

**PLANNING BOARD MEETING - DECEMBER 16, 2019
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
Andrew Aubin, P.E.
James Shaughnessy, P.E.
Nadine Fuda, Director
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Assistant to Director

MEMBERS ABSENT

APPROVAL OF MINUTES — NOVEMBER 4, 2019

Johnson moved, Shaughnessy seconded that the minutes be approved as amended.
6 Ayes. 0 Noes. Motion carried.
Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Shaughnessy
Oppose: None

PUBLIC COMMENT

Resident spoke about the Stewarts Shops project and wanted the planning board to not approve and to take a better look at future projects.

Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Van Hoesen Station LLC published November 22, 2019
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).

Public Hearing Opened at 7:05 p.m.

Public Hearing Closed at 7:18 p.m.

PUBLIC HEARING

Van Hoesen Station LLC
Richwood Drive and Rt.9
Proposed Timber Harvesting

2019- 36/PD3/189.-10-36

Jason Rainer, representing Van Hoesen Station LLC was present for this meeting.

Mr. Rainer stated they are looking to do some selective harvesting on property owned by Van Hoesen Station LLC which is directly off of Richwood Drive. Should they get approval they would state the work sometime in early 2020.

Resident asked about the hours of operation, how the process works on tagging the trees for cutting, and who monitoring what is being done by the harvester, is there a bigger project in the works once the harvesting is done,

Mrs. Fuda stated that the harvesting hours are 7am to 5 pm Monday through Friday, 9am to 5pm on Saturdays, no work on Sundays or holidays. There is also a 25 foot buffer along all property lines; it is a standard that the town requires from all harvesters. The harvester pays the building department a fee to do inspections to make sure what was to be done was and that the applicant is satisfied.

Resident asked where they are going to enter and exit the site because of the speed of traffic on Rt. 9 an suggest they exit through Valente's gravel bank .

Mrs. Fuda stated they will be entering and exiting through Richwood Drive.

Chairwoman Mayrer asked Mr. Rainer to come up and show the board where the landing will be.

Mr. Rainer stated the exit will be through Richwood Drive and the landing will be on the property.

Mr. Johnson asked if the landing was going to be at the end of the haul road, if all the property corners have been marked and how are they going to handle the mud from traveling onto Richwood Drive.

Mr. Rainer stated correct on the location of the landing, they anticipated one truck a week during the operations. And they will manage any tracking of mud onto Richwood Drive.

Mr. Aubin asked about the time frame for the work to be done. And what kind of truck was being used.

Mr. Rainer stated they would like to start late January early February, and as for the truck it all depends on what the buyer is sending.

Resident asked if the tops were going to be left in the woods or taken.

Mr. Rainer stated the tops will be taken and used for firewood.

Resident her property bordered those woods and there are a couple of dead trees that are leaning into her property. Will they be able to take those trees down when they do the harvesting?

Chairwoman Mayrer stated there is a 25 foot buffer that the harvester is not allowed to cross so they would have to look into it.

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

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

Shaughnessy moved, D'Angelo seconded a **NEGATIVE DECLARATION**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

STATE OF NEW YORK
TOWN OF SCHODACK

PLANNING BOARD

In the Matter of the Application
of
VAN HOESSEN STATION LLC

NOTICE OF DECISION
File No. 2019-36

For a Special Permit

WHEREAS, the Applicant, VAN HOESSEN STATION LLC, applied for a Special Permit to conduct timber harvesting on real property located at 1735 Richwood Drive and Route 9 in the Town of Schodack, Tax Map # 189.-10-36, which property is within a PD-3 district; and

WHEREAS, Article VII of the Town Code of the Town of Schodack requires that a Timber Harvesting Permit be obtained from the Planning Board by anyone desiring to harvest timber in quantities greater than fifty (50) standard cords of wood or four thousand (4000) cubic feet of timber as measured by the International Log Rule in any one (1) year in the Town and;

WHEREAS, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on December 16, 2019; and

WHEREAS, at its December 16, 2019 meeting thereafter, the Planning Board found and determined the following;

1. The Applicant proposes to harvest marked timber in such quantities and character as indicated in the material accompanying the permit application, to be completed by December 1, 2020, and in accordance with New York's best management practices.
2. The proposed timber harvesting activities meet the standards and requirements set forth in Article VII of the Town Code, including those of Section 219.50.

WHEREAS, following the aforesaid public hearing at which no opposition to the proposed special permit was shown, at its December 16, 2019 meeting the Planning Board resolved:

1. To declare itself Lead Agency under the State Environmental Quality Review Act ("SEQRA"),
2. To issue a Negative Declaration under for the proposed action under SEQRA and
3. That the application for a Special Use Permit be granted subject to the following conditions:
 - a. A bond in the amount of \$ **1,680.00**
 - b. shall be provided prior to the commencement of harvesting.
 - c. That the permit will expire on **December 1, 2020**.
 - d. All harvesting shall be conducted only within the hours of 7:00 AM to 5:00 PM Monday through Friday and 9:00 AM to 5:00 PM on Saturday, with no harvesting on Sunday or holidays.
 - e. No harvesting shall be conducted within twenty-five (25) feet of any property line.

THEREFORE, PLEASE TAKE NOTICE THAT, the Planning Board of the Town of Schodack has **GRANTED** the Applicant a Special Use Permit to allow timber harvesting on the subject property as proposed and described the application and supporting materials dated November 13, 2019.

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Shaughnessy moved, Aubin seconded a **NEGATIVE DECLARATION**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Johnson seconded that the **SPECIAL PERMIT** be **GRANTED** for timber harvesting located at Richwood Drive and Rt.9

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

SUBDIVISION/LOT LINE

Peter Chulkta

2019-35/RA-LB/200.-4-6 & -8

4145 US 20

Proposed - Lot Line

Peter Chulkta, applicant, was present for this meeting.

Mr. Chulkta stated he is looking to do a lot line to add 0.29 of an acre to the east side of his property that he is purchasing from his neighbor.

Mr. D'Angelo asked if he was going to provide a utility easement to the property behind his.

Mr. Chulkta stated yes.

TYPE II ACTION

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA.

D'Angelo moved, Aubin seconded.

6 Ayes, 0 Noes . Motion carried.

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

Oppose: None

Pursuant to the Environmental Conservation Law and the regulation adopted, the board has determined that the proposed action will not have a significant effect and will not cause a significant impact on the environment,

Shaughnessy moved, Johnson seconded **APPROVAL** of a lot line adjustment at "4145 US 20."

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Cedar Hill Solar/Lot Line
Cedar Hill Solar Project
Brookview Road
Proposed - Lot Line Ad

2019-37/RA/178-8-29.1
2019-25/RA/178-8-29.1

Travis Mitchell, from Environmental Design and Maruca Giovanni, Cedar Hill LLC was present for this meeting.

Both 2019-37 and 2019-25 were discussed.

Mr. Mitchell spoke about the Laberge letter dated December 4, 2019. (See below) and that they gave him a response to that letter and is looking for other comments on this project. The project is on about 100 acre site on Brookview Road to the east and Phillips Road to the west, he shows a series of maps, all different views of the property, as like with Edenbrook this site will be seeded with natural flowers for the bees, bats and wildlife also will be using livestock for the site maintenance. He further explained about the pads for the batteries everything is the same as Edenbrook. And is looking for a recommendation from this board to the Town board to start the PD process.

Mr. Johnson asked about page 5 of the Laberge letter where it speaks about the sheep grazing for winter maintenance of the facility, how is that going to work.

Mr. Giovanni stated that is a miss print. They try to get the sheep in to graze all through the fall and into the winter weather permitting.

Mr. Johnson asked if they can look into not using the 4 poles needed to connect.

Mr. Giovanni stated he is looking into it, based on the maps the placement maybe further back because of the narrowing of the lot by the road.

Mr. Johnson stated the land owners names need to be added to the map

Mr. Laberge spoke about the process and is letter see below.

After discussion about getting the noise test, Army Core decision and all the other information needed all agreed to have the public hearing on February 3, 2020.

Laberge Letter Dated: December 4, 2019

Preliminary Site Plan & PD Review
Cedar Hill Solar
SPB # 2019-25
Town of Schodack Planning Board

We are in receipt of the following for the above referenced application:

1. Letter responding to concept plan review comments from Environmental Design Partnership, LLP (EDP) dated 11/18/19.
2. Coordinated Electrical System Interconnect Review, prepared by National Grid, 08/27/19.
3. Agricultural Data Statement, 11/19/19.
4. Visual Impact Assessment Report, 11/18/19.
5. Site Plans, sheet 1 through 8 of 8, revised to 11/04/19.
6. Subdivision application for lot line adjustment, 11/18/19.
7. Lot Line Adjustment Map, 11/13/19.

The project is subject to §219-39.3 of the Town's zoning law. As such the application must comply with the regulation for planned developments in Article XII of the zoning law including referral by the Planning Board of the application to the Town Board for approval.

Comments On The Materials Submitted And On The Outstanding Requirements Of §219-39.3:

1. The applicant has provided a preliminary visual assessment that indicates the project is adequately screened with the exception of the Phillips Road entrance. The project is proposing a landscape buffer to screen the site from Phillips Road.
2. The Applicant has noted that an additional visual assessment will be provided for Brookview Road at Lanford Lane from the point of view of two residences within 150 feet of the road and lane intersection.
 - a. These visualizations must include the proposed switch gear, panels, poles, meters, battery storage, etc.; and
 - b. Vegetative screening of the view from the south at the point of connection is needed. An easement for establishment and maintenance of a proposed buffer may be required for this screening.
3. The plans indicate that 3" line posts will be utilized for the proposed security fencing. In order to minimize maintenance and ensure the integrity of the fence, 4" hardwood line posts should be utilized or metal posts should be considered.
4. The applicant has indicated that there are no NYS DEC wetlands on the project site and that the US Army Corps of Engineers will be contacted to request a Jurisdictional Determination upon the completion of their wetlands delineations. The proposed plans should indicate that wetlands will not be disturbed and or the limits of the proposed impacts.
5. The applicant has noted that a copy of the any required easements and/or lease agreement for the project will be submitted prior to construction. These should also include easements for access roads, interconnection equipment and vegetative buffers as previously noted.
6. The plans should show all required easements, such as required for the below ground MV line and the equipment/poles at the connection point on Brookview Road.
7. The applicant has noted that the property owner will submit proof of insurance in an

amount acceptable to the Town prior to the start of construction. Town shall be named a Certificate Holder and be provided notice if the policy is to be cancelled.

8. The applicant has indicated that noise produced by the facility equipment will be mitigated by distance, existing vegetation and topography. The manufacturer's specifications regarding equipment noise should be submitted for further review.
9. The applicant has noted that they will provide the following which will be required during the construction and life of the facility:
 - a. Surety for construction and maintenance along with acceptable construction cost estimate;
 - b. Surety for removal; and
 - c. Annual documentation from the utility company that the facility is active.
10. The applicant has noted that the method of preservation of the open space (conservation easement) will be submitted for additional review.
11. The plan to maintain the proposed open space should be provided in narrative fashion on the plans under notes entitled "Open Space Management Plan". In addition, the plan should show additional detail indicating the number and location of bird and bat boxes to be installed, wildflower meadows and grasses mixes and applications rates, number and location of populated bee hives, the number of sheep and dates/frequency of use along with the schedule of implementation, maintenance, management and inspection for these items.
12. The access road width should be increased to a minimum of 20'.

The applicant should submit the required/requested information for further review.

SEQRA & PD Application Certification

The applicant's engineer has indicated that additional information is needed from the utility provider in order to provide visual assessment information along Brookview Road. Equipment noise generation information is also needed for review. Lastly, the applicant has identified federal wetlands on site and correspondence from the ACOE regarding same is needed regarding the need and ability to permit the project. As such, a SEQRA determination cannot be made by the Planning Board on this project until more information is received. Therefore, the PD-2 application cannot be deemed complete at this time.

Site Plan /Special Permit

Cedar Hill Solar

2019-25/RA/178-8-29.1

Phillips Road

Proposed - Utility Solar

See above 2019-37 for information - public hearing is to be held on February 3, 2020

SITEPLAN

Jenkins Commercial Building
1223 US Rt. 9
Proposed - Commercial Building

2019-38/HC/210.-7-31.20

Steve Hart, Hart Engineering was present for this meeting.

Mr. Hart stated Mr. Jenkins is looking to construct a (60 x 60) 3,600 sq. ft. building to house 2 or 3 employees and to store equipment. He explained the site and about the DOT approved entrance.

Mr. Johnson asked about the type of material will be stored on site also this site is on well and septic.

Mr. Hart stated No outside storage being purposed the items stored in the building will be pipes, conduit that sort of stuff. Correct this lot is on well and septic.

Mr. Johnson asked about the setup of the building,

Mr. Hart stated the office will be in the front of the building and the storage in the rear.

All agree to send this to engineering.

SITE PLAN / SPECIAL PERMIT

Curtis Lumber
1657 Columbia Tpke.
Proposed - New Store

2019-21/HC/189.-4-1

Derek Gribuils, Cotler Architecture was present for this meeting.

Mr. Gribuils stated for the most part the plan has not changed so he spoke about the changes they did make due to the Laberge letter Dated December 2, 2019 (See below) And they are,

- 13 banked parking spaces - some in the front and some on the side and one in the rear of the building.
- Plantings in the storm water area; originally they had red maples and were asked to remove those.
- They were asked to relocate the manhole for the sewer connection from the north to the south side of the pipe.
- The lighting for the site was tested and shielding is proposed for the area where the light spills onto adjacent properties.
- Traffic signs were added to the site, such as Stop with a stop bar.

- They have reached out to the various entities, RCHD, Fire house and Castleton Ambulance have not responded and they are submitting to DOT for the work on the entrance from Columbia Turnpike.

Asked if there were any questions.

Mr. Shaughnessy asked about the sanitary sewer design. The plans show a force main coming out of the building to a grinder pump then to another force main, correct?

Mr. Gribuils stated correct.

Mr. Laberge stated that the response letter from Curtis Lumber from his December 2, 2019 letter did in fact answer most of the comments. (see file for letter) the plans are pretty well advanced and the next step is to set the public hearing.

Laberge letter dated: December 2, 2019

Re 2nd Preliminary Site Plan Review
Curtis Lumber Site Plan
SPB No. 2019-21

We are in receipt of the following information for the above referenced project:

- Applicant's response letter to preliminary review comments dated November 18, 2019 with the following attachments:
 - NYS DEC Deep-Ripping and De-compaction April 2008;
 - Map, Plan and Report for Sewer District #6 Sanitary Sewer Extension No.3 by Advance Engineering, revised to November 2019; and
 - Short Environmental Assessment Form dated November 13, 2019.
- Existing Site Conditions & Demo Plan drawing C1.1, Proposed Overall Site Layout drawing C1.2, Enlarged Site Layout drawing C1.3, Lighting Plan drawing C1.4, Lighting Specifications C1.5, all dated November 18, 2019;
- Site Plan Amendment, Grading and Drainage Plan drawing C-2.1, Water Main Plan & Profile C-2.2, Erosion & Sediment Control Plan C-4.1, Site Details C-5.1, and Water Main Details C-5.2 by Creighton Manning Engineering, all dated November 12, 2019;
- Sanitary Sewer Plan & Profile C-2.3, Sanitary Plan C-2.4, by Advanced Engineering & Surveying all dated November 12, 2019; and
- Storm Water Pollution Prevention Plan-Site Plan Amendment Curtis Lumber by Creighton Manning Engineering Revised to November 18, 2019.

Our preliminary site plan review comments follow:

ZONING

1. The project is located in a Highway Commercial (HC) zone and is a building supply company. It is an allowed retail use. No fueling or maintenance facilities are proposed. Site Plan approval is required.

2. The project is located within a parcel containing 11.9± acres with a portion of the project property within the Direct Recharge Area and Well Head Protection Area as defined by the Town's Water Quality Control Act (WQCA). Use is subject to the conditions of §223-6C (1) and other applicable sections of Chapter 223 and requires a Special Permit under the WQCA.

SITE GRADING/LAYOUT

3. Plans should indicate the proposed stop sign and stop bar for the exit at Route 9.
4. Indicate stop signs to be provided at all stop bars indicated on the plan.
5. A New York State Department of Transportation (NYS DOT) work permit will be needed for work in the right-of-way.
6. Per the applicant they have contacted Schodack Valley Ambulance twice by phone on 11/5/19 and 11/14/19 with no response. A Site Plan was sent to Schodack Valley Fire Company on 11/5/19 after a phone conversation, but since then there have been no comments received. The applicant should continue to solicit comments.

UTILITIES

7. Extension of Sewer District No. 6 to serve the parcel is required for connection to the low pressure sewer system in the Route 9/20 right-of-way. The applicant should confirm that a request for a sewer district extension has been submitted directly to the Town Board and copied to the Planning Department and this office.
8. The proposed flushing manhole to be installed on the existing sewer force main should be located to the south (upstream) of the proposed project connection.
9. The proposed sewer force main stub with gate valve proposed from the existing 6" main for potential future connection should be extended to the property line and include a cap on the end of the stub.
10. The Rensselaer County Department of Health (RCDOH) approval will be needed for the extension of the water main. The water district was previously extended to the parcel.
11. Thrust block tables are needed.
12. A note should be added to verify all manufacturers of hydrant, valves, etc. with Town Water Department.
13. The proposed water main trench detail shall indicate the proposed main as 8" PVC C-900 DR 18 with warming tape and tracer wire similar to the Typical Pipe Trench Detail provided on C-2.4. Tracer wire shall be continuous and terminated at the northern and southern hydrant valve boxes with five (5) feet of slack provided. A prominent note shall be provided on the detail.

LANDSCAPING/LIGHTING

14. A prominent note shall be provided on the plans that the pole mounted site lighting shall be:
 - a. Limited to between 15 to 20 feet high;
 - b. LED lighting shall be less than 3500 degrees kelvin; and
 - c. Back shielded to prevent throw back of light onto Route 9/20 and adjacent land to the north.
15. Provide the lighting specifications shown on the plan at a scale that is legible and indicate the lighting to be used clearly by annotating the intended applicable equipment. Also,

please clarify the intent of providing the existing lighting specifications. Are these fixtures being altered? If not, the specifications can be removed. If so, please clarify how.

16. The lighting photometric shown on the plans should be plotted to extend out to the zero foot candle limit to show that the light is not extending off the property.

STORM WATER POLLUTION PREVENTION (SWPP)

17. The SWPPP should contain a copy of the New York State Office of Parks, Recreation & Historic Preservation (NYS OPRHP) site clearance letter that was issued to this project.
18. Drawings should include sectional details of the sediment basins, and infiltration basins that include all the required elements per the New York State Stormwater Management Design Manual Chapter 6 for infiltration practices.
19. Provide additional finish spot elevations along the swale to the northern most Infiltration basin to ensure that drainage is directed to the practice.

We recommend the Planning Board schedule public hearings on the applications and that the Applicant incorporate changes regarding the above in their next submission. We will continue to review the information as received.

C: Craig Crist, Esq., Planning Board Attorney (via email only)
Pete Piroha, Curtis Lumber (via email only)
Derek Gribulis, Cotler Architecture (via email only)
Ryan Farnum, Creighton Manning (via email only)
Nicholas Costa, P.E., Advance Engineering & Surveying PLLC (via email only)

All agree to a public hearing on January 6, 2020.

SITE PLAN / SPECIAL PERMIT WATER QUALITY

Stewart's Shop 2018-34/HC-R20/178.-14-5/6/7
1540 - 1538 Columbia Tpke.
Proposed - New Stewarts Shop

See Stenographer notes (in file)

RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA—STEWART'S SHOPS CORP.; File No.: 2018-34

WHEREAS, the Applicant, STEWART'S SHOPS CORP., has applied for a Special Permit pursuant to Chapter 223 of the Town Code of the Town of Schodack ("Town Code") in furtherance of its application to demolish the existing multi-tenant building and neighboring automobile repair shop at the Project site, which is located at 1538 and 1540 Columbia Turnpike (also known as U.S Routes 9 & 20), Schodack, New York (tax map parcels: 178.-14-5, 178.-14-6 and 178.-14-7), which comprise approximately +/- 2.84 acres, and to construct and operate a new Stewart's Shop at said site which would feature a retail convenience store with self-service retail gasoline to be dispensed via eight (8) fuel pumps; and

WHEREAS, as proposed, Applicant seeks to store mixed petroleum products on-site in underground storage tanks with a total volume of 27,000 gallons; and

WHEREAS, if the Project is approved Applicant has represented that it will close its existing shop located approximately one-half mile south of the Project site at 1607 Columbia Turnpike, a shop which also features a retail convenience store with self-service retail gasoline; and

WHEREAS, the proposed Project requires the following approvals: (1) a variance issued by the Town's Zoning Board of Appeals ("ZBA") with respect to the provisions of Chapter 223 of the Town Code, Water Quality Control, as they relate to the proposed use of gasoline sales at the site, which was issued by the ZBA on November 18, 2019, following this Board's prior recommendation that said Board grant said variance; (2) a special permit by this Board, also pursuant to Chapter 223 of the Town Code, Water Quality Control Act, which is the subject of this Resolution; and (3) site plan approval from this Board; and (4) approval by the Town Board of the proposed extension of Sewer District No. 6; and

WHEREAS, the proposed Project and the application that is the subject of this Resolution have been the subject of extensive review and discussion; and

WHEREAS, at the November 4, 2019 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

WHEREAS, the proposed Project also requires the issuance of a special permit pursuant to the Town of Schodack's Water Quality Control Act (WQCA); and

WHEREAS, the purpose and intent of Chapter 223 of the Town Code "is to establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities that may adversely affect the quality or availability of water from the Town aquifers; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to assure an adequate supply of suitable drinking water for the residents of the Town"; and

WHEREAS, § 223-5(B) of the Town Code provides that "special permits within the Water Quality Control District may be granted by the Planning Board upon a finding that the proposed project is consistent with the provisions of this chapter"; and

WHEREAS, all special permit application procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on April 1, 2019 and May 6, 2019; and

WHEREAS, since the property lies in the Direct Recharge Area as defined in the WQCA, and seeks that aforementioned use and has received a variance from the WQCA, as noted above, a Special Permit under the WQCA is required;

WHEREAS, the aforementioned Negative Declaration states, in part, and this Board hereby finds:

The proposed Project incorporates a variety of design features intended to prevent the release or spillage of fuel. Among other things, fuel will be stored on site in underground tanks featuring a modern double-walled (i.e. "tank within a tank") Fiberglass Reinforced Plastic ('FRP') design with a brine-filled interstitial space which is electronically monitored twenty-four hours a day, seven days a week, for leak detection. The tanks are specially equipped to prevent overfilling during fuel delivery, and include a 15 gallon "spill bucket" as a precaution to capture and contain any fuel which may be spilled as a result of a mishap during delivery. Similarly, all piping carrying fuel between the underground tanks and the dispensing pumps feature double-wall construction with full time interstitial space monitoring to detect leaks. The piping itself is installed in a four inch diameter conduit, providing a third level of containment. The system incorporates a variety of automatic shut off features designed to stop the flow of fuel in the event a leak is detected. The fuel pumps/dispensers also incorporate a number of design features intended to prevent, detect, and/or

contain fuel spills, including secondary containment systems, liquid sensor alarms, breakaway fittings on dispenser hoses, and customer overfill prevention.

These design features – including tank design, secondary containment, full time electronic monitoring, leak detection systems, overfill protection, spill prevention, and remote alarm reporting – serve to substantially reduce the risk of any release or spillage of any environmentally significant amount of fuel. In addition, the more modern FRP underground fuel storage tanks included in the proposed Project provide a greater level of protection than the older double-walled steel tanks currently in use at the Applicant's 1607 Columbia Turnpike location, which were originally installed in 1995 and will be removed upon completion of this project.

The proposed Project also incorporates a series of design and operational features that address "hotspot" stormwater runoff which might be generated by rainwater coming into contact with incidental amounts of fuel products which may be inadvertently spilled by customers during the fueling process. First, the pump areas will be covered by an oversized fixed canopy which will significantly limit the amount of rainwater which may come into contact with the ground areas surrounding the pumps. Second, the concrete pad under the canopy and surrounding the pumps is designed with grooves around the perimeter in order to physically contain spills locally so that sorbent material can be applied.

The stormwater management system has been designed in accordance with the NYSDEC Stormwater Design Manual, which requires redundant pretreatment of the water quality volume for "hot spots". The proposed Project incorporates the use of both a hydrodynamic separator and a lined bioretention filter bed. The proposed Project has also elected to line the stormwater facilities in the "non-hot spot" areas as a further environmental protection measure. In addition, prior to stormwater entering the stormwater facilities from the "hot spot" areas, stormwater will be directed through catch basins with installed oil and debris hoods, and an oil stop valve will be installed to stop the flow of stormwater should significant amounts of petroleum products enter the stormwater collection system.

A professional analysis was submitted by the Applicant to assess the potential significance on groundwater quality, if any, associated with minor releases of fuel by customers incidental to vehicle fueling. The analysis concluded that much of the volume of these minor releases never enters the stormwater system, and therefore would not enter groundwater, and that any minute amounts that might enter the groundwater would not exceed water quality standards. Furthermore, the geology of the site includes a layer of soil material over a layer of dense till and/or rock which precludes or diminishes the movement of water to levels below it. This layer of dense till and/or rock acts as a barrier to further migration of any groundwater which might contain minute or trace amounts of spilled fuel incidental to customer fueling.

The northern portion of the project site was previously used as an auto repair shop. As part of the development of the proposed Project, the Applicant will identify and remove any existing soil contamination on the property which may be attributable to such prior use, thereby remediating any present conditions which may pose a threat to ground water quality."

NOW THEREFORE BE IT RESOLVED THAT this Board hereby determines that the proposed use, subject to meeting the conditions of the November 26, 2019 Laberge letter and those conditions also stated herein are carried out, is consistent with the provisions of Chapter 223 of the Code of the Town of Schodack and will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities and that the proposed use will not adversely affect the quality or availability of water from the Town aquifers; that it will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and that it will assure an adequate supply of suitable drinking water for the residents of the Town and that the grant of the special permit is consistent with Chapter 223 of the Code of the Town of Schodack, including, but not limited to § 223-5(B) thereof; and

BE IT FURTHER RESOLVED THAT the application for the Special Permit is hereby **GRANTED** subject to the following conditions:

1. this Special Permit shall have an initial term of 18 months from issuance of a Certificate of Occupancy;
 2. compliance with the conditions set forth herein and in § 223-5(D) of the Town Code;
 3. compliance with all conditions set forth in the Laberge Group's November 26, 2019 letter from the Laberge Group to Denise Mayrer, Chair of the Town of Schodack Planning Board as well as all previously stated engineering requirements be satisfied, all of which are incorporated herein by reference with full force and effect;
 4. the installation of groundwater monitoring wells as described in the Laberge Group letter of May 29, 2019 which requires the installation of groundwater monitoring wells to sufficiently monitor the site as determined by a professional geologist and approved by the Town;
 5. that said wells shall be sampled for appropriate indicator parameters for volatile organic compounds and any other parameters as determined by the Town quarterly for one year from the time of installation to establish baseline levels and then every fifth quarter thereafter;
 6. that Applicant shall provide an annual certification with supporting documentation to the Town that the stormwater management facilities have been inspected, serviced and maintained in accordance with applicable manufacturer's recommendations and best management practices;
- and

BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the reasons set forth in the aforementioned Laberge Group letter, the Negative Declaration and all SEQRA documents, all of which are incorporated herein by reference, and all reasons set forth herein; and

BE IT FURTHER RESOLVED THAT in furtherance of the foregoing, it was determined in the Negative Declaration and it is the determination of this Board that the proposed project has been designed to have no effect on either ground or surface water quality or quantity. The project will receive coverage under the NYSDEC Stormwater SPDES General Permit due to its design which conforms with the NYSDEC Stormwater Design regulations; and

BE IT FURTHER RESOLVED THAT the Planning Board finds and determines that the proposed project is consistent with the provisions of Chapter 223 of the Town Code. Provided below is a summary of the requirements that are or made be perceived to be applicable to the development of the proposed Project, followed by either how the Project complies with the requirement or justification as to why the requirement is not applicable.

* *Uses permitted under the Town of Schodack Zoning Law (Chapter 219) are permitted in the Water Quality Control District subject to the provisions of Chapter 223 Water Quality Control (223-6.C.1).*

*The proposed use is in the HC zone and is an allowable use therein and requires site plan approval. The Building Inspector has decided that the driveway at the rear of the proposed building and the stormwater areas are permitted although the rear parcel is in the R-20 zone.

a. It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by as permit from the appropriate regulatory authority. (223-6.C.1.a).

*There is no plan to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town substances that cause an exceedance of NYSDEC water quality standards. Furthermore, as more fully detailed in the Negative Declaration and herein, the discharge of stormwater is in accordance with NYSDEC Stormwater Design Regulations and a Stormwater SPDES General Permit.

b. Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading or handling areas shall not be located within 200 feet of any surface water body or 500 feet from a community supply well. (223-6.C.1.b).

*There is no bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate planned to be stored on site.

c. Permits for wastewater disposal shall be obtained from the Rensselaer County Department of Health (RCDOH) or the New York State Department of Environmental Conservation (NYSDEC) as required provided to the Town. (223-6.C.1.c).

* A RCDOH permit for connection to the Town's sanitary sewer system will be issued.

d. The introduction into an existing on-site disposal system of any material for which the system was not designed, or permitted, that will potentially cause an exceedance of NYSDEC groundwater standards is prohibited. (223-6.C.1.d).

* No on-site sanitary disposal system is planned.

e. On-site disposal systems shall not be located within 200 feet of a community supply well. (223-6.C.1.e).

* No on-site sanitary disposal system is planned.

f. There shall be no open storage of hazardous material or petroleum. (223-6.C.1.f).

*There is no open storage of hazardous material or petroleum planned on site. All petroleum will be stored in below ground in tanks in excess of 1,100 gallons in accordance with 6 NYCRR Part 613- Petroleum Bulk Storage.

g. Activities at service repair shops involving the use or potential spillage of hazardous materials or petroleum shall be conducted on an impervious surface that is bermed or otherwise constructed to contain spills or leaks. (223-6.C.1.g).

*The project is not a service repair shop. However, the dispensers are going to be on an impervious concrete surface that will be level and have positive limiting barriers (grooves) around its perimeter to contain spills or leaks, as well as the other protective measures detailed in the Negative Declaration and herein.

h. Hazardous material storage for commercial/industrial uses that is not regulated by NYSDEC shall only occur on an enclosed, impervious surface that is bermed or otherwise constructed to contain spills or leaks. (223-6.C.1.h).

*NA-the petroleum storage is regulated by NYSDEC under 6 NYCRR Part 613.

i. Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an

impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have secondary containment with a minimum capacity equal to that of the tank(s). Alternatively, petroleum may be stored belowground in tanks with a combined capacity of over 1,100 gallons, if such storage conforms to the requirements of 6 NYCRR Part 614. Any tank with a capacity exceeding 1,100 gallons will require Planning Board review. (223-6.C.1.i).

* Petroleum is being stored belowground in tanks with a combined capacity of over 1,100 gallons which, as detailed in the Negative Declaration and herein, conform to the requirements of 6 NYCRR Part 614 (now Part 613). The tanks have been reviewed as part of the Planning Board's site review and WQCA variance recommendation to the ZBA.

j. For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least five days per week, or at vehicle washing facilities, gasoline sales and motor vehicle service stations, an impervious surface (e.g., asphalt or concrete) with water flow directed towards an appropriately sized and maintained oil/water separator or water quality inlet structure shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/water separators or water quality inlet structures for other uses where petroleum is stored or transferred or where less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a NYSDEC SPDES permit. (223-6.C.1.j).

*As part of the permit coverage under the NYSDEC Stormwater SPDES permit, as more fully detailed in the Negative Declaration and herein, the portions of the site with gasoline sales have been designed on an impervious surface and have their stormwater directed to an appropriately sized and oil/water separator. The design of the stormwater system in the vicinity of the gasoline sales includes an oil stop valve which will close in the event of petroleum products entering the stormwater system. Furthermore, the Planning Board is requiring that a maintenance manual for the site be developed and that annual certifications of the maintenance being performed be submitted to the Town.

k. Agricultural animal waste and fertilizer shall not be landspread on the ground surface within 200 feet of a community supply well. (223-6.C.1.k).

*NA – The proposed project is not within 200 feet of a community supply well.

l. Industrial, commercial and agricultural storage and application of pesticides shall be consistent with NYSDEC standards. (223-6.C.1.l).

*Application of pesticides will be conducted consistent with NYSDEC Standards.

m. Excavations or cut-ins that expose groundwater within the Wellhead Protection Area are prohibited. This provision does not apply to temporary (less than 60 days) construction-related excavations or cut-ins. (223-6.C.1.m).

*NA – The proposed project is not within the Wellhead Protection Area.

n. Establishment of a centralized disposal area for snow or ice removed from salted roadways or parking lots is prohibited within the Wellhead Protection Area. (223-6.C.1.n).

*NA – The proposed project is not within the Wellhead Protection Area.

Moreover, the project as designed and approved with conditions, protects and preserves, the existing and potential groundwater supply, as more fully detailed in the Negative Declaration. In
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addition, the Project is providing a potentially easier access to municipal water by extending the municipal system down Sunset Road should there ever be a need or desire to provide residents an alternate source of drinking water.

Accordingly, the project will comply with all applicable requirements of the Water Quality Control regulations and a special permit should be issued;

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application a Special Permit to allow the construction of the convenience store with self-service gasoline sales on the subject property as proposed in the application and subject to the aforementioned conditions by the following vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
AUBIN	X		
D'ANGELO	X		
LAVOIE	X		
JOHNSON	X		
MAYRER	X		
SHAUGHNESSY	X		

RESOLUTION AUTHORIZING SITE PLAN APPROVAL—STEWART’S SHOPS CORP.; File No.: 2018-34

WHEREAS, the Applicant, STEWART’S SHOPS CORP, applied for site plan approval to construct an approximately 3,696 foot retail convenience store and gas station (the “Project”) on property located at 1538 and 1540 Columbia Turnpike (US Routes 9 & 20), Schodack, New York, 12033, more particularly tax map nos.: 178.-14-5; 178.-14-6 and 178.-14-7, and as proposed would comprise approximately +/- 2.84 acres; and

WHEREAS, the Project is sought as part of the relocation and replacement of an existing retail convenience store and gas station now operated by Applicant approximately one-half mile south of the Project site, at 1607 Columbia Turnpike, (US Routes 9 & 20), Schodack, New York, 12033; and

WHEREAS, the Project seeks to demolish the existing multi-tenant building and neighboring automobile repair shop for the redevelopment of the aforementioned new Stewart’s Shop. Tax map parcel 178.-14-5 is currently an unimproved wooded lot; parcel 178.-14-6 currently consists of a one level structure containing an office and three auto repair bays which was formerly used for decades as an auto repair shop (Broughton’s); parcel 178.-14-7 is a two level structure; and

WHEREAS, as proposed, the Project would locate the proposed retail convenience store, fuel pumps, parking and related infrastructure of the eastern portion of the Project site, which is located in a Highway Commercial (HC) zoning district, and, as such, such a use is allowed as a principal permitted use. The proposed improvements to the western portion of the Project site are limited to a portion of the paved drive at the rear (western) side of the retail store, together with certain stormwater management features, a use the Building Inspector has determined are allowed use in such a zone; and

WHEREAS, the proposed Project requires the following approvals: (1) a variance issued by the Town’s Zoning Board of Appeals (“ZBA”) with respect to the provisions of Chapter 223 of the Town Code, Water Quality Control, as they relate to the proposed use of gasoline sales at the site, which was issued by the ZBA on November 18, 2019, following this Board’s prior recommendation that said Board grant said variance; (2) a special permit by this Board, also pursuant to Chapter 223 of the Town Code, Water Quality Control Act, which is the subject of this Resolution; and (3) site plan approval from this Board; and (4) approval by the Town Board of the proposed extension of Sewer District No. 6; and

WHEREAS, the proposed Project and the application that is the subject of this resolution has been the subject of extensive review and discussion; and

WHEREAS, at the November 4, 2019 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

WHEREAS, section 219-78 of The Code of the Town of Schodack (“Town Code”) requires the referral to, and review by, this Board for such a project “in accordance with the standards and procedures set forth in this article,” with that article being **Article XI**, entitled “Site Plan Review”; and

WHEREAS, section 219-81 of the Town Code provides that the “preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations.

- (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
- (2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of Pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) The location, arrangement, size design and general Site compatibility of buildings, lighting and signage.
- (5) The adequacy of stormwater and drainage facilities.
- (6) The adequacy of water supply and sewage disposal facilities.
- (7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant s and adjoining lands, including the maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of unabled open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.”

and;

WHEREAS, all required notices and other procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on April 1, 2019 and May 6, 2019; and

NOW THEREFORE BE IT RESOLVED THAT the Board determines to grant site plan approval based upon considering the Project as a whole and the aforementioned considerations, as well as consideration of the following factors:

(1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

*As more fully detailed in the previously adopted Negative Declaration, the proposed Project will not result in any significant impact on existing traffic levels. As also noted in the Negative Declaration: "The Applicant has submitted a Traffic Impact Study reviewing potential impacts to three intersections: (1) the intersection of Columbia Turnpike and Miller Road/Sunset Road; (2) the intersection of Columbia Turnpike and the proposed site access point on Columbia Turnpike, and (3) the intersection of Sunset Road and the proposed site access point on Sunset Road. Based on a comparison of existing, projected 'no build' conditions, and projected 'build' conditions, the Traffic Impact Study concluded that existing levels of service will be maintained at all three intersections, and that the proposed Project will not have any significant adverse effects on existing traffic levels."

The site plan and access to the subject property have been designed to provide safe vehicular traffic access for circulation of both automobiles and large trucks. Safe circulation of automobile and truck traffic has been incorporated into the design. This Board has discussed internal circulation and required modifications to the rear driveway so that delivery trucks can enter and exit with more ease. All trucks have been required to use the U.S. Routes 9 & 20 entrance and not Sunset Road. Signage has been required such that a "two way left turn lane" will be added on Columbia Turnpike. Additionally, modifications to existing traffic signals will be put into place to accommodate permitted/protected phasing for the Columbia Turnpike northbound and southbound approaches. As also noted in the Negative Declaration as to the proposed access point on Sunset Road, sight distances for vehicles exiting onto and approaching from, Sunset Road will be improved over existing conditions, per the sight distance evaluation submitted by Applicant.

(2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

*The site has been arranged to give adequate safety and visibility to pedestrians. Pedestrian accommodations have been incorporated into the design, including sidewalks that run the boundaries of the property on U.S Routes 9 & 20 and Sunset Road.

(3) The location, arrangement, appearance and sufficiency of off-street parking and loading.

* See response (1) above which is incorporated herein; also, the site has been designed to provide sufficient off-street parking and loading. Based upon the information submitted, there are adequately designed automobile and truck parking/loading areas. The arrangement of the spaces is in accordance with standards.

(4) The location, arrangement, size design and general site compatibility of buildings, lighting and signage.

* The building proposed is compatible with other buildings on U.S. Routes 9 & 20 and is located on an intersection. The northern portion of the Project site was only until recently stopping being used as an auto repair shop (Broughton's) after decades of use. The building proposed will be buffered from neighboring buildings and screening is provided along property lines. Lighting is full cutoff down lighting and at appropriate height. Moreover, exterior lighting is provided and said security lighting is closed down one-half hour after closure. As noted in the Negative Declaration, the proposed Project is consistent with the Town's 2011 Comprehensive Plan, particularly Guiding Principle No. 5 which seeks to "[e]ncourage business growth around the I-90 exits and the Route 9 Corridor to build a strong tax base for public services and to provide appropriate retail and service business support for Town residents." As also noted in the Negative Declaration, "The proposed Project will not result in significant adverse impacts with the impairment of the existing community or

neighborhood character. The Project site is located within in a Highway Commercial (HC) zoning district in which the development of property for a variety of commercial and business uses– including the proposed use– was anticipated. The existing community and neighborhood character for the residential properties in the immediate vicinity of the Project site includes their proximity to the Highway Commercial (HC) zoning district. The Columbia Turnpike corridor was marked by a variety of commercial uses co-existing with existing residential properties, including in the immediate area of the Project site. The Project site itself has previously been improved and used for commercial purposes, including use as an auto repair shop.”

(5) *The adequacy of stormwater and drainage facilities.*

*The Town is an MS-4 community. A Stormwater Pollution Prevention Plan was prepared and certain additional components were added into the design of the stormwater system to provide additional protections. Stormwater and drainage facilities have been designed adequately to address the increase of impervious surfaces being proposed by the Project; see also Response 11.

(6) *The adequacy of water supply and sewage disposal facilities.*

* The Project will be connected to existing municipal water and sewer owned by the Town of Schodack but will require a sewer district extension by the Town Board to service the property. There is adequate capacity of both Town systems to serve the proposed facility. As proposed, wastewater generated on-site would be disposed into the public sewer system via an extension of the Town’s Sewer District No. 6, subject to Town Board approval.

(7) *The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant and adjoining lands, including the maximum retention of existing vegetation.*

*The Project has proposed an extensive landscaping plan. Applicant has provided a limit of disturbance line on the plan to retain as much natural vegetation as possible. The planting of evergreen trees is planned to buffer neighboring residential properties. The placement of the building also provides a buffer as to noise sources and neighboring properties. As also noted in the Negative Declaration: “The proposed Project does not involve, and therefore will not result in significant adverse impacts associated with, the removal or destruction of large quantities of vegetation or fauna. A significant portion of the project site has previously been cleared in connection with the prior development of the buildings, park areas, and drives already existing on the property. The proposed site development will involve the removal of a portion of the remaining existing trees and vegetation currently present on the site, but not to a degree which will result in any significant impacts to natural resources ... The Planning Board therefore finds and concludes that the proposed Project will not result in any significant adverse impacts to natural resources.”

(8) *In the case of an apartment complex or other multiple dwelling, the adequacy of unable open space for play areas and informal recreation.*

*Not applicable.

(9) *Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.*

*The Project has incorporated protection of adjacent and neighboring properties including, but not limited to, the following methods:

- a) Planting of evergreen trees;
- b) Creation of a limit of disturbance line in order to preserve existing vegetation located therein;
- c) The height of exterior lighting has been kept to a minimum.
- d) Use of full cut off down lighting;
- e) The dumpster is screened from view;
- f) Perhaps the most significant concerns voiced about the Project related to ground and/or surface water. The many design and operational features

incorporated into the Project as proposed relating to groundwater and stormwater are set forth in the Negative Declaration and resolution issuing the special permit pursuant to Chapter 223 and are incorporated herein and therefore will not be repeated. It is, however, worthy of noting that a professional analysis was submitted by the Applicant studying the possible effect of the Project on groundwater quality, if any. This study and the documents submitted in response to same, were carefully reviewed by this Board. As noted in the Negative Declaration “The analysis concluded that much of the volume of these minor releases never enters the stormwater system, and therefore would not enter groundwater, and that any minute amounts that might enter the groundwater would not exceed water quality standards.” It is also noted that part of the Project site was for decades used as an auto repair shop. As part of the Project, Applicant is required to identify and remove any existing soil contamination on the property relating to that prior use. As such, any present conditions on that portion of the property are to be remediated.

It is noted that the Special Permit issued under the WQCA was issued subject to several conditions to protect neighboring properties, including, but not limited to:

1. the installation of groundwater monitoring wells to sufficiently monitor the site as determined by a professional geologist and approved by the Town;
 2. the wells shall be sampled for appropriate indicator parameters for volatile organic compounds and any other parameters as determined by the Town quarterly for one year from the time of installation to establish baseline levels and then every fifth quarter thereafter;
 3. Applicant shall provide an annual certification to the Town that the stormwater management facilities have been inspected, serviced and maintained in accordance with applicable manufacturers recommendations and best management practices.
- g) The Applicant will be extending an 8” water main on Sunset Road to the western extend of the property to facilitate future connections by neighboring properties if they elect to do so
- h) See #4 and #7 above.

Specifically as to noise, as is more fully detailed in the Negative Declaration, this Project will not result in any substantial adverse changes in existing noise levels. As noted therein, the project site is in close proximity to Columbia Turnpike (US Routes 9 & 20), a four-lane highway. Any noise generated from the Project “is expected to be consistent with ambient, pre-existing noise levels along the Columbia Turnpike corridor. It is further noted that NYSHPO has issued a “no effect” letter.

(10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

*The site design provides adequate circulation for emergency vehicles. There is access to fire hydrants on U.S. Routes 9 & 20.

(11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

*Stormwater management plans and the grading of the site have been designed using best management practices for erosion control for the size and type of the project, both during and after construction. The Project has been designed in accordance with the NYS DEC Stormwater Design Manual. Said plans manage the stormwater so as to minimize erosion, ponding and flooding. Stormwater is being detained on site and will therefore not result in any erosion, flooding, leaching or drainage issues. In fact, after completion stormwater runoff and peak flows will be equal to or less than existing conditions.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group letter dated November 26, 2019 to Chairwoman Denise Mayrer (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the November 26, 2019 letter, as well as all other administrative matters, from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus the following conditions:

1. The resolution of the technical issues identified in comments 1 through 3 of the Laberge letter of November 26, 2019;

2. Establishment of a site review escrow in the amount of \$3,000.00 to be deposited prior to the start of construction;

3. Subject to the any terms and conditions of the heretofore issued variance by the Zoning Board of Appeals pursuant to Chapter 223 of the Town Code, Water Quality Control and the special permit by this Board, issued contemporaneously herewith, also pursuant to Chapter 223 of the Town Code.

4. Subject to the Town Board's approval of the extension of Town Sewer District No. 6

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the opinions offered by the Town's reviewing engineer, , the adopted Negative Declaration and all findings made pursuant thereto, and the WQCA variance decision and special permit, all of which are incorporated herein and will not be restated; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval to allow the construction of the Stewart's Shop (convenience store) with retail self-service gasoline on the subject property as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter by the following vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
AUBIN	X		
D'ANGELO	X		
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
SHAUGHNESSY	X		

Shaughnessy Motion, LaVoie second to approve Stewarts Shops site plan.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

Aubin motion, LaVoie second to fix the typo

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

Site Plan /Special Permit

Michael Antidormi

2019-39/RA/199.-1-5

987 Western Road

Proposed - Ground Mount Solar

Edward Shamo and Monica Ann Peterson-Saint John from Monolith Solar were present for this meeting.

Mr. Shamo stated they are here looking for site plan approval for a ground mount solar project located at 987 Western Road.

All agree to a Public hearing on January 6, 2020.

MEMBER DISCUSSION

None

ADJOURN

LaVoie moved, Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 9:08 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning