

**PLANNING BOARD MEETING - MARCH 1, 2021**  
**CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**  
**Due to internet issues the meeting re-started at 7:30 p.m.**

**PRESENT**

Denise Mayrer, Chairwoman  
Wayne Johnson, P.E.  
John LaVoie  
Lawrence D'Angelo  
James Shaughnessy, P.E.  
Stephanie Leonard  
Nadine Fuda, Director  
Attorney Craig Crist, Esq.  
Richard Laberge, P.E. Planning Board Engineer  
Melissa Knights, Assistant to Director

**MEMBERS ABSENT**

Andrew Aubin, P.E.

**APPROVAL OF MINUTES — FEBRUARY 1, 2020**

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

6 Ayes. 0 Noes. Motion carried.

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

Absent: Aubin

**PUBLIC COMMENT**

Chairperson Mayrer read 2 notes from resident Mr. Giordano please see file # 2021-5 for copy of notes.

Chairperson Mayrer read a letter from resident Marci Brunner see file# 2021-5 for letter.

**Subdivision / Lot Line**

Michael Pogoda/Wendi Crosby

2021-2/RA/188.-3-1.1

Phillips Road

Proposed - 2 Lot Subdivision

**TO ZBA**

Kevin McGrath, land Surveyor was present for this meeting via Zoom.

Mr. McGrath stated the applicant is looking to do a 2-lot subdivision, the total acreage is 2.4

One lot is 60 thousand sq. ft. and the other will be 45 thousand sq. ft. for that reason he will need to apply to the ZBA to ask for a variance, tonight he is looking for a referral to the Zoning Board.

Mr. Johnson stated lot one looks to be mostly in the flood plain, has anyone looked into the flood zones in this area.

Mr. McGrath stated Ken Barber the engineer has looked at it and have done preliminary testing on the lots and he surveyed the perimeter of the property a couple of years ago and the applicant has had a couple of engineers that have been working on it and they have suggested this setup of a subdivision is what should be done. There is a huge area in the front of the property, which is flat with a good drop down, the lots are elevated from the road.

Mrs. Fuda stated they should contact the DEC mapper and request a picture of this off the flood plain map.

Mr. McGrath stated he thinks they have that already, but he will look into it.

#### **RECOMMENDATIONS TO THE ZBA**

Shaughnessy moved; LaVoie second a **"Negative"** recommendation to the Zoning Board of Appeals.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Alexander Symington

2121-3/RA/199.-3-29.111

1191 Brookview Station Rd.

Proposed - 2 Lot Subdivision

Kevin McGrath, land Surveyor was present for this meeting via Zoom.

Mr. McGrath stated the engineers have looked at this lot have done preliminary testing. The people who want the property approached the landowner (applicant) for the purchase of this property. This is a proposed 1.55 acre of land to be subdivide off of a 19-acre parcel.

Mr. Johnson asked if there was a big enough area for a house, well, and septic to be place on this parcel without building on the waste dump.

Mr. McGrath stated this parcel was selected because it didn't have the dumping on it, that part is off to the back and the side of this parcel.

There were no more questions and a public hearing is set for the April 5, 2021 planning board meeting.

Johnson moved, LaVoie seconded to  
SCHEDULE A PUBLIC HEARING FOR APRIL 5, 2021  
6 Ayes. 0 Noes. Motion carried.  
Ayes: D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy  
Absent: Aubin

**Site Plan /Special Permit**

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. Johnson asked if a determination request went to the building department regarding the setback along the power lines.

Mrs. Fuda stated a determination request did not go to the building inspector; Mr. Mitchell was trying to work on including that into their green space to alleviate the setback issue.

Mr. Johnson stated the plan is still showing 35 feet.

Mr. Laberge state correct, he spoke about his letter dated February 23, 2021, item #1 regarding national grid running through the property and what the setbacks are with that easement, either the board or the applicant can ask for the interpretation from the building inspector on this issue.

Mr. Mitchell stated he was not sure why the extra setback is an issue when the other projects with the same scenario were approved. There is 275 feet buffer across the utility corridor so it did not seem logical to them to further encumber the land on the north side.

Mr. Johnson stated he feels if the board made a mistake with the first two applications maybe we should correct it now instead of continuing to make the same mistake. If we do not get anything from the building inspector that says it could be less than the 200 feet maybe, we should make an area on the north side of the power line listed as not for future development. If the building inspector does not agree with what you want to do then maybe the area north of the power lines should then be labeled not for future development to comply with the code.

Mr. Laberge stated the board would like a determination from the building inspection in this instance as to whether it meets the code. If the building inspector stated it does not meet code Mr. Johnson would like the applicant to encumber the lands to the north as not for future development.

All agree to send this to the building inspector.

Mr. Johnson would like to see what Kinderhook's requirements are for this project.

Mrs. Fuda stated our office has not seen anything from the town of Kinderhook, but she has sent them what we have received.

Mr. Mitchell stated they have appeared before the Kinderhook planning board with the same set of plans and information as was submitted to you. Their primary focus was the visual impacts along Rt. 32. They are currently working on their comments and incorporating them into the visual impact study that would be shared with the Schodack planning board when completed. He will make sure all correspondence with Kinderhook will be submitted to our planning office. The applicant asked to set a public hearing for the April 5, 2021 meeting.

The Planning Board request the Building Department make a determination as to whether or not this meets the code, as to setback.

Johnson moved; LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

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

Johnson moved; D'Angelo seconded to the public hearing for Monday April 5, 2021

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

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

## **Preliminary Plan Review**

Green Dale Solar

SPB # 2020-28

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

1. Environmental Design Partnership, LLP (EDP) response to schematic plan review, letter dated 02/16/2021.
2. Full Environmental Assessment Form, Part I-Project and Setting signed and dated 02/04/2021.
3. Visual Impact Assessment Report dated 02/01/2021.
4. Preliminary Plans Sheet 1 thru 10 of 10, dated 01/22/2021.
5. Stormwater Management Narrative dated January 2021.
6. Storm Water Pollution Prevention Plan dated January 2021.

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 applicant has indicated that the facility fence will be setback 10-feet and that the solar arrays will be setback 25-feet from the ±250-foot wide National Grid power line corridor. Since the land on the opposite side is also under the control of the project land owner, the effect of the power line corridor is to provide a setback to the arrays from the rear property line in excess of the required 200-foot setback line from the rear property line.
2. The applicant has submitted a visual impact assessment report that indicates moderate visual impacts that are proposed to be mitigated by landscape screening.
  - a. Additional detailed plans and visualizations should be provided to demonstrate the intended screening.
  - b. These should also include additional visualizations of the access road and the electrical interconnection proposed for the project from Route 32 (these must include the proposed switch gear, panels, poles, meters, battery storage, etc. in the visualizations).
3. The applicant's detail of the proposed an 8-foot high security fence indicates 3" wood line posts. In order to minimize maintenance and ensure the integrity of the fence, 4" hardwood line posts should be utilized, or metal posts should be considered.
4. The applicant has indicated that they have consulted with the New York Office of Parks, Recreation and Historic Preservation (OPRHP) State Historic Preservation Office (SHPO) regarding the project and the Shufelt House & Farm, and that SHPO has requested additional material for review of potential impacts.
  - a. The Board and this office should be copied on continued correspondence with OPRHP SHPO.

- b. Final review comments and restrictions on development, if any, should be included in the SWPPP.
5. The applicant has noted that they will confirm the onsite wetlands delineations with the USACOE and NYSDEC and provide the Jurisdictional Determination results for review. As currently proposed the project does not appear to propose any wetlands disturbance.
6. The applicant has indicated that the requested Coordinated Electrical System Interconnection Review with National Grid has been submitted. However, we did not find this submittal information which should be provided for review.
7. The applicant has indicated that upon further advancement of the design additional larger scale plans will be submitted to show the point of connection, equipment, and any required utility poles, towers, battery storage etc. and additional vegetative screening.
8. The applicant has noted that they do not believe heat nor glare produced would be an issue and that it is likely only a concern for the FAA. We suggest that the applicant reach out to the NYS Thruway Authority regarding any concerns they may have with glare in relation to the Interstate 90 interchange. Any correspondence regarding this matter should be copied to the Board and this office.
9. The applicant has indicated that noise above ambient levels from inverters, converters, and transformers would be mitigated by the dissipation of sound given equipment setbacks to property lines and vegetation. The referenced manufacturer's information regarding any noise producing equipment was not found and therefore should be provided for review.

**SWPPP, Stormwater Management & Erosion and Sediment Control**

10. The plans should include existing grade contour elevation labels/tags.
11. The plans should indicate the sediment forebays/pre-treatment areas and check dam. A detail for the check dam for the open channel systems should be provided.
12. Culvert pipes sizes should be increased to 18" with a 1% slope to address the potential for freezing conditions in swales.
13. While the plans note soil restoration, they should also indicate that restoration will be applied under and between arrays excluding wetland areas which shall be noted to remain undisturbed.
14. Details of temporary equipment wetland and stream crossings should be provided and included in the sequence of construction.
15. Since area of the proposed arrays will require tree removal those areas should be indicated to what extent they will be removed and the methods to be employed so that further disturbance and extent of erosion and sediment controls may be further evaluated.
16. Earth disturbances should be indicated to be under 5 acres at any one time and the project phasing plan should be provided for review.
17. The SWPPP references results included from NYS DEC Environmental Resource Mapper, but this is not found.
18. The SWPPP references a no impact letter from OPRHP, but this is not found.
19. The SWPPP references, but should include, the Town of Schodack Standard Storm Water Management Facility Agreement. This is required to be fully executed and filed in the registry of deeds prior to the project submitting it's Notice of Termination.
20. While referenced in the SWPPP, the post construction operations and maintenance plan in accordance with Part III.2.f of the Construction General Permit should be included in the

SWPPP.

## **SEQRA & PD Application Certification**

21. The following are required:

- a. Clearance from SHPO.
- b. Correspondence from the ACOE regarding the applicant identified federal wetlands on site and the need and ability to permit the project.
- c. Equipment noise generation information.
- d. Additional visual assessment (access, equipment, interconnection).

As such, a SEQRA determination cannot be made by the Planning Board on this project until more information is received. Therefore, the PD-2 application cannot be deemed complete at this time, and a referral to the Town Board cannot be made at this time.

C: David B. Harris, Supervisor  
Craig Crist, Esq., Planning Board Attorney (via email only)  
Gillian Black, Eden Renewables, Green Dale Solar, LLC (via email only)  
Norman Ward, RLA, EDP (via email only)

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

Steve Hart, applicant was present for this meeting via Zoom

Mr. Hart stated the plans were updated and new narrative dated February 24, 2021 (see file) was sent electronically to Mr. Laberge and to Mrs. Fuda as well as dropped off for the members to view at tonight's meeting. the changes were made due to the comments from the board and the Laberge letter dated January 26, 2021 (see below). Mr. Hart stated he is donating a 90 foot by 90-foot piece of property at the end of Birchen Bend to the town for snow plowing etc. Mr. Homes the highway superintendent for the Town of Schodack sent him a letter of acceptance which was also submitted to the board.

Mr. Johnson thanked Mr. Hart for addressing the issue with the highway department it should make a great improvement at the end of Birchen Bend Road.

Mr. Laberge stated his office still has to review information that was submitted via the February 24, 2021 Hart Engineering letter. Most of which is pertaining to the PD law, he asked the board if they had any comments regarding this letter.

Laberge letter dated January 26, 2021

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

PB 3/1/21

49-2021

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.

### 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.

LaVoie moved; D'Angelo seconded.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Aubin

Oppose: none

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

Jay Verro

2021-4/PD1/178.-3-6.223

81 Miller Road

Proposed - Change in Tenancy/ Was - Community Care / will be Pediatric Dental

Tony Catalano, NAI Platform, Applicant was present for this meeting via Zoom.

Mr. Catalano stated suite 900 was occupied by Community Care and will now be Dr. Jason Decker a pediatric dentist practice (Where Smiles Grow) his home office is at 6 Century Hill Latham and another satellite office on Delaware Ave.

Mr. Johnson asked about the application and needs to have the applicant do a drawing and showing here the staff and patient parking will be, he understands there shouldn't be any issues but the board needs a written statement describing the business and the amount of parking needs to be.

Mr. Catalano stated from here on they will make sure the information is included with the application.

**Type II Action:**

LaVoie moved; Shaughnessy 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

Absent: Aubin

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

**CHANGE IN TENANCY**

D'Angelo moved; Johnson seconded APPROVAL of a change in tenancy at  
"81 Miller Road"

6 Ayes. 0 Noes. Motion carried.

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

Absent: Aubin

Opposed: None

Scannell Properties

2021-5/PD3/189.1-10-40.131/189.-10-40.132

Rt. 150

Proposed - Sales Distribution Center

Planning Board Attorney Craig Crist Recues himself from this application because of a potential conflict. The alternate planning board attorney will be serving in that roll.

Steve Boisvert, Adam Frosino from McFarland & Johnson, Daniel Madrigal for Scannell Properties, Teresa Bakner from Whiteman, Osterman & Hanna were present for this meeting via Zoom.

Mr. Boisvert spoke about the new project of a sales distribution center on 55.9 acres located on Rt. 150. Mr. Frosino shared his screen of the site plan for the board to see. Mr. Boisvert then continued to speak about the site, this property has been subject to 2 or 3 different projects each for sales distribution centers all of which received site plan approval and the most recent project the property was divided into 2 parcels. This project contains the full 55.9 acres. There is a vacant lot of 45 acres south of the subject property that is not part of this project.

The building will be around 279 thousand square feet of a sales distribution center, 78 loading docks on both sides of the building, 294 trailer spaces, 442 employee parking spaces, access to the project will be off of Rt. 150 with a proposed 3 ingress and egress driveways. A one way in

truck entrance with a guard house, an employee entrance and exit then a truck exit with another guard house. The truck traffic will go around the building, the employee parking lot will have a public transportation drop off and pick up. They also propose an onsite water storage tank for fire protection services only. They have a landscaping plan and propose a sound wall along the property line towards the property of Richwood development. Tonight, they are asking the board to consider declaring their intent to be lead agency under SEQR to kick off the review process.

Mr. Shaughnessy asked about the height of the building.

Mr. Boisvert stated it is going to be in the 45 to 50 in height. They will have a better idea as the move forward.

Mr. Johnson asked for an idea of what a sales distribution center is and not a warehouse, he feels with the amount of employee parking spaces would classify this building more of a distribution center than a warehouse, he also asked what is the product that will be distributed from the building.

Mr. Boisvert stated they will be able to give more detail, but this is intended to be similar to what was previously approved for this property.

Mr. Johnson stated he is going to ask for buffers and space between the adjacent property to the south, the plan he is looking at shows that they are 10 feet from the property line, so a buffer is going to be needed. Also looking at where the drainage will be on site.

Mr. Shaughnessy asked if the potential truck traffic coming and going via exit 11.

Mr. Boisvert correct they expect the trucks to use exit 11 and they are currently studying and creating the traffic impact.

Mr. Laberge asked about the types of trucks that will be involved with this occupant.

Mr. Boisvert stated his understanding they will be using 55-foot trailers, but he will get clarification.

### **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.

D'Angelo moved; LaVoie seconded.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Aubin

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

### **ADJOURN**

Johnson moved, D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:40 p.m.

Respectfully submitted,  
Nadine Fuda  
Director of Planning & Zoning