

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 November 16, 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 SCHAUGHNESSY  
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      JOHN MUELLER  
25      ANTHONY ALI

1 AL CLARK  
2 KEVIN CIOFFI  
3 TIM FREITAG  
4 STEVE HART

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1	INDEX	
2	PROCEEDING	PG.#
3		
4	Quiet Hill Development	9
5	113 County Rt. 7	
6	Proposed - Two Lot and Lot Line	
7		
8	Anthony Ali	14
9	128 Boyce Road	
10	Proposed - Dog Training/Retreat	
11	Change in Tenancy	
12		
13	Al Clark	30
14	3009 Rt. 150	
15	Proposed - Change in Tenancy	
16		
17	Kevin Cioffi	33
18	950 Rt. 9	
19	Proposed - Site Plan Modification	
20		
21	Schodack Commons	37
22	1765 Columbia Turnpike	
23	Proposed - Retain, Convenience and Apt.	
24		
25	Hart Mixed Use	63
26	6 Old Miller Road	
27	Proposed - Commercial and Apt.	
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		

1           CHAIRPERSON MAYRER: Okay, it's 7:00 and  
2 we will call the meeting to order.

3           First item on the agenda as the  
4 minutes.

5           MR. JOHNSON: I had minor changes.

6           CHAIRPERSON MAYRER: Anybody else?

7           (There was no response.)

8           Do I have a motion to approve the  
9 minutes?

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

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          MR. AUBIN: I wasn't present, so I will  
19 abstain.

20          CHAIRPERSON MAYRER: Abstain, okay.

21          Second item on the agenda is the period  
22 of public comment. If anyone in the public  
23 out there wishes to make a comment on any  
24 item on the agenda, please text Nadine.

25          MS. FUDA: 518-376-7875.

1           We do have two comments that Craig will  
2           read now on item number four which is  
3           Anthony Ali, dog training/retreat.

4           MR. CRIST: Thank you.

5           This is the first email. This says Dr.  
6           Kelly Martin sent you a text message via  
7           your contact.

8           I am writing as a concerned member of  
9           Boyce Road and would like to call to the  
10          Board's attention the unfolding situation at  
11          the property at 128 Boyce Road.

12          This afternoon I was approached by two  
13          men who responded to an ad Mr. Anthony Ali  
14          posted online advertising free barn beams.  
15          Mr. Ali told the men he could have them free  
16          if they came to remove them. This structural  
17          work was unauthorized through any existing  
18          building permit and the men were not  
19          licensed contractors. The property owner Ms.  
20          Alex Rayner was not on site nor was Mr. Ali.

21          This is gross negligence and engaging  
22          structural work in advance of obtaining a  
23          permit is illegal. This is not the first  
24          instance of negligence and work being  
25          performed without a permit.

1           This summer Ms. Rayner burnt down one  
2       of the existing Barnes in June which was  
3       left burning unattended for several days.  
4       Metal debris from the demolished building  
5       has been left blowing around day and night  
6       for these months since. Additionally, a pile  
7       debris has been blowing alongside of the  
8       principal post and beam barn for over a  
9       month. This is an eyesore of growing rubbish  
10      for those of us who actually live and reside  
11      in the community, which Ms. Rayner and Mr.  
12      Ali do not.

13           It has come to my attention that Ms.  
14      Rayner and Mr. Ali are in the process of  
15      seeking approval for a dog kennel business  
16      on our residential road. These are outsiders  
17      that have purchased property in a  
18      residential zone, clearly having no  
19      commitment to our community. I urge you to  
20      consider the actions of not following  
21      through with proper permissions from the  
22      Town of Schodack and leaving rubbish strewn  
23      across the property for months as indicators  
24      of their character and lack of commitment  
25      and as an endangerment to the ongoing

1 well-being of our community.

2 Thank you for taking time to weigh  
3 these warning signs with the attention and  
4 serious consideration they deserve.

5 This is the second email and this is  
6 from -

7 MR. JOHNSON: Can I interrupt for one  
8 second? Are the applicants able to hear this? I  
9 don't know that everything is on and they are  
10 listening to what's going on.

11 MS. KELLY: They said they can hear. They  
12 can hear us.

13 CHAIRPERSON MAYRER: Can you tell us who  
14 submitted that?

15 MR. CRIST: I believe it was Dr. Carrie  
16 Moore.

17 Here's the second: This is from Tiger  
18 West. It is signed Sam West.

19 Hi, Nadine. My name is Sam West and I  
20 live at 115 Boyce Road. I am writing with  
21 concerns regarding the property across from  
22 mine at 128 Boyce Road. There has been major  
23 construction on the main barn all weekend  
24 which I have watched the inside be  
25 completely gutted. I have seen structure

1 support being removed and being familiar  
2 with that barn, I understand that it puts  
3 the whole structure in grave danger of  
4 collapsing. I am aware of no permit being  
5 submitted for this construction. I want to  
6 make the appropriate committees of the Town  
7 of Schodack aware of the situation  
8 especially, given that I am aware that the  
9 owner of the property has large plans for  
10 the property owner and would like to be  
11 assured that everything being done with the  
12 appropriate permissions from the Town and  
13 the appropriate Codes. Thank you. Sam West.

14 MS. FUDA: I will say on a follow-up that  
15 the Building Inspector went out there and has  
16 been in contact with the owner of the property.  
17 He is handling the building permit side of that  
18 and whatever might be needed on that.

19 MR. ALI: Do I get to speak on this?

20 CHAIRPERSON MAYRER: When you come up, we  
21 will let you speak. We're just going to keep  
22 this moving.

23 Anybody else - any other item on the  
24 agenda?

25 MS. FUDA: Nobody else has contacted me.



1           CHAIRPERSON MAYRER: Okay then we're going  
2           to close the period of public comment.  
3           Excellent.

4           Item number three: public hearing for  
5           Quiet Hill Development.

6           You want to read the notice?

7           MS. FUDA: Please take notice that the  
8           Planning Board of the Town of Schodack will  
9           conduct a public hearing on Monday, November  
10          2nd - which actually turned into November 16th  
11          because I re-noticed it at 7 PM - on the  
12          following: Quiet Hill Development, for a  
13          proposed two lot subdivision and a lot line  
14          located at 113 County Route 7. The zone is RA.  
15          The file is available for review by emailing  
16          nadine.fuda@schodack.org or calling the  
17          Planning office at 518-477-7938. You may email  
18          your comments in on the application, or call in  
19          during the meeting at 518-376-7875 or mail your  
20          comments to Nadine Fuda at the Planning office,  
21          Schodack Town Hall 265 Schuurman Road,  
22          Castleton, New York. You may also come to the  
23          meeting -- I said come to the meeting, but that  
24          obviously has changed -- the meeting in person  
25          on the meeting night at which time all

1 interested parties will be given the  
2 opportunity to be heard.

3 The reason I put that in originally was  
4 because I thought the doors were going to be  
5 open to the applicants and they would be  
6 able to be here. Because of Covid 19, that  
7 changed.

8 CHAIRPERSON MAYRER: Okay, so right now do  
9 we have any member of the public out there that  
10 was going to either text or is online viewing  
11 the meeting and wishes to make comment on this  
12 two lot subdivision and a lot line adjustment?

13 MS. FUDA: Again, you can text your  
14 questions to 518-376-7875.

15 I did not receive anything prior.

16 CHAIRPERSON MAYRER: Members, comments?

17 MR. JOHNSON: Johnson. I had a couple. One  
18 I would like to ask is: Is the driveway that  
19 goes to the wooden barn on the remaining lanes  
20 - is that going to be abandoned? It's on the  
21 new lot - the wood frame dwelling on the 1.3  
22 acre lot?

23 CHAIRPERSON MAYRER: Can the applicant  
24 hear us?

25 MR. MUELLER: The driveway is now going to

1 be a part of the white house property - the  
2 house

3 MR. JOHNSON: So, that is not going to be  
4 your access to the barn? You're just going to  
5 use the other gravel drive?

6 MR. MUELLER: Yes.

7 MR. JOHNSON: Okay. On the map you did a  
8 very good job of showing acreage for all the  
9 parcels except for the remaining acreage of  
10 parcel, two which is the Jones' property -  
11 Timothy Jones' property. You're adding 3,000  
12 square feet.

13 MR. MUELLER: Yes.

14 MR. AUBIN: That's not parcel two. Parcel  
15 two is there (Indicating).

16 MR. JOHNSON: As part of the lot line  
17 adjustment and on the top three list - all the  
18 property owners' names you have the little  
19 circles 1 through 15. Number two is Timothy  
20 Jones and he is acquiring 3,000 square feet to  
21 put his shed and driveway onto his property,  
22 but you don't show what his final acreage is  
23 going to be.

24 MR. MUELLER: I'm not certain why that's  
25 not on there.

1           MR. JOHNSON: It helps when you go to the  
2 clerk- the County Clerk to record the deeds so  
3 they can put the acreage for the properties so  
4 they have the new acreage for the two lots in  
5 the subdivision, but it doesn't have the final  
6 acreage on parcel 2 which is Timothy Jones'.

7           MR. MUELLER: I don't know what that is. I  
8 don't have that.

9           MS. FUDA: You can have your survey or add  
10 that for the final maps.

11          MR. MUELLER: Yes, I can have him do that.  
12 It doesn't say anywhere about that on the map.

13          CHAIRPERSON MAYRER: Anything else,  
14 Members?

15               (There was no response.)

16          Anything else from the public?

17               (There was no response.)

18          I'm going to close the public hearing.

19          Do I have a motion?

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

21          CHAIRPERSON MAYRER: Second?

22          MR. LAVOIE: Second; LaVoie.

23          CHAIRPERSON MAYRER: All in favor?

24               (Ayes were recited.)

25          Opposed?

1 (There were none opposed.)  
2 We have closed the public hearing.  
3 Now going to make the motions.  
4 Do I have a motion for lead agency?  
5 MR. AUBIN: So moved; Aubin.  
6 CHAIRPERSON MAYRER: Second?  
7 MR. SHAUGHNESSY: Shaughnessy; second.  
8 CHAIRPERSON MAYRER: All in favor?  
9 (Ayes were recited.)  
10 Opposed?  
11 (There were none opposed.)  
12 CHAIRPERSON MAYRER: Do I have a motion  
13 for a negative declaration for a two-lot  
14 subdivision with a lot line adjustment.  
15 MR. D'ANGELO: So moved; D'Angelo.  
16 CHAIRPERSON MAYRER: Second?  
17 MR. LAVOIE: Second; LaVoie.  
18 CHAIRPERSON MAYRER: All in favor?  
19 (Ayes were recited.)  
20 Opposed?  
21 (There were none opposed.)  
22 Do I have approval for this two-lot  
23 subdivision and this lot line adjustment?  
24 Do I have that motion?  
25 MR. SHAUGHNESSY: So moved; Shaughnessy.

1 CHAIRPERSON MAYRER: Second?

2 MR. JOHNSON: Johnson; second.

3 CHAIRPERSON MAYRER: All in favor?

4 (Ayes were recited.)

5 Opposed?

6 (There were none opposed.)

7 Okay, you're all done.

8 MR. MUELLER: What do I need to do to get  
9 a new tax ID number.

10 MS. FUDA: The first thing that you are  
11 going to do is give me a call tomorrow in the  
12 office. Then, I will explain to what you need  
13 to do because I need two mylars and two papers  
14 with the corrections requested tonight. Once  
15 the Members sign it, you will take that to  
16 Rensselaer County Health Department and that's  
17 when they will issue you new tax numbers. Just  
18 give me a call tomorrow and we will go over it.

19 MR. MUELLER: Thank you. I appreciate it.

20 CHAIRPERSON MAYRER: Item number 4 Anthony  
21 Ali, Boyce Road, site plan special permit.

22 Okay, Mr. Ali, you're up.

23 MR. ALI: In terms of the dog kennel  
24 project, Steve Hart is here and he's going to  
25 comment about some of the items from Laberge.

1           Just to respond to the letter that came  
2       in, we did have a demo permit to take down  
3       the one barn. There was a couple pieces of  
4       tin there that were left there that were  
5       kind of next to the other barn - if these  
6       are what the ladies are speaking to. But  
7       when I spoke to the Building Inspector this  
8       morning he literally said that's all I  
9       needed to do was get those pieces of tin out  
10      of there.

11          In terms of the internal of the barn  
12      that we were working on, a lot of that has  
13      already been taken out. I did speak to a  
14      structural engineer on that project who Joe  
15      said to get him a letter stamped from the  
16      engineer and affirming that everything that  
17      we are doing is safe. I told him I would do  
18      that. And the wood that is out there is  
19      being taken. Some of the stuff that's in  
20      this barn hasn't been used for many years  
21      and we're just clearing stuff out. It's been  
22      a couple of weeks and there has just been  
23      those pieces of tin that have been out there  
24      has been unsightly. It's all in the works.  
25      It's just a bunch of buildings that haven't

1       been tended to in many years that we are  
2       cleaning out.

3             Other than that, we have been on-site.  
4       My partner left for a couple of hours when  
5       people were in there working that are very  
6       familiar with us and have worked with us  
7       before.

8             The bottom line is that the people  
9       across the street have had problems with  
10      this from the beginning.

11            I was brush hogging some overgrown  
12      grass and they came over and said I was  
13      cutting down a meadow. They've been a thorn  
14      for us from the beginning. I just wanted to  
15      respond on some of those comments that were  
16      made.

17            MR. AUBIN:  So, there was a demo permit  
18      that was issued.

19            MS. FUDA:  He has a demo permit for the  
20      one thing.

21            MR. AUBIN:  When he started the project -  
22      - when he started taking down, he had one.

23            MS. FUDA:  Yes.

24            MR. AUBIN:  Okay.

25            CHAIRPERSON MAYRER:  Why does he need a



1 demo permit for a barn? Isn't that  
2 agricultural?

3 MS. FUDA: Yes and no. You need to take it  
4 off your tax roll assessment.

5 CHAIRPERSON MAYRER: It is still  
6 agricultural. Those barns are full of crap.

7 MS. FUDA: No, I think they're empty now.

8 CHAIRPERSON MAYRER: That's what I mean.  
9 They're giving them a hard time because he is  
10 cleaning it out.

11 MR. AUBIN: That's a separate issue.

12 MS. FUDA: People are snarky. What can I  
13 tell you?

14 CHAIRPERSON MAYRER: They're full of crap  
15 and then you get somebody to clean it out and  
16 that's no good either.

17 MR. JOHNSON: Did he have a permit to burn  
18 down the one barn?

19 MR. ALI: We had five dumpsters there to  
20 take out what was there.

21 MR. JOHNSON: So, what was smoldering for  
22 two days?

23 MS. FUDA: It was brush.

24 MR. ALI: I didn't hear the question.

25 MS. FUDA: Wayne was asking what was

1 burning.

2 MR. ALI: My partner had a couple of camp  
3 fires with friends. The funny thing is that one  
4 of the campfires she had - these ladies came  
5 over and they brought wine over and sat with  
6 her. It was nothing from this barn that was  
7 taken down. We literally had five dumpsters and  
8 hauled it all out.

9 CHAIRPERSON MAYRER: Well, just be careful  
10 if you are going to burn. You have to notify  
11 the Fire Department and you have to get the  
12 permit to do that. If you do have stuff that  
13 you have to burn, you can do it but you have to  
14 schedule it.

15 So, fundamentally where are we at with  
16 this in terms of -

17 MS. FUDA: Rich has the letter.

18 CHAIRPERSON MAYRER: Okay, go ahead.

19 MR. LABERGE: Thank you. So, we received  
20 an application packet with the scaled plan and  
21 also I think even prior to that we received  
22 information, I think, from the engineer  
23 describing the operation in some more detail.  
24 So, we issued another review letter on November  
25 4th calling a preliminary plan review. From

1       that packet we determined the area of  
2       disturbance is going to be more than 10 acres,  
3       so that puts it into a Type I action under  
4       SEQRA. So, number five in our letter talks  
5       about SEQRA and that we will need some  
6       verification of things done in a full EAF  
7       which, I don't think we have received yet.

8               So, tonight I'll go through some more  
9       comments and I think tonight is one  
10      potential action for the Board to consider  
11      is to have the Director do a coordinated  
12      review once an acceptable EAF is received  
13      from the applicant. That's one thing to  
14      consider tonight.

15             I did have a conversation with the  
16      applicant's engineer earlier today because I  
17      still question whether there's going to be  
18      any fuel on-site and that's number six in  
19      our letter. I will ask the applicant to talk  
20      about that momentarily.

21             The rest of our comments - probably  
22      number nine just goes to the shape of the  
23      dog training field. We didn't know if there  
24      was any magic to the rectangular nature of  
25      it. Just to get a little more buffer to the

1 neighbors to the south if there could be  
2 kind of free form or more of a - just a  
3 different shape than a rectangle.

4 On number 10, because we are an MS4  
5 community and we have to worry about  
6 groundwater quality we just wanted to  
7 qualify in number 10 that when we cut trees  
8 to the ground and just leave the stumps -  
9 the applicant had indicated that they were  
10 going to use a York rake. We just need some  
11 clarification if that York rake is  
12 disturbing the soil. A lot of times it does,  
13 but I guess if you raise it up a little  
14 higher you may be able to pull the brush and  
15 crap out of there without disturbing the  
16 soil. We will see what the applicant replies  
17 on that. Ground disturbance over an acre and  
18 again, cutting trees by itself is not ground  
19 disturbance. We just need more definition.

20 I think the other things are fairly  
21 typical to get more information. They did  
22 include a fence adjacent to the kennel  
23 building and that's number 15 in my letter.  
24 We just asked for questions on what kind of  
25 fence in detail. That's really it.

1           I guess with that I will either ask the  
2           applicant or the applicant's engineer to  
3           talk a little bit about those two items that  
4           I brought up for them to talk about. One is  
5           the York rake concept and the other was the  
6           fuel. I will leave it at that for one of  
7           them to answer.

8           MR. HART: Thanks, Rich. This is Steve  
9           Hart.

10          So, Rich and I had some back and forth  
11          today and also the latter part of last week  
12          last week and Anthony Ali and I had a chance  
13          to talk, as well.

14          With respect to the letter, we don't  
15          have anything of concern with what Rich has  
16          pointed out. We are hoping by the end of  
17          this week to have a long form EAF submitted.

18          With respect to the fuel - the planned  
19          method for heating this building would be  
20          with a wood burning stove. Anthony and I  
21          spoke today and it will be like an outdoor  
22          burner that meets Town Code. That would be  
23          the desired method of heating. If that  
24          doesn't work, we will submit a standard  
25          letter for propane heat, if need be. We

1 would rather not go into electric heat  
2 because of the cost of it. Maybe electric  
3 heat would work as a backup if we had a wood  
4 burning stove and we had a baseboard inside.

5 There won't be any 250 gallon fuel  
6 tanks on the side or anything like that. If  
7 an outdoor burning stove will not work, we  
8 will look into a propane tank and will look  
9 how we can discuss that further.

10 With respect to the other comments and  
11 questions on the York rake, I understand  
12 where Rich is coming from. The intent was  
13 never to get our York rake into the ground  
14 and loosen up the dirt. It was to scrape the  
15 debris out of there. Understanding Rich's  
16 concerns, we have no concerns taking that  
17 rate out of the notice that we have on that  
18 plan. We will delete that term out of there.

19 We are planning to address the balance  
20 of these questions on the Laberge letter.  
21 Certainly, we will address any comments the  
22 Planning Board Members had tonight. We will  
23 be happy to address those as well, again, on  
24 the next plan submission.

25 MR. LABERGE: Steve, this is Rich again.

1           I did learn today that there are some  
2   DEC regulations regarding those wood-burning  
3   furnaces. I'm not familiar with them,  
4   myself. I think they are relatively new.  
5   We'll have to check that I will have to  
6   check into the town code as you mentioned.

7           Do you have anything else, Steve?

8           MR. HART: Is there anyone on the Board  
9   familiar with the wood-burning stoves in the  
10   Town? Does anyone know whether they are  
11   permitted or not?

12          CHAIRPERSON MAYRER: Lots of people have  
13   them.

14          MS. FUDA: There are a lot of people who  
15   have them. Recently people have not been  
16   installing them because of the new DEC  
17   regulations. The ones that already there are  
18   grandfathered in from that regulation that they  
19   were installed. There are certain restrictions  
20   on height of the chimney, distance from the  
21   buildings, distance from the road and distance  
22   from other properties. I would just say check  
23   into that to know what that is before you  
24   commit to it.

25          MR. HART: We will look into that.

1           MR. JOHNSON: I have a question; Wayne  
2           Johnson.

3           You don't show a driveway going your  
4           dog training field now. Is there some access  
5           point that should be obvious?

6           MR. HART: Thanks for calling that out,  
7           Wayne. On the last plan we were going to have a  
8           separate road. Honestly, the road is really  
9           following a path that is through there already.  
10          In discussions with Anthony Ali, everybody  
11          would come in to the main area where the kennel  
12          would be. So, that would really be a central  
13          point and then everything else would be  
14          secondary.

15          MR. JOHNSON: So, you're just going to  
16          walk around the kennels after you park and go  
17          to the dog training field? There's not going to  
18          be a separate parking area for people that are  
19          just coming in to use the dog training  
20          facility? You feel that they're going to be  
21          parking in the kennel parking lot?

22          MR. ALI: All the dogs would be with us.  
23          The customers aren't really there so the  
24          trainers would take them and take them to the  
25          training facility and then take them to the



1 field.

2 There's really not a need because  
3 there's actually a lot of previous logging  
4 trails that are throughout this land.  
5 There's a lot of paths that will take us  
6 over to this clear portion that we need.

7 MR. JOHNSON: Does Rich need to see where  
8 that is going to be located?

9 MR. LABERGE: I think the question may be  
10 for me. I think it might be good -- I think  
11 what Wayne is getting at is pedestrian ways and  
12 pathways on-site and to delineate them. I don't  
13 know if there's any ADA requirement for that  
14 since it's more for the staff. This is the  
15 public side meaning the kennel and the driveway  
16 (Indicating) and the business side being  
17 everything else on the other side of the kennel  
18 including the kennel and the dog fields,  
19 etcetera.

20 Steve, what might be good is to enhance  
21 your plan and if you have any plans to  
22 improve these trails that we are discussing  
23 - to show detail for what it is going to be.  
24 Again, there is some ground disturbance on  
25 that so that needs to be calculated in as

1 well.

2 MR. HART: And if I'm hearing the question  
3 right, what we're saying is that the people  
4 coming in that are parking in front of the dog  
5 kennel - but they're actually there for the dog  
6 training fields - we just want to make sure  
7 there's a path or walkway for them to get over  
8 to that. Is that correct?

9 MR. LABERGE: Delineated areas and also  
10 identification of any ground disturbance;  
11 that's correct.

12 MR. HART: Okay, thank you.

13 CHAIRPERSON MAYRER: Just refresh my  
14 memory, how does this work again? Are the dogs  
15 going to be residents there while you're  
16 training them?

17 MR. ALI: Yes. It's a board and train. So,  
18 they do stay there and we work in a two-week  
19 period and then we give them back. In terms of  
20 other customers - we take these dogs in-house  
21 and we train them on our own so there's really  
22 no crossover with the customers and the  
23 process. Even for the dog training field, the  
24 customer never gets out there. It's just our  
25 trainers that have access to that field.

1           CHAIRPERSON MAYRER: And how many dogs at  
2 one time?

3           MR. ALI: We will be in the 10 to 15  
4 range.

5           CHAIRPERSON MAYRER: Who's going to be  
6 there with the dogs - where you living?

7           MR. ALI: It is a boarding facility. We  
8 will have cameras and all that type of stuff.  
9 Within the next couple years my partner just  
10 wants to build a house on site. As of now, it  
11 is a general boarding facility where the dogs  
12 will stay overnight and we have surveillance on  
13 them.

14          CHAIRPERSON MAYRER: How far away are you?

15          MR. ALI: My partner is probably about  
16 five minutes away from the location. I am about  
17 10 minutes from the location.

18          MR. LABERGE: Also, just to remind the  
19 Board, we did receive a letter on September  
20 18th which I think was before the meeting that  
21 they did from Hart Engineering that did go  
22 through a lot of the questions and how the site  
23 worked. I relied on that heavily to be able to  
24 cross off some of our previous comments. Again,  
25 that letter was from Hart Engineering on

1 September 18th.

2 They do state there will be no more  
3 than 18 dogs on-site during the day or  
4 boarding overnight. There is a lot of  
5 information in the letter as to how they  
6 intend to operate. I don't know that you got  
7 that letter in tonight's packet, but in  
8 previous packets we probably had that.

9 MR. ALI: It's very rare for overnight  
10 facilities to have any staff at boarding  
11 facilities. The dogs stay in kennels overnight  
12 and the staff comes early in the morning and  
13 they are there until 8:00 or 9:00 PM at night.

14 CHAIRPERSON MAYRER: Any other questions,  
15 Members?

16 (There was no response.)

17 MR. LABERGE: If the Board so pleases, I  
18 guess we would recommend this Resolution to  
19 have the Planning Director initiate a  
20 coordinated review under SEQRA, once an  
21 acceptable full EAF is received.

22 CHAIRPERSON MAYRER: So, the motion should  
23 say that we want to do a coordinated review?

24 MR. CRIST: Yes, initiate coordinated  
25 review by the transmittal of our lead agency

1 letter.

2 CHAIRPERSON MAYRER: Okay.

3 MR. LAVOIE: Couldn't you, in the  
4 alternative, just wait into you get the EAF and  
5 then make the motion?

6 MR. CRIST: That's possible, too. That's  
7 one of the things we were talking about is now  
8 we have the meetings every month so in the  
9 interim, that's a Board decision.

10 That is something that I do want to  
11 make clear for the record. That FEAF is  
12 required. The Board is making clear that  
13 this is not complete until we get that.

14 MS. FUDA: And all I would do is get  
15 everything prepared once I get the preliminary  
16 app - I could send it out. Otherwise, we're  
17 looking at January before getting the letters  
18 out, if you wait until the next meeting for the  
19 Resolution.

20 CHAIRPERSON MAYRER: It's up to you guys.

21 MS. FUDA: And then they have to take 30  
22 days.

23 CHAIRPERSON MAYRER: Okay, so that's the  
24 motion for the Board to see coordinated review.

25 Do I have that motion?

1 MR. AUBIN: I'll make that motion.

2 MR. LAVOIE: Second; LaVoie.

3 CHAIRPERSON MAYRER: All in favor?

4 MS. LEONARD: Aye.

5 CHAIRPERSON MAYRER: Aye.

6 MR. JOHNSON: Aye.

7 MR. AUBIN: Aye.

8 MR. LAVOIE: Aye.

9 MR. D'ANGELO: Aye.

10 MR. SHAUGHNESSY: I vote no.

11 CHAIRPERSON MAYRER: Okay.

12 So, that's it for now.

13 MR. HART: Okay, thank you.

14 MR. ALI: Thank you.

15 CHAIRPERSON MAYRER: Mr. Clark, are you

16 there?

17 MR. CLARK: Yes, I can hear you.

18 CHAIRPERSON MAYRER: Proposed change in

19 tenancy, Route 150.

20 MS. FUDA: So, I put in your packet Mr.

21 Clark's original special use permit. He is

22 moving from his house to his present storage

23 unit on 150 which is the old Curtis Printing. I

24 think everybody knows that building. So, you

25 can take it from here.

1           MR. CLARK: So, the time is come to expand  
2           our business a little bit. The location on 150  
3           seem to be the ideal spot for it. So, we are  
4           working with an engineer to get some stamped  
5           plans to renovate the building. Essentially, I  
6           will move my home business up the street and  
7           operate my business from there.

8           CHAIRPERSON MAYRER: What's your home  
9           business?

10          MS. FUDA: He's repairing antique cars -  
11          antique auto engine rebuilds.

12          CHAIRPERSON MAYRER: So, the building is  
13          in disrepair. You know that.

14          MS. FUDA: Yes, he owns that.

15          CHAIRPERSON MAYRER: I pass it 100 times a  
16          day. It needs work.

17          MS. FUDA: He's getting an engineer to do  
18          that.

19          MR. JOHNSON: We have a page that shows  
20          the minutes of the meeting. I think it was in  
21          2012 when this was approved. I think it was  
22          approved as an antique auto engine rebuilding.  
23          Is there a difference now from what you are  
24          doing in 2012?

25          MR. CLARK: There's no difference in the

1 business that I'm doing. Essentially it's an  
2 automotive machine shop type work - engine  
3 rebuilding.

4 MR. JOHNSON: Were you actually using it  
5 for engine repair after 2012, or just for  
6 storage?

7 MR. CLARK: No, it's just been dry  
8 storage. I've expanded my business a little  
9 bit. All the other commercially zoned places  
10 that I've been looking at are just out of sight  
11 pricewise and unattainable. I figured it was  
12 already in a commercial location, why not  
13 repair the building and move everything up  
14 there?

15 MR. JOHNSON: But you don't propose to  
16 expand the building at all.

17 MR. CLARK: No, I do not. There is no room  
18 to expand. It's a very small lot.

19 MR. JOHNSON: Thank you.

20 CHAIRPERSON MAYRER: Okay, do I have a  
21 motion to approve a change in tenancy -- we  
22 want to do the Type II action first?

23 MS. FUDA: Yes.

24 CHAIRPERSON MAYRER: Do I have a motion  
25 for Type II action?



1 MR. AUBIN: So moved; Aubin.

2 CHAIRPERSON MAYRER: Second?

3 MR. D'ANGELO: Second; DeAngelo.

4 CHAIRPERSON MAYRER: All those in favor?

5 (Ayes were recited.)

6 Opposed?

7 (There were none opposed.)

8 Okay, do I have a motion to approve the  
9 change in tendency?

10 MR. AUBIN: So moved; Aubin.

11 CHAIRPERSON MAYRER: Second?

12 MR. LAVOIE: Second; LaVoie.

13 CHAIRPERSON MAYRER: All those in favor?

14 (Ayes were recited.)

15 Opposed?

16 (There were none opposed.)

17 Okay, you're all set. Thank you.

18 Kevin Cioffi, Route 9, site plan  
19 modification.

20 MS. FUDA: This is down past Pilot. This  
21 is an existing site where he wants to add two  
22 new buildings inside the fenced in area.

23 CHAIRPERSON MAYRER: These are modular  
24 storage? What are we doing here?

25 MS. FUDA: Yes.

1           CHAIRPERSON MAYRER: Kevin, do you want to  
2 tell us a little bit about the new buildings.

3           MR. CIOFFI: Yes, there are just two  
4 buildings along the outside of my existing  
5 facility. It is in front of the fenced in area.  
6 It will fit the same motif as the rest of them.  
7 It is just basically adding some more storage  
8 of traditional styles. Existing driveways will  
9 be used. Existing drainage - everything is  
10 pretty standard there.

11          CHAIRPERSON MAYRER: What type of  
12 construction will be of these buildings? I see  
13 you have modular buildings over here  
14 (Indicating). What are these going to be?

15          MR. CIOFFI: We're having a tough time  
16 hearing you.

17          MS. FUDA: Kevin, what is the construction  
18 of the buildings? Are they modular buildings?

19          MR. CIOFFI: It will be a slab with steel  
20 construction.

21          CHAIRPERSON MAYRER: Okay.

22          MR. JOHNSON: How much acreage is going to  
23 be cleared to put in the buildings?

24          MR. CIOFFI: No more than what exists.  
25 There's already that space there on the sides

1 of the existing footprint.

2 MR. JOHNSON: From looking at the  
3 satellite picture on my phone, it looks like  
4 the trees run right up to the existing  
5 building. So, are you going to move trees?

6 MR. CIOFFI: There some saplings and brush  
7 there, but there are no big trees at that point  
8 until you go up the hill further.

9 CHAIRPERSON MAYRER: What else do we need  
10 here? This is a Type II, right?

11 MR. CRIST: Rich and I were just speaking  
12 and we think it's probably best and it's  
13 probably better to err on the side of unlisted  
14 here. We were doing the computations here and  
15 we thought it's probably unlisted.

16 CHAIRPERSON MAYRER: Are we doing anything  
17 from engineering?

18 MR. LABERGE: I don't know. That's at the  
19 Board's discretion.

20 CHAIRPERSON MAYRER: Okay Members, would  
21 you like to send this to engineering or just  
22 approve it?

23 MS. FUDA: This is a minor modification.

24 CHAIRPERSON MAYRER: I need a motion for  
25 an unlisted action. Do I have that motion?

1 MR. SHAUGHNESSY: So moved; Shaughnessy.

2 CHAIRPERSON MAYRER: Second.

3 MR. JOHNSON: Second; Johnson.

4 CHAIRPERSON MAYRER: All those in favor?

5 (Ayes were recited.)

6 Opposed?

7 (There were none opposed.)

8 Okay, do I have a motion to approve the  
9 site plan modification for two new storage  
10 buildings on the current site?

11 MS. LEONARD: So moved; Leonard.

12 CHAIRPERSON MAYRER: Second?

13 MR. CRIST: Wait, did we do a negative  
14 declaration?

15 CHAIRPERSON MAYRER: You need a negative  
16 declaration?

17 MR. CRIST: Yes, since it is unlisted.

18 CHAIRPERSON MAYRER: Do I have a negative  
19 declaration based on the submission? Motion?

20 MR. LAVOIE: So moved; LaVoie.

21 CHAIRPERSON MAYRER: Second?

22 MS. LEONARD: Second; Leonard

23 CHAIRPERSON MAYRER: All those in favor?

24 (Ayes were recited.)

25 Opposed?

1 (There were none opposed.)

2 Do I have a motion to approve the site  
3 plan modification for the two new storage  
4 buildings? They said it does have to come  
5 back in anyway. So, that's not a problem.

6 Motion to approve?

7 MS. LEONARD: Motion.

8 CHAIRPERSON MAYRER: Second?

9 MR. LAVOIE: Second; LaVoie.

10 CHAIRPERSON MAYRER: All those in favor?

11 (Ayes were recited.)

12 Opposed?

13 (There were none opposed.)

14 Okay you got it. You got your  
15 buildings.

16 Item 7 - Schodack Commons. retail  
17 convenience and apartments.

18 All right, tell me what this is.

19 MR. CIOFFI: I'm going to have Tim from  
20 Bohler talk on this.

21 MR. FREITAG: This is Tim Freitag from  
22 Bohler and we did the engineering. I'm here  
23 with Kevin and Mike.

24 We're looking for a new plan  
25 development opportunity here in the Town of

1 Schodack. We hope this will help in the  
2 housing demand and expand the commercial tax  
3 base here in Town.

4 Tonight we are hoping to receive some  
5 feedback on the application and outline the  
6 design requirements before we dive further  
7 into any engineering review. We can talk  
8 about SEQRA a little bit. Again, this is to  
9 just get feedback this evening that could  
10 also help support the applicant on the  
11 layout and marketing and tenants for the  
12 project.

13 The project is at the intersection of  
14 Route 9 and 20 and 150. It's an existing  
15 14.5-acre project site at the signalized  
16 intersection corner - the northwest corner.  
17 It lies within the HC1 zoning district as  
18 well as the wetland protection area.

19 The site is out front along Columbia  
20 Turnpike and currently abuts two  
21 single-family houses as well as a contractor  
22 supply building with a couple of storage  
23 barns on the site. Those would be proposed  
24 to be removed and demolished.

25 The site is currently supplied by

1       utilities, water and septic on-sites. There  
2       is access from Columbia Road and Schodack  
3       Valley. That would be improved as part of  
4       the project.

5             The site is a very challenging site  
6       when it comes to topography. That is being  
7       considered as we continue engineering the  
8       parcel, there are variations of the  
9       topography across the site and even in the  
10      back as Schodack Valley continues, there's  
11      about a 30 foot break differential in the  
12      back of the site to Schodack Valley Road.

13            Proposed conditions: We are proposing a  
14      mixed-use development with both commercial  
15      and residential uses. As I mentioned, we are  
16      in the HC1 zoning district. A variation of  
17      commercial uses are allowed within this  
18      zoning district. However, residential use is  
19      not. That's why we are here in pursuit of a  
20      planned development for this mixed-use site.

21            It's very difficult to gain access for  
22      the commercial tenants for the rear portion  
23      of this property. The western portion lies  
24      well off of Columbia Turnpike where  
25      commercial uses tend to flock towards.

1           There are some neighboring properties  
2           that are available for commercial expansion  
3           along this corridor.

4           So, the applicants are isolating the  
5           commercial development up front along  
6           Columbia Turnpike. Although Schodack Valley  
7           Road doesn't really have the traffic  
8           generation to support the commercial  
9           development. So, the applicant is making the  
10          best use of the rear of the site for  
11          residential units.

12          The property to the north is currently  
13          zoned RMF and supports this type of  
14          residential proposal. This project, we  
15          believe, is generally be in harmony with the  
16          surrounding neighboring properties.

17          To the south and the east lie planned  
18          development districts, as well.

19          The applicant would propose a phased  
20          development. There would be commercial  
21          development upfront along Columbia Turnpike  
22          and work into the west for the residential  
23          development.

24          I have a site plan that I would like to  
25          bring up on the screen and I think that it



1 would help the Board through the actual site  
2 plan layout of the site.

3 So, the property on the eastern portion  
4 of the site - we have our commercial  
5 development. We are proposing a convenience  
6 store with gas station use up in the  
7 southeast corner of the property as well as  
8 a retail/bank/potential restaurant with a  
9 drive-through development in the northeast  
10 corner. These are two of your users that  
11 really demand pass-by patrons along Columbia  
12 Turnpike to really get our customers off of  
13 the road and into these type of uses.

14 As you travel west through the site,  
15 you see our first mixed-use building up here  
16 (Indicating). It's a little less than a  
17 20,000 square foot footprint. We have first  
18 floor commercial space proposed. This will  
19 be retail and a gym to support the  
20 apartments and maybe some office. It will be  
21 based on tenant demands and needs, once we  
22 find some tenants.

23 As you travel further west you will see  
24 the proposed apartments way out on the site.

25 You will notice the layout of the

1       apartments. You will notice that the parking  
2       is situated on the southern side of the  
3       property up along Schodack Valley Road and  
4       the building is positioned on the north.  
5       This supports some of the topography  
6       challenges that we face on-site and it also  
7       allows us to protect some open space on the  
8       north side of the proposed buildings -  
9       something like a nature path up along the  
10      vegetation buffer. It also helps shield the  
11      activity and the noise that comes with  
12      parking lots to the residential uses and  
13      properties to the north.

14             Here you can see we are maintaining a  
15      pretty substantial vegetation buffer to  
16      those neighboring properties (Indicating), a  
17      nature trail and walk path into some of the  
18      protected open space and the units on that  
19      side of the building will have some nice  
20      apartment windows up along some natural  
21      landscape.

22             This parking lot does look kind of up  
23      next to the property line here, Schodack  
24      Valley Road, we've got an exceptionally wide  
25      driveway for New York State DOT. This lies

1 in the southwestern corner of the property  
2 and the grade differential drops. There's  
3 about 20 or 30 feet of slopes in this area.  
4 It levels off up here (Indicating). So, this  
5 strip of right-of-way really has no other  
6 use besides a natural landscape buffer  
7 between the road and our property that we  
8 will be able to maintain.

9 From an engineering standpoint, the  
10 stormwater will be collected and treated in  
11 a network of management practices here  
12 throughout the site. There will be extra  
13 precautions taken with any type of fuel  
14 service use up in the southeast corner,  
15 since we do lie within this overlay  
16 district. So, we treated it as a hotspot.

17 We have an opportunity to do  
18 double-lined storage tanks and other  
19 enhancements to protect the aquifer in this  
20 district.

21 Utilities will connect to public  
22 electric and gas. We will also need to  
23 extend the water and sewer to the site.  
24 Public utilities lie kitty-corner to the  
25 site across Columbia Turnpike. We could

1 extend those initial services to our side of  
2 Columbia Turnpike and connect to our  
3 development.

4 From an access standpoint, we are  
5 maintaining access to both Schodack Valley  
6 Road and Columbia Turnpike. We consolidated  
7 it along Columbia Turnpike. This provides  
8 better traffic mitigation and have the  
9 ingress and egress here with one shared  
10 access drive. It's really going to be a main  
11 artery into this mixed-use development.  
12 Isolating vehicles also to one access drive,  
13 it could be overwhelming so we are providing  
14 relief access to Schodack Valley Road as  
15 well. The existing access drive right along  
16 Columbia Turnpike is much closer to the  
17 signalized intersection, so we will be  
18 providing further separation from the signal  
19 to help mitigate any impacts from this  
20 development.

21 New York State DOT will only be  
22 involved for permitting the access drives  
23 and any work up along Columbia Turnpike as  
24 well as Schodack Valley Road. Both lie  
25 within the New York State DOT jurisdiction.

1           From an environmental standpoint  
2           there's wetlands that are designated on the  
3           map of the property; no rare species or  
4           habitat; we don't lie within a floodplain.  
5           We would just have to work through any  
6           protective measures for the primary aquifer  
7           here (Indicating).

8           We will be developing about eight acres  
9           of the 14 1/2 acres. That's about 55% of the  
10          site that is proposed to be developed for  
11          this project. That leaves 40% to 45% as open  
12          green space. Noting compliance of the  
13          planning district requirements of 35%, we  
14          exceed the minimum requirements for the  
15          planned district.

16          In summary, the applicant is pursuing  
17          this planned development district to support  
18          this mixed-use project. We are here to  
19          conceptually review this concept and seek  
20          whatever feedback the Board may have.

21          At this time, I will turn it back over  
22          to the Chairperson for any questions.

23                 CHAIRPERSON MAYRER: Okay. This is  
24                 ambitious.

25                 MR. LABERGE: This is Rich Laberge. I

1       guess one question - I'm not clear as to the  
2       number of apartments that are being proposed.

3               CHAIRPERSON MAYRER:  It looked to be four  
4       stories and four units.

5               MR. FREITAG:  So, the total parking amount  
6       based on the units and the convenience store  
7       out front, we have 52 spaces. For retail, 35  
8       spaces. For the commercial we have 57 spaces  
9       and back where the apartments are - we have a  
10      total of 168 spaces. This allows to back into  
11      how many units could be sustained from just an  
12      overlay of how many parking spaces we can get,  
13      based on that demand. We're probably 180 units  
14      for apartments.

15              MR. LABERGE:  Thank you.

16              MR. SHAUGHNESSY:  Anytime we see a  
17      proposal of this magnitude the first thing that  
18      jumps into my head is the available sewer  
19      capacity left on our agreement with East  
20      Greenbush. That always sort of gives me a  
21      suspicion that we probably don't have enough  
22      capacity to support the size of the  
23      development. That's just my initial reaction on  
24      the residential side.

25              On the commercial side, like what I

1       see. I think it's a good idea.

2               CHAIRPERSON MAYRER: What's the average  
3       square footage on the apartments? Each unit -  
4       what is it? 1,000 square feet?

5               MR. FREITAG: The convenience store is  
6       about 5,000 square feet.

7               CHAIRPERSON MAYRER: No, the apartments.

8               MS. FUDA: What size are the apartments  
9       per square foot?

10              MR. FREITAG: You have a mixed development  
11       of 1,200 units here ranging between 1,100 and  
12       1,500 square feet. That's an estimated  
13       approximate building size. You've got 13,500  
14       square feet. This is 40 units at four stories.  
15       So, it's 10 units per floor. That would be  
16       1,300 square feet per unit, minus common area  
17       and corridors.

18              MR. LABERGE: This is Rich Laberge again.  
19       In terms of layout, you talk about topographic  
20       challenges and also this is a highly visible  
21       site from 150 as you look down into this.  
22       That's quite a large area of asphalt. Could the  
23       buildings be moved around to break the site up?  
24       What I'm really thinking of is putting some of  
25       the buildings in the back like you have them,

1 but moving one or two of the buildings towards  
2 the road and then having kind of an essential  
3 drive and having smaller areas of parking that  
4 are trees and landscaping that would be broken  
5 up even further.

6 Additionally, have you consider talking  
7 to DOT about planting in their right-of-way?  
8 I'm not sure how they feel about that, but  
9 the brush line that is shown is not much a  
10 brush line. Again, it's because you look  
11 down over it so much.

12 Can you talk about those types of  
13 things - about what kind of flexibility you  
14 have on the residential portion?

15 MR. FREITAG: Yes, I think we have some  
16 flexibility to take a look at that. The main  
17 goal of using this was to help buffer any noise  
18 impacts or activity to the residential  
19 district. The homes up here in this area are  
20 residential uses (Indicating). We were going to  
21 use the buildings to help shield that with the  
22 parking up along Schodack Valley Road. It also  
23 provides this nice isolated open space for  
24 users who live in these units. We could look at  
25 positioning a building up here where the



1 parking would go on this side. Maybe there is  
2 balance. Traffic flow would have to be  
3 reviewed. We don't want to get into the  
4 situation where traffic is going to be making  
5 messes and people are walking across those  
6 access drives to get to this open space.

7 To your point, maybe there is an  
8 opportunity to talk with DOT and provide  
9 some buffering within the right-of-way here.  
10 The applicant is not opposed to that, but  
11 you know DOT - they're not very friendly  
12 when it comes to making landscaping  
13 improvements in their right-of-way. But  
14 here, that would leave the situation with  
15 over 100 feet available for some softening  
16 of the elements here. They could certainly  
17 be looked into.

18 MR. LABERGE: Speaking of DOT, there have  
19 been past projects on the opposite side of the  
20 road that have had some sight distance issues  
21 between what is labeled as asphalt and pull-off  
22 into this property and the light. So, I don't  
23 know if you have checked into that the location  
24 of these two site accesses off of 150, but that  
25 could be a concern given the speeds and that

1 crest hill - vertical crest curve there. It's  
2 just something to be checked and brought into  
3 the concept planning.

4 We already talked about wastewater as a  
5 concern. The aquifer law obviously needs to  
6 be adhered to. Again, you said you were in  
7 the wellhead protection area there on the  
8 corner?

9 MR. FREITAG: We are; that's correct.

10 MR. LABERGE: So, those are my super  
11 technical questions. I don't know if the Board  
12 has any comments like my idea of building  
13 layouts and how the building lays out and such.

14 MR. JOHNSON: Wayne Johnson. I have a  
15 couple of questions.

16 Why is your convenience store within  
17 the 40 foot front yard setback?

18 MR. FREITAG: So, this is our convenience  
19 store layout here (Indicating). We added the  
20 setbacks on this plan that are required as part  
21 of the AC development, but we are here tonight  
22 with this development that's going to sort of  
23 outline the design parameters for the layout of  
24 this mixed-used development. While considering  
25 the shared access and the opportunities for

1 additional commercial development in this area,  
2 we positioned our building and we are a bit  
3 closer to this property line which would  
4 typically adhere to a 40-foot setback. Here  
5 again you have a very wide roadway out below  
6 New York State DOT that provides the buffer to  
7 the road and to the site. So, this is the area  
8 of encroachment that would typically require a  
9 variance, but in this case it would be grouped  
10 to the plan. So, this is the encroachment. We  
11 are on the frontage of Columbia Turnpike where  
12 it is normally much closer to the road which  
13 makes the setbacks even closer and it is  
14 actually on the side. So, this encroachment was  
15 not believed to be impactful for building  
16 setback that would be a safety issue. This  
17 relief is being sought by the applicant.

18 MR. JOHNSON: Second question: Toward the  
19 west and south the buildings are fairly close  
20 to the property line. I don't know how you're  
21 going to be able to do it with the grading that  
22 you are proposing and be able to maintain some  
23 sort of a buffer between your proposal and  
24 [sic] Lauster Terrace.

25 MR. FREITAG: Correct me if I'm wrong, but

1       you are referring to this area on the north  
2       sides of the buildings (Indicating)?

3               MR. JOHNSON: Right.

4               MR. FREITAG: You're absolutely right.  
5       This site is certainly challenging from a  
6       topography standpoint. Once we put everything  
7       into a conceptual layout and see what feedback  
8       we get from the Board this evening, we will be  
9       able to take this to the next step as far as an  
10      engineering review goes and Luster assess those  
11      grading impacts. We may get into a situation  
12      where the back of these buildings have a decent  
13      amount of exposed foundation. That would give  
14      us a next step as far as grading and  
15      engineering goes.

16              MR. JOHNSON: On the east side of the  
17      property where the parking is located within  
18      five feet of the DOT right-of-way, how do you  
19      propose to do all that grading and paving  
20      without actually getting into the DOT  
21      right-of-way? Do you expect DOT to give you a  
22      permit to do grading?

23              MR. FREITAG: So, in this case -

24              MR. JOHNSON: I'm talking about in front  
25      of the apartment buildings on Route 150.

1       There's a stretch of parking is within five  
2       feet of the right-of-way line.

3               MR. FREITAG:  So, we would seek grading  
4       permits that we will need from DOT as part of  
5       the project for our access and the parking.

6               MR. JOHNSON:  So, when you apply for that  
7       grading, are you going to apply for planting of  
8       buffers, trees and whatever to create buffers?

9               MR. FREITAG:  We can investigate it and we  
10      certainly can.

11              MR. JOHNSON:  That should be looked into.  
12      Thank you.

13              MR. SHAUGHNESSY:  Just a follow-up on my  
14      previous comment about sewer capacity: I'm not  
15      sure whether you would want to consider this or  
16      not, but I'm not sure the area lends itself to  
17      single-family homes but that's another option  
18      to maybe mix that in with the proposed  
19      apartments or make them all single-family homes  
20      if you want to develop something and get some  
21      kind of a property development there. It may  
22      not coincide well and attract a large amount of  
23      customers with respect to the commercial space,  
24      but it could help with the sewer issue. It  
25      might be something just to consider.

1           MR. FREITAG: We could consider that. It  
2           is tough to mix those kinds of uses -  
3           single-family homes with this apartment style.  
4           This would be kind of more challenging to  
5           market on this property.

6           CHAIRPERSON MAYRER: Okay, anybody else?  
7           (There was no response.)

8           MR. CIOFFI: Any other feedback for this  
9           conceptual layout - we want to get as much  
10          feedback as possible. The feedback we have  
11          gotten has been great. Any feedback would be  
12          great to fine-tune this layout, so that we  
13          could go to the next level of engineering to  
14          make sure this is actually feasible on this  
15          land. Feedback now is going to help us  
16          incorporate those changes to for the next step.

17          MR. AUBIN: My suggestion would be to  
18          scale the apartments back a little bit and do  
19          something other than the gas station.

20          MS. LEONARD: This is Stephanie Leonard  
21          and I would have to agree. I don't think I'm  
22          feeling warm and fuzzy on this. I think this  
23          feels very commercialized and very industrial.  
24          I would like to see less apartments, less  
25          parking spaces and more green spaces, more

1 plants and more trees.

2 I'm curious to know what kind of retail  
3 space you're looking to have there. Are we  
4 talking eateries? I don't see anything on  
5 here as far as restaurants go.

6 MR. FREITAG: That's the hard part right  
7 now in terms of marketing in finding those  
8 entities. Kevin and his team are trying to get  
9 the layout so that we can partner with the Town  
10 supports to go and find those types of uses and  
11 tenants for this facility. If there is a  
12 restaurant proposed for this area, we will need  
13 to put a little bit more effort into trying to  
14 find that tenant. Here, the pad site is up  
15 front are uses that capitalize on the traffic  
16 on Columbia Turnpike. That's going to be the  
17 restaurants, the banks and the convenience  
18 stores.

19 Per the map with the mixed-use  
20 buildings, this would provide more of an  
21 opportunity for this type of retail; window  
22 shopping and uses that support the  
23 apartments or gym or office space. So, we  
24 are looking to generally get the layout  
25 accepted and have an idea of what's in the

1 Town's best interest for development to go  
2 out and really market those uses.

3 CHAIRPERSON MAYRER: Well, in  
4 consideration of all the comments, I think one  
5 of the first things that you will have to do is  
6 find out if you can even put that there based  
7 on your disposal demands. That may dictate that  
8 you scale back the project considerably because  
9 we have limited capacity left. So, that would  
10 be the first thing you would have to do with  
11 engineering about that.

12 MR. FREITAG: So, generally there's not  
13 enough capacity to support residential uses,  
14 based on a preliminary conversation with  
15 Laberge. So, it would be a phased approach  
16 here.

17 CHAIRPERSON MAYRER: If they're not going  
18 increase the capacity, what is the phasing  
19 going to do?

20 MR. FREITAG: So, there would be a phased  
21 approach here to back into what we are  
22 developing now, based on the sewer capacity and  
23 continue to grow the Town's infrastructure.

24 CHAIRPERSON MAYRER: So, you're going to  
25 present to engineering with what the phasing



1 looks like and again all the other details that  
2 they would need? You're talking about Phase I.  
3 Would that be building one?

4 MS. FUDA: What is your phasing - she's  
5 asking. Will it be the retail, or the  
6 apartments first?

7 MR. CIOFFI: We would start with the  
8 commercial. We really want to capitalize on  
9 Columbia Turnpike.

10 MS. FUDA: Do you have a tenant for the  
11 convenience store?

12 MR. CIOFFI: There are no tenants at this  
13 time.

14 MR. JOHNSON: How far along in the process  
15 - this is a question for Rich. How far along in  
16 the process would we have to go before it goes  
17 to the Town Board for a PDD?

18 MR. LABERGE: Wayne, I think this Board  
19 ought to shape the project to where it is  
20 satisfied with the concept - maybe not the  
21 final layout, but at least the density and  
22 whatever you're concerned about - this Board  
23 ought to shape it enough to say to the Town  
24 Board we are okay with this project. There's a  
25 lot of details to be done, but this is how we

1       could potentially approve the project, what do  
2       you think? It is at their discretion so I heard  
3       some comments about density and if you can get  
4       them to where you're comfortable, the Board  
5       could take that as it is, or reduce it further  
6       or totally just say we don't think that's the  
7       right thing for this. So, it is totally their  
8       discretion.

9               But to answer your question, I think  
10       that's really the idea for you to flush out  
11       enough here and get it the way the Board  
12       would be satisfied with it. So, that may  
13       take another concept plan or two. The other  
14       issues - just kind of going to process, the  
15       applicant's engineer mentioned the SEQRA.  
16       We've got to identify where we are with  
17       SEQRA, but I'm assuming that this Board  
18       would act as lead agency under SEQRA for  
19       this project.

20              We talked about wastewater. I don't  
21       believe this is in a sewer district so again  
22       that is a discretionary question to the Town  
23       Board. It's probably the same with water. I  
24       don't think it's in a water district. I'm  
25       not sure, but we can check on that. There's

1       also the issue of the Water Quality Control  
2       Act and what approvals that may need. I  
3       don't know if that involves any other boards  
4       beside the Planning Board. So, there's lots  
5       of things to kind of chart out here, but to  
6       go back to your base question, I think this  
7       Board ought to get it to where you would be  
8       comfortable with proceeding, should the Town  
9       Board also feel comfortable with proceeding.  
10      Otherwise why send them something you don't  
11      like? Unless they intervene and tell you we  
12      really like that plan, then you guys can  
13      fight it out after the meetings.

14           MR. JOHNSON: We should also be looking at  
15      it as to where the Town Board is going to  
16      prefer the sewers. Right now would they extend  
17      the district and approve it for the 300 and  
18      whatever units we came up with. We shouldn't  
19      even be thinking about this number of  
20      apartments. Can we get an answer from the Town  
21      Board before we know anything about those  
22      numbers?

23           MR. LABERGE: I think, again, to have  
24      discussions and get some indications, I don't  
25      think the Town Board - until it's approved,

1       it's not approved. Unfortunately, with these  
2       types of projects they take some time to  
3       approve. Boards change or sometimes they change  
4       their minds. They could give us some basic  
5       guidance as to whether they would accept this  
6       in a phased situation and then it becomes kind  
7       of a tricky situation of how you phase that.  
8       This is two parcels now. I don't know if it  
9       intends to ever be combined. In this Town once  
10      a portion of the property is in a district,  
11      generally the whole portion of the project is  
12      in the district so they're would have to be  
13      some type of conditions on the approvals or  
14      wrapped into SEQRA maybe. There's a lot of  
15      intertwining's that I haven't thought through  
16      yet and that would be my esteemed Planning  
17      Board counsel.

18           MR. CRIST: The SEQRA process incorporates  
19      many different factors; environmental factors -  
20      factors such as economic factors and whether  
21      there is a need for things and so forth - many  
22      things. I think where we're doing today is  
23      attacking this with a broad brush to talk about  
24      this project in concept.

25           CHAIRPERSON MAYRER: So, the attempt to

1 give him some direction for next steps - what  
2 are we thinking?

3 MR. LABERGE: I guess Chairwoman, I will  
4 just recap a couple of things I heard; some  
5 issues about the density and the layout. I  
6 think that kind of goes to a revised concept  
7 plan. Getting all the demarcations about  
8 phasing and where the well protection zone and  
9 showing all that type of information on the  
10 plan is good. Starting to get the data that we  
11 normally put on the plan about parking and the  
12 number of units and square footage so it's all  
13 tabalized so everybody can grab it at a glance  
14 -- I think that's important for this type of  
15 plan too. I think that he's really trying to  
16 incorporate things in a revised concept plan  
17 that this Board can look at and if there are  
18 options. This Board has looked at multiple  
19 concept plans at once; do like A, or do you  
20 like B?

21 CHAIRPERSON MAYRER: Does that make sense  
22 to you?

23 MR. FREITAG: Yes, it's very helpful to  
24 just go through this for what the next steps  
25 are. It does get a little wishy-washy as far as

1       what's needed once we do have tenants to go  
2       through the site plan review process for  
3       finalizing the specific details. But any  
4       engineering costs and feedback up-front is  
5       going to help us navigate this process faster  
6       and to assess any of your recommendations at  
7       this time. So, we appreciate your time.

8               CHAIRPERSON MAYRER: Okay, so we will be  
9       hearing from you with alternative concepts and  
10      phasing and all of that.

11             MR. FREITAG: A quick question for Mr.  
12      Laberge. Do you think it makes sense to get  
13      together in another workshop to outline some of  
14      the parameters as far as engineering and SEQRA  
15      and specific item sat the next meeting?

16             MR. LABERGE: Well, given what you said  
17      about cost, I don't know. I think the idea is  
18      we don't even have a concept plan that the  
19      Board has said yes, we like that. You're  
20      talking more about process and such. If you  
21      want to spend the time, I am willing to do it.  
22      What you're talking about is kind of a staff  
23      level meeting with myself and Nadine and  
24      perhaps Craig, if it gets to that point. Or  
25      maybe we identify the issues and then have a

1       separate meeting that is legal. Yes, I am okay  
2       with it, if you're willing to spend your  
3       client's money on that. That can be scheduled  
4       at any time convenient to all.

5           CHAIRPERSON MAYRER: All right, that does  
6       it. Thank you. Appreciate it.

7           MR. FREITAG: Thank you, very much.

8           CHAIRPERSON MAYRER: Okay, item number  
9       eight; 56 Old Miller Road.

10          Steve Hart, are you there?

11          MR. HART: Yes, I'm here. I believe all  
12       the Board Members got a copy of this map, is  
13       that correct?

14          CHAIRPERSON MAYRER: That's correct.

15          MS. FUDA: Steve, do you have a map to put  
16       up on the screen?

17          MR. HART: I don't.

18          MS. FUDA: That's okay I just thought  
19       maybe you had one there.

20          CHAIRPERSON MAYRER: We've all got maps  
21       and we can see what you're talking about. So,  
22       why don't you give us a description?

23          MR. HART: Just so you know, the map that  
24       you're looking at has four buildings on it. The  
25       front two buildings are meant to be commercial

1 buildings on the first level with two  
2 apartments up above. The two buildings in the  
3 back are meant to be standard garages. The  
4 building on the front left is the existing  
5 house, but I think there was a business being  
6 operated out of it. The building on the back  
7 right is an existing garage, or at least a  
8 foundation and a slab of a garage. So, two of  
9 those buildings are existing buildings and the  
10 intent is that the front building is to raze  
11 the roof of that so you will have again,  
12 commercial on the lower level and two  
13 apartments on the second level.

14 The building in the back is just to  
15 re-create the garage - there will be a  
16 single-story garage. So, that would be an  
17 existing building. The building on the front  
18 right - right now we think is a proposed  
19 building and will be a 2,400 square-foot  
20 commercial building there. The intent being  
21 to have the commercial on the lower level  
22 and the two apartments on the second level.  
23 They would be two two-bedroom apartments on  
24 the second level. As far as the commercial  
25 uses go, there's absolutely no tenants at



1       this time. Certainly this is our first  
2       concept meeting.

3               We do have an easement and I don't know  
4       if I called it out on that plan, but the  
5       water and sewer runs in front of the site  
6       which would be the south part of the site on  
7       Old Miller Road and also runs to the  
8       westerly part of the site which would be  
9       between this parcel and the one next to it.

10              So, our intention is to tie into the  
11      water and sewer that exists there. I don't  
12      believe JJ Riley is hooked up to either  
13      water or sewer, but I'm not sure of that. We  
14      will look into that. If they do have  
15      service, we will certainly just keep that  
16      service for the building on the left front  
17      of that site and the building on the front  
18      right would require a connection to the  
19      water and the sewer line.

20              As best as we know, what we are  
21      proposing here meets Code. It's our  
22      understanding as long as you have some type  
23      of commercial use on the bottom, you could  
24      put the maximum of the two apartments over  
25      the top. We need to handle some stormwater

1 management and we don't know exactly where  
2 that's going but I do think the site plan  
3 from back to front, we think, will have some  
4 sort of stormwater management in the front  
5 as well.

6 Aside from that, certainly if the Board  
7 has any questions on this, we would like to  
8 hear them or address them the best that we  
9 can.

10 CHAIRPERSON MAYRER: Okay Members,  
11 questions?

12 MR. LABERGE: I have a quick question.  
13 With the garages in the back, since the  
14 proposed two-car garages seem to be behind the  
15 parking, what is its purpose? Is it for car  
16 parking or other type of storage?

17 MR. HART: You know Rich, I would have to  
18 get a clear answer on that. We had those back  
19 there mainly because we would have an access  
20 off of a blacktop area. It might be for the  
21 apartments for people who may pay an extra \$50  
22 a month for enclosed parking. We did not count  
23 that parking because the spaces for that garage  
24 would be blocked by the parking lot parking. We  
25 did count two parking spaces and on the

1 existing garage you can drive through, but you  
2 need a key to get in that garage. I do believe  
3 that they were both meant for enclosed parking  
4 for the apartment tenants and not storage. I  
5 will make sure I clarify that.

6 CHAIRPERSON MAYRER: Anything else,  
7 Members? Questions?

8 MR. JOHNSON: Do you need to show some  
9 type of handicap parking for the commercial on  
10 the new building?

11 MR. HART: I would say, Wayne, we have  
12 done two spots -- so I'm thinking that the  
13 sidewalk - we are showing it in front of the  
14 existing building. We could have two on one  
15 side, or one on each side. We could probably  
16 break that up, if need be. Technically, we like  
17 to have a straight line between two parking  
18 spaces because it maximizes the number of  
19 spaces that you get. I will research that  
20 further. I do think those areas are real level  
21 and run parallel and in back of the buildings.  
22 In theory, you would stop there and it would be  
23 ADA compliant. You just need to cross that  
24 little roadway. We can take a look at that.

25 MR. JOHNSON: You may want to use the four

1 spaces behind the proposed building and use  
2 them as handicap. You basically just have to  
3 widen the parking space, I believe.

4 MR. HART: So, on the little part of  
5 screen space that's there, it might be good to  
6 do it there as well. I think what you are  
7 saying is we can do it without losing a space;  
8 correct?

9 MR. JOHNSON: Right.

10 MR. HART: I agree. I will look into it,  
11 as well.

12 MR. JOHNSON: It seems like there's a lot  
13 going on in a pretty small lot. Is this Norm  
14 [sic] Stallman's, lot or has it been acquired  
15 by you?

16 MS. FUDA: Who owns the property?

17 MR. HART: My brother Eric and my brother  
18 Brian. I thought it was 1.4 acres.

19 MR. JOHNSON: So, the note on the top of  
20 the map that we have says Norm Stallman. That's  
21 a prior owner.

22 MR. HART: That's correct. Norm is not  
23 involved with that.

24 MR. JOHNSON: Okay, thank you.

25 MR. HART: So, the parcel that you see

1       there Wayne, is one whole parcel.

2               CHAIRPERSON MAYRER:   Okay, are we good?

3               Off to engineering you go.

4               MR. HART:   Thank you guys.

5               CHAIRPERSON MAYRER:   Anything else,

6       Members?

7               MS. FUDA:   I do need you and Denise to go

8       upstairs and sign some maps.

9               CHAIRPERSON MAYRER:   Do I have a motion to  
10      adjourn?

11              MR. AUBIN:   So moved.

12              MR. SHAUGHNESSY:   Second, Shaughnessy.

13              CHAIRPERSON MAYRER:   All in favor?

14              (Ayes were recited.)

15              Opposed?

16              (There was none opposed.)

17              (Whereas the above entitled meeting was  
18      concluded at 8:36 PM)

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter  
and Notary Public in and for the State of  
New York, hereby CERTIFIES that the record  
taken by me at the time and place noted in  
the heading hereof is a true and accurate  
transcript of same, to the best of my  
ability and belief.

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

\_\_\_\_\_  
Nancy L. Strang  
Legal Transcription  
2420 Troy Schenectady Road  
Niskayuna, NY 12309

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

