

1 STATE OF NEW YORK COUNTY OF RENSSELAER

2 TOWN OF SCHODACK

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4 PLANNING BOARD MEETING

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY L. STRANG, a Shorthand Reporter  
8 commencing on September 21, 2020, 265 Schuurman  
9 Road Castleton, New York at 7:00 P.M.

10

11 BOARD MEMBERS:

12 DENISE MAYRER, CHAIRPERSON

13 WAYNE JOHNSON

14 JAMES SHAUGHNESSY

15 LAWRENCE D'ANGELO

16 ANDREW AUBIN

17 JOHN LAVOIE

18

19 ALSO PRESENT:

20 CRAIG CRIST, ESQ., COUNSEL TO THE BOARD

21 NADINE FUDA, DIRECTOR, PLANNING & ZONING

22 MELISSA KNIGHTS, PLANNING & ZONING SECRETARY

23 DAWNE KELLY

24 GREG SIMULO, CS ENERGY, WHITE RIVER SOLAR

25 MATT TRIPOLI, CS ENERGY, WHITE RIVER SOLAR

1       NICHOLAS COSTA, PE, ADVANCE ENGINEERING AND  
2       SURVEYING  
3       CAROL FARRELL  
4       ANTHONY ALI  
5       STEVE HART

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1           CHAIRPERSON MAYRER: I will call the  
2 meeting to order.

3           First item on the agenda is approval of  
4 the minutes. Do we have any editorial  
5 comments, changes?

6           MR. JOHNSON: I had some minor changes;  
7 Johnson.

8           CHAIRPERSON MAYRER: Okay, do I have a  
9 motion to accept the minutes with Wayne's  
10 changes?

11          MR. JOHNSON: I'll make that motion.

12          MR. SHAUGHNESSY: Second, Shaughnessy.

13          CHAIRPERSON MAYRER: All in favor?

14          (Ayes were recited.)

15          Opposed?

16          (There were none opposed.)

17          Now is the period of public comment.  
18 Does any member of the public wish to make  
19 comment on any item on the agenda this  
20 evening?

21          Are you monitoring your texts?

22          MS. FUDA: Yes ma'am, I am.

23          CHAIRPERSON MAYRER: So, we will give it a  
24 respectable amount of time.

25          (There was a brief break in the

1 proceedings.)

2 CHAIRPERSON MAYRER: Okay, if no one  
3 wishes to make comment, we will close the  
4 public comment period.

5 Item number three is Carol Farrell,  
6 recommendation to the ZBA - area variance.

7 (There was a technical difficulty with  
8 the audio/video and the meeting proceeded  
9 with the next item on the agenda.)

10 We will go to the next one; Grant  
11 Staats.

12 Okay, go ahead. Mr. Staats, can you  
13 tell us what it is that you would like to  
14 do?

15 MR. STAATS: There is a tremendous amount  
16 of reverberation. I can barely hear you. If you  
17 can hear me, please put your thumbs up.

18 (Several Board Members extended their  
19 thumbs up.)

20 Fantastic. Well, thank you. Grant  
21 Staats, again. I'm at 319 Beaver Road. My  
22 request is for a variance for a 50-foot  
23 distance for a small structure - 128 square  
24 feet. You've got the application in front of  
25 you, I assume. You know all the details. You

1 know all of the answers to all the questions  
2 that I was asked. My intent is to build that  
3 shed with my own hands and my own resources  
4 - to build that shed hopefully here within  
5 38 feet of the Town road.

6 CHAIRPERSON MAYRER: Questions, Members?

7 MR. JOHNSON: Wayne Johnson. I was just  
8 wondering if there was any kind of buffer  
9 between the proposed shed and the road. Are  
10 there trees?

11 MR. STAATS: So, am I supposed to be  
12 interacting in answering these questions? I can  
13 barely hear them, but I think what you  
14 suggested is: Is there a buffer between what  
15 will be the back of the shed and the road? The  
16 answer to that question is yes. There are  
17 shrubs and undergrowth that exists there now  
18 and there are some large trees. I intend to  
19 plant additional shrubs to block the road. It  
20 could be very well considered a liability on  
21 our part and that is the idea that a snowplow  
22 could throw something over and hit my shed, but  
23 not with the protection that I intend to put  
24 between the back of the shed and the road.

25 MR. JOHNSON: Okay, thank you.

1           CHAIRPERSON MAYRER: Other questions,  
2           Members?

3           (There was no response.)

4           MR. AUBIN: Is this from the middle - the  
5           38 feet as measured from the middle of the Town  
6           road? Approximately what is the width of the  
7           Town road there? Are you able to hear me on  
8           that?

9           MR. STAATS: Can I get you to ask that  
10          question, or Dawn if you could interpret that?  
11          I would appreciate it.

12          MS. KELLY: They are asking what the  
13          measurement of the road is.

14          MR. STAATS: If you're asking about the  
15          measurement that they took for the 38 - that  
16          would be from the back of the shed to the edge  
17          of the blacktop of Beaver Road and not to the  
18          centerline of Beaver Road.

19          MR. AUBIN: Okay, because on the map is  
20          marked to the property line, which is actually  
21          the centerline of the road.

22          MR. STAATS: I'm sorry, it's hard to hear  
23          the question.

24          MS. KELLY: He was saying that you marked  
25          it to the blacktop and that the center - he is

1 saying that the property line goes to the  
2 center of the road. I was shaking my head  
3 because I believe the property - only from what  
4 I do here - roads are 24 1/2 feet from the  
5 center of the road. So 49 feet, overall.

6 MR. STAATS: I think that's exactly what  
7 we are getting at - add whatever half addition  
8 to the road - you're saying the centerline to  
9 that 30 feet to the shed and that's what that  
10 would be. I was unaware of that. Does that make  
11 sense?

12 CHAIRPERSON MAYRER: We heard it.

13 MR. AUBIN: So, technically you should be  
14 measuring from the centerline to the back of  
15 the shed for his variance. At this point,  
16 that's something that the ZBA would clarify.

17 CHAIRPERSON MAYRER: Because if he is 12  
18 feet from the centerline, he doesn't need it.

19 MR. AUBIN: That's right. It has to be 50  
20 feet.

21 CHAIRPERSON MAYRER: Then he doesn't need  
22 a variance at all.

23 MR. AUBIN: You're close enough where you  
24 might want to check that.

25 CHAIRPERSON MAYRER: Are you hearing what



1 we are saying?

2 MR. AUBIN: I'm not hearing any of this.

3 CHAIRPERSON MAYRER: Okay, what we are  
4 going to do is - I think just to move this  
5 along - do I have motion for Type II action?

6 MR. LAVOIE: So moved.

7 CHAIRPERSON MAYRER: Second.

8 MR. JOHNSON: Johnson; second.

9 CHAIRPERSON MAYRER: All in favor?

10 (Ayes were recited.)

11 Opposed?

12 (There were none opposed.)

13 Now, do I have a motion for a positive  
14 recommend action to the ZBA for this  
15 variance?

16 MR. SHAUGHNESSY: So moved, Shaughnessy.

17 CHAIRPERSON MAYRER: Second?

18 MR. AUBIN: Aubin; second.

19 CHAIRPERSON MAYRER: All in favor?

20 (Ayes were recited.)

21 Opposed?

22 (There were none opposed.)

23 So, what we are saying is that from the  
24 centerline of the road to the back of the  
25 shed - if that is 50 feet, you don't even

1       need a variance. Regardless, you have your  
2       positive recommendation so get that  
3       measurement because if that's 12 feet, then  
4       you don't need a variance at all. Do you  
5       understand?

6               MR. STAATS: Why don't you have Nadine  
7       call me?

8               CHAIRPERSON MAYRER: Call Nadine, how  
9       about that?

10              MR. STAATS: Fantastic. Am I approved? Is  
11       that it?

12              MS. KELLY: No because you may have to go  
13       to the Zoning Board. We will know more when you  
14       talk to Nadine to get the measurements they are  
15       requesting.

16              MR. STAATS: Wonderful, thank you.

17              CHAIRPERSON MAYRER: Thank you.

18              Carol Farrell - did we find her?

19              MS. KELLY: Yes, she is here.

20              Okay, Carol the Board is ready to hear  
21       what you have to say.

22              MS. FARRELL: I need to put a two-car  
23       garage on my property to accommodate my  
24       wheelchair accessible van. I'm elderly now and  
25       can no longer clean off the top of the handicap

1 van because I'm in a wheelchair. I want to  
2 avoid having an accident with somebody  
3 following me - having the ice and snow fall off  
4 of it. I live alone and there's nobody I can  
5 ask for help with this.

6 The garage is 20 foot wide to  
7 accommodate the van lift, the ramp that  
8 folds out and the length of my power  
9 wheelchair. The garage will be 59.31 feet  
10 from the edge of my property. It's going to  
11 be a nice-looking garage. It will have a  
12 gable to match the gable on the house. There  
13 will be 92 feet 7 inches from the point to  
14 the sidewalls of the van.

15 I have been here for 30 years - 31  
16 years and I didn't feel I needed a garage  
17 before this because I was physically able to  
18 try to clean my van off for the wheelchair.  
19 But now with my age and disabilities I can  
20 no longer do that.

21 CHAIRPERSON MAYRER: Questions, Members?

22 (There was no response.)

23 No questions? Okay, do have a motion  
24 for a Type II action?

25 MR. AUBIN: So moved; Aubin.

1 CHAIRPERSON MAYRER: Second?

2 MR. LAVOIE: Second; LaVoie.

3 CHAIRPERSON MAYRER: All in favor?

4 (Ayes were recited.)

5 Opposed?

6 (There were none opposed.)

7 Do I have a recommendation for a  
8 positive recommendation to the ZBA for this  
9 variance?

10 MR. JOHNSON: I will make a motion;  
11 Johnson.

12 MR. LAVOIE: Second; LaVoie.

13 CHAIRPERSON MAYRER: All in favor?

14 (Ayes were recited.)

15 Opposed?

16 (There were none opposed.)

17 Tell her she's moving to the ZBA.

18 MS. KELLY: Carol, you'll be moving to the  
19 ZBA.

20 MS. FARRELL: What does that mean?

21 MS. KELLY: That means the Planning Board  
22 recommended that you go to the ZBA which the  
23 next meeting is October 19th.

24 MS. FARRELL: And do the same that I'm  
25 doing tonight?

1 MS. KELLY: That's correct.

2 MS. FARRELL: Thank you so very much,  
3 everybody.

4 CHAIRPERSON MAYRER: Item 5; could you  
5 read the notice please for the public hearing?

6 MS. FUDA: Please take notice that the  
7 Town of Schodack will conduct a public hearing  
8 on Monday September 22, 2020 at 7 PM on the  
9 following timber harvesting application -  
10 Anthony Ali for proposed timber harvesting  
11 location 128 Boyce Road. The zone is RA. The  
12 file is available for review by emailing  
13 nadine.fuda@schodack.org or calling the  
14 Planning office at 518-477-7938. You may email  
15 your comments in on the application or call and  
16 during the meeting at 518-376-7875. You may  
17 also mail in comments to Nadine Fuda, the  
18 Planning office, Schodack Town Hall, 265  
19 Schuurman Road, Castleton, New York 12033  
20 Please check the meeting agenda posted on the  
21 website at [www.schodack.org](http://www.schodack.org) for information on  
22 the virtual meeting.

23 MR. HART: Steve here and I'm here with  
24 Anthony Ali. I believe you guys met a couple  
25 weeks ago.

1           CHAIRPERSON MAYRER: Why don't you explain  
2           this? This is timber harvesting for the  
3           purposes of clearing a land for kennel use? Is  
4           this going to be clear-cut?

5           MR. HART: So, we just need to take down  
6           the trees. The stumps will be there. We talked  
7           about it last time. I need ample space to do  
8           some of the specialty training that we're going  
9           to be taking on doing police work, raise dogs  
10          and agility training. The bigger plot of land  
11          that is the 12 acres is where we will be doing  
12          that outside of the 4 acres and that will be  
13          the kenneled area. So, we need space to do that  
14          and move around. We don't need stumps removed  
15          or anything like that. It's just the clearing  
16          so we can kind of move around and we're going  
17          to have a decent amount of dogs that we will be  
18          working with and our trainers will be working  
19          with.

20          CHAIRPERSON MAYRER: Okay. Are there any  
21          members of the public?

22          MS. FUDA: We have one letter that Craig  
23          will read.

24          MR. CRIST: Here is an email that was sent  
25          on Monday, September 21st from Tiger West.

1       Subject: Question submission for Planning Board  
2       meeting Monday, September 21st.

3             Hi Nadine. I would like to submit the  
4       following question\concerns to tonight's  
5       Planning Board meeting, September 21st in  
6       regard to number 5 on the agenda, timber  
7       harvesting at 128 Boyce Road.

8             One: What are the dates and duration  
9       and hours of operation that the proposed  
10      timber harvesting will occur? I live  
11      directly across the street where both my  
12      partner and I work from home. This will be  
13      creating a disturbance that will affect both  
14      of our jobs. I would appreciate being able  
15      to plan for this disturbance and to know it  
16      will be done as expeditiously as possible.

17            Two: For both areas that are being  
18      cleared, what is the thickness of trees that  
19      will be left standing to act as audio and  
20      visual buffer to proposed business  
21      activities, the kennel area and the dog  
22      playfield? I would like to request being  
23      assured trees will be left as a buffer  
24      between these clearings and the road so as  
25      to maintain the character of this

1 neighborhood as much as possible which would  
2 include sight and sound mitigation.

3 It ends by saying thank you.

4 MR. HART: Would you like me to respond to  
5 that?

6 CHAIRPERSON MAYRER: Yes.

7 Who sent that, again?

8 MR. CRIST: Tiger West.

9 CHAIRPERSON MAYRER: No, we already know  
10 the hours of operation. That's a standard. That  
11 would be in the permit. You can answer the  
12 question about the buffer.

13 MR. HART: So, the Code states that we  
14 have to be 500 feet off of the road. Obviously,  
15 there is some area cleared near the barns in  
16 the back. When we go 500 feet off of the road,  
17 there will be a buffer. There's probably about,  
18 I would say, 100 feet of trees before we start  
19 clearing for the kennel area. There would  
20 obviously be a road leading back to this kennel  
21 area with a tree buffer of about 100 feet.

22 CHAIRPERSON MAYRER: Okay. Any other  
23 member of the public?

24 MS. FUDA: No.

25 CHAIRPERSON MAYRER: Okay, Members, do you



1 have questions?

2 MR. JOHNSON: Wayne Johnson. On your plan  
3 that shows the landing area, it's not clear  
4 where that is in relation to the tree removal.  
5 Is that going to be in the area of the playing  
6 field?

7 MR. HART: I couldn't understand. I'm  
8 sorry.

9 MS. KELLY: He's asking if the trees are  
10 going to be cleared in the area of the playing  
11 field.

12 MR. JOHNSON: If the landing area will be  
13 in that playing field.

14 MR. HART: Anthony, this is Steve. Is the  
15 gentleman that's looking to do the clearing -  
16 did he say where he will be staging the trees  
17 before he picks up his logs?

18 MR. ALI: Yes, they will be staged in the  
19 clearing area itself.

20 MR. HART: So, the clearing area that's  
21 already been cleared where the house site was.

22 MR. ALI: Yes, that's where that will be.

23 MR. HART: So if anybody is aware, the  
24 previous owner we purchased the land from was  
25 going to put a house on the site. There's

1       probably an acre or an acre and one-half  
2       cleared and that's where he's mentioning the  
3       trees would be kept.

4               CHAIRPERSON MAYRER: Any other questions  
5       about this timber harvesting?

6               MR. JOHNSON: Does the applicant have a  
7       date or dates that he plans to do the clearing  
8       so that we are not setting a date from now  
9       until March of next year?

10              MR. HART: We would like to move as soon  
11       as possible. Everything is ready to go and when  
12       we have the clearance to go, we will.

13              MS. KELLY: And it would start now and  
14       continue to when?

15              MR. ALI: It would be probably about a  
16       two-month project.

17              MR. LABERGE: This is Rich Laberge. We did  
18       review the concept of the site plan which will  
19       be the next item on the agenda. I believe that  
20       timber harvesting should mesh with what the  
21       Board approves for the site plan.

22              We did have one comment that concerned  
23       the 12-acre area - in the proximity of that  
24       to the neighborhood that's kind of towards  
25       Nassau Lake. I'm not sure we can give final

1 approval to this tonight - to this timber  
2 harvesting permit, but that we need to  
3 follow through and understand the whole site  
4 plan. I understand the applicant is anxious  
5 to get going because it's the right time of  
6 the year to do timber harvesting, or it will  
7 be shortly. So, that would be my comment to  
8 the Board. I would recommend we close the  
9 public hearing and we go into the comments -  
10 hear more about the site plan and see if we  
11 can get that site plan nailed down and then  
12 potentially by our next meeting we might be  
13 able to move on the timber harvesting even  
14 if we're not ready to approve the site plan  
15 at that meeting. We just need to be assured  
16 we're not taking down more trees than we are  
17 comfortable with, given the eventual use of  
18 the site.

19 MR. AUBIN: Rich, would you agree from a  
20 SEQRA standpoint that they are pretty much tied  
21 together?

22 MR. LABERGE: Correct. Normally when we do  
23 a timber harvesting permit, it's either a Type  
24 II or sometimes it might be an unlisted action.  
25 Here, it's definitely part of the project. So,

1 we can't bifurcate the project SEQRA analysis.  
2 So, we need to understand the project. That was  
3 one of our comments. I'm not even sure how to  
4 classify the project because I didn't  
5 understand enough about the project. I don't  
6 think it's a Type I action, but I'm not  
7 entirely sure. I don't think it's a Type II  
8 action, but I'm not entirely sure. It's  
9 probably going to end up being an unlisted  
10 action under SEQRA, which is fine. We would  
11 just go through that process and we would be  
12 able to finish that process and then do the  
13 timber harvesting as a separate action from the  
14 site plan. If we do the site plan quickly, I'm  
15 not even sure the timber harvesting is a needed  
16 approval because the site plan - and I will  
17 stand corrected by our attorney or any Board  
18 Member - as the site plan approval, you are  
19 normally allowed to cut down trees. I think  
20 having it in the mix of an application is a  
21 good thing for the applicant, should the site  
22 plan lag and we are comfortable to approve it.  
23 Your comment is right. We need to do the  
24 complete SEQRA because it is part of the  
25 overall project - cutting the trees. I think

1       once we get the next round of information, we  
2       can move on SEQRA at the next Planning Board  
3       meeting in October, or at least present SEQRA  
4       and get the ball rolling; if not that meeting,  
5       the following meeting. Then, we could  
6       potentially act on the permit and/or the whole  
7       site plan, depending upon -- we were just  
8       lacking detailed information and I think we can  
9       get more information. I am jumping to the next  
10      agenda item and I don't mean to do that, but I  
11      just want to set the expectation to the Board  
12      that I would not recommend moving on the timber  
13      harvesting permit until we understand the  
14      balance of it in more detail.

15           CHAIRPERSON MAYRER:   Okay, Members,  
16      anything else about the timber harvesting?

17           (There was no response.)

18           Anything from the public?

19           MS. FUDA:   Nothing.

20           CHAIRPERSON MAYRER:   Okay, to have a  
21      motion to close the public hearing?

22           MR. LAVOIE:   LaVoie, so moved.

23           CHAIRPERSON MAYRER:   Second?

24           MR. SCHAUGHNESSY:   Second, Shaughnessy.

25           CHAIRPERSON MAYRER:   All those in favor.

1 (Ayes were recited.)

2 Opposed?

3 (There were none opposed.)

4 Okay, so now you get your wish. We go  
5 to item number 6 which is now the dog  
6 training retreat site plan proposal. Let's  
7 talk about that.

8 Tell us what you want to do with this.  
9 How many kennels are we talking? What's the  
10 plan?

11 MR. ALI: So, we are creating a dog  
12 retreat which will have - we need a kennel  
13 facility for boarding, some training dogs as  
14 well as dogs coming to stay at the house for  
15 people going on vacation and things like that.  
16 So, we will be a training facility/boarding  
17 where people will board their dogs, as well.  
18 Ideally we are projecting 18 kennels to have  
19 indoors. There would be a fenced-in area in the  
20 back which is 50 x 50 which we are looking at  
21 right now. It would be completely fenced in so  
22 that the dogs will be able to go from inside to  
23 outside and able to play. If we're taking them  
24 outside the fenced area -- they will always be  
25 supervised. They are supervised during the

1       days. If they're outside of the facility,  
2       they're supervised in the fenced-in area as  
3       well as if they're taken on hikes throughout  
4       the land.

5           Actually, there is already logging  
6       trails. So, we will be taking them on hikes  
7       and things like that. It will be somewhat of  
8       an experience for these dogs, as opposed to  
9       going to the local vet and going to the  
10      kennel where they can get out and do things.  
11      We will take them out on hikes. We will set  
12      up things for them to do to keep them active  
13      throughout their stay with us.

14           CHAIRPERSON MAYRER: So, is this training  
15      specific to a goal, or is it for example a  
16      therapy dog or something like that, or is it  
17      just people boarding their dogs and having a  
18      nice place to go?

19           MR. ALI: It's twofold. We have the  
20      training facility. We have a program called  
21      board and train. we take a dog for two weeks  
22      from its owner and we train it. So, that's  
23      something that we need boarding, as well. As  
24      well as we would be taking in other dogs that  
25      are just boarding clients that come and stay

1 with us for periods of time. It will be used  
2 for the training aspect, as well as the  
3 boarding aspect.

4 CHAIRPERSON MAYRER: And this is not  
5 specific to any breed?

6 MR. ALI: No, we take any breed, any size  
7 and any age. Of course there are temperament  
8 things. We don't board dogs that have  
9 aggression issues. We have dogs that will be  
10 vetted to our process.

11 CHAIRPERSON MAYRER: Do have a grooming  
12 facility?

13 MR. ALI: We will have a grooming station  
14 set up in there. It's mainly just for bathing  
15 dogs and things like that so when they go home  
16 they are clean. We don't really charge for  
17 those services. It's just for us to kind of  
18 tend to the dogs' hygiene needs before they go  
19 home to the customer. We don't have any  
20 grooming clients coming.

21 CHAIRPERSON MAYRER: So, this is going to  
22 be on three acres, is that right?

23 MR. ALI: I think we are proposing four.  
24 We probably could get away with two acres in  
25 this area.



1           CHAIRPERSON MAYRER: So, the kennel is  
2           three, but you're on eight; is that right?

3           MR. ALI: What was that?

4           CHAIRPERSON MAYRER: The kennel is on  
5           three acres, but your clearing eight.

6           MR. ALI: It would be in the middle of the  
7           acreage.

8           MR. LABERGE: So, this is Rich Laberge  
9           again. The Board, I think, is getting their  
10          first look at your revised plan. It's the one  
11          laid over the aerial photography. It's on a  
12          Google Earth type map.

13          I just want to point out a few things  
14          that I alluded to earlier. It comes in off  
15          of the driveway that is fairly straight and  
16          I guess it takes a left hook and it's at the  
17          end of the road. I don't know if everybody  
18          sees that. Then, off of that is about an --  
19          acre rectangle that's labeled dog area. That  
20          was not necessarily my concern. Above that  
21          is a 12-acre area that shown as dog training  
22          field. And I guess you will see it's the  
23          bottom right corner as oriented on this map  
24          - is the area that I made a comment in our  
25          letter. The bottom right corner starts to

1       get close to that neighborhood. I don't even  
2       know the name of those roads there. That's  
3       the area down by Nassau Lake and comes up  
4       from Nassau Lake a little bit. That was a  
5       concern. I guess my comment was to the  
6       applicant as to whether they could reshape  
7       or reduce the size of that 12 acres. In  
8       other words, sort of elongate it to give it  
9       a little bit more space, so to speak, from  
10      that. The way the code reads, a kennel is  
11      something for boarding dogs and the 50- foot  
12      requirement - I would take it as being from  
13      the building. There's nothing really in the  
14      Code that talks about this type of area for  
15      training dogs with this type of acreage for  
16      fields.

17             From a buffer and noise standpoint,  
18      trying to build in a little more buffer on  
19      that bottom right corner of the 12 acres I  
20      think would make some sense, if possible. To  
21      that end however I would say we don't have  
22      topography and we don't really know much  
23      about what's there in terms of vegetation.  
24      That's actually the map that you guys got  
25      which is the first time that I've seen the

1 overlay. I don't know what type of  
2 vegetation is there. Those are all things to  
3 consider in terms of noise. I think it's  
4 necessarily going to be a visual problem,  
5 but topography is a big player in sound as  
6 well. Those are the things that I think  
7 we're trying to consider to take into  
8 account the type of comment that we heard  
9 from the one neighbor that lives over on  
10 Boyce Road, but also on the backside where  
11 the dogs are training. I really don't know  
12 how much noise is generated when they're  
13 training or anything, but I will let Mr. Ali  
14 speak to that a little bit. I'm sure there's  
15 a little bit of barking going on but  
16 probably not a lot out in the open.

17 MR. ALI: If anything, the more concern  
18 for me would be the kennel area. These dogs  
19 that are training in the 12-acre range - they  
20 are highly trained dogs that really don't bark.  
21 They're already coming to us with a lot of  
22 extensive training and they're just furthering  
23 that. It's a higher level of training. I've got  
24 very little worry that we will have any issues  
25 with parking on that side of it.

1           On the kennel side, yes, we do have  
2           dogs coming in that are just the general  
3           consumer dog that do bark. It happens. We  
4           have taken measures in the drawings of the  
5           structure to do some soundproofing in the  
6           walls and that type of stuff which we have  
7           done before. In terms of the two  
8           demographics, it's a complete different  
9           demographic of dogs and the 12 acres in  
10          terms of their level of training and they  
11          are very, very obedient dogs so they don't  
12          really bark at all.

13          MR. LABERGE: Again, the comment still  
14          stands about maybe just reshaping that 12  
15          acres. I don't know if there's a specific  
16          requirement that it be rectilinear in shape for  
17          your training. If it has to be that way, we  
18          will have to discuss that more.

19          My next comment just kind of goes to  
20          your letter or Steve Hart's letter of the  
21          18th. We just talk about the comment number  
22          five. It says the dog area and dog training  
23          field will just be cleared land from trees  
24          so we can have open space to work with dogs,  
25          especially between where ample space is

1       needed. This will just be grass with no  
2       special ground coverage. I guess we're  
3       trying to understand and we have the timber  
4       harvesting permit - we're going to clear  
5       trees and I think one of the Board Members  
6       asked whether you're going to potentially  
7       clear-cut in these areas. So, that would be  
8       the first question. For instance, would you  
9       anticipate clearcutting 10 to 12 acres of  
10      space?

11           MR. ALI: It's mainly we need to see the  
12      dogs. We send them all off and we need to see  
13      them the distance - and the reason we have  
14      proposed that 12 acres is that way if we have  
15      12 dogs being worked by 12 trainers, that would  
16      be an acre of space that they would need to  
17      send this dog off to learn different commands  
18      and things like that. It's mainly just for  
19      visibility to see them off in the distance.

20           MR. LABERGE: So, I will take that to be a  
21      yes that there will be a clear cut of trees and  
22      underbrush?

23           MR. ALI: Yes.

24           MR. LABERGE: So, the next question would  
25      be: Once they are clear-cut, will the trees be

1       then stumped?

2               MR. ALI: No, we don't need to stump.

3               MR. LABERGE: So, you will be cutting  
4       trees and stumps at ground level?

5               MR. ALI: Right.

6               MR. LABERGE: Once the stumps are cut you  
7       mentioned grass. I'm not sure what is there  
8       today, but will you be bringing topsoil in to  
9       plant grass? What will you do to establish  
10      grass, or how will you establish grass?

11              MR. ALI: Our long-term goal would that  
12      field is to put the grass -- it's not in the  
13      immediate - it's not necessary. I think down  
14      the line we would, but it doesn't really need  
15      to be included in this permit, if that makes  
16      things any easier.

17              MR. LABERGE: I guess I missed part of  
18      that -

19              MR. ALI: We would like to do grass at  
20      some point, but it's not going to be anything  
21      immediate as we don't need it right away. If  
22      it's easier to do the permit that way - if it  
23      makes things any easier - it will be a couple  
24      years out before we even start thinking about  
25      grass in that area.

1           MR. LABERGE: Okay, I think you have to  
2       tell us what you want to do. Part of where I am  
3       going here is soil disturbance and stormwater  
4       issues, which when you presented the first  
5       time. It will depend upon how you do it and  
6       when you do it. You might phase it at the time.  
7       The alternative would be to just dump things  
8       and brush hog it and leave it. That's about the  
9       only way on the 12-acres that you would not  
10      trip any ground disturbance, I guess.

11          MR. ALI: Then we can just stump it and  
12      brush hog it. We would like to maybe look at  
13      grass a couple years from now. We want to  
14      include it in the permit, but I don't know if  
15      there is any caveat there and if that would  
16      make a difference. Obviously, you said with  
17      topography and things like that there's  
18      something there with water runoff. I guess long  
19      story short, we are probably two years out from  
20      even needing that. Long-term, we might not. We  
21      will see how it goes.

22          MR. LABERGE: That may or may not be a  
23      site plan issue at the time, but the Town is a  
24      MS4 stormwater community and you would have to  
25      follow some steps at that time. I'd kind of

1       like to go through the same thing on the four-  
2       acre area. What is the intent with four acres?  
3       Are you clear cutting it, or what would you be  
4       doing there?

5             MR. ALI: We would be doing something  
6       there. On two acres we want to remove stumps  
7       outside of that, but we would clear cut.

8             MR. LABERGE: So, four acres is being  
9       clear-cut? That's the first question.

10            MR. ALI: So, tow acres we would have to  
11       stump. The other two acres - it would be a  
12       two-acre square that would be stumped and  
13       outside of that we would just clear-cut.

14            MR. LABERGE: I'm sorry to be pigheaded,  
15       but it's the way I'm thinking about it. In four  
16       acres you're going to clear cut two of those  
17       four acres. What's going to happen in the other  
18       two acres?

19            MR. ALI: So, we would have to take the  
20       stumps out because we would be building in the  
21       middle of those two acres. That's where the  
22       facility is going.

23            MR. LABERGE: Would you be clear cutting  
24       those other two acres.

25            MR. ALI: We are clear cutting the other



1 two. So, the two acres that the facility is  
2 sitting on would be stumped than the other two  
3 acres would just be clear-cut.

4 MR. LABERGE: Okay, thank you. So, all  
5 four acres to be clear-cut and two acres  
6 stumped.

7 MR. ALI: Right.

8 MR. LABERGE: What is the final ground  
9 cover that you want there? Is it just being  
10 brushed hogged again?

11 MR. ALI: Correct.

12 MR. LABERGE: Okay. That will help in the  
13 analysis of what we are doing here. Brush  
14 hogged all four acres.

15 MR. JOHNSON: There will be stump so he  
16 won't be brush hogging because he would be  
17 stripping it down to soil.

18 MR. LABERGE: Well, brush hogging around  
19 the stumps.

20 MR. JOHNSON: But he's pulling the stumps  
21 on two acres.

22 MR. LABERGE: I'm sorry. That's correct.

23 MR. JOHNSON: So, when he pulls the stumps  
24 out, he's going to end up grading it all to  
25 dirt so he's either going to plant something or

1 build something on top of that 2 acres.

2 MR. LABERGE: So, on the 2 acres that is  
3 being stumped - what's the final surface? Is it  
4 grass or you're just leaving it some natural  
5 soil.

6 CHAIRPERSON MAYRER: It's the kennel -

7 MR. LABERGE: While you have the building  
8 -- again, where we are going is you're probably  
9 doing enough ground disturbance that's going to  
10 warrant a stormwater pollution prevention plan  
11 on that two acres, plus your kennel, plus your  
12 driveway, plus your septic system. That will  
13 probably be a comment once these areas are  
14 identified on a plan, or now that we have this  
15 information it seems like the stormwater  
16 pollution prevention plan will be necessary. If  
17 you wanted to phase it and have some type of  
18 phase for your other 12 acres, that would be a  
19 decision for you and your engineer to make but  
20 it could be separate in the future as well.

21 I think I have a better understanding  
22 of all that now. Those are some of the  
23 primary concerns and that also goes to SEQRA  
24 as we were talking about earlier. We just  
25 got this today from Steve. I saw the date

1       was a few days ago and it threw me. So, I  
2       haven't gone through with the whole letter  
3       but it's good to have these answers and with  
4       this we should be able to give a better path  
5       of what we need for SEQRA and approvals for  
6       site plan. So, thank you, board, for  
7       indulging me while I ask all those detailed  
8       questions. I usually don't do that here at  
9       the meetings.

10           CHAIRPERSON MAYRER:   Okay.

11           MR. AUBIN:   Just a quick little commentary  
12       - when you get the comment letter - I'm  
13       preempting the comment letter a little bit as  
14       what Rich said about needing a stormwater SWPPP  
15       plan. Steve will probably back me up on this.  
16       The stormwater is a big issue and specifically  
17       the fact that this is strictly or directly  
18       upstream of the lake and lake properties are  
19       along the edge. So, if you have any problems  
20       with stormwater management on this property and  
21       it ends up on these properties that are along  
22       the edge of the lake, there's going to be some  
23       very angry landowners there and they're going  
24       to come after you because they're going to say  
25       this guy cleared all these trees and did all

1       this work up here and now I got flooded. I  
2       never got flooded before but now this guy cut  
3       down trees and now I am flooded and that's a  
4       huge liability that you don't want to take on.  
5       So, when Steve says this plan is going to make  
6       you do X, Y, Z, listen to him because if you  
7       don't and try to cut corners and what have you,  
8       you're putting yourself at a real risk of  
9       getting yourself in big trouble with these  
10      properties that are downstream of you. It's  
11      just advice.

12           MR. ALI:   Okay, thank you.

13           MR. HART:   This is Steve. So, we are  
14      working on getting some topography together and  
15      we'll have a much better idea with the plan  
16      submission as far as erosion control and things  
17      of that nature which I know is a key issue and  
18      what kind of surface is there. I'm assuming we  
19      will have grass on most anything that is in  
20      either building, or let's say a crusher run  
21      driveway. We will get a better sense of erosion  
22      and which way our drainage patterns are going  
23      and make sure we're protecting all the  
24      surrounding neighbors based on the stormwater  
25      plan we put together.

1           CHAIRPERSON MAYRER: Anything else,  
2 Members?

3           (There was no response.)

4           Okay, thank you. We will be in touch.

5           MR. HART: Thank you, guys.

6           CHAIRPERSON MAYRER: A and K Auto Repair,  
7 special change in tenancy.

8           MS. FUDA: This is where Cappy's Auto was.  
9 His notice of decision was back in 2013. This  
10 gentleman is looking to move in there.

11          Let's move onto Jenkins.

12          CHAIRPERSON MAYRER: Okay, item 8 Proposed  
13 commercial building, Route 29.

14          MR. HART: So, we have had some back and  
15 forth with Rich and the Laberge Group and have  
16 addressed most of the questions. There are  
17 still a few small site plan and stormwater  
18 issues that are out there and we wanted to wait  
19 to see if we got any more feedback or concerns  
20 or comments from the Planning Board tonight so  
21 we could address them either tomorrow or the  
22 next day and try to send the plans back in for  
23 final approval. That was all based on - I think  
24 Rich's last letter was the 16th, if I remember  
25 correctly. The letter of the 16th is the most

1 recent letter that I think Rich sent out.

2 MR. LABERGE: So, Steve, if you could hold  
3 a minute, Nadine is passing out something.

4 MS. FUDA: I gave it to you.

5 MR. LABERGE: You guys have the most  
6 updated plan?

7 MS. FUDA: Yes, it was that but it was the  
8 Resolution. It was the proposed Resolution.

9 MR. LABERGE: I don't know - does the  
10 Board have the latest plan? The biggest thing  
11 that happened was that the stormwater changed.  
12 I think the last thing you guys saw was a plan  
13 with wet wells. Does that sound familiar?

14 Steve, I guess if I could ask you to  
15 talk about the change in the drainage,  
16 generally. Like I just said, you changed the  
17 drainage plan which we reviewed and we have  
18 some outstanding comments but they are  
19 relatively minor in nature with the  
20 exception of the fact you need to prove out  
21 groundwater at the elevation of your  
22 building and add or modify your system. Can  
23 you just talk about what has transpired with  
24 the change from the dry wells to the current  
25 system?

1           MR. HART: Initially, we were hoping we  
2           would put out three or four dry wells out on  
3           the site to handle the extra stormwater runoff  
4           that we would create with the building and also  
5           the parking lot area. Basically I think the  
6           three or four dry wells we had were not going  
7           to provide enough storage for the increased  
8           stormwater runoff. So, what we have done is a  
9           relatively small depressed area behind the  
10          building and then in front of the building  
11          between the building and the highway we have an  
12          underground detention system which is sort like  
13          a half pipe. They're called infiltration  
14          chambers which is like a half pipe with stone  
15          underneath them. The water basically goes in  
16          there and infiltrates into the ground at a  
17          certain rate. When those pipes fill up, the  
18          overflow would fill up the other surrounding  
19          pipes around them and then would bubble out and  
20          go into the swale-way along the road. There's  
21          not a chance that this water goes out onto the  
22          road. There's just a small depressed swale that  
23          heads in a southerly direction down Route 9. We  
24          detained a 100-year detention storm event on  
25          the site within our pond and the small

1 underground detention system. There is decent  
2 granular material up in front of the site that  
3 we did not have in the back of the site so  
4 that's why some of the dry wells we had  
5 initially proposed weren't going to work.

6 MR. LABERGE: Thank you. So, we have, as I  
7 mentioned, some comments on that. The biggest  
8 one is to make sure we know where the  
9 groundwater is because they did test pits out  
10 there, but they may not have gone deep enough  
11 for their design and generally the soil does  
12 have a good perk. They either need to modify  
13 their design or check the groundwater table to  
14 meet the design guidelines.

15 The other thing that is left in our  
16 September 16th letter of note are obviously,  
17 they need the DOT and County permits. Wayne  
18 had commented back in March or April about  
19 getting a stormwater maintenance agreement -  
20 which we did modify the MS stormwater  
21 maintenance agreement for this non-sweep  
22 project and the applicant has agreed to  
23 enter into agreement. So, that is part of  
24 the letter of our September 16th letter that  
25 was enclosed with that.



1           The project has always had a 1,500  
2           gallon holding tank for the rear building  
3           and that holding tank is behind it a little  
4           bit. I think that's to catch anything that  
5           is on the floor of the building. So, they  
6           don't expect to use it a lot but I want some  
7           type of positive drainage out of their  
8           building. I couldn't find anything in the  
9           Code that prevents it and I know we had  
10          discussions with other projects about  
11          holding tanks and things. However, in number  
12          six in our letter I just thought it was a  
13          wise thing - the first thing that is going  
14          to overflow is the drain in the building and  
15          not the holding tank. So, we are just trying  
16          to set the elevations that if they have a  
17          problem, it's going to manifest in the  
18          building. And that it should be water tight  
19          and that's what it is.

20          The rest are really technical comments  
21          about it except for the one about checking  
22          out the groundwater. I believe it will check  
23          out. It is a fairly simple plan and I guess  
24          we are recommending approval if the Board  
25          sees fit - conditional approval, that is.

1           Again, I remind you in number three of  
2           our letter that is a Type II action because  
3           it is a small little building. We mentioned  
4           that way back. If you're so inclined, we  
5           believe you should reaffirm yourself as lead  
6           agency under SEQRA for this Type II action.  
7           It does require a water quality control  
8           special use permit and is subject to  
9           compliance with that section and with the  
10          normal condition of an initial term of 18  
11          months from the certificate of occupancy.  
12          Site plan approval condition upon number  
13          four through 12 above - it may be a setting  
14          of a small construction escrow if there  
15          should be any site issues that the Building  
16          Inspector wants help with. That's at the  
17          bottom of what is on the second page of our  
18          letter.

19          So, I can answer any questions, or Mr.  
20          Hart can, or we can talk about whatever you  
21          would like.

22          CHAIRPERSON MAYRER: Questions, Members?

23          (There was no response.)

24          Is everybody good on this?

25          (There was no response.)

1           Okay, we have a series of motions to go  
2           through. The first one is to reaffirm the  
3           agency's status. Do I have a motion?

4           MR. AUBIN:   So moved; Aubin.

5           CHAIRPERSON MAYRER:   Second?

6           MR. JOHNSON:   Second; Johnson.

7           CHAIRPERSON MAYRER:   All in favor?

8           (Ayes were recited.)

9           Opposed?

10          (There were none opposed.)

11          The second motion is to declare this a  
12         Type II action. Do I have a motion?

13          MR. SHAUGHNESSY:   So moved; Shaughnessy.

14          CHAIRPERSON MAYRER:   Second?

15          MR. LAVOIE:   Second; LaVoie.

16          CHAIRPERSON MAYRER:   All in favor?

17          (Ayes were recited.)

18          Opposed?

19          (There were none opposed.)

20          Do I have a motion to waive the reading  
21         of the entire Resolution of the Water  
22         Quality Control Act. Do I have a motion for  
23         that?

24          MR. LAVOIE:   LaVoie; so moved.

25          CHAIRPERSON MAYRER:   Second?

1 MS. LEONARD: Leonard; second.

2 CHAIRPERSON MAYRER: All in favor?

3 (Ayes were recited.)

4 Opposed?

5 (There were none opposed.)

6 Now do I have a motion for - please

7 take notice that the Planning Board of the

8 Town of Schodack has granted a special

9 permit to allow construction -- no, this is

10 a site plan. Where's the water quality

11 control?

12 I need a motion to approve this project

13 under the Water Quality Control Act. Do I

14 have a motion?

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

16 CHAIRPERSON MAYRER: Second?

17 MR. AUBIN: Second; Aubin.

18 CHAIRPERSON MAYRER: All in favor?

19 (Ayes were recited.)

20 Opposed?

21 (There were none opposed.)

22 (The roll was called and the motion

23 passed unanimously.)

24 Now I need a motion to waive the

25 reading of the site plan approval - the

1 whole thing. Do I have a motion?

2 MR. JOHNSON: Johnson; I'll move it.

3 CHAIRPERSON MAYRER: Second?

4 MR. LAVOIE: LaVoie; Second.

5 CHAIRPERSON MAYRER: All in favor?

6 (Ayes were recited.)

7 Opposed?

8 (There were none opposed.)

9 So, now we have: Please take notice and

10 be it further resolved that the Planning

11 Board of the Town of Schodack has granted

12 the application of special permit to allow

13 construction of a new store building for

14 retail and contract of sale on the subject

15 property proposed in the application as

16 subject to the aforementioned conditions by

17 the following vote.

18 Motion?

19 MR. LAVOIE: So moved; LaVoie.

20 CHAIRPERSON MAYRER: Second?

21 MS. LEONARD: Leonard; second.

22 CHAIRPERSON MAYRER: Okay, let's go.

23 (The roll was called and the motion

24 passed unanimously.)

25 Anything else for this?

1 MS. FUDA: No, we are done.

2 CHAIRPERSON MAYRER: Okay, that's it.

3 Thank you.

4 MR. HART: Thank you, very much.

5 CHAIRPERSON MAYRER: Daniel Colvin, Tina

6 Lane.

7 MR. COSTA: Good evening.

8 CHAIRPERSON MAYRER: Okay, what do you

9 want to do on Tina Lane?

10 MR. COSTA: This is Nick Costa with

11 Advance Engineering. We were in front of the

12 Board back on February and we presented the

13 proposal by Dan Colvin to build a residential

14 home on the lot - the vacant lot on Tina Lane.

15 There has been some questions with

16 regard to title that has been completed

17 since that time. We also are proposing to do

18 some work on the lot to reroute an existing

19 drainage system that discharges right into

20 the middle of the lot to reroute it around

21 so that the law could be developed with the

22 proposed single-family home and that was

23 being rerouted around the home obviously

24 towards the boundary of the lot and into the

25 rear of the lot where there is a drainage

1 swale that continues off-site. That's all on  
2 the plans that were submitted.

3 We did receive the letter from Rich  
4 Laberge in that he is recommending some  
5 slight modifications to the rerouting system  
6 - the stormwater system. Also, he is  
7 recommending an access easement so that the  
8 Town can maintain the rerouted storm system.

9 Dan and I had spoken about those  
10 recommendations and Dan is agreeable to  
11 making those revisions to the plan to  
12 reroute it. We are here tonight looking for  
13 possible action on approval for the  
14 construction of the proposed home on this  
15 lot.

16 MR. LABERGE: To the technical aspects of  
17 what Mr. Costa talked about, I can concur that  
18 during the course of the shut-down and during  
19 the summer I worked with Ken Holmes and  
20 discussed a few options and such and we had  
21 boiled things down in our letter of September.  
22 Basically it outlines the remaining issues.

23 So, we've got four points and they are  
24 minor in nature. I don't believe the  
25 applicant has revised the plan yet, but

1 things could be conditioned there. I think  
2 the only thing that we are probably still  
3 working on is the idea that we need to just  
4 get the issue of title or whatever cleared  
5 up and I'm not sure the status. I know we  
6 had an email with one title report that came  
7 across, but I'm not sure if the title report  
8 was ever certified to the Town or not.

9 MR. CRIST: I think I can address that. We  
10 have received the title report that is  
11 certified to the Town of Schodack and one of  
12 the things I just want to point out is the role  
13 of this Board is not to determine private  
14 property rights. So, we do not opine on  
15 locations of easements, deed restrictions and  
16 things like that other than to note that a  
17 previous approval of this Board indicates that  
18 the premise described is quote not for building  
19 purposes, end quote. Therefore, that would  
20 require this Board to, of course, amend that  
21 prior decision.

22 MR. LABERGE: So Craig, just to clarify:  
23 In order to amend that prior decision, what  
24 actual type of Resolution do we do that with? I  
25 had recommended a site plan approval for new



1 residential structure on that lot. Is that  
2 sufficient?

3 MR. CRIST: Whatever approvals that were  
4 imposed, we would have to do the same  
5 equivalent approval that imposed the  
6 restriction previously.

7 MR. LABERGE: It was probably a  
8 subdivision approval at the time that put that  
9 type of thing on the map that we saw - not for  
10 -- whatever phrase you used.

11 MR. CRIST: It said quote not for building  
12 purposes.

13 MR. LABERGE: Right, I assume that was a  
14 subdivision approval - a subdivision process.

15 CHAIRPERSON MAYRER: Is there a reason -

16 MR. CRIST: Is there reason it said not  
17 for building purposes?

18 CHAIRPERSON MAYRER: Yes.

19 MR. CRIST: I believe the history of this  
20 lot - is drainage. That is my understanding.

21 MS. FUDA: There was a recreation  
22 component back then, too; drainage and  
23 recreation.

24 MR. CRIST: I think we would have to do  
25 site plan and amend the filed subdivision map.

1           CHAIRPERSON MAYRER: Yes, the problem is  
2           that when you say not for building purposes for  
3           drainage, it's because the site is not a good  
4           building site, generally. What we try to avoid  
5           by putting those notations in there is when we  
6           say not for future development is so that  
7           anyone that develops that land can't come back  
8           and say well the Town of Schodack never said  
9           anything, but we did. We made a notation and we  
10          marked this is not for development for that  
11          reason. In order to reverse that, we would have  
12          to be willing to accept any consequences that  
13          happens on that land in terms of drainage and  
14          flooding and anything else. So, I'm not really  
15          sure legally how we can do that and spare the  
16          liability. I have seen other lots before that  
17          we have done this on. I've also seen other lots  
18          that we have done this on that were marked not  
19          for development and they came back a  
20          subdivision and got flooded when they were  
21          built. There's a reason here.

22          So, I think I would have to  
23          respectfully defer to counsel to say what  
24          would the motion need to be like to reverse  
25          that not for building purposes that would

1 spare us the liability of any consequences  
2 that occur?

3 MR. CRIST: That's something that I would  
4 probably address in an Executive Session with  
5 the Board rather than opine for the whole  
6 public.

7 CHAIRPERSON MAYRER: So, I don't know that  
8 I can proceed here with any type of approval  
9 until I know that. Does that make sense?

10 MR. CRIST: If we could go into Executive  
11 Session and go in the other room and discuss  
12 it -

13 CHAIRPERSON MAYRER: Okay, we are going to  
14 adjourn to Executive Session. Do I have a  
15 motion?

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

17 CHAIRPERSON MAYRER: Second?

18 MR. LAVOIE: Second; LaVoie.

19 CHAIRPERSON MAYRER: All those in favor?

20 (Ayes were recited.)

21 Opposed?

22 (There were none opposed.)

23 Okay, we are adjourning to Executive  
24 Session.

25 (Whereas there was a brief recess as

1 the Board adjourned to Executive Session and  
2 recommenced immediately after.)

3 We are going to take this under  
4 advisement. We are going to come back at our  
5 next meeting with the proper Resolutions we  
6 need because of the previous status of this  
7 lot being classified as not for development.  
8 That means we need to do an amendment, or  
9 revision, or whatever you want to call it to  
10 the overall project that occurred in that  
11 area. So, we have to do that first and then  
12 we would be able to take the approval of  
13 this particular lot under advisement.

14 MR. CRIST: Just to clarify what we need  
15 as we need more information. We received the  
16 recent information in early September. There is  
17 additional information that we need. We are  
18 unable to classify this as a complete  
19 application, at this point.

20 CHAIRPERSON MAYRER: So, you are coming  
21 back the first meeting in October. So, put that  
22 on your calendars and will have everything  
23 ready than for what we need to do. Okay,  
24 gentlemen?

25 MR. COSTA: Is there anything you need

1 from us?

2 CHAIRPERSON MAYRER: Anything we need from  
3 you.

4 MR. CRIST: Yes, Mr. Laberge will be in  
5 contact as he further reviews the plans and so  
6 forth.

7 CHAIRPERSON MAYRER: We were in  
8 conversations and we will do some historical  
9 review and our engineer will be in touch.

10 MR. COSTA: Okay, thank you.

11 MR. LABERGE: Nick, if you have time I  
12 will be available in the morning - tomorrow  
13 morning.

14 MR. COSTA: Yes, I will give you a call,  
15 Rich. Thank you. Have a good night.

16 CHAIRPERSON MAYRER: Thank you.

17 Item 10 - White River.

18 MS. FUDA: We added this last minute. We  
19 apologize, but the Resolutions proposed are in  
20 front of you for the site plan approval.

21 CHAIRPERSON MAYRER: Can I have a motion  
22 to waive this motion - the Resolution - to  
23 waive the reading for the entire thing?

24 MR. AUBIN: So moved; Aubin.

25 CHAIRPERSON MAYRER: Second?

1 MR. LAVOIE: Second; LaVoie.

2 MS. FUDA: That was to waive the reading.

3 Now you need to approve the site plan.

4 CHAIRPERSON MAYRER: Does everybody have a  
5 copy of this Resolution authorizing the site  
6 plan for White River Solar? It says here site  
7 plan approval construct a solar array so on and  
8 so forth.

9 Now therefore be it resolved that per  
10 the attached decision, the reading of which  
11 is waived, the Board resolves to grant the  
12 site plan approval and recommends approval  
13 to White River Solar with the contents of  
14 the accompanying decision and the contents  
15 of which are incorporated herein.

16 Do I have a motion?

17 MR. LAVOIE: So moved; LaVoie.

18 CHAIRPERSON MAYRER: Second?

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

20 CHAIRPERSON MAYRER: All those in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 MS. FUDA: Now you have a Resolution

25 waving the reading of the decision.

1           CHAIRPERSON MAYRER: So, now I have to  
2           have a motion to waive the reading of the  
3           decision. Do I have that motion?

4           MR. JOHNSON: So moved; Johnson.

5           CHAIRPERSON MAYRER: Second?

6           MR. SHAUGHNESSY: Shaughnessy; second.

7           CHAIRPERSON MAYRER: All those in favor?

8           (Ayes were recited.)

9           Opposed?

10          (There were none opposed.)

11          Therefore please take notice and be it  
12          resolved that the Planning Board of the Town  
13          of Schodack has granted the application for  
14          site plan approval to allow the construction  
15          of a solar farm on the subject property  
16          proposed in the application with the  
17          aforementioned conditions and restrictions  
18          and also conditioned upon the applicant  
19          satisfying any outstanding issues identified  
20          in the aforementioned letter by the  
21          following vote.

22          (The roll was called and the motion  
23          passed unanimously.)

24          Therefore please take notice and be it  
25          further resolved the Planning Board of the

1 Town of Schodack here recommends its  
2 approval to the Building Department of the  
3 site development permit, conditioned upon  
4 all necessary approvals being in place and  
5 including but not limited to the  
6 aforementioned conditions. Do I have a  
7 motion and a second?

8 MR. AUBIN: So moved; Aubin.

9 CHAIRPERSON MAYRER: Second?

10 MR. LAVOIE: Second; LaVoie.

11 CHAIRPERSON MAYRER: All those in favor?

12 (Ayes were recited.)

13 Opposed?

14 (There were none opposed.)

15 (The roll was called and the motion  
16 passed unanimously.)

17 MS. FUDA: Now we have the presentation  
18 under member discussion.

19 MR. SIMULO: Good evening. I'm my name is  
20 Greg Simolo and I'm with CS Energy. I'm also  
21 joined by my colleague Matt Tripoli. We just  
22 wanted to meet with the Board tonight to  
23 introduce a project that we started early stage  
24 development on in the Town of Schodack.

25 Some background on this project -



1 almost a year ago we had met with David  
2 Harris and Nadine to kind of talk about our  
3 early-stage activity and meeting with  
4 landowners and kind of getting a sense of  
5 where we were with the Planning Board. So,  
6 it's taken about this long to get  
7 comfortable with where we are with the  
8 project. Covid has kind of slowed things  
9 down. We wanted to bring this project to  
10 your attention and answer any questions or  
11 comments you may have and then also kind of  
12 get a sense of what will be the next steps  
13 obviously going through the site plan  
14 review, SEQRA process and the zoning aspects  
15 of the project.

16 So, this project recalling the ring  
17 solar project. It's a 20 MW solar facility  
18 that's going to be located between Schodack  
19 Landing Road and Knickerbocker Road in the  
20 Town. Right now we are targeting up to 300  
21 or 400 acres for the site. We would only be  
22 using about half of that acreage and having  
23 the additional land to allow us flexibility  
24 during the permitting and studying process.  
25 This project is driven by - New York has

1 energy standards giving 70% of their energy  
2 within the state. This project is intended  
3 to participate in NYSERDA in its upcoming  
4 RFP process that we are intending to be  
5 submitting the project later this fall in  
6 October.

7 This will be the second project that we  
8 have under development in the county. We  
9 have another project in the northeast corner  
10 of the county near the Town of Hoosick and  
11 we are very familiar with developing  
12 projects in New York. We participated in the  
13 past couple of RFPs and have been awarded  
14 six projects in their 2017 RFP. All of this  
15 projects are slated to start construction  
16 this year. Two of the projects naturally  
17 starting construction within the last two  
18 months. So, we're pretty familiar with a lot  
19 of the permitting requirements at the Town  
20 level and also in preparing permit  
21 applications with the state, DEC and other  
22 agencies to make sure that the project is  
23 environmentally sound and checking all the  
24 boxes to make sure we can construct a good  
25 project.

1           CHAIRPERSON MAYRER: I think we've got the  
2     gist.

3           Members, questions?

4           MR. LAVOIE: For this project I will be  
5     recusing myself. I work with CS Energy.

6           CHAIRPERSON MAYRER: Anybody else?

7           MR. SIMULO: I'm sorry. I wasn't able to  
8     hear that.

9           CHAIRPERSON MAYRER: We have a member who  
10    is recusing themselves because he works with CS  
11    Energy, so he will not participate in the  
12    project. It's a conflict of interest.

13          MR. SIMULO: I submitted a project  
14    narrative that just kind of detailed some of  
15    the background I have provided and also a site  
16    layout. So, we are currently studying the  
17    properties that we do have under control just  
18    for wetlands and other sensitive areas. As I  
19    mentioned in the narrative, we are up to speed  
20    with the Town's Solar Law and the one area we  
21    would be potentially seeking some relief would  
22    be on the property setbacks with the project  
23    maybe abutting the transition easement or  
24    transition corridor where we have our site  
25    control. So, areas like that. That would be

1 something we would want to bring up now and  
2 just sort of a consideration for the next phase  
3 of the project.

4 CHAIRPERSON MAYRER: Okay. How many panels  
5 do you get on 300 acres?

6 MR. SIMULO: So, it's generally about up  
7 to several thousand panels that will be within  
8 the 200-acre footprint.

9 MR. TRIPOLI: It would be about 60,000  
10 panels. We will be occupying about 150 acres or  
11 so. That's our plan. It will be a 20 MW  
12 facility. It will be a little different than  
13 the community solar projects that the Board has  
14 reviewed previously. It is a bigger footprint.  
15 It's all one project and not multiple community  
16 solar projects that you have seen in the other  
17 parts of the Town.

18 CHAIRPERSON MAYRER: And who do you sell  
19 the energy back to?

20 MR. SIMULO: The energy is going back to  
21 the National Grid system. It is directly next  
22 to one of their 115 KB transmission lines.

23 CHAIRPERSON MAYRER: How many battery  
24 packs are included in 60,000 panels?

25 MR. TRIPOLI: I'm not familiar with what

1       may have been presented to you. It may have  
2       been the first one you seen with batteries in  
3       town. Very generally it's a 20 MW facility and  
4       what is common in solar in New York is to see  
5       the battery capacity installed alongside solar  
6       at about 25% of the solar capacity. So, we  
7       would probably be looking at something like  
8       four or five MW of batteries which would be  
9       equivalent to three to five shipping containers  
10      in total.

11           The energy world is changing very  
12      rapidly so that is something that we will  
13      continue to evaluate the newest and best  
14      technology if things change. As we continue  
15      to work on development of this project, we  
16      will be working towards having a very  
17      complete answer on that question to present  
18      to the Board based on the latest technology.

19           CHAIRPERSON MAYRER: Anything else,  
20      Members?

21           (There was no response.)

22           So, it's my understanding this is  
23      preliminary and there's no application on  
24      file at the moment. This is an overview of  
25      the project and we will be seeing you when

1       you make application. Thank you.

2               (Whereas the above entitled proceeding  
3       was concluded at 8:02 PM)

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## CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter

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and Notary Public in and for the State of

5

New York, hereby CERTIFIES that the record

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taken by me at the time and place noted in

7

the heading hereof is a true and accurate

8

transcript of same, to the best of my

9

ability and belief.

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Date: \_\_\_\_\_

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13

\_\_\_\_\_

14

Nancy L. Strang

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Legal Transcription

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2420 Troy Schenectady Road

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Niskayuna, NY 12309

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