

PLANNING BOARD MEETING - AUGUST 17, 2020
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.

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

If you have questions on anything on the agenda

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

518-477-7938 no later than 6pm on 8/17/20/20

PRESENT

Wayne Johnson, P.E. Acting Chair
Lawrence D'Angelo
Andrew Aubin, P.E.
Stephanie Leonard
James Shaughnessy, P.E.
Nadine Fuda, Director
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Assistant to Director

MEMBERS ABSENT

Denise Mayrer, Chairwoman
John LaVoie

APPROVAL OF MINUTES —AUGUST 3, 2020

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

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

PUBLIC COMMENT

Attorney Craig Crist Read a comment letter for file number 2020-21

Recommendation to ZBA

Richard Cicero
23 Oakwood street
Proposed - Side Yard Setback

Z792-20/R20/177.12-5-29

Richard Cicero, applicant was present for this meeting via Zoom.

Mr. Cicero needs a variance for a side yard setback for a deck he would like to build.

There were no questions for the applicant.

TYPE II ACTION

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

Aubin moved, D'Angelo seconded.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RECOMMENDATIONS TO THE ZBA

Shaughnessy moved; Aubin seconded a **"FAVORABLE"** recommendation to the Zoning Board of Appeals.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision / Lot Line

Keller/Conlin

2020-19/R20/210.1-3-53

1322 Angelo Ave

Proposed - Lot Line

John Keller, applicant was present for this meeting via Zoom.

Mr. Keller stated Mr. & Mrs. Conlin had an issue in their back yard with the septic system which needed an upgrade, so they decided to sell a strip of land .066 acres to accommodate for the changes.

Mr. Johnson stated the lines on the map need to change, the existing line needs to be listed as to be removed and the Conlin side it should read original area .39 acres and then after the transfer the area should read .456

TYPE II ACTION

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

Johnson moved; Shaughnessy seconded.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

D'Angelo moved, Aubin 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.

5 Ayes. 0 Noes. Motion carried.

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

Site Plan /Special Permit

Eric Seeberger
1297 Brookview Station Rd.
Proposed - Single Family Home

2020-18/RA/199.-3-22.111

Eric Seeberger, applicant, was present for this meeting via Zoom.

Mrs. Fuda stated she had put the code section (chapter 147) in the members packets regarding farms and housing which stated that on a farm for farm hands, 3 homes are allowed, any more than that requires Planning Board approval (this is a Town Board Law not a Zoning law).

Mr. Seeberger stated he is the one that goes in and takes care of big deliveries, and the house will look like a one story ranch.

Chairman Johnson asked why two septic tanks for a single-family home.

Mr. Seeberger stated he has a Rensselaer permit to construct only 1 septic tank.

Mrs. Fuda stated the site plan shows two septic tanks, one on each side.

Mr. Seeberger stated the blue septic tank was a secondary spot in case he didn't get approval for the one being constructed.

Chairman Johnson asked why the home was being built by the road and not by the other trailers for the farm workers.

Mr. Seeberger stated to be closer to the store to keep an eye on it.

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

Aubin motion, Leonard seconded.

5 Ayes. 0 Noes. Motion carried

SITE PLAN

Shaughnessy motion, Johnson seconded that the site plan be approved.

5 Ayes 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Anthony Ali
128 Boyce Road
Proposed - Dog Training/retreat

2020-20/RA/191-2-5.111

Anthony Ali, applicant, was present for this meeting.

Mr. Ali stated for the last 7 years they have owned and run a business called Off Leash K9 Training, they are primarily in North Greenbush area they offer various packages to their clients, such as board and train package where they board the dog for 2 weeks and train them, then do a turn over back to the owners. They are looking to move to this site and will need to have a kennel. They also have clients that require boarding, these are people that had their dogs trained by us and is a very small part of our business, we are mainly board and train. They are also looking to clear about 8 acres for the dog runs, training area, and play area.

Chairman Johnson asked about the number of dogs they propose to have at the facility.

Mr. Ali stated around 15 to 20.

Chairman Johnson asked if there were going to be living quarters on site.

Mr. Ali stated yes, its not going to be an immediate but it is in the plans, they were trying to get the project done first because where they are now their lease is up, so they need to be out by October.

Chairman Johnson stated a neighbor had submitted a letter about dogs barking and if someone was going to be around to address that issue.

Mr. Ali stated they have soundproof walls also live cameras that are monitored and motion sensors. So, the barking shouldn't be an issue. Outside they are 500 feet off the road and the dogs shouldn't be heard barking during playtime or training. This is very low traffic to and from the site, they meet clients for pickups.

Mr. Aubin asked if all the dogs will be inside at night.

Mr. Ail stated yes at night they are inside.

Mr. Laberge asked to clarify, they are building new kennels, is there any thing going to be done to the existing barns. Your need to clear the 8 acres and the 3 acres correct,

Mr. Ali stated yes, the kennels will be a completely new building, there are no plans for the barns at this point, they are just going to be used for storage. Yes, we need to clear both areas for the training facility.

There were no more questions for the applicant and is now sent to the boards engineer Mr. Laberge.

Site Plan /Special Permit

Albany off the Leash

2020-21/HC/189.3-3

1676 Columbia Tpke.

Proposed - Change in Tenancy

Derek Delardi, landowner and Anthony Ali, applicant was present for this meeting via Zoom.

Mrs. Fuda stated this is where they are renting the office space.

Mr. Delardi stated he would like to have a change in tenancy to allow Mr. Ali to have his administrative staff.

Mrs. Fuda explained for the board where this building is located.

Mr. Johnson asked if they have adequate parking and facilities for the employees.

Mr. Delardi stated yes.

There were no more questions for the applicant.

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.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Change in Tenancy

Johnson moved, Leonard seconded APPROVAL of a change in tenancy/Special Permit at "1676 Columbia Tpke"

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Stewart's Shops

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

1811 Columbia Tpke.

Proposed - retail store with gas sales

Charles Marshall, Stewarts Shops, was present for this meeting via Zoom.

Mr. Marshall stated he has given Mr. Laberge a response letter and did not think there is anything necessarily to go through, they have also addressed Mr. Johnsons concern about storage in the stormwater basin and the basins ability to handle back to back events. They went through some of the requested changes including expanding the easement area and the language was sent to the town attorney Chris Langlois, Rich Laberge and Nadine Fuda. And asked if there were any questions from the board.

Mr. Laberge stated they all have the plans for the site and went over what Mr. Marshall spoke about. See stenographer notes on discussion. But some big issues are, the DOT work permit is needed, the water quality control act, the building inspector has determined that the use can continue without the need to apply for a variance, although a special permit is required for the water quality control act. All of this is in his letter (see Below)

Discussion on the detention pond and the maintenance.

Laberge Letter Dated August 11, 2020

RE: **Final Review**

Stewart's – 1811 Columbia Turnpike
SPB # 2020-10

We are in receipt of site plans and a Stormwater Pollution Prevention Plan (SWPPP) both revised July 31, 2020, a cover letter dated August 4, 2020 from the applicant, and a letter dated August 3, 2020 from the applicant's engineer regarding stormwater management. We offer the following:

General

- 1) The project is the reconstruction of an existing retail store with gas sales in the HC zone and requires site plan approval. There is an existing Special Use Permit for the use which will require amendment.
- 2) The project lies in the Direct Recharge Area as defined by the Town's Water Quality Control Act (WQCA). The Building Inspection has determined that the pre-existing use of the property for gas sales can continue without the need to apply for and obtain a variance pursuant to Section 223-9; however, a Special Permit under Section 223 will be required.
- 3) The project requires a sanitary sewer district extension by action of the Town Board. The applicant has requested this extension and the Town Board has scheduled a public hearing on the matter on August 13, 2020.
- 4) A NYSDOT Work Permit is required.
- 5) The proposed "Sewer Maintenance Easement" should be labeled "Utility Easement."
- 6) The Utility Easement discussed above, once accepted by the Town, should be filed with the Rensselaer County Clerk's office. A copy of the recorded easement should be submitted to the Town and this office.
- 7) The applicant should submit the proposed operations plan for the site as it pertains to potential spills and the response to them.

- 8) The applicant should submit the proposed sampling schedule for the monitoring wells and indicate that the results will be submitted to the Town.

SWPPP Comments

- 9) The detail for the forebay and infiltration basin should be revised:
 - a. To include water surface elevations that agree with those reported in the SWPPP narrative and hydrocode analysis.
 - b. To include a required dimension of a minimum of 3 feet separation from seasonally high ground water elevation and the bottom of any portion of the infiltration system.
- 10) The stone structure in the infiltration basin that is proposed to be 4 feet deep may be within the required separation distance of 3 feet from seasonally high ground water. Additional field investigations should be conducted to confirm that the installation will meet the 3-foot separation requirement. This structure should also be provided with a filter fabric wrap to preserve its design function.
- 11) The Sequence of construction should be provided on the plans in addition to the SWPPP narrative and should include the requirement of a temporary sediment basin until all upstream construction has been completed and stabilized. Upon meeting the condition of complete upstream construction and stabilization the infiltration basin's final grades may be achieved. We note that a partial excavation of the infiltration basin to 18" above bottom of proposed final grade in the infiltration area is an acceptable means of providing the sediment basin volume.
- 12) The plans and details for the rip rap protection to be placed at the weir between the forebay and the infiltration basin should be extended to include the sides of the weir, downstream slope and into the infiltration basin to protect against erosion of the slope and scouring of the basin bottom.
- 13) The plans should indicate an area for snow storage where snowmelt is not connected to the infiltration system.
- 14) Both a detail and a location for an observation well for the infiltration basin should be provided.
- 15) Both a detail and a location for a sediment depth marker for the forebay that indicates when maintenance is required to removed sediment should be provided.
- 16) A letter from NYS OPRHP should be obtained to confirm the letter of opinion from Hudson Valley Cultural Consultants, Ltd. that the project will have no effect on historic or archaeological resources.

SEQRA

Attached please find Parts 1, 2, and 3 of a Short Environmental Assessment form for the project. We are recommending a Negative Declaration for this action and have drafted a Determination of Significance for the Board's review and use in making their determination.

Modification of Special Permit for Use

We recommend that the existing Special Permit be updated to reflect the current application.

Water Quality Control Act Special Permit

We have reviewed the plans and information supplied by the applicant as it pertains to a Special Permit under the Town's Water Quality Control Act. We recommend the Planning Board grant approval of a Special Permit with an initial duration of 18 months conditioned upon the installation of monitoring wells as shown on the site plan, and submission of annual certifications with supporting documentation to the Town that the stormwater facilities have been inspected, serviced, and maintained in accordance with the applicable manufacturers recommendations and best management practices.

Very truly yours,
LABERGE GROUP

RFL: bnl

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

Wave the reading of the SEQRA resolution

Aubin moved, Johnson seconded.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION
(SEQRA)**

WHEREAS, Stewart's Shops Corp. ("Applicant") proposes the demolition and reconstruction of an existing retail store with gas sales at the current location of the Sunoco Convenience Store, to establish an approximately +/- 3,975 square foot retail convenience store and gas station (the "Project") at a site located at 1811 Columbia Turnpike on two (2) adjacent parcels of real property (Tax Map Nos. 189.-10-8.31 and 189.-10-8.32); and

WHEREAS, this project is an Unlisted 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 hereby finds and determines that the proposed Project will not have any significant adverse impacts on the environment and therefore issues a Negative Declaration of Environmental Significance pursuant to SEQRA for the reasons set forth in the accompanying Determination of Significance, which is incorporated herein by reference.

D'Angelo motion, Leonard Seconded to approve the above SECOR determination

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE

Applicant:	Stewart's Shops Corp.
Project Location:	1811 Columbia Turnpike Castleton, New York 12033
SEQRA Classification:	Unlisted
Lead Agency:	Planning Board, Town of Schodack

Project Description: Stewart's Shops Corp. ("Applicant") proposes to raze the existing convenience store, canopy and gasoline filling station, currently operated by Sunoco, and to construct an approximately +/-3,975 square foot retail convenience store and gas station (the "Project") at a site located at 1811 Columbia Turnpike Road on two (2) adjacent parcels of real property (Tax Map Nos. 189.-10-8.31 and 189.-10-8.32) consisting of approximately +/- 2.7 acres combined. The total volume of mixed petroleum products to be stored on-site in underground storage tanks is 27,000 gallons, which would be dispensed via four (4) fuel pumps and eight fuel stations. The proposed Project includes 29 on-site parking spaces. The project proposes to realign access to meet NYSDOT driveway spacing requirements and eliminate the internal connection to the Schodack Police Department. The northern site access will be relocated to align with the Dunkin Donuts exit only access. Wastewater generated at the site is proposed to be discharged into the public sewer system via an extension of the Town's Sewer District No. 6 (Extension 7), subject to Town Board approval. Water service to the site is proposed via a connection to the existing public Water District.

As noted above, the Project is intended as a replacement of the existing Sunoco +/- 2,495 retail convenience store and gas station operated at the subject site.

The Project site is located in a Highway Commercial (HC) zoning district in which the proposed use is allowed via a special use permit, which therefore requires that the existing special use permit needs to be modified to operate the subject facility.

The proposed Project requires the following approvals: (1) modification of the existing special use permit for the subject use; (2) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (3) site plan approval issued by the Planning Board; (4) approval by the Town Board of the proposed extension of Sewer District No. 6 (Extension 7). The sewer district approval will require approval of the Rensselaer County Department of Health and the overall disturbance will require completion of a Stormwater Pollution Prevention Plan to be accepted by the Town of Schodack MS4 coordinator and filed with the NYSDEC; and (5) a Highway Work Permit from NYSDOT.

Discussion of Criteria for Determining Significance

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 has identified and analyzed the following relevant areas of environmental concern in determining whether the proposed action may 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.

a. Air quality

The proposed Project will not result in a substantial adverse change in existing air quality in terms of either odor or pollution. The Project site is expected to primarily draw customers from motor vehicle traffic otherwise travelling northbound and southbound on Columbia Turnpike, a heavily travelled, four lane highway which is located immediately adjacent to the Project site. The CHA Traffic Impact Study notes that 65% of such visitors will be derived from same. As the Project site is used now for the very uses being sought to be established, any odors or emissions associated with motor vehicles traveling into and out of the Project site are therefore expected to be consistent with ambient, pre-existing air quality levels at the Project site and along the Columbia Turnpike corridor. The Planning Board has also considered potential odor and emissions impacts associated with the storage and dispensing of motor vehicle fuel on the Project site and concludes that such impacts will not be significant. Fuel will be stored and dispensed in a closed system whereby the fuel travels from underground storage tanks,

through pumps, hoses, and nozzles, and into customer fuel tanks, without significant exposure to air. The fuel pumps will be located a significant distance from the nearest residence. The underground tanks are vented above the fueling canopy at one of the highest points on the site, such that any odors and emissions will broadly disperse into the open air. As such, the proposed Project is not expected to produce any appreciable odors or emissions which might significantly impact neighboring areas. The Planning Board therefore finds and concludes that the proposed Project will not result in a substantial adverse change in existing air quality.

b. Ground and surface water quality or quantity

The proposed Project will not result in significant adverse impacts to ground or surface water quality or quantity.

The proposed Project incorporates a variety of design features intended to prevent the release or spillage of fuel, features that have been the careful study of this Board as a result of another project by Applicant being located nearby. Among other things, fuel will be stored on site in underground tanks featuring a modern double-walled (i.e., “tank within a tank”) Fiberglass Reinforced Plastic (“FRP”) design with a brine-filled interstitial space which is electronically monitored twenty-four hours a day, seven days a week, for leak detection. The tanks are specially equipped to prevent overfilling during fuel delivery and include a 15 gallon “spill bucket” as a precaution to capture and contain any fuel which may be spilled as the result of a mishap during delivery. Similarly, all piping carrying fuel between the underground tanks and the dispensing pumps feature double-wall construction with full time interstitial space monitoring to detect leaks. The piping itself is installed in a four-inch diameter conduit, providing a third level of containment. The system incorporates a variety of automatic shut off features designed to stop the flow of fuel in the event a leak is detected. The fuel pumps/dispensers also incorporate a number of design features intended to prevent, detect, and/or contain fuel spills, including secondary containment systems, liquid sensor alarms, breakaway fittings on dispenser hoses, and customer overfill prevention.

These design features – including tank design, secondary containment, full time electronic monitoring, leak detection systems, overfill protection, spill prevention, and remote alarm reporting – serve to substantially reduce the risk of any release or spillage of an environmentally significant amount of fuel. In addition, the more modern FRP underground fuel storage tanks included in the proposed Project provide a greater level of protection than the older tanks currently in use, which were originally installed in the 1980’s and will be removed upon completion of this project.

The proposed Project also incorporates a series of design and operational features that address “hotspot” stormwater runoff which might be generated by rainwater coming into contact with incidental amounts of fuel products which may be inadvertently spilled by customers during the fueling process. First, the pump areas will be covered by an oversized fixed canopy which will significantly limit the amount of rainwater which may come into contact with the ground areas surrounding the pumps. Second, the concrete pad under the canopy and surrounding the pumps is designed with grooves around the perimeter in order to physically contain spills locally so that sorbent material can be applied.

The stormwater management system has been designed in accordance with the NYSDEC Stormwater Design Manual, which requires redundant pre-treatment of the water quality volume for “hot spots”. The proposed Project incorporates the use of catch basins with hoods, a hydrodynamic separator, an oil stop structure and a lined forebay prior to the project’s infiltration basin. The proposed Project has conservatively been designed to assume all impervious on the site to be a potential stormwater hot spot thus providing additional stormwater management as a further environmental protection measure. The aforementioned catch basins with installed oil and debris hoods, and the oil stop valve to be installed act to stop the flow of stormwater should significant amounts of petroleum products enter the stormwater collection system.

The Planning Board therefore finds and concludes that the proposed Project will not result in significant adverse impacts to ground or surface water quality or quantity.

c. Traffic

The proposed Project will not result in any significant impact to existing traffic levels. As noted above, an extensive Traffic Impact Study was prepared and submitted by CHA. It details, among other things, improvements to site entrance and egress, such as the realignment of the accesses to meet NYSDOT driveway spacing requirements and to eliminate the internal connection to the Schodack Police Department. That study also concluded that “the number of new trips associated with the project could be added to the network is 35 AM peak hour and 66 PM peak hour trips.” Based on a comparison of existing, projected “no build” conditions, and projected “build” conditions, the Traffic Impact Study concluded that existing levels of service will be maintained at all intersections, and that the proposed Project will not have any significant adverse effects on existing traffic levels.

d. Noise

The proposed Project will not result in any substantial adverse changes in existing noise levels. The proposed Project site and surrounding areas are located in close proximity to Columbia Turnpike, which as previously noted is a heavily travelled, four lane highway. Any noise generated from the proposed project – for example, that which may be produced by motor vehicle engines, closing vehicle doors, and/or the refrigeration units at the rear of the proposed store building – is expected to be consistent with ambient, pre-existing noise levels both at the Project site because the proposed use mirrors the existing use, as well as along the Columbia Turnpike corridor, including neighboring properties such as the Speedway on the adjacent lot. The Planning Board therefore finds and concludes that the proposed Project will not result in any significant adverse impacts associated with noise.

e. Solid Waste Production

The proposed Project will not result in any substantial increase in solid waste production. The amount of solid waste produced by the proposed Project will be modest and consistent with that produced by a comparably-sized retail convenience store. All solid waste produced on site will be stored by the Applicant in enclosed dumpster/recycling containers pending removal by a commercial waste management company for disposal off-site.

f. Potential for erosion, flooding, leaching or drainage problems

The proposed Project will not result in any significant impacts related to potential erosion, flooding, leaching or drainage problems. The Project has been designed utilizing best management practices for erosion control for this size and type of project both during and after construction. The Project has been designed in accordance with the NYSDEC Stormwater Design Manual, and post-completion, stormwater runoff and peak flows will be equal to or less than existing conditions and will not result in any erosion, flooding, leaching, or drainage problems.

(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.

The proposed Project does not involve, and therefore will not result in significant adverse impacts associated with, the removal or destruction of large quantities of vegetation or fauna. The fauna on the subject site will be largely undisturbed. Moreover, it should be noted that over 300 plantings are featured on the Landscaping Plan for the subject Project. It should be noted that it is highly unlikely that there is any wildlife present on the Project site. No threatened or endangered species of animal or plant is known to inhabit the Project site. The Planning Board therefore finds and concludes that the proposed Project will not result in any significant adverse impacts to natural resources.

(iii) The impairment of the environmental characteristics of a Critical Environmental Area.

The proposed Project site is not located in or adjacent to a Critical Environmental Area as designated by NYSDEC or any local agency, and the proposed Project will therefore not have any significant adverse impacts on, or result in the impairment of, the characteristics 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 proposed Project will not result in significant impacts associated with any material conflict with the community's current plans or goals as officially approved or adopted. The Project site is located within in a Highway Commercial (HC) zoning district in which the development of property for a variety of commercial and business uses – including the proposed use – is permitted via the modification of the existing Special Use Permit. The Project site is located within the Town's Water Quality Control District and, pursuant to Chapter 223 of the Town Code (Water Quality Control), is subject to special permit approval from the Planning Board. The proposed Project is consistent with the Town's 2011 Comprehensive Plan, particularly Guiding Principle No. 5 which is to "[e]ncourage business growth around the I-90 exits and the Route 9 Corridor to build a strong tax base for public services and to provide appropriate retail and service business support for Town residents." In addition, and as previously noted, the proposed Project involves the replacement of the existing Sunoco retail store and gas station currently located at the Project Site.

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

The proposed Project will not result in any significant adverse impacts associated with the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources, or of the existing community or neighborhood character.

The Applicant has submitted (by inclusion in the project's Storm Water Pollution Prevention Plan) an opinion letter from Hudson Valley Cultural Resource Consultants, Ltd. Indicating that existing Sunoco filling station, surrounded by asphalt parking areas and corridors as such being located in a commercial area along US Route 20 (Columbia Turnpike) does not meet any of the criteria established by the Secretary of the Interior for listing or considered eligible for listing in the National Register of Historic Preservation. Further, no historical properties have been identified in the vicinity of the proposed undertaking, therefore any proposed alterations or changes to the property are not expected to have an adverse effect.

The proposed Project will not result in significant adverse impacts associated with the impairment of the existing community or neighborhood character. The Project site is located within a Highway Commercial (HC) zoning district in which the development of property for a variety of commercial and business uses – including the proposed use – was anticipated. Notably, located adjacent or nearby are Speedway, Dunkin Donuts, Key Bank as well as the Town of Schodack Police Department, as well as the existing use located on the very Project Site.

The proposed Project will not result in significant visual impacts or other significant impacts to aesthetic resources. No significant or important viewsheds are located in the area of the project site. Visually, the appearance of the proposed Project will be in harmony with the existing commercial uses which predominate the area. The proposed Project includes landscaping and planting design features intended to significantly screen the Project from neighboring residences, and lighting design features intended to minimize offsite glare, thereby avoiding significant visual impacts.

(vi) A major change in the use of either the quantity or type of energy.

The proposed Project does not involve, and therefore will not result in, any major change in the use of either the quantity or type of energy. National Grid currently provides electric and natural gas service in the Town of Schodack, and the proposed Project will utilize those existing available energy services. The proposed Project's energy needs are expected to be consistent with those of a comparably

sized retail store and gas station. The proposed Project involves the razing of the existing Sunoco retail store and gas station, replacing it with a larger retail store by 1,458+/- square feet, a facility which presently obtains energy service through National Grid.

(vii) The creation of a hazard to human health.

The proposed Project will not result in the creation of a hazard to human health. In reaching this conclusion, the Planning Board has specifically consider potential impacts associated with air quality, water quality, noise, and traffic, among other things, which might pose a hazard to human health and, as set forth more fully above, has found and concluded that the proposed Project will not result in any significant adverse environmental impacts in any of these areas. In fact, the improvements to the Project site will serve to increase the level of safety.

(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 proposed Project will not result in a substantial change in the use, or intensity of use, of land. The Project site – on which the proposed retail convenience store, fuel pumps, parking, and related infrastructure would be located – is located in a Highway Commercial (HC) zoning district in which the proposed retail use is allowed as a specially permitted use. Once again, the existing use of the site is the same uses as the proposed use, with the convenience store to be 1,458 +/- square feet larger. As noted above, the surrounding area is commercial with uses including the Speedway convenience market/gasoline station, Key Bank and Dunkin Donuts. As such, the proposed use of the Project site as a retail store and gas station is consistent with the predominantly commercial use of properties located along the Columbia Turnpike corridor.

(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 proposed Project will not result in any significant adverse impacts associated with the encouraging or attracting of a large number of people to the area compared to the number of people who would come to the place absent the action. It is expected that the majority of people who come to the site to patronize the proposed retail store and/or gas station will primarily be individuals who would otherwise already be travelling on Columbia Turnpike on their way to some other intended destination, and each customer's visit to the site is anticipated to be of short duration. Applicant's traffic study, performed by CHA, note "It is estimated that 65% of the convenience mart/gasoline station us total entering/exiting trips will be pass-by trips from traffic that is already on the study area roadway network." As previously noted, the proposed Project involves the replacement of the existing Sunoco retail store and gas station currently located at the Project site.

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

The proposed Project is not expected to create a material demand for other actions that would result in significant adverse impacts associated with any of the criteria previously addressed. In its review of the proposed Project, the Planning Board has not identified any other actions that might foreseeably be demanded as a consequence of the proposed Project.

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

The proposed Project does not create impacts to two or more elements of the environment that, collectively, would result in any significant adverse impacts to the environment. In reaching this conclusion, the Planning Board has considered in tandem all potential impacts and/or changes associated with the proposed Project, including but not limited to potential impacts to air quality; ground or surface water quality; traffic levels; noise levels; solid waste production; stormwater; and community character,

including visual impacts and impacts to historic resources. Having done so, the Planning Board finds and concludes that the changes to each of the environmental elements associated with the proposed Project, as previously discussed, when considered together will not result in any 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 reviewing the proposed Project, the Planning Board has conducted a comprehensive review of the entirety of the Project, including the related proposed action of extending Sewer District No. 6 (Extension 7) so as to provide public sewer service to the Project site. Having done so, the Planning Board finds and concludes that neither the proposed Project nor the proposed sewer extension, considered either individually or cumulatively, will result in any significant adverse impacts to the environment under any of the criteria considered.

Conclusion

For the reasons set forth above, the Planning Board, acting as Lead Agency in a Coordinated Review conducted under the State Environmental Quality Review Act (SEQRA), has determined 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.

D'Angelo moved; Leonard seconded of Negative Declaration of Environmental Significance pursuant to SEQRA.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Wave the reading of the Special use Permit under Water Quality

Shaughnessy moved, Aubin seconded.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA—STEWART'S SHOPS CORP.; File No.: 2020-10

WHEREAS, the Applicant, STEWART'S SHOPS CORP., has applied for a Special Permit pursuant to Chapter 223 of the Town Code of the Town of Schodack ("Town Code") in furtherance of its application to raze the existing convenience store and canopy and filling station in current operation by Sunoco in favor of the construction and operation of a new Stewart's Shop (convenience store) and self-service gasoline filling station at 1811 Columbia Turnpike (also known as U.S Routes 9 & 20), Schodack, New York (tax map parcels: 189.-10-8.31 and 189.-10-8.32), which comprise approximately +/- 27 acres (the "Project site");

WHEREAS, the proposed facility would maintain the same number of fuel pumps (four) and fuel stations (eight) as is utilized by the existing use at the Project site; and

WHEREAS, as proposed, Applicant seeks to store mixed petroleum products on-site in underground storage tanks with a total volume of 27,000 gallons; and

WHEREAS, the proposed Project requires the following approvals: (1) modification of the existing special use permit by the Planning Board for the subject use; (2) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (3) site plan approval issued by the Planning Board; (4) approval by the Town Board of the proposed extension of Sewer District No. 6. The sewer district approval will require approval of the Rensselaer County Department of Health and the overall disturbance will require completion of a Stormwater Pollution Prevention Plan to be accepted by the Town of Schodack MS4 coordinator and filed with the NYSDEC; and (5) a Highway Work Permit from NYSDOT.

WHEREAS, the proposed Project and the application that is the subject of this Resolution have been the subject of extensive review and discussion, as well as during a prior project involving this very Applicant close to the Project site and involving many of the same technologies; and

WHEREAS, at the August 17, 2020 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

WHEREAS, the proposed Project also requires the issuance of a special permit pursuant to the Town of Schodack's Water Quality Control Act (WQCA); and

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

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

WHEREAS, all special permit application procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on August 17, 2020; and

WHEREAS, since the property lies in the Direct Recharge Area as defined in the WQCA, and seeks that aforementioned use and has received a variance from the WQCA, as noted above, a Special Permit under the WQCA is required;

WHEREAS, the aforementioned Negative Declaration states, in part, and this Board hereby finds:

The proposed Project incorporates a variety of design features intended to prevent the release or spillage of fuel, features that have been the careful study of this Board as a result of another project by Applicant being located nearby. Among other things, fuel will be stored on site in underground tanks featuring a modern double-walled (i.e., "tank within a tank") Fiberglass Reinforced Plastic ("FRP") design with a brine-filled interstitial space which is electronically monitored twenty-four hours a day, seven days a week, for leak detection. The tanks are specially equipped to prevent overfilling during fuel delivery, and include a 15 gallon "spill bucket" as a precaution to capture and contain any fuel which may be spilled as the result of a mishap during delivery. Similarly, all piping carrying fuel between the underground tanks and the dispensing pumps feature double-wall construction with full time interstitial space monitoring to detect leaks. The piping itself is installed in a four inch diameter conduit, providing a third level of containment. The system incorporates a variety of automatic shut off features designed to stop the flow of fuel in the event a leak is detected. The fuel pumps/dispensers also incorporate a number of design features intended to prevent, detect, and/or contain fuel spills, including secondary containment systems, liquid sensor alarms, breakaway fittings on dispenser hoses, and customer overfill prevention.

These design features – including tank design, secondary containment, full time electronic monitoring, leak detection systems, overfill protection, spill prevention, and remote alarm reporting – serve to substantially reduce the risk of any release or spillage of an environmentally significant amount of fuel. In addition, the more modern FRP underground fuel storage tanks included in the proposed Project provide a greater level of protection than the older tanks currently in use, which were originally installed in the 1980's and will be removed upon completion of this project.

The proposed Project also incorporates a series of design and operational features that address “hotspot” stormwater runoff which might be generated by rainwater coming into contact with incidental amounts of fuel products which may be inadvertently spilled by customers during the fueling process. First, the pump areas will be covered by an oversized fixed canopy which will significantly limit the amount of rainwater which may come into contact with the ground areas surrounding the pumps. Second, the concrete pad under the canopy and surrounding the pumps is designed with grooves around the perimeter in order to physically contain spills locally so that sorbent material can be applied.

The stormwater management system has been designed in accordance with the NYSDEC Stormwater Design Manual, which requires redundant pre-treatment of the water quality volume for “hot spots”. The proposed Project incorporates the use of catch basins with hoods, a hydrodynamic separator, an oil stop structure and a lined forebay prior to the project's infiltration basin. The proposed Project has conservatively been designed to assume all impervious on the site to be a potential stormwater hot spot thus providing additional stormwater management as a further environmental protection measure. The aforementioned catch basins with installed oil and debris hoods, and the oil stop valve to be installed act to stop the flow of stormwater should significant amounts of petroleum products enter the stormwater collection system.

NOW THEREFORE BE IT RESOLVED THAT this Board hereby determines that the proposed use, subject to meeting the conditions of the Laberge Group's letters of July 15, 2020 and August 11, 2020, and those conditions also stated herein are carried out, is consistent with the provisions of Chapter 223 of the Code of the Town of Schodack and will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities and that the proposed use will not adversely affect the quality or availability of water from the Town aquifers; that it will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and that it will assure an adequate supply of suitable drinking water for the residents of the Town and that the grant of the special permit is consistent with Chapter 223 of the Code of the Town of Schodack, including, but not limited to § 223-5(B) thereof; and

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

1. this Special Permit shall have an initial term of 18 months from issuance of a Certificate of Occupancy;
2. compliance with the conditions set forth herein and in § 223-5(D) of the Town Code;
3. compliance with all conditions set forth in the letters of July 15, 2020 and August 11, 2020, from the Laberge Group to Denise Mayrer, Chair of the Town of Schodack Planning Board as well as all previously stated engineering requirements be satisfied, all of which are incorporated herein by reference with full force and effect;
4. the installation of groundwater monitoring wells as described in the Laberge Group letter of August 11, 2020, which requires the installation of groundwater monitoring wells to sufficiently monitor the site as determined by a professional geologist and approved by the Town;

5. that said wells shall be sampled for appropriate indicator parameters for volatile organic compounds and any other parameters as determined by the Town quarterly for one year from the time of installation to establish baseline levels and then every fifth quarter thereafter;

6. that Applicant shall provide an annual certification with supporting documentation to the Town that the stormwater management facilities have been inspected, serviced and maintained in accordance with applicable manufacturer's recommendations and best management practices; and

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

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

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

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

*The proposed use is in the HC zone and is an allowable use therein upon the modification of the special use permit that was previously granted for the existing use and also requires site plan approval.

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

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

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

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

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

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

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

* No on-site sanitary disposal system is planned.

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

* No on-site sanitary disposal system is planned.

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

*There is no open storage of hazardous material or petroleum planned on site. All petroleum will be stored in below ground in tanks in excess of 1,100 gallons in accordance with 6 NYCRR Part 613- Petroleum Bulk Storage.

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

*The project is not a service repair shop. However, the dispensers are going to be on an impervious concrete surface that will be level and have positive limiting barriers (grooves) around its perimeter to contain spills or leaks, as well as the other protective measures detailed in the Negative Declaration and herein.

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

NA-the petroleum storage is regulated by NYSDEC under 6 NYCRR Part 613.

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

* Petroleum is being stored belowground in tanks with a combined capacity of over 1,100 gallons which, as detailed in the Negative Declaration and herein, conform to the requirements of 6 NYCRR Part 614 (now Part 613). The tanks have been reviewed as part of the Planning Board's site review and WQCA variance recommendation to the ZBA.

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

provision may be waived if the site requires and has obtained a NYSDEC SPDES permit. (223-6.C.1.j).

*As part of the permit coverage under the NYSDEC Stormwater SPDES permit, as more fully detailed in the Negative Declaration and herein, the portions of the site with gasoline sales have been designed on an impervious surface and have their stormwater directed to an appropriately sized and oil/water separator. The design of the stormwater system in the vicinity of the gasoline sales includes an oil stop valve which will close in the event of petroleum products entering the stormwater system. Furthermore, the Planning Board is requiring that a maintenance manual for the site be developed and that annual certifications of the maintenance being performed be submitted to the Town.

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

*NA – The proposed project is not within 200 feet of a community supply well.

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

*Application of pesticides will be conducted consistent with NYSDEC Standards.

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

*NA – The proposed project is not within the Wellhead Protection Area.

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

*NA – The proposed project is not within the Wellhead Protection Area.

Moreover, the project as designed and approved with conditions, protects and preserves, the existing and potential groundwater supply, as more fully detailed in the Negative Declaration. In addition, the Project is providing a potentially easier access to municipal water by extending the municipal system down Sunset Road should there ever be a need or desire to provide residents an alternate source of drinking water.

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

D'Angelo moved; Shaughnessy seconded to Approve the Special Use Permit for Water Quality 5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

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

Wave the reading of the full resolution for the Site Plan

Aubin moved; Johnson seconded.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RESOLUTION AUTHORIZING SITE PLAN APPROVAL—STEWART'S SHOPS CORP.; File No.: 2020-10

WHEREAS, the Applicant, STEWART'S SHOPS CORP, ("Applicant") proposes to raze the existing convenience store and gasoline filling station with canopy, currently operated by Sunoco, and to construct an approximately +/-3,975 square foot retail convenience store and gas station (the "Project") at a site located at 1811 Columbia Turnpike Road on two (2) adjacent parcels of real property (Tax Map Nos. 189.-10-8.31 and 189.-10-8.32) consisting of approximately +/- 2.7 acres combined. The total volume of mixed petroleum products to be stored on-site in underground storage tanks is 27,000 gallons, which would be dispensed via four (4) fuel pumps with eight fueling stations;

WHEREAS, the proposed Project includes 29 on-site parking spaces. The project proposes to realign access to meet NYSDOT driveway spacing requirements and eliminate the internal connection to the Schodack Police Department. The northern site access will be relocated to align with the Dunkin Donuts exit only access. Wastewater generated at the site is proposed to be discharged into the public sewer system via an extension of the Town's Sewer District No. 6 (Extension 7), subject to Town Board approval. Water service to the site is proposed via a connection to the existing public Water District; and

WHEREAS, as proposed, the Project would locate the proposed retail convenience store, fuel pumps, parking and related infrastructure on the aforementioned Project site, all of which is located in a Highway Commercial (HC) zoning district, and, as such, such a use is allowed via modification of the existing special use permit; and

WHEREAS, The proposed Project requires the following approvals: (1) modification of the existing special use permit for the subject use; (2) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (3) site plan approval issued by the Planning Board; (4) approval by the Town Board of the proposed extension of Sewer District No. 6. The sewer district approval will require approval of the Rensselaer County Department of Health and the overall disturbance will require completion of a Stormwater Pollution Prevention Plan to be accepted by the Town of Schodack MS4 coordinator and filed with the NYSDEC; and (5) a Highway Work Permit from NYSDOT.

WHEREAS, at the August 17, 2020 meeting, this Board resolved to issue a Negative Declaration for the Project, an amended Special Use Permit for the property and a Special Permit under the Town's Water Quality Control Act, all of which are adopted and incorporated herein; and

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

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

A. General considerations.

(1) The adequacy and arrangement of vehicular traffic

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

and;

WHEREAS, all required notices and other procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on August 17, 2020; and

NOW THEREFORE BE IT RESOLVED THAT the Board determines to grant site plan approval based upon considering the Project as a whole and the aforementioned considerations, as well as consideration of the following factors:

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

*As more fully detailed in the previously adopted Negative Declaration, the proposed Project will not result in any significant impact on existing traffic levels.

The Applicant has submitted a Traffic Impact Study reviewing potential impacts to traffic on Columbia Turnpike and the project's two access driveways. Based upon a comparison of existing, projected “no build” conditions, and projected “build” conditions, the Traffic Impact Study concluded that the existing levels of services will be maintained at the access drives with only a slight change in the level of service for the proposed site conditions but found these to be within acceptable limits.

The site plan and access to the property improves upon existing conditions by designed to allow for safe vehicular traffic access for circulation of both automobiles and large trucks.

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

*The site has been arranged to give adequate safety and visibility to pedestrians. It is noted that this is not a high-volume pedestrian area and in fact no pedestrian traffic was noted by CHA when it did its Traffic Impact Study.

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

* See response (1) above which is incorporated herein; also, the site has been designed to provide sufficient off-street parking and loading. Based upon the information submitted, there are adequately designed automobile and truck parking/loading areas. The arrangement of the spaces is in accordance with standards.

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

* The building proposed is compatible with other buildings on U.S. Routes 9 & 20. The Project site is surrounded by similar uses, one of which is a Speedy convenience store and gasoline filling station. Light is full cutoff down lighting and at appropriate height. Moreover, exterior lighting is provided and said security lighting is closed down on-half hour after closure. As noted in the Negative Declaration, the proposed Project is consistent with the Town's 2011 Comprehensive Plan, particularly Guiding Principle No. 5 which is to "[e]ncourage business growth around the I-90 exits and the Route 9 Corridor to build a strong tax base for public services and to provide appropriate retail and service business support for Town residents." As also noted in the Negative Declaration, "The proposed Project will not result in any significant adverse impacts associated with the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources, or of the existing community or neighborhood character." The Project site is located within in a Highway Commercial (HC) zoning district in which the development of property for a variety of commercial and business uses-including the proposed use-was anticipated. The existing community and neighborhood character for the residential properties in the immediate vicinity of the project site includes their proximity to the HC zoning district. The Columbia Turnpike corridor was marked by a variety of commercial uses co-existing with existing residential properties, including the immediate area of the project site. The project site itself has previously been improved and used for commercial purposes that include the proposed use as a gas station.

(5) *The adequacy of stormwater and drainage facilities.*

*The Town is an MS-4 community. A Stormwater Pollution Prevention Plan was prepared, and certain additional components were added into the design of the stormwater system to provide additional protections. Stormwater and drainage facilities have been designed adequately to address the increase of impervious surfaces being proposed by the Project; see also Response 11.

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

*The Project will be connected to existing municipal water and sewer owned by the Town of Schodack but will require a sewer district extension by the Town Board to service the property. There is adequate capacity of both Town systems to serve the proposed facility. As proposed, wastewater generated on-site would be disposed into the public sewer system via an extension of the Town's Sewer District No. 6, subject to Town Board approval.

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

The proposed Project does not involve, and therefore will not result in significant adverse impacts associated with, the removal or destruction of large quantities of vegetation or fauna. The fauna on the subject site will be largely undisturbed. Moreover, it should be noted that over 300 planting are featured on the Landscaping Plan for the subject Project. Visually, the appearance of the proposed Project will be in harmony with the existing commercial uses which predominate the area. The proposed Project includes landscaping and planting design features intended to significantly screen the Project from neighboring residences, and lighting design features intended to minimize offsite glare, thereby avoiding significant visual impacts.

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

*Not applicable.

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

*The Project has incorporated protection of adjacent and neighboring properties including, but not limited to, the following methods:

- a. The planting of both deciduous and evergreen trees and shrubs;
- b. Creation of a limit of disturbance line in order to preserve existing vegetation;
- c. The height of the exterior lighting has been kept to a minimum;
- d. The lighting utilizes full cut off down lighting;
- e. The dumpster is screened from view;

It is noted that the Special Permit issued under the WQCA was issued subject to several conditions to protect neighboring properties, including, but not limited to:

1. the installation of groundwater monitoring wells to sufficiently monitor the site as determined by a professional geologist and approved by the Town;
2. the wells shall be sampled for appropriate indicator parameters for volatile organic compounds and any other parameters as determined by the Town quarterly for one year from the time of installation to establish baseline levels and then every fifth quarter thereafter;
3. Applicant shall provide an annual certification to the Town that the stormwater management facilities have been inspected, serviced and maintained in accordance with applicable manufacturer's recommendations and best management practices.

Specifically, as to noise, as is more fully detailed in the Negative Declaration, this Project will not result in any substantial adverse changes in existing noise levels. As noted therein, the project site is in close proximity to Columbia Turnpike (US Routes 9 & 20), a four-lane highway. Any noise generated from the Project "is expected to be consistent with ambient, pre-existing noise levels along the Columbia Turnpike corridor. It is further noted that NYSHPO has issued a "no effect" letter.

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

*The site design provides adequate circulation for emergency vehicles. There is access to fire hydrants on U.S. Routes 9 & 20.

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

*Stormwater management plans and the grading of the site have been designed using best management practices for erosion control for the size and type of the project, both during and after construction. The Project has been designed in accordance with the NYS DEC Stormwater Design Manual. Said plans manage the stormwater so as to minimize erosion, ponding and flooding. Stormwater is being detained on site and will therefore not result in any erosion, flooding, leaching or

drainage issues. In fact, after completion stormwater runoff and peak flows will be equal to or less than existing conditions.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group letter dated August 11, 2020 to Chairwoman Denise Mayrer (the “Site Plan”) is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned letter as well as all review letters, as well as all other administrative matters, from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus the following conditions:

1. the resolution of the technical issues identified in comments 1 through 16 of the Laberge letter of August 11, 2020;
2. establishment of a site review escrow in the amount of \$_____ to be deposited prior to the start of construction;
3. Subject to the any terms and conditions of the heretofore issued variance by the Zoning Board of Appeals pursuant to Chapter 223 of the Town Code, Water Quality Control and the special permit by this Board, issued contemporaneously herewith, also pursuant to Chapter 223 of the Town Code.
4. Subject to the Town Board’s approval of the extension of Town Sewer District No. 6

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the opinions offered by the Town’s reviewing engineer, the adopted Negative Declaration and all findings made pursuant thereto, and the WQCA variance decision and special permit, all of which are incorporated herein and will not be restated; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval to allow the demolition of the existing Sunoco convenience store and gasoline refilling station and the construction of the Stewart’s Shop (convenience store) with retail self-service gasoline on the subject property as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter by the following vote:

Johnson moved; Aubin seconded to grant the site plan as stated above

5 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D’Angelo, Johnson, Leonard, Shaughnessy

Oppose: None

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

ADJOURN

Aubin moved, D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:10 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning