

1 STATE OF NEW YORK COUNTY OF RENSSELAER

2 TOWN OF SCHODACK

3 *****

4 PLANNING BOARD MEETING

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter
8 commencing on July 20, 2020, 265 Schuurman Road
9 Castleton, New York at 7:00 P.M.

10

11 BOARD MEMBERS:

12 DENISE MAYRER, CHAIRPERSON

13 WAYNE JOHNSON

14 JAMES SCHAUGHNESSY

15 LAWRENCE D'ANGELO

16 ANDREW AUBIN

17 JOHN LAVOIE

18

19 ALSO PRESENT:

20 CRAIG CRIST, ESQ., COUNSEL TO THE BOARD

21 NADINE FUDA, DIRECTOR, PLANNING & ZONING

22 MELISSA KNIGHTS, PLANNING & ZONING SECRETARY

23 LEE RUTH ARMSTRONG

24 TERESSA BAKNER

25 CHARLES MARSHALL

1 (cont.)
2 GIOVANNI MARUCA
3 TRAVIS MITCHELL
4 BRIAN SCHELL
5 KEVIN SEE

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1 CHAIRPERSON MAYRER: The Planning Board is
2 now called to order.

3 The first item on the agenda is
4 approval of the minutes. Any corrections or
5 deletions?

6 MR. JOHNSON: I had a few corrections.

7 CHAIRPERSON MAYRER: Do I have a motion?

8 MR. JOHNSON: So moved.

9 CHAIRPERSON MAYRER: Do I have a second?

10 MR. LAVOIE: Second.

11 CHAIRPERSON MAYRER: All in favor?

12 (Ayes were recited.)

13 Opposed?

14 (There were none opposed.)

15 I am abstaining.

16 Okay, I have number two on the agenda
17 as a period of public comment. We don't have
18 anybody on, unless there someone on the
19 meeting online.

20 MS. FUDA: No, no one has texted me
21 through that.

22 CHAIRPERSON MAYRER: Okay, so, we will
23 close the period of public comment.

24 Item number three is the public hearing
25 for Lee Ruth Armstrong.

1 Please read the notice.

2 MS. FUDA: Please take notice the Planning
3 Board of the Town of Schodack will conduct a
4 public hearing on Monday, July 20, 2020 at 7:00
5 PM on the following special permit
6 application:Lee Armstrong, proposed accessory
7 apartment; location:365 Woodward Road. The zone
8 is RA. The file is available for review by
9 emailing Nadine.fuda@schodack.org or calling
10 the Planning office at 518-477-7938. You may
11 email your comments in on the application or
12 call during the meeting by calling
13 518-376-7875, or mail your comments to Nadine
14 Fuda at Schodack - at the Planning office,
15 Schodack Town Hall, 265 Shuurman Road,
16 Castleton, New York at which time all
17 interested parties will be heard.

18 Okay, so we did get one comment emailed
19 into us. This is actually working quite
20 well. When somebody gets a letter that's
21 within the 300 feet of the property, we have
22 had people calling and coming in or having
23 me email them the application.

24 I will have Craig read into the record
25 the one response.

1 MR. CRIST: Thank you. This is an email
2 from Abby Cash on Monday, July 20 at 5:06 P.M.
3 The subject is special use permit Lee Armstrong
4 proposal.

5 Dear Nadine and Town of Schodack
6 Planning Board I am requesting that you read
7 my letter aloud during tonight's Board
8 meeting. I would deliver it in person if I
9 was permitted to attend. I was informed that
10 was not possible.

11 Thank you for your letter informing me
12 of a request made by Lee Armstrong for a
13 special use permit for an accessory
14 apartment at her new home at 365 Woodward
15 Road in Nassau, New York. It is currently
16 zoned for a residential one-family unit and
17 the special use permit will allow Ms.
18 Armstrong to have an additional living unit.

19 Please note the 365 location is
20 contiguous to my property at 377 Woodward
21 Road in Nassau. In general, I am not in
22 favor of special use permits, especially
23 when there is no real hardship involved.

24 Ms. Armstrong is a new resident and
25 when she purchased the property a few months

1 ago, it did not contain an accessory
2 apartment unit. At best, this is a
3 self-imposed or self-created hardship as no
4 additional apartment is necessary for the
5 new owner to live on her property and
6 nothing preventing her from enjoying her
7 residency. However, I made it a point to
8 visit with Lee and I believe her to be a
9 potentially good neighbor. I'm happy that
10 she has moved to Nassau and I want to be
11 supportive of her and her new home.

12 She informed me that she would like her
13 grown son to have an apartment that is more
14 like his own and that is her reason for
15 submitting a request for a special use
16 permit.

17 In the event that Lee's son moves out,
18 the apartment will be available for rental
19 to a tenant. We discussed that she would
20 only be renting two reputable individuals.

21 Based on our conversation and the
22 spirit of being a good neighbor, I will not
23 oppose this request for a special use permit
24 for this one additional unit. However, it
25 should be made clear that there is no

1 permission being given for building multiple
2 apartment units on this property or building
3 an apartment building. I look forward to
4 welcoming Ms. Armstrong to our Nassau
5 community. Sincerely Abby Block Cash.

6 CHAIRPERSON MAYRER: Thank you for reading
7 them.

8 So, can you explain to us your
9 application and your need for the
10 application?

11 MS. ARMSTRONG: Yes, it was my
12 understanding when I looked at this house - it
13 appeared that there was sort of like a
14 caretaker apartment.

15 What I wanted to do - I have a
16 20-year-old. I am a widow and have a
17 20-year-old son. I'm not doing anything -
18 I'm not adding on. I'm just taking what
19 appeared to me like a caretaker apartment
20 anyway and making it legal by adding the
21 firewall and making the exits correct. That
22 would be for my son, but I also know with
23 20-year-olds they can change their mind
24 about what they want to do. I don't
25 particularly want to live alone here. So, if

1 he was to go, I would like to be able to
2 have one - it would be a tenant.

3 The other thing is that at some point
4 he takes the house and raises a family and
5 when I am an old lady, I am in the
6 apartment. So, it is an in-law apartment.

7 You have seen the plans. I presented
8 them two weeks ago. Does everybody remember?

9 MS. FUDA: So, members, under an RA zone
10 single-family house - an accessory apartment is
11 a permitted use by a special use permit. This
12 house has always been listed with having a
13 special use -- not a special use, but having an
14 accessory apartment in it, but it never had a
15 special use permit.

16 What Lee is trying to do - she is going
17 to move some things around in the house but
18 she is trying to make it legal now to have a
19 special use permit.

20 CHAIRPERSON MAYRER: Okay, members - are
21 there any other comments from anybody in the
22 public?

23 MS. FUDA: Not that I have seen.

24 MR. JOHNSON: Are there any restrictions
25 on the square footage for a special use permit?

1 MS. FUDA: It cannot be more than 35% of
2 the total square footage.

3 MS. FUDA: Is there anyone else in the
4 public who would like to call in and make
5 comment on this special use permit for Lee
6 Armstrong on Woodland Road? The phone number
7 would be 518-376-7875.

8 CHAIRPERSON MAYRER: Okay, we will close
9 the public hearing and we will go with our
10 motions.

11 Is there anything else, members, before
12 we start motioning?

13 (There was no response.)

14 The first one is lead agency. Do I have
15 a motion?

16 MR. JOHNSON: So moved.

17 CHAIRPERSON MAYRER: Mr. Johnson.

18 Second?

19 MR. AUBIN: Aubin, second.

20 CHAIRPERSON MAYRER: All in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 Okay, now the second motion is for this
25 to be classified as a Type II action.

1 MR. SCHAUGHNESSY: So moved, Shaughnessy.

2 CHAIRPERSON MAYRER: Second?

3 MR. LAVOIE: Second, Lavoie.

4 CHAIRPERSON MAYRER: All in favor?

5 (Ayes were recited.)

6 Opposed?

7 (There were none opposed.)

8 Do I have a motion to approve this
9 special use permit for this accessory
10 apartment?

11 MR. LAVOIE: LaVoie, so moved.

12 CHAIRPERSON MAYRER: Second?

13 MR. D'ANGELO: D'Angelo, second.

14 CHAIRPERSON MAYRER: All in favor?

15 (Ayes were recited.)

16 Opposed?

17 (There were none opposed.)

18 Okay, you are all set. So, you can go
19 to it.

20 MS. ARMSTRONG: Terrific. Thank you, very
21 much.

22 CHAIRPERSON MAYRER: You're welcome.

23 MS. FUDA: I will get in touch with you,
24 Lee, with what our next steps are.

25 CHAIRPERSON MAYRER: Item four: Public

1 hearing, White River Solar.

2 MR. MITCHELL: This is Travis Mitchell. I
3 am here with Giovanni.

4 MS. FUDA: Please take notice that the
5 Planning Board of the Town of Schodack will
6 conduct a public hearing on Monday July 20th,
7 2020 at 7:00 P.M. on the following site plan
8 special permit application: White River -
9 proposed utility solar location, 2270 River
10 Road, zoned RA. The file is available for
11 review by emailing nadine.fuda@schodack.org by
12 calling the Planning office at 518-477-7938.
13 You may email your comments in on the
14 application or by calling in during the meeting
15 at 518-376-7875, or you can mail a comment to
16 Nadine Fuda, at the Planning office, Schodack
17 Town Hall, 265 Sherman Road, Castleton, New
18 York. Please check the meeting agenda posted on
19 the Town's website at www.schodack.org for
20 information on the virtual meeting.

21 So, this application - also I did send
22 it to an adjacent neighbor and she was going
23 to be watching as she may or may not call in
24 tonight. She did not have any written
25 comment.

1 CHAIRPERSON MAYRER: So, we have no
2 written comment?

3 MS. FUDA: Not right now, we don't.

4 CHAIRPERSON MAYRER: So, there's only one
5 comment?

6 MS. FUDA: We didn't really get any
7 comment yet.

8 CHAIRPERSON MAYRER: Questions for the
9 applicant?

10 So, we are going to refer this back to
11 Rich in a second.

12 MR. LABERGE: Rich Laberge.

13 The applicant has developed the
14 application pretty far and so our comment
15 letter of July 2nd is down to details.
16 Therefore, we thought the public hearing on
17 the site plan was appropriate at this time
18 so the public would have enough to react to
19 and the project is fairly well gelled. We
20 still need to close out the SEQRA process.

21 We received a package from the
22 applicant from July 17th, last Friday that
23 we will be reviewing later this week. After
24 the Board makes its determination on SEQRA,
25 the applicants still needs to have their PD

1 application go up to the Town Board for
2 consideration.

3 We should gather as much public input
4 as we can and we still have some time to
5 work through some details while the
6 application is being considered by the Town
7 Board. There is nothing that I really have
8 to add beyond what is in our letter. If
9 anybody has any questions - again, they are
10 pretty detailed issues. We would be happy to
11 answer those and the applicant is also
12 available, obviously.

13 Wayne has a couple.

14 MR. JOHNSON: I have a couple. The wet
15 swales - exactly how are swales constructed?

16 MR. LABERGE: I'm going to let the
17 applicant describe the soils and a little bit
18 about their project because I think there are a
19 number of projects by this applicant and I
20 guess I get them a little confused.

21 If Travis or Giovanni could talk about
22 them, that would be great.

23 MR. MITCHELL: Rich, I am here but I
24 couldn't hear the question. Maybe Giovanni
25 could answer it.

1 MS. MARUCA: Yes, I didn't hear the
2 question, either. Could you please repeat that
3 for us and we will be happy to answer it?

4 MR. JOHNSON: This is Wayne Johnson. I was
5 just questioning exactly what swales are and
6 how they are constructed. In the letter I
7 believe it was mentioned - wet swales.

8 MR. LABERGE: What are we talking about? I
9 thought we were talking about soils earlier.

10 In terms of the drainage system and the
11 swales - Travis, did you hear that? We're
12 talking about stormwater and some of the
13 swales involved.

14 MR. MITCHELL: I didn't hear the question,
15 but the stormwater management has been designed
16 in accordance with DEC requirements and it is
17 under review by Rich's office. I don't know
18 what the question was, I'm sorry.

19 MR. LABERGE: Wayne, do you have a
20 specific number that you are referring to in
21 our letter that might help us? Number 13 - I
22 think it might be.

23 MR. JOHNSON: I don't recall, exactly.

24 MR. LABERGE: My number 13 is - the
25 maximum width of wet swales is 8 feet but no

1 less than two. We were trying to make sure that
2 they were doing it as per the design
3 guidelines.

4 MR. JOHNSON: I didn't see the wet swales
5 so I didn't understand what they are, or where
6 they go.

7 MR. LABERGE: Travis, could you explain
8 the wet swales incorporated into the stormwater
9 design and where they are approximately on the
10 site?

11 MR. MITCHELL: Rich, I heard you say
12 something about wet swales, but the quality of
13 the audio is not very good. What was the
14 question?

15 MR. LABERGE: I don't know if that's a way
16 to get my audio better, but if you could
17 explain the purpose of the wet swales as far as
18 stormwater design goes and approximately where
19 they are located on the site.

20 MR. MITCHELL: Okay, so, the wet swales in
21 terms of stormwater management - it's a
22 technique used when you don't have a whole lot
23 of impervious area and you're looking to slow
24 the run-off down and attenuate it and treat it
25 from a water quality perspective, not relying

1 on infiltration and hence the name wet swale.
2 They would be generally located along the edges
3 of the access road. They are culled out as
4 roadsides swales.

5 I'm not sure if that answers the
6 question, or not.

7 If you have the plan set in front of
8 you, there is one that I see clearly on
9 sheet 6 of 9. You have that hammerhead that
10 terminates there and there's a swale that
11 leads down through from east to west on that
12 roadway.

13 MR. LABERGE: They do hold water and they
14 obviously have the tension effect, but also the
15 water quality concept here. This is just one of
16 the techniques available.

17 Travis, can you describe the soils
18 there? They are tight soils.

19 MR. MITCHELL: Yes, it's a heavier glacial
20 soil in general there.

21 MR. JOHNSON: Another question that was
22 mentioned - the road that was less than Code
23 calls for and also steeper than the Code
24 requires -- that's something that the Planning
25 Board has to approve.

1 MR. LABERGE: Do you mean the access road?

2 MR. JOHNSON: The access road is steeper
3 than what is allowed by Code. It's also
4 narrower than the Code. You are saying that it
5 should go through the Fire Department, but this
6 should also be approved by the Board that's
7 going to be the use.

8 MR. LABERGE: I think number one in my
9 letter - the fire apparatus access road is set
10 to the Fire Code which is as per the Code
11 Inspector in the Town of Schodack. Generally he
12 believes that they should be 20 feet wide. The
13 applicant has proposed some different thoughts
14 there but so far the Code Inspector has not
15 changed his mind. So, in this case, part of the
16 apparatus access road is the existing driveway
17 to the home that exists on the property. Then,
18 they are building on the roads to access the
19 solar array. We are waiting to get responses
20 the letter of the 17th which was a reply to our
21 letter.

22 In terms of the board having to do it,
23 it's really a Fire Code issue and easier to
24 sort it out. There is some discretion given
25 to the Fire Codes Official as to what is

1 required. So, past projects have been 20
2 foot wide and I think the applicant is
3 making a case for something else at this
4 point. So, we will review that issue as we
5 proceed right now it basically comes down to
6 a Building Inspector - the Code Enforcement
7 Officer here in Town.

8 MR. JOHNSON: Maybe we should get
9 something in writing that says the requirement
10 from the Fire Department our Code Enforcement
11 Officer.

12 MR. MITCHELL: I think I heard something
13 in writing.

14 MR. JOHNSON: We need something in
15 writing that is by the fire department or code
16 enforcement officer -

17 MR. LABERGE: Sure, again, it's not the
18 Fire Department. The Chiefs might have some
19 input, but it is the Code Enforcement Officer
20 who acts as the Fire Code Official. I will get
21 a memo from him. I think he gave us one on
22 Elmbrook at the time. I will get it in writing
23 when we have a final answer.

24 MR. JOHNSON: Should we have them talk to
25 the Fire Department about their apparatus and

1 if it is available to access the site -

2 MR. LABERGE: The previous memo for
3 Elmbrook - I don't believe that memo mentions
4 that. However, there was some discussion with
5 that Fire Chief. I think the applicant may have
6 given some type of eval or something in support
7 of a slightly narrower road. The Code
8 Enforcement Officer here in Town, Joe - he went
9 for the wider road. I think that's how that
10 transpired. I don't want to speak for the
11 applicant, but because of our communication
12 issues, generally the Fire Chiefs are okay with
13 a narrower road but for whatever reason, they
14 settled on this 20 foot -- and Joe asked, not
15 me - and feels that's what the Town of Schodack
16 needs. So, again, my letter just talks about
17 that process playing out, but also the final
18 decision with the Code Enforcement Officer. I
19 will get a memo from him on this project.

20 MR. JOHNSON: Okay, thank you.

21 MR. MITCHELL: Rich, I can add to that
22 just a little bit. I'm catching good chunks of
23 this with this audio.

24 We are working with the Code
25 Enforcement Officer and have reached out to

1 the Volunteer Fire Department and have
2 gotten feedback from the Fire Department
3 which you all have. Of course, as you said
4 Rich, it's up to the Code Enforcement
5 Officer to make the final determination.
6 They are working with them on that and hope
7 to get to the point where we can utilize
8 existing roads that are there.

9 MS. MARUCA: I just want to add a little
10 color to this for the Board. It's an area that
11 we have been working on and kind of butting
12 heads with the Code Enforcement Officer for the
13 better part of a year. His reasoning for the 20
14 foot wide road, which is basically the width of
15 Brookview Road if you went out and actually
16 measured the width of Brookview Road is 22 feet
17 from asphalt to asphalt and 20 feet from white
18 line to white line. His reason for that is that
19 he feels you need the vehicles to be able to
20 pass each other in a busy situation.

21 I would like to point out that this is
22 not in line with any other applications that
23 I'm working across in Schaghticoke, in
24 Duaneburgh, the Town of Claverack -- we
25 have all managed to understand and

1 appreciate that these projects are on
2 farmland. Many of them, if not all of them
3 in this district, are on agricultural
4 district land - Ag districts. We've always
5 been very sensitive about trying to minimize
6 the disturbance to agricultural land and
7 farming. In particular, this particular
8 design we have done is put forward the
9 proposal that has been accepted by a ton of
10 places which is very reasonable, I think.
11 This road is quite long. If you started from
12 where my asphalt ends - this is actually on
13 my property - to where you get back to the
14 solar farm, it's 1/4 of a mile which is
15 quite long.

16 In our view and opinion and in the
17 opinion of most Fire Departments, as well as
18 this particular one - I met with the Chief
19 in Castleton who has been up to this house
20 when the house caught on fire a decade ago
21 and they got plenty of fire apparatus up
22 there to hold the big stuff. Back then it
23 was less than 15 feet and was wide enough.
24 What we are proposing in this design was
25 actually some passer-by lanes. So, every 500

1 feet or so there is an area for a vehicle to
2 pull off to the side to allow another
3 vehicle to pass safely in the situation
4 where you might need two vehicles going back
5 and forth, which I think is a fairly good
6 solution particularly for the limited risk
7 which the vehicles will have to actually get
8 into the solar farm. If you actually speak
9 to Fire Departments, the guidance is that an
10 electrical fire - we are not going in there
11 unless there is someone injured. That's the
12 only way they're going in. All the advice is
13 to sit out and let it burn out because it's
14 an electrical fire. I don't know how we get
15 resolution, but I will circle back with a
16 Code Enforcement Officer. I don't believe he
17 has seen this current design. Hopefully he
18 will apply a little bit of logic and common
19 sense and realize that passer-by lanes every
20 500 feet are more than ample for the concern
21 that he has and limits the amount of
22 disturbance to the land into the farming
23 activities.

24 This project - it will be part of the
25 overall farming plan for this land because

1 we are ultimately going to have sheep inside
2 the solar farm.

3 The landowner is already working with
4 another farmer for pigs in the woods. If
5 you're familiar with Heritage Hogs, they are
6 also doing quite a bit of work with wild
7 mushrooms in the woods as well and they will
8 probably be integrated into the solar farm
9 because there is a lot of shade.

10 If you try to get mushrooms to bloom,
11 those wet swales that we were talking about
12 - that will be running along panels and
13 alongside of the shade which are going to be
14 good places for blooming mushrooms.

15 I just thought it would be useful to
16 provide a little bit of color.

17 On my own land there is a natural gas
18 high pressure main on the road. It's only
19 got a 15 foot access tractor.

20 There are loads of tracks around that
21 have been pointed out to me by other members
22 of the Town where on Town land you don't
23 require 20 feet. There was a discussion when
24 we were talking to East Greenbush whereas
25 the school doesn't even have 20 feet for

1 schools. I think there was a little bit of
2 overkill in terms of engineering a 20 foot
3 wide road for this type of solution.

4 I just thought it was good to just add
5 a little bit of color for the Board and give
6 you some feel for where we are. Hopefully,
7 we will be able to reach some sort of
8 reasonable compromise.

9 There is legislation that allows the
10 Code Enforcement Officer to vary these
11 widths. It's in their discretion and
12 hopefully we will be able to get it done and
13 there will be common sense on this one.

14 CHAIRPERSON MAYRER: Anything else on this
15 for now?

16 (There was no response.)

17 Do we have any other comments from the
18 public?

19 MS. FUDA: We are also having technical
20 difficulties. We are on Facebook, but we are
21 not live streaming on the Town's website. We're
22 going to have to take a 10-minute break. So if
23 you want to take a 10-minute break and leave
24 this public hearing open -

25 CHAIRPERSON MAYRER: We'll have to.

1 So, we are just going to adjourn for 10
2 minutes.

3 MS. FUDA: So, if we can get the message
4 to all the people there -- Giovanni, did you
5 hear that? We have to take a 10-minute break.

6 MS. MARUCA: Yes, I heard you; thank you.

7 (Whereas there was a brief recess in
8 the proceedings.)

9 MS. FUDA: Giovanni and Travis, can you
10 hear us?

11 MR. MITCHELL: Yes.

12 MS. MARUCA: I can hear you.

13 MS. FUDA: We appear to be back up and
14 running, so we will start the process back up.

15 CHAIRPERSON MAYRER: So, we are continuing
16 the public hearing. I think we were at the
17 point that we concluded that you had to go back
18 and work with Code Enforcement to further
19 negotiate the road. At this point, is there any
20 comments from the public?

21 MS. FUDA: Not that I see.

22 CHAIRPERSON MAYRER: Is there any other
23 comments from the Board?

24 (There was no response.)

25 We will close the public hearing. I

1 need a motion for that.

2 MR. LAVOIE: Lavoie, so moved.

3 MR. D'ANGELO: D'Angelo, second.

4 CHAIRPERSON MAYRER: All in favor?

5 (Ayes were recited.)

6 Opposed?

7 (There were none opposed.)

8 Based on your letter, Rich, this is

9 about as far as we can go right now?

10 MR. LABERGE: That's correct. We basically

11 - by the next meeting we hope to have letter

12 where the Board can consider a SEQRA

13 determination on the project. So really no

14 actions can be taken until a SEQRA

15 determination is made. After SEQRA is done, the

16 Town Board can consider the solar PD

17 application. So, this Board is really at a

18 stand still until - other than the SEQRA

19 determination, we are at a standstill until it

20 goes to the Town Board and comes back. So,

21 there is time for the applicant to work through

22 comments and the issue of the road width that

23 we were talking about. Our next task would be a

24 SEQRA determination for your review and

25 consideration.

1 CHAIRPERSON MAYRER: Okay, so that's that.
2 We are going to revisit item three, which is
3 Ruth Armstrong's application, only we have to
4 redo the motions because we weren't streaming
5 at the time.

6 Do you have any questions for us?

7 (There was no response.)

8 I will that as a no.

9 MS. MARUCA: I just wanted to confirm that
10 the next planning Board meeting is August 3rd
11 to get all the stuff together. We should be
12 able to act on SEQRA that evening, is that
13 correct?

14 MR. LABERGE: We are going to work on the
15 review with that intent and if there are any
16 issues, we will contact you as soon as we know.
17 Yes, August 3rd is the date.

18 MS. MARUCA: That's great, thank you.

19 CHAIRPERSON MAYRER: Thank you.

20 So, for this accessory apartment, we
21 read into the record a comment from a
22 neighbor. That's there. Then, we did three
23 motions.

24 MS. FUDA: Johnson moved, Aubin seconded
25 for lead agency - all members, aye.

1 Jim Shaughnessy moved - -

2 First motion was lead agency and was
3 Johnson and Aubin.

4 MR. JOHNSON: I'll make the motion,
5 Johnson.

6 MR. AUBIN: Second, Aubin.

7 CHAIRPERSON MAYRER: Okay, all in favor?

8 (Ayes were recited.)

9 Opposed?

10 (There was none opposed.)

11 MS. FUDA: The second was for type II
12 action. That was Jim Shaughnessy and John
13 LaVoie.

14 MR. SCHAUGHNESSY: I make a motion for a
15 Type II action; Shaughnessy.

16 MR. LAVOIE: Second; LaVoie.

17 CHAIRPERSON MAYRER: Okay, all in favor?

18 (Ayes were recited.)

19 Opposed?

20 (There was none opposed.)

21 MS. FUDA: The third was John LaVoie and
22 D'Angelo for granting the special use permit.

23 MR. LAVOIE: So moved; Lavoie.

24 MR. D'ANGELO: Second, D'Angelo.

25 CHAIRPERSON MAYRER: All in favor?

1 (Ayes were recited.)

2 Opposed?

3 (There was none opposed.)

4 MR. CRIST: Let's just do the minutes. Can
5 we do that motion and then we will be all set?

6 CHAIRPERSON MAYRER: Okay, so, we will go
7 back to item one. There was comments about the
8 minutes and that came from Mr. Johnson. So, we
9 did that.

10 Then, there was a motion to approve the
11 minutes. it was Johnson and LaVoie.

12 All in favor?

13 (Ayes were recited.)

14 Opposed?

15 (There was none opposed.)

16 I abstained because I wasn't here.

17 Now, we are going to go on to items
18 five, six, seven, eight and nine which all
19 involve Scannell.

20 I am recused from these items. So, Mr.
21 Johnson will be chairing the next five
22 items.

23 (Ms. Mayrer exited the room.)

24 MS. FUDA: Carrie, you should have Terresa
25 Bakner and Kevin See for this one. I imagine

1 Terresa is going to do most of the talking.

2 MS. BAKNER: I think I have successfully
3 unmuted myself.

4 Thank you very much for hearing this. I
5 just want to start out first with a July 6th
6 letter that we sent into the Planning Board,
7 as well as the Aoning Board of Appeals which
8 kind of covers what it is that we are
9 requesting for this particular project.

10 We have four signs. The first one is
11 sign A which is the sign on two posts that
12 is a 25 square-foot an area which meets the
13 size requirements of the Code, but is the
14 second ground size proposed for the
15 facility. As you well know, the Town Code
16 only allows one ground sign and one
17 wall-mounted sign in a nonresidential area
18 with more than 150 feet of frontage along
19 the highway.

20 So, the second monument sign is sign
21 which exceeds the minimum square footage
22 allowed. Wall sign A which exceeds the size
23 allowed for wall signs in the Town Code -
24 it phases out to New York State Route 9 and
25 as you know, we are set back quite a bit

1 from New York State Route 9.

2 Then, the second wall sign is a little
3 bit of an odd one. It's really a logo for
4 Amazon. It's the smile. That is going over
5 the employee entrance so it will be visible
6 pretty much just towards the interior of the
7 site. It looks just like a smile. It doesn't
8 have any letters or words associated with
9 it.

10 There are standards set forth in your
11 Code for granting an area variance. I know
12 what you all are doing tonight is making a
13 recommendation to the Zoning Board of
14 Appeals. So, what we are trying to do is
15 explain why we needed the greater number of
16 signs as well as the larger size of signs.

17 The first point is the building is set
18 back quite a distance from New York State
19 Route 9. One of the things that we wanted to
20 be sure of during the course of the project
21 was that the transportation mitigation would
22 work and that people would be able - trucks
23 in particular would be able to see where
24 they are supposed to go as opposed to having
25 the trucks and the employee passenger

1 vehicles mingle.

2 The other benefit it does is make sure
3 the trucks don't get off on a side road.

4 While it is true that most of the people
5 used GPS these days, it takes two to three
6 years for GPS to actually be accurate at a
7 particular location. So, in addition to the
8 letter and the Building Inspector's denial,
9 as well as the pictures of the signs that
10 we've included in the package, we also
11 included the elevation of the building and
12 what it will look like so you can see for
13 instance, the wall signs and the
14 ground-mounted signs in relation to the
15 structure itself.

16 So, this one is looking at the photos
17 that show the birdseye view of the facility
18 and then the elevation with the Amazon sign
19 facing New York State Route 9. There are
20 also elevations immediately after that that
21 show the relationship of the sign to the
22 building. That is the east elevation all the
23 way down at the bottom. It shows the picture
24 of the sign on the corner. We have shown, as
25 well the comparison of the size, that is

1 allowed under the Code. As you can see, a
2 sign of that size would be really not
3 particularly visible especially given the
4 distance from the highway. If you go on you
5 will see the north elevation. This is the
6 elevation facing into the site and it shows
7 the smile above the employee entrance.
8 Again, it's basically the width of the door
9 that they walk into. It's pretty much for
10 decorative purposes and just as a guide to
11 show where the entrance is.

12 The one ground-mounted sign meets the
13 dimensional requirements for the Code. The
14 other monument sign which you will see on
15 the last page of that signage packet -- when
16 you look at what we are showing and where we
17 are showing the name of the building, were
18 showing the entrances so there are
19 directional signs and we have the address
20 for 911 purposes.

21 Again, although it is 119.5 inches by
22 96 inches, it's at a location where absent
23 that size, it would be difficult to see from
24 the road in which we are trying to get
25 people to follow the direction. The

1 directional signs under the Town Code that
2 are allowed are very small. So, rather than
3 place any of those signs, the idea was to
4 put the information that we needed with
5 respect to visitors and associates turning
6 in and all trucks turning on the two larger
7 signs.

8 The questions in the area variance are
9 really - will these signs produce an
10 undesirable change in the character of the
11 neighborhood, or a detriment to nearby
12 properties? The purpose of the sign -
13 obviously, they are meant to be attractive.
14 They are meant to just serve the purpose of
15 showing people where to go on-site. The
16 locations of the sign were shown on the site
17 plan, which the Planning Board reviewed some
18 time ago. We really can't achieve our goal
19 with a smaller sign. We are terribly
20 concerned that it just will not be visible.
21 We really don't have any other way to deal
22 with this issue other than asking for the
23 area variance because as you might imagine
24 we would have certainly preferred not to do
25 that but we really can find no other way to

1 achieve this goal. We also don't believe
2 that the proposed variance would have any
3 adverse effect or impact on physical or
4 environmental conditions in the neighborhood
5 or the district. It is consistent with the
6 building. It's consistent with the
7 appearance of the building. There is a lot
8 going on on the site with the noise walls,
9 with the distance back from the highway.
10 Really, we just want to make sure that our
11 employees and truck drivers can get in and
12 out of the site safely.

13 As we all know, the last criteria
14 alleged to difficulty whether or not it is
15 self-created. In this case, our experience
16 with wall signs - wall-mounted signs in
17 particular is that they are generally
18 proportionate to the size of the building
19 that they're on. I think when you look at
20 the overall size of the building and the
21 sign that we are proposing and in particular
22 those elevations which I pointed out, they
23 really are consistent with the visual impact
24 of the structure itself. We don't believe
25 they will distract anyone or have any

1 adverse effect on the appearance of the
2 community and this particular location.

3 Kevin and I are happy to answer any
4 questions that you have regarding the
5 requested sign variances, or the denial by
6 the Building Inspector. I would just say
7 about the lot line adjustment - which Nadine
8 mentioned at the tail end - we are looking
9 to take off 0.011 acres of a tiny little
10 piece of property which will then be added
11 to the DOT right-of-way and the purpose for
12 adding that to the DOT right-of-way is that
13 DOT would prefer to own it because within it
14 will be some of the transportation
15 improvements that are being made along New
16 York State Route 9. So, it is merely an
17 appropriation, as you know, by the state of
18 some of our land so that they can own and
19 control the traffic mitigation measures.
20 It's very difficult to see. We have included
21 a copy of it. It is so small that even on
22 the plan it doesn't look very big.

23 Again, we are happy to answer questions
24 about that as well. The truth is, DOT told
25 us they want it and we are just trying to

1 give it to them.

2 MS. FUDA: Terresa, can you hear me?

3 MS. BAKNER: Yes.

4 MS. FUDA: So, for your knowledge and the
5 members' knowledge the Z788-20 is the smile;
6 Z789-20 is the Amazon sign; Z790-20 is the
7 employee free-standing sign; Z791-20 is the
8 truck entrance sign.

9 The lot line we will do after we do all
10 the recommendations to the ZBA. We will vote
11 on each and every one of these.

12 ACTING CHAIRPERSON JOHNSON: Okay, do we
13 have any questions for the applicant?

14 (There was no response.)

15 I was sort of wondering when the signs
16 that you have for the post mounted - you
17 have arrows for employees to turn right when
18 you're heading south and trucks to go
19 further down the road to the truck entrance.
20 What do you put on the other side of the
21 sign when you're traveling north?

22 MR. SEE: The arrows would be appropriate
23 for the direction on one side. If you're coming
24 south, it would point to the right. They would
25 be appropriate for the direction they are

1 coming in.

2 ACTING CHAIRPERSON JOHNSON: After coming
3 from the south in a truck and you approach the
4 employee entrance -

5 MR. SEE: It would probably have a down
6 arrow.

7 ACTING CHAIRPERSON JOHNSON: A down arrow?
8 Are they going to understand what that means?
9 It's something to think about.

10 MR. SEE: No, I get it.

11 ACTING CHAIRPERSON JOHNSON: The same
12 applies to the truck entrance when you're
13 coming from the north. You have the employee
14 and associates on the south side, but you
15 really can't have a backwards arrow on the
16 north side of the sign.

17 MS. BAKNER: I'm sorry, was that a
18 question?

19 ACTING CHAIRPERSON JOHNSON: It doesn't
20 really affect our vote, but it's something you
21 might want to think about and correct.

22 MR. SEE: We understand - either omit it,
23 or possibly make a change to no trucks or no
24 cars or something like that. That's a good
25 suggestion. We can certainly look at that.

1 ACTING CHAIRPERSON JOHNSON: If there are
2 no comments from anyone on the Board, we can
3 proceed with our recommendations.

4 First we have to reaffirm that the
5 Schodack Planning Board is the lead agency
6 on this project.

7 MS. FUDA: Wayne, is this Z788 -

8 ACTING CHAIRPERSON JOHNSON: I would
9 recommend that number -- do we need to vote on
10 that?

11 MR. CRIST: Before we do that, if I could
12 just read the standards? Ms. Bakner had went to
13 each one of the elements, but I just want to
14 read the standards that are being applied to
15 determine whether or not an area variance
16 should be granted. You guys are making a
17 recommendation to the ZBA, whether or not you
18 recommend they grant it or deny the permit. So,
19 that would be the criteria that would be
20 applied. This is from the New York State Town
21 Law.

22 In making its determination, the Zoning
23 Board of Appeals shall take into
24 consideration the benefits to the applicant
25 if the variance is granted as weighed

1 against the detriment of the health, safety
2 and welfare of the neighborhood or community
3 by such grant.to make such determination,
4 the Board shall also consider 1. Whether an
5 undesirable change would be produced to the
6 character of the neighborhood, or a
7 detriment to nearby properties would be
8 created by granting of the area variance. 2.
9 Whether the benefits sought by the applicant
10 could be achieved by some method feasible
11 for the applicant to pursue other than the
12 area variance. 3. Whether the requested area
13 variance is substantial. 4. Whether the
14 proposed variance will have an adverse
15 effect or impact in the physical or
16 environmental conditions of the neighborhood
17 or district. 5. Whether the alleged
18 difficulty was self-created - which
19 consideration shall be relevant to the
20 decision of the Board of Appeals, but shall
21 not necessarily preclude the granting of the
22 area variance.

23 One other matter that I just wanted to
24 comment on: Ms. Bakner, is your position
25 that SEQRA has been completed already on

1 this project with these items being depicted
2 on the approved site plans by this Board? Am
3 I correct?

4 MS. BAKNER: That's correct, yes.

5 MR. CRIST: Being on the extra safe side,
6 if this Board were to reaffirm the Planning
7 Board as lead agency and adopt a Type II for
8 each of these, would that be acceptable?

9 MS. BAKNER: Yes.

10 MR. CRIST: Okay, thank you.

11 ACTING CHAIRPERSON JOHNSON: So we have
12 declared or affirmed that the Schodack Planning
13 Board is lead agency, do we need to vote on
14 that?

15 MS. FUDA: Yes.

16 ACTING CHAIRPERSON JOHNSON: Can I have a
17 motion to declare the Planning Board lead
18 agency?

19 MR. AUBIN: Aubin; so moved.

20 MR. LAVOIE: LaVoie; second.

21 ACTING CHAIRPERSON JOHNSON: All in favor?

22 (Ayes were recited.)

23 Opposed?

24 (There were none opposed.)

25 Motion to declare this a Type II

1 action?

2 MR. SCHAUGHNESSY: So moved; Shaughnessy.

3 MR. D'ANGELO: Second; D'Angelo.

4 ACTING CHAIRPERSON JOHNSON: All in favor?

5 (Ayes were recited.)

6 Opposed?

7 (There were none opposed.)

8 Motion to approve -

9 MS. FUDA: No, motion for a positive or
10 negative recommendation to the ZBA.

11 ACTING CHAIRPERSON JOHNSON: Motion to
12 make a recommendation to the ZBA - positive or
13 negative.

14 MR. LAVOIE: Lavoie - I'd like to move for
15 a favorable recommendation.

16 MS. FUDA: Positive.

17 MR. LAVOIE: Positive recommendation.

18 ACTING CHAIRPERSON JOHNSON: Second?

19 MR. AUBIN: Aubin; second.

20 ACTING CHAIRPERSON JOHNSON: All in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed).

24 MS. FUDA: Z789.

25 ACTING CHAIRPERSON JOHNSON: Is next.

1 MS. FUDA: Yes. that's the Amazon sign.

2 MR. JOHNSON: Can I have a motion to
3 reaffirm the Schodack Planning Board as lead
4 agency?

5 MR. AUBIN: Aubin; so moved.

6 MR. LAVOIE: LaVoie; second.

7 ACTING CHAIRPERSON JOHNSON: All in favor?

8 (Ayes were recited.)

9 Opposed?

10 (There were none opposed).

11 Can I have a motion for a Type II
12 action?

13 MR. LAVOIE: LaVoie; so moved.

14 MR. SCHAUGHNESSY: Shaughnessy; second.

15 ACTING CHAIRPERSON JOHNSON: All in favor?

16 (Ayes were recited.)

17 Opposed?

18 (There were none opposed).

19 I need a motion for an approval or a
20 recommendation.

21 MR. AUBIN: I move for a favorable
22 recommendation; Aubin.

23 MR. LAVOIE: Lavoie; second for a positive
24 recommendation to the ZBA.

25 ACTING CHAIRPERSON JOHNSON: All in favor?

1 (Ayes were recited.)

2 Opposed?

3 (There were none opposed.)

4 That's Z789.

5 Now we'll do Z790.

6 MS. FUDA: Which is the employee
7 freestanding sign.

8 ACTING CHAIRPERSON JOHNSON: Can I have a
9 motion to affirm the Planning Board as lead
10 agency?

11 MR. D'ANGELO: So moved; D'Angelo.

12 MR. AUBIN: Aubin; second.

13 ACTING CHAIRPERSON JOHNSON: All in favor?

14 (Ayes were recited.)

15 Opposed?

16 (There were none opposed.)

17 ACTING CHAIRPERSON JOHNSON: Can I have a
18 motion to declare this Type II action?

19 MR. LAVOIE: LaVoie; so moved.

20 MR. AUBIN: Aubin; second.

21 ACTING CHAIRPERSON JOHNSON: All in favor?

22 (Ayes were recited.)

23 Opposed?

24 (There were none opposed.)

25 Finally, we have a motion for a

1 favorable recommendation to the ZBA - either
2 opposed or in favor.

3 MR. SCHAUGHNESSY: I'll make a motion for
4 a favorable - positive recommendation;
5 Shaughnessy.

6 MR. D'ANGELO: D'Angelo; second.

7 ACTING CHAIRPERSON JOHNSON: All in favor?

8 (Ayes were recited.)

9 Opposed?

10 (There were none opposed.)

11 MS. FUDA: Okay, the next one is Z791-20
12 and this is the free-standing truck entrance
13 sign.

14 ACTING CHAIRPERSON JOHNSON: Can I have a
15 motion to refer Schodack Planning Board as lead
16 agency?

17 MR. D'ANGELO: I'll move; D'Angelo.

18 MR. SCHAUGHNESSY: Second; Shaughnessy.

19 ACTING CHAIRPERSON JOHNSON: All in favor?

20 (Ayes were recited.)

21 Opposed?

22 (There were none opposed.)

23 Can I have a motion to declare the Type
24 II action?

25 MR. AUBIN: So moved; Aubin.

1 MR. LAVOIE: Lavoie; second.

2 ACTING CHAIRPERSON JOHNSON: All in favor?

3 (Ayes were recited.)

4 Opposed?

5 (There were none opposed.)

6 I need a motion for a positive or
7 negative declaration for approval of the
8 sign to the Zoning Board.

9 MR. LAVOIE: LaVoie; I'll move for a
10 positive recommendation to the ZBA.

11 MR. AUBIN: Aubin; second.

12 ACTING CHAIRPERSON JOHNSON: All in favor?

13 (Ayes were recited.)

14 Opposed?

15 (There were none opposed.)

16 MR. AUBIN: So, the recommendations to the
17 ZBA are all complete.

18 We will move on now to 2020 - 13 that
19 is the lot line for Scannell.

20 ACTING CHAIRPERSON JOHNSON: This is item
21 9 in your packet.

22 Anybody on the Board have questions?

23 (There was no response.)

24 I was just looking for a table or some
25 area that shows the actual change in the

1 area of the Scannell property for tax
2 purposes.

3 MS. BAKNER: The properties owned by
4 Scannell were consolidated, as you will recall.
5 So, the total acreage is 116.39 acres. That's
6 the number that we have and .811 acres of that
7 will go to DOT. I believe the tax map parcel
8 number may be shown on the drawing that shows
9 the tiny square that's going to DOT.

10 ACTING CHAIRPERSON JOHNSON: We have an 8
11 1/2 by 11 sheet that shows the entrance and
12 it's not really clear -- that the clerk will be
13 able to find the numbers to transfer. So, if
14 you could put that on one of the sheets in
15 large letters so that it is clear. Other than
16 that, I don't see any problems.

17 Anything from the Board?

18 (There was no response.)

19 Okay, so I guess were going to go to
20 the same that we reaffirm the Schodack
21 Planning Board as lead agency.

22 MR. LAVOIE: LaVoie; so moved.

23 MR. AUBIN: Aubin; second.

24 ACTING CHAIRPERSON JOHNSON: All in favor?

25 (Ayes were recited.)

1 Opposed?

2 (There were none opposed.)

3 Can I have a motion to declare this is
4 a Type II action?

5 MR. SCHAUGHNESSY: Shaughnessy; so moved.

6 MR. LAVOIE: LaVoie; second.

7 ACTING CHAIRPERSON JOHNSON: All in favor?

8 (Ayes were recited.)

9 Opposed?

10 (There were none opposed.)

11 Can I have a motion to approve the area
12 variance -

13 MS. FUDA: Lot line.

14 ACTING CHAIRPERSON JOHNSON: Lot line
15 adjustment for Scannell properties.

16 MR. SCHAUGHNESSY: Shaughnessy; so moved.

17 MR. LAVOIE: LaVoie; second.

18 With an updated map.

19 ACTING CHAIRPERSON JOHNSON: With the
20 corrections on there before I can sign.

21 All in favor?

22 (Ayes were recited.)

23 Opposed?

24 (There were none opposed.)

25 MS. FUDA: All right, Terresa and Kevin, I

1 think we're done with you for tonight. Thank
2 you.

3 MS. BAKNER: Thank you very much, Board.

4 MR. SEE: Yes, thank you.

5 MS. FUDA: Okay, next up is Stewart's
6 Shops, file number 2020-10 for the 1811
7 Columbia Turnpike retail store with gas sales.
8 Chuck Marshall, should be in the waiting.

9 MR. MARSHALL: Chuck Marshall from
10 Stewart's. Apparently the screen sharing
11 function is down.

12 Basically with our revised site plan we
13 submitted a letter indicating our position
14 on a couple of the matters that were
15 discussed at the last meeting. I think it's
16 probably best just to go through that and
17 then ask the Board for some guidance on
18 those matters. And then, the subsequent
19 liberation letter of July 15th.

20 Our position in the position of our
21 engineer is that without an identified best
22 manager practice by the Town we prefer to
23 maintain the retention pond and provide
24 screening. This will come into play at
25 question 16 and 18 from the Laberge letter.

1 We have widened the width of the driveway at
2 Ferndale.

3 Going back to the stormwater, there is
4 no overflow connection because New York
5 State DOT has taken the position that they
6 do not want private connections to the
7 municipal or the state's stormwater system.
8 I feel that is for their drainage. We have
9 installed a utility easement for a detention
10 connection to the sewer district. The sewer
11 district connection and expansion is on the
12 August 13th Town Board agenda. The reference
13 in our letter was from a consultant just
14 basically saying that the motion was passed
15 establishing a public hearing. I did not
16 participate, so I said that it was passed
17 but it was just passed for setting a public
18 hearing. The Laberge letter, comment number
19 seven indicates that should be 15 feet wide
20 and that is something that we will return
21 for some guidance on.

22 We have provided the plans to both the
23 Schodack Police Department and the Schodack
24 Valley Fire Department. We have consolidated
25 the lots into one, provided that to

1 Rensselaer County and the Town Assessor and
2 the Town Planning staff.

3 So, with that, I would like some
4 guidance on the stormwater pond and then
5 systematically if we can go through the
6 questions 7, 10, 15, 16 and 18, I would
7 appreciate it.

8 MR. AUBIN: Looking at the existing site
9 plan, were you proposing an open stormwater
10 pond where there is an existing septic system,
11 you are abandoning a septic system and digging
12 out material that was basically accepted for
13 the past 20 years, plus you're going to open it
14 up and make that into a stormwater pond. I
15 still find it pretty uneasy that you can't find
16 your way to make an underground chamber system
17 considering - in addition to what could be a
18 big mess because these systems don't get
19 maintained like they are expected to be. Out of
20 sight and out of mind in the backyard. You also
21 have the potential for residual septic laden
22 soils that are going to be exposed to the
23 atmosphere. I certainly hope it doesn't cause a
24 stink in the Town, literally.

25 MR. MARSHALL: I think that we can provide

1 the sampling results from the investigations
2 that we undertook. Wouldn't the installation
3 for underground chambers require the excavation
4 of that material?

5 MR. AUBIN: But it would be covered.

6 MR. MARSHALL: Again, it is our position -
7 - if an odor issue arises, I don't know how we
8 would address it. I will ask internally. When
9 we did the infiltration testing, this is not
10 something that we encountered. The position on
11 our end as we would prefer to go with an open
12 retention pond. Again, we just don't see it
13 being an issue.

14 MR. AUBIN: What is the opposition to it?

15 MR. MARSHALL: Primarily the opposition is
16 that in the open system, all the structured
17 components are exposed versus if there is a
18 problem we have to dig up the entire system.

19 Secondly, the installation practices
20 are less expensive from our perspective.

21 MR. AUBIN: So, primarily it is a money
22 issue.

23 MR. MARSHALL: Well, it is a money issue
24 but there is no directive from either the Town
25 or the state about which we have to provide.

1 Our engineer is on record as preferring the
2 open retention pond. That's where the proposal
3 is on this plan.

4 MR. LABERGE: Rich Laberge, here, Chuck.

5 Do you have any particular plan
6 regarding the excavation of the prior septic
7 system area as to the use of the soils or
8 the disposal thereof?

9 MR. MARSHALL: No, that's what I said. I
10 would look to see if there is any - in the
11 testing that we did and see if there's any
12 residual material but similar to some of the
13 other matters that we have to provide as far as
14 regulatory compliance and testing - groundwater
15 -- we would provide some type of plan if we
16 encountered a problem. Again, it is our
17 long-term vision to not leave a problem.

18 MR. LABERGE: Thank you.

19 MR. JOHNSON: You said that you didn't
20 want to -- DOT wouldn't allow overflow into
21 their system. Wouldn't DOT be required to
22 accept the amount of water that is running off
23 from the site now as an overflow so that you
24 could store up to that point?

25 MR. MARSHALL: When we go for new work

1 permit, it's my understanding that the
2 department can change the current design to a
3 design that meets their standards. Their
4 current design has a discharge catch basin
5 along the southwestern property line between
6 the two driveways. As I see it, we propose to
7 eliminate that. So, I think the department has
8 the ability to change the design when a new
9 work permit is sought.

10 MR. JOHNSON: So you are proposing that
11 your stormwater system is going to collect all
12 of the stormwater without any overflow at all,
13 no matter what your stormwater -- I mean, you
14 should be designing for A 100-year storm.

15 MR. MARSHALL: The overflow would go
16 through -- if you look at the proposed grading
17 plan, S-4, you have a series of similar to the
18 project and construction at Sunset. You have an
19 oil/water separator and the Downstream Defender
20 is a hydrodynamic unit. Those receive all
21 surface flush volumes and then anything that
22 exceeds that volume would go out into the field
23 of the catch basin. It's not that the overflow
24 is being incorporated, it's just that the
25 overflow doesn't connect to the DOT system.

1 MR. JOHNSON: You don't show anywhere the
2 water that exceeds the capacity of the
3 stormwater basins in the flow summary except
4 where it goes over the bank.

5 MR. MARSHALL: I'll have the project
6 engineer issue a letter, I guess. But the
7 infiltration rates don't exceed -- I think
8 we've been pretty conservative in the
9 filtration rates. I don't think that the pond
10 or whatever would overflow and breach. I will
11 have that specifically be addressed.

12 MR. LABERGE: Chuck, this is Rich Laberge
13 again.

14 It is good to know where the waters
15 going to go if the pond were ever get that
16 full. Over time, sediment and stuff can
17 reduce the infiltration rates. In looking at
18 the plan, I assume it would pond on your
19 site in the parking lot. Based on the
20 elevations, it would pond in your parking
21 lot until it flowed out into DOT. We would
22 need to understand what the total inundation
23 would be like and in control or at least
24 know and control where the water is going to
25 go.

1 CHAIRPERSON MAYRER: Anything else?

2 (There was no response.)

3 This is going to go to public hearing?

4 MR. LABERGE: In terms of a public
5 hearing, yes, I think there is sufficient
6 detail for the public. I think the issues we
7 just spoke about -- if there's any other
8 direction that we can give the applicant so
9 they can revise the plans or if the Board wants
10 them to revise the plans, they should know that
11 as soon as possible.

12 I think Mr. Marshall wanted to go
13 through a couple more.

14 MR. MARSHALL: The couple of pieces of
15 guidance that we do need -- number seven from
16 Rich's July 15th letter - we show a 10-foot
17 easement. The recommendation and request is for
18 15. Is there any particular reason for the
19 additional 5 feet? Is it just the installation?

20 MR. LABERGE: No, the extra 5 feet is
21 really just for the width of a machine and
22 operating if you have to do an excavation in
23 the future. I looked at it and I didn't think
24 it would be too obtrusive except in the area
25 where you have -

1 MR. MARSHALL: Where it goes under the pad
2 for the electrical vehicle charging?

3 MR. LABERGE: Right. Again, the background
4 on this is: I believe the applicant got an
5 inquiry from a private individual up on
6 Ferndale saying could they leave an easement.
7 The applicant agreed. So, that's good and
8 that's appreciated and the neighborly thing to
9 do. The issue that I just thought was if it's
10 an easement turned over to the Town, by the
11 time you do everything. You need a little
12 space. The EV charger that goes under - I would
13 be willing to -- first of all, that equipment -
14 what is the depth of foundations and such for
15 that? Is that pad mounted on a shallow pad, or
16 are we down to frost?

17 MR. MARSHALL: That installation is to be
18 installed by others. I believe it's a shallow
19 mounted pad.

20 MR. LABERGE: Could it be moved
21 temporarily if it had to be in the future? When
22 I mean, temporarily moved out of the way and
23 moved back? I would not ever put the pipe
24 underneath that. The ideas that it would
25 probably be in the excavation area if you had

1 to dig up in that exact spot. Again, we are
2 talking about a pipe and we don't even know if
3 it's going to go into the ground because there
4 is no Town plan for this. The original
5 installation could very well be a directional
6 drill or boring. Out of abundance of caution,
7 I'm trying to maintain 15 feet everywhere.
8 Actually, we like 20, but 15 would be a
9 minimum.

10 Mr. Marshall, what is the issue? Just
11 basically you don't want to have to move
12 that pad, or you don't want it to be
13 disturbed?

14 MR. MARSHALL: In certain areas it's is
15 already tight. Obviously, the southern boundary
16 picks up some land. I will look for the 15
17 feet. I just didn't know if there was a
18 standard or something we missed.

19 MR. LABERGE: Fifteen is kind of the
20 minimum that I spoke with the Highway
21 Superintendent years ago. Does he have that
22 everywhere? No. But if we could go forward
23 here, that would be wonderful. I would have to
24 go back to him to get final approval.

25 MR. MARSHALL: The lighting on Ferndale -

1 that's more of an internal decision, but as of
2 right now it is our intention to move that pole
3 closer to Columbia Turnpike. Is that acceptable
4 to the Board?

5 MR. LABERGE: We're talking about the last
6 light pole. It's not on the sheet. It's on the
7 lighting plan.

8 MR. MARSHALL: So, that's comment number
9 10.

10 MR. LABERGE: It is Laberge comment number
11 10. We're just giving the Board a chance to
12 find the lighting plan on sheet S11. That's
13 what we have.

14 Chuck, it's blue on the sheet. Are we
15 talking about the one that's on the south
16 side closest to Ferndale?

17 MR. MARSHALL: Correct. So, the blue
18 indicates a back shield - a light with a back
19 shield involved. So, there's a reducing fact or
20 on the escape of the light. We're just moving
21 it south and it seems it would minimize the
22 values outside onto Ferndale.

23 MR. LABERGE: Right. That's what were
24 trying to achieve is zero basically on Ferndale
25 and also on the Key Bank property to the south.

1 I wasn't sure what it would need - a lowering,
2 or a moving or elimination is what the comment
3 was. If you could achieve that or at least
4 bring it down to a very minimal level off your
5 property line, we will review it.

6 MR. MARSHALL: The next question we had
7 was on number 15 - the canopy for the fuel
8 dispenser. In our most recent submission to the
9 Town on Sunset, we did not do a stand-alone
10 diesel dispenser. However at the project that
11 we did at the intersection of Route 20 and New
12 Road in Town, we did have a high flow
13 stand-alone dispenser. That dispenser does not
14 have a canopy. The way we construct the
15 canopies typically are that you would drive
16 through underneath the canopy - the structure
17 itself. Obviously, we don't want to introduce
18 polls in the drive lane anterior to the site
19 from the dispenser. We are looking for either -
20 is the concern similar to what was expressed
21 about the gasoline canopy and covering the
22 drive matt to ensure that there is no petroleum
23 or diesel run-off affected by rain or -- I am
24 kind of getting a sense for what the comment
25 was related to and just not a full canopy - if

1 an awning with roof gutters that we can control
2 the run-off or control the rain and provide the
3 same result.

4 MR. LABERGE: So, the use of the word
5 canopy could be changed out with a covering -
6 substantial. The concept is to divert
7 precipitation from the fueling pad to minimize
8 run-off. You do have the positive limiting
9 barriers shown on this pad, as well. So, we
10 were trying to get precipitation from not going
11 there.

12 Again, the Town is a pretty good MS4
13 community and just themselves installed I
14 don't know if it is a canopy or covering at
15 their own fuel tank at the Town Highway
16 Garage. So, that is the concept - canopy,
17 covering - again, diversion of precipitation
18 from the fueling pad.

19 MR. MARSHALL: We understand and are in
20 agreement. We just want to make sure that there
21 was not a desire for a full covering.

22 Number 16 which is a thing that kind of
23 relates to number 18 - the landscaping plan
24 augmented to show additional plantings on
25 the southern side line. Are we still talking

1 about the boundary between the proposed
2 Stewart's and Key Bank?

3 MR. LABERGE: That is what I am
4 considering the southern sideline. We have done
5 some - you've got one planting in the front
6 southwest corner down by 9 and 20. The idea
7 would be if you could get some trees in along
8 that to break up that line, realizing you've
9 got your EV pad and you are requesting a
10 15-foot sewer easement and it doesn't leave you
11 a lot of space, but a few clumps of evergreens
12 to break up that view both ways; both from
13 their property and also from your property to
14 theirs. I was thinking evergreens there - maybe
15 a mix of evergreens and deciduous trees.

16 MR. MARSHALL: So, my only comment is we
17 use the right-of-way boundary as the
18 southwestern -- were going to come back with
19 something -- obviously everything will be
20 interior to the property line. I think we'll
21 get a couple more trees or shrubs -

22 MR. LABERGE: Correct. We are just trying
23 to go between your property line on 9 and 20 to
24 the property line back on Ferndale along that
25 boundary.

1 MR. MARSHALL: And then for the double
2 staggered line of evergreens - instead of the
3 16 feet of additional fence, if you look at the
4 northeastern corner of the dumpster enclosure
5 running at an angle of northwest, we would like
6 to put the double row of evergreens in there
7 and not do the fence. The reason for not doing
8 the fence is basically we feel that area is
9 going to be pushed with snow. So, if we could
10 do plantings and keep them away from the road,
11 that is something we would prefer.

12 MR. LABERGE: That is acceptable to me.
13 Again, I was trying to create some type of
14 visual screen. The stormwater facility all
15 around. Does the Board have any feelings either
16 way - fence or trees?

17 MR. AUBIN: I'd rather have trees.

18 MR. LAVOIE: Trees.

19 MR. LABERGE: We're getting a consensus
20 for trees, so the fence extension can be
21 substituted for trees.

22 MR. MARSHALL: I think I have a pretty
23 good understanding.

24 MR. LABERGE: Nadine just pointed out our
25 comment number 11. This is a sign prohibiting

1 trucks from turning right onto Ferndale Road
2 should be shown. That is there because it's an
3 acute turn there. The idea is, as Nadine just
4 mentioned, Ferndale might be a way restricted
5 road. So, you should check that out. Some of
6 your truck delivery patterns on the plan -- I
7 wouldn't say they were dependent, but they
8 utilized the Ferndale entrance for your
9 straight trucks.

10 MR. MARSHALL: I think we show those
11 trucks because at the last meeting there was a
12 question about widening it and we wanted to
13 show the trucks in that pattern. We will check
14 the weight restriction, but no delivery should
15 come. I think you're just showing it as an
16 exhibit that trucks could make the turn in. I
17 think someone commented about box trucks coming
18 off of 115 and refueling or something like
19 that. We will check the weight restriction and
20 we can definitely provide the sign.

21 MR. LABERGE: Anything else, Mr. Marshall?

22 MR. MARSHALL: I'm all set, thank you.

23 MR. JOHNSON: I have one other issue that
24 I wanted to bring up. You're not showing any
25 tables or outdoor seating. Is that something

1 you don't want to have to maintain in that area
2 or you don't believe you're going to have
3 customers that want to buy ice cream and go sit
4 outside and eat it before it melts in the car?

5 MR. MARSHALL: They are not labeled, but I
6 can have them culled out. If you look at sheet
7 S2 on the proposed site plan, there are tables
8 placed in the front of the store with
9 umbrellas. So, if you remember, we had a
10 smaller area where the EV charging is now going
11 to go. We relocated the high flow diesel from
12 between the two driveways from the southern
13 property line. We brought those seating areas
14 onto the sidewalk for the store.

15 MR. JOHNSON: Okay, thank you.

16 MR. MARSHALL: They're just not labeled.
17 They are awkwardly shaped.

18 MR. JOHNSON: Yeah, I missed that. Thank
19 you.

20 MR. LABERGE: So, we are into a lot of
21 details. As I mentioned earlier, I think
22 there's enough information here and the project
23 is shaped enough to set a public hearing. Then,
24 I wouldn't necessarily say the applicant even
25 needs to revise anything at this point unless

1 they want to. We would not necessarily issue
2 another review letter until after the public
3 hearing comments are received.

4 CHAIRPERSON MAYRER: Okay, do I have a
5 motion to schedule the public hearing for
6 August 3?

7 MR. LAVOIE: LaVoie; so moved.

8 MR. AUBIN: Aubin; second.

9 CHAIRPERSON MAYRER: All in favor?

10 (Ayes were recited.)

11 Opposed?

12 (There were none opposed.)

13 Okay, all set.

14 MR. MARSHALL: Thank you very much,
15 everybody.

16 CHAIRPERSON MAYRER: Item number 11 is
17 Cedar Hill Solar.

18 MR. LABERGE: As an introduction here for
19 Cedar Hill -- as I mentioned earlier there has
20 been a number by this applicant. This is the
21 Cedar Hill Solar that is the project between
22 Phillips and Brooksvew, mostly on the
23 Phillips' side. We have gone through a previous
24 comment letter and we are down to just one
25 comment. That just pertains to -- the applicant

1 had discuss the biodiversity plan and the
2 requirement really in the plan development Code
3 of the Town is to have a maintenance plan. So,
4 a biodiversity plan goes much further.
5 Therefore, our comment is that a basic
6 maintenance plan should be submitted to satisfy
7 the requirement of the solar plan development.
8 The applicant and discussion has indicated they
9 still intend a biodiversity plan and will get
10 that in place prior to the start of
11 construction. So, a bio diversity goes beyond
12 what the requirement is for the Town, but we
13 have to satisfy the requirement for the PD Law.
14 That's our only outstanding comment from their
15 last submittal. Therefore, we think we are
16 ready for the Board's consideration of final
17 approval conditioned upon that.

18 Craig authored and I reviewed a
19 proposed Resolution and statement on that --
20 not a statement, but a decision. Feel free
21 to jump in if I use the wrong words. That's
22 one thing. We need the Board to consider
23 final approval. Even before that, since
24 December there was a minor site plan
25 modification associated with this project

1 where they were trading some land that's
2 more toward Brookview. The two parcels kind
3 of - they're under the same ownership, but
4 they're trying to do a little land swap
5 between the two land parcels of
6 approximately 11 acres.

7 The Board should consider the minor
8 site plan modification first. Then, consider
9 the site plan final conditional approval. I
10 think I said that right. You should have
11 stuff in your packets.

12 Nadine, did the three suggested
13 Resolutions for the minor site plan
14 modification make it into the packets?

15 MS. FUDA: No.

16 MR. LABERGE: Well, I have them here.
17 Again, this is a minor site plan modification
18 prior to the site plan, but I can certainly
19 answer any questions and he has on this
20 application.

21 CHAIRPERSON MAYRER: You want us to do
22 this first and then we have to do the second.

23 MR. LABERGE: Right, because the site plan
24 relies on the minor site plan.

25 CHAIRPERSON MAYRER: Okay, so we what we

1 are looking for here is the Resolutions related
2 to the minor lot line adjustment.

3 So, the first motion is that the
4 Planning Board is being lead agency for this
5 action. Do I have that motion?

6 MR. AUBIN: Aubin; so moved.

7 MR. LAVOIE: LaVoie; second.

8 CHAIRPERSON MAYRER: All those in favor?

9 (Ayes were recited.)

10 Opposed?

11 (There were none opposed.)

12 The next motion is that the planning
13 Board hereby classifies the proposed action
14 as a Type II under SEQRA.

15 MR. AUBIN: Aubin; I'll make the motion.

16 MR. D'ANGELO: D'Angelo; second.

17 CHAIRPERSON MAYRER: All in favor?

18 (Ayes were recited.)

19 Opposed?

20 (There were none opposed.)

21 Whereas the applicant Cedar Hill Solar,
22 LLC applied for a minor lot line adjustment
23 in conjunction with their site plan
24 application to construct a ground-mounted
25 solar farm with associated electrical

1 appurtenances to be located on the east side
2 of Phillips Road, South land of Pheasant
3 Hollow Golf Course in the Town of Schodack;
4 and whereas the property is within
5 residential agricultural district; whereas
6 the minor lot line adjustment involves
7 adjusting plus or - 14.57 acres of property
8 with the parcel to the east of Cedar Hills
9 Solar, LLC propose a solar array. Now
10 therefore be resolved that the Planning
11 Board approves the minor lot line
12 adjustment.

13 Do I have this motion?

14 MR. D'ANGELO: So moved; D'Angelo.

15 MR. LAVOIE: Second; LaVoie.

16 CHAIRPERSON MAYRER: All those in favor?

17 (Ayes were recited.)

18 Opposed?

19 (There were none opposed.)

20 So now we go to the next -- the lot
21 line is approved.

22 MR. LABERGE: I don't know if anybody has
23 any other further questions on it. The site
24 plan is in pretty good shape. There's just that
25 one issue of getting a maintenance plan which

1 just needs to satisfy the PD. Other than that,
2 I would ask you to consider the Resolution. The
3 applicant is out there somewhere. For ease of
4 communication -

5 MR. MITCHELL: I'm here. This is Travis.

6 MR. LABERGE: Again just to remind
7 everybody, previously made a SEQRA
8 determination for this Type I action, so really
9 the only action before you is what Craig
10 drafted and I reviewed is to approve the final
11 site plan contingent upon our letter. Craig
12 drafted that Resolution. In fact, the
13 Resolution is a short Resolution waving the
14 reading of the decision.

15 Here's what we drafted: Whereas the
16 applicant Cedar Hill Solar, LLC applied for
17 site plan approval to construct a 7.5
18 megawatt direct-current solar array with
19 solid-state battery storage on a portion of
20 the 100 plus or minus acre parcel to
21 establish a ground-mounted solar farm with
22 associated electrical appurtances to be
23 located on the east side of Phillips Road
24 south of the lands of Pheasant Hollow Bolf
25 Course in the Town of Schodack. The property

1 is located within the residential
2 agricultural district, RA.

3 Now therefore be it resolved that per
4 the attached decision the reading of which
5 is waived, the Board resolves to grant site
6 plan approval and recommends approval site
7 development permit to Cedar Hills Solar, LLC
8 for the contents of the accompanying
9 decision, the contents of which are
10 incorporated herein.

11 Attached is the seven or eight page
12 decision. Actually, it's a five-page
13 decision which we would just -- that
14 Resolution would waive the reading thereof.

15 CHAIRPERSON MAYRER: Okay, so that's a
16 motion.

17 MR. LAVOIE: LaVoie; so moved.

18 CHAIRPERSON MAYRER: Second.

19 MR. D'ANGELO: D'Angelo; second.

20 CHAIRPERSON MAYRER: All those in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 Okay.

25 MR. LABERGE: That's it for Cedar Hills

1 and we will look forward to receiving the
2 maintenance plan.

3 MS. MARUCA: We will take care of the
4 maintenance plan. It's relatively
5 straightforward. Then as we develop the
6 biodiversity plan, we will get it to you for
7 your records. I think that maintenance plan
8 will be taken care of right on the final site
9 plan.

10 As far as the lot line adjustment plan,
11 we transmitted last week a few final copies
12 of that ready for signatures.

13 Nadine, did you happen to get those?

14 MS. FUDA: Yes, I got the plan today and
15 they're all stamped up ready for our members to
16 sign.

17 MS. MARUCA: Great, thank you. I
18 appreciate the Board's time.

19 MR. MITCHELL: I have a question about the
20 lot line plans that your signing. Are you guys
21 going to post those back to us and I - am I
22 able to pick them up? What is the policy on
23 that?

24 MS. FUDA: I'll have two members - the
25 Chairman and one other member sign them tonight

1 and then you can call me tomorrow and set up a
2 time that you can come in and meet me and I
3 will hand over the maps to you. Then, they have
4 to get filed with the county.

5 MR. MITCHELL: Great, thank you.

6 MS. FUDA: We have one more item. So
7 Giovanni and Travis can close out.

8 MR. MITCHELL: Thank you, very much. Stay
9 well.

10 MS. FUDA: Brian Shell, Bountiful Blooms
11 Florist, 1614 U.S. 9, change in tenancy.

12 What's going on Brian, are you there?

13 MR. SHELL: I'm here.

14 CHAIRPERSON MAYRER: Are you moving?

15 MR. SHELL: Can you hear me.

16 CHAIRPERSON MAYRER: Yes, we can hear you.

17 MS. FUDA: Brian go ahead and tell them
18 what your plan is there and what you've done.

19 MR. SHELL: I'm moving out of 1598 and
20 moving down to Bud's Florist at 1614 U.S. 9,
21 down by Amazon.

22 CHAIRPERSON MAYRER: You're moving down to
23 Bud's?

24 MR. SHELL: Yes.

25 MR. AUBIN: Bud's went out of business.

1 CHAIRPERSON MAYRER: I got to drive
2 further to get the flowers.

3 MR. SHELL: They will drive if they want
4 me.

5 CHAIRPERSON MAYRER: Any questions,
6 members?

7 MR. JOHNSON: The only issue I had was we
8 didn't receive any sort of plan or picture or
9 something to show us what it was and exactly
10 what it was.

11 MR. SHELL: I can't hear the question.

12 MS. FUDA: The question is we didn't
13 receive a plan showing the parking. It's all
14 existing. I could have given you the last when
15 they change Bud's over. We did a site plan on
16 that so nothing is changed on the site plan.
17 It's just simply Bud's Florist basically went
18 out of business and Bountiful Blooms moved into
19 their spot.

20 It's keeping everything the same.

21 MR. SHELL: As part of what they had done
22 when they removed the front parking area and
23 all that - they went to the Town and I got
24 signage permits and did all that so my sign
25 will be going in based on what was previously

1 approved for them.

2 CHAIRPERSON MAYRER: I remember the
3 changes.

4 MS. FUDA: Yes.

5 MR. JOHNSON: I have a little problem with
6 moving and changing tendency but as far as what
7 we saw in our packet, we basically had nothing
8 to look at. So, if we had a little bit more
9 information so that would know we are voting
10 on -

11 MR. SHELL: I can hear the question.

12 CHAIRPERSON MAYRER: Brian, it's not a
13 question he's just making a comment. You're all
14 right, Brian. I think we can move on this. So,
15 I need a motion for the Town of Schodack to be
16 a lead agency on this.

17 MR. LAVOIE: LaVoie, so moved.

18 MR. AUBIN: Aubin; second.

19 CHAIRPERSON MAYRER: All in favor?

20 (Ayes were recited.)

21 Opposed?

22 (There were none opposed.)

23 I need a motion to classify this as a
24 Type II. can I have that motion?

25 MR. AUBIN: Aubin, motion.

1 CHAIRPERSON MAYRER: Second.

2 MR. D'ANGELO: D'Angelo, second.

3 CHAIRPERSON MAYRER: All in favor?

4 (Ayes were recited.)

5 Opposed?

6 (There were none opposed.)

7 Do I have a motion to prove this change

8 in tenancy based on everything that we know.

9 MR. LAVOIE: LaVoie; so moved.

10 CHAIRPERSON MAYRER: Second?

11 MR. AUBIN: Aubin; second.

12 CHAIRPERSON MAYRER: All in favor?

13 (Ayes were recited.)

14 Opposed?

15 (There were none opposed.)

16 You're all set, Brian. Thank you.

17 MR. SHELL: Thank you guys.

18 CHAIRPERSON MAYRER: Do I have a motion to

19 adjourn?

20 MR. D'ANGELO: So moved; D'Angelo.

21 CHAIRPERSON MAYRER: Second?

22 MR. SCHAUGHNESSY: Second; Shaughnessy.

23 CHAIRPERSON MAYRER: All in favor?

24 (Ayes were recited.)

25 Opposed?

1 (There were none opposed.)

2 (Whereas the above entitled proceeding

3 was concluded at 9:04 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
and Notary Public in and for the State of
New York, hereby CERTIFIES that the record
taken by me at the time and place noted in
the heading hereof is a true and accurate
transcript of same, to the best of my
ability and belief.

Date: _____

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