

PLANNING BOARD MEETING - AUGUST 3, 2020
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:05 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 8/3/20/20

PRESENT

Denise Mayrer, Chairwoman
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

Wayne Johnson, P.E

APPROVAL OF MINUTES — JULY 20 ,2020

LaVoie moved, D'Angelo seconded that the minutes be approved as amended.

6 Ayes. Noes. Motion carried.

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

Oppose: None

Absent: Johnson

PUBLIC COMMENT

Attorney Crist read 2 letters that were submitted in favor of the Stewarts new location at 1811 Columbia Turnpike.

Letter 1 was from Mike Dingman, 2110 Brookview Road.

Letter 2 was from Ryan Marshall, 1480 South Schodack Road.

LaVoie moved, Aubin seconded to close the public hearing.

6 Ayes. Noes. Motion carried.

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

Oppose: None

Absent: Johnson

Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Stewart's Shops published July 25, 2020
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).

Public Hearing Opened at 7:08 p.m.

Public Hearing Closed at 7:13 p.m.

Stewart's Shops
1811 Columbia Tpke.
Proposed - retail store with gas sales

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

Chuck Marshal, from Stewarts was present via Zoom.

Mr. Laberge asked if Stewarts were submitting any new plans this week,

Mr. Marshal stated yes, they withheld submission of new plans pending the public hearing in case there was things that needed to be addressed on the site and be reflected on the plans. Then plans can be to you on Wednesday August 12, 2020.

Mr. Laberge stated he will take a look and see how long it will be to turn them around for the next meeting.

Subdivision / Lot Line

Nusbaum Lot Line
1550 Columbia Tpke
Proposed - Lot Line

2020-11/HC/178.-11-27.1

Kurt Nusbaum was present for this meeting via Zoom

Mrs. Fuda stated the easement is showed on the map coming off Sunset Road to his proposed lot line.

Mr. Shaughnessy stated the conversation was regarding the easement, he thought there was to be an easement on the Columbia Turnpike side as well.

Mrs. Fuda stated they talked about the easement on the 9 & 20 side, but the decision was up to Mr. Nusbaum to choose.

Mr. Aubin stated having the easement on Sunset Road will limit the ability to develop that lot, compared to the easement from Columbia Turnpike.

Mr. Nusbaum stated Sunset Road and Columbia Turnpike are two separate lots, the easement is on the Sunset Road Lot. The property is not for sale and he has no plans for it at this time.

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

6 Ayes 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, 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, Shaughnessy seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

LaVoie moved, D'Angelo 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: the applicant submits a copy of the easement to the Planning Boards attorney Craig Crist for review.

6 Ayes. Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Robert Day

2020-16/HC/200.-7-38.2

3997 US 20

Proposed - Change in Tenancy

Robert Day, applicant was present for this meeting via Zoom.

Mrs. Fuda stated that Mr. Day had started this business back in 1985, there was never a true special use permit for this property. The then switched over in 2008 to Todd Scoccia

With the map provided you can see there is two different business currently in the building. One is an auto repair shop and the other is a auto sales, the plan also shows the amount of cars he is looking to be allowed on site which is 75 and board member Mr. Johnson stated he did not want it to turn into another junk yard.

Mr. Day stated he wants to have the repair show and auto sales. He spent a lot of time helping Chuck clean up the site and will never have it look like that again.

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

6 Ayes 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, 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.

Shaughnessy moved, LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

CHANGE IN TENANCY

Aubin moved, LaVoie seconded APPROVAL of a change in tenancy at "3997 US 20"

CONDITION: no more then 50 cars on site at one time.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Pine Haven Park Storage Facility

2020-15/210.-4-9 &16

1428 US 9

Proposed - site plan for Storage Facility

Daniel Hershberg, Hershberg & Hershberg land Engineers, was present for this meeting via Zoom.

Mr. Hershberg stated the applicant would like to construct a storage facility for the mobile home park residents on 2 acres of land. They would like to do this in two phases to make sure there is a market for them.

Chairwoman Mayrer asked about the number of storage units they plan on.

Mr. Hershberg stated could be about 200 to 400 depending on the size of each unit requested.

Mr. Aubin stated the map shows a faint property line that runs in the back. Is that a property line that was extinguished or is that a property line?

Mr. Hershberg stated that is two parcels and they plan to merge the two.

Mr. Laberge asked about stormwater, have you thought about what you plan to do, as in location for the drainage.

Mr. Hershberg stated they are probably going to use porous pavement, the soil in the area is all gravel and the perk is pretty good. And the roof drainage will be to the ground water. No water will leave the site.

Mr. Laberge asked about landscaping or screening plan.

Mr. Hershberg stated they haven't done one yet but plan on it with future submissions.

Mr. Laberge asked if there was a retaining wall in the back of the units.

Mr. Hershberg stated yes up against the slope is a retaining wall.

Mr. Laberge asked if this was going to have 24/7 access with a card reader.

Mr. Hershberg stated yes.

Mr. Laberge stated the town required down lighting for all structures.

Mr. Hershberg stated they haven't decided yet the type of lighting that will be used. But agreed with the down lighting it may even be motion censored.

Everyone agrees to send this to engineering.

Site Plan /Special Permit

Karen Larson
1184 Simons Rd
Proposed - in home dog training

2020-17/RA/199.6-8.11

Karen Larson, applicant was present for this meeting via Zoom.

Ms. Larson stated she currently trains dogs both in-person classes and on-line, she would like to take dogs in for board and train, dogs live in the home with her and go out in supervised small groups. Majority the dogs are 6 to 18 months old. Although there are some adult dogs that were adopted, and the owners are looking for some manners training. No changes will be made to the property in terms of building or facilities.

Mr. Aubin asked how close, are the neighbors.

Ms. Larson stated the closes neighbor is across the street, it's a 10-acer lot with 400 feet of road frontage and the house sits about in the center of the lot. The closes boundary line is about 200 to 300 feet and there are no houses on the neighboring land. The house up on Simons Road is about 400 to 500 feet away with tree screening.

Aubin moved; D'Angelo seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes 0 Noes. Motion carried.

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

Oppose: None

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, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

Leonard Moved, Shaughnessy seconded Johnson moved; Aubin seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes 0 Noes. Motion carried.

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

Oppose:

Site Plan /Special Permit

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 the Laberge letter dated July 30, 2020 (see below)

Mr. Shaughnessy asked if there was any update on the fire apparatus access.

Mr. Maruca stated he didn't have much of an update, he's been trying to organize a meeting with the Towns code enforcement official.

Laberge Letter Dated: July 29, 2020

Re: 2nd Preliminary Plan Review
White River Solar
SPB # 2019-24

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

- Environmental Design Partnership, LLP (EDP) letter dated July 17, 2020.
- FAA Letter to Eden Renewables dated February 28, 2020 - Determination of No Hazard To Air Navigation.
- NYS OPRHP Letter dated June 26, 2020.
- Full Environmental Assessment Form Part 1 no date, unsigned.
- Stormwater Management Narrative May 2020 revised July 2020.
- Stormwater Pollution Prevention Plan for Construction Activities dated June 2020 revised 2020.
- Site Plan Set sheets with cover sheet noting submittal date June 1, 2020 and sheets 1 thru 9 of 9, last revised noted as July 12, 2020.

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. The applicant has acknowledged that the 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 does not meet the International Fire Code requirements and has made an inquiry to the Town's Fire Code Official to determine the acceptability of the

proposed improvements and the Fire Department regarding the adequacy of the proposed access. Further the applicant will provide the Code Officials response to the Board and this office.

2. The applicant has acknowledged 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. Further, the applicant has noted that the Town and this office will be copied on associated correspondence regarding this matter with the plans updated accordingly.

SWPPP, Stormwater Management & Erosion and Sediment Control

3. The applicant has provided additional required information on the plans for the sediment traps. However, the remaining information to be provided includes:
 - a) Storage depth below the trap outlet elevation; and
 - b) The embankment height and elevation.
4. The applicant has provided Table 3 in the stormwater narrative to document that the wet swales meet the requirement of the NYS DEC Design Manual required elements and design guidance per Section 6.5. However, additional information should be provided that includes:
 - a. 2-yr storm peak velocities;
 - b. 10-yr storm elevation and 6" freeboard in the swales;
 - c. Maximum ponding time of 48 hours;
 - d. Minimum storage time of 30 minutes for the WQv; and
 - e. Maximum ponding depth of 18" at the end of the channel.
5. The post construction operations and maintenance plan should include:
 - a. The level spreaders;
 - b. Gravel diaphragm; and
 - c. The check dams.
6. 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.
7. Correspondence from the ACOE regarding the applicant identified federal wetlands on site and the need and ability to permit the project should be provide to the Board and this Office.

SEQRA Recommendation

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

Recommendation for PD Application Certification to the Town Board

The project is subject to §219-39.3 of the Town's zoning law. As such the application must substantially comply with the process 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 of the proposed PD-2 designation for the proposed utility scale solar collector system. Provided that the Board completes the SEQRA process as recommended above, we find the application to be complete, and we further recommend certification of the application by the Planning Board to the Town Board.

Recommendation for a Favorable Recommendation of the PD Application to the Town Board

Lastly, after review of the material submitted, we find the following:

- a) The plan conforms to the Town's Comprehensive Plan.
- b) The plan meets the plans and objectives and general criteria of 219-32.2 and 219-39.3.
- c) The plan concept is sound and meets local and area wide needs.
- d) The plan, when approved by the Planning Board, will provide adequate physical and human protections.

Assuming favorable Town Board consideration of the PD Application, the applicant should submit the required/requested information to the Planning Board for further review. Please contact our office with any questions or comments on the above.

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)

D'Angelo moved, LaVoie second to accept the following NEGATIVE DECLARATION

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION—WHITE RIVER SOLAR PROJECT
(SEQRA)**

WHEREAS, White River Solar, LLC is proposing to construct a 5 MW (AC) / 7.5 MW (DC) solar array with solid state battery storage on an approximately +/- 212 acre parcel of land in the Town of Schodack (along the EAST side of RIVER Road in the Town of Schodack, Rensselaer County (188.-7-1); and

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

WHEREAS, based on its consideration of the proposed Project, its review of the Environmental Assessment Form and all other supporting information submitted in connection with the proposed Project, and the criteria set forth in 6 NYCRR § 617.7, the Planning Board, as lead agency, has identified and analyzed the relevant areas of

environmental concern to determine whether the proposed action may have a significant adverse impact on the environment;

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

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STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION

NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or "SEQR"). The Town of Schodack Planning Board (the "Planning Board"), acting as Lead Agency in a Coordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.

Reasons supporting this determination are fully explained below.

Project Name: White River Solar Farm

SEQRA Status: Type I: **YES** Unlisted: **NO**

Conditioned Negative Declaration: **NO**

Location: West side of River Road, North of Stony Point Road, West of Jensis Road, Town of Schodack, New York (Tax ID 188-7-1)

Description of Action:

White River Solar, LLC (the "Applicant" or "Project Sponsor") is proposing to construct a 7.5 mW (DC) solar array with solid state battery storage on a +/- 212 acre parcel of land in the Town of Schodack. It seeks to construct one solar array 8.5 feet in height, of variable width and length but generally 800 feet in width and 2,000 feet in length. The majority of the site is wooded sloping land, with lesser areas of unmaintained farm fields, with areas of protected wetlands (the "Project Site"). The project is subject to sec. 219-39.3 of the Town's zoning law. The Project Site is currently zoned Residential Agricultural ("RA") location.

In addition to Town Board approval for the Planned Development District, the following permits/approvals are needed for the Project as intended: site plan approval by the Town Planning Board, Rensselaer County 239-m referral, and NYSDEC Stormwater SPDES General Permit coverage.

Reasons Supporting This Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Full EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: Nadine Fuda, Director of Planning for the Town of Schodack
Address: 265 Schuurman Road, Castleton, NY 12033
Telephone: (518) 477-7938

Copies of this Notice have been sent to:

Town of Schodack Town Board
Town of Schodack Planning Board
Town of Schodack Highway Department
Rensselaer County Planning Board (Economic Development and Planning)
NYS Department of Transportation
New York State Department of Health
New York State Department of Environmental Conservation
New York State Office of Parks, Recreation and Historic Preservation
U. S. Army Corps of Engineers
Castleton Volunteer Fire Department
Castleton Volunteer Ambulance Service, Inc.
Environmental Notice Bulletin

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

WHITE RIVER SOLAR PROJECT

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, a Type 1 action, consisting of the construction of a construct a 7.5 mW (DC) solar array with solid state battery storage on an approximately 212 acre parcel (188.-7-1) located along West side of River Road, North of Stony Point Road, West of Jensis Road, Town of Schodack, Rensselaer County, New York. The majority of the site is wooded sloping land, with lesser areas of unmaintained farm fields with areas of protected wetlands. ("Project Site" or "Site"). The Project is considered a utility scale solar array.

Application History

- The matter began via application dated September 23, 2019, which was submitted and was also signed by Giovanni Maruca, White River Solar, LLC. Several items accompanied the submission, including the Full Environmental Assessment Form (FEAF) as well as several copies of the proposed site plans. An updated FEAF Part 1 signed 07-13-2020 was submitted subsequently.
- Applicant presented the proposed project to the Planning Board at the October 7, 2019 meeting of the Planning Board. At that October 7, 2019 meeting, the Planning Board resolved to seek lead agency status. No objections were made to the Planning Board seeking such lead agency status.
- The Town Planning Department initiated via letters dated October 10, 2019, contact with potentially interested agencies regarding the Town's desire to undertake a coordinated review and be designated as lead agency in the review of the Type 1 Action.
- By letter dated October 22, 2019, the engineers for the Town, Laberge Group (the Planning Board's engineering consultants), submitted a review letter. The letter provided both comments and requested additional materials from Applicant.
- By letter October 28, 2019, received from the Rensselaer County Bureau of Economic Development and Planning, the Bureau concluded that the project would not have a major impact on County plans.
- In response to the October 22, 2019, Laberge Group review letter, by letter dated February 19, 2020, the Applicant's engineer submitted additional materials, including but not limited to:
 - An engineering construction plan set for the project;
 - A visual assessment report detailing the visual assessment at the various vantage points set forth therein;
 - An agricultural data statement;
 - A coordinated electrical system interconnect review as prepared by National Grid; and
 - A decommissioning plan.
- By letter dated March 9, 2020, Laberge Group provided additional comments, including in response to the aforementioned materials submitted by Applicant's engineer. The letter concluded:
 - That plan revision was required to include additional notes and information;

- That review and comment was required to be submitted from The NYS Office of Parks, Recreation and Historic Preservation (OPRHP);
- That a Jurisdictional Determination (JD) was required to confirm the locations of mapped protected wetlands; and
- That additional visual assessment was required to address pad mounted equipment.
- In response to the March 9, 2020, additional comments letter issued by Laberge Group, by letter dated June 1, 2020, the Applicant's engineer submitted additional materials, including but not limited to:
 - Revised engineering construction plan set for the project;
 - Full Environmental Assessment Form, Part 1 Project & Setting, dated June 1, 2020
 - FAA Determination of No Hazard to Air Navigation dated September 9, 2018 with an expiration of determination of March 20, 2020; and
 - Supplemental visual assessment of pad mounted equipment dated June 1, 2020.J:\2019093\Correspondence\SEQRA Related\Negative Determination -- White River Solar 07_23_2020 For Review.docx
- By letter dated July 2, 2020, Laberge Group provided additional comments, including in response to the aforementioned materials submitted by Applicant's engineer. The letter concluded:
 - The access road final size/width variance from the International Fire Code would have to be approved by the Fire Code Official or revised to meet the code.
 - That a Phase I Archeological Survey has been completed and OPRHP is reviewing with comments pending.
 - US Army Corps of Engineers (USACOE) JD is required and permits needed for any proposed wetlands impacts.
 - That the FAA Determination of No Hazard to Air Navigation dated September 9, 2018 has expired and a new determination is warranted.
 - That storm water management designs require additional information to be submitted.
 - That soil erosion and sediment control designs require additional information to be submitted.
 - That the open space biodiversity plan is required to be submitted and to include plan details.
- Subsequent to the aforementioned review letter by Laberge Group, the Applicant's Engineer in a telephone call on July 8, 2020 to Laberge Group and the Town Planning Department Director, discussed the open space biodiversity plan additional testing, and investigations needed to detail the plan and that plan would be developed as construction neared to ensure the plan is tailored to the approved final plans. Also discussed was the need to obtain a USACOE JD prior to approvals with the

Applicant's Engineer noting that minor impacts would be covered under Nationwide Permits and pre-notification to the USACOE. Further that the approved biodiversity plan would be a pre-requisite to the start of construction as would be obtaining any permits from the USACOE.

- In response to the July 2, 2020, additional comments letter issued by Laberge Group, by letter dated July 17, 2020, the Applicant's engineer submitted additional materials, including but not limited to:
 - Revised engineering construction plan set for the project;
 - A Storm Water Pollution Prevention Plan dated June 2020 revised 2020;
 - A Storm Water Narrative dated May 2020 revised July 2020;
 - Full Environmental Assessment Form, Part 1 Project & Setting, revised and dated July 13, 2020
 - Correspondence from the NYS OPRHP dated June 29, 2020 concluding no impact by the project on historic architecture, archaeological and or historic resources; and
 - FAA Determination of No Hazard to Air Navigation dated February 28, 2020 with an expiration of determination of August 28, 2021
- At the July 20, 2020 meeting of the Planning Board the matter was once again considered. A public hearing was held. No public comment was received. The Applicant's Engineer presented the project and discussed storm water management using wet swale technology noting the swales would hold water and not rely on infiltration. The fire access road was discussed with conclusion that the Town Code Enforcement Officer would be contacted, and a memo issued regarding any proposed variance from the International Fire Code.
- Thereafter, Laberge Group issued a letter dated July 29, 2020 with additional comments and recommending a Negative Declaration under SEQRA being no substantive comments received at the Public Hearing of July 20, 2020. The letter also recommended the Planning Board certify the Solar PD application to the Town Board as complete and that the Planning Board make a favorable recommendation to the Town Board regarding the application.

Discussion of Potential Environmental Impacts

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

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

responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

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

During the course of the Project's SEQRA review, the Planning Board, Town Planning staff, the public and the applicant's representatives engaged in an active and comprehensive evaluation of the Project Sponsor's submissions. As stated by the NYSDEC SEQRA Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications and revisions were requested, and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

Discussion of 6 NYCRR Part 617 Criteria for Determining Significance

The Town of Schodack Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQRA Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored." As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The proposed project will not have a substantial adverse change in existing air quality as there are no emissions.

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

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

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

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

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

While the plan does remove some existing vegetation, a portion of the site is being retained in its natural state as delineated on the plan. A USACOE permit will be obtained for wetland disturbance. Since the site is part of a larger suburban/rural setting, any existing fauna will re-establish themselves in adjacent areas. The project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; it will not have any impacts on a significant habitat area; there are not substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and there are no other significant adverse impacts to natural resources.

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

The project is not part of a critical environmental area.

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

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

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

The project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The State Historic Preservation Office was consulted and found that the project would have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. While the proposed use will remove agricultural land from production, the removal is limited to the lease term for the solar

facility. Adjacent lands will remain accessible for agriculture. At the end of the lease, solar equipment will be removed, and disturbed soils restored.

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

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

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

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

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The project will not encourage or attract a large number of people.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

The project will not create a material demand for other actions that would result in one of the above consequences.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The project will not create changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The project does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision, even when the lot line adjustment is factored.

Conclusion

The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, has thoroughly evaluated all aspects of the Project and carefully reviewed all relevant materials. For the reasons set forth above, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, a Negative Declaration will be filed and distributed pursuant to SEQRA regulations, and a Draft Environmental Impact Statement need not be prepared.

LaVoie moved, Shaughnessy seconded. To certify to the town board that the PD action is complete.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

D'Angelo moved; Aubin seconded. for a favorable recommendation for the PD application to the Town Board

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

MEMBER DISCUSSION

None

ADJOURN

LaVoie moved, D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:11 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning