

PLANNING BOARD MEETING - JUNE 7, 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> or in person

If you have questions on anything on the agenda

Please email your questions to Nadine.fuda@schodack.org no later than 6pm on 6/7/21

PRESENT

Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
Andrew Aubin, P.E.
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

APPROVAL OF MINUTES —, MAY 17, 2021

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

Abstain: None

PUBLIC COMMENT

Chairperson Mayrer asked for anyone who had comments or questions for anything on the agenda that is not a public hearing please call or text the Director of Planning & Zoning.

There were no phone calls or texts.

PUBLIC HEARING

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

Rt. 9 Business park published June 7, 2021

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

Public Hearing Opened at 7:08 p.m.

Public Hearing Closed at 7:15 p.m.

Site Plan /Special Permit /Subdivision

Rte. 9 Commercial Businesses Park	2020-29/PD3/200.-9-6.12
Trojan Energy, Dibble Equip. And Three Lot	2021-8/PD3/200.-6-6.12
US Rte. 9	2021-9/PD3/200.-9-6.12
Proposed - Businesses Park	

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

Mr. Hart spoke about the site, he brought several maps showing the project, the 2 proposed businesses, and the remaining lands to later be subdivided into 3 more business (lots a total of 5 lots are proposed)

Lot 1 being about 4.7 acres, lot 2 is about 2.9 acres and lot 3 will be remaining lands of 17.3 acres to be subdivided in the future. The PD application requires 30 % green space, he shows on the plans where that will be. Which includes the 50-foot buffer around the whole perimeter of the property and then it widens out towards Birchen Bend which totals about 8.75 acres of land which is conservation land and cannot be disturbed. So that does provide a nice buffer between this project and the residents of Birchen Bend. Lot 1 and 2 have contracts to be built on. Lot 1 will be Trojan Energy and lot 2 will be Dibble Equipment. He spoke about the storm water management of the site and has submitted a full SWIPP to Laberge for review, he asked the board if they had any questions or comments regarding this application.

Resident stated that she is the owners of the Christmas Tree farm south of this project and they are interested as to the potential impact to their property. And she believes that was answered with the mention for the conservation area, that is where the two properties adjoin.

Mr. Johnson stated we have seen this application a few times and a number of comments have been brought up and have been address, he feels that everything has been addressed properly.

Mr. Laberge stated Mr. Hart just delivered a set of plans and a SWIPP before the meeting. The past letters that he has issued were kind of routine comments for these types of projects and they just have to go through and check to see what has been address. The Town Board has approved the PD overlay for this site.

Shaughnessy motion: Aubin seconded to close the public hearing at 7:15 p.m.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

PUBLIC HEARING

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

Scannell Properties #508 LLC published May 7, 2021

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

Public Hearing Opened at 7:17 p.m. 5/17/21 Public Hearing Closed at 8:42 p.m. 6/7/21.

Scannell Properties #508 LLC

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

Rt 150

Proposed - Sales Distribution Center

Steven Boisvert, P.E. Area Operations Manager for applicant was present for this meeting. Daniel Madrigal and Adam Frosino for Scannell Properties and Terresa Bakner from Whiteman, Osterman & Hanna were present for this meeting via Zoom.

Chairperson Mayrer and Counsel Craig Crist recuse themselves from this application. Standing in as chair is Wayne Johnson and for counsel will be Chris Langlois.

Mr. Boisvert spoke about the project, updating the board and public on the changes and on the response to the current Laberge letter. He spoke about the updated landscaping plan, grading for the noise wall, lighting was lowered due to a comment submitted, updated noise study, as well as the updated delineation map, they also responded to DOT sight distance comment which they asked for them to analyze a sight distance at the 3 driveways.

Mr. Johnson asked about the noise impacts to the Conlin property, and your report said there was an increase of one decibel, it looks like you are not addressing all the truck back up beepers and alarms. That has been asked a number of times in letters from residents.

As well as the noise from air conditioning fans. How does that equate to 1 decibel increase?

Mr. Boisvert are you asking before the wall is installed, because after the wall is installed that when the decibel level increase by 1 decibel.

Mr. Johnson asked if they looked at lower intensity alarms during the lower noise times of the evening or day.

Mr. Boisvert stated that is in the report under the recommendation section. Where they will be recommending the lower decibel backup alarms basically for all times regardless day or night.

Mr. Johnson asked, who do you recommend a lower decibel alarm, do you tell the truck driver, do you require it for all trucks that come on your site. there is a noise wall blocking the land towards the other neighbors and there is nothing blocking noise going towards Mr. Conlin house.

Mr. Boisvert stated Amazon requires it on all sites, it is an industry standard and if there is a noncompliant truck, they make sure that truck is equipped with the corrects alarms. With regard to the neighbor, you spoke of, in the noise study you will see the noise does not increase over more than 3 decibels. The research done a noise study towards the Conlin property showed a noise wall was not needed due to a couple of factors, one noise attenuates by distance and two there is a large elevation difference. This site sits 25 to 30 feet higher than the neighbor Mr. Conlin. The noise dissipates enough to not warrant a noise wall.

Acting Chairman Johnson asked that a face-to-face meeting be set up with DOT on the 3 driveways and the site distance issues, he and one other member of the planning board will attend as well as our engineer. The conference call did not resolve all the issues that were discussed.

Mr. Boisvert stated that can be done.

Mrs. Leonard stated as a board member her expertise is in the landscaping area, she is most interested in plant list which may end up being relevant. She has some challenges with the sizes and varieties that do not grow in our zone, she would like to talk to someone and get more information about the key and placement, that are not going to do well in this environment. It doesn't have to happen now, but she will be paying special attention to this, the original Amazon site is a little subpar on the size of the facility and what front signs look like and how poorly the trees are doing.

Mr. Boisvert stated ok and asked for her to funnel her comments through Mr. Laberge or Mrs. Fuda. And they will bring their professional landscaping architect to the next meeting.

Mrs. Leonard stated that would be fantastic, she wants to make sure that whatever we do will be best for the facility, nature and the residents that are close.

Mrs. Fuda stated that we have received 5 written comments and she just received one more that she just emailed to each board member.

Resident read comment letter to the board. (See file)

Attorney William Demarest III, from the law firm of Tooher & Barone was here to represent Birchwood Association regarding this application. (See the towns website for taping of this Planning Board meeting)

He spoke about a possible misunderstanding regarding this public hearing and the ability to have oral comment this evening, he spoke about the cumulative impacts from the existing Amazon facility and the proposed Amazon facility, looking at the environmental impacts process, Traffic & trucks going between the two facilities, safety for residents at Richwood Drive, the noise wall at 15 feet should be increased vertically to help with the impacts of noise, lighting, HVAC on the roof with the new facility, and mature trees planted. He asked the board to deny this project for the impacts mentioned but if it goes forward, we need to review all impacts and put in place mitigation for those impacts. And have that listed as conditions of the approval, in the resolution, on the site plans and not rely upon the applicants promises to uphold what is requested of them.

Mr. Morgan Ruthman called to read his letter to the board and applicant. (See file).

Chairman Johnson stated we had a public hearing on May 17, 2021. and we extended it to this meeting for written comments and we had oral comments. He doesn't see any reason why we can't close the public hearing. He asked the board engineer Mr. Laberge what his thoughts were.

Mr. Laberge stated he thinks many of the issues need to be discussed between the board and the applicants team. The planning board always accepts written comments before and after a public hearing and they always get distributed to the board, the attorney and himself for review. He knows this board will follow up on any issues that continue to come in.

Chairman Johnson asked how long will the applicant have to respond to all the comments.

Mr. Laberge stated we do not have a time limit for the applicant to answer, it is up to them to get everything answered, we do not have a schedule.

Mr. Boisvert stated he wants to have all comments prepared for the next meeting, Laberge letter as well and the public comments.

Chairman Johnson stated the next planning board meeting is on June 21, 2021 and he expects the responses to be ready a week before the meeting.

Mr. Boisvert stated that is fine.

Mr. Laberge stated he cannot guarantee they can work through all the response in a week time frame, but an open discussion would be a good idea.

Chairman Johnson asked when you set up your meeting with DOT let Mrs. Fuda know so he can attend and a couple of members can join in on that meeting.

LaVoie motion, Leonard seconded to close the public hearing.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Abstain: Mayrer

Subdivision / Lot Line

Julianne Fuda

2021-22/RA/209.-11-42.103

125 Fish & Game Club Rd.

Proposed - Lot Line

Julianne Fuda, applicant was present for this meeting.

Mrs. Fuda stated she is here for a lot line adjustment of 2.9 acres at 125 Fish and Game Club Road which is 21 acres, she gave a little history of the family property, there are 2 lots theirs and their grandmothers 107 fish and Game Club Road which is 35 acres with an existing home. They are reducing 107 by 2.9 acres with the home to be sold to their sister and family, the remaining lands will be added to their land at 125 giving them a total of 58 acres.

Mr. Johnson stated the map has too many lines and it is confusing, what needs to be shown is the old lot line and the new lot line, with the old lot line listed as to be removed and the new lot line bold and listed as such. The acreage needs to be listed as before and after the lot lines so there is no confusion to what was and what will be.

PB MTG 6/7/21

129-2021

There was discussion on the different lines on the map and what they all mean. The decision was made to have Mrs. Charles Fuda call the surveyor and have the map adjusted and reflect the changes.

TYPE II ACTION

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA.

D'Angelo moved; Aubin seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

Johnson moved, LaVoie 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. **Upon the conditions that new maps be drawn up regarding the changes Requested by the board and resubmit for signing**

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Eric Boisvert
51 Loweree Road
Proposed -Lot Line

2021-18/RA/211.-2-1.12

Eric Boisvert, Applicant was present for this meeting.

Mr. Boisvert stated he is looking for a lot line adjustment for his southern border it will add 7.2 acres to his existing property.

Mr. Johnson stated the existing lot line should have a note stating lot line to be removed. Other than that the map has everything that the board is looking for.

TYPE II ACTION

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA.

Shaughnessy moved, Johnson seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LOT LINE ADJUSTMENT

PB MTG 6/7/21

130-2021

LaVoie moved, D'Angelo 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.

Condition : based on the submission of the map and the existing lot line listed to be removed.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Caleb Development Co.

2021-21/RA/177.-7-2.2

James Corellis Jr.

2642 River Road

Proposed - Minor 4 lot Sub.

Frederick Haley form Caleb Development Co. representing the applicant Mr. James Corellis Jr., was present for this meeting.

Mr. Haley stated they have a 90.59-acre piece of property at 2642 River Raod (Rt. 9J) and they are looking to divide it into 4 lots.

Lot 1 will be 5.69 acres, Lot 2 will be 3.18 acres, lot 3 will be 1.44 acres with remaining lands of 80.28. No buildings, no construction on this application.

Mr. Johnson asked about the easement on lot 3 is that easement to supply access to the lands of Spottle, or is that going to reman land locked?

Mr. Haley stated no, they have their own driveway. It comes up through the lands of Vanessa.

Mr. Johnson stated he sees an easement of 50-feet and he believes the board requires 60 feet.

Mr. Haley stated he can make it 60-feet if needed.

Mr. Johnson questioned the length of the easement through lot 3 and into remaining lands. And if you have an easement and tear the derelict building down you will be making a substandard lot.

Mr. Haley stated the driveway is existing that goes through lot 3 and into lot 4.

Mr. Aubin asked if there is a septic system on the lot.

Mr. Haley stated not they he knows of. It was a commercial building for storage. But the well is good. They hesitated making lot three bigger because there is a stream to the south.

Mr. Aubin stated there really is not room for a septic on lot three and asked where the well is located on the lands of Spottle.

Mr. Haley stated once the building is removed there will be room for a septic, there is only a garage on the property with neither well nor septic. Van Ess has a home with well and septic.

Mr. Johnson asked Mrs. Fuda on the removal of the building on lot 3, and they cannot get the setbacks is there an issue if they do not replace it if it is not on the existing footprint.

Mrs. Fuda stated once the building is gone, we could have them show the proposed house placement with well and septic on the lot. If it cannot meet all setbacks with the well and septic, then this is non-conforming.

There was further discussion on lot 3 to see if it will meet current setbacks, this lot will probably need to be expanded or removed for this subdivision.

Mr. Haley stated he would remove lot 3 and everything will work.

Everyone agreed to send this for a public hearing.

Aubin moved; Johnson seconded; to send this for a public hearing on June 19, 2021
7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy
Oppose: None

Site Plan /Special Permit

Amamsco

2021-19/HC/210.-7-31.3

1210 US 9

Proposed - Change in Tenant/old E.A. Morse.

Steve Pearce, applicant was present for this meeting via Zoom.

Chairperson Mayrer stated to Mr. Pearce that an EAF must be submitted to the planning board correctly, it is not filled out and it is signed on the wrong page.

Mr. Pearce stated nothing is really changing from when it was E.A. Morris, they are still doing business as E.A. Morris, but they were purchased by Amamsco in December of 2020, it is still janitorial supplier and paper products, nothing has changed except the owner.

Mr. Johnson asked why they did not receive a letter telling them this is a change in ownership.

Chairperson Mayrer asked for a letter of intent stating the new owner and the business is staying the same.

Mr. Pearce stated he didn't know the information was not submitted or the EAF was not filled out.

Mrs. Fuda stated she will call your general counsel tomorrow to go over what is needed. And if we get it you can be on the next meeting.

Mr. Pearce state OK

Site Plan /Special Permit

Dave Clements /Kasselman solar
2080 Jensis Road
Proposed - ground mount solar.

2021-20/RA/188.-6-26.111

Alex Martin, Kasselman Solar, applicant, representing for the homeowner Dave Clements via Zoom

Mr. Martin stated he is presenting a ground mount solar array for Dave Clemens who resides at 2080 Jensis Road, the solar array will be a 12.45 KW using 30 panels at a height of 10.6 feet.

Mrs. Fuda asked about the distance from the solar array and the side yard boundary line.

Mr. Martin stated the array sits 58 feet from the property line.

Mr. Johnson asked because of the 58 feet would a foundation location map be required for the building inspector.

Mrs. Fuda stated all the ground mount solar projects require a foundation location plan / a survey of the post once they are installed.

Chairperson Mayrer asked why the solar array was so far away from the residence.

Mr. Martin stated when they were on site the applicant stated they wanted it in the back of the property so when looking at the lot this spot seemed to be the best spot.

There was a discussion on the distance between the neighbors and the array.

Mrs. Fuda asked Mr. Martin to email the survey to her or sent it to her in hard copies.

All agree to send this for a public hearing.

D'Angelo moved; LaVoie seconded to send this for a public hearing on June 21, 2021.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

ADJOURN

Aubin moved, LaVoie 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

MEMBER DISCUSSION

Pursuant to the regulations of the Americans with Disabilities Act (Public Law 101-336), the Town of Schodack will provide auxiliary aids or please notify the Town Clerk's Office at 477-7590 so arrangements can be made for requested services. Please forward written comments to: Nadine Fuda, Director, Planning & Zoning, Schodack Town Hall, 265 Schuurman Road, Castleton, NY 12033 Nadine.fuda@schodack.org Telephone: 518-477-7938, Fax: 518-477-7983 Denise Mayrer, Chairman, Wayne Johnson, John LaVoie, Lawrence D'Angelo, Andrew Aubin, J