

# **DRAFT**

**PLANNING BOARD MEETING - FEBRUARY 1, 2021**

**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](mailto:Nadine.fuda@schodack.org) or call

518-477-7938 no later than 6pm on 2/1/2021

## **PRESENT**

Denise Mayrer, Chairwoman

Wayne Johnson, P.E.

John LaVoie

Stephanie Leonard

Lawrence D'Angelo - ZOOM

James Shaughnessy, P.E. - ZOOM

Nadine Fuda, Director

Attorney Craig Crist, Esq.

Richard Laberge, P.E. Planning Board Engineer

Melissa Knights, Assistant to Director - online

Martha Reed, Building Dept. Secretary

## **MEMBERS ABSENT**

Andrew Aubin, P.E.

## **APPROVAL OF MINUTES —, JANUARY 4, 2021**

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

6 Ayes. Noes. Motion carried.

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

Oppose: None

Absent: Aubin

## **PUBLIC COMMENT**

Denise Mayrer, Chairperson read the Letters from the public, please see Anthony Ali (Albany Off Leash K9 Training,) file for the letters

### **Site Plan /Special Permit**

Anthony Ali

2020-20/RA/191-2-5.111

128 Boyce Road

Proposed - Dog Training/retreat

Anthony Ali

2020-22/RA/191-2-5.111

128 Boyce Road

Proposed - Timber Harvesting

Mr. Laberge spoke about his letter dated January 27, 2021 (See Below) regarding the timber harvesting logging road, the road leading to the training area, the sound proofing, the size of the sign. And his recommendations for the applicant.

Mr. Johnson asked about the resolution for the neg dec on the line about the haul road being seeded, he would like it to include the boulders and trees. (this adjustment has been added, see below)

## STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION

### NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3 EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND DETERMINATION OF NON-SIGNIFICANCE

*This notice is issued pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder and set forth at Title 6, Part 617 of the New York Code of Rules and Regulations (collectively, the State Environmental Quality Review Act, or "SEQRA"). The Town of Schodack Planning Board (the "Planning Board"), acting as Lead Agency in a Coordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts, that a Negative Declaration of Environmental Significance should be issued, and that a Draft Environmental Impact Statement need not be prepared.*

*Reasons supporting this determination are fully explained below.*

**Project Name:** *Ali Dog Retreat and Related Timber Harvesting*

**SEQRA Status:** *Type I: YES Unlisted: NO*

*Conditioned Negative Declaration: NO*

**Location:** *128 Boyce Road, Town of Schodack, New York (Tax ID 191-2-5.111)*

**Description of Action:**

*Albany Off Leash K9 Training, Inc. (the "Applicant" or "Project Sponsor") is proposing to construct a 1,500 square foot dog kennel building, as well as required septic and well, a crusher run driveway, asphalt parking area and a two -acre dog yard and a 12 acre dog training field and associated removal of trees and for the operation of a dog training facility that will kennel dogs at the facility ("the Project"). The project is located on a site that is 67.41 acres and the great majority of the site*

is wooded land with just a little over two acres being meadows. After the removal of trees to facilitate dog training areas and the aforementioned infrastructure, post-construction the site will still be mostly wooded with it being projected that 49.65 acres will still be and 16.4 acres to be meadows (the "Project Site"). The Project Site is currently zoned Residential Agricultural ("RA").

In addition to Planning Board's approval for the special use permit for the dog operation and associated kennel, site plan approval and the special use permit for timber harvesting, the following permits/approvals are also needed for the Project as intended: Rensselaer County 239-m referral, Rensselaer County Health Department approval for the proposed well and septic system. Although 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) it does not require a special permit under such law.

**Reasons Supporting This Determination:** See the Environmental Assessment Form (EAF) Part 2 as well as the attached Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board has carefully considered the criteria for determining significance as set forth in SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Project's potential environmental impacts as identified in Full EAF Parts 2 and 3.

**Lead Agency:**

Town of Schodack Planning Board  
265 Schuurman Road  
Castleton, NY 12033

**For Further Information:**

Contact Person: Nadine Fuda, Director of Planning for the Town of Schodack  
Address: 265 Schuurman Road, Castleton, NY 12033  
Telephone: (518) 477-7938

**Copies of this Notice have been sent to:**

Town of Schodack Town Board  
Town of Schodack Planning Board  
Town of Schodack Highway Department  
Rensselaer County Planning Board (Economic Development and Planning)  
NYS Department of Transportation  
New York State Department of Health  
New York State Department of Environmental Conservation  
New York State Office of Parks, Recreation and Historic Preservation  
U. S. Army Corps of Engineers  
Castleton Volunteer Fire Department  
Castleton Volunteer Ambulance Service, Inc.  
Environmental Notice Bulletin

**RESOLUTION ADOPTING DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE -  
-ALBANY OFF LEASH K9 TRAINING, INC. (ANTHONY ALI)**

WHEREAS, at the January 4, 2021 meeting, the Planning Board resolved to issue a **Negative Declaration** for the project as proposed by Albany Off Leash K9 Training, Inc. (Anthony Ali).

WHEREAS, a Determination of Environmental Non-Significance has been drafted.

NOW THEREFORE BE IT RESOLVED THAT the Board hereby waives a reading of the attached Determination of Environmental Significance and adopts same as drafted.

LaVoie moved; Leonard seconded.

5 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Leonard, Shaughnessy

Oppose: None

Abstain D'Angelo

	Yes	No	Abstain	Absent
Aubin				X
D'Angelo			X	
Johnson	X			
LaVoie	X			
Mayrer	X			
Leonard	X			
Shaughnessy	X			

**FULL ENVIRONMENTAL ASSESSMENT FORM PART 3**  
**EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS**  
**AND DETERMINATION OF SIGNIFICANCE**  
**REASONS SUPPORTING SEQRA **NEGATIVE DECLARATION****

**DOG TRAINING, KENNELING, CONSTRUCTION OF KENNEL AND TIMBER  
REMOVAL PROJECT**

**Introduction**

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, a Type 1 action, consisting of the construction of a 1,500 square foot dog kennel building, as well as required septic and well, a crusher run driveway, asphalt parking area and a two - acre dog yard and a 12 acre dog training field and associated removal of trees for the operation of a dog training facility that will kennel dogs at the facility on a +/- 67 acre site of which approximately +/- 15 acres will be physically disturbed, all located at 128 Boyce Road, Town of Schodack, Rensselaer County, New York (91-2-5.111) ("Project"). Even after tree removal on the site, the majority of the site will still be wooded lands and most of the remainder will be meadowed lands ("Project Site" or "Site").

### Application History

- The matter began via application dated August 7, 2020, which was submitted and was also signed by Anthony Ali. Several items accompanied the submission, including the Full Environmental Assessment Form (FEAF).
- Applicant presented the proposed project to the Planning Board at the August 17, 2020 meeting of the Planning Board. Thereafter, the matter was sent to engineering for further review.
- Thereafter, in response thereto by letter dated September 9, 2020 from Applicant's engineering consultant, Hart Engineering, the Applicant responded to Laberge Group's letter agreeing to various comments and submitting some of the requested information. Hart Engineering's letter indicated that there would be a maximum of eighteen (18) dogs on the property at any one time.
- By letter dated September 16, 2020, the engineers for the Town, Laberge Group (the Planning Board's engineering consultants), submitted a review letter. The letter provided both comments and requested additional materials from the Applicant.
- On September 21, 2020, the Planning Board held a Public Hearing on the Applicant's Timber Harvesting permit application.
- By letter, dated October 22, 2020, Hart Engineering submitted revised plans.
- By letter dated November 4, 2020, the engineers for the Town, Laberge Group submitted a review letter. The letter provided both comments and requested additional materials from Applicant.
- At the November 16, 2020 meeting, the Planning Board resolved to seek lead agency status. No objections were made to the Planning Board seeking such lead agency status.
- In response, Hart Engineering submitted a letter dated November 20, 2020 responding to the 11/4/2020 Laberge Group letter and submitting a revised plan set.
- The Town Planning Department initiated via letters dated November 23, 2020, contacted potentially interested agencies regarding the Town's desire to undertake a coordinated review and be designated as lead agency in the review of the Type 1 Action.
- By letter dated November 30, 2020, received from the Rensselaer County Bureau of Economic Development and Planning, the Bureau concluded that the project would not have a major impact on County plans.
- By letter dated December 29, 2020, the engineers for the Town, Laberge Group submitted a review letter recommending a Negative Declaration under SEQRA and approvals of the various applications for the project with various conditions to those approvals.  
By letter, dated December 30, 2020, Hart Engineering submitted responded to the East Schodack Fire Departments comments.
- Thereafter, at the January 4, 2020 meeting, the Planning Board held public hearings concerning the applied for special use permit, site plan, as well as the timber

harvesting permit. After authorizing the adoption of a Negative Declaration for the subject Project, the Board did not take further action and requested that Applicant provide the following additional information and revisions to the plan:

1. A pathway for emergency vehicles to the proposed Dog Training Field.
2. That the haul road for the timber harvesting operation at the northwest corner of the property be closed off and seeded and three large stones on six feet on center and four evergreen trees be planted next to Boyce Road.
3. Information on the wall section(s) to be used for sound proofing be submitted.
4. References from neighbors of other kennels the Applicant operates be provided.

### **Discussion of Potential Environmental Impacts**

The Planning Board has carefully considered all potential environmental impacts associated with the Project. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's ("NYSDEC") SEQRA Full EAF Part 2.

The Project is a SEQRA Type I action. NYSDEC's SEQR Handbook specifically addresses whether an environmental impact statement ("EIS") is always required for a Type I action. According to NYSDEC, "the lead agency must evaluate information contained in the EAF, and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration."

The materials submitted in support of the Project Sponsor's applications were generated, at least in part, by licensed engineers and/or qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been verified by the Planning Board's own professional engineer and were done over a significant period of time. The Town's planning staff and the Planning Board members, several of whom are professional engineers, also carefully and thoroughly reviewed the application and the EAF, including the technical reports.

During the course of the Project's SEQRA review, the Planning Board, Town Planning staff, the public and the applicant's representatives engaged in an active and comprehensive evaluation of the Project Sponsor's submissions. As stated by the NYSDEC SEQR Handbook, "the lead agency may make a request for any additional information reasonably necessary to make its determination." Questions were asked, clarifications and revisions were requested, and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information

supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Project.

#### **Discussion of 6 NYCRR Part 617 Criteria For Determining Significance**

The Town of Schodack Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides "that not every conceivable impact needs to be considered; speculative impacts may be ignored."

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The proposed project will not have a substantial adverse change in existing air quality as there are no emissions.

It is noted that the project is in the Direct Discharge Area of the Valatie Kill aquifer, a principal aquifer, the which is protected by the Town's Aquifer Protection Law and the requirements set forth therein, including section 223-6(c) thereof. The project site has wetlands, which the Board does not believe will be adversely affected. The proposed project has been designed to have no effect on ground or surface water quality or quantity. A basic sedimentation and erosion control plan have been incorporated in the plans to be followed during construction.

The proposed project will not have any appreciable effect on traffic or create any noise issues. The proposed hours of construction of the one building to be constructed, the kennel, is Monday- Saturday 7:00 a.m. to 5:00 p.m. logging will have similar hours, and the days and hours of operation of the subject kennel are to also be Monday- Saturday 7:00 a.m. to 5:00 p.m. (Workers may come earlier to tend to the dogs but there will be not training other than in those time periods). The Board notes that there is at least one other kennel is town and has reviewed the subject plans and is of the belief that both the construction and operation of the kennel, which will include sound proofing, will generate very little noise and is placed far enough away from any property/lease lines that it will not be audible. The project will generate no traffic except that generated during construction activities and when dogs may be dropped off or picked up for training or the arrival and departure of trainers which will be minimal and can be accommodated by existing roads based upon the represented number of dogs that will be housed at one time. It is noted that there will be a buffer of the Dog Kennel building of at least 500 feet from all property lines and the Dog Training Field and Dog Area are buffered such that to the south the distance to the nearest neighbor's property line will be 300 feet and the distance to the northern property will be

100 feet but it is noted that there are no adjacent residences on that property line. The areas to be cleared will still have sufficient vegetated buffers. The signage for the facility will only be twenty square feet and will not be lighted. Moreover, at the kennel all lighting will be full cutoff, down lighting which will significantly reduce any lighting spill off.

There will not be a substantial increase in solid waste generation. The project does not generate any solid waste during its operation.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the stormwater system and grading were designed in accordance with the applicable standards. The proposed grading of the site will prevent substantial erosion after completion and during construction erosion control measures will be employed to minimize it as well.

- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

While the plan does remove of timber on approximately 14.82 acres, it is noted that there will still be almost 50 acres of wooded land on the site after such removal and most of the area where trees are removed, approximately 14 acres, will become meadows. As such, the great majority of the site is being retained in its natural state as delineated on the plan. Since the site is part of a larger suburban/rural setting, any existing fauna will re-establish themselves in adjacent areas. The logging road will be discontinued, and boulders will be placed at the access thereto to prevent such use. The project will not have substantial interference with the movement of any resident or migratory fish or wildlife species; it will not have any impacts on a significant habitat area; there are no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and there are no other significant adverse impacts to natural resources.

- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part.

The project is not part of a critical environmental area.

- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted.

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

- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The project does not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. There is no evidence that the project will have any impact on archaeological and/or historic



resources listed in or eligible for the New York State and National Registers of Historic Places. While the proposed use will remove certain wooded land, most of that land will become meadows and it is further noted that the amount of acres used for roads, building and other paved or impervious surfaces will increased by only .03 acres.

(vi) a major change in the use of either the quantity or type of energy.

The project will not create a major change in the use of either the quantity or type of energy. It will in fact produce electricity.

(vii) the creation of a hazard to human health.

The project will not create a hazard to human health. It has been designed in accordance with applicable regulations and standards.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not encourage or attract a large number of people. It will only have an increase in the number of dogs to the site, all of whom will be housed in the to-be-constructed kennel. The maximum number of dogs on site is limited to eighteen (18) dogs.

(x) the creation of a material demand for other actions that would result in one of the above consequences.

The project will not create a material demand for other actions that would result in one of the above consequences.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The project will not create changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The project as described above is expressly noted to include the removal of timber in addition to the construction of the kennel and operation thereof. All of same have been considered together as part of the subject Project. As such, it does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

## **Conclusion**

The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, has thoroughly evaluated all aspects of the Project and carefully reviewed all relevant materials. For the reasons set forth above, the Planning Board has determined that the Project will not have any significant adverse impacts on the environment. As a result, a Negative Declaration will be filed and distributed pursuant to SEQRA regulations, and a Draft Environmental Impact Statement need not be prepared.

**RESOLUTION ADOPTING SPECIAL PERMIT ALLOWING OPERATION OF DOG TRAINING FACILITY AND ASSOCIATED KENNEL--ALBANY OFF LEASH K9 TRAINING, INC. (ANTHONY ALI)**

WHEREAS, at the January 4, 2021 meeting, the Planning Board resolved to issue a Negative Declaration for the project as proposed by Albany Off Lease K9 Training, Inc. (Anthony Ali);

WHEREAS, a proposed **Special Permit Decision** allowing the use of the subject property as a dog training facility and associated kennel has been drafted for adoption by the Board.

NOW THEREFORE BE IT RESOLVED THAT the Board hereby waives a reading of the attached Special Permit Decision allowing the use of the subject property as a dog training facility and associated kennel.

Johnson moved; LaVoie seconded.

5 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Leonard, Shaughnessy

Oppose: None

Abstain: D'Angelo

	Yes	No	Abstain	Absent
Aubin				X
D'Angelo			X	
Johnson	X			
LaVoie	X			
Mayrer	X			
Leonard	X			
Shaughnessy	X			

STATE OF NEW YORK  
TOWN OF SCHODACK PLANNING BOARD

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In the Matter of the Application

Of

NOTICE OF DECISION

ALBANY OFF LEASH K9 TRAINING, INC.

File No. 2020-20

191-2-5.111

For a Special Use Permit

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**WHEREAS**, Applicant, ALBANY OFF LEASH K9 TRAINING, INC., applied for a special use permit/special permit ("special permit") to allow the operation of dog training operation and associated kennel, to be located at 128 Boyce Road in the Town of Schodack, Tax Map 191-2-5.111, which property is located within a Residential Agricultural (RA) District; and

**WHEREAS**, the Zoning Schedule of Use Regulations of the Town Code permits such activity within a RA district by special permit; and

**WHEREAS**, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on January 4, 2021; and

**WHEREAS**, following the aforesaid public hearing, at its January 4, 2021 meeting, the Planning Board resolved to issue a Negative Declaration under for the proposed action under SEQRA, the contents of which are incorporated herein with full force and effect; and

**WHEREAS**, at its February 1, 2021 meeting thereafter, the Planning Board found and determined the following.

1. Applicant proposes to establish and operate a dog training operation and associated kennel for the housing of only those dogs that are then training at Applicant's proposed operation only on Applicant's 128 Boyce Road in the Town of Schodack, Tax Map 191-2-5.111 facility, which is to include the kennel building proposed to be constructed thereon, which property is located within a Residential Agricultural (RA) District. Applicant shall have no more than 18 dogs on site at one time. Such activity is permitted at such location by special permit.

2. The Planning Board notes the Applicant has been operating such an operation at other locations outside of the town and the Applicant has furnished evidence that it has operated such facilities in a manner that is not disturbing to its neighbors.

3. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed special permit use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood.

4. It is hereby determined that the proposed area and usage thereof is in harmony with the development of the district, will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof. At a minimum, the objectives as set forth in Section 219-71 and 219-72 are met, in that it is determined that the subject use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular, all for the reasons set forth herein, as well as the reasons set forth in the accompanying contemporaneous other decisions and determinations made. Notably the Board has especially considered the following statutory criteria (in bold):

**The Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood. The Planning Board may attach such reasonable conditions and safeguards as it deems appropriate as part of its approval. The Board shall consider the special conditions set forth in this Article for any use requiring Planning Board authorization in addition to the following general objectives:**

**A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to the existing or future streets providing access shall be in harmony with the orderly development of the district.** As more fully detailed in the Negative Declaration, the Board finds the subject operation of the proposed business, including the training on-site of the dogs and kenneling them at the site is not intense, especially factoring in the size and location of the parcel of land involved. The number of dogs to be housed on the entire site at one time as well as may be boarded in the kennel overnight is limited to eighteen (18), per the applicant, as same has been supplemented/amended.<sup>1</sup>

**B. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.** Only one building, which is to be 25 feet in height, 60 feet in width and 25 feet in length is to be constructed. This building, which the Board finds will blend in on the property and in the neighborhood will be in harmony with the orderly development of the district. The kennel building shall be 500 feet or more from adjacent properties and the Dog Training Field and Dog Area from the southern property line are 300 feet and 100 feet to the northern property line, where there are no adjacent residences.

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<sup>1</sup> The findings and determinations in the Negative Declaration and Determination of Environmental Non-Significance and all other contemporaneously adopted determinations and decisions concerning the property that is the subject of this application are incorporated herein with full force and effect.

**C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment, and visibility; not located too near street corners or other places of public assembly; and meet similar safety considerations.**

The Board finds all accessways both adequate and not excessive. A crusher run driveway is to be provided to access the kennel building parking area which will be paved. A 12' wide crusher run walkway to the Dog Training Field will also provide emergency vehicle access to that area.

**D. Adequate off-street parking and loading spaces shall be provided to prevent parking in public streets of vehicles of persons connected with or visiting the use and the interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and loading.** This factor is not applicable because all parking will be on-site as a crusher run driveway and asphalt parking area is on-site and will accommodate same.

**E. All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent possible.** The site layout and landscaping and signage will not be more objectionable to nearby properties than other permitted uses and will not adversely affect the general welfare of the inhabitants of the Town of Schodack, including those of the neighborhood. It is determined that the parking and service areas are reasonably screened at all seasons of the year from the adjacent residential lots and streets. The general landscaping of the lot will be still predominantly wooded, with approximately 14 acres being transformed from wooded to a meadow. It is noted that a housing development could be located at the site. It is also noted that only .03 acres of the +/- 67-acre site will be for roads, buildings, and other paved or impervious surfaces.

**F. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the Town of Schodack.** The proposed use is in general harmony with the surrounding neighborhood. The Board notes that there is at least one other kennel in the Town, on Simons Road, which is located much closer to the adjacent properties than the proposed use. The Board, as more fully detailed in the Negative Declaration/Determination of Environmental Non-Significance, which is again incorporated herein, finds that there will not be objectionable noise (it is noted that the kennel is to be soundproofed). Noise will occur is when dogs are outside, and Applicant has represented that they will always be accompanied by trainers who will control the noise when necessary. It is also noted that there is a noise ordinance in the Town. Moreover, no vibration or flashing lights are proposed. In fact, all lighting will be full cutoff, down lighting. It is noted that traffic is expected to be minimal and relegated to the construction of the proposed improvement for a relatively short period of time and the employees and customers dropping off and picking up their dogs.

**G. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.** This Board, as well as the engineer for the Board, has reviewed the proposed plans for the subject project and determined that it is readily accessible by all emergency vehicles, including the fire and police.

The Board further notes that Applicant's application has included a diagram, to scale, which displays the kennel building(s) and all other neighboring parcels with inhabited dwellings in the vicinity, information on buffers, number and type of animals and any other information deemed appropriate. The subject kennel is a minimum of 500 feet from adjacent properties and the maximum number of animals to be on the property at any time is eighteen (18).

**THEREFORE, PLEASE TAKE FURTHER NOTICE THAT,** the Planning Board of the Town of Schodack has **GRANTED** the Applicant a Special Use Permit to allow the utilization of the subject property as a dog training facility and associated kennel subject to the following conditions:

1. that the application for a Special Use Permit be granted for an initial period of thirty-six (36) months on the express conditions set forth herein, including:
  - a. sound proofing shall be incorporated into the design of the kennel structure to the satisfaction of the Code Enforcement Officer; and
  - b. there shall be no tree cutting beyond that shown on the approved site plan.
2. Although dogs may of course be boarded outside of the stated hours of operation (Monday - Saturday 7:00 a.m. - 5:00 p.m.) no training is to occur outside of said time period.

Dated: February 1, 2021

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DENISE MAYRER, CHAIRPERSON  
SCHODACK PLANNING BOARD

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APPLICANT

**RESOLUTION ADOPTING NOTICE OF DECISION GRANTING SPECIAL PERMIT  
ALLOWING TIMBER HARVESTING--ALBANY OFF LEASH K9 TRAINING, INC.  
(ANTHONY ALI)**

WHEREAS, at the January 4, 2021 meeting, the Planning Board resolved to issue a Negative Declaration for the project as proposed by Albany Off Lease K9 Training, Inc. (Anthony Ali);

WHEREAS, a proposed **Special Permit Decision allowing the timber removal** on the subject property has been drafted for adoption by the Board.

NOW THEREFORE BE IT RESOLVED THAT the Board hereby waives a reading of the attached Special Permit Decision allowing the removal of timber on the subject property consistent with the plan as submitted.

LaVoie moved; Leonard seconded.

5 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Leonard, Shaughnessy

Oppose: None

Abstain: D'Angelo

	Yes	No	Abstain	Absent
Aubin				X
D'Angelo			X	
Johnson	X			
LaVoie	X			
Mayrer	X			
Leonard	X			
Shaughnessy	X			

STATE OF NEW YORK  
TOWN OF SCHODACK

PLANNING BOARD

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In the Matter of the Application

Of

ANTHONY ALI

For a Special Permit

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NOTICE OF DECISION

File No. 2020-22

**WHEREAS**, the Applicant, ANTHONY ALI, applied for a Special Permit to conduct timber harvesting on real property located at 128 Boyce Road in the Town of Schodack, Tax Map # 191-2-5.111, which property is within a Residential Agricultural (RA) district; and

**WHEREAS**, the Applicant proposed said activity in conjunction with other related proposed activities as set forth in the application of Albany Off Leash K9 Training, Inc. (File No.: 2020-20), a corporation for which the Applicant herein is a shareholder; and

**WHEREAS**, Article VII of the Town Code of the Town of Schodack requires that a Timber Harvesting Permit be obtained from the Planning Board by anyone desiring to harvest timber in quantities greater than fifty (50) standard cords of wood or four thousand (4000) cubic feet of timber as measured by the International Log Rule in any one (1) year in the Town and;

**WHEREAS**, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on January 4, 2021; and

**WHEREAS**, at its February 1, 2021 meeting thereafter, the Planning Board found and determined the following.

4. The Applicant proposes to harvest marked timber in such quantities and character as indicated in the material accompanying the permit application, described in part therein as the logging of 14.82 +/- acres of land to be completed by February 1 2022 and in accordance with New York's best management practices.
5. The proposed timber harvesting activities meet the standards and requirements set forth in Article VII of the Town Code, including those of Section 219.50.

**WHEREAS**, at its January 4, 2021 meeting the Planning Board resolved:



2. To issue a Negative Declaration under for the entire proposed action, of which the subject timber removal was only one aspect, under SEQRA;<sup>2</sup>

**WHEREAS**, at its February 1, 2021 meeting the Planning Board resolved:

1. That the application for a Special Use Permit be granted subject to the following conditions:
  - a. A bond in the amount of \$ **500.00** shall be provided prior to the commencement of harvesting.
  - b. That the permit will expire on February 1, 2022
  - c. All harvesting shall be conducted only within the hours of 7:00 AM to 5:00 PM Monday through Friday and 9:00 AM to 5:00 PM on Saturday, with no harvesting on Sunday or holidays.
  - d. No harvesting shall be conducted within fifty (25) feet of any property line. As such, a 25foot clearing limit is also imposed.

**THEREFORE, PLEASE TAKE NOTICE THAT** the Planning Board of the Town of Schodack has **GRANTED** the Applicant a Special Use Permit to allow timber harvesting on the subject property as proposed and described in the application and supporting materials as transmitted to the Schodack Planning Department and dated August 11, 2020.

Dated: February 1, 2021

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DENISE MAYRER, CHAIRPERSON  
SCHODACK PLANNING BOARD

**APPROVING SITE PLAN -ALBANY OFF LEASH K9 TRAINING, INC. (ANTHONY ALI)**

WHEREAS, at the January 4, 2021 meeting, the Planning Board resolved to issue a Negative Declaration for the project as proposed by Albany Off Lease K9 Training, Inc. (Anthony Ali);

WHEREAS, the proposed **Site Plan** for the subject project has been submitted as well as a proposed Site Plan Decision has been drafted for adoption by the Board.

NOW THEREFORE BE IT RESOLVED THAT the Board hereby waives a reading of the attached Site Plan Decision.

Johnson moved; Leonard seconded.

5 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, LaVoie, Mayrer, Leonard, Shaughnessy

Oppose: None

Abstain: D'Angelo

	Yes	No	Abstain	Absent
Aubin				X
D'Angelo			X	
Johnson	X			
LaVoie	X			
Mayrer	X			
Leonard	X			
Shaughnessy	X			

STATE OF NEW YORK  
TOWN OF SCHODACK

PLANNING BOARD

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In the Matter of the Application

of

DECISION—SITE PLAN APPROVAL

ALBANY OFF LEASH K9 TRAINING, INC

File No. 2020-20 & 2020-22

For Site Plan Approval

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**WHEREAS**, the Applicant, ALBANY OFF LEASH K9 TRAINING, INC., seeks Site Plan Approval to construct a 1,500 square foot dog kennel building, as well as required septic and well, a crusher run driveway, asphalt parking area and a two -acre dog yard and a 12-acre dog training field as well as the removal of trees for the operation of a dog training facility that will also kennel dogs at the facility (“the Project”). The project site is 67.41 acres and the great majority of the site is wooded land with just a little over two acres now being meadows and post-construction the majority will remain wooded in that it is

projected that 49.65 acres will remain wooded and 16.4 acres will be meadows (the “Project Site”). The Project Site is currently zoned Residential Agricultural (“RA”).

**WHEREAS**, the majority of the site is forested land;

**WHEREAS**, section 219-78 of The Code of the Town of Schodack (“Town Code”) requires the referral to, and review by, the Planning Board for such project “in accordance with the standards and procedures set forth in this article,” with that article being Article XI, entitled “Site Plan Review;” and

**WHEREAS**, section 219-81 of the Town Code” provides that the “preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations.

- (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
- (2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of Pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) The location, arrangement, size design and general Site compatibility of buildings, lighting and signage.
- (5) The adequacy of stormwater and drainage facilities.
- (6) The adequacy of water supply and sewage disposal facilities.
- (7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

**WHEREAS**, all required notice and other procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was held; and

**WHEREAS**, this Board has issued and adopted a Negative Declaration and made findings pursuant thereto, all of which are incorporated herein with full force and effect;

**NOW THEREFORE BE IT RESOLVED THAT** the Board determines the following according to the aforementioned factors:

(1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

\*The site plan and access to the site have been designed to provide safe vehicular traffic access and include adequate road width for emergency vehicles and circulation. As the use is a dog training and associated kennel operation, it will not generate much traffic during its operational phase.<sup>3</sup>

(2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

\*As noted in the Negative Declaration, the Project will not have any appreciable effect on traffic. It will generate virtually no traffic other than during the construction phase of the project and the only traffic expected to be generated during the operational phase is the limited customer and employee/trainer traffic, all of which is easily accommodated by existing roads.

(3) The location, arrangement, appearance and sufficiency of off-street parking and loading.

\*There will be no off-site parking as noted above there will be virtually no vehicular traffic generated by the Project.

(4) The location, arrangement, size design and general site compatibility of buildings, lighting and signage.

\*The Project involves the construction of a 1,500 square foot kennel at the existing residential-agricultural zoned site. The project site is part of a 67-acre parcel that will remain heavily wooded after construction is completed and all timber harvesting is completed. The area where timber is to be removed will be a meadow used for dog training operations. The site as proposed will be compatible with existing and surrounding uses, especially given its size and Heavily wooded nature. The signage will not exceed 20 square feet and will not be lighted. Moreover, all lighting will be full cutoff, down lighting.

(5) The adequacy of stormwater and drainage facilities.

\*As noted in the Negative Declaration, there will not be a substantial increase in the potential for erosion, flooding, leaching or drainage as the stormwater system and grading were designed and are to be designed in accordance with all applicable standards.

(6) The adequacy of water supply and sewage disposal facilities.

\*These are also adequate for the Project as designed. The project proposes minimal water use and wastewater generation.

(7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant and adjoining lands, including the maximum retention of existing vegetation.

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<sup>3</sup> The findings and determinations in the Negative Declaration and Determination of Environmental Non-Significance and all other contemporaneously adopted determinations and decisions concerning the property that is the subject of this application are incorporated herein with full force and effect.

\*See 4 above, and as also noted in the Negative Declaration, the contents of which are once again incorporated herein with full force and effect, the plan does contemplate the removal of approximately 14 acres of wooded land but that same will be a meadow for training purposes thereafter. Although said clearing that will take place for the kennel and training fields and related infrastructure, the Board finds that there will be sufficient vegetative buffers.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of unable open space for play areas and informal recreation.

\*N/A.

(9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

\*See 4 above; the subject Project is part of an existing residential/agricultural/rural site. It will not have any appreciable effect on traffic or create any noise issues from the kennel in that the kennel will be soundproofed and dogs will be monitored when outside. The kennel building is 500 feet or more from adjacent properties and the Dog Training Field and Dog Area are 300 feet from the southern property line and 100 feet to the northern property line, where there are no adjacent residences to the northern property line. It is also noted that the number of dogs on site cannot exceed eighteen (18) dogs.

(10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

\*As designed, same are sufficient.

(11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

\*See above; as designed, and as more fully detailed in the Negative Declaration, same are sufficient.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group's December 29, 2020 letter and its January 27, 2021 letter (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the December 29, 2020 letter and January 27, 2021 letter and any other prior or subsequently issued letters not superseded thereby, as well as all other administrative matters, from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus following conditions:

1. Compliance with all conditions as set forth in any other decisions and/or determination of this Board concerning the subject property, including the Special Permit and the Timber Harvesting Permit.

2. All other conditions imposed in the Laberge letter of December 29, 2020 and January 27, 2021 letter and any of their prior or subsequently issued letters.

3. A letter from Applicant that it will comply with all conditions and requirements set forth herein and in any issued approvals and permits.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** this Board makes this determination based upon the reasons set forth in the December 29, 2020 and January 27, 2021 letter from Laberge Group to Denise Mayer, Chairperson, the adopted Negative Declaration and all findings made pursuant thereto, all of which are incorporated herein and will not be restated; and

**THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED**  
**THAT** the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval for the subject project on the subject property as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter(s) by the following vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
D'ANGELO			X
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
LEONARD	X		
SHAUGHNESSY	X		

**THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED**  
**THAT** the Planning Board of the Town of Schodack **HEREBY RECOMMENDS**  
**APPROVAL** to the Building Department of a site development permit conditioned upon all necessary approvals being in place, including but not limited to the foregoing conditions.

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
D'ANGELO			X
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
LEONARD	X		
SHAUGHNESSY	X		

Laberge Letter Dated January 27, 2021

### **Second Final Plan Review**

Ali Dog Retreat  
 SPB # 2020-20

We are in receipt of a site plan last revised January 13, 2021 received via email on January 14, 2021 from Hart Engineering for the above referenced project and offer the following comments on the information submitted by the applicant in response to Planning Board requests and discussion at the January 4, 2021 Planning Board meeting:

1. The revised plans show:
  - a. A smaller building mounted sign of twenty square feet (4 ft. x 5 ft.). We find this to be acceptable.
  - b. A 12' wide crusher run stone walk to the Dog Training Field. A detail should be included showing a minimum of 6" of stone and stabilization fabric, or it should be called out on the plan.
  - c. Placement of three (3) "landscape boulders" at 6' on center to close off the timber haul road entrance after the harvest. A minimum of four (4)

evergreens should be planted, interspersed with the boulders, and shown on the plan.

2. We defer to the Planning Board for review of the letters received from the applicant.
3. The wall sections submitted provides for  $\frac{1}{2}$ " sound deadening board behind  $\frac{1}{2}$ " gypsum wall board separated by a resilient channel on both the walls and the ceiling of the kennel facility. This is a standard practice for sound attenuation, and we find it to be satisfactory.

The comments in 1b and 1c above should be made part of the site plan approval conditions recommended in our December 29<sup>th</sup>, 2020 letter.

Richard F. Laberge, P.E.  
President

C: Craig Crist, Esq., w/enc. (via email only)  
Anthony Ali, Applicant, w/enc. (via email only)  
Steve Hart, P.E., w/enc. (via email only)

Green Dale Community Solar Farm      2020/28/PD-1/227.-1-7  
County Rt. 32  
Proposed - PD-2 Utility Solar

Travis Mitchel, Environmental Designs engineer and Giovanni Maruca applicant, were present to this meeting via Zoom.

Mr. Mitchel spoke about the project stating it is 129-acre site located on the border of Columbia County and Rensselaer County in the towns of Schodack and Kinderhook with the majority on the land in Schodack and the frontage in Kinderhook. There was discussion on the ownership of the land on the north side of the power lines, the landowner does own on both sides of the utility lines. Which is important when they talked about the 200-foot setback to the property lines this was treated like the other projects they have done in the town with a 25-foot buffer.

Mr. Johnson question if you are not using the north side of the power lines for the same use and in the future, someone does decide to develop that side in another way wouldn't you require that you have the buffer on the south side.

Mr. Laberge stated on Elmbrook solar was a similar situation where National Grid Right-a-way (it bisected the property) and the board did allow a 50-foot setback from the right-a-way on the side of the solar facility. Since we set a precedence with that decision.

Mr. Johnson stated we may have made a mistake on that decision.

Mr. Mitchel stated the land on the north side of the power lines is not likely to be developed it is land locked.

Mrs. Fuda stated correct, there is no access to that part of the property.

Mr. Johnson stated there is access through this property where the solar is going on. There is nothing stating it can't be developed. Maybe the board made a mistake with allowing Edenbrook the 50-foot setback. We should try to correct it and come closer to the requirement.

Mr. Laberge asked how wide is the right-a-way?

Mr. Mitchel stated with he 200-foot setback is appears it is 250 foot across, so if they are adding the 25-foot setback they essentially now have a 275 foot across the power line.

Mr. Laberge stated what this comes down to is an interpolation of what that setback means in these types of situations.

Attorney Crist stated this is determination of whether there is sufficient frontage, and this would be a determination for the building inspector.

Mrs. Fuda stated they could talk to Mr. Laberge after the meeting and they could write a letter to the building inspector and ask for a determination on that section of the code for the setback.

Mr. Mitchel then spoke about the 32-acre site, the color of the panels, fencing and the 2-transformer pad and 2 pole connection, stated they agree with the Laberge letter was pretty standard from the past solar projects. He is looking for the planning board to start SEQR coordinated review and would like to schedule the public hearing.

Mr. Johnson asked about the steps to coordinate with Kinderhook.

Mrs. Fuda stated we will be submitting lead agency letters to Kinderhook; she has already been in contact and they have some solar laws that we will incorporate. Plus, the applicant has submitted everything to them as well.



## Laberge Letter Dated January 25, 2021

Re: Sketch Plan Review  
Green Dale Solar  
SPB # 2020-28  
Town of Schodack Planning Board

We are in receipt of the following for the above referenced application:

1. Special Permit/Site Plan Application dated 12/28/2020 signed by the applicant Gillian Black of Green Dale Solar, LLC, and the property owner Toros Shamlan, Jr.
2. Letter from Environmental Design Partnership, LLP (EDP) dated 12/23/2020.
3. Full Environmental Assessment Form, Part I-Project and Setting signed and dated 12/28/2020.
4. Concept Plan Sheet 1 of 1, scale 1" =150' with no date.

The project is subject to §219-39.3 of the Town's zoning law. As such the application must comply with the regulation for planned developments in Article XII of the zoning law including referral by the Planning Board of the application to the Town Board for approval. In addition, the project requires approvals from the Town of Kinderhook in Columbia County. The approval process will have to be coordinated with the adjoining Town and County.

With the above in mind, we offer the following comments on the materials submitted and on the outstanding requirements of §219-39.3:

1. The typical array section provided on the plans indicates a maximum panel height of 9.58 feet. The plans should state with a prominent note that no solar collectors will extend more than 20-ft from ground elevation. Solar collectors should be specified at the minimum height possible from ground to minimize the likelihood of viewing them from surrounding properties.
2. While the plans indicate a 200-ft setback line from the front and side property lines, the rear setback line has been indicated as a 50-ft setback from the National Grid Power Line Corridor. The 200-ft minimum setback is to the rear property line to the north of the corridor should be confirmed.
3. The entire parcel Tax Map #227.-1-7 property lines should be shown in addition to the proposed lease line area.
4. The Applicant has indicated on the plans and included a calculation of the area of proposed disturbance that includes: staging areas and access roads. The plans and calculations should also include earth disturbance associated with any areas to be graded, proposed stormwater ditches and treatment areas, temporary stockpiles, electrical trenching disturbance, etc.
5. The site statistics on the plan should be expanded to indicate not only the

requirements per code but also that provided as proposed.

6. The plan should indicate the area of the parcel in the Town of Kinderhook and in the Town of Schodack.
7. Lot coverage percentages for impervious surface lot coverage and pervious surface lot coverage should be indicated on the plans in addition to the stated maximum and minimum stated on the plan.
8. The project is a Type 1 action under SEQRA due to the physical alteration of greater than 10 acres. Supplemental information to the full EAF Part 1 should be submitted, including a visual assessment report per §219-39.3 (c) (3),(6) including photos from the following vantage points and any other vantage points of interest:
  - a. Route 9 at the intersection of Peacedale Road;
  - b. County Road 32 in the vicinity of the existing home adjacent to the project;
  - c. At 400 feet north of the intersection of Chadwyck Court (The Greens Estate) and County Road 32;
  - d. County Road 32 at the intersection of Rapp Road North;
  - e. At 700 feet west of Route 28B on County Road 32;
  - f. The assessment must include the proposed switch gear, panels, poles, meters, battery storage, etc. in the visualizations; and
9. Cross sections showing proposed site lines from the locations indicated above should be submitted.
10. Based upon a review of the visual assessment report, landscaping, screening and/or constructing of earth berms may be needed at various locations.
11. The EAF must be resubmitted with all required check boxes indicated, and other questions answered in order to be considered complete.
12. The applicant is proposing an 8-foot high security fence. The type of material for the security fencing and details for construction should be provided on the plans.
13. The applicant should consult with New York Office of Parks, Recreation and Historic Preservation (OPRHP) State Historic Preservation Office (SHPO) regarding the project.
14. The applicant should confirm there will be no site lighting. If there is, a lighting plan is required.
15. The applicant should confirm the preliminary wetlands delineation with the USACOE and NYSDEC and provide the Jurisdictional Determination results for review. The plans should indicate that wetlands will not be disturbed.
16. Written confirmation from the local electrical utility is needed indicating that the

electrical grid has the capacity to support the energy to be generated.

17. The point of connection, equipment, and any required utility poles, towers, battery storage etc. should be shown at 1"=30' scale or greater. These may require additional vegetative screening.
18. The applicant should comment on the heat and glare produced that may be perceptible beyond the lease parcel. It should also be confirmed that the project will not produce adverse glare to Interstate 90 and therefore should be considered to be included in the above noted visual assessment requirements. Additional vegetative screening may be necessary.
19. The applicant should confirm that the project is not in an Agricultural District pursuant to the Agricultural and Markets Law.
20. A copy of the lease agreement must be submitted, and the lease parcel should be identified on the plans.
21. The applicant and the property owner must submit proof of insurance in an amount acceptable to the Town. Town shall be named a Certificate Holder and be provided notice if the policy is to be cancelled.
22. The applicant should identify any noise producing equipment and submit details regarding the noise generated by each piece of equipment and the facility as a whole.
23. The following will be required during the construction and life of the facility:
  - a. Surety for construction and maintenance along with acceptable construction cost estimate;
  - b. Surety for removal; and
  - c. Annual documentation from the utility company that the facility is active.
24. Regarding the PD regulations in Article XII, the applicant is required to provide open space on the lease parcel. The plans and information should indicate the following:
  - a. Location and percentage of open space of the lease parcel outside the fenced enclosure provided. Thirty-five (35%) percent is required. The Applicant is proposing 32.54 acres within a fenced area (per plan) yielding an open space requirement of 11.4 acres.
  - b. Method of preservation of the open space proposed. The applicant is proposing the preferred means in the form of a conservation easement. This should be submitted to the Town for review.
  - c. A plan to maintain the open space by the applicant.
  - d. Evidence how the facility meets the existing community needs as noted by reports and studies. The applicant has indicated that their plan meets community needs by providing clean affordable energy.

- e. Evidence that the proposed is compatible with the Town's Comprehensive Plan. The applicant has indicated that their plan is in accordance with the guiding principals 1, 2, and 3 of the Town comprehensive plan.
- f. Evidence that the applicant has the competence to carry out the plan both physically and financially. The applicant stated they have developed facilities similar in size. A list of ten recent completed facilities should be provided.

The applicant should submit the required/requested information for further review. Upon determining that all the necessary application material has been presented the Chairwoman can certify same. Then within 60 days of certification, the Planning Board is required to submit their report to the Town Board for further action under Article XII, including a public hearing on the matter.

### SEEK LEAD AGENCY

Now therefore be it resolved that the Planning Board hereby directs the Planning Director to circulate notices to all involved agencies of its desire and intention to seek lead agency status for the aforementioned action.

Johnson moved; D'Angelo seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

	Yes	No	Abstain	Absent
Aubin				X
D'Angelo			X	
Johnson	X			
LaVoie	X			
Mayrer	X			
Leonard	X			
Shaughnessy	X			

Hart Commercial Businesses Park      2020-29/PD3/200.-9-6.12

US Rt.9

Proposed - Businesses Park

Mr. Hart spoke about his proposed project, it was modified from the last meeting from 5 buildings totaling 120 thousand sq. ft. of building to 4 buildings totaling 100 thousand sq. ft. The 2 building on the left-hand side noted as lot 1 and lot 2 have strong proposed tenants, so what they need to do is a 3-lot subdivision and submit the 2 site plans on the left hand side of the lot. He is hoping in March he can be back with an in-depth set of site

plans for those two buildings. He did review the Laberge letter dated January 26, 2021, he has added some information from that letter to the new set of plans.

Mr. Johnson asked when he sells all four lots what there to keep the property owners from petition the town to have this made into a town road.

Chairperson asked if there would be a landowner's association to prevent them from asking for the road to be made into a town road.

Mr. Hart stated that if an agreement needed to be made, he would contact town counsel on the matter. If it is to be turned into a town road, he would need to put in a cul-de-sac.

Mr. Johnson stated at the end of Birchen Bent there is not space for plows to turn around, is there anyway to have some of the back portion of his lot that can be gift to the town or an easement for the use of that land.

Mr. Hart stated he didn't see that an issue with that, he agrees that Birchen Bend comes to an abrupt halt.

Chairperson Mayrer stated this will be returned to engineering and wait for the updated plans.

#### **Laberge letter Dated January 26, 2021**

Re: PD-2 Concept Review  
Hart Business Park  
SPB #2020-29

We are in receipt of a letter dated December 29, 2020 from Hart Engineering, Part 1 of a Short Environmental Assessment Form (SEAF) signed 12/29/20 and a Sketch Plan dated December 4, 2019. We offer the following comments:

1. The application is for a PD-2 designation on the parcel currently zoned PD3. The applicant has indicated that the uses under the proposed PD-2 will be of the principal uses and special permit uses permitted in the current LB (Local Business) and HC (Highway Commercial) zones.
2. The applicant has submitted a sketch plan showing a potential layout and including potential subdivisions of the lands; however, no other applications have been submitted at this time. We note that the upon approval of the PD-2 designation by the Town Board, the configuration of the site may change.
3. The applicant should identify the maximum potential physical disturbance on the site, including all clearing, utility connections, etc., in order to facilitate an initial analysis of the project type under SEQRA. If over 10 acres of physical disturbance the

project shall be considered a Type 1 action and a Full Environmental Assessment Form (FEAF) will be required, along with any supporting documentation.

4. The applicant should identify the maximum amount of floor area that they are requesting for the site and confirm that all of the uses in LB and HC are being requested in order to facilitate analysis of the application.
5. We note that at the time of site plan approval, that the applications will be subject to the Town's Water Quality Control Act (WQCA) and may require Special Permits under that Town law.
6. The applicant should submit other required application components as required by §219-95(B)(1) and §219-95(B)(2).
7. The applicant should coordinate with NYSDOT to document their comments about the proposed application and access to US Route 9.
8. A "no cut-no grading" natural vegetative buffer should be established along the northern and southern extents of the property. In addition, no access to the subject parcel should be allowed from Birchen Bend.
9. The applicant is proposing a private shared driveway into the property. As such, the project will require reciprocal easements for access, and potentially other items.
10. If the applicants believe they or their successors will ever ask to have the roadway dedicated to the Town, it should be built to Town standards, under Town supervision.
11. A 31+’ utility and sidewalk easement should be reserved for the benefit of the Town across the frontage on US Route 9, since the Town has long term plans to exclude water and wastewater utilities in the corridor.
12. With the Town's intent to exclude water and wastewater utilities in the corridor, the project should be developed with the intent of facilitating connections in the future. At a minimum easement should be reserved along the access drive, and consideration shall be given to installing water and sewer mains for future use in phases internally on the site as the project is built out.
13. Regarding stormwater and MS4 Regulations, the project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) when a site plan is proposed. It is expected the SWPPP will be phased and subsequently amended when future site plans are proposed. The entire parcel will be under one Stormwater SPDES permit from NYSDEC.

After receiving the additional information requested in the comments above, we recommend the Planning Board declare their intent to seek Lead Agency status and direct a coordinated review under SEQRA be initiated.

Village at Miller Rd  
77 Miller Road  
Proposed - Change in Tenancy

2021-1/PD1/178.-3-6.223

Tony Catalano, NAI Platform, applicant was present via Zoom.

Mr. Catalano stated they are looking for a change in tenancy at 77 Miller Road. the former tenant was MLS and they left in 2020 and now they have a potential tenant pending approval. The new tenant will be Hilco Global which is currently located on Columbia Turnpike, this is a similar use to the tenant that left.

Mr. Johnson asked if the number of employees greater than the previous tenant.

Mr. Catalano stated approximately the same and there is plenty of parking at Miller Road site.

**Type II Action:**

Johnson moved; LaVoie seconded that the Planning Board declares this a TYPE II Action  
6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

	Yes	No	Absent
Aubin			X
D'Angelo	X		
Johnson	X		
LaVoie	X		
Mayrer	X		
Leonard	X		
Shaughnessy	X		

**Approval:**

LaVoie moved; D'Angelo seconded that the Planning Board Approves this Change in Tenancy at 77 Miller Rd.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

	Yes	No	Absent
Aubin			X
D'Angelo	X		
Johnson	X		
LaVoie	X		

Mayrer	X
Leonard	X
Shaughnessy	X

**ADJOURN**

Johnson moved, LaVoie seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:59 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning