

**PLANNING BOARD MEETING - AUGUST 2, 2021
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

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

MEMBERS ABSENT

APPROVAL OF DRAFT MINUTES — JULY 12, 2020

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

Abstain: Mayrer

APPROVAL OF DRAFT MINUTES — JULY 19, 2020

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

6 Ayes. 0 Noes. Motion carried.

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

Oppose:

Abstain: Mayrer

PUBLIS COMMENTS

Resident spoke about items 4 & 5 on the agenda (Van Hoesen Station and Scannell Properties) they both effect the Birchwood neighborhood, the Van Hoesen Station shows the traffic exiting onto Richwood Drive, this causes grate concern to the residents as it is a great deal of traffic. Being this is the only entrance and exit. Other housing developments in town have two entrance and exits. She wants the board to consider and

alternate route. She encouraged the town to consider the 4 acres in front of Richwood Dr. as a new entrance to their development. On the Scannell proposal they are still waiting on update of the clearing on the left leaving Richwood Drive which will get worse for the reason stated above. Asked about the leveling of the site and about the possible blasting. The applicant only shook his head and said it is not anticipated this is not acceptable she is looking for a yes or no. she would like to know if Scannell has answer any of her questions from her July 19, 2021 letter. She appreciates all the questions the board has raised as well as listening and responding to the residents' concerns.

Mr. Ruthman applicant for Van Hoesen station project wanted to respond to one of comments made by the resident stating they will be happy to work with Scannell and understand there is a proposed intersection modification currently pending that will evolve his property, there is additional clearing to be done on Route 9, as far as his projects and the impacts of the traffic that will be in detailed in further studies. He sent correspondence to the board regarding the latest exchange of communication with Scannell. (See file for letter)

Resident stated she sent a letter for the board (See File) regarding Scannell.

Site Plan /Special Permit

George Barna

2021-27/HC/178.9-3-8

1526 Columbia Tpke

Propose - Additions & Modifications

George Barna, applicant was present for this meeting.

Mrs. Fuda stated the applicant is just adding a garage/shed to his highway commercial property.

Mr. Barna stated he would like to add a 10x20 foot garage behind the property of 1526 Columbia Turnpike. Which access off Bri-Lan Ave.

Mr. Johnson asked if the building department to the area sheet for coverage.

Mrs. Fuda stated yes. And there are not issues with setbacks.

LEAD AGENCY

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

7 Ayes. 0 Noes. Motion carried.

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

PB 8/2/21

182-2021

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, Aubin seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

APPROVAL OF ADJUSTED SITE PLAN

Shaughnessy moved; Johnson seconded.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Site Plan /Special Permit

Van Hoesen Station LLC

2021-24/PD-3/189.-10-36

1735 Richwood Dr.

Proposed - PD-2 Site Plan

Morgan Ruthman, applicant and Scott Lansing, Lansing Engineering were present for this meeting

Board Attorney Craig Crist stated to the board, he spoke to the applicant as to where they are in the process just to make sure everyone is in agreement, he is reading from 219-95(5C) it states - *The Chairman of the Planning Board shall certify when all of the necessary application material outlined in this section has been presented. The Planning Board shall then submit a report to the Town Board within 60 days of such certification and furnish a copy thereof to the applicant. This report shall approve, approve with modifications or disapprove the sketch plan. If no report is rendered by the Planning Board within 60 days, the applicant may proceed as if a favorable report were given to the Town Board.* What we have is Mr. Laberge sent a letter on July 12, 2021 as to additional items, he received a response on July 28, 2021 which Mr. Laberge is now reviewing. It is in his opinion that the chairman of the planning board has yet to certify when all necessary applications materials outline in this section have been presented so that the 60 day period does not begin to run, he briefly spoke to the applicant and his engineer stating he would be raising this issue and so he wanted to see if the applicant agrees on that we are at the sketch plan portion of this project.

The applicant Mr. Morgan stated yes, he agrees.

Mr. Lansing spoke about the project and the comment letter they received from Mr. Laberge dated July 12, 2021 (see below) do to the responses from that letter some changes were made to the site plan, he went through some of the changes, there was originally 272 units the makeup if the units has been changed since the last submission in accordance to section 219-92E there is a section, *choice in occupancy tenure, type of housing (e.g., detached houses, townhouses, garden apartments), lot size*. And so on. The modified plan was 34 8-unit buildings it is now 24 8-unit buildings 70 town house units on the southern portion of the project by Richwood Drive, they that adds to the occupancy tenure, type of housing and lot size as in the code. There were some minor comments that were made such as sidewalks were added through out the site not just in front of the buildings. The open space on the project was also addressed on the site plan. He will answer any questions.

Mr. Laberge was on the phone for the meeting. he stated he received the information the Wednesday before this meeting and has not reviewed it yet. Mr. Lansing comment on the amount of mix of units which is required in PD, he expects he would have a letter for the next meeting on August 16, 2021 with a more detail review.

Mr. Shaughnessy stated while it does diversify the type of housing it doesn't loot to address the density issues that were brought up at the last meeting, specifically the sewer capacity. We all know there is not enough sewer capacity as it exists today with the agreement with East Greenbush to support a project of this size. He does think it is a good step in diversity the type of dwellings. Maybe some single-family homes would work. That would cut down on the sewer consumption.

Mr. Ruthman stated you are correct there is a capacity issue, there are a couple of hurtles they have to consider, they are looking for a planning board referral to the town board as part of the sketch plan and review process, they know about the intermunicipal agreement with East Greenbush and are looking for an open dialog with the town board.

Mr. Johnson stated the town houses are shown around the property line for all the privet residents and it doesn't indicate how much of that rear property for the owners of the townhomes have and how much is the buffer between townhomes and the privet residents. If they own to the property line it will be hard to control what they do. If they only own 20 feet of the backyard it might make it easier.

The parking seems limited, your studies show that people don't use all the parking that is available to them but if you have that many apartments and people have relatives that are visiting there is only like 10 parking spaces extra how is that going to work if everyone is home. Can you show how many spaces are usually used, 40% or 60% of the parking available.

Attorney Crist asked Mr. Laberge in the review letter he stated we can start the SEQR process by circulating intention to seek lead agency status.

Mr. Laberge stated the doesn't think there is any problem with the board intends to be lead agency on this project, if they declare their intent tonight that just gets the coordination pint going. He would agree if the board is will to do that and move it forward in the process.

Aubin moved; LaVoie seconded; to state our intention to seek lead agency for this project, 7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Laberge Letter dated: July 12, 2021

Re: **PD-2 Concept Review**
Van Hoesen Station
SPB #2021-24

We are in receipt of a letter dated June 24, 2021 from Lansing Engineering, Part 1 of a Short Environmental Assessment Form (SEAF) signed 06/14/21, a Project Narrative dated 06/14/21, and the following plans dated 06/14/21:

- Concept Layout Plan
- Location & Abutters Map
- Natural Features Map

We offer the following comments:

1. The application is for a PD-2 designation on the parcel currently zoned PD-3. The applicant is proposing a residential use consisting of thirty-four (34), eight (8) unit apartment buildings, for a total of 272 apartments. They are intended to be one- and two-bedroom units.
2. The applicant has submitted a sketch plan showing a potential layout. We note that upon approval of the PD-2 designation by the Town Board, the configuration of the site may change either due to Town Board conditions or further Planning Board review of the site plan.
3. We note that at the time of site plan approval, that the applications will be subject to the Town's Water Quality Control Act (WQCA) and may require Special Permits under that Town law.
4. Since this project will exceed 10 acres of physical disturbance the project is considered a Type 1 action under SEQRA and a Full Environmental Assessment Form (FEAF) will be required, along with any supporting documentation. The applicant

should coordinate with NYSDOT to document their comments about the proposed application and access to US Route 9.

5. The plan should be referred to the following for comment.
 - a. Rensselaer County Bureau of Planning & Economic Development.
 - b. Emergency Services.
6. Per §219-92(e) under Objectives, if the PD is residential in land use, it should provide a maximum choice in occupancy tenure, type of housing, and lot size. This is further referenced in §219-93(A) and §219-93(D)(1). The current plan does not offer any choice in occupancy tenure or type of housing. The plan should be revised to include these.
7. The project is proposing connection to public water and sewer. Extension to both Consolidated Water District 101 and Sewer District No. 6 should be requested of the Town Board. While there is currently enough capacity to supply the 68,400 gallons per day with water, the Town does not have the capacity to provide the associated wastewater treatment. We note that the decision to extend the districts is discretionary by the Town Board.
8. The applicant indicates that approximately 48% of the parcel area is open space which is in excess of the required 35%. However, a detailed list of the various land uses should be provided on the Conceptual Layout Plan showing the land area of each and the percentage of each. The breakdown should include water area, an estimate of area for stormwater facilities, and an estimate of the types of open space per §219-93(F)(3)(b).
9. A concept plan for the stormwater facilities should be shown graphically on the concept plan. Regarding stormwater and MS4 Regulations, the project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) when a site plan is proposed. It is expected the SWPPP will be phased over the seven-year buildout of the project.
10. While the Project Narrative explains this, per §219-93(F)(3) the Conceptual Layout Plan should also have noted on it:
 - a. The method in which the open space system shall be:
 - i. Perpetuated.
 - ii. Maintained.
 - iii. Administered.
 - b. The statement required in §219-93(F)(3)(a).
11. The Conceptual Layout Plan should indicate the proposed plantings in the open space per §219-93(F)(3)(c).
12. Since the open space involves private ownership, provisions shall be made for dedication to the Town per §219-93(F)(3)(e). This will require the open space areas be formally designated on the concept plan.
13. The applicant should indicate plans for Refuse disposal and recycling, and show the location of same graphically, if not inside the buildings per §219-93(J).

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

C: David Harris, Supervisor (via mail and email)
Chris Langlois, Esq., Town Attorney (via email only)
Craig Crist, Esq., Planning Board Attorney (via email only)
Morgan Ruthman, Applicant (via email only)
Jason M. Dell, P.E., Applicant's Engineer (via email only)

Chairperson Mayrer stated this will stay with engineering

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, Terresa Bakner from Whiteman, Osterman & Hanna were present for this meeting

Chairperson Mayrer and board Attorney Craig Crist recused themselves from this part of the meeting.

Acting Chairman Johnson will take Mrs. Mayrer's place for this applicant.

Mr. Johnson asked about checking with DOT on the highway detail, has that happened ?

Mr. Boisvert asked with regards to the width of the shoulder?

Mr. Johnson stated along with the cross section and the way it is supposed to be constructed.

Mr. Boisvert stated they haven't finalized everything with them, they did confirm that the shoulder is full depth as the same depth as the travel lane. Detail plans were submitted today to DOT for the highway work permit that shows the 12-foot lanes and the shoulders that fit within the drainage that is currently there and the 5-foot strip for the sidewalk.

Mr. Johnson stated the next steps is going through the resolutions.

Mr. Laberge spoke to the board, about his letter dated July 26, 2021. Which is a result from the review of the applicants plans up thought the July 15, 2021, there are some remaining technical comments, but they are objective in nature. The public the issue of hours and holidays which were incorporated into the plans, blasting was another item he noted from the speaker at the beginning of the meeting. In working with Mr. Johnson, Mrs. Fuda, the applicant got those items added to the plans, there are still 25 points to his letter and #25 A, B & C (see letter below).

Mr. Shaughnessy asked if the analysis of the dueling noise studies from Scannell and Van Hoesen Station continuing behind the scenes. It sounds like they are working out some details, are we at a point that we are satisfied with what the outcomes have been. Since it was 60 decibel versus 58 decibel. From a technical standpoint are we set with the outcome.

Mr. Laberge stated he did see the most revised noise study and he is satisfied that the noise is being mitigated to within the accepted standards.

Attorney Langlois stated the order of appearance is first for the board to issue a determination of significance under SEQRA. A proposed resolution has been provided to the board members issuing a negative declaration of environmental significance in accordance with the determination of significance document that was included in Mr. Laberges July 26, 2021 letter.

Mrs. Fuda stated just to make note that the members have copies of the resolutions we have written for waiving the reading each resolution.

Attorney Langlois stated just to clarify the board members just on SEQRA not only a copy of the SEQRA resolution which is proposed for adoption but also the 20 some odd page determination of significance document which is incorporated reference into the resolution.

WAIVE OF THE READING OF THE RESOLUTION FOR SEQRA:

LaVoie moved, Aubin seconded, that the reading of the above Resolution be waived.

6 Ayes, 0 Noes, 1 Abstain. Motion Carried.

Abstain: Mayrer

SEQRA RESOLUTION SCANNELL PROPERTIES #508, LLC; File No.: 2021-5

WHEREAS, the Applicant, SCANNELL PROPERTIES #508, LLC, applied for site plan approval and a special permit under the Water Quality Control Act (Town Code Chapter 223)

in connection with the proposed construction of an approximately 278,670 square foot Sales Distribution Center and associated improvements; and

WHEREAS, the proposed use seeks to be located on property located at 1701 Schodack Valley Road (NY Route 150), Schodack, New York, more particularly tax map nos.: 189-10-40.131 and 189-10-40.132, which consists of two parcels of approximately +/- 56 acres combined and which is located in a PD3 zone, said parcels to be merged into one parcel; and

WHEREAS, the proposed project is a Type I action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on March 2, 2021, the Planning Board coordinated lead agency status by circulating the proposed project plan and Part 1 of the Environmental Assessment Form ("EAF") to all involved agencies; and

WHEREAS, having received no objection from any involved agency, the Planning Board declared itself Lead Agency with respect to the environmental review of the proposed project by Resolution adopted on April 5, 2021; and

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

NOW, THEREFORE, IT IS RESOLVED, that the Planning Board confirms and re-appoints itself as Lead Agency; classifies the proposed project as a Type I action under SEQRA; finds and determines that the proposed project will not have any significant adverse impacts on the environment; and therefore issues a Negative Declaration of Environmental Significance pursuant to SEQRA for the reasons set forth in the accompanying written Determination of Significance, which is incorporated herein by reference.

ADOPTION OF SEQRA RESOLUTION:

D'Angelo moved, LaVoie seconded, that the above Resolution be adopted.

6 Ayes, 0 Noes, 1 Abstain. Motion Carried / Not Carried

Abstain: Mayrer

<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		
PB 8/2/21		189-2021	

SPECIAL PERMIT

WAIVE OF THE READING OF THE SPECIAL PERMIT FOR THE WQCA RESOLUTION:

Aubin moved, Shaughnessy seconded, that the reading of the above Resolution be waived.

6 Ayes, Noes, 0 Abstain. Motion Carried

Abstain: Mayrer

RESOLUTION AUTHORIZING SPECIAL PERMIT UNDER WQCA

SCANNELL PROPERTIES #508, LLC; File No.: 2021-5

WHEREAS, the Applicant, **SCANNELL PROPERTIES #262, LLC**, applied for a Special Permit pursuant to Chapter 223 of the Town Code of the Town of Schodack ("Town Code") in connection with the proposed construction of an approximately 278,670 square foot Sales Distribution Center and associated improvements; and

WHEREAS, the proposed use seeks to be located on property located at 1701 Schodack Valley Road (NY Route 150), Schodack, New York, more particularly tax map nos.: 189-10-40.131 and 189-10-40.132, which consists of two parcels of approximately +/- 56 acres combined and which is located in a PD3 zone, said parcels to be merged into one parcel; and

WHEREAS, the Town Code requires that the proposed use be reviewed by the Planning Board in accordance with the standards and procedures set forth in the Town Code; 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 May 17 and June 7, 2021, and public comments were received as part of the public comment period for the meeting; and

WHEREAS, the Planning Board has found and determined that the Applicant's proposed project will not result in any significant adverse environmental impacts and, as Lead Agency, has issued a Negative Declaration pursuant to the State Environmental Quality Review Act; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Planning Board hereby finds and determines that the proposed use, subject to the conditions set forth in the letter of Laberge Group dated July 26, 2021, will establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities that

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may adversely affect the quality or availability of water from the Town aquifers; will protect and preserve potential sources of future water supply for the public health, safety and general welfare; and will assure an adequate supply of suitable drinking water for the residents of the Town, and therefore the application for a Special Permit under the WQCA is hereby GRANTED subject to (1) an initial term of 18 months from issuance of a Certificate of Occupancy, and (2) the express conditions set forth herein and in § 223-5(D) of the Town Code, including but not limited to all conditions set forth in the July 26, 2021 letter from the Laberge Group to Wayne Johnson, Acting Chairperson of the Town of Schodack Planning Board, as well as the satisfaction of all previously stated engineering requirements, all of which are incorporated herein by reference with full force and effect; and

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 FEAF Part 3, all of which are incorporated herein by reference; and

BE IT FURTHER RESOLVED THAT, taking into consideration the objectives set forth in section 219-71 of the Town Code, it is hereby determined that the proposed use is in harmony with the development of the district, will not discourage appropriate development in said district and will not affect existing traffic access ways or parking, and will not adversely affect the general welfare of the inhabitants of the Town of Schodack, and when all factors are weighed further justifies the issuance of the permit; and

BE IT FURTHER RESOLVED THAT in furtherance of the foregoing, it was determined in Part 3 of the FEAF that "the Project is not likely to cause significant adverse changes to ... ground or surface water quality/quantity ... and potential for erosion, flooding, leaching or drainage problems ..."; and

BE IT FURTHER RESOLVED THAT in furtherance of the foregoing, it was also determined in Part 3 of the FEAF that "[t]he increase in stormwater run-off will be mitigated by the inclusion of stormwater management facilities designed to temporarily detain and infiltrate stormwater run-off during storm events and slowly release and/or infiltrate stormwater after a storm event"; that "[t]hese facilities will be designed in accordance with the NYSDEC Stormwater Design Manual and consist of a Sedimentation Basins for pre-treatment prior to discharging into an Infiltration Basins that will provide stormwater detention and water quality treatment"; that "[s]tormwater run-off from the building, driveways and parking areas will be collected in a series of catch basins and directed through a piping network to the stormwater management facilities"; that the "[p]roposed Action will be required to comply with the State Pollutant Discharge Elimination System (SPDES) Phase II General Permit for Stormwater Discharges from Construction Activities (GP-O-20-002)"; that "[a]s part of these requirements a Stormwater Pollution Prevention Plan (SWPPP) will be prepared describing erosion and sedimentation control measures"; and that "[t]he Town of Schodack is an MS4 community and therefore this Proposed Action will comply with the NYSDEC Phase II stormwater regulations and will incorporate Best Management Practices (BMP's) to ensure that water quality on Property will be protected"; and

BE IT FURTHER RESOLVED THAT in furtherance of the foregoing, it was further determined in Part 3 of the FEAF that "[t]he Proposed Action will be connected to the Town's municipal water supply and will not use groundwater resources"; that "[t]he water district has sufficient capacity to meet the projected water demand of 6,000 GPD gallons per day for the Proposed Action"; and that "[t]he Proposed Action will not have a significant impact on the Town's municipal water system."; and

BE IT FURTHER RESOLVED THAT the Planning Board finds that the proposed project is consistent with the provisions of Chapter 223 of the Town Code, determining as follows, as set forth in "Section 8 - Impact on Groundwater Aquifer" included in Part 3 of the FEAF of the Negative Declaration:

8. Impact on Groundwater Aquifer: Portions of the Property lie in the Town's Direct Recharge Area and Wellhead Protection Area. As such, the Property is subject to the requirements of Chapter 223 of the Town's Water Quality Control Law. Provided below is a summary of the requirements that are or may be perceived to be applicable to the development of the Proposed Action, followed by either how the Project complies with the requirement or justification as to why the requirement is not applicable.

- a. *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).*

Sales Distribution Center is an allowed use within the PD-3 district.

- b. *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 and provided to the Town (223-6.C.1.c).*

Appropriate approvals will be obtained from the RCDOH and/or the NYSDEC, as applicable. All wastewater will be collected and be treated at an approved existing off-site wastewater treatment facility.

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

There will be no open storage of petroleum or hazardous materials.

- d. *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).*

The operator intends to use battery powered forklifts inside the sales distribution center. As such, there will be no hazardous material storage for commercial/industrial uses, i.e., operation of the sales distribution center. As discussed in the EAF, consumer products that are at the facility may contain small quantities of hazardous materials, all of which will be located within the sales distribution center. See "c" above.

- e. *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 a secondary containment with a minimum capacity equal to that of the tanks (223-6.C.1.i).*

Petroleum will not be stored on-site, and therefore this section is not applicable to the Proposed Action.

- f. *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 Proposed Action will provide three means of purifying stormwater, the first is an off-line oil water separator at the end of the closed drainage system before discharge into the second means, the sediment basin forebays. In addition, each drainage structure will have a 2' foot sump and a hooded outlet to further trap sediment and oil providing additional water quality volume and resulting in cleaner runoff. The Proposed Action will employ infiltration as part of the stormwater management system design. As such, recharge of the groundwater aquifer will be promoted. See reference to Minnesota document above related to controlling the amount of salt usage during parking lot maintenance.

- g. *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).*

A small portion of the Property is located in the Wellhead Protection Area; however, the reconfiguration of the access driveways during the NYSDOT review process (see *Transportation* section below) removed the accessway that was previously proposed to be constructed within the Wellhead Protection Area, further reducing any adverse impacts to the aquifer. No excavations or cut-ins that would expose groundwater within the Wellhead Protection Area are proposed or contemplated.

The Proposed Action will fully comply with the NYSDEC Stormwater Design Manual which has been developed by NYSDEC to ensure that development projects use infiltration practices to continue to introduce, post-construction, stormwater into the groundwater system. Additionally, the NYSDEC Stormwater Design Manual also ensures that projects, such as the Proposed Action, incorporate extensive treatment measures into the design of the project so that stormwater is appropriately treated before discharge back into the groundwater, which measures will be replicated by the Proposed Action.

In addition, the Proposed Action is not expected to result in any significant impacts to existing groundwater wells located on any of nearby residential properties to the north or to the south, including the Birchwood neighborhood to the south. Terracon Consultants-NY, Inc. evaluated the groundwater levels and flow around the Property and concluded in a Letter Report dated June 22, 2021 that: "The neighboring properties to the south as well as the existing house to the north, adjacent to Schodack Valley Road, are upgradient from the proposed infiltration ponds and as such it is unlikely that infiltration from the project site would affect wells on these properties. Furthermore, since the storm basins, as currently planned, are designed to receive runoff from the developed paved and building surfaces, it is unlikely that infiltration from the project site would affect these bordering properties." Therefore, the Planning Board finds that the Proposed Action will not impact the groundwater wells of nearby properties.

The Project Sponsor and its proposed tenant, Amazon, have committed to not store salt materials on the site for outdoor use. The Project Sponsor and Amazon have adopted the recommended application rates for reduced environmental impacts published by the Minnesota Pollution Control Agency and expects that its snow removal contractor will adhere to best available practices for snow and ice management to avoid the potential for any significant impacts to the aquifer and any potable water wells on properties proximate to the site. In addition, the Project Sponsor will manage snow in a manner that will not result in a centralized location of snow storage.

Accordingly, the Planning Board finds that the Proposed Action will comply with all applicable requirements of the Town's Water Quality Control Law, and that the Proposed Action will not have any significant adverse impacts on the Town's groundwater aquifer.

ADOPTION OF RESOLUTION:

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack hereby GRANTS the Application a Special Permit under the WQCA (Town Code Chapter 223) to allow the construction of a Sales Distribution Center on the subject property as proposed in the application.

LaVoie moved, Shaughnessy seconded, that the above Resolution be adopted.
6 Ayes, Noes, 0 Abstain. Motion Carried / Not Carried
Abstain: Mayrer

<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		

WAIVE OF THE READING OF THE SITE DEVELOPMENT PERMIT RESOLUTION:

Shaughnessy moved, D'Angelo seconded, that the reading of the above Resolution be waived.
6 Ayes, 0 Noes, 1 Abstain. Motion Carried
Abstain: Mayrer

**RESOLUTION AUTHORIZING SITE PLAN APPROVAL
& SITE DEVELOPMENT PERMIT
SCANNELL PROPERTIES #508, LLC; File No.: 2021-5**

WHEREAS, the Applicant, SCANNELL PROPERTIES #508, LLC, applied for site plan approval in connection with the proposed construction of an approximately 278,670 square foot Sales Distribution Center and associated improvements; and

WHEREAS, the proposed use seeks to be located on property located at 1701 Schodack Valley Road (NY Route 150), Schodack, New York, more particularly tax map nos.: 189-10-40.131 and 189-10-40.132, which consists of two parcels of approximately +/- 56 acres combined and which is located in a PD3 zone, said parcels to be merged into one parcel; and

WHEREAS, the proposed use is a permitted use under the Town of Schodack's Water Quality Control Act (WQCA) but requires the issuance of a special permit pursuant thereto. Prior to the grant of the approval set forth herein a Negative Declaration, along with Part 3 of the FEAF under the New York State Environmental Quality Review Act and such WQCA special permit were issued, 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 the review by, the Planning Board for such project "in accordance with the standards and procedures set forth in this article," that Article being Article XI, entitled "Site Plan Review"; and

WHEREAS, Section 219-81 of the Town Code provides that the Planning Board's review of a "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 unshaded open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

WHEREAS, all required notice and other procedures have been followed, including but not limited to the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on May 17 and June 7, 2021, and public comments were received as part of the public comment period for the meeting; and

WHEREAS, the Planning Board has found and determined that the Applicant's proposed project will not result in any significant adverse environmental impacts and, as Lead Agency, has issued a Negative Declaration pursuant to the State Environmental Quality Review Act; and

WHEREAS, the Planning Board has further approved the issuance of a special permit for the Applicant's proposed project pursuant to the WQCA.

NOW THEREFORE BE IT RESOLVED THAT the Planning Board determines the following in accordance with the aforementioned factors:

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

*The site plan and access to NYS Rt. 150 have been designed to provide safe vehicular traffic access and include adequate road width for circulation of both automobiles and large trucks. In response to concerns expressed by the Planning Board and NYSDOT regarding sight distances between the truck entrances and exits, as originally proposed, the Applicant evaluated and submitted several alternative layouts for driveway access to the site. The site plan has been modified to reflect one of those alternatives, which reduces the number of driveways on NYS Rt. 150 to two - creating one driveway for exiting truck traffic and second driveway with one lane for entering truck traffic and two lanes for employee entrance/exit. NYSDOT has approved of the revised driveway configuration. In order to improve traffic flow and safety, a dedicated left turn lane will be added on NYS Rt. 150 for traffic entering the site and permissive-protected left turn lanes will be added for eastbound and westbound traffic on NYS Rt. 150 at its intersection with US Route 9/20, along with signal timing changes. Separation of automobile and truck traffic within the site has been incorporated into the design. Pavement surfaces have also been designed for the type of vehicles that will use them. On site stop signs, speed signs, and other internal traffic flow features have been located in the design as well.

(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.

*Pedestrian accommodations have been incorporated into the design. Off site, a sidewalk will be installed from the CDTA Park and Ride facility to the project site, and pedestrian crossing signals will be installed at the NYS Rt. 150 and US Route 9/20 intersection to facilitate safe pedestrian passage. On site, the site plan incorporates features to promote the safety and convenience of pedestrians on the site, including a separation of truck traffic from pedestrian areas, a designated and protected drop off/pick up location, designated pedestrian walkways and crossing areas, and internal stop signs, speed limit signs, and other traffic control measures. The separation of trucks from automobile traffic provides a great benefit to pedestrian safety.

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

*The site has been designed to provide sufficient offsite-street parking and loading. Based upon the information submitted, there are adequate automobile and truck parking/loading areas incorporated into the site plan. The number and arrangement of the spaces is in accordance with design standards and Town Code requirements. No off site parking will be required.

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

*The proposed location and arrangement of the sales distribution center building, employee and truck parking areas, driveways, and other site features is appropriate and acceptable, taking into consideration the size of the proposed development and the natural characteristics and limitations of the site. The building design and size is consistent with the Applicant's needs and the nature of proposed use. Of the approximately 56 acres comprising the project site, approximately 25 acres will ultimately be maintained as green space. The proposed on site lighting and signage is adequate and appropriate to meet safety and security needs.

(5) The adequacy of stormwater and drainage facilities.

*Stormwater and drainage facilities have designed to adequately address the stormwater run-off which will be generated by the impervious surfaces associated with the proposed project. The on-site infiltration systems proposed - including catch basin, oil/water separators, sedimentation basins, and infiltration basins -- will adequately collect and treat stormwater run-off from the building roof, truck parking and automobile parking areas. Redundant stormwater quality practices are designed to prevent contaminants from recharging to the groundwater. The stormwater management facilities have been designed to adequately manage up to a 100-year storm event. The project will be required to comply with the State Pollutant Discharge Elimination System (SPDES) Phase II General Permit for Stormwater Discharge from Construction Activities (GP-0-20-002), including the preparation of a Stormwater Pollution Prevention Plan.

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

* The project will be connected to municipal water and sewer owned by the Town of Schodack. There is adequate capacity of both Town systems to serve the proposed facility.

(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.

*The project design incorporates landscaping and other features which serve as visual and/or noise deterring buffers between the project site and adjoining lands. With respect to the adjoining residential property located northeast of the site, the site plan includes the installation of a solid white fence on top of a proposed retaining wall and landscaping which, when considered with the existing vegetation and the significant difference in elevation between the properties, will adequately minimize visual impacts. With respect to the adjoining property to the south, the site plan includes the installation of an approximately 1,550 foot long sound wall along the southern property line. The sound wall will be 15 feet high, except for an approximately 500 foot section where the wall will be 22 feet high, and will include extensive plantings on the outward facing side consistent with the submitted landscaping plan. The Applicant has designed and laid out the project in a manner which preserves existing vegetation on the site to the maximum extent practicable.

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

*The proposed project does not involve an apartment complex or other multiple dwelling.

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

*The project design incorporates design features which will serve to protect adjacent and/or neighboring properties against noise, glare, unsightliness, or other objectionable features, including but not limited to:

- a. Creation of a landscaped berm on the north side of the site
- b. Installation of a 1,550 foot noise wall on the south side of the site.
- c. Installation of plantings in key areas to provide visual screening.
- d. Preservation of existing vegetation wherever possible on the site.
- e. Reduction of the height of lighting in parking lots.
- f. Use of full cut off down lighting with glare shields and 2700K LED lighting.

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

*The site design provides adequate fire lanes and emergency zones for emergency personnel to access the facility. Fire hydrants are provided around the entire building.

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

*The site has been designed to provide adequate drainage to prevent ponding and flooding. The Storm Water Pollution Prevention Plan (SWPPP) provides adequate protection against erosion during and after construction.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge July 26, 2021 letter (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the July 26, 2021 letter, as well as all other administrative matters, from the Laberge Group to Wayne Johnson, Acting Chairperson of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus the establishment of a site and MS4 review escrow in the amount of \$25,000.00 to be deposited prior to the start of construction; plus the following conditions:

1. Sound wall installed as shown on site plan;
2. Berms and landscaping installed as shown on the site plan;
3. Preservation of existing landscaping as shown on site plan;
4. No de-icing salt, or similar materials shall be stored on site;
5. Follow Best Management Practices for de-icing and per the material submitted.
6. All snow storage shall be kept on paved areas;
7. Install sound wall and berms and landscaping near residential areas as shown on site plan as early as possible during the construction of the facility;
8. Use downward directed and lower intensity LED lighting as shown on the plans;
9. All traffic improvements as required in the traffic impact study (TIS) approved by NYSDOT.
10. All other conditions imposed in the Laberge letter of July 26, 2021.

11. A letter from Applicant stating that it will comply with all conditions and requirements set forth herein as well as in the Resolution granting the special permit under the WQCA.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the reasons set forth in the July 26, 2021 letter from Laberge Group to Wayne Johnson, Acting Chairperson, the adopted Negative Declaration and all findings made pursuant thereto and the WQCA special permit decision, all of which are incorporated herein and will not be restated; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has GRANTED the Application for Site Plan Approval to allow the construction of a Sales Distribution Center 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:

**ADOPTION OF SITE PLAN APPROVAL AND SITE DEVELOPMENT PERMIT
RESOLUTION:**

LaVoie moved, Aubin seconded, that the above Resolution be adopted.

6 Ayes, 0 Noes, 1 Abstain. Motion Carried

Abstain: Mayrer

<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 / Resolution only

Dave Clements /Kasselman solar

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

2080 Jensis Road

Proposed - ground mount solar

Mrs. Fuda stated this is just to adopt the resolutions.

WAIVE OF THE READING OF THE NEGATIVE DECLARATION RESOLUTION:

Johnson motion; LaVoie seconded to waive the reading of the resolution:

7 Ayes. 0 Noes. Motion carried.

PB 8/2/21

200-2021

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

**RESOLUTION ADOPTING NEGATIVE DECLARATION
(CLEMENTS—JENSIS ROAD)**

WHEREAS, at the July 19, 2021 meeting the Planning Board resolved to issue a negative declaration relating to the approval sought by David Clements to construct a residential solar array at his property located at 2080 Jensis Road, Town of Schodack, New York.

WHEREAS this Board also resolved to serve as lead agency and to classify the project as an Unlisted action within the meaning of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, at the July 19, 2021 meeting, this Board resolved to issue a Negative Declaration of Environmental Significance pursuant to SEQRA and also resolved to issue a permit for the subject project.

WHEREAS, based on its consideration of the proposed Project, its review of the Environmental Assessment Form and all other supporting information submitted in connection with the proposed Project, and the criteria set forth in 6 NYCRR § 617.7, the Planning Board, as lead agency, had identified and analyzed the relevant areas of environmental concern to determine whether the proposed action may have a significant adverse impact on the environment and following that determination previously resolved to issue a Negative Declaration for the subject project;

NOW, THEREFORE, BE IT RESOLVED, in furtherance its determination to issue a Negative Declaration for the subject project pursuant to SEQRA, this Board hereby adopts the accompanying Resolution Adopting Negative Declaration and Determination of Non-Significance, which is incorporated herein by reference, and waives a reading of same.

RESOLUTION/NEGATIVE DECLARATION OF THE TOWN OF SCHODACK PLANNING BOARD UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT—DAVID CLEMENTS

WHEREAS, David Clements ("Applicant") seeks to utilize a portion of his property at 2080 Jensis Road, which is located in an RA zone for the purpose of Tax Map No. 188.-6-26.111;

WHEREAS, said property is within a Residential Agricultural (RA) District, on land for the proposed construction of a 30 panel solar ground mount array with a floor area of construction of 669.3 square feet which shall be a 12.45 KW to be located on a 11.12 acre parcel ("the Project"); and

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

WHEREAS, a public hearing was held on July 19, 2021; and

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

WHEREAS, Part 1 of the Short Environmental Assessment Form was transmitted to, if any, all involved agencies, together with notification of the Board's desire to act as lead agency with respect to the environmental review of the proposed Project; and

WHEREAS, any/all involved agencies have either consented to Board acting as lead agency with respect to the environmental review of the proposed Project, or have failed to raise any objection thereto within thirty (30) calendar days; and

WHEREAS, 6 NYCRR Section 617.7 requires a lead agency to issue a written determination of significance with respect to any proposed unlisted action; and

NOW THEREFORE BE IT RESOLVED THAT the Board hereby resolves to serve as lead agency for the subject action;

NOW THEREFORE BE IT RESOLVED THAT the Board hereby classifies the action as a Type II action;

WHEREAS, the Board at the July 19, 2021, meeting carefully considered the nature and scope of the proposed Project, as set forth in the Short Environmental Assessment Form prepared with respect to such action, and resolved to issue a Negative Declaration and makes the following determinations which shall constitute the written elaboration and formal Negative Declaration for the aforementioned proposed action:

1. The proposed action, as noted above, seeks to allow the construction and operation of the aforementioned solar array on residential property.

2. The proposed action is classified under SEQRA as an unlisted action.

3. Upon consideration of the action, review of the Short Environmental Assessment Form, the criteria contained in 6 NYCRR § 617.7(c), including with the help of a professional engineer and personnel from the Planning and Building Department and all other supporting information, the Board identifies the following relevant areas of environmental concern, as set forth hereafter, and analyzes whether the proposed action may have a significant adverse impact on the environment and hereby concludes that it will not.

4. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations. It is noted that the subject action is located in a zone that permits such use by special use permit.

5. The proposed action will create no or a small impact in the form of whether it will result in a change in the use or intensity of use of land.

6. The proposed action will not impair the character or quality of the existing community. This use is ideally located in the zone it is being placed. It fits with surrounding uses. The 30-panel array will not adversely impact this portion of the Town or the Town as a whole.

7. The proposed action is not in a Critical Environmental Area.

8. The proposed action is projected to have no or small impact, much less no adverse change in the existing level of traffic nor affect existing infrastructure for mass

transit, biking or walkway. The only traffic that will be generated will be during the construction phase of the project.

9. It is not projected to result in an increase in the use of energy at this time. In fact, the project will create energy.

10. There will be no impact on any well and septic treatment.

11. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources. Again, the subject use is going where it is permitted and where such uses are encouraged to be located.

12. The proposed project does not involve, and therefore will not result in, any substantial adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna).

13. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems. As noted above, this has been the subject of careful study and it is the conclusion of the Board that any impacts are minor and are especially minor considering the adequate protections concerning each of the foregoing.

14. The proposed action will not create a hazard to environmental resources or human health. This matter has been carefully studied by this Board and it will meet all requirements.

15. The proposed project does not involve, and therefore will not result in, the removal or destruction of large quantities of vegetation or fauna, a substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on any significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat thereof, or other significant adverse impacts to nature resources.

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

17. The proposed project will not result in the impairment of the character or quality of any important historical, archeological, or aesthetic resources, or of existing community or neighborhood character. The proposed project is not within a scenic vista nor does it contain a designated scenic resource and, thus, will not impact any such resource.

18. The proposed project will not result in any major, adverse, change in the use of either the quantity or type of energy.

19. The proposed project will not result in the creation of a hazard to human health.

20. The proposed project does not involve, and therefore will not result in, a substantial change in the use, or intensity of use, of land including agricultural, open space, or recreational resources, or in its capacity to support such uses.

21. The proposed action will not result in the encouragement or attraction of a large number of people to the site as compared to the number of people that would come absent the action.

22. The proposed action will not result in a material demand for other actions, will not result in changes to two or more elements of the environment which together would

result in a substantial adverse impact, and will not cumulatively result in a substantial adverse impact when considered with any related actions.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby declares/re-declares itself lead agency with respect to the environmental review of the proposed Project; and it is further

RESOLVED, that the Board finds and concludes that the proposed action is an unlisted action within the meaning of 6 NYCRR 617.2(al); and it is further

RESOLVED, that upon consideration of the foregoing, the Board finds and concludes that the proposed action will not result in any significant adverse impacts to the environment; and it is further

RESOLVED, that the Board hereby resolves to issue a Negative Declaration with respect to

Aubin **motion** Shaughnessy **seconded** **ADOPTING NEGATIVE DECLARATION**

6 Ayes. 0 Noes. Motion carried.

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

Abstains: Mayrer

<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		

WAIVE OF THE READING OF THE SPECIAL PERMIT RESOLUTION:

D'Angelo moved: Shaughnessy seconded to waive the reading of the special permit resolution.

7 Ayes. 0 Noes. Motion carried.

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

PB 8/2/21

204-2021

**RESOLUTION ADOPTING DECISION TO ISSUE SPECIAL PERMIT AND SITE PLAN
(CLEMENTS—JENSIS ROAD)**

WHEREAS, at the July 19, 202, meeting the Planning Board resolved to issue a special permit for the Clements project, as more fully described in the prior resolution and waives a reading of said Decision/Resolution;

NOW, THEREFORE, BE IT RESOLVED, in furtherance of its determination to issue a special permit for the aforementioned project, this Board hereby adopts the written decision to issue the subject permit, which is also incorporated by reference A and authorizes the execution of the site plan as officially approved.

Johnson moved LaVoie seconded **ADOPTING SPECIAL PERMIT and SITE PALN**

6 Ayes. 0 Noes. Motion carried.

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

Abstain: Mayrer

<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		

**STATE OF NEW YORK
TOWN OF SCHODACK**

PLANNING BOARD

In the Matter of the Application

Of
DAVID CLEMENTS
For a Special Permit

NOTICE OF DECISION
File 2021-20

WHEREAS, the Applicant, DAVID CLEMENTS, applied for a Special Permit to operate a residential ground mounter solar mount at 2080 Jensis Road in the Town of Schodack (Tax Map No. 188.-6-26.111), which property is within a Residential Agricultural (RA) District, on land reputedly owned by him;

WHEREAS, the proposed project involves the proposed construction of a 30 panel solar ground mount array with a floor area of construction of 669.3 square feet which shall be a 12.45 KW to be located on a 11.12 acre parcel. The majority of the site is rural with minor amounts of trees, grasslands and hedgerows, and

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

WHEREAS, the Planning Board voted to adopt a Negative Declaration for the aforementioned project at its July 19, 2021, the contents of which fully describe the project and are incorporated herein; and

WHEREAS, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on July 19, 2021; and

WHEREAS, at its July 19, 2021 meeting thereafter, the Planning Board found and determined the following:

1. The Applicants propose to construct a solar array 30 panel solar ground mount array with a floor area of construction of 669.3 square feet which shall be a 12.45 KW to be located on a 11.12 acre parcel to be located on a 11.12 acre parcel solar ground mount at 2080 Jensis Road in the Town of Schodack (Tax Map No. 188.-6-26.111), which property is within a Residential Agricultural (RA) District.
2. The subject project is proposed to be located on a 11.12 acre parcel and the majority of the site is rural with amounts of forest, grasslands and hedgerows.
3. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed special permit use is in harmony with the development of the district, will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof, will not affect existing traffic access ways or parking, is generally in harmony with the character and appearance of the surrounding neighborhood, will not be more objectionable to nearby properties than other permitted uses, and will not

adversely affect the general welfare of the inhabitants of the Town of Schodack. Once again, a complete analysis of the possible impacts from the project are set forth in the negative declaration adopted by this Board for this action, the contents of which are once again incorporated herein; and

WHEREAS, the Planning Board previously resolved to declare itself Lead Agency under the State Environmental Quality Review Act ("SEQRA"),

WHEREAS, following the aforesaid public hearing the Planning Board resolved:

1. to issue a Negative Declaration for the proposed action under SEQRA, and
2. that the application for the Special Use Permit be granted for an initial period of five (5) years on the express conditions set forth herein:

A. All conditions, approvals as set forth in any Laberge Group letters, as well as all representations and promises made by applicant and/or its agents to either Laberge Group or this Board shall be adhered to. In addition, the approval is contingent upon a stake out survey showing that the property meets all required setbacks.

B. Comply with all provisions of Section 219-39.2 of the Town Code.

THEREFORE, PLEASE TAKE NOTICE THAT, the Planning Board of the Town of Schodack has **GRANTED** the Applicants a Special Use Permit to allow operation of a solar farm on the subject property as proposed in the application.

Dated: August 2 2021

DENISE MAYRER, CHAIRPERSON
SCHODACK PLANNING BOARD

Applicant

ADJOURN

PB 8/2/21

207-2021

Johnson moved; Shaughnessy seconded that the Planning Board meeting be adjourned.
There being no objections, Chairwoman Mayrer adjourned the meeting at 8:00 p.m.

Respectfully submitted,
Nadine Fuda
Director of Planning & Zoning