

**PLANNING BOARD MEETING - JUNE 19, 2017
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson
John LaVoie
Lawrence D'Angelo
Paul Puccio
James Shaughnessy
Nadine Fuda, Director
Attorney Robert Linville, Esq.
Richard Laberge, Planning Board Engineer

MEMBERS ABSENT

Andrew Aubin

APPROVAL OF MINUTES — JUNE 5, 2017

Johnson moved, LaVoie seconded that the minutes be approved as amended.

6 Ayes. 0 Noes. Motion carried.

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

PUBLIC COMMENT

Resident stated he is hoping the board proceeds again with a great deal of skepticism on the Valente part of this proposal on a warehouse and mining is just a pig in a poke because they have a project that stinks with a very promising one.

Resident stated he noticed the application for the IDA. Will that be discussed openly.

Chairwoman Maier two things are going to happen tonight, one they are going into executive session with the boards attorney and two she will be discussing the IDA in the meeting.

MEMBER DISCUSSION: Letter Re: Questar Schodack 2018 LLC Application to IDA

Chairwoman Mayrer stated that on May 22, 2017 the board was notified that this project will be applying for 50 % property tax reduction over a 20 year period, with that being said we have called upon the representative that is making the application to the IDA for this to appear before this board to explain exactly what the process is with this application and what the tax implications are to the town, note we do not have any leverage for this in terms of the approval.

See file for letter from Jack Bonesteel Rensselaer County IDA dated May 22, 2017
Chairwoman Mayrer read a statement on this topic. See attached

MEMBER DISCUSSION

The Spinney at Pond View Phase 2 sidewalk Detail

Mr. Laberge stated he has received detail on a small change spinney wants to make on the sidewalk in phase 2. It is the reduction of the gravel subbase that they would use, they specified 10 inches and now want to use 6 inches which he feels is sufficient. But since the board has been discussing the sidewalks at Spinney he thought this should be brought to the board. (See Spinney letter and Laberge response letter in file)

Chairwoman Mayrer asked if that was enough base to prevent heaving.

Mr. Laberge stated he would say it is in those soil conditions. There is a lot of gravel and shale in that area.

Mr. Johnson suggest the gravel base be brought out wider than the sidewalk, maybe 6 inches or a foot. And don't deviate from the 2 % cross slope when they get to the catch basins and driveways.

Mr. Laberge stated they are 7 feet from the edge of road way now and the catch basins do bulge out about 3 feet so the phase one problem should not occur. They are transiting the sidewalks into the driveways and it needs to be a smooth transition. He will add this request to his letter.

RECOMMEND to ZBA

Robert Morris / EW Birch Builders
18 Crescent Drive
Proposed- Area Variance

Z763-17/R20/210.-1-3-9

Ed Brzozowski, E.W. Birch was present for this meeting.

Mr. Brzozowski stated he apologies to the board because they are back asking for a favorable recommendation to the ZBA for an area variance. The current variance that was given was for new home construction due to a fire, with the changes made by the homeowner the house is bigger then what was previously stated for the original variance.

Mr. Shaughnessy asked if the foundation is two feet larger and that puts you over the approved variance.

Mr. Brzozowski stated correct.

Mr. Puccio asked if the foundation 2 feet larger all the way around or is it just 2 feet closer to the road.

Mr. Brzozowski stated it is 2 feet closer to the road and 2 feet bigger.

Chairwoman Mayrer stated she thinks the larger issue here is this is not the first time the same builder has not done what he was supposed to do in setback and area variances and has had to come back for another recommendation to the ZBA.

RECOMMENDATIONS TO THE ZBA

Puccio moved, D'Angelo seconded a **"NO "** recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

PUBLIC HEARING

Nadine Fuda read the hearing notice(s) as published in the Troy Record:

Laura Lee Ross published Month Day, 2017

Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).

Public Hearing Opened at 7:30 p.m.

Public Hearing Closed at 7:32 p.m.

Laura Lee Ross
1421 Muitzeskill Road
Proposed - 2 lots

2017-19/RA/208.-6-9

Laura Lee Ross, applicant was present for this meeting.

Ms. Ross stated she is looking to subdivide her property (old AGWAY store) which has a the Muitzeskill road as a natural divider.

There were no comments from the public or the board,

SUBDIVISION

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Johnson moved, Puccio seconded a **NEGATIVE DECLARATION**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

LaVoie moved, Puccio seconded that the following resolution be adopted:

WHEREAS, a formal application was submitted to the Planning Board on: June 5, 2017, for approval of a 2-lot subdivision entitled, "Laura Lee Ross", map prepared by: Daniel Russell, Crawford & Associates, dated "May 4, 2017", and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on June 19, 2017 at 7:15 p.m., and

WHEREAS, the requirement of the subdivision regulations of the Town of Schodack have been met by said subdivision plat and application;

NOW, THEREFORE, BE IT RESOLVED, that the application of Laura Lee Ross be **APPROVED CONTINGENT UPON** submission of final maps, payment of fees and before building permits can be issued, permits to construct well and septic must be obtained from the Rensselaer County Health Department.

6 Ayes. 0 Noes. Motion carried.

Ayes: D'Angelo, Johnson, LaVoie, Mayrer, Puccio, Shaughnessy
Oppose

Subdivision / lot Line

Roderick Valente
1710 Schodack Valley Road
Proposed - Subdivision

2016-42/PD-3/189.-10-40.131

Eric Redding, Bergmann Associates, was present for this meeting.

Mr. Laberge stated in terms of this project we have been reviewing together with the Valente professional park, consist of the subdivision application and the two site plan application, and they are Questar and the Valente sales distribution center, what the board has are 3 different letters one on each aspect of this professional park, each coinciding letter is with each application, see file as well as below in the minutes.

The subdivision is the primary application and he has attached the SEQR review and a recommendation under SEQR for the subdivision, Note SEQR for all 3 applications is being handled as one entity. The subdivision plans are in good shape, there have been no changes to the plans just detail has been added.

Laberge letter dated : June 14, 2017

Re: Final Subdivision Review
Valente Professional Park
SPB No. 2016-42
Town of Schodack Planning Board

We are in receipt of a set of final subdivision plans dated June 9, 2017 consisting of twenty sheets. We offer the following comments:

1. The project is a further modification of the previously approved McLane project on this same site.

PB 6-19-17

58-2017

Since the approval of the McLane project, the parcel was subdivided. The applicant is now proposing to re-subdivide the parcel into three lots with a ROW to be dedicated to the Town through the parcel and as such is considered a major subdivision under Chapter 188 of the Town Code. The applicant is proposing that only a portion of the ROW will be improved with a Town road built. The applicant has indicated that they intend to rough grade the roadbed for the entire roadway.

2. The request for extension of both the water and sewer district has been approved by on the Town Board at their June 8, 2017 meeting.
3. The SWPPP for this project is incorporated with the VIP Structures site plan application and is being reviewed as part of that application.
4. The applicant has coordinated with NYSDOT and they have provided written acceptance of the proposed intersection location. A NYSDOT Work Permit is required.
5. The island in the center of the cul-de-sac should be deleted.
6. The 12" water main in the vicinity of the proposed intersection requires a tee and a gate valve on each (2) leg with a cap for future extension.
7. The street trees are to be planted 3' outside the public ROW on private property. Two additional trees are needed in front of VIP Structures site.
8. The roadway cross section must be modified to provide:
 - a. 8' beyond the wing curb graded at 4% or less to create an area for snow storage and reduce icing.
 - b. 12" of compacted subbase beyond the wing curb.
 - c. Subsurface drains on each side of the road which may be eliminated at the discretion of the Town after the roadbed is boxed out and inspected.
9. The monumentation on sheet SUB-2 is not consistent with sheet SUB-1 and must be revised.
10. Grading easements are required outside of the future proposed right-of-way so that the future road can be constructed.
11. All easements require written metes and bounds descriptions and must be filed in the Rensselaer County Clerk's office. A copy of the filed easement must be submitted to the Planning office.
12. The note regarding erosion control blankets should explicitly state that they should be placed on ALL 1:3 or greater slopes. Consideration should be given to showing the required locations graphically on the erosion and sediment control plans.

SEQRA

Attached please find a completed Environmental Assessment Form recommending a Negative Declaration for this project. Also enclosed, please find our analysis supporting this recommendation and a draft notice for your use.

APPROVALS

We also recommend the Board approve the subdivision conditioned upon the issues above being resolved prior to proceeding to construction. If the Board is so inclined, we recommend the following course of action:

- 1.) Issue a Negative Declaration under SEQRA and direct the attached Notice of Determination of Non Significance be filed and distributed.
- 2.) Approve the proposed subdivision subject to the conditions in numbers 4 - 12 above.

SUBDIVISION

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Puccio moved, D'Angelo seconded a **NEGATIVE DECLARATION**.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Puccio moved, LaVoie seconded that the following resolution be adopted:

WHEREAS, a formal application was submitted to the Planning Board on: APPLICATION DATE , for approval of a # -lot subdivision entitled, "Roderick Valente", map prepared by: SURVEYOR , dated "SURVEY DATE", and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on PUBLIC HEARING DATE at 7:15 p.m., and

WHEREAS, the requirement of the subdivision regulations of the Town of Schodack have been met by said subdivision plat and application;

NOW, THEREFORE, BE IT RESOLVED, that the application Roderick Valente be **APPROVED CONTINGENT UPON** submission of final maps, payment of fees and before building permits can be issued, permits to construct well and septic must be obtained from the Rensselaer County Health Department.

ADDITIONALLY, CONTINGENT UPON THE FOLLOWING ITEMS, from the Laberge Letter dated June 14, 2017

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

VIP Structures Office and Training

2016-41/PD3/189.-10-40.131&132

1710 Schodack Valley Road

Proposed - Office and Training

Eric Redding, Bergmann Associates was present for this meeting.

Mr. Laberge stated most of the technical details have been worked through with the exception of the ones left on his letter dated June 14, 2017 (See Below). We are confident these can be worked through

PB 6-19-17

60-2017

with the applicant so again he is recommending that the board do two things, one this project is subject to the towns water quality control act and move on the special permit for water quality and set the initial duration to be 18 months so the applicant comes back at the end of that time for a review. and the second is to approve the site plan condition upon his June 14, 2017 letter.

Mr. Johnson stated he recommends a do not enter sign at the back of the lot.

Mr. Redding stated there are several do not enter signs throughout the site.

Mr. Johnson stated the map does not show the signage at the back of the lot.

Mr. Redding stated he will have a more detailed drawing done and submit it to Mr. Laberge.

Mr. Johnson stated the other item is on your letter page 2 of 3 is stated erosion control black list looks like a typo and page 1 on 3 greater slop should actually be steeper.

Mr. Laberge stated numerically that is correct but it should be changed for clarity.

Laberge letter dated : June 14, 2017

Re: Final Site Plan Review

VIP Structures Office & Training

SPB No. 2016-41

Town of Schodack Planning Board

We are in receipt of a set of preliminary site plans consisting of 18 sheets last revised June 9, 2017 entitled Questar III BOCES along with SWPPP revisions for the above referenced project. We offer the following comments:

10. The land owner has submitted an application to re-subdivide the original lot into three parcels and this site plan is proposed on a 10.27± acre lot of the northeast corner of the original lot. Access is proposed via a new road to be dedicated to the Town which is being proposed as part of the subdivision application being made by the property owner. Water and sewer utilities will be extended to the site from US Routes 9&20 as part of the subdivision application by the landowner.
11. The project is a permitted use under the Town of Schodack's Water Quality Control Act. A special permit is required. Use is subject to the conditions of §223-6C (1) and §223-8.
12. The applicant should confirm the extension of natural gas to the project or indicate the propane storage location.
13. The applicant has indicated that a 300 gallon double walled tank will be used to store waste oil along with (2) 30 gallon parts cleaning solvent tanks in a covered area outside the southwest corner of the building. The applicant should provide a detail of how any transfer spills will be contained in this area.
14. Information regarding water use and wastewater generation is needed for the cooling tower.
15. A hydrant flushing and maintenance agreement will be necessary for the three hydrants proposed on site. A draft agreement should be submitted for review.

16. A five-year performance bond for 20% of the value of the landscaping will be required to ensure the planned landscaping is properly established.

In addition to the above, we also have the following sheet specific comments:

17. Erosion control blacklist should be installed on all slopes 1:3 or greater. Consideration should be given to showing their proposed location graphically on the Erosion & Sediment Control Plan.

Our SWPPP comments are as follows:

18. The infiltration basin is no longer noted as being a temporary sediment basin during construction. The Erosion and Sediment Control Plan should identify the location of temporary sediment basins which should be designed per the 2016 Blue book and supporting calculation submitted for review. Provide additional finish grade contour elevation tags on Sheet C141 to define bottom of basins and crest elevations.
19. A permanent sediment depth gage, a fixed vertical sediment depth marker, should be installed in the fore-bay to measure sediment deposition over time per Design Manual Section 6.1. Provide a detail of the shaft gage to be provided showing how to install with indicator to alert when sediment removal is required.
20. Appendix 1, Section VII.B:
 - a. Clarify if sedimentation basins for infiltration pretreatment are to be used as temporary sedimentation basins during construction. If so, additional operation and maintenance requirements and design per the 2016 Blue Book are required. A means of dewatering temporary basins will be required as no discharge to proposed infiltration practices is permissible until upslope areas are stabilized.
 - b. Indicate on drawings and SWPPP that the final 18" if infiltration basin shall not be excavated/established until all upslope areas have been constructed and permanently stabilized.

We recommend the Board approve the project conditioned upon the issues above being resolved prior to signing of the final site plans. If the Board is so inclined, we recommend the following course of action:

- 3.) Approve the Special Permit under the WQCA subject to the condition of an initial term of 18 months.
- 4.) Approve Site Plan conditioned upon the outstanding technical issues identified above, all other administrative items, and the establishment of a site review escrow in the amount of \$10,000.00 to be deposited prior to the start of construction.

WATER QUALITY CONTROL-

D'Angelo moved LaVoie seconded that the **SPECIAL PERMIT** under the Water Quality Control Act - Chapter 223 be granted; for an initial period of eighteen (18) months.

CONDITIONS:

1. This is in the HC Zone and requires a special permit for use in this zone. In addition, a special permit is needed under the Town's Water Quality Control Law.
2. The Town's Water Quality Control Act requires
 - a. All storage of hazardous materials be stored inside in containers less than 60 gallons. The waster oil containers cannot exceed this volume.
 - b. The building floor be impervious and be able to contain all spills. Therefore, the applicant is required to demonstrate that the floor is completely sealed as well as the bottom 4" of the wall. The thresholds of all doorways must be raised to create a berm to contain any spills.

3. We recommend that no storage or automotive service of any kind be permitted outside the garage.

6 Ayes, 0 Noes, Motion carried.

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

Oppose:

SITE PLAN- APPROVAL

Johnson moved, LaVoie seconded that the following approved site plan be adopted:

Contingent upon the following conditions:

- Laberge letter dated June 14, 2017
- do not enter sign at the one way by dumpsters.

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6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Roderick Valente
1710 Schodack Valley Road
Proposed - Site Plan Mod

2016-16/PD-3/189.-10-40.131

Eric Redding, Bergmann Associates, was present for this meeting.

Mr. Laberge stated the site plan have come together pretty well and only have 10 comments that need to be worked and, 7 of which are conditions (see Laberge letter dated June 14, 2017 below) there are concern that the site maybe graded and nothing would transpire after grading is complete. Or worse the material would be removed from site and left scarred so he did check with Nancy Baker from DEC to reaffirm the process that would be necessary to remove material from the site if it is tied to a site plan is the applicant able to go in for a mine permit exemption status which will require them to complete their site plan including construction of the buildings, asphalt etc. Within two years from the time the DEC permit was given. DEC controls the removal of material from the site if something does not go as planned DEC imposes fines, Mary Berry would not go into the detail on the fines but she did say it is site specific.

He states the Town of Schodack cannot sign the site plan until DEC's has issued a mining permit exception letter. In addition to that it was discussed that the town receive a cash bond to be put up should the grading or the site not be completed in the amount of \$100,000 so should everything stops and nothing is done the town has the money to make the site right again and revegetate the area. See Laberge letter below for the rest of the items that are being worked on.

Mr. Laberge is recommending approval of the water quality special permit and the site plan as submitted.

Chairwoman Mayrer asked exactly how much material is to be removed from the site.

Mr. Redding stated roughly 45,000 cubic yards for this first 60,000 square foot phase.

Mr. Shaughnessy suggest a \$150,000 bond be set instead of the current \$100,000 recommended just to be on the safe side should the town need to step in and clean up the site.

Laberge letter dated June 14, 2017

Re: Final Site Plan Review

Valente Professional Park

SPB Nos. 2016-16

Town of Schodack Planning Board

We are in receipt of a set of preliminary site plans last revised June 9, 2017 consisting of sixteen sheets as well as SWPPP revisions. We offer the following comments:

1. The project is a further modification of the previously approved McLane project on this same site a permitted use under the Town of Schodack's Water Quality Control Act. A special permit is required. Use is subject to the conditions of §223-6C (1) and §223-8.
2. The applicant should confirm the extension of natural gas to the project or indicate the location of the propane storage location.
3. The applicant has calculated the amount of soil material to be removed from this site is approximately 46,000 cy. The owner has indicated that they intend to obtain a NYSDEC mine permit exemption. The mine permit exemption will require to be confirmed in writing by NYSDEC.
4. A draft hydrant flushing and maintenance agreement is required to be submitted for review.
5. A reclamation bond should be provided by the applicant prior to construction in the event that grading operations cannot be completed within two (2) years. We recommend that a \$150,000 performance bond acceptable to the Town be placed with the Town should the Town have to grade out and revegetate the site.
6. Erosion control blankets are needed on all 1:3 or greater slopes. Consideration should be given to showing their location on the Erosion & Sediment Control Plan.

Regarding the Stormwater Pollution Prevention Plan (SWPPP), we offer the following:

7. The infiltration basin is no longer noted as being a temporary sediment basin during construction. The Erosion and Sediment Control Plan should identify the location of temporary sediment basins which should be designed per the 2016 Blue Book and supporting calculation submitted for review. Provide additional finish grade elevation tags on sheet C141 to define the basin bottoms and crest elevations.
8. The outlet control structure discharge storm sewer outfall is indicated as a 12" FES, but plans do not show the outfall on C141. The outfall must be shown.
9. Infiltration Basins:
 - a. An overflow for the infiltration basin is still required in the event that a storm event exceeds the 100yr design capacity or a lack of maintenance affects the infiltration rate. Sheet C111 shows an overflow weir at "invert =333.00". This will not provide an overflow with the proposed grading shown on C121. An overflow should be shown on the east end of the basin with appropriate downstream splash pad to disperse flow.
 - b. A permanent sediment depth gage, a fixed vertical sediment depth marker should be installed in the fore-bay to measure sediment deposition over time per Design Manual, Section 6.1. On the detail for the gage to be provided, indicate labeling detail required to alert when sediment removal is required.

- c. Soil boring logs/information that indicates the depth of the seasonal high ground water elevations in relation to infiltration and sediment basins. Subsurface logs provided do not include surface elevation. Provide these on revised logs.

10. Appendix 1, Section VII.B:

- a. Clarify if sedimentation basins for infiltration pretreatment are to be used as temporary sedimentation basins during construction. If so additional operation and maintenance requirements and design per the 2016 Blue Book are required. A means of dewatering temporary basins will be required as no discharge to proposed infiltration practices is permissible until upslope areas are stabilized. Indicate on the drawings and SWPPP that the final 18" of infiltration basin shall not be excavated until all upslope areas have been constructed and permanently stabilized.

WATER QUALITY CONTROL-

Puccio moved LaVoie seconded that the **SPECIAL PERMIT** under the Water Quality Control Act - Chapter 223 be granted; for an initial period of eighteen (18) months.

CONDITIONS:

1. This is in the HC Zone and requires a special permit for use in this zone. In addition, a special permit is needed under the Town's Water Quality Control Law.
2. The Town's Water Quality Control Act requires
 - a. All storage of hazardous materials be stored inside in containers less than 60 gallons. The waster oil containers cannot exceed this volume.
 - b. The building floor be impervious and be able to contain all spills. Therefore, the applicant is required to demonstrate that the floor is completely sealed as well as the bottom 4" of the wall. The thresholds of all doorways must be raised to create a berm to contain any spills.
3. We recommend that no storage or automotive service of any kind be permitted outside the garage.

6 Ayes, 0 Noes, Motion carried.

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

Oppose: None

SITE PLAN- APPROVAL

Puccio moved, LaVoie seconded that the following approved site plan be adopted:

Contingent upon the following conditions:

- Laberge letter dated June 14, 2017
- DEC - permit and approvals
- \$10,000 escrow
- \$150,000.00 performance bond for reclamation purposes.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Chairwoman Mayer announced there will be no meeting on July 3, 2017

ADJOURN

Puccio moved, Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:35 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning