

PLANNING BOARD MEETING - MARCH 4, 2019
CALLED TO ORDER BY: ACTING CHAIRMAN WAYNE JOHNSON AT 7:00 p.m.

PRESENT

Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
James Shaughnessy, P.E.
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, assistant to the Director
Martha Reed, assistant to the Building Dept.

MEMBERS ABSENT

Denise Mayrer, Chairperson
Nadine Fuda, Director
Andrew Aubin, P.E

APPROVAL OF MINUTES — FEBRUARY 4, 2019

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

4 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Shaughnessy

Oppose: None

Public comment

Resident stated he submitted a letter and a packet of information please see Stewarts Shops planning board file. Against the emissions from the gas station part of Stewarts shops and the setbacks should be considered and Stewarts should be doing a long form EAF and the zoning is incorrect there are 3 parcels involved with this project and part of that is in the RA zone.

Resident stated there is too much traffic on this sunset road and has no idea how safe storm water runoff will be and didn't know anything about the oil water separators or is they will work.

Resident stated there abandoned eye sores old Stewarts Shops in Nassau and other places and wanted to know what they plan to do with the existing store and why they can't renovate that site.

Resident stated he handed out two document to the board before the meeting (please see Stewarts planning board file)

Resident spoke for the Stewart project stating his parents has owned the property for 50 years and are looking to sell the property and retire. Stewarts has been nothing by honorable with their proposal. They have tried to other avenues to leave the property and this was the best fit for them. The only issue he see is property rights and that they always intended to sell at some point and that is why they obtained the property between them and the Wheelers property as a buffer.

Resident spoke against the project and have a safety concerns and there has been over 24 accidents at this intersection over a 5 year period, this proposed Stewarts Shop will create additional traffic issues.

PUBLIC HEARING

Melissa Knights read the hearing notice(s) as published in the Troy Record:
Jaime Scott Auto published February 23, 2019
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).

Public Hearing Opened at 723 p.m.

Public Hearing Closed at 7:45 p.m.

Jaime Scott Auto
4141 US Route 20
Proposed - Auto Repair and Trailer Sales

2019-2/LB-HC/200.-755.1

Jamie Scott applicant and Steve Pechenik applicant's attorney were present for this meeting.

Mr. Pechenik stated Mr. Scott's business had a fire and he is looking to move his business to this location.

Mr. Vasally stated that he hasn't seen any plans for this business and asked about floor drains waste.

Mr. Scott stated there are no floor drains in the garage. All the waste goes into a tank and gets pumped out by Sheldon Oil Company.

Mr. Shaughnessy stated to Mr. Pechenik that you had no issues with the items listed in the Laberge letter. However the drawing the board has received needs to be updated and asked if a revised set of actual survey drawings going to be submitted at the next meeting.

Mr. Pechenik stated yes.

Mr. Laberge stated in his letter dated February 26, 2019 (see below) some of the comments have been address but a couple of items he will discuss are, the solvents in terms of the water quality control act this is not in the direct recharge area but in the upland area and #2 in his letter list the restrictions that go along with this area. It is not as stringent so the concept of storing waste and solvents for pumping is ok in this location. He asked about the rear of the property behind the house there is a metal storage building, will he be using it.

Mr. Scott stated he has no use for that building.

Mr. Laberge stated that's fine because there is a 200 foot buffer to the wet lands area. The other question is the limits of the tree cutting, exterior lighting, source of fuel for the building, yet it used fuel oil was listed, dumpster location. And so on. Please see the February 26, 2019 letter listed below.

Mr. Scott stated the waste oil is his only hear source.

Chairman Johnson asked about the length and area of the trailer sales. The only thing shown is the removal of trees.

Mr. Scott stated is shows behind the building which is designated parking for the trailers until they ate sold and then it will be overflow parking.

Mr. Laberge stated this needs to be defined on the plans.

Mr. Stokem asked if they could see some imaging of this project.

Mrs. Digiorgio asked why take down trees for a temporary use. And could you think about where to store the trailers.

Mr. Gillis asked if there was an investigation into the fire.

Mr. Scott stated it was the outside power service running to the building, the wires shorted out and stated the meter box on fire.

Mr. Visalli wanted to know what was going to happened to the area after the trailers are sold.

Mr. Scott stated it will be the overflow parking.

Mr. Van Hoose asked what the current occupancy of the building.

Mr. Scott stated storage.

Mr. Van Hoose stated so it is a change in occupancy and the code states for a vehicle repair shop 4686 of the building code special requirements for auto repair garages require sprinkler system. Are you proposing to install a system?

Mr. Scott stated No.

Mr. Van Hoose stated he will be surprised if it is not brought up in the review.

Mr. Shaughnessy stated that is based on what type of construction the building is it is not necessarily required. There are different types of building classifications and construction that would or would not compel a sprinkler system to be installed.

Laberge letter dated: February 26, 2019

Re: J & M Auto Site Plan Review

SPB# 2019-02

Town of Schodack Planning Board

We are in receipt of a conceptual site plan with three plan sheets dated February 2019 and a Short Environmental Form dated 8-31-16 for the above referenced application. We offer the following comments:

- 1) The parcel is in the LB and HC zones and requires site plan approval. It also requires a special use permit for motor vehicle service under Chapter 21 9-72(16).
- 2) The project lies in the Upland Watershed Area so it does not require a Special Permit under the Water Quality Control Act (WQCA), however the following conditions from the WQCA apply:
 - (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 a permit from the appropriate regulatory authority.
 - (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 and handling areas shall not be allowed within a linear distance of 200 feet from a surface

water body.

Solid waste landfills, construction and demolition waste landfills, junkyards (including motor vehicle), vehicle salvage operations, or metal salvage operations shall not be located within a linear distance of 200 feet from a surface water body.

- (d) Septage waste and sewage sludge shall not be deposited within a linear distance of 200 feet from a surface water body, unless it is permitted by NYSDEC.
 - (e) There shall be no commercial or industrial storage of petroleum or hazardous materials within a linear distance of 200 feet of a surface water body.
- 3) Rensselaer County Department of Health approval is required.
- 4) The property line locations, in the vicinity of the existing 3 bay garage and proposed septic field, should be properly established and setbacks to the proposed building addition verified.
- 5) The applicant should identify the proposed use of the rear of the property, keeping in mind the WQCA restrictions limiting junkyards, vehicle salvage, or metal salvage operations within 200 feet of a surface water body.
- 6) The applicant should define the site of the trailer display area including the surface treatment and lighting for this area. In addition, the size and type of any trailers or automobiles to be offered for sale should be identified.
- 7) The locations of proposed site features should be shown as appropriate:
 - a) Limits of disturbance and any tree cutting;
 - b) Proposed exterior lighting including any building mounted lighting (all lighting to be full cutoff, down lighting);
 - c) Proposed underground tanks (gas, septic, etc.);
 - d) Existing and proposed easements;
 - e) Dumpster location with screening; and
 - f) Landscaping around the building and along US Rt. 20.
- 8) The proposed water service size should be identified and a detail provided.
- 9) It appears that a gravel surface is proposed for the drives and parking on site. A "dustless surface" is required with either asphalt or a minimum of 2" of crushed stone. The applicant should identify the surface treatment proposed on the plan.
- 10) A grading and erosion control plan should be added to the set and include:
 - a) Proposed grading with spot elevations where necessary to show drainage patterns;
 - b) Location of a stabilized construction entrance;

- c) Stockpile locations (if any);
 - d) Construction equipment storage areas; and
 - e) Concrete washout areas.
- 11) §219-72(16)(e) requires that "all dismantled autos, parts or supplies, goods, materials, refuse, garbage or debris be located in a building enclosed on all sides". A privacy fence around a dumpster shall meet this requirement for "refuse, garbage, debris" only. No other materials are to be kept outside or in the dumpster enclosure. A note should be added to the plan indicating "no outdoor storage of any kind shall be permitted except for registered vehicles undergoing active repair (7 calendar day maximum)."
- 12) The accessible parking area and entrance driveway from US Rt. 20 should be paved for a minimum distance of 50' in from the state highway and for a minimum width of 20'.
- 13) Signage locations for the site should be identified and a detail of any freestanding signs should be added.
- 14) The parking spaces in front of the building are required to be delineated in the field. A detail showing how this will be accomplished on a stone surface should be included, if applicable.

Site Plan /Special Permit

Stewart's Shop

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

1540 - 1538 Columbia Tpke.

Proposed - New Stewarts Shop

Set public hearing for April 1, 2019

Chuck Marshall, representing for Stewarts shop, Christine Liholt from CHA were present for this meeting

Mr. Marshall stated at the January 7, 2019 meeting the project was referred to the Zoning Board of appeals for a hearing and a variance to water quality control act which was granted at the February 11, 2019 meeting. Before that meeting Stewarts had obtained a SHIPO signoff letter. At the ZBA meeting and in conversations with Laberge there were questions regarding the location of the HC (Highway commercial) zone and the project. The entire building is situated in the HC zone which extends 250 feet on both side of Columbia Turnpike, the dumpster enclosure was on the border of the RA and the HC zone and they will move it entirely into the HC zone. They have submitted a map plan and report to the town board for expansion of the sewer district. The site changes consist of a drive around the building for deliveries and fuel delivery drive through. The landscape wall has been designed for the southeast corner. They included a monument sign and a picnic area.

He asked about the lettering on the monument sign stating Welcome to Schodack see The Laberge letter for all questions.

Mr. Laberge stated it is potential lettering on the monument sign below what every Stewarts has.

Mr. Marshall stated they will request some guidance on that at a later date.

Christine Liholt from CHA spoke about the traffic study and DOT road and traffic lights. Stated the traffic volumes were in line with DOT traffic volumes, they looked at the accident study on Columbia Turnpike and Sunset Road and in doing that they decided to change the two entrances on Sunset to only one in and out driveway. During a meeting with DOT which involved a planning board member Wayne Johnson retired DOT, Richard Laberge boards engineer, Nadine Fuda director of Planning, Chuck Marshall from Stewarts and herself and during that meeting several items were discussed and DOT agreed to a two way through lane for movement to and from the site and they submitted to DOT to have arrow signals installed and they are still waiting for a response on that proposal.

Mr. Shaughnessy asked about the road (driveway) around the building and what are the impacts.

Mr. Marshall stated they designed the turn around on the wheel base 52 and wheel base tanker truck and 40 wheel base delivery trucks. The trucks will enter from Columbia Turnpike drive around the building for deliveries exit back out onto Columbia Turnpike, This was designed due to a comment at the last meeting on the weight restriction of Sunset Road.

Mr. Laberge asked if they could live with only using Columbia Turnpike for gas and other deliveries.

Mr. Marshall stated he will have an answer by the next meeting.

Mr. Johnson asked about the traffic study and the proposed 5 lenses head with left green and yellow

Miss Liholt stated For the signal they're talking about is the left turn lane, right now there is the standard red yellow and green balls they would add to that a yellow and green arrow.

Mr. Johnson asked what it the yellow arrow for.

Miss. Liholt stated it is a warning before the light turns Red. DOT is still reviewing the suggestion of the light change as of today we have not heard what the changes are going to be.

Mr. Johnson stated in the report it stated Stewarts has contacted the Castleton Fire Department and he thinks that East Greenbush fire dept. should also be contacted.

Mr. Marshall stated he spoke to someone in the town hall to get the information for the East Greenbush fire department and a letter went to them. He also sent a letter to the Schodack Police and the Castleton/Schodack ambulance.

Mr. Shaughnessy asked Mr. Laberge if the traffic study that was handed in by a member of the public could be looked at and reviewed.

Mr. Laberge stated he sees no problem having it shared with the applicant, it has been added to the file, and he will look at it and see if it jives with what the traffic engineer has submitted.

Mr. Shaughnessy stated at the bottom of the report it says the study was done from Miller Road to Rt. 9 to Reno Road. and the placement of the count was 175 feet east of old miller road so it is not clear to him what exact traffic they were measuring and what direction it was heading and what these totals reflect. Would it be helpful to clarify this?

Miss Liholt looked at the report handed in and stated they also looked at this for their traffic impact study and you are correct the placement of the DOT study was on Miller Road to Reno Road. they review DOT's traffic viewer and that is where this comes from and once they do the traffic counts they review their findings with the traffic viewer from DOT to see how they line up.

Mr. Shaughnessy stated so this is away from the intersection that is being discussed for this project

Mr. Johnson asked about the driveway coming out onto Rt.9&20 is there a reason why there is not a left and right turn lanes is it a safety issue.

Mr. Marshall stated took note to the request and will look into it.

Miss Liholt stated the volumes aren't as such that you need to separate into a left and right turn lane coming out of that driveway.

Mr. Laberge stated he feels that they can set the public hearing tonight he just needs any updates and changes to the planning office and to himself a week prior to the public hearing meeting.

Mr. Marshall stated he is fine with that.

The public hearing was set for April 1, 2019

February 27, 2019

Re: 2nd Preliminary Site Plan Review

Stewart's – Sunset Road SPB # 2018-34

Town of Schodack Planning Board

We are in receipt of a revised plan set received February 22, 2019 and a letter from Stewart's Shops of the same date for the above referenced project. We offer the following:

General

- I) The project is in the HC zone and requires site plan approval. It is an allowable use in the 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.
- 3) The project will require a Sewer District Extension by the Town Board to service the parcel. The applicant is now 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.
- 4) The applicant has contacted the Town of Schodack Police Department and the Castleton Fire District to solicit their comments/approval of the plan. To date, we are unaware of any written comments received.
- 5) Rensselaer County Department of Health approval is required.
- 6) NYSDOT approval for final approval is required. A meeting with the applicant, Town and NYSDOT was held and the current plan reflects the discussion at the meeting.
- 7) Final Plans will require a design professional's stamp.
- 8) The front set back line in the northeast corner of the site appears to be misaligned on the proposed site plan.
- 9) The parcels will need to be combined and be assigned only one tax map parcel

number.

- 10) The sidewalk should extend out to the paved surface of Sunset Road at its Western terminus.
- 11) The lighting proposed is LED and 4000K. LED lighting of 3000K or less should be specified.
- 12) The lighting levels along Sunset should be reviewed to eliminate any lighting beyond the property lines.
- 13) A stormwater management report and SWPPP are required. Once accepted by the Town, the applicant will be required to submit to NYSDEC for stormwater SPDES permit coverage.
- 14) We disagree with the applicant's response and recommend the landscaping plan should include additional evergreen landscaping in the following areas:
 - a. Sunset Road between the Southwest property corner and the site access drive along the Western property line for a distance of 150' from the Southwest property corner;
 - b. Along the Northern property line a distance of 150' from the ROW along US Rt 9 & 20; and
 - c. 50' in each direction from the Northwest property corner to provide visual screening.

These plantings should be placed to augment natural vegetative screening in these locations.

- 15) The landscaping wall in the Southeast corner of the site should be rounded (not angled) for the Town to place lettering on. An easement should be provided to the Town to do so at the Town's expense.
- 16) Available distances from the driveway along Sunset Road should be checked against recommended site distances. The applicant has indicated that this information was previously submitted, but it could not be located.

SEQRA

We have reviewed the Short Environmental Assessment Form (SEAF) and found it to be satisfactory.

We recommend the Planning Board direct the applicant to provide the additional information and revise the plans in accordance with the above. A cover letter keyed to our numbered comments should be provided and indicate how its comments were satisfied.

Site Plan /Special Permit

Elmbrook Solar Farm

2018-41/RA/188.-6-15

Brookview Road.

Proposed - Utility Solar

Travis Mitchell, Environmental Design Partnership was present for this meeting.

Mr. Mitchell stated this is 160 acre site on Brookview Road proposing a 7 1/2 megawatt solar array occupying 37 of the 160 acres, they submitted a sketch plan for the board back in November, and they have addressed the December Laberge comment letter. And submitted detailed site plan this last month and have received additional comments from Mr. Laberge. He spoke about the Laberge letter dated February 26, 2019. They had originally submitted a short form EAF and Mr. Laberge suggested they resubmitted with a type 1 full EAF. He spoke about the fencing going from 6 foot to 8 feet high, evergreen planting to help shield the solar array, looking for an opportunity to talk to the town board on planned development. The two things he is asking from the Planning board at this meeting are, to get coordinated review started and to consider referral to the town board for the planned development process.

Chairman Johnson asked if we started a coordinated review.

Mr. Laberge stated from a SEQR prospective no, we have EIF that has been reviewed and is acceptable. And that should be sent to involved agencies and we will make sure we cover them all. We need a few more answers that the applicant can add in response to his February 26, 2019 (See Below) letter so the town board has more information when it goes to them, in the meantime the plans are sufficiently developed that the planning boards public hearing could be set.

Chairman Johnson stated our next meeting is March 18, 2019 would you be ready for that meeting.

Mr. Mitchell stated that would be fine.

LaVoie moved, D'Angelo second the planning board director to coordinate SEQR lead agency letters to the appropriate entities.

Ayes. Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Shaughnessy

Oppose: None

All agree to have the public hearing on March 18, 2019

Laberge letter February 26, 2019

Preliminary Review

Elm Brook Solar Farm

SPB #2018-41

Town of Schodack Planning Board

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

- A letter from Environmental Design Partnership dated 2/19/19 responding to our letter of 12/17/18;
- Full EAF part 1 signed and dated 2/19/19;
- Plan set consisting of 10 sheets dated 2/15/19;
- Coordinated Electric System Interconnect Review by National Grid dated 10/8/18;
- FAA letter dated 9/20/18 regarding "Determination of No Hazard to Air Navigation";
- Proposed Land Lease and Solar Easement dated March , 2019;
- Elm Brook Solar Decommissioning Statement (undated);
- Technical Specifications; and
- Visual Assessment Report dated 2/5/19 with Figures No. 1-20.

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 when the Planning Board is satisfied with the application.

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

1. The full EAF submitted should be circulated to Involved Agencies to determine Lead Agency under SEQRA for the project. In addition, it should be submitted to Rensselaer County Planning for a §239m review.
2. Fencing is required to be a minimum of eight (8) feet high and should be security fencing.
3. The applicant must confer with the Schodack Valley Fire District to determine their specific requirements regarding a fire apparatus access road per FC503.1.1 exception 2.
4. The applicant should clarify the width of the access road. It is called out as 15' wide in plan view and 20' wide on the section detail.
5. Per the details on sheet 10, the applicant should clarify whether the solar panels will be fixed or will track with the sun. In addition, foundation details of all equipment should be shown along with a description of installation procedures.
6. Vegetative screening consisting of evergreen plantings should be installed at the following locations:

- a) Along Brookview Road immediately to the north and south of the project entrance to block the view of the interconnection poles and equipment from Brookview Road.
 - b) Along the western edge of the brush line on the western end of the proposed facility to block views of the solar panels from the Brookview Road vicinity.
- 7. The applicant has contacted SHPO regarding the project. A letter of "No effect" should be submitted when received.
- 8. The applicant has indicated that there are federal wetlands onsite and that they will be coordinating with the ACOE to obtain a Jurisdictional Determination letter which should be submitted when received.
- 9. The applicant should clarify if any guy poles be needed for the poles shown at the proposed connection point.
- 10. 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.
- 11. 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.
- 12. In order to determine if a Full SWPPP and permit coverage is needed, the applicant should perform a pre-to-post hydrology analysis to determine that the construction of solar panels will not alter the hydrology of the site. In addition, the applicant should explain the proposed placement of silt fence.
- 13. The applicant should show the limits of ground disturbance on the site plan and provide calculations of the associated areas. Individually identify any areas to be graded, staging areas, equipment foundations, temporary laydown or stockpiles, etc., in the calculation.
- 14. 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. The leased parcel should include area for open space which may be cropped.
 - b. Method of preservation of the open space proposed. We recommend a conservation easement acceptable to the Town be filed for the life of the facility.
 - 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 applicant has the competence to carry out the plan both physically and financially.

The information submitted to date sufficiently describes the project and we recommend that the Planning Board's public hearings be scheduled. In addition, the applicant should submit the required/requested information for further review. In the meantime, the Planning Director should be directed to begin a coordinated review under SEQRA by initiating Lead Agency Coordination.

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.

Subdivision/ Lot Line

Goold Miller 3 lot

2019-4/RA/199.-3-53

Brookview Road

Proposed - 3 Lot Subdivision

Set public hearing for March 18th

Ray Smith, Surveysmith was present for this meeting.

Mr. Smith stated the remaining acreage on the triangle lot will be subdivided into 3 lots, one of which is a flag lot.

Chairman Johnson asked if the tax map numbers could be added to the map.

Mr. Smith stated there are tax map numbers on the lots being subdivided.

Chairman Johnson stated the remaining lands.

That is on the tap of the map.

All agree to set the public hearing for March 18, 2019

Subdivision/ Lot Line

Goold Miller Lot Line

2019-5/RA/199.-3-22.111&23

1283 Brookview Station Road

Proposed - Lot Line

Ray Smith, Surveysmith was present for this meeting.

Mr. Smith stated the Millers are expanding their house lot to where they are putting up a building for the wine business; it is on the left side of the driveway from the orchard business turning the house lot from 1.79 acres to 2.3 acres.

Chairman Johnson stated the tax map number on the top of the map, is that for the two parcels,

Mr. Smith state that is for both parcels, their tax number is not on the map but he will add it before he brings them in for signing.

Chairman Johnson stated the lot behind Goold Miller house lot, which is labeled page 24 has a minimum of amount of access to Brookview station road.

Mr. Smith stated there is frontage on Brookview Station Road to Brookview Road and it is its own lot.

Chairman Johnson stated he doesn't see the area of remaining lands.

Mr. Smith stated you wouldn't it is 106 total acres and it is on his larger plans that is being printed so it will be the 106 acres minus the 0.94 of an acre.

LOT LINE ADJUSTMENT

D'Angelo moved, LaVoie seconded that the lot-line adjustment be accepted and approved. A public hearing is not required. With the comments discussed.

4 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Shaughnessy

Oppose: None

ADJOURN

Shaughnessy moved, LaVoie seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:45 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning