

PLANNING BOARD MEETING - January 6, 2020
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.
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Assistant to Director
Martha Reed, Building Dept. Secretary

MEMBERS ABSENT

Nadine Fuda, Director

APPROVAL OF MINUTES —, 2019

Johnson moved, LaVoie 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

None

PUBLIC HEARING

Melissa Knights read the hearing notice(s) as published in the Troy Record:

Michael Antidormi published December 28, 2019

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

Public Hearing Opened at 7:00 p.m.

Public Hearing Closed at 7:10 p.m.

Michael Antidormi
987 Western Road
Proposed - Ground Mount Solar

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

Monica Ann St. John from Monolith Solar was present for this meeting.

Ms. St. John Stated they are looking to install a 7.560 kW ground mount solar array at 987 Western Road for Michael Antidormi, the array configuration is 6 rows by 4 columns in landscape which means it will be 17 feet 5 $\frac{1}{2}$ inches in height and 22 feet 2 inches in length. The array will not be in view of the adjacent property's it is located in the back of the property behind the leach field.

Mr. Aubin stated the plans show the array right up against the setback and he would like to see a surveyor map showing the exact placement of the array, due to prior mistakes made on the install that had to be moved.

After board discussion the applicant was told to have a foundation location done of the poles before install to prove the array had not been put in the wrong location.

The applicant agreed to get that to the building department.

SPECIAL PERMIT

Shaughnessy 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

Be it resolved that the Planning Board hereby classifies the proposed action as an **Unlisted Action** under SEQRA. No further action is required.

LaVoie moved, Aubin seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

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

6 Ayes 0 Noes Motion carried.

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

Oppose: None

D'Angelo moved, Aubin seconded that the **SPECIAL PERMIT** be: **GRANTED** for the ground mount solar at 987 Western Road.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

PUBLIC HEARINGj6

**Melissa Knights read the hearing notice(s) as published in the Troy Record:
Curtis Lumber published December 28, 2019
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).**

Public Hearing Opened at 7:15 p.m.

Public Hearing Closed at 7:30 p.m.

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 the new store is about 25,000 sq. ft. one story structure, they are proposing a new parking lot with 111 parking spaces with 13 banked spaces, the existing curb cut into the site will be utilized for the proposed layout, 3 truck loading docks will be located at the back of the store. The existing buildings will be converted to storage. He asked if there were any questions.

Resident asked about the elevations for the project.

Mr. Gribuils showed the building plans to the public.

Resident stated it looks better then he thought it would, surprising

Resident asked if any trucks would be parked on site.

Mr. Gribuils stated no basically deliveries and items leaving will come and go, one day maximum.

Mr. Johnson asked if the original entrance was going to be used and if so the big pot hole needs to be repaired. And there is no curb on the south side only the right, he feels to define the entrance both sides need to be curbed. Also will the employee parking be in the back or in the same parking as customers.

Mr. Gribuils stated the there is enough parking for everyone including the employees. And they will not be parking in the front of the store.

Mr. Laberge stated the parking is based on the floor space of (200 sq. ft.)

There were no questions or comments from the public.

Chairperson Mayrer asked to have the entrance moved if able because of the difficult to enter the Curtis site because of the off ramp.

Mr. Gribuils stated he will look into it but was not sure what DOT will approve.

SUBDIVISION/LOT LINE

Donald Hart

2019-40/PD-3/200.-9-6.12 +32.1

US 9 and Champagne Dr.

Proposed Lot Line

Steve Hart, Hart Engineering, was present for this meeting

Mr. Hart stated the applicant proposes a lot line adjustment between 2 existing parcels of land situated on the west side of Route 9. between Birchen Bend and Champagne Drive. National Grid shows a path through the property but that does not exist. Lot 1 will go from 42.64 acres to 25.0 acres and lot 2 will go from 29.84 acres to 47.5 their goal is to square off the lots as best they can.

Mr. Johnson asked to have the old property lines labeled (to be removed).

Mr. Hart stated that can be done.

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

TYPE II ACTION

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

Aubin moved, Johnson seconded.

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

Johnson moved, Aubin seconded **APPROVAL** of a **lot line adjustment** at "US 9 and Champagne Dr." Contingent on the Lot lines being labeled correctly.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Jenkins Commercial Building

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

1223 US Rt. 9

Proposed - Commercial Building

Steve Hart, Hart Engineering, was present for this meeting.

Mr. Hart stated he is here to update the board on the new site plan for Jenkins Building. The building was moved to the opposite side of the site for better parking and pulling in and out of the site. His hope for the next couple of weeks is to answer the questions in the Laberge Letter dated December 20, 2019 (see below) and resubmit new plans in accordance with the letter. And he is looking to set a public hearing for the meeting in February.

Mr. Laberge stated a couple of highlights from his letter dated December 30, 2019; it's a type 2 action due to the size of the building and the water quality control act. (see letter below)

Mr. Johnson asked if he needed to respond to the letter and give Mr. Laberge a plan before we schedule a public hearing.

Mr. Laberge stated if he can get the information in the next 2 weeks there should not be an issue since the next meeting is not until February 3, 2020.

Then approval would be contingent on the Laberge letter dated December 30, 2019 (see below)

Everyone agreed to do a public hearing on February 3, 2020

Laberge Letter dated: December 30, 2019

Concept Plan Review

Jenkins Excavation Site Plan

SPB #2019-38

We are in receipt of a site plan application, Short Environmental Assessment Form, and a concept plan for the above referenced project. We offer the following:

1. The project is located in a Highway Commercial (HC) zone and is a permitted use. Site Plan approval is required.
2. The project is located in the Direct Recharge area as defined by the Town's Water Quality Control Act (WQCA) and requires a special permit under the WQCA. The project is subject to the requirements of that law, in particular section 223-6 (c).
3. Regarding SEQRA, per 6 CRR-NY 617.5 regarding Type II actions, the project is considered a Type II action since it involves the construction of primary non-residential structure of less than 4,000 square feet of gross floor area. Therefore it is not subject to further review under SEQRA and no coordinated review is necessary.
4. The applicant should provide a written narrative regarding the proposed use of the site and the intended operations. At a minimum this narrative should include information regarding:
 - a) Number of employees/drivers utilizing the site.
 - b) Maximum number of vehicles and/or pieces of equipment to be parked on the site.
 - c) Whether maintenance will be performed on site, and if so, what type.
 - d) Whether any vehicle washing will be performed on site.
 - e) Whether any petroleum or hazardous materials will be stored on site, and if so, how much, what types, where, and in what type of containers.
 - f) Number of vehicles expected to be entering and exiting the site and what times of the day these peaks will occur.
 - g) A description of the building elevation, color, windows, etc.
5. In future submissions, the applicant should show the following on the site plan:
 - a) Existing and proposed grades.
 - b) Proposed finish floor elevations.
 - c) Dumpster/recycling enclosure(s).
 - d) Proposed signage.
 - e) Outside storage areas including any areas to be used for material stockpiles.
 - f) Location of doors on the building footprint.
 - g) Test pit results.
 - h) Proposed tree types and sizes.
 - i) Proposed limits of disturbance and the total area of disturbance.
 - j) Any proposed building mounted lighting.
6. The project will require approval/permits by the following agencies:
 - a) NYSDOT: Highway Work Permit for the driveway and for stormwater.
 - b) Rensselaer County DOH: Permits for well and septic.
7. It appears that the proposed equipment parking area will not be asphalt pavement. The applicant should identify what the surface treatment will be keeping in mind that a dustless surface is required.

8. Site details will be required with the next submission. The height of the yard light and its base should be detailed. All fixtures on site should be detailed to show they are full cut off down lighting. If fixtures are to be LED, use of 3500 K diodes or less is preferred with shielding to reduce glare from neighboring properties and the street.
9. The applicant should show the location of the individual trees on the north side of the building to identify if they are on the applicant's property. If not, additional plantings on this property may be necessary for vegetative screening purposes.
10. Additional plantings should be placed in front of the equipment yard area to provide additional screening from the street.
11. The applicant should consider approaching the owners of two parcels to the north to collectively extend the water main (and district) further south to the property. Doing so would provide additional fire protection to the sites.

We recommend the applicant revise the plan and application in accordance with the above for further review.

C: Tom Jenkins, Jr., (via email only)
Steve Hart, P.E., (via email only)

MEMBER DISCUSSION

The board reviewed and approved the resolution for Van Hoesen Station, LLC

Van Hoesen Station LLC

LaVoie Moved D'Angelo seconded to wave the reading of the resolution

6 Ayes. 0 Noes . Motion carried.

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

Oppose:

RESOLUTION (SEQRA & TIMBER HARVESTING PERMIT)

WHEREAS, Van Hoesen Station LLC seeks permission to perform certain timber harvesting on real property located at 1735 Richwood Drive and Route 9, Town of Schodack, New York (Tax ID 189.-10-36);

WHEREAS, the project is on an approximately +/- 49.8 acre parcel and the majority of the site is forested with a minor amount of wetlands;

WHEREAS, this project has been classified as an Unlisted action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, at the December 16, 2019 meeting, this Board resolved to issue a Negative Declaration of Environmental Significance pursuant to SEQRA and then resolved to issue a

permit for the subject project, both written decisions of which need to be adopted as drafted;

WHEREAS, based on its consideration of the proposed Project, its review of the Environmental Assessment Form and all other supporting information submitted in connection with the proposed Project, and the criteria set forth in 6 NYCRR § 617.7, the Planning Board, as lead agency, had identified and analyzed the relevant areas of environmental concern to determine whether the proposed action may have a significant adverse impact on the environment and following that determination previously resolved to issue a Negative Declaration for the subject project;

NOW, THEREFORE, BE IT RESOLVED, in furtherance its determination to issue a Negative Declaration for the subject project pursuant to SEQRA, this Board hereby adopts the accompanying Negative Declaration and Determination of Non-Significance, which is incorporated herein by reference as well as the written decision to issue the subject permit, which is also incorporated by reference.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND
DETERMINATION OF NON-SIGNIFICANCE**

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or "SEQR"). The Town of Schodack Planning Board (the "Planning Board"), acting as Lead Agency, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: Van Hoesen Station LLC

SEQRA Status: Type I: **NO** Unlisted: **XX**

Conditioned Negative Declaration: **NO**

Location: 1735 Richwood Drive and Route 9, Town of Schodack, New York (Tax ID 189.-10-36)

Description of Action:

Van Hoesen Station LLC (the "Applicant" or "Project Sponsor") is proposing to conduct timber harvesting on real property located at 1735 Richwood Drive and Route 9, Town of Schodack, New York (Tax ID 189.-10-36). The project is on an approximately +/- 49.8 acre

parcel. The majority of the site is forested with a minor amount of wetlands (the "Project Site"). The project is subject to Article VII of the Town's zoning law, entitled "Timber Harvesting." The Project Site is currently zoned PD-3.

Applicant proposes to remove five species of trees, totally approximately 145 trees ranging in size from 14" to 26". Selective tree removal is requested—no clear cutting is requested. As communicated to the Board, most removal will be done in the winter months which will minimize ground disturbance and tracking of soil material off site, limiting the amount of mud tracked off site.

Reasons Supporting This Determination: The Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in SEAF Parts 1 and 2.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: Nadine Fuda, Director of Planning for the Town of Schodack
Address: 265 Schuurman Road, Castleton, NY 12033
Telephone: (518) 477-7938

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Project.

The Project is a SEQRA unlisted action. During the course of the Project's SEQRA review, the Planning Board, Town Planning staff, the public and the applicant's representative engaged in an active evaluation of the Project Sponsor's submissions. As stated by the NYSDEC SEQR Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications and revisions were requested and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Short EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Town of Schodack Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

6 NYCRR 617.7(c)(1) Criteria

(i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board finds that the Project will not cause significant adverse changes to existing air quality, ground or surface water quality/quantity, noise levels, level of solid waste production, and potential for erosion, flooding, leaching or drainage problems.

Air quality will not be affected because there are no permanent air emissions. As to possible effects on groundwater or surface water, best management practices will be used for timber harvesting. There will be no significant change to traffic in that one truck per week to haul logs off site is expected. As to noise, the only noise generated will take place during tree cutting and skidding operations, which is limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday and will have to end no later than December 1, 2020.

The property does not generate any solid waste during its operations. As a result of the required utilization of best management practices, there will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems.

(ii) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Although the Project does remove some existing vegetation, a significant portion of the site is being retained in its natural state as only selective trees are being removed. There will be no substantial interference with the movement of any resident or migratory fish or wildlife species. There will be no impacts on a significant habitat areas. The Board determines that due to the selective tree cutting and non-clear cutting, sufficient habitat will remain to support the wildlife population. There will be no substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such a species. There will be no significant adverse impacts to natural resources. Specifically raised during the public hearing was an inquiry regarding protected species.

(iii) The impairment of the environmental characteristics of a Critical Environmental Area.

The Project will not cause impairment to the characteristics of a Critical Environmental Area as designated under 6 NYCRR § 617.14(g).

(iv) The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Project does not present a conflict with the Town of Schodack's Comprehensive Plan or goals as officially approved or adopted.

(v) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The Project will not impair the character or quality of historical, archeological, architectural, or aesthetic resources. Notably, there has been no information presented that there is any impact on archaeological and/or historic resources in or eligible for the New York State and National Registers of Historic Places.

(vi) A major change in the use of either the quantity or type of energy.

The Project will not create a major change in the quantity of electricity or natural gas to be used in the region and will not affect the community's sources of fuel or energy supply.

vii) The creation of a hazard to human health;

The Project will not create a hazard to human health.

(viii) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Project will not create a substantial change in the use, or the intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

(ix) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The Project will not encourage or attract a large number of people.

(x) The creation of a material demand for other actions that would result in one of the above consequences.

The Project will not create a material demand for other actions that would result in one of the above consequences.

(xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The Project does not create impacts to two or more elements of the environment that, collectively, would result in substantial adverse impact to the environment. The Planning Board has conducted a full review of all Project elements and the potential

impacts from the Project and has been informed by its consulting professional engineers as to the coordination of those elements.

This list is by no means an exhaustive list of potential impacts/changes considered in tandem with other impacts/changes during the Planning Board's consideration of the Project, but is only provided as examples of the hard look taken to ensure the potential effects of the Project would not result in a substantial adverse impact.

(xii) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Project does not involve two or more related actions undertaken, funded or approved by an agency none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

Conclusion

The Planning Board, acting as Lead Agency has thoroughly evaluated all aspects of the Project and carefully reviewed all relevant materials. For the reasons set forth above, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment and therefore issues this Negative Declaration.

Aubin moved, Shaughnessy second to adopt this resolution

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

ADJOURN

LaVoie moved, Aubin seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning