

PLANNING BOARD MEETING - April 5, 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 no later than 6pm on 4/5/2021

PRESENT

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

MEMBERS ABSENT

APPROVAL OF MINUTES — MARCH 21, 2020

Johnson moved, LaVoie seconded that the minutes be approved as amended.
7 Ayes. 0 Noes. Motion carried.
Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy
Oppose: None

PUBLIC COMMENT - Open at 7:05, Closed 7:10
There were no comments.

PUBLIC HEARING

Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Alexander Symington published March 27, 2021
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing
record(s).

Public Hearing Opened at 7:09 p.m.

Public Hearing Closed at 7:16 p.m.

Alexander Symington
1191 Brookview Station Rd.

2021-3/RA/199.-3-29.111

Proposed - 2 Lot Subdivision

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

Mr. McGrath stated the landowner wants to subdivide 1.55 acres off the north east corner of his 20.49-acre property. To sell as a house lot.

Mr. Johnson stated all the questions he had last meeting were answered and he see no problems.

D'Angelo moved, LaVoie seconded to close the public hearing.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

SUBDIVISION

LaVoie moved, Aubin seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose

LaVoie moved, LaVoie seconded that the Planning Board hereby classifies the proposed action as a **Type II** under SEQRA.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

WHEREAS, "**Alexander Symington**" is proposing to undertake a project consisting of a minor "**2 Lots**" subdivision from a "**20.49**" acre parcel. "**199.-3-29.111**" "**Brookview Station Road**" in the Town of Schodack, County of Rensselaer, New York by creating lots in the size of "**lot 1 will be 18.94 acres, lot 2 is the remaining lands of 1.55 acres to be sold**"

WHEREAS, the State Environmental Quality Review Act ("SEQRA") and the regulations there under require the Board to undertake a review of the potential environmental impacts, if any, associated with the project before approving same; and

WHEREAS, this project is an Type II action within the meaning of SEQRA; and

WHEREAS, Part 1 of a Short Environmental Assessment Form has been prepared and reviewed in connection with the proposed project; and

WHEREAS, Part1 of the Short Environmental Assessment Form was transmitted to, if any, all involved agencies, together with notification of the Board's desire to act a lead agency

with respect to the environmental review of the proposed project, but it is noted that the Planning Board is the only involved agency; and

WHEREAS all involved agencies have either consented to Board acting as lead agency with respect to the above action.

Be it resolved that the proposed subdivision is approved as presented.

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

Green Dale Community Solar Farm published March 27, 2021.

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

Public Hearing Opened at 7:15 p.m.

Public Hearing Closed at 7:40 p.m.

Green Dale Community Solar Farm
County Rt. 32
Proposed - PD-2 Utility Solar

2020/28/PD-1/227.-1-7

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

Mr. Aubin stated the plans show no solar panels were being placed in Columbia County, is that correct.

Mr. Mitchel stated correct only the access to the property is from Columbia County.

Mr. Mitchel stated in Kinderhook they are required to have a site plan and a special use permit for utility solar went over the moving of the solar panels back to achieve the required 200-foot setback from the utility lines (Niagara Mohawk). They have spent a lot of time with Kinderhook going over the visual impact and the screening, some of the screening will have to be on the landowner's property on the opposite side of Rt.32, they have offered to purchase whatever screening they would like. He continued to go over their project just updating from the prior meeting.

Mrs. Fuda stated she has been communicating with a resident landowner and she wants to speak on this project.

Ann Rizzo (call in) stated she has been working very closely with Gillian Black the director of project and is very happy with the project, but she has one question that has not been answered and that is will there be any sound from the transformer on site that is closest

to her home. What she was told was there will be a certain level of decibels, but it will dissipate before it would reach her property, her question is how I know if the noise is at the correct level. What is the recourse if the noise is more then she is expecting?

Mr. Mitchel stated at the transformer the noise level is about 82 decibels and by the time it reaches Mrs. Rizzo property 400 feet away it should be close to being eliminated. The transformers are only operating during the day, there will be no noise in the evenings.

Mr. Aubin stated the Schodack town code states the allowable decibel level at the property line is 90, id the transformer is 400 feet away and the decibel level is 82%.

Mrs. Fuda stated if it is over 90 decibels at the property line then they will be in violation. She also suggested that Mr. Mitchel or Mr. Maruca could keep in touch with Mrs. Rizzo on this after completion.

Mr. Mitchel state that would not be a problem.

Mr. Johnson stated she can also voice her concerns at the Kinderhook planning meeting that is coming up.

Mr. Johnson stated the talk about screening on private property, and generally when you do anything on private property you don't have any control after the work is done you end up seeing trees or dirt going to a neighbor's property, you might want to think about getting an easement to protect your screening on the property.

Mr. Mitchel stated they are working with Ms. Rizzo on the screening, and she will be able to pick out what she wants, and they will be doing the installing.

Johnson motion, LaVoie seconded to close the public hearing.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision / Lot Line

Salvatore Fusco

2021-7/R40/190.-1-6-5 & 190.-1-6-30

766 County Rt. 7

Proposed - lot lines.

Kevin McGrath, Land Surveyor was present for this meeting via ZOOM.

Mr. McGrath stated Mr. Fusco of 766 County Rt. 7 has a 3.5-acre lot and is looking to subdivide. Two of is adjoining neighbors 762 and 760 both have very small lots and

approached him about adding a little bit of land to their property, so 0.4 of an acre will be merging with (762) lands of Pierce and Mac Cue and 0.2 acres will be going to (760) lands of Truskowski. There is no road frontage that is involved this is all in the back of all three properties.

Mr. Johnson stated he looked over the map and he sees no issues.

TYPE II ACTION

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA. No further action is required.

LaVoie moved, Aubin seconded.

7 Ayes. 0 Noes . Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

Johnson moved, Shaughnessy seconded that the lot-line adjustment be accepted and approved. A public hearing is not required. The property will be conveyed to the adjacent landowner and become part of that existing parcel.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Hart Commercial Businesses Park

2020-29/PD3/200.-9-6.12

US Rt.9

Proposed - Businesses Park

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

Mr. Hart stated the last review was back in February and they really have not modified or updated the plans since that time, he did respond to the Laberge letter dated March 31, 2021 and waiting on comment back and is looking for any questions or comments from the board.

Mr. Laberge stated Mr. Hart is correct in that they have basically cover the items regarding the PD application to go to the town board. And his letter of March 31, 2021 they have discussed items 1 - 4, he worked with the board's attorney Craig Crist on the SEQR package for this board's consideration, they are recommending a negative declaration and certifying the PD application to the town board and finally making a

favorable recommendation of that application to the town board. That is where they are in the process, they can go to the town board if this board is satisfied with the application.

Laberge Letter Dated: March 31, 2021

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

We are in receipt of a letter dated February 24, 2021 from Hart Engineering, Part 1 of a Full Environmental Assessment Form (FEAF) signed 2/12/21 and a revised set of plans, dated 2/18/20 and 12/4/20. We offer the following comments:

1. The application is for a PD-2 designation on the parcel currently zoned PD-3. The applicant has listed the proposed uses under the proposed PD-2.
2. The applicant has identified the maximum amount of floor area that they are requesting for the Planned Development to be 100,000 square feet of floor area.
3. 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 will likely require Special Permits under that Town law.
4. 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.

SEQRA Recommendation

We recommend the Planning Board issue a Negative Declaration under SEQRA for this project. Attached for your review and use is a Full EAF with Parts 1, 2, and 3 completed including reasoning supporting the Negative Declaration. If the Planning Board issues a Negative Declaration, the involved agencies should be notified and the Declaration needs to be published in the Environmental Notice Bulletin.

Recommendation for PD Application Certification to the Town Board

The project is subject to §219-39.3 of the Town's zoning law. As such, the application must substantially comply with the process 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 of the proposed PD-2 designation. Provided that the Board completes the SEQRA process as recommended above, we find the application to be complete, and we further recommend certification of the application by the Planning Board to the Town Board.

Recommendation for a Favorable Recommendation of the PD Application to the Town Board

Lastly, after review of the material submitted, we find the following:

- a) The plan conforms with the Town's Comprehensive Plan. The plan meets the plans and objectives and general criteria of §219-32.2 and §219-39.3.
- b) The plan concept is sound and meets local and area wide needs.

- c) The plan, when approved by the Planning Board, will provide adequate physical and human protections.

As such, we recommend that the Planning Board make a favorable recommendation to the Town Board regarding the applicant's PD-2 application.

Assuming favorable Town Board consideration of the PD Application, the applicant should submit the required/requested information, along with site plan and WQCA special permit applications, to the Planning Board for further review. Please contact out office with any questions or comments on the above.

C: David Harris, Supervisor (w/enc, via email only)
Chris Langlois, Esq., Town Attorney (w/enc, via email only)
Craig Crist, Esq., Planning Board Attorney (w/enc, via email only)
Steve Hart, P.E., Applicant (w/enc, via email only)

RESOLUTION WAIVE READING OF DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE—HART BUSINESS PARK

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.

LaVoie moved, Aubin seconded.

7Ayes.0 Noes. Motion carried.

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

Oppose: None

Abstain: None

RESOLUTION—HART RT. 9 BUSINESS PARK (SEQRA)

WHEREAS, Don Hart is proposing to develop and construct a business park and private drive, as well as required septic systems and wells, stormwater facilities, associated removal of trees and for the development of a business park with 3 to 5 separate lots as a Planned Development (PD-2) overlay on an approximately +/- 25 acre parcel of land along US Route 9 in the Town of Schodack, Rensselaer County (200.-9-6.12); and

WHEREAS, this project is an Unlisted action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, based on its consideration of the proposed Project, its review of the Environmental Assessment Form and all other supporting information submitted in connection with the proposed Project, and the criteria set forth in 6 NYCRR § 617.7, the Planning Board, as lead agency, has identified and analyzed the relevant areas of environmental concern to determine whether the proposed action may have a significant adverse impact on the environment.

NOW, THEREFORE, IT IS RESOLVED, that the Planning Board re-appoints and appoints itself as lead agency, classifies the project as an Unlisted action and hereby finds and determines that the proposed Project will not have any significant adverse impacts on the environment and therefore issues a Negative Declaration of Environmental Significance pursuant to SEQRA, the reading of which is hereby waived, for the reasons set forth in the accompanying Determination of Significance, which is incorporated herein by reference

LaVoie moved, Aubin Seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Abstain: None

**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: Hart Rt. 9 Business Park

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

Conditioned Negative Declaration: **NO**

Location: U.S. Rt. 9, 1000' North of Birchen Bend Road, Town of Schodack, New York (Tax ID 200.—9—6.12)

Description of Action:

Donald Hart (the "Applicant" or "Project Sponsor") is proposing to develop and construct a business park and private drive, as well as required septic systems and wells, stormwater facilities, associated removal of trees and for the development of a business park with 3 to 5 separate lots as a Planned Development (PD-2) overlay ("the Project"). The parcel is currently zoned Planned Development 3 ("PD-3"). The project is located on a site that is 25 acres and the great majority of the site is open land. After the removal of trees to facilitate development and the aforementioned infrastructure, post-construction the site will be commercially developed and landscaped with it being projected that 11± acres will still be forested and 4± acres to be meadows (the "Project Site").

In addition to Town Board's approval for the PD-2 and the Planning Board's approval of subdivision, site plan approval and the special use permit for the Water Quality Control Act, 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 wells and septic systems. NYSDOT and NYSDEC approvals are also needed.

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.

FULL ENVIRONMENTAL ASSESSMENT FORM PART 3

EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS
AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEQRA NEGATIVE DECLARATION

HART RT. 9 BUSINESS PARK

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Project, an Unlisted action, consisting of a +/- 25 acre site of which approximately +/- 9.5 acres will be physically disturbed, all located on US Rt. 9, 1000' north of Birchen Bend Road, Town of Schodack, Rensselaer County, New York (200.-9-6.12) ("Project").

Application History

- The matter began via application dated January 4, 2021, which was submitted and was also signed by Donald Hart. Several items accompanied the submission, including the Full Environmental Assessment Form (FEAF) Part 1.
- Applicant presented the proposed project to the Planning Board at the January 4, 2021 meeting of the Planning Board. Thereafter, the matter was sent to engineering for further review.
- Thereafter, by letter dated February 24, 2021 from Applicant's engineering consultant, Hart Engineering, the Applicant responded to Laberge Group's January 26, 2021 letter agreeing to various comments and submitting some of the requested information.
- The Applicant appeared before the Board on March 1, 2021 to discuss the project and declare their intent to seek Lead Agency status for a coordinated review under SEQRA.
- The Town Planning Department initiated via letters dated March 2, 2021, 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 Unlisted Action.
- By letter dated March 8, 2021, 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 March 31, 2021, the engineers for the Town, Laberge Group submitted a review letter recommending a Negative Declaration under SEQRA.

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 Unlisted 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..."

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 Schodack Terrace 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 will be incorporated in the plans to be followed during construction. Each site will have its own stormwater maintenance system meeting NYSDEC MS4 standards.

The proposed project will not have any appreciable effect on traffic or create any noise issues. The proposed hours of construction are Monday- Saturday 7:00 a.m. to 5:00 p.m. The project 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 little traffic except that generated during construction activities and from normal business operations which will be minimal and can be accommodated by existing roads based upon the represented number of trips in the Traffic Impact Assessment submitted. The areas to be cleared will still have sufficient vegetated buffers. 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 generates solid waste during its operation commensurate with other similar operations.

There will not be a substantial increase in potential for erosion, flooding, leaching or drainage problems as the stormwater system and grading will be 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 some vegetation on the 25 acres, it is noted that there will still be almost 11 acres of wooded land on the site after such removal and will add approximately three acres of lawn and landscape areas. As such, a large portion 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 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 some meadow land, most of that land will become lawns and it is further noted that the amount of acres used for roads, building and other paved or impervious surfaces will increase by only 4.9 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.

- (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.

- (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 site development of up to five separate sites within the proposed business park. All of same, and all approvals needed, 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.

Johnson moved; Shaughnessy Second To certify the PD application is complete.

7Ayes.0 Noes. Motion carried.

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

Oppose: None

Abstain: None

LaVoie moved; D'Angelo Second To make a favorable recommendation to the Town Board.

7Ayes.0 Noes. Motion carried.

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

Oppose: None

Abstain: None

Scannell Properties #508 LLC

2021-5/PD-3/189.1-10-40.131/189.-10-40.132

Rt 150

Proposed - Sales Distribution Center

Steve Boisvert, Adam Frosino project manager for McFarland & Johnson, Daniel Madrigal id a project manager for Scannell Properties, Terresa Bakner from Whiteman, Osterman & Hanna is the legal counsel were present for this meeting via Zoom.

Planning Board Attorney Craig Crist has recused himself from this application Scannell Properties #508 LLC

Town Board Attorney Christopher Langlois, Esq. will be the attorney on record for the applicant Scannell Properties #508 LLC.

Nancy Strang, stenographer for Scannell Properties #508 LLC.

Mr. Frosino stated they are hoping the Planning Board will declare lead agency the notices went out 38 days ago. They are also requesting the public hearing be scheduled for the May 3, 2021 meeting. He then put a rendering of the project on the screen and discussed what they had done to improve the site. It is a 58-acre parcel; it includes 41 acres that will be disturbed in order to develop the site, if the 41 on acres there will still be 25 acres of green space. 278,670 square foot sales distribution center includes the main building, which includes office space and the distribution area. The front portion of the site will have 442 employee parking spaces on the east/west side of the building will have 78 loading docks and in addition to the loading docks there will be parking spaces for 294 trailers. They are proposing 3 driveways, (1) a truck enter only, (2) an enter and exit employee only and (3) a truck exit only. The employee parking will not be near the truck parking spaces. He then spoke about the draining and the pond placement on site (see file for plans) they are also bringing in utilities to the site and some of the changes include the truck exit was moved further up the hill, they also added a 600-foot sound wall in the south/west area of the site bordering the property of Van Housen Station LLC. They moved the water storage tank from the entrance to the truck exit. Those are really the only current changes to the site. He continued to talk about the grading, storm water, sediment control plans and other items, (see file).

Mr. Laberge spoke about his letter of March 26, 2021 (see below) and line item #10 regarding a question brought up by Mr. Johnson regarding screening on site and not relying on the neighboring property for screening. The area in question is on the south-east portion of the property, so one question is how high is the sound wall? And is there the ability to get some more green plantings in that area.

Mr. Frosino stated the sound wall will be about 600 feet in length and at a height of 15 feet.

Mr. Laberge asked in terms of stormwater, are you working with infiltration or do you think it is all detention.

Mr. Frosino stated the intent to be infiltration.

Mr. Laberge stated the tight section at the rear of the building there is a retaining wall on the north-west side, are there any special soil concerns with the topography at that wall.

Mr. Frosino stated they are waiting on the Geotech lab results to come back.

Mr. Laberge stated speaking of soils, do you expect a lot of export from this site.

Mr. Frosino stated they do not, all the specific numbers are listed out in the (EAR) environmental Assessment Review.

Mr. Laberge stated that is it for me for now, to the board they need to dig into what was submitted at the beginning. also no one has shown interest to become lead agency, so he concurs this board to declare itself as lead agency if the board so desires. Also setting the public hearing for May 3, 2021, he does not think this site will shift significantly but asked Mr. Frosino when do you feel you will have a DOT comment. Because that goes along with the public hearing scheduling.

Mr. Frosino stated that is the intent to have DOT response before the public hearing.

Mr. Laberge stated those are the comments for the board, he is ok with what Mr. Frosino says he just thinks it is beneficial to have the DOT comments for the public hearing.

Mr. Johnson stated he believes they are going to have some soil issues at the new driveway. NYSDOT had placed stone on the slope to help prevent erosion.

Mr. Johnson asked about the northern limit of the noise wall, he would like to see where you came up with ending it before you got past the last parking spaces for the trucks and trailers,

Mr. Frosino stated they investigated the noise trying to meet the current town code for the noise decibels at the property line. that is the factor for ending the noise wall at that spot.

Mr. Johnson stated there you end your noise issues are you going to have some planting for a visual barrier between your property and the adjacent property. The adjacent property could be developed into housing and is not part of your buffer area.

Mr. Johnson stated your proposed septic usage matches the water. The water seems like there is plenty of water available but the septic is always an issue. Does the town board make the determination of how much septic they could use, or do we have some right to say that if it is not over the towns limits that we can approve the project?

Mr. Laberge stated he does not know the projected numbers, one of his comments needs to include that in the RAF.

Mr. Frosino stated the projected flow is 6000 gallons of sewer per day.

Mr. Laberge stated he believes the town has the capacity and this parcel is in the water district and the sewer district. He thinks the town board needs to be alerted to see if they have any comments.

Mr. Johnson asked on the traffic study does that include all the car and traffic to and from Amazon.

Mr. Frosino stated the data was collection from all the intersections however to be consistent with the code and protocols from NYSDOT they used the higher counts from the different times the count was competed.

Chairperson Mayrer stated we need a motion for lead agency.

Laberge Letter Dated March 26, 2021

Re: **Conceptual Site Plan Review**
Scannell NY Rt 150 Site Plan
SPB No. 2021-05

We are in receipt of a concept plan dated February 24, 2021 and a Full Environmental Assessment Form along with attached environmental information for the above referenced project. We offer the following conceptual comments:

1. The project is located in a PD3 zone and is a permitted use as a Sales Distribution Center in that zone. No fueling or maintenance facilities are proposed on site. The project is looking to combined previously approved subdivided parcels to form a 56-acre parcel. A deed combining the parcels is required to be filed, and proof of the merger of tax parcel identification numbers should be submitted.
2. The project is a permitted use under the Town of Schodack's Water Quality Control Act and lies mainly in the Direct Recharge area with a small portion of the site in the well head protection zone. A special permit is required. Use is subject to the conditions of §223-6C (1) and §223-8.
3. Additional project and environmental information should be submitted to assist in assessing the project. A narrative of the proposed operations after construction including information on the number of shifts/employees and the number and size of vehicles should be submitted in order to assess the project.
4. The area and bulk requirements in the PD3 zone are set on a project-by-project basis. There are no defined setbacks, building heights, maximum structure coverages, etc. The applicant should clarify how the minimum rear yard setback of 1272± ft was calculated.
5. The project is proposing approximately 45% of the land area to be open space. Article XII of the Town Zoning Code requires not less than 35%. The applicant

should:

- a) Provide a further breakdown for such categories as lawn area, natural area, stormwater area, etc.
 - b) Identify natural areas on the site plan and indicate the areas shall not be further developed or subdivided.
 - c) Prior to approval, provide a five-year performance bond to ensure that plantings survive, and natural areas are properly maintained.
6. A park land fee will be due at the time of site plan approval.
 7. Building elevations should be submitted for informational purposes and should show all entrances to the building.
 8. Easements should be shown for possible future connection of utilities if the parcel to the south is developed.
 9. A NYSDOT work permit will be required as such coordination regarding the three (3) proposed driveways should be initiated with NYSDOT and both the Planning Department and our office should be kept informed of NYSDOT comments. The applicant should show traffic control devices limiting outbound trucks to right turns only and indicate what other improvements to NYS Rt 150 are proposed.
 10. A portion of the site development is very close to the adjacent parcel to the south. Consideration should be given to increasing the distance between the paved areas and the southern property line to allow for landscaping to mature and provide additional screening of future development on the parcel to the south.
 11. Site design should include provisions for visual screening of the parking and building from adjacent roadways and parcels. Consideration should be given to the use of a berm and landscaping to visually shield the employee parking from view along NYS Rt. 150.
 12. The applicant should indicate if they intend to install any solar panels on the site, and if so, identify their location.
 13. The applicant should indicate if soil material is expected to be exported from the site, and if so, what volume.
 14. The applicant should indicate if utility poles along NYS Rt. 150 are expected to be relocated. If so, consideration should be given to placing utilities underground for all or a portion of those utilities.
 15. Exterior lighting fixtures should only be full cut off down lighting mounted at a reasonable height. Lighting details and specifications should be included in the next submittal.
 16. The applicant should describe and/or depict the guard sheds.
 17. A potential generator is mentioned in the FEAF. The applicant should show its location on the plan.
 18. Sections through the site and the adjacent parcel to the south should be prepared to show relative elevations and screening. Visual simulations should be provided from key vantage points surrounding the property including, but not limited to:
 - a. NYS Rt. 150

- i. In front of lands of N/F Conlin
 - ii. At proposed employee entrance
 - iii. At the US Rts. 9 and 20 intersection
 - b. US Rts. 9 and 20 south of NYS Rt. 150
 - c. Julianne Dr. in the vicinity closest to the project
 - d. Interstate 90
 - i. Bridge over Mordener Kill
 - ii. Bridge over NYS Rt. 150
- 19. A landscaping plan is needed.
- 20. A traffic impact study is needed and should include a sight distance analysis for all three proposed driveways.
- 21. The applicant should consider snow storage requirements as they relate to the proximity of the proposed fencing to the asphalt. Centralized snow storage areas are prohibited under the Town's Water Quality Control Act.
- 22. The applicant should determine whether the fire tank and pump house will be necessary. Relocation or screening will be required if it remains.
- 23. A Storm Water Pollution Prevention Plan is required. The approximate size and type of the stormwater facilities should be shown on the plan.
- 24. A plan for fire protection will be required, including hydrants on the interim of the site, and a master meter for the site.
 The location of waste/recycling areas should be shown on the plans with adequate screening for aesthetic purposes as necessary.
- 25. The applicant should show off site utility connections for further review.
- 26. Provisions for a sidewalk along NYS Rt. 150 should be made along the frontage of the parcel.
- 27. A narrative of the construction plan for the proposed project should be submitted which incorporates the hours of operation and a schedule of activities by time of day including grading/site construction and building construction. The plan should also incorporate specific actions and graphics to be taken regarding noise, lighting, dust, mud, etc.
- 28. Preliminary plans should include details of all site features for further review.
- 29. Regarding the FEAF, the applicant should revise and resubmit the FEAF as needed for the following:
 - a) Water sewer and energy usage are needed.
 - b) Districts have been extended and include the parcel for both water and sanitary sewer.
 - c) The "source of supply for the district" should be noted as Town Well Feed with a capacity of 250± gpm.
 - d) The acreage of forested and surface water features for the proposed project are needed.
 - e) The principal aquifer should be identified as the "Schodack Terrace Aquifer".
 - f) We note that the wetland and endangered species information is from

2011. The applicant's biologist(s) should review the site and confirm the report findings are still accurate.

We recommend the applicant incorporate changes regarding the above in their next submission.

RFL: jkb

C: Craig Crist, Esq., Planning Board Attorney (via email only)
Daniel Madrigal, Scannell Properties (via email only)
Steve Boisvert, P.E., McFarland Johnson (via email)

Aubin moved; D'Angelo seconded that the Planning Board declare itself to be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Chairperson Mayrer stated we have no objections to setting the public hearing for May 3, 2021 assuming the DOT information comes in and everything else has been handled with boards engineer.

Jon Strodl

2021-6/HC/189.-9-3.2

1920 Rt. 9

Proposed - Tire sales and installation.

Jon Strodl, applicant, was present for this meeting via Zoom.

Mr. Strodl stated he is looking to have a tire store at his property located at 1920 Rt 9. It will be just sales and installation of tires, no automotive repair, he plans to do this in the afternoon after his other job. This property has had a bunch of different businesses such a real estate firm, a law firm and he does financial serves at this location now. He will continue to use the office in the front on the home and the 2-car garage is where he will do the work. He submitted to the board a sketch of the site showing how many parking spaces there are, and the 10 x 20 shed. The old tires will be stored outside until the recycling company comes for pickup. He plans on a 15-foot fence to block the view of tire storage.

Mr. Johnson is there any way you can cover the used tires while they are waiting to be picked up for recycling, to prevent standing water in the and creating a mosquito breeding ground.

Mr. Strodl stated some people get those metal storage containers and did not think the town wanted to see that on the property.

Mr. Johnson stated it could be as simple as a lean to, and extension off the roof of the garage maybe to cover the tires, you mention 50 tires and he was going to mention we should have a limit on the number of tires that could be stored. Maybe 60 used tires outside storage could be placed on the permit.

Mr. Strodl stated the place that picks up tires will not do so unless there are 50 tires or more. The area he is planning for storage is on the south end of the garage and he thinks to the property line there is not enough room for anything to be built for the tire storage.

Chairperson Mayrer stated because of the tire issue this is going to engineering for review.

Mr. Johnson stated maybe in the meantime you could check to see if you could establish the property line behind the garage and see how much space you do have and how you are going to access the tires to have them removed.

Mr. Strodl so he will come back with a some more information and have a couple ideas.

All agree to send this to engineering.

ADJOURN

Aubin moved; D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:36 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning