

**PLANNING BOARD MEETING - JANUARY 5, 2015
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson
Lawrence D'Angelo
Paul Puccio
Andrew Aubin
James Shaughnessy
Nadine Fuda, Director
Attorney Robert Linville, Esq.
Richard Laberge, Planning Board Engineer

MEMBERS ABSENT

John LaVoie

APPROVAL OF MINUTES — DECEMBER 15, 2014

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Puccio, Shaughnessy

Oppose: None

PUBLIC COMMENT

Ray Lemka spoke to the board about his absence and thank them for his get well card.

SPECIAL PERMIT

Timothy Howard

2014-35/RA/179.-5-6

3454 State Rt. 150 and Sagendorf Rd

Proposed - 3rd Accessory Building and front yard setback

Timothy Howard, applicant was present for this meeting.

Mr. Howard stated they are planning to put in solar panels and the house and barn roof will not work so they are going for a ground mounted solar. And they want to build a shed under the solar panels. The problem is the best place to do it is close to Sagendorf so they need an area variance for a front yard setback and because this will be the third accessory structure we will need a variance for that as well.

Chairwoman Mayrer stated so you need a variance and there has been a building permit already approved correct.

Mr. Howard stated correct and that has been rescinded so he does not have a building permit any more.

Mrs. Fuda stated this is a two part application, he needs a variance to be in the front yard setback and he needs a special use permit for a third accessory structure.

Chairwoman Mayrer stated so currently there is no building permit.

Mr. Howard stated the solar panel company came into the building dept. to get a permit for a ground mount solar system and there was some funny things happening because he wanted to get it within the 25 feet of the road and heard there was an issue, so he came down to talk to Nadine (Mrs. Fuda) and other folks and then admitted that he wanted to enclose the ground mounts into a shed so they all agreed that the building permit really wasn't correct so it was canceled by the town of Schodack.

Mrs. Fuda stated the building inspector sent him a letter rescinding the permit given.

Chairwoman Mayrer stated that if he had an existing permit then for us to make a recommendation on a variance when you already had the permit would circumvent the process, so however; since the permit has been rescinded now we can act pure of heart. This board cannot tell the zoning board what to do nor could it get involved in a process that was inappropriate to begin with. However since that action has been corrected we take a fresh look at it.

Mr. Puccio asked if this can be moved back in the middle of the lot back by the pond.

Mr. Howard stated the great point about that spot they need the solar exposure and by the road is perfect nothing will grow where the road is. And the further we go back into the property the less sun we have - the barn blocking on the west side - and the existing trees blocking as well, we could cut more trees down but they did not want to take away from the property. And the good thing is no trees will grow by the pond ether.

Mr. Puccio asked so why not put it between the pond and the existing 14 x 40 shed. Because then he would not have an issue.

Mr. Howard stated he has trees on the east and west side and he would have to cut more down.

Mr. Puccio stated then you would not need a variance.

Mr. Howard stated it would destroy their yard. So that is why he is asking for a variance.

Chairwoman Mayrer asked about the height of the panels.

Mr. Howard stated they are going on the shed he wants to put up.

Mr. Laberge asked how high the shed will be.

Mr. Howard stated 4 feet on the road side and rising steeply to a height of 12 feet.

Mr. Aubin asked if there will be a foundation under the shed.

Mr. Howard stated standard floor..

Mr. Puccio asked if Mr. Howard came in to request just a shed to be constructed what would happen.

Mrs. Fuda stated they would still need a special use permit for 3 accessory structures and a variance for the setback.

Mr. Howard stated if he wasn't building the shed the rules for the ground mounted solar would not be an issue.

Mrs. Fuda stated even the solar panels need to be looked at as an accessory structure. They are not something on the roof of an existing structure..

Chairwoman Mayrer asked even if they are on pedestals.

Mrs. Fuda stated yes, because of the size they are considered a structure.. the town considers pools as accessory structures..

Mr. Howard stated that he did get a permit the first time.

Mr. Johnson asked if the shed is going to be 25 feet off the property line or the edge of the road.

Mr. Howard stated he is asking to put it 25 feet from the edge of the road.

Mr. Johnson asked where that was in relation to your property line.

Mr. Howard stated he thinks Sagendorf is a right-of- away and he thinks his property goes to the center of the road and asked if he was correct.

Mrs. Fuda stated not necessarily, Sagendorf is what the town calls a user road and all user roads are 3 rods wide so it is 51 feet wide, you need a survey to know where your true property line is.

Mr. Howard stated he does not have a survey.

Chairwoman Mayrer asked the board to make a decision on this application.

Mr. Puccio stated he motion a no recommendation.

Chairwoman Mayrer explained to the applicant what a No Recommendation means.

RECOMMENDATIONS TO THE ZBA

Puccio moved, Johnson seconded a NO recommendation to the Zoning Board of Appeals.
6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Puccio, Shaughnessy

Oppose: none

SPECIAL PERMIT

Mark Nusbaum and George Tentealt
1518 Columbia Turnpike
Proposed - Change in Tenancy
Auto Service and Sales

2014-36/HC/178.5-3-6

Mark Nusbaum owner and George Tentealt applicant were present for this meeting.

Mrs. Fuda stated this is just a change in tenancy for Mr. Nusbaum's auto shop. Mr. Tentealt is looking to rent the space from Mr. Nusbaum.

There were no questions for the applicant.

CHANGE IN TENANCY

Puccio moved, Aubin seconded **APPROVAL** of a change in tenancy at
1518 Columbia Turnpike.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Puccio, Shaughnessy

Oppose: None

SITE PLAN

MJ Engineering and Land Surveying

2014-37/PD-3/178.-12-21

7 Empire State Boulevard

Proposed - 20,000 SQFT Medical Office Building

Joel Blanchi, P.E. from MJ Engineering & land Surveying, agent for the applicant and Richard Rosen, Columbia Development Corporation were present for this meeting.

Mrs. Fuda gave the board a copy of the original site plan of Empire State Boulevard.

Mr. Blanchi spoke about the narrative that was submitted (See file), they are proposing a 20,000 sq. ft. single story medical office building on Empire State Boulevard. The property is part of a business park owned and operated by BA Capitol Corporation Campus. LLC

Mr. Puccio asked if this was lot 5.

Mr. Blanchi stated correct.

Mrs. Fuda stated the map the board is viewing is the filed subdivision map, the section in question is in phase 3. Assuming the subdivision does not change lots 10 and 11 will remain.

Member discussion on the lots and access.

Mr. Laberge asked if there were approvals on phase 3 subdivision.

Mr. Blanchi stated that is something they are going to have to look into.

Mr. Puccio asked the members of the board if this is the same lot that they previously looked at for the hotel.

Mrs. Fuda stated yes.

Mr. Johnson stated that with the coverage on this project it is only on lot 5 then the acreage should only be 3.36 rather than figuring it on 18 acres. So if you're looking to get something less than 10 % requirement you are going to run into problems.

Mrs. Fuda stated this zone is a PD3 there are no requirements. It goes project by project.

Mr. Blanchi stated lot 5 is 4.4 acres and they still have to do some soil testing.

Mr. Puccio asked if this site have a GEIS.

Mrs. Fuda stated yes the north and south side were done together back in 1998.

Mr. Laberge asked if they were doing any special treatments towards I90.

Mr. Blanchi stated I90 is about 19 feet higher than the roof line so they were thinking a billboard or something architectural to advertise.

Discussion on the road width and the ability of working in the area.

All agree to send this to the boards engineer Laberge Group.

Recommend to ZBA

Nancy and Michael Garcia

Z731-14/RA/209.-11-35

37 Clove Road

Proposed - Area (front yard setback)

Michael and Nancy Garcia, applicants were present for this meeting.

Mr. Puccio stated that he drove by their house and saw that the project has been started and it looks like they have put a lot of money into the addition already. And does not see any problem with a positive recommendation to the ZBA for this application.

Chairwoman Mayrer stated the issue she has with that is the fact that a building permit was issued and had to be rescinded due to it had to appear before both the planning board and the zoning board so it is her preference that the vote be a NO recommendation to the ZBA.

RECOMMENDATIONS TO THE ZBA

Johnson moved, Aubin seconded a NO recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Mayrer, Puccio, Shaughnessy

Oppose:

ADJOURN

Mayrer moved, Puccio seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning