

DRAFT

PLANNING BOARD MEETING - NOVEMBER 16, 2020

CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.

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

If you have questions on anything on the agenda

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

518-477-7938 no later than 6pm on 11/16/2020

PRESENT

Denise Mayrer, Chairwoman

Wayne Johnson, P.E.

John LaVoie

Lawrence D'Angelo

Stephany Leonard

Andrew Aubin, P.E.

James Shaughnessy, P.E.

Nadine Fuda, Director

Attorney Craig Crist, Esq.

Richard Laberge, P.E. Planning Board Engineer

Melissa Knights, Assistant to Director

MEMBERS ABSENT

APPROVAL OF MINUTES — OCTOBER 5, 2020

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

6 Ayes. 0 Noes. Motion carried.

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

Abstain: Aubin

PUBLIC COMMENT

Attorney Crist read two e-mails for the record regarding project Anthony Ali.

First e-mail was from Dr. Karrie Moore (see file)

Second e-mail was from Samantha west (see file)

Mrs. Fuda stated the building inspector has been to the site and is in contact with the applicant.

Public Hearing Subdivision/Lot Line

Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Quiet Hill Development, LLC published October 24, 2020
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).

Public Hearing Opened at 7:09 p.m.

Public Hearing Closed at 7:14 p.m.

Quiet Hill Development, LLC
113 County Rt. 7
Proposed - Two lot and lot line

2020-26/RA/R-20/201.2-13.1

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

Mr. Johnson asked if the driveway to the wooden barn on the 1.3 acres going to be abandoned?

Mr. Mueller stated the driveway is going to be part of the white house property.

Mr. Johnson stated so the barn will be off the other gravel driveway.

Mr. Mueller stated yes.

Mr. Johnson stated the remaining lands needs to show the existing acreage and the new acreage.

Mrs. Fuda asked the applicant to have the surveyor add the notes and the change the acreage on the final maps.

Mr. Mueller stated that's fine.

SUBDIVISION / LOT LINE

Aubin moved; Shaughnessy seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

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

7 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Shaughnessy moved; Johnson seconded that the following resolution be adopted:
WHEREAS, a formal application was submitted to the Planning Board on October 19, 2020 for approval of a 2-lot subdivision and lot line entitled, "Quiet Hill Development, LLC", map prepared by: Maser Consulting, dated "October 1, 2020", and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on November 16, 2020 at 7:00 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 Quiet Hill Development, LLC 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.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Anthony Ali

2020-20/RA/191-2-5.111

128 Boyce Road

Proposed - Dog Training/retreat

Mr. Ali was present for this meeting via Zoom.

Mr. Ali spoke about the letter submitted for public comment. The barn was not burned down it was taken down and hauled away on 5 dumpsters, the tin flashing is still there waiting for the next dumpster.

Mr. Aubin asked if there was a demo permit issued for the barn.

Mrs. Fuda stated he has a demo permit for the one item.

Mr. Johnson asked what was burning if the applicant didn't burn the barn down.

Mr. Ali stated his partner and a campfire in the evening after work and the neighbor had come over with a bottle of wine and sat around the fire with them.

Mr. Laberge spoke about his letter dated November 4, 2020 (see below). He spoke about this being a type 1 action due to the disturbance of more than 10 acres.

- A full EAF
- Tonight, what's needed, is to act and vote giving the Director Mrs. Fuda the approval to start the coordinated review letters and get them ready to mail when we receive the full EAF.
- He spoke about numbers 6, 9, 10 & 15 of his letter and needs more information from the engineer.

Mr. Hart stated in respect to the Laberge letter dated November 4, 2020 they do not have any issues and are working to get a response to Laberge and regarding the long form EAF will be submitted later this week, the fuel for heating the building for the dogs will be an outside wood burning stove, if this is now allowed they would have to go with propane, York rake could be higher as to not dig up the ground cover. Aside from that they will work on the balance of the comments and get back to Mr. Laberge.

Mr. Laberge stated he found out that there are some DEC regulations regarding the outside wood burning furnaces, this will have to be investigated further.

Mr. Johnson stated there is no driveway going to the dog training field, is there some access point.

Mr. Hart stated there is no driveway to the training area, the public will not be driving there just the trainers and the dogs will be using this area, mainly ATVs for access to this area.

Mr. Laberge stated that maybe the pathways and the logging roads should be delineated on the plans. And it sounds like all the access to the property other than the drive up to the kennels are for the staff.

Chairperson Mayrer asked if the dogs were going to in residence during their training.

Mr. Ali stated yes, they do stay for a two-week period and then they go home.

Chairperson Mayrer asked how many dogs stay at any given time. And who will be watching the dogs in the evenings.

Mr. Ali stated there is an office area with a cot, but the dogs will mainly be by themselves until the morning staff arrives. There will be cameras through out the area and in with the kennel to keep an eye on the dogs. And within 2 years his partner wants to build a house on site.

Chairperson Mayrer asked where he and his partner live, and how long would it take to get to the site should there be an issue.

Mr. Ali stated his partner is about 5 minutes away and he is about 10 minutes

Mr. Laberge stated to the board a letter was received on September 18, 2020 from Hart Engineering (see File) that has addressed several items from his letter. And their letter stated there will be no more then 18 dogs on site during the day or boarding overnight.

Mr. Ali stated 10 to 15 dogs for training. The staff leaves after 9 or so and are back in the morning. They will have cameras throughout the site as well as inside the kennel.

Mr. Laberge stated if the board agrees he recommends they set a resolution granting the Planning Director Mrs. Fuda to inchoate coordinated review under SEQRA once an exoccipital full EAF has been received.

Johnson moved, LaVoie seconded, giving Planning Director Mrs. Fuda the authority to inchoate coordinated review in transmittal of out lead agency letter once a full EAF has been submitted.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: Shaughnessy

Laberge Letter Dated: November 4, 2020

Preliminary Plan Review

Ali Dog Retreat

SPB # 2020-20

We are in receipt of a site plan last revised 10/23/20 and a letter from Hart Engineering dated 10/22/20 for the above referenced project and offer the following comments:

1. The project requires site plan approval.
2. The project requires a special use permit under zoning as a kennel.
3. The project is in the Direct Discharge Area of the Valatie Kill aquifer and is required to comply with Section 223-6(c) of the Town's Water Quality Control Act (WQCA) but does not require a special permit under this Town law.

4. Rensselaer County Department of Health approval is required for the septic system design and well location.
5. Regarding SEQRA, the tree removal and other proposed facilities, exceeds the 10 acres threshold regarding physical alteration. Per NYSDOS Glossary of Terms - NYSEQRA, vegetation removal is considered physical alteration. As such, the following are required:
 - a. A full Environmental Assessment Form;
 - b. State Historic Preservation Office (SHPO) letter of no effect;
 - c. Verification of Agricultural District Status;
 - d. Other third-party verifications as relevant.
6. The applicant should describe the source of heat for the kennel as they have indicated no fuel storage is being proposed onsite.
7. Regarding the plan submitted, show the following:
 - a. Garbage and recycling area for the standard residential garbage bins;
 - b. Handicap accessible hard surface to building;
 - c. Any foundation landscaping proposal.
8. The Applicant's engineer has indicated a plan showing the tree buffer screening of the kennel building will be submitted. It should be submitted as soon as possible.
9. The Applicant has increased the buffer of the Dog Training Field to the nearest neighbor's property line to the south from approximately 150' to 209' by modifying the shape of the area. It continues to be 100' from the northern property line where there are no adjacent residences. Both the previous and revised Dog Training Fields are rectilinear in nature. The Applicant should consider the possibility of a non-rectilinear area to increase the distance even more on the south to be 300' or more. If there is a need for the area to be rectilinear, the applicant should explain that as well.
10. The Applicant's engineer has indicated that in the Dog Training Field and Dog Area the "clearing to consist of cutting stumps flush with grade, brush hogging, and york raking." If york raking will disturb the soil at any point, it has to be considered "ground disturbance" from an MS4 perspective and would then exceed the threshold of 1 acre, requiring a full SWPPP. As such, the note should be modified to remove york raking or further define that york raking should not touch the soil and disturb it.
11. The plans show two different areas of disturbance on sheets 2 and 3. Please clarify.
12. The plan shows the location of a proposed site light. The plan should also show any proposed building mounted exterior lights and indicate that all lighting will be full cutoff, down lighting.
13. The applicant has indicated that a sign detail is not yet complete. The location of the building mounted sign and detail should be shown in the next submission and indicate whether it will be lit.
14. The dog kennel should show:

- a. The proposed finished floor elevation;
 - b. All entrances and exits;
 - c. Any exterior storage or display areas. If none, a prominent note should be added to the plan that reads "No outdoor storage or display areas are allowed."
15. The plans show fencing around a 30'x50' area adjacent to the kennel. The type of fencing should be indicated with a detail(s).
16. The plans include details for a concrete washout area and topsoil stockpile. The location of these items must be shown on the plan.

We recommend the applicant and their engineer provide the additional written information requested, revisions to the plans, and Full EAF for further review.

Site Plan /Special Permit

Al Clark

2020-24/LB/190.1-6-1

3009 Rt. 150

Proposed - change in Tenancy

Al Clark was present for this meeting via Zoom.

Mrs. Fuda Stated she gave the board Mr. Clarks original special use permit Mr. Clark wants to move his engine repair from his home to 3009 Rt. 150 which he currently uses as a storage area for his parts and other items. In case you are unaware this is the old Curtis Printing building.

Mr. Clark stated he is looking to move his repair business to a building he purchased, he is looking to expand a little and this is a good spot to do it. He hi working with an engineer to get the building up to code

Mr. Johnson asked if this is a different business from what was approved back in 2012 and have you been using the building for actual repair.

Mr. Clark stated no, the building is currently just dry storage, he is just moving from his home to this building.

Mr. Johnson asked if he plans on expanding the building.

Mr. Clark stated no, there is no room to expand.

Type II Action:

Aubin moved; D'Angelo seconded that the Planning Board declares this a TYPE II Action
7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Approval:

Aubin moved; Johnson seconded that the Planning Board Approves this Change in Tenancy
at 3009 Rt. 150

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Kevin Cioffi
950 Rte. 9
Proposed - site Plan Modification

2020-25/HC/220.-3-11

Kevin Cioffi was present for this meeting via Zoom.

Mrs. Fuda stated this is a site plan modification at the B-1 Locket storage facility located by Pilot. He is looking to build 2 more storage units inside the existing fence.

Mr. Cioffi stated the 2 new buildings along the outside of the existing area but still within the fenced in area of his site, they are the same as the existing units.

Mr. Johnson asked how much land will be cleared to put in the buildings.

Mr. Cioffi stated the space is already its already cleared off.

Mr. Johnson stated in looking at the satellite image it looks like the trees go up to the existing buildings.

Mr. Cioffi stated its mainly brush and saplings.

Unlisted Action

Shaughnessy moved; Johnson seconded that the Planning Board declare this to be an Unlisted Action

7 Ayes. 0 Noes. Motion carried.

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

Oppose:

D'Angelo moved; Leonard seconded a **NEGATIVE DECLARATION**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Approval:

Leonard moved, LaVoie seconded that the Planning Board Approve this Site Plan Modification.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Schodack Commons

2020-3/HC1/189.-10-40 /40.12 & 41

1764 Columbia Turnpike

Proposed- Retail, Convenience and Apt.

Steve Hart, Hart Engineering and Kevin Cioffi applicant were present for this meeting via ZOOM.

They are looking to do a new planned development in the town of Schodack. The site is on the corner of Rt. 150 and Columbia Turnpike, they are looking to do commercial and housing units as in apartment buildings with parking and walking trails. (see plans in file)

The applicant went over the site and their plans, including the ingress and egress, parking for the retail and the apartment's, the DOT setbacks and the possible purchase or easement into it. A walking trail behind the apartments.

Mr. Laberge asked about the number of apartments that are being proposed.

Mr. Cioffi stated about apartment 180 units.

Mr. Shaughnessy stated anytime we have something of this magnitude the first thing that he thinks of the available sewer compacity left on our agreement with East Greenbush. We probably don't have enough capacity to support this size of the residential development, but the commercial side he likes what he sees.

Mr. Laberge asked if the apartment buildings could be rearranged leaving smaller areas of parking. with trees and land scaping which would break up the view from Rt. 150 even more. And have you talked to DOT about planting in their right- a-way?

Mr. Johnson asked about the convenient store in the 40-foot setback.

Mr. Cioffi stated they will have to discuss this with DOT along with the tree planting in the Rt. 150 area for the apartments.

Mr. Johnson asked about the grading that is needed for the apartments, how is this going to be done when everything is so close to the property line. you need to maintain a buffer between you and Luster Terrace.

Mr. Cioffi stated your right, they are submitting this for review and will take all comments into consideration.

Mr. Johnson asked if they were looking to get a permit from DOT to do the grading for the parking lot.

Mr. Cioffi stated yes, they will have to get a permit from DOT.

Mr. Shaughnessy stated back to his original thought about the sewer capacity, you might want to consider single family homes mixed with the apartments or decrease the number of apartment buildings to limit the amount of sewer you will need.

Mr. Cioffi stated they could consider it, but it is tough to mix those types of homes.

Mr. Aubin stated his suggestion would be to scale back on the apartments and do something other than a gas station.

Mrs. Leonard stated she agrees with Mr. Aubin she is not favor of the proposed project, it feels very commercialized, she would like to see less apartments and parking spaces, she would like to see more green space, more trees and plantings. She is curious to know what type of retail space your looking to have there, are you looking to have restaurants or something of that sort.

Mr. Cioffi stated the hard part right now with marketing and the type of traffic on Columbia Tpke to get business to think this is a great spot to consider for their business.

Chairperson Mayrer asked about the phasing, what is in the first phase of this proposed project.

Mr. Cioffi stated the commercial would be first.

Mrs. Fuda asked if they had a tenant for the convenient store.

Mr. Cioffi stated not at this time.

Mr. Johnson asked how far long in the process is this do we have to go before it goes to the town board for the PD overlay.

Mr. Laberge stated this board ought to shape this project to where its satisfied with the concept, maybe not the final layout but maybe at least the density and what every the board is concerned about we should shape it enough to be able to say to the town board that we are ok with this project and there is a lot of details to be done but this is how we could potentially approve the project what do you think.

Chairperson Mayrer asked what direction can we the Planning board give to this applicant at this time,

Mr. Laberge recapped a couple of items 1- some issues with the density and the layout, which leads to a revised concept plan, getting all the demarcations are and where the well head protection zone and showing all the information on the new plan.

Mr. Cioffi stated that helps them understand the steps they need to take to the board what they are looking for.

Laberge Letter Dated, February 25, 2020

Permit Requirement Outline

Schodack Commons

SPB No. 2020-03

As requested by the applicant at the February 3, 2020 Planning Board Meeting, we have reviewed the concept plan dated 1/20/2020 to outline the necessary permit requirements that will likely be required.

SEQRA

From what is known about the project at this time, it appears the project would be classified as an Unlisted Action under SEQRA. We would recommend a coordinated review process with the following agencies identified at this time as Involved Agencies as defined by SEQRA:

Agency

Town Board

ZBA

NYSDEC

RCDOH

NYSDOT

Rensselaer County IDA

Approvals

District Extensions (Water and Sewer)

WQCA Variance, Area Variance

NYS Stormwater SPDES, Sewer District Extension, Water Withdrawal Permit Update

Water and Sewer Plans

Work Permit(s)

(if funding assistance is sought through this agency)

We recommend the Planning Board be Lead Agency for this coordinated review process.

PB 11-6-20

204-2020

239m Review

This project will also require coordination with Rensselaer County Planning.

Planning Board Approvals/Actions

The primary action by the Planning Board will be to consider site plan approval. A public hearing for site plan is required. Adjunct to this approval will be the Board's review of environmental impact under SEQRA and a Determination of Significance. The SEQRA process is to be completed by the Planning Board before any other recommendations or approvals are made.

The Planning Board will also have input into two determinations by the Zoning Board of Appeals:

- a) Area Variance for a reduced setback; and
- b) Variance to the Water Quality Control Act (WQCA) for Gas Sales in the Direct Recharge Area and Wellhead Protection Area.

These two determinations are discussed further under ZBA Determinations.

If a variance is granted under the WQCA by the ZBA, the Planning Board will be responsible for issuing a Special Permit under the WQCA which is required to be renewed as determined in the permit. A public hearing is required for this Special Permit, which can be held concurrently with the public hearing for site plan provided the pertinent information is available for each to do so.

ZBA Determinations

Under the current plan, the ZBA will have to consider the two issues above. Public hearings will be required, which can be held concurrently at the ZBA's discretion.

- a) Regarding the area variance for a reduced setback, the ZBA will take into consideration the Planning Board's recommendations of a Favorable, Unfavorable, or No Recommendation when making their determinations.
- b) Regarding the variance to the WQCA for gas sales, the ZBA may only grant said variance after a review and recommendation by the Planning Board per §223-9B which requires the Planning Board review whether the health and safety of the public will be protected and that NYSDEC water quality standards will not be violated by any variance.

Town Board Actions

To our knowledge the parcel is not currently part of either a water or sewer district. As such, separate Map Plan and Reports for each, acceptable to this office and the Town's special district counsel, must be prepared. It is expected that water would be an

extension to Consolidated Water District 101 and sewer would be an extension to Sewer District 6, extension 6. Once deemed acceptable, they are introduced to the Town Board for acceptance, setting of a public hearing on the matter, a subsequent decision on the district extensions, and filing with the NYS Comptroller's office.

Other Approvals

It is recommended that the other involved permitting agencies be contacted early in the process and that their comments be shared with the Town and this office. Other issues such as archeology, wetlands, endangered species should be reviewed early in the process and documentation of same provided with the appropriate submittals.

In addition, fire, police, and emergency medical services should be contacted for input on the concept plan and their comments solicited in writing (email acceptable), if possible.

Other Comments

1. A traffic impact study of some nature will likely be necessary, but we reserve comment on scope until the Planning Board and NYSDOT has further opportunity to understand the project further.
2. There appear to monument signs on the concept plan. Since we have no detail on these, we have not taken them into account in the above comments.
3. High intensity sewer uses may be limited due to current sewer capacity constraints. The Town Board may wish to identify sewer use or cap its use in the extension of the sewer district until additional capacity is available.
4. While not formally adopted into the Town's zoning code, the Town has a Town Center plan with various planning concepts which we recommend the applicant review as they revise their concept plan.
5. In order for the Planning Board to make a SEQRA determination and a possible recommendation on a WQCA variance that a considerable amount of information will need to be developed and presented for review and analysis by the applicant. It is expected that plans and details may need to reach the 75% level and provide detail on items not normally associated with Planning Board site plan approvals.

We trust the above meets the applicant's request for an outline of approvals needed. We caution that while we have attempted to identify the necessary approvals, it is possible others may be needed due to the very conceptual nature of the information provided and changes in project scope, uses, and design.

Site Plan /Special Permit

Hart Mixed Use
56 Old Miller Rd

2020-27/HC/178.-15-6

PB 11-6-20

206-2020

Proposed - Commercial and Apt.

Steve Hart, Hart Engineering was present for this meeting via Zoom,

Mr. Hart went over the concept of a mixed use for this property, stating there are 4 building on the property, the front 2 will have commercial on the first level and residential on the top level, the two buildings in the back are just standard garages. The building on the front left is the existing house and on the back right is an existing garage where there was auto work done. The intent for the existing house is to raise the roof and build apartments and turn the first floor into retail space. And for the back building just recreate the garage, the slab is still there, they propose 2 more buildings the same as what they propose for the existing two structures.

There was discussion on parking, will the garages be for the tenants or other business, driveways existing and new.

After this meeting the applicant decided to pull this concept and just renovate the existing house and garage. Because of this decision the file is closed, and the applicant will submit their plans to the building department for review.

Member Comments

NONE

ADJOURN

LaVoie moved, Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:32 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning