

PLANNING BOARD MEETING - JULY 20, 2020
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.

Public Session - 7 p.m. via livestreaming only <https://townhallstreams.com/towns/schodack>

If you have questions on anything on the agenda

Please email your questions to Nadine.fuda@schodack.org or call

518-477-7938 no later than 6pm on 7/20/20

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
Andrew Aubin, P.E.
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

APPROVAL OF MINUTES — JULY 6, 2020

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

6Ayes. Noes. Motion carried.

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

Oppose: None

Abstain: Mayrer

PUBLIC COMMENT

None

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

Lee Ruth Armstrong published July 11, 2020

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

Public Hearing Opened at 7:04 p.m.

Lee Ruth Armstrong

365 Woodward rd.

Public Hearing Closed at 7:16 p.m.

2020-12/RA/220.-4-5.2

Proposed - in-law apartment

Lee Armstrong was present for this meeting via Zoom

Attorney Craig Crist stated a Letter was received via email (see file) from a resident on Lee Armstrong's Special permit application which he read for the record.

Mrs. Armstrong stated she is looking to make an existing accessory apartment legal, when she bought the home the elderly man had a caretaker living with him in that apartment. She would like to have her son live there and when he moves, she would like it to be able to rent it out.

Mrs. Fuda stated under the RA zone a single-family house is permitted to have an accessory apartment by a special use permit, this house has always been listed having with having an accessory apartment, but it never had a special use permit. What Mrs. Armstrong is looking to do is correct that by getting a special use permit.

Mr. Johnson asked if there were any restrictions on the square footage of the apartment.

Mrs. Fuda stated it can't be over 35% of the total square footage of the house.

SPECIAL PERMIT

Johnson moved; Aubin seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes 0 Noes. Motion carried.

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

Oppose:

TYPE II ACTION

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

Aubin moved, Lavoie seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, D'Angelo seconded that the **SPECIAL PERMIT** be: **GRANTED** for this application.

7 Ayes 0 Noes. Motion carried.

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

Oppose None

Because of the technical issues this application was not live streamed. At 7:55 the board decided to re-approve this application at.

Johnson moved; Aubin seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes 0 Noes. Motion carried.

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

Oppose:

TYPE II ACTION

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

Aubin moved; Lavoie seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, D'Angelo seconded that the **SPECIAL PERMIT** be: **GRANTED** for this application.

7 Ayes 0 Noes. Motion carried.

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

Oppose None

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

White River Solar published July 11, 2020

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

Public Hearing Opened at 7:20 p.m.

Public Hearing Closed at 7:52 p.m.

White River Solar
2270 River Road
Proposed - Utility Solar

2019-24/RA/188-7-1

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

Mr. Laberge spoke about his letter dated July 2, 2020 (see below) stating it is just down to details there for a public hearing on the site plan was appropriate at this time. The SEQR process still needs to be closed out, he received a packet from the applicant on July 17, 2020 He will be reviewing it later this week.

Mr. Johnson asked about the swale and how they are constructed and didn't see them on the plans.

Mr. Mitchell spoke with Mr. Laberge about the stormwater and swale which is number 13 of the Laberge letter listed above. They talked about maxim width of wet swale is 8 feet but no less than 2.

Mr. Mitchell explained the plans and the design of the wet swales and where they are on the site. it is a technique used when you don't have a lot of impervious area. And they are located along the edges of the access road.

Mr. Johnson spoke about the road and the width is less then what the code asks for and also steeper than what is recommended.

Mr. Laberge stated idem #1 of his letter the fire apparatus road is set to the fire code official is the towns building inspector, generally he feels it should be 20 feet wide and the applicant has proposed a different plan and the building inspector has not changed his mind on the 20 feet width. Part of the existing access road is the driveway leading to the home on the property and they are building other roads to access the solar array, in terms of the planning board having anything to do with it, it is really a fire code issue and handled with the building inspector.

Mr. Johnson stated as long as we get something in writing that says its all been approved by the fire department or the code enforcement officer.

Mr. Laberge stated when we have a final answer, he will request it in writing.

Chairperson Mayrer asked for a 10-minute recess @ 7:42 p.m. due to technical issues with the video website.

Chairperson Mayrer re-opened @ 7:52 p.m. the meeting after the 10-minute recess.

LaVoie motion, D'Angelo seconded to **close the public hearing**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

No other action needs to be taken until this application has been to the town board for review.

Chairperson Mayrer asked about the Laberge letter dated July 2, 2020, what I understand from your letter this is as far as we can go at this point.

Mr. Laberge stated correct by next meeting he hopes to have a letter where the board can consider a SEQR determination on the project, so no actions can be taken at this time. After SEQR has been completed then this can go to the Town board to be considered for the solar PD application.

Preliminary Plan Review
White River Solar
SPB # 2019-24

- Environmental Design Partnership, LLP (EDP) letter dated June 1, 2020.
- FAA Letter to Eden Renewables dated September 20, 2018 - Determination of No Hazard To Air Navigation.
- Full Environmental Assessment Form Part 1 dated June 1, 2020.
- Stormwater Management Narrative May 2020.
- Stormwater Pollution Prevention Plan for Construction Activities dated June 2020.
- Site Plan Set sheets with cover sheet noting submittal date June 1, 2020 and sheets 1 thru 9 of 9, last revised notes as November 18, 2019.

The project is subject to §219-39.3 of the Town's zoning law. As such the application must comply with the regulation for planned developments in Article XII of the zoning law including referral by the Planning Board of the application to the Town Board for approval.

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

1. International Fire Code requires that an access road have a width of not less than 20 feet exclusive of shoulders and that the grade of the fire apparatus access road to be within limits established by the Fire Code Official based on the fire department's apparatus. Therefore, since the applicant is proposing a facility access via an existing 10 foot wide paved private drive connected to a proposed gravel road with a width of 16 feet, grades on both roads in excess of 10 percent and with a total length of road of over 2,000 feet; the applicant should seek review comments from both the Fire Code Official and the Fire Department regarding the adequacy of the proposed access.
 - a. The applicant has indicated that these site plans have been forwarded to the Fire Code Official and Fire Department for their review and comment. The Board and this office should be provided copies of the responses received.
2. The applicant has indicated that they are continuing to consult with New York Office of Parks, Recreation and Historic Preservation (OPRHP) State Historic Preservation Office (SHPO) regarding the project and that a Phase I Archeological Survey has been completed with submission to OPRHP.
 - a. The Town and this Office should continue to receive copies of correspondence with OPRHP documenting this process.
 - b. Final review comments and restrictions on development if any should be included in the SWPPP.
3. The applicant has indicated that a formal Jurisdictional Determination will be required of USACOE and NYSDEC and that any wetland disturbance will be permitted as required through these agencies. The applicant should copy the Town and this office on associated correspondence regarding this matter with the plans updated accordingly and notes that wetlands will not be disturbed.
4. The applicant has provided correspondence from the FAA noting a "Determination of No

Hazard to Air Navigation". However, the correspondence indicates that the determination expired on March 20, 2020. The applicant should provide an updated determination for the project.

5. The plans indicate that 3" line posts will be utilized for the proposed security fencing. In order to minimize maintenance and ensure the integrity of the fence, 4" hardwood line posts should be utilized, or metal posts should be considered. The detail should also indicate the ground clearance from the bottom of the fence to the ground.

SWPPP, Stormwater Management & Erosion and Sediment Control

6. The plans should indicate the type of level spreader ("A" or "B") to be used.
7. The applicant should provide sediment forebays/pretreatment equal to a minimum of 10% of the WQv for the open channel systems.
8. The permanent stormwater management facilities required signage per the NYS DEC Stormwater Design Manual per Section 3.5, page 3-12. The locations for these should be shown on the plans and details of the signs should be provided.
9. The area of soils restoration should be expanded to include the areas under and between solar arrays as these areas have typically been found to become compacted by the frequent running of light duty construction equipment in these areas.
10. Soils restoration should be added to the sequence of construction provided on the plans and in the SWPPP.
11. Per the NYS Standards for Specifications for Erosion and Sediment Control, sediment trap information to be provided on the plans in a summary table format includes:
 - a) Trap Type (I, II, or III)
 - b) Trap number
 - c) Type of trap
 - d) Drainage area
 - e) Storage required
 - f) Storage provided (if applicable)
 - g) Outlet length or pipe sizes
 - h) Storage depth below outlet or cleanout elevation
 - i) Embankment height and elevation (if applicable)
12. The applicant should provide documentation showing that the wet swales meet the requirement of the NYS DEC Design Manual required elements and design guidance per Section 6.5 and include a summary table that compares the requirements to the proposed designs.
13. The maximum width of wet swales is 8 feet but no less than 2 feet. The plans indicate what appears to be stormwater ponds as wet swales that exceed the 8-foot width.
14. Culvert pipes sizes should be increased to 18" with a 1% slope to address the potential for freezing conditions in swales.
15. The SWPPP should include the Town of Schodack Standard Storm Water Management Facility Agreement. This is required to be fully executed and filed in the registry of deeds prior to the project submitting its Notice of Termination. This requirement should also be described in the narrative of the SWPPP.
16. A post construction operations and maintenance plan in accordance with Part III.2.f of the Construction General Permit should be included in the SWPPP.

17. A detail for the concrete truck washout & signage conforming to the NYS Standards & Specifications for Erosion and Sediment Control should be provided on the plans. The location for these washouts should also be indicated on the plans.

SEQRA & PD Application Certification

18. The following are required:

- a. Clearance from SHPO.
- b. Correspondence from the ACOE regarding the applicant identified federal wetlands on site and the need and ability to permit the project.

As such, a SEQRA determination cannot be made by the Planning Board on this project until more information is received. Therefore, the PD-2 application cannot be deemed complete at this time, and a referral to the Town Board cannot be made at this time.

C: David B Harris, Supervisor (via email & mail)
Craig Crist, Esq., Planning Board Attorney (via email only)
Giovanni Maruca, White River Solar, LLC (via email only)
Owen Speulstra, PE, EDP (via email only)

Recommendation to ZBA

Scannell Properties #262 LLC
1835 US 9

Z788-20/PD-3/200.-6-1.3

Proposed - Area Variance Wall Sign (**smile**)

Chairperson Mayrer recused herself from all four of the Scannell Properties applications. And Chairperson Johnson will handle the hearing for the Scannell Properties request for a recommendation to the ZBA.

Chairperson Mayrer recused herself from all four of the Scannell Properties applications.

Teresa Bakner, Attorney for the applicant and Kevin See, Scannell representative, were present for this meeting via Zoom.

Ms. Bakner spoke about the signage for the Amazon building and grounds, they are proposing 4 signs, 1. is the (Smile) logo, 2. Is the (Amazon) sign, 3. Is a monument saying (Associates and Visitors Entrance), 4, is a monument saying (Truck Entrance). The towns law stating the sign can be only 35 sq. ft. and on a 1 million sq. ft. building that is just too small. She gave examples of other signage in town that exceed the standard size required by town law and asked for a positive recommendation to the ZBA for the proposed signage. See the stenographer notes for the full conversation.

Mr. Johnson asked about the post mounted truck and employee signs, stating the arrows are confusing. What is on the other side of the sign going north?

Mr. See stated the arrows would be appropriate for the direction coming into the site, but they can put No Trucks and No Cars on the sign, he will look into it.

Attorney Crist read the Zoning standards 1 through 5 and they are as follows.

This is from the NYS town law. In making its determination the zoning board of appeals shall take in consideration the benefits to the applicant if the variance is granted as weighed against The detriment to the health, safety & welfare of the neighborhood or community by such grant, in making such determination the board shall also consider. (short version listed 1 - 5)

1. Whether benefit can be achieved by other means feasible to applicant;
2. Undesirable change in neighborhood character or to nearby properties;
3. Whether request is substantial;
4. Whether request will have adverse physical or environmental effects;
5. Whether alleged difficulty is self-created;

On other matter he wanted to comment on to Ms. Bakner, is it your position that SEQR has been completed already on this project with these items being depicted on approved site plans by this board.

Ms. Bakner stated correct.

Attorney Crist asked if the planning board reaffirmed the itself as lead agency and adopt a type II for each on of the variance request would that be acceptable.

Ms. Bakner stated yes.

LEAD AGENCY

Aubin moved, LaVoie second that the planning board be **lead agency**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

TYPE II ACTION

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

Shaughnessy moved, D'Angelo seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

RECOMMENDATIONS TO THE ZBA

LaVoie moved, Aubin seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

Recommendation to ZBA

Scannell Properties #262 LLC

Z789-20/PD-3/200.-6-1.3

1835 US 9

Proposed - Area Variance Wall Sign (Amazon)

Chairperson Mayrer recused herself from all four of the Scannell Properties applications.

Teresa Bakner, Attorney for the applicant and Kevin See, Scannell representative, were present for this meeting via Zoom.

See above Z788-20 as well as the stenographer notes

Aubin moved, LaVoie second that the planning board be lead agency.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

TYPE II ACTION

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

LaVoie moved, Shaughnessy seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

RECOMMENDATIONS TO THE ZBA

Aubin moved, LaVoie seconded a "POSITIVE" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

Recommendation to ZBA

Scannell Properties #262 LLC

Z790-20/PD-3/200.-6-1.3

1835 US 9

Proposed - Area Variance freestanding sign (Employee)

Chairperson Mayrer recused herself from all four of the Scannell Properties applications.

Teresa Bakner, Attorney for the applicant and Kevin See, Scannell representative, were present for this meeting via Zoom.

See above Z788-20 as well as the stenographer notes

LEAD AGENCY

D'Angelo moved, Aubin second that the planning board be **lead agency**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

TYPE II ACTION

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

LaVoie moved, Aubin seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

RECOMMENDATIONS TO THE ZBA

Shaughnessy moved, D'Angelo seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

Recommendation to ZBA

Scannell Properties #262 LLC

Z791-20/PD-3/200.-6-1.3

1835 US 9

Proposed - Area Variance freestanding sign (Trucks)

Chairperson Mayrer recused herself from all four of the Scannell Properties applications.

Teresa Bakner, Attorney for the applicant and Kevin See, Scannell representative, were present for this meeting via Zoom.

See above Z788-20 as well as the stenographer notes

LEAD AGENCY

D'Angelo moved, Shaughnessy second that the planning board be lead agency.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy
Oppose: None
Recuse: Mayrer

TYPE II ACTION

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

Aubin moved, LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy
Oppose: None
Recuse: Mayrer

RECOMMENDATIONS TO THE ZBA

LaVoie moved, Aubin seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy
Oppose: None
Recuse: Mayrer

Subdivision / Lot Line

Scannell Lot Line

2020-13/PD-3/200.-6-1.3

1835 US 9

Proposed - Lot Line

Chairperson Mayrer recused herself from all four of the Scannell Properties applications.

Teresa Bakner, Attorney for the applicant and Kevin See, Scannell representative, were present for this meeting via Zoom.

Mr. Johnson stated he was looking for a table or some area that shows the actual change in the area, meaning the total current acreage and the acreage after the lot line adjustment is completed. He wants to make sure that the map is clear for Rensselaer County Mapping.

Ms. Bakner Stated the total acreage is 116.39, DOT requested a lot line in the amount of 0.011 acres to add to the right a way, the total remaining acres will be 116.28. she will make sure the map reflects the changes clearly.

LEAD AGENCY

LaVoie moved, Aubin seconded, that the planning board be lead agency.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Shaughnessy
Oppose: None
Recuse: Mayrer

TYPE II ACTION

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

Shaughnessy moved, LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

LOT LINE ADJUSTMENT

Shaughnessy moved, LaVoie seconded that the lot-line adjustment be accepted and approved.

A public hearing is not required. The property will be conveyed to the adjacent landowner and become part of that existing parcel. Condition on approval: updated map to be submitted for signing.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Recuse: Mayrer

Site Plan /Special Permit

Stewart's Shops

2020-10/HC/189.-10-8.31 &32

1811 Columbia Tpke.

Proposed - retail store with gas sales

Chuck Marshal was present via Zoom for this meeting.

Mr. Marshal stated their position and that if their engineers is without an identified best management practice by the town they prefer to maintain the retention pond and provide screening this will come into play via the Laberge letter dated July 15, 2020, (see below) item numbers 16 & 18. There is no overflow connection because NYSDOT has taken the position that they do not want private connections through the municipal or the state stormwater system, they have installed a utility easement for a potential connection to the sewer district. The sewer connection and expansion are on the August 13, 2019 Town Board agenda. They have consolidated the two lots into one which was provided to Rensselaer County Mapping, town assessor, and the planning office. He then went through other items with Mr. Laberge and asked for any questions and comments from the board.

Mr. Aubin state looking at the existing site plan where you're proposing an open stormwater pond is where the existing septic system is, he would like to see an underground chamber system for stormwater.

Mr. Marshal stated he can provide sampling results from investigations that they undertook. But wouldn't it be the underground chambers require the same excavation of that material.

Mr. Aubin stated but the area would be covered

Mr. Marshall stated he will ask internally but they prefer to go with the open retention pond.

Mr. Laberge asked if there was a plan for the excavation for the prier septic system area. As to the soils and the disposal of them.

Mr. Marshal stated they were looking at the test they done to see if there is any useable material.

Mr. Johnson wouldn't DOT be required to accept the amount of water running off the site now as in an overflow.

Mr. Marshal state when they go for a new work permit it is his understanding that the department is able to change the current design to meet their new standards. The current design has a discharge catch basin along the south western property line in between the two driveways, they propose to eliminate that with the work permit.

Mr. Johnson stated the proposed stormwater system is going to collect all the stormwater without any overflow, you should be designing for a 100-year storm.

Mr. Marshal stated the overflow would go through (see S4 for the purposed draining plan) a similar setup as with the project on Sunset and Columbia Turnpike.

Mr. Johnson stated you don't show anywhere where the water that exceeds the capacity of the stormwater basins.

Mr. Mitchel stated he will have the project engineer issue a letter explaining the pond. But with the design he feels the pond would never overflow, but he will have that addressed.

Mr. Laberge stated that it is good to know where the water is going to go should the pond ever get that full.

Mr. Marshal stated #7 of the Laberge letter request a 15-foot easement and they proposed 10 foot, asked what the reason was for the extra 5 feet.

Mr. Laberge stated the extra 5 feet is for really the width of a machine should you have to do an excavation of the area or other improvements.

Discussion on #10 (S11 if the plans) regarding lighting and Ferndale Road. and the placement of trees for screening.

Laberge Letter Dated July 15, 2020

RE: Preliminary Review

Stewart's - 1811 Columbia Turnpike

SPB # 2020-10

We are in receipt of site plans last revised June 26, 2020, and a cover letter dated July 2, 2020 from the applicant with an enclosed letter dated June 29, 2020 from the applicant's engineer regarding underground stormwater detention. We offer the following:

General

- 1) The project is the reconstruction of an existing retail store with gas sales in the HC zone and requires site plan approval. There is an existing Special Use Permit for the use which will require amendment.
- 2) The project requires a sanitary sewer district extension by action of the Town Board. The applicant has requested this extension and the Town Board has scheduled a public hearing on the matter on August 13, 2020.
- 3) The project lies in the Direct Recharge Area as defined by the Town's Water Quality Control Act (WQCA). The existing use and structures existed at the time the WQCA was adopted, and as such, the applicability of the WQCA is being reviewed.
- 4) At the Planning Board meeting of June 15, the Planning Board commented on the topics below and the applicant has responded as indicated:
 - a. Underground detention should be utilized: The applicant has indicated that they prefer an open detention facility for maintenance purposes. They have proposed to install a stockade fence and evergreens to screen the facility and a chain link fence around the forebay pond.
 - b. Increase driveway width to Ferndale Road: The applicant has increased the width to 30'.
 - c. Modify building architecture: The applicant has modified the building color scheme to slate gray and added other ornamental features.
 - d. Relocate diesel dispenser: The applicant has relocated the dispenser to the southern sideline of the property and added future EV charging stations.
 - e. Overflow from stormwater facility: The applicant did not respond to this comment.
- 5) Coordination with NYSDOT shall be initiated by the applicant to gain their conceptual approval of extending the two way left turn lane to the south. NYSDOT approval is also required for the proposed sewer main extension.
- 6) The parcels need to be combined and be assigned only one tax map parcel number.
- 7) The proposed Sewer Maintenance Easement shown on sheet S-1 should also be shown on the Site, Utilities, and Grading plans for reference. In addition, the easement should be a minimum of 15' wide along the southern side property line and the entire easement labeled Utility Easement.
- 8) A draft of the Utility Easement discussed above should be submitted for review and once accepted, filed with the Rensselaer County Clerk's office. A copy of the recorded easement should be submitted to the Town and this office.
- 9) The Limits of Disturbance should be shown on all plan sheets for reference.

- 10) Lighting on Ferndale Road and in the southeast corner of the property still goes beyond the property line. Consideration should be given to reducing the height of the light posts in this vicinity or eliminating/relocating the lighting across from the dumpster, or both.
- 11) A sign prohibiting trucks from turning right onto Ferndale Road should be shown.
- 12) The drawing list on the Title Sheet needs to be coordinated with the sheets. There was no sheet 8 and 9 found.
- 13) The applicant should submit the proposed operations plan for the site as it pertains to potential spills and the response to them.
- 14) The applicant should submit the proposed sampling schedule for the monitoring wells and indicate that the results will be submitted to the Town.
- 15) A canopy for the diesel dispenser is needed to reduce precipitation onto the fueling pad.
- 16) The landscaping plan should be augmented to show additional plantings along the southern sideline. A double, staggered row of evergreens, 20' on center, should be shown east of the detention basin to increase the visual screen from Ferndale Road.
- 17) The Plant List should be updated to include all species proposed.
- 18) The stockade fence should connect to the dumpster fence and extend east of the dumpster location toward Ferndale Road by approximately 60'.
- 19) A detail of the proposed chain link fence in the stormwater facility is needed.
- 20) The proposed sanitary service line profile has an incorrect beginning invert.

SEQRA

The project is an unlisted action and a coordinated review should be commenced with involved agencies. In addition, the plan should be sent to the County Planning office as a GML 239 referral.

Closing

We will review the details of the SWPPP in our next letter. In addition, we have requested and await comments from the Town Water & Sewer Department. We recommend the applicant provide additional information as necessary and revise the plans in accordance with the above.

C: Craig Crist, Esq. (via email only)
Chuck Marshall, Stewart's (via email only)

Public Hearing for August 3, 2020

LaVoie moved, Johnson seconded to schedule this application for a public hearing on August 3, 2020

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Cedar Hill Solar

2019-25/RA/178-8-29.1

Phillips Road

Proposed - Utility Solar

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

Mr. Laberge stated this project between Phillips and Brookview Road. they have gone through the comment letter and they are down to just one comment to be answered and that pertains to Having a maintenance plan should be submitted to satisfy the requirements for solar planned development, the applicant in discussion has indicated that they still intend to a bio-diversity plan and will get that in place prior to the start of construction. This is the only out-standing requirement that needs to be done. Therefor he thinks it is ready for the board's consideration for final approval condition on the final requirement.

RESOLUTION AUTHORIZING SITE PLAN APPROVAL & SITE DEVELOPMENT PERMIT—CEDAR HILL SOLAR, LLC; File No.: 2019-25

WHEREAS, Applicant, **CEDAR HILL SOLAR, LLC**, applied for site plan approval to construct a construct 7.5 mW (DC) solar array with solid state battery storage on a portion of a +/- 46 acre parcel, to establish a ground-mounted solar farm with associated electrical appurtenances, to be located on the east side of Phillips Road, south of Pheasant Hollow Golf Course, in the Town of Schodack. The property is within an Residential Agricultural District ("RA");

NOW, THEREFORE BE IT RESOLVED THAT, per the attached Decision, that reading of which is waived, the Board resolves to grant site plan approval and recommends approval of a site development permit to **CEDAR HILL SOLAR, LLC**, per the contents of the accompanying Decision, the contents of which are incorporated herein.

STATE OF NEW YORK
TOWN OF SCHODACK

PLANNING BOARD

In the Matter of the Application
of
CEDAR HILL SOLAR, LLC
For Site Plan Approval

DECISION—SITE PLAN APPROVAL
File No. 2019-25

WHEREAS, the Applicant, **CEDAR HILL SOLAR, LLC**, seeks Site Plan Approval to construct 7.5 mW (DC) solar array with solid state battery storage on a portion of a +/- 100 acre parcel, to establish a ground-mounted solar farm with associated electrical appurtenances, to be located on the east side of Phillips Road, south of Pheasant Hollow Golf Course, in the Town of Schodack. The property is within an Residential Agricultural District ("RA");

WHEREAS, the majority of the site contains open meadow, and forest and shrub hedgerows;

WHEREAS, section 219-78 of The Code of the Town of Schodack ("Town Code") requires the referral to, and review by, the Planning Board for such project "in accordance with the standards and procedures set forth in this article," with that article being Article XI, entitled "Site Plan Review;" and

WHEREAS, section 219-81 of the Town Code" provides that the "preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations.

- (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
- (2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of Pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) The location, arrangement, size design and general Site compatibility of buildings, lighting and signage.
- (5) The adequacy of stormwater and drainage facilities.
- (6) The adequacy of water supply ad sewage disposal facilities.
- (7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant s and adjoining lands, including the maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of unable open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

WHEREAS, all required notice and other 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 held; and

WHEREAS, this Board has issued and adopted a Negative Declaration and made findings pursuant thereto;

NOW THEREFORE BE IT RESOLVED THAT the Board determines the following according to the aforementioned factors:

(1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

*The site plan and access to the site have been designed to provide safe vehicular traffic access and include adequate road width for emergency vehicles and circulation. As the use is a solar farm, it will not generate much traffic during its operational phase.

(2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

*As noted in the Negative Declaration, the Project will not have any appreciable effect on traffic. It will generate virtually no traffic other than during the construction phase of the project.

(3) The location, arrangement, appearance and sufficiency of off-street parking and loading.

*There will be no off-site parking; as noted above there will be virtually no vehicular traffic generated by the Project.

(4) The location, arrangement, size design and general site compatibility of buildings, lighting and signage.

*The Project involves the locating of a solar farm at the existing residential-agricultural zoned site. A revised Visual Impact Assessment Report which depicts the visual impacts from prescribed vantage points has been reviewed and demonstrates such compatibility. In addition, the Applicant has represented that the site is to be seeded with natural flowers for bees and wildlife and that livestock will be used for site maintenance. The site is compatible with existing and surrounding uses.

(5) The adequacy of stormwater and drainage facilities.

* As noted in the Negative Declaration, there will not be a substantial increase in the potential for erosion, flooding, leaching or drainage as the stormwater system and grading were designed and are to be designed in accordance with all applicable standards. The proposed grading of the site will prevent substantial erosion after completion and during construction erosion control measures will be required and implemented to minimize it as well.

(6) The adequacy of water supply and sewage disposal facilities.

*These are also adequate for the Project as designed. The project proposes no water use or wastewater generation.

(7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant and adjoining lands, including the maximum retention of existing vegetation.

*See 4 above, and as also noted in the Negative Declaration, the contents of which are incorporated herein with full force and effect, the plan does contemplate the removal of some of the existing vegetation but a portion of the site is being retained in its natural state. Existing fauna will re-establish in adjoining lands. The soils/areas between arrays will be restored after construction.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of unobstructed open space for play areas and informal recreation.

*N/A.

(9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

*See 4 above; the subject Project is part of an existing residential/agricultural/rural site. It will not have any appreciable effect on traffic or create any noise issues in that the equipment proposed generates very little noise and is to be placed far enough away from any property/lease lines such that it will not be audible.

(10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

*As designed, same are sufficient.

(11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

*See above; as designed, and as more fully detailed in the Negative Declaration, same are sufficient.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group's July 17, 2020 letter (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the July 17, 2020 letter and any other prior or subsequently issued letters, as well as all other administrative matters, from the LaBerge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus following conditions:

1. 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;

2. The following will be required during the construction and life of the facility:

a. Surety for construction and maintenance in an amount and form acceptable to the Town, along with an acceptable construction cost estimate;

b. Surety for removal in an amount and form acceptable to the Town along with an acceptable demolition cost estimate; and

c. Annual documentation from the utility company that the facility is active.

d. All other conditions imposed in the Laberge letter of July 17, 2020 and any of their prior or subsequently issued letters.

3. A letter from Applicant that it will comply with all conditions and requirements set forth herein and in any issued approvals and permits.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the reasons set forth in the July 17, 2020 letter from Laberge Group to Denise Mayer, Chairperson, the adopted Negative Declaration and all findings made pursuant thereto, all of which are incorporated herein and will not be restated; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval to allow the construction of a Solar Farm on the subject property as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter by the following vote:

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

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack **HEREBY RECOMMENDS APPROVAL** to the Building Department of a site development permit conditioned upon all necessary approvals being in place, including but not limited to the foregoing conditions.

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

LEAD AGENCY

LaVoie moved, D'Angelo seconded, that the planning board be lead agency.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

TYPE II ACTION

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

Johnson moved; D'Angelo seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RESOLUTIONS (3) RELATED TO MINOR LOT LINE ADJUSTMENT—CEDAR HILL SOLAR, LLC; File No.: 2019-37

- 1. RESOLVED THAT,** Planning Board be LEAD AGENCY for this action.

2. **RESOLVED THAT**, the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA.

3. **WHEREAS**, Applicant, **CEDAR HILL SOLAR, LLC**, applied for a Minor Lot Line Adjustment in conjunction with their site plan application to construct a ground-mounted solar farm with associated electrical appurtenances, to be located on the east side of Phillips Road, south of lands Pheasant Hollow Golf Course, in the Town of Schodack.

WHEREAS, the property is within an Residential Agricultural District ("RA");

WHEREAS, the Minor Lot Line Adjustment involves adjusting +/- 14.57 acres of property with the parcel to the east of Cedar Hill Solar, LLC.'s proposed solar array;

NOW, THEREFORE BE IT RESOLVED THAT, the Planning Board approves the Minor Lot Line Adjustment.

D'Angelo moved, LaVoie second.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Brian Schell (bountiful blooms)

2020-14/200.-9-8

1614 US 9

Proposed - change in Tenancy

Brian Schell, applicant, was present for this meeting via Zoom.

Mr. Schell stated the is moving from 1598 Columbia Turnpike to 1614 US Rt. 9 the old Buds florist.

LEAD AGENCY

LaVoie moved, Aubin, seconded, that the planning board be lead agency.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

TYPE II ACTION

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

Johnson moved, D'Angelo seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

CHANGE IN TENANCY

LaVoie moved, Aubin seconded APPROVAL of a change in tenancy at "1614 US 9"

PB 7-20-20

109-2020

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

MEMBER DISCUSSION

NONE

ADJOURN

D'Angelo moved; Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 9:04 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning