

**PLANNING BOARD MEETING – JUNE 17, 2013
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson
John LaVoie
Paul Puccio
Andrew Timmis
Nadine Fuda, Director
Attorney Robert Linville, Esq.
Richard Laberge, Planning Board Engineer

MEMBERS ABSENT

G. Jeffrey Haber
Jim Church

APPROVAL OF MINUTES— May 6, 2013

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

4 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Puccio, Timmis

Absent: From tonight's Mtg DATE : Church, Haber

APPROVAL OF MINUTES— June 3, 2013

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

4 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Puccio, Timmis

Absent: From tonight's Mtg DATE : Church, Haber

PUBLIC COMMENT

Resident – spoke against the area variance on chickens, stated she feels it is not a good idea and if allowed it will set a precedent to allow anyone in the area to request to have chickens, it may affect the aquifer, they purchased their home from Mr. Wood and have lived there since the development started, at the time of purchase they signed an agreement stated there could be no farm animals in the development.

Resident - spoke against the area variance on chickens, stated she does not care where you live in the development chickens do not belong in the neighborhood. The homes are right on top of each other; the current zoning law requires 5 acres not on our small lots.

Resident – spoke against the area variance on chickens, She feels that the town should abide by the existing town ordinance which is 5 acres for chickens, and if this is allowed then everyone will want and get chickens.

Resident – He agrees with what was previously stated and it is unfortunate but it seems to be a self-inflicted problem that a variance of this type is really generally not granted to someone who has prior knowledge of the situation.

RECOMMENDATION TO THE ZBA

Bikram Thapa
69 Miller Road

Z714-13/PD1/178.-3-16

Proposed – Area Variance – front porch

Bikram Thapa, applicant was present for this meeting.

Chairwoman Mayrer stated the applicant is looking for a recommendation to the ZBA on his request for a front porch.

Mr. Johnson asked if there are steps in front of the home now that will be extending out towards the road.

Mr. Thapa stated there is no porch or deck there now and only one step, and he is looking to build on both sides of the current area, across the front of the home.

Mr. Johnson asked is the distance of 29 feet from the property line to the current step or the intended porch.

Mr. Thapa state the 29 feet is to the steps.

Mr. Johnson asked are the neighbors next to him are close to the road as well.

Mr. Thapa stated yes they are all close to Miller Road.

RECOMMENDATIONS TO THE ZBA

Johnson moved, Puccio seconded a **“FAVORABLE”** recommendation to the Zoning Board of Appeals.

5 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Puccio, Timmis

Oppose: None

RECOMMENDATION TO THE ZBA

John Tafilowski

Z715-13/PD3/189.3-1-47

1690 Julianne Drive

Proposed – Area Variance – chickens

John Tafilowski, applicant was present for this meeting.

Chairwoman Mayrer ask the applicant to explain what it is he is looking for.

Mr. Tafilowski stated first he wanted to thank the board for taking the time on this matter, he feels this is an insignificant matter but it is important to his fiancée and himself, He has not met any of his neighbors that have filed a complaint against him. He found out that chickens on his property were a violation to the code when he received a letter in the mail from the town. When he moved in he noticed that a home had a goat so they thought that it was ok to have chickens, the chickens started out as a hobby for the winter months he had them in his garage and decided to build a chicken coup and place them in the back yard. He stated his neighbors have no complaints or a problem about the chickens and as for infectious disease or contaminate to the water, he says their wells are over 400 feet deep 3 chickens are no different than the neighbor's dog going in the yard, he thanked the board.

Chairwoman Mayrer asked if he is aware that the Planning board is not the deciding factor in this matter. We only hear what the applicants want and then make a recommendation to the Zoning Board for their consideration and final decision.

Mr. Puccio asked where is the chicken coop located on the property.

Mr. Tafilowski stated in the middle of his back yard.

Mr. Puccio asked if the neighbors on all sides of his property have a problem with the chickens.

Mr. Tafilowski stated no, some of them are looking to maybe get fresh eggs.

Mr. Johnson asked if the chickens are allowed to run the entire back yard.

Mr. Tafilowski stated no he has a run that is about 4 x 5 feet, the coop can only hold 4 to 5 chickens and he only wants 3.

RECOMMENDATIONS TO THE ZBA

Johnson moved, Puccio seconded a **"No Recommendation"** to the Zoning Board of Appeals.

4 Ayes. 1 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Puccio

Oppose: Timmis

SITE PLAN/ SPECIAL PERMIT

Prudence Properties, LLC / Phillip Modoff

2013-15/HC/211.-2-20.2

3541 US Rte. 20

Proposed – Site Plan new Napa store

Morgan Modoff, engineer and Phillip Modoff, applicant were present for this meeting.

Chairwoman Mayrer asked Ms. Modoff to explain what it is they are requesting.

Ms. Modoff stated this is a site plan for a new Napa Store at 3545 US Rt. 20, what they plan to do is take down an existing brick building and construct a new retail building with storage space, The retail will be 1500 square feet and the storage will be 8000 square feet. The site meets and the setback requirements except for the west side of the structure. The required setback is 20 feet and they are at 10.4 feet. The issue with that is they own the adjacent property so they could do a boundary adjustment if needed. They are proposing 13 parking spaces, landscaping all the way around the building. She asked if the board had any questions.

Mr. Timmis asked what was going to happen with the ice cream store.

Mr. Modoff stated he plans to remodel the old Napa store and rent it out, the Nassau pharmacy and the ice cream shop have shown interest in the space.

Mr. Timmis asked about the adjacent property line is wetlands so why not just move the line over and eliminate the setback issue.

Ms. Modoff stated no they own the little strip and if needed, they could do a boundary adjustment. They also have all the DEC and army core permits so they are good to go.

Mr. Johnson asked if the triangle lot is an existing lot, do you meet all the area requirements, and green space is ok.

Ms. Modoff stated yes it is an existing lot, only the west side is and issues with setbacks and they are good with all the green spaces.

Mr. Puccio asked do they have to do the boundary adjustment or go to the ZBA.

Mrs. Fuda stated they have to do one or the other.

Mr. Puccio asked Mr. Modoff which he would like to do go for a variance or do a boundary line adjustment.

Mr. Modoff stated he will do whatever was easier.

Chairwoman Mayrer stated if we were going to make a recommendation it would be for a lot line adjustment and not go to the Zoning Board, because this is a simple fix.

Mr. Modoff stated that would be fine.

Mr. Laberge stated he is not familiar with this site and asked about the drainage.

Ms. Modoff stated the site drains towards the wetlands in to the catch basin at the back of the property.

Mr. Laberge asked if the building and the parking area is getting bigger.

Ms. Modoff stated yes.

Mr. Laberge asked where the septic is located.

Ms. Modoff stated it is located in the proposed parking lot.

Mr. Timmis showed Mr. Laberge on the map where the septic field is located, it is in the back field.

Mr. Modoff stated the health department approved the well and septic for the ice cream business and they will use the same or less septic.

All agree to send this to Mr. Laberge for engineering review.

SUBDIVISION

Carabateas Subdivision & Lot Line 2013-16/RA/220.-4-7.1/220.-3-7.11
Woodward Rd
Proposed – 2 lot Subdivision and Lot Line

Richard Tice, Brewer Engineering and Allen Detrick executor to the estate of Carabateas were present for this meeting.

Mr. Tice stated there is 155 acre parcel; the property is divided by the National Grid putting 100 acres to the west and 47 acres is located on the easterly side the Carabateas also own 2 parcels with frontage on Woodward Road. They want to subdivide the 47 acres off and also do a lot line of 18 acres to go to the Mr.& Mrs. Wheeler who have frontage on Kingman Road, and a lot line joining the two lots with frontage on Woodward.

Chairwoman Mayrer asked Mr. Tice if he was aware that we need two maps one showing the subdivision and one showing the lot line adjustments.

Mr. Tice stated yes he will get them done.

Mr. Johnson stated at a previous meeting we approved a timber harvesting application for the Carabateas property, do you have permission to harvest the lands being conveyed to Wheeler.

Mr. Tice stated the 18 acres are not part of the timber harvesting application.

All agree to a public hearing for July 15, 2013

SUBDIVISION

Woodland Meadows Subdivision
Kingman Rd

72-2004/RA/221.-5-3.15/3.19

Proposed – changes to final approval of 3/20/06 to a phase 1 & 2

Brandee Nelson, Project Manager for Crawford & Associates Engineering, and Steven Bernstein Esq. were Present for this meeting.

Chairwoman Mayrer stated the applicant is looking for changes to the approval from March 20, 2006 for phases 1 and 2.

Ms. Nelson stated this was previously approved subdivision by the Town of Schodack which is a 16 acre parcel with 30 lots on Kingman Road. In 2008 and 2009 they finished the construction of the subgrade of the road and the installation of all the storm water improvements. What they would like to do is proposed a 2 phase project; Phase 1 will be the front 13 lots and change the road from a traffic circle to a cul-de-sac and they will be able to make the necessary grading changes without any long term impact to the future development of phase 2. They are currently working to address all of the comments in the Laberge letter June 6, 2013 (see below) She spoke to Mr. Laberge stating they will have to get together and discuss the issues and requirements for stormwater for single family homes. Then asked if anyone had any questions.

Mr. Laberge spoke about his letter and one of the issues is the road with vegetation growing through, some removal of material and replacement with re-compaction and then asphalt on top of that. (see below)

Mr. Johnson asked about the phasing and if they are going to propose doing all the asphalt courses on this phase or just do the binder course and pave after phase 2 is complete

Ms. Nelson stated she has not thought about it yet, but it is something to look into.

Mr. Johnson stated you should probably do the top course on this phase because we don't really know when the second phase will be started and we have had issues in the past where developers forget that there is a bond on the second phase, then it is not done and then bonds have to be returned. It is just cleaner.

Ms. Nelson stated that is something to look into.

Chairwoman Mayrer stated this still has to Rich Laberge for review.

All members agree to send this to Mr. Laberge for review.

Chairwoman Mayrer stated there will be no meeting for July 1, 2013

Laberge Letter Dated June 6, 2013

*Re: Phasing Request Review
Woodland Meadows Subdivision
AKA "Kingman Road Subdivision"
SPB # 72-2004
Town of Schodack Planning Board*

We are in receipt of a request to Phase the above, previously approved, subdivision. A plan sheet entitled "Phase I Subdivision" dated May 17, 2013 was included with the request. We note that construction of the subdivision was commenced and progressed to the point of the roadbed being complete in 2008, but no binder course, asphalt was placed, however, the public storm water conveyances were completed.

We offer the following comments:

- 1. A site visit on May 31, 2013 by this office indicated that the improvements constructed in 2008 appear to be generally in good condition with the exception of the road bed which now has vegetation growing in it. As such, we recommend removal of 6" of the existing material and replacement with new gravel as originally specified, free from all deleterious material. Prior to placement of new material, the road bed should be re-inspected by this office and compaction testing performed. Compaction testing will also be necessary after placement of the new material.*
- 2. The phasing plan proposes to utilize the traffic circle as a cul-de-sac for Phase I. Since completion of future phases cannot be guaranteed, the cul-de-sac must be built to Town standards which include a 140 ft. right-of-way diameter and a 110 ft. asphalt diameter. As part of Phase I, the cul-de-sac and associated right-of-way must be dedicated to the Town or permanent easements given to the Town for those portions of lands that would not be used for the roadway after Phase II is constructed.*
- 3. All current MS4 regulations must be adhered to. At the time of the original construction, only portions of the Town of Schodack were under the MS4 regulations. Since that time, MS4 regulations are applicable to the entire Town. As such, an updated SWPPP is required including an updated NOI. A note should be added to the Phase I plan that the entire project must conform to 2013 MS4 stormwater regulations at the time of approval.*
- 4. The Town will require a complete set of plans for the Phase I approval. This should include a Phase I Final Plat for filing which shows all future phases "grayed" out eliminating detail, in order that what is being approved is clear.*

ADJOURN

Timmis moved, LaVoie 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