

1 STATE OF NEW YORK COUNTY OF RENSSELAER

2 TOWN OF SCHODACK

3 *****

4 PLANNING BOARD MEETING

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter
8 commencing on October 5, 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 NICHOLAS COSTA, PE, ADVANCE ENGINEERING AND

25 SURVEYING

1 DANIEL COLVIN

2 ASHLEY ROBINO

3 ADEL HADZIMURATOVIC

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1 CHAIRPERSON MAYRER: First item on the
2 agenda is the approval of the minutes.

3 MR. CRIST: Just for the record, there is
4 a couple things that I went over with Melissa.
5 Just basically to add the portion of details
6 that we're going into Executive Session and
7 reference the reason we went into Executive
8 Session was to confer with counsel. I gave her
9 that change.

10 Then, there was a minor change on White
11 River Solar and how we had appointed this
12 Board as lead agency.

13 Rich, what was that one again - White
14 River?

15 MR. LABERGE: I think White River was a
16 type I with a neg dec.

17 MS. FUDA: I will check the Resolution.

18 MR. LABERGE: It was done prior to the
19 last meeting. It was not an action that we took
20 at the last meeting.

21 MR. CRIST: Then, what needs to happen is
22 where it says waive the reading of the
23 resolution - that should simply read waive the
24 reading of the site plan approval and site
25 development Resolution. Really just moving the

1 one up is what it should be. I will go over
2 that with Melissa. Thanks everyone.

3 MR. JOHNSON: I have one. There are no
4 page numbers.

5 On the fourth page up under Mr. Laberge
6 in the last paragraph at the top of the page
7 it says it was decided to approve the
8 application along with the site plan. I
9 don't think we decided to approve the
10 application. Maybe I'm thinking wrong. I
11 don't think we actually agreed to approve it
12 at that point, did we?

13 MS. FUDA: No, we close the public
14 hearing.

15 MR. LABERGE: That's correct. In the
16 paragraph above I was saying we should hold off
17 on approving the timber harvesting application
18 until we saw its implications and how it
19 coordinated with the site plan. I don't believe
20 you did approve the site plan.

21 MR. CRIST: I think we can just eliminate
22 that sentence. I think it's a misplaced
23 sentence.

24 MR. JOHNSON: On the next to the last page
25 under the therefores. It's the second one from

1 the bottom - therefore please take notice. It
2 should be a motion and second I believe, before
3 the vote.

4 MR. CRIST: I will put that in. I will
5 show that to Melissa and it will be moved by
6 and seconded by and it will be added before the
7 roll.

8 MR. JOHNSON: I have a number of other
9 minor comments.

10 CHAIRPERSON MAYRER: Do I have a motion to
11 approve the minutes with the aforementioned
12 changes?

13 MR. JOHNSON: I will make the motion.

14 CHAIRPERSON MAYRER: Second?

15 MR. LAVOIE: LaVoie; second.

16 CHAIRPERSON MAYRER: All in favor?

17 (Ayes were recited.)

18 Opposed?

19 (There were none opposed.)

20 Okay, the second item on the agenda is
21 a period of public comment. If any member of
22 the public wishes to make comment on any
23 item on the agenda, would you please text or
24 email Nadine at the moment?

25 MS. FUDA: You can email me at

1 nadine.fuda@schodack.org or text at
2 518-376-7875.

3 (There was a brief pause in the
4 proceedings.)

5 CHAIRPERSON MAYRER: We're going to keep
6 that open for a few more minutes anyway in case
7 someone out there decides they have an issue.

8 Item number three in the meantime is
9 recommendation to the ZBA for Eileen and
10 Mike Shields, County Route 7, proposed area
11 variance.

12 MS. FUDA: This is their engineer, Ashley.

13 CHAIRPERSON MAYRER: Hi, Ashley.

14 MS. ROBINO: Hey, everyone. How are you?

15 CHAIRPERSON MAYRER: Okay, tell us what's
16 going on.

17 MS. ROBINO: We are here representing Mike
18 and Eileen Shields. They live at 535 County
19 Route 7 in Schodack, New York.

20 CHAIRPERSON MAYRER: I think we have our
21 maps.

22 MS. FUDA: I only gave them the front
23 piece of the site plan. The items that are dark
24 are the new items to be added. The house is
25 pre-existing non-conforming sitting in the

1 setback. The deck that you see that is 5 feet
2 from the property line is existing. The second
3 small deck is a new deck and then everything in
4 the dark - the front porch and the addition are
5 all new additions to the house.

6 MS. ROBINO: Yes. So, why are we here
7 today representing Conklin Architecture of
8 Catskill New York - what we're looking to do is
9 get a variance for the new deck addition; the
10 170 square foot front porch addition. Currently
11 the existing house takes up 1,300 square feet
12 of the existing lot. The new addition,
13 including the garage and the deck addition and
14 the front porch, is about 2,430 square feet.
15 Total existing we have 2,385 square feet. And
16 we are proposing 2,430 square feet. That is a
17 proposed net change of 1,375 square feet in
18 total.

19 The actual proposed building is only
20 going to be a first-story addition, so
21 there's not a second story addition
22 proposed. The new deck addition sits about 5
23 feet from the property line. So, we are
24 looking to get a variance for that portion
25 of the project.

1 CHAIRPERSON MAYRER: Questions, Members?

2 MR. LAVOIE: So, is this just a side yard
3 setback violation or also the exceedances in
4 that area?

5 MS. ROBINO: So, currently on the setback
6 lines - we have 50 feet in the front, which we
7 abide by. We have 30 feet on the south side
8 which we abide by and we have 35 in the back in
9 the rear on the west side which we abide by.
10 The only setback that we are concerned about
11 right now is the deck addition, which is about
12 5 feet from the north setback property line.

13 MS. FUDA: So, the house is pre-existing
14 nonconforming and any expansion of a
15 pre-existing non-conforming would need a
16 variance and it's already in the side yard
17 setback, but they need a variance now to put
18 the new deck on within that side yard setback.
19 They're not over on their 10%. They actually
20 own this property and the property next door.

21 MR. LAVOIE: So, it's just the side yard
22 pre-existing.

23 MS. ROBINO: We are at 2.56% for the total
24 addition in lot coverage.

25 MR. JOHNSON: You just said they own the

1 adjacent lot. Is that on the other side and not
2 this side?

3 MS. FUDA: It is on the opposite side,
4 correct?

5 MR. JOHNSON: Is there any consideration
6 to replacing that deck and not building a new
7 deck this close to the property line as you
8 are?

9 MS. ROBINO: Well, the current deck is in
10 pretty rough shape right now. It's actually
11 leaning. So, as a safety concern we have
12 approached the owners because I don't think
13 that Mike and Eileen - it wasn't their original
14 intent to repair it. Upon meeting with them, we
15 gave them our professional advice and told them
16 that for the safety and well-being of your
17 property you should consider replacing that
18 deck.

19 MR. JOHNSON: Does the side that faces the
20 property line have an entrance to the deck?

21 MS. ROBINO: Yes, at the basement level it
22 does.

23 MR. JOHNSON: The basement comes out to
24 the deck?

25 MS. FUDA: It's a walk-out basement.

1 MS. ROBINO: Below the deck, it does. So,
2 the only entrance that would be on the deck
3 would be right in between where the new
4 addition is and where that pink setback line
5 is. So, it's right at the corner of the new
6 addition and the existing house. That would be
7 a sliding glass door.

8 MR. JOHNSON: So, it would not be a
9 hardship to not replace that deck that's in
10 poor shape.

11 MS. ROBINO: That's right.

12 MR. JOHNSON: Just a thought.

13 MS. ROBINO: There is another door on the
14 north side where it says existing deck to be
15 built - right south of that is another door
16 that exists onto the deck.

17 MR. JOHNSON: I don't have a north arrow
18 so not exactly sure where that is. When you say
19 the south side, are you talking about on the
20 west side of the house or the north side of the
21 house?

22 MS. ROBINO: There's a door proposed on
23 the west side of the house that is a sliding
24 glass door. Currently there is a single door on
25 the north side of the deck.

1 MR. JOHNSON: That goes out onto the deck.

2 MS. ROBINO: That's right.

3 MR. JOHNSON: And there's also one under
4 the deck from the basement.

5 MS. ROBINO: Yes, the one under the deck
6 currently is on the east side and you are
7 providing another on the south side.

8 MR. JOHNSON: I just think that maybe the
9 ZBA should think about changing the deck design
10 so it doesn't create a violation as it is
11 existing and maybe reduce the violation a
12 little bit. But I'll let them decide.

13 CHAIRPERSON MAYRER: Okay, anything else,
14 Members?

15 (There was no response.)

16 So, this is a recommendation to the
17 ZBA.

18 So, be it resolved that the Planning
19 Board of the Town of Schodack hereby
20 classifies the proposed action is a Type II
21 action under SEQRA.

22 Do I have this motion?

23 MR. SHAUGHNESSY: So moved; Shaughnessy.

24 CHAIRPERSON MAYRER: Second?

25 MS. LEONARD: Second; Leonard.

1 CHAIRPERSON MAYRER: All in favor?

2 (Ayes were recited.)

3 Opposed?

4 (There were none opposed.)

5 Okay, the second motion is a

6 recommendation to the ZBA.

7 Do I have a favorable recommendation to
8 the ZBA?

9 Do I have a motion?

10 (There was no response.)

11 Do I have an unfavorable recommendation
12 to the ZBA?

13 (There was no response.)

14 Do I have a recommendation to make no
15 recommendation to the ZBA?

16 MR. SHAUGHNESSY: I will make a motion for
17 favorable recommendation.

18 CHAIRPERSON MAYRER: Second?

19 MS. LEONARD: I will seconded it; Leonard.

20 CHAIRPERSON MAYRER: All in favor?

21 MR. AUBIN: Aye.

22 MR. LAVOIE: Aye.

23 MR. SHAUGHNESSY: Aye.

24 CHAIRPERSON MAYRER: Aye.

25 MS. LEONARD: Aye.

1 MR. D'ANGELO: Aye.

2 CHAIRPERSON MAYRER: Opposed?

3 MR. JOHNSON: Johnson.

4 CHAIRPERSON MAYRER: Johnson is opposed.

5 Okay, motion is carried. You're all
6 set. Thank you.

7 MS. FUDA: Ashley, we will see you at the
8 ZBA in two weeks. Thank you.

9 MS. ROBINO: Thank you. Have a great
10 night, everyone.

11 CHAIRPERSON MAYRER: Thank you.

12 You have to hold the phone because I
13 just got notice that the live stream is not
14 working.

15 MS. FUDA: Chuck Peter is telling me now
16 Town Hall live streams seem to be having issues
17 loading. The Facebook stream is working. So,
18 that's all I can do.

19 CHAIRPERSON MAYRER: Can we get that out
20 to the public somehow?

21 MS. FUDA: Well, I just said it. I hope
22 they heard me.

23 CHAIRPERSON MAYRER: That doesn't count.
24 So, what do you want me to do?

25 MR. CRIST: In the past this happened one

1 other time. We can give it five minutes and
2 maybe it will come back.

3 (There was a brief recess in the
4 proceedings.)

5 CHAIRPERSON MAYRER: So Members, we have a
6 dilemma. We don't have a live stream right now
7 and all we have available to us is Facebook,
8 which is not considered appropriate for this
9 type of meeting. So, we can choose to wait a
10 few more minutes and see what happens, or we
11 can proceed, or we can adjourn. We have two
12 more items on the agenda. I did want to just
13 close the period of public comment because I
14 think we are good with that. So, we have four
15 and five which is this auto repair.

16 MS. FUDA: It is recording so will go on
17 afterwards. It's not live on Facebook or on the
18 website.

19 CHAIRPERSON MAYRER: So, we can go ahead
20 and hear what they have to say and at least get
21 that far. Anything that is done tonight can be
22 revisited for the next meeting if we have to.

23 MR. CRIST: That's one way of looking at
24 it.

25 CHAIRPERSON MAYRER: Because there are

1 only two items on the agenda left. Is that okay
2 Members? Then, we can get this done and if we
3 have to revisit it, we can revisit it. Are you
4 guys all right with that?

5 MR. D'ANGELO: As long as we can legally
6 do it.

7 MR. CRIST: Here's what the requirement
8 is: The requirement is -- I would rather
9 explain the requirements in Executive Session.

10 CHAIRPERSON MAYRER: Okay, so, we are
11 adjourning to Executive Session to consult.
12 That will give us time to see if maybe the live
13 stream comes up.

14 Can I have a motion for that - for
15 going into Executive Session.

16 MR. JOHNSON: I'll make the motion;
17 Johnson.

18 CHAIRPERSON MAYRER: Second?

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

20 CHAIRPERSON MAYRER: All in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 (Whereas the above proceeding was
25 adjourned as the Board entered Executive

1 Session and recommenced immediately after.)

2 CHAIRPERSON MAYRER: Do I have a motion to
3 come out of Executive Session.

4 MR. LAVOIE: So moved; LaVoie.

5 MR. SHAUGHNESSY: Second; Shaughnessy.

6 CHAIRPERSON MAYRER: All in favor?

7 (Ayes were recited.)

8 Opposed?

9 (There were none opposed.)

10 Okay, we are out of Executive Session.

11 Item 4 is A and K Auto Repair, Columbia
12 Turnpike.

13 So, you want to do the repair shop?

14 This is the place next to the hotel, right?

15 MR. HADZIMURATOVIC: That's correct. The
16 place across from the pizza place.

17 CHAIRPERSON MAYRER: Goombahs, yes.

18 MR. HADZIMURATOVIC: Which they advertise
19 brick oven pizza, but they don't use the brick
20 oven; false advertisement.

21 CHAIRPERSON MAYRER: Nevertheless, good
22 pizza.

23 Okay so what do you want to do? Tell
24 us.

25 MR. HADZIMURATOVIC: Originally I was

1 actually moving the facility there, but I was
2 advised that the place can no longer become a
3 dealership along with repair shop. Now I'm kind
4 of moving the repair shop instead unless you
5 guys tell me different. I own Bella's Auto over
6 on State Street and I own the A and K - the old
7 gas station on Route 4. Originally that
8 location - the Columbia Turnpike location was
9 going to be Bella's which is a sales lot. So,
10 is going to be sales and repairs because my
11 current location for that - for State Street
12 does not have a repair garage.

13 CHAIRPERSON MAYRER: So now that you don't
14 have sales, you're just going to go to auto
15 repair?

16 MR. HADZIMURATOVIC: I was told that it's
17 hard to make it a dealership since it was
18 vacant for two years or wasn't used as a
19 dealership for two years or something like
20 that.

21 MS. FUDA: Since it has not sold vehicles
22 there - it's always been a repair shop but it
23 was never sales law. A new sales lot can only
24 be in conjunction with the sale of new cars.

25 MR. HADZIMURATOVIC: New as an brand-new,

1 no miles?

2 MS. FUDA: That's correct. dealership
3 only.

4 MR. HADZIMURATOVIC: So say I wanted to
5 bring in a Chevy dealership or Subaru
6 dealership and they are willing to go on
7 because I been considering a Subaru dealership.

8 MS. FUDA: You would then come back for a
9 site plan review and that would not be a change
10 in tenancy.

11 MR. HADZIMURATOVIC: Would it be better to
12 just make a second location for A and K, or
13 should I still make a repair location for
14 Bella's? What would make less hoops to jump
15 through and make any usable location?

16 CHAIRPERSON MAYRER: Well, it is an
17 either/or at the moment. So, you're either
18 going to take a repair shop or you going to do
19 a dealership. I think that given the prior
20 history of the property and with all of the
21 recommendations that the Board has already
22 made, you might as well go to the repair shop
23 and if you want to come back in and change it,
24 you can change it. At least you have something.

25 MR. HADZIMURATOVIC: If you guys have

1 noticed, I started painting the building and
2 fixed little odds and ends just to make the
3 appearance like better. I've already invested
4 into it so I would like to make something out
5 of it.

6 CHAIRPERSON MAYRER: Okay, so let's go
7 with that at the moment.

8 MR. HADZIMURATOVIC: Say if I wanted to
9 make it a dealership down the road, we just
10 come back and put an add-in in for the
11 dealership on the road for Subaru or something?

12 MS. FUDA: That would be a new site plan
13 application.

14 MR. HADZIMURATOVIC: Okay. So, just redo
15 the same process?

16 MS. FUDA: Kind of, yes. There would be
17 more detail and I'm sure you would have paving
18 and things like that. The lot would obviously
19 grow.

20 MR. HADZIMURATOVIC: The grass is been
21 hard to cut because it's about 5 feet tall, but
22 I've been taking all the grass down slowly. It
23 will definitely be a nice cleaned up area. Like
24 I said, I'm trying to make it look better than
25 it is.

1 If we have to make it a repair shop to
2 start, let's do that and let me know what
3 I've got to do to get it going.

4 CHAIRPERSON MAYRER: So, we have some
5 conditions for this. It's a repair facility
6 with no auto sales.

7 The other thing is the waste oil has to
8 be limited at all times to one 55-gallon
9 drum and no more than 10 vehicles to be on
10 the premises at a given time. So, those are
11 the conditions for now until you decide to
12 make them something else.

13 MR. HADZIMURATOVIC: Okay. How about for
14 fencing? I was considering putting in fencing.
15 How do I go about doing that?

16 MS. FUDA: That is on your site plan. So,
17 with your approval tonight we can add into your
18 special use permit - because this is under
19 special use permit - that the fencing will be
20 installed according to the site plan.

21 CHAIRPERSON MAYRER: Members, anything
22 else?

23 MR. JOHNSON: I would just like to make it
24 clear that we are talking about 10 cars outside
25 of the garage. It's not like you're going to

1 have 10 cars that you're fixing and 25 can be
2 repaired sitting in the fenced in area. You are
3 going to have 10 spaces marked out for
4 customers cars that are coming in and for
5 customer pickup.

6 MR. HADZIMURATOVIC: So, you are saying 10
7 revolving, or can sit in revolving. How does
8 that work?

9 MR. JOHNSON: 10 on-site at one time.

10 MR. HADZIMURATOVIC: What do I do with the
11 overflow? I get five or six daily drops of new
12 vehicles at my other place right now on a daily
13 basis there's about five or six dropped off and
14 I probably get four done and then the next day
15 - - there's at least a good 10 cars every
16 couple days rotating out at that smaller
17 location.

18 CHAIRPERSON MAYRER: So, how many would be
19 there at one time - say tonight?

20 MR. HADZIMURATOVIC: I'm not saying
21 there's going to be more than 10 all the time.
22 I'm just asking. I can't tell how many broken
23 cars are coming in that week.

24 CHAIRPERSON MAYRER: I do, but I can't
25 leave it unlimited.

1 MR. HADZIMURATOVIC: No, not unlimited. I
2 understand that. If it ends up being 11 one a
3 week or something like that, or on Tuesday
4 there's 12 cars outside -- there's going to be
5 less on Wednesday or -

6 CHAIRPERSON MAYRER: So, what we are going
7 to say here is that - if we said no more than
8 15 at any given time you would be able to do
9 that.

10 MR. HADZIMURATOVIC: That makes a little
11 bit more sense and I can definitely see that
12 happening. Like I said, they are constantly
13 revolving.

14 CHAIRPERSON MAYRER: We got it. Pick them
15 up and drop them off.

16 MR. HADZIMURATOVIC: Because nobody's
17 happy if I can't get them back to them.

18 CHAIRPERSON MAYRER: Anything else,
19 Members?

20 MS. FUDA: I do have a question. Did the
21 other guy get all his cars out of there?

22 MR. HADZIMURATOVIC: He did. He took I
23 think three months, but he got them out and I
24 actually helped him load them over the weekend.
25 He also had car parts laying around and more

1 wheels. There was just little odds and ends
2 that I had to load up into two trucks and I'm
3 trying to get more off the property that looks
4 more like a parts collection rather than a
5 cleaned up garage.

6 MR. JOHNSON: Are we going to ask for site
7 plan that shows where parking is for the 15
8 vehicles?

9 CHAIRPERSON MAYRER: I think we have seven
10 to 10 right now.

11 MR. JOHNSON: That's on a previous site
12 plan. Not his site plan.

13 MR. HADZIMURATOVIC: There are no markings
14 on the pavement. I am actually considering
15 resealing it. So, whatever you guys think is a
16 good place for parking spots -- I don't mind
17 doing fresh yellow lines. I do have to reseal
18 the whole thing. I don't know if you've seen
19 it, but there are holes and things throughout
20 and I have to reseal it.

21 CHAIRPERSON MAYRER: Hold on for second.
22 We're just looking for an updated site plan.

23 MR. JOHNSON: It only shows the garage.

24 MS. FUDA: It's right behind your EAF. It
25 doesn't show the parking spots.

1 Can you update your site plan that you
2 gave me and show where you are going to park
3 the cars? How many will fit inside the
4 fenced area?

5 MR. HADZIMURATOVIC: I'm not sure. I would
6 say seven to be safe; maybe less.

7 CHAIRPERSON MAYRER: Can you include that
8 just to make sure that you understand there's
9 no outside storage of light car parts or things
10 like that - tires.

11 MR. HADZIMURATOVIC: For the tires - we
12 actually have a shed thing that at my other
13 location that we put them in. There would not
14 be any tires there as of now and if there is,
15 my allowed to put a shed there to keep the
16 tires in so it looks a little better so there's
17 not just tires there? It also helps with the
18 rain when the guys come up to pick up the tires
19 so they're not filled with rain.

20 CHAIRPERSON MAYRER: You have to put on
21 the site plan, is all.

22 MS. FUDA: Where would you put it?

23 MR. HADZIMURATOVIC: I'll just drop a
24 little shed area in.

25 MS. FUDA: Where's your dumpster going to

1 be?

2 MR. HADZIMURATOVIC: Right now the
3 landlord is letting me use the dumpster that is
4 right near the building. It's literally right
5 behind the building. There's a dumpster that
6 the landlord lets me use. Then for oil
7 disposal, I use Sheldon Oil and they come and
8 take it and sell it for guys that use it for
9 heat. They should take it for free, but they
10 charge me to take it. Then they charge people
11 for the oil for heat.

12 CHAIRPERSON MAYRER: Sounds like a good
13 deal for somebody.

14 MR. HADZIMURATOVIC: If you guys have
15 anybody who needs it for heat, we used to have
16 an oil heater but at one point we were giving
17 away oil changes just to have heat. We did away
18 with it, but if you guys know anybody that uses
19 it to burn oil, they can have it for free.

20 CHAIRPERSON MAYRER: So, we need an
21 updated site plan.

22 Members what is your pleasure? Do we
23 wait for the site plan, or make the approval
24 conditional on having the 15 cars drawn on
25 the site plan accurately and meet the

1 specifications of our esteemed Planning
2 Department - location of the dumpster and
3 location of the shed? Those are the three
4 things.

5 MS. FUDA: I can email it to everybody.
6 Just give me an okay - a thumbs up thumbs down
7 type thing.

8 CHAIRPERSON MAYRER: In other words make
9 this conditional on a thumbs up or thumbs down.

10 MS. FUDA: Yes.

11 MR. JOHNSON: Do you have to sign it?

12 MS. FUDA: That would be the special
13 permit once we have - once Craig does it.

14 MR. JOHNSON: So, she could review the
15 site plan before she signs the special permit.

16 MS. FUDA: That's correct.

17 MR. JOHNSON: So, would only go through
18 Denise and I don't think we need to do any more
19 than that.

20 CHAIRPERSON MAYRER: Okay let's go and do
21 the motions then.

22 MR. HADZIMURATOVIC: With the site plan,
23 did you guys want me to make the parking spots
24 on that one as well?

25 CHAIRPERSON MAYRER: Yes.

1 So, I need to have a motion for lead
2 agency and to declare this a Type II.

3 Do I have that motion?

4 MR. LAVOIE: So moved; LaVoie.

5 CHAIRPERSON MAYRER: Second?

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

7 CHAIRPERSON MAYRER: All those in favor?

8 (Ayes were recited.)

9 Okay, now do I have approval for the
10 special use permit to be granted for this. .

11 Is 18 months good?

12 MS. FUDA: Yes.

13 CHAIRPERSON MAYRER: Okay, for a period
14 of 18 months with the conditions that have been
15 specified.

16 Do I have a motion?

17 MR. JOHNSON: I'll make a motion; Johnson.

18 CHAIRPERSON MAYRER: Second?

19 MR. SHAUGHNESSY: Second; Shaughnessy.

20 CHAIRPERSON MAYRER: All those in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 Okay, you're all set. Just give me a
25 site plan and we will issue your permit.

1 MR. HADZIMURATOVIC: Okay, sounds good.

2 And just bring the site plan and bring it over
3 to the office?

4 MS. FUDA: You can email it and show me
5 the shed, the 15 car parking and where the
6 dumpster location is.

7 MR. HADZIMURATOVIC: Okay, sounds good. I
8 have a copy of the original, so I'll just add
9 it to that one and resend it to you guys.

10 CHAIRPERSON MAYRER: Okay, thank you.

11 Item number five is Dan Colvin. This is
12 the Tina Lane subdivision.

13 MS. FUDA: Nick Costa is the engineer.

14 MR. LABERGE: While Mr. Costa is coming on
15 I'll just update the Board on some of the
16 activities since our last meeting.

17 If you will recall, we talked a little
18 bit about a few things. In addition to our
19 letter of September 10th we had some
20 comments. I spoke to Mr. Costa about
21 modifying the culvert that goes across Tina
22 Lane and improving that as the Board had a
23 few concerns. Also, the swale on the
24 property - that if the one catch basin --
25 I've forgotten what it's labeled there, but

1 the new catch basin on the property - if it
2 overflowed the swale would catch it instead
3 of going toward the proposed house.

4 Also, I spoke with him about getting a
5 certification about this whole proposed
6 development would not have any deleterious
7 effect on upstream or downstream. I think
8 Mr. Costa presented us plans last week on
9 Thursday that pretty much - I feel satisfied
10 with all those things. I just need to review
11 them. I gave them a quick review and I will
12 finish that review this week.

13 Craig has drafted some Resolutions with
14 all those types of things, my letter of
15 September 10th and these other issues as
16 conditions. So, everything we kind of talked
17 about is all wrapped up in a nice little
18 package that the applicant has already kind
19 of responded to, but we need to check it. I
20 think we are in pretty good shape.

21 To look at a few things, if you want to
22 look at what Craig drafted. It is the
23 certification that we are asking for on the
24 second to last page of that paperwork. I'll
25 give everybody a second to catch up to me.

1 On the bottom it says submission of
2 certification by Advance Engineering and
3 Surveying stating the following: I reviewed
4 the existing proposed drainage patterns and
5 any effects that the additional impervious
6 area of the proposed four-bedroom dwelling
7 driveway grading as well as the effects of
8 the overall development proposed usage of
9 the lot described as number 41, also known
10 as 1631 Tina Lane and hereby certify the
11 Town, all Board and agents, employees -- I'm
12 paraphrasing little bit - that none of the
13 foregoing will result in any negative
14 discernible impacts to neither the subject
15 parcel or the upstream and/or downstream
16 properties of the subject parcel.

17 So, that's the certification that we
18 had pondered last week and that's what Craig
19 came up with.

20 MR. CRIST: You came up with one of them
21 and I refined it a little bit.

22 MR. LABERGE: Exactly, okay. So, that's
23 how it went. The rest of those items - those
24 numbers one through eight are the rest of the
25 conditions that reflect my letter and those

1 other things I talked about and that's the neat
2 little package I spoke about.

3 So, if the Board doesn't have any
4 comments, I would first ask the Board is
5 there anything I can answer for the Board or
6 that Mr. Costa could answer to the Board any
7 questions about what I said?

8 (There was no response.)

9 Excellent. Mr. Costa is there anything
10 I spoke of that you or your applicant would
11 disagree with or take any concern or issue
12 with?

13 MR. COSTA: No, thank you, Rich. You
14 summarized everything that went on in the last
15 two weeks since we were in front of the Board.
16 As you mentioned, we have addressed those and
17 you will finish up reviewing the packages that
18 we sent over to you and the certification. We
19 looked upstream and downstream and we feel
20 comfortable that the downstream facilities
21 which encompass a wetland area will be able to
22 remain as it currently operates or as it
23 currently functions. So, I don't really have
24 anything else to add to the summary that you
25 gave. You covered everything.

1 Dan Colvin is on this Zoom call.

2 Dan, if you have anything else to add
3 or if you have any questions, please go
4 ahead and let us know.

5 MR. COLVIN: No, I think you guys covered
6 everything pretty well.

7 MR. LABERGE: Then I guess I would leave
8 it to the pleasure of the Board to move forward
9 with the approvals that Craig has put forth
10 with the restating or actually the SEQRA
11 approvals and the resolution for the neg dec
12 and the amendment to the existing subdivision.
13 So, there's three Resolutions, I guess, that
14 have been prepared for your consideration.

15 CHAIRPERSON MAYRER: So, the first one is
16 a motion to waive the reading of the Resolution
17 declaring us ourselves lead agency.

18 So, do I have a motion to waive the
19 reading?

20 MR. LAVOIE: So moved; LaVoie.

21 CHAIRPERSON MAYRER: Second?

22 MR. SHAUGHNESSY: Second; Shaughnessy.

23 CHAIRPERSON MAYRER: All in favor?

24 (Ayes were recited.)

25 Opposed?

1 (There were none opposed.)

2 Now the motion here is to declare
3 ourselves as lead agency for this it
4 subdivision on Old Post Road Estates for
5 affecting the property lot number 41 known
6 as 1631 Tina Lane, 1.99.4-4-18 so as to
7 remove the restriction on said lot that is
8 currently marked not for building purposes.

9 Do I have a motion for lead agency for
10 that and an unlisted action?

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

12 CHAIRPERSON MAYRER: Second.

13 MR. LAVOIE: Second; LaVoie.

14 CHAIRPERSON MAYRER: All in favor?

15 (Ayes were recited.)

16 Opposed?

17 (There were none opposed.)

18 So, now the next one is to waive the
19 reading of the neg dec Resolution.

20 Do I have a motion for that?

21 MR. D'ANGELO: So move; DeAngelo.

22 CHAIRPERSON MAYRER: Second.

23 MR. LAVOIE: Second; LaVoie.

24 CHAIRPERSON MAYRER: All in favor?

25 (Ayes were recited.)

1 Opposed?

2 (There were none opposed.)

3 Now do I have a motion to adopt a
4 negative declaration under SEQRA for this
5 project?

6 MR. LAVOIE: So moved; LaVoie.

7 CHAIRPERSON MAYRER: Second.

8 MR. SHAUGHNESSY: Shaughnessy; second

9 CHAIRPERSON MAYRER: All in favor?

10 (Ayes were recited.)

11 Opposed?

12 (There were none opposed.)

13 Okay do have a motion to waive the
14 reading of the resolution approving the
15 amendment to the existing subdivision
16 conditions Old Post Road, Section 4 1631
17 Tina Lane.

18 Do I have a motion to waive the entire
19 reading?

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

21 CHAIRPERSON MAYRER: Second.

22 MS. LEONARD: Second; Leonard.

23 CHAIRPERSON MAYRER: All in favor?

24 (Ayes were recited.)

25 Opposed?

1 (There were none opposed.)

2 Now this is the Resolution approving
3 the amendment of existing subdivision
4 conditions Old Post Road, Section 4, 1631
5 Tina Lane that would remove the restriction
6 of not for building purposes.

7 Do I have a motion for that.

8 MR. LAVOIE: So moved; LaVoie.

9 CHAIRPERSON MAYRER: Second?

10 MR. SHAUGHNESSY: Second; Shaughnessy

11 CHAIRPERSON MAYRER: All in favor?

12 (Ayes were recited.)

13 Opposed?

14 (There were none opposed.)

15 That's it. Thank you.

16 MR. COSTA: Thank you. Have a good night.

17 CHAIRPERSON MAYRER: Okay, Members Do I
18 have a motion to adjourn?

19 MS. LEONARD: So moved.

20 CHAIRPERSON MAYRER: Second.

21 MR. LAVOIE: Second.

22 CHAIRPERSON MAYRER: All in favor?

23 (Ayes were recited.)

24 Opposed?

25 (There were none opposed.)

1 Thank you everybody.

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

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1 CERTIFICATION

2

3 I, NANCY L. STRANG, Shorthand Reporter
4 and Notary Public in and for the State of
5 New York, hereby CERTIFIES that the record
6 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.

10

11 Date: _____

12

13 _____

14 Nancy L. Strang

15 Legal Transcription

16 2420 Troy Schenectady Road

17 Niskayuna, NY 12309

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