

**PLANNING BOARD MEETING - OCTOBER 5, 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](mailto:Nadine.fuda@schodack.org) or call  
518-477-7938 no later than 6pm on 10/5/2020  
Next meeting: November 16, 2020

**PRESENT**

Denise Mayrer, Chairwoman  
Wayne Johnson, P.E.  
John LaVoie  
Lawrence D'Angelo  
James Shaughnessy, P.E.  
Stephanie Leonard  
Nadine Fuda, Director  
Attorney Craig Crist, Esq.  
Richard Laberge, P.E. Planning Board Engineer  
Melissa Knights, Assistant to Director

**MEMBERS ABSENT**

Andrew Aubin, P.E.

**APPROVAL OF MINUTES — September 21, 2020**

Johnson moved; LaVoie seconded that the minutes be approved as amended.  
6 Ayes. 0 Noes. Motion carried.  
Ayes: D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy  
Oppose: None  
Absent: Aubin

**PUBLIC COMMENT**

No Public Comments

**Recommendation to ZBA**

Eileen & Mike Shields  
535 County Rt. 7  
Proposed - Area Variance

Z795-20/RA/190.4-2-2

Eileen & Mike Shields, applicants and Ashley Rubino from Conklin Architecture were present for this meeting via Zoom.

Mrs. Fuda stated the house is pre-existing non-conforming, the house is already in the sideyard setback before the new addition, Front Porch, small deck and rebuild of the existing deck.

Miss Rubino stated the Shields live at 535 Ct. Rt. 7 would like to receive a variance for a new addition, front porch and a small deck addition, currently the existing home takes up 1300 sq. ft. on the existing lot and the new addition including the garage, new deck, new porch will be 2430 sq. ft.

Mr. Shaughnessy asked if this is just a side yard setback violation.

Miss Rubino stated they currently have 50 feet front setback. 30 feet on the south side and 35 in the rear of the house it's the north side that is 5 feet from the property line because of the home already in the setback and the existing deck.

Members asked about the existing deck, if they considered not having it or just repairing it. Does that side of the house have an entrance?

Miss Rubino stated the condition of the deck warranted it to be replaced. Yes there are sliding glass doors and at the basement level.

#### **TYPE II ACTION**

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

Shaughnessy moved; Leonard seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

#### **RECOMMENDATIONS TO THE ZBA**

Shaughnessy moved; Leonard seconded a "**Positive**" recommendation to the Zoning Board of Appeals.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: Johnson

D'Angelo Motion; LaVoie seconded to go into executive session to confer with council @ 7:26 p.m.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Shaughnessy Motion; LaVoie seconded to close the executive session @ 7:31 p.m.  
6 Ayes. 0 Noes. Motion carried.

**Site Plan /Special Permit**

A & K Auto Repair

2020-23/178.-12-2.1

1573 Columbia Turnpike

Proposed - Special Permit

Change in Tenancy

Amel Hadzimuratovic, applicant was present for this meeting via Zoom.

Mr. Hadzimuratovic stated he would like to have a repair shop with sales and was told that he cannot have the sales unless he was a dealer with new car sales.

Mrs. Fuda explained that is a business has not been a repair with sales for a year it can no longer operate as one.

Since it has not sold vehicles there because it has always been just a repair shop, to have a sales lot now it can only be in conjunction with new cars such as a dealer.

Mr. Hadzimuratovic asked what if he wanted to bring in a dealership because he has been considering going with Subaru would that be ok.

Mrs. Fuda stated you would then come back to this board for a site plan review, it would not be a change in tenancy.

Chairperson Mayrer stated that this is an either-or situation its either a dealership or a repair shop. Given the prior history pf the property and with all of the recommendations the board has already made you might as well go with the repair shop. And if you want to come back and change it, we can review it at that time.

Mr. Hadzimuratovic stated at least he would have something, he asked if the board had noticed that he has started painting the place and trying to fix it up so he would like to make something out if it. He asked if all he would have to do to change it to a dealer ship would be to come back and apply through the planning office.

Mrs. Fuda stated that would be a new site plan application, with more detail of the site, such as paving and extending the lot.

Chairperson Mayrer stated there are some conditions on this approval and they are, 1. A repair facility with no auto sales, 2. The waste oil is limited at all times to a (1) 55-gallon

drum and 3. No more than 10 vehicles to be on premises at any one time, those are the conditions for now until you decide to make this into something else.

Mr. Hadzimuratovic asked about fencing in the front of the lot.

Mrs. Fuda stated it is on your site plan so with your approval tonight we can add it into your special use permit stating the fencing will be installed according to the site plan.

Mr. Johnson stated he wanted to make it clear that we are talking about 10 cars outside of the garage, it's not like you are having 10 cars that you are fixing and 25 cars that can't be repaired sitting behind the fence in area, you're going to have 10 spaces marked out for customers cars that are coming in for customer pickup. That is a lot less then what we are seeing on site now.

Mr. Hadzimuratovic asked that is 10 at all times does that mean non revolving or ten only revolving or ten can sit and other can revolve.

Mr. Johnson stated 10 on site at one time.

Mr. Hadzimuratovic asked, what should I do with the overflow. He gets 5 or 6 daily drops of new vehicles at his other place to be worked on. He can get maybe get 4 done and another 5 or more dropped off the next day.

Chairperson Mayrer asked what the number cars do you think would be there at one time, say tonight.

Mr. Hadzimuratovic stated he can't grantee how many broken cars that will end up coming in each week.

Chairperson Mayrer stated she does understand but she cannot leave it unlimited.

Mr. Hadzimuratovic what if on say Tuesday there are 12 cars outside, is that ok.

Chairperson Mayrer stated what if we said no more than 15 vehicles at any given time, could you do that.

Mr. Hadzimuratovic stated that makes a little more sense to him, he thinks he could work with that.

Mrs. Fuda asked if the prior tenant removed all their vehicles from the property.

Mr. Hadzimuratovic stated yes, with his help.

Mr. Johnson asked if we were going to ask for a site plan showing where the 15 vehicles will be placed.

Mr. Hadzimuratovic stated there are no markings on the pavement and he is considering resealing the parking lot and add striping, if the board had any ideas, he would welcome them.

Mrs. Fuda asked for an updated site plan showing the parking area and the storage area behind the fencing.

Mr. Hadzimuratovic stated probably about 7 vehicles behind the fencing.

Chairperson Mayrer stated there is also no outside storage of vehicle parts or tires.

Mr. Hadzimuratovic stated they have a shed to hold them for pickup.

Mrs. Fuda asked about the location of the dumpster.

Mr. Hadzimuratovic stated he is using the existing dumpster that is on site behind the garage. As for oil disposal he used Sheldon Oil.

Chairperson stated the shed and the dumpster needs to be added to the site plan.

#### **TYPE II ACTION**

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

LaVoie moved, D'Angelo seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Leonard seconded to GRANT the Application for the Special Use Permit for a period of 18 months with the conditions specified.

- New site plan, showing the parking, both outside and inside the fencing area.
- Location of the dumpster and shed to be listed on the site plan as well.
- It shall be a repair facility with no auto sales.
- Waste oil limited to one 55-gallon drum.
- No more than 15 cars on site at one time.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Daniel Colvin  
1631 Tina Lane (lot 41)  
Proposed - Residential Lot

2020-1/R-20/199.4-4-18.1

Nick Casta, Advanced Engineering for Mr. Colvin was present for this meeting via zoom

Mr. Laberge up-dated the board on items such as modifying the culvert that goes across Tina Lane, the swale on the property, the new catch basin on the lot also asked about getting the certification that this proposed development wouldn't have any effect of up/down stream issues. Mr. Casta submitted new plans and he feels they have satisfied all those items he just needs to review them again. If the board doesn't have any comments, he would just ask Mr. Casta if there were anything else, he would like to talk about.

Mr. Casta stated they have addressed the issues Mr. Laberge mentioned and will be looking for some input on the packages that were sent to Mr. Laberge. He noted the downstream facilities would encompass a wetland area; they will be able to remain as it currently operates.

Mr. Colvin stated he feels that both Mr. Laberge and Mr. Costa have been doing a great job and he has no questions or comments.

Mr. Laberge stated there are 3 resolutions to be considered by this board.

- 1.. Planning Board as Lead Agency
- 2.. Negative Declaration under the State Environmental Quality Review.
- 3.. Resolution of Approving Amendment of Existing Subdivision Conditions-Old Post Estates Section 4 (1631 Tina Lane)

**Waive the reading of Resolution Declaring Itself as Lead Agency Under SEQRA**

LaVoie moved; Shaughnessy seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION APPOINTING PLANNING BOARD AS LEAD AGENCY AND  
CLASSIFYING ACTION AS AN UNLISTED ACTION**

WHEREAS, Applicants Daniel and Faith Colvin, via Application # 2020-1 seeks to amend the conditions of the existing subdivision approval of Old Post Road Estates 4, affecting their property, lot 41, known as 1631 Tina Lane, 199.4-4-18 so as to remove the restriction on said lot, currently marked as "Not for Building Purposes";

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board hereby resolves to appoint itself as lead agency;

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the Planning Board hereby classifies the action as an unlisted action.

Moved By: D'Angelo

Seconded By: LaVoie

For: 6 : D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Against: 0

Abstain: 0

**Waive the reading of Resolution of the Town of Schodack Planning Board Adopting Negative Declaration under the State Environmental Quality Review Act-Daniel and Faith Colvin**

D'Angelo moved; LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION OF THE TOWN OF SCHODACK PLANNING BOARD ADOPTING NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT—DANIEL AND FAITH COLVIN**

WHEREAS, Daniel and Faith Colvin ("Applicant") are requesting the removal of a condition affecting their property imposed during the most recent amendment of conditions affecting their lot, part of the existing subdivision approval of Old Post Road Estates 4 which is located at 1631 Tina Lane, 199.4-4-18;

WHEREAS, more specifically, Applicant seeks to remove the restriction on said lot, currently marked as "Not for Building Purposes" so that Applicant can use said lot for the construction of a single-family residence ("Project");

WHEREAS, the State Environmental Quality Review Act ("SEQRA") and the regulations thereunder require the Board to undertake a review of the potential environmental impacts, if any, associated with the Project before approving same; and

WHEREAS, this Project is an unlisted action within the meaning of SEQRA; and

WHEREAS, Part 1 of a Short Environmental Assessment Form has been prepared and reviewed in connection with the proposed Project; and

WHEREAS, Part 1 of the Short Environmental Assessment Form was transmitted to, if any, all involved agencies, together with notification of the Board's desire to act as lead agency with respect to the environmental review of the proposed Project; and

WHEREAS, there are either no other involved agencies or if there are all have consented to the Planning Board acting as lead agency with respect to the environmental review of the proposed Project, or have failed to raise any objection thereto within thirty

(30) calendar days; and

WHEREAS, 6 NYCRR Section 617.7 requires a lead agency to issue a written determination of significance with respect to any proposed unlisted action; and

WHEREAS, the Board at the October 5, 2020 meeting carefully considered the nature and scope of the proposed Project, as set forth in the Short Environmental Assessment Form prepared with respect to such action, and resolved to issue a Negative Declaration and makes the following determinations which shall constitute the written elaboration and formal Negative Declaration for the aforementioned proposed action:

1. The proposed action, as noted above, seeks to amend the existing subdivision conditions once again, this time to allow the subject lot to be used for the construction of a single family residence, thereby removing the "not for building" restriction on said lot.

2. The proposed action is classified under SEQRA as an unlisted action.

3. Upon consideration of the action, review of the Short Environmental Assessment Form, the criteria contained in 6 NYCRR § 617.7(c), including with the help of a professional engineer and personnel from the Planning and Building Department and all other supporting information, including the proposed plan and conditions discussed as to be required therein, the Board identifies the following relevant areas of environmental concern, as set forth hereafter, and analyzes whether the proposed action may have a significant adverse impact on the environment and hereby concludes that it will not.

4. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations. It is noted that the subject action is located in a zone that permits such residential use and that no variances are needed.

5. The proposed action will create no or a small impact in the form of whether it will result in a change in the use or intensity of use of land. It is a residential neighborhood and the drainage concerns that caused the lot to be used demarcated as solely to be for drainage have been addressed via the proposed plans and the required improvements/conditions of approval.

6. The proposed action will not impair the character or quality of the existing community. Again, this use is suited for the zone it is being placed. It fits with surrounding uses. The desired withdrawal of the aforementioned restriction will not adversely impact this portion of the Town or the Town as a whole.

7. The proposed action is not in a Critical Environmental Area.

8. The proposed action is projected to have no or a small impact, much less no adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

9. It is not projected to result in an increase in the use of energy at this time and if it does it will not be a material increase.

10. Any impact to both the well and wastewater treatment will be minor if at all.

11. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources. Again, the subject use is going where it is permitted and all drainage concerns, both as to the subject lot and all upstream and downstream lots are being addressed.



12. The proposed project does not involve, and therefore will not result in, any substantial adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna).

13. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems. As noted above, this has been the subject of careful study and it is the conclusion of the Board that any impacts are being avoided via the plans as proposed and the conditions set forth herein.

14. The proposed action will not create a hazard to environmental resources or human health. This matter has been carefully studied by this Board and it will meet all requirements.

15. The proposed project does not involve, and therefore will not result in, the removal or destruction of large quantities of vegetation or fauna, a substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on any significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat thereof, or other significant adverse impacts to nature resources.

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

17. The proposed project will not result in the impairment of the character or quality of any important historical, archeological, or aesthetic resources, or of existing community or neighborhood character. The proposed project is not within a scenic vista nor does it contain a designated scenic resource and, thus, will not impact any such resource.

18. The proposed project will not result in any major, adverse, change in the use of either the quantity or type of energy.

19. The proposed project will not result in the creation of a hazard to human health.

20. The proposed project does not involve, and therefore will not result in, 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 such uses. Although a residential lot will effectively be created, this is minor especially when all of the improvements to be required and related conditions are considered.

21. The proposed action will not result in the encouragement or attraction of a large number of people to the site as compared to the number of people that would come absent the action.

22. The proposed action will not result in a material demand for other actions, will not result in changes to two or more elements of the environment which together would result in a substantial adverse impact, and will not cumulatively result in a substantial adverse impact when considered with any related actions.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby declares/re-declares itself lead agency with respect to the environmental review of the proposed Project; and it is further

RESOLVED, that the Board finds and concludes that the proposed action is an

unlisted action within the meaning of 6 NYCRR 617.2(al); and it is further

RESOLVED, that upon consideration of the foregoing, the Board finds and concludes that the proposed action will not result in any significant adverse impacts to the environment; and it is further

RESOLVED, that the Board hereby resolves to issue a Negative Declaration with respect to the proposed action.

Moved By: LaVoie

Seconded By: Shaughnessy

For: 6: D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Against: 0

Abstain: 0

**Waive the reading of Resolution of Approving Amendment of the Existing Subdivision Conditions-Old Post Estates Section 4 (1631 Tina Lane)**

D'Angelo moved; Leonard seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION OF APPROVING AMENDMENT OF EXISTING SUBDIVISION CONDITIONS—OLD POST ESTATES SECTION 4 (1631 TINA LANE)**

**WHEREAS**, Applicants Daniel and Faith Colvin, via Application # 2020-1 seek to amend the conditions of the existing subdivision ("Old Post Road Estates, Section 4") approval affecting lot 41, known as 1631 Tina Lane, 199.4-4-18, so as to remove the restriction on said lot, currently marked as "Not for Building Purposes";

**WHEREAS**, the engineer for the Town as well as the engineer for the Applicant, have both represented to the Town that there will not be any deleterious hydrological impacts to the subject lot or any upstream or downstream properties, something Applicant's engineer is willing to certify to the Town;

**WHEREAS**, said lot, is located in an R-20 zone and is presently owned by Daniel and Faith Colvin and has been the subject of several past subdivision modifications;

**WHEREAS**, "Old Post Estates Sections 1, 2, 3" was given subdivision approval in 1978 for plans dated 10/10/1977, revised 9/12/1978 for 47 acres to be divided into 38 lots, and it appears that the land that is the subject of this application was initially approved and conditioned as being a "Proposed Recreation Area";

**WHEREAS**, by application #87-36 approval was thereafter sought for that parcel that was the subject of the aforementioned "Proposed Recreation Area" to be a three-lot subdivision entitled "Old Post Estates, Section 4" via a map prepared by CP Momrow, dated 10/27/86. The minutes further note that "the 3 lots are remaining lands of Old Post Estates that has been previously marked as "lands for recreation," and noted that "Mr. Glaz has paid the Parkland fees, excepting these 3 lots";

**WHEREAS**, by resolution passed September 21, 1987, subdivision plot entitled "Old Post Estates- Section 4, Application of Paul Glaz," which notes said approval was "approved contingent upon subdivision of final maps, RCHD approval, subdivision plot lots 39 and 40 for building, lot 41 'not for building purposes,'" and provided for drainage onto lot 41, the lot that is the subject of this application;

**WHEREAS**, this board by previous resolution resolved to appoint itself as lead agency, classified the proposed action as an unlisted action and adopted a Negative Declaration pursuant to SEQRA;

NOW THEREFORE BE IT RESOLVED THAT the existing subdivision approval is hereby modified so as to remove the "not for building purposes" restriction on lot 41, known as 1631 Tina Lane, 199.4-4-18 so that same can be utilized for the construction of a single family residential lot upon the completion of the following conditions:

1. submission to the Town of a written certification by Advance Engineering-Surveying, PLLC, Nicholas Costa, PE, stating the following:

I have reviewed the existing and proposed drainage patterns and any effects that the additional impervious area the proposed four bedroom dwelling, driveway, grading as well as the effects of the overall development and proposed usage of the lot described/known as lot #41 on the map "Old Post Estates- Section 4," also known as 1631 Tina Lane, 199.4-4-18 ("subject parcel") and hereby certify to the Town of Schodack and all boards, agents, officers and employees thereof that none of the foregoing will result in any negative discernable impacts to neither the subject parcel nor both the upstream and/or downstream properties of the subject parcel.

2. conveyance to the Town of a permanent easement, in a form to be approved by the attorney for the Town Planning Board, which shall include, but not be limited to, provisions allowing access to the entire easement for the purpose of maintaining, repairing, and replacing all drainage improvements including, provisions that any damage to any encroachments including but not limited to driveways, plantings, sheds, etc. in the easement area will be the owner's sole responsibility;

3. subject to the final review and approval of acceptable drainage plans by the engineers for the Town;

4. subject to the installation of rip rapped outlet protection with appropriate sized stone, both in length and width, all subject to the approval by the engineers for the Town, so as to dissipate the energy;

5. Applicant shall replace the existing storm sewer under Tina Lane with a new storm drain, all to be installed per the review and approval by the engineers for the Town;

6. Applicant shall refine the swale on the west side of the subject property so as to divert the flow around the proposed house in case of overflow;

7. Applicant shall tender a signed, final title insurance policy, certified to the Town of Schodack, consistent with the draft title insurance policy previously forwarded to the Town, which shall contain only the restriction that Applicant seeks to have removed via

his application, all of which in terms of building restrictions shall be subject to the approval of the attorney for the Planning Board;

8. By building Applicant represents and warrants to the Town that there are no other restrictions for the development being sought other than the "not for building purposes" condition being modified herein;

Moved By: LaVoie

Seconded By: Shaughnessy

For: 6: D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Against: 0

Abstain: 0

### **MEMBER DISCUSSION**

None

### **ADJOURN**

Leonard moved; LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None