

**PLANNING BOARD MEETING – NOVEMBER 4, 2013  
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

**PRESENT**

**Denise Mayrer, Chairwoman  
Wayne Johnson  
John LaVoie  
Lawrence D'Angelo  
Paul Puccio  
Nadine Fuda, Director  
Attorney Robert Linville, Esq.  
Richard Laberge, Planning Board Engineer**

**MEMBERS ABSENT**

**Jim Church**

**APPROVAL OF MINUTES — OCTOBER 21, 2013**

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

5 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Absent: From tonight's Mtg DATE : Church

**PUBLIC COMMENT:**

Resident – 13 Mountain View Rd. spoke against applicant Tom Haberland, requesting that additional screening be installed on Mountain View Rd. to screen against Mr. Haberland's business.

**7:00 p.m. PUBLIC HEARING**

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

**Anna Bayly published Month Day, 2013**

**Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).**  
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Public Hearing Open 7:05

Public Hearing Closed 7:10

Anna Bayly  
30 Collins Road  
Proposed – 2 lot Subdivision and Lot line

2013-33/RA/168.-2-9.3

Anna Bayly, applicant and John Bayly her son were present for this meeting.

Chairwoman Mayrer asked if anyone in the public had any comments or questions in this application.

There were no comments from the public.

Chairwoman Mayrer asked if the board and any questions or comments.

Mr. Johnson stated on the map lot 1 (lot line adjustment) needs to read with owners name as a separate parcel so it is separate from the subdivision, we should restrict any future subdivision because of the narrow access to the driveways and make it part of the approval.

Mr. Puccio asked if there are right-a-way easements for the 3 driveways.

Mrs. Fuda stated that cross easements will be needed.

Mr. Johnson stated the shared driveway is an agreement with the family, but if one of the lots is sold there is the ability to install a separate driveway.

Mr. John Bayly Jr. stated he maintains the driveways. And if future development were to come, then a town road would have to be developed. Until that time there will be cross easement for the shared driveways with Lot 1 tax map # 168.-2-9.3 to maintain the shared driveways.

### **LOT LINE ADJUSTMENT**

**Johnson** moved, LaVoie seconded that the lot-line adjustment be accepted and approved. A public hearing is not required. The property will be conveyed to the adjacent landowner and become part of that existing parcel.

5 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

### **SUBDIVISION**

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

5 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

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

Johnson Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

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

**WHEREAS**, a formal application was submitted to the Planning Board on: October 18, 2013, for approval of a 2 -lot subdivision entitled, "Lands of Bayly", map prepared by: John Dunn , dated "October 30, 2013", and

**WHEREAS**, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on November 4, 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 Anna Bayly 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:

- Cross easements in the deeds with driveway maintenance of all lot by the owner of tax map # 168.-2-9.3
- Town of East Greenbush letter and approval of the maps
- Map adjusted for lot one to be identified with owners name as a lot line.
- No future subdivision until the construction of a town road.

5 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

#### **SUBDIVISION /LOT LINE**

John Paige

2013-34/HC/210.-7-31.171

20 Lape Road

Proposed - 2 Lot

John Paige, applicant was present for this meeting.

Mr. Paige explained he wants to subdivide the house off his highway commercial property.

Mr. Johnson questioned the board's ability to create a residential lot in the highway commercial zone. And does it need to go to the Zoning Board for review.

Chairwoman Mayrer stated that yes this needs to go to the ZBA.

Mr. Johnson has an issue giving this a favorable recommendation to the ZBA because this house was created as a caretaker home for the business.

Member discussed on the size of the lot, how this is going to work for a residential home to be in a highway commercial zone, taking the house down and keeping the highway status, or subdividing selling the home as a business.

Mrs. Fuda stated it will be very difficult to obtain this type of a variance because this will be considered a USE variance Mr. Paige has to prove this building (house) cannot be used for any of the items listed in the Highway Commercial. Someone could take the house and turn it into office space but as the zone stands now we cannot allow this to be residential.

Mr. Puccio asked Mr. Paige what he was looking to accomplish.

Mr. Paige stated he wants to sell the business and it will be very difficult to do so with the house attached.

Members discussed the subdivision and the zoning issues.

### **Public hearing to be set for November 18, 2013**

#### **SITE PLAN/ SPECIAL PERMIT**

Tom Haberland

2011-4/HC/200.-8-37

359 Shufelt Rd

Proposed - Site Development

Thomas Haberland, applicant was present for this meeting.

Mrs. Fuda stated when there is site development work being done in a highway commercial zone the owner of the property is required to come in and go before the planning board and seek approval.

Chairman Mayrer stated Mr. Haberland would like to do some grading, create a berm and plant trees.

Mr. Puccio asked the applicant to explain what it is he is looking to accomplish.

Mr. Haberland stated he is looking to screen his business property for Rt. 20 and the neighbors on Mountain View Road. He is removing material from one side of his property to the Rt. 20 side to create a berm. To do that he has to create an access road to get to the back of the property and that will get him access to get the trees

in the area for planting. He gave the board pictures that show the area.

Mr. Johnson asked if he has to take down trees in order to create the berm and then plant new trees.

M. Haberland stated at this point there are no more trees coming down. What is there is a lot is going to stay; he is putting in more trees in between the existing trees. There is currently a hedge row that is about 40 feet thick, but it is very thin under growth.

Mr. Johnson stated if he is not doing something to take down what is existing and he is creating a berm that will heighten the screening, he has no reason to believe that he is creating a problem.

Mr. Puccio asked if there were any constraints to the access to Mountain View Road from the town's perspective.

Mrs. Fuda stated he does not have access to Mountain View Road.

Mr. Johnson stated from his talks with Mrs. Fuda the town highway superintendent and the building inspector have reviewed the project and have found no issues with this request.

LaVoie moved, Puccio seconded **APPROVAL of SITE PLAN MODIFICATION.**

5 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio

Oppose: None

**Jeffrey Goulet Trucking**  
**Francis Mangiardi Trucking**  
**4143 US Rte. 20**  
**Proposed - Trucking Company**

**2013-35/HC/LB /200.-7-55.2**

Jeffrey Goulet, applicant was present for this meeting.

Mr. Goulet stated they are looking to utilize a property on Route 20, formally Mangiardi Trucking. They are a company based out of Massachusetts and this will be a satellite terminal, they are not looking to do anything different than what the previous owners did on this site. This is a dump trailer operation the garage will be for heavy truck repair, the only change to the site is the installation of a 10,000 gallon diesel fuel tank which will be an above ground double walled tank. Currently there are 2 - 1000 and 1 - 2000 gallon tanks that are being removed.

Mrs. Fuda stated this is a change in tenancy but being it has a special use permit and he is adding a 10,000 gallon fuel tank this will have to be given a small review from our engineer Mr. Laberge to make sure the tank meets all the specifications. The board was given a letter from DEC stating the tank needs a permit.

Mr. Goulet stated as long as the tank conforms to the New York State regulations he did not see a reason to deny the permit.

Sent to Mr. Laberge for review.

**Set a Public Hearing for November 18, 2013**

**ADJOURN**

Puccio moved, LaVoie seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:10 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning