

**PLANNING BOARD MEETING – APRIL 15, 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 the Director

MEMBERS ABSENT

APPROVAL OF MINUTES — APRIL 1, 2019

Approval was held off until the next meeting. May 6, 2019

PUBLIC COMMENT

None

**Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Kasselman Solar, LLC published April 9, 2019
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).**

Public Hearing Opened at 7:35 p.m.

Public Hearing Closed at 7:39 p.m.

Kasselman Solar, LLC
6 Graw Road
Proposed - Ground Mount Solar

2019-7/RA/220.-3-5.12

Scott Stevens, Kasselman Solar, was present for this meeting.

Mr. Stevens stated they are here for a proposed ground mount solar, it is behind the home and set back from Graw Road. the system will have 20 solar modules in a 4 x 5 configuration, the area will be 13 feet by 33 feet with a 33 degree tilt making a total square footage of 222.77 square feet.

There was no Public comment for this applicant.

Mr. Johnson stated there was discussion at the beginning about the layout of the solar field and making sure the setbacks were established before the construction began, should we put that as a condition that a foundation location is done prior to construction,.

Mrs. Fuda stated that is requested by the building inspector and that office requires it from a license surveyor.

SPECIAL PERMIT

Shaughnessy moved, D'Angelo seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes 0 Noes. Motion carried.

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

Oppose: None

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

6 Ayes 0 Noes Motion carried.

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

Oppose: None

Johnson moved, D'Angelo seconded that the ***SPECIAL PERMIT*** be: **GRANTED**

CONDITION - A foundation location to be completed before construction.

6 Ayes 0 Noes. Motion carried.

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

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

Goulet Trucking Corporate Center published April 9, 2019

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

Public Hearing Opened at 7:36 p.m.

Public Hearing Closed at 10:45 p.m.

Goulet Trucking Corporate Center

2018-48/HC, LB, RA/210.-7-23.11

US 9 and Lape Road

Proposed - Corporate Center

Greg Ursprung, Professional Engineer, Bergman Associates, and Paul Jordan, Goulet Trucking were present for this meeting.

Mr. Ursprung stated Goulet is proposing a 20 thousand Sq. Ft. Building which will hold their corporate offices about 2500 sq. ft. to be expandable to about 5000 sq. ft. the balance of the building is comprised of maintenance, truck bays, as well as a wash bay. Access to the

site is off of Rt. 9 with 2 points on ingress and egress. One entrance will be constructed during phase 1 and the second entrance will be constructed during phase 2. As for parking there will be spaces for 55 vehicles and on-site 45 truck spaces and in phase 2 there will be an additional 55 trucks in the back of the lot. The building water supply will come from the existing water main located on Rt.9 and be brought to this site. There will be an onsite septic system; water from the truck wash would be run through an oil water separator and then out into a subsurface disposal system, they will be washing about 20 trucks and use around 600 gallons of water per day. There will be an onsite 12,000 gallon fuel tank and will have a grooved concrete pad around the fueling area in case of any spills.

Mr. Jordan from Goulet spoke about the hauling of hazardous waste, he stated Goulet trucking has been in business for 50 years and are also 3rd generation dairy farmers, New York has become an important hub for their business, 47 % of their taxable income is from New York state, they do 4.7 million miles in this state each year. They are already operating on Rt. 20 in Nassau and they are looking to move to Rt.9, they are a clean company; they clean up haz-waste sites, in the past 2 years the haz-waste hauling has been less than 10% of their business, a lot of it doesn't come through NYS, they go to Quebec and Ontario province and to Michigan, other items they haul is Road salt, compost, soils, stone, coal, all throughout the north east. (See file for full submission) for the info on the trailer liner, and the operation of the delivery of the haz-waste material. They are looking to be good neighbors and to a good business in New York state.

Chairperson Mayrer asked if material is taken from a site and brought here over night waiting for next day transport.

Mr. Jordan stated yes and it stays tarped. If they are coming from Massachusetts and headed to Michigan they would layover here.

Public Hearing:

Resident from Bunker Hill Road is the new site bigger than the current site in terms of water usage and the amount of trucks.

Resident from Lape Road, spoke about spills, about truck layover with material, amount of trucks on site, how that that will affect the residential land, and how this business will affect the adjacent residents.

Resident from Lape Road concerned on where are the trucks coming from, Rt. 20, down Lape to Rt.9 , and wants a grantee that no trucks on the residential land.

Resident from Irish Hill Road concerned about the change in the area, watched the buildup of Rt. 9 and on their road, and concerned about this type of business on Rt. 9 and in their area.

Resident from County Rt. 7 concerned that this business should not go in this spot where there are residents with children, and it's on top of the aquifer.

Resident from Julianne Drive concerned with this new site on Rt. 9 being over the aquifer and the current site on Rt. 20 it not.

Chairperson Mayrer stated the aquifer is under most of the town, but this is in the upland area.

Resident from Julianne Drive concerned about the hauling of hazardous waste which they feel is not permitted in the town. The town needs more planning to prevent this from happening.

Resident from Lape Road (283) asked if an EIS being done, has the town done lead agency, is this a 10 day storage facility, (applicant stated no) will heavy truck traffic travel on Lape Road. (No it's a weighted road) have all the parcels been purchased, (Yes) once this is approved the Rt. 20 site will no longer be in operation, (Correct).

Resident from Lape Road stated a letter was delivered to the Planning office that morning. She's concerned about her well that is 50 feet from the proposed business property line also concerned about runoff, concerned about their view. What will the landscape berm look like?

Resident Lape Road wanted to see plan, concerned on safety for the people leaving Lape Road, asked if SEQR was going to be done on all phases of this project as well as the EIS.

Mr. Laberge stated what is presented in the plans is considered the project, the applicant stated there are no plans for the RA portion of the property, so from a SEQR prospective it will take in account the entire project and all phases the board will make a decision if an EIS is warranted.

Resident Lape Road question if the residential property that was purchased going to be green space or will they go through a zoning change to use it later on also concerned about the hazardous waste dust on the outside of the trucks.

Resident Scott Ave. concerned about the hazardous waste and the washing of the trucks, the oil water wash bay and containment. Does this company have another site like this with no issues and a good track record?

Resident Woodward Road shared photos with the board and the applicant, complained about the trucks and there was a dark splatter on the truck and wanted to know what it was, this is not what the town needs is there going to be an environmental study being done. To wash 20 trucks a day using only 30 gallons of water per truck does not sound correct.

Resident Irish Hill Road thanked Goulet for explaining the truck liners for the hazardous waste but is still concerned about the hazardous waste over their water source (aquifer).

Resident Sunset Road questions and concerned on the following traffic, is truck washing allowed in the highway commercial zone? Does not want trucking in the highway zone because there's a lack of definition to the code. Aquifer law and the requirement to meet DEC ground water standards.

Resident Scott Ave, concerned with the following, truck wash on Rt. 9 and affecting the aquifer why can't they do the truck wash on Rt.20 at their current site. The monitoring of the water on the Rt. 9 with DEC standards. Would a bond be set in case there is a spill?

Resident Van Housen Road concerned spoke about the aquifer protection law and that he had a hand in producing that document, he stated this is a corporate center and a truck terminal and not permitted, Aquifer protection law, oil water separators, leach fields,

Resident Schodack Valley Rd. agrees with all speakers so far, what is their back up plan should anything happen to the soil and water.

Resident Irish Hill Rd. concerned about the changing of the character of the neighborhood past and present. He is concerned that the engineers for this project are not going to catch everything and something is going to fall through the cracks and damage the area water.

Resident Irish Hill Rd. concerned the town does not care about the people in South Schodack and the amount of taxes they pay for no services such as, water and sewer and now they want to take away their ground water (wells) with putting this business in.

Resident Lape Rd. concerned about their well which is across the road from this site. They think the 5 foot berm is ridiculous it will not block anything, if this is approved they would like something taller than 5 feet and nicely landscaped.

Resident Castleton stated clean drinking water is a human right and this should be squashed tonight, and wants a second public hearing after a full SEQR is completed.

Resident Lape Rd. they have learned the project has two phases, phase 1 is going to be 300 feet from their property line and phase 2 will allow 55 more trucks and that will be 200 feet from their property line, they do not feel the land is big enough for all the proposed trucks to be on this site, what is the business day looking like, start time, end of day, is it a 24-7 operation, lighting, noise, and agrees with what the other speakers stated.

Resident Lape Rd. complained about the creeks and ponds being polluted and concerned about the wells in the town.

Resident Woodward Rd. concerned about more trucks on the highway,

Resident Castleton, concerned about water,

Resident Julianne Dr. concerned about the truck washing and the disposing of the brushes and are they wearing booties when washing the trucks so not to get chemicals on the site. There are regulations that need to be followed in truck washing. You need to plan for the future and the future of the town.

Resident Sunset Hills, concerned about water

Resident Tina Lane concerned looking for a definition on what hazardous waste.

Resident Lape Rd. their well is 150 feet from the proposed discharged tank, are there any monitoring well for this tank to make sure there will be no leaks.

Resident Lape Rd. concerned about the water and the hydraulics leaking from the trailer lifts.

Resident Sunset Rd. spoke about the downstream defender and how it is not a completely safe and cannot catch all the contaminates from the truck washing or the runoff of the site.

Resident concerned about the water and his opinion is this facility is not allowed over the aquifer and feels this project should be stopped.

Resident Lape Rd wanted to know how this project got this far for the company to purchase the property. Were they given misleading information and told this was all set and this could be fast tracked for an approval.

Resident wanted to know how public comments can be made if this public hearing be closed tonight.

Chairperson Mayrer stated all written and emailed comments needs to be made in the next 10 days and are given to the board for review. And they should be sent to Mrs. Fuda for the files and to be sent to the board.

Resident concerned about procedure, will there be other engineers looking at this besides our planning board engineer, such as a chemical engineer or a pollution control engineer or are they going with just the boards engineer opinion. How does the public get to understand the decisions that are going to be made regarding the aquifer? The ZBA will only listen to the boards engineer and no one else.

Chairperson Mayrer stated with all due respect there is no standard that's going to deal with the residue from this site whether it's one day, one inch, one hundred year or 500 year. Any storm that washed residue off the trucks, be it a small wash or a big wash will, even if she adopt a standard such as a 100 year standard that doesn't mean it will not address the issues,

Mr. Laberge stated specifically about storm water, this town follows the DEC regulations, we safely passed a 100 year storm, they look at a 10 year storm likes it a first flush, the laws are applied evenly for everything they do, in terms of his professional competence on what he does and does not know, he will make that determination and feels that something is beyond his knowledge he will employ the correct people to advise this board.

Chairperson Mayrer stated to the resident that he did know how the board works with their engineer he was on the board; outside engineers are always contacted for their expert opinion.

Mrs. Fuda stated she is the stormwater officer and the Town of Schodack in Rensselaer County has the great Stormwater program, you can call Mary Berry at DEC and ask her yourself.

SPECIAL PERMIT/SITE PLAN

Curtis Printing Co.

2019-12/HC/178.-11-12

1568 Columbia Turnpike

Proposed- Change of Tenancy

George Barna, Applicant was present for this meeting.

Mr. Barna stated they want to relocate their business from East Greenbush to 1568 Columbia Turnpike.

Mr. Johnson stated he has an issue with this request, the boards packet has an application and the short form EAF, but the business is already moved in and we have no business proposal or plan showing the inside of the building, the parking or the proposed sign. All change in tenancy's need this information so the board can review before the meeting.

Mr. Barna stated he can have it in the planning department Tuesday morning, Curtis printing basically does printing and copying.

Mr. Johnson wants these applications not to be on the agenda until all information has been submitted.

Mr. Aubin asked if he was able to get this information in to the planning office.

Mr. Barna stated he will have it to Nadine tomorrow listing the amount of customers, the number of employees, there are 3 employees and enough parking for about 20 vehicles, although usually only 1 or 2 people are at the store just to pick up most everything else is delivered.

Mrs. Fuda stated you're going to do a sign change (free standing)

Mr. Barna stated correct

Mr. Shaughnessy stated he has no issues with the change in tenancy the issue is how did this happened without board approval and a written statement with plans.

CHANGE IN TENANCY

LaVoie moved, Aubin seconded APPROVAL of a change in tenancy at "1568 Columbia Turnpike"

Condition: a written description of the business and a site plan of the building and parking lot submitted to the planning office the next day,

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

SPECIAL PERMIT/SITE PLAN

Jaime Scott Auto

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

4141 US Route 20

Proposed - Auto Repair and Trailer Sales

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

Mr. Pechenik went over the Laberge letter dated April 9, 2019 (See attached)

Item #2 he has requested re-flagging of the wetlands with DEC and is still waiting to see when it will be done. But it is fairly clear by the original flagging that was done for the Goulet project shows where the wet lands are, they are outside the DEC required 100 foot buffer.

Item #3 on the RCHD septic they have submitted the application and are waiting for perk test to happen.

Item #4 they are not going to use the rear of the property at all, a signed copy of their proposal has been submitted and agree to make the changes requested in the Laberge letter has requested.

Item #5 they have no problem with this item, they are selling off the trailer inventory and the 24 month period is sufficient to get that done. And when the trailers are gone they are not going to sell anything on the lot.

Item #6 on the floor drains they are not going to have any they are fine with no floor drains

Item #7 they have an issue with the 7 day out door storage of any vehicles being worked on, there are frequent occurrences when it takes longer than that to get parts shipped to the garage for repair, he request that to be extended to 14 days.

Item #8 they consent to all items listed in the letter.

Item #9 agreed

The only item they wish to discuss is the paving, they would like to not pave until Goulet is no longer running the trucks on the same driveway. This would keep the asphalt from getting damaged and having to keep being repaired. As for the completion of the project they expect that to be completed within the next two months.

Mr. Laberge stated the plan he reviewed for the April 9, 2019 plan has greatly improved. He spoke to RCHD and they are agreeable to the employee use of the house well and septic while the new septic is being built. They recommend a September/October dead line for that to be completed and the escrow concept to be put up money to make sure it gets done is important so everything develops orderly. Everything from his letter that you have agreed to needs to be put on the plans and stamped by an engineer; he doesn't see an objection to 14 day storage of vehicles that are being worked on. The last item is the paving, right now the plans show the grading to drain certain ways so a re-grading to the

site will have to be done, in addition to that there is a grassy area between this site and the Goulet property so getting that grass in is one of the conditions

Mr. Pechenik Stated they have no problem with the grading the issue is if they pave now before Goulet moves off site they would have to do it again for the heavy truck traffic. And the cost is substantial.

Mr. Laberge stated in addition to the paving is the grass area between this business and the Goulet trucking is part of the conditions.

Mr. Pechenik stated they would like to take the grassy area out but the lighting is going to stay.

Mr. Laberge stated if the lighting is going to be there it may also be in the way of the vehicles. He likes the way the plan was presented, and asked if they are planning to do this in phases, if so we need a guarantee and a time frame to make sure this gets done. He will leave this up to the board as to what they want to see.

Mr. Johnson asked if Goulet has any responsibility for the paving issue.

Mr. Pechenik stated they have no responsibility and if they stayed that would have to be negotiated between the two land owners. And they haven't even looked into that yet.

Mr. Johnson asked whose property is it and is there an easement across the driveway.

Mr. Scott stated there is no easement and they have no alternative but to circle around the building with the trucks.

Mr. Johnson stated that needs to be resolved in a timely manner.

Mr. Pechenik stated we would like to some sort of commitment from the town so they can start improving what the need to do.

Mr. Johnson stated he is not looking to hold things up.

Mr. Scott stated they are looking to relocate and if that happens they will be able to what is needed to be done.

Mr. Johnson and Mr. Laberge discussed the floor drains and the holding tank. It was decided that future floor drains would need to have site plan modification approval.

Laberge letter Dated : April 9, 2019

Re: 2nd Site Plan Review

*J & M Auto
SPB# 2019-02
Town of Schodack Planning Board*

We are in receipt of a set of preliminary site plans with four plan sheets dated March 2019 and a response letter from Stephen A. Pechenik dated March 27, 2019 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 219-72(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, certain conditions from the WQCA apply; many of which hinge on a separation distance of 200 feet from a surface water boundary. The applicant has shown a setback from the preliminary boundary on the erosion and sediment control plan and has requested the NYSDEC reflag their designated wetland in this vicinity so that it can be more accurately depicted.*
- 3) Rensselaer County Department of Health (RCDOH) approval is required for construction and operation of the proposed septic system. The applicant has indicated that in the interim RCDOH has indicated they will allow the use of a bathroom in the existing house for employees. We recommend the Planning Board set a deadline for completion of the new septic system of October 30, 2019 with a \$20,000 escrow requirement, if you are inclined to grant site plan approval under the temporary arrangement.*
- 4) The applicant has indicated the rear of the property will not be utilized. As such, the area should be depicted on the plan and a prominent note added that states "No use of this portion of the property shall be allowed without Planning Board approval."*
- 5) The applicant has indicated the trailer display area will no longer be needed after existing inventory is depleted. As such, a prominent note should be added to the site plan that states "No outdoor display areas will be allowed 24 months after the date of plan signing."*
- 6) A prominent note should be added to indicate "No floor drains shall be allowed in the building without an oil/water separator and approved discharge."*
- 7) A prominent 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)."*
- 8) The following details are needed:*
 - a. Light pole detail showing a maximum height of 25' with full cut off down lighting;*
 - b. Dumpster pad detail;*
 - c. Water service/sewer line crossing detail; and*

- d. Privacy fence and gates detail(s).
- 9) The plans are required to be signed by the professional engineer.

10) We note the applicant has indicated that they intend to install the improvements in phases. The applicant should identify the items and indicate a completion date for each group of items. The Planning Board or the Building Inspector might consider having the applicant deposit escrow funds to cover the cost of these improvements.

SEQRA

Attached please find a completed Short Environmental Assessment Form recommending a Negative Declaration for this project.

APPROVALS

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 based upon the SEQRA analysis enclosed.
- 2) Approve the Special Permit for the use.
- 3) Approve Site Plan conditioned upon the outstanding technical issues identified above, and all other administrative items.

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

Johnson moved, LaVoie 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 **APPROVAL** of **SITE PLAN** contingent upon the following conditions:

- Grass area between Goulet
- 14 day vehicle in progress storage
- 24 month trailer sales then no selling of anything on site.
- Paving within 12 to 24 months of the site next to them vacated this issue will be revisited
- Pave the handicap spot, and the area in the back.

below is recap on the conditions:

- The improvements north of the building, paving, grass and lighting. Within 12 months of the property to the north is vacated. Or within 24 months of approval at which time the applicant can re-appear for an extension.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

MEMBER DISCUSSION

None

ADJOURN

LaVoie moved, Johnson seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 10:50 p.m.

Respectfully Submitted,

Nadine Fuda

Director of Planning & Zoning

By Melissa Knights , Assistant