

**PLANNING BOARD MEETING - FEBRUARY 3, 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
James Shaughnessy, P.E.
Stephanie Leonard
Nadine Fuda, Director
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Assistant to Director**

MEMBERS ABSENT

Andrew Aubin

APPROVAL OF MINUTES — January 6, 2020

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

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Abstain: Leonard

PUBLIC COMMENT

None

PUBLIC HEARING

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

Cedar Hill Solar published January 25, 2020

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

Public Hearing Opened at 7:02 p.m.

Public Hearing Closed at 7:46 p.m.

Cedar Hill Solar
Phillips Road
Proposed - Utility Solar

2019-25/RA/178-8-29.1

Travis Mitchell, Environmental Design Partnership, Giovanni Maruca, Eden Renewables applicant were present for this meeting.

Mr. Maruca went over the site and the array, This will be a 7.5 megawatt DC community solar project, they plan to have a sheep farmer bring in sheep to graze the area within the array so mowing is not needed, also plan on having a bee hives and a bee keeper to keep track and tend to the bees, as well as Bird houses and planting, flowers for the birds and bees to use, they plan to keep the area around the array as natural as they can, he discussed the education aspect of the project offering Schodack field trips as well East Greenbush central schools. The solar units consist of steal post that are pounded into the ground with another steal frame on top of that, the panels sit on top of the frames and are made from silicone glass the cables are buried at about 4 feet in depth. There is a little bit of concrete for the transformer platform. They do road improvement for vehicle access as well as other area improvements.

Mr. Mitchell stated this is a 100 acre site with frontage on Brookview Road to the east and Phillips Road to the west, the solar array will occupy about 37 acres with in a fenced area. This area is zoned RA and to do this project they will need a recommendation to the Town Board for the (PD) Planned Development approval. There will be CC TV cameras throughout the area for added security. They will also be doing a Lot Line adjustment needed between the two lots owned by the Landfords to avoid any need for variances. He went over the overall site plan and touched on some of the items that Mr. Maruca spoke about.

Chairperson opened for public comment.

Resident stated that her property abuts the Lanford land on Phillips Road. She was happy to find out it was a solar project instead of a housing development and had some questions. 1. if this project was going to cause drainage problems and traffic issues for the houses on Phillips Road. And the third was who will be unable to get electricity from this project since she has solar on her roof and is there an income level, meaning if you make a lot of money you are disqualified.

Mr. Mitchell stated on the storm water and drainage and the traffic impacts there will be none, the arrays are spaced in such a way that the ground will absorb the rain water runoff. As for traffic only during construction will there be some trucks and vehicles going to the site but after that a few times a year a single passenger vehicle will go to the site to check on the fencing and panels.

Mr. Maruca answered the questions on income level, roof solar and what the distance from the array is able to hook in. 1. There is no income level requirement, 2. If you have solar on your roof you cannot hook in, it's considered double dipping, 3. The area goes from Saratoga to here; it includes the entire area but only 1200 or so can be set to get power from this site.

Resident stated this driveway comes down right where the connector pole will be on the eastern side of the road and asked about the visual impact of the poles.

Mr. Maruca stated the poles are standard poles not the big metal.

Resident asked if the school field trips would include Schodack and East Greenbush.

Mr. Maruca stated yes

Resident stated she lives on the corner of Lanford Land and Brookview Road and said the photos of the poles were taken in the summer and in the winter the poles are completely visible. And asked what he meant about upgrading Lanford Lane, are you paving or widening. She also asked about boring works.

Mr. Maruca stated they are doing neither; the road will be fixed or repaired after construction, as for the boring, you dig about an 8 foot hole and every 1000 to 800 feet you dig another 8 foot hole and they generally bore down 10 to 12 feet as to not disturb tree roots or stream beds.

Mr. Laberge stated they are still looking for the PD Process to be presented to the town board, also looking to finish the SEQR analysis and certifying it up to the town board. Once the town board does its PD review and if they give a favorable action the applicant then come back to this board for final review of any outstanding details and the boards consideration of site plan approval.

PUBLIC HEARING

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

Jenkins Commercial Building published January 25, 2020

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

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

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

Public Hearing Opened at 7:49 p.m.

Public Hearing Closed at 7:54 p.m.

Steve Hart, Hart Engineering was present for this meeting.

Mr. Hart stated Mr. Jenkins is looking to construct 2 buildings 2 feet apart, one is an office and the other a storage building on a 2+ acre lot on Rt.9. just south of Vermeer

sales and services. They do not have town water or sewer so they will have on site well and septic, as for storm drainage they will construct an underground infiltration system. He went over the December 30, 2019 Laberge letter, (see below) there will be 1 or 2 employees at this office but for the most part the hours will be normal day time office hours. This is not a heavy equipment use. One container for materials nothing will be left outside

Mr. Johnson stated the plans state (boxes) for storage and Mr. Hart just stated one box are there more boxes to be added for the future?

Mr. Hart stated one box on site he will fix the plans.

Mr. Johnson said there are parking spaces on the crusher run, are you looking to put curb stops to delineate the parking spots. If not there should be a note added to the plans that says (no marked parking)

Mr. Johnson asked if the building facing Rt.9 was going to be a blank wall or would the owner add some stone to the front to improve the appearance of the building.

Mr. Hart stated no there will be a door and 2 windows he would ask the owner about the stone.

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

6 Ayes 0 Noes. Motion carried.

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

Oppose: None

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

Johnson moved, D'Angelo seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

December 30, 2019 Laberge Letter

Concept Plan Review

Jenkins Excavation Site Plan

SPB #2019-38

Schodack Planning Board

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.

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

Site Plan /Special Permit

Curtis Lumber

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

1657 Columbia Tpke.

Proposed - New Store

Derek Gribulis, representing Curtis Lumber was present for this meeting.

Mr. Laberge spoke about his January 27, 2020 letter (see below) On item (#3) and his talk with DOT on a couple of items from the planning board, one request was to move the entrance further to the south, away from the intersection of Schuurman Road and Col. Tpke. and DOT stated they could move the merge lane but only about 50 to 75 feet because of the I90 exit 11W execution ramp coming onto Columbia Tpke. In reality that distance won't do much to help the merge to enter Schuurman Road. The other was to move the entrance to Curtis closer to the I90 and that is not going to work because the state had taken the land for the road easement. The other items that applicant is still working on are sewer district extension, Department of health approval, SPDES permit coverage for stormwater and others (see letter dated January 27, 2020 below).

Mr. Gribulis stated they increased the driveway entrance by 14 feet and Crate and Manning has also revised the proposed water main to the district extension to move it out of the parking lot and into the greenspace and that was resubmitted to the Health department. Those are the only other update he needed to mention.

Mr. Laberge stated to summarize everything internal to this site it pretty well set, the details are set, if the board is ready to proceed he is recommending a negative declaration under SEQRA and the approvals are listed in the last part of his letter. In order they would be 1. SEQRA, 2. water quality control, 3. site plan with conditions.

Mr. Johnson asked if they had any history of issues turning left turns into your driveway by tractor trailers with equipment being delivered, such as cars parked in the turning lane blocking the trucks ability to pull into your site.

Mr. Gribulis asked the Curtis Lumber people and they stated no not that they are aware of.

Mr. Laberge stated to satisfy DOT requirement and restripe the area, a turning count traffic sturdy needs to be done by Curtis Lumber.

Laberge Letter dated January 27, 2020

Final Site Plan Review

Curtis Lumber Site Plan

SPB No. 2019-21

Letter dated December 12, 2019 from the applicant in response to the 2nd preliminary review comments of December 2, 2019 with the following attachments:

- NYS DEC Deep-Ripping and De-compaction April 2008;
- Map, Plan and Report for Sewer District #6 Sanitary Sewer Extension No.3 by Advance Engineering, revised to November 2019; and
- Short Environmental Assessment Form dated November 13, 2019.
- Existing Site Conditions & Demo Plan drawing C1.1, Proposed Overall Site Layout drawing C1.2, Enlarged Site Layout drawing C1.3, Lighting Plan drawing C1.4, Lighting Specifications C1.5, all revised to December 12, 2019;
- Site Plan Amendment, Grading and Drainage Plan drawing C-2.1, Water Main Plan & Profile C-2.2, Erosion & Sediment Control Plan C-4.1, Site Details C-5.1, and Water Main Details C-5.2 by Creighton Manning Engineering, all revised to December 9, 2019;
- Sanitary Sewer Plan & Profile C-2.3, Sanitary Plan C-2.4, by Advanced Engineering & Surveying all revised to December 12, 2019; and
- Storm Water Pollution Prevention Plan-Site Plan Amendment Curtis Lumber by Creighton Manning Engineering revised and received December 12, 2019.
- Additionally submitted material that includes the following:
 - Photometrics Plan entitled "Curtis Lumber SIT LTG REV2 Ben Hayko Cotler Architecture" dated December 12, 2019 received January 2, 2020;
 - Sprinkler System plans and design as prepared by Albany Fire Protection Inc. dated January 15, 2020;

Our preliminary site plan review comments follow:

1. The project is located in a Highway Commercial (HC) zone and is a building supply company. It is an allowed retail use. No fueling or maintenance facilities are proposed. Site Plan approval is required.
2. The project is located within a parcel containing 11.9± acres with a portion of the project property within the Direct Recharge Area and Well Head Protection Area as defined by the Town's Water Quality Control Act (WQCA). Use is subject to the conditions of §223-6C (1) and other applicable sections of Chapter 223 and requires a Special Permit under the WQCA.

3. A New York State Department of Transportation (NYS DOT) work permit will be needed for work in the right-of-way. The applicant is currently in discussions with the NYS DOT regarding possible re-striping of the US Routes 9 & 20 turning lanes near the site entrance to the adjacent traffic signals to the north to shorten the left turn lane and lengthen the Two Way Left Turn Lane to the north to be available adjacent to the entrance. If this is acceptable to the NYS DOT, the applicant should incorporate these changes into the site plan.
We note that the option to relocate the driveway intersection with Route 9 was considered by the applicant. However the NYS DOT has confirmed that this is not a viable option to improving site access since the right of way access is controlled near the off ramp from Interstate 90 and a break in access would not be permissible by NYS DOT.
4. Town Board approval and filing of the Sewer District Extension is required including all fees to both the Town of Schodack and the Town of East Greenbush.
5. Final RCDOH approval is required.
6. NYSDEC Stormwater SPDES permit coverage is required.
7. The applicant is proposing an increased entrance radius on the south side of the driveway entrance from Columbia Turnpike to keep vehicles from sweeping onto lawn areas, with the addition of a 6" curbing to further assist in this matter. This should be incorporated into the site plan.
8. The applicant has revised the water utility plan (12/19/2019) per the Rensselaer County Department of Health (RCDOH) comments; this plan should be formally submitted to the Town and this office as part of the next submittal. The plan revision should show the following items:
 - a. Revised plans to indicate 2-6" 45 degree mechanical joint bends at Station 0+30;
 - b. Revised plans to shown the addition of a hydrant at Station 6+80.
9. The applicant should analyze whether the proposed water main alignment from Station 7+00 to 9+37 can be located within the lawn area along Columbia Turnpike to promote easier maintenance of same by the Town Water Department in the future so this office can make a final determination of the location in this vicinity.

SEQRA

Attached please find a completed Short Environmental Assessment Form recommending a Negative Declaration including Part 3 with evaluation of the magnitude and importance of project impacts and determination of significance and reasons supporting the SEQRA negative declaration for this Unlisted Action.

APPROVALS

We also 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:

- A. Reaffirm itself as Lead Agency under SEQRA;
- B. Declare the project an Unlisted Action under SEQRA;

- C. Issue a Negative Declaration under SEQRA and direct the attached SEAF and attachments be filed with the Town Clerk.
 - D. Approve the Special Permit under the WQCA subject to the condition of an initial term of 18 months from issuance of a Certificate of Occupancy.
 - E. Approve Site Plan conditioned upon satisfying the outstanding issues identified in numbers 3 - 9 above, all other administrative items, and the establishment of a site and water and sewer extension construction review escrow in the amount of \$10,000 to be deposited prior to the start of construction.
- C: Craig Crist, Esq., Planning Board Attorney (via email only)
Pete Piroha, Curtis Lumber (via email only)
Derek Gribulis, Cotler Architecture (via email only)
Greg Beswick, P.E., Creighton Manning (via email only)
Nicholas Costa, P.E., Advance Engineering & Surveying PLLC (via email only)

D'Angelo moved, LaVoie seconded to **waive the reading** of the accompanying resolution 6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

LaVoie moved, Johnson seconded and to classify the action as an **Unlisted action**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION

NOTICE OF SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3 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 "SEQRA"). The Town of Schodack Planning Board (the "Planning Board"), acting as Lead Agency in a Coordinated Review, 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: Curtis Lumber - New Store

SEQRA Status: Type I: **NO** Unlisted: **YES**
Conditioned Negative Declaration: **NO**

Location: 1657 Columbia Turnpike, Town of Schodack, New York 12033 (Tax ID 189.-4-1)

Description of Action:

Curtis Lumber, Inc./Parkview at Ticonderoga, LLC/Jay Curtis (hereinafter collectively the "Applicant" or "Project Sponsor") seeks to construct a 25,550 square foot retail store and warehouse and parking lot to be used for retail and contractor sales of lumber and building products at its current site. As such a site plan modification and special permit is sought under the Town's Water Quality Control Act, as well as the other permits and permissions from other entities, as detailed below.

The following permits/approvals are needed for the Project as intended: modification to the existing site plan, extension of Town Sewer District No. 6, a stormwater SPDES Permit from NYSDEC and a NYS DOT Highway Work Permit and approval from the County of Rensselaer Health Department for the extension of the water main and Rensselaer County 239-m review.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. 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 Short EAF Parts 2 and 3.

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

D'Angelo Motion Johnson second that the Schodack Planning Board to be **lead agency** per above.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE

REASONS SUPPORTING SEQRA NEGATIVE DECLARATION

Curtis Lumber – New Store

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, an Unlisted action, consisting of the proposed construction of a 25,550 square foot retail store and warehouse with site access and vehicle parking at its existing location at 1657 Columbia Turnpike, Schodack, NY. A new parking lot with a connection and extension to Town Sewer District #6 and a connection to the town water system and sewer system is sought.

The project is located in a Highway Commercial (HC) zone and is a permitted use as a retail store and building supply in that zone. The project is located on a parcel that is +/- 11.81 acres. The western portion of the Project is located in the Direct Recharge Areas as defined in the Town of Schodack Water Quality Control Act and is subject to the conditions contained therein, including, but not limited to sec. 223-6C(1) and other applicable sections of Chapter 223. The eastern portion is in the wellhead protection zone. As such, pursuant to said law, a special permit is therefore required under the Town's Water Quality Control Act and the use is subject to the conditions in said law. Applicant seeks to amend the existing site plan approved in 2012. Moreover, the following additional permits/approvals are needed for the Project as intended: extension of Town Sewer District No. 6, a stormwater SPDES Permit from NYSDEC and a NYS DOT Highway Work Permit and approval from the County of Rensselaer Health Department for the extension of the water main and Rensselaer County 239-m review.

Application History

Set forth below is a truncated history of the subject application process of Applicant.

The process began with the submission of the application dated August 14, 2019. The application was first presented to the Planning Board at the September 9, 2019 meeting, at which time the Planning Board resolved to seek lead agency status for the Project. At that meeting Applicant proposed a new store in front of their existing store with a new parking lot with a connection to the town's sewer system and a connection to the town water system. As noted above, Applicant seeks to amend its previously approved April 2, 2012 site plan and WQCA Special Permit.

The Laberge Group, via letter dated October 2, 2019, detailed the materials received from applicant.

By letter dated October 15, 2019, NYSHOP advised that "it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." Additional correspondence followed as to the application by the Town to NYS

DOH in the form of Application of Approval of Plans for Public Water Supply Improvement on November 11, 2019.

By letter dated November 18, 2019, Applicant's engineer provided a detailed response letter to numerous open items on the Project.

Laberge Group responded by letter dated December 2, 2019 and Applicant's engineer responded to that letter by letter dated December 12, 2019.

The matter was further discussed at the December 2, 2019 meeting of the Planning Board. Applicant noted the changes were made as a result of the aforementioned Laberge Group letter and detailed those changes.

At the February 3, 2020 meeting of the Planning Board, among other things, approved the issuance of a Negative Declaration for the project, the site plan and issuance of a special permit under the Water Quality Control Act.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA SEAF Part 2.

The Project is a SEQRA Unlisted action. The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Planning Board's own professional engineer. The Town's Planning staff and the Planning Board members, several of whom are professional engineers, also carefully and reviewed the application and the EAF, including the technical reports.

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 SEAF, 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.

- (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 proposed Project will not have a substantial adverse change in existing air quality as the store is replacing an existing store with the existing store to be used for warehousing and the number of vehicle trips is expected to be similar.

The proposed Project has been designed to have no effect on ground or surface water quality or quantity and is being designed in accordance with applicable guidelines and will received a NYSDEC SPDES Stormwater Permit. In fact, the Project is eliminating a subsurface sanitary disposal system in favor of a connection to a municipal sanitary sewer with wastewater treatment at a publicly owned treatment plant. The property eliminates the use of a well for domestic water supply and will be connecting to the Town's municipal water system.

As noted above, the proposed Project will not have an appreciable effect on traffic. Operation of the site will continue as previously operated with no appreciable changes in noise generation.

There will not be a substantial increase in solid waste generation. The proposed facilities operations are replacing an existing operation and will generate similar amounts of solid waste.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the site has been designed to provide adequate drainage and to detain and infiltrate stormwater to prevent runoff from the site due to the increase in impervious surfaces being created. During construction, erosion and sediment control measures will be employed to capture sediment until the site is stabilized to prevent soil material from migrating offsite.

- (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;

There is no removal or destruction of large quantities of vegetation or fauna The Project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; there will be no impacts on a significant habitat area; there will be no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; nor other significant adverse impacts to natural resources. The subject site is a barren site consisting mostly of gravel and spare grasses.

- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;

The Project is not part of a critical environmental area.

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

The project does not create a material conflict with the community's current plans 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 does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character as determined by NYSHPO.

- (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 use of either the quantity or type of energy.

- (vii) the creation of a hazard to human health;

The Project will not create a hazard to human health. As noted above regarding water and sewer, improvements are to be put into place.

- (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 intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. Again, the existing use of the land is as a barren land that is not used for any of the aforementioned purposes.

- (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. It is merely the replacement of an existing facility and a similar number of people are expected.

- (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; or

The Project will not create 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.

- (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 in a Coordinated Review under SEQRA, 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. As a result, this Negative Declaration will be filed.

Shaughnessy moved, LaVoie seconded the aforementioned resolution adopting a **NEGATIVE DECLARATION** as above.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA—CURTIS LUMBER; FILE NO.: 2019-21

WHEREAS, the Applicant, CURTIS LUMBER, INC./PARKVIEW AT TICONDEROGA, LLC/JAY CURTIS (hereinafter collectively the "Applicant" or "Curtis Lumber"), applied for a Special Permit pursuant to Chapter 223 of The Code of the Town of Schodack ("Town Code"), entitled "Water Quality Control Act" ("WQCA") in furtherance of its application to construct a 25,550 square foot retail store and warehouse and parking lot to be used for retail and contractor sales of lumber and building products at its current site at 1657 Columbia Turnpike, Schodack, New York; and

WHEREAS, the Project is located on a parcel that is +/- 11.81 acres and is located between NYS Routes 9 & 20 and Interstate 90. The western portion of the Project is located in the Direct Recharge Area; the eastern portion of the proposed Project is located in the Wellhead Protection Zone, both as also defined in the WQCA and is subject to the conditions contained therein, including, but not limited to sec. 223-6C(1) and other applicable sections and tables of Chapter 223; and

WHEREAS, as noted above, pursuant to said law, a special permit is therefore required under the WQCA and the use is subject to the conditions in said law. Applicant seeks to amend the existing site plan, approved in 2012, to obtain the special permit under the WQCA, as well as other permits and permissions from other entities, including approval by the Town Board of the proposed extension of Town Sewer District No. 6, a stormwater SPDES Permit from NYSDEC and a NYS DOT Highway Work Permit and approval from the County of Rensselaer Health Department for the extension of the water main and Rensselaer County 239-m review; and

WHEREAS, the proposed Project and the application that is the subject of this resolution have been the subject of significant review and discussion at numerous meetings, having been before this Board since Applicant's submission of its August 14, 2019 application; and

WHEREAS, prior to the adoption of this resolution, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

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

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

WHEREAS, all special permit application procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was duly held on January 6th, 2020; and;

WHEREAS, the aforementioned Negative Declaration, the contents of which are incorporated hereon, details how the Board has determined that the Project will not have any significant adverse impacts on the environment; and

NOW THEREFORE BE IT RESOLVED THAT this Board hereby determines that the proposed use, if the conditions of the January 27th, 2020 Laberge letter and those conditions also stated herein are carried out, is consistent with the provisions of Chapter 223 of the Code of the Town of Schodack and will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities and that the proposed use will not adversely affect the quality or availability of water from the Town aquifers; that it will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and that it will assure an adequate supply of suitable drinking water for the residents of the Town and that the grant of the special permit is consistent with Chapter 223 of the Code of the Town of Schodack, including, but not limited to § 223-5(B) thereof;

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

1. this Special Permit shall have an initial term of 18 months from issuance of a Certificate of Occupancy;
2. Compliance with the conditions set forth herein and in § 223-5(D) of the Town Code;
3. compliance with all conditions set forth in the Laberge Group's January 27th, 2020 letter from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board as well as all previously stated engineering requirements be satisfied, all of which are incorporated herein by reference with full force and effect;

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

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

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

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

*The proposed use is in the HC zone and is an allowable use therein and requires an amendment to the exiting approved site plan.

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

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

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

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

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

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

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

* No on-site sanitary disposal system is planned. In fact, connection to the Town's sewer district is contemplated.

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

* No on-site sanitary disposal system is planned.

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

*There is no open storage of hazardous material or petroleum planned on site.

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

*The Project is not a service repair shop.

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

*N/A.

i. Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have secondary containment with a minimum capacity equal to that of the tank(s). Alternatively, petroleum may be stored belowground in tanks with a combined capacity of over 1,100 gallons, if such storage conforms to the requirements of 6 NYCRR Part 614. Any tank with a capacity exceeding 1,100 gallons will require Planning Board review. (223-6.C.1.i).

* N/A.

j. For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least five days per week, or at vehicle washing facilities, gasoline sales and motor vehicle service stations, an impervious surface (e.g., asphalt or concrete) with water flow directed towards an appropriately sized and maintained oil/water separator or water quality inlet structure shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/water separators or water quality inlet structures for other uses where petroleum is stored or transferred or where

less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a NYSDEC SPDES permit. (223-6.C.1.j).

*N/A, however, we note that the stormwater is being treated to meet NYSDEC water quality standards for this type of project via the onsite stormwater facilities.

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

*N/A - The proposed Project is not within 200 feet of a community supply well.

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

*Any application of pesticides will be conducted consistent with NYSDEC Standards.

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

*NA - The Project will not violate this provision.

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

Snow storage is not being centralized by the project.

Moreover, the Project will have off-site sewage disposal and will bring municipal water on-site, as more fully detailed in the Negative Declaration.

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

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application a Special Permit to allow the construction of the new store building for retail and contractor sales on the subject property as proposed in the application and subject to the aforementioned conditions by the following vote:

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

Johnson moved, D'Angelo seconded the aforementioned decision granting the Water Quality Control Act permit.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Shaughnessy seconded the following Site Plan conditional approval, which shall be drafted by the attorney for the Planning Board

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Daniel Colvin

2020-1/R-20/199.4-4-18.1

1631 Tina Lane (lot 41)

Proposed - Residential Lot

Nick Costa, Advanced Engineering Surveying, Daniel Colvin applicant were present for this meeting.

Mr. Costa had a map of Tina Lane and showed the board where lot 41 is located within the development. Mr. Colvin purchased the lot and is proposing to develop it with a single family home. From what he has found out the lot was never developed because it was used as a drainage lot. He showed where the 18 inch pipe connects to a 24 inch pipe where it crosses the road and enters this lot. What they are proposing to do is to move the drainage to left side of the property and discharge the water to the rear of the lot leaving the opposite side for the home, well and septic as approved by the Rensselaer County Health Department. The lot also has the required setbacks.

Chairperson asked if there was a deed restriction on this lot.

Mr. Costa stated he has not seen any deed restrictions.

Attorney Crist asked that the existing deed doesn't have any covenants or deed restrictions on it.

Mr. Costa stated correct.

Mr. Laberge stated he looked at the old subdivision map showing one big lot cut up into 3 separate lots and is not sure what transpired.

Conversation between applicants, the board's attorney and Mr. Laberge on the value of have a deed search done.

Mr. Costa stated the applicant is fine with that.

Mr. Johnson asked for a little history on this property.

Mrs. Fuda stated her file # 199 is the Tina Lane subdivision and in those plans shows a large parcel which was proposed for a recreation area owned by Mr. Glaz later when they decided not to it he came back for a 3 lot subdivision on this lot. Two lots were sold and he retained the middle lot for drainage. That lot has been in the county auction twice that she could remember and is now owned by Colvin who is now looking to build a single family home and continue to have the drainage run down the side of the site.

All agree to send this to Engineering for review.

Site Plan /Special Permit

TJA Clean Energy

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

13 Paul Road

Proposed - Utility Solar

Eric Kenna, C&S Engineers, Inc. was present for this meeting

Mr. Kenna stated they finally received US Army Corp of Engineers determination and what that determined was part of the property will not be used in the solar array. He showed the board on the map where he was describing. That land can be added to the conservation area, on the original site plan shows streams through the site and they did not take jurisdiction over them and have removed them from the maps. Army Corp stated they are man-made ditches and the water neither drains or flows anywhere off site. So what that does for the applicant is no permits are needed to go over the ditches. They have been talking with National Grid on the poles at the front of the site and think they can go 100 to 120 feet into the site to set the first pole. They have a SWPPP drafted but has not sent it to Mr. Laberge yet they are tweaking some issues and will give you a draft review when it is finished. They hope a Neg Dec can be done tonight so they can go to the town board for the PD approval.

Mr. Johnson asked about the berm to block the site from the neighbors.

Mr. Kenna stated they berm won't be as long due to the solar racks will not be place in the area where the Army Corp is requiring to be left alone. They don't want to remove trees to replant trees in the wet lands, and they can't put a berm in on the other side because of the wetland, that is considered fill.

Mr. Laberge stated the wet lands kind of pierce the berm area and asked for the berm to go around the wetlands; their engineer stated they would then have to take trees down to put up the berm and feels the established trees are best left alone. And if they take out those racks in that area there is no need for added buffer or berm.

Mr. Johnson stated you could plant evergreens in the woods to make the screening denser. Also could we also put in a time frame for the berm or trees to be completed by so the residents don't have to watch all the construction?

Shaughnessy Moved LaVoie seconded to waive the reading of the following resolution
6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION

NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 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 in a Coordinated Review, 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: TJA-NY-13 Paul Road LLC Solar Farm

SEQRA Status: Type I: **YES** Unlisted: **NO**
Conditioned Negative Declaration: **NO**

Location: 13 Paul Road, Castleton, NY 12022 (Tax ID 209.-8-1)

Description of Action:

TJA Clean Energy (the "Applicant" or "Project Sponsor") is proposing to construct a ground-mounted solar farm with associated electrical appurtenances on the south side of Paul Road in the Town of Schodack on a portion of an approximate 74-acre site. The solar photovoltaic (PV)

system seeks to obtain a total generation of 5.0 mW (AC)/6.3 mW (DC). There is an existing three phase National Grid feeder that runs north-south along the east side of Paul Road which is sought to be upgraded/overbuilt to allow for the interconnection. The interconnection wiring will be pole mounted with overhead wiring and will connect the solar array to the National Grid point of interconnection along Paul Road.

The majority of the 74 acre site contains a variety of existing uses, including approximately +/- 21.38 acres of wetlands, meadows with amounts of forest and grasslands and shrub hedgerows (the "Project Site"). One side of the project it is bordered by single family residences. The project is subject to sec. 219-39.3 of the Town's zoning law. As part of such procedures, the Planning Board is required to certify the application to the Town Board and while review of the site plan is continuing at the Applicant's request, site plan approval cannot be considered until a PD-2 solar overlay is granted by the Town Board. The Project Site is currently zoned a R-40 Residential District ("R-40").

In addition to the aforementioned Town Board approval, the following permits/approvals are needed for the Project as intended: site plan by the Town Planning Board, County of Rensselaer 239-m review, and NYSDEC Stormwater SPDES General Permit coverage. It is noted that USACOE agreed with the revised wetland boundaries depicted in the maps last revised by Applicant on August 28, 2019. A berm planted with evergreens is to be constructed on the east side of the site access road to provide additional screening to the 200' setback which consists of forested lands.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. 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 Full EAF Parts 2 and 3.

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

Copies of this Notice have been sent to:

Town of Schodack Town Board
Town of Schodack Planning Board
Town of Schodack Highway Department
Rensselaer County Planning Board (Economic Development and Planning)

New York State Department of Environmental Conservation
New York State Office of Parks, Recreation and Historic Preservation
U. S. Army Corps of Engineers
NYSERDA
Castleton Volunteer Ambulance Service, Inc.
East Greenbush Fire Company
Environmental Notice Bulletin

LaVoie Motion D'Angelo second that the Schodack Planning Board to reappoint itself as lead agency.

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

. FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEQRA NEGATIVE DECLARATION

TJA CLEAN ENERGY SOLAR PROJECT

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, a Type 1 action, consisting of the construction of a construct a of 5.0 mW (AC)/6.3 mW (DC) solar photovoltaic (PV) system on a portion of a +/- 74 acre parcel of land in the Town of Schodack, south side of Paul Road in the Town of Schodack (Tax ID 209.-8-1), Rensselaer County, New York. ("Project Site" or "Site"). The majority of the 74-acre site contains a variety of existing uses, including approximately +/- 21.38 acres of wetlands as well as forest and grasslands and shrub hedgerows. The Project is considered a utility scale solar array under the Town's zoning.

Application History

- The application, dated February 19, 2019, signed by Pillar, LLC, property owner, and TJA Clean Energy, was submitted. The Full EAF Part 1 was signed and dated February 21, 2019. Additional materials were also submitted.
- Thereafter, the Planning Board circulated the project plan and the EAF Part 1 to the involved agencies. No involved agencies objected to the Planning Board being lead agency.
- At the March 18, 2019 meeting of the Town Planning Board the application was presented by the engineers for Applicant. Applicant's representative detailed, among other things, Applicant's projects in other nearby states and their desire to keep as much of the wooded portion of the site intact and therefore only clearing for the site array and the use of an access road for site maintenance. Following said presentation, the application was sent for further engineering review.

- Thereafter, additional materials including, but not limited to, numerous photos of the site, interconnection plans and details, detailed site vegetation information and correspondence from NYSHPO were submitted by Applicant.
- Detailed engineering review followed and Laberge Engineering Group (the Planning Board's engineering consultants) transmitted a concept review letter dated April 15, 2019. Said letter noted, among other things, that the proposed action should be a Type I action because it contemplated the physical alteration of more than ten acres. It requested additional information be submitted by Applicant, including, but not limited to a visual assessment report to include, among other things, photos from specified vantage points. Several other items were requested in said letter.
- A public hearing was called for and held on June 17, 2019. Comments were heard, including from various residents of the adjoining neighborhood. Among other things, Applicant stated that each of the racks will hold 26 panels. Applicant noted that panels will be two feet wide and 13 feet long. The Planning Board determined at that time that the matter should be sent back to the Town engineer for additional engineering review.
- Thereafter, by letter dated July 8, 2019, Laberge Group submitted additional comments and noted additional items that were needed for the ongoing engineering review of the project.
- By letter dated July 30, 2019, Applicant submitted additional requested materials, including full size plans. It noted that a Phase IB archaeological investigation was completed and "[t]here were no findings of archaeological significance during the Phase IB Survey." It also noted, among other things, that there were upcoming meetings with the USACOE as to the wetland boundaries and that a SWPPP plan was to be prepared and submitted to NYS DEC. A letter dated August 8, 2019 was also submitted by Applicant noting an adjustment to the previously submitted site plan.
- By letter dated August 12, 2019, Laberge Group provided additional comments. Notably, that letter concluded that all necessary application material had been presented.
- The application was further considered at the August 19, 2019 meeting of the Planning Board. Applicant noted they awaited final SHPO sign off and a letter from ACOE. Additional matters were discussed, including that that site plan and SEQRA review will continue.
- By letter dated September 27, 2019, NYSHPO advised that "no historic properties, including archaeological and/or historic resources, will be affected by this undertaking."
- As noted above, by letter dated December 21, 2019, engineers for the Applicant enclosed a letter dated December 9, 2019 from the USACOE. The letter confirms USACOE agreement with the wetlands boundaries as depicted in Applicant's revised maps submitted on August 28, 2019. The project avoids disturbance of all federal wetlands.

- By letter dated January 27, 2020, Laberge Group indicated that they had reviewed additional material submitted with C&S Companies letter of 12/21/19 and recommended that the Planning Board issue a Negative Declaration, noting the completion and attachment to that letter of a Full EAF with Parts 2 and 3 completed
- At the February 3, 2020 meeting of the Planning Board the Board voted to issue a Negative Declaration for the Project.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA Full EAF Part 2.

The Project is a SEQRA Type I action. NYSDEC's SEQR Handbook specifically addresses whether an environmental impact statement ("EIS") is always required for a Type I action. According to NYSDEC, "the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Planning Board's own professional engineer and were done over a significant period of time. The Town's Planning staff and the Planning Board members, several of whom are professional engineers, also carefully and thoroughly reviewed the application and the EAF, including the technical reports.

During the course of the Project's SEQRA review, the Planning Board, Town Planning staff, the public and the applicant's representatives engaged in an active and comprehensive 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 Full 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.

- (xiii) 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 proposed project will not have a substantial adverse change in existing air quality as there are no emissions.

The proposed project has been designed to have no effect on ground or surface water quality or quantity. A SWPPP will be prepared and submitted and then reviewed and, if appropriate, approved.

The proposed project will not have any appreciable effect on traffic or create any noise issues.

The equipment proposed on site generates very little noise and is placed far enough away from any property/lease lines that it will not be audible. The project generates no traffic except that created during construction and maintenance activities.

There will not be a substantial increase in solid waste generation as the project does not generate any solid waste during its operation.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the stormwater system and grading were designed or are to be designed in accordance with the applicable standards and a stormwater analysis to be included in the SWPPP for the project. The proposed grading of the site will prevent substantial erosion after completion and during construction erosion control measures will be employed to minimize it as well.

- (xiv) 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;

While the plan does remove some existing vegetation, a portion of the site is being retained in its natural state as delineated on the plan. Since the site is part of a larger rural/suburban setting, any existing fauna will re-establish themselves in adjacent areas. The project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; it will not impact a significant habitat area; it will not have substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or cause any other significant adverse impacts to natural resources.

- (xv) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;

The project is not part of a critical environmental area.

- (xvi) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The project does not create a material conflict with the community's current plans or goals as officially approved or adopted.

- (xvii) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The State Historic Preservation Office was consulted and found that the project would have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. At the end of the lease, solar equipment will be removed and disturbed soils restored.

- (xviii) a major change in the use of either the quantity or type of energy;

The project will not create a major change in the use of either the quantity or type of energy. It will in fact produce electricity.

- (xix) the creation of a hazard to human health;

The project will not create a hazard to human health. It has been designed in accordance with applicable regulations and standards.

- (xx) 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 intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

- (xxi) 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.

- (xxii) 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.

- (xxiii) 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; or

The project will not create 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.

- (xxiv) 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 in a Coordinated Review under SEQRA, 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. As a result, a Negative Declaration will be filed and distributed pursuant to SEQRA regulations, and a Draft Environmental Impact Statement need not be prepared.

RESOLUTION—TJA CLEAN ENERGY SOLAR PROJECT (SEQRA)

WHEREAS, TJA-NY-13 Paul Road LLC ("Applicant") proposes to construct an approximately 5.0 mW (AC)/6.3 mW (DC) solar photovoltaic (PV) system on a portion of a +/- 74 acre parcel of land in the Town of Schodack, south side of Paul Road (Tax ID 209.-8-1) on a portion of a 74-acre site; and

WHEREAS, this project is a Type I action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

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, has identified and analyzed the relevant areas of environmental concern to determine whether the proposed action may have a significant adverse impact on the environment;

NOW, THEREFORE, IT IS RESOLVED, that the Planning Board re-appoints and appoints itself as lead agency, classifies the project as a Type I action and hereby finds and determines that the proposed Project will not have any significant adverse impacts on the environment and therefore issues a Negative Declaration of Environmental Significance pursuant to SEQRA for the reasons set forth in the accompanying Determination of Significance, which is incorporated herein by reference.

D'Angelo moved, LoVoie seconded for the Planning Board to serve as lead agency for the project.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Johnson moved, Shaughnessy seconded and classifies the project as a **Type I action**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

D'Angelo moved, LaVoie seconded the Schodack Planning Board adopt a **NEGATIVE DECLARATION**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Laberge Letter dated January 27, 2020

Preliminary Site 3rd Review &

SEQRA Recommendation

TJ A Clean Energy Solar PD

PB # 2019-3

- Letter dated 12/09/19 from the US Army Corps of Engineers regarding a preliminary jurisdictional determination;
- Letter dated 09/27/19 from the NYS Parks, Recreation and Historic Preservation regarding Phase I Archeological Investigation;
- (2)-Figure 6: Wetland & Surface Waters Delineation Maps dated August 2019, with one revised to 08/26/19;
- Plan entitled "Aerial Plan" with a sheet name C-100
- Plan entitled "Site Layout" with a sheet name C-101; and
- Plan entitled "Enlarged Plan" with a sheet name C-102.

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:

1. The project is a Type I action under SEQRA.
2. The review of the federal wetlands by USACOE has resulted in reduction of the solar panels in the northwest corner of the project site and also an elimination of a portion of the planned berm vegetative scenery, not only in the extreme northwest corner but also in a portion of remainder. As such, the applicant should provide alternative locations for berms and plantings in this vicinity to provide screening or eliminate the four northern most rows of solar panels in this vicinity in order to maintain the natural vegetation as a screen.
3. Poles 1-3, 1-4 and 1-5 require additional screening from adjacent residences. Alternatively, the applicant should consider moving all or some of them further

- south into the site, or a combination of moving and screening.
4. While the plans now note that the soils / area between arrays will be restored after construction, specifications on soil restoration have not been indicated on the plans. The Applicant should add a note that all disturbed soils shall be restored by the application of de-compaction and compost enhancement per the NYS Stormwater Management Design Manual Chapter 5, p. 5-19.
 5. At the time of site plan approval 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.
 6. The Applicant has indicated the area of disturbance will be over 25 acres and as such a Storm Water Pollution Prevention Plan (SWPPP) will be required for the project.
 - a. The SWPPP should include a map that shows the limits of ground disturbance with calculated the areas tabulated. Include any areas to be graded, staging areas, access roads, temporary stockpiles, electrical trenching disturbance, etc., in the calculation.
 - b. The Applicant has provided a "Gravel Road Detail". The applicant should consider revising this detail to fully agree with the 2019 NYS DEC "limited use pervious access road" detail. Otherwise the road area shall be treated as impervious area in the SWPPP with the increased site runoff addressed with permanent storm water management facilities.
 7. The Applicant should submit advanced design plans, construction notes and details that include but not limited to:
 - a. Drawings at scales that are typical for engineering drawings such as 1"=100', 50', 40', 20', etc. as appropriate to show detail.
 - b. Drawings should indicate the locations of: proposed trenching for underground electrical lines, battery storage, concrete pads, camera monitoring, inverters, transformer stations, misc. other structures as may be required, erosion and sediment measures, stormwater management practices, and construction details.

SEQRA Recommendation

We recommend the Planning Board issue a Negative Declaration under SEQRA for this project. Attached for your review and use is a Full EAF with Parts 1, 2, and 3 completed including reasoning supporting the Negative Declaration. If the Planning Board issues a Negative Declaration, the involved agencies should be notified and the Declaration needs to be published in the Environmental Notice Bulletin.

Please contact our office with any questions or comments on the above.

Philip Koziol, P.E.
Project Manager

- C: David Harris, Supervisor, w/enc. (via email and mail)
Chris Langlois, Esq., Town Attorney, w/enc. (via email only)
Craig Crist, Esq., Planning Board Attorney, w/enc. (via email only)
Michael Frateschi, TJA Energy, w/enc. (via email only)

Site Plan /Special Permit

Ross McCready /JMR Auto LLC

2020-2/HC/211.-2-12

3539 US 20

Proposed - Auto Repair Shop

Ross McCready, applicant was present for this meeting.

Mr. McCready stated he purchased Cappy's Auto Repair shop and is here for a change in tenancy.

Mrs. Fuda stated this building was the Jiffy Lube in Nassau, Cappy rented the building for his auto repair and when it went up for sale Mr. McCready purchased it and is now looking to move his auto business from Hays Road to this site. There is already a special use permit in place it's just a matter of changing the name.

Mr. Johnson asked about the studio apartment and if it needs to be added to the special permit along with all the other items listed, and if anything was going to be done with that, do you propose rentals of U-Hauls

Attorney Crist stated that is a good idea and will be added.

Mr. McCready stated the studio apartment is currently occupied, and will not be selling or renting of U-Hauls it just an auto repair.

Mr. Shaughnessy stated you are not making any changes to the building is that the same for the parking.

Mr. McCready stated everything is staying the same.

LaVoie Moved Shaughnessy seconded to waive the reading of the following resolution
6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

Johnson, moved, LaVoie seconded for the Schodack Planning Board to be lead agency.
6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Johnson moved, Shaughnessy seconded and classifies the project as a **Type II action**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Johnson seconded to issue a special use permit per the written decision and to add the existing studio apartment.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Schodack Commons

1764 Columbia Turnpike

Proposed - Retail, Convenient Store

2020-3/HC1/189.-10-40.2&

189.-10-41.12 & 189-10-41

Eric Masterson, Kevin Cioff, applicants were present for this meeting.

Mr. Masterson stated they are here to propose a development at 1764 Columbia Turnpike and a portion of 1748 and 1750 Columbia Turnpike they plan multiple buildings on the site, it will be phased construction. The first would be a retail/convenience store with food and gas distribution, the second phase would be commercial/retail space and a potential restaurant. At this time they are working with some potential tenants. As for utilities on site they want to abandon the existing wells and hook up to public water as well as sewer.

Mr. Shaughnessy asked if this is just outside of the recharge area.

Mrs. Fuda stated it is in the recharge area and in the bubble of the well head protection area. There is a small piece in the corner of the lot that is out of the protection area. But it has to be looked at very closely.

Mr. Shaughnessy stated so it would be the same process as what Stewarts just went through.

Mrs. Fuda stated exactly just a little more intense.

All agree to send this to Laberge engineering.

Village at Miller

77 Miller Road

2020-4/PD1/178.-3-6.223

Proposed - Change in Tenancy

Jay Vero was present for this meeting.

He is looking to 1961 sq. ft. unit that was vacated about a year ago and had proceeded to get building permits to subdivide into smaller units. And they have a new tenant (Dr. Kindle) looking to move into the remaining 961 sq. ft. so he is looking for a change in tenancy.

Chairperson Mayrer asked what type of services the doctor provides.

Mr. Vero stated a psychologist.

Mr. Johnson stated he didn't see a plan so is this the same design from the last subdivision for the other tenant.

Mr. Vero stated correct, the 1000 sq. ft. went to the NYS Builders association. Who have moved in about a year ago and Dr. Kindle is going into the remaining office.

Mr. Johnson asked if it had bathrooms in the office and not shared.

Mr. Vero stated correct it has its own bathrooms.

Shaughnessy moved, D' Angelo seconded for the Schodack Planning Board to be lead agency.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

D'Angelo moved, Johnsons seconded and classifies the project as a **Type II action**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Johnson seconded to approve this change in tenancy.

6 Ayes, 0 Noes. Motion carried.

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

Antidormi (Reaffirm resolutions)

DENISE MAYRER, CHAIRPERSON
SCHODACK PLANNING BOARD

APPLICANT

Michael Antidormi
987 Western Road
Ground Mount Solar

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

Adoption of the resolution

LaVoie Moved D'Angelo seconded to **waive the reading of the resolution** granting special permit

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
SHORT ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND
DETERMINATION OF NON-SIGNIFICANCE**

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: Antidormi Solar Ground Mount- Western Road, Schodack, NY

SEQRA Status: Type I: **NO** Unlisted: **YES**
Conditioned Negative Declaration: **NO**

Location: 987 Western Road, Town of Schodack, New York (Tax ID 199.-1-5)

Description of Action:

Michael Antidormi (the "Applicant" or "Project Sponsor") is proposing to construct a solar ground mount array with dimensions of 17'-51/2" and 22'-2"; 7.560 watts DC/6,000 Watts AC to be located on a 1.7 acre parcel at 987 Western Road in the Town of Schodack. The majority of the site is rural land, with an amount of trees and grasslands and shrub hedgerows (the "Project Site"). The project is subject to sec. 219-39.2 of the Town's zoning law. The Project Site is currently zoned Residential Agricultural ("RA").

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. 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 2 and 3.

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

Johnson motion, D'Angelo second that the Schodack Planning Board **reaffirm itself** to be **lead agency** per above.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION ADOPTING NEGATIVE DECLARATION
(ANTIDORMI—WESTERN ROAD)**

WHEREAS, at the January 6, 2020 meeting the Planning Board resolved to issue a negative declaration relating to the approval sought by Michael Antidormi to construct a residential solar array at his property located at 987 Western Road, Town of Schodack, New York;

WHEREAS, this Board had also resolved at that meeting to serve as lead agency and to classify the project as an Unlisted action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, at the January 6, 2020 meeting, following this Board adopting a Negative Declaration this Board also resolved to issue a permit for the subject project;

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 of 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 with full force and effect.

Shaughnessy motion D'Angelo seconded for this application be listed as an **unlisted action under SEQR**

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

LaVoie motion, Johnson seconded to reaffirm and re-issue the aforementioned Negative Declaration for this unlisted action

6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

RESOLUTION ADOPTING DECISION TO ISSUE SPECIAL PERMIT (ANTIDORMI—WESTERN ROAD)

WHEREAS, at the January 6, 2020 meeting the Planning Board resolved to issue a special permit for the Antidormi project, as more fully described in the prior SEQRA resolution;

NOW, THEREFORE, BE IT RESOLVED, in furtherance of its determination to issue a special permit for the aforementioned project, this Board hereby adopts the written decision to issue the subject permit, which is also incorporated by reference with full force and effect.

In the Matter of the Application of
MICHAEL ANTIDORMI

NOTICE OF DECISION
File 2019-39

For a Special Permit

WHEREAS, the Applicant, MICHAEL ANTIDORMI applied for a Special Permit to operate a residential ground mounter solar mount at 987 Western Road in the Town of Schodack (Tax Map No. 199.-1-5), which property is within a Residential Agricultural (RA) District, on land reputedly owned by him;

WHEREAS, the proposed project involves the proposed construction of a solar ground mount array with dimensions 17'-51/2" and 22'-2"; 7.560 watts DC/6,000 Watts AC solar array proposed to be located on a 1.7 acre parcel. The majority of the site is rural with minor amounts of trees, grasslands and hedgerows, and

WHEREAS, the Zoning Schedule of Use Regulations of the Town Code permits such activity within a RA District by special permit; and

WHEREAS, the Planning Board voted to adopt a Negative Declaration for the aforementioned project at its January 6, 2020 meeting, the contents of which fully describe the project and are incorporated herein; and

WHEREAS, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on January 6, 2020; and

WHEREAS, at its January 6, 2020 meeting thereafter, the Planning Board found and determined the following:

1. The Applicants propose to construct a solar array with dimensions 17'-51/2" and 22'-2" ; 7.560 watts DC/6,000 Watts AC to be located on a 1.7 acre parcel solar ground mount at 987 Western Road in the Town of Schodack (Tax Map No. 199.-1-5), which property is within a Residential Agricultural (RA) District.
2. The subject project is proposed to be located on a 1.7 acre parcel and the majority of the site is rural with amounts of forest, grasslands and hedgerows.
3. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed special permit use is in harmony with the development of the district, will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof, will not affect existing traffic access ways or parking, is generally in harmony with the character and appearance of the surrounding neighborhood, will not be more objectionable to nearby properties than other permitted uses, and will not adversely affect the general welfare of the inhabitants of the Town of

Schodack. Once again, a complete analysis of the possible impacts from the project are set forth in the negative declaration adopted by this Board for this action, the contents of which are once again incorporated herein; and

WHEREAS, the Planning Board previously resolved to declare itself Lead Agency under the State Environmental Quality Review Act ("SEQRA"),

WHEREAS, following the aforesaid public hearing the Planning Board resolved:

1. to issue a Negative Declaration for the proposed action under SEQRA, and
2. that the application for the Special Use Permit be granted for an initial period of (2) years on the express conditions set forth herein:

A. All representations and promises made by applicant and/or its agents to this Board or any of its agents or employees shall be adhered to. In addition, the approval is contingent upon a stake out survey showing that the property meets all required setbacks.

B. Comply with all provisions of Section 219-39.2 of the Town Code.

THEREFORE, PLEASE TAKE NOTICE THAT, the Planning Board of the Town of Schodack has **GRANTED** the Applicants a Special Use Permit to allow operation of a solar farm on the subject property as proposed in the application.

Dated: February 3, 2020

DENISE MAYRER, CHAIRPERSON
SCHODACK PLANNING BOARD

Applicant

Johnson motion LaVoie second adoption of written resolution to issue a special permit
6 Ayes. 0 Noes . Motion carried.

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

Oppose: None

MEMBER DISCUSSION

None

ADJOURN

Shaughnessy moved, LaVoie seconded that the Planning Board meeting be adjourned.
There being no objections, Chairwoman Mayrer adjourned the meeting at 8:40 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning