property back then because the project lent
25 itself to that. So, I do think that we do need

1 to check the status of the filings that have
2 happened. Mr. Boisvert said that access
3 easement extending from the cul-de-sac to the
4 property to the south wasn't filed. I would
5 believe that. I don't think that the
6 subdivision or road or anything was ever
7 dedicated, but things kind of just stopped in
8 the middle when the Boces project went away in
9 such. A lot of activity died. I guess I would
10 ask the applicant to just confirm all that and
11 work with the Planning Department to just make
12 sure that we know what it is and those things
13 should be showing. It might be good to have
14 that former map and maybe we could dig it out
15 of the planning file just to remind everybody
16 what was in the last incarnation.

17 MR. BOISVERT: Okay.

18 MR. SHAUGHNESSY: The anticipated truck
19 traffic off of I90 - were you anticipating
20 using Exit 11 based on this location, or have
21 you thought about the traffic patterns of the
22 incoming and outgoing trucks once you get out
23 of 150?

24 MR. BOISVERT: So, we do anticipate the
25 truck traffic to and from the site to come off

1 of Exit 11 on 9 and 20 and also exiting the
2 site and making a left at 150 and 9 and 20 to
3 get back on at Exit 11. We are in the process
4 of studying our traffic impact. Was that your
5 question?

6 MR. SHAUGHNESSY: Yes. I know it's
7 preliminary, but I'm just wanting to get an
8 idea of what you're thinking. Thank you.

9 MR. LABERGE: And do you have an idea of
10 the types of trucks we are talking about? Are
11 they all 55-foot trailers?

12 MR. BOISVERT: We'll get clarification on
13 that, but that is my understanding at the
14 moment, yes.

15 CHAIRPERSON MAYRER: All right. This is
16 going to Engineering and I need a motion.

17 Therefore be it resolved that the
18 Planning Board directs the Planning Director
19 to circulate notices to all involved
20 agencies of its desire and intension to seek
21 lead agency status for the forementioned
22 action.

23 Do I have that motion?

24 MR. JOHNSON: So moved.

25 CHAIRPERSON MAYRER: Second?

1 MR. SHAUGHNESSY: Second.

2 CHAIRPERSON MAYRER: All in favor, or do
3 you need to poll?

4 MS. FUDA: We will call the roll.

5 (The roll was called and the motion
6 passed unanimously.)

7 CHAIRPERSON MAYRER: Okay, thanks guys.

8 MR. BOISVERT: Thank you.

9 (Whereas the above entitled meeting
10 regarding all Scannell property issues was
11 concluded at 8:42 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
and Notary Public in and for the State of
New York, hereby CERTIFIES that the record
taken by me at the time and place noted in
the heading hereof is a true and accurate
transcript of same, to the best of my
ability and belief.

Date:_____

Nancy L. Strang
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Niskayuna, NY 12309

