

PLANNING BOARD MEETING- JUNE 3, 2013
CALLED TO ORDER BY: ACTING CHAIRMAN G. JEFFREY HABER, AT 7:00 p.m.

PRESENT

G. Jeffrey Haber, acting chair
Jim Church
Wayne Johnson
John LaVoie
Paul Puccio
Andrew Timmis - arrived 7:08
Nadine Fuda, Director
Attorney Robert Linville, Esq.
Richard Laberge, Planning Board Engineer

MEMBERS ABSENT

Denise Mayrer, Chairwoman

APPROVAL OF MINUTES— May 6, 2013

Johnson moved, Puccio seconded that the minutes be approved as amended.
5 Ayes. 0 Noes. Motion carried.
Ayes: Church, Haber, Johnson, LaVoie, Puccio

PUBLIC COMMENT

There were no public comments

PUBLIC HEARING

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

William Pelton published May 23, 2013

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

William Pelton / Reliable Storage
950 Rt. 9
Proposed - Motor Vehicle Svc. / 24 Hr. Rd. Service
Special Permit

2013-10/HC/220.-3-11

Public Hearing Opened at 7:01 p.m.

Public Hearing Closed at 7:03 p.m

William Pelton, applicant and Kevin Cioffi, owner were present for this meeting.

Mr. Haber asked if the board had any questions for the applicant.

Mr. Johnson ask both Mr. Pelton and Mr. Cioffi if they had any issues with Mr. Laberge's letter dated May 30, 2013.

Both gentlemen stated no, they are OK with the items listed on in the letter.

There were no more questions for the applicant.

Laberge Letter dated :May 30, 2013

*Re: Special Permit Review
Pelton 950 Route 9
SPB # 2013-10
Town of Schodack Planning Board*

We are in receipt of the application for the above referenced project. The proposed use requires a Special Permit under §219-72 and the Water Quality Control Act since it lies in the Direct Recharge area.

The applicant has indicated that his business is repair of heavy duty, truck, trailers and equipment, either___

on the road, or at their place of business. He has further indicated that he occasionally repairs them in the 100' X 150' garage he rents at 950 US Route 9. He has also indicated that painting is not done on site, but rather subcontracted out. With the above in mind, we recommend the Planning Board consider the following:

- 1) Issue a Negative Declaration under SEQRA. A completed short EAF is included for your review.*
- 2) Consider the following conditions for the special permit:*
 - a) All aspects of the proposed use shall be contained inside the building per §219-72 (16) (e) & (f).*
 - b) A maximum of three (3) vehicles in repair or awaiting repair shall be allowed on the property at one time. Any vehicle parked outside shall be parked to the east of the subject garage.*
 - c) The use shall be subject to the conditions of §223-6C including but not limited to:*
 - i) No storage of petroleum products in quantities exceeding 60 gallons.*
 - ii) No storage of hazardous materials.*
 - iii) No disposal of any wastes on site.*
 - iv) No painting of any type shall be allowed.*

- d) *Prior to use, the applicant shall modify the floor of the building as necessary to be impervious and seal all cracks/joints. In addition, all floor drains shall flow to an oil/water separator or be permanently plugged.*
- e) *An initial permit duration of eighteen (18) months.*

We recommend approval of the Special Permit incorporating the conditions above and any others the Board may deem appropriate

SPECIAL PERMIT

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

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

6 Ayes, 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

LaVoie moved, Puccio seconded that the **SPECIAL PERMIT** be: **GRANTED** for a period of **2 YEARS**

6 Ayes, 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

PUBLIC HEARING

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

Lands of Jensis published May 23, 2013

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

Lands of Jensis

2013-11/RA/188.-7-2.1

North end of Jensis Road

Proposed - 3 lots Subdivision

Public Hearing Opened at 7:05 p.m.

Public Hearing Closed at 7:08 p.m.

Richard Tice, Brewer Engineering was present for this meeting.

Mr. Tice explained that the lands of Jensis is being split between the two brothers Lots 1A, 1B and 1C are being combined and going to Joseph & Wendy Jensis, Lots 2A, 2B and 2C are being combined and will belong to Roger & Cathleen Jensis. The map shows all lots and how the land is being split up. He asked if there were any question.

There were no public comment.

There were no questions from the board.

Lands of Jensis Cont...

SUBDIVISION

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

Church moved, Timmis seconded a **NEGATIVE DECLARATION**.

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

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

WHEREAS, a formal application was submitted to the Planning Board on: May 15, 2013 , for approval of a 3 -lot subdivision entitled, "Lands of Jensis", map prepared by: Brewer Engineering , dated May 11, 2013, and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on June 3, 2013 at 7:00 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 Joseph Jensis 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.

Condition: that Lots 1 A, B & C be combined and Lots 2 A, B & C be combined.

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

PUBLIC HEARING

**Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Damon Hartman/Estate of Carabateas published May 29, 2013
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).**

Damon Hartman/Estate of Carabateas 2013-13/RA/220.3-.11 / 220.3-7.12
/220.3-8.1 / 220.3-7.1 / 220.3-7.2

**Prentiss & Carlisle Management, Inc.
Kingman Road
Proposed - Timber Harvesting**

Public Hearing Opened at 7:15 p.m.

Public Hearing Closed at 7:20 p.m.

Damon Hartman, Harvester was present for this meeting.

Mrs. Fuda Stated to the board that this applicant is harvesting both this property and the Beagle Club at the same time, using the same landing and trails.

There were no public comments.

Mr. Johnson asked where the landing was going to be.

Mr. Hartman showed the board the proposed landings and the exit route. He is proposing another landing down by Hannaford this will eliminate the Woodward Road landing and exit.

Mr. Johnson stated his concern it for the property lines and the 25 foot buffer.
What is the distance between Hannaford and the proposed landing?

Mr. Hartman stated the landing by Hannaford is at least 300 to 500 feet from the property line.

Mr. Johnson stated there needs to be some sort of an agreement (such as a letter signed by both owners) stating the 25 foot buffer is not needed.

Mrs. Fuda asked the applicant Mr. Hartman to create a letter of agreement between the two land owners agreeing to forgo the town code requirement of a 25 foot buffer between the two properties.

Mr. Hartman stated he would to that.

Mr. Johnson asked if the board should state that the landing by Hannaford is the one they prefer the harvester use.

Mr. Hartman stated that landing is OK but he still wanted to keep the landing by Woodward Road in case he has an issue with the power line.

TIMBER HARVESTING

Church moved, Timmis seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

Johnson moved, Timmis seconded that the **SPECIAL PERMIT** be **GRANTED** contingent on: Need a letter from Both owners (Carabateas and Beagle Club) waving the 25 foot buffer between each other's connecting properties.

- a bond in the amount of \$ 1200.00 will be required.
- this permit will expire on: 1 year (June 2014)
- Attorney Linville will draft a document for Chairwoman Mayrer's signature. The document shall include: hours of operation, Monday through Friday, 7 a.m. to 5 p.m., Saturday, 9 a.m. to 5 p.m. with no harvesting on Sundays and holidays.
- The Forrester agrees to use the New York Best Management Practices.

- There will be a 25' buffer on all adjacent properties. (with the exception of the adjoining property owners) (see above)

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

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

Damon Hartman/ Beagle Club published May 29, 2013

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

PUBLIC HEARING

Damon Hartman/ Beagle Club
Beagle Club Way & Kingman Rd
Proposed - Timber Harvesting

2013-12/RA/220.-8.1

Public Hearing Opened at 7:31 p.m.

Public Hearing Closed at 7:37 p.m.

There were no public comment.

Mrs. Fuda stated this property runs from Hannaford to all the way to Woodward Road, it's really a very large piece of property.

Mr. Hartman spoke about this project which is part of the previous project of Lands of Carabateas. The area around the home along Woodward will have the 25 foot buffer.

Mr. Timmis asked about the size of trees that are being harvested, and if he clearing the area.

Mr. Hartman stated yes, the Beagle Club requested clearing in a couple of areas leaving the brush for the rabbit habitat which is what they need for training the Beagles, People come from all over the Northeast and Canada for dog training. And then the rest of the property will be selective harvest with 14 in base trees and larger.

There were no more questions or comment for the applicant.

TIMBER HARVESTING

Timmis moved, Puccio seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

Timmis moved, Puccio seconded that the **SPECIAL PERMIT** be **GRANTED** contingent on:
Need a letter from Both owners (Carabateas and Beagle Club) waving the 25 foot buffer between each other's connecting properties.

- a bond in the amount of \$ 1300.00 will be required.
- this permit will expire on: 1 year (June 2014)
- Attorney Linville will draft a document for Chairwoman Mayrer's signature. The document shall include: hours of operation, Monday through Friday, 7 a.m. to 5 p.m., Saturday, 9 a.m. to 5 p.m. with no harvesting on Sundays and holidays.
- The Forrester agrees to use the New York Best Management Practices.
- There will be a 25' buffer on all adjacent properties. (with the exception of the adjoining property owners) (see above)

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

SITE PLAN

Mark Nusbaum/Brandon Skinkle

2013-14/HC/178.9-3-6

1518 Columbia Turnpike

Proposed - Change in Tenancy

Brandon Skinkle, Co-Applicant was present for this meeting.

Mrs. Fuda reminded the board that Mr. Nusbaum has come in for a Special Use Permit on this property in 2010 and all the conditions that were set in that Special Use Permit are tied to this property and Mr. Nusbaum and is part of each New Tenants rental agreement that is an auto repair shop. See below for the list of conditions.

Mr. Skinkle stated all the conditions are part of his lease agreement.

Mr. Johnson asked if we are approving anything with the oil or is that all part of the original set of conditions.

Mrs. Fuda stated that is all covered with Mr. Nusbaum's original Special Use Permit, she then proceeded to read the list of conditions with permit number.

Mark Nusbaum (Owner) has the Special Use Permit under his name

File # 2010-21 with the following conditions:

C1 - there shall be no more than 6 cars on site for repairs at one time

C2 - All hazardous materials including waste oil shall be stored inside the building in containers holding no more than 60 gallons each.

C3 - no auto parts, accessories, or repair equipment of whatever kind may be stored outside of the building.

C4 - 2 years on SP.

Mr. Puccio stated the application states it is an auto repair and sales shop, please explain.

Mr. Skinkle stated he would like to put a couple of cars out for sale, he will use two or three of his 8 parking spaces in front of the building. He can only repair 2 vehicles at a time so he has plenty of room to display vehicles for sale. He also has # of spaces in back of the site.

Mr. Puccio asked if this display area will interfere with the parking for the bakery.

Mr. Skinkle stated no they have their own parking area assigned to them.

CHANGE IN TENANCY

Puccio moved, Timmis seconded **APPROVAL** of a change in tenancy along with the sale of no more than 3 vehicles at one time at "1518 Columbia Turnpike" Also the board approved a 2 year extension of this Special Use Permit to be review in 2015

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

Cingular Wireless (AT &T)

2013-8/RA/201.-2-39.2

3790 Rt. 20

Proposed - Upgrade of AT & T Equipment

Joseph A. Papa, Jr, applicant was present for this meeting.

Mr. Laberge spoke about his letter (see below)

Mr. Papa stated he agrees with the Laberge Letter stated.

Acting Chairman Haber asked the board if they had any questions or comment for the applicant.

There were no comments from the board.

Laberge Letter Dated : May 29, 2013

Re: Application Review

Cingular - 3790 US Route 20

SPB # 2013-8

Town of Schodack Planning Board

We have received a copy of the Special Permit application from New Cingular Wireless PLS, LLC (AT&T). The application is for a co-location on an existing tower at 3790 US Route 20. The center line of the antennas are to be mounted at the 146' level of the existing 152' tower interspersed with existing antennas at that level.

The application has been reviewed in accordance with the Zoning Code S219-71 and S219-72A (34). Since it is a co-location of a similar antennae on each of the three existing mounts. We recommend that a visual analysis in not warranted.

We recommend the Planning Board consider the following:

- 1. Issue a negative declaration under SEQRA. A copy of the completed Short EAF is enclosed.*
- 2. Issue a special permit or amend the existing special permit with the following conditions:*
 - a. Proof of insurance to be provided as per S219-72A(34)(C)(19).*
 - b. The term of the special permit be for ten years.*
 - c. An annual inspection and report be submitted per the requirements of S219-72A(34)(C)(15) by the owner of the facility.*
 - d. A post installation field report in accordance with S219-72A(34)(C)(17) be submitted.*

SPECIAL PERMIT

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

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis
Oppose: None

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

6 Ayes, 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis
Oppose: None

LaVoie moved, Puccio seconded that the ***SPECIAL PERMIT*** be: **GRANTED** for a period of **5 YEARS**, including all the items in the Laberge Letter dated May 29, 2013

6 Ayes, 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis
Oppose: None

Cingular Wireless (AT & T)
15 Beagle Club Way
Proposed - Upgrade of AT & T Equipment

2013-9/RA/220.-3-8.12

Joseph A. Papa, Jr, applicant was present for this meeting.

Mr. Laberge stated this is the same situation as Route 20, and briefly spoke about his letter (see below)

Acting Chairman Haber asked if the board had any questions or comments for the applicant.

There were no comment or question.

Laberge Letter Dated : May 29, 2013

Re: Application Review

Cingular - 15 Beagle Club Way

SPB # 2013-9

Town of Schodack Planning Board

We have received a copy of the Special Permit application from New Cingular Wireless PLS, LLC (AT&T). The application is for a co-location on an existing tower at 15 Beagle Club Way. The center line of the antennas are to be mounted at the 123' level of the existing 123' tower. As such, the top of the three new antennas will be 2' higher than the top of the six existing antennas.

The application has been reviewed in accordance with the Zoning Code §219-71 and §219-72A (34). Since it is a co-location of one similar antennae on the three existing mounts, we recommend that a visual analysis is not warranted.

We recommend the Planning Board consider the following:

- 1. Issue a negative declaration under SEQRA. A copy of the completed Short EAF is enclosed.*
- 2. Issue a special permit or amend the existing special permit with the following conditions:*
 - a. Proof of insurance to be provided as per §219-72A(34)(C)(19).*
 - b. The term of the special permit be for ten years.*
 - c. An annual inspection and report be submitted per the requirements of §219-72A(34)(C)(15) by the owner of the facility.*
 - d. A post installation field report in accordance with §219-72A(34)(C)(17) be submitted.*

SPECIAL PERMIT

Timmis moved, Puccio seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

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

6 Ayes, 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

Church moved, Johnson seconded that the **SPECIAL PERMIT** be: **GRANTED** for a period of **5 YEARS**, including all the items in the Laberge Letter dated May 29, 2013

6 Ayes, 0 Noes. Motion carried.

Ayes: Church, Haber, Johnson, LaVoie, Puccio, Timmis

Oppose: None

MEMBER DISCUSSION ON MS4

Town of Schodack Stormwater Management Plan

Mr. Laberge gave the Planning board a document outlining the Stormwater Management Plan which is the same as last year with minor changes towards record keeping and the continued refinement to the plan.

He then stated that the Planning Board needs to make a recommendation to the Town Board to have this plan approved and accepted as part of the town NYS MS4 Requirements.

Johnson motion, Puccio second the Town Board except the updates to the MS4 Law.

ADJOURN

LaVoie moved, Puccio seconded that the Planning Board meeting be adjourned. There being no objections, Acting Chair G. Jeffrey Haber adjourned the meeting at p.m. 8:15

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning