

PLANNING BOARD MEETING - July 19, 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 7/19/21

PRESENT

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

MEMBERS ABSENT

Denise Mayrer, Chairwoman

APPROVAL OF DRAFT MINUTES —, JUNE 21, 2021

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

5 Ayes. 0 Noes. Motion carried.

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

Abstain: Shaughnessy

Absent: Mayrer

PUBLIC COMMENTS

Resident asked if the board had seen her letter dated July 17, 2021 and asked about Scannell project regarding Blasting. Also looking for some landscaping at the entrance to Richwood Drive for line of site, as it was done a year ago.

Chairman Johnson asked if it needs to have DOT approval.

Attorney Crist stated both DOT and the property owner need to give approval.

Mr. Ruthman (Van Hoesen Station LLC) spoke about the new Amazon. And his letter he sent earlier that evening, he is concerned on the sound wall, and went into detail on the sound study, (see letter in file)

Nadine Fuda read the hearing notice(s) as published in the Troy Record:
Dave Clements /Kasselman solar **published** June 12, 2021
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).

Public Hearing Opened at 7:10 p.m.

Public Hearing Closed at 7:13 p.m.

PUBLIC HEARING

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 was present for this meeting.

Mr. Martin stated they are installing a ground mount PV solar array at 2080 Jensis Road, 12.45 KW, 30 Panels, 280 ft. from the residence, max height of 10.6 ft. with a square footage of 630 sq. ft. with a 58-foot side yard setback.

Mrs. Fuda stated that once the stakes are in the ground you will need to have a survey done showing the foundation location.

LEAD AGENCY

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

UNLISTED ACTION

LaVoie moved, Aubin seconded that he Planning Board declare this an **Unlisted action**

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

SITE PLAN

D'Angelo moved, Aubin seconded, to approve this site plan/special permit.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision - Lot Line

Eric Boisvert
51 Loweree Road
Proposed - Lot Line

2021-26/RA/211.-2-1.12

Eric Boisvert, applicant, was present for this meeting.

Mr. Boisvert stated he is looking to ass 10 acres to his existing lot.

Chairman Johnson asked if the plans from the last meeting already filed with the county.

Mr. Boisvert stated yes.

Chairman Johnson stated he looked at the map and didn't see anything wrong with what is planned.

LEAD AGENCY

LaVoie moved; Leonard seconded that the Planning Board declare itself to be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

TYPE II ACTION

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

Shaughnessy moved; Aubin seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

LOT LINE ADJUSTMENT

D'Angelo 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**

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan

Nicolle Broughton

2021-25/HC/200.-6-4

1842 Rt. 9

Proposed - Residential / Retail

Nicolle Broughton, applicant was present for this meeting.

Miss Broughton stated she bought the white house across Rt.9 from Dirty Bird Antiques, and she is looking to change it to part residential and retail. The property has enough area for parking to the left of the driveway. She noted she has a store in Schenectady she sells home goods and gifts, it is a mixture of new, vintage, and handmade items. She has been in business for about 8 years now.

Mrs. Fuda stated to the board, in their packets there is a small site plan and a wright up of what the business will be,

LEAD AGENCY

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

TYPE II ACTION

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

LaVoie moved; Shaughnessy seconded.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

APPROVE

Shaughnessy moved; Leonard Seconded to approve this site plan, special permit.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Subdivision

Heart Rte. 9 Subdivision

2021-8/PD3/200.-9-6.12

US Rt. 9

Proposed - 3 lot subdivision

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

Mr. Laberge spoke about his letter dated July 12, 2021 (see Below and File)

Re: **Final Review**

Hart 3-Lot Subdivision

SPB No. 2021-08

We are in receipt of a minor 3-lot commercial subdivision plat, last revised July 9, 2021, for the above referenced project. We offer the following comments:

1. SEQRA has previously been completed for this project and a Negative Declaration was issued by the Planning Board. No further SEQRA action is required.
2. An acceptable maintenance agreement and easements are required to be submitted for review before being filed with the Rensselaer County Clerk's office.

We recommend the Planning Board:

- A. Reaffirm the action previously undergone SEQRA review and that a Negative Declaration was issued.
- B. Approve the subdivision plat conditioned upon the following being satisfied:
 - 1) Number 2 above.
 - 2) All other outstanding administrative items.

C: Craig Crist, Esq., Planning Board Attorney (via email only)
Steve Hart, P.E. (via email only)

Mr. Hart stated there is really nothing else to add to what the board hasn't seen already, aside from working with Mr. Laberge, DEC on the SWIP with Laberge and DOT with the curb cup. As well as the RCHD on the well and septic. He received an email response from DOT, they have pretty much signed off on the project and they are hopping sign off from county health dept. he is happy to address and board comments.

Mr. Aubin asked about the construction time frame.

Mr. Hart stated they are looking to get started in August this year. Dibble Equipment has ordered their building and that is schedule for November delivery.

RESOLUTION APPROVING THREE LOT COMMERCIAL SUBDIVISION PLAT—HART RT. 9 BUSINESS PARK

WHEREAS, Applicant Donald Hart/Hartland Associates (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 as a Planned Development (PD-2) overlay ("the Project").

WHEREAS, the parcel is currently zoned PD3;

WHEREAS, the Project is located at U.S. Rt. 9, 1000' north of Birchen Bend Road, Town of Schodack, New York (Tax ID 200.—9-6.12) and 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");

WHEREAS, 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 and NYSDOT approval of the highway work permit for the driveway and stormwater.

WHEREAS, the procedural history of the Project, includes, but is not limited to the following:

- 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;
- The action was classified as an unlisted action and the Negative Declaration were adopted on April 5, 2021, 2021;
- A public hearing was held on June 7, 2021;
- Applicants submitted the proposed 3-lot commercial plat, as last revised on July 9, 2021;

NOW THEREFORE BE IT RESOLVED THAT the Planning Board hereby re-affirms and ratifies the Board serving as lead agency, the classification of the proposed action as an unlisted action and the Negative Declaration adopted by the Town Board on April 5, 2021.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Planning Board approves the subdivision plat, as last revised on July 9, 2021, conditioned upon: (1) that a proposed maintenance agreement and easements be submitted for the review and approval of the Planning Director before being filed with the Rensselaer County Clerk's Office; (2) all outstanding administrative items be satisfied.

LaVoie motion, Aubin seconded Planning Board approves the **subdivision plat**, as last revised on July 9, 2021,

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

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

Site Plan /Special Permit

Trojan Energy

2021-10/PD3/200.-9-6.12

Rt.9

Proposed : new business

Laberge Letter dated: July 12, 2021

Re: **Final Plan Review**

Trojan Energy Site Plan

SPB #2021-10

We are in receipt of a set of site plans with details and a SWPPP both last revised July 9, 2021 for the above referenced project. We offer the following:

1. The project was the subject of a Planned Development-2 application approved by the Town Board. Site Plan approval is required.
2. Regarding SEQRA, the project was reviewed as part of the PD-2 application and the Planning Board issued a Negative Declaration. Therefore, it is not subject to further review under SEQRA.
3. The project is located in the Direct Recharge area as defined by the Town's Water Quality Control Act (WQCA) and requires a special permit under the WQCA.
4. The project will require approval/permits by the following agencies:
 - a) NYSDOT: Highway Work Permit for the driveway and for stormwater.
 - b) Rensselaer County DOH: Permits for well and septic.
5. All draft easements and maintenance agreements are required for review and subsequent filing with the Rensselaer County Clerk's office.
6. The revised SWPPP submitted is under detailed technical review but appears to be approvable with minor revisions. An approvable SWPPP is required.

Assuming the related subdivision has been approved, we recommend the Planning Board consider the following actions:

- A. Reaffirm the action has previously undergone SEQRA review and that a Negative Declaration was issued.
 - B. Approve a Special Permit under the WQCA subject to:
 - 1) An initial permit term of 18 months from issuance of Certificate of Occupancy.
 - C. Approve the Site Plan conditioned upon the following being satisfied:
 - 1) Numbers 4, 5, & 6 above.
 - 2) All other outstanding administrative items.
- C: Glen Godell (via email only)
Steve Hart, P.E. (via email only)

RESOLUTION—TROJAN ENERGY SYSTEMS
(REAFFIRMING NEGATIVE DECLARATION & WQCA)

WHEREAS, Don Hart/Hartland Associates have obtained approval of the proposed subdivision plat;

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

NOW, THEREFORE, BE IT FUTHER RESOLVED that the Planning Board adopts the attached Resolution Authorizing Special Permit Under WQCA—Trojan Energy Systems.

Waives the reading there of:

D'Angelo moves, Shaughnessy seconded to waive the reading of this resolution.

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

RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA—TROJAN ENERGY SYSTEMS; File No.: 2021-10

WHEREAS, the Applicant, TROJAN ENERGY SYSTEMS, has applied for a Special Permit pursuant to Chapter 223 of the Town Code of the Town of Schodack ("Town Code") in furtherance of its application to construct and operate a 20,000 square foot commercial building with office space on the west side of Route 9 (also known as U.S Routes 9 & 20), just north of Birchen Ben, Schodack, New York (tax map parcel: 200.00-9-6.12), on a 4.69 acre subdivided lot (the "Project site");

WHEREAS, the building is to be serviced with a private well and private septic field as well as have related parking lots and storage yard; and

WHEREAS, most of Applicant's vehicles will be kept off-site and there will be no on-site vehicle maintenance or washing done and the only storage of fuel or related material shall be the storage of a 1,000 gallon propane tank to be used exclusively for the heating of the building; and

WHEREAS, the proposed Project requires the following approvals: (1) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (2) site plan approval issued by the Planning Board; (3) permits for well and septic from the Rensselaer County Department of Health; and (4) a Highway Work Permit for the driveway and stormwater from NYSDOT; and

WHEREAS, the proposed Project and the application that is the subject of this Resolution have been the subject of extensive review and discussion; and

WHEREAS, at the April 5, 2021 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

WHEREAS, the proposed Project is located in the Direct Recharge area as defined by the Town's Water Quality Contract Act (WQCA) and requires the issuance of a special permit pursuant to the Town of Schodack's Water Quality Control Act; and

WHEREAS, the purpose and intent of Chapter 223 of the Town Code "is to establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities that may adversely affect the quality or availability of water from the Town aquifers; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to assure an adequate supply of suitable drinking water for the residents of the Town"; and

WHEREAS, § 223-5(B) of the Town Code provides that "special permits within the Water Quality Control District may be granted by the Planning Board upon a finding that the proposed project is consistent with the provisions of this chapter"; and

WHEREAS, all special permit application procedures have been followed, including, but not limited to, the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on June 7, 2021; and

WHEREAS, the aforementioned Negative Declaration states, in part, and this Board hereby once again finds:

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 SWPP standards.

The aforementioned Negative Declaration states, also in part, and this Board also again finds:

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.

WHEREAS, the equalized percolation rate for this site was 10 minutes per inch;

NOW THEREFORE BE IT RESOLVED THAT this Board hereby determines that the proposed use, subject to meeting the conditions of the Laberge Group's letters, including but not limited to those dated May 12, 2021, June 16, 2021 and July 12, 2021, and those conditions also stated herein are carried out, is consistent with the provisions of Chapter 223 of the Code of the Town of Schodack and will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities and that the proposed use will not adversely affect the quality or availability of water from the Town aquifers; that it will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and that it will assure an adequate supply of suitable drinking water for the residents of the Town and that the grant of the special permit is consistent with Chapter 223 of the Code of the Town of Schodack, including, but not limited to § 223-5(B) thereof; and

BE IT FURTHER RESOLVED THAT the application for the Special Permit is hereby **GRANTED** subject to the following conditions:

1. this Special Permit shall have an initial term of 18 months from issuance of a Certificate of Occupancy;
2. compliance with the conditions set forth herein and in the Town Code, including but not limited to § 223-5(D) and B1, B2, B3 and C1 and C2 of the Town Code;
3. compliance with all conditions set forth in the letters of May 12, 2021, June 16, 2021 and July 12, 2021, from the Laberge Group to Denise Mayrer, Chair of the Town of Schodack Planning Board as well as all previously stated engineering requirements be satisfied, all of which are incorporated herein by reference with full force and effect;

BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the reasons set forth in the aforementioned Laberge Group letter, the Negative Declaration and all SEQRA documents, all of which are incorporated herein by reference, and all reasons set forth herein; and

BE IT FURTHER RESOLVED THAT in furtherance of the foregoing, it was determined in the Negative Declaration, and it is the determination of this Board, that the proposed project has been designed to have no effect on either ground or surface water quality or quantity; and

BE IT FURTHER RESOLVED THAT the Planning Board finds and determines that the proposed project is consistent with the provisions of Chapter 223 of the Town Code. Provided below is a summary of the requirements that are or may be perceived to be applicable to the development of the proposed Project, followed by either how the Project complies with the requirement or justification as to why the requirement is not applicable.

**** Uses permitted under the Town of Schodack Zoning Law (Chapter 219) are permitted in the Water Quality Control District subject to the provisions of Chapter 223 Water Quality Control (223-6.C.1).***

**The proposed use will be in a PD-3 zone and is an allowable use therein upon the grant of the special use permit.*

a. It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by as permit from the appropriate regulatory authority. (223-6.C.1.a).

**There is no plan to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town substances that cause an exceedance of NYSDEC water quality standards. Furthermore, as more fully detailed in the Negative Declaration and herein, the discharge of stormwater is in accordance with NYSDEC Stormwater Design Regulations.*

b. Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading or handling areas shall not be located within 200 feet of any surface water body or 500 feet from a community supply well. (223-6.C.1.b).

**There is no bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate planned to be stored on site.*

c. Permits for wastewater disposal shall be obtained from the Rensselaer County Department of Health (RCDOH) or the New York State Department of Environmental Conservation (NYSDEC) as required provided to the Town. (223-6.C.1.c).

** A RCDOH permit for the on-site private septic system will be issued.*

d. The introduction into an existing on-site disposal system of any material for which the system was not designed, or permitted, that will potentially cause an exceedance of NYSDEC groundwater standards is prohibited. (223-6.C.1.d).

** The on-site private septic system will not cause an exceedance of NYSDEC groundwater standards.*

e. On-site disposal systems shall not be located within 200 feet of a community supply well. (223-6.C.1.e).

* The on-site sanitary disposal system will not be located within 200 feet of a community supply well.

f. There shall be no open storage of hazardous material or petroleum. (223-6.C.1.f).

*There is no open storage of hazardous material or petroleum planned on site. Underground there will be stored a 1,000 gallon tank to be used for propane and shall be used for the heating of the building.

g. Activities at service repair shops involving the use or potential spillage of hazardous materials or petroleum shall be conducted on an impervious surface that is bermed or otherwise constructed to contain spills or leaks. (223-6.C.1.g).

*The project is not a service repair shop.

h. Hazardous material storage for commercial/industrial uses that is not regulated by NYSDEC shall only occur on an enclosed, impervious surface that is bermed or otherwise constructed to contain spills or leaks. (223-6.C.1.h).

*NA.

i. Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have secondary containment with a minimum capacity equal to that of the tank(s). Alternatively, petroleum may be stored belowground in tanks with a combined capacity of over 1,100 gallons, if such storage conforms to the requirements of 6 NYCRR Part 614. Any tank with a capacity exceeding 1,100 gallons will require Planning Board review. (223-6.C.1.i).

* The proposed use is compliant in all respects; any storage will comply with the foregoing.

j. For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least five days per week, or at vehicle washing facilities, gasoline sales and motor vehicle service stations, an impervious surface (e.g., asphalt or concrete) with water flow directed towards an appropriately sized and maintained oil/water separator or water quality inlet structure shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/water separators or water quality inlet structures for other uses where petroleum is stored or

transferred or where less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a NYSDEC SPDES permit. (223-6.C.1.j).

*The parking lot is not of this size and all vehicle maintenance and repair will be done off site.

k. Agricultural animal waste and fertilizer shall not be landspread on the ground surface within 200 feet of a community supply well. (223-6.C.1.k).

*NA - The proposed project is not within 200 feet of a community supply well.

l. Industrial, commercial and agricultural storage and application of pesticides shall be consistent with NYSDEC standards. (223-6.C.1.l).

*Any application of pesticides will be conducted consistent with NYSDEC Standards.

m. Excavations or cut-ins that expose groundwater within the Wellhead Protection Area are prohibited. This provision does not apply to temporary (less than 60 days) construction-related excavations or cut-ins. (223-6.C.1.m).

*NA - The proposed project is not within the Wellhead Protection Area.

n. Establishment of a centralized disposal area for snow or ice removed from salted roadways or parking lots is prohibited within the Wellhead Protection Area. (223-6.C.1.n).

*NA - The proposed project is not within the Wellhead Protection Area.

Moreover, the project as designed and approved with conditions, protects and preserves, the existing and potential groundwater supply, as more fully detailed in the Negative Declaration.

Accordingly, the project will comply with all applicable requirements of the Water Quality Control regulations and a special permit should be issued;

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application a Special Permit to allow the construction and operation of the subject commercial building with office space on the subject property as proposed in the application and subject to the aforementioned conditions by the following vote:

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

VOTE **Waive** the reading

Shaughnessy moved, LaVoie seconded to waive the reading of the resolution

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

RESOLUTION AUTHORIZING **SITE PLAN APPROVAL—TROJAN ENERGY SYSTEMS.; File No.: 2021-10**

WHEREAS, the Applicant, TROJAN ENERGY SYSTEMS, has applied for Site Plan Approval in furtherance of its application to construct and operate a +/- 20,000 square foot commercial building with office space on the west side of Route 9 (also known as U.S Routes 9 & 20), just north of Birchen Ben, Schodack, New York (tax map parcel: 200.00-9-6.12), on a 4.69 acre subdivided lot (the "Project site"); and

WHEREAS, the Project site will join other subdivided lots to be part of a business park on a +/- 25 acre parcel of land. No more than five buildings will be constructed, all of which shall have their own private well and septic systems and own storm water maintenance system meeting NYSDEC SWPPP standards; and

WHEREAS, the building is to be serviced with a private well and private septic field as well as have related parking lots (total of 21 parking spaces) and storage yard; and

WHEREAS, most of Applicant's vehicles will be kept off-site and there will be no on-site vehicle maintenance or washing done and the only storage of fuel or related material shall be the storage of a 1,000 gallon propane tank to be used exclusively for the heating of the building; and

WHEREAS, the proposed Project required/requires the following approvals: (1) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (2) site plan approval issued by the Planning Board; (3) permits for well and septic from the Rensselaer County Department of Health; and (4) a Highway Work Permit for the driveway and stormwater from NYSDOT; and

WHEREAS, at the April 5, 2021 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

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

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

A. General considerations.

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

and;

WHEREAS, all required notices and other procedures have been followed, including, but not limited to, the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on June 7, 2021; and

NOW THEREFORE BE IT RESOLVED THAT the Board determines to grant site plan approval based upon considering the Project as a whole and the aforementioned considerations, as well as consideration of the following factors:

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

*As more fully detailed in the previously adopted Negative Declaration:

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.

As such, the proposed Project will not result in any significant impact on existing traffic levels. Existing levels of services will be maintained at the access drives with only a slight change in the level of service for the proposed site conditions but found these to be within acceptable limits.

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

*The site has been arranged to give adequate safety and visibility to pedestrians. It is noted that this is not a high-volume pedestrian area and in fact no pedestrian traffic was noted in recent studies of other nearby properties that were also subject to the review of this Board.

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

* See response (1) above which is incorporated herein; also, the site has been designed to provide sufficient off-street parking and loading. Based upon the information submitted, there are adequately designed automobile and minimal need for truck parking/loading areas as a commercial building with office space is being constructed. The arrangement of the spaces is in accordance with standards.

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

* The building proposed is compatible with other buildings on U.S. Routes 9 & 20. The Project site is close to more intense uses, including convenience store and gasoline filling station. Light is full cutoff down lighting and at appropriate height. The proposed Project is consistent with the Town's 2011 Comprehensive Plan, particularly Guiding Principle No. 5 which is to "[e]ncourage business growth around the I-90 exits and the Route 9 Corridor to build a strong tax base for public services and to provide appropriate retail and service business support for Town residents." As also noted in the Negative Declaration, "The proposed Project will not result in any significant adverse impacts associated with the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources, or of the existing community or neighborhood character." The Project site is located nearby the Highway Commercial (HC) zoning district in which the development of property for a variety of commercial and business uses-including the proposed use-was anticipated. The existing community and neighborhood character for the residential properties in the immediate vicinity of the project site includes their proximity to the HC zoning district. The Columbia Turnpike corridor was marked by a variety of commercial uses co-existing with existing residential properties.

(5) The adequacy of stormwater and drainage facilities.

*The Town is an MS-4 community. 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 SWPP standards. A Stormwater Pollution Prevention Plan was prepared, and certain additional components were added into the design of the stormwater system to provide additional protections. Site specific stormwater and drainage facilities have been designed adequately to address the increase of impervious surfaces being proposed by the Project; see also Response 11.

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

*The Project will be serviced by its own private well and private septic systems, both of which shall require the approval of the Rensselaer County Department of Health.

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

As noted in the Negative Declaration concerning the entire business park which is instructive:

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 law 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. While the proposed use will remove some

meadow land, most of that land will be become lawns and it is further noted that the amount of acres used for roads, building and other paved or impervious surfaces will increased by only 4.9 acres.

As such, the subject Project does not involve, and therefore will not result in, significant adverse impacts associated with, the removal or destruction of large quantities of vegetation or fauna. The fauna on the subject site will be largely undisturbed. Moreover, it should be noted that over 300 plantings are featured on the Landscaping Plan for the entire business park. Visually, the appearance of the proposed Project will be in harmony with the existing commercial uses which predominate the area. The proposed Project includes landscaping and planting design features intended to significantly screen the Project from neighboring residences, and lighting design features intended to minimize offsite glare, thereby avoiding significant visual impacts.

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

*Not applicable.

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

*The Project has incorporated protection of adjacent and neighboring properties including, but not limited to, the following methods:

- a. Plantings of certain trees and scrubs per the Landscaping Plan;
- b. Creation of a limit of disturbance line in order to preserve existing vegetation.
- c. The height of the exterior lighting has been kept to a minimum.
- d. The lighting utilizes full uot off down lighting;
- e. The dumpster is screened from view;

Specifically, as to noise, as is more fully detailed in the Negative Declaration, this Project will not result in any substantial adverse changes in existing noise levels. As noted therein, the project site is in close proximity to Columbia Turnpike (US Routes 9 & 20), a four-lane highway. Any noise generated from the Project will be entirely consistent with ambient, pre-existing noise levels along the Columbia Turnpike corridor.

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

*The site design provides adequate circulation for emergency vehicles. There is access to fire hydrants on U.S. Routes 9 & 20.

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

*Stormwater management plans and the grading of the site have been designed using best management practices for erosion control for the size and type of the project, both during and after construction. The Project has been designed in accordance with the NYS DEC Stormwater Design Manual. Said plans manage the stormwater so as to minimize

erosion, ponding and flooding. Stormwater is being detained on site and will therefore not result in any erosion, flooding, leaching or drainage issues..

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group letter dated July 12, 2021 to Chairwoman Denise Mayrer (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned letter as well as all review letters, as well as all other administrative matters, from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus the following conditions:

1. all draft easements and maintenance agreements are required for review and subsequent filing with the Rensselaer County Clerk's Office;
2. an approvable SWPPP;
3. it is noted that the project will require approvals/permits by the following agencies: Rensselaer County DOH: permit for well and septic and NYSDOT: Highway Work Permit for the driveway and for stormwater;
4. all other administrative items be resolved;
5. Subject to any terms and conditions of the heretofore issued Special Permit by the Zoning Board of Appeals pursuant to Chapter 223 of the Town Code, Water Quality Control and the special permit by this Board, issued contemporaneously herewith, also pursuant to Chapter 223 of the Town Code.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the opinions offered by the Town's reviewing engineer, the adopted Negative Declaration and all findings made pursuant thereto; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval to allow the construction of a +/- 20,000 square foot commercial building on the subject property as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter by the following vote:

LaVoie moved, Aubin seconded **APPROVAL** of **SITE PLAN**

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

Site Plan /Special Permit

Dibble Equip.

2021-9/PD3/200.-9-6.12

Proposed - Businesses Park

Laberge Letter Dated : July 12, 2021

Re: **Final Plan Review**

Dibble Equipment Site Plan

SPB #2021-09

We are in receipt of a set of site plans with details and a SWPPP last revised July 9, 2021 for the above referenced project. We offer the following:

7. The project was the subject of a Planned Development-2 application approved by the Town Board. Site Plan approval is required.
8. Regarding SEQRA, the project was reviewed as part of the PD-2 application and the Planning Board issued a Negative Declaration. Therefore, it is not subject to further review under SEQRA.
9. The project is located in the Direct Recharge area as defined by the Town's Water Quality Control Act (WQCA) and requires a special permit under the WQCA.
10. The project will require approval/permits by the following agencies:
 - c) NYSDOT: Highway Work Permit for the driveway and for stormwater.
 - d) Rensselaer County DOH: Permits for well and septic.
11. All draft easements and maintenance agreements are required for review and subsequent filing with the Rensselaer County Clerk's office.
12. The revised SWPPP submitted is under detailed technical review but appears to be approvable with minor revisions. An approvable SWPPP is required.

Assuming the related subdivision has been approved, we recommend the Planning Board consider the following actions:

- A. Reaffirm the action has previously undergone SEQRA review and that a Negative Declaration was issued.
- B. Approve a Special Permit under the WQCA subject to:
 - 1) An initial permit term of 18 months from the issuance of Certificate of Occupancy.
- C. Approve the Site Plan conditioned upon the following being satisfied:
 - 1) Numbers 4, 5, & 6 above.
 - 2) All other outstanding administrative items.

C: Rodney Dibble (via email only)
Steve Hart, P.E. (via email only)

**RESOLUTION—DIBBLE EQUIPMENT, INC.
(REAFFIRMING **NEGATIVE DECLARATION** & WQCA)**

WHEREAS, Don Hart/Hartland Associates have obtained approval of the proposed subdivision plat;

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

NOW, THEREFORE, BE IT FUTHER RESOLVED that the Planning Board adopts the attached Resolution Authorizing Special Permit Under WQCA—Dibble Equipment, Inc.

Waives the reading there of:

LaVoie moves, Shaughnessy seconded to waive the reading of this resolution.

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

RESOLUTION AUTHORIZING **SPECIAL PERMIT UNDER WQCA—DIBBLE EQUIPMENT, INC.; File No.: 2021-9**

WHEREAS, the Applicant, DIBBLE EQUIPMENT, INC. has applied for a **Special Permit pursuant** to Chapter 223 of the Town Code of the Town of Schodack ("Town Code") in furtherance of its application to construct and operate a +/- 11,000 square foot commercial building with office space on the west side of Route 9 (also known as U.S Routes 9 & 20), just north of Birchen Ben, Schodack, New York (tax map parcel: 200.00-9-6.12), on a 2.87 acre subdivided lot (the "Project site");

WHEREAS, the building is to be serviced with a private well and private septic field as well as have related parking lots; and

WHEREAS, Applicant utilizes only one truck and there will be no on-site vehicle maintenance or washing done and the only storage of fuel or related material shall be the

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storage of a 1,000 gallon propane tank to be used exclusively for the heating of the building; and

WHEREAS, the proposed Project requires the following approvals: (1) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (2) site plan approval issued by the Planning Board; (3) permits for well and septic from the Rensselaer County Department of Health; and (4) a Highway Work Permit for the driveway and stormwater from NYSDOT; and

WHEREAS, the proposed Project and the application that is the subject of this Resolution have been the subject of extensive review and discussion; and

WHEREAS, at the April 5, 2021 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

WHEREAS, the proposed Project is located in the Direct Recharge area as defined by the Town's Water Quality Contract Act (WQCA) and requires the issuance of a special permit pursuant to the Town of Schodack's Water Quality Control Act; and

WHEREAS, the purpose and intent of Chapter 223 of the Town Code "is to establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities that may adversely affect the quality or availability of water from the Town aquifers; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to assure an adequate supply of suitable drinking water for the residents of the Town"; and

WHEREAS, § 223-5(B) of the Town Code provides that "special permits within the Water Quality Control District may be granted by the Planning Board upon a finding that the proposed project is consistent with the provisions of this chapter"; and

WHEREAS, all special permit application procedures have been followed, including, but not limited to, the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on June 7, 2021; and

WHEREAS, the aforementioned Negative Declaration states, in part, and this Board hereby once again finds:

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 SWPP standards.

The aforementioned Negative Declaration states, also in part, and this Board also again finds:

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.

NOW THEREFORE BE IT RESOLVED THAT this Board hereby determines that the proposed use, subject to meeting the conditions of the Laberge Group's letters, including but not limited to those dated May 12, 2021, June 16, 2021 and July 12, 2021, and those conditions also stated herein are carried out, is consistent with the provisions of Chapter 223 of the Code of the Town of Schodack and will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities and that the proposed use will not adversely affect the quality or availability of water from the Town aquifers; that it will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and that it will assure an adequate supply of suitable drinking water for the residents of the Town and that the grant of the special permit is consistent with Chapter 223 of the Code of the Town of Schodack, including, but not limited to § 223-5(B) thereof; and

BE IT FURTHER RESOLVED THAT the application for the Special Permit is hereby **GRANTED** subject to the following conditions:

1. this Special Permit shall have an initial term of 18 months from issuance of a Certificate of Occupancy;
2. compliance with the conditions set forth herein and in the Town Code, including but not limited to § 223-5(D) and B1, B2, B3 and C1 and C2 of the Town Code;
3. compliance with all conditions set forth in the letters of May 12, 2021, June 16, 2021 and July 12, 2021, from the Laberge Group to Denise Mayrer, Chair of the Town of Schodack Planning Board as well as all previously stated engineering requirements be satisfied, all of which are incorporated herein by reference with full force and effect;

BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the reasons set forth in the aforementioned Laberge Group letter, the Negative Declaration and all SEQRA documents, all of which are incorporated herein by reference, and all reasons set forth herein; and

BE IT FURTHER RESOLVED THAT in furtherance of the foregoing, it was determined in the Negative Declaration, and it is the determination of this Board that the proposed project has been designed to have no effect on either ground or surface water quality or quantity; and

BE IT FURTHER RESOLVED THAT the Planning Board finds and determines that the proposed project is consistent with the provisions of Chapter 223 of the Town Code. Provided below is a summary of the requirements that are or may be perceived to be applicable to the development of the proposed Project, followed by either how the Project complies with the requirement or justification as to why the requirement is not applicable.

* Uses permitted under the Town of Schodack Zoning Law (Chapter 219) are permitted in the Water Quality Control District subject to the provisions of Chapter 223 Water Quality Control (223-6.C.1).

*The proposed use will be in a PD-3 zone and is an allowable use therein upon the grant of the special use permit.

a. It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by as permit from the appropriate regulatory authority. (223-6.C.1.a).

*There is no plan to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town substances that cause an exceedance of NYSDEC water quality standards. Furthermore, as more fully detailed in the Negative Declaration and herein, the discharge of stormwater is in accordance with NYSDEC Stormwater Design Regulations.

b. Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading or handling areas shall not be located within 200 feet of any surface water body or 500 feet from a community supply well. (223-6.C.1.b).

*There is no bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate planned to be stored on site.

c. Permits for wastewater disposal shall be obtained from the Rensselaer County Department of Health (RCDOH) or the New York State Department of Environmental Conservation (NYSDEC) as required provided to the Town. (223-6.C.1.c).

* A RCDOH permit for the on-site private septic system will be issued.

d. The introduction into an existing on-site disposal system of any material for which the system was not designed, or permitted, that will potentially cause an exceedance of NYSDEC groundwater standards is prohibited. (223-6.C.1.d).

* The on-site private septic system will not cause an exceedance of NYSDEC groundwater standards.

e. On-site disposal systems shall not be located within 200 feet of a community supply well. (223-6.C.1.e).

* The on-site sanitary disposal system will not be located within 200 feet of a community supply well.

f. There shall be no open storage of hazardous material or petroleum. (223-6.C.1.f).

*There is no open storage of hazardous material or petroleum planned on site. Underground there will be stored a 1,000-gallon tank to be used for propane and shall be used for the heating of the building.

g. Activities at service repair shops involving the use or potential spillage of hazardous materials or petroleum shall be conducted on an impervious surface that is bermed or otherwise constructed to contain spills or leaks. (223-6.C.1.g).

*The project is not a service repair shop.

h. Hazardous material storage for commercial/industrial uses that is not regulated by NYSDEC shall only occur on an enclosed, impervious surface that is bermed or otherwise constructed to contain spills or leaks. (223-6.C.1.h).

*NA.

i. Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have secondary containment with a minimum capacity equal to that of the tank(s). Alternatively, petroleum may be stored belowground in tanks with a combined capacity of over 1,100 gallons, if such storage conforms to the requirements of 6 NYCRR Part 614. Any tank with a capacity exceeding 1,100 gallons will require Planning Board review. (223-6.C.1.i).

* The proposed use is compliant in all respects; any storage will comply with the foregoing.

j. For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least five days per week, or at vehicle washing facilities, gasoline sales and motor vehicle service stations, an impervious surface (e.g., asphalt or concrete) with water flow directed towards an appropriately sized and maintained oil/water separator or water quality inlet structure shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/water separators or water quality inlet structures for other uses where petroleum is stored or transferred or where less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a NYSDEC SPDES permit. (223-6.C.1.j).

*The parking lot is not of this size and all vehicle maintenance and repair will be done off site.

k. Agricultural animal waste and fertilizer shall not be land spread on the ground surface within 200 feet of a community supply well. (223-6.C.1.k).

*NA - The proposed project is not within 200 feet of a community supply well.

l. **Industrial, commercial, and agricultural storage and application of pesticides shall be consistent with NYSDEC standards. (223-6.C.1.l).**

*Any application of pesticides will be conducted consistent with NYSDEC Standards.

m. **Excavations or cut-ins that expose groundwater within the Wellhead Protection Area are prohibited. This provision does not apply to temporary (less than 60 days) construction-related excavations or cut-ins. (223-6.C.1.m).**

*NA - The proposed project is not within the Wellhead Protection Area.

n. **Establishment of a centralized disposal area for snow or ice removed from salted roadways or parking lots is prohibited within the Wellhead Protection Area. (223-6.C.1.n).**

*NA - The proposed project is not within the Wellhead Protection Area.

Moreover, the project as designed and approved with conditions, protects and preserves, the existing and potential groundwater supply, as more fully detailed in the Negative Declaration.

Accordingly, the project will comply with all applicable requirements of the Water Quality Control regulations and a special permit should be issued;

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application a Special Permit to allow the construction and operation of the subject commercial building with office space on the subject property as proposed in the application and subject to the aforementioned conditions by the following vote:

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

SITE PLAN

Waives the reading there of:

Aubin moves, D'Angelo seconded to waive the reading of this resolution.

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6 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RESOLUTION AUTHORIZING SITE PLAN APPROVAL—DIBBLE EQUIPMENT, INC; File No.: 2021-09

WHEREAS, the Applicant, **DIBBLE EQUIPMENT**, has applied for Site Plan Approval in furtherance of its application to construct and operate a +/- 11,000 square foot commercial building with office space on the west side of Route 9 (also known as U.S Routes 9 & 20), just north of Birchen Ben, Schodack, New York (tax map parcel: 200.00-9-6.12), on a 2.87 acre subdivided lot (the "Project site"); and

WHEREAS, the Project site will join other subdivided lots to be part of a business park on a +/- 25 acre parcel of land. No more than five buildings will be constructed, all of which shall have their own private well and septic systems and own storm water maintenance system meeting NYSDEC SWPPP standards; and

WHEREAS, the building is to be serviced with a private well and private septic field as well as have related parking lots; and

WHEREAS, there will be no on site vehicle maintenance or washing done and the only storage of fuel or related material shall be the storage of a 1,000 gallon propane tank to be used exclusively for the heating of the building; and

WHEREAS, the proposed Project required/requires the following approvals: (1) a special permit issued by the Planning Board pursuant to Chapter 223 of the Town Code, Water Quality Control; (2) site plan approval issued by the Planning Board; (3) permits for well and septic from the Rensselaer County Department of Health; and (4) a Highway Work Permit for the driveway and stormwater from NYSDOT; and

WHEREAS, at the April 5, 2021 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

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

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

A. General considerations.

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

Pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

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

and;

WHEREAS, all required notices and other procedures have been followed, including, but not limited to, the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on June 7, 2021; and

NOW THEREFORE BE IT RESOLVED THAT the Board determines to grant site plan approval based upon considering the Project as a whole and the aforementioned considerations, as well as consideration of the following factors:

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

*As more fully detailed in the previously adopted Negative Declaration:

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.

As such, the proposed Project will not result in any significant impact on existing traffic levels. Existing levels of services will be maintained at the access drives with only a slight change in the level of service for the proposed site conditions but found these to be within acceptable limits.

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

*The site has been arranged to give adequate safety and visibility to pedestrians. It is noted that this is not a high-volume pedestrian area and in fact no pedestrian traffic was noted in recent studies of other nearby properties that were also subject to the review of this Board.

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

* See response (1) above which is incorporated herein; also, the site has been designed to provide sufficient off-street parking and loading. Based upon the information submitted, there are adequately designed automobile and minimal need for truck parking/loading areas as a commercial building with office space is being constructed. The arrangement of the spaces is in accordance with standards.

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

* The building proposed is compatible with other buildings on U.S. Routes 9 & 20. The Project site is close to more intense uses, including convenience store and gasoline filling station. Light is full cutoff down lighting and at appropriate height. The proposed Project is consistent with the Town's 2011 Comprehensive Plan, particularly Guiding Principle No. 5 which is to "[e]ncourage business growth around the I-90 exits and the Route 9 Corridor to build a strong tax base for public services and to provide appropriate retail and service business support for Town residents." As also noted in the Negative Declaration, "The proposed Project will not result in any significant adverse impacts associated with the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources, or of the existing community or neighborhood character." The Project site is located nearby the Highway Commercial (HC) zoning district in which the development of property for a variety of commercial and business uses-including the proposed use-was anticipated. The existing community and neighborhood character for the residential properties in the immediate vicinity of the project site includes their proximity to the HC zoning district. The Columbia Turnpike corridor was marked by a variety of commercial uses co-existing with existing residential properties.

(5) The adequacy of stormwater and drainage facilities.

*The Town is an MS-4 community. 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 SWPP standards. A Stormwater Pollution Prevention Plan was prepared and certain additional components were added into the design of the stormwater system to provide additional protections. Site specific stormwater and drainage facilities have been designed adequately to address the increase of impervious surfaces being proposed by the Project; see also Response 11.

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

*The Project will be serviced by its own private well and private septic systems, both of which shall require the approval of the Rensselaer County Department of Health.

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

As noted in the Negative Declaration concerning the entire business park which is instructive:

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 law 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. 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.

As such, the subject Project does not involve, and therefore will not result in, significant adverse impacts associated with, the removal or destruction of large quantities of vegetation or fauna. The fauna on the subject site will be largely undisturbed. Moreover, it should be noted that over 300 plantings are featured on the Landscaping Plan for the entire business park. Visually, the appearance of the proposed Project will be in harmony with the existing commercial uses which predominate the area. The proposed Project includes landscaping and planting design features intended to significantly screen the Project from neighboring residences, and lighting design features intended to minimize offsite glare, thereby avoiding significant visual impacts.

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

*Not applicable.

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

*The Project has incorporated protection of adjacent and neighboring properties including, but not limited to, the following methods:

- a. Plantings of fauna and all plantings per the Landscaping Plan;
- b. Creation of a limit of disturbance line in order to preserve existing vegetation;
- c. The height of the exterior lighting has been kept to a minimum;
- d. The lighting utilizes full cut off down lighting;
- e. The dumpster is screened from view;

Specifically as to noise, as is more fully detailed in the Negative Declaration, this Project will not result in any substantial adverse changes in existing noise levels. As noted therein, the project site is in close proximity to Columbia Turnpike (US Routes 9 & 20), a four-lane highway. Any noise generated from the Project will be entirely consistent with ambient, pre-existing noise levels along the Columbia Turnpike corridor.

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

*The site design provides adequate circulation for emergency vehicles. There is access to fire hydrants on U.S. Routes 9 & 20.

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

*Stormwater management plans and the grading of the site have been designed using best management practices for erosion control for the size and type of the project, both during and after construction. The Project has been designed in accordance with the NYS DEC Stormwater Design Manual. Said plans manage the stormwater so as to minimize erosion, ponding and flooding. Stormwater is being detained on site and will therefore not result in any erosion, flooding, leaching or drainage issues. In fact, after completion stormwater runoff and peak flows will be equal to or less than existing conditions.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group letter dated July 12, 2021 to Chairwoman Denise Mayrer (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned letter as well as all review letters, as well as all other administrative matters, from the Laberge Group to Denise Mayer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus the following conditions:

1. all draft easements and maintenance agreements are required for review and subsequent filing with the Rensselaer County Clerk's Office.
2. an approvable SWPPP.

3. it is noted that the project will require approvals/permits by the following agencies: Rensselaer County DOH: permit for well and septic and NYSDOT: Highway Work Permit for the driveway and for stormwater.

4. all other administrative items be resolved.

5. Subject to any terms and conditions of the heretofore issued Special Permit by the Zoning Board of Appeals pursuant to Chapter 223 of the Town Code, Water Quality Control and the special permit by this Board, issued contemporaneously herewith, also pursuant to Chapter 223 of the Town Code.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the opinions offered by the Town's reviewing engineer, the adopted Negative Declaration and all findings made pursuant thereto; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval to allow the construction of a +/- 11,000 square foot commercial building on the subject property as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter by the following vote:

LaVoie moved, Shaughnessy seconded **APPROVAL** of **SITE PLAN** for Dibble Equipment.

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

Site Plan/Special Permit

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 from McFarland & Johnson, Daniel Madrigal for Scannell Properties, Teresa Bakner from Whiteman, Osterman & Hanna were present for this meeting.

Mr. Laberge spoke about the special meeting that was held on July 12, 2021 and stated that Scannell has worked on the items that were brought up by the board and the public.

PB 7/19/21

178-2021

He noted in Stephanie's absence that she worked with the landscape architect and confirmed that she was satisfied with the elements that were placed on the new plan, and they did go with the alternate species of plants. He has received a revised noise study, other data as well.

Mr. Johnson asked about the plant list, the plans stated specialized species is commercially unavailable. Is there something that can be done to make sure that you made an attempt to get the original plantings rather than just go to the substitute plants.

Mr. Boisvert stated the normal process is a submittal from the landscape company to Scannell landscape architect of what is available going with the original plant request before the substitute plants. He continued to state that they did resubmit a full set of drawings that addressed the comments from the Laberge letter as well as a letter itemizing how they responded to each comment. They added a gravel access road to allow for the maintenance for the landscaping on the south side which will wrap around the north of the wall to maintain the plants. They also decided to omit any plantings along the sound wall where there was concern over the 5 feet to the property line and the ability to maintain them in those areas. In consideration of the property next to this site they increased the sound wall height to 22 feet for a 500-foot section where the proposed building is close to the property line.

Mr. Laberge stated that he and he and a board member were talking about the retaining wall and asked if it would make any sense to integrate the retaining wall and the sound wall to get even a little more room for maintenance.

Mr. Boisvert stated they are contemplating that, merging the two into one and they are researching that from a cost perspective.

Chairman Johnson asked about the plans, sheet C05 and if the 5-foot shoulder gets approved from DOT.

Mr. Boisvert stated it is a 12-foot shoulder there is a 5-foot strip of grass or gravel between the shoulder and the sidewalk.

There was discussion on sheet C05 and the 5-foot shoulder.

Mr. Boisvert stated they will correct that; it is to be a 12-foot shoulder.

Mr. Johnson asked about the north side of Rt 9&20, there may be a difference in the shoulder width it may be adequate for that side of the road. But on Schodack Valley Road (Rt. 150) from the lights to your facility you should be using 12 feet for the shoulder and should be rebuilding the shoulder instead of overlaying it.

Mr. Boisvert stated they will work closely with DOT on this.

Chairman Johnson asked if they were planning on guide rails along the wall on the Conlin side. He suggests a box beam guide rail.

Mr. Boisvert stated there is a fence on top of the wall. If anything, the guide rail will sit in front for the wall. Adam pointed out a gap between the truck area and the block wall so they can install a guide rail there.

Mr. Laberge stated the next step in this process is to continue technical review and continue drafting documents for the board's possible consideration.

Discussion on the timely drafting of the resolutions so the board can review them before the August 2, 2021 meeting.

Mr. Aubin stated the sound wall has to bump out to accommodate the corner of what's like the last couple of parking spots, if you lost those last 4 parking spots you could straighten out the retaining wall. You will still maintain the 10-foot separation. It should also save money by doing this.

Mr. Boisvert stated your point is well taken, that would be an Amazon decision. But they are also contemplating merging the retaining wall with the sound wall.

MEMBER DISCUSSION

None

ADJOURN

Aubin moved; D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Acting Chairman Johnson adjourned the meeting at 7:56 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning