

**PLANNING BOARD MEETING - JUNE 3, 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 — MAY 20, 2019**

LaVoie moved, Johnson 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 town planning project.

Resident spoke about the Stewarts project.

**Site Plan /Special Permit**

TJA Clean Energy  
13 Paul Road  
Proposed - Utility Solar

2019-3 /R-40/209.-8-1

Send to Engineering

Eric Kenna, Department Manager of C&S Engineers was present for this meeting.

Mr. Kenna stated they responded to the Laberge Letter dated April 15, 2019 (see Below) Their goal is to set a public hearing tonight as long as Mr. Laberge is satisfied with all the responses to his letter (See File) In mid to late July National Grid has requirements to have a design and a cost estimate on how much it will cost to extend the line to make the interconnection and they have to make a 25% payment of that design and construction.

What the applicant is hoping to get a public hearing scheduled to see if there are any concerns with the community.

Mr. Laberge stated he took a look at the package and there is significant information, he has no objections in setting a public hearing, he thinks the information is complete enough so the public can understand the project, he asked about the FAA on potential glare issues from an aviation stand point.

Mr. Kenna Stated they ran the glare analyses and there were two spots out of the 8 that they were asked to do that came back with glare up and that was done with no foliage.

Mr. Laberge asked about the FAA sign off and are these tracking panels or are they fixed

Mr. Kenna Stated they are fixed.

Mr. Laberge asked about the heat generation.

Mr. Kenna stated there is very little heat generated.

Mr. Laberge stated we understand that National Grid requires battery storage as part of the plan to get a cleaner power out to the grid.

Mr. Kenna stated only in instances where there is a concern of what they call a Flicker, National Grid won't ask you to put in batteries they will just tell you that you failed the flicker test. Batteries are then needed to have a steady flow of power going to the grid.

All agree to a public hearing at the next meeting June 17, 2019.

### **Laberge letter Dated April 15, 2019**

Concept Review

TJA Clean Energy Solar SPB # 2019-3

Town of Schodack Planning Board

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

Special Permit/Site Plan Application dated 02/25/19 signed by Timothy Vautour of TJA Clean Energy, the property owner and project applicant.

- Full Environmental Assessment Form, Part I -Project and Setting signed and dated 02/21/19.
- Site Layout Plan Sheet C-100, dated October 2018.
- Letter from C&S Companies dated 02/20/19.

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.

With the above in mind, we offer the following comments on the materials submitted and on the outstanding requirements of §219-39.3:

- I . The project is a Type1action under SEQR due to the physical alteration of greater than 10 acres. Supplemental information to the full EAF Part 1 should be submitted, including a visual assessment report per §219-39.3 (c) (3),(6) including photos from the following vantage points and any other vantage points of interest:
  - a. Glaz Road (these must include the proposed switch gear, panels, poles, meters, battery storage, etc. in the visualizations) at:
    1. The entrance to the site at Paul Road; and
    11. The intersection of Maple Hill Road and Glaz Road.
  - b. Maple Hill Road at:
    1. 500 feet east of the intersection with Glaz Road;
    11. The intersection of Maple Crest Drive; and
    111. The intersection with the railroad tracks.
  - c. Meadow Lane at:
    - i. The end of Meadow Lane;
  - d. Schodack Road South:
    - i. South of the intersection with Maple Hill Road 1,600' (the southern most parking lot driveway of the school).
  - e. Water Works Road at Reservoir Road.
2. Cross sections showing proposed site lines from the locations indicated above should be submitted.
3. Based upon #1 and #2 above, vegetative screening and/or berms may be needed at various locations.
4. General topography from existing sources should be overlain on the site plan, with contour intervals of not more than five feet, as required by Article XII.
5. The applicant should consult with SHPO regarding the project.
6. The applicant should confirm there will be no site lighting. If there is, a lighting plan is required.
7. The applicant should confirm the preliminary wetlands delineation with the USACOE and NYSDEC and provide the Jurisdictional Determination results for review. The plans should indicate that wetlands will not be disturbed.
8. The plans should state with a prominent note that no solar collectors will extend more than 20' from ground elevation. Solar collectors should be

specified at the minimum height possible from ground to minimize the likelihood of viewing them from surrounding properties.

9. Written confirmation from the local electrical utility is needed indicating that the electrical grid has the capacity to support the energy to be generated.
10. The point of connection, equipment, and any required utility poles, towers, battery storage etc. should be shown at 1"=30' scale or greater. These may require additional vegetative screening
11. The applicant should comment on the heat and glare produced that may be perceptible beyond the lease parcel. Additional vegetative screening may be necessary.
12. The applicant should identify if the project is in an Agricultural District pursuant to the Agricultural and Markets Law.
13. A copy of the lease agreement must be submitted and the lease parcel should be identified on the plans.
14. The applicant and the property owner must submit proof of insurance in an amount acceptable to the Town. Town shall be named a Certificate Holder and be provided notice if the policy is to be cancelled.
15. The applicant should identify any noise producing equipment and submit details regarding the noise generated by each piece of equipment and the facility as a whole.
16. The following 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.
17. The applicant should show the limits of ground disturbance on the site plan and calculate the associated area. Include any areas to be graded, staging areas, access roads, temporary stockpiles, electrical trenching disturbance, etc., in the calculation. A SWPPP may be necessary.
18. Regarding the PD regulations in Article XII, the applicant is required to provide open space on the lease parcel and should provide information on the following:
  - a. Percentage of open space of the lease parcel outside the fenced enclosure. Thirty-five (35%) percent is required.
  - b. Method of preservation of the open space proposed. We recommend a conservation easement acceptable to the Town be filed.
  - c. A plan to maintain the open space by the applicant.
  - d. Evidence how the facility meets the existing community needs as noted by reports and studies.
  - e. Evidence that the proposed is compatible with the Town's Comprehensive

Plan.

- f. Evidence that the applicant has the competence to carry out the plan both physically and financially.

The applicant should submit the required/requested information for further review. Upon determining that all the necessary application material has been presented the Chairwoman can certify same. Then within 60 days of certification the Planning Board is required to submit their report to the Town Board for further action under Article XII including a public hearing on the matter.

**Site Plan /Special Permit**

Stewart's Shop

2018-34/HC-R20/178.-14-5/6/7

1540 - 1538 Columbia Tpke.

Proposed - New Stewarts Shop

Chuck Marshal, Stewart's Shops, was present for this meeting,

Mr. Marshal spoke about the Laberge letter dated May 29, 2019 (see below).

The only major difference is they added the area of disturbance of the landscape plan they then added notes that show 18 inch trees were delineated as significant trees and will be maintained to the site as well as any trees outside the area of disturbance the same size will also remain. They agree to the town's right to ask for up to 10 additional trees.

Mr. Shaughnessy asked about guardrail and the slope for the delivery access behind the building.

Mr. Laberge stated he looked at this and in the center it's about a 10 foot drop over 30 so it's a 3 to 1 slope.

Mr. Johnson asked about the type of guide rail are you planning.

Mr. Marshal stated a wooded one.

After further discussion it was decided that a box beam guide rail will be used.

Mr. Shaughnessy asked if there would be some retaining wall due to the 3 to 1 slope and the guardrail.

Mr. Laberge stated the soil that is there can naturally support the road and truck.

Mr. Johnson asked about the Stewarts Letter page 2 at the bottom on the orifices. The town is going to need something that is not going to plug up so it cannot go smaller.

Mr. Marshal stated that the engineers from Stewarts will work with Mr. Laberge and he didn't see an issue with using a 1 inch orifice with a trash rack. Using a larger orifices would create too much of a flow.

Mr. Johnson stated the sign in the back of the building stating deliveries only could also be posted on each side of the building as well. It might limit the amount of people from driving around the back of the building.

Mr. Marshall stated they are not completely objective to putting the signs up but it will not be enforced and not ticketed by the staff.

Chairperson Mayrer stated please notice items 8 and 9, they did go back to DOT and request a left hand turn lane and the pedestrian walkway and the upgrades to the intersection and our request were denied by DOT. We have to wait for the upgrade for any improvements to this intersection. And we can't make the applicant responsible for any changed made a year and a half from now.

Mr. Laberge stated the last part of his discussion was focused the turn arrows with DOT over the past couple of weeks, with the regional rep Guy Tedesco of DOT, he stated that there might be a signal up-grade in the works and there might be a chance for the town to ask DOT for a betterment regarding the left turn arrows, the discussion from there did not focus on the pedestrian improvements but as of this week Mr. Tedesco got back to him and stated his boss the regional traffic engineer and was told they can't put in signals that are not warranted, they won't allow it and they won't put them in at a future time unless they are warranted. So that is where the conversation ended. Also they now do not have a firm date as to when the signal will be changed and or worked on.

Mr. Shaughnessy asked what it meant by DOT changing things in a year.

Mr. Laberge stated what he understood by his conversations the signal is old and it is past its design life. And that is what Mr. Tedesco said would trigger the upgrade.

Mr. Shaughnessy spoke about the water quality control act 223 and the fact that we have to follow codes and the law regarding water in the town, he then read from the code that we follow and stated that section 223-6C, items (i) and (j) allow petroleum storage and gasoline sales, respectively on the direct recharge area.

Laberge Letter : May 29, 2019

Re: **Final Site Plan Review**  
Stewart's - Sunset Road  
SPB # 2018-34

We are in receipt of a revised plan set last revised March 16, 2019, a SWPPP dated March 15, 2019, and a letter from Stewart's Shops of April 29, 2019 for the above referenced project. We offer the following:

GENERAL

- 1) The proposed use is in the HC zone and requires site plan approval. It is an allowable use in the HC zone. The Building Inspector has indicated the driveway at the rear of building and stormwater areas are permitted although the rear parcel is in the R-20 zone.
- 2) The project lies in the Direct Recharge Area as defined by the Town's Water Quality Control Act and has received a variance from the Zoning Board of Appeals for this project. With the variance in place, a Special Permit under WQCA will be necessary. We recommend that the Special Permit be conditioned upon installation of groundwater monitoring wells to sufficiently monitor the site as determined by a professional geologist and approved by the Town. Furthermore, 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) The applicant has indicated exterior lighting with the exception of one entrance light will be turned off from one half hour after close to one half hour before opening.
- 4) The project will require a Sewer District Extension by the Town Board to service the parcel. The applicant is proposing an individual grinder pump and small diameter low pressure sewer along Miller Road to connect to the existing force main on Old Miller Road and has offered to install a larger 6" SDR11 HDPE pipe at the same time for the Town's future use.
- 5) The applicant has offered to extend an 8" water main on Sunset Road to the western extends of their property to facilitate future connections by neighboring properties if they elect to do so. The proposed main and details, including a terminal hydrant and valve, should be included in the next submission.
- 6) The applicant shall show a 20' wide utility easement to the Town along their western property line for the Town's future use.
- 7) Rensselaer County Department of Health approval is required.
- 8) NYSDOT has conceptually approved the driveway location onto US Routes 9 and 20 and the associated two way left turn lane. In addition, they have confirmed that they will not approve the installation of left turn arrows on north bound and south bound lanes of US Routes 9 and 20 without such signals being warranted. A NYSDOT Work Permit is required for the driveway work.
- 9) The applicant has offered a 30' wide access and utility easement to the Town on the south east corner of their property for future intersection improvements. The easement should be shown on the next submission.

- 10) The parcels will need to be combined and be assigned only one tax map parcel number prior to site plan signing.
- 11) The following revisions are needed in the SWPPP:
- a. The outlet control structures with control orifices less than 1" will tend to clog. The minimum 3" orifice should be provided or 1" if protected by a trash rack per the NYS SWDM Chapter 4, section 4.4.
  - b. Appendix G. The Applicant should complete the enclosed "Erosion and Sediment Control Plan Review Checklist" On the Erosion & Sediment Control Plan add additional measures to control the stormwater flow that will occur along the silt fence indicated to be installed perpendicular to the land contour along Sunset Road.
  - c. Plans should indicate the Limit of Disturbance line.
  - d. Add to the construction sequences, as one of the first activities, the field delineation of the limits of disturbance.
  - e. The "General Construction Sequence" shown on the plans and the sequence described in the SWPPP Section 3.1. should be coordinated to include the same items.
  - f. The plans should indicate the stormwater management facilities designed to serve the site's stormwater hot-spots are to be field-tested to demonstrate water tightness and adequate distribution of flows per the NYS SWDM Appendix C.

- 12) Comments were received during the public hearing regarding possible groundwater contamination. In general, two types of contamination were discussed; those from spills or leaks and those from stormwater runoff over the life of the proposed project.

Regarding potential contamination from spills or leaks, the applicant has proposed:

- Double walled interstitial monitored fiberglass reinforced plastic;
- Double walled interstitial monitored piping in conduit;
- Secondary sumps below dispensers;
- Tank fill ports with spill containment (15 gallons);
- Positive limiting barriers around the dispensers;
- 24/7 monitoring of system;
- Spill cleanup materials on site; and
- Monthly inspections.

The applicant should revise the plans as follows:

- a. Fuel system details and notes should be included in the next submission as part of the site plan set.
- b. The positive limiting barrier should be shown on the site plan and a detail provided.

- c. An oil water separator with an oil stop valve should be incorporated into the drainage from the fuel islands in order to stop flow in the event of a surface spill.

Regarding potential contamination from stormwater runoff, we offer the following comments:

- The site stormwater is regulated by NYSDEC through the Town as an MS4 community.
- Under NYSDEC stormwater design guidelines, the portion of the site with fueling is considered a "hotspot" and as such requires redundant pretreatment of the water quality volumes.
- CB#7 is a control manhole with inlet which directs a portion of the flow to the proposed hydrodynamic separator and the rest of the water from CD#4-7 to lined underground detention chambers prior to discharging to the northwest portion of the site.
- Redundant pretreatment is accomplished via the hydrodynamic separator and a lined bio retention filter bed, prior to discharging to the northwest portion of the site.
- The southwest portion of the site's runoff is captured prior to discharge to Sunset Road with the water quality volume being treated by a surface sand filter and the remainder of the water being directed to a "dry" detention basin. Both discharge the interior of the site.
- A very small, grassed portion of the site flows to the existing culvert under Sunset Road, which then flows south under Sunset Road.
- All stormwater facilities are separated from adjacent wells by 100 feet or more.

The applicant should revise the plans as follows:

- d. The dry detention and surface sand filter should be lined.
- e. Show outlet hoods on catch basin details with appropriate notes not to install on water quality treatment outlets.
- f. Submit a site specific O&M manual for Town review and approval to be kept on-site by the store manager. Maintenance logs shall be submitted to the Town annually.

13) Regarding the landscaping plan, the applicant should revise it as follows:

- a. Show the limits of disturbance; and
- b. Indicate that up to 10 additional eastern hemlocks will be planted on site at locations to be determined by the Town.

14) Guiderail or delimiters 20' on center should be shown along the driveway at the rear of the building from the dumpster area to the driveway out to Sunset Road.

15) A sign indicating "All Trucks Enter and Exit Here" should be shown adjacent to the driveway to US Routes 9 and 20. A detail should be included as well.

- 16) Signs should be added at both ends of the driveway behind the building indicating "Authorized Delivery Vehicles Only".

### SEQRA

We offer the following regarding SEQRA for this application:

- The project has been classified as an Unlisted Action;
- A coordinated review was conducted;
- A Short EAF dated 1/18/19 was submitted;
- A "no effect" letter was received from SHPO; and
- Part 2 of the Short EAF was completed by our office (see attached).

We recommend the Planning Board issue a Negative Declaration under SEQRA for this project.

### RECOMMENDATION

Since the above comments are objective in nature, we recommend the Board approve the project conditioned upon the issues above being resolved prior to signing of the final site plans. If the Board is so inclined, we recommend the following course of action:

- 1.) Issue a Negative Declaration under SEQRA.
- 2.) Approval of the Special Permit under the WQCA subject to the following conditions:
  - a) An initial term of 18 months; and
  - b) Installation of groundwater monitoring wells as described in comment #2.
  - c) Annual certification 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.
- 3.) Approval of the Site Plan conditioned upon the outstanding technical issues identified in comments nos. 4 - 16 above, all other administrative items, and the establishment of a site review escrow on the amount of \$3,000.00 to be deposited prior to the start of construction.

### SITE PLAN- APPROVAL

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

D'Angelo moved, LaVoie seconded that the following approved **Site Plan** and **Special Permit** be adopted:

5 Ayes. 1 Noes. Motion carried.

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

Oppose: Johnson

### **WATER QUALITY CONTROL-**

LaVoie moved Shaughnessy seconded that the **SPECIAL PERMIT** under the Water Quality Control Act - Chapter 223 be granted; for an initial period of eighteen (18) months.

5 Ayes. 1 Noes. Motion carried.

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

Oppose: Johnson

### **ADJOURN**

LaVoie moved, D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:05 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning